



Unrepresented Nations and Peoples Organisation

Kabyle Report

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Executive Summary

The Kabyle people are an indigenous people to North Africa, whose common identity has been shaped over thousands of years of shared history, language and culture. There are approximately 10 million Kabyle people, most of whom reside in the cultural, natural and historical region of Kabylia, currently under the territorial governance of Algeria. Often through violent means, the Algerian state has consistently and relentlessly suppressed any support for the Kabyle's right to self-determination.

Over the past year, the human rights situation facing the Kabyles has gotten significantly worse, as the Algerian government has intensified its campaign of repression against anyone critical of the regime. The invocation of terrorism and the decriminalization of the Kabyle self-determination movement has enabled a new era of political repression, comprising of unprecedented degrees of censorship, persecution, discrimination, killings, arbitrary arrests and detentions, and continued attempts of erasing and suppressing Kabyle language, culture and identity.

In particular, the Algerian government's enactment of broadly worded terrorism-related charges has been used to prosecute hundreds of peaceful activists, journalists, and human right defenders across the country. The government's pronouncement of the Kabyle movement for Self-Determination (MAK-Anavad) have additionally opened the doors to renewed levels of repression, with mass arrests occurring against anyone even loosely associated with the movement.

The recent crackdown on peaceful dissent follows a long-established pattern of efforts to silence and repress the Kabyle population. The Kabyle region has long been systematically oppressed by the government because of its struggle for self-determination. Significant human rights issues still remaining, and in many instances severely worsening, include: arbitrary arrests and detention; lack of judicial independence and impartiality; serious restrictions on freedom of expression and press, including criminal defamation laws and arrests of journalists; substantial interference with freedoms of peaceful assembly and association; and transnational repression through extradition of refugees and exiles in third countries.

Moreover, there have been acute failures by the Algerian authorities in their response to Covid-19 and the 2021 forest fires, both of which resulted in disproportionately high fatalities in the Kabyle territory. Attempts to protest against these conditions and lack of governmental aid have been met with brutal force.

At the same time, there has been increasing international recognition of the worsening human rights situation in Algeria over the past year. In March and May 2021 the OHCHR released statements on the deteriorating human rights situation in Algeria with regards to, inter alia, the unnecessary and

disproportionate force against peaceful protesters and continuing arrests.¹ In June 2021, 82 civil society actors also addressed a joint letter to the UN Human Rights Council calling for states' action to address the Algerian authorities' alarming crackdown on pro-democracy forces.² The European Parliament has also passed a resolution on the deteriorating situation of human rights in Algeria,³ and in December 2021 a group of UN Special Rapporteurs and the Working Group on Arbitrary Detention presented a letter addressed to Algeria on its abuse of anti-terrorism legislation to crack down on peaceful activists, highlighting its impacts on fundamental rights such as freedom of expression and assembly.⁴

The UNPO therefore urges the Government of Algeria, in coordination with international actors and civil society, to recognize the right to self-determination of the Kabyle in order to ensure the realization of their fundamental rights. Repressive policies and activities must be stopped in the areas of speech, association and assembly. Excessive force and arbitrary detention cannot be used to curtail freedom of peaceful expression. Policies infringing upon these rights of the Kabyle people must end.

About Us

Unrepresented Nations and Peoples Organization (UNPO)

The Unrepresented Nations and Peoples Organization is a membership-based organization created in 1991 to empower the voice of unrepresented and marginalized peoples around the world and to protect their basic human rights. The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance. As a consequence, their opportunity to participate on the national or international stage is limited, and they struggle to fully realize their rights to civil and political participation and to control their economic, social and cultural development. In many cases, they are subject to the worst forms of violence and repression.

1 Office of the High Commissioner for Human Rights (2022). *Press briefing notes on Algeria*. [online] <https://www.ohchr.org/>. Available at: <https://www.ohchr.org/en/2021/03/press-briefing-notes-algeria?LangID=E&NewsID=26851>

2 Amnesty International (2021). *Algeria: Joint letter to the Human Rights Council calling for states' action to address the Algerian authorities' alarming crackdown on pro-democracy forces*. [online] Amnesty International. Available at: <https://www.amnesty.org/en/documents/mde28/4303/2021/en/>.

3 European Parliament (2020). *Texts adopted - The deteriorating situation of human rights in Algeria, in particular the case of journalist Khaled Drareni - Thursday, 26 November 2020*. [online] www.europarl.europa.eu. Available at: https://www.europarl.europa.eu/doceo/document/TA-9-2020-0329_EN.html

4 Aolain, F., Estrada-Castillo, M., Khan, I., Voule, C. and Lawlor, M. (2021). *Mandats de la Rapporteuse spéciale sur la promotion et la protection des droits de l'homme et des libertés fondamentales dans la lutte antiterroriste; du Groupe de travail sur la détention arbitraire; de la Rapporteuse spéciale sur la promotion et la protection du droit à la liberté d'opinion et d'expression; du Rapporteur spécial sur le droit de réunion pacifique et la liberté d'association et de la Rapporteuse spéciale sur la situation des défenseurs des droits de l'homme*. [online] pp.1–14. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26905>

The Movement for the Self-Determination of Kabylia (MAK)

The Movement for the Self-Determination of Kabylia (MAK) is a peaceful organization in the People's Democratic Republic of Algeria. Founded in 2001 the MAK has sought to regain independence and establish self-governing rule over the Kabylia province since its annexation to Algeria in 1857. The MAK's aim is to challenge the right to self-determination by raising awareness among international platforms, and partners about the current criminalization of the movement, the environment, and the health situation. It is part of a dynamic of defending human rights, denouncing, and fighting against injustice, particularly in its human and social dimensions. MAK has been a member of the UNPO since 2017.

Introduction

a. The Kabyle People

The Kabyle people are one of the several Berber indigenous people to North Africa, mainly present in Algeria, Morocco and Libya. There are approximately 10 million Kabyle people, most of whom reside in the cultural, natural and historical region of Kabylia, currently under the territorial governance of Algeria. Coming from one of North Africa's most ancient civilizations, the Kabyle people's identity has been shaped over thousands of years through a shared common history, language and culture. The Kabyle people proclaim secular beliefs and mainly speak the Kabyle language (a derivative from Berber/Amazigh language), as well as French and Algerian Arab (imposed by Algeria through schools and all institutions).

Within their homeland, the Kabyle are frequently subject to marginalization and discrimination through repressive laws and policies enacted by the Algerian State. Efforts to force assimilation through the Arabization and Islamisation of Algeria since its independence from France in 1962 have been instrumentalized to suppress Kabylia language, culture, and traditional customs, as well as thwart any movements based on the secular and democratic values which are integral to Kabylia. Those who speak out in defense of their fundamental rights are confronted with intimidation and violence from the state. Consequently, due to fear of persecution and the framework of systematic discriminatory policies in place, many Kabylia have been forced to seek refuge abroad.

Despite the Algerian Constitution's recognition of the right to self-determination, the state authorities have consistently and relentlessly suppressed any support for the Kabyle's right to self-determination, often through violent means. The Movement for the Self-Determination of Kabylia (referred to as MAK or MAK-Anavad), the main political body representing Kabyle interests, and Kabyle people themselves, reject the position taken by the government of Algeria to continue exercising authority over Kabylia. A significant number of Kabylia now support an autonomous Kabylia, regaining the independence it had lost in 1857 when it was annexed to Algeria.

b. Historical Context

For more than 9,000 years the territory of Kabylia has remained a strategic geographic position situated between mountains and the Mediterranean sea, allowing for centuries of self-rule. First resisting the successive rule of the Romans, Byzantines, Vandals, Carthaginians and Ottomans, the Kabyle people were among the few peoples in North Africa who maintained their independence. Kabylia also withstood against the 7th century Arab conquest of North Africa. Thus allowing the first nation natives known as the Amazigh, specifically the Kabyle, to maintain their language and identity, while others coveted to Islam. After the rule of the Ottomans, the Kabyle began to develop their own modern political institutions, based on the strong sense of co-operative institutional actions and a federalized model, due to the relative religious and political pluralism of the time.

The Kabyles have traditionally relied on arboriculture (olive trees and orchards) and on crafting (tapestry and pottery). The mountains and hill farming slowly gave way to local industry such as textile and agro-alimentary. In the middle of the 20th century, with influence and funding from the Kabyle diaspora, many industries were developed and Kabylia became an important industrial region to the rest of Algeria.

Despite this self governance, the independence of Kabylia collapsed in the year 1857 due to French colonization. The area was gradually taken over by the French after 1830, despite fierce resistance by the local population until the Battle of Icheriden, marking the French victory, with sporadic outbursts of violence continuing until the late Mokrani rebellion in 1871. During this period much of the land was confiscated and given to the French, giving rise to uprisings that resulted in many arrests and deportations, mainly to New Caledonia. The French occupation also resulted in an acceleration of the emigration into other areas of the country and inside of it. The Kabyle were convinced to join forces with leading Algerian nationalist factions in an attempt to end French colonial rule and later played a leading role in the advocacy of ending colonial domination. In 1922, Kabyle political leaders joined forces with other anti-colonial Algerians in order to establish an anti-colonial alternative, the Etoile Nord Africaine (ENA) led by Messali Hadj, resulting in the French withdrawal in 1962, and the assassination of all the Kabyle leaders who fought either politically or militarily.

With the Front de Liberation Nationale (FLN) victory over the French army, Algeria declared itself independent in July 1962. After, tensions began to develop between the Kabyle leaders and the central government with the Socialist Forces Front (FFS) party of Hocine Ait Ahmed, and Wilayas III and IV (Kabylia and Algiers) opposing the FLN's political Bureau centered around the first President of Algeria Ahmed ben Bella and the forces led by FLN command. In 1963, FFS questioned the authority of a single-party system, which resulted in two years of armed confrontation in the region, leaving four hundred dead, in particular 500 Kabyle and most of the FLN leaders from Kabylia, and eastern provinces either executed or forced into exile. The FLN then began conducting policies of Arabisation to conquer Francophone influence, neglecting Amazigh languages as a result. The dictatorship nature of the FLN severely impacted Kabyle rights and identity, exposing it to erasure all together.

In 1980, following the banning of the conference by writer Mouloud Mammeri on traditional Kabyle poetry, riots and strikes broke out in Tizi Ouzou, followed by several months of demonstrations on

university campuses in Kabylia and Algiers, known as the Berber Spring, demanding the officialization and recognition of the Tamazight language. This resulted in the extrajudicial imprisonment of thousands of Kabyle intellectuals along with other clashes in Tizi Ouzou and Algiers in 1984 and 1985. Kabylisians began to intensify in reaction to the increasing Arabization taking action in September 1994 until mid 1995 where ten million boycotted, known as the schoolbag strike. In June 1998 the combination of the assassination of protest singer and political activist Lounes Matoba, with the enforcement of using Arab in all fields of education worsened tensions once again.

