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TRUTH AND JUSTICE FOR THE DISAPPEARED IN ALGERIA

NEWSLETTER
Number 33 – October/ December 2009

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FAMILIES OF THE DISAPPEARED BANNED FROM MANIFESTING IN FRONT OF THE CNCPPDH

Every year on 1 November a grand reception is held at the *Palais du peuple*, in Algiers, to which foreign delegates and political dignitaries are invited to commemorate the start of the war of independence. This year, 2009, relatives of the disappeared - mostly *mujahadeen* (ancient combattants), took part in the commemoration of the event. The day is effectively an occasion for families to compare the dignity and hopes for which they fought with the denial and indifference inflicted upon them by the Algerian authorities since the disappearance of their relatives.

The demonstration, which should have taken place as usual in the *Place Addis Abeba* in front of the *CNCPPDH* (*Commission nationale consultative pour la promotion et la protection des droits de l'homme* - National Consultative Commission for the Promotion and Protection of Human Rights), had been banned by the police in order to avoid the demonstration being too visible to delegations going to the *Palais du peuple*. The families were constrained by an impressive security force which prevented them having access to that place. A relative of a disappeared person, who was one of the first to arrive, was taken away in a police van as an act of intimidation - but was released a little later. The only reason given by the police for all of this was that on this day of national *fête* the demonstration was banned - but families could come back the next day if they wished to do so.

After a long trial of strength with the police - who were trying to disperse them - some 30 families remained on the pavement, further away from the *CNCPPDH*. They managed to get out their banners and to brandish photos of their disappeared relatives. Families were finally more visible to delegations going to the *Palais du peuple* than if they had been able to get to their usual place of demonstration.

CFDA and *SOS Disparus* deplored this new attempt to smother the action of families of disappeared, who have been coming up against the total indifference of a government

which guaranteed impunity without the least regard for the rights of disappeared victims and their families.

FAMILIES COMMEMORATE THE ADOPTION OF THE UDHR

As usual, families of *SOS Disparus* and *CFDA* assembled to celebrate the 61st anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly in 1948. Carrying photos of their disappeared relatives and brandishing articles of the UDHR, families cried out in unison: 'Governors of our country, where are our children?'

In following their indefatigable struggle for the search for truth and justice, families of the disappeared called out to the world about the situation of impunity which reigns in Algeria, and the lack of political will to put an end to violations of human rights which continue to be committed.

A VISIT TO THE EUROPEAN COMMISSION

As part of its passionate defence of the rights of victims of disappearance, the *CFDA* met the Head of 'Maghreb Unity' at the European Commission during a visit to Brussels last October. The objective was to make a presentation about the Association and its aims, and to speak of the difficulties in which families of disappeared persons find themselves when confronted by the political treatment of forced disappearances by the Algerian authorities.

The delegate was interested in and sympathetic to *CFDA*'s cause. In the course of the exchange he noted the difficulties that representatives from the European Commission have with the Algerian authorities within the framework of the Algeria-EU Association Agreement. He particularly mentioned the resistance of the Algerian government when trying to find some common point in discussions on subjects such as human rights. Nevertheless, he emphasised that during their June 2009 meeting the Algerian authorities had accepted that a 'Politics, Security and Human Rights' Sub-

committee be set up. This was a sign, he said, of a positive advance. This sub-committee would be, according to the Head of 'Maghreb Unity' an appropriate place to take up sensitive subjects.

SEVENTH MEETING OF THE *RÉSEAU MONDIAL DES MÈRES* IN THE FRAMEWORK OF THE FESTIVAL *VOIX DE FEMMES*

The seventh meeting of the *Réseau mondial de solidarité des mères, épouses, sœurs, filles, proches de personnes enlevées et disparues* (World-wide solidarity network of mothers, wives, sisters, daughters and relatives with kidnapped and disappeared persons) took place in Liege from 21 to 29 November on the occasion of the 9th *Festival Voix de Femmes* (Women's voices).

Since its creation in 1991 this biennial festival has been bringing together performers from all four corners of the globe. This artistic and cultural gathering offers women the possibility of making their voices heard through music, dance, theatre and the fine arts. It was in 2000, on the occasion of this festival, that the *Réseau mondial de solidarité des mères, épouses, sœurs, filles, proches de personnes enlevées et disparues*, of which CFDA is a member, was founded. As its name indicates, the *Réseau* brings together women relatives of disappeared persons so that they can relate and exchange their experiences, their struggles, their knowledge and can allow them to develop real solidarity.

The opening of the festival was inaugurated at a public ceremony at the place where memorial trees were planted to remember all disappeared throughout the world. It was dedicated to Odette Salem, mother of Lebanese disappeared, who died in an accident on 16 May 2009; she was in the midst of seeking the truth about her two children disappeared in Beirut in 1985. This seventh meeting of the *Réseau* was the occasion for various activities on the theme of forced disappearances and memory: there were workshops and exchanges of experiences and a public forum dedicated to the silence in the face of disappearances. It was during this last that Nassera Dutour, Spokesperson for the

CFDA, presented an account of the *Convention internationale contre les disparitions forcées* (International Convention against Forced Disappearances), a theatrical laboratory creation; she also presented Ana Wolf's *Semillas de Memoria* about forced disappearances during the Argentinean dictatorship.

A documentary by Wadad Halwani about Odette Salem, and the film *Chanson pour Amine* by Alberto Bougleux about the mothers of disappeared in Algeria, were shown during the meeting.

***CHANSON POUR AMINE* SELECTED FOR SEVERAL HUMAN RIGHTS FESTIVALS**

Alberto Bougleux's *Chanson pour Amine* has been selected in a competition to be shown at the International Human Rights Film Festival (*FIDFH*) in Paris; this will take place from 9 to 16 March 2010 at the *Nouveau Latina* Cinema.

It had already been selected for the *Cinéma d'Afrique de Lausanne* Festival in July 2009, and then for the Southern World Countries Documentaries and Social Cinema Exhibition *Terra di Tutti* (everybody's World) in Bologna, in October 2009. *Chanson pour Amine* is included in the Medimed catalogue, one of the most important markets for Euromediterranean documentaries and reports.

A documentary retracing the story of the mothers and relatives of disappeared in Algeria, through Nassera Dutour, Spokesperson of CFDA. *Chanson pour Amine* is a big success in international festivals.

ALGERIA EXAMINED BY THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS COMMITTEE

Algeria ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1989. The controlling institution of the Covenant, the Economic, Social and Cultural Rights Committee, was created to monitor the implementation of the covenant by the states parties. Among the different means of control within its power states have the obligation to present a first report within two

years of ratifying the covenant. Thereafter they must submit a report every five years in order to demonstrate improvements made to adhere to the IESCR.

The Algerian state submitted its report to the committee in 2007; this will be examined during the 44th session of the committee which will take place from 3 to 21 May 2010. When a committee prepares to analyse the report of a state party it also takes into consideration reports from national and international NGOs, called alternative reports. This other source of information is essential: it offers another view, and allows the committee to produce final observations and recommendations to remedy violations of the rights of Algerian citizens.

The *CFDA* therefore became involved in an alternative report in partnership with the Algerian League for the Defence of Human Rights and the FIDH.

THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)

Two covenants were unanimously adopted by the United Nations General Assembly in 1966, 18 years after the adoption of the UDHR: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The ICESCR, which came into force, like the ICCPR, in 1976, comprises 31 articles. Among these one can find the following: the right to work (Art 11), the right to form and to belong to unions (Art 8), the right to social security (Art 9), the right of every person to a tolerable standard of life (Art 11), the right to education (Arts 13 and 14), the right to their own culture and the benefits of scientific progress etc.

In order to monitor the implementation of the ICESCR by the state parties the Committee on Economic, Social and Cultural Rights was created in 1985. This committee is qualified to receive and examine, at regular intervals, reports from states.

There was a historic advance for human rights when the UN General Assembly adopted, on 10 December 2008, an Optional Protocol to the ICESCR. This optional protocol *allows individuals*, for the first time, to seek justice for violations of their economic, social and cultural rights.

SECOND REGIONAL CONFERENCE ON TRANSITIONAL JUSTICE

On 17, 18 and 19 November 2009 the French and Swiss Ministers of Foreign Affairs, in partnership with the High Commissioner for Human Rights, organised a second regional conference on transitional justice in Yaoundé, Cameroon. The title of the conference, at which *CFDA* participated, was 'Transitional Justice: a way to reconciliation and the building of a durable peace'.

Following on from the 2006 conference on 'Transitional Justice in the Francophone world', these three days were an occasion to underline the advances in francophone Africa of transitional justice mechanisms put in place after 2006.

Several conferences and plenary discussions were organised, among others on the following themes: issues of justice and peace in conflict and post-conflict situations, and current issues and lessons learned about transitional justice in Africa. These provoked much reflection and a lively discussion. The second day was consecrated uniquely to workshops and was centred on four main themes: the right to know; the struggle against impunity and the right to justice for those whose human rights have been violated; the politics of compensation as a means to restore the dignity of victims; institutional reforms and guarantees that there will be no repetition of violations. The last day was the occasion for the working groups to present their conclusions and to assess what had been said and proposed.

