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TRUTH AND JUSTICE FOR THE DISAPPEARED IN ALGERIA

NEWSLETTER

Number 10 – January/March 2004

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NATIONAL COMMISSION FOR TRUTH AND JUSTICE

The *CFDA* organised a closed seminar in Paris on 28 February 2004; the theme was: 'Disappearances in Algeria: how to establish a national commission for truth and justice?'

The seminar involved a great deal of preparatory work both in France and in Algeria.

IN FRANCE

It was necessary, firstly, to decide on the themes that should be tackled, which required many discussions, followed by direct invitations to political leaders, Algerian intellectuals, experts in *transitional justice*, NGOs, representatives of the 'disappeared', and finally to prepare visa requests for the Algerians. We had contact with Algerian personalities living in Algeria such as Ali Yahia Abdenour, Salima Ghozali and Ali Boudoukha to explain our project, and to ask for their help in organising a meeting with those whom we wished to approach.

IN PARIS

The seminar required all sorts of organisation, including the finding of a hall, hotel rooms for the Algerians, visits to these places and particularly to draft requests for funds to cover the costs. All these issues were finally settled, but some Algerians invited were unable to keep their promise to come to Paris. Ali Benflis was involved in an electoral campaign, Hamrouche was represented by Ghazi Hidouci, and Farouk Ksentini was not able to obtain the agreement of the National Commission for the Promotion and Protection of Human Rights (*CNCPPDH*) on the pretext that the seminar was taking place in Paris.

IN ALGERIA

The organisation of the seminar required several visits to Algeria. Nassera Dutour had to go there in December 2003 and in January and February 2004 for contact with various personalities, to present the project and to try and convince people of its significance. These contacts required a great deal of time because people were often not available and because of the time needed for discussions.

We were able to meet Ali Benflis, ex Prime Minister; Abdallah Djaballah, President of the *El Islah* political party; Ahmed Talib Ibrahim, ex-Minister and President of Wafa; Mouloud Hamrouche, ex Prime Minister; Abdel Hamid Mehri, ex Secretary General of the *FLN* (National Liberation Front); Farouk Ksentini, President of the *CNCPPDH* and General Rashid Benyellès.

Ali Benflis declared that he supported our cause, that he felt in solidarity with the families and that the 'disappeared' file should be settled in a just and transparent way. Farouk Ksentini thought that our claim was just and wished to participate in the seminar. The delegation of the *CFDA* was welcomed and received signs of comprehension everywhere.

THE SEMINAR

There were 52 participants including Hocine Aït Ahmed from Switzerland, Abdelhamid Brahimi ex Minister from the UK, Abdelhamid Hamri from Algeria and Ali Yahia Abdenour President of the Algerian League for the Defence of Human rights (*LADDH*), Mohamed Harbi and Madjid Benchikh. Representatives of the families of the 'disappeared' were accompanied by their lawyers, and NGOs such as *LDH*, *FIDH*, Amnesty International (International Secretariat and French section), the *CCFD*, *ICTJ*, Algeria Watch and the Euro-Mediterranean Human Rights network participated. The meeting

went on from 0815 hrs to 1900 hrs with a break of two hours for lunch.

Mohamed Harbi opened the session. He was followed by the following speakers:

Madjid Bencheikh on '*What lessons can be learned from national commissions?*'

Edourado Gonzalez, head of the Algerian programme at the ICTJ (International Centre for Transitional Justice) which took part in *Peru's Truth and Reconciliation commission*;

Nassera Dutour on '*The Authorities and the 'disappeared' file*';

Abdenour Ali Yahia and Badia Gaouar on '*The treatment of the file by the Algerian legal system*'.

These presentations gave rise to lively comments and discussions of great interest. After the meal, the participants saw a documentary film on the '*disappeared problem in Peru*', made by an Amnesty International team.

Debate on '*the conditions necessary for a just settlement of the 'disappeared' file*' gave rise to a passionate exchange of ideas, and the assembly decided to create a working and study committee with the CFDA with a view to launching campaigns and study the conditions for the creation of a truth and justice commission. The resolution is accessible on the site <www.disparus-dz.org> for signature in French, English and Arabic.

The CFDA thanks the NGOs most warmly for their support, without which the seminar could not have taken place.

