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“TRUTH AND JUSTICE” FOR THE DISAPPEARED IN ALGERIA

NEWSLETTER

Number N° 16 July - September 2005

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During the months of July, August and September, 2005, the CFDA has focused on two primary goals:

1. To conduct a campaign, in close cooperation with SOS Disparu(e)s in Algeria, to warn Algerians of the dangers of the amnesty as it has been proposed by the President, Abdelaziz Bouteflika, and of the negative consequences that it may produce.
2. To bring the menace of this general amnesty, and the regressions that may ensue, to the attention of the international community.

During these past three months, both the CFDA in Paris and its “SOS Disparu(e)s” offices in Algeria have undertaken numerous activities in order to mobilise the Algerian people and the international community.

14 AUGUST 2005: PUBLICATION OF THE CHARTER PROJECT FOR PEACE AND RECONCILIATION

BETWEEN VICTORY AND DISMAY

Although the abduction and disappearance of 6146 people by the forces of the State was acknowledged to the press by the ad hoc mechanism presided over by Farouk Ksentini on 30 March, 2005 (which in itself was a victory for the CFDA and the families of the disappeared), after long months of hesitation, the President of the Algerian Republic announced in his speech to the nation of 13 August, 2005, that a referendum was to be held on the following 29 September on the adoption of a text called “The Charter for National Peace and Reconciliation”.

The CFDA reacted immediately by alerting all the relevant national and international authorities, as well as the different bodies of the UN. It denounced the contents of the Charter which, with an amnesiac tendency, favoured impunity and blamed the

phenomenon of disappearances on “the scourge of terrorism that beset Algeria”. With this referendum, and throughout the referendum campaign, the President has reaffirmed his overriding desire to turn the page without finding truth and justice for the disappeared, their families, and all victims.

PRE-REFERENDUM AWARENESS CAMPAIGN IN ALGERIA

A TOUR OF EMBASSIES

Begun in March 2005, the policy of touring foreign embassies in Algeria continues still.

After those of Spain, Italy, France, the Netherlands, Austria, the United States, an SOS Disparu(e)s delegation was received by the South African ambassador in July and August 2005: on the first occasion to listen to the demands of the families of the disappeared ahead of meeting Farouk Ksentini himself, President of the National Consultative Commission for the Promotion and Protection of Human Rights; and on the second occasion to present the outcome of this meeting. “SOS Disparu(e)s” then asked the South African ambassador to request Nelson Mandela to provide a mediation with the Algerian authorities.

Furthermore, Great Britain sent two representatives of the Foreign Office to the SOS Disparu(e)s offices, where they discussed the question of the disappeared for over two hours.

PRESS CONFERENCE AT THE “SOS DISPARU(E)S” HEAD OFFICE IN ALGIERS

On the initiative of “SOS Disparu(e)s”, a press conference was organised in Algiers on 20 August, 2005, in partnership with the National Association of the Families of the Disappeared (ANFD) and SOMOUD (Association of the Families of those Kidnapped by the Armed Islamist Groups). Thirty journalists from the Algerian press were present, resulting in a great deal of positive coverage of the families of those

who disappeared at the hands of agents of the State and by various armed groups. Far from refuting the principle of peace, the families wanted to show that this text would only consecrate the impunity of those responsible for the kidnappings and punishments committed during the “dirty war”, denying their legitimate right to truth and justice, and to reveal the threats to the freedom of Algerian civil society and defenders of human rights in the months to come. Amine Sidhoum, lawyer for the families, also spoke on the legal aspects of the Charter project.

“SOS DISPARU(E)S” AKS TO MEET THE PRESIDENT OF THE REPUBLIC

On 22 July, 2005, the “SOS Disparus” office requested a meeting with Farouk Ksentini, President of the CNCPPDH. Their delegation was received on 30 August, 2005. Equipped with dossiers on the disappeared, the delegation proved to Farouk Ksentini that, contrary to his declarations to the press, the majority of families had sought justice all the way to the Supreme Court, but that this body had not fulfilled its duties in regard to the question of the disappeared. “SOS Disparu(e)s” also requested the President of the CNCPPDH to secure for them a discussion with Abdelaziz Bouteflika, the President of the Republic, since he alone disposes the authority to decide on the matter.

“THE CARAVAN OF HOPE”

Acting in parallel to the “Caravan against Amnesia”, underway in Europe since April 2005, “SOS Disparu(e)s” has organised an awareness-building campaign in Algeria under the banner of “The Caravan of Hope”, with the purpose of alerting Algerians, and particularly the families of the disappeared, to the grave menace posed by the Charter for Peace and Reconciliation. Appearing successively in Béjaïa, Bouira, Ghardaïa and Oran, the Caravan has been able to present its appeal to a large and receptive audience, apparently to the displeasure of the Algerian

government. Harassment by the authorities finally made the Caravan lose momentum, and it was not able to continue on its route to the other intended destinations.

To support the Caravan, the “SOS Disparu(e)s” office drew up a tract and facsimile voting bulletins to express its case in written form. These documents could not be distributed as intended because of harassment, threats, searches and arrests carried out by the Algerian authorities.

