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Human rights situations that require the Council's attention

Written statement* submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Algeria: Further repression in wake of Arab uprisings**

Despite relatively progressive laws concerning association and assembly issued in the short democratic period between 1989-1990 in Algeria, the state of emergency effective from 1992-2011 and persistent abusive practices led to constant violations of these and other rights. Although the state of emergency was lifted in February 2011, this move was accompanied by additional exceptional powers given to the army in the name of “counterterrorism,” resulting in the continuation of such abuses and the lack of space for public freedoms. Indeed, those who advocate democratic freedoms and respect for human rights are targeted, including peaceful protestors, human rights defenders (HRDs), union activists, and NGOs. Moreover, legal developments of 2011 bode poorly for the future of Algeria, bringing activists, NGOs, media, and political parties even further under the tight grip of the state.

Response to protest movement

Violence resulting from the protests in early 2011 left 3 dead and 800 injured among protestors and security forces, which employed clubs, tear gas, and live ammunition to control the demonstrations. 1100 people were detained in relation to the protests, some of whom were reportedly tortured. Further mass protests were successfully avoided by the regime through promising reform, blocking marches, and limiting police intervention to protecting official buildings, instead terrorizing demonstrators with “thugs.”

These demonstrations, like all in Algiers, were forbidden according to a governmental decision of June 2001. In reality, protests are repressed everywhere in the country; when organizers try to hold protests despite the prohibition, they are generally harassed or violently dispersed.

Harassment of HRDs and union activists

Unionists and HRDs suffer police and judicial harassment, especially in the form of arrest, interrogation, and prosecution. Although courts often find the defendants innocent, these proceedings spread fear among activists and rob their activities of valuable resources. Among those who have been targeted are Tahar Belabes, spokesman of the National Committee for the Defense of the Rights of the Unemployed (NCDRU), and Malika Fallil, president of the National Committee of At-Risk Workers, who were both interrogated in September regarding their activities. Hassan Bouras, board member of LADDH, was condemned in absentia to one year imprisonment for “offending a public servant” after trying to mediate between authorities and peaceful demonstrators in El Bayadh. Farouk Suleimani, a LADDH activist, faces charges including “unlawful unarmed gathering” and “violence against public forces” - crimes punishable by 5 years imprisonment - for participating in a demonstration. Unionist and LADDH member Yacine Zaid faces vague charges of “online defamation and threats.” Other SNAPAP members, including Mohamed Hadji, Sadou Sadek, and Mourad Tchicko, face judicial harassment for their union activities.

** The Euro-Mediterranean Human Rights Network (EMHRN), the Collective of Families of the Disappeared in Algeria (CFDA), the Algerian Human Rights Defence League (LADDH), and the National Independent Union of Public Employees (SNAPAP), NGOs without consultative status, also share the views expressed in this statement.

In October, security and intelligence officers kidnapped lawyer and HRD Nour addein Belmouhub, holding him for several days in a secret detention center where he was insulted and subjected to psychological stress aimed at forcing him to withdraw his complaint from 2001 against General Khaled Nazzar, who had recently been arrested in Geneva on charges of committing war crimes.

In November, police briefly arrested Nasima Qutal, a member of LADDH and the National Front for Change, after she announced a hunger strike and sit-in in May 1st Square, protesting human rights violations in Algeria.

Organizations struggling to shed light on enforced disappearances during the civil war are regularly intimidated by authorities, including the Collective of Families of Disappeared in Algeria (CFDA), to force them to drop their truth-seeking activities in exchange for indemnity and the issuance of death certificates for their relatives, without further investigation of those responsible.

Access to Algeria is limited for foreign human rights activists: the EMHRN executive director was denied visas several times, as was Sihem Bensedrine, a Tunisian rights activist, who was also denied entry in 2009. A few days ago, Bensedrine was again denied entry but managed to enter the country after hours of negotiations.

Moreover, the right to peaceful assembly and demonstration is constantly violated. The 1991 law orders an authorization request 8 days prior to any meeting or demonstration and provides that any event taking place without authorization exposes those involved to imprisonment and fines.

Human rights organizations such as LADDH, CFDA, and Djazairouna have been repeatedly prevented from holding meetings and public conferences, including a journalist training session by LADDH in May 2009. Since 2006, joint activities on memory and justice carried out by associations of victims of terrorism and enforced disappearances (Djazairouna, SOS Disparu(e)s, CFDA, Soumoud), were blocked or forced to be carried out quasi-clandestinely. The Union House in Algiers was forcibly closed in May 2010; it was one of the last places for independent groups to meet.