CREATION OF A COMMITTEE OF NATIONAL COORDINATION

On 19 January 2004, representatives of the families of the 'disappeared' of 15 Algerian *wilayas* (Algiers, Annaba, Batna, Blida, Boumerdès, Constantine, Guelma, Jijel, Mostaganem, Oran, Oum Bouaghi, Relizane, Setif, Taref, Tipaza and Tizi Ouzou) met at the office of *SOS disparus* in Algiers in the presence of Ali Yahia Abdenour, President of the LADDH, to debate progress on the 'disappeared' file

and its treatment by the authorities. There was criticism of the 'ad-hoc mechanism', noting that it did not address the complaints and demands of the CFDA memorandum passed to M Ksentini, President of the CNCPPDH and of the 'ad-hoc mechanism', set up on 20 September 2003 by the President of the Republic. Since the 'ad-hoc mechanism' has no right of investigation, it is shown to be useless. It only represents a new attempt to indemnify the families of the 'disappeared' and to close the file. After a long debate, the representatives of the various *wilayas* decided to create a National Coordination Committee of families of the 'disappeared' (CNCFD), in order to have a unified approach and the influence needed to face up to the situation. A group was immediately entrusted with drafting a press communiqué, and a press conference was held to declare the official creation of the National Committee of the families of the 'disappeared'. This press conference took place in the presence of some 40 Algerian journalists who asked questions about the 'ad-hoc mechanism', the programme and the possibility of action by the committee. The press gave wide coverage to the matter.

ORGANISATION OF THE NATIONAL COMMITTEE OF THE FAMILIES OF THE 'DISAPPEARED' (CNCFD)

The participants agreed to meet again rapidly and did so on 16 February at the office of *SOS disparus* in Algiers, to put in place the structure of the committee. At the same meeting the provisional board was named and made responsible for drafting the statutes of the committee of coordination and of preparing the founding General Meeting to adopt the statutes and elect the members of the board.

SIGNS OF INTEREST AND SYMPATHY JOURNALISTS

The Algerian Presidential elections were the occasion for the visit of foreign journalists and from the beginning of the year the “*SOS disparu(e)s*” office received visits from German, Italian, American and Japanese journalists and most notably from main daily newspapers such as *Le Monde*, *Libération*, *The Times*, and the *Daily Telegraph*. Journalists interviewed mothers of the ‘disappeared’ and went to places where the families assembled in Algiers, Oran, Relizane and Constantine. German television reporters and several BBC crews came to film the rallies of the families. In Algiers some BBC journalists who filmed one of the rallies was dispersed violently by the Algerian police.

THE EMBASSIES

Following the announcement of the ‘ad-hoc mechanism’, several delegations, in particular representatives from the Swiss and USA embassies, visited the “*SOS disparu(e)s*” office to get up-to-date with the situation. On 25 January 2004, “*SOS disparus*” received the visit of Mr Lorne William Cramer (Secretary of State) and of Richard Heroldman, the Ambassador. Mr Cramer, in the course of a short visit, said that he had been mandated by Colin Powell to enquire, from NGOs and particularly “*SOS disparu(e)s*”, about the human rights situation. Mr Cramer wanted to know the opinion of the Association about the ‘ad-hoc mechanism’ and in what way it was concerned with notions of justice and truth. In addition, he was interested by the question of the mass grave in Relizane. This mass grave had been discovered by Mohamed Smain of the *LADDH*, but the contents had disappeared when the police officially came to the site. This is evidence of the absence of political will by the Algerian government to throw light on the fate of the ‘disappeared’. M Cramer proposed the help of his government to find mass graves and identify the victims. He naturally obtained the agreement of “*SOS disparu(e)s*”.

FOR THE DEFENCE OF FREEDOM AND DEMOCRACY

NDI (National Democratic institute) has always shown sympathy for “*SOS disparu(e)s*” and never fails to invite members to the training courses that it organises in Algeria. During these three months, in relation with the elections, the action focussed on the campaigns of the plaintiffs.

FREEDOM HOUSE

In the course of its meeting with *SOS*, Freedom House - which will shortly open an office in Algiers, proposed to mount a programme of training courses and seminars in partnership with “*SOS disparus*” on the defence of human rights.

LADDH

LADDH and “*SOS disparu(e)s*” participated in each others actions. Thus *SOS* was invited to a conference organised by *LADDH* about lifting the state of emergency; political parties and various organisations also took part. “*SOS*” also participated, at *LADDH*’s office, at the opening of an exhibition by the painter Hocine Aribé, arrested in 1993 and ‘disappeared’ since that time.

EUROPEAN COMMISSION

A delegation of the European Commission, led by Alima Boumediene, went to Oran and the west of Algeria to meet families of the ‘disappeared’. In Algiers a meeting took place in the presence of *LADDH*.

CATHOLIC COMMITTEE AGAINST HUNGER AND FOR DEVELOPMENT (CCFD)

The *CCFD* has always shown great sympathy for the distress of families of the ‘disappeared’ and visited them twice during the three-month period.

