

URGENT ACTION

JOURNALIST'S SENTENCE CONFIRMED ON APPEAL

On 12 October 2023, the Algerian Supreme Court rejected two appeals made by Ihsane El Kadi's lawyers, effectively upholding his seven-year sentence, which includes five years in prison and two years on probation. Imprisoned since 24 December 2022, Ihsane El Kadi had been convicted because of his writing. Authorities should ensure Ihsane El Kadi's immediate release from El Harrach prison including by a presidential pardon.

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

President of the Republic of Algeria

Abdelmadjid Tebboune

Présidence de la République

Place Mohammed Seddik Benyahya, El Mouradia,

Alger 16000 Algérie

Fax: +213021691595

Email: President@el-mouradia.dz

Your Excellency,

I am writing to express my deep concern about the ongoing detention of journalist Ihsane El Kadi, following the decision by the Algerian Supreme Court to reject his appeal and thus uphold his sentences of seven years, including two years on probation, and of six-months, both based on trumped up and vague charges which are inconsistent with international human rights law and which the Algerian authorities have used to criminalize journalism.

On 12 October 2023, Algeria's highest court, the Supreme court, rejected two appeals filed by Ihsane El Kadi's lawyers. The first cassation appeal contested Ihsane El Kadi's sentencing for receipt of foreign funds with the intent to "undermine state security," based on his financing of his independent media company.

The second appeal was related to an earlier conviction of Ihsane El Kadi to six-months in prison for an article he published which explored the role of the non-recognized political party Rachad in the protest movement Hirak. In March 2021, the gendarmerie of Bab Jdid summoned Ihsane El Kadi following a complaint filed against him by the Minister of Communication for this article and, in June 2022, a court convicted him to six months in prison and a fine on charges of "publishing false information", under Article 196 bis. The Supreme Court ruled that there would not be a retrial in this case, even though Article 54 of the Constitution says, "press offenses cannot be subject to custodial sentences".

Ihsane El Kadi, 64, has served over one-year of arbitrary detention in El Harrach prison on bogus charges which are inconsistent with international human rights law on the right to freedom of expression. This prolonged detention is taking a toll on his health.

I urge you to grant Ihsane El Kadi a presidential pardon. 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 of media outlets Radio M and Maghreb Emergent. He has written several articles openly criticising the Algerian authorities who 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 24 December 2022, plainclothes security officials arrested Ihsane El Kadi at his home in Zemmouri, 40km east of Algiers, and later that day led him in handcuffs to the offices of his online media outlets Radio M and Maghreb Emergent. They ordered staff to leave, seized computers and other materials and sealed the doors, without providing any explanation nor informing him of the allegations for 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 the detention of Ihsane El Kadi 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, 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 independent media outlets in the country. It also ordered the media company to pay 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 audio-visual communication service without authorization." Ihsane El Kadi was convicted for investing money sent to him by his daughter into his media company and carrying out his work as a journalist. On 18 June 2023, 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 years of which were suspended. The appeals court failed to recognize and remedy violations against Ihsane El Kadi from the moment of his arrest.

On 16 January 2023, several UN Special Rapporteurs, including the Special Rapporteur on the right to freedom of expression and the Special Rapporteur on freedom of assembly and association, raised concerns about Ihsane El Kadi's arrest and detention in a [communication](#) to the Algerian president. They expressed concern about the possible violation of fair trial standards, the ambiguous legal basis of the accusations against Ihsane El Kadi and the severity of the penalties provided for by articles 95 and 95 bis of the Penal Code. They expressed deep concern about Algerian authorities' misuse of security measures to prevent free expression in the media. The Algerian permanent mission to the UN [responded](#) on 15 March 2023, saying that Ihsane El Kadi "benefited from all the rights which he are recognized by law as accused, in application of the principles of legality, trial fair and respect for dignity and human rights and in accordance with article 1 of the Code of Criminal Procedure and that he was arrested because he was suspected of having committed the above-mentioned acts and not because of his journalistic activity." They add that, while Algeria strives to ensure the conformity of its internal laws with international human rights law, "Article 154 of the Constitution provides that treaties ratified by Algeria have primacy on internal laws."

The most recent sentencing of Ihsane El Kadi is yet another [example](#) of the growing [repression](#) in Algeria. In the past two years, dozens of journalists, bloggers, human rights defenders and activists have been harassed, intimidated and arbitrarily detained 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: 12 March 2024

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/>