In April 2001 mass protests, known as the Black Spring, began to break out through Kabylia due to the death of Massinissa Guermah, a young high school student in police custody, which resulted in a violent crackdown from the central government, killing 123 Kabyle protesters, and seriously injuring more than 5,000 with many more incarcerated without trial. A special inquest by the Algerian government showed that the majority of protesters were shot in the back by Gendarmes, with real explosive bullets. The affects of this were still felt in the new millennia as more protests in 2004 arose to protest against the presidential elections and Islamic fundamentalism which had resulted in the assassination of Kabyle politicians, journalists, citizens, women who refused to wear the hijab, and with little to no government follow-up on such cases of Islamist reprisals.

Nevertheless, in 2001 self-determination movements were created such as the Movement for the Autonomy of Kabyle (MAK) who rejected the position of the government to exercise authority over the people of Kabylisians. In fact the aim of many self-determination groups like the MAK is to regain the independence it lost in 1857 when it was annexed to Algeria. For the past decade the MAK-Anavad have tried to organize a peaceful resistance, yet such movements are still threatened from the suppressive nature of the government.

After these events, the Kabyle people continued to suffer from constant political repression, censorship, persecution, discrimination, killings, violent repression and attempts to reduce or suppress its cultural distinctiveness. The Algerian government denied the Kabyle any kind of political existence and despite multiple attempts, did not allow the MAK-Anavad to set up official elections. Nevertheless, the MAK held two Kabyle National Conventions in 2011 and 2014 which represented all political ideologies. They have also established the Kabyle Parliament, which drafted the new constitution of the Kabyle State, and in 2016 brought together 843 delegates to create the Project for a Kabyle State (PEK).

In 2019, protests again broke out after Abdelaziz Bouteflika announced his candidacy for a fifth presidential term in a signed statement. Known as the Hirak Movement, peaceful and large-scale pro-reform demonstrations were attended by thousands every week until the Covid-19 pandemic. The non-partisan movement aims for systemic change that includes judicial independence and the rule of law as well as the complete end of the old regime and of military interference in politics. The marches forced Bouteflika to resign in April 2019. Additionally the movement opposed plans later in the year against holding an election without proper reforms in place, however while Algerian authorities initially tolerated the protests, by mid-2019 they began arresting many prominent Hirak figures on highly

politically motivated grounds such as “harming national unity”. The crackdowns intensified after the election of Abdelmadjid Tebboune in December 2019 as marches were stopped in March 2020 due to the coronavirus pandemic. Since 2021, with Covid-19 restrictions gradually lifting, the Algerian authorities have again endeavored on a severe clamp down on protesters, journalists and activists, with arbitrary arrests and prosecutions for engaging in peaceful protests and expressing dissenting political opinions on social media. The misuse of anti-terrorist legislation against peaceful movement and activists have characterized the current crisis of human rights in Algeria.

c. Context of Current Crisis

In 2021 the Algerian government severely intensified its campaign of repression against Kabylia. In April 2021, the Kabyle people commemorated both the 20th anniversary of the Black Spring and the 41st anniversary of the Amazigh Spring of 1980. During this month, the MAK launched a digital referendum of self-determination for the independence of Kabylia and on 11 May 2021, MAK promulgated and made public a law on the site of the Official Journal of Anavad organizing a referendum of self-determination of the Kabyle people, stretching from 04/20/2021 to 04/20/2022.⁵ The MAK reported that Kabyle rejected and boycotted all the Algerian national elections earning 0 percent in scores including the presidential election on 12 December 2021, the parliament on 12 June 2021, the constitution on 1 November 2021, and the local election on 27 November 2021.

Shortly after, the Algerian Ministry of National defense issued a statement about the dismantling of a “criminal” and “separatist” cell composed of MAK supporters, who issued without evidence that the group were in possession of weapons and explosives and were planning attacks against Algerian sovereignty. On 18 May 2021 Algeria’s High Security for Council (HCS) classified the MAK on the “list of terrorist organizations” and requested that the group be “treated as such”. The same day, Mr. Ferhat Mehenni, President of MAK-Anavad was placed in police custody in Paris.⁶ MAK-Anavad have strongly deplore the government’s pronouncement of their organization as a terrorist entity and attest to the peaceful nature of the movement. The group also condemns the Algerian authorities recent attempts to link convicted criminals to MAK despite the absence of any evidence relating them to the organization.

The invocation of terrorism and the demonization of the Kabyle opposition has resulted in a massive crackdown on peaceful dissent. The penal code modifications, which demonstrate an unsubtle impetus to target opposition political parties and self-determination movements in Algeria, have led to a wave of arbitrary arrests and detentions that have been strongly criticized by the international community. The National Committee for the Liberation of Detainees, a group tracking political detainees, in November 2021 listed 231 persons, including human rights defenders, journalists, politicians and civil

5 MAK-Anvad (2021). *LOI N° DF/2021/05/ASAN/02* | *Journal officiel de l’Anavad*. [online] <https://jo.kabylie-gouv.org>. Available at: <https://jo.kabylie-gouv.org/2021/05/11/loi-portant-referendum-dautodetermination-du-peuple-kabyle/>

6 Améziane, A. (2021). *COMMUNIQUÉ : FIN DE LA GARDE À VUE DE FERHAT MEHENNI, SANS AUCUNE POURSUITE*. [online] <https://www.siwel.info>. Available at: https://www.siwel.info/communique-fin-de-la-garde-a-vue-de-ferhat-mehenni-sans-aucune-poursuite_64123.html

society activists as behind bars for expressing dissent.⁷ The Algerian government had also accused MAK, without any legitimate evidence, of being behind the disastrous forest fires that raged through northern Algeria in the summer of 2021.

Section 1: Criminalization of Self Determination Movements

Over the past year the government of Algeria has instigated a serious escalation of repression and violence against peaceful dissent. The criminalization of self-determination movements in particular represents an extremely troubling trend. Criminalization of Kabyle self-determination movements in Algeria takes many forms, including but not limited to, modifications of the penal code to expand definitions of terrorism, pronouncing MAK an illegal terrorist entity, targeted arrests and arbitrary detention of anyone supporting Kabyle self-determination, prohibiting free speech and expression, and broad state propaganda and policy that label self-determination activists as criminals and terrorists.

It should also be noted that the MAK has submitted a memorandum for self-determination of Kabyle on 28 September 2017 to the UN Secretary General in New York Antonio Guterres. The MAK plan to pair the memorandum with another book for educational purposes that explains why self-determination and independence of Kabyle is the solution for the country and not the issue.

a. Classification of MAK as a terrorist organization

On 18 May 2021, the High Security Council (HCS) of Algeria classified the Kabyle self-determination movement, MAK-Anavad, as a terrorist organization. The pronouncement followed fabricated accusations that MAK were planning violent attacks and promoting separatist circles.⁸ The MAK strongly deplored this pronouncement and denied any planned attack in Algeria, challenging the Algerian Ministry of Defense to provide proof of its accusations.⁹

On 4 August 2021, MAK addressed a letter to the UN Secretary General, European Union and National Governments strongly deploring the terrorism allegations against the organization by the Algerian government.¹⁰ The letter denounces Algeria's contraventions of international norms as it relates to terrorist legislation, and underlines the inviolable nature of the right to self-determination as enshrined

⁷Human Rights Watch (2021). *Algeria: Events of 2021*. [online] Human Rights Watch. Available at: <https://www.hrw.org/world-report/2022/country-chapters/algeria>

⁸Nadir, I. (2021). *Haut Conseil de Sécurité : Le MAK et Rachad classés "organisations terroristes" | El Watan*. [online] [www.elwatan.com](https://www.elwatan.com/a-la-une/haut-conseil-de-securite-le-mak-et-rachad-classes-organisations-terroristes-19-05-2021). Available at: <https://www.elwatan.com/a-la-une/haut-conseil-de-securite-le-mak-et-rachad-classes-organisations-terroristes-19-05-2021>

⁹Figaro, L. (2021). *Algérie: le mouvement kabyle MAK réfute tout projet d'attentat*. [online] LEFIGARO. Available at: <https://www.lefigaro.fr/flash-actu/algerie-le-mouvement-kabyle-mak-refute-tout-projet-d-attentat-20210426>

¹⁰ Ferhat Mehenni MAK-Anvad *Letter to Prime Minister Boris Johnson* <https://unpo.org/downloads/2716.pdf>

in the fundamental texts of the United Nations. In addition, MAK asked for the UN Secretary General to submit a study of facts that entailed if either the MAK or Algeria should be ostracized from the international community.

The 18 May decision appears clearly politically motivated, as an effort to de-legitimize and neutralize the Kabyle self-determination movement. Rather than constituting a security measure, MAK representatives have expressed legitimate concerns that the decision provides the Algerian government with a means to commit violent or terrorist acts itself and attribute them to MAK. Indeed the Algerian government has on numerous occasions linked acts of convicted criminals to MAK, despite the absence of any evidence of their relation to the organization. As demonstrated below, the pronouncement of MAK as a terrorist entity has been a major precursor for mass arbitrary arrests and detention, creating a chilling effect on the community's freedom of expression, freedom of assembly, and freedom of association.

b. Penal code reform

On 30 May 2021, Président Abdelmadjid Tebboune adopted two ordinances, Ordinance No. 21-08 amending and supplementing Ordinance No. 66-156 of 8 June 1966, which relates to the Penal Code, and Ordinance No. 21-09, which relates to the protection of administrative information and documents. Ordinance No. 21-08 introduces amendments to the Penal Code that broaden the definition of terrorism and establish a national list of terrorist persons and entities. Ordinance No. 21-09 enables the arbitrary prosecution of individuals for sharing information deemed sensitive by the authorities.

Ordinances No. 21-08 and No. 21-09 entered into force on 9 June 2021, just three days before national parliamentary elections were held. As the People's National Assembly was dissolved by Tebboune on 1 March 2021, these texts were not subject to any debate in parliament. Civil society was also barred from any discussion or involvement in the promulgation of these Ordinances.

Article 2 of Ordinance No. 21-08 introduces two additional paragraphs to Article 87bis of the Algerian Penal Code, defining the crime of terrorism as:

“any act aimed at the security of the State, national unity and the stability and normal functioning of the institutions by any action aimed at:

- [paragraphs 1-13 unchanged]

- [14] work or incite, by any means whatsoever, to gain power or to change the system of governance by non-constitutional means;

*- [15] undermine the integrity of the national territory or incite to do so, by any means whatsoever”.*¹¹

¹¹Mena Rights Group (2021). *Le président algérien durcit par ordonnance la législation antiterroriste* | MENA Rights Group. [online] menarights.org. Available at: <https://menarights.org/en/articles/le-president-algerien-durcit-par-ordonnance-la-legislation-antiterroriste>

The introduction of these two new paragraphs aggravates the already broad and imprecise character of Article 87bis definition of terrorism. The focus on ‘territorial integrity’ in the said paragraph in particular shows a clear impetus to target self-determination activists. The resorting to concepts of “territorial integrity” or “national unity” to justify repressive actions against minorities, indigenous populations and self-determination movements are increasingly being used by states.¹² However, state sovereignty cannot allow the integrity of national territory to be used as a basis to repress the rights of minorities and indigenous communities. To the contrary, Algeria has an obligation to ensure the rights of all of their peoples, including indigenous peoples such as the Kabyle, including their right to meaningful self-determination.