HARASSMENT, THREATS, SEARCHES AND ARRESTS

Following his distribution of this tract, Monsieur Arab, a 75 year old member of the “SOS Disparu(e)s” association, was arrested without authorisation in Algiers on 14 September 2005 as he returned to his home following a weekly meeting. He was subjected to four hours in police custody before being referred to the prosecutor’s office for “possession of a tract threatening the national interest”, even though the tract in question merely expressed the legitimate demands of the victims’ families. He was subsequently placed under judiciary control.

Also during this period, Fatima Yous, the president of “SOS Disparu(e)s”, and Hacene Ferhati, a member of staff, were threatened: anonymous phone calls at all hours of the day and night, pressure and rumours were their daily experience for over two weeks.

In Oran, the young office secretary for “SOS Disparu(e)s” was harassed by telephone for several days, and was even threatened with disappearance “*like her father*”. The office was also searched without mandate.

Finally, in Constantine, mothers, wives and sisters of the disappeared were molested and forced to disperse by the forces of the police when they attempted to demonstrate peacefully ahead of an appearance by President Bouteflika. After being insulted, they were held at the police

commissariat for more than four hours before being released.

After being informed by SOS Disparu(e)s and the CFDA, the FIDH and OMCT published a widely-taken up communiqué. Amnesty International, amongst others, instigated an urgent appeal amongst its members. The LADDH also took a firm position.

“THE CARAVAN AGAINST AMNESIA” CONTINUES ITS PILGRIMAGE ACROSS EUROPE

Immediately after the 31 October, 2004, declaration by Abdelaziz Bouteflika, President of the Republic, that a referendum on a general amnesty was probable, the CFDA (see Information Letter No. 15) launched a campaign in Europe under the heading of “Campaign against Amnesia”, beginning with a hearing before the Subcommittee for Human Rights of the European Parliament in Brussels. After passing through Belgium and Spain, the Caravan responded to the invitation of the North African Office of Amnesty International Italy (AI) by travelling to Rome on 7 July, 2005, for that organisation’s annual meeting.¹ During her conversations with the AI membership specialising on the Maghreb, Nassera Dutour spoke at length on her serious concerns for the consequences of a general amnesty in Algeria.

Appreciative of Nassera Dutour’s testimony, the membership invited her to return to Italy the following November in order to tour the whole country.

Finally, accompanied by Concetta Tucillo, coordinator for North Africa, Nassera Dutour was received by Gabriele Eminente, director of AI Italy, who proposed a press conference during her return to Rome.

“The Caravan Against Amnesia” is received at the United Nations by the High

¹ For financial reasons, the Caravan was represented solely by Nassera Dutour

Commissioner for Human Rights, Louise Arbour

“The Caravan Against Amnesia”, comprising a delegation of four members – of whom Zhora Nekrouf, Reguia Lakehal and Ouahiba Aidaoui come expressly from Algeria, in addition to Nassera Dutour, spokesperson for the CFDA – was received by Louise Arbour, High Commissioner for Human Rights, and Stephen Toope, President of the Working Group on Forced or Involuntary Disappearances. The delegation shared their serious disquiet regarding the likely adoption of the Charter for Peace and Reconciliation and the grave consequences that it would produce. Louise Arbour showed herself to be very attentive and receptive to the aspirations of the delegation. After an hour’s discussion, it was agreed therefore that, in the future, measures and initiatives ought to be taken so that the Algerian Government would respect its international commitments in the matter of human rights.

Furthermore, during meetings with the Working Group Against Arbitrary Detentions, the Working Group Against Summary, Arbitrary or Extrajudiciary Executions, the Committee Against Torture, the Committee on Human Rights, and the special procedures and communications team, the delegation from the “Caravan” managed to discuss their working methods with regard to the management of dossiers and complaints.

ADOPTION BY THE UNITED NATIONS IN GENEVA OF A NEW INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PEOPLE FROM FORCED DISAPPEARANCES

A long-awaited and important event has finally come to pass: the International Convention on Forced Disappearances was finally adopted on 22 September 2005. During its passage at the United Nations, in Geneva, the “Caravan Against Amnesia” was able to participate in the working group’s final efforts to draw up a judicial document against forced disappearances that was finalised by an International

Convention. The CFDA and its partners, having supported this project for a long time, are now finally able to congratulate each other on its passage.

TWO UN EXPERTS WEIGH IN ON THE UPCOMING REFERENDUM ON NATIONAL PEACE AND RECONCILIATION

Following the announcement of the presidential decree, the swift efforts of the CFDA in reaction to the contents of the Charter have borne fruit. Two UN experts – the Special Observer of the Commission on Human Rights for Summary, Arbitrary or Extrajudicial Executions, and the President Observer of the Working Group on Forced Disappearances – have reminded the Algerian government that “*no peace plan can ignore the victims’ right to truth and full redress*”. Their declaration also attested to the legal permanency of the crime of forced disappearance.

