

The 4th cycle of universal periodic review (Algeria; 2022).

About CIDH (coalition lead)

CIDH is a regional, non-profit, non-governmental organization. The law of association and the fundamental texts, which are the Statutes, the Internal Regulations and the Procedure Manual, govern it. It is secular and apolitical. It can join any organization, NGO, Grassroots Association or National and International Networks. The CIDH has its headquarters in LAAYOUNE, MOROCCO. CIDH aims to "BUILD SOCIETIES WHERE RESPECT FOR HUMAN RIGHTS ARE AT THE HEART OF EVERYDAY LIFE". It is an effective platform for the defense of rights, digital, social and justice for an inclusive Africa. The CIDH's mission is to contribute from the grassroots to capacity building, Effective Participation and Respect for human rights. This is done through awareness raising, training and education programs, and effective advocacy using digital communication technologies. Our areas of intervention are ♣ Human Rights and Good Governance ♣ Education and Women's Rights ♣ Environment and Sustainable Development ♣ Awareness through digital empowerment. The CIDH has more than 15 years of expertise on human rights in Africa and has already trained several of its members in North Africa on issues related to freedom of association and expression, arbitrary arrests and victims of violence. It has also presented papers at sessions of the Geneva-based Human Rights Council, ACHPR Sessions and the NGO Forum. It is a partner of several human rights associations on the Continent, CIDH is the focal point that represents North Africa in the African NGO's forum.

• **CIDH AFRICA**



Naji Moulay Lahcen.

Président de la Commission Indépendante des Droits De l'hommes CIDH AFRICA.

The Network of the Independent Commission for Human Rights in North Africa

Tel : 00212 6 10112452

Twitter : CIDH_AFRIQUE | Facebook : Afrique CIDH | www.cidh-africa.org. Email: cidh10@yahoo.com

• **Universal Peace Federation.**



Hussein Hub Adin Mohamed

Address: 1/46 Drummond street Chadstone Victoria Australia.

Ph :61 415733620

Email: Masswa.m@gmail.com. Australia.

• **Réseau Unité Pour Le Développement De Mauritanie. (ECOSOC)**



ABDOU AHMED VALL

Tel: 0022246439693

Email: Rudmtaha@gmail.com. Mauritanie.

• **Brothers Group Organization for Development and Human Rights.**



Ahmed Khamis.

Tel : 00218 92 69 59 352.

Email : ahmeddefth95@gmail.com. Libye

• **World Humanitarian Drive**

Full Name: DR. Abdul Sayed.

Tel: 00447492779177

<https://www.whd.org.uk>

Email: Contact@whd.Org.UK

Facebook: World Humanitarian Drive



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General framework and context

1. The present contribution falls within the framework of the 4th cycle of the Universal Periodic Review (UPR) to review the situation of human rights in the state of Algeria.
2. All information in this submission is being rechecked and we relied on direct consultations and information provided by our African and North African networks partners in addition to UN official documents and credible international NGO's reports.

Political context

3. Algeria still deals with the consequences of the black decade (the nineties civil war) which left about 200,000 casualties and a huge number of cases of disappearance.¹
4. The 2019 elections in Algeria were marked by a high boycott, as the turnout rate did not exceed 39 percent. President Abdelmadjid Tebboune, supported by the army, won by 58,15 percent of the first round.
5. On the 22nd of February 2019 large popular protests known as "al hirak" erupted in most cities of Algeria, initially the main demand was that president Abdelaziz Bouteflika should not run for fifth presidential term then it turned into to social demands for justice and democracy. Its main slogan was "madanya -madanya" which means (civilian rule) to refer to the military's control over politicians in Algeria.
6. Alarming concerns are raised by national and international NGO's about by the restrictions made by the authorities against protestors which expose them to serious human rights violations.

