

# Policing Belief



## THE IMPACT OF BLASPHEMY LAWSON HUMAN RIGHTS



A FREEDOM HOUSE SPECIAL REPORT

# Algeria

## INTRODUCTION

Freedom of expression, freedom of religion, and equality before the law are guaranteed in Algeria's constitution,<sup>1</sup> but they are subject to extensive restrictions. The Penal Code and other laws include prohibitions on insulting or criticizing the military and government officials, the media face many limitations on what and how they may report, and human rights defenders have been prosecuted for their work on security-related issues, including the many disappearances that took place during the civil conflict of the 1990s. Algeria's legal system also criminalizes blasphemous expression and other forms of religious insult, including seeking to convert Muslims to other faiths.

Article 144 bis 2 of the Penal Code bans insults against Islam or the prophet Muhammad, and most blasphemy cases are brought under this provision, usually against nonpracticing Muslims or those failing to adhere to the state-sanctioned interpretation of Islam. The Information Code of 1990, governing the media, also prohibits blasphemy under Article 26, which forbids publications that are "contrary to Islamic morals, national values, human rights," and Article 77, which bans insults against Islam and the other "heavenly religions," namely Christianity and Judaism.<sup>2</sup> All of these measures have obstructed the ability of Christians, Muslims, and nonbelievers alike to enjoy their fundamental human rights.

Algeria's population is fairly homogeneous with respect to religion, with Sunni Muslims making up 99 percent of the country's 36 million people. Christians and Jews account for the remainder.<sup>3</sup> However, in recent years there has reportedly been a rise in the number of evangelical Christians in the country,<sup>4</sup> and this has triggered mounting restrictions on Christian practice, notably through the enactment and enforcement of Ordinance 06-03 of 2006. The ordinance imposes a number of administrative requirements on non-Muslim religious associations,

obliging them to register places of worship and limiting worship to registered sites. The law also criminalizes proselytizing among Muslims on behalf of other faiths (Article 11) and dissemination of materials aimed at “shaking the faith of a Muslim.”

## BACKGROUND

Algeria’s political history and the power struggle between the National Liberation Front (FLN) and Islamists have played a major role in the development of current conditions for religious freedom. The political rhetoric in the period just prior to independence from France in 1962, and in the decade that followed, often tied Algerian nationalism to Muslim identity,<sup>5</sup> giving Islam a lasting and significant influence in the political arena.

For the first three decades of independence, the Algerian government was largely secular. Article 2 of the constitution identifies Islam as the religion of the state,<sup>6</sup> and Article 171 establishes a High Religious Council to provide opinions on Islamic law,<sup>7</sup> but the socialist influence was strong in the government during the 1960s and 1970s under President Houari Boumédiène.<sup>8</sup> The ruling FLN remained the dominant party and political opposition was banned by the constitution until protests calling for political reform reached a peak in 1989.<sup>9</sup> The ban was lifted, and many new political parties were formed, with the Islamic Salvation Front (FIS) quickly becoming the most popular. In 1990, the FIS won a majority of seats in municipal and provincial elections, and as it was poised to win parliamentary elections in January 1992, the military seized power and engineered the dissolution of the parliament as well as the FIS.<sup>10</sup> Military commanders established a High Council of State to rule the country. The move set off almost a decade of civil strife between Islamist rebel groups and the government that had devastating effects on the population at large.<sup>11</sup> Between 1992 and 1999, the worst years of the civil war, Algeria was plagued by terrorist attacks, bombings, and incidents of indiscriminate violence. Government officials estimate that 150,000 Algerians died during this period.<sup>12</sup>

Elections were held in 1995, but the FIS was excluded from participating. Liamine Zéroual, who had been appointed head of the High Council of State in 1994, won the presidency. Zéroual stepped down in 1999 and called another presidential election. The military-backed candidate, Abdelaziz Bouteflika, ran unopposed following withdrawals by other candidates, and he won a second term

in 2004.<sup>13</sup> In 2008, Bouteflika successfully pressured the parliament to remove presidential term limits from the constitution, and in April 2009 he was elected for a third term.

