

TRUTH AND JUSTICE FOR DISAPPEARED IN ALGERIA

NEWSLETTER

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Reforms' that restrain human rights even further come into force

New laws, presented as reforms for a more democratic opening, came into force through the official journal of 14 and 15 January 2012. However, these 'reforms' are far from being a response to the expectations of Algerians and are in no case concrete improvements concerning the protection of fundamental freedoms in Algeria. On the contrary they aim at restricting even further the field of action of civil society. Thus, the new law concerning associations subjects them to the goodwill of the administration for registration and they can be suspended or dissolved 'if they should be judged to interfere in the internal affairs of the country, or to present a threat to national sovereignty. in case of interference in the internal affairs of national sovereignty'. The measures of this law are a threat to associations, registered or not, especially since all Algerian associations recognised within the framework of law 90-31 must 'meet the requirements of the aforesaid law within two years, and submit new constitutions in accordance with that law. At the expiry of the said period of 2 years, the appropriate authority will declare the associations to have been dissolved.'

It is the same as regards the information law, according to which information circulated must respect they must 'respect the Constitution and laws of the Republic, [...] Islam and other religions, [...] national identity and the cultural values of society, [...] national sovereignty and[...] national unity, the requirements of national security and defence, the requirements of public order, ... (Article 2). In the same manner Article 92 restricts the activities of journalists who are obliged to respect attributes and symbols of state, forbidden to justify direct or indirect violence, or to attack the national history. So, all these very imprecise conditions can lead to journalists being censured or to their practising a form of self-censorship. Freedom of expression is thus considerably constrained. [A detailed analytical memorandum \(in French\)](#) is available on the CFDA website.

Training in international human rights law in Algiers

In furtherance of its strategy of improving the specialist skills of those citizens who are regularly working in defence of human rights, CFDA organised a fourth training session in International Human Rights Law. This session took place on 13 and 14 January 2012, in Algiers. The training was carried out by professors of Law, specialists in the subject of forced disappearances. They have drawn up a legal case charging the Algerian authorities with having violated international law. By virtue of their international obligations, the Algerian authorities must observe the decisions of the UN committee, which require that for [each concluding observations \(in French\)](#), an in-depth inquiry is to be carried out to determine what has happened to the disappeared. At present, such inquiries are not being held. Participants therefore resolved that an "Official Notice of Legal Precedence" is to be sent to Algerian magistrates, drawing their attention to the primacy of international law over Algerian law, and the requirement that those terms and clauses of the Charter which are contrary to international human rights law be set aside. In the interests of truth and justice for the families concerned, participants also decided that the "Official Notice of Legal Precedence" should be sent to lawyers to obtain their support prior to its distribution to Algerian judges.

Training in Algiers in communication technique

The mastering of the tools of communication and networking is essential for civil society activists in Algeria to increase the impact and the visibility of their action for respect of human rights. To this end CFDA organises training in the technique of communication: the latest was held in Algiers on 27 and 28 January on the theme of 'Oral and internal communication'. Participants, who were members of associations for the defence of human rights (SOS disparus, Algerian section of Amnesty International, LADDH, CIDDEF, Union nationale des Barreaux d'Algérie, Bel Horizon et Djazaïrouna) came from the whole country. On the first day participants worked on oral communication tools and the research and exchange of information to help their work be more efficacious both internally and with partner organisations. The second day, thanks to a practical exercise based on the new law which infringes freedom of association, participants and members of associations menaced by this text adopted a communication strategy to denounce this law and try and obtain its repeal.

Seminar on the search for truth and the struggle against impunity

An international seminar in 2007 organised by the Coalition des associations des victimes des années 90, which includes CFDA, SOS Disparus, Djazaïrouna and Somoud, had been banned. It therefore had to organise its seminar in Algiers on 11 and 12 February 2012 most carefully; this clearly succeeded: the seminar was entitled '[The search for truth and the struggle against impunity at the heart of conflicts for democracy in North Africa and the Middle East](#)'

The Coalition carefully invited human rights defenders and experts from the region (Morocco, Tunisia, Egypt, Syria and Algeria) who could give personal reports. Debates concentrated on the condition of human rights in the various countries of the region, what has been done in each country in the struggle against massive violations committed by the regimes before the revolutions, and by the regimes that have replaced them. Sihem Bensedrine made a presentation on the reforms of the security systems undertaken in Tunisia; Algerian participants were captivated and saw the possibility of a real change towards the establishment of a rule of law and bringing impunity to an end.

