

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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Keywords: Algeria – Kabylia – Berbers – Homosexuals – Citizens’ Movement – Azru Medyazen – Christians – Internal relocation – Asylum seekers

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

Please outline the demography in Kabylia and in the rest of Algeria (including Algiers), with reference to

1. the Berber population,
2. Berber religious affiliation (Muslim, Christian and other), and
3. identifying Berber cultural features and practices (beyond language).
4. What is the current security situation in Kabylia/Tizi-Ouzou?
5. What are the form and extent of current Berber political/cultural campaigns?
6. Is there any background on the ‘Citizen’s Movement’, post-2001, including its significance as a vehicle for the rights movement and its treatment by authorities?
7. Is there any background on the cultural organisation ‘Azru Medyazen’, including whether it may attract adverse attention from the authorities?
8. Are there reports of the authorities mistreating Berbers generally?
9. Are there reports of the authorities mistreating Berbers for mere membership of political or cultural groups, or for other reasons?
10. What is the level of violence from Arab Muslims and/or ‘Islamic terrorist groups’ in Kabylia, specifically against the Berber population generally?
11. What is the level of violence from Arab Muslims and/or ‘Islamic terrorist groups’ in Kabylia, specifically against Berber Christians and those who associate with them?
12. What is the level of violence from Arab Muslims and/or ‘Islamic terrorist groups’ in Kabylia, specifically against non-strict Muslims?
13. To what extent do the authorities protect Berbers from attacks from Arab Muslims?
14. Regarding homosexuality, advice is requested regarding legal sanctions.
15. Regarding homosexuality, advice is requested regarding societal attitudes, and other relevant considerations (such as the extent of facilities and support groups).
16. Are there legal, practical or other constraints to a Berber living in another part of Algeria, such as Algiers?

17. Do Algerians have any rights of entry and residence in neighbouring countries such as Egypt and Tunisia?

18. Are there reports on failed asylum seekers returning to Algeria attracting adverse attention from the authorities?

RESPONSE

Please outline the demography in Kabylia and in the rest of Algeria (including Algiers), with reference to

- 1. the Berber population,**
- 2. Berber religious affiliation (Muslim, Christian and other), and**
- 3. identifying Berber cultural features and practices (beyond language).**

According to information appearing on the Wikipedia website:

Ninety-one percent of the Algerian population lives along the Mediterranean coast on 12% of the country's total land mass. Forty-five percent of the population are urban, and urbanization continues, despite government efforts to discourage migration to the cities. About 1.5 million nomads and semi-settled Bedouin still live in the Saharan area. According to the CIA World Factbook, an estimated 29.9% of the population is under age 15.

Ninety-nine percent of the population is classified as Arab-Berber, all of which are [M]uslim; other religions are restricted to extremely small groups, mainly of foreigners. Europeans account for less than 1%.

[N]ote: almost all Algerians are Berber in origin, not Arab; the minority who identify themselves as Berber live mostly in the mountainous region of Kabylie east of Algiers; the Berbers are also Muslim but identify with their Berber rather than Arab cultural heritage. ('Demographics of Algeria' 2005, Wikipedia website, 10 October http://en.wikipedia.org/wiki/Demographics_of_Algeria – Accessed 17 October 2005 – Attachment 1).

According to information appearing on the AllRefer website:

Identification with the Berber or Arab community is largely a matter of personal choice rather than of membership in discrete and bounded social entities...

This permeable boundary between the two major ethnic groups permits a good deal of movement and, along with other factors, prevents the development of rigid and exclusive ethnic blocs. It appears that whole groups slipped across the ethnic "boundary" in the past-- and others may do so in the future. In areas of linguistic contiguity, bilingualism is common, and in most cases Arabic eventually comes to predominate.

Algerian Arabs, or native speakers of Arabic, include descendants of Arab invaders and of indigenous Berbers. Since 1966, however, the Algerian census no longer has had a category for Berbers; thus, it is only an estimate that Algerian Arabs, the major ethnic group of the country, constitute 80 percent of Algeria's people and are culturally and politically dominant...

The major Berber groups are the Kabyles of the Kabylie Mountains east of Algiers and the Chaouia of the Aurès range south of Constantine. Smaller groups include the Mزاب of the northern Sahara region and the Tuareg of the southern Ahaggar highlands, both of which have clearly definable characteristics. The Berber peasantry can also be found in the Atlas

Mountains close to Blida, and on the massifs of Dahra and Ouarsenis on either side of the Chelif River valley. Altogether, the Berbers constitute about 20 percent of the population.

In the hills north of the Chelif River and in some other parts of the Tell, Berbers live in villages among the sedentary Arabs, not sharply distinguished in their way of life from the Arabic speakers but maintaining their own language and a sense of ethnic identity. In addition, in some oasis towns of the Algerian Sahara, small Berber groups remain unassimilated to Arab culture and retain their own language and some of their cultural differences.

By far the largest of the Berber-speaking groups, the Kabyles, do not refer to themselves as Berbers but as Imazighen or, in the singular, as Amazigh, which means noble or free men. Some traces of the original blue-eyed and blond-haired Berbers survive to contrast the people from this region with the darker-skinned Arabic speakers of the plains. The land is poor, and the pressure of a dense and rapidly growing population has forced many to migrate to France or to the coastal cities. Kabyles can be found in every part of the country, but in their new environments they tend to gather and to retain some of their clan solidarity and sense of ethnic identity.

Kabyle villages, built on the crests of hills, are close-knit, independent, social and political units composed of a number of extended patrilineal kin groups. Traditionally, local government consisted of a jamaa (village council), which included all adult males and legislated according to local custom and law. Efforts to modify this democratic system were only partially successful, and the jamaa has continued to function alongside the civil administration. The majority of Berber mountain peasants hold their land as mulk, or private property, in contrast to those of the valleys and oases where the tribe retains certain rights over land controlled by its members.

Set apart by their habitat, language, and well-organized village and social life, Kabyles have a highly developed sense of independence and group solidarity. They have generally opposed incursions of Arabs and Europeans into their region, and much of the resistance activity during the War of Independence was concentrated in the Kabylie. Major Kabyle uprisings took place against the French in 1871, 1876, and 1882; the Chaouia rebelled in 1879.

Perhaps half as numerous as the Kabyles and less densely settled, the Chaouia have occupied the rugged Aurès Mountains of eastern Algeria since their retreat to that region from Tunisia during the Arab invasions of the Middle Ages. In the north they are settled agriculturalists, growing grain in the uplands and fruit trees in the valleys. In the arid south, with its date-palm oases, they are seminomadic, shepherding flocks to the high plains during the summer. The distinction between the two groups is limited, however, because the farmers of the north are also drovers, and the seminomads of the south maintain plots of land.

In the past, the Chaouia lived in isolation broken only by visits of Kabyle peddlers and Saharan camel raisers, and relatively few learned to speak either French or Arabic. Like their society, their economy was self-sufficient and closed. Emigration was limited, but during the War of Independence the region was a stronghold of anti-French sentiment, and more than one-half of the population was removed to concentration camps. During the postindependence era, the ancient Chaouia isolation has lessened.