Terrorist violence in Algeria has subsided significantly under Bouteflika, and the security situation is for the most part stable, though attacks do still occur. While the government was able to regain control of the country, the aftereffects of the civil conflict have contributed to a rise in Islamization and general religious conservatism, which in turn has facilitated the crackdown in recent years on religious minorities and nonpracticing Muslims.<sup>14</sup> Bouteflika has been criticized for pandering to Islamists for political reasons. His attempts to reconcile with and appease this significant constituency can be seen in the 2006 charter guaranteeing amnesty for many perpetrators of violence during the civil war, the introduction of new laws in the past five years targeting religious minorities, and the recent enforcement of “moral” policing under Article 144 bis 2 of the Penal Code.<sup>15</sup> These measures also serve to counter the perceived “Westernization” of Algerian society, in what some have described as holdover attitudes from the immediate postcolonial period.<sup>16</sup> The overall impact of the political concessions to Islamists, and the general exploitation of religion in politics, has been negative for freedom of religion and freedom of expression. While the situation is significantly less severe than in many other countries where blasphemy laws are enforced, the recent increase in prosecutions for religious offenses in Algeria is cause for concern.

## BLASPHEMY LAWS

Algeria’s blasphemy and other religious insult prohibitions are found in a number of laws, though Article 144 bis 2 of the Penal Code is invoked most often to clamp down on perceived religious insults. The measure prescribes up to five years of imprisonment and a fine of 50,000 to 100,000 dinars (US\$680 to US\$1,360) for “insulting the prophet and any of the messengers of God, or denigrating the creed and precepts of Islam, whether by writing, drawing, declaration, or any other means.”<sup>17</sup> The law has been criticized for its lack of clarity, which leaves it open to interpretation and manipulation by police and judicial officials.<sup>18</sup>

### **Incompatibility with International Law**

Algeria’s blasphemy and religious insult laws do not comply with international human rights standards. The vague terminology in Article 144 bis 2 of the

Penal Code and Articles 26 and 77 of the Information Code allow police officials and judges to impose their own religious perspectives on society, and to give at least one version of Islamic practice the force of law.<sup>19</sup> There have been cases of Muslims being arrested for failing to adhere to the state-endorsed belief system, for example by not fasting during Ramadan. These incidents are relatively infrequent, but the numbers have increased in recent years, and their persistence does not bode well for religious freedom and nondiscrimination.

Algeria is party to a number of core human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the UN Convention Against Torture, the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Convention on the Elimination of Racial Discrimination (ICERD), and the Convention on the Rights of the Child (CRC).<sup>20</sup> In addition, Algeria holds a seat on the UN Human Rights Committee, which requires members to pledge their commitment to upholding and protecting human rights. Many of the rights violated by Algeria's blasphemy and religious insult laws are enshrined in the Universal Declaration of Human Rights, as well as the Algerian constitution.

## IMPACT ON THE ENJOYMENT OF HUMAN RIGHTS

### Freedom of Expression

While all cases brought under Algeria's blasphemy laws lead to violations of freedom of opinion and expression, those aimed at the news media are particularly damaging to these rights. Kamal Bousaâd, the director of the weekly *Panorama*, and Berkane Bouderbala, editor of the weekly *Essafir* and its religious supplement *Errisala*, were arrested in February 2006 under Article 144 bis 2 of the Penal Code. The Ministry of Communications had lodged the complaint against them after their outlets published controversial Danish cartoons depicting the prophet Muhammad.<sup>21</sup> *Panorama* and *Essafir* were shut down by the government,<sup>22</sup> but both journalists were released the following month.<sup>23</sup>

According to the U.S. State Department, others in the media were demoted, reassigned, or fired for disseminating the contentious cartoons in 2006. For example, Lotfi Cheriet, general manager of the Canal Algérie television station, was demoted; the narrator of the Canal Algérie broadcast in question was fired; and Houria Khatir, director of the television channel Thalita, was also fired.<sup>24</sup>

## Freedom of Religion

Algeria's blasphemy laws have had negative consequences for the religious freedom of Muslims and non-Muslims alike. In recent years, a number of people have been arrested for not fasting during Ramadan even though the fast is an obligation only in Islamic law; it is not explicitly required by Algerian law. In 2008, six men were arrested in the town of Biskra for this supposed offense. They were found guilty under Article 144 bis 2 of the Penal Code in September 2008, and each was sentenced to four years in prison and a fine of 100,000 dinars.<sup>25</sup> They appealed the ruling, and in October of that year a higher court overturned the verdict, acquitting all six defendants.