PROVISIONAL MEASURES

In addition, the hope that the Committee on Human Rights would take provisional protection measures has received some favourable indications. The Observer for Special Procedures of the Human Rights Committee has written to the Algerian government that “*the right to refer inquiries cannot be impeded by national legislation*”, and has asked the State “*not to invoke the provisions of the Charter for National Peace and Reconciliation against those persons who have referred, or will refer, inquiries to the Committee*”. In regard to this point, his message referred to the Charter, as submitted to referendum, as asserting that “*no-one in Algeria or abroad has the right to use or exploit the wounds of this national tragedy to pursue litigation*”.

THE NIGHT AGAINST AMNESIA: AN INTENSE MOMENT

In order to welcome the “Caravan against Amnesia” when it visited Paris on 24 September, 2005, the CFDA organised an important demonstration at Place de la République dubbed the “Night against Amnesia”. Under tents, painters and photographers of Algerian, French, Moroccan and Turkish origin exhibited their works to the backdrop of performances by musicians from all over the world; their generous contributions bestowed a festive spirit on the demonstration. This warm and friendly evening provided an opportunity for a great many people to express their support for and solidarity with the victims’ families. Numerous representatives of French and international organisations (such as ATMTF, FPCR, FIDH, LDH, Amnesty International), French elected officials, and celebrities all took their turn at the podium. Louis Joinet, Special Observer for the Struggle against Impunity, reminded everyone that the crime of forced disappearance was a crime against humanity, and accordingly that there were no chronological limitations on prosecution.

The members of the “Caravan against Amnesia” were joined at the podium by families of disappeared living in France, by others who had come purposefully from Geneva, and by a victim of torture in Algeria who is now a political refugee in France. They restated their determination to see a Truth and Justice Commission established – an essential precondition for a society to be reunited finally.

More than 500 people assisted the event. On this occasion, and during the days that followed, the printed, television, and radio press gave the CFDA a voice to broadcast widely the issue of forced disappearances, and the demands of the victims of a black decade in search of truth and justice.

THE CARAVAN COMES TO LILLE, MARSEILLE AND TOULON

The delegation has also been welcomed in three more French cities – Lille, Marseille and Toulon, on 23, 26 and 27 September respectively – by elected representatives from City Hall and the Regional Councils. The Caravan’s participants instigated lively open debates and a press conference held at the Press Club in Lille. These meetings provided opportunities to decry the negative consequences inherent to the adoption of the Charter on National Peace and Reconciliation, and to alert audiences to the risks to human rights after the referendum. Further debates will take place in the near future in order to continue to pursue this question.

IN BRIEF

REORGANISATION OF THE SOS DISPARU(E)S OFFICE IN ALGIERS

Under the direction of Nassera Dutour, spokesperson for the CFDA, the head of mission for SOS Disparu(e)s in Algiers and her assistant, both of whom have been recently recruited, reorganised the office during July and August and implemented an action strategy for managing and pursuing the dossiers of the disappeared (which includes the creation and handling of the dossiers, psychological support for the families of the disappeared, and monitoring and updating on legal and judicial developments). They have also assumed diverse duties include administration, liaison activities, public communications, and relationships with outside institutions.

MISSION WITHIN THE FRAMEWORK OF THE EUROMED COALITION

During the first half of July, a special mission on arbitrary detentions and forced disappearances, accompanied by Nassera Dutour, spokesperson for the CFDA, came to Algeria. The mission worked at length with SOS Disparu(e)s lawyers on specific cases of arbitrary detention. Together they assembled a number of actions concerning cases of forced detention, which have been submitted

to the working group on arbitrary detentions (GTDA).

The mission hoped subsequently to meet with the CICR in order to raise the issue of the dossiers of the disappeared in Algeria.

MEETING WITH THE CICR

On 18 September 2005, “SOS Disparu(e)s” and the special mission met with Olivier Dürr, the head of the delegation of the International Committee of the Red Cross (CICR). The mission informed the CICR of cases of detention, including a case of secret detention going on 23 months. The participants successfully exchanged their points of view with regard to handling disappearance cases.

LADDH CONGRESS

The congress of the Algerian Human Rights League (LADDH) took place on 22-23 September, 2005, at Bourmedès, near Algiers. Master Hocine Zahouane was elected president, and Master Ali Yahia Abdenour, a symbol of the struggle against human rights violations in Algeria, retained his position of Honorary President. An important opportunity was granted for the families and loved ones of the disappeared to speak, thus confirming the LADDH’s strong support for their fight.

THE FAMILIES’ DETERMINATION TO PERSEVERE FOR TRUTH AND JUSTICE

Ever since the decrees implementing the Charter for National Peace and Reconciliation were prepared, the Algerian Families of the Disappeared Collective and SOS Disparu(e)s, in addition to all the families they represent, have been yet more vigilant and determined than ever in their continued struggle, to the very end, for Truth and Justice. In this spirit SOS Disparu(e)s waits still for a meeting with Abdelaziz Bouteflika, the President of the Algerian Republic.