During the second day contributors and participants presented, and debated, the various methods utilised by their respective associations documenting human rights violations. The Egyptian example of recourse to social networks and the internet was particularly interesting: they bring together information about violations in a cooperative manner and display the faces of those responsible.

Finally common difficulties appeared and action plans were cleared to allow the Coalition of victims to advance its claims - notably by going to meet political parties in the parliamentary elections so that candidates could make the claims of victims of the 1990s their own.

The CFDA works to prevent the arrest of Mohamed Smaïn, condemned for having exposed mass graves

In the 1990s Mohamed Smaïn, member of the Relizane section of LADDH (Algerian League for the defence of human rights), denounced massive violations (kidnappings, arbitrary arrests, torture, forced disappearances...etc) carried out in Relizane in western Algeria. His commitment to human rights gave rise to members of the local militia in Relizane lodging a complaint against him of 'defamation', 'insults' and 'denunciation of imaginary crimes'. Witnesses of the victims claimed that the militia were responsible for the violations.

After a very long judicial procedure Mohamed Smaïn was discharged from the claims of defamation and insults but condemned for 'denunciation of imaginary crimes' to two months in prison, a fine of 50 000 dinars and a payment of 10 000 dinars damage to each of the ten litigants. This decision was confirmed by the Supreme Court in Algiers on 27 October 2011. Since that time police have been to his home several times to arrest him.

As a result, CFDA and SOS Disparus contacted [the Special Rapporteur on the situation of Human rights defenders at the United Nations and the Special Rapporteur on Human Rights Defenders at the African Commission](#) on 19 March. Earlier, on 2 March 2012, CFDA and SOS Disparus, in partnership with l'Observatoire pour la protection des défenseurs des droits de l'Homme and jointly with la Fédération internationale des ligues des Hommes (FIDH) the Organisation mondiale contre la torture (OMCT), and the Réseau euro-méditerranéen des droits de l'Homme (REMDH) published [a press release \(in French\)](#) to denounce this situation.

Publication of a Report on the lifting of the State of Emergency in Algeria

A year after the raising of the State of Emergency on 24 February 2011, REMDH - in collaboration with CFDA and SOS Disparus - published a report entitled '[The lifting of the State of Emergency: A Game of Smoke and Mirrors. The exercise of the Freedoms of Association, Assembly and Demonstrations in Algeria](#)'. While the decree establishing the State of Emergency had been repealed, demonstrations and meetings of associations of civil society are still prohibited. And on top of this the decree of 2 May 2011, which followed the lifting of the State of Emergency, gives the army limitless powers in the framework of the anti-terrorist struggle. The report is equally critical of the new laws adopted which restrain still further freedom of association and information and restrict actions led by civil society organisations.

Nassera Dutour, CFDA Spokesperson and Chérifa Kheddar, President of the association Djazaïrouna, members of REMDH's working group on freedom of association, held [a press conference](#) on 31 March at the headquarters of SOS Disparus in Algiers in order to bring the report to the attention of the Algerian authorities and the public at large. They insisted about their fears that the new legislation on numerous occasions might be used to remove associations which 'disturb'. Numerous journalists participating at this event - despite the pull of legislative elections - were most interested by what each of the speakers had to say; what was said was in large part relayed by the press.

Forced disappearances at the heart of women's international day

Each year CFDA, on the occasion of women's international day, in the person of its Spokesperson Nassera Dutour, is invited to participate in several events in France and elsewhere. The highlight of 8 March 2012 was that for the first time CFDA was the guest of official events organised by the French authorities.

