

Mr. Chair,

Thank you very much for giving me the floor.

My name is Nourredine Bessadi. I am member of the Amazigh community of Algeria.

Through my statement, I aim to talk on linguistic inequalities in criminal justice in Algeria.

Tamazight (or Berber) is the mother tongue of millions of Algerians but is nearly insignificant in the Algerian public sphere, especially in the criminal justice system.

Given their large size, concentration, and overall demographic weight in Algeria, it is unreasonable and discriminatory that Tamazight speakers who do not have a good command of Arabic will struggle in the criminal justice system compared to those who do. Access to an interpreter is quite often illusory in the country, which can create a deep feeling of exclusion by the very apparatus charged with delivering justice equitably for all citizens.

The exclusion of Tamazight speakers from the criminal justice system is a serious obstacle to the establishment and perpetuation of the rule of law in Algeria.

There is no doubt that the place of Tamazight has changed in the Algerian juridico-linguistic diagram since its recognition in 2002 as a national language.

However, despite this official commitment to promote Tamazight, the only established languages in Algeria for the purposes of legislation, court records, and judgments are standard Arabic and French. At present, Tamazight is not allowed before Algerian courts.

Language rights are not specifically recognized by any law in Algeria, and the text of the Constitution of Algeria does not specify what should the Algerian state should be doing legally and practically to comply with the constitutional provision that aims at promoting Tamazight.

On the other hand, although the law requires the judge and the lawyer to draft their documents in the official language, that is to say, in standard Arabic, no Algerian law allows a judge to compel a citizen to answer in this language. Article 92 of the Criminal Procedure Code provides that the judge may resort to an interpreter to translate the words that will be held or exchanged by people speaking different languages or dialects.

Therefore, many lawyers bear witness to the numerous cases of Algerian inhabitants obliged to use standard Arabic in court, in civil court cases as well as in criminal ones, even when they do not have a good command of this language. We can easily understand that the Tamazight-speaking inhabitants of Algeria cannot be defended efficiently when their language is never used in the Algerian courts.

The Algerian State has the means to ensure another language can be used in courts, especially the use of Tamazight in courts where many of Amazigh people live. It has also the means to provide the main courts throughout the Algerian territory with a dedicated translation and interpretation services.

Therefore, my recommendations to the forum are the following:

- As a first step, Tamazight language training must be integrated in the training of civil servants and all the people working in the criminal justice in the areas mainly inhabited by Amazigh people.

- The reform of national laws which do not comply with international treaties ratified by the Algerian state regarding non-discrimination provisions;
- The recognition of a right to use Tamazight in the criminal justice system;
- The implementation of a policy of translation of the Algerian official texts into Tamazight;
- The integration of a module of legal terminology in Tamazight in university education in law;
- The training of the judicial officers in the field on the Amazigh language and culture in order to use Tamazight in the sector of justice in Algeria;
- Ensuring the right for Amazigh inhabitants of Algeria to benefit from a service of interpretation or/and translation from standard Arabic to Tamazight in the main courts;
- The requirement of competence in Tamazight for civil servants, including in the field of justice, in areas where inhabit Tamazight speakers are concentrated.