



7 May 2021

### **Joint statement – Algeria: Terrorism charges brought against human rights defenders in Oran constitute a dangerous escalation**

On 29 April 2021, the Public Prosecutor of Oran charged human rights defenders **Kaddour Chouicha**, **Jamila Loukil**, and **Said Boudour** in a new criminal case, which includes the charge of ‘enrolment in a terrorist or subversive organization active abroad or in Algeria’. The case also includes twelve other activists involved in the “Hirak” protest movement. If convicted of this charge, the human rights defenders may be sentenced to up to twenty years’ imprisonment and, on 18 May could be placed in pre-trial detention for a potentially lengthy amount of time.

This new terrorism related charge constitutes a dangerous escalation in attacks against journalists and human rights defenders, and the Hirak peaceful protest movement itself. Front Line Defenders and the Cairo Institute for Human Rights Studies condemn the increase in intimidation, criminalisation and attacks against human rights defenders and civil society in Algeria.

Said Boudour is a journalist, human rights defender and member of the Algerian League for Human Rights. As well as organising peaceful demonstrations, he works to defend the rights of migrants and political prisoners. Kaddour Chouicha is a human rights defender and university lecturer. He is the vice president of The Algerian League for The Defence of Human Rights (LADDH), and he is the president of the League in Oran, focusing on promoting political and civil rights in Algeria. Jamila Loukil is a journalist and a woman human rights defender. She is also a member of the Algerian League for Human Rights where her work focuses on covering the peaceful Hirak demonstrations in Oran.

The undersigned organisations are deeply concerned by the allegations against the human rights defenders in response to their peaceful and legitimate human rights work; of particular concern is the fact that they were charged with allegedly joining a terrorist organisation. We believe that this charge is solely motivated by their participation in the Hirak and is an attempt to purposefully mis-characterize their human rights activities and the Hirak movement as a whole. This prosecution comes as Algerian civil society, ahead of legislative elections in June, is reporting a new and escalated assault on opposition and independent forces, through arbitrary arrests and the use of unnecessary and excessive force. At least 3,000 individuals, including human rights defenders and peaceful protesters, have been arbitrarily arrested since 18 February 2021.

On 29 April 2021, the Public Prosecutor of Oran charged human rights defenders Said Boudour, Kaddour Chouicha and Jamila Loukil with: ‘conspiracy against state security to incite citizens to take up arms against state authority or to undermine the integrity of the national territory’; ‘propaganda likely to harm the national interest, of foreign origin or inspiration’, and ‘enrolment in a terrorist or subversive organization active abroad or in Algeria’ (based on articles 77, 78, 87bis, 87bis 3, 87bis 6, 87bis 12 and 96 of the Penal Code). The last charge is particularly concerning, as the authorities are linking the peaceful and legitimate activism of the human rights defenders to

alleged terrorism. If convicted of these charges, the human rights defenders face a prison sentence of up to 20 years.

Police officers detained Said Boudour on 23 April 2021 while he was participating in a peaceful Hirak demonstration in Oran. The human rights defender was reportedly physically assaulted by the officers, leaving marks on his body and face. Said Boudour was detained in a local police station in Oran and on 28 April 2021, was allowed to meet with his lawyer for the first time since his arrest. Following the hearing on 29 April 2021, the investigative judge placed Said Boudour under judicial control.

The Criminal Court of Oran previously convicted Said Boudour of 'offense against public bodies', 'defamation' and 'threat attempts' on 24 November 2020 and sentenced him to one-year imprisonment and a fine of 50,000 Algerian Dinar (approximately 325 Euros). On 10 March 2021, the Oran Appeal Court ordered his release, acquitting the human rights defender of the charge of 'defamation' and 'threat attempts', but upheld the charge of 'offense against public bodies', and issued a suspended sentence of two months' imprisonment.

