

An  
**INQUIRY**  
into the  
**ALGERIAN MASSACRES**

FOREWORDS BY  
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EDITED BY  
YOUCEF BEDJAOU  
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into the  
Algerian Massacres

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Algerian Massacres

Forewords by  
Professor Noam Chomsky  
Lord Eric Avebury

Edited by  
Youcef Bedjaoui  
Abbas Aroua  
Méziane Aït-Larbi

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To the memory of the victims of Bougara, Raïs,  
Beni Messous, Bentalha, Relizane, Sidi-Hamed, and  
countless other victimised hamlets and villages.

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## Algérie 1998

### L'émotion et le droit

L'année s'est ouverte dans l'éclaboussement des massacres qui n'en finissent pas de durer. Un souvenir déferlant de la chaleur de l'accueil des amis de Ghardaïa m'a submergé pour l'An nouveau. Et l'ocre du sable et le vert de la palmeraie ont viré couleur sang.

23 septembre 1997: massacre de Bentalha.

Piéta sans enfant, le visage de cette madone qui témoigne de la tuerie de huit innocents a fait le tour du monde. La douleur muette de ce cri indiscible m'a traversé et le cœur et l'esprit. Pour mes amis, pour ce peuple meurtri, le silence n'était plus permis.

Avec les collaboratrices et collaborateurs de notre Atelier de graphisme, nous avons décidé d'exprimer notre solidarité pour le peuple algérien par ce que nous savions faire: l'affiche. Et puisque la reproduction photographique de ce visage nous fut interdite, nous avons choisi d'en pétrir de sable et de sang la douleur infinie. Ce que Salima Ghezali, lors de son passage à Genève, a appelé le 'cri', en lançant la campagne d'*Amnesty International*. Ce cri de l'émotion n'était qu'une prémisse.

Et parce que notre métier est communication, nous avons voulu en faire l'expression du droit, en sculptant le visage du cri dans la lettre de la loi:

Algérie. 'Tout individu a droit à la vie, à la liberté et à la sûreté de sa personne.'

Tant que la violence fera retentir de tels cris, ce visage nous dira cet article 3 de la Déclaration universelle des droits de l'homme.

Atelier Roger Pfund

Carouge, Genève

11 juin 1999

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Overleaf picture by  
Atelier Roger Pfund, Genève.

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## Foreword

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*Noam Chomsky*

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For this reader at least, two statements stand forth with grim clarity from this investigation of the shocking atrocities in Algeria in the past few years.

The first is the observation that history is ‘written by the victors’ – more generally, by those with the power to institute their choices and interpretations. We rarely discover the truths of history as understood by those who have suffered its bitter reality. Those truths emerge, if at all, only with long delays, and are consigned to the margins in the reigning intellectual cultures. As amply and painfully recorded in the historical review in this study, the torture of Algeria at the hands of the bearers of European civilisation has been no exception to this shameful rule.

The second statement makes much the same point for living history. After the ‘decisive military victory of the incumbent authorities in 1995’ there has been no way to defend ‘the social base’ of the targets of incredible violence, ‘and the silence of the most influential members of the international community for years has left the victimised populations in a highly vulnerable situation’ — a considerable understatement, as the detailed examination of the record reveals. The lessons for the ‘international community’ need no comment or elaboration, at least for those within it who are not satisfied with cynical posturing and take seriously the fine words that flow in abundance, in self-praise.

The fundamental issue examined in this careful and judicious inquiry is the one that is left open in the preceding words: Who are the agents of the ‘incredible violence’ that has followed the consolidation of the military victory of the incumbent authorities?

The answer provided by the victors is that Islamic fundamentalist terrorists are exacting grisly and mindless vengeance on a society they have been unable to conquer. A similar version is offered by Western power, including the beneficiaries of a curious phenomenon noted by foreign observers and

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*xiv**Noam Chomsky*

in this inquiry: that the resource-rich regions of Algeria that are of primary interest to foreign states and corporations have been spared the violence, to a remarkable degree.

The major international human rights organizations and outstanding journalists have not found this answer very compelling, and they continue to raise ‘the same sinister question that Algerians have been asking themselves for years: *who* is behind these atrocities?’ (David Hirst). The evidence they have unearthed lends credence to a different version of recent history: ‘The other scenario, for which there is wide-ranging support especially from human rights organisations, is that the Algerian army is the unseen hand behind many, possibly even a majority, of the massacres’ (Robert Moore). Striking evidence has come from defectors and from victims. It is supported by the fact, regularly reported, that massacres commonly take place in close proximity to military and police installations although they rage for long periods with indescribable brutality and no interference. It becomes more credible still against the background of the hideous record of torture, recorded by human rights monitors and journalists, notably Robert Fisk. Defecting secret agents and other sources have provided testimony that not only were massacres in Algeria organised and undertaken by the Algerian military and secret services, then attributed to Islamic militant fanatics, but so were the bombings in Paris in 1995. In this case they are described as an effort to mobilise Western support for the campaign of the military rulers against the domestic Islamic opposition who had won an election they cancelled, setting off the reign of terror.

The first reports of defectors in the London *Observer* confirming much independent evidence, ‘detonated high-level diplomatic and secret service rows across Europe, with British, French, Italian and Algerian officials working hard behind the scenes to dismiss the evidence’ provided by a former Algerian secret policeman, supported a few days later by witnesses who came forth in Paris (John Sweeney, John Hooper, *Observer*, citing also *Le Monde*). Why should that be so? A ‘Western analyst’ says that ‘Western governments know all about what goes on in Algeria but have remained silent. You might think it is because of Algeria's oil billions.’

Speculation might not stop there. Though history is indeed largely written by the victors, enough has been learned about the process of decolonisation and informal empire to know that new chains are constantly forged to replace those that are broken. The US mode of domination in its traditional realms has been willing to tolerate, even encourage, democratic forms, but it ‘inevitably sought only limited, top-down forms of democratic change that did not risk upsetting the traditional structures of power with which the United States has long been allied’, a leading scholar/participant observes in a review of the Reagan ‘democracy enhancement’ programmes in which he took part within the State Department (Thomas Carothers). Britain and

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*Foreword*

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France sought to leave structures in place that would ensure their continued political and economic control of former colonies, and elsewhere too transition to less direct and humiliating forms of domination has been conditioned by measures to ensure that 'traditional structures of power' remain effectively in place. Given France's history in Algeria, it would be surprising indeed if the 'incumbent authorities' depart very far from that classic pattern.

This sombre study indulges in little speculation. It keeps to careful documentation of the 'economic geography of the mass killings', the choice of victims, the locations relative to military and police installations, the timing relative to 'interfactions hostilities within the military' and events of political significance (elections, 'statements and positions of France and the US'), and similar factors, providing a comprehensive record that others may evaluate to draw their own conclusions. At the very least, this impressive and deeply sobering study underscores the importance of the call for a high-level independent inquiry, which has been issued repeatedly by the leading human rights organisations, and always rejected.

Whatever the priorities of the powerful may be, there is no reason for others to tolerate the writing of past and present history by the victors, and the silence – or worse, participation – that consigns 'the victimised populations' to a grim and terrible fate.

MIT, June 1999

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## Foreword

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*Lord Avebury  
Vice Chairman,  
Parliamentary Human Rights Committee, United Kingdom*

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This work brings together for an English-speaking public, for the first time, a great deal of information about the massacres in Algeria since 1992. It is indeed the first comprehensive study of the phenomenon in any language, including a great deal of original material and approaching the subject from a variety of angles. It demonstrates that simple explanations attributing all these dreadful crimes to one political organisation do not hold water. From time to time, the British media has reported particular atrocities, and journalists have made some attempt to set the phenomenon in a political context, but there are difficult problems with the evidence, as this analysis shows. Estimates of the total killed vary between 26,500 and 190,000; many incidents have not been reported, and only came to light when mass graves were discovered; the state has restricted access to massacre sites, and has tightly controlled the media. The whole phenomenon has been seen through the distorting lens of a prejudice, which casts political Islam as the enemy of democracy, and those who aborted a democratic process as the defenders of democracy.

Amnesty International points out that ‘most of the massacres have taken place in areas round the capital, in the country’s most militarised region, and often in very close proximity to military barracks and security posts. However, the army and security forces have never intervened to stop the massacres and the murderers were, in each case, allowed to leave undisturbed’<sup>A</sup>.

According to the US State Department’s Country Reports on Human Rights Practices, ‘there were credible reports [in 1998] that security forces were responsible for extrajudicial killings’, and ‘pro-government militias also

<sup>A</sup> Amnesty International, ‘Algeria: Civilian population caught in a spiral of violence’, AI Index MDE 28/23/67, November 1997, 1.

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*xviii**Eric Aveybury*

killed civilians during the year<sup>B</sup>. The exact apportionment of the blame as between the state and its agents, the Islamists, and purely criminal forces is impossible to determine, but the assertion by Foreign Minister Attaf that [opposition] terrorists are doing all the killing is not believed anywhere. There has been a growing head of steam for an international inquiry into the massacres.

In November 1997, M Pierre Sané, Secretary-General of Amnesty International, wrote an open letter to governments calling for a special session of the Human Rights Commission to examine the massacres, but there was a negative reaction from the UK and others. The EU did not even mention Algeria among the eight countries they singled out in the UN Third Committee as demanding particular attention.

‘Who are these bloodthirsty terrorists?’ the Fédération Internationale des Droits de l’Homme asked in February 1998. ‘Why is the state unable to ensure the safety of the population, or indeed, according to an increasingly common view, why is it contributing to maintain insecurity?’

The late Derek Fatchett MP led a European Troika mission to Algeria in April 1998 but was unable to persuade the government to accept a wider international inquiry.

A United Nations panel did visit Algeria in July 1998 but stated that the mission had neither the ‘mandate nor resources’ to conduct investigations and that the Algerian Government had firmly demanded that its observations not be followed up. The Algerian authorities have rejected the Human Rights Committee’s observations and continue to refuse the United Nations Special Rapporteurs on torture and on extrajudicial, summary and arbitrary executions access to the country; so far the ICRC has still not been authorized to resume prison visits suspended since 1992.

In the face of this intransigence, what can the international community do?

Member states of the United Nations are bound to cooperate with the UN’s agencies, but far too many of them refuse to let the Human Rights Commission have access to their territory. Algeria is a particularly flagrant backslider, and her reluctance to allow any inquiry serves to increase the suspicion that the authorities have something to hide. In the case of the Country Rapporteurs, reports are made to the Human Rights Commission, whether or not they have been able to conduct in-site inquiries; they get evidence from exiles, human rights NGOs, media sources and human rights activists in the country who communicate with them clandestinely. The Rapporteur on Extrajudicial Executions, Mme Asma Jehangir, could an-

<sup>B</sup> US State Department, Country Reports on Human Rights Practices, 1999.

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*Foreword**xix*

nounce that she was going to conduct such an inquiry into the Algerian massacres, whether or not the government invited her to visit the country. This might even stimulate an invitation!

To launch such a bold initiative would require the backing of the international community, and it has to be said that no enthusiasm has been shown for raising the profile of Algeria on the human rights agenda, either bilaterally or in the main international fora. One reason for this is that under the EU's Common Foreign and Security Policy, the attitude of the 15 EU states to any human rights question is shaped very largely, in the case of former colonial territories, by the former imperial power, and France has protected the Algerian government from anything but the mildest criticism. The personal ties between senior military officers in the two countries, and the imperatives of French business, with large investment in Algeria, make it likely that France will continue to be lenient in her assessment of Algerian human rights violations, and Europe as a whole will follow that line. French Foreign Minister Hubert Védrine has praised Algeria for allowing visits by European Parliamentarians and the Troika, while saying nothing about the restrictions on their movements. France has offered no support for the call for an international investigation of the massacres, and has ensured that no action has been taken by the UN Human Rights Commission two years running.

Although there was some violence before the Presidential election in April when Abdelaziz Bouteflika was elected unopposed following the withdrawal of the six other candidates, this year has been relatively free of large-scale killings. Bouteflika has called a national conference on the reestablishment of civil concord, though he has confirmed that he will not lift the state of emergency, and the Law for Civil Concord does not attempt to fashion a dialogue between the government and the armed opposition, as many Latin American countries have done. Rather, it is punitive in nature, and seeks to recycle former members of the armed opposition into the state's militias. The national conference will not include the FIS, winner of the 1991 elections.

Bouteflika has indeed acknowledged that the 1992 coup was the first act of violence, and that the number of victims is of the order of 100,000 and not the previous official figure of 25,000. He has promised to release thousands of prisoners. In the circumstances, some people will prefer to forget the nightmare of the nineties, and hope to start again with the new millennium. Can Algeria recover from the trauma without confronting its causes and trying to prevent its recurrence? Other states, which have been through comparable ordeals, have found it necessary either to bring those responsible to justice, or at least to find out what happened through a Truth and Reconciliation Commission.

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*Eric Aveybury*

Algeria cannot simply draw a veil over the dreadful events described and analysed in these pages, and the world must help Algerians to find their own answers. In Bosnia, Rwanda and Kosovo, those who committed similar crimes are being investigated and brought to trial. An International Criminal Court is close to being inaugurated, to deal with crimes against humanity and war crimes throughout the world. It will not have jurisdiction over offences committed before its establishment, including the massacres in Algeria, and prosecutions may not be the answer domestically either. As in South Africa, however, people need to know the truth, and get it out of their system. The atrocities of the last seven years cannot simply be forgotten and swept under the carpet. If President Bouteflika will not act, the United Nations Human Rights Commission has the power, and the duty, to uncover the truth.

London, July 1999

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## Preface

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The idea for this book occurred to us in January 1998, during the worst wave of massacres in Algeria since the conflict began in January 1992. The traumatic experience of seeing hundreds of defenceless civilians die at the hands of faceless killers with unfathomable intents convinced us, at the time, of the need to make an effort towards understanding these massive human rights violations and thereby, hopefully, help bring about an increased awareness of the need to stop them. The lack of in-depth analyses and the failures of all the calls and initiatives for a commission of inquiry into the massacres strengthened our conviction that the project was justified and helpful.

This book is broad in its scope as it brings together approaches, analyses and information from a variety of fields. Academics and human rights activists, in North Africa, Europe and the US, contributed insights into the massacres from their many different perspectives.

The collection of papers in this book divides into six self-contained parts. Part I reviews the human rights situation in Algeria and assembles a large amount of data about the massacres and the victims. The data analysis is carried out from both a statistical perspective and a testimonial approach. Part II is devoted to a survey and a critical analysis of the questions pertaining to the nature of the intents and identity of the perpetrators involved in the massacres. Part III focuses on how the government, political parties, and society at large respond to the massacres and why. Part IV addresses the response of the international community as represented by states and international organisations towards the massacres. Part V looks at the massacres in Algeria from a historical angle. Part VI is concerned with the criminal status of the massacres in Algeria's internal law, their categorisation in international criminal law, and the issues of investigation, prosecution and punishment of those responsible for the massacres.

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*xxii**Preface*

This volume, we hope, renders these painful moments of history more intelligible. As pointed out by several contributors, many outstanding issues regarding the structure of the massacres, the intent and identity of the alleged perpetrators, the responses of bystanders, and criminal law need addressing. It is hoped that this work will succeed in persuading and encouraging human rights scholars and activists, social and political scientists, criminologists, jurists, and historians to investigate, from the research approach and concerns of their own disciplines, the Algerian massacres. Most of all, we hope that the findings of this research will press the need for an international commission of inquiry into the massacres, which, in the circumstances, is an effective means of protecting the civilian population from the most brutal mass victimisation witnessed in recent years.

This book has been a truly collective endeavour. Besides the contributors themselves who have taught us an enormous amount, a number of others have helped in gathering data, translating, editing, typing and processing the texts in a great spirit of co-operation. We would like to express our deep gratitude to them all. Some contributors expressed the wish that the support and understanding of their families and friends during the months when they were not available to their attention be acknowledged.

The Editors

August 1999

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## **I. Massacres and Victims**

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## Introduction

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Algeria. Torn, tortured, bleeding Algeria. It is not known how many of its children have died since January 1992 – from 80,000 to 120,000. In that month, Algeria entered a civil war, barely thirty years after it had emerged from one of the most brutal anti-colonial wars of this century.

From 1830 to 1962 Algeria was colonised by France. The initial resistance against annexation to France was ruthlessly repressed; tens of thousands of Algerians were massacred by generals Bugeaud, Bourmont, Savary, and Cavaignac, names whose evocation still fill children with fright in parts of Algeria. The Algerians were oppressed, expropriated, resettled and exploited. France sought to destroy Algerian culture and character, by attacking the religion, languages and cultural heritage of the Algerians, and to impose its language and culture as part of its *mission civilisatrice*. In the aftermath of World War II, the Algerian liberation movement grew in strength and on the first of November 1954 the Front de Libération Nationale (FLN) launched an armed struggle that culminated in independence in 1962. By the time the French relinquished Algeria, they had already killed three quarters to one and half million Algerians.

The military and political legacies of this war have helped Algeria's military hold the monopoly of power since independence. National euphoria and high oil prices bought Algeria some economic progress, peace and stability for two decades despite several lurking problems: army-backed one-party FLN rule, massive government corruption, mishandling of the economy, estrangement from traditional Islamic values and marginalisation of the Berber culture. The fall in oil prices and the dollar in the mid-eighties brought these problems to the fore and prompted widespread street riots, in October 1988. The street agitations were brutally suppressed by an army bent on preserving its privileges. Hundreds of demonstrators were killed, most in the prime of their life.

The military was forced to re-invest itself in a new role as the guardian of a multi-party democracy; it introduced widespread constitutional reforms in February 1989 to enable the transition to a multiparty system of government. The Front Islamique du Salut (FIS) was created in 1989 and defeated the FLN at the municipal elections of June 1990 winning 54 % of the seats. At the first round of the December 1991 parliamentary elections the FIS won a majority of seats and was poised to win an absolute majority at the second round. The army cancelled the elections, coerced president Chadli into resigning and set up a High State Council in his stead. The leadership of the FIS was repressed, dispersed or arrested and the party was outlawed. The dislocated and polarised residues of the party responded through counter-

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violence targeting the security forces and civil servants. As the cycle of violence intensified and spread, Algeria found itself truly in another cruel and bloody war.

The massive human rights violations of this war are reviewed in the opening paper of this book. Abdennour Ali-Yahia, a distinguished human rights lawyer and the president of the Ligue Algérienne pour la Défense des Droits de l'Homme, presents an overview of the human rights situation and delineates the human rights context\* in which the massacres have taken place.

In *An Anatomy of the Massacres* Ait-Larbi, Ait-Belkacem, Belaid, Nait-Redjam and Soltani make a significant contribution towards understanding the massacres. The authors approach the examination of the massacres at a macro-level with the aim of exploring whether patterns of victimisation can be found. Since an individual massacre involves a suffering that is incommensurable and irreducibly important but cannot disclose a pattern, the authors develop and analyse a range of macro-indicators obtained by integrating data about individual mass-killings. The authors take considerable care to identify and describe the strengths and shortcomings of their data. Three units of analysis are considered in this research: i) the massacre events, ii) the victims, and iii) the alleged perpetrators. This research also records in quantitative and graphical forms all the important features of this most painful type of human rights violations in Algeria.

*Voices of the Voiceless* is a collection of testimonies edited by Farouk, Senhadji and Ait-Larbi. It highlights the individual experience and perspective on the massacres and shows how survivors or relatives of victims perceive their victimisation. This collection of texts complements the statistical approach of the precedent study, which obliterates individual suffering and witness, reifying individual victims into abstract statistical concepts and numbers.

The last contribution is a report on the massacre at the Serkadji prison by the National Union of Algerian Lawyers, the Committee of Constituted Lawyers, the families of the Serkadji victims and detainees, and the Algerian League for the Defence of Human Rights. There have been two major massacres in Algerian prisons in this war: the massacre of Berrouaghia prison, on 7 November 1994, with 513 dead according to the Comité Algérien des Droits de l'Homme et de la Dignité Humaine, and the massacre of Serkadji, on 21 February 1995, in which 109 died according to the same committee. The report presented here serves as a testimony and illustration of a type of mass killing not covered in *Voices of the Voiceless*. An updated list of victims unavailable in the above account is appended to the report.

\* For a detailed political context see the Chronology of Events at the end of this book.

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## ON HUMAN RIGHTS IN ALGERIA

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*Maître Abdennour Ali-Yabia*  
*President,*  
*Algerian League for the Defence of Human Rights*

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Algeria is in a multi-dimensional crisis, and in a crisis of the governed toward the governing. Algeria cannot be well governed in a situation of political paralysis, economic recession and social tensions. When the political system in power leads to a centralised monolithic rule that controls everything and is controlled by nobody, is above the law, patronises political life, and forces the people into a straightjacket, then there is no law against it. There is no rule of law, counterbalance or freedom.

Seven years of violence, terror, massacres, torture, extra-judicial executions, disappearance of people, population drift to the cities because of insecurity, all within a political climate of mistrust, intolerance, hatred and division, have only worsened the crisis and furthered repeated, systematic and serious violations of human rights.

The total war policy, to which the authorities have devoted all their efforts and enormous funds for seven years, has failed and only caused violence to spread throughout the country. There is no credible evidence that this policy will work in the short or long term in favour of the regime in power.

The population has been in a state of precariousness and marginalisation. It is exasperated by its living conditions, the continued and brutal erosion of its living standard, a drained economy, massive redundancies that aggravate unemployment — about 30 % of the active population, deplorable health conditions, and the devaluation of the dinar. The population is truly and utterly stricken by poverty.

Thirty-seven years after Algeria's independence, the people are still waiting for the dawn of human rights. The 11 January 1992 coup d'état is the root cause of the political violence which has bathed in blood and plunged into mourning Algeria for the past seven years. As part of this coup, the army leadership, called 'the decision-makers', decided alone the cancellation of the electoral process, the dissolution of the People's National Assembly [parliament] and the deposition of the president of the republic. The authorities born of this coup are neither constitutional, nor legal, nor legitimate, nor democratic. We live in a political system with no democratic breathing space, which tolerates neither the right to disagreement nor non-conformist thinking.

After experiencing two states of siege, in October 1988 and June 1991, Algeria has been under a state of emergency since 9 February 1992. This state of emergency has not spared the country violent social and political upheavals and, above all, serious and repeated human rights violations, including violations of the right to live and the right to the moral and physical integrity of the human person.

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*Human Rights in Algeria*

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*The Setting up of Concentration Camps*

Since the state of emergency of the 9 February 1992, everyday has brought its sinister crop of grave outrages to human dignity. The state of emergency authorised the internment of 17,000 Algerians according to the LADDH<sup>A</sup>, 34,000 according to the FIS<sup>B</sup>, in concentration camps in the Sahara desert where the temperature in the shade reaches close to 50 degrees Celsius. These detainees were not prosecuted for offences or crimes but were arrested for their beliefs. They were detained under mere administrative internment orders that are in fact nothing short of *lettres de cachet*.<sup>C</sup>

Administrative internment is an affront to human rights and a danger to liberties and democracy. The late President Boudiaf had declared: 'I say it loudly and clearly: there will be no torture.' The detainees of the Sidi Okba detention camp, 15 kilometres away from Ouargla, sent to the national daily *El-Moudjahid* a seven-page right of response, which has never been published. Page two of this document, concerning cruelty, degrading and inhuman treatments and torture, reads:

During our stay in the gendarmerie barracks, the police stations and in the offices of the *Sécurité Militaire*, we were punched, kicked, hit with broom sticks in the face, on the head, in the stomach, and in the genitalia. We were burnt with candles in the elbows and the genitals; our beards were pulled out. We were tortured with electricity. We had the anus distended after being forced to sit on bottles.

*Torture*

It has not ceased to mark the history of our country and has always been part of the political struggle. It was first used by French colonialism during the occupation of Algeria and the war of national liberation. Then it was used by the Algerian regimes to break internal oppositions and repress the people.

Colonel Trinquier wrote about the mujahid, whom he dubbed terrorist:

He must know that when he is caught, he will be treated neither like an ordinary criminal nor like a prisoner taken on the battlefield. During his interrogation, if he easily gives the information requested, the interrogation will be ended quickly; otherwise the experts will have to extort his secret by all means. Like a soldier, he will have to face suffering and may be death.

<sup>A</sup> *Algerian League for the Defence of Human Rights*, founded and headed by the author.

<sup>B</sup> *Islamic Salvation Front*.

<sup>C</sup> In 1636 these were letters, with a royal seal, the king of France used to order the imprisonment or the exile of people without trial.

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The rebirth of the Algerian state in 1962, after so many deaths, so much blood, mourning, sacrifice and ruination, led all the Algerians to believe that they would never again be the subject of ill-treatment and torture. Political events since June 1991 have shown that the Algerian authorities endorse torture and do nothing to put an end to it. Every Algerian is aware that thousands of victims have been tortured. These acts of torture are not isolated cases but constitute a routine administrative measure used systematically by the security services under the military and civilian authorities. The main objective of torture has remained the same the time of colonisation: it is the domination of man by man. What has changed is the magnitude of the means used, their costs, which are met unsparingly despite the crisis, and their greater technical efficiency.

Torture has become an integral part of interrogations, which it replaces or supplements. It is used for obtaining confessions that make sentencing easy in courts and for extorting information. But it also serves as a punishment or an intimidation technique for the recruitment of informers.

Torture is neither a blunder, nor an isolated act, nor an unfortunate accident, but a generalised practice made into a system of government. The men and women who suffered it are scarred in their flesh, hearts and memory for life.

To hide the truth and deny the existence of torture is the golden rule of governments. But the digest of torture is to be found in prisons. The late Hocine Abderrahim, formerly principal private secretary of FIS leader Abassi Madani, was presented as the instigator of the 26 August 1992 bomb attack of Algiers airport. In the witness box he made a statement in which he said

I ran for the 26 December 1991 legislative elections, and I was elected. One hundred thousand people voted for me in the *daira*<sup>D</sup> of Bouzareah. I was arrested on 6 September 1992. I spent 34 days in a detention centre and was taken twice to Ain Naadja [Military] Hospital for treatment. My skull was gaping. I nearly lost my sanity under torture. For a moment I thought I was going to die. If I had been asked who was responsible for the earthquakes of Chlef and Nador, I would have said that it was me. If I had been told that I had killed my father, my mother and [the assassinated President] Boudiaf, under torture I would have answered yes, I had.<sup>E</sup>

In another statement made at the witness box, Rouabhi Mohamed, son of a *shabid* and principal of a secondary school, said: 'All the confessions in the police statement were extorted from me under 32 days of torture'. 'Even Hitler would not have done the same thing', Rouabhi added, showing his

<sup>D</sup> A borough-like administrative division.

<sup>E</sup> This statement was also reported in *El Watan* of 10 May 1993 and in *Liberté* of 16 May 1993.

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*Human Rights in Algeria*

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nails and his head to the audience and to the court. He hesitated a long time before revealing his torturers had castrated him.

*Summary Executions*

Following deadly ambushes and attacks against army personnel, policemen and civilians carried out by Islamist armed groups which, owing to their lightness and mobility, vanish quickly in nature, the army surrounds the places where the military operations have taken place, takes the law in its own hands and retaliates disproportionately against the population. The macabre and sinister number of dead in this war, which mowed Algerians in the prime of their lives, is impossible to establish with precision because of the censorship of any security-related information. Nevertheless there appears to have been over 120,000 dead since June 1991. Thousands of Algerians from the hinterland or from the popular districts of the cities have been arrested in their homes and executed summarily.

*The Disappeared*

'Disappearing' people after their arrests allows the security services to act with impunity towards their abductees. Several thousand Algerians have been 'disappeared' since 1992. Our human rights league has taken on the case of the disappeared and supports the struggle of their families. Thousands of families have based their action on the following.

The facts: namely the kidnapping of their relatives who had been arrested in their homes, at their work places or after a normal summons by the security services.

They aim to take the issue of the disappeared before the national and international public opinion in order to break the silence the authorities want to impose on them. By so doing, they seek to ensure that the truth is not stifled by the executioners and the advocates of the reason of State.

They want to bring pressure to bear on the authorities to get them to answer the question they have been asking for years: 'what have you done with the thousands of disappeared?'

*Massacres*

As a defender of human rights, I must say this: in Algeria there is a state terrorism. There is a state terrorism because the army represses not only those who have taken up arms, but also those who are thought to help them, providing them with food, information and shelter, freely or through coercion. Such people are therefore targeted by the army. There are terrorists on the side of the Islamic armed groups, but there is also a terrorism carried out by

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shadowy armed groups. The daily *Demain l'Algérie* wrote that when General Larbi Belkheir was Interior Minister, 300 death squads were set up.

Algerians expected a firm stand of the international community against the massacres in Algeria. A United Nations delegation known as the UN Panel led by Mario Soares did visit Algeria from 22 July to 4 August 1998. It drafted a report to the UN Secretary-General. But this report, made public on 10 September 1998, discharges the Algerian authorities for the past, and gives them a free hand for the present and a blank cheque for the future. I met and discussed with the members of the panel and handed over to them a written report about the violations of human rights in Algeria.

It is true that the UN Panel visited some places where massacres of citizens had taken place. A case in focus is the Panel's visit to Beni Messous, an outer borough of Algiers which had been the target of a massacre on 5 September 1997. The Panel was accompanied in its tour by an Algerian general. In Beni Messous, the site of the massacre is 300 metres away from the Communal Guard, at three minutes from the Military Security barracks, at 10 minutes from the gendarmerie barracks, and at five minutes from the Cheraga military helicopter airfield. In the October 1998 report on the UN Panel's visit, our League's vice-president, Mr Hocine Zehouane, stated that the victims were people who had flocked to this area from the hinterland and settled in makeshift dwellings. Shortly before the massacres, these dwellings had been visited by uniformed squads, which took away the family identity books of the residents, ostensibly for census purposes. All these disturbing facts give the lie to the pretext of the nature of the terrain, which was the official version given to the Panel with a supporting map by a colonel, to justify the non-intervention. Why did the Panel not visit other major sites of massacres, like Rais, Bentalha, Sidi-Hammed, where there are still survivors of the massacres. In these areas people are still asking insistent questions, in particular why the armed forces refused to intervene for all the begging of the citizens who had managed to escape to the assailants. They also want to know why the access to these sites was forbidden to any person willing to assist them or inquire about relatives.

The massacres of Beni Messous, Bentalha and other places represent, in law, non-assistance to people in danger. Yet the Panel did not write a single word about this. They simply made their own the arguments of the Algerian authorities, saying the conflict may spread to other countries. Thus, the Panel followed right into the footsteps of the European Troika<sup>F</sup>.

The silence of the UN panel over the Serkadji prison massacre is yet another grave failure. This jail, situated in the heart of Algiers and in a high se-

<sup>F</sup> The troika denotes a fact-finding delegation from the European Parliament that visited Algeria in January 1998. The troika's report for the European Council of ministers was not made public.

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*Human Rights in Algeria*

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curity zone, was the scene of a massacre, on 21-23 February 1995, that left dead more than one hundred political detainees. *Le pouvoir* gave two official but contradictory versions of this atrocity: one claimed it was a failed 'escape attempt', the other alleged it was a 'mutiny'. The league has published a 198-page report that demonstrates this was in fact a carefully planned and executed operation to eliminate selectively political prisoners. It also showed that the authorities not only killed persons under state protection, but also forced detainees to make false televised testimonies and confessions, and systematically destroyed material evidence likely to shed light on the circumstances of the carnage.

In the face of this odious situation, which is reminiscent of imprescriptible war crimes in international law, the victims' families, their lawyers and human rights activists have made an urgent appeal to the world's conscience and to the human rights organisations to press for the setting up of an independent and neutral commission of inquiry to establish the truth.

Yet, the UN Panel made no mention of it at all in its report. In fact, when visiting the Serkadji prison, the members of the Panel talked to only one Islamist prisoner — they preferred to spend all the rest of the time with prisoners detained for economic crimes.

What was most worrying about this UN panel was their absence of emotion towards the Algerian tragedy. At no time did they call on the Algerians to make peace.

*The Judicial System*

Justice is a power according to the constitution. It is in fact the instrument of *le pouvoir*. The interference of *le pouvoir* in judicial affairs and the temptation to influence judicial decisions are the rule. Where there are no independent magistrates, there are only delegates of the authorities. In past political trials, the magistrates did not rule in conformity with the law and their conscience, but in accordance with the instructions given by *le pouvoir*, the justice minister and the security services involved. Justice does not control the police which has overpowered it: it only continues the work of the police the way the latter has indicated.

What the judges are required to know about a defendant is what he is, not what he has done. This is the time of fabricated trials, which are grotesquely reminiscent of the Moscow trials of 1936-1938, those of the Algerian war, and of the dissolved state security court and the special courts. According to Vichinsky's theory, the perfect proof is the defendant's own confession obtained under torture — the charge being already a pre-sentence judgement that precedes the actual sentence. Under a state of emergency, asking for a

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fair trial in political matters is — as the political expression goes — tantamount to getting blood out of a stone.

Judicial crimes have been committed. Innocent people have been given severe sentences, while others have been sentenced to death and executed. This will remain an indelible stain on justice. Some magistrates will go down in history as butchers, not as judges.

Political asylum is flouted everywhere; it is in danger everywhere, especially in Europe where it is interpreted in an increasingly restrictive way through the adoption of repressive and deterring measures which contradict internal and international laws. To send back to Algeria political refugees, whose residence is not legal and who had fled their country to escape a ferocious repression, is tantamount to being accessory to the fate awaiting them on their arrival: torture and sometimes death.

*The Will of the State and the Will of the People*

Current political events have the virtue of laying bare the Algerian regime's real nature. Within the regime, there are factions pitted against each other in a fierce power struggle. What can a president of the republic, a government and a parliament born of rigged elections do when it is known that the real power is monopolised by the military? The army is at the head of the country, does intend to stay and has no plan to give up its status as the exclusive power holder.

Whether they cast their votes or voting is done in their place, the people never decide: they only endorse the choices of the decision-makers. The poll results are secured in advance and the rate of participation is fixed high up in the military hierarchy.

Power is only meaningful if it is not snatched away from the people, if it is exerted under their supervision and remains at the service of the human being, his dignity and his rights. All those who took up a political or armed struggle against dictatorship maintain that acts of violence that target civilians are acts of terrorism. In Algeria, there are three kinds of terrorism: state terrorism, the Islamist armed groups' terrorism and the terrorism of mysterious armed groups. Democracy, and its corollary — free elections — to give back to the people their sovereignty and their power to choose freely their representatives at the state institutions, will be meaningful in Algeria only when peace is restored.

It is the state that must reflect the people's will. It is not the people who must submit to the will of the state.

Algiers, 29 February 1999

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## AN ANATOMY OF THE MASSACRES

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*M. Ait-Larbi, M. S. Ait-Belkacem,  
M. Belaid, M. A. Nait-Redjam, and Y. Soltani*

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## 1. Introduction

Algeria is entering its seventh year of internal war ignited by the military coup of January 92 and the ensuing halt of the electoral process. Large scale arrests met the widespread protests that followed, and an escalating cycle of violence between the military regime and Muslim armed insurgents was set in motion. Seven years on, Algeria is in a state of terror; credible sources such as the Ligue Algérienne pour la Défense des Droits de l'Homme (LADDH – Algerian League for the Defence of Human Rights) speak of about 20 000 political prisoners, thousands of victims of torture, and at least 18 000 'disappeared' people. The second semesters of 1996 and 1997 were particularly violent years as almost every single week brought yet more wanton mass slaughters and bombings. It is estimated that between 80 000 and 120 000 of Algeria's 28 million people have died in this largely forgotten war.

Condemnation of these abuses is necessary but not enough. Each kind of the gross human rights violations in this war deserves more careful scrutiny if one is to understand their nature and extent better, identify more closely the victimised groups, make progress towards clarifying the responsibilities, and bring increased respect of human rights in Algeria. As part of the larger effort needed to advance towards these normative aims, this paper will focus on only one kind of the ongoing victimisations: the massacres.

All of the mainly journalistic literature written on the massacres report and analyse them as individual victimisation events. Within this framework the focus is on the details of each massacre, and on the victimisation of *individuals* therein. But in this study, they will be approached at a macro-level, that is to say by constructing and analysing various indicators obtained by aggregating data about individual massacres. The focus here is therefore on the patterns observable when considering the whole set of massacres, and on the victimisation of *groups*.

As the Algerian massacres have not been examined within such an approach, the research aim of this work is mainly exploratory and descriptive. Other than presuming there may be discoverable regularities in the aggregated data, this work does not start by framing a formal theory, or even a limited hypothesis, to test. The paper is limited to exploring various self-evident indicators constructed from the collective data and examining some of the regularities that emerge. In addition to providing a beginning of familiarity and insight, this work has a descriptive purpose in that it documents quantitatively and graphically much of what is known about the massacres. The problem of trying to explain the

observed regularities in terms of alternative causal agents and war strategies is outside the scope of this work.

The data used in this research has been extracted and developed from the raw data available in a variety of sources. The bulk of the raw data is from international and national news media accounts but other data from national and international human rights non-governmental organisations (NGOs) are also included. In section 2 we shall discuss in detail these sources and the problems of suppression, distortion, reliability, and accuracy of the data with respect to their victimisation-event information, victim information, and alleged perpetrator information.

This work focuses on three distinct units of analysis alternately.

The first units of analysis we consider are massacre events. Massacres are taken to be victimisation episodes where a number of unresisting civilians are killed indiscriminately. This analysis will distinguish between two types of such events. The first type consists of random victimisations within selective sub-groups of the civilian population, as for instance in the case of the indiscriminate slaughter of all members of selective families within a given village. These episodes will be referred to as selective mass victimisation (SMV) events. The second type of massacres concerns the random mass killing of people belonging to random sub-groups of the population, as occurs, for example, in bombings in public places. These episodes will be referred to as random mass victimisation (RMV) events. The psycho-political intents and consequences of the SMV events and RMV events are obviously quite distinct. For each of these two kinds of events we study indicators such as the numbers of occurrences, their respective time evolutions and cross-comparisons between them, and their national distribution, political, military and economic geographies. Furthermore, we explore various other crime scene regularities in the sample of the massacre event data. All these analyses are reported in section 3.

Section 4 is devoted to our second units of analysis: the population of victims of the massacres. We construct and analyse indicators such as the numbers of victims of SMV events and RMV events, their trends over time, geographical distributions at national and district levels and their political allegiances. We also look at other relevant victim status and behaviour regularities extracted from the victim information data base.

The third units of analysis we consider are the samples of alleged perpetrators. Given the unreliability of the alleged-perpetrator information content in the available data we do not have much quantifiable information about the alleged perpetrators. We do, however, extract and present some qualitative regu-

larities about the population of alleged perpetrators. This is discussed in section 5.

We summarise our main findings and conclude in section 6.

The appendix in section 7 contains two tables which sum up the SMV and RMV events we have recorded. The third table lists some of the mass graves found recently and the fourth table records mass killing events of foreign nationals since 1992.

## 2. The Data

The raw data for this research comes from a variety of sources: from international and national news media, human rights NGO reports, and directly from a few victims. Civil records and mortality statistics would have been extremely useful but are not publicly accessible.

International media sources used here include agencies such as *ABC News*, *Agence France Presse*, *Associated Press*, *CNN*, and *Reuters*, newspapers such as *The Irish Times*, *Les Dernières Nouvelles D'Alsace*, *Le Soir de Belgique*, *The Washington Post*, *La Tribune de Genève*, *The Boston Globe*, and *Arabic News*. National media sources used are mainly *El Watan*, *La Tribune*, *Liberté* and *Algérie Presse Service*. These sources were accessed through the Internet; their archives were all searched on-line. We also made use of the Internet *Troubles*<sup>1</sup> records published by a Swiss-based journal of the Socialist Commission of International Solidarity (CSSI) which compiles, albeit erratically, a chronology of the violence in Algeria from the French language sources listed above.

We have also used data from the reports of Amnesty International,<sup>2</sup> Human Rights Watch,<sup>3</sup> the LADDH and the reports of the Comité Algérien pour la Dignité Humaine et les Droits de l'Homme (CADHDH – Algerian Committee for Human Dignity and Rights).<sup>4</sup>

The use of a variety of sources served to correct for the lack of a comprehensive means to collect systematically the relevant data. For instance, regarding the first years of the war, from 1992 up to 1994, not much mass killings data exist in the news media; the only sketchy reports available can be found in *Le Livre Blanc sur la repression en Algérie*. We did not find much data about the massacres in 1995 and in the first semester of 1996. From May 1996 up to December 1998, one finds more reports about the massacres in the international and national news media and human rights NGO reports, but these sources are not systematic enough in their coverage so that one needs to draw from all of them and integrate their data.



Of course, however comprehensively this data integration were done, there would still be gaps. It is generally the case that data about atrocities in repressive regimes that are party to international human rights covenants are deliberately suppressed. For instance, an expert claimed that in the first months of 1995 there were about 250 to 500 deaths per week,<sup>5</sup> but we found no source to document the killings during this period. Victimization events about which information has been suppressed also include, for example, the mass-grave with about 200 bodies discovered in Meftah,<sup>6</sup> in Larbaa in the district of Blida, on 25 November 1998, and napalm attacks against villagers in Texana (district of Jijel), Chrea (district of Blida), Sid-Ali Bounab (district of Tizi Ouzou) and in the mountains of Ain-Defla and the Ouarsenis.<sup>7</sup> These events are not included in our data set as the information that has emerged is not detailed enough; for instance their occurrences are not dated precisely. These events and the ‘unconventional’ nature of the war are enough grounds to suspect that there are other yet undisclosed massacres.

The Direction des Renseignements et de la Sécurité (DRS – Intelligence and Security Directorate) of Algeria’s military has the monopoly in the manufacture, package, release as well as dissemination of security related news. The public sector media and the private press, with the latter sponsored and serving as an arm of the former, can only act as conveyor belts for the DRS packaged news. The various instruments and mechanisms – that is the legislative arsenal, the monopoly on the printing presses, paper supplies and advertising, suspensions, censorship, harassment and alleged murders – which police this set-up and censor or repress any investigative or dissenting press have been thoroughly documented and analysed elsewhere.<sup>8</sup> Clearly, in today’s Algeria one cannot access all the information pertinent to human rights atrocities. The gaps in the data we used are inevitable.

The data used in this work have another flaw: they are distorted. The bulk of the data is from international media sources. Although these sources sometimes quote the figures given by residents, hospital sources or massacre survivors, they mainly rely on the numbers provided by Algerian officials or army-controlled media reports. For example, for the massacre of Sidi-Rais, in the Blida district, on 29 August 1997, government officials<sup>9</sup> announced 98 dead and 120 wounded whereas hospital sources, reported by *Le Monde*<sup>10</sup> and *CNN*<sup>11</sup>, quoted at least 200 dead, ‘perhaps as many as 400’. Seven weeks later, *The Washington Post*,<sup>12</sup> recounting the testimony of a survivor of the Sidi-Rais massacre, Mr Bensalah, claimed there had been 514 dead. Another example: asked if the official death tolls given by the government were reliable, Louisa Hanoune, leader of the labour party, told *Le Soir de Belgique*

The government death tolls are wrong. I was only a minute away from the site of the bombing in *Boulevard des Martyrs* on 21 January 1997. I saw with my own eyes 19 ambulances drive many times to Bacha Hospital. In the hospital, there were bodies piled up. But the official figures were 6 deaths and 40 injured.<sup>13</sup>

More often than not the number of injured victims is not given and press reports rarely revise the number of dead as the injured succumb to their wounds. Consider also the conflicting claims about the total number of victims since January 1992. On 21 January 1998 prime-minister Ouyahia quoted 26 536 as the total number of victims,<sup>14</sup> a figure smaller than the 30 000 dead officially announced three years earlier.<sup>15</sup> At the sixty third session of the UN human rights committee, on 20 July 1998 in Geneva, Mohamed-Salah Dembri, the head of the Algerian delegation said:

Some people have gone so far as quoting a figure of 120 000 dead. But the official figure announced in the National Popular Assembly [parliament] in March 1998 was 26 536. In this respect, the registers of deaths, in which details including death and autopsy reports are officially recorded, are absolutely reliable and there is no reason to doubt their truth.<sup>16</sup>

In spring 1998, an army general speaking anonymously as General X (*Le Monde* of 7 May 1998 identified him as the army chief of staff, major-general Mohamed Lamari) claimed there had been only 40 000 victims.<sup>17</sup> President Bouteflika said on 26 June 1999, in the economic summit of Crans Montana, that there had been 100 000 dead since the beginning of the conflict.<sup>18</sup> Ten days later, some say under pressure from the military, he seemed to cast doubt on the figure he had given:

I must say honestly that I am not aware of any information source in Algeria that can tell me with great precision, with a mathematical precision, if there are 30 000, 100 000, or 80 000 or 50 000 victims. I took responsibility for saying 100 000 victims because I took into account every drop of Algerian blood, that is to say all the victims of the national tragedy. I do not think I am taking it too far in estimating that my figure is close to the actual magnitude [...]. 30 000 would probably be sound only if we assumed that the others are not really Algerians.<sup>19</sup>

In January 1998, Western media estimates gave a figure three times higher (75 000 casualties) than the official figures announced at the time.<sup>20</sup> Amnesty International, on the other hand, gave an estimate of 80 000 casualties on 18 November 1997.<sup>21</sup> Yet, about one year earlier, Me Ali Yahia Abdennour, president of the LADDH, had announced an estimate of 190 000 dead since the beginning of the conflict.<sup>22</sup> This figure is close to that given by the dissident military, the Mouvement Algérien des Officiers Libres (MAOL – Algerian

Movement of Free officers), which estimated, in May 1999, that the total casualty figure since the beginning of the conflict was 173 000.<sup>23</sup> Still Darcourt claimed, in April 1996, there had been 300 000 dead according to his sources in unnamed Western intelligence agencies.<sup>24</sup> It therefore follows that quantitative data released by government agencies are under-estimates of the actual figures. It would also be justified to suspect that qualitative data about the victims and alleged perpetrators are also selectively released and distorted.

Given the incompleteness and unreliability of the available data, it might then be legitimate to deny that the indicators we constructed from the aggregated data capture any reality or structure of the terror. One might also doubt the validity and significance of the generalisations inferred from the data.

In our view this position would be too pessimistic and rather unrealistic in terms of accuracy standards and expectations of human rights violation data. Given that complete and precise human rights violation data are notoriously unavailable,<sup>25</sup> we believe our data are good enough, especially since this work is exploratory and does not seek to test stringently a formal theory or even a limited hypothesis. It is also the case that the censoring and counterfeiting propagate into the indicators which can disclose meaningful patterns if supported with proper auxiliary assumptions. As Samuelson and Spierer put it:

Suppression and distortion leave their own evidence in the data – complementary and concomitant. These incomplete or distorted data can be as revealing as what has been suppressed or distorted when viewed within the larger framework of considered inference.<sup>26</sup>

One can further argue that the incompleteness of the data would not jeopardise the public education aim of this work if proper care is taken to point out doubts where appropriate. Samuelson and Spierer suggest that ‘incomplete or distorted data can be the basis for a suspicion of human rights violations, or it can be objective support for unconfirmable or unconfirmed reports.’<sup>27</sup>

A more differentiated evaluation of the data distortion provides more specific reasons to justify this exercise. One can discriminate the data about the massacres into three categories: event information, victim information, and alleged perpetrator information. The event information encompasses data about the type of event, the reported date, duration and location of its occurrence, the body count and number of injured, and other crime scene details. The victim information includes details such as names, age, sex, family, socio-economic background, employment, organisational affiliations and political allegiances. The alleged perpetrator information is about the reported appearance of the attackers, their number, means of transport, weapons, modus operandi,

conversations between them and with their victims, and details like their arrest data if any etc. Once these distinctions are made, one sees that qualifying the data as distorted does not entail that these three information domains are equally affected. For instance the event information is less problematic than the alleged perpetrator data which have significantly higher propaganda utility. Despite its incompleteness and distortion, our event information does not involve situations where massacres are included when none are present. Spurious artefacts do not contaminate this data and the uncertainty has a boundary and a specific direction. Such is not the case for the alleged perpetrator information where, for instance, the identities of the perpetrators vary substantially, and often contradict each other, depending on the nature of the source of information.

It follows that if one does not imply greater precision than actually exists in the quantitative event data and provided that one interprets the corresponding indicators with careful attention to the context, this exercise would be meaningful. For the alleged perpetrator data, no statistical analysis will therefore be attempted and we shall restrict ourselves to the less ambitious but still useful task of reporting all the conflicting allegations and their sources.

Of course, we did make sure that all the data presented were transcribed and tabulated correctly. The reader will find two comprehensive tables in the appendix to verify that such is the case. These summary tables are also made public to submit our statistics to scrutiny and demonstrate their reproducibility.

### **3.The Anatomy of the Massacres**

The units of analysis we focus on here are the massacre events. Massacres are defined here as victimisation episodes where a number of unresisting civilians are killed randomly.<sup>A</sup>

We distinguish between two types of massacres. Massacres of the SMV type are random victimisations within selective sub-groups of the civilian population as in the wanton killing of all the male, female, young and old members of selected families in a particular village or in the indiscriminate slaughter of all the inhabitants of a village singled out in a given area. Here the degree of discrimination in the selection of the target is high. In addition to the elimina-

<sup>A</sup> There are conflicting etymologies for this word. Various Latin words have been suggested as possible origins: 'macele' or 'macrece' (slaughter-house), 'mattenculare' (instance of killing by blows), 'macellum' (butcher-shop) and 'scramasaxus' (large knife). Some French dictionaries suggest massacre (in French) derives from the German words 'metzger' (to slaughter cattle) and 'metzger' (butcher).

tion of the victims, they produce terror and influence the political behaviour of the direct identification groups of the victims, i.e. their closely related groups. In this case these are specific sub-groups of the population. The list of such episodes where at least 5 unresisting civilians were killed in a single event is given in table A in the appendix. The events are listed in geographic and chronological orders. For the massacres for which the reports quantify the deaths as 'more than  $N_{\text{victims}}$ ', where  $N_{\text{victims}}$  is the given number of victims reported, we write ' $>N_{\text{victims}}$ ' in the deaths column of the table but use the value ' $N_{\text{victims}}+1$ ' in the calculations.

Massacres of the RMV kind refer to the random mass killings of people belonging to random sub-groups of the population as in the bombings of public places or in the indiscriminate machine-gunning or slaughter of car or bus passengers at roadblocks. These involve a low degree of discrimination in the selection of the human targets. They produce anxiety, disorientation, and shifts in political attitudes in a wider direct identification group of the victims which, in this case, includes any member of the public. The list of such events in which at least 1 person is killed is given in table B in the appendix. The killings are listed in geographic and chronological orders. The reason why we also included events involving only one death is because the public location of the bombing aimed at killing more than one person and it is the case that often the injured succumb to their wounds but the figures are never updated in the news reports. We did not include bombing events where no death occurred. For instance two bombings in Médéa, one on 5 November 1998 and the other on 25 November of the same year, were reported to have caused 21 and 42 injured, respectively, but no deaths; we did not include such events in our sample.

Table C in the appendix lists mass graves recently reported, and table D gives cases of selective mass killings of foreign nationals. The events in both tables are for the record only and will not be included in the calculations and analysis.

Section 3.1 discusses the magnitudes of the massacres and their frequencies. In section 3.2 we examine the time fluctuations of the number of occurrences of massacres of the SMV and RMV types. Section 3.3 is devoted to a study of the geography of the massacres; we look at the district and borough distributions, at the political, military, and economic geographies, and zoom onto the micro-geographies of a few SMV massacre sites.

### 3.1. Magnitudes and Frequencies of the Massacres

Figure 1 displays the numbers of SMV events by death group at a national level for the period 1992-1998. The numbers are calculated from table A in the appendix. We find that there are altogether 339 mass killings with at least 5 deaths per event.

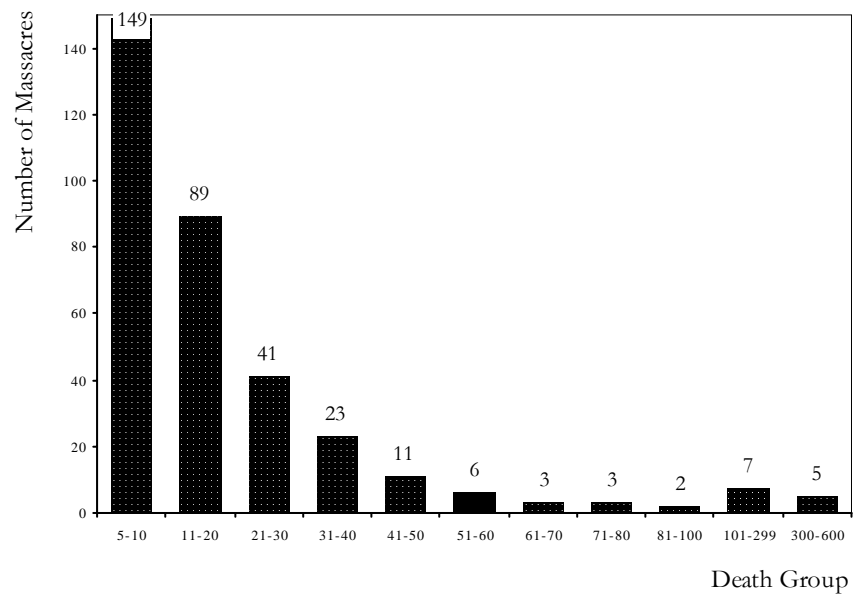


Figure 1: Frequencies of SMV Events by Death Group.

For example there are 12 mass killing episodes causing more than 100 deaths per massacre and 101 atrocities with more than 20 deaths per event. The frequencies of the massacres change with their magnitudes as indicated in the figure. For death groups of up to 80 deaths per event, the frequencies of the massacres decrease with increasing death group. Beyond this kill-ratio, this proportional relation breaks down. For example there are more atrocities with at least 100 deaths per episode than massacres with a 81-100 kill-ratio per event.

The frequencies of the random mass killings by death group nationally, for the same period, are given in figure 2. The frequencies are obtained from table B in the appendix. We count a total of 283 such atrocities. For instance there are 66 RMV events with more than 10 people murdered per atrocity.

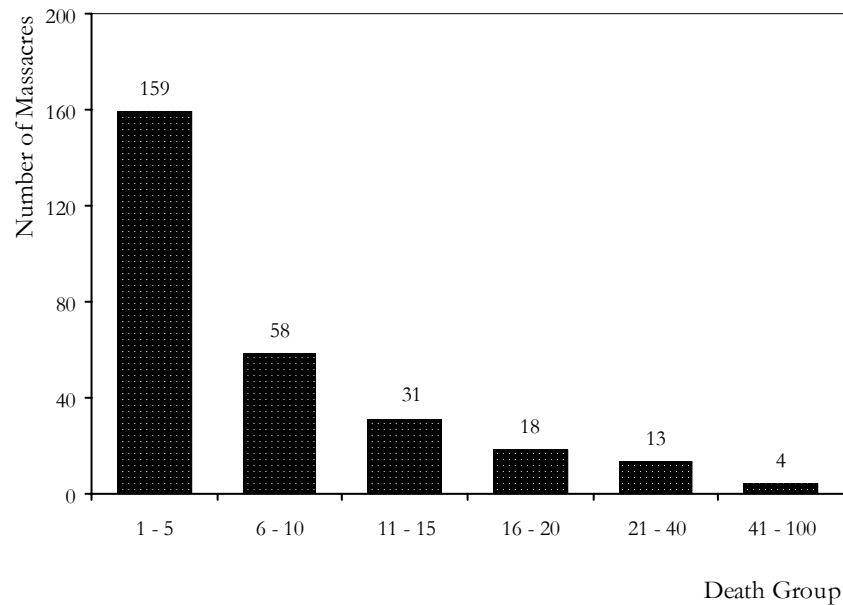


Figure 2: Frequencies of RMV Events by Death Group.

### 3.2. Time Evolution of the Massacres

We first look at the changes in the number of the SMV events over time to find out about the frequencies of their occurrence and search for trends. The fluctuations of the RMV events are discussed next, in section 3.2.2. A cross-comparison of the trends of the two types of massacres concludes our analysis of their time structure, in section 3.2.3.

#### 3.2.1. Time Fluctuation of the SMV Episodes

Figure 3 shows the annual fluctuation of the number of SMV massacres nationally from 1992 to 1998. The year 1997 stands out as the year of the greatest mass terror. Both 1994 and 1997 appear as peaks in terror preceded and followed with a lower massacre activity.

The peak of 1994 could be spurious because of the uncertainties due to the incompleteness of the data up to 1995 but the 1997 peak is so prominent that it seems unlikely to disappear if the data were corrected for incompleteness and distortion. Figure 4 gives the annual fluctuation of the number of selective mass killings nationally, from 1992 to 1998, for various groups of the number of deaths per episode. The double peak structure around 1994 and 1997 does occur for all the death groups.

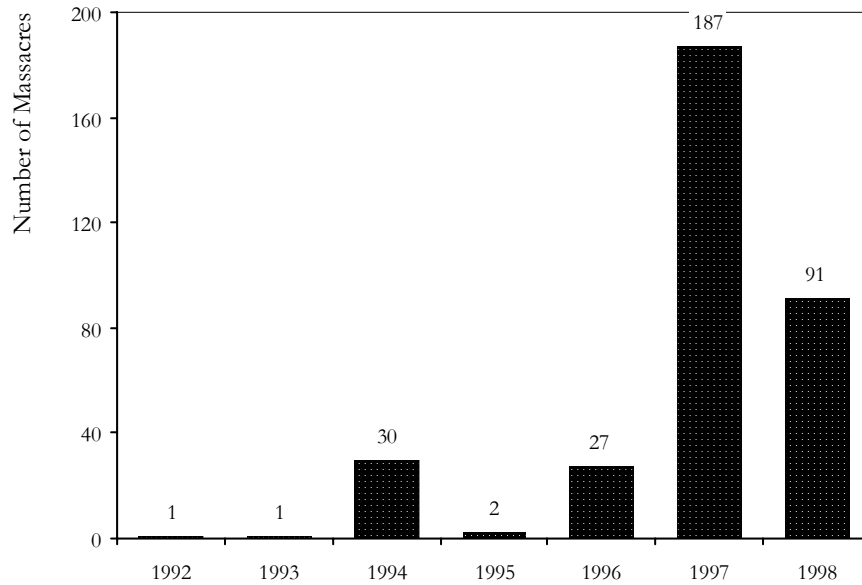


Figure 3: Annual Fluctuations of SMV Events 1992-1998.

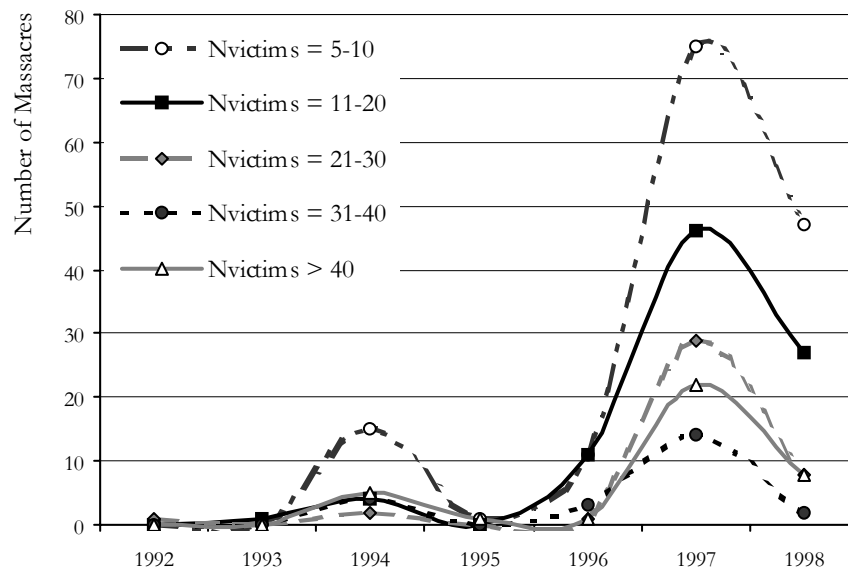


Figure 4: Annual Fluctuations of SMV Events by Death Group.



We checked that these structures are not some spurious additive effects by also looking at the annual fluctuations at a district, rather than national, level. Figure 5 gives the annual fluctuations of the selective mass killings in the Algiers, Blida and Médéa districts. They are chosen for being the most affected districts. An analogous structure results in the three cases.

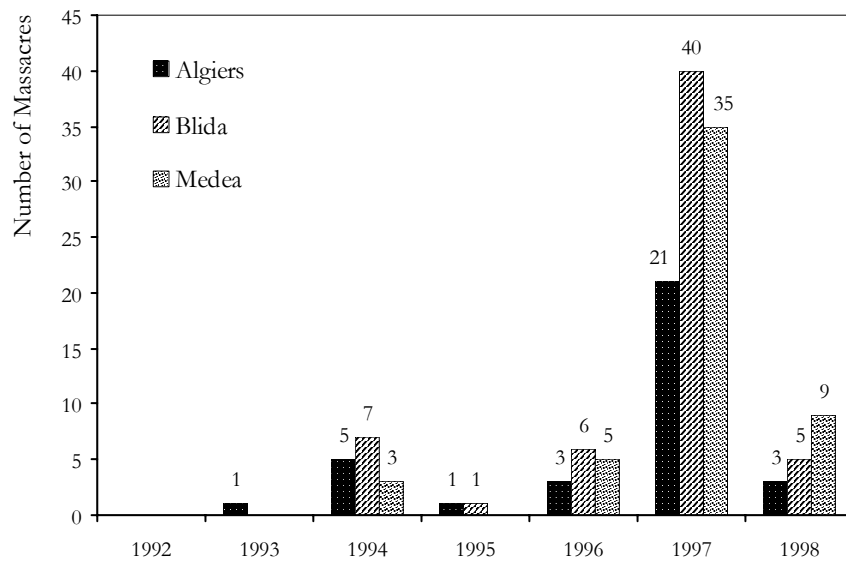


Figure 5: Annual Fluctuations of SMV Events in Algiers, Blida and Médéa.

In order to analyse more finely the time structure of the massacre activity, we focus on its monthly fluctuations around these two peaks. Figure 6 displays the monthly variations of the massacres from November 93 up to January 95 and figure 7 covers the period from April 96 to December 98, both at a national level.

Figure 6 reveals a fluctuating massacre activity with 3 peaks centred around March and April 94, September 94, and November 94, respectively.

One can suggest some of the concomitant political events that may have significance in interpreting these features. The criteria we used to select the relevant political events are basic. We chose the publicly accessible events indicative of i) political or military processes associated with the military as an institution prosecuting a low intensity war and as an unstable coalition of two rival factions, the ‘conciliators’ and ‘eradicators’ groupings of officers strug-

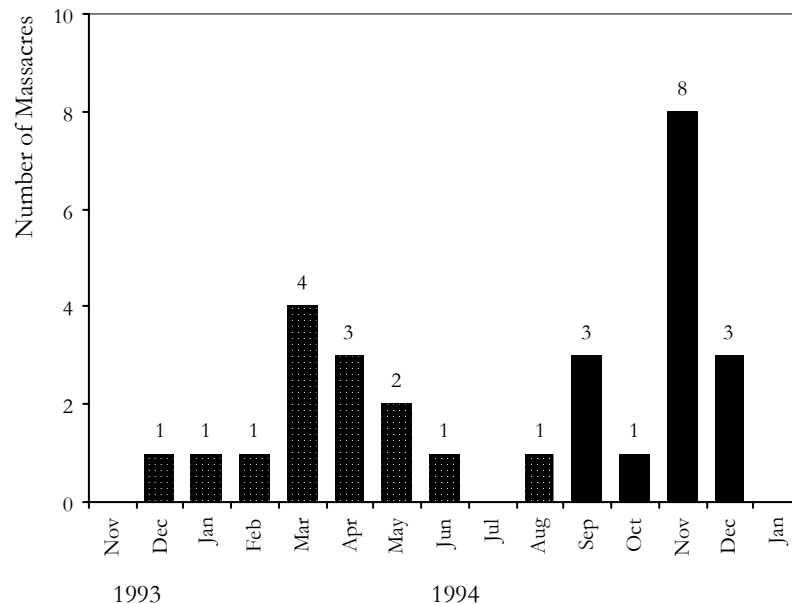


Figure 6: Monthly Fluctuations of SMV Events Nov.93-Jan.95.

gling for domination of the military institution and the political system<sup>B</sup>; ii) political or military processes associated with the competing armed insurgent groups carrying a guerrilla war against the incumbent regime; iii) significant institutional and opposition political activities; iv) statements and positions of France and the US for their strongest influence and involvement in the crisis, and, to a lesser extent, of the UN and Europe. Only poorly disseminated facts were referred to their sources. All the remaining facts and statements will be found in the rich chronology of political events and statements available in the *Troubles* Internet journal.<sup>28</sup>

November 93 saw the Haut Comité d'Etat<sup>29</sup> announce the holding of a 'National Reconciliation Conference' in January 94 to achieve a consensus, with all opposition parties, on the nature of the governing body to succeed it at the end of its mandate. A large repressive operation against Islamists in France

<sup>B</sup> In the Algerian context, the 'conciliators' refers to the officers who believe in a more political approach to the conflict whereas the 'eradicators' denotes the body of officers who have a total war approach to the conflict and who seek the complete elimination of the insurgents. Even though this distinction between the factions is unsound, because the factional divisions date back to the war of liberation and are determined by other causes (orientation of training, regional ties and competition for appropriation of the oil rent), these terms will be used for simplicity. Algerians also term political parties and newspapers 'eradicator'/'conciliators' depending on their approach to the conflict and on the military faction they act as clients for.

(88 arrests) and ten death sentences by the 'special' courts of Algiers also take place in this month. The 'National Reconciliation Conference' is held on 25 and 26 January 94. The Islamic Salvation Front (often known by its French acronym FIS) is not invited and the major political parties consecrated at the December 91 legislative elections boycott the event for its lack of representativeness and inclusiveness. General Zeroual, appointed defence minister earlier in July 93, is decreed president of the state on January 31. Alain Juppé, the French foreign minister, declares that the 'FIS access to power' is not 'in the interest of Algeria nor that of France'.

The first peak in the massacre activity is preceded by president-general Zeroual's announcement of his intention to pursue a policy of dialogue inclusive of the FIS, and the release of two members of the FIS leadership in February 94. During this month the Groupe Islamique Armé (GIA) claims the killing of 70 members of its rival Mouvement Islamique Armé (MIA) guerrilla group and its leader, Sid Ahmed Mourad, is killed. In March 94, 'eradicator' newspapers (*El Watan, Le Matin, Liberté, Al-Khabar*) campaign against the release of the two FIS leaders, and 'eradicator' political figures and parties (Redha Malek, the RCD<sup>30</sup> and Ettahadi<sup>31</sup> etc.) organise marches and demonstrations calling for a halt to contacts with the FIS. About 1000 Islamist political prisoners escape from the Tazoult prison. General Lamari, one of the most hawkish generals in the 'eradicator' faction of the army, launches the 'total war' policy through a wide offensive in urban and rural areas sympathetic to the FIS. Another significant event is the holding of a conclave of senior military officers from both the 'eradicator' and 'conciliator' factions.<sup>32</sup> At the end of this month, Zeroual's dialogue initiative founders.

A reordering of personnel in government and the army takes place in April and May 94. The 'conciliator' faction of the army is strengthened in government; the overall balance of power in the army is still in favour of the 'eradicator' faction but the 'conciliator' faction gains the control of many military districts including Oran and Constantine. On the insurgent scene, a number of armed groups and some political figures of the FIS unite under the GIA on May 13. In July 94, the creation of the Armée Islamique du Salut (AIS), an armed wing loyal to the FIS, is officially announced.

Foregoing the next increase in massacre activity, Ali Belhadj, deputy leader of FIS, sends a letter about dialogue to general Zeroual, in July 94. Generals from both factions sit in an acrimonious conclave to discuss the war policy to pursue, and Zeroual announces a new initiative for a national dialogue inclusive of FIS. In August 94, Mokdad Sifi – Zeroual's prime-minister – reiterates the government search for dialogue and Abbassi Madani, the FIS leader, sends

two letters to Zeroual. The GIA assaults a residence of the French embassy in Algiers and, in a statement seeking to thwart the FIS initiative for dialogue, announces the creation of 'an Islamic Caliphate'; Said Mekhloufi, who had united with the GIA in May 94, responds by withdrawing from the shura council of the GIA. French foreign minister Juppé visits Algeria.

The September 94 rise in massacres concurs with i) the release of Abbassi Madani and Ali Belhadj, from prison to house arrest, and their meeting with government negotiators; ii) the resignation of minister Mrs Aslaoui in protest at these releases; iii) the 'eradicator' press and parties attacks on the dialogue initiative as 'unilateral concessions', a 'deal against democracy' with a party with 'no control over the armed groups'; iv) the GIA condemnation of the initiative, re-statement of its 'neither reconciliation, nor truce, nor dialogue' motto, and the killing of its leader, Cherif Gousmi. Alain Juppé declares that 'Algeria needs a dialogue between all political forces which renounce violence'.

In October 94 the number of massacres subsides. At the end of October general Zeroual announces the cessation of the dialogue initiative. In November 94, a conference for national dialogue, hosted by the catholic community of Sant'Egidio, gathers the main opposition parties (the FIS, FLN<sup>33</sup>, FFS<sup>34</sup>, MDA<sup>35</sup>, PT<sup>36</sup> and MN<sup>37</sup>) and the president of the LADDH. The event draws strong criticism from the regime. The massacre activity increases during this month.

We now turn to the monthly variations in the number of SMV events from April 1996 to December 1998. This is shown in figure 7. The prominent feature of this massacre activity is its wave character. We observe *waves* of massacres with periods of reduced activity in between.

From August 96 up to July 97 the peaks in the massacre activity increase gradually in intensity, from 2 to 21 massacres per month. In August and October 97 their intensity suddenly rises to more than twice the intensities registered earlier in the year. In the year 1998 the highest peak occurs in January and is of similar intensity to that found in August 97. These are the three most intense eruptions of terror throughout this period. The amplitudes of the oscillations and the peaks in the massacre waves of 1998 are on average smaller than those found in 1997. It is not just the peak intensities that distinguish the regime of atrocities between June 97 and March 98 from the terror waves that precede and follow this span. The duration of the two most intense waves of terror are longer than those observed in the earlier and subsequent cycles of massacres. One way of quantifying the duration of the waves is to use the concept of 'lifetime'. If one defines the lifetime of a massacre wave as the full

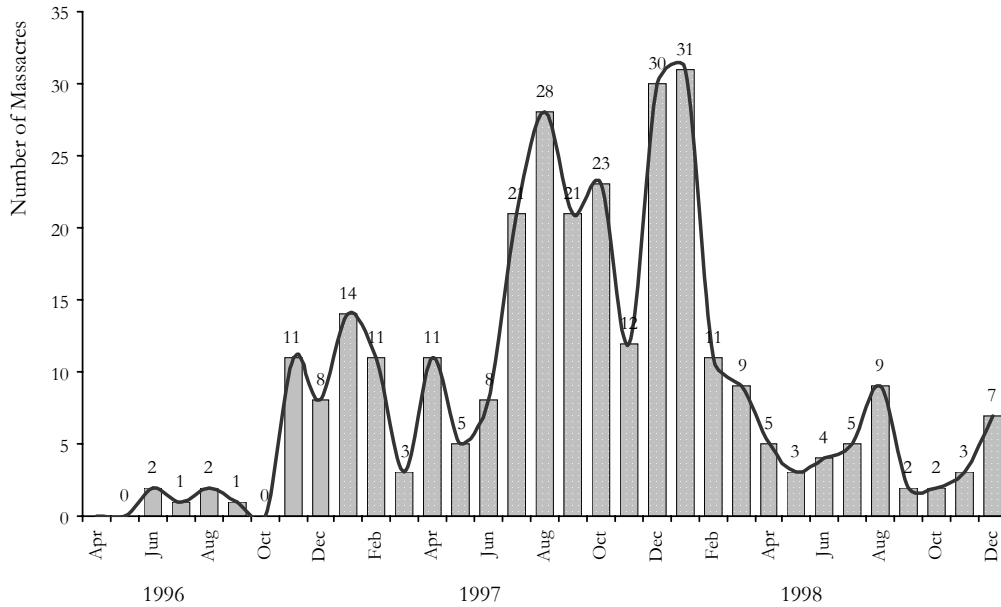


Figure 7: Monthly Fluctuation of SMV Events Apr.96-Dec.98.

width at half maximum of the massacre activity peak, the lifetime of the one in the autumn of 1997 is about 4 months while that of the terror wave which peaked in January 1998 is about 2.5 months. The massacre waves that peaked in January 1997 and August 1998 had the same lifetime of about 2 months while the trains of atrocities that peaked in August and November 1996, and April 1997 had a similar lifetime of about one month.

Figure 8 presents now these monthly fluctuations for various death groups. The sum of all these curves yields the profile in figure 7.

The purpose of analysing the massacre activity into components of differing magnitudes is to look for similarities and distinctions in their regimes of perpetration. We observe that the massacre activities have a wave character for all death groups. Another striking feature is that the highest peaks in the activities occur between June 97 and March 98 for all the magnitudes of the massacres. Note also that the lifetimes of the bursts of terror in this period are longer (by a factor ranging from 1.5 to 3) than those of the waves of massacres registered preceding, and subsequent to, the June 1997-March 1998 period. Except in January, April and December 97 and in December 1998 where all the maxima are synchronous, the maxima of the waves of massacres in figure 8 are not always all synchronous. The activities register a drop simultaneously in March, May and November 97 and in February 98. It should also be noted that

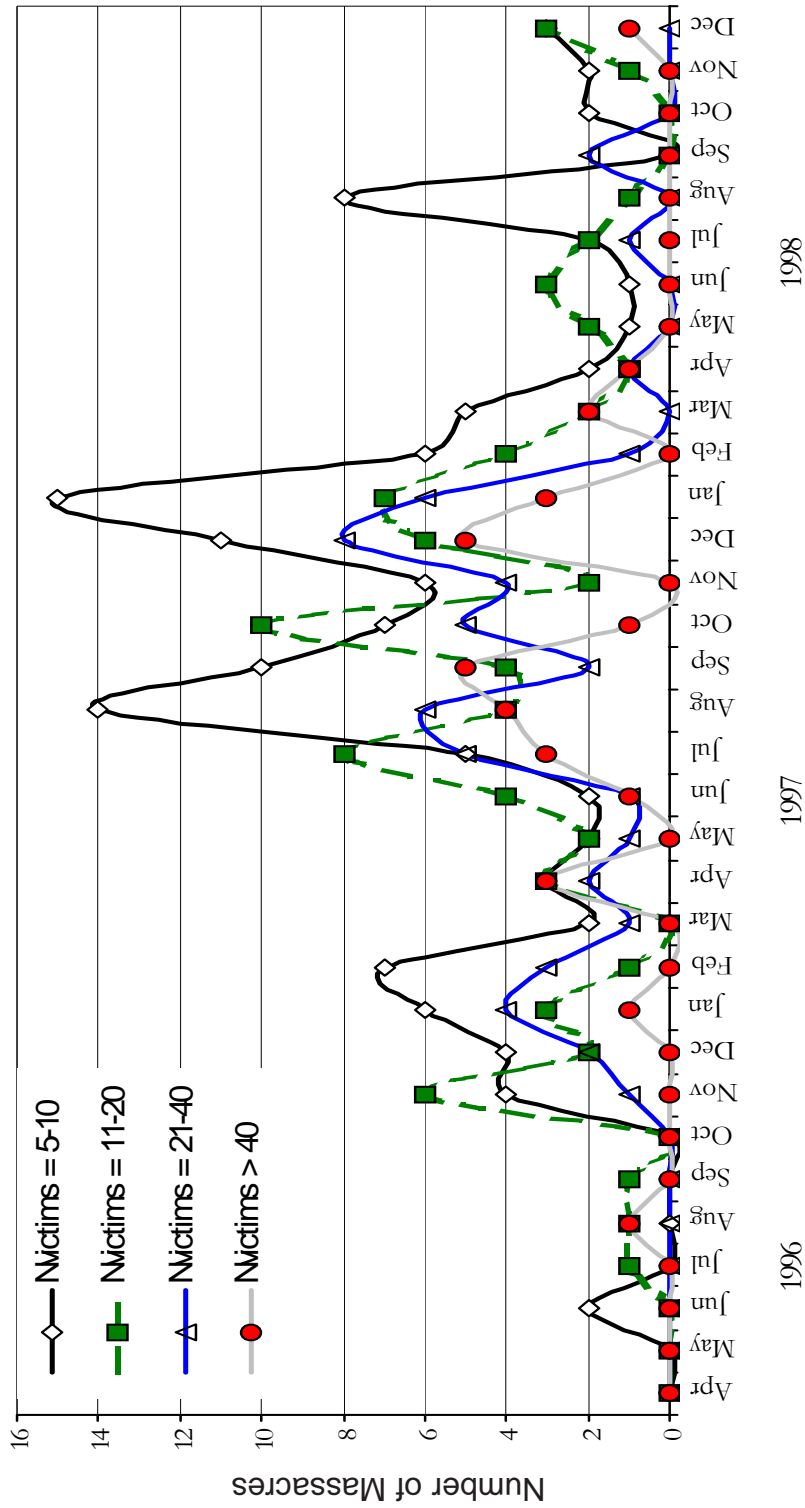


Figure 8: Monthly Fluctuations of SMV Events by Death Group Apr.96-Dec.98.

for massacres with more than 40 deaths per episode the activity goes to zero during lulls whereas for massacres with less than 40 deaths per event there is an uninterrupted background of mass killings.

This salient wave character observed in the massacre activity may well not be just some spurious property. In a study of the ways in which political agencies misuse psychological knowledge, Merloo identifies ‘well-applied waves of terror’ as ‘the best recipes for terrorising people into co-operation and collaboration’. He writes:

Totalitarian strategy in its tactical description of the techniques of mass intimidation and collective control discovered that the arousing of simple panic, fear and terror do not suffice. Too great a mental pressure exerted over a long period of time loses its frightening impact and often stirs rebellion and critical resistance in the people, militating against the final aim of producing obedient automatic thought machines out of human beings.

In order to better reach its goals, the more scientific strategy makes use of *waves of terror* ‘with in-between periods of relative calm and freedom’ – the so-called ‘*breathing spell*’, (*peredishka*). These intervals of relative freedom and lack of overt tensions can be used to much better advantage for political persuasion and mass hypnosis provided some new wave of terror is anticipated. It is completely comparable with the patient in hypnotherapy who becomes easier to hypnotise at every session. The alternation of terror and breathing spell, for example, the alternation of a cold war of hatred with the opposite propaganda for harmonious, peaceful coexistence, can gradually cause confusion and increased anxious anticipation in people.<sup>38</sup>

Another reason to believe that the wave character shown in figure 7 is not some spurious artefact is that the monthly fluctuations of the number of victims of selective mass killings present the same wave structure. The timing, intensities and lifetimes of the peaks (see figure 31 in section 4.2) coincide with those found in figure 7. The RMV activity also displays the same phenomenon; this will be shown in section 3.2.2.

We now list some of the concurrent political events and statements which may be relevant in the interpretation of these structures in the massacre activity.

April 96 sees the effective dismantlement of the then main armed opposition force (GIA) as companies and squads break away from it when they realise the movement has been taken over and turned into a fully fledged counter-guerrilla force by the DRS, and run ostensibly by Djamel Zitouni.<sup>C</sup> The GIA

<sup>C</sup> From November 1995 till April 1996, a large number of defecting companies, platoons and sections issued communiqués denouncing the take-over of the GIA by Djamel Zitouni (described as a double agent), and other intelligence and army officers, the ‘treacherous killings of hundreds of the best political and military cadres’ of the armed movement by the new leadership, and the policy of ‘oppression and killings of civilians’ pursued by ‘the putschist leaders’.

fell under the total control of the army in November 95, the same month in which Zeroual was elected president, in a special take-over operation involving the killings of hundreds of its political and military leaders and cadres.<sup>D</sup>

At the end of this month the seven Trappist monks at the Tibherine monastery are kidnapped by the GIA and murdered later in May 96; protest demonstrations are organised in Paris. During this month the government announces its plan of holding legislative elections in the first semester of 97.

In June 96, General Fodhil Saidi, an *éminence grise* of the 'conciliator' faction, is killed a day before his appointment as head of Zeroual's defence cabinet. In July 96 a new armed opposition group, the Mouvement Islamique de la Dawa et du Djihad (MIDD) announces its creation and declares its 'rejection of any compromise with the regime in place'. It 'condemns the massacres' and 'denounces the GIA as a group under the control of the military intelligence'. Djamel Zitouni, leader of the GIA, is reportedly killed and replaced by Antar Zouabri. At the end of this month, a G7 ministerial conference on terrorism is held in Paris and calls for a 'total war' against terrorism and 'reinforcing international co-operation to fight against terrorism'; a day later Pierre Claverie, the bishop of Oran, is murdered in a remote control car-bombing. French foreign minister Hervé de Charette makes an official visit to Algeria.

The August 96 increase in massacres coincides with president Zeroual's intensification of cross-party consultations, started in mid-July, for preparing a national conference and dialogue. In September 96 president Zeroual leads a three-day conference on 'national understanding' that excludes the FIS and the FFS, and in October he declares that 'the FIS case is closed'. The AIS issues a communiqué declaring its 'will to pursue the armed struggle', its 'disposition to negotiate' and denounces the GIA as 'criminal and deviant groups in the pay of the eradicators in the military'.

These events precede the November 1996 peak in the massacre activity. It concurs with the holding of a national referendum on a new constitution that grants wider and greater powers to the president, and a conference of the opposition (FIS, FFS, MDA, PT and the LADDH) in Brussels denouncing it as 'institutionalisation of dictatorship' and 'incapable of bringing peace'. This conference initiates a 'call for peace' campaign.

In December 96 the number of massacres diminishes by 3 units; opposition parties denounce the fraud in the referendum and the government bans a

<sup>D</sup> In October 1995, a month before the multi-candidate presidential election, the GIA had stepped up attacks against the AIS and claimed responsibility for two bombings (October 6 and 17) in the Paris metro.



protest demonstration called for by the FFS. The European parliament calls for a true democratic pluralism, and a more political approach, respect for the rule of law and freedom of expression in combating fundamentalism. The Algerian regime denounces the resolution as ‘unacceptable interference’ in its internal affairs. Paris is the target of an unclaimed bomb attack alleged to be the work of the GIA according to the Algerian paper *Le Matin*. French president Chirac defends France’s policy of support to the Algerian regime: ‘If Algeria were to be isolated the worst should be feared, chaos would lie in wait for this country, and this would be an irresponsible attitude’.

In January 97 the mass killings intensify again. General Zeroual blames the massacres on ‘terrorists’ (the official denotation of Islamist insurgents) who, ‘because of their defeat, pour all their hatred out today and commit criminal acts against innocent civilians.’<sup>39</sup> Madani Mezerag, the commander-in-chief of the AIS, issues a statement declaring that ‘the regime and its militias from the wretched bandits commit massacres inflicted on unarmed innocent people and accuse the mujahideen.’<sup>40</sup> A conclave of senior military officers from the ‘eradicator’ and ‘conciliator’ factions debates the choice of a political party to act as the main vehicle of the army at the next legislative elections. Abdelhaq Benhamouda, a labour union leader under the patronage of the ‘conciliator’ faction of the army, announces his intention of creating a ‘centrist party’ and criticises the anti-dialogist positions of parties (RCD, ANR<sup>41</sup> and Ettahadi) allied to the ‘eradicator’ faction of the army. He is assassinated some days later.<sup>42</sup> President Zeroual escapes an assassination attempt.<sup>43</sup> The FFS criticises France’s policy of support of the eradicators as hostage to commercial and intelligence lobbies and calls on the US to mediate in the conflict. A spokesman for the French ministry of foreign affairs responds by condemning ‘violence from all sides whatever its motivations’ and rejecting the idea of American mediation: ‘the problems of Algeria are Algerian problems that must be solved by Algerians with Algerian solutions’. Communist party leader Francis Wurtz calls for ‘a stronger commitment of France’ to fight ‘fundamentalist terrorism’. Socialist Lionel Jospin declares that ‘no one acts in Europe because France does not act’ and ‘France must break the taboo’ and says ‘we are not ready to support the Algerian power [*le pouvoir*] whatever it does’. Former French president Valéry Giscard d’Estaing calls for ‘a democratic and peaceful solution’ and the participation of ‘all Algerian political forces’ at the next legislative elections. Security forces prevent the holding of a rally for peace and dialogue.

February 97 registers a relative drop in the massacre activity. The National Rally for Democracy (RND), regarded as a political vehicle of the army, is created. A new Islamic armed organisation, La Ligue Islamique de la Dawa et

Djihad (LIDD) announces its creation and publishes its charter of principles. Hervé de Charette reasserts that ‘the orientations of France’s policy towards Algeria are unchanged’.

In March 97 there is a further decrease in the number of massacres, new electoral laws are decreed by the army-appointed Conseil National de Transition (CNT) and Zeroual announces the holding of legislative elections for June 97. Ahmed Abou El Fida, leader of the urban-based Front Islamique du Djihad Armé (FIDA), is killed. New regulations are decreed to control the more than 100 000-strong armed militia force. The FFS and FIS call for a negotiated solution to the conflict.

April 97 records another intense wave of massacres. Government spokesmen and media condemn the perpetrators whom they identify as ‘terrorists’, ‘Islamist rebels’ and ‘rabid beasts’. The banned FIS issues a communiqué that condemns ‘these inhuman acts’, puts ‘responsibility for these massacres on the shoulders of the putschists’, and asks ‘the international human rights organisations to send urgently a commission of inquiry to establish those responsible for these crimes.’<sup>744</sup>

Opposition parties (FIS, FFS, PT and MN) meet in Madrid at a conference organised by Spanish NGOs and call for dialogue and peace in Algeria. The new French ambassador to Algeria, Gaillardin, declares his wish is to establish ‘an atmosphere of confidence and friendship’ between ‘Algeria and France’.

In May 97 the mass terror subsides slightly. Zeroual dissolves the CNT and promises the elimination of armed opposition groups and tight security in the June legislative elections.

The massacre activity increases by 3 units in June 97. During this month the legislative elections are held and largely won by the three month-old RND party. The FFS, PT, MN and MSP<sup>45</sup> parties denounce the ‘massive rigging of the elections’. The RND-dominated government is formed and Abdelkader Hachani, the third senior leader of FIS, is released from detention after his arrest in January 92. Lionel Jospin becomes the new prime-minister of France.

In July 97 the number of massacres rises sharply. The onset of this wave of massacres with the largest lifetime (about 4 months) occurs in parallel with the conditional release of Abbassi Madani, a move welcomed by ‘conciliator’ parties and strongly criticised by the ‘eradicator’ parties and press as a ‘unilateral concession’ and ‘compromise’. Zeroual dismisses ‘eradicator’ general Abbas Ghezaiel from the command of the Gendarmerie Nationale and replaces him with ‘conciliator’ general Tayeb Derradji. No promotions to the rank of gen-

eral and general-major are announced on the anniversary of independence as the ‘eradicator’ and ‘conciliator’ factions are reportedly deadlocked over the joint list of promotions. The new government announces local elections for 23 October 1997. Hubert Védrine, the new foreign minister of France, visits Algeria.

August 97 registers a further exacerbation in the massacre activity which captures international attention. International condemnations of the massacres get louder and Kofi Annan asks the Algerian government and the opposition to pursue political dialogue. Abbassi Madani responds willingly and gets reprimanded and warned by the interior minister. Zeroual calls the nation to wage a ‘relentless struggle against terrorism’.

In September 97 the cycle of massacres continues with a slight drop in intensity. The massacre activity is the same as that reported in August. Abbassi Madani is re-assigned to house arrest. The AIS declares a unilateral truce effective from October 1 ‘to expose the real perpetrators of the massacres to the world’. On the army scene, ‘eradicator’ general Khaled Nezzar returns abruptly from medical treatment in the US to attend a stormy conclave of senior military officers from both rival factions. The reported issues of contention are peace negotiations with the FIS and the command and control of the now 200 000 strong militia force. A first and unusual public statement of support to Zeroual by US ambassador Ronald Neuman is widely read as staving off a coup attempt by the chief of staff, general-major Lamari, because the US is regarded as the foreign patron of the ‘conciliator’ faction and France is seen as the foreign patron of the ‘eradicator’ faction. Hubert Védrine declares that ‘the upsurge of violence seems to be the response of Islamists to any compromise with the Algerian government’ and likens it to the ‘extremely cruel war’ of the Organisation de l’Armée Secrète (OAS) in 1962. He also states that an international action to stop the violence is ‘difficult to conceive except if it is wished or demanded by this or that party in the conflict’. Prime-minister Lionel Jospin declares that France cannot intervene in a ‘conflict where it is extremely difficult to identify what goes on’ and ‘where a fanatical and violent opposition [struggles] against *un pouvoir* which uses violence and the power of the state in a certain way’. The European Union condemns the wave of massacres and Madeleine Albright and Hubert Védrine ‘discuss’ the Algerian crisis. Prime-minister Ouyahia restates the impossibility of dialogue with FIS.

Figures 7 and 8 show that the massacres in October 1997 are structurally part of the *same* train of atrocities ignited in July 97 (figure 31 in section 4.2 shows it more clearly). Prime-minister Ahmed Ouyahia reiterates his usual de-

scription of the massacres as 'desperate acts' of 'criminals, traitors and mercenaries' against 'a population which has stood up to terrorism.'<sup>46</sup> The FIS blames the atrocities on 'the military junta' and alleges that 'the massacres constitute another conspiracy to eradicate families from working class districts who voted for the FIS, and to spread terror in the ranks of undecided people in preparation for the next electoral masquerade.'<sup>47</sup> This month records a further aggravation in the massacre activity. Zeroual denies the existence of secret negotiations with the FIS and divisions within the army. Many reports explain Zeroual's statement as indicating that the 'eradicator' faction outmanoeuvred its 'conciliator' rival by negotiating a truce directly with the AIS instead of the FIS political leadership. The LIDD and FIDA armed organisations announce their rallying around the unilateral truce decreed by the AIS. General Fodhil Cherif, head of the anti-terrorist special forces, takes the unprecedented step of publicly criticising the incompetence of the Gendarmerie Nationale, now controlled by 'conciliator' general Tayeb Derradji. General Said Bey, an 'eradicator' general in control of the 1st military district where most of the massacres are taking place, is dismissed and replaced by 'conciliator' general Rabah Boughaba. Local elections are held and won overwhelmingly by the presidential party, the RND. Political parties denounce 'massive riggings of the elections'. The FIS and the FFS appeal to the international community to exert pressure on the Algeria regime. Amnesty International and Human Rights Watch call on the United Nations to act on the human rights situation in Algeria. Foreign minister Ahmed Attaf declares that Algeria rejects 'in a categorical and definitive way' France's position aimed at 'inciting and encouraging interference' in its internal affairs. *Le Nouvel Observateur*, a French weekly, reveals that France had tested chemical weapons in a secret base (B2-Namous) in Algeria until 1978 in accordance with a secret clause in the Evian agreements. This is denied by Ahmed Attaf who denounces France's new attempt 'to sow doubt about the personality of Boumediene, the symbol of patriotism and national unity.'

November 97 registers a diminution in the massacre activity. All parties with the exception of the RND continue denouncing the 'massive rigging' of the ballots and organise protest rallies. The movement of protest breaks down and the government announces the holding of elections for the Senate on 25 December 1997.

In December 97 the number of massacres shoots up again to more than twice its November level. This coincides with the holding of elections to the Senate for two thirds of the seats, the remaining seats being directly appointed by Zeroual. 80 out of the 96 seats in the Senate are held by RND affiliated Senators.

In January 98 the population sustains a further intensification in the atrocities. The activity rises to its highest level in the mass terror campaign. Ex-minister Aslaoui imputes the massacres to the 'logic of despair' of the 'Islamist terrorists'.<sup>48</sup> Government and French media blame them on 'Islamist terrorism' and highlight the concomitance of this upsurge in mass killings with 'the start of the month of Ramadhan' as evidence. The FIS condemns the atrocities it ascribes to 'the military regime' and calls for 'an international commission of inquiry and a credible and independent national one to get at the truth of the massacres being committed for so many long months'.<sup>49</sup> World wide condemnations (Europe, the US, some Arab countries, the UN and the OIC) and some calls for an international inquiry into the killings respond in unison and loudly to this latest wave of atrocities. The US State Department first calls for 'an international inquiry to shed lights' on the massacres but, later in the month, alleges that the GIA is responsible for 'most of the atrocities' and reminds the Algerian government of its obligation to protect the civilian population. The European Union demands the sending of a mission to Algeria to find a way of stopping the massacres and to persuade the government to accept the visit of the UN special rapporteur on human rights. Government spokesmen initially reject these international statements as 'interference in Algeria's sovereignty' and 'an enterprise to absolve terrorism' and call on European countries to cease their 'duplicitous politics towards terrorist networks identified in Europe.' The government later agrees to the visit of the European troika delegation of ministers from Austria, Luxembourg and the United Kingdom. Abdelkader Hachani, the FIS number three man, is arrested following an interview on the subject of the responsibility for the massacres with *Le Monde* and *Le Figaro*; he is released later.

February 98 registers a two-third-drop in the massacre activity. A nine member, French-dominated, European parliamentary delegation visits Algeria and declares that 'there is no need for an international commission of inquiry', 'governmental forces are not implicated in the massacres but they are ill-trained and ill-equipped to deal with the mutating forms of terrorism'. It proposes the creation of a 'commission of inquiry on fund raising and support networks of Islamist terrorism in Europe'. The FIS publishes a copy of a letter that was secretly conveyed to the European delegation during the visit; a French delegation member tore it to pieces in a news conference. The letter condemns the massacres, calls for an independent inquiry into the atrocities and questions the role of Europe in its support for a regime of 'shedders of blood and transgressors of honour' to gain 'petty oil and gas concessions'.<sup>50</sup> The government bans a demonstration for 'peace and national reconciliation' called for by the

FFS. The interior ministry summons the political parties to convene conferences to adjust their status and internal regulations with the new laws on the constitution of political parties. A conference on 'French nuclear tests in Algeria' is held and Abdelaziz Sebaa, Foreign ministry spokesman, declares that Algeria is 'entirely disposed to improve and normalise' its relations with France.

In March, April and May 98 the massacre activity decreases successively. Martin Indyk, the deputy US State Secretary for Middle Eastern affairs, visits Algeria, condemns 'the extremists' he holds responsible 'for large scale killings' and calls the government 'to protect its citizens within the rule of law'. Jack Lang, the president of the commission of foreign affairs of the French National Assembly, visits Algeria in March and, referring to the massacres, denounces 'the doubt that has sometimes been entertained about the origins of the criminal acts'. He calls for 'an inquiry commission to be set up at the initiative of European institutions' to establish 'a country by country radiography of the headquarters linked to the GIA, arms trafficking and the transfer of funds to the killers' in order 'to destroy the rear-bases of terrorism'. During this month a large business delegation led by François Perigot, the president of Le Conseil National du Patronat Français, visits Algeria; another commission, this time from the French chamber of commerce, does the same in May. At the G-15 meeting in Cairo and at the meeting of the interior ministers of the Western Mediterranean in Naples, the regime calls for 'international co-operation to fight terrorism'. Concomitant events at the national level include the reduction of the number of parties from over 50 to about 20 as new laws take effect. The FFS holds a national conference in which it denounces the regime attempt to subvert it from within, 'the parallel attempts of the government to incite the population to arm itself and organise 20 man groups led by security officers' and 'France diplomatic protectorate over Algeria' in international affairs. In mid-April, two 'eradicator' papers, *Liberté* and *El Watan*, publish a series of articles revealing that the militias of Relizane and Jdioua perpetrated massacres and racketeered the local populations. Two militia leaders, Hadj Abed, maire of Jdioua, and Hadj Fergane, maire of Relizane, are personally implicated and arrested. The national TV, under the control of the 'conciliator' faction, responds by a documentary lauding the arrested militia leaders and running militia recruitment adverts. The suspects are released from detention on orders of the justice minister, Mohamed Adami, a client of the 'conciliator' faction. Observers interpret these events as reflecting a power struggle between the 'conciliator' and 'eradicator' factions over the control of the militia forces estimated to number more than 200 000. On May 15 'conciliator' general Mohamed Betchine is elected to the political bureau of the RND, a move

widely regarded as a preliminary step towards announcing his candidacy for the year 2000 presidential elections.

June 98 registers a one-unit increment in the massacre activity. Nourredine Boukrouh, leader of the PRA<sup>51</sup> and client of the military 'eradicators', opens a campaign of attacks published in *El Watan* and *Liberté* on general Mohamed Betchine and president Zeroual describing them as 'corrupt, ignorant and ruthless leaders'. He is summoned before the police 'to substantiate his allegations' and released.

The 'eradicator' press steps up attacks against the arabisation laws coming into effect on July 5. Berber singer Maatoub Lounes, a radical opponent of arabisation and islamisation of Algeria, is assassinated sparking violent riots in *Kabyle* cities and towns. Demonstrators attack government, RND and FLN buildings and many casualties are reported in the clashes with security forces. Large demonstrations are held against the arabisation law and to pay homage to Lounes. President Chirac denounces the 'vile murder' of a man 'who raised high and loudly the voice of Algeria' while Foreign Minister Hubert Védrine condemns the 'terrorist violence which plunges Algeria into mourning once again'.

In July 98 the number of massacres increases by one more unit. On 5 July, *Kabyle* areas observe a 'dead towns' strike instigated by the Berber Cultural Movement (MCB). A group called the Berber Armed Movement (MAB) announces its creation and threatens 'to kill all those who will apply the arabisation laws'. FFS leader Ait-Ahmed imputes the creation of the MAB to the military intelligence (DRS) and alleges that 'following the example of many army-controlled GIAs', it is with 'a Berber GIA' that 'some among the highest authorities are seeking to suppress political life'. A delegation from the commission of Foreign Affairs of the French National Assembly visits Algeria and declares on its return to France that 'Algeria is evolving', 'nothing is simple' and 'any Manichaeism or caricature is a mistake against truth'. A six-member UN delegation arrives in Algeria with a mandate to collect information about the situation in the country.

The massacre intensity exacerbates by 4 units in August 98. This is the highest activity since January 98. The UN delegation leaves Algeria. There are reports of a resumption of army contacts with FIS leader Abbassi Madani.<sup>52</sup> Redha Malek, leader of the ANR and an 'eradicator' advocate and ally, renews attacks on general Betchine condemning 'the anti-constitutional campaign linking general Betchine with national unity and other symbols of the nation'. All the 'eradicator' private press highlights the Ali Bensaad affair, a communist

journalist (now in Germany) wrongfully condemned to death in July 98 for ‘complicity with terrorism’ allegedly under the instigation of general Betchine. A virulent media war subsequently erupts between the ‘eradicator’ private press and that owned by the rival ‘conciliator’ military faction (*L’Authentique, Demain l’Algérie, El Acil*).<sup>E</sup> The RND party retaliates by orchestrating a campaign of messages of support to general Betchine and declaring him ‘an authentic *mujahid*’ and ‘the best possible candidat for the 2000 presidential election’. President Zeroual makes a televised speech in which he restates his will ‘to eradicate terrorism’ and explains that the arabisation law does not intend ‘to isolate Algeria from the rest of the world or to sacrifice the *Amazigh* [Berber] component of the Algerian identity’. This speech is regarded as an appeasement of the ‘eradicators’ and France. Zeroual later makes an African tour and attends the conference of non-aligned countries in South Africa where he makes proposals for an international convention to fight terrorism.

September 98 records a sharp drop in the number of massacres. *Demain L’Algérie* alleges that ‘eradicator’ general Larbi Belkheir created 300 death squads in the early 90s and had been acting as ‘an informer of president François Mitterand’, and makes damaging insinuations about ‘eradicator’ general Khaled Nezzar’s role in the repression. A stormy six-hour conclave is held and the ‘eradicator’ generals are reported to have accused Zeroual of ‘allowing widespread Islamist penetration of state institutions’ and demanded that he sacks general Mohamed Betchine.<sup>53</sup> The UGTA labour union, a para-political body controlled by the military, threatens a national strike. President Zeroual resigns and announces early presidential elections for which he will not stand. The FIS, FFS and LADDH describe the shortening of the presidential mandate as yet another military coup. The chief of staff, ‘eradicator’ general Mohamed Lamari, declares that the early presidential elections in April 1999 will ‘reassert the continuity of democracy and the rule of law’ in Algeria. The UN delegation that visited Algeria in July and August makes the findings of its information mission public. The report is widely regarded as favourable to the regime.<sup>54</sup> Its results are lauded by foreign minister Attaf. Amnesty International and the Federation Internationale des Droits de l’Homme criticise its partiality. Ali Yahia Abdenour, president of the LADDH, condemns it as ‘quietus for the past [state crimes], free rein for the present and a blank cheque for the future’. Former French minister Simone Veil, a member of the UN panel, calls for supporting Algeria ‘against terrorism, fanaticism and a hateful Islamism that

<sup>E</sup> For instance *L’Authentique* of August 10 writes that the chief editor of *Le Matin* has ‘a face washed with urine’. *Le Matin* on August 11 answers that *L’Authentique* newspaper acts as ‘the favourite in the harem of Betchine’ and writes: ‘keep your dogs Mr Betchine’.



seeks to impose its law' through 'completely gratuitous terrorist acts' that cannot be compared with 'what can be done' by governmental forces. At the 53rd session of the UN general assembly, Foreign minister Attaf calls for an international conference to agree on an international convention against terrorism.

In October 98, the massacre activity remains at its September level. On October 5, in a television debate on the 5 October 1988 army killings of demonstrators, 'eradicator' generals Larbi Belkheir and Khaled Nezzar exonerate themselves in response to general Betchine's allegations last September and shift the blame on him. The 'eradicator' press launches a new campaign against general Betchine this time, through his imprisoned brother in law and former business associate, Reda Benboulia, and his former private secretary, intelligence officer Hichem Aboud. He is accused of corruption, embezzlement of public funds, nepotism, and of ordering and practising torture in the bloody October 1988 events. The press campaign also targets the justice minister, Mohamed Adami, a client of the 'conciliator' faction, accusing him of 'ordering the transfer of 32 political prisoners all killed by suffocation during the transfer', 'dissolute morals' and 'interference in the legal prerogatives of magistrates'. Adami resigns. Nine people, some say relatives of general Betchine, are slaughtered in the massacre of Hamma Bouziane, the native hamlet of Betchine, in the district of Constantine, on 17 October.<sup>55</sup> General Betchine resigns from his position as advisor to the president and is reportedly disembarked from a plane as he is about to leave the country. During this month, the Algerian navy, under the command of 'conciliator' general Chaabane Ghodhbane, holds its first bilateral naval military exercise with the US, an operation interpreted as a US projection of support to the 'conciliator' military faction. Bernard Stasi, the moderator of the French republic, visits Algeria and declares that Algeria is engaged 'in democracy in an irreversible way', 'political pluralism is evident' and 'the Islamist threat has been dealt with'.

November 98 registers a one-unit increase in the massacre activity. General Betchine resigns again, this time from the political bureau of the RND. Louisa Hanoune, leader of the PTI, reports that during her talks with Zeroual about the conditions of the coming presidential elections he expressed the view that 'one cannot exclude the existence of secret groups' behind the massacres. The parliamentary commission investigating the fraud during the June 97 legislative elections eventually publishes its results establishing that state administration had rigged the elections. This event has been read as a further progress of the 'eradicator' faction in taking over or destroying this army fabricated political vehicle in preparation for the next presidential elections.

December 98 sees a strong rise in the perpetration of massacres. A new government led by prime-minister Smail Hamdani is formed. The race for the next presidential elections starts with many candidates announcing their participation.

After this brief account of some of the political events that may be relevant for interpreting the structures observed in the monthly fluctuations of the SMV events shown in figure 7 we conclude this section by looking at the same fluctuations at a district level. The patterns of the SMV monthly fluctuations in figure 7 are calculated at a national level and so should not be extrapolated uniformly throughout the national territory. For example Algiers, Blida and Médéa, three of the most affected districts, have suffered different monthly fluctuations in the massacre activity. Figure 9 overleaf displays the monthly variations in the number of massacres, in these three districts, for the period between April 1996 and December 1998.

We observe the same phenomenon of waves of massacres with spells of reduced activity in between for these 3 contiguous districts. The most intense peaks are recorded from July to October 1997. However there are significant differences in the timings, frequencies, intensities and lifetimes of the massacre waves. A detailed comparison and explanation of these differences is outside the scope of this work.

