

## Examination of the fourth periodic report of Algeria

### HUMAN RIGHTS COMMITTEE

#### CCPR - International Covenant on Civil and Political Rights

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### AMVEEA report on the issue of the rights of Moroccan families expelled from Algeria in 1975

#### *I. Introduction*

The Association of Moroccan Victims of Arbitrary Expulsion of Algeria in 1975 (AMVEEA), in its process of interactivity with the United Nations system of human rights and during the examination of the report of Algeria to the Human Rights Committee, would like to draw the attention of the honorable experts to the continuing ordeal of Moroccan families expelled arbitrarily from Algeria in 1975

#### *II. Background story of the expulsion of Moroccan from Algeria in 1975*

On December 18, 1975, the Algerian government expelled 45 .000 Moroccan families (500.000 persons) living legally in the territory of Algeria.

These people have been living for decades in Algeria, founded families, took up arms during the war against the occupier but were evicted, arbitrarily and without warning towards Morocco.

It was the day of the Aid-el-Kebir, the day of Prophet Abraham sacrifice of sheep, (December 18, 1975) that the Algerian government, headed by President Houari Boumediene, began a mass eviction of Moroccans established in Algeria for decades. The operation was a political response to the "Green March" "organized by Morocco in November of that year.

The Algerian militaries named this operation "the black march" by implementing their plans of mass expulsion of over 500.000 Moroccans from Algeria. The instructions of President Houari Boumediene, thoughtful with Abdelaziz Bouteflika who was foreign affairs minister at that time, indicated a deportation of the entire community without notice and in appalling conditions.



The slogan has been given on the day of Aid. Instead of celebrating this religious fair with confidence, the Moroccans were the subject of a manhunt of unprecedented ethnic cleaning directed at the top place and implemented by the Algerian security forces (secret service, army, police and gendarmerie) whose mission was to hunt out of the territory any person wearing Moroccan nationality. People involved spent several days in secret prisons, with no access to food, until their expulsion occurred over a period of two months.

The Moroccans are referred by force, leaving behind a part of their family, their personal property, financial, their pensions and their salary activities and some case without their children who were not on the scene at the time of deportation. Even the Moroccan patients standing in the hospitals have not escaped from the hunt. The testimonies of some Moroccans deported, can show the magnitude of the tragedy that will be remembered for long time: arrests, expropriation, confiscation, searches, insults, rapes and even deaths have been reported during the operation.

On reaching the Moroccan border, the deportees had to live in tents erected in haste by the Moroccan authorities. The makeshift shelter will be the lot of some for several months and many years for others.

These thousands of returnees could not be contained in the only border town of Oujda and they will therefore be moved to other areas of the kingdom. Most of the expelled people discovered their country of origin for the first time and knew the difficult conditions of living in makeshift camps that will be alleviated by the solidarity expressed by the local population.

The deportees had to start their lives from scratch after the Moroccan state integrated most of them into the ranks of the civil service offices in the lowest category of administrative ladders. Minor children had to abandon their studies and look for job to help their families.

A radical change affected the living standards of this people: rooms for rent instead of houses seized and occupied by Algerians just after deportation, work daily instead of permanent income, production plants instead of chairs of schools for minors.

### ***III. The Moroccan Association of Victims of Arbitrary Expulsion from Algeria (AMVEEA)***

#### **✦ Identity**

The Moroccan Association of Victims of Arbitrary Expulsion from Algeria (AMVEEA) is a Moroccan non-governmental founded in July 2006, and non-profit



organization that was founded under the Moroccan law on the establishment of associations. It is independent of any official, political or religious board.

Its headquarters is located in Rabat, Morocco.

#### ✦ Objectives

The AMVEEA aims to:

1. The request to open an investigation into the inhumane conditions of the collective and arbitrary expulsion of Moroccans from Algeria.
2. The formal apology to Moroccan victims of the Algerian authorities abuses.
3. The claim for restitution of all properties of the victims involved and which were seized by the Algerian government.
4. The repairs of the physical and moral damages inflicted to Moroccans affected by the arbitrary measure.
5. The interests of victims of arbitrary expulsion inside governmental and non-governmental national and international bodies.
6. Fruiting cooperative relations with organizations in charge of human rights.
7. The implementation of means to facilitate contact and communication between members of separated families between Morocco and Algeria after the arbitrary eviction.
8. The organization of social and cultural activities to alleviate the suffering and the trauma endured by Moroccan victims after their expulsion from Algeria.
9. The framework, support for vocational training and welfare of the Moroccans expelled from Algeria to facilitate their social reintegration.

#### **IV. Synthesis:**

If at present the individual occupies many provisions of general international law aimed at protecting him from the abuse of the human society to which he is a member, as well as to protect society from certain actions of the individual that may be detrimental to the interests of the group. In this sense, the individual has rights and duties that are directly based on the provisions of general international law, rights that States are obliged to respect in the face of the individual, and duties that the individual is obliged to observe in the face of States.

This, and the consideration of public international law in the matter of the individual in this regard, only called for many jurists to be considered as persons of this law, because it is intended to take care of itself as a member of human society and regardless of origin, nationality or religion.



