



## **Jubilee Campaign Contribution to the Special Rapporteur on Human Rights Defenders Prior to Her Visit to Algeria**

### **Legislation Curtailing Free Expression and Opinion, the Targeting of Minority Faith Leaders and Human Rights Defenders**

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Jubilee Campaign would like to raise to the Special Rapporteur's attention the case of Pastor Salah Challah, president of the Protestant Church of Algeria (Eglise Protestante d'Algérie, EPA) and a renowned human rights defender and advocate for religious freedom in Algeria.

What are the main national laws and policies in place that affect the work of human rights defenders and civil society, including those related to freedom of expression, association and assembly, and the environment in which they carry out their activities?

In April 2020, the Algerian parliament formally passed Law No. 20-06, which amended Ordinance No. 66-156, the Criminal Code of Algeria, by introducing multiple concerning restrictions on freedom of opinion and expression. Newly inserted article 95 bis outlined a term of imprisonment between five and seven years, accompanied by a fine of ranging from DZD 500,000 (≈ USD \$3,700) to DZD 700,000 (≈ USD \$5,200) for “receiv[ing] funds, a gift or an advantage, by any means, from a State, an institution or any other public or private body or from any legal or natural person, inside or outside the country, to carry out or incite to carry out acts likely to undermine the security of the State, the stability and normal functioning of its institutions, national unity, territorial integrity, the fundamental interests of Algeria or public security and order. The penalty shall be doubled when the funds are received within the framework of an association, group, organisation or agreement, regardless of its form or name”. This problematic amendment uses sweeping and unspecific language affords the government the power to crack down on and penalise any form of conduct it deems seditious or treasonous. Declining to define what specific acts threaten “national unity” “territorial integrity” places human rights defenders and their associations/organisations in a legal limbo by which they cannot determine what advocacy and activities they can undertake without the threat of punishment. Additionally, the proscription of fundraising presents tremendous obstacles to individual activists and activist organisations which rely on financial contributions to lobby domestic and international actors, hold events, make publications, provide training,

report on rights violations, and assist victims thereof in the process of seeking redress.<sup>1</sup> Amendment 95 bis inherently violates Article 22 Section 1 of the International Covenant on Civil and Political Rights which guarantees everyone the right to “freedom of association with others, including the right to form and join trade unions for the protection of his interests”. While Section 2 of the article does allow governments to place restrictions on the right to free association when “necessary in a democratic society in the interest of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms”, it can be argued that the Algerian penal code amendment’s declination to outline specific acts in contravention of national integrity and security exemplifies the amendment’s disingenuous nature and exposes its true purpose of being an all-encompassing prohibition against a wide range of both domestically and internationally protected rights and freedoms.

Law No. 20-06 presents another disconcerting amendment to the Criminal Code by increasing the term of imprisonment imposed upon any individual who “with the intention of violating their honour, delicacy or the respect due to their authority, insults a magistrate, civil servant, public officer, commander or law enforcement officer, either by words, gestures, threats, sending or handing over any object whatsoever, or by writing or drawing not made public”. Citizens found guilty of such conduct can be sentenced to imprisonment for a period between six months and three years, contrary to the previous - yet still unjust - punishment of two months to two years' imprisonment previously stipulated. Essentially, human rights defenders that engage in direct criticism of state actors and entities, reporting on rights violations, and lobbying for policy changes and improvements - which can be considered the primary functions and purposes of human rights defenders - can be found to be bringing such actors and entities into contempt and consequently be held criminally liable for such conduct. MENA Rights notes with apprehension that “the offence of ‘contempt’ lacks legal clarity thereby undermining freedom of expression insofar as any critical or humorous expression that is considered to be prejudicial to the honour of judges, civil servants, law enforcement officials or Imams may be prosecuted and punished”. MENA Rights also refers to United Nations Human Rights Committee General Comment No. 34 of 2011 which explicitly states that (1) “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition”; and (2) “nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith”.<sup>2</sup>