The term “to gain power or to change the system of governance” in the first paragraph is similarly troubling and arbitrarily wide. The provision ensures the states ability to prosecute essentially any opposition to the current system of governance. The term “non-constitutional” raises concern for pro-reform or pro-democracy activists who wish to register their movement in a non-violent manner outside the institutional framework set by the authorities.

Article 3 of the Ordinance introduces Article 87 bis 13 into the Penal Code, which provides the establishment of a national list of terrorist persons and entities:

“A national list of terrorist persons and entities who commit one of the acts provided for in article 87 bis of this code, who are classified as "terrorist person" or "terrorist entity", by the commission for the classification of terrorists persons and entities, is established. [...] No person or entity is included on the list mentioned in this article, unless it is the subject of a preliminary investigation, criminal prosecution, or whose guilt is declared by a judgment or judgment.”

The provisions here are again concerning owing to their imprecise phrasing. The use of ‘or’ rather than ‘and’ in the last sentence implies that it is possible to be classified a terrorist even without a final judgment, running contrary to the principle of presumption of innocence.

This added provision also creates a commission in charge of the list of terrorist persons and entities, however does not provide details on it’s composition, it’s responsibilities, the sanctions it can impose or its means of action. Article 4 provides a list of bodies to oversee the Commission, which for the most part consist of security organs of the State. No representatives of the judiciary, of the legislative power or of the national human rights commission appear part of it. Indeed there is no provision of the decree referring to judicial or legislative control over the activities of the commission. In the absence of

¹²Unrepresented Nations and Peoples Organizations (2021). *UNPO: Sustainable & Peaceful Societies*. [online] unpo.org. Available at: <https://unpo.org/article/22129>

a change in the legislation, there would therefore be no possible judicial appeal against the decisions of this body. Moreover the decree does not grant a role to the legislative power in the procedures for appointing the president and the other members of the commission whose appointment is limited to the executive power.

Article 3 also provides that “the publication in the Official Journal of the decision to register on the list, constitutes notification” and that the execution of the corresponding sanctions can follow immediately. From the date of publication, the person or entity concerned has 30 days to request their removal from the commission. The right of individuals and entities to an effective remedy is thus seriously limited by the tightness of the time limits, by the absence of individual notification and by the fact that any complaints will be lodged before the same body from which the contested decisions emanate.

According to the OHCHR, a transparent listing and delisting process must be "based on clear criteria, (...) with an appropriate, explicit and uniformly applied standard of evidence, as well as an effective, accessible and independent mechanism of review".¹³ In a report submitted to the UNCHR by the independent expert on the protection of human rights and fundamental freedoms while countering terrorism, it was highlighted that “civilian courts must have jurisdiction to review the provisions and supervise the application of all counter-terrorism measures without any pressure or interference, particularly from the other branches of Government”.¹⁴ The penal code using vague definitions of terrorism and lack of an independent review mechanism contravenes from these guidelines. The lack of information given by the Algerian judicial authorities to the defendants on the exact nature and cause of terrorism prosecution is also of particular concern.

Article 3 also introduces into the Penal Code article 87bis 14, which specifies that the registration of a person or an entity in the national list implies “the prohibition of the activity of the person or the entity concerned and the seizure and/or freezing of its funds” and “the travel ban for the persons concerned, by court order, at the request of the commission”. Additionally, no judicial authorization is required to implement these severe sanctions. Moreover, the public prosecutor is only informed of these measures after the fact.

Since the enactment of these measures and reforms, an increasing number of activists, journalists and human rights defenders active in promoting self-determination or who have played a role in pro-democracy protest movements have been prosecuted on terrorism-related charges.

c. Arrests and Arbitrary Detentions

Since May 2021 in particular, Algerian forces have enforced a near-total closure of public spaces through mass arrests and unlawful use of force against protesters, human rights defenders, and journalists. Confirming the fears of human rights groups that the overly broad definition could lead to

¹³Fact sheet n°32 on Human Rights, Terrorism and Counter Terrorism.

¹⁴E/CN.4/2005/103, para. 15.

the further criminalization of peaceful dissent, hundreds of arrests have since taken place against individuals exercising their rights to peaceful assembly and expression, including many MAK activists.

From May 2021 to March 2022, UNPO has received information pertaining to at least 281 cases of Kabyle political activists being detained.¹⁵ The National Committee for the Liberation of Detainees, a group tracking political detainees, in November 2021 listed 231 persons, including human rights defenders, journalists, politicians and civil society activists as behind bars for expressing dissent.¹⁶ According to the MAK, 10 of those detained in 2021 suffered from torture and sexual abuse while incarcerated.

While all political dissidents, journalists and human rights defenders have been subject to a massive crackdown via arbitrary arrests and detentions over the past year, MAK activists and others affiliated with the Kabyle self-determination movements have been particularly targeted, for instance:

- During the Yennayer celebrations on 12 January 2020 100 activists from the MAK and URK were arrested by Algerian forces in Bgayet (Béjaïa), Tizi Ouzou and Tuvirett (Bouira). The URK denounced the arrests calling them arbitrary and demanded the release of their members.¹⁷
- On 13 January 2020 more than 300 demonstrators were arrested in Tizi Wezzu, after protestors were insulted and assaulted. MAK and URK members were still not released and their whereabouts remained unknown.¹⁸
- On 14 June 2020 Journalist Merzouk Touati was arrested during a demonstration in Vgayet. He was accused of undermining national unity, exposing people's lives to the danger of death during sanitary confinement, and others. Previously, Touati was sentenced to seven years in prison for exchanging messages over the Internet with an Israeli in 2016. After several months in prison, he was released following strong popular mobilization in Kabyle. Merzouk Touati, upon his release, resumed his political activities against the regime. On social networks and in the field, he has always denounced the decision-makers.¹⁹
- On 17 June 2020 the trial of activists Merzouk Touati, Yanis Adjlia, and Amar Berri who were arrested in the Bgayet demonstrations was refused a trial via video conference. The three men remained imprisoned until 1 July when their trial was rescheduled.²⁰

¹⁵See: list of Kabyle political detainees

¹⁶*Ibid* Human Rights Watch (2021)

¹⁷Abid, L. (2020). *La police coloniale algérienne empêche les Kabyles de célébrer Yennayer*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/01/12/la-police-coloniale->

¹⁸S, N. (2020) *Tebboune pulls out claws against Kabyles* [online] Tamurt | Votre lien avec la kabylie Available at: <https://tamurt.info/2020/01/13/tebboune-sort-ses-griffes-contre-les-kabyles/150378/>

¹⁹S, N. (2020). *Merzouk Touati de nouveau arrêté*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/06/14/merzouk-touati-de-nouveau-arrete/168792/>

²⁰Haddouche, T. (2020). *Bgayet : des centaines de manifestants devant le tribunal*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/06/17/bgayet-des-centaines-de-manifestants-devant-le->

- On 6 October 2020 Kayblia independence activists protested in front of the Akbou court to announce the arrests of activists from the MAK. The Kabyle independence activists continue to face persecution from the Algerian government which prohibits all activities initiated from the self-determination movements.²¹ While lawyer Kader Houali, who represented the four activists who were summoned to appear before the investigating judge at the Akbou court as accused, claimed the case was sent back to be heard at a later date. At the same time, there were several other activists who came to oversee the rally who were manhandled and arrested by security forces in front of the court. He further claimed that many MAK members were arrested and taken to police stations after being beaten.²²
- On 08 December 2020 Dalit Yamouni one of the oldest journalists in Bgayet appeared in court on December 2020 after the trial was originally scheduled for September 15 before it was postponed. He was charged for unarmed gathering during a march in June 2020, in the town of Bayet. The Committee for the defense of freedoms of Bgayet launched an appeal calling for solidarity with the victims of the continuing repression.²³
- On 6 January 2021 35 activists detained in Bgayet appeared before a court with 32 activists who awaited their trials in the Bejaia court. The Committee for the Defense of Liberties of Bgayet (CDL) in a press release commented if the government wished to prosecute all those who demonstrated their rights, freedoms, and dignity. While also stating the fight for democracy and change must continue and that standing in solidarity with those who were arrested.²⁴
- On 30 January 2021 the Committee for the Defense of Freedoms of Bgayet (CDL) launched another appeal against the hunting of independence activists from Algerian security forces. The CDL reported that an activist's father was targeted and suffered a severe attack in court and was beaten by police after. The CDL also claimed 30 activists were beaten and arrested before being released three hours later. Those who ran from the police were hunted throughout the CNS district. The committee condemned the violence from police and that the repression held one objective to prevent any solidarity among activists who have been persecuted since 2016.²⁵
- On 1 February 2021 25-year-old Walid Neckiche suffered from torture and rape by Algerian forces while in custody. Neckiche had been arrested on 26 November 2019 during a student demonstration before reappearing in January 2020 in prison. He was sentenced to serve six-months in prison for "possession of leaflets" after being accused of being a member of a Kabyle separatist movement and "conspiracy against the state".²⁶

²¹Haddouche, T. (2020b). *Bgayet et Tizi Ouzou : rassemblements pour exiger la libération des détenus*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/06/21/bgayet-et-tizi-ouzou-rassemblements-pour-exiger-la-liberation-des-detenus/168876>

²²Haddouche, T. (2020a). *Akbou : l'avocat Houali dénonce la solidarité sélective*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/10/06/akbou-lavocat-houali-denonce-la-solidarite-selective/169764/>

²³Haddouche, T. (2020c). *Bgayet : le journaliste Dalil Yamouni devant le tribunal*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/12/08/bgayet-le-journaliste-dalil-yamouni-devant-le->

²⁴Haddouche, T. (2021). *Bgayet : la répression continue*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/01/06/bgayet-la-repression-continue/170829/>

²⁵Haddouche, T. (2021b). *Bgayet : les indépendantistes face à la répression*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/01/30/bgayet-les-independantistes-face-a-la-repression/175661/>

- On 27 February 2021 The Eastern Regional Coordination of the MAK called for all independence activists to rally against the prosecution of nine activists who were summoned to the Algerian judiciary for having participated in 2016 in a march in support of Dr. Djamel Eddine Fekhar who was arbitrarily imprisoned. The nine were accused of inciting an unarmed gathering while three of them are charged with undermining national unity. The trial was placed on hold due to a lawyer's strike, while another seven activists who took part in the rally in front of the court were arrested.²⁷
- On 10 May 2021 the prosecutor for the court of Vgayet requested heavy sentences ranging from six to nine months of prison and fines against nine young activists. During the trial, the representative of the public prosecutor requested three years in prison against three activists and a fine of 100000 Da and six months of prison for the others including 20000 Da. The nine are being charged for the unarmed gathering and undermining national unity.²⁸
- Lounès Hamiz, president of the West coordination of MAK-Anavad was arrested in Tizi Ouzou on 6 October 2020. Hamiz was arrested for his organization and supervision of the MAK organization. The demand for his release took place in a march on 19 February 2021 followed by a rally where organizations took turns denouncing the Algerian state and their campaign of terror against Kabylia.²⁹
- On 24 August 2021 Karima Nait Sid, co-president of the World Amazigh Congress, was detained incommunicado in an unknown location for three days according to Frontline Defenders. Later, on 1 September 2021 she appeared before a prosecutor in Algiers, who charged her with “undermining state security and belonging to a terrorist organization” in reference to the MAK.³⁰
- On 18 May 2021 Radio M’s director Ihsane El Kadi was detained on charges of “undermining national unity” and publications that harm the national interest” after he published an article criticizing labeling the Rachard and MaK as terrorist organizations. Under the Judicial supervision of El Kadi had to meet several restrictions, such as the obligation to report at a police station weekly, confiscation of his passport, and require the permission of local authorities for him to leave the area of Algiers.³¹
- According to information received by the MAK, on 31 May 2021 Sofiane Babaci was detained in Laaziv where he was taken to the detention center Tidjelabine in Koléa.

