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ALGERIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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While the authorities tried in 2010 to further restrict the freedoms of the civil society, including by intensifying the repression of peaceful assemblies and obstructing meetings, in 2011 they lifted the state of emergency that had been in force for nineteen years for fear of an increase in social protest movements. Despite this progress, many laws that violate freedoms of association and peaceful assembly, as well as administrative practices and harassment by the police and the judiciary, continued to hamper the activities of human rights defenders.

Political context

On February 23, 2011, the state of emergency – in force in Algeria for nineteen years – was lifted by an order published in the Official Journal¹. The decision came following the intensification of social protests that started on January 5, 2011 and left hundreds of wounded people amongst protesters and security forces². Triggered by the announcement in early January of a drastic increase in the price of essential commodities, this grassroots movement echoed the uprisings for democracy and freedom that marked the Arab region in early 2011. However, the end of the emergency rule did not lead to the democratisation of political life or progress with respect to fundamental freedoms. Thus, on February 3, 2011, the Head of State instructed his Government to develop “appropriate texts that will allow the State to keep fighting terrorism until its completion, with the same efficiency, and according to the law”³. The announcement raised fears of the adoption of emergency legislation that would restrict fundamental freedoms and rights. Ordinance No. 11.02, adopted on the same day that the one on the lifting of the emergency rule, legalised the “safe house arrest” in incommunicado detention, of people suspected of terrorism or subversive acts.

In addition, 2010 saw no improvement in terms of respect for human rights, with the authorities stepping up measures to further restrict the

1/ See Ordinance No. 11.01 of February 23, 2011, ending the state of emergency legislation by repealing Decree No. 93.02 of February 6, 1993 extending the duration of the state of emergency declared by Decree Presidential Decree No. 92.44 of February 9, 1992.

2/ See FIDH, the Algerian League for the Defence of Human Rights (*Ligue algérienne pour la défense des droits de l'Homme* - LADDH) and the Collective of Families of the Disappeared in Algeria (*Collectif des familles de disparus en Algérie* - CFDA) Joint Press Release, January 9, 2011.

514 3/ See LADDH Press Release, February 18, 2011.

freedoms of civil society and reinforcing repression. The right to freedom of expression also continued to be sanctioned in Algeria⁴. Thus, the website of *Radio Kalima-Algérie*, the only alternative private news radio in Algeria, as well as its satellite broadcasts, have been blocked since March 17 and 18, 2010 respectively⁵. The crackdown also targeted foreign journalists⁶.

Socio-economic development also deteriorated in the country, marked by chronic housing and education crises, and endemic corruption⁷. On May 6, 2010, the UN Committee on Economic, Social and Cultural Rights issued its Concluding Observations after examining Algeria's application of the International Covenant on Economic, Social and Cultural Rights. The Committee was very concerned by the failure of social dialogue and violations of trade union freedoms, as well as the "administrative, police and judicial interference" vis-à-vis trade unions independent of the public sector. The Committee also noted the non-compliance of the National Consultative Commission for the Promotion and Protection of Human Rights (*Commission nationale consultative de promotion et de protection des droits de l'Homme - CNCPPDH*) with the Paris Principles of independence, transparency and cooperation with members of civil society⁸.

A legislative framework unfavourable to human rights activities

Freedom of assembly and of public protest is still not fully guaranteed in Algeria. Indeed, while the Decree No. 92.44 of February 9, 1992 declaring a state of emergency was repealed⁹, the Act No. 91.19 of December 2, 1991 on Public Meetings and Demonstrations remains in force, as does the decision of the Government Council of June 18, 2001, which prohibits peaceful marches and other forms of public demonstrations in Algiers. Act No. 91.19 provides that, for public meetings, organisers must file a simple

4 / See Statement by the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Frank La Rue, following his visit to Algeria from April 10 to 17, 2011, April 19, 2011.

5 / See Reporters Without Borders, (*Reporters sans frontières* - RSF) Press Release, March 19, 2010.