### *3.2.2. Time Fluctuation of the RMV Events*

Figure 10 reports the annual variations in the number of random mass killings at a national level. From 1994 to 1996 the RMV activity increases successively and in 1997 the activity amounts to twice the number of massacres in 1996. Unlike the SMV activity, 1997 does not appear here as a peak in mass terror preceded and followed by lower massacre intensities. 1998 records the same number of events. This distinction between the SMV and RMV activities will be explored further below.

Figure 11 now represents the annual fluctuation of RMV events by death group. Summing all the differential activities in figure 11 yields the profile in figure 10. We split the annual activities into their components of increasing extents of deaths per atrocity to probe for possible patterns in the perpetration of these random mass killings of differing magnitudes.

We observe that for the massacres leading to the smallest death group (up to five deaths per event) the activity, in fact, increases linearly since 1995. The other four death groups have indeed their peak activity in 1997 preceded and followed by lower intensities. This suggests that random mass killings leading

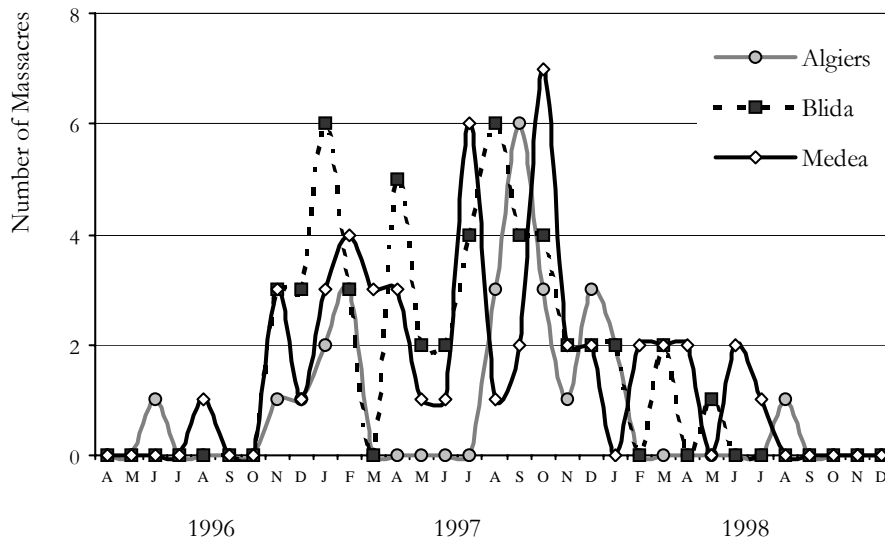


Figure 9: Monthly Fluctuations of SMV Events in Algiers, Blida and Médéa, Apr.96-Dec.96.

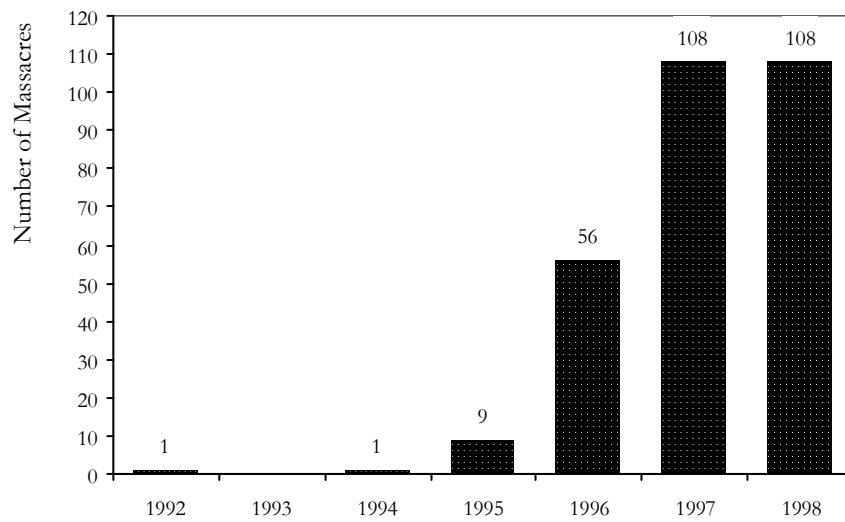


Figure 10: Annual Fluctuations of RMV Events 1992-1998.

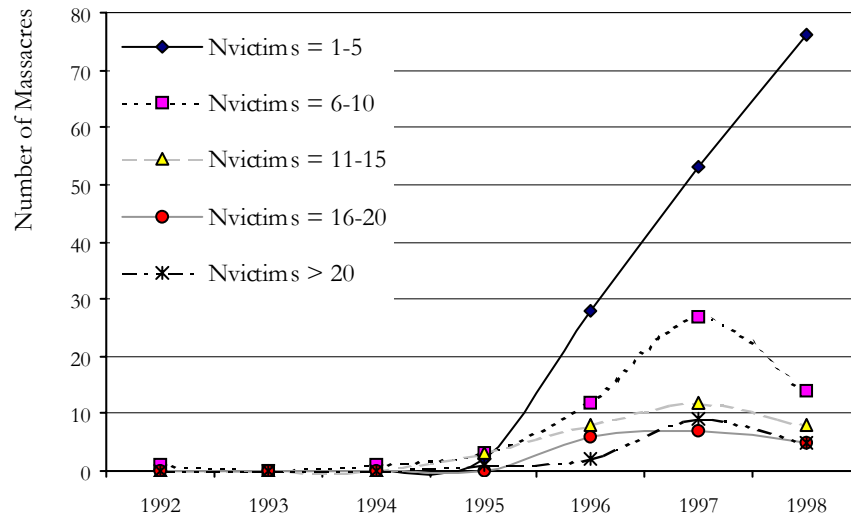


Figure 11: Annual Fluctuations of RMV Events by Death Group.

up to 5 deaths per incident obey a different perpetration logic than the rest. Secondly, the RMV activity resulting in more than 5 deaths per event has the same pattern as the SMV activity hence suggesting possible correlations in their perpetration.

Figure 12 shows that the peaked structure centred around 1997 is also present in the annual fluctuations in the number of RMV events in the districts of Algiers and Blida but for Médéa one observes a linear increase for 1996 onwards.

Figure 13 now displays the monthly changes in the RMV activity at a national level between April 96 and December 98. Here we also find alternations of terror, that is to say periods of intense random mass killing activity spliced by regular lulls.

From April 96 to February 1998 there are 7 peaks in the RMV activity. The peaks occur in July and September 1996, January, May, August and October 1997, and in January 1998, respectively. The peaks increase gradually in intensity and reach their maximum value of 32 events in January 98. The average lifetime of these alternating eruptions of mass terror is 1.5 months. The time structure of the waves of atrocities up to February 1998 appears different from that starting from March 98. There one observes the onset of a massacre activity whose alternating nature is less marked – it is a low frequency RMV regime. It appears as a single RMV campaign, lasting from April to November, increasing in intensity gradually over a three-month period and then decaying

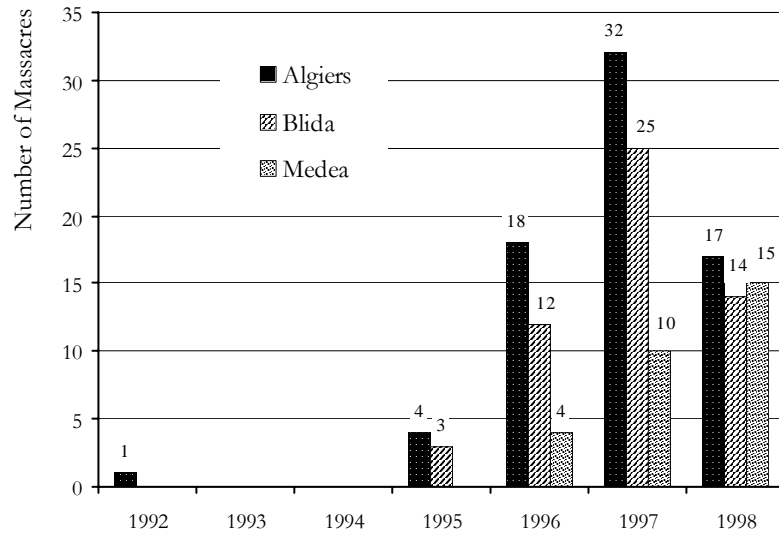


Figure 12: Annual Fluctuations of RMV Events in Algiers, Blida, and Médéa.

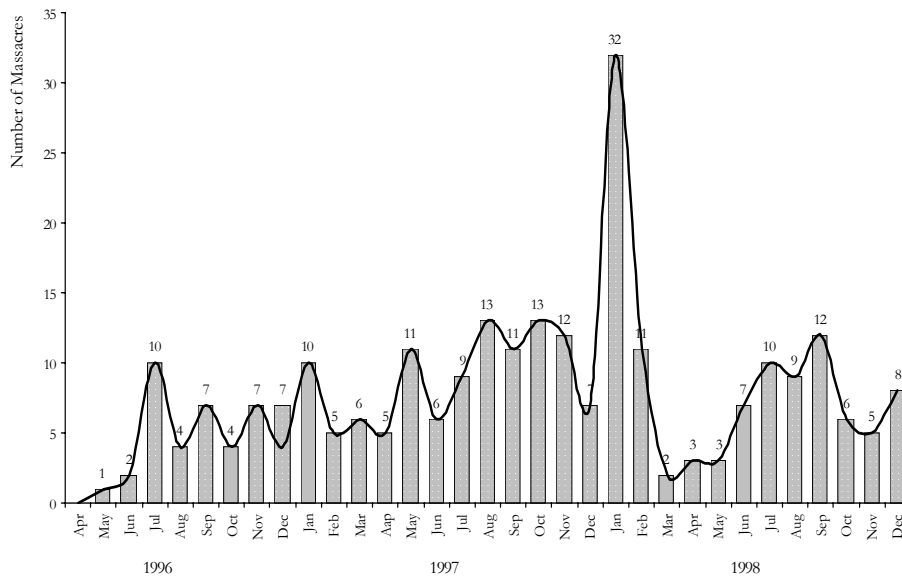


Figure 13: Monthly Fluctuations of RMV Events Apr.96-Dec.98.

faster. The peak in this RMV campaign occurs in September 1998 and is of about the same intensity as that registered in the October 1997 terror wave. The terror upsurge of November 98 appears as the onset of a different train of victimisation. Of course, we have made sure that all the structures in figure 13 are not spurious, i.e. invariant under indicator change, by looking at the monthly fluctuations in the number of victims of RMV. The nature, timings, intensities and lifetimes (see figure 32 in section 4.2) coincide exactly with those found in figure 13.

We now decompose the profile in figure 13 into its constituent components to search for patterns in the various perpetration regimes. Figure 14 displays the monthly changes in RMV activities, at a national level, for various death groups.

We find that the massacre activities have a wave character for all death groups. The RMV events with the smallest kill-ratio occur more frequently than those with more than 5 deaths per incident. Note that the January 98 peak shown in figure 13 is composed mainly of massacres with kill-ratios of up to 5 deaths per incident. For massacres with up to 5 deaths per event kill-ratio the peaks coincide with those of the total RMV activity except for November 96, January and August 1997 and April 1998. This type of mass killing peaks when the activities of the two other types of mass killings subside (November 1996 and November 1997). For the larger massacres (more than 10 deaths per episode) the intensity peaks occur synchronously with those of the total activity. The same pattern is found for the massacres with intermediate kill-ratio (6 to 10 deaths per event) except for September 1996, and January and May 1997.

Two remarks can be made about the time correlations of these waves. The three types of massacres erupt simultaneously in July 1996, October 1997 and January 1998 while they subside simultaneously in February 1997 and March 1998. The massacres with the smallest and largest death groups fluctuate synchronously from June 1996 to July 1997, December 1997 to February 1998, and November to December 1998. On the other hand they rise and subside out of phase from August to September 1997 and between July and September 1998. The massacres with 6 to 10 deaths per event and those with a kill-ratio greater than 10 exacerbate and abate in concert from July 1997 to December 1998 and fluctuate anti-synchronously from August to December 1996.

Figure 15 represents the monthly fluctuations in the number of RMV events in the districts of Algiers and Blida. The cyclical structure in the application of this form of mass terror is salient in both situations.

In Algiers we observe 5 prominent RMV campaigns: in July 1996, January,

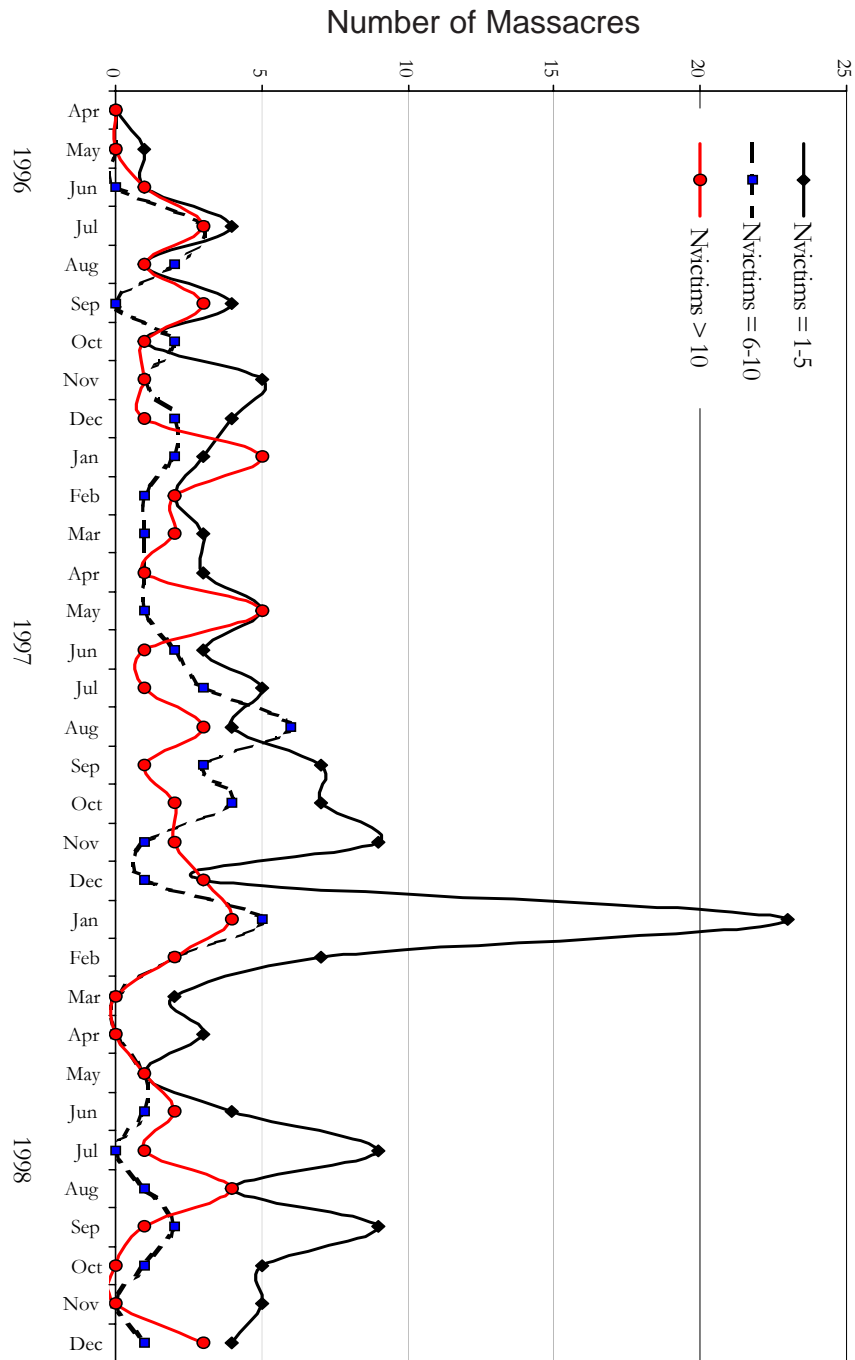


Figure 14. Monthly Fluctuations of RMV Events by Death Group, Apr:96-Dec:98.

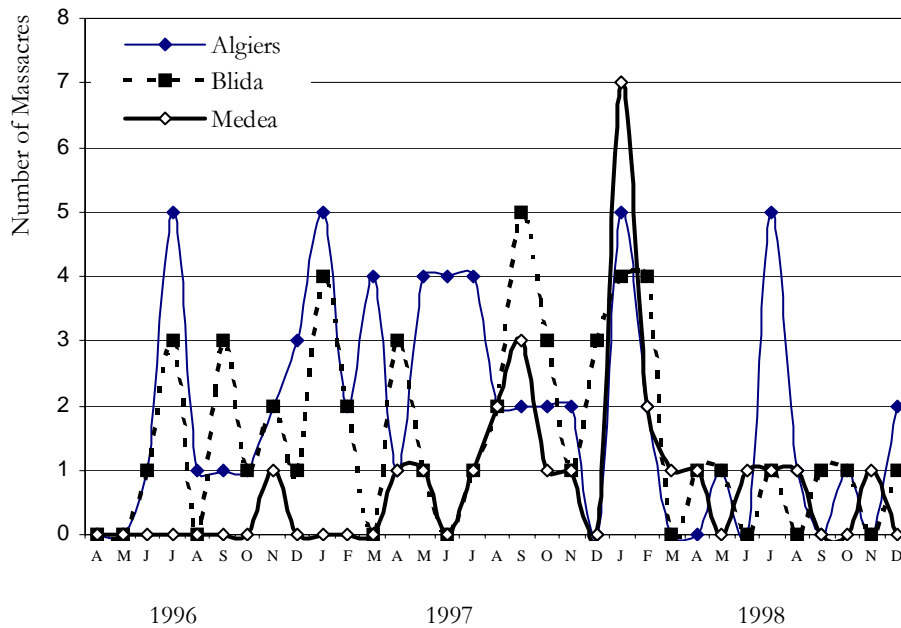


Figure 15: Monthly Fluctuations of RMV Events in Algiers, Blida, and Médéa, Apr.96-Dec.98.

March and May to July 1997, in January 98 and July 98. The lifetimes of the eruptions of terror in 1997 are at least twice longer than those of the two campaigns in 1998. In Blida the two most intense RMV waves occur in January and September 1997 and January 1998. Médéa suffers a less frequent terror campaign than Algiers and Blida but the most intense RMV campaign it sustained was in 1998.

Comparing the RMV activities in Algiers and Blida, we find that they rise and subside in concert from May to August 1996, December 1996 to February 1997, December 1997 to March 1998, and October to December 1998. We also observe that they exacerbate and abate in opposite regimes from August to October and in December 1996, March 1997, and from August to November 1998.

### 3.2.3. Comparison between the SMV and RMV Fluctuations

In order to investigate whether there are correlations in the monthly fluctuations of the SMV and RMV activities, we display in figure 16 their respective profiles, and the curve for their addition.

The intensities of the SMV waves are on the whole larger than those of the RMV type, from November 1996 to April 1998. On the other hand the RMV activity is larger than the SMV from May to October 1996 and from May to



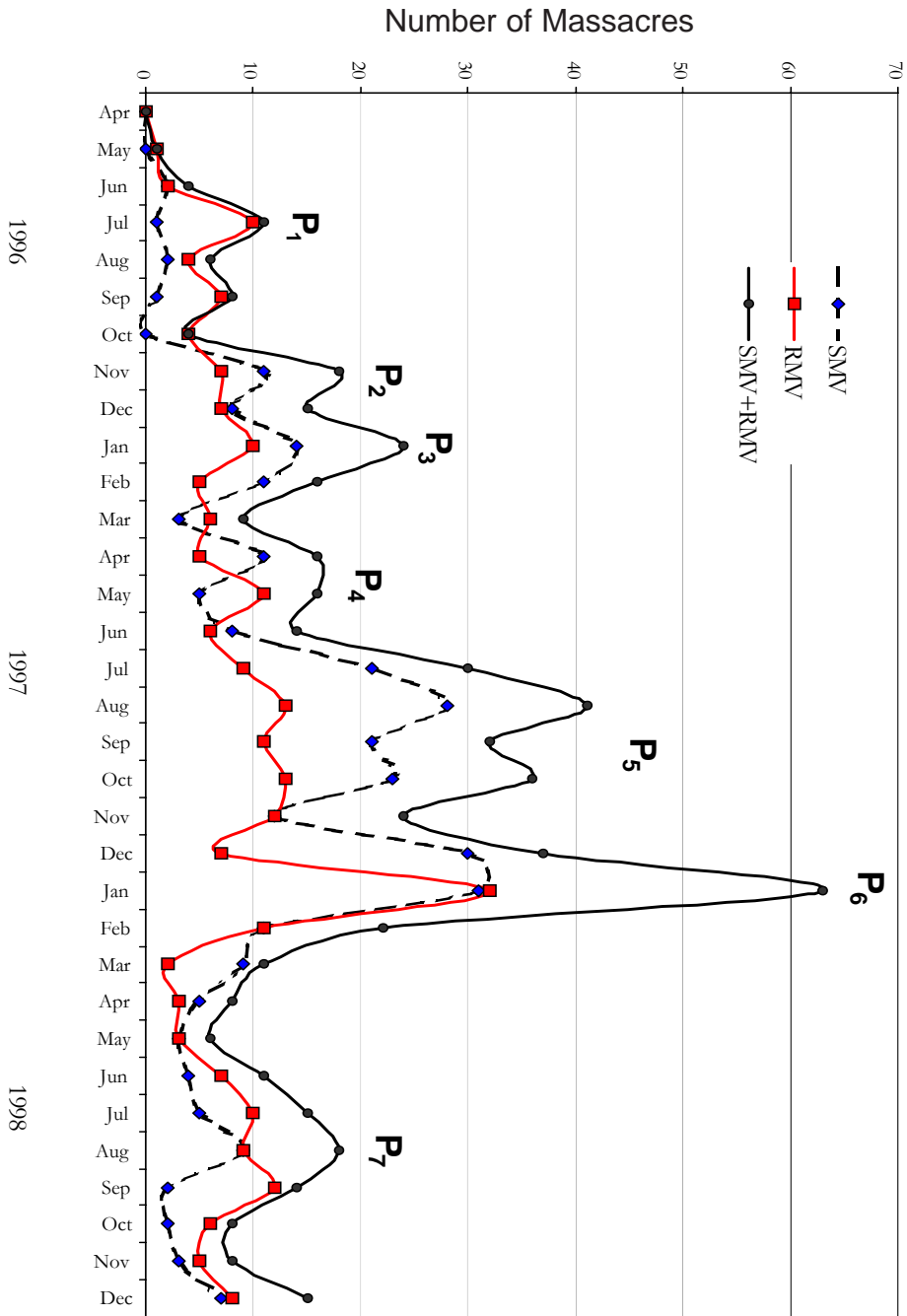


Figure 16: Monthly Fluctuations of SMV and RMV Events Apr:96-Dec:98.

December 1998. We find that the total terror activity (SMV and RMV) has 7 prominent peaks. The first eruption occurs in July 1996 and is denoted P1. This is followed by 3 medium intensity terror waves, in November 1996 (P2), and in January (P3) and April 1997 (P4). The two most intense explosions of terror are in the autumn of 1997 (P5) and in January 1998 (P6). The last atrocity peak spans the June to September 1998 (P7) period.

If we choose the lifetime of a massacre wave as a discriminative criterion, then these seven terror cycles can be classified into 3 categories. P5 and P7 have a similar lifetime, about 4 months, and are the longest massacre outbursts in the campaign. P2, P3 and P6 appear as the most transient cycles of atrocities with a comparable lifetime of about 2 months. The P1 and P4 trains of massacres appear with intermediate lifetimes between those found for the above limiting classes of terror waves.

Another important observation to make is that for the long lived outbursts of atrocities (P5, P7 and P4) the perpetrators of the selective and random mass killings exacerbate and abate their campaigns out of phase. In the case of the most transient ones (P2, P3 and P6) they do so synchronously. In other words we find a correspondence between the lifetimes of the terror waves and the regimes of perpetration of the two types of mass killings. This correspondence is not spurious as it manifests itself also in the monthly fluctuations of the numbers of victims (see figure 33 in section 4.2).

Such highly structured correlations between the SMV and RMV activities raise many intriguing questions about the nature of the perpetrators and strategies that are likely to have caused them; these issues are outside the scope of this paper.

Note that we also looked at the correlations between the monthly fluctuations of the SMV and RMV activities by death group. We considered all possible cross-combinations between the activities for small, medium and large magnitude massacres of the SMV type and those of different magnitudes of the RMV type. The main findings agree with the above results; since a detailed discussion would be rather lengthy it will not be presented here.

### **3.3. Geography of the Massacres**

We consider first the district and borough distributions of both types of massacres. The political geography of the massacres is discussed next (3.3.2). Brief comments about the military and economic geographies are made in section 3.3.3 and 3.3.4. We devote section 3.3.5 to presenting a 'radiography' of a few notorious massacre sites.

### *3.3.1. District and Borough Distributions*

We present the national distribution of SMV episodes in figure 17 and that of RMV events in figure 18. In each case, we cover the span from 1992 to 1998 and report only the 13 most targeted out of 33 affected districts included in tables A and B in the appendix.

The highest SMV and RMV massacre activities appear localised in the three central districts of Algiers, Blida and Médéa. These central districts sustained 42.7 % of the national SMV activity and 54.7 % of the national RMV activity, from 1992 to 1998. There are however qualitative differences in the application of these two types of mass terror. Médéa, a mainly rural district, sustained more SMV activity than Algiers but the least number of random mass killings. Algiers, the capital and an urban centre, suffered the most intense RMV campaign and the least number of selective mass killings. Blida, an intermediate district lying geographically between the two, bore the second most intense RMV activity but the highest selective mass killings.

The contiguous westward districts of Tipaza and Ain Defla and the far Western district of Tlemcen underwent a smaller terror activity roughly of about the same size. The remaining mass victimisation events perpetrated in the past 7 years are fragmented among the remaining 27 districts.

The pie chart in figure 19 depicts now the distribution of the total SMV plus RMV events registered over 33 districts from 1992 to 1998.

Adding both types of mass terror one finds that, apart from a reordering in the degrees of total victimisation, one reaches the same conclusion as that reached from figures 17 and 18: Algiers, Blida and Médéa are the worst affected districts, suffering about 50 % of the total national massacre activity.

We display on map 1 the district distribution of the total SMV and RMV activities reported from 1992 to 1998. Clearly the central and Western districts went through most of the terror. The Eastern districts, with the exception of Bouira, appear safe. The South of the country is untouched by the terror. Map 1 does not give any indication as to when the mass terror appeared and how it diffused into different parts of the territory. The profile of the displacement of the terror can be constructed by looking at the annual fluctuations of the mass killings by district. The main trends are as follows.

In 1996 the bulk of the SMV activity was concentrated in the central districts in the north. In 1997 it exacerbated in this region and diffused westwards. In 1998 the SMV activity ebbed away throughout the affected areas except in Bouira, East of Algiers, Ain-Defla, West of Médéa, and in two pockets in the west (Relizane and Tlemcen).

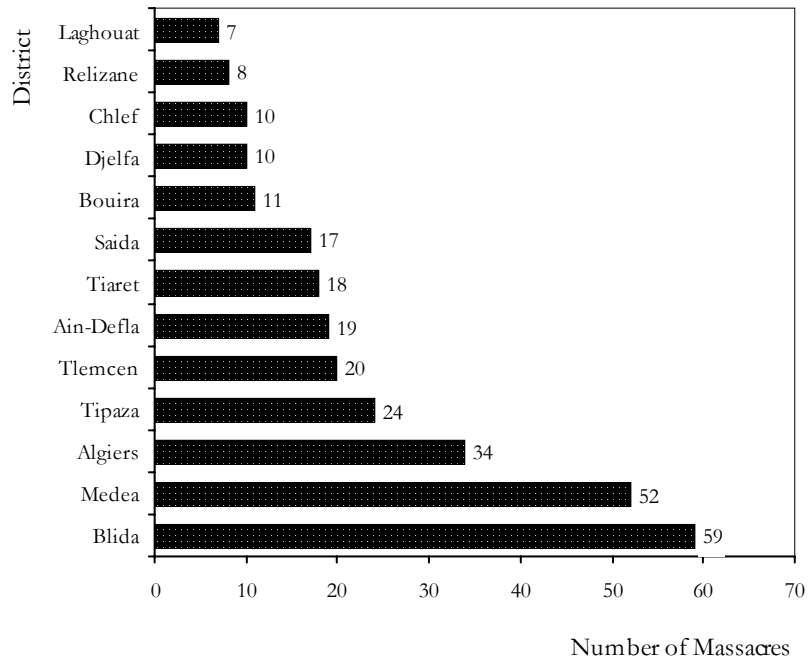


Figure 17: District Distribution of SMV Events.

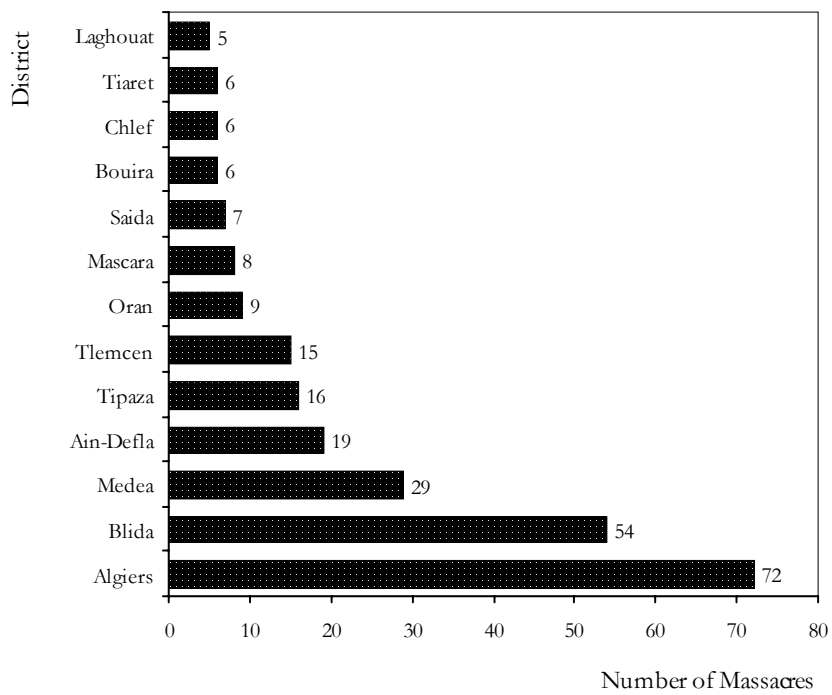


Figure 18: District Distribution of RMV Events.

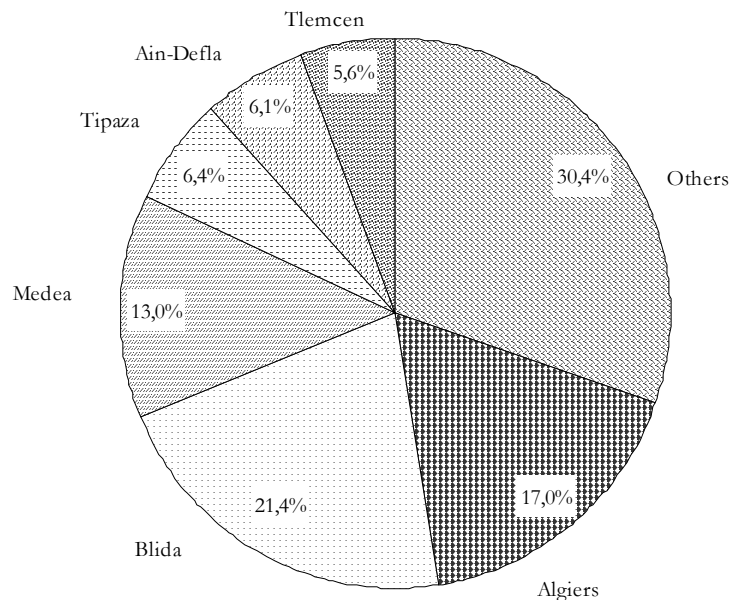


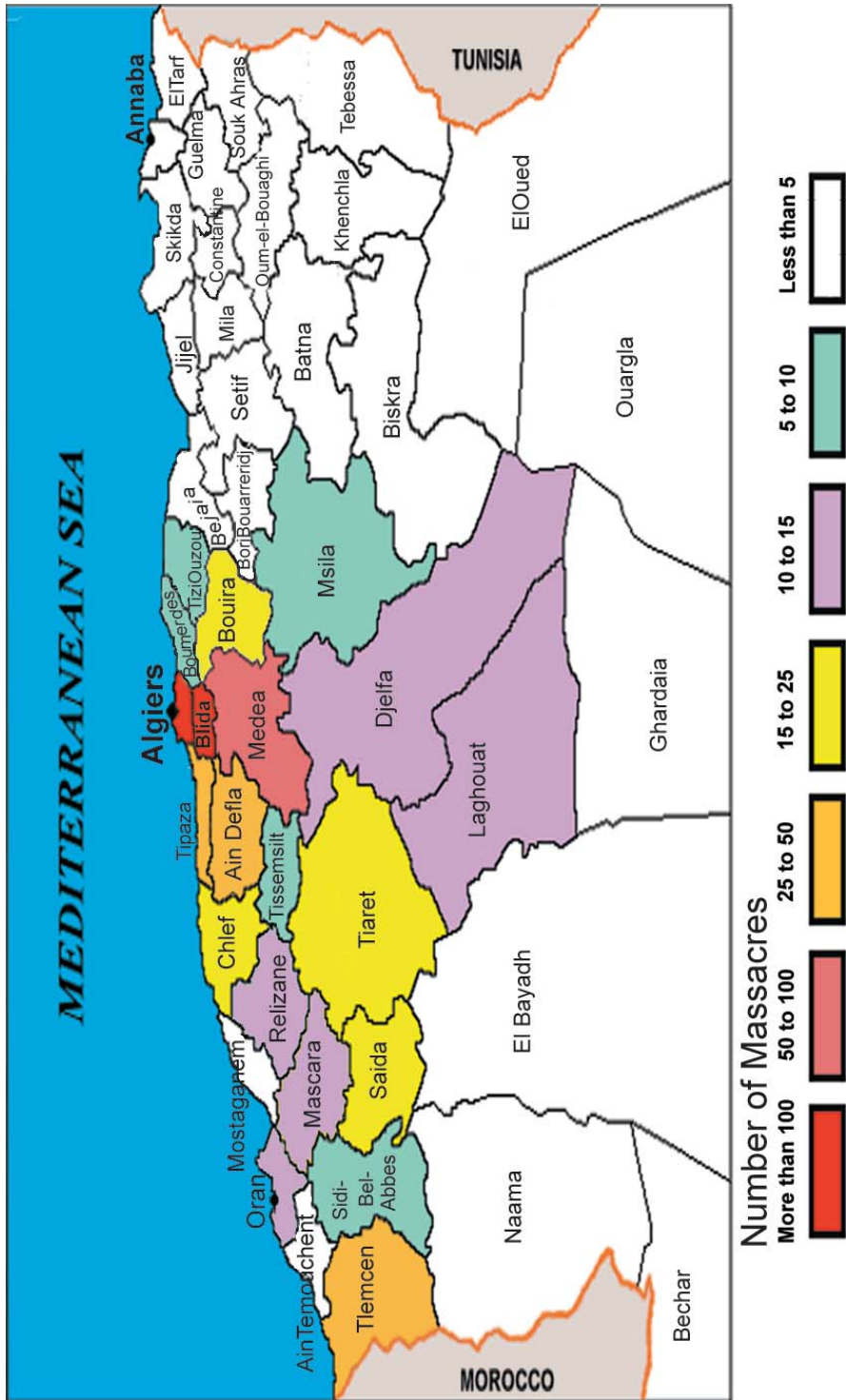
Figure 19: District Distribution of SMV and RMV Events.

In 1995 and 1996 the RMV activity was localised in the centre–north of the country. In 1997 the activity shot up in Algiers, Blida, Médéa, Ain-Defla and in Tlemcen, in the west. Oran, Mascara and Saida went through an increase of 3 units respectively. Tipaza on the other hand registered a drop in random mass killings. The overall trend is a displacement westward. In 1998 the terror receded in Algiers, Blida, Oran and Tlemcen but it diffused further to the contiguous districts of Médéa, Ain-Defla and Mascara.

We now seek to analyse more finely the space distribution of the SMV and RMV massacres in the central districts. The borough distributions of the total SMV and RMV activities in the Algiers district are displayed in figure 20. Again, we integrated the activities over the 1992 to 1998 span.

El-Harrach and Algiers city centre are the two most affected boroughs in this district as they record the highest SMV plus RMV activity. Except for El-Harrach, the boroughs sustain higher RMV than SMV activities. El Harrach is a large borough that includes sub-urban and rural zones; it suffers equal selective and random mass victimisations. The borough of Algiers, which includes the city centre, undergoes a mainly RMV campaign.

Except for Bir-Mourad-Rais, we do not have accurate enough maps to probe the massacre distributions within the boroughs. In the case of Bir-Mourad-Rais, both types of terror targeted mainly the poor and middle-class sub-urban areas of Bouzareah, Beni-Messous El-Biar and Birkhadem. The more affluent



Map 1: National Distribution of Selective plus Random Mass Killings.

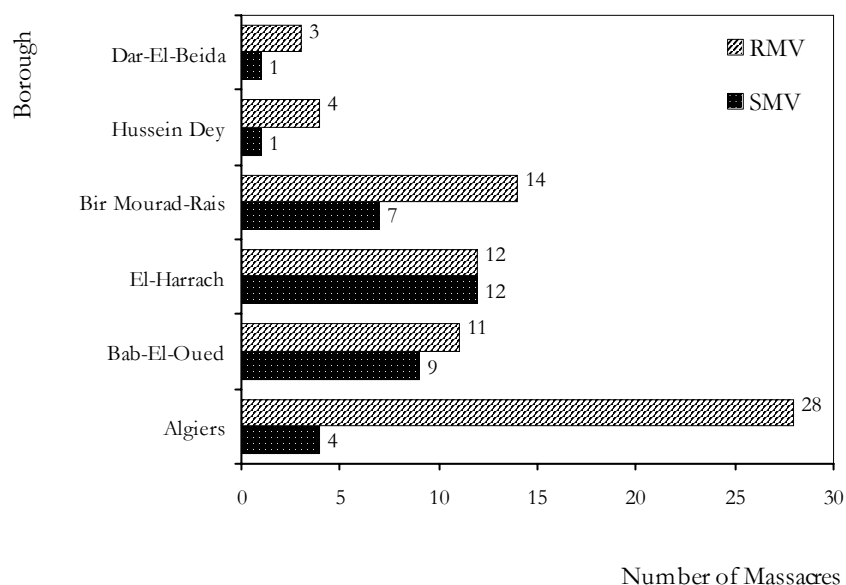


Figure 20: Borough Distributions of SMV and RMV Events in Algiers.

shopping and residential areas of Hydra, and Le Golf, where leading members of the government and state administration live, were not targeted by either form of terror.

Figure 21 now shows the analogous borough distributions of the SMV and RMV massacres in the district of Blida.<sup>F</sup> Blida, Larbaa and Boufarik are the most targeted districts. The borough of Larbaa, which has a predominantly sub-urban and rural character, sustains the largest number of SMV massacres and a relatively small number of random mass killings, mainly in the Larbaa town. Blida town and Boufarik sustain the inverse kind of mass-terror assault.

### 3.3.2. *Political Geography of the Massacres*

By ‘political geography’ of the massacres we refer to the analysis of political identity as an important determinant of the geographical distribution of the massacres over the national territory. Here we seek to determine the political identities of the victimised districts and find out whether there are correlations between these identities and the district distribution of the massacres.

To the best of our knowledge, no comprehensive, valid and reliable survey of political opinion at a national level, if published at all, is publicly accessible.

<sup>F</sup> There are seven spots of massacres that we were not able to assign to specific boroughs partly because of ever shifting borough borders and conflicting information about their distribution. These massacres occurred at Ouled Chebel, Yemma Mghite, Ouled Benaissa, Bouirat, Bensalah and Mactaa Lazrag (see table A in the appendix for more details).

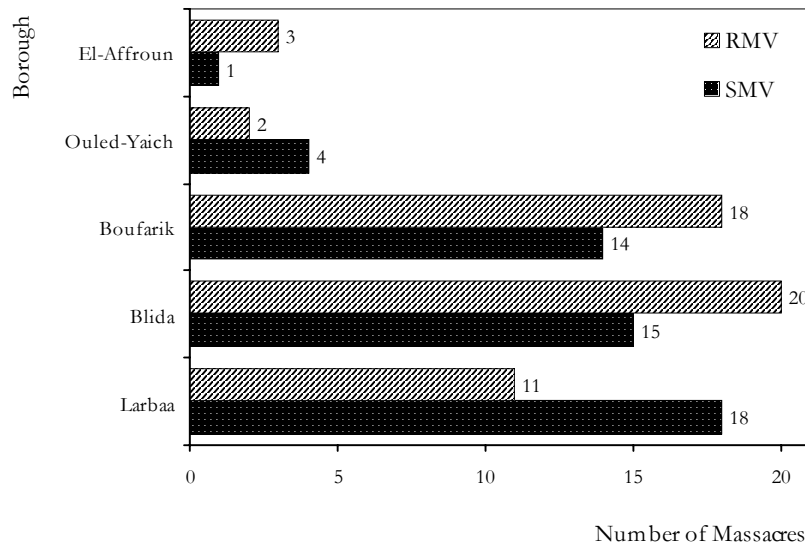


Figure 21: Borough Distributions of SMV and RMV Events in Blida.

Short of this means, we shall use the results of recent local and parliamentary elections as indicators of political identity. Assuming an election is free, it is a form of consultation of opinion, albeit constitutionally binding, on the values, ends and means of political life. Since a constituency is a group of people identified in terms of an existing socio-political and territorial relation, the elected members of local councils and the parliament may be regarded as personal embodiments of the political identity and unity of constituencies. Of course, the validity and reliability of election results as quantifiable surrogates of political identity very much depend on the representativeness, the methods of management, voting and counting, and on the morality of such elections.

Two sets of election results are used here. We take the local election of 12 June 1990 and the parliamentary election of 26 December 1991, i.e. the most recent results before the military coup of 12 January 1992 and the ensuing civil war and phenomenon of massacres. The second set includes the parliamentary elections of 5 June 1997 and the local elections of 23 October 1997, the only polls since the coup and in the midst of the most intense campaign of massacres so far. The political geography of the massacres is analysed first using the results of local elections and then those of the parliamentary elections.

### **3.3.2a. Analysis using Local Election Results**

To determine the political identities of the victimised districts and explore correlations between victimisation and political identity we construct tables that list all districts in decreasing degree of mass victimisation against the corresponding results at the local elections of 12 June 1990 and 23 October 1997.



Table 1A lists the election results for the districts that have suffered more than 5 massacres while table 1B shows the remaining districts, including those for which no massacre has been reported.

For the local elections of 12 June 1990, the tables have two entries as political identity indicators. For any given district, one column gives the number of municipalities gained by the FIS out of the total number of municipalities competed for while the other reports the corresponding fraction gained by the FLN and the RCD. This selection is grounded on the fact that the FIS, the FLN and the RCD won 853, 487 and 87 municipalities, respectively, out of the 1 539 competed for. The remaining 106 municipalities were gained by independent candidates.<sup>56</sup>

Table 1A: Results of Local Elections versus Degree of Victimization.

District	Massacres	Deaths	June 1990 Local Elections		October 1997 Local Elections	
			FIS	FLN+RCD	MSP+MN	RND+FLN
Blida	113	2476	29/29	0/29	57/257	110/257
Algiers	106	1495	33/33	0/33	118/675	118/675
Medea	81	1643	46/64	14/64	23/500	456/500
Tipaza	40	381	28/42	10/42	13/236	117/236
Ain-Defla	38	631	30/36	3/36	23/316	279/316
Tlemcen	35	353	46/53	7/53	28/445	398/445
Tiaret	24	393	17/42	22/42	16/350	298/350
Saida	24	305	9/16	7/16	13/134	116/134
Bouira	17	267	25/45	16/45	15/367	254/367
Chlef	16	356	31/35	3/35	46/335	260/335
Mascara	14	116	36/47	8/47	18/379	344/379
Djelfa	13	218	14/36	16/36	16/300	259/300
Laghouat	12	138	6/24	16/24	31/182	137/182
Oran	11	144	24/26	0/26	36/244	187/244
Relizane	10	1113	38/38	0/38	0/328	328/328
Bel Abbes	9	89	38/52	11/52	15/394	352/394
Tizi-Ouzou	9	54	2/67	61/67	1/579	66/579
Boumerdes	7	103	36/38	2/38	23/280	207/280
Msila	7	90	22/47	18/47	51/385	316/385

Table 1B: Results of Local Elections versus Degree of Victimization (contd).

District	Massacres	Deaths	June 1990 Local Elections		October 1997 Local Elections	
			FIS	FLN+RCD	MSP+MN	RND+FLN
Tissemsilt	4	43	15/22	7/22	1/174	159/174
Mostaghanem	4	78	28/32	3/32	18/284	247/284
Constantine	4	21	12/12	0/12	20/137	110/137
Batna	3	109	35/61	25/61	14/483	461/483
Bejaia	3	13	1/52	48/52	2/446	54/446
Tebessa	3	13	5/28	16/28	35/240	185/240
El-Oued	2	18	11/30	13/30	49/250	153/250
Setif	2	9	38/60	17/60	34/532	433/532
Annaba	2	9	8/12	3/12	11/131	116/131
Jijel	2	6	28/28	0/28	32/254	216/254
El Tarf	1	18	8/24	16/24	0/184	180/184
Ghardaia	1	12	0/13	8/13	11/117	74/117
Bordj Bou-Areridj	1	11	15/34	18/34	36/277	231/277
Bechar	1	11	2/21	19/21	28/165	126/165
Guelma	1	8	13/34	17/34	48/252	181/252
Adrar	1	7	2/28	25/28	24/210	172/210
Oum-Bouaghi	1	7	16/29	9/29	14/239	216/239
Mila	0	0	30/32	1/32	42/278	228/278
Skikda	0	0	27/38	7/38	54/323	265/323
Biskra	0	0	11/33	19/33	33/222	178/222
Naama	0	0	4/12	5/12	16/92	65/92
Khenchela	0	0	5/21	13/21	15/160	143/160
Ouargla	0	0	4/21	17/21	42/175	124/175
Souk Ahras	0	0	4/26	17/26	32/201	154/201
Tindouf	0	0	0/2	0/2	4/16	11/16
Tamenrasset	0	0	0/10	9/10	5/80	72/80
Illizi	0	0	0/6	6/6	3/42	37/42

To what extent are the results of these local elections valid and reliable as political identity indicators? Algeria's system of local government involves a system of communal councils known as Communal Popular Assembly (*baladiyahat*) which are responsible for local administration, economy, finance, social and cultural affairs, and planning. In the June 1990 elections the number of seats in communal councils was determined by proportional representation. The average national turnout was 65.15%.<sup>57</sup> Regarding the morality of this election, it was widely reported free from mass intimidation and corrupt practices. For instance, Stone comments that

It was notable as the first occasion on which Algerian civil society had become apparent and for the unprecedented freedom of expression allowed in the media: it was the first time, too, that Algerians were able to vote for political parties other than the FLN. After repeated delays to allow the newly established parties to prepare, the government adopted a system of proportional representation, a clear attempt to protect the in-built advantage enjoyed by the FLN.<sup>58</sup>

Now with regards to the local elections of 23 October 1997 the tables have two entries for each district. One entry is for the sum of municipal seats gained by the MSP and the MN over the total number of allocated seats. The other entry stands for the corresponding fraction gained by the RND and the FLN. This choice is motivated by the fact that these 4 parties won 86 % of the total number of municipal seats: the RND, FLN, MSP and MN gained 7 242, 2 864, 890 and 290 seats, respectively, out of the 13 123 municipal seats in competition.<sup>6</sup> The MSP and the MN results are aggregated together because a) they share Islamist political values and ends, b) the FIS being banned following the military coup, it seems plausible that part of the FIS electorate would express its political opinions and interests through these two parties. The RND and the FLN results are combined together owing to a) the congruence of their conservative political orientations and b) their being widely regarded as unrepresentative, state-sponsored corporate political vehicles of the military establishment. The FFS and RCD results are not included in the table as these parties are circumscribed to only a few districts, in the *Kabyle* area, and, as will be clear in a moment, their inclusion or omission in the analysis does not affect the conclusions anyway.

What are the validity and reliability of these local election results as measures of the political identities of the respective constituencies? The number of seats per communal council of the 23 October 1997 elections was determined

<sup>6</sup> The results were officially published in number of seats. The FFS, the RCD and the independent candidates gained 645, 508 and 444 seats respectively. The remaining 240 seats were fragmented among 28 tiny parties.

by proportional representation. The official figure for the average national turnout was 66.19 %. The electoral morality of this poll was reported to be questionable. Interior minister Mostefa Benmansour declared that the poll had been conducted in 'normal conditions' and the 'voters elected freely' their representatives while the government television, radio and press commended its 'perfect organisation', 'good conditions' and 'perfect security conditions'. This account was contested by the MSP, the MN, the FFS, the RCD, the PT and the PRA. They denounced 'electoral gangsterism', 'massive fraud' and organised protest demonstrations.<sup>11</sup> Mass intimidation of the voters was also a contentious issue as the FFS had denounced the aggravation of the mass terror earlier in October (see corresponding SMV and RMV activities in figures 7, 8 and 13) and the MSP objected to the visibility of the armed militias, a 200 000 strong force mostly affiliated to, or closely identified with, the RND, during the poll.

Having clarified the meaning, scope and limit of these election results as political identity indicators, we are now in a position to explore how they correlate with the degree of victimisation of districts.

Consider the relations with the June 1990 results first. A quick glance at the top of table 1A and at the bottom of table 1B shows that the most victimised districts have a high proportion of FIS municipalities whereas the least victimised districts tend to have a small fraction of FIS municipalities. Except for Ghardaia, none of the victimised district has a zero proportion of FIS municipalities. This suggests the stronger a constituency's allegiance to the FIS, the greater the degree of its victimisation. Similarly, the top of table 1A and the bottom of table 1B indicate that the districts with a high number of massacres have a small fraction of FLN and RCD municipalities whereas those with a small number of massacres or no massacres tend to have a higher proportion of FLN and RCD municipalities. This suggests the stronger a constituency's allegiance to the FLN and the RCD, the smaller the degree of its victimisation.

On closer scrutiny these generalisations break down for some districts. For example, the constituencies of Relizane (in table 1A) and Jijel (in table 1B) voted FIS in all the municipalities yet they have suffered less massacres than, say, the district of Tipaza which had a smaller fraction of FIS municipalities. The districts of Skikda and Mila (in table 1B) have not been victimised yet their proportions of FIS municipalities are larger than that of Saida, for instance, which has borne the brunt of 22 massacres. The general inference that constitu-

<sup>11</sup> These parties objected to 'the "stuffing" of the ballot boxes, the misappropriation of proxies, the counting of votes after the expulsion of scrutineers, the bias of the administration, the defects in the electoral reports, and the threats, pressures and assaults against candidates'. See *Le Monde* 28 October 1997.

ency allegiance to the FLN and RCD is inversely proportional to the degree of victimisation is also contradicted for some districts. For example, the constituency of Tiaret had a stronger allegiance to the FLN than that, say, of Oran or Jijel, yet it suffered a higher degree of victimisation.

In the case of the district of Jijel, we know that the degree of victimisation indicated in table 1B does not correspond to the actual one. As was pointed out earlier in section 2, several credible sources reported napalm attacks against villagers in this district and historian Harbi reported that 'hundreds' had been massacred in Oued Askar in 1992 but no accurate enough data have been published yet.<sup>59</sup> It seems unlikely though that the exceptions to the two approximate generalisations stem from incompleteness of the data. A more plausible interpretation of these odd cases is that political allegiance to the FIS is just one determinant of victimisation, albeit important, in competition with other likely factors such as the population density and distribution, the military geography and the economic geography of the victimised districts. Some of these issues are discussed in section 3.3.3 and 3.3.4.

One way of summarising the main trend shown by the tables is to look at the relation between constituency allegiance to the FIS, on the one hand, and victimisation by classes of districts of comparable degree of victimisation, rather than by individual district, on the other. Let the districts in table 1A and 1B be partitioned into 6 classes of districts (called henceforth zones) this way: 1) Blida, Algiers and Médéa (more than 50 massacres), 2) Tipaza, Ain-Defla, Tlemcen, Tiaret and Saida (more than 20 and less than 50 massacres), 3) Bouira, Chlef, Mascara, Bouira, Djelfa, Laghouat and Oran (more than 10 and less than 20 massacres), 4) Relizane, Sidi Bel-Abbes, Tizi-Ouzou, Boumerdes and Msila (more than 5 and less than 10 massacres), 5) the districts with at least one and less than 5 massacres, and finally 6) the districts with no massacre. Each of these 6 zones can be assigned a victimisation indicator, say the average number of massacres per constituent district calculated by dividing the total number of massacres in the zone by the number of constituent districts. The average number of massacres per constituent district is 100 in zone 1, 32 in zone 2, 14 in zone 3, 8 in zone 4, 2 in zone 5 and 0 in zone 6. These zones can also be ascribed a political indicator, for example the total number of municipalities gained by FIS over the total number of contested municipalities in the zone, or the corresponding fraction gained by the FLN and the RCD in the zone. In zone 1, the fraction of FIS municipalities is 108/126 while that of the FLN and the RCD is 14/126, in zone 2 they are 130/189 and 49/189, respectively, and so on for the remaining zones. Figure 22 shows how the degree of victimisation of the zones varies with the corresponding percentage of FIS municipi-

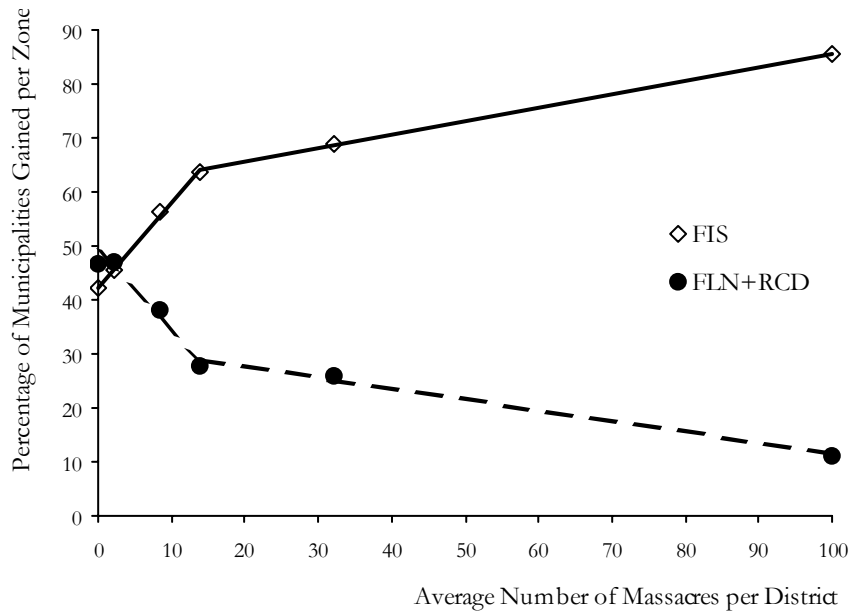


Figure 22: Percentage of Municipalities by Degree of Victimization (June 1990 Local Elections).

palities per zone and that of the FLN and the RCD per zone. The two sets of indicators show that a) the stronger a zone's allegiance to the FIS, the greater the degree of its victimisation and b) the stronger a zone's allegiance to the FLN and the RCD, the smaller the degree of its victimisation.

This correlation between political allegiance and victimisation corroborates the same observations made by a few human rights monitors such as Amnesty International which pointed out that 'there is little protection for the population in the areas where the massacres have taken place, areas where large numbers had voted for the now banned Islamic Salvation Front in the 1990 and 1991 elections.'<sup>60</sup> It is also perhaps the intuitive recognition of this political geography of the mass killings that motivates some Algerian social scientists terming the massacre 'electoral cleansing'. In an open letter to French intellectuals supporting Algeria's regime, sociologist Addi, historian Harbi and economist Talahite wrote:

That Bernard-Henri Lévy and André Glucksman get involved in the Algerian conflict is a good thing. The only problem is that they aligned themselves with the Algerian eradicators and this will not help end the conflict. In Algeria, the eradicators are very much a minority trend despite promotions in the media that are inversely proportional

to their rootlessness in society. They support unconditionally the most hardline faction of the army and are masters in the manipulation of the language of democracy to be acceptable to the Parisian editorial rooms they use as resonators. On the basis of a false assessment of the political and ideological situation of the country, they choose the military option regardless of its consequences.

The question they have always been asked and for which they have no answer is: to solve the problem, should we eradicate totally the Islamist electorate, that is to say advocate what is called electoral genocide or electoral cleansing in Algeria? The strategy of demonization leads us straight to it and legitimises the worst human rights violations and other denials of justice.<sup>61</sup>

We now turn to the political geography of the massacres on the basis of the October 1997 local election results. In order to have a global perspective of the situation we also plot in figure 23 the degrees of victimisation of the 6 zones against their respective percentages of MSP and MN municipal seats per zone as well as against the corresponding percentages gained by the RND and the FLN. First, if one regards these election results as valid, then figure 23 indicates that a large proportion of the FIS constituencies have reversed their political identities in between the local elections since, instead of expressing their Islamist political opinions and interests through legal Islamist parties (the MSP and the MN), they gave allegiance to the pro-military and conservative parties (RND and FLN). The case of Relizane is the most striking. As shown in table

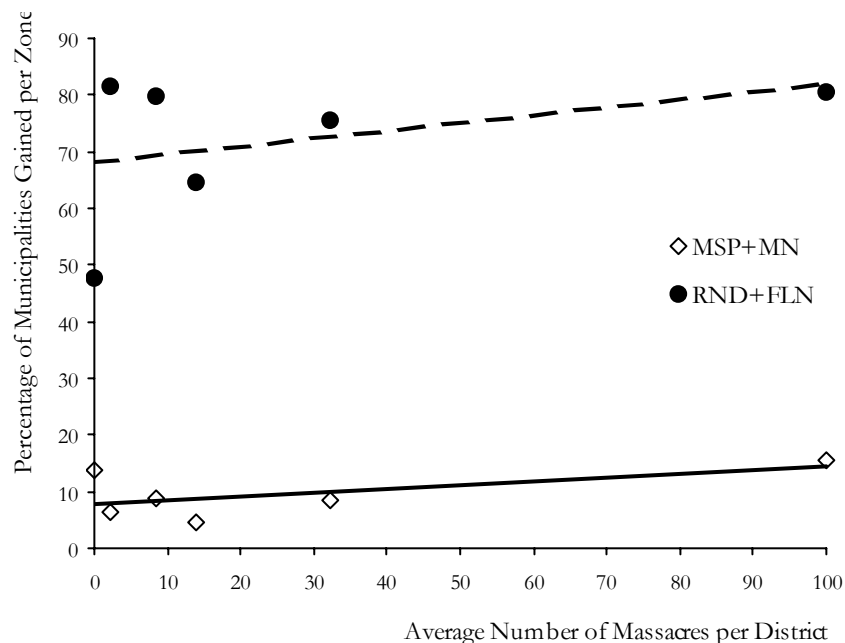


Figure 23: Percentage of Municipalities by Degree of Victimisation (October 1997 Elections).

1A and 1B, there is no single district, victimised or not, that has a percentage of MSP plus MN municipal seats higher than the corresponding one for the RND plus the FLN. Figure 23 also implies that the relations of proportionality between degree of victimisation and party political allegiance is not borne by figure 22. The percentages of MSP and MN municipal seats per zone are always smaller than those for the RND and the FLN regardless of the average number of massacres per constituent district.

Clearly the correlations between the victimisation of districts and their political identities are radically different depending on whether they are inferred from the local elections of June 1990 or those of October 1997. Taking the view that the results of the October 1997 poll are valid and reliable incurs the burden of reconciling the two contradictory political geographies of the massacres. If one regards the latter as invalid, as warranted by its dubious morality record, no contradiction occurs since the results are not indicators of actual political identities of constituencies. A complete account, within this view, would however also require some explanation of these results as prescriptions of a wider political and military counter-insurgency strategy of the incumbent authorities. Although we take the view that the October 97 poll is invalid, we shall not deal with these questions here.

### ***3.3.2b. Analysis using Parliamentary Election Results***

Tables 2A and 2B report all the districts in decreasing degree of victimisation against their respective results at the parliamentary elections of 26 December 1991 and 5 June 1997.

The election results for the districts that have sustained more than 5 massacres are given in table 2A. The remainders are reported in table 2B.

The political identity indicators based on the December 91 poll are, for any given district, the number of seats won by the FIS over the total number of seats decided outright in the first round and the respective fraction captured by the FLN and FFS. Empty entries in the tables, say for the district of Tissemsilt for example, correspond to cases where no single seat was decided in the first round. This presentation rests on the facts that the second round was cancelled and the FIS, FFS and FLN won 188, 26 and 15 seats, respectively, out of a total of 231 decided outright at the first round.<sup>62</sup> On the basis of the relative proportions of the votes of the undecided seats, the FIS, FLN and FFS were in favourable positions in 144, 44 and 4 constituencies, respectively, out of the 199 seats left for the second round.<sup>63</sup>



Table 2A: Results of Parliamentary Elections versus Degree of Victimisation.

District	Massacres	Deaths	Dec. 1991 Legislative Elections		Jun. 1997 Legislative Elections	
			FIS	FLN+RCD	MSP+MN	RND+FLN
Blida	113	2476	9/9	0/9	4/11	7/11
Algiers	106	1495	16/16	0/16	7/24	9/24
Medea	81	1643	9/9	0/9	3/10	6/10
Tipaza	40	381	3/3	0/3	2/10	6/10
Ain-Defla	38	631	8/8	0/8	2/8	5/8
Tlemcen	35	353	7/8	1/8	3/11	6/11
Tiaret	24	393	4/4	0/4	2/9	7/9
Saida	24	305	1/2	1/2	1/4	3/4
Bouira	17	267	6/7	1/7	1/8	5/8
Chlef	16	356	9/9	0/9	4/10	6/10
Mascara	14	116	7/7	0/7	3/9	5/9
Djelfa	13	218	5/5	0/5	1/8	7/8
Laghouat	12	138	1/2	1/2	1/4	3/4
Oran	11	144	11/11	0/11	6/14	6/14
Relizane	10	1113	8/8	0/8	0/9	9/9
Bel Abbes	9	89	2/2	0/2	2/7	5/7
Tizi-Ouzou	9	54	0/12	12/12	0/8	0/8
Boumerdes	7	103	6/6	0/6	3/11	6/11
Msila	7	90	9/10	1/10	4/10	6/10

What are the validity and reliability parameters of these data? The voting system was a single-member majority election in two rounds to choose 430 members for *al-majlis al-Watani al-shaabi* (the National Popular Assembly). The distribution of constituencies was prescribed by a law that favoured the geographic representation over the demographic one. Referring to this law, human rights lawyer Ali-Yahia observed that

The number of seats has been increased in Kabylia and the South because the FIS did not obtain a favourable score [there] in the poll of 12 June 1990. The urban areas dominated by the FIS are under-represented and those of the South are over-represented because, according to the government, one needs to bring the voters closer to

Table 2B: Results of Parliamentary Elections versus Degree of Victimization (contd).

District	Massacres	Deaths	Dec. 1991 Legislative Elections		Jun. 1997 Legislative Elections	
			FIS	FLN+RCD	MSP+MN	RND+FLN
Tissemsilt	4	43			0/4	3/4
Mostaghanem	4	78	1/1	0/1	2/8	6/8
Constantine	4	21	8/8	0/8	3/10	7/10
Batna	3	109	8/8	0/8	2/12	10/12
Bejaia	3	13	0/11	11/11	1/11	0/11
Tebessa	3	13			3/6	3/6
El-Oued	2	18	3/4	1/4	0/6	6/6
Setif	2	9	13/14	1/14	5/16	10/16
Annaba	2	9			4/7	3/7
Jijel	2	6	7/7	0/7	2/7	5/7
El Tarf	1	18	0/1	1/1	1/4	3/4
Ghardaia	1	12	1/5	1/5	1/4	2/4
Bordj Bou-Areridj	1	11	4/4	0/4	3/7	4/7
Bechar	1	11			1/4	3/4
Guelma	1	8			2/5	3/5
Adrar	1	7	0/3	3/3	1/4	3/4
Oum-Bouaghi	1	7	4/4	0/4	1/6	5/6
Mila	0	0	8/8	0/8	4/8	4/8
Skikda	0	0	1/1	0/1	4/9	5/9
Biskra	0	0	4/4	0/4	1/4	3/4
Naama	0	0	1/1	0/1	2/4	2/4
Khenchela	0	0	0/1	1/1	1/4	3/4
Ouargla	0	0	4/4	0/4	2/5	3/5
Souk Ahras	0	0			2/4	2/4
Tindouf	0	0			0/4	3/4
Tamenrasset	0	0	0/2	2/2	1/4	3/4
Illizi	0	0	0/3	3/3	1/4	2/4

the representatives. Depending on the constituencies, a member of the national assembly may represent from 6 800 up to 85 000 inhabitants.<sup>64</sup>

The average national turnout was 58.55 %.<sup>65</sup> The elections were regarded as largely free from corrupt practices. A few political parties and newspapers did report complaints of electoral irregularities. Ali-Yahia however contended that

the parties and associations which threw doubt upon the transparency of the poll and claimed it had been marred by massive fraud were not able to present any tangible evidence or documents testifying to the truth of their allegations to the Constitutional Court which they had asked to invalidate the election. Press disinformation had led public opinion to expect a large number of invalidation. The Constitutional Court did not however publish its adjudication on the complaints because there were only a few of them.<sup>66</sup>

These elections were also reported free from violence and mass intimidation.<sup>67</sup>

Tables 2A and 2B have two entries for the parliamentary election of 5 June 1997. For each district, the first entry is for the sum of seats won by the MSP and MN over the total number of allocated seats while the second entry shows the corresponding fraction gained by the RND and FLN. These parties are picked out because altogether they won 84.5 % of the total number of parliamentary seats: the RND, FLN, MSP and MN gained 156, 62, 69 and 34 seats, respectively, out of the 380 contested seats.<sup>68</sup> The reasons for aggregating the MSP results with those of the MN and doing the same for the RND and FLN are the same as those discussed for the 1997 local elections.

The facts that gauge the validity and reliability of these election results as quantifiable surrogates of the political identities of constituencies are as follows. The method of voting was based on proportional representation. This was prescribed by a new electoral law introduced on 16 February 1997 by the army-appointed Conseil National de Transition. It decreed a distribution of constituencies taking into account demographic proportionality. The average national turnout was 65.6 %. The morality of this election was contentious. The interior minister declared that the poll 'had not been stained by any irregularity' and was 'a big progress in the consecration of democracy and the rule of law'; he rejected the allegations of fraud as 'politicking'.<sup>69</sup> The FFS, RCD, MN, and the MSP in particular, denounced 'generalised fraud', the 'suspect inflation of the number of itinerant polling stations', the impossibility to scrutinise the votes in the barracks of the army, police and firemen, and the 'expulsion of scrutineers during the counting of votes'.<sup>70</sup> The Arab League observers commended the 'transparency' of the poll but the UN observers cancelled the

press conference they had planned and issued a statement denouncing the same irregularities and the 'lack of independence and freedom of movement' they had encountered in performing their task.<sup>71</sup> Several parties objected to the intimidating visibility of the armed militias. To gauge the mass terror in the months preceding the election one may look up the SMV and RMV activities in figures 7, 8 and 13.

Given these two sets of political identity indicators, how do they correlate with the victimisation of districts? In the case of the December 1991 poll, the top of table 2A and the bottom of table 2B suggest that the most victimised districts have a high fraction of FIS parliamentary seats while for the least victimised districts this fraction tends to be small. The FLN and FFS entry at the top of table 2A and the bottom of table 2B indicates that the districts with a high number of massacres have a small proportion of FLN and FFS seats while those with lower victimisation or no massacre tend to have a higher proportion of FLN and FFS seats.

In between these limits, these inferences do not strictly hold. Relizane and Jijel voted FIS in all constituencies yet they registered less massacres than, for instance, the district of Bouira which has a smaller proportion of FIS seats. Ouargla and Mila (in table 2B) have not been victimised yet their fractions of FIS seats are larger than that of Saida, which suffered 22 massacres. The earlier suggestion that constituency allegiance to FLN and FFS is inversely proportional to the number of massacres is also contradicted in some districts. For example, the district of Saida has a stronger allegiance to the FLN than that of Oran or Jijel yet it sustained a higher number of mass killings. As was pointed out in section 3.3.2a, political allegiance to the FIS should be regarded as a determinant of victimisation in competition with other factors related to the demography, military geography and economic geography of the victimised districts.

To summarise this trend which holds for classes of districts (and not strictly for every district) the districts in table 2A and 2b are partitioned into 5 zones: 1) Blida, Algiers and Médéa (more than 50 massacres), 2) Tipaza, Ain-Defla, Tlemcen, Tiaret and Saida (more than 20 and less than 50 massacres), 3) the districts with at least 5 and less than 20 massacres, 4) the districts with at least 2 and less than 5 massacres, and 5) the districts with less than 2 massacres. The average number of massacres per constituent district is 100 in zone 1, 32 in zone 2, 11 in zone 3, 3 in zone 4 and 0.4 in zone 5. The proportion of FIS seats is 34/34 in zone 1, 23/25 in zone 2, 64/79 in zone 3, 40/53 in zone 4 and 27/41 in zone 5. The fraction of FLN and FFS seats is 0/34 in zone 1, 2/25 in zone 2, 15/79 in zone 3, 13/53 in zone 4 and 11/41 in zone 5.

Figure 24 displays the variation of the degree of victimisation of zones with their percentages of FIS parliamentary seats per zone and the respective fractions of FLN and RCD seats per zone. The two sets of average indicators show that a) the stronger a zone's allegiance to the FIS, the greater the degree of its victimisation and b) the stronger a zone's allegiance to the FLN or the FFS, the smaller the degree of its victimisation.

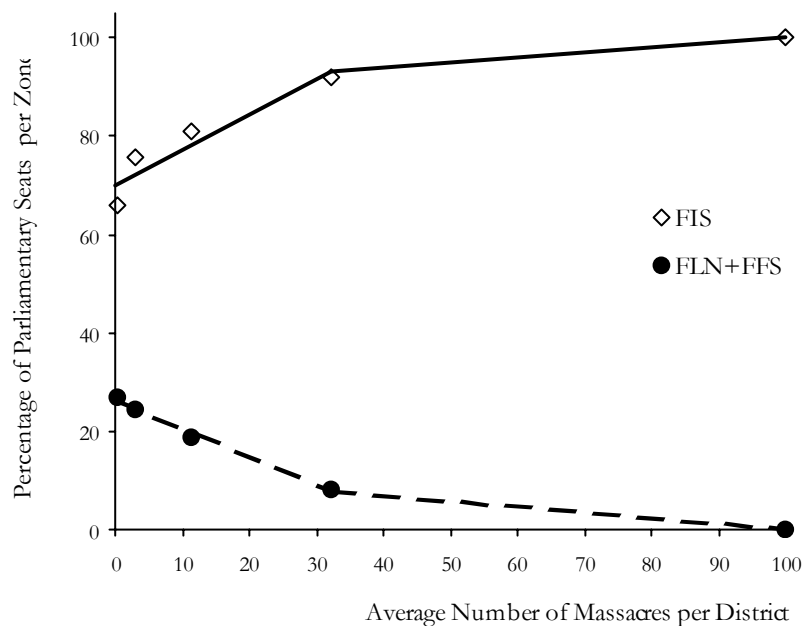


Figure 24: Percentage of Parliamentary Seats by Degree of Victimization (December 1991 Elections)

Consider now the political identity of the victimised districts on the basis of the June 1997 election results. We report in figure 25 the average number of massacres per constituent district of the 5 zones against their respective percentages of 1) MSP and MN parliamentary seats per zone and 2) RND and the FLN parliamentary seats per zone. Allowing for the different mathematics of representation (compared with the December 1991 elections) and the most favourable assumption in terms of participation, this summary does suggest that a large fraction of the FIS constituencies have reversed their allegiance in between the parliamentary elections. The reversal in the district of Relizane is most dramatic. Except for the district of Bejaia dominated by the FFS and RCD, there is no single district, victimised or otherwise, that has a percentage of MSP plus MN parliamentary seats higher than the respective one for the RND plus FLN. Figure 25 also shows that the relations of proportionality

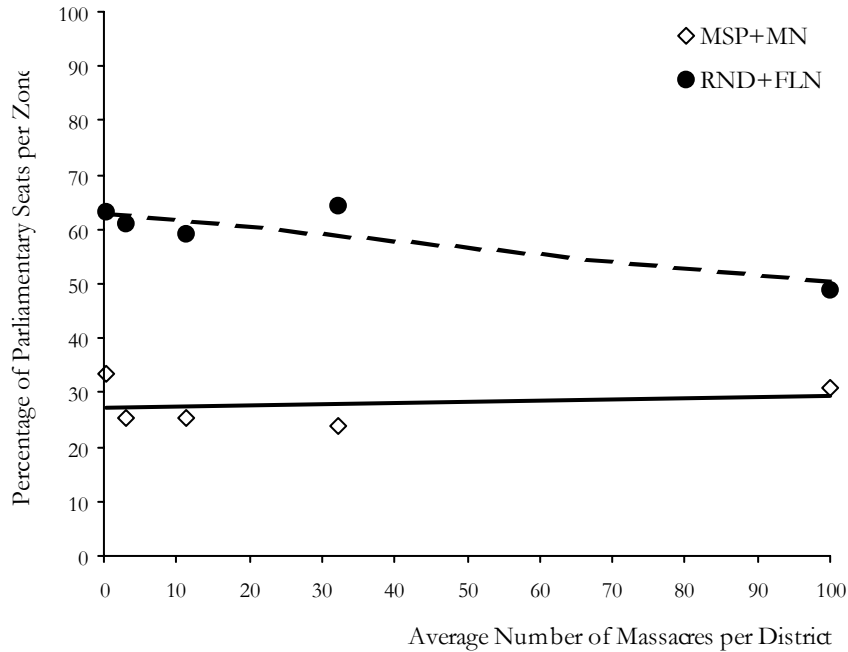


Figure 25: Percentage of Parliamentary Seats by Degree of Victimization (June 1997 Elections)

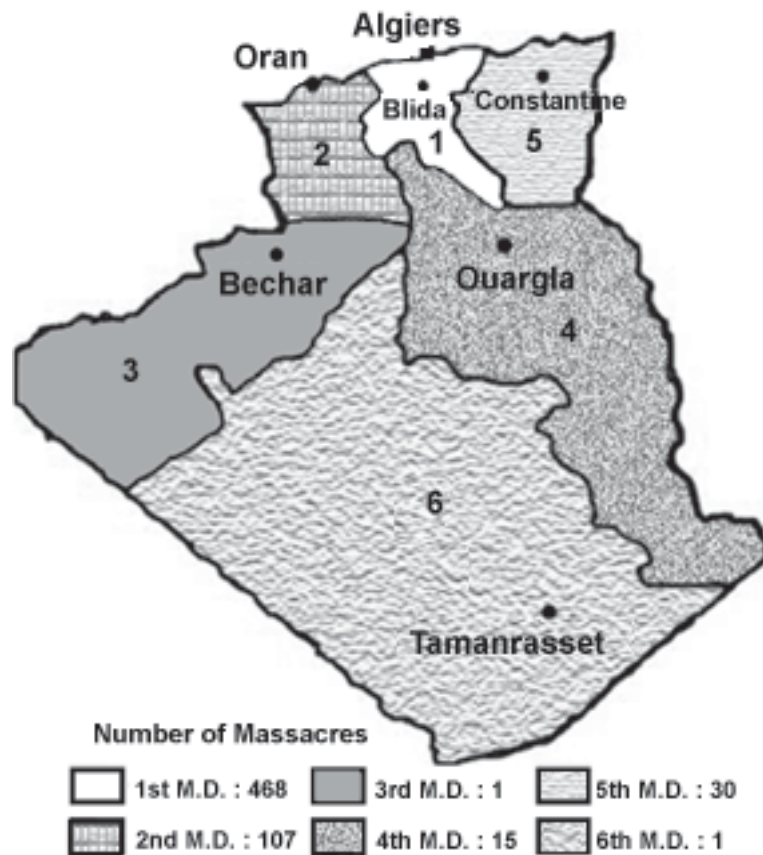
between the victimisation of classes of districts and party political allegiance shown in figure 24 do not emerge here. The percentages of MSP and MN parliamentary seats per zone is systematically smaller than those of the RND and the FLN, independently of the average number of massacres per constituent district.

The way one resolves the inconsistencies between figures 24 and 25 depends on one's views about the validity of the June 1997 election results.

### 3.3.3. Military Geography of the Massacres

Territorially, Algeria is divided into six numbered military regions. The headquarters of each military district (MD) is located in a principal city as shown on map 2. This division was originally laid down by the revolutionary leaders of the Armée de Libération Nationale (ALN – Army of National Liberation) in 1954; they subdivided each region (*wilaya*) into zones, areas and sectors. This territorial organisation was maintained after independence to prevent and counter popular insurgencies centred in the six districts.

The map shows that the largest volume of mass terror is perpetrated in the



Map 2: Distribution of Massacres by Military District.

1st MD: 468 selective and random mass killings, that is 75.2 % of the total victimisation events. This MD includes the districts of Blida, Algiers, Médéa, Tipaza, Ain-Defla which, as indicated on map 1, have suffered the most active campaigns of massacres. The populations living within the borders of the 2nd MD, such as those of Tlemcen, Saida, Oran, Relizane and Sidi Bel-Abbas, bear the next degree of victimisation: 107 mass killings or 17.2 % of the total victimisation incidents. The numbers of massacres for the other MDs is given at the bottom of map 2. The civilians living within the borders of the 3rd MD, in the South-West, and the 6th MD, in the South, have been rather spared from the mass terror.

The current military commander of the 1st MD is major general Rabah Boughaba. Boughaba is said to be affiliated to the 'conciliator' faction. Boughaba was appointed to this post in October 1997 in the midst of one of the worst waves of massacres (see the SMV activity in figure 7). He had been the com-

mander of the 5th MD at the time and was transferred to the 1st MD after general-president Zeroual and his faction demanded that major general Said Bey, the commander of the 1st MD then, be relieved of his command. Major general Bey, reported to be a 'most hawkish eradicator' very close to chief of staff Mohamed Lamari, had commanded the 1st MD since May 1994; earlier he had been in charge of the 3<sup>rd</sup> MD. Before May 1994 the commander of the 1st MD was major general Mohamed Djenouhate. Djenouhate had been appointed to this position in December 1988 as part of the promotions, transfers and purges that followed the 'disproportionate' response of the army to the October 1988 civilian unrest.<sup>1</sup> Djenouhate was a colonel at the time and was promoted to the rank of major general few months after the military coup of 1992.

The current commander of the 2nd MD is major general Kamal Abderahmane. Abderahmane has been reported to be an affiliate of the 'conciliator' faction and a close confidant of Zeroual. He had been the director of the security of the armies and was appointed to this command in June 1996. He took over from major general Mohamed Bekkouche who had been in command since 1995. Up to 1995, major general Khelifa Rahim was the commander of the 2nd MD. The factional affiliation of the latter two generals, if any, is not known.

The present commander of the 4th MD is major general Abdelmajid Saheb. He took over the command of this region in June 1996. 'Conciliator' major general Fodhil Saidi had been its commander since 1995; he was reportedly murdered on 7 June 1996, as he was about to take office of principal private defence secretary of general-president Zeroual. Up to 1995, the commander of the 4th MD was general Mohamed Bekkouche.

The current commander of the 5th MD is major general Abdelhamid Djouadi. Djouadi is a cadet of the French army reported to be a staunch 'eradicator'. He was appointed to this command in October 1997 after it was vacated by the transfer of major general Rabah Boughaba to the command of the 1st MD. This appointment was a resumption of his earlier command as Djouadi had been in charge of the 5th MD up to 1995.

<sup>1</sup> On the evening of 4 October 1988 thousands of youths went on rampage in Bab-el-Oued, an under-privileged suburb of Algiers. The unrest spread to other cities and continued for 3 days after which the state of siege was declared. Estimates of victims range from 300 to 500. On 10 October the army fired indiscriminately on a gathering of youths, in Bab-el-Oued, killing 40 people in a single incident. There were 3 500 arrests, many of them children; a large number of the detainees were brutally tortured. See Collectif Suisse de Solidarité avec le Peuple Algérien, *Contre les Violences de l'Etat: Les Droits de l'Homme*, CSSPA, Lausanne 1988, chapters 4-7.



The current commander of the 3rd MD is major general Zoubir Ghedaidia. Ghedaidia is affiliated to the 'eradicator' faction. He took over the command of this region in May 1995 from 'conciliator' major general Benhadid who had been its earlier commander. At the moment the 6th MD is under the command of major general Belkacem Qadri who has been in charge since 1995.

Referring to the extent of military concentration in the targeted areas, Amnesty International stated that 'most of the massacres took place near the capital, Algiers, and in the Blida and Médéa regions, in the most militarised part of the country.'<sup>72</sup> Most of the counter-insurgency combat units are concentrated in the 1st MD, 2nd MD and 5th MD. The backbone of this regular force is an elite anti-guerrilla corps, advised and trained by French, South-African and American advisors and mercenaries.<sup>73</sup> This corps was estimated to be 60 000 strong in 1995.<sup>74</sup> It is commanded by major-general Fodhil Cherif. The Co-ordination of the Security of the Territory (Coordination de la Sécurité du Territoire) co-ordinates their operations with other regular forces such as the 140 000 strong Army, the Air-force, the Gendarmerie Nationale, military intelligence (DRS) and the Sureté Nationale. Not much has been reported about the concentrations of the normal combat units of the Army but its priorities are combating the insurgency (1st, 2nd and 5th MDs), protecting the oil and gas fields and pipelines (6th, 2nd and 5th), and watching the Moroccan borders (2nd and 3rd MDs). In addition to these regular forces, the regime fields three types of paramilitary forces. The first type involves death squads such as the OJAL (the organisation of free Algerian youths) and the OSRA (organisation for the safeguard of the Algerian republic).

The current number of these death squads is unknown but major general Betchine disclosed in September 1997 that in 1992 major general Larbi Belkhair and Khaled Nezzar had already created 300 covert death squads.<sup>75</sup> The second type of irregular proxies is a 200 000 army-trained and sponsored militia force that divides into self-defence groups (Groupes d'Auto-Défense – GAD) for territorial surveillance and the 'patriot' militias (Les Patriotes) trained in anti-guerrilla territorial offence and subversion. These irregular forces operate in coordination with the Army and the Gendarmerie Nationale. Their largest concentration is in the 1st MD, and to a lesser extent in the 2nd and 5th MDs. The second type of irregular forces is a counter-guerrilla force called the Armed Islamic Group. It is a few thousand force commanded and operated by military intelligence (DRS) under the direct command of General Mohamed Mediène. This counter-guerrilla force is concentrated mainly in the 1st MD, and, to a lesser extent, in the 2nd MD.

On the insurgent side, the main armed force is the AIS (Islamic Salvation

Army). This military arm of the FIS was created in 1994. Its interim commander-in-chief has been Madani Mezerag, also known as Abu Al Haithem, since March 1995. Not much is known about its territorial organisation. It is mainly concentrated in the Eastern and Western districts of the country, i.e. within the 5th and 2nd MDs shown on map 2. Its commander in the eastern region is Madani Mezerag himself while its Western regional commander is Ahmed Benaicha. Following intense contacts with the generals Smain Lamari, Rabah Boughaba and Mohamed Mediene in the summer 1997, it declared a unilateral truce on all its operations in September 1997. This truce is effective to this day.

Next in strength is the Ligue Islamique de la Dawa et du Djihad (LIDD) created in February 1997. The chief commander of this armed organisation is Ali Benhejar. This force is loyal to the political leadership of the FIS. Its core is composed of the battalion of Médéa, which broke away from the GIA after the latter had been appropriated and turned into a counter-guerrilla force by the DRS, and the Islamic Front for Armed Struggle (FIDA), an essentially urban-based insurgent force operating in Algiers. Within the territorial division of the incumbent regime, the thrust of this force is concentrated in the 1st MD. This armed organisation has joined the AIS unilateral truce since October 1997.

There are other smaller, independent armed insurgent groups with no clearly visible political leadership.<sup>76</sup> Various reports locate them mainly in the 1st and 2nd MDs.

### *3.3.4. Economic Geography of the Massacres*

Map 1 and 2 show that the bulk of the mass victimisation is concentrated in the north of the country; the South is safe from massacres. Economically, it is the South of Algeria where all the oil and gas fields lie that generates over 95 % of Algeria's foreign currency earnings.

Pointing to this economic geography of the mass killings, Pierre Sané, Amnesty International general secretary, explained:

We see that there is a 'useful Algeria' at the extreme South of the country. It is that of oil fields and gas installations, that where foreign companies and their employees work in secure conditions. They seem to be very well protected by the State. Should one conclude that the Algeria that resides twenty minutes away from the capital where the massacres and the bombings follow one another is a 'useless Algeria'?<sup>77</sup>

At least 45 000 men are permanently devoted to the protection of the oil

fields.<sup>78</sup> French, American, British and South African security companies and multinational war corporations are also involved in the protection of this oil rich part of the country that has become a large 'exclusion zone'.<sup>79</sup> Algerians residing in any other part of the country cannot enter it without a special authorisation. Algerians residing within this exclusion zone and wishing to travel outside it also need an official authorisation. Algerians working or wishing to work for the national oil-company Sonatrach or foreign oil companies are scrutinised by military intelligence (DRS) and are dependent on its visas.

Whereas the presence of oil/gas excludes massacres in the South, this is not always the case in the north. A well-known example is that of Relizane which sustained a wave of 8 massacres, within a single week, from 30 December 1997 to 6 January 1998, causing 1091 deaths. In its 1999 world report, Human Rights Watch observed that

the massacres in Relizane took place in villages located near a junction of the principal oil and gas pipelines leading from the production areas of the far south to the port of Arzew and the spur pipelines to Algiers. The armed wing of the FIS, the AIS, had reportedly been operating in strategically sensitive area since 1993, and AIS troops reportedly assisted survivors to bury their slain kin in the massacre's aftermath.<sup>80</sup>

In general though, as Amnesty International points out, the geographic proximity to oil and gas related infrastructure secures safety from mass killings:

The security situation is certainly under control in the south, the north-east and north-west of the country, in areas dotted with oil and refineries and outlets, where foreign oil companies are indeed well protected.

But in other parts of Algeria, especially in poor areas where oil and money do not flow, the civilian population, increasingly impoverished, is denied the protection of the state and lives in fear of massacres and attacks.<sup>81</sup>

Regarding the economic geography of the massacres in the north, some analysts think there is a correlation between the concentration of massacres in the Mitidja region and the economic value of its lands. This region lies mainly within the districts of Blida and Algiers, the most victimised districts of the country (see map 1). Its vast plains have high return arable land and high estate value. In 1995 the government decided to privatise 2.8 million hectares of arable land nationally (0.1 million of this surface lies in the Mitidja region). It later passed laws facilitating the acquisition of land by various clients of the regime such as war veterans, retired army officers turned businessmen, militia leaders, army officers and state administration bureaucrats in part-time business.<sup>82</sup> Joxe points to the wave of massacres of the autumn of 1997 and explains

We observe that the recent big massacres, in Algeria, are located in the most populated, accessible, and best patrolled districts of 'useful Algeria': the fertile plains of the Mitidja, the big suburbs of Algiers. They often took place a few hundreds of meters away from barracks or police stations, and from security forces which remained 'neutral' and did not intervene, under orders or otherwise. Any observer of massacres perpetrated in fertile land and areas under urban expansion knows that there cannot be massacres in such types of territory without underlying estate operations. Either they seek to recreate large land-ownership by depopulating the co-operative farms set up at independence. Or they seek to depopulate lands for urban land speculation. To make rural populations flee, it is necessary and sufficient, in a state with no rule of law or a military dictatorship, to massacre some entire villages. The effect of terror generates a multiplicative effect of flight.<sup>83</sup>

Human rights lawyer Ali-Yahia summed up this state of affairs saying Algeria has split into an increasingly rich 'Algeria under high protection' and an increasingly poor 'Algeria under high victimisation'.

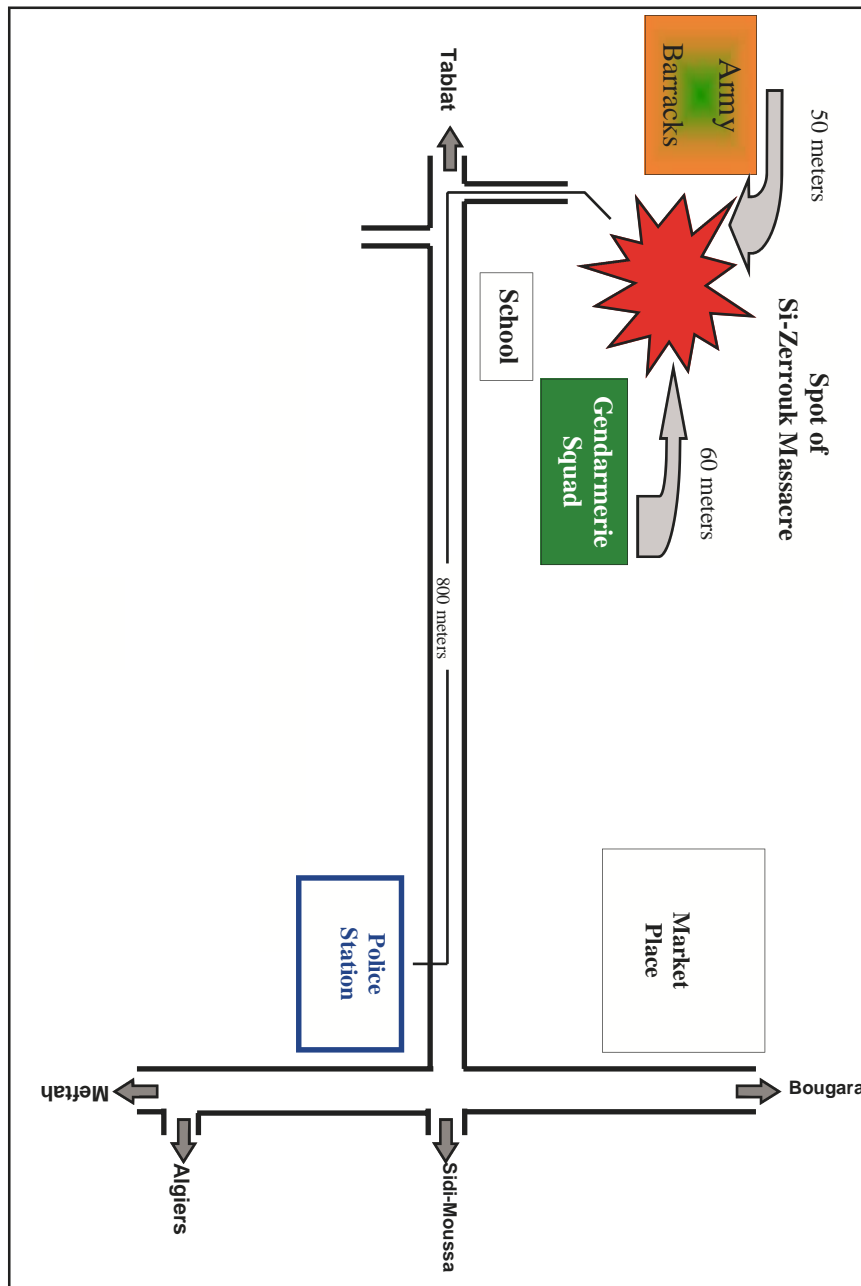
### *3.3.5. Topography of Massacre Sites*

A topographic regularity found in a substantial number of massacres is the proximity of barracks of the military, gendarmerie, police or militia forces to the sites of the mass killings. This is systematically the case for all the very high kill-ratio atrocities which occurred in the heavily militarised sub-urban areas of the districts of Algiers and Blida.

Amnesty International observes that

Most massacres have taken place around the capital in the Algerians, Blida and Médéa regions in the most heavily militarised part of the country. In many cases massacres, often lasting several hours, took place only a very short distance, a few kilometres or even a few hundred meters away from army and security forces barracks and outposts. However, in spite of the screams and cries for help of the victims, the sound of gunshots, and the flames and smoke of the burning houses, the security forces have not intervened – neither to come to the rescue of those who were being massacred, nor to arrest those responsible for the massacres, who got away on each occasion. Survivors and neighbours have told of telephoning or running to nearby security posts seeking help, with the security forces there refusing to intervene, claiming that they were not mandated to do so. In at least two cases, several survivors described how people who had tried to escape from villages where a massacre was taking place had actually been turned back by a cordon of members of the security forces who stood by while the villagers were being slaughtered and did not come into the village until after the attackers had left. That army barracks and security forces outposts are located next to the sites of several massacres is an indisputable fact. That the security forces have not intervened during the massacres is also a fact, which is not disputed by the Algerian authorities.<sup>84</sup>

Map 3 sketches the site of the Si-Zerrouk massacre, in the borough of Larbaa. At least 51 people were killed and tens were injured in this massacre which took place on 27 July 1997.<sup>85</sup> Survivors of the carnage told a journalist



Map 3: The Scene of the Sidi-Zerrouk Massacre.

‘the barracks are 50 meters away. From the sentry post you see from here, the guard can see everything but no one moved. [...] Two children were slaughtered at the foot of that sentry box.’<sup>86</sup> This case is typical of villages in the borough of Larbaa (district of Blida), a district Algerians describe as ‘plagued by more barracks and outposts than schools and hospitals’.

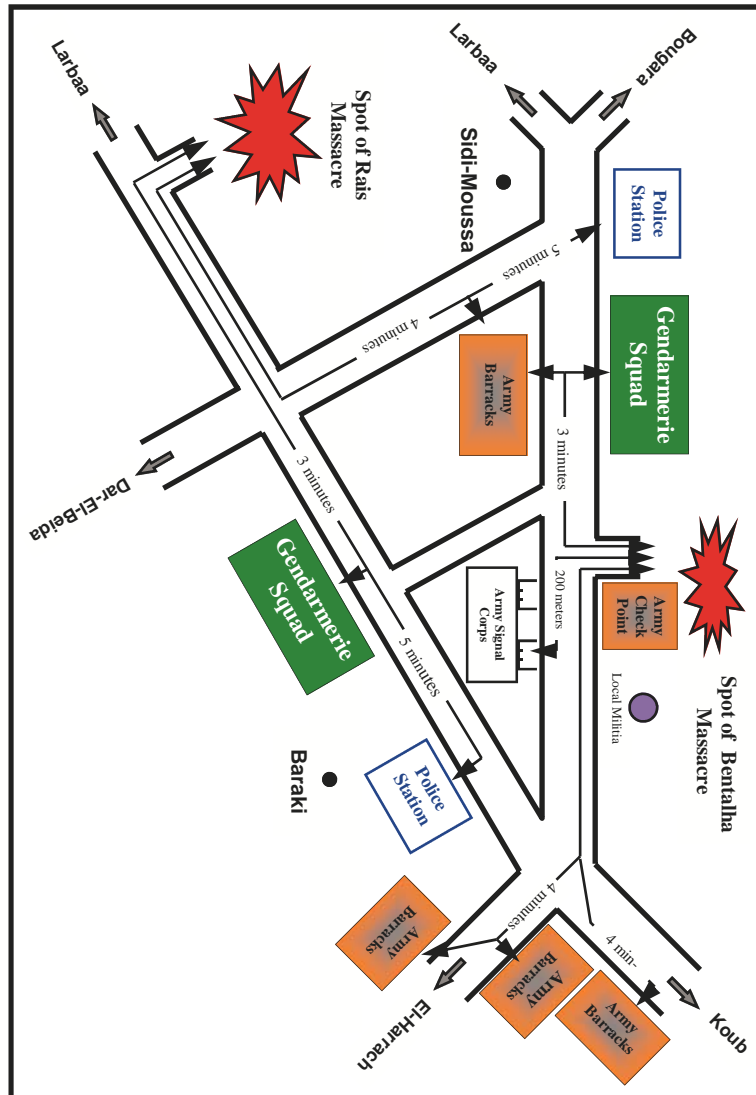
Map 4 gives a detailed topography of the site of the Raïs atrocity. Raïs is a very poor village in the borough of Larbaa. On 29 August 1997, in a single episode lasting several hours, about 300 helpless civilians were brutally slaughtered and over 200 people were injured.<sup>87</sup> Amnesty International commented that Raïs is located in close proximity to the army barracks of Sidi Moussa, about three kilometres away, the army barracks of Baraki, about six to seven kilometres away, the security forces outpost of Gaid Kacem, about four kilometres away, and other security forces posts a few hundred meters away. Survivors told Amnesty International that, in addition to the security forces barracks nearby, security forces were also stationed just outside the village, and were aware that the massacre was being committed because those who were able to flee at the beginning of the attack had gone to seek help and refuge with the nearby security forces.<sup>88</sup>

Garçon from *Libération* also wrote that ‘in Raïs, many witnesses reported suspect movements of helicopters three quarters of an hour before the tragedy.’<sup>89</sup>

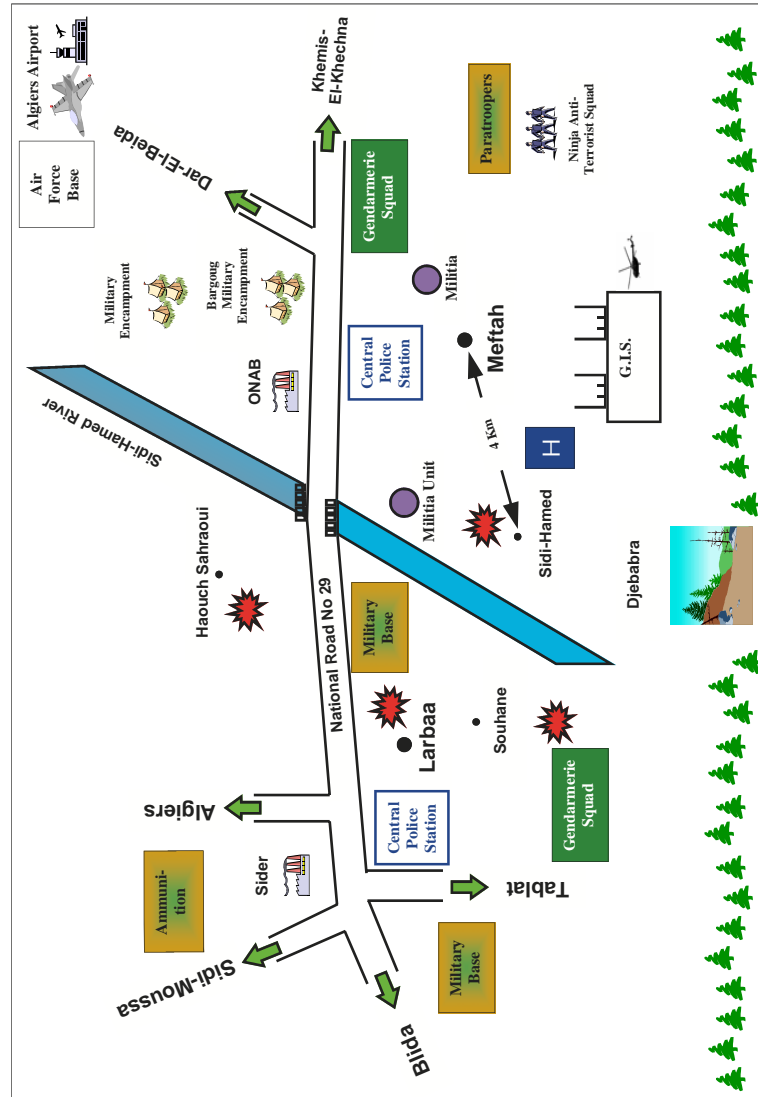
The map also delineates the security forces units close to the spot of the Bentalha massacre. Bentalha is a poor neighbourhood within the borough of El Harrach (district of Algiers). On 22 September 1997 it suffered a massacre that led to the death of at least 200 defenceless civilians and to the injury of over 100 people.<sup>90</sup> It had been targeted earlier, on 22 November 1996, when at least 16 people had been killed in a single mass killing incident<sup>91</sup> and sustained yet another atrocity on 27 October 1997 when at least 30 people were brutally slaughtered in a single carnage.<sup>92</sup> Amnesty International says that

Bentalha is near five different army and security forces outposts, including the army barracks of Baraki, about three kilometres away, the army barracks of Sidi Moussa, about five kilometres away, the Gaid Kacem security forces post, less than one kilometre away, the communal guard barracks about one kilometre away, and the security forces at the entrance of Bentalha. Survivors told Amnesty International that at the time of the massacres armed forces units with armoured vehicles were stationed outside the village and stopped some of those trying to flee from getting out of the village.<sup>93</sup>

Map 5 represents the positions of security forces around the sites of the Sidi-Hamed and Souhane massacres. Over 400 men, women and children died and about 100 were injured in a single massacre at Sidi-Hamed on 11 January



Map 4: The Scene of the Rais and Bentalha Massacres.



Map 5: The Scene of the Sidi-Hamed Massacre.



1998.<sup>94</sup> 63 people were slaughtered *en masse* on the night of 20-21 August 1998 in the village of Souhane<sup>95</sup> and 16 people had the same fate, northwards, at Haouch Sahraoui, on 14 June 1997.<sup>96</sup> Larbaa has been the target of a long series of mass killings (see tables A and B in the appendix for the full list).

Map 6 now delineates in detail the spot of the Sidi Youcef massacre, a poor neighbourhood of makeshift houses next to Beni-Messous, in the borough of Bir-Mourad Rais (district of Algiers). This site, described as ‘virtually surrounded by military installations’ by Human Rights Watch, has the largest concentration of troops per kilometre square in the country. On the night of 5 to 6 September 1997, at least 195 defenceless civilians were massacred and more than 100 were injured in a single carnage that lasted several hours.<sup>97</sup> Yet, as indicates Amnesty International,

Beni Messous hosts the largest army barracks and military security centre of the capital, as well as three other gendarmerie and security forces centres from which the site of the massacre is clearly visible. The army barracks of Cheraga is only a few kilometres away. However, as with all the other massacres, there was no intervention by the security forces to stop the massacre and the attackers left undisturbed.<sup>98</sup>

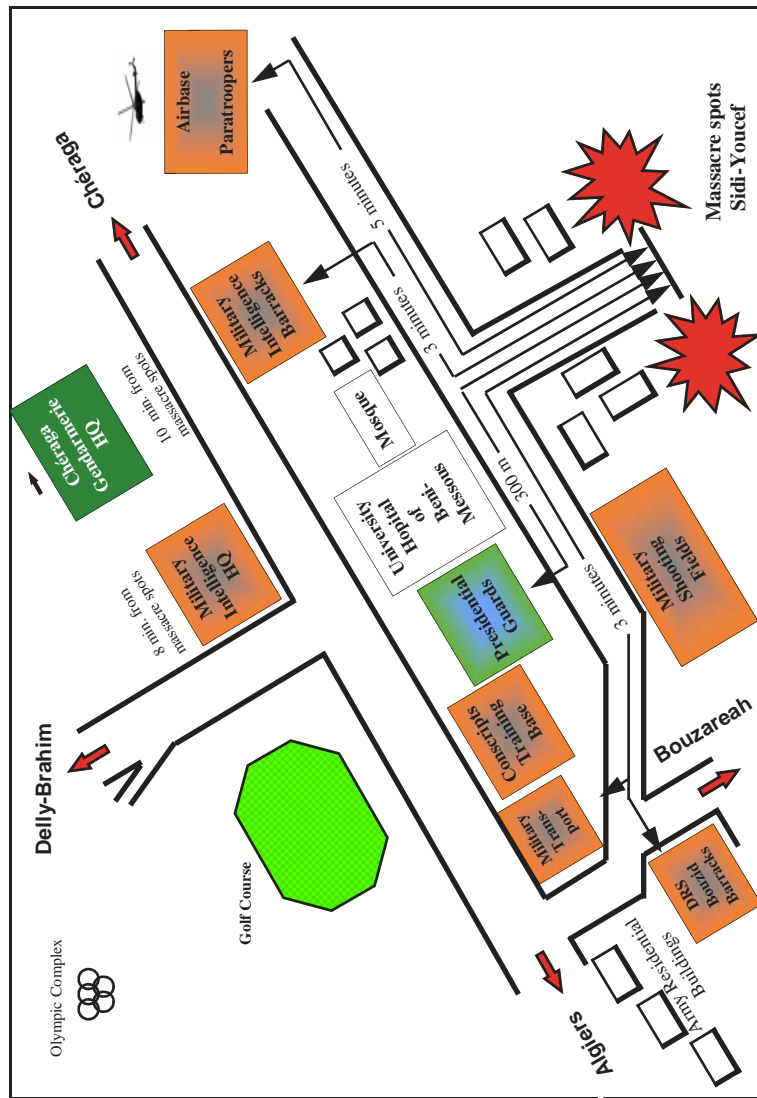
Garcon describes some military buildings on map 6 as follows:

Immediately next to Beni Messous, there are at least 4 military concentrations. The massacre of Friday night took place 200 meters away from the *caserne du train* (military transport centre) and the headquarters of the military intelligence, and 300 meters away from two bases, that of the gendarmerie and the airbase for special paratroopers.<sup>99</sup>

#### 4. Towards a Victimology of the Massacres

We now turn to the second unit of analysis of this study: the population of victims of the massacres. This unit of analysis is the core concern of victimology that studies the distribution and correlates of victimisation in designated populations.<sup>100</sup>

We construct a macro-indicator, the volume of victimisation, and analyse its time evolution, space distribution and socio-political partitions. Aside from this aggregate approach, we use a relational analysis to infer the criteria and processes by which the population is selected for victimisation, to probe the connections between victims and perpetrators and to identify the sociopolitical effects of the massacres on the survivors and the wider population. A report on various other kinds of harms and damages inflicted on the direct victim population will be given elsewhere, in section 5. A complete study would



Map 6: The Scene of the Beni-Messous Massacre.

require biographical analyses, but reliable testimonies are not available in sufficient numbers at the moment.

