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Algeria

Events of 2021

People attend a demonstration outside the headquarters of the French-language newspaper "Liberté" in a suburb of Algeria's capital Algiers on April 25, 2021 calling for the release of the newspaper's correspondent Rabah Kareche, who was detained by Algerian authorities in the southern city of Tamanrasset earlier in the week.

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After a wide crackdown in 2020 on the “Hirak,” a pro-reform protest movement that pushed President Abdelaziz Bouteflika to resign in April 2019, Algerian authorities widened the scope of the repression in 2021 to include Islamists and activists for the autonomy of the Kabylie region. Scores of protesters, politicians, human rights defenders, and journalists were arrested and prosecuted, some sentenced to years in prison, often on speech-related charges, while political parties were shut down. More than 230 individuals were being held in prison because of their peaceful speech or activism as of November, according to a group monitoring arrests. The government labelled a loosely defined pro-autonomy movement in the Kabylie region and an Islamist group as “terrorist organizations,” and arrested several individuals, including human rights activists and a lawyer, under the accusation of being connected to those groups.

Political Rights and Freedom of Association

Up until the election, in an apparent attempt to disrupt the weekly Hirak demonstrations, security forces habitually rounded up large numbers of protesters, releasing most by the end of the day without bringing them to trial.

On May 18, the High Security Council, an official body headed by President Abdelmadjid Tebboune, [labelled](#) two political movements, the Islamist opposition group Rachad and the Movement for the Self-Determination of the Kabylie region (MAK) as “terrorist organizations.”

The MAK, created in 2001, describes itself as a movement seeking autonomy from Algiers as a prelude to founding an independent state in Kabylie “through peaceful means” and [denies](#) any involvement in violent activities. Rachad, an Islamist opposition party, was founded in 2007 and [claims](#) to “rely on non-violence and peacefulness in any political or social change.”

On June 8, after he [dissolved parliament](#) and called new elections, President Tebboune amended the penal code by [presidential decree](#), expanding Algeria’s already overbroad definition of terrorism to include “any act targeting state security, national unity, or the stability and normal functioning of institutions that aims to ... work toward or incite, by any means whatsoever, gaining power or changing the system of governance by non-constitutional means,” or “undermine the integrity of the national territory or incite [others] to do so, by any means whatsoever.” Among other concerns, the law could be used to target non-violent protesters and political opposition groups seeking changes to the government.

On April 23, police arrested university scholar and human rights defender Kaddour Chouicha, and the journalists and human rights activists Jamila Loukil (Chouicha’s wife) and Said Boudour, in Oran. A tribunal in that city later charged them with “conspiring against State security, inciting citizens to take up arms against authorities, propaganda of foreign origin or inspiration likely to harm national interest, and enlistment in a terrorist organization.” Amnesty International dismissed the charges as “[trumped up](#).”

According to an [account by Frontline Defenders](#), as Chouicha and Boudour left the court on April 28, police rearrested them and questioned them about their human rights work and their alleged involvement with Islamist groups, “which they categorically denied.” As time of writing, Chouicha, Boudour, and Loukil were provisionally free and awaiting trial.

kilometers from Algiers. The five men, all Hirak members, were arrested in connection to a [YouTube video](#) posted on April 3, in which some of them appeared to console a boy who said he was 15 years old and had just been sexually molested by police agents after they arrested him during a protest. A prosecutor in Algiers said the allegation of sexual molestation of the boy was [unfounded](#), and later accused the five protesters of “forming a criminal association, spreading false news, drug possession, broadcasting images that can harm a minor, and incitement of a minor to debauchery.” The five men were still in pretrial detention at time of writing. Tadjadid, also known as “[the poet of the Hirak](#)” for his recitation of his own protest poems before crowds of protesters, had been in and out of prison since the beginning of the protests.

In May, the Ministry of Interior petitioned courts to “suspend” two small political parties, the Union for Change and Progress ([UCP](#)) and the Socialist Workers Party ([PST](#)), on the grounds that they had not completed their legal registration requirements. The same month, the ministry also [petitioned](#) to dissolve the Youth Action Rally (RAJ), a civil society organization whose president, Abdelouahab Fersaoui, had spent seven months in prison between October 2019 and May 2020 for “harming the integrity of the national territory” after he criticized government policies on Facebook. The petition said that RAJ had engaged in activities “different from those it was created for,” including “suspicious activities with foreigners” and activities “of a political nature for the purpose of creating chaos and disturbing the public order.” The tribunal ordered RAJ dissolved on October 13.

