

URGENT ACTION

JOURNALIST'S SENTENCE INCREASED ON APPEAL

On 18 June, the Algiers Court of Appeal announced the verdict of Ihsane El Kadi's appeals trial, confirming his conviction and increasing his sentence from five to seven years, two of which are suspended. This is the heaviest sentence against a journalist since the election of President Abdelmadjid Tebboune in 2019. Ihsane El Kadi was convicted on charges of receiving funds "that could harm the security of the state" and receiving foreign funds "for political propaganda". The appeals court failed to recognize and remedy violations against Ihsane El Kadi from the moment of his arrest. He must be released immediately from El Harrach prison where he remains, and his conviction must be quashed.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

President of the Republic of Algeria

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Your Excellency,

*I am writing to express my deep concern about the conviction on appeal and the increase in journalist **Ihsane El Kadi's** sentence from five to seven years in prison, of which two are suspended, on trumped up and vague charges used to criminalize journalism.*

On 18 June, the Algiers Court of Appeal announced its verdict following an appeals trial initiated by Ihsane El Kadi's defence team. The Sidi M'hamed First Instance Tribunal had convicted Ihsane El Kadi on 2 April on charges of receiving foreign funds "for political propaganda" and receiving funds that could "harm the security of the state", under Articles 95 and 95 bis of the Penal Code. The charges against him relate to money sent to him by his daughter and which he invested into his media company – something that is not a criminal offense under Algerian law. The court presented no evidence that Ihsane El Kadi's media company creates political propaganda nor that it is harmful to state security, meaning the charges against him are unfounded. His defence team argued in the appeals hearing that his right to a fair trial had been violated throughout the proceedings. For example, according to one of Ihsane El Kadi's lawyers, the Court of Appeal did not examine any of the evidence presented by the defence team during the appeals trial. The defence team also asked that the trial proceedings be cancelled due to the illegal nature of Ihsane El Kadi's arrest and imprisonment.

Plainclothes security officials arrested Ihsane El Kadi in his home, without a warrant, on 24 December 2022. His arrest came just after he published an article on his predictions for the next presidential elections in 2024 and outlining the role of the Algerian army in repressing freedom of expression in Algeria.

The appeals court, instead of taking this opportunity to recognize that Ihsane El Kadi should not have been arrested and prosecuted in the first place and to quash his conviction, has deepened the violations perpetrated against him and extended the time of his arbitrary imprisonment.

I urge you to immediately and unconditionally release Ihsane El Kadi and quash his conviction. I further demand that you end the targeted crackdown and censorship of independent media and journalists in Algeria through vaguely worded articles of the Penal Code which are used to violate the right to freedom of expression.

Yours sincerely,

ADDITIONAL INFORMATION

Ihsane El Kadi is a journalist and the director and founder of "Interface Media", which comprises media outlets Radio M and Maghreb Emergent. He has written several articles openly criticising the Algerian authorities who have responded by harassing him and targeting his media outlets. The websites of both Radio M and Maghreb Emergent were blocked inside Algeria in 2020. On several occasions since 2021, security services summoned Ihsane El Kadi to the Antar security centre in Algiers, where he was interrogated.

On the day of his arrest, the security officials led Ihsane El Kadi in handcuffs to the offices of his media outlet, where they ordered staff to leave, seized computers and other materials and sealed the doors, without providing any explanation nor informing him of the allegations on which he was arrested. Security officers held Ihsane El Kadi for five days and interrogated him about his publications. On 29 December 2022, an investigative judge at the first instance Tribunal of Sidi M'hamed in Algiers ordered his detention at El Harrach prison after a prosecutor charged him with several offences under the Penal Code, including receiving funds "that could harm the security of the state", receiving foreign funds "for political propaganda", and distributing or selling propaganda "with the aim of harming the national interest" – a charge which was later dropped. The judge also accused him based on Ordinance 77-3 dating back to 1977, which requires prior authorization from the governor or the Minister of Interior for fundraising. On 15 January 2023, a judge in the Sidi M'hamed court renewed Ihsane El Kadi's pretrial detention without the presence of his lawyer, so breaching his fair trial rights.

Two courts in Algeria previously prosecuted Ihsane El Kadi in February and March 2022 for "terrorism" and other charges because he was in contact with Zaki Hannache and Tahar Khouas, two human rights defenders who were detained in Algeria for several weeks. The charges against him were dropped but, in June 2022, he was convicted to six months in prison in a third case for an article he wrote in 2021 about the role of the non-recognized political party Rachad in the protest movement Hirak, following a complaint filed against him by the Minister of Communication.

On 2 April 2023, the tribunal of Sidi M'hamed in Algiers convicted Ihsane El Kadi to five years in prison, of which two were suspended, a fine of 700,000 Algerian dinars (around USD 5,150), and ordered the dissolution of his media company, one of the last media outlets in the country. It also ordered that the media company pays for damages to the Algerian audio-visual regulatory body worth 10 million dinars (around 73 862 USD), following the authorities' launching a civil lawsuit against Interface Media for "exploiting an audiovisual communication service without authorization". Ihsane El Kadi was convicted for investing money sent to him by his daughter into his media company and exercising his work of journalist. His conviction is a clear violation of his right to freedom of expression and the latest example of the Algerian authorities tightening their grip on critical voices and the independent media.

The most recent sentencing of Ihsane El Kadi is yet another example of the growing repression in Algeria. In the past two years, at least 280 journalists, bloggers, activists and human rights defenders have been harassed and unlawfully imprisoned on charges related to the exercise of their rights to freedom of expression and peaceful assembly.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, French, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 14 September 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Ihsane El Kadi (He/Him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde28/6664/2023/en/>