

# Algeria

Algeria is governed by an authoritarian regime based on limited party pluralism, a system which leads in practice to one-party rule with several ineffectual parties - unable to play a real political role - dotting the landscape. The situation is exacerbated by severe restrictions on freedom of opinion and expression, including the near absolute control of the media, and the suppression of the right to peaceful assembly, trade union liberties, and the right to freedom of association.

Particularly since the declaration of a state of emergency in the 1990s, the military establishment has played a dominant role in administering political life and the public sphere in Algeria. At this time, the security and intelligence apparatus and the armed forces were given free rein to commit grave human rights abuses in the name of combating the violence and terrorism unleashed after the authorities abrogated the results of the 1991 parliamentary elections, in which the Islamic Salvation Front (FIS) had won a majority of seats.

To prevent repercussions of the Arab Spring uprisings from spreading to Algeria, the Algerian president vowed in early 2011 to institute serious reforms to strengthen liberties and lifted the state of emergency. However, this was accompanied by granting exceptional powers to the army under the pretext of bolstering counterterrorism measures. Further legislative changes similarly gave the security apparatus exceptional prerogatives to arrest

suspects in terrorism cases, including in preventive detention.<sup>1</sup>These changes effectively ensured the perpetuation of the basic elements of the state of emergency.

The hopes that the reforms promised by the president would be realized have evaporated. Nearly two years after the state of emergency was officially ended, Algeria had seen no real advancement of public liberties or respect for human rights. On the contrary, in early 2012 the authorities approved several new bills that impose further restrictions on NGO activity and press freedoms. A new law governing political parties was also passed that maintained the same restrictions as the old legislation, including the ban on certain Islamist factions from engaging in party activity. Heavy legal restrictions on peaceful assemblies or protests in the capital also remained in place, while the security apparatus continues to pursue those involved in such protests, both in the capital and elsewhere. The imposition of prison sentences continues to be used to intimidate journalists, media workers, and bloggers, just as security harassment and prosecution by a non-independent judiciary are used to intimidate and punish rights advocates and defenders of trade union freedoms and economic and social rights.

In context of restricted liberties, parliamentary elections were held in 2012, despite calls to boycott them. Dozens of those who advocated the boycott were arrested; some were prosecuted. The elections failed to improve the regime's image in the eyes of the international community, despite the fact that the authorities welcomed international observers and adopted an electoral system that led to a significant improvement in women's representation in the parliament. The elections resulted in the ruling party winning a majority of seats and were severely criticized due both to the executive's control over the selection of election supervisors and to the use of a proportional list system that set a minimum threshold of 5 percent of the vote to obtain representation in parliament, which fragmented the vote to the benefit of the ruling party.

## **Political Participation and the Rotation of Power**

As part of the top-down reforms promised by the president in 2011 to stave off the impact of the "Arab spring" in Algeria, parliamentary elections were held on May 10, 2012. Official circles were keen to use these elections to improve the country's international image, particularly since they took place in a political environment utterly hostile to liberties.

---

<sup>1</sup> On the state of emergency, see the CIHRS annual report for 2011, "Fractured Walls, New Horizons," <<http://www.cihrs.org/?p=2539&lang=en>>.

To create the appearance of free elections, the authorities lifted a ten-year ban on the establishment of new political parties. Between January 15, when the new law on political parties entered into force, and March 26, the last day to file for candidacy, the Interior Ministry approved 21 new parties, thus giving the impression of a political opening. However, the ban on political activity imposed on many who were previously involved in the FIS was not lifted.<sup>2</sup>

The authorities permitted extensive monitoring by international and regional election observers, including from the African Union, the European Union, the League of Arab States, the Organization of Islamic Cooperation, the United Nations, and the National Democratic Institute from the United States. Prior to the elections, the authorities also passed a law to increase women's representation in elected bodies by establishing a quota for women on party and independent electoral lists. Under the law, lists that do not include the stipulated number of female candidates are rejected. The move lent a better face to the electoral process, as did the authorities' decision to grant financial incentives to political parties based on the number of female candidates included on their lists for parliamentary, local, or provincial elections.<sup>3</sup> Thanks to the law, women won 32 percent of the seats in the parliament (146 of 462 seats), compared to only 31 of 389 seats in the previous parliament.<sup>4</sup>

The Algerian elections law created two committees to supervise elections.<sup>5</sup> The first, the National Supervisory Committee for the Parliamentary Elections, is a judicial committee, but the executive has power over it insofar as the president selects its members, rather than the judges themselves.

