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Algeria stalls appeal of convicted Christian

Court's indefinite postponement of hearing said to reveal judicial foot-dragging.

By Damaris Kremida

Compass Direct News (15.12.2011) / HRWF (19.12.2011) - <http://www.hrwf.net> – A judge's decision this month to indefinitely postpone the appeal of a Christian sentenced under Algeria's defamation and anti-proselytizing laws shows how the judicial system keeps Christians locked up without officially punishing or acquitting them, according to sources.

In May a judge in Oran, 470 kilometers (292 miles) west of Algiers, sentenced a convert from Islam, Abdelkrim Siaghi, to a prison term of five years. He had been charged with insulting Muhammad, the prophet of Islam, and with "proselytism" for giving a Muslim a CD about Christianity. Siaghi (whose name is also spelled Siaghi Krimo) was also fined 200,000 dinars (US\$2,663).

The prosecutor had reportedly requested that the judge sentence him to a two-year prison term and a fine of 50,000 dinars (US\$665). The judge instead gave him the maximum sentence.

In Siaghi's appeal, however, the judge has been unable to find any evidence against him and has postponed hearing dates several times. A scheduled Dec. 1 hearing was postponed indefinitely on that day, when judges were expected to pronounce a verdict, according to Siaghi's lawyer.

"The process of the [appeal] inquiry is strange since the first judge with the same file gave a maximum sentence – five years of prison and a fine of 200,000 dinars," said Mustapha Krim, president of the Protestant Church of Algeria (EPA).

Authorities arrested Siaghi in April after he purportedly gave a CD about Christianity to a Muslim. Siaghi had gone to a phone shop to buy minutes for his mobile phone, and the merchant there initiated a conversation on religion. Unhappy with Siaghi's non-Muslim answers, the merchant tried to force him to pay homage to the prophet and to recite the Muslim creed, "There is no God but Allah and Muhammad is his prophet."

Siaghi refused and said he was a Christian, according to Krim.

"The merchant felt offended in his faith and would hear nothing more," Krim said. "He filed a complaint that Abdelkrim had belittled the prophet, and in the absence of other witnesses, charges were brought against him."

The merchant was said to have seen Siaghi give a CD to someone but never appeared in court to testify to that effect, according to Krim. Siaghi's lawyer said there was no proof of the charges against the Christian.

Experts on Algeria's treatment of Christians say that Algerian courts customarily have preferred to defer deciding in favor of Christians so as not to aggravate local Muslim sentiments. Judges have also been slow to pronounce final verdicts in order to keep from provoking international criticism over religious freedom.

In the case of Habiba Khouider, who was charged for illegally practicing worship after authorities found her in possession of her personal Christian literature, prosecutors in Tiaret have not called her for a hearing since 2008.

Krim said it is possible the judges are avoiding a concrete decision in the case of Siaghi, though it is not clear if and when the court will progress.

"For the moment, nothing is decided," he told Compass. "For the judge, this is an honorable way out – he can leave the case on hold for months or even years, as in the case of Habiba Khouider in 2008, claiming that the situation is still pending."

Algerian courts have also handed Christians suspended sentences for practicing their faith. Last year four Christian leaders in Tizi Ouzou received two and three months of suspended jail time for worshiping without a permit. Thus the Christians were officially punished but served no time.

In 2008 a Christian leader in Tiaret, Rachid Essaghir, received suspended sentences in two separate cases against him for sharing his faith. Though Christians appeal these verdicts, they are rarely conclusive.

A law passed in 2006 known as Ordinance 06-03, which outlaws proselytism of Muslims, as well as the distribution, production and storing of material used for this purpose, is cited in court cases against Christians.

"My view is that once more this 06-03 law of 2006 shows its pernicious character by allowing any Muslim who does not like Christians to claim they are insulted or simply 'shaken in their faith,'" Krim said. "It is imperative that the law be abolished or changed."

The restrictive law also prohibits churches from operating without registration.

