

Collectif
des
familles
de
disparu(e)s
en
Algérie

المفقودون DISPARUS
DISPARU المفقودون
المفقودون DISPARU المنة
DISPARUES المفقودون
المفقودون DISPARUS
DISPARUS المفقودون
المفقودون DISPARUS
المفقودون DISPARUS

TRUTH AND JUSTICE
FOR THE DISAPPEARED
IN ALGERIA
NEWSLETTER

Number 4 – July/September 2002

MEMBERSHIP

Name:

Address:

Zip/ Post Code:..... **City:**.....

Telephone :.....

Fax:

Email Address:.....

I wish to join the Families of the Disappeared in Algeria Collective and am sending my dues for 2002 (30 €).

I wish to support your activities with a donation

Please make check out to “Collectif des familles de disparu(e)s en Algérie” and send your membership form to :
Collectif des familles de disparu(e)s en Algérie –148 rue Faubourg Saint Denis 75010 - Paris - France

Collectif des Familles de Disparu(e)s en Algérie
148 rue Faubourg Saint Denis – 75010 PARIS
Tel/Fax: +33 (01) 43 44 87 82
yn.dutour@wanado.fr

The CFDA has endeavoured to pay special attention this year to two issues at the heart of its objectives to establish truth and justice. At the center of its concerns has been, firstly, that of following the progress and signature of the Association Agreement between Algeria and the European Union, and secondly, of affirming its position as soon as the President of the CNCPPDH, M Ksentini, announced his indemnification proposals.

THE ASSOCIATION AGREEMENT AND HUMAN RIGHTS

A number of demonstrations were organised in Barcelona and Valencia in April 2002 by the CFDA, at the time of the signature of the Association Agreement, in order to focus public opinion on the question of human rights in Algeria. Following this, at the instigation of the FIDH (Federation internationale des droits de l'homme) and of the Euro-Mediterranean network, together with the LADDH (Ligue algérienne de défense des droits de l'homme), the CFDA spokesperson (Nassera Dutour) met with Raimon Obiols, European Member of Parliament and Rapporteur for the Association Agreement, on 6 June in Brussels (see Information Letter No 3). On 10 July the European Foreign Affairs Commission, presided by Elmar Brok (PPE-DE), heard Nassera Dutour and Abderrahmane Khelil, member of the LADDH.

Nassera Dutour spoke about 'disappearances' and described the hell of the families of the 'disappeared' in a dehumanised Algeria, caught in a stranglehold between 'the terrorism of the state and Islamic terrorism'. Abderrahmane Khelil spoke of systematic torture and its trivialisation, of degrading conditions of detention and of the flagrant denial of justice. The MEPs, "moved and shocked" by the testimony, reaffirmed their commitment to human rights. Elmar Brok insisted on the need to have a mechanism that would bring together human rights and réalpolitik (politics based on realities and material needs rather than on morals or ideals). All of this gave rise to a draft

resolution to accompany the Association Agreement.

THE DRAFT RESOLUTION BY THE PRESIDENT OF THE COMMISSION OF FOREIGN AFFAIRS.

The main elements in Elmar Brok's draft proposal were: The lifting of the state of emergency; Guaranteeing that the legal system is independent; Fighting against impunity - a major obstacle to the re-establishment of the rule of law in the country; Reaffirmation that respect for human rights, and particularly the resolution of the issue of the 'disappeared' and the abolition of all impunity, constitute essential elements of the new Agreement.

This draft resolution, adopted unanimously by the Commission on 6 September 2002, included in the opening paragraphs the need 'to take all the elements mentioned in this resolution as a point of reference in the future evaluation of the human rights clause, and asked the Commission to produce an annual report on this issue' (see European Parliament website).

APPROVAL OF THE ASSOCIATION AGREEMENT

Following the example of the FIDH, Amnesty International and the Euro-Mediterranean network, the CFDA addressed a letter to MEPs, dated 3 October 2002. The letter focussed the attention of MEPs on the essential points in the draft resolution and also included the Memorandum of the families of the 'disappeared'. The approval of the draft resolution was an encouragement for the families in their fight for truth and justice.

