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COI QUERY RESPONSE

ALGERIA – TREATMENT OF THE AMAZIGH PEOPLE BY THE GOVERNMENT/WHETHER THE ALGERIAN GOVERNMENT TREAT AMAZIGH AS OPPOSITION

In January 2024 Human Rights Watch reported that “On July 4, Algiers' Court of Appeal confirmed the sentencing of Slimane Bouhafs to three years in prison and a fine for "insulting Islam" and terrorism-related charges. In August 2021, Bouhafs—a Christian convert, an Amazigh (Berber) activist, and a refugee recognized by the United Nations refugee agency (UNHCR) living in Tunisia—was abducted from his home and forcibly returned to Algeria, where he reappeared in detention.”¹

A report issued by *Amnesty International* in August 2023 states “On 4 July, a court of appeal in Algiers confirmed the sentencing of Amazigh activist Slimane Bouhafs to three years in prison and a 100,000DA (around USD 734) fine. Slimane Bouhafs had been granted refugee status in Tunisia in 2020. However, this did not protect him from being kidnapped from his home in Tunis and tried on charges of terrorism for his supposed affiliations to a Kabylie independence organisation in September 2021 and since held in Kolea prison, near to Algiers. Not only are the charges against Slimane Bouhafs bogus, but his entire trial is illegal under international human rights law. He must be released immediately and all charges against him dropped.”²

In March 2023 *Freedom House* reports “No specific ethnic or religious group dominates the main state institutions, which tend to include both Arab and Amazigh (Berber) officials. Kabylie-based parties associated with the Amazigh community, like the Rally for Culture and Democracy and the FFS, have controlled a small number of municipalities, but their activities are often curtailed by the military. Some Amazigh activists have been targeted by the authorities for mobilizing in support of their political interests.”

¹ Human Rights Watch (11 January 2024) World Report 2024: Algeria, p.2

² Amnesty International (29 August 2023) Amnesty International (29 August 2023) Algeria: Activist sentenced following refoulement: Slimane Bouhafs

"In April, security forces dispersed a demonstration commemorating past pro-Amazigh protest movements, arresting several participants."

"Officials have made gradual efforts to address the Amazigh community's cultural demands. Tamazight, the Berber language, became a national language in 1995, allowing it to be taught officially in schools serving Amazigh areas. Tamazight received the status of an official language nationwide through a 2016 constitutional amendment, meaning it could be used in administrative documents. The 2020 constitutional revisions made it impossible to change the status of Tamazight as a national language. However, Arabic remains the prevailing language of government."³

In June 2023 the *US Overseas Security Advisory Council (OSAC)* points out that "Authorities arrested and detained citizens for expressing views deemed damaging to state officials and institutions, including the use of the Amazigh flag during protests, and citizens practiced self-censorship in expressing public criticism."⁴

The *International Center for Not-for-Profit Law (ICNL)* in May 2023 reported that "A protest movement known as the Hirak in Arabic initially came together in February to oppose President Abdelaziz Bouteflika's plan to seek a fifth term, and has maintained its momentum with huge demonstrations every Friday calling for the ouster of the existing government and a more pluralistic and inclusive framework to prepare for free elections. Authorities initially tolerated the protests, but beginning in June started arresting groups of protesters, including at least 40 for brandishing the Amazigh flag, a symbol of that ethnic group that, until then, had been tolerated."⁵

The *US Department of State Country Reports on Human Rights Practices* in March 2023 notes "Authorities arrested and detained citizens for expressing views deemed damaging to state officials and institutions, including the use of the Amazigh flag during protests, and citizens practiced self-censorship in expressing public criticism."

"The government's 2021 designation of the Amazigh separatist group MAK as a terrorist group gives the government additional legal tools to pursue MAK-affiliated political opponents, both in the country and abroad."

"Amazigh groups contend they have been losing their traditions and language to Arabization despite the 2020 constitution recognizing Tamazight as one of the country's official languages and the government's recognition in 2017 of Yennayer, the Amazigh New Year, as a national holiday. Some Amazigh groups perceived the move to recognize the Tamazight language more as a politically motivated effort to appease those calling for greater autonomy than a genuine government effort to incorporate the Tamazight language more broadly in society."

"On December 16, a court in Algiers sentenced Kamira Nait Sid, copresident of the World Amazigh Congress (WAC), an international NGO defending the rights of the Amazigh people, to five years in prison and a fine of 100,000 dinars (\$730). In October the UN Working Group on Arbitrary Detention had called Nait Sid's release. Authorities arrested Nait Sid in the northeast province of Tizi Ouzou in August 2021 and charged her with "undermining national unity and state security" and "belonging to a terrorist organization," alleging she was a member of the MAK."

