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PRESS RELEASE

KHALED NEZZAR CASE: PLAINTIFFS' CLAIM FOR RECOGNITION OF DENIAL OF JUSTICE DISMISSED

(Geneva, 18 March 2025) – On 10 March 2025, the Complaints Court of the Swiss Federal Criminal Court (FCC) rejected the request of two plaintiffs in the case of Khaled Nezzar, former Algerian Minister of Defense, who was indicted in August 2023. They had asked for a finding that the principle of expeditiousness on the part of the criminal prosecution authorities had been violated, constituting a denial of justice. The defendant's death 6 months before his trial constituted a definitive impediment to his prosecution, resulting in the proceedings being closed in June 2024. Despite proceedings that had lasted over 12 years, the FCC refused to recognize the denial of justice and to compensate the plaintiffs, represented by lawyers Orlane Varesano and Sophie Bobillier, for the delays in the investigation. TRIAL International regrets this decision and is ready to continue supporting the victims in their fight for recognition of the shortcomings in the investigation.

In particular, the FCC found that the proceedings against Khaled Nezzar for war crimes and crimes against humanity had been “*objectively long, especially as the late accused was already 74 years old when the investigation began*”. However, according to the court, this length of time was notably due to “*the seriousness of the facts investigated, the complexity of the case, involving offences committed more than 20 years previously (...) entirely in a foreign country which had not cooperated in any way in the elucidation of the facts*”. According to its decision, the FCC considers that the investigation, opened in 2011, was conducted at an acceptable pace. It ended with the defendant's death in December 2023.

TRIAL International deeply regrets that the FCC failed to recognize that the prosecuting authorities violated their legal obligations to conduct the investigation within a reasonable time and without undue delay. It is equally regrettable that the plaintiffs have been deprived of any compensation for these facts. TRIAL International had repeatedly expressed its [concern about the length of the proceedings](#) and the need for victims to obtain justice within a proportionate timeframe. The organization will continue to support the plaintiffs, including by considering to bring the case before the European Court of Human Rights, to have the denial of justice they have suffered recognized.

Sid Ahmed ABER, one of the plaintiffs, reacted: “*This decision by the Complaints Court of the Federal Criminal Court seals a judicial scandal, given the way in which the investigation procedure was conducted over 12 long years, punctuated by phases of inaction and political pressure. I am extremely disappointed by this decision.*”

As a reminder, [Khaled Nezzar](#) was arrested in Geneva on 22 October 2011, following a complaint from TRIAL International. The opening of criminal proceedings in Switzerland against one of Algeria's most powerful men in the early 1990s, based on the principle of [universal jurisdiction](#), already represented a major step forward in the fight against impunity. But it was not until 28 August 2023 that an [indictment](#) was issued, documenting numerous acts of torture perpetrated by the defendant, of which the plaintiffs were victims. This indictment

TRIAL International is an NGO fighting impunity for international crimes and supporting victims in their quest for justice. It takes an innovative approach to the law, opening a path to justice for survivors of unspeakable suffering. The organisation provides legal assistance, brings cases to court, builds the capacity of local actors and advocates for human rights.

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came very late, given Khaled Nezzar's advanced age and precarious state of health, of which the authorities were well aware. In December 2023, the [announcement](#) that a trial would be held six months later, on charges of complicity in [war crimes](#) and [crimes against humanity](#), rekindled their hopes of justice after an interminable wait, marked by recurrent pressure and threats.

But Khaled Nezzar's death, which occurred just a few days after the trial dates were announced, put an end to the proceedings.

Abdelwahab Boukezouha, one of the plaintiffs in the Khaled Nezzar case, reacted in an [interview with TRIAL International](#): *"We would never have agreed to lodge a complaint in Switzerland if we didn't know that Switzerland was very strict with the principles of humanity and human rights. We are the victims of Nezzar, of the coup d'état. And they didn't give us justice. They've achieved their goal. That is, for him to die before there is a trial."*

TRIAL International calls on the prosecuting authorities to learn from this failure, in the victims' interest. Plaintiffs have a right to a trial within a reasonable timeframe, all the more so when the most serious crimes are at stake. These procedures are often marked by a slowness that deprives victims and affects their safety. TRIAL International calls on Switzerland to allocate sufficient resources and adopt measures to ensure that prosecutions for international crimes are heard within an acceptable timeframe.