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Human rights in the Middle East and North Africa: Review of 2019; Algeria

Security forces responded to the mass Hirak protest movement by using unnecessary or excessive force to disperse some demonstrations, arbitrarily arresting hundreds of protesters, prosecuting and sentencing dozens to prison terms using Penal Code provisions such as “harming the integrity of the national territory” and “incitement to an unarmed gathering”. Authorities prohibited the activities of several associations, often in relation to the Hirak protests. Security forces tortured and otherwise ill-treated activists, particularly by beating them. Authorities ordered the closure of nine Christian churches. Security forces arrested and detained thousands of sub-Saharan migrants, forcibly transferring some to the far south of Algeria and expelling others to other countries. Women’s rights groups were active in the Hirak movement, demanding an end to all forms of gender-based violence and the repeal of the Family Code, which discriminates against women in matters of inheritance, marriage, divorce, child custody and guardianship. Same-sex sexual relations continued to be criminalized. The right to form trade unions was unduly restricted. Death sentences were handed down; there were no executions.

Background

In February, the protest movement known as Hirak (“movement” in Arabic) started, with millions of Algerians marching in overwhelmingly peaceful protests in cities across the country, calling for the “removal of everyone” linked to the ruling power. On 2 April, Abdelaziz Bouteflika resigned as president after 20 years in power. In May, police arrested dozens of high-profile politicians and business people on corruption-related charges; from September onwards, courts sentenced them to prison terms.

Despite strong opposition from the protest movement, in July interim President Abdelkader Bensalah named a six-member panel to oversee a national dialogue and in September announced presidential elections, which took place on 12 December.

In November, the European Parliament adopted a resolution on freedoms in Algeria calling on the European External Action Service, the European Commission and member states to support civil society groups, human rights defenders, journalists and protesters, including by arranging prison visits and monitoring trials.

Freedom of expression, association and assembly

The authorities for the most part allowed Hirak protests to take place every Friday in the capital, Algiers, in a shift from the de facto ban on protests there since 2001. However, from late February, security forces used excessive or unnecessary force to disperse a number of peaceful protests in Algiers and other cities; they did so with rubber bullets, tear gas, water cannons and batons. On 19 April, Ramzi Yettou died in hospital after being beaten by police with batons on his way home from a protest that he had attended a week earlier. Security officials regularly limited access to Algiers on Fridays, mainly by setting up special gendarmerie and police checkpoints and threatening to seize vehicles and buses that entered the city and fine the drivers.

Police and gendarmerie officers, often in plain clothes, arbitrarily arrested hundreds of peaceful protesters, often seizing their phones to limit coverage of the protests. From June onwards, courts prosecuted over 100 protesters on charges related to peaceful views they expressed about or during the Hirak protests; dozens were sentenced to prison terms.

Between June and July, prosecutors charged at least 34 peaceful protesters with “harming the integrity of the national territory” simply for holding or carrying at a protest the Amazigh flag.[1] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#_ftn1) In October and November, courts sentenced at least 28 of them to up to 18 months in prison.

In September, at least 24 activists were charged with “incitement to an unarmed gathering” and “harming the integrity of the national territory” simply for peacefully taking part in protests, holding up signs or publishing pictures of the signs or posts online.[2] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#_ftn2)

In November, with the start of the presidential election campaign, security forces intensified their campaign of arrests. Human rights organizations on the ground estimated that at least 300 people were arrested between 17 and 24 November alone. [3] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#_ftn3) In December, authorities released at least 13 peaceful protesters.

Authorities prohibited the activities of several associations, often in relation to the Hirak protests. In August, local authorities in Tichy in northern Algeria banned a planned “summer university” by Youth Action Rally, an association active since 1993 that had been co-ordinating activities related to the Hirak protests. Also in August, authorities banned a meeting in Algiers planned by political groups forming part of the “Pact for a democratic alternative” to discuss the country’s political situation.

During the year, at least 10 Algerian journalists covering the Hirak protests were arrested, held for a few hours and interrogated about their work, while four foreign journalists doing the same were arrested and subsequently deported. Ahmed

Benchemsi, Middle East communications and advocacy director at Human Rights Watch, was arrested on 9 August while observing a protest in Algiers, held for 10 hours and deported 10 days later.

From June onwards, the authorities regularly disrupted access to independent news websites Tout sur l’Algérie and Algérie Part, apparently to censor their reporting on the protests.

Human rights defenders and politicians were also targeted in other contexts.

On 31 March, minority rights activist Kamel Eddine Fekhar, a former president of the section of the Algerian League for the Defence of Human Rights in the city of Ghardaïa, was arrested with another activist for an online post that criticized local judicial authorities. Kamel Eddine Fekhar immediately began a hunger strike, which led to his death in custody on 28 May. The Ministry of Justice announced an investigation into the death, but did not make public any findings.

A military court sentenced Louisa Hanoune, head of the Workers Party, to 15 years in prison in September for “conspiring” against the army after she met two former intelligence chiefs and the brother of former President Bouteflika in late March to discuss the political situation in the country.

The authorities kept many associations, including Amnesty International Algeria, in legal limbo by failing to respond to registration applications submitted in line with the highly restrictive Associations Law.