On 28 April 2021, the appeal hearing for human rights defenders Kaddour Chouicha and Jamila Loukil was to be held before the Oran Appeal Court but was rescheduled to 2 June 2021, due to the absence of some of the defendants and lawyers in the case. The human rights defenders, along with thirteen other protesters, were charged with 'incitement to unarmed gathering', and 'disturbance of public order' for their participation in a gathering on 8 October 2021 in tribute to Chaïma Saadou, victim of femicide. Kaddour Chouicha, Jamila Loukil and the other protesters were acquitted of the charges on 18 January 2021; however, the Public Prosecutor appealed the acquittal.

As they were leaving the court on 28 April 2021, Kaddour Chouicha and Jamila Loukil were detained by police officers and brought to a police station in Oran, where they were interrogated by police about their human rights work and their alleged involvement with Islamic groups, which the human rights defenders have categorically denied. During the interrogation, which their lawyer was not allowed to attend, the police officers reportedly used racist language towards Jamila Loukil. While the human rights defenders were being interrogated, their home was searched by the police, who provided a search warrant and confiscated several items, including their personal laptops and bank cheques. Kaddour Chouicha and Jamila Loukil were subsequently released from the police station at 10 p.m. that evening under provisional release.

The public prosecutor appealed the 29 April decision of the investigative judge. On 18 May 2021, the accusation chamber will rule on the appeal and could decide to place the human rights defenders, and all protesters currently not detained, in pre-trial detention for a potentially long time, as the investigation of criminal and terrorism cases are often lengthy in Algeria.

Twelve other activists and peaceful protesters, arrested between 23-27 April 2021, are similarly arbitrarily prosecuted within the same case: Yasser Rouibah, Tahar Boutache and Mustapha Guira are in preventive detention; Karim Ilyes is under judicial control; Nouredine Bendella, Imad Eddine Bellalem, Djahed Zakaria, Ibrahim Yahiaoui and Mohamed Khelifi are under provisional release. Seddik Sayeh, Aissam Sayeh and Abdelkader Sekkal have not attended the hearing.

Human rights defenders Said Boudour, Kaddour Chouicha and Jamila Loukil, have been regularly subjected to harassment by the authorities in Algeria. Chouicha and Jamila Loukil were violently arrested and brutalized on 4 April during a protest. On 12 March 2021, Kaddour Chouicha and his son were violently beaten by police forces during a peaceful protest, and one police officer tried to strangle him. They both submitted official complaints. On 10 December 2019, Kaddour Chouicha was sentenced to one-year imprisonment. On 3 March 2020, the human rights defender was acquitted and released. In October 2019, Said Boudour was held in preventive detention for four months.

Front Line Defenders and the Cairo Institute have previously expressed concern in response to the targeting and harassment of human rights defenders and activists involved in the Hirak and the organisation of peaceful demonstrations. The deterioration of the human rights situation in Algeria was also highlighted by UN Special Procedures in September 2020, and on 5 March 2021, the Office of the United Nations High Commissioner expressed concern about "the continued and growing repression" and "unnecessary or excessive force (...) to suppress peaceful protests".

We recall that, in its latest Concluding Observations in 2018, (CCPR/C/DZA/CO/4), the UN Human Rights Committee reiterated its concern with regards to article 87 bis of the Penal Code which defines terrorism in overly broad and vague terms allowing for the prosecution of free expression or peaceful assembly. The Committee also expressed concern about article 96, which has been used to criminalize free expression and impede the work of human rights defenders.

**Our organisations urge the Algerian authorities to:**

1. Immediately drop all charges against human rights defenders Kaddour Chouicha, Jamila Loukil, and Said Boudour, and the twelve other activists, as our organisations are confident that they are being targeted for their legitimate and peaceful work defending human rights and for their participation in peaceful protests;
2. Carry out an immediate, thorough and impartial investigation into the physical assaults of human rights defenders Said Boudour, Kaddour Chouicha, Jamila Loukil, and their son, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
3. Guarantee that in all circumstances human rights defenders in Algeria are able to carry out their legitimate human rights activities without undue restrictions and fear of reprisals, and that peaceful protesters are not unjustifiably targeted, including through unfounded terrorism prosecutions;
4. Review Penal Code provisions that carry the risk of unduly criminalising human rights work, such as articles 87bis and 96, in line with the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR) ratified by Algeria.