

Algeria

The year 2011 saw no improvement in the regressive human rights situation in Algeria. The Algerian regime managed to contain the beginnings of the popular movement that emerged in response to the Arab Spring by promising wholesale reforms and lifting the emergency law, which had been in effect since 1992. These political responses, however, did not stop the authorities from using harsh security approaches to confront and prohibit peaceful assemblies, basing these actions on directives issued ten years ago, and deploying thugs to disrupt peaceful assemblies and terrorize those involved. While the lifting of the state of emergency might have been viewed as an important step on the road to reform, it was accompanied by the granting of additional exceptional powers to the armed forces under the pretext of countering terrorism and subversion, thereby draining the measure of any positive content. On the ground, it brought no improvement to the exercise of public liberties, particularly the right to peaceful assembly and the right to hold public meetings. Human rights defenders and trade-union activists remained targets for various types of pressure, including arrest, interrogation, and prosecution. In terms of legislation, the authorities took action to impose further restrictions on liberties and human rights, especially on media freedoms, the freedom to form parties, and the right to form civic associations and non-governmental organizations and to freely carry out their activities.

“Reforms” hostile to democratic change:

Authorities announced the official lifting of the state of emergency in Algeria on February 23, 2011, pursuant to Presidential Order 1-11,¹ theoretically ending the exceptional state that had provided legal cover for widespread human rights abuses over the last 19 years. The end of the state of emergency could have been a major positive step if it had been accompanied by a serious review of the legislation that contradicts international human rights standards and provides legal backing for the suppression of basic liberties. However, the opposite occurred: further restrictions were placed on these freedoms,² as will be examined in detail below. Any positive impact of the lifting of the state of emergency was also undermined when the authorities immediately replaced their emergency powers with expanded exceptional powers granted to the army to preserve “public order,” on the grounds of combating terrorism and subversion—expressions difficult to define legally—thus authorizing army units to intervene to confront various types of political and social action. This expansion was brought about by a presidential order amending Law 2391, issued on December 6, 1991, on the contribution of the popular national army in missions of preserving the public order outside of exceptional circumstances.³ The authorities also amended the Code of Criminal Procedure, allowing those charged in cases of terrorism to be placed under “secure residence,” for three months, twice renewable, as determined by the investigating judge. This exceptional precautionary measure for terrorist suspects - which could result in up to nine months of detention - was justified as being a protective measure for a certain category of suspects who possess information that may help the justice system to uphold liberties and prevent acts of terrorism.⁴

With regard to the freedom to form civic groups and non-governmental organizations, the authorities adopted a law which increases restrictions on civic and rights work and which blatantly contradicts international standards upholding the right of association. Associations can now only be established with prior approval from the authorities, who have broad prerogatives under

¹ For the full text of the order ending the state of emergency, see <http://www.joradp.dz/JO2000/2011/012/A_Pag.htm>.

² Human Rights Watch, “Algeria: Restore Civil Liberties,” Apr. 6, 2011, <<http://www.hrw.org/news/2011/04/06/algeria-restore-civil-liberties>>.

³ For the full text of the order, see <http://www.joradp.dz/JO2000/2011/012/A_Pag.htm>.

⁴ For the Prime Minister’s statement of Feb. 22, 2011, see <http://www.premierministre.gov.dz/arabe/index.php?option=com_content&task=view&id=1400&Itemid=88>; for the full text of the amendments, see <http://www.joradp.dz/JO2000/2011/012/A_Pag.htm>.

the law to reject associations on the grounds that their objectives conflict with the public order, public morals, or laws and regulations in force in the country. The law does give rejected associations the right to a judicial appeal; however, if the association wins the appeal, it also grants the authorities the right to take measures to cancel recognition of the association within three months of the court ruling. In addition, although the law reduces—but does not abolish—prison sentences for those who manage unlicensed associations, it also increases the monetary fine that may be leveled against them. Moreover, the law makes a combined sentence of imprisonment and a fine mandatory, whereas previously the judge had been authorized to choose between the two penalties.

