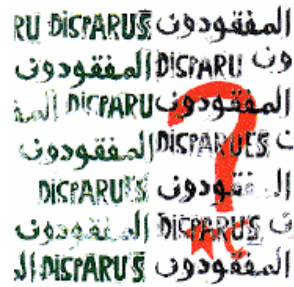


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TRUTH AND JUSTICE FOR THE DISAPPEARED IN ALGERIA

NEWSLETTER

Number 26 – January/ March 2007

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MOHAMED RAHMOUNI IS FOUND

Mohamed Rahmouni, who disappeared on 18 July 2008, was located at Blida military prison on 26 January 2008 after six months of disappearance. He had been arrested in the district of Bourouba in Algiers by law and order agents, in the presence of numerous witnesses, while he was waiting for the bus at 7.30 am to take him to work. The three agents who proceeded to arrest him called him by his nickname Samir, presented their official papers and ordered him to follow them (see Information Letters 24 and 25). From that day his mother has not stopped searching for him from one place to another. A police officer from the *commissariat* at Bourouba informed her several months ago that her son was at Blida. She therefore went to Blida military prison last October, where the guards at the gate denied that Mohamed was detained there.

On 26 January 2008 Mme Rahmouni returned to the Bourouba *commissariat* for the umpteenth time where she again found the police officer who had told her that Mohamed was at Blida. He once more confirmed that Mohamed was detained there. She went immediately to Blida where the guards finally recognised that Mohamed was in fact in that institution. Although agents had confirmed his presence there, his mother was not able to see him and was denied any visit. She was told that she would not have the right to visit him until his case was completed but that she could bring food and clothes to him. They also told her that a lawyer could see him. Now, more than two months after he was located, and following many demands addressed by his lawyer to the military prosecutor, neither his mother nor his lawyer has been able to visit Mohamed. He still remains without outside contact.

MILITARY COURTS: INSTITUTIONS ABOVE THE LAW

Mohamed Rahmouni is a civilian who is probably going to be judged by a military court

without anybody knowing, to this day, what accusations are being brought against him.

What is a military court in Algeria?

The organisation and manner of functioning of military courts is governed by the Code of military justice, Regulation No 71-29 of 22 April 1971. Lacking any independence and directly subordinated to the executive powers, military courts **are competent to deal with certain offences relating to the security of the state which are committed by civilians.**

Military courts consist only of officers from the Ministry of Defence to whom they are subordinate. Moreover Article 2 of the Regulation cited above foresees that the Minister of National Defence is invested with judicial powers by the present Justice (military) Code, in disregard of the separation of such powers which bans the subordination of courts to the executive. The Minister of National Defence has 'the right to put in movement public action'. In such conditions, public action is entirely dependent on the executive which is contrary to independent and impartial justice.

In addition, it seems that the court will have the right to vet the lawyer appointed to defend the accused. These special rules take precedence over the civilian procedure and lengthen the time during which the accused has no rights.

MALIK MEDJNOUN, 34 YEARS OLD, HAS BEEN IN CUSTODY FOR MORE THAN EIGHT YEARS

Malik, then aged 25, was arrested and taken to a barracks in Tizi Ouzou on 28 September 1999. He was then transferred to a barracks in Algiers and 'disappeared'. It was only on 2 May 2000, seven months later, following his appearance before the examining magistrate, that his family was able to find out where he was. With amazement his relatives were told that the magistrate charged him with belonging to a terrorist group and with complicity to murder the singer Lounes Matoub. Since that time

Malik has been in provisional detention in Tizi Ouzou civilian prison and is still waiting for judgement in spite of the dismissal of the case in 2001. This seems to be an interminable detention without any decision: more than 3000 days, or eight years, of waiting. These long years have been punctuated at each session with promises and false hopes. His family have not stopped fighting for his fundamental rights to be respected but the Algerian authorities have remained deaf to these pleas, invoking the security situation as a pretext for refusing to try Malik.

