



TEXTS ADOPTED

Provisional edition

P9_TA-PROV(2020)0329

The deteriorating situation of human rights in Algeria, in particular the case of journalist Khaled Drareni

European Parliament resolution of 26 November 2020 on the deteriorating situation of human rights in Algeria, in particular the case of journalist Khaled Drareni (2020/2880(RSP))

The European Parliament,

- having regard to its previous resolutions on Algeria, in particular that of 28 November 2019 on the situation of freedoms in Algeria¹ and that of 30 April 2015 on the imprisonment of workers and human rights activists in Algeria²,
- having regard to the EU Annual Report on Human Rights and Democracy in the World 2019 of 15 June 2020,
- having regard to the International Commission of Jurists' briefing paper 'Flawed and inadequate: Algeria's Constitutional Amendment Process', published in October 2020,
- having regard to the joint letter of 29 September 2020 signed by 31 local, regional and international civil society organisations denouncing the crackdown on Algerian civil society,
- having regard to the four communications sent to the Algerian Government between 30 March and 16 September 2020 by the Special Procedures of the UN Human Rights Council on arbitrary and violent arrests, unfair trials and reprisals against human rights defenders and peaceful activists,
- having regard to the EU-Algeria Association Agreement and notably Article 2 thereof, which stipulates that respect for democratic principles and fundamental human rights must constitute an essential element of the agreement and inspire the domestic and international policies of the parties thereto,
- having regard to the 11th EU-Algeria Association Council,
- having regard to the shared partnership priorities adopted under the revised European

¹ Texts adopted, P9_TA(2019)0072.

² Texts adopted, P8_TA(2015)0188.

neighbourhood policy by Algeria and the European Union on 13 March 2017,

- having regard to the Council conclusions of 19 November 2020 on the EU Action Plan on Human Rights and Democracy 2020-2024, and in particular to its EU human rights defenders mechanism established to protect and support journalists and media workers,
 - having regard to the Algerian Penal Code, and in particular to Articles 75, 79, 95 bis, 98, 100, 144, 144 bis, 144 bis 2, 146 and 196 bis thereof,
 - having regard to the EU Guidelines on human rights defenders, on the death penalty, on torture and other cruel, inhuman or degrading treatment or punishment, and on freedom of expression online and offline, and to the EU Strategic Framework and Action Plan on Human Rights and Democracy,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), and the Convention on the Rights of the Child, all four ratified by EU Member States and Algeria,
 - having regard to Opinion 7/2020 on the detention of Fadel Breika adopted by the UN Working Group on Arbitrary Detention (WGAD),
 - having regard to the third Universal Periodic Review (UPR) on Algeria, adopted by the UN Human Rights Council at its 36th session on 21 and 22 September 2017,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the African Charter on Human and Peoples' Rights (ACHPR),
 - having regard to the 2020 World Press Freedom Index produced by Reporters without Borders,
 - having regard to the Universal Declaration of Human Rights of 1948 and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,
 - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas beginning in February 2019 Algeria experienced an unprecedented protest movement (Hirak) in reaction to the prospect of a fifth mandate for the then President Abdelaziz Bouteflika; whereas peaceful demonstrations against government corruption and calling for a civic state, an independent judiciary, democratic reform, transparency and an inclusive framework to prepare for free elections took place regularly throughout the country on Fridays and Tuesdays, and continued for an entire year, including during the electoral process; whereas these significant weekly demonstrations were voluntarily halted in March 2020 on account of the COVID-19 pandemic, although the protest movement has continued on social media;
- B. whereas, following the resignation of President Bouteflika on 2 April 2019 in response to the Hirak movement and two subsequent election postponements during which the military leadership played a prominent role, Algeria held presidential elections on 12

December 2019 through which former Prime Minister Abdelmadjid Tebboune became President; whereas the Hirak movement denounced the list of candidates for their ties to the former administration and boycotted the elections, for which the official turnout rate was under 40 %;