The case illustrates the propensity of some Algerian authorities to interpret and apply Article 144 bis 2 in an expansive manner. As one observer pointed out, the men "were convicted for mocking the precepts of Islam, but there is no evidence that it was mockery."<sup>26</sup> An Algerian editorial writer argued, "Such a precedent is dangerous. It opens the door for other abuses. One can imagine tomorrow another judge convicting persons arrested on the streets during Friday prayers because they were not at the mosque!"<sup>27</sup> In a more recent case, Djamila Salhi and her cousin, both Muslim, were arrested in 2009 in Algiers under the religious insult law, also for eating during daylight hours amid the Ramadan fast. Both were released within days, and the charges against them were dropped, as described in further detail below.

## Freedom from Discrimination

Algeria's blasphemy and religious insult laws are discriminatory in both their content and their effects. For example, Article 144 bis 2 protects only Islam and Islamic religious figures from insult. The same protections are not provided for other religions. The law is mainly used to punish theological dissent or nonobservance among Muslims, but it has been invoked against Christians as well. Algeria's Christians suffer societal discrimination, and in 2003 the UN Special Rapporteur on the Right to Freedom of Religion or Belief reported that "there is a general tendency to believe that all Algerians are Muslim and all Christians are foreigners living in Algeria."<sup>28</sup> The 2006 enactment of the law regulating non-Muslim worship, Ordinance No. 06-03, and its subsequent enforcement since 2008 have exacerbated this religious divide.

Rachid Seghir, one of the most prosecuted Christians in Algeria, has been charged and tried three times for religious offenses under Article 144 bis 2 and the 2006 ordinance.<sup>29</sup> Other Christians have been similarly targeted under Ordinance 06-03.

## Freedom from Arbitrary Arrest and Detention

Although the constitution prohibits arbitrary arrest and detention,<sup>30</sup> there are frequent reports of suspects being held in detention for unlawful periods,<sup>31</sup> including in some blasphemy cases.

Djamila Salhi and her cousin were briefly detained in El Harrach prison following their 2009 arrest for violating the Ramadan fast.<sup>32</sup> They were reportedly in a private car when they were approached by plainclothes policemen and arrested.<sup>33</sup> Their parents contacted the Algerian League for the Defense of Human Rights (LADDH), a respected nongovernmental organization (NGO), but the two were unexpectedly released before any legal petitions were filed. The case was apparently dropped and effectively erased from police files on the orders of a senior official.<sup>34</sup> Though both detainees had been formally arrested and charged before being moved to the prison, they went through no formal release procedures.<sup>35</sup>

In another case, suspects T. Mustapha, M. Farid, T. Houcine, and S. Said were arrested and tried for smoking during Ramadan in September 2008. They were found guilty under Article 144 bis 2 and sentenced to three years' imprisonment and fines of 100,000 dinars.<sup>36</sup> In November 2008, an appeals court overturned the decision, acquitting Said and reducing the sentences of the three others to two months, or time served,<sup>37</sup> as the men had been detained in El Harrach prison for 60 days during their trial proceedings.<sup>38</sup> The "offense" for which they were arrested and detained is arguably not a legitimate one, and indicates a possible breach of the prohibition on arbitrary detention. One of the lawyers representing the accused questioned how "smoking a cigarette could undermine Islam."<sup>39</sup> Another observer referred to the case as a modern-day "witch hunt."<sup>40</sup>

## Right to Due Process

Cases brought under Algeria's blasphemy and religious insult laws have in some instances featured violations of the rights to a fair trial and due process. Suspects have reportedly been convicted after speedy trials on little evidence, only to be acquitted on appeal. For example, in the 2008 case of the six men arrested for eating and playing cards during Ramadan,<sup>41</sup> the appellate judge argued that the initial conviction had violated the constitutional guarantee of freedom of religion or belief,<sup>42</sup> and the trial was described in the press as "expedited and collective" and "characterized by a flagrant lack of evidence."<sup>43</sup> One human rights expert suggested that the decision "to set the date for the appeal hearing so soon, less than ten days [after the trial], implies that the court recognizes its mistake."<sup>44</sup>