Far less numerous than their northern Berber kin are the Mzab, whose number was estimated at 100,000 in the mid-1980s. They live beside the Oued Mzab, from which comes their name. Ghardaïa was their largest and most important oasis community. The Mzab are Ibadi (see Glossary) Muslims who practice a puritanical form of Islam that emphasizes asceticism, literacy for men and women, and social egalitarianism.

The Mزاب used to be important in trans-Saharan trade but now have moved into other occupations. Some of their members have moved to the cities, where in Algiers, for example, they dominate the grocery and butchery business. They have also extended their commerce south to sub-Saharan Africa, where they and other tribal people trade with cash and letters of exchange, make loans on the harvest, and sell on credit.

Of all Berber subgroups, the Tuareg until recently have been the least affected by the outside world. Known as “the blue men” because of their indigo-dyed cotton robes and as “people of the veil” because the men--but not the women--always veil, the Tuareg inhabit the Sahara from southwest Libya to Mali. In southern Algeria, they are concentrated in the highlands of Tassili-n- Ajjer and Ahaggar and in the 1970s were estimated to number perhaps 5,000 to 10,000. They are organized into tribes and, at least among the Ahaggar Tuareg, into a three-tiered class system of nobles, vassals, and slaves and servants, the last group often being of negroid origin. Tuareg women enjoy high status and many privileges. They do not live in seclusion, and their social responsibilities equal those of men.

In the past, the Tuareg were famed as camel and cattle herdsmen and as guides and protectors of caravans that plied between West Africa and North Africa. Both occupations have greatly declined during the twentieth century under the impact of colonial and independent government policies, technology, and consumerism associated with the hydrocarbon industry and, most recently, drought. The result has been the breakup of the old social hierarchy and gradual sedentarization around such oases as Djinet and Tamanrasset (‘Algeria: Ethnic Groups and Languages – The Peoples’ 1993, AllRefer website, sourced from The Library of Congress, December <http://reference.allrefer.com/country-guide-study/algeria/algeria59.html> – Accessed 17 October 2005 – Attachment 2).

Two maps of Algeria are included (‘Algeria: Political’ 2001, University of Texas website http://www.lib.utexas.edu/maps/africa/algeria_pol01.jpg – Accessed 17 October 2005 – Attachment 3; ‘Algeria: Tribes’ 1971, University of Texas website http://www.lib.utexas.edu/maps/africa/algeria_tribes_1971.jpg – Accessed 17 October 2005 – Attachment 4).

Among the cultural identifiers specific to the Berbers of the Kabylia region, a media report observes that “[t]he women wear bright-colored traditional dress, and the men participate in elder councils, which govern affairs in their mountain villages” (Slackman, M. 2005, ‘Slain Algerian artist lives on in song Ethnic Berber minority sees singer as a symbol of defiance’, *The New York Times*, 11 October – Attachment 5).

A Christian source notes that “upon converting to Islam, the Kabyle kept many of their traditional beliefs, especially that of pre-Islamic saint worship...[T]hey celebrate the usual Muslim holidays... Weddings are lengthy celebrations that often last several days” (‘Prayer Profile: The Kabyle of Algeria’ Undated, K Safe website http://www.ksafe.com/profiles/p_code2/1176.html – Accessed 31 October 2005 – Attachment 6).

The Danse Mahgreb website provides the following information on Kabyle Berber dance and costume:

Imazighen (Berbers) are considered to be the first inhabitants of North Africa (The Maghreb). Their historical origins remain a mystery. *Imazighen* means *Free People*. They represent the majority in Algeria and Morocco where they continue to struggle to maintain their identity in a very oppressive political climate. The *Kabyles*, the largest Berber-speaking tribe in Africa, occupy the mountainous coastal area of Kabylia, in northern Algeria...

Traditional Berber dances are mostly ritual in nature. The dance is both a public and personal expression, rich in symbolic dimensions that deal with subjects such as the fertility of Mother Earth, the rites of marriage and birth, and the communication between the earthly and the Divine. The Kabyle Berber dances we perform are drawn from this rich colorful dance tradition that has been sustained by the unveiled, earthy, powerful and proud women of the Kabylia.

The traditional costume of Kabylia shows a love of vivid colors and design, and is made up of several facets: The *djebba* or dress is the basic element of the costume. The basic shape of all the dresses is similar, but the wearer (who is traditionally the creator of the garment) adds her individual flair in the decoration of the sleeves, hem and yoke. Often the yoke is embellished with a huge flounce that extends over the shoulders and is brightly decorated with embroidery and trim. These patterns of decoration are influenced by *Tamazight* (the Berber language) writing and the local flora and fauna. Dresses for special occasions are made from finer fabric and are more elaborately decorated than those for day-to-day wear.

The *foudha* or apron, is a woven, striped piece of fabric. The red, black and yellow stripes that make up the pattern are considered the signature of the Kabyle woman. It is worn daily, and protects the dress from the rigors of everyday life. It is trimmed along the hem in a similar fashion to the dress. As with the dresses, the fancier *foudhas* are reserved for special occasions.

The belt, or *h'zam*, is made from multicolored yarns and has pom-poms at the ends. It is worn at the waist and is often seen as part of the head covering, helping to hold down the headscarf, or *m'harma*. The *m'harma* is usually black but can also be a floral and is tied in a triangular, bandana style. Sometimes various pieces of jewelry such as fibulae or forehead drapes made from coins and cowrie shells are added for special occasions ('About Kabyle Dance and Costume...' Undated, Danse Mahgreb website <http://www.dansemaghreb.org/kabyle.html> – Accessed 24 October 2005 – Attachment 7)

The Imazighen website at <http://imazighen.vze.com/kabyles/algeria.htm> features a gallery of web images depicting Berber dance and costume, among other things, which may be of interest.

Please note “that Berbers, past and present alike, are not a homogenous group”. Writing about the “emergence of a self-conscious cultural-linguistic movement among” the Berber speaking populations of Algeria and Morocco, Bruce Maddy-Weitzman writes that:

They constitute a “bewildering number of customs, economies, and physical characteristics,” and can at best be defined as “Mediterranean”... Nonetheless, what seems to be clear is that as the beginning of the twenty-first century, “the ideal of Berber culture has become a major political and cultural fact” in both Algeria and Morocco (Maddy-Weitzman, M. 2002, ‘Contested Identities: Berbers, “Berberism,” and the State in North Africa’, in Moshe Ma’oz and Gabriel Sheffer (eds.), *Middle East Minorities and Diasporas*, Susses Academic Press, Brighton, p. 157 – Attachment 8).

Among the constituents of this identity, “Amazigh activists speak of Tamazgha, the land of the Amazigh, which stretches from the Siwa oasis in Egypt’s Western desert across North Africa to the Canary Islands, and as far south as Burkina Faso, Niger, and Mali...”. Maddy-Weitzman writes that:

The renewed popularity among Berber-conscious families of the names of pre-Islamic Berber historical figures such as Jugurtha, Juba, and Kahina attest to their increased collective self-

consciousness and historical interest, however skewed (Maddy-Weitzman, M. 2002, 'Contested Identities: Berbers, "Berberism," and the State in North Africa", in Moshe Ma'oz and Gabriel Sheffer (eds.), *Middle East Minorities and Diasporas*, Susses Academic Press, Brighton, p. 155 – Attachment 8).

According to *The Estimate*, "a biweekly newsletter on the Islamic world and its neighbours":

The modern Berber identity movement, disdaining the term "Berber" which ultimately comes from "barbarian", has [also] embraced the name used by the largest Algerian group, the Kabyles, for themselves: Amazigh for the singular and Imazighen for the plural, from a word meaning free or noble men. The language is called Tamazight, properly the name for the Kabyle language, one of many Berber tongues, but today often used by activists to mean Berber languages generally. So too, activists refer to the Maghreb as Tamazgha, the land of the Imazighen ('Dossier – The Kabylie Erupts: Algeria's Berbers are heard from' 2001, *The Estimate* online edition, Volume 13, Number 9, 4 May <http://www.theestimate.com/public/050401.html> – Accessed 24 October 2005 – Attachment 9).

Berber sources also state that:

the Kabyle Berbers put emphasis on the pre-Islamic North Africa and on the African and Mediterranean dimensions. They maintain that the Judaized Berber heroine, Kahina, and the Christian Berber, Koceila, both fought the invading Arab armies in the 7th century. They recall that Roman emperors such as Lucius Septimus Severus (146-211) and his son Caracalla (188-217) were Berbers who made their mark on history in their own way and that archbishop Saint Augustine (354-430) was a Berber theologian whose philosophy is still central to the teachings of the Roman Catholic Church (Tahi, M. S. 2003, 'North African Berbers and Kabylia's Berber Citizens' Movement', Tamazgha website, 6 October http://tamazgha.fr/article.php3?id_article=225 – Accessed 24 October 2005 – Attachment 10).

4. What is the current security situation in Kabylia/Tizi-Ouzou?

A recent *New York Times* report describes Kabylia as "one of Algeria's most restive regions". The report provides a brief overview of the Berber struggle for identity, and notes that "the people of Kabylia are still fighting: boycotting elections, refusing to pay utility bills, insisting on greater democracy and some degree of self-rule" (Slackman, M. 2005, 'Slain Algerian artist lives on in song Ethnic Berber minority sees singer as a symbol of defiance', *The New York Times*, 11 October – Attachment 5).

Media sources generally report that unrest has been a feature of the Kabylia region since at least 2001 when the death of a Berber youth in police custody triggered political violence across the region (Saleh, H. 2001, 'Rising tide of Berber unrest', *BBC News* online, 19 June http://news.bbc.co.uk/2/hi/middle_east/1396736.stm – Accessed 14 October 2005 – Attachment 11; 'Fuel rise sparks riots in Algeria' 2005, *BBC News* online, 18 January <http://news.bbc.co.uk/2/hi/africa/4185649.stm> – Accessed 17 October 2005 – Attachment 12).

The latest incident appears to have occurred in January 2005, when "[r]iots...erupted in the Algerian town of Birine, south of the capital, during protests by youths against a rise in gas prices". That incident came off the back of a government announcement that an ostensible "agreement" had been reached with Kabyle community leaders to implement the so-called "El Kseur programme" – a platform of greater Berber rights which includes "a contentious clause (...) that recognises the Kabyle Tamazight language as an official language of Algeria"

(‘Fuel rise sparks riots in Algeria’ 2005, *BBC News* online, 18 January <http://news.bbc.co.uk/2/hi/africa/4185649.stm> – Accessed 17 October 2005 – Attachment 12; ‘Algeria politics: Kabyles come in from the cold’ 2005, *Economist Intelligence Unit*, 1 March – Attachment 13).

Subsequent reports reveal that the undertaking was hollow. In declarations made before a recent referendum, Algerian president, Abdelaziz Bouteflika, explicitly indicated that “there would be no question of instituting the Kabyle tongue, tamazight, as an official state alongside Arabic”. As noted by the *Economist Intelligence Unit*: “This statement was a blatant violation of...[the aforementioned] agreement negotiated earlier this year between his prime minister, Ahmed Ouyahia, and Kabyle community leaders” (‘Algeria politics: Bouteflika’s coup’ 2005, *Economist Intelligence Unit*, 30 September – Attachment 14).

Attachments 11, 15 and 16 provide selected examples of past incidents, occurring between 2001 and 2004 in the town of Tizi Ouzou (‘Saleh, H. 2001, ‘Rising tide of Berber unrest’, *BBC News* online, 19 June http://news.bbc.co.uk/2/hi/middle_east/1396736.stm – Accessed 14 October 2005 – Attachment 11; ‘Police clash with rioters in Algeria’ 2002, *BBC News* online, 25 July http://news.bbc.co.uk/2/hi/middle_east/2152026.stm – Accessed 17 October 2005 – Attachment 15; ‘Riots hit Algerian leader’s rally’ 2004, *BBC News* online, 31 March <http://news.bbc.co.uk/2/hi/africa/3586749.stm> – Accessed 17 October 2005- Attachment 16).

In its January 2004 political stability risk assessment for Algeria, the *Economist Intelligence Unit* also observed that:

Simmering unrest with Kabylia’s Berber community is likely to continue, since the underlying causes of Kabyle frustration (a lack of jobs, housing and police) are unlikely to be ameliorated in the short term. However, violence is likely to be more sporadic than previously thought due to the success of the government’s hard line and growing divisions within the Berber leadership (‘Algeria Risk: Political stability risk’ 2004, *The Economist Intelligence Unit*, 23 January – Attachment 17).

An International Crisis Group report from 2003 provides an overview of “Disturbances in Kabylia”. The report notes as follows:

The current disturbances in Kabylia date from the twenty-first anniversary of the ‘Berber Spring’ (see The current conflict). In April 2001, shortly before the annual commemoration of the events of 1980, a 19-year-old student was killed by the gendarmerie. This triggered widespread rioting across the region. The gendarmes responded with excessive violence, including the use of live ammunition. The excessive response of the gendarmerie provoked continued violence and huge protests, such as the march on 21 May in Tizi Ouzou, which attracted a million people: the largest demonstration in Algerian history. Since the ‘Black Spring’ the situation in Kabylia has never been fully calmed. In total, over 100 people have been killed and many more injured (ICG 2003) (Collyer, M. 2003, *FMO Country Guide: Algeria*, Forced Migration review website – Attachment 18).

5. What are the form and extent of current Berber political/cultural campaigns?

In his paper on the development of Berber consciousness in North Africa, Maddy-Weitzman provides information on the historical development of Berber politics in Algeria, against the backdrop of the Algerian regime’s “regime’s [ongoing] efforts to centralize authority and promote national integration, while running roughshod over Kabylia’s sensibilities in the

cultural sphere...” (Maddy-Weitzman, M. 2002, ‘Contested Identities: Berbers, “Berberism,” and the State in North Africa”, in Moshe Ma’oz and Gabriel Sheffer (eds.), *Middle East Minorities and Diasporas*, Sussex Academic Press, Brighton, p. 155 – Attachment 8).

As in the past, the form and extent of current Berber politics and cultural campaigns have been in fixed “opposition to compulsory Arabization”, with the concomitant “demand for Amazigh linguistic and cultural rights”. Maddy-Weitzman notes that the Berber cultural and political campaigns now speaks of “borders” and “areas”, “federalism” and “linguistic and cultural autonomy...within a democratic Algeria” (Maddy-Weitzman, M. 2002, ‘Contested Identities: Berbers, “Berberism,” and the State in North Africa”, in Moshe Ma’oz and Gabriel Sheffer (eds.), *Middle East Minorities and Diasporas*, Sussex Academic Press, Brighton, p. 170-71 – Attachment 8).

Berber political demands are currently articulated by a number of political and cultural groups. Among others, the main ones include the Socialist Forces Front (FFS), the Rally for Culture and Democracy (RCD); and the Berber Cultural Movement (MCB), “an umbrella organization under which the two parties undertake joint action”. The FFS and RCD are both “rooted in Kabylia” (‘Assessment for Berbers in Algeria’ 2003, University of Maryland website, 31 December <http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=61501> – Accessed 24 October 2005 – Attachment 19; ‘Overview’ Undated, Forced Migration website <http://www.forcedmigration.org/guides/fmo023/fmo023-2.htm> – Accessed 24 October 2005 – Attachment 20).

In its risk assessment for Berbers in Algeria, the University of Maryland indicates that:

Berber political organization is overwhelmingly conventional, with Berber political parties and cultural organizations focusing their energies on nonviolent protests, electoral politics, and national and international public awareness campaigns...

Although Berber protest since independence has been primarily nonviolent, recent events also demonstrate that violence results from certain catalysts. The assassination of Berber entertainer/nationalist Matoub Lounes in 1998 sparked riots, and annual protests (with limited instances of violence) have been held each year since. The death of a Berber youth being held in police custody in spring 2001 also sparked three months of riots, in which several dozen Berbers were killed by security forces. The incident and its aftermath mobilized several hundred thousand Berbers to take to the streets. These violent outbursts highlight the tension underlying Berber-Arab tensions in Algeria and are a potent warning of the possibilities for Berber rebellion if their grievances are not addressed in a meaningful way...

The ruling Arab majority decided to Arabize Algeria following independence in 1963 to counter the French colonial influence on their state. This included making Arabic the only official language of Algeria. While the Berbers were not the direct target of this policy, they suffered from it. Linguistic discrimination became the driving force behind the formation of Berber political parties. In 1963, the Socialist Forces Front (FFS) split off from the National Liberation Front (FLN), which has been Algeria’s dominant political party both during the revolution and for most of Algeria’s history. The FFS, which continues to be a Berber-dominated party, consistently calls for official status for Tamazight (the Berber language) and for a secular, pluralist polity. The FFS also calls for greater autonomy for Berber-dominated regions and more Berber input into central policy decisions. The FLN, which has controlled Algeria’s government since independence, has virtually excluded Berbers from high-ranking positions within the party. This policy has effectively excluded Berbers from high ranking positions in Algeria’s government.

In 1989, the Rally for Culture and Democracy (RCD) was formed as a Berber political party, focusing on Berber cultural rights as well as broader democratization issues. The RCD and the FFS have also jointly formed the Berber Cultural Movement (MCB) as an umbrella organization under which the two parties undertake joint action. In 1999, RCD joined the coalition government, marking the first time since independence a Berber-dominated party has been part of a ruling coalition. While this is an important signal of increased Berber inclusion, the RCD has not been successful in pushing Berber linguistic issues ('Assessment for Berbers in Algeria' 2003, University of Maryland website, 31 December <http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=61501> – Accessed 24 October 2005 – Attachment 19).

According to *The Estimate*:

...both the FFS and RCD were recognized political parties by 1990. Both movements were secular; the FFS sought a secular Algeria, while the RCD was more explicitly a Berber ethnic movement. [S]ince Islamists were often among the most avid proponents of Arabic and the Arabization program, the Berber parties became natural enemies of the Islamic Salvation Front (FIS), and Sa'di and his RCD, in particular, became vocal opponents of the Islamist movement. (Many Arab Islamists seem to almost subconsciously equate Arabic with Islam, because the Qur'an is in Arabic; Berbers suspect many Islamists consider them not-quite-real-Muslims as a result.) ('Dossier – The Kabylie Erupts: Algeria's Berbers are heard from' 2001, *The Estimate* online edition, Volume 13, Number 9, 4 May <http://www.theestimate.com/public/050401.html> – Accessed 24 October 2005 – Attachment 9).

According to Berber sources:

[T]he MCB has split into three tendencies:

- A. MCB-National Commissions, close to the FFS.
- B. MCB-National Coordination, under the RCD's control.
- C. MCB-National Rally, led by Ferhat M'henni.

There is also the Amazigh Cultural Movement, MCA, which is based in the eastern Berber region of the Aures.

In June 2001, Ferhat M'henni set up the Movement for the Autonomy of Kabylia, MAK (Tahi, M. S. 2003, 'North African Berbers and Kabylia's Berber Citizens' Movement', Tamazgha website, 6 October http://tamazgha.fr/article.php3?id_article=225 – Accessed 24 October 2005 – Attachment 10).

Other groups identified in the sources consulted include the "Movement for the Autonomy of Kabylie, which "militates for the autonomy of Kabylie" ('Kabylie' 2005, Wikipedia website, 25 October <http://en.wikipedia.org/wiki/Kabylie> – Accessed 26 October 2005 – Attachment 30).

Strikes, boycotts, riots, demonstrations, and refusal to pay utility bills, are all mentioned in the sources consulted as some of the tactics employed by Berbers in their struggle for greater rights (Slackman, M. 2005, 'Slain Algerian artist lives on in song Ethnic Berber minority sees singer as a symbol of defiance', *The New York Times*, 11 October – Attachment 5; Tahi, M. S. 2003, 'North African Berbers and Kabylia's Berber Citizens' Movement', Tamazgha

website, 6 October http://tamazgha.fr/article.php3?id_article=225 – Accessed 24 October 2005 – Attachment 10).

6. Is there any background on the ‘Citizen’s Movement’, post-2001, including its significance as a vehicle for the rights movement and its treatment by authorities?

According to a variety of sources consulted, the “archs” or “citizens’ movement sprang out of the bloody events of the Spring of 2001” (Tahi, M. S. 2003, ‘North African Berbers and Kabylia’s Berber Citizens’ Movement’, Tamazgha website, 6 October http://tamazgha.fr/article.php3?id_article=225 – Accessed 24 October 2005 – Attachment 10; ‘The Algerian conflict and the resulting emigration’ 2005, The Information Centre about Asylum and Refugees website <http://www.icar.org.uk/?lid=236> – Accessed 24 October 2005 – Attachment 21).

According to information appearing on the Tamazgha website:

[T]he citizens’ movement...consists of self-styled “coordinations” in each of the six provinces of the Kabylia region : Tizi Ouzou, Bejaia, Bouira, Bordj Bou Arreridj, Setif and Boumerdes.

[...] These include :

- CADC : Coordination des Arouch, Dairas et Communes : Coordination of Arouch, Administrative Districts and Municipalities. (Tizi Ouzou Province).
- CCIB : Coordination Intercommunale de Bejaia : Inter-Municipality Coordination of Bejaia. (Bejaia Province).
- CPWB : Comite Populaire de la Wilaya de Bejaia : Bejaia Province’s Popular Committee.
- CIQB : La Coordination Interquartiers de la ville de Bejaia : Bejaia City’s Inter-district Coordination Committee.
- CCCWB : La Coordination des Comites de Citoyens de la Wilaya de Bouira : Bouira Province Citizens’ Coordination Committees. (Bouira Province).
- CIW : Coordination Interwilayas : Inter-Provinces’ Coordination.

On 11 June 2001, the Citizens’ Movement met in El Kseur town, in Bejaia Province, and drafted the El Kseur Platform, which consists of a list of 15 demands, and urged the authorities to meet them.

El Kseur Platform (List of demands)

“We, representatives of the provinces of Tizi Ouzou, Bgayet (Bejaia), Bouira, Boumerdes, Setif, Bordj Bou Arreridj, Algiers, and the coordinating committee of Algiers universities, met today, 11 June 2001, at the Mouloud Feraoun Youth Hall in El Kseur (Bgayet Province), and adopted the following list of demands :

1. The state must urgently take care of the wounded victims and the families of the martyrs of repression during the incidents
2. Trial by civilian courts of all the perpetrators and sponsors of these crimes and their removal from the security services and public office.
3. Martyr status for every victim of dignity during the incidents and protection of all witnesses of the tragedy.
4. Immediate departure of the gendarmerie brigades and the CNS (riot police) reinforcements.
5. Ending legal proceedings against all protesters as well as discharging those already tried during the incidents.
6. Immediate halt of repressive measures, intimidation and provocation against the population.

7. Dissolution of the inquiry committees set up by the authorities.
8. To meet the Amazigh [Berber] demand in all its (identity, civilization, linguistic and cultural) dimensions without a referendum or conditions ; and the recognition of Tamazight as a national and official language.
9. For a state which guarantees all social and economic rights and democratic freedoms.
10. Against the policies of underdevelopment and pauperization of the Algerian people.
11. To place all the state's executive duties as well as the security bodies under the effective authority of democratically elected institutions.
12. An urgent social and economic programme for the entire Kabylia region.
13. Against Tamheqranit (literally contempt) and all forms of injustice and exclusion.
14. A case by case resitting of regional exams for the students who were unable to sit them.
15. Introducing unemployment benefit equivalent to 50 per cent of the minimum wage for job seekers.

We demand an official, urgent and public response to this list of demands.

El Kseur, 11 June 2001" (Tahi, M. S. 2003, 'North African Berbers and Kabylia's Berber Citizens' Movement', Tamazgha website, 6 October

http://tamazgha.fr/article.php3?id_article=225 – Accessed 24 October 2005 –

Attachment 10).

According to the Information Centre about Asylum and Refugees, the Citizens Movement “[i]nitially...appeared to offer a potential solution to the problems of the area through the production of the El Kseur platform”:

The government has responded to some of these changes, perhaps most significantly by recognising Tamazight as a national (though not yet official) language. The citizens' movement has become increasingly intransigent in its demands and has split. There have also been suggestions that it is no longer effectively representing its most significant constituency ‘The Algerian conflict and the resulting emigraion’2005, The Information Centre about Asylum and Refugees website <http://www.icar.org.uk/?lid=236> – Accessed 24 October 2005 – Attachment 21).

Reporting on the 2002 Algeria elections and the Berber campaign to boycott the elections, an International Crisis Group report noted that while the main Berber parties had “launch[ed] a peaceful campaign”, the “efforts” of the “Kabyle citizens’ movement... to prevent the elections from taking place included recourse to violent means if necessary” (‘Diminishing Returns: Algeria’s 2002 Legislative Elections’ 2002, International Crisis Group website, Middle East Briefing, 24 June http://www.crisisgroup.org/library/documents/report_archive/A400686_24062002.pdf – Accessed 24 October 2005 – Attachment 22).

The US State Department report on human rights practices in Algeria for 2003 provides the following information on the treatment of Kabyle based political activists, including members of the Citizens’ Movement:

In 2002, Arouch Citizen’s Movement members Belaid Abrika, Mouloud Chebheb, Mohamed Nekkah, Mahklouf Lyes, Allik Tahar, and Rachid Allouache were arrested and detained while attempting to follow the court proceedings of Kabylie residents arrested during riots protesting the lack of Government reparations for and resolution to the 2001 Kabylie Black

Spring (see Sections 1.e., 1.g., and 3). In October 2002, Abrika was charged with inciting violence and held on a 4 month renewable basis until his trial. In December 2002, he and others began a 42-day hunger strike to protest their detention. In August, six individuals and eight other Citizens' Movement activists were released from pre-trial detention on "provisional liberty" as a part of the Government's sporadic efforts to broker a dialogue with the Arouch Citizen's Movement following the 2001 Kabylie Black Spring (see Section 1.g.). On December 29, the public prosecutor's office ordered the lifting of movement restrictions against those found guilty of rioting during the Black Spring of 2001. Accused individuals no longer need permission to leave the province boundaries nor report in to a local police station on a weekly basis.

In August, 60 Kabylie-based political activists were released from pre-trial detention after serving months in prison on public order charges. Released on provisional liberty, they continued to await a trial date at year's end.

During the year, the Government did not respond to a 2002 formal complaint lodged by RCD members for the 3-day detention of a party member without formal charges...

The Government prevented certain members of the Arouch Citizen's Movement from traveling into Tunisia, and its use of "provisional liberty" against recently released Arouch-detainees and the editor of French-language independent daily *Le Matin* significantly curbed these individuals rights to travel freely, in circumvention of domestic law. However, movement restrictions placed on the Arouch were lifted as part of a government-Kabylie dialogue to overcome the political tensions in that region (see Section 1.d.) (US Department of State 2004, *Algeria: Country Reports on Human Rights Practices for 2003*, 25 February – Attachment 23).

The latest US State Department report on human rights practices in Algeria for 2004 provides the following update:

On August 10, Belaid Abrika, the leader of the autonomy-seeking Berber Arouch Citizen's Movement, was arrested by Tizi-Ouzou police during a protest at a hospital. The previous day, Abrika and 10 delegates of the Citizen's Movement had called on the mayor of Tizi-Ouzou to leave his position, as had been negotiated with the Government in January. The Mayor lodged a complaint against Abrika, who was arrested the following day. No arrest warrant was produced and no notification of the summons had been sent to Abrika, who spent 28 hours in jail. He was charged with participation in a riotous assembly and breaking the peace. The prosecutor placed Abrika on probation and forbade him from organizing or taking part in any type of meeting...

In May and June, riots took place in the district of Les Genets in the Berber province of Tizi-Ouzou. Rioters protesting the arrest of a Berber youth placed barricades and set fire. The police were present, but did not intervene to avoid provoking a response. The protesters were detained for 8-10 hours and then released (US Department of State 2005, *Algeria: Country Reports on Human Rights Practices for 2004*, 25 February – Attachment 24).

In 2001, Foreign Policy In Focus characterised the Citizen's movement as an "[e]mergent grassroots network, which "organizes demonstrations and coordinates between various provinces of Kabylia, and which "has sometimes negotiated directly with the government, bypassing the RCD and FFS, which it regards as too close to the state structure" (Foukara, A. 2001, 'Kabyle Berbers of Algeria', Foreign Policy In Focus website, 29 November http://www.fpif.org/selfdetermination/conflicts/algeria_body.html – Accessed 24 October 2005 – Attachment 25).

Recent media reports provide additional information on the recent split within the Citizens' Movement and on the government' view of the current significance of the movement as a vehicle for the rights movement ('Algeria: Deal with government divides Berber citizens movement' 2005, *BBC Monitoring*, 20 January – Attachment 26; 'Algerian interior minister says general strike in Kabylie had little impact' 2005, *BBC Monitoring Newsfile*, 30 September – Attachment 27).

7. Is there any background on the cultural organisation 'Azru Medyazen', including whether it may attract adverse attention from the authorities?

Information was not found in the sources consulted on a cultural organisation called "Azru Medyazen".

8. Are there reports of the authorities mistreating Berbers generally?

Reports were not found in the sources consulted of the authorities mistreating Berbers generally.

According to a Forced Migration country research guide:

Imazighen [Berbers] have always been an economically deprived minority in Algeria. Although they have not suffered a systematic pattern of social disadvantage and have occupied many top government positions, the way in which their socio-economic and cultural grievances have been treated by the Algerian regime provoked the rioting of spring 2001. Since then, Kabyles in particular have received ill-treatment at the hands of security forces and police (Collyer, M. 2004, *FMO Country Guide: Algeria*, Forced Migration website, January <http://www.forcedmigration.org/guides/fmo023/fmo023.pdf> – Accessed 24 October 2005 – Attachment 18).

The latest UK Home Office report on Algeria provides the following information on the "Treatment of Berbers" at paragraph 6.152:

Berbers hold high office in the government, army, police, business, and journalism. [11] (p14) [12] (p50) [28] (p18) The current prime minister, Ahmed Ouyahia, is a Kabyle. [1] (p177) The MCB was quite unequivocal in stating in 2001 that Berbers were not persecuted in Algeria and that anyone claiming so is doing it merely to advance his own interests. [11] (p14) UNHCR have recognised Berber aspirations for recognition of their identity and culture but stated in 1997 that Algeria's population is ethnically mixed and ethnic minorities seem to fear no more and no less than other Algerians. [24b] The ICG reported in June 2003 that "The Kabyles are not generally discriminated against in public life on the basis of their identity, and their preoccupation with the issue [of identity] has other causes"... (UK Home Office 2005, *Algeria: Country Report*, April – Attachment 28).

9. Are there reports of the authorities mistreating Berbers for mere membership of political or cultural groups, or for other reasons?

Reports appear to indicate that authorities have periodically targeted Kabyle based political and cultural activists, including members of the Citizens' Movement and the Berber Cultural Movement. Most reported instances appear to indicate that such activists have been targeted whilst protesting, and spuriously charged with public order offences (US Department of State 2004, *Algeria: Country Reports on Human Rights Practices for 2003*, 25 February – Attachment 23; US Department of State 2005, *Algeria: Country Reports on Human Rights*

Practices for 2004, 25 February – Attachment 24; UK Home Office 2005, *Algeria: Country Report*, April – Attachment 28; ‘Algeria Berber stays in jail’ 2002, *BBC News* online, 15 October <http://news.bbc.co.uk/2/hi/africa/2330975.stm> – Accessed 26 October 2005 – Attachment 29).

10. What is the level of violence from Arab Muslims and/or ‘Islamic terrorist groups’ in Kabylia, specifically against the Berber population generally?

According to the University of Maryland’s 2003 risk assessment for Berbers in Algeria:

Although Islamic fundamentalism has been forced into a retreat, it remains a threat to Berber lives, identity, language and culture. The Islamic fundamentalists consider the Berbers secular, at best, and some go so far as to call them heretics. Should the Islamic fundamentalists gain power, their campaign to Islamicize the Berbers is likely to be bloody. Given Berbers’ continued identification with secular culture in Algeria, the Berbers continue to be important targets for the Islamic fundamentalist movement...

During the 1980s and 1990s, the challenge to the Algerian government by the Islamic Salvation Front (FIS) and other Islamic parties constituted a new challenge for the Berbers. These parties call for the Islamization of Algeria which includes the mandatory use of Arabic in schools and government. This has resulted in both governmental concessions in that area and sporadic direct confrontations between the secular Berber parties and Islamic fundamentalists (COMCO98X = 3). While the fundamentalists were forced into a tactical retreat by the late 1990s, they still constitute a major threat to Berber populations and aspirations for several reasons. First, their appeal is strong among the Algerian population. Second, several fundamentalist militants retreated into the Berber-dominated Kabylia region, one of the more inaccessible regions to security forces and also one of the most staunchly secular regions. Sporadic attacks, which have resulted in the deaths of several Berbers, have continued up to 2003. (‘Assessment for Berbers in Algeria’ 2003, University of Maryland website, 31 December <http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=61501> – Accessed 24 October 2005 – Attachment 19)

The famous Berber singer, Lounes Matoube, “who wrote lyrics mocking the Islamists”, “was assassinated by the radical Group Islamique Armee (GIA)” on 25 June [1998]” (Maddy-Weitzman, M. 2002, ‘Contested Identities: Berbers, “Berberism,” and the State in North Africa”, in Moshe Ma’oz and Gabriel Sheffer (eds.), *Middle East Minorities and Diasporas*, Sussex Academic Press, Brighton, p. 170 – Attachment 8; ‘The Berbers: fighting on two fronts’ 1998, *BBC News* website, 28 June http://news.bbc.co.uk/2/hi/middle_east/121772.stm – Accessed 26 October 2005 – Attachment 31).

The US Department of State’s *International Religious Freedom Report for 2004* comments in its report on Algeria that:

The majority of cases of harassment and security threats against non-Muslims come from radical Islamists who are determined to rid the country of those who do not share their extremist interpretation of Islam (US Department of State 2004, *Algeria: International Religious Freedom Report for 2004*, 15 September – Attachment 32).

11. What is the level of violence from Arab Muslims and/or ‘Islamic terrorist groups’ in Kabylia, specifically against Berber Christians and those who associate with them?

Information was not found in the sources consulted on whether Arab Muslims and/or “Islamic terrorist groups” specifically target Berber Christians and those who associate with them.

Berber populations in Algeria, as elsewhere, are predominantly Muslim (‘The Berbers: fighting on two fronts’ 1998, *BBC News* website, 28 June http://news.bbc.co.uk/2/hi/middle_east/121772.stm – Accessed 26 October 2005 – Attachment 31; ‘Berber’ 2005, Wikipedia website, 24 October <http://en.wikipedia.org/wiki/Berber> – Accessed 26 October 2005 – Attachment 33).

The US Department of State’s *International Religious Freedom Report for 2004* observes that “evangelical proselytizing has increased the size of the Christian community in the eastern, Berber region of Kabyle” (US Department of State 2004, *Algeria: International Religious Freedom Report for 2004*, 15 September – Attachment 32).

12. What is the level of violence from Arab Muslims and/or ‘Islamic terrorist groups’ in Kabylia, specifically against non-strict Muslims?

The latest US Department of State report on religious freedom in Algeria notes that:

The country’s decade-long civil conflict has pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group and its later offshoot, the Salafist Group for Preaching and Combat, against moderate Muslims. Approximately 100,000 to 150,000 civilians, terrorists, and security forces have been killed during the past 12 years. Radical Islamic extremists have issued public threats against all “infidels” in the country, both foreigners and citizens, and have killed both Muslims and non-Muslims, including missionaries. Extremists continued attacks against both the Government and moderate Muslim and secular civilians; however, the level of violence perpetrated by these terrorists continued to decline during the period covered by this report. As a rule, the majority of the country’s terrorist groups do not differentiate between religious and political killings...

The majority of cases of harassment and security threats against non-Muslims come from radical Islamists who are determined to rid the country of those who do not share their extremist interpretation of Islam (see Section II). However, a majority of the population subscribes to Islamic precepts of tolerance in religious beliefs. Moderate Islamist religious and political leaders have criticized publicly acts of violence committed in the name of Islam (US Department of State 2004, *Algeria: International Religious Freedom Report for 2004*, 15 September – Attachment 32).

13. To what extent do the authorities protect Berbers from attacks from Arab Muslims?

Information was not found in the sources consulted on the extent to which the authorities protect Berbers from attacks from Arab Muslims.

14. Regarding homosexuality, advice is requested regarding legal sanctions.

15. Regarding homosexuality, advice is requested regarding societal attitudes, and other relevant considerations (such as the extent of facilities and support groups).

According to information provided by the Forced Migration review:

In Algeria homosexuality is punishable by a prison term of up to two years and a fine. Homosexuals may suffer harassment from security forces or society in general (Amnesty International 2003b). UNHCR has recognised that homosexuals who suffer ill-treatment and whose government is unwilling to offer protection should receive refugee status as members of a particular social group (UNHCR 2002) ('Needs and responses' Undated, Forced Migration Review website <http://www.forcedmigration.org/guides/fmo023/fmo023-4.htm> – Accessed 27 October 2005 – Attachment 34).

Amnesty International also observes as follows:

Homosexuality is a taboo subject in Algeria, as it is in various other countries in North Africa and the Middle East. In practice, the shame associated with homosexuality means that few individuals openly reveal their sexual orientation.⁽¹⁰⁾ Homosexuals may suffer harassment from the security forces and society in general.

Sexual relations between persons of the same sex is punishable under Article 338 of the Penal Code. Penalties range from imprisonment of 2 months to 2 years and a fine of 500 to 2,000 Algerian dinars. If one of the individuals is less than 18 years old, punishment for the adult can be raised to up to three years' imprisonment and a fine of 10,000 Algerian dinars. (11)...

Homosexuals may be eligible for refugee status on the basis of persecution because of their membership of a particular social group. It is the policy of UNHCR that persons facing attack, inhumane treatment, or serious discrimination because of their homosexuality, and whose governments are unable or unwilling to protect them, should be recognized as refugees." UNHCR, Protecting Refugees: questions and answers, February 2002. See also, UNHCR Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, HCR/GIP/02/01, 7 May 2002 ('Algeria Asylum-seekers fleeing a continuing human rights crisis: A briefing on the situation of asylum-seekers originating from Algeria' 2003, Amnesty International website, 1 June <http://web.amnesty.org/library/print/ENGMDE280072003> – Accessed 27 October 2005 – Attachment 35).

Reports cited by the UK Home Office in its latest report on Algeria state as follows:

6.208 A country report by the Canadian authorities in 2001 stated "Homosexuality is illegal under the Criminal Code in Algeria. However, an understanding of the situation requires more than just reading the law. It is important to see how it is applied. Reminiscent of the USA military's policy of "don't ask, don't tell", Algerian society tolerates homosexuality, provided it is not flaunted. Discretion is the key. Gay groups and transvestites have their favourite haunts and interact without problem, at least in major cities, but there would be no likelihood of holding a "gay pride" day in Algeria. The UNHCR representative in Algiers related that the Algerian state radio service had recently aired a program which involved a panel openly discussing the issue of homosexuality. He went on to say that he had not yet seen any case in which a gay person was prosecuted under the Criminal Code. Likewise, none of the other human rights organizations in Algeria made any mention of claims submitted to them in relation to sexual orientation." [11] (p16)

6.209 A report of a country information seminar in 2001 included the following information: “Art. 58 of the Algerian Penal Code provides a punishment of 2 months to 2 years for homosexuality. This sentence may be raised to three years if one of the partners is less than 18 years old. Although in Shar’ia law homosexuality is prohibited, this offence is rarely prosecuted in Algeria. Homosexuals are by and large tolerated. On 8 October 2000, the state owned radio Chaîne 3 broadcast a radio programme on homosexuality, with two psychologists and some homosexuals speaking about the issue and responses from the audience coming in. Nowadays it would be extremely unlikely for homosexuals to face persecution.” [28] (p22)

6.210 Other reports contain similar information. A report by the Netherlands authorities issued in January 2003 stated “Homosexuality is tolerated in the Algerian society, especially in the cities, as long as it is not expressed very explicitly in public through behaviour and clothes. In the big cities, especially in Algiers, various meeting places for homosexuals can be found. People who openly admit their homosexual nature can experience bullying and intimidation by their social environment or members of the security forces.” [12] (p51)

6.211 The World Legal Survey by the International Lesbian and Gay Association records that “According to Article 338 of the Penal Code (adopted June 8 1966) sodomy may be punished with imprisonment from two months to two years and a fine (500 – 2,000 Alg dinars. Sodomy upon a male person under 18 years may be punished with a sentence of up to three years and a fine of up to 10,000 dinars.”

6.212 The same report also referred to: “Article 333: (law no 82.04 of 13.2.1982, J.O. No. 7) on an outrage to public decency: increase in penalties in the case of acts against nature with a member of the same sex: “When the outrage to public decency has consisted of an act against nature with an individual of the same sex, the penalty is imprisonment of between 6 months and 3 years, and a fine of between 1,000 and 10,000 Algerian Dinars.”[30] A report by the Canadian authorities in 1995 also referred to these legal provisions. [8b]

6.213 A report by AI in June 2003 stated that “Homosexuality is a taboo subject in Algeria, as it is in various other countries in North Africa and the Middle East. In practice, the shame associated with homosexuality means that few individuals openly reveal their sexual orientation. Homosexuals may suffer harassment from the security forces and society in general.” [26a] (p10)

6.214 Another report from the Canadian authorities in 2002 stated that very little information could be found among the sources consulted about the treatment of homosexuals by Islamists in Algeria. However, a 1997 article in an underground European journal, *Al Djamaa*, reportedly stated that the GIA was killing homosexuals. [8aj] (UK Home Office 2005, *Algeria: Country Report*, April – Attachment 28).

16. Are there legal, practical or other constraints to a Berber living in another part of Algeria, such as Algiers?

Little information was found among the sources consulted on whether there are any legal, practical or other constraints to a Berber living in another part of Algeria.

In a report on Algerian asylum seekers, Amnesty International provides the following information on internal protection:

Algeria is an enormous country, but much of it is uninhabitable desert or sparsely inhabited. The overwhelming majority of the population resides along the northern coast of the country

and its hinterland. The authority of the state carries in all parts of the country. Since legislative changes in 1992, moreover, police officers have been able to operate anywhere in the country without requiring authorization from the police and judiciary with primary jurisdiction over the area. In relation to non-state actors, Amnesty International believes that the lack of information available regarding the reach of their activities in Algeria makes it virtually impossible to conclude that any given group is not active in a particular area. Amnesty International is mindful of the astonishing lack of information about the location or activities of non-state actors and cannot conclude that an individual who faces serious human rights abuses in one part of the country will not face similar problems elsewhere. Amnesty International therefore warns strongly against speculative or wishful thinking that internal protection alternatives may be available ('Algeria Asylum-seekers fleeing a continuing human rights crisis: A briefing on the situation of asylum-seekers originating from Algeria' 2003, Amnesty International website, 1 June <http://web.amnesty.org/library/print/ENGMDE280072003> – Accessed 27 October 2005 – Attachment 35).

17. Do Algerians have any rights of entry and residence in neighbouring countries such as Egypt and Tunisia?

According to the *Travel Information Manual*, nationals of Algeria do not require a visa to enter Tunisia where they are entitled to an “unlimited stay”. The *Manual* does not mention the existence of like privileges for Egypt ('Egypt' & 'Tunisia' 2005, *Travel Information Manual*, May, pp. 145-149, 436-437 – Attachment 36).

Other sources clearly state that nationals of Algeria “are required to be in possession of a pre-arrival visa” before entering Egypt ('Egypt Visa Information' Undated, Learn4Good website http://www.learn4good.com/travel/egypt_visa.htm – Accessed 28 October 2005 – Attachment 37).

Further information was not found in the sources consulted in the time allocated for this response.

18. Are there reports on failed asylum seekers returning to Algeria attracting adverse attention from the authorities?

The UK Home office provides the following information on the treatment of returned asylum seekers:

People who have sought asylum in third countries and return to Algeria after their request was rejected are not prosecuted just because of the fact that they sought asylum abroad. The only form of legal action brought against someone for political activities abroad, is when it regards open activities aimed at the Algerian state. There are no charges against expressing criticism of the Algerian government. However, if the Algerian authorities find out about logistical support from abroad offered to organisations banned in Algeria this does lead to criminal proceedings.

The scope of the above-mentioned amnesty programme, which remains valid in practice[10], is so wide that those who bitterly regret their participation in armed Islamic operations or support to those groups and who are staying abroad, can report for amnesty to the Algerian representation in that country and can then travel back to Algeria undisturbed.

Algerian nationals, who return to Algeria after their request for asylum was rejected in

another country, are often interrogated upon their entry into Algeria to determine their identity and to check whether there are any outstanding criminal proceedings or an unfulfilled military service. It can happen that people are held for several days. In the last couple of years, there have been no known cases in any European country of former asylum-seekers who were maltreated or tortured upon their return ('Returned Asylum Seekers' 2004, UK Home Office website, January

http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information/bulletins/algeria_bulletin_2/human_rights/part_vii.html – Accessed 28 October 2005 – Attachment 38).

The Information Centre about Asylum and Refugees provides the following information on the situation for failed asylum seekers in Algeria:

Many Algerians, if refused asylum, prefer to remain undocumented than risk returning to Algeria and more than half the Algerian population in the UK is thought to be undocumented. Asylum has a number of disadvantages for Algerians:

- The Algerian government has suggested that those people who are granted asylum in Europe are more likely to be terrorists or deserters. This is often repeated by undocumented Algerians as a reason for not claiming asylum. Many are concerned what their family will think of them if they tell them that they have claimed asylum. The director of the Algerian Refugee Council commented:

Many people don't even tell their parents that they have claimed asylum [...] Some people have lived here for ten years and even though they have a life threatening situation in Algeria, they don't claim asylum.

- Those that do claim asylum find it extremely difficult to be cut off from their families in Algeria ('Asylum' Undated, The Information Centre about Asylum and Refugees website <http://www.icar.org.uk/?lid=1214> – Accessed 28 October 2005 – Attachment 39).

Professor Seddon, an expert on Algeria cited in a 2003 Asylum and Immigration Tribunal decision from the UK, provides the following advice on the possible treatment of failed asylum seekers:

Failed asylum seekers are highly likely, on their return to Algeria, to be detained by the immigration security services for further questioning as to the reasons for being abroad and to having sought asylum. They are usually easily detected by virtue of the papers they carry which are often issued by the Algerian Embassy in the country in which they sought asylum, which mark them out from other Algerians returning after a period of time abroad. Those returning on an Algerian laissez-passer are, therefore, more likely to be detained and interrogated than those holding a legitimate Algerian passport – although it should be emphasised that all failed asylum seekers are at risk, and even someone with a valid passport, who has been refused entry to or returned from the UK is at risk of being detained and questioned.

This observation is substantiated by several reports from personal friends and colleagues of mine who have observed this process on arrival at immigration when returning themselves (after having been legitimately out of the country). It is also confirmed by other 'specialists' familiar with the procedures adopted – including Mr George Joffe and Dr Hugh Roberts, both of whom have provided expert witness reports which refer to the routine questioning and detention of returnees (failed asylum seekers).

Those who are detained for questioning may be held garde a vue (incommunicado) for up to a week or so in order to allow stories to be checked and records consulted. The Algerian

authorities have a good intelligence and record keeping system, which usually allows them to identify those who have been, for example identified as suspected political activists with one of the illegal Islamist movements or para-military groups, or as deserters from the army.

Individuals with suspicious or criminal backgrounds are still highly likely to be held in detention or passed swiftly to the appropriate military authorities and detention centres respectively. In detention there remains a strong risk that they will be subjected to brutal, inhuman and degrading treatment. Those without a file with the authorities, those not providing any basis for being suspected of 'undesirable' political affiliations, and those whose military service status is regular, are less likely to be held for long, and are less likely to be beaten or brutally treated while in detention. The very fact, however, that they have sought asylum in the first place puts them at risk and there are cases known to me (from former political asylum cases which have been refused by the UK Home Office) where returnees have been subjected to prolonged detention and very rough interrogation...

As to the risk of prolonged detention and rough interrogation for failed asylum seekers on return, I know directly of at least two cases of individuals who were refused asylum by the Home Office and were subject on return to prolonged detention and what could only be described as very rough treatment. I have not been able to name these persons because of the risks this might lead to for them and their families, (through whom I learned of their treatment), given that reports of court hearings in the UK, such as the one to which this report is directed, can be obtained and passed on to those who might misuse them under the present circumstances in Algeria.

By rough treatment I mean serious physical and verbal abuse, the former including beatings and other forms of physical ill treatment. It is unlikely that the more extreme forms of torture and physical ill treatment would be applied to those returning asylum seekers without a file with the authorities, those not providing any basis for being suspected of 'undesirable' political affiliations and those whose military service status is regular (Djebari Decision-Evidence) Algeria CG [2003] UKIAT 00089, The Asylum and Immigration Tribunal website http://www.ait.gov.uk/judgmentsfiles/j1472/2003_ukiat_00089_mm_algeria_cg.doc – Accessed 28 October 2005 – Attachment 40).

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UNHCR *REFWORLD* UNHCR Refugee Information Online

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DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

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