

HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2018

26 February 2019

Index: MDE 28/9890/2019

ALGERIA

People's Democratic Republic of Algeria

Head of state: **Abdelaziz Bouteflika**

Head of government: **Ahmed Ouyahia**

The authorities unduly restricted the rights to freedom of expression, peaceful assembly and association, including by arbitrarily arresting and detaining journalists and activists using harsh Penal Code provisions. Authorities maintained a de facto ban on protests in the capital, Algiers, and sometimes used excessive force to disperse peaceful demonstrations across the country. The authorities kept many associations in legal limbo. Judicial authorities harassed members of the minority Ahmadi religious movement because of their beliefs. A new law on health took effect, guaranteeing access to health care for all citizens; the grounds for legal abortion were not extended, however. The authorities continued a discriminatory crackdown on sub-Saharan migrants, refugees and asylum-seekers, subjecting several thousand to arbitrary arrest, detention and expulsion. Impunity for past abuses remained widespread. Death sentences were handed down; there were no executions.

BACKGROUND

Speculation continued over whether President Abdelaziz Bouteflika, who had not made a public speech since 2012 owing to ill health, would run for a fifth presidential term in 2019.

In July, the UN Human Rights Committee, which monitors state parties' compliance with the International Covenant on Civil and Political Rights, reviewed Algeria's record.¹

In October, political tensions increased after the governing coalition elected a new parliamentary speaker; supporters of the ousted speaker called the move illegal. Throughout the year, peaceful protesters expressed socioeconomic grievances.

FREEDOM OF EXPRESSION

The authorities continued to use Penal Code provisions to stifle freedom of expression. At least seven journalists and six activists were arrested and detained under such provisions. In some cases, they were tried, convicted and even sentenced to prison terms.

Between 31 May and 1 June, journalists Khelaf Benhadda, Said Boudour and Adlène Mellah and whistle-blower Noureddine Tounsi were arrested for "insulting institutions" and "undermining national unity" after they covered a corruption scandal in the city of Oran. All were released without charge on 4 June.

On 6 June, the court of appeal in the city of Relizane upheld a two-year prison sentence against activist Abdallah Benaoum on charges related to "exploiting the wounds of the national tragedy", referring to the internal conflict which had engulfed Algeria in the 1990s, after he published Facebook posts critical of the government.

On 21 June, an appeal court in Bejaia confirmed the conviction of activist and blogger Merzoug Touati in relation to peaceful online posts but reduced his prison sentence from 10 to seven years. In 2017 he had used social media to call for Bejaia residents to protest against a new finance law and to broadcast an interview he had conducted with an Israeli government spokesperson who disputed accusations by the Algerian authorities that the Israeli authorities were involved in protests in Algeria. Algerian authorities said Merzoug Touati had "encouraged civil unrest".²

¹ Amnesty International, *Algeria: Stop summarily expelling migrants, criminalizing exercise of rights to free speech, assembly, association and religion* (Index: MDE 28/8699/2018), 29 June 2018.

² Amnesty International, *Algeria: Blogger sentenced to 10 years for online posts* (News Story, 25 May 2018).

On 7 August, a court in the city of Ghardaia sentenced blogger Salim Yezza to a suspended one-year prison term for a Facebook post that accused the authorities of practising discrimination against the Mozabites, an Amazigh ethnic minority.

Journalists Merouane Boudiab and Abdou Semmar were detained for more than 15 days in October and November on charges that included defamation after publishing, among other things, allegations that the governor of Algiers acted improperly in the context of a housing construction project. They were released on 8 November, but the case remained open.

On 11 November, journalist Said Chitour was sentenced to 16 months' imprisonment (as well as a one-year suspended prison term) following a one-day trial in which he was convicted of espionage for selling classified documents to foreign diplomats. He was released the same day, having already spent 16 months in detention. The conviction relied mainly on evidence that he had produced reports on political and human rights issues in Algeria and provided them to foreign embassies.

On 25 December, the director of online newspapers *Algeria Direct* and *Dzair Press*, Adlène Mellah, was sentenced to one year in prison and a fine of 100,000 dinars (around US\$840) for "incitement to an unarmed gathering" and civil "rebellion". The police had arrested him on 9 December in Algiers, where he was taking part in a protest in support of a jailed Algerian singer.

FREEDOM OF ASSEMBLY

Authorities maintained a de facto ban on protests in Algiers under an unpublished decree from 2001. Security forces arbitrarily dispersed some gatherings on the grounds that they were unauthorized. An assembly organized to mark the 30th anniversary of anti-establishment riots in October 1988 was authorized but heavily monitored.

Between January and April, law-enforcement officials in Algiers dispersed a number of peaceful demonstrations by trainee doctors protesting about their working conditions, sometimes using excessive force. On 3 January, security officials forcibly entered a hospital in Algiers and used electroshock devices and batons to prevent thousands of medical staff from leaving the hospital to march, injuring at least two dozen of them. Protests on 19 March and 24 April were also forcibly dispersed, with police on the second occasion forcing dozens of people onto buses and then dumping them far from Algiers, including in the town of Lakhdaria, more than 70km away.

