

Collectif  
des  
familles  
de  
disparu(e)s  
en  
Algérie

المفقودون DISPARUS  
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# TRUTH AND JUSTICE FOR THE DISAPPEARED IN ALGERIA

## NEWSLETTER

Number 7 – April / June 2003

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I wish to join the Families of the Disappeared in Algeria Collective and am sending my dues for 2003 (30 €).

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## **THE FAMILIES OF THE 'DISAPPEARED' AND FAROUK KSENTINI**

Monsieur Farouk Ksentini, President of the *CNCDDPDH* - National Consultative Commission for the Protection and Promotion of Human Rights, announced in March 2003 that he would present his annual report on the 'disappeared' to President Bouteflika and that he would recommend a Commission of Inquiry. On 2 April the families organised a rally in front of the *CNCDDPDH*, asking for the report. They entered the building in numbers and demanded to see Farouk Ksentini. As a result, Ksentini promised to meet a delegation on 10 April. *SOS Disparus* had sent out a press release to reiterate the claims of the families contained in the memorandum handed over to M Ksentini on 5 September 2002. This pressed particularly for a court hearing of individual and factual evidence to establish the truth about 'disappearances'.

An eight person delegation was received by the President of the *CNCDDPDH* on 10 April, but the conclusions of the meeting were not encouraging for the families.

## **MEETING IN GENEVA**

On 5 April 2003 a meeting took place in Geneva through an initiative of the 'Linking Solidarity' project. It brought together a number of NGOs concerned with 'disappearances': *AFAD* (Asiatic Federation against enforced disappearances grouping together several Asiatic organisations of families of the 'disappeared'), *Fedefam* (Latin-American Federation of families of 'detained-disappeared'), the *CFDA*, etc. The day began with a debate about developing a legally enforced text for the protection of all against enforced disappearance. Discussions and conferences followed about United Nations mechanisms and the malfunctioning of the UN Working Group on Enforced or Involuntary Disappearances.

## **MAKING FOREIGN REPRESENTATIVES AWARE**

On 7 April 2003 members of *SOS Disparus* were received by M Abdalla El Ayyan, Jordanian Ambassador in Algeria, who expressed his support for the families of the 'disappeared'.

The next day, 08 April, members of *SOS Disparus* were received by the Italian Ambassador, who also expressed his support for families and who said that he would ask that the Minister of Justice receive the families of the 'disappeared'.

On Wednesday 09 April, the two associations of *SOS Disparus* and *SOMOUD* were received by the United States Embassy for a press conference about enforced disappearances in Algeria.

On 05 May members of *SOS Disparus* went to the Argentinian embassy and met M Carlos M Salord, Advisor to the Ambassador.

On 31 May Mme Chantal de Varennes, accompanied by M Sébastien Carrière, Desk Officer responsible for Algeria at the Canadian Ministry of Foreign Affairs and international commerce, came to the *SOS Disparus* office.

## **RECEPTION AT THE US EMBASSY**

Mme Yous Fatima, President of *SOS Disparus*, was invited for a dinner at the United States Embassy on 19 April, in order to discuss the question of enforced disappearances in Algeria. As a result she was able to meet M Benkhalef Lakhdar, National Secretary charged with organising the national *El Islah* Movement, who is a Deputy at the National People's Assembly, and Vice President of the Parliamentary Group; M Mohamed Maghlaoui, Deputy of the *RND* (National Rally for Democracy); M Dahdouh Abderezak, Deputy of the *FLN* (National Liberation Front); Mme Julie A Eadeh, *chargée d'affaires extérieures* at the Democracy, Human Rights and Work office; and M Merabet Ali, President of

*SOMOUD* (Association of families of 'disappeared' abducted by armed groups).

#### **MEETING WITH THE MINISTER OF SOLIDARITY**

On 12 May members of *SOS Disparus* met with M Bouchenak, M Sameur and Melle Moussaoui, representatives of the Algerian Ministry of Solidarity.

