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en
Algérie

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TRUTH AND JUSTICE
FOR THE DISAPPEARED
IN ALGERIA
NEWSLETTER

Number 13– October/December 2004

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**SESSION OF THE PERMANENT PEOPLES'
COURT ON HUMAN RIGHTS VIOLATIONS IN
ALGERIA, PARIS; 5 - 8 NOVEMBER 2004**

In June 2003 the CFDA and "SOS Disparu(e)s" linked up with the Comité Justice pour l'Algérie (CJA - Justice Committee for Algeria) in order to make use of the Tribunal Permanent des Peuples (TPP - Permanent People's Court). CJA's request aimed at submitting for study human rights violations against the Algerian people committed by governmental forces and various Islamist armed groups between 1992 and 2004. The TPP is an international court of opinion formed in Italy in 1979 by the Lelio Basso Foundation. Its purpose is to receive complaints about violations of human and people's rights and to judge them according to a procedure which respects the principle of public debate and counter argument.

The TPP held its session in the Town Hall of the 12th *arrondissement* in Paris from 5 to 8 November 2004; it was presided by the Italian magistrate Salvatore Senese. Among the nine named members of the jury were Mme Sihem Bensedrine, Tunisian journalist and spokesperson for the National Council for Freedom in Tunisia and Philippe Texier, French magistrate, member of the Committee of economic, social and cultural rights at UNO. Mrs Shirin Ebadi, Nobel Peace prize winner, wrote a message of support to the members of the TPP.

SPEECHES BY EXPERTS

The first day was devoted to talks by various experts. Madjid Benchikh, previously senior member of the law faculty at Algiers and Coordinator of CJA, made the first speech by calling for Truth for the Algerian people and the recognition of crimes against humanity and war crimes. François Gèze, editor and also a member of CJA recalled the history and

different stages of the Algerian crisis from 1992 to the present. Omar Benderra, expert Algerian financier and Nicole Chevillard, journalist explained the economic situation and the reasons for international support of Algeria¹.

**WITNESSES OF FAMILIES OF THE
'DISAPPEARED'**

During the second day the jury was able to hear several witnesses, among whom were three members of families of 'disappeared' and four lawyers who had made the journey from Algeria to recount what had happened to the families and to witness what they had suffered. Ahmed Cherbi, a young man from Tizi Ouzou, refugee in France, witnessed to his arbitrary detention and that of his father in Blida, as well as torture endured during 45 days. Hassan Ferhati, a member of "SOS Disparu(e)s" in Algiers, recounted the calvary suffered by all his family and the 'disappearance' of his brother in Algiers in 1997. Two other members of "SOS Disparu(e)s", wives of 'disappeared', and Nassera Dutour, also told of the scale of the tragedy of 'disappearances' in Algeria and the extent and difficulty of the task for the family associations. Nesroulah Yous, Algerian artist and author of *Qui a tué à Benthalha? (Who killed in bentalha ?)*, traced the history of this massacre for the assembly.

In the afternoon Salah Eddine Sidhoum, recognised human rights campaigner, provided witness of systematic torture in 95 torture centres, prisons, barracks and police stations during more than 10 years. Yahia Assam, campaigner, and Sofiane Chouiter, a lawyer for families from Oran, described the legal instruments of the repression and particularly emphasised the illegality - according to present international law - of the maintenance of

¹ The files sent to TPP can be seen on <http://www.algerie-tpp.org>

the state of emergency in Algeria since 1992. Ali Yahia Abdenmour concluded the day by pleading for an Algeria of human rights. The President of LADDH recalled that the Algerian people, under the control of a single party from 1962 to 1988, and then hostage to a war between Islamist terrorists and state terrorists, have never had the right - since independence - to have their fate in their own hands.

