

SHOAA's input to the Special Rapporteur on the rights to freedom of peaceful assembly and association Mr. Clément Voule upon his country visit to Algeria from September 16th to September 26th



London 21 August 2023

شعاع لحقوق الإنسان
SHOAA FOR HUMAN RIGHTS

I. Introduction

The peaceful uprising in Algeria that began on February 22, 2019, marked a significant moment in the country's recent history. It provided an opportunity for Algerians to express their aspirations for a more democratic and legitimate form of governance. This movement challenged the existing power structure, particularly the influence of the military, which had previously operated behind a facade of democracy.

In response to this popular demand for change, the government initiated a political roadmap, which, unfortunately, did not align with the desires of the people seeking a democratic transition. As the government's agenda clashed with the will of the people, we observed a crackdown on dissenting voices aimed at maintaining the status quo. Additionally, presidential elections were held on December 12th, 2019, despite concerns raised by civil society organizations (CSOs) and the Hirak movement. These concerns revolved around the lack of transparency and fairness in the electoral process, as well as the failure to meet international standards.

This report focuses on the challenges faced by Algerian pro-democracy activists associated with the Hirak movement in their pursuit of the rights to peaceful assembly and freedom of association. It highlights the various violations committed by Algerian authorities, which contravene not only the Algerian Constitution but also international conventions and treaties that Algeria has committed to uphold.

Furthermore, this report examines the procedures and practical aspects of organizing peaceful demonstrations, the role of security forces during protests, the protection of human rights during such events, legal considerations related to associations, the impact of counter-terrorism measures on the exercise of the right to peaceful assembly and freedom of association, and other relevant topics.

The goal of this report is to shed light on the challenges faced by those advocating for a more democratic Algeria and to advocate for the protection and promotion of fundamental human rights, including the right to peaceful assembly and freedom of association.

The goal of this report is to shed light on the challenges faced by those advocating for a more democratic Algeria and to advocate for the protection and promotion of fundamental human rights, including the right to peaceful assembly and freedom of association.



II. The strategy of power to prevent popular peaceful expression (or how the regime violates the rights to freedom of peaceful assembly)

The Algerian government imposes repressive measures and laws, criminalising the exercise of the right to the freedom of peaceful assembly. As a repressive tool, the authorities use the security services (political police controlled by the Directorate General of Internal Security (DGIS) and judicial police supervised by the Interior Ministry) and the judiciary to clampdown on protests. The DGIS is charged with arresting peaceful activists and the judiciary convicts protestors to prison and fines them. The government has promulgated draconian laws to repress better. During the COVID-19 pandemic the government amended the Penal Code to the virtual indifference and concern of human rights observers. On April 22 and 23, 2020, the National Assembly and then the Algerian Nation Council (Senate) voted unprecedentedly on the government's amendments regarding "moralizing public life, achieving security and social justice." The provisions of this amendment are divided into three areas:

The criminalization of certain acts undermining State security and national unity;

The criminalization of specific actions is likely to undermine public order and security;

The criminalization of certain unfair practices.

The new article 144 of the Algerian Penal Code gives the discretion to the security and judicial authorities to arrest and imprison peaceful demonstrators "with imprisonment of six months to three years and a fine of 100,000 DA to 500,000 DA, or one of these two penalties only, whoever, to damage their honour, their delicacy or the respect due to their authority, contempt in the exercise of their functions or on the occasion of this exercise, a magistrate, a civil servant, a public officer, a commander or an agent of the public force, either by words, gestures, threats, sending or delivery of any object, either in writing or drawing not made public". This article considerably extends the scope reserved for punishing disturbances to public order. The list of means used to define the attack testifies to a clear desire on the part of the authorities to toughen the repressive arsenal, contravening the very principles of freedom of expression and freedom of the press. Its wording suggests that the scope of the offense is sufficiently wide to be able, with a certain latitude, to condemn and jail any person who expresses criticism or opposition (J. Dray, June 26, 2020). The repression of "fake news" is part of the second axis; thus, the new penal code provides for a sentence of one to three years in prison and a fine of up to 300,000 Algerian dinars against "any person judged guilty of spreading false information", and the penalty is doubled in the event of a repeat offense. The sentences can be heavier, from three to five years in prison "if these acts are committed during periods of sanitary confinement or a natural, biological or technological disaster or any other disaster". The Algerian magistrates' union and the media are widely denounced for the total absence of a definition of what is qualified as "false information or fake news" and the lack of a dissemination threshold (J Dray, June 26, 2020). Thus, based on this legal mechanism, the exact charges will strike peaceful Hirak activists and journalists,