The new law also gives the authorities the power to regulate NGOs' funding, requiring such organizations to receive approval from state, provincial, or local authorities for all "aid." With the exception of grants disbursed pursuant to official cooperation agreements, the law bars associations from receiving grants, donations, or any other form of aid from any foreign delegation or foreign NGO, thus permitting the authorities to control the financial resources of Algerian NGOs from abroad and, in turn, their activities and partners. Essentially, the law allows the authorities to interfere in and direct the operations of such organizations. The new law permits the dissolution of any organization if it receives foreign funding in violation of the law or pursues activities not listed in its articles of incorporation. Notably, while the previous law required a judicial order to suspend the activities of such associations, the new law requires only an administrative order. The law also prohibits affiliation with international NGOs, except organizations that are active nationally, and even in this instance prior approval from the Ministry of Interior is still required. The law also imposes additional restrictions on the operation of foreign NGOs wishing to work in Algeria. In addition to administrative measures that require the endorsement of an agreement by the government for the approval of the foreign organization, the agreement may be suspended or abrogated on the highly vague grounds of interference in the affairs of the host country, infringement on national sovereignty or the institutional system, or imperilment of the national unity, the public order, the public morals, or the civilizational values of the Algerian people. All current registered NGOs are required to go through a process of re-approval under the new law including the submission of new articles of incorporation in accordance with the law;

these measures threaten to deprive many organizations which are currently legally recognized of the ability to continue their work.⁵

The authorities also adopted a new law on political parties, yet this law did not reduce the authorities control over party life. According to the law, the establishment of new parties is subject to the consent of the Ministry of Interior and a published announcement in the Official Gazette within 90 days; if this period elapses without a response from the ministry, the application is considered rejected. The law prohibits political parties from receiving any funding from any foreign body and requires party officials to submit their annual budgets to the Ministry of Interior to ensure that party funds are adequately tracked and monitored. The law bars the establishment of parties that adopt programs or ideologies embraced by any formerly dissolved political party and prohibits party membership for persons involved in “terrorist” or “subversive” activities. The ban clearly targets those who were previously involved in the now dissolved Islamic Salvation Front in order to prevent them from future involvement in political or party activity.⁶

Before the end of 2011, the authorities adopted a new media law as well. On the positive side, it avoids liberty-depriving penalties for press crimes, replacing them with heavy fines. However, while the law theoretically permits private institutions to enter the field of audiovisual media, it also requires all media workers to comply with a broad array of imprecise regulations that may be easily interpreted to repress freedom of expression and the media. The regulations enjoin respect for “society’s spiritual values,” “the national identity,” “the demands of state security and national defense,” “the demands of foreign policy,” “the obligations of the civil service,” and for the constitution and the law, as well as respect for the confidentiality of security and judicial investigations. The law imposes fines of up to EU 5,000 for defamation of presidents of foreign states and diplomatic missions in Algeria; it also bans foreigners and Algerians residing abroad from investing in the media sector.

⁵ For further details, see: Euro-Mediterranean Human Rights Network, “Algeria: Review of the Proposed Legislation on Associations,” Oct. 27, 2011, <<http://www.euromedrights.org/en/news-en/emhrn-releases/emhrn-statements-2011/10559.html>>.

⁶ Tout Sur L’Algerie, “Ahamm al-ta’dilat al-lati ja’at biha qanun al-ahzab al-siyasiya: al-i’timad, tamwil al-ahzab, al-tadawul ‘ala ri’asatiha,” Aug. 23, 2011, <http://www.tsa-algerie.com/ar/politics/article_4801.html>.

Authorities' stance on social protest movements and peaceful assemblies:

Although for years Algeria has experienced social protests aimed at improving living conditions, January 2011 saw a transformation in these types of movements. On January 3, young people in the towns of Fouka and Bou Ismail, located in the province of Tipaza, took to the streets to protest the sudden spike in oil and sugar prices. Over the next five days, the protest movement spread to more than 24 provinces. It acquired a violent side, accompanied by the destruction of both public and private property, and police used batons, tear gas, and live ammunition to contain the riots. This response to the rioting and violence of the protests ended with three people dead and 800 wounded, among both demonstrators and police. Around 1,100 people were detained; reports from rights organizations indicated that some of them were tortured.

According to some reports, police were careful not to engage in confrontations with protestors - even when they blocked public roads - and limited their intervention to cases in which protestors attempted to storm police stations or other official institutions. This explains the relatively few casualties among demonstrators. It may be said that the Algerian authorities dealt with the protests in a manner that prevented a mass scale revolt, taking into account that repression only added fuel to similar protests in neighboring Tunisia, where a growing intransigence was witnessed on the part of the Ben Ali regime toward demonstrations.⁷ Although the demonstrations were poorly organized and lacked specific political or social slogans, their repercussions and synchronicity with the popular uprisings in Tunisia and later in Egypt permitted some opposition forces to convert the frustrations expressed by youth groups and others into political demands aimed at achieving democratic reforms. Several opposition parties and civil society organizations formed a National Coordinating Committee for Democratic Change, calling for a peaceful march on February 12, 2011 to demand the lifting of emergency law and the release of those detained in the January demonstrations. The authorities sought to undercut the demonstration by announcing their intention to lift the state of emergency and to open up the official media to the opposition and by declaring the

