

KONTEKST:

Potrebno utvrditi pitanje kršenja ljudskih prava nad civilima u Alžiru, u cilju sticanja preciznog uvida u stanje i nivo poštovanja ljudskih prava u Alžiru;

PITANJE: Kršenja ljudskih prava u Alžiru

ODGOVOR:

Ugrožavanje bezbednosti civila:

Osnovna pretnja bezbednosti u Alžiru jesu teroristički napadi, koje većinom izvode pripadnici terorističke grupe Al Kaida u islamskom Magrebu (al Qaeda in the Islamic Maghreb – AQIM).^{1 2 3 4}

AQIM je teroristička organizacija koja deluje u Alžiru, Maliju i Mauritaniji, a glavni cilj im je ujedinjena islamska država u regionu.⁵ Ovu organizaciju čine militantni islamisti, suniti.⁶ U Alžiru, glavni cilj AQIM je zbacivanje alžirskog režima i uspostavljanje islamske države po šerijatskom pravu.^{7 8} Oblast delovanja AQIM u Alžiru najviše se prostire u planinskim područjima istočno od grada Alžira i u prostranim pustinjским regionima na jugu zemlje, blizu granica sa Malijem, Mauritanijom i Nigerijom.^{9 10}

Oružana grupa Al Kaida u islamskom Magrebu - AQIM nastavlja da napada uglavnom, ali ne isključivo bezbednosne snage Alžira, tj. vojne i policijske ciljeve.^{11 12 13 14}

¹ Immigration and Refugee Board of Canada: Algeria - Crime situation, including organized crime; police and state response, including effectiveness; state protection for witnesses and victims of crime (2009 - September 2012)/Crime, 19 October 2012 - http://www.ecoi.net/local_link/231342/339827_en.html, pristupljeno 4. decembra 2012.

² US Department of State: Country report on Terrorism 2011 - Chapter 2 - Algeria/Overview, 31 July 2012 - http://www.ecoi.net/local_link/224716/332301_en.html

³ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Arbitrary or unlawful deprivation of life, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁴ Amnesty International: Annual Report 2012, The state of the world's human rights Algeria/Counter-terror and security- <http://www.amnesty.org/en/region/algeria/report-2012>

⁵ BBC News Africa: Algeria al-Qaeda chief Droukdel sentenced in absentia, 13 March 2012 - <http://www.bbc.co.uk/news/world-africa-17359310>, pristupljeno 8. decembra 2012.

⁶ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 36

⁷ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 37

⁸ Congressional Research Service: Algeria - Current Issues/Terrorism, January 18, 2012 - <http://fpc.state.gov/documents/organization/183737.pdf>

⁹ Congressional Research Service: Algeria - Current Issues/Terrorism, January 18, 2012 - <http://fpc.state.gov/documents/organization/183737.pdf>

¹⁰ US Department of State: Country report on Terrorism 2011 - Chapter 2 - Algeria/Overview, 31 July 2012 - http://www.ecoi.net/local_link/224716/332301_en.html

¹¹ US Department of State: Country report on Terrorism 2011 - Chapter 2 - Algeria/Overview, 31 July 2012 - http://www.ecoi.net/local_link/224716/332301_en.html

¹² Human Rights Watch: World Report Algeria 2012/Terrorism and Counterterrorism, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

¹³ Amnesty International: Annual Report 2012, The state of the world's human rights Algeria/Counter-terror and security- <http://www.amnesty.org/en/region/algeria/report-2012>

¹⁴ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 38

Usled tih napada AQIM-a često stradaju i civili.¹⁵ ¹⁶ AQIM izvršava napade bombaša samoubica, napade pomoću improvizovanih eksplozivnih napada (IED) i putem zaseda.¹⁷ ¹⁸

Osim AQIM, u Alžiru deluje i teroristička organizacija Pokret za jedinstvo i džihad u Zapadnoj Africi – MUJAO (MUJWA).¹⁹ ²⁰ U martu 2012. godine izvešen je napad auto-bombom na alžirsku vojnu bazu u Tamanrasset-u, a drugi bombaški napad je izvršen u drugoj bazi u Ouargla-u, takođe tokom marta 2012.godine.Za oba napada odgovornost je preuzeo upravo pokret MUJAO (MUJWA).²¹

Jedan od poslednjih terorističkih napada u Alžiru odvijao se od 16. do 19. januara 2013. godine, kada su islamistički teroristi zauzeli i 4 dana držali pod kontrolom gasno postrojenje In Amenas u mestu Tiganturin, na jugu Alžira.²² ²³ ²⁴ Ukupno je za 4 dana opsade poginulo preko 80 ljudi. Od strane terorista je ubijeno 38 taoca, dok je žrtvi bilo i usled sukoba terorista i alžirskih snaga bezbednosti prilikom akcije oslobađanja. Nakon te akcije je 107 stranih i 685 alžirskih taoca oslobođeno.²⁵ ²⁶ ²⁷

