

# **ALGERIA**

## **“NEITHER AMONG THE LIVING NOR THE DEAD”: STATE-SPONSORED “DISAPPEARANCES” IN ALGERIA**

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## ABOUT THIS REPORT

This report was written by Nejla Sammakia and Eric Goldstein, respectively research associate and research director at Human Rights Watch's Middle East and North Africa division. It is based in part on research conducted in Algeria between March 30 and April 13, 1997, by Nejla Sammakia and Baher Alashhab, a consultant to Human Rights Watch. The report was edited by Hanny Megally, executive director of Human Rights Watch's Middle East and North Africa division.

Human Rights Watch wishes to thank the many lawyers and relatives of "disappeared" persons who provided us with information. For reasons related to their own security, some asked to remain anonymous. Human Rights Watch also wishes to thank M. Kemal Rezag Bara, president of the official National Human Rights Monitoring Body (Observatoire national des droits de l'Homme, ONDH), for meeting with us to discuss cases of suspected "disappearances."

## SUMMARY

Among the many human rights tragedies in Algeria has been the "disappearance" of more than one thousand men and women since 1992, following their arrest by government forces. As with many acts of violence in Algeria, authorship of some cases of "disappearances" has been difficult to confirm. Armed Islamist groups are responsible for abductions as well as deliberate killings of thousands of civilians. However, there is overwhelming evidence that the security forces are carrying out "disappearances." They are doing so on such a wide scale that the practice could persist only with the sanction of the highest levels of authority. While Algerian officials have admitted that persons have "gone missing" in state custody, Human Rights Watch is aware of no high-level acknowledgment that the practice of forcible disappearance is rampant and ongoing, nor of any efforts by the Algerian authorities to bring to justice those responsible.

The U.N. Declaration on the Protection of All Persons from Enforced Disappearance states in Article 7, "No circumstances whatsoever, whether a threat of war, a state of war, internal political stability or any other public emergency, may be invoked to justify enforced disappearances." International instruments that Algeria has ratified, as well as Algerian domestic legal codes, contain articles that, if fully implemented, protect against enforced disappearances. However, since political violence became endemic in 1992, these instruments and laws have been routinely flouted by Algeria's security forces. Persons are seized by forces that often refuse to identify themselves; they are held in unacknowledged detention without being able to contact family or lawyer, and beyond the time limit set forth in Algerian law. Detained in this fashion, they are at the mercy of the arresting authority, thereby making them more vulnerable to abuses such as torture or ill-treatment.

In the hope of finding their "disappeared" relatives, families make the rounds of police stations, jails and courthouses, file missing-person complaints with official agencies, and seek help through informal channels such as freed prisoners or prison guards. When authorities have responded to their queries, it has generally been to deny that the person is in custody. Nacera Dutour told Human Rights Watch that when she inquired about her "disappeared" son Amine Amrouche, a gendarmerie official told her in May 1997 that, in the gendarmerie's records, Amrouche's name "was neither among the living nor the dead."

## RECOMMENDATIONS

### To the government of Algeria

- Release immediately and unconditionally all persons arbitrarily detained.
- Investigate allegations of unlawful and/or arbitrary detention, make public the results of such investigations, and take legal measures, under the abuse of authority provisions of Article 51 of Algeria's Code of Criminal Procedure, against those responsible for such offenses, and make public these legal measures.
- Ensure compliance by the security forces with international standards for the prevention of "disappearances," including those contained in international agreements ratified by Algeria and those safeguards against "disappearances" that are found in Algerian laws. These include enforcing Algeria's Code of Criminal Procedure by
  - requiring officers holding a person to allow him or her to communicate immediately and directly with relatives; and
  - punishing officers who are found responsible for holding persons in garde à vue (pre-arraignment) detention for periods exceeding the limits provided by law.
- Implement recommendations made by the official National Human Rights Monitoring Body (Observatoire national des droits de l'Homme, ONDH) by requiring that arresting authorities identify themselves at the time of arrest or detention, and requiring that detainees be held only in publicly recognized detention facilities.
- Inform persons upon arrest of the reasons for their detention, and enable them to challenge promptly the legality of that detention before an independent judicial authority, as provided by Article 9 of the International Covenant on Civil and Political Rights, to which Algeria is a State Party.
- Establish a public register listing the names and whereabouts of all persons detained by all branches of the army, intelligence, and national and local security forces. The register should be updated on a frequent and regular basis. It should include for each person the time of arrest, and specify by which order and under what charge he or she was arrested. The register should be made available without restriction to judges, lawyers, families and human rights organizations.
- Ensure that the mechanisms set up by the Algerian authorities to respond to inquiries from families, lawyers and nongovernmental organizations concerning the whereabouts and fate of persons detained are speedy and responsive to their needs and are reviewed regularly for promptness.
- Communicate to all military, intelligence and security forces that "disappearances" and torture will not be tolerated, and that commanders who order or condone such actions will be prosecuted and, if found guilty, punished according to the gravity of the crime of enforced "disappearance."
- Publicize information about the official mechanisms by which victims of illegal detention can exercise their enforceable right to compensation, as provided in Article 9(5) of the International Covenant on Civil and Political Rights.
- Allow access for international investigators, including those under United Nations auspices, to examine allegations of responsibility and to make recommendations with respect to human rights

abuses by all parties.

**To the Armed Opposition Groups**

- Cease and repudiate all deliberate attacks on and/or the abduction of civilians.
- Release immediately and unconditionally all abducted civilians.
- Investigate and remove from any position of authority those who are found to have participated in the torture or ill-treatment, including rape and sexual abuse, or murder of abducted persons.

**To the United Nations Working Group on Enforced or Involuntary Disappearances**

- In light of the scope of the problem of “disappearances” in Algeria, seek to conduct a mission to Algeria to research and prepare a report on the issue.

**To the United Nations High Commissioner for Human Rights**

- Lend political and logistical support to the activities of the Working Group on Enforced or Involuntary Disappearances in its effort to address the situation in Algeria, including the preparation of a comprehensive report.
- Urge the government of Algeria to allow an independent investigation of human rights abuses and violations of international humanitarian law by all parties in Algeria, organized by the United Nations High Commissioner for Human Rights/Centre for Human Rights and including the appropriate mechanisms of the Commission on Human Rights.

**To the European Union and Member States**

- Publicly acknowledge at a high level and condemn actions by the Algerian authorities that result in the “disappearances” of Algerian citizens, as well as abductions carried out by armed opposition groups.
- Raise with the Algerian government, at the highest levels and as an urgent matter, the cases of Algerians who have “disappeared” at the hands of the authorities.
- Instruct member state embassies in Algiers to investigate the extent of “disappearances” in Algeria, to pursue specific cases of “disappearances” with the authorities, and to seek access to detainees whose names are known.
- Use all possible means, including the negotiations over the Euro-Mediterranean Association Agreement with Algeria and linkage of financial assistance, to persuade the government of Algeria to implement the recommendations in this report, including a full accounting concerning persons arbitrarily detained and “disappeared,” and publicly support such initiatives by the government.
- Support initiatives on Algeria at the United Nations Commission on Human Rights, including the convening of a special session on Algeria and the establishment of an international investigation into human rights in Algeria.