"On October 6, the border police prevented two university professors specialized in the Tamazight language, Said Chemakh and Amar Laoufi, from boarding their flight from Houari Boumediene

³ Freedom House (9 March 2023) *Freedom in the World 2023: Algeria*

⁴ US Overseas Security Advisory Council (OSAC) (8 June 2023) *Algeria Country Security Report 2023*, p.11

⁵ International Center for Not-for-Profit Law (ICNL) (9 May 2023) *Civic Freedom Monitor: Algeria* (May 2023)

airport (Algiers) to Paris, where they were to participate in an international symposium on Amazigh theater.”⁶

The *Immigration and Refugee Board of Canada* in August 2022 states “L'Express DZ, an online Algerian newspaper, reports in an article published in June 2019 that a member of parliament and the President of the Equity and Proclamation Party (Parti de l'équité et de la proclamation, PEP), Naïma Salhi, has [translation] "in the past few months," "significantly increased racist attacks against Tamazight but also against the Kabyle people, whose elimination she has called for" (L'Express DZ 6 June 2019). The Algerian news site Tout sur l'Algérie (TSA) further reports that during a televised broadcast on the channel El Bilad on 4 October 2017, Salhi stated that Ferhat Mehenni [founder and president of the MAK (L'Express DZ 6 juin 2019)] is a [translation] "terrorist" and that it is the duty of the state to "execute traitors" (TSA 5 Oct. 2017).” [...]

“Sources report that the Algerian general Ahmed Gaïd Salah, [army chief of staff and [translation] "the country's strongman" (Le Monde with AFP 19 June 2019)], informed the public that as of [mid-June 2019 (Le Monde with AFP 19 June 2019)], no flag other than the national flag would be tolerated during demonstrations (Le Parisien with AFP 5 Aug. 2019; France 24 27 June 2019; Le Monde with AFP 19 June 2019). According to some sources, the General was targeting the Amazigh (Berber) flag that is carried at some demonstrations, although he did not refer to it by name (France 24 27 June 2019; Le Monde with AFP 19 June 2019).” [...]

“TSA reports that in June 2019, [translation] "at least" 18 protesters were arrested and charged with "disrupting national unity" for brandishing the Amazigh flag (TSA 25 June 2019). According to Jeune Afrique, these protesters faced up to 10 years in prison and a fine of 3,000 to 70,000 Algerian dinars [C\$27 to 616] (Jeune Afrique 26 June 2019). In that respect, the same source reports the statements of an Algerian lawyer and law professor, who notes that the protesters who brandished the Palestinian and Sudanese flags are not worried and finds that [translation] "Gaïd Salah wants to equate the flag with Kabyle "separatism" by opposing it to the Algerian flag" (Jeune Afrique 26 June 2019). AFP also reports that, according to a [translation] "support association," in November 2019, a court in Algiers sentenced 28 protesters to six months in prison, finding them guilty of "disrupting the integrity of the national territory" following their arrests from 21 June 2019 for possessing an Amazigh flag (AFP 13 Nov. 2019).”⁷

The *International Work Group for Indigenous Affairs (IWGIA)* in April 2022 reported that “The Amazigh are the Indigenous people of Algeria and other countries of North Africa. However, the Algerian government does not recognise the Indigenous status of the Amazigh and refuses to publish statistics on their population. Because of this, there is no official data on the number of Amazigh in Algeria.” [...]

“After decades of demands and popular struggles, the Amazigh language was finally recognised as a "national and official language" in Algeria's Constitution in 2016. But, in practice, the Amazigh identity continues to be marginalised and folklorised by State institutions. Officially, Algeria is still presented as an "Arab country" and "land of Islam", and anti-Amazigh laws are still in force (such as the 1992 Law on Arabisation).” [...]