In May, the governor of Bejaia ordered the closure of seven churches for lack of compliance with registration regulations. The order was never enforced, and the churches continued to meet for worship.

Algerian churches claimed a victory in July when the Ministry of Interior officially recognized the EPA and gave it registration papers to act as the council of the country's Protestant churches. The EPA was established in 1972.

Algerian church leaders said they hope that the official recognition of the EPA will help lift restrictions on individual churches, which are still required to register individually though they are under the EPA.

Six Christians arrested in Eastern Algeria

ICC (01.11.2011) / HRWF (04.11.2011) - <http://www.hrwf.net> - International Christian Concern (ICC) has learned that six Algerian Christians were arrested in El Tarf on Saturday for worshipping in an unregistered location. Five remain in prison on charges of proselytizing and blasphemy after appearing in court on Sunday.

On October 29, the six Algerian Christians were arrested before their morning prayer service in an apartment not authorized as a legal place of worship, the independent daily El Watan reported. The arrests occurred in a village near Bougous, located in the north-eastern province of El Tarf which borders Tunisia.

The next day, the Criminal Court of El Tarf held five of the six Christians in custody for proselytizing, unauthorized worship, and insulting Islam, according to Algérie Plus. The sixth Christian, a minor, was released and placed on probation. Local congregants expect a trial to take place in the coming days.

According to Algerian press, the Christians are affiliated with the Protestant Church of Algeria (EPA), though their affiliation has not yet been confirmed by the EPA. In July, the Algerian government authorized the EPA to apply for official registration, but many congregations have not yet begun the process of registration and continue to worship in secret.

The arrests were in accordance with Ordinance 06-03, which was established in 2006 to regulate the worship of non-Muslims by requiring churches to obtain government permission to hold services. The ordinance also states that Christians must worship in recognized buildings, not houses or apartments.

The arrests occurred days before the trial of Siagh Krimo, an Algerian Christian who is scheduled to appear in an appeals court in Oran on November 3. Krimo was arrested and briefly imprisoned on April 14 after sharing his Christian faith with a neighbor. If his verdict stands, Krimo will be given a five year prison sentence for blasphemy.

Aidan Clay, ICC Regional Manager for the Middle East, said, "While progress was made earlier this year when the Algerian government permitted the EPA to apply for registration, provincial authorities are undermining that decision by detaining Christians on baseless charges and denying congregations their foundational right to worship freely. We urge officials in El Tarf to release the five Christians still in prison. Additionally, we call for the acquittal of Siagh Krimo in Oran whose prison term may be enforced as early as Thursday."

Algerian Christian sentenced beyond Prosecutor's request

Five-year prison term handed down for 'insulting' Muhammad despite lack of evidence.

By Damaris Kremida

Compass Direct News (30.05.2011) / HRWF (31.05.2011) - <http://www.hrwf.net> - Convicting a Christian convert for insulting the prophet of Islam, a judge in Algeria last week stunned the Christian community by sentencing him beyond what a prosecutor recommended.

In Oran, 470 kilometers (292 miles) west of Algiers, a criminal court in the city's Djamel district on Wednesday (May 25) sentenced Siaghi Krimo to a prison term of five years for giving a CD about Christianity to a neighbor who subsequently claimed he had insulted Muhammad. Krimo was also fined 200,000 Algerian dinars (US\$2,760), according to Algerian news reports.

The prosecutor had reportedly requested the judge sentence him to a two-year prison sentence and a fine of 50,000 Algerian dinars (US\$690).

The court tried Krimo based solely on the complaint filed by his neighbor, who accused him of attempting to convert him to Christianity.

"He gave a CD to a neighbor, and for that he has to spend five years in prison," said the president of the Protestant Church of Algeria (EPA), Mustapha Krim, trying to contain his disbelief. "The hearing went well, and the lawyer defended well, yet in the end the judge gave him the maximum punishment."

Authorities arrested Krimo on April 14 and held him in jail for three days. On May 4 he appeared before the court in Djamel, where the prosecutor requested the two-year sentence in the absence of the neighbor who had accused him – the only witness – and any evidence.