On June 30, Fethi Ghares, the leader of Democratic and Social Movement (MDS) opposition party, was arrested in Algiers. A prosecutor charged him with “insulting the president of the republic” and “disseminating information that could harm national interest and undermine public order.” An investigative judge remanded him in custody pending investigation, for “[insulting President Tebboune](#).” He remained in pretrial detention at time of writing.

On August 24, Karima Nait Sid, the co-president of the World Amazigh Congress, an association promoting the rights of the Amazigh ethnic group, was detained incommunicado in an unknown location for three days, according to [Frontline Defenders](#). She resurfaced on September 1 before a prosecutor in Algiers, who charged her with “undermining state security and belonging to a terrorist organization,” apparently in reference to MAK. She was detained in a prison in Tipaza awaiting trial at time of writing.

On August 25, Slimane Bouhafs, an Amazigh activist and Christian convert who spent two years in prison between 2016 and 2018 for “offending the prophet of Islam” and was registered as a refugee with the United Nations in Tunisia in 2020, went missing

witnesses who lived in the same building in Tunis saw three unidentified men carrying a seemingly unconscious Bouhafs out of the building and into a waiting car. Kader Houali, Bouhafs' lawyer, said his client had been charged on six counts, including endangering the security of the state, call to public disturbance, and terrorism offenses. At time of writing, Bouhafs remained in detention awaiting trial.

On September 14, the police arrested journalist and prominent Hirak figure Fodil Boumala. Two days later, an investigative judge in Algiers opened an investigation into accusations of "disseminating false statements published on Boumala's Facebook account and undermining national unity," [according to his lawyer](#). Boumala remained in pretrial detention at time of writing. He had been arrested twice and spent more than five months in prison since Hirak protests began in 2019.

The National Committee for the Liberation of Detainees, a group tracking political detainees, in November [listed](#) 231 persons, including Hirak protesters, human rights defenders, journalists, politicians and civil society activists as behind bars for expressing dissent.

Freedom of Speech

On April 22, a court in Algiers [sentenced](#) religion scholar Saïd Djabelkhir to three years in prison for "offending the Prophet of Islam" and "denigrating the dogma or precepts of Islam," after private citizens complained about his critical writings on Islam.

On May 14, the police arrested Radio M journalist Kenza Khatto and kept her in detention for five days. On June 1, she appeared under provisional release before a judge in Algiers who sentenced her to three months of suspended prison for "participation in an unarmed gathering" and "dissemination of news that could undermine national unity" for no apparent motive other than her [coverage of the Hirak protests](#).

On May 18, Radio M's director Ihsane El Kadi was placed under judicial control for "undermining national unity" and "publications that harm the national interest," after publishing an article criticizing the labelling of Rachad and MAK as terrorist groups. The judicial supervision of El Kadi involved several restrictions, including the obligation to report a police station weekly, the confiscation of his passport, and requiring the permission of local authorities for him to leave the governorate of Algiers.

On June 13, the Ministry of Communication withdrew the accreditation of the French TV [France 24](#), citing unspecified "breaches of ethics" and the channel's "manifestly hostile agenda against Algeria." Two weeks later, authorities withdrew the accreditation

are not allowed to cover press conferences, film in the street, set up live broadcasts, or conduct much of their routine activities. Most of foreign TV channels operating in Algeria work in a legal limbo most of the time due to the delays in obtaining one-year accreditations. According to the local branch of Reporters Without Borders, most foreign channels as of October 1, 2021, had not been accredited yet for 2021.

On June 26, authorities arrested former MP Nordine Ait Hamouda in Bejaia, then transferred him to Algiers the next day and remanded him in custody pending investigation for "insulting symbols of the state," and "attacking a former President of the Republic." The charges pertain to [comments](#) Ait Hamouda made on the privately-owned local Al Hayat TV channel a few days earlier calling historic figures including Emir Abdelkader and Houari Boumediene "traitors." For the same reason, the Ministry of Communication ordered on June 23 a one-week suspension of Al Hayat TV. Ait Hamouda was [granted provisional release](#) on August 23 after two months in El Harrach prison in Algiers. His trial is still pending.

