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HALT CRIMINALIZATION OF PEACEFUL DISSENT IN ALGERIA

The Algerian authorities launched a repressive crackdown that has seen scores of people detained for peacefully exercising their rights to freedom of expression and assembly, opposition political parties and civil society groups harassed, and the independence of the judiciary undermined, in the months ahead of the June legislative elections, Amnesty International said today. As of 23 June, according to local groups and activists monitoring the human rights situation on the ground, at least 273 people are detained for exercising their rights to peaceful assembly and expression.

Amnesty International urgently calls on the Algerian authorities to prioritize the following recommendations:

- release all those unfairly prosecuted, arrested, detained and convicted for exercising their rights to peaceful assembly, association and freedom of expression.
- to halt its harassment of opposition political parties and independent civil society organizations who are at risk of suspension or dissolution.
- to stop undermining the independence of the judiciary by quashing the summary dismissal of judge Sadedin Merzoug, revoked by the Algerian High Council of Magistracy on 30 May for expressing his views.
- to open impartial and thorough investigations into the torture and mistreatment that peaceful protesters Ayoub Chahetou and Nabil Bouskine said they were subjected to on 26 March.

On 18 February 2021, President Tebboune announced the dissolution of the parliament and the holding of anticipated legislative elections on 12 June 2021. A few days later, on the second anniversary of Hirk, the biggest protest movement in Algerian history, which started in February 2019, thousands of protesters returned to the streets after the movement had to halt due to Covid-19 between March 2020 and February 2021. Authorities resumed their repression of the movement with arbitrary arrests and detentions of hundreds of protesters, activists and journalists.

Amnesty International interviewed 15 lawyers, activists, journalists and a judge and documented 37 cases of activists who were wrongfully summoned, arrested, prosecuted or detained between 26 March and 26 May and prosecuted based on Penal Code charges, including "terrorism" (Article 87 bis of the Penal Code) and "conspiracy" (Articles 77 and 78 of the Penal Code), in violation of international human rights law. Amnesty International also documented restrictions on the association Youth Action Rally (RAJ) and political parties the Union for Change and Progress (UCP) and the Socialist Workers Party (PST) after the Ministry of Interior requested to suspend or dissolve them on April and May.

At the same time, authorities used demonizing rhetoric against the Hirk by labelling some of the movement's components within it as "terrorist" organizations and increasingly resorting to charges of terrorism to prosecute activists and human rights defenders who have played a prominent role in the protest movement. Amnesty International documented at least 17 cases of activists charged with terrorism, an article recently used against protesters, human rights defenders and activists.

On 9 May, the High Council for National Security (HCNS), a consultative body in charge of advising the President of the Republic on security issues, announced that the unregistered political opposition organization Rachad and the group Movement for the Self-determination of the Kabylie (MAK), which calls for the self-determination of the Kabyle region, were labelled as illegal and terrorist entities. The two organizations have actively participated in the Hirk movement.

On 28 April, the authorities prosecuted human rights defenders Kaddour Chouicha, Jamila Loukil and Said Boudour, as well as 12 other Hirak activists on trumped-up charges of “participation in a terrorist organization” and “conspiracy against the state” and interrogated them on their alleged ties to the Rachad movement, whom the authorities portray as an Islamist leaning organization that is fomenting trouble in Algeria. They also detained lawyer Abderraouf Arslane on 26 May and charged him with "participation in a terrorist organization" under the pretext that he had ties with Rachad. They also arrested 16 MAK members while they were in the street, going to organize a gathering. The judge accused them based on heavy Penal Code charges including "harming national security" and "incitement to armed gathering".

On 8 June, the authorities amended the Penal Code to expand the definition of terrorism to include "attempting to gain power or change the system of governance by unconstitutional means." Such definition of terrorism is overly broad and could lead to the criminalization of peaceful advocacy of regime change and the outlawing of the protest movement Hirak, which has been calling for radical political change in Algeria, Amnesty International said.