Kao razlog ovog napada teroristi su naveli zahtev da se okonča francuska vojna intervencija u susednom Maliju.²⁸ ²⁹ Ovaj napad su izveli teroristi koji su se od nedavno odvojili od terorističke organizacije Al Kaida u islamskom Magrebu.³⁰ ³¹

Nakon ovog, još jedan teroristički napad odigrao se 28. januara 2013. godine kada su pripadnici Al Kaide u islamskom Magrebu (AQIM) digli u vazduh gasovod Ain Chikh u

¹⁵ US Department of State: Country report on Terrorism 2011 - Chapter 2 - Algeria/Overview, 31 July 2012 - http://www.ecoi.net/local_link/224716/332301_en.html

¹⁶ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 38

¹⁷ US Department of State: Country report on Terrorism 2011 - Chapter 2 - Algeria/Overview, 31 July 2012 - http://www.ecoi.net/local_link/224716/332301_en.html

¹⁸ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 38

¹⁹ US.Department of State – Travel.State.Gov: Travel Warning, Algeria, February 19, 2013 - http://travel.state.gov/travel/cis_pa_tw/tw/tw_5774.html, pristupljeno 13. maja 2013.

²⁰ Congressional Research Service : Algeria - Current Issues, January 18, 2013 - <http://fpc.state.gov/documents/organization/203732.pdf> str 8

²¹ US.Department of State – Travel.State.Gov: Travel Warning, Algeria, February 19, 2013 - http://travel.state.gov/travel/cis_pa_tw/tw/tw_5774.html, pristupljeno 13. maja 2013.

²² The Guardian: Algerian hostage toll rises with reports of Japanese deaths, 21 January 2013 - <http://www.guardian.co.uk/world/2013/jan/21/algerian-hostage-toll-rises-81>, pristupljeno 10. maj 2013.

²³ Večernje Novosti: Alžir - kriza sa taocima okončana krvoprolicem, 19. januar 2013 - <http://www.novosti.rs/vesti/planeta.299.html:415612-Alzir-Kriza-sa-taocima-okoncana-krvoprocem> pristupljeno 13. maj 2013.

²⁴ BBC News: Algeria crisis: Hostage death toll 'rises to 48', 21 January 2013 - <http://www.bbc.co.uk/news/world-africa-21114512> pristupljeno 10. maj 2013.

²⁵ The Guardian: Algerian hostage toll rises with reports of Japanese deaths, 21 January 2013 - <http://www.guardian.co.uk/world/2013/jan/21/algerian-hostage-toll-rises-81>, pristupljeno 10. maj 2013.

²⁶ Večernje Novosti: Alžir - kriza sa taocima okončana krvoprolicem, 19. januar 2013 - <http://www.novosti.rs/vesti/planeta.299.html:415612-Alzir-Kriza-sa-taocima-okoncana-krvoprocem> pristupljeno 13. maj 2013.

²⁷ Council of Europe - Parliamentary Assembly: Recent developments in Mali and Algeria nad the threat to security and human rights in the Mediterranean region/Hostage crisis and the tragic loss of human life in Algeria, 23 January 2013 - http://www.ecoi.net/file_upload/1226_1359474466_pace-malialgeria.pdf, pristupljeno 10. maj 2013.

²⁸ Večernje Novosti: Alžir - kriza sa taocima okončana krvoprolicem, 19. januar 2013 - <http://www.novosti.rs/vesti/planeta.299.html:415612-Alzir-Kriza-sa-taocima-okoncana-krvoprocem> pristupljeno 13. maj 2013.

²⁹ BBC News: Algeria crisis: Hostage death toll 'rises to 48', 21 January 2013 - <http://www.bbc.co.uk/news/world-africa-21114512> pristupljeno 10. maj 2013.

³⁰ Council of Europe - Parliamentary Assembly: Recent developments in Mali and Algeria nad the threat to security and human rights in the Mediterranean region/Hostage crisis and the tragic loss of human life in Algeria, 23 January 2013 - http://www.ecoi.net/file_upload/1226_1359474466_pace-malialgeria.pdf, pristupljeno 10. maj 2013.