⁶ US Department of State (20 March 2023) 2022 Country Reports on Human Rights Practices: Algeria

⁷ Immigration and Refugee Board of Canada (11 August 2022) Algeria: Situation of the Kabyle and their treatment by the authorities and society outside of Kabylia; access to housing, income, education and health care; state protection (2020–July 2022)

"In fact, in both 2019 and 2020, the Algerian authorities arrested and sentenced Amazigh to both fines and imprisonment for bearing the Amazigh flag, accusing them of "undermining national unity"." [...]⁸

Under the heading "Cracking Down on Amazigh" the document states that "Human rights defenders and members of the Movement for the Self-Determination of Kabylia are being particularly targeted by this crackdown. On the morning of 22 May, the Algerian police were present in large numbers in Aqvu, Kabylia, where they proceeded to arrest several people who were intending to go to the village of Tifrit to participate in the ceremony of tribute to Masin Uharun, a poet and activist of the Amazigh cause. The following people were arrested on the street, at the train station and in cafes: Massinissa Abache, Mourad Bensalahdine, Achour Iken, Younes Kaced, Djamel Djoudi, Mastinas At Weghlis, Nabil Moussaoui, Menad Maouche, Zahir Ait Mansour, Boudjemaa Bousselam, Karim Fateh, Faouzi Chakri, Marzouk Laoubi, and Takfarinas Hitach." [...]

"Yuva Meridja, member of the Federal Council of the World Amazigh Congress (CMA), and Wissem Nasri, were also arrested in Tifrit where they too had come to celebrate the memory of Masin Uharun. The next day, the Aqvu judged placed most of those arrested in custody. Some were released under judicial supervision." [...]

"All were prosecuted for reasons such as: "attacks on the security services, aggression against the forces of order, undermining national unity and armed assembly", with reference to Articles 79, 97, 99, 146, 148 of the Criminal Code, which provides for various fines and prison sentences of up to 10 years." [...]

"As of the end of December 2021, there were 340 political prisoners in Algeria, some 90% of whom were Amazigh from Kabylia. Kamira Nait Sid, co-president of the World Amazigh Congress (CMA) was abducted on 24 August 2021 and held incommunicado for 8 days. Her case was reviewed on 1 September 2021 at the Sidi M'hamed Court of Algiers, which resolved that she would be held in pretrial detention at Koléa Prison in the Wilaya (Province) of Tipaza. She is being prosecuted for four crimes: membership of and participation in a terrorist organisation; incitement to and advocating for subversive acts and terrorism; crime with the help of information and communication technologies; and conspiracy with the purpose of crime, plus a further four misdemeanours: receipt of funds to carry out or incite to carry out acts likely to undermine the security of the State, the stability and normal functioning of its institutions; conspiracy and attack against the authority of the State and the integrity of the national territory; incitement to assembly; and discrimination and hate speech. She faces a sentence ranging from 10 years to life in prison." [...]

"Jugurtha Benadjaoud, a member of the Federal Council of the CMA, was arrested on 28 September 2021 and remanded in custody. All Algerian members of the World Amazigh Congress are either in prison or wanted and therefore in hiding, or have fled the country."⁹

Cairo Institute for Human Rights Studies (CIHRS) in March 2022 notes that "Most of the cases of torture, sexual abuse and ill-treatment documented between 2017 and 2021 are against "Hirak" demonstrators, during arrest in a demonstration, during police custody or detention, or during a period of enforced disappearance. In all of these cases, the victims were arbitrarily detained or sentenced for their peaceful activism, most often in violation of their right to a fair trial. In at least two of the documented cases, the detainees felt they were targeted for their Amazigh identity." [...]

⁸ International Work Group for Indigenous Affairs (IWGIA) (1 April 2022) *The Indigenous World 2022: Algeria*

⁹ *ibid*

“Activist Nabil Bousekkine told a court on 28 March 2021 that he was the victim of violence in police custody in Algiers. He was not informed of his right to a lawyer while in police custody. The police allegedly made degrading remarks in reference to his Amazigh identity. He underwent three medical examinations but the police refused to give him the medical certificate, thus he could not file a complaint.”

“Student Walid Nekkiche testified during his trial on 1 February 2021 that he had been the victim of physical, sexual and psychological violence during his secret detention. The ill- treatment allegedly took place in a police station in Algiers as well as in the Antar military centre managed by the DGSI, in inhuman detention conditions, between 26 November and 6 December 2019. The young man maintains that he was targeted with hateful and racist remarks based on his Amazigh identity. He was forced to sign a confession under torture, which the court refused to exclude as evidence against him . The investigative judge refused a forensic medical report to confirm the abuse. A complaint was filed for torture on 23 July 2020, which remained pending.” [...]

“On 28 May 2019, Amazigh minority rights defender Kamel Eddine Fekhar died in detention, 50 days after initiating a hunger strike to protest against his arbitrary detention. On 29 May, the Department of Justice announced the opening of an investigation, but the findings were never shared with the family or made public. On 17 June 2019, a judge at the Ghardaia court refused to investigate the case despite a complaint filed by the family.”¹⁰

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