

# CHARTER FOR TRUTH, PEACE AND JUSTICE

COALITION OF ASSOCIATIONS OF VICTIMS OF  
TERRORISM AND ENFORCED DISAPPEARANCES

Sos Disparu(e)s - Sos Disparu(e)s - Sos Disparu(e)s - Sos Disparu(e)s - Sos Disparu(e)s - Sos Disparu(e)s

Collectif  
des  
familles  
de  
disparu(e)s  
en  
Algérie



ASSOCIATION DJAZAÏROÛNA DES  
FAMILLES VICTIMES D'U TERRORISME

SOM OUD

Justice

Paix

# SOMMAIRE



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**The Charter «for peace and national reconciliation» promoted by President Abdeleziz Bouteflika was adopted on September 29, 2005. Its implementing legislation have reissued for the third time an amnesty of the Islamist armed groups and have proclaimed impunity of state agents.**

**Associations of victims denounce these texts and wrote their own Charter “for Truth, Peace and Justice”. It was published in 2010 for the fifth anniversary of the official Charter’s adoption.**

# PREFACE



During the 1990s Algeria experienced a climate of terror. The civilian population was caught between armed Islamist groups and State security forces and there were hundreds of thousands of victims of the violence. Serious human rights violations were committed by Islamist armed groups on the one hand and by State agents on the other. Mass murder, assassinations, extrajudicial executions, torture, rape, bombings and deaths were the daily lot of the Algerian people.

The Algerian people know that the State has the duty to protect its citizens and everybody living within its territory. They realise that the liability of those responsible for serious crimes, and the liability of instigators and perpetrators of serious human rights violations - whatever their status - must be established. As well as this Algerians require that the State take responsibility for any grave human rights acts carried out by its officials.

The Algerian people consider that the so-called 2005 Charter for Peace and National Reconciliation cannot form the foundation for a durable, constructive and lasting peace. The violence that has persisted in recent years shows that the 2005 Charter has not attained the stated aims of its authors. It could not have been otherwise with a text that insists on forgetting and on commitment to impunity. This is a regime with a tradition of denying history and memory regardless of the expectations and needs of the Algerian people and of victims in particular.

The Algerian people deplore both the absence of a public debate prior to the referendum which led to the adoption of the 2005 Charter and the fact that only the regime campaigned - unilaterally - for its adoption. Algerian citizens cannot forget that those who, individually or collectively opposed the text in 2005 have been pressured and harassed by the regime.

Taking into account the intensity of the conflict that it has gone through, the Algerian people considers that they are now living the consequences of such violence. These consequences are not only political and social but also moral and historical.

The Algerian people consider that the violence which nearly destroyed the nation-state in the first half of the 1990s was the result of politics that have been conducted for years by those holding power. Citizens reject the suggestions that are intended to make people believe that they are not sufficiently mature to know their history nor to construct a democratic society. They believe that the time has come for the Algerian people to be given the means to take responsibility for understanding its history in all its complexity. Algerians therefore affirm the right of all citizens to research without hindrance the truth about the causes of the grave human rights violations and who, of the political actors, were responsible. It is a matter of determining if the grave human rights violations were the result of a deliberate and systematic political decision.

The Algerian people affirm that the dictatorship, the manipulation of memory and the rubbishing of history, which the regime (which is still in place) has engaged in since 1962, has greatly contributed to the weakening and division of Algerian society. They are also aware that there is no such thing as absolute truth in history and are convinced that an open debate involving all must be conducted: a broad reflection both individually and collectively is necessary for the common preservation of a common memory and a calm consideration of history.

The Algerian people reaffirm their rejection of military and theocratic regimes. They condemn the persistence of authoritarianism and the violation of human rights.

Conscience that any guarantee of universally recognised human rights and of individual and collective freedom represents an essential element in the construction of a truly democratic and social republic and of a just and egalitarian society, the Algerian people declare that they are profoundly attached to the philosophy of Human Rights and are determined to acquire and defend them.

Aware that the effective guarantee of human rights and individual and universally recognized collective freedoms represent an essential element of building a real democratic and social republic and a fair and egalitarian society, the Algerian people declare their deep attachment to the philosophy of human rights and to the defence of human rights.