The second, the National Committee to Monitor Parliamentary Elections, includes by law representatives of the parties participating in the elections and representatives chosen by independent candidates. The committee is supposed to monitor all phases of the electoral process and coordinate and exchange information with the National Supervisory Committee.

---

<sup>2</sup> Law 04-12 of Jan. 12, 2012 on political parties, published in the Official Gazette, no. 2, Jan. 15, 2012, p. 9, <<http://www.joradp.dz/FTP/JO-ARABE/2012/A2012002.pdf>>; for more details on the law, see CIHRS, "Fractured Walls, New Horizons."

<sup>3</sup> Organic Law 03-12 of Jan. 12, 2012 defining the instruments to increase women's participation in elected assemblies, published in the Official Gazette, no. 1, Jan. 14, 2012, p.39.

<sup>4</sup> People's National Assembly, <[http://www.apn-dz.org/legislature\\_7/french/liste\\_femmes\\_fr.php](http://www.apn-dz.org/legislature_7/french/liste_femmes_fr.php)>.

<sup>5</sup> Law 01-12 of Jan. 12, 2012 on the electoral system, published in the Official Gazette, no. 1, Jan. 14, 2012, p. 8, <<http://www.joradp.dz/FTP/JO-ARABE/2012/A2012002.pdf>>.

The law provides for closed proportional lists and requires that any party or independent list win at least 5 percent of the vote to obtain a seat in parliament. In effect, this meant that much of the electorate's vote was wasted, particularly the votes of those who supported new parties, whose participation fragmented the electorate to the benefit of the large, traditional parties. In particular, the ruling party, the National Liberation Front, benefited by this phenomenon and won 208 seats in parliament.<sup>6</sup>

It is important to note that the Algerian authorities preceded the elections with a campaign targeting political and rights activists. Political activist Abduh Bendjoudi, with the Independent Youth Movement for Change, was assaulted and detained along with 24 activists from other organizations, including SOS-Disappeared. The detainees included Fatima Yous, Djedjigua Cherguit, Hacene Ferhati, and Slimane Hamitouche, who were arrested on April 14 after participating in a peaceful assembly calling for a boycott of the elections.<sup>7</sup>

### **Harassment of Human Rights Defenders and Union Activists**

The Algerian authorities inaugurated 2012 by adopting a law which imposes draconian restrictions on civic work and the freedom of association. The law applies a system of prior authorization to establish NGOs and imposes extremely severe restrictions on civic activity, particularly regarding funding and cooperation with international organizations. It permits NGO activities to be suspended pursuant to administrative orders and provides for prison sentences against those who violate the provisions of the law.<sup>8</sup>

The authorities also continued to postpone the granting of legal status to several associations and human rights organizations, among them SOS-Disappeared, whose application the authorities refuse to approve on the grounds that the association must first obtain an approved meeting hall for the convening of their founding meeting, despite the fact that the law does not require such a condition.<sup>9</sup>

---

<sup>6</sup> For final election results, see

<[http://www.elkhabar.com/ar/autres/dernieres\\_nouvelles/289055.html](http://www.elkhabar.com/ar/autres/dernieres_nouvelles/289055.html)>.

<sup>7</sup> FIDH, "Harassment against Those Who Struggle for Human Rights Must Stop," Apr. 25, 2012, <<http://www.fidh.org/ALGERIA-Harassment-against-those-11653>>.

<sup>8</sup> The CIHRS offered a detailed critique of the law before its adoption in the chapter on Algeria in "Fractured Walls, New Horizons"; for more details see also Euro-Mediterranean Human Rights Network, "Lifting the State of Emergency: A Game of Smoke and Mirrors," <<http://www.euromedrights.org/eng/2012/02/24/emhrn-report-on-the-lift-of-the-state-of-emergency-in-algeria-reforms-are-a-game-of-smoke-and-mirrors/>>.

<sup>9</sup> EMHRN, "Lifting the State of Emergency: A Game of Smoke and Mirrors."

