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THE STATE OF DEMOCRACY IN ALGERIA

“Opposition parties are powerless, the legislature impotent, the judiciary feeble, and the bureaucracy incompetent and corrupt. The electorate is deeply alienated and dismissive at the formal political process, believing that the real decision-making takes place behind closed doors” (1)

“Since 1962, the Algerian political system has been based on delimited roles between a deep invisible state that decides the strategy to follow and makes the arbitrations, on the one hand, and the visible façade that creates discourses and executes the decisions, on the other” (2)

The present article aims at assessing the level of democracy in Algeria. To do that, the author based his analysis on two main instruments: democracy indexes issued by some international organizations such as Freedom House, Reporters Without Borders, Human Rights Watch and the analyses of some experts on Algerian politics. Both of these sources agree to state that Algeria is far from being a “full democracy” as the official name of Algeria and the Algerian Constitution – “République Algérienne Démocratique et Populaire” – indicate. These reports, indexes, and experts all state that democracy in Algeria not only had the tendency to regress, but it had deteriorated even more since the eruption of the covid-19 pandemic as is indicated by the increase in the prosecutions, arrests, and imprisonments committed by Algerian authorities since 2019. The “Hirak” protest movement of 2019 – which meant to establish a democratic transition – has failed.

Le présent article vise à évaluer le niveau de la démocratie en Algérie. Pour ce faire, l’auteur a utilisé deux principaux instruments : les indices de démocratie établis par les organisations internationales telles que Freedom House, Reporters Without Frontiers, Human Rights Watch et les analyses de certains experts de la politique algérienne. Ces deux sources s’accordent à reconnaître que l’état dans lequel se trouve aujourd’hui l’Algérie est loin d’être celui d’une « réelle démocratie » comme le prétend le nom-même donné à l’Algérie : « République Algérienne ‘Démocratique’ et Populaire ». Ces rapports et indices indiquent tous que l’état de la démocratie en Algérie a connu une tendance à la détérioration, notamment depuis l’irruption de la pandémie du covid-19. Les « Hiraks » de 2019 et de 2021 – qui avaient pour but d’établir une transition démocratique – a échoué.

1. The author, a retired professor of economics, taught in various universities including Algiers University (Algeria), Purdue University (USA), Cape Coast University and Legon University (Ghana). He published four books on Algerian economic issues and international affairs and numerous articles on the same topics in Algerian Newspapers (El Watan, Reporters).

IN ARTICLE I, THE ALGERIAN CONSTITUTION OF 2020 indicates that “*Algeria is a Democratic and Popular Republic.*” In its article 7, it establishes the existential principle of democracy, “*The people are the source of power. National sovereignty belongs exclusively to the people.*” Its article 8 underlines even more this principle, “*Constitutional power belongs to the people.*” Article 12 reinforces even more that principle by stating, “*People choose freely their representatives.*” Last but not least, article 13 underlines even more this democratic principle by stating, “*The State derives its ‘raison d’être’ and its legitimacy in the popular will,*” and provides two further precisions: The State’s motto is ‘*By the people and for the people,*’ reminding us of the slogan launched by the American President Abraham Lincoln in his speech in Gettysburg in 1863: “*Government of the people, by the people, for the people.*” Article 13 goes on stating, “*The State is at the service of the people.*” Article 16 mentions other fundamental elements of democracy such as, “*The State is founded on the principles of democratic representation, separation of powers and the guarantee of the rights, liberties, and social justice.*” These six articles could summarize, by themselves, the definition of the concept of ‘democracy’ which derives from the two Greek words ‘*demos*’ (people, citizens) and ‘*kratos*’ (power, rule). According to this definition, a democratic state is one which applies that golden rule of democracy. Does the Algerian State apply that rule? Many international institutes and agencies in charge of evaluating the democratic level of countries and many experts in politics and constitutional law, doubt it, as we will see later. To answer this question, we need to ask three preliminary ones: (1) What is the state of democracy in Algeria according to certain international democracy indexes? (2) How do some international experts and observers evaluate the level of democracy in Algeria? (3) What is the state of democracy in Algeria since the eruption of covid-19?

