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TRUTH AND JUSTICE FOR THE DISAPPEARED IN ALGERIA

NEWSLETTER

Number 6 – January/March 2003

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“TOGETHER FOR TRUTH AND JUSTICE”

An international conference, which *CFDA* had called “Together for truth and justice”, should have taken place on 17 and 18 January in Algiers. This conference was an initiative of *Somoud* (Association of families of ‘disappeared’ abducted by armed groups), who had obtained the funds for it in October 2002, in partnership with *SOS Disparus*, *LADDH* and *CFDA*. Nassera Dutour had made a number of visits to Algiers to assist in the preparation of the conference.

Experts on national and international laws and regulations, on UN mechanisms and the International Criminal Court should have come to train the members of the Algerian NGOs and to give us the benefit of their knowledge. This conference should also have brought together representatives of associations of the ‘disappeared’ in Lebanon, Morocco, Argentine and Chile; these would have provided witness to the enforced disappearances in their countries, their struggle and results of their efforts.

But at the last moment we learned that the Algerian authorities were refusing to grant visas, which were necessary for the invitees to come. In the face of this last minute obstacle, it was decided nevertheless to hold the conference, reduced to the problem of enforced disappearances in Algeria only. The conference was therefore national and did not have the anticipated impact.

About a hundred people took part, including representatives of the political parties *Islah* and *FFS* and a representative of *Taleb Ibrahim*. The morning of 18 January was consecrated to the history of the families of the ‘disappeared’. *Maitre* Ali Yahia Abdenour (Leader of the *LADDH*) opened the session by presenting enforced disappearance as an arm

of war designed to terrorise the population. *Mme Safia Fahassi* spoke about the movement of the families of the ‘disappeared’ in Algeria and *Nassera Dutour* of the progress of the ‘disappeared’ dossier at an international level and its treatment by the Algerian authorities.

We insisted on our opposition to the desire of the Algerian state to compensate families without establishing truth or justice. Let us recall that the authorities had wished to compensate the families and close the dossier before the end of 2002. The afternoon was spent on the legal and psychological effects of ‘disappearances’. The meeting ended with a press conference attended by 48 journalists which gave rise to a significant media response.

INTERNATIONAL CONVENTION ON ENFORCED DISAPPEARANCES?

A proposal for an international convention on the protection of persons from enforced disappearances was adopted by the UN Subcommission on Human Rights and passed to the Commission for Human Rights for adoption. This convention was debated between 1999 and 2002. In 2002 the UN decided to create a working group charged with drawing up a legally enforced text concerning enforced disappearances.

The first session was held in Geneva from 6 to 21 January 2003 and included a number of representatives of states and NGOs. *Nassera Dutour* participated on behalf of the Euro-Mediterranean Coalition. From the start the case focussed on the procedure for implementation and its status: whether it was to be regarded as an international convention, or as an additional clause in the International Agreement on Civil and Political rights. Certain states such as Switzerland, the USA

and Turkey indicated their preference for the adoption of an additional protocol to the International Covenant on Civil and Political Rights (ICCPR) rather than a stand-alone Convention. In effect, a Convention would assume the setting up of a committee assisted by a secretariat, but these states said that the United Nations does not have the financial means for another such structure. The Convention would presume that the crime of enforced disappearance would be integrated into the law of each country.

Other states insisted on the necessity to take into account enforced disappearances attributed to non-state actors: Algeria focussed on this point.

The next session of the Working Group to compile a legally enforced text will be from 1 to 5 September 2003 and the last in January 2004.

INTERNET SITE ON FORCED DISAPPEARANCES AT LILLE ACADEMY

Nassera Dutour went to the Voltaire *lycée* of Wingles, in the department of the *Nord*, on 13 January at the invitation of the local council's Human Rights League. She held three conferences with pupils there on enforced disappearances in Algeria, as well as a public conference attended by the Municipal Council. The pupils presented the research and analytical work that they had done on forced disappearances (Algeria, Argentina, Chile etc). Helped by their teachers, they had even developed an internet site on the Academy of Lille's server and have the intention of keeping it up-to-date. The pupils worked remarkably well and Nassera was surprised to observe their deep knowledge of the situation in Algeria.

MAGHREB FORUM ON POLITICAL AND DEMOCRATIC ACTION

The *CFDA* was invited to Marrakech from 2 to 9 February by the National Democratic Institute (NDI) in order to participate in a training seminar. The seminar brought together associations, political parties and journalists from Algeria, Morocco, Mauritania and Tunisia. *CFDA*, *Somoud*, *ANFD*, *LADDH* and political parties (*FFS*, *FLN*, *Hamas*, *Islah*, *RND*) came from Algeria. Nassera Dutour held a conference on the theme of bringing political parties in the Maghreb together with civil society. Moved by what she had to say, representatives of Algerian political parties, asked to give their advice about the problem, unanimously declared their support for families of the 'disappeared. They committed themselves to do all they could to persuade their respective parties to take some action about the issue. Our Association was very pleased about their decision and counts very much on their action to help us to make our cause heard by the Algerian authorities.