²⁶Massi, A. (2021). *Kabylie : Le régime colonial réprime, les indépendantistes résistent*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/02/27/kabylie-le-regime-colonial-reprime->

²⁷Imaxlufen, D. (2021). *Tribunal de Vgayet, de lourdes peines requises à l'encontre des neuf indépendantistes kabyles*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/05/10/tribunal-de-vgayet-de-lourdes-peines-requises-a-lencontre-des-neuf-independantistes-kabyles/>

²⁸Koceila, M. (2021). *Makouda : Intervention de Muh Said, cadre de l'URK, lors du rassemblement pour la libération de Lounes Hamzi*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/02/19/makouda-intervention-de-muh-said-cadre-de-lurk-lors-du-rassemblement-pour-la-liberation-de->

²⁹*Ibid* Human Rights Algeria (2021).

³⁰*Ibid*.

³¹*Ibid*.

- Authorities arrested Mohammed Mouloudj on 3 September 2021 and later charged him with “spreading false news, harming national unity and belonging to a terrorist group” in reference to the MAK movement. He was questioned on his contacts within the MAK such as MAK founder Ferhat Mehenni, to which he stated they were specifically for his journalism work. He was then placed in pretrial detention.³²
- According to information received by the MAK, Mustapha Akkouche and Arezki Hidja were detained on 27 November 2021 and sent to Ain Timouchent.
- On 2 December 2021 Kabylia Activists pleaded to the UN Minority Issues Commissioner requesting the protection of Kabyle people as they declared a state of emergency. The statement expressed that more than three thousand citizens had been already murdered by forest fires and covid, while more than three hundred Kabyle executives were imprisoned. Those detained suffered from rape, and were accused under terrorism charges. The plea called for the immediate involvement of the International Criminal Court (ICC) to determine sanctions against Algeria to halt further human rights violations.³³
- According to information received from the MAK in 2021 the community of Larbaâ Nath Irathen saw a mass wave of arrests resulting in the following individuals to be detained: Moulaek Mouhand Oubelaid, Mouhand Laskri, Yacine Nechak , and Mamou Syphax.
- Imprisoned former Executive of MAK Razik Zouaoui and activist Dda Moh Khedim, lives are in danger. Chafaa Zouaoui, sent an urgent message on 11 January 2022 about the deterioration of Razik’s health condition. He stated that Razik contracted the coronavirus and was asked to draw up a balance sheet of his weight loss but never received a follow-up. Meanwhile, Mohamed Khedim, known as "Dda Moh", is suffering following the deterioration of his health, several sources have reported. The detention conditions of prison Kolea are incompatible with the respect of human dignity.³⁴
- On 17 January 2022 arrests continued against self-determination activists, such as MAK member Sofiane Zarkak and civilian Kader Hammad were detained. Zarkak had been under judicial supervision along with nine other activists, including academic Mira Moknache on charges of "unarmed crowd", "attack on national unity" and "violence against the police " back in 2019. After they had taken part in a rally in support of Kabyle activists and having waved an Amazigh flag during the demonstration. Hammad was arrested and placed under a warrant due to taking a picture of his friends in front of a Kabyle flag. Zarkak is currently awaiting a presentation before an investigating judge.³⁵

32Zidane LAFDAL friends of Kabylie Movement for the Self-determination of Kabylia.

33B, L. (2022). *Prison de Koléa : La vie de deux détenus d’opinion kabyles en danger*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2022/01/17/prison-de-kolea-la-vie-de-deux-detenus-dopinion-kabyles-en-danger/227928/>.

34 B, L. (2022a). *Le régime algérien poursuit sa répression : Nouvelles arrestations de militants kabyles*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2022/01/30/le-regime-algerien-poursuit-sa-repression-nouvelles-arrestations-de-militants-kabyles/228003/>.

35Massi, A. (2022). *Détenus d’opinion kabyles dans les prisons algériennes : Appel à un rassemblement de soutien à la place de la Bastille (Paris)*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2022/01/27/detenus-dopinion-kabyles-dans-les-prisons-algeriennes-appel-a-un-rassemblement-de-soutien-a-> .

- On 27 January 2022 MAK Paris Île de France coordination launched a call for a rally at the Place de la Bastille (Paris) to march against the 230 Kabyle activists who are still held in prisons throughout Algeria without being tried. The MAK urged for support and to challenge the international opinion on the repression against Kabyle which they claim the servile Algerian media being silent over.³⁶
- According to information received by the MAK on 2nd and 4th of March 2022 Moussa Albour and Abderrahmane Si Zid were detained in the village of Toursal where they were taken to Tidjelabine – Libéré.
- On 10 March 2022 boarder control services were reported to have interrogated several Kabyle at the Algiers Airport. The questioning stemmed from the people being possible supporters to the MAK or self-determination movements.³⁷

d. Response of the International Community

Over the past year there has been increasing international recognition of the worsening human rights situation as it relates to the mis-use of anti-terrorist legislation by the Algerian authorities.

In December 2021 UN Special Rapporteurs and the Working Group on Arbitrary Detention addressed a Joint Allegation Letter to the Algerian government on concerns of its mis-use of anti-terrorism legislation.³⁸ The UN Special Rapporteurs emphasized particularly the importance of respecting legality and legal certainty in referencing terrorism. The letter stated Article 87bis remained unclear on what exactly a terrorist act constitutes, with concerns it would allow the prosecution of a wide range of actors, including peaceful activists and critical voices. Such wide definitions are warned to “collide with the principle of legal certainty, undermine rights to peaceful assembly and freedom of expression, and also impose disproportionate penalties for acts that should not be addressed by counter-terrorism legislation”. The letter raised ‘deep concern’ over the fact that Ordinance 21-08 lack the necessary precision to ensure that the measures taken thereunder are necessary and proportionate.

The UN emphasized that the fight against terrorism and the respect to human rights were not competing objectives but worked to reinforce the other. The Special Rapporteurs noted that even though there was no universally accepted definition for terrorism, international conventions in conjunction with UN resolutions required that three key elements must be present when prosecuting someone on terrorist acts: (a) the means used were fatal, (b) the intent of the act must be to arouse fear in the heart of the population or compel a government or international organization from doing or not doing something , (c) the objective was to promote an ideological objective. Instead, the wording of the Algeria penal

³⁶Madani, K. (2022). *À l’aéroport d’Alger, tout Kabyle est suspect !* [online] Le Matin d’Algérie. Available at: <https://lematindalgerie.com/a-laeroport-dalger-tout-kabyle-est-suspect/> .

³⁷*Ibid* Aolain, F., Estrada-Castillo, M., Khan, I., Voule, C. and Lawlor, M. (2021).

³⁸Amnesty International (2021a). *Algeria: Stop using bogus terrorism charges to prosecute peaceful activists and journalists*. [online] Amnesty International. Available at: <https://www.amnesty.org/en/latest/news/2021/09/algeria-stop-using-bogus-terrorism-charges-to-prosecute-peaceful-activists-and-journalists/> .

code remains vague and expands the definition in a manner that does not meet definitions put forward by the Security Council. Reiterating that crimes that did not constitute as terrorism regardless of their seriousness should not be dealt with under anti-terrorism legislation, as activists, human rights defenders, civil society, journalists and others might become restricted in their enjoyment of rights and freedoms of expression, opinion, association, and assembly.

The letter therefore calls upon Algeria to follow the approach used in the United Nations Security Council resolution and the definition proposed by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms in the fight against terrorism, in order to ensure that only behavior of a truly terrorist nature is designated and prosecuted as such under Algerian law.

In September 2021 Amnesty International released a report calling for Algeria to stop falsely accusing opposition groups and journalists of being terrorists.³⁹ The report cites Hassan Bourras and Mohamed Mouloudj as examples of the latest targets to fall victim to Algeria's draconian anti-terrorism legislation. Mr Mouloudj was due to interview MAK president Ferhat Mehenni in January 2021 and was subsequently accused of being a MAK member.

Prior to the most recent reforms, in Algeria's last periodic review from the Human Rights Council in 2018, it was already underlined that Article 87bis may allow the "continuation of behavior which might fall within the practice of freedom of expression or peaceful assembly".⁴⁰ This concern raised by the Committee is particularly relevant in view of the amendments made by Ordinance No. 21-08. Concern was raised that those activists supporting reform would be met with opposition from Algerian authorities. The fear manifested into reality when the Algerian forces began to increasingly resort to Article 87bis to prosecute large number of activists, journalists, and human rights defenders (as seen above).

Other NGO's have also voiced concern at Algeria's recent reforms and crackdown on peaceful activists. The Civic Lens Organization demanded that Algeria immediately release and dismiss charges against all human rights defenders and individuals targeted for exercising their fundamental freedoms, putting an end to the policies and practices that criminalize legitimate human rights work and restriction of civic spaces.⁴¹ Following in suit with recommendations made by the UN Human Rights Committee, The Civic Lens Organization recommended amending or repealing such overly board provisions within the penal code, and ending legislation that represses public freedoms in accordance with the International Covenant on Civil and Political Rights and African Charter on Human and Peoples Rights (ACHPR). The organization also requested the repealing or amending of Article 87bis

³⁹Human Rights Committee, *Concluding observations on the fourth periodic report of Algeria*, August 17, 2018, CCPR/C/DZA/CO/4, § 17 .

⁴⁰Kgalalelo Gaebee (2021). *Algeria: Marked regression in human rights underscored by proliferation of baseless terrorism prosecutions*. [online] Civicus.org. Available at: <https://www.civicus.org/index.php/media-resources/news/5530-algeria-marked-regression-in-human-rights-underscored-by-proliferation-of-baseless-terrorism-prosecutions>.

