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January 9, 2023

## Algeria: Mass death sentences marred by unfair trials, torture claims

The trials of 54 individuals who were sentenced to death over the events that happened in the Kabylie region, in the north-east of Algeria in August 2021, including the lynching of an activist, were marred by fair trial violations and torture claims, while at least six were prosecuted due to their political affiliations, Amnesty International said today.

Of the 54, who were sentenced to death in mass proceedings in November 2022, five were convicted in their absence, one of whom was a woman. According to the decision from the chamber of accusation of the Court of Algiers, reviewed by Amnesty International, at least six were prosecuted due to their association with the

Movement for the self determination of Kabylie (MAK), a political group labelled as a “terrorist” organization by the Algerian authorities in June 2021. Five told the court they were subjected to torture or ill-treatment while in detention.

“By resorting to the death penalty in mass proceedings following unfair trials, the Algerian authorities not only reveal their utter disregard for human life, but also send a chilling message about how justice is delivered in Algeria today,” said Amna Guellali, Amnesty International’s Deputy Director for the Middle East and North Africa.

“Meting out the death penalty is never justifiable, no matter what offence was committed. These callous death sentences and convictions must be urgently overturned. All allegations of torture or other ill-treatment must also be promptly investigated, and retrials ordered for all those convicted in their absence or prosecuted over their political affiliations.”

## **Rampant fair trial violations**

The 54 individuals were convicted and sentenced to death on various charges — including murder, terrorism and setting fires — over the lynching of activist Djamel Ben Smail in Tizi Ouzou, a wilaya in the east of Algeria, on 11 August 2021, the lighting of fires the same month in Kabylie in north-east Algeria, which resulted in the deaths of at least 90 people as well as their membership in MAK. They were also accused of “torture and incitement to torture”, “violently assaulting law enforcement officers” and “dissemination of hate speech and discrimination”.

At least 62 others faced similar charges in the trial bringing the total number of prosecutions in this case to 116. On 24 November 2022, the judge acquitted 17 defendants, yet 28 were sentenced to between two and 10 years in prison. Their lawyers have appealed the verdict.



**Meting out the death penalty is never justifiable, no matter what offence was committed.**

**Amna Guellali, Amnesty International**

In at least two cases the court did not notify the defendants of the charges or the time and place of the trial, violating international fair trial standards.

Other fair trial violations include nine witnesses being absent in the trial that took place behind closed doors between 15 and 24 November, in which the families of

victims of the events of August 2021 were not present.

## **Electrocution and rape threats in custody**

According to one lawyer, who asked to remain anonymous citing the sensitivity of the issue, at least five of those convicted told the judge that their statements were extracted under duress. Defendant Mohamed Laaskri said that law enforcement officers electrocuted him, attempted to waterboard him, and threatened him with rape while he was in custody. The judge responded by saying that it was the responsibility of the defendant to file a complaint before the prosecutor.

Two lawyers also said that at least four defendants sentenced to death in their absence were not in Algeria when the alleged crimes took place. Aksel Bellabbaci, a top executive of MAK who lives in France, said he has not visited Algeria since August 2019. During interrogation, several detainees said Bellabbaci is a contact person for the organization, yet the prosecution could not prove his involvement in the lynching.

Mourad Itim, who lives and works in Canada as the manager of webcast TV Taqvaylit TV, having formerly worked as a coordinator for MAK in North America, said he has not visited Algeria since 2016. He believes his conviction stems from his efforts to peacefully exercise his right to freedom of expression by covering the events of August 2021.

“It is absolutely disgraceful that the Algerian authorities are using the lynching incident as a tool to prosecute state critics and members of the MAK political group. This wilful repression is a grave violation not only of the rights to freedom of expression and association, but also the right to life,” said Amna Guellali.

### **Background**

Since April 2021, the Algerian authorities have extensively resorted to using Article 87 bis of the country’s Penal Code to prosecute activists, human rights defenders and journalists over “crimes” related to “terrorism”.

Algeria has not carried out any executions since 1993. The country, however, is yet to abolish the death penalty or sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

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