Under Law 14-90/1990, the establishment of independent trade unions also requires a prior permit from the Ministry of Labor, and requests for permits of prospective unions are usually rejected or delayed indefinitely. Since the state of emergency was lifted, the authorities have rejected licenses for five trade unions, among them the National Independent Union of Central Bank Employees for Agriculture and Rural Development and the National Union of Vocational Training Workers.<sup>10</sup>

The year 2012 also saw increasing security harassment and prosecution of human rights defenders and defenders of union freedoms and economic and social rights. On January 18, Hadj Aïssa Abbas and Mohamed Seddik Bouamer, representatives of Laghouat branch of the National Committee for the Defense of the Rights of the Unemployed (CNDDC) were sentenced to 18 months in prison on charges of unlawful assembly, after they took part in a peaceful demonstration demanding the rights of the unemployed.<sup>11</sup> On April 18, Abdelkader Kherba, a member of the CNDDC and the Algerian League for the Defense of Human Rights (LADDH), was detained while photographing a sit-in held by court clerks. He was sentenced to one year in prison (suspended) on May 3 after being charged with inciting to an illegal assembly.<sup>12</sup> Kherba was again arrested on August 21 and was detained for three weeks on charges of insulting a public servant in the course of duty; he was acquitted on September 2.<sup>13</sup>

Against the background of Kherba's first trial, the authorities arrested Yacine Zaïd, the head of the Laghouat branch of the LADDH; Abdou Bendjoudi, a member of the Independent Youth Movement for Change; Athmane Aouameur, a member of the Network for the Defense of Liberty and Dignity; and Lakhdar Bouziani, a member of the National Independent Union of Public Administration Workers (SNAPAP) after they took part in a peaceful sit-in on April 26 in front of the Sidi Mohammed court to condemn

---

<sup>10</sup> Ibid.

<sup>11</sup> EMHRN, "Harassment of Union Leaders and Bans on Demonstrations Continue in Algeria despite the Repeal of the State of Emergency," Mar. 2, 2012, <<http://www.euromedrights.org/eng/2012/03/02/harassment-of-union-leaders-and-bans-on-demonstrations-continue-in-algeria-despite-the-repeal-of-the-state-of-emergency/>>.

<sup>12</sup> EMHRN, "Algeria-Legislative Elections: The Freedoms of Association, Expression, and Assembly Are Missing in Action," May 11, 2012, <[www.euromedrights.org/eng/2012/05/11/algeria-legislative-elections-the-freedoms-of-association-expression-and-assembly-are-missing-in-action/](http://www.euromedrights.org/eng/2012/05/11/algeria-legislative-elections-the-freedoms-of-association-expression-and-assembly-are-missing-in-action/)>; Front Line Defenders, "Algeria-Update: Human Rights Defender Mr Kherba Abdelkader Receives Suspended Sentence of One Year in Prison and Fine," May 3, 2012, <<http://www.frontlinedefenders.org/node/18232>>.

<sup>13</sup> EMHRN, "Algeria: Abdelkader Kherba Discharged while Human Rights Defenders Still Harassed in Algeria," Sep. 13, 2012, <<http://www.euromedrights.org/eng/2012/09/13/algeria-abdelkader-kherba-discharged-while-human-rights-defenders-still-harassed-in-algeria/>>.

Kherba's trial. They were referred to trial in the Bab al-Ouad court on charges of inciting to an unarmed assembly, but the court referred the case to the prosecution after ruling on September 28 that it did not have jurisdiction over the case.<sup>14</sup>

On October 1, the police arrested rights activist Yacine Zaïd while on his way to the city of Hasi Mesoud, located 800 km south of Algiers. Zaïd was physically assaulted before being detained on charges of insulting the police. On October 8, the Ouargla court convicted him and gave him to a suspended sentence of six months in prison.<sup>15</sup>

On June 19, the authorities detained 70-year-old Hadj Mohammed Smaïn, a prominent leader of LADDH, after the Supreme Court upheld a lower court's conviction issued ten years ago, sentencing him to two months in prison on defamation charges due to his involvement in exposing the issue of the forced disappearances seen in the country in the 1990s. Smaïn was released on July 5 as part of a presidential amnesty granted to mark Algeria's Independence Day.<sup>16</sup> As will be discussed below, several rights and labor activists were also detained for participating in various peaceful assemblies and protests.

