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ALGERIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

On April 9, 2009, the Algerian President Abdelaziz Bouteflika, in power since 1999, was re-elected for a third consecutive term following the adoption on November 12, 2008 of a constitutional reform abolishing the restriction on the number of presidential mandates. This election took place in a climate of surveillance that made it almost impossible to contest, or even to cover, the ballot. For instance, the day before the presidential election the Algerian authorities banned the distribution of three French publications, *L'Express*, *Marianne* and *Journal du Dimanche*, which criticised the elections¹. Furthermore, on April 9, 2009, the Algerian authorities arrested two Moroccan journalists working for the Moroccan weekly *Assabae al-Ousbouiya*, Messrs. Hicham El Madraoui and Mahfoud Aït Bensaleh, who had come to cover the presidential election in Algeria. They were questioned for several hours at the Algiers central police station before being released without being charged. When they returned to their hotel, they discovered that their room had been ransacked. The next day, while they were preparing to leave for the airport, they were again stopped by the police and their passports were confiscated. They were finally able to leave Algeria on the next day, after the Moroccan embassy intervened².

Moreover, although private newspapers enjoy more freedom than the National Television Company (*Entreprise nationale de télévision* – ENTV), the sole State-run TV channel, repressive laws on the press, newspaper dependence on public sector revenue and other factors restrict their freedom to criticise the Government, the army and the political and economic elite. In particular, the press laws provide for prison sentences and fines for slander and insults against Government representatives and State institutions. Furthermore, the ban remained on any critical debate on the internal armed conflict that split Algeria in the 1990s. The Algerian authorities indeed refuse to carry out the work of justice and remembrance relating to the events in this conflict.

1/ See Algerian Human Rights Defence League (LADDH) and Reporters Without Borders (RSF) Press Release, April 8, 2009.

2/ See LADDH and RSF Press Release, April 10, 2009.

Another sign of the hardening of the climate of surveillance came in June 2009, when the National People's Assembly (*Assemblée populaire nationale* – APN) adopted a law including special regulations to prevent and fight crimes linked to information and communication technology including cyber-criminality. This law, the second part of which relates to the surveillance of electronic communication for prevention purposes, permits the surveillance of electronic communication in order to “prevent crimes qualified as terrorist or subversive activity and crimes against State security”, for “the requirements of legal investigations when it is difficult to obtain results relevant to enquiries in progress without resorting to electronic surveillance” and when there exists “information on a probable attack on a computer system representing a threat to State institutions, national defence or public order”. These very general provisions give rise to the fear that this law will be used to monitor and repress human rights activities.

Ongoing restrictions to the freedom of association

In 2009, the Algerian authorities continued to prevent human rights organisations from being given legal recognition. Thus, associations of the families of disappeared persons, such as SOS-Disappeared (*SOS-Disparu(e)s*), still do not legally exist because they are not given a receipt by the local authorities³. The Mich'al Association of the Children of the Disappeared from Jijel (*Association Mich'al des enfants de disparus de Jijel* – AMEDJ), created on May 22, 2009, also met with the refusal of the Jijel “wilaya” associations office to issue a receipt on May 24, 2009 for filing their application to create the association⁴. Similarly, the Citizen Generations (*Génération citoyennes*) association had still not been registered as of the end of 2009.

Ban on peaceful assemblies for human rights

In 2009, the Algerian authorities continued the frequent bans on holding meetings on human rights issues, in violation of Article 19 of the Constitution, which guarantees freedom of peaceful assembly. On July 16, 2009, the authorities banned a symposium on “rebuilding society through remembrance of victims”, organised at the trade union house in Algiers by the Coalition of Victims of the State and Victims of Terrorism (*Coalition des associations des victimes de l'Etat et des victimes du terrorisme*), including SOS-Disappeared, “Somoud”, “Djazairouna”, the Collective of the Families of the Disappeared in Algeria (*Collectif des familles de disparus en Algérie* – CFDA) and the Euro-Mediterranean Federation Against Forced

3/ This document establishes legal recognition of an association and permits it to operate. See Law No. 90-31 on Associations.

4/ See LADDH and AMEDJ Press Release, June 30, 2009.