MEMORANDUM ON ENFORCED DISAPPEARANCES

A delegation from *CFDA* met M Parent (technical advisor to the French President) and, prior to M Chirac's official visit to Algeria from 2 to 4 March 2003, submitted a memorandum on the issue of enforced disappearances in Algeria. This memorandum explained the present situation and proposed solutions that the French government could implement. France has for years been taking an initiative on a resolution on enforced disappearances at the Commission on the UN Human Rights Commission; it supports the process of putting together an international convention on enforced disappearances and can play a significant role in relation to the Algerian authorities. The argument about interfering will certainly be put forward; in this regard it is worthwhile recalling that the families of the 'disappeared' set out in their memorandum of 4 September 2002 several

proposals for a national solution to the tragedy. As numerous precedents show, there will be no truly national reconciliation without a definitive solution to the issue. It is up to the most senior Algerian authorities to solemnly recognise the extent of the facts of 'disappearances', the responsibility of the security services and to respond to the imperative demand for truth and justice of families.

PRESIDENT CHIRAC'S VISIT TO ALGERIA

During the three days of the presidential visit to Algeria wives and mothers did not stop trying to cross the route of the man who represents the country of Human Rights. *SOS Disparus* and *CFDA* organised a series of demonstrations on the occasion of the visit of the French President. Despairingly.

On the evening of the arrival of M Chirac, *SOS Disparus* and *CFDA* had organised a press conference at the head office of *SOS Disparus*. This conference gave rise to an important media response - there were 20 journalists there to question the President.

On the day of arrival wives and mothers of 'disappeared' came together on the route that the French President was taking. The Algerian authorities reacted by arresting 15 women and keeping them at the *commissariat* until the end of the official ceremonies. Responding to this injustice and as a symbolic act, the mothers decided to go on hunger strike for the duration of M Chirac's visit on Algerian territory. They also published a press communiqué inviting the President to visit them: 'President Bouteflika gave you the keys to the city, we should like to give you the keys to our hearts'. The *RAJ* Association and the President of the *LADDH*, Ali Yahia Abdenour, visited us during the hunger strike. We also received the support of various European organisations.

The next day, when M Chirac visited the French cemetery of Bologhine, we again organised a demonstration along the route of the convoy. 150 people held up *CFDA* headscarves. This demonstration was followed by an improvised march across Algiers to the *SOS Disparus* office. Finally the mothers, led by their representatives, vainly tried to get into the press conference given by the French President at the *Palais de Congrès*.

The determination of the mothers was not shaken by missing these encounters. We publish at the end of this letter extracts of the moving witness of a mother of a 'disappeared' on the occasion of the visit of the French President; a witness to the combativity of mothers.

ALGERIAN COMMISSION OF INQUIRY

Mothers yet again proved their determination in reacting to a proposal by M Ksentini, President of the *CNCPDH* (National Consultative Commission for the Protection and Promotion of Human Rights), which appeared in the press during March.

During the whole of 2002, the mothers were opposed to the Algerian government project to compensate them and to close the files. In response to their decision and to the work of the Associations, the authorities proposed another solution to solve the problem: the creation of an Algerian Commission of Inquiry. But once again the Associations of the families of 'disappeared' doubt the sincerity of the Algerian authorities. In fact, many commissions of inquiry have been set up in recent years without any tangible result coming out of their work. One might also suspect the good faith of the authorities who still refuse entry on national soil to the UN Working Group on enforced disappearances. M Ksentini reaffirmed, in an article

announcing this commission of inquiry, that there was no question of welcoming any single foreigner! Finally, the President of *CNCPDH* - ahead of the work of the commission for which he was calling - declared in the same article on the subject of 'disappearances': 'I doubt whether the military have committed such acts. There were perhaps isolated acts, but the army - descended from the National Liberation Army (*ALN*) - cannot be accused of such acts'. In giving his conclusions before the work had even begun, M Ksentini rendered null and void any commission of inquiry and confirmed our few hopes of a procedure closed in advance. The proposals of the President of the *CHCPPDH* did not respond in any way to what we asked in the memorandum that we delivered on 5 September 2002. We posed the basis for a just ruling of this painful problem in that document.