The state of democracy in Algeria according to international democracy indexes

Many—if not most—of the international institutes and agencies in charge of measuring the state of democracy in the world—are unanimous to recognize that Algeria is not a democratic country. To gauge the democratic level in various countries in the world, those institutes and agencies use indexes calculated on the basis of questionnaires sent to citizens of those countries or criteria corresponding to certain democratic principles and liberties. One of those agencies is “*Freedom House*”, which publishes each year a report titled “*Freedom in the World*”. The most recent report, “*Freedom in the World 2021*”, for example, classifies Algeria among

the least democratic countries, as table#1 below shows (the score indicated in the table ranges from 0 (authoritarian regime) to 100 (democratic regime):

Table#1: Democratic level of Algeria in the Maghreb

	Country	Score/100	Status
1	Algeria	32	not free
2	Morocco	37	partly free
3	Tunisia	71	free

Source : A. Ighemat, based on « Freedom in the World 2021, Freed

“*Democracy Index*” (DI) is another indicator of the nature and the democratic level of a country. “*DI*” measures the democratic level in 167 countries and is based on some 60 intermediary indicators covering three domains: pluralism, civil liberties, and political culture. “*Democracy Index*” classifies countries into four categories: full democracies, flawed democracies, hybrid regimes and authoritarian regimes. According to that index, Algeria is classified among the ‘authoritarian regimes’, as table#2 shows:

Table#2: “Democracy Index” in the Maghreb countries

	Countries	Regime's nature	2020	2019
1	Algeria	Authoritarian	3,77	4,01
2	Morocco	Hybrid regime	5,04	5,10
3	Tunisia	Flawed democracy	6,59	6,72

Source : A. Ighemat, based on « Democracy Index 2020 ».

“*Democracy Index*” classifies countries according to the index range in which it falls: 8 to 10 (full democracies); 6 to 8 (flawed democracies); 4 to 6 (hybrid regimes); 0 to 4 (authoritarian regimes).

The third indicator of the democratic level is the “*Dictatorship-Democracy Index*” (DDI). This index classifies countries into two main groups: democracies and dictatorships. Democracies are themselves classified into three sub-groups: parliamentary democracies, semi-presidential democracies, and presidential democracies. Dictatorships are also regrouped into three sub-categories: civil dictatorships, military dictatorships and monarchical (or royal) dictatorships. Table#3 indicates the nature of the regimes in the Maghreb region according to DDI:

Table#3: Nature of the regimes in the Maghreb region

	Countries	Nature of the regime	Sub-categoy	Reason for classification
1	Algeria	Dictatorship	Civil dictatorship	No power alternation
2	Morocco	Dictatorship	Dictature monarchique	Leaders are not elected
3	Tunisia	Dictatorship	Military dictatorship	No power alternation

Source : A. Ighemat, based on « *Dictatorship-Democracy Index 2021* ».

Another indicator of democracy that we have used to measure the level of democracy in Algeria is the “*World Press Freedom Index*” (WPFI), which is published by “*Reporters Without Borders*”. “WPFI” is calculated for 180 countries and ranges from 0 (countries with high press freedom) to 10 (countries who lack press freedom). Table#4 classifies Algeria and its neighbors in the Maghreb according to the degree of press freedom:

Table#4: Degree of press freedom in the Maghreb

	Countries	WPFI (0 à 10)	Rank
1	Algeria	47,57	146
2	Morocco	45,22	136
3	Tunisia	29,59	73

Source: A. Ighemat, based on « *World Press Freedom Index, Reporters Without Borders, 2021* ».

Table#4 shows clearly that Algeria is behind Morocco and especially far behind Tunisia when it comes to freedom of the press.