6 / For example, on September 18, 2010, two Moroccan journalists of the weekly *Assahrae al-Ousbouiya*, a newspaper favourable to Western Sahara joining Morocco, were arrested by the Algerian military authorities upon arrival in Tindouf (southern Algeria), before being deported on September 22 to Morocco. See RSF Press Releases, September 21 and 22, 2010.

7 / See FIDH, LADDH and CFDA Joint Report, *La Mal-vie: rapport sur la situation des droits économiques, sociaux et culturels en Algérie*, May 2010.

8 / See United Nations Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights*, UN Document E/C.12/DZA/CO/4, June 7, 2010.

9 / Decree No. 92-44 of February 9, 1992 empowered the Minister of Interior and Local Government and the Wali with territorial jurisdiction to direct, by order, the temporary closure of venues of all kinds and prohibit any demonstration likely to disturb public order and tranquillity.

declaration to the Wali¹⁰, who must give a receipt. However, in practice, this receipt is very rarely granted. Organisers of public protests must apply for permission from the authorities. Furthermore, Act No. 91.19, as envisaged in the decree declaring a state of emergency, also allows the authorities to ban any meeting that could risk disturbing public order. The authorities regularly prohibited public demonstrations¹¹ and public meetings were rarely allowed, especially when the organisers were human rights organisations. Thus, on the evening of March 24, 2010, the management of regulatory and general affairs of the “wilaya” of Algiers did not authorise the Algerian League for the Defence of Human Rights (*Ligue algérienne pour la défense des droits de l’Homme* - LADDH) to hold its third congress the following two days at the centre of the Zeralda construction material craftsmen society, while the organisation had filed a declaration with the wilaya of Algiers on February 28, 2010. Moreover, following the lifting of the emergency rule, many representatives of the national authorities stated that public marches remained banned in Algiers¹², and President Bouteflika announced that no march would be tolerated in Algiers but that if some people wanted to meet, they could do so in public rooms¹³. In 2011, the National Coordination for Change and Democracy-Barakat (*Coordination nationale pour le changement et la démocratie* - CNCD-Barakat) organised several meetings in Algiers and Oran that were not prohibited¹⁴. Nevertheless, on April 23, 2011, despite a written and signed booking for a room, the Mostaganem authorities refused to hand over the receipt to the organisers of the CNCD Oran on the pretext that the room was not available, and the meeting was therefore not held as planned in the reserved room¹⁵.

Moreover, the Ordinance passed in February 2006 on the implementation of the Charter for Peace and National Reconciliation remains in force, restricting the freedom of expression and action of human rights defenders.

10 / Chief of the administrative districts called wilayas in Algeria.

11 / See *infra*.

12 / See notably Mr. Daho Ould Kablia, Minister of the Interior, on national radio *Chaîne III* on February 24, 2011. See also LADDH Press Release, March 3, 2011.

13 / See *el Watan* Article, February 3, 2011. According to the newspaper, Mr. Bouteflika said on the ban on public marches in Algiers that: “Moreover, Algiers has several public rooms of various capacities, which are freely available to any party or association by legal demand to hear his point of view”.

14 / The CNCD was created on January 22, 2011 by human rights organisations, independent trade unions, student organisations and youth and political parties, to demand the lifting of emergency rule, the release of people arrested during peaceful demonstrations or for crimes of opinion, and for transparency in politics and media. It then split into two distinct groups on February 22, one involving political parties and some civil society organisations (the CNCD) and the other unions, human rights organisations and other civil society organisations (the CNCD-Barakat). See LADDH.

516 15 / See CFDA.

Although these provisions were never implemented, they contribute to the climate of self-censorship in the society, particularly in the media, and discourage critical debate on the conflict of the last decade. This Ordinance provides penalties from three to five years in prison and fines anyone who “by his declarations, writings or any other acts, uses or exploits the wounds of the national tragedy to harm the institutions of the Algerian Democratic People’s Republic, harm the reputation of its agents who honourably served, or tarnish the image of Algeria internationally”. The law penalises a large part of the work of human rights defenders, and in particular the activities related to the fight against impunity and the search for truth and justice.

