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familles  
de  
disparu(e)s  
en  
Algérie

المفقودون DISPARUS  
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DISPARUS المفقودون  
المفقودون DISPARUS

# TRUTH AND JUSTICE FOR THE DISAPPEARED IN ALGERIA

## NEWSLETTER

Number 22– January/March 2007

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I wish to join the Families of the Disappeared in Algeria Collective and I am sending my dues for 2007 (30 €).

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## **ALGIERS SEMINAR BANNED: THE MOST FUNDAMENTAL RIGHTS SCORNED**

Following several months of preparation the seminar 'For truth, peace and conciliation', which was due to be held in Algiers on 7 and 8 February 2007, was banned by the authorities. Authorisation had been requested from the ministries concerned more than two months before, but no reply was forthcoming. It was only on the actual day of the event that Algiers security agents came to the hotel where the seminar was due to take place to notify the organisers that it could not be held. The Police Commissioner, the Intelligence Services and the Head of Security came in force to prevent participants from meeting, after families of victims, representatives of NGOs, journalists and embassy representatives had already arrived.

### **PLUNGED INTO DARKNESS, PARTICIPANTS HAD TO BE RESIGNED TO LEAVING THE HALL**

Electricity was cut inside the meeting hall, recording equipment had been taken away and participants were unable to enter the conference room. Difficult negotiations between the police force and the organisers had, therefore, to take place in darkness. The organisers did not give way and tried by all possible means to contact a 'high-ranking official' who never replied. The speakers therefore had to take their place on the platform in candlelight. In spite of the resistance of the participants, the authorities obliged everybody to leave the hotel. Lawyers and families of victims present strongly contested this denial of freedom.

While one of the objectives of the seminar was to open a dialogue with the government, the latter was clearly not inclined to listen to the victims. The Algerian authorities have once again demonstrated their intention to ban any freedom to meet, to demonstrate and to express oneself in Algeria.

## **A PRESS CONFERENCE ORGANISED IN THE OPEN AIR**

All participants then went to the *Maison de la presse* to hold a press conference. No room being available to hold this conference, the demonstration took place in the street. Mothers of 'disappeared' brandished the banner prepared for the conference together with photographs of their 'disappeared' relatives. Members of the organising committee, and lawyers and personalities interviewed by journalists, decried this flagrant violation of fundamental liberty. The CFDA, "SOS Disparu(e)s", ANFD, Djazairouna and *SOMOUD*, noted bitterly that once again the Algerian authorities refused dialogue and the opportunity to build of true peace and reconciliation.

The banning of the seminar, followed by this spontaneous press conference, had a considerable impact in the national and international press, particularly since, the evening before, Algeria had signed the International Convention for the Protection of all persons from Enforced Disappearance.

### **TRAINING ABOUT THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE**

The seminar having been banned, the CFDA immediately took advantage of the presence of two international law experts to organise training concerning the International Convention for the Protection of all persons from Enforced Disappearance. The instruction took place in the *SOS Disparus* offices and involved some 30 people, among them members of the Oran and Algiers offices, representatives of local committees such as Jijel, families of victims as well as representatives of other Algerian human rights associations. The occasion allowed the participants to clearly understand the issues, the advances made, and the positive

results from which victims of enforced disappearance and their legal beneficiaries may be able to benefit, thanks to this convention.

#### **RAPID REBOUND: SEMINAR HELD IN BRUSSELS**

As a result of the unacceptable situation imposed by the authorities, the FIDH (*Federation internationale des ligues de droits de l'homme* - International Human Rights Federation) proposed that the participating organisations, who had been banned from holding their seminar for 'Truth, peace and conciliation' in Algiers, should hold it in Brussels; this city would - a month later - be welcoming the European Union/Algeria Association Council.

The seminar was held on 18 and 19 March 2007: there were some 60 participants, among whom were families of victims, NGO representatives, Algerian intellectuals, lawyers and international experts on transitional justice.

Firstly there was a plenary session where participants could give their opinion about the situation in Algeria and that of the victims of the Algerian conflict. The relevant clauses of the Charter for Peace and National Reconciliation were analysed; several international experts told of their experience of transitional justice in other countries such as Chile, Peru, Morocco, Rwanda, Colombia and South Africa.

The participants, in two workshops, discussed the need to establish the Truth which is inseparable from a legally constituted state. The two very fruitful days of debate affirmed that the most suitable solution in the context of the dramatic Algerian context would be the establishment of a process of transitional justice. Indeed, because the Charter for Peace and Reconciliation provides no solution, a consensus of Associations both of victims of the state and of Islamist armed groups agreed on the necessity to

establish a Truth, Peace and Conciliation Commission, in order to respond to the need for truth and for compensation for all victims of human rights violations in Algeria. Recommendations from the participants were discussed in plenary session following the workshops and adopted by consensus. At the end of the seminar the organising associations called on the highest authorities in Algeria to:

- Stop the obstruction of victims and of organisations representing them from expressing themselves;
- Support the Association representatives in their attempts to establish transitional justice;
- Repeal the implementation of the ruling concerning the Charter for Peace and National Reconciliation which denies all rights to justice, truth and free expression;
- Launch an institutional process putting in place a Commission for Truth, Peace and Reconciliation which respects justice, truth, memory, dignity and compensation;
- This process should be preceded by public debates initiated by the victims and their representatives and supported by the authorities;
- Guarantee that these crimes do not recur - the essential base for real and durable peace.