The state of democracy in Algeria according to political analysts

Many political experts and observers agree to say that Algeria is not as democratic as the Constitution pretends and that the fundamental principles and liberties of democracy have largely regressed during the recent decades, notably since the eruption of the protest movement called “*Hirak*” and of the covid-19 pandemic. Many declarations and writings of those experts confirm that statement. For instance, concerning the role of the political institutions in Algeria, John P. Entelis, an expert on Maghreb politics, summarizes the political situation in Algeria as follows “*Opposition parties are powerless, the legislature impotent, the judiciary feeble, and the*

bureaucracy incompetent and corrupt. The electorate is deeply alienated and dismissive at the formal political process, believing that the real decision-making takes places behind closed doors" (3). Concerning particularly the lack of popular participation and of enthusiasm for all what is politics, Entelis writes "*The persistence of highly centralized control of society was facilitated by a political trade-off whereby the population at large had bargained away legal political participation and autonomy in return for a guarantee of economic opportunity and standardized welfare provisions*" (4). Concerning the total lack of interest of the population for political affairs and the regime's refusal to undertake meaningful democratic political reforms, Entelis adds "*For its part, the Algerian state is impenetrable to societal demands for democratic reforms. Any [political] reform must be conceived, established and initiated by the regime itself*" (5). Entelis thinks that there have been – and there still are – two contradictory trends that play simultaneously in Algeria: "political authoritarianism (the tendency towards a centralized governance), on the one hand, and political democracy (the desire to be able to choose freely et to be autonomous), on the other" (6). Concerning the tendency of the Algerian '*Pouvoir*' to resort to repressive means in order to guarantee the 'state security', another expert of the Maghreb politics, Ilhem Rachidi, states "*More than 6200 people have been detained and*

1200 prosecuted since the resumption of the Hirak marches this year [2021] [...] In the two months prior to the December 2019 presidential ballot, more than 2000 people were arrested" (7). Louisa Dris Hamadouche, a researcher who teaches political science at the University of Algiers, makes a diagnosis even less shiny of the political situation and the perspectives in Algeria. Like Entelis, Dris Hamadouche considers that there are two powers in Algeria, the true power and the 'façade' power: "*Since 1962, the Algerian political system has been based on delimited roles between a deep invisible state that decides the strategy to follow and makes the arbitrations, on the one hand, and the visible façade that creates discourses and executes the decisions, on the other*" (8). As for the participation of the population in the elections, particularly the referendum for the Constitution of November 1, 2020, Dris Hamadouche writes "*« In reality, less than a quarter of Algerians actually endorsed the document [the Constitution] that practically consolidates the authoritarian character of the military supported regime and grants the President even more influence than before, although it limits him to two terms in office*" (9). For Dris Hamadouche, as for Entelis, the Algerian regime is far from being 'democratic'. Dris Hamadouche makes a distinction between two kinds of approaches to democracy in Algeria: the approach of the '*Pouvoir*' – which she calls '*institutional normalization*' (la normalization institutionnelle), and the approach of the people, as represented by

the ‘Hirak’ movement of 2019, which she calls ‘*democratic transition*’ (Transition démocratique). According to Dris Hamadouche, ‘institutional normalization’ must go through four stages: (a) restoration of the electoral process and organization of the presidential election; (b) the writing of a new Constitution and of a referendum for its approbation; (c) organization of legislative elections; and (d) organization of local elections which end the process of ‘institutional normalization’ as envisioned by the ‘Pouvoir’. We must underline that the regime has been able to go through all the stages of its strategy in spite of the ‘Hirak’s’ claims, the most radical of which is crystallized in its famous slogan “*Yenahaw Gaa*” (They should all go!), meaning all the elite in power must leave. Dris Hamadouche explains the regime’s ‘success’ by the interplay of two forces. On one side, we have the ‘face-to-face’ between the ‘Pouvoir’ and the ‘Hirak’: “*In this battle*, says Dris Hamadouche, “*the government has decided to use the tactic of dissuasion and clientelism as well as that of the elections in order to avoid any compromise with the ‘Hirak*” (10). On the other side, we have the tensions existing within each clan in the elite sphere : (a) “*The ‘Hirak’, says Dris Hamadouche, “has not succeeded in producing the political forces that could have pushed the ‘decideurs’ (the decision-makers) to accept the principle of democratic transition through a gradual process; (b) “The regime clings to power and has put in place a civil façade behind which it hides, but holds strongly to power and refuses any kind of dialogue or compromise, pretexting to defend the stability and security of the country” (11).*