The *CFDA* Spokesperson was asked to take part on the theme of establishing the truth during the second day's session on the right to know.

THIRD EUROMEDITERRANEAN MEETING ON FORCED DISAPPEARANCES

The third Euromediterranean meeting of families of the disappeared met in Istanbul from 11 to 13 November; it was organised by *FEMED* (*Fédération Euro-méditerranéenne contre les Disparitions Forcées*). Associations of families of the disappeared from the whole region, from Bosnia to Iraq and from Algeria to Turkey, were represented. This meeting, whose theme was 'Transitional justice and forced disappearances' took place over two days and preceded the annual meeting of *FEMED*, of which *CFDA* is a founder member.

Experts, notably from ICTJ, CICR and ICMP, as well as consultants at the United Nations, presented various subjects relating to transitional justice: truth, justice, compensation and the question of DNA identification. The conference was also the occasion to listen to witnesses and to the variety of experiences of numerous victims.

The conference concluded with a final declaration which is available on: federation-euromed.blogspot.com.

CFDA PROVIDES TRAINING IN THE USE OF LEGAL INSTRUMENTS FOR THOSE WORKING ACTIVELY IN THE CAUSE OF COMBATING DISAPPEARANCES

A training course on the use of these legal instruments was provided by *CFDA* and *SOS Disparus* in Algiers on 3 and 4 December. The course was run by specialists in international law, in order to provide a clear understanding of the concept of disappearance in international law, with a view to ensuring an effective legal and media handling of this problem. Twenty-four young legal practitioners, lawyers and human rights activists underwent the training, which was conducted by two university lecturers with doctorates in law.

The first part of the course was devoted to the International Agreement on the Protection of Persons against forced disappearances. The

second day was concerned with the incorporation of international law into Algerian law; the Charter for peace and national reconciliation, its relevant texts, and the non-compliance of these texts with the Algerian Constitution and with international law.

In order to ensure that the course had the most effective outcome possible, sets of documents, designed to help participants in their future professional activities promoting this cause, were given out for their guidance from the first day. This course was the first of a series due to take place during the current year.

IN BRIEF

A REUNION OF THE COALITION OF ASSOCIATIONS OF VICTIMS IN ALGERIA

Representatives of the coalition of *CFDA/SOS Disparus*, *Somoud* and *Djazairouna* had a working meeting in November to define an action programme for 2010. The themes and dates of future workshops and forums were decided. In addition, on the suggestion of *CFDA* it was decided to create a working group peripheral to the workshops/forums. This working group formed of intellectuals and researchers from various disciplines (law, sociology, psychology, history etc) will be invited to follow their thoughts on subjects related to truth, preservation of memory and the right of victims. The results of these exchanges will be circulated widely and put before forums and workshops.

REMDH WORKING GROUP AND FREEDOM OF ASSOCIATION

The *CFDA*, represented by its Spokesperson Nassara Dutour, is a member of the *Réseau Euromed* working group on freedom of association. The last meeting of the *Réseau* was held in Madrid on 21-22 November. It had as objective two main themes. The first was the analysis of the recommendations in the 2009 report on freedom of association in the Euromediterranean region, so that those countries could be targeted where an effort should be made to call for the respect of freedoms. The report will be published in February 2010. Secondly, participants

followed training on the subject of European human rights protection mechanisms, a particular issue for *REMDH*. The meeting was also the occasion to establish the agenda for forthcoming activities of the working group.

***REMDH* CONFERENCE: ‘EQUALITY OF THE SEXES IN THE EUROMED REGION: FROM A PLAN OF ACTION TO ACTION?’**

On 24 and 25 October, the *Réseau Euro-méditerranéen des Droits de l’Homme (REMDH)* in cooperation with the *Association des Droits de l’Homme de Turquie (IHD)* and the *Plate-forme non-gouvernementale Euro-Med* organised a meeting to prepare recommendations designed to be presented at the ministerial Euromed conference on the ‘Strengthening of the role of women in society’, to take place 15 days later in Morocco. A member of *SOS Disparus* took part in this two day meeting.

100 MORE NEW DISAPPEARED FILES DEPOSITED WITH THE WGEID

CFDA deposited around a hundred new files with the UN Working Group on Enforced or Involuntary Disappearances in Geneva (WGEID) at its session during the month of November. These files concern cases from all regions in Algeria. After verifying that the files qualify according to the WGEID criteria they will be included in the WGEID data base. The WGEID will then send the cases to the Algerian government so that it may make enquiries to throw light on the fate of these disappearances, and inform the WGEID of the results.