Similarly, the Algerian authorities continued to prevent human rights organisations from obtaining legal recognition, such as SOS-Disappeared (*SOS Disparu(e)s*), which, despite numerous attempts over many years, has never managed to register a request. Other organisations, like the Mich’al Association of the Children of the Disappeared from Jijel (*Association Mich’al des enfants de disparus de Jijel* – AMEDJ), have still not received a receipt from the local authorities¹⁶.

Ongoing repression of peaceful demonstrations

Defenders organising public gatherings dealing with human rights issues continued to be the subject of consistent retribution from Algerian authorities. For example, on May 3, 2010, a large police force dispersed a peaceful rally at the premises of national television in Algiers to mark the World Day for Press Freedom by demanding the right to freedom of expression in Algeria and denouncing censorship. Four of the organisers, Messrs. **Mustapha Benfodil**, **Adlene Meddi** and **Saïd Khatibi**, leaders of the group “Bezzef” (“It is too much”), which denounces the attacks on freedoms in Algeria, as well as Mr. **Hakim Addad**, Secretary General of the Rally for Action and Youth (*Rassemblement action et jeunesse* – RAJ)¹⁷, were arrested by the police for “unauthorised gathering”. During their detention, they were subjected to a three-hour examination about the rally before being released without charge. On May 26, 2010, the police also used excessive force during a peaceful march organised by the Coordination of the Arouchs, Daïras and Municipalities (*Coordination des*

16 / This document establishes the legal recognition of an association and allows the continuation of its activities. See Act No. 90.31 on Associations.

17 / RAJ aims at raising the awareness and the mobilisation of the youth to social problems and the promotion of cultural and human rights activities.

arouchs, daïras et communes - CADC)¹⁸ of Tizi-Ouzou. The march was organised to commemorate the events of the Algerian Black Spring¹⁹, to denounce the impunity enjoyed by the responsible for abuses and to demand compliance with the commitments of the State under agreements negotiated in 2005, mainly on the State's responsibilities generated by this crisis. A dozen people were injured, including people over the age of sixty. Moreover, the authorities banned for "reasons of public order", rallies organised in February 2011 by the CNCD. On February 11, 2011, on the eve of one of these rallies, the Algerian authorities also brought in for questioning Messrs. **Kateb Said, Akrem el-Kebir, Ait Tayab Hassan, Bouha Yacine** and Ms. **Chouicha Sihem**, members of the LADDH section in Oran, while they were distributing leaflets calling for the march. They were released two hours later without charge. Over 300 people were also arrested during the march of February 12, including Mr. **Mouloud Boumghar**, member of the Collective of Families of the Disappeared in Algeria (*Collectif des familles de disparus en Algérie* - CFDA), Ms. **Chérifa Kheddar**, President of the organisation of victims of terrorism "Djazairouna", Mr. **Achour Idir**, Secretary General of the Council of High Schools in Algeria (*Conseil des lycées d'Algérie* - CLA), and Mr. **Salem Sadali**, Secretary General of the Independent Union of Technical Education and Training (*Syndicat autonome du technique, de l'enseignement et de la formation* - SATEF), before being released without charge. Moreover, on February 19, the police violently dispersed the second national day of action organised by the CNCD, striking protesters gathered at the May 1st Place in Algiers. Mr. **Ali Yahia Abdenour**, Honorary President of the LADDH, was mistreated and Mr. **Rachid Malaoui**, Chairman of the National Independent Union of Public Administration Personnel (*Syndicat national autonome des personnels de l'administration publique* - SNAPAP), was injured. Anti-demonstrators also attacked the demonstrators. Mr. **Abdelmoumène Khelil**, Secretary General of the LADDH, was threatened with violence in front of the police, who did not intervene²⁰.

Continued repression of defenders of economic and social rights

Defenders of economic and social rights were also victims of multiple acts of intimidation. Unionists in particular continued to be harassed by the authorities. For example, on May 12, 2010, the administrative authorities

18 / The CADC is an assembly of representatives in traditional Kabyle village committees and district committees, created following the events of the Black Spring of April 2001. It organises and oversees protests. The daïra is a subdivision of a wilaya in Algeria territorial administration, and the Aruch is a traditional form of democratic assembly in Kabylia.

