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People's Democratic Republic of Algeria

Head of state: **Abdelaziz Bouteflika**

Head of government: **Abdelmalek Sellal**

The authorities continued to restrict the rights to freedom of expression, association, assembly and religion, and prosecuted peaceful critics, including human rights defenders, in unfair trials. Refugees and migrants were arbitrarily expelled. Impunity for past serious abuses continued to prevail. Courts handed down death sentences; no executions were carried out.

BACKGROUND

In January, the government dissolved the Department for Information and Security (DRS), the main security agency previously associated with torture and other ill-treatment of detainees. It was replaced with a Security Services Directorate that reports directly to the President.

Also in January, changes to the Code of Criminal Procedure came into effect, including new witness protection measures, limits to the right to appeal in minor offence cases and amendments allowing suspects to contact lawyers immediately when they are taken into police custody. The changes did not give suspects the right to have their lawyer present during interrogation.

Constitutional amendments adopted in February included the creation of a National Human Rights Council to replace the National Consultative Commission for Promotion and Protection of Human Rights. Other amendments included making Tamazight a national language, thus enhancing the cultural rights of the Amazigh population. ^[1]

The authorities continued to block access to Algeria by UN human rights mechanisms, including those with mandates on torture and other ill-treatment, counter-terrorism, enforced disappearance and freedoms of association and peaceful assembly. The authorities also continued to prevent international organizations, including Amnesty International, from conducting human rights fact-finding visits.

FREEDOMS OF ASSOCIATION AND ASSEMBLY

The authorities continued to leave many civil society associations, including Amnesty International Algeria, in legal limbo by failing to acknowledge their registration applications. Such applications were required under Law 12-06 on associations, which imposed wide-ranging arbitrary restrictions on associations and exposed members of unrecognized associations to up to six months' imprisonment and fines.

The authorities tightly restricted freedom of assembly, maintaining a ban on all demonstrations in the capital, Algiers, under a decree from 2001, and arresting and prosecuting peaceful protesters.

In January a court in Tamanrasset imposed fines and one-year prison sentences on seven peaceful protesters convicted of "unarmed gathering" and "offending public institutions" for protesting in December 2015 about a local land dispute. Six of the seven protesters were released in July under a presidential pardon. The seventh, activist Dahmane Kerami, remained in prison serving a one-year sentence in a separate case. He was convicted of participating in "unarmed gatherings" and "obstructing traffic" during peaceful protests in Tamanrasset in 2015 against shale gas fracking and in support of workers laid off by a local gold mining company. He was released on 31 December after serving his sentence.^[2]

In March, a court sentenced activist Abdelali Ghellam to one year in prison and a fine after convicting him of inciting others to participate in an "unarmed gathering" and "obstruct traffic". The charges related to comments about the protest in Tamanrasset that he published on Facebook. He was released in April.

FREEDOM OF EXPRESSION

The authorities prosecuted peaceful critics and forced the closure of media outlets.

In March, a court in Tlemcen convicted and fined Zoulikha Belarbi, a member of the Algerian League for the Defence of Human Rights (LADDH), for defamation and for "offending" the President and a public body. The charges related to her publishing a satirical collage on Facebook depicting President Bouteflika and senior officials. A six-month prison term was added to her sentence on appeal in December.

In June, the authorities arrested the director and the producer of the private Khabar Broadcasting Corporation and a Ministry of Communication official in connection with two popular satirical current affairs programmes. The three were detained for several weeks before a court sentenced them to suspended prison terms of between six months and one year for licensing irregularities. Gendarmes sealed the recording studios in July, forcing both shows off the air.^[3]

In July, a court sentenced freelance journalist Mohamed Tamalt to two years' imprisonment after convicting him of "offending" the President and public institutions in comments he published on Facebook and in his blog about corruption and nepotism among leading officials. An appeal court confirmed his sentence in August, following a hearing at which he accused prison guards of beating him. He began a protest hunger strike at the time of his arrest in June, became comatose in August, and died in hospital in December. The authorities failed to adequately investigate his alleged beating in detention, his treatment in prison and his death.^[4]

In November, a court in El Bayadh sentenced Hassan Bouras, a journalist and human rights activist, to one year in prison on charges of complicity in offending public officials and a public body after a private television station broadcast film of him interviewing three people alleging police and judicial corruption.^[5]

FREEDOM OF RELIGION AND BELIEF

From June onwards, the authorities targeted members of the Ahmadi Muslim community, arresting more than 50 in Blida and Skikda provinces and other parts of the country on account of their faith, according to media reports and civil society groups. Soon after the June arrests in Blida, the Minister of Religious Affairs publicly accused Ahmadis of "extremism" and of serving foreign interests. In November, a court in Skikda sentenced 20 Ahmadis to fines and prison terms ranging from one month to one year; at the end of the year they remained at liberty pending appeal.