Violations of due process were also seen in the case of Djamila Salhi and her

cousin, who were allegedly harassed and intimidated by police after their arrest.<sup>45</sup> Speaking to the media, Salhi said, “They questioned my cousin in a very muscular manner about the fact that he did not fast.”<sup>46</sup> In the course of the interrogation, Salhi signed a written statement in Arabic, a language she cannot read, stating that she had eaten during daylight hours in a public square, though in reality she had been in a private car.<sup>47</sup>

The use of trials in absentia for blasphemy and other religious charges may also give rise to breaches of the right to a fair trial, specifically under Article 14.3(d) of the ICCPR. Algerian law calls for defendants to be notified of verdicts from trials in absentia, and unless the verdict is “opposed” or challenged within 10 days, it becomes final.<sup>48</sup> The UN Human Rights Committee has clarified that trials in absentia are permitted in international law, but they must be the exception and not the norm, and are subject to certain conditions.<sup>49</sup> For example, the court must make a reasonable effort to inform the defendant of the date and place of trial and to request attendance.<sup>50</sup>

Rachid Seghir, Youssef Ourahmane, and Hamid Ramdani were tried and convicted in absentia in January 2008, and sentenced to three years’ imprisonment and fines of 50,000 dinars under Article 144 bis 2 of the Penal Code.<sup>51</sup> They were accused of blaspheming against Islam and the prophet Muhammad by a Christian convert, Chamouma Laid, who was reportedly disgruntled after being excommunicated due to his ties with radical Islamic groups.<sup>52</sup> The defendants challenged the ruling within the 10-day window, and the case was heard again in October 2008, leading to acquittals for all three men.<sup>53</sup> According to Seghir, with both trials he and the other defendants never received any summons from the court and were unaware that the proceedings had taken place until they were notified of the verdicts.

## CONCLUSION

The application of Article 144 bis 2 of the Penal Code has had particularly negative consequences for freedom of expression, and defendants have in some cases experienced arbitrary arrest and unfair trials. However, the overarching human rights violation produced by these laws is that of freedom of religion or belief for both Muslims and non-Muslims. There are still fewer prosecutions for blasphemy in Algeria than in some other countries examined in this report, and most of the blasphemy provisions in the legal system are not actively enforced. But the

recent increase in legal harassment of Christians, and of Muslims who are deemed insufficiently pious, represents a disturbing trend toward silencing of theological dissent among Muslims and intimidation and harassment of Christians and nonbelievers.

# References

## INTRODUCTION

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## ALGERIA

- <sup>1</sup> Constitution of Algeria, Article 36: Freedom of religion and freedom of expression are inviolable; Article 29: Citizens are equal before the law, without any possible discrimination on the basis of birth, race, sex, opinion or any other condition or social or personal circumstance.
- <sup>2</sup> Journalists, editors, and other members of the media have been charged with criminal defamation or libel of government officials and institutions, in violation of international standards for press freedom, but there do not appear to be prosecutions for blasphemy under Article 26 or Article 77 of the Information Code.
- <sup>3</sup> Bureau of Democracy, Human Rights, and Labor, “Algeria,” in *International Religious Freedom Report 2009* (Washington, DC: U.S. Department of State, October 2009), <http://www.state.gov/g/drl/rls/irf/2009/127344.htm>.
- <sup>4</sup> *Ibid.*; “Hard Times for Evangelicals in Algeria,” *France 24*, March 27, 2008, <http://www.france24.com/en/20080326-hard-times-evangelicals-algeria-algeria>.
- <sup>5</sup> UN Economic and Social Council, Commission on Human Rights, 59th Session, *Report by Mr. Abdelfattah Amor, Special Rapporteur on Freedom of Religion or Belief, Submitted Pursuant to Commission on Human Rights Resolution 2002/40*, January 9, 2003, (E/CN.4/2003/66/Add.1), paragraph 10, <http://www.unhchr.ch/huridocda/huridoca.nsf/2848af408d01ec0ac1256609004e770b/8eff226e6cb5860ac1256cf000345e5b?OpenDocument&Highlight=2,E/CN.4/2003/66/Add.1>.
- <sup>6</sup> Constitution of Algeria, 1996, available at <http://www.algeria-un.org/default.asp?doc=-c1p1>.
- <sup>7</sup> Constitution of Algeria, Article 171; Tad Stahnke and Robert C. Blitt, “The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries,” *Georgetown Journal of International Law* 36 (2005), 6.
- <sup>8</sup> Alfred de Montesquiou, “As Algeria Grows More Islamic, Nightlife Suffers,” Associated Press, August 8, 2009, available at <http://abcnews.go.com/International/wireStory?id=8283951>; Commission on Human Rights, *Report of the Special Rapporteur on Freedom of Religion or Belief*.
- <sup>9</sup> U.S. Department of State, “Background Note: Algeria,” August 2, 2010, <http://www.state.gov/r/pa/ei/bgn/8005.htm>.

