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TRUTH AND JUSTICE FOR THE DISAPPEARED IN ALGERIA

NEWSLETTER

Number 24– July/September 2007

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THE CFDA PRESENTS AN ALTERNATIVE REPORT TO THE HUMAN RIGHTS COMMITTEE

When the CFDA learned that Algeria had handed over a report conforming to Article 40 of the International Covenant which refers to civil and political rights, it undertook to write an alternative report. The Algerian State report did not reflect the reality and only cited Algerian legislation, omitting to mention all violations of human rights committed in Algeria since 1998. Most significantly, it ignored the question of 'disappearances' - as though they had never existed.

The CDFA has therefore refuted the arguments of the Algerian state, in a report 80 pages long, and has drawn up a case backed by examples of violations, and grim attestations by victims who had turned to members of our humanitarian organization. The report was passed to the Human Rights Committee with the help of the FIDH in Geneva. On 19 July a CFDA delegation, assisted by the FIDH, met members of the Human Rights Committee to present the main points of the report. The Committee then went on to what is called a question session, with the Algerian representatives, on 23 July 2007.

WHAT IS THE ROLE OF THE COMMITTEE OF HUMAN RIGHTS?

The Human Rights Committee, which is part of the United Nations Human Rights Committee, is an institution made up of 18 independent experts who watch over the application of the International Covenant on Civil and Political Rights, which Algeria signed in 1989. The Committee is linked with the Office of the United Nations High Commissioner for Human Rights.

All states who have ratified the Covenant undertake to submit - at regular intervals - reports on the measures adopted, and on progress made to give effect to the 'Covenant rights'. States must present a first report a year after ratifying the Covenant, and thereafter when

demanded by the Committee, which is generally every four years. The Committee examines each report and makes clear its concerns and recommendations in the form of 'final observations'.

In virtue of Article 41 of the Covenant, the Committee can also look at inter-state complaints. Furthermore, the First Optional Protocol to the Covenant gives the Committee competence to examine individual complaints with regard to alleged violations of the Covenant by States parties to the Protocol. As a result of this, the CFDA was able to present several communications concerning victims of forced disappearances: Riad Bourcherf, Mohamed Grioua, Mourad Kimouche and Sid Ahmed Aber....

PRESS BRIEFING IN GENEVA: PRESENTATION OF COLLECTION OF 'DISAPPEARED' PHOTOS

Following the meeting with members of the Human Rights Committee the CFDA, in conjunction with the FIDH, organised a press briefing within the United Nations building. The objective was to pass on the CFDA's concerns that had been submitted to the Human Rights Committee, and to present the book of photos on the 'disappeared' published several weeks earlier by Autograph ABP. The many journalists focussed on the 'alternative report' which had just been submitted to the Committee.

TRIPLE CONDEMNATION OF ALGERIA BY THE HUMAN RIGHTS COMMITTEE

The UN Human Rights Committee had condemned Algeria, on 10 and 13 July, for violation of the Covenant following its examination of three communications presented by the Collectif. The voice of families of the 'disappeared' has, once again, been brought to the attention of the international stage. Following the two decisions made in March 2006 concerning Bouchef v Algérie and Saker v Algérie, this triple condemnation concerning Mohamed Grioua and Mourad Kimouche, 'disappeared' since May 1996, and Sid Ahmed

Aber, tortured and arbitrarily detained for several months, represents a considerable advance. The right of the families of the 'disappeared' to use their right of recourse to the Human Rights Committee was emphasised in spite of the Covenant and its relevant clauses.

The Human Rights Committee '[further] states that a State party may not invoke the clauses of the law [pertaining to this Charter] against persons who themselves invoke the clauses of the Pact (or Treaty?), or who have made, or who might make, submissions to the Committee.'