The punishment the prosecutor requested is the minimum for Algerians found guilty of insulting Muhammad or "the messengers of God," or anyone who "denigrates the dogma or precepts of Islam, be it via writings, drawings, statements or any other means," according to Article 144 of the Algerian Penal Code.

Krim said that if the courts start interpreting the law as it did in Krimo's case, then the future of Algeria's Christians is grim.

"If they start applying the law like that, it means there is no respect for Christianity," Krim said, "and pretty soon all the Christians of Algeria will find themselves in prison. If the simple fact of giving a CD to your neighbor costs five years in prison, this is catastrophic."

Defense lawyer Mohamed Ben Belkacem told Compass that the judge's verdict was unexpected and heavy, indicating the legal system's prejudice against Christians.

"We did not expect this verdict at all," Ben Belkacem said. "It was a heavy sentence. The judge punished the 'Christian,' not the 'accused.' There was no proof, and despite that, the court granted him no extenuating circumstances."

The lawyer said he plans to appeal the case. Krimo is not required to serve his prison sentence until the court hears his appeal and upholds the conviction.

"My client denied having insulted the prophet, and there is no material proof that supports this accusation," Ben Belkacem told Compass before the May 25 hearing, "but these types of cases are full of unexpected, last-minute developments, so it is difficult for me to envision the outcome."

At the time of his arrest, authorities detained another Christian convert along with Krimo but released him the same day. Authorities first took Krimo to his house, which they ransacked, confiscating his Bible, CDs, computer and flash discs, according to sources. His wife was able to retrieve the items the next day.

Krimo had "good contact" with his neighbors and sometimes answered questions about Christianity, according to sources. Krimo and his wife have a baby daughter.

The court delivered its verdict the same week that the governor of the province of Bejaia ordered the closing of seven Protestant churches.

Asked if he thought the court had instructions from higher officials to hand down such heavy punishment to Krimo, Krim responded with no hesitation: "It's certain!"

Churches Still Meet in Bejaia

Over the weekend (May 27-29) authorities did not interfere with the scheduled worship meetings in the district of Bejaia, despite the governor's order for all the churches of the area to close and threats that police could use force.

"The services proceeded normally, with no police intervention," said Krim. "So we are continuing and waiting to see if they decide to act otherwise."

On May 22 the governor of Bejaia sent a statement to Krim informing him that all churches in the province were illegal because they were unregistered. Registration is required under controversial Ordinance 06-03, but Christians report the government refuses to respond to or grant their applications for registration.

"I know about the closure of all the Christian gatherings of the EPA in Bejaia," Ben Belkacem said. "It's an illegal and arbitrary decision on the part of the governor of Bejaia."

According to a report from Christian support organization Open Doors, on April 23 authorities cited Ordinance 06-03 to order a pastor in Maakouda, a city near Tizi Ouzou, to close down his church within 48 hours. When the pastor refused, authorities called him to the police station, where he presented documentation of his affiliation with the EPA.

The police commissioner claimed it was not legal proof of authorization to operate the church. Compass has learned that the issue has not been resolved, but that Christians there continue to meet.

The controversial law was introduced in 2006 to regulate non-Muslim worship. In 2008 the government applied measures in accordance with Ordinance 06-03 to limit the activities of non-Muslim groups, ordering the closure of 26 churches in the Kabylie region because they were not registered.

EPA members argue, however, that the law is impossible to implement as officials refuse to register their churches despite efforts to comply. They said the authorities only use the law to harass churches.

"It is clear that there is discrimination," Ben Belkacem said. "Christians are seen negatively by the political system of Algeria, and the judiciary is but an instrument of the system."

Despite efforts to comply with the ordinance, no Protestant churches or groups have received official approval to operate, and the government has not established administrative means to implement the ordinance, according to the U.S. Department of State's 2010 Report on International Religious Freedom.

Though no churches have closed since 2008, their status remains questionable and only valid through registration with the EPA.