**To the Clinton administration**

- Publicly acknowledge at a high level and condemn actions by the Algerian authorities that result in the “disappearances” of Algerian citizens, as well as abductions carried out by armed opposition groups.
- Raise with the Algerian government the cases of Algerians who have “disappeared” at the hands of the authorities.

- Instruct the U.S. embassy in Algiers to increase its monitoring of “disappearances” in Algeria, to pursue specific cases of “disappeared” with the authorities, and to seek access to detainees.
- Use all possible means, including financial assistance and official guarantees for foreign investments, to persuade the government of Algeria to implement the recommendations in this report, including a full accounting concerning persons detained illegally and “disappeared,” and publicly support such initiatives by the government.
- Support initiatives on Algeria at the United Nations Commission on Human Rights, including the convening of a special session on Algeria and the establishment of an international investigation into human rights in Algeria.

## INTRODUCTION

Since 1992, Algeria has been riven by a conflict between security forces and armed opposition groups that call themselves Islamist. It has claimed at least 60,000 lives, many of them civilians. Under the guise of fighting “terrorism,” security forces have engaged in systematic torture, summary executions, and arbitrary arrests with impunity. Armed groups have targeted for assassination individuals whom they viewed as hostile to their religious-political agenda or supportive of the present government, and have carried out a series of massacres of unarmed men, women and children in rural areas. In its reporting on the crisis in Algeria, Human Rights Watch has consistently condemned violations of human rights and of humanitarian law by all parties.<sup>1</sup>

Among the many human rights tragedies in Algeria has been the “disappearance” of more than one thousand men and women since 1992, following their arrest by government forces.

Searching for their “disappeared” loved ones, families have made the rounds of police stations, jails and courthouses, filed missing-person complaints with official agencies, and sought help through informal channels such as freed prisoners or prison guards. When authorities have responded to their queries, it has generally been to deny that the person is in custody. Some of the relatives of the “disappeared” have recently taken to the streets, holding up photos of their missing fathers, sons, and brothers, demanding answers.

As with many acts of violence in Algeria, authorship of some cases of “disappearances” has been difficult to confirm. Persons have been seized at their homes, in their workplaces, or in public places, by men in plainclothes who refused to identify themselves or present a warrant, but who were later confirmed to be members of the security forces. There have also been instances of police-style actions by men in uniform—such as the staffing of checkpoints—where witnesses suspected the men of being members of armed groups who had disguised themselves as security force members.

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<sup>1</sup> Human Rights Watch/Middle East, “Algeria: Elections in the Shadow of Violence and Repression,” *A Human Rights Watch Short Report*, vol. 9, no. 4, June 1997; *Human Rights Abuses in Algeria: No One Is Spared* (New York: Human Rights Watch, January 1994); see also annual editions of *Human Rights Watch World Report*.

In some cases, confirmation of security force responsibility was later confirmed when the person seized was located within the prison system or released after a period of detention. In other cases, such as the abductions of women that accompanied some of the gruesome massacres in villages southeast of Algiers during 1997,<sup>2</sup> the circumstances of the abduction led families of victims to suspect the hand of armed opposition groups.

While abductions by armed opposition groups are a grave human rights problem in Algeria,<sup>3</sup> there is overwhelming evidence that the security forces are responsible for many hundreds of unresolved cases of “disappearance.” The phenomenon is of such proportions that it could only persist with the sanction of the highest levels of national authority. While high officials have admitted that persons have “gone missing” in state custody, we are aware of no high-level acknowledgment that the practice of forcible disappearance is rampant and ongoing, nor of any efforts by the Algerian authorities to bring to justice those responsible.

“Disappeared” persons come from a wide range of professions. They include government employees, physicians, businessmen, political activists, and journalists. Among the cases Human Rights Watch has investigated, the arrests took place mostly at night, and according to eyewitnesses, were carried out by mixed military and police forces who arrived in cars, generally with private license plates. Sometimes armored vehicles were also used. Some members of these forces wore uniforms and others were in plainclothes. When the police came wearing civilian clothes, they often wore jackets with a recognizable police insignia. When arresting someone at home or on the street, they rarely presented an arrest warrant or official identification. These were reportedly shown more often when the arrest was made at the person’s workplace.

After a relative was seized, family members often visited nearby police stations to see if he or she was being held there. Some made inquiries with the state prosecutor’s office after the twelve-day limit on garde à vue (pre-arraignment) detention had elapsed,<sup>4</sup> and received a receipt acknowledging their complaint. Others reported locating their arrested relatives, only to lose track of them after being told they had been transferred to another place of detention whose location was not disclosed.

When detainees are held in unknown locations, they are invariably deprived of legal assistance and are at the mercy of the arresting authority, thereby making them more vulnerable to abuses such as torture or ill-treatment. A prisoner who was released in December 1996, after three and-a-half years in jail, told Human Rights Watch that he first obtained a lawyer only after he was charged and transferred to a prison, following three months in secret detention in police custody. Once in el-Harrache prison, he asked other detainees to have their visiting relatives inform his family of his whereabouts. When the former prisoner, who preferred to withhold his name, had earlier appeared before an investigating judge, he was not notified of his right to a

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<sup>2</sup> “Scores of women are reported to have been abducted by armed groups and held captive for varying periods of time during which they were raped and ill-treated....Reports of abduction and rape of women had decreased during 1996, but have once again become widespread in the context of recent massacres in regions around the capital.” Amnesty International, *Algeria: Civilian Population Caught in a Spiral of Violence* (London: Amnesty International, November 1997), p. 22.

<sup>3</sup> There are no official figures of the number of persons abducted by armed groups. The president of Soumoud (“steadfastness,” in Arabic), an Algerian organization concerned with the issue, was quoted in the press as saying, “Excluding the wilayas of Médéa and Bouira, we counted, as of July 26, 1996, 2,000 persons kidnaped by terrorists whose fate is unknown.” Quoted anonymously in Salima Tlemçani, “Plus de 2000 personnes portées disparues,” *El-Watan*, April 22, 1997. Since that interview, abductions have continued at an alarming pace.

<sup>4</sup> The twelve-day limit applies only to crimes that are considered “terrorist or subversive acts” (Article 8 of Ordonnance no. 95-10 modifying the Code of Criminal Procedure). The limit is in other cases forty-eight hours (Code of Criminal Procedure, Article 51).

lawyer or to contact his family. He also told us that he was tortured for three days while in police custody. The torture methods included beating with large sticks, the “*chiffon*” (or washrag) method in which a cloth soaked in dirty water and chemicals is stuffed down his mouth, and leaving him suspended by the arms for hours.

