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en
Algérie



TRUTH AND JUSTICE FOR THE DISAPPEARED IN ALGERIA

NEWSLETTER

Number 31 – April/ June 2009

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P RESIDENTIAL ELECTIONS IN ALGERIA

The CFDA and SOS Disparus made themselves heard during the campaign for the April 2009 presidential elections. They questioned the candidates about placing the revision of the treatment of the disappeared in their programme. This presidential election was also a new occasion to make the issue of the disappeared more visible in the eyes of public opinion, and to throw light on the persistent violations of the rights of families of the disappeared.

A letter requesting an audience was addressed to all candidates at the presidential elections, including President Bouteflika. In spite of various attempts, it was only the President of El Islah who received a delegation of CFDA and SOS Disparus. Lacking any response from the other candidates, members of CFDA and SOS Disparus decided to go to all their meetings and as a result a delegation of families of the disappeared participated at the electoral meeting of Louisa Hanoune, General Secretary of the Workers' Party. In response to slogans of mothers of the disappeared at the beginning of the meeting, the question of the disappeared was taken up at length by the candidate. She admitted that the question was important and that the right to the truth should be respected. However, she deplored the fact that certain organisations used international bodies in order to obtain this right, accusing them of doing business with files of the disappeared.

Along with this, the request for an audience with President Abdelaziz Bouteflika was circulated to the Algerian press without much success. The issue of the disappeared was only feebly raised by the Algerian media during the campaign. Only the daily newspapers El Khabir and El Watan, and the weekly El Watan Vendredi dared to raise the question. On the other hand the Algerian presidential election excited the interest of foreign media who, while visiting Algiers, called on our association in some numbers. CFDA's Spokesperson gave more than five interviews before the elections, without counting all those journalists who came to film the weekly

gathering of families in front of the CNCPPDH. Press releases announcing the families' demonstrations and their special character at this period of the campaign were widely circulated to the press and to network contacts. The two Wednesdays before the election more than 100 families met in front of the CNCPPDH, carrying photos of their disappeared relatives and banners and signs demanding the Truth.

On 10 April 2009, the day when the result of the election was announced, the CFDA succeeded in having an open letter to the candidat-President published in the French daily Libération. It was addressed to Monsieur le Président Bouteflika by Nassera Dutour:

'(...) Monsieur le Président, amnesty models established by regimes culpable of crimes have never led to success. You can see that the mobilisation of families of the disappeared is not dying out. Nobody can hope to bury thousands of disappeared persons by means of unjust written words. There are so many families who have been destroyed and a large part of the history of Algeria is disappearing. Surely you cannot believe that a durable peace can be built on the basis of lies and injustice. (...).'

The whole of the article can be consulted on: www.algerie-disparus.org/cfda/index.php?option=com_content&task=view&id=265&Itemid=121

THE CNCPPDH CHALLENGED BY UN BODIES

A little before the presidential election the CFDA learnt that accreditation of Status A, under which the CNCPPDH had been benefitting at the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), had been withdrawn from the Algerian institution.

In March 2009 the Accreditation Sub-Committee of the ICC had considered that the CNCPPDH was not respecting the Paris Principles and therefore recommended to the ICC that accreditation A be withdrawn. The main reasons for this are that CNCPPDH was established by an executive decree and not by constitutional or statutory text, that there is no clear and transparent procedure for the nomination of its President and its members and that the CNCPPDH should be able to interact effectively and in an independent fashion with the UN human rights organisation. Without this Status A accreditation the CNCPPDH will be unable to participate in the work of the UN Human Rights Council, nor to benefit from the right to speak before it.

The CFDA has not stopped protesting, since 2003, the way that the mandate of the CNCPPDH and its composition do not satisfy the Paris Principles.

The Algerian government is therefore going to have to modify the composition and prerogatives of this institution if it is going to appear a credible organisation for the protection and promotion of international human rights. The reform of the statutes of the CNCPPDH would be a victory for the CFDA and all Algerian citizens - who will perhaps then be able to hope that the Commission would treat violations of human rights in an independent manner.

THE PARIS PRINCIPLES AND THE ACCREDITATION SYSTEM

The Paris Principles came about in 1991 as the result of an international meeting of national institutions, states, the United Nations and intergovernmental and non-governmental organisations. During this meeting participants formulated a series of recommendations about the role, the statutes, the composition and functions of national institutions for the protection and promotion of human rights (INDH); this was done to ensure the independence and pluralism of these institutions

These recommendations were approved by the United Nations General Assembly in 1993 (A/RES/48/134 of 20 December 1993). They thus became 'principles relative to the statutes and functioning of national institutions for the defence and promotion of human rights, called the 'Paris Principles'. Only those national institutions for the protection and promotion of human rights which clearly respect the Paris Principles are legally able to participate in the work of the UN Human Rights Council.