#### **FRANCE - ALGERIA FRIENDSHIP GROUP**

A report prepared by the *Collectif* (12 May 2003) 'Enforced disappearances in Algeria: the authorities, implicated, refuse to admit their responsibilities' was presented to the 55 parliamentary members of the *Groupe d'amitié France-Algérie*. This document, drawn up for the members of this group, describes the situation of families of the 'disappeared' in Algeria; relates the evidence for the 'disappearances' and states the families' demands. The report was accompanied by a letter asking them to intervene with the Algerian authorities concerning the question of 'disappearances' and particularly those cases cited in the report. Only two replies have been received by the *Collectif*, and neither gives any sign of encouragement on the part of the French parliamentarians. One states that the document will be sent to the President of the Friendship Group Claude Estier, to whom a copy has already been sent; the other just expresses the hope to see a rapid 'equitable and humane solution'.

#### **AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

The 33rd session of the African Commission on Human and Peoples' Rights took place from 12 to 20 May 2003 in Niamey, Niger. It was presided by Kamel Rezzag-Bara, ex-President of the Algerian *ONDH - Observatoire national des droits de l'Homme* (replaced in 2001 by the *CNCDDPDH*). A Forum of NGOs is usually held ahead of each Commission session following the initiative of the African Centre of

Human Rights. The debates took place over several days and recommendations were addressed to members of the Commission.

The *Collectif des familles de disparu(e)s en Algérie* participated in the Forum at the invitation of the *FIDH*, and spoke on the topic of national committees. Nassera Dutour spoke to members of the African Commission about the problems of the 'disappeared' in Algeria and asked them for a mission of inquiry for Algeria's violation of Articles 1 to 7 of African charter of Human and Peoples' Rights.

An awareness campaign took place, notably by passing to the Commissioners the report which had been addressed to the France-Algeria Friendship Group.

#### **DENIAL BY THE ALGERIAN AUTHORITIES**

Following *CFDA's* appearance before the African Commission, the Algerian authorities demanded a right of response. Algerian government representatives at the Commission declared, in a very virulent tone, that they were all concerned about the families, but that 'the 'disappeared' don't exist, and all the people being sought had departed for training camps in Bosnia and Afghanistan'. They also attacked the *FIDH*, accusing it of manipulating the 'disappeared' file while what had been said by the *CFDA* was made in the name of the World Organisation against Torture and not of the *FIDH*.

#### **SETTING UP A FAMILIES OF THE 'DISAPPEARED' ASSOCIATION**

An Extraordinary General Meeting of *SOS Disparus* had been called for 14 May 2003 in order to have an election for an enlarged Board, in the hope of obtaining the approval of the authorities. It was necessary to scrupulously respect the legal procedures needed to set up an Association in Algeria, so that the Algerian administrative authorities would not reject the demand for accreditation for whatever motive.

## **APPROVAL FOR *SOS DISPARUS* REFUSED**

On 18 May members of *SOS Disparus* went to the regulations office of Algiers *wilaya* with all the documents necessary for an application for approval. The person who received them refused to take delivery of the file, citing various unconvincing pretexts. Because of their tenacity, this person directed them to the manager, the Director concerned with regulations. As a result of great perseverance the representatives were finally able to meet Monsieur Mohamed INDALOUSSI on 25 May. He also refused to take delivery of the application for approval. According to him 'the problem of the 'disappeared' is a national problem, it is not for the *wilaya* to settle but the Ministry of the Interior'. He then dismissed the families saying: 'I have received instructions, I cannot take the responsibility of accepting this case (...), I don't want to have my knuckles rapped; go to the Minister'.

## **INJUSTICE SUBMITTED TO THE WGAD**

On 12 June 2003 the *Collectif* addressed a communication to the UN Working Group on Arbitrary Detention concerning the case of Khaled Matari who was arrested, without any authorisation or any explanation, on 24 October 1999 by four plain-clothes agents who said they were from the police services. To the surprise of the family the same agents came to the house again on 10 November 1999 and demanded his passport, which they had taken at the time of the abduction; this time they said they were agents of the Military Security. From the next day onwards the mother of the 'disappeared' started enquiries, and took steps, as she had for her other 'disappeared' son, going to *commissariats*, barracks, local police (*gendarmeries*) and writing letters, petitions, complaints etc.