⁷ For more on these protests, see: Abdel Nasser Jaby, "Protest Movements in Algeria," May 30, 2011, Arab Center for Research and Policy Studies, <<http://english.dohainstitute.org/Home/Details?entityID=5ea4b31b-155d-4a9f-8f4d-a5b428135cd5&resourceId=47f3bf71-8f95-4951-a579-176e2f718468>>; and Amnesty International, "Algeria Urged to Allow Peaceful Protests," Feb. 11, 2011, <<http://www.amnesty.org/en/news-and-updates/algeria-urged-allow-peaceful-protests-2011-02-11>>.

release of detainees. On the day slated for the demonstration, the authorities deployed more than 35,000 police officers to surround the capital and prevent the demonstration. Roadblocks were set up at the entrances to the city, and buses carrying demonstrators were stopped, as were trains running in to the capital. Some 400 people who managed to reach the site of the demonstration were detained, only to be released later on in the day.⁸

The following week, the National Coordinating Committee attempted to organize another demonstration, but security forces surrounded the pre-arranged location in the May First Square. This time they did not arrest demonstrators but attacked them instead. Thugs were also deployed to intimidate protestors and split their ranks, as dozens of provocateurs were planted to hold images and signs in support of the Algerian president, some of them armed with knives. The incident also saw an attempted assault on the secretary-general of the Algerian League for the Defense of Human Rights (LADDH).⁹

With every weekly protest called for by the National Coordinating Committee, these same methods were repeated to suppress peaceful demonstrations, even after the official lifting of the state of emergency on February 23, 2011. To justify the arbitrary banning of marches and peaceful protests, the authorities cited a decree issued in 2001 that has yet to be published in the Official Gazette,¹⁰ with the Interior Minister announcing that the time had not yet come to permit assemblies in Algiers.¹¹ Under the unpublished decree, assemblies in the capital are routinely banned, while those outside the capital are at times ignored, even in cases in which organizers were unable to get a permit prior to the gathering. In other cases, however, participants in these protests are dealt with harshly.

Dalila Touat, a representative for the National Committee of the Unemployed in the Mosteghanem province, located 365 km from the capital, was arrested on March 16 and charged with distributing flyers calling for a demonstration in defense of the rights of the unemployed. She spent a night in custody before being referred to the Public Prosecutor in Mosteghanem,

⁸ Algerian League for the Defense of Human Rights, “al-Jaza’ir: man’ masirat ihtijajat silmiya bi-l-Jaza’ir al-‘asima,” Feb. 10, 2011, <<http://www.la-laddh.org/spip.php?article630>>; and BBC Arabic, I’tiqal 400 mutazahir fi masirat al-Jaza’ir al-‘asima, Feb. 12, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/02/110212_algeria_demo.shtml>.

⁹ Euro-Mediterranean Human Rights Network, “Algeria: Banning of a Peaceful Protest March in Algiers,” Feb. 11, 2011, <<http://www.euromedrights.org/en/news-en/emhrn-releases/emhrn-statements-2011/9141.html>>.

¹⁰ Human Rights Watch, “Algeria: Restore Civil Liberties.”

¹¹ Human Rights Watch, “Algeria: End Public Assembly Ban in Algiers,” Mar. 20, 2011, <<http://www.hrw.org/news/2011/03/20/algeria-end-public-assembly-ban-algiers-0>>.

who summoned her to appear on April 28 based on the charges against her; the court acquitted her at that session.¹²

On March 19, large police deployments prevented a march organized over Facebook by a group of young people calling themselves “March 19,” which marks the ceasefire date of the Algerian war of liberation. The march was planned to set out from downtown and head to the presidential office. The authorities detained two of the organizers of the march for a short time before releasing them.¹³ The National Coordinating Committee again attempted to organize a public assembly in Algiers on March 25, even applying for a permit more than two weeks in advance of the assembly. However, official communication regarding the demonstration was received only two days before it was slated to take place, thus impeding the coordinating body’s ability to advertise and organize for the assembly.¹⁴

Increasing pressures on human rights defenders and trade-union freedoms:

Rights and labor activists remained targets of routine pressures and harassment, including arrest, interrogation, and prosecution, due to their labor and advocacy activities. Although trials usually end in acquittals, these actions are nevertheless intimidating and consume activists’ energies in self-defense.