The UN Human Rights Committee has recognised (in its observations on 9 August 2006 following a report) that Malik's detention was arbitrary and that his right to a fair trial has been violated. As a result the Committee demanded that the Algerian state immediately bring Malik Medjnoun before a judge so that he can reply to the charges against him - or that he be freed (...). More than 18 months have passed and there has been no follow-up to these observations.

A CAMPAIGN IS LAUNCHED ON BEHALF OF MALIK MEDJNOUN: TRY HIM OR FREE HIM
<http://cfda-release-malikmedjnoun.blogspot.com>

The *CFDA*, which has followed Malik Medjnoun's case since his 'disappearance', has set about relaunching a call to defend his rights. A blog entirely dedicated to him has been set up on-line. This campaign is also designed to ask everyone to send calls to representative Algerian officials for Malik's trial to be scheduled.

MME SAKER'S TRIAL: HARASSMENT OF THE FAMILIES OF DISAPPEARED CONTINUES

Madame Louisa Saker, wife of Salah Saker who disappeared in 1994, was summoned to appear before the Constantine court on 6 February 2008. She has to answer to the charge of 'spreading disorder, organising a march which had not been authorised and threatening officers doing their job with a knife and vol'. These slanders are related to the arrest of Mme Saker on 20 September 2004 while she was

participating in a peaceful demonstration. What happened was, that during the visit of a delegation of the *ad hoc* Commission on the 'disappeared', mothers of the Constantine 'disappeared' had expressed, by means of this demonstration, their refusal to receive compensation. Mme Saker was violently questioned, hit by the anti-riot police and spent several hours in *garde à vue* in a police barracks in the Palma area of Constantine without a lawyer being able to visit her. She was freed on condition that she signed a *PV (proces verbale)* saying that she would not participate in any other demonstrations. She went to hospital where the doctor drew up a medical certificate confirming traces of blows and bruises on her body.

Other members of the families of the disappeared were also arrested and beaten up by police on that day.

The hearing due on 6 February was postponed until 21 February and then again to 26 March 2008, date on which Mme Saker was finally tried and acquitted of the charges brought against her. However the charges were revised as facts of 'gathering on a public road without arms'. For this she was condemned to a fine of 20 000 dinars by the Constantine magistrates' court.

ANOTHER FAMILY OF A DISAPPEARED HARASSED

Families of disappeared continue to be targeted by the authorities. The Mehalli family has been persecuted since Uncle Cherif left the house for an unknown destination. Following this the police targeted the oldest son Bedrane, who in turn departed without providing the family with any news. In 1996 the little brother Atik was killed in cold-blood by the police: he was running and holding his right hip as a result of surgery that he had just had. The police thought that he was going to draw a gun and fired on him. After this nightmarish episode, Abderrahmane - another son - was arrested, tortured and imprisoned for five years.

In 1998, while the family was quietly waiting for the father, Mohamed Mehalli, to return from the market, the police appeared suddenly at the house and took away the mother and the two sisters, with eyes bandaged, to an unknown place which proved to be the notorious Chateauneuf barracks. There they found their father and husband in the torture room. They were freed after a week, leaving behind Mohamed Mehalli, who remains disappeared to this day. Abderrahmane, on coming out of prison, found a traumatised family marked by the disappearance. Abderrahmane was again arrested in December 2006; he disappeared for 12 days, the maximum time allowed in *garde à vue* (without the family being notified): the family had no news and the nightmare increased. He is in Serkadji prison where he is still held without trial. In January the police got hold of the 14 year-old nephew and questioned him about his Uncle Abderrahmane who had been in their hands for more than a year.

After all this, on 11 March, police from Oued Ouchaieh *commissariat*, continuing the ignominy and injustice, burst into the family house where they only found a cousin who had come to visit. He was pushed violently out of the way so that they could go to a cupboard, where they emptied everything that was inside and then went on to search the house from top to bottom. As soon as she heard about this Mme Mehalli went to the *commissariat*; here the police told her that the search was made as a result of the attempts that she had undertaken to have an enquiry so that she might know whether her son Bedrane is alive or dead. The police told her that their enquiry had not allowed them to learn what had happened to Bedrane and that she should seek help from the *gendarmérie*.

