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Amnesty International Report 2017/18 - The State of the World's Human Rights - Algeria

The authorities continued to arbitrarily detain peaceful demonstrators, human rights defenders, activists and journalists. Associations continued to face undue restrictions, and legislation that restricted the right to form trade unions remained in place. Members of the Ahmadi Muslim religious minority group were unjustly prosecuted. Impunity for past abuses prevailed. Migrants faced mass expulsions. Courts handed down death sentences; no executions were carried out.

Background

In January, new austerity measures announced by the government triggered protests and strikes, particularly in the northern Kabylia and Chaouia regions. In February, a presidential decree established Algeria's new national human rights institution, the National Human Rights Council, replacing the National Consultative Commission for the Promotion and Protection of Human Rights. In May, Algeria was examined under the UN UPR process for the third time.¹ (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#endnote-1>) Also in May, legislative elections characterized by low participation brought limited change to party representation in parliament and Abdelmadjid Tebboune briefly became Prime Minister after a government reshuffle, before Ahmed Ouyahia replaced him in August.

Low-level sporadic clashes took place between security forces and armed opposition groups in several areas. In August, a suicide bomber killed himself and two policemen in an attack on a police station in Tiaret, west of the capital Algiers, which was later claimed by both the armed group Islamic State (IS) and al-Qa'ida in the Islamic Maghreb (AQIM).

Freedoms of expression and assembly

The authorities continued to arrest and prosecute peaceful activists, including those protesting about unemployment and public services. Those protesting in solidarity with detained activists, as well as journalists and bloggers covering protests on social media, were also detained.

In January, police arrested renowned blogger Merzoug Touati in Bejaia, Kabylia region, following anti-austerity protests in Kabylia. The authorities kept him in detention while investigating him for interviewing an Israeli Ministry of Foreign Affairs spokesman on his blog, and for posts about the protests.

In June, police arrested journalist Said Chitour on suspicion of espionage and selling classified documents to foreign diplomats. In November his case was transferred to the Penal Court.

The authorities maintained a protest ban in Algiers under a decree from 2001.

Freedom of association

The authorities kept many associations, including Amnesty International Algeria and other human rights groups, in legal limbo by failing to respond to registration applications under the highly restrictive Associations Law. Local authorities denied authorization to the Algerian League for the Defence of Human Rights (LADDH) to hold a human rights meeting in October and a public event celebrating the Universal Declaration of Human Rights in December. The government had yet to produce a new draft law respecting freedom of association, as required by the constitutional amendments of 2016.

Human rights defenders

Human rights defender Hassan Bouras was released in January after a court reduced his one-year prison term to a six-month suspended sentence. Police had arrested him for posting a video on the YouTube channel of the El Bayadh branch of LADDH alleging corruption among high-ranking officials in the city of El Bayadh.

In March, a court in Ghardaia referred human rights lawyer Salah Dabouz of LADDH to trial in relation to comments he made on television about unrest in Ghardaia and for allegedly carrying a computer and camera during a visit to detained activists. The court had kept him under judicial supervision from July 2016 until March 2017, forcing him to travel more than 600km twice a week to report to the court in Ghardaia from his home in Algiers.

In April, the investigative judge at a court in Medea transferred a case against human rights lawyer Nouredine Ahmine of the Network of Lawyers for the Defence of Human Rights (RADDH) to a court in Ghardaia for trial on charges of “insulting a public institution” and “falsely” reporting an offence. The charges related to a complaint of torture that he had filed, apparently on behalf of someone else, in 2014.

Unfair trials

In May, a court in Medea unfairly convicted the founder of the Movement for the Autonomy of the Mzab (MAM), Kamaledine Fekhar, and 21 of his 41 co-defendants of murder, terrorism and other serious offences, for their alleged role in communal violence in Ghardaia province between 2013 and 2015 which left an estimated 25 people dead.² (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#endnote-2>) They were sentenced to prison terms of between three and five years, partially suspended. All were then released between May and July 2017 after having served their sentence. Among the 41 defendants, 37 had been in pre-trial detention, many since 2015.

In July, the Spanish authorities detained MAM activists Salah Abbouna and Khodir Sekkouti after Algerian authorities filed an extradition request against them, citing their criticism of Algerian authorities on Facebook. In October the Spanish authorities released both activists on bail awaiting the National High Court's decision on extradition.

Freedom of religion and belief

More than 280 members of the minority Ahmadi religious movement were prosecuted in relation to their religious beliefs and practices during the year.³ (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#endnote-3>) From April onwards, courts released 16 Ahmadis after reducing or suspending their sentences, while dozens of others remained under investigation or on trial and five remained in detention. In August, authorities rearrested Mohamed Fali, head of the Ahmadi community in Algeria, in Ain Safra, Naama province, before trying him before the Ain Tedles Court of First Instance for collecting donations without a licence, “denigrating Islamic dogma”, and “membership of an unauthorized association”. By the end of the year, he faced six cases pending before different courts arising from the peaceful practice of his faith.

Impunity

The authorities took no steps to open investigations and counter the impunity for grave human rights abuses and possible crimes against humanity, including unlawful killings, enforced disappearances, rape and other forms of torture committed by security forces and armed groups in the 1990s during Algeria's internal conflict, which left an estimated 200,000 people killed or forcibly disappeared.

In January, the Swiss judiciary shelved a war crimes investigation against retired Algerian Minister of Defence Khaled Nezzar for events between 1992 and 1994 in Algeria, citing inadmissibility due to the absence of armed conflict in Algeria at the time.

In February, the UN Human Rights Committee found that the Algerian authorities had violated the right to remedy, the right to life, and the prohibition against torture with regard to Mohamed Belamrania, who was forcibly disappeared and extrajudicially executed in 1995. Days after the UN finding was published, police detained his son, Rafik Belamrania, and charged him with “advocating terrorism on Facebook”. He had filed his father’s case before the UN body and documented other cases of enforced disappearance, arbitrary detention and extrajudicial executions by Algeria’s security forces against suspected supporters of the Islamic Salvation Front (FIS) party during the 1990s. In November he was sentenced to five years’ imprisonment and fined 100,000 Algerian dinars (around USD870).

Refugees’ and migrants’ rights

From April to June, a group of 25 Syrian refugees, including 10 children, were stranded in the buffer zone of Morocco’s desert border area with Algeria.⁴ (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#endnote-4>) In June, the Algerian authorities announced they would permit them to enter Algeria and would allow UNHCR, the UN refugee agency, to provide them with assistance. However, the Algerian authorities later refused to let them in through an unofficial crossing point. The refugees remained stranded in the desert until Morocco granted them protection.

Between August and December the authorities arbitrarily arrested and forcibly expelled more than 6,500 sub-Saharan African migrants to neighbouring Niger and Mali on the basis of racial profiling.⁵ (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/#endnote-5>)

In February, a court in Annaba convicted 27 people, including Algerians, for irregular exit from Algeria after they attempted to leave the country by boat. They were fined 20,000 Algerian dinars (about USD180) each.

Workers’ rights

The Labour Code continued to unduly restrict the right to form trade unions by limiting trade union federations and confederations to single occupational sectors; allowing only Algerian-born people or those who had held Algerian nationality for a minimum of 10 years to create trade union organizations; and imposing restrictions on foreign funding for trade unions. Authorities continued to deny registration to the independent, cross-sector General Autonomous Confederation for Algerian Workers, since it first filed its application in 2013.

In May, the Ministry of Labour banned the National Autonomous Electricity and Gas Trade Union by withdrawing its recognition. A government official publicly denied the ban during an International Labour Conference session in June.

Death penalty

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

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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