#### **MEETING WITH EUROPEAN INSTITUTIONS**

Following the seminar, meetings were organised with the objective of making European institutions aware of the proposal about the Truth Commission, ahead of the EU/Algeria Association Council which was due to take place on 24 April 2007. Two speakers from the seminar, Roberto Garreton and Sofiane Chouiter, were therefore heard by members of the European Parliament Subcommittee on Human Rights. The first gave his opinion of the general human rights situation in

Algeria; the second then spoke about the relevant clauses in the Charter for Peace and Reconciliation and of how Algerian justice functions on issues of human rights. The EU Maghreb-Mashrek (North Africa) group then expressed the wish to speak to the representatives of the organising Associations. The President of the group demonstrated his regret that the seminar in Algiers was banned and said that he would not fail to raise the issue with the Algerian authorities. The contents of the seminar and the determination of the Associations to establish a Truth Commission were also discussed, and lastly a delegation from the organising Committee was received by Mrs Hélène Flautre, European Member of Parliament and President of the Subcommittee on Human Rights.

#### **INVESTIGATION WORK CONTINUES ON THE GROUND**

With the aim of establishing an update of enforced disappearances in Algeria, the first missions were carried out in Jijel (east Algeria) and in Laghouat (the South - Sahara) during the first half of 2006 (see Information Letter 17). These first assignments allowed the delegation to meet many families and to collect 85 new files on enforced disappearances. Following this the teams, comprised of members of *SOS Disparus*, of trainees, a driver and translator continued to travel along the roads of the Algiers, Blida, Boumerdes and Tipaza *wilayas*, where nearly 150 people could be questioned. The investigatory work progressively developed and will shortly be completed in the *wilayas* of Tizi Ouzou (east of Algiers), Tiaret and Oran (to the west of Algiers).

The final objective of the missions is to expand the evidence by region and to lead investigations with a personal touch so that a more exhaustive report on enforced disappearances will be possible, attempting to bring together the causes which gave rise to the 'disappearances'. A further

objective is to map the enforced disappearances. A start has been made on mapping in order to represent geographically the number of 'disappearances' by *wilaya*.

During these first investigation missions the CFDA noticed that many families have never declared, either to an Algerian institution or to an Association, that their relatives have 'disappeared'. The work of making an inventory is therefore far from being completed.

#### **AWARENESS AND SUPPORT FOR THE FAMILIES OF THE 'DISAPPEARED'**

These investigations not only allow some existing files to be completed but also give hope to families by coming to them and showing that they have not been forgotten. During the missions teams tell families about their rights and encourage them to look for the truth, in spite of the prevailing situation brought about by the relevant clauses of the Charter. Not surprisingly, many families are discouraged and fear that they will be caught by articles 45 and 46 of the ruling 06-01. Article 45 prevents any recourse to justice; Article 46 punishes anyone who writes or does anything detrimental to the institutions of the Republic with a fine or by imprisonment. Thus, in bringing any complaint against state agents, or in demonstrating against those responsible for 'disappearances' in Algeria, families are afraid of being hounded by the authorities.

In this difficult context, our role is therefore to support families in any steps they take and to denounce all manoeuvres by the authorities leading to their being forced to accept the process of compensation dictated by the Charter and its relevant clauses.

#### **A COMPLAINT FILED WITH THE UN HUMAN RIGHTS COMMITTEE**

The CFDA has submitted a new communication with the Human Rights

Committee. It refers to the case of Daouia Benaziza, arrested by security forces in Constantine in 1996 and 'disappeared' to this day (see Information Letter 19). Thanks to numerous appeals made by her family in Algeria, a complaint retracing all the facts and all the futile requests was transmitted to the Committee. This complaint demonstrates all the violations of the International Covenant on Civil and Political Rights (ICCPR) committed by the Algerian state, responsible for the 'disappearance' of this elderly woman. The CFDA, strengthened by the first two decisions taken by the Committee of Human Rights against Algeria (see Information Letter 18) will very shortly present another complaint, while three others are being compiled.

The work of transmitting complaints to the Committee of Human Rights is one of the only means of recourse that the families of 'disappeared' have since the relevant clauses of the Charter - which prevent any possibility of recourse before Algerian justice - came into force.

As a result of its adhesion to the ICCPR, Algeria will be examined by the Committee of Human Rights during next July's session (2007).

#### **TRIAL OF TWO LAWYERS / HUMAN RIGHTS DEFENDERS CONTINUALLY ADJOURNED**

The trial of two lawyers and human rights defenders (see Information Letters 20 and 21), Me Sidhoum and Me Boumerdassi, which should have taken place on 17 January, brought together numerous people to the *tribunal correctionnelle* (court trying criminal cases of a fairly serious nature). Dozens of lawyers were there to defend them and many families of 'disappeared' were there to support them. However, the President of the Court decided to adjourn the matter until 21 February because witnesses, and particularly the director of the prison who had brought the charges against Me Boumerdassi, were not there.

