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Algeria: Respect the right of religious minorities to worship

Days before the trial of four Protestants accused of performing religious rites without government permission, Amnesty International calls on the Algerian authorities to demonstrate their commitment to the right to freedom of religion by dropping the charges.

Hawag Idir, Makrani Nasser, Raid Abdel Nour and Mahmoud Yahou are due to appear in front of a court in the town of Al-Arba'a Nath Irathen, Tizi Ouzou province, on 8 August. The four men are facing charges of "practising religious rites without authorization" under Article 13 of Ordinance 06-03 of 2006 regulating religious faiths other than Islam. They face up to three years in prison and fines if convicted.

Ordinance 06-03 criminalizes religious activities not regulated by the state and requires religious faiths other than Islam to be practised only in places approved by the state. It also created a national commission on religious faiths, empowered to regulate the registration of religious associations.

Amnesty International considers that many provisions of Ordinance 06-03 are vaguely worded and could undermine the right of every person to freedom of religion and, more particularly, the right of members of faith groups other than Islam to worship in public. With respect to its application so far, the organization is concerned that restrictions set out in the law appear to have been used especially to crack down on Protestant churches in Algeria, which some national media have suggested are involved in proselytism.

According to information available to Amnesty International, since the promulgation of Ordinance 06-03, the authorities have consistently refused to register Protestant churches, forcing Protestant communities in Algeria, wishing to exercise their legitimate right to manifest their religion or belief, to worship in places not approved by the state, thereby risking prosecution under the law.

Mahmoud Yahou inaugurated the Ait Atteli Church in the province of Tizi Ouzou earlier this year. He says that the Church is affiliated to the Protestant Church of Algeria (Eglise Protestante d'Algérie, EPA), but was not registered due to the authorities' refusal to allow the establishment of any new EPA churches.

Prayer services have been attended by a congregation ranging between 70 and 100 individuals, many of whom are believed to be converts to Christianity from Islam. The judicial police in Al-Arba'a Nath Irathen questioned Mahmoud Yahou, as well as Hawag Idir, Makrani Nasser and Raid Abdel Nour, who hold positions of responsibility within the Church, in April 2010 in relation to the prayers they perform in the Ait Atteli Church.

Mahmoud Yahou also faces charges under Law 08-11 of 2008 regulating the entry, stay and movement of foreigners in Algeria for failing to notify the authorities that he hosted Pierre Fey, a

French priest, who participated in the inauguration of the Church. He could be fined between 5,000 and 20,000 dinars (between US\$ 68 and 271) if convicted.

As a state party to the International Covenant on Civil and Political Rights (ICCPR), Algeria is under the obligation to respect the right to freedom of religion, which according to Article 18 includes the: "freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

The ICCPR recognizes that the right to manifest religion or belief can be subject to limitations that are prescribed by law and necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. However, the body which oversees the Covenant's implementation, the UN Human Rights Committee clarified in its General Comment 22 that such "limitations must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner." The Human Rights Committee added that the "concept of worship extends to [...] the building of places of worship."

During a forum organized by the Ministry of Religious Affairs and Endowments in February 2010 under the title "Freedom of Cult: A Right Assured by Religion and Law", the Archbishop of the Catholic Church in Algiers urged the Algerian authorities to amend Ordinance 06-03 arguing that it prevents Christians from "normally practising their faith". He pointed out that while the state's role in regulating the establishment of new churches is legitimate in principle, decisions regarding authorization drag on for years in practice. He raised concerns that Christians living in remote areas of Algeria devoid of established churches have no place to practise their faith.

Amnesty International urges the Algerian authorities to respect the right of Christians such as Protestants to freely manifest their religion or beliefs in worship.

Background

Amid media reports of an expansion of evangelical Christian churches and activity in Algeria, the authorities were reported to have ordered the closure of dozens of churches. In February 2010, the Minister of Religious Affairs and Endowments was quoted in the media denying reports that churches have been closed. During the forum "Freedom of Cult: A Right Assured by Religion and Law" organized by the Ministry, he highlighted the authorities' respect of freedom of religion, but was quoted in the Algerian media as stating that "nobody wants religious minorities in Algeria because it risks becoming a pretext for foreign powers to meddle in the internal affairs of the country under the pretext of minority rights."

In January 2010, a Protestant church in Tizi Ouzou was pillaged by a group of unknown individuals, who are reported to have set fire to its premises. According to the best knowledge of Amnesty International, while complaints have been submitted by the EPA to the local authorities, no investigation into the incident has been launched. Prior to this incident, the local authorities of Tizi Ouzou had allegedly ordered its closure.

In May 2007 the Algerian government issued Decree 07-135, which specifies that a request for permission to observe non-Muslim religious rites must be submitted to the *wali* (provincial governor) at least five days before the event. This request should include information on three main organizers of the event, its purpose, the number of attendees anticipated, a schedule of events, and its planned location. The *wali* is empowered to regulate the places where such rites can occur and to refuse permission for a religious event if it presents a danger to public order.

In addition to criminalizing religious activities not regulated by the state, Ordinance 06-03 prohibits the incitement, coercion or other “seductive” means to convert a Muslim person to another religion and punishes such acts by prison terms ranging between two and five years and fines. Since the promulgation of the Ordinance 06-03, a number of Christians or converts to Christianity from Islam have been prosecuted on charges of breaching Ordinance 06-03.