The volume of victimisation is discussed in section 4.1. Its time evolution and space distribution are considered in sections 4.2 and 4.3 respectively. Section 4.4 is devoted to the social and political identification of the victimised population. Section 4.5 reports the available data about the processes of selection of the target populations. Section 4.6 deals with victim precipitation before, and victim response during, the massacres. The last section looks at some of the socio-political effects of the massacres on the survivors and the wider population (section 4.7).

#### **4.1. Volume of Victimisation**

Based on tables A and B in the appendix we count a total volume of 10,758 victims, 8,675 deaths from SMV episodes and 2,083 from RMV events.

Bearing in mind that this volume does not include the civilians killed in events where less than 5 people lost their lives, it should be compared to the more inclusive figures of 26 536 deaths up to January 1998, according to the Algerian government<sup>101</sup>, 40 000 deaths according to an unnamed Algerian general<sup>102</sup>, over 80 000 deaths up to November 1997 according to Amnesty International<sup>103</sup>, 173 000 deaths up to May 1999 according to the MAOL<sup>104</sup>, 190 000 deaths up to December 1996 according to the Algerian League for the Defence of Human Rights<sup>105</sup>, and 300 000 deaths up to April 1996 according to Darcourt citing unnamed Western intelligence agencies<sup>106</sup>.

Figure 26 presents the partial selective mass victimisation volumes for various death groups; they are calculated at a national level for the period up to 1998. Table A numbers 1049 deaths in SMV episodes causing between 5 and 10 deaths and counts 4474 deaths in atrocities with more than 40 deaths per event. The number of Algerians massacred in mass killings with a kill-ratio greater than 40 is about four times larger than that of those massacred in mass killings causing between 5 and 10 deaths. Figure 26 clearly shows that the partial SMV volumes increase with increasing death tolls per event. This trend is the reverse of that found for the variation of the frequencies of SMV events with death group (see figure 1) which decrease as the death toll gets larger.

If the proportionality between the volume of victimisation and the death group per event shown in figure 26 can be extrapolated to killings with less than 5 deaths per event, there is no way one would account for any of the conflicting estimates of the total volume of victimisation we just reviewed. If one takes the lowest estimate of 26 536 deaths, assuming the SMV volume for

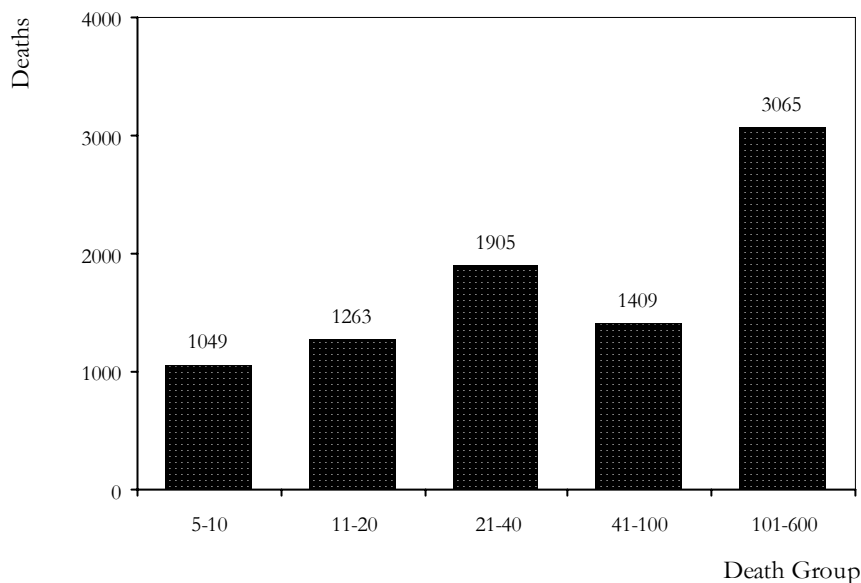


Figure 26: Selective Mass Victimization Volumes versus Death Group.

killings with less than 5 deaths per event is the same as that for mass killings causing between 5 and 10 deaths, about 15 000 deaths would be unaccounted for. Since both the 26 536 figure and most of the data used in this report originate from the Algerian government, there is a clear inconsistency. If one assumes that the 26 536 figure quoted by the prime-minister originates from offices other than those which release security-related news to the press, then clearly the data available in the press, i.e. the one used in this report, are incomplete and/or severely distorted. Various other auxiliary assumptions can be used to make other quantitative estimates of the data distortion. But since the figure of 26 536 deaths is itself likely to be a serious under-estimate of the actual volume of victimisation (given the figures of Amnesty International and the Algerian League for the Defence of Human Rights), one cannot make controllable and quantitative approximations of the uncertainties.

The partial volumes of random mass victimisation are given for three different death tolls per event in figure 27. They were calculated nationally for the period up to 1998. The number of Algerians massacred in lethal bombings with up to 5 deaths is about the same as of those massacred in bombings causing between 6 and 10 deaths but both are smaller than the volume associated with the highest kill-ratio atrocities. Figure 27 also suggests that the partial RMV volumes increase on average with increasing death group, a pattern opposite to that observed in the corresponding distribution of frequencies of RMV events (see figure 2).

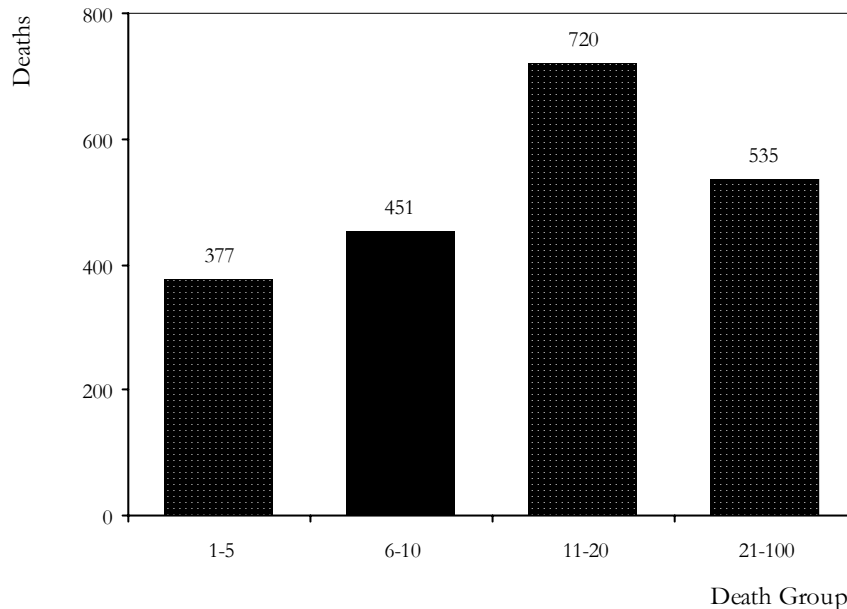


Figure 27: Random Mass Victimization Volumes versus Death Group.

#### 4.2. Time Evolution of the Victimization Volume

Figure 28 represents the annual fluctuations of the SMV and RMV volumes nationally from 1992 to 1998. The year 1997 stands out as the year of the most extensive victimisation. It is forerun and succeeded by years of lower SMV volumes, as is the case for 1994.

Figure 29 shows the annual fluctuations of the partial SMV volumes for various death groups per event while figure 30 displays the analogous variations for the RMV volumes.

The partial SMV volumes have the same time structure as that of the whole volume. This is not the case for the partial RMV volumes. The volume of victims killed in random mass killings causing up to 5 deaths per incident rises continually since 1994.

We now present in figure 31 the monthly variation of the SMV volume, from April 96 to December 1998. As was observed in figure 7, the salient feature of this time profile is its oscillatory behaviour. There is a one to one correspondence between the positions and the lifetimes of the victimisation peaks in figure 31 and those of the massacre activity in figure 7; there is also a proportional correspondence between the magnitudes of the respective peaks. There are two exceptions to this equivalence relation. Regarding the April 1997 terror wave, the profile of the massacre activity (figure 7) indicates that its

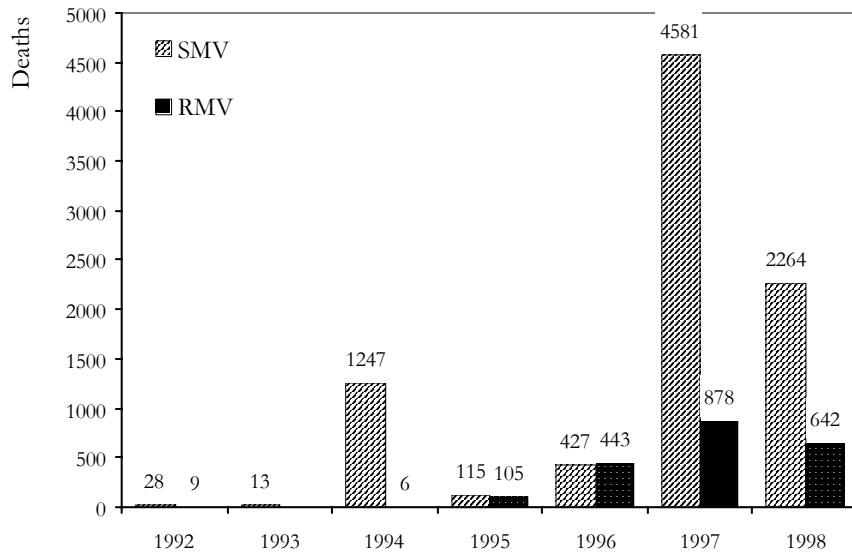


Figure 28: Annual Fluctuations of SMV and RMV Volumes.

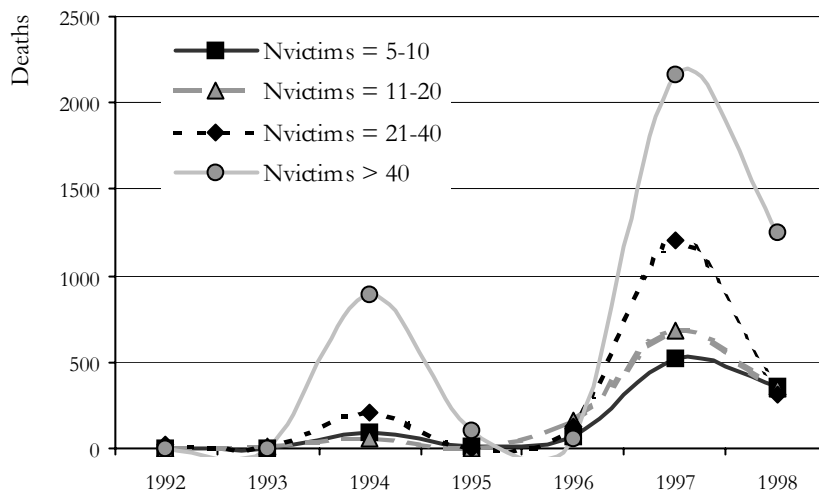


Figure 29: Annual Fluctuations of SMV Volumes by Death Group.

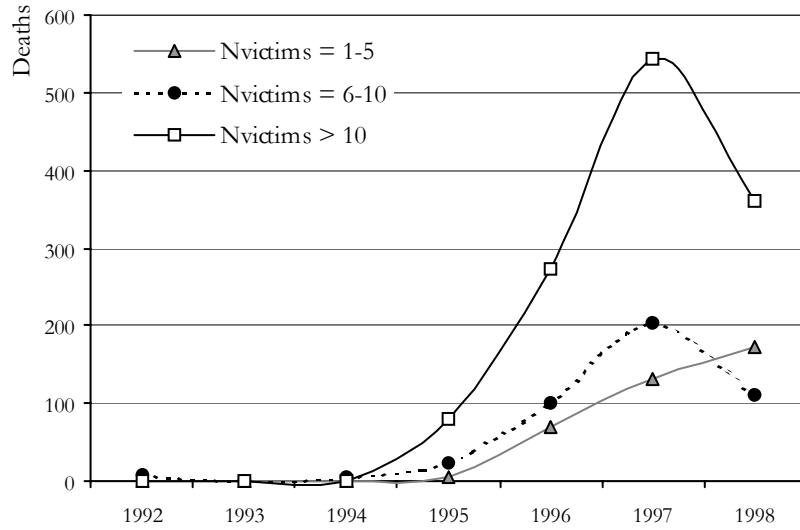


Figure 30: Annual Fluctuations of RMV Volumes by Death Group.

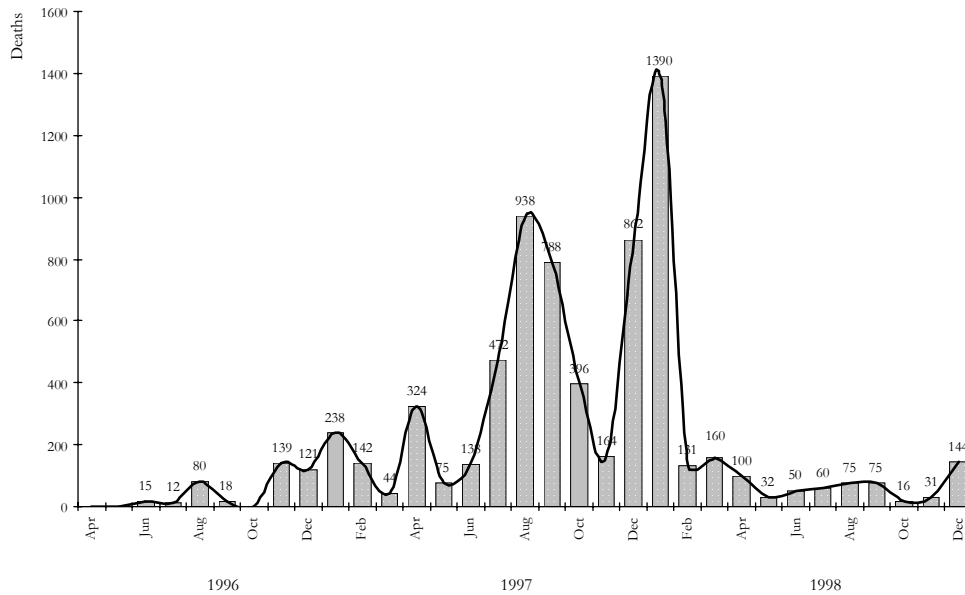


Figure 31: Monthly Fluctuations of the SMV Volume Apr.96–Dec.98.

intensity is smaller than that of January 1997 whereas the time variation of the victimisation volume (figure 37) shows that the peaks of the waves increase steadily in 1997. For the autumn of 1997 terror wave, the SMV activity increases by 2 units, from September 1997 to October 1997, but the corresponding victimisation volume decreases from 788 to 396 deaths. The political events and statements concomitant with these victimisation waves were discussed in section 3.2.1.

Figure 32 reports the monthly change of the RMV volume, from April 96 to December 1998. The wave structure does appear here too. We also find a relation of correspondence between the positions and lifetimes of the peaks of the terror waves indicated by figure 32 and those prominent in the profile of the RMV activity in figure 13. The variations in the intensities of the peaks also match each other except for the waves of January and August 1997.

The correlations between the SMV and RMV volumes are shown in figure 33. The positions, lifetimes and intensities of the waves of terror are strictly homologous to those displayed by the total massacre activity in figure 16 (see  $P_1, \dots, P_7$ ).

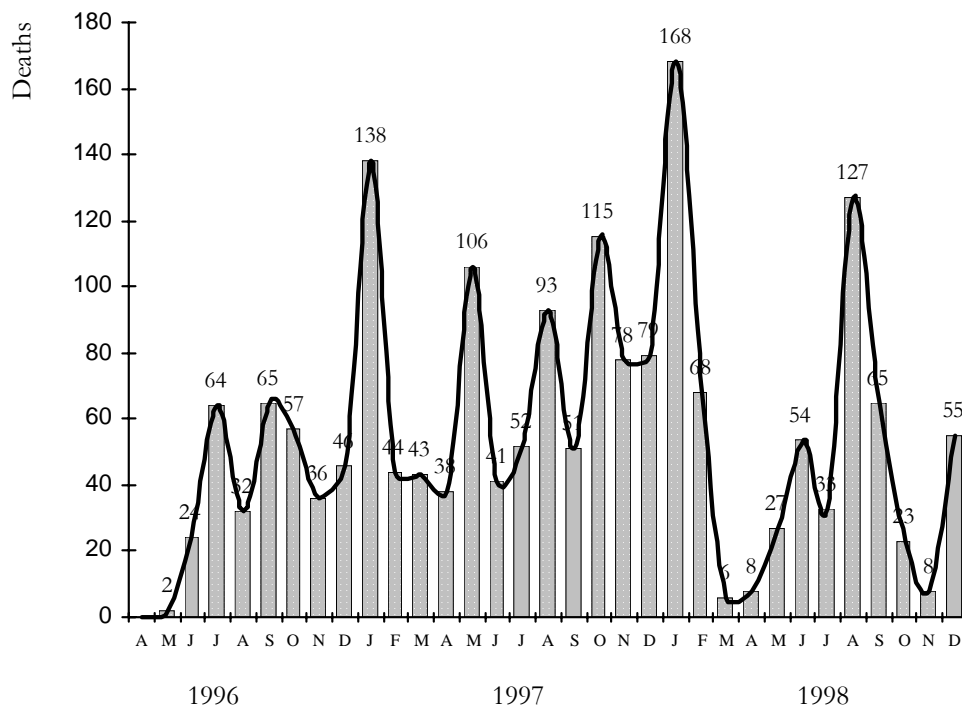


Figure 32: Monthly Fluctuations of the RMV Volume Apr.96–Dec.98.



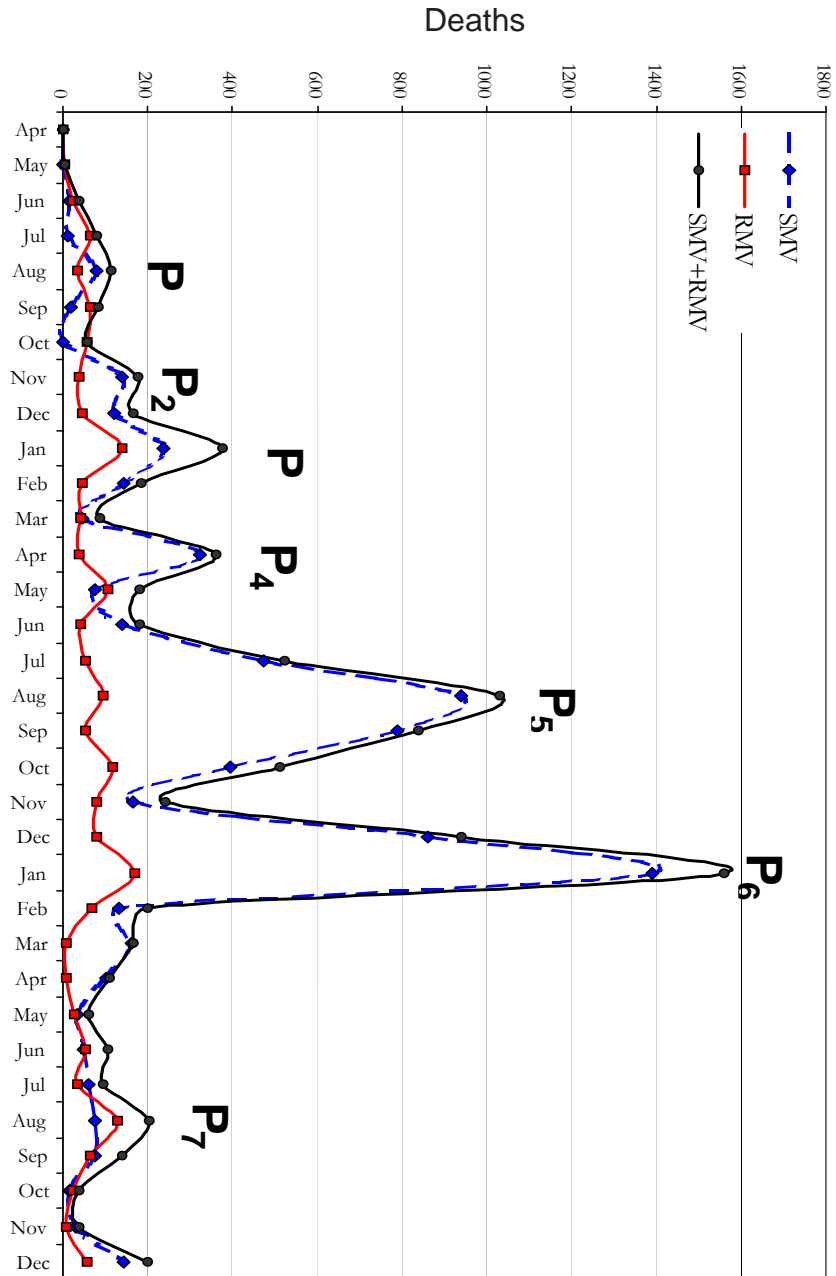


Figure 33: Monthly Fluctuations of the SMV and RMV Volumes Apr: 96-Dec:98.

### 4.3. Geographical Distribution of the Victimization Volume

The distribution of the SMV volume over the national territory is given in figure 34 and that of the RMV volume is presented in figure 35. The volumes are calculated for the 1992-1998 period. We show only the 13 districts with the highest victimisation volumes.

The highest SMV volumes are mainly concentrated in the central districts of Blida, Médéa and Algiers. This agrees with the indications from the SMV activities in figure 17. These districts account for 53.3 % of the national SMV volume. Note however that Relizane, a Western district with lower SMV activity than even Djelfa, has a higher SMV death toll than Algiers. In general, the order of districts by decreasing massacre activity does not match that by decreasing SMV volume (compare figures 31 and 17).

It does nevertheless remain the case that the westward districts contiguous to the central region (Tipaza, Chlef, Ain-Defla) have victimisation volumes lower than those of the central districts and higher than those in the far West of Algeria (Saida, Tlemcen, Mascara), a feature we described as diffusion in section 3.3.1.

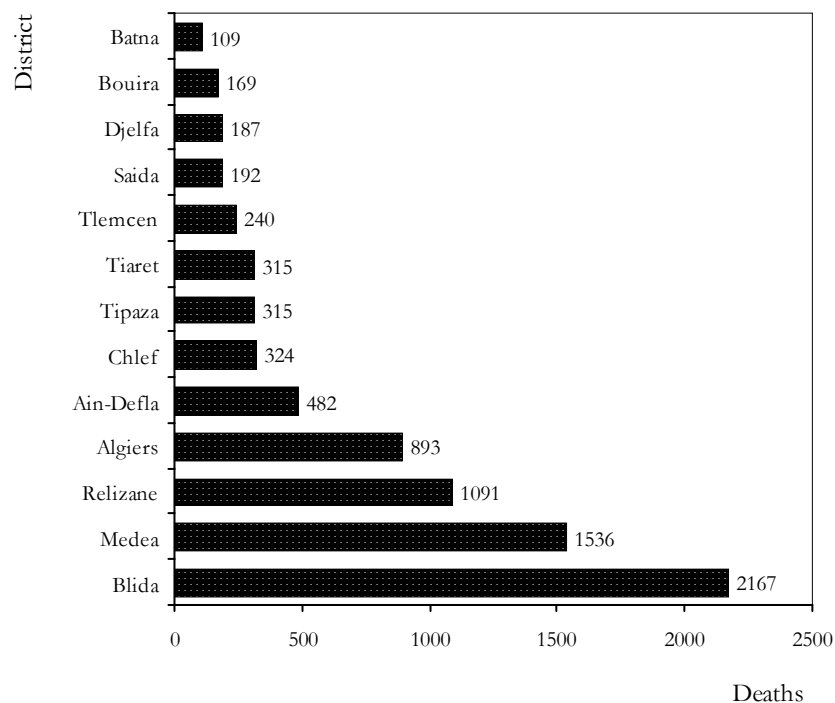


Figure 34: District Distribution of Deaths from SMV.

Figure 35 shows that the highest RMV volumes are located in the central districts of Algiers and Blida (43.7 % of the total RMV volume). There is a gradual decrease in the victimisation volume per district as one moves westwards.

The pie chart in figure 36 displays the district distribution of the SMV and RMV volumes. The populations of Blida, Médéa and Algiers are the worst affected as they sustain 52.2 % of the total victimisation volume.

Finally, we report on table 3 the distributions of victimisation volumes by military district. We find that the degree of victimisation inferred from the victimisation volumes is homologous to that induced from the massacre activities sketched on map 2. The populations living within the borders of the 1<sup>st</sup> and 2<sup>nd</sup> military districts are the most affected as they record 74.9 % and 20.4 %, respectively, of the total victimisation volume.

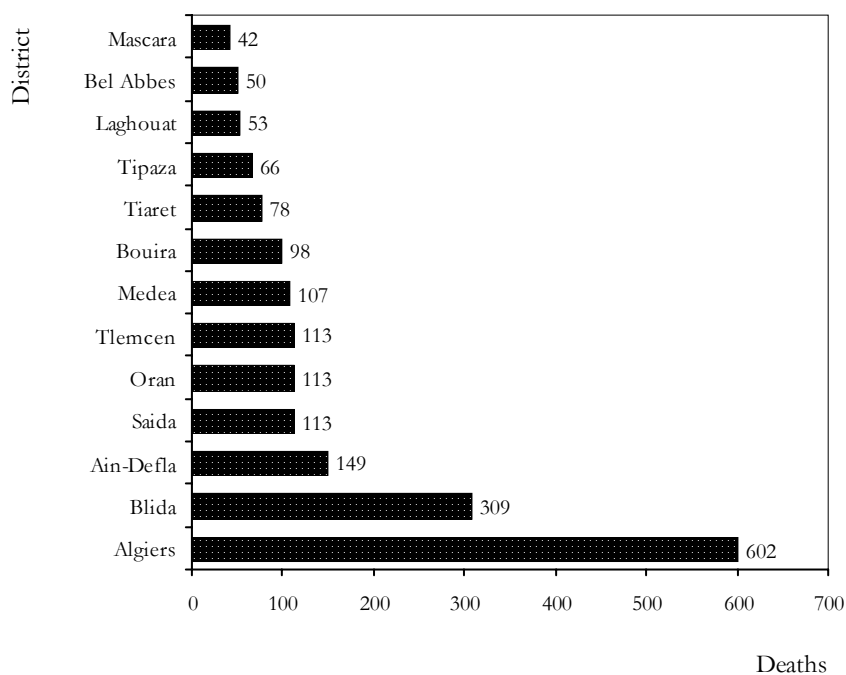


Figure 35: District Distribution of Deaths from RMV.

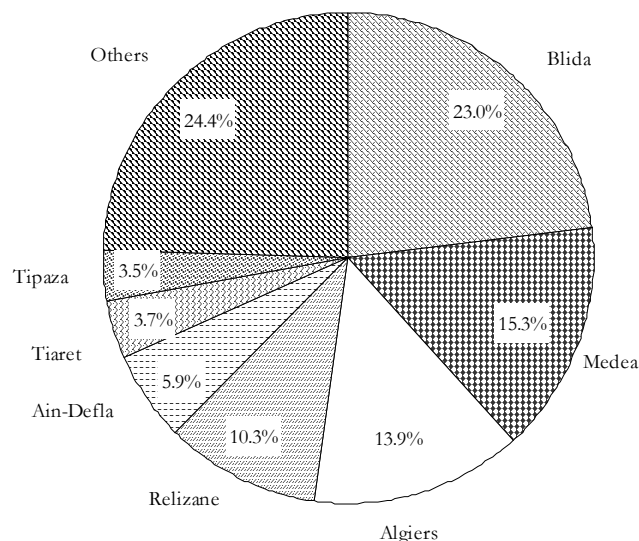


Figure 36: District Distribution of Deaths from SMV and RMV

Table 3: Distribution of Victimization Volumes by Military District.

	SMV Deaths	RMV Deaths	Total	%
<b>1<sup>st</sup> M.D.</b>	6563	1497	8060	74.9
<b>2<sup>nd</sup> M.D.</b>	1739	459	2198	20.4
<b>3<sup>rd</sup> M.D.</b>	11	0	11	0.1
<b>4<sup>th</sup> M.D.</b>	103	65	168	1.6
<b>5<sup>th</sup> M.D.</b>	252	62	314	2.9
<b>6<sup>th</sup> M.D.</b>	7	0	7	0.06

#### 4.4. Social and Political Identification of the Victimized Population

Every instance of selective or random mass victimisation results in harm to individuals. One may however ask whether the population of such individuals has shared attributes other than joint victimisation. Here we seek to describe some of the social and political characteristics of the *group* of victimised individuals. We first look at the age, gender, and kinship features of sub-samples of the victimised population and then report briefly on its economic status and political identity.

##### 4.4.1. Victimization Dependence on Age

Short of complete, accurate and reliable data about the age details of all the victims, we approximate with a sub-sample of the SMV events for which some

quantitative age details were given in the news reports. Most of the news reports do not give the age details of the victims. Those that do tend to refer to age categories, such as 'children' or 'the elderly', rather than give numbers. Typical reports speak of 'N deaths including children', 'most of the victims were women and children', 'X out of the N casualties were from a single family' and so on. The reports rarely refer to the 'adult' category as if one should assume that all victims are adults unless stated otherwise. Since the reports are explicit only about the children and, to a lesser extent, about the elderly, the analysis is restricted to child victimisation.

Table 4 lists the sub-sample of the events for which the numbers of victimised children or elderly are given. Events reported with details such as 'most of

Table 4: Child Component of the Selective Mass Victimisation.

Date	Location/District	Deaths	Age Details
15 Feb. 92	Batna/Batna	28	7 children
3 Nov. 96	Douaouada /Tipaza	13	3 children
23 Jan. 97	Baba Ali/Algiers	22	1 child
31 Jan. 97	Sidi Kaddour/Blida	8	1 baby aged 13 months
18 Feb. 97	Kerrach/Blida	31	1 child
6 Apr. 97	Amroussa/Blida	17	3 children
11 Apr. 97	Boufarik/Blida	22	5 children
21 Apr. 97	Haouch Khemisti/Blida	135	5 children
22 Apr. 97	El Omania/Medea	42	3 babies
15 May 97	Chebli/Blida	24	2 babies and 15 children
14 Jun. 97	Haouch Sahraoui/Blida	16	6 children
22 Jul. 97	Benachour/Blida	11	1 baby
25 Jul. 97	Hadjout/Tipaza	38	At least 20 children
27 Jul. 97	El Omania/Medea	22	1 baby
27 Jul. 97	Si-Zerrouk/Blida	51	At least 8 children
30 Jul. 97	Matmata/Ain-Defla	41	11 children
3 Aug. 97	Amroussa/Blida	26	8 children
4 Aug. 97	Medroussa/Tiaret	11	One 9 month foetus
5 Aug. 97	Oued Slama/Blida	9	3 children
8 Aug. 97	Oued Zeboudj/Medea	21	2 babies and 3 old men
14 Aug. 97	Douira/Tipaza	15	6 children
1 Sep. 97	Bologhine/Algiers	19	13 children
2 Sep. 97	El Omania/Medea	22	10 children
20 Sep. 97	Beni Slimane/Medea	53	At least 17 children

Table 4: Child Component of the Selective Mass Victimization (Cont'd.).

2 Oct. 97	Ain Boucif/Medea	13	6 children
3 Oct. 97	Ouled Benaissa/Blida	38	22 children
3 Oct. 97	Mellouka/Medea	75	34 children
5 Oct. 97	Bouinan/Blida	16	16 schoolboys
12 Oct. 97	Souidania/Blida	14	1 baby and 2 children
27 Oct. 97	Oued Djer/Medea	16	10 children
8 Nov. 97	Tajmout/Tlemcen	23	1 child
9 Nov. 97	Hmalit/Blida	26	11 children
21 Nov. 97	Oued Zitoune/Medea	8	4 children
27 Nov. 97	Souhane/Blida	25	4 children
8 Dec. 97	Medea/Medea	7	1 baby
18 Dec. 97	Djiboulou/Blida	47	2 babies and 11 children
22 Dec. 97	Sahari/Tiaret	28	1 baby, 25 children, an 88 year old man
23 Dec. 97	Bainem/Algiers	11	5 children
26 Dec. 97	Zouabria/Tiaret	27	12 days old baby decapitated
27 Dec. 97	Ouled-Moussa/Boumerdes	21	11 children aged from 2 to 9 years old
28 Dec. 97	Safsaf/Mascara	38	6 children
28 Dec. 97	El Faoudj/Medea	34	11 children
8 Jan. 98	Sour-el-ghozlen/Bouira	26	11 children
14 Jan. 98	Ouzara/Medea	6	2 children
25 Jan. 98	Frenda/Tiaret	20	1 baby aged 3 months and 6 children
1 Feb. 98	Sabra/Tlemcen	10	1 baby aged 6 months
28 Apr. 98	Chouardia/Medea	43	1 baby aged 10 days and 26 children
16 Jul. 98	Sidi-Ouadah/Tiaret	21	1 baby aged 6 months
25 Jul. 98	Khilil/Tlemcen	12	1 baby
5 Aug. 98	Tagdempt/Tiaret	10	1 baby aged 12 months and 4 children
6 Aug. 98	Ouled Yekhlief/Bouira	9	1 baby aged 5 months and 3 children
30 Aug. 98	Targhout/Ain Defla	10	6 children
12 Nov. 98	Boumedfaa/Ain Defla	18	8 children
2 Dec. 98	Sidi Rached/Tipaza	12	7 children and 1 old woman
8 Dec. 98	Tajena/Chlef	81	8 babies and 15 children
28 Dec. 98	Ain Soltan/AinDefla	19	8 children

the victims were women and children' were not included even though one could make approximations from the total death toll. Note that the onset of child victimisation in a substantial and frequent way seems, from the body of news reports at our disposal, to have taken place in the spring 1996. This is not apparent from table 4 because at that time most of the news reports did not give numbers for the volume of child victimisation.

The list includes only 56 out of the 339 SMV events in table A in the appendix. For each case, the age details can be found in the reference given in the corresponding entry in table A in the appendix. Of course, given the limitations of the age information and the earlier reservations about the incompleteness and distortion of the data, it is clear that the sub-sample in table 4 should be not be regarded as more than a rough pointer.

Table 4 counts 452 children and 5 old individuals out of a total of 1461 victims killed in 56 SMV events. This means that 30.9 % of the victimised population are children, i.e. one in three victims is a child on average. The lowest number of children per total death toll is 1/31 and the largest ones are 26/28 (in the massacre of Sahari/Tiaret on 22 December 1997) and 16/16 (in the massacre of Bouinan/Blida on 5 October 1997).

Figure 37 shows how the percentage of children killed varies with the magnitudes of the massacres. For each death group per event we calculate the number of children killed and divide by the total death toll associated with the group. The largest proportion of victimised children seems to occur for massacres causing 11 to 20 deaths per event and the lowest one arises in the mass killings of large magnitude. The victimisation of children is however not strongly dependent on the magnitude of the massacre; it does not deviate much from the average value of 30 %. If one assumes that the sub-sample in table 4 is representative of the *integral* victim population listed in table A, this average proportion suggests that as many as 2600 children would have been killed out of the 8675 total SMV death toll from 1992 to 1998.

For the sub-sample in table 4, the average number of children killed per SMV event is 8.1. The lowest number of children killed per massacre is 1 and the largest one is 26. We plot in figure 38 the variation of the average number of children killed per SMV event with the death group. For each death group we calculate the number of children killed and divide by the total number of SMV events with death tolls within the given group. There is a clear proportional increase with the death group. The largest magnitude massacres victimise about 5 times more children per incident than the lowest magnitude massacres.

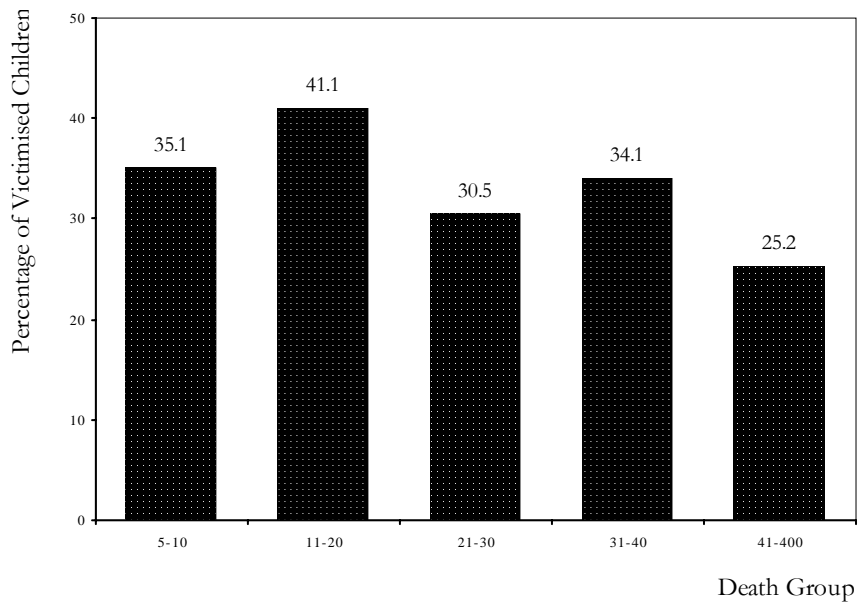


Figure 37: Proportion of Victimised Children by Death Group.

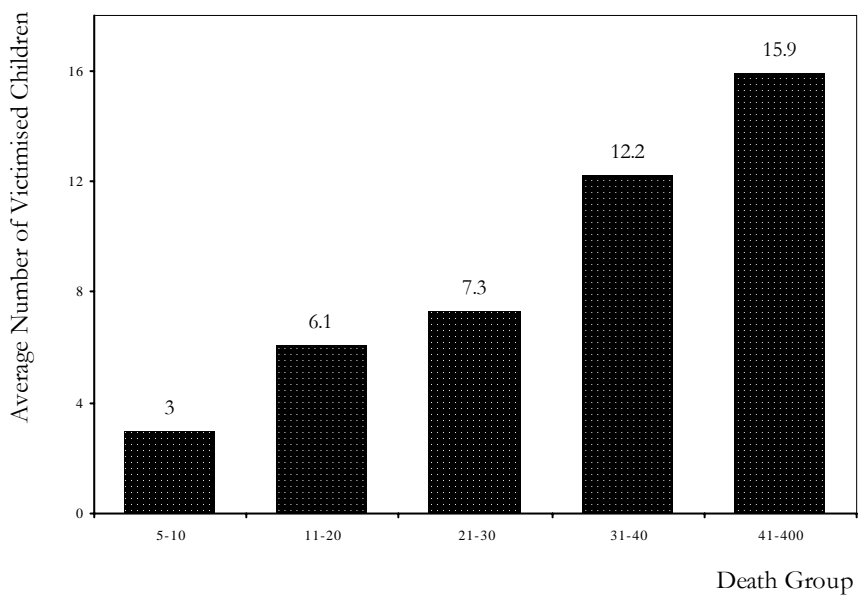


Figure 38: Average Number of Victimised Children per Massacre versus Death Group.



In order to see whether there may be patterns in the time evolution and space distribution of the proportions of children per death toll and in the average number of children killed per massacre, these two parameters were calculated for the period between June 97 and January 98 (see table 5), as this period has the highest massacre activity, and for the 6 most victimised districts (see table 6).

In table 5 we calculate the monthly proportions of children per victimisation volume by dividing the monthly number of children killed by the total monthly death toll; this parameter is denoted  $\text{Ratio}_{\text{child}}$ . The monthly average number of children killed per massacre is obtained by dividing the monthly number of children killed by the total number of SMV events during the month; this parameter is denoted  $\langle N_{\text{child}}/\text{Event} \rangle$ .

Table 5: Monthly Change in Child Victimization Jun.97 - Jan. 98

	Jun. 97	Jul. 97	Aug. 97	Sep. 97	Oct. 97	Nov. 97	Dec. 97	Jan. 98
<b>Ratio<sub>child</sub> in %</b>	37.5	26.3	24.4	43.6	52.9	24.4	34.7	38.5
<b><math>\langle N_{\text{child}}/\text{Event} \rangle</math></b>	6	8.6	4	13.7	15.2	5	9.3	6.7

Apart from the months of September and October that register the highest victimisation of children, there is not a salient departure from the sample averages of 1 child killed for 3 adults and about 8 children killed per atrocity. September and October 97 are months of high massacre activity (see figure 7). Note that although August 97 and January 98 have the most intense terror waves, the child victimisation parameters for these two months are smaller than those calculated for September and October 97. In other words, if one assumes the sub-sample is representative, the times at which the victimisation of children peaks do not always coincide with the periods when the waves of atrocities are maximal in intensity.

In table 6, for each district the percentage of children per death toll is computed by dividing the total number of children killed in the district by the total death toll of the district; this parameter is called  $\text{Ratio}_{\text{child}}$ . The district average

Table 6: District Distribution of Child Victimization

	Blida	Medea	Tiaret	Tipaza	Ain Defla	Algiers
<b>Ratio<sub>child</sub> in %</b>	21.9	35.6	35.0	47.4	37.5	36.5
<b><math>\langle N_{\text{child}}/\text{Event} \rangle</math></b>	6.7	9.9	6.8	9.3	8.3	6.3

number of children killed per massacre is obtained by dividing the number of children killed in the district by the total number of SMV events in the district; this parameter is denoted  $\langle N_{\text{child}}/\text{Event} \rangle$ .

There is not a substantial departure from  $\text{Ratio}_{\text{child}}$  and  $\langle N_{\text{child}}/\text{Event} \rangle$  calculated nationally (30.9 and 8.1 respectively). Although in absolute numbers Blida and Médéa have the highest child victimisation volumes, Tipaza has noticeably high child victimisation indicators.

Nothing has been said about the victimisation of children through bombings in public spaces. The reason is that such events are probably not frequent and, in any case, the quantitative data available are scarce. From the events in table B, one may cite the bombing in Mostaghanem cemetery on 1 November 1994 which killed 6 children and injured 17 (scouts commemorating the 40<sup>th</sup> anniversary of the start of the liberation war). Another case is the bomb in front of a school in Birkhadem, in the district of Algiers, on 10 November 1996, that killed 10 children. Unlike these two bombings that specifically targeted children, the rest of the mass victimisation events affect the children as random users of public spaces or transport. No quantitative data are publicly accessible to evaluate this kind of child victimisation.

Finally, the count of victimised elderly people is only 5, as shown in the data in table 4. However unreliable and unrepresentative this figure may be, it seems plausible that elderly people are overall significantly less victimised than children.

#### *4.4.2. Victimisation Dependence on Gender*

Given the lack of gender victimisation data, we approximate with a sub-sample of the SMV events for which some quantitative gender details were given in the news reports. The news reports typically talk of 'N deaths including women', 'most of the victims were women and children', 'X out of the N casualties were women from a single family' and so on. The reports explicitly refer only to the 'female' gender category suggesting one should take for granted that the victims are males unless stated otherwise.

Table 7 lists the sub-sample of the events for which the numbers of victimised females are given. Death tolls depicted as 'most of the victims were women and children' were not recorded. Although it is not evident from table 7, because at that time most of the news reports did not quantify female victimisation, the beginning of sizeable and repetitive female victimisation appears, from the body of the available news reports, to have taken place in the spring of 1996.

Table 7: Female Component of the Selective Mass Victimization.

Date	Location/District	Deaths	Gender Details
3 Nov. 96	Douaouada /Tipaza	13	10 women
6 Nov. 96	Chrea/Blida	31	12 women
23 Jan. 97	Baba Ali/Algiers	22	10 women
18 Feb. 97	Kerrach/Blida	31	24 women
23 Mar. 97	Ouazra/Medea	7	7 women
6 Apr. 97	Amroussa/Blida	17	7 women
11 Apr. 97	Boufarik/Blida	22	14 women
13 Apr. 97	Boufarik/Blida	30	16 women/5 girls abducted
21 Apr. 97	Haouch Khemisti/Blida	135	43 women
22 Apr. 97	El Omaria/Medea	42	17 women
15 May. 97	Chebli/Blida	24	7 women
29 May. 97	Cherchell/Tipaza	14	8 women
19 Jun. 97	Djouaza/Tissemsilt	15	3 women
22 Jul. 97	Yemma Mghite/Blida	39	11 women
22 Jul. 97	Benachour/Blida	11	4 women
25 Jul. 97	El Omaria/Medea	13	3 women
27 Jul. 97	Si-Zerrouk/Blida	51	11 women abducted
30 Jul. 97	Matmata/Ain-Defla	41	2 women abducted
3 Aug. 97	Amroussa/Blida	26	7 women / 3 girls abducted
4 Aug. 97	Medroussa/Tiaret	11	2 pregnant women
5 Aug. 97	Oued Slama/Blida	9	3 women
8 Aug. 97	Oued Zeboudj/Medea	21	5 women
11 Aug. 97	Ain Defla	29	20 women
14 Aug. 97	Douira/Tipaza	15	2 women
19 Aug. 97	Feid El Botma/Djelfa	20	6 women abducted
21 Aug. 97	Souhane/Blida	63	12 girls abducted
26 Aug. 97	Beni Ali/Blida	64	30 women
29 Aug. 97	Sidi Rais/Blida	300	20 women abducted
29 Aug. 97	Maalba/Djelfa	40	19 women / 2 abducted
1 Sep. 97	Bologhine/Algiers	19	3 women
2 Sep. 97	El Omaria/Medea	22	6 women
20 Sep. 97	Beni Slimane/Medea	53	8 women
22 Sep. 97	Bentalha/Algiers	200	> 30 women abducted
27 Sep. 97	AinAden/S. Bel-Abbas	11	11 women
2 Oct. 97	Ain Boucif/Medea	13	4 women
12 Oct. 97	Souidania/Blida	14	7 women
20 Oct. 97	Bejaia	5	5 women

Table 7: Female Component of the Selective Mass Victimisation (cont'd).

8 Nov. 97	Tajmout/Tlemcen	23	6 women
27 Nov. 97	Souhane/Blida	25	3 women
18 Dec. 97	Aflou/Laghout	10	3 women abducted
18 Dec. 97	Djiboulou/Blida	47	10 women / 2 girlsabducted
23 Dec. 97	Bainem/Algiers	11	4 women
27 Dec. 97	Ouled-Moussa/Boumerdes	21	3 women
28 Dec. 97	Oued Sly/Chlef	9	2 girls abducted
28 Dec. 97	Safsaf/Mascara	38	3 women
28 Dec. 97	El Faoudj/Medea	34	19 women
4 Jan. 97	Ain Defla	5	1 woman and 4 girls
8 Jan. 98	Sour-el-ghozlen/Bouira	26	4 women
8 Jan. 98	Saida	9	5 women
11 Jan. 98	Sidi Hamed/Blida	> 400	30 women abducted
24 Jan. 98	Ben Larbi/ S. Bel Abbas	11	2 women abducted
25 Jan. 98	Frenda/Tiaret	20	5 women, one pregnant
16 Mar. 98	Tipaza	7	2 women
6 Apr. 98	Boukriba/Mostaganem	27	5 women
15 Jul. 98	Bougherba/Tiaret	13	4 women
25 Jul. 98	S. Abdelmoumen/Saida	8	7 women abducted
25 Jul. 98	Khilil/Tlemcen	12	3 women
5 Aug. 98	Tagdempt/Tiaret	10	5 women
6 Aug. 98	Ouled Yekhllef/Bouira	9	1 pregnant woman abducted
29 Aug. 98	Tipaza	6	2 women
17 Nov. 98	Khemis Meliani/Ain Defla	8	1 girl abducted
12 Nov. 98	Boumedfaa/Ain Defla	18	5 women
2 Dec. 98	Sidi Rached/Tipaza	12	3 women, one pregnant
8 Dec. 98	Tajena/Tipaza	81	13 women / 10 abducted

The 'kidnapped' category is given separately because at the time of the news reports the missing females are not counted among the dead victims. In most cases the kidnapped females are reportedly raped and later killed but the death toll is only rarely revised. For instance on 24 October 1997 'tens of bodies were found at the bottom of a well in Bentalha', a village that had been the target of a large scale massacre earlier on 22 September 1997. 'Most of the bodies were those of women abducted in the Bentalha massacre and later raped and murdered.'<sup>107</sup> The thirteen women kidnapped in the massacre of Tajena, in Tipaza, on 8 December 1998, were found slaughtered three days later.<sup>108</sup> Some reports indicate that a few of the women captives are kept as sex slaves but no numbers are available.

The list contains only 64 out of the 339 SMV events in table A in the appendix. For each case, the gender details can be found in the reference indicated in the respective entry in table A in the appendix. The sub-sample in table 7 should not be considered as more than a rough indicator until more complete, accurate and reliable gender victimisation data are available.

Table 7 numbers 435 females killed and 149 abducted (and probably killed) out of a total of 2394 victims killed in 64 SMV events. This signifies that 18.2 % of the victimised population are women, i.e. about one in five victims counted at the end of any SMV event is a woman on average. If one includes the abducted women in the death toll then 23 % of the victims are women, i.e. about one woman is killed, or abducted and then probably killed, for every 4 victims on average. Note that the 'woman' instead of the 'female' category is used because these numbers do not include female children. If one assumes that half of the victimised children are females, since children account for 30.9 % of the victimisation volume on average, the proportion of victimised females is about 33.7 %, i.e. one in three victims is a female on average. Males are therefore about twice more likely to be victims of massacres.

The lowest number of women per total death toll is 3/25 and the largest ones are 24/31 (in the massacre of Kerrach, in the district of Blida, on 18 February 1997) and 11/11 (in the massacre of Ain-Aden, in the district of Sidi Bel Abbas, on 27 September 1997). The lowest number of women abducted and probably killed per death toll is 2/41 and the largest one are 11/51 (in the massacre of Si Zerrouk, in the district of Blida, on 27 July 1997) and 7/8 (in the massacre of Sidi Abdelmoumen, in the district of Saida, on 25 July 1998).

Figure 39 displays the variation of the percentage of victimised women with the magnitudes of the massacres. For each death group per event the total number of women killed is divided by the total death toll associated with the group. The largest proportion of victimised women eventuates for massacres with 31 to 40 deaths per event and the lowest one is found in large magnitude mass killings. Except in the latter group, the victimisation of women does not fluctuate strongly with the death group; it departs only moderately from the average value of 34 %. If one assumes that the sub-sample in table 4 is representative of the *integral* victim population listed in table A, 1580 women would have been killed out of the 8675 total SMV death toll from 1992 to 1998. This number is 43 % lower than the figure of 3700 women killed in total since 1992 according to the Algerian paper *La Nouvelle République*; the paper gave no source for the figure.<sup>109</sup>

For the sub-sample in table 7, the average number of women killed per SMV event is 6.8. The lowest number of women killed per massacre is 1 and

the largest one is 43. Figure 40 shows the variation of the average number of women killed per SMV event with the death group. For each death group the number of women killed is divided by the total number of SMV events with death tolls within the given group. The figure shows a marked proportional

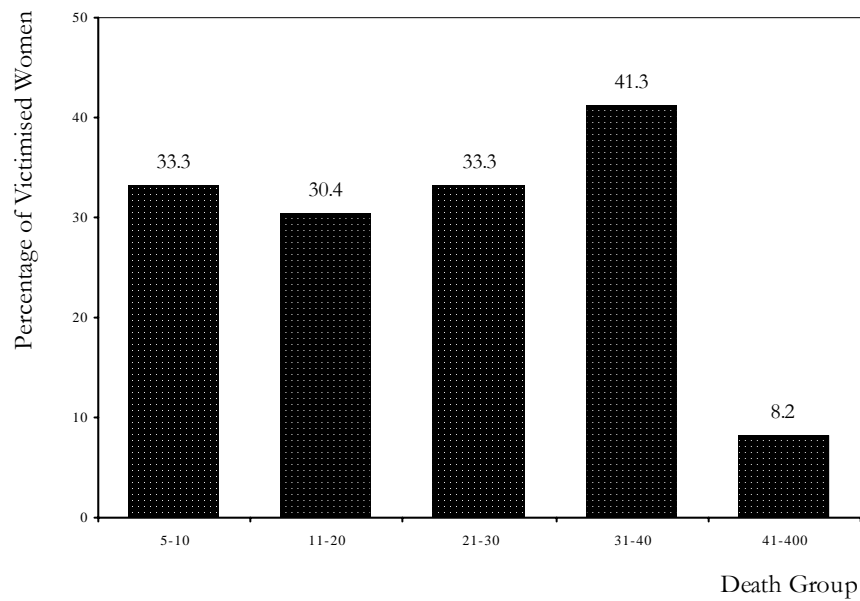


Figure 39: Proportion of Victimised Women by Death Group.

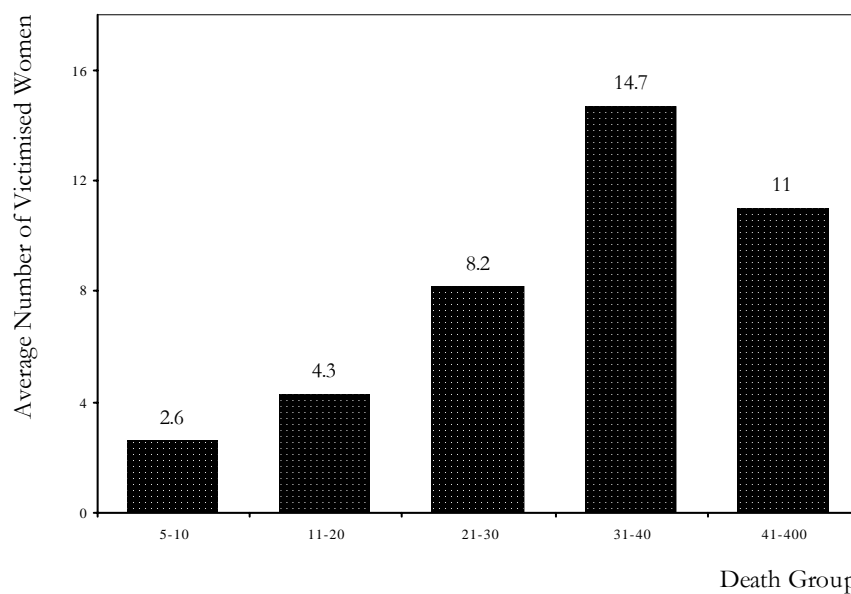


Figure 40: Average Number of Victimised Women per Massacre versus Death Group.

increase with the death group except for the massacres with the largest magnitudes. SMV events with death tolls between 31 and 40 per atrocity victimise women the most.

One can also look at how the percentage of women abducted and probably killed varies with the magnitudes of the massacres. The largest fractions are found in the massacres with the smallest and largest death tolls per event, i.e. 13.7 % and 7.9 %, respectively.

The average number of women abducted per SMV event is 2.3. The lowest number of women abducted per massacre is 1 and the largest one is 30. The largest number of abducted women per atrocity eventuates in the massacres with the largest death group per event, i.e. 10.6 %; this ratio is about 1 % for the SMV incidents with lower magnitudes.

We now briefly consider the time evolution and space distribution of the proportions of women per death toll and the average number of women killed per massacre. The calculation is for the period between June 97 and January 98 (see table 8) and for the 6 most victimised districts (see table 9).

Table 8 reports the monthly proportions of women per victimisation volume obtained by dividing the monthly number of women killed by the total monthly death toll; this variable is denoted  $\text{Ratio}_{\text{women}}$ . It also shows the monthly average number of women killed per massacre found by dividing the monthly number of women killed by the total number of SMV events during the month (this variable is called  $\langle N_{\text{women}}/\text{Event} \rangle$ ).

Table 8: Monthly Change of Victimization Women Jun. 97 - Jan. 98

	<b>Jun. 97</b>	<b>Jul. 97</b>	<b>Aug. 97</b>	<b>Sep. 97</b>	<b>Oct. 97</b>	<b>Nov. 97</b>	<b>Dec. 97</b>	<b>Jan. 98</b>
<b>Ratio<sub>women</sub> in %</b>	20.0	11.6	14.7	26.7	50.0	18.8	22.9	40.3
<b><math>\langle N_{\text{women}}/\text{Event} \rangle</math></b>	3	3.6	8	7	5.3	4.5	5.6	3.2

October 97 and January 98 register the highest victimisation of women, these peaks coinciding with the periods when the waves of atrocities are maximal in intensity (see figure 7). August 97 is the month with the largest average number of women killed per massacre.

In table 9, the percentage of women per death toll is calculated, for each district, by dividing the total number of women killed in the district by the total death toll of the district (this is denoted  $\text{Ratio}_{\text{women}}$ ). The average number of women killed per massacre ( $\langle N_{\text{women}}/\text{Event} \rangle$ ) for a given district is obtained by dividing the number of women killed in the district by the total number of SMV events in the district.

Table 9: District Distribution of Victimization of Women

	<b>Blida</b>	<b>Medea</b>	<b>Tiaret</b>	<b>Tipaza</b>	<b>Ain Defla</b>	<b>Algiers</b>
<b>Ratio<sub>women</sub> in %</b>	14.8	33.7	29.6	27.0	29.7	32.7
<b>&lt;N<sub>women</sub>/Event&gt;</b>	10.4	8.6	4.0	5.7	6.0	5.7

Except for Blida, Ratio<sub>women</sub> stays around the value of about 30 % throughout the districts and the values of <N<sub>women</sub>/Event> do not spread significantly away from the national average number of women killed per SMV event (6.8). Blida has the highest number of victimised women in absolute terms (198 altogether) but it has the lowest Ratio<sub>women</sub> and the highest <N<sub>women</sub>/Event>.

Regarding the victimisation of women through random mass killings, there is not enough quantitative data to evaluate it. Among the RMV events listed in table B, one can only say the bombings in cemeteries tend to kill a higher proportion of women as they visit them in larger proportions than men. For instance, all the victims of the bombing in Médéa cemetery on 20 June 1998 were women.

#### 4.4.3. *Victimisation Dependence on Kinship*

We now focus on the kinship component of the victimised population. It is often the case that the news reports do not give the kinship details and numbers of the victims. Those that do give such details characteristically say ‘X out of the Y victims were from a single family’, or ‘X deaths from Y different families’ etc. without specifying what is referred to as ‘family’. In the reports that do describe the kinship relation under the category ‘family’ one finds a variety of connections. The term ‘family’ is used to designate ‘many brothers’, ‘a couple and their baby’, ‘a father, his sons, daughters and a boy aged one’, ‘a mother and her daughters’, or ‘several children and their grandmother’. One also finds combinations of these relations: Mohammed Alliche, aged 53, a survivor of the Raïs massacre, told Robert Fox ‘the killers burnt the house and murdered my mother and niece and another 15 of my relatives. From my family of 60 members, we lost 17 in that one night.’<sup>110</sup> ‘Family’ should therefore be understood here as a broad kinship unit inclusive of these situations, i.e. cases where a significant part or the whole of a nuclear or extended family is victimised.<sup>1</sup>

Table 10 lists the sub-sample of events for which the number of victimised families is reported. The list records only 46 out of the 339 SMV events in

<sup>1</sup> See section 2.1 of M. Farouk, T. S. Senhadji and M. Ait-Larbi (eds.), *Voices of the Voiceless*, in part I of this book, for trees of victimised families.



Table 10: Family Component of the Selective Mass Victimisation

<b>Date</b>	<b>Location/District</b>	<b>Deaths</b>	<b>Kinship Details</b>
12 Dec. 93	Bordj El Kiffan/Algiers	13	1 family
13 Aug. 94	Bourbika/Tipaza	11	1 family
7 May 95	Boufarik/Blida	6	3 from 1 family
12 Jan. 97	Tabainat/Blida	19	3 families
23 Jan. 97	Baraki/Algiers	5	1 family
31 Jan. 97	S. Bouhdjar/Blida	33	5 from 1 family
5 Feb. 97	Benchicao/Medea	9	1 family
18 Feb. 97	Kerrach/Blida	31	8 from 1 family
21 Feb. 97	Laghouat	12	5 from 1 family
30 May 97	Medea	5	1 family
12 Jul. 97	Mfetha/Medea	33	5 families
18 Jul. 97	Bousmail/Tipaza	14	1 family
22 Jul. 97	Yemma Mghite/Blida	39	15 from 1 family
27 Jul. 97	Si-Zerrouk/Blida	51	10 from 1 family
3 Aug. 97	Amroussa/Blida	26	2 families
4 Aug. 97	Medroussa/Tiaret	11	1 family
14 Aug. 97	Douira/Tipaza	15	2 families
26 Aug. 97	Zahara/Tlemcen	6	1 family
28 Aug. 97	Beni Moali/Mascara	9	1 family
29 Aug. 97	Rais/Blida	300	At least 17 from 1 family
30 Aug. 97	Chlef	14	2 families
1 Sep. 97	Bologhine/Algiers	19	2 families
29 Sep. 97	Larbaa/Blida	9	1 family
2 Oct. 97	Ain Boucif/Medea	13	1 family
10 Oct. 97	Souagui/Medea	9	1 family
12 Oct. 97	Beni Slimane/Medea	22	4 from 1 family
12 Oct. 97	Souidania/Blida	14	2 families
20 Oct. 97	Bougtob/Saida	11	2 families
27 Oct. 97	Oued Djer/Medea	16	4 families
22 Nov. 97	Sidi Medjbar/Algiers	7	1 family
8 Dec. 97	Medea/Medea	7	1 family
22 Dec. 97	Moretti/Tipaza	5	1 family
23 Dec. 97	Bainem/Algiers	11	2 families
26 Dec. 97	Zouabria/Tiaret	27	3 families
8 Jan. 98	Saida	9	1 family
10 Jan. 98	Bordj Khriss/Bouira	11	2 families
11 Jan. 98	Sidi Hamed/Blida	>400	21 families

Table 10: Family Component of the Selective Mass Victimization (cont'd).

14 Jan. 98	Ouazra/Medea	6	1 family
25 Jan. 98	Frenda/Tiaret	20	1 family
16 Jul. 98	Sidi-Ouadah/Tiaret	21	3 families
5 Aug 98	Tagdempt/Tiaret	10	1 family
5 Aug. 98	Beni Mester/Tlemcen	7	1 family
6 Aug. 98	Ouled Yekhlef/Bouira	9	1 family
17 Nov. 98	Khemis Miliani/Ain Defla	8	5 from 1 family
2 Dec. 98	Sidi Rached/Tipaza	12	1 family
8 Dec. 98	Tajena/Tipaza	81	24 from 1 family/13 from 1 family

table A in the appendix. This list is smaller than that of victimised children. We could have added events from the list of massacres involving a significant number of children (table 4) but we did not as the kinship connections between them are not given or quantified in the reports. We followed the rule that unless the attribute 'family' was explicitly stated in the report the event would not qualify as part of the sub-sample. Note that the occurrence of family victimisation in a significant way dates back to the spring of 1996 but not many quantitative details are available until 1997. For each entry, the kinship details can be found in the reference given in the corresponding entry in table A in the appendix. Since the sub-sample in table 10 is selected on the sole criterion of quantifiability of kinship details, it should not be regarded as more than a rough pointer.

The sub-sample in table 10 counts 88 families contributing 953 related victims out of the 1427 deaths incurred in the 46 SMV events. This suggests 66.8 % of the victimised population are family related, i.e. two in three victims are akin on average.

Figure 41 shows how the percentage of related victims varies with the magnitudes of the massacres. For each death group per event, the total number of related victims is divided by the total death toll associated with the group. The largest proportion of related victims eventuates in massacres causing 11 to 20 deaths per event and the low percentages arise in large magnitude mass killings. A similar dependence was found for the percentages of victimised children by death group, a result that should not be surprising if one assumes that the victimised kinship units comprise a significant proportion of children. If one assumes that the sub-sample in table 10 is representative of the *integral* victim population listed in table A, 5800 related victims who would have been killed out of the 8675 total SMV death toll from 1992 to 1998.

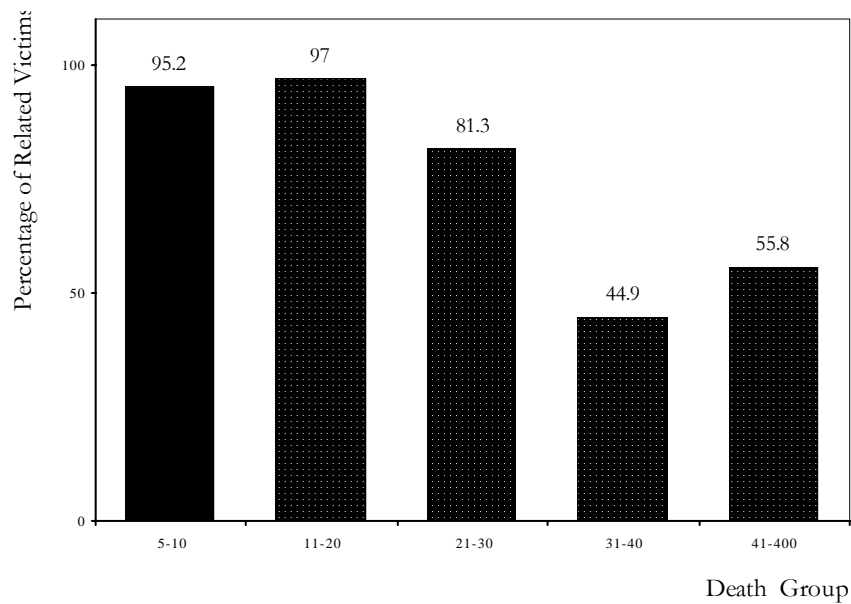


Figure 41: Percentage of Related Victims by Death Group.

For the sub-sample in table 10, the average number of victimised families per SMV event is 1.9; the lowest number of families victimised per massacre is 1 and the largest count is 21 (in the massacre of Sidi Hamed, in the district of Blida, on 11 January 1998). We display in figure 42 the variation of the average number of victimised families per SMV event with the death group. For each

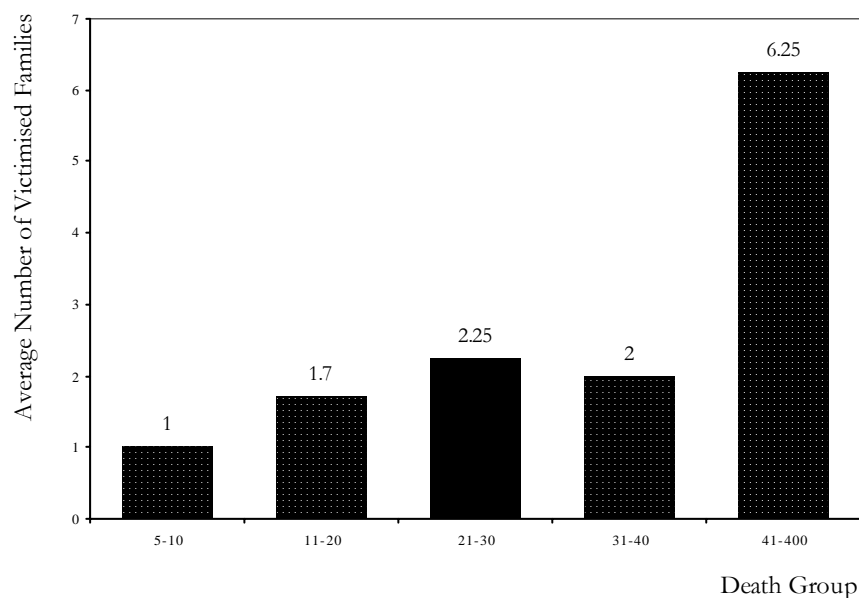


Figure 42: Average Number of Victimised Families per Massacre versus Death Group.

death group the total number of victims akin is divided by the total number of SMV events with death tolls within the given group. The main trend is a proportional increase with the death group. The largest magnitude massacres victimise about 6 times more families than do the lowest magnitude massacres.

The average death toll per victimised family is 10.8 members; the lowest death rate per family per massacre is 3 and the largest one is 24 (in the massacre of Tajena, in the district of Tipaza, on 8 December 1998). Figure 43 reports how the average death toll per victimised family changes with the magnitudes of the massacres. For every death group the average death toll per family is taken to be the total number of related victims divided by the total number of families involved in the chosen group. The size of the victimised families tends to enlarge with increasing death group, except for the group of 31 to 40 deaths per incident.

We now look at the time evolution and geographic dependence of the three parameters of family victimisation considered so far. The percentage of related victims is denoted  $\text{Ratio}_{\text{family}}$ , the average number of victimised families per massacre is designated  $\langle N_{\text{family}}/\text{Event} \rangle$ , and the average death toll per family will be referred to as  $\langle \text{Deaths}/\text{Kin} \rangle$ .

These parameters, calculated on a monthly basis for July, August, October and December 1997 and January 98, are shown in table 11. The months of September and November 1997 have too few events for the averages to be meaningful.

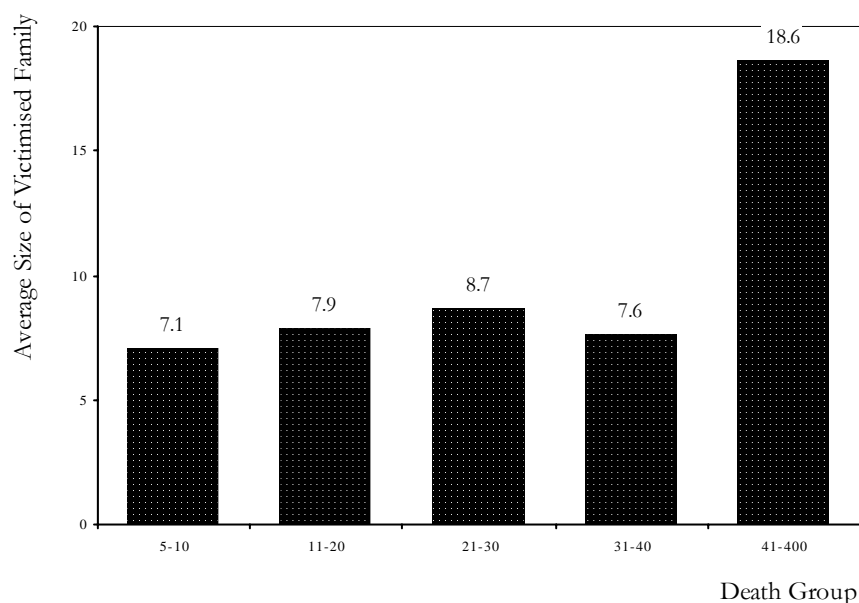


Figure 43: Average Death Toll per Family by Death Group.

Table 11: Monthly Change of Family Victimization Jul.97 - Jan. 98

	<b>Jul. 97</b>	<b>Aug. 97</b>	<b>Oct .97</b>	<b>Dec. 97</b>	<b>Jan. 98</b>
<b>Ratio<sub>family</sub> in %</b>	52.6	25.7	78.8	100	100
<b>&lt;N<sub>family</sub>/Event&gt;</b>	2	1.4	1.8	1.8	5.2
<b>&lt;Deaths/Kin&gt;</b>	9	9.8	6.1	7.1	17.2

Table 12: District Distribution of Family Victimization

	<b>Blida</b>	<b>Medea</b>	<b>Algiers</b>	<b>Tipaza</b>	<b>Tiaret</b>
<b>Ratio<sub>family</sub> in %</b>	56.7	85	100	68.1	100
<b>&lt;N<sub>family</sub>/Event&gt;</b>	3.2	1.8	1.4	1.3	1.8
<b>&lt;Deaths/Kin&gt;</b>	15.1	6.4	7.9	11.8	9.9

January 1998 is the month of the most intense terror wave in the campaign and has the largest family victimisation parameters. They depart significantly from the averages for the whole sub-sample, i.e.  $\text{Ratio}_{\text{family}} = 66.8$ ,  $\langle N_{\text{family}}/\text{Event} \rangle = 1.9$  and  $\langle \text{Deaths}/\text{Kin} \rangle = 10.8$ . This month also recorded the highest child and women victimisation (see tables 5 and 8). The monthly average number of victimised families per massacre does not scatter away from the average value for the whole sub-sample.

Table 12 gives the family victimisation parameters for the districts involving at least 7 families. In Algiers and Tipaza related victims tend to account for the integral death tolls. The average numbers of victimised families per massacre are about the average value of 1.8 except for Blida where on average 3 families are victimised per atrocity. Blida has also the largest average death toll per family.

As regards the victimisation of families through random mass killings, it is probably small on average, though there may be exceptions such as the massacre of Ouled Bey, in Khemis Djouamaa, in the district of Médéa, on 1 July 1998. Four deaths and fourteen casualties from 2 families were reported in this event. In any case there is no quantitative kinship data to evaluate this kind of victimisation.

#### 4.4.4. *Victimisation Dependence on Economic Status and Political Identity*

The news reports occasionally indicate the economic status of the victims with qualitative descriptions such as '*le petit peuple*' [the under-privileged people], 'poor peasants', 'poor villagers', 'suburbs with high unemployment' etc. It is not possible to make a quantitative analysis with such data.

Until such data are available, one can only say that these qualitative reports and the economic geography of the massacres, discussed in section 3.3.4, indicate that a) the economically privileged sections of the population or those residing in areas economically vital to the regime are safe from mass killings whereas b) the economically deprived sections of the population and those residing in areas economically deprived and/or coveted for their estate value are likely to be victimised.<sup>K</sup>

With respect to the political identities of the victims, they can be inferred from the analysis of the political geography of the massacres, in section 3.3.2. No alternative sources of quantitative data about the political allegiances of the victims are available up to now. On the basis of local and parliamentary election results it was shown that the degree of victimisation of a zone is proportional to the strength of the allegiance of its constituencies to the FIS and inversely proportional to the strength of their allegiance to the FLN.

#### 4.5. Selective Criteria for Victimisation

The social, economic and political characteristics observed in the victimised population are not random. The question now is what are the observed discriminative processes, *preceding* the massacres, that lead to them? In other words, what are the selective criteria the perpetrators use to choose their victims as legitimate and blameworthy or appropriate targets for victimisation?

Ascribed or actual 'passive sympathy' with the FIS can be a basis for victimisation as 'many massacres have taken place in areas where a large percentage of the population had voted for the FIS in the 1990 municipal elections and in the 1991 legislative elections.'<sup>111</sup>

Alleged or actual 'active support' for the armed insurgents is a marker for victimisation. A survivor of the Bentalha massacre on 22 September 1997 told Amnesty International 'the terrorists has lists of people to kill, but they also killed at random.'<sup>112</sup> Another example: Salah, a 32 year-old survivor of the Bougara massacre on 21 August 1997 told *Le Soir de Belgique* 'the chief of the group of assailants had a list of people to kill.'<sup>113</sup> The Algerian minister of health, Mr Yahia Guidoum, visited the site of the massacre few hours after it ended and told a survivor, a man who had lost all his family in the massacre and

<sup>K</sup> The contrast between the 'rich Algeria under high protection' and the 'poor Algeria under high victimisation' is most striking when they are in geographic contiguity. Few days after the Beni-Messous massacre a witness from the under-privileged suburban borough of Ain Benian, in the district of Algiers, told a journalist: 'Ain Benian has become a high risk area where insecurity and fear rule. What strikes me above all is that *Le Club des Pins* [a heavily guarded large residential area where part of the nomenclatura of the regime lives] is two kilometres away from here.' (*Le Monde*, 25 September 1997).

had asked him why the security forces did not intervene, ‘but it is you who gave food and drink to the terrorists.’<sup>114</sup> A woman survivor told the BBC ‘the minister told us you are the roots of terrorism, you feed it, so you must take responsibility.’<sup>115</sup> The International Federation of Human Rights reported a similar testimony from a woman who survived the Sidi-Moussa massacre in 1997. The survivor reported that, while recounting her story in the hospital of El Harrach where she had been taken, her listeners turned out to be security agents in civilian clothes who told her: ‘in any case, you deserve it and we hope that after your husbands and children, it will be your turn and that of your dogs and cats because it is you who used to feed them and shelter them.’<sup>116</sup>

These statements may be simple expressions of post-massacre just-world thinking, i.e. the belief that victims have earned their suffering by their actions or character.<sup>117</sup> They do however coincide with some reported statements of legitimisation and guilt attribution by the actual perpetrators *before* the massacres. For example, *Libération* reported a survivor of the 1997 massacre in Baraki saying: ‘At 10 p.m. they arrived hooded at my friend’s house. They said they were looking for the son of the neighbours whom they accused of feeding the terrorists. His father was there and threatened them with an axe. They killed him. His mother removed the hood of one of the assailants who shot her in the eye after he had shouted “*ar-fet-ni* [she recognised me]”. Then they slaughtered everybody except an 8 year-old boy, the son of my friend, who feigned he was dead.’<sup>118</sup>

To be a relative of a member of the armed insurgents has also been reported as selective grounds for victimisation. A large number of reliable testimonies report the fact that the families of members of insurgent groups suffer various kinds of victimisation ranging from harassment, loss of means of livelihood, to torture and to massacres.<sup>119</sup> As an example for the last category, the International Federation of Human Rights reported that on 3 August 1997, following a bomb attack on the militias of Ain El Hamra, in the district of Boumerdes, the communal guards went to the house of a family (the Saadaouis) who had one of its members in the armed insurgent movement, machine-gunned four of them and then went to three other houses of families with a son in the *maquis* and pillaged and destroyed them.<sup>120</sup> Many of the families decimated in the large magnitude massacres have sons in the insurgent movement.<sup>121</sup> Many of the houses of families with sons in the insurgent movement were pre-selected with marks (painted crosses) before the mass killings.<sup>122</sup>

Especially in rural and sub-urban areas, refusal to join in the militia groups has been reported as a discriminative marker used for singling out neighbourhoods, hamlets and villages as legitimate and blameworthy targets. For instance,

in the massacres of Relizane on 30 December 1997 and 4 and 5 January 1998, the victimised villagers had reportedly refused several times to accept the arms offered to them by the incumbent authorities.<sup>123</sup> Some victims perceived their refusal to accept the offer of arms by the authorities as a cause of their victimisation because after the massacres law-enforcement representatives, in charge of protecting them, actually blamed them for refusing to join the militia groups. For example, following the mass killing of Sour El Ghozlane, in the district of Bouira, on 8 January 1998, a spokesman of the military said ‘we asked them to arm themselves but they refused.’<sup>124</sup> After the massacres of Sidi Lantri and Mghila in the district of Tiaret on 24 December 1997, major-general Kamal Abderahmane, commander of the 2<sup>nd</sup> MD, said ‘the State cannot put one soldier to each house’ and villagers must ‘arm themselves individually, regroup together and arm their youths, or leave and go to cities.’<sup>125</sup> The victims’ interpretation of refusal to accept arms as blameworthy grounds for victimisation is particularly associated with the notorious reply of a spokesman of the government who, when asked ‘what does the state do to protect its citizens?’, said ‘what does the citizen do for the state? To earn one’s rights, one must assume one’s duties. There should be no neutrality. We thought all Algerians were good patriots but this is not the case. At Rais, for instance, why did the inhabitants wait until they got slaughtered one by one [to ask for arms]?’<sup>126</sup>

These are the main and frequently reported criteria of victimisation for large magnitude massacres. For smaller magnitude massacres, there have been reports of victimisation of families of FIS activists, imams, factory workers, lawyers, policemen and militiamen. For example, six textile factory workers were massacred in Tizi Ouzou on 18 March 1996, 8 family members of a female lawyer were massacred in Bouira on 23 June 1996, five family members of a policeman were massacred in Baraki, in Algiers, on 22 January 1997 and a day earlier an imam and seven members of his family were massacred in Rehal, in the district of Saida.<sup>127</sup>

#### **4.6. Victim Vulnerability**

The victimisation of children and women was found to account for 30.8% and 18.2%, respectively, of the victimised populations of the corresponding sub-samples. If these sub-samples are taken as representative of the whole victimised population then about half of it would be made up of children and women. Children are not able to defend themselves and women are vulnerable to the kind of overwhelming destructive power they are assaulted with. They are purposefully massacred irrespective of the fact that they are harmless to the assailants.



In the testimonial reports about the large magnitude massacres there is evidence that the males are also intentionally massacred regardless of whether they surrender or resist. Part of the male members of the victimised neighbourhoods, hamlets or villages do defend themselves or their families, individually and/or collectively, from being massacred. Their armaments, alarm system, and defence are reportedly rudimentary and inadequate. This is discussed in detail in the next section.

The vulnerability of the victimised population, which from the available evidence appears to be overwhelmingly the social base of the FIS and the armed insurgent movement, has evolved with time. The coup d'Etat of January 1992 was a response to the parliamentary elections of 26 December 1991, the most decisive threat by the FIS and its electorate to the power of the military rulers since independence. Decapitation of the party, its banning and a crackdown on its adherents ensued. Various armed insurgent groups then emerged (AIS, FIDA, GIA, MIA) and the civil war entrenched.

Observers estimate that the armed insurgent movement had been a real military contender to the regime only up to the spring 1995. The main military force then was the GIA, a loose alliance of various armed groups. Once the incumbent regime succeeded in exploding the GIA into splinter groups and turning its remnants into a counter-guerrilla force, in the autumn of 1995, the balance of power shifted decisively in its favour.

At the onset of the campaign of waves of massacres in the spring of 1996, the social base of the FIS and the insurgents was at its most vulnerable on two fronts.

First, the disarray of the splinter groups from the GIA, and the weakness of the AIS were such that there was no credible deterrent force to protect the social base of the FIS from mass victimisation. According to many reports, the AIS had not been able to do more than use its intelligence to warn neighbourhoods or villages of impending victimisation. In any case, it declared a unilateral truce in September 1997, some say partly to conceal its inconsequential weight on the course of events and its impotence to protect even the families of its own members and supporters.

Second, the silence of the most influential members of the international community increased the vulnerability of the target populations. Although the massacre waves of the autumn of 1997 drew some international attention, it was only in January 1998 that effective calls for protecting the victimised populations were made. January 1998 registered the highest massacre activity throughout the campaign. These calls probably reduced the vulnerability of

the victimised population and could be the cause of the sharp drop in terror waves (see figure 7).

#### 4.7. Some Victim Responses during the Massacres

Here we report some individual and collective responses of the victims during a few of the large magnitude massacres. These brief excerpts of testimonies serve to illustrate the vulnerability of the victims and their various perceptions and responses to the victimisation.

The individual reactions of the victims can be classified into four types: passivity, passive resistance, escape and confrontation. Pointing to the house in which 17 people died, a survivor of the Bentalha massacre told Fisk: 'I stood here at the window and I could hear those poor people screaming and crying. When I looked out of my window, I could see them axing the women on the roof.'<sup>128</sup> There are many cases of men who simply froze from fear and awaited passively their execution.<sup>129</sup> It was reported that in the massacre of Beni-Messous, on 5 September 1997, an old man, Mr Khair, pleaded to be killed by fire rather than being slaughtered.<sup>130</sup> In the massacre of Safsaf in the district of Mascara, on 28 December 199, the thirty peasants slaughtered in the mosque begged unsuccessfully for mercy.<sup>131</sup>

There are instances of less passive responses. In the massacre of Haouch Khemisti, in the district of Blida, on 21 April 1997, Radia, a 14-year-old girl survived and reportedly said: 'I was shot twice in the back and fell on my face. I feigned death to escape being finished off.'<sup>132</sup> Hocine, a 13 year old survivor of the massacre of Hadjout, in Tipaza, on 24 July 1997, describes his escape:

One of them asked where was the light. They slaughtered all my little sisters and my little brother. I felt the blade of the knife on my neck, there was blood all over my clothes. I escaped and run outside to hide in a flock. There was a bag of manure. I put it on my neck to stop the blood. I stayed all the night with the goats.<sup>133</sup>

Mohamed, a 41 year old survivor of the Rais massacre, in Blida, on 29 August 1997, said: 'We began running to the police station for help when I met one of the terrorists. He tried to kill me with an axe but I wrestled him to the ground and beat him before getting away with family.'<sup>134</sup> *La Croix* reported the testimony of Aissa, a survivor of the Beni Messous massacre:

A blow on his back left him flat on the ground. His ribs were cracked. Three minutes later, events took over; Aissa heard a rattle but not cries. A head rolled next to him. 'I will never know whether it belonged to an adult or to a child,' he murmured. Without moving, Aissa shouted at his own relatives: 'you should not die in the shame of God. You should fight back'. He leapt to his feet. He head-butted the man who had knocked

him down earlier, the latter dropped his Kalachnikov and fell down, but no one else stood up, so Aissa fled. 'Later I asked my uncles and cousins who survived why they did not budge. Mabrouk, Ali, Abbas were among them. All of them were tough men but fear had paralysed them.'<sup>135</sup>

Various *collective* responses can be noted from the reports. As instances of collective escape one can cite the massacre of Relizane, on 30 December 1997, where survivors spoke of 'fleeing in the darkness while the gangs stabbed and hacked their victims.'<sup>136</sup> A frequently reported collective reaction in victimised sub-urban neighbourhoods is calling regular security forces for help. Lyes About, a 24-year-old survivor of the Bentalha massacre, told Fox: 'We called the army after 15 minutes. The soldiers came but halted on the other side of that road; they said they wouldn't come closer because they believed this road was mined.'<sup>137</sup> Another survivor of the same atrocity told a British television:

Some people escaped the butchery and went to the military. We were hearing gun-shots and everything. Someone told them clearly come and defend us. The soldier replied: 'I do not have the order to shoot. So I am waiting for the order.' The man told them 'give me at least a kalashnikov and I will defend my family on my own.' The soldier told him: 'you are not going to show me how to do my job.'<sup>138</sup>

In terms of collective resistance, Hirst reported from Ahmed Aitar, a father of 11 children who survived the Bentalha massacre, that

Some of his neighbours took refuge in his house. That is why 24 people died on the first floor, and 17, along with his wife, son and daughter, on the second. About 120 more managed to escape to the roof. There he had been planning some fresh construction; so there was a pile of bricks to hand. We hurled them down at them, as they came up the stairs, then slammed the door,' he said.'<sup>139</sup>

In another example, Mohamed a survivor of the Haouch Khemisti massacre, on 21 April 1997, said: 'my four daughters, two daughters in-law, two sisters, my wife and son were killed. Where is the state? For three hours, they did what they wanted. Two villagers who had weapons managed to resist and killed two of the members of the group.'<sup>140</sup>

#### **4.8. Some Effects of the Massacres**

To the best of our knowledge, no study of the impacts of the massacres on the relatives of the victims, the survivors or the targeted communities, at a psychological or social level, has been made and published so far. This section is devoted to reporting a few of the effects of the massacres on the victimised populations. The psychological sequels on individuals and the trans-generational impacts on families will not be reviewed here as there are only scattered pieces

of information<sup>1</sup>. We focus on only four collective effects: social fear, induced self-defence, mass exodus, and electoral behaviour.

#### 4.8.1. *Social Fear*

The populations living in, or next to, targeted areas perceive their own victimisation as impending and probable and their vulnerability as indefensible. These perceptions generate social fear or terror and, when a dangerous situation actually eventuates, they provoke collective panic, i.e. a spontaneous and disorganised reaction in the populations.

In the autumn of 1997, many reports spoke of ‘the psychosis of massacres that seized Algiers.’<sup>141</sup> People residing in the suburbs of Algiers fled from their homes and sought refuge with friends or slept in public places. Rumours and false alarms provoked scenes of panic. Rachid, a refugee from a victimised village in Blida who fled to a shanty town in Algiers says:

We are surrounded by the most dangerous neighbourhoods of Algiers. Recently a bomb exploded in the middle of the night in a neighbouring estate. I could hear from afar the ululation and the wailing of women. I rung the alarm. We found ourselves in the main avenue, in pyjamas, in an indescribable panic. Today fear adds further to our misery.<sup>142</sup>

The populations in highly victimised areas are in a permanent state of alert, with no possibility of rest; ‘at the slightest alarm, they wake up and make noise.’<sup>143</sup> The terror induced by the massacres sometimes distorts people’s perception of reality and blurs the boundaries between the real, the possible and the imaginary. For instance, the summer and autumn saw a succession of false alarms in Algiers. Larbi, a decorator who volunteered for night vigils in an estate in Birkhadem, narrates:

<sup>1</sup> For example, Malika Sennia who heads the social services unit in Blida said that the children orphaned in massacres go through ‘a period of aggression, then deep mistrust... they are mad at the world.’ Redouane Mebarki, a 14 year old boy who lost his father and two brothers in a massacre, is reported to have said ‘I can’t take it anymore. There is nothing good’. (*Associated Press*, 3 December 1997). K. H., a psychoanalyst in a coastal city of Algeria, told *Les Dernières Nouvelles d’Alsace*: ‘Today, all the patients that I treat are cases directly related to the security situation in the country. The number of patients increases steadily. Nine out of ten patients are in a state of depression. There is a substantial increase in the number of suicide attempts. There is no doubt we will soon, reach the suicide rates of western countries.’ (*Dernières Nouvelles d’Alsace*, 12 March 1998). There is a significant number of survivors being insane following the killings. *Libération* on 29 January 1998 reported the testimony of a doctor receiving the injured from a massacre in the autumn of 1997: ‘I remember the first massacre in particular, a lorry parked in the hospital courtyard early in the morning. I saw tens of superposed bodies in the trailer. They were piled one on the other as if they were already dead. It was a nightmare and I did not even dare get closer. They freed a woman; they had attempted to slaughter her from the front and her neck. Another woman was walking on her own. I realised all her right side, from top to bottom, was riddled by a hail of bullets. She was saying: “Walu [I am all right].” It is as if she felt guilty of escaping death while all her kin had been slaughtered.’

At 2:00 am at night we heard a woman screaming 'here they are! The *dhebbabine* [the slaughterers] have come!' We then ran armed with clubs and rods. We saw four men running away. We caught one of them and gave him a good thrashing. He was shouting: 'I am not a terrorist, I am only a thief.' It was true but he should have given up his job at these times.<sup>144</sup>

David reported that in Staouali 'the rumour that an armed group was present in the abattoirs estate completely emptied the town from its population and, within a few minutes, managed to transform a particularly lively coastal town into a deserted ghost town given over to roaming dogs.'<sup>145</sup> This fear-distorted perception of reality is sometimes most cynically exploited. In Baraki, thieves spread rumours of impending massacres and then took advantage of the flight of the inhabitants to steal their furniture in vans.<sup>146</sup> In Bourouba, El-Biar and Baraki, cars would stop and some youths would come out and threaten passers-by with knives or shoot creating 'big stampedes in the terrorised neighbourhoods. The movement of the crowd is sometimes manipulated, used as a weapon: methods which resemble a signature, that of the all-powerful but divided Algerian army. Clearly a faction is attempting to benefit from the situation.'<sup>147</sup>

The massacres have severed the links and trust between the victimised populations and the security forces. Cranshaw reported that 'villagers always stop telling you their story when yet another armed man in uniform slides into earshot.'<sup>148</sup> Lloyd witnessed that 'in no other zone of conflict have I seen people so afraid to speak their minds to a foreigner. This fear is not eased by the constant presence of armed plain clothes 'minders' who shadow almost every move of foreign journalists.'<sup>149</sup>

Regarding the social fears induced by random mass victimisation, residents of cities experience them as a continuous state of anxious anticipation. A resident of Algiers says that 'walking in the streets near parked cars chills you to the bone, as most parked vehicles are feared as lethal things.'<sup>150</sup> As for the fear of mass killings in roadblocks, Leila, a dentist living in Bouira, says: 'We always go in groups of 3 or 4 cars. That way, if we hit at a faux-barrage, only the people in the first car get killed. It is like Russian roulette.'<sup>151</sup>

Social fear has become a pivotal organising structure of life for the populations living in or next to victimised areas.

#### 4.8.2. *Induced Armed Self-defence*

The fear and sense of powerlessness experienced individually by members of the victimised populations has prompted many suburban estates, hamlets and

villages to organise their own self-defence systems. These independent self-defence groups were induced by the waves of terror of the summer and autumn of 1997 and located mainly in Algiers and its surroundings. The more common effect of the earlier and subsequent waves of terror has been to induce people from the victimised districts to join the ranks of the army-managed paramilitary militias and vigilante groups.

Here we report mainly on independent self-defence as much literature is available on the army-run vigilante groups and paramilitary militias.<sup>152</sup>

Individuals who joined the independent self-defence committee were reported to have explained, for instance, that ‘the government fails to protect us’<sup>153</sup> or ‘together we are less afraid’.<sup>154</sup> There are cases where the people feel the army does not just fail, but does not wish to protect them. For instance residents of the hamlet of Les Oliviers neighbourhood in Douaouda in Tipaza (an area victimised on 5 January 1997) were reported to have said: ‘It has been 8 months since we asked the authorities to give us weapons but we got nothing. The security forces consider that our neighbourhood is dangerous and helps terrorists.’<sup>155</sup> The suspicious behaviour of the security forces and irregular paramilitary forces was also reported as motivation to join these committees.<sup>156</sup> For example, Ali, a member of such a group in Blida, explains: ‘Now on the roofs, people make petrol bombs and bombs with gas cylinders. They throw them on anyone who passes by. They have warned: be it police or terrorists we will throw.’<sup>157</sup>

The fear-induced self-defence is organised through vigilance committees.<sup>158</sup> People sleep in turn to participate in vigils and patrols.<sup>159</sup> For example, in ‘El-Harrach, the neighbours organise themselves in groups, demarcate coded sectors and each one is equipped with a powerful alarm.’<sup>160</sup> They ‘club together to install projectors to light their estates and its surroundings, and bells to sound the alarm.’<sup>161</sup> ‘Door locks are reinforced, windows are barbed-wired’<sup>162</sup> and men arm themselves with ‘clubs, hammers, axes, [...] swords, spades, rods, anything’<sup>163</sup>

These independent self-defence groups, which are circumscribed to Algiers and its surroundings, have been a distinctive effect of the terror waves of the summer and autumn of 1997. The more common response of the victimised estates, hamlets or villages which could not, or would not, leave their homes has been to join the paramilitary militias, a corps supervised by the army and the Gendarmerie. This force has grown into an at least 200,000 strong force since the onset of the waves of massacres. The militias divide mainly into the

GAD (Groupes d'Auto-Défense) and the 'patriots' (Patriots militias).<sup>164</sup> The GAD are essentially villagers and peasants drilled to support the army's territorial defence. The 'patriots' militias are intensively trained by the army to engage in territorial offensive and subversive operations against the insurgents.<sup>165</sup> Unlike the independent 'committees of vigilance' of Algiers, these 'self-defence groups' are trained, armed and paid by the incumbent authorities. They are granted social status (through uniforms and insignas) and social favours (access to jobs, housing, medical care, commerce and business for themselves and their relatives).<sup>166</sup>

#### 4.8.3. *Exodus*

Meziani, a survivor of the Relizane massacre, explained his decision to flee his village: 'Leaving is better than dying. I am leaving everything here, my house, my crops, what is left of my livestock. To go where? I don't know but I cannot stay here.'<sup>167</sup> Another survivor of the same massacre said: 'I just do not want to be here anymore.'<sup>168</sup> Ali Benamrane, a 36-year-old farmer who survived the Raïs massacre (on 29 August 1997) fled from his house to the slums of displaced people in Algiers. He explained that 'I left because there is no more state to protect us.'<sup>169</sup> Once an estate or village is targeted, the only secure alternative to joining a self-defence group is exodus. In remote villages in under-populated rural areas peasants leave their homes because 'the authorities ask them to leave their mountains and go to secure areas.'<sup>170</sup> General Kamal Abderrahmane, commander of the 2<sup>nd</sup> military district, was reported to have told the victimised residents of Relizane: 'People must either arm or take refuge in towns. The state does not have the means to put a soldier in front of every house.'<sup>171</sup> Farid, a survivor of the massacre in the Mitidja region and now a refugee in Algiers said: 'One morning, the terrorists came with axes and knives. They slaughtered five young women and abducted two 15 year old girls. The next day we found inscription on the walls: "Flight or Death". We decided to leave and come here. It is not paradise but it is better than hell.'<sup>172</sup>

From the news reports, the districts most affected by the exodus are Blida, Médéa, Tipaza, Chlef, Tiaret, Relizane, Jijel, Saida and Tissemsilt. No quantitative estimate of the number of people displaced because of the massacres is available yet, but some numbers have been given for particular districts or events.

For instance, Human Rights Watch suggested, on the basis of an interview with Abderrahmane Denden, a member of the Algerian League of Human Rights, that up to May 1997 more than 2,000 people had left the villages surrounding Tipaza.<sup>173</sup> Weber estimated that following the massacres of Decem-

ber 1997 in Relizane, in which 4 hamlets were totally decimated, the remaining villages in the mountain were deserted by 70% of their occupants.<sup>174</sup> According to the paper *Liberté*, '99 % of the 24 hamlets that make up the town of Had Chekala, in the district of Relizane, were deserted.'<sup>175</sup> The paper gave no source for its figure.

The victimised populations flee to more secure towns and cities. The conditions in which they evacuate their homes are often dramatic. Typical reports speak of people leaving 'bare handed', 'the doors of houses left open', 'untended farms and abandoned cattle',<sup>176</sup> and of 'barefooted children walking clung to the skirts of women who bend under the weight of bundles.'<sup>177</sup> The journey to the final destination causes much anxiety among the refugees because, according to the International Federation of Human Rights, 'hundreds of people were massacred on the roads in roadblocks controlled by armed groups, or attacks on buses or else in ambushes.'<sup>178</sup> On arrival to towns and cities the refugees settle in mosques, stores, courtyards of hospitals, stair-wells of buildings, public squares or tents in emergency camps provided by a few councils. Reporting on the exodus of the inhabitants of Baraki, an oft-victimised suburb of Algiers, in the first few days of September 1997, David says:

The quarter of Hussein-Dey was stormed in the middle of the night by refugees with meagre luggage packed into battered pick ups. Woken up with a start towards one o'clock in the morning, the tetanized residents thought it was a terrorist attack. The quarter shrieked with sirens of police and Gendarmerie vehicles all night.

It took several hours, practically until sunrise, to reassure the residents and 'control' the refugees who were treated as potential enemies as a precaution. The toing and froing between the police and the refugees continued throughout Sunday.

Those who managed to escape from the police spent the night in the stair wells of buildings they had forced to open. As soon as they were caught, the others were forcefully taken back under escort during the same night to their homes to prevent 'repetitions'. In other quarters of Algiers it is hard to find evidence of this exodus that is promptly repressed by authorities badly in need of normalising the situation. But the Z'mirli hospital in El-Harrach still has visible traces: hundreds of refugees (two thousand according to a nurse working in the hospital) are gathered in the large courtyard of the hospital that has been transformed into a gigantic camp.

Surrounded by armed police, men, women and children of all ages, distressed by the ordeals of the previous night, look frantically at the passers-by who stare at them. The journalists are firmly sent away. Any contact with the refugees is forbidden, the orders come from 'the top'.<sup>179</sup>

The conditions of the refugees who are not forcefully expelled by the police or the military back to areas under their total control and remain in towns



and cities is generally dismal.<sup>180</sup> There have been reports of mass victimisation of refugee families who had escaped earlier massacres. For instance in the massacre of Douera on 13 August 1997, a 15-member family that includes two women and six children was slaughtered. They had fled the Beni-Slimane massacre in Médéa in March 1997, bought a patch of land and built a makeshift home in Douera.<sup>181</sup> The internally displaced populations also face severe problems of housing, health, employment and education. Sakharov prize for human rights winner and journalist Salima Ghezali said:

In Algeria 28 million of women, men and children live in terror of the daily killings. The vast majority of the population suffers, with equal terror, from the denial of the most basic right to decency.

At the bend of the main roads of the capital, thousands of Algerians – men, women and youths – live under tents in insalubrious grounds. Thousands of other Algerians have squatted containers – formerly used to transport the goods that enrich the ruling oligarchy – into which whole families are crammed.

When tens of thousands of Algerians flee the terror reigning in the rural areas to build makeshift shelters around big cities, the bulldozers are the first to meet them.<sup>182</sup>

The Algerian political class largely ignores this problem. While the plight of Algerian refugees abroad is known and cared for<sup>183</sup>, that of victimised and displaced populations within Algeria is largely forgotten by the international community. In January 1998 many Western governments offered humanitarian assistance to massacre-stricken areas but these offers were rejected by Ouyahia, the then prime-minister, on the grounds that 'Algeria does not need them and it has the means.'<sup>184</sup>

#### *4.8.4. Electoral Behaviour*

The effect of the massacres on the electoral status and behaviour of the victimised populations has been largely ignored. Although the plight of the refugees displaced by the massacres has not interested the political parties in power, their electoral utility has. Referring to the political impact of the exodus of the populations from highly victimised districts, Human Rights Watch said:

The troubles have halted political life in these regions; in other respects, some are worried and want to know where and how the displaced persons will vote. According to the electoral law, the voters must register where they reside permanently but the government has neither shown an intention to allow the displaced persons to vote in 'mobile' polling stations nor has it promised to provide security guarantees for them to go back to their homes and vote. The political parties were favourable for the second option.<sup>185</sup>

In the local election of 23 October 1997, Farah, a 36 year-old school-teacher

and mother of three, voting in the working class Algiers neighbourhood of Kouba, was reported to have said: 'I am voting above all for security so that my children don't die with their throats slit.'<sup>186</sup> In the constitutional referendum of 28 November 1996, Said, an 80 year-old resident of Algiers, was reported to have said: 'I am voting so that I don't get accused of being an enemy of the nation. And I voted yes, but I don't know what use this is going to be.'<sup>187</sup>

Because the distribution of votes and allegiances become known after the elections, voters were reported to be afraid to be associated with the municipality of the 'wrong' political allegiance or persuasion. This is the meaning of 'voting for security', an instinctive understanding of the political geography of the victimisation and of the security cost of political choices. Louisa Hanoune, leader of the Labour Party, testified that:

To travel by bus from Algiers to another city is to run grave risks. Very recently, a bus in which one member of our party was travelling was stopped in a roadblock on the road to Sétif. Armed members forced all the passengers to disembark. They were about to kill them. They then consulted each other and let them go without any explanation. On the Algiers-Tlemcen road, an identical scenario took place. It was on 26 December 1996. They forced all the passengers to disembark and filmed them. The passengers had to answer how they voted in the referendum on the new constitution held on 28 November 1996. They were incredibly lucky but this insanity is the daily lot of millions of Algerians.<sup>188</sup>

Using tables A and B, one can look at the time evolution of the SMV and RMV activities in the weeks leading to the elections, during the elections and after them. In the case of the constitutional referendum of 28 November 1996 one finds a total of 14 SMV and RMV events (134 deaths) in the four weeks leading to the poll, no massacre on the day of the referendum, and 4 SMV and RMV events (52 deaths) in the two weeks following the referendum. For the parliamentary elections of 5 June 1997, the tables give 15 SMV and RMV events (171 deaths) in the 4 weeks preceding the election, no massacre on election day and 7 SMV and RMV events (112 deaths) in the two weeks following the poll. The municipal elections of 23 October 1997 were preceded by 37 mass killings (618 deaths) in the four weeks leading to the poll. There was only one bombing on election day and 14 SMV and RMV events (131 deaths) in the fortnight following the poll.