THE MUSLIM SCOUTS OF ALGERIA

The head of the Algerian Scouts, M Nourredine Benbraham, was able to introduce representatives of the movement to members of the UNESCO office; this allowed gifts of clothing and shoes to be obtained for children of the 'disappeared'. Thanks to the work of the Scouts, groups of people gave meat to families in need on the occasion of the Aïd.

OTHER SEMINARS

THIRD ANNUAL GENERAL MEETING OF THE WORLD MOVEMENT FOR DEMOCRACY

The *CFDA* was invited to participate at the World Movement for Democracy forum which took place in South Africa from 1 to 4 February 2004. Various organisations and 640 participants from all countries were present. Numerous workshops were organised, giving rise to very fruitful exchanges. The *CFDA* participated in four working groups:

The role of non-governmental communities in promoting democracy across borders: transitional justice and the matter of the disappeared, a democratic response;

Instruments of transitional justice, truth commissions, tribunals and multi-sector community approaches;

Networking activists for women's rights: during this workshop an international network to introduce women to democracy was created and the *CFDA* became one of its founder members;

Nassera Dutour, for the *CFDA*, spoke on the theme 'Justice and democratic response to the problem of the 'disappeared' in the workshop organised by John Daniel from the Human Sciences Research Council, South Africa.

REGIONAL SEMINAR: 'COMMISSIONS OF TRUTH AND RECONCILIATION: THE MOROCCAN EXPERIENCE'

This seminar was organised at Rabat, Morocco, from 25 to 27 March 2004 by the *FIDH* in partnership with *AMDH* (Moroccan Association for human rights), *OMDH* (Moroccan human rights organisation) and *FVJ* (Moroccan Forum for Truth and Justice). The seminar benefited from the scientific support of the International Centre for Transitional Justice (*ICTJ*) and through financial support from the European Commission. *CFDA* followed this seminar with much interest since the themes tackled - such as questions of justice, redress and reconciliation, concerned the 'disappeared'. The experience of other countries, such as Sierra Leone and Chile, was very rewarding. Nassera Dutour spoke during the session: *What reforms in Morocco?* She explained the context of the formation of her Association, how it had developed, what work had been done and what the results had been until now.

TWO ALGERIAN MILITIA BEFORE THE FRENCH JUDICIARY IN NÎMES

CFDA has been working on the Relizane file for several years. In 1999 it learned that two men from the militia, the brothers Abdelkader and Adda Mohamed, who had run wild for four years in the Relizane area in the west of Algeria, were living in Nîmes. It took lengthy investigations, the finding of numerous contacts, and several journeys to Nîmes, to confirm their identity and their address - they had moved several times and taken good care to leave no trace behind them (neither address, nor telephone in their names).

The *FIDH* had relayed the accusations of witnesses from Relizane and lodged complaints against the Mohamed brothers for kidnap, torture, acts of barbarism and crimes against humanity. The Nîmes prosecutor opened an investigative commission and named an examining magistrate to handle the affair. The *CFDA* made several journeys in Algeria to contact witnesses but, as a result of the slowness of the *démarches* and the difficulty of obtaining visas, it was only in March 2004 that they were able to come to France. These five witnesses were first welcomed in Paris by the *FIDH* who helped them to prepare their statements; the *CFDA* accompanied them to Nîmes where they had to stay three days. The Mohamed brothers were questioned on 30 March by Montpellier police detectives. Because of fear for the safety of the witnesses the judge demanded that the hearings took place in Montpellier and not in Nîmes. The *CFDA* therefore accompanied the witnesses to the tribunal in Montpellier where they were confronted with the accused. Following this cross-examination that lasted for two days, the examining magistrate, M Jorda, decided on immediate detention of the two brothers, facing charges of crimes against humanity, acts of barbarism and torture. But the *juge des libertés et de la détention* did not confirm Judge Jorda's decision. The two accused are today placed under caution, and have provisional liberty but with legal restrictions. The Prosecutor has appealed against this decision and judgement is expected on 29 April 2004. This is the first time that a court has been able to exercise its universal competence in judging crimes against humanity, for until now the accused have fled. It is therefore an important victory for justice and we are profoundly satisfied as a result.

ENCOURAGEMENT

These three months has been marked by progress. The seminar went well and we have received many congratulations and messages of encouragement by e-mail. The working and study group, foreseen in the seminar resolution, is being put together and will be meeting soon. The resolution has been signed by nearly 2000 people. The Oran office has been opened; two missions went from Algiers to introduce the head of the office and volunteers to the business of welcoming families of the 'disappeared', to the constitution (of the organisation), to the files and how they should be followed up, to the keeping of accounts and to help in buying material for the office. The Oran office is going to help our work and permit the development of action in the whole area.