Human rights framework

7. Serious human rights issues remain a source of great concern such as: arbitrary detention; political prisoners' serious restrictions on freedom of expression and press, arrests of journalists, and site blocking; restrictions on freedom of peaceful assembly and association; the situation of refugees on Algerian soil; lack of investigation and accountability for violence against women; trafficking in persons; the worst forms of child labour; and the right of minorities.
8. The national commission of human rights was accredited with B status by the Global Alliance of National Human Rights Institutions. Generally, its areas of interventions are limited. It doesn't have necessary means to gain more independence and ensure the effectiveness of rights in Algeria.
9. On its soil there exist refugee camps for the Sahrawis, many human rights violations were reported in those camps which falls under the responsibility of Algeria according to UN resolutions and the international law

Recommendations

- Establish independent mechanisms of the protection against torture and child protection.
- Provide National institutions of human rights with necessary means to do their missions in accordance with Paris principles.

¹ (WGEID)the united nation working group on enforced and involuntary disappearance described that period as a crime against humanity in 2004

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Scope of international obligations

10. Algeria ratified the international covenant on civil and political rights. but few effective measures are taken to reform its laws concerning freedom of assembly and of association and freedom of expression to fulfill its international commitments.²
11. Great concern is raised by various human rights NGOs and international mechanisms of human rights about the continuous and systematic crackdown on civic space.
12. The shrinking civic space in Algeria is a result of the limitations imposed on human right independent and peaceful activism.
13. Acting in accordance with the [recommendations](#), put by the UN Human rights Committee in its last concluding observations, are indispensable to show serious intentions of Algeria to fulfill its international obligations.
14. During the 3rd cycle of the universal periodic review on Algeria the state of Niger recommended Algeria to “Adopt laws to implement the conventions it has ratified”³

Corporation with human rights mechanisms

15. Under the 3rd UPR cycle, Germany emphasized on Reforming the Algerian” association law 12-06 of 2012 to provide a clear and unambiguous legal foundation for the work of civil society organizations, including with regard to cooperation with international partners⁴” which includes international human rights mechanisms.
16. Special rapporteur on the right to education visited Algeria on the 24th January to 3rd February 2015. And Special rapporteur on the right to health conducted a visit on the 27th April to 10th may 2016.⁵
17. The state keeps refusing to receive a number of special procedures, which raises high concerns about the situation of human rights with the social and civil protests going on in most cities especially in the Kabylie regions.
18. Recommendations 86, 87, 88, 89, 104 and 112 were only noted:” Algeria cooperates fully with the special procedures of the Human Rights Council. As part of that cooperative relationship, and in accordance with national priorities in this regard,”⁶

Recommendation

- Cooperate immediately with UN special mandates and accept their visits to Algeria specially to places of detentions.

Freedom of expression and peaceful assembly and of association

³Supported Recommendations

129.106(spain);129.107(brazil);129.109(Norway);129.110(Urugawy);129.111(Germany);129.113(USA);129.115(netherland)

⁴ Supported recommendation no **129.32(Niger)**, A/HRC/36/13/Add.1 - Para.7

⁵ Recommendation **129.111(Germany)**; A/HRC/36/13/Add.1 - Para. 6

⁶ National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/2*
Algeria May 2017 para 66

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19. During its examination under the 3rd UPR cycle, Algeria received two recommendations on freedom of expression⁷ and four others on the right to peaceful assembly⁸.
20. Despite that Algeria claimed the national judiciary is independent, the civil society and human rights activists are still systematically targeted and their arbitrary persecutions and detentions remains a great concern, especially that the authorities took advantage of covid19 restrictions to criminalize freedom of expression and peaceful assembly and of associations.
21. About 500 peaceful protesters were subjected to mass arbitrary detentions in 2020 according to Cairo institute.

Freedom of expression

Illustration

22. In Augusts 2019 France24 journalist Moncif Ait Kaci and Cameraman Ramdan Rahmoni were arrested for no clear reasons, the authorities denied that it is related to their articles.
23. In Augusts 2020 Khalid Drareni- a journalist who covered peaceful demonstrations and filmed police violent abuse against protesters -was sentenced to two years in prison. This was “a blatant violation of freedom of expression, peaceful assembly and of association” as UN experts described⁹.
24. In Tinduf camps¹⁰ : : Moulay Bouzid Abba, Fadel El Mahdi, Breica and Mahmoud Zeidane are incarcerated in the prison, with a highly bad reputation of “Dheibiya” for denouncing the diversion of humanitarian food aid given to camps population by polisarior leaders and some highly ranked Algerian military officials to the African markets for sale.