## Suppression of Peaceful Assemblies

The authorities continued to deal severely with all forms of peaceful protest. On February 26, 40 trade unionists were arrested in front of the press building in the capital, where they were staging a sit-in to demand the rights of the unemployed and marginalized workers; they were released later the same day. The detainees included Tahar Belabès, the official spokesman for the CNDDC, and trade unionist Malika Khalil. The same day 40 teachers were arrested during a sit-in in front of the presidential palace demanding permanent contracts.<sup>17</sup>

---

<sup>14</sup> FIDH, "Algérie: renvoi pour 'incompétence' des poursuites ouvertes contre quatre défenseurs," Oct. 1, 2012, <<http://www.fidh.org/Algerie-renvoi-pour-incompetence-12231>>.

<sup>15</sup> EMHRN, "Algeria: The Sentencing of the Human Rights Defender Yacine Zaïd at First Instance," Oct. 10, 2012, <[www.euromedrights.org/eng/2012/10/10/algeria-the-sentencing-of-the-human-rights-defender-yacine-zaid-at-first-instance/](http://www.euromedrights.org/eng/2012/10/10/algeria-the-sentencing-of-the-human-rights-defender-yacine-zaid-at-first-instance/)>.

<sup>16</sup> Algeria Watch, "L'arrestation du militant des droits humains Hadj Smaïn rouvre le dossier des disparus," June 19, 2012, <[http://www.algeria-watch.org/fr/mrv/mrvrepr/smain\\_arrete.htm](http://www.algeria-watch.org/fr/mrv/mrvrepr/smain_arrete.htm)>; LADDH, "La detention de Mohamed Smain est une honte pour l'Algérie," <<http://www.la-laddh.org/spip.php?article1300>>.

<sup>17</sup> FIDH, "Harassment of Union Leaders and Bans on Demonstrations Continue in Algeria despite the Repeal of the State of Emergency," Mar. 2, 2012, < Harassment of Union Leaders

On April 24, the police used force to disperse several citizens who attempted to stage a sit-in in front of the presidential palace, leading to several injuries, particularly among women; some 100 people were arrested.<sup>18</sup> On May 7, the authorities arrested some 200 workers, among them 65 women, who belong to the Independent Union of Pre-Employment Contract Workers while they were taking part in an assembly in the capital demanding adequate jobs; they were released later the same day.<sup>19</sup>

On June 9, police in civilian clothes used violence to remove seven trade unionists occupying a street in the capital in solidarity with colleagues on a hunger strike and in protest at the authorities' disregard for justice workers' demands and their refusal to speak with representatives of the National Federation of Justice, a subsidiary of SNAPAP.<sup>20</sup>

According to numerous media sources—although not confirmed by the CIHRS—social protests this year saw a notable development when thousands of soldiers belonging to the National Guard began demonstrating and demanding government recognition of their sacrifices during the 15-year fight against terrorism. In the first week of July, security forces blocked a march of several thousand soldiers, who had gathered in Blida, 40 km west of Algiers, toward the capital. Police dispersed them with batons and water hoses. The soldiers were seeking fair financial compensation for retirees, the addition of the overtime that they had served over the past 15 years to their pensions, and improved working conditions.<sup>21</sup>

---

and Bans on Demonstrations Continue in Algeria despite the Repeal of the State of Emergency>.

<sup>18</sup> FIDH, "Harassment against Those Who Struggle for Human Rights Must Stop," Apr. 25, 2012, <<http://www.fidh.org/ALGERIA-Harassment-against-those-11653>>.

<sup>19</sup> EMHRN, "Algeria-Legislative Elections: The Freedoms of Association, Expression, and Assembly Are Missing in Action."

<sup>20</sup> EMHRN, "Algeria: Solidarity with the Trade Unionists of the National Federation of Justice-Affiliated with the SNAPAP," June 14, 2012, <[www.euromedrights.org/eng/2012/06/14/algeria-solidarity-with-the-trade-unionists-of-the-national-federation-of-justice-affiliated-with-the-snapap/](http://www.euromedrights.org/eng/2012/06/14/algeria-solidarity-with-the-trade-unionists-of-the-national-federation-of-justice-affiliated-with-the-snapap/)>.