These three decisions demonstrate the responsibility of the Algerian state for several violations of the International Covenant for Civil and Political Rights. As regards Sid Ahmed Aber, Algeria violated Article 7 guaranteeing the right not to be subject to torture, Article 9 prohibiting arrest and arbitrary detention, Article 10 obliging every State party to provide persons deprived of liberty with humane conditions of detention and Article 2&3, obliging every State party to guarantee to individuals 'open, useful and enforceable recourse'. The Committee's observations concerning Mohamed Grioua and Mourad Kimouche demonstrate multiple violations of the Covenant and notably of Article 7, not only for the direct victims but also for their family who have been harmed in consequence of the anguish felt by members of a family of the 'disappeared', of Article 9, of Article 16 guaranteeing everyone the right to recognition before the law and of Article 2&3. The Algerian authorities have 90 days to act upon these findings, that is, to provide the truth concerning what has happened to these people, to free them if they are still alive and to offer full and complete compensation.

The CFDA - and the families - can, as a result of these decisions, be comforted in their determination for their claim for the right to denounce these 'Disappearances' and for their demand for Truth and Justice.

Still no news of Fetih Hammoudouche and Mohamed Fatmia

Fetih Hammoudouche and Mohamed Fatmia 'disappeared' respectively on 5 March and 6 June 2007, but no news has been obtained as to what has happened to them; the families remain in total anguish and ignorance. In spite of legislation and international treaties ratified by Algeria, the security forces continue to overstep the rights of these two 'disappeared' and their families in complete impunity. The Algerian penal code procedure allows a period of two days in police custody; this period may be renewed, in the case of terrorism, up to five times - that is, to 12 days, but only with the authorisation of the Prosecutor. This code also foresees measures allowing families of the detained to have immediate contact with them but this right is not respected. While the authorities do not stop affirming that only 'residual' terrorism remains, the state of emergency has illegally been maintained since 1993 and human rights violations have not stopped being perpetrated by the security forces.

'DISAPPEARANCE' HAS ANOTHER VICTIM

Mohamed Rahmouni was arrested by security forces' agents in the presence of a number of witnesses at 0730 hrs in Bourouba (Algiers) on the morning of 18 July 2007; he had been waiting for a bus to take him to his work. The three agents who arrested him called him by his nickname 'Samir' and presented their official papers, ordering him to follow them. Six days later, on 24 July, four armed agents in plain clothes proceeded to carry out a search of the Rahmouni's house. On 29 July, eleven days after the arrest, the same officials again came to the house. They demanded that Mohamed's brother and cousin, Ali and Fatah, make a declaration according to which the agents had found the keys of a Mercedes and of a JAC truck. The family had never owned a Mercedes nor a truck and neither the brother nor the cousin saw any trace of a key. As a result of menaces, both signed the declaration, mentioning that police had required them to make this declaration.

Several weeks after his arrest his family has no news about Mohamed's arrest nor about the reasons for it, nor about the place of his detention. All efforts to find out have been in vain. When Samir's mother decided to bring a complaint before the public Prosecutor of Hussein Dey court, the latter invited her to go to Bourouba police station where the police officer refused to register the complaint, saying that Mohamed had joined the maquis.

Once again the Algerian authorities have acted in flagrant violation of the rules protecting people's freedom and security, which is written into national legislation. At the same time the Algerian government is trying to demonstrate, in its reports to international institutions for the protection of human rights, that it is respecting the treaties that it has ratified. One is forced to note that the most elementary grave violations, emanating from the Algerian authorities themselves, are increasing.

The CFDA immediately launched an urgent appeal to the Working Group on Forced Disappearances and directed Mohamed's mother to a lawyer so that she should be able to get some legal recourse.

MOHAMED'S FAMILY HARASSED

On 18 August, a month after Mohamed Rahmouni's arrest, two police officers from Bourouba police station came to the Rahmouni family house with the intention of questioning Mohamed's father. Since he was not there, they took another son, Ali. This method of substitution is commonly used by the authorities. As soon as the parents learned of Ali's arrest they immediately went to the police station where the police officer took the mother to an office, leaving her husband outside in the yard. The officers questioned her about the people that Mohamed mixed with and about his daily habits, pressing her also to describe all the steps that she had taken to trace him. The mother told them that she had had contact with SOS Disparus, that she had appointed one of

their lawyers and that she had gone to the court, to the gendarmerie and to Algiers' prisons.....