In August 2023, the government formally implemented the Organic Law on Information consisting of 55 articles, some of which present limits to free expression and opinion particularly with regards to transnational and international journalism. Article 4 prohibits Algerian citizens holding dual nationality from “investing in the media sector”. Additionally, the bill imposes fines upon any individual journalist or reporting entity which receives financial support from any “foreign entity”, and requires citizens aspiring to work domestically for a foreign media agency to apply for and receive accreditation. With regards to the law’s content circumscriptions, journalists are mandated to provide their source information to the national judiciary, “limiting journalists’ and the media’s ability to prepare and public investigative reports, especially on issues of public concern, for fear of exposing their sources to prosecution or reprisals. Meanwhile, the new bill envisages the creation of a state body tasked with monitoring and regulating

<sup>1</sup> United Nations Office of the High Commissioner for Human Rights, “[About human rights defenders](#)”; MENA Rights Group, “[Algeria: Penal code amendments restrict freedoms of expression and association](#)”, 2 July 2020.

<sup>2</sup> UN Human Rights Committee, *General comment No. 34, CCPR/C/GC/34*, 12 September 2011.

electronic media, posing a barrier not only to Algerian journalists' publication of human rights exposes and reports for online consumption worldwide; it also presents obstacles to Algerian rights activists' access to foreign news relevant or instrumental to their domestic advocacy and engagement with transnational rights evaluation, reporting, and advocacy.<sup>3</sup> The curtailment of free expression embedded in this new law directly contradicts the government's assertions that the goal of the bill is to "enshrine the freedom and pluralism of the press".<sup>4</sup> Jubilee Campaign, as an organization that works to advocate for the right to freedom of religion or belief, echoes the concerns of MENA Rights Group that Article 3 of the new legislation poses an existential threat to such freedom, in that it requires all media to respect "the Muslim religion, Islam in the national context, and [...] the moral and cultural values of the nation".<sup>5</sup>

Numerous journalists and human rights defenders have been targeted by these laws, most notably Ihsane El Kadi, a reporter whose website Maghreb Emergent and radio station Radio M gained popularity during the 2019 Hirak pro-democracy movement. Charged with "receiving funds and benefits from foreign sources for the purpose of engaging in political propaganda" and "harming the national security of the state", El Kadi was convicted in April 2023 and sentenced to five years' imprisonment and a DZD 700,000 fine (≈ USD \$5,200).<sup>6</sup> In June, an appeals court added two years to El Kadi's prison term, thus extending it to a cumulative seven years;<sup>7</sup> in October, the Algerian Supreme Court rejected El Kadi's two appeals. In May 2021, Algerian authorities detained no fewer than 16 journalists reporting on anti-government protests in the capital before releasing the group without charge three hours later.<sup>8</sup> In October 2022, an Algiers court convicted journalist Abdou Semmar of "spreading false information that might harm the national security or public order" and sentenced him to death in absentia, issuing an international arrest warrant for his apprehension in France.<sup>9</sup>

The Algerian government has also routinely shut down international news outlets including France 24 and Al-Arabiya, which they had rescinded the accreditation of. Article 19 reports that "several media outlets have ceased publishing, driven to do so by self-censorship and businesspersons being to stop investing in the private media sector".<sup>10</sup> This includes French-language newspaper *Liberté* which formally liquidated in April 2022 after thirty years of uninterrupted operation reporting impartially on topics such as human rights, socio-economic developments, and public affairs.<sup>11</sup> Also dissolved was *El Watan*, another French-language daily newspaper which over the years had been suppressed via proscriptions of advertising and the freezing of the agency's bank accounts.<sup>12</sup>

In February 2023, the nearly-40-years-old Algerian League for the Defense of Human Rights (la Ligue Algérienne pour la Défense des Droits de l'Homme) liquidated after the Ministry of Interior registered a case against the agency in May 2022 and the Administrative Court undertook a trial in absentia in June

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<sup>3</sup> Euro-Med Human Rights Monitor, "[Algeria: New bill tightens restrictions on journalists, increases media censorship](#)", 11 April 2023.

<sup>4</sup> Marina Coronado, "[Algerian parliament passes a controversial press law](#)", *Atlatyar*, 30 June 2023.

<sup>5</sup> MENA Rights Group, "[Algeria: New media laws are a setback for freedom of expression](#)", 15 June 2023.

<sup>6</sup> Amnesty International, "[Algeria: Release journalist sentenced to five years: Ihsane El Kadi](#)", 11 April 2023. ; Samia Errazzouki, "[Algeria and the State of Freedom of Expression](#)", *The Tahrir Institute for Middle East Policy*, 10 April 2023.