Along with the regular prohibition of gatherings organized by SOS Disparu(e)s in Algiers, the weekly gathering held by families of the disappeared since 1999 in front of the National Commission for Promotion and Protection of Human Rights was suddenly prohibited on August 4, 2010. It remains prohibited. On May 2, 2011 a large student demonstration in Algiers was prohibited, and Tahar Belabes, spokesman for NCDRU, was brutally beaten. On June 1, a peaceful gathering of doctors in May 1st Square in Algiers was severely repressed, and on June 29, police harassed a march of the Lawyers of the Algiers Bar. On October 9, a march of jobless workers was prevented and 35 people were arrested.

On June 1 in Hassi Messaoud, police attacked and wounded 5 jobless workers on a hunger strike claiming their right to employment in this oil-rich region. On October 12, a gathering of NCDRU was repressed, and police gravely wounded 5 peaceful young demonstrators.

New law governing NGOs

If the situation of freedom of association was already worrisome, the new law n° 12-06 on associations of January 2012 only increases governmental restrictions on NGOs. Many of its regulations violate Article 22 of the ICCPR and other international conventions ratified by Algeria.

Despite Algeria's former declarative system, official registration of associations is often denied, and informal organizations are prohibited. The new law allows authorities to deny registration to associations whose aims are considered "contrary to national norms and

values, public order, good morals, or current legal measures and regulations.” These vague terms permit discretionary denial and government control of organizations’ activities. The law also requires a high number of founding members to establish an association, an unnecessary barrier to entry. Article 46 threatens imprisonment and high fines for anyone who acts on behalf of an unrecognized association.

Most organizations which are denied registration advocate human rights, gender equality, or truth and justice for crimes committed during the 1990s civil war. Among them are women’s rights organizations, like Therwa Fatma N’Soumer and RAFD (French: FARD), and Djazairouna, an association of families of victims of terrorism. Although SOS-Disparu(e)s presented a new request to register in March 2012, it has yet to receive a date to present its case. Some local associations, independent trade unions, and at least two national scientific associations were denied registration as well.

The new law also tightens governmental control over funding. A short list of national funding sources is authorized, while foreign funding requires prior authorization (Art. 30) and is forbidden to local associations without official “established relationships of cooperation.” These measures threaten associations that rely on foreign funding - mainly human rights and independent organizations.

Furthermore, an association can be suspended or dissolved “in the case of interference in internal affairs of the country or attack on national sovereignty” or if it “receives funds from a foreign delegation or NGO” or exercises “activities other than those established in its statute.” Importantly, suspension can now be ordered by an administrative decision and dissolution by an administrative court. These vague measures prevent associations from analyzing, criticizing, or contributing to public policy.

Further legal repression

A new law governing political parties requires the Interior Ministry to approve new parties and prohibits individuals previously involved in “terrorism” or having supported a suspended party from participating in party activities – clearly aiming to prevent former members of the Islamic Salvation Front from political participation.

New media regulations theoretically allow private institutions to enter the field while creating broad requirements easily manipulated to restrict free expression, including respecting the “spiritual values of society,” “national identity,” “demands of state security and national defense,” and “requirements of foreign policy,” among other restrictions and penalties.

In this context, the Cairo Institute for Human Rights Studies (CIHRS), the Euro-Mediterranean Human Rights Network (EMHRN), the Collective of Families of the Disappeared in Algeria (CFDA), the Algerian Human Rights Defence League (LADDH) and the National Independent Union of Public Employees (SNAPAP) urge Algeria to:

- Put an end to all harassment of HRDs, including union leaders, and suspend all prosecutions against them;
- Reform the law on associations and information to harmonize national legislation with the ICCPR and other international conventions ratified by Algeria;
- Respect the freedom of peaceful gathering and public meetings;
- Guarantee the physical and psychological integrity of all HRDs and unionists in Algeria and the security of headquarters and offices of unions and organizations of HRDs;
- Implement the provisions of the United Nations’ Declaration on HRDs (1998);

- Allow international human rights NGOs to send delegations to Algeria.

The above-mentioned organizations also call upon the Human Rights Council to:

- Urge Algeria to implement the above recommendations;
 - Ensure that Special Rapporteurs monitor and give advice regarding the implementation of the above recommendations.
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