The European Parliament approved the Association Agreement on 10 October. The debate was very lively and numerous amendments were discussed. Philippe Morillon (PPE-DE, France) refused all interference in the affairs of another state; Daniel Cohn-Bendit (Greens, Germany) in response to this said that 'if there is an Association Agreement, then we have not only the right, but also the duty to intervene

when massacres take place, whether they are perpetrated by Islamist terrorists, paramilitary terrorists or other terrorists linked to the security forces/army'. Certain amendments were, however, included and the resolution was adopted unanimously (editing comment: there were some abstentions). The ratification process means that the Association Agreement will now be put before European Union national parliaments.

THE CNCPPDH (COMMISSION NATIONALE CONSULTATIVE DE DEFENSE DE PROMOTION ET DE PROTECTION DES DROITS DE L'HOMME): WE HAVE NO POWER OF INVESTIGATION'

Since his appointment in January 2002, Farouk Ksentini, the President of the CNCPPDH has used the press to make statements about the resolution of the problem of the 'disappeared' file, and the number of statements that he has made has multiplied. He is charged, by the President of the Republic, to resolve 'definitively' the question of 'disappearances'. Since May, he has been suggesting an indemnity to the families, and the closure of the file before the end of the year. A little later he unveiled his intention to provide families with death certificates.

The various interviews given to newspapers, including contradictions, make it difficult to throw light on what is being said. Having received representatives of the families from Algiers, Constantine, Oran, Sétif, Rélizane and Mostaganem on 5 September, Farouk Ksentini proclaimed loudly that 'we have no power of investigation', while a dispatch from the Agence Presse Service stated that Ksentini had affirmed that he 'will not abandon them'.

MEMORANDUM OF THE FAMILIES IN ALGERIA

The CFDA, worried by these declarations, brought together the families and their representatives on 4 September at the office of SOS Disparus in order to prepare for the meeting the next day with the President of the CNCPPDH. The six representatives of the

committees of the families of the 'disappeared', from Algiers, Constantine, Oran, Sétif, Rélizane and Mostaganem, discussed and adopted a Memorandum which defined the basic principles for the settlement of the file in a common démarche (best translated as 'approach'). On 5 September, the day of the meeting, the families therefore submitted the document to the President of the CNCPPDH and underlined the importance of a debate in order to put into place coherent mechanisms to arrive at truth and justice in this drama. Me Ksentini immediately declared that he had no power of investigation, saying that the Commission is only a consultative authority, at the same time telling of his wish to visit prisons, unannounced, in order 'to enquire about the situation of the detainees'.

When the families tackled the question of the link between death certificates and indemnity, the President simply replied: 'It's the law' and disclosed that, referring to Article 110 in the Code de la famille, he was wanting to reduce the investigation time to look for a 'disappeared' from four to two years. The reactions following this were very heated, the families seeing in this measure a way of being rid of the problem.

The families reaffirmed that material help, solely in the framework of national solidarity, could be envisaged but that the procedures for granting this should be defined in a fully transparent way, and have no link to the handling of the 'disappeared' file. Me Farouk Ksentini consented to follow up the démarche, agreeing that the search for truth and justice is 'legitimate'. He said that he was in favor of a commission of enquiry as mentioned in the Memorandum, and to a visit of the United Nations Working Group on Forced Disappearances. The meeting ended with the assurance that the CNCPPDH annual report would be accompanied by the Memorandum (of the CFDA) and passed on to the President of the Republic.

Following this interview, the families have only seen one response, which appeared in the daily El Chourouk El Yaoumi: '100 million

centimes and a death certificate to close the file’.

UN WORKING GROUP ON FORCED OR INVOLUNTARY DISAPPEARANCES

A meeting took place in Geneva on 8 and 9 July 2002, at the request of the CFDA, with the person in charge of the Secretariat of the UNWGFD, Tamara Kunanayakam and his/her assistant. This meeting was complimentary to that of 27 June, looking at how the Group works and at the criteria for ‘admissibility of files’.