Rights activist Omar Farouk Slimani, a member of the LADDH branch in Laghouat, located 350 km from the capital, was tried along with 20 other youths. They had been arrested in January 2011 while participating in the protest marches taking place in various parts of the country at the time. Investigating authorities charged the activist and his colleagues with unauthorized assembly and assaulting law-enforcement officials. In another case, a criminal court in Ghardaïa, located 700 km from the capital, acquitted prominent rights advocate Kamel Eddine Fekhar, a member of LADDH’s national council, of the charges against him of inciting to torching a police car. He was acquitted after witnesses recanted their statements, saying they had been pressured to testify against him. Trade-union activist Yacine Zaid, chair of the LADDH branch in Laghouat, faces trial on charges of slander and online threats. Zaid was fired from his job after establishing a union

¹² Ibid.

¹³ Ibid.

¹⁴ Human Rights Watch, “Algeria: Restore Civil Liberties.”

committee at his company.¹⁵ The interrogation of Zaid focused on his work with LADDH and the National Coordinating Committee for Democratic Change, as well as his blog.¹⁶ Several independent union activists were also subject to arbitrary prosecution after they called for strikes or the establishment of local union committees. Among them was labor activist Mohamed Hadji, who was fired from the municipality of Chlef and has yet to be reinstated following a court order in his favor. Mourad Tchiko, the national secretary of the Independent National Union of Public Administration Personnel (SNAPAP), also faces prosecution in several cases on charges of incitement to assembly, obstructing work operations, slander, and falsely claiming union status.¹⁷ In September, General Intelligence pressured the owners of the Office of Independent Unions to expel SNAPAP from their offices. According to some reports, the officer charged with the task described SNAPAP leaders as “criminals” and “thugs” with links to foreign bodies that fund them in violation of the law. The officer claimed that the president had issued directives to end SNAPAP’s activities, and he threatened to kill the president of the union. Only a few weeks before this incident, on July 15, the union president’s car was destroyed, at which point he filed a complaint with the judicial authorities requesting an investigation into the circumstances of the incident. Labor activist Malika Fallil, the former president of the National Committee for Workers and Employment and the Social Security Network, was detained for several hours during a sit-in in front of the Ministry of Labor. Security officials threatened to put an end to Fallil’s labor activism, particularly her cooperation with SNAPAP.¹⁸

On October 23, officers with the Intelligence and Security Directorate abducted lawyer and human rights defender Noureddine Belmouhoub, the official spokesman for the Committee in Defense of Former Detainees of the Security Camps. He was held for several days in a secret detention facility, where he was insulted, cursed, and subjected to psychological pressure aimed at forcing him to withdraw a complaint he filed in 2001 against General Khaled Nezar, the former Minister of Defense. Belmouhoub was kidnapped only three days after the former minister was arrested in Geneva

¹⁵ Euro-Mediterranean Human Rights Network, “Algeria: The Harassment of Human Rights Defenders and Independent Union Activists Is on the Rise,” July 12, 2011, <<http://www.euromedrights.org/en/news-en/emhrn-releases/emhrn-statements-2011/9928.html>>.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Euro-Mediterranean Human Rights Network, “Algeria: Stop the Harassment Campaign Against Union Activists,” Oct. 1, 2011, <<http://www.euromedrights.org/en/news-en/emhrn-releases/emhrn-statements-2011/10398.html>>.

on suspicion of having committed war crimes.¹⁹ On November 25, police arrested Nassima Geuttal, a member of the National Front for Change and LADDH, after she declared a sit-in and hunger strike in May First Square to protest human rights abuses in Algeria. She was released later the same day after refusing an offer of release in exchange for a promise to cancel her sit-in.²⁰ On September 12, 2011, a Warfalla court handed down a three-year prison sentence to Diwan Hamza and Aljiya Adel, both members of the National Committee for the Defense of the Rights of the Unemployed. They had been arrested during the first demonstration organized by the committee six months earlier and charged with attempted arson. Generally speaking, members of the committee are subjected to arbitrary arrest or prosecution, despite the peaceful nature of their protest activities in support of guarantees for labor rights. A court in Skikda had previously sentenced another member of the committee to three months in prison, with a suspended sentence.²¹

¹⁹ Front Line Defenders, “Algeria: Arbitrary Arrest and Detention of Human Rights Defender Mr Nouredine Belmouhoub,” Oct. 27, 2011, <<http://www.frontlinedefenders.org/node/16402>>.

²⁰ Front Line Defenders, “Algeria: Arrest and Threats against Human Rights Defender Ms Nassima Geuttal, before Her Subsequent Release,” Nov. 28, 2011, <<http://www.frontlinedefenders.org/node/16678>>.

²¹ Algerian League for the Defense of Human Rights, “al-Jaza’ir: mahkamat Warfala taqdi bi-thalath sanawat sajan nafidhan didd muhtajjin ‘an al-batala,” Sep. 12, 2011, <<http://www.la-laddh.org/spip.php?article910>>.