Recommendations

- Implement the best practices and internationally agreed standards of freedom of expressions.
- Ensure the right of expressions as mentioned in the Algerian constitution and in the international covenant on civil and political rights ratified by Algeria.
- Stop violence and harassments against activist and opposants in Tinduf Camps since these refugees are on Algerian soil.

The right to peaceful assembly

Illustrations

25. During December 2019 elections, the authorities forcibly dispersed public demonstrations and arrested protesters for political and economic reforms, security forces fired rubbers bullets at anti-elections demonstrators in Algier, Bejia and Tizizi-Ouzzou.
26. Although president Tebboune banned gatherings in response to covid19, pandemic “hirak” continued in Kabylie cities.
27. 200 protesters were arrested and more than 500 demonstrators of hirak were arrested in 23 different wilayas(provinces) some of them were released later¹¹.
28. On June 15,2020 one protester was killed and four was injured in Tin Zaitoune.¹²

Recommendations

- Consider training police and security forces on human rights obligations and best practices.

Algeria May 2017 para 66

⁸ National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/2*

Algeria May 2017 para 79

¹⁰ **129.95 (Kenya); 129.102 (Tunisia);** A/HRC/36/13/Add.1 - Para. 6.

¹¹ **129.109; (Norway)** A/HRC/36/13/Add.1 - Para. 6;**129.110 (Uruguay)** A/HRC/36/13/Add.1 - Para. 7;**109.115 (Netherlands);129.116 (Zambia)** A/HRC/36/13/Add.1 - Para. 6

¹²<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26243> 3

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- Halt impunity and puts responsible of violations and excessive use of power against peaceful protesters to justice in any part of its territory.
- Collaborate and Respond positively and immediately to the communications of special procedures in relation to the right to peaceful assembly.
- Provide protection to lawyers and legal practitioners to execute their mission in observing and monitoring peaceful assemblies and help individuals to have access to justice.

Freedom of associations

Illustrations

29. Law no 12-06 gives the executive power a big control on the establishment of associations and imposes many limitations.
30. Not respecting public values, violating public order are pretexts the makes the executive power to refuse registering association or never renew their permissions.
31. Algerian NGO can't cooperate with international NGO's nor receive foreign funds.
32. LADDH (la Ligue Algérienne de Défense des droits de l'Homme) RAJ (Rassemblement actions jeunesse) haven't been able to receive their legal confirmation." SOS Disparus" never been allowed to register since 2013 because of the restrictions.

Recommendations

- Remove all kinds of restrictions against the registrations of associations
- Make legislative reforms that guarantee the Algerian NGOs to receive national and international funds in accordance with the best practices presented by the special rapporteur on the right to peaceful assembly and associations.

Arbitrary arrests and conditions of detention

33. Although the law prohibits arbitrary arrest or detention, it is still systematically used by the security forces in Algeria.
34. With the popular protests' movement "Al Hirak", arbitrary detentions and arrest increased, especially pretrial arrest; it is reported that about 13 percent of the detainees were in pretrial detention. The police forces arrest protesters for hours before releasing them without charges but pretrial arrests remain a considerable concern in Algeria.
35. The law is not clear about what can be considered as public threat therefore arbitrary detention is committed under the law which may interpret any criticism to the government or any peaceful gathering as reasons for arrest.
36. Human rights activists reported that detainees are held without access to lawyers of their choice.
37. Generally, restrictive laws of freedom of expressions and peaceful assembly are used to detain ex-army generals and ex-political leaders and activists that include lawyers, journalists, Hirak protesters and opposition figures from Tindouf refugee camps.
38. The state of places of detentions remains very alarming because generally it is overcrowded which causes great risk on the detainee's life, especially with the spread of covid19.
39. In Algerian prisons security agents tolerate sexual abuse against vulnerable persons and minors they don't consider sexual harassment in prisons as a crime. In relation to this the state of Botswana puts its recommendation **no129. 210**¹³ during the 3rd cycle of the periodic review.

Illustrations

¹³ Tindouf camps are Algerian territories that gather an unidentified number of Sahrawi refugees since 1975, many of them calling for autonomy as political solution to their situation to the conflict with Morocco, there is UN peace process going on to end the conflict peacefully.