THE TPP RECOGNISES THE ALGERIAN GOVERNMENT IS GUILTY OF CRIMES AGAINST HUMANITY

On 8 November, at the end of the session, the TPP organised a press conference during which President Senese stated the decision of the court condemning human rights violations committed in Algeria by both armed Islamist groups and by state agents².

THE DECISION OF THE TPP CONCERNING FORCED DISAPPEARANCES IN ALGERIA, CRIMES AGAINST HUMANITY

« More than 7000 cases of forced disappearance have been documented by national and international organisations, and the actual number is certainly much higher. In the great majority of cases witnesses agree that the security forces were responsible for the 'disappearances'. In numerous cases of 'disappearance' the author of the abduction was known to the family or witnesses, and the family has given the name of the agent who is often known in the district. However, the legal system never takes such an important fact into consideration. Steps initiated by families of the 'disappeared' with national judicial authorities meet serious hindrances; these don't seem to be just a simple malfunctioning of the apparatus of justice, but a deliberate act of will not to

allow total light to be shone upon the issue of 'disappearances'»

*«The Court considers that, taking account of the nature, extent and conditions surrounding them, the thousands of forced disappearances constitute flagrant violations of international law and international conventions signed by Algeria. The facts reported to the Court permit it to accept that the very numerous cases of repeated or systematic violations constitute **crimes against humanity** in line with Article 7 of the statute of Rome International Penal Court, according to which the act of 'forced disappearances of persons' ought to be recognised as such 'when it is committed in the framework of a generalised or systematic attack launched against the whole civil population and in the knowledge of this attack'»*

CONTRIBUTION OF CFDA AND SOS DISPARU(E)S TO THE TPP SESSION

“SOS Disparu(e)s” and CFDA contributed actively to setting up this session. A complete report on forced disappearances in Algeria was undertaken by CFDA, a report which added to all of the documentation furnished to the members of TPP to throw light on, and to assist in, its deliberations. Nassera Dutour took responsibility for contacting the associations in Algeria as well as the families so as to find witnesses who would accept to come and recount their experience in front of the TPP jury. Following on from this, CFDA and SOS Disparu(e)s were charged with assisting the Algerian witnesses.

NATIONAL MARCH FOR TRUTH AND JUSTICE, ALGIERS, 05 OCTOBER 2004

At 10.00 hrs on 05 October a national rally of families of the ‘disappeared’ was organised by CFDA and “SOS Disparu(e)s” in front of the presidential palace. This rally, which should have been

² The complete text can be found on <http://www.algerie-tpp.org>

continued by a march towards the United Nations office, had received considerable support. This new action aimed to show the Algerian authorities that the mobilisation of families of the 'disappeared' was not weakening as the result of compensation proposals. To this end, numerous family committees came from Oran, Constantine, Relizane, Jijel, Médéa and other places to Algiers to publicly denounce the action of the *ad hoc* Commission. However, in front of large-scale police operations, intimidation and massive arrests, it was not possible for the march to take place. During the morning, dozens of demonstrators, including an Algerian journalist, were taken to the Saïd Haamdi police station in Algiers. Among the people arrested were Mme Djedjigha Cherguit and Mme Fatma Zohra Boucherf, Vice Presidents of "SOS Disparu(es)". In addition, several mothers of 'disappeared', including Mme Belmokhtar aged 74, were struck and injured by the police. The national and international press³, as well as the *Observatoire pour la protection des droits de l'homme* - a joint FIDH and OMCT programme - widely echoed the repression endured by families of the 'disappeared' and its representatives⁴.

INTERNATIONAL CONVENTION AGAINST FORCED DISAPPEARANCES, GENEVA, OCTOBER 2004

The CFDA participated, in Geneva from 05 to 08 October, in the new informal session of the Working Group under the presidency of the French ambassador, M Bernard Kessedjan. It has been responsible, since January 2003, for writing up a legal text about the restrictive effects which protect all persons against forced disappearances. The aim of this future convention is to create for the states party to it, the obligation to punish the

crime of forced disappearance. So, if Algeria were to ratify the future convention, the legislature would be obliged to include in the Algerian penal code measures incriminating those responsible for forced disappearance. Preventative measures must also be included in internal law, concerning for example access to detainees and the control of detention, as well as the introduction of *habeas corpus*, which guarantees the detainee the right to appeal against detention. Lastly, a right to the truth must be allowed for the relations of the 'disappeared'.