"Christians live in a very difficult situation in Algeria," Ben Belkacem said. "They are just tolerated for the sake of foreign politics and in reality have no liberty to worship, since no association is recognized despite the many efforts taken."

There are more than 99,000 Christians in Algeria, less than 0.3 percent of the total population of 35.4 million people, according to Operation World. Muslims make up more than 97 percent of the population.

Provincial official orders churches to close

Christians plan to attend services this weekend despite intimidation tactics

By Damaris Kremida

Compass Direct News (25.05.2011) / HRWF (26.05.2011) - <http://www.hrwf.net> – Seven Algerian churches face closure this week after the governor of their province sent them written notice that they were operating "illegally."

The notice on Sunday (May 22) from Police Chief Ben Salma, citing a May 8 decree from the Bejaia Province governor, also states that all churches "in all parts of the country" will be closed for lack of compliance with registration regulations, but Christian leaders dismissed this assertion as the provincial official does not have nationwide authority.

"All buildings permanently designated for or in the process of being designated for the practice of religious worship other than Muslim will be permanently closed down in all parts of the country, as well as those not having received the conformity authorization from the National Commission," Salma stated in the notice.

On Sunday (May 22) the governor of Bejaia sent a statement to the president of the Protestant Church of Algeria (EPA) informing him that all churches in the province were illegal because they were unregistered. Registration is required under controversial Ordinance 06-03, but Christians report the government refuses to respond to or grant their applications for registration.

The controversial law was introduced in 2006 to regulate non-Muslim worship. In 2008 the government applied measures in accordance with Ordinance 06-03 to limit the activities of non-Muslim groups, ordering the closure of 26 churches in the Kabylie region because they were not registered. No churches had been closed down since then.

EPA members argue, however, that the law is impossible to implement as officials refuse to register their churches despite efforts to comply. They said the authorities apply the law when they want to harass churches.

"It's always the same thing," Mustapha Krim, president of the EPA, told Compass. "They use this law when they want to pester us."

On Monday (May 23) members of the EPA were scheduled to visit the Minister of Religious Affairs. Instead, however, they were received by one of his deputies, who told them the ministry was not aware of the decision of the Bejaia governor. The meeting was not constructive, according to Krim.

Krim, a resident of Bejaia, sounded relaxed and pragmatic on the phone, but he was adamant that the EPA members had no intention of closing their churches. The letter from the governor did not include a closure date, nor did it give any further reasons local authorities made this decision.

The governor of Bejaia is not particularly religious, according to Krim, making his order to close the churches of his province even more bemusing, he said.

The churches of Bejaia have submitted the documentation the controversial law requires, and the government's unwillingness to give official permission for the churches to operate is a matter for officials, not churches, to resolve, asserted Krim.

"There are no precise reasons given [for the order to close]," Krim said. "They said we have to be in conformity to the law. We've always tried to do this and have submitted all that they requested. Now it's up to them to give us the authorization and do what they need to do."

According to the governor's statement, if the churches do not comply, authorities may use force. The leaders of the churches in Bejaia have decided to conduct church services this weekend as scheduled and "see what happens," said Krim, who also expects police to show up.

"For now, on Friday and Sunday there will be church meetings like always, but we expect that we may encounter the police," he said. "They have the authority to intervene."

He and the leaders of the other Protestant churches of Bejaia will meet on Thursday (May 26) to discuss a plan in the event of a police presence and force. He said some of the Christians have expressed fear and have many questions.

Asked if he thought this could mean the beginning of more closures of churches across Algeria, Krim said, "It is possible they are capable of doing things like this. We have no intention to close, and we have mobilized people to pray so that God can intervene."

Despite efforts to comply with the ordinance, no churches or Christian groups have received governmental approval to operate, and the government has not established administrative means to implement the ordinance, according to the U.S. Department of State's 2010 Report on International Religious Freedom.

Though no churches have closed since 2008, their status remains questionable and only valid through registration with the EPA.

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