- <sup>10</sup> Some analysts attributed the FIS's electoral success to voters' rejection of the FLN following three decades of failed economic policies, as opposed to widespread support for the creation of a theocratic state. See Gwynne Dyer, "Islamic Fundamentalists' Election in Algeria Cause for Worry; A Victorious Muslim Tide?" *Hamilton Spectator* (Ontario, Canada), January 6, 1992; "Algeria Country Profile," British Broadcasting Corporation (BBC), February 25, 2010, [http://news.bbc.co.uk/1/hi/world/middle\\_east/country\\_profiles/790556.stm](http://news.bbc.co.uk/1/hi/world/middle_east/country_profiles/790556.stm); Chafika Kahina Bouagache, "The Algerian Law on Associations Within Its Historical Context," *International Journal of Not-for-Profit Law* 9 (2007), [http://www.icnl.org/knowledge/ijnl/vol9iss2/special\\_3.htm](http://www.icnl.org/knowledge/ijnl/vol9iss2/special_3.htm).
- <sup>11</sup> U.S. Department of State, "Background Note: Algeria."
- <sup>12</sup> *Ibid.*; "Algeria Country Profile," BBC.
- <sup>13</sup> U.S. Department of State, "Background Note: Algeria"; "Algeria Country Profile," BBC.
- <sup>14</sup> Signs of increased Islamization are plentiful, and many Algerian commentators have written about the country's shift toward religious conservatism, evidenced by the artificial amplification of the Muslim call to prayer ordered by Bouteflika in 2005 (though this had been expressly banned by the High Council of State in 1994); an increase in the number of women wearing the *hijab*, or headscarf; construction of new mosques, and in particular the state-funded construction of the third largest mosque in the world; and the reported closure of more than 40 bars and nightclubs around Algiers between 2008 and 2009. See Chawki Freiha, "Signe supplémentaire de l'Islamisation en Algérie: la 'saudisation' des moeurs" [A Further Sign of Islamization in Algeria: The 'Saudization' of Morals], *Mediarabe*, June 6, 2007, <http://www.mediarabe.info/spip.php?article787>; Olivier Guitta, "Al Qaeda Making Giant Strides in Algeria," *Washington Examiner*, June 25, 2009, <http://www.washingtonexaminer.com/opinion/columns/OpEd-Contributor/Olivier-Guitta-Al-Qaeda-making-giant-strides-in-Algeria-49083036.html>; Agence France-Presse, "Algeria To Build World's Third Largest Mosque," *Al-Arabiya*, October 28, 2009, <http://www.alarabiya.net/articles/2009/10/28/89488.html>; Montesquiou, "As Algeria Grows More Islamic, Nightlife Suffers."
- <sup>15</sup> Ordinance No. 06-03 of 2006, which regulates the practice of non-Muslim religions and has been used largely to limit freedom of religion for Christians, was not enforced until February 2008. Some have attributed this timing to Bouteflika's need to rally support among Islamist constituencies for the removal of presidential term limits, which was achieved in November 2008. See "Undue Attention in Algeria: An Islamic Nation Decides To Enforce Its Worship Restrictions After All," *Compass Direct News*, August 11, 2008, <http://www.christianitytoday.com/ct/2008/september/3.16.html>.
- <sup>16</sup> Confidential conversation with Algerian lawyer A, July 25, 2010.
- <sup>17</sup> Article 144 bis 2: "Est puni d'un emprisonnement de trios (3) à cinq (5) ans et d'une amende de 50.000 DA à 100.000 DA, ou de l'une de ces peines seulement, quiconque offense le prophète (paix et salut soient sur lui) et les envoyés de Dieu ou dénigre le dogme ou les préceptes de l'Islam, que ce soit par voie d'écrit, de dessin, de déclaration ou tout autre moyen." Algerian Penal Code of 1979 (as amended by Law No. 01-09 of June 26, 2001), [http://www.droit.mjustice.dz/legisl\\_fr\\_de\\_06\\_au\\_juil\\_08/code\\_penal\\_avec\\_mod\\_06.pdf](http://www.droit.mjustice.dz/legisl_fr_de_06_au_juil_08/code_penal_avec_mod_06.pdf).
- <sup>18</sup> Confidential conversation with Algerian lawyer A, July 25, 2010.
- <sup>19</sup> Damaris Kremida and Michael Larson, "Algerian Christians Acquitted in Blasphemy Case," *Compass Direct News*, October 30, 2008, available at [http://www.libertereligieuse.com/voir\\_news.php?id=239](http://www.libertereligieuse.com/voir_news.php?id=239).

