

URGENT ACTION

QUASH WHISTLEBLOWER'S DEATH SENTENCE

Mohamed Benhlima is an activist, former military official and whistle-blower who exposed the corruption of high-ranking Algerian military officials online. He sought asylum in Spain but the Spanish authorities refouled him to Algeria in March without due process or evaluation of his asylum claim. The Algerian authorities imprisoned him in El Harrash prison in Algiers before moving him to El-Blida military prison where he is awaiting completion of investigations and trial on several cases before the military and civil courts. He was sentenced to death in absentia, while still an asylum seeker in Spain, on charges of espionage and desertion.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

President of the Republic of Algeria
Abdelmagid Tebboune
Présidence de la république
Place Mohammed Seddik Benyahia, El Mouradia, Alger
16000 Algérie
Fax: +213 02169 15 95
Email: President@el-mouradia.dz

Your Excellency,

*We are appalled at the news of the death sentence pronounced against activist, former military official and whistleblower **Mohamed Benhlima** by a military court on charges of espionage and desertion. Mohamed Benhlima was not informed of this sentence until 8 May, almost two months after his refoulement to Algeria on 24 March. According to information that Amnesty International has obtained, upon arrival in Algeria, the security forces physically assaulted Mohamed Benhlima. He was initially placed in El Harrash prison, in Algiers, in the same wing as Hirak detainees, and later transferred to the military prison of El-Blida where he is awaiting completion of investigations and trial on several cases before the military and civil courts.*

The Spanish authorities refouled Mohamed Benhlima to Algeria without a full evaluation of his asylum claim and in violation of his due process rights in a blatant violation of its international obligations on non-refoulement. The Spanish authorities ignored international outcry for the safety of Mohamed Benhlima, including a UN High Commissioner for Refugees' (UNHCR) report to the Spanish government stating that his asylum request should be studied thoroughly in a regular procedure and not rejected expediently, arguing that the risk of torture was credible, and that Algeria's criminalisation of peaceful opposition was internationally recognised.

Mohamed Benhlima was sentenced in absentia in two other cases to a total of 20 years in prison on charges including "participation in a terrorist group" (Article 87bis 3 of the Penal Code) and "publishing fake news undermining national unity" (Art.196 bis), two articles that are widely instrumentalised by the authorities to criminalise peaceful expression. A lawyer who appeared in a video published on Facebook, along with Mohamed Benhlima's mother on 12 May, and who held the authorities responsible for defaming Mohamed Benhlima through a video that they aired on public television channels, was arrested the night of 13 May.

I urge you to ensure the release of Mohamed Benhlima, end his prosecution under charges stemming from his criticism of Algerian authorities and exercise of his rights to free speech and assembly, and quash the death sentence against him. Pending his release, I urge you to ensure that he is held in conditions meeting international standards and protected from torture and other ill-treatment. Finally, I urge you to continue to grant him the right to regularly communicate with his family and lawyers and refrain from any form of intimidation against his defence team.

Yours sincerely,

ADDITIONAL INFORMATION

Mohamed Benhlima is an Algerian citizen who sought asylum in both Spain and France, a former military official, and whistle-blower who exposed the corruption of high-ranking Algerian military officials on a [youtube](#) channel and participated in peaceful protests against the Algerian authorities that started in Algeria in 2019.

Upon deportation to Algeria, the Algerian authorities widely mediatised Mohamed Benhlima's "detention" and gravely violated his right to privacy as well as his fair trial rights, most notably his right not to be forced to testify against himself. Algerian national broadcasting services aired a video in which he "confesses" to the crimes of conspiracy against the state and affirms that he was not treated badly in custody. Mohamed Benhlima had himself released a video from the retention centre in Valencia, in Spain, before his forced deportation to Algeria, in which he warns that such videos would not be genuine and would show that he "was subjected to severe torture at the hands of intelligence services".

According to the information that Amnesty International obtained, Mohamed Benhlima arrived in Spain on 1 September 2019 through a valid Schengen visa. He filed for asylum in Spain and received a residence permit from Spanish authorities, which he renewed and was valid until 5 November 2021. On 23 August 2021, he received a summons to the police station in Bilbao, Spain. Fearful of a possible extradition to Algeria, he fled to France shortly after. His fear of extradition was based on a similar case of extradition from Spain to Algeria of former military official and asylum-seeker Mohamed Abdellah on 20 August 2021.

Mohamed Benhlima was later arrested and brought back to Spain. On 14 March 2022, the Spanish authorities opened an administrative file of expulsion for infringement of Art. 54.1.a. of Immigration Law 4/2000, alleging that Mohamed Benhalima took part in "activities contrary to public security or which may be harmful for Spanish relationships with foreign states". The Spanish authorities justified the opening of an expulsion file against him based on Mohamed Benhlima's alleged association with political opposition group Rachad, which was listed as a terrorist group by Algeria on 6 February 2022. The Spanish authorities claimed that Rachad's objective was to infiltrate radical youth into Algerian society to protest against the Algerian government and concluded that the activist was a member of a terrorist group. However, the Spanish authorities did not provide any proof of use of violence, advocacy of hatred, or any other action taken by the activist that could be considered as "terrorism" in accordance with the definition proposed by the UN Special Rapporteur on the protection of human rights while countering terrorism. The Spanish authorities do not appear to have considered a context in which Algerian authorities have been increasingly levelling bogus terrorism and national security charges against peaceful activists, human rights defenders and journalists since April 2021.

On 27 December 2021, UN Special Procedures warned that the definition of terrorism in the Algerian Penal Code was too imprecise and undermined human rights. They stated that the procedure for registration on the national terrorist list did not comply with international human rights standards and expressed concern that it could give rise to abuse.

On 24 March, at around 7pm, Mohamed Benhlima's lawyers were notified of the resolution of expulsion and promptly filed a request for an interim suspensive measure at the National Court of Spain, which was rejected; however, it was revealed later that the activist was already being escorted on a plane to Algeria at the time.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic-French-English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 11 July 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Mohamed Azouz Benhlima (he-his)

ADDITIONAL TARGETS

Algerian National Human Rights Council (CNDH)

Address:

Avenue Franklin Roosevelt - Palais du Peuple, Alger, Algérie

Email: contact@cndh.org.dz

Mr Lounes Magramane

People's Democratic Republic of Algeria

1-3 Riding House Street, London, W1W 7DR

Fax: 020 7299 7076

Email: info@algerianembassy.org.uk