19 / In April 2001, following the death of a young Kabyle in the local gendarmerie Béni Doualades, riots erupted and were violently repressed by police forces in Algeria.

20 / See LADDH Press Release, February 19, 2011.

closed down and sealed the premises of the House of Unions (*Maison des syndicats*) in Algiers, which is held on a regular basis by SNAPAP, on the pretext of “disturbing public order” and “transforming the premises into a meeting place for girls and young men from different regions of the country”. The decision came on the eve of the Maghreb Union Forum (*Forum syndical maghrébin*) on May 14 and 15, at the House of Unions. Since then, the House was re-opened. Moreover, on October 24, 2010, the administrative authorities refused to renew the passport of Mr. **Mourad Tchiko**, a SNAPAP member who had denounced mismanagement and corruption in the public service, on the pretext of the existence of a case against him in court. This refusal, issued verbally without written notification, would be linked to his union activities²¹. In addition, on February 24, 2011, Mr. Tchiko was arrested by the police outside the National School of Public Works (*Ecole nationale supérieure des travaux publics* - ENSTP) in Kouba, Algiers, where he had gone to support five ENSTP workers who had organised a hunger strike for four days in protest against their working conditions. He was taken to the local security sector of daïra Kouba, before being released without charge several hours later²². In 2010, Mr. **Yacine Zaid**, 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 Compass Group, continued to face legal harassment for having created this union section with the purpose of defending the interests of employees in the company. On December 29, 2010, the Court of Hassi Messaoud condemned him *in absentia* to a three-month imprisonment and a fine of 100,000 dinars (around 1,000 euros) for “defamation,” following an article published on June 12, 2009 in the *el-Watan* newspaper, which focused on trade union rights violations in Algeria. Mr. Zaid was not summoned to the hearing. As of April 2011, he was still free and still awaiting notification of the verdict to appeal. On February 22, 2011, Mr. **Riad Laamri**, a member of the National Committee for the Defence of the Rights of the Unemployed (*Comité national pour la défense des droits des chômeurs*) and of the LADDH, was beaten by the police and arrested during a peaceful rally outside the labour office in the Skikda wilaya for denouncing the situation of unemployed people and defending their rights. He was also verbally abused at the police station before being released two hours later without charge²³. On March 16, 2011, the authorities also arrested Ms. **Dalila Touat**, representative of the National Committee for the

21/ Mr. Tchiko has also been suspended from his job since December 18, 2004 for his union activities. See LADDH Press Release, November 28, 2010.

22/ See LADDH Press Release, February 24, 2011.

23/ See LADDH Press Release, February 22, 2011.

Defence of the Rights of the Unemployed in the Mostaganem wilaya, western Algeria, following her distribution on March 14, 2011 of leaflets calling for the organisation of a peaceful rally on March 20 in Algiers, to call for the respect of the rights of unemployed people. After being held in custody for 24 hours, she was released with a summons to appear in court on April 28, 2011, under the charge of “incitement to an unarmed gathering”, punishable by one year in prison. On the same day, Ms. Delilah Touat was acquitted²⁴.

Students were also targeted by the authorities. On February 20, 2011, students from several schools and universities in Algeria, holding daily peaceful rallies outside the Ministry of Higher Education to demand improvements in their conditions of study and the broadening of the perspective of employment, were attacked by riot police. More than twenty students were injured. The next day, they continued their rally surrounded by a large police force²⁵.

Constant intimidation and harassment against associations of families of the disappeared

Associations of families of victims of enforced disappearances during the conflict that devastated Algeria in the 1990s, continued to face intimidation from the authorities. Thus, on February 4, 2010, two police brigades in Bab Djedid appeared at the premises of SOS-Disappeared to verify whether the association had a license to carry out its activities in Algeria. They returned on February 9, 2010 to interview its President, Ms. **Fatima Yous**, about the activities of the association. The latter refused to answer questions from the brigade until an official mandate was presented. In addition, several of these associations have still no legal recognition²⁶.

