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familles
de
disparu(e)s
en
Algérie

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TRUTH AND JUSTICE

FOR THE DISAPPEARED

IN ALGERIA

NEWSLETTER

Number 14– January/March 2005

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I wish to join the Families of the Disappeared in Algeria Collective and am sending my dues for 2005 (30 €).

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Please make check out to “Collectif des familles de disparu(e)s en Algérie” and send your membership form to : Collectif des familles de disparu(e)s en Algérie –148 rue Faubourg Saint Denis 75010 - Paris – France

**Extracts from a CFDA article which appeared in Le Monde, 04 March 2005
"The general amnesty in Algeria will be a denial of justice" by Nassera Dutour**

Abdelaziz Bouteflika, the President of the Algerian Republic, is expected shortly to propose that Algerians vote for a general amnesty for crimes committed during the 'dirty war'. The parties in the conflict - those responsible militarily and politically, and those who were members of the militia and armed groups - would be freed from any judicial proceedings. A favourable response to this referendum would allow the page to be turned on 'years of blood', in order to establish peace in Algeria....

Can one erase the reality of a conflict that caused 150 000 deaths and hush up justice in order to allow peace for butchers?....

We, the families of the 'disappeared' in Algeria, wish firstly to speak about truth and justice. We want to see our children, our fathers, our brothers, or whoever they may be; if not we shall never know 'peace'.....

The amnesty stands in the way of the elementary right of families to know the truth to about the fate of their close relatives. It will constitute a new outrage against them, condemning them to never obtaining a response to the only question which counts: "where are they?" Worse, it will be tantamount to signing the death warrant of any eventual survivors....

We are not calling for vengeance; we demand the right to know the truth about the fate of our loved ones, to hear the judgements of independent and impartial courts. As the Chilean mothers say: 'we cannot forgive if forgiveness is not sought'. Only after this will it be time look forward serenely to an Algeria reconciled with itself.

To arrive at the truth we propose that a Commission of Truth and Justice be set up....

To allow the establishment of such a commission in Algeria we demand that the President of the Republic, as a precondition, ensure respect for the law of the land and notably that the state of emergency, illegally in place for 12 years, be ended; that the courts recover their independence and freedom; that restrictions on freedom of expression, association and meetings, stop. Above all, the institution of a Truth and Justice Commission requires official recognition of forced disappearances and the immediate release of all arbitrarily detained 'disappeared' persons....

Only those who demand truth and justice will ensure the transition towards a democratic Algeria. After that it will be up to the people of Algeria to construct the peace that we all dream about.

GENERAL AMNESTY: SOS DISPARU(E)S EXPRESSES THE POSITION OF FAMILIES

A first press conference was held on 30 January 2005 at the head office of SOS Disparu(e)s. This press conference was very important: seven associations of 'disappeared' were united, for the first time, in their opposition to the amnesty as it is at present proposed. ANFD, CFDA, LADDH, SOMOUD, SOS Disparu(e)s and ONVTAD expressed publicly their opposition to President Bouteflika's proposal, announced on 31 October 2004, of the probability of organizing a referendum as to whether there should be a general amnesty.

Paraphrasing Chilean mothers of the 'disappeared', Nassera Dutour explained to the press that Algerian mothers would not be able to forgive if forgiveness was not

asked of them. Maître Zehouane from *LADDH*, called for a legal debate on this question, emphasising that the issue is one of crimes against humanity which are imprescriptible (I e which cannot be taken away) and cannot therefore be amnestied. Lila Iril, President of *ANFD*, spoke at length about the work of the *ad hoc* Commission and the wish of its President, M Farouk Ksentini to close the issue by paying compensation. Ali Merabet, President of *SOMOUD*, reaffirmed the wish of families of all ‘disappeared’ to know the truth.

A second common press conference at *SOS Disparu(e)s* on 13 March brought together the *ANFD*, *CFDA* and *SOMOUD*; this denounced both the work done by the *ad hoc* Commission and the conclusions of the final report, which was due to be submitted to the President of the Republic on 31 March 2005. Representatives of the associations had put together a press pack for the conference; this recounted the work of the commission and in particular the declarations of M Ksentini, President of the *ad hoc* Commission. This document permitted association representatives to highlight the many contradictions in M Ksentini’s declarations. More than 40 journalists were present at this press conference, which had a substantial media coverage.