⁴¹Mena Rights Group (2021a). *82 civil society organizations call on states to take action to address the Algerian authorities' alarming crackdown on pro-democracy forces during HRC 47 | MENA Rights Group*. [online] menarights.org. Available at: <https://menarights.org/en/articles/82-civil-society-organisations-call-states-take-action-address-algerian-authorities>.

of the Penal Code so as to include a concise definition for what constituted as terrorist acts in order to prevent restricting of fundamental human rights.

In May 2021, 82 civil society actors, including Amnesty International, Human Rights Watch and MENA Rights Group, among many others, also addressed a joint letter to the Human Rights Council calling for states' action to address the Algerian authorities alarming crackdown on pro-democracy forces.⁴² The signatories called for member states to demand open independent, impartial, and effective investigations into allegations of torture and other ill-treatment conducted by Algerian forces against citizens who peacefully demonstrated. In addition, they called for the UN to take a more assertive stance to protect Algerians and their rights to peaceful expression, assembly, and association.

In December 2021, a coalition of 11 NGOs again raised serious concerns over the sustained repression of fundamental freedoms and legitimate human rights work in Algeria, including the marked proliferation of prosecutions on baseless terrorism charges against human rights defenders, journalists and peaceful activists.⁴³ The organizations, including Frontline Defenders, Article 19, and MENA Rights Group among others, stresses the proliferation of arbitrary terrorism prosecutions since April 2021, observing that "a continued crackdown on civic space in Algeria will only serve to maintain a climate of fear and repression and will encroach on the development of any human rights work and independent, peaceful activism".⁴⁴

Section 2: Restrictions on Civil and Political Rights

Algeria has been categorized by Freedom House as "not free" since it began publishing such ratings in 1972, with the exception of 1989, 1990, and 1991, when the country was labeled "partly free". In the latest country report, Algeria scores only 10 out of 40 on political rights, and 22 out of 60 on civil rights, demonstrating a overall deterioration from the previous year.⁴⁵ Despite the emergence of a new President in 2019 with promises to instill rule of law and respect human rights following the Hirak protests in 2019, serious encumbrances remain on the exercise of civil and political rights in Algeria. The months preceding the legislative elections held on 12 June 2021 in particular saw a marked increase in suppression of civil and political liberties. As seen in the preceding section, Algerian authorities are increasingly resorting to national security laws to prosecute people who exercise their rights to freedoms of opinion and expression, and peaceful assembly and association. Algeria is a State Party to the 1966 International Covenant on Civil and Political Rights (ICCPR).

⁴²Mena Rights Group (2021b). *Algeria: Marked regression in human rights underscored by proliferation of baseless terrorism prosecutions* | MENA Rights Group. [online] menarights.org. Available at: <https://menarights.org/en/articles/algeria-marked-regression-human-rights-underscored-proliferation-baseless-terrorism>.

⁴³ *Ibid.*

⁴⁴ Freedom House (2021). *Algeria: Freedom in the World 2021 Country Report*. [online] Freedom House. Available at: <https://freedomhouse.org/country/algeria/freedom-world/2021>

⁴⁵Mena Rights Group (2015). *الجمهورية الديمقراطية الجزائرية الشعبية الديمقراطية الجزائرية الجمهورية الجزائرية الديمقراطية الجزائرية*. [online] Available at: https://menarights.org/sites/default/files/2019-10/ALG_PenalCode_0.pdf

a. Freedom of Expression

Although the constitution in Algeria provides for freedom of expression, speech is severely restricted in practice. Vaguely worded laws with disproportionate penalties hamper free expression, exacerbated by the authorities frequent use of harassment and exertion of pressure on regime critics and human rights activists.

Despite public debate and criticism of the government being widespread, activists, human rights defenders and journalists are increasingly limited in their ability to criticize the government on certain topics, particularly as it relates to religion and Kabylia self-determination, which are viewed as damaging to Algeria's national unity and sovereignty.

Within Algeria's legislative framework, penalties for insulting or undermining "public security or order" have intensified with last year's Penal Code reforms. Ordinance No. 20-06 amending Article 196bis imposes a punishment of "one to three years and a fine of DA 100,000 to DA 300,000, [for] anyone who willfully disseminates or propagates, by any means, to the public false or slanderous information or news likely to undermine public security or order. In the event of a repeat offense, the penalty shall be doubled".⁴⁶ The ambiguity and lack of definition of "false information" provides Algerian authorities with disproportionate and discretionary power, allowing them to suppress critical content, particularly as it relates to any kind of 'separatist' movements.

Moreover, those found criticizing the authorities are liable to be arrested and prosecuted through Article 144 of the penal code, which criminalizes defamation and imposes a punishment of imprisonment from six months to three years, or a fine of 100,000 DA to 500,000 DA, or both, for whoever "with the intention of damaging their honour, delicacy or the respect due to their authority", holds in contempt a magistrate, commander or law enforcement officer, "either by words, gestures, threats, sending or handing over of any object, either in writing or drawing not made public".⁴⁷

These provisions present significant difficulties for political opponents, regime critics and human rights defenders, as well as victims' families, and the general public, to speak out or report about the serious human rights violations committed. As seen in the preceding section, authorities frequently arrest and detain citizens for expressing views deemed damaging to state institutions and Algeria's territorial integrity. Citizens are therefore frequently forced to undergo self-restraint in expressing public criticism.

b. Media Freedom

The Algerian authorities exert significant control over press, with recent reforms on digital media significantly exacerbating the lack of freedom in the media. In Algeria, state media comes under strict control and censorship, delivering information that must first be approved by the authorities. In that context, independent platforms such as private media, social media, and other overseas media outlets

⁴⁶*Ibid.*

⁴⁷United States Department of State (2020). *Algeria*. [online] United States Department of State. Available at: <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/algeria/> .

represent critical sources of information. However, these avenues are currently being increasingly restricted.

The Algerian Authorities frequently block the distribution of independent news outlets that are based abroad or online. Organizations wishing to initiate regular publications must obtain authorization from the government.⁴⁸ The law requires the director of the publication to hold Algerian citizenship. The law additionally prohibits local periodicals from receiving direct or indirect material support from foreign sources.⁴⁹

The Media Directorate is responsible for issuing and renewing accreditation to foreign media outlets operating in the country.⁵⁰ Although this accreditation is required to operate legally, most foreign media have not been able to receive accreditation. Regulations also require that shareholders and managers of any radio or television channel to be citizens and prohibit them from broadcasting content that offends “values anchored in Algerian society.”

The legislative framework in Algeria contains a number of key provisions detrimental to media freedom. For instance, Article 2 of Algeria’s 2012 Information Code maintains that the activities of the press must be conducted within the constraints of respect for “national unity and sovereignty, the demands of state security and national defense, [and] the country’s economic interests”, among others.⁵¹

Article 96 of the Penal Code also criminalizes the distribution, sale or exhibition of leaflets or bulletins of “such a nature as to harm the national interest,” and Article 100 criminalizes and punishes, through a sentence of minimum two years in prison, “any direct provocation to an unarmed gathering either by speeches uttered publicly, either by written or printed material displayed or distributed.”

Moreover, in December 2020 the government adopted its first ever decree governing electronic media. The decree presents new restrictions for operating digital media in Algeria, for example by requiring Algerian media outlets to register on a .dz internet domain. This presents a clear attempt to control foreign online content considering the strict regulations on expression as almost all opposition sites are registered outside of Algeria to preserve the safety of their contributors, who often use pseudo-names to protect themselves and their families from state harassment and reprisals.

Through these broadly defined and disproportionately harsh penalties, Algeria exerts significant pressure on media outlets through arresting journalists for defamation. Self-censorship by some journalists is therefore increasingly common.

For instance, on 18 May, Radio M’s director Ihsane El Kadi was placed under judicial control for “undermining national unity” and “publications that harm the national interest,” after publishing an article criticizing the labelling of MAK as terrorist groups.⁵² Similarly, on 13 September, authorities

⁴⁸*Ibid.*

⁴⁹ *Ibid.*

⁵⁰ People’s Democratic Republic of Algeria (2012). *Code de l’information*. [online] Available at: https://menarights.org/sites/default/files/2016-11/ALG_CodeInfo_2012_FR.pdf art. 2.

⁵¹ *Ibid* Human Rights Watch (2021).

⁵² *Ibid* Human Rights Watch (2021).

arrested Mohamed Mouloudj, and later charged him with “spreading false news, harming national unity and belonging to a terrorist group”, the latter charge in reference to the MAK movement. After an investigative judge in Algiers questioned Mouloudj on his contacts with MAK founder Ferhat Mehenni, Mouloudj answered that the contacts were part of his journalistic work.⁵³

Since 2020 authorities have also stepped up prosecutions on social media users. A number of cases have arisen in which postings on social media have resulted in arrest and questioning related to critical comments that touch on the government or religion. It is generally understood that the intelligence services closely monitored the activities of political and human rights activists on social media sites, such as Facebook.

Authorities use these and other legal mechanisms to harass the media and censor or punish controversial reporting. Journalists and bloggers are frequently subjected to brief detentions, short jail terms, suspended sentences, or fines for offenses including defamation and “undermining national unity”.⁵⁴

C. Freedom of Assembly

The constitution provides for the right of peaceful assembly, but the government in practice curtails this right to a significant degree. Since 2001, for instance, a government decree has placed a blanket ban on demonstrations in Algiers.

Law No. 91-19 on public meetings and demonstrations severely restricts the right to freedom of peaceful assembly.⁵⁵ The Law defines “public gatherings” as “temporary rallies of people, agreed upon beforehand and organized outside public roads in a closed place that is easy for people to join. Its purpose is the exchange of ideas or the defense of joint interests”. Authorities may prohibit the gathering without being required to explain their decision. The Law also requires that organizers of “public demonstrations” request approval from the governor eight days before the demonstration’s planned date.

Public demonstrations are defined as “processions, parades, or gatherings of people in a public manner, and all demonstrations that go through public roads”. The governor is required to decide whether to approve or refuse the request at least five days before the proposed holding of the demonstration. Law 91-19 prohibits in any gathering or demonstration “any prejudice towards national constants, or to the symbols of the 1 November Revolution, public order, or public morals”. These terms are not defined, and a sentence of imprisonment ranging from three months to a year and fines for participation in an illegal assembly can be imposed.

⁵³International Center For Non-Profit Law (2021). *Algeria*. [online] ICNL. Available at: <https://www.icnl.org/resources/civic-freedom-monitor/algeria> .

⁵⁴*Ibid* Mena Rights Group (2015).

⁵⁵DE LA REPUBLIQUE ALGERIENNE DEMOCRATIQUE ET POPULAIRE (2012). *JOURNAL OFFICIEL*. [online] pp.1–48. Available at: https://www.icnl.org/wp-content/uploads/F2012002.pdf?_ga=2.168189857.1450065692.1648028798-1207427534.1646948754 .