namely "dissemination of false information", "incitement to an unarmed gathering", and "attacking the integrity of the national territory", "attack on national security" "attack on the person of the President of the Republic" "attack on the morale of the armed troops". Given the determination of the activists, this appliance did not achieve all the deterrence objectives set by the government then, the Head of State tightened by ordinance the anti-terrorism legislation by introducing article 87 bis of the Penal Code and introduced a new definition of the terrorist act with a broad and inaccurate nature. The most worrying is the use of the expression "unconstitutional means", which targets Hirak activists because of their peaceful demand for a change in the mode of governance. The "terrorist act" charge is serious and punishable by death. In addition, the Penal Code establishes a national list of terrorist persons and entities who commit one of the acts provided for in article 87 bis that a classification commission registers if it is the subject of a preliminary investigation. Criminal prosecution, or whose guilt is declared by a judgement. An official journal publishes the decision to list someone on the national list. This publication is worth noting because the concerned has the right to request the removal of their name from the national list, to the commission thirty days from the date of the publication of the decision. The disjunctive coordinating conjunction implies that persons or entities can be publicly designated as terrorists without a final judgment. Several case examples include Mr Ahmed Mansri, who was sentenced to one year in prison on charges of participating in an unarmed gathering, Mr Abdellah Benaoum, who was sentenced to 14 months in prison on charges of incitement to participate in an unarmed assembly, Mr Abdel Aziz Noureddine, who was imprisoned for 17 months and then acquitted of the charges of incitement to participate in a gathering and the conspiracy to change the regime., and Mr. Merzoug Touati, who was sentenced to one year in prison, on charges of inciting an unarmed assembly.



III. Consequences of violations of the rights to freedom of peaceful assembly: physical violence, arrests, imprisonment and judicial supervision

Thus, based on this repressive strategy applied by the authorities, the Algerian political police carried out hundreds of arrests of peaceful Algerian activists because of their peaceful opposition. Furthermore, to this date of August 14th, 2023, SHOAA has documents that there are 257 prisoners, including 2 women (Kamira Nait Sid and Wissem Sefouane), who are currently languishing in prisons in Algeria just because of their peaceful opposition and represent all socio-professional categories (scientists and professors, doctors, journalists, trade unionists, lawyers, students, politicians). Their age varies from 17 to 72 years. The introduction of criminal article 87 bis has only increased the number of detainees.

Since the start of the Hirak demonstrations on February 22, 2019, there have been over one thousand people who have been imprisoned, and more than ten thousand demonstrators were arrested during the movement's marches by the security services, and over four thousand people have been prosecuted by the courts which constitute the legal arm of this regime. This situation was made possible only because there is no independent justice.

IV. Abuse of pre-trial detention

Although it is difficult to estimate their exact number, a good part of the peaceful activists have been arrested during the demonstrations, but since the end of the latter because of the COVID19 pandemic and the repression of the security services, the arrests occurred in the street, in their place of work or squarely at home during the night without a written order from the competent judicial authority, in violation with articles 43 to 48 of the Algerian constitution.

In the village of Ath Laksar (wilaya of Bouira), the political police arrested forty people during the night just because they participated in a peaceful demonstration in their town in favor of democracy and for the release of prisoners of conscience, thus violating article 41 & 42 & 48 & 49 & 50 & 51 of the Constitution. Among these, Mr Yahia Semache, head of a humanitarian aid association, and an activist known for his peaceful activity in favour of defending the political rights that the Algerian Constitution recognizes. This activist was illegally arrested by the political police and then brought before the investigating judge, who placed him in pretrial detention for investigation. It is the case for the overwhelming majority of peaceful activists, and as their files are empty, political police investigators will try to find evidence of their guilt in items seized from their homes, such as cell phones and computers, thus violating articles 46 & 47 of the Constitution. Sometimes, although rare, the judge acquits the peaceful activist and orders the return of his property (mobile phone and computer), but the political police refuse to return them to him (case of Fodil Boumala, who is charged with inciting an unarmed assembly, insulting an official body, and distributing publications that could undermine national interests.) on the pretext that the investigation is ongoing.

