

## TRUTH AND JUSTICE FOR DISAPPEARED IN ALGERIA

### NEWSLETTER

#### The International Convention for the Protection of all Persons from Enforced Disappearance comes into force

Since work began on the compilation of [the International Convention for the Protection of all Persons from Enforced Disappearance](#) the CFDA has participated actively in working group sessions. The act of Enforced Disappearance is defined in legally restricting wording for the first time in a Convention (Article 2). The Convention requires every State Party to take 'the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law' and that 'The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.'

The Convention finally came into force on 23 December 2010 following the twentieth ratification by Iraq. The election of members of [the Committee on Enforced Disappearances](#) will take place in June 2011 in New York and the first session of the Committee will be in November 2011. The CFDA, as a member of the pilot committee, is leading a forceful campaign to obtain the largest number of ratifications by states, particularly within the framework of [the International Coalition against Enforced Disappearances](#) (ICAED). Up until now Algeria, who signed the Convention in 2007, has still not ratified it.

#### The UN High Commissioner for Human Rights listens to families of the disappeared

The UN High Commissioner for Human Rights, Mme Navy Pillay, replied favourably to a request by CFDA for a meeting. Very honoured, a delegation went to Geneva in November. Mme Pillay listened very attentively as she was told about Algerian human rights violations and about the situation of families of the disappeared. She displayed great interest in the claims by victims of the 1990s for Truth and Justice and supported the idea of the necessity for an independent process for the establishment of the Truth in Algeria. According to the High Commissioner, who had just received an invitation from the authorities to visit Algeria, the meeting with CFDA was most opportune since she wished to be informed about the general human rights situation in the country before she responded to the invitation. In closing the discussion Mme Pillay assured CFDA of her support and declared, that in her position as a judge, she could not accept an amnesty for those who had committed crimes.

During the visit to Geneva the CFDA delegation also met representatives of diplomatic missions from the United States and Argentina. When meeting the USA representatives, CFDA insisted that human rights should be at the heart of negotiations with Algeria, and that the country should not be cited as an example of anti-terrorist struggle.

#### Civil society's action in the search for Truth and Justice

Within the framework of thinking about the establishment of Truth and Justice in Algeria the CFDA and [the Coalition of associations of Victims of the 1990s](#) chose to centre the Forum-Workshop, organized on 16 December in Algiers, on the theme of mobilization of civil society. This meeting, entitled '[The impetus of civil society in the search for truth and justice](#)' (link in French) took the form of an interactive round table giving a particular importance in the discussion to a small circle of people active in Algerian civil society. Professor Mouloud Boumghar, who had taken part in the production of the draft of the '[Alternative Charter for Truth, Peace and Justice](#)' explained what was contained in this paper and the principles that were behind it. Maître Nassr-Eddine Lezzar evaluated to what extent Algerian justice is able to track down the truth about enforced disappearances. He then demonstrated the pertinence of turning towards a process of transitional justice in Algeria. Afternoon discussions allowed the identification of external and internal constraints to which activists in civil society are confronted; these include the means of getting around them such as occupying public spaces despite being forbidden, the forming of a network of lawyers in solidarity with victims, the leading of campaigns for the opening of tombs marked 'x' or taking part in actions directed towards the mass media.

#### African Commission on Human and Peoples' Rights

The CFDA was present in November at the 48th Ordinary Session of [the African Commission on Human and Peoples' Rights](#) (ACHPR) held in Banjul, the Gambia. Before the ACHPR session, [The African Centre for Democracy and Human Rights Studies](#) organised a three-day NGO Forum which brought together some hundred African and international NGOs from all the member countries of the African Union. The CFDA participated actively within working groups and the plenary sessions. It also worked to increase public awareness among participants and organizers with the aim that a plenary session could be consecrated to the subject of enforced disappearances at the next NGO Forum. During the ACHPR ordinary session Nassera Dutour, Spokesperson of the CFDA and Nedjma Benazza the vice-president, intervened to speak against Algerian representatives about [the general human rights situation and freedom of expression in the country](#) (link in French) and [the freedom of speech](#) (link in French). The CFDA Spokesperson was also asked to read a joint message from CFDA, OMCT, FIDH and CIHRS [on the human rights situation in North Africa](#) (link in French).

#### Training organized in Algiers by CFDA

Within the framework of a strategy seeking to bring civil society activists into demands for Truth and Justice, CFDA will be organizing, from now on, training in communications and international human rights law. Training in communications was held in Algiers on 10 and 11 December. It was the first of a cycle of six training sessions about communications and human rights defense aimed at those within Algerian human rights organizations responsible for communications. Twenty participants came from various regions of Algeria and received an initiation into the general concept of communications, the elaboration of a communications plan and how to use various communications tools.

