

# TRUTH AND JUSTICE FOR DISAPPEARED IN ALGERIA

## NEWSLETTER

### Effective plea on behalf of human rights at the ACHPR

The CFDA was in Banjul for the 51st session of the African Commission on Human and Peoples' Rights (ACHPR). The CFDA delegation spoke at the NGO Forum in the discussion on mass violence in Africa. Then, in the course of the plenary session, the CFDA made a presentation on [the general human rights situation in Algeria](#), in particular on the lifting of the State of Emergency - which has not led to changes which are so much awaited by the majority of Algerian society. The CFDA team laid stress on the undermining of civil liberty by the Algerian regime and the harassment to which human rights defenders are subjected. The CFDA Spokesperson was able to discuss with the Commissioner and Special Rapporteur about human rights defenders in Africa and particularly about the harassment of which Mohamed Smain, a fervent human rights defender, is victim. Following this the Special Rapporteur published a [press release](#) on 19 April in order to support the Algerian human rights defender. The CFDA mission was also able to follow up on the request made at the October session to speed up action on communications about individuals brought before the ACHPR. The authors of these have had to wait several years before seeing their case examined by the African Commissioner and after all that have obtained no explanation justifying the long time taken. It was decided, in partnership with other NGOs, to write a letter and a memorandum for the attention of the ACHPR Commissioners pointing out the extremely long delays in examining these communications and the solutions that could be made to compensate for the difficulties encountered by the ACHPR.

The action on behalf of human rights at the Commission bore fruit: the Bénidir affair (Ali Bénidir disappeared in 1996), submitted in 2007, will be examined in depth at the next ordinary session of the CADHP in October 2012.

### Publication of a report on 'reforms' adopted by the Algerian government

Since government laws, said to be reforms, were submitted to Parliament for adoption in the Autumn of 2011, the CFDA has not stopped taking action to denounce this legislation. Despite everything done by CFDA to prevent these laws, which reduce further the space for associations to work, becoming fact, they came into force on 12 January 2012.

The CFDA and its partners continue to try to obtain the revision of these clauses. Thus, the CFDA, in partnership with the Algerian League for Human Rights (LADDH), le Syndicat National du Personnel Autonome de l'Administration Publique (SNAPAP) and the Euro-Mediterranean Human Rights Network (EMHRN) published a report entitled '[Political reforms' or further restriction of civil society and the political field'](#). This report analyses each new law - about the electoral system, the representation of women, political parties, news reports and information about associations; it makes recommendations to guarantee respect for fundamental freedom and about the establishment of the rule of law.

### CFDA advocacy following the UNO Periodical Universal Examination of Algeria

Algeria was examined for the second time, in the framework of [the Periodic Universal Review \(UPR\) by the UNO Human Rights Council](#), in May 2012. The examination is an opportunity for states to present what action they have taken to conform to the international treaties they have ratified, and so to reinforce respect for human rights in their country. The state members of the Human Rights Council then offer recommendations to their states as to how they can improve the human rights situation in their country. Having submitted its report on 30 November 2011, the CFDA led several missions to Geneva to present the human rights position in Algeria.

A note written by the CFDA, with the support of the FIDH (International Federation for Human Rights), describing human rights violations in Algeria, was presented at the UPR Forum in Geneva at the beginning of May. CFDA then organised a second mission to state their case in Geneva, ahead of the UPR examination of Algeria. The CFDA delegation, who carried with them [their Alternative Charter for Truth, Peace and Justice](#) (- a proposed alternative to the Algerian government's so-called Charter for Peace and Reconciliation - see [Newsletter 36](#) (French)), met members of permanent delegations at the UNO and presented their concerns about the treatment by the Algerian authorities of the files about disappeared persons and about its 'reforms' adopted in January 2012.

In order to strengthen its position with respect to the UPR examination of Algeria, the CFDA - in partnership with the FIDH and EMHRN (the Euro-Med Network) - organised [a seminar on the human rights situation in Algeria](#) (French), a 'side event' in UNO jargon, at the Palais des Nations on 29 May, in parallel with the examination of Algeria by its pairs. Several Algerian personalities appeared at the meeting such as M Madjid Benchikh, Emeritus Professor in law who was a president of Amnesty International Algeria, human rights defenders including Me Amine Sidhoum, lawyer and member of the Lawyers' Human Rights Network, and M Rachid Malaoui, President of the National Autonomous Public Administration Syndicate. Abdelkader Kherba, member of the Committee of the Unemployed and activist in the Algerian League for Human Rights Defence (LADDH) had not obtained a visa and took part in the meeting by video-conference from Algiers. What these people had to say was rewarding; the questions from NGO and country representatives were most pertinent and interesting. The debate allowed the delegations to understand fully how the Algerian population and human rights defenders suffer daily from human rights violations.

