



The Law Society
of England and Wales

Joint Statement on the Escalated Targeting of Lawyers and Threats to Judicial Independence in Algeria

Lawyers for Lawyers, SHOAA for Human Rights, and the Law Society of England and Wales are gravely concerned about the escalation of prosecutions against lawyers for their work defending people involved in the Hirak movement in Algeria.

After the first wave of arrests of peaceful Hirak demonstrators in 2019, lawyers across Algeria formed "The Collective for the Defense of Hirak Detainees" (hereinafter the Collective) to defend those arbitrarily arrested, detained and prosecuted. Many of these individuals face politically motivated charges, which undermines the integrity of legal proceedings and the rule of law. Lawyers in the Collective positioned themselves near police stations and courts to provide legal assistance to detained Hirak activists. Additionally, they formed local advocacy groups to coordinate their response to the increase in human rights violations.

Lawyers in the Collective have faced intensifying harassment from authorities. This started with constant surveillance and obstruction in their work, and escalated to retaliation in judgments on their cases, work suspensions, disciplinary actions, criminal prosecutions, arbitrary arrests and even imprisonment. Access to detained clients has been restricted, hampering legal defence efforts and the Collective's members were publicly vilified as traitors. Such harassment has greatly impacted their ability to serve the public and discuss human rights issues openly, out of fear of prosecution. As a result, many lawyers have ceased their activities related to defending human rights, reducing the Collective from 200 lawyers in 2019 to just 40 by 2024. This has significant implications on the protection of human rights and the rule of law in Algeria.

Arrest, Prosecution, and Restrictions on Lawyers due to their Human Rights Work

Many lawyers have faced prosecution and imprisonment because of their membership in the Collective and their legitimate work exposing unfair trials and other rights violations in the conviction of their clients, as well as demanding respect for human rights. Among the targeted lawyers are the following:

1. **Mohamed Chahid** was arrested on 8 October 2023, and his home in Bechar searched before he was taken to a security centre in Algiers. On 12 October 2023, he was placed in temporary detention by the Sidi M'Hamed court in Algiers, alongside 15 political activists. They were charged with issuing a statement that called for dialogue and the release of political prisoners. Chahid faces four specific charges: the felony of forming an organisation with the intent of engaging in activities under Article 87 bis, and misdemeanours for undermining national unity, publishing materials threatening public security, and exploiting the national tragedy to undermine state security.
2. **Abdelkader Chohra** and **Yacine Khlifi** were imprisoned in May 2022 by a Chlef court judge following their calls for protests to demand an investigation into the death in prison of Dabazi Hakim, and for the release of persons imprisoned for exercising their freedom of expression. They also faced harassment after visiting the family of another prisoner, Mohamed Azouz Ben Halima, reportedly a whistleblower on corruption in the military. Chohra and Khlifi were sentenced to six months of suspended imprisonment and fined 100,000 Algerian Dinars, before being released on 15 August 2022. Despite their release, they have yet to resume their legal practice due to ongoing restrictions and legal challenges.
3. **Said Zahi** was assaulted by uniformed police officers in Algiers on 4 December 2022 as he was leaving his home for court. He was threatened with a weapon, thrown to the ground, handcuffed, and forcibly taken in a police car without a warrant or any explanation for the assault. Later, on 28 December, Zahi filed a complaint with the Public Prosecutor to initiate an investigation into the violent actions of the police officers involved.
4. **Mohamed Amine Bendahmane** was suspended from work in November 2019 by the Tlemcen Bar Association. He was accused of insulting the judiciary during his defence of Hirak detainees. He was reinstated in January 2020 after appearing before the disciplinary committee of the Tlemcen Bar Association. However, he was again removed from his legal duties on 22 April 2021 on charges of insulting the judiciary and defamation. These charges stemmed from his participation in a television channel where he spoke about the trial conditions of Hirak detainees. He returned to work in March 2022 after appearing before the appeal committee at the Supreme Court. Despite his reinstatement he continues to face harassment due to his defence of Hirak activists and human rights cases.

Such persecutions have been facilitated by the introduction of several legal measures that criminalise the legitimate work of lawyers and human rights activists. Three measures, in particular, are concerning due to their vague and overly broad wording. This ambiguity gives rise to the potential for arbitrary interpretation and application leading to unchecked government control over state institutions. This undermines the rule of law and violates international standards.

- Presidential Decree No. 21-09, adopted on 8 June 2021, allows for up to 15 years of imprisonment for sharing "secret" information, a term vaguely defined to include a wide range of communications, including those about ongoing investigations or legal actions. Under this decree, individuals could face prosecution for disseminating information deemed adverse to state interests, including reports to international bodies like the United Nations.
- Order 21-08, adopted in 2021 expands the definition of terrorism, facilitating the criminalisation of opposition and establishing a terrorist list that can include individuals or entities under investigation or convicted, affecting their legal rights and presumption of innocence. Lawyers, such as Abdel-Raouf Arslan and Sofiane Ouali, have been prosecuted under this legal provision.
- Executive Decree No. 21-384, also adopted in 2021, outlines the process for adding or removing names from the terrorist list, including conditions such as travel bans, asset freezes, and broad restrictions on legitimate activity. This process, governed by a committee without judicial oversight, lacks transparency and can arbitrarily restrict rights to association, assembly, movement and work.

This series of events underscores the challenges faced by lawyers in Algeria as they discharge their professional duties and exercise their freedom of expression. It highlights the critical importance of upholding the principles outlined in the United Nations Basic Principles on the Role of Lawyers. Under Principle 16, lawyers must be able to perform their professional functions without intimidation, hindrance, harassment, or improper interference; and not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics. In addition, Principle 17 requires lawyers to be adequately safeguarded by authorities where their security is threatened as a result of discharging their duties. Principle 23 protects lawyers' right to freedom of expression, belief, association and assembly, including their right to take part in public discussion of matters concerning the law, the administration of justice, and the promotion and protection of human rights without suffering professional restrictions.

Furthermore, as a state party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, Algeria has an obligation to ensure, inter alia, that no one is subject to arbitrary arrest or detention, and ensure that fair trial rights are respected.

Lawyers for Lawyers, SHOAA for Human Rights, and the Law Society of England and Wales urge the Algerian authorities to:

- Immediately and unconditionally release lawyer Mohamed Chahid;
- Stop judicial prosecutions and arbitrary sanctions against lawyers, and reinstate judges and lawyers who have been subjected to arbitrary penalties;
- Take immediate measures to ensure the protection and physical safety of lawyers and provide adequate safeguards;
- Ensure that all lawyers and members of the judiciary in Algeria can perform their professional duties and exercise freedom of expression without threat,

intimidation, obstruction, harassment, inappropriate interference, or retaliatory actions;

- Take measures to protect and enhance the independence of the judiciary and the legal profession; and
- Take immediate steps to comply with Algeria's international human rights obligations, including issuing an immediate and unconditional invitation to the UN Special Rapporteur on the independence of judges and lawyers, and other UN Special Procedures.

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