Disappearances (FEMED). The Head of security of the “daïra”, an administrative subdivision of the wilaya, informed the organisers that the ban on the symposium was issued by the “Wali” (Governor) of Algiers for reasons of “public safety”. The symposium was finally held at the headquarters of SOS-Disappeared with far fewer participants and under very difficult conditions: it was held in a room that was too small and was unheated, and it was not possible to warn all the participants of the change of venue⁵. In addition, in a ruling dated May 25, 2009 and for which no reason was given, the services of the Office of General Affairs Legislation (*Direction de la réglementation des affaires générales* – DRAG) of the Algiers wilaya banned a training seminar for journalists on “the role of the journalist in protecting human rights”. The seminar, organised by the Algerian Human Rights Defence League (*Ligue algérienne de défense des droits de l’Homme* – LADDH), was due to be held in Zeralda, west of Algiers, on May 26, 27 and 28, 2009, bringing together 25 journalists from different towns. Similarly, on October 8, 2009, LADDH received a written notification from DRAG, with no reason given, banning it from holding a “National Meeting on the Abolition of Capital Punishment” planned for October 10 to celebrate the World Day Against the Death Penalty. The meeting, which was due to be held at the Hotel El Biar in Algiers, was finally held at LADDH headquarters.

Obstacles to trade union freedom and judicial harassment of union members

In 2009, trade union freedom was still not guaranteed and considerable pressure was put on people who tried to form a trade union. For instance, in 2009, Mr. **Yacine Zaïd**, Secretary General of the local branch of the General Union of Algerian Workers (*Union générale des travailleurs algériens* – UGTA) with Eurest Support Services (ESS), a subsidiary of the Compass group, who had been laid off in 2007, was victim of judicial harassment for having created a trade union branch to defend the interests of employees within the company. He was summoned on March 31, October 20, November 3, 17 and 24, December 1, 8 and 30, 2009 to attend a hearing with the judge of the Ouargla Court, in the east of the country, in connection with seven complaints filed against him by his company’s Director of Human Resources and the Director of the oil platform for which he worked. As of the end of 2009, he remained prosecuted for “defamation” and “insult and injury” after statements were published on Internet denouncing his dismissal and the working conditions of employees in foreign companies established in Algeria⁶.

5/ See LADDH.

6/ *Idem*.

Furthermore, the police broke up, sometimes violently, several peaceful rallies organised by trade unions and demonstrators were subject to judicial proceedings. For example, on November 10, 2009, 50 members of the National Independent Union of Public Administration Personnel (*Syndicat national autonome des personnels de l'administration publique* – SNAPAP), who were taking part in a large strike movement started two days earlier by six independent civil service unions in Algeria, were arrested by the police as they were preparing to spend the night opposite the headquarters of the President of the Republic to protest against the precarious situation of Algerian civil servants. Those arrested, mostly women, were manhandled then taken to a police station where they stayed for several hours before being released. Similarly, union members of the National Committee of Contract Teachers (*Conseil national des enseignants contractuels* – CNEC) who were taking part in the same movement were rushed by the police when they tried to approach the Education Ministry, to which entry was blocked by heavy police contingents⁷. As of the end of 2009, the police had carried out no investigation following these acts of violence.

Acts of intimidation and judicial harassment against a defender of religious minority rights

This year, a defender of religious minority rights was harassed. On June 15, 2009, Mr. **Kamel Eddine Fekhar**, a LADDH activist, was arrested by State security agents from Ghardaïa, in the centre of Algeria, and wrongly accused of “destruction of public property and setting fire to a police vehicle”, incidents that had taken place during the month of January during riots that had shaken the town of Berriane, in Ghardaïa wilaya. The Prosecutor of the Republic released him 24 hours later and placed him on probation. Mr. Kamel Eddine Fekhar is one of the initiators of the appeal to make the Ibadi rite⁸ official in Algeria, and his arrest appeared to be due to his activities for recognition of the rights of Mozabite citizens⁹. At the end of 2009, the investigation against him continued.

Harassment of defenders who denounce corruption

In 2009, several defenders were prosecuted for having denounced local authority corruption. For example, Mr. **Ghoul Hafnaoui**, in charge of the LADDH branch in Djelfa, south of Algiers, and a journalist for the daily newspaper *al-Wassat*, was attacked at his home during the night of January 6 to 7, 2009 by a group of hooded individuals who were waiting

7/ See SNAPAP Statement, November 10, 2009.

8/ Ibadism is a form of Islam distinct from Sunni and Shi'a.