The problem of persons going missing while in state custody has been recognized by the government and nongovernmental organizations alike. Justice Minister Mohamed Adami told Human Rights Watch, “We give these [missing person] cases all our special attention. Sometimes we find the person in question, but until we do we keep the files open on these cases.”<sup>5</sup> Late in 1996, the military authorities had set up a “social services” department to receive relatives who wish to report missing persons and attempt to trace them. Algeria’s official National Human Rights Monitoring Body (Observatoire national des droits de l’Homme, ONDH), which was created by and reports to the office of the president, has flagged “disappearances” as a major concern. The head of the independent Algerian Human Rights League (Ligue Algérienne des droits de l’Homme, LADH), Ghechir Boudjema, called “disappearances” one of the country’s most serious human rights problems, in an interview published in the Algiers daily *al-Khabar* on November 17.

During and after a mission to Algeria in March-April 1997, Human Rights Watch collected testimony from families and lawyers concerning persons who “disappeared” at the hands of security forces. We restricted ourselves to those cases where evidence existed—usually eyewitness accounts of the arrest or abduction—that pointed to the involvement of the security forces. In all of these cases, the victims were men. On September 12 we submitted this information to the authorities (see Appendix A). We asked in each case whether the person was in official custody, and if so, his precise whereabouts, legal status, and whether and when he had been brought before a judicial authority; the charges, if any, against him; and whether he had been visited by his legal counsel and by his family.

Although we did receive a response indirectly—in the form of a case-by-case working session with ONDH president M. Kemal Rezag Bara on October 14—in none of the twelve cases presented did the authorities confirm that the individual was in official custody or specify his whereabouts.<sup>6</sup>

Human Rights Watch believes these cases reflect a pattern of state-sponsored “disappearances.” The failure of judges and prosecutors to perform their legally mandated oversight functions, including their duty to ensure that the arresting forces comply with both domestic legislation and international legal instruments designed to prevent secret and unacknowledged detentions, results in the effective absence of judicial remedy for these practices. As Amnesty International reported, “Examining magistrates and judges have consistently shown little interest in establishing how the detainees came to be in the custody of the security forces, even when there is ample evidence that the detainees were held in secret detention in violation of the law.”<sup>7</sup>

The government of Algeria has responded to some of the many case inquiries submitted to it by the U.N. Working Group on Enforced or Involuntary Disappearances. In many instances, the government contended that the person in question had been killed by security forces in combat or when attempting to escape, or had been assassinated by “terrorist” groups. However, as Amnesty International notes, in these cases the authorities “failed to provide the necessary details and to explain why for months or years they had not informed the families and lawyers, who had continued to seek information on their whereabouts from the

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<sup>5</sup> Human Rights Watch interview, Algiers, April 8, 1997.

<sup>6</sup> Human Rights Watch also received a letter from the Algerian ambassador to the U.S., dated September 30, criticizing its démarche on “disappearances” and providing no comments on the cases and questions it contained. The ambassador’s letter indicated that no further official response would be forthcoming and advised Human Rights Watch instead to establish a “constructive dialogue” with the ONDH. The letter is reproduced as Appendix D.

<sup>7</sup> Amnesty International, *Civilian Population Caught in a Spiral of Violence*, p. 16.

authorities, of the fate of these 'disappeared'."<sup>8</sup>

As far as Human Rights Watch is aware, no Algerian security force member or official has been subjected to disciplinary measures for his or her involvement in a case of "disappearance." A request for information about such cases, contained in the attached letter to President Liamine Zeroual, went unanswered. The lack of disciplinary measures is further evidence of state sanction for the practice of "disappearances."

### **LEGAL FRAMEWORK**

"Enforced disappearance" is defined in the 1992 U.N. Declaration on the Protection of All Persons from Enforced Disappearance as:

[P]ersons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, thereby placing such persons outside the protection of the law.

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<sup>8</sup> Ibid., p. 17.



The government of Algeria has maintained a state of emergency since February 9, 1992, justifying it with reference to the rampant political violence.<sup>9</sup> The state of emergency permits various derogations from Algerian laws, including those that protect civil liberties. The minister of interior is empowered to restrict “all public gatherings that could disturb the public order and safety,” order searches both day and night and place in detention centers persons “whose activity is considered to threaten the public order, public security, or the proper functioning of public services.” The Algerian authorities informed the United Nations on February 13, 1992 that it was derogating from articles 9(3), 12, 17, and 21 of the International Covenant on Civil and Political Rights.<sup>10</sup>

International law affirms that even during declared states of exception certain basic human rights cannot be suspended. The U.N. Declaration on the Protection of All Persons from Enforced Disappearance states in Article 7, “No circumstances whatsoever, whether a threat of war, a state of war, internal political stability or any other public emergency, may be invoked to justify enforced disappearances.”

International instruments that Algeria has ratified, as well as Algerian domestic legal codes, contain articles that, if fully implemented, protect against enforced disappearances. Algeria has, for example, ratified the International Covenant on Civil and Political Rights (ICCPR), which states in Article 9(1):

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.

The U.N. Declaration on the Protection of All Persons from Enforced Disappearance requires in Article 3 that each state “take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.” Article 6(1) states: “No order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance.”

The declaration stipulates in Article 10 that detainees must be held in officially recognized places of detention, that their families must be promptly informed of their place of detention and that they must have access to a lawyer. These provisions are intended to prevent “disappearances.” Guidelines for punitive action against officials responsible for acts of enforced disappearance and for compensation of its victims are found in

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<sup>9</sup> Presidential decree no. 92-44 of 9 February 1992 establishing the state of emergency. The preamble to the decree refers to “serious and persistent attacks on public order that have taken place in numerous places in the country” and “the threats to the stability of institutions and serious and repeated attacks against the security of citizens and civil peace.”

<sup>10</sup> Article 9(3) guarantees that “anyone arrested or detained on a criminal charge shall be brought promptly before a judge...and shall be entitled to trial within a reasonable time or to release...” Articles 12, 17 and 21 refer, respectively, to the right to freedom of movement; freedom from arbitrary or unlawful interference with privacy, family home or correspondence; and the right of peaceful assembly.

Article 14 and Article 19 respectively:

Any person alleged to have perpetrated an act of enforced disappearance in a particular State shall, when the facts disclosed by an official investigation so warrant, be brought before the competent civil authorities of that State for the purpose of prosecution and trial....All States should take any lawful and appropriate action available to them to bring all persons presumed responsible for an act of enforced disappearance, who are found to be within their jurisdiction or under their control, to justice.

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation.

Algerian law also provides a number of safeguards against "disappearances." Even when a criminal investigation necessitates holding a detainee without a warrant, Article 51 of the Code of Criminal Procedure (CPP) states that "the officer must immediately inform the state prosecutor." Article 51 also stipulates:

While protecting the confidentiality of the investigation, the police officer is obligated to grant to the person held in garde à vue [pre-arraignment] detention all means for enabling him to communicate immediately and directly with his family and to receive visits by it.<sup>11</sup>

A time limit of twelve days is imposed on garde à vue detention in cases of suspected terrorist or subversive acts by Article 8 of Decree 95-10 issued on 25 November 1995 and amending Article 51 of the CPP. During that time, detainees must appear before the state prosecutor if they are to be charged, according to Article 51, second paragraph:

If there is evidence that is substantial and corroborating so as to warrant the filing of charges, the police officer must present the detainee to the state prosecutor without holding the detainee in his custody for more than forty-eight hours [amended to twelve days as indicated above].<sup>12</sup>

Similarly, amended Article 65 stipulates that if detainees are to be kept longer than twelve days, they must be brought before the state prosecutor, who can order an extension of the incommunicado detention by not more than twelve additional days. The criminal code, in Articles 109-110, provides for penalties of up to ten years in prison for public servants who participate in acts of arbitrary or illegal detention or who violate procedures relating to detention.

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<sup>11</sup> "Toute en veillant au secret de l'enquête, l'officier de police judiciaire est tenu de mettre à la disposition de la personne gardée à vue, tout moyen lui permettant de communiquer immédiatement et directement avec sa famille, et de recevoir ses visites."

<sup>12</sup> "S'il existe contre une personne des indices graves et concordants de nature à motiver son inculpation, l'officier de police judiciaire doit la conduire devant le procureur de la République, sans pouvoir la garder à sa disposition plus de quarante-huit heures."

## ESTIMATES OF THE NUMBER OF "DISAPPEARED"

Estimates vary concerning the number of persons who were seized by the security forces and who remain unaccounted for. The Paris-based International Federation of Human Rights Leagues (Fédération internationale des ligues des droits de l'Homme, FIDH), after interviewing lawyers in Algeria during an April 1997 mission, stated that it "believes that the number of at least 2,000 'disappearances' attributable to the security forces would be well below the actual figure."<sup>13</sup>

Mohamed Tahri, one of several Algerian lawyers who follows "disappearance" cases, estimated that some 500 persons were unaccounted for after being arrested during 1997, most of them taken from urban areas by security forces in police or military vehicles. He reached this figure by informally polling other lawyers who represent relatives of the "disappeared. Tahri himself said that as of November he himself had come to represent the families of twenty-nine persons who "disappeared" during the year and remained, to his knowledge, unaccounted for. Another Algiers human rights lawyer, Mahmoud Khelili, told Human Rights Watch that he had a comparable number of clients whose relatives had gone missing in 1997. Together Tahri and Khelili reported representing a total of over 500 families of persons who had gone missing since 1993 and remained unaccounted for.

The National Human Rights Monitoring Body (ONDH) stated that during 1996 it registered a total of 988 cases of presumed "disappearances," a figure that represents a large increase over the 373 and 567 recorded in 1994 and 1995 respectively.<sup>14</sup> The data collected by the ONDH represents only a fraction of persons reported missing in Algeria and cannot be considered a representative sample, since it is based on information brought to its attention—mostly by relatives—rather than on proactive fieldwork. Despite its limitations, the data suggest that many "disappearances" are long-term, and that in the majority of cases families identify state forces as responsible for the arrest.

Of the cases of "disappearances" recorded by the ONDH during 1996, the dates that the persons went missing were distributed as follows:

1992	1993	1994	1995	1996
1	21	329	390	247

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<sup>13</sup> Fédération internationale des ligues des droits de l'Homme (FIDH), *La levée du voile: l'Algérie de l'extrajudiciaire et de la manipulation* (Paris: FIDH, June 1997), p. 16. See response to that report by the ONDH, *De la manipulation des faits au détournement des concepts*, October 1997.

<sup>14</sup> Observatoire National des droits de l'Homme, *Rapport annuel 1996*, Algiers, 1997.

According to the information received by the ONDH, 337 of the “arrests” in 1996 were carried out in the person’s home, 108 in their workplace, 192 in the street and twenty-four after the persons presented themselves to the security services. The persons carrying out the “arrests” were unidentified in 134 cases; in 754 cases, however, one of the security services was identified by the complainants as responsible, broken down as follows: police: 338, gendarmerie: 168, and armed forces: 248.<sup>15</sup>

The ONDH report acknowledged that some of the “disappearance” cases reported to it involved persons being held without charge by authorities, beyond the legally permissible period of time and sometimes outside the established places of detention.<sup>16</sup> However, the ONDH cautioned, not all of the 754 cases attributed by complainants to the security forces were necessarily government-sanctioned “disappearances.” It said that the picture could be distorted by several factors, including:

- when a “disappeared” person resurfaces, that information does not always reach the ONDH;
- abductions by armed groups are sometimes mistakenly attributed to security forces;
- the person being sought by his/her family may have voluntarily joined the ranks of “terrorist groups” (and sometimes the family files a complaint about a “disappearance” to cover for the relative who has done so);
- the person being sought emigrated abroad illegally and has not informed his family of his whereabouts.

During his meeting with Human Rights Watch on October 14, Mr. Rezag Bara stated that he could not estimate the distribution of cases within these categories. However, in an interview he gave earlier to *Le Monde*, Mr. Rezag Bara asserted that authorities bore responsibility for only a small fraction of these alleged “disappearances”:

Some of the disappeared are really terrorists who secretly went underground. Many disappeared persons were, by contrast, abducted by terrorist groups disguised as security force members. The abductions attributable to the security forces are exceptional.<sup>17</sup>

Mr. Rezag Bara has noted additional circumstances that he said could misleadingly inflate the tally of “disappearances.” Persons who had been previously arrested and released, he told Human Rights Watch on October 14, may have fled into the ranks of armed groups out of fear of being re-arrested. He acknowledged that police sometimes re-arrested persons who had been acquitted by the courts when the police disagreed with

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<sup>15</sup> These figures, which are reproduced from the ONDH report, add up to 888, not the 988 that the ONDH gives as the total number of complaints during the year.

<sup>16</sup> The ONDH reported in its 1994-1995 report the existence of secret detention centers in “places that the law has not designated for that function. They are mainly...certain police stations or army barracks serving as detention centers. Persons arrested were freed after more than three months of secret detention in these places.”

<sup>17</sup> Hacène Terro, “On emmène ton fils pour quelque temps,” *Le Monde*, June 13, 1997.

their acquittal. He also noted that families sometimes remained uninformed about a relative's detention because prison officials failed to allow detainees to exercise their right to notify their families. He said this abuse was more common with persons held for alleged security offenses. In a meeting with the FIDH, Mr. Rezag Bara added that some of the persons reported as missing were men who had fled to avoid their military service.<sup>18</sup>

While these alternative explanations may be true in some instances, Human Rights Watch believes that there is strong evidence of security force involvement in the cases brought to our attention and that this reflects a policy of state sponsored "disappearances" in Algeria.

Mr. Rezag Bara also provided some general statistics about incarceration in Algeria, a country of 28 million inhabitants. In 1997, the number of persons in some form of detention was 38,000, of which 10,000-12,000 were being held in connection with the activities of armed groups and subversion cases, most of whom had yet to be tried. Fifteen to 20 percent of these 10,000-12,000 were directly linked to acts of "terrorism" while the rest were being held for providing services to armed groups or failure to report offenses by them.

### **POLICE BREAK UP DEMONSTRATION BY RELATIVES OF THE "DISAPPEARED"**

A peaceful demonstration on October 20 in Algiers by lawyers and families of the "disappeared" was blocked by police. At a time when the international press corps was present to cover the local elections taking place on October 23, dozens of women and their supporters, carrying photos of relatives who had been arrested or "disappeared," gathered in front of the central post office in Algiers. Security forces dispersed the demonstrators and arrested about fifteen women and lawyer Mohamed Tahri, who represents the families of **many "disappeared" persons. Participants told Human Rights Watch by phone that some members of the police had warned the women that they would meet the same fate as their missing relatives if they did not disperse. All of those arrested were released the same day.** Mr. Tahri, who was released without charge after six hours, told Human Rights Watch that a police officer accused him of being a "traitor" because he had "links with foreign organizations." Another Algiers human rights lawyer, Rachid Mesli, had been sentenced to three years in prison in July 1997 after an unfair trial **in which he was questioned about his contacts with Amnesty International (see below).**

**On September 22, a group of relatives of "disappeared" persons attempted to present a petition to officials of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization, who were attending a conference on political violence organized by the ONDH at the Aurassi Hotel in Algiers. Signed by "the families of the disappeared," the petition called on the international community to "denounce vigorously the silence of the authorities before the repeated complaints and efforts to win the release of the 'disappeared,' and to obtain information on the fate that awaits them." Security forces barred the petitioners from presenting their petition. Human Rights Watch subsequently learned that two of the participants, Mebarka Saï, age sixty-one, and Masouda Boukhari, were arrested in early October and held for several days before being released.**

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<sup>18</sup> *La levée du voile*, p. 15.

Mr Tahri's arrest at the October 20 demonstration was not his first brush with trouble apparently linked to his human rights work. During the weekend of June 12-13,<sup>19</sup> his office in the Kouba neighborhood was burglarized. Tahri reported afterward that some of his case files and correspondence with clients whose relatives had "disappeared" were missing but that no objects of financial value had been taken. The break-in occurred after a week in which Mr. Tahri had been featured in major media in France denouncing "disappearances" and other human rights abuses in Algeria. He was interviewed on a program about Algeria that aired on the French television station "Arte" on June 5. Also, the issue of *Le Monde* that appeared on the afternoon of June 12 (dated June 13) contained a full-page article devoted to the narratives of Tahri's clients about their relatives who had "disappeared."<sup>20</sup> Mr. Tahri said that the police conducted an investigation but he has learned of no arrests made in connection with the break-in.

### CASE STUDIES: "DISAPPEARANCES"

The cases presented below are but a few among hundreds that have been brought to the attention of human rights lawyers in Algeria and international human rights organizations. The information we present includes: first, the information collected by Human Rights Watch during and after a mission to Algeria, which we submitted to the authorities for their comments (see Appendix A); second, the response provided by ONDH President Rezag Bara in an October 14 meeting in Washington—the only response on cases that Human Rights Watch received from any official body; and third, any additional information about the case that Human Rights Watch collected after submitting its inquiry to the authorities. In none of the cases has the person reappeared, to the best of Human Rights Watch's knowledge.

In his meeting with Human Rights Watch, Mr. Rezag Bara noted that the ONDH, a five-year-old body that was created by and reports to the office of the president of the republic, serves as a conduit between complainants who approach the ONDH and the appropriate authorities. It conducts no investigations on its own into cases. The ONDH's responses to Human Rights Watch concerning specific individuals who had "disappeared" fell into three basic categories:

- the ONDH was unfamiliar with a case, presumably because the family had not approached it;
- it had submitted a written inquiry with authorities about the case but had received no reply;
- it had received a reply, most commonly a denial that the person in question was in official custody.

When acting in response to a complaint about a missing person, the ONDH submits letters to two security force offices that together are presumed to answer for all agencies legally authorized to detain persons: the Direction Générale de Sûreté Nationale (DGSN) and the Gendarmerie Nationale. The former is an agency within the Ministry of Interior that oversees Algeria's police forces. The gendarmerie is a branch of the military; Mr. Rezag Bara said that he assumes that when the gendarmerie responds to the ONDH it is speaking on behalf of all branches of the military.

According to this ONDH methodology, only a denial from *both* agencies could be construed as an official denial that an individual was in state custody. This was rarely forthcoming. In many cases, the ONDH received a reply from one agency but not the other. Sometimes, Mr. Rezag Bara noted, the replies took weeks

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<sup>19</sup> Algeria's weekend is Thursday and Friday.

<sup>20</sup> Hacène Terro, "On emmène ton fils pour quelque temps," *Le Monde*, June 13, 1997.

or months. He did not provide Human Rights Watch with copies or dates of the correspondence between the security agencies and the ONDH.

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**Amine Amrouche**, age twenty-one, was arrested on January 30, 1997 from outside his house in Baraki by men in plainclothes who took him away in an unmarked car, according to neighbors who described the incident to his mother, Nacera Dutour, who lives in France. One of the witnesses said he believed the men to be members of the security forces. Ms. Dutour tried to track down rumors of her son's detention in various police stations, prisons and at a military camp in Oran. She also sought assistance from the ONDH and the office of the state prosecutor, who informed her that they had made inquiries but could find no trace of him. She told Human Rights Watch that a gendarmerie official said to her in May that her son's name "was neither among [the gendarmerie's records of] the living nor the dead."

Mr. Rezag Bara told Human Rights Watch that Mr. Amrouche was "officially not in custody" since the ONDH had received replies from both the DGSN and the Gendarmerie Nationale that neither had any record of arresting Amrouche. Amnesty International reported on October 17 that it had received information indicating that he was alive and being held in a military security center in Algiers.<sup>21</sup> In early November, Mr. Amrouche's mother said she had no new information, although she continued to hear rumors that he was in detention.

**Aziz Bouabdallah** is a journalist with the independent *Al-'Alam al-Siyassi* daily. His family said he was arrested on April 12, 1997 from his home in Algiers by men dressed in police uniforms who introduced themselves as members of the security forces, according to statements released by the New York-based Committee To Protect Journalists and Amnesty International. Mr. Bouabdallah was reportedly being held in an Algiers detention center. His family has received no official confirmation of his whereabouts.

Both the DGSN and the Gendarmerie Nationale informed the ONDH that they are not holding Mr. Bouabdallah.

**Ali Lakhdar Chaouche**, age twenty-seven, was arrested at Kouba Hospital near Algiers, where he works as an orthopedic surgeon. He was arrested by men who reportedly identified themselves as military personnel to the hospital administration at 2:00 a.m. on April 1, 1997, during Mr. Chaouche's night shift. They presented an order of arrest issued by the military authorities. Trying to locate Ali, his family wrote to the ministries of justice and defense, the ONDH and to the police stations of Kouba and Baraki, where he lives. They have received no answer so far.

Due apparently to a confusion of similar names, Mr. Rezag Bara came prepared to discuss a different case but said he had no information on Ali Lakhdar Chaouche.

**Djamil and Mourad Chihoub** "disappeared" after their brother Saïd joined an armed Islamist group. On May 16, 1996 police and military forces came looking for Saïd at the family home in the Algiers suburb of Baraki. Not finding him, the security forces arrested Djamil and told his father they would release him when Saïd turned himself in. The next month, the authorities told the family that Saïd had been killed in a clash with military forces. They allowed the family to identify his body and gave them a death certificate. However, Djamil has not been released, and his family has not been informed of his whereabouts.

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<sup>21</sup> Amnesty International Urgent Action, MDE28/28/97, October 17, 1997.

On November 14, 1996, the military forces of the Baraki barracks, together with a "self-defense" group from the area, went to the Chihoub home and arrested Mourad, who was less than seventeen years old at the time. When his father attempted to intervene, they threatened to shoot him. He inquired at the military barracks but was told to inquire with Military Security (Sécurité Militaire, an agency within the Armed Forces). He wrote several letters to the authorities, and was summoned last February to the military's department of social services in Beni Messous to provide details about Mourad and Djamil and was told to wait for news. He then received a letter dated May 11, 1997 from the state prosecutor's office saying there was no information on his sons.

The ONDH, which had submitted a request for information about Djamil in August 1996, received a reply from one of the responding agencies several months later saying that its forces had not arrested Djamil. The ONDH received a similar reply from that agency on August 24, 1997, concerning Mourad.

**Djamel Fahassi**, a journalist at Algiers Radio, was arrested on May 6, 1995. His wife, Safia, stated that neighbors said they witnessed him being taken from near his home in el-Harrache by about four men carrying walkie-talkies whom they believed to belong to the security forces. They drove him away in a convoy of two vehicles.

Safia received in response to her inquiries a statement from the Ministry of Justice on March 16, 1997 stating that el-Harrache police station had no record of Djamel's arrest. She has received no official information about his whereabouts, but about two months after his arrest, a released detainee wrote a letter to a private newspaper saying that he had seen Mr. Fahassi at Châteauneuf, a Military Security center in Algiers. His wife was unable to confirm this. In October 1995, the public-sector newspaper *l'Horizon* printed an article claiming that Fahassi was alive and well outside the country. However, others at that journal later dissociated themselves from the report. No evidence was provided and the family discounted the report.

Mr. Fahassi had served a six-month sentence in 1991 for an article about the violent conduct of the security forces toward civilians that he wrote for a newspaper run by the then-legal Islamic Salvation Front (Front Islamique du Salut, FIS). He was also detained without charge in a detention camp after the cancellation of general elections in January 1992, and published an account of that detention in the Algiers daily press.

Both police and military forces told the ONDH they had no information on Mr. Fahassi, Mr. Rezag Bara said. As of November 1997, Fahassi's wife Safia said the family remained without news.

**Mohammed al-Hedi Hamidi**, a twenty-four year-old civil servant at the Dely Ibrahim municipality, was taken from his home in Cité Chevalley by police and military forces in uniform shortly after midnight on March 19, 1996, according to his family, which has so far been unable to establish his whereabouts. They have inquired at local police stations and the office of the state prosecutor, and have sent letters of inquiry to the ONDH and the president's office. On July 13, 1997, at five o'clock in the morning, a group of security forces, including some of those who had arrested Mohammed al-Hedi, went to the same home and arrested his brother, whose name is Mohammed (see below). One of them reportedly admitted to his mother that they had arrested Mohammed al-Hedi, and Mohammed was located more than one month later.

Mr. Rezag Bara said the ONDH had received no reply to its requests for information about Mohammed al-Hedi, which it had submitted to authorities in July 1996.

**Mostafa Houari**, age thirty-six, an employee of the Algerian state oil and gas company Sonatrach, was arrested at his home in Bir Mourad Rais, Algiers, on the night of April 6, 1996, by about twenty military and police security forces who questioned his wife about his acquaintances and friends. Mr. Houari had been detained for five days in October 1995 and held at Dely Ibrahim police station in Algiers. He was tried and acquitted of the charge of assisting members of armed groups by the Bir Mourad criminal court in Algiers in January 1996. Since his arrest in April 1996, his wife has been unable to locate him despite several letters of



inquiry, including one to the office of the president.

Mr. Rezag Bara told Human Rights Watch the ONDH received no response from either agency about Mr. Houari. His family, reached by phone in November, said they had no further news about him.

**Mourad Ouchefoune**, age twenty-five and an economics student from Dar el-Baida in Algiers, was arrested from his home by police and military forces after midnight on March 17, 1997. According to testimony the family gave to lawyers, the security forces broke into the house, forced everyone out and checked their identities. They then picked out Mourad, handcuffed him and led him away, saying he was only required for an investigation. The family has received no reply to their official inquiries as to his whereabouts.

Mr. Rezag Bara said he had no record of a missing person by this name. The family said by phone in December that they had no further news of Mr. Ouchefoune.

**Hedi Saibi**, age thirty, was arrested on November 15, 1994. About four Military Security personnel in cars with private license plates took him away from outside al-Rahma mosque in Meissonier, Algiers, according to his father and other worshipers leaving the mosque at the same time. His brother Yahia, who was in detention at the time, was sentenced in January 1996 to a three-year prison term for having provided services to "terrorists." He was released last June. Hedi's father has written to a number of senior officials, including the president and the interior, defense and justice ministers, as well as to the ONDH. In response to his letter to the president, he was summoned by the police who asked questions about his missing son but was given no information about him.

