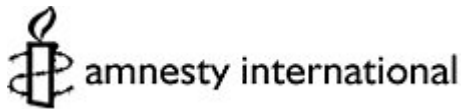


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	188
Land:	Algeriet
Kilde:	Amnesty International
Titel:	Report 2015-2016
Udgivet:	24. februar 2016
Optaget på baggrundsmaterialet:	26. februar 2016



Amnesty International Report 2015/16 - The State of the World's Human Rights - Algeria

The authorities restricted freedoms of expression, association and assembly, arresting, prosecuting and imprisoning peaceful protesters, activists and journalists. Legislators amended the Penal Code to protect women from violence. Perpetrators of torture and other serious human rights abuses in the 1990s continued to evade justice. Courts handed down death sentences; no executions were carried out.

Background

In January, unprecedented protests took place in southern Algeria against fracking – the hydraulic fracture of rock to extract shale gas.

In July, at least 25 people were killed and others were injured in communal violence in the M'zab Valley, 600km south of the capital Algiers.

There were clashes between the security forces and armed opposition groups in various areas, according to media reports. The authorities stated that the security forces killed 109 alleged members of armed groups while disclosing few details of the circumstances in which they were killed. The armed group al-Qa'ida in the Islamic Maghreb (AQIM) said it carried out an attack in the northern province of Ain Defla in July that killed 14 soldiers.

The authorities persisted in their refusal to allow visits to Algeria by some UN human rights bodies and experts, including those with mandates on torture, counter-terrorism, enforced disappearances and freedom of association.¹

Freedom of assembly

In January, the authorities responded to protests against unemployment in the southern city of Laghouat by arresting peaceful activists and protesters, including those protesting in solidarity with detained activists. Some of those arrested were prosecuted on charges including participation in “unarmed gatherings”, including Mohamed Rag, Belkacem Khencha and other members of the National Committee for the Defence of the Rights of the Unemployed (CNDDC), who received prison terms of between one and two years, some of which were reduced on appeal. In March, a court in the southern city of El Oued sentenced five peaceful protesters to prison terms of up to four months. At the end of the year, they remained at liberty pending an appeal to Algeria's High Court.² In October, a court in Tamanrasset sentenced seven protesters to one-year prison terms; six had their prison terms suspended on appeal.³

The authorities continued to enforce a ban on all demonstrations in Algiers. In February, security forces prevented a peaceful gathering in support of anti-fracking demonstrators by arresting people as they arrived at the protest location and detaining them for several hours.

In June, police forcibly dispersed a peaceful protest by members of SOS Disparus, a group campaigning on behalf of victims of enforced disappearance during the internal armed conflict of the 1990s, including elderly relatives of those who disappeared and whose fate the authorities have never disclosed.

Freedom of expression

The authorities prosecuted journalists, cartoonists, activists and others on insult, defamation and other similar charges.

In February, a court in Oran convicted Mohamed Chergui of insulting the prophet Muhammad after Mohamed Chergui's employer, the newspaper *El Djoumhouria*, complained about an article he submitted based on foreign academic research about Islam. He received a three-year prison term and a fine of 200,000 Algerian dinars (around US\$1,900) in his absence. His prison term was later reduced to a one-year suspended sentence, against which he appealed.

In March, a court in El Oued sentenced anti-corruption and CNDDC activist Rachid Aouine to a fine of 20,000 Algerian dinars (around US\$190) and six months' imprisonment – reduced to four months on appeal – after it

convicted him of “incitement to an unarmed gathering”. The charge related to a sarcastic comment that he had posted on Facebook.⁴

Journalist, Abdelhai Abdessamia was released on bail in September after more than two years in pre-trial detention. He worked for the *Djaridati* and *Mon Journal* newspapers until the authorities shut them down in 2013 for reporting on President Bouteflika's health. Authorities accused him of helping to smuggle the newspapers' editorial director out of Algeria to Tunisia. Following his arrest in 2013, judicial police held Abdelhai Abdessamia in arbitrary detention for six days, in breach of Algerian law, before handing him over to the national gendarmerie and military security for interrogation.