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40. June 2019, Bouregaa Lakhdar was held in pretrial arrest for six months for “demoralization and contempt for the armed forces”.
41. In March 2020, SOS Disparus ¹⁴ coordinator Slimane Hamitouche was arrested for “inciting unarmed gathering”.
42. Louisa Hanoune, president of the workers party was convicted by a military court for 15 years jail for conspiracy against the state.

Recommendations

- Release all political detainees and Al Hirak protesters.
- Revise the laws that restricts freedom of expression and the right to peaceful assembly to go in line with universal human rights standards.
- Halt arbitrary arrests and respect the international agreed norms of pretrial detention.
- Stop targeting human rights and local civil society activists.

Enforced disappearances and the right to truth

43. Algeria signed ICPPED (international convention for protection of all persons from enforced disappearance) on the 6th of February 2006. It hasn't ratified it yet.
44. In 2003, an Ad Hoc Inquiry Commission in Charge of the Question of Disappearances was established to reveal the truth about the fate of more than 6,500 persons who disappeared during the Algerian the black decade in the 1990s.
45. The commission's findings were never made public. Amnesty was granted to the security forces and Islamic armed groups for most crimes, including enforced disappearance. Consequently, many families chose not to participate in that governmental initiative, since they wanted to know the fate of their loved ones and to see responsible for the crimes brought to justice, no matter how high their ranks are.
46. Impunity remains to biggest obstacle that denies the right to truth, not only to families of disappeared persons but also to victims of other crimes and to general public; to know the truth of what really happened and who was responsible for such crimes which are labelled as crimes against humanity by the Rome Statute of the International Criminal Court. which is not ratified by Algeria.
47. During Al Hirak manifestations, that has continued since 2019, protesters seem to very afraid and aware that the consequences of such protests may push authorities and military forces to respond violently as in the 1990s civil war, which explains the nature of slogans that were raised. They avoided religious and anti -army expressions.
48. In Tinduf camps some polisarrio opposers has disappeared because they were accused of betrayal.
49. the UN Human Rights Committee has issued 44 decisions on Algerian cases, but none has been implemented.

ILLUSTRATION

50. In 2009, human right presidential advisor in polisarrio camps, Al Khalil Ahmed was kidnapped by the Algerian forces, after he had been invited to Algiers by Algerian authorities, since then no one provided information about his fate.
51. His family besides human rights NGO's keep protesting in Tinduf camps, but neither polisarrio officials nor Algerian authorities launched investigation about this violation.

Recommendations

- Ratify the Rome Statute of the International Criminal Court.
- Ensure the right to truth for families of victims and public opinion.
- Deal with enforced disappearance on a case-by-case basis with international protection mechanisms.
- Halt impunity and corporate to international efforts to restore justice for enforced disappearance victims in all its territories.

¹⁴ The Algerian league for the defense of human rights.

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- Implement the recommendations of the Human Rights Committee and the Working Group on Enforced or Involuntary Disappearances.¹⁵

Refugees and migrants

52. As for refugees; during Algeria's examination under the 3rd UPR cycle, the state of Israel recommended Algeria to "Take full responsibility of the Sahrawi refugee camps that are located in Algerian territory, and protect the human rights of all persons present"¹⁶.
53. Government offer protection to small refugee population; mainly Syrians (85percent) Yemenis, Palestinians, Malians and others nationalities.
54. The government doesn't accept refugees from other countries for resettlement as a durable solution.
55. Concerning migrants; The state of Togo encouraged Algeria to take measures for the systematic registration of children born outside of marriage and of refugee children or migrants¹⁷.
56. Generally, during government roundup operations of suspected migrants they face different levels of abuse: rape, sexual harassment or both, unaccompanied minors are taken to borders for expulsion.
57. UNHCR reported refugees and migrants during their trip to or through the country risk death, kidnapping, sexual or gender-based violence.¹⁸