On 9 May, the Algerian Ministry of Interior announced new arbitrary measures that violate the right to freedom of peaceful assembly by requiring that the organizers of demonstrations "declare the protests before the competent services, including the names of the organizers, the hours of its beginning and end, the itinerary and the slogans to be chanted."

UNDERMINING THE INDEPENDENCE OF THE JUDICIARY

On 30 May, the Algerian High Council of Magistracy, an administrative body which lacks independence from the executive branch to supervise Magistrates as it is presided over by the President of the Republic, dismissed judge Sadedin Merzoug, one of the founders in 2016 of the independent Club of Algerian Magistrates and its spokesperson, for expressing his views in support of democracy and the Hirak movement in Algeria and for exercising his right to association.

The judge was first notified by the Ministry of Justice about the disciplinary procedure initiated against him in May 2020 via a summons that he received at the house of one of his family members. The case was transferred to the High Council of Magistracy which initiated disciplinary procedures against him on several grounds, including "breaching the duty of discretion" and "incitement to strike" as provided in the law on the magistrates' status. The evidence used in the case are online publications of Merzoug on Facebook in which he criticized the judicial system and made declarations to media about the Club of Algerian Magistrates' boycott of presidential elections on 4 July and 18 October 2019.

The decision by the High Council of Magistracy to revoke him is the most serious disciplinary sanction for gross misconduct by a judge. However, under the Law 04-11 governing the statute of magistrates, this sanction should only be levelled against judges who breached their discretion obligation on ongoing legal cases or cases enlisted before the courts, or who made public revelations undermining the secrecy of investigations.

The Ministry of Justice initiated four other disciplinary procedures against the judge since 2019 and at least one resulted in a prosecution based on the Penal Code, for which Merzoug was acquitted.

In link with the case, on 1 June 2021, the High Council of Magistracy sanctioned with a warning Sid-Ahmed Belhadi, prosecutor of the El Oued tribunal, a city in south-east Algeria, for expressing solidarity with the judge in a picture published on Merzoug's Facebook account where they are seen standing in front of the Supreme court in June 2020.

Under international law, sanctions and discipline of judges for expressing their views about public affairs is considered unlawful.

On 24 June 2019, the United Nations Human Rights Council issued a report titled 'Independence of Judges and Lawyers which stated that judges and prosecutors, just like all citizens, can exercise their right to freedom of expression, belief, association, and assembly while respecting the dignity of their office.

Specific restrictions on the fundamental freedoms of judges and prosecutors can be justified only when they are legitimized by law and necessary in a democracy to protect the independence, impartiality, and authority of institutions.

The same report stated that some of the disciplinary procedures against judges and prosecutors can be seen as an expedient to punish individuals for expressing their opinions or acting in the exercise of their duties.

General Comment 32 of the United Nations Human Rights Committee, the experts who provide the definitive interpretation of the International Covenant on Civil and Political Rights, states that:

Judges may be dismissed only on serious grounds of misconduct or incompetence, in accordance with fair procedures ensuring objectivity and impartiality set out in the constitution or the law. The dismissal of judges by the executive, e.g. before the expiry of the term for which they have been appointed, without any specific reasons given to them and without effective judicial protection being available to contest the dismissal is incompatible with the independence of the judiciary.

According to the Principles and Guidelines on the Right to a Fair trial and Legal Assistance in Africa, adopted by the African Commission on Human and Peoples' Rights in 2003, "Judicial officials facing disciplinary, suspension or removal proceedings shall be entitled to guarantees of a fair hearing including the right to be represented by a legal representative of their choice and to an independent review of decisions of disciplinary, suspension or removal proceedings."

In the case of judge Merzoug, these procedural safeguards were not available as he did not have access to the evidence file against him and his dismissal was initiated by the Minister of Justice who has a direct control of the disciplinary process.