The Algerian people can state that the following measures would give rise to a just and equitable solution to the problems caused by the crisis that has rocked Algeria:

1. The State undertakes to respect and guarantee the right to truth, to justice and compensation for victims of terrorism and victims of serious human rights violations committed by State agents.
2. The State authorities must facilitate the establishment, by a competent, independent and impartial Commission, of a comprehensive assessment of the implementation of the so-called 2005 Charter for peace and national reconciliation, and publicise it and disseminate it as widely as possible. This assessment will notably include detailed information on the application of Ordonnance No. 06-01 implementing the Charter for Peace and National Reconciliation. This must indicate the number of people benefitting from it and from having no public action taken against them, and under what conditions Ordonnance No. 06-01 was applied to them and for what infractions.

## REFUSAL OF IMPUNITY

3. The national courts, with full guarantees of independence and impartiality to carry out their mission, must pronounce on the criminal responsibility:
  - of any person who has put an end to his military activity by handing over the weapons in his possession,
  - of any person involved in support of a terrorist network who decided to tell of its activities in this context or of any person charged on suspicion of being the instigator, the perpetrator or the accomplice of acts described as terrorist by the Criminal Code or any acts of violence in the course of armed activity or of support to armed Islamist groups.

4. Competent state authorities must proceed systematically to carry out prompt, exhaustive and competent investigations on each alleged case of extrajudicial execution, torture, rape or disappearance of which the instigator or author was qualified as a State agent or equivalent.
5. Any criminal complaint against X or against a member of the armed Islamist groups or one of their supporters, in a case of mass murder, a bomb that caused death or physical disability, torture, rape or death must be declared admissible and subject to a prompt, thorough and impartial investigation in order to identify the perpetrators and potential persons, instigators and accomplices, and in view of allowing courts to decide on their individual criminal responsibility.
6. Any criminal complaint against X or against a State agent or equivalent related to a case of extrajudicial execution, torture, rape, enforced disappearance must be admissible and an immediate, thorough and impartial investigation must be carried out in order to identify the perpetrators, instigators, potential persons and accomplices behind it, to allow courts to rule on their individual criminal responsibility.
7. A pardon or amnesty could be granted to individuals convicted, irrespective of their status, except those convicted of having ordered or participated as a perpetrator or accomplice in mass murder, extrajudicial killing, bombing causing death or physical disability, torture, enforced disappearance or rape.

# SEEKING TRUTH

8. Any information gathered in a judicial context or any other related to the fate of anyone who has been victim of an execution which could be attributed to an armed Islamist group or of an extrajudicial execution which could be attributed to a State agent or equivalent, and whose body has not been found, must immediately lead to a full and impartial investigation by the relevant state authorities aimed at elucidating the fate of the victim, finding the remains and returning them to his/her family for burial. The family of the victim must be informed of the details and the outcome of the investigation.
9. Any information gathered in a court or on the fate of a disappearance person because of an armed group or on the fate of a disappeared person because of a public official or equivalent must be immediately subject to a thorough and impartial investigation to ascertain the fate of the victim, and put this victim under the protection of the law if he/she is alive or locate his/her remains and return to his/her family to provide him/her burial in case of death. The family of the victim, and possibly the victim himself/herself when he/she is found alive, must be informed of the details and the outcome of the investigation.
10. The competent state authorities must locate the graves, both mass graves and individual graves, identify people who are buried there, including by the use of DNA testing, and return their remains to their families to give them a proper burial. The state authorities must identify, by all legal means, the thousands of people buried anonymously in the 1990s, to clarify the circumstances under which these people were buried anonymously and return their remains to their families.
11. The identification of those buried in graves marked 'X' must be carried out by research of archives and by collecting evidence from the security services, members of armed Islamist groups who have laid down their arms, health workers, the courts and the staff of cemeteries active at that time.

12. The state authorities must also create a database, collecting - on a voluntary basis - the DNA identifiers of family members of disappeared persons - either at the hands of an armed group or of agents of the State or equivalent. This database should also collect, on a voluntary basis, the DNA identifiers of family members of people whose relatives have reason to believe they are dead but not buried in a family setting. These data will be systematically compared to DNA identifiers of unidentified persons whose bodies have been found.