On August 12, journalist Rabah Kareche, the correspondent of the newspaper *Liberté* in the southern city of Tamanrasset, was [sentenced](#) to one year in prison, including eight months suspended, for "undermining national security, national unity and public order via the deliberate dissemination of false information." Kareche had been in pretrial detention since April 18. The day before his arrest, policemen had interrogated him in a police station in Tamanasset [about](#) his coverage of a local protest against revisions in district boundaries. Kareche was released on October 19.

On September 13, authorities arrested Mohamed Mouloudj, and later charged him with "spreading false news, harming national unity and belonging to a terrorist group," the latter charge in reference to the MAK movement. After an investigative judge in Algiers questioned Mouloudj on his contacts with MAK founder Ferhat Mehenni, Mouloudj [answered](#) that the contacts were part of his journalistic work. The judge placed him in pretrial detention, where he remained at the time of writing.

Judicial Independence

On May 30, the High Council of Magistracy (HCM), an official body presided by the president of the Republic, dismissed judge Sadedine Merzoug, spokesperson of the Free Magistrates Club, an un-recognized independent organization founded in 2016. The reason the HCM provided for firing Merzoug was that he "violated his obligation of confidentiality" by posting multiple pro-Hirak statements on Facebook. The French daily *Le Monde* [wrote](#) that Merzoug's explicit support of the Hirak earned him been five disciplinary sanctions since the Hirak started in 2019.

Algerian authorities continued collective expulsions to Niger and Mali of thousands of migrants, including hundreds of children, often without individual screenings or due process. Migrants reported cases of violence, theft of their belongings, arbitrary detention, detention of children with adults, poor treatment in detention, and other mistreatment by Algerian authorities during arrests, detention, and expulsions to land borders. Between January and July, Algerian authorities expelled [13,602 people](#) to Niger, including 8,858 Nigeriens, according to the UN refugee agency (UNHCR); as of October, Alarm Phone Sahara in Niger reported that [over 18,000](#) people had been expelled.

Authorities forcibly repatriated most Nigeriens in truck convoys per a [2014 bilateral oral agreement](#), while they left others of over 20 nationalities, mostly Sub-Saharan Africans, in the desert at the Niger border. Those expelled included [at least 51](#) asylum seekers or other “persons of concern” to UNHCR, in violation of the principle of non-refoulement under international refugee law.

Though a party to the African and UN refugee conventions, Algeria continued to lack a national asylum law and protection framework. Refugees and asylum seekers had free access to public education and primary healthcare, but administrative barriers hindered their access to school and work. According to UNHCR, the government said it would include refugees in its national Covid-19 vaccination plan, and vaccinations for Sahrawi refugees began in May 2021.

Women's Rights

Article 326 of the penal code, a colonial-era relic, allows a person who abducts a minor to escape prosecution if he marries his victim.

Algeria's Family Code allows men to have a unilateral divorce without explanation but requires women to apply to courts for a divorce on specified grounds.

Femicides Algeria [reported](#) that some 38 women and girls were killed in 2021, including 33 reported to have been killed by their husbands, former husbands, fathers, brothers, sons or another family member. Although, a 2015 law made assault on a spouse punishable by up to 20 years in prison and a life sentence for injuries resulting in death, the law does not set out any further measures to prevent abuse or adequately protect survivors, such as protection orders.

The penal code does not explicitly criminalize corporal punishment of children; surveys have found more than 85 percent experience violent discipline in the home.

Same-sex relations are punishable under article 338 of the [penal code](#) by up to two years in prison and adultery is punishable under article 339 of the penal code with one to two years imprisonment. Restrictions on freedom of association also pose obstacles to the work of lesbian, gay, bisexual and transgender (LGBT) groups.

According to a global survey on “state-sanctioned homophobia”, published in 2017, an Algerian law that prohibits the registration of organizations whose aims are inconsistent with “public morals,” and which prescribes criminal penalties for members of unregistered organizations, poses risks to LGBT groups, as well as to human rights organizations that otherwise might support them.

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