- <sup>20</sup> UN Human Rights Council, *Compilation Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1: ALGERIA*, March 26, 2008, (A/HRC/WG.6/1/DZA/2), [http://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=13960](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=13960).
- <sup>21</sup> International Federation of Journalists (IFJ), *Breaking the Chains: Arab World and Iran Press Freedom Report* (Brussels: IFJ, May 2007), available at [http://www.protectionline.org/IMG/.../Breaking\\_the\\_Chains\\_report\\_FinalENG.doc](http://www.protectionline.org/IMG/.../Breaking_the_Chains_report_FinalENG.doc).
- <sup>22</sup> Human Rights Watch, “Cartoon Controversy: Drop Criminal Charges for Publication,” news release, February 15, 2006, <http://www.hrw.org/en/news/2006/02/15/cartoon-controversy-drop-criminal-charges-publication>.
- <sup>23</sup> IFJ, *Breaking the Chains*.
- <sup>24</sup> Bureau of Democracy, Human Rights, and Labor, “Algeria,” in 2006 *Country Reports on Human Rights Practices* (Washington, DC: U.S. Department of State, March 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78849.htm>.
- <sup>25</sup> “Algérie: 4 ans ferme pour ne pas avoir respecté le Ramadan” [Algeria: 4 Years in Prison for Failing to Respect Ramadan], *Le Figaro*, October 7, 2007, <http://www.lefigaro.fr/international/2008/10/07/01003-20081007ARTFIG00743-algerie-ans-ferme-pour-ne-pas-avoir-respecte-le-ramadan-.php>.
- <sup>26</sup> Quoting Boudjemaâ Ghechir, president of the Algerian League for the Defense of Human Rights (Ligue Algérienne pour la Défense des Droits de l’Homme, or LADDH), in “Biskra: Six personnes condamnées pour non-respect du Ramadhan” [Six People Sentenced for Disrespect of Ramadan], *El Watan*, October 6, 2008.
- <sup>27</sup> Reda Bakar, “Les Taliban sont parmi nous!” [The Taliban Are Among Us], *El Watan*, October 7, 2008, <http://www.elwatan.com/Les-taliban-sont-parmi-nous>.
- <sup>28</sup> Commission on Human Rights, *Report by Special Rapporteur on Freedom of Religion or Belief*, paragraph 72.
- <sup>29</sup> “Undue Attention in Algeria,” Compass Direct News.
- <sup>30</sup> Constitution of Algeria, Article 47.
- <sup>31</sup> This is especially true of security-related cases, in which the permitted period of *garde à vue* is 12 days, and is frequently extended. See Amnesty International, “Algeria/USA: Amnesty International Opposes Forcible Return to Algeria of Algerian Nationals Detained by U.S. Authorities at Guantanamo Bay,” news release, September 18, 2009, <http://www.amnestyusa.org/document.php?id=ENGMDE280062009&lang=e>.
- <sup>32</sup> “Deux jeunes incarcérés puis remis en liberté” [Two Youths Incarcerated and Then Released], *El Watan*, September 7, 2009, <http://www.elwatan.com/Deux-jeunes-incarceres-puis-remis>.
- <sup>33</sup> *Ibid.*
- <sup>34</sup> *Ibid.*
- <sup>35</sup> One lawyer from LADDH remarked, “We have questions about the nature of their release. The two were in custody and their release requires judicial proceedings. It’s therefore a doubly serious case.” [Original French: “Nous avons des questionnements sur la nature de leur relâchement. Les deux personnes étaient sous mandat de dépôt et leur libération nécessite des procédures judiciaires. C’est donc une affaire doublement grave.”] As quoted in Nassima Oulebsir, “Affaires des ‘casseurs de Ramadhan’: la LADDH dénonce l’intolérance” [Cases of ‘Ramadan Breakers’: LADDH Denounces Intolerance], *El Watan*, September 12, 2009,

