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en
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TRUTH AND JUSTICE FOR THE DISAPPEARED IN ALGERIA

NEWSLETTER

Number 28 – July/September 2008

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- I wish to join the Families of the Disappeared in Algeria Collective and am sending my dues for 2007 (30 €).
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RATIFY THE CONVENTION NOW!

Within the framework of the campaign for the ratification of the Convention for the Protection of All Persons from Enforced Disappearances, the CFDA helped in collecting signatures for the letter calling on States to sign and ratify the Convention; the campaign is led by the ICAED (International Coalition against Enforced Disappearances). The letter was addressed to governments throughout the world, including Algeria. In the spirit of the campaign the CFDA also marked the international day in memory of the disappeared.

INTERNATIONAL DAY OF THE DISAPPEARED

Initiated by families of disappeared persons in Latin America, the International Day of the Disappeared has been celebrated on 30 August every year for 25 years. The day is designed to bring the daily reality facing families of the disappeared before the public, and to make known what actions organisations are taking to bring enforced disappearance to an end. Our *associations* joined with others around the world by commemorating the day in Paris and Algiers.

➤ CELEBRATION IN PARIS

In partnership with FEMED (Latin American group), the ICAED, FIDH (France), l'ACAT (Christians against Torture), Amnesty International France and the French League of Human Rights, the CFDA conceived an out-of-the-ordinary action. A specially prepared bus stood all day in Paris's *Place de la Bastille*, exhibiting photos to the public of families of the disappeared in Algeria, Turkey and Morocco to the public. The film '*Y'a plus d'Amine*', together with Moroccan films about the worst years, were presented throughout the day. Letters and testimony, together with large numbers of documents showing what organisations are doing about the issue of disappearance, were exhibited for the public

to see. An extract from '*La beauté de l'icône*' was put on by the actress Frede.

Members of the organising *associations* welcomed several dozen visitors during the day, and replied to many questions about enforced disappearances in Algeria and throughout the world. The event contributed to making the issue of disappearance - which is still poorly known about in France - before the public.

➤ CELEBRATION IN ALGIERS

Numerous families of disappeared persons responded to the call by *SOS Disparu(e)s* to assemble on the *Place du 1er Mai*. A hundred or so families held up photos of their disappeared relatives, and called for the Algerian State to ratify the International Convention against Enforced Disappearances. They demanded that the truth about their close relatives be made known. Members of *B'Net Fatma Nsoumer* came to give their support to the cause of the disappeared.

In spite of the peaceful character of the demonstration the security forces quickly encircled the families, forcing them to gather on the pavement along the road and so getting in the way of pedestrians who were waiting for the bus. In spite of this the demonstration went on all morning and the event was relayed by the local press and international human rights NGOs. It ended with a gathering at the office of *SOS Disparu(e)s* in Algiers, which emphasised the need to continue to rally in order to respect the rights of relatives of the disappeared.

The day was also the occasion to increase awareness of what is at stake in the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances.

TORTURE IN EL HARRACH PRISON

The Algerian authorities continue to hound the Mehalli family. After being arrested in 2006 and disappeared for 12 days, Abderrahmane Mehalli (son of the disappeared) was detained in Serkadji prison until December 2006 (see Newsletter 21). In June 2008 he was transferred to El Harrach prison while waiting for his court case to be established.

His family, who was now able to visit him, was horrified to see him when he entered the visitors' room on 14 June. Abderrahmane was obviously marked, both physically and psychologically, by the treatment he had suffered. He had a scar on his head and appeared to be in a worrying mental state. He told his sister that security agents had tortured a group of prisoners in El Harrach; he was one of these, as was Mohamed Boucekine, his brother-in-law who had disappeared after his arrest in June 2007 and was subsequently imprisoned.

The detainees had been entirely undressed before being tortured and sexually abused. These degrading acts continued for months while Abderrahmane still waits there for his trial, after nearly two years in preventative detention.

➤ CFDA ACTIONS ON BEHALF OF ABDERRAHMANE MEHALLI

The CFDA contacted the Special Rapporteur against torture and other cruel, degrading or inhumane treatment in order that he demand the Algerian authorities to put an end to this situation. A delegation from *SOS Disparu(e)s* also made a visit to the International Red Cross Committee (IRCC) in Algiers to explain Abderrahmane Messali's case. The Protection Officer assured the delegation that he would go and speak to the detainee during his next visit to El Harrach prison.

INTIMIDATION OF HUMAN RIGHTS DEFENDERS

Since 17 May 2008 Cherifa Kheddar, the President of *Djazairouna*, has continually suffered menaces and harassment at the hands of the Blida *wilaya* (county) authorities, who are at the same time his employer.

As noted in the last Newsletter (No 27), on her return from a training course in Morocco she learned that she was going to be removed from her position as head of department in the *wilaya* of Blida. Today her situation is worse - an expulsion notice, dated 18 August 2008, from the flat that she has occupied for 12 years.