Figure 44 shows the weekly fluctuations of the total SMV and RMV activity for the November 1996 referendum and the June and October 1997 elections. It is striking that election days are breathing spells preceded by a flare-up and then subsiding of mass killings, and followed by a rise in mass killings again. Election days appear as lulls between terror waves. As was pointed in

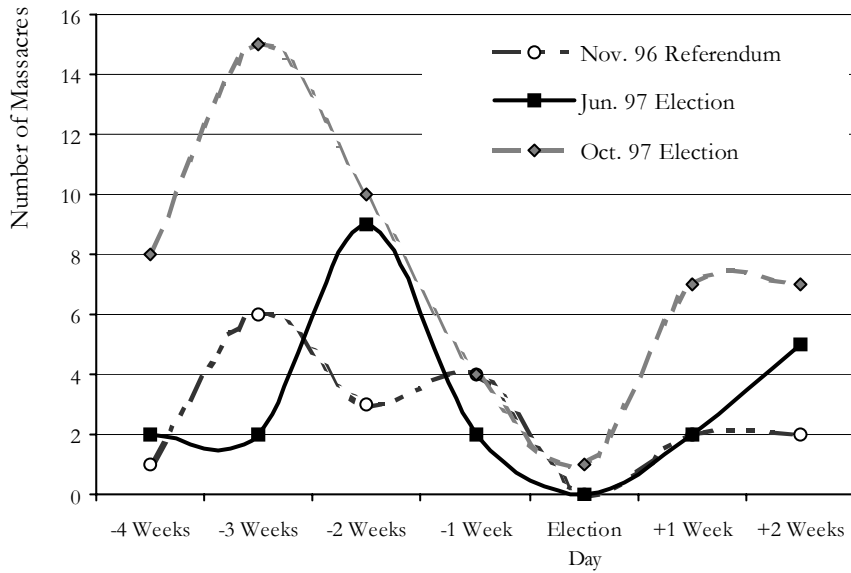


Figure 44: Weekly Fluctuations of SMV and RMV activity at Election Times.

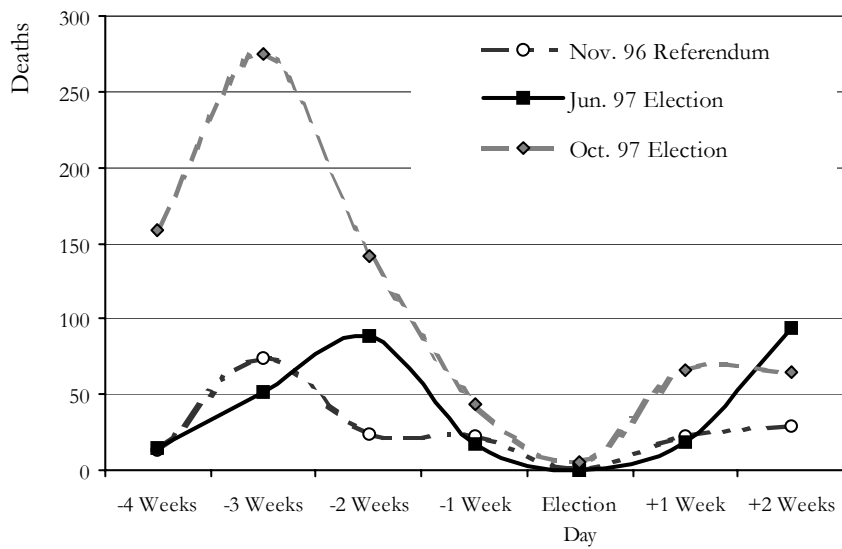


Figure 45: Weekly Fluctuations of Deaths from SMV and RMV at Election Times.

section 3.2, Merloo suggests that in the application of the strategy of waves of terror with lulls in between, the breathing spell 'can be used to much better advantage for political persuasion and mass hypnosis provided some new wave of terror is anticipated.'<sup>189</sup>

Figure 45 displays the weekly fluctuations of the numbers of victims of selective and random mass victimisation. It corroborates in the three cases the time modulation of the atrocities relative to election days shown in figure 44.

One can calculate the district distribution of the mass terror for these periods (4 weeks before, and 2 weeks after, the elections). For the November 1996 referendum, Algiers, Blida and Médéa account for 77.8 % of the total victimisation activity and 79 % of the total victimisation volume. For the June 1997 elections they contribute 63.6 % of the victimisation activity and 44.5 % of the victimisation volume. In the case of the October 1997 elections, they account for 50 % of the overall massacre activity and 56.2 % of the victimisation volume. See the discussion on the political geography of the mass killings in section 3.3.2.

Referring to the June 97 parliamentary elections, the International Federation of Human Rights also noted:

On 21 April 1997, the closing day for candidates to put forward their names in the elections, 93 men, women and children were executed in the middle of the night in a farm in the region of Bougara, south of Algiers. On 14 May 1997, on the eve of the launch of the electoral campaign, 30 civilians were massacred in the region of Chebli, not far from Bougara, in the Mitidja plains – a stronghold of the GIA and the armed militias supported by the regime.<sup>190</sup>

An illustration of the effect of such terror on voters in the Mitidja region can be found in the report of David a day before the 5 June 1997 elections. Mourad, a café-owner resident in Blida, told David: 'Elections have always been a period of extreme insecurity for us. The sooner they are over, the better for us. The next local elections and all the elections to come are useless.'<sup>191</sup>

## 5. Criminological Elements

We now consider the third unit of analysis of this inquiry: the population of crimes and alleged perpetrators. This is the traditional object of interest of criminology that measures and examines the nature and distributions of crimes and criminals.

This, however, is not a criminological study. It is simply a literature digest on these aspects. We pointed out in section 2 that the alleged perpetrator informa-

tion is probably the most distorted and unreliable component of the data. But rather than ignore this data totally, we chose to discriminate it into three elements and review the corresponding literature. These three elements are crimes and weapons, number and modus operandi, and appearance and identity of the perpetrators. The crimes and weapons information may be the least distorted; published photographic evidence support part of it. There are, however, dramatic discrepancies in the identity of the perpetrators depending on the nature of the source (victims, alleged perpetrators, human rights NGOs and media reports).

We discuss the weapons and crimes associated with SMV and RMV events in section 5.1 and 5.2 respectively. Section 5.3 summarises reports about the organisation of the perpetrators (numbers, modus operandi etc.). In section 5.4 we review all the conflicting allegations about the identity of the perpetrators.

### **5.1. Weapons and Crimes in SMV Events**

A weapon inventory in the news and witness reports yields:

*Firearms:* machine-guns, kalashnikovs, handguns, grenades, hunting rifles, shotguns and sawn-off shotguns, petrol and cylinder bombs;

*Sharp objects:* knives, axes, machetes, saws, swords, hatchets;

*Blunt objects:* clubs, metal bars;

*Other weapons:* spades, picks, chain saws<sup>192</sup>, guillotines.<sup>193</sup>

The data are not quantitative and hence not subject to a quantitative trend analysis.

The targets of selective mass killings rarely survive the atrocities. Table A lists a national total of only 877 injured for 8675 killed. The use of sharp objects seems the most frequent weapon used by the perpetrators. The most frequently reported method of killing is throat-cutting with knives. There are many reports of beheading, evisceration and hacking of men, women and children with the sharp objects listed above.<sup>194</sup> The use of firearms is reported mainly as a method of killing of fleeing victims.<sup>195</sup> In the massacres of Bentalha and Relizane there were reports of babies bashed to death against walls<sup>196</sup> and babies and children thrown to their deaths from rooftops and balconies.<sup>197</sup>

The perpetrators use fire in various ways to burn their victims alive. A witness of the Larbaa massacre on 28 July 1977 explains a burning technique frequently used when residents of a house barricade themselves in:

They drilled a hole in a window or a door and then introduced the pipe of a cylinder of gas to burn alive those hidden inside. They finished off all those who came out. I saw it all through my shutters.<sup>198</sup>

Grenades and dynamite were also reportedly used to evict forcefully victims barricaded in their homes who were then slaughtered.<sup>199</sup> Reports also speak of victims individually burnt alive without specifying the flammable agents.<sup>200</sup> In the massacre of Bentalha, a baby was reportedly burnt in a kitchen oven.<sup>201</sup>

A wide range of sadistic and necromaniac practices accompany the massacres. The bodies of the dead are reportedly hacked, mutilated, disfigured, dismembered or burned.<sup>202</sup> The perpetrators of the massacres use the parts of their dismembered victims for spectacularly ghoulish effects. There are reports of children crucified on trees<sup>203</sup> and heads spiked on stakes<sup>204</sup>, put on doorways<sup>205</sup>, trees or on the road.<sup>206</sup> Survivors of the massacre of Had Chekala in Relizane reported that they had found 'the head of a man on the decapitated body of a donkey'<sup>207</sup> and, in the October 1997 massacre of Hamadi, the perpetrators 'beheaded a man and a dog before attaching the man's head to the dog's body and vice versa.'<sup>208</sup>

Various necromaniac acts were reported. In the November 1996 massacre in Douaouda, in Tipaza, men were castrated before their throats were slashed.<sup>209</sup> In the January 1997 massacre of Haouch El Hadj, in Blida, one of the female victims was reportedly found with one of her severed breasts in her mouth.<sup>210</sup> In the January 1998 Relizane massacre, a baby was reportedly found with his extirpated heart in his mouth.<sup>211</sup> In this same massacre a foetus was reportedly extirpated from an eviscerated woman and slaughtered.<sup>212</sup>

The perpetrators' passion for tearing apart living structures and terrorising extends also to animals. In the December 1997 massacre in Sidi Senoussi, in Tlemcen, 500 sheep were slaughtered along with the six shepherds to whom they belonged.<sup>213</sup>

Along with the mass killings, the perpetrators rape and kidnap women. As was discussed in section 4.4.2, most of the kidnapped women are reportedly found dead a few days to a few weeks after their abduction.

The perpetrators also victimise the property of their selected targets. There are reports that they ransack houses of their victims and steal food, clothes, money, jewellery, sheep etc.<sup>214</sup> A large number of reports state that they destroy the houses of the victimised families or villages with explosives or torch them.<sup>215</sup> They also burn the parked vehicles of the victims.<sup>216</sup>

## 5.2. Weapons and Targeting in RMV Events

Two kinds of random mass killings of victims belonging to random sub-groups of the population were listed in table B: bombings in public places or transport, and events involving the machine-gunning or slaughter of random passengers of cars or buses stopped at roadblocks.

Figure 46 shows the annual variations of the number of deaths and injured in RMV events. Unlike the case of selective mass killings, here the number of the injured is always larger than that of the dead. Table B gives a total of 5192 injured for all the bombings since 1992. This figure is definitely an underestimate and points to contradictions in the figures released by the incumbent authorities. On 14 March 1998, on the occasion of the national day of the handicapped, the state radio of Algeria released a figure of 5 000 children with amputated limbs caused by bomb attacks since 1992.<sup>217</sup> The figure we calculated is therefore an underestimate as it just accounts for that of injured children, supposing the latter is not distorted.

Four types of explosive bombs have reportedly been used in the attacks against civilians. Some attacks were made with sophisticated remote-controlled devices,<sup>218</sup> but the bulk of the bombings involved vehicle bombs, home made bombs and mines. Reported vehicle bombs include cars, trucks and cement mixers.<sup>219</sup> These cause vast human and property damage. Typical home-made bombs were cylinders stuffed with scraps of metal, bolts and nails<sup>220</sup> and

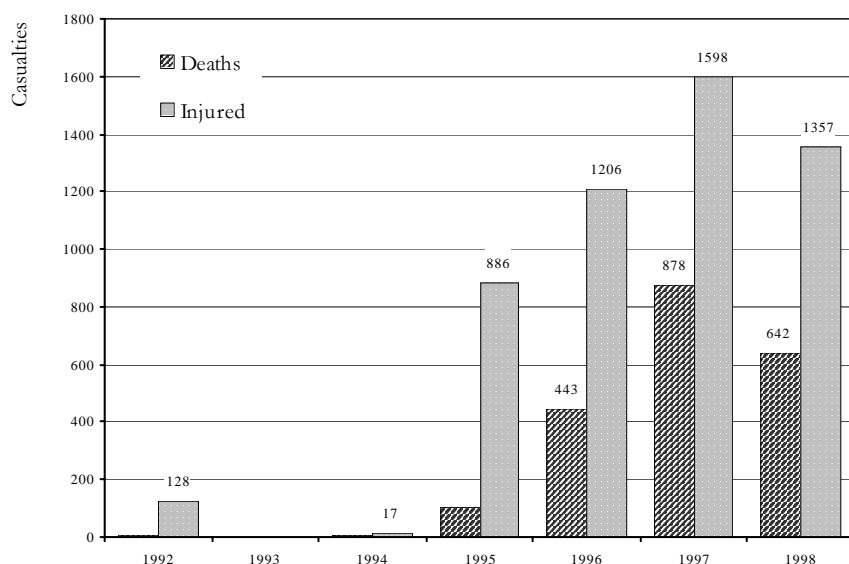


Figure 46: Annual Fluctuations of RMV Death and Injured Volumes.

acetylene cylinders stuffed with explosives.<sup>221</sup> These do not cause as much property damage as the vehicle bombs but cause a large number of deaths. Mines have also been used against random civilian users of public roads.<sup>222</sup> In most cases the reports do not indicate which type of bomb was used so that it is not possible to quantify the relative proportions of these different types of explosives.

The perpetrators often choose the times at which they set the detonations to maximise casualties: shopping hours, times for congregational prayers or when students go to schools emerge, from the reports, as the most frequent timings in the bombings of the corresponding targets.<sup>223</sup>

The RMV events in table B divide into 53 roadblock mass killings and 230 bomb attacks. The reports identified the nature of the target in only 157 bomb attacks so that there still remain 73 cases of unknown targets. Figure 47 gives the distribution of bombing events by type of target. In the commercial target category we included all the bombing events that occurred in shopping centres and avenues, markets, cafes, bars, restaurants, hotels, cinemas and stadiums. In the vehicle category we counted the instances of explosions of lethal bombs left in trains, buses or taxis. The public utilities here stands for bomb attacks – leading to loss of civilian lives – on water, electric or gas facilities, transport

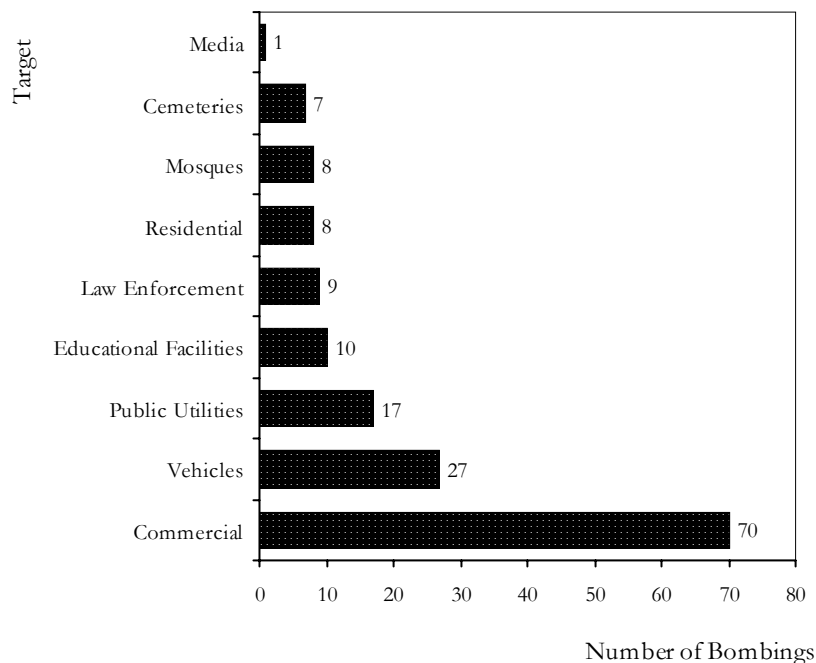


Figure 47: Target Distribution of Bombings.



Table 13: Target Distribution of the Bombings

Target	Bombings	Deaths	Injured
Commercial	70	507	2113
Vehicles	27	200	485
Public Utilities	17	75	338
Educational Facilities	10	52	88
Law Enforcement	9	88	622
Residential	8	40	105
Mosques	8	33	211
Cemeteries	7	17	45
Media	1	17	52

infrastructure (bus or train stations or airports) and hospitals and council buildings. For law enforcement property we counted the instances of mass killings of *civilians only* (table B does not include attacks on the security forces or the army nor does it list attacks on the insurgents). The nature of the rest of the targets in figure 47 is self-evident. Figure 47 shows that the preferred targets of the perpetrators are the random users of commercial facilities.

Table 13 gives the corresponding victimisation volumes (deaths/injured) for each type of target. No data about the nature and costs of property victimisation in these attacks are available.

Figure 48 shows the annual trends of deaths for commercial targets, vehicles and public utilities and figure 49 presents them for the rest of the targets. Attacks on random users of public utilities decrease steadily since 1996, whereas the profile of the bombings of random users of commercial facilities and vehicles follows the same trend as that of the RMV annual activity (see figures 10 and 28). This is also the case for the attacks on residents and random users of educational facilities and mosques as shown in figure 49.

The attacks on law enforcement property leading to loss of civilian lives have decreased steadily since 1995 but, unlike all the other types of targets, bombings of visitors of cemeteries show an increase from 1997 to 1998.

Attacks on cemeteries may seem rather puzzling. One example: in the bombing of the Bourkika cemetery, in Tipaza, on 17 June 1998 three women and a ten-year old girl died in the attack.<sup>224</sup> Witnesses quoted by *La Tribune* said ‘the women came early in the morning to meditate at the grave of a parent who had died 3 days earlier [...]’<sup>M</sup> He was the father of a terrorist.<sup>225</sup> Houria Zouiten, a visitor of the cemetery near Bentalha who lost her husband in a massacre in

<sup>M</sup> The extract denoted ‘[...]’ is from the *La Tribune* journalist (Amel Nour).

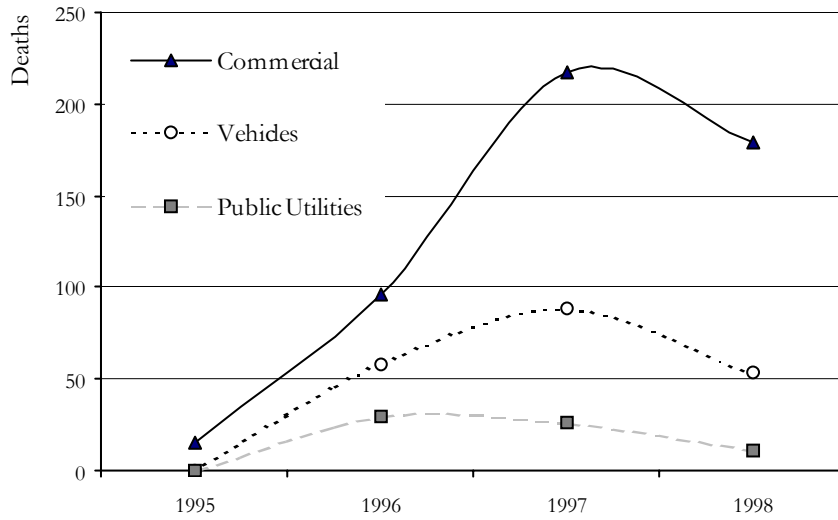


Figure 48: Deaths by Type of Target.

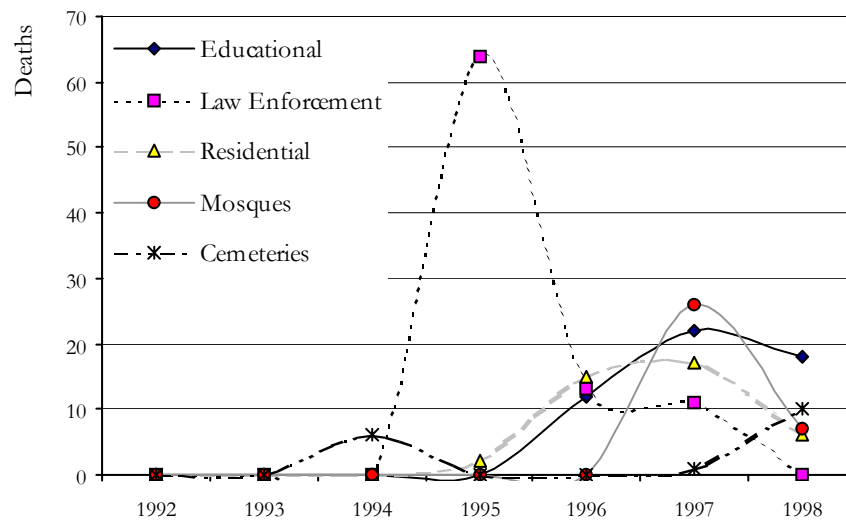


Figure 49: Deaths by Type of Target (cont'd).

1994, told Ganley: 'Even in a cemetery, we are not safe.'<sup>226</sup>

Cemeteries are spaces of immortality, communal memory and connections between generations. In a repressive context, a family's commemorating its dead allows the idea of dissidence and resistance to be passed from generation to generation. Attacks on cemeteries, just like the anonymous 'disappearing' of people, seek to prevent the reproduction of dissidence, social death.<sup>227</sup>

Now turning to random mass killings in roadblocks, table B includes 53 such events. This form of random mass terror appeared in 1996: there were 9 events reported in 1996, 22 in 1997 and 22 in 1998. Figure 50 shows the district distribution of this type of RMV for the districts with at least 3 such attacks. Note that for Bouira all the RMV events are roadblock attacks.

The total victimisation volumes are 681 dead and 95 injured. The associated property victimisation is unknown. The perpetrators use firearms (machine guns and handguns), sharp objects (knives) and inflammable agents to kill random users of public roads (cars and buses) they stop at roadblocks. The highest death toll recorded in a single event is the attack on a bus in Baloul, in Saida, on 2 August 1998. Sixty people died when the perpetrators blocked the exits of the bus and torched it burning alive all its passengers.<sup>228</sup>

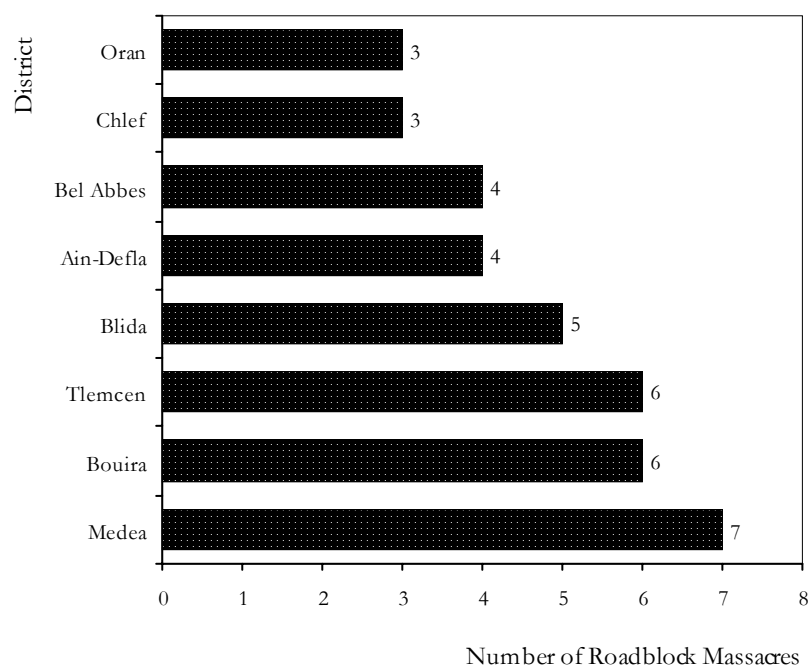


Figure 50: District Distribution of Roadblock Massacres 1992-1998.

### 5.3. Organisational Aspects of the Perpetrators

The selective mass killings are not the work of single individuals. The organisational structure and logistics needed to support the perpetration of the waves of terror of the kind discussed in section 3, over such a vast territory as Algeria, continuously for many years, suggest the perpetrators are an organised collective with some continuity of leadership, membership, recruitment ability and logistical support.

The testimonial reports also point to organised death squads. Table 14 lists a sub-sample of massacres for which some figures for the number of assailants are reported. The sources used are the same as those given in section 2 and in the corresponding entries in table A in the appendix.

Table 14: Reported Number of Assailants

Date	Location	Deaths	Assailants
17/08/96	Batna	63	100
03/11/96	Douaouda/Tipaza	13	20
06/01/97	Douaouda/Tipaza	18	100
12/01/97	Tabainat/Blida	14	20
23/01/97	Baba Ali/Blida	22	20
17/02/97	Kerrach/Blida	33	20
21/03/97	Ouazra/Medea	7	40
03/04/97	Thalit/Medea	52	20
13/04/97	Chaib Mohamed/Blida	36	32
21/04/97	Haouch Khemisti/Blida	113	200
14/05/97	Chebli/Blida	30	50
11/07/97	Balili/Tipaza	14	20
12/07/97	Mfetha/Medea	33	20
18/07/97	Bou-Ismail/Tipaza	14	20
22/07/97	Benachou/Blida	11	20
17/07/97	Larbaa/Blida	51	30
30/07/97	Matmata/Ain-Defla	48	40
31/07/97	Sidi-Madani/Blida	38	20
29/08/97	Rais/Blida	400	300
22/09/97	Bentalha/Algiers	300	100
26/08/97	Beni-Ali/Blida	64	60

Table 14: Reported Number of Assailants (Cont'd)

05/10/97	Ouled Sidi Yahia/Ain Defla	10	50
05/10/97	Sekmouna/Medea	16	20
11/10/97	Souidania/Blida	14	20
08/11/97	Hmalit/Blida	27	50
29/11/97	Hassi Labeled/Saida	29	60
08/01/98	Sour-El Ghozlane/Bouira	26	10
23/01/98	Kaid Benlarbi/Bel Abbas	12	50
23/01/98	Beni Messous/Algiers	8	8
24/01/98	Houch Mecharef/Tiaret	27	20
01/02/98	Sabra/Tlemcen	10	20
26/05/98	Mactaa Lazrag/Blida	11	20
17/06/98	Hammaicha/Medea	13	30
20/07/97	Rebaia/Medea	11	20
16/07/98	Sidi Ouadah/Tiaret	21	50
28/12/98	Zmala/Ain Defla	19	30

Table 14 counts 1710 assailants for 1628 victims killed in 36 massacres. Figure 51 shows how the average number of assailants varies with the magnitude of the massacres. For each death group per event we calculate the total

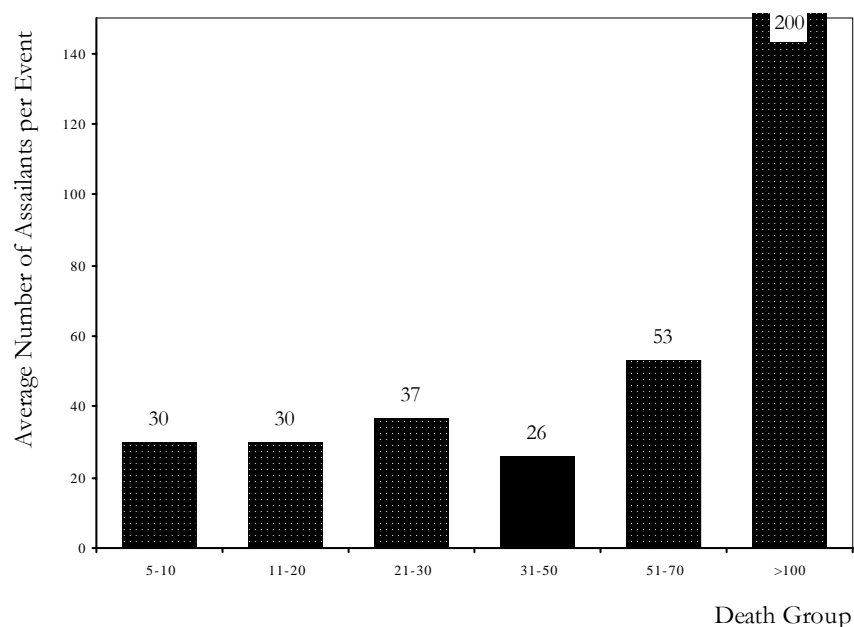


Figure 51: Average Number of Assailants by Death Group.

number of assailants and divide by the total number of events associated with the group. For massacres of up to 50 deaths per event the average number of assailants is about 30 but increases rapidly for massacres with higher death tolls per episode.

If one assumes that the sub-sample in table 14 is representative of the population of assailants that perpetrated the massacres listed in table A, one can use various auxiliary assumptions to approximate the total number of perpetrators implicated in the sample of SMV events. In the unlikely assumption that each assailant participated only once in any of the massacres, one can deduce that 4396 assailants would have perpetrated the 149 massacres with 5-10 death tolls per incident, 2670 assailants would have perpetrated the 89 massacres with 11-20 kill-ratio per event. There would also be 1521 assailants implicated in the 41 massacres with 21-30 death tolls per incident and 898 assailants perpetrating the 34 mass killings with 31-50 kill-ratio per event. The 12 massacres with death tolls greater than 100 per incident would have involved 2400 assailants. The total number of assailants involved in the selective mass killings listed in table A would be 12 358. This sets some upper limit for the sample. If one now assumes that each assailant participated in say 5 massacres of the same magnitude, the estimated number of assailants would be 2471. Assuming a ten-massacre participation rate for each assailant still requires a force of 1236 perpetrators. Clearly, one is dealing with an organised collective of perpetrators.

According to reports, the perpetrators arrive in trucks, open-backed trucks and other vehicles<sup>229</sup> and horses.<sup>230</sup> In the case of the massacres of Raïs, Bentalha and Relizane some reports say they arrived in helicopters.<sup>231</sup> They arrive late at night to catch their victims off guard. Once in the target site they cut electrical power.<sup>232</sup> They split into three groups: 'one is in charge of surveillance, another one blows up doors and the third one massacres.'<sup>233</sup> Reports say the attackers slaughter their victims in their own houses but also use fire-bombs or grenades, or blow up doors to get their victims out, cram them into some houses, the public place of the hamlet or waste grounds and then slaughter them.<sup>234</sup> The perpetrators are frequently reported to act 'methodically' and 'with confidence'.<sup>235</sup> Witnesses reportedly say the perpetrators act 'without emotion'<sup>236</sup>, with 'no expression on their face, may God curse them'<sup>237</sup> and another survivor reportedly said 'the screams of the women and children at no time made the assassins hesitate... they burst into laughter each time a neck was sliced.'<sup>238</sup>

The news and witness reports say the perpetrators have a chain of command; 'chiefs' or 'leaders' or 'commanders' are said to order the assailants to

destroy the victims.<sup>239</sup> In a few cases these ‘chiefs’ reportedly used walkie-talkies.<sup>240</sup> Some reports say the perpetrators depart from the massacre sites in orderly fashion.<sup>241</sup>

The leadership and membership of the perpetrators remain anonymous. We now review the conflicting allegations about the identity of the perpetrators.

#### 5.4. Contradictory Allegations about Perpetrator Identity

There has been a wide range of partly conflicting descriptions of the appearance of the perpetrators. In some reports they are said to have ‘beards up to the waist’<sup>242</sup>, ‘beards and eyes heavily made up with *kebol*<sup>243</sup> or sporting ‘long beards dyed with henna and with shaved off brows’<sup>244</sup>, and to be ‘bearded and wearing Afghan clothes.’<sup>245</sup> For the same massacres some other reports say the assailants were ‘well shaven and fed’<sup>246</sup>, ‘wore military battle dress’<sup>247</sup> and ‘bullet-proof jackets.’<sup>248</sup> Other reports say ‘half of them were dressed in military tunics [...] the others wore civilian clothes’<sup>249</sup>, while still other say ‘some wore masks and other wore false beards’<sup>250</sup> or that ‘the attackers were disguised as police officers.’<sup>251</sup>

Take one specific example, the massacre of Bentalha, in Algiers, on 22 September 1997. According to Salima Tlemcani, a journalist at *El Watan* who says she quoted witnesses, the assailants ‘had long beards and wore Afghan costumes.’<sup>252</sup> The newspapers *Al Khabar* and *La Tribune* of the same day, both stating they quoted witnesses, reported that the assailants ‘wore Afghan clothes’, ‘baggy breeches’ and ‘*kashabia*’, had ‘shaggy hair’, ‘long beards’ and ‘looked dirty’ and some others ‘wore jeans and sneakers.’<sup>253</sup> Witnesses quoted by *Le Monde* said the assailants ‘disembarked from a helicopter’ and had ‘bullet-proof jackets.’<sup>254</sup> Another witness quoted by *Le Monde* said: ‘they [the perpetrators] behaved like the *ninjas*<sup>N</sup>, they acted swiftly. I saw one use a rifle with only one hand.’<sup>255</sup> Witnesses from Bentalha shown in a television documentary broadcast on Swiss television said some of the assailants ‘wore *kashabia*, jeans, sneakers, black scarves and sported beards’ and were protected by ‘soldiers in brand new battle dresses, with helmets and bullet-proof jackets.’<sup>O</sup> A survivor of the massacre quoted by Human Rights Watch said he saw two military armoured-

<sup>N</sup> In Algeria, *ninja* designates the special anti-terrorist squads.

<sup>O</sup> See the full transcript of the film in *Autopsie d'un massacre*, section 3.8 of M. Farouk, T. S. Senhadji and M. Ait-Larbi (eds.), *Voices of the Voiceless*, in part I of this book.

<sup>P</sup> The insert in brackets is from Human Rights Watch.

personnel carriers arrive:

They came up to about one hundred meters away from where we were being attacked. They then turned on their floodlights – I don't know why, since they didn't rescue us. The people started to shout that the military had come to their rescue, but the [leaders]<sup>p</sup> responded by saying, 'work calmly, the military will not come, don't worry.'<sup>256</sup>

According to President Zeroual, the first magistrate of the country, the perpetrators are the 'terrorists', or 'bands of criminals, traitors and mercenaries', the official terms used to denote the insurgents.<sup>257</sup> Foreign Affairs minister Attaf alleged that the perpetrators are the 'terrorist groups' that have become 'a killing machine devoid of political, religious or popular ideals.'<sup>258</sup> Prime-minister Ahmed Ouyahia blamed the 'vile beast of terrorism' which perpetrates the mass killings 'to punish the population for standing up to terrorism.'<sup>259</sup>

There are political parties who make the same allegations. Khalida Messaoudi, says 'as a member of the RCD party we say that we know who kills. And we know who is killed. That is to say that the question 'who kills in Algeria?' is indecent. It is not only indecent but it is becoming an act of complicity with the assassins. On the one hand, it is the civilian population which is massacred. On the other it is the armed Islamist groups that are massacring.'<sup>260</sup> Hachemi Cherif, leader of Algeria's communist party, accuses 'fundamentalist terrorism' whose aim behind the killings is to 'decapitate the elite, terrorise society and its elite, perform a moral and religious purification, make off the economy and the finances, and transform the economy, the state and society into a big *bazaar*.'<sup>261</sup>

In public statements, the spokesmen of the incumbent authorities never direct their allegations towards a particular armed group; they blame indiscriminately *all* the armed groups. Asked 'should not one distinguish between the GIA and the AIS, the armed wing of the FIS which seeks a negotiated settlement?', Prime-minister Ouyahia told Chagnollaoud 'in truth GIA, AIS, MIA are subtle distinctions for snobs.'<sup>262</sup>

Prior to Djamel Zitouni commanding the GIA in October 1994, this armed group killed scores of army and security personnel, and unarmed civilians such as civil servants, journalists and other professionals they accused of 'supporting the regime and the repression.'<sup>263</sup> It claimed responsibility for these killings in its publications. These publications do not contain responsibility claims for any selective or random mass killing.<sup>264</sup> The perpetration of selective and mass killings by the GIA is reported to have started just after Zitouni took over the command of the GIA in October 1994.<sup>265</sup> The public claims of responsibility for the mass killings appeared in the GIA literature only after it had disinte-



grated into splinter groups, late in 1995 and early in 1996.<sup>266</sup> The remnant GIA led by Zitouni did claim responsibility for many massacres. For example, it claimed responsibility for massacring the family of a member of the militia in Baraki in May 1996.<sup>267</sup> Armed groups that broke away from the GIA accused the latter of massacring scores of their families and those of members of other insurgent groups.<sup>268</sup> For example, on 31 January 1997, a 31 death toll massacre in Ktiten, in Médéa, targeted the family and relatives of Ali Benhejar. Benhejar had denounced the GIA take over by the military intelligence and broke away from it late in 1995.<sup>269</sup> The GIA claimed responsibility for this mass killing.<sup>270</sup> Splinter groups also denounced the Zitouni-led GIA for bomb attacks targeting civilians<sup>271</sup>; the GIA claimed responsibility for numerous random mass killings and maiming operations in Algeria and France.<sup>272</sup>

Armed groups other than the GIA have not claimed responsibility for selective or random mass killings. The AIS condemned the atrocities and declared in several communiqués its ‘innocence from all the suspicious operations targeting innocent unarmed men, women and children.’<sup>273</sup> The LIDD also denied responsibility for the killings and condemned them.<sup>274</sup>

These insurgent groups have alleged that the incumbent authorities are themselves perpetrating the killings through armed agencies such as the GIA. The AIS refers to the GIA as a ‘perverse group of mercenaries’ and ‘manipulated pawns’ in the hands of the ‘eradicator generals of the military.’<sup>275</sup> Asked by Chagnollaud and Ravenel

You attribute all the atrocities to the GIA and those who manipulate them, but the AIS has taken to the *maquis* to fight and therefore has partial responsibility for the atrocities?

Ghemati, a member of the political leadership of FIS said

The AIS has repeatedly condemned the murder of intellectuals, foreigners, political opponents, journalists and any unarmed person. The AIS prosecutes a selective war. Its operations are aimed only at military targets: barracks, policemen, gendarmes, soldiers or armed militiamen. It has always given a greater importance to its relations with the civilian population and has intervened several times to protect it. The problem is that its publications have restricted circulation.<sup>276</sup>

The LIDD has alleged that it is the ‘eradicator generals’ who ‘killed the innocents in October 1988 and June 1990, [...] perpetrated the military coup of January 1992, [...] massacred hundreds of political prisoners in Berrouaghia and Serkadji prisons’ who perpetrate these massacres ‘to distort the image of Islam and make it look as a religion of violence and blood, and make Muslims look blood-thirsty people.’<sup>277</sup> It has also claimed that the GIA is ‘an armed

group infiltrated from its inception' and 'an agency of the secret services': 'the nation knows who is committing the massacres, sometimes through the hands of the militias, and at other times through the hands of the secret apparatus of the junta known under the name of "GIA" which killed hundreds of the best children of this nation.'<sup>278</sup>

Hirst formulated these conflicting allegations about the GIA's identity in question form:

Is it simply, according to the regime, religious fanatics, bandits or psychopaths? Or do they enjoy the complicity – perhaps of some die-hard faction of the regime itself – which opposes any dialogue or compromise with the Islamist opposition, be it moderate or extreme?<sup>279</sup>

On the nature of the GIA and its responsibility in the massacres of 1997, Human Rights Watch said

The GIA, a group or groups with a record of brutal attacks on security personnel and terror attacks on civilians, had no visible political structure that commented authoritatively on its program or actions. Increasingly extreme edicts were issued in its name, which authorities permitted to be published in the press despite a strict censorship regime that encompassed statements by FIS leaders. Since the killing in 1994 and 1995 of the GIA's original leaders, mass killings increasingly became part of atrocities attributed to it. [...]

Doubts that all of the killings attributed to the GIA were the responsibility of a single organisation acting alone were fuelled by the posture of the security forces towards the perpetrators in 1997 and 1998 and by a series of statements by former security officials claiming Algeria's military intelligence apparatus, the Sécurité Militaire, had both deployed forces masquerading as Islamists and manipulated GIA groups through infiltration.<sup>280</sup>

Other bystanders have gone further than casting doubt on the incumbent authorities' responsibility in the atrocities. Ait-Ahmed, leader of the FFS, alleged that the army was directly responsible for some large scale massacres. When asked 'why did the army not intervene when the massacres took place near army barracks and lasted for several hours?', Ait Ahmed told Chagnollaud and Ravel:

In this story, it is not just the case that the army did not intervene. We have information that special troops from Biskra were involved. They were brought by helicopters and given narcotics to participate in the massacres of Rais and Beni Messous.<sup>281</sup>

Bruno Etienne who specialises in the study of North Africa claimed:

We have made a typology of the terrorist movements. There are approximately 300

cells of 7 to 14 members, and about 15 *maquis* of 18 to 80 people. This means that 400,000 men armed to the teeth cannot neutralise less than one thousand men. And where does the equipment – explosives and weapons – come from in a country whose borders are sealed and controlled by an enormous army? There is another hypothesis: the Algerian regime is spinning yarn. The generals are telling us they are fighting the Islamists but it is more probable that they are tearing each other apart.<sup>282</sup>

The same allegations about the identity of the GIA and the army's responsibility have been made by ex-prime-minister Brahimi, ex-diplomat Zitout, and several military intelligence officers, army officers, and soldiers – a few of whom committed atrocities – who deserted the regime and sought exile in Europe.<sup>283</sup>

The participation of some of the militia forces in some of the massacres is uncontroversial. In April 1998, two militia leaders from Relizane, El Hadj Abed and Hadj Fergane were arrested by the incumbent authorities for the massacre of 79 people, some of whom were buried alive, and the racketeering of the commune of Jdioua.<sup>284</sup> They were released 3 days after their arrests. The arrest and release were interpreted as an instance of the power struggle between the military factions for the control of this over 200 000 armed militia force.<sup>285</sup> Djedai, general secretary of the FFS, reported that two massacres, one in Laghouat and one in Tiaret, were the work of a militia warlord acting on instruction from military intelligence. He did not name the warlord but said he controlled hundreds of men in the Soummam valley, in the district of Bejaia.<sup>286</sup> He calls the militia 'the tree that hides the forest.'<sup>287</sup> Human Rights NGOs have also alleged that the militias perpetrated some of the massacres.<sup>288</sup>

Still other alleged organised perpetrators are covert death squads about whom not much is known. In the midst of the flare-up in the factional hostilities of September 1998, general Mohamed Betchine accused general Larbi Belkheir of being 'a common informer of President Mitterand's secretary'. He also alleged that following the military coup of January 1992, Belkheir and general Khaled Nezzar set up 300 covert death squads without even the consent of the Haut Comité d'Etat.<sup>289</sup>

The incumbent authorities have rejected angrily all these allegations.<sup>290</sup> Algerian citizens, political parties and human rights NGOs have demanded that an independent inquiry, national and/or international, be set up to investigate the killings and clarify responsibility. Some governments and international organisations (UN) and NGOs have made similar demands. These calls have been repeatedly rejected. In response to the recommendation by the Human Rights Committee of the UN that independent inquiries be set up to investigate the behaviour of security forces in the massacres, Abdelaziz Sbaa, spokes-

man for the foreign ministry, declared ‘it is outrageous that the UN committee has made such grave accusations on the basis of simple allegations against the institutions of the Algerian state.’<sup>291</sup> Hadri Kemal, communications consul at the Algerian embassy in Washington, said ‘we are against an inquiry because everyone there knows who is killing. The people of Algeria know that it is the terrorists who have been doing the killing.’<sup>292</sup> Foreign Affairs minister Attaf repeatedly said: ‘The situation in Algeria is clear. There is a state standing up and fighting against terrorism with its legitimate means and there is no confusion or doubt that demands an inquiry. Any inquiry commission, be it governmental or non-governmental, would be an interference in our internal affairs.’<sup>293</sup>

## 6. Summary and Conclusion

This paper focused on the massacres in the ongoing war in Algeria. Its approach relied on constructing and analysing various indicators obtained by aggregating the data about individual massacres.

The bulk of the data used are from news reports. They are certainly incomplete and distorted but we estimated that the public education aim was worth the effort. Post-mortem statistics, say in twenty years time, would be more accurate but would be of no use to those slaughtered every day in Algeria.

This being the case, we adopted a differentiated approach to the data distortion, interpreted the behaviour of the indicators with caution, and made sure we did not imply greater precision than actually exists. The sample we used involved 339 selective mass killings and 283 random mass victimisation events.

We first looked at the victimisation events as the unit of analysis. The time evolution of the SMV and RMV events showed that there has been a continuity of attacks by the perpetrators to eliminate the groups they victimise. The magnitudes of the mass killings peaked in 1997 but remained very high in 1998.

The time structures of the SMV and RMV activities were analysed more finely. It was found that their monthly fluctuations are best described as waves of mass killings, exacerbating and abating alternately. This is one of the most striking results of this analysis. We verified that this is not a spurious behaviour by looking at surrogate indicators and found the same pattern. One evidence was presented on the application of terror in an alternating mode as a technique that has a psycho-political rationale and that has been previously used by some political agencies.

The peaks in the waves of massacres were classified into 3 categories depending on their lifetimes. For the period between April 1996 and December 1998, the data revealed two waves of massacres with long lifetimes (about 4 months), three short campaigns of massacres lasting about 2 months each, and two intermediate trains of mass victimisation with a life of about 2.5 months each. The two highest peaks in the terror were in January 1998 and in the autumn of 1997, and the most long-lived massacre campaigns occurred in the autumn of 1997 and between June and September 1998. It is remarkable and intriguing that in the short-lived campaigns of massacres those who perpetrate the selective mass killings and those who perpetrate the random mass killings act in concert, i.e. they exacerbate and abate the terror synchronously, whereas for the long lived campaigns of mass killings the indicators show that the perpetrators of the SMV and RMV act anti-synchronously.

When discussing the monthly fluctuations of the SMV activity we proposed a context that may have relevance in interpreting them. The focus was on political processes within the army, within the armed insurgent movement, and the statements and positions of France and the US. The only uncontroversial conclusion one can infer is that the long-lived waves of massacres are concomitant with periods of strong inter-factional hostilities within the military.

The geography of the massacres showed that they are mainly concentrated in the centre of the country, in the north, especially in the districts of Blida, Médéa and Algiers. The terror campaigns have also diffused westward. The East and the South of the country are largely unaffected.

An analysis of the political geography of the massacres was made using the results of two sets of local and parliamentary elections. It was shown that the degree of victimisation of districts is proportional to their support for the FIS and inversely proportional to their allegiance to the FLN. In other words, it is the social base of the FIS that is the most victimised, in what Addi called 'electoral cleansing.'

The military geography of the massacres indicated that the 1st and 2nd military districts host most of the massacres. The economic geography of the mass victimisation shows that the South with its rich oil and gas fields is free from mass killings but in other parts of Algeria, in particular the poor areas where there is no oil, the population endures victimisation and is denied the protection of the state. We also reviewed some of the land privatising motives behind some of the massacres in the Mitidja. This report also presented maps of some notorious massacre sites that have raised strong suspicions because of the passive proximity of the military.

We then looked at the population of victims as another relevant unit of analysis. The total volume of victimisation found is 10,758 deaths, 8,675 from SMV episodes and 2,083 in RMV incidents. The time evolution and geographic distribution of the victimisation volumes corroborate the first part of the analysis.

We considered the victimisation dependence on age, gender and kinship. Assuming the sub-samples we used are representative, the results show that, on average, one in three victims of a selective mass victimisation is a child, one in five victims is a women, one in three victims is a female, and two in three victims are akin. Clearly the victims are selected regardless of any charge against them. They are also purposefully massacred irrespective of the fact that they are harmless to the assailants. It was indicated that following the decisive military victory of the incumbent authorities in 1995, the inability of the insurgents to reorganise militarily and defend their social base, and the silence of the most influential members of the international community for years, has left the victimised populations in a highly vulnerable situation. Some of the collective effects of the massacres were reviewed. We looked at social fear, induced armed self-defence, exodus and electoral behaviour. Some light was shed on the problem of internally displaced people, the survivors of the victimised hamlets and villages, a problem largely ignored by Algeria's political class, member states of the UN, and international organisations and NGOs. A most striking regularity was found when looking at the massacre activities from 4 weeks before elections to two weeks after, and this systematically for the three different elections held in Algeria in the past 3 years. Election days were found to be a breathing spell between waves of massacres. The ways in which this affected the electoral behaviour of the victimised areas was reviewed.

The third and final unit of analysis was the crimes and the criminals. We presented a digest of the weapons and crimes in SMV and RMV events and looked at the organisational parameters of the perpetrators. Quantitative estimates of the population of perpetrators of SMV were inferred from an analysis of a sub-sample of cases. This points clearly to the existence of an organised collective with some continuity of leadership, membership, recruitment and logistical support. The criminological digest was concluded with a review of the contradictory allegations about the identity(ies) of the perpetrators.

Keeping in line with the descriptive and explanatory objectives of this study, we have not attempted to make a comparative analysis between the mass victimisation patterns discovered here and those of similar episodes elsewhere. This would, however, be a worthwhile undertaking. In what ways are the pat-

terns of the Algerian massacres similar to, and different from, the types of mass victimisation observed in history? How would the ensemble of Algerian massacres be classified within alternative typologies that have been developed in studies<sup>294</sup> of victimisation of *groups*?

The campaign of massacres does not seem qualifiable as *genocide* in law because the victimisation events do not fulfil the defining requirements of the United Nations Genocide Convention (UNGC), in particular its article II which restricts it to instances when the victimised group is a ‘national, ethnical, racial or religious group as such.’ However they seem to include the elements constitutive of genocide as conceived in social theory. For instance they can be convincingly argued to meet the criteria of Helen Fein’s paradigm for detecting and tracing genocide.<sup>295</sup> What should one therefore conclude?

Kuper believes that ‘political affiliation can be as permanent and immutable as racial origin<sup>296</sup> and, on the basis of several case studies, that ‘it is impossible to disentangle the political component from the ethnic, racial or religious.’<sup>297</sup> He suggests the use of the notion of *genocidal massacres*.<sup>298</sup> Are the massacres in Algeria of the genocidal type?

Or should one simply refer to them as *politicides* in accordance with Barbara Harff and Ted Gurr’s categorisation of massacres of political groups that includes those in rebellion<sup>299</sup>?

Clearly much work remains to be done to analyse, interpret and explain the data and patterns produced in this study. It is our hope that they will draw the research interest of scholars and organisations inquiring into massive human rights violations as a universal problem.

## 7. Appendix

Table A lists the selective mass victimisation events, table B catalogues the random mass victimisation events, table C reports the mass graves publicised so far while table D registers the events in which foreign nationals were killed in SMV events.

The dates of the massacres given in the tables are obtained from the news or witness reports. The few entries for which only the month is given correspond to cases where the news reports give only the month and the year as a date.

In the source column, we have given only one source per entry although in most cases we have studied and integrated several information sources. This was done in order not to clutter the tables. We used an abbreviation system for the source with long names for the same purpose. LB stands for *Le Livre Blanc sur la Répression en Algérie*, DNA is the acronym of *Dernières Nouvelles d'Alsace*, AFP indicates *Agence France Presse*, PANA represents *Panafrican News Agency* while AP denotes *Associated Press*.



**7.1. Table A: Selective Mass Killings****District: Blida**

<b>Date</b>	<b>Source</b>	<b>Location</b>	<b>Deaths</b>	<b>Injured</b>
15/01/94	LB, vol. 2, p. 142	Larbaa	10	-
03/94	LB, vol. 2, p. 76	Blida	82	-
04/04/94	LB, vol. 2, p. 143	Larbaa	8	-
25/11/94	LB, vol. 2, p. 145	Boufarik	5	-
07-08/12/94	LB, vol. 2, p. 147	Boufarik	25	-
07-08/12/94	LB, vol. 2, p. 147	Blida	40	-
10-11/12/94	LB, vol. 2, p. 147	Blida	20	-
07/05/95	LB, vol. 2, p. 147	Boufarik	6	-
05-06/11/96	Irish Times 07/11/96	Sidi-Lekbir	31	-
13/11/96	Irish Times 14/11/96	Bensalah	12	-
30/11/96	Troubles	Larbaa	20	-
04-05/12/96	DNA 06/12/96	HaouchTrab/Chebli	10	-
05/12/96	DNA 09/12/96	Benachour	19	-
10/12/96	Troubles	Maayouma	8	-
04/01/97	Irish Times 07/01/97	Benachour	16	-
11/01/97	DNA 14/01/97	Ouled Chebel	5	-
12/01/97	Le Soir de Belgique 14/01/97	Tabainet	14	-

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Date	Source	Location	Deaths	Injured
22/01/97	Le Soir de Belgique 24/01/97	Haouch Benramdane/Chebli	22	-
23/01/97	DNA 25/01/97	Haouch El Hadj/ Baba-Ali	15/22	-
29/01/97	Irish Times 01/02/97	Sidi-Kadour/ Sidi-Moussa	8	-
01/02/97	Irish Times 04/02/97	Haouch Benouar Louz/Larbaa	7	-
10/02/97	Troubles	Hammam-Melouane	25	-
17/02/97	DNA 19/02/97	Kerrach	33	-
04/04/97	DNA 07/04/97	Amroussa	15/17	-
10-11/04/97	Le Soir de Belgique 14/04/97	Douar Menaâ/ Boufarik	22	-
11/04/97	Le Soir de Belgique 14/04/97	Chiffa	7	-
13/04/97	Irish Times 15/04/97	Douar Chaib Mo- hamed/Chebli	31	-
21/04/97	Le Soir de Belgique 23/04/97	Haouch Khmisti Bougara	93/113	25
14/05/97	Irish Times 16/05/97	Haouch Faner/ Chebli	30	-
26-27/05/97	Troubles	Djebabra	8	-
11/06/97	Troubles	Cheraifia/Boufarik	9/12	-
14/06/97	DNA 18/06/97	Haouch Sahraoui	16	-
22/07/97	Irish Times 24/07/97	Benachour	11	-
22/07/97	Irish Times 24/07/97	Yemma-M'ghite	39	-
27/07/97	Irish Times 30/07/97	Si-Zerrouk/Larbaa	51	-
31/07/97	Troubles	Larbaa	20	-
03/08/97	Irish Times 06/08/97	Amroussa	26	-

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<b>Date</b>	<b>Source</b>	<b>Location</b>	<b>Deaths</b>	<b>Injured</b>
05/08/97	Irish Times 08/08/97	Cite Benamor/ Oued-Slama	9	-
08/08/97	Irish Times 11/08/97	Oued-Zeboudj	21	-
20-21/08/97	DNA 23/08/97	Souhane	63	10
26/08/97	Irish Times 30/08/97	Beni-Ali	64	-
29/08/97	Troubles CNN/DNA 30/08/97	Rais/Sidi-Moussa	200/ 300/400	200
04/09/97	CNN 08/09/97	Baba-Ali	6	-
06/09/97	CNN 08/09/97	Blida	30	-
09/09/97	Troubles	Larbaa	9	-
28-29/09/97	Troubles	Chebli	40/48	-
02/10/97	AP 06/10/97	Bouangoud/Chrea	30	-
03/10/97	AP 04/10/97	Ouled-Benaissa	38	-
03/10/97	Hijra	Amroussa	6	
11/10/97	DNA 14/10/97	Haouch Soudania	14	-
08-09/11/97	DNA 11/11/97	H'Malit /Chrea	26/27	-
27/11/97	DNA 30/11/97	Souhane	25	-
11/12/97	Troubles	Blida	8	-
18/12/97	DNA 21/12/97	Djiboulo/Larbaa	31	17
11/01/98	Reuters 13/01/98	Sidi-Hamed/ Meftah/Larbaa	120/ 131/ >400	100
27/01/98	Reuters 28/01/98	Douar Ferroukha/ Soumaa	13	-

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Date	Source	Location	Deaths	Injured
07/03/98	Troubles	Haouch Menaâ/ Boufarik	6	-
26/03/98	Irish Times 28/03/98	Bouirat /Lahdab	57	-
26/05/98	DNA 28/05/98	Mactaa Lazrag	11	5

**District: Médéa**

Date	Source	Location	Deaths	Injured
13/03/94	LB, vol. 1, p. 80	Berrouaghia	40	-
07/11/94	El-Karama 10/01/95	Berrouaghia Prison	513	-
16/11/94	LB, vol. 2, p. 147	Berrouaghia	39	-
18/08/96	CNN 20/08/96	Sidi-Ladjel	17	-
12/11/96	Troubles	Berrouaghia	11	-
14/11/96	Troubles	Ouamri	11	-
14/11/96	Troubles	Seghouane	7	-
29/12/96	CNN 30/12/96	Zineddine	28	-
19/01/97	DNA 21/01/97	Sidi-Abdelaziz/ Beni-Slimane	48/49	36
22/01/97	DNA 26/01/97	El Om- aria/Berrouaghia	23/28	-
31/01/97	Irish Times 03/02/97	Médéa	31	-
04/02/97	Irish Times 06/02/97	Benchicao	9	-
04/02/97	Troubles	Boumedfaa	28	-
09/02/97	Troubles	Oued Senane	6	-
21/02/97	Troubles	Tablat	5	-

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<b>Date</b>	<b>Source</b>	<b>Location</b>	<b>Deaths</b>	<b>Injured</b>
19/03/97	Le Soir de Belgique 24/03/97	Ouled-Antar/ Kasr-El-Boukhari	30/32	-
21/03/97	Le Soir de Belgique 24/03/97	Ouazra	7	-
23/03/97 nières	Troubles	Médéa	5	
03-04/04/97	DNA 07/04/97	Thalit	52	-
04/04/97	DNA 07/04/97	Sidi-Naamane	5	-
22/04/97	Irish Times 26/04/97	El-Omaria	42	-
30/05/97	Le Soir de Belgique 02/06/97	Médéa	5	-
25/06/97	Troubles	Seghouane	22	-
05/07/97	AFP 24/12/97	Médéa	48	-
12/07/97	Irish Times 15/07/97	M'fetha	33	-
12/07/97	Irish Times 15/07/97	Aziz	7	-
20/07/97	Irish Times 27/07/97	Rebaia	11	-
25/07/97	Troubles	Sidi-Salem/ El-Omaria	13	-
27/07/97	Irish Times 30/07/97	El-Omaria	22	
24/08/97	DNA 26/08/97	El-Oumri	29	-
02/09/97	DNA 05/09/97	Ouled Larbi/ El-Omaria	22	-
20/09/97	DNA 22/09/97	Guelb-El-Kebir/ Beni-Slimane	53	-
01-02/10/97	AFP 04/10/97	Benchicao	15	-
02/10/97	Reuters 05/10/97	D'raa Tmar/Ain- Boucif	13	-
02/10/97	Troubles/ CNN 04/10/97	Ouled-Bouchraa	45	-

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<b>Date</b>	<b>Source</b>	<b>Location</b>	<b>Deaths</b>	<b>Injured</b>
05/10/97	CNN 07/10/97	Sekmouna/ Zoubiria	16	-
09/10/97	CNN 10/10/97	Souaghi/ Beni-Slimane	9	-
12/10/97	AP 13/10/97	Beni-Slimane	22	-
20/10/97	Hijra	Bir Si El-Abed	12	-
17-18/11/97	Irish Times 26/11/97	Labrache/Médéa	7	5
20-21/11/97	Troubles	Oued-Zitoune	8	7
08/12/97	Reuters 09/12/97	Médéa	7	-
28/12/97	Irish Times 31/12/97	El-Faoudj	34	-
27/02/98	PANA 01/03/98	Ouled-Aissa	7/9	-
28/02/98	AFP 01/03/98	Ouled-Salem	8	-
06/03/98	Troubles	Sidi Rabah	6	
08/03/98	Troubles	Haouch Bou- louene/Boumedfaa	11	
08/04/98	Troubles	Ouled Said/ Bir-Ben-Abed	12	-
28/04/98	El-Watan 29/04/98	Chouardia	40/43	-
09/06/98	La Tribune 21/06/98	Médéa	5	-
17/06/98	AFP 21/06/98	Hamaïdia	13	6
18/07/98	Reuters 19/07/98	Rebaïa	11	2

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*Massacres and Victims***District: Algiers**

Date	Source	Location	Deaths	Injured
12/12/93	LB, vol. 2, p. 146	Benzerga/Bordj-El-Kiffan	13	-
16-17/04/94	LB, vol. 1, p. 74	El-Harrach	6	-
02-03/06/94	LB, vol. 1, p. 65	Cherarba/ El-Harrach	41	-
11/10/94	LB, vol. 2, p. 147	Souk-El-Ansar	8	-
04/11/94	LB, vol. 2, p. 141	Eucalyptus	5	-
05/12/94	LB, vol. 2, p. 143	Oued-Ouchaiah/Hussein-Dey	6	-
20/02/95	LB, vol. 2, p. 179	Serkadji Prison	109	-
30/06/96	Troubles	Bab-El-Oued	7	-
23/11/96	Troubles	Bentalha	16	-
21/12/96	Irish Times 24/12/96	Kasbah	5	3
12-13/01/97	Troubles	Djbel-Koukou	5	-
22/01/97	Troubles	Baraki	5	-
08/02/97	Troubles	Cite des Eucalyptus/ Baraki	14	-
17/02/97	Troubles	Algiers	5	-
21/02/97	Troubles	Frais Vallon	5	-
24/08/97	Troubles	Baraki	9	-
28/08/97	DNA 30/08/97	Sidi Madjbar	5	-
29/08/97	Troubles	El Biar	5	-
01/09/97	Irish Times	Hamamat Miramar/	19	-

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Date	Source	Location	Deaths	Injured
	02/09/97	Bologhine		
05/09/97	DNA 07/09/97	Bainem	5	-
05-06/09/97	Troubles/ Irish Times 08/09/97	Beni-Messous	87/151	100
14/09/97	CNN 16/09/97	Cherarba/El-Harrach	8	-
22/09/97	Troubles/ DNA 24/09/97	Bentalha/Baraki	202/300	100
29-30/09/97	Troubles	Rais Hamidou	10	-
02/10/97	Hijra	Algiers	14	-
05/10/97	CNN 14/10/97	Ouled-Allah/Baraki	10	-
10/97	AFP 27/10/97	Bentalha/Baraki	30	-
16/11/97	DNA 22/11/97	Sidi-Medjbar	7	-
16/12/97	AFP 23/12/97	Cheraga	19	-
22/12/97	AFP 23/12/97	Ouled Allah/Baraki	9	-
23/12/97	CNN 24/12/97	Bainem	11	-
02/01/98	AP 05/01/98	Algiers	18	-
23/01/98	Reuters 24/01/98	Beni Messous	8	
23/08/98	DNA 25/08/98	El-Biar	5	-

**District: Tipaza**

Date	Source	Location	Deaths	Injured
13/08/94	LB, vol. 2, p. 139	Bourbika	11	-
03/11/96	Troubles	Saint-Maurice Douaouda	13	-
12/11/96	Troubles	Hadjout	5	-

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*Massacres and Victims*

Date	Source	Location	Deaths	Injured
09/12/96	Troubles	Kolea	5	-
01/01/97	Irish Times 07/01/97	Douaouda	6	-
06/01/97	Irish Times 07/01/97	Douaouda	18	18
29/05/97	Le Soir de Belgique 02/06/97	Bakoura/ Cherchell	14	-
25/06/97	Troubles	Bourouss	6	-
11-12/07/97	Troubles	Balili	14	-
18/07/97	Irish Times 21/07/97	Bousmail	14	-
24/07/97	AFP 24/12/97	Hadjout	38	-
31/07/97	Irish Times 14/08/97	Ruines Romaines	20	-
14/08/97	DNA 15/08/97	Ouled Djillali/ Douira	15	-
25-26/08/97	DNA 29/08/97	Hamidia / Cherchell	5	-
03/10/97	AP 03/10/97	Mahelma	38	Dozens
13/12/97	AFP 16/12/98	Cheraga	18	-
21-22/12/97	DNA 25/12/97	Moretti	5	-
23/12/97	AFP 24/12/97	Cheraga	11	-
27/12/97	DNA 29/12/97	Chenoua	5	-
07/01/98	Reuters 07/01/98	Ain Tagourait	20/21	-
15/03/98	La Tribune 17/03/98	Ghraba	7	-
25/07/98	AP 28/07/98	Hassasna	8	-
28/08/98	AP	Beldj	6	-

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Date	Source	Location	Deaths	Injured
	29/08/98			
02/12/98	Reuters 05/12/98	Sidi-Rached	12	-

**District: Ain-Defla**

Date	Source	Location	Deaths	Injured
03/94	LB, vol. 2, p. 140	Ain-Defla	80	-
29/12/96	Le Soir de Belgique 30/12/96	Dhamnia	34	-
29-30/07/97	DNA 03/08/97	Matmata	48	-
03/08/97	Irish Times 06/08/97	Ouled-El-Had/ Sidi M'hammed	76	-
11/08/97	DNA 15/08/97	Heuraouat	19/28	-
05/10/97	Reuters 06/10/97	Ouled-Sidi-Yahia	10	-
27/10/97	AFP 27/10/97	Oued-Djer	16	-
13/11/97	DNA 16/11/97	Hammama	11/13	-
04/01/98	CNN 05/01/98	Sidi-Aissa	7	-
04/01/98	CNN 05/01/98	Ain-Defla	5	-
30/04/98	El-Khabar 02/05/98	Ain-Defla	9	-
01/05/98	Le Matin 04/05/98	Khemis-Meliana	11	-
13-14/08/98	La Tribune 21/09/98	Sekouma/Dira	11/16	-
30/08/98	DNA 31/08/98	Targhout	10	-
13/09/98	Reuters 15/09/98	Ain Sbaa	38	-
14/09/98	Reuters 15/09/98	Zougala	37	-
11-12/11/98	Reuters 13/11/98	Moussa Abderah- mane/Boumedfaa	17	3

Date	Source	Location	Deaths	Injured
16-17/11/98	Reuters 17/11/98	Khemis-Meliana	8	10
28/12/98	Reuters 28/12/98	Ain-Mansour/ Ben-Amrane/Zmala	19	3

**District: Tiaret**

Date	Source	Location	Deaths	Injured
01/09/94	LB, vol. 2, p. 144	Tiaret	5	-
06/04/97	DNA 08/04/97	Ain Lehdid	15	-
13/07/97	Irish Times 27/07/97	Tiaret	13	-
08/08/97	DNA 11/08/97	Medghoussa	11	-
08/08/97	Irish Times 11/08/97	Ouled Sidi-Yahia	8	-
29/08/97	Irish Times 01/09/97	Mellakou	6	-
30/08/97	Irish Times 01/09/97	Ouled Sidi-Yahia	6	-
27/09/97	Arabic News Com 01/10/97	Ouled Sidi-Yahia	50	-
22/12/97	CNN 26/12/97	Sahari	28	-
23-24/12/97	DNA 28/12/97	Sidi-Lamri M'Ghila	53	-
25-26/12/97	DNA 28/12/97	Zouabria	27	-
16/01/98	CNN 20/01/98	Frenda	5	-
25/01/98	CNN 26/01/98	Haouch Mecharef/ Frenda	20/27	-
31/01/98	L'Humanite 03/02/98	Sabra	10	12
21-22/02/98	DNA 24/02/98	Medghoussa	12	-
12/03/98	Troubles	Sidi-Bakhti/ Frenda	8	-

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Date	Source	Location	Deaths	Injured
16/07/98	AFP 19/07/98	Douar Bougharba/ Sidi-Ouadah	21	-
05/08/98	Liberté 06/08/97	Tagdempt	10	-

**District: Saida**

Date	Source	Location	Deaths	Injured
11/12/96	Troubles	Moulay Larbi	12	-
14/01/97	Le Soir de Belgique 17/01/97	Saida	9	-
28/04/97	Troubles	M'Hamid/ Tassafour	7	-
25/07/97	Irish Times 27/07/97	Sidi Abdelmoumene	8	-
06/09/97	DNA 07/09/97	Saida	11	-
13/09/97	Irish Times 16/09/97	Moulay Larbi	7	-
29/09/97	Reuters 30/09/97	Sidi-Merzouk	6	-
20/10/97	Hijra	Bougtob	11	-
25/10/97	Troubles	Djebel Tellag/ Tadmait	6	-
29-30/11/97	AFP 01/12/97	Daoud/Hassi Labeled	29	3
20/01/98	Reuters 22/01/98	Rehal	6/8	-
14/02/98	CNN 15/02/98	Douar Tamesna	17	5
20/02/98	Troubles	Tamesga	6	-
28/02/98	Liberté 01/03/98	Youb	19	-
26/03/98	DNA 28/03/98	Adda-Bensekrane	11	-
24/06/98	Reuters 25/06/98	Hammar El Has	17	5

Date	Source	Location	Deaths	Injured
25/07/98	Liberté 27/07/98	Sidi-Abdelmoumene	8	-

**District: Tlemcen**

Date	Source	Location	Deaths	Injured
06-07/04/97	DNA 08/04/97	Merniche	13	-
25/07/97	Irish Times 27/07/97	Khelil	7	-
25-26/08/97	Troubles	Zahara	6	-
12/09/97	Troubles	Mazar	6	-
23/09/97	Hijra	Abouyene	7	-
29/09/97	Le Soir de Belgique 30/09/97	Ouled-Mimoune	10	-
07/11/97	DNA 11/11/97	Tlemcen	22	-
20/12/97	DNA 23/12/97	El-Bordj	15/30	-
21/12/97	AFP 23/12/97	Sidi-Senoussi	6	-
03/01/98	CNN 05/01/98	Boudghane	6	-
07/01/98	Troubles	Tlemcen	30	-
10/01/98	Reuters 12/01/98	Zouaoua	9	-
11/01/98	AFP 13/01/98	Bensekrane	10	-
14/01/98	Liberté 27/07/98	Oued Zi- toune/Sabra	10	-
01/02/98	L'Humanite 03/02/98	Sabra	10	-
05/02/98	Troubles	El Gor	9	-
17-18/02/98	Troubles	Sidi-Djilali	23	-

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Date	Source	Location	Deaths	Injured
08/03/98	Liberté 27/07/98	El Ourit	7	-
25/07/98	Liberté 27/07/98	Khilil/Bouihi/Sidi-Djilali	12	2
04/08/98	Liberté 06/08/98	Beni-Mester	7	-

**District: Chlef**

Date	Source	Location	Deaths	Injured
04/05/94	LB, vol. 1, p. 77	Tenes	173	-
10/06/97	Troubles	Tajena	6	-
30-31/08/97	Irish Times 02/09/97	Miramar	19	-
06/11/97	Reuters 08/11/97	Sobha	5	-
17/11/97	Troubles	Tajena	5	-
27/12/97	CNN 29/12/97	Oued-Sly	9	-
27-28/12/97	Irish Times 31/12/97	El-Bouachria	11	-
03-04/11/98	DNA 05/11/98	Douar Sidi Touil/ Oued-Sly	6	3
05-06/12/98	AFP 06/12/98	Tajena	7/9	5
08/12/98	AP 10/12/98	Tajena	81	20

**District: Bouira**

Date	Source	Location	Deaths	Injured
23/05/94	LB, vol. 2, p. 94	Lakhdaria	30	-
23/06/96	Troubles	Bouira	8	-
20/07/96	Irish Times 23/07/96	Keddara	12	15
19-20/07/97	Irish Times	Dira/	9	-

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*Massacres and Victims*

Date	Source	Location	Deaths	Injured
	24/07/97	Sour-El-Ghozlene		
19/12/97	CNN 20/12/97	Lakhdaria	30	-
08/01/98	CNN 10/01/98	Sour-El-Ghozlene	26	-
10/01/98	AP 12/01/98	Bordj-Khriss	11	-
19/01/98	CNN 20/01/98	Bouira	16	-
25-26/01/98	Reuters 27/01/98	Bouira	6	-
06/08/98	Liberté 08/08/98	Ouled-Yekhlaf/ Dechmia	9	-
04/12/98	Reuters 06/12/98	Deba/Dechmia	8/12	6

**District: Djelfa**

Date	Source	Location	Deaths	Injured
24/05/97	Troubles	Ain-Maabed	18	-
19/08/97	DNA 25/08/97	Feid-El-Botma	20	-
21-22/08/97	DNA 25/08/97	Ain-Oura	10	-
28/08/97	CNN 30/08/97	Maalba	40	-
27/09/97	DNA 30/09/97	Ain-El-Hadj/ Charef	19	-
16/11/97	Reuters 20/11/97	Djelfa	11	-
28/12/97	AP 30/12/97	Hassi Bahbah	7	
19/01/98	AFP 20/01/98	Hammam	6	-
27-28/01/98	Reuters 28/01/98	Charef M'seka	9	-
26-27/03/98	DNA 28/03/98	Oued-Bouaicha	47	-

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**District: Mascara**

Date	Source	Location	Deaths	Injured
25/08/97	Troubles	Beni-Moali	9	-
25/08/97	Troubles	Hachem	9	-
07/10/97 10/11/97	AP	Mascara	5	-
28/12/97 29/12/97	ABC News	Safsaf	26/30	-
29/12/97 30/12/97	ABC News	Mascara	14	-
05/10/98 07/10/98	DNA	Tizi	7	-

**District: Laghouat**

Date	Source	Location	Deaths	Injured
09/01/96 09/01/96	CNN	Laghouat	36	-
21/02/97 25/02/97	Irish Times	Laghouat	5	-
18/12/97 21/12/97	DNA	Aflou	10	-
27/12/97 31/12/97	Irish Times	Aflou	10	-
07/01/98 07/01/98	Reuters	Laghouat	6/7	-
27-28/01/98 28/01/98	Reuters	Benouda/ Sebgag	12	1
13/08/98 14/08/98	AFP	Sidi-Bouزيد	5	-

**District: Relizane**

Date	Source	Location	Deaths	Injured
30/12/97 03/01/98	AP	Khrouba Sahnoun El-Abadel Ouled-Tayeb	176 113 73 50	- - - -
04/01/98 07/01/98	AP	Remka/Meknassa	117	

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Date	Source	Location	Deaths	Injured
04/01/98	AP 07/01/98 Troubles	Dhamnia Beni-Moussa Kalaa Oued-Maamer Soumara	150/ 300/500	-
05/01/98	Troubles	Sidi Maamar Kala and Ouled Bounif	29 33	48

**District: Oran**

Date	Source	Location	Deaths	Injured
02/10/97	CNN 04/10/97	Kharrouba	14/20	30
09/10/97	Reuters 11/10/97	Oran	11	-

**District: Sidi-Belabes**

Date	Source	Location	Deaths	Injured
26-27/09/97	DNA 30/09/97	Ain-Adden	11	-
23/01/98	Reuters 24/01/98	Kaid Benlarbi	12	7
23-24/01/98	CNN 25/01/98	Kaid-Benlarbi	11	-
02/12/98	AFP 04/12/98	Sidi-Belabes	5	-

**District: M'Sila**

Date	Source	Location	Deaths	Injured
24/11/94	LB, vol. 2, p. 143	M'Sila	5	-
16/06/97	AFP 24/12/97	Dairat Labguar	50	-
14/08/97	Troubles	Bouferdjoun	7	-
30-31/12/97	AFP 03/01/98	Bousaada	6	-
14/02/98	CNN 15/02/98	Sidi-Amer	11	-

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Date	Source	Location	Deaths	Injured
05/04/98	Reuters 06/04/98	Sidi-Hadjres	8	-

**District: Boumerdes**

Date	Source	Location	Deaths	Injured
24/02/94	LB, vol. 1, p. 71	Khemis El-Khechna	6	-
18/11/96	Troubles	Benhachelef/ Hasnaoua	7	-
31/07/97	DNA 03/08/97	Sidi Madani	38	12
31/08/97	Troubles	Between Theniat-El- Had and Hassania	25	-
26/12/97	BBC 28/12/97	Ouled-Moussa	21	-

**District: Tissemsilt**

Date	Source	Location	Deaths	Injured
12/11/96	Troubles	Tissemsilt	6	-
16/06/97	Irish Times 20/06/97	Djouaza	15	-
30-31/08/97	Troubles	Ouled-Ali	7	-
19/06/98	Reuters 21/06/98	Kaabra	14/15	9

**District: Tizi-Ouzou**

Date	Source	Location	Deaths	Injured
27/04/94	LB, vol. 1, p. 68	Bordj-Menaïel	5	-
18/03/96	Troubles	Tizi-Ouzou	6	-
09-10/07/97	Troubles	Hatatba	8	-
09/05/98	Liberté 10/05/98	Bouberrak/Dellys	10	-
09/12/98	CNN 13/12/98	Maamar	6	-

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*Massacres and Victims***District: Mostaghanem**

Date	Source	Location	Deaths	Injured
11/94	LB, vol. 2, p. 143	Mostaganem	8	-
08/11/94	LB, vol. 2, p. 147	Mostaganem	36	-
05-06/04/98	DNA 07/04/98	Boukrina/Arzew	27/28	-

**District: El-Oued**

Date	Source	Location	Deaths	Injured
12/03/94	LB, vol. 1, p. 84	El-Oued	11	-
09/94	LB, vol. 1, p. 145	Guemmar	7	-

**District: Batna**

Date	Source	Location	Deaths	Injured
15/02/92	LB, vol. 1, p. 90	Batna	28	-
17/08/96	Le Soir de Belgique 20/08/96	Batna-Msila Road	63	-
04/09/96	Troubles	Batna	18	-

**District: Constantine**

Date	Source	Location	Deaths	Injured
24/04/94	LB, vol. 1, p. 68	Constantine	5	-
07/09/94	LB, vol. 2, p. 139	Cite Daksi	6	-
17/10/98	Reuters 18/10/98	Hamma Bouziane	9	-

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**District: Bejaia**

Date	Source	Location	Deaths	Injured
20/10/97	AFP 21/10/97	Bejaia	5	-
14/08/98	AFP 14/08/98	Sekouma	7	-

**District: Adrar**

Date	Source	Location	Deaths	Injured
28/02/98	AFP 01/03/98	Ouled-Aissa	7	-

**District: Setif**

Date	Source	Location	Deaths	Injured
18/11/97	Reuters 19/11/97	Tadjenant	5	-

**District: Bordj-Bouarrerdj**

Date	Source	Location	Deaths	Injured
24/11/94	LB, vol. 2, p. 141	Bordj- Bouarrerdj	11	-

**District: Bechar**

Date	Source	Location	Deaths	Injured
16/06/97	Irish Times 20/06/97	Bechar	11	-

**District: Guelma**

Date	Source	Location	Deaths	Injured
11/01/98	AFP 13/01/98	Fedjoudj	8	-

**7.2. Table B: Random Mass Killings****District: Algiers**

<b>Date</b>	<b>Source</b>	<b>Location</b>	<b>Deaths</b>	<b>Injured</b>
26/08/92	Troubles	Algiers Airport	9	128
30/01/95	Troubles	Central Police Station	42	286
31/08/95	La Tribune 02/09/95	Bab-El-Oued	10	104
29/10/95	CNN 29/10/95	Algiers	6	80
12/12/95	Troubles	Cite Ain-Naadja	15	35
05/02/96	Troubles	Algiers	5	-
11/02/96	Irish Times 12/02/96	Place du 1er Mai	17/19	52
11/02/96	Irish Times 12/02/96	Bab-El-Oued	2	41
18/02/96	Troubles	Algiers	17	30
03-04/06/96	CNN 04/06/96	Algiers	20	130
20/07/96	CNN 20/07/96	El-Harrach	6	30
22/07/96	CNN 22/07/96	Algiers	12	-
28/07/96	Troubles	Chateauneuf	1	10
29/07/96	Le Soir de Belgique 31/07/96	El Biar	6	20
30/07/96	Le Soir de Belgique 31/07/96	Bab-El-Oued	1	4
05/08/96	Troubles	Bab-El-Oued	1	4
02/09/96	Troubles	Algiers	2	50

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Date	Source	Location	Deaths	Injured
24/10/96	Troubles	Train- Algiers to Oran	8	30
10/11/96	DNA 11/11/96	Birkhadem	10	>20
28-29/11/96	DNA 01/12/96	Baraki	3	20
23/12/96	CNN 23/12/96	Larbi Ben-M'phidi/ Algiers	3	70
26/12/96	Le Soir de Belgique 27/12/96	Hussein-Dey	10	68
29/12/96	Irish Times 30/12/96	El Harrach	3	54
07/01/97	Le Soir de Belgique 08/01/97	Didouche Mourad/ Algiers	13/20	100
16/01/97	AP 20/01/97	El Harrach	12	
19/01/97	Le Soir de Belgique 20/01/97	Belcourt	42/21	100/60
21/01/97	Irish Times 22/01/97	Algiers	1	10
23/01/97	DNA 23/01/97	Baraki	16/30	40
11/02/97	Irish Times 12/02/97	Algiers	17	93
24-25/02/97	Troubles	Bouzareah	7	-
17/03/97	DNA 19/03/97	Algiers	11	30
17/03/97	DNA 19/03/97	Kouba	1	-
18/03/97	CNN 18/03/97	Algiers	18	-
27/03/97	DNA 30/03/97	El-Harrach	4	27
25/04/97	Irish Times 26/04/97	Baba-Ali /Train- Algiers to Blida	21	20
06/05/97	Troubles	Bab-El-Oued	5	32
11/05/97	Le Soir de Belgique 12/05/97	Bordj-El-Kiffan	5/13	>30

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*Massacres and Victims*

<b>Date</b>	<b>Source</b>	<b>Location</b>	<b>Deaths</b>	<b>Injured</b>
11/05/97	Le Soir de Belgique 12/05/97	Ben-Aknoun Park	1	12
31/05/97	CNN 01/06/97	Algiers	1	24
01/06/97	CNN 01/06/97	Algiers	7	77
02/06/97	Troubles	Kasbah	7/10	37
19/06/97	Irish Times 20/06/97	Algiers	2	20
26/06/97	Le Soir de Belgique 27/06/97	Algiers	4	>18
07/07/97	Troubles	Belcourt	1	20
14/07/97	Irish Times 15/07/97	Algiers	21	40
19/07/97	Irish Times 21/07/97	Algiers	7	11
30/07/97	Troubles	El-Biar	8	25
25/08/97	El-Watan 30/08/97	El-Biar	7	66
29/08/97	CNN 29/08/97	Kasbah	13	71
04/09/97	CNN 04/09/97	Bouzareah	2	7
14/09/97	Hijra	Cherarba	8	-
10/10/97	AP 10/10/97	Bouzareah	7/8	20/45
28/10/97	Troubles	Ben Aknoun	1	-
06/11/97	CNN 06/11/97	Bab-El-Oued	6	-
14/11/97	Reuters 15/11/97	Algiers	1/3	27/37
14/01/98	Troubles	Baraki	1	-
20/01/98	ABC News 22/01/98	Ben-Aknoun	4	24

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Date	Source	Location	Deaths	Injured
21/01/98	Libération 22/01/98	Algiers	2	3
23/01/98	Troubles	Bologhine	1	2
28/01/98	Troubles	El-Biar	2	-
12/02/98	Troubles	Algiers	1	17
12/02/98	Troubles	Birkhadem	1	4
22/05/98	CNN 23/05/97	El-Harrach	15/18	30/61
01/07/98	El-Watan 02/07/98	Cite Rabia Tahar/ Bab-Ezzouar	1	22
09/07/98	El-Watan 10-11/07/98	Oued-Kenis/ Ruisseau	13	42
17/07/98	El-Watan 19/07/98	Franco Beach/ Rais Hamidou	2	4
30/07/98	El-Watan 01/08/98	Jolie-Vue/Kouba	2	33
30/07/98	El-Watan 01/08/98	Baraki	1	13
31/08/98	DNA 03/09/98	Trois Horloges/ Bab-El-Oued	25	53/61
05/10/98	CNN 06/10/98	Algiers	3	62
07/12/98	AP 09/12/98	Algiers	1	5
13/12/98	Reuters 15/12/98	Algiers	1	7

**District: Blida**

Date	Source	Location	Deaths	Injured
19/01/95	Troubles	Bougara	2	209
06/08/95	Troubles	Boufarik	11	-
02/09/95	Liberté 03/09/95	Meftah	6	83

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*Massacres and Victims*

Date	Source	Location	Deaths	Injured
14/01/96	Troubles	Blida	5	25
22/06/96	Troubles	Blida	4	10
07/07/96	Troubles	Boufarik	1	Many
17/07/96	Troubles	Blida	10/15	12
29/07/96	Troubles	Blida	1	10
12/09/96	Troubles	Blida	2	28
21/09/96	Troubles	Zeboudja	1	16
27/09/96	Le Soir de Belgique 28/09/96	Boufarik	15/27	78/80
07/10/96	Troubles	Khazrouna	1	-
24/11/96	Irish Times 26/11/96	Blida	5	15
25/11/96	Irish Times 26/11/96	Blida	1	13
11/12/96	Le Soir de Belgique 12/12/96	Benkhelil	20	-
16/01/97	Irish Times 17/01/97	Boufarik	14	50
21/01/97	CNN 22/01/97	Blida	3	Tens
22/01/97	Le Soir de Belgique 24/01/97	Boufarik	8	40
28/01/97	Troubles	Oued-El-Alleug	1	10
17/02/97	DNA 19/02/97	Boufarik	1	-
24/02/97	DNA 25/02/97	Boufarik	1	12
11/04/97	Troubles	Haouch Gros / Boufarik	4	-
16/04/97	DNA 17/04/97	Blida	7	26

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<b>Date</b>	<b>Source</b>	<b>Location</b>	<b>Deaths</b>	<b>Injured</b>
22/04/97	Troubles	Chiffa	1	-
22/05/97	Le Soir de Belgique 23/05/97	Boufarik	12	31
17/07/97	Troubles	Ouled-Yaich	1	-
03/08/97	DNA 05/08/97	Hammam Melouane	8	-
23/08/97	Troubles	El-Affroun	8	-
08/09/97	CNN 08/09/97	Blida	10	-
12/09/97	Troubles	Bouinan	1	3
12/09/97	CNN 12/09/97	Rais/Sidi-Moussa	4	-
14/09/97	Irish Times 16/10/97	Bouinan	1	3
26/09/97	Troubles	Blida	5	-
03/10/97	DNA 05/10/97	Blida	6/10	20/50
05/10/97	DNA 11/10/97	Bouinan	17	-
10/10/97	CNN 11/10/97	Sidi-Moussa	1	-
27/11/97	DNA 30/11/97	Larbaa	25	-
19/12/97	CNN 20/12/97	Blida	4	20
22/12/97	Le Soir de Belgique 23/12/97	Ouled-Allah	9	-
25/12/97	CNN 27/12/97	Sidi Ali/Carbana	3	-
01/01/98	Troubles	Boufarik	1	1
22/01/98	La Tribune 25/01/98	Bougara/Larbaa	3	5
23/01/98	TG 24/01/98	Blida	2	Many

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*Massacres and Victims*

Date	Source	Location	Deaths	Injured
25/01/98	AFP 26/01/98	Blida	2	-
06/02/98	DNA 08/02/98	Chebli	2	4
06/02/98	CNN 06/02/98	Birtouta	2	2
07/02/98	DNA 08/02/98	Blida	2	4
23/02/98	AFP 24/02/98	Boufarik-Chebli	18/21	25/52
21/04/98	Troubles	Blida	5	40
10/05/98	DNA 11/05/98	Train- Boufarik	2	10
24/07/98	DNA 26/07/98	Ouled-Yaich	1	3
10/09/98	El-Watan 12/09/98	Larbaa	1	12
08/10/98	AP 10/10/98	El Affroun	3	-
15/12/98	Reuters 15/12/98	Sidi-Moussa	1	7

**District: Médéa**

Date	Source	Location	Deaths	Injured
11/02/96	Irish Times 12/02/96	Between Ain-Bessam and Médéa	11	52
14/02/96	CNN 15/02/98	Ain Melh	4	-
07/03/96	Troubles	Berrouaghia	2	10
25/11/96	Irish Times 26/11/96	Berrouaghia	1	13
22/04/97	CNN 24/04/97	Ouzera	5	-
11/05/97	Troubles	Metafha	2	11
27/07/97	Troubles	Maasouma	2	-

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Date	Source	Location	Deaths	Injured
20/08/97	DNA 25/08/97	Kaf Houas	3	20
26/08/97	Troubles	El-Omaria	1	7
06/09/97	CNN 06/09/97	Médéa	1	Many
14/09/97	DNA 16/09/97	Between Beni-Slimane and Berrouaghia	12	-
17/09/97	CNN 17/09/97	Kîtene	7	-
20/10/97	CNN 20/10/97	Ribai	5	-
08/11/97	Troubles	Sidi-Najdi	2	1
01/01/98	AFP 03/01/98	Médéa	1	-
04/01/98	Reuters 05/01/98	Médéa	7	-
05/01/98	Reuters 05/01/98	Ksar El Boukhari	5	-
09/01/98	CNN 10/01/98	Médéa	2	-
14/01/98	Reuters 18/01/98	Ouzera	6	-
19/01/98	AFP 20/01/98	Médéa	2	12
29/01/98	AFP 31/01/98	Ouezra	1	-
06/02/98	Liberté 07/02/98	Médéa	1	2
26/02/98	DNA 27/02/98	Bouachoune	10	16
05/03/98	APS 07/03/98	Médéa	1	1
28/04/98	Reuters 25/04/98	Médéa	2	-
20/06/98	Reuters 21/06/98	Médéa	3	7

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*Massacres and Victims*

Date	Source	Location	Deaths	Injured
01/07/98	CNN 01/07/98	Ouled-Bey/Khemis-Djouamaa	4	14
06/08/98	AFP 08/08/98	Médéa	1	27
08/11/98	Troubles	Tablat-Larbaa Road	3	-

**District: Tipaza**

Date	Source	Location	Deaths	Injured
18/08/95	CNN 18/08/95	Club des Pins	2	7
20/07/96	Troubles	Kolea	5/9	30
23/08/96	CNN 24/08/96	Kolea	7	-
30/08/96	Troubles	Staoueli	7	20
21/09/96	Troubles	Gouraya	3	Many
11/10/96	Troubles	Kolea	10	70
23/12/96	Troubles	Douaouda	1	1
04/11/97	CNN 04/11/97	Staoueli	3	19
08/11/97	CNN 08/11/97	Ain-Benian	1	3
13/11/97	DNA 16/11/97	Tipaza	3	37
28/11/97	Troubles	Tipaza	1	2
20/01/98	ABC News 22/01/98	Zeralda	7/10	70
07/02/98	DNA 08/02/98	Mahelma	3	8
17/06/98	DNA 19/06/98	Bourkika	4	4
14/08/98	AFP 15/08/98	Sidi-Rached	1	10

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Date	Source	Location	Deaths	Injured
20/11/98	DNA 22/11/98	Ain Tagourait	1	-

**District: Ain-Defla**

Date	Source	Location	Deaths	Injured
11/02/96	CNN 11/02/96	Khemis Meliana and Ain Bessam	11	52
14/02/96	CNN 15/02/98	Ain Defla	3	-
30/12/96	Troubles	Zeddine	8	-
26/08/97	Troubles	Khemis Meliana	1	1
30/08/97	DNA 02/09/97	Khemis Meliana	14	-
12/10/97	DNA 14/10/97	Ksar El Boukhari	9	-
14/10/97	AFP 15/10/97	Khemis-Meliana	2	Many
27/11/97	DNA 30/11/97	Oued Djer	4	-
11/12/97	Troubles	Hadessari/ El-Biri	2	2
18/01/98	Troubles	Oued-Djer	2	-
26/05/98	DNA 27/05/98	Miliana	7	8
11/06/98	El-Watan 13/06/98	El-Khemis	17	31
30/06/98	DNA 02/07/98	Ain-Defla	3/4	14
12/08/98	DNA 13/08/98	Hammam Righa Train	7	11
20/08/98	AFP 22/08/98	El-Khemis	13/16	36/39
27/09/98	DNA 28/09/98	El Khemis	4/7	24/25
20/11/98	DNA 22/11/98	Ain-Tagourait	1	-

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Date	Source	Location	Deaths	Injured
03-04/12/98	Reuters 05/12/98	Khemis-Miliana	19	50
27/12/98	AP 28/12/98	Khemis Meliana	15	40

**District: Tlemcen**

Date	Source	Location	Deaths	Injured
08/03/96	Troubles	Tlemcen	12	20
07/11/96	DNA 08/11/96	Beni-Ouarsous	5	-
22/05/97	Troubles	Maghnia	7	-
22/05/97	Troubles	Ghazaouet	5	-
22-23/05/97	Troubles	Tlemcen	9/18	12
19/07/97	Troubles	Tlemcen	1	30
29-30/08/97	Troubles	Kalaa	2	Many
06/10/97	Reuters 06/10/97	Tlemcen	3	13
25/10/97	Reuters 25/10/97	Ain-Fezza	1	Many
07/11/97	AP 10/11/97	Tamjout	22	-
08/11/97	CNN 08/11/97	Tajmout	4	-
11/01/98	Reuters 12/01/98	Zouiya	5/9	-
31/01/98	L'Humanite 03/02/98	Hennaya	2	-
02/02/98	Troubles	El Gor	15	-
19/09/98	AFP 21/09/98	Tlemcen	7	

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**District: Mascara**

Date	Source	Location	Deaths	Injured
27/03/97	DNA 30/03/97	Sig	2	18
02/05/97	Troubles	Bouhnifia	15	23
30/10/97	Hijra	Ouled Ali	6	-
30/01/98	AFP 31/01/98	Mascara	1	7
04/04/98	Reuters 05/04/98	Fekkana	1	1
15/06/98	El Watan 16/06/98	Hacine	8	-
05/10/98	DNA 07/10/98	Mascara	3	61
04/12/98	AFP 09/12/98	Ghriss	6	>30

**District: Tiaret**

Date	Source	Location	Deaths	Injured
08/12/96	Troubles	Tiaret	1	Many
05/01/98	AFP 07/01/98	Sidi-Nammer	29	12
05/01/98	AFP 07/01/98	Ouled-Bounif	12	12
06/09/98	AFP 13/09/98	Mechraa-Sfa	5	11
08/09/98	El Watan 19/09/98	Rahoui	1	22
18/09/98	DNA 20/09/98	Zaroura	22/26/30	125/150

**District: Boumerdes**

Date	Source	Location	Deaths	Injured
23/09/97	CNN 23/09/97	Reghaia	2	25
04/06/98	Liberté 05/06/98	Bordj-Menaïel	4	2



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*Massacres and Victims***District: Saida**

Date	Source	Location	Deaths	Injured
23/02/97	Le Soir de Belgique 26/02/97	Saida	18	
17/03/97	Irish Times 19/03/97	Saida	7	-
24/06/97	Le Soir de Belgique 27/06/97	Between Ain Sekhouna and El Maamoura	15	
08/01/98	CNN 10/01/98	Saida	9	-
18/01/98	Reuters 19/01/98	Saida	1	-
30/07/98	AFP 03/08/98	Saida	3	-
02/08/98	Reuters 03/08/98	Baloul	40/60	-

**District: Tizi-Ouzou**

Date	Source	Location	Deaths	Injured
18/03/96	Troubles	Tizi-Ouzou	6	26
04/05/96	Troubles	Tizi-Ouzou	2	15
12/07/97	Troubles	Dellys	7	11
21/07/97	Irish times 24/07/97	Maakouda	4	-

**District: Jijel**

Date	Source	Location	Deaths	Injured
25/11/97	Reuters 26/11/97	Toualbia	4	Many
31/01/98	AFP 01/02/98	Kaa-El-Djbel	2	6

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**District: Chlef**

Date	Source	Location	Deaths	Injured
21/08/98	AFP 22/08/98	El Guettar	2	2
30/08/98	Hijra	Chlef	14	-
12/09/98	AP 14/09/98	Chlef	4	-
05/10/98	CNN 06/10/98	Chlef	3	62
07/10/98	AP 07/10/98	Ben Abdelkader	7	5
24/11/98	Reuters 25/11/98	Chlef	2	2

**District: Bouira**

Date	Source	Location	Deaths	Injured
21/07/96	Le Soir de Belgique 22/07/96	Keddara	12	15
18/12/97	DNA 21/12/97	Lakhdaria	6/30	-
15/01/98	Reuters 18/01/98	Sour El Ghozlane	17/18	
19/01/98	Troubles	Hamman Ksana	13	-
12/06/98	Liberté 16/06/98	Bordj Menail	14	Many
04/12/98	AFP 04/12/98	El Kadiria	11	6

**District: Relizane**

Date	Source	Location	Deaths	Injured
22/10/95	CNN 23/10/95	Relizane	8/11	82
28/11/96	DNA 01/12/98	Relizane	11	>10

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*Massacres and Victims***District: Oran**

Date	Source	Location	Deaths	Injured
09/03/96	CNN 09/03/96	Oran	10	16
11/05/97	DNA 13/05/97	Gdyel/Ras El Ain	22	-
15/08/97	Troubles	Diplimo	9	-
26/08/97	Troubles	Doublinou	6	-
29/08/97	Troubles	Oran	10	20
12/10/97	Reuters 14/10/97	Sidi Daoud/Sig	43/50	35
30/08/98	Reuters 31/08/98	Sidi Akli	1	1
02/09/98	AFP 03/09/98	Sidi Ali Cherif	1	-
11/09/98	La Tribune 12/09/98	Ghidyl	3/4	42/44

**District: Djelfa**

Date	Source	Location	Deaths	Injured
15/08/96	CNN 04/01/98	Ain Oussera	17	-
08/08/97	Irish Times 11/08/97	Djelfa	7/11	20
21/07/98	Reuters 23/07/98	Djelfa	3	-

**District: Laghouat**

Date	Source	Location	Deaths	Injured
20/03/96	Troubles	Aflou	10	-
07/10/96	Troubles	Ksar El Hirane	38	-
13/09/98	AFP 13/09/98	Sidi-Bouزيد	2	1
13/09/98	AFP 13/09/98	Aflou	2	-

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Date	Source	Location	Deaths	Injured
13/12/98	Reuters 13/12/98	Aflou	1	-

**District: Sidi-Belabes**

Date	Source	Location	Deaths	Injured
28/12/97	Troubles	Sfisef	14	-
28/12/97	Troubles	Mustapha Benbrahim	17	-
30/01/98	AFP 01/02/98	Tenira	5	3
10/02/98	CNN 15/02/98	Telagh	10	-
13/10/98	La Tribune 14/10/98	Ras El Ma/ Moulay Slissen	4	-

**District: Tebessa**

Date	Source	Location	Deaths	Injured
23/10/97	Reuters 23/10/97	Ghjira	5	-
23/03/98	Troubles	Tebessa	5	-
15/07/98	CNN 18/07/98	Ma El Abida	3	2

**District: Annaba**

Date	Source	Location	Deaths	Injured
11/01/98	AFP 13/01/98	Ain-Berber	5	-
11/01/98	AFP 13/01/98	Ain-Berber	4	-

**District: Constantine**

Date	Source	Location	Deaths	Injured
13/09/98	DNA 14/09/98	Constantine	1	5

**District: Setif**

Date	Source	Location	Deaths	Injured
23/01/98	AFP 23/01/98	Setif	4	21

**District: Bejaia**

Date	Source	Location	Deaths	Injured
04/11/98	Troubles	Bejaia	1	-

**District: Mostaghanem**

Date	Source	Location	Deaths	Injured
01/11/94	LB, Vol. 2, p.143	Mostaghanem	6	17

**District: M'Sila**

Date	Source	Location	Deaths	Injured
23/06/97	Troubles	M'Sila	3	-

**District: Oum El Bouaghi**

Date	Source	Location	Deaths	Injured
07/01/97	Troubles	Ain El Fakroun	7	11

**District: El Tarf**

Date	Source	Location	Deaths	Injured
04/09/96	CNN 04/01/98	Border with Tunisia	18	-

**District: Ghardaia**

Date	Source	Location	Deaths	Injured
06/09/96	CNN 04/01/98	Road to Ghardaia	12	-

**7.3. Table C: Reported Mass Graves**

<b>Date of finding</b>	<b>Source</b>	<b>Location/ District</b>	<b>Number of Graves</b>	<b>Type of Grave</b>	<b>Body Count</b>
Aug. 96	Le Soir de Belgique 30/08/96	Ouled Allel/ Blida	4	Well	Undisclosed
Aug. 96	Le Soir de Belgique 30/08/96	Oued Slama Blida	3	-	Undisclosed
Oct. 97	CNN 09/10/97	Ouled Allel/ Blida	1	Well	40
17 Dec. 97	AFP 24/12/97	Labaaiz/ Blida		1	10
Feb. 98	Liberté 01/03/98	Bordj Ouk- hriss/ Oran	1		30
19 Jul. 98	Reuters 19/07/98	Bainem/ Algiers	2	-	Undisclosed
Nov. 98	AP/Reuters 13/12/98 11/12/98 10/12/98	Hafiz Farm/ Meftah/ Blida	2	Wells	110/ >200
Feb. 99	Reuters 14/02/99	Ouled Allel/ Blida	1	Well	70
18 May 99	Le Monde 22/05/99	Djelfa	1		18

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**7.4. Table D: Mass Killings of Foreign Nationals**

<b>Date</b>	<b>Source</b>	<b>Location</b>	<b>Deaths</b>
14/12/93	Troubles	Médéa	12 Croats
07/07/94	Troubles	Djendjen /Jijel	7 Italians
11/07/94	Troubles	Algiers	7 East-Europeans
03/08/94	Troubles	Ain-Allah /Algiers	5 French
27/12/94	Troubles	Tizi-Ouzou	3 French 1 Belgian
05/05/95	Troubles	Ghardaia	5 Foreigners
21/05/96	Troubles	Médéa	7 French

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## NOTES

<sup>1</sup> <http://www.multimania.com/troubles/politique.htm>.

<sup>2</sup> Amnesty International, *Algeria: Fear and Silence: A Hidden Human Rights Crisis*, MDE 28/11/96, November 1996; *Civilian Population Caught in a Spiral of Violence*, MDE 28/23/97, November 1997. Also see Amnesty International (AI), Fédération Internationale des Ligues des Droits de l'Homme (FIDH), Human Rights Watch (HRW), and Reporters Sans Frontière (RSF), *Le Livre Noir*, Editions La Découverte, Paris 1997.

<sup>3</sup> Human Rights Watch, *Elections in the Shadow of Violence and Repression*, E904, June 1997; *Six Months Later Cover-up Continues in Prison Clash that Left 100 Inmates Dead*, E705, August 95.

<sup>4</sup> Comité Algérien pour la Dignité Humaine et les Droits de l'Homme, *Le Livre Blanc sur la répression en Algérie*, vols 1, 2 & Supplément, Editions Hoggar, Genève 1995, 1996.

<sup>5</sup> V. Hugeux, 'Algérie: les urnes de la terreur', *L'Express*, 29 May 1997

<sup>6</sup> *Reuters*, 9, 10, 12 and 13 December 1998

<sup>7</sup> Interview of Abdelhamid Brahimi, former Algerian prime-minister, in *Impact International*, November 1998, p. 26; *Le Monde* 26 March 1997; G. Mouffok, *Jeune Afrique*, No. 1774, 5-11 January 1995; D. Priest, *Washington Post*, 12 November 1998; J. Cesari, 'Les rapports France-Algérie: l'effet Airbus', CNRS-IREMAM; F. Gèze, 'Algérie: Face au poids de l'histoire et à la manipulation', *Politique Autrement*, No 13, June 1998.

<sup>8</sup> Article 19, *Algeria: Press Freedom Under the State of Emergency*, Issue 19, 26 December 1992; International Crisis Group, 'Between Death Threats and Censorship', *Algeria Report*, 31 March 1998; M. Margenidas, 'L'Information Asservie en Algérie', in *Le Monde Diplomatique*, September 1998, p. 19; Reporters Sans Frontière, 'Algérie: La guerre civile a huit clos', in AI, FIDH, HRW, and RSF, *Le Livre Noir*, op. cit, p. 9.

<sup>9</sup> *CNN*, 29 August 1997.

<sup>10</sup> *Le Monde*, 5 September 1997.

<sup>11</sup> *CNN*, 29 August 1997.

<sup>12</sup> *The Washington Post*, 18 October 1997.

<sup>13</sup> A. Gorissen, Interview with Louisa Hanoune, *Le Soir de Belgique*, 29 January 1997.

<sup>14</sup> *CNN*, 22 January 1998.

<sup>15</sup> *Libération*, 23 January 1998.

<sup>16</sup> Comité des Droits de l'Homme de l'Organisation des Nations Unies, 63eme Session, *Compte Rendu Analytique de la 1682 eme séance*, Genève, 20 July 1998, reference CCPR/C/SR.1682.

<sup>17</sup> Interview of General X, Amir Taheri, *Politique Internationale*, No. 79, Spring 1998, p.11.

<sup>18</sup> *El Moudjahid*, 27-30 June 1999; *El Watan*, 27-30 June 1999.

<sup>19</sup> Meeting with the international press at the Djenan El Mithaq Résidence on 9 July 1999, *Algérie Presse Service*, 10 July 1999. The statement was part of an answer to Abderahmane El Rached from the *Sbarq Al Ansat* newspaper.

<sup>20</sup> *Associated Press*, 23 January 1998.

<sup>21</sup> See references in note 1. A year earlier Amnesty International had put forward a figure of 50 000 deaths (in AI:MDE 28/11/96).

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<sup>22</sup> *La Tribune de Genève*, 11 December 1996.

<sup>23</sup> *Agence France Presse*, 28 May 1999.

<sup>24</sup> P. Darcourt, 'Algérie: La guerre des services secrets', *Le Figaro*, 16 Avril 1996.

<sup>25</sup> T. B. Jabine and R. P. Claude, *Human Rights and Statistics, Getting the Record Straight*, University of Pennsylvania Press, Philadelphia 1992.