### The untruths of the Algerian delegation in Geneva at the Periodic Universal Examination

M Mourad Meldeci, Minister of Foreign Affairs and the Councillor to the President, M Kamel Rezzag Bara, went to Geneva in order to defend the report presented by the [Algerian state to the Human Rights Council on 29 May 2012](#). Numerous foreign delegations (The Netherlands, France, Slovakia, Belgium, Canada, the United Kingdom and Australia) expressed their opposition and made recommendations to the Algerian state concerning the laws on information and associations as well as the banning of peaceful assemblies. Three states (France, Spain and Argentine) also raised the matter of impunity and the absence of any way of dealing with the enforced disappearances of the 1990s. In response, the Algerian delegation denied that there was any general practise of enforced disappearance by state agents and that the disappeared could be considered in the category of terrorists. In a communique entitled '[Universal Periodical Examination: Algeria criticised by peer groups](#)' published on 14 June 2012, the CFDA - in partnership with the EMHRN (Euro-Med Network) and numerous human rights associations in Algeria and Europe denounced the Algerian authorities for their total denial of these violations and also for what they said in the course of the examination.

### Fifth human rights training course in international law - 29 & 30 June in Algiers

This fifth training course organised by CFDA and SOS disparus concentrated on the freedom to meet together and demonstrate at both national and international level; lawyers from the Network of Lawyers for the Defence of Human Rights (RADDH) participated. The starting point for this was the case of the activist M Abdelkader Kherba, a young union member and human rights defender. M Kherba was arrested and condemned, in the first instance, to one year's prison (suspended) for having supported striking clerks of the court. Following a month's hunger strike to contest his arbitrary detention, and thanks to a general mobilisation, he was acquitted on 11 September.

During this training course the participants were able to debate the procedure at national level and then form into groups to work on projects involving appeals before the human rights authorities at the UNO and the CADHP. [The urgent call to special rapporteurs at the UNO and the CADHP](#) (French), written by the participants, was sent out.

In view of the possible visit of the UN Working Group on Enforced or Involuntary Disappearances (GTDF) to Algeria, two other working sessions, the 'Rappel à la loi', arguing the primacy of international law over national law, a document for Algerian judges and lawyers, was also discussed.

The course ended with a discussion, between participants and trainers, about what subjects participants would like to consider at future sessions. There was a consensus on two themes: protection against torture and the rights of migrants.



Speakers at the 'side event'



Participants at the law training course



Law training course

## SHORT NOTES :

### The European Union elections' mission at the SOS Disparus office

The European Union Head of Mission, who had come, together with his team, to observe Algeria's Legislative elections (10 May 2012), visited the office of SOS Disparus for personal discussions with families of disappeared persons and to hear about their concerns. The Mission head had also requested to meet other members of Algerian civil society and these included trade unionists from SNAPAP and lawyers from RADDH.

Having discussed the matter of enforced disappearances the Mission made a presentation of what they had done since they had been in Algeria to observe the legislative elections of May 2012. The Head of Mission wanted to know what each person thought about how the elections had gone.

### Action to promote the International Convention against Enforced Disappearances, 15 May 2012

A conference entitled 'International Conference for the Protection of all Persons against enforced disappearance: the stakes involved in making it universal and effective' was organised by the French Ministry of Foreign and European Affairs, the Centre for Research on Human Rights and Humanitarian Law at Paris University II and the Ambassador of the Argentinian Republic in Paris. The CFDA was invited and numerous experts, human rights members of international and regional organisations were present.

The next day, a lunch was organised at the Argentinian embassy on this theme, to which Nassera Dutour, Spokesperson for CFDA, was invited.

### Nassera Dutour elected to the Executive Committee of the REMDH

Nassera Dutour has been a member of the Euro-Mediterranean Human Rights Network since 2006 the CFDA's involvement has been growing and the association participates in the Working Group on Freedom of Association, and the Groups working for Justice and for Solidarity. The CFDA, always ready to become more involved, presented its Spokesperson, Nassera Dutour to be member of the Executive Committee. She was elected to the post at the General Assembly held in Copenhagen on 3 June 2012.

### The CFDA moves to new premises

After six years at 148 rue du Faubourg Saint Denis, the CFDA has moved to new, more spacious premises which are more adequate for the development of its activities. The Head Office of the CFDA is now at 112 rue de Charenton, in the Paris 12th arrondissement.

## PRESS CLIPPING

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

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

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

## PRESS RELEASES :

[Opening of the campaign for legislative elections \(french\)](#)

[Algeria : harassment of human rights defenders must stop ! \(french\)](#)

[ALGERIA: Solidarity with the trade unionists of the National Federation of Justice - affiliated with the SNAPAP](#)

[Joint press release : Detention of the Human Rights defender Yacine Zaïd \(french\)](#)

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