In October, security forces arrested activist Hassan Bouras, a leading member of the Algerian League for the Defence of Human Rights (LADDH), in the western city of El Bayadh. He remained in detention at the end of the year while under investigation for “insulting a public institution” and “inciting citizens or inhabitants to take up arms against the authority of the state or against each other”, charges that could incur the death penalty.⁵

In November, a court in El Oued sentenced cartoonist Tahar Djehiche to a six-month prison term and a fine of 500,000 Algerian dinars (around US\$4,600) for “insulting” President Bouteflika and “inciting” others to join a shale gas protest in a comment Tahar Djehiche made on his Facebook page. He had previously been cleared by a court of first instance. At the end of the year, he remained at liberty pending an appeal before the High Court.⁶

Freedom of association

Associations seeking legal registration under Law 12-06, including Amnesty International Algeria, were left in limbo by the authorities, who failed to respond to registration applications. The law, which took effect in 2012, imposes wide-ranging and arbitrary restrictions on the registration of associations and makes it a crime, punishable by up to six months' imprisonment and a fine, to belong to an unregistered, suspended or dissolved association.

Human rights defenders

In August, Italian authorities arrested Algerian human rights lawyer Rachid Mesli, founder of the Geneva-based human rights NGO Alkarama and a political refugee in Switzerland. His arrest came after Algerian authorities requested his extradition on charges of providing phones and cameras to terrorist groups, for which they had convicted him in his absence based on a previous “confession” that he said had been obtained by torture. Italy's judicial authorities placed him under house arrest for more than three weeks before lifting the restriction and allowing him to return to Switzerland.⁷

In December, local authorities banned a training event in Algiers for members of the Maghreb Co-ordination of Human Rights Organizations, including human rights defenders from Algeria, Morocco, Tunisia and Mauritania.

Justice system

In July, the government decreed amendments to the Code of Criminal Procedure, broadening the range of alternatives to pre-charge and pre-trial detention. Suspects were granted a specific right of access to lawyers during pre-charge detention, but not during interrogation.

Following deadly clashes in the northern Saharan region, the security forces arrested 25 people in Ghardaia in July, including Kameleddine Fekhar and other activists supporting the autonomy of the M'zab region, and placed them in pre-trial detention for investigation on suspicion of terrorism and inciting hatred. They remained in detention at the end of the year.

Women's rights

In December, legislators amended the Penal Code, criminalizing physical violence against a spouse and indecent assaults on women carried out in public.⁸ However, women remained inadequately protected against gender-based violence in the absence of a comprehensive law, while the Penal Code continued to give immunity from criminal prosecution to men who rape girls under the age of 18 if they marry their victim.

Impunity

2015 marked the 10th anniversary of the Charter on Peace and National Reconciliation, under which the security forces obtained immunity from prosecution for crimes committed during the internal armed conflict of the 1990s and subsequently, and public criticism of their conduct during the conflict was criminalized. The authorities continued to fail to investigate thousands of enforced disappearances and other serious human rights violations and abuses, bring perpetrators to justice, and provide effective remedies to victims' families. Families of those forcibly disappeared who continued to seek truth and justice were subject to surveillance and repeated summons for questioning by the security forces.

Refugees' and migrants' rights

Sub-Saharan African refugees and migrants continued to enter Algeria irregularly, mostly through the southern borders. Algerian security forces arrested migrants and asylum-seekers, in particular at the southern borders. In April, the Algerian army arrested around 500 sub-Saharan migrants near the border with Niger, according to press reports. The Algerian authorities reported that nationals of Niger within the group were then "voluntarily" returned to Niger in co-operation with Nigerien authorities.

Death penalty

Courts imposed dozens of death sentences, mostly on murder and terrorism charges, including in cases dating back to the internal armed conflict of the 1990s. No executions have been carried out since 1993.

1. The UN Human Rights Council needs to put in place effective measures to evaluate and follow up on non-co-operation with Special Procedures ([IOR 40/1269/2015](#))
2. Algeria: Halt repression of fracking and unemployment protesters ([MDE 28/2122/2015](#))
3. Algeria: End relentless targeting of government critics ([MDE 28/2951/2015](#))
4. Algeria: Halt repression of fracking and unemployment protesters ([MDE 28/2122/2015](#))
5. Algeria: End relentless targeting of government critics ([MDE 28/2951/2015](#))
6. Algeria: End relentless targeting of government critics ([MDE 28/2951/2015](#))
7. Algerian human rights defender at risk of extradition must be released immediately ([MDE 28/2313/2015](#))
8. Algeria: Global reform needed to combat gender-based violence ([MDE 28/3044/2015](#))

© Amnesty International