

## FOR IMMEDIATE RELEASE

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### **Algerian Charter Risks Reinforcing Impunity and Undermining Reconciliation**

NEW YORK, September 26, 2005—The Algerian government’s proposed Charter for Peace and National Reconciliation risks entrenching impunity, denying the rights and needs of victims, and impeding the reconstruction of a society in flux, the International Center for Transitional Justice (ICTJ) said today.

Algerians will vote on the Charter in a referendum to be held on September 29. The document is a declaration of principles for resolving the civil war that has led to the deaths and disappearances of up to 200,000 Algerians since 1991. While the Charter aims to promote reconciliation, it undermines victims’ rights to truth and justice.

If passed, the referendum would permit the Algerian president to take ‘any steps necessary’ to advance his vision of reconciliation, while effectively criminalizing public opposition. This leaves open the possibilities that a *de facto* amnesty could be granted to perpetrators of serious crimes and that an independent and comprehensive investigation into past abuses could be blocked.

The ICTJ expressed serious concern that these measures will regress rather than advance the government’s stated goal of achieving reconciliation.

“The experience of other countries has shown that state measures to entrench impunity only serve to undermine public confidence in the justice system,” said Hanny Megally, director of the ICTJ’s Middle East and North Africa Program. “This should not be happening at the precise moment in Algeria’s history when the rule of law needs to be strengthened.”

The Charter proposes amnesties for members of armed rebel groups—some of whom are responsible for grave human rights abuses—and makes possible future legislation that would ratify the *de facto* impunity of state forces also responsible for serious violations. Although the Charter refers to denying amnesties to persons who committed massacres, rape, and bombings in public places, it fails to exclude perpetrators of equally serious crimes such as torture and enforced disappearances. Freedom from these crimes is considered an inviolable, irreducible right, making those who have perpetrated them ineligible for amnesty under international legal standards.

The Center is further concerned by the Charter’s implicit presumption that a truth commission is unnecessary in Algeria. Rather than assuming, without investigation, that

state actors did not commit widespread abuses, it is more conducive to efforts to deal with the past to have that presumption tested through a credible and independent truth-seeking mechanism such as a truth commission.

The ICTJ also registers concern about the Charter's 'reparations only' approach to dealing with the legacy of abuse in Algeria. The Charter proposes to compensate people who were disappeared by state agents, or to compensate the families of those still missing. International experience demonstrates that reparation initiatives will be most effective when they are matched by genuine state efforts in the areas of justice, truth-telling, institutional reform, and the preservation of memory. When reparations programs are implemented in the absence of such efforts, it is more likely that they will be viewed as an attempt to buy silence from the victims and their families, rather than a sincere attempt to remedy a past wrong.

The Algerian government should use this unique moment in its history to learn from the experiences of other countries and avoid repeating the errors that other governments have made in similar situations. Algeria should seize this opportunity to chart a course towards a society based on respect for human rights and the rule of law.

“In preparing to put the Charter for Peace and National Reconciliation to a public referendum, the Algerian government is setting itself up for failure,” Megally said. “Even if it is approved by the public, the Charter will only create the illusion of reconciliation.”

But it is not too late for the government to change course. The ICTJ urges the Algerian authorities to take immediate affirmative steps to:

- Hold accountable those who have committed serious human rights abuses;
- Facilitate the emergence of the full truth about victims and perpetrators of past violations; and
- Grant comprehensive reparations to victims and their families.

The Charter has already been the subject of criticism by international and national organizations, including the UN Working Group on Enforced or Involuntary Disappearances, Human Rights Watch, Amnesty International, the ICTJ, and leading Algerian human rights and victims' organizations.

## **Background**

Algerian President Abdelaziz Bouteflika first publicly proposed a general amnesty in November 2004. The proposal followed similar measures taken with the stated intention of bringing about national reconciliation. In 1999, the so-called Civil Harmony law granted clemency to members of armed groups who renounced violence. Those who had not killed, raped or placed bombs in public places were to be granted exemption from prosecution, while those who had committed such crimes would receive reduced sentences.

Little information is available about the application of this law and about judicial proceedings against members of armed groups found to have committed serious human rights abuses. Reports by local activists, victims, and their families indicate that judicial investigations were generally not carried out and that thousands of armed group members have been *de facto* exempted from prosecution, without any assessment of whether they had committed grave human rights abuses.

A presidential decree in January 2000 granted amnesties to hundreds of members of armed groups that had declared cease-fires in 1997, regardless of whether they had committed human rights abuses.

In March 2005, a government-appointed body announced that it had investigated the unresolved crimes of the civil war and found that security forces were responsible for 6,146 of the disappearances. It has never publicly released a report on these findings and has since claimed that these figures were overstated.

### **About the ICTJ**

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved.

In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches including both judicial and nonjudicial responses to human rights crimes. The ICTJ assists in the development of integrated, comprehensive, and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.

The Center is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so. By working in the field through local languages, the ICTJ provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments and others.

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