Articles 97 and 98 of the Penal Code further punish organizing or participating in an unauthorized demonstration, known as “unarmed gathering”, in a public place with up to one year in prison.⁵⁶ The penalty is up to three years in prison if “the unarmed person continued to be part of an armed gathering that dissipated only when force was used”.⁵⁷

This legal framework has been frequently used to prevent and suppress associations of activists and human rights defenders from organizing peaceful protests.

D. Freedom of Association

The Algerian Constitution protects the freedom of association, including the right to form association, however in reality, major obstacles exist in the realization of this right.

The 2012 Law on Associations (Law No. 12-06) significantly restricts the formation, funding, and activities of nongovernmental organizations.⁵⁸ Most notably, the law allows the executive to refuse to register any association whose purpose would be contrary to “national constants and values, public order, good morals and the provisions of the laws in force. The law also allowed the government to suspend an association’s activities or dissolve it on vague grounds. The law also places restrictions on associations’ founders, makes it difficult for associations to receive foreign funds, and imposes heavy fines and criminal penalties for members or leaders of informal associations.

Moreover, Law No. 12-06 required all associations including those already registered to re-file registration applications and obtain a registration receipt from the Ministry of Interior before they can operate legally. Rejected applications have reportedly faced difficulty in appealing. Since the law’s adoption, a number of associations faced new obstacles in carrying out their activities, with some organizations opting to close down voluntarily rather than confront administrative and legal hurdles.

Many articles in the new law contravene Algeria’s obligations under the ICCPR, which enshrines the rights to freedom of expression, assembly and association. In May 2012, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association stated that persons involved in unregistered associations should be free to carry out activities, including the right to hold and participate in peaceful assemblies, and should not be subject to criminal sanctions.

In 2018, the the UN Human Rights Committee noted with concern that the Law No. 12-06 contained provisions that are restrictive and subject an association’s stated objective to vague, imprecise and general criteria, such as the “public interest” and “respect for national values and principles”.⁵⁹

⁵⁶Indigenous World (2019). *Indigenous World 2019: Algeria - IWGIA - International Work Group for Indigenous Affairs*. [online] www.iwgia.org. Available at: <https://www.iwgia.org/en/algeria/3465-iw2019-alge->

⁵⁷Mena Rights Group (2020). *Algeria: Penal code amendments restrict freedoms of expression and association | MENA Rights Group*. [online] menarights.org. Available at: <https://menarights.org/en/articles/algeria-penal-code-amendments-restrict-freedoms-expression-and-association>

⁵⁸*Ibid* Aolain, F., Estrada-Castillo, M., Khan, I., Voule, C. and Lawlor, M. (2021)

⁵⁹Alkarama (2022). *ALGERIA: UN experts call on the government to reform its anti-terrorism legislation | Alkarama*. [online] www.alkarama.org. Available at: <https://www.alkarama.org/en/articles/algeria-un-experts-call-government-reform-its-anti-terrorism-legislation>

Moreover, Article 95 bis of the Penal Code, as amended in 2020, subjects individuals to five to seven years of imprisonment, in addition to a fine that ranges from 500,000 to 700,000 DA, if they receive: “funds, a gift or an advantage, by any means, from a State, an institution or any other public or private body or from any legal or natural person, inside or outside the country, 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, national unity, territorial integrity, the fundamental interests of Algeria or public security and order”.⁶⁰ The provision states that the “penalty shall be doubled when the funds are received within the framework of an association, group, organization or agreement, regardless of its form or name.”

The criminalization of foreign funding, particularly when the recipient is an association, as provided for in article 95 bis runs counter to Human Rights Council Resolution No. 22/6 calling on states to ensure “that no legislative provision criminalizes or discredits activities for the defense of human rights on the grounds of the geographical origin of their source of funding”.⁶¹ In its 2018 Concluding Observations on Algeria, the HR Committee had already expressed concern that “cooperation with foreign organizations and the receipt of funds from abroad are subject to prior clearance by the authorities”.⁶² The above legal framework severely impedes human right defenders from conducting their legitimate activities, as protected under article 22 of the ICCPR.

Section 3: Transnational Reprisals

Since the resurgence of protests in February 2021, the Algerian regime have used accusations of terrorism to suppress and intimidate activists both in the country and outside, through transnational reprisals against the diaspora, refugees and exiles. Based on spurious accusations, the regime issues international arrest warrants with which it justifies the detainment of individuals it perceives as a threat.

In August 2021, the Algerian judiciary issued an international arrest warrant against the MAK’s leader, **Ferhat Mehenni**, accusing him and his movement of setting fires that destroyed large areas of the mountainous region as well as being involved in the killing of Jamal Ben Ismail (see section 4). Mehenni has been exiled in France as a political refugee since 2010 owing to Algeria’s highly repressive tactics against the movement. Mehenni strongly repudiates accusations of any involvement of him or his movement in these events, highlighting the lack of any legitimate evidence. The Public Prosecutor expressed it’s hope for “the cooperation of the countries in which these people are present in order to hand them over to the Algerian judiciary as soon as possible”, stating that “all these people will

60 Cherif, S. (2021). *Mandat d’arrêt international contre le président du MAK : Alger appelle Paris à livrer Ferhat Mehenni* Actualités. [online] le Soir d’algérie. Available at: <https://lesoirdalgerie.com/actualites/alger-appelle-paris-a-livrer-ferhat-mehenni-66589>

61 Amnesty International (2021). *Algerian refugee deported from Tunisia now imprisoned in Algeria*. [online] Amnesty International. Available at: <https://www.amnesty.org/en/latest/news/2021/09/algerian-refugee-deported-from-tunisia-now-imprisoned-in-algeria>

62 Bobin, F. (2021). *Inquiétude en Tunisie après la mystérieuse disparition de Slimane Bouhafs, réfugié politique algérien*. *Le Monde.fr*. [online] 1 Sep. Available at: https://www.lemonde.fr/afrique/article/2021/09/01/inquietude-en-tunisie-apres-la-mysterieuse-disparition-d-un-refugie-politique-algerien_6092996_3212.html

not know peace and will be prosecuted wherever they are”.⁶³ While Algeria has attempted to exert pressure on French authorities, and despite Paris and Algiers having recently signed an extradition convention, France has so far refused to respond to Algeria’s requests.

In other recent cases of politically motivated extradition requests, foreign authorities have not abode by the Geneva Convention which prohibits returning a refugee to the country in which they are persecuted, but have rather seemingly colluded with the Algerian authorities.

For instance, **Slimane Bouhafs**, an Algerian political refugee in Tunisia, was abducted and returned to Algeria in August 2021. Bouhafs is a Christian convert and activist for the autonomy of Kabylia who was previously sentenced to three years in prison on charges of “offending the Prophet” and “denigrating the creed and precepts of Islam” under Article 144 bis 2 of Algeria’s Penal Code. The charged were in connection with comments, exercised within his legitimate right to freedom of expression, posted on Facebook and deemed offensive to Islam. He was denied access to a lawyer throughout his initial trial and was only able to access legal counsel during his appeals trial. He spent two years in prison before his release in 2018 after a presidential pardon and was recognized as a refugee in 2020 by the UNHCR.⁶⁴

On 25 August 2021 in Tunis, Bouhafs was reported to have been kidnapped by a group of men in plain clothes who did not disclose their identity after a raid on his home.⁶⁵ A member of the family told Amnesty, “the driver of the vehicle stayed inside while three others went to his apartment and forced him out. One of them was holding a suitcase which apparently contained his belongings, and then they left. The neighbours immediately went to the police and gave their testimonies”.⁶⁶ Bouhafs was then forcibly expelled and handed over to the Algerian authorities. He is accused of being an activists of the Movement for the Self-Determination of Kabylia (MAK) and having had contact with Ferhat Mehenni, the president of the Movement.

On 1 September 2021 in front of an investigative judge Sidi M’hamed tribunal in Algiers, he was remanded in prison on six charges, which have not been disclosed. Neither the Tunisian nor the Algerian authorities had commented if he had been expelled or extradited to Algeria on behalf of the Algerian government. In an official response, UNHCR said it was “gravely concerned about reports of the forced removal to his country of origin of a refugee recognized by UNHCR in Tunisia”.⁶⁷ His current status and whereabouts is currently unknown.

⁶³ Ibid Amnesty International (2021). *Algerian refugee deported from Tunisia now imprisoned in Algeria*.

⁶⁴ Ibid.

⁶⁵ T, A. (2022). *Abuses and torture in the time of the Algerian Hirak: The Case of Mohamed Abdallah – Algeria-Watch*. [online] algeria-watch.org. Available at: <https://algeria-watch.org/?p=81182#sdfootnote4sym> .

⁶⁶ Urbicus, Q.L. (2021). *Mohamed Abdallah: Algerian anti-corruption activist and political opponent is risking illegal...* [online] Medium. Available at: <https://medium.com/@quintusloliurusbicus/mohamed-abdallah-algerian-anti-corruption-activist-and-political-opponent-is-risking-illegal-5696d699969f>

⁶⁷ Aljazeera (2021). *Algeria issues “terrorism” warrants for exiled activists*. [online] www.aljazeera.com. Available at: <https://www.aljazeera.com/news/2021/3/22/algeria-issues-terrorism-warrants-for-exiled-activists>

Around the same time, **Mohamed Abdellah**, an anti-corruption activist and whistle-blower, was forcibly returned to Algeria from Spain where he had attempted to seek safety from reprisals. After Abdellah reported the widespread corruption, bribery and fraudulent conduct he had encountered while working within the patrol forces of the Algerian Gendarme, he began to receive threats and feared for his families lives. In November 2018, Abdellah and his family fled to Spain, and settled in Alicante where he filed for political asylum. However, he also started to receive regular intimidation and threats in Spain, and in 2020, intelligence agents allegedly began to track down his family.⁶⁸ Around the same time, he was subject to an unprovoked violent attack in Alicante by Algerian individuals, thought to be linked to the secret services.⁶⁹ Abdellah had contacted the Spanish police and filed several complaints.

In April 2021 Algeria issued an international arrest warrant for Abdellah, among another three prominent government critics, for ‘terrorism’ charges.⁷⁰ The warrant accused Abdellah of “undermining public order and the security and stability of the State”, as well as claiming he was involved in plans to exploit the Hirak movement and steer it away from its “peaceful character”. On 11 August 2021 Abdellah was informed that his asylum application had been denied and was then immediately arrested and transferred to a detention center for irregular migrants, near Barcelona. On 20 August 2021 the decision to expel Abdellah was announced by the Spanish Minister of the Interior.⁷¹ The following day he was transferred from the detention center in Barcelona to the city of Almeria. There he was forced to board a boat to Ghazaouet in Algeria, where he was immediately transferred to Algiers and detained.