Nassera Dutour, who had deposited 289 new files on 27 June, examined, together with the Secretary of the UNWGFD, the files which were not judged to be ‘admissible’. As a result of this working meeting, the spokesperson for the CFDA lodged 160 new files.

THE COLLECTIF DE FAMILLES DE DISPARU(E)S EN ALGERIE

The CFDA made visits to Algeria between 24 July and 7 August, and between 4 and 19 September 2002. Training, so that they could follow the guidelines of the UNWGFD, was given to those preparing the files in the Algiers office.

During the first visit the CFDA delegation met with Mohammed Smaïn (of the LADDH, Ligue algérienne de défense des droits de l’homme) in Rélizane, where he is particularly active on behalf of families of ‘disappeared’. M Smaïn has encountered many difficulties with Algerian justice (see Letter of Information No 2), and among other matters is unable to get back his passport, which the authorities have confiscated. The delegation went on to Constantine and joined in the weekly demonstration with Mme Sofiane Chouiter, lawyer to families of ‘disappeared’. Accompanied by representatives of the families, they met with Me Boudjema Ghechir, member of the LADH (Ligue algérienne des droits de l’homme) to discuss Farouk Ksentini’s indemnity proposal, which provokes many questions among families.

Having met with Farouk Ksentini and representatives of families of the various Algerian regions during their second visit to Algiers on 5 September, the CFDA and members of “SOS Disparus” went to Rélizane again, where they took part in the weekly demonstration and had a working meeting with those heading the committee in the region. The delegation then went on to Oran with the same objectives, where they again participated in the weekly demonstration and met families at the FFS office. The CFDA impressed on the families the importance of mobilisation and called on them to be vigilant about the way the authorities proposed to treat and close the files. The delegation then held a working meeting with the leaders of the Oran committee concerning files and the UNWGFD.

These trips allowed the collection of details to complete files; it also emphasised the necessity, recognised by the families, to be organised.

NO SCHOOL ALLOWANCE FOR CHILDREN OF THE ‘DISAPPEARED’

For the second successive year school children of the ‘disappeared’ cannot benefit from any aid, unlike those who are children of terrorism or orphans, and those where the family income is less than 8 000 dinars. The authorities judge that children of the ‘disappeared’ cannot be part of this arrangement. In the face of this injustice, family representatives addressed a letter on 16 October to the Minister of Solidarity to request a hearing, with the hope of understanding the reasons for this unjustifiable exclusion. A delegation from SOS Disparus was received by M Bouchnak, Director of the Mouvement Associatif, and by the Assistant Director, who indicated that the case of the families was not included in any legal framework and that this meant that they could not be taken into account. They nevertheless suggested to the families that they should ask for approval for the Association and go to the Action Sociale of each wilaya to find a solution. Not satisfied by this reply, the delegation demanded that

the question be transmitted to the minister and that another meeting be requested.

‘RÉSISTANCE FESTIVAL

The CFDA was invited to join a debate on Algeria at the Festival Résistance in Foix (SW France) on 10 July, organised together with the Fondation Danielle Mitterrand. The organisers had brought together several Algerian associations; the debate was presided by Danielle Mitterrand (the wife of the previous French President), and about 200 people were present.

FREEDOM HOUSE MEET FAMILIES OF THE ‘DISAPPEARED’

The CFDA and SOS Disparus were invited to participate in a round-table discussion organised by the NGO Freedom House on 27 July at the El Djazaïr Hotel (in Algiers). The theme of this meeting was the issue of ‘disappearances’; it was entitled ‘The role of civil society in resolving the problem of disappearances’ and was based on experience in ex-Yugoslavia.

TRAINING IN CAIRO WITH ‘ENNADIM’

The SOS Disparus psychologist, together with an active member of SOS Disparus, took part in training organised by Amnesty International at ENNADIM, Rehabilitation Centre for victims of violence, in Cairo. The training centred on how to deal with victims, and with finding witnesses. The two trainees also took part in group therapy and in individual discussion.