RESORTING TO "TERRORISM" LABELS TO CRIMINALIZE DISSENT

While the authorities had previously resorted to at least 20 articles of the Penal Code to bring charges against peaceful activists in relation to their speech or participation in protests, since April 2021 they have increasingly resorted since to "terrorism" or "conspiracy against the state" charges to prosecute human rights defenders and Hirak activists. They have also labelled two organizations that voice dissenting opinions as terrorist, thus opening the door to the prosecution of their members or people accused of having ties with them under terrorism related charges.

Restrictions on association and assembly are only lawful where they conform with the principles of necessity and proportionality. States need to ensure that the prohibition or dissolution of an association is always a measure of last resort, such as when an association has engaged in conduct that creates an imminent threat of violence or other grave violation of the law. In this sense, the UN Human Rights Committee has said that the State must demonstrate the precise nature of the threat as well as the fact that the restrictions "are in fact necessary to avert a real, and not only hypothetical danger to national security¹". Prohibition or dissolution of an association must also not be used to address minor infractions. The Special Rapporteur on counterterrorism has also stressed that the fact that an association calls for achieving through peaceful means ends that are contrary to the interest of the State is not sufficient to characterize an association as terrorist².

In May, Algerian authorities labelled the two unregistered political organizations Rachad and MAK as illegal and terrorist entities. It is unclear what such a classification means for the ability of the two organizations to exercise their rights to freedom of association. According to international standards, national security can be a reason to limit the exercise of the right to association. However, as it has been highlighted multiple times by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, governments must not use legitimate interests (such as preventing

¹ UN Human Rights Committee, Communication No. 1296/2004, 7 August 2007, para.7.3, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhshpeRdpRyGLoZGlgUjr%2F4Qle%2B9lpAp98tN1yb5pA1joHBOKDs5U7NLIYZBxQr8%2FkYOHMQqYotZn%2FwyeZgp5Ju0eRlCPCX5wOSxieumaltD10%2B9QYL1nbMEc4gQpvA2uSrQ%3D%3D>

² A/61/267, Para 24

terrorism) as smokescreens for hiding the true purpose of the limitations, such as suppressing opposition, or to justify repressive practices against their populations³.

On 28 April, the prosecutor of the first instance court in Oran prosecuted 15 Hirak activists, including human rights defenders Kaddour Chouicha, Djamila Loukil and Said Boudour, under several articles in the Penal Code, including enrolment in a terrorist or subversive organization active abroad or in Algeria under Article 87 bis.

On 26 May, the tribunal of Tebessa, a city in the south east of Algeria ordered the provisional detention of lawyer Abderraouf Arslane, activist Aziz Bekakria from the political movement Rachad and his friend Mahmoud Hmidane.

According to a lawyer from a group who did not want to be cited, police first arrested Bekarkia and interrogated him about his finances and relationships including with lawyer Arslane. He said that they used to meet in Arslane's office to discuss developments in the country. This prompted the arrest of Arslane who was accused based on Penal Code Article 87 bis 3 which punishes with the death penalty anyone who organize or take part in "terrorism or subversive acts" as well as Article 196 bis which provides for a three years prison sentence and a fine to anyone "spreading false news". The sole reason for the arrest is alleged ties between Arslane and the organization Rachad, which the defendant denied before the judge.

On 21 May, police arrested female protester Fatima Boudouda at around 2pm as she was on her way to participate in Friday weekly protests in downtown Algiers. According to her lawyer, police searched her phone and interrogated her about her private conversations on the messenger application and discussions she had with members of political movement Rachad. Police also interrogated her about media interviews she had made. The judge in a tribunal in Algiers ordered Boudouda's pretrial detention after accusing her based on ten Penal Code articles, including "incitement to unarmed gathering (Article 100 of the Penal Code) and "conspiracy" against the state (Articles 77 and 78 of the Penal Code) which could lead to a 20-year prison sentence. In link with the case, police arrested on the same day activist Moufida Kharchi who lives in Algiers and who welcomed Boudouda at her house the day before her arrest.

On that same day, police also arrested protester Hakima Bahri when she was filming the protests in Bab El Oued in downtown Algiers. The judge of the Sidi M'hamed tribunal ordered her provisional detention on accusations related to "incitement to unarmed gathering" (Article 100 of the Penal Code) and "enrollment in a terrorist organization" (Article 87 bis 3 of the Penal Code).