For the families of the 'disappeared' the solution will necessarily come through a pattern of setting factual evidence against unconstrained decisions of an independent court of justice. We will only be able to recognise and take part in the work of a commission of inquiry if it is independent, is carried out in public and shows proof of transparency. This must be done in the presence of families, their lawyers and representatives, human rights organisations and United Nations representatives. This Commission must have access without restriction to all prisons, open or not; and all means necessary will have to be put at its disposal in order to enquire efficiently about the 'disappearances' and to permit it to obtain results.

Since the government project in no way responded to these minimal conditions, we decided to oppose it and to call for a major protest rally on 26 March 2003.

RALLY ON 26 MARCH 2003

SOS Disparus and *CFDA* called a national rally of families of the 'disappeared' to protest against the proposed inquiry on 26 March. The month of March was spent preparing for this rally. We wrote to President Bouteflika and all ministers to tell them of the reasons for our opposition to the commission of inquiry. To date we have received no reply.

We also alerted foreign embassies. The representatives of Canada, Chile, the United Kingdom, Germany, the United States etc met us, assured us that they understood our worries, and told us that they agreed with our demands for transparency to allow the truth to appear concerning this issue.

Finally we asked Algerian political parties to take a position on this spiny dossier, to support our claims and to be beside us at the rally. We met M Djaballah d'El-Islah, Saïd Saadi of the *RCD*, Aït Djoudi of the *FFS*, and deputies from Hamas and the *PT* (Workers Party).

Some 450 people were gathered at the rally on 26 March 2003. More than six regions were represented: Mascara, Mostagenem, Relizane, Oran, Algiers, Blida, Médéa, Constantine, Sétif, Jijel and Guelma. Personalities such as *Maître* Ali Yahia Abdenour, President of the *LADDH*, Hakim Hada Secretary General of the *RAJ* Association accompanied by one of its members, Ali Merabet President of *Somoud*, a representative of the *FFS* and three members of *Islah* political party came to support us. During this rally, families of the 'disappeared' were violently taken to task by the police and the four hundred people present were brutally restrained in front of the office of the *Commission nationale consultative pour la protection et la promotion des droits de l'Homme (CNCPDH)*. A Dutch independent photographer reporter, Rachel

Corner, was manhandled and her films confiscated. However, because of the determination of the families, the police were not able to take her camera from her.

THE FAÇADE OF ALGIERS

Madame Boucherf, Vice-President of *SOS Disparus*, wrote about the visit of the French President to Algeria; here is an excerpt of her account.

‘We, the families of the ‘disappeared’, had decided that on Monday the third we should all go in front of the *APN* (People’s National Assembly) to be there for the arrival of President Jacques Chirac. All Algerians wanted to see him, and especially the young who were asking for visas in order to leave this beautiful country of Algeria. But unhappily we have to come to hate it on account of the injustice, *la hogra* (contempt for the ruling classes) and especially because of the corruption. We learnt on Sunday the second of March that the French President would arrive that same day and that he would go to Bab el Oued. That morning all traffic was blocked. The *mairie* at Kouba was closed and more than a dozen buses were parked there; those in charge had required all the workers there, together with some young people, to go and welcome the President. At the *daira* of Hussein Dey the workers were menaced: if they did not go they would be fired. Everywhere where the President would pass had been painted: the pavements in red and white. Trees and plants had been planted; everyone had been working day and night, young and old: everywhere was lit up. Good heavens, how sparkling Algiers is: in a fraction of a second everything is beautiful. But, of course, only where the President would be passing.

At our office of the *SOS Disparus* Nassera Dutour our fighter and we, mothers who were

sufficiently courageous, decided we should go and assist at this fine spectacle.

(.....)

We could see this sight with our eyes but our hearts were broken with sadness - I personally was trembling while thinking: why are our children not among these young people? They also have rights in this country. Some mothers were crying. An hour later the police pinpointed us: one of them ordered a mother to come out of the crowd because he wanted to speak to her. I followed him and asked him what he wanted. He replied: ‘The boss saw and recognised you and ordered us to get you to leave, otherwise we shall take you all to the *commissariat* of Cavaignac’.

All the mothers turned around, the people who were beside us couldn’t understand what was going on and wondered why the police had chosen these women? I replied that we were 100% Algerian, we had the right to be there just like the thousands of others, that we wouldn’t budge and that it was them that obliged us to hate our country. We returned to where we were. All of a sudden, several police arrived and obliged us to follow them to the *commissariat*.

(.....)

On Wednesday 5 March, a sacred day for all families of the ‘disappeared’, arriving from all parts of *wilayas*, with headscarves and photos in our hands, with all sorts of slogans, we are standing - and will until our children come back to us “*inch'allah*” and with the help of God the all-powerful, while asking him to give us courage and patience. Neither the cold of winter nor the heat of summer can stop us. Our slogans ring out from all sides, facing the public our voices are heard’.