These pretrial detentions for inquiry should be the exception and not the rule according to article 123 of the Algerian Code of Criminal Procedure, but they are practiced regularly and widespread and they have become the norm. The problem with this article (article 123 of the Algerian Code of Criminal Procedure) is that the way it was drafted poses a problem. For instance, the Code of Criminal Procedure announces the principle and then, in the same sentence or second paragraph, adds the exception to the guide and enjoins the conditions motivating recourse to the exception. This way of drafting the law gives the illusion and gives those who apply it the latitude to dispose of it as they wish, leading to abuse and the exception ends up becoming the rule. In addition, pretrial detention is against the principle of the presumption of innocence that the Algerian Constitution recognizes (art. 41; chapter first of fundamental rights and public freedoms of the Algerian Constitution).

Moreover, such a serious decision to remand in custody is concentrated in the hands of a single person, the investigating judge and not in the hands of a college of magistrates, for example, has opened the door to abuse and runs counter to respect for human rights. Most often, the investigating judge does not provide evidence that goes against the innocence of the peaceful activist to justify his remand in custody, which suggests that the peaceful activist is already considered guilty even before being tried and raises fears of the absence of a fair trial violating the principle of the presumption of innocence. It is the case of Fethi Gheras, Rachid Nekkaz and hundreds of other peaceful prisoners of conscience, who are being prosecuted on charges of incitement to unarmed assembly and participation in unarmed assembly. Sometimes, the COVID-19 pandemic is used to justify the postponement of the detainee's trial to keep him longer in pretrial detention (Case of Fethi Gheras, coordinator of the MDS and other peaceful activists). This strategy of pretrial detention has considerably increased the prison population, making the conditions of the arrest of peaceful Hirak activists very difficult, as acknowledged by the lawyers and families of the prisoners.

It is scandalous to see that activists are arrested without knowing the reasons for their arrest and without a judicial warrant. However, when these people are remanded in custody and released, they are put on trial, but judges often arrange for the fines to prevent them from obtaining compensation for the harm. In this case, the defendant must appeal to be exonerated if he wants to receive compensation. Therefore, we can say that we are in a situation of lawlessness with all the abuses of the security services



V. Violations of the rights to freedom of peaceful assembly leading to death:

During peaceful demonstrations, unfortunately, some people are arrested when they have committed no offense, but in some cases, they are killed or injured by bullets. In this chapter, four instances that illustrate how the violation of the rights to freedom of peaceful assembly led to the death of these peaceful activists will be cited.



Case Ramzi Yettou:

Young Ramzi Yettou was 23 when he died at Mustapha hospital in Algiers on April 19, 2019, a week after receiving fatal blows to the head on Friday, April 12, 2019 in Algiers, at the end of the demonstration in which he had participated. Before losing consciousness, young Yettou told a rescuer that police had beaten him. This testimony was confirmed by eight witnesses who were present at the scene. The authorities had announced the opening of an investigation into the circumstances of his death. Unfortunately, to date, the investigation's conclusions have not been made public, and those responsible for his death have not been brought to justice.



Case Ouamara Mohamed:

Mr Ouamara Mohamed, 42 years old, from the village of lazouzen, was asthmatic and died on December 12, 2019, after being struck by a tear gas jet in Issers (Boumerdes). Mr Ouamara went out to demonstrate in Issers (Boumerdes) on December 12, 2019, when the security forces launched tear gas canisters towards him, he inhaled the gases, which led to the triggering of an acute asthma attack with respiratory failure which got worse over time. Taken to the village medical center, he died despite attempts of resuscitation.