DUTCH EMBASSY MISSION TO THE OFFICE OF SOS DISPARUS

On 12 September, H. Schütte and Eric Westrate, officials at the Dutch embassy in Algiers, were received in the office of SOS Disparus by families of the ‘disappeared’. Apart from the general aims of the Association, the question of indemnity was discussed. Families expressed their grave inquietude about this and repeated their wish for a just and open resolution of the issue.

They also told of the difficulties of living as a result of the absence of relatives.

NASSERA DUTOUR CALLED TO APPEAR IN THE TRIAL OF THE AUTHOR OF LA SALE GUERRE

French justice threw out ex-General Nezzar’s defamation suit against Habib Souaïdia, author of *La sale guerre*. Souaïdia, an ex-Lieutenant in the Algerian army, had accused Algerian generals, on French television on 27 May 2001, of having ‘killed thousands of people’, saying that ‘he would never pardon General Nezzar’. At the end of the trial which took place from 1 to 5 July 2002, the judges felt that ‘if M Nezzar can consider that a slur has been cast on his honour’ he had, at the same time, to admit that people like Habib Souaïdia ‘having been personally implicated, could tell of their experience, even in a virulent fashion’. On 4 July, Nassera Dutour, called as a witness by William Bourdon and Antoine Comte (lawyers for the defence), told of the drama of the ‘disappearance’ of her son, kidnapped by security forces on 30 January 1997 in Algiers. She described at length the motives that had led her to create the Collectif des familles de disparu(e)s en Algérie. She recalled what a woman had to do to register a complaint at the Commissariat after a month of procrastination, the account of a policeman describing what he had to do: ‘somebody calls me, I carry out operations, I am given the address of a flat, a building or somewhere, I go and look for people. I take them to Châteauneuf, I present them to the torture room’. She recalled her meeting with Rezzag-Bara, at the time President of the Observatoire national des droits de l’homme (the predecessor of the CNCPPDH), who coldly announced that her son had been volatilisé: he repeated this three times, accentuating the syllables.

Mehdi Mosbah, a young man of 30, followed her into the witness box, a living testimony to acts of torture. The tribunal felt that, ‘in any case, it was not for the tribunal to make a pronouncement about the truth of what was said, and that history alone would be the judge, as M Nezzar had said’. On the

announcement of the verdict, General Nezzar declared to *La nouvelle République*: ‘the verdict is of little importance’, arguing that ‘the fact of bringing an action against somebody in France is in itself a success’.

THE CASE OF HOCINE RACHEDI

Hocine Rachedi, 28, was arrested in Rélizane on 2 October 2002 by three individuals in civilian dress who were travelling around in a Renault Express. Hocine’s family, already distressed by the kidnapping of the father, Rachedi Abdelkader, 74 at the time, on 2 August 1995, confirm that this type of vehicle is used by Commandant Mouloud of the CTRI. In the prison of Bel-Hacel, where the family saw Hocine, they learned about the circumstances of his arrest and the conditions under which he was detained. Hocine said that he had been tortured and that electric charges had been administered all day on 2 October. During this *garde à vue* he had been questioned about the activities of the

LADDH. His torturers recalled the witness of his brother Belkacem, in a lawsuit involving Mohammed Smaïn, member of the LADDH, and Hadj Fergane and his militia (see Information Letter No 2). The next day, 3 October, Hocine was confronted by Mohammed Labad, living in a commune 30 km from Rélizane. Mohamed Labad declared that Hocine had ensured that letters were transmitted between a terrorist group in Rélizane and another in Tlemcen, 320 km away. Hocine Rached declared that he had never seen Labad and that he had never been to Tlemcen. He was then taken to the Magenta barracks in Oran, where he was interrogated without brutality, before being confronted by another man supposed to have received a letter from the hands of Hocine. Both of them said that ‘they did not know each other nor had they met before this confrontation’. On 7 October they were brought before the judge and charged with ‘aiding and assisting a terrorist group