Algeria’s use of ‘terrorist’ charges to justify the deportation of government critics from democratic states like Spain is particularly concerning. The speedy deportation, authorized by the Spanish Minister of the Interior, raises significant concern over Spain’s handling of Abdellah’s extradition in light of the legal protections allowed to asylum seekers.⁷²

All of these cases are illustrative of the extensive and cross-border reach of Algeria’s persecution against individuals it perceives as a threat. Algeria’s arbitrary use of fabricated terrorist charges to forcibly return and prosecute those who have sought safety abroad demonstrates another instrument of

68 Contrib (2021). *El gobierno de Pedro Sánchez entrega activistas pacíficos al régimen militar argelino a cambio de gas – Mohamed Abdellah*. [online] <https://mohamedabdellah-org>. Available at: https://mohamedabdellah-org.translate.goog/2021/11/11/el-gobierno-de-pedro-sanchez-entrega-activistas-pacificos-al-regimen-militar-argelino-a-cambio-de-gas/?x_tr_sl=fr&x_tr_tl=en&x_tr_hl=en

69 Alexander, I. (2021). *Algerian whistleblower imprisoned after Spain deportation*. [online] www.aljazeera.com. Available at: <https://www.aljazeera.com/news/2021/10/12/algeria-whistleblower-fears-for-life-after-spanish-deportation>

70 Mezahi, M. (2021). *Algerians decry lack of government support as wildfires rage*. [online] www.aljazeera.com. Available at: <https://www.aljazeera.com/news/2021/8/13/algerians-decry-lack-of-government-support-as-wildfires-rage#:~:text=According%20to%20the%20General%20Directorate>

71 Imaxlufen, D. (2021a). *Seddouk: La forêt Aâchouche brûle !* [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/07/22/seddouk-la-foret-aachouche-brule/182026/>

72 Relief Web (2021). *Algeria: Wild Fires - Aug 2021*. [online] ReliefWeb. Available at: <https://reliefweb.int/disaster/wf-2021-000115-dza>.

the state's repressive tactics, as seen in the preceding sections, to undermine, neutralize or eliminate political dissent and opposition.

Section 4: Kabylia Forest Fires

Wildfires during the summer are a common occurrence in Algeria, however the 2021 wildfires, situated predominately within the region of Kabylia, were the most wide-spread, devastating and fatal that the country has seen in many decades. According to the General Directorate of the Civil Protection, there were a total of 100 active fires in Algeria.⁷³ The mountainous province of Tizi Ouzou, the largest in Kabylia, was the worst hit. Many people lost their homes and livestock, with many families finding themselves on the street with little or no possessions. The unprecedented death toll of at least 80 people was significantly higher than the ones recorded in other countries in the region who were experiencing similar fires.

The wildfires began again on 21 July 2021, in the forests of Vgayet.⁷⁴ The forest fires then ravaged, with over 70 fires occurring throughout 13 cities including Tizi-Ouzou, Bouira, Setif, Khencehla, Guelma, Bejaia, Bordj Bou Arreridj, Boumerdes, Tiaret, Medea, Tebessa, Bilda, and Skikda.⁷⁵ On 9 August 2021 hundreds of families were forced to flee their homes and villages as 35 fires broke out in several communities in Tizi Ouzou. On 10 August 2021, about 31 fires broke out in the morning with about 10 burning through Tizi Ouzou, four in Jijel, and four others in Setif and Bejaia, according to the Algerian Civil Defense.⁷⁶

It was recorded that hundreds of hectares of maquis, forest, shrub and fruit trees, especially olive trees and cork oaks were ravaged by the forest fires. The inhabitants of the burnt regions included Adekar, Vgayet (Ighil El-Bordj, Gouraya), Ath K'sila, Toudja, Aokas, Tichy, Taskriout and Melbou. Firefighters were unable to reach most areas due to lack of trails, with no aircrafts to intervene overhead. The Soummam Humaintaire association in Akbou among others helped to deliver food, and other needed supplies for victims.⁷⁷

On 16 August 2021 23,000 hectares of green space were lost in several regions of Tizi Ouzou such as At Yanni, Larbâa Nat Irathen, At Ouacif, Boghni, Ath Douala, At Aissi, Ouadhias, Iloula Oumalou,

⁷³Hamad, F. (2021). "Animals, fields, houses, everything is ravaged": Forest fires rage in Kabylia, Algeria. [online] The Observers - France 24. Available at: <https://observers.france24.com/en/africa/20210811-forest-fires-kabylia-algeria>

⁷⁴Imaxlufen, D. (2021a). *Feux de forêts. Un crime contre la Kabylie...* [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/08/11/feux-de-forets-un-crime-contre-la-kabylie/183340/>

⁷⁵Haddouche, T. (2021c). *Tizi Ouzou : 23 000 hectares réduits en cendres.* [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/08/16/tizi-ouzou-23-000-hectares-reduits-en-cendres/183721/>

⁷⁶Tirourda, I. (2021). *Tizi Ouzou : 32 000 oliviers ravagés.* [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/08/16/tizi-ouzou-32-000-oliviers-ravages/183782/>

⁷⁷Massi, A. (2021a). *Emmanuel Macron. Déploiement demain de deux Canadiens et un avion de commandement en Kabylie "en proie à de violents incendies"!* [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/08/11/emmanuel-macron-deploiement-demain-de-deux-canadairs-et-un-avion-de->

Iiliten, Iboudraren and more. The hectors represent 8% of the overall plant area of the administrative department of Tizi Ouzou, which represents an area of 299,300 hectares.⁷⁸ While 32,000 olive trees burned in Michelet, Ouadhias, Larbâa Nath Irathen and Ath Yanni where the olive trees dominate 320 hectares.⁷⁹

Many civilians voiced concerns over the lack of governmental support. There was little help in evacuations, and instead it fell upon the people themselves to mobilize and flee towards safety. As a result, the Kabylia region pleaded for help from European allies. French President Emmanuel Macron announced via a tweet that the EU had dispatched two Candairs and a command plane to help combat against the forest fires.⁸⁰

The response by the Algerian authorities was, overall, extremely poor, with many citizens questioning why their state had been unable to respond as effectively as other Mediterranean countries to the crisis. A climate of mistrust and paranoia evolved by the belief that the fires were not natural but man-made. Such beliefs were fueled by the President and Minister of Interior, who insisted that “arsonists” were behind the wildfires.⁸¹ This was exacerbated by the President ordering a bill to stiffen punishments for starting a forest fire, with sentences of up to 30 years in prison – and possible life imprisonment, if the fire results in death.⁸²

Mistrust around the fire led to devastating consequences. In the town of Larbaa Nath Irathen in Tizi Ouzou, an angry mob forcibly removed from a police van a man suspected of starting a fire, lynched him in the town’s main square, and set his dead body on fire.⁸³ It has later been revealed that the victim was 35-year-old artist and activist Djamel Bensmail who came to the region to offer humanitarian aid to the local population. The investigation into the incident carried out by the relevant security services has led so far to “the arrest of 61 suspects involved, to varying degrees, in the killing, immolation and mutilation of a corpse, the destruction of property and assault against a police station”.⁸⁴

In their investigations of the wildfires and killing of Bensmail, the Algerian authorities were swift to place the blame on MAK, with the Algerian High Security Council (HCS) on 18 August 2021 claiming the group were responsible.⁸⁵ While the authorities did not provide any legitimate evidence for their

78Aljazeera (2021b). *Algeria wildfire death toll rises as 25 soldiers killed*. [online] www.aljazeera.com. Available at: <https://www.aljazeera.com/news/2021/8/10/algeria-wildfire-death-toll-rises-as-25-soldiers-killed>

79 The Arab Weekly (2021). *Algeria hit by wildfires, five dead* |. [online] AW. Available at: <https://theArabweekly.com/algeria-hit-wildfires-five-dead>

80 Bouandel, Y. (2021). *Why did wildfires claim so many lives in Algeria?* [online] www.aljazeera.com. Available at: <https://www.aljazeera.com/opinions/2021/8/20/why-did-wildfires-claim-so-many-lives-in-algeria>

81 *Ibid.*

82Massi, A. (2021a). *Algérie/ Incendies perpétrés en Kabylie et meurtre de Djamel Bensmail : Crimes et mensonges d’Etat*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/08/19/algerie-incendies-perpetres-en-kabylie-et-meurtre-de-djamel-bensmail-crimes-et-mensonges-detat/183978>

83Myers, E. (2022). *Algeria’s Amazigh Problem: Escalation of the Kabylia Conflict (Part 1 of 2)*. [online] Inside Arabia. Available at: <https://insidearabia.com/algerias-amazigh-problem-escalation-of-the-kabylia-conflict-part-1-of-2/>

84*Ibid* Massi, A. (2021e)

85Massi, A. (2021c). *Réactions aux accusations fallacieuses contre le MAK : Entre courage, lâcheté et silence assourdissant*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/08/20/reactions-aux-accusations-fallacieuses-contre-le-mak-entre-courage-lachete-et-silence->

claims, they proceeded to arrest at least 36 individuals in relation to the fires, including the issuance of an arrest warrant for the groups president, Ferhat Mehenni, as seen in the preceding section.

The allegations extended to Israel and Morocco as Algeria blamed both countries for their involvement in the forest fires in 2021. The two countries are known for their support of the MAK movement, and have thus been blamed based on association with the MAK.⁸⁶

In response to the Algerian government's allegations, Mehenni convened two press conferences, from 31 August and 24 September 2021 in Paris.⁸⁷ He accused "Algeria of lying about all these things," and the government's strategy to "demonize the Kabyle people" and "influence international public opinion to think that the MAK was behind the fires", Mehenni also alleged the Algerian government of attempting genocide by burning large areas of land throughout Kabylia, while, also condemning the government for causing the fires as a means of crushing the independence movement. The group have called for an international investigation into the circumstances around the wildfires, as the MAK believe that the Algerian Government set up the forest fires and have submitted proof of government drones and aircrafts being used to the International Criminal Court.

MAK Activist Kader Sadji spoke out against the allegations of the involvement of the MAK organization in the fires and the assignation of Djamel Bensmail.⁸⁸ Sadji states that it was a cabal and false propagandist campaign, meant to provoke the members of the organizations and defenders of Kayblia.⁸⁹

Rather than acknowledging head on the state's lack of resources and infrastructure to adequately respond to the wildfires, the government instead opted to scapegoat its political opponents. Indeed, these events demonstrate that in recent years there have not been any serious investment in the firefighting and forestry services in Algeria, while assistance from the international community had not been sufficient. Moreover, the lack of independent investigations and lack of forum to openly deliberate on the crisis led to intensive and misguided blame, resulting in escalated societal tensions and a renewed wave of arbitrary arrests and detentions. These prosecutions can therefore be seen as yet another instrument of the Algerian authorities' ongoing repression of rights defenders and targeting of Kabyle self-determination activists.