This text is therefore of great importance for all victims of forced disappearance in Algeria and elsewhere. The next session of the Working Group will be from 31 January to 11 February 2005 and the text should be completed, if all goes well, before the end of 2006.

We do not know whether the Algerian government, which is participating in this work, will ratify the future convention. On the issue of the protection of human rights, Algeria signed and ratified all of the conventions; however, if ratification is one thing, respect for the rules has often been quite another in Algeria.

TWO NEW COMPLAINTS LODGED AGAINST ALGERIA AT THE UN HUMAN RIGHTS COMMITTEE

The CFDA used its stay in Geneva to have contact with the United Nations Committee for Human Rights. Two communications concerning cases of forced disappearance, prepared by CFDA during the summer of 2004, were deposited with the Committee. These communications were added to the first complaint deposited by CFDA in 2003, which is at present being examined the Committee. This procedure is based on Algeria's respect for its obligations when it ratified the 1966 International Pact on civil and political rights, and on its 1976

³ See particularly an article in *Le Monde* dated 06 October 2004 <www.lemonde.fr>

⁴ See <www.ocmt.org>, World Organisation against Torture, which issues urgent actions

optional protocol. Cases of forced disappearance in Algeria constitute violations of the 1966 International Pact.

**100 NEW FILES OF ‘DISAPPEARANCES’
DEPOSITED WITH THE UN WORKING GROUP
ON FORCED OR INVOLUNTARY
DISAPPEARANCES**

The CFDA also deposited 100 new files on enforced disappearance with the UN Working Group on enforced or involuntary disappearances (*WGEID*) which were added to the 4000 files deposited by the CFDA since 1998. On this occasion the CFDA was able to get to know the new Working Group team, and to discuss with the person recently placed in charge of the group, about the files relating to ‘disappearances’ in Algeria. The result of this meeting should be beneficial for the future since each party was able to discuss its methods of working, the objective being for the Group and the CFDA to make up for the time lost by the Working Group over recent years and to improve collaboration.

HUMAN RIGHTS DAY, 10 DECEMBER 2004

On the occasion of international human rights day, 10 December, Farouk Ksentini and President Abdelaziz Bouteflika made significant declarations concerning the question of the ‘disappeared’. At the close of the campaign summoning families (see Information Letter No 12), the President of CNCPPDH declared that the *ad hoc* Commission had dealt with more than 6000 cases of ‘disappearance’ during its campaign, and that the final report would be submitted to the President on 31 March 2005. In this report, designed to achieve an ‘inventory’ M Ksentini announced that he was proposing three main ways designed to solve the file, which are: the need to tell the truth, the recognition of a status of victim for the families of the ‘disappeared’ and a commitment to judicial proceedings against recognised authors. At the same time, M Ksentini persisted in considering

the great majority of ‘disappearances’ as isolated acts by uncontrolled state agents. In addition, he didn’t hesitate, by means of the press, to undervalue the work accomplished by associations including “*SOS Disparu(e)s*” and CFDA and to denigrate publicly its representatives along lines which don’t make good sense. The CFDA did not wish to reply to comments which didn’t seem to be worthy of response.

CFDA 15 DECEMBER PRESS RELEASE

The CFDA welcomed, by means of a press release, the comments of the President of the Republic who, at the time of human rights day, assured families of the ‘disappeared’ of his profound compassion and declared that everything would be done to assist the search for the truth. In this communiqué the CFDA emphasised the progress since 1988, thanks to the work of the associations for the defence of families, but it particularly insisted on questioning President Bouteflika publicly about concrete measures which would be taken to arrive at the truth.