Refugees

Illustrations

58. Many Refugees in Tinduf camps lost their source of income due to covid-19: over 1700 sheep and goats died in the camps because a pulmonary livestock epidemic.¹⁹ Sahrawis refugees depend on animals to raise their income and on humanitarian food aids which some international reports accused Algerian authorities to redirect these aids towards sub-Saharan markets for sale.²⁰
59. The NGO "Human Right Watch" denounced the arbitrary arrests of the "Polisario" and demanded the release of the three Sahrawi activists, insisting on "the absence of evidence of criminal activities". HRW said that "Algeria cannot outsource the protection of human rights on its territory and closes the eyes if the Polisario violates them"²¹
60. UN special rapporteur on migrants sent a joint communication to Algeria about extrajudicial executions of two Sahrawi refugees; Maha Ould Hamdi Oudl Sueilem, 42 years old, et Ali Idrissi, 34 years old; by Algerian security forces in a mining site south of the Algerian town of Aouinet Balakraa. These violations are reportedly part of a more general pattern of systematic violations allegedly committed by Algerian security forces against Saharawi refugees and migrant minors.²²
61. The refugee population remains extremely vulnerable and entirely dependent on international aid for their basic needs and survival.
62. Malnutrition and anemia are common problems among the Saharawi in the Tindouf camps, according to the Report of the Secretary-General (S/2020/938).²³

¹⁵ Country reports on human rights practices for 2020(Algeria) U. S department of state bureau of democracy and human rights and labor

¹⁶ Reform the juvenile justice system and ensure the separation of children from adults in detention places, including by taking measures to reduce prison overcrowding. (A/HRC/36/13/Add.1 - Para. 7)

¹⁷ An association defending the rights of families of those who disappeared during the black decade ,1991-2002

¹⁸ Recommendation **129,27 (Zambia)**; A/HRC/36/13/Add.1 - Para. 7

¹⁹ Supported Recommendation: **129.228 (Israel)**; A/HRC/36/13/Add.1 - Para. 7

²⁰ Recommendation: **129.208 (Togo)**; A/HRC/36/13/Add.1 - Para. 7

²¹ Country reports on human rights practices for 2020(Algeria) U. S department of state bureau of democracy and human rights and labor

²² March 2019 UNHCR report

²³ https://www.europarl.europa.eu/doceo/document/E-8-2016-006306_EN.html?redirect

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Recommendations

- Conduct a census for the Saharawi refugees of Tindouf camps in accordance international standards and in corporation with UNHCR.
- To grant refugee status to all the Sahrawi refugees and guarantee their freedom of movement in and outside the camps.
- Take necessary measures to protects refugee’s freedom of expression and movement and conduct credible investigations into human rights violations in Tinduf camps.

Migrants

Illustrations

63. The government officially doesn’t authorize migrant’s employment unless they have special status with the authorities, they rely largely on assistance of Algerian red crescent and other international NGO’s or on family and friend support. This puts them at risk of labor exploitation because of lack of legal documentations.
64. Migrants in Algeria have access to public hospital and primary health care but in some cases, migrants refuse to come to hospitals for fear not to be arrested by the police for not having legal status.
65. Some School administration don’t accept migrants in primary school for not having legal national documents and in some case for language and cultural barriers.
66. The government refuses to register migrants’ children out of marriage although they are born on its soil.

Recommendations

- Take necessary measures to halt all kinds of discrimination against migrants and refugees.
- Take concrete steps in order to ensure full social, cultural and economic integration of migrants.
- Intensify efforts to protect migrants from all kind of exploitation.
- Recognize children born out of marriage and grant them legal status to have full access to education and health care.

Human rights and counter-terrorism

67. The state of Iraq recommended Algeria to “Promote efforts to combat terrorism and to combat human trafficking”²⁴ but we express our concern about the way the authorities use fighting terrorism as an excuse to violate human rights.
68. “Glorification of terrorism” is a crime that is systematically used to incriminate any peaceful act or criticism to the authorities or “national symbols” (which means the president, the army). It is a useful tool to limit freedom of expression and the right to peaceful assembly. The laws²⁵ are ambiguous; they don’t give precise definition to crimes of terrorism therefore, in some cases, they are used against human rights defenders.
69. The government withdrew from its responsibilities and obligations to implement social justice and the rule of law in refugee camps in Tinduf, this fact pushes some well -military- trained young Sahrawis from the camps to join terrorist groups in Sahel-and Sahara area. Because of the hard conditions of living in the camps, they become desperate and easy to be manipulated by organized crime and terrorist groups.

