

AMNESTY INTERNATIONAL JOINT PUBLIC STATEMENT

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Algeria: Two young men arbitrarily detained and prosecuted

Joint Statement by Amnesty International and the Euro-Mediterranean Human Rights Network

Mohand Kadi, a young Algerian student, and Moez Benncir, a Tunisian assistant in a publishing company, will appear before the Sidi M'hamed Criminal Court (*Tribunal correctionnel de première instance*) in Algiers on Sunday, 11 May, accused of participating in a "non-armed gathering" ("*attroupelement non armé*"). Given the arbitrary nature of their detention and the charges brought against them, Amnesty International and the Euro-Mediterranean Human Rights Network (EMHRN) are calling for their immediate and unconditional release.

Mohand Kadi, 23, and Moez Benncir, 25, were arrested on 16 April on the fringes of a demonstration by the Barakat Movement which was violently broken up by police on the eve of the presidential election. They were remanded in custody and charged with participation in a "non-armed gathering which may disturb public order" ("*attroupelement non armé qui peut troubler la tranquillité publique*") under article 97 of the Algerian Penal Code. Others arrested during the demonstration were released at the end of the day.

A decree dated 18 June 2001, which is still in force today, prohibits public demonstrations in the city of Algiers. As a result, although the state of emergency was lifted in 2011, unauthorized demonstrations are deemed to constitute illegal gatherings. Those taking part in them can be prosecuted and risk prison sentences ranging from two months to three years. According to Law N° 91-19 all public demonstrations must have prior authorization. However, in practice, such authorization is rarely granted, especially in the case of organizations that are deemed to be critical of the government.

"The right to freedom of assembly is regularly flouted in Algeria, either because demonstrations are violently broken up by police or because those who exercise that right are prosecuted", said Philip Luther, Amnesty International Middle East and North Africa Director.

"The Algerian authorities must bring national legislation into line with the provisions of the International Covenant on Civil and Political Rights (ICCPR) so that freedom of expression, association and assembly in Algeria are guaranteed, as laid down in the country's Constitution," Michel Tubiana, President of the EMHRN, added.

Furthermore, according to information received by both organizations, Mohand Kadi and Moez Benncir deny having participated in the demonstration on that day. The two young men say that they simply happened to be near the Central Faculty of Algiers, which is close to where Mohand Kadi lives, when the demonstration was taking place. The police who arrested them may have mistaken them for demonstrators from the Barakat movement.

"That two young men can be in prison for having supposedly participated in a demonstration despite denying the accusation and that the right to peaceful assembly is guaranteed in international law once again illustrate the abusive practices used by the Algerian authorities," Amnesty International and the EMHRN said.

The two young men are currently detained in Serkadji Prison (Algiers) pending trial. On 4 May, an application for bail submitted by their defence lawyers was rejected by the Indictment Chamber (*Chambre d'accusation*).

Amnesty International and the Euro-Mediterranean Human Rights Network urge the Algerian authorities to release Mohand Kadi and Moez Benncir immediately and to drop all charges against them. The Algerian

authorities must comply with human rights standards on arbitrary detention, in particular Article 9 of the ICCPR which states that “no one shall be subjected to arbitrary arrest or detention”.

The two organizations also call on the authorities to revoke the 18 June 2001 decree banning peaceful protests and all forms of public demonstration in Algiers and to establish a system of simple notification rather than prior authorization for public demonstrations, as already recommended by the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.