In July, security forces in the city of Ouergla forcibly dispersed a protest against unemployment.

In September, authorities prevented supporters of Mouwatana, a political group opposed to a fifth presidential term for President Bouteflika, from peacefully gathering in the cities of Constantine and Bejaia. Authorities in Bejaia detained at least three of the group's founding members for several hours before releasing them without charge.

FREEDOM OF ASSOCIATION

The authorities kept many associations, including Amnesty International Algeria, in legal limbo by failing to respond to registration applications submitted as required by the highly restrictive Associations Law.

On 27 February, without warning, security forces sealed the offices of two local NGOs – Algerian Women Claiming their Rights and the Feminist Association for the Development of the Person and the Exercise of Citizenship. The authorities claimed the NGOs were not legally registered but lifted the bans on their activities in March.

In July, local authorities in Oran banned the seventh meeting of the Migration Platform, a group of 15 national NGOs, on the grounds that they did not have "prior authorization for a public meeting". In November, local authorities in Bejaia banned without providing justification a public event organized by the Algerian League for the Defence of Human Rights to commemorate the 70th anniversary of the UN's adoption of the Universal Declaration of Human Rights.

FREEDOM OF RELIGION AND BELIEF

Judicial authorities harassed members of the minority Ahmadi religious movement because of their beliefs, subjecting dozens of them to trial or investigation, as well as confiscating the passports of some of them. In August, Mohamed Fali, the then president of Algeria's Ahmadi community, was detained in Annaba for several hours. Kamel Tihmamine, an

Ahmadi, continued to be held under house arrest on charges of collecting donations without a licence, “denigrating Islamic dogma” and membership of an unauthorized association. He was still awaiting trial at the end of the year.

During the year, local authorities in several regions ordered the closure of at least eight churches or other places of Christian worship, seven of them Protestant, saying that they did not comply with a 2006 decree on “non-Muslim cults” and security standards. In June, local authorities allowed two Protestant churches in the Oran region to reopen after they had sealed them in February.

MIGRANTS, REFUGEES AND ASYLUM-SEEKERS

The authorities continued a crackdown on sub-Saharan migrants that began in August 2017, subjecting several thousand of them to arbitrary arrest, detention, forcible transfer to the far south of Algeria and expulsion to neighbouring countries. In April, security forces hit migrants with batons and kicked them during raids and mass arrests in the city of Oran.

During the year, over 12,000 nationals of Niger and more than 600 nationals from other sub-Saharan African countries, including regular migrants, refugees and asylum-seekers, were summarily expelled to neighbouring Niger, according to international organizations monitoring the situation. In parallel, the authorities forcibly transported over 11,000 nationals of sub-Saharan African countries to the border with Niger and left them there and took similar action against more than 3,000 others whom they left at the border with Mali. In some cases, the security forces compelled migrants at gunpoint to walk through the desert to cross the borders.

According to UNHCR in Algeria, on 26 December, the Algerian authorities deported at least 100 Syrian, Yemeni and Palestinian nationals to the border with Niger and left them stranded in the desert. These included several registered refugees and asylum-seekers who had previously been detained in Tamanrasset.

In April, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families reviewed Algeria’s second report on this issue and expressed concerns regarding the collective expulsion to Niger of regular and irregular migrant workers, as well as refugees and asylum-seekers, who were often abandoned in the desert. The committee stated that those expelled were at high risk of violence, including sexual violence and exploitation.

In its concluding observations, the committee recommended that the Algerian government develop a comprehensive strategy for labour migration and allow migrant workers, including those in an irregular situation, to access justice, police services, health care, education, social security and housing without fear of being arrested, detained or deported by the authorities.

The authorities continued to convict Algerians attempting to reach Europe through locations other than official border exit posts for the crime of “unlawfully exiting the country”, imposing on them suspended sentences of up to six months in prison, as well as fines.

WOMEN’S RIGHTS

In August, a new law on health took effect, guaranteeing equal access to health care for all citizens, introducing measures to protect women from violence and improving provisions for maternal health. The grounds for legal abortion were not extended, however “Therapeutic interruption of pregnancy” remained authorized only on the grounds of threats to the life of a pregnant woman or girl, or serious threats to their “psychological and mental health”. Abortion in all other circumstances was still criminalized, with punishment of up to five years’ imprisonment for doctors and two years for women and girls.

Women were discriminated against in law and practice. The Family Code continued to discriminate against women in matters of marriage, divorce, child custody and guardianship, and inheritance.

The Penal Code continued to prohibit rape without defining it or explicitly recognizing marital rape as a crime.

IMPUNITY FOR PAST ABUSES

The authorities took no steps to counter the overwhelming impunity that existed for grave human rights abuses and possible crimes against humanity, including unlawful killings, enforced disappearances, rape and other forms of torture, committed by security forces and armed groups in the 1990s during Algeria’s internal conflict.

DEATH PENALTY

Courts continued to hand down death sentences. No executions had been carried out since 1993.