<sup>26</sup> D. A. Samuelson and H. F. Spierer, 'Use of Incomplete and Distorted Data in Inference About Human Rights Violations', in T. B. Jabine and R. P. Claude, op. cit., p. 71.

<sup>27</sup> D. A. Samuelson and H. F. Spierer, op. cit., p. 63.

<sup>28</sup> See for instance the Internet site <http://www.multimania.com/troubles/politique.htm> which keeps a detailed chronology of events.

<sup>29</sup> A collective five-man presidency which acted as a civilian front for the cabal of officers who carried the coup d'Etat of 11 January 1992.

<sup>30</sup> Rally for Culture and Democracy.

<sup>31</sup> In Arabic the name stands for 'defiance'; the Communist party. This party has now changed its name to MDS (Democratic and Social Movement).

<sup>32</sup> M. Willis, *The Islamist Challenge in Algeria: A Political History*, Garnet Publishing Ltd, Reading 1996, p. 321.

<sup>33</sup> National Libération Front.

<sup>34</sup> Front of Socialist Forces.

<sup>35</sup> Movement for Democracy in Algeria.

<sup>36</sup> Labour Party.

<sup>37</sup> Mouvement de la Nahda [En-Nahda Movement] or Islamic renaissance party.

<sup>38</sup> J. A. M. Merloo, 'Brainwashing and Menticide: Some Implications of Conscious and Unconscious Thought Control', in M.S. Stein, *Identity and Anxiety*, Free Press, New York 1967, p.506.

<sup>39</sup> *Le Monde*, 26-27 January 1997.

<sup>40</sup> AIS, *Al Inqad*, No. 22, 1 January 1997, p.5.

<sup>41</sup> Alliance Nationale Republicaine.

<sup>42</sup> *Maghreb Confidentiel*, No. 311, 30 January 1997.

<sup>43</sup> *Maghreb Confidentiel*, No. 311, 30 January 1997.

<sup>44</sup> CCFIS, Communiqué no. 1, 25 April 1997.

<sup>45</sup> Movement for Peace in Algeria.

<sup>46</sup> *Dernières Nouvelles D'Alsace*, 7 January 1997, *L'Authentique*, 30 August 1997, *CNN*, 7 February 1998.

<sup>47</sup> CCFIS, Communiqué No 2, 5 October 1997.

<sup>48</sup> *Le Monde*, 5 January 1998.

<sup>49</sup> CCFIS, Communiqué No 3, 7 January 1998.

<sup>50</sup> *Al Hayat*, 13 February 1998.

<sup>51</sup> Party for the Renewal of Algeria.

<sup>52</sup> *Le Point*, No. 1357, 19 September 1998, p.24.

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- <sup>54</sup> See A. Aroua, *L'Organisation des Nations unies et les massacres en Algérie*, in part IV of this book..
- <sup>55</sup> *Reuters*, 18 October 1998.
- <sup>56</sup> *El Moudjabid*, 16 June 1990
- <sup>57</sup> *El Moudjabid*, 16 June 1990
- <sup>58</sup> M. Stone, *The Agony of Algeria*, Hurst & Company, London 1997, p. 72.
- <sup>59</sup> For napalm attacks see note 7. For the Oued Askar death toll see M. Harbi, 'Une exigence: la transparence', in J-P. Chagnollaud, *Confluences Méditerranée*, No 25, Spring 1998, pp. 153-158.
- <sup>60</sup> Amnesty International, News Release MDE 28/35/97, 18 November 1997.
- <sup>61</sup> L. Addi, M. Harbi and F. Talahite, 'Lettre ouverte aux eradicateurs francais', in *Libération*, 3 February 1998.
- <sup>62</sup> The 3 remaining seats were gained by independent candidates. See *Al-jarida Al-rassmiya* (The Official Journal of the Algerian Republic) 4 January 1992.
- <sup>63</sup> Ibid.
- <sup>64</sup> A. Ali-Yahia, *Raisons et Déraison d'une Guerre*, L'Harmattan, Paris 1996, p. 92.
- <sup>65</sup> Ibid.
- <sup>66</sup> Ali-Yahia, op. cit., p. 93.
- <sup>67</sup> *El Moudjabid*, 27-28 December 1991.
- <sup>68</sup> See United Nations, State Party Report on the International Pact for Civil and Political Rights, CCPR/C/101/Add.1., 18 May 1998.
- <sup>69</sup> *Reuters*, 6 June 1997.
- <sup>70</sup> *Reuters*, 6 and 7 June 1997; *Libération*, 7 June 1997; *Agence France Press*, 7 June 1997; *Le Monde*, 10 June 1997.
- <sup>71</sup> *Reuters*, 9 June 1997.
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- <sup>73</sup> K. Pech and D. Beresford, 'Corporate dogs of war who grow fat amid the anarchy of Africa', *The Observer*, 19 January 1997; *Drillbits & Tailings*, 21 December 1997, p.1. The Internet site of the Algerian Movement of Free Officers has a detailed list of names of advisors and mercenaries supervising and training the Algerian army. Some of training takes place in the Military Academy of Cherchell and in the anti-guerrilla school of application of special troops in Biskra.
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- <sup>76</sup> See M. Bendriss, *Responses of Islamic Political Parties and Insurgent Groups*, in part III of this book..
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- <sup>78</sup> See A. M. 'Algérie, les négociations secrètes', in *Courrier International*, No. 362, 2 October 1997, p. 11.
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- <sup>81</sup> Amnesty International, News Release MDE 28/35/97, 18 November 1997.

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- <sup>83</sup> *Le Monde*, 11 November 1997, p.12.
- <sup>84</sup> Amnesty International, *Civilian Population Caught in a Spiral of Violence*, MDE/28/23/97, November 1997.
- <sup>85</sup> *Irish Times*, 30 July 1997.
- <sup>86</sup> *Dernières Nouvelles D'Alsace*, 30 July 1997.
- <sup>87</sup> *Irish Times*, 30 August 1997; *CNN*, 30 August 1997.
- <sup>88</sup> Amnesty International, op. cit.
- <sup>89</sup> *Libération*, 22 September 1997.
- <sup>90</sup> *Irish Times*, 24 September 1997.
- <sup>91</sup> *Agence France Presse*, 23 November 1996.
- <sup>92</sup> *Agence France Presse*, 27 October 1997.
- <sup>93</sup> Amnesty International, op. cit.
- <sup>94</sup> *Reuters*, 13 January 1998.
- <sup>95</sup> *Dernières Nouvelles D'Alsace*, 2 August 1997.
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- <sup>97</sup> *Irish Times*, 8 September 1997.
- <sup>98</sup> Amnesty International, op. cit.
- <sup>99</sup> *Libération*, 8 September 1997.
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- <sup>101</sup> *CNN*, 22 January 1998
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<sup>115</sup> Ibid.

<sup>116</sup> AI, FIDH, HRW and RSF, *Le Livre Noir*, op. cit. P.59; V. Hugueux, 'Algérie: Les Urnes de La Terreur', *L'Express*, 29 May 1997.

<sup>117</sup> M.J. Lerner and C.H. Simmons, 'Observer's reaction to the "innocent victim": Compassion or rejection?', *Journal of Personal and Social Psychology*, Vol. 4 (1966) 203-210.

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## VOICES OF THE VOICELESS

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*Edited by M. Farouk, T.S. Senhadji and M. Ait-Larbi*

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## 1. Introduction

In this small collection of testimonies, we give space and voice to a few massacre survivors, relatives of victims and after-the-event witnesses, all of whom give a first-person account of their experience.

Most of the testimonies presented here are hitherto unpublished and originate from the Ligue Algérienne pour la Défense des Droits de l'Homme. We have, however, reproduced some testimonies which were published in the Catholic paper *La Croix*, and the left-of-centre papers *Libération* and *The Guardian*, *Tribune de Genève* and *Nisf Adounia*.

These testimonies are, of course, not meant to be representative of *all* the massacres. They cannot even be expected to convey the reality of even one massacre, let alone the hundreds of such events in the last few years.

These testimonies were selected on the grounds that: i) they passed stringent tests of authenticity, and ii) they depart from the official versions of events that swamped the national and international media at the time. Testimonies of the kind presented here are still scarce because terror silences the victims, the survivors and the witnesses. 'In no other zone of conflict have I seen people so afraid to speak their mind to a foreigner' wrote Llyod in his reportage about one of the massacres in Algiers.<sup>A</sup> The massacres occur in a context where arbitrary detention, harassment, torture and 'disappearing people' remind Algerians, directly and indirectly, of their mandate to keep silent and forget the past. It is therefore only fair to provide space and social validation to the versions of events that have been suppressed from public space and contained to private memories. Official accounts can easily be found in papers such as *El Watan* or *Liberté* or in the news bulletins of the major news agencies such as *Agence France Presse* or *Associated Press*. Whether these testimonies represent an 'unburial and unearthing of the truth that translates into an invasion of the space occupied by official history'<sup>B</sup> is left to the reader's judgement and to that of the inquiry commission that will no doubt, one day, shed light on these most painful moments in Algeria's recent history.

Section 2 presents the testimonies about the Raïs massacre while section 3 includes those related to the Bentalha massacre. In the last section, 4, the testimonies relate to several other massacres of differing scales.

<sup>A</sup> A. Llyod, 'Zeroual's Zombies Cast Vote', *The Times*, 24 October 1997.

<sup>B</sup> N. S. Sternbach, 'Women's Testimonial Discourse', in *Latin American Perspectives*, Vol. 18, No 3, 1991, pp. 91-102.

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## 2. Raïs Massacre

This massacre took place on 29 August 1997. Raïs lies in the borough of Larbaa, in the district of Blida. The official death toll was 98 dead and 120 injured.<sup>C</sup> Residents' figures reported by *The Irish Times* and *Les Dernières Nouvelles d'Alsace* range from 200 to 300 dead.<sup>D</sup> CNN reported a death toll of 400 from hospital sources.<sup>E</sup>

Whole families were decimated and a large number of girls and women were abducted. We have chosen to provide some insight into the victimisation dependence of the massacres on age, gender, and kinship as well as on property victimisation. On the basis of documents made available to us by the Algerian League for the Defence of Human Rights (LADDH), we have sought to reconstruct kinship trees that integrate data about age and gender in diagrams presented in section 2.1.

In section 2.2 we present the transcription of an interview of Mrs Bachiri. Two of her brothers and their families died in the Raïs massacre. This unpublished interview was conducted by the LADDH. Section 2.3 reports a testimony of a survivor, Messoud. It was recorded by journalist Amine Kadi and published in the Catholic paper *La Croix*. In section 2.4 a woman survivor gives her testimony to the Association for the Defence of the Victims of the Massacres in Algeria (DVMA).

### 2.1. Kinship, Age, Gender, and Property Victimisation Sample

The victims of the massacres share various common attributes other than the individual experience of harm. We propose to highlight here the age, gender, kinship and property attributes of a sample of victims, four families: Rahab in section 2.1.1, Djaknoun in section 2.1.2, Belkacem in section 2.1.3, and Ferrah in section 2.1.4.

The source of the data used here is the LADDH. For each family we present a copy of the criminological report of the Gendarmerie Nationale in Arabic and our translation of this document to English. On the basis of this report and other data provided to us by the LADDH, we reconstruct and present the kinship structures of the victimised families in diagrammatic form for all the families, except the Ferrahs. In the latter case the available data does not allow a reliable reconstruction of the tree; so we presented it in tabular form instead. The trees clearly demonstrate that there is an intent to victimise families as such. The diagrams contain information about the age and gender of the victims, unambiguously showing that females and children

<sup>C</sup> 'Algérie: nuit d'horreur à Raïs', *Dernières Nouvelles d'Alsace*, 31 August 1997.

<sup>D</sup> '300 Algerians dead in worst slaughter in civil war', *The Irish Times*, 30 August 1997; *Dernières Nouvelles d'Alsace*, 31 August 1997.

<sup>E</sup> 'Islamic terrorists slaughter Algerian villagers', *CNN*, 29 August 1997.

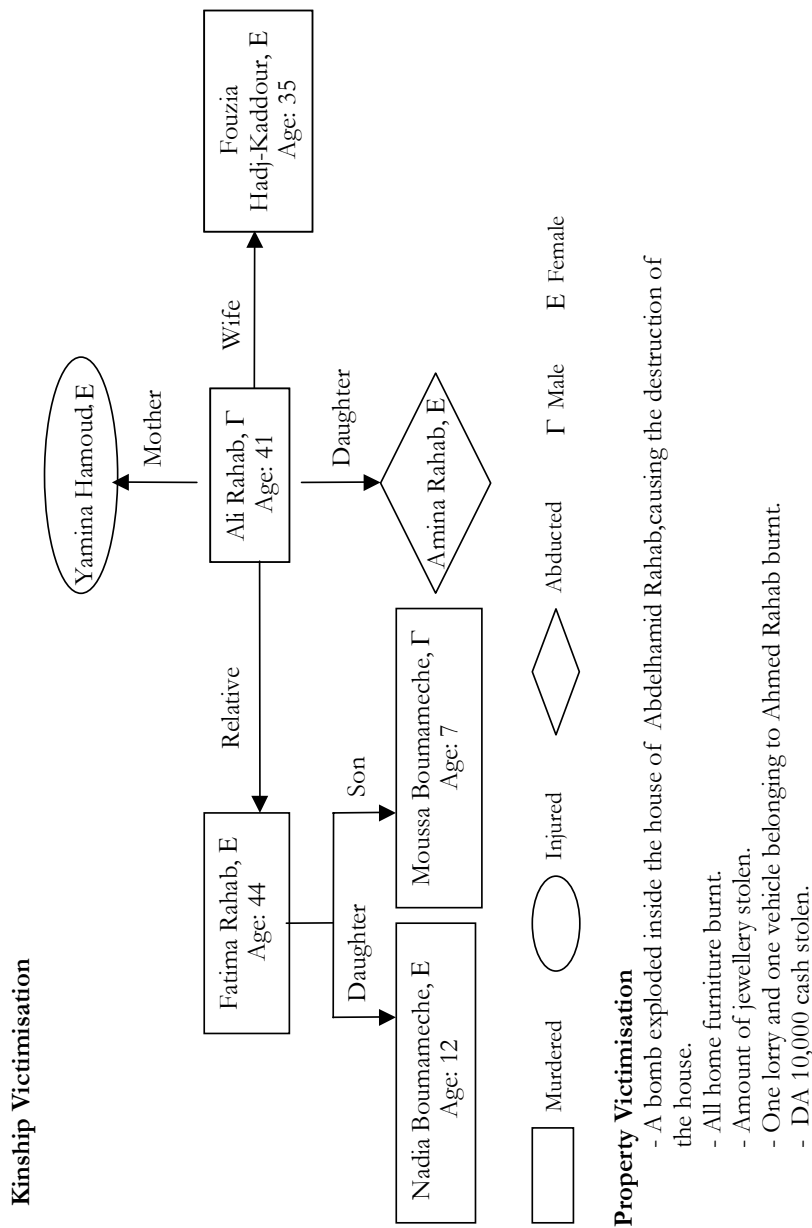
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account for a large component of the gender and age victimisations, respectively.

The diagrams distinguish between the murdered, injured and abducted. Most of the abductees are girls and women. For each family details of property victimisation are also provided.

2.1.1. Rabab Family



Source: Gendarmerie Nationale of Sidi-Moussa, Blida Report No 1414, 22 September 1997. File Ref. 879/97. Drafted and signed by Sergeant-Chief Ahmed Taïrouni.



## Translation of the Gendarmerie Nationale Report

Democratic and Popular Republic of Algeria

National Defence Ministry

Gendarmerie command

The first regional command

Gendarmerie of Blida

Gendarmerie squad of Algiers

Gendarmerie platoon of Sidi Moussa

Sidi Moussa, 22.09.1997

Ref. Number: 97/879/

Certified report

I, the undersigned, Tadjrouni Ahmed, officer of the Criminal Investigation Department and commander of the Gendarmerie platoon of the district of Sidi-Moussa, testify that

Name and Surname Ali Rahab

Date and Place of Birth 11.10.1956 in Sidi-Moussa (Blida)

Son of Moussa

And Yamina Hamouda

Nationality Algerian

Address District of Rais, Sidi-Moussa, Algiers

Object of report No. 1414 date: 28.08.1997

of the Gendarmerie platoon of Sidi-Moussa (Algiers), a copy of which was sent to the prosecutor to the court of Larbaa

Cause (circumstances of the incident): the above-mentioned was murdered on 28.08.1997 in his house, his wife (called Fouzia Hadj-Kaddour born on 20.07.1962) was also murdered. Their daughter called Amina Rahab was abducted and her whereabouts are unknown. A lady called Fatima Rahab, born on 12.03.1953 was also murdered. Her son Moussa Boumameche, born on 02.04.1990 in Hussein Dey, and her daughter Nadia Boumameche, born on 04.06.1985 in Hussein Dey, were also both murdered. Yamina Hamoud, the mother of the first victim, was seriously injured and was taken immediately to the Hospital.

Property damage: all the home furniture belonging to Ali Rahab was burnt; a bomb exploded inside the house of Abdelhamid Rahab causing the destruction of the house, one lorry (type G5) and one vehicle (type Renault 6) belonging to Ahmed Rahab were also burnt; and a sum of 10,000 Algerian Dinars was stolen.

Copies to:

Prosecutor to the court of Larbaa

The victim and other entitled parties

Archives

Platoon commander's signature

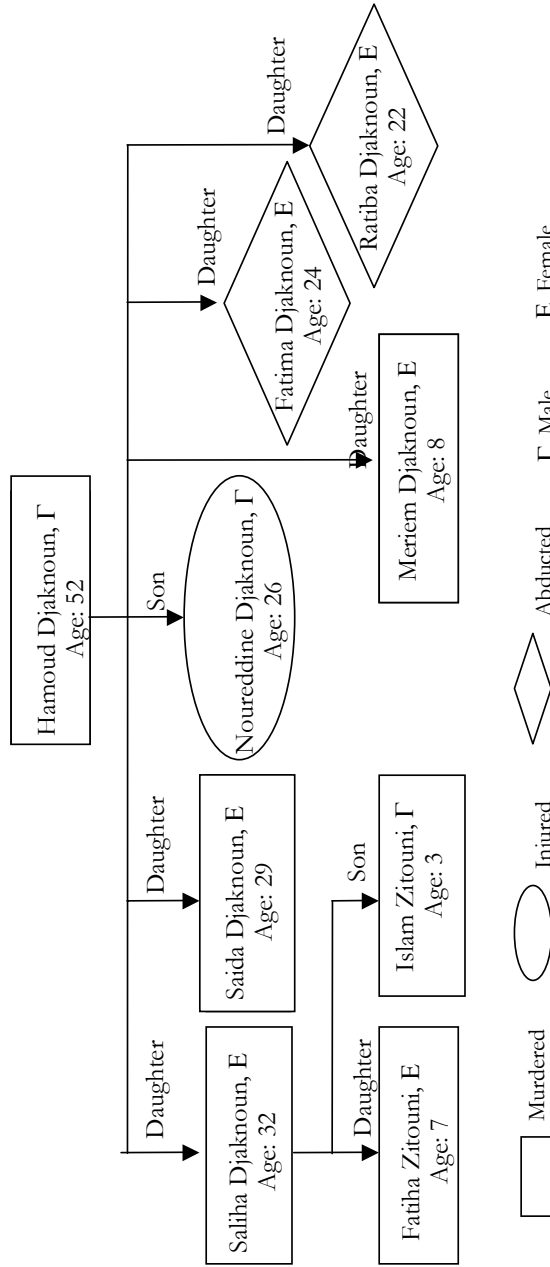
Gendarmerie Nationale

Official stamp



2.1.2. Djaknoun Family

**Kinship Victimisation**



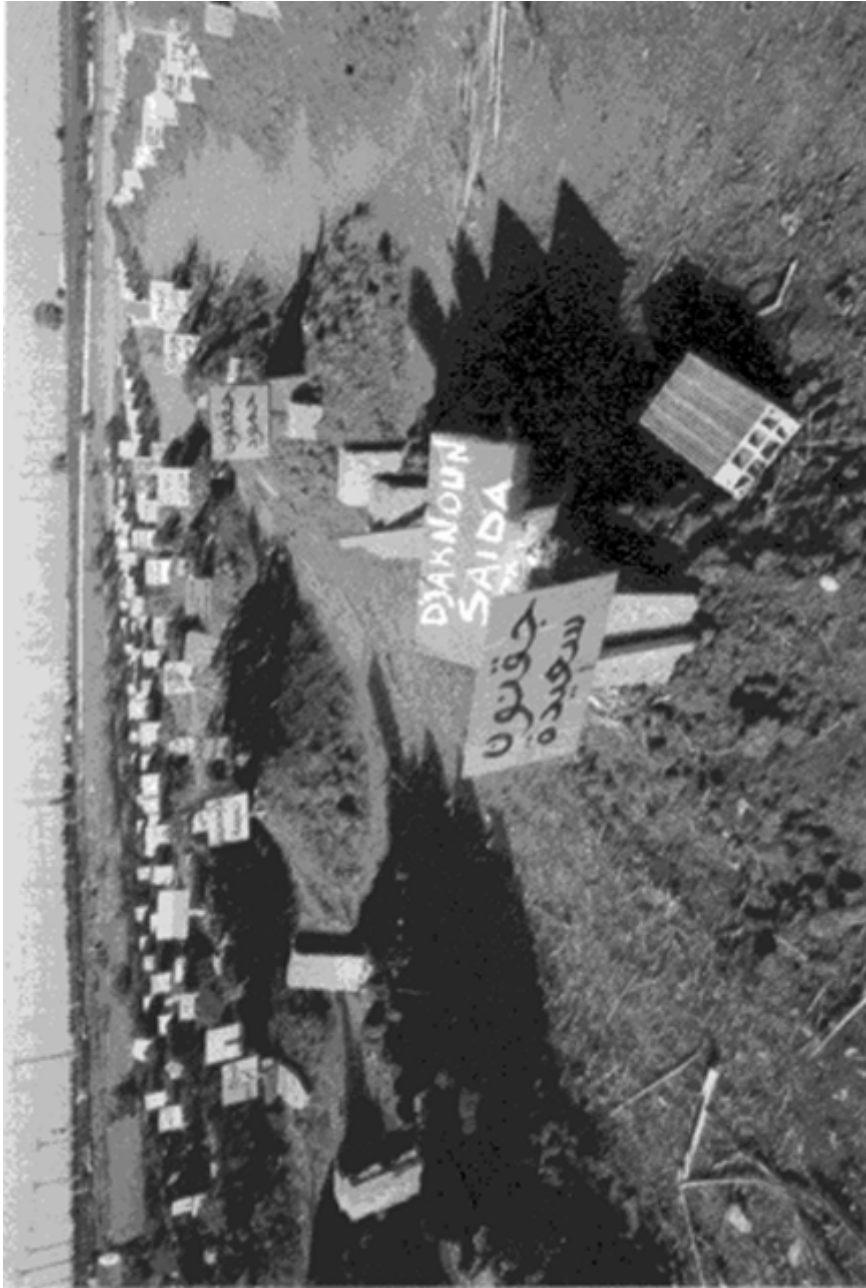
**Property Victimisation**

- The house burnt.
- All home furniture burnt.
- DA 500,000 cash stolen.
- Amount of jewellery stolen.
- One vehicle burnt. Identity documents burnt.

**Source:** Nationale Gendarmerie of Sidi-Moussa, *Blida Report No 1414, 24 September 1997. File Ref. 846/97. Drafted and signed by Sergeant-Chief Ahmed Tadjrouni.*

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September 1997 : Rais cemetery in the aftermath of the massacre. The graves of the Djaknoun family are in the central row. Hamoud's grave appears behind that of his daughter Saïda.

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## Translation of the Gendarmerie Nationale Report

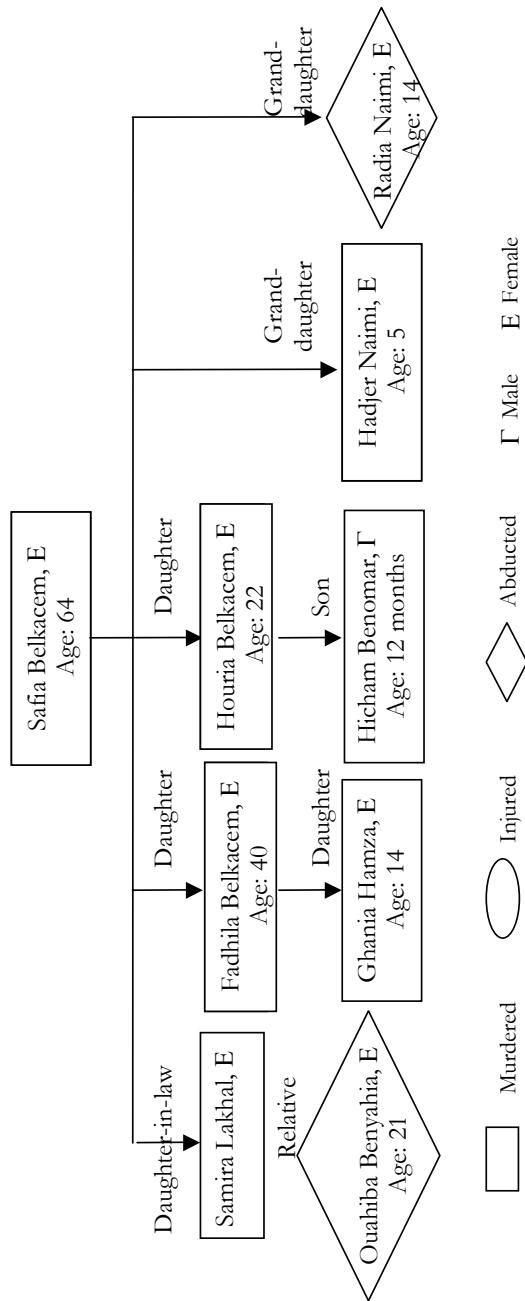
Democratic and Popular Republic of Algeria	
National Defence Ministry	Gendarmerie command
The first regional command Gendarmerie of Blida Gendarmerie squad of Algiers Gendarmerie platoon of Sidi Moussa	
Sidi Moussa, 24.09.1997 Ref. Number: 97/846/	
Certified report	
I, the undersigned, Tadjrouni Ahmed, officer of the Criminal Investigation Department and commander of the Gendarmerie platoon of the district of Sidi-Moussa, testify that	
Name and Surname	Hamoud Djaknoun
Date and Place of Birth	28.03.1945 in Bouguara (Blida)
Son of	Moussa
And	Fatima Djaknoun
Nationality	Algerian
Address	District of Rais, Sidi-Moussa, Algiers
Object of report No.	1414 date: 28.08.1997
of the Gendarmerie platoon of Sidi-Moussa (Algiers), a copy of which was sent to the prosecutor to the court of Larbaa.	
Cause (circumstances of the incident): the above-named is a victim of a criminal attack carried out by armed terrorist groups in the district of Rais on 28.08.1997 in which he died along with his daughters Saliha, Saïda and Meriem. Two grandchildren Islam Zitouni and Fatiha Zitouni were also killed. The two daughters Fatima and Ratiba were abducted. His son Nouredine Djaknoun was injured.	
Property damage: the whole house and its furniture were burnt; a sum of 500,000 Algerian Dinars and jewelry were stolen; a vehicle (type Renault 4) belonging to Hamoud Djaknoun was burnt; and identity documents were also burnt.	
Copies to:	
Prosecutor to the court of Larbaa	
The victim and other entitled parties	
Archives	
Platoon commander's signature Gendarmerie Nationale Official stamp	

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2.1.3. Belkacem Family

**Kinship Victimisation**



**Property Victimisation**

- The whole house burnt.
- One vehicle burnt.
- Identity documents burnt.

**Source:** *Nationale Gendarmerie of Sidi-Moussa, Blida Report No 1414, 8 October 1997. File Ref. 949/97. Drafted and signed by Sergeant-Chief Ahmed Tadjrouni.*



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*Massacres and Victims*

## Translation of the Gendarmerie Nationale Report

Democratic and Popular Republic of Algeria	
National Defence Ministry	Gendarmerie command
The first regional command Gendarmerie of Blida Gendarmerie squad of Algiers Gendarmerie platoon of Sidi Moussa	
Sidi Moussa, 08.10.1997 Ref. Number: 97/949/	
Certified report	
I, the undersigned, Tadjrouni Ahmed, officer of the Criminal Investigation Department and commander of the Gendarmerie platoon of the district of Sidi-Moussa, testify that	
Name and Surname	Belkacem Ayache
Date and Place of Birth	born in 1939 in Tablat (Médéa)
Son of	Boudjemaa
And	Fatima Taryane
Nationality	Algerian
Address	District of Rais, Sidi-Moussa, Algiers
Object of report No.	1414
	date: 28.08.1997
of the Gendarmerie platoon of Sidi-Moussa (Algiers), a copy of which was sent to the prosecutor to the court of Larbaa.	
Cause (circumstances of the incident): the concerned is a victim of a criminal attack carried out by armed terrorist groups in the district of Rais on 28.08.1997 in which the following persons died: his wife Safia Belkacem, his daughter Fadhila Belkacem (spouse of Hamdane Hamza) and her daughter Ghania Hamza, his daughter Houria Belkacem (Mrs Benomar) and her son Hicham Benomar, also Samira Lakhal (spouse of Ahmed Belkacem) and Hadjer Naimi who is Hocine Naimi's daughter.	
The following persons were abducted: Radia Naimi and Ouahiba Benyahia (Omar's daughter).	
Property damage: the whole house, one vehicle and identity documents were burnt.	
Copies to:	
Prosecutor to the court of Larbaa	
The victim and other entitled parties	
Archives	
Platoon commander's signature Gendarmerie Nationale Official stamp	

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## 2.1.4. Ferrah Family

	Male	Female	Total
<b>Murdered</b>	Allal Ferrah, 42 Abdelhak Ferrah Lakhdar Ferrah Sohaib Ferrah Kamel Benamane, 40 Mohamed Lamine Kerouma Mohamed Seghir Ayoun	Chaima Ferrah Meriem Ferrah Baya Benamane Djamila Berrouane Mimouna Sari Fatima Ben Thalidjane Fatima Dehiles	
			<b>14</b>
<b>Injured</b>	Brahim Ferrah Sid-Ali Ferrah Boualem Ferrah Abdelhamid Mekourma Younes Sari	Farida Omeir Leila Akani Rabea Ferrah Ghania Ferrah Dalila Ferrah Chahira Benamane	
			<b>11</b>
<b>Abducted</b>		Farida Ferrah Hayat Bennamane Fatima Dhiyat	
			<b>3</b>
<b>Total</b>	<b>12</b>	<b>16</b>	<b>28</b>

## Property Victimization

- 2 million Algerian Dinars cash stolen.
- 1.2 million Algerian Dinars worth of jewelry stolen.
- The first floor of the house was burnt.
- All the home furniture was burnt
- Three vehicles and one lorry belonging to the victims or their relatives were burnt.

Source:

*Report of the Gendarmerie Nationale No 1414**Drafted and signed by Sergeant –Chief Ahmed Tadjrouni, dated on 22.09.1997**File Ref. No: 881/97*





## Translation of Gendarmerie Nationale Report

Democratic and Popular Republic of Algeria

National Defence Ministry

Gendarmerie command

The first regional command  
 Gendarmerie of Blida  
 Gendarmerie squad of Algiers  
 Gendarmerie platoon of Sidi Moussa

Sidi Moussa, 22.09.1997  
 Ref. Number: 97/881/

## Certified report

I, the undersigned, Tadjrouni Ahmed, officer of the Criminal Investigation Department and commander of the Gendarmerie platoon of the district of Sidi-Moussa, testify that

Name and Surname	Allal Ferrah
Date and Place of Birth	01.01.1955 in Sidi-Moussa (Algiers)
Son of	Boualem
And	Baya Benamane
Nationality	Algerian
Address	District of Rais, Sidi-Moussa, Algiers

Object of report No. 1414 date: 28.08.1997  
 of the Gendarmerie platoon of Sidi-Moussa (Algiers), a copy of which was sent to the prosecutor to the court of Larbaa.

Cause (circumstances of the incident): the victim was killed during the Rais massacre at Sidi-Moussa with all his family members, namely: Abdelhak Ferrah, Lakhdar, Chaima, Sohaib, Meriem, Baya Benamane, Djamilia Berrouane, Kamel Benamane, Mimouna Sari, Mohamed Lamine Kerrouma, Mohamed Seghir Ayoun, Fatima Ben Thalidjane, Fatima Ben Dehiles. The following persons were injured: Brahim Ferrah, Sid-Ali, Farida Omeir, Boualem Ferrah, Leila Akani, Rabea Ferrah, Ghania Ferrah, Abdelhamid Mekourma, Dalila Ferrah, Chahira Benamane, and Younes Sari. The armed terrorist groups abducted also three women, namely: Fatima Dhiyat, Hayat Benamane and Farida Ferrah.

Property damage: a sum of 2 million Algerian Dinars was stolen; 1.2 million Algerian Dinars' worth of jewellery stolen; the first floor of the house was burnt; all the home furniture was burnt; identity documents, three vehicles (type R9, Peugeot and Lada) and one lorry (type Toyota) belonging to the victims or their relatives were also burnt.

Copies to:  
 Prosecutor to the court of Larbaa  
 The victim and other entitled parties  
 Archives

Platoon commander's signature  
 Gendarmerie Nationale  
 Official stamp

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**2.2. Mrs Bachiri**

Source: Algerian League for the Defence of Human Rights

*The following testimonies are a direct translation of interviews with the relatives of the victims. The interviews were conducted in Arabic. In the first one, Mrs Bachiri relates the story of her two brothers, and their families, who were killed during the Rais massacre. During the interview, another lady whose name was not introduced interrupts Mrs Bachiri. We refer to this lady here as Lady X. Lady X seems a very articulate witness who, in the course of her account, expressed her grief in a poem. Unfortunately the poem could not be translated into English. She also talks eloquently about the hogra: the cruel oppression of the weak. She draws parallels between what she witnessed during the war of liberation against France and what she is experiencing today in the era of independence.*

Q: *Mrs Bachiri, what can you tell us about the Rais massacre?*

A: What can I tell you? During the Rais massacre, sixteen of my brothers, my *milk brothers*<sup>F</sup>, were killed. One of them is seventy-five year old. He participated in the war of liberation. Seven of his children were [killed along] with him. His daughter came to visit them on that day. They were having a party, a marriage ceremony, one of the girls in the family was getting married. I was there, I was present... not when the massacre took place, no ... the massacre occurred after I had left. So his guests [i.e. daughter, her husband and children] were staying overnight with him...

Q: *What is his name? I mean your brother's name?*

A: The eldest Guennouche Amara. The other brother, the younger one, is sixty years old. He is blind. He was born blind.

Q: *Was he killed too?*

A: Yes, they slaughtered him along with his seven children. They slit their throats. He is blind the poor guy ... a blind man ... what could he have done to deserve this? He is married to a lady who is not totally fit mentally. She gave him two sons and two daughters. The sons were dragged outside with their father and had their throats slit, whereas the daughters were taken away. One is twenty-eight years old, the other is twenty-four.

As for Amara, they first called him out, he said: 'why would they want to kill me? What did I do? They should go and sort out the patriots.' He acts both as an imam and caretaker for the local mosque. They told him: 'come

<sup>F</sup> Mrs Bachiri means that they are her brothers in the sense that what she has in common with them is being breast-fed by the same woman.

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out we want a word with you'. When he came out they were there ... with military uniforms and toting their guns. There were a few women with them. The women were wearing the *hijab* over a military uniform.

One of the soldiers cut the finger of one of Amara's daughters and said to his colleague: 'take the gold, take the gold'. Amara's 2-year-old granddaughter was found burnt in the oven. His old daughter [the guest], was slaughtered too... she was lying on the ground... they put one of her sons on her right arm, another son on the left arm and they shouted 'Allah Akfar'... We say: Allah Akbar [Allah is the Greatest] but they were saying 'Allah Akfar' [Allah is the worst of the unbelievers]. They came in cars, in landrovers... People who stayed at home were slaughtered, and those who went out were shot dead.

My sister lives nearby. Her young son saw exactly what happened. He hid under a metallic sheet and saw what happened.

Q: *How old is he?*

A: He is about nine years old. He said they wore military uniforms. Their heads were covered with turbans, similar to those worn by the *Touaregs*. Their faces were covered. The soldiers were on standby nearby. In fact, the army unit was stationed near the mosque. So were did these killers come from? How could they go through the military unit near the mosque?

Q: *So did they kill both of your brothers and their families?*

A: Yes, they slaughtered both my brothers and their children. My brothers had seven each. A total of sixteen...

Q: *What about the house?*

A: They burnt it...

We are puzzled... Why would anyone want to kill this family? They are not involved in anything. Their son in law, who was there on a visit, escaped miraculously. His wife helped him to get to the loft so that he could see what was happening. By the time he made it to the loft they [the killers] were already inside the house. He could see everything, including the killing of his wife and children, but could not utter a word. What can he say? What can he say now? If he says anything the soldiers will take him away and get rid of him...

Other people who saw what happened cannot talk either. They fear the army's reprisal. They say that if they mention anything the soldiers will come back and take them away and they will disappear.

The government says that my brothers (and their families) are victims of terrorism. What terrorists are they talking about? They say it is the Islamists... Are they Muslims those who kill other fellow Muslims? And how

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*Massacres and Victims*

come my brothers were slaughtered, the victims of terrorism [we are told], and my children were put in jail and they disappeared!?

Who is doing this? The cows, sheep were killed. Even a donkey was not spared.

Lady X interrupts:

Shall I tell you, my dear son, who can perpetrate such atrocities? It's the *barkis*. The *barkis* are the ones who kill without mercy. We saw them during the war against France. The French did a lot of damage, but the dirty war did not start really until *barkis* were recruited. And it is these *barkis* who are today doing this to us. It's a kind of revenge. They still bear grudge against the Algerian people who fought for independence. This independence brought more pain than gain. What we are witnessing during the independence era is much more painful than what we endured during the period of colonialism.

Who on earth can benefit from slaughtering babies?

Who on earth can benefit from disembowelling pregnant women then fry the foetuses in frying pans?

[Then Lady X recited a folk tale poem on oppression and corruption and the outcome for the righteous.]

Q: Why is she here? What's her story? [Referring to Lady X]

A: (Mrs Bachiri): Well, this woman [Lady X] has been a victim during the war against France and is being victimised today too. She has been beaten up, her skull is bruised all over. Her children were taken away and...

Lady X interrupts again:

What is really hurting me and causing me a lot of grief is the *hogra*. The *hogra* by the state who took away my son. They took him away from me. I would not have minded had he been arrested for an offence or a crime of some sort. And even if , and I say if, he had done something wrong, they should have brought him to justice. Failing that, they should have brought him and killed him in front of me. I would have then cried and asked Allah for patience in such adversity. The other alternative would have been to put him in jail... Unfortunately, they chose the worst, they took him away and did not leave any trace of his whereabouts. I don't know whether he is alive or dead. He is the son of a martyr. His father has sacrificed his own life [in the war of liberation] so that his son could live in independence. Why did they take him away and leave me, an old lady of 63 years, like a mad cow? When I manage to behave like a sane human being in the evening I wake up in the morning like a mad cow, and when I manage to behave like a sane woman in the morning I end up like a mad cow in the afternoon. And all

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this is due to the anxiety caused by thinking about the *hogra*, which took my son away from me. They took him away stark naked and bare-footed. Can you see what I mean? What has really and utterly devastated me is the *hogra*. They illegally contrived to sell his car and now want to take over my house. How can you remain sane? Is this the country or the independence for which we lost one and a half million martyrs? What we now see is that the state is against us.

They are taking our children away. They take them from their beds. Is this the rule of law? And then they show their faces on TV, with no shame. When I see them on TV, I spit on them, excuse the word. Including President Zeroual, when I see him I feel like killing him, because that person is not a president. He is not a president who can build the country and help the weak. Those who were in a position to build this country have gone.

Well, tell me why did these people vanish? Please explain to me why did these people disappear? Fourteen-year-olds, fifteen-year-olds... they simply chose Islam. That's why they were made to disappear.

I was at a function once and a policewoman was whispering to her friend sitting beside her. She was talking about one of the massacres that took place in the region of Zeralda [in the District of Tipaza]. She told her that after the killers had slit the throats of their victims, they started bashing the houses with their heavy lorries. Her friend asked: 'How can the terrorists acquire such huge lorries?' The policewoman signalled her to keep quiet. I was going to speak then I thought I'd better not.

### **2.3. I was at Raïs during the massacre**

Source: Amine Kadi, *La Croix*, 26 September 1997.

*Messoud weeps for his brother, his sister-in-law and his niece – all massacred at the same time as at least 300 other people in the Mitidja village of Raïs, on the night of 28-29 August. His testimony is the first to be published in France.*

In this house of the village of Raïs, the Chief Fire Officer of the Civilian Protection [the fire brigade] suddenly turned back: 'It is better that you stay where you are.' Messoud wanted to go in. Close to the entrance, he had already stepped over the corpses of two women wearing party dresses. Judging by the position of the detached heads, he could guess the depth of the cut which severed them from their bodies. 'You cannot go further, it's impossible,' the Chief Fire Officer insisted, holding his helmet in his hand. Messoud felt sick: at the bottom of the stairs, he saw a crushed head. He looked for the bodies of Meriem, his sister-in-law, of 8-year-old Samir, his youngest

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nephew, and of his 10 year-old niece Amina. They were dead. Nawal, the oldest of his brother's children who would soon be 12, was the only survivor: she threw herself from the first floor of the house where a wedding ceremony was taking place. She was badly injured. Nobody knows whether she wanted to kill herself or whether she attempted to flee. She lay in a pool of blood. The killers paid no attention to her. The brain swelling caused by her fall receded gradually, but doctors could not make any pronouncement on the after-effects of her head injury.

Standing near a window of the Zemirli Hospital of El-Harrach, where he comes to see her every day, Messoud is crying, for the first time. 'Soon, I should tell her that everybody is dead.' He is her only family now.

He thought he was secure at Rais. Last spring, Messoud fled with his family from their house at Piemont, on the outskirts of Larbaa, 20 minutes away from Algiers. The 'blokes' of the AIS, the armed branch of the Islamic Salvation Front, came to tell 'their' families 'not to stay any longer,' because 'the butchers were about to come'. 'So,' Messoud recalls, 'we came to Rais.'

Since he had lost his job, he had been working on and off. On the evening of the massacre he could have been away. His wife and his two children were enjoying the last days of the school holiday in the countryside around Setif. But he had stayed with his brother Mohammed. 'Shortly after 10 p.m., the screams of women rose from the house nearest to us. We rushed to the window. Too late. In the small street, five or six people, three of them carrying 'Klasb' sub-machine guns,<sup>G</sup> were pushing in front of them a group of youngsters.' Those who 'usually would play cards under the lampposts of the main road'. Some managed to run away when the killing started. 24-year old Farid, who also, came to the Zmirli Hospital to see his injured father, said that a Mazda van had stopped near the youngsters. From under the van's canvas cover some ten men came out. Most of them wore baggy trousers and tunics; some wore military fatigue trousers. Those who did not have Kalashnikovs were armed with axes and knives. 'They wanted to take us inside the district at once. They swore now and then.' Before rushing into a courtyard, Farid saw another van arriving. 'No one could say exactly how many "they" were. May be fifty.'

In a quarter of an hour 'they' had shut in, amidst screams and gunshots, nearly 200 residents in four or five houses which they guarded. About sixty people were herded together in the house of the wedding party alone. '[Standing by our house window,] Mohammed, may God bless his soul, prayed loudly for his wife and his children who were at the wedding party,' Messoud recalled. Mohammed rushed down the stairs. He wanted to reach the Benshenit's house where the women and children stayed back for the

<sup>G</sup> Abbreviation used by the Algerians to mean the Kalashnikov sub-machine guns.

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henna ceremony.<sup>H</sup> ‘We could not help crying and hoping that “they” had not reached it.’

However, when Mohammed and Messoud reached their house garage, two men stood in their way. One was armed. ‘Mohammed managed to seize his weapon but could not use it. As for me, I fought lying on the floor with the other man for two or three minutes. A shot was fired very close to me. Then I did not hear Mohammed any longer. I had lost my strength, but I managed after all to go up the stairs again.’

Once he reached the rooftop of the house, Messoud closed the iron door and blocked it with pieces of furniture and old trunks. Eventually, no one went up there. From there, Messoud – alone and ‘half insane’, as he said – followed for one and a half hours, ‘through the sound and the smell, the tornado of death.’ ‘Shortly afterwards, I understood that Mohammed had seriously injured his attacker. ‘They’, therefore, went at his body fiercely and unrelentingly.’ Two hours later, Messoud was crying over his brother’s disfigured body, when some survivors told him to run to the Benshenit’s. ‘They were all dead.’

Since then, some survivors have explained that four sinister-looking individuals had invited themselves, towards 9 p.m., to the men’s table in the small rear courtyard [of the wedding house]. ‘Did you leave us something?’, they asked the bridegroom’s father. ‘They’ started eating. When the Mazda vans were said to be at the entrance of Rais, these men left the rear courtyard and went inside the house where they stripped the women off their jewels before knocking them flat. From then on, horror filled Rais.

#### **2.4. A woman who survived the Rais massacre**

Source: Association for the Defence of the Victims of the Massacres in Algeria, Copenhagen

*This testimony was obtained by telephone by the Association pour la Défense des Victimes des Massacres en Algérie, on 10 October 1997. BBC-Box 253 Vesterbrogade 208, 1800 Frederiksberg C. Kopenhagen, Denmark.*

‘My name is C. [...] and I am a native of Rais. I am married to M. and I live in the heights of Algiers. It is a very dangerous area where some massacres did take place. The press never reported them.

<sup>H</sup> On the occasion of celebrations, including wedding ceremonies, women draw patterns on their hands and feet with brown henna.

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Two days before the massacre I told my husband that I wanted to visit my parents, brothers and sisters in Rais. I took with me my daughter M. Neither I, nor my parents, nor anyone thought that one day Rais would be attacked and that its inhabitants would be massacred, especially since it is surrounded by the military and barracks.

On the night of the massacre all seemed quiet. Suddenly we heard shouts and screams, and then the hail of bullets. My father and my brother opened the door to find out what was happening in the village [...] There was panic. There were many armed people running in all directions. It was dark. The village was being attacked from all sides. My father closed the door. It was panic at home. The others were thinking of running away but I was thinking about my daughter.

People were shouting from everywhere so that the military close to the village might hear. Unfortunately, although the sound of the hail of bullets and the explosions of bombs could be heard 5 kilometres away, no one came to help us.

In the midst of the screams, they smashed the door down and broke the windows. There was quite a number of them. My brother and father tried to defend us but they were beaten to death by axes. My daughter tried to run away but she was caught and slaughtered by two attackers. As for me, I tried to hang on to life but I was beaten with an axe and an iron bar and knocked over. I was hit in the face and was bleeding everywhere, but when I was about to fall down I clung to the beard of my killer. Although he had a long beard and Afghan clothes he was no Muslim for he was cursing God. The other attackers were also insulting God. As I told you, I clung to his beard and it came off. He had a false beard.

I lost consciousness from the beating by my killer. When I woke up I was in a hospital, surrounded by doctors and nurses. I stayed over a month in the hospital. I am still in a state of shock and traumatised.

That is all I can say because I am still in Algeria and I am afraid for my husband and his family. No one can ensure our safety. The security forces and the military arrived after the ambulance men and the firemen, and not a single one of the attackers – they were about a hundred – has yet been caught’.

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### 3. Bentalha Massacre

The massacre of Bentalha occurred on 23 September 1997. Bentalha is in the Borough of El Harrach which is part of the district of Algiers. According to official figures, the death toll was 85 dead and 67 wounded.<sup>1</sup> Other sources estimated the casualties at 200 dead while residents of Bentalha were reported to have counted 300 dead.<sup>2</sup>

We present three sets of testimonies. The first set includes unpublished testimonies gathered by the LADDH and the ADMAC. The second is a collection of witness reports by foreign journalists. The third document is a transcription of TV documentary that was shown on a Swiss television and was scheduled to be broadcast on the French TV5 Channel but this never occurred. The documentary contains footage and witness statements that contradict the official version of events. We reproduced a selection of statements that we thought was most important.

#### 3.1. El Kechbour family

Source: Algerian League for the Defence of Human Rights

*We report on Mohamed El Kechbour (the father) and then give voice to his wife, his eleven-year old son and his fifteen-year old daughter. They speak at turn about the massacre they survived.*

#### A. Mohamed El Kechbour

He was a lorry driver in a private company. He would never rest from working to save money and build his house at Bentalha.

One day in February 1996, the patriots militias came to see him and ordered him to follow them. When they reached the orange grove, they ordered him to lift a pickaxe and start digging. When he asked 'What can I dig? And why?', they told him 'Your grave! Terrorist!'

He started digging but after discussions between them, they decided to take him to the gendarmerie station where he spent 17 days without food. He was then taken before El-Harrach Court. He preferred to confirm his earlier statement of support for terrorism extorted under duress in order to

<sup>1</sup> 'Up to 200 butchered in latest terrorist attack.', *The Irish Times*, 24 September 1997.

<sup>2</sup> 'Bentalha, la douleur', *Les Dernières Nouvelles d'Alsace*, 24 September 1997; *The Irish Times*, 24 September 1997.

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go to jail instead of saying the truth and going back to face his torturers or those who had intended to bury him alive.

He spent several months in jail before he was able to recover from his torture ordeal. He came within a hair's breadth of death and fear was stalking him all the time. He dared not say anything and preferred to keep quiet.

In jail, he was with Mr Ghazal, another lorry driver arrested by the gendarmerie on the same day as him. When the massacre of Bentalha took place on 23 September, they both learned that their respective houses were burnt, that the daughter of El Kechbour and his wife were injured and that the wife of Ghazal, Ayad Zohra, and his children Lakhdar (15 years), Yacine (14 years), Mohamed (10 years) and Rabia (8 years) had been murdered. The house of Ghazal was partly burnt and then occupied by the military.

### **B. Mrs El Kechbour (*mother*)**

One week prior to the event of Monday 23 September 1997, we heard rumours that Bentalha was going to be attacked by a terrorist group. Indeed on that day at 10.30 p.m., I heard a loud bang far away from us. It sounded like an explosion or something falling down at about two kilometres away from our place (near the area called Gaid Belgacem). The neighbours rushed out to find out what had just happened. I, too, hurried to my balcony like the rest of the neighbours.

Fifteen minutes later, that is at 10.45 p.m., we heard another bang which turned out to be a bomb explosion. This time it was nearer. After that, I was very scared and very worried. Shortly afterwards, I heard footsteps in the sand-covered street. I looked through my window and saw four men. I could see clearly because of the many spotlights on the rooftops. The four people appeared to be between 17 and 21 years old. They wore ordinary civilian clothes, were clean-shaven and carried guns. One of them had a shotgun; a second one had a similar weapon, but its barrels were sawn off, it is known as the *mabshoosha*. The third man carried a gun of a well-known make with its bayonet at the ready. As for the fourth man, his weapon was not visible. They all walked stealthily along the wall opposite our house. I went to wake up my brother-in-law who was sleeping in his room. My husband had been in the El Harrach jail since 4 January 1997. Earlier, he had been tortured severely at the gendarmerie barracks. He was accused of assisting and accommodating a group of terrorists.

My brother-in-law rushed out to the balcony along with his wife to see what was happening outside. They saw many other men, some of whom wore afghan clothing with paratrooper trousers underneath. Others sported beards, had long hair and wore turbans. Some inhabitants raised the alarm sirens. One member of the armed group swore and blasphemed. Then he

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said: 'Get out and ululate for your bloody country's flag,' while firing at the flags. These flags had been brought here by the army about one or two months earlier. They had been hung up in Hay Djilali, our quarter at Bentalha, and also in Hay El Bordomain nearby. I do not know whether these flags were also hung up in other areas.

The first four men got scared and ran back after the alarm sirens had gone off. But suddenly, a long-haired, bearded man, tall and with a strong build, obstructed their way, kicked them and said: 'I ordered you to blow up the place. Why didn't you?' So they returned. Given this situation, we woke up the children and fled through the back of our house. Jumping from the balcony to the street, we landed on a heap of sand which was being used to complete the building of our house. As a result of the fall, my six-year old son Imran dislocated his shoulder, while I injured my leg after tripping over a wire. As for my seven-year old daughter Sarah, she broke her left arm when I threw her from the balcony. My little daughter Halima, three-year old, was so scared when I attempted to throw her down that she told me: 'Mummy, I will die if you throw me down, please leave me here.' So I tied her to a bed sheet, then I lowered her down to her 14-year old sister Zineb who caught her.

I fled with my children, my sister-in-law and her children towards the opposite orange tree orchard. We stayed inside a reed-covered deep hole until 7 a.m. Later on, I learnt that my son Athmane, his uncle and his cousin also hid under the trees in that orchard. While we were in hiding, we heard people crying loudly for help. Also, we heard a lady nearby invoking God's help: 'Oh Lord, save me.' 'Call your Lord for help!', one of the killers (the terrorists) replied to her, adding: 'Go to your Lord!', before shooting her dead. We learnt afterwards that she was our neighbour Akila. Explosions and intensive gunfire could also be heard. When we looked up towards the houses, we saw flames rising in their midst.

When we returned to our house at 7 a.m., we found that the top floor had been burnt and the door blown off by a bomb explosion. In the street, we found the corpses of men, women and children lying about. We walked until we met one of the inhabitants who drove us to a school where many families which had escaped the massacre regrouped. At 8 a.m. approximately the injured and the dead were taken to the front of the school where ambulances picked them up. At that point in time, I wanted to go back to inspect my house but the soldiers prevented me from doing so, claiming that the place might be mined. They did not take part in helping the injured; instead they confined themselves to preventing anybody from returning to their homes.

My father and my mother, who lived several kilometres away in the district of Baraki, arrived at that moment and we all walked back to their place.

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At night my daughter Sarah became feverish. It was then that I noticed that her left arm was broken. In the morning, I took her to the hospital where she received treatment.

Algiers 22 February 1999.

**C. Athmane El Kechbour (son)**

Question (LADDH): *What's your name?*

Answer: Athmane.

Q: *And your surname?*

A: El Kechbour. El Kechbour Athmane

Q: *How old are you Athmane?*

A: Eleven.

Q: *Do you go to school?*

A: Yes.

Q: *What year?*

A: Year six.

Q: *Where do you live?*

A: in Baraki.

Q: *Where in Baraki?*

A: in Bentalha.

Q: *Are you living in Bentalha now?*

A: No.

Q: *Why not?*

A: Our house was burnt down.

Q: *Who burnt it?*

A: The terrorists.

Q: *Tell me how it all happened.*

A: My mother was sitting...

Q: *When did this happen?*

A: In 1997.

Q: *What month?*

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*Voices of the Voiceless*

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A: Heh?

Q: *What month?*

A: October.

Q: *Ok, tell me what happened.*

A: My mother was sitting... then she saw young children about my age holding firearms... they were followed by older men holding heavy arms...

Q: *What time of the day was this?*

A: It was about eleven at night.

Q: *Go on Athmane.*

A: Then my mum woke us up and we were getting ready to run away through the fields. Before we left the house, we woke my uncle up. He opened the door and saw many armed people outside. We ran through the fields. I climbed up a tree and stayed there until the morning. When I came down in the morning I saw my uncle and went with him.

Q: *Did you see anything when you were up in the tree?*

A: I heard people screaming and shouting. I also saw a helicopter that was dropping the terrorists. The terrorists were using a long rope to come down from the helicopter.

Q: *Were you afraid?*

A: Yes. I was trembling.

Q: *Were they close to where you were?*

A: Some of them passed underneath the tree.

Q: *What did they look like?*

A: I did not see them. I could only hear them talking.

Q: *What were they saying?*

A: One of them said to his friend: 'Abdelkader, tomorrow we'll come back to Bentalha'.

Q: *When you came down the tree, did you go to meet your mum and family?*

A: After the sun had risen, I went with my uncle in his car. Later we went home.

Q: *Did you then meet up with your mother, brothers and sisters?*

A: Yes I found them all live.

Q: *Where did they go during the night?*

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*Massacres and Victims*

A: They spent the night hiding in the bushes.

Q: *Were they injured or anything?*

A: No. Only my little sister broke her arm as she jumped from the balcony.

**D. Zineb El Kechbour (daughter)**

Question (LADDH): *Zineb, how old are you?*

Answer: Fifteen.

Q: *Were you at Bentalba when the massacre took place?*

A: Yes.

Q: *Tell us what happened.*

A: I was asleep. My mum came and woke us up. My mum then woke up my uncle who, in turn, started waking up his children. We ran towards the balcony. We hesitated to jump... then my uncle said: 'either you jump or I will leave you behind.' He then jumped followed by his son then my brother. Then my uncle's wife helped her children to jump before jumping herself. My mother and I were helping my brothers and sisters. We were the last to jump. I was scared to jump and clinched to the balcony. My mother had to push me down before she jumped. Then we ran through the fields until we got to a ditch. We stayed there. We could hear the sound of bombs, firearms and people screaming. We, the children, fell asleep in the ditch. Every time we woke up we asked whether they had left or not. Early in the morning we came out of our hiding. We found bodies of our neighbours lying on the ground. We walked a bit further and we could see the *patriots* and the locals taking wounded people away. They took us to a local school. Whilst we were there, an officer from the fire brigade came and said that we should not be staying in the school. They took us to a local Turkish bath. At about seven, we came out of the bath and waited outside hoping that one of our relatives would come and take us. Her brother picked up my uncle's wife. A little later, my uncle (mum's brother) came and we left with him. My mum stayed with my uncle whereas we were taken to our grandma's house. This is the whole story.

Q: *What did you see?*

A: I have seen people injured and lots of bodies. There were soldiers, *patriots* and many people. It was real chaos. Some were screaming with pain 'oh mum', others 'oh dad'. Every one was screaming in their own way.

*Many thanks Zineb. Thank you for your testimony.*

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### 3.2. Frarma Family

Source: Algerian League for the Defence of Human Rights

Saïd Frarma was a young man, a father and a dynamic and successful shopkeeper. He was born in El-Harrach and came from a large family. After his marriage, he bought some land in the village of Bentalha to build a house.

After the events of 1992, he was arrested a first time on 20 November 1994 by members of the special branch of Bourouba for not informing against 'terrorists' and was kept in custody for more than seven months. The persons held at the same time as him were taken to court a few days after their arrest, after they have signed statements.

Saïd, who had never hidden his sympathy for the Islamic political trend, denied the charges he was accused of and refused to sign a statement. He was tortured on several occasions but resisted his torturers and told them: 'I will never sign a statement containing false charges.'

He did not know that time was on the side of his torturers and not working to his advantage. Several months passed. Tired, having lost weight and disheartened, and loosing the millions of centimes demanded by his abductors from his family for his maintenance, he came to the conclusion that it was better to sign a statement than languish uselessly in the basement of a police station, maybe for several more months, or even more, as was the case for other detainees. On 13 March he accepted to sign a statement.

In front of the judge, he asked to be confronted with the persons cited in the statement. He was tried on 16 may 1995 and was acquitted after seven months of excessive custody and remand.

He had scarcely resumed his professional activity when he was arrested a second time for the same charges. He was arrested the first time on 10 November 1995. The report containing the charges against him and those of other detainees was sent to El-Harrach court. Because his statement was not signed, he had been declared on the run while he was in fact being kept in the police station. The first report was sent to a criminal court, following which he was arrested for being on the run. Once again, he was tried and acquitted.

He resumed a second time his professional activity but this time death would not miss him. He was murdered with his five children: the twins Hadjer and Younes ( 5 years), Ishaq (7 years), Souma (3 years), Roumaïssa (12 months) and his wife Khadoudja. His house was burnt and destroyed.

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### 3.3. Djorlaf Family

Source: Algerian Ligue for the Defence of Human Rights

*We give voice to Djorlaf Mohamed who survived the Bentalba massacre. Mohamed was born on 1 January 1977 in Baraki, Algiers. In the aftermath of the massacre he was admitted to Mustapha Bacha Hospital with multiple contusions of the cervical rachis and thorax caused by a fall and injuries with a sharp object. Mohamed lost his father, Allal, and three brothers in the massacre: Samir, born on 11 September 1978, Mouloud, born on 6 December 1984, and Youcef, born on 6 April 1991. His mother, born Hadji Fatima, was at the Zmirli hospital at the time this testimony was recorded. Her left arm was fractured by a bullet, her right arm still contained a bullet that had not been removed at the time, and her right hand was fractured.*

#### Testimony of Djorlaf Mohamed

Around 10 p.m., the family was still awake. Suddenly there was an explosion. Everybody was petrified to go out and check what was going on outside. We saw nothing. Soon afterwards, there were screams, shooting and sirens. The attackers smashed the door with a grenade and then climbed up the stairs.

I jumped from the third floor and hid behind an iron curtain in the garden. I remained there until 4 30 a.m. A stake which was behind the curtain pierced my stomach. I was so frightened that I had to stifle my pain.

During the attack by the criminals, I heard the noise of a helicopter above our street.

When I was hiding I saw a person jumping from a floor. Unfortunately, he was discovered by two attackers. One of them said to the other: 'target the heart with the knife to make sure that he will die.'

At that moment, I fainted. I woke up to find myself in the hospital.

My mother told me later that Youcef was thrown from the third floor. Mouloud was slaughtered and died in the hospital, Samir was slaughtered and had his face mutilated and Allal was slaughtered and his body was riddled with bullets.

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### 3.4. This is where they shot my wife

Source: David Hirst, *The Guardian*, 20 October 1997

*The first British reporter to travel to Bentlha, the site of the worst massacre of the Algerian civil war, bears the horrific and moving accounts of some of the survivors.*

Ahmed called his house a 'villa', it has a banana grove in its garden and jasmine drapes its containing walls. The town lies a mere eight miles from the centre of Algiers. It is just off the principal road heading south. There is a barracks less than a mile away, and several checkpoints to get to it.

Ahmed is frank in his spontaneous grief. As he tells it, the terrorists knew that they would be unimpeded in their grisly handiwork. They went about it in leisurely fashion. They came at about 11pm; they did not leave until shortly before dawn – six hours later. According to Ahmed, the army sent tanks to the edge of the town while a helicopter circled overhead. No one else contests the essence of his version but some, more circumspect, found justifications for the army's non-intervention.

The massacre was confined to the Gelali quarter, composed of a few rows of 'villas' and unpaved streets on the outer edge of the rapidly growing township. It gives directly on to the flat, fertile Mitidja Plain. It was from that direction that the assailants came – anything between 50 to 100 of them, according to Ahmed.

Some of his neighbours took refuge in his house. That is why 24 people died on the first floor, and 17, along with his wife, son and daughter, on the second. About 120 more managed to escape to the roof. There he had been planing some fresh construction; so there was a pile of bricks to hand. 'We hurled them down at them, as they came up the stairs, then slammed the door,' he said.

Ahmed said that it was from the roof that he saw the tanks. And he insisted they were tanks, not just armoured cars. In fact the traces of tank tracks are still clearly visible – they end just 200 yards from his house. It was from the roof that he also saw the helicopter.

It is not just the army and the gendarmerie that Ahmed cursed, but his neighbours too. A few had arms – members of the self-defence units, the so called 'patriots' who have long been active in the countryside, but who are now also appearing on the edge of the capital.

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One of them, Ammar, defended himself against Ahmed's charges. 'We could do nothing,' he said. 'The GIA had mined all the roads and taken positions on rooftops. They fired on anyone who moved in the streets below.'

Surely, with tanks, the army could have done some thing? 'If it had fired on the terrorists it would have killed all of us too,' said a colleague of Ammar.

But the unanswered question is how the terrorists could have entered so well protected a town in the first place and then, even more astonishingly, escape across the open plain with the same apparent ease with which they had come.

### **3.5. Massacre, Pain and Doubt**

Source: Francis David, *La Tribune de Genève*, 24 September 1997

*An armed group last night attacked a locality in the neighbourhood of Algiers and killed at least 200 civilians, according to survivors' testimonies. The Algerian authorities acknowledged the death of only 85 people. Here is our reporter's account.*

Baraki, the scene of the latest collective massacre, is cut off from the outside world. All the roads leading to it are guarded by roadblocks set up by the gendarmerie [country police] who turn back everybody. The only vehicles to go in are police cars, those of the 'Civilian Protection' (the fire brigade) and ambulances, which go in and out ceaselessly with their sirens wailing. Even the residents of the area are not allowed in: with their vehicles lined up in a never-ending queue on the hard shoulder of the motorway, they wait in the stifling heat for the gendarmes' goodwill to allow them to go back home.

#### **Silent Crowd**

The Salim Zmirli Hospital is the one nearest to the area. Admittedly, Baraki has a health centre and a general clinic, but they have neither a morgue large enough to hold a hundred corpses, nor the facilities to take adequate care of the countless injured. Systematically forbidden to enter the areas of crime, the journalists based in Algiers have soon had the idea of falling back on hospitals. Once again, this reflex was rewarding. The Zmirli Hospital was invaded by a dense but silent crowd. Vehicles were parked in disorder on the roadside. Soldiers and members of the task force of the Interior Ministry, with their dark blue uniforms, took up position, arms at the ready, at the entrance of the hospital. Consultations were suspended, and so were the visits. The hospital was entirely taken over by the army. Worried relatives, who had

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been unable to go to the scene of the tragedy because they had not been allowed to, came to the hospital.

### Requisitioned

'We have been told that there is a list of the victims posted at the hospital entrance, but there is nothing and there is nobody to inform us,' protested in a low voice a mother whose son had spent the night at a friend's house in Bentelha. Groups of three to five people, undoubtedly members of the same families, talked in hardly audible voices, as if they were afraid of being overheard. A young soldier stopped a van full of bottled mineral water. He took out two crates without consulting the driver. 'They are requisitioned,' he said before distributing them to people around him.

### Unearthly Scream

Suddenly, there was some sort of a stir in the crowd. People turned to a man who had just got out of a car: He was about 50 years old, brown, small, hard-looking. His clothes were spattered with dry blood on the forearms, chest and knees. He was one of the survivors. A young man, undoubtedly a policeman, held him by the arm. A woman in *hijab* [the Islamic dress], who seemed to know him, rushed on towards him: 'Azeddine, hey, Azeddine?' she gasped with difficulty. 'May God bless his soul,' he answered, holding back a sob. The unfortunate woman remained dumb for a moment, then she made a shrieking scream, an unearthly one, filled with an indescribable pain. Other women and men, touched to their hearts' core started weeping. The policemen panicked. Undoubtedly fearing that things might get out of hand, their chief ordered everyone to be moved back from the hospital entrance to the other side of the road. The crowd obeyed.

Once again, unarmed civilians have been savagely massacred. And once again the countless questions raised by these countless butcheries will remain unanswered. Who? Why? What is the purpose of this? If, for the authorities, things are clear, in that the responsibility of these horrible bloodbaths is put on Islamic terrorism, on the contrary, for the Algerians, there is a big question mark. Because they cannot understand, they refrain from passing a judgement. 'The situation is so complex,' confessed a journalist of the local press who came to this hospital to get some news in vain, 'that all hypotheses are plausible. There is such a large quantity of arms in circulation, so much hatred between the two protagonists and so much misfortunes that anything has now become possible. Only one thing is certain on both sides: the contempt for human life.'

The doubts of the Algerian public opinion are fed by the Algerian government's persistent refusal to accept the sending [to Algeria] of an international commission of inquiry to shed light on these massacres. When one

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has nothing with which to reproach oneself, then one has nothing to fear from the truth. There is another reason for such doubts: although these massacres have been going on for years, not a single culprit has ever been arrested and tried in public.

**No Corpses**

[Algerian] radio broadcast without comment the security services' statement on the massacre. On the news bulletin of 1 p.m., the Algerian television showed pictures of the area in mourning, but not of the victims' bodies as it did for the massacre at Rais. With these pictures came a clarification by the Ministry of Communication, which denied 'categorically' the 'erroneous' number of victims put forward by 'some foreign press organs'.

**3.6. Bentalha, the story of a ten-hour massacre**

Source: Florence Aubenas, *Libération*, 23 October 1997

*A local resident tells the story of the carnage of 22 September 1997, which took less than a mile from the armoured vehicles of the army.*

One day, the inhabitants knew that something was going to happen. The signs were trivial: lorries laden with men crossing the streets at high speed, and strange noises during the night. The signs increased over a few days. But they knew, everybody knew. It was said: 'It is going to boil over.' 'At Bentalha, a suburb of Algiers, the atmosphere became tense during one week around mid-September,' explained this resident whom, for convenience, we call Yahia. Since the massacre, in which 400 people died out of a population of two or three thousand, 'I am neither into politics nor into religion. What I am going to tell you I would not have believed it before it happened.'

**In camera**

'It boiled over' on 22 September, between 6 and 7 p.m. 'I personally saw around fifty people surging, but others stated that the number was around a hundred. They started by blowing up a few doors at random, and then sat down at the tables. They asked to be served food and after enjoying themselves, they said: "Today is your feast." Then they massacred everybody. Using gas cylinders from the kitchens, they would explode door after door, killing each family, one after the other.' Yahia spoke without any apparent emotion. And then, suddenly, he stopped, finding himself lost in the middle of a sentence. 'What did I say? Where have I got to?' His eyes filled with tears.

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‘Around 9 p.m., the women started to scream: “The army is here, we are saved.” On the main road, the only one which leads to Bentalha, soldiers stood by several small armoured vehicles. We saw them from our homes. They were one kilometre away, no more. But after a while, the soldiers put out the lights. Policemen and municipal guards from Baraki, the neighbouring commune, came to help but the army stopped them. The soldiers argued that no one had permission to intervene because their captain was not there and he alone could give orders.’

At Bentalha, in camera, [there was] fear among the residents who were barricaded inside their homes. Hardly anyone had weapons. Some residents did ask for arms from the nearby barracks, following several big massacres in the ‘green belt’ of Algiers, the string of towns around the capital which voted massively for the Islamic Salvation Front (FIS) during the 1991 elections. ‘One officer gave them three rifles and five bullets. He said that he could not do more. At the ministry they were told: “When you were feeding the terrorists and sheltering them, you did not come. Now, you must manage your own affairs”,’ Said Yahia. ‘On that evening we did not even contemplate fleeing. To go where? Some people just regrouped in the same house. Everyone waited, hoping that the killers would not arrive at their place.’

### **Balaclavas**

From the roof of his house Yahia saw one assailant panic when he noticed the soldiers. He was the only one in this state, all the others were calm.

The leader said to the young man: ‘Do your work calmly, take your time, the soldiers will not intervene.’

What shocked Yahia was the meticulous organisation of the armed men. ‘They were strapping fellows who were dressed in their everyday clothes. Only some of them had black balaclavas, others were disguised as Afghans, with beards and long hair. Everyone got on with his job: one group was on the watch, another smashed down the doors and the third carried out the massacre. They killed methodically, hacking off one leg, one arm and the head. They were rubbing their hands while doing this. At times, it seemed like a spectacle. In one house, we found one woman on her knees huddled against her two children. All three were headless.’ Yahia stopped. He explained that the killers also said ‘things to people’, ‘but this I cannot repeat.’ We insisted. Yahia, who could speak about death without flinching got in a muddle and lowered his eyes. Then he came out with: ‘These were obscenities which we cannot say in front of women.’

Around 4 a.m., the killers started to withdraw. The families in the neighbourhood who had been alerted by the noise rushed unarmed across the

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fields to see if they could help their relatives. 'There are still courageous people,' said Yahia. 'One hour before, the armed men left shouting: "Good bye Bentalha, welcome to Baraki [the neighbouring town]". Only then did the soldiers come in.'

Among the bodies were two belonging to the killers. 'One was dressed in Afghan [clothes], with syringes in his belt. Their accomplices cut off their heads and took them away so as to hide their identity.'

### **New killers**

In six years of conflict, the district of Bentalha was unfortunately used to violence. 'But until around 1996, it was something else,' continued the refugee. With a hint of a smile, as a joke, he even seemed to regret the earlier massacres in comparison with these of today. 'At the beginning, many young men took to the mountains but they did not hide the fact. At night, they often came back to eat their mothers' food. We knew things and we kept quiet. Every death was targeted: a policeman, a journalist... Sometimes one whole family would perish, old partisans who had changed side. Now the early recruits are dead. The new killers are different.'

Yahia said that today, in the district where he and his children grew up, he did not understand anything. Who were the killers on the night of 22 September? Yahia answered: 'We are lost, we are lost, we are lost.' At Bentalha cemetery, one man stayed rolled in a ball like a foetus on the tomb of his relatives for eight days.

### **3.7. A woman who survived the Bentalha massacre**

Source: Association for the Defence of the victims of the Massacres in Algeria Copenhagen

*This testimony was gathered by phone by the Association pour la Défense des Victimes des Massacres en Algérie, on 10 October 1997. BBC-Box 253 Vesterbrogade 208, 1800 Frederiksberg C. Copenhagen, Denmark.*

'My name is F. [...] I am in a hospital in a foreign country. The day of the massacre was a day unlike any other day. On that day the military moved in a strange way. Even the military roadblocks disappeared. Some people in our village thought something was about to happen but no one thought of a massacre.

As the night was falling some people who were scared wanted to leave the village but they found the military surrounding the village. They prevented them from leaving the and told them: 'Go back home. We are here to

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protect you'. But at about 10 p.m. the attackers assaulted the village. They were in a large number and they were heavily armed: kalashnikovs, grenades, axes, iron bars, picks, knives.

Panic overtook people who become terrorised with the sound of the hail of bullets, explosions and the screams of children, women and men. People from the surrounding villages said they heard the noises.

I was with my children and my husband when our house was invaded by the killers. There were six or eight of them. Some of them were hooded but the others were not.

The blows were raining down from everywhere. No one was spared, even the children were massacred. It was like a nightmare but the blows were real. All my family died. After we had been beaten with axes and iron bars one of them gave one of the hooded killers the order to cut our throats. He was told to take his time. But as God wished that I remain a witness for history I was the last to be slaughtered. The cut-throat was shaking and in an abnormal state. Although he did run the knife over my throat I could still feel I was alive.

His chief asked him whether he finished his job and he replied: '*naam badarat*'.<sup>K</sup> The chief then asked the other attackers whether they took everything from the house. Some replied 'yes' and some others said '*naam badarat*'. No one realised that I was still alive in a pool of blood.

When I regained consciousness I was in Zemirli hospital, in El Har-rach [...] I was interrogated by the police but I was afraid to tell them the truth because it was the army who attacked us. I am still in hospital and I am still in a state of shock.

<sup>K</sup> Hadarat is the arabic word used in the Algerian army to designate one's superior officer.

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### 3.8. Autopsie d'un massacre

Source : Un documentaire de 45 minutes proposé par Jean-Baptiste Rivoire et Jean-Paul Billault (CAPA), présenté lors du programme *Temps Présent* sur la Télévision Suisse Romande, le 8 avril 1999.

00' 00"

Première scène : Dans le cimetière de Sidi-Rezine (Bentalha), 48 heures après le massacre, les familles enterrent leurs morts.

29 août 1997  
Massacre de Raïs  
Bilan officiel 98 morts

00' 45"

Par téléphone : Un survivant du massacre de Raïs ; Septembre 1997.

Ils prenaient tout leur temps, il y en a même un qui disait à l'autre : 'vas-y, prends tout ton temps, personne ne viendra nous interrompre...'

6 septembre 1997  
Massacre de Beni-Messous  
Bilan officiel 49 morts.

01' 02"

Mohamed Yousfi, journaliste algérien :

Les victimes ont dit que l'armée n'était pas venue, malgré leurs appels téléphoniques à l'armée. Certains s'étaient même déplacés jusqu'à la caserne, mais les militaires ne sont pas intervenus...

22 septembre 1997  
Massacre de Bentalha  
Bilan officiel 85 morts

Réaction de la population le lendemain :

Incompréhensible, vous y comprenez quelque chose, vous ? C'était juste à côté de la caserne...

01' 33"

Femme 1 :

Amenez-nous Zeroual! Pour être élu, il avait promis que la paix reviendrait dans le pays ! Que Zeroual vienne ici ! Qu'il vienne nous voir à Baraki, ici on meurt comme des mouches !

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01' 43"

Homme 1 :

C'est qui ces terroristes, l'Etat ou les islamistes ? C'est qui ces terroristes, tu peux me le dire toi ?

Titre : Bentalha, Autopsie d'un Massacre

02' 04"

Paris, Février 1999.

Je m'appelle Youssef Nesrullah. Je suis algérien. Je suis né à Marseille mais je suis retourné avec toute ma famille en Algérie en 1966. J'habitais à Bentalha, j'ai commencé à construire à partir de 1988. J'avais une petite entreprise de bâtiment, de travaux publics. Enfin, je travaillais avec les écoles, les casernes, ...

02' 35"

Bentalha, Octobre 1997. [Youssef Nesrullah regarde des images de Bentalha.]

Là, c'est Bentalha. Voilà, c'est Bentalha. C'est Bentalha. Là, c'est l'entrée de Bentalha.

Là, on entre le lotissement du Hay Djilali. Tiens, c'est ma maison. Reviens un peu en arrière. Regardez : les terroristes étaient assis ici. Voilà, ici et ils ont égorgé pas mal de gens ici, là juste sous la dalle. Ils ont égorgé au moins une cinquantaine de personnes, les gens qui fuyaient ils les amenaient ici et les égorgeaient. Et moi, j'étais juste en face.

*Depuis plus d'un an, Youssef Nesrullah vit hanté par le souvenir de cette nuit où il a vu la moitié de son village se faire assassiner. Militant démocrate en Algérie, il est maintenant réfugié en France avec sa famille, et il a accepté de nous raconter son histoire, l'histoire du massacre de Bentalha.*

Photo Satellite 1

*Situé dans une banlieue défavorisée d'Alger, Bentalha avait profité des élections législatives de 1991 pour lancer un véritable défi au régime. A l'époque le candidat du FIS, le Front islamique du Salut, recueille dans le secteur plus de 68% des voix. Pour Nessrullah, c'est le choc !*

Youssef Nesrullah :

En 1991, quand je me suis aperçu que les partis islamiques prenaient de l'ampleur, tout le monde les soutenaient, j'étais horrifié, j'avais peur.

04' 09"

Alger, 1989. Manifestation islamiste.

Youssef Nesrullah :

Moi, j'avais voté pour le parti d'opposition, pour le FFS [Front des Forces Socialistes], mais généralement les gens avaient voté FIS. C'est vrai les gens avaient voté FIS parce qu'ils ont cru à certain moyen de retrouver justice, ils voulaient punir un parti qui a mené le pays à la ruine. Ils ont plus voté contre le FLN que voté FIS.

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*Le 11 janvier 1992, l'armée algérienne refuse la sanction des urnes. C'est le coup d'Etat à Alger ; l'ambiance tourne à l'émeute contre le régime.*

Nesrullah Youssef :

J'avais la rage car toute la population frappait du pilon: à Alger, à la Casbah, à Baraki, tout le monde à 23 h frappait du pilon, une façon de se révolter contre la décision des militaires d'avoir interrompu le processus électoral.

Dès 1992, quand l'Europe a aidé les militaires, ils ont repris confiance, ils ont du budget pour acheter du matériel et pour mater la population. Ils ont mis tout le monde dans un même sac.

05' 25"

Bentalha, photo archives.

Du moment que tout le monde a voté FIS, ceux qui habitaient Baraki, il n'y avait pas un seul propre parmi eux. C'étaient tous des salauds, des fanatiques, alors que c'était une population mélangée que ça soit à Baraki, Hydra, Alger ou Bentalha. Certains étaient pour le FIS, certains non.

*Tout le monde n'était pas pour le FIS, mais les militaires quadrillent quand même le secteur. Témoignage d'un habitant de Bentalha recueilli en 1997 par Channel Four.*

Pour eux on était tous des terroristes. On place beaucoup de barrages, chaque fois on lève les mains sur la tête, on nous fouille. Par exemple, au barrage de Bentalha ou Hussein Dey ils frappent des gens. Un officier dans ce barrage a fait sortir de sa poche une liste de noms des gens recherchés. Puis il a dit : 'Si je trouve un nom correspondant à ceux que j'ai dans la liste, je l'exécuterai sur place.'

*A cette époque le régime annonce officiellement son intention d'éradiquer l'opposition islamiste, c'est-à-dire de la faire disparaître. A Bentalha, beaucoup de jeunes prennent les armes contre l'Etat et, au début, la population les soutient. Témoignage d'une habitante.*

Au début, toute l'Algérie les a soutenus, quand on a vu leurs actes, leur horreurs on a fait marche arrière. Au premier vote, les islamistes ont remporté la mise, mais on leur a supprimé l'élection. Alors ils ont commencé à s'en prendre aux gens de l'armée, du gouvernement.

*A votre avis est-ce qu'il y a eu vraiment un changement après dans le comportement des islamistes ?*

Maintenant, on comprend plus très bien. Avant, c'était le FIS qui tuait, maintenant on nous parle du GIA.

*GIA: groupes islamiques armés. Une organisation apparue en 1994 et rapidement soupçonnée d'être infiltrée par les services secrets algériens.*

*Ancien diplomate algérien en Lybie, Mohamed-Larbi Zitout connaît parfaitement le fonctionnement de l'armée algérienne. Dissident, réfugié à Londres, il prépare une thèse de doctorat sur l'histoire des GIA.*

07' 49"

Mohamed-Larbi Zitout, Ex-No 2 de l'Ambassade d'Algérie en Lybie :

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A partir de 1995, ce ne sont plus simplement des groupes infiltrés, mais des groupes complètement retournés. C'est-à-dire on est devenu devant un phénomène de contre-guerilla, de contre-révolution. Le GIA devient un autre bras armé, théoriquement islamiste, mais en pratique il fait le travail et atteint les objectifs de la sécurité militaire, c'est-à-dire du régime algérien.

*Dans le secteur de Bentalha en tout cas, certains groupes terroristes semblent effectivement tolérés par les autorités.*

Nesrullah Youssef :

Les terroristes se baladaient librement à Bentalha sans être inquiétés. C'est vrai qu'il y avait de temps en temps des ratissages, mais c'était bidon. Parce que les terroristes savaient justement la veille qu'un ratissage aurait lieu le lendemain.

08' 34"

*'Ratissage' : Opération militaire. Un mois après le massacre, une journaliste d'une radio britannique recueille à Bentalha un témoignage qui confirme que l'armée tolérait certains groupes terroristes du secteur.*

09' 02"

Femme 2, sous-titrage, BBC Radio, Octobre 1997 :

Ils vivaient parmi nous, personne ne peut vous dire le contraire. Dès la tombée de la nuit, l'armée partait et eux ils arrivaient avec leurs tenues afghanes et ils se baladaient dans le village. Mais l'armée ne leur a rien fait. Nous, tout ce qu'on pouvait faire, c'était de prévenir l'armée, mais elle ne faisait rien. Ils venaient se promener dans les rues mais l'armée n'a rien fait.

*L'armée algérienne aurait-elle pu empêcher ces groupes terroristes de sillonner Bentalha ? Dans le secteur en tout cas, les casernes étaient nombreuses. Entrepreneur dans le bâtiment, Nessrullah s'y rendait souvent pour y effectuer des chantiers, il les connaissait toutes. Description :*

Nesrullah Youssef :

Il y avait la plus importante, celle de Baraki. Avec les événements, il y avait plein de militaires, des vrais militaires étaient là pour combattre les terroristes. Et des relais; il y avait celle de l'ENEMA juste ici, avant le Haouch Boukadoum, une autre à l'entrée de Bentalha et une autre à Kaid Gacem. Il y avait aussi la Garde communale. C'est des gens armés, avec des tenues de combat bleues, un peu comme des ninjas.

Photo Satellite 2 : Les Casernes

*De cette région stratégique d'Algérie, aucune carte récente n'est disponible en Europe. Une seule solution pour visualiser les lieux est une photo satellite.*

10' 30"

CENES 1997, distribution spot image.

*De Bentalha, la caserne de Baraki se trouve à 3,5 km. Le poste militaire de l'ENEMA, à 1,5 km, comme l'hospice de Kaïd Gacem, où étaient également stationnés des militaires. A l'intérieur même de Bentalha, le poste militaire avancé et le relais de la Garde communale, ici à droite de*

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*l'image, se trouvent à moins d'un kilomètre de Hay Djilali, le quartier le plus touché par le massacre. C'est donc dans ce secteur [Baraki, septembre 1996] quadrillé par les forces de sécurité, que de mystérieux groupes armés officiellement islamistes ont longtemps terrorisé la population. Les a-t-on laissé agir ?*

*En tout cas, de 1994 à 1996 leur violence a directement servi les intérêts du régime, en incitant les habitants à se retourner contre les islamistes.*

Nesrullah Youssef :

A partir de 1996, c'est vrai, ils ne pouvaient plus pénétrer à Hay Djilali.

*Pourquoi ?*

Parce que les gens en avaient marre, ils ne voulaient plus entendre parler de tueries, de massacres. C'était injuste, il y avait trop d'injustices, on ne comprenait pas pourquoi on tuait les gens, pourquoi on enlevait les femmes. D'autant plus que quand on retrouvait des morts, c'était de la charcuterie. On trouvait des femmes sans tête, des hommes sans tête, c'était des malades, quoi ?

*Écœurés par cette violence, Nesrullah et quelques voisins vont tenter de s'enrôler dans les rangs des patriotes, ces civils armés par le pouvoir, pour organiser la défense des villages.*

11' 55"

Bentalha, Archives.

*Dans le secteur, beaucoup de patriotes sont d'anciens islamistes reconvertis en miliciens du régime. Nesrullah, lui, veut simplement défendre son quartier et sa famille. Il va avoir du mal à obtenir des armes des autorités.*

Nesrullah Youssef :

Avant le massacre de Raïs, on avait demandé des armes aux militaires. Au début, ils nous avaient dit qu'on pourrait les avoir rapidement. Mais de jour en jour, avec la pression, on savait pertinemment qu'ils se foutaient de notre gueule. Cela a duré des jours, des semaines, des mois.

*Des mois d'attente et d'angoisse, pendant lesquels les massacres se multiplient...*

*Le 29 août 1997, à seulement 6 km de Bentalha, le village de Raïs subit pendant toute une nuit l'assaut d'un mystérieux groupe armé qui s'enfuit tranquillement au petit matin après avoir égorgé 400 civils. Le lendemain, à la télévision, le Premier ministre promet que, désormais, la sécurité des citoyens sera assurée.*

Homme 3 :

M. Ouyahia dira que des décisions ont été prises pour renforcer la sécurité, notamment dans des localités isolées.

*Malgré ces promesses du Premier ministre, à Bentalha, Nesrullah et ses voisins attendent toujours que les autorités leur donnent des armes.*

Nesrullah Youssef :

Ça a duré des journées entières. On attendait à l'intérieur de la caserne des fois des journées entières. Rien que le jour du massacre, officieusement, on

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nous avait dit qu'on allait recevoir les armes le mercredi d'après, c'est-à-dire le mercredi 25. Le jour même du massacre.

Mohamed-Larbi Zitout, ancien diplomate algérien :

Quand on entend votre témoin parler qui dit qu'ils ont demandé des armes à maintes reprises et qu'on leur refusait les armes et qu'ils ne les ont eu que deux ou trois jours après le massacre, cela veut dire qu'on ne donne pas des armes à n'importe qui, à des gens qui pourraient se tourner contre l'Etat. On donne des armes à des gens après avoir massacré une partie de leurs proches, après avoir massacré une partie de leur village ou de leur famille, pour qu'ils soient sincèrement convaincus de la lutte antiterroriste.

Photo Satellite 3 : Les casernes

*Quelques jours après ce massacre de Raïs, d'importants renforts militaires se déploient dans les casernes de Baraki et de Kaïd Gacem. Bizarrement, les militaires demandent aux habitants de ne plus monter la garde la nuit sur leur terrasse.*

*Le soir du 22 septembre, à cause de l'insécurité, la femme et les enfants de Nesrullah sont réfugiés à Baraki. Lui s'apprête à passer la nuit à Bentalba dans sa maison. Nous sommes à moins de deux heures du massacre, une étrange patrouille pénètre dans le village.*

Nesrullah Youssef :

J'ai vu un groupe d'au moins une quarantaine de militaires. C'était bizarre car c'était la première fois qu'on voyait ces militaires là. Moi, j'ai cru que c'était les militaires de Kaïd Gacem. C'était la même tenue de combat, avec des casques, bien habillés, des tenues neuves, des gilets pare-balles...

On les a vus. Ils avaient emprunté le chemin allant vers les orangeraiies, en direction de Kaïd Gacem. Ils ont pris ce boulevard, ils sont passés devant ma maison, ils nous ont bien regardés... Ce qui est bizarre, c'est que mes amis, Abdelkader, ils sont venus me dire que 'les militaires quand ils nous ont bien regardés, ils ont dit : "ils sont en train de jouer aux dominos, les salauds..." Je me demande encore pourquoi ils ont dit cela? Et ils sont repartis par là, par là où sont arrivés les assaillants.

*Il était quelle heure ?*

Il était entre 21h et 21h 30...

*Les militaires repartent donc vers les orangeraiies, un terrain agricole situé au sud Bentalba et qui permet de se rendre à pied à la caserne de Kaïd Gacem.*

Photo Satellite 4

*Mais Nesrullah n'est pas au bout de ses surprises : une demi-heure après les militaires, c'est au tour des gardes communaux de quitter leur relais du boulevard de Bentalba pour venir inspecter son quartier. Ce soir là, ils restent exceptionnellement groupés, comme s'ils avaient peur.*

Nesrullah Youssef :

Ce jour là, ils étaient pressés, ils sont passés comme cela... Je trouvais cela bizarre, d'abord les militaires, ensuite les gardes communaux... même mes voisins, on a commencé à se moquer d'eux: les peureux, ... on ne savait pas ce qui allait arriver...

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*Il est maintenant 23 heures, des hommes en armes sortent des orangeries.*

Plan suivant

*Cet habitant les aperçoit...*

17' 04"

Homme 3 :

Vous voyez les abricotiers? Ils sont venus par là. Au début, on croyait que c'étaient des militaires. Lorsqu'ils se sont rapprochés, on a compris que c'étaient des assaillants...

*Très vite, les assaillants investissent les premières maisons du village.*

Nesrullah Youssef :

Je me prépare à manger, je descends chez moi, c'était vers 23h ou 23h15, j'entends les premières bombes... déchirer la nuit, c'étaient des cris horribles... J'ai appelé Fouad...

Photo Satellite 5

*Nesrullah appelle donc son voisin Fouad, dont la maison est cernée par une cinquantaine de tueurs.*

*Témoignage de Fouad, recueilli par Channel Four...*

18' 06"

Fouad (Interview de Channel Four, Octobre 1997) :

Ils étaient habillés avec des cachabias, vous connaissez ? Des jeans et des baskets blanches, des chèches noirs et des barbes. Des fusils de chasse à deux canons et des Klashs... On a passé la murette, quand on a vu les... comment dire ? Les militaires... en train de venir...

Channel Four :

Les militaires ?

Fouad :

Oui, ils sont venus pour nous aider mais ils ont stoppé. Ils ne sont pas venus... ils ont cessé d'avancer. Et les terros, ils ont encerclé tout notre quartier. Ils ont commencé à encercler notre quartier à minuit, ils ont égorgé les garçons, les femmes, les vieux. Et nous, c'était chacun pour soi, on a tenté de fuir...

19' 20"

Homme 4, Habitant de Bentalha, Channel Four , Octobre 1997 :

Il y a des gens qui ont échappé à la boucherie et qui sont allés voir les militaires. On entendait les coups de feu. On entendait les balles, et tout. Quelqu'un leur a dit clairement : 'venez nous défendre...'

Le soldat lui a répondu : 'je n'ai pas l'ordre de tirer, alors j'attends l'ordre...'  
Le mec leur a dit: 'donnez-moi au moins une kalachnikov, je vais aller moi-

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même défendre ma famille...’ Le soldat lui a répondu: ‘tu vas pas m'apprendre mon boulot.’

Channel Four :

Pendant tout ce temps, où étaient les militaires ?

Fouad :

Ils ne sont pas intervenus.

Channel Four :

Pourquoi les militaires ne sont pas intervenus ?

Fouad :

Je ne sais pas...

Channel Four :

Mails ils voyaient ?

Fouad :

Ils étaient à 300 mètres. A 300 mètres de nous !

Photo Satellite 6

*300 mètres, c'est la distance qui sépare la maison de Fouad du boulevard de Bentalha. Un boulevard où beaucoup d'habitants ont vu des blindés prendre position dès le début du massacre. Cet homme nous avait déjà parlé des barrages militaires.*

*Quelques heures après le massacre, il recueillait les confidences de ses parents, témoins directs du drame.*

*Eux aussi ont vu des BTR, des blindés prendre position sur le boulevard de Bentalha dès le début du massacre, des blindés et même des ambulances...*

Témoignage anonyme, sous-titré :

D'après un parent, il m'a dit qu'à minuit, les BTR étaient déjà placés là. C'étaient l'armée, ils sont venus de Baraki, d'Hussein-Dey, des ambulances...

*D'après ce témoignage, des ambulances auraient donc pris position devant l'école de Bentalha au début du massacre. Comme si les autorités savaient qu'elles auraient des victimes à évacuer.*

Nesrullah Youssef :

Les gens de Bentalha avaient vu les ambulances devant l'école avant le massacre. Il était 23h, les ambulances étaient déjà prêtes et elles étaient nombreuses.

Moi, je ne voulais pas y croire, alors je me suis souvenu que juste au moment où la première bombe a éclaté vers 23h, j'ai vu un voisin qui a pris la fuite, en marche arrière à l'aide de son véhicule.

Au niveau de l'école, au niveau de l'entrée de Bentalha, il y avait trois barrages, au niveau de l'ENEMA, ils n'ont pas voulu le laisser sortir, on se demande pourquoi. Et il a réussi quand même à leur échapper, à fausser la compagnie au premier barrage, au deuxième barrage.

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Et là je vais plus loin lui demander: 'est-ce vrai que les ambulances, quand tu étais parti, étaient déjà prêtes?' Il l'a confirmé. Cela m'a vraiment choqué...

Photo Satellite 7

*De sa terrasse, Nesrullah pouvait voir une partie du boulevard. Lui aussi a vu des blindés.*

De ma dalle, j'ai vu deux BTR.

22' 26"

'BTR' Blindés de l'armée

Après, j'ai vu qu'il y en avait six.

Nesrullah Youssef :

On croyait réellement que les militaires étaient venus pour nous secourir. On criait 'les militaires arrivent!', mais les assaillants s'en foutaient pas mal. Ils étaient préparés à ce que les militaires n'interviennent pas.

C'est là qu'Abdelkader a pris la parole et leur a dit: 'allez vers les militaires, nous on vous a rien fait'.

Et là, c'est comme s'il avait pressé sur un bouton, c'était un flux d'insultes, de blasphèmes. Et je n'en croyais pas à mes oreilles.

Il nous ont dit: 'On va vous renvoyer chez votre Dieu'. Ça, c'est grave, C'est grave parce que tous les musulmans savent qu'il n'y a qu'un seul Dieu. Un seul Dieu est le leur. Généralement, ceux qui blasphèment comme cela, ceux qui ne croient pas vraiment en Dieu, c'est uniquement les militaires.

Pas une minute j'ai cru que les extrémistes...

23' 38"

Homme 5, Ahmed Aitar :

Il fallait voir cela, ils découpait des enfants en morceaux et ils les jetaient du deuxième étage !

23' 45"

Gilles Jacquier, France 3

*A Bentalba, beaucoup de rescapés partagent les doutes de Nesrullah.*

*Après, Aitar fait partie de ceux qui veulent se poser des questions devant les caméras des télévisions étrangères.*

Ahmed Aitar :

Je suis resté trois heures à me défendre avec des briques, c'est tout ce que j'avais.

*Quelques semaines après le drame, Ahmed ne comprend toujours pas comment des tueurs islamistes auraient pu massacrer tout son quartier pendant cinq heures et pourtant au vu et su des militaires.*

Ahmed Aitar:

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On m'a tué ma femme et mes trois enfants. Il y a 33 personnes qui sont mortes dans ma maison.

Un journaliste de France 3 qui a réalisé ce reportage.

*Cette nuit là, Nesrullah était aussi sur la terrasse, il a également entendu un hélicoptère.*

Le jour du massacre justement, l'hélicoptère est arrivé 5 ou 10 minutes avant la première bombe, et il est reparti vers 4h du matin...

Moi, je me pose des questions à quoi il sert, sinon à prévenir les militaires qu'il y a un massacre à tel endroit, les prévenir pour intervenir...

*Le témoignage d'Ahmed est accablant pour les autorités. Le gendarme et les patriotes s'inquiètent, ils vont présenter à l'équipe de France 3 un autre témoin.*

26' 33"

Philippe Peaster, France 3 :

Voilà le type, un patriote, qui nous explique qu'il était impossible d'intervenir contre les tueurs. Quant à l'armée, elle ne serait pas intervenue car le village avait été miné par les assaillants, c'est l'explication officielle.

Nesrullah Youssef :

Vous prenez tous les plans, vous verrez qu'il y a de nombreux accès, sans parler des militaires qui ont patrouillé, des gardes communaux qui sont venus. De mon voisin qui s'est échappé en voiture, rien n'a pété. Pourquoi ont-ils voulu faire croire que le terrain était miné ?

27' 20"

Campagne de recrutement de l'armée algérienne, ENTV, Septembre 1996

Nesrullah Youssef :

Moi, je sais de quoi est capable l'armée algérienne. On a voulu faire croire que ce n'était pas une armée de métier. On a voulu faire croire que c'était une armée mal entraînée. Moi, j'ai fait mon service, je sais de quoi est capable l'armée.

En 1994, il y a eu un ratissage et les paras sont descendus avec leurs hélicoptères sur les maisons de Bentalha. Boufarik, leur base, est à 10 minutes. Pourquoi les paras ne sont-ils pas venus nous secourir ?

Photo Satellite 8

*A l'époque des massacres, Nesrullah n'est pas le seul à se poser cette question. Sur la base militaire de Boufarik, qui se trouve effectivement à moins de 20 km de Bentalha, des pilotes d'hélicoptères se demandent eux aussi pourquoi ils n'ont pas reçu l'ordre d'aller secourir les victimes des massacres.*

*Au printemps 1998, écœuré par la situation, l'un d'eux s'enfuit en Espagne avec son appareil. De là, il accorde une interview à l'agence CAPA.*

28' 35"

Interview: Pierre Hurel  
Canal Plus: Le vrai journal

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*Massacres and Victims*

28' 40"

Alili Messouad, pilote militaire algérien :

Là où il y avait les massacres, c'est à 10 minutes de ma base. S'ils nous avaient appelé, en 10 minutes nous serions là. Pour moi c'est une complicité.

*Pourquoi ne vous ont-ils pas appelés ?*

C'est à eux de répondre, pas moi.

A Bentalha, il est deux heures du matin, les militaires n'ont toujours pas bougé.

29' 16"

Femme 2, foulard blanc :

Ils égorgeaient les enfants et ils les jetaient là, où vous voyez les déchets. On entendait nos enfants hurler.

29' 30"

Homme 6, un vieux borgne :

Ils s'acharnaient, on entendait, on entendait juste le bruit de la hache sur la dalle et quand ils sont repartis, ils ont mis le feu.

29' 39"

Femme 3, une vieille :

Ils lançaient des grenades, des bombes et, ceux qu'ils n'égorgeaient pas, ils les capturaient : ils ont emmené une quarantaine de femmes avec eux.

*Les assaillants prennent donc le temps d'emmener des femmes, et même de piller des maisons.**Ils sont d'autant plus tranquilles que ce soir là, la plupart des patriotes de Bentalha ont été invités à dîner par un militaire du secteur.**Sur cette terrasse, les voisins de Nesrullah sont fauchés les uns après les autres à la kalashnikov. Pour échapper à la mort, lui se jette du 2ème étage et se casse la jambe.*

Nesrullah Youssef :

J'avais du sang plein les mains, j'en ai encore des cicatrices...

*Malgré la douleur, il parvient tant bien que mal devant la maison d'Ahmed Aitar, son voisin qui parlera à France 3.*

Nesrullah Youssef:

Au début, ils m'ont pris pour un terroriste, ils me jetaient des briques. Puis, j'ai dit mon nom et ils ont ouvert, ils m'ont aidé à monter sur la terrasse.

Photo Satellite 9

*De cette terrasse, Nesrullah est soudain ébloui par des projecteurs qui s'allument dans la zone où sont stationnés les blindés de l'armée...*

Tout le monde a crié: 'les miliaires arrivent'. Pendant cinq minutes, les terroristes ne voulaient plus attaquer. Les émirs leur ont dit: 'continuez, l'armée ne viendra pas...'

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Pire, ils ont empêché les patriotes d'intervenir, ils ont frappés les patriotes,...

31' 59"

Mohamed-Larbi Zitout, ancien diplomate algérien:

Ce ne sont que les forces spéciales qui peuvent traiter de cette façon les autres forces de sécurité algériennes...

*Pourquoi ne sont-elles pas intervenus ?*

Car leur rôle est de protéger les massacreurs qu'ils soient leurs collègues ou des GIA manipulés...

Si vous regardez les zones de massacres, ce sont souvent des bastions de l'islamisme. Dans ces bastions islamistes, on veut terrifier, terroriser les populations pour les forcer à abandonner leurs convictions...

*Le massacre s'est-il donc déroulé sous protection militaire ? C'est ce que laissent également penser certains témoignages de survivants...*

33' 10"

Homme 7 :

J'en ai même entendu un qui a dit: 'Talha, continues d'égorger, travaille tranquillement, l'armée nous couvre, on a réglé cela...'

*Le 23 septembre vers 5 heures du matin, les assaillants quittent tranquillement Bentalba par le sud sans être inquiétés.*

*Pourtant, presque au même moment, d'importantes forces de sécurité se déploient dans le secteur pour en interdire l'accès à la presse.*

*Une course contre la montre s'engage pour enterrer le plus vite possible et loin des objectifs les cadavres des victimes.*

Photo Satellite 10

*Ce matin deux journalistes travaillant pour l'Agence France Presse tentent quand même de faire leur travail. L'un d'eux est photographe. Il s'appelle Hocine. Parvenu devant l'école du village, il est bloqué par les forces de sécurité.*

33' 55"

Hocine, photographe AFP, Paris, 1998 :

Il y avait cet interdit de travailler, et puis il n'y avait pas grand chose à faire, les corps étaient déjà partis. Lorsqu'on arrivait, il n'y avait que de l'émotion.

Il fallait se diriger carrément vers l'hôpital. L'accès à l'hôpital, il était interdit et même devant l'hôpital c'était interdit. Moi, quand j'ai vu cette femme de loin s'écrouler contre le mur, je ne pouvais pas résister, ne pas faire la photo...

34' 28"

Photo AFP, Hocine :

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La police a essayé de nous enlever les films. Et après avoir discuté, négocié, la seule condition, on nous a laissé les films mais il fallait quitter les lieux...

Quant à l'autre journaliste de l'AFP, il est bloqué dès l'entrée de Baraki. A pieds, avec les familles des victimes qui courent derrière les ambulances, il se rend au cimetière de Sidi Rezine, où sept pelleteuses s'activent déjà pour enterrer à la va-vite des centaines de cadavres.

*Sur place, il compte 147 tombes mais officiellement il n'y a que 85 morts.*

*Ce jour là, les seuls journalistes autorisés à parler du massacre sont ceux de la télévision officielle. Voici leur version.*

Femme 4, journal télévisé, ENTV :

Une fois de plus, un crime sauvage vient d'être commis à la faveur de la nuit contre des familles et des enfants. le terrorisme barbare s'est attaqué à eux à coups d'égorgements et de bombes, selon le rapport des services de sécurité, 85 personnes ont été assassinés et 67 blessés, dont 31 dans un état grave.

*Cet homme, à gauche de l'image, est Yabia Guidoum, le ministre de la Santé. Ce jour-là, il va quasiment justifier le massacre, en accusant les habitants de Bentalba d'avoir soutenu les terroristes. L'incident n'est pas relaté par la télévision officielle mais il a bien eu lieu. Témoignage d'un couple d'habitants choqués par les propos du ministre.*

Homme 8, BBC Radio, Octobre 1997 :

Le lendemain de la boucherie, notre ministre de la Santé Guidoum vient. Quelqu'un dont toute la famille a été tuée lui dit que les services de sécurité n'étaient même pas intervenus. Il lui a répondu: 'Mais c'est vous qui donniez à boire et à manger aux terroristes'.

Femme 2, sous-titrage:

Il nous a dit : 'Vous êtes les racines du terrorisme, vous le nourrissez, alors il faut assumer'.

Nesrullah Youssef:

Guidoum, il a failli être lynché. Dire que c'était de notre faute, c'est hallucinant, pour un ministre. Ils ont tous le même discours, sincèrement je me pose des questions...

*Mais les habitants de Bentalba ne sont pas au bout de leur surprise. Après le reportage, retour au plateau et attaque en règle contre les journalistes, notamment ceux de l'AFP, qui ont osé dire que le massacre de Bentalba avait fait plus de 85 morts.*

Dans le même temps, le porte-parole du gouvernement apporte un démenti formel aux chiffres fantaisistes avancés par certaines agences d'information et chaînes étrangères. Ces agences d'information qui se nourrissent du sang des Algériens dans la course au scoop.

*Cette version officielle qui minimise le bilan du massacre va déclencher la colère des rescapés.*

37' 00"

Cimetière de Sidi Rezine, 24 septembre 1997

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*Le lendemain du drame, un cameraman algérien travaillant pour France 2 est pris à partie par les familles des victimes qui le prennent pour un journaliste de la télévision algérienne...*

Femme 5:

[A] l'étranger, sur les chaînes étrangères, on a bien vu, et ici, non, vous avez menti!... Partez !

Homme 9:

Vous racontez n'importe quoi, regardez la réalité en face, elle est là la réalité....

Homme 2:

Tu me passes à la télévision, hein c'est qui, les terroristes ? Nous, on a que des centras, des fusils a deux coups. Le gouvernement ne nous a donné que des fusils à deux coups. Eux, ils ont des klashinkovs, des bombes.

C'est qui, le terrorisme ? C'est l'Etat, ou les terroristes ? Dis-moi, toi, c'est qui ces terroristes ?

*Quelques semaines après le massacre, la presse internationale est invitée à Alger pour couvrir les élections municipales d'octobre 1997.*

*Au programme, reportages sous escorte et hébergement obligatoire à l'hôtel Aurassi. Tous les matins, les autorités proposent aux journalistes la liste des reportages possibles.*

Une journaliste d'une chaîne italienne:

On avait des listes chaque matin des places où on pouvait aller, alors évidemment Bentalha ça passait très bien à l'image. Il y avait toujours une grande liste sur Bentalha et donc les Algériens organisaient des cars 2, 3 ou 4 cars; plus de journalistes et photographes sur Bentalha. Il y avait toujours des journalistes Algériens avec nous pour parler aux gens, pour expliquer tout ça. Là, c'est le village, c'est le cimetière et les guides aident à trouver la maison et les témoignages et tous cela. On essayait de parler aux gens mais à chaque fois qu'on s'approchait des gens on rencontrait d'autres personnes qui se faisaient passer comme intermédiaires surtout lorsque les gens ne parlent pas français.

Homme 9 :

C'était une vengeance.

Vous voyez ce type, il est là, voilà.

*C'est une vengeance, pourquoi ?*

Homme 9 :

Parce qu'ils veulent assassiner tous les Algériens.

Il prend la parole aux autres, qui, après, ne vont jamais parler.

*C'est toujours des gens du GLA dans le village de Bentalha ?*

Homme 9:

Il y a des groupes.

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*Puis il s'en va, il parle avec le gendarme, on ne sait pas s'il est un patriote ou autre. Il s'enfuit, on ne le retrouve plus.*

*Derrière les témoins officiels, les vrais victimes de Bentalba voudraient bien s'exprimer, mais avec la présence des escortes, pas facile de parler librement à la presse étrangère.*

Nesrullah Youssef:

Je connais un type, Messaoud, qui a perdu huit gosses et sa femme. Il était malade, son gamin se faisait égorger. Il disait : 'Ça c'est mon fils, ils étaient en train d'égorger mon fils.' Il était impuissant et ne pouvait rien faire. Le lendemain avec toute cette rage, il voulait discuter, parler avec les gens de MBC. Il était interviewé par MBC et il a dit: 'Voilà, les militaires ne sont pas intervenus, ils étaient là et il n'y avait pas de bombes, il n'y avait pas de mines.' Et un policier est venu vers lui. Il l'écoutait puis il lui a dit : 'si tu ajoutes un mot je te liquiderai devant tout le monde.' C'est ce qu'il lui a dit : 'Je te tues ici devant tout le monde'.

*Les journalistes n'ont pas le droit non plus de parler aux militaires présents lors du massacre. A défaut Saira Shab, la reporter de Channel Four, essaie de comprendre si Mr Les Droits de l'Homme du régime algérien a pu lui interroger les militaires.*

41' 03"

Homme 8, Rezzag Bara, Observatoire National des Droits de l'Homme :

Excusez-moi, je vous répondrais dans mon rapport 1997.

41' 05"

Femme 5, Saira :

Bon, mais alors sans parler de votre rapport 1997, est-ce qu'au moins, vous avez pu parler aux militaires des casernes implantées près de Bentalha ?

Bara :

Je vous ai déjà répondu.

Saira :

Donc vous leur avez parlé ?

Bara :

Je vous ai déjà ...

Saira :

Je suis désolée, je n'ai pas compris votre réponse ?

Bara :

Je vous ai dit qu'on ne faisait pas une enquête, mais une investigation.

Saira :

Donc, vous ne leur avez pas parlé ?

Bara :

Je vous ai déjà répondu! Ce n'est pas possible!

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Saira:

Je suis vraiment désolée, excusez-moi...

Bara:

Je suis très déçu par votre attitude...

*Février 1998, une délégation de parlementaires européens débarque à Alger. A leur tête, André Soulier, un vieil ami du FLN.*

*Pour Alger, qui craint l'arrivée d'une enquête internationale, pas question de parler des massacres. André Soulier fait comme si tout allait bien.*

André Soulier :

Nous pouvons dire que nous n'avons dans nos discussions et dans notre volonté de nous informer aucune entrave et nous pouvons le dire vis-à-vis d'Alger et de nos collègues parlementaires.

*Alger est contente, la question des massacres n'a même pas été abordée publiquement...*

42' 22"

Manifestation du FFS, Alger, Février 1998

*Dans les rues, en revanche, beaucoup se sentent lâchés par la communauté internationale. Ils sont en colère.*

Commission d'enquête ! commission d'enquête !

A bas la dictature !

La paix !

*Aujourd'hui, l'une des parlementaires européennes qui s'est rendue à Alger révèle qu'avant le départ, une partie de la délégation avait voulu se rendre à Bentalba. La réponse d'Alger fut sans appel.*

42' 51"

Anne-Andrée Léonard, membre de la délégation européenne d'Alger :

Alger dit : non. C'est clair et net. Pas question qu'on mette notre nez dans les affaires algériennes. C'est ça l'enjeu, c'était : 'si vous voulez insister sur les massacres, vous n'entrez pas en Algérie.'

Oui, il faut reconnaître qu'on n'a pas voulu prendre ce risque là.

*En un an d'enquêtes et malgré plusieurs demandes de visa, Alger ne nous a accordé aucune autorisation pour nous rendre en Algérie. Malgré la gravité des faits rapportés par les survivants, aucun officiel n'a souhaité s'exprimer sur le massacre de Bentalba.*

*Un an et demi après les faits, aucune enquête indépendante n'a été menée en Algérie sur ce qui restera l'un des plus graves crimes commis dans le pays depuis 1992.*

*Nesrullah, lui, vit toujours à Paris, en attendant que la lumière soit faite officiellement sur les massacres de 1997. Il milite avec sa sœur en faveur des 3500 personnes portées disparues en Algérie après avoir été arrêtées par les forces de sécurité...*

*Aujourd'hui, chaque disparu a droit à un ballon symbolique dans le ciel de Paris...*

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*Massacres and Victims*

44' 05"

Paris, Décembre 1998.

50<sup>ème</sup> anniversaire de la Déclaration des Droits de l'Homme

Zeroual, vous n'avez pas le droit de terroriser le peuple.

Arrêtons les massacres en Algérie.

Nesrullah Youssef :

Tu te rends compte, chacun de ces ballons représente un disparu.

Générique

*Je voudrais insister sur le fait que Jean-Baptiste de Rivoire a essayé à de nombreuses reprises d'obtenir une réaction des autorités algériennes aux graves soupçons qui pèsent sur elles, ses fax et téléphones sont restés sans réponse jusqu'aujourd'hui.*

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#### 4. Other Massacres

We present two sets of testimonies. The first set involves unpublished testimonial accounts gathered by the LADDH while the second is a collection of witness reports of, and interviews by, foreign journalists.

They cover massacres involving a large death toll, such as the mass killings of Sahnien (113 dead<sup>L</sup>) Beni-Messous (87 dead<sup>M</sup>) and Bougara (93 dead<sup>N</sup>), as well as mass victimisation events with a smaller casualty figure.

##### 4.1. Aissa survived the butchery of Beni-Messous

Source: Amine Kadi, *La Croix*, 25 September 1997

Aissa could not forget that terrible night of 5 September. He could not help recalling himself stretched out in the darkness with his face against the ground. At his side, in the same posture, were some thirty members of his clan who, like him, lived in the district of Sidi Youcef, below Beni-Messous which is high above Algiers. Here, in the aftermath of independence, several dozen families belonging to the clan of Benmaatoub had settled. They were originally sheep farmers in the region of M'Sila, east of Algiers.

Aissa could still hear the sniggering of the man with the *klash*,<sup>O</sup> who surprised him holding a knife in his hand while trying to defend his family. 'You want to fight me with this! Go and join your friends.' Aissa, who had just reached 29, thought that death was near. In such circumstances, he said, one saw one's life as a flashback. However, Aissa could neither see his childhood as a shepherd on the high plateaux of M'Sila to the east nor his years as a bricklayer in Algiers. He could only hear his neighbours whispering the *shahada*, the profession of faith that proclaims the unity of Allah and the prophethood of Mohammed, which Muslim recites at the time of death.

Aissa thought then about 'doing something', about helping his uncles and cousins to get up. However, a blow on his back left him flat on the ground. His ribs were cracked. Three minutes later, events took over: Aissa heard a rattle but no cries. A head rolled next to him. 'I will never know whether it belonged to an adult or to a child', he murmured. Without moving, Aissa shouted at his own relatives: 'You should not die in the shame of God. You should fight back.' He leapt to his feet. He head-butted the 'man' who had

<sup>L</sup> *Associated Press*, 30 December 1997.

<sup>M</sup> 'Attackers massacre 87', *The Irish Times*, 8 September 1997.

<sup>N</sup> 'Il y avait du sang partout', *Les Dernières Nouvelles d'Alsace*, 25 April 1997.

<sup>O</sup> Klash: abbreviation for the kalashnikov (AK 47) sub-machine-gun in Algeria.

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earlier knocked him down. The latter dropped his *Klash* and fell down. But no one else stood up. So, Aissa fled. 'Later I asked my rare surviving uncles and cousins why they did not budge. Among them were Mabrouk, Ali, Abbes. All of them were tough persons, but fear had paralysed them.'

As Aissa ran past the front of the house of his uncle Ali, a 'man' fired twice. Aissa, who was hurt in his shoulder and back, rushed down towards the watercourse. He hid behind a heap of dead wood and covered himself with grass. His back was bleeding heavily; he tore up his shirt and dressed his wounds with it. Aissa kept on pressing on his shoulder wound with his hand.

Two 'men' came near him. One of them said: 'I can assure you that I got him. He went away to die.' The other replied: 'Unlikely. If you got hit him, he would have fallen on the spot.' Aissa was lucky. The killers went back up to the houses of concrete blocks and corrugated iron sheets 300 metres higher up, where the massacre was taking place. Maybe they did not have enough ammunition? Old Khiar, who fought against two of his assailants, knew something. 'They' could have fired. But 'they' did not. Only those who were watching over the forty or so villagers who had to die could fire at will. Old Khiar had begged them to finish off everybody with a burst of sub-machine-gun fire. The answer was scathing: 'Do you know the cost of a bullet?'

One hour after his flight into the darkness, Aissa saw the revolving light and heard conversations by walkie-talkie. He stayed hidden: whom to trust? Only at 8 a.m. did he come out of his hiding place, with his hands up. Maybe 'they' were still here. The gendarmes took a while to calm him down. 'What a joy – and tears – when I was reunited with my wife and children! They hid themselves all night like me!'

Ever since, Aissa keeps wondering. 'We were warned, we had installed a couple of floodlights and kept watch the previous two nights,' he remembered. That evening, however, 'they' came around 9 p.m. 'We were having dinner.' Nobody really knew how. 'They' probably came up from the watercourse of Beni-Messous which borders Bainam Forest. 'They' first came across a dozen of people sitting outside their houses. 'They' introduced themselves as security forces. 'They' had dark clothes like those of the police.

Aissa said: 'While fighting against one of them, I felt that his clothes were not made of the linen for uniforms. Some had fine short beards, only one of them had a beard reaching his chest and the others were clean-shaven. I saw ten people, although 'they' were probably double that number: the others were posted at the entrance of Sidi Youcef.'

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On their arrival, one of the young men called Mahdi, shouted: ‘They are terrorists’, and got up and run away. A little away he stumbled across two men who were trying to force a family out of their home. ‘They’ shot him before they finished him off with a knife. It was that detonation which had alerted Aissa in his home. He knocked down a partition wall at the back of his house and sent his wife and children to the forest under the protection of Samir, his brother-in-law.

It was Djamel who dragged the two children into the forest and then managed to alert the gendarmerie. The latter saw the wounds, the blood and the torn clothes. They immediately understood. ‘It is true, said Aissa, they knew us. They used to bring sheep to us for the Eid (the great Muslim festival).’

#### **4.2. The village of Bougara**

Source: Amal Sourour and Aiman Braiz, *Nisf Ad-dounia* (Egypt), 7 September 1997.

I had the impression at the beginning that I was going to visit the homes of victims of terrorism so that I could see with my own eyes what was happening. I was surprised to be told that I had to see the governor of the *Wilaya*<sup>P</sup> and the *Wilaya* press officer. I had to acquiesce since eventually I should see what I had come for. The governor gave us a warm welcome. The *Wilaya* press officer whose full name I cannot remember except the Belkadi part, attended the meeting. When the governor asked me about my programme in Bougara, I replied that I was interested in the victims of terrorism at Bougara. The governor then pressed a button and two women aged about 28 entered. The Press officer told me: ‘These are the victims of terrorism!’ At this point a heated dialogue sparked off, which I shall endeavour to recall in detail.

I said: ‘I do not want to see the victims of terrorism in offices; I prefer to see them in their homes.’ He said: ‘Why? All the victims of massacres have fled their homes for the safety of the capital.’ I said: ‘No doubt, but there are still neighbours or some survivors of the massacres who are still staying in their small homes.’

He said – and I quote literally: ‘Do you want us to orchestrate a massacre so that you can watch, or what do you want?’

I said: ‘Doing what! You are supposed to be a journalist and the profession of a journalist is to observe things in their original setting so that he can

<sup>P</sup> *Wilaya* means district. Algeria is divided into 48 districts.

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describe what he sees. As for bringing two women into the office and telling me that these were victims of terrorism, this is a comedy. This means that you are hiding something from me. By the way, I am ready to leave Blida straight away, but I cannot keep quiet...'

He lowered his voice and then disappeared for a few minutes. He later came back to accompany me to the scene of the massacre in the vehicles of the gendarmerie. I saw everything in its reality: small poor houses built from sun-dried bricks that the Egyptian peasants use for building their homes. Elderly men were sitting on the roadsides with signs of poverty, pain and misery on their faces, naked children everywhere. We were met by shouts of 'Long live Algeria!'

### **They slaughtered my father and my mother in front of me**

The first home we visited gave us a warm welcome, typical of the Algerian people. We met an elderly woman and her two young granddaughters: Radia, a 12-year-old girl and her sister whose name I could not remember on account of the horror I had heard. The *Wilaya* press officer introduced the family to me and then I started a dialogue with them:

'Mother, has any one of your relatives been killed here in this place?'

'My daughter was killed not here but in her home. She was killed along with her husband, her mother-in-law, her eldest daughter and her son. If you want to know exactly what happened then Radia my daughter and the other girl will tell you everything, because they witnessed the massacres with their very eyes.'

The question came out with difficulty and I was almost tongue-tied, especially as I saw the girls' fill with fear and sorrow. 'Radia, will you tell me what happened?'

She said, while trying to suppress the tears in her eyes and pressing on her sister's hand: 'We were sitting down in the evening after we had had dinner and were laughing a bit. Before bedtime, the terrorists arrived. They broke into the house and tied my mother. They then slaughtered my father in front of her and in front of us. Then others came in and cut the throats of my brother and my sister. At the same time my mother was undressed and two terrorists indecently assaulted her. When they finished with her, they killed her, cut her body open with knives and then severed her head from her body. I still remember her head covered with her beautiful hair under my feet but I could not give her a last hug...'

Radia broke down, and so did all of us. Despite her tears, however, she continued talking: 'They wanted to kill me and asked my age but I gave them the wrong age because I heard the big man telling them to kill all except children under the age of 10. I said to them that I was an eight-years old. I

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remember also the man who looked like a monster. When he seized me to ask me about my age there was a horrible smell coming from his mouth. I think it was alcohol because I know very well the odour of alcohol...'

I did not know what to do except to hide my tears from the girl, and hold on to the hand of the little girl, who will no doubt continue to suffer from psychological traumas as a result of what she witnessed.

### **They slaughtered my family...I wish they had slaughtered me too!**

When I emerged from Radia's home, I was grasped by a woman in her forties. Without uttering a single word, she took me to her home which adjoined that of Radia, and in a fit of crazy hysteria she said: 'They came in ... from this door. There were six of them. They slaughtered my younger brother and my father, and then kidnapped my younger sister. Till now, I do not know whether she is alive or dead. Why did they leave me? They should have slaughtered me too. One of the killers tied me up, drew the knife around my throat and then left me. They were masked so that I could not see their faces. They spoke with the Algiers accent and in some French which I could understand. On the spot where you are standing there was my father's head; and here was another head. The slaughter did not take long. Then they left me. Since then, I have lived alone in a state of distress. I am waiting for them to slaughter me too.'

'Did your family have enemies? Why did they slaughter them?'

'My family was very peaceable. However, my father rented arable land which he should have returned to the landlord. But he was determined to keep it at any price because it was the land that he farmed and the source of his livelihood.'

'Did the state give you weapons?'

'I have never heard about this. However, I do know that some landlords and business people did possess arms which were given to them by the state. For our part we were not given even a knife to defend ourselves with. The police protect only themselves as if they fear the terrorists.'

The strange thing is that the gendarmerie station of Blida and Bougara was in the middle of the village. So, where were the security and gendarmerie forces which are equipped with armoured vehicles, when the crimes of slaughter, killing and kidnappings took place? Where they having sweet dreams, or did they know but pretended not to hear?

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### 4.3. Mrs Moutadjer of Lakhdaria

Source: Algerian League for the Defence of Human Rights.

*This is a testimony of Mrs Moutadjer R'biha, born Fellab R'biha, who lost her husband, Mr Moutadjer Ahmed, and two sons, Hocine and Rachid. Her account of her family's ordeal, mentions, in an incidental way, a massacre of 72 people.*

*Moutadjer Ahmed was born on 17 October 1935 in El Kadiria. He was the son of Slimane ben Said and Achouri Laldja. He was arrested on 31 May 1994 at 0:55 a.m. His body was found on 7 June 1994 thrown in a rubbish dump. At the time more than seventy bodies were thrown on the roadway. These persons were presented as victims of terrorism. They were in fact the results of massacres perpetrated by the military in the same village.*

*His son Moutadjer Rachid, born on 16 June 1972 in Lakhdaria, was a bachelor. He was murdered in the street on 6 March 1994 by the security forces. Moutadjer Hocine was murdered in the Serkadji prison massacre on 21 February 1995.*

### Testimony of Mrs Moutadjer of Lakhdaria

I am the wife of Moutadjer. I was talking to a neighbour when this militiaman came towards us. He was a so-called ex-islamist. He had been in the *maquis* for one month before he turned himself in to the gendarmerie. One month after his 'turning', the gendarmes gave him a gun. The brother of this militiaman was in the army. One day when he came back on leave, his father started saying to his neighbours: 'If the terrorists were to touch my enlisted son, I would kill them all.' This went around and reached the ears of the Islamic fighters. One evening, they came down to his place and surrounded his house. The father was killed with a shot of *mahboucha*. The death of this citizen pushed his children to enlist in the militia, on the side of their 'turned' brother.

To return to this militiaman, he thus came to threaten me with his gun while I was talking to my neighbour, a woman, outside my house. He started to insult me treating my family of terrorist, alluding to my son who had taken to the *maquis*. He told me that it is people like my son who killed his father. He vowed to destroy our house with a bomb. I told him that it is contemptible for him to threaten an old lady without protection and that if he wanted to avenge his father, he only had to go to the *maquis* and use his gun to confront those who had killed his father. On equal grounds. As for me, old as I am, I have nothing to do with all of this.

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I decided to go to the police and make a complaint. The police officer asked me to sign a complaint form that will be forwarded to the court. Daunted by the prospect of finding myself in the middle of a courtroom where I had never set foot, I did not dare do that. May God preserve me from it. I then said to the police officer on my way out: 'I prefer to entrust the matter to the Divine Justice.' I then made my way back home praying and beseeching God. On the way, I met the militiaman and his henchmen showing off his gun in the middle of the road. I then raised the flap of my veil and sent a large spittle on his face in front of everyone. I had nothing to lose. Ridiculed in front of his henchmen and other witnesses, he started to shout: 'bunch of terrorists, bunch of criminals!' The children who had gathered around us started to boo him. He did not know what to do. He was humiliated by everyone. Since that day, he left us alone.

Then one day, some hooded soldiers arrived. My husband, who is 60 years old, was sleeping. They invaded his room and started to shoot above his head and between his legs. They found one million centimes which they pocketed. They struck my daughter with the butt of their guns. They took along with them my 17-year-old son, Antar, while hitting him hard. On his release, he came back home as a wreck. He had his legs emaciated. He told us that he had undergone several sessions of electric torture. Noticing that his money had vanished, my husband decided, despite our opposition, to complain and press charges against these soldiers. He went to the gendarmerie squad. The gendarme he spoke to promised to recover his money for him.

A week later, other soldiers surrounded and then invaded our home. They started insulting my husband telling him: 'You have accused us of stealing and you made an official complaint against us.'

'Yes', replied my husband, 'it is those hooded soldiers who stole the meagre fruit of my labour.'

A sergeant-major then said to my husband: 'Forgive him this slip. Perhaps this soldier was in need.'

'I can't forgive those who come into my home to steal from me', answered my husband.

'Well then, you will pay for this dearly', the sergeant-major retorted to him.

A week later, on 2 June 1994, the soldiers came back. My son was sleeping on the upper floor. My husband was on the ground floor, lying down. They knocked violently on the door. My husband, dressed in his gandoura, got up and opened the door. They took my husband and threw him in an armoured vehicle stationed in front of the gate. I watched them start off and stop at the local police station, a few hundred meters away from our resi-

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dence. The following day, I went to the police station with my son. The police officers told us that they had nothing to do with this matter and that my husband was not detained in their premises.

A week later, some insane rumours, that got confirmed afterwards, began to circulate around in town. Mutilated corpses of citizens taken away by the soldiers were found each morning on the motorway. All the families who had a relative taken away by the soldiers rushed to the motorway every morning in search of their relatives. Then one day, a group of men and women who were our friends and neighbours came crying and informed us that the corpse of my husband, horribly mutilated, had been found on the motorway. It was horrific. A 60-year old man, innocent, taken away and killed by soldiers. During this week, 72 corpses were found on the motorway.

Thereafter, my son went to the gendarmerie to recover his father's corpse. They refused. But they granted him an authorisation to go to see the corpse at the mortuary of the hospital in Bouira. My son went to the mortuary. A dreadful spectacle awaited him. The body of his father was unrecognisable. He managed to identify him only thanks to a scar on the neck from a surgical operation. His *gandoura* was completely torn, in wrecks.

He was inflated like a balloon. Maggots were devouring his right foot. His arm was completely burnt as if it had been scorched with a blowtorch. He had marks on the neck and his tongue was hanging out. The doctor who was accompanying me, with tears in his eyes, said to my son that, in all likelihood, his father had been strangled after torture. The nails were pulled out. My son went back to the gendarmerie squad in Lakhdaria to try and get permission to recover the corpse of his father. The brigadier initially consented saying to him: 'I give it to you provided that you sign an affidavit-statement declaring that your father is a terrorist.' Without hesitation, my son consented to this blackmail, wanting to recover the body of his father at all costs. A while later, the brigadier retracted his offer under the order of the captain who was present and who explained to his subordinate the reasons of the refusal: 'this person is completely mutilated and the people know that he was arrested by the military. The people will spread a propaganda against the army.'

A few days later, the gendarmes summoned my son to pressure him to sign a statement declaring that his father was killed by the 'terrorists'. My son refused. The gendarme threatened him saying: 'You will sign with or without your holy God!' Facing a violent threat and in spite of himself, my son resigned himself to sign. What else could he do against such a blatant injustice? Yesterday they wanted him to sign a document to the effect that his father was a 'terrorist' and today, just like that, that he had been killed by the 'ter-

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rorists?' The workers in the mortuary of the hospital of Bouira told me that my husband was buried by the gendarmerie only eighteen days later.

Other citizens were victims of this army-led terrorism. I could tell you of the case of the citizen and neighbour, Guelati, a guy who has nothing to do with either the FIS or with politics. He was also killed after being taken away by the military men. I could tell you of the case of another citizen, an invalid who was riding a bike on the street while drunk. Inattentive because of his state of intoxication, he had not heard the horns of an army truck. He was arrested. His mutilated corpse was also found on the motorway. In all, 72 citizens were found.

As for my son Antar, he was arrested on six occasions. Each time he was horribly tortured and returned home like a wreck. The sixth and last instance, he remained confined to bed for fifteen days. He developed a raging fever and could not stand upright because of the sequels of torture. Thereafter, he said to me: 'Mother, as soon as I can walk, I will leave town, you will not hear of me again'. Indeed, as soon as he became better, he left home one evening without saying where he was going. Some time later, we learned that he had joined his brother in the *maquis*. It was during the time when his father was still alive. He could not accept this injustice and the ordeals of torture. It is these inhuman acts by the soldiers that pushed him to join the *maquis*. God is my witness. Prior to this, he hardly knew anything about politics. He used to spend more time in front of the parabolic receiver than at work. He was constantly in conflict with his brother Rachid may God bless him about this parabolic television.

#### 4.4. Mrs Tayeb of Koléa

Source: Algerian League for the Defence of Human Rights

It all started in 1995 in our village. A climate of injustice and of *hogra* gripped the area. Gendarmes came regularly to taunt and attack us. They insulted us and shouted obscenities at us. Nowadays, those who have a gun have the right of life and death on human beings.

A neighbour, a militiaman named Mohamedi Mohamed often taunted us. He used to stop my young brothers, take them along to the gendarmerie and blackmail them saying: 'I would not release you unless your sister Yamina comes to take you'. The truth of the story is that this militiaman, empowered with his gun which he showed off everywhere, wanted to marry me within the framework of *zaouadj el moutâa* (the marriage of pleasure), an aberration. He once came to our house with his rifle and threatened to kill us all and said: 'You do not have any rights in this country because you are terrorists.' He did the same another day at the gendarmerie and in front of the gen-

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darmes. This militiaman, previously unemployed, was involved in shoddy business. He registered himself with the RND political party at its inception. The gendarmes were on his side. They told him to press charges against me at the prosecutor's office so as to put me in prison. They said to him: 'We know everybody at the court, Abdelatif, Belkacem, we know them, there will be no problem to lock her up.'

Belazza Khadidja is my mother. She was arrested on 11 November 1995. The gendarmes set up an incredible trap for her. She had received a summons from the town hall to come and withdraw her voting card. With the letter and the family record book in hand, my mother went to the town hall. The gendarmes of the locality of Chaïba waited there for her. They arrested her and we have not had any news of her since. One month after her disappearance, I was summoned by the gendarmes of Chaïba who gave me the family record book which my mother had when she was taken away. To my question of knowing what became of my mother, they replied that they were not aware of where she was. And since then, we do not know what has become of our poor mother. Is she alive or has she been killed?

Tayeb Abderrahmane is my brother. He was taken away on 23 February 1994. It was the day when the gendarmes invaded our house and killed, under our eyes, my 62 years old father, Tayeb Ahmed and my brother Ali. The corpses were carried away by the gendarmes and were buried secretly in Koléa. They prevented us from attending their burial. Tayeb Mohamed is my other brother. He was abducted in June 1995 by the military in Oran where he worked. He has not been seen since then. There are only three of us left in the house: 11-years-old Mahdjoub, 16 years old Hamza and myself. Our family has been dislocated. My father and my brother were summarily executed under our eyes. My mother and my two other brothers were abducted and have disappeared.

In spite of all this injustice, the gendarmes have not stopped badgering me and my two remaining young brothers. They often come to terrorise us by day and night. They shouted obscenities at me and made filthy advances. Who does one complain to of this injustice? All was in their hands. All the doors were closed.

Our village at Barbessa in Koléa lived a period of injustice which we had never known. Many innocent people were executed for no reason. Families were massacred. I can tell you of the example of my 41 years old maternal uncle, a handicapped person, father of 8 children. He worked and had some money. The militiamen wanted to bring him under their racket. He refused to go along. He was taken away in 1995. He has disappeared to this date. Other examples exist. I could tell you of the disappearance of citizens who were victims of the racketeers like my uncle. They were taken away from their place of work or even in the street. Most of them were found killed by

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bullets or had their throats cut near the well of Ain Messaoud or in Haouch Riacha of the wadi of Doumia. These were the places of predilection where the militiamen threw their victims. These militia imposed terror in our village. They settled scores with those whom they had family or other problems with. They reigned as masters of the earth. Mahmoudi Abdelhafid is a 53 year old citizen who worked in an agricultural field. He was terrorised by the militiamen. They kidnapped his son who has since disappeared. One year later, it was his turn; they kidnapped him. It is the militiaman Amar El Guebli who did it. There are many families who are in the same situation as ours. Saad Messaoud has been a soldier for seven years. He was kidnapped in 1996 after his two children had been killed. His two dwellings were confiscated.

#### **4.5. Mr Ounoughi of Jijel**

Source: Algerian League for the Defence of Human Rights

*This is a testimony of Mrs Ounoughi who lost two of her sons. Her account of her ordeal mentions in an incidental way a massacre of 45 people.*

My son Ounoughi Sadji was born on 22 February 1958. He was a nurse at the hospital of El-Harrach. He had rheumatism. He asked for an unpaid leave of absence from the personnel office to go for a thermal bath treatment in Hammam Salihine of Fedj M'zala in the district of Djidjel. He went with some of his friends. They were arrested by the gendarmes at a crossroad at the entrance to Fedj M'zala on 9 August 1993. The following day, he was transferred, together with his companions, to Sétif. They were locked up for 45 days in a cellar. They were then taken to court. Every one of them was sentenced. Since then, the companions of my son lost all trace of him. I have been to all the courts in Sétif, Djidjel, Constantine, Mila. No trace of my son.

In Fedj M'zala, I was told that he had just been transferred to Mila. In Mila, I was told that he was sent back to Ferdj M'zala. I was sent back and forth, like a ball. In Ferdj M'zala, I was told that he had been transferred to Constantine. In this latter city, I went to the courts, the prisons, the police stations and the gendarmerie squads. Nothing! I was then told that my son had been sent to the special Court in Constantine. When I got there, I was not given any information. A few months later, I was summoned by the gendarmerie. They asked me as to the whereabouts of my son. I answered them that he had been arrested by the gendarmes of Fedj Mzala and that according to the latest news he would be in the special Court of Constantine. But nothing is certain.

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My other son Ounoughi Hakim was arrested on 28 February 1996 at his residence at 3 o'clock in the morning by gendarmes of the Eucalyptus area whom I knew and who wore paratrooper attires. Two of them were hooded. He was 29 years old. He worked in a private industrial company. I went the following day to the gendarmerie squad of Eucalyptus. They denied that they had arrested him whereas I did recognise them. Then I presented myself at the military barracks of Eucalyptus. After three days of search, we came to hear that three corpses had been dumped on the motorway of Dar El Beïda. These news reached us very late at night during curfew time. When we got there, some witnesses told us that the corpses had been transported after one day by the fire brigade to the mortuary of Bologhine.

We went to this mortuary. We begged the employees to show us the corpses. We found the corpses of Hammadi Rachid and Tikniouine Moussa who had been arrested the same day as my son by the gendarmes of Eucalyptus accompanied by soldiers. On that day, five people had been arrested: Ounoughi Hakim (my son), Salhi Riad, Maameri Rachid, Tikniouine Moussa and Hammadi Rachid. Hammadi Rachid had seven bullets in the skull. Tikniouine's body was peppered with bullets. The father of Tikniouine Moussa went to the gendarmerie of Dar El Beïda to obtain the authorisation to recover the remains of his son. He came face to face with one of the gendarmes who had come to arrest his son. He told him: 'It was you who came the other evening to our house to arrest Moussa.' The gendarme rushed onto him to strike him while saying to him: 'You are accusing me of serious things.'

To date, I do not have any news of my children. I have been to all the mortuaries starting with Bologhine and finishing with Boufarik including Thénia. I saw dreadful things. I saw mutilated corpses, some without foot and some without arm, people burnt and others beheaded. I have never seen such acts even in nightmares. These summary executions became run-of-the-mill within the region of Eucalyptus-Chérarba where we lived during the 1994 - 1995 years. Every morning, one would find four to five dumped bodies. One day, the soldiers and the gendarmes killed 45 people all at once. I myself counted them. Things that we have not seen even during the liberation war. They have neither faith nor do they follow any law. Never seen before.

I can not begin to understand what this government is doing to our children. Those who took away our children have been confronted by witnesses and they dare deny it without fearing any retributions. Who is governing this country and who is allowing such acts to be perpetrated in the name of the State? They have come up with 'terrorism' as a pretext and, in total impunity, they take away our children whom they mutilate, kill, and dump on the motorways.

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**4.6. Six persons burnt and thrown in a forest**

Source: Algerian League for the Defence of Human Rights

**Case of Omari Slimane**

*Omari Slimane: born on 12 December 1963 at Kadiria in the district of Bouira. He was married and had children: Nacera 12 years, Hocine 7 years, Meriem 5 years. He was employed at the SNIC state company, and lived in Tala Oughenime (Kadiria).*

*On 24 June 1994, soldiers stormed the house of Omari Slimane and took him away. 15 days later, his body was found in the forest with five other burnt bodies. The family of the victim informed the army which sent soldiers to take the partly charred bodies to the hospital of Lakhdaria.*

**Testimony of his wife Kobaa Yasmine:**

On 24 June 1994 at 4 a.m., the door of the house was smashed. The house was surrounded. Soldiers climbed onto the roof and smashed the roof tiles. Three or four of them wore ski masks.

They took away my husband, Omari Slimane, age 32, who worked at the SNIC.

We went afterwards to see the military and the gendarmerie but without success. Fifteen days later, shepherds discovered the burnt bodies. The authorities refused to go to the site before the arrival of soldiers from Bordj Menaiel. I found my husband with five other burnt bodies. Two other bodies were half burnt. One of the last two was thrown on the ground and the other was hanging. The body of my husband was hanging from an oak tree with his hands tied behind his back. He was strangled by a wire. The impact of bullets were also visible on his body despite severe burning. I am the mother of three children: Hocine (7 years), Nacera (12 years) and Meriem (5 years).

**Case of Heraoui Ali**

*Heraoui Ali born on 8 November 1970 at Kadiria. He was the son of Mohamed and Kaibi Fatima, bachelor, and unemployed. He lived at Tala Oughenime, Kadiria.*

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*He was arrested at home on 24 June 1994 at 4 a.m. at Tala Oughenime by the army. After 15 days, his body was found burnt in the forest, with other bodies. The body was identified by his family.*

**Testimony of his mother Kaibi Fatima**

The soldiers smashed the door of our house on 24 June 1994 towards 4 a.m. They took my son to Tizi Ghenif. After 15 days, his burnt body was found in the forest with five other bodies. Once informed, the army took the bodies to Lakhdaria hospital before handing them over to the families for burial.

**4.7. Mr Al Shabi of Relizane**

Source: ArabicNews<sup>Q</sup>, January 14, 1998

*ArabicNews sent a reporter to Algeria, who visited a village in Relizane in the aftermath of a massacre.*

There was nothing in the village of Sahnien west of Algeria except for starving chickens and donkeys and mass tombs dug in a small cemetery.

Thirteen days after the massacre, utter silence is still enshrouding the village and the few huts strewn across the village. It was difficult to stand upright in one of those huts, which are made from tree branches.

The dried pools of blood and the pungent smell dominate the village, which made us move quickly. While we were moving, we found the clothes of the slain people and the ropes with which they were reportedly tied.

After our tour of the village we met one of the survivors, Hamed Al Shabi. Al Shabi told us his story and said that he was living in his hut with his family but, late one night, the criminals came and asked them to open the door. They did not wait for it to open, but broke it and entered.

He heard them asking his wife about where she kept her gold. She told them there was neither gold nor money. Later his wife became silent and the children screamed, he said.

Al Shabi escaped through the darkness of the night and returned in the morning to find 120 of the inhabitants of the village dead. He only found the chicken and his donkey near his hut as the terrorists had slain everything, even the dogs.

<sup>Q</sup> Web site : [www.ArabicNews.com](http://www.ArabicNews.com)

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**4.8 Fear in the Casbah**

Source: Zaki Chihab, *Ida-at asbarq* (Radio Orient in Paris), 23 September 1997, 12:00 p.m. news bulletin

**Radio Orient:**

*Zaki Chihab interviews by telephone an Algerian woman who says she is afraid for her children, in particular for her daughters. Slaughter and abduction have become distinctive features of massacres by groups of armed assailants.*

**Woman [on the phone]:**

The terror in which we live pains us day and night. We experience it day and night. I have daughters who are on the verge of going insane. I am about to take one of them to hospital. She has had a nervous breakdown. All of us, women and men, all Algerian society, are threatened. In particular, those of us who live in populous neighbourhoods are in a terrible situation. Do you understand me? All these neighbourhoods are in danger. They are threatened with deaths and killings.

Zaki Chihab [on the phone]: *How many Children do you have?*

Woman: I have five children

Zaki Chihab: *In which neighbourhood do you live?*

Woman: I live in the Casbah. All the populous neighbourhoods are threatened with death: Casbah, Salembier, El Harrach, Bourrouba, La Glacière, El Khemis, Baraki, Les Eucalyptus.

Zaki Chihab: *What is it that your children are afraid about from what goes on at night?*

Woman: You see, the killers came to slaughter at night but as the residents did not let them get into here [the Casbah] they came back the next day, and another time in the evening. What did they tell us? They told us 'it is you who used to shelter them [the Islamist insurgents] and sympathise with them. Now we are going to settle your hash.' They mean death. But they could not because our neighbourhood is large.

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## THE MASSACRE OF SERKADJI

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*National Union of Algerian Lawyers  
Committee of Constituent Lawyers  
The Families of the Serkadji Victims and Detainees  
Algerian League for the Defence of Human Rights*

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## 1. Introduction

The bloody events at the Serkadji prison on 21, 22 and 23 February 1995, following an ‘escape attempt’ or a ‘mutiny’ – depending on the two official versions –, resulted in more than one hundred dead and around ten people injured by offensive weapons, according to an unofficial count. About 1,600 political and ordinary prisoners are detained in this prison located in the heart of one of Algiers’ high security zones.

This massacre – euphemistically called ‘event’ by officials – raises many questions to which the official account has not provided satisfactory answers for the families of the victims, their lawyers, non-governmental organisations of human rights and the public.

How and why did such a bloodbath take place within the walls of a prison, against people who were under the state’s protection?

The causes and the magnitude of this tragedy, the wall of silence that surrounded it, the concealment and the systematic destruction of the evidence that would have helped the truth to come out, as well as the hastened treatment of the consequences of this ‘event’, have led the families of the victims and their lawyers to try and fill the obvious gap left by the official press releases.

They were even more convinced of the necessity of such a quest for the truth when they faced a total refusal to their request of an independent commission of inquiry made up of the families of the victims, lawyers, magistrates and non-governmental human rights organisations.

We also note the following:

- the results of the official investigation, which should have been documented within ten days following the massacre, were never made public;
- the testimonies and televised confessions later appeared to have been extorted through various means;
- the refusal to order protective measures to preserve the material evidence;
- the refusal to publish an official list of the names of the victims.

These are some of the elements which convinced us of the necessity to carry out this work. In this preliminary, the families of the victims and their lawyers have attempted to shed light on an affair which may become, following a similar carnage in the Berrouaghia prison in November 1994, a regular

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pattern in the state's behaviour. This may lead to a dangerous trivialization of the exercise of power, silence about which is akin to complicity.

This investigation has not been easy, particularly because the cover-up surrounding the hastened and secret burial of the victims, the refusal to allow the bodies to be identified and autopsies to be carried out, in addition to the refusal to move the judicial and prison authorities implicated away from the site of the massacre. This work aims to unveil the truth, thanks to the testimonies of the survivors of the massacre, which enabled the reconstruction of the various stages of a plot against defenceless civilians.

The various testimonies from the massacre survivors, the tenacity of the families of the victims — who remained strong despite all the obstacles and the death of their loved ones — and the work carried out by their lawyers have uncovered a premeditated machination

On 25 February 1995, the head of the government announced the setting up of a commission inquiry to include representatives from the Ministry of Justice, and top officials from the police and the *gendarmerie*, under the authority of the Ministry of Justice. But strangely enough, it was then entrusted to the Interior Minister. On 27 February 1995, the media announced the setting up of the commission by the interior minister, but its report has never been made public.

## **2. Background**

The period preceding the massacre, which started on 21 February 1995, was marked by an intense activity within the prison. A series of internal and external transfers of detainees and of reassignment of prison guards took place in a context characterised by extreme pressure and collective sanctions against the prisoners.

### **2.1 Transfer of Detainees**

#### *2.1.1 Internal Transfers*

During a relatively short period preceding the massacre, the prison authorities proceeded to massive inter-cell and inter-ward transfers of detainees in order to regroup prisoners according to criteria known only to them. Many detainees had expressed their concerns to their lawyers or to their families during visits about the many unusual and unexplained transfers they were being subjected to.

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*2.1.2 External Transfers*

External transfers consisted of selective extractions of detainees and condemned prisoners who were serving their sentence in other prisons across the country. They were then gathered at the Serkadji prison. Most of the transferred prisoners came from the prisons of Chlef, Berrouaghia and El Harrach. Not only were these transfers obscure and unexplained, but some of them took place illegally, and can be considered abductions rather than legal transfers. The case of the late Mohamed Aït Bellouk, assassinated in Serkadji after his transfer from El Harrach in January 1995, under mysterious circumstances, is highly significant and raises many questions on the real aim of the transfers.

*2.1.3 Transfers and Breach of the Law***2.1.3A FORCIBLE TRANSFERS**

The transfers from the prison of El Harrach to that of Serkadji appear to breach the law. Indeed, the law prohibits the transfer of prisoners from a given prison without the prior written consent of the public prosecutor's office in charge of the case. However, the detainees of El Harrach were literally abducted and held illegally by hooded strangers. The detainees were transported in the boots of unmarked police vehicles towards unknown destinations. They were hand-tied and blindfolded.

The destination was unknown even to the El Harrach prison authorities, which could not provide information to the lawyers who had come to record the disappearance of their clients. Furthermore, this transfer took place in breach of the law in force since the prisoners had been directly transferred from El Harrach prison to Algiers' central police station. In these premises, they were subjected to various forms of torture and death threats.

In view of these practices which are contrary to the law, the defence lodged a complaint regarding the case of Mohamed Aït Bellouk with the general prosecutor to the special court of Algiers and with the public prosecutor's office competent for the area, El Harrach court. This complaint has remained unanswered ever since the above-mentioned prisoner was assassinated in the prison of Serkadji.

**2.1.3B GROUPING OF DEATH-ROW PRISONERS IN SERKADJI**

The prison authorities deliberately violated the law by detaining in Serkadji the prisoners condemned to the death penalty beyond the time limits allowed by law. They committed an even more serious violation by transfer-

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ring condemned prisoners from central prisons – their legal place of detention – to Serkadji, an ordinary prison which was already overpopulated.

The law clearly states that the condemned prisoners must imperatively be transferred to a purpose-built central prison, within eight days following sentencing. However, it appears from the list of the condemned prisoners that the majority was detained illegally by the prison authority in Serkadji for reasons that remain obscure and unexplained. Strangely, most of these prisoners were killed in the massacre.

In this case too, the law clearly states that condemned must be transferred to central prisons after the sentence is pronounced. The law classified the prisons of Chlef, Tazoult, Tizi-Ouzou and Berrouaghia as central prisons. In total breach of the law, condemned prisoners were in this instance transferred from central prisons to Serkadji, which classified as an ordinary prison.

These transfers, besides being illegal, defy also common sense as the prison of Serkadji is known for its overcrowding. Indeed, it contains more than 1,600 prisoners, that is more than twice its capacity.

It is worth noting that some illegally detained or transferred death-row prisoners as well as transferred defendants awaiting trial were killed during the massacre.

## **2.2 Transfers and Appointments of Prison Staff**

The massacre of Serkadji was also preceded by transfers of guards.

Hamid Mebarki, a guard who had just been hired, was appointed to the wing housing death row inmates. Keeping watch over such special prisoners requires someone with training, qualification, and above all many years of experience. However, the management of the prison appointed this ‘novice’. The same Mebarki is also believed to have led the planning, execution and failure of the alleged escape attempt.

Another strange fact in the prison authorities’ procedures was the appointment of an ordinary guard, Ramdane Selsaf, as the duty officer the night of the massacre.

## **2.3 Pressure and Provocations Suffered by Detainees**

The days preceding the night of the massacre were marked by an increase in the provocations and pressure on prisoners. A climate of fear was thus created, all the more since the violence and vexations suffered by the prisoners were completely unjustified:

- detainees were punished for performing their prayers,
- detainees were beaten on their way to the shower,

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- detainees were savagely beaten by hooded agents during their transport to the court of justice,
- some detainees had their plastic spoons taken away.

The guards were looking for the slightest excuse to send the prisoners to the dungeons of the old prison. The punished detainees were systematically undressed, beaten up and left on the spot for days.

Searches increased in the days preceding the massacre. Strangely, the wing housing the death row prisoners - principal stage of the events - was subjected to a meticulous search in the presence of the director of the prison and outside duty hours... This happened on the eve of 21 February, i.e. a few hours before the events. It is worth noting that periodical, weekly and surprise searches were the norm, however they would be carried out only during the legal working hours.

### 3. The 'Escape Attempt' and its Failure

The alleged 'escape attempt' took place in conditions that raise many suspicions, in particular about the smuggling of four guns and three grenades, the opening of the cells of the condemned, the failure of the alleged attempt, and above all with regards to the unexplained death of the guards at the very start of the operation.

#### 3.1 Unfolding of the Attempt

The cells doors of the death row inmates were opened normally, without being broken. It is worth recalling that these cells are equipped with 'security' locks. The director of the prison always gives the keys only to the head guard, to prevent any attempt to duplicate them.

The failure of the so-called attempt remains unexplained: the detainees allegedly reached the last door to end in an incomprehensible failure. The death of the guards, reported to have occurred at the very beginning of the operation, remains unexplained with regard to its objective usefulness and the identity of the party actually responsible. The systematic elimination of most of the detainees who had witnessed the first phase of the operation in addition to direct threats made notably by the general prosecutor against the other detainees, throw a thick veil of confusion and abstruseness on the whole event.

#### 3.2 Failure of the Attempt

The Serkadji prison is located in a high security zone. It is positioned downhill from the buildings of the Ministry of Defence, the Ali Khodja army barracks and the Algiers' *gendarmerie* barracks, and uphill from the National Gen-

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*darmerie* headquarters. It sits opposite another building of the *gendarmerie*, next to the Bab Jedid police station.

Not only are the site and its surroundings under strict surveillance, but also the ‘attempted escape’ took place during the curfew hours and in a prison known for its rigorous security systems: watchtowers, meticulous searches at the entrance, continuous presence of *gendarmes* within the prison.

Hamid Mebarki, the guard mentioned above, is believed to be the initiator of the escape attempt, the supplier of weapons, and the agent of the failure. The three grenades remained intact and were shown later on TV after the massacre. It was even noted they were inoffensive as one of them did not explode when its pin was pulled out.

#### **4. Hooded and Armed Men Unlock Cells and Wards**

Most survivors of the massacre stress that hooded and armed men suddenly appeared at approximately 5 a.m. and started unlocking some cells and wards. These hooded and armed men then ordered the perplexed prisoners to get out of their cells and wards. The operation then spread to all the cells and wards of the prison. Consequently, the detainees found themselves, without any apparent reason, outside their cells, in a state of total turmoil.

It is still an enigma why these men entered the prison at 5 a.m., precisely after the ‘escape attempt’ had totally failed, when people were asleep. Another mystery is the swiftness with which they carried out an apparently very specific operation, and then disappeared. This is even stranger as, in view of the subsequent events, this operation seems to have created the tension within the prison and served as an excuse, in addition to the ‘escape attempt’, to justify the armed intervention.

#### **5. Prisoners Set up a Crisis Management Team**

Faced with this situation, a group of detainees broke the lock of Abdelkader Hachani’s cell. Consequently Hachani found himself in the courtyard, among a thousand prisoners in turmoil and five corpses including the body of Mohamed Mechrouk, a prisoner murdered by the security forces positioned on the rooftop of the prison. Hachani was then led to a cell, along with Kacem Tadjouri, Yekhlef Cherrati, Mohamed El Wad, Abdelhak Layada and Hacene Kaouane. The decision to contact the authorities was then taken, and Hachani and Layada were appointed to make this contact in order to obtain a peaceful settlement of the situation.

During the first contact, Hachani and Layada offered to:

- give instructions in order to prevent further victims on both sides,
- make contact with the other wings to include their respective leaders into the crisis management team, in order to control the situation effectively,

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- make themselves available to the authorities to find a peaceful outcome to the crisis.

Both parties agreed to the proposal outlined above, and no victim was reported during the ten hours of negotiations. By including the other leaders into the crisis management team, the control of the situation became easier, and an undertaking to deal with the situation peacefully was taken unanimously.

However, the question of guarantees was raised in order to avoid a violent reaction of the task forces. Indeed, the way an identical situation had been dealt with at the Berrouaghia prison on 27 November 1994, in which a horrible and disgraceful massacre had been perpetrated, prompted the prisoners to take a maximum of guarantees. Indeed, there were signs that the authorities intended to use the crisis management team to control the situation, with the aim of unleashing a bloody carnage later.

Such a responsibility was hardly bearable for the members of the team. It was therefore suggested to involve a third party, three lawyers namely: Messrs Abdenour Ali Yahia, Bachir Mecheri and Mustapha Bouchachi. These three lawyers were to record that:

- there were no more than five victims, i.e. those who died at the beginning of the crisis;
- the authorities should carry out the necessary investigations, after a peaceful ending to the crisis, in order to identify those responsible and apply justly and transparently the law.

In exchange, the crisis management team firmly committed itself to getting all the prisoners back into their cells and wards.

A total and violent rejection was the only response from the authorities, under the pretext that the state did not need witnesses. The crisis management team then freed one of the guards held hostage by the prisoners as a sign of goodwill, and kept demanding the lawyers' visit, which the authorities persisted in refusing.

Dreading an assault with devastating consequences, and noticing that there was an obvious intention of carrying out a massacre, the team decided that the prisoners should return to their cells. This decision was indeed carried out by the prisoners, without the knowledge of the authorities. It was only well into the operation that Hachani and Layada notified them.

At that moment, and against all expectations, the authorities chose the violent solution, and abruptly broke the negotiations by locking up the representatives. It was 5:30 p.m., on Tuesday 21 February 1995.

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## **6. Peaceful Solution Deliberately Aborted**

It is worth underlining that the crisis management team had succeeded in reaching a peaceful outcome to the crisis, thanks particularly to:

- its control of the situation, by restoring calm and order among the prisoners in their hundreds;
- the acceptance by the prisoners of all the conditions laid out by the authorities (return to the cells, application of the law against those responsible for the deaths of the guards and those guilty of other offences);
- the effective and immediate movement of return of the prisoners to their cells once the team took this decision.

Despite the fact that they had started to implement the peaceful solution advocated by the crisis management team, the authorities chose the violent option. They abruptly broke off the negotiations by holding the representatives of the crisis management team. The latter were held separately, in total isolation for three days, without any water or food, and in confined rooms normally used as parlours by lawyers. During his confinement, Abdelkader Hachani was subjected to acts of violence, threats and insults from guards who shaved his beard by force.

## **7. The Armed Intervention**

The intervention of the Government's armed forces was executed in three phases:

- elimination of selected prisoners by marksmen as well as mass murder in the courtyard and in wards number 29, 30, 31 and 25;
- finishing off of the injured, mutilations and elimination following a pre-established list;
- torture and humiliation of survivors.

Before detailing each of these three phases, it is necessary to recall the context of this intervention, which turned into a real carnage.

### **7.1 Circumstances of the Armed Intervention**

After the agreement for a peaceful solution, which the prisoners had started to implement, only the request for the presence of lawyers was still being negotiated. Nevertheless, the military authorities totally rejected this request. One colonel ordered the confinement of the crisis team's representatives.

When the prisoners were expecting the representatives to come back, they were surprised to hear, on the megaphone, an order instructing them to return to the cells within the next ten minutes.

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The military authorities asked Layada to convey their demand that Lembarek Boumaarafi, the suspected murderer of Boudiaf, and Hamid Mebarki, the guard mentioned earlier, be delivered to them without any argument.

The general prosecutor announced that the forces 'have penetrated the compound without shooting a single shot as most of the prisoners have respected the order of the crisis team and only a small group of around twenty five prisoners has refused to comply.' This group hid in ward 25 behind a group of ordinary prisoners they took hostage. Hachani insisted and even begged the general prosecutor to let him talk these prisoners into returning to their cells and thus avoid more victims. The general prosecutor promised to consult with the authorities, but never came back. As for Hachani, he was molested by members of the army and locked up in a confined room normally used for lawyers.

## **7.2 First Phase: Sniping and Shooting**

The task force (military, *gendarmes*, and police officers) positioned on the prison rooftops overlooking the courtyard aimed the first shots at specific targets. This sniping was followed by continuous shooting which lasted several hours.

### *7.2.1 Selective Killing by Marksmen*

The first victim of the sniping was Yekhlef Cherrati, a member of the crisis management team, who had remained in the courtyard to ensure that all prisoners went back calmly and orderly to their cells. Cherrati was standing and repeating the following orders to the prisoners: 'do not respond to provocations' and 'avoid the machination against you'. Cherrati was holding the Koran in his hands and reciting verses when he was shot through the head. He fell on the ground, blood was pouring out but he kept reciting. One of the prisoners crawled close to him, and hardly lifted him when the shooting resumed. Cherrati was then hit by several bullets which, this time, blew his leg to pieces.

### *7.2.2 Shooting in the Courtyard*

The sniping was followed by an intense shooting for several hours. Many prisoners in the courtyard were killed and injured. Ordinary prisoners, police officers, civil servants and strangers, who were used as human shields of ward 25, were caught in the shooting. Scores were hit, and there were about fifteen dead and tens of injured.

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### 7.2.3 Mass Murder in Selected Wards

After the shooting in the courtyard, shots were targeted at wards 29, 30, 31 and particularly ward 25, where a number of prisoners were hiding, along with others who had fled the shootings in the courtyard.

The grouped firings also lasted several hours. Ward 25 was turned into a human slaughterhouse by the heavy firing and the explosions of offensive grenades: bodies torn into pieces, pieces of flesh stuck to the blood-spattered walls. The firepower and the concentration of the bullets shattered the thick door of ward 25. The shooting lasted nearly 17 hours and was only ended when a *gendarme* announced that 'the general has ordered a cease-fire'. It is worth underlining that the only survivors of the massacre were Bou-maaraafi and the 'guard' because, in all likelihood, the order was given to spare them.

### 7.3 Second Phase: Finishing off, Mutilations and Executions

After the shooting, the task force fired and threw grenades into the cells and through the ventilation grids before firing their way into them. In ward 25, if a prisoner was found alive among the corpses, he was tortured and finished off.

At the end of the massacre in the courtyard and in the above-mentioned wards, the authorities, in the presence of the prison deputy director and some guards, read a list of prisoners. Those who responded to the roll calling were led to a separate location and executed.

Tadjouri was not found among the victims. He was looked for on the basis of his clothes and had also been called by megaphone. His body was later identified by other detainees.

### 7.4 Third Phase: Torture and Humiliation of Survivors

The survivors were gathered in courtyards to be subjected to an unprecedented physical and moral torture.

The prisoners who had managed to survive were gathered in the courtyard, after they had been forced to leave their cells crawling while being beaten up over the whole body with gun butts, and iron and wooden bars.

Once in the courtyard, hundreds of prisoners were ordered to lie down on top of each other in several piles. Many of them lost consciousness due to suffocation. The beatings did not stop until 6 p.m. Almost all the prisoners carried marks from these beatings, which lawyers recorded on their first visit to their clients. The survivors were kept the whole night in the court-

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yard, lying flat on their stomach, face down, with neither water nor food, in the cold and rain of that night of Ramadhan.

The morning after, tortures resumed in the same spot and lasted for one night and one day altogether:

- the prisoners had to stand up and keep their legs apart and were then kicked by foot in their testicles;
- the *gendarmes* spat in the mouth of prisoners and urinated on their faces;
- leather jackets and sports shoes (Adidas and Reebok) worn by some prisoners were confiscated. Guards forced prisoners wearing spectacles to take them off and break them by stepping on them;
- prisoners were forced to stand up, swear at each other as well as insult themselves, the religion and the political leaders, and were threatened by death if they did not comply.

### 7.5 Weapons of the Intervention

All the prisoners agree that the weapons used during the intervention were as follows:

- automatic weapons;
- FMPK machine guns;
- offensive grenades;
- iron bars;
- maces;
- knives and bayonets.

### 8. Aggression by the Task Force and Some Guards

Taking advantage of the climate of total impunity, members of the task force and some guards gave free rein to their most evil and abject instincts. They ill-treated the prisoners and perpetrated various crimes including murder.

One hooded member of the forces threatened a prisoner with his weapon and forced him to submit to his evil and repugnant urges. He was led to a cell and raped.

Another prisoner became blind as a result of the blows he received.

A third one died as a result of a savage attack by a guard called Ramdane Selsaf, who beat him up with a mace. With the same weapon, this guard injured other prisoners who still bear the marks.

Ali Zouita, a lawyer held at the Serkadji prison for several years, did not manage to escape the systematic beatings. The guards were going all over the cells and wards, and attacked whoever they wanted, in total impunity.

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## 9. Consequences of the Bloody Intervention

The intervention had very serious consequences: scores of prisoners were dead and hundreds injured. The majority of the killed prisoners were secretly buried in anonymous graves.

### 9.1 Extent and Horror of the Massacre

The official list of the victims of the massacre has never been officially published so far, despite urgent requests made by the lawyers and the families of the victims, who had been kept completely in the dark for eleven days, all doors being closed to them. By refusing to publish the list, the authorities try to minimise the extent of the massacre and the number of dead and injured.

The burial of the victims was also kept secret, without even the presence of the families. The graves bear the inscription 'X – Algérien\*'. This may be due to the fact that the violence of the carnage and the weapons used left the bodies completely unidentifiable.

The lawyers and the families present at the gates of the prison the day after the massacre saw the firemen, who had been called to 'clean' the prison, come out in a state of shock, and heard them express publicly their deepest revulsion at the horrible scene. One of them, taking off his surgical gloves full of blood, said: 'This is not a job! Blood, blood everywhere! Scores of bodies blown to pieces!'

### 9.2 Unclear Circumstances of the Burial

The bodies of the victims – or what was left of them – were transported to the Bologhine morgue, some in small bin bags. They were stored there for a few days, piled on top of each other, until they reached total decomposition.

The relatives who went to the morgue to obtain some information were kept at bay. The management of the morgue was also in utter confusion, as the authorities had not sent any specific instructions. It was only on 24 February 1995 that thirteen identified bodies were buried in the El Alia cemetery.

Apart from these thirteen identified victims, the others were buried on 25 and 26 February 1995 in anonymous graves. The victims of Serkadji were buried in a separate plot of the El Alia cemetery. Under normal circumstances this should have helped to determine the number of the victims, if

\* 'X – Algérien' means unknown Algerian.

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other unidentified bodies from other morgues had not been buried at the same time, in the same plot, and with the same inscription 'X – Algérien'

Over 1,500 helpless and anguished families who had come from all over the country were faced with a wall of silence. Some of them received a telegram from the prison authorities notifying them of the 'death' of their relative 'during the mutiny'. The message also advised them to contact the court of Raïs Hamidou (Serkadji being on its territory of competence and therefore the only authority able to deliver burial permits) to obtain information about the place of burial. The recipients of the telegrams went to the court concerned only to be told, to their great surprise, that the public prosecutor's office did not know anything about the contents of the telegrams.

It was only several days later that burial authorisations, issued by the district authorities (*wilaya*) of Algiers, were delivered through the judicial authorities (*sud*). They bore the mention 'X – Algérien', except for thirteen victims.

As the families were appearing in front of the official, the latter would add the name of the victim on the effectively anonymous burial permit. Thus, a family could well have grave number 2 as number 12, for example. In the end, everything depended on the order of arrival of the relatives in front of the official. This led to a great confusion, as in one instance two permits were delivered for the same grave, and, in another, a telegram announcing the death of a prisoner, who was in fact still alive, turned out to be incorrect.

Faced with this confused burial procedure, the families became convinced that their relatives were not buried where the authorities claimed. This belief was further strengthened by rumours that one single grave contained the scattered and mixed pieces of several victims. The families therefore lodged a complaint with the judicial authorities and requested the opening of a murder investigation. They also asked for the exhumation of the bodies for autopsies, in order to identify each victim, a demand not met to this day.

## **10. Organisation of the Cover-Up**

The prison authorities rushed to repair the spots of the massacre and remove all evidence, on one hand, and to silence the detainees who witnessed the tragedy using threats and other forms of pressure, on the other hand.

### **10.1 Destruction of the Material Evidence**

The Serkadji prison officials were kept in their posts despite requests by lawyers to keep them away from the site. In the days that followed the massacre, they took to destroying the material evidence of the massacre. They had the

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courtyard, the wards and the cells restored. The bullet and grenade holes in the walls were filled in. The bloodstained clothes of the victims were burnt. Ward 25, the main scene of the massacre, was fully refurbished.

Yet, the judicial authorities should have systematically sealed these sites. None of this was done, despite strong requests made by the lawyers and the families of the victims.

### **10.2 Pressure on the Survivors**

To silence the survivors, the authorities continually used various means of pressure:

- a climate of general psychosis through threats of repetition of the massacre;
- surprise visits by hooded men, accompanied by prison officers, who would forcibly drag detainees from their cells to unknown locations;
- the guards and the prison officials involved in the massacre were kept in their posts;
- beating of prisoners without apparent reason or warning;
- severe rationing of food, limitation on the weight of food parcels to three kilos a fortnight, deprivation of sugar and salt;
- pressure on detainees to be witnesses for the prosecution in exchange for promises of clemency and good treatment;
- appointments of guards who were involved in the massacre, according to the detainees, to positions which involved dealing with lawyers and relatives of victims.
- opening of an inquest against some survivors, by the general prosecutor present during the massacre, with no possibility for lawyers to defend the survivors or access relevant information.

### **10.3 Media Manipulation**

After the Justice Minister publicly congratulated the task force, terming the armed intervention a 'successful operation', the general prosecutor and the prisons director at the ministry of justice staged a televised 'investigation' involving a hearing of defendants and interrogations focused on the 'escape attempt' and the 'mutiny'.

One of the detainees who had been subjected to such a cross-examination later said that his public statements had been made under duress.

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## 11. Conclusion

The unfolding of events, as reported by the various testimonies of the survivors, shows that everything was minutely planned to create an atmosphere of mutiny and give a pretext to justify a bloody intervention.

The planning, execution, and pre-programmed failure of the 'escape attempt', in addition to the 'mutiny' resulting from the sudden appearance of hooded men with a clear mission to unlock the cells of the death-row inmates or force their way into them, only to vanish immediately afterwards, are the most flagrant and manifest evidence of this plot.

Once the machination started, it was not to stop despite the snags caused by the presence in the courtyard of Boumaarafi, the suspected assassin of president Boudiaf, and the guard Mebarki who played an important role in the event. Even the presence of the policemen and strangers did not stop anything. The assault was ordered once Boumaarafi and the guard had been hauled on to the terrace, and the state prosecutor had exclaimed: 'Fantastic!'

After the sniping that first killed Yekhlef Cherrati, shooting shifted to the courtyard. The thirteen non-political prisoners forming the human shield were mown down, and then the elimination of political prisoners started.

The sequence of events as reconstructed from different testimonies of survivors shows that an eradication operation was indeed carried out against political prisoners whose only crime was to hold different opinions. Following the carnage, hooded men reappeared – but this time in the company of the prison director – to take away detainees to secret places.

The testimonies also clearly show that the television documentary produced by the state prosecutor in person sought to distort the facts by coercing detainees, who are held as hostages, into giving testimonies supporting the official versions of events. Is it not justified to question the purpose of an investigation into the Serkadji massacre when it is carried out by judicial authorities which are themselves implicated in the crime? What would be the result of an investigation carried out by an authority which is simultaneously judge and litigant in this affair?

The families of the victims are aware that their loved ones will not be returned to them, but they are convinced that by breaking the wall of silence surrounding such pervert behaviour of the state, they will contribute to ensure that such inhuman and shameful acts do not happen again. Algeria will thus be able to escape from this world of horror, where repression, manipulation and torture are the preferred means for managing the affairs of the state.

The families are equally convinced that the truth on this affair will serve to create the conditions conducive to the emergence of the rule of law.

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This crime enters in the category of imprescriptible war crimes in international law, and the families of the victims, their lawyers and human rights activists make an urgent appeal to the world's conscience and to the human rights organisations to press for an independent and impartial commission of inquiry into the Serkadji prison massacre.

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## Appendix A: Testimonies

### A.1 On internal transfers before the massacre

#### *Testimony 1*

Three days before the bloody night of the 20<sup>th</sup> of the month of Ramadhan, other prisoners and myself were transferred to new cells. This was part of a routine transfer of prisoners between cells and wards that takes place about once every two months. What was strange this time was the fact that we were picked out of a list and transferred to specific locations, whereas usually we are randomly taken out of our cells. The guards would tell you: 'you, you... go to such and such place'. In the course of the latest transfers, most of the prisoners, who had come from El Harrach and had been placed in various wings, were called out and gathered in the same wing.

#### *Testimony 2*

It was horrible, indescribable. Actually, just a few days before the massacre, most prisoners were exchanging concerns. They were saying they felt something was about to happen. They could not understand why the latest transfers were not designed to ensure that prisoners would not spend too much time in the same ward. It seemed as if something unusual was going to happen since, on this occasion, prisoners had been called out by their names and sent to specific sections of the prison.

### A.2 On external transfers before the massacre

#### *Testimony 4*

I had been detained at El Harrach for several months pending judgement, when on October 8, 1994, I was 'transferred' to the prison of Serkadji, in very strange circumstances. Here follows a brief account of what happened.

Hooded and armed men suddenly entered in our ward, and I was kidnapped in front of my inmates who were surprised and horrified. They covered my head with my shirt and tied my hands behind my back. They then threw me in the boot of a car, which immediately drove off. After a fast drive through the streets of Algiers, I found myself in a building, which later turned out to be the main police station. As soon as I entered, they threw me on the floor, and started to torture me. I could not understand what I was doing in a police station, since I had been imprisoned for several months already.

I was told that prisoners had attempted to escape from El Harrach prison, and blows were raining on me from everywhere. The violence was even harder to bear as I was blindfolded and my hands were tied; I could not dodge the blows. This lasted for several hours, and in the end I heard someone telling them: 'Take him away, it's not him, we got the wrong name.' The same hooded men then threw me again into the boot of a passenger car, and, to my great surprise, I found myself in Serkadji prison...

A group of guards were waiting for me and took charge of me as soon as I arrived: with incredible violence and swiftness, they stripped me off my clothes, threw me on the ground and beat me all over the body with iron bars. When I regained consciousness I was in an

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isolated cell, covered in blood, with a horrendous pain in the head and all over the body. Later on, I got to know that other prisoners abducted from El Harrach prison by the police had suffered the same fate and were now in Serkadji too. I knew many of those murdered on the night of 22 February 1995 but I only remember some names: Mohamed Aït Bellouk, Mohamed Yacine Si Mozrag, Rabah Remit, Kamel Lamara and Hacène Kaouane.

**A.3. On the ill-treatment and provocations of detainees***Testimony 4*

In the evening of 15 February 1995, during the month of Ramadhan, we were 84 prisoners performing the *tarawih* prayer in the common room. Guards entered noisily the room, they were shouting and randomly beating with iron bars the prisoners who were kneeling in prayer. We had in fact been performing this prayer the previous days without the prison authority trying to ban it or make comments about it. Not losing a minute, the guards set out to punish us swiftly as they led us to the dungeons in the basement of the prison. The 84 of us were split into groups of eight people in two-by-three metre cells.

It was hell. We were tortured, more morally than physically, as the sanctions were unjust and arbitrary. They imposed a ban on family visits, confiscated parcels, rationed food to a bowl of soup every 24 hours, in addition to vexations, and beatings without reason. This lasted for 45 days. This punishment had no motive and violated our political opinions as well as our religious beliefs.

*Testimony 5*

An unusual tension reigned over the few days before the events of February 1995. Some guards were provoking the prisoners under any pretext, beating them for no reason, and a real psychosis set in, all the more as there was no possible recourse for us. As an example, I will tell you about the shower torture. The prisoners would be systematically beaten up, or, to put it otherwise, savagely attacked by guards armed with iron bars, on the way to the showers. Once under the shower, there was only freezing water. Faced with this situation, many prisoners would prefer to avoid taking a shower.

*Testimony 6*

On 11 February 1995, Kacem Tajouri had his only plastic spoon confiscated, and was, as a result, forced to eat his soup with his hand. A few days beforehand, he had showed his medical prescription for his asthma remedy to a guard and requested to see the doctor to have it renewed. The guard took it off his hand, tore it off and summoned him to return to his cell as he did 'not have a prescription'.

**A.4 On the hooded men who unlocked the cells and vanished***Testimony 7*

I was asleep when, at around 2 a.m., hooded men broke into the cell and threatened us... They ordered us to come out. They were wearing denim trousers and trainers. Many prisoners were already outside... The courtyards were filling as prisoners arrived from all parts of the prison.

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***Testimony 8***

I was in my cell when strangers started to break the locks of cell 36. No prisoner knew them.

***Testimony 9***

We were asleep when hooded men unlocked the door of our cell with a key...

***Testimony 10***

We were suddenly woken up by big bangs on the doors... We saw hooded men who were trying to open them... These men were armed... One of them ordered us to come out and join the other prisoners... They suddenly disappeared, vanished...

**A.5 On the execution of Sheikh Cherrati*****Testimony 11***

Cherrati was standing up, and holding the Quran in one hand while a big number of prisoners were already back to their cells and wards. Others were still walking back to their cells. The tension was easing. The disorganised comings and goings and the hubbub were decreasing as the prisoners were returning to their cells.

Cherrati was reciting softly Quranic verses. From time to time, he would address the prisoners and advise them not to fall into a trap and above all not to respond to the provocations, as the weapons pointed at them were meant to kill: 'Don't give them an opportunity to do it'.

There was almost silence when a shot was heard. People rushed from all sides: a marksman positioned on a rooftop had just hit Cherrati in the head. Cherrati swayed, then fell on the floor. Blood was coming out of his wound, and he murmured the last verses of the Quran. A prisoner ran to him and took him in his arms but he was already dying. Suddenly, shots came from all sides. The prisoners who by then had not managed to return to their cells – as a large number had been gathered in the courtyard – dropped like flies. Many were injured in the back and the legs. Cherrati was hit a second time by a series of shots, which tore his leg off completely. At times, the fire would stop and armed men would throw ropes and hooks from the rooftops and lift the dead and the injured on to the roofs. This is how the body of Cherrati was lifted onto the rooftop.

In the cell where I was, five grenades were thrown, and we hid behind the wall of the second cell.

**A.6 On finishing off the injured in ward 25*****Testimony 12***

Some prisoners, who had escaped the shooting, were immediately executed: El Wad, Bougueroun and Bouakaz... The latter two were injured and killed off on the spot.

Some people in civilian clothes were looking for Kacem Tajouri... When they were told that he was wearing a yellow jacket, they looked for a person wearing such a jacket. When

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they found him injured in his cell, they told him: 'You! With the yellow jacket! Move!' When he moved, one of the men in civilian clothes shouted: 'He's still alive! Kill him off!' And they shot him.

Hocine Metajer was recognised: 'There is Metajer, kill him!'

The assassinations were precise and selective: Cherrati was the first to fall near us of a single shot in the forehead.

In our cell, several grenades were first thrown in through the window, then shooting continued through the same opening... This is how I got hit twice.

In ward 25, two prisoners were completely burnt. I saw a paratrooper captain draw crosses with chalk on the back of some prisoners... These ones were immediately taken from the ranks and executed...

In cell 29, there were many injured prisoners still alive. When they [the army] entered, we heard shots of automatic pistols: the injured were all finished off after they had been tortured with bayonets and knives.

**A.7 On the selective executions after the shootings*****Testimony 13***

I now know that I am – *de facto* – condemned to death like everyone else who was murdered. The director and one of the guards came to see me after [the massacre] and told me that I was a leader. I denied it, so they brought a hooded common prisoner to testify against me. He looked at me and refused to talk. When I looked at him in the eyes, I saw that he was crying. I later learnt that he had been punished and beaten because he had refused to unjustly testify against me.

On 14 March 1995, the director came back and told me '*Bla rabi mateslekha*' ('even the Lord will not be able to save you'). The deputy-director also came to see me and threatened me with death.

On 22 February 1995, some *gendarmes* and a prison guard were looking for Kacem Tajouri and me all over the wards and the cells. As they could not find us they called our names on the loudspeaker. I was in the courtyard where 400 prisoners had been crammed together. Some inmates told me to hide, as, they said, the policemen would kill me as they had killed all those they had called out. I did not move. At one stage, some policemen asked us to stand up and to identify ourselves. When my turn came, I only mentioned half of my name, so they went on to others and then left. I stayed put until the massacre had ended and the policemen had left.

***Testimony 14***

[...] During the nightmare of the bloody night, when paratroopers, *gendarmes* and plain clothes policemen, all armed to the teeth, committed a horrendous massacre against us, we only had the cries of '*Allah Akbar*' (God is the greatest), the groaning and the cries of fright to protect ourselves. Afterward, some guards and some security officers gave free rein to their thirst for blood and committed crimes with the blessing of the officials present. There was a prisoner called Djamel Boumezrag crammed with us in the courtyard. He was having an asthma attack. He was suffocating and moaning, and desperately crying for help. He was then violently attacked by Ramdane Selsaf, a guard, who wanted to silence him. He beat

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him on the head with a mace. Boumezrag was making strange groans, then went quiet. We were told later that he had died.

**A.8 On the suspicious burial procedures*****Testimony 15***

I am Mrs Fifi Doumer, spouse of Mohamed Taouch, mother of Reda Taouch, born 31 April 1974 in Borj Menayel and murdered in the course of the events which took place in the Serkadji prison.

My son was employed at the local carpentry. On 23 April 1994, at 3 a.m., hooded men and soldiers (paratroopers) came to our house and arrested my son. I looked for him for fourteen days in vain. Each time, I was told that he was not with them [security forces]. Several days later, I received a letter from him from Serkadji prison.

After difficult procedures and endless waits in front of the Algiers court (I had to be there at 6 a.m.), I was allowed to see him once a week and then once a fortnight. Each time I asked him how he was, he would answer: '*Masha-a Allab* (it's God's will), I am with my brothers, and my case is very simple. I haven't done anything wrong and, *Insba-a Allab* (*God willing*), I will be freed on the day of my judgement.'

That was his nature, he was always smiling and never talked about his life in prison, while other prisoners were telling their parents about the bad treatments they suffered. Each time he insisted he would be acquitted because his case was empty.

On Wednesday 22 February 1995, I went to Serkadji prison to give the usual parcel to my son. It was Ramadhan and there were many people, women, and men of all ages gathered and kept at bay from the prison. I asked what had happened. 'Something very serious' was the answer I got from an old lady. Shots and bangs had been heard throughout the night, but no one knew what had happened to the prisoners. I shouted 'My son', dropped my parcel and ran to a police officer. As he saw me coming towards him, he shouted back: 'Go away! We killed all the terrorists.' People were saying that our children had been killed. We went to the prison every day, until Monday morning. On Saturday, we went to the cemetery of El Alia. There, we saw unidentified graves, only a few (about twenty) bore names.

The police told us to go home and we would get the list from the morgue the next day. But we went to the morgue of Bologhine straight away. There were five trucks parked in the front and firemen were putting corpses in boxes. The police came and barred us from watching.

I was back to the cemetery at 4 p.m., when five trucks from the fire brigade arrived and unloaded fifty-five boxes: we counted them one by one. They stayed until 6:30 p.m. The police ordered us to leave. The employees of the cemetery buried the fifty-five boxes into the graves.

I went to El Alia on the following morning, Sunday, at 8:30 a.m. There were a lot of people. Some had arrived very early. We stayed there until 2:30 p.m. to see the list. The dead bore the inscription of 'X-Algérien' and no list was made available to us.

***Testimony 16***

I received a telegram telling me that my son had died on 27 February 1995. The day after, I went to the court of Rais Hamidou, in Bab-El-Oued. There, they told me that they did not have any list and gave me a burial permit which bore the mention 'X-Algérien'.

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I went to the cemetery. There, I found many graves with no names on them. A few others had names, but none bore the name of my son. An employee of the cemetery, a gravedigger, showed me a grave without any inscription, and told me that it had the number 146, which I was looking for. I planted on it a little piece of wood on which I wrote the name of my son, to identify the grave.

A few days later, although not convinced that it was my son's grave, I nevertheless came back and had masons to build a tomb on that spot.

I forgot to tell you that, on Sunday 4 March 1995, the state prosecutor to the Bab El Oued Court told us, in person, that he did not know anything about the matter.

***Testimony 17***

My name is Telija Larachi. On a Friday, police officers came to fetch my son Boujemaa. As they could not find him they told me that he had to come to the police station as soon as he was back, on Saturday morning. He went to the police station of El Harrach and there they told him that he had to go to the main police station for a matter that concerned him. There, they detained him for one month and ten days. There was no news from him until we found him in Serkadji, where his brother was already held. He was the one who informed us of his detention.

When I heard what happened at Serkadji, I went there straight away. There I found hundreds of mothers, wives, children and relatives of prisoners. They were kept far away from the prison, which was cordoned off by *gendarmes*. These were shooting from time to time in the air to scare away anyone who dared to come closer to obtain more information.

Everyday, morning and evening, I went to the prison to inquire about my children's fate, but was unsuccessful. Small groups of women and men would go to the morgue, the Ministry of Justice and the cemetery but with no result. Each time we were told that they did 'not know anything'. It was only on the evening of Monday 27 February, when I went back home, that I was told a telegram had arrived. It read that my son had died in a 'mutiny', which had taken place in Serkadji.

After many unanswered inquiries with the judicial and prison authorities about the cause of my son's death, his burial without our presence and, above all, the mention 'X-Algérien', I eventually found the grave where I had been told that my son was buried.

When I visited my son's grave in El Alia, I saw two women, who had been given a burial permit with the same number, in front of my son's grave.

***Testimony 18***

I am the father of Abdelazziz Bouazza, cowardly murdered by the authorities, who were supposed to protect him and guarantee his safety, as he was detained in premises under the state's responsibility.

What hurts me most and increases my pain as a father, as an Algerian citizen and as a disabled, is that my son was buried without the slightest consideration and due respect for a deceased. My son was buried in the most disgraceful way, as there is no indication of where his grave is.

When I saw the authorities, after repeated requests, they gave me a permit to bury him. However, it did not bear the name of my son but only 'X-Algérien'. At the cemetery of El Alia, I was directed to the grave bearing the number 243 written in my burial permit. But when I reached the grave, I was stunned to find another man who said that he was called

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Yaacoubi. He told me he had buried his own brother, Messaoud Yaacoubi, in that grave. I went back to the [cemetery] office and there, to my great astonishment, after I had explained to the employee what happened, I saw him took his pen, cross the number 243 on the permit and write a new number next to it, 238.

When I went back over the next days to shed light on this enigma and to find my son's new grave, I found other people, whose relatives had died in Serkadji, in the same situation as me.

I must also specify that long before his life was taken away from him, his rights had been taken away from him, because when the police arrested him on 19 October 1993, he was tortured for forty-five days at the Hussein-Dey police station, despite the new law that limited the custody to twelve days.

***Testimony 19***

I am the father of Omar Cherifi and I don't understand anything with regard to the burial of my son. Indeed, when I went the court of Bab El Oued, I was given a burial permit bearing the number 245. When I arrived at the cemetery of El Alia, at the grave number 245, someone else had been buried there. When I asked the cemetery administration for an explanation, they just crossed the number I had and replaced it with a new number, 235, without any explanation.

**A.9 On the cover-up*****Testimony 20***

Ward 25 has eight cells for condemned prisoners. It was subjected to a fierce attack with gunfire and grenades.

At around 3 p.m., forces from the army, the *gendarmerie* and the police launched an attack, targeting the wing housing ward 25 in particular, without giving the other prisoners time to return to their cells. They made use of intense and sustained gunfire, along with grenades. This lasted until 5 a.m. on Wednesday 22 February.

The fumes from grenades were asphyxiating us, but no one dared to move. We could hear voices of prisoners injured by bullets and grenades crying from pain. Dozens of offensive grenades had been thrown into the cells; we saw bodies that had been completely blown to bits.

The 'hostages' were hit following the intense assault and the use of grenades. Each time the shooting stopped, a colonel would shout asking for the whereabouts of Boumaarafi and the guard.

At the beginning [of the attack], *Sheikh* Cherrati was killed by a bullet in the head, as was Hacene Kaouane, who was taken by force and dragged on the ground in front of the prisoners before being murdered in the courtyard. Other prisoners told me that others, such as Nourredine Harik, Mohamed El Wad, Mourad Kritous, and many others whom I only vaguely knew, had suffered the same fate as Kaouane. The prisoner Djamel Boumezrag was killed by a guard nicknamed 'the Spider'.

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The massacre went on until approximately 9 a.m. on Wednesday. It lasted about seventeen hours. Even FMPK machine guns had been used against prisoners hidden in the back of their cells.

A lot of blood was pouring from ward 25. All the prisoners had been ordered to lie down on their stomach in the pools and streams of blood in the middle of the courtyard. We received violent blows on the body. I was hit on my head and on my back. Most prisoners still bear the marks of the injuries.

After beating us up, they started stealing our belongings. The *gendarmes*, the army and the guards stripped the prisoners off their clothes and their trainers (Reebok, Adidas). The guards stole food, blankets and pens in the cells. We spent the night in the courtyard under heavy rain. During all that time, we were beaten up continuously, officers were ordering some prisoners to stand up, and spread their legs and to be kicked between the legs. The prisoners were yelling from pain, some lost consciousness, and others vomited. As for us, we were shivering from cold, hunger and fright.

Some guards walked over bodies lying on top of each other beating them up with iron bars and shouting hysterically. One guard, nicknamed 'the Spider', had a huge mace with which he hit the prisoners who were lying down.

***Testimony 21***

I will never forget the night of 21 to 22 February 1995, as we spent it in the cold and the rain, lying on top of each other in our hundreds.

As a pastime, some armed men would select some among us and order them to jump, dance and chant insults. One of them came up with the idea of asking all 'four-eyed' men to take off their spectacles, throw them on the floor and step on them. After that, no one had spectacles. I for one suffered from my short-sightedness for days.

***Testimony 22***

[...] We were crammed in the courtyard, on top of each other. I was trying as much as possible to curl up to avoid getting any blows from iron bars like my comrades or a 'shower' of urine from the officers.

At one stage, we were taken out of the courtyard and all those wearing spectacles were ordered to take them off, throw them on the floor and step on them. Like my comrades, I was forced to break mine. I was deeply hurt by such a wanton act, committed in premises under the responsibility of the state, and also because I am short-sighted and my father had made a lot of sacrifices to buy them for me.

***Testimony 23***

[From the testimony of Mr Zouita, a lawyer]

[...] I was in the courtyard, the day after the massacre, when three guards holding iron bars came to me. They beat me up badly and, to humiliate me even more, they stripped me off my clothes and left me like that, lying on the floor.

***Testimony 24***

I am one of the survivors of the massacre of Serkadji. One day, guards came and took me to one of the offices of the prison authorities. They sat me on a chair facing a TV camera.

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The state prosecutor, in the presence of others, asked me to recount what had happened. I started to report the horrible scenes I had seen and the events I had lived.

'No,' he said, 'this is not what I want! This is what you have to say!'

I first refused but I suffered violence and, under pressure and threats, I was forced to make televised statements. They were dictated to me and are contrary to the truth.

**Appendix B: List of the Victims of the Massacre of Serkadji**

Sources: Kader, *The Massacre of Serkadji*, Dissertation, University of Algiers, 1997.

Algerian Committee for Human Rights and Dignity

Arab Commission for Human Rights

1. **Sofiane Achour**, born on 31 July 1972 in Hussein Dey (Algiers), policeman, non-political prisoner.
2. **Tewfik Ahlouche**, born on 6 December 1965 in Algiers, single, appeared before court on 14 February 1994, condemned.
3. **Mohamed Aït-Bellouk**, born on 29 April 1966 in Kouba, single, detained for 36 days at the Châteauneuf police academy and severely tortured. Charged with setting up a terrorist group and condemned. Executed in his cell.
4. **Rachid Akrouf**, policeman, non-political prisoner.
5. **Farouk Aourak**
6. **Aïssa Arrouche**, life sentenced.
7. **Fayçal Ayache**
8. **Rachid Bakhous**, prison guard.
9. **Zoubir Bekeri**
10. **Mohamed Belkacem**, defendant.
11. **Rédouane Bellili**, born on 26 March 1973 in Larbaa, single, employee, arrested two days after *Eid El Adha* 1994 at 10:00 in a stadium. Defendant.
12. **Mohamed Benadallah**, non-political prisoner.
13. **Mohamed Benafta**
14. **Mourad Benafta**, non-political prisoner.
15. **Mohamed Benallal**, life sentenced.
16. **Mohamed Benaouda**
17. **Mohamed Benarbaoui**, non-political prisoner.
18. **Abdelhafid Benbelaïd**, born on 1 September 1969, single, electrician, arrested on 1 September 1993, condemned on 10 April 1994.
19. **Abdelkrim Benhamid**, non-political prisoner.

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*Massacres and Victims***20. Feth-Ennour Benmeradi****21. Mohamed Benzaamouche**, non-political prisoner.**22. Abdelkader Benrabeh**, born on 16 April 1971 in Douaouda (Tipaza), single.**23. Mourad Bouakaz**, condemned.**24. Kada Boualem**, life sentenced.**25. Abdelghani Bouaouina**, non-political prisoner.**26. Abdelaziz Bouazza**, born on 19 July 1966 in Kouba, single, pastrycook, arrested on 9 October 1993 at 01:20 at home. Condemned on 31 July 1994.**27. Sid-Ali Boubacha**, born on 10 June 1969, single, life sentenced.**28. Mohamed Boucenna****29. Zakaria Bouchafaa**, life sentenced.**30. Mohamed Boufas****31. Ismaïl Bougueroumi**, born on 12 August 1969 in Baraki, single, arrested on 20 February 1993, charged with carrying firearms and theft. Defendant.**32. Hocine Bouhadda****33. Abdelhamid Bouhroud**, condemned.**34. Samir Boukhres****35. Djamal Boulefrakh**, non-political prisoner.**36. Djamal Boumezrag**, born on 10 October 1964 in Hussein Dey (Algiers), single, merchant, arrested on 8 May 1993 at home. Appeared before court on 8 June 1993. Charged with setting up an armed group and sentenced to 3 years jail.**37. Seddik Bouraïne**, born on 20 March 1966 in Sidi M'hammed (Algiers), single, University student, condemned.**38. Khaled Bouzaraa****39. Boualem Bouzenoun**, life sentenced.**40. Mohamed Bouzid**, prison guard.**41. Sadek Chanoun**, born on 13 April 1969 in Meftah (Blida), single, farmer, arrested on 20 Ramadhan 1414 (1994) at 02:00, at home, life sentenced.**42. Moussa Charikhi**, prison guard.**43. Brahim Cherif**, life sentenced.**44. Omar Cherifi**, born on 9 March 1967 in Sidi M'Hammed (Algiers), condemned.**45. Foudil Cherir**, born on 22 February 1969 in El Harrach, defendant.**46. Ykhlef Cherrati**, born on 20 May 1950, married, father of 5 children, Imam, MA in Islamology, member of the Islamic League headed by Cheikh Sahnoune. Member of the Consultative Council of the FIS. Appeared before court on 29 May 1994, life sentenced.**47. Tahar Dada**, condemned.**48. Samir Daoudi**, born on 20 August 1971 in Hussein Dey (Algiers), macon. He was sought for on the evening of 30 avril 1994 at home. He later gave himself up. Defendant.

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49. **Fayçal Djaafari**, born on 8 January 1971, defendant.
50. **Amar Djaber**, non-political prisoner.
51. **Nabil Djebbari**, judged on 17 October 1993, found not guilty for homicide, charged with belonging to a terrorist group and condemned.
52. **Belkacem Djillali**, born on 12 January 1942 in Soumaa (Blida), condemned.
53. **Nacereddine Dridi**, born on 25 January 1970 in Sidi M'hammed (Algiers), single, University student, condemned.
54. **Tewfik El Aïche**, born on 16 March 1964, Sidi M'hammed (Algiers), single, appeared before court on 3 October 1994 at 09:30, charged with trading firearms.
55. **Merouane El Arbi**
56. **Mohamed El Wad**, medical doctor, condemned.
57. **Nacereddine Gherbi**, born on 23 February 1962 in Hussein Dey (Algiers), single, arrested on 15 February 1992 at home.
58. **Mohamed Guebli**
59. **Mustapha Hadjouti**, condemned.
60. **Ahmed Hamdad**
61. **Rafik Hanifi**, born on 14 March 1972, single, defendant.
62. **Noureddine Harik**, born on 29 August 1964 in Algiers, single, college teacher, MA in Islamology, arrested on 7 September 1993 at 18:00, in a café at Al Anasser. Appeared before court on 6 October 1993, condemned on 12 April 1994. Tortured in the premises of the Sûreté and the Sécurité militaire.
63. **Smaïl Hassini**, born on 26 April 1968 in El Biar (Algiers), arrested on 7 June 1994, defendant.
64. **Ouahid Hedroug**, non-political prisoner.
65. **Sedik Kaci**, life sentenced.
66. **Hacene Kaouane**, born on 10 June 1955 in Algiers, married, father of 4 children, Chaabi singer, defendant.
67. **Benacer Mohamed Karabadji**, born on 2 February 1968 in Hussein Dey (Algiers), single, University student, arrested on 12 April 1994 near the Moroccan borders, defendant.
68. **Rédha Kastali**, born on 15 July 1970, single, merchant, appeared before court on 24 January 1994 at 09:00. Charged with belonging to an armed group and condemned on 26 March 1994.
69. **Ahmed Ketmouni**, born on 14 March 1971, defendant.
70. **Abderezak Khelifi**
71. **Farouk Khelifi**
72. **Nadir Kheris**
73. **Ammi Kouidri**, born on 19 August 1971, defendant.
74. **Amar Kritous**, non-political prisoner.
75. **Mourad Kritous**, defendant.

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76. **Kamal Lamara**, defendant.
77. **Rachid Laribi**
78. **Abdelkrim Maariche**
79. **Mohamed Mechrouk**, life sentenced.
80. **Boualem Mouici**, born on 23 April 1969 in Douaouda (Tipaza), single, condemned.
81. **Hocine Moutadjer**, condemned.
82. **Abderrahmane Negliz**, born on 6 August 1969 in Kasbah (Algiers), single, life sentenced.
83. **Ali Rafik**
84. **Rahmouni Boudjema**, born on 24 January 1969 in El Harrach, defendant.
85. **Rabah Remit**, defendant.
86. **Wahid Roumili**
87. **Nacer Saadallah**, life sentenced.
88. **Miloud Saadoune**, born on 24 December 1966 in Oued Djer, married, father of one child, teacher, life sentenced.
89. **Mourad Sabouni**
90. **Hacene Sadaoui**
91. **Mohamed Sadoun**, life sentenced.
92. **Yazid Sahraoui**
93. **Abdelkrim Saïdi**, born on 11 March 1970 in Kouba, University student, condemned.
94. **Lamri Saïdi**, born on 8 May 1974 in Kouba, single, trainee in Computer engineering, arrested on 23 September 1993 at 02:10 at home, condemned on 26 March 1994. His father, a mujahid of the Liberation War of Algeria, was detained in 1957 for 17 months in the same cell No. 29 in Serkadji.
95. **Mouloud Saïdi**, born on 18 August 1971 in Djijel, single, macon, arrested on 9 October 1993 at 23h00 at home. Condemned on 30 juillet 1994.
96. **Moussa Saïdi**, born on 8 March 1971 in Djijel, single, employee at Naftal, arrested on 9 October 1993 at 04:00 at home. Condemned on 30 July 1994.
97. **Rabah Salmi**, born on 29 March 1964 in M'hammed Sidi (Algiers). Turner at the *Entreprise d'aviation militaire*, condemned.
98. **Rédouane Selili**
99. **Abdelkader Semten**
100. **Mohamed Yacine Si-Mozrag**, born on 19 January 1971 in Biskra, director of an import-export company, arrested on 5 August 1993, defendant.
101. **Samir Sifi**, born on 10 February 1971 in Hussein Dey (Algiers), defendant.
102. **Belkacem Souilah**, non-political prisoner.

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**103. Kacem Tadjouri**, born on 4 October 1951 in Sidi Abdellah (Tlemcen), married, father of 5 children, Engineer, section head, BA in Economics, arrested on 26 January 1993, 12:00 at Place du 1er Mai. Appeared before court 11 September 1993. Defendant.

**104. Rédha Taouche**, born on 13 April 1974 in Bordj Mnayel, arrested on 23 April 1994 at 03:00, defendant.

**105. Mohamed Tebbi**, condemned.

**106. Rabah Touami**, born on 6 August 1960 in Dellys, married, father of 3 children, unemployed, charged with belonging to an armed group and condemned.

**107. Abdelkrim Touhami**, life sentenced.

**108. Bouzid Tounsi**, life sentenced.

**109. Houcine Toussena**

**110. Krimo Zbiri**, born on 10 October 1974 in Algiers, qualified employee in the mounting and maintenance of refrigerating devices, sportsman (Graeco-Roman wrestling), arrested on 8 April 1994 at 01:00, defendant.

**111. Mohamed Zdira**

**112. Sid Ahmed Zegharaba**, prison guard.

**113. Rachid Zouabri**

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Serkadji Prison, 23 February 1995 : Death-Row Ward few hours after the massacre



Serkadji Prison under French Rule : Death-Row Ward

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*The Massacre of Serkadji*

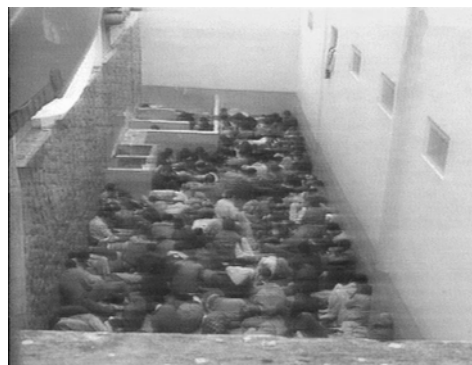
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A cell after the massacre, Serkadji Prison, 23 February 1995 :

‘The task force fired and threw grenades into the cells.’

(section 7.3 of the report).



The courtyard after the massacre, Serkadji Prison, 23 February 1995 :

‘The sniping was followed by an intense shooting for several hours. Many prisoners were killed or injured.’ (section 7.2.2 of the report).

‘The survivors were gathered in the courtyard to be subjected to an unprecedented physical and moral torture.

The prisoners who had managed to survive were gathered in the courtyard, after they had been forced to leave their cells crawling while being beaten up over the whole body with gun butts, and iron and wooden bars.

Once in the courtyard, hundreds of prisoners were ordered to lie down on top of each other in several piles. Many of them lost consciousness due to suffocation. The beatings did not stop until 6 p.m. Almost all the prisoners carried marks from these beatings, which lawyers recorded on their first visit to their clients. The survivors were kept the whole night in the courtyard, lying flat on their stomach, face down, with neither water nor food, in the cold and rain of that night of Ramadhan.’

(section 7.4 of the report).

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*Massacres and Victims*

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## **II. Intents and Perpetrators**

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## Introduction

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The intensity of the massacres and their repetitiveness, time evolution, geographic and social distributions are compelling evidence that they have a deliberate, purposive, calculated and goal-orientated character.

That the perpetrators massacre purposefully to bring about foreseeable consequences has not been challenged. However, the inference of the intents involved and the identification of the perpetrators has been contentious, and a source of much confusion.

The paper *On the Politics of the Massacres* reviews the existing literature dealing with the various intents imputed to the respective alleged perpetrators. Bedjaoui focuses on the suggestions that the massacres are i) Islamist punitive mass murders, ii) counterinsurgency measures, iii) instruments in the hands of the military eradicator faction to undermine the rival faction for the domination of the military institution, iv) depopulation tactics by land speculators, and v) results of family, and tribal vendettas and social criminality.

Bedjaoui suggests one can make progress towards inferring the adequate intents by testing these claims against the macro-indicators obtained in the study of global patterns of the massacres, *An Anatomy of the Massacres*, by Ait-Larbi *et al.* (in Part I). In the massacre literature, confirmation or refutation of putative intents has relied solely on marshalling evidence from details of *individual* massacres rather than *global* macro-indicators.

With regard to the issue of identification of the perpetrators, the reader is referred to section 5 of the study of Ait-Larbi *et al.* It presents a digest of perpetrator information and discusses crimes and weapons, number and modus operandi of the perpetrators as well as appearance and identity of the perpetrators. On the last two, the authors point out that there are dramatic discrepancies depending on the nature of the source one is using (victims, alleged perpetrator, human rights NGOs, or media report).

One group of alleged perpetrators about which there has been little disagreement regarding its implication in at least some massacres is the Armed Islamic Group (GIA). There are, however, contradictory views about its *actual* identity. Izel, Wafa and Isaac review an extensive literature about this shadowy group. They devote a particular attention to the views that it is i) a fundamentalist terrorist organisation, ii) a Kharidjite sect, and iii) an anti-

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*Intents and Perpetrators*

social movement. The authors also argue that the GIA is a counter-guerrilla organisation.

While these contributions are important in furthering a discerning and prudent approach towards these politically volatile issues, it is clear that only a credible, expert and impartial investigation will *conclusively* unmask the faceless mass murderers and their intents.

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## ON THE POLITICS OF THE MASSACRES

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*Y. Bedjaoui*

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## 1. Introduction

Several hundred men, women and children were killed and burned one night, on Sunday 4 January 1998, in Meknassa, a cluster of hamlets in the district of Relizane in the West of Algeria.<sup>1</sup>

Six days earlier, on Tuesday 30 December 1997, in this very district, 176 people in Khrouba, 113 in Sahnoun, 73 in El Abadel, and 50 in Ouled Tayeb had met the same fate: all massacred in a single night.<sup>2</sup>

The night following the Meknassa massacre, Monday 5 January 1998, 29 people in Sidi Maamar and 33 people in Ouled Bounif were also massacred. Once more, both villages were in the district of Relizane.<sup>3</sup>

‘Source of Algerian massacres a mystery’ headlined Alan Sipress, the foreign correspondent of the *Detroit Free Press*. ‘Why would the militants turn against the people in whose name they claim to be waging an Islamic revolution? Why would the army murder the very people it is supposed to protect? Getting at the truth won’t be easy,’ Sipress added, ‘the mystery of the latest round of butchery is matched only by the magnitude of the massacres.’<sup>4</sup>

In addition to empathy with the victims and a condemnation of the still unidentified perpetrators, the massacres have prompted national and international questioning and demands for an inquiry. Articles and news reports on the mass killings abound in competing theories about the identities of the perpetrators and their intents.

Most of these articles and reports compared their putative intents with the particulars of individual massacres for asserting or assessing their truth. For instance, witness statements, reported appearance of assailants, passive proximity of security forces, or kinship details of the victims of a given massacre were used as supporting evidence. In fact, one may say that many of the explanations were framed to account for these particulars.

This paper also seeks to clarify the issue of responsibilities for the massacres. But its aim is not *to get* at the truth. Short of an international expert inquiry, any such claim would be inappropriate. It does intend however to make a contribution towards the truth by reviewing the alternative explanations put forward so far, analysing their explanatory contents, and demarcating their limits.

When reviewing this literature, five clusters of congruent theses on the intents behind the atrocities stood out. The massacres were claimed to be (1) an Islamist retributive campaign, (2) a counterinsurgency military tactic, (3) an expedient tool in factional hostilities within the army, (4) an eviction tactic for land privatisation, and (5) a generalised settling of family and tribal

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scores. This literature review is therefore synthesised and presented within this intent-based classification. Classifying by inferred intent, and not by alleged perpetrator, allows greater intelligibility and conciseness because the conflict does not simplistically pit a uniform incumbent regime against a monolithic Islamist insurgency.

To analyse the explanatory force and limits of these putative intents, this paper uses an approach that departs from the usual comparison of the theories with reported particulars of individual massacres. It attempts to test these claims against global patterns observable in the series of massacres. Such patterns are available from the recent study of Ait-Larbi *et al.* who constructed victimisation macro-indicators by aggregating data about individual mass killings.<sup>5</sup> For instance they looked at the annual and monthly variations of the number of massacres, their territorial distribution, and political geography. By testing the putative intents against such data it may help delimit their truth and falsity contents.

The structure of the paper is as follows.

Section 2 gives brief background information about the parties in the armed conflict, the alleged perpetrators.

Section 3 reviews each of the five alternative explanations. Section 3.1 looks at the massacres as an Islamist retributive intent. Section 3.2 surveys the counterinsurgency policy explanation. Section 3.3 is devoted to the claim that the massacres are outcomes of states of conflict between the factions within Algeria's military. The suggestion that the mass killings are intended as eviction measures for land privatisation is discussed in section 3.4. The thesis that the massacres are a tribal or social war is reviewed in section 3.5.

Section 4 analyses the explanatory scopes of these five intents. The comparison of their logical consequences to the time variations of the massacres is presented in section 4.1 and 4.2 while their testing against the political geography of the mass victimisation is carried out in section 4.3.

Section 5 summarises and concludes this work.

## **2. The Context**

Algeria became independent from France in 1962. French troops had taken Algiers in 1830. An armed struggle against the French was launched by the Front de Libération Nationale (FLN – National Liberation Front) in 1954. When the French left, they had killed three quarters of a million people; one and a half millions according to Algerian official figures. The fighters of the Armée de Libération Nationale (ALN – National Liberation Army) were no more than a few tens of thousands.

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Since the country's independence, the army has held the monopoly of power. National euphoria and buoyant oil prices gave Algeria some stability up to the mid-1980s. At that point, years of rigid one-party rule, mismanagement of the economy, corruption, social inequities, alienation from Islam and Berber culture, and marginalisation of civil society were causing widespread resentment. The international oil and gas price collapse in 1986 fuelled the latent crisis. Youth riots broke out in October 1988. The army repressed them, causing considerable bloodshed; at least 500 people were killed.

Constitutional reforms ensued, paving the way for a transition from the one-party socialist rule of the FLN to a multiparty system. However, when the multiparty legislative elections of December 1991 resulted in the Front Islamique du Salut (FIS – Islamic Salvation Front) gaining the majority of the votes in the first round of a two-round poll it was poised to win, the army cancelled it. Chadli was removed from power and the army set up a High Council of State in his stead. Thousands of real and suspected FIS members and supporters were arrested, to be detained without charge in camps in the Sahara desert where many were tortured. The FIS was outlawed.

Its fragmented and radicalised remnants triggered a violent counter-response against policemen, soldiers, civil servants and some journalists.

Algeria was hence caught in a widening cycle of violence. Civilians were entangled in the struggle between the Islamist insurgents and the incumbent military regime. There are about thirty thousand political prisoners.<sup>6</sup> The numbers of those tortured, 'disappeared' or summarily executed are numbered in tens of thousands.<sup>7</sup> Figures given for civilian deaths have ranged from 60,000 to more than 100,000.<sup>8</sup>

Allegations of responsibility in the massacres of civilians have been made against *all* the contending military forces.