There is no relation between the reason given and the search. The question may legitimately be asked: did the police go into the family house, in total impunity, just so that they could terrorise the family?

CALL FOR TWO YEARS OF PRISON FOR MAÎTRE AMINE SIDHOUM

Newsletter 26- January-March 2007

The case of slander against Me Amine Sidhoum, human rights defender and lawyer representing families of the disappeared, took place on Sunday 30 March before *la première section pénale* of the Sidi M'hamed court in Algiers. Almost 70 lawyers were there to show their support for him and to protest against the harassment that Me Sidhoum has suffered for several years. Me Sidhoum is accused of 'having thrown discredit on a court decision' and of insulting a state constituent body. These accusations follow an article which appeared more than three years ago in the Algerian press; this reported Me Sidhoum's comments which were said to state that the detention of his client was 'arbitrary' whereas the journalist had written that it was 'an arbitrary decision'. At the end of the hearing the Prosecutor called for a fixed sentence of two years imprisonment against Me Sidhoum. The verdict is due to be given on 13 April. The *CFDA* has followed the case since it began by informing international NGOs and UN bodies, in particular the Special rapporteurs on the defenders of human rights and on the independence of judges and lawyers.

PRESENTATION AND DEBATE AT THE LUCERNAIRE

Within the setting of debates of *les amis du Monde diplomatique*, the *CFDA* - in collaboration with Omar D, author of the book of photographs '*Devoir de Mémoire*' - organised a presentation and debate entitled 'Forced disappearances and aesthetics' at the *théâtre du lucernaire* in Paris. There were the following speakers: Louis Mesplé, photography specialist; Jean-Louis Déotte, philosopher; Madjid Benchikh, Professor in law; Olivier Le Cour Grandmaison, an academic, and Nassera Dutour.

Following these presentation and the poignant witness of Nassera Dutour, there were very good debates insisting on the necessity for a just solution to the human rights violations committed in Algeria and on the need for Algerian civil society to be revitalised. The

public actively participated, which is a strong encouragement for this type of debate.

WOMEN'S DAY; NASSERA DUTOUR HAS THE HONOUR

On the occasion of International Women's Day on 8 March, Nassera Dutour was invited to participate in a number of events.

On 6 March she spoke on the *RFI* programme *Les visiteurs du jour*. She then, together with Elia Poliakova, representative of 'Mothers of soldiers of St Petersburg' took part in a press conference at the Welcome Centre of the Foreign Press organised by Action by Christians on the Abolition of Torture (ACAT). The absence of the Iraqi Tamara Farid, President of the Student Human Rights League in Irak, who was unable to obtain a visa from the French authorities, was regretted and denounced by the organisers of this day in honour of women. In the evening Nassera Dutour, as well two 'courageous women' who were with her, spoke at the *Maison de l'Amérique Latine*. The organisation 'Resisting Women' invited the Spokesperson of the *CFDA* to a day at the Senate on 10 March, devoted to women confronted by war. Presided by Senator Alima Boumedienne-Thiery, the day rendered hommage to women who fight despite the risks that they encounter.

MOTHERS OF THE DISAPPEARED DEMONSTRATE FOR THEIR RIGHTS ON 8 MARCH

A large gathering of mothers of the disappeared was organised by *SOS Disparus* in front of the *CNCPPDH* in Algiers on Women's Day, 8 March. The mothers expressed their opposition to the general amnesty decreed by the government two years earlier and demanded the truth about their disappeared relatives.

ICAED: MEETING AT THE UN CONCERNING RATIFICATION OF THE CONVENTION.

Nassera Dutour, *CFDA* Spokesperson and founder member of the International Coalition against Forced Disappearances (ICAED), presided at a conference at the *Palais des Nations* on the fringe of the seventh session of the Human Rights Council. During the conference Nassera Dutour offered a scarf to the members of the platform: the permanent representatives at the UNO of Morocco, Argentina, Albania, France and Japan. Each put a knot in the scarf so that they would not forget the need to ratify the Convention against Enforced Disappearances.