³¹ The Guardian: Algerian hostage toll rises with reports of Japanese deaths, 21 January 2013 - <http://www.guardian.co.uk/world/2013/jan/21/algerian-hostage-toll-rises-81>, pristupljeno 10. maj 2013.

regionu Đebahia (Djebahia) u istočnom Alžiru - oblasti koja je uporište ove terorističke organizacije. U ovom napadu poginula su dva čuvara gasovoda, a još sedam ljudi je povređeno.^{32 33}

Na bezbednost civila u Alžiru utiču i česte otmice, kako od strane kriminalnih^{34 35} tako i od strane terorističkih organizacija.^{36 37 38} Južne ćelije AQIM-a otmicama stranaca i otkupom za njih pribavljaju finansijska sredstva za svoju organizaciju.³⁹

Povreda prava civila tokom krivičnog postupka:

Pravila krivičnog postupka u Alžiru predviđaju da osumnjičeni može biti držan u pritvoru do 48 sati bez optužbe, ali nikako duže od 72 sata.^{40 41} Izuzetak od toga je pravilo da osumnjičeni za terorizam mogu biti zadržani do 12 dana, bez mogućnosti da komuniciraju sa bilo kime.^{42 43} Međutim, poznati su slučajevi kršenja ovog pravila i zadržavanja lica u pritvoru duže od 12 dana.⁴⁴

Produženi istražni pritvor je jedan od problema u Alžiru. Zakon u Alžiru ne predviđa pritvorenom licu mogućnost na brzu sudsku odluku o zakonitosti pritvora. Oni koji su osumnjičeni za dela protiv bezbednosti države, uključujući i terorizam, mogu po zakonu biti zadržani u istražnom pritvoru do 20 meseci.^{45 46} Dakle, vlasti Alžira nastavljaju da sprečavaju neke od pritvorenika koji su osumnjičeni za terorizam da se pojave pred sudom.⁴⁷

Internet aktivista (ciberaktivist) Saber Saidi uhapšen je 11. jula 2012. godine od strane DRS agenata (DRS - Department of Intelligence and Security - je Odeljenje za obaveštajne

³² BBC News: Two killed in "militant attack" on Algeria pipeline, 28 January 2013 - <http://www.bbc.co.uk/news/world-africa-21235628> pristupljeno 10. maj 2013.

³³ Reuters: Militants attack oil pipeline in Algeria, two dead - <http://www.reuters.com/article/2013/01/28/us-algeria-attack-idUSBRE90ROHN20130128>, pristupljeno 10. maj 2013.

³⁴ Immigration and Refugee Board of Canada: Algeria - Crime situation, including organized crime; police and state response, including effectiveness; state protection for witnesses and victims of crime (2009 - September 2012)/Crime, 19 October 2012 - http://www.ecoi.net/local_link/231342/339827_en.html, pristupljeno 4. decembra 2012.

³⁵ US Department of State: Country report on Terrorism 2011 - Chapter 2 - Algeria/Overview, 31 July 2012 - http://www.ecoi.net/local_link/224716/332301_en.html

³⁶ Immigration and Refugee Board of Canada: Algeria - Crime situation, including organized crime; police and state response, including effectiveness; state protection for witnesses and victims of crime (2009 - September 2012)/Crime, 19 October 2012 - http://www.ecoi.net/local_link/231342/339827_en.html, pristupljeno 4. decembra 2012.

³⁷ US Department of State: Country report on Terrorism 2011 - Chapter 2 - Algeria/Overview, 31 July 2012 - http://www.ecoi.net/local_link/224716/332301_en.html

³⁸ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 40

³⁹ Congressional Research Service: Algeria - Current Issues/Terrorism, January 18, 2012 - <http://fpc.state.gov/documents/organization/183737.pdf>

⁴⁰ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Arrest procedures and treatment while in detention, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁴¹ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 44

⁴² US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Arrest procedures and treatment while in detention, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁴³ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 44

⁴⁴ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 28

⁴⁵ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Arrest procedures and treatment while in detention, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁴⁶ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 28

⁴⁷ Human Rights Watch: World Report Algeria 2012/Terrorism and Counterterrorism, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

poslove i bezbednost u Alžiru). On je u pritvoru proveo 11 dana, a nakon toga je optužen za "podsticanje terorizma" zbog toga što je postavljao na internet video snimke sa demonstracija opozicionih i revolucionarnih grupa u Alžiru. Do kraja 2012. godine on je i dalje bio u zatvoru El-Harrach.⁴⁸

Predsednik Bouteflika je 24. februara 2011. godine proglasio član Krivičnog zakona koji ovlašćuje sudije da pritvorenike stave u tzv. "zaštićeno prebivalište", što im omogućava da se pritvorenici drže na tajnim lokacijama i dozvoljava krivično gonjenje za otkrivanje te lokacije.⁴⁹

Kršenje slobode izražavanja, udruživanja i okupljanja:

Iako Ustav Alžira predviđa slobodu izražavanja, udruživanja i okupljanja,^{50 51 52} Vlada Alžira nastavlja da ograničava ova prava.^{53 54 55}