9/ Inhabitants of the M'zab valley and members of the Ibadi sect. See LADDH and *al-Watan* article, June 17, 2009.

for him to return. This attack appeared to be related to his condemnation of the corruption that pervades the city of Djelfa¹⁰. Mr. Ghoul Hafnaoui filed a complaint against unknown persons but, as of the end of 2009, no investigation had been opened¹¹. Furthermore, on October 27, 2009, the Djelfa Court gave Mr. Hafnaoui a suspended sentence of two months in prison and a heavy fine in one of the cases brought against him by local authority bodies. He was sentenced to pay a fine of 50,000 dinars (around 500 euros) in a case brought against him by the Local Administration Department (*Direction de l'administration locale* – DAL) and the Head of DRAG following the publication of an article in *al-Wassat* on September 9, 2008, which called for “the opening of an enquiry concerning a case of corruption involving wilaya officials”¹². Mr. Hafnaoui was also given a six months’ suspended prison sentence in a case brought against him by the Wali of Djelfa, who accused him of slander following the publication in *al-Wassat* on February 18, 2008 of an article that denounced local authority violation of the Constitution and the law, following the ban of a meeting organised by one NGO¹³. Similarly, on July 6, 2009, Mr. **Hassan Bouras**, a journalist and LADDH activist, was sentenced for “defamation” to three months in prison and a fine of 500,000 dinars (around 5,000 euros) by the Court of El Bayadh, in the west of the country. He was prosecuted following the publication of an article one month earlier in the weekly newspaper *al-Khabar Hawadith* that denounced the corruption practised by certain members of Parliament. Mr. Bouras, who had received no summons for the trial, was given the news by a lawyer who was present at the hearing. He opposed the decision but, on November 9, 2009, the El Bayadh Court upheld the sentence¹⁴. Mr. Bouras appealed against the ruling and remained free at the end of 2009. On October 13, 2009, the Sedrata Court sentenced Mr. **Ouahid Boulouh**, a correspondent for *al-Khabar* in Souk Ahras, in east Algeria, to a fine of 500,000 dinars and damages of 500,000 dinars for the civil party for “defamation” after publishing an article that referred to misappropriation of funds for community services at the Local Public Health Centre (*Entreprise publique de santé de proximité* – EPSP). He appealed against the ruling. At the end of 2009, an appeal date had still

10 / See LADDH.

11 / *Idem*.

12 / See LADDH Press Release, October 11, 2009 and *al-Watan* article, October 28, 2009,

13 / *Idem*. Furthermore, as of the end of 2009, the four appeals made by Mr. Ghoul Hafnaoui in 2004 before the Court of Appeals against four sentences to a total of eleven months in prison and a fine of 2,262,000 dinars (around 22,143 euros) in damages and interest were still pending. These sentences followed several complaints filed in particular by the Wali of Djelfa and his family for “defamation”, “insult to the constituent bodies of the State” and “removal of a document from prison”.

not been set¹⁵. In addition, on February 11, 2009, the Appeal Court in Mascara, in west Algeria, sentenced Mr. **Layadi El Amine Yahia**, the correspondent in Mascara for the daily newspaper *Le carrefour d'Algérie*, in his absence, to one year in prison plus a fine of 20,000 dinars (around 200 euros) in a case of defamation. Proceedings had been started against him by the Director of Commerce of Mascara wilaya for an article implicating the latter in acts of corruption. Mr. Layadi El Amine Yahia, who had been acquitted by the Mascara Court at first instance on December 3, 2008, had received no summons for the hearing. He therefore opposed the decision and, at the end of 2009, he was waiting for publication of the final ruling¹⁶. Finally, Mr. **Nouri Benzenine**, a former correspondent for *Echourouk al-Youmi*, was sentenced to two months in prison and a fine of 50,000 dinars (around 500 euros) for “defamation” by the Court of Maghnia, in the west of the country, after a complaint was filed by the Senator of the province concerning a report published on March 14 and 15, 2007 denouncing petrol trafficking in the region. Mr. Benzenine opposed the decision since he had not been informed of the trial date¹⁷.

Urgent Intervention issued by The Observatory in 2009

Name	Violations / Follow-up	Reference	Date of Issuance
Algerian Human Rights Defence League (LADDH)	Obstacles to freedom of assembly	Urgent Appeal DZA 001/1009/OBS 145	October 9, 2009

15/ *Idem*.

16/ *Idem*.

17/ *Idem*.