

Urgent Action Office 3-1992 Yonge Street Toronto ON M4S 1Z7 Phone: (416) 363-9933 Fax: (416) 363-3103 urgentaction@amnesty.ca
Third UA: 37/23 Index: MDE 28/7591/2024 Algeria of January 16, 2024

ALGERIA UNFAIRLY JAILED JOURNALIST DENIED APPEAL

On October 12, 2023, the Algerian Supreme Court denied two appeals from Ihsane El Kadi's lawyers, confirming his seven-year sentence. This sentence comprises five years in prison and two years on probation. Ihsane El Kadi has been in prison since December 24, 2022, due to his journalistic writing. It is crucial for authorities to promptly release Ihsane El Kadi from El Harrach prison, potentially through a presidential pardon.

Write to the Algerian President urging him to:

- Grant Ihsane El Kadi a presidential pardon.
- End the targeted crackdown and censorship of independent media and journalists in Algeria through vaguely worded articles of the Penal Code which are used to violate the right to freedom of expression.

Write to:

President of the Republic of Algeria
Abdelmadjid Tebboune
Présidence de la République
Place Mohammed Seddik Benyahya, El Mouradia,
Alger 16000 Algérie
Email: President@el-mouradia.dz
Salutation: Your Excellency:

And copy:

Mr. Mokhtar ALLOUNE
Counsellor & Chargé d'affaires, a.i.
Embassy of the People's Democratic Republic of Algeria
500 Wilbrod Street
Ottawa, ON K1N 6N2
Tel: (613) 789-8505; -0282 Fax: (613) 789-1406
Email: info@embassyalgeria.ca

ADDITIONAL INFORMATION

Ihsane El Kadi is a journalist and the director and founder of “Interface Media”, which comprises of media outlets Radio M and Maghreb Emergent. He has written several articles openly criticizing the Algerian authorities who responded by harassing him and targeting his media outlets. The websites of both Radio M and Maghreb Emergent were blocked inside Algeria in 2020. On several occasions since 2021, security services summoned Ihsane El Kadi to the Antar security center in Algiers, where he was interrogated.

On December 24, 2022, plainclothes security officials arrested Ihsane El Kadi at his home in Zemmouri, 40km east of Algiers, and later that day led him in handcuffs to the offices of his online media outlets Radio M and Maghreb Emergent. They ordered staff to leave, seized computers and other materials and sealed the doors, without providing any explanation nor informing him of the allegations for which he was arrested. Security officers held Ihsane El Kadi for five days and interrogated him about his publications.

On December 29, 2022, an investigative judge at the first instance Tribunal of Sidi M'hamed in Algiers ordered the detention of Ihsane El Kadi at El Harrach prison after a prosecutor charged him with several offences under the Penal Code, including receiving funds "*that could harm the security of the state,*" receiving foreign funds "*for political propaganda*" and distributing or selling propaganda "*with the aim of harming the national interest*" – a charge which was later dropped. The judge also accused him based on Ordinance 77-3 dating back to 1977, which requires prior authorization from the governor or the Minister of Interior for fundraising. On January 15, 2023, a judge in the Sidi M'hamed court renewed Ihsane El Kadi's pretrial detention without the presence of his lawyer, breaching his fair trial rights.

Two courts in Algeria previously prosecuted Ihsane El Kadi in February and March 2022 for "*terrorism*" and other charges because he was in contact with Zaki Hannache and Tahar Khouas, two human rights defenders who were detained in Algeria for several weeks. The charges against him were dropped but, in June 2022, he was convicted to six months in prison in a third case for an article he wrote in 2021 about the role of the non-recognized political party Rachad in the protest movement Hirak, following a complaint filed against him by the Minister of Communication.

On April 2, 2023, the tribunal of Sidi M'hamed in Algiers convicted Ihsane El Kadi to five years in prison, of which two were suspended, a fine of 700,000 Algerian dinars (around 6,950 CAD), and ordered the dissolution of his media company, one of the last independent media outlets in the country. It also ordered the media company to pay damages to the Algerian audio-visual regulatory body worth 10 million dinars (around 99,681 CAD), following the authorities' launching a civil lawsuit against Interface Media for "*exploiting an audio-visual communication service without authorization.*"

Ihsane El Kadi was convicted for investing money sent to him by his daughter into his media company and carrying out his work as a journalist. On June 18, 2023, the Algiers Court of Appeal announced the verdict of Ihsane El Kadi's appeals trial, confirming his conviction and increasing his sentence from five to seven years, two years of which were suspended. The appeals court failed to recognize and remedy violations against Ihsane El Kadi from the moment of his arrest.

On January 16, 2023, several UN Special Rapporteurs, including the Special Rapporteur on the right to freedom of expression and the Special Rapporteur on freedom of assembly and association, raised concerns about Ihsane El Kadi's arrest and detention in a communication to the Algerian president. They expressed concern about the possible violation of fair trial standards, the ambiguous legal basis of the accusations against Ihsane El Kadi and the severity of the penalties provided for by articles 95 and 95 bis of the Penal Code. They expressed deep concern about Algerian authorities' misuse of security measures to prevent free expression in the media. The Algerian permanent mission to the UN responded on March 15, 2023, saying that Ihsane El Kadi "*benefited from all the rights which he are recognized by law as accused, in application of the principles of legality, trial fair and respect for dignity*

and human rights and in accordance with article 1 of the Code of Criminal Procedure and that he was arrested because he was suspected of having committed the above-mentioned acts and not because of his journalistic activity.” They add that, while Algeria strives to ensure the conformity of its internal laws with international human rights law, “Article 154 of the Constitution provides that treaties ratified by Algeria have primacy on internal laws.”

The most recent sentencing of Ihsane El Kadi is yet another example of the growing repression in Algeria. In the past two years, dozens of journalists, bloggers, human rights defenders and activists have been harassed, intimidated and arbitrarily detained on charges related to the exercise of their rights to freedom of expression and peaceful assembly.

Please take action at your earliest convenience!