## REDRESS AND COMPENSATION

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13. The establishment of Truth and Justice are considered essential elements.
14. The State guarantees redress as complete as possible for the damage suffered, in particular including financial compensation and moral and psychological rehabilitation, to victims of terrorism and, if necessary, to beneficiaries as well as to victims of serious human rights violations committed by State agents or equivalent.
15. Persons raped by members of Islamist armed groups or their support networks are explicitly recognised to have the status of victims of terrorism.



# NO REPETITION



- 16.** The State declares its commitment to the principle of real separation of executive, judicial and legislative powers and strives to provide its citizens with access to impartial and independent justice.
- 17.** The State reiterates its commitment to effectively respect and guarantee freedom of opinion, expression, association and peaceful assembly. The State respects and guarantees freedom of opinion, expression, association and peaceful assembly of those who demand Truth and Justice, particularly victims of terrorism and their families and families of victims of serious human rights violations, notably the victims of enforced disappearances committed by State agents or by any other group.
- 18.** The State will protect the victims of terrorism and their families and the families of victims of serious human rights violations committed by State agents against any threat of any physical and moral integrity they may suffer because of claims related to their fate or the fate of their relatives.
- 19.** The perpetrators of serious human rights violations, and members of armed Islamist groups who are no longer active, are ineligible to hold any political or administrative function whatsoever.

**THE COALITION OF  
ASSOCIATIONS  
OF THE VICTIMS OF THE  
1990S CONFLICT**

COLLECTIVE OF THE FAMILIES OF THE DISAPPEARED IN ALGERIA  
SOS DISPARUS - DJAZAIROUNA - SOMOUD



**PRESENTATION  
HISTORY  
GOALS**

# I. HISTORY AND PRESENTATION



The Coalition of victims' associations was set up on 24<sup>th</sup> February 2006 by the associations of victims of Islamist terrorism, Somoud and Djazairouna, and the associations of victims of enforced disappearances due to the actions of agents of the State, SOS Disparus and the Collectif Familles de Disparus en Algérie (CFDA - Group Representing the Families of the Disappeared in Algeria). This Coalition arose out of the enactment of the Charter for Peace and National Reconciliation and its implementing legislation, drawn up without consultation, the spirit and provisions of which our associations have been protesting against ever since.

The so-called policy of national reconciliation advocates forgetting and enshrines impunity. It offers an amnesty to Islamists terrorists and guarantees legal immunity for agents of the State who committed serious human rights violations in the 1990s. Although financial compensation is provided for certain categories of victims, the conditions which they have to fulfil in order to obtain it amount to a denial of the right to the truth, the right to justice and the right to reparation and to keep the memory of all of the victims of the conflict alive.

However these rights have a fundamental meaning for the rebuilding of both individual people's lives and society after a conflict. Respect for victims' rights is also an indicator of respect for human rights and civil rights in a country so, in this respect, the struggle for victims' rights affects and serves the interests of the whole of society.

The primary goal of the Coalition is the setting up of a Truth Commission for all of the victims in Algeria as part of a process of transitional justice inspired by experiences in other countries. This process needs to be the result of an open, pluralist debate in society. Coming at things from this angle, the Coalition has embarked upon a number of national and international meetings. Drawing on the finding that this is a key question for Algerian society, the Coalition is inviting associations, trade unions, political parties and any individuals who so wish to join a network for solidarity and support based around the demands of the victims.

## II. GOALS AND SUMMARY OF THE COALITION'S DEMANDS

The coalition's goal is to ensure that the Algerian authorities take the victims' demands on board as part of a redefining of the measures taken as part of the so-called "national reconciliation" policy. These demands are as follows:

- The setting up of a Truth Commission with the powers necessary in order to establish the Truth on a case-by-case basis for all victims and all those who disappeared as a result of the actions of agents of the State and armed groups
- Full and final recognition and reparation - including the gender dimension - of the injuries suffered by victims of all kinds, including those who are not currently included by the State.
- Establishing and acknowledgement of individual responsibilities
- Re-appropriation of the memory and the writing of history by the victims
- Freedom of expression, of assembly and of association for all members of society

### III. ACTIONS TAKEN BY THE COALITION IN THE PERIOD BETWEEN 2006 AND 2011



**Seminar for “Peace, Truth and Conciliation”** banned in Algiers. The seminar was finally held in Brussels on 17<sup>th</sup> and 18<sup>th</sup> March 2007 and the minutes are available in French, English and Arabic.