The rights of the individual to which public international law is subjected are those natural and fundamental rights relating to his person as human beings to which all human beings are entitled. These are the civil and political rights guaranteed to each individual by the domestic legislation of his State, which may vary from country to country.

These natural rights revolve around the idea of what a human being must have for society to respect his or her freedom and being, and the issues of migration and exclusion.

In this preamble, the Charter of the United Nations proclaimed in its preamble the belief of the states in the fundamental rights and dignity of human beings which it must sponsor, and in its first article, paragraph 3, the duty of the new international body to promote respect for human rights and fundamental freedoms To all persons without distinction as to race, language or religion, and no distinction between men and women. The Charter was subsequently repeated in the chapter on international economic and social cooperation "Article 55", paragraph "a" and "c", which mandated the United Nations to achieve a higher level of living and of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, etc., taking into account those rights and freedoms in practice. The text may then be repeated on the individual rights and obligations of States and the international community on two other occasions. Non-Self-Governing Territories "Article 17" and the second in the chapter on the international trusteeship regime "Article 73".

On 21 June 1946, the Economic and Social Council, on the basis of a decision taken by the General Assembly in January of the same year to form a special committee on behalf of the Commission on Human Rights entrusted with the task of studying the codification of these rights and related its duties and guarantees and submit its proposals in this regard. The Commission began its mission on January 29, 1947, and was the fruit of its first efforts to proclaim the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10 December 1948. This Declaration is contained in thirty articles in which all rights that can be recognized as an individual, The right to liberty, the right to equality, the right to a remedy, the right to own property, the right to education, the right to work, freedom of thought, freedom of movement, residence and other rights and freedoms, regardless of origin, nationality, language or religion.

At the same time, the Commission on Human Rights was requested to prepare a draft charter of these rights, to be recognized and respected by States, and to send all means to protect the said rights and the sanctions that could be applied in the case of breaches of the rights and authority of such implementation.



As a result of the above, the arbitrary expulsion of 45,000 Moroccan families, up to 500,000 Moroccans who had legitimate residence in Algerian territory, was a clear and flagrant violation of the law of civilized nations, the laws of humanity and the requirements of public conscience. That certain facts or certain acts committed by individuals or States in peacetime constitute a serious threat to universal interests, particularly those of humanity, i.e, they constitute an attack on human values. In so doing, the Algerian regime has not complied with the legal safeguards protecting fundamental rights for individuals and groups. It thus explicitly outlawed the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights in its article 11 as well as the Convention on the Rights of the Child under article 27 as well as the provisions on non-discrimination through article 14 as well as the Convention on the Elimination of All Forms of Discrimination against Women And article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the lack of respect for the range of material and intangible values originally owned by the victims.

When we refer to the guiding rules of international human rights law and the principles of international humanitarian law, we can recall some ground-breaking principles that help us to give proper legal adaptation to this event:

- ✓ The Universal Declaration of Human Rights enshrines the principle of human dignity and the need to respect and respect human beings. No one shall be subjected to brutal torture, cruel treatment or punishment or any inhuman or degrading treatment.
- ✓ Article 14 of the International Covenant on Civil and Political Rights sets forth the principles to be applied in the domestic laws of Member States which constitute the principle of equality of all people in rights and duties. The case of every person shall be the subject of fair and public judicial review by an impartial, as is internationally recognized.
- ✓ UN Human Rights Council Resolution 43/1991 of the Commission on Human Rights 47<sup>th</sup> session adopted a panel on arbitrary detention and elaborated the United Nations experience of protecting human rights against the phenomenon of arbitrary detention and arbitrary detention and creating an international concept for them.
- ✓ The Sub-Commission on the Protection and Prevention of Discrimination and Protection of Minorities at its 42<sup>nd</sup> session, in 1990, adopted a draft which was transmitted to the Economic and Social Council and subsequently to the United Nations General Assembly for final adoption on 18 December 1992. The principle



of the protection of all persons from enforced disappearance as a physical act means the deprivation of liberty of any individual or group of persons in any way by an official of a State or committed by persons who promote a woman, support or blessing of a State, followed by the transmission of information about him or refusal to recognize the deprivation of liberty.

- ✓ Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006 defines a definition of enforced disappearance intended for detention, detention or any other form of deprivation of liberty committed by officials of a State or any persons or group of persons acting with its permission or support ...
- ✓ Article 2, 3 and 4 of the Additional Conventions to the 1949 Geneva Convention relative to the Protection of Victims of International Peace in Time of Peace, in line with the new approach of humanitarian law scholars to extend protection, which are the property of armed conflicts, to conflicts in peacetime depending on the human dimension of the conflict.
- ✓ Article 53 of the 1969 Vienna Convention, which is universal in nature, does not recognize geographical boundaries but seeks to protect the supreme interests and values of the humanitarian community and to ensure a minimum of rules of conduct for the protection of its rights.
- ✓ Among the acts committed by the Algerian State during the arbitrary displacement of Moroccans from its territory:
  - Racism
  - Expulsion to life, physical integrity, cruel treatment and torture
  - Assault on personal dignity
  - Assaulting patients to prevent their treatment and care
  - Rape inside police stations or places of detention
  - Enforced disappearance
  - Attack against a civilian population
  - Forced displacement and arbitrary displacement
  - Confiscation of property and funds
  - Arbitrary arrests and detentions
  - Assault on personal freedom
  - Fragmentation of families and differentiation between couples of Moroccan and Algerian origins

In the light of what has been described, the violations committed by the Algerian State against women, children and the elderly and the assault on individual freedom, arbitrary arrests, dispossession of property, physical, moral and mental harm, the deliberate subjugation of living conditions and the forced removal of the population, the workers and their families, are a crime under international law.