AND MANIPULATED!

The police officers left her thinking that all these efforts were useless and led her to believe that giving them just the telephone number of her son's mobile phone would allow her to speak to him. The telephone rang, and contrary to what she was hoping, Mohamed was not at the end of the line but a woman pretending to be a journalist with the daily paper El Youm. This woman said that she had been mandated by SOS Disparus to interview her. In a moment the so-called journalist burst into the police station and questioned Mme Rahmouni exactly as had the policemen. These unspeakable manoeuvres came to an end by the signing of a procès verbal (a legal document recording what the complainant said) without Mme Rahmoun thinking to read it since she was only thinking of one thing - to speak to her son.

The Rahmoun family left the police station without any information about Mohamed and his detention, and to this day is awaiting news of him.

FOR THE FIRST TIME A COMMUNICATION IS PLACED BEFORE THE AFRICAN COMMISSION FOR HUMAN AND PEOPLES' RIGHTS

Having caught the attention of the UN Human Rights Committee, the CFDA contacted Mahmoud BENIDIR of the African Commission of Human and Peoples' rights in Banjul, Gambia: his son Ali 'disappeared' on 29 August 1996. Ali BENIDIR was arrested by militia in front of witnesses when he came away from buying medicines for his pregnant wife. The militia later confirmed that they had taken him to the barracks of Ain Naadja but Ali has not reappeared. Ali's relatives have tried to get news from the Algerian authorities on many occasions since that time. Eleven years after his 'disappearance' and in spite of all the efforts they have made in Algeria which have come to nothing, their struggle continues for light to be shone about what has happened to their son.

HOW MANY ATTACKS TO CLOSE THE 'DISAPPEARED' FILES?

Since the attacks of 11 April 2007 certain journalists, paid by the Algerian authorities, have been trying to destroy the union which has been created between a number of Associations which had previously been divided for a long time. These journalists try by all means to show that there is a link between victims of forced disappearance and young people who join the maquis.

On 10 September, the daily L'Expression highlighted the responsibility of Houari Belazreg in the attack at Batna, relaying a communiqué issued by the Ministry of the Interior implicating him. The journalist emphasised that this name appeared on the list of 'disappeared' persons published on CFDA's website. Without making a more profound enquiry he deduced that the author of the attack and the 'disappeared' were the same person. Houari Belazreg 'disappeared' 12 years ago. He was arrested, in the presence of his sister and brother and other persons, by gendarmes in uniform who came to the house in Relizane; he has not been seen since.

FAMILIES OF THE 'DISAPPEARED' RESIST HARASSMENT BY THE AUTHORITIES

CFDA and SOS Disparus, in a communication dated 28 September, denounced the pressure put on families of the 'disappeared'. Indeed, those families who have not accepted that they should take steps to obtain compensation, which follows a request for a verdict of death - one of their most fundamental rights - have been summoned or have received a visit from gendarmes at their place of residence. These convocations and visits have the single aim of ordering recalcitrant families to come and establish a certified report of 'disappearance' and a verdict of death.

Certain families have been the victims of intimidation and harassment because of their resistance to the relevant clauses. Families have even received notices from the wali, sent by le huissier, requiring them immediately to

undertake steps to get compensation and to declare the relative dead without having seen the body. Others were required to go to court to 'get back' the death verdict that the public prosecutor had delivered - without considering the opinion of the family. These unspeakable manoeuvres go on today and demonstrate the will displayed to muzzle the families and to close the files as quickly as possible. It is certainly easier to intimidate families than to lead genuine enquiries aiming to localise the 'disappeared'. The national reconciliation advocated by the Algerian authorities cannot succeed when it comes within a split policy favouring one part of the population and cracking down on another.

