



13 August 2021

Ms. Irene Khan
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression
OHCHR-UNOG
8-14 Avenue de la Paix
1211 Genève 10, Switzerland

Dear Special Rapporteur,

We write to raise concern about the Algerian authorities' sentencing and arbitrary detention of Hamid Soudad, a 42 year old Christian in Oran, Algeria.

On January 20, 2021 authorities arrested Hamid for "insulting the Prophet of Islam" by sharing a Facebook post. A court in Arzew then proceeded to sentence him to five years in prison under Penal Code article 144-2, the next day, without giving him access to a lawyer. The appeal court, Oran City Court, on March 22, 2021, upheld the five-year prison sentence of the lower court. Hamid Soudad is now waiting to have his case heard at the Supreme Court which could take two to three years.

The sentence carried against Hamid Soudad breaches international law on several accounts:

Firstly, all blasphemy laws are incompatible with international law as previously made clear by the Special Rapporteur on freedom of religion or belief and as highlighted in your report.¹

¹ United Nations, General Assembly. *Elimination of all forms of religious intolerance*** A/72/365. (28 August 2017). Office of the High Commissioner on Human Rights, *Historic consensus on freedoms of religion and expression at risk, say UN experts*, 23 March 2021, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26937&LangID=>

Secondly, even if the blasphemy law was considered legitimate, Hamid Soudad's case does not meet the law's requirement of directness between the speech and the alleged harm. The Facebook post the authorities are sentencing Hamid for is from 2018, but the charge was not laid against Soudad until December 2020, which makes it clear that the sentencing is based not on any alleged harm caused by his post but rather is solely due to his Christian faith.

Moreover, the charge laid against Hamid Soudad for sharing a social media post is not proportionate to earlier Algerian jurisprudence involving the blasphemy law. According to Soudad's lawyer, the penalty the Algerian authorities placed exceeds the penalties imposed in similar cases, where authorities have placed milder sentences for sharing alleged blasphemous content than when authoring it. The lawyer attributes this exaggerated sentence to the authorities' discrimination against Christians especially those from a Muslim background, like Soudad. Conversion is being indirectly penalised in most states where Islam is the state religion, since renouncing or disbelieving Islam is considered blasphemy.² In addition, the penalty is disproportionate to the perceived harm incurred, with the five-year prison sentence for a social media post being the same minimum sentence required in Algeria for crimes such as selling, distributing, or storing bladed weapons for illicit purposes.³

We call on the Special Rapporteur to urge the Algerian authorities to release Hamid Soudad immediately and unconditionally Hamid Soudad in light of the above and urge the Algerian authorities to review their legislation to be in line with International Law and its human rights commitments, repealing its blasphemy laws and *Ordonnance 06-03*.

As a result of the arrest, Hamid Soudad's family are in a vulnerable position. The detention of Hamid has left his wife essentially a single mother with four children all of which are under the age of ten. Being a

¹ E; United Nations, General Assembly, *Disinformation and freedom of opinion and expression – Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan*, 13 April 2021. para. 38

² Set My People Free, *Countries Where Apostasy and Blasphemy Laws in Islam are Applied*, July 2020. <http://freedom2worship.org/images/docs/map-laws-july2020.pdf>.

³ Ordonnance n° 66-156 du 8 juin 1966 portant code pénal, modifiée et complétée., Art. 87 bis [https://ihl-databases.icrc.org/ihl-nat/0/e75256421f90d2b6c1256fd6003695cc/\\$FILE/Code%20p%C3%A9nal.pdf](https://ihl-databases.icrc.org/ihl-nat/0/e75256421f90d2b6c1256fd6003695cc/$FILE/Code%20p%C3%A9nal.pdf).

single mother in Algeria is an especially vulnerable position, in addition to being from a religious minority.⁴

Sincerely,

Signatures

Organizations

American Humanist Association
Anglican Persecuted Church Network
Christian Freedom International
Forum for Religious Freedom Europe
Humanists UK
International Christian Concern
International Organization to Preserve Human Rights
Jubilee Campaign
Katartismos Global
Minh Van Foundation
Saint Nicholas Freedom Group
Set My People Free
South Asia Minorities Alliance Foundation

Individuals

Dr. Katrina Lantos Swett
President
Lantos Foundation for Human Rights and Justice

Faith J. H. McDonnell
Director of Advocacy
Katartismos Global

Father John Anderson
President
Saint Nicholas Freedom Group

Hamid Gharagozloo

⁴ Committee on the Rights of the Child, *Consideration of reports of States parties*, CRC/C/SR.1714. 14 June 2012. para. 26.; *Algeria: Crackdown on Protestant Faith*. Human Rights Watch. (2020, October 28). <https://www.hrw.org/news/2019/10/24/algeria-crackdown-protestant-faith>.

International Organization to Preserve Human Rights

Lauren Homer
President
Law and Liberty

Patricia Streeter
Co-leader
Anglican Persecuted Church Network

Puneet Ahluwalia
Executive Director
South Asia Minorities Alliance Foundation

Scott Morgan
President
Red Eagle Enterprise [and Chair of the Africa Working Group of the IRF
Roundtable]

CC:

UN Special Rapporteur on freedom of religion or belief
UN Special Rapporteur on minority issues
Chair of the International Religious Freedom or Belief Alliance
EU Special Envoy on freedom of religion or belief outside the EU
United States Commission on International Religious Freedom
US State Department