Other political experts make a diagnosis similar to that of Entelis and Dris Hamadouche. Two of them are Luis Martinez and Rasmus Alienus Bosrup. For these political analysts, the Hirak has not been able to reach the political transition that it wanted to establish because it applied the strategy according to which “*ou ça passe, ou ça casse*” (either it passes, or it breaks). The two authors explain that this strategy did not work because it frightens the ‘Pouvoir’. These experts use four arguments to demonstrate that this strategy leads to a political dead end. The first argument put forward is that if the Hirak has been a useful movement in shaking the political ‘*cocotier*’ (the coconut tree) in Algeria, it must be less radical, abandon its ‘revolutionary’ spirit and propose and a gradual democratic transformation: “*The first step in that direction will be to de-radicalize its political agenda and transform itself into a reformist political player* » (12). The second step is to recognize that the Hirak will not be able to do anything without engaging in a dialogue with the regime’s stakeholders, notably the military: “*They [the Hirak and the International Community] should recognize that the military is unlikely to provide its consent if a transition is presented as a ‘Revolution’ or a total ‘purification’ of the state’s elites*” (13).

The third argument of the authors in favor of a gradual democratic transformation is to recognize that a 'good governance' and respect for the human rights must be thought of as long-term objectives that cannot be reached overnight. The fourth and last argument of the authors is that a democratic transformation cannot take place without a deep economic reform, notably of the Algerian rentier economy which is strongly dependent on oil and natural gas: *"To do so, the system must reform and diversify itself. And it must introduce mechanisms to ensure transparency, fairness and good governance of the economic sector"* (14). Concerning particularly the role of the military in the process of democratization of the country, Martinez and Bosrup write: *"The most likely path toward convincing the military to decrease its role in politics is by espousing gradual reform, as opposed to abrupt revolution"* (15).

What is the state of democracy in Algeria since the inception of covid-19 which we're going to analyze more deeply in the next section of this article? Martinez and Bosrup are unanimous to state that democracy in Algeria has gone through a strong regression since the advent of covid-19. According to the two authors – under the pretext of preventing the diffusion of the virus among the population – the Algerian authorities have sharpened their methods and means of repression: *"In a bid to prevent mass protests from erupting again as the Covid crisis wanes, the government has largely criminalized the peaceful exercise of fundamental rights and freedoms of citizens"* (16). The two authors base their analysis on numerous international reports – Human Rights Watch, Reporters Without Borders, Freedom House, etc.) – which indicate that a great number of arrests and imprisonments have been committed by the Algerian authorities since the eruption of Covid-19, as we will see it in the next section.

What is the state of democracy in Algeria since the covid-19 pandemic ?

Democratic regression and the breaches against fundamental human rights in Algeria, according to many political experts and observers, are not a new phenomenon. They go back, according to them, to the post-independence era. However, these breaches have experienced an upsurge since the eruption of covid-19. It must be underlined that Algeria is not the only country to use covid-19 as a pretext to increase repression on its population. Many international reports, written by various international agencies in charge of evaluating the state of democracy in the world, abound of anecdotes and figures on these repressions and persecutions and, in general, of the attacks on fundamental freedoms in many countries, including

Algeria. Martinez and Bosrup, for example, quote the statement of an Algerian political analyst, Mouloud Boumghar, who makes a comparison between these attacks on fundamental liberties with the stipulations of the Algerian Constitution which guarantees these liberties: “*The state of affairs [in which the government criminalizes its opponents] goes against the current Constitution [of November 1, 2020] whose article 38 affirms ‘fundamental liberties, as well as the rights of man and the citizen [...] constitute a common heritage of all Algerian men and women’, and whose article 39 states that ‘the individual or organized defense of fundamental human rights and individual and collective liberties shall be guaranteed’*” (17). Boumghar gives some examples of these breaches to the Constitution: “*This is the case with the offense of unarmed assembly (articles 98 and 100 of the Penal Code) which is applied automatically*”. Boumghar continues: “*Other similarly vague offenses include ‘breach of national integrity [art. 79 of the Penal Code], ‘contempt of constituted bodies’ (articles 144 and 146 of the Penal Code), ‘insult to the President of the Republic’ [art. 146 bis of the Penal Code], ‘undermining military morale in peacetime’ [art. 75 of the Penal Code], or ‘affront to the dogma and precepts of Islam [art. 144 bs, 2 of the Penal Code]*” (18).

