

ALGERIA

In a country emerging from a difficult period of extremist violence, in which the media were prominent among the victims, the press is often seen as free, but a series of measures in recent years reveal how fragile is this freedom. In the frame of the national peace and reconciliation charter, a February 27th 2006 decree was enacted providing for up to five-year prison terms and fines for those who speak or write to "exploit the wounds of the national tragedy, tarnish the country's international image or its officials' reputation". The wording maintains the danger of legal abuse first established in 2001, when the Penal Code (1990 law) was amended to strengthen sentences of so called press offences.

The law provides for jail terms for offending religion through writing, cartoons, or speech, (up to five years jail terms and €1,300 fine - Art 144 bis2); for offending the parliament, officials, judiciary authorities or armed forces (up to two years jail sentences and €6,500 - art 144). Article 144bis provides for up to one year jail sentence and €3,000 fine, for anyone who offends the President of the Republic..." In case of repetition of the offence the sentence is doubled. Art. 144 bis1 exposes the editor and author of the offence to up to one year imprisonment terms and €3,000 fine, and the publication up to €30,000 fine. In case of repetition of the offence, the sentence is doubled.

The state of emergency decree allows legal action against what is considered a threat to the state or public order. Persons charged with acts against the security of the state may be held in pre-trial detention for up to 20 months, according to the Code of Penal Procedure. Although defined as an exceptional measure by Article 123 of the Penal Procedure Code, pre-trial detention is often used.

In June 2006 Mohammed Benchicou, director of former daily *Le Matin* was released after serving a full two year sentence. On 5 July, a presidential amnesty was granted to 200 journalists convicted of defamation, leaving journalists involved in ongoing prosecutions ineligible for pardon; 17 journalists were given jail sentences during the year.

In January 2007, during a regional meeting of IFJ affiliates in the Arab world, the IFJ and the National Syndicate of Journalists (SNJ) called on the government to fully decriminalise defamation by erasing article 144 of the penal code. The Algerian Minister for Information offered to consider the issue. However, journalists were charged throughout the year, under the penal code for press offences. During an IFJ mission in February 2008, organised to support the work and strengthen the organisation of its affiliate, the Syndicat National des Journalistes (SNJ), the Ministry of Communication reaffirmed the government's willingness to amend the penal code articles providing for journalists' imprisonment for press offenses. In April 2008, a decree defining labour relations between journalists and media employers was adopted, providing Algerian journalists from private and public sectors with a legal framework defining their profession and guaranteeing their basic rights.

Since the reopening of its solidarity center in 2004, the IFJ and the SNJ, have been urging authorities to decriminalise press offences, ensure fair trials for media and withdraw prison sentences against journalists. That work continues.

► Cases

Name	Media	Position	Facts
Omar Belhouchet	<i>El Watan</i>	Director	04.03.2008 The Appeal Court of Jijel handed down two months jail sentences to the two journalists, and a € 10 000 fine, for insulting, the wali (state official) of Jijel (300 km East of Algiers). The appeals court confirmed the decision on first instance on 27 May 2007. The charges against Belhouchet and Amari stem from an article published in <i>El Watan</i> exposing fraud in the Wilaya.
Chawki Amari		Columnist	
Ouahid Oussama	<i>Al Bilad</i>	Correspondent	19.11.2007 the correspondent appeared before the court to face defamation charges brought by the Director of the Department of Education of Djelfa. The journalist criticised in an article the failures of the education system in Djelfa.

Noureddine Boukraa	<i>Ennahar</i>	bureau chief	12.11.2007 , the journalist was detained overnight in Annaba (East), on a complaint from an industrialist, Ahmed Zaim, who had been accused of bribing judges in a 2005 article in the daily newspaper Echourouk. Later in March, the journalist is formally charged for libel.
Dhif Talal	<i>Al Fadjr</i>	Correspondent	15.10.2007 , the correspondant in Djelfa was sentenced under the penal code to six months in jail after he was convicted on defamation charges brought against him by the Ministry of Agriculture. The charges stemmed from an article Talal wrote exposing huge losses of public funds due to poor administration in the local Department of Agriculture. Talal plans to appeal his sentence.
Arezki Aït-Larbi	<i>Le Figaro Ouest France</i>	Correspondent	26.04.2007 Aït-Larbi was arrested in Algiers airport, on the basis of a 1997 sentence related to an article he had written criticising the indifference of the authorities to prisoners' torture in Lambese prison. Authorities refused to renew his passport at the end of 2006. The journalist, who should have benefited from the presidential Amnesty of July 2006, was only cleared on May 30, 2007.
Saad Lounès	<i>El Ouma</i>	Former editor	18.04.2007 Lounès was given a one-year jail sentence for tax fraud after a complaint was brought by the tax department. His newspaper and printing company Sodipress, were closed down.
Ali Fodel	<i>Ech-Chourouk el Youmi</i>	Managing editor	04.04.2007 both had been sentenced in October 2006 by Algiers court to six months in prison and €200 fine, for defaming Libyan president Gaddafi. The paper was suspended for two months and fined €5,500. Appealed, the sentence was turned into a suspended jail term of six months and a small fine on 4 April. The appeal court also rejected the prosecutor's request for the newspaper to be suspended for a year.
Naila Berrahal		Journalist	