

# URGENT ACTION

## WHISTLEBLOWER ACTIVIST'S CONVICTION UPHELD

Mohamed Benhlima is a former military officer and anti-corruption activist who exposed the corruption of high-ranking Algerian military officials. He fled Algeria to Spain in September 2019 out of fear of being targeted by the authorities for his participation in a peaceful mass anti-government protest movement. He was sentenced to death in absentia in 2021. On 4 September 2022, an Algiers appeal court upheld his conviction in relation to charges of "participation in a terrorist group" and "publishing fake news undermining national unity", in three separate cases and sentenced him to a total of twelve years in prison. Mohamed Benhlima faces several other legal cases according to a close family member and is currently detained in solitary confinement at a military prison.

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

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Your Excellency,

*I am writing to raise concerns about the ongoing detention of whistle-blower and anti-corruption activist **Mohamed Benhlima**, a 33-year-former military official, who's been detained in El-Blida military prison since 28 April 2022. He remains held in solitary confinement, granted 10-minute breaks per day and continuously denied any contact with other prisoners. Officers at El Blida military prison have also banned him from receiving meals, clothes and even books provided by his family.*

*He was sentenced to death in absentia in 2021, while still an asylum seeker in Spain, on charges of espionage and desertion. On 4 September 2022, an Algiers appeal court upheld the conviction and sentenced him to a total of twelve years in prison in three different cases. He stood charges for "participation in a terrorist group" (Article 87bis 3 of the Penal Code) and "publishing fake news undermining national unity" (Art.196 bis). On 19 June 2022, he had testified in front of a judge in Kolea court that military security agents in S'hawla intelligence center in Algiers subjected him to torture and other ill-treatment for many days straight after his refoulement to Algeria on 24 March 2022. The allegations include him being stripped naked and freezing water poured on his body. The Algerian authorities did not publicly share proof of a formal investigation into Mohamed Benhlima's claims of torture and other ill-treatment taking place despite his family formally requesting an investigation in a letter they addressed to the Algerian authorities on 25 June 2022. The prison administration also practice discrimination against him and his family as they leave them waiting until the official visit time is almost over and that all other families have finished their visits before allowing them to see him for less than 10 minutes and in the presence of guards. Mohamed Benhlima's family have also reported several acts of intimidation against them. They reported unnecessary questioning by El Blida prison staff following every visit paid to Mohamed Benhlima.*

***I urge you to ensure the immediate release of Mohamed Benhlima, to quash his death sentence in absentia, and to drop all the charges against him as they are based solely on the exercise of his rights to freedom of expression and peaceful assembly. Pending his release, I urge you to ensure that he is removed from solitary confinement and that he is held in conditions meeting international standards and protected from torture and other ill-treatment. Finally, I urge you to continue to grant him, meanwhile, the right to regularly communicate with his family and lawyers and to refrain from any act of intimidation against them.***

Yours sincerely,

## ADDITIONAL INFORMATION

Mohamed Benhlima is an Algerian citizen who sought asylum in both Spain and France in 2021, a former military official, and whistle-blower who exposed alleged corruption by high-ranking Algerian military officials on his YouTube channel and participated in mass anti-government peaceful protest movement that started in Algeria in 2019. Upon deportation to Algeria, the Algerian authorities widely publicised Mohamed Benhlima's "detention" and gravely violated his right to fair trial rights, most notably his right not to be forced to testify against himself.

Algerian national broadcasting services aired a video in which Mohamed Benhlima "confesses" to the crimes of conspiracy against the state and affirms that he was not treated badly in custody. Mohamed Benhlima had himself released a video from the immigration detention centre in Valencia, Spain, before his forced deportation to Algeria, in which he warns that such videos would not be genuine and would show that he "was subjected to severe torture at the hands of intelligence services".

He filed for asylum in Spain in early 2021 and received a residence permit from Spanish authorities, which he renewed and was valid until 5 November 2021. On 23 August 2021, he received a summons to the police station in Bilbao, Spain. Fearful of a possible extradition to Algeria, he fled to France shortly after. His fear of extradition was based on a similar case of extradition from Spain to Algeria of former military official and asylum-seeker Mohamed Abdellah on 20 August 2021. Mohamed Benhlima was later arrested and brought back to Spain. On 14 March 2022, the Spanish authorities opened an administrative file of expulsion for infringement of Art. 54.1.a. of Immigration Law 4/2000, alleging that Mohamed Benhlima took part in "activities contrary to public security or which may be harmful for Spanish relationships with foreign states".

The Spanish authorities justified the opening of an expulsion file against him based on Mohamed Benhlima's alleged association with political opposition group Rachad, which was listed as a terrorist group by Algeria on 6 February 2022. The Spanish authorities claimed that Rachad's objective was to infiltrate radical youth into Algerian society to protest against the Algerian government and concluded that the activist was a member of a terrorist group. However, the Spanish authorities did not provide any proof of use of violence, advocacy of hatred, or any other action taken by the activist that could be considered as "terrorism" in accordance with the definition proposed by the UN Special Rapporteur on the protection of human rights while countering terrorism.

The Spanish authorities do not appear to have considered a context in which Algerian authorities have increasingly levelled bogus terrorism and national security charges against peaceful activists, human rights defenders, and journalists since April 2021. On 27 December 2021, UN Special Procedures warned that the definition of terrorism in the Algerian Penal Code was too imprecise and undermined human rights. They stated that the procedure for registration on the national terrorist list did not comply with international human rights standards and expressed concern that it could give rise to abuse. On 24 March, at around 7pm, Mohamed Benhlima's lawyers were notified of the resolution of expulsion and promptly filed a request for an interim suspensive measure at the National Court of Spain, which was rejected; however, it was revealed later that the activist was already being escorted on a plane to Algeria at the time.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** Arabic, French, English

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 13 December 2022**

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

**NAME AND PRONOUN:** Mohamed Benhlima (he/his/him)

**LINK TO PREVIOUS UA:** <https://www.amnesty.org/en/documents/mde28/5855/2022/en/>