<sup>21</sup> Al-Arabiya, "45 alf min al-haras al-baladi yazhafun 'ala-l-Jaza'ir al-'asima," July 9, 2012, <<http://www.alarabiya.net/articles/2012/07/09/225416.html>>; Sawt al-Ahrrar, "Wizarat al-dakhiliya tu'akkid talbiyat kaffat matalib a'wan al-haras al-baladi," July 11, 2012, <<http://www.sawt-alahrar.net/ara/permalink/3867.html>>; El-Khabar, "Qumna bi-l-wajib wa akthar tujah al-haras al-baladi," Sep. 27, 2012, <<http://www.elkhabar.com/ar/politique/304042.html>>.

## Restriction of Press and Media Freedoms

Despite the adoption of a new media law early in the year which was marketed as a major step toward reform and the advancement of media freedoms, the exercise of such freedoms continues to place Algerians at risk of prosecution and prison sentences. In practice, the law contains 32 articles which allow for the restriction and criminalization of freedom of expression through the use of vague language, such as infringements on Islam or other religions and contraventions of “the national identity and cultural values of society,” “the exigencies of state security and national defense,” “the exigencies of public order,” “the country’s economic interests,” or “the exigencies of the state’s foreign policy.”<sup>22</sup>

On June 25, Fatima Zahraa Amara, a journalist with the online journal *Akher Sa’a*, was sentenced to two months in prison, fined 20,000 Algerian dinars, and required to pay compensation of 100,000 dinars after she was convicted of libel and slander against a former hospital director who had been accused of sexual harassment by a female hospital employee. On June 15, journalist Mansour Si Mohammed was also sentenced to two months in prison and a fine of 50,000 dinars after he was convicted of libel and slander against the director of a local tax collection office.<sup>23</sup>

In early May, the security apparatus arrested blogger Tareq Memari for broadcasting videos advocating a boycott of the parliamentary elections. One of the videos showed him burning his voting card and tearing down a poster. He faced several charges, including the destruction of administrative documents, inciting to assembly, insulting a statutory body, and destroying the property of others. The prosecutor asked for a sentence of three years in prison to be imposed. On June 27, he was given a suspended sentence of eight months in prison and fined 100,000 dinars.<sup>24</sup>

---

<sup>22</sup> Committee to Protect Journalists, “In Algeria, New Media Law Stifles Free Expression,” Jan. 25, 2012, <<http://cpj.org/2012/01/in-algeria-new-media-law-stifles-free-expression.php>>.

<sup>23</sup> Committee to Protect Journalists, “Two Algerian Journalists Sentenced to Prison for Libel,” July 9, 2012, <<http://cpj.org/2012/07/two-algerian-journalists-sentenced-to-prison-for-l.php>>.

<sup>24</sup> To watch some of the videos, see <<http://www.youtube.com/watch?v=G14GSVRrKnU>>; Alkarama, “Algeria: Cyber-Activist, Tarek Mameri, Sentenced to 8 Months in Prison and a \$10,000 Fine,” June 27, 2012, <[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=968:algeria-cyber-activist-tarek-mameri-sentenced-to-8-months-in-prison-and-a-10000-fine-&catid=18:press-releases&Itemid=77](http://en.alkarama.org/index.php?option=com_content&view=article&id=968:algeria-cyber-activist-tarek-mameri-sentenced-to-8-months-in-prison-and-a-10000-fine-&catid=18:press-releases&Itemid=77)>; France 24, “al-Hukm ‘ala mudawwin Jaza’iri da’ a li-muqata’ at al-intikhabat al-tashri’iya bi-thamaniyat ashhur ma’ waqf al-tanfidh,” June 27, 2012, <<http://goo.gl/Cbfmqq>>; al-Quds al-Arabi, “al-Qada’ al-Jaza’iri yudin mudawwinan bi-8 ashhur sajanan ma’ waqf al-tanfidh li-da’ watihi bi-muqata’ at al-intikhabat,” June 27, 2012, <<http://www.alquds.co.uk/index.asp?fname=today\27qpt947.htm&arc=data\2012\06\06-27\27qpt947.htm>>.