On 17 and 18 December 2010, thirty lawyers, advocates and members of different organizations for the protection of human rights benefited from training in international human rights law organized by CFDA in Algiers. For two days participants were initiated into how the articles of the International Covenant on Civil and Political Rights (ICCPR) can be used to defend the freedom to meet and to demonstrate and how, after having exhausted internal means of recourse, to submit a case before a court to international mechanisms for the protection of human rights. Like the training in communications, there will be a cycle of six training sessions in international human rights.

#### A week on enforced disappearances in Paris

Families of disappeared people, who came from Algeria, Bosnia, Kosovo, Iraq, Lebanon, Morocco and Turkey, met for a week, from 23 to 28 October, in Paris. This meeting had been organised by the [The Euromediterranean Federation against Enforced Disappearances](#) (FEMED) and the Action des Chrétiens pour l'abolition de la Torture (ACAT) (Christians for the Abolition of Torture) in partnership with CFDA and with the support of the French Ministry of Foreign and European Affairs and the Catholic Committee against Famine and for Development. Throughout the week the general public was provided [with several occasions for thought about the phenomenon of enforced disappearance](#) (link in French) around the Mediterranean and how to increase awareness of it. The CFDA allowed the projection of the film [Chanson pour Amine](#) (link in French) and contributed to making a place for an exhibition and for discussion about enforced disappearance in the Mediterranean region. The bus was in a significant Paris square, the Place Saint Michel, for a whole day.

#### The CNCPPDH has not regained its Status A

The Algerian CNCPPDH (The National Consultative Commission for the Promotion and Protection of Human Rights) was examined by the UN Accreditation Sub-Committee of the ICC (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights - NIHR) in October 2010. This sub-committee is charged by UNO to examine the requests for accreditation to the NIHR. The CNCPPDH had lost its Status A, which it had had since 2003, in 2009 ([Newsletter 31 'The CNCPPDH challenged by UN bodies'](#)). The ICC recommended the re-commendation of the sub-committee, that the CNCPPDH was not respecting the transparency and independence required by [the Paris Principles](#). At its last session the sub-committee once more recommended to the ICC that the CNCPPDH should not be accorded Status A. According to the ICC the process of selection and the dismissal of members is not always clear and participative; the CNCPPDH did not cooperate with civil society. It also noted the absence of information about serious work carried out by CNCPPDH to examine and do something about human rights violations linked to enforced disappearances, torture and impunity. The CNCPPDH will therefore no longer be able to speak before the Council of Human Rights on points of order as an independent body. The CFDA hopes that the recommendations of the Accreditation Sub-Committee will lead the CNCPPDH to reform itself.



Gathering of December, 10th 2010 in Algiers



Training in Human Rights Law, December 2010 in Algiers



Gathering of December, 10th 2010 in Algiers

### SHORT NOTES

#### The UN Working Group on Enforced Disappearances is 30 years old.

The Working Group on Enforced or Involuntary Disappearances (WGEID) celebrated, in November, being in existence for 30 years. The Spokesperson for the CFDA was invited by the WGEID and went to Geneva to meet representatives of United Nations institutions working for the protection of human rights; she also met state representatives with the UN. She was able to discuss with members of WGEID about the situation of families of the disappeared in Algeria following the [prohibition, since August 2010, to meet weekly](#) (link in French). The members of the WGEID listened carefully and wanted to obtain much more information about the harassment suffered by families of the disappeared and about how they have been obliged to accept compensation. In addition CFDA submitted new files to be examined by the WGEID.

#### The Special Rapporteur on Violence against Women not able to meet all Algerian Associations.

After having forbidden families of the disappeared to meet in Algiers in August 2010, the Algerian authorities invited [UN Special Rapporteurs](#) to lead visits to Algeria; the authorities were trying to give the illusion to the international community that Algeria is a state bound by law, respectful of human rights. Rashida Manjoo, the Special Rapporteur on Violence against Women, was the first to visit, from 01 to 10 November 2010. She had not asked to visit families of the disappeared but members of SOS Disparus waited for her on the steps of her hotel to discuss with her about the situation of women and particularly about the close relatives of the disappeared. .

#### Anniversary of the Universal Declaration of Human Rights: a rally

Some hundred relatives of the disappeared travelled from several wilayas ('counties') around the country to celebrate, following an appeal by SOS Disparus, the 60th anniversary of the Universal Declaration of Human Rights (UDHR). Under the slogan, 'The UDHR is 60 years old, respect its commitments!', families of the disappeared were wanting to remind Algeria that, if it had ratified a number of international conventions for the protection of human rights, it is far from making them effective on a national basis, either legally or in practice.



Training in Human Rights Law, December 2010 in Algiers



Training on Communication techniques, December 2010 in Algiers

### PRESS RELEASES

[The International Coalition against Enforced Disappearance \(ICAED\) Celebrates the Entry into Force of the International Convention for the Protection of All Persons from Enforced Disappearance](#)

[Let's not forget about the banned weekly gathering!](#)

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