In August, a court sentenced Christian convert Slimane Bouhafs from Setif to five years in prison for "denigrating" Islam and "insulting" the Prophet Muhammad in comments he posted on Facebook. An appeal court reduced the sentence to three years' imprisonment.^[6]

HUMAN RIGHTS DEFENDERS

The authorities harassed and prosecuted human rights defenders. In March, a court in Ghardaia charged lawyer Nouredine Ahmine with "insulting a public institution" and falsely reporting an offence, in relation to a complaint of torture that he had filed, apparently on behalf of a client, in 2014. Nouredine Ahmine had defended many protesters and journalists facing charges arising from their peaceful exercise of their human rights.

In June, an investigative judge in Ghardaia issued an arrest warrant against lawyer Salah Dabouz, a member of LADDH, in relation to comments he made about unrest in Ghardaia and for allegedly taking a computer and camera into a prison.

JUSTICE SYSTEM

Dozens of people arrested in connection with communal violence in 2015 in the Mزاب region remained in pre-trial detention throughout 2016 as the authorities investigated them on charges of terrorism and inciting hatred. They included political activist Kameleddine Fekhar and other supporters of regional autonomy.

In March the UN Human Rights Committee found that Algeria had violated Articles 2, 7 and 9 of the ICCPR. Its findings related to the failure to investigate allegations by businessman Mejdoub Chani that DRS officers had detained him incommunicado and tortured him during interrogation following his arrest for corruption and money laundering in 2009. He remained in prison at the end of the year awaiting the outcome of appeals to the Supreme Court.

WOMEN'S RIGHTS

The Family Code continued to discriminate against women in matters of marriage, divorce, child custody and guardianship, and inheritance. Women and girls remained inadequately protected against gender-based violence in the absence of a comprehensive law. The Penal Code continued to prohibit rape without defining it or explicitly recognizing marital rape as a crime, and allowed men who rape girls under the age of 18 to escape trial by marrying their victim. The Penal Code also continued to criminalize abortions.

REFUGEES' AND MIGRANTS' RIGHTS

The government again failed to enact legislation protecting the right to asylum.

Clashes between local residents and migrants from sub-Saharan Africa occurred in Bechar and Ouargla in March, in Tamanrasset in July, and in Algiers in November.

In December, security forces arrested an estimated 1,500 sub-Saharan African migrants and refugees in Algiers, and arbitrarily expelled hundreds of them to neighbouring Niger within days. Those not expelled were released in the southern city of Tamanrasset and reported being barred from public transport to prevent them returning to Algiers.

COUNTER-TERROR AND SECURITY

Security forces and armed opposition groups clashed in several areas. The authorities said the security forces killed 125 alleged members of armed groups but disclosed few details, raising concern that some may have been extrajudicially executed.

In March, the armed group calling itself al-Qa'ida in the Islamic Maghreb claimed responsibility for a rocket attack on a gas production site in Khrechba. No casualties were reported.

IMPUNITY

The government continued to allow impunity for serious human rights abuses committed during the 1990s, by failing to investigate past abuses and hold those responsible to account. The unlawful killings, enforced disappearances, rape and other torture committed by the security forces, as well as some abuses committed by armed groups, may amount to crimes against humanity.^[7]

DEATH PENALTY

Courts continued to impose death sentences. No executions have been carried out since 1993.

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1. Algeria: Constitution needs stronger human rights safeguards ([MDE 28/3366/2016](#))
 2. Algeria: Further information: Six protesters released, one remains imprisoned ([MDE 28/4437/2016](#))
 3. Algeria: End media restrictions ([MDE 28/4369/2016](#))
 4. Algeria: Further information: Health concern for British-Algerian journalist: Mohamed Tamalt ([MDE 28/4738/2016](#))
 5. Algeria: One year in prison for denouncing corruption: Hassan Bouras ([MDE 28/5299/2016](#))
 6. Algeria: Further information: Prisoner of conscience remains in detention: Slimane Bouhafs ([MDE 28/4783/2016](#))
 7. Algeria: Time to end impunity for past and present abuses ([MDE 28/3521/2016](#))

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