**Case Ayoub Agh Adjji
(Tinzaouatine):**

On June 15, 2020, demonstrators in Tinzaouatine in the far south of Algeria protested against a security fence blocking access to the city's water supply. Driven by this event, demonstrators from Tamanrasset and Bordj Badji Mokhtar gathered to denounce the marginalization of the south in general and the Tinzaouatine incident in particular. Young Ayoub Agh Adjji was killed by live ammunition by Algerian soldiers and injured four other demonstrators during the demonstration. The Algerian Ministry of Defense said a shot of unknown Malian origin was responsible. Meanwhile, videos circulating on social media clearly showed that this young man was shot in the chest with live ammunition and was left to die on the spot for 15 minutes only to see the military return and transport him, probably already dead, before going to the local hospital where he was pronounced dead. The authorities had announced the opening of an investigation into the circumstances of his death. Unfortunately, to date, the conclusions have not been made public.



Case Abdelhakim Debbazi:

Abdelhakim Debbazi, 55, arrested in February 2022 for publications on social networks in connection with the pro-democracy movement Hirak, died on April 24, 2022, in prison. He was "found dead in troubling circumstances in Koléa jail", according to the defense lawyers. A few days before his death, Mr Debbazi, known to be asthmatic, complained to his visiting family of chest pain and reportedly said corrections officers refused him a visit to the doctor. In Algeria, the authorities announce the opening of investigations into the circumstances of all these deaths, but unfortunately, they never make the conclusions public and impunity sets in and continues.

VI. Violations of the rights to freedom of peaceful assembly led to severe injuries (known as blinded of Hirak)

On the day of the presidential election on December 12, 2019, demonstrations took place in many polling stations across the country. Security forces fired tear gas canisters and rubber bullets at election protesters in Algiers, Béjaïa, Tizi-Ouzou and Bouira. Authorities arrested protesters in these towns and Mostaganem and Sétif. Nevertheless, we insist that the Algerian people have rallied peacefully each time since February 22, 2019. What is remarkable is that the security forces fired rubber bullets and tear gas canisters at the peaceful demonstrators but targeting the face and, in particular, the eyes and causing sixteen injuries and one death (Ouamara Mohamed), including twelve at eye level resulting in the loss of the use of their vision (Anis Meziane, Djemai Amazigh, Dahmouni Lounis, Dib Rabah, Omar Ouchen, to name only those there according to solicitor Ourida Lounis, coordinator of the collective for the defense of the wounded of the Hirak . The collective for defending those injured in the Hirak has been fighting to obtain compensation and the status of Hirak victims but without success. These eye injuries are shocking and unacceptable and occurred in different regions, suggesting that senior officials ordered security forces to target the eyes.



VII. The torture of peaceful protesters (Hirak)

Once arrested before, during or just towards the end of peaceful demonstrations, some demonstrators are taken to police stations and later or directly to the infamous Antar barracks in Ben Aknoun (Algiers) for torture. Those brought back to these barracks are systematically tortured. Although several cases of torture have been reported, few have publicly denounced these medieval practices. We will cite the cases of Walid Nekiche, Sami Dernouni and Mohammed Selmane. The list would have been much more extensive had the judges considered the defendants' depositions. Most often, the judges refuse to listen to the declaration of torture made in court. But if the defendant insists, the judges declare that the purpose of the current session is not to take statements from the defendants but to judge their case (Cases of W. Nekiche, S. Dernouni, M Selmane).

VIII. Socio-economic consequences of violations of the rights to freedom of peaceful assembly of prisoners of conscience

The most worrying thing is that peaceful pro-democracy activists are people who work in their vast majorities and earn a salary that allows them to feed their families but once placed in pretrial detention, their income is suspended and even after they are released, their employers fire them on the orders of the political police violating article 37 & 41 of the Constitution. More serious is that anyone who provides financial support to a detainee placed in pretrial detention based on article 87 bis would be condemned for financial aid to a terrorist and imprisoned based on the same rule (87 bis of Penal Code). In addition, if the detainee receives financial support by post, he is denounced by the postal workers as well as his support and they both find themselves prosecuted for terrorism based on article 87 bis of the Algerian Penal Code even though there is no evidence to justify his remand in custody. The goal of such a move is clearly to starve their families and push any activist to renounce all peaceful opposition. Such a mediaeval practice cannot be tolerated or accepted.