Uredba iz 2001. godine kojom se u Alžiru zabranjuju demonstracije i dalje se primenjuje u toj zemlji.^{56 57} Tokom 2011. godine ova odredba se često koristila od strane vlasti kao način za ograničavanje demonstracija i protestanata u Alžiru.⁵⁸

Nevladine organizacije koje hoće da rade u Alžiru moraju da se registruju kod Vlade i dobiju licencu za rad.^{59 60 61} Slična je situacija i sa političkim partijama. Ministarstvo

⁴⁸ US Department of State: Country Report on Human Rights Practices for 2012 - Algeria/ Denial of Fair Public Trial - <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&docid=517e6e716&skip=0&coi=DZA>

⁴⁹ Human Rights Watch: World Report Algeria 2012/Terrorism and Counterterrorism, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

⁵⁰ Republique Algerienne Democratique et Populaire - Ministere de l'Interieur et des Collectivites locales: The constitution of the people's democratic republic of Algeria, član 41 - <http://aceproject.org/ero-en/regions/africa/DZ/algeria-constitution-with-the-amendments-of-15>, pristupljeno 29. novembra 2012.

⁵¹ UN General Assembly - Human Rights Council: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, 12 June 2012 - http://www.ecoi.net/file_upload/1930_1340194703_a-hrc-20-17-add1-en.pdf, str 5

⁵² UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 53

⁵³ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Freedom of assembly, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁵⁴ Amnesty International: Annual Report 2012, The state of the world's human rights Algeria/Freedom of expression, association and assembly - <http://www.amnesty.org/en/region/algeria/report-2012>

⁵⁵ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 53

⁵⁶ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Freedom of assembly, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁵⁷ UN General Assembly - Human Rights Council: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, 12 June 2012 - http://www.ecoi.net/file_upload/1930_1340194703_a-hrc-20-17-add1-en.pdf, str 16 i 17

⁵⁸ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 54

⁵⁹ Amnesty International: Annual Report 2012, The state of the world's human rights Algeria/Freedom of expression, association and assembly - <http://www.amnesty.org/en/region/algeria/report-2012>

⁶⁰ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Freedoms of association, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁶¹ Freedom House: Freedom in the World 2012, Algeria/Political rights and civil liberties - <http://www.freedomhouse.org/report/freedom-world/2012/algeria>

unutrašnjih poslova Alžira mora da odobri sve političke stranke pre osnivanja,^{62 63} a dešava se da vlast Alžira odbija da im izda odobrenja.^{64 65}

Vlasti Alžira od ograničenja koje rade na teritoriji Alžira, traži da dobiju odobrenje od lokalnog guvernera pre održavanja zatvorenih javnih skupova.^{66 67} Međutim, vlast u Alžiru nastavlja da uskraćuje odobrenja političkim partijama, nevladinim organizacijama i drugim grupama da održavaju skupove u zatvorenom prostoru.^{68 69}

Vlada Alžira ima pravo da obustavi aktivnosti bilo koje nevladine organizacije ili političke partije, ako smatra da ona deluje ilegalno ili protiv javnog reda ili morala,^{70 71} iako zakonom nije definisano šta predstavlja to ilegalno delovanje.⁷²

Članstvo u stranci Front islamskog spasa (FIS), koja je zabranjena još 1992. godine, i dalje je nelegalno.^{73 74}

Svaka publikacija u Alžiru zahteva zvanično odobrenje vlasti.^{75 76}

Prema Krivičnom zakonu Alžira, svako ko distribuirao ili prodaje brošure ili letke koji „mogu naškoditi nacionalnom interesu“ može biti kažnjen zatvorom od 6 meseci do 3 godine i novčanom kaznom. Ukoliko su brošure ili letci finansirani stranim izvorima i dolaze iz inostranstva, kazna zatvora može iznositi do pet godina.⁷⁷

Vlasti u Alžiru kontrolišu gotovo sve domaće elektronske medije.^{78 79 80 81} Zbog toga oni skoro uopšte ne pružaju kritičko izveštavanje o državnoj politici.^{82 83 84}

⁶² US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Freedoms of association, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁶³ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 52

⁶⁴ Amnesty International: Annual Report 2012, The state of the world's human rights Algeria/Freedom of expression, association and assembly - <http://www.amnesty.org/en/region/algeria/report-2012>

⁶⁵ Freedom House: Countries at the Crossroads 2011: Algeria/ Accountability and public voice - http://www.freedomhouse.org/sites/default/files/inline_images/AlgeriaFINAL.pdf, pristupljeno 4. decembra 2012.

