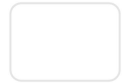


**Flygtningenævnets baggrundsmateriale**

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## AI – Amnesty International

### Amnesty International Report 2022/23; The State of the World's Human Rights; Algeria 2022

Authorities continued to arrest and prosecute people who expressed dissent online or attended protests. They also continued to use anti-terrorism laws to prosecute peaceful activists and journalists, and to close or threaten to close associations. Prison officers subjected prisoners to torture and other ill-treatment with impunity. Authorities closed three churches and refused licences for more, and restricted the right to movement of some activists and journalists. Three lawyers were prosecuted in relation to their defence of political activists or for protesting against a suspicious death in custody. Thirty-seven femicides were reported; no changes were made to the law to protect women. Courts handed down death sentences; there were no executions.

#### Background

On 4 July, the 60th anniversary of Algerian independence, President Tebboune pardoned 1,076 prisoners and issued clemency measures for 70 people indicted but not sentenced for participating in the mass, peaceful protest movement known as Hirak in 2019-2022.

In July, the Moroccan king called for restoration of diplomatic ties with Algeria. Algeria had cut ties in August 2021 over what it called “hostile acts” in relation to the long-standing dispute over the Western Sahara (see Morocco/Western Sahara entry).

In September, the government postponed the planned visit of the Special Rapporteur on the Freedom of Peaceful Assembly and of Association for the eighth time since 2011.

#### Freedom of expression and assembly

The widespread crackdown on freedom of expression and peaceful assembly escalated, with authorities crushing any form of dissent. At the end of the year, at least 280 activists, human rights defenders and protesters remained in prison on charges relating to the peaceful exercise of their rights to freedom of expression and assembly.

In March, a court in the capital Algiers sentenced five young Hirak activists, including Mohamed Tadjadit and Malik Riahi, to two years in prison for publishing a video in which a 15-year-old boy said that police had sexually assaulted him.<sup>1</sup> After the release of Mohamed Tadjadit in August, the Sidi

M'hamed court in Algiers re-ordered his provisional detention in October for the fourth time in three years, but released him a week later.

In April, a criminal court in Adrar city in south-west Algeria sentenced environmental activist Mohad Gasmi to three years in prison for “sharing confidential information without the intent of treason” relating to email exchanges about the exploitation of shale gas in Algeria. He was already serving a prison sentence for “glorification of terrorism” for a Facebook post in which he attributed the radicalization of a prominent Algerian militant to the authorities’ failure to deliver justice and dignity to the people.

## Freedom of association

Authorities suspended at least one political party and threatened to dissolve at least two associations. They also used bogus anti-terrorism charges against members of opposition political parties and movements deemed oppositional. A new law on associations was being drafted.

On 20 January, on the orders of the Ministry of Interior, the State Council suspended the Socialist Workers’ Party (PST), forcing it to cease all activities and close its premises. The PST appealed, but received no response and remained suspended. Also in January, the Ministry of Interior asked the State Council to suspend two other political parties: the Union for Change and Progress; and the Rally for Culture and Democracy.

In April, Abdelrahman Zitout, younger brother of a member of Rachad, an opposition movement the authorities label as “terrorist”, was imprisoned on multiple charges. No evidence of terrorism was brought against him in court. He staged several hunger strikes to protest against his imprisonment.

## Torture and other ill-treatment

Torture and other ill-treatment continued with impunity.

Anti-corruption activist, former military officer and whistle-blower Mohamed Benhlime was transferred to Blida military prison south-west of Algiers in April, held in solitary confinement, subjected to torture and other ill-treatment, and not allowed to receive food, clothes and books from the outside.

## Freedom of religion and belief

Authorities continued to use Decree Law 06-3, which restricts religions other than Sunni Islam, to prosecute members of the Ahmadi Religion of Peace and Light and to close at least three Protestant churches, bringing to 29 the number of churches closed since 2018. Authorities had issued no licences for non-Muslim worship since 2006.

Authorities refused to issue building licences to the Protestant Church of Algeria, which has 47 churches across the country.

In January, the government rejected the UN Working Group on Arbitrary Detention’s view that the sentencing to five years in prison of Hamid Soudad, a Christian, for “offending Islam” under Article

144bis2 of the Penal Code is incompatible with the ICCPR. The government said that the Article protects public order.