Therefore, in light of these acts, which are based on documentary videos, documents, tapes and photographs, the law guarantees that all victims are entitled to a fair and urgent compensation claim.

Academically, it is also possible to mention, for example, a list of these damages:

- **Material damages:** Loss of wages for the employee, loss of employment for the employee, loss of ownership of the owner.
- **Health Damage:** As a result of forced displacement in inadequate health conditions,
- **Social damage:** the loss of the opportunity to continue studying and the physical separation between marriage, and the harm from lack of social integration and loss of opportunity and deprivation of parenthood, motherhood or children.
- **Psychological and moral damage:** resulting from personal injury that affects all members of the family etc.

## ***V. Recommendations of AMVEEA***

The Association of Moroccan Victims of Arbitrary Expulsion of Algeria (AMVEEA) takes the opportunity of the discussion of the fourth periodic report of Algeria before your honorable Committee to ask the State of Algeria on the following issues:

### **❖ Contribution to the list of questions addressed to the State Party:**

- 1- Who is the authority responsible for the order of the collective expulsion of the Moroccan diaspora in 1975?
- 2- What are the legal and regulatory reasons justifying the arbitrary expulsion of Moroccan men and women in 1975?
- 3- During the arrests of the Moroccans between December 1975 and February 1976, the elements of the National Police and the Gendarmerie had inflicted degrading and inhuman treatment to deported Moroccans (baton charges, mass raids at work and in the prisons), kidnapping in police jails, rape of women and deaths of some sick victims) inside detention centers. Can the State Party confirm or refute these allegations of the victims?
- 4- Does the Algerian government provide fair and adequate compensation for the victims of these serious human rights violations?



- 5- Can the Algerian government provide statistics on the actual number of Moroccan workers expelled?
- 6- What are the measures taken by the State Party to implement the recommendations issued by the Committee on 30 April 2010 at its 136th meeting of the twelfth session (see CMW / C / DZA / CO / 1, para. 25 and 35)?
- 7- What happened to the properties of the Moroccan families expelled arbitrarily from Algeria in December 1975?
- 8- What are the measures taken by the Algerian government to exclude the confiscated property of Moroccan families expelled massively and arbitrarily in 1975 from the provisions of Article 42 of the 2010 Algerian Finance Law on the expropriation of abandoned property?
- 9- What are the guarantees provided to Moroccan families expelled in 1975 to allow them to appear before the Algerian justice to ask for compensation for the various damages suffered?

**❖ Recommendation for the State Party:**

- Implementation of the recommendations issued by the Committee of Migrant Workers and Members of their families on 30 April 2010 at its 136th meeting, twelfth session (see CMW / C / DZA / CO / 1, para. and 35) namely;
  1. Restitution of the legitimate property of expelled migrant workers or the provision of fair and adequate compensation in accordance with Article 15 of the Convention;
  2. The reunification of Moroccan migrant workers with their families who remained in Algeria.
- The repeal of the provisions of Article 42 of the 2010 Algerian Finance Law decision relating to the expropriation of property of Moroccan families expelled massively and arbitrarily;
- The guarantee of the admissibility and the examination of the appeals brought by the Moroccan victims to the competent Algerian jurisdictions
- The reparation of the moral and material damages inflicted on Moroccan victims deported en masse in 1975 in inhuman conditions, in accordance with the universal norms in the matter for the serious violations of the human rights, as it was the case for the drama of 1975.



- Compensation for the heavy damage inflicted on Moroccan victims who have been sequestered and tortured in Algerian jails since their abduction in 1975 until their release in 2012 in Libyan territory;
- The determination of the fate of Moroccans who have disappeared since 1975, during this deportation operation, whose families have not heard anything to date
- The restoration of the Moroccan victims' wages and pensions which were illegally denied them by the Algerian government for decades despite their repeated claims and the bilateral conventions in the matter between Morocco and Algeria;

#### **VI. Expectations of victims**

Moroccan families victims of the 1975 human tragedy place great hope on your committee to urge the State Party responsible for their current social decay to adequately repair the harm inflicted on these innocent victims who contributed, through their social and economic integration in Algeria for decades, to the economic development of this country until the fateful moment when the disaster of the arbitrary punitive expulsion hit them and dragged them into torments of which they undergo by themselves or their descendants the harmful aftermath up to nowadays.

#### **Signature**

**President of AMVEEA**

**MILOUD CHAOUCH**



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