The International Committee for the Coordination of national institutions is an international institution charged with promoting and reinforcing the INDH to ensure that they conform to the Paris Principles. This organisation is, among others things, charged with ensuring the accreditation of INDHs. According to the rules of the Sub-Committee of Accreditation of the ICC, INDHs can be classed into three:

A - conform to the Paris Principles;

B - status of observer when the INDH does not completely conform to the Paris Principles;

C - non-conformity with the Paris Principles.

THE CFDA AND THE 45TH ORDINARY SESSION OF THE AFRICAN COMMISSION FOR HUMAN AND PEOPLES' RIGHTS (ACHPR)

In May 2009, at the invitation of the Cairo Institute for Human Rights (CIHR) the Spokesperson of the CFDA participated in the 45th ordinary session of the African Commission for Human and Peoples' Rights (ACHPR) and at the preceding NGOs Forum. At the Forum, the organisation of a workshop, whose subject was specifically on forced disappearances in Africa, was entrusted to the CFDA Spokesperson.

It may be recalled that the CFDA had obtained the status of Observer at the ACHPR in November 2008 and therefore, as Spokesperson, Nassera Dutour could take part in three of the themes included in the agenda. The first centred on grave human rights violations in Algeria and particularly on the way the Algerian authorities had treated the forced disappearance issue. The two other themes were more specific: one on conditions of detention in Algeria and the other on freedom of expression: http://www.algerie-disparus.org/cfda/index.php?option=com_content&task=view&id=271&Itemid=121

During the ACHPR session the Spokesperson for the CFDA made a special effort to make Commissioners, special reporters and other NGOs aware of the necessity of putting in place, within the African Commission, a protection mechanism against forced disappearances. No such mechanism exists within the ACHPR, while the crime of forced disappearance is practised on a grand scale on the African continent. A five-page document in French and English was distributed to interested persons. This work will be strengthened at the next ordinary session of the African Commission: following its very active participation, the CFDA was congratulated by many participants of the ACHPR and was asked to be the coordinator for North African associations of defenders of human rights. Clearly put out by the constructive presence of the CFDA at the ACHPR, the representatives of the Algerian authorities - exercising their right of response -

demanded the removal of the status of Observer from CFDA on the grounds that the CFDA is legally a French association and, according to them, should not be active in Algeria.

TWO REPORTS SENT TO THE HUMAN RIGHTS COMMITTEE

The CFDA team finalised two individual reports which were deposited with the UN Human Rights Committee (HRC) in June 2009. These are the two cases of disappearance of M Lakhdar-Chaouch Ali and M Mehalli Mohamed. Each comprises a detailed description of the circumstances of disappearance based on the testimony of the families. The legal argumentation demonstrates the admissibility of the communication to the HRC, as well as all violations of the provisions of the International Covenant on Civil and Political Rights (ICCPR) caused by the disappearance and violations underwent by members of the family of the disappeared.

Lakhdar Chaouch Ali, aged 27, a surgeon, was arrested by the military security on 1 April 1997. He was at his place of work in Zemerli hospital and was getting ready to enter the operating block.

Mohamed Mehalli, 49 and father of 6 children, was arrested on 29 June 1998 in the market of Bach Djerrah. All the members of his family, his wife, his daughters and sons have suffered grave human rights violations (rape, torture, harassment, arbitrary detention, extra-judicial killing).

MOUSSA RAHLI REAPPEARS

The CFDA was informed of a new case of disappearance in March 2009. Moussa Rahli was arrested at Boumerdes on 17 March by police in civilian clothing; his family had received no news for five weeks (see Newsletter 30). The CFDA immediately followed its procedure of informing the UN Working Group on Forced Disappearances. This urgent call consists in relating the details of the disappearance and the action taken by the family. The WGFD then has contact with

the Algerian authorities and demands that light be thrown on the disappearance. A communiqué was also addressed to the Algerian authorities, demanding that Moussa Rahli be placed within the protection of the law. The communiqué was distributed to those on a CFDA list so that other organisations and individuals could send on the demand and follow up on the case.

Moussa Rahli was found to be at the military prison in Blida on or about 20 April. His family have been able to visit him but he has still not been able to have any contact with his lawyer.

ENQUIRIES ON THE GROUND IN ALGERIA

The CFDA has at present details of 597 interviews with families of the disappeared, of which 124 have been carried out in the last three months. Earlier the interviews took place mainly in the wilayas of Blida and Algiers. Since April 2009 the teams have visited the wilaya of Médéa, and in the west the wilayas of Oran, Tlemcen and Mostagenem.

