



## Questions and answers on the *A.M. v. France* judgment

The applicant was convicted in France in 2015 of conspiracy to commit terrorist acts and an order was made for his permanent exclusion from the country.

In *A.M.* the Court observed that there had been many institutional and legislative developments in Algeria since 2015 and that the general situation with regard to respect for human rights had changed.

Therefore, after a careful study of the case, based on a large number of official and non-governmental reports and after looking at the practice of other Council of Europe member States as regards the deportation to Algeria of individuals linked to terrorism, the Court concluded that there were no serious, proven grounds to believe that the applicant would run a real risk of being subjected to treatment in breach of Article 3 of the Convention if he were returned to Algeria.

### ***For which offences was A.M. convicted in France?***

On 25 September 2015 the Paris Criminal Court sentenced him to a six-year prison term for his participation in a criminal conspiracy to commit acts of terrorism, together with an order of permanent exclusion from France.

The conviction was based in particular on the fact that A.M. had been in contact in 2012 with a leader of al-Qaeda in the Islamic Maghreb (AQIM). It had also been established in the investigation that in 2013 he had met an emissary of that organisation and had planned to secretly join an AQIM training camp in Algeria. The Paris Criminal Court's judgment also indicated that A.M. had been recruiting jihadists on behalf of AQIM who were to be sent for training in Algeria. He had sent AQIM some plans for terrorist attacks against sites including the Eiffel Tower and the Louvre. His arrest in 2014 and conviction in 2015 received widespread media coverage, both in France and abroad.

### ***Can the applicant be deported from France or not? What is the interim measure?***

On 12 March 2018, A.M. submitted a request to the Court for an interim measure to have his deportation suspended. On the next day the Court indicated the requested measure under Rule 39 of the Rules of Court, asking the French Government not to deport A.M. for the duration of the proceedings before it.

In today's judgment the Court asked the Government, under Rule 39, not to return A.M. to Algeria until the judgment becomes final or the Court takes a further decision.

This means that the interim measure will be lifted after three months, at which point the judgment becomes final, unless either of the parties has requested the case be referred to the Grand Chamber. In the event of such a request the Grand Chamber panel, which meets regularly every month for that purpose, will examine it and decide whether or not to accept it. If it accepts, the interim measure would stand, preventing A.M.'s deportation until the conclusion of the proceedings, i.e. until the Grand Chamber judgment, which would then be the final ruling.

### ***Why has the Court, in a number of cases, halted the deportation to Algeria of individuals linked to terrorism?***

The human rights situation in Algeria from 2007 to 2009 is set out in paragraphs 37-54 of the [Daoudi v. France](#) judgment (no. 19576/08, 3 December 2009). Thus, in that judgment, having regard in particular to the profile of the applicant, who was not only suspected of links with terrorism but had also been convicted in France for serious offences – and the Algerian authorities had been aware of his conviction –, the Court took the view that it was likely that, in the event of his return to Algeria, the applicant would become a target for the Intelligence and Security Department (DRS). It found

unanimously that Mr Daoudi's deportation, if enforced, would entail a breach of Article 3 of the Convention.

The human rights situation in Algeria between 2009 and 2015 is set out in paragraphs 29-32 of [H.R. v. France](#) (no. 64780/09, 22 September 2011) and in paragraphs 31-35 of the [M.A. v. France](#) judgment (no. 9373/15, 1 February 2018). In *H.R.*, the Court found that, in view of the profile of the applicant, who had received a heavy sentence in Algeria on account of his links to terrorism, there was a real risk that he would be exposed to treatment in breach of Article 3 of the Convention on the part of the Algerian authorities in the event of his deportation. In *M.A.* the Court found that the return of the applicant, whose conviction for terrorism offences was known to the Algerian authorities, exposed him to a real and serious risk of treatment in breach of Article 3. That risk had been clearly set out in reports by the United Nations Committee against Torture and by several NGOs, which had expressed concerns about the situation in Algeria.

### ***How has the human rights situation changed in Algeria since 2015?***

The Court has reached the conclusion, on the basis of reports and testimony from NGOs and experts, that many positive developments have taken place in Algeria since 2015. Annexed to today's judgment are the relevant extracts of reports by the United Nations Human Rights Committee, the United Kingdom Home Office, the United States Department of State, Human Rights Watch, Amnesty International and the International Committee of the Red Cross.

As to constitutional changes, the Intelligence and Security Department (DRS) was disbanded by a presidential decree of 20 January 2016. It had been designated by the United Nations Committee against Torture, in its final observations of 16 May 2008, as potentially being responsible for many cases of cruel, inhuman or degrading treatment.

The Algerian Constitution was amended on 7 February 2016. Many provisions guaranteeing rights and freedoms were added. Article 40 provides that cruel, inhuman or degrading treatment is prohibited by law. The National Advisory Commission for the Promotion and Protection of Human Rights has been replaced by the National Human Rights Council. Under the authority of the President of the Republic, one of its main roles is to inspect prisons. It should, however, be noted that in its final observations concerning the fourth report of 17 August 2018, the United Nations Human Rights Committee expressed its concern about allegations that the members of the National Human Rights Council were not independent. However, apart from those observations, the Court has noted that no international report seems to refer to allegations by individuals linked to terrorism complaining of torture or inhuman or degrading treatment by the Algerian authorities in the years 2017 and 2018.

The US State Department reported that, between 2015 and 2017, the International Committee of the Red Cross had organised human rights training sessions as regards procedures for arrest, detention and questioning for the benefit of the criminal investigation police (Directorate General of National Security or DGSN), which in turn had, since 2016, regularly organised human rights training for police officers.

The US State Department's reports on Algeria (in its "Country Reports on Human Rights Practices", see extracts annexed to today's judgment) notes that Algerian law prohibits the use of torture and that any State agents found guilty of such practices face between 10 and 20 years' imprisonment. Also according to those reports, and the World Report of Amnesty International for 2015-2016, Algerian law provides that individuals in police custody must immediately be able to contact a family member, receive a visit or contact a lawyer. Since July 2015, when police custody is extended beyond 48 hours, detainees must be able to consult with a lawyer for 30 minutes. At the end of the period the person may ask to be examined by a doctor of his or her choosing.

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For additional information on the Court's case-law concerning terrorism and the European Convention on Human Rights, or on interim measures, see the following factsheets:

[Terrorism](#)

[Interim measures](#)

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.