Illustrations

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70. Journalists Hassan Bouras and Mohamed Mouloudj are arrested by the police on the 6th and on 12th of September 2021 for criticising authorities and for being members of the unregistered group Rachad and MAK movement for self-determination of kabylie). They have been arrested for terrorism-related acts, under the above-mentioned Article 87bis, which defines any act “against state security, the integrity of the territory, the stability and normal functioning of state institutions. » as an act of terrorism.
71. More than 20 civil society actors and human rights defender were arrested for their affiliation to both Rachad and MAK. These opposer groups were labelled as terrorist organizations on May 2021 by the Algerian high security council.
72. Abou-Walid Sahrawi -spokesman of “AL jihad and Tawhid” terrorist group- who was killed by French forces in Niger in 2020 and a group young trained Sahrawi refugees joined terrorists’ group in the regions of Sahel to escape the hard conditions of living in Tinder refugee camps in Algeria.

Recommendations

- Align the national definition of acts of terrorism with international standards.
- Fulfill international obligations to protect the rights of detainees accused by committing terrorist acts.
- Stop using counter-terrorism legislations to limit freedom of expression and peaceful activism.

Rights of religious minorities

73. Under the 3rd cycle of its UPR examination, Algeria was recommended to” ensure that international norms on freedom of religion and belief and cult are fully respected, including the rights of religious minorities”²⁶
74. Even though, the law grants all individuals the right to practice their religion provided that they respect public order and regulations, many religious minorities claim to find difficulty in registration and reregistration process, they have to be registered by the ministry of interior as association but the slow procedures put a lot of challenges in front of them. Some of them claim that they have no contacts with the National Committee for Non-Muslim Worship, (a government entity, facilitates the registration process for all non-Muslim groups).
75. As far as human rights issue the national council of human rights monitors and evaluates human rights matters related to religious freedom. It conducts investigations of alleged abuses, and follow up recommendations, but The CNDH does not have the authority to enforce its decisions. It submits an annual report to the President but generally no serious steps are taken to end the continual abuse of religious minorities rights.
76. It is clear that there are notable restrictions on religious minorities to declare their affiliation to religious groups; while some can practice freely other who refuse to collaborate with authorities may by face risks of jail under terrorist related acts so there was increasing stress on them specially Christians “The current crackdown mirrors the scale of past waves of church closures in 2008 and 2011, and has been ongoing since November 2017 and worsened in 2019.Officials have made arbitrary demands that churches cease all religious activities, accusing them of violating safety regulations, operating illegally, or evangelizing, or giving them other justifications for sealing off their places of worship.”²⁷

Illustrations

77. In December ,2019 Mohamed Fali, the former head of the country’s Ahmadi Muslim community, has escaped to Morocco to seek asylum.
78. The Ahmadi community continued to report administrative difficulties and harassment since the community is not a registered association, they refused in 2019 to be identified by the authorities as non-Muslim community,
79. In October 2019 police closed the Protestant Church of the Full Gospel in Tizi Ouzou.

Recommendations

- Protect religious minorities rights by promoting interreligious concepts of dialogue.

²⁷ <https://www.hrw.org/fr/news/2019/07/16/algeria/sahara-occidental-trois-dissidents->

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- Halt arresting activists on the basis of their religious beliefs.

Conclusion

80. The achievement of tangible results in the promotion and protection of human rights in Algeria depends on the political will for a genuine democratic transition that guarantees social justice and the well-being of citizens who are living under severe economic pressure, where they suffer from the difficulty of obtaining basic and primary foodstuffs.
81. The practice of corruption by state agents must be acknowledged at the highest level and allow the prosecution of perpetrators.

Notable questions

82. What are the tangible measures taken to guarantee the non-repetition of the atrocities experienced by victims during the 1990s in the future?
83. What are the obstacles and reasons that prevent Algeria from conducting a census to Sahrawi refugees in Tinduf camps under the supervision of the UNHCR?
84. What are the legal measures that the authorities have taken to halt the excessive use of power practiced by security forces against peaceful protesters?