⁸⁶Haddouche, T. (2020e). *Premier cas de coronavirus à Tizi Ouzou*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/03/12/premier-cas-de-coronavirus-a-tizi-ouzou/150831>

⁸⁷S, N. (2020a). *Coronavirus, les Kabyles livrés à eux-mêmes*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/03/22/coronavirus-les-kabyles-livres-a-eux-memes/150913/>

⁸⁸S, N. (2020b). *Les comités de villages organisent le confinement en Kabylie*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/03/24/les-comites-de-villages-organisent-le-confinement-en-kabylie/150949/>

⁸⁹S, N. (2020b). *Des comités de villages imposent leur autorité*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/03/27/des-comites-de-villages-imposent-leur-autorite/>

Section 5: Response Toward Covid-19

The Algerian state's response to Covid-19 in Kabylia in 2020-2021 also demonstrated gross neglect, leading to unnecessarily high fatalities and intensified tension with the authorities.

The first case of coronavirus in Kabylia was confirmed by Abbès Ziri, Director of Health for the wilaya of Tizi Ouzou in the Pasteur Institute in Algiers. The patient was admitted to the hospital and placed in isolation. Additionally, the first deaths caused by Covid 19 were recorded in the following Kabylia communities: Tizi Ouzou (1), Souk Ahras (1) and Blida (3). The Algerian Ministry of Health and Population issued a statement where it identified 24 new cases of Covid 19 in the country.⁹⁰

Kabylia health departments then received no equipment nor instructions from the Algerian government, despite being burdened with disproportionately high numbers of cases. Consequently the local people began to organize themselves, raising awareness to all citizens to begin volunteering to clean neighborhoods and villages.⁹¹ Village Committees installed roadblocks at the exits and entrances of villages to properly manage the confinement of citizens in Tizi Ouzou, Vgaget, Setif, Tuviret and Boumerdès.⁹² The Algerian authorities remained absent in Kabylia as citizens committees in villages continued to combat against the virus themselves. They only authorized outings in cases of extreme necessity, with citizens respecting the preventive measures established in their village instructions.⁹³

However, throughout these events, it was reported that state representatives at the local level (heads of local administrations, police and gendarmerie authorities) monitored, summoned and attempted to intimidate members of village committees by threatening to prosecute them for illegal activities and even for "undermining State authority and national unity".⁹⁴ Authorities were also reported to have dismantled several checkpoints set up by villages and carried out acts of violence against people who tried to intervene.⁹⁵

During the pandemic, doctors in Bgayet had raised the alarm on the growing problem of lack of resources, particularly in the CHU of the capital. At the University Hospital of Tizi Ouzou a nurse stated that private doctors needed to get involved as many doctors were leaving the healthcare field.⁹⁶

⁹⁰Ibid Indigenous Peoples and the response to Covid-19

⁹¹Ibid

⁹²S, N. (2020c). *Kabylie : Des médecins auto-confinés*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/04/05/kabylie-des-medecins-auto-confines/151095/>

⁹³Ibid

⁹⁴S, N. (2020d). *Kabylie : la police politique ordonne aux chefs de daïras d'écarter les comités de villages*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/04/07/kabylie-la-police-politique-ordonne-aux-chefs-de-dairas-decarter-les-comites-de-villages/151111/>

⁹⁵Ibid

⁹⁶Haddouche, T. (2020c). *Bgayet : la direction de la Santé interdite de communiquer sur le coronavirus*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2020/04/15/bgayet-la-direction-de-la-sante-interdite-de-communiquer-sur-le-coronavirus/151215/>

The nurse observed that “If the Kabyles had a state, it would have already requisitioned all the people who work in the health sector, private or public” to combat against the rising Covid-19 threat.⁹⁷

Indeed exacerbating the situation, the Algerian government gave orders to dismiss the village committees, the mayors and the local elected officials.⁹⁸ A note from the Military Security required all movements to be authorized from the heads of daïras, while the government continued to provide no assistance to the people of Kabyle.⁹⁹ The Department of Health and Population of Bgayet was also ordered to no longer communicate figures or information on the evolution of the pandemic, barring all official information and balance sheets becoming no longer available at the local level.¹⁰⁰

Moreover, the Algerian government promised to acquire large quantities of the vaccinations yet failed to meet its oath as thousands more remained waiting for their vaccinations against the virus, according to an official at the Sidi Ali Lebhar vaccination center.¹⁰¹ The vaccination campaign in the Kabylia region was reported to be acutely mismanaged and slow in its roll-out.¹⁰²

Medical staff of the public hospital establishment (EPH) protested against the lack of materials needed to help with patient care against covid-19. Doctors reported there was no more oxygen or room and that they could no longer take care of the sick.¹⁰³ The situation is was similar in Tizi Ouzou where in the Nedir-Moahmed university hospital they received 200 new covid-19 patients a week. The hospital needed 9000 liters/24 hours in order to combat against the loss management had to rigorously maintain the shells from Algiers.¹⁰⁴

97Massi, A. (2021i). *Vgayet/Covid-19 : La vaccination à pas de tortue ! - Tamurt | Votre lien avec la Kabylie*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/04/07/vgayet-covid-19-la-vaccination-a-pas-de-tortue/178411/>

98Ibid.

99Imaxlufen, D. (2021b). *Hôpital d'Aokas: Le personnel médical proteste contre le manque de moyens!* [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/08/03/hopital-daokas-le-personnel-medical-proteste-contre-le-manque-de-moyens/182543/>

100Tirourda, I. (2021b). *Tizi-Ouzou: 200 malades de la Covid-19 par jour au CHU*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/08/05/tizi-ouzou-200-malades-de-la-covid-19->

101Tamurt (2021). *Cagnotte: concentrateurs d'oxygène région Tigzirt*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/07/28/cagnotte-concentrateurs-doxygene-region->

102Massi, A. (2021a). *Cagnotte “Ensemble pour oxygéner Béjaïa” : Plus de 50 000 euros collectés en moins de 72 heures*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/07/31/cagnotte-ensemble-pour-oxygener-bejaia-plus-de-42-000-euros-collectes-en-moins-de-72-heures/182357/>

103Massi, A. (2021e). *Scandale : L'Etat Algérien détourne les dons de la diaspora kabyle destinés à la lutte contre la Covid-19*. [online] Tamurt | Votre lien avec la Kabylie. Available at: <https://tamurt.info/2021/08/08/scandale-letat-algerien-detourne-les-dons-de-la-diaspora-kabyle-destines-a-la-lutte-contre-la->

104Zerrouky, M. (2021). En Algérie, des accusations de tortures suscitent l'indignation. *Le Monde.fr*. [online] 6 Feb. Available at: https://www.lemonde.fr/afrique/article/2021/02/06/en-algerie-des-accusations-de-tortures-suscitent-l-indignation_6069012_3212.html

On 28 July 2021 A call was launched for the purchase of oxygen concentrators for Tizart, Mizrana, Iflissen, Makouda, Boudjima, Ouaguenoun, Aït-Aïssa Mimoun and Timizart.¹⁰⁵ In less than 72 hours 50000 euros were collected by the Les Mains Blanches Association in Vgayet to purchase the oxygen tanks desperately needed in the hospitals which suffer from lack of oxygen and other necessary medical equipment leant to deal with Covid-19.¹⁰⁶

In a press release dated August 6 2021, the Algerian Embassy in France set the conditions for the collection and delivery of donations (medical equipment, consumables and pharmaceutical products) collected by the Algerian and Kabyle diasporas.¹⁰⁷ However, the Algerian state were reported to have diverted donations from the Kabyle diaspora intended for the fight against Covid-19.

Throughout the Covid-19 pandemic, shortcomings from public health services and state health structures have consistently failed to protect the people of Kabylia. Similar to the authorities response to the forest fires, gross neglect and mismanagement of the pandemic, from the withholding of medical equipment and supplies to the slow and insufficient vaccination roll-out, have led to significant strains on the Kabyle's daily lives, as well as increased mistrust in the authorities. There is a need for Covid-19 to be dealt with in a fair and responsible manner by governments around the world to ensure that these communities have access to possibilities that enable them to tackle the pandemic.

Conclusion & Recommendations

Algeria's recent crackdown on peaceful dissent, particularly as it relates to the Kabylia self-determination movement, constitutes a dangerous escalation of repression. This follows on from a long-established history of efforts to silence and repress the Kabylia population. These issues have been exacerbated by the authorities poor response to the forest fires and Covid-19 pandemic, which have instilled an environment of heightened mistrust and tension.

The UNPO strongly condemns Algeria resorting to 'terrorist' labels to criminalize dissent and reminds Algeria of its basic obligations under international law to respect the freedom of association and assembly, as well as its obligation of due process to those detained and arrested. We urge the Algerian authorities to release all those unfairly prosecuted for exercising their rights to peaceful assembly, association and freedom of expression and to cease its targeting and suspension of peaceful opposition groups and self determination movements.

¹⁰⁵Al Monitor (2021). *Algeria blames Israel, Morocco for deadly wildfires - Al-Monitor: The Pulse of the Middle East*. [online] www.al-monitor.com. Available at: <https://www.al-monitor.com/originals/2021/08/algeria-blames-israel-morocco-deadly-wildfires>

¹⁰⁶*Ibid* International Center For Non-Profit Law (2021)

¹⁰⁷Freedom House (2022). *Algeria: Freedom in the World 2022 Country Report*. [online] Freedom House. Available at: <https://freedomhouse.org/country/algeria/freedom-world/2022>

Recommendations

In view of the above mentioned human rights situation in the Peoples' Democratic Republic of Algeria, the Unrepresented Nations and Peoples Organization (UNPO) urge the Government of Algeria to:

- Cease all arbitrary arrests and prosecutions and release all individuals arbitrarily detained.
- Amend or repeal overly broad provisions of the Penal Code and other legislation used to repress fundamental rights and freedoms in line with the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR).
- End the criminalization of the MAK organization and activists related to the right of self-determination.
- Ensure freedom of expression and assembly is respected, in particular, by refraining from use of force against peaceful protesters, enabling peaceful demonstrations and terminating arbitrary detentions of activists, journalists, and human right defenders. Revise domestic legislation to ensure that provisions governing freedom of expression, assembly and association are in line with international standards.
- Revoking the 2001 blanket ban on demonstrations in Algiers.
- Demand prompt, independent, impartial and effective investigations into allegations of torture and other ill-treatment in detention and physical assault during protests - to ensure that suspected perpetrators are held accountable in fair, civilian trials.
- Implement a full and independent UN-led investigation into the forest fires in the Kabylia region.
- Ensure fair and responsible handling of the coronavirus health crisis by allocating medical supplies from the international community to the Kayblian population.
- Ratify the International Convention for the Protection of all Persons from Enforced Disappearances and recognise the competence of the Committee on Enforced Disappearance to receive individual complaints as per article 30 and 31 of the ICPED.
- Ratify the Rome Statute of the International Criminal Court.
- Recognize officially the Kabyle people as a “people.”
- Support the organization of the referendum to self-determination.