- C. whereas political arrests and arbitrary detention of peaceful Hirak and trade union activists, as well as journalists, have increased since the summer of 2019, in violation of the fundamental rights to a fair trial and due process of law; whereas censorship, trials and severe punishment of independent media, often accused of plotting with foreign powers against national security, continue to worsen despite the official end of the Bouteflika government; whereas security restrictions introduced to fight the COVID-19 pandemic contributed to tightened controls, and are being used by the authorities to further restrict civic space, limit peaceful dissent and hamper freedom of speech and expression;
- D. whereas against this backdrop of repression currently taking place in Algeria, there are more and more allegations of torture being practised in police stations and in the General Directorate for Internal Security (DGSI) in Algiers, as in the case of prisoner Walid Nekkiche;
- E. whereas between 30 March and 16 April 2020 three communications were sent to the Algerian Government by UN Special Procedures in relation to arbitrary and violent arrests, unfair trials and reprisals against human rights defenders and peaceful activists, with a fourth communication on 27 August 2020 regarding Mohamed Khaled Drareni;
- F. whereas Mohamed Khaled Drareni, a correspondent for TV5 Monde, representative of Reporters Without Borders (RSF) and director of the Casbah Tribune news website, was sentenced in August 2020 to three years in prison and a fine of 50 000 Algerian dinars for filming police attacking demonstrators in Algiers; whereas the official charges against him were ‘inciting an unarmed gathering’ and ‘undermining the integrity of the national territory’; whereas on 15 September 2020 his sentence was reduced to two years on appeal; whereas on 16 September 2020 the Special Rapporteurs and Working Group of the UN Special Procedures condemned his prison sentence in the strongest possible terms, called on the Algerian authorities to ensure his immediate release, and described his conviction as a clear violation of the freedom of expression, peaceful assembly and of association;
- G. whereas Mohamed Khaled Drareni covered the twice-weekly Hirak protests from their start in February 2019; whereas his exposure of the Algerian Government’s harsh crackdown on peaceful assembly and freedom of expression led to him being subjected to detention, interrogation and intimidation for his coverage of the Hirak protests three times prior to his conviction, specifically on 14 May 2019, 9 August 2019 and 9 January 2020, as well as to bribery attempts by government officials on two occasions; whereas he was told that his last detention served as a final warning prior to his referral to the judicial system; whereas on 7 March 2020 Mohamed Khaled Drareni was arrested during a Hirak protest; whereas Drareni was released on 10 March 2020 but rearrested on 27 March 2020;
- H. whereas on the day of his first arrest over 20 other peaceful demonstrators were taken into custody; whereas two of those arrested were detained for brandishing the Amazigh flag; whereas the Amazigh flag is widely used during the Hirak protests; whereas

General Ahmed Gaid Salah outlawed the use of the flag in June 2019; whereas in recent months former regime officials have embarked on a smear campaign against the population of the majority Amazigh Kabylie region that could lead to ethnic divisions within the Hirak movement; whereas Amazigh and Hirak activists, including Yacine Mebarki, continue to face arbitrary arrest for expressing dissenting religious and political views;

- I. whereas the Hirak protests were reclaiming public space for citizens; whereas, in particular after the Hirak movement moved online to prevent the spread of COVID-19, the restrictions on freedom of expression and the limitations imposed on journalists have been tightened, in particular through the blocking of internet sites, censorship of television programmes and the detention and harassment of journalists, media managers, and protesters expressing their views on social media, with at least six online news websites having been made unavailable on Algerian networks in April and May 2020;
- J. whereas between March and June 2020 local rights groups estimate that at least 200 people were subjected to arbitrary arrest for expressing their opinion or for alleged support to the Hirak movement; whereas the National Committee for the Liberation of Detainees (CNLD) documented at least 91 prisoners of conscience in detention as of 17 November 2019, up from 44 in late August, with a number of them in pre-trial detention for an indefinite duration; whereas the risk of an outbreak of COVID-19 in prisons poses an additional threat to those detained for expressing their political views; whereas on 25 March 2020, in the context of the COVID-19 pandemic, the UN High Commissioner for Human Rights, Michelle Bachelet, called for the release of political prisoners and of those detained for expressing critical views;
- K. whereas since January 2020, 41 femicides have been recorded by activists, notably Femicides-dz; whereas in 2020 women rights' movements have intensified their denunciation of the increasing violence against women and the number of femicides, as well as calling for the review of current laws, especially the Family Code and a number of articles in the Penal Code, in order to guarantee full equality between women and men;
- L. whereas in April 2020 Algeria also adopted amendments to the Penal Code through Law 20-06 that further restrict and criminalise the exercise of fundamental rights such as freedom of the press, freedom of expression and freedom of association on the artificial grounds that they are 'fake news' undermining the Algerian state; whereas the Algerian authorities are increasingly using vague articles of the Penal Code, including those added in April 2020, to prosecute people who exercise their rights to freedom of opinion and expression, and peaceful assembly and association; whereas a first-time offence carries a maximum sentence of five years' imprisonment if committed during 'a time of a public health lockdown or a natural, biological or technological disaster or any other form of disaster';
- M. whereas, in the context of the crackdown on civic space, the Algerian authorities have advanced a top-down constitutional revision process, purportedly as part of President Tebboune's inaugural commitment to 'build a new Algeria' in response to the Hirak protests, but which lacks broad support across Algerian society, and which has been criticised by independent civil society organisations for being in violation of international standards of inclusivity, participation, transparency, and sovereignty in

constitution-making; whereas the concurrent mass arrest of civil society activists and journalists fully undermined the public legitimacy of the constitutional revision process;