⁶⁶ Human Rights Watch: World Report Algeria 2012/Freedom of Expression and Association, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

⁶⁷ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Freedom of assembly, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁶⁸ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Freedom of assembly, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁶⁹ Amnesty International: Annual Report 2012, The state of the world's human rights Algeria/Freedom of expression, association and assembly - <http://www.amnesty.org/en/region/algeria/report-2012>

⁷⁰ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Freedoms of association, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁷¹ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 53

⁷² US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Freedoms of association, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁷³ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 21

⁷⁴ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Elections and plitical participation, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html -

⁷⁵ Reporters Sans Frontieres: Freedom of information still a concern after 50 years of independence, 4 July 2012 - http://www.ecoi.net/local_link/221264/328551_en.html, pristupljeno 3. decembra 2012.

⁷⁶ Freedom House: Countries at the Crossroads 2011: Algeria/ Accountability and public voice - http://www.freedomhouse.org/sites/default/files/inline_images/AlgeriaFINAL.pdf, pristupljeno 4. decembra 2012.

⁷⁷ UN General Assembly - Human Rights Council: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, 12 June 2012 - http://www.ecoi.net/file_upload/1930_1340194703_a-hrc-20-17-add1-en.pdf, str 7

⁷⁸ Human Rights Watch: World Report Algeria 2012/Freedom of Expression and Association, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

Novinari u glavnom gradu Alžiru su relativno zaštićeni od strane svojih udruženja, dok su oni u unutrašnjosti zemlje izloženi progonu i ponekad pritvoru ukoliko kritikuju lokalne vlasti.⁸⁵ Državni tužioci u Alžiru često krivično gone novinare zbog klevetanja ili vređanja javnih funkcionera.⁸⁶

Da je kritikovanje vlasti veoma otežano u Alžiru, potvrđuje i slučaj iz avgusta 2011. godine kada su Vladini zvaničnici proterali tunižanskog pevača Bendir Man-a i navodno mu zabranili povratak u Alžir, zbog održanih koncerata na kojima je pevao o demokratiji i zbog toga što je posvetio pesmu "svim diktatorima u arapskom svetu" u kojoj je pomenuo i alžirskog predsednika Bouteflika.⁸⁷

Kršenje verskih sloboda:

Prema Ustavu Alžira, državna religija u Alžiru je islam.^{88 89 90 91} Ustav Alžira garantuje verske slobode, ali drugi zakoni i prakse u Alžiru imaju reskriktivan uticaj na njih.⁹²

Nemuslimanima je u Alžiru zabranjeno održavanje molitvi, osim na lokacijama koje su odobrene od strane države.^{93 94 95}

Zahtev za održavanje nemuslimanskog verskog događaja mora biti podnešen guverneru najmanje 5 dana pre događaja. Zahtev mora da sadrži informacije o tri glavna organizatora

⁷⁹ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Status of freedom of speech and press, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁸⁰ UN General Assembly - Human Rights Council: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, 12 June 2012 - http://www.ecoi.net/file_upload/1930_1340194703_a-hrc-20-17-add1-en.pdf, str 13

⁸¹ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 56

⁸² Human Rights Watch: World Report Algeria 2012/Freedom of Expression and Association, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

⁸³ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 56

⁸⁴ Freedom House: Countries at the Crossroads 2011: Algeria/ Accountability and public voice - http://www.freedomhouse.org/sites/default/files/inline_images/AlgeriaFINAL.pdf, pristupljeno 4. decembra 2012.

⁸⁵ Reporters Sans Frontieres: Freedom of information still a concern after 50 years of independence, 4 July 2012 - http://www.ecoi.net/local_link/221264/328551_en.html, pristupljeno 3. decembra 2012.

⁸⁶ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 56

⁸⁷ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Academic freedom and cultural events, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

⁸⁸ Human Rights Watch: World Report Algeria 2012/Freedom of Religion, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

⁸⁹ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

⁹⁰ Amnesty International: Annual Report 2012, The state of the world's human rights Algeria/Freedom of religion or belief - <http://www.amnesty.org/en/region/algeria/report-2012>

⁹¹ Republique Algerienne Democratique et Populaire - Ministere de l'Interieur et des Collectivites locales: The constitution of the people's democratic republic of Algeria, član 2 - <http://aceproject.org/ero-en/regions/africa/DZ/algeria-constitution-with-the-amendments-of-15>, pristupljeno 29. novembra 2012.