THREATS OF SUSPENSION AND DISSOLUTION OF POLITICAL PARTIES AND A CIVIL SOCIETY ORGANISATION

On 27 May, the Ministry of Interior notified civil society organization Youth Action Rally (RAJ) which played a prominent role in the Hirak movement, that they requested its dissolution before the administrative tribunal, invoking the fact that RAJ's activities were not in conformity with its objectives which are the promotion of human rights and the youth.

According to one of its members, the activities which the Algerian authorities are referring to in their notification are debates organized inside the headquarters of the association in Algiers to which they invited national and international civil society representatives, the organization of protests in Algiers as well as RAJ's connections with members of national and International NGOs.

In its request to the administrative tribunal, dated 23 May, the Ministry of Interior considered that this was not in conformity with article 43 of law 12-06 about association.⁴

³ See UN Doc. A/61/267, para. 20; A/HRC/20/27, para 21.

⁴ Article 43 of law 12-06 on associations gives the public authority the right to request the suspension of an association "before the territorially competent administrative court, when the association has exercised one or more activities other

In addition, on 30 May, police in Bejaia interrogated the President of RAJ Abdelouahab Fersaoui about his relationships on social media and his foreign travels. Interviewed by Amnesty International on 9 June, Fersaoui said that the police interrogation lasted an hour and a half and was mainly about an acquaintance of Fersaoui on Facebook. He was also asked about his travels abroad: "I explained that I travelled when RAJ was invited to events by the Maghreb Social Forum of which the association is a member or on questions related to migration." He was later released without charge.

In 2019 and 2020, eleven members of RAJ were arrested, prosecuted and detained for peacefully protesting or expressing their views online. Abdelouahab Fersaoui, Hmimi Bouider and Hakim Addad were detained for several months in Algiers before being provisionally released pending the verdicts in their trials.

In April, authorities requested the suspension of at least two political parties for not respecting Law 12-04 on political parties.

On 25 April, the Ministry of the Interior filed an urgent procedure before the State Council to request the suspension and closing of the headquarters of political party the Socialist Workers Party (PST) based on Law 12-04. According to an interview with Samir Larabi, one of its members, at the beginning of April, the Ministry of the Interior sent the party a warning to ask it to organize its congress which they did on 23 April. The next day, PST representatives sent a letter to notify the authorities that they organized their congress.

The party received a notification that the Ministry of the Interior filed an urgent request for the suspension of the party and the shutting down of its headquarters on 25 April. The party had received a warning from the Ministry of the Interior on 25 March, asking it to organize its congress. The executive bureau organized the congress and a new bureau was elected. The party sent a letter to the authorities notifying them about the congress and the newly elected members. However, the Ministry of the Interior still requested the suspension.

Zoubida Assoul, president of the political party UCP, told Amnesty International that on 22 April she received a communication from the Ministry of the Interior saying that the UCP worked in a way that doesn't conform with the law. After that, lawyer Assoul received a phone call from the director general of the police telling her that the high authorities of the state demanded she stop her activities and if she doesn't then she would suffer the consequences.

On the same day, police went to her workplace and tried to take her car from where it was parked outside her office.

"I came down and asked them why. They didn't want to answer me. I got in the car and said, "If you want the car, you'll have to take me with it. They didn't take my car."

Both political parties are now awaiting the decision of the State Council.

CRACKDOWN ON THE RIGHT TO PEACEFUL ASSEMBLY

Algerian authorities arbitrarily arrested dozens of peaceful protesters and journalists over the past weeks simply for exercising their right to freedom of peaceful assembly, prosecuting them or convicting them based on vague Penal Code provisions such as "conspiracy" and "participation in unarmed gatherings".