Once again the associations denounced the method chosen by the *ad hoc* commission which, during the whole of its assignment, never brought in the associations of families of the ‘disappeared’. Representative of the ‘disappeared’ deplored the fact that M Ksentini only looked for solutions to the issue based on two pillars: “*compensation and impunity*”. This revealed the absence of any political will.

Representatives of families of the ‘disappeared’ demanded that a Truth and

Justice commission be set up, without which ‘the *question of crimes against humanity committed during the previous decade would never be solved*’.

CFDA / SOS DISPARU(E)S NATIONAL AND INTERNATIONAL CAMPAIGN AGAINST THE GENERAL AMNESTY

Raising awareness about the general amnesty at embassies

Within Algeria, and before undertaking a tour to *wilayas*, *SOS Disparu(e)s* started a tour of embassies. In order to prepare for this, *SOS Disparu(e)s* and *CFDA* wrote a letter, accompanied by a legal argument on the general amnesty, addressed to all embassies. The President, Fatima Yous, accompanied by a delegation of families, was warmly received by the ambassadors of Austria and the Czech Republic, as well as by counsellors at the embassies of France, Italy, and the USA. M Lucio Guerrato, head of the European Union delegation in Algiers, also heard the members of *SOS Disparu(e)s*. All were attentive to the worries expressed by *SOS Disparu(e)s* and the families about the proposed general amnesty and said that they shared their concerns.

Proposed campaign to raise awareness in wilayas.

SOS Disparu(e)s is about to undertake a campaign to raise awareness among victims’ families and the whole of the Algerian population in all *wilayas*. The object of such an action is above all to denounce the will of the Algerian government to turn the page without providing for Truth and Justice for the ‘disappeared’ and their families. The campaign will thus aim at raising awareness of Algerians to the dangers of an amnesty as it is proposed by President Abdelaziz Bouteflika.

Preparation of a European campaign

In Europe the *CFDA* foresees leading a campaign about what is at stake in the general amnesty. This campaign, which will take the name 'Movement against oblivion', will have the objective of raising international awareness to the dangers of the general amnesty in Algeria.

The *CFDA* has already held several meetings with the members of its board, as well as with NGOs, in order to determine practical details and to obtain support. The *CFDA* must take care of organising victims and mothers of 'disappeared' from Algeria who will form a delegation. Victims of torture and witnesses to massacres should also be encouraged to participate in the action.

The movement would commence after a hearing with the European Union Subcommittee on Human Rights and should then visit European countries where contacts with NGOs and officials had been made. It would finish in Paris with a 'night against oblivion', which could be the occasion for the public to meet families of the 'disappeared'; it could include testimony, the recital of poems and an exhibition.

FIFTH INTERNATIONAL ASSEMBLY OF THE MEDITERRANEAN SOCIAL FORUM

In her position as Spokesperson of the *CFDA*, Nassera Dutour went to a meeting in Marseille (14-16 January) preparatory to the Vth International Assembly of the Mediterranean Social Forum. This new assembly was decisive and important for the fulfilment of *CFDA's* project to organise a special seminar on the question of forced disappearances in the Mediterranean region at the Mediterranean Social Forum. This will be held in Barcelona from 16 to 19 June 2005. This seminar will be the occasion for opening a

forum of debate and reflection on the question of 'disappearances'; it will reunite experts and victims' associations from various countries in the Mediterranean region which have been touched by this crime. It will thus revive the Euro-Mediterranean Coalition against forced disappearances which was formed in the year 2000.

THE *CFDA* AT UNITED NATIONS CONVENTION AGAINST FORCED DISAPPEARANCES

The *CFDA* once again took an active part in the work of the UN Working Group in Geneva drafting a legal mechanism ('*instrument*') for the protection of all against forced disappearances. The group worked for two weeks but unfortunately this was not sufficient time to allow this part of the text to be finalized; state delegations disagreed over some important points in the future mechanism. Nevertheless, the *CFDA* profited from the visit by meeting members of the UN Working Group on Forced Disappearances (*GTDF*). Maître Corcuera Cabezut, one of the five experts making up this group, could be alerted to the general amnesty proposed by Abdelaziz Bouteflika; a detailed report on this issue was sent during the week after the meeting so that it can be raised at the next session of the *GTDF*.

THE *CFDA* AGM

The *CFDA* held its annual general meeting on 18 March 2005. This meeting allowed the Board, as well as those members present, to examine and approve both the accounts of the Association for the year 2004 and the provisional budget for 2005. It was noted that the recruitment of a full-time representative ('*chargé de mission*') for the Paris office will lead to significantly higher personnel costs this year. In addition, Nassera Dutour

mentioned a proposal to rent separate premises for the Association's office during the coming year.