Summary of the seminar:

[http://www.algeriedisparus.org/cfda1/index.php?option=com\\_content&view=article&id=41:seminaire-lpour-la-verite-la-paix-et-la-conciliation-r&catid=37:seminaires&Itemid=157](http://www.algeriedisparus.org/cfda1/index.php?option=com_content&view=article&id=41:seminaire-lpour-la-verite-la-paix-et-la-conciliation-r&catid=37:seminaires&Itemid=157)

**Forum-workshop on “Transitional justice and foreign experience with a Truth Commission”** Blida, 10<sup>th</sup> April 2008.

Summary of the Blida forum-workshop:

[http://www.algeriedisparus.org/cfda1/index.php?option=com\\_content&view=article&id=46:synthese-duforum-atelier-de-blida-du-10-avril-2008&catid=37:seminaires&Itemid=157](http://www.algeriedisparus.org/cfda1/index.php?option=com_content&view=article&id=46:synthese-duforum-atelier-de-blida-du-10-avril-2008&catid=37:seminaires&Itemid=157)

**Conference on “The Truth in Algeria: Overview and prospects one year after the UN recommendations”**, Geneva International Conference Centre, 5<sup>th</sup> and 6<sup>th</sup> March 2009.

Summary of the Conference:

[http://www.algeriedisparus.org/cfda1/index.php?option=com\\_content&view=article&id=282:la-veriteen-algerie-bilan-et-perspectives-un-an-apres-les-recommandationsonusiennes&catid=37:seminaires&Itemid=157](http://www.algeriedisparus.org/cfda1/index.php?option=com_content&view=article&id=282:la-veriteen-algerie-bilan-et-perspectives-un-an-apres-les-recommandationsonusiennes&catid=37:seminaires&Itemid=157)

**Forum-workshop on “Keeping the memory of the victims alive in order to rebuild society”**, Algiers, 16<sup>th</sup> July 2009. The forum-workshop was banned but was still held at the premises of SOS Disparus in Algiers.

Summary of the Forum-workshop:

[http://www.algeriedisparus.org/cfda1/index.php?option=com\\_content&view=article&id=322:forumatelier-l-la-memoire-des-victimes-pour-la-reconstruction-dunesocieter&catid=37:seminaires&Itemid=157](http://www.algeriedisparus.org/cfda1/index.php?option=com_content&view=article&id=322:forumatelier-l-la-memoire-des-victimes-pour-la-reconstruction-dunesocieter&catid=37:seminaires&Itemid=157)

**Forum-workshop on “Memory, victims, state of law”** Algiers, 26th June 2010.

Summary of the Forum-workshop:

[http://www.algeriedisparus.org/cfda1/index.php?option=com\\_content&view=article&id=453:forumatelier-qmemoire-victimes-etat-de-droitq-2010&catid=37:seminaires&Itemid=157](http://www.algeriedisparus.org/cfda1/index.php?option=com_content&view=article&id=453:forumatelier-qmemoire-victimes-etat-de-droitq-2010&catid=37:seminaires&Itemid=157)

**Forum-workshop on “Impulsion of the civil society for the search of truth and justice”**, Algiers, 16th December 2010.

Summary of the Forum-workshop:

[http://www.algeriedisparus.org/cfda1/index.php?option=com\\_content&view=article&id=452:forumatelier-qimpulsion-de-la-societe-civile-pour-la-recherche-de-la-verite-et-la-justiceq-2010&catid=37:seminaires&Itemid=157](http://www.algeriedisparus.org/cfda1/index.php?option=com_content&view=article&id=452:forumatelier-qimpulsion-de-la-societe-civile-pour-la-recherche-de-la-verite-et-la-justiceq-2010&catid=37:seminaires&Itemid=157)

**Forum-workshop on “Truth, Justice and democratic transition”**, Algiers, 23th April 2011.

Summary of the Forum-workshop:

[http://www.algeriedisparus.org/cfda1/index.php?option=com\\_content&view=category&layout=blog&id=37&Itemid=157](http://www.algeriedisparus.org/cfda1/index.php?option=com_content&view=category&layout=blog&id=37&Itemid=157)



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[www.coalition-verite-justice.org](http://www.coalition-verite-justice.org)