According to various international human rights organizations that measure the state of democracy in the world, Algeria is one of the countries which ceased the ‘opportunity’ of covid-19 to repress its citizens and restrain their liberties, notably since 2019. One of the instruments used for that purpose is the Penal Code, which has been amended by the Algerian National Assembly and the Senate in April 22 and 23, 2020. The new Penal Code has been used by the Algerian authorities allegedly to “moralize public life” (moraliser la vie publique) and restore stability in the country. According to the international lawyer Jordana Dray “*The dispositions of this reform [of the Penal Code] include three elements: (a) the criminalization of certain facts which might infringe on the state security and the national unity; (b) the criminalization of certain practices that could attempt to public order and security; and (c) criminalization of certain unlawful practices*” (19). Another international report, intitled “*Algeria: Freedom of the World 2021*”, published by “Freedom House”.org, which analyzes in great detail the state of democracy in Algeria, classifies Algeria among the least democratic countries in the world. To reach that conclusion, the report dissects the main principles and rules that make up a democracy, notably: “(a) *political rights (which are themselves divided into: electoral process, political pluralism, participation of the population in political life and the functioning of the governance); (b) civil liberties (divided into: freedom of expression and thought, right to establish an association and to organize); (c) the rule of law; (d) the place and role of*

languages (notably Tamazight language): (e) equality between men and women; (f) the rights of political refugees; (g) personal autonomy and individual rights” (20). To check on the status of all the above domains of human rights and freedoms, writers of the Freedom House report asked many questions to the citizens and the authorities of the countries covered by the survey and attributed each country a score from 1 to 4, where 1 means total lack of freedom and 4 means total respect of freedoms. On most of the domains quoted above, the report attributed Algeria the score of 1, meaning total lack of liberties in the country. According to that report and others, two kinds of liberties have always been suppressed in Algeria, but more so since covid-19: freedom of the press and freedom of faith. As for the freedom of the press, the new Penal Code targets particularly what it calls “fake news” (fausses informations). The Code orders a sentence going “between 1 to 3 years in prison and a fine that can reach 300 000 Dinars (around \$ 2 250) against any person charged of propagating false news. The sentence is doubled in case of recurrence”. The Penal Code also states that “those sentences can go up to 3 to 5 years if those acts are committed during periods of sanitary confinement [such as during covid-19] or a natural, biological, technological or other catastrophe”. What the political experts blame these stipulations for is that they do not define in a clear manner the notion of “fake news”. Under the stipulations of the Penal Code, many citizens have been condemned and/or imprisoned for divulging and/or diffusing “fake news”.

The second liberty which has been restrained by Algerian authorities for a long time, but more so since the new Penal Code, is freedom of faith. Many international organizations defending religious freedom agree to recognize that freedom of faith in Algeria is not protected as the Constitution says it does. Out of the 43 million inhabitants that make up the Algerian population, it is estimated that “99 percent are Sunni Muslims. The remaining 1 percent (that is around 430 000 people) are supposed to practice other religions [Jewish, Christian, Protestant, etc.] or none” (21). The Constitution of 2020 in Algeria states that Islam is the official religion of the State and forbids any amendment of that stipulation. The latter has been reinforced by article 144, Section 2, of the new Penal Code and article 77 of the Information Code of 1990 which “prohibit blasphemy against Islam and other heavenly religions”. The punishment for blasphemy in Algeria includes imprisonment for up to 5 years and a fine of up to 100 000 Dinars (around \$750)” (22). A special law, Ordinance 06-03 pf 2006, legislates on matters relating to non-Muslim religious organizations. This Ordinance requires that any non-Muslim organization register with the Instance responsible for those organizations before it can practice its religion. The same Ordinance “criminalizes proselytization by non-Muslims with