Moreover, it is the Blida military authorities who spread defamatory rumours about her and intimidate Cherifa Kheddar. In addition she has become the object of an enquiry by property developers, *Sonelgaz* and the water services, who are trying to find documents which will prove that she has misappropriated funds.

It seems that the workshop organised by the CFDA and *Djazairouna* in the *Djazairouna* offices in Blida, in April 2008, displeased the Algerian authorities and leads one to think that this intimidation is related to that.

A DETAINEE DEPRIVED OF THE HELP OF A LAWYER

Mohamed Rahmouni, in the hands of the Algerian military authorities for more than a year, is still not able to benefit from the help of a lawyer. Me Sidhoum went for a fourth time, on 27 August 2008, to visit him in Blida military prison. Contrary to the previous visits, the President of the Military Tribunal had left a note for the attention of Me Sidhoum, categorically refusing that he should represent Mohamed Rahmouni.

The President of the Military Tribunal based his refusal on Article 18 of the Military

Justice Code which states ‘...in matters referring to special violations, the lawyer chosen by the person charged with an offence may not assist, defend or represent this person, either during the examination (*instruction*) or in court, unless he has been authorised to do so by the President of the Permanent Military Tribunal; if this is not so then the lawyer is appointed by the President’. The President of the Tribunal therefore refused Me Sidhoum to represent Mohamed Rahmouni, without indicating why, or whether another lawyer might assist.

This alarming situation violates several clauses and principles permitted by national Algerian law and by international law in general. Every individual, irrespective of what he may have done, is presumed innocent until he is found guilty. He has the right to be judged fairly, within the shortest delay and to be helped by the lawyer of his choice (Article 129 and 151 of the Algerian constitution - Article 14 No 2 and following the International Covenant on Civil and Political Rights). In addition, being detained in a military prison and at risk of the death penalty, Mohamed Rahmouni is deprived of his right to impartial justice.

SUBMISSION TO THE WGAD AND SPECIAL RAPPORTEURS

As a result, the CFDA immediately brought the matter to the attention of the UN Working Group on Arbitrary Detention (WGAD), believing that detention for more than a year, and without the assistance of a lawyer, was contrary to Mohamed Rahmouni’s fundamental rights. In addition, considering that an accused is free to be represented by the lawyer of his choice, the CFDA also contacted the Special Rapporteur on the Independence of Judges and Lawyers.

Because of the conditions under which Mohamed Rahmouni is being held and the treatment - that may be torture - he has received, the CFDA also informed the Special Rapporteur against Torture and the

Special Rapporteur for the on Human Rights and Counter Terror.

Finally, the CFDA informed the African Commission on Human and Peoples’ Rights and the President of the Working Group against the Death Penalty.

61ST CONFERENCE OF THE UN DEPARTMENT OF PUBLIC INFORMATION AND NGO’S

The 61st conference of the Department of Public Information and NGOs, organised by the United Nations, UNESCO and the French Foreign Affairs Minister took place from 3 to 5 September 2008 in Paris. This year the conference coincided with the 60th anniversary of the UN Universal Declaration of Human Rights (UDHR). Three days were spent therefore discussing this document which is the ideal concerning human rights to be attained by all nations. Nassera Dutour, Spokesperson for the CFDA, was invited to speak in a panel devoted to the issue of human rights defenders and the establishing of better practices to ensure respect of the the UDHR. This panel, composed of well-known people, was presided over by Luis Alfonso de Alba, permanent representative for Mexico at the UNO and previously President of the UN Human Rights Council. The conference can be seen on www.un.org/webcast/dpingo/archive.asp?go=080903

What is the UDHR?

The Universal Declaration of Human Rights was adopted on 10 December 1948. Following the second world war world leaders decided to reinforce the United Nations Charter with a text guaranteeing rights to each and every person at all times. The document, drawn up by Eleanor Roosevelt, René Cassin, Charles Malik, Peng Chung Chang and John Humphrey, was approved at the UN General Assembly on 10 December 1948 by Resolution 217 A(III). It is today the foundation of international human rights

law and has inspired many numerous treaties, beginning with the 1966 International Covenant on Civil and Political Rights. This was the first universal recognition that freedom and fundamental rights are inherent in every human being, that they are inalienable, and that we are all born free and are equal in dignity and rights.

DOCUMENTARY FILM ABOUT TEN YEARS OF ACTIVITY BY CFDA AND SOS DISPARU(E)S

The making of a film about the history of the struggle of mothers of the disappeared, around the person of Nassera Dutour, took place in part in Algiers in August. It will be completed in Paris.

Nassera Dutour and the director interviewed several personalities in Algiers, including Me Amine Sidhoum, close CFDA legal defender of human rights, and Me Farouk Ksentini, President of the CNCPPDH (*Commission nationale consultative de promotion et de protection des droits de l'homme* - Algerian National Consultative Commission for the Protection and Promotion of Human Rights).