ACTIVE ORGANISATION OF A FORUM-WORKSHOP IN BLIDA IN THE SEARCH FOR TRUTH

The *CFDA*, *SOS Disparus* and their partners *Djazairouna* and *Somoud* decided, following the seminar 'for truth, peace and conciliation' which was banned in February 2007 by the authorities, to put in place a permanent strategy in order to avoid all possibility of further banning. As a result it was decided to split the seminar between small seminars called 'forum-workshops'. These forum-workshops would take place in the offices of the partners so that there would be no need to request official authorisation. Several working meetings took place in Paris and Algeria during March with the intention of organising the first forum-workshop which would take place at the offices of *Djazairouna* on 10 April 2008.

PREPARATION OF AN ALTERNATIVE REPORT ON TORTURE IN ALGERIA

After eight years of waiting the Algerian government finally submitted its report to the Committee against Torture; the report shows what actions Algeria has taken to respect its commitments to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment. Algeria will be examined in April about its respect for the requirements of this Convention. As soon as the *CFDA* learned about this it undertook to draft an alternative report to

that which the Algerian state had submitted to the Committee against Torture. Torture remains a current practice in Algeria and thousands of disappeared persons have suffered, as well as their families who live in anguish and mental suffering.

VISITS ON THE GROUND: FIFTY FAMILIES INTERVIEWED

The local committee in Jijel received a delegation from *SOS Disparus* Algiers in January: the object was to reinvigorate the group of families of the disappeared in Jijel. A large number of families were seen, accounts given and files completed. A long discussion with members of the local committee in Jijel allowed the main lines of a plan of action to be defined. At the end of February, after visiting Jijel, some fifty families in different regions were visited and questioned. All the interviews up to now have been classed by *commune* and *wilaya*. The work on the ground is detailed and delicate, especially since the Charter came into being. It is not easy to approach all families and the delegations sometimes meet reticence to begin with.

SHORT NOTES

Participation at a workshop organised by NADA

The Algerian network for the Defence of the Rights of the Child (NADA) invited members of *SOS Disparus* to a presentation of its project 'I am listening to you' designed for children. The members of *SOS Disparus* underlined the importance of taking into consideration the suffering and destitution of many children of the disappeared.

EU/Algeria Association Council

A meeting of the EU/Algeria Association Council met on 11 March. The *CFDA* addressed an open letter to European institutions in order to denounce the grave violations of human rights which are still being committed in Algeria - and to which no just solutions have been found.

UN Working Group on Enforced Disappearances (WGED) studies 186 cases

The WGED has taken up 186 new cases of disappearance with the Algerian government which were sent to it by the *CFDA*. The procedure is that, having examined the files and judged them admissible, it sends questions to the government concerned, which then has six months to respond. The *CFDA* always does all it can to inform the WGED about the files on disappeared people that it has established.

Meeting with the French Ministry of Foreign Affairs

The *CFDA* had requested a meeting with the *Direction Générale* of International Cooperation and Development at the French Ministry of Foreign Affairs. The *CFDA* Spokesperson was able to present Association projects, particularly from the point of view of Transitional Justice. The ministry representatives showed their deep interest in this project and encouraged the *CFDA* in what it is doing.

Visit of a member of the Basel group of Amnesty International

Andrea Conzetti came to meet the *CFDA* team in Paris. A member of Amnesty International for many years with the Swiss section at Berne, he deals with the files relevant to Algeria. This meeting, which followed a first working session in January 2008, was held to evaluate actions which could be undertaken jointly on certain files.

Memorandum redrawn to allow Benidir communication to go forward

The grievance placed before the African Commission of Human and People's Rights (ACHPR) last September is following its course (see Information Letter 24). A memorandum concerning its admissibility was drafted by the *CFDA* team; this conforms with the procedure of the ACHPR and will permit it to be examined at the next session (of the ACHPR) which will take place in Swaziland from 7 to 22 May 2008.