Furthermore, the rallies organised by the families of disappeared to claim their rights to truth and justice regarding the fate of their relatives, were regularly banned and/or repressed by the security forces. Thus, on March 8, 2010, at the call of SOS-Disappeared and on the occasion of International Day of Women’s Rights, families of the disappeared tried to gather outside the Department of Justice. The police then intervened, dispersing the families by using excessive force, physically and verbally abusing some demonstrators. Similarly, in the morning of August 4, 2010, police and gendarmes, deployed in large numbers, closed off all access roads to Addis Ababa square in Algiers, where the CNCPPDH is located, to

24 / See LADDH.

25 / See LADDH Press Release, February 21, 2011.

520 26 / See *supra*.

prevent the mothers of the disappeared from peacefully gathering, as they do every Wednesday since August 2, 1998. The mothers tried to access their gathering place for nearly two hours, but were violently pushed back by the police. The following week, on August 11, 2010, the security forces used disproportionate violence to disperse about forty relatives of missing people who had come to demonstrate outside the CNCPPDH. The officials gave no official reason for banning the families' rallies, but merely declared that the order to disperse the gathering by any means "came from above". Several demonstrators were pushed and beaten, including Ms. **Nassera Dutour**, Spokeswoman of the CFDA and member of OMCT General Assembly. Ms. **Fatma Lakehel** and Mr. **Hassan Ferhati**, members of SOS-Disappeared, lost consciousness in the wake of the violence and had to be transferred to hospital. The police also arrested four demonstrators, including Mr. **Sliman Hamitouche**, a member of SOS-Disappeared, an 82 year-old father of a disappeared person, Mr. **Millif**, and two young members of the LADDH. They were released several hours later without charge. Since then, the families of the disappeared have tried in vain to reclaim the space that had been appropriated to them for twelve years to claim their rights to truth and justice, but they are still impeded by the security forces. On August 30, 2010, to mark the International Day of the Missing, SOS-Disappeared organised a large rally outside the main post office (*Grande Poste*) in Algiers. One of the representatives of SNAPAP, who had come to support the families, was the first to be arrested after being beaten because he had chanted slogans. In all, nine people were taken to the Cavaignac police station in Algiers, where they were interrogated for several hours before being released without charge²⁷.

Continued judicial harassment against one defender of the rights of religious minorities

Defender of the rights of the Ibadite religious minority²⁸, Mr. **Kamel Eddine Fekhar**, LADDH activist and one of the initiators of the appeal to the formalisation of the Ibadite ritual in Algeria, was also subject to harassment in court because of his activities for the recognition of the rights of Mozabite citizens. Prosecuted and wrongly accused of "destruction of public property and arson of a police car"²⁹, he appeared again on February 10, 2011 before the Criminal Court of Ghardaia, which has not decided his case as of April 2011. His trial was postponed to October 2011, during the next criminal session.

27 / See SOS-Disappeared Press Release, August 30, 2010.

28 / Ibadism is a form of Islam distinct from the Sunni and Shia.

29 / The incidents allegedly occurred in January 2009 during riots that rocked the city of Berriane in the wilaya of Ghardaia.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
SOS-Disappeared / Ms. Fatima Yous	Obstacles to freedom of association / Intimidation	Urgent Appeal DZA 001/0210/OBS 016	February 12, 2010
	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 002/0310/OBS 036	March 12, 2010
Messrs. Mustapha Benfodil, Adlane Meddi, Saïd Khatibi and Hakim Addad	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 003/0510/OBS 055	May 6, 2010
House of Unions	Obstacles to freedom of association	Joint Press Release	May 14, 2010
Coordination of the Arouchs, daïras and municipalities (CADC)	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 004/0610/OBS 071	June 3, 2010
Families of the disappeared	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 005/0810/OBS 097	August 6, 2010
Families of the disappeared	Obstacles to freedom of peaceful assembly	Press Release	August 13, 2010
Messrs. Kateb Said, Akrem el Kebir, Ait Tayab Hassan and Bouha Yacine and Ms. Chouicha Sihem	Acts of intimidation / Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 001/0211/OBS 017	February 11, 2011