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Algeria: Court to decide fate of protesters arrested for calling for a health clinic in Tamanrasset

On Sunday 12 February, a court in Tamanrasset is due to issue a verdict in the trial of four men, prosecuted for participating in a sit-in demanding that the Algerian authorities provide a health clinic and other basic services to their impoverished neighbourhood. The four protesters are currently at liberty pending the verdict. Amnesty International calls on the Algerian authorities to drop the charges against the four men of “inciting an unarmed gathering”, and calls for reform of Algerian legislation so as to respect freedom of peaceful assembly.

The four are among dozens of residents of Gataa El Oued, in the southern city of Tamanrasset who have held a peaceful sit-in in their neighbourhood over the past month. On 10 January, dozens of residents of Gataa El Oued, women and men, children and elderly, took part a sit-in on a plot of land in their neighbourhood which was being used as an informal rubbish dump, immediately adjacent to housing and with associated sanitary risks. They called for authorities to build a health clinic on that land, and to provide other basic services and infrastructure including schools, roads, and cleaning of public spaces. Their placards carried slogans such as “the people want a clinic”, “no to marginalisation”, “yes to change”, also demanding “development”. Residents also embarked on an initiative to clean streets in the neighbourhood, which is ongoing three weeks after it began.

The Public Prosecutor at the Court of First Instance in Tamanrasset charged the four men with “inciting an unarmed gathering” for which they risk up to six months in prison and fines of up to 5,000 Algerian dinars if convicted. They were also charged with damaging and breaking entry into private property, after the owner of the land filed a complaint against them. Two trial hearings took place on 29 January and 8 February, at which the defendants did not have lawyers to represent or advise them.

Activist Dahmane Zenani, 47, went on hunger strike on 7 February to protest against the court case. He lives in Gataa El Oued and is also a member of the *Ma Frat* movement in Tamanrasset, a group that has been protesting against shale gas fracking because of its environmental consequences, and defending the rights of workers in the mining industry in recent years. *Ma Frat* is colloquial Algerian Arabic meaning “it has not been solved”, in reference to the group’s ongoing quest to secure social justice for local residents. The group has already paid a heavy price for their peaceful mobilisation. He and most of the group’s members were behind bars for the first half of 2016 after being [convicted](#) for a peaceful protest. Six were pardoned and [released](#) in July, while another activist, Dahmane Kerami, remained imprisoned for a year in connection with another conviction for peaceful protest in the city.

Algeria’s Law 89-28 on public meetings and demonstrations, as amended in 1991 with Law 91-19, stipulates that protesters must obtain prior authorization for public demonstrations (Articles 15 and 17). It deems all unauthorized gatherings to be unlawful, and inciting or participating in such gatherings is criminalized in the Penal Code under the pretext that they “disturb public order” (Article 97).

Under Article 21 of the International Covenant on Civil and Political Rights, to which Algeria is a state party, states have an obligation to respect, protect and fulfil the right to peaceful assembly without discrimination of any kind. Any limitations on the exercise of this right may be only those which are demonstrably necessary for protecting certain specified public interests or the rights of others. States may impose a requirement to give advance notification but, as underlined by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, not to obtain prior

authorization. States should ensure that any advance notification requirements allow exceptions for spontaneous protests, while non-compliance with notification requirements should not lead to fines or imprisonment.

Following his visit to Algeria in April and May 2016, the UN Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health (Special Rapporteur on the right to health) expressed concern about deficiencies in health infrastructure, particularly in remote areas, and low quality of care in the public sector, as well as a high neo-natal mortality rate, among other issues. Article 12 of the International Covenant on Economic, Social and Cultural Rights, to which Algeria is also a state party, places specific obligations on states to ensure the right to health, and as an element of it, adequate and equal access to health care facilities of good quality.

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