<sup>7</sup> Committee to Protect Journalists, "[Algerian appeals court increases prison sentence of journalist Ihsane el-Kadi](#)", 20 June 2023. ; Associated Press, "[Algeria's top court rejects journalist's appeal of his seven-year sentence](#)", 12 October 2023.

<sup>8</sup> Committee to Protect Journalists, "[Algerian police arrest at least 16 journalists, reporter Kenza Khattou remains in detention](#)", 17 May 2021.

<sup>9</sup> Amnesty International, "[Algeria: Conviction of journalist is latest escalation in crackdown on media](#)", 3 April 2023.

<sup>10</sup> Article 19, "[Algeria: Authorities must protect freedom of expression and a free press](#)", 13 December 2022.

<sup>11</sup> Article 19, "[Algeria: The closure of Liberté is a big loss for media freedom](#)", 8 April 2022. ; Basma El Atti, "[The closure of Liberté: Algeria's embattled media landscape](#)", *The New Arab*, 29 April 2022.

<sup>12</sup> Karim Amrouche, "[Algerian newspaper 'El Watan' - flagship of 'intellectual adventure' - in debt and under threat](#)", *Le Monde*, 27 July 2022.

2022, both of which occurred without informing LADDH. The International Federation for Human Rights lauded the organization: “Since its creation in 1985, the Algerian League for the Defense of Human Rights has been the voice of the voiceless. It has consistently denounced the repression of political opponents, peaceful demonstrators, and citizen movements. It has supported victims and stood by the most vulnerable, especially the families of migrants and religious minorities”.<sup>13</sup> Similarly, the association Youth Action Rally (Rassemblement actions jeunesse), which works to mobilize and educate the youth regarding human rights, citizenship, and cultural solidarity, was issued a closure decision by the Administrative Court in late 2021 and is awaiting a judgment on its appeal.<sup>14</sup>

Are there any human rights defenders working on specific rights or from specific groups facing particular challenges?

Are human rights defenders of minority rights facing differentiated challenges?

Jubilee Campaign has been monitoring a few cases of individuals who have been persecuted by the Algerian government not only for their work promoting human rights but also for their identities as Christians and religious freedom activists.

In November 2021, Algerian authorities arrested Pastor Salaheddine (Salah) Chalah, president of the Protestant Church of Algeria (Eglise protestante d’Algérie) on charges of “practicing worship without the prior (approval) of the National Commission for non-Muslim worship” and “calling through social media for the disobedience of laws by a clergymen”; Chalah was sentenced to 18 months’ imprisonment, and his case initiated a prolonged period of harassment and repression of the EPA.<sup>15</sup> An additional charge faced by Chalah includes “calling to organised an unarmed assembly” specifically in regards to his participation in peaceful protests in October 2019 outside of local government offices in Tizi Ouzou condemning the municipal authorities’ abrupt closure of his church.<sup>16</sup> Pastor Chalah, a Christian himself, has become the most prominent Algerian human rights activist promoting religious freedom and calling for the Christian minority community’s right to assemble for prayer and worship and for the reopening of EPA churches.<sup>17</sup> Days after the October 9 sit-in protest, Algerian police raided the Full Gospel Church, assaulting numerous worshipers including Pastor Chalah and his fellow pastor Tarek Berki; when they arrived at the local police station they were presented with a notice for the closure of their church, Pastor Chalah recalled, and “after Tarek read the notification, they asked me to sign it, which I refused to do. But they said they were going to act anyway. Then I told them, ‘Anyway, on your arrival, we will wait for you [with as many people] as possible inside the room of worship in praise and prayer’”.<sup>18</sup>

While the Algerian government’s pattern of shutting down EPA churches dates back to 2017, the persecution has escalated in the years since 2019 and especially following Pastor Chalah’s arrest.

<sup>13</sup> International Federation for Human Rights (FIDH), [“Repression in Algeria: dissolution of the Algerian League for the Defense of Human Rights”](#), 23 January 2023. ; Fédération Internationale Pour Les Droits Humains, “Répression en Algérie: dissolution de la Ligue algérienne de défense des droits de l’homme”.