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- <sup>36</sup> Bureau of Democracy, Human Rights, and Labor, "Algeria," in *2008 Country Reports on Human Rights Practices* (Washington, DC: U.S. Department of State, February 2009), <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119112.htm>.
- <sup>37</sup> Abder Bettache, "Affaire des quatre jeunes poursuivis pour 'non-observation' de jeûne" [Case of Four Youths Prosecuted for 'Non-Observation' of Fast], *Le Soir d'Algérie*, November 19, 2008, <http://www.lesoiralgerie.com/articles/2008/11/19/article.php?sid=75927&cid=2>.
- <sup>38</sup> Mustapha Benphodil, "Les actes d'intolérance se multiplient" [Acts of Intolerance Multiply], *El Watan*, September 10, 2009, [http://www.algeria-watch.de/fr/mrv/mrvrepr/actes\\_intolerance.htm](http://www.algeria-watch.de/fr/mrv/mrvrepr/actes_intolerance.htm).
- <sup>39</sup> Bettache, "Affaire des quatre jeunes poursuivis pour 'non-observation' de jeûne."
- <sup>40</sup> Benphodil, "Les actes d'intolérance se multiplient."
- <sup>41</sup> Moussaoui Hafedh and Nouri Nesrouche, "Condamnés par le tribunal de Biskra pour non-respect du Ramadhan: Les prévenus relaxés par la cour d'appel" [Convicted by the Court of Biskra for Disrespect of Ramadan: Defendants Acquitted by Court of Appeal], *El Watan*, October 8, 2008, <http://www.wluml.org/fr/node/190>.
- <sup>42</sup> Bureau of Democracy, Human Rights, and Labor, "Algeria," in *International Religious Freedom Report 2009*.
- <sup>43</sup> Hafedh and Nesrouche, "Condamnés par le tribunal de Biskra pour non-respect du Ramadhan."
- <sup>44</sup> *Ibid.* [Original French: "Je crois que le fait de fixer l'audience en appel dans un délai très court, moins de dix jours, implique que la justice reconnaît son tort."]
- <sup>45</sup> Police at first reportedly tried to accuse the cousin of drinking alcohol in public, then accused the pair of being lovers. See "Deux jeunes incarcérés puis remis en liberté," *El Watan*.
- <sup>46</sup> *Ibid.* [Original French: "Ils ont interrogé mon cousin de façon très musclée sur le fait de ne pas jeûner."]
- <sup>47</sup> *Ibid.*
- <sup>48</sup> Confidential conversation with Algerian lawyer B, July 23, 2010.
- <sup>49</sup> Human Rights Committee, Ninetieth Session, *General Comment 32, 2007*, (UN Doc: CCPR/C/GC/32), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/437/71/PDF/G0743771.pdf?OpenElement>.
- <sup>50</sup> UN Human Rights Committee, *Views of the Human Rights Committee under Article 5, Paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights*, March 25, 1983 (CCPR/C/18/D/16/1977), <http://www.estadodederechocdh.uchile.cl/media/documentacion/archivos/MonguyaDPCCPR.pdf>.
- <sup>51</sup> Confidential conversation with Algerian lawyer B, July 23, 2010.
- <sup>52</sup> *Ibid.*
- <sup>53</sup> Kremida and Larson, "Algerian Christians Acquitted in Blasphemy Case"; Bureau of Democracy, Human Rights, and Labor, "Algeria," in *International Religious Freedom Report 2009*.

## EGYPT

- <sup>1</sup> U.S. Department of State, "Background Note: Egypt," March 5, 2010, <http://www.state.gov/r/pa/ei/bgn/5309.htm>.
- <sup>2</sup> Bureau of Democracy, Human Rights, and Labor, "Egypt," in *2008 Country Reports on Human Rights Practices* (Washington, DC: U.S. Department of State, February 2009),