Because of a person who had seen Khaled Matari in the military prison of Blida and informed her family, the mother at last, in October 2000, traced him. She really had to insist to have the right to visit him. Khaled

Matari had been detained in secret at the barracks of Ben Aknoun (Antar) before being transferred to the military prison in Blida. On 15 October 2000 he was brought, with several other persons, before the military prosecution in Blida. The group was finally accused of 'belonging to a terrorist organisation operating overseas, and of terrorist acts', and was placed in provisional detention. Then, according to the Algerian authorities, 'the military prosecution in Blida relinquished the case and the file was sent to the state prosecution at Birmandreis court. Having been notified of the charge, Khaled Matari was placed under provisional detention by order of the instructing judge'. The accused men were brought before the instructing judge of the civil court on 10 September where they refused to reply to questions without a lawyer. Their case came up again on 12 January 2002 when lawyers were present and they were once more placed in provisional detention. Khaled Matari is now detained in the civilian prison of El Harrach.

## **ARUSHA CONFERENCE ON 'DISAPPEARANCES'**

Nassera Dutour took part, from 24 to 27 June, in an international conference on 'Enforced disappearances and disappeared persons: find the truth, eradicate the practice, end impunity and help the victims'. The conference was held in Arusha, Tanzania, and was organised by the Dutch NGO 'Linking Solidarity'. For two days experts made presentations of the international instruments available against 'disappearances' and NGOs, including the *CFDA*, presented the work they were doing and their experiences in different regions.

## **THIRD ASSEMBLY TO CREATE AN AFRICAN NETWORK AGAINST FORCED DISAPPEARANCES**

A day and a half was spent on putting in place an African Network against Forced Disappearances. The objectives of the network had to be established and to give a definition of the term 'disappearance'. Projects for action were adopted:

- compilation of a report on enforced disappearances in Africa;
- establishing a training centre to enable families and victims to be supported;
- workshops to help members in their work to raise awareness and defend families and victims;
- an Internet site;
- a distribution list.

Members of the board of the African network against Forced Disappearances was then named; Nassera Dutour was elected Head of the *Collège de la diaspora*.

### **ORAN FAMILIES SUMMONED**

Families of the ‘disappeared’ in the *wilaya* of Oran have been under considerable pressure since 13 May 2003. Some families were summoned by the *DRS (Département du renseignement et de la sécurité - Military Security)* to a villa fronting the sea in the *daïra* of Oran. Those concerned are the families of BENMEGHNI Houari, TIARTI Aissa, BEN RACHED Hasni, BEN DINE Allal, BEN SAADOUNE Abdelkrim, HAMIDA Hmida, MERZOUG Nourreddine and KILILOU Mahieddine. They were asked to come with their family record book, a photo of the ‘disappeared’, and the birth certificate. They were questioned about the circumstances of the ‘disappearance’ of their relatives and were told to return the next day to sign a *procès verbal* (written statement).

The summoned families wondered why they had been called there. Each response of the agent who was receiving them was that the state would provide social aid and family allowances, because they were a part of society without income.

### **NEW TACTIC OF THE ALGERIAN AUTHORITIES**

Madame BOUGUETAYA Yakout, mother of a ‘disappeared’, was summoned to the *DRS* office for the same reason, and replied to the questions put to her. However, when she returned the

following day with her daughter to sign the *procès verbal*, the daughter noticed that the *procès verbal* contained a false declaration: that the ‘disappeared’ was a victim of terrorism. As a result Mme BOUGUETAYA refused to sign it. This is clearly a new tactic of the authorities aimed at exculpating the state and imposing the principal of compensation for families.