<sup>14</sup> UN Office of the High Commissioner for Human Rights, [“Algeria: UN expert says crackdown on civil society and human rights defenders must end”](#), 22 February 2023. ; Front Line Defenders, [Rassemblement Actions Jeunesse \(RAJ\)](#).

<sup>15</sup> United States Commission on International Religious Freedom (USCIRF), [Annual Report](#), April 2023.

<sup>16</sup> Middle East Concern, [“Algeria: Pastor summoned to court”](#), 23 November 2021.

<sup>17</sup> Mission Network News, [“Persecution Persists in Algeria but Believers Praise God”](#), 22 November 2019.

<sup>18</sup> Benjamin Weinthal, [“Algeria shuts down Protestant churches, police arrest worshipers”](#), *The Jerusalem Post*, 27 October 2019.

Approximately 40 EPA churches have received government-issued orders to cease operation and 17 have been forcibly shut down by state authorities, including the two largest in the association; the many EPA churches that were shut down for COVID-19 pandemic mitigation efforts have been prohibited from resuming activity unlike the mosques across the nation which have been allowed to gradually return to pre-pandemic operation.<sup>19</sup>

Another human rights defender and religious freedom activist is Pastor Chalah's peer, EPA Vice President Youssef Ourahmane who has participated in numerous high-level events and panels to raise the plight of Algerian Christians. In July 2022, speaking at a parallel event on the sidelines of the 50th session of the UN Human Rights Council, Pastor Ourahmane spoke about the repeatedly rebuffed attempts of EPA to have its operation license renewed since 2014, leaving it in legal limbo, noting that "The Algerian government wants to keep the church weak and ultimately see it disappear".<sup>20</sup> Most recently, in early 2023 Pastor Ourahmane was apprehended by police and charged with "holding an unauthorised religious assembly" and "holding worship in a building not permitted for worship" after he had hosted a group of Christian families for a three-day stay on a church compound with a chapel sealed by the government in 2019. In September 2023, a court convicted Pastor Ourahmane in absentia and sentenced him to two years' imprisonment and a fine of 100,000 دج (≈ USD \$725), which he has since appealed and is expecting to present his case in November 2023.<sup>21</sup>

We urge the Special Rapporteur on human rights defenders to raise the above problematic legal limitations on freedom of expression and the effects of such policies on human rights defenders of persecuted minority faith groups, including in the cases of Pastor Salah Chalah and Pastor Youssef Ourahmane who are doubly targeted on account of their identification with the religious communities they advocate for. We also urge the Special Rapporteur to make the following recommendations to Algerian government officials:

- Repeal legislations that pose restrictions on and outright criminalize the exercise of free speech and expression, including Law No. 20-06 and the Organic Law on Information (2023), which – through their vague language prohibiting "undermining the integrity of the nation", "harming national interest", "incitement to unarmed gathering", and "insulting public officials" – are used to harshly punish individuals who criticize the government;
- Cease the practice of arresting and imprisoning human rights activists and defenders, and release all such prisoners of conscience unconditionally and with immediate effect;
- Cease the practice of imprisoning faith minorities on charges of blasphemy and release unconditionally and with immediate effect all religious prisoners of conscience in Algeria;

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<sup>19</sup> International Christian Concern, "[Algeria is Still Forcing Churches to Close](#)", 23 November 2022. ; Jubilee Campaign, [Rejoinder from Jubilee Campaign to "Response of the Government of Algeria to allegations concerning the closure of Protestant churches and places of worship"](#), June 2021.

<sup>20</sup> Cairo Institute for Human Rights Studies, "[Algeria: Government should amend its national legislation to comply with its international obligations](#)", 7 July 2022.

<sup>21</sup> Middle East Concern, "[Algeria: Church leader convicted](#)", 15 September 2023. ; Church in Chains, "[ALGERIA: Church leader sentenced to two years in prison](#)", 4 October 2023.

- Cease the practice of shutting down non-Muslim houses of worship on arbitrary grounds and maintaining their closures, as they have consistently met safety regulations and have applied for operation licenses but are relegated to operating ‘illegally’ due to inaction by the National Commission for NonMuslim Religious Groups;
- Reopen with immediate effect the 17 Protestant churches that remain closed.