**15 DAYS AWARENESS CAMPAIGN WITH
ASAPA IN EVRY, FRANCE**

The *Association Amitié Solidarité avec le Peuple algérien* (ASAPA - the Association of Solidarity and Friendship with the Algerian people), based at Evry in France, undertook an awareness campaign over 15 days about the question of the ‘disappeared’ in Algeria. This action, led by Lakhdar Bensalah, himself the brother of a ‘disappeared’, was carried out with the active collaboration of the CFDA who provided ASAPA with some 800 photos designed to form a panorama of the ‘disappeared’. The inauguration of this panorama took place on 13 November, Place des Terrasses de l’Agora à Evry, in the presence of MM Michel Berson, President of the *General council*, Manuel Valls, deputy Mayor of Evry and Nasser

Dutour. During this fortnight of consciousness raising the MJC of Evry presented an exhibition of paintings, moving works of a young Algerian who was a pupil at the school of architecture in Algiers, who 'disappeared' at the age of 19. The fortnight concluded with the reading of a theatre piece, 'The beauty of the icon', by its Algerian author, Fatima Gallaire, followed by a debate.

CHRISTIANS AGAINST TORTURE'S CAMPAIGN ON FORCED DISAPPEARANCES

ACAT France launched a national campaign aiming at raising the consciousness of French opinion concerning forced disappearances in Algeria. The aim of the campaign was to support families of the 'disappeared' in Algeria in their struggle for Truth and Justice. The *CFDA* is fully associated with this action in providing essential information as well as photos illustrating the petition cards to be sent to President Bouteflika⁵. A big rally was organised on 03 December 2004 on *Notre Dame* (Paris) cathedral square.

IN BRIEF :

CFDA JOINS THE EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK

The *CFDA* became a member of the Euro-Mediterranean human rights network (*REMDH*). Membership will permit the *CFDA* to join a big network of organisations campaigning on behalf of human rights, established in more than 20 countries in the Euro-Mediterranean region (Maghreb, Middle East). *REMDH* promotes the protection and promotion of the principles of human rights entrenched in the November 1995 Barcelona Declaration, as well as the association agreements concluded between the

European Union and Mediterranean countries such as Algeria in 2001.

TRAINING PROGRAMME FOR MEMBERS OF SOS DISPARU(E)S WITH THE NATIONAL DEMOCRATIC INSTITUTE (NDI)

15 members of "*SOS Disparu(e)s*" participated in four training sessions from September to December, organised by the NDI. The themes were on planning, strategy, the organisation of an event, communication and management of the association.

TRAINING FOR THOSE DEALING WITH POST-TRAUMATIC PROBLEMS

Two members of the "*SOS Disparu(e)s*" office participated at a training seminar for those taking care of post-traumatic psychological troubles. The seminar took place from 27 to 29 November 2004 at the head office of the Association for Psychological aid, Research and Training.

MEETING WITH ASSOCIATIONS OF FAMILIES OF THE 'DISAPPEARED'

Under the aegis of the *FIDH*, several federations of families of the 'disappeared' met in Paris on 09 November 2004 to recall the evolution of the international convention referring to forced disappearances. Those present were the Latin American federation of disappeared detainees *Afad*, the Asian Federation against forced disappearances *Fedefam*, the Association of support to Lebanese detained arbitrarily *Solida*, the Association of families of detained and disappeared Sahraouis *Afapredesa*, and the coordinator of the Humanist committee for human rights. The *CFDA* was represented by its spokesperson Nassera Dutour, and by members of families of the 'disappeared'. The organisations present decided to direct a shared letter to make governments of European countries more aware of the importance of the future convention.

⁵ The maps and the material for the campaign can be found on the *ACAT* website www.acat.asso.fr, link 'Petition'.