On the incumbent side, the regular forces consist of the land forces, the air force and the navy, a 60,000 strong special anti-guerrilla force, the Direction du Renseignement et de la Sécurité (DRS – military intelligence) and the Direction du Renseignement Extérieur (DRE – military counter-intelligence), the Gendarmerie Nationale, and the Police. Altogether these forces are about 200,000 strong.

The army also fields a number of irregular forces. The main one, a paramilitary militia force of at least 200,000 men, operates for the most part under the command of the Gendarmerie. This force is divided into the Groupes d'Auto-Défense (GAD – Self-Defence Groups), a territorial defence force, and the Patriotes, a territorial offence militia force.

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The incumbent regime denies the allegations that its forces perpetrate the massacres. It accuses the Islamist insurgents of committing them.

On the insurgent side, there are two national guerrilla organisations, the Armée Islamique du Salut (AIS – Islamic Salvation Army) and the Ligue Islamique de la Dawa et du Djihad (LIDD – Islamic League for Dawa and Jihad).<sup>9</sup> There is also an urban guerrilla organisation, the Front Islamique du Djihad Armé (FIDA – Islamic Front for Armed Struggle) mainly based in Algiers.<sup>10</sup> These forces are loyal to the political leadership of the FIS.<sup>11</sup> They have observed a unilateral truce since early October 1997.<sup>12</sup> There are other tiny groups of insurgents with no discernible political leadership.<sup>13</sup>

The Islamist insurgents accuse the incumbent military regime of perpetrating the massacres.<sup>14</sup> Up to their unilateral truce they claimed responsibility for killings members of the security forces, the army and the militias. Prior to 1995 the FIDA claimed responsibility for killing important civil servants. These insurgent forces are not known to have ever claimed responsibility for mass killings of civilians.<sup>15</sup> They deny the allegation that they are responsible for the massacres.<sup>16</sup>

Two other contending forces are in dispute. The army has been accused of operating a number of death squads<sup>17</sup>, only two of which are known: Organisation de la Sauvegarde de la République (OSRA) and Organisation de Jeunes Algériens Libres (OJAL).<sup>18</sup> It denies the existence of all these forces.

The DRS has been accused of fielding an irregular force, the Groupe Islamique Armé (GIA – Islamic Armed Group) which is alleged to be a counter-guerrilla force and not an Islamist insurgent force as is widely believed.<sup>19</sup> Islamist insurgents identify the GIA somewhat differently. They say the GIA is a *Kharidjite* sect infiltrated and controlled by the military intelligence.<sup>20</sup> The army denies these claims. It says the GIA is a fundamentalist terrorist organisation.

### **3. Five Alternative Explanations**

Readers' familiarity with these claims is not uniform so the amount of space allocated to each claim is inversely proportional to the volume devoted to it in the dominant media. These reviews are simply digests. The only part where some fresh insights are contributed is section 3.3; a coherent account of the structure and dynamics of factions in the military is proposed.

#### **3.1. Massacres as an Islamist Retributive Campaign**

This is the thesis with the widest media exposure. It has been proposed in various forms that can roughly be sub-divided into two classes.

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The first kind accounts for the massacres by imputing to the Islamist insurgents retribution as a *psychological* motive. For instance, general-president Zeroual explained that the massacres are a proof that the ‘criminal groups’ have failed and, ‘because of this failure, they pour all their hatred out today and commit criminal acts against innocent civilians.’<sup>21</sup> Prime-minister Ahmed Ouyahia repeatedly termed the massacres ‘desperate acts’ of ‘criminals, traitors and mercenaries’, whose motive is ‘revenge against a population which has stood up to terrorism.’<sup>22</sup> The minister of cooperation, Lahcen Moussaoui, referred to the massacres as ‘the last spasms of the rabid beast,’<sup>23</sup> while the communiqués of Mostefa Benmansour, Minister of Interior, recurrently declared them ‘savage acts’ of ‘malevolent revenge against the Algerian people, who resists heroically against the attempts to destroy its homeland.’<sup>24</sup> Ex-minister Leila Aslaoui also speaks of the ‘logic of despair’:

the Islamists have lost politically and militarily. This is the reason they have turned against the people that supported them at one stage but who do not support them anymore today.<sup>25</sup>

Editorials of the ‘independent’ press typically point out to ‘the nihilism of the armed groups that realised their defeat and isolation in society.’<sup>26</sup>

In the alternative versions of the Islamist retribution thesis, the accounts emphasise and impute punishment as an *instrumental* intent. Here the claim is that insurgents carry out massacres to alter the political behaviour of the target populations, rather than simply release an ‘incensed despair’ as the thesis above would have it. There are four sub-species of such claims. They are distinguishable by their *kind* of imputed intent and the range of the corresponding target populations.

In the first one it is argued that the massacres are part of a terror policy the insurgents pursue to prevent their social base ‘from defecting’ by ‘making the price of crossing-over very costly.’<sup>27</sup> This kind of explanation presumes that the population, which once supported the insurgents by supplying them with money, food, shelter and intelligence, would have decreased or withdrawn such backing, become hostile to them or switched allegiance to the military regime.

In the second variety, it is suggested that, in response to the military regime’s strategy of forcing the civilian population to arm itself, the insurgents perpetrate the massacres to deter the population from going over into a paramilitary militia force. The purpose, says Adler, is ‘to retake terrorised peasants, to nip the rallying in the bud and to break the first vigilante forces that were slowly being set up.’<sup>28</sup> It is not acknowledged explicitly, but this explanation seeks to account only for a narrow range of the target population, i.e. the families of the members of the militia forces.

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The third type proposes that the insurgents perpetrate massacres against families of the militias in order to retaliate against the massacres committed by the paramilitary militias (against their own families and those of their supporters). A few commentators have spoken of the ‘spiral of exaction-retaliation operations between the Islamists and the militia armed by *le pouvoir*.’<sup>29</sup> This view is a hybrid thesis imputing the victimisation of the families of the militias to the insurgents, and that of the social base of insurgents to the militias.

In the fourth, the proposition is that the massacres are a result of ‘factional infighting among the rebels.’<sup>30</sup> This thesis is meant to account only for the victimisation of the social base of the insurgents. Such accounts never identify which among the AIS, LIDD and the FIDA are the in-fighters and why/how such infighting would cause the massacres.

The only accounts that are specific about the identity of the in-fighters assume the GIA is an insurgent force. For instance, Stora says that ‘the GIA appears to be punishing unarmed civilians’ in the areas under the control of its rival, the AIS, which implemented a unilateral cease-fire on the 1st October 1997, and seeks to sabotage a potential deal between the FIS and the regime.’<sup>31</sup>

It is however not obvious that the GIA is an insurgent force. Evidence to the contrary is quite compelling.<sup>32</sup> If one takes the view that the GIA is a DRS-commanded counter-guerrilla force, the GIA’s victimisation of the families of AIS members should be included in the thesis of massacres as counter-mobilisation tactics discussed in the next section.

This review focused only on the retributive intent, be it psychological or instrumental, because of its wider media exposure. There are however other intents that have been imputed to the Islamist insurgents. Malek, an ex-prime-minister and now leader of the Alliance Nationale Républicaine (ANR – National Republican Alliance), explains that:

Ramadan, a sacred month, is chosen by fundamentalist terrorism to set the most murderous actions it perceives as offering to God. Slaughtering is considered a pious act. The victims of bullet wounds are further slaughtered. This gives this barbarous act a ritual meaning.<sup>33</sup>

Khelladi makes the suggestions that the Algerian Islamic movement has adopted a new Islamism that:

is less interested in overthrowing a state than purifying its soul. By killing. It is an expiatory Jihad; the ritual of blood, the stained body that is slaughtered, mutilated, at which they go unrelentingly. The impossible redemption confirmed by the released violence. [...] The violence of the Islamic groups is deliberately primitive, barbarian, irrational. It does not kill. It exposes and proves [...]: mutilated bodies, old men and women killed, the policemen murdered by his brother, etc.

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This violence is deliberately nihilistic and seeks to reduce the inimical state to its zero degree by killing and terrorising the society that supports it actively or passively.<sup>34</sup>

Gallissot proposes yet another version of the purification intent. He says the Islamists, whom he calls ‘the dispossessed of the West’, kill in order to ‘purify the Islamic community’ from the Western Other, and that includes the national state which, he says, has not yet been indigenized.<sup>35</sup> He calls this *la purification communautaire*.<sup>36</sup>

Cherif, leader of the communist party, also thinks the massacres are intended as ‘moral and religious purification’ while, as instrumental intent, he claims they seek to ‘demonstrate the impotence of *le pouvoir* and incite international pressure against it.’<sup>37</sup> Messaoudi, a member of the RCD, says of the Islamists insurgents:

They want to massacre in the most barbarous way. Their aim is clear: create panic in the population, incite it to flee and surge onto Algiers to implode the capital. The FIS seeks to impose chaos to take power, all the power.<sup>38</sup>

### 3.2. Massacres as a Counterinsurgency Strategic Programme

To the exception of one mention in the British weekly *The Observer*<sup>39</sup> this thesis has had no exposure in the English or French language media and will therefore be reviewed here in some detail.

Basically, it conjectures that the campaign of massacres is a counter-mobilisation tactic prescribed by the counterinsurgency (COIN) strategy implemented by the Algerian generals.

Three different but complementary accounts of this explanation are reviewed alternately in sections 3.2.2-4. To make this survey more intelligible, some elementary notions of COIN strategy are briefly introduced in 3.2.1.

#### 3.2.1. *Elements of COIN strategy*

For a COIN-trained general, Algeria's violence is not so much a ‘civil war’, a ‘tragedy’ or ‘human rights crisis’ – as it is a circumscribed, protracted, low-intensity conflict (LIC) where military activities are strongly bound by political and psycho-social considerations to influence the perceptions and loyalties of the civilian population.<sup>40</sup>

According to French COIN military doctrine, to wage war against insurgents who establish strategic base areas (from which they expand through guerrilla operations), mobilise popular support and seek outside backing, one needs to implement a set of COIN strategic principles.<sup>41</sup> The strategic prin-

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ciple relevant to the issue of massacres is that of ‘counter-mobilisation of the population’.<sup>42</sup>

In order to fight expanding insurgents who ‘move like fish in water’ within a civilian population which they organise, administer, politicise and defend – and which in turn provides them with recruits, supplies, intelligence, political and moral support – French COIN military strategy prescribes a ‘destruction-construction’ programme. The destruction part requires the neutralisation or crippling of the mobilising organisation and influence of the insurgents. The construction part involves ‘counter-organising the masses’, i.e. separating them physically and politically from the insurgents and turning them into a bulwark in defence of the incumbent regime.<sup>43</sup> This strategic doctrine is implemented using various tactics, most of which involve the massive application of terror, and the exploitation of the threat of it, to bring about the prescribed reversal in the behaviour of the target population.

In the Algerian War (1954-1962), for instance, the French resorted on a large scale to indiscriminate retributive mass killings in pro-FLN populated rural areas, to root out the FLN's politico-administrative organisation (OPA).<sup>A</sup> Once this was achieved, they used psychological operations to steer the terrorised target populations into various counter-organisations such as professional or social associations and, more importantly, so-called local self-defence forces.<sup>44</sup>

These forces were paramilitary proxies organised on a territorial basis whose objectives were to destroy resistance organisations, enforce recruitment and support, gain control over territory and spread thuggery and terror.<sup>45</sup>

In under-populated and remote rural areas, the French army applied massive terror, using massacres by ground forces, artillery fire and aerial bombardments, to uproot and disperse the villagers. After this destruction stage the French counter-organised them into fewer and more easily controlled *centres de regroupements* (strategic hamlets) close to towns or cities. These hamlets provided the infrastructure needed to destroy the OPA of the FLN, to separate physically and politically the FLN from the villagers, and to facilitate their surveillance as well as the psychological actions to counter-mobilise them.<sup>46</sup> Referring to this strategic hamlet programme in the Algerian War, Jules Roy said:

The army has determined to make the zone where the rebels were hard to control into an empty area of misery. It has evacuated the inhabitants and razed the houses so that the FLN can find no refuge there. This is the reason for those pathetic regroupings of populations around the cities or towns, those clusters of sheet-metal

<sup>A</sup> See A. Aroua, ‘Reading Notes in French Colonial Massacres in Algeria’, in part V of this book.

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shacks. In all of Algeria, it is estimated that one million and a half men, women and children have been torn from their homes by force of their own fear, and are leading a terrible displaced life somewhere else.<sup>47</sup>

A concise summary of why the COIN doctrine entails massacres can be found in Leo Kuper's work on theories of genocide:

In the struggles for national independence after the Second World War, Sartre argues that the superiority of the colonialists in weapons, and of the colonised in numbers, determines the strategies employed. The insurgents rely on terrorism, ambushes, harassment, and extreme mobility, made possible by the support of the entire population, which feeds, hides and replenishes the liberation forces. Against partisans supported by the whole population, the only effective strategy is to 'empty the sea of its water', that is, to destroy the people, men, women and children. [...] It is [...] 'symbiosis between the liberation forces and the masses of the people' which encourages a genocidal response by the colonisers in the attempt to deny the insurgents their popular support.<sup>48</sup>

### 3.2.2. *Massacres in Urban Areas*

That COIN is the war strategy to which the army is committed in combating the insurgency is suggested, according to jurist Taha, by the pronouncements of the army's top officers on 'low intensity conflict (LIC) strategy' or on 'Islamists evolving [among the population] like fish in water'.<sup>49</sup> Lalioui argues the same because of 'the colonial heritage of Algeria's military', 'its French-trained generals', and the presence of multinational corporations of war known to offer counterinsurgency training.<sup>50</sup>

There is a literature that points to several measures perceived as a coherent part of the destruction segment of the COIN destruction-construction programme.<sup>51</sup> These include: the forced dissolution of the Islamic Salvation Front following its electoral victory, the arrests of its leadership, elected members of parliament, party members and active supporters, the removal from office of FIS elected mayors and officials in all municipal and regional councils, the disbanding of its parapolitical associations such as the Syndicat Islamique des Travailleurs (SIT – trade union), Islamic professional bodies, student unions, women social work associations, and charities, in addition to the extra-judicial killings, imprisonments or expulsions of FIS sympathisers from the armed forces, police, public administration, justice system, labour unions, media and universities.<sup>52</sup>

It has also been pointed out that the corresponding construction segment consisted of measures such as the setting up of executive governing bodies (DEC – Délégation Executive Communale) to run the municipal and regional councils, the creation of new political parties such as the ANR and the Rassemblement National Démocratique (RND – National Democratic Rally), the artificial empowerment of co-opted Islamist parties such

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the Mouvement pour la Société de Paix (MSP – Movement for the Society of Peace) and Nahda (Renaissance Party) to absorb the FIS electorate, the creation or strong co-optation of parapolitical organisations such as trade unions (UGTA – Union Générale des Travailleurs Algériens), professional bodies (journalists, medical doctors and engineers), student unions, youth and women associations and religious orders.<sup>53</sup> These bodies, it is asserted, served to assimilate and counter-mobilise segments of the urban populations into organisations loyal to the incumbent regime.<sup>54</sup>

The destruction of the Islamist organisations, influence and infrastructure in urban areas was achieved partly through intelligence work and partly by the use of torture, extra-judicial killings and disappearances.<sup>55</sup> Some FIS members and Algerian human rights activists claim the reversal in the political behaviour of part of the urban populations, and their counter-organisation, were prompted by terror, mostly through indiscriminate bombing campaigns, particularly in the months leading to the elections that took place in 1995, 1996 and 1997.<sup>56</sup>

### 3.2.3. *Massacres in Suburban and Rural Areas*

The second type of hypotheses that appeal to COIN strategy as explanatory intent is specific to massacres located in suburban or populated rural areas, such as in the South-East of Algiers and the districts of Blida, Médéa, Ain-Defla, Tipaza and Tiaret: locations with notable guerrilla activity. Here it is suggested that the campaigns of massacre are intended to counter-organise the target populations into irregular paramilitary forces. As José Garçon put it:

The arming of civilians is a strategic decision of the regime which marked a major shift in the anti-Islamist struggle of the army up to 1994. Aware of the inadequacy of its military strength (150,000 to 160,000 men) to cover an immense territory and wishing to save the army from “the dirty work”, *le pouvoir* made the arming of civilians a priority. [It did so] to the extent that a question became a leitmotiv whenever there were massacres in villages that had refused to accept the arms but resigned themselves to doing afterwards: was it not a case of forcing people to bear arms after ‘a need of security, hence of State, hence of militias’ had been induced in them (according to an expert)?<sup>57</sup>

In addition to relieving over-stretched regular forces, minimising their losses and disguising or evading, through irregular proxies, state responsibility for illegal acts, this ‘privatisation of the war’ serves to create cheap repressive energy supplies.<sup>58</sup> In her analysis of the arming of the civilian populations, social worker Ighilès says:

The only politics our junta knows is that of fear and manipulation. It manufactures large scale terror but imputes it to its discredited opponents in order to legitimise itself as the ultimate safeguard against the collective fear it underhandedly instigates.

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The only social development programme our top brass moral and intellectual cripples have is the magnification and exploitation of the divisions within the most deprived and insecure sections of our society. In their warped minds, social development equals transferring the conflict with their armed opponents into a social internecine war in which our poorest communities are divided, turned into mass spy networks, and kill and get killed without knowing why. The military propaganda calls these vigilantes *groupes d'auto-défense* (self-defence groups), *les patriotes* and *l'Algérie debout* (the standing up Algeria). But aren't these militias groups made up of the same social material as that of their armed opponents?

*L'Algérie debout* can then have one only meaning: an Algeria whose complex social fabric is shattered and levelled so that it can be easily patrolled; an Algeria where organic social interactions are disintegrated into reactions of lone, undifferentiated individuals juxtaposed in their fearful submission to the junta.<sup>59</sup>

Their point, Garçon and Ighilès, that the incumbent authorities covertly generate security needs within some target populations to enlist them into their paramilitary organisations, seems plausible but lacks details.

The closest thing to a specific explanatory scheme is expounded in an essay by Amer who claims that the regime uses massacres as 'goads to counter-organise the masses.'<sup>60</sup> Amer says:

The massacres appear purposeless and disorganised outburst of sadistic and nihilistic brutality. In fact, they are precise COIN instruments for producing determinate political effects. They are called 'special operations' in the psy-ops department of the DRS [military intelligence] and in the unconventional anti-guerrilla warfare courses taught at the Applied School of Special Troops in Biskra and at the Cherchell Military Academy. The massacres are carried out by two agencies. The GIA, an irregular force disguised as Islamist rebels; it uses guerrilla tactics to combat the genuine rebels and is managed by the DRS. Undercover death squads selected from the patriot militia force; they are operationally run by the Gendarmerie Nationale.<sup>61</sup>

Amer's account of 'the multiplicative generation of militias through massacres' involves many stages and seems to make heavy use of a biological analogy (pathogenesis). The diagram in figure 1 is a translated summary of the stages in his explanatory scheme. According to Amer the goading of a given target population starts with a GIA massacre:

A GIA massacre operates like a 'Trojan horse' mechanism. It offsets the natural defence of the host population and, through the application of terror, fragments it into polarised, isolated and highly vulnerable individuals and groups ready to be turned and recombined, through propaganda and organisation, into militia units. The use of assailants camouflaged as Muslim guerrilla fighters has determinate impacts on the targeted people, often the families and supporters of the rebels. The psycho-political response of the identification group of the victims is terror, confusion, disillusionment with, and distrust of, the guerrillas, and dissension. Shifts in loyalty set in. From the wider neutral population, these operations provoke extreme fear, condemnation and hostility towards the guerrilla fighters, in addition to a strong sense of insecurity and isolation.<sup>62</sup>

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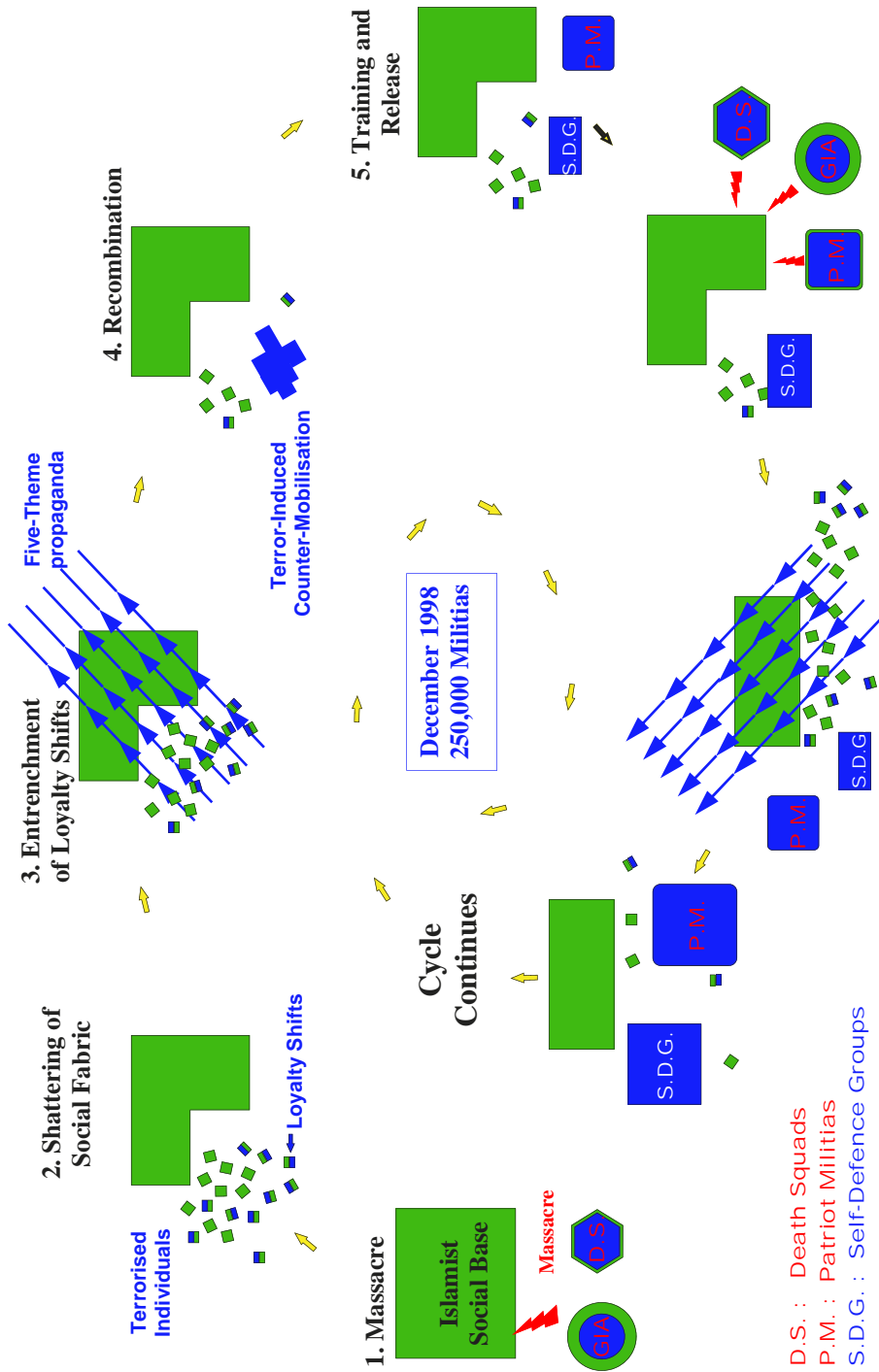


Figure 1: The Cycle of Proliferative Generation of Militias through Massacres

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These two processes are shown as ‘massacre’ and ‘shattering of social fabric’ on the diagram. Of the next three stages (3, 4, and 5 in the diagram), Amer asserts:

These shifts in loyalty are then entrenched by state and local propaganda operations drilling five key notions into the population: a) incriminations of ‘Islamist terrorists’, b) the inability of the guerrillas to protect their families and supporters, c) blaming the victims as deserving their fate for their erstwhile misguided political loyalties, d) the need for people to take up arms to ensure their own self defence against terrorism, e) the willingness of the authorities to cater for their security needs by providing them with arms and training as self-defence militias. The next stage is that of recombination and release. It involves inducting, arming and training screened ‘volunteers’, paying them for duty periods, providing them with social privileges (guaranteed jobs, free transport, health care, social activities etc.) and some badge of authority or uniform to enhance their prestige.<sup>63</sup>

According to Amer, this process could be thought of as the switching mechanism of the replicative cycle that depletes the social base of the Islamist rebels and fills up the armed counter-organisations of the regime. The second half of the ‘proliferative cycle’ (the lower semi-circle in the diagram) is a duplication of the process described above except that this time the perpetrators of the massacres include ‘selected units from the terror-induced militias themselves.’<sup>64</sup>

The Patriot militias are different from the SDG (Self Defence Groups or GAD in French) in terms of membership and operations. The latter are mainly scared villagers and peasants trained to perform territorial defence and surveillance tasks. But the Patriots are made up of volunteers who may have lost a male relative killed by the Muslim guerrillas, former criminals, ‘penitent terrorists’ (surrendered, or captured and turned guerrillas). They may include selected militiamen from the SDG, in particular revenge-bent young men whose entire families have been massacred in GIA special operations. These forces are led by veteran guerrillas of the Algerian liberation war. Operationally, they are mobile forces that engage in territorial offence, to track down and destroy local Muslim guerrilla units and infrastructure, and subversion. Undercover death squads from the Patriots also operate very much like the GIA. The DRS uses them to carry out massacres in areas other than their overt bases of operation to goad other target populations into the ever-increasing armed shield protecting the regime.<sup>65</sup>

This completes one replicative cycle in ‘the multiplicative generation of militias through massacres’ and, according to this explanatory scheme, makes the generation of militias a ‘self-perpetuating and snowballing process.’<sup>66</sup>

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*3.2.4. Massacres in Under-Populated Rural Areas*

The third type of conjectures accounting for massacres as COIN operations concentrate on those that take place in under-populated rural areas: for instance, in the Ouarsenis mountains in the West of Algeria.

Here it is claimed that the massacres are intended *to dislodge* and scatter villagers from isolated areas under the control of the Muslim guerrillas in order that they flock and *regroup* in large villages more easily dominated by the military, or in towns and cities where they can be readily controlled. This situation differs from mass killings in populated rural areas in that for the latter case the reversal of loyalty is sought *without the displacement* of the target population.

Sweeney accused the generals of perpetrating the massacres and, quoting Algerian intelligence officers and soldiers in exile, explained ‘they have launched their own version of what the British in Malaya and the Americans in Vietnam called the “strategic hamlet programme”.’<sup>67</sup> He put the case that massacres are perpetrated only after the villagers fail to meet verbal demands to evacuate the village or take up arms for ‘self-defence’.<sup>68</sup> Mari reported the same, including in the case when the villagers in a remote area (Ain Sour in Ain-Defla) did not respond to retributive warnings, and deprivations such as taking back state housing, closing the school, the infirmary etc.<sup>69</sup>

Amer suggests that ‘evacuating’ and resettling the villagers is intended to achieve several COIN objectives. He claims that:

[it] deprives the guerrillas from the human and material resources and the intelligence provided by the villagers. This isolation facilitates the tracking of the guerrillas and retaking territorial control of these remote areas from which the regime tactically retreated at an early stage of the war. The physical and political disjunction of the Muslim guerrillas from the villagers destroys their “parallel hierarchies” within the population in a way that prevents them from regenerating. Regrouping fleeing villagers in large hamlets, policed by hamlet militias, or in towns and cities simplifies their control and psychological actions to influence and counter-organise them, in particular through social and economic enticements.<sup>70</sup>

In an article entitled *La reconquête du terrain perdu* (the reconquest of the lost ground), the daily *El-Watan*, a paper widely seen in Algeria as a media agency of the DRS, made a statement that seems to support much of what Amer claims.<sup>71</sup> It may be interpreted as a thinly veiled endorsement of ‘the exodus of the populations victim of terrorism’:

The rural world, which is conservative by nature, was a compost to rampant islamism which presented itself as the alternative to the rent-seeking, incompetent and decadent FLN. It is not by accident that the socialist villages, theoretically supposed to be at the *avant-garde* of the peasantry, swung over into the hands of the dissolved party.

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[...] The thesis of Louisa Hanoune, amplified in France, that it is the eradicationist State which expels the peasants from their lands, is dangerous and insidious because it absolves terrorism from all its misdeeds. Although it is too early to speak of re-occupation of space in some regions, it is urgent to think from now on about post-terrorism for areas in the hinterland which are finding tranquillity and peace again. Everything must be revised there: repairing roads, gas, drinking water, social housing, jobs, women emancipation, etc. But can we apply such a programme with under-trained and most often isolated communes?

The State must get back its due and what it has lost. The same causes produce the same effects. This, at least, we know.<sup>72</sup>

### 3.3. Massacres as Instrument in the Army's Inter-Factional War

This thesis had some cursory exposure, especially at the height of the massacres of 1994, 1997 and 1998. We look at it here with some detail.

The basic claim is that the massacres are instigated by the 'hardline' faction of the military with the intent of undermining the power and political initiatives of its rival 'softline' faction in its bid to dominate the military institution and the whole political system.

This hypothesis has been suggested as explanation for particular bursts of massacres in 1994, 1997 and 1998, but not for *all* the massacres. Note also that this putative intent is not necessarily exclusive of the COIN programme intent. In fact it may be *mixed* with it, in that different corps and/or agents of the military would have factionalist or private – as opposed to institutional – objectives in implementing the COIN-war programme.

The typical form in which this explanation has been advocated involves two argumentative sequences. First, some sort of identification of the nature of the posited factions is given. Various accounts attempting to connect the massacres to particular states of conflict between the given factions are then proposed.

We review this explanation using the same outline. In section 3.3.1 we focus on the nature of the fault-lines that divide the factions apart. Section 3.3.2 discusses the principles that regulate the interactions between the factions and, after reviewing the main issues that throw them into states of conflict, explains how the massacres occur as outcomes of such states.

#### 3.3.1. Factional Structure of the Military

Algeria's military is an army of the praetorian type.<sup>73</sup> In other words it is distinguishable from a professional army by the following features:

- a) low professional standards ;<sup>74</sup>

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- b) loyalty principally to the military corporation rather than the state or the nation ;<sup>75</sup>
- c) a permanent disposition to intervene with naked force in the political system. There were, for example, four coups d'état (in September 1962, June 1965, January 1992, and September 1998), two attempted coups (in December 1967 and September 1997), and one civilian president assassinated by the DRS in June 1992 ;<sup>76</sup>
- d) ruling a decaying political system with extensively fragmented civil-military boundaries (in 34 years and 6 months of independence, from July 62 to December 98, there were 31 years of military rule – 13 years under colonel Boumediene, 13 years under colonel Chadli and 5 years under general Zeroual – and 3 years and 6 months of civilian rule – 3 years under Ben Bella and 6 months under Boudiaf) ;<sup>77</sup>
- e) a weak cohesiveness.

Of this last, Lahouari Addi states that:

Although the army exercises sovereignty and sees itself as Algeria's supreme authority, with the Council of Ministers merely running the administration, it does not form a homogeneous whole. It is made up of several structures – including the national police, the military security force, and various military districts – that are all formally subordinate to the general staff but nonetheless retain some autonomy. In addition, the officers in charge have their own networks of supporters, which make them even more independent of the authorities. The government, of which the army and police are supposed to be the secular branches, is short-circuited by a system outside the official power structure. This conflict mechanism, which is not apparent in normal circumstances, bursts into the open in times of crisis.<sup>78</sup>

In recent years, there has been an increasing realisation that the factional structure of Algeria's military consists of a number of amorphous groupings of officers that coalesce into two main factions, often referred to as the 'hardline' faction and the 'softline' faction. These factions have been designated by various other terms.

The 'softline' faction (*le clan réconciliateur*) has been described as the 'conciliators', the 'faction of the presidency', the 'Zeroual-Betchine faction', and the 'military-as-government faction'. Generals reportedly affiliated to this faction include Liamine Zeroual, Mohamed Betchine, Tayeb Derradji, Kamal Abderahmane, Abderahmane Cherif, Hassan Bendjalti, Mohamed Benhadid, Salah Gaid, Chabane Ghodbane, and Rabah Boughaba.<sup>79</sup> The softliner denotation suggests that members of this faction believe in less military interventionism, a politically negotiated settlement, and in the transition to a more inclusive form of government that would somehow integrate the FIS.

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The 'hardline' faction (*le clan éradicateur*) is also referred to as the 'eradicators', the 'faction of the chief-of-staff', the 'Lamari-Médiène faction', and the 'military-as-institution faction'. Generals said to belong to this faction include Mohamed Lamari, Mohamed Mediène, Smain Lamari, Fodhil Cherif, Said Bey, Zoubir Ghedaidia, Mohamed Benslimane, Ahmed Sanhadji, Ahmed Djenouhat, Abdelhamid Djouadi, and retired but still influential generals such as Larbi Belkheir, Khaled Nezzar, Abdelmalek Guenaizia, Mohamed Touati, and Abbas Ghezail.<sup>80</sup> The 'hardliner' reference suggests this faction is disposed towards seeking the indefinite perpetuation of military rule, an exclusively military outcome to the conflict, and the political and physical eradication of the FIS.

Although this two-faction model captures an important fault-line between the factions, the 'hardliners'-versus-'softliners' distinction can be criticised as misleading. It has been pointed out that the so-called softliner generals, for instance Rabah Boughaba, Mohamed Betchine and Kamal Abderahmane, have carried out brutally repressive orders against civilians.<sup>81</sup> There is scepticism about this faction's interest in genuine dialogue, inclusiveness and democracy, except as expedient tools or adjuncts in its struggle for the domination of the military institution and the political system. Similarly, it has been pointed out that the so-called military hardliners foster and use civilian allies, integrating even the Islamist MSP party into the process, as a tactical tool in their rivalry with their military competitors.

In other words, the hardliners-versus-softliners distinction is inadequate because it locates the genesis of (and the fault-lines between) the factions solely around the issue of the transition to a democratic system inclusive of the FIS. It obfuscates the existence of the factions and their history of rivalry for the domination of the military institution and political system *prior* to the issue of the transition.

The formation of these factions dates back to the Algerian war of liberation, which was a shared career experience that caused and cemented one of the main sets of centripetal bonds clustering each grouping of officers together. The 'softline' faction may be construed as the factional successor of the guerillas of the *interior* ALN (Armée de Libération Nationale) and the 'hardline' faction as the factional successor of the officer corps of the military professionals of the *external* ALN and the ex-officers of the French army.<sup>82</sup> The current inter-factional struggle for the domination of the military institution and political system is a striking repetition of the conflicts that pitted the officers of the interior ALN (the *wilayists*) against the coalition of officers of the external ALN and the ex-officers in the French army.<sup>83</sup> The type of bonding inherited from the Algerian war of liberation does not, however, exhaust the sets of ties (vertical and horizontal) that cluster each faction together (and segment the two apart).

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In terms of vertical links, each faction has of course its basic network of patron-client connections. With regard to the branch of service, the public data indicate that the hardliners control the general staff of the army (Mohamed Lamari), the DRS (Mohamed Mediène and Smain Lamari), the Special Forces (Fodhil Cherif) and the Air Force (Benslimane and then Aouadi).<sup>84</sup> Up to September 1998, the softliners controlled the presidency (Liamine Zeroual), the military cabinet (Mohamed Betchine), the general secretariat of the ministry of defence (Mohamed Ghenime), the National Gendarmerie (Tayeb Derradji), and the Navy (Chabane Ghodhbane). From the available data about the regional origins of the officers, the 'softline' faction has a stronger *chawi* and a weaker *kabyle* memberships than the 'hardline' faction.<sup>85</sup> Not as much is known about family ties as factional bonds. The 'softline' faction has been termed nationalistic and conservative and the 'hardline' secularist and liberal. Yet past practices of the leaders of both factions indicate they are not committed to any specific ideology, which they regard as hindering their ability to attract military and civilian clients. Their only commitment is to a praetorian orientation.

In Algeria the general public identifies the factional rivalry as between *bizb frança* (the faction of France) and *bizb esserqa* (the faction of thievery) and not as 'eradicators' against 'conciliators', respectively. France is the military and political patron of the eradicator faction (Lamari-Mediène) whose predominant membership comprises ex-officers of France's colonial army and French-trained officers.<sup>86</sup> The conciliator faction (Zeroual-Betchine) has acted as a political client of the US.<sup>87</sup> Not much is known about generational factors and interests of rank as horizontal binders. These factions should also be distinguished by the kind of rent-creating apparatuses of the state that each grouping of generals has captured in order to appropriate resources for itself and its clients.<sup>88</sup>

Having explained the limitations of the established distinctions, we shall nonetheless recourse to the hardliners or 'eradicators' versus softliners or 'conciliators' designations, which are the distinctions in current use, for simplicity.

### *3.3.2. Factional Conflict within the Military*

The normal mode of interaction between the two factions is not conflict. Nor is it co-operation as occurred in the military coup of January 1992, a hybrid affair cobbled together to stave off a perceived vital threat to the whole military institution.<sup>89</sup>

The regular interaction mode between them has been described as a balance of the 'delicate' or 'unstable' kind.<sup>90</sup> Abdennour Ali-Yahia sees the 'precarious internal equilibrium' of Algeria's military system as following from a

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rule preventing the concentration of power within a single faction, a sort of regulative law of anarchy: ‘the factions agree to keep the power but not to the advantage of a dominant man or grouping that may eliminate them or curtail their role.’<sup>91</sup>

This balance is regulated through mechanisms such as joint meetings and common decision-making procedures. Addi states that:

In times of crises, the top military brass meets in conclaves to reach a compromise binding on all of them. That is the way the decision to cancel the 1991 [parliamentary] election or that to nominate Liamine Zeroual for the presidency were reached. The generals’ informal meetings are not reported in the press – understandably, since the Constitution does not provide for them. [...] Given the importance of the decisions it makes, this informal assembly is, in fact, installing itself as a sovereign body.<sup>92</sup>

The first of several conclaves took place, after the demise of colonel BouMediène, in December 1978 for the joint nomination of colonel Chadli Bendjedid as president. The next was held in December 1986 to arbitrate the conflict between Chadli and the then army chief-of-staff, general Mustapha Belloucif. A third, held in October 1988, saw the joint decision of decreeing emergency law. A month later, the conclave met again and agreed to nominate Chadli for a third presidential term. In May 91, another meeting was held and resulted in the common decision to remove the prime-minister, Mouloud Hamrouche, the arrest of the FIS political leaders, and the repression of demonstrators. Since the coup of 11 January 1992, also preceded by a conclave a week earlier, the meetings have been held on a regular basis. The participants of the conclave include the general-president, his military advisors, the chief-of-staff, the heads of the DRS, Navy, Airforce, Land forces, and the Gendarmerie Nationale, the commanders of the 6 military districts (MD), and the central directors of the ministry of defence. These are major-generals and generals but Addi says that in 1999 the colonels and even majors sought to attend these illegal meetings.<sup>93</sup> As for the decision-making procedures in such conclaves, Ali-Yahia says:

The important decisions are taken only after Marathon meetings to find a general consensus. Power is shared as the army has separate centres of decision that decide together by consensus and never by majority.<sup>94</sup>

The regulation of the equilibrium has limits however. This happens, for example, when the representative of the compromise between the factions seeks to exercise an independent authority by going beyond his mandate as delegate on behalf of his faction and caretaker of the delicate balance. Addi comments that:

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The system works only if the military figure appointed as head of state does not attempt to control it. A president who takes literally his constitutional role as supreme head of the armed forces critically upsets the balance of power.<sup>95</sup>

When the internal balance of the military is upset, the factions enter into a conflicting mode of interaction as they seek to assert their domination and/or counteract the facing threats thereof. The intensity of the factional rivalry fluctuates with political events and can reach the level of armed hostilities. It is only limited by their need to maintain unity in the face of ever-present civilians.

The factional hostilities can be direct and limited to the military sphere. Faction-motivated promotions, assignments, purges, assassinations and coup attempts are such instances briefly reviewed in the sections 3.3.2a-c.

They can also be indirect, through a third civilian party; members or organisations in the government or opposition, parapolitical organisations, media adjuncts, or paramilitary proxies for example. The third civilian party can also be massacred civilians, according to the thesis reviewed here. All these will be succinctly surveyed in the sections 3.3.2d-g.

### ***3.3.2a. Assignments, Promotions and Demotions***

Assignments and promotions to key command positions are the focus of fierce competition. The political survival of a faction depends on the ability of its leadership to advance the careers and interests of its officer *clientèle* (clientship), and safeguard the command of key units that prevent the other side gaining a dominating military position or potentially organising a coup.

The coup of 1992 had cross-factional support but was technically carried out by the eradicators; it was led by general Khaled Nezzar, then minister of defence. Following the assassination of president Boudiaf, the civilian façade of the regime was assigned to the ‘conciliator’ faction; Zeroual was nominated to the presidency in February 1994. The ensuing migration of officers of this faction, from the army to government, further weakened its holding within the military institution. This faction, with its stronger dominance in government and weaker presence in the military, sought to dislodge clients of the eradicators from their positions and convert its stronger political muscle into a less unfavourable balance of power within the military. If one looks at the profile of demotions (‘early retirements’) in the army from 1992 to October 1998, one sees a greater proportion of eradicator generals; Khaled Nezzar, Mohamed Touati, Larbi Belkheir, in November 1994, Senhadji in September 1996, Abbas Ghezail in July 1997, and Said Bey in October 1997. In 1997 there were reports that the eradicators quashed decisions to put tens of officers from their faction to early retirement.<sup>96</sup> This movement is to be contrasted to the sole eviction, from the conciliator grouping, of general Benhadid in May 1995. The pendulum swung back however in

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Autumn 1998 when the leaders of the conciliator faction were dislodged: Zeroual was coerced to step down in September 1998 and Betchine was forced to resign in October 1998.

The outline of assignments to the command of critical operational units reflects a small progress for the Zeroual faction. Up to May 1994, the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> MDs had been under the command of eradicator generals Ahmed Djenouhat, Khelifa Rahim, Said Bey and Abdelhamid Djouadi, respectively. In May 1994, the commands of the 6 military districts were assigned to a pool of relatively young generals, known as officers of the independence, on the basis of their kill-ratio records in the counterinsurgency campaign but also on their factional affiliation. Pro-Zeroual generals Hocine Benhadid, Fodhil Saidi and Rabah Boughaba were appointed to the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> MDs, respectively.<sup>97</sup> The factional affiliation of Belkacem Qadri, the commander of the 6<sup>th</sup> MD, is not known nor is that of Mohamed Bekkouche who was transferred from the 4<sup>th</sup> to the 2<sup>nd</sup> MD. But significantly, the 1<sup>st</sup> MD, vital from a coup-making point of view, remained under the control of the hardliners, as general Said Bey, a staunch eradicator, was transferred to this position from the 3<sup>rd</sup> MD. Since then, Benhadid was dislodged from the 3<sup>rd</sup> MD in May 1995, to the advantage of eradicator general Zoubir Ghedaidia. On the other hand pro-Zeroual general Kamal Abderahman took over the 2<sup>nd</sup> MD, at the expense of Bekkouche, in June 1996, and Rabah Boughaba swapped from the 5<sup>th</sup> MD and took over the critically important 1<sup>st</sup> MD from Said Bey in the midst of the massacre crisis of October 1997. The eradicators did however compensate the loss by taking the command of the 5<sup>th</sup> MD, now under Abdelhamid Djouadi. The factional affiliation, if any, of Abdelmajid Saheb the current commander of the 4<sup>th</sup> MD, who took over the position after the assassination of Saidi, is not public.

In faction-ridden armies, the traditional way of resolving competition for a finite number of senior positions is to promote an equal number of adherents to higher ranks and divide key commands in such a way as to prevent either side gaining a dominant position. The eradicators and conciliators reportedly agreed on a joint list only up to 1994.<sup>98</sup> In the summer and autumn 1995 both factions fiercely rejected each other's proposal and could not agree on a common list of officers to be promoted to the rank of general and major-general.<sup>99</sup> The deadlock recurred in July 1997 and July 1998; the promotion proposals were frozen.<sup>100</sup>

### ***3.3.2b. Assassinations***

This musical chair rivalry can take the form of assassinations. General Fodhil Saidi was assassinated in a booby-trapped car on 7 June 1996, a day before the public announcement of his appointment to head the military cabinet of

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general-president Zeroual.<sup>101</sup> This would have made him the effective minister of defence. General Saïdi, a first class military-academy graduate with a degree in political science, had been the chief of the DRE (counter-intelligence) during the rule of colonel Chadli. He was the commander of the 4<sup>th</sup> MD at the time of his assassination. He had supported the nomination of Zeroual for the ministry of defence in 1993 and for the presidency in 1994, and had defended positions against an exclusively militaristic approach to the COIN campaign. Observers commented that eradicators Lamari and Mediene feared that the appointment of this strategist with strong links in the DRS would undermine irreversibly their domination and strengthen their rival.<sup>102</sup> There have also been reports of entrenched animosity between him and eradicator general Smain Lamari, the DRE chief.<sup>103</sup>

Another highly ranked fatality of eradicator assassination is general Mohamed Boutighane, second in command of the navy and close to Zeroual and Benhadid, and bitterly opposed to general Mohamed Lamari, reportedly for 'his over-zealous brutality in commanding the anti-terrorist campaign.'<sup>104</sup> He was assassinated on 27 November 1995.<sup>105</sup> Commander major Cherchali, a conciliator intelligence officer close to general Betchine, had been working in the DRE, under the command of eradicator Smain Lamari, at the time of his assassination on 24 June 1998.<sup>106</sup>

Two attempts to assassinate Zeroual, one in December 1996 and one in January 1997, were reported.<sup>107</sup> General Tayeb Derradji, a general trained in Arab military academies, so close to Zeroual that the latter had proposed him as president in his own stead in 1994, also escaped two assassination attempts, one on the last week of October 1994 during a visit to Paris<sup>108</sup>, and the other on 26 May 1999 in Algiers.<sup>109</sup> No high-ranking eradicator casualty has been reported but there was an assassination attempt on Khaled Nezzar, who escaped a remote-controlled bombing on 13 February 1993.<sup>110</sup>

The assassination of president Boudiaf for his corruption investigations was master-minded by eradicator general Smain Lamari but had the tacit backing of officers from both factions.<sup>111</sup> There have been claims that the killings of general Mohamed Touahri and Colonel Hachemi Touabih, both reported to be fatalities of a helicopter crash in Bechar in February 1998, are the results of factional infighting but other reports, however, say their work for the Mouvement Algérien des Officiers Libres (MAOL – Algerian Movement of Free Officers) was the cause of their murder.<sup>112</sup>

### ***3.3.2c. Coups and Attempted Coups***

The inter-factional rivalry of Algeria's military can intensify from isolated fratricides into coup attempts and armed hostilities. There was one attempted coup in 1997 and one successful coup in 1998, both by the eradicators against their conciliator rivals.

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September 1997 saw the worst massacres of the war, the holding of a conclave and the plotting of a military coup, by eradicator Lamari, staved off by the US.<sup>113</sup> Widespread rumours and some politicians (off-record) spoke of president Zeroual fleeing to the US embassy and of US threats to chief-of-staff Lamari. But the only visible indicator of a crisis was the unusual bolstering statement of support of US Ambassador Ronald Neumann to Zeroual.<sup>114</sup> Zemmouri observed that

The US ambassador, Ronald Neumann, a discreet and pragmatic diplomat, can pride himself for completing his three-year mission in Algeria with honours for preventing Algeria from sliding into a new coup d'état. Warned by informers worried by the feverish and unusual comings and goings between the ministry of defence and the staff headquarters, he took advantage of his farewell visit to president Zeroual to restate, in the midst of ever insistent rumours of an imminent coup, that Washington, without being opposed to the military measures against terrorism, wishes that they would be taken 'within the rule of law'. The message was perfectly clear: any action aimed at destabilising Zeroual would be denounced and combated. It was clear enough, in any case, for the knives to be put back in the cloakrooms and the conclave, originally planned by the 'eradicators' to put Zeroual and his military advisor (general Mohamed Betchine) in the dock, to be transformed into a stormy, but quite 'ordinary' in these times of crisis, working session.<sup>115</sup>

The next coup attempt, in September 1998, was more successful. Zeroual announced, on 11 September 1998, he would step down and organise early presidential elections. Reports said 'irresistible pressures' were brought to bear on him, by Mohamed Lamari, Mohamed Mediène and Smain Lamari, to either ditch general Betchine, his military and intelligence advisor, or step down.<sup>116</sup> Ali-Yahia likened the forced resignation technique of this coup to that used to oust president Chadli after the elections of December 1991.<sup>117</sup> Malley reported that 'Zeroual had informed some Arab and non-Arab leaders, through reliable allies, that a power struggle with the aim of threatening the army was imminent in Algiers.'<sup>118</sup> The conclave that ousted him reportedly took place early in the second week of September, in the midst of increased killings of civilians and the most vitriolic attacks on Zeroual and Betchine in the eradicator press.<sup>119</sup> These were the culmination of a crescendo of factional hostilities that had started late in May 1998 after Betchine had been elected to the political bureau of the RND: an initiative read as a measure prior to his candidacy for the 2000 presidential elections. Other observers explained that the eradicators reproached Zeroual for his refusal to sign the promotions of eradicator officers earlier in July and Betchine's increased encroachment into the oil rent apparatus.<sup>120</sup> After Zeroual's political demise, the eradicators' campaign of 'irresistible pressures' did not abate until Betchine was forced to resign from his post as military advisor to Zeroual in October 1998, and from the political bureau of the RND in November 1998.<sup>121</sup>

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**3.3.2d. Civilian Extensions of Barracks**

This internecine battleground is not confined to the military. It crosses Algeria's shattered civil-military boundaries into the civilian sphere. Each faction has its own sets of adjuncts in government, as and in political parties, parapolitical surrogates, media instruments, and as proxy paramilitary militias, all of which get mobilised to shore up its particular political position or, when required, undermine that of its rival. As Addi puts it:

The government composition reflects the political line of the army, whose various factions nominate their protégés as ministers. Those appointed have two briefs: to stand up for the general interests of the regime and to show their loyalty to the faction that appointed them.<sup>122</sup>

Ali-Yahia points out that the factions also negotiate the proportions of nominations of their clients in the regional governments (*walis*) and in diplomatic representations.<sup>123</sup> In his analysis of the extension of the military factions into the civilian sphere, Ait-Mehdi observes that:

Up to its demise in the autumn 98, Zeroual's faction controlled a larger serfdom at a ministerial level but had conceded the prime-ministry and foreign ministry to its rival. Prime-minister Ahmed Ouyahia and foreign minister Ahmed Attaf were *protégés* of eradicator generals Fodhil Cherif and Mohamed Mediène. At the parliamentary level, the main adjunct of the 'conciliator' faction was the RND, an artificial party that won the majority of seats within three months of its fabrication, while the main ally of the political wing of the eradicators was the MSP. The FLN is split because it does the bidding for both factions: the Benhamouda-Yahiaoui-Hadjar led grouping tends the conciliator patrons while the Belayat-led clique does the eradicators' bidding. Among the tiny parties in the parliament, the RCD stands out for its enlistment by the militarist wing of the eradicators. The senate is an extension of the conciliator barracks. A third of it is made up of what is known as the militia lobby, i.e. people like Boumaza, Boubnider, commandant Azzedine, Zbiri etc., and retired generals and ministers, all of whom were nominated by Zeroual. The rest of the senate more or less reflects the clientist distribution of the parliament. The high security council (HCS) is equally divided between the military rivals and has no political party membership.<sup>124</sup>

The factional affiliations of the parapolitical bodies were, on balance, in favor of the Zeroual faction until the summer of 1998. The main labour union (UGTA), the national organisation of mujahideen (ONM), and that of the children of martyrs, all of which make up the so-called revolutionary family, are co-opted by the softline faction. By contrast the hardline faction controls only smaller surrogate organisations such as women's rights (RAFD) and professional bodies like the Algerian medical union (UMA). This advantage is however offset by the stronger media muscle of the hardline faction. The public media like the national television, the French daily *El Moudjabid*, and the Arabic daily *Ashaab*, are under the tight control of general Mediène. These are however somewhat less partisan than the faction-owned

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and polarised 'independent' press, e.g. *El Watan*, *Liberté*, *Le Matin* and *Al Khabar*, which defend the eradicator barracks. Papers such as *L'Authentique*, *Demain l'Algérie* and *Al Acil* write for their patrons in the softline barracks.<sup>125</sup>

When the conflict between the military rivals increases in intensity, it reflects on these political, social and media agencies engaging into faction-motivated hostile statements, proposals for legislation, demonstrations, strikes and/or smear campaigns. Referring to such recurring episodes, Ali Yahia remarks that:

Each time there is a change in the balance of power in favour of dialogue, the hardliners in the military call upon the eradicationists in the political parties and in civil society to make violent statements in the press and organise 'spontaneous' demonstrations.<sup>126</sup>

October 1997 is remembered as a month in which the massacres reached genocidal proportions. At the time, the victory of the RND following the rigged local elections of October 23 was counter-acted by widespread demonstration, curiously the first to be allowed since the coup in January 1992. They were organised by an ostensibly incongruous coalition involving the Islamist MSP, the staunchly anti-Islamist RCD, part of the FLN, in addition to a short-lived alliance of genuine opposition parties such as the FFS, the Nahdah Movement (NM) and the Parti des Travailleurs (PT – Labour Party).<sup>127</sup> The demonstration, which was widely believed to be at the instigation of the eradicator faction to offset the political advantage of its rival, denounced both the electoral fraud and the RND, without success. The demonstrations were eventually called off when the number of demonstrators shouting '*pouvoir assassin*' and other faction-indiscriminate slogans increased alarmingly close to the boundary beyond which the imperative to dominate the civilian sphere supersedes internal military quarrels over power-sharing.

### ***3.3.2e. Competition over Paramilitary Control***

The competition over the control of armed civilians is a comparatively more decisive factional battlefield. In 1994, the initiative to arm the population served to support over-stretched regular troops with cheap repressive supplies expedient for COIN anti-guerrilla warfare. At a time when the conciliator faction was negotiating with the imprisoned FIS leaders, it also served to make the military eradication policy irreversible. Since then, this force, controlled by the Gendarmerie Nationale, has proliferated throughout the country and is now estimated at over 200,000 men. The bloating of this paramilitary structure, and the recession of insurgent activity, has made the control over this force a high factional stake.

The first reported factional wrangling over militia control took place in November 1995 when *L'Authentique*, speaking on behalf of Betchine, argued

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for the necessity of ‘federating one day the Patriots’, which at the time were led by veterans of the liberation war, many of whom sought autonomy to extract political and business privileges in exchange for their services.<sup>128</sup> Garçon said that the laws passed in March 1997 for the federation of the militias were motivated by a factional struggle for the appropriation of the paramilitaries:

The use of paramilitary groups has become a key element in the negotiations that led, in February 1997, to the creation of the RND, the presidential party needed to win the legislative elections. [...] Although each faction tries to appropriate this force, the army, which considers the militia necessary so as not to expose its units, does not intend to let the small warlords boost their family fortunes in the name of their ‘resistance against fundamentalism’ and extract negotiating power from it.<sup>129</sup>

The laws passed in March 1997 gave the operational control of the militias to the Gendarmerie Nationale, at the time under the command of eradicator general Abbas Ghezail.

But with Zeroual's dismissal of Ghezail and his appointment of general Tayeb Derradji as the head of this body, in July 1997, his faction completed the control over this armed structure, sparking hostile counter-reactions from the hardline grouping, which perceived it as a threatening military counter-weight.

At the emergency conclave held in September 1997, reports spoke of bitter rows between the factions over the fate of this paramilitary force. Hawkish eradicator Lamari proposed that, together with General Fodhil Cherif<sup>B</sup>, head of the anti-terrorist special forces, and general Kamal Abderahmane, head of the 2<sup>nd</sup> MD, they re-structure the paramilitaries and put them under the command of a then unnamed general.<sup>130</sup> Generals Nezzar and Mediène, once supporters of the militias project, reportedly argued that this proxy force was turning into an increasingly uncontrollable force involved in criminal activities. They proposed its gradual dismantling.<sup>131</sup>

On the opposite side, Zeroual, once a dove opposed to the militia initiative, is said to have defended the status quo, which was to the advantage of his faction. It was reported that he pointed out the duplicitous position of his rivals by referring to the earlier distribution of 25,000 Kalashnikovs to civilians in Kabylia, by eradicator General Said Bey, then head of the 1<sup>st</sup> MD.<sup>132</sup>

This factional conflict over militia-control played itself out in a different form in April 1998. Following an unprecedented arrest of two militia leaders, El-Abed, mayor of Jdioua, and Fergane, mayor of Relizane, eradicator pa-

<sup>B</sup> Few days before the conclave, General Fodhil Cherif had taken the unusual step of attacking publicly the Gendarmerie Nationale: ‘It is the careless and grave abdication of the authorities that have led to this situation.’ See *Le Monde*, 8 October 1997.

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pers *Liberté*, *El Watan* and *Al Khabar* initiated a series of articles denouncing these militias as involved in massacres of civilians, corruption, and in widespread extortion.<sup>133</sup> The response of the military rival was swift. The Algerian national TV ran adverts for militia recruitment and a documentary showing the wives and children of the alleged perpetrators praising their patriotism and integrity. The suspects were then released from detention on orders from Adami, the justice minister and client of the conciliator faction.

Some observers likened these hostilities to a precedent in Algeria's military politics. On 19 June 1965, Colonel BouMediène overthrew Ben Bella. This coup, by the factional genitors of today's eradicators, was carried out to pre-empt the setting up of a militia force. Ben Bella, the FLN left-wingers, and the guerrillas of the *internal* ALN (the factional genitors of today's conciliators) had sought to create a military counter-weight to the professional army whose core was comprised of the *external* ALN and ex-officers of the colonial army.<sup>134</sup>

### ***3.3.2f. Rivalry in Negotiations with the FIS***

States of factional conflict also arise over the issue of negotiations with the FIS. The faction led by Zeroual sought a negotiated transition to a more inclusive political system which would somehow re-instate and co-opt the FIS. That led by Lamari and Mediène has been in favour of the physical and political eradication of the FIS, and has been unwilling to tolerate any concession beyond individual defections. Ali Yahia comments that

The two strategies clashing within the National Popular Army are the cause of see-saw decisions, alternations of hardening, aggressiveness, and search for dialogue, which influence the political landscape in a negative way. As a matter of fact two opposing tendencies co-exist. One of them is concerned with maintaining order; it is a force of conservatism, and against progress. The other seeks to work for civil peace and national reconciliation through dialogue.<sup>135</sup>

The factional politics underlying these positions have been explained as follows. A negotiated settlement with the FIS is a favourable option to the conciliators for it would meet their interests of purging their institutional rivals as well as satisfy the demands of the FIS opposition. This stems from the fact that it was the eradicator faction that executed the military coup in January 1992 and has since carried the main operational burden of the repression. Responsibility settlements or trials for the bloodbath and destruction would predominantly affect the Lamari-Mediène faction. This is also said to be the recommended option of the US, the foreign patron of the conciliator faction.<sup>136</sup> On the other hand, the eradicator faction suspects that any negotiated settlement would be at its expense; this option is also said to be the policy recommendation of its patron, France.<sup>137</sup>

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Zeroual engaged in both direct and indirect discussions with jailed FIS political leaders in 1993, 1994, 1995, and 1997.<sup>138</sup> Indirect contacts were made through generals Mohamed Betchine, Tayeb Derradji, and Abdelmajid Cherif, brother in law of Zeroual and related to FIS official Ali Djeddi. The negotiations invariably inflamed factional tensions and provoked two types of eradicator counter-action.

A novel and political type of counter-response was the holding of parallel talks with the military wing of the FIS (i.e. the AIS). In June and July 1997, FIS leaders Abbassi Madani and Abdelkader Hachani were released following earlier negotiations with generals from the softline faction. The next agreed step was reported to be Madani's televised appeal to the Islamic armed opposition for a cessation of hostilities.<sup>139</sup>

This however never occurred. The perpetration of massacres flared up in August 1997, and early in September Madani was re-arrested on orders from general Mediène, and, as already discussed, Lamari attempted a coup. Surprisingly, a month later, Madani Mezrag, commander of the eastern AIS force, declared a unilateral truce, broadcast on national TV, just a couple of days after Zeroual had made the public statement that 'the case of FIS is closed.'<sup>140</sup>

It transpired later that general Mediène and eradicator general Smain Lamari – the counter-intelligence chief – had initiated once illicit contacts with the AIS and negotiated a parallel truce, without the knowledge of Zeroual, hence appropriating and inverting a longstanding political weapon of their rivals.<sup>141</sup> This thwarted the threatening political initiative of the softline faction. Addi summed up this episode saying:

The truce signed with the AIS in October 1997 had the objective of preventing the success of the negotiations between the presidency and the political leadership of the FIS, which would have made of Zeroual the peacemaker and reinforced his power relative to the high command of the army.<sup>142</sup>

This type of eradicator counter-action was however singularly political. The typical neutralising response since 1994, as this thesis claims, has been the policy of escalating the repression.<sup>143</sup>

### ***3.3.2g. Instrumentality of Massacres in Factional Hostilities***

There are two types of claims that explain the massacres as outcomes of particular states of conflict between the contending factions.

In the first type, the belief that the massacres result from factional conflict is induced from the concurrence of the mass killings with factional feuding. The time correlation is ascribed causal content without it being explicitly articulated. For instance Garçon remarks that 'the coincidence of the

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acts of terror with the progress in negotiations suggests there is a real power struggle at the top of the state.<sup>144</sup> Amari says ‘the people can only take note that every time a child is killed and a woman is raped a fragment of power is being renegotiated.’<sup>145</sup>

In the second kind of explanation, specific intents are imputed to one of the factions. For example, the massacres of the summer and autumn 1997 were accounted for as general Mohamed Lamari ‘thwarting the peace initiative [and] warning [...] the advocates of a covert dialogue with FIS’<sup>146</sup> against initiatives at his expense. There have also been claims that the killings were intended ‘to discredit those inclined towards negotiations.’<sup>147</sup>

The ascription of such intents has been reinforced by the factions’ practices of exploiting the issue of human rights violations, and the responsibility for committing them. This was pointed out in the January 1997 news reports and most recently, in the summer of 1998, when the campaign to dislodge Zeroual and Betchine from power was at its most intense.

Through their media adjuncts, the eradicators accused Betchine of supporting the use of widespread torture to repress the youth uprising of October 1988; he was in charge of military intelligence at the time. This press also provided accounts of extortion, corruption and judicial crimes committed by Betchine. It also revealed that justice minister, Adami, a client of the conciliator faction, had ordered the displacement of thirty-two political prisoners who died during the transfer.<sup>148</sup>

These denunciations had been sparked off by earlier attacks, in the pro-Betchine press, which ‘broke a security taboo’<sup>149</sup> as this revealed that general Belkheir had been an informer of president Mitterand’s secretary and, together with general Nezzar, created ‘at least 300 death squads in Algiers only in 1992’, without the consent of the Haut Comité d’État (a temporary body that filled president Chadli’s post after his ousting).<sup>150</sup> These revelations had followed earlier leaks pointing to the eradicator faction bearing responsibility for the secret detention, torture, and summary executions of scores of civilians.<sup>151</sup>

The fact that these practices are not exclusive to Algeria’s military has been used to lend credence to this thesis. Faction-ridden armies of Latin America have resorted to the same arsenal of dirty tricks. Two cases in point are Brazil and Colombia; George Joffé, for instance, has pointed to the analogy between their military intelligence structures and that of Algeria’s military.<sup>152</sup>

In the 1970s, the *duros* (hardliners) and the *castelistas* (softliners) of the Brazilian army fought it out.<sup>153</sup> It was common for the *duros* to aggravate the repression to discredit their military rivals in government. For instance, Farcau says:

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Throughout 1974 and 1975, the hardline army commanders intentionally increased the number of brutal kidnappings, tortures, and murders of journalists, labour leaders, and even one American citizen, primarily to embarrass and discredit the government. And just as the hardliners used the security forces as a weapon against the *castelistas* in the struggle for power, so Geisel's reining in these forces should be viewed in this light and not necessarily in terms of a personal commitment to human rights.<sup>154</sup>

In Colombia, the same tactics were used in the rivalry that pitted the 'military as government' (led by president Natush) to the 'military as institution' faction (led by the army chief-of-staff Garcia Meza) in 1979. Farcau observed that 'Garcia Meza was able to commit the most heinous human rights violations and, while Natush and the 'generationalists' were helpless to stop him, they were forced to shoulder the blame.'<sup>155</sup>

### 3.4. Massacres as Eviction Tactics in Land Privatisation

This theory has had some media coverage. It suggests the massacres are instigated by big land-speculators, a large part of whom are retired army officers or active officers in part-time business activities. The alleged intent is the eviction of tenants from the most fertile land being considered for privatisation, in order to appropriate them. Michael Willis says:

The clearing of rural areas through the threat of renewed massacres opens the way for some to control and benefit from the abandonment of valuable land. The maintenance of a certain level of violence averts scrutiny, particularly from abroad, of a range of shady financial interests that many at the top undoubtedly operate.<sup>156</sup>

The claim has, for the most part, not been used to explain *all* the massacres. It has only been intended to account for the massacres in particular locations, such as those in the arable lands of the Mitidja region and the suburban areas West of Algiers.

Here also one can say that ascribing this purposive action may not exclude either the COIN programme intent or the factionalist war intent. The land privatisation motive is not necessarily exclusive of either intent since it may be combined with them, in the sense that different officers within Algeria's military have private – as opposed to institutional and/or factional – objectives coinciding with those of the COIN programme.

The usual structure in which this theory of the massacres is argued involves sketching out their correlations with the intrinsic economic value of the lands where they take place, and/or with the shifts in the value and legal status of these lands, prior and after the occurrence of the massacres.

Referring to the massacres of the summer and autumn 1997, Alain Joxe states:

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We observe that the recent big massacres, in Algeria, are located in the most populated, accessible, and best patrolled districts of 'useful Algeria': the fertile plains of the Mitidja, the big suburbs of Algiers. They often took place at a few hundreds meters away from barracks or police stations, and from security forces which remained 'neutral' and did not intervene, under orders or otherwise. Any observer of massacres carried out in fertile lands and areas under urban expansion knows that there cannot be massacres in such types of territory without underlying estate operations. Either they seek to recreate large land ownership by depopulating the co-operative farms set up at independence. Or they seek to depopulate lands for urban land speculation. To make rural populations flee, it is necessary and sufficient, in a state with no rule of law or in a military dictatorship, to massacre some entire villages. The effect of terror generates a multiplicative effect of flight.<sup>157</sup>

The Mitidja region, vast plains lying south-west of Algiers, is geohistorically known as Algeria's breadbasket because of its high return arable land. These lands are also coveted because they lie along the coast and are 'ideally located for building tourist complexes in anticipation of the return of peace when Algeria will re-establish its tourist industry, which has been curbed for the past thirty five years.'<sup>158</sup> There is currently a project to build four new cities in the Mitidja. The legal status of these lands changed drastically at independence when the Algerian state recovered what had been usurped by French colonisers, by nationalising eight million hectares of arable land over the whole country. About eighty percent of the land was to be cultivated by land tenants through collective farms. In accordance with the June 1962 Tripoli Charter of the FLN (which asserted that 'land belongs to those who cultivate it', and 'sharing, without parcelling out, the land' through a co-operative system), this principle became law by the decree of August 1969. The agrarian revolution charter of 1971 maintained the principle of small and medium property, and included legal provisions to prevent post-mortem land ownership fragmentation or concentration. It granted 'eternal usufruct' to the tenants who cultivated nationalised lands and gave them the right to transfer this usufruct to a male inheritor (not already recipient of land tenure) if committed to cultivating the land.

The legal status of these lands has however undergone a reverse change since September 1995 as the military regime announced it was intending to privatise 2.8 million hectares (out of 8 million hectares of arable land), 0.1 million hectares of which lie in the Mitidja region. Even before the privatisation law was passed, in 1998, about 60,000 hectares in the Mitidja region had reportedly been given to land speculation since September 1995.<sup>159</sup> The law facilitates acquisition by ex-mujahideen, former guerrilla fighters in the war of liberation, reconverted into business.<sup>160</sup> This is widely perceived as a preferential treatment of what is known as the militia lobby, a pressure group that includes people like commandant Azzedine, Boubnider, and Zbiri, former guerrilla commanders. Some of them were involved in setting up the paramilitary forces in 1994, and are to this day running the COIN operations

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in co-ordination with, and for, the military.<sup>161</sup> Other important beneficiaries include army officers engaged in part-time business activities, retired army officers, and powerful state bureaucrats who launder vast sums of money stolen from public institutions.<sup>162</sup> In October 1990, Prime Minister Mouloud Hamrouche ordered the publication of an initial list of 150 state bureaucrats and officers who had misappropriated nationalised land, an initiative which was promptly halted by powerful interests in the military.<sup>163</sup> Referring to these beneficiaries, Louisa Hanoune, leader of the labour party, stated:

For a whole series of people, there are many profits to be made. For instance, Algerian potatoes are left to rot in the ground and this allows 'cronies' to import foreign potatoes and embezzle a lot of money in the process. The same holds for the new law on the redistribution of land which profits 'liberation war mujahideen and their legal beneficiaries' who are in fact people close to *le pouvoir*, and some of them are real mafiosos. One should note that the lands where whole families are slaughtered as well as those of their neighbours who flee in terror are considered as abandoned and therefore liable to redistribution. The same holds true for small entrepreneurs who are harassed, racketed to the point of closing their businesses. These are then taken over by some other owners who, curiously, are never harassed.<sup>164</sup>

In summary then, those who infer a land privatisation intent from the massacres often do so on the grounds of particular physical, economic and legal consequences. Physically, the massacres have created a spiraling exodus of villagers to large urban centers. Economically, the massacres occur in lands of high intrinsic economic value but the sale prices of these killing fields has sharply decreased as farmers abandon, or sell the land for a paltry sum. Land ownership has shifted legally, from small tenant farmers to medium to big military-backed beneficiaries who steal or buy these depopulated lands. Some commentators, Forestier among them, have even suggested that the observed age-indiscriminate nature of the massacres serves the legal purpose of preventing anyone from the progeny of the victim legally claiming the 'eternal and bequeathable usufruct.' He says:

At each massacre, the land pushes the farmer to the cities. In order to accelerate this movement, the killings are increasingly vile. There have been reports of cases of cannibalism in the massacres. Babies have been nailed to doors or burned in the oven of a cooker. The murderers keep going at children to eliminate up to the last heir and hence prevent any future legal review of the allocations of lands. It happens that after a first massacre the survivors remain in their houses because they do not know where to go. At ar Rais, the death commandos came back a second time to decimate them.<sup>165</sup>

Finally, one should point out that not all accounts of this theory involve sketching out correlations between the massacres and land privatisation as such. Some advocates of the privatisation rationale of the massacres do so

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on the basis that it is just a particular instance of wider correlative patterns between the violence engulfing Algeria and the restructuring of its economy.

Many Algerians intuit that the ongoing economic restructuring maintains, modulates and shapes some of the violence. No empirical research into the various connections between the intensity, modulation and distribution of the violence, and the main economic and financial operations that have taken place in Algeria since 1992 is yet available. Some fragmentary pieces of information however do support that intuition. These can be classified into 3 sets of observations.

First, consider what Karabdjji reports about violence as an expedient tool for privatising public pharmaceutical companies:

A number of investors are exerting pressure on the government to sell sound companies such as *Air Algérie* or *Sonatrach* (oil company). At the same time, other profitable public companies are the target of real destabilisation attempts. This is the case, for instance, of *Saidal*, a pharmaceutical company which tries to revive the national industry against strong competition from private import companies. 'This dynamics is disturbing', explains an executive from *Saidal*. 'The director of our company has been the victim of several terrorist attacks. Our production installations are regularly targeted and we have been forced to create a subsidiary security company to protect us. No one will be able to convince us that these attacks are the work of Islamist groups.'

Clearly, the lobbies wishing Algeria to continue importing drugs instead of manufacturing them would be behind these attacks. Destabilisation through a violence that is easily attributable to terrorists is not the only weapon used by those who wish to transform Algeria into a gigantic commercial counter.<sup>166</sup>

The beneficiaries of the privatisation programme are officers of the army, relatives, other civilians acting as proxies for the officers, or people connected with the higher echelons of the military regime. Hadjadj remarks:

The wild privatisation of the economy, under the leadership of the IMF, has above all replaced the lucrative state monopoly by that exerted by the new godfathers who have divided the import market – about 10 billion dollars each year – among themselves. The weight of a godfather is proportional to his protection within *le pouvoir*. To identify the potential sectors of corruption, suffice to make an inventory of the state budgets or those offered by state banks (still waiting for a reform or privatisation of their management): health, farm-produce, equipment and infrastructure, industry, security, national defence.

A good example is that of drugs where, through private import companies, family links with the dignitaries of the regime are openly displayed. Among the best known names, one finds Ghenim, Bouhadja, Benmansour, Laroussi, Sidi Said, Lamari.<sup>167</sup>

Four of these names have access to the monopoly of institutional violence. Benmansour is the minister of the interior, Ghenim and Bouhadja are generals, and Lamari is the army chief-of-staff. Lamari is associated to Mo-

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hamed Ait Djedou, the pharmaceuticals magnate.<sup>168</sup> Many observers also see the connection with eradicator Lamari as crucial in benefiting, from the 'other side of the counter', the French pharmaceutical industry. Algeria imports 80 % of its drugs, which represents 4.5 % of its oil earnings (e.g. 500 million dollars in 1995), and most of them are produced by French pharmaceutical companies.<sup>169</sup>

In a study of the economy of the war, Martinez pointed out that:

The tactics of Islamic armed groups goes with a phenomenon of privatisation of the most exposed sectors. The systematic destruction of public vehicles has led to a proliferation of private transport companies which represent, now, 60 % of the market in Algiers. The decree of December 1987 allowed the private sector but it was only after the start of the civil war that a really wild privatisation occurred. [...] According to a study by the ministry of transport, financed by the World Bank, private transport companies hold 100 % of the market shares in Annaba and Setif, 98 % in Constantine, 86 % in Blida and 74 % in Oran. The violence of the emirs has also favoured the modernisation of the building industry. The sabotage of cement factories has led to the creation of new private companies.<sup>170</sup>

Karabджи agrees with Martinez about the economic motivation of the violence but does not share the latter's certainty about the identity of the instigators and perpetrators:

A civil servant at the Chamber of commerce acknowledges that 'the public monopolies have been replaced by private monopolies close to the circles of *le pouvoir*. It is useless to try to import food products, drugs or building materials. Everybody knows that in these markets there are people one cannot bypass and it would better, for one's own security, not to get close to them. I challenge any Algerian operator to import sugar or French cement. At best, he would receive a polite refusal from the supplier.' [...] Some operators have had less luck: Algerians are convinced that some assassinations attributed to Islamic armed groups are linked to affairs of rivalry in international commerce.<sup>171</sup>

In the second set of observations, it is often pointed out that it is no accident that those who hold the monopoly of institutional violence are the very ones who benefit most from the privatisation and corruption. Swiss member of parliament Ziegler says:

The hundreds of victims of the massacres of Rais and Beni Messous do not risk upsetting the military: their death contributes to maintaining the generals' oil rent deposited mainly in the banks of Geneva. For more than five years, since the military coup of January 1992, the bloody chaos organised by the killers, some of whose commanders work in the Algerian secret services, serves admirably the strategy of the generals. As long as women, men and children are slaughtered in the Mitidja, the suburbs of Algiers or in Kabylia no one will speak of free elections. The generals are certain to loose them, together with the staggering profits they extract monthly from the oil and gas revenues. In Geneva, through joint stock estate companies, whole streets belong now to generals and directors of petro-chemical public companies. In Berne, a general – Abdelmalek Guenaizia – occupies the embassy. He attends to the

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good running of the transfers. Some Algerian diplomats have even been called to order by the Swiss Department of Foreign Affairs: they spend their time setting up front companies in Lichtenstein. This is not exactly a diplomatic activity.<sup>172</sup>

*Le Nouvel Afrique Asie* reported that 'general Betchine, security advisor to the president of the republic, has become an element one cannot bypass in the East of Algeria, where he comes from. There he controls intelligence, the real estate, farm-produce industry and, despite his rivalries with the generals Smain Lamari and Mohamed Mediène, shares with them the repression apparatus.<sup>173</sup> He also owns several newspapers in Algeria and is said to have large land and estate properties in France, Switzerland, Tunisia and Syria. General Mediène controls important market shares in oil and gold prospecting, whilst his elder son represents the South Korea industrial giant, Dae-woo, in Algeria.<sup>174</sup> General Khaled Nezzar owns large estates and property in Algiers, Batna and Constantine. His son is said to control large shares in the import of farm-products, and to be married to the daughter of a multi-millionaire who owns, among others interests, the restaurant in the *Château de Versailles* in France and the *Go Fast* airline company that shuttles between Paris and Algeria's main oil base, Hassi Messaoud.<sup>175</sup> General Larbi Belkheir has estate property in Morocco, France, Switzerland, and Venezuela.<sup>176</sup> He amassed a fortune estimated in hundreds of millions of dollars from the Fiat car project that never saw the light of the day when he was secretary at the presidency, and from a regular rent from Italian gas pipeline companies.<sup>177</sup> Generals Abdelhamid Djouadi, Lakehal Ayat and Abdelmajid Cherif hold the monopoly of private security companies for the surveillance of oil fields.<sup>178</sup>

The third set of observations touches on less obvious correlations between the violence and the restructuring of the economy. Economist Bellami writes:

Economic liberalisation has been imposed using overt and covert state terror. The 'economic yield' of bomb attacks on public companies is the closing down of factories, and layoffs of hundreds of thousands of workers at no political cost since the blame is shifted on shadowy armed groups such as the GIA. In fact, a sizeable percentage of the workers made redundant are recycled as paramilitary repressive resources. In a country with 115 % inflation in 4 years, 8% decrease in industrial production, a wiped out middle class, and an unemployment affecting 30 % of the active population, can it be just a random coincidence that, on one hand, factories are closed down and more than 800,000 workers are made redundant and, on the other hand, over 200,000 militiamen, earning salaries 2 to 3 times the guaranteed minimum wage, be raised? Is it haphazard that the IMF 'restructuring' prescriptions give explicit support to this destruction of our economy and militarisation of our society?

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Bellami also observed that

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The new economic, financial and monetary laws serve to legalise an unchecked and socially brutal liberalisation, launder staggering thefts and sell cheaply national resources to some unscrupulous multinational companies. Most of them were passed between 1992 and 1996 by members of the National Council of Transition (CNT), that is to say, without a single exception, people appointed by the military and not elected by the people. Can it be incidental that these laws were passed when the country was swamped by the tides of terror? When there was not a single elected institution to make such decisions? At a time the visibility of the coercive power of the army was at a maximum? When the margins for social protest were absent? An Algerian proverb says ‘coincidence is the will of others.’<sup>180</sup>

### 3.5. Massacres as a ‘Barbarian Cycle’

This explanation is most frequently, though not exclusively, found in the writings of French commentators and ‘experts’ on violence. The suggestion here is that the massacres are an all-out social war, a ‘spiral of revenge and hatred’<sup>181</sup>, a ‘generalised settling of scores’<sup>182</sup>, a ‘permanent feud’<sup>183</sup> a ‘senseless frenzy of horror’, or a ‘barbarian cycle’<sup>184</sup> rooted in Algeria's history and culture. British journalist Hirst speaks of an ‘obscure, almost indecipherable [...] barbarous civil war’ with ‘clan, family and community vendettas rooted in the country's harsh history.’<sup>185</sup> Grandguillaume, a French anthropologist, says ‘history is part of the current events [and] we are witnessing an all out feud that leads to these atrocities.’<sup>186</sup>

Two aspects distinguish these theses from those reviewed earlier. Firstly, the instigators, perpetrators, and their victims are not narrowly, or politically, defined. They belong to universal social categories, such as the family, tribe, clan, or community, depicted as caught up in a politically blind and murderous pandemonium. Secondly, no instrumental intent, be it strategic, political, or economic, is invoked here to explain the atrocities. Some suggestions do ascribe psychological motives such as ‘revenge’ or ‘hatred’ to entities such as ‘families’ and ‘tribes’. Typical accounts, however, appeal to historical, cultural and/or social facts and regularities in contra-distinction to putative intents in the states of consciousness or policies of the instigators or perpetrators as is the case in 3.1-3.4.

Grandguillaume believes that some massacres are attributable to ‘family vendettas’:

Family feuds do play a role. Traditional hatreds between villages, families, and clan subsist. What are their causes? Issues of shame, unresolved quarrels about land. They reappear these days at football games that may end with violent fights between opposing supporters.<sup>187</sup>

Garçon reports an unnamed Algerian official stating:

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When the justice of the State does not exist, when there is no authority to appeal to, and the neutrality of the *djemaa* [traditional mediators] makes them suspect, personal revenge, family or tribal vendettas, *lex talionis* become the rule.<sup>188</sup>

For massacres as ‘tribal atavisms’, or as ‘clan punitive expeditions’<sup>189</sup>, Abdi invokes the psychological motives of ‘hatred’ and ‘revenge’:

In the rural areas, it has become a tribal war. Some tribes are loyal to *le pouvoir* because one of their members may be a minor civil servant, policeman, gendarme... or even an officer in the army. The spiral of horror starts when the Islamists kill a member of this tribe. The latter then decides to accept the arms offered by the security forces and takes revenge against those whose children have joined the guerrilla forces. In the end, the Islamists come back to massacre the avenging tribe. And this goes on, because the army has succeeded in implicating people who never wanted to take sides in the war since 1992.<sup>190</sup>

Now when the massacres are described as a matter of chaotic social criminality, the accounts speak of ‘Algeria becoming a gangland’<sup>191</sup> where the killings are perpetrated by ‘local mafias running their own militias’<sup>192</sup>, or ‘warlords recruiting men from their families and seeking to enlarge their fiefdom.’<sup>193</sup> Garçon perceives an anarchic violence:

The eruption of violence has never been so obscure since the beginning of the hostilities because it involves a multitude of actors: small warlords, Islamists or militiamen, various military factions, gangsters acting in the name of God or country, each of these having clientele to satisfy, targets to terrorise, lucrative trafficking to control and personal, tribal or local reprisals to assuage.<sup>194</sup>

Her account omits a particular form of banditry that Grandguillaume does not disregard:

One should include the existence of a massive criminality. With all this idle youth, in a climate of institutional violence where there is no place for the rule of law, criminality can only prosper.<sup>195</sup>

Clearly these accounts depict the massacres as empty of strategic, political or economic instrumental content.

Among the explanations in terms of cultural and/or historical facts and patterns, one finds claims that the cause of the massacres lies in the nature of Islam and the social character of Algerian people. Le Pen explains that ‘these spectacular massacres are part of [their] tradition.’<sup>196</sup> Leconte says ‘the killings are done in the name of Islam or, at least, of a certain idea of Islam.’<sup>197</sup> Grandguillaume asserts that Algeria is a ‘violent [and] harsh society.’<sup>198</sup> Articles in *Le Monde* and *L’Express* frequently use notions such as the ‘Algerian violence’, the ‘singularity of Algeria’s violence’, ‘Algeria’s culture of

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war' to explain the massacres. Hirst also claims 'historians and sociologists tend to agree' that 'Algerians have a natural bent for extremism.'<sup>199</sup> Amin, Egypt's former ambassador to Algeria, equally states

Algerians are much rougher than Egyptians or their neighbours in Morocco and Tunisia. They are good hearted, but even in their daily dealings they are harsh, tough, devoid of the softer ways of a civilised people. This is mainly because of the hardship they endured at the hands of the French.<sup>200</sup>

Historical explanations basically involve pointing out historical examples of violence among Algerians as instances of a regular pattern subsuming to-day's violence. Leconte says:

From the colonial night, some historians would have us believe, Bugeaud had exported Western barbarity to other shores of the Mediterranean. Nothing is said about the violence internal to the Algerian nationalist movement. Accepted in the name of the struggle against the occupier, this third world version of the 'end justifies the means' created havoc within the ranks of the militants before it turned against society. Since its liberation war, Algeria lives a permanent settling of scores whose current version is the most deadly.<sup>201</sup>

The havoc to which Leconte refers is the conflict between the National Liberation Front (FLN) and the Algerian National Movement (MNA).<sup>202</sup> Granguillaume also includes 'the violence of the FLN against the population in order to involve it in the struggle,' and 'that against the *barkis*', which continued after independence.<sup>203</sup> Of the latter, he makes the claim that:

Today, there are retributions whose origin should be searched for in the conflicts created by Algeria's independence in 1962. I am thinking of the massacres of the *barkis* that took place that summer, in the first months following independence. The number of victims is estimated at between 60,000 and 100,000. The *barkis* were Algerians recruited by France and were militias of the same type as those currently armed in villages by the Algerian authorities. At independence France denied the *barkis* access to the French territory. These people became prisoners in their own country. They were killed. These *barkis* were not isolated individuals. They belonged to families, and tribes. I am convinced there are deep-seated grudges that are re-activated by the current events. Today the qualifier '*barkiz*' or 'son of *barkiz*' is continuously used as an insult by both camps. The *barki* is the one who betrayed his country.<sup>204</sup>

These social or historical explanations locate the 'cause' of the massacres to facts *preceding* Algeria's independence in 1962. For similar explanatory claims appealing to *post-independence* facts, one can find references to the violence 'rooted in the Algerian schools'. Granguillaume again:

It is a harsh society. Just like its schools for instance. Children are often beaten and bullied in schools. Some years ago there was talk of introducing rules against corpo-

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ral punishment. This is to say that one is subjected to violence right from school, at a very young age. The citizens are brutalised in their daily lives.<sup>205</sup>

Adler says the national education of Algerians is suspect:

The hideous violence raging today is, before all, the daughter of colonial times and, of course, that of the mass nationalist education under the rule of Boumediene which, far from seeking the appeasement of minds, exalted, Soviet-way, a war of liberation totally mythicised.<sup>206</sup>

Grandguillaume also finds roots for 'the Algerian violence' in the linguistic policy of arabisation at the expense of the French language.<sup>207</sup>

#### 4. Explanatory Scopes of the Five Intents

We now attempt to evaluate the explanatory force and limits of these five putative intents.

Rather than compare them to particulars from individual massacres, we assess their consequences against some victimisation macro-indicators obtained by aggregating data from individual massacres. These collective data are available from the study of Ait-Larbi *et al.*, *An anatomy of the massacres*.<sup>208</sup>

They define two types of massacres: selective mass victimisation (SMV) events, and random mass victimisation (RMV) events. They characterise a massacre of the SMV kind as an episode where a selected sub-group of unarmed civilians are killed indiscriminately. One example would be the killing of members of a given family singled out in a quarter or village. They characterise a massacre of the RMV type as an event where a random victimisation of a random sub-group of the population takes place, for instance a bombing in a public place.

The data they used were obtained mainly from news reports in the international press. The authors acknowledged they were incomplete and distorted (by under-estimation). Their data were sketchy up to early 1996, but for the later period they integrated various data sources, which were searched through the Internet; this gave them a more comprehensive data set.

They first focused on the victimisation events as the relevant unit of analysis. They generated several indicators: the magnitudes and frequencies of the SMV and RMV events, their respective annual and monthly fluctuations, their district distribution over the national territory, and their political, military and economic geographies.

They then concentrated on the population of victims as a unit of analysis. The numbers of deaths and their time, space and social distributions were calculated. Non quantitative analyses of selectivity, vulnerability, and re-

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sponse in the victimisation were made, along with an account of the effects of the mass killings on the victimised populations.

Another unit they looked at was the population of crimes and perpetrators. They generated collective data about injuries and weapons in the SMV episodes, and weapon and target trends in RMV events. Some patterns about the organisational aspects of the perpetrators were also inferred.

Clearly there is a vast amount of data against which to test the logical consequences of the five putative intents we reviewed in section 3. A large programme would be needed to carry out an exhaustive inspection against the available data.

Our resolving of the scopes of the five explanations will be restricted to only a few of the time and space macro-indicators obtained in the study using the victimisation *events* as a unit of analysis. These are the most reliable observables of their data set, and one does not need many auxiliary assumptions to draw testable consequences from the putative intents.

#### 4.1. Monthly Fluctuations of the Massacres

Figure 2 shows the monthly fluctuations of the numbers of SMV and RMV events from April 1996 to December 1998. A phenomenon of *waves* of mass killings with lulls in between is clearly observable. The total massacre activity has seven *waves*, named  $W_1, \dots, W_7$  in the figure, i.e. eruptions of mass terror with different timings, levels of intensity and duration. Figure 3 displays the monthly fluctuations of the corresponding numbers of victims of selective and random mass victimisation for the same period. The wave structure is observed again. The timings and lifetimes<sup>C</sup> of these peaks of terror are equivalent to those observed in the total massacre activity. The intensities of the peaks are in proportional relation.

##### 4.1.1 Wave Structure of the Massacre Activity

How can the *wave* structure shown in figures 2 and 3 be an *exclusive* outcome of any of the five conjectured intents?

Take the barbarian cycle hypothesis (H<sub>BC</sub>). How can it entail that ‘clan, family and community vendettas rooted in the country’s harsh history’ flare up and abate in the way indicated in figures 2 and 3? Why would there be periods when clan and family vendettas and social criminality erupt collectively? Why would there be lulls in between these explosions of social may-

<sup>C</sup> Ait-Larbi *et al.* define the lifetime of a massacre wave as its full width at half-maximum. Suppose there is a train of massacres that increases, reaches a maximum of  $N$  massacres at some month  $t_{\text{month}}$ , and then decreases. The *lifetime* of such a *massacre wave* is the duration between the massacre activity registering  $N/2$  crescendo and decrescendo.

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hem? Why would the harshness of Algerian society, its schools and Arabic language produce massacres with an alternating time modulation?

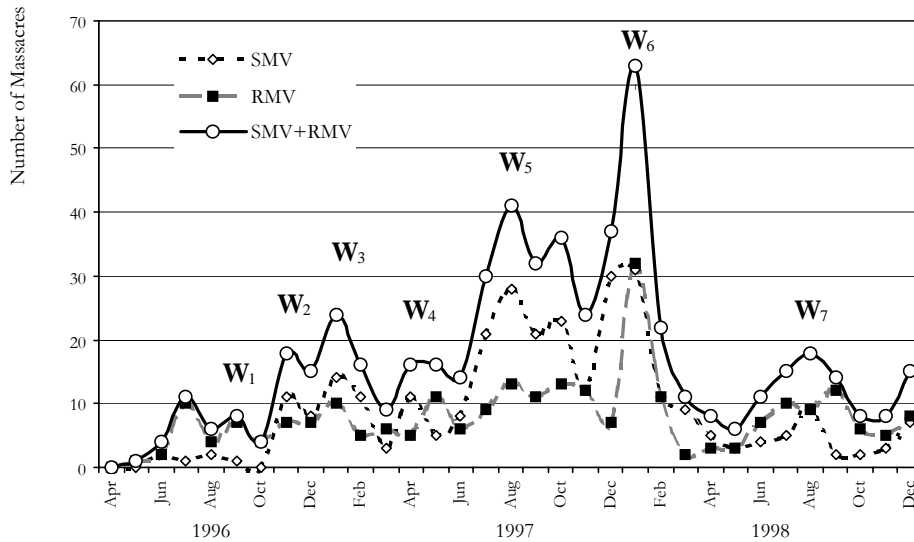


Figure 2: Monthly Fluctuations of SMV and RMV Events, April. 96-Dec. 98

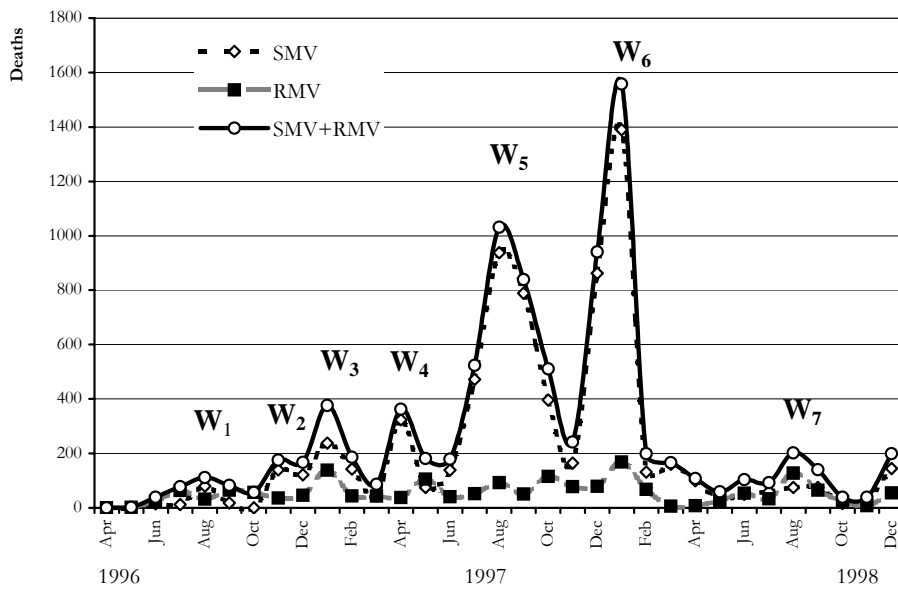


Figure 3: Monthly Fluctuations of SMV and RMV Deaths, April. 96-Dec. 98

It seems unlikely that Grandguillaume’s theories of ‘Algerian violence’ would engender the wave character of the massacre activity, except, perhaps,

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if some bizarre ad-hoc hypotheses were conjectured to save them. The burden of saving his theories is on him.

The problem with  $H_{BC}$  lies in that its explanandum is rather vague: ‘Algerian violence’, rather than some set of specific facts. Further, ascribing inaccessible subjective states such as ‘hatred’, ‘revenge’ and ‘harshness’ to sociological categories such as ‘family’, ‘clan’ or ‘society’ may be acceptable in ‘subjective rationales of violence’ discourses but is no help in accounting for specific facts. For one thing, such an approach obfuscates explanations in terms of strategies of actions prescribing specific facts of violence.

When reporting their finding of the wave character of the massacre activity, Ait-Larbi *et al.* pointed out, quoting Merloo, that the alternation in the regime of mass killings may be the outcome of a strategy for the effective maintenance of terror. The constant application of terror produces, over time, immunity to fear and the will to resist. Merloo says:

Totalitarian strategy in its tactical description of the techniques of mass intimidation and collective control discovered that the arousing of simple panic, fear and terror do not suffice. Too great a mental pressure exerted over a long period of time loses its frightening impact and often stirs rebellion and critical resistance in the people, militating against the final aim of producing obedient automatic thought machines out of human beings.

In order to better reach its goals, the more scientific strategy makes use of *waves of terror* ‘with in-between periods of relative calm and freedom’ – the so-called ‘*breathing spell*,’ (*peredishka*). These intervals of relative freedom and lack of overt tensions can be used to much better advantage for political persuasion and mass hypnosis provided some new wave of terror is anticipated. It is completely comparable with the patient in hypnotherapy who becomes easier to hypnotise at every session. The alternation of terror and breathing spell, for example, the alternation of a cold war of hatred with the opposite propaganda for harmonious, peaceful coexistence, can gradually cause confusion and increased anxious anticipation in people.<sup>209</sup>

Consider now the land privatisation hypothesis ( $H_{LP}$ ). There is no obvious land privatisation parameter that alternates with time. It is unlikely that all the massacre waves would be entailed by  $H_{LP}$  even if one assumes that the instigators of the massacres for land privatisation master this scientific strategy of terror and modulate the killings accordingly. Figures 2 and 3 display the massacre activities and victimisation volumes for all the territory, some parts of which have no particular land or estate value. The Mitidja would account for only a small part of the total victimisation. Furthermore, in the bare version of  $H_{LP}$ , given a particular region, once terror has been applied to drive the land tenants out, there would be no obvious need to maintain the terror. We will return to this point later.

Let us now look at the Islamist retribution hypothesis ( $H_{IR}$ ). It is not clear how the outpouring of ‘hatred’, ‘revenge’, ‘despair’ would bring about mass killings that flare up and abate in a structured way at a national level.

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Minister Moussaoui described the massacres as ‘the last spasms of the rabid beast’, the rabid beast referring the collective of Islamist insurgents.<sup>210</sup> The ‘spasm’ reference is a vivid representation of the wave structure of the massacre activity. But in so far that a spasm is an involuntary movement and ‘rabid beasts’ suggests uncontrollably violent fanatics, the probability of insurgents releasing their nihilistic anger collectively and synchronously at particular periods, in between lulls of collective quietude, appears rather remote. The *psychological* intent version of  $H_{IR}$  seems implausible.

Of course, one can assume that the Islamists master the scientific strategy of terror outlined by Merloo. In this case, only the instrumental version of  $H_{IR}$  would survive because ‘medieval and rabid fanatics’ in fits of ‘despair’, or seeking ritual, moral or religious purification, are not likely to engage in calculated instrumental violence. Unless, of course, Redha Malek, Hachemi Cherif and Khalida Messaoudi can save their theory with ad-hoc auxiliary assumptions to explain the time modulation of the rituals.

The *instrumental* version of  $H_{IR}$  cannot be ruled out in principle. To believe that  $H_{IR}$  explains the wave structure is to say that the insurgents punish their social base to prevent it from defecting to the incumbent side using a technique for *constant* deterrence. In other words, the time modulation of the terror would, in this case, be intended to maintain the populations *constantly* prevented from defecting to the military regime.

Consider now the COIN counter-mobilisation hypothesis ( $H_{COIN}$ ). The army has the monopoly of expertise and means in the application of force. The proposition that it modulates its COIN-prescribed mass killings in such a way as to maintain the whole society under *constant* terror is plausible. None of the features in figures 2 and 3 exclude  $H_{COIN}$ . The same can be said about the factional warfare hypothesis ( $H_{FW}$ ). Without further auxiliary assumptions, it cannot be excluded in principle.

Rather than test each of the putative intents against the *whole* wave structure of victimisation, we explore next how they may produce, individually or in combination, any of the  $W_1, \dots, W_7$  waves with intensities and lifetimes as shown in figures 2 and 3.

#### 4.1.2. *Timings of the Massacre Waves*

We focus only on  $H_{IR}$ ,  $H_{COIN}$ , and  $H_{FW}$ . As discussed above, it is probable that the massacres resulting from *exclusive* land privatisation intents do not contribute significantly to the time fluctuation of the victimisation activity. It is more likely they would contribute to the activity as *combined* with  $H_{COIN}$  and/or  $H_{FW}$  but then geographic indicators would test  $H_{LP}$  more stringently than time indicators.  $H_{BC}$  is an unlikely single explanation for the waves and will be ignored in what follows. Nevertheless, ignoring it does not mean that

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social units such as ‘family’ or ‘clan’ can be presumed to be uninvolved. The Algerian civil war, as with others, does not occur in a vacuum; it opposes various social units (family, clan, tribe, etc.).<sup>D</sup>

Now in order to assess whether any of the  $W_1, \dots, W_7$  waves supports or undermines  $H_{IR}$  and/or  $H_{COIN}$  and/or  $H_{FW}$ , we review some of the public and relevant political events concurrent with the waves.

**W<sub>1</sub>:** Take the victimisation sequence shown as  $W_1$  in figures 2 and 3. Its activity peaked in July 1996 (figure 2) and its deaths in August 1996 (figure 3). On the insurgent side the only public and relevant event was the creation of the Mouvement Islamique de la Dawa et du Djihad (MIDD – Islamic Movement for Predication and Struggle) in July 1996. On the incumbent side, Zouabri took over as the head of the GIA following the assassination of the monks of Tibherine, and the ensuing murder of GIA leader Zitouni, outcomes reportedly resulting from a clash between the DRS and the French SDECE.<sup>211</sup> There are three indications of factional hostilities. There was the assassination of conciliator general Saïdi, a day before his appointment at the defence cabinet, in June 1996. The promotions and assignments scheduled for 5 July were frozen as conciliators and eradicators could not agree on a joint list. Conciliator Zeroual intensified cross-party consultations, in July and August 1996, for the national conference on dialogue in September 1996. None of the events on the insurgent side or incumbent side refutes  $H_{IR}$  and/or  $H_{COIN}$  and/or  $H_{FW}$ .

**W<sub>2</sub>:** This wave peaks in November 1996. The only significant political event was the constitutional referendum held on 28 November 1996. This event seems irrelevant to  $H_{IR}$  and/or  $H_{COIN}$  and/or  $H_{FW}$ . This wave will however be resolved more finely by looking at its weekly constituent variations in section 4.2.

**W<sub>3</sub>:** Consider now the wave  $W_3$  that reaches a maximum in January 1997. Advocates of the thesis of massacres as ‘moral, religious or ritual purifica-

<sup>D</sup> What distinguishes a given civil war from another is not the involvement of social units such as family or clan, but the particular lines and configurations of conflict between these units. In this respect one could think of  $H_{BC}$  as accounted for, and subsumed under,  $H_{COIN}$  as follows. During the Algerian war of liberation the French military used sociologists and anthropologists to engineer counter-organisation techniques for their larger aim of counter-mobilising the populations against the revolution. The COIN campaign exploited family, clan, and tribal divisions and similarities to involve the civilian population against the FLN. McCuen says: ‘the French tried a similar counter-organisation of the population in Algeria, seeking to block the “parallel hierarchies” which they had seen the Viet-minh and FLN establish among the people. They tried to bring as many Algerians as possible into some type of organisation. The French army’s psychological and information service (SAPI) studied the population to determine what homogeneous divisions could be made in organising the Algerian people. A number were possible. For example, the religious brotherhood was a ready-made organisation. The shepherds, farmers, and fishermen were other possibilities. The SAPI decided however to concentrate the French efforts on the rural populations and specifically on the veterans, women, and youth. It considered these segments to be decisive in the struggle for the control of the people.’ (See J. McCuen, *The Art of Counter-Revolutionary Warfare*, op. cit., p. 98)

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tion' regard this wave as evidence of their claim because this timing partly overlaps with the month of Ramadan, which they regard as a special month for offering blood.<sup>212</sup> As for H<sub>IR</sub>, there are no apparent events, within the insurgent movement, which would be indicative of an intensification of the campaign to punish the populations to deter them from defecting to the regime. There is no reported indication of the social base of the insurgents increasing its disposition to support the regime.

Taking the opposite view, advocates of the H<sub>COIN</sub> intent may claim the month of Ramadan is a month of increased religiosity, mosque attendance, social activity and solidarity, hence greater political influence and deployment of the insurgents. This would jeopardise counter-mobilisation efforts of the COIN campaign, and hence incumbents' need to destroy the mobilisation momentum in favour of the insurgents.

With regard to H<sub>FW</sub>, several events may be taken to support it. Zeroual escaped two assassination attempts, one in December 1996 and one in January 1997.<sup>213</sup> Generals from both factions met in a blustering conclave whose reported issues of contention were the nature of the political party to be set up as a front for the army at the next legislative elections (the RND as it turned out later), and the control of the militia.<sup>214</sup> Abdelhaq Benhamouda, leader of the main labour union, and a client of the conciliator faction, was assassinated a few days after announcing his intention of creating a 'centrist party', and his criticism of the eradicator parties (RCD, ANR and Et-tahadi).<sup>215</sup>

**W<sub>4</sub>:** This wave peaks in April 1997. Laws for the legislative elections of June and regulations for the control of the militia were decreed by the National Council of Transition, a 'parliament' appointed by the military, in March 1997. The leader of the urban-based FIDA insurgent force was shot dead. In April and May 1997, there were no apparent event indicative of H<sub>IR</sub> and/or H<sub>COIN</sub> and/or H<sub>FW</sub> in the available literature.

**W<sub>5</sub>:** This wave of massacres picks up in June 1997, reaches a maximum in August and recedes in November of the same year. Although the massacre activity shows a double peak there should be no confusion that one is observing a *single* train of massacres, as can be ascertained from the structure of the respective numbers of victims at the time (see figure 3). On the insurgent side, two major events took place. In July 1997, Abbassi Madani and Abdelkader Hachani, the first and third leaders of the FIS respectively, were released from detention. In September the armed wing of the FIS declared a unilateral truce, Abbasi Madani was re-arrested, and in October the two remaining insurgent forces (LIDD and FIDA) joined the truce.

