

**House Foreign Affairs Committee
Tom Lantos Human Rights Commission**

**Briefing
On
Human Rights and Religious Freedom – The Ahmadiyya Muslim Community**

**June 28, 2018 – 10:00 a.m.
2255 Rayburn House Office Building**

**Statement of Eric Goldstein, Deputy Director, Human Rights Watch Middle East
and North Africa Division**

I wish to thank the Tom Lantos Human Rights Commission for convening this briefing and for inviting Human Rights Watch to participate. My remarks will focus on the repression of the Ahmadis in Algeria, a country where Ahmadis number only about 2,000 by their own account, in a country of 40 million, and are clearly being persecuted because of the peaceful exercise of their faith.

The intolerance shown toward Ahmadis in Algeria comes from on high. The current minister of religious affairs, Mohamed Aissa, has been quoted describing Ahmadis as part of a “deliberate sectarian invasion.” He added that the government brought criminal charges against them to “stop deviation from religious precepts.” Aissa said that Ahmadis are “damaging the very basis of Islam,” and accused Ahmadi leaders of colluding with Israel. In April 2017, Ahmed Ouyahia, the chef de cabinet of President Abdelaziz Bouteflika, called on Algerians to “protect the country from the Shia and Ahmadiyya sects.” Government officials have also used similar tropes to attack Protestantism, which has attracted a tiny following among Algerians.

Algeria’s constitution states that Islam is the religion of the state but that freedom of conscience is inviolable. The government denies that Ahmadis or anyone else for that matter in Algeria is persecuted for his or her their faith, and insists that people are prosecuted only for violations of the law.

The Ahmadi community provided us with lists showing that between June 2016 and January 2018, there were 266 prosecutions of Ahmadis in Algeria. The charges never include practicing the Ahmadi faith, since there is no law banning it, but include instead one or more of the following charges:

denigrating the dogma or precepts of Islam, an offense under the penal code;

possession and distribution of documents from foreign sources threatening national security, also a violation of the penal code;

participation in an unauthorized association, under the law on associations;

collecting donations without a license, under a decree regulating donations;

conducting worship in unauthorized places, under the law on the exercise of religions other than Islam (“Law 06-03”).

The use of Law 06-03 to prosecute Ahmadis is premised on the notion that they are not Muslim, a characterization that they reject.

Algerian laws discriminate against non-Muslims in various ways. For example, proselytizing is an offense when committed by non-Muslims but not by Muslims.

Algeria has also convicted Protestant Christians occasionally over the past decade for conducting worship in unauthorized locations.

The convictions of Ahmadis are usually appealed and then result in suspended sentences but in some cases have resulted in actual prison terms of up to six months. The prosecutions have in some cases resulted in Ahmadis being suspended from their public-sector jobs. The arrests are usually accompanied by the confiscation of books and documents about the Ahmadiyya faith and sometimes personal computers and identity documents.

The repression extends also to efforts by Ahmadis to practice communal life. The government rejected the application in 2016 for legal recognition of an Ahmadi charitable association. The government also shut down a building in the city of Larbaa that Ahmadis were intending to use as a place of worship and as headquarters for their association.

The court documents in cases against Ahmadis are revealing. In one conviction, the court found, "It appears that a group of people belonging to the Ahmadiyya sect have formed in Ain Melilla to disseminate beliefs that are alien to our religion.... This movement appears to be based on religion and rites but, in reality, it has a hidden agenda and future strategies aiming at destabilizing the country and shaking its stability and security." The judgment did not specify how the defendants were endangering Algeria's security.

The judgment in another court case referred to seized books and publications that "contain ideas that are alien to the national religious framework and this leads necessarily to harming the national interest." It found that Ahmadiyya doctrine challenged the national religious identity, which is based on the Malekite rite of Islam.

In one case, the judgment stated that the mere possession of books on the Ahmadiyya faith was sufficient proof that the defendant was engaged in "a proselytizing enterprise that could destroy the unity of society and public order, since the Islamic religion is a pillar of the national identity and is enshrined in the Constitution."

Algeria's Ahmadis are for the most part Algerian-born citizens; they are not people who have migrated from other countries.

Under international law, freedom of religion includes the right to practice one's faith collectively and in public, and to collect donations. Freedom of speech and of information includes the right to proselytize on behalf of one's religion and to possess, prepare, and distribute religious texts or publications. The freedom includes the "right to replace one's current religion or belief with another."

We urge Algerian lawmakers to review all laws that have been used to prosecute Ahmadis and to abolish those that violate internationally recognized rights, notably the laws punishing proselytization, worship in unauthorized locations, membership in an unauthorized association, and denigrating the dogma or precepts of Islam. Ahmadis and other religious minorities should enjoy the same broad rights

to build and operate places of worship and to form faith-based associations as other Algerians. Any restrictions on proselytization or on other rights related to one's religion should be formulated and practiced in a non-discriminatory fashion. And Algerian government officials should refrain from the kind of inflammatory remarks targeting the Ahmadiyya community and, instead, affirm the right of all Algerians to practice their faith peacefully and without unreasonable restrictions.

We urge the US government to continue to monitor and speak out when Algerian authorities restrict and punish members of the Ahmadiyya community and of other religious minorities for practicing their faith peacefully and conducting faith-based activities.

Thank you for your attention.