As a result of these efforts some 20 new files of persons disappeared in the 1990s, which the CFDA did not know about, have been completed. The work on the ground implies not only subsequent analytical work but also classification and follow-up on the files. Effectively, other than the preservation of memory, the objective of these interviews is to complete and bring files up-to-date, to preserve contact with families of the disappeared, and to maintain their support.

“HAQIQA, LA VERITÉ” AT THE HUMAN RIGHTS FESTIVAL IN GENEVA

Apart from Alberto Bougleux’s documentary “Chanson pour Amine” (see Newsletter 30), a second documentary, “Haqiq la verité” has been made by Anne Amzaleg about the struggle against forced disappearance. As in “Chanson pour Amine”, the theme of the struggle against forced disappearance takes place through the actions led by the CFDA and SOS Disparus.

“Haqiq la verité” was presented on 11 March 2009 at the International Human Rights Film Festival in Geneva. Nassera Dutour was invited by the Festival and went to Geneva where she presented the film and led the debate which followed its projection. She also went to Barcelona on 21 March for a projection of the documentary. She made a presentation about CFDA to the Law Faculty in Barcelona and then met the Human Rights Representative of the Généralitat de Catalunya (Catalan government) M Xavier Badia, as well as representatives of “Memorial Democratic”, M Miquel Caminal.

CFDA’S ANNUAL GENERAL MEETING

The CFDA held its AGM on 21 May at the Maison des associations in Paris’s 12th arrondissement. Members took note of CFDA’s Activity and Financial reports for the year 2008 and the two reports were approved unanimously. The question of future financing of CFDA was discussed and the plan of action for the year 2009-2010 was debated. The main lines defined by members were, apart from the usual activities of the CFDA, the organisation of an event to mark the tenth anniversary of the association, the completion of a detailed report on forced disappearances in Algeria as well as the organisation and holding of Forum training workshops in Algeria.

Following the AGM a board meeting was held the following Wednesday, 27 May, in order to define clearly and more precisely the plan of action for the year 2009-10, and the means of putting it into practice. The organisation of two projects: the holding of a Forum workshop in Algiers in July and the commemoration of 10 years of the CFDA in October were defined as priorities for the coming months of the year.

PROTECTION FOR HUMAN RIGHTS DEFENDERS IN AFRICA

Nassera Dutour, Spokesperson for the CFDA, participated in the conference “Johannesburg +10” organised at Kampala, Uganda by the East and Horn of Africa human rights defenders Network (EHAHRDN). This followed on from the human rights defenders

Johannesburg Conference organised in 1998 by international NGOs, which closed with the Johannesburg Declaration. With regard to the significant repression suffered by human rights defenders in Africa, the aim of this meeting was to put in place in the region a constraining legal instrument for the protection and promotion of human rights. Numerous persons involved in the protection and promotion of human rights were present, notably Queen Alapini-Gansou, Commissioner and Special Reporter on human rights at the ACHPR (African Commission for Human and Peoples' Rights).

SHORT NOTES

THE CFDA IN BASEL

The Spokesperson for CFDA was invited by Basel's Amnesty International section to their Algeria network meeting. As part of this meeting, on action to take in the struggles against impunity in Algeria, Nassera Dutour presented a paper entitled 'The past before us'.

HUMAN RIGHTS IN THE MAGHREB

On 20 June Nassera Dutour spoke at the National Assembly in Paris on the impunity which reigns in Algeria; this was part of a symposium on human rights in the Maghreb which was organised by Maghreb associations called <Pour un Maghreb des droits de l'homme>, of which the CFDA is a member.

THE FEMED IN ALGERIA

SOS Disparus welcomed the Board of the Fédération Euroméditerranéenne contre les disparitions forcées (EuroMediterranean Federation against Forced Disappearances - FEMED) to its offices in Algiers in May 2009. Representatives of families of Turkish, Moroccan and Lebanese associations of disappeared were able to meet with mothers of the disappeared in Algeria. They were thus able to realise the extent of disappearance in Algeria and the amount of work that has been carried out by the association.

THE ISSUE OF DISAPPEARED PERSONS IN CYPRUS

When the FEMED mission visited Cyprus in May 2009, a conference was organised by two Cypriot associations of relatives of the disappeared: the Initiative of Bi Communal Relatives of Missing Persons, and Victims of War. The Spokesperson of CFDA and President of the FEMED, standing beside Rachid El Manouzi, brother of a disappeared in Morocco and Secretary General of FEMED, spoke about the disappeared in Algeria and the wish of the Algerian authorities to close the file without revealing the truth. Rachid informed those assembled of the results of work done by the IER (The Justice and Reconciliation Authority - Instance Equité et Réconciliation) on the question of the disappeared in Morocco.