The documentary is expected to be presented in Barcelona in March 2009. It will relate how the disappearance of a close relative has turned life upside down for both men and women of the *association*, and of how the search for truth and the struggle against forced disappearance have taken over their life. The film, giving a human face to the daily struggle against forced disappearance, has the objective of bringing the drama of forced disappearance in Algeria to the attention of the public.

NIGHT DEMONSTRATION IN ALGIERS

SOS Disparu(e)s members undertook a highly symbolic action in front of the CNCPPDH office on 14 September. Making use of the Ramadan nights, and especially of this particular evening (*'lelte'nass'*),

relatives of the disappeared tried to make their voice heard in front of the Algerian *pouvoir*, which, more and more from one day to the next, displays its indifference to thousands of families demanding the truth. From 21.00 hrs, proudly displaying the headscarves of the *association*, these relatives of disappeared converged on the head office of the CNCPPDH. Around 21.30 hrs a van and three cars came towards the building. Police and Republican Guards tried to intimidate the three members of *SOS Disparu(e)s*. They proceeded to question the reason for the demonstration; the families responded that, trying to obtain the truth about their relatives, they demanded a meeting with the President of the Republic and the highest authorities in the land, in order to bring to their attention the issue of the disappeared. The police, taking no notice of this demand, preferred a bureaucratic reply: that the demonstration was not allowed and that they should leave the premises immediately with the threat of being taken for questioning. The members of *SOS Disparu(e)s* expressed their indignation at being bullied while they were outside the head office of a Commission dedicated to human rights. There was then a demand that they remove their headscarf with the colours of the CFDA and *SOS Disparu(e)s*, which they categorically refused to do. Thanks to their tenacity, they were able to continue their demonstration until 23 40 hrs.

TRANSITIONAL JUSTICE TRAINING

SOS Disparu(e)s was invited to participate in training organised by the International Centre for Transitional Justice in Rabat - Morocco, with the theme 'Transitional Justice in the Arab world'. Given in Arabic, the training allowed participants to understand - in their native language - the stakes in transitional justice in their respective countries. The *SOS Disparu(e)s* representative, having benefited from the training, said that he was very impressed by what he found out about transitional justice and he was able to pass on what he had

learned to other members of the *association* in Algeria.

SHORT NOTES

POSTPONEMENT OF MALIK MEDJNOUN'S TRIAL

While all Algeria was waiting for this moment, Malik Medjnoun's trial - which was due to take place on 9 July - was postponed without fixing another date for it. His family and lawyer could do nothing in the face of the judge's decision, which he said was due to the non-appearance of witnesses. The CFDA has led a campaign so that Malik Medjnoun, imprisoned for 9 years without being judged in any way, could finally benefit from a fair trial.

ALGERIAN NATIONAL DAY DEMONSTRATION

Families of disappeared met on the First of May Square on Saturday 5 July, the 46th anniversary of Algerian independence. The families recalled that they also fought for independence - which should have given them the right to the dignity inherent in the constitution of the People's Democratic Republic of Algeria.

MAGHREB SOCIAL FORUM: 25, 26 AND 27 JULY 2008 AT EL JADIDA, MOROCCO

This meeting took place over three days and welcomed 2000 delegates from the four corners of the Maghreb. A fringe meeting of the Maghreb Coordination of Human Rights Organisations, which brings together several organisations, gave Nassera Dutour the opportunity to meet potential new partners, most particularly the organisation 'Alternative Canada'.

NATIONAL RECONCILIATION ON THE AGENDA AT BEJAIA

At the end of July an *SOS Disparu(e)s* delegation participated in a meeting

organised by the International Committee for the Development of Peoples and the LADH (*Ligue algérienne de Droits de l'Homme*). The principal theme of the meeting was that of the national reconciliation process following conflict. Representatives from countries where there had been a reconciliation process, such as Morocco and Rwanda, presented their experience and enlivened the round tables of some 20 persons. The delegates were members of Algerian civil society: youth associations, cultural and social human rights associations, and human rights defenders. The debates were very lively, the public attentive and very interested.

MEETINGS WITH FOREIGN REPRESENTATIVES IN ALGERIA

SOS Disparu(e)s, invited to the reception organised at the French embassy on 14 July which coincided with the departure of the the Ambassador - His Excellency Bernard Bajolet, was able to have a long discussion with him, and was also able to meet the the Human Rights *Chargé* at the embassy. On 21 July, this time on the occasion of the Belgian national day and with the departure of Ambassador Baudouin Van de Hulst, members of *SOS Disparu(e)s* were able to meet, among others, delegations from the IRCC (International Red Cross) and the Romanian Ambassador.

Moreover, during the month of July, Mr Ryan T Campbell, the USA Human Rights *Chargé*, visited *SOS Disparu(e)s*. The President of *SOS Disparu(e)s* denounced the blackmail, requiring a statement of death to be made in order to obtain compensation (for disappearance of a bread-winner), and made clear that the right of families of the disappeared to truth and justice was not being respected. This information will serve in the compilation of the American State Department's 2008 report about human rights in Algeria.