LAUNCH OF A CAMPAIGN FOR THE RATIFICATION OF THE INTERNATIONAL CONVENTION AGAINST FORCED DISAPPEARANCES

The international Coalition against forced disappearances, which officially saw the light of day on 10 May 2007 (see Information Letter No 23), began a campaign to make governments aware of the ratification of the Convention on 26 September 2007. The start of this campaign was sparked off by a conference at the Palais des Nations (at the United Nations in Geneva) presided by Nassera Doutour, spokesperson for the CFDA in the presence of H.E. Ambassador M. Doru Romulus Costea, President of the Human Rights Council; H.E. Ambassador Alejandro Artucio, Vice-President of the Human Rights Council; H.E. Ambassador Jean Baptiste Mattei, Permanent Representative of France; H.E. Ambassador Ichiro Fujisaki, Permanent Representative of Japan; H.E. Ambassador Mohammed Loulichiki, Permanent Representative of Morocco; Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross; Ms. Ruth Llanos, member of the Executive Council of FEDEFAM; Mr. Federico Andreu, Vice-President of the International Commission of Jurists.

The programme which followed was very concentrated. The participants, representing

families of the ‘disappeared’ from all over the world, gathered together for three days; they were particularly able to assist at the sixth session of the Council for Human Rights.

This important stage (of the process) officially marks the start of a structure which will permit solidarity of action and the capacity of each Association in the world to be reinforced. The CFDA will actively participate.

MEETING OF UN AND CICR WORKING GROUPS

Along with the launching of the Coalition against forced disappearances in Geneva, meetings also took place alongside the UN Office of the High Commissioner for Human Rights and with thematic working groups. The CICR also presented their programme entitled ”Portées disparus” (‘Reported Missing’) aiming to bring the issue to the attention of governments and to assist families of the ‘disappeared’ about the steps to take, as far as DNA analysis, of bodies that are found.

INVESTIGATIONS ON THE GROUND FOLLOW IN ORAN

In spite of the expulsion of our trainee last May (see Information Letter No 23), CFDA and SOS Disparu(e)s followed their meetings with families of the ‘disappeared’ in the area of Oran, Tlemcen, Mostaganem and Mascara. Volunteers from the Algiers office took turns in carrying out this project successfully; some 30 files were put together during the summer while many others were completed according to the criteria required by the UN authorities.

Short notes:

New files always continue to be transmitted to the GTDF (Working Group on Forced Disappearances)

Taking advantage of her visit to Geneva, the Spokesperson of the CFDA submitted about a hundred cases of forced disappearance to the Working Group on Forced Disappearance.

Office change in Algiers

As every year, SOS Disparus has been obliged to move its offices. A new office has been rented for a year as from 1 September. Families

will be welcomed at street 3 Ghar Djebilet in Algiers from now on.

An SOS Disparus radio report broadcast on France Inter

On 28 September, a radio report was devoted to the work of SOS Disparus and mothers and wives of ‘disappeared’ were heard. Women who only call for the truth. The truth that the (Algerian) Charter for Peace and Reconciliation refuses to give them. This radio report gave a moving, powerful and just account.

It is still possible to hear it on the following link:

<http://www.radiofrance.fr/franceinter/em/nousautres/>

Press articles

Algerians count cost of burying the past, Financial Times, dated 2 July 2007.

On 24 July SOS Disparus receive the visit of journalists from the chain El Arabia.

La situation des droits de l’Homme en Algérie sous la loupe des Nations Unies, el Khabar, dated 23 July 2007.

Des familles de disparus saisissent l’ONU, Le Quotidien d’Oran, dated 24 July 2007.

Le dossier des disparus rebondit à Genève, Liberté, dated 24 July 2007.

Algérie : les familles demandent à l’ONU de rouvrir le dossier des disparus, Le Monde, dated 23 July 2007.