⁹² US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

⁹³ Human Rights Watch: World Report Algeria 2012/Freedom of Religion, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

⁹⁴ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

⁹⁵ Freedom House: Freedom in the World 2012, Algeria/Political rights and civil liberties - <http://www.freedomhouse.org/report/freedom-world/2012/algeria>

dogadaja, svrsi događaja, broj očekivanih učesnika, raspored i planiranu lokaciju gde će se događaj održati.⁹⁶

Verski radnici katoličkih i protestantskih crkava u Alžiru mogu imati problema sa dobijanjem viza, tj. odbijanjem da im se odobri viza od strane Vlade Alžira, što predstavlja prepreku za njihovo praktikovanje vere.⁹⁷

Protestantskim grupama u praksi vlasti Alžira retko daju ovlašćenje za korišćenje objekata za bogoslužnja.⁹⁸ Mnogi hrišćanski građani nastavili su da se sastaju u nezvaničnim "kućnim crkvama", koje su često domovi ili preduzeća crkvenih članova. Veliki broj njih održava svoja bogoslužnja tajno.⁹⁹

Svaki uvoz nemuslimanskih spisa u Alžir mora biti odobren od strane Ministarstva vera, Ministarstva spoljnih poslova, Ministarstva unutrašnjih poslova i Ministarstva trgovine.¹⁰⁰

Prema Krivičnom zakoniku Alžira kao krivično delo je predviđeno bogohuljenje - svi akti koji vređaju proroka Muhameda ili nekog od božijih glasnika ili omalovažavaju veru i zapovesti islama, pisanjem, crtanjem, izjavom ili na bilo koji drugi način. Bogohuljenje se u Alžiru kažnjava zatvorom do pet godina.¹⁰¹

Sud u Oranu je 25. maja 2011.godine osudio Abdelkarima Siaghaia, preobratćenika u hrišćanstvo, za uvredu proroka Muhameda tj. bogohuljenje i osudio ga na maksimalnih pet godina zatvora i novčanu kaznu.^{102 103 104} On je osuđen zbog toga što je sa svojim susedom razmenio CD sa hrišćanskim sadržajem.^{105 106}

Prema zakonu u Alžiru se inkriminiše prozelitizam (nameran pokušaj da se neko preobrati iz svoje vere u drugu veru, naročito nečasnim i ružnim sredstvima) muslimana od strane nemuslimana, ali ne i obrnuto.^{107 108 109 110} Kažnjivo je i vređanje, ograničavanje ili

⁹⁶ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

⁹⁷ US Department of State: 2011 International Religious Freedom Report - Algeria/Government Practices, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

⁹⁸ Human Rights Watch: World Report Algeria 2012/Freedom of Religion, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

⁹⁹ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

¹⁰⁰ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

¹⁰¹ Human rights first: Blasphemy Laws Exposed: The consequences of criminalizing "defamation of religions", March 2012 - http://www.humanrightsfirst.org/wp-content/uploads/Blasphemy_Cases.pdf, str 20, pristupljeno 4. decembra 2012.

¹⁰² Human Rights Watch: World Report Algeria 2012/Freedom of Religion, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

¹⁰³ Amnesty International: Annual Report 2012, The state of the world's human rights Algeria/Freedom of religion or belief - <http://www.amnesty.org/en/region/algeria/report-2012>

¹⁰⁴ Human rights first: Blasphemy Laws Exposed: The consequences of criminalizing "defamation of religions", March 2012 - http://www.humanrightsfirst.org/wp-content/uploads/Blasphemy_Cases.pdf, str 20, pristupljeno 4. decembra 2012.

¹⁰⁵ US Department of State: 2011 International Religious Freedom Report - Algeria/Government Practices, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

¹⁰⁶ Human rights first: Blasphemy Laws Exposed: The consequences of criminalizing "defamation of religions", March 2012 - http://www.humanrightsfirst.org/wp-content/uploads/Blasphemy_Cases.pdf, str 20, pristupljeno 4. decembra 2012.

¹⁰⁷ Human Rights Watch: World Report Algeria 2012/Freedom of Religion, 22 January 2012 - http://www.ecoi.net/local_link/208810/314364_en.html

¹⁰⁸ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

¹⁰⁹ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 77

¹¹⁰ Congressional Research Service: Algeria - Current Issues/Human Rights, January 18, 2012 - <http://fpc.state.gov/documents/organization/183737.pdf>

korišćenje sredstava zavođenja kako bi se preobratio musliman u drugu religiju, kao i korišćenje nastave, obrazovanja, zdravstva, ustanove kulture, socijalne ustanove ili korišćenje finansijskih sredstava - za isti cilj.^{111 112}

Nemuslimani u Alžiru mogu vršiti javne funkcije, ali je jasno prisutno da se oni ne unapređuju na viša radna mesta.¹¹³ Usled toga, mnogi nemuslimani kriju svoju versku pripadnost.¹¹⁴

Diskriminacija prema nemuslimanima u Alžiru ogleda se i u odredbama zakona koji reguliše porodične odnose, a koji se umnogome oslanjanja na šerijatsko pravo.^{115 116 117 118 119} Na primer, u Alžiru muslimanka ne može da se uda za nemuslimana,^{120 121} osim ukoliko se on ne preobrati u islam.¹²²

Kršenje prava na prigovor savesti:

Služenje vojnog roka je u Alžiru obavezno za sve muškarce starije od 19 godina.^{123 124} Obavezni vojni rok u Alžiru traje 18 meseci,^{125 126} od čega je 6 meseci predviđeno za osnovnu obuku, a 12 meseci za služenje u civilnim ustanovama, mada ima izveštaja koji potvrđuju da regruti služe vojni rok i u alžirskim vojnim kopnenim snagama.¹²⁷

¹¹¹ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

¹¹² UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 77

¹¹³ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

¹¹⁴ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

¹¹⁵ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

¹¹⁶ US Department of State: Country Report on Human Rights Practices for 2011 - Algeria/Women, 24 May 2012 - http://www.ecoi.net/local_link/217658/324288_en.html

¹¹⁷ Amnesty International: Annual Report 2012, The state of the world's human rights Algeria/Women's rights - <http://www.amnesty.org/en/region/algeria/report-2012>

¹¹⁸ Freedom House: Freedom in the World 2012, Algeria/Political rights and civil liberties - <http://www.freedomhouse.org/report/freedom-world/2012/algeria>

¹¹⁹ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 42

¹²⁰ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 89

¹²¹ US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

¹²² US Department of State: 2011 International Religious Freedom Report - Algeria/Legal/Policy Framework, 30 July 2012 - http://www.ecoi.net/local_link/223482/331010_en.html

¹²³ Immigration and Refugee Board of Canada: Algeria - Obligations regarding military service and the reserve; the possibility of obtaining an exemption of stay, including the procedures that must be followed (2006 - September 2012), 22 October 2012 - http://www.ecoi.net/local_link/231336/339820_en.html, pristupljeno 4. decembra 2012.

¹²⁴ UK Border Agency: Algeria Country of Origin Information report, 17 January 2013 - http://www.ecoi.net/file_upload/1226_1359360623_report-17jan13.pdf, str 45

¹²⁵ Immigration and Refugee Board of Canada: Algeria - Obligations regarding military service and the reserve; the possibility of obtaining an exemption of stay, including the procedures that must be followed (2006 - September 2012), 22 October 2012 - http://www.ecoi.net/local_link/231336/339820_en.html, pristupljeno 4. decembra 2012.

¹²⁶ UK Border Agency: Algeria Country of Origin Information report, 17 January 2013 - http://www.ecoi.net/file_upload/1226_1359360623_report-17jan13.pdf, str 45

¹²⁷ Immigration and Refugee Board of Canada: Algeria - Obligations regarding military service and the reserve; the possibility of obtaining an exemption of stay, including the procedures that must be followed (2006 - September 2012), 22 October 2012 - http://www.ecoi.net/local_link/231336/339820_en.html, pristupljeno 4. decembra 2012.

U Alžiru ne postoji zakonska odredba o prigovoru savesti. Za ono lice koje se pozove na prigovor savesti smatraće se da izbegava vojnu obavezu.¹²⁸

Svako ko se bude smatrao krivim za izbegavanje vojne obaveze za vreme mira, može biti kažnjen zatvorom od tri meseca do pet godina.¹²⁹ ¹³⁰ Za vreme rata kazna zatvora za isto delo iznosi od dve do deset godina.¹³¹ ¹³²

Ograničavanje slobode kretanja:

Jedan od načina ograničavanja slobode kretanja stanovništva u Alžiru jeste i obaveza odsluženja vojnog roka. Naime, muškarci koji su u uzrastu za služenje vojnog roka ne mogu napustiti zemlju bez saglasnosti Vlade Alžira.¹³³ ¹³⁴ ¹³⁵ Takođe, za putovanje u inostranstvo zahteva se posedovanje "vojne karte".¹³⁶ ¹³⁷ "Vojna karta" predstavlja potvrdu o odsluženoj vojnoj obavezi, i osim za putovanje u inostranstvo može se zahtevati i pri zapošljavanju.¹³⁸ ¹³⁹

Jamel Marouf posvedočio da nije mogao godinama da dobije posao u javnom sektoru, zbog toga što nije odlučio vojni rok i nije imao "vojnu kartu".¹⁴⁰

Vlada Alžira organičava slobodu kretanja, tj. pravo napuštanja zemlje i aktivistima za ljudska prava. Poslednji takav slučaj dogodio se krajem marta 2013. godine kada su vlasti Alžira odbile da puste delegaciju od 96 aktivista civilnog sektora da pređu granicu i uđu u Tunis. Ova delegacija je trebala da prisustuje Svetskom socijalnom forumu (globalni sastanak aktivista i organizacija civilnog društva) koji se održavao u Tunisu.¹⁴¹ Ova lica nisu dobila nikakav razlog za zabranu putovanja. Jedinu izjavu dala je Granična policija u blizini severo-

¹²⁸ UK Border Agency: Algeria Country of Origin Information report, 17 January 2013 - http://www.ecoi.net/file_upload/1226_1359360623_report-17jan13.pdf, str 48

¹²⁹ Immigration and Refugee Board of Canada: Algeria - Actions taken by the military in case of desertion; whether deserters are being ordered to report by the gendarmerie; time allowed to respond to such orders, if applicable; whether the reason for desertion appears on the order to report; the current situation of deserters (2006- September 2012), 16 October 2012 - http://www.ecoi.net/local_link/231333/339816_en.html, pristupljeno 4. decembra 2012.

¹³⁰ UK Border Agency: Algeria Country of Origin Information report, 17 January 2013 - http://www.ecoi.net/file_upload/1226_1359360623_report-17jan13.pdf, str 48

¹³¹ Immigration and Refugee Board of Canada: Algeria - Actions taken by the military in case of desertion; whether deserters are being ordered to report by the gendarmerie; time allowed to respond to such orders, if applicable; whether the reason for desertion appears on the order to report; the current situation of deserters (2006- September 2012), 16 October 2012 - http://www.ecoi.net/local_link/231333/339816_en.html, pristupljeno 4. decembra 2012.

¹³² UK Border Agency: Algeria Country of Origin Information report, 17 January 2013 - http://www.ecoi.net/file_upload/1226_1359360623_report-17jan13.pdf, str 48

¹³³ Freedom House: Freedom in the World 2013, Algeria/Political rights and civil liberties - <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&docid=5139c26128&skip=0&coi=DZA>

¹³⁴ UK Border Agency: Algeria Country of Origin Information report, 3 November 2011 - http://www.ecoi.net/file_upload/90_1320762880_algeriacoir-ukbawebsite-11-11-3.pdf, str 33 i 46

¹³⁵ United States Department of State, 2012 Country Reports on Human Rights Practices - Algeria, 19 April 2013/Freedom of movement, internally displaced persons, protection of refugees, and stateless persons - <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&docid=517e6e716&skip=0&coi=DZA>

¹³⁶ Magharebia: Algeria reforms military service policy, 8.mart 2011 - http://magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2011/03/08/feature-02, pristupljeno 10. maja 2013.

¹³⁷ UK Border Agency: Algeria Country of Origin Information report, 17 January 2013 - http://www.ecoi.net/file_upload/1226_1359360623_report-17jan13.pdf, str 47

¹³⁸ Magharebia: Algeria reforms military service policy, 8.mart 2011 - http://magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2011/03/08/feature-02, 10. maja 2013.

¹³⁹ UK Border Agency: Algeria Country of Origin Information report, 17 January 2013 - http://www.ecoi.net/file_upload/1226_1359360623_report-17jan13.pdf, str 47

¹⁴⁰ Magharebia: Algeria reforms military service policy, 8.mart 2011 - http://magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2011/03/08/feature-02, 10. maja 2013.

¹⁴¹ Amnesty International: News - Travel restrictions stop Alegiran activists from attending World Social Forum, 26 March 2013 - <http://www.amnesty.org/en/news/travel-ban-stops-algerian-activists-attending-world-social-forum-2013-03-26> pristupljeno 10. maj 2013.

istočnog grada Anaba, koja je objasnila da se ta grupa ljudi nalazi na listi onih kojima je zabranjeno napuštanje Alžira zbog "nemira".¹⁴²

KOMENTAR/ZAKLJUČAK:

Iz prethodno iznetih tvrdnji može se zaključiti da kršenja ljudskih prava nad civilima u Alžiru prožima različite društvene segmente. Pre svega, na kršenje ljudskih prava civila utice nesigurna bezbednosna situacija u Alžiru, koja je tokom 2012. i 2013. godine i dalje bila ugrožena napadima različitih terorističkih grupa koje delaju u zemlji, pre svega organizacije Al Kaida u islamskom Magrebu (al Qaeda in the Islamic Maghreb – AQIM). Dalje, ljudska prava civila u Alžiru ugrožena su i delovanjem alžirskih vlasti, i to kroz ograničavanje sloboda izražavanja, udruživanja i okupljanja, zatim slobode kretanja, kao i prava na prigovor savesti. Takođe nemuslimansko stanovništvo Alžira suočava sa se povredama verskih sloboda kroz zakonske odredbe, ali i diskriminaciju koju trpe od strane alžirskih državnih organa.

¹⁴² Amnesty International: News - Travel restrictions stop Algerian activists from attending World Social Forum, 26 March 2013 - <http://www.amnesty.org/en/news/travel-ban-stops-algerian-activists-attending-world-social-forum-2013-03-26> pristupljeno 10. maj 2013.