On 21 February the same thing was repeated. More than 50 lawyers were present for the two cases. While the President of the Court on 17 January was insistent that the director of the prison be called, he was still not present. The lawyers therefore requested an adjournment. To begin with the President of the Court refused to adjourn it, but after she had been out for a few moments. she finally accepted, but only on the grounds put forward by the lawyers. The trial was therefore again put back, to 21 March 2007.

On that day, following a request from CFDA, the FIDH had appointed an observer and many families of 'disappeared' were there. On this occasion access to the court was completely blocked by police, who were there in large numbers. Everybody who had come to make a point was turned back and only the lawyers were allowed inside the court. The trial was once again adjourned, until 21 April 2007.

Our two lawyers are therefore still waiting for a judgement of an affair that makes no sense. It is certain that the continual convening and adjournment of hearings to which they are subjected contribute to the intimidation and moral wrongs that the Algerian justice intends that they should have to put up with while impeding their activities in defending human rights.

#### **SHORT NOTES**

##### ***MEETING WITH THE SPECIAL REPORTER FOR THE RIGHTS OF WOMEN***

Mme Yakin Ertuk, Special Rapporteuse for Violence against Women visited Algiers at the end of January. She had wished to meet the CFDA/SOS *Disparus* team and had expressed her solidarity with families victim of enforced disappearances. She had also indicated her concerns about the National Charter for Peace and Reconciliation which, according to her, are

a serious obstacle to the rights of freedom of expression.

#### ***ALGERIA CASTIGATED BY THE AMERICAN FEDERAL DEPARTMENT'S REPORT***

The American Federal Department, in its human rights report published in March 2007, denounced human rights violations committed in Algeria. Torture, arbitrary detentions and arrests of journalists are condemned. It also emphasises the fact that independent observers have not obtained authorisation to visit Algerian prisons and centres of detention. The situation in prisons is criticised because of promiscuity and the lack of medicines there. As far as enforced disappearances are concerned, the report notes with regret that in order to judge 'disappearance' cases the law requires two eye witnesses to make statements. The report underlines the fact that the majority of 'disappearance' cases attributed to the security forces have not been resolved and that the government has not carried out diligent investigations against the security forces. Furthermore it adds that the courts have systematically rejected all cases submitted where only a single person, who had identified the security forces as responsible, could witness to the abduction of the 'disappeared'. Finally, the report states that compensation promised by the National Charter for Peace and Reconciliation is late in being paid, and it notes numerous difficulties encountered by families in taking steps to obtain compensation.

#### ***FIFDH: THE CFDA HONOURED***

Nassera Dutour was invited to speak at the opening ceremony of the Film Festival and the International Forum on Human Rights which was held in Geneva between 8 and 17 March. During her speech the CFDA Spokesperson denounced the banning of the seminar organised by the Association in Algeria. All NGOs present reiterated their support for the CFDA and their willingness to support it so that the

most fundamental rights should finally be respected in Algeria. The Spokesperson of the CFDA made use of her time in Geneva to submit some hundred files on enforced and involuntary disappearances to the UN.

#### ***THE SIGNIFICANCE OF TRANSITIONAL JUSTICE***

The CFDA was invited, from 26 to 28 March, to participate in a training session organised by the International Centre for Transitional Justice in Brussels. Various subjects were tackled such as the history of transitional justice, amnesty and compensation for victims. Experts on transitional justice displayed a number of case studies.

#### ***MEETING WITH MICHEL DOUCIN, HUMAN RIGHTS AMBASSADOR***

The CFDA, accompanied by the Djazairouna Association, met the Human Rights Ambassador on 29 March. The ambassador presented us with his book entitled *Guide de la liberté associative dans le monde* (Guide to freedom of association in the world). In addition, he signalled his solidarity **face aux** as a result of the pressures suffered by Algerian Associations in Algeria, particularly the banning of the seminar in Algiers - which he mentioned in his book.

#### ***PRESS REVIEWS RELATING TO THE SEMINAR 'FOR TRUTH, PEACE AND CONCILIATION'***

*Droits de l'homme et disparitions forcées, Un séminaire empêché à Alger, El Watan, du 08.02.2007 ; Les autorités interdisent la tenue d'une conférence, EL KHABAR du 08.02.07 ; La rencontre victimes du terrorisme - familles des disparus interdite, LIBERTÉ du 08.02.07 ; Les disparus d'Algérie, un sujet qui fâche toujours, El ANNABI du 08.02.07 ; Le pouvoir empêche la tenue à Alger d'un colloque sur les disparitions forcées, LE MONDE du 09.02.07 ; Les droits de l'homme censurés à Alger ; Une réunion sur les disparitions forcées de la «sale guerre» a été interdite par la police, LIBERATION du 10.02.07 ; Algerian police break up a conference seeking to shed light on insurgency, INTERNATIONAL HERALD TRIBUNE (AP) du 07.02.07.*