IX. The lack of independent justice and its impact on the rights to freedom of peaceful assembly and freedom of association

The most surprising thing is that in the Algerian Constitution of 2020, article 154 of chapter three (III), which deals with parliament and states that "Treaties ratified by the President of the Republic, under the conditions provided for by the Constitution, are superior to the law". In addition, article 171 of chapter four (IV) which concerns justice, says, "In the exercise of his mission, the judge is required to apply the ratified treaties, the laws of the Republic and the decisions of the Constitutional Court". Since the texts make it possible to respect fundamental rights and public freedoms, one is entitled to wonder why the Algerian magistrates do not apply them if it is not for fear of reprisals by the power in place. One of the most instructive examples is the case of Judge Sadedine Merzoug, who had no less than five disciplinary cases before being struck off by the Algerian Superior Council of the Judiciary (CSM) at the instigation of the Minister of Justice Mr Belkacem Zeghmatti just because he did his duty (S. Ayache; Le monde Afrique of June 15, 2021). Saadedine Marzouk, was a Magistrate Judge who was critical of the Algerian regime. He has been a spokesperson for the unregistered union "Free Judges Club", an independent organization that has previously appeared before the Disciplinary Council. As a result, the Algerian Supreme Judicial Council dismissed him and removed his name from the list of judges on May 30, 2021. Since the start of the protest movement in Algeria, Judge Marzouk has been pursued in five disciplinary cases since 2019 and is facing a criminal trial in retaliation for exercising his right to freedom of expression and association. The Algerian judiciary accuses Judge Marzouk of allegedly "violating the principle of confidentiality" by posting multiple pro-Hirak statements on Facebook.

Through this example, the government wanted to send a strong message to other judges to make them understand what awaited them if they opposed its repressive policy.

Accordingly, it is irrefutable evidence of the lack of independence of the judiciary from the executive power and a blatant violation of Art.161 (Justice is an independent power) and 164 (Justice protects society, freedoms and rights of citizens under the Constitution) of chapter four which deals with the justice of the Algerian Constitution of 2020.

Therefore, it is clear that the Algerian regime had and still does not have the will to apply the Constitution and the international treaties and conventions he ratified. In addition, it is remarkable to note that the government increased the salaries of magistrates by twenty per cent from April 2021 with a retroactive effect of twelve months, not including bonuses.

It should be recalled that the basic salary of a magistrate in Algeria varies according to the rank, between eight and seventeen times the guaranteed national minimum salary (SNMG).

This situation contrasts with the millions of Algerians who live in precariousness for lack of purchasing power worthy of the name to face an excessively high cost of living and a country which is experiencing a terrible financial crisis and unprecedented (Algeria Part; April 28, 2021).

X. Prohibition of the activities of associations and opposition political parties or violations of freedom of association

The Algerian power attacked peaceful activists, civil society associations, and political parties to prevent any form of organization from defending their interests and deprived them of contact with the international organizations it called "the foreign hand". Thus, only associations and political parties subordinate to the regime remain.

A tactic that the administration uses to dissolve the associations and political parties which peacefully oppose it is that it first begins to attack its leaders.

Hotels in Algiers and other major cities continued their practice of refusing to sign rental contracts for meeting spaces with political parties, NGOs, and civil associations without a copy of written authorization from the Ministry of Interior for the proposed gathering. NGOs reported instances of not receiving the written authorization in time to hold planned meetings. NGOs reported that the government threatened hotel and restaurant owners with penalties if they rented rooms to NGOs without official authorization.

In most cases, the NGOs continued to hold their meetings, and police came to the hotels to end the gatherings or monitor proceedings. Police continued to ban unauthorized protests and disperse unauthorized gatherings, and fewer protests occurred compared to prior years.

1. Government's Manipulation of Human Rights Council:

To circumvent respect for human rights, the Algerian government has created the National Council for Human Rights, made up of thirty-eight people appointed by the President of the Republic who came out of nowhere and, above all, are not known for their activism in human rights circles. This council "elected" its President (Mr Abdelmadjid Zaâlani), an unknown in the sphere of human rights.. Mr Zaâlani is presented by the local press as a human rights expert, although he is not known to have made any declaration or action against human rights violations, and the same is true for all members of this instance.

This council is financed directly by the power in place, which guarantees its control by the administration. While the repression is raging, this body has never made a statement condemning the violations of human rights by the government against the peaceful activists of Hirak or any other peaceful protest or has taken action to protest against the human rights violations. In short, this council bears the name of human rights but is completely emptied of its noblest meaning to deceive international opinion and give itself respectability as a country that respects human rights.

2. Impact of New Associations Law:

In another matter, Algeria's new Associations Law imposes arbitrary restrictions on the right to freedom of expression and association, which constitutes a violation of international human rights obligations. Enacted on January 12, 2012, Law No. 12-06 grants the Algerian government greater control over the formation of associations and imposes broad limitations on their purposes and activities. Authorities can refuse registration for associations that are deemed to contravene "national values and constants," "public order," "morality," and applicable laws. The law also allows for the suspension or dissolution of associations that interfere in domestic affairs or compromise "national sovereignty." Some of the strict limitations that violate the right to freedom of association, according to Law 06-12, authorities possess broad discretionary powers to deny legal recognition to non-governmental associations, requiring them to obtain registration permits before operating legally.

The government initiated requests for dissolution at the level of the courts for surprising reasons, without any prior warning or formal notice. Thus, in the case of the association Rassemblement Actions Jeunesse (RAJ), which was founded in 1993, its President, Mr Abdelouahab Farsaoui, was imprisoned and sentenced to one year in prison for a reason "attack on the integrity of the national territory" and then his association was dissolved on October 13, 2021, for surprising excuses "to act in violation of the law on associations" without specifying the exact reason for which it is accused after twenty-eight years of existence.

Still in the same vein, the leaders of the Association SOS Culture Bab El Oued, after twenty-one years of activity in the field of youth and childhood, its leader, Nacer Meghnine, was sentenced to one year in prison and was arrested on April 16, 2021, during his participation in a protest march.

The law also prohibits associations from receiving foreign funding, cooperating with foreign organizations, or seeking membership in them without government approval. Furthermore, the government is empowered to suspend the activities of an association if it deems them to interfere in domestic affairs or compromise national sovereignty. Associative life is the lack of funding to support the activities of non-governmental associations. Only associations close to power can receive financial aid, but never those that oppose it. If, unfortunately, these associations agree to receive financial support from their fellow citizens abroad or outright from foreigners and the power then discovers it, the leaders of these associations will all end up in prison with the accusation of interference from abroad or commonly called "the foreign hand" with heavy penalties.

The law introduces penalties, including imprisonment of up to six months and a substantial fine, for members of unregistered or suspended associations. This effectively criminalizes the exercise of the right to freedom of association, which is internationally recognized. Another tactic that the administration uses against civil society organizations and associations is to dissolve the associations and political parties which peacefully oppose it by beginning to attack its leaders. Then it initiates requests for dissolution at the level of the courts for surprising reasons, without any prior warning or formal notice. The law's conditions are unreasonable and unlawful, including strict limitations on foreign funding for Algerian associations. As a result, independent civil society organizations are at risk of closure, potentially stifling discussions about various issues, including political, social, economic, and human rights concerns. The law has particularly affected associations working on issues such as anti-corruption, environmental protection, women's rights, healthcare, and democratic issues. It has resulted in rejections of registration applications, suspension of activities, and dissolution of certain associations. The law's provisions have been used to suppress and hinder the activities of these organizations.

In short, the Algerian Associations Law (No. 12-06) places stringent restrictions on the formation and operation of associations. The Algerian government has made promises to change this law to comply with international standards and the ratified treaties, but with no real intention to do so for the last 3 years.



3. Concerns Over New Trade Union and Right to Strike Laws:

In another matter, the Algerian government's enactment of two laws, Law No. 23-02 and Law No. 23-08, issued in April 23rd, 2023, concerning trade unions and the right to strike, has ignited widespread condemnation due to their potential impact on workers' rights and the independence of trade organizations. This growing unease has taken center stage in a civil society's preoccupations. The government's assertion of concerns about "disarray within the labor union landscape" as the impetus for these laws has been met with skepticism. We contend that the government may be exploiting these laws to intentionally infringe upon workers' rights and erode the autonomy of trade organizations.