On 16 May, police arrested 16 activists from pro-self-determination group MAK in different parts of Akbou, a city in east Algeria, as they were heading to a gathering paying tribute to Amazigh activist Mohamed Haroun. Their lawyers told Amnesty International on 27 May that police found Amazigh flags in the cars of three of them and that they found in one of them tools to repair the car, which they seized. Based on this,

than those provided for by its statutes, or received funds from foreign entities in violation of the provisions of article 30 of this present law, or if it is established that it no longer carries out its activities".

the judge of the tribunal of Akbou accused the group of several charges including "armed gathering" (Article 100 of the Penal Code) and "harming national security" (Article 79). The group was also accused of "insult" and of "assault" against law enforcement officers, accusations which all defendants denied. The judge ordered to provisionally detain eight members of the group and to release the rest with a judicial control requiring them to sign at the court weekly, awaiting their trial.

On 1 June, the Indictment chamber of the court of Bejaia refused to provisionally release those detained and ordered to put on provisional detention the rest of the group. The 16 activists are now held in a prison near Bejaia.

On 31 May, the tribunal of Sidi M'hamed in Algiers convicted to a year in prison and a fine protester Afaf Megari after police arrested her while she was demonstrating on 7 May in Algiers. During her interrogation, police searched a USB flash disk she had with her and extracted photos from it. Police also interrogated her about pro-Hirak posters she had, which were seized at the time of her arrest. According to her lawyer, who did not want to be cited, when Megari told them that she was printing those posters at a private communications agency, police from the criminal division of the judiciary brigade of Algiers went to check if that was true.

The judge of the Sidi M'hamed tribunal convicted Megari based on articles of the Penal Code of "harming national security" (Article 79), "harming the national interest through online publications" (Article 96), "incitement to armed gathering" (Articles 97 and 98), "incitement to unarmed gathering" (Article 100) and "offending" public officials and bodies (Articles 144 and 146).

That same day, the judge of the Sidi M'hamed tribunal also convicted peaceful protester and online activist Sofiane Ouazib to one year in prison and a fine after police arrested him while he was protesting in the streets of Algiers on 7 May based on Penal Code Articles 96, 97, 98, 100, 144 and 146 which criminalize the rights to expression and peaceful assembly.

On 31 May, the tribunal of Sidi M'hamed convicted activist and coordinator of the association of the families of disappeared Slimane Hmitouche for "incitement to unarmed gathering" (Article 100 of the Penal Code) to one year in prison for facts related to his participation in the Friday protests of 7 May.

According to one of his lawyers, the judges based their verdicts mainly on the online publications of the activists which did not contain any incitement to violence, hatred or discrimination.

The right to freedom of peaceful assembly is protected by international human rights law and standards, including the International Covenant on Civil and Political Rights (ICCPR), to which Algeria is a party. In their General Comment 37 on this right, the UN Human Rights Committee summarize that "the right of peaceful assembly is important in its own right, as it protects the ability of people to exercise individual autonomy in solidarity with others. Together with other related rights, it also constitutes the very foundation of a system of participatory governance based on democracy, human rights, the rule of law and pluralism."⁵

POLICE ILL-TREATMENT AND TORTURE OF PEACEFUL PROTESTERS

Amnesty International documented cases of police assaulting protesters and activists and two cases of ill-treatment and torture since February 2021.

On 26 March, police from the Research and Investigation Unit in Algiers beat Hirak activist Nabil Bouskine, 26, from Tizi Ouzou. He was previously arrested in January 2017 for taking part in a protest organized by the Movement for the Self-determination of the Kabylie (MAK).

⁵ UN Human Rights Committee, General Comment 37. (CCPR/C/GC/37) para 1

Bouskine told Amnesty International that three police officers attacked him at around 4pm in the streets of Didouche Mourad and beat him for around ten minutes.⁶ At some point, Bouskine went to hide under a police van where he was beaten up again by other law enforcement officers. Police hit him with their hands, shoes and sticks and one police officer tried to strangle him, leaving injuries and scars on his face, neck and back.

According to his testimony, Bouskine was then transported to the Mustapha Bacha hospital in Algiers by three police officers in plain clothes. Bouskine said that on the way to the hospital, police officers insulted his mother and used demeaning language in reference to his Kabyle origin.