On the incumbent side, there are strong indications of factional hostilities. In June 1997, the RND, a party that had been created three months earlier, won the majority of seats at the legislative elections. This party acts as

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front for the army, but it is the members of the conciliator faction, general Betchine in particular, who have greater control over it. The release of the two FIS leaders, an initiative of the military conciliators, was bitterly criticised by the eradicator parties and the press in July. The factions reached a deadlock over a joint list of promotions and assignments, usually announced at the anniversary of independence. Still in July Zeroual dismissed eradicator general Ghezail from the command of the Gendarmerie Nationale and replaced him with conciliator Tayeb Derradji. Hubert Vedrine, foreign minister of France and supporter of the eradicators, visited Algeria. In September, the eradicators attempted a coup against Zeroual<sup>216</sup>, thwarted his dialogue initiative by re-arresting Abbasi Madani hence severing Zeroual's contacts with the political wing of the FIS, on one hand, and outdid their army rivals by brokering an agreement with the AIS, on the other.<sup>217</sup> In October 1997, eradicator general Cherif, commander of the special anti-terrorist forces, criticised publicly the commander of the Gendarmerie Nationale, conciliator Derradji, an unparalleled action in the history of the army. Zeroual dismissed eradicator major-general Said Bey from the command of the 1<sup>st</sup> MD and replaced him by conciliator general Rabah Boughaba, moved from the 5<sup>th</sup> MD, and the RND took an overwhelming share of the votes in the rigged local election. H<sub>FW</sub> draws strong support from the events concomitant with this wave of mass killings.

**W<sub>6</sub>:** This train of mass victimisation began in November 1997, peaked in January 1998 and subsided in February of the same year. January overlapped with the month of Ramadan (usually taken as evidence for the 'ritual purification' explanation). On the insurgent side, the truce still held effectively (since the first week of October) for the AIS, LIDD, and the FIDA, thus excluding H<sub>IR</sub>. The unilateral nature of the truce means one may not exclude H<sub>COIN</sub> for this wave. As an indication pertinent to H<sub>FW</sub>, in December 1997 elections for two thirds of the seats of the senate were held (Zeroual appointed the remaining third). The RND was victorious in capturing 80 out of the 92 seats, entrenching further the conciliators control of the government.

**W<sub>7</sub>:** This series of atrocities builds up from May 1998, peaks in August and ebbs in October of the same year. The truce of the AIS, LIDD, and FIDA was still effective. In May 1998, the affair of the Relizane militias brought to the open the factional conflict over militia control. Conciliator general Betchine was elected to the political bureau of the RND, an initiative that was interpreted as a step in his candidacy for the 2000 presidential elections. In June 1998, the eradicator press initiated a series of attacks on Betchine and Zeroual, accusing the former of corruption and human rights violations. In July 1998 the media war escalated as the press controlled by Betchine criticised both the eradicator generals and the eradicator press. No promotion or assignment of army officers was announced on the anniver-

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sary of independence in July. In August 1998 the media hostilities intensified further as specific allegations appeared against Betchine in the press: Ali Bensaad affair, Benboualia affair etc.<sup>218</sup> The RND party retaliated by orchestrating campaigns of support for general Betchine. In the first week of September, the press acting for Betchine counter-attacked further, accusing the leaders of the eradicator faction (generals Belkheir and Nezzar). Belkheir was accused of acting as informer for Mitterrand's secretary and both of them of setting up hundreds of death squads after the military coup of January 1992. A conclave was held and Zeroual was coerced into resigning. In October 1998 Betchine followed suit from his position as military advisor to the president. All these concomitant events suggest this wave is predominantly engendered by factional hostilities ( $H_{FW}$ ).

#### 4.1.3. *Intensities of the Massacre Waves*

The peak intensities of the waves of massacres show an increasing trend<sup>E</sup> from  $W_1$  to  $W_6$  and then the maximum intensity of the next wave decreases sharply ( $W_7$ ).

Why do the intensities of the peaks gradually increase from  $W_1$  to  $W_6$ ? Why is the peak intensity of  $W_7$  smaller than expected from the preceding trend? How can these features be logical consequences of  $H_{IR}$  and/or  $H_{COIN}$  and/or  $H_{FW}$ ?

First consider  $H_{IR}$ ,  $H_{COIN}$  and  $H_{FW}$  taken individually.

To say that all the massacres are part of an Islamist retribution campaign is to claim that, from August 1996 to January 1998, the insurgents increased gradually the intensity of their punishment operations against their social base and the larger population to prevent them from switching loyalty to the military regime. It also entails claiming that the Islamist insurgents decreased their retributive campaign after January 1998. Is there an obvious reason for the insurgents to increase the intensity of their punishment up to January 1998 and then decrease it? If, as  $H_{IR}$  asserts, the intent is to administer some aversive stimulus contingent on a defecting political behaviour or 'fitting the crime of switching loyalty', then it would be implicit that somehow the rate of defection of the population would have increased gradually up to January 1998, after which this rate would have suddenly decreased. This does not correspond to the facts. If participation to the elections is any indicator of some loose loyalty, then, in fact, the rate of participation of the population decreased gradually in the 3 elections (November 1996, June 1997 and October 1997). It is not then clear why the insurgents would wage waves of massacres with increasing peaks in intensity. Furthermore, the insurgent

<sup>E</sup> For  $W_4$  the massacre activity peak does not follow the trend but the corresponding victimisation volume peak is about the same as that of  $W_3$ .

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forces were observing a unilateral truce early in October 1997. One would expect that, on assuming the terror waves are Islamist retributions, the waves would die down. But in fact the peak intensity of  $W_6$  is even larger than that of  $W_5$ , i.e. the truce does not affect in any way the logic and process of victimisation that increased after August 1996. The massacre wave  $W_7$  is also incompatible with  $H_{IR}$  given the truce.

Take now  $H_{COIN}$ . Here too it is not clear why the managers of the COIN campaign would increase gradually the peak intensities of the massacre waves up to January 1998 and then drastically decrease it. After their crushing military defeat of 1995, the insurgents could no longer defend their social base, and therefore one could interpret this fact as explaining why the campaign of massacres as 'counter-mobilisation goads' would pick up in 1996. One can also interpret the increase in the intensity of the massacre waves as a measure to counter-mobilise the population rapidly before the insurgents reconstitute themselves militarily and politically. But some of the rises in the peak intensities seem just too abrupt.

The sharp decrease after January 1998 does not seem attributable to a COIN logic. There was no definite reversal of population loyalty in January 1998, nor was there any re-organisation of the insurgents. What took place in January 1998 was an unprecedented international outcry to stop the diverging intensification of the massacres. The likely damper of the massacre activity was the strong international pressure to investigate responsibilities into the mass killings. This humanitarian intervention into the massacres runs counter to COIN strategy, which prescribes measures to win, and not alienate, outside support. This suggests a crisis and not a military textbook COIN campaign.

One way to save  $H_{COIN}$  would be to assume it is combined with  $H_{FW}$ .  $H_{FW}$  is in principle contingent on  $H_{COIN}$  and it can hardly account on its own for the increase in peak intensities. But combined with  $H_{COIN}$  it imports some element of crisis or uncontrollability into the COIN campaign, and hence would make ' $H_{COIN} + H_{FW}$ ' a plausible explanation for the gradual rise in peak intensities up to January 1998. Again, the sharp drop in the peak of  $W_7$  would, in this case, also be due to the international pressure.

One could now think of alternative explanations involving various *combinations* of intents, say the least unlikely ' $H_{IR} + H_{COIN}$ ' or ' $H_{IR} + H_{COIN} + H_{FW}$ '. Consider ' $H_{IR} + H_{COIN}$ ' as the candidate explanation. This would entail that both the insurgents and the incumbents perpetrate the massacres. They would compete for the loyalty of the civilian population using massacres as means to alter its political behaviour. The waves in figure 2 would be admixtures of two types of waves attributable to two agencies. The same can be said about the deaths time profile shown in figure 3.

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Nothing excludes this hybrid hypothesis up to  $W_5$ . The rise in the peak intensities can simply be said to result from an intensification in the dispute for the loyalty of the population. The problem with this hybrid explanation is the intensity of the  $W_6$  and  $W_7$  waves of mass killings. Given the truce in the first week of October, one would expect  $H_{IR}$  not to be operative beyond it. But then why is  $W_6$  subsumed by the same increasing pattern that covers  $W_1$  to  $W_5$ . Therefore  $H_{IR}$  seems redundant and, further, the massacre wave  $W_7$  excludes it. It follows that the only way of saving this hybrid explanation is to restrict its domain of relevance up to  $W_5$  and offer some auxiliary assumption to justify both the combination of intents and its restricted domain of bearing.

The same analysis may be repeated for the larger compounded intent ' $H_{IR} + H_{COIN} + H_{FW}$ '. Analogous conclusions result.

#### 4.1.4. *Lifetimes of the Massacre Waves*

Figure 2 shows massacre waves with 3 levels of duration.  $W_5$  and  $W_7$  have the longest lifetimes (about 4 months),  $W_2$ ,  $W_3$  and  $W_6$  have the shortest lifetime (about 2 months) while  $W_1$  and  $W_4$  endured for an intermediate period (2.5 to 3 months).

Why do the waves of mass victimisation have different lifetimes? Why is it that after the international outcry in January 1998, only a *long lived* wave of massacre was perpetrated in 1998?

Assuming the waves  $W_1$  to  $W_5$  can be accounted for in terms of  $H_{IR}$  entails that the campaigns of retribution do not last the same amount of time.  $W_2$  and  $W_3$  are short lived,  $W_5$  lasts the longest, and  $W_1$  and  $W_4$  persist for a mean duration. It is not obvious what events and auxiliary assumptions one would need to look for to explain the differences in the lifetimes. In this state of affairs one can only safely say that the lifetimes of  $W_1, \dots, W_5$  neither support nor undermine  $H_{IR}$ .

As regards accounting for  $W_6$  and  $W_7$ ,  $H_{IR}$  is not plausible because of the insurgent truce. Supposing the same cause produces the same effect, given that the lifetime of  $W_6$  is about the same as that of  $W_2$  and  $W_3$ , and since the duration of  $W_7$  equals that of  $W_5$ , one might be justified in inferring that only  $W_1$  and  $W_4$  may be consequence of  $H_{IR}$ .

Consider now  $H_{COIN}$ . The lifetimes of the waves seem neutral to confirmation. It is not self-evident why  $H_{COIN}$  would entail waves of differing durations. It can only be said that the effect of the international pressures of January 1998 was to interrupt the massacres of short and intermediate lifetimes, up to December 1998.

As regards  $H_{FW}$ , the analysis of the timings of the waves indicated that for the  $W_3$ ,  $W_5$  and  $W_7$  massacres the factional hostilities are overwhelmingly

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present. Since  $W_5$  and  $W_7$  have the longest duration, it may be justified to correlate long-lived waves of massacres with factional hostilities.

Consider now combined intents as an explanation, for instance ' $H_{IR} + H_{COIN}$ ' or ' $H_{IR} + H_{COIN} + H_{FW}$ '. Assuming the same cause produces the same effect, since  $H_{IR}$  is not operative for  $W_6$  and  $W_7$ , the least unlikely theories remain  $H_{COIN}$  for  $W_2$ ,  $W_3$  and  $W_6$ , ' $H_{IR} + H_{COIN} + H_{FW}$ ' for  $W_1$  and  $W_4$ , and ' $H_{COIN} + H_{FW}$ ' for  $W_5$  and  $W_7$ .

#### 4.2. Weekly Fluctuations of the Massacres at Election Times

Ait-Larbi *et al.* calculated the weekly variations of the selective and random mass killing activities around the 28 November 1996 constitutional referendum, the 5 June 1997 parliamentary election, and the 23 October 1997 local elections. This is shown in figure 4. They also computed the corresponding numbers of victims in SMV and RMV events, as shown in figure 5. In both cases one observes homologous trends. Election days correspond to lulls in between massacre waves. Prior to the elections the mass killings start about four weeks earlier, peak one to two weeks later, and then subside one week before the poll. One week after the elections, the mass killings rise again.

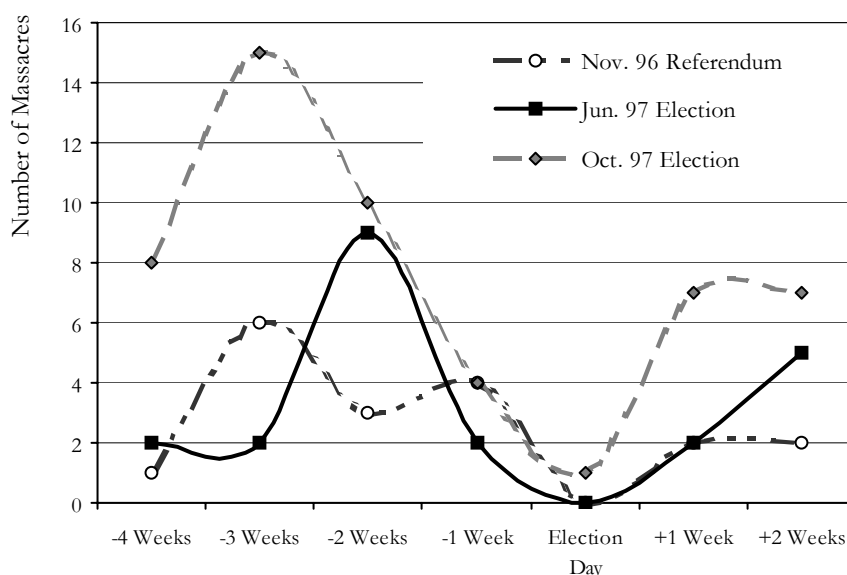


Figure 4: Weekly Fluctuations of SMV and RMV Events at Election Times.

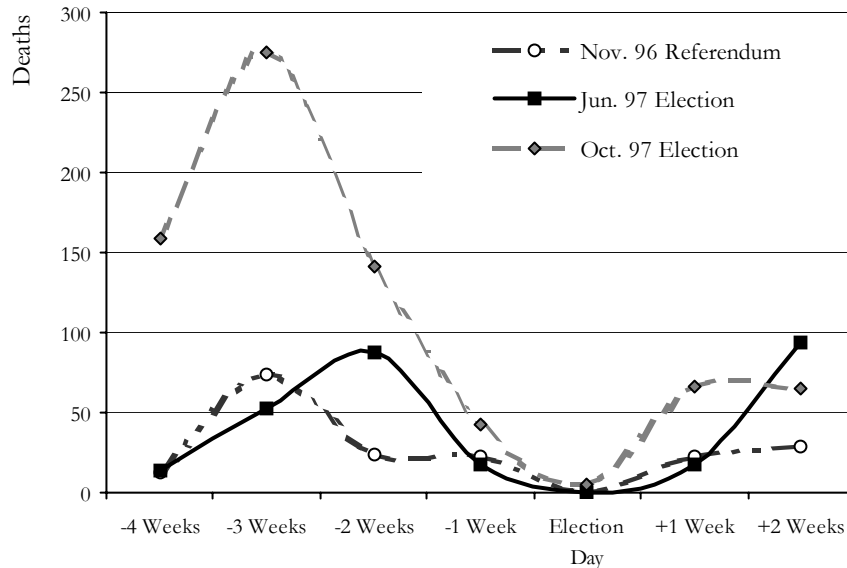


Figure 5: Weekly Fluctuations of Deaths from SMV and RMV Events at Election Times.

What are the bearings of these observations on the acceptability of  $H_{IR}$  and/or  $H_{COIN}$  and/or  $H_{FW}$ ?

Consider  $H_{IR}$ . Suppose the participation of the population in the elections is regarded as a defection to the regime by the Islamist insurgents. Why would they modulate their punishment campaign to prevent the population switching loyalty in the way shown in figures 4 and 5? In other words, why would they increase the mass killings four weeks before the elections, then start reducing them about two weeks prior to the poll, further reduce or stop them on election day, and then increase them again after the poll?

If anything one would expect the insurgents to seek to disrupt the elections rather than reduce or stop their killings just before, during, and just after the poll. To save  $H_{IR}$  it can be argued that the subsiding of the mass victimisation at election times is simply due to some vast deployment of security forces to protect the voters and voting. This however would be an ad-hoc move because, as we saw earlier, the wave character of the massacres is a structure that modulates the killings from 1996 to 1998. These can hardly be explained in terms of an alternating deployment of troops. Furthermore, if the deployment of troops is effective at some times, e.g. elections, why is it not effective at *all* times?

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The proposition that the massacre waves at elections times are consequences of  $H_{IR}$  is undermined by the fact that the 23 October 1997 local elections were held at a time when insurgents were observing a unilateral truce. The October 1997 wave is not only homologous to the waves registered around previous elections, but it is also higher in intensity. It would be logical to infer that the data refute  $H_{IR}$  as an explanation for this sub-set of massacres, unless, of course, one calls upon some extra-assumption to make  $H_{IR}$  applicable only to the two earlier elections.

Let us now look at  $H_{COIN}$ . Participation in the elections would, in this case, be regarded both as conferring legitimacy to the regime by default, and a counter-mobilisation of the people against the insurgents. But why would the COIN war managers modulate their mass killings as shown in figures 4 and 5? One could argue that, according to Merloo's work on the misuse of psychology by political agencies, collective control of a population can most effectively be obtained by using waves of terror with lulls in between: 'the intervals of relative freedom and lack of overt tensions can be used to much better advantage for political persuasion and mass hypnosis provided some new wave of terror is anticipated.'<sup>219</sup> The data do not therefore exclude  $H_{COIN}$ .

One may raise the question of what accounts for the fact that the massacre wave of the October 1997 local elections is more intense than those observed in earlier polls. The wave shown in figure 4 is actually a constituent of the larger wave  $W_5$  shown in figure 2. Since the factional hostilities are strongly correlated to  $W_5$ , one might reasonably take the view that the increased intensity of the massacre wave of October 1997 is engendered by ' $H_{COIN} + H_{FW}$ '.

### 4.3. Political Geography of the Massacres

From among the wide range of geographic macro-indicators generated by Ait-Larbi *et al.*, we restrict this analysis to the political geography macro-indicators of the mass killings.

They distinguished the political identities of the victimised districts, and examined the relation between the identities of these districts and their respective degree of victimisation. This was achieved using the results of the local elections of June 1990 and the parliamentary poll of December 1991 as indicators of political identity.<sup>F</sup> They further argued that since these elections took place before the military coup of January 1992, and were reportedly free of rigging and intimidation, they were more reliable political indicators.

<sup>F</sup> The same analysis was made with the results of the June 1997 and October 1997 elections and the authors presented convincing evidence that the conclusions drawn out of these indicators are flawed because these elections were rigged.

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For both the local elections of June 1990 and the legislative elections of December 1991, they found a striking pattern. The stronger a constituency allegiance to the FIS, the greater is its degree of victimisation. The stronger a constituency allegiance to the FLN, the smaller is its degree of victimisation.

These patterns held true for most but not all the districts in the territory. Ait-Larbi *et al.* showed that these two generalisations broke down for some districts. They argued that some of the exceptions could be explained because the victimisation data were distorted but, more importantly, suggested that political allegiance to the FIS and the regime was only one determinant of the victimisation in competition with other variables such as population density, military geography and economic geography.

In order to present the dominant trend (however not exclusive), they examined the relation between constituency allegiance to the FIS/FLN and victimisation at the level of *classes* of districts, as opposed to the level of *individual* districts, of comparable victimisation. This should be regarded as some kind of averaging process.

Figure 6 shows the percentage of FIS, and FLN and RCD, municipalities against the corresponding degree of victimisation. This was obtained by partitioning the districts into 6 zones. Zone 1 comprises the districts with more than 50 massacres, i.e. Algiers, Blida, and Médéa. Zone 2 consists of districts with more than 20 and less than 50 massacres, i.e. Tipaza, Ain-Defla, Tlemcen, Tiaret, and Saida. Zone 3 covers the districts with more than 10 and less than 20 massacres, i.e. Relizane, Sidi Bel Abbes, Tizi-Ouzou, Boumerdes,

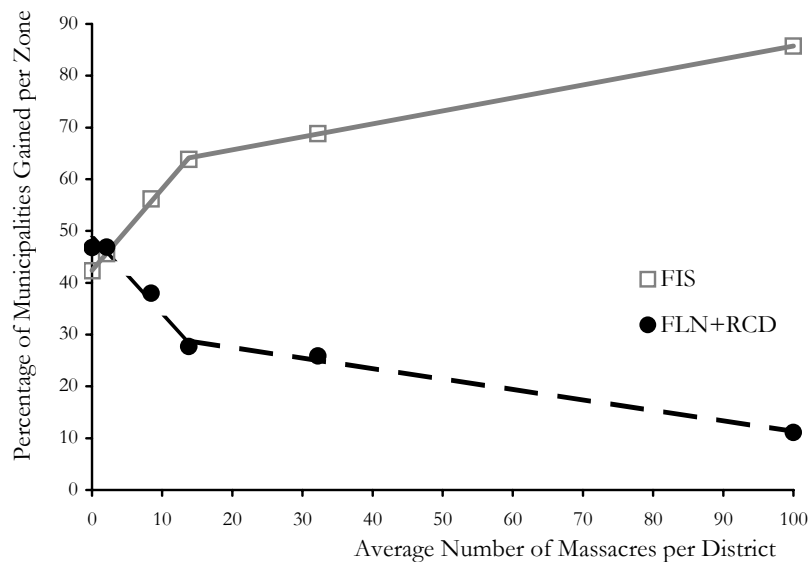


Figure 6: Percentage of Municipalities by Degree of Victimisation (June 90 Local Elections)

and Msila. Zone 4 includes the districts with more than 5 and less than 10 massacres, zone 5 involves those with at least 1 and less than 5 massacres. Zone 6 covers the non-victimised districts.

Each of these zones is ascribed an average district victimisation value calculated by dividing the total number of massacres in the zone by the number of constituent districts in the zone. For example Ait-Larbi *et al.* found that zone 1 suffered an average of 100 massacres per constituent district. The average district victimisation values for the zones are shown as the abscissas in figure 6.

These six zones are also assigned political identity indicators: in this case, the total number of municipalities gained by the party of interest over the total number of municipalities competed for in the constituencies within the zone. These were calculated for the FIS, and the FLN and RCD, and are shown as ordinates in figure 6.

The two sets of indicators in figure 6 show that the stronger a zone's allegiance to the FIS, the greater is its degree of victimisation, and that the stronger a zone's allegiance to the FLN and RCD, the smaller is the degree of its victimisation. Ait-Larbi *et al.* did the same analysis using the results of the legislative elections of December 1991. The results are shown in figure 7: the same relation between political allegiance and degree of victimisation is found. They pointed out that it suggests 'electoral cleansing'.

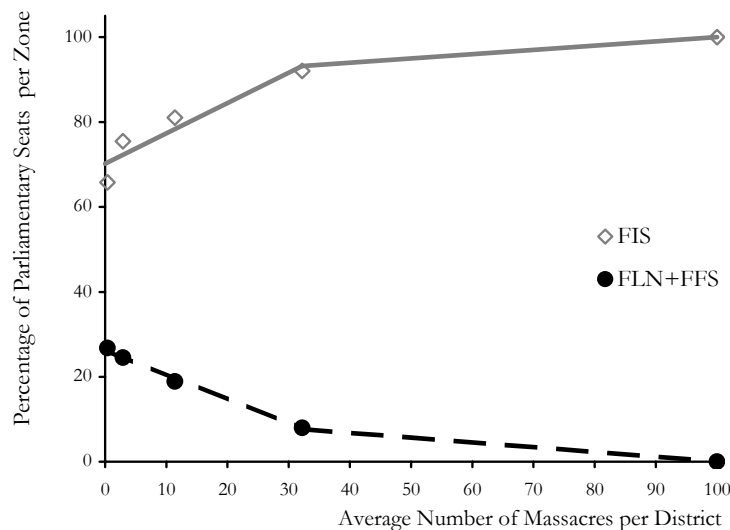


Figure 7: Percentage of Parliamentary seats by Degree of Victimisation (December 91 Local Elections)

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Since  $H_{IR}$  postulates that the massacres are Islamist retributions intended to prevent the population defecting to the incumbent regime, one would reasonably infer that the areas with the weakest loyalty to the FIS would be singled out for higher victimisation. There would be no need for the insurgents to resort to retributive punishment in zones strongly loyal to them. This however is simply falsified by the evidence of figures 6 and 7. Unless some ad-hoc assumption is made to save  $H_{IR}$ , it is refuted by the facts.

As regards  $H_{COIN}$ , it is supported by the evidence of figures 6 and 7. The stronger a zone's political allegiance to the FIS, the harder it would be to counter-mobilise it, and hence the larger is the volume of terror required to reverse its political behaviour (destruction by terror, followed by construction). The zones with a strong allegiance to the FLN would not need counter-mobilisation as the FLN is itself a counter-organisation serving the military. Hence, no terror is needed to alter the political behaviour of the corresponding constituencies.

These data are neutral to  $H_{FW}$  and  $H_{LP}$ .  $H_{FW}$  is contingent on  $H_{COIN}$  in any case, and while the timings of the massacres may be easily related to factional hostilities, it is not clear how the latter might show up in geographic indicators of victimisation. The same holds for  $H_{LP}$  which would probably be more sensitive to economic geography indicators.

## 5. Summary and Conclusion

This paper surveyed the literature on the massacres that have recently terrorised the Algerian people. The review focused exclusively on the question of responsibility for the killings.

Five clusters of explanations were identified. The massacres were suggested to be

- (1) an Islamist retributive campaign,
- (2) a counterinsurgency military tactics,
- (3) an expedient tool in factional hostilities within the army,
- (4) an eviction tactics for land privatisation,
- (5) a generalised settling of family and tribal scores.

Each of these putative intents was reviewed, with greater space devoted to those with less media exposure. In each case, an attempt was made to clarify the structure of the explanatory claim and delineate some of its pre-suppositions.

To examine the explanatory scopes of these alleged intents, the paper tested their logical consequences against victimisation macro-indicators obtained by aggregating data about individual mass killings. These were ob-

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tained in the study of Ait-Larbi *et al.* This examination focused only on the monthly fluctuations of the mass killings, their weekly fluctuations at election times and their political geography.

The monthly fluctuations showed that it was untenable to defend the 'barbarian cycle' thesis and narrowed considerably the explanatory scopes of the remaining explanations without excluding totally any of them. Both the weekly fluctuations of the mass killings around the time of elections and their political geography undermined the Islamist retribution thesis and lent strong support to the mixed 'H<sub>COIN</sub> + H<sub>FW</sub>' intent. In short they support the theory of massacres as both counter-mobilisation goads *and* eradicator pressure means to undermine the conciliator faction of the military.

This analysis is however not conclusive. The comparison with the data is incomplete. One needs to test the logical consequences of the five putative intents against *all* the empirical macro-indicators available. This is a large research project; Ait-Larbi *et al.* generated a large number of such indicators. We intend to present more comparisons with their data in forthcoming publications.

Although we believe this research effort is important in maintaining rational views on the matter, especially that the manufacturers of consent have been peddling a facile propaganda for far too long, our belief is that, ultimately, a conclusive identification of the responsibilities can only come from an independent, impartial, expert and international investigation.

### **Acknowledgement**

I gratefully acknowledge the editorial assistance of Malcolm Summerell and Zahid Nawaz.

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## NOTES

- <sup>1</sup> *Associated Press*, 3, 4 and 7 January 1998; *Reuters*, 7 January 1998; *Agence France Presse*, 7 January 1998.
- <sup>2</sup> *Associated Press*, 3 January 1998.
- <sup>3</sup> *Agence France Presse*, 7 January 1998.
- <sup>4</sup> A. Sipress, 'Sources of Algerian Massacres a mystery', *Detroit Free Press*, 12 January 1998.
- <sup>5</sup> Ait-Larbi *et al.*, *An Anatomy of the Massacres*, in part I of this book.
- <sup>6</sup> A. Ali-Yahia, 'Algeria, October 1988 to October 1998: A Ten Year Crisis', Lecture at the School of Oriental and African Studies, University of London, 5 October 1998.
- <sup>7</sup> *Ibid*; Le Comité Algérien des Militants Libres de la Dignité Humaine et des Droits de l'Homme, *Le Livre Blanc*, Volume 1, 2, and Supplément, Hoggar, Geneva 1994, 1995; The Algerian League for the Defence of Human Rights estimates the number of disappeared to be 12,000 (R. Fisk, 'One man's heroic fight against a regime with a taste for torture', *The Independent*, 10 October 1997).
- <sup>8</sup> *Associated Press*, 23 January 1998; *La Tribune de Genève*, 11 December 1996, *Agence France Presse*, 18 May 1999.
- <sup>9</sup> See M. Bendriss, *Responses of Islamic Political Parties and Insurgent Groups*, paper No. 11 in part III of this book.
- <sup>10</sup> *Ibid*.
- <sup>11</sup> *Ibid*.
- <sup>12</sup> *Ibid*.
- <sup>13</sup> *Ibid*.
- <sup>14</sup> *Ibid*.
- <sup>15</sup> *Ibid*.
- <sup>16</sup> *Ibid*.
- <sup>17</sup> *Demain l'Algérie*, 7 September 1998; H. Larbi, 'Le pays otage des clans', *Libre Algérie*, No 1, 14 September 1998
- <sup>18</sup> UNHCR, *Background paper on refugees and asylum seekers from Algeria*, Centre for Documentation and Research, Geneva, October 1995.
- <sup>19</sup> B. Izel, J.S. Wafa, and W. Isaac, *What is the GLA?*, paper No. 6 in part II of this book.
- <sup>20</sup> See note 9.
- <sup>21</sup> *Le Monde*, 26-27 Janvier 1997.
- <sup>22</sup> *Agence France Presse*, 7 November 1997; *Liberté*, 5 August 1996; *L'Authentique*, 30 August 1997.
- <sup>23</sup> *Le Monde*, 5 January 1998.
- <sup>24</sup> *L'Authentique*, 30 August 1997.
- <sup>25</sup> *Le Monde*, 5 January 1998.

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<sup>26</sup> See for instance *Le Matin*, 27 August 1997.

<sup>27</sup> *Le Monde*, 4 February 1998.

<sup>28</sup> *L'Express*, 22 January 1998, p.41.

<sup>29</sup> *Libération*, 30-31 August 1997.

<sup>30</sup> C. Dickey, *Newsweek*, 19 January 1998, p.30.

<sup>31</sup> *Reuters*, 6 January 1998.

<sup>32</sup> See note 19.

<sup>33</sup> R. Malek, 'Face au terrorisme, l'alternative patriotique et republicaine', in J-P. Chagnollaud, *Confluences Méditerranée*, L'Harmattan, Paris 1998, pp. 93-97.

<sup>34</sup> A. Khelladi, 'Les islamistes algériens à l'assaut du pouvoir', in *Les Temps Modernes*, No 580, January-February 1995, p. 151.

<sup>35</sup> R. Gallissot, 'La purification communautaire', in *Les Temps Modernes*, No 580, January-February 1995, p. 100.

<sup>36</sup> Ibid.

<sup>37</sup> H. Cherif, 'La lumière et les ténèbres', in J-P. Chagnollaud, *Confluences Méditerranée*, L'Harmattan, Paris 1998, pp. 83-92.

<sup>38</sup> K. Messaoudi, *Regard* (France), October 1997.

<sup>39</sup> J. Sweeney, 'We know how to deal with the bully of Baghdad (just follow Clinton). It's Algeria that will really test Cook's ethical policy', *The Observer*, 18 January 1998, p. 19.

<sup>40</sup> G.T. Hammond, 'Low Intensity Conflict: War by Another Name', *Small Wars & Insurgencies* Vol. 1, No.3, 1990, pp.226-238; M.G. Manwaring and J.T. Fishel, 'Insurgency and Counter-Insurgency: Towards a New Analytical Approach', *Small Wars & Insurgencies*, Vol. 3, No 3, 1992, pp. 272-310; R.G. Coyle and C.J. Millar, 'A Methodology for Understanding Military Complexity: The Case of the Rhodesian Counter-Insurgency Campaign', *Small Wars & Insurgencies*, Vol.3, No.3, 1996, pp. 360-377; F. Kitson, *Low Intensity Operations*, Faber and Faber, London 1971.

<sup>41</sup> J. Pimlott, 'The French Army: From Indochina to Chad, 1946-1984', in I.F.W. Beckett and J. Pimlott (ed.), *Armed Forces and Modern Counter-Insurgency*, Croom Helm, London 1985, pp. 46-76; F. Toase, 'The French Experience', in I.F.W. Beckett (ed.), *The Roots of Counter-Insurgency Armies and Guerrilla Warfare 1900-1945*, Blandford Press, London 1988.

<sup>42</sup> J. McCuen, *The Art of Counter-Revolutionary Warfare*, Faber and Faber, London 1966; E. Ahmed, 'Guerre Révolutionnaire et Contre-Insurrection', R. Thompson, 'Les principes fondamentaux de la contre-insurrection', and R. Trinquier, 'Les erreurs de la contre-insurrection', in G. Chaliand (ed.), *Stratégies de la guerrilla*, Payot et Rivages, Paris 1994.

<sup>43</sup> Ximenes, 'La guerre révolutionnaire', *Revue Militaire d'Information*, No 281, February-March 1957, pp. 9-22. Ximenes is a pseudonym for Maurice Prestat and Saint Macary. See also J. McCuen, *The Art of Counter-Revolutionary Warfare*, op. cit., pp. 30-73.

<sup>44</sup> The French counter-organised various section of Algerian society: youth, women, farmers, sheperds, religious orders etc. using psychological operations such as the so-called civic action and civil training programmes. See J. McCuen, *The Art of Counter-Revolutionary Warfare*, op. cit., pp. 98-152; M. Deen, *L'Armée d'Algérie et la Pacification*, Plon, Paris 1959, pp.130-132, 138-140, 146; R. Girardet,

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'Pouvoir Civil et Pouvoir Militaire dans la France Contemporaine', *Revue Française de Science Politique*, Vol. 10, No. 1, 1960, p. 24; H. Le Mire, *Histoire militaire de la guerre d'Algérie*, Albin Michel, Paris, 1982; A. Horne, *A Savage War of Peace*, MacMillan, London 1977.

<sup>45</sup> H. Alleg, J. de Bonis, H.J. Douzon, J. Freire, P. Haudiquet (eds.), *La Guerre D'Algérie*, Vol. 2, Temps Actuels, Paris 1981.

<sup>46</sup> See note 44.

<sup>47</sup> J. Roy, *The War in Algeria*, Grove Press, New York 1961, p. 50

<sup>48</sup> L. Kuper, *Genocide: Its Political Use in the Twentieth Century*, Yale University Press, New Haven 1981.

<sup>49</sup> See I. Taha, *Qualification des massacres dans le droit international*, paper No. 30 in part VI of this book; A. Taheri, 'Algérie: Les grands cimenterres sous la lune', Entretien avec le general X, *Politique Internationale*, No 79, Spring 1998; General Nezzar, 'Nous ne savions pas', in A. Semiane (ed.), *Octobre 1988: Ils Parlent*, Le Matin, Algiers 1998, pp. 65-97.

<sup>50</sup> M.S. Lalioui, *Reactions of the Algerian Army to the Massacres*, paper No. 8 in part III of this book.

<sup>51</sup> *La Cause*, Vol. 1 & 2, 1994 and 1995.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> *La Cause*, op. cit.; Le Comité Algérien des Militants Libres de la Dignité Humaine et des Droits de l'Homme, *Le Livre Blanc*, op. Cit.; See also the 1996 to 1998 issues of the weekly newsletters *Tabsira* (in Arabic) and *The Enlightenment* (in English) published in the United Kingdom.

<sup>57</sup> J. Garçon, 'La dérive sanglante des milices en Algérie', *Libération*, 15 April 1998.

<sup>58</sup> L. Martinez, *La guerre civile en Algérie*, Khartala, Paris 1998; F. Zemmouri, 'La sanglante saga des milices d'Etat', *Le Nouvel Afrique Asie*, June 1998; T. Oberlé, 'L'Algérie: l'Armée des "patriotes"', *Le Figaro*, 20 February 1998; N. Lamine, 'Comment Alger rétribue les miliciens', *Dernières Nouvelles d'Alsace*, 26 February 1998.

<sup>59</sup> T. Ighilès, 'milishiya am tan-miyya ijtima-'iya?' (Militia or Social Development?), *rissala Ikkbariya lil-munta-da al jaz'a-iri* (The Algerian Forum Newsletter), October 1997, p.7.

<sup>60</sup> Y. Amer, 'al jamaa al islamiyya wal stratijiyya al mudhada lithawra' (The GIA and Counter-Revolutionary Strategy), in *rissala Ikkbariya lil-munta-da al jaz'a-iri*, February 1998, p.2.

<sup>61</sup> Y. Amer, op. cit, p. 3.

<sup>62</sup> Y. Amer, op. cit, p. 7

<sup>63</sup> Y. Amer, op. cit., p. 9

<sup>64</sup> Y. Amer, op. cit., p.13

<sup>65</sup> Amer also says: 'In rural areas with high guerrilla activity, acting on orders from the psy-ops department of the DRS, the GIA also targets families of SDG militias, not just the families and supporters of the guerrillas. The psycho-political response from the direct identification group (militias) is increased cohesiveness and heightened aggressiveness. In particular these operations prompt retaliatory massacres against families and supporters of the genuine Muslim guerrillas. The choice of targets is

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made by the psychological action and information service within the psy-ops department, which exploits homogeneities in family and clan divisions.' Y. Amer, op. cit., p.22.

<sup>66</sup> Y. Amer, op. cit., 25.

<sup>67</sup> J. Sweeney, 'We know how to deal with the bully of Baghdad (just follow Clinton). It's Algeria that will really test Cook's ethical policy', *The Observer*, 18 January 1998, p. 19.

<sup>68</sup> J. Sweeney, op. cit.

<sup>69</sup> J-P. Mari, 'Ces Algériens qui prennent les armes', *Le Nouvel Observateur*, 6-12 February 1998, p. 30.

<sup>70</sup> Y. Amer, op. cit., p.29.

<sup>71</sup> B. H. Mohamed, 'La reconquête du terrain perdu', *El Watan*, No 2199, 1 February 1998, p.1.

<sup>72</sup> Ibid.

<sup>73</sup> M. Janowitz, *Military Institutions and Coercion in the Developing Nations*, University of Chicago Press, Chicago 1997; A. Perlmutter, *The Military and Politics in Modern Times*, Yale University Press, Yale 1977; A. Perlmutter and V. Bennett (eds.), *The Political Influence of the Military*, Yale University Press, New Haven 1980; K. Fidel (ed.), *Militarism in Developing Countries*, Transaction Books, New Brunswick 1975; H. Bienen (ed.), *The Military Intervenes*, Russel Sage Foundation, New York 1968; Odetola, *Military Regimes and Development: A Comparative Analysis in African Societies*, George Allen and Unwin Publishers, London 1982.

<sup>74</sup> A. Rouadjia, 'L'Etat Algérien et le probleme du droit', in *Politique Etrangère*, No 2, Summer 1995, pp. 351-363.

<sup>75</sup> A Rouadji, op. cit; A. Yefsah, 'L'armée et le pouvoir en Algérie: 1962-1992', *La RMMM*, No 65, 1993; A. Yefsah, 'Vers une armée de tontons macoutes', *Le Nouvel Observateur*, 19 Janvier 1995, p. 33; K. Ait-Oumeziane, 'Les corrompus se portent bien', *Le Nouvel Observateur*, 19 Janvier 1995, p 39.

<sup>76</sup> J.-J. Lavenue, *Algérie: la démocratie interdite*, L'Harmattan, Paris 1995; A. Yefsah, 'Armée et politique depuis les événements d'octobre 1988: l'armée sans hidjab', in *Les Temps Modernes*, No 580, January 1995, pp. 154-176; M. Hamza, 'Au coeur de la crise Algérienne, la hierarchie militaire', in *Peuples Méditerranéens: L'Algérie en contrechamp*, No 70 and 71, 1995, pp-259-272; M. Hamza, 'Trois ans de coup d'Etat militaire en Algérie, leçons d'histoire', op. cit, pp. 273-276.

<sup>77</sup> J.P. Entelis, *Algeria, the Revolution Institutionalised*, Westview Press, Boulder 1986; Conseil de Coordination du FIS, *Manifeste du FIS pour la Justice et la Paix en Algérie*, January 1999.

<sup>78</sup> Lahouari Addi, 'L'armée Algérienne confisque le pouvoir', *Le Monde Diplomatique*, No 527, February 1998, p.1. For general works on factionalism within the military see M. Janowitz, *The Professional Soldier: A Social and Political Portrait*, The Free Press of Glencoe, Glencoe 1960; N. Dixon, *On the Psychology of Military Incompetence*, Basic Books, New York 1976; B. W. Farcau, *The Transition to Democracy in Latin America: The Role of the Military*, Praeger, Wesport 1996.

<sup>79</sup> *Algérie Confidentiel*, No 76, July 1996, No 77, August 1996; *Maghreb Confidentiel*, No 187, 19 May 1994, No 202, 29 September 1994, No 207, 3 November 1994, No 214, 22 December 1994, No 256, 23 November 1995, No 282, 6 June 1996, No 283, 13 June 1996, No 287, 11 July 1996, No 380, 16 July 1998; F. Zemmouri, 'Epreuve de forces entre les clans militaires', *Le Nouvel Afrique Asie*, No 98, November 1997, p. 32; F. Zemmouri, 'Bras de fer entre la présidence et l'Etat major', *Le Nouvel Afrique Asie*, No 106 & 107, July & August 1998, p. 56; F. Zemmouri, 'Jeux de serail et grande pagaille', *Le Nouvel Afrique Asie*, No 114, March 1999, p. 25; Algerian Movement of Free Officers, <http://www.anp.org>.

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<sup>80</sup> *Maghreb Confidentiel*, No 181, 31 March 1994, No 187, 19 May 1994, No 202, 29 September 1994, No 207, 3 November 1994, No 224, 9 March 1995, No 254, 9 November 1995, No 279, 16 May 1996, No 293, 19 September 1996, No 299, 30 October 1996, No 380, 16 July 1998, No 385, 17 September 1998; A. Kadi, 'La hiérarchie militaire fait du general Bey son bouc émissaire', *La Croix*, 17 September 1997; N. Amine, *La Croix*, 17 September 1997; *Le Figaro*, 4 June 1993; *Le Nouvel Afrique Asie*, No 106 & 107, July & August 1998; S. Boulares, 'La grande muette livre ses secrets', in *Cahiers de L'Orient*, Numero Special, 1995.

<sup>81</sup> *Maghreb Confidentiel*, No 181, 31 March 1994, No 214, 22 December 1994, No 256, 23 November 1995; S. Boulares, 'La grande muette livre ses secrets', op. cit.; Mohamed Larbi Zitout, private communication.

<sup>82</sup> I.W. Zartman, 'The Algerian Army in Politics', in C.E. Welch (ed.), *Soldier and State in Africa*, Northwestern University Press, Evanston 1970, pp.224-251.

<sup>83</sup> E. Ihsane, 'Il y a 30 ans le putsch manqué de Zbiri', *El Watan*, 17 December 1997; S. Lokmane, 'El Khatib-Bouteflika: La guerre des wilayas', *Liberté* 14 and 15 December 1998; J. Garçon, 'A Alger le FLN joue la carte Bouteflika', *Libération*, 18 December 1998; A. Brahim, 'Pourquoi Nezzar s'est il senti visé?', *Le Jeune Indépendant*, No 245, 17 February 1999. The pasts of the two groupings of generals shows that most of the conciliators are from the guerrillas of the interior ALN while most of the eradicators are members of the external ALN or former officers in the French colonial army.

<sup>84</sup> Military speciality provides a sense of shared social background, and interests and ties that cluster the officers by branch of service.

<sup>85</sup> See notes 79 and 80, and L. Addi, 'L'armée Algérienne se divise', in *Le Monde Diplomatique*, No 540, March 1999, p.1.

<sup>86</sup> S. Boulares, 'La grande muette livre ses secrets', op. cit.; *Le Figaro*, 4 June 1993; M. Ait-Embark, *L'Algérie en Murmure*, Hoggar, Geneva 1995; see notes 79 and 80.

<sup>87</sup> F. Zemmouri, 'Epreuve de forces entre les clans militaires', *Le Nouvel Afrique Asie*, No 98, November 1997, p. 32; H. Barrada, 'Quand Betchine communique', *Jeune Afrique*, No 1973, October 1998; *Maghreb Confidentiel*, No 388, 8 October 1998; *Libération*, 24 September 1997.

<sup>88</sup> *Algérie Confidentiel*, No 75, June 1996, No 76, July 1996; D. Hadjadj, 'A l'écriture des cadres emprisonnés', *El Watan*, 20 September 1998; J. Garçon, 'La guerre des clans reboucle au sein du pouvoir', *Libération*, 7 August 1998; J. Garçon, 'La fin du consensus militaire', *Libération*, 7 April 1999.

<sup>89</sup> Ali-Yahia Abdenour put it: 'the *décideurs* [narrow core of military decision-makers] tear themselves to pieces but stick together and hunt as a pack of wolves when one of their flanks is attacked.' See A. Ali-Yahia, *Raisons et déraison d'une guerre*, L'Harmattan, Paris 1996, p.150.

<sup>90</sup> The state of balance between the factions is not clearly apparent but some observers use factional affiliations in the command positions of the forces and branches of service, the cabinet, the opposition and parapolitical organisations, and the media to infer the relative strength of the factions.

<sup>91</sup> A. Ali-Yahia, *Raisons et déraison d'une guerre*, op. cit., p.155.

<sup>92</sup> L. Addi, 'L'armée Algérienne confisque le pouvoir', *Le Monde Diplomatique*, No 527, February 1998, p.1

<sup>93</sup> L. Addi, 'L'armée Algérienne se divise', in *Le Monde Diplomatique*, No 540, March 1999, p.1.

<sup>94</sup> A. Ali-Yahia, *Raisons et déraison d'une guerre*, op. cit., p.150.

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<sup>95</sup> L. Addi, 'L'armée Algérienne confisque le pouvoir', op. cit.

<sup>96</sup> *Maghreb Confidentiel*, No 335, 24 July 1997.

<sup>97</sup> *Maghreb Confidentiel*, No 187, 19 May 1994.

<sup>98</sup> General Mohamed Lamari was promoted to a rank created especially for him (*general de corps d'armée*) and Boughaba, Bekkouche, Ghodbane and Qadri were promoted to the rank of major-general (*Maghreb Confidentiel*, No 207, 3 Novembre 1994).

<sup>99</sup> *Maghreb Confidentiel*, No 242, 20 July 1995.

<sup>100</sup> J. Garçon, 'La fin de consensus militaire', *Libération*, 7 April 1999; *Maghreb Confidentiel*, No 385, 17 September 1998.

<sup>101</sup> Mouvement Algérien des Officiers Libres, *Affaires des généraux*, 4 July 1999, <http://www.anp.org>.

<sup>102</sup> *Algérie Confidentiel*, No 76, July 1996; *Maghreb Confidentiel*, No 283, 13 June 1996.

<sup>103</sup> Mouvement Algérien des Officiers Libres, *Affaires des généraux*, op. cit.

<sup>104</sup> Ibid.

<sup>105</sup> *Maghreb Confidentiel*, No 311, 30 January 1997; *La Tribune*, 29 November 1995.

<sup>106</sup> His real name is Aissa Jaghloul. *Al Quds al Arabi*, 29 June 1998.

<sup>107</sup> *Maghreb Confidentiel*, No 306, 19 December 1996, No 311, 30 January 1997.

<sup>108</sup> Mouvement Algérien des Officiers Libres, *Affaires des généraux*, op. cit.

<sup>109</sup> 'Qa-id ad-darak al watani al jaza-I-ri yan-ju min mhawalla ightiyal' (Gendarmerie Chief escapes assassination attempt), *Al Quds al arabi*, 27 May 1999.

<sup>110</sup> *El Watan*, 15 February 1993.

<sup>111</sup> The Boudiaf Affair, *Exxaman* (in the UK), No 272, 11 March 1999; F. Zemmouri, 'Boudiaf, la verite', in *Le Nouvel Afrique Asie*, No 117, June 1999, p. 28; Y. Benmiloud, *L'Explication*, J.-C. Lattes, Paris 1999.

<sup>112</sup> *The Observer*, 14 June 1998; *Maghreb Confidentiel*, 12 March 1998; Mouvement Algérien des Officiers Libres, <http://www.anp.org>.

<sup>113</sup> *Libération*, 22 September 1997.

<sup>114</sup> R. Cohen, 'Algerian Massacres: A Hidden Meaning?', *The New York Times*, 11 September 1997.

<sup>115</sup> F. Zemmouri, 'Epreuve de force entre les clans militaires', *Le Nouvel Afrique Asie*, No 98, November 1997, p.32.

<sup>116</sup> *La Croix*, 15 September 1998; *Maghreb Confidentiel*, No 387, 1 October 1998; M. Duteille, 'Pourquoi Zeroual s'en va?', *Le Point*, No 1357, 19 September 1998, p. 24; S.M., 'Trois Coups d'Etat contre Zeroual', *Le Nouvel Afrique Asie*, No 116, May 1999, p.10; D. Lagarde and M. Baki, 'Zeroual sonne la retraite', *L'Express*, 17 September 1998; AMFO, <http://www.anp.org>.

<sup>117</sup> A. Ali-Yahia, 'Algeria, October 1988 to October 1998: A Ten Year Crisis', Lecture at the School of Oriental and African Studies, University of London, 5 October 1998.

<sup>118</sup> S.M., 'Washington se range aux côtés de Zeroual', *Le Nouvel Afrique Asie*, No 109, October 1998, p. 27.

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<sup>119</sup> F. Zemmouri, 'Les clans redoublent de férocité', *Le Nouvel Afrique Asie*, No 108, September 1998, pp. 30-32; F. Aubenas, 'La presse au coeur de la crise Algérienne', *Libération*, 28 October 1998; M. Baki and D. Lagarde, 'Une ténébreuse affaire', *L'Express*, 13 August 1998.

<sup>120</sup> M. Duteille, op. cit.; J. Garçon, 'La fin du consensus militaire', *Libération*, 7 April 1999; J.-P. Tuquoi, 'Les luttes à la tête de l'Etat vont encore s'exacerber', *Le Monde*, 17 September 1998; *Maghreb Confidentiel*, No 385, 17 September 1998.

<sup>121</sup> 'Algeria's power struggle flares into the open', *Reuters*, 20 October 1998.

<sup>122</sup> L. Addi, 'L'armée Algérienne confisque le pouvoir', *Le Monde Diplomatique*, No 527, February 1998, p.1

<sup>123</sup> A. Ali-Yahia, op. cit.

<sup>124</sup> F. Ait-Mehdi, 'Une anatomie des prolongements civils des casernes', private communication, January 1999, p. 17. The Senate is a parallel military legislative body. It can legislate by decree, with an authority over-riding that of parliament, on issues related to security, financial law and information. It is the president of the Senate, not the parliament (national assembly), who becomes interim president should the latter position become vacant.

<sup>125</sup> F. Aubenas, 'La presse au coeur de la crise Algérienne', *Libération*, 28 October 1998; *Maghreb Confidentiel*, No 255, 16 November 1995.

<sup>126</sup> Ali-Yahia, *Raisons et déraison d'une guerre*, op.cit., p.151; *Algérie Confidentiel*, No 75, June 1996, No 76, July 1996.

<sup>127</sup> *Le Monde*, 28-29 October 1997.

<sup>128</sup> J. Garçon, 'Alger remet de l'ordre dans les milices', *Libération*, 14 March 1997.

<sup>129</sup> Ibid.

<sup>130</sup> *Maghreb Confidentiel*, No 357, 29 January 1998; J. Garçon, *Libération*, 24 September 1997.

<sup>131</sup> A.M., 'Comment les services spéciaux ont 'contré' le president', *Courrier International*, No 361, 2-8 October 1997, p. 10.

<sup>132</sup> Ibid.

<sup>133</sup> *Liberté* 14 April 1998; *El Watan*, 15 April 1998; *Al Khabar*, 15 April 1998.

<sup>134</sup> I.W. Zartman, op. cit.

<sup>135</sup> Ali-Yahia, *Raisons et déraison d'une guerre*, op. cit., p.152.

<sup>136</sup> *US Policy Toward Algeria*, Statement by R.H. Pelletreau, Assistant Secretary for Near Eastern Affairs, before the sub-committee on Near Eastern and South Asian Affairs of the Senate Foreign Relations Committee, Washington, DC, 16 April 1996; Interview with R. Pelletreau, 'L'Algérie n'est pas une priorité américaine', *L'Express*, 22 January 1998, p. 59; US Department of State, Daily Briefings of January 1998; J. Garçon, 'L'Algérie si loin de Washington', in Institut Français des Relations Internationales (IFRI), *Le Maghreb à l'épreuve de l'Algérie*, *Politique Etrangère*, No 2, 1995, pp. 427-434; 'Que pense Washington de cette crise?', *Le Nouvel Afrique Asie*, No 98, November 1997, p. 33; 'Quelle lune de miel avec Washington?', *Le Nouvel Afrique Asie*, No 101, February 1998, p.10; J. Richter, 'Washington n'est pas satisfait', *Le Nouvel Afrique Asie*, No 104, May 1998, p. 24; J. Girardon, 'Le jeu de Washington', *L'Express*, 26 May 1994; D. Lagarde, 'L'ami américain', *L'Express*, 25 September 1997.

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<sup>137</sup> L. Provost, *La deuxième guerre d'Algérie*, Flammarion, Paris 1996; L. Provost, 'Paris et Alger entre Brouille et Complicité', *Le Monde Diplomatique*, September 1996, p.4; A. Chenal, 'La France rattrapée par le drame Algérien', in IFRI, *Politique Etrangère*, No 2, 1995, pp. 415-425; O. Mongin, 'Le sale avenir de la guerre civile en Algérie', in *Esprit*, No 230-231, March-April 1997, pp. 16-26; R. Messaoudi, 'Algerian-French Relations: 1830-1991', in R. Shah-Kazemi (ed.), *Algeria: Revolution Revisited*, Islamic World Report, London 1997, pp.6-46; *Le Monde*, 29 April 1995, 23 August 1995, 3 October 1995, 11 October 1995, 31 July 1996, 26 December 1996; *Maghreb Confidentiel*, No 173, 3 February 1994, No 254, 9 November 1995, No 260, 21 December 1995, No 321, 10 April 1997, No 349, 27 November 1997.

<sup>138</sup> A. Ali-Yahia, *Raisons et déraison d'une guerre*, op. cit., pp.151-156; M. Willis, *The Islamist Challenge in Algeria: A political history*, Ithaca, London 1996; P.M. de la Gorce, 'Peuvent-ils s'entendre?', *Jeune Afrique*, No 1758, 15 September 1994, p. 11; *Maghreb Confidentiel*, No 202, 29 September 1994; *Le Monde*, 5 September 1997; *Le Figaro*, 12 September 1997, 29 September 1997; *Libération*, 22 September 1997.

<sup>139</sup> *L'Express*, 25 September 1997.

<sup>140</sup> *Le Monde*, 21 October 1997.

<sup>141</sup> A.M., 'Comment les services ont 'contré' le président', *Courrier International*, op. cit.; *Libération*, 24 September 1997; B. C. de Salies, 'Les luttes de clans exacerbent la guerre civile', *Le Monde Diplomatique*, October 1997.

<sup>142</sup> L. Addi, 'L'armée Algérienne se divise', *Le Monde Diplomatique*, No 540, March 1999, p. 1.

<sup>143</sup> Ali Yahia, *Raisons et déraison d'une guerre*, p. 151.

<sup>144</sup> J. Garçon, *Libération*, 22 September 1997.

<sup>145</sup> C. Amari, 'La presse sous l'éteignoir à l'heure des grandes manoeuvres', in *Courrier International*, No 440, 8-14 April 1999.

<sup>146</sup> *L'Express*, 25 September 1997.

<sup>147</sup> R. Cohen, *The New York Times*, 11 September 1997.

<sup>148</sup> 'Algeria's power struggle flares into the open', *Reuters*, 20 October 1998; 'Lettre ouverte à Monsieur Betchine', *El Watan*, 13 October 1998; J. Garçon, 'Betchine poussé à la sortie', *Libération*, 20 October 1998.

<sup>149</sup> J.P. Tuquoi, 'Les luttes à la tête de l'Etat vont encore s'exacerber', *Le Monde*, 17 September 1998.

<sup>150</sup> *Demain l'Algérie*, 7 September 1998; H. Larbi, 'Le pays otage des clans', *Libre Algérie*, No 1, 14 September 1998.

<sup>151</sup> F. Zemmouri, 'Bras de fer entre la présidence et l'Etat major', *Le Nouvel Afrique Asie*, July-August 1998, p. 56.

<sup>152</sup> G. Joffé, 'Algeria in Crisis', in Royal Institute of International Affairs, Middle East Programme, *Briefing Paper* No 48, June 1998.

<sup>153</sup> T. E. Skidmore, 'Brazil's Slow Road to Democratisation: 1974-1985', in A. Stepan (ed.), *Democratizing Brazil: Problems of Transition and Consolidation*, Oxford University Press, New York 1989.

<sup>154</sup> B. W. Farcau, *The Transition to Democracy in Latin America*, op. cit, p. 101

<sup>155</sup> B. W. Farcau, *The Transition to Democracy in Latin America*, op. cit, p. 129.

<sup>156</sup> M. Willis, *The Observer*, 11 January 1998.

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- <sup>157</sup> A. Joxe, 'Repentons nous sur l'Algérie et parlons vrai', *Le Monde*, 11 November 1997, p.12.
- <sup>158</sup> F. Zemmouri, 'Les généraux optent pour le profil bas', *Le Nouvel Afrique Asie*, No 101, February 1998.
- <sup>159</sup> J. Garçon, *Libération*, 2 January 1998.
- <sup>160</sup> H. Khalden, *Journal de Genève*, 14 February 1998.
- <sup>161</sup> Ibid.
- <sup>162</sup> F. Zemmouri, *Le Nouvel Afrique Asie*, No 101, op. cit.; J. Garçon, *Libération*, op. cit.; H. Khalden, *Journal de Genève*, 14 February 1998.
- <sup>163</sup> Ibid
- <sup>164</sup> L. Hanoune, Interview, *Le Soir de Belgique*, 29 Janvier 97.
- <sup>165</sup> P. Forestier, *Paris-Match*, 9 October 1997.
- <sup>166</sup> F. Karabadj, 'L'économie Algérienne menacée par la mafia politico-financière', *Le Monde Diplomatique*, September 1998, p.20.
- <sup>167</sup> D. Hadjadj, 'Cette corruption partout présente', *Le Monde Diplomatique*, September 1998, p.21.
- <sup>168</sup> *Maghreb Confidentiel*, No 362, 5 March 1998. General Kamal Abderrahim, a commander of land forces up to 1989, is alleged to have appropriated state funds to set up a pharmaceutical company that produces consumables for hospitals; he is also said to own a restaurant and a hotel in France.
- <sup>169</sup> *Algérie Presse Service*, 13 January 1997; *Maghreb Confidentiel*, No 367, 9 April 1998, No 389, 15 October 1998, No 397, 10 December 1998, No 399, 31 December 1998, No 408, 4 March 1999.
- <sup>170</sup> L. Martinez, 'A qui profite la guerre?', *Politique Internationale*, No 79, Spring 1998; L. Martinez, *La Guerre Civile en Algérie*, Editions Karthala, Paris 1998, pp.189-228.
- <sup>171</sup> F. Karabadj, 'L'économie Algérienne menacée par la mafia politico-financière', *Le Monde Diplomatique*, September 1998, p.20.
- <sup>172</sup> J. Ziegler, 'Des généraux sanguinaires d'Alger ou les nababs du Lac Léman', *L'Hebdo* (Switzerland), 1 October 1997.
- <sup>173</sup> *Le Nouvel Afrique Asie*, No 103, April 1998, p. 26.
- <sup>174</sup> *Maghreb Confidentiel*, No 362, 5 March 1998; No 352, 18 December 1998; Mouvement Algérien des Officiers Libres, *Affaires des généraux*, op. cit.
- <sup>175</sup> *Le Nouvel Afrique Asie*, No 103, April 1998, p. 26.
- <sup>176</sup> Mouvement Algérien des Officiers Libres, *Affaires des généraux*, op. cit.
- <sup>177</sup> Ibid.
- <sup>178</sup> *Algérie Confidentiel*, No 121, 30 June 1998; *Maghreb Confidentiel*, No 362, 5 March 1998;
- <sup>179</sup> H Bellami, 'qira-a iqtissadiyya fil el 'ounf al mou-assassati' (Economic readings of Algeria's institutional violence), in *rissala Ikbbariya lil-muntada al jaz'a-iri*, December 1997, p.12
- <sup>180</sup> H Bellami, *rissala Ikbbariya lil-muntada al jaz'a-iri*, op. cit., p. 15
- <sup>181</sup> J. Garçon, *Libération* 11 August 1997.
- <sup>182</sup> G. Grandguillaume, *Le Monde*, 5 September 1997.
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- <sup>184</sup> B. Stora, *L'Express*, 21 August 1997.
- <sup>185</sup> D. Hirst, *The Guardian*, 25 September 1997.
- <sup>186</sup> G. Grandguillaume, *Le Monde*, 5 September 1997.
- <sup>187</sup> G. Grandguillaume, *Le Monde*, 5 September 1997.
- <sup>188</sup> J. Garçon, *Libération*, 11 August 1997.
- <sup>189</sup> F. Zemmouri, 'Epreuve de force entre les clans militaires', *Le Nouvel Afrique Asie*, No 98, Novembre 1997, p. 34.
- <sup>190</sup> N. Abdi, *Libération*, 24 September 1997.
- <sup>191</sup> *Le Monde*, 5 August 1997.
- <sup>192</sup> L. Hanoune, 'Pour nombre d'Algériens la guerre civile est devenue un moyen de subsistance', *Le Monde*, 20 January 1997.
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- <sup>194</sup> J. Garçon, *Libération*, 30,31 August 1997.
- <sup>195</sup> G. Grandguillaume, *Le Monde*, 5 September 1997.
- <sup>196</sup> 'Ce qu'ils ont dit', [Jean Marie Le Pen on 24 September 1997], in *L'Express*, 1 January 1998, p. 53.
- <sup>197</sup> D. Leconte, *L'Express*, 22 January 1998.
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- <sup>199</sup> D. Hirst, *The Guardian*, 25 September 1997.
- <sup>200</sup> L. Marlowe, 'Why conflicts in Egypt and Algeria now differ', *The Irish Times*, 17 March 1997.
- <sup>201</sup> D. Leconte, *L'Express*, 22 January 1998.
- <sup>202</sup> A. Horne, op. cit.
- <sup>203</sup> G. Grandguillaume (ed.), *Les violences en Algérie*, Odile Jacob, Paris 1998, p. 50.
- <sup>204</sup> G. Grandguillaume, *Le Monde*, 5 September 1997.
- <sup>205</sup> Ibid.
- <sup>206</sup> A. Adler, *L'Express*, 22 January 1998.
- <sup>207</sup> G. Grandguillaume (ed.), *Les violences en Algérie*, op. cit., p. 50.
- <sup>208</sup> See note 5.
- <sup>209</sup> J. A. M. Merloo, 'Brainwashing and Menticide: Some Implications of Conscious and Unconscious Thought Control', in M.S. Stein, *Identity and Anxiety*, Free Press, New York 1967, p.506.
- <sup>210</sup> *Le Monde*, 5 January 1998.
- <sup>211</sup> *Le Vrai Journal*, Canal +, France, 22 November 1998; *Le Monde*, 8 June 1998; J-P. Chagnollaud, *Confluences Méditerranée*, No 25, Spring 1998, p. 233.
- <sup>212</sup> R. Malek, 'Face au terrorisme, l'alternative patriotique et républicaine', op. cit; H. Cherif, 'La lumière et les ténèbres', op. cit; K. Messaoudi, *Regard*, op. cit. Ramadan is the ninth month of the Muslim year, during which strict fasting is observed from sunrise to sunset. The belief of Malek, Cherif and Messaoudi has no theological grounds.
- <sup>213</sup> *Maghreb Confidentiel*, No 306, 19 December 1996; No 311, 30 January 1997.

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<sup>214</sup> Ait-Larbi *et al.*, 'An anatomy of the massacres', op. cit.; *Libération*, 14 March 1997.

<sup>215</sup> *Maghreb Confidentiel*, No 311, 30 January 1997; Ait-Larbi *et al.*, 'An anatomy of the massacres', op. cit.

<sup>216</sup> F. Zemmouri, 'Epreuve de force entre les clans militaires', *Le Nouvel Afrique Asie*, No 98, November 1997, p. 32.

<sup>217</sup> A.M., 'Comment les services ont 'contré' le président', *Courrier International*, op. cit.; *Libération*, 24 September 1997; B. C. de Salies, 'Les luttes de clans exacerbent la guerre civile', *Le Monde Diplomatique*, October 1997; L. Addi, 'L'armée Algérienne se divise', *Le Monde Diplomatique*, No 540, March 1999, p. 1.

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## WHAT IS THE GIA?

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*B. Izuel, J.S. Wafa, and W. Isaac*

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## 1. Introduction

There has been little disagreement that the Armed Islamic Group (GIA) bears responsibility for part of the campaign of gruesome massacres that have plunged Algeria into mourning in recent years. Paradoxically, there have been huge discrepancies between what people hold to be the actual identity of the GIA.

The incumbent authorities in Algeria, governments and major news agencies in the West claim it is a fundamentalist terrorist organisation. This is the received view. But segments of the Algerian population talk of the GIA as bearded security agents. Some Islamists believe it is a sect of Kharidjites while others qualify the Kharidjites as being infiltrated and manipulated by military intelligence. There have been claims that the GIA is just made up of gangs of apolitical hooligans and criminals. Some journalists have even maintained the GIA has never existed as an organisation, the names of its leaders are fictitious, and the whole thing is a propaganda tool fabricated to cover for the death squads and operations of the secret services.

What is the actual identity of the GIA? How does one make sense of these contradictory claims? What are their respective truth and falsity contents? Can some of them be reconciled?

These are a few of the questions this paper intends to tackle.

The argument put forward here is that the GIA is a counter-guerrilla organisation. As will be explained more fully, a counter-guerrilla organisation is a war instrument used to pursue the strategic objectives of modern counter-insurgency warfare. It is within this framework that the currently available facts about the GIA, its interactions with Islamist insurgents, on the one hand, as well as the data about the rapport between the GIA and the incumbent regime, on the other, make most sense.

Section 2 reviews the received opinion about the GIA and presents a sample of views that contradict it.

The GIA has evolved substantially since its inception and, in our view, any claim about its identity has to be time-bound if it is to make any sense. Section 3 provides a brief history of the GIA and locates the time frame within which our thesis about its identity is restricted.

The thesis that the GIA is a counter-guerrilla organisation is presented in section 4. Some general background about the principles, *modus operandi* and history of counter-guerrilla forces is given in section 4.1. Section 4.2 will illustrate some distinctive features of two counter-guerrilla organisations, namely Force K, active during the Algerian liberation war (1954-1962), and

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the Selous Scouts, active in the Rhodesian war (1972-1979). These were chosen because, as will become clear, both these groups and the events in which they were involved are of direct relevance to the men who are currently running the counter-insurgency campaign in Algeria. Section 4.3 presents the first argument, which consists of showing that the GIA manifests the institutional attributes of a counter-guerrilla force. In section 4.4 a second argument demonstrates that the functional identity of the GIA is to implement the strategic principles of counter-insurgency warfare. Section 4.5 discusses the explanatory value and testability of this hypothesis.

Two alternative hypotheses about the GIA's identity are studied in section 5. Section 5.1 looks at the Islamist claim that the GIA is an (infiltrated) Kharidjite sect while section 5.2 deals with the thesis that it is an anti-social movement.

Section 6 summarises the main points of this study.

## 2. The Received View and its Sceptics

The widely disseminated and accepted view outside Algeria is that the GIA is – what the acronym stands for – an Islamic insurgent organisation.

The Algerian government and media say the GIA is a ‘terrorist organisation’, a ‘fundamentalist organisation’ which seeks the destruction of ‘the Algerian State and Nation’ using armed terror. Foreign affairs minister Attaf and president of the Senate Boumaza often refer to it as ‘a fanatical terrorist organisation’<sup>1</sup>, and prime-minister Ouyahia asserts that it is made up of ‘religious cranks who pretend they are purifying Algeria.’<sup>2</sup> Ex-prime minister Malek affirms it has ‘a central command – a national emir – who defines the policies, and is largely made up of intensively indoctrinated Islamists but also comprises hooligans acting for their private interests.’<sup>3</sup> General X<sup>A</sup> claims it is an ‘Islamist terrorist’ entity, with a strength of ‘1300 to 2000 men’ organised in ‘a loose structure in which various groups operate with a large autonomy.’<sup>4</sup> Another officer of the Algerian army says:

The GIA is the youngest terror group in Algeria. Their logic is perverted to the point where killing is not a crime. We are talking about very young men who have had nothing in their lives but hardship and poverty, then suddenly they are offered warmth and hospitality by GIA teachers. Slowly, they are steeped in a new religious doctrine. Psychologically, their interpretation of God becomes an absolute in their lives. They are told to kill those who are not with them in their beliefs and absolve themselves from responsibility because they believe it is not their will to kill, but the will of God. We have taken prisoners who genuinely believe that in killing a child they become closer to God by saving their victim’s soul. It is a travesty of the Islamic faith but they are beyond all reason.<sup>5</sup>

<sup>A</sup> A top-officer of the military who spoke anonymously but *Le Monde* of 7 May 1998 said it was the chief of staff, major-general Mohamed Lamari

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Major-general Djouadi says the ‘monarchies of the Gulf sponsor the GIA’<sup>6</sup> while General X connects the emergence of the GIA to the influence of the Sudanese Hassan al-Turabi, the Saudi Osama Ben Laden, the Egyptians Omar Abdul Rahman and Cheikh Al Ghazali, in addition to the religious scholars in Qom in Iran.<sup>7</sup> The Algerian press regularly echoes these claims. For instance *El Watan* speaks of the GIA as being ‘organised by Iran’s intelligence service’<sup>8</sup> and *Le Matin* says the ‘GIA is armed by Sudan.’<sup>9</sup> Political parties allied to the military (RCD, MDS etc.) propagate the same beliefs.<sup>10</sup>

These views have acquired wide international acceptance. For example, the US Department of State annual reports on patterns of global terrorism affirm that the ‘Armed Islamic Group’ is ‘the most radical of the insurgent groups’<sup>11</sup> while its yearly reports on human rights practices in Algeria assert the GIA is a ‘terrorist armed Islamic group.’<sup>12</sup> The French authorities hold the same tenets except that, in their statements, they further qualify it with attributes such as ‘barbarian’, ‘savage’, ‘religious’ and ‘criminal’.<sup>13</sup> In the Council of Europe the GIA is spoken of as ‘Islamists stemming from the FIS’ who ‘turned towards violent terrorism.’<sup>14</sup> The Arab League refers to it as an organisation of ‘terrorists’ and ‘Islamic extremists’ or ‘deviants’ and so do, for instance, the regimes of Egypt, Tunisia and the United Arab Emirates.<sup>15</sup>

These official pronouncements are broadcast as true beliefs internationally. *Reuters* dispatches regularly refer to the GIA as ‘the most violent guerrilla movement’, ‘Muslim rebels’ or ‘Muslim guerrillas’.<sup>16</sup> *Agence France Presse* bulletins recurrently dub it as either ‘armed Moslem fundamentalists’ or ‘the most radical of the fundamentalist groups.’<sup>17</sup> The *Associated Press* hammers in much the same belief: the GIA is ‘a radical insurgency organisation’ and ‘the insurgency’s most violent movement’, which ‘seeks to destabilise the military-backed government’ and ‘establish a new government based on a strict interpretation of Quranic law.’<sup>18</sup> Retailers of the products of the news agencies, for example ABC News, broadcast views on the GIA such as:

The GIA’s proclaimed goal is the overthrow of the current military-backed government and establishment of an Islamic state based on Islamic law. The group’s philosophy is radically anti-governmental, anti-intellectual, anti-secularist and anti-West policies, and is blamed for much of the slaughter during the past five years.<sup>19</sup>

These beliefs have been canonised by a number of ‘experts’ on terrorism in general, and Islamic movements, violence or terrorism in particular, in TV and press interviews, articles and books. In France, Gilles Kepel, Xavier Raufer, Rémy Leveau, Séverine Labat, Roland Jacquard, and André Glucksmann have been particularly active in validating the claims of the military regime. Kepel, for instance, says the ‘GIA movement embodies a radical Islamist sensibility, which drives the contradictions arising within the world Islamist movement to their fiercest.’<sup>20</sup> Xavier Raufer, from the French MI-

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NOS think-tank, a regular presence on French and Swiss televisions and Algerian press, restates ceaselessly that the GIA is a ‘fundamentalist terrorist’ organisation, with increasing international links in ‘Tunisia, Morocco, France, England, Bosnia, Syria and Afghanistan’, that ‘applies the same strategy as that of the Shining Path [guerrillas] in Peru ten years ago.’<sup>21</sup> In the US, ‘terrorism expert’ Phillips propagates similar beliefs about the GIA, which, he claims, is ‘one of the most ruthless and violent Islamic revolutionary organisations in the world.’<sup>22</sup> In Israel, Maddy-Weitzman sanctions the same views. This ‘expert’ says the GIA is ‘an Islamist coalition’ of ‘armed networks’ whose ‘approach may be said to constitute an Islamic version of Frantz Fanon’s teachings on the cleansing, purifying properties of violence or, alternatively, of the Khmer Rouge’s vision of how to build a new society.’<sup>23</sup> Impagleazzo, an Italian ‘expert’ on Algeria, echoes analogous claims, i.e. the GIA is made up of

Gangs of adolescents, and disaffected government supporters. They are the armed bands of the desperate, who have adopted the destructive psychopathic radicalism of Pol-Pot – destruction at all cost.<sup>24</sup>

However widespread and ‘expert’-sanctioned these beliefs may be, they do have their sceptics. In *Le Monde Libertaire*, Ait-Hanlouta wrote:

For us journalists, at the beginning of the conflict, it was clear that the Islamists were the perpetrators of abominable assassinations, killing innocent people, young school girls with scarves, etc. But *le petit-peuple* [the lower classes or ordinary people] were saying loudly that the *Sécurité Militaire* was behind the attacks attributed to the Islamists. For us, it was typical of *le petit-peuple* loving rumours, doubting the official account. But as the attacks went on, doubt entrenched itself and spread to an increasing number of people. The official accounts were becoming more and more implausible: judicial investigations were never opened. The course of events was confirming daily *le petit-peuple*’s rumour that the army organised counter-*maquis* and set up the GIA, the aim being to discredit the Islamists by sending faxes claiming responsibility for killing journalists, intellectuals, foreigners, etc. It was about presenting them as bloodthirsty fanatics and extremist criminals, rapists fearing neither God nor man. This propaganda was effective in France as it resonated with the myth of the Arab slaughterer. Most Algerian journalists knew the GIA emanated from the security services attached to the ministry of defence but they could not write it.<sup>25</sup>

Ait-Hanlouta goes on to say that ‘some journalist colleagues remain convinced that figures such as Djamal Zitouni and Antar Zouabri are fictitious and have never existed. [...] This hoax has only been made possible by the press censorship whose purpose has been to make the existence of the GIA seem plausible.’<sup>26</sup>

An Armed insurgent groups, the *Armée Islamique du Salut* (AIS), describes the GIA as ‘pawns manipulated’ by ‘eradicators of the military’<sup>27</sup> while the *Ligue Islamique de La Dawa et du Djihad* (LIDD) maintains the GIA is a ‘Kha-

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ridjite group' and 'a secret apparatus of the junta' used to 'project Islam as a religion of blood and violence and Muslims as bloodthirsty people.'<sup>28</sup>

For Francois Gèze, the GIA does not have 'a centralised politico-military leadership', and thus, the issue is 'whether its groups are a simple creation of the *Sécurité Militaire* or only manipulated.'<sup>29</sup> According to François Burgat various components act under the GIA flag: 'Afghan war veterans', 'common law criminals', and '*provocateurs*' consisting of 'groups that are manipulated or directly made up of government recruits or military agents.'<sup>30</sup> Burgat believes:

These *provocateurs* are left or ordered to commit atrocities against the civilian population – under the guise of armed insurgents – with the aim of discrediting the Islamists and exacerbating divisions among them. The presence of an extremist component within the Islamists provides an easy cover under which the regime revels.<sup>31</sup>

Commenting on the nature of the GIA, Human Rights Watch declared:

The GIA, a group or groups with a record of brutal attacks on security personnel and terror attacks on civilians, had no visible political structure that commented authoritatively on its program or actions. Increasingly extreme edicts were issued in its name, which authorities permitted to be published in the press despite a strict censorship regime that encompassed statements by FIS leaders. Since the killing in 1994 and 1995 of the GIA's original leaders, mass killings increasingly became part of atrocities attributed to it.

Doubts that all of the killings attributed to the GIA were the responsibility of a single organisation acting alone were fueled by the posture of the security forces towards the perpetrators in 1997 and 1998 and by a series of statements by former security officials claiming Algeria's military intelligence apparatus, the *Securite Militaire*, had both deployed forces masquerading as Islamists and manipulated GIA groups through infiltration.<sup>32</sup>

Clearly then, although the belief that the GIA is an Islamist insurgent group is widely accepted as authoritative or true, it is not incontrovertible. This belief will be shown to be actually false.

### 3. A Brief History of the GIA

To say the GIA is 'A' or 'B' means the social entity labelled GIA is 'the same as A' or 'the same as B', i.e. it instantiates all the properties of 'A' or 'B'. This is a process of identification.

One of the basic failures of the claims made about the identity of the GIA is that they implicitly take for granted that what they posit as constituting the identity of the GIA persists over time. This excludes construing the identity of the GIA as time-dependent. But even a cursory look at the his-

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tory of the GIA points to an evolving entity with stages of drastic changes in its social content.

One might model the social evolution of the GIA by five stages:

- a) *Nucleation*, from January to October 1992;
- b) *Growth*, from October 1992 to September 1994;
- c) *Inversion*, from September 1994 to November 1995;
- d) *Disintegration*, from November 1995 to early 1996;
- e) *Atrophy*, 1996 to date.

The military coup of 11 January 1992 prompted the spontaneous appearance of an increasing number of little armed cells throughout the national territory. For instance, in the West, there was the Saad group in Sidi Bel-Abbes, in the East, Aazi El Jemai-led groups in Bousaada and Msila while Arezki Ait-Ziane and Munir Brahim set up cells in Boumerdes and Tizi Ouzou.<sup>33</sup> In the central regions of Medea and Ksar El Boukhari Sayah Attiya and Ali Benhejar did the same.<sup>34</sup>

However the groups that were to become the nucleus of the GIA were operating in Algiers, the theatre of operations of armed groups of different tendencies. Two groups are thought to be the core that grew into the GIA: 1) the group led by Mansour Meliani and 2) the cells commanded by Mohamed Allal (alias Moh Leveilly).<sup>35</sup>

Meliani is reported to be the first to have used the denotation 'Armed Islamic Group' for the cells of Afghan war veterans over which he took command in January 1992.<sup>36</sup> Meliani was a veteran of the group of Mustapha Bouyali who had attempted to organise an armed rebellion in the 1980s. Bouyali was killed in 1987, and aids such as Meliani, Abdelkader Chebouti, and Azzedine Baa were arrested. They were released in 1990 by a presidential amnesty and, following the January 1992 military coup, became active organisers of the armed insurgency. Meliani broke away from Chebouti who was closer to the FIS and had refused to lead the Afghan war veterans; the Afghans had opposed the commitment to electoral politics of the FIS since its creation.<sup>37</sup> This group attacked the barracks of the Admiralty in Algiers in February 1992. Large scale arrests within the group on the eve of the attack have been read as indicating deep infiltration of this group.<sup>38</sup> Meliani was arrested in July 92 and the leadership of this group passed onto his deputy, Mohamed El-Oued, himself later captured in October 1992.<sup>39</sup>

The second group has been associated with the leadership of Mohamed Allal. This group was made up of small cells of radical youths with no military or political experience, in the district of Algiers. Mohamed Allal was killed in September 1992; his deputy, Abdelhak Layada (alias Abu Adlan), a panel beater, took over.<sup>40</sup>

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These two groups fused together in October 1992 and formed the nucleus of what was to become the GIA. Prior to this fusion, there had been a meeting on 1 September 1992 in Tamesguida, in the district of Medea, at which representatives of cells and groups emerging nationally had agreed to co-ordinate the armed insurgency under Abdelkader Chebouti, as national military commander, and Kacem Tajouri, as co-ordinator with the political leadership of the FIS.<sup>41</sup> The meeting was reportedly attacked by the security forces and Mohamed Allal was killed in the fighting. Layada, his deputy, took over and refused to honour the pledge of allegiance to Chebouti, uniting instead with the group of Afghan war veterans led by El-Oued.<sup>42</sup> Reports say the agreement was that El-Oued would lead the joint-force but he was arrested just after the agreement, in October 1992, and Layada became the leader of the GIA.<sup>43</sup>

The second stage in the social evolution of the GIA is that of expansion. The leadership of Layada lasted till July 1993 and was marked by the use of the name 'GIA' in its publications (*Esha-bada*), fatwas to kill journalists and intellectuals, and verbal attacks on FIS leaders.<sup>44</sup> Attacks on high visibility targets increased and anti-FIS pronouncements became vociferous especially after the March 1993 meeting in which the other armed insurgent organisations, such as the *Mouvement d'Etat Islamique* (MEI), agreed to unite and co-ordinate with the FIS.<sup>45</sup> Layada was arrested in July 93, leaving the leadership of the GIA in the hands of his second deputy, Aissa Ben Ammar.<sup>46</sup> His tenure lasted only a few weeks. He was killed in August 93 and Sid Ahmed Mourad (alias Djaafar el Afghani) took over.<sup>47</sup> Mourad's leadership was marked by the initiation of attacks on foreign nationals (one week after the FIS set up its first foreign representation in Germany on 14 September 1993), further attacks on journalists, the proliferation of communiqués asserting the GIA's independence and distinct identity from FIS, and threats to kill FIS leaders (Abbassi Madani, Ali Belhadj, Mohamed Said, Abderezzak Redjam) along with MEI leader Said Makhloufi.<sup>48</sup> This gave the GIA an increasingly important projection of power on the insurgent scene, despite suspicions that it was infiltrated. The suspicions grew due to the short tenures of its leaders, its claims of responsibility for assassinations widely believed to be the work of the *Direction du Renseignement et de la Sécurité* (DRS), e.g. that of Kasdi Merbah, its operations defaming the whole Islamic movement, and its attacks on FIS.<sup>49</sup>

In February 1994, both Mourad and the deputy leader, Sayah Attiya, were killed.<sup>50</sup> Cherif Gousmi (alias Abu Abdallah Ahmed) took over the leadership of the GIA.<sup>51</sup> In March 1994 a large number of prisoners escaped during a massive break out from the Tazoult prison; a significant number of them joined the GIA. In May 1994 the GIA reached its apex of strength as a large number of insurgent groups agreed to unite under its umbrella. This took place on 13 May 1994, in the mountains south of Algiers. A number of

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insurgent groups agreed to unite under the GIA, which at the time appeared as the most visible and active insurgent force: GIA groups, the MEI led by Said Mekhloufi (a group said to be of *salafi* ideological orientation with a professional guerrilla experience rooted in the Algerian war of liberation), the *Front Islamique du Djihad Armé* (FIDA), an urban guerrilla force of the Algerianist tendency, various other independent groups from mainly central districts of the country, and some FIS political leaders, such as Mohamed Said and Abderezzak Redjam.<sup>52</sup> In July 1994 the *Armée Islamique du Salut* (AIS) announced its creation.<sup>53</sup> This force comprised insurgent groups concentrated mainly in the West and East of Algeria. They had been active, either independently or under the *Mouvement Islamique Armé* (MIA) since 1992, having refused to join the GIA earlier in May, agreeing instead to unite with, and act as the military wing of, the FIS in response to the threat posed by the GIA to the political future of the FIS.<sup>54</sup> The GIA leader, Gousmi, was killed on 26 September 1994 as negotiations between the FIS leaders and the government were reportedly making good progress.<sup>55</sup>

This marks the beginning of the third stage in the social evolution of the GIA: inversion. Whereas since 1992 the membership of this force grew steadily, the reverse process set in after the demise of Gousmi. His deputy, Mahfoud Tadjine (alias Mahfoud Abu Khalil), took over the leadership having been endorsed by the *majlis shura* (consultative council) of the force only to be ousted a few days later through a coup led by Djamel Zitouni (alias Abu Abdurrahman Amin), Antar Zouabri, Adlan and Bukabus. Zitouni became the *de facto* leader of the GIA.<sup>56</sup> In October and December 1994 Zitouni consolidated his power and launched purges against guerrilla commanders of the Algerianist tendency, the ousted leader being the first of them.<sup>57</sup> In January 1995 the GIA started a campaign of bombings leaving a large number of civilians dead. In March 1995 Zitouni issued a fatwa for killing all armed groups refusing to join the GIA: attacks on the AIS started.<sup>58</sup> In May 1995 Zitouni issued a fatwa for killing FIS representatives abroad if they did not stop speaking in the name of the struggle within 6 months (Abdelbaki Sahraoui, Anwar Hadam, Abdellah Anas, Rabah Kebir, etc.).<sup>59</sup> In July 1995 the GIA claimed responsibility for killing Abdelbaki Sahraoui in a Paris mosque and for a wave of bombings in the French capital.<sup>60</sup> In Algeria, the GIA killed two nationally prominent guerrilla commanders: Azzedine Baa, who had been leading an independent group in the district of Blida implacably denouncing the 'anti-islamic practices' and 'infiltrated' nature of the GIA, and Abdelnacer Titraoui, from the GIA.<sup>61</sup> From September 1995 till November 1995, Zitouni oversaw the killings of tens of the most able GIA guerrilla commanders and political officers, most of whom were reported from the Algerianist tendency or former MEI fighters.<sup>62</sup> FIS leaders Mohamed Said and Abderezzak Redjam were among the casualties. The presidential elections were held in November 1995.

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November 1995 demarcates the beginning of the fourth stage in the social evolution of the GIA. As the news of the assassination of the FIS leaders who had defected to the GIA in May 1994 spread, a process of disintegration started in November 1995. Tens of cells, sections, companies and whole groups issued communiqués denouncing the ‘take over of the GIA by the *mukhabarat*’ (DRS) and the ‘anti-Islamic beliefs and practices’ of the GIA.<sup>63</sup> Strictly speaking this process had in fact been initiated in August 1994, a month in which the GIA attacked the French embassy, announced the set up of a ‘caliphate’ and started burning down schools. This was the month in which Saïd Mekhloufi and his group left the GIA over its ‘reprehensible acts’.<sup>64</sup> But the break up and disbanding of the GIA accelerated irreversibly only after Zitouni’s large scale purges within the GIA became public. The process was almost complete by the beginning of spring 1996. The break away groups later reconstituted themselves under their earlier form (e.g. FIDA), or into new groupings<sup>A</sup> or else remained independent<sup>B</sup>; all these groups were to join subsequently the unilateral truce declared by the AIS in September 1997.<sup>65</sup>

After the disintegration, the fifth stage of the GIA’s evolution, the atrophy of the GIA, began. It had shrank to a few groups operating mainly in pockets in Medea, the Mitidja, Boumerdes and Dellys. Zitouni was killed on 16 July 1996 in Medea, some say by FIDA commandos while others think by the DRS.<sup>66</sup> Two days later Antar Zouabri, a faithful aid of Zitouni, took over the GIA remnant.<sup>67</sup> In September 1996, Hassan Hattab in charge of the GIA groups in Boumerdes and Dellys broke away from Zouabri’s GIA.<sup>68</sup> Zouabri issued a fatwa against the constitutional referendum in November 1996, and claimed responsibility for massacres in January, March and June 1997. The Algerian press said Zouabri was killed in July 1997 but in October 1997 general Fodhil Cherif declared he was still alive.<sup>69</sup> No basic change has been reported up to this time of writing.

Given all these developments, it is clear that the constituents of the social entity labelled ‘GIA’ in 1992 were not the same as those in 1994, which, in turn, were different from its constituents in 1995 or 1997. It follows that any careful identification of the GIA cannot but take into account its time-dependence.

When we argue, in the next section, that the identity of the GIA is that of a counter-guerrilla organisation, the claim is restricted to the period from September 1994 to this day.

<sup>A</sup> For instance, the *Mouvement Islamique pour la Dawa et le Djihad* (MIDD), led by Mustapha Kertali, set up on 21 July 1996, or the *Ligue Islamique pour la Dawa et le Djihad* (LIDD), led by Ali Benhejar, and created on 5 February 1997.

<sup>B</sup> For example, the *Katibat Er-rabanniya* (The godly company), in the Louh mountain, led by Abdelkader Souane, or the *Katibat Es-sahara* (The company of the Sahara), in the Ghardaïa district, led by Bouaine.

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#### 4. The GIA is a Counter-Guerrilla Force

The argument that the GIA is a counter-guerrilla organisation is presented in three steps.

First, some general features and examples of counter-guerrillas are discussed to introduce key notions and suggest that the thesis is *a priori* possible (sections 4.1 and 4.2). Next, section 4.3 justifies this view by showing that the GIA matches the institutional attributes of counter-guerrilla organisations. In the third step the focus is on the functional identity of the GIA, as section 4.4 argues that GIA actions are underlain by a strategic logic that corresponds to the prescriptions of counter-insurgency military doctrine.

Section 4.5 will summarise and evaluate these arguments.

##### 4.1 Background on Counter-Guerrilla Forces

A counter-guerrilla organisation is an irregular force, disguised and posing as a guerrilla force, whose function is to combat the real guerrilla force. It is a well established though, for obvious reasons, not widely known tactical instrument that many counter-insurgency (COIN) managers have used to pursue the strategic objectives of various modern COIN campaigns. The rationale behind the use of false guerrillas to combat genuine guerrillas is the principle that the latter should be fought with their own methods, ‘carrying the revolutionary war into the enemy camp.’<sup>70</sup> As one recent analyst of counter-insurgency doctrine put it, within the counter-insurgency conceptual framework,

Insurgencies were seen to be most vulnerable not to conventional police work or military tactics but to a mirror image of guerrilla tactics and organisation. Insurgencies were to be countered using the same tactics a partisan force might employ to harry and defeat a foreign invader. Guerrilla organisation would be broken down and defeated by the creation of a counter-organisation of paramilitary irregulars. These would include both a counterparts to elite guerrilla cadres [...] and to the common or garden variety of guerrilla militia, to be provided by civilian irregulars recruited in accord with political, economic, ethnic, religious or other criteria. And the advantages of no-holds-barred guerrilla tactics would be cancelled out when the same tactics were employed by the counterinsurgent.<sup>71</sup>

A counter-guerrilla organisation as mirror image of the genuine guerrilla may comprise, amongst others, members of various ‘security’ forces, surrendered or captured guerrillas ‘turned’ by the former, in addition to members or groups that are dissident from, or in conflict with, the main guerrilla organisation. Organisationally and conceptually, a counter-guerrilla organisa-

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tion should be clearly distinguished from paramilitary militias, though both may operate in covert co-ordination to achieve COIN objectives. Also, although a counter-guerrilla force is controlled ultimately by the intelligence body to which the security agents within it are attached, it needs to and does retain some degree of independence in order to be operationally effective.

This pseudo-insurgent force, operating covertly among the guerrillas' personnel and within guerrilla-controlled territory, is used to perform a wide variety of intelligence, subversive, offensive tasks and 'special operations' with the aim of discrediting, isolating, fragmenting and ultimately destroying the genuine guerrillas. Its activities include: infiltrating and gathering intelligence (especially in the initial stages of the insurgency), disrupting and sowing distrust within and between genuine guerrilla organisations, sowing distrust between any genuine guerrilla organisation and the local population to deprive the former of the latter's support, observing guerrillas and guiding regular COIN forces to attack them, or itself independently carrying out aggressive hunter-killer tasks as well as other kinds of 'special operations' (assassinations, sabotage, kidnappings, selective or indiscriminate mass-terror etc.). Of course, the specific compositions and functions of counter-guerrilla organisations vary with the context of their operations and the nature of the strategic goals and phases (of the war) involved.

(1) The use of counter-guerrillas was introduced and developed by European colonial powers in their attempts to defeat armed decolonisation movements in Africa and Asia. For example, the French used counter-guerrillas in Indochina and Algeria. In Indochina, the *Groupement Mixte d'Intervention* (GMI), originally known as *Groupement de Commandos Mixtes Aéroportés* (GCMA), which comprised teams of native tribesmen organised and led by French agents, operated behind Viet-minh revolutionary lines and carried out various subversive and aggressive tasks against them.<sup>72</sup> In Algeria, the French also used pseudo-insurgent instruments such as the Force K, the 'National Army of the Algerian People' ostensibly under the command of 'Brigadier General Bellounis' but actually commanded by General Parlange, and the 600-member counter-guerrilla force under 'Colonel Si Cherif' in fact led by the SAS (*Service d'Actions Spéciales*).<sup>73</sup> In the 1955-1960 war in Kenya, the British Special Branch made a reportedly successful use of a pseudo-revolutionary force, the counter-Mau-Mau, made up of former Mau-Mau independentist guerrillas but actually commanded by Europeans under the leadership of Kitson.<sup>74</sup> In the 1964-1974 independence war in Mozambique, the Portugese also used various counter-guerrilla groups such as the *Commandos Africanos* led by Spínola and the *Flechas* (Arrows) intelligence-gathering units commanded by Portugese intelligence, both of which included a high proportion of 'turned' Mozambiquan guerrillas.<sup>75</sup> In the 1972-1979 liberation war in former Rhodesia (now Zimbabwe),

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the Rhodesian Central Intelligence Organisation made a deadly successful use of a pseudo-revolutionary force known as the Selous Scouts.<sup>76</sup>

Western specialised military schools have built upon these colonial war experiences and, through the training of the military personnel of many non-Western countries in these schools, have spread COIN doctrines and war programs in many parts of the world. The 'special' warfare military schools operate

- 1) to help client regimes destroy popular organisations and insurgencies;
- 2) to help proxy subversive forces destabilise insubmissive sovereign states;

The former is justified as 'preserving democracy', the latter as 'facilitating democracy'.<sup>77</sup>

For example, one such specialised military school in the US, the John F. Kennedy Special Warfare Center, at Fort Bragg (North Carolina), trains foreign military personnel in

- 1) how to combat guerrillas and prevent them from succeeding (Counter-insurgency course);
- 2) how to help defeat an enemy by developing and fielding one's own guerrilla forces (unconventional warfare course).

McClintock says that the mission of the center is

To develop, organise, equip, train and direct indigenous military and paramilitary forces [...] with particular attention to subversion, other underground/auxiliary activities and guerrilla tactics

and that it

provides orientation on the basic organisation of Special Forces operation on the tactics and techniques of guerrilla force organisation, development, operations, and demobilization; psychological operations; guerrilla and counter-guerrilla practical exercises.<sup>78</sup>

During the 70s and 80s, the use of pseudo-revolutionaries and counter-guerrillas became increasingly sophisticated – for instance in Angola<sup>79</sup>, Nicaragua<sup>80</sup>, Turkey<sup>81</sup>, Spain<sup>82</sup> and Northern Ireland<sup>83</sup>. COIN doctrine and practice continues to be applied in many parts of Africa, under the management of French-trained officers, French COIN personnel<sup>A</sup> or that of mercenaries

<sup>A</sup> France deploys many of its counter-insurgency-trained troops, notably the French Foreign Legion, the RPIMA's parachute regiments (eg. 2e REP and 9e RPC in Toulouse) and some naval infantry units in its former colonies. The training of counter-insurgency forces of client dictators and juntas is done locally by some of these troops but some training is also conducted in France in the bases of these counter-insurgency forces.

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with experience in COIN warfare who – for their own profits and those of big multinational corporations – prop up various dictators and military juntas.<sup>84</sup> The same is true of many parts of Central America<sup>85</sup>. McClintock says that, to this day, counter-guerrilla organisations of various kinds ‘remain at the heart of counter-insurgency systems in El-Salvador, Guatemala, Colombia, Peru and the Philippines in perfect accord with long-standing United States military doctrine.’<sup>86</sup> In the Muslim world, countries known to have American, British and/or French trained COIN forces include Algeria, Bahrain, Egypt, Indonesia, Jordan, Malaysia, Morocco, Oman, Pakistan, Qatar, Saudi-Arabia, Senegal, Tunisia and Turkey.<sup>87</sup>

(2) The ways in which counter-guerrilla forces operate have evolved and diversified continuously since the 50s so that it is hard to pin down a prototype model or standard operational procedures. However, some general features are worth pointing out.

The credibility and consequent acceptance by both the local population and genuine insurgents of the counter-guerrillas is a pre-requisite for their operational success. The deception process by which the counter-guerrillas acquire acceptance is called ‘validification’.<sup>88</sup> ‘Validification’ procedures, that is to say the deception methods used by pseudo-guerrillas to infiltrate and establish themselves as genuine insurgents, depend on detailed operational intelligence to avoid arousing suspicion, and are variously adapted to the nature of the areas (rural or urban) involved and other specific circumstances. Detailed operational intelligence often enables the pseudo-insurgent to establish contact with the local people and the contact(s) or agent(s) of the insurgents among them. The latter are used to arrange meetings with the insurgent forces in the area. These meetings constitute the last stage in establishing the pseudo-insurgents’ ‘credentials’. The ‘validification’ can also involve other, more cunning procedures. For example, in order to prove themselves as true insurgents, the Selous Scouts in Rhodesia were sometimes required to call in air strikes on, or close to, their own positions. They subjected themselves to mock ambushes; they themselves attacked selected regular army units or struck at selected civilians – e.g. those recognised as enemies or traitor-informers (‘sell-outs’) by the local population or the insurgents – to avoid arousing suspicion. Ultimately the success of the ‘validification’ procedures is said to depend crucially on the ability of the pseudo-insurgents to simulate the genuine insurgents down to the smallest details. This is achieved by intensive, careful training, whereby selected members of the security forces learn the habits and modus operandi of the insurgents down to the tiniest minutiae, but also by inducting politically illiterate or na-

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ive insurgents<sup>B</sup> as well as surrendered or captured guerrillas who have been 'turned'.

The technique of 'turning' is important because the 'turned' guerrilla makes the best replica of the genuine guerrilla. There are various accounts of the process of 'turning' or converting guerrillas into their opposites. For instance, for the counter-Mau Mau in Kenya, Paget says:

it had been found that the loyalty of most Mau-Mau (revolutionaries) tended to be directed towards an individual leader rather than a cause. Therefore they were often perfectly willing when captured to 'turn their coat' and to operate under European leadership against their former comrades in arms.<sup>89</sup>

Beckett reports that 'guerrillas may be tempted by offers of reward, amnesty and, as a symbol of government trust, may even be recruited into special units and sent back into remote and inaccessible areas to hunt down their erstwhile colleagues.'<sup>90</sup> In Mozambique, Beckett reports:

Arriaga (a counter-insurgency officer) claimed 90% success rate in persuading captured guerrillas to turn against their former colleagues, by payment of cash rewards for weapons and the widespread distribution of surrender leaflets [...] Spinola (another counter-insurgency officer) even made the point of evacuating wounded guerrillas to hospital before his men (to subsequently convert them).<sup>91</sup>

As for actual details of the psychological process involved, Newsinger writes of the Mau Mau:

How then were Mau Mau prisoners 'turned', how were they recruited into the counter-gangs and persuaded to help hunt down their former comrades? Taming, as Kitson called it, involved three stages. First the prisoner would be treated harshly, kept chained and poorly fed to 'make him realise he was not such a wonderful hero as he supposed'. This stage was, at least nominally, non-violent. Then, when his self-esteem had been sufficiently demolished, it would be rebuilt on Kitson's terms. The prisoner would be unchained and employed doing routine menial jobs around the camp, gradually integrated into the unit. If this worked out, the last stage saw him sleeping with the others, doing guard duty and going out on patrol. [...] The consequences of failing to co-operate led to 'the alternative of a death sentence.'<sup>92</sup>

In the more recent war in Rhodesia, Ellert describes a much shorter process of conversion whereby a surrendered or captured guerrilla was knocked

<sup>B</sup> The Truth and Reconciliation Commission, in South Africa investigating various kinds of terror acts perpetrated during the apartheid era, found that the apartheid regime set up counter-revolutionary groups, such as the African Armed Resistance (based in Transkei), to fight against the ANC. It founded many training centres, such as a farm called Vlakplaas, in which politically naive trainees learnt to kill, murder and infiltrate anti-apartheid groups. Graduates of these training schools also committed various acts of terror so that people began to see African groups wanting freedom as bloodthirsty and violent, and equate blind violence with anti-apartheid. The Commission found that the trainees in such centres were people wanting to join freedom movements but who actually joined these counter-guerrilla groups and committed acts of terror in the name of anti-apartheid without realising that the state was directing their actions.

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down and rebuilt as his opposite. The development of shorter-time 'turning' methods aims at reducing the time-span between capture of the insurgents and their redeployment as pseudo-insurgents in the same area, so as to overtake the companions of the captured insurgents warning fellow insurgents and the local population. He states that

The technique of 'turning' or inducing a captured guerrilla to co-operate with the Selous Scouts (the pseudo-insurgent force) was achieved in many ways. Firstly he was made aware of the hopelessness of his own situation – death was the only alternative. Secondly he was put together with other 'captures' some of whom he would recognize from other training camps [...] They would explain the many benefits of working with the Selous Scouts – these included a standard kill-bonus of \$1000. Thirdly, the African members of the Selous Scouts subjected the prospective recruit to a crash course in political re-orientation. The 'turning' process was often achieved within twenty-four hours and many successful kills were recorded when a Selous Scouts unit moved into a village using the recent capture to authenticate them and request a guide to the nearest resident group.<sup>93</sup>

Cilliers believes that the susceptibility to conversion of captured guerrillas depends on the strength of their ideological commitment to the cause of liberation. He claims that

research has substantiated that there is a willingness among captured insurgent personnel to change sides in the traumatic post-contact and initial period of capture. Should a captured insurgent not be presented with obvious means of escape and be physically involved in counter-insurgency operations on the side of government forces he, in effect, becomes committed to the latter cause.<sup>94</sup>

In any case, whatever the 'turning' techniques used, the managers of pseudo-insurgents operations deem it necessary to have a constant supply of fresh 'turned' guerrillas so as to remain up to date with the guerrilla's internal security measures. This is also needed to update 'validation' procedures because, with time, genuine guerrillas and local populations learn to discriminate between genuine and pseudo-insurgents and may evolve complex anti-'validation' recognition-codes.

Past the stage of 'validation' and acceptance by the local population and genuine insurgents, and supplied with rules of operational co-ordination between the pseudo-insurgent team and regular army or police units in order to minimise the chances of possible clashes between them and to perform joint operations if any, the counter-guerrilla force is ready to execute a wide variety of anti-insurgent tasks.

The most obvious and continuous task is gathering intelligence from meetings with the local population and/or insurgents and/or their contacts and networks between them: in sum, 'identifying the enemy.' The information is then passed on to conventional units of the counter-insurgency forces for 'action'. Other forms of intelligence-gathering involve reconnaissance

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missions to determine physically the exact locations of bases, or of specific installations in such bases. According to Cillier, 'the majority of insurgent casualties inside Rhodesia were the direct result of intelligence obtained during pseudo operations.'<sup>95</sup>

But pseudo-insurgent tasks are not restricted to intelligence gathering or combat tracking. For the strategic objective of demobilising the people and severing their support for the insurgents, infiltrated pseudo-guerrillas may carry out a variety of tasks aimed to create distrust between the local population and insurgent forces. Cillier says that

Such actions could include acts of indiscretion towards property, women and cattle, or local customs and tribal beliefs.<sup>96</sup>

Psychologically preparing the people to reject or demonstrate hostility towards, or disinterest in, the guerrillas, is also achieved through the counter-guerrillas calling in police or regular army units or air strikes

On the insurgent group after they had left a specific village or place. After two or three such occurrences the insurgents invariably suspected the population of informing government forces of their presence. In revenge, and to forestall any repetition, innocent members of the village or place were executed. This would normally put an end to any voluntary support that the insurgents could expect from the population. [...] A second method used relatively widely once an insurgent contact man had been identified, was for a pseudo team to eliminate him publicly after labelling him a traitor to the insurgent cause. Since the rest of the population and insurgents knew the contact man to be a loyal and staunch insurgent supporter, such a death would lead to considerable disillusionment and bewilderment.<sup>97</sup>

Another equally important subversive task is 'to create a focus of chronic internal and external conflict within the enemy camp.'<sup>98</sup> To create dissension within the insurgent force, or between competing insurgent organisations, the counter-guerrillas look for actual and potential frictions, lines of conflict (sectarian, ethnic, ideological, political etc.) and operate to magnify and exacerbate the tensions whenever possible into open armed hostility. For example, in the Rhodesian-Zimbabwean war, two competing nationalist insurgent armed forