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Algeria

Kamel Aïssat acquitted! Scientific arguments and mobilization won the day

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A judge in Bejaïa has just decided that Professor Kamel Aïssat is acquitted on all charges in the case of the Tala Hamza zinc and lead mine in the Wilaya of Bejaïa.

In a system of democratic freedoms, citizenship - in other words, the participation of citizens in the construction of the public sphere, but also their determination to defend their rights - is the essential criterion for the system to function. In a regime of dictatorship or authoritarianism, citizenship embodies subversion, a troublemaker for those in power.

Is this the case in our country, given the harassment suffered Kamel Aïssat, whose verdict has just acquitted him of mind-boggling and senseless charges of “undermining the national interest” and “undermining national unity”? He was a patriot of all nations and oppressed peoples.

What has he done? No offence, no misdemeanour, no crime. Better still, he tried to do what his duty as a citizen dictates, as proclaimed by the constitution and the laws of the land.

Kamel Aïssat is accused of having expressed his expert opinion on the quality of the “impact study” drawn up by the ENVICONSULT consultancy (in 2020) for WMZ (the operating company). Professor Aïssat expressed serious reservations in two key areas (the environment and the law).

On the environmental front, he criticized the impact study for ignoring the scientifically and historically proven risks of imminent heavy metal poisoning for the population. He criticized the study for ignoring the risks to the Soummam water table, which supports the region’s agri-food industry and supplies the entire national market and beyond.

In legal terms, he criticized the impact study for ignoring the laws of the Republic, namely the Law on the Environment, one of whose aims is to prevent any form of pollution or harm to the environment by guaranteeing the protection of its components; wali decree no. 13/1000 of 06/05/2013, which confers on the Soummam valley the status of a wetland of international importance protected by the RAMSAR convention, which Algeria has ratified (decree 82/439 of 11 September 1982); but also, and above all, the mining law, article 3 of which “prohibits all mining activity on sites protected by international conventions and/or legal texts”.

Since the president has made the mining sector one of the key areas for economic development, the authorities in charge of the Tala-Hamza/Amizour mine are acting as if they were exempt from all principles of prevention and respect for the laws of the Republic. At the Council of Ministers meeting on 24 April 2022, the Head of State himself “insisted on the imperative need to take the required environmental standards into account”?

As a reminder, in 2012, the Minister for Energy and Mines, Youcef Yousfi, on a visit to Béjaïa, indicated that “the study presented by Terramin was not satisfactory”. Two months later, in an interview with *Le Quotidien d’Oran*, he said of Terramin that “small companies have come in to try to do good business, but they don’t have the technical resources to develop these mines rationally and in a way that will ensure the safety of the population and protect the environment”. As a result, the contract was terminated. Two years later, a new mining law was promulgated “prohibiting, in Article 3, all mining activities on sites protected by international conventions and/or by legislation”.

In the current context, given society’s heightened ecological awareness, it is clear that Kamel Aïssat’s struggle is receiving the attention it deserves, thanks to the court ruling that has just been given in his favour and to the fight waged by the hundreds of citizens who have expressed their rejection of this project and petitioned against the mine’s development.

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It was popular mobilization that led to Kamel Aïssat's acquittal: this, with the participation of local residents, social movement organizations, associations, independent trade unions and the UGTA, showed where legitimacy lies, even though the public prosecutor had asked for three years imprisonment. This is an encouragement for the mobilization against the mine and for the environmental and anti-imperialist struggles. For all the victims of repression, particularly since the Hirak, it is formidable proof that the struggle, combining legal and militant action, can achieve success.

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