The criteria outlined in the enacted laws dictate that trade unions must fulfil stringent conditions to gain representation. For instance, they are required to amass a membership equivalent to a minimum of 25% of the total workforce within their specific professional, branch, or sectoral domain. Alternatively, representation can be achieved if candidates secure at least 25% of the total votes in relevant elections.

The draft law on the exercise of trade union rights stipulates that strikes that are deemed "sudden, open-ended, intermittent, solidarity-based, or organized for reasons or demands other than social and professional" are considered illegal. The law also empowers legal measures to dissolve a trade union that organizes an illegal strike.

The Algerian Ministry of Labor, Employment, and Social Security has issued guidelines for existing trade organizations to align their statutes with the provisions of these laws. While this may appear as an effort to ensure compliance, it has also been viewed with suspicion that this process could inadvertently contribute to diminishing the independence of these organizations.

Independent Algerian unions, particularly those active in critical sectors like healthcare, education, and public administration, have expressed deep-seated concerns.

They have voiced the belief that these laws, rather than strengthening the democratic rights of workers, might undermine their ability to engage in collective action. This skepticism stems from provisions in these laws that could potentially restrict the conditions under which trade unions achieve representation.

In addition to this, these laws have raised concerns due to their simultaneous emphasis on financial transparency and political impartiality as prerequisites for trade organizations seeking representation. We argue that while these criteria may seem reasonable on the surface, they could be strategically manipulated to weaken the trade unions' autonomy and workers' rights.

4. Suppression of political parties:

The Algerian government's tactics to stifle opposition extend to political parties as well. Whether registered or not, political parties have not escaped prosecution or the suspension of their activities. Thus, the Socialist Workers' Party (PST) saw its activities suspended and its premises closed by a decision of the Council of State in May 2022, on a complaint from the Ministry of the Interior.

In addition, the Minister of the Interior took legal action to ban another party, Social Democratic Movement (MDS), saw its activities suspended and its premises closed by a decision of the Council of State on 23 February 2023, on a complaint from the Ministry of the Interior, due to its activities related to freedoms and its support for detained opinion leaders and activists in prisons, the authorities deemed it illegal and unlicensed, attributing this to its oppositional political content against the government.

In addition, On January 6th, 2022, the opposition party Rally for Culture and Democracy (RCD) received a notice from the Interior Ministry warning that the government would close the party's premises if RCD continued to hold unauthorized meetings. The warning came after a December 2021 meeting at its headquarters where activists called for the creation of a "front against repression and for freedoms,". In October 2021, for the second time, the governor of Tizi Ouzou prohibited RCD from holding its summer meeting planned for October 20-22, 2021 in Azeffoune. On October 16, RCD initiated a legal action before the administrative court of Tizi Ouzou to cancel the ban and the party had not held its event by year's end.

The RCD faced warnings and bans on meetings, indicating the government's intent to curtail its activities. Additionally, hotels and meeting spaces in major cities refuse to engage with political parties, NGOs, and civil associations without official authorization from the Ministry of Interior. Instances of delayed authorization and threats of penalties against venue owners have occurred. Despite this suppression, non-governmental organizations (NGOs) continue to hold meetings, often monitored by police. Unauthorized protests are met with police intervention. This suppression strategy aims to limit political dissent and gatherings that oppose the government's agenda.



5. Academic freedom and international academic participative assembly

On August 12, 2023, the Ministry of Higher Education and Scientific Research of Algeria issued an “explanatory Memorandum to Regional Seminar Organizers”, Number 255 / AR 2023, Regarding Participation in Scientific Conferences and Events.

The text of the memorandum infringes upon principles of academic freedom and freedom of expression. While it doesn't explicitly mention a specific law, it raises concerns related to these fundamental rights. The text discusses the requirement for prior authorization from institutions for participation in international scientific events, whether held in person or remotely. This could be interpreted as a restriction on the ability of academics and researchers to freely engage in scholarly activities, collaborate with international peers, and express their opinions without undue interference.