- N. whereas Algeria held a referendum on 1 November 2020 on the revision of the Constitution, including a two-term limit on the presidency; whereas the referendum saw Algeria's lowest turnout since its independence in 1962, with an official turnout of 23.7 %; whereas the new Constitution was officially approved by 66.8 % of voters; whereas the new Constitution is pending ratification upon the President's return to Algeria;
 - O. whereas Algeria's Constitution maintains the conditionality of freedom of the press, officially granted under Article 54 of the revised Constitution, on respect for the 'traditions and religious, moral and cultural values of the Nation'; whereas such limitations on press freedom violate the ICCPR, which Algeria has ratified; whereas the UN Human Rights Committee's General Comment No 34 declares that 'no media outlets can be penalised for criticising a political or social system'; whereas the revision also introduces a dangerous change by constitutionalising the political role and powers of the army; whereas the constitutional reform also maintains the dominance of the Presidency over all institutions, including the judiciary;
 - P. whereas the National Union of Magistrates (SNM) has denounced the Algerian authorities' pervasive and abusive recourse to pre-trial detention; whereas members of the judiciary were subjected to professional sanctions after acquitting peaceful activists or after they demanded respect for judicial independence from the executive authorities;
 - Q. whereas in 2020 Algeria is ranked 146th out of 180 in the World Press Freedom Index by Reporters without Borders, five places lower than in 2019 and 27 places lower than in 2015;
 - R. whereas Algeria is a key partner for the European Union within the framework of the European Neighbourhood Policy, with important political, economic and people-to-people interests in the country and in the region; whereas the EU-Algeria Partnership Priorities are the expression of a shared commitment to the universal values of democracy, the rule of law and human rights;
1. Strongly condemns the escalation of arbitrary and unlawful arrests, detentions and judicial harassment of journalists, human rights defenders, trade unionists, lawyers, civil society and peaceful activists in Algeria, which has not allowed any space for political dialogue on the undemocratic constitutional revision and the exercise of the freedoms of expression, assembly and association; denounces the use of the introduction of emergency measures in the context of the COVID-19 pandemic as a pretext for limiting the fundamental rights of the Algerian people;
 2. Calls on the Algerian authorities to immediately and unconditionally release Mohamed Khaled Drareni and all those detained and charged for exercising their right to freedom of expression, both online and offline, and to freedom of assembly and association, including Yacine Mebarki, Abdellah Benaoum, Mohamed Tadjadit, Abdelhamid Amine, Abdelkrim Zeghileche, Walid Kechida, Brahim Laalami, Aissa Chouha, Zoheir Kaddam, Walid Nekkiche, Nourreddine Khimoud and Hakim Addad; reiterates the call of the UN High Commissioner for Human Rights, Michelle Bachelet, in light of the COVID-19 pandemic, for the urgent release all political prisoners and those detained for

expressing dissenting views; calls on the Algerian authorities to unblock media outlets and to put a stop to the arrest and detention of political activists, journalists, and human rights defenders, or anyone who expresses a dissenting view or criticism of the government;

3. Reiterates that the freedom of expression, including the freedom of journalists and citizen journalists to report, analyse, and provide commentary on protests or any other expression of discontent with the government or government-related institutions or individuals, is fundamental to a fully democratic political transition;
4. Expresses its solidarity with all Algerian citizens – women and men, from diverse geographic, socioeconomic and ethnic backgrounds – who have been peacefully demonstrating since February 2019 to demand a civilian-controlled state, popular sovereignty, respect for the rule of law, social justice and gender equality; calls on the Algerian authorities to take appropriate steps to fight corruption;
5. Reiterates its call on the Algerian authorities to put an end to any form of intimidation, judicial harassment, criminalisation or arbitrary arrest and detention of critical journalists, bloggers, human rights defenders, lawyers, and activists, and to take appropriate steps to ensure and guarantee to all the right to freedom of expression, association and peaceful assembly, freedom of the media, and freedom of thought, conscience and religion or belief, which are guaranteed by the Algerian Constitution and by the ICCPR, which Algeria has signed and ratified; condemns any form of excessive use of force by law enforcement officials in dispersing peaceful protests; reiterates its call on the Algerian authorities to conduct independent investigations into each case of excessive use of force by law enforcement officials, and to hold all perpetrators to account; calls on the Algerian authorities to implement their international commitments under UNCAT;
6. Notes that, since Parliament adopted its resolution of 28 November 2019, some political activists have been provisionally released, such as the opposition figure Karim Tabbou, Mustapha Bendjema, and Khaled Tazaghart;
7. Urges the Algerian authorities to ensure the establishment of a free civic space that allows for a genuine political dialogue and does not criminalise fundamental freedoms, by adopting new legislation which is fully in line with international standards and which does not provide for exceptions that are illegal under international law, in particular the conventions that Algeria has ratified, including those by the International Labour Organization (ILO); emphasises that this free civic space is a prerequisite for a democratic and civilian-led Algeria; deplores the fact that foreign reporters still face administrative obstacles and obstructions in obtaining press visas to work in the country;
8. Recalls that respect for the democratic principles and fundamental rights established by the Universal Declaration of Human Rights is one of the essential elements of the 2005 EU-Algeria Association Agreement; underlines that the ongoing political transition must ensure the right of Algerians of all genders and of all geographic, socioeconomic and ethnic backgrounds, including Imazighen, to fully participate in the democratic process and to exercise their right to take part in the conduct of public affairs, including by reversing the decline of space for an independent civil society, journalism and political activism;