punishments going up to 5 years in prison and a maximum fine of 1 million Dinars (roughly \$ 7500)". Those sentences are pronounced against *"any individual who incites, constrains, or utilizes means of seduction [...] to convert a Muslim to another religion, or by using to this end establishments of teaching, education, health, social, culture, training"* (23). This restriction of the freedom of cult in Algeria has been denounced in a letter of July 12, 2021 sent by a group of American senators, including Marco Rubio (Florida), Tim Kaine (Virginia), Thom Tillis (North Carolina), Cory Booker (New Jersey) and Ben Cardin (Maryland). That letter denounces, in particular, the repression by the Algerian religious authorities and the closing of mosques belonging to the Ahmadiyya Community (a Community believing in Messiah Mirza Ghulam Ahmed) and of churches linked to the Protestant Church of Algeria. The letter, which is addressed to the American Department of State, was requesting that the latter ask the Algerian authorities to respect religious freedom: *"We respectfully request that the State Department raise these concerns with senior Algerian officials and ask that they quickly investigate these incidents and put a stop to any discriminatory actions in accordance with Algeria's international and constitutional commitments to religious freedom"* (24). The same letter reminds that *"Algeria is a signatory of the International Covenant on Civil and Political Rights, which guarantees the right to freedom of thought, conscience and religion"* (25). The letter recalls also that article 51 of the Algerian Constitution guarantees freedoms of conscience, opinion and religion: *"The practice of freedom of cults is guaranteed and it applies according to the law"* (article 51, Section 2). Article 51, in its Section 3, adds: *"The [Algerian] State guarantees the protection of places of cults from any political or ideological influence"*. On the basis of all those infringements, the American Department of State went as far as suggesting that Algeria engage in reforms that would restore this fundamental liberty *"including placing Algeria on its Special Watchlist for Countries that engage in and tolerate severe violations of international religious freedoms"* (26).

Conclusion

We have seen, in the above analysis, that the state of democracy in Algeria is not as shiny as the Algerian Constitution pretends. The same assessment has also been established by many international organizations and reports which evaluate the democratic level of countries all over the world and by many political experts and observers. All these international instances agree to recognize that Algeria is far from fulfilling the conditions of a "full democracy". Some of these agencies go as far as classifying Algeria in the category of *"not free country"* (Freedom in the World 2021), *"authoritarian"* (Democracy Index 2021), and even a *"civil*

dictatorship” (Dictatorship-Democracy Index 2021). It is worth recalling that on 9 and 10 december, 2021, the United States held a “*Summit for Democracy*” to which they invited 110 countries (see my article entitled “*Le Sommet pour la Démocratie: Renversera-t-il la regression actuelle de la démocratie dans le monde*”, Reporters.dz, December 12, 2021) (27), but not Algeria. The only countries of the MENA (Middle-East and North Africa) region invited were Israel and Irak in spite of the fact that those two countries do not, according to various sources, comply with the definition of “full democracies”. In our analysis, we have also indicated that the state of democracy in Algeria has been deteriorating since the inception of the covid-19 pandemic and that the Algerian authorities have taken advantage of this “bonanza” to reinforce their methods and means of repression. Such an acceleration of the repression has resulted in numerous prosecutions, arrests and imprisonments of which many are still in effect today. In spite of the decisions made in 2019 by the Algerian authorities to “moralize public life”, notably by sentencing and imprisoning high caliber figures of the political elite – including former Prime Ministers, ministers, business leaders, former army and intelligence officers – Algeria is still lagging behind democracy indexes at the world level, notably behind its Maghreb neighbors, Tunisia and Morocco. In particular, the schism existing between the so called “Pouvoir”, on the one hand, and the people, on the other, is still large and increasing year in and year out. If this pit goes even deeper and the people are still marginalized in political affairs, Algeria could see its democratic status regressing even more. It is therefore time that these two sides, which are indispensables to the stabilization of the country – the “Pouvoir” and the people – sit down around a table and discuss of a road map that would establish the minimum democratic threshold that the country should reach in the foreseeable future. ■

Notes

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