Worldwide, academic freedom is protected as a legal principle, often enshrined in national laws, regulations, and international agreements. This principle ensures that scholars have the freedom to pursue research, share their findings, and engage in academic discussions without fear of censorship, repression, or punishment. Imposing a requirement for prior authorization from institutions could potentially be seen as a violation of these rights. Additionally, regarding the legal and regulatory framework of Algeria, such a requirement also raises concerns about violation of freedom of association and assembly, as it may impede the ability of academics and researchers to participate in international conferences and events independently.

XI. Non-compliance with international treaties and conventions and their consequences on the rights to freedom of peaceful assembly and freedom of association

It is striking and shocking to see that all the people (lawyers, families, journalists, leaders of associations and parties) who have had to deal with the political police and the justice system legitimately ask themselves what is in the Constitution of 2020, devoted to the fundamental rights and public freedoms of Title II which deals with fundamental rights, public liberties and duties which have not been violated to the point of having emptied it of all meaning. In addition, one may wonder what remains of the human rights treaties and conventions that Algeria has signed and ratified that it respects, namely:

XII. The Universal Declaration of Human Rights,

XIII. The African Charter on Human and Peoples' Rights,

XIV. The Universal Declaration of Human Rights of 1948,

XV. The United Nations Declaration on the Elimination

of All Forms of Intolerance and Discrimination Based on Religion or Belief,

XVI. The International Covenant on Civil and Political Rights (ICCPR), which Algeria ratified on May 16, 1989).

Such practices, namely arrests, arbitrary detentions, convictions following unfair trials based on amendments to the Penal Code and the dissolution of associations as well as political parties, must in no case remain silent, and the international community must call the Algerian power to order so that it first respects its Constitution and also its commitments resulting from the Treaties and Conventions it has ratified.

XVII.Expectations and Recommendations of Civil Society and Peace Activists from the International Community

The Algerian people want respect for the Constitution, treaties, and conventions that the authorities have signed and ratified their application. Therefore, we call on you to urge the Algerian authorities:

1. To bring the Penal Code into line with international human rights standards under the International Covenant on Civil and Political Rights ratified by Algeria.
2. Revision of Associations Law No. 12-06 to ensure that the rights to freedom of assembly and association are protected and upheld in Algeria.
- Revision of Law No. 23-02 (regarding the Exercise of Trade Union Rights) , and Law No. 23-08, (regarding Prevention and Resolution of Collective Labor Disputes and the Exercise of the Right to Strike), to ensure the right to freedom of trade union work and the right to strike in Algeria.
4. To release all detainees imprisoned based on laws that contradict international human rights standards as soon as possible and unconditionally.
5. To amend article 87 bis of the Penal Code to precisely define acts of terrorism and ensure that the provisions relating to the fight against terrorism respect human rights under the Conventions and Treaties that Algeria has ratified.
6. Open an investigation into detention conditions, including in military prisons, and ensure respect for the right to defense.
7. Stop attacks on civil society and parties and rehabilitate them if they have been suspended or dissolved.
8. Make public the findings of investigations into people who died during peaceful assemblies or were detained in connection with them and grant financial compensation to their families.

9. Bring to justice all those responsible for the torture, violence and death of protesters to prevent impunity and recidivism risk and abolish the perpetuation of abuses.
10. Put monitoring mechanisms in place to ensure respect for human rights by civil society (non-governmental human rights association).
11. The embodiment of the recommendations of the fourth session of the UPR for Algeria in the forty-first session of the Working Group on the Universal Periodic Review (UPR) endorsed by the Human Rights Council at its fifty-second session on March 27, 2023, especially those regarding the freedom of assembly and association.
12. To provide families with no income following the provisional detention of the head of the family with financial assistance to live with dignity.
13. To grant financial compensation to all persons who have been unjustly sentenced and detained based on the new articles of the Penal Code.
14. Grant financial aid to all associations without discrimination (including opponents) or leave foreign financial aid transparent to support the activities of human rights associations or other cultural, environmental, or unemployed associations and put the legislation in conformity so as not to incriminate them if they receive this foreign aid.

SHOAA FOR HUMAN RIGHTS

info@shoaa.org



For more information contact us

+44 20 3831 7412

Visit our website

WWW.SHOAA.ORG



2 Lakeside Drive First Central 6 200th floor, London NW107FQ UK