9. Expresses concern about restrictive new laws, such as Law 20-06, which arbitrarily criminalises the dissemination of ‘fake news’ undermining the honour of public officials and the financing of associations; stresses that this law contains several provisions violating international standards on freedom of expression and freedom of association, including Articles 19 and 22 of the ICCPR;
10. Urges the Algerian authorities to review the current restrictive Law 12-06 of 2012 on Associations, and Law 91-19 of 1991 on Public Meetings and Demonstrations, which sets up a regime of prior authorisation, and to ensure that the relevant administrative authority will issue a registration receipt without delay to several civil society, non-governmental, religious and charitable organisations that have applied for re-registration;
11. Deplores the amendments to Algeria’s Penal Code in April 2020 restricting freedom of the press, freedom of expression and freedom of association; urges the Algerian authorities to review the Penal Code and in particular Articles 75, 79, 95 bis, 98, 100, 144, 144 bis, 144 bis 2, 146 and 196 bis, in line with ICCPR and the ACHPR in order to stop the criminalisation of freedom of expression and of peaceful assembly and association;
12. Welcomes the fact that Article 4 and 223 of the revised Constitution strengthen the status of Tamazight as a national and official language; emphasises that such declarations must not serve as a means to disregard the structural problems faced by the Tamazight or sow division within the Hirak movement; calls on the Algerian authorities to safeguard equality of treatment before the law in the use of Arabic and Tamazight; urges the Algerian Government to overturn the ban on brandishing the Amazigh flag and to immediately release anyone imprisoned for displaying Amazigh symbols;
13. Supports the Algerian lawyers and other legal practitioners who persist in seeking to uphold the highest standards of justice in spite of the context and the risks entailed; calls on the Algerian authorities to fully guarantee the independence of the judiciary and the impartiality of the justice system, and to cease and prohibit any restrictions, improper influences, pressures, threats or interference in judicial decision-making and other judicial issues;
14. Calls on the Algerian authorities to ensure both full accountability and civilian and democratic oversight of the armed forces, and their effective subordination to a legally constituted civilian authority, and to guarantee that the role of the military is adequately defined in the Constitution and expressly limited to matters of national defence;
15. Urges the Algerian authorities to allow international human rights organisations and UN Special Procedures access to the country;
16. Expresses concern about the administrative hurdles that religious minorities are facing in Algeria, and in particular regarding Ordinance 06-03; encourages the Algerian Government to revise Ordinance 06-03 to bring it further into line with the Constitution and with its international human rights obligations, in particular Article 18 of the ICCPR; calls for respect for the freedom of worship of all religious minorities;
17. Expects the EU to position the situation of human rights at the heart of its engagement with the Algerian authorities, notably during the forthcoming EU-Algeria Association

Council; calls on the European External Action Service (EEAS) to draw up and provide a list of individual cases of particular concern, including those mentioned in this resolution, and to regularly report back to Parliament on progress towards resolving these cases;

18. Calls on the EEAS, the Commission and the Member States, together with the EU Special Representative for Human Rights, to support civil society groups, human rights defenders, journalists, and protesters, including by adopting a more assertive public position on respect for human rights and the rule of law in Algeria, by clearly and publicly condemning human rights violations, by urging authorities to release arbitrary detainees and to stop the excessive use of pre-trial detention, by requesting access to detainees and monitoring trials of activists, journalists and human rights defenders, and by closely monitoring the human rights situation in Algeria, using all available instruments;
19. Underlines the importance of EU-Algeria relations with Algeria as an important neighbour and partner; recalls the importance of a strong and deep EU-Algerian relationship and reaffirms its commitment to fostering these relations, based on full respect for common values such as respect for human rights, democracy, rule of law, and freedom of the media;
20. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the EU Delegation in Algiers, the Government of Algeria, the UN Secretary-General, the UN Human Rights Council and the Council of Europe.