The annual report for 2004 and action proposals for 2005 were presented; those present agreed that the essential priority for this year will be a campaign against the proposed general amnesty.

17TH SUMMIT OF THE ARAB LEAGUE IN ALGIERS 23 AND 24 MARCH

SOS Disparu(e)s calls families to a rally

On the occasion of the Arab League Summit in Algiers, *SOS Disparu(e)s* called for a massive mobilisation of all families of the 'disappeared', as well as all victims of repression during the 'black decade', to protest against the proposed general amnesty. Numerous families responded to the call and assembled at 0900 hrs on Addis Ababa Place, in front of the headquarters of the *CNCPDH* (National Consultative Commission for the Promotion and Protection of Human Rights) during the two days of the Summit.

Open letter to Kofi Annan

SOS Disparu(e)s also used the visit of the UN Secretary General, Kofi Annan, to the Arab League Summit, to address an open letter to him. The letter made him aware of the plight of forced disappearance victims in Algeria at what is a critical time in their fight against the impunity of those who were responsible. *SOS Disparu(e)s* asked him, in his capacity as UN Secretary General and fervent human rights defender, to intercede with President Bouteflika to help protect the rights of victims of forced disappearances.

CHANGES AT *SOS DISPARU(E)S* OFFICES IN ALGERIA

SOS Disparu(e)s move to new offices in Algiers

The move to new more spacious and functional offices took place in March 2005. This should allow for a more welcoming atmosphere for families; separate rooms will provide better working conditions for the numerous volunteers and staff.

SOS Disparu(e)s - Bureau d'Alger
40, rue Khelifa Boulehalfa - Alger

Move to a new office in Oran

The office of *SOS Disparu(e)s* in Oran, opened in 2003, was also moved to new premises in March 2005. The Oran Committee had shared premises with a lawyer since 2003 but because of the influx of families and new members, a more spacious office had become necessary. The purchase of a new desk and computer equipment were needed to improve the efficiency of the new office.

SOS Disparu(e)s - Bureau d'Oran
8 rue Sotrin - Oran

Opening of a new SOS Disparu(e)s office in Relizane

CFDA and *SOS Disparu(e)s* are delighted that a office has finally been opened in Relizane in March 2005. This office has been rented for a year and will receive families of the 'disappeared' from Relizane and surroundings. Thus, thanks to the support of *CFDA* the Families' Committee will have the material and human means to help families.

SOS Disparu(e)s - Bureau de Relizane
8 rue Boukirat - Relizane

BRIEF NOTES

SOS Disparu(e)s beside Florence Aubenas and Hussein Hanoun

On 16 March 2005, as a sign of solidarity with the families of two hostages kidnapped in Iraq on 05 January 2005, and in order to call that they be freed immediately, *SOS Disparu(e)s* called all families of 'disappeared' to dedicate their weekly rally in front of the headquarters of *CNCPPDH* to Florence and Hussein.

JOURNALISTS FROM THE WORLD OUTSIDE MEET SOS DISPARU(E)S IN ALGIERS

Aware of the issue of forced disappearances in Algeria and to the proposed general amnesty, several press journalists, including a Japanese, a German and a French (radio) journalist from *France Culture*, came to the *SOS Disparu(e)s* office in Algiers in order to obtain testimony from families. The daily newspaper *Liberté* published an interview with Nasser Dutour, Spokesperson of the *CFDA*; *Radio Méditerranée*, very aware of the issue, broadcast several speeches by Nasser Dutour.

APPENDIX

The general amnesty: violation of the rights of victims of forced disappearance

If Algeria applies a general amnesty for crimes committed since 1992, it will contravene its obligations under international law. The general amnesty is contrary to the principles approved by nation states in the 18 December 1992 Declaration concerning the protection of all people against forced disappearance. Thus, in promulgating a general amnesty for crimes committed during the 'black decade' in Algeria, Algeria will contravene:

Article 9 §1 of the 1992 Declaration relative to "The right to a prompt and effective judicial remedy";

Article 13 §1 which guarantees that each person "...who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority..."

Article 18 §1, according to which "Persons who have or are alleged to have committed offences referred to in article 4, paragraph 1, above, shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction";

Article 17 §1: "Acts constituting enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified".