

MAPPING COMMEMORATIVE CULTURES, BEST PRACTICES AND LESSONS LEARNED

CASE STUDY: Algeria, France

AUTHOR: Collectif des familles de Disparus en Algérie

1. Background describing the period of violence being examined

In the 1990s, Algeria experienced an extremely violent internal conflict. For several years, armed Islamist groups and the Algerian regime waged a murderous war whose first victims were from the civilian population. Very quickly, the Algerian society was polarized. Over a period of ten years, thousands of cases of enforced disappearances by agents of the state have been recorded. Though they were sporadic until 1992, they were widespread and systematic from 1993 to 1998 particularly when they became an integral part of the state's strategy of repression against the civilian population "as part of the fight against terrorism."

This strategy consisted of an endless series of arbitrary and massive arrests. The disappeared, held incommunicado, were then most often transferred from one detention center to another where, according to testimony, some were executed or died under torture. In these incommunicado detention centers, torture was practiced on a large scale. These crimes, perpetrated by the Algerian regime with impunity, were concentrated on the northern coast of the country, mainly in the region of Algiers. According to statistics from the Collective of Families of the Disappeared in Algeria, more than one hundred people arrested by security forces agents disappeared each month between March 1994 and September 1995.

To this day, in an effort to minimize the responsibility of the state in these crimes against humanity, the Algerian authorities cultivate ambiguity about how these disappearances occurred and the identities of the perpetrators. The disappeared were mainly arrested in their homes, in public places, at their workplaces, and in the course of their daily activities. They lived with their families and most of them had a profession. Official figures indicate that there were 6,146 cases of enforced disappearances by government agents, according to the National Advisory Commission for the Promotion and Protection of Human Rights, and 8,023 disappeared persons reported by their families to the authorities since the implementation of the “Charter for Peace and National Reconciliation”. This charter concludes the legislative process of three amnesty laws over several years: the Law of Rahma in 1995, the so-called Law of Civil Concord in 1999 and finally the Charter. “With each amnesty, the rights of the victims are flouted, the memory of the victims is erased and the truth that all the families need to know is concealed .”

This charter was drawn up under the government of Abdelaziz Bouteflika to put an end to the civil war. It was adopted by referendum on 29 September 2005 and implemented by Ordinance No. 2006-01 of 27 February 2006, which codified impunity for state agents who committed crimes of enforced disappearances during the civil war. More generally, it mandates impunity for all agents of the state serving during the dark years who committed human rights violations and other acts of violence against Algerian citizens with the aim of “preserving the unity and integrity of the nation.”

Wanting to turn the page of the 90s, Abdelaziz Bouteflika has denied the families of the disappeared their right to Truth and Justice. This charter will thus become a veritable legal tool in the hands of the government, particularly through Article 45, which prohibits filing any complaint or opening any investigation against its agents.

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2. Context describing the significant date or event commemorated and the official/dominant narratives and victim/survivor narratives around the significant date or event

To date, in Algeria, the systematic and widespread forced disappearances that occurred during the 1990s remain a taboo subject everywhere, difficult to address publicly. Hence, no public, official or national commemoration of the disappeared has been instituted, as these disappearances are not considered crimes or human rights violations.

In fact, the Algerian regime recognizes the disappearance of 8,023 people, in the framework of the “Charter for Peace and National Reconciliation.” However, the personal guilt of individual state agents who perpetrated the crimes of enforced disappearances has never been established.

On 10 July 2002, Farouk Ksentini, then president of the National Consultation Commission for the Promotion and Protection of Human Rights, told the newspaper *La Tribune* that the state was responsible but not guilty of the disappearances. Successive Algerian governments have always justified the exactions and enforced disappearances by agents of the state as an integral part of its open warfare against armed Islamist groups, necessary for the fight against terrorism and for the preservation of national unity. Abdelaziz Bouteflika, then president, declared “You can’t make an omelette without breaking some eggs.”

Thus, the 1999 law on “civil concord”, as well as the decrees implementing the so-called “Charter for Peace and National Reconciliation” have institutionalized a general amnesty for crimes committed during the Black Decade, both by the Islamists and by the government. By prohibiting any investigation or prosecution of the agents who served the state, Algeria has established a culture of impunity, which has become a constituent element of the – still ongoing – general repression there. The Collective of the Families of the Disappeared in Algeria, in the name of the mothers, wives, sons and daughters, fathers, husbands and brothers of disappeared persons, has for more than twenty-five years been demanding that the right to Truth and Justice be respected for all these victims of the crimes of the Algerian State as well as the crimes committed by armed Islamist groups.

Thus, after using the “fight against terrorism” during the 1990s, to make nearly 23,000 people disappear, according to multiple local Algerian associations, the Algerian authorities in their limitless cynicism are now using the so-called “charter for peace and national reconciliation” to close this dark chapter in Algerian history, denying all victims and their families the right to exercise their fundamental freedoms. This same charter, institutionalized in the Preamble to the Constitution, is held up as a successful example of transitional justice.

3. Commemoration of the date or important event in the public sphere

There are no official commemorative practices in Algeria. The various successive amnesty mechanisms have institutionalized oblivion and impunity for state agents who committed crimes of forced disappearance. Beyond that, every effort is made to completely silence and even criminalize all claims of the families of the Disappeared. This determination to deny the families' rights to Truth and Justice, and deprive them, along with the rest of Algerian society, of guarantees of non-repetition, constitutes additional violence that they face. One of Abdelaziz Bouteflika's quotes illustrates the cynicism shown by the Algerian regime towards the victims: "I'm not hiding the disappeared in my pocket. You embarrass me on the world stage with your photos, like crybabies."

4. Commemoration of the date or important event locally by victim/survivor communities, victim/survivor-centered associations and civil society organizations

The vast majority of initiatives commemorating the crimes of enforced disappearances or events related to the memory of the disappeared are led in Algeria by the CFDA and its Algerian branch, SOS Disparus. The Collective of the Families of the Disappeared in Algeria is made up of relatives of the disappeared (mainly women – mothers, wives, sisters, and daughters) and is therefore a civil society organization working by and for the victims. As mentioned earlier, almost nothing is being done by anyone besides the CFDA to recognize the experiences and stories of the disappeared and the families of the disappeared.

5. Does your organization commemorate this date or important day?

First and foremost, the very existence of the CFDA constitutes a commemorative act, made tangible by the physical existence of its work spaces. The headquarters in Algiers and the premises in Oran, which house the Center for the Preservation of Memory and Human Rights Studies are memorials by their very nature. In fact, the walls are lined with photos of the disappeared, the name and surname of each one as well as their date of birth and disappearance. One can also find posters of family gatherings that speak for themselves of the families' struggle. The CFDA's actions, all of which have a commemorative purpose, are mainly based on three main axes:

Create spaces for meetings, sharing, and assistance to victims (the families of the disappeared are considered by the International Convention for the Protection of All Persons from Enforced Disappearances to be victims themselves), in order to preserve and commemorate the memory of disappeared persons.

The CFDA maintains two permanent offices, one in the capital, Algiers, and the other in Oran, where it has created the Research Center for the Preservation of Memory and Human Rights Studies (CPMDH). These two places are privileged spaces to meet, to get to know

one another, and above all, to support each other. There, families find a way to keep alive the memory of their disappeared loved ones, and to structure their claims and their fight for Truth and Justice in a collegial manner.

Indeed, since the political context does not allow for the creation of monuments or memorials, nor the holding of commemorative ceremonies, these two places in fact fulfill these functions. And, to guard against any attempts by the authorities to wipe out this part of the Algerian collective memory or to hinder the memorial and commemorative practices that the victims have relentlessly struggled to maintain, the CFDA has created a virtual space for a real memorial, to document each of the individuals disappeared by Algerian state agents in a detailed and human manner. Thus, in these spaces, using photography and audiovisual documentation, debate, poetry and literature, the memory of the disappeared is kept alive in parallel with the ongoing work to preserve all evidence of the crimes of enforced disappearances during the Black Decade. This objective is realized particularly through the CPMDH, which holds seminars and trainings to which it has welcomed many students and professors, raising awareness of future generations of the crimes of the 1990s, through the prism of human rights and democracy. It is also a veritable database against oblivion, and will continue to evolve as a usable tool in future processes of Transitional Justice.

Warn and raise awareness of Algerian society of the crimes of enforced disappearances during the Black Decade; maintain the memory of the victims; and educate citizens about the crimes committed by Algerian authorities and human rights violations in general.

For nearly 22 years, the CFDA has been fighting the institutionalized code of silence that reigns in Algeria by organizing various commemorative events throughout the year. The objectives of these events vary. Some aim to draw the attention of public opinion and alert the highest number of people about the crimes of enforced disappearances. Others aim to put constant pressure on the Algerian authorities so they cannot deny any relevant cases. These events have the intersecting effects of honoring the memory of all the disappeared, and preventing the crimes committed by the state as well as the victims from falling into oblivion.

And so family members, mainly mothers of the disappeared, gather peacefully, holding up photos of their disappeared loved ones and calling on the authorities to respect their fundamental rights to Truth and Justice for all. The weekly meetings began on 2 August 1998 in front of the National Observatory for Human Rights (ONDH). Since then, every Wednesday morning right up to today, families of the disappeared have been present in front of this institution, holding up photos of their loved ones.

For over 20 years, the response of the authorities has been extremely violent. The families of the disappeared have been subjected time and time again to beatings with batons and fists, numerous arbitrary arrests and other practices that violate their right to demonstrate. This form of commemoration has several functions, one directed at Algerian society as a whole, the other at the authorities. This weekly event makes it possible to keep alive the memory of the disappeared, and to ignite a debate and push for a dialogue between the victims (families of the disappeared) and the society at large, to give voice to those concerned, and to establish the truth before the public opinion. Ultimately, this practice of commemoration

and demand for truth aims to remind the state of its criminal responsibility for the illegal acts committed by its agents.

There is yet another commemorative practice carried out by the CFDA, by and for the mothers, wives, sisters and daughters of the disappeared. On International Women's Rights Day, women victims of enforced disappearances meet in front of the National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH), in order to alert Algerian society to the multiple myriad violent human rights violations suffered in particular by women already affected by the enforced disappearances of their loved ones.

Indeed, the latter are at the intersection of multiple relationships of domination. In patriarchal Algerian society, the loss of a male family member often has major social, economic and psychological consequences. Added to this is the violence of being a woman fighting against the omnipotence of the state.

So, this annual gathering puts a special emphasis on the effects of gender. It is accompanied by conferences and debates in the presence of families and different actors of civil society. Its goal is to promote awareness among Algerians of this culture of memory, which is an umbrella for all other forms of oppression that the state and/or the dominant social structures of the society are responsible for. The objective is also to broaden the struggle of victims of enforced disappearances to include other advocacy movements for the rule of law and effective democracy in Algeria, so that past cycles of violence and crime are not repeated.

30 August, the International Day of the Victims of Enforced Disappearances, is one of the most important commemorative dates for the families of the disappeared in Algeria. The CFDA organizes numerous events in Oran, Algiers and Paris, over an entire week, allowing us to show everyone that the fight for Truth and Justice goes on. The challenge is also to question public authorities, Algerian as well as international, on the fate of the disappeared and on the demands of their families for the respect of their fundamental rights. Various workshops, conferences, and ceremonies are organized in the presence of journalists, researchers and academics, students and youth, as well as families of the disappeared. Film screenings including debates with various civil society actors are organized. Throughout the week, ceremonies of all kinds take place, ending with a seminar bringing together various rights defenders, activists and families of the disappeared.

For several years, until the vice tightened on rights defenders after the Hirak Movement (Revolution of Smiles), the CFDA organized "intimate meetings" on this occasion, inviting representatives of families of the disappeared from around the world to Algeria. These encounters allowed for interaction, and the recounting and sharing of stories of victims from Argentina, Morocco, Rwanda, and Peru. In Paris, the different commemorative ceremonies are also an opportunity to meet other associations of victims and families of the disappeared from around the world.

These meetings allow us to jointly honor the memory of the disappeared, but above all to talk about commemorative practices in different countries, and the best strategies for obtaining the four pillars of transitional justice, and rebuilding a peaceful society. These exchanges also make it possible to measure the weight that alliances and intersections among families of the disappeared can have in international advocacy against enforced disappearances and in favor of democracy throughout the world.

Faced with the stonewalling of the authorities, the disinformation and the code of silence regarding disappearances committed by Algerian state agents, the CFDA strives throughout the year to institute other commemorative dates to ensure their omnipresence in the public space so they do not fall into oblivion. All the practices that we have described above are repeated on several occasions.

- **“Fight Against Oblivion Day”**, commemorated every 29 September, denounces the adoption of the so-called “Charter for Peace and National Reconciliation”, which has, in fact, institutionalized amnesty, but above all forced oblivion. But without reparations, without truth, without justice, without guarantees of non-repetition, the victims, the families, will not forget. They cannot forget.
- **1 June is International Children’s Day**. The Algerian state disappeared many young people who were minors by law at the time of their arrest. To commemorate their memory, and always with a view to inclusion of the various sectors of society, the CFDA takes to the streets in the capital and in Oran, displaying photos of the young victims whose rights have been even further violated.
- **5 July marks Algerian Independence Day**, after 132 years of colonization. Every year, the regime glorifies and honors the Algerian combatants and resistance fighters who won this victory. By organizing rallies and commemorative marches, the CFDA reminds this same regime that most of the parents of the disappeared had also fought for Algeria in order to make colonialism disappear; yet in return, the regime made their children disappear.
- **1 November marks the outbreak of the Algerian Revolution**. On this occasion, the Algerian government invites all representatives of institutions and ambassadors and diplomats present in Algeria to the Palace of the People. Every year, the CFDA stands in the path of the different delegations to challenge them and confront them with the ongoing violations of the rights of the Disappeared.

These events take different forms in France and Algeria - balloon launches, photo booths, musical demonstrations, plays, sit-ins, street debates and screenings. But the main objectives remain the same: to publicize and draw the attention of the Algerian authorities and of international institutions to the continuous human rights violations the disappeared and their families have faced since the 1990s.

Recognize and establish the criminal responsibility of the Algerian state for the crime of enforced disappearances, to start a transitional justice process based on the four pillars of the law – the right to truth, the right to justice, the right to reparations and the right to guarantees of non-repetition – and through this, work toward establishing the rule of law in Algeria.

One of the CFDA’s main commemorative and memorial challenges is to bring the disappeared into existence, to recognize them as real, in order to be able to guarantee respect for their fundamental rights such as truth, justice and reparations. The CFDA therefore carries out numerous advocacy missions with international institutions.

Algeria is a signatory of certain treaties and conventions, so it is possible for the relevant bodies to hold Algeria accountable or even to condemn the Algerian state for not respecting its commitments or more generally for not respecting human rights. Thus, the CFDA regularly submits referrals and individual communications from disappeared persons to special United Nations mechanisms. Algeria has been condemned eleven times by the United Nations Human Rights Committee following individual communications being submitted by the Collective of the Families of the Disappeared in Algeria. These communications and the decisions taken by the Human Rights Committee are permanently visible on the UN website. Following the example of the digital memorial created by the CFDA, the publication of UN decisions makes the disappeared exist and commemorates them, making it impossible for them to be forgotten, and gives weight to the claims of their families.

In an even more practical sense, the intervention and inclusion of UN mechanisms in memorial practices is a real tool that can be used to bring the Algerian authorities face to face with the “alternative narratives” they deny and, thanks to international pressure, ease the tensions between the official narratives and the victims’ narratives. Moreover, the different decisions taken by the Human Rights Committee have become jurisprudence, and thus open the way to other advances and demands, which can inspire other associations of families of the disappeared. This jurisprudence is also frequently studied by numerous researchers and academics working on transitional justice and memory processes.

6. What lessons do you draw from official memorialization practices and/or civil society and community-led initiatives and interventions (e.g., memorialization practices that reduce the non-recurrence of violence), thereby encouraging the development of creative mitigation strategies to address existing challenges and points of contention?

The CFDA is the only civil society organization, to our knowledge, that has initiated memorial and commemorative initiatives for those disappeared by state agents in Algeria. There are no commemorative practices in Algeria that recognize the accounts of victims or groups of survivors, since no civil society organization other than the CFDA is active in this area.

The general amnesty enjoyed by the agents of the Algerian state for the crimes of enforced disappearance, instituted by the so-called “Charter for Peace and National Reconciliation”, offers no guarantees of non-repetition of the crimes. On the contrary, for years and, even worse, in the present context of systematic repression in Algeria, nothing has been done at the state level to diminish any violence or to reduce the points of discord between the accounts. However, during the long years of struggle and commemorations for memory, the CFDA has obtained advances, not from the Algerian state, but in spite of the Algerian state.

The first salient element is the persistence of our demands and actions. The rallies and public demonstrations that have been held regularly for nearly 22 years have not allowed the “case of the disappeared” to be closed. Despite the entry into force of the texts of the charter, the families continue to urge the authorities to acknowledge their responsibility in the enforced disappearances of their loved ones. The second point to consider is the pacifism shown by the families of the disappeared, although they have been confronted with unprecedented displays of violence from the Algerian security forces, and numerous unjustified arrests and detentions.

Finally, the alliances and intersections with other organizations and actors in civil society have allowed them to create bridges and common strategies, to build a democratic society with all its components (freedom of the press, freedom of expression, unbiased justice, freedom of association, freedom of opinion, etc.). Ultimately, one of the certainties that the CFDA and all activists, rights defenders, trade unionists, journalists or lawyers involved in Algeria have been able to establish is that we cannot build a peaceful, democratic and just society without addressing and repairing the crimes of the past.

7. Identify best practices for helping to instill a culture of inclusive memory and broader goals of reconciliation, recognition, truth-seeking, education for future generations, and non-repetition.

Algerian society suffers from state-sponsored disinformation about the enforced disappearances of the 1990s. In the collective imagination, the disappeared were armed Islamist fighters that needed to be neutralized for the preservation of national unity and security. Apart from bringing the families' stories to life in the face of the government's denials, one of the challenges faced by the CFDA was to change the Algerian population's perception of the crimes committed by the regime during the civil war, and get as many people as possible to acknowledge that these crimes constituted human rights violations.

By overcoming the many constraints, and by imposing itself in the public space to tell the stories of the disappeared, the CFDA gradually succeeded in disseminating within society the "alternative" accounts - as opposed to those peddled by the state - of the victims of enforced disappearance. In addition, by increasing the number of commemorative events and initiatives, and by linking them to other commemorations or struggles, it is now possible to include other actors in the community. Moreover, multiplying the commemorative events and initiatives and linking them to other commemorations or struggles has allowed us to include other actors in civil society and put forth wider demands, concerning all levels of society, for a democratic state.

Finally, the Research Center for the Preservation of Memory and the Study of Human Rights strives through its actions to target yet a broader audience, and mainly reach out to the younger people and students to raise their awareness of the crimes committed during the 1990s.

The Research Center for the Preservation of Memory and Human Rights Studies aims to link the past crimes of the government to the human rights violations being committed today by the same government. Through an approach that is both activist and scientific, the CPMDH reconstructs the stories of the disappeared stolen by the government. It allows the families of the victims to regain their agency in the construction of a collective memory, which in the long run will allow them to obtain real guarantees of non-repetition of the crimes and to build a peaceful society.

Finally, based on the premise that all the mechanisms of domination and discrimination coming from power are linked, the CFDA's main work on memory is to constantly take up the cause of all the past and present violations of human rights in Algeria. This inclusive approach contributes to the creation of a history truly shared by all.

The participation of the families of the disappeared in as many activities and civic events in

Algeria encourages a permanent dialogue with as many civil society actors. In addition to its presence in the field, the CFDA has created a Web Radio that covers a variety of topics on human rights and aims to establish links between the different social groups in the Algerian society. The journalists at the Radio for the Voiceless give voice to the families of the disappeared, and also to all Algerian citizens, young and old, to express themselves on important subjects that are difficult to talk about in most of the country's media.

Through an intersectional approach, the virtual radio station will attempt to dissolve all the collective fantasies shaped by the regime. It will strive to educate as many people as it can by providing an inclusive narrative about human rights and democratic practices and working to bridge the gap between a recent, unaddressed past, and a reconciled society to be hopefully established in the foreseeable future.

- 1 CFDA report, "Forced Disappearances in Algeria: A Crime Against Humanity", March 2016, Paris-Alger, page 70. <https://www.Algeria-disparus.org/app/uploads/2016/03/CFDA-RAPPORT-digital2.pdf>
- 2 DUTOUR Nassera, "Algeria: from the Civil Concord to the Charter for Peace and National Reconciliation: amnesty, amnesia, impunity," *Mouvements*, 2008/1 (No. 53), pp. 144-149. DOI: 10.3917/mouv.053.0144. URL: <https://www.cairn.info/revue-mouvements-2008-1-page-144.htm>
- 3 Jouaret Morgane, "Algeria after the black decade": from the imposition of impunity to the demand for transitional justice", *L'Année du Maghreb*, 26 | 2022, 77-96.



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