In the hospital, Bouskine went through three medical exams to check his injuries: one doctor examined his eyes, another his bones and another one did a radiology of his head. A doctor gave him a medical certificate with a 20-days incapacity to work and also prescribed medication.

Bouskine said that police officers then transported him to a police station in Algiers where he signed a statement without reading it. Police officers did not ask him about his ties with MAK or anything related to his activism. He was then presented to the prosecutor on 28 March. The judge then prosecuted him for "incitement to unarmed gathering" (Article 100 of the Penal Code) and "rebellion"(Articles 183 and 184 of the Penal Code). He was provisionally released that day. He told Amnesty International:

"When I was released, I asked police officers to hand me the medical certificate, so I could file for a complaint for ill-treatment, but police refused to hand it to me. After that, I was not able to leave my house for a week because of the pain and it took two weeks for the scars on my body to disappear."

On 2 June, the Sidi M'hamed tribunal convicted Bouskine to a six-month prison sentence and a fine, pending appeal.

Also, on 26 March, police arrested 21-year old activist Ayoub Chahetou while he was protesting in the city of El Bayadh, in the south east of the country. According to his lawyer and to his father, who Amnesty International interviewed, police then transported him to a police station in El Bayadh, along other protesters.

After that, in a room where he was alone, and according to his lawyer who saw him on 28 March when he was presented before the judge, police officers raped him by insertion of a finger and a broom handle in his anus in the police station of El Sadkiya in El Bayadh. His lawyer told Amnesty International that Chahetou told him that police officers also tried to strangle him by putting a board on his chest⁷.

When presented before the judge, Chahetou told her that he was subjected to rape to which the judge replied that she did not want to hear about those allegations. When the lawyer asked to have a copy of Chahetou's statements before the court in order to use them for a complaint on torture, the judge refused.

Chahetou is now in prison after the judge convicted him to a six-month prison sentence and a fine for "destroying intentionally the property of others" (Article 470 of the Penal Code). In the verdict reviewed by Amnesty International, the charge is based on an incident that happened on 26 March where Chahetou is said to have "damaged the back glass of a police car" although no evidence was presented before the court about his presence at the place where the events happened.

⁶ Interview on 28 April

⁷ Amnesty International interview with lawyer on 29 April 2021

Algeria is a state party to the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the key international treaty concerning torture. The Convention bans torture and other ill-treatment absolutely, in all circumstances and without exception. Algeria is also a party to other international treaties that prohibit torture and other ill-treatment.

SUMMONED, PROSECUTED, DETAINED AND CONVICTED FOR EXPRESSING THEIR VIEWS

In April and May 2021, Algerian authorities continued their clampdown on activists and journalists who were summoned, prosecuted, detained and sometimes convicted for expressing themselves online or for covering protests.

JOURNALISTS TARGETED FOR DOING THEIR JOBS

On 10 June, police arrested in the streets journalists Ihsane El Kadi, journalist and director of media platform *Interface Medias* and Khaled Drareni, correspondent of NGO Reporters without Borders, media TV5 Monde and online media *Casbah Tribune*.

The two journalists were interrogated for several hours in a security center called Antar under the supervision of the Algerian Ministry of Defense about their work. They were released on the night prior to the elections on 12 June. No charges were pressed against them.

Prior to his arrest, a judge in the tribunal of Sidi M'hamed put on judicial control on 18 May Ihsane El Kadi, the judge took away his passport and forbade him from leaving the city of Algiers in link with a complaint filed by the Minister of Communication against the journalist who wrote an article in February 2020 criticizing the 100 days in power of President Abdelmadjid Tebboune.

In March 2021, the Supreme court, Algeria's highest jurisdiction decided to quash the conviction of Khaled Drareni to two-years in prison after the journalist was provisionally released in February 2021 from prison after spending eleven-months in detention in relation with his coverage of Hirak protests.

