

URGENT ACTION

ACTIVIST SENTENCED FOLLOWING REFOULEMENT

On 4 July, a court of appeal in Algiers confirmed the sentencing of Amazigh activist Slimane Bouhafs to three years in prison and a 100,000DA (around USD 734) fine. Slimane Bouhafs had been granted refugee status in Tunisia in 2020. However, this did not protect him from being kidnapped from his home in Tunis and tried on charges of terrorism for his supposed affiliations to a Kabylie independence organisation in September 2021 and since held in Kolea prison, near to Algiers. Not only are the charges against Slimane Bouhafs bogus, but his entire trial is illegal under international human rights law. He must be released immediately and all charges against him dropped.

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

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Your Excellency,

I am writing to express my extreme concern for activist **Slimane Bouhafs**, who remains arbitrarily detained in Kolea prison convicted of bogus charges following his kidnapping in 2021.

On 4 July, the Algiers appeals court confirmed Slimane Bouhafs' sentence of three years imprisonment and a 100,000 DA (around USD 734) fine handed to him by the first instance court. On 7 June, the first instance court judge acquitted Slimane Bouhafs of nine charges, including "membership in a terrorist organization" (article 87 bis3) and "offense against the Prophet [of Islam]" (article 144 bis2), sentencing him only for the charge of "undermining the integrity of the national territory" (article 79). This trial followed the investigation into Slimane Bouhafs, which began on 1 September 2021, when he appeared in the First Instance Court in Sidi M'Hamed, Algiers, where an investigative judge remanded him to prison pending investigation for 10 charges under Algeria's penal code. Slimane Bouhafs should never have been investigated or tried, as he had been granted refugee status in Tunisia since 2020. Under international human rights law, Tunisia has an obligation to protect refugees and to ensure they are not forcibly returned to a country where they face persecution.

Slimane Bouhafs was kidnapped and taken to Algeria to be tried after unidentified men forced him into a car outside his home in Tunis in August 2021. His family did not hear from him for four days, when they learned that he was being held in a police station in Algiers.

Slimane Bouhafs is currently detained in Kolea prison, 400km from where his family lives. His family are only permitted to visit him two at a time and for a maximum of 15 minutes. A round-trip to the prison takes them 10 hours and they have to rent a car as well as a hotel near the prison to make sure that they are on time. If they arrive even slightly late, they are not allowed in. His family believes he is at grave risk of abuse in Algerian prisons due to the ill-treatment he previously faced, and they are concerned for his health as he is not receiving adequate medical treatment for his gout.

I urge you to release Slimane Bouhafs immediately, drop all charges against him and allow him to leave Algeria. In the meantime, the Algerian authorities should ensure that Slimane Bouhafs is not subjected to any ill-treatment in prison.

Yours sincerely,

ADDITIONAL INFORMATION

Slimane Bouhafs, 56, is an Amazigh activist and Christian convert. In 2016, he served two years in prison for Facebook posts, for which a court sentenced him for “offending the Prophet” and “denigrating the creed and precepts of Islam”. In 2018, he fled to Tunisia and was granted refugee status by UNHCR in 2020. Yet, in August 2021, he went missing, only to reappear four days later in a police station in Algiers. In September 2021, a judge opened a criminal investigation against Slimane on 10 charges, including “membership in a terrorist organization” and “undermining the integrity of the national territory”, for his alleged links to MAK and for Facebook posts.

On 20 September 2021, a group of UN independent human rights experts [asked the Tunisian and Algerian governments to explain](#) any steps they had taken to transfer Slimane Bouhafs from Tunisia to Algeria, and any legal grounds for the criminal investigation against him in Algiers.

[Algeria's permanent mission to Geneva responded to the UN experts](#) in a letter from Algeria in October 2021, they claimed that Slimane Bouhafs had posted messages on Facebook attacking the Algerian state, its symbols, and its institutions, and praising the MAK, an organisation which the Algerian authorities labelled as terrorist in 2021 and had communicated with members of the group. However, Algerian authorities have said nothing publicly on how, when, and under what circumstances Slimane Bouhafs entered Algeria. Under international human rights law, Tunisia is obligated to protect Slimane Bouhafs from being kidnapped and forcibly returned from Tunisia. Tunisia is bound by the principle of non-refoulement, prohibiting forced returns, expulsions, or extraditions – both of refugees to countries where they could face threats to their lives or freedom, and of anyone to countries where they could face torture.

The Algerian authorities' crackdown on critical voices shows no signs of abating. In the past two years, at least 280 journalists, bloggers, activists and human rights defenders have been harassed and unlawfully imprisoned on charges related to the exercise of their rights to freedom of expression and peaceful assembly.

Since April 2021, the Algerian authorities have increasingly resorted to the use of overly broad charges of “terrorism” or “conspiracy against the state” to prosecute human rights defenders and Hirak activists. On 18 May 2021, the High Council for National Security (HCNS), a consultative body in charge of advising the President of the Republic on security issues, announced that the political opposition organization Rachad and the group MAK were labelled as “terrorist entities.” In June year, the Penal Code was amended to expand the definition of terrorism to include “attempting to gain power or change the system of governance by unconstitutional means.” On 18 August 2021, the HCNS, presided over by President Tebboune, decided to arrest all the members of the two movements, whom the authorities accuse of implication in the Kabylie forest fires which killed tens of people, until the “radical eradication” of both movements.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, French, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 24 October 2023

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

NAME AND PRONOUN: Slimane Bouhafs (He/him)

ADDITIONAL TARGET

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