In June, the first instance court in Bejaia in east Algiers charged 18 members of the Ahmadi Religion of Peace and Light with “participation in an unauthorized group” and “denigrating Islam” under Article 46 of the Law on Associations and Article 144bis2 of the Penal Code, respectively. The judge ordered that three be detained and the others released pending further investigation. In November, all charges against the group were dropped. On 16 November, the Ministry of Religious Affairs issued a fatwa against the group, declaring them “heretics” and saying they should be “condemned and punished according to the law”.

## Refugees' and migrants' rights

According to UNHCR, the UN refugee agency, over 140 refugees and asylum seekers were arrested or deported between January and mid-September, and at least 21,870 people were deported to Niger in 2022.

In November, authorities forcibly transferred over 60 Syrian and Palestinian men, women and children across the Niger border and left them in the desert.

## Freedom of movement

At least five activists and journalists were prevented from leaving the country without a judicial order, in breach of their right to freedom of movement.

In February, Lazhar Zouaimia, an Algerian-Canadian national and member of Amnesty International in Canada, was charged with “terrorism” for his alleged connection with the Movement for the Self-determination of Kabylie (MAK) and Rachad. Authorities twice stopped him from leaving Algeria, before allowing him to travel to Canada in May.<sup>2</sup> In September, a tribunal in the city of Constantine convicted Lazhar Zouaimia in his absence and sentenced him to five years in prison and a fine.

In August, staff and authorities at Oran airport questioned activist Kaddour Chouicha and journalist Jamila Loukil and prevented them from travelling to Switzerland for a UN conference.

## Right to a fair trial

Authorities arbitrarily arrested defence lawyers, thus undermining the right to fair trial. In June, the first instance court of Tebessa in north-east Algeria sentenced lawyer Abderraouf Arslane to three years in prison, two of them suspended, after he had spent over a year in pretrial detention. He was arrested in May 2021 for defending three Hirak activists, and charged with “spreading fake news” and “terrorist”-related offences.

In May, lawyers Abdelkader Chohra and Yassine Khlifi were arrested for protesting against the suspicious death in custody of an activist, and charged with “spreading fake news” and “incitement to unarmed gathering”. Both were sentenced on 15 August to six months in prison, suspended, and released the same day.

## Women's rights

The Penal Code and Family Code continued to unlawfully discriminate against women in matters of inheritance, marriage, divorce, child custody and guardianship. The Penal Code's "forgiveness clause" allows rapists to escape sentencing if they obtain a pardon from the victim and does not explicitly recognize marital rape as a crime.

The activist group Féminicides Algérie recorded 37 reported femicides in 2022.

## LGBTI people's rights

The Penal Code continued to criminalize consensual same-sex sexual relations, punishable by two months to two years in prison and a fine.

## Workers' rights

The Labour Code continued to restrict the right to form trade unions.

Authorities denied registration to the independent General Autonomous Confederation for Algerian Workers, as they had done since 2013.

On 30 April, police in Bejaia city summoned Nacer Kassa, regional coordinator of the National Autonomous Union of Public Administration Personnel, to request he cancel a protest demanding improved workers' rights. The union did not hold its protest but denounced the ban. In October, Bejaia local authorities refused, without explanation, to allow the union to hold its general assembly.

## Death penalty

Courts continued to hand down death sentences, including for political reasons. The last execution was in 1993.

In October, Mohamed Abderrahmane Semmar, editor of the news outlet Algérie Part, was sentenced to death for "high treason" for leaking information about Algerian oil deals.

In November, the Criminal Tribunal of First Instance in Dar El Beida in Algiers sentenced scores of people, including one woman, to death for the murder of activist Djamel Ben Smail, who was lynched by a crowd in August 2021 in the Kabylie region in north-east Algeria. The judge convicted five of the defendants in their absence of several charges, including for their alleged links to MAK, which the authorities label as "terrorist".

## Failure to tackle climate crisis

Algeria did not update its 2030 emissions target to align with the 1.5°C imperative, and domestic legislation remained insufficient to protect and promote the right to a clean, healthy environment.

In August, wildfires destroyed around 10,000 hectares of forest, killing 43 people.

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1. ["Algeria: End prosecution of activists who exposed torture of a child in police custody", 22 March](#)

## 2. "Algeria: Lift arbitrary travel bans on diaspora activists", 6 May

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