On 1 June, a judge of the Sidi M'hamed tribunal in Algiers convicted journalist Kenza Khatto from media *Radio M* to a three-month suspended sentence and a fine of 20.000 Algerian dinars after police arrested her while she was covering Friday protests on 14 May. Khatto was held in custody for five days. The tribunal convicted her for "offending" public bodies (Article 146 of the Penal Code). Her lawyer told Amnesty International that the defense team appealed the decision.

On 30 May, a judge in the tribunal of Annaba put on a weekly judicial control *Le Provincial* journalist Mustapha Bendjama after he was prosecuted for a report he published. During the hearing session at the tribunal, the judge asked Bendjama about his participation in protest in support of journalist Khaled Drareni who was imprisoned in March 2020 and provisionally released in February 2021.

Since the start of the Hirak, judicial authorities prosecuted the journalist six times in relation to his work or with his online publications.

Rabah Kareche, journalist of newspaper *Liberté* remains in prison since 18 April 2021 for his articles covering the protests of the Tuareg people in the region of Tamanarasset, in the extreme south of the country.

Article 19 of the ICCPR protects the right to freedom of expression. As specifically regards the role of journalists, in interpreting the ICCPR the Human Rights Committee of the UN have provided that "Free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights... The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion."⁸

⁸ UN Human Rights Committee, General Comment 34. (CCPR/C/GC/34)

ACTIVISTS CONVICTED AND DETAINED FOR THEIR ONLINE EXPRESSION

On 6 May, a judge in the tribunal of Bab El Oued ordered the provisional detention of activist Zinedine Rahal who was arrested on 3 May at his shop in Algiers. According to his lawyer interviewed on 4 June, the judge accused him based on his online publications on Facebook of "spreading fake news" (Article 196 of the Penal Code), "harming national security" (Article 79) and "incitement to unarmed gathering" (Article 100).

On 5 May, police in Setif interrogated for three and a half hours detained activist Islam Tabbouche. He told Amnesty International that police asked him questions about his publications online including videos of the Hirak demonstrations, his contacts with activists and the administrators of an online page called Setif City. He was later released without charge.

On 4 May, a tribunal in Cheraga convicted activist Amira Bouraoui to a two-year prison sentence for "offending" the principles of Islam for publications on Facebook such as one where she said she is a Buddhist and another one where she said that the prophet was a smart political man. On the same day, the judge convicted her to another two-year prison sentence for "offending" the president of the Republic, also for online publications criticizing the family of the President. According to Bouraoui, interviewed by Amnesty International on 8 June, police interrogated her three times in October about the accusations and then a judge decided to put her under a weekly judicial control before she was convicted, awaiting the appeal of the decision.

On 8 April, a tribunal in Sidi M'hamed in Algiers ordered the provisional detention of activists and Hirak figures Mohamed Tadjadit and Soheib Debbaghi after they published on 3 April videos of protester Said Chetouane, 15-years old, in which he claims to have been sexually assaulted in detention.

According to one of their lawyers, the judge accused them based on ten Penal Code articles including "harming national security" (Article 79), "offending" public officials and the President of the Republic and "spreading" false information harming public order. They are detained along with other activists Malik Riahi, Khimoud Nouredine and Tarek Debbaghi who were arrested with them and accused on the same charges. They are detained in the prison of El Harrach awaiting their trial. On 8 April, the public prosecutor of the appeals court in Algiers announced that he ordered the opening of an investigation into the case but publicly launched homophobic accusations against the activists by hinting that they are homosexuals, accusing them of exploiting the child for political and propaganda purposes, of being drug users and discredited Chetouane's allegation. He also unveiled that the authorities have launched an investigation into their ties with Rachad and the fact they are connected to foreign entities aiming to destroy the stability of the state.

The right to freedom of expression encompasses expression made both offline and online.⁹ Restrictions would only be lawful where they are provided by law, necessary and proportionate to one of a number of limited aims. None of the restrictions documented by Amnesty International in this briefing meet this test.

⁹ UN Human Rights Committee, General Comment 34. (CCPR/C/GC/34) para 12