Torture and other ill-treatment

Security forces tortured and otherwise ill-treated activists, particularly by beating them and holding them in solitary confinement. In January, journalist Adlène Mellah told Amnesty International that, following arrest, gendarmerie officers beat him, subjected him to waterboarding and forced a cloth doused in bleach into his mouth. The authorities failed to order an investigation into his torture allegations.

In November, detained Hirak activists Chems Eddine Brahim Lalami, Sofiane Babaci and Younes Rejal were beaten in custody, according to credible sources. At the end of the year, Karim Tabbou, a leader of the Democratic and Social Union party, was being held in prolonged solitary confinement following his arrest in September after publicly criticizing the head of the army.

Freedom of religion and belief

Authorities in several regions ordered the closure of nine Christian churches, saying that they did not comply with a 2006 decree on “non-Muslim cults” and safety standards.

In June, a court in the north-western port city of Mostaganem sentenced a Christian man to a suspended prison term and a fine of 100,000 dinars (around US\$840) for holding a Christian prayer meeting at his house. In another case, Amar Ait-Ouali was fined 50,000 dinars (around US\$420) for holding a church meeting on his land in a village near Akbou, a town in the Kabylia region east of Algiers, following the forcible closure of the village’s church in October 2018.

In October, police raided and closed the largest Protestant church in Algeria, the Full Gospel Church in Tizi Ouzou, a city in Kabylia. Officers entered the church, assaulted worshippers and forced around 15 of them to leave. The following day, police sealed two other churches in Tizi Ouzou province. On 17 October, police arrested and later released dozens of people who were protesting against the crackdown.

Migrants

Security forces arrested and detained thousands of sub-Saharan migrants. They forcibly transferred some to the far south of Algeria and expelled others to other countries. According to one international organization monitoring the situation on the ground in Algeria and in Niger, almost 11,000 individuals were expelled between January and November. Most of those expelled were from Niger.

Women's rights

Women’s rights and feminist groups were active in the Hirak movement, demanding an end to all forms of gender-based violence and greater gender equality. They called for the repeal of the Family Code, which discriminates against women in matters of inheritance, marriage, divorce, child custody and guardianship, and the effective implementation of laws adopted in recent years, including the 2015 law amending the Penal Code to criminalize violence against women.

The Penal Code continued to contain a “forgiveness clause”, which allowed rapists to escape sentencing if they obtained a pardon from their victim, and not to explicitly recognize marital rape as a crime.

Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

The Penal Code continued to criminalize same-sex sexual relations, prescribing a prison sentence of two months to two years, or in certain cases of six months to three years. An activist in an Algerian LGBTI group told Amnesty International that, while these provisions were rarely used, they made LGBTI people feel vulnerable and were used to pressure LGBTI victims of crime to withdraw their complaints.

In December, then Minister of Interior Salahedine Dahmoune called protesters opposed to the holding of presidential elections “traitors, mercenaries and homosexuals”, causing outrage.

Workers' rights

The Labour Code continued to unduly restrict the right to form trade unions by limiting trade union federations and confederations to single occupational sectors; allowing only Algerian-born citizens or those who have held Algerian nationality for at least 10 years to form trade unions; and restricting foreign funding for trade unions. The authorities continued to deny registration to the independent, cross-sector General Autonomous Confederation for Algerian Workers, which it first filed its application in 2013.

Death penalty

Courts continued to hand down death sentences. No executions had been carried out since 1993.

[1] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#_ftnref1) Amnesty International, *Algeria: 41 arrested for carrying the Amazigh flag as authorities crack down on freedom of expression* (<https://www.amnesty.org/en/latest/news/2019/07/algeria-41-arrested-for-carrying-the-amazigh-flag-as-authorities-crack-down-on-freedom-of-expression/>) (Press release, 5 July 2019), <https://www.amnesty.org/en/latest/news/2019/07/algeria-41-arrested-for-carrying-the-amazigh-flag-as-authorities-crack-down-on-freedom-of-expression/> (<https://www.amnesty.org/en/latest/news/2019/07/algeria-41-arrested-for-carrying-the-amazigh-flag-as-authorities-crack-down-on-freedom-of-expression/>)

[2] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#_ftnref2) Amnesty International, *Algeria: End clampdown on protests amid wave of arrests targeting demonstrators* (<https://www.amnesty.org/en/latest/news/2019/09/algeria-end-clampdown-on-protests-amid-wave-of-arrests-targeting-demonstrators/>) (Press release, 19 September 2019), <https://www.amnesty.org/en/latest/news/2019/09/algeria-end-clampdown-on-protests-amid-wave-of-arrests-targeting-demonstrators/> (<https://www.amnesty.org/en/latest/news/2019/09/algeria-end-clampdown-on-protests-amid-wave-of-arrests-targeting-demonstrators/>)

[3] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#_ftnref3) Amnesty International, *Algeria: Authorities step up clampdown ahead of the presidential elections* (<https://www.amnesty.org/en/latest/news/2019/12/algeria-authorities-step-up-clampdown-ahead-of-the-presidential-elections/>) (Press release, 5 December 2019), <https://www.amnesty.org/en/latest/news/2019/12/algeria-authorities->

[step-up-clampdown-ahead-of-the-presidential-elections/](https://www.amnesty.org/en/latest/news/2019/12/algeria-authorities-step-up-clampdown-ahead-of-the-presidential-elections/)

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