Mr. Rezag Bara told Human Rights Watch that both the DGSN and the Gendarmerie Nationale informed the ONDH that they had not arrested Mr. Saibi. On September 22, Mr. Saibi's father joined a group of relatives who attempted to present a petition on the "disappeared" at the Aurassi Hotel during an ONDH-organized international conference entitled "Contemporary Forms of Violence and the Culture of Peace." They were barred from entry. Mr. Saibi's father inquired at the ONDH again a few days later, but received no new information about his son. Contacted by phone on November 17, he told Human Rights Watch he had obtained no further information.

**Abderrahmane Yemeni**, age forty-four, was arrested from his home in Bir Mourad Rais, Algiers, on June 6, 1996. His wife said in letters of inquiry that five military security forces broke into the house in the early afternoon, searched the premises, and arrested Mr. Yemeni. She wrote complaining about the arrest and received a polite letter from the state prosecutor's office that did not acknowledge his arrest and said authorities were unable to locate him.

The ONDH received a response from only one of the two responsible agencies concerning Yemeni. That agency said he had not been arrested by its forces. The family's lawyer, Mohamed Tahri, said by telephone on November 16 that he had received no further information about Mr. Yemeni.

**Allaoua Ziou**, age thirty, a farmer in Heliopolis, Guelma, was arrested in the nearby area of Jebenat Chouhada on the evening of January 1, 1995 by about four men in civilian clothes who took him away in a car. According to a brother, Djamel, who lives in Canada, eyewitnesses said they followed the car up to the gates of the Heliopolis gendarmerie barracks. Djamel Ziou told Human Rights Watch that he telephoned the Heliopolis gendarmerie at the time and was informed that Allaoua was being held there. The family was told unofficially that about one month after his arrest Allaoua had been transferred to another region. Since then, the family has received no further information about him. Between March and September 1995 Djamel Ziou wrote to the ministries of interior, justice, the ONDH and the office of the president, but received no reply. The ONDH replied to a letter on the case sent by Human Rights Watch saying that "according to recent information...Mr. Ziou is a militant of the ex-FIS and is implicated in a case of supplying help to terrorist groups." The ONDH

said an arrest warrant, dated January 23, 1995, had been issued against him but did not state that he had been taken into custody. When shown this letter from the ONDH to Human Rights Watch, Djamel Ziou responded that in the nearly three years since the arrest warrant was supposedly issued, the family had never been informed by authorities that Allaoua was wanted. In his meeting with Human Rights Watch, Mr. Rezag Bara said he had no further information on Mr. Ziou beyond what he had provided in his letter.

### **CASE STUDIES: TEMPORARY “DISAPPEARANCES” AND SECRET DETENTIONS**

**Messaoud Ouziala**, a kidney transplant physician was held by security forces who disregarded laws governing arrest and detention. Dr. Ouziala “disappeared” on July 8, 1997 at around 5:30 pm, after he left his workplace at Moustapha Hospital in Algiers, according to a statement issued by Amnesty International and public appeals to the authorities for information about him. These appeals were made by the Association of Algerian Nephrologists and Association Espoir, a group of Algerian dialysis and transplant patients. His family was unable to obtain any information about him or confirm who had abducted him. The only official evidence of his arrest and detention came after his release when the ONDH wrote to Amnesty International stating that Dr. Ouziala had been arrested on July 8 and released July 22. The letter gave no further details and did not address assertions by Amnesty International that Dr. Ouziala’s family had been unable to obtain any information on his whereabouts despite repeated inquiries with officials.

In an abduction-like arrest on July 31, 1996, lawyer and human rights activist **Rachid Mesli** was stopped in the Rouiba area outside Algiers by four armed men in civilian clothes who took him away in a car. All questions to the authorities by his family, lawyers, and international human rights organizations as to his whereabouts went unanswered. On August 7, about twenty police in uniform searched his home and office and informed his family that he was in police detention. He was finally brought before an investigating judge on August 10, charged with complicity with an armed group and transferred to el-Harrache prison in Algiers. A day later, the ONDH confirmed to Amnesty International that Mesli had been held with judicial authorization prior to his appearance, but did not explain why the security forces had refused to acknowledge his detention. Lawyers who saw Mesli in his first court appearances noted that he had bruises on his right eye and his hand, and seemed to be in poor health. After he was convicted and sentenced to three years in prison, Human Rights Watch wrote a letter to Justice Minister Adami on July 17, 1997, protesting Mr. Mesli’s unfair trial, but has received no response. Mr. Rezag Bara told Human Rights Watch that a forensic expert who examined Mr. Mesli concluded in August 1996 that he had suffered a light wound to his right eyebrow, but had not been tortured.

**Ammar Ghazoul**, age thirty-one, an unemployed agricultural engineer, was apparently arrested in May 1997 by police forces. Family members said police broke into their house in the early hours of May 4, and when they did not find Ghazoul, took away his mother instead, saying she was needed for an interrogation. She was released the next day. On May 6, Ammar’s brother and neighbors caught sight of him in a police car. He was later listed as a fugitive being sought in connection with a criminal case involving an attack on government property. After the family’s lawyer brought to the attention of the Algiers criminal court judge and the state prosecutor that Ammar had apparently been detained, he was presented in early August in court, where an investigating judge ordered him held in Serkadji prison in Algiers. Mr. Ghazoul was still unable to contact his family, which learned of his whereabouts only through friends who visited other inmates at Serkadji.

As of November, his family had confirmed his presence in Serkadji prison and had been able to visit him a few times.

**Mohammed Hamidi** is a thirty-three year-old tax inspector in Ben Aknoun. He was arrested on July 13, 1997, at five o’clock in the morning, by a group of security forces, including some of those who had arrested his brother, Mohammed al-Hedi (see above). His family wrote letters of inquiry to the state

prosecutor's office, the ONDH and other officials but received no reply. More than a month later he was found to be held in Serkadji Prison, according to other detainees who asked their visitors to inform his family. His family subsequently obtained permission to visit him.

Mr. Rezag Bara said that he was unaware that Mr. Hamidi had been located in Serkadji prison. He told Human Rights Watch he would inquire with the Ministry of Justice about Mr. Hamidi's detention, and said that if the reports about his unacknowledged detention were accurate, his lawyer should file a formal complaint about illegal detention. Reached by telephone in November, Mohammed's family said they had obtained legal counsel for him and had seen him three times.

**Noureddine Mihoubi**, a resident of el-Harrache in Algiers, was arrested in February 1992 as he was visiting a brother in the southern town of Bousaada. He was held at a police station there for fifteen days, during which time his family was able to visit and bring him food and medicine. Then they were told that he had been transferred to Algiers but were given no further information. A month later, a newly released detainee told them he had seen Mihoubi at the Military Security facility at Châteauneuf and that he was in poor health. On May 12, 1996, the ONDH told his family an arrest warrant had been issued for him on March 31, 1993. In July of 1996 the family obtained a police report issued the same month saying Mihoubi had been arrested by security forces and transferred to Algiers on February 7, 1993. It contained no more details. In early August 1997, a prisoner who had just been released after serving a three-year jail sentence told Mihoubi's family that he was being held in Blida military jail and was to be tried by a military court in September. He said Mihoubi had requested a lawyer to defend him in his upcoming trial. His family was preparing to obtain official permission to visit him and to provide him with a lawyer.