Nassera Dutour was among personalities invited to speak at a conference on 'Arab Spring: Women's Spring?' organised by the Minister of Foreign and European Affairs in partnership with the Institut du Monde Arabe (Arab World Institute) on 7 March 2012. Surrounded by numerous personalities and human rights defenders from the region, the speech of the CFDA's Spokesperson and President of FEMED centred on the role of women within transitional justice mechanisms. At the request of the Human Rights ambassador, M François Zimeray, Nassera Dutour also presented her personal mission, that of mother of a disappeared and the work that the association carries out on Algerian soil to permit the families of disappeared to advance towards Truth and Justice. Her speech clearly touched the audience and she was applauded on two occasions.

The next day, 8 March, Nassera Dutour was invited, with all the speakers at the 7 March colloque, to the Ministry of Foreign Affairs for lunch with the Minister. Then, on 9 March, she participated at a lunch with the Ombudsman in the Republic in honour of the President of FIDH (Federation of Human Rights), Souhayr Belhassen.

March of families of disappeared against the illusion of the lifting of the State of Emergency

SOS Disparus called on families of the disappeared to mark the non-event of a year ago - the lifting of the State of Emergency and to recall that human rights in Algeria are still ridiculed and demonstrations are still forbidden. They decided to organise [a march towards the Presidency](#), leaving from their usual weekly assembly point in front of the Caisse des retraites not far from the CNCPDPH. However, the police rapidly caught up with them and they were wedged by a solid row of police in an angle, so that they were neither able to advance nor to budge. The only error of these families was to wish to exercise their right to demonstrate peacefully, brandishing the portraits of their disappeared relatives and shouting slogans about the truth and to obtain justice. Members of other civil society organisations came to support them.

Numerous journalists (El Watan, Algérie News, Quotidien d'Oran, le Jeune indépendant) covered the event despite the menaces which weighed on them, as anticipated in the new law on freedom of information.



Training in international Human rights law, in Algiers in January 2012



Training in communication technique, in Algiers in January 2012



Rally of the mothers of disappeared



Participants to the seminar, on Saturday, February 11th, in Algiers



Exchanges among participants of the working group, Sunday, February 12, in Algiers

SHORT NOTES

Geneva Conference on the preservation of Memory within the framework of the PIMPA project

Nassera Dutour led a conference, at Geneva University on 9 January 2012, within the scope of a project on the building up of the memory of crimes against humanity (see Newsletter 41). The title of this presentation was the preservation of Memory within the framework of forced disappearances; it provided a panorama of memorial initiatives put in place by States and by associations of families of victims in the Euro-Mediterranean region, and in particular in Algeria.

Creation of a group of lawyers for the defence of the rights of families of the disappeared

Together with SNAPAP, CFDA contributed to the creation of a Lawyers Network for the defence of human rights (RADDH). The constitutional meeting of the Network took place in the SNAPAP offices on 27 January 2012. The prime mission of RADDH is the defence of anybody whose fundamental freedoms have been flouted.

Presentation on forced disappearances to an ACAT group

Within the framework of a meeting with members of ACAT (Christians against Torture) Nassera Dutour spoke about forced disappearances during the 1990s in Algeria and the fight of families of the disappeared to obtain the truth and justice. At the end members present decided to offer to help a family by accompanying it in its efforts.

The French Human Rights ambassador in Algeria

François Zimeray visited Algeria from 27 to 29 March. Prior to his visit, and in order to prepare himself, he met - the day before his departure - human rights NGOs including Nassera Dutour. Nassera insisted on the issue of the disappeared and the need for 'reforms'. When in Algiers the ambassador met with members of the Coalition at a lunch organised for the occasion. The discussion was about the concerns of associations and particularly about the impunity conferred by the Charter for Peace and National Reconciliation.

PRESS CLIPPING

[Press Clipping of the month of January](#)

[Press Clipping of the month of February](#)

[Press Clipping of the month of March](#)

PRESS RELEASES

[Two other flames go out, two mothers of the disappeared leave us forever!](#)

[JOINT PRESS RELEASE : Harassment of union leaders and bans on demonstration continue in Algeria, despite the repeal of the state of emergency](#)

CFDA CONTACTS

148 rue du Fbg Saint Denis
75010 Paris

T: 00 33 (0)1 43 44 87 82
F: 00 33 (0)1 43 44 87 82

M: cfda@disparus-algerie.org
www.algerie-disparus.org

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