### **COMMUNICATION WITH THE UN HUMAN RIGHTS COMMITTEE**

A group of young law students, helped and directed by Olivier de Frouville, lecturer at the Faculty of Law in Nanterre, prepared and addressed a communication to the United Nations Human Rights Committee concerning the case of Riad BOUCHERF, who ‘disappeared’ on 25 July 1995. The elements of procedure and the facts relative to the ‘disappearance’ were synthesised to produce such a communication. Two others are being prepared. These communications are prepared using information available to the *Collectif* about these ‘disappearances’.

### **MEETING WITH THE RED CROSS AND THE RED CRESCENT**

Two delegates from *SOS Disparus* met representatives of the International Committee of the Red Cross on 13 April concerning enforced disappearances in Algeria. The *SOS Disparus* members made the Red Cross representatives aware of the ‘disappearance’ issue and took with them information about the conditions of detainees kept in isolation in prisons, or held in secret in Algerian barracks.

Members of *SOS Disparus* had a meeting on 19 May with Mme Faiza, in charge of Communications at the Red Cross, in order to bring to her attention the need of families of the ‘disappeared’ for social and medical help.

### **MEETING WITH UNICEF REPRESENTATIVES**

Members of the Association met with Mme Medahbi and M Oulmi - in charge of

Communications at UNICEF - on 21 May, with the same objective - to obtain help for families in need. However, it was on just this day that the earthquake hit Algeria, and UNICEF put all its efforts into this tragic event. *SOS Disparus* should nevertheless meet with this organisation again in the near future.

#### **DEBATE ON LIFTING THE STATE OF EMERGENCY**

On 16 June members of *SOS Disparus* were invited to the head office of the *LADDH (Ligue algérienne de défense des droits de l'Homme)* to debate the lifting of the state of emergency in Algeria. Two further meetings of the same type were organised on 23 and 30 June 2003. Me Ali-Yahia Abdenour, President of *LADDH*, had circulated a petition to lift the state of emergency in Algeria ([http://www.algeria-watch.org/fr/mrv/mrvrepr/laddh\\_petion\\_etat\\_urgence.htm](http://www.algeria-watch.org/fr/mrv/mrvrepr/laddh_petion_etat_urgence.htm)).

#### **CONFERENCE ABOUT YEMEN ELECTIONS**

On 17 June members of *SOS Disparus* were invited by the National Democratic Institute (NDI) to the Aurassi Hotel in Algiers, for a conference and debate about the general elections in Yemen that took place on 27 April. NDI had trained and accompanied an Algerian delegation to observe how these elections were held in Yemen. This Algerian delegation had taken note of this experience and could exchange thoughts about free elections in Algeria.

#### **PREPARATION OF A REPORT FOR BELGIAN TELEVISION**

Jacob Gauthier, a journalist with French-speaking Belgian Radio-Television, came to the *Collectif* office for two days during June. He came to collect information and documents concerning 'disappearances' in Algeria in order to prepare a report on the theme 'women and politics', to be broadcast during the programme 'Dunia'. For this it was agreed to organise

meetings with families in Algeria during the first week of July.

#### **THE CASE OF ABDELKADER MEZOUAR**

Abdelkader Mezouar was abducted on 2 July 2002 by four armed persons (see Information Letter No 05). The father of the victim had complained to different state institutions, and the President of the Republic had ordered the military Prosecutor of the First Region to open a judicial enquiry. The father was summoned by the Commandant of the military sector of Boumerdes on 31 December 2002. On 06 January he received another summons, handwritten and without the official stamp of the *gendarmerie*.

Some days after the appearance of an article in the Arabic daily *El Youm*, the father of the 'disappeared', as well as the son of a neighbour Slimani Rachid - who was in dispute with the 'disappeared' and had threatened to 'disappear' him on several occasions, were summoned by the Prosecutor of the state court in Rouiba. Following the publication of an article in the daily *El Watan* on 04 February 2003 the father of the 'disappeared' was summoned by the military court in Blida, as well as the *gendarmeries* of Hraoua and Khemis Khechna. He was promised that an inquest would take place; this has never taken place.