Mr. Rezag Bara told Human Rights Watch that Mihoubi was still officially wanted, following the 1993 arrest warrant. He said he was aware of the developments concerning his arrest that were reported by the family, but had no official confirmation of them. Contacted by telephone on November 17, the family's lawyer, Mohamed Tahri, said the released prisoner gave details about Mihoubi to his family which confirmed he had seen him, but as of November his family was unable to locate him after inquiring at the Blida jail and at the region's civil and military courts.

**Ali Belhadj**, one of the two chiefs of the outlawed Islamic Salvation Front, has been held in secret and incommunicado detention since he was transferred from his former place of imprisonment, apparently at the end of 1994. He has been serving a prison term after being tried and sentenced in July 1992 to twelve years in jail for conspiring against state authority, harming the economy, and distributing seditious tracts. Since his transfer to secret detention at the end of 1994, he has faced new charges following the alleged discovery of a letter on the body of an armed Islamist implicating Belhadj in incitement to violence.

Belhadj's lawyers have written to the authorities requesting their right under Algerian law to have access to their client and charging that his whereabouts were unknown. His family has also written to the ONDH and other official quarters requesting the right to visit him.

Mr. Rezag Bara said that the ONDH considered Belhadj's case as an issue of visitation rights, and said the ONDH had asked the authorities to permit Mr. Belhadj to exercise his right to receive his family. He said he had not received a reply.

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**APPENDICES**

**APPENDIX A**

**Letter from Human Rights Watch to President Liamine Zeroual**























**APPENDIX B**  
**Statement by Human Rights Watch of September 26**







**APPENDIX C**

**Joint Statement of October 15 by Amnesty International, Human Rights Watch, International Federation of Human Rights and Reporters without Borders**







**APPENDIX D**  
**Letter from Ambassador Ramtane Lamamra to Human Rights Watch**







## APPENDIX E

### For families and friends of the “disappeared”: What you can do

Often the best way to provide assistance for a “disappeared” relative is to make public the information about his or her situation — and to seek the support of domestic and international human rights bodies. International human rights organizations can offer support in publicizing the plight of a victim of “disappearance,” and help the family use specialized human rights procedures of the United Nations that are keyed specifically to making urgent interventions on behalf of the “disappeared.”

Organizations such as Human Rights Watch respect the need, in many cases, to withhold the identity of the sources of reports of human rights abuse in order to minimize the risk to them. The risk for families and others who protest the secret detention of their loved ones may be a real one, and we can only seek to minimize any risk. International human rights groups have a range of options in their work for the “disappeared.” They can publicize individual cases of the “disappeared” including, when known, the circumstances of their detentions, with a view to mobilizing international pressure on the governments involved to release them or to acknowledge their detentions and whereabouts, and the reasons they are being held. Publicity is also an important means to ensure the individuals believed to be in secret detention are not simply forgotten. Alternatively, international organizations can formally communicate, without publicity, to the governments involved and to intergovernmental bodies which have as part of their responsibility to raise urgent cases directly with governments.

The provision of basic information about any “disappearance” is essential to facilitate domestic and international action on behalf of the victim: the name and other identifying information about the person who was seized and “disappeared,” a detailed account of the time, place and circumstances of the detention, and the measures taken to establish the whereabouts and legal situation of the “disappeared.” A photograph of the “disappeared” can in itself prove a potent antidote when governments act as if a secret detainee had never existed.

In continuing our work to end “disappearances” in Algeria, Human Rights Watch is interested in establishing contact with families who believe that their relatives are “disappeared.” Updated information on “disappearances” is important for work on behalf of the “disappeared” even when particular details—and names—must remain confidential. Human Rights Watch will respect requests by relatives not to make public certain information. Below, we provide information about how to contact us.

The United Nations has a special mechanism available for the families and friends of the “disappeared.” It is called the Working Group on Enforced or Involuntary Disappearances. The Working Group was established in 1980 by the United Nations Commission on Human Rights, which meets in Geneva, Switzerland. Since 1980, the Working Group has made inquiries to governments about thousands of cases of “disappearances” in more than forty countries around the world.

The Working Group accepts and examines reports about “disappearances” that are submitted to it by relatives of the “disappeared” or by human rights organizations acting on behalf of the family. The Working Group meets three times a year for six to eight working days. In May 1997, the Working Group met in New York, and Human Rights Watch presented this report to its members and discussed the problem of “disappearances” in Lebanon.

Although international human rights groups regularly submit requests for urgent action to the Working Group, families may want to contact the Working Group directly on behalf of relatives who are “disappeared.” For that purpose, we outline below the basic information this dynamic part of the U.N.’s human rights structure requires in order to act. In the appendix of this report is a copy of a form produced by the Working Group, which the relatives of the “disappeared” can use to mail information to the Working Group about a specific

case.

If you would like to report the case of a relative who has “disappeared” to the Working Group, you should submit the following minimum information:

- The full name of the “disappeared” person.
- When the “disappearance” occurred.  
The date of the “disappearance,” including the day, month and year, if known. You can include either the date of the abduction or arrest, or the date that the missing person was last seen.
- Where the “disappearance” occurred.  
The place of the arrest or abduction, or the place where the “disappeared” person was last seen.
- Information about who or what agency is responsible, if known  
Information about parties that were presumed to have carried out the arrest or abduction, and/or the parties that are believed to be holding the “disappeared” person in unacknowledged detention.
- Information about the search.  
The steps that your family, and others, have taken to determine the fate and the whereabouts of the “disappeared” person.

You must submit information in writing to the Working Group at the following address:

Working Group on Enforced or Involuntary Disappearances  
Centre for Human Rights  
United Nations Office at Geneva  
CH-1211 Geneva 10  
Switzerland

You may also contact Human Rights Watch about the case of a “disappeared” family member, in any of the following ways:

By mail:  
Human Rights Watch  
Middle East and North Africa Division  
1522 K St., NW, Ninth Floor  
Washington, DC 20005-1202 USA

By mail to our post office box in New York, without the need to use our name:  
P.O. Box 4428  
Grand Central Station  
New York, N.Y. 10163

By facsimile:  
Human Rights Watch  
Middle East and North Africa Division  
Washington, DC fax: 202/371-0124  
By email to our office in Washington: [hrwdc@hrw.org](mailto:hrwdc@hrw.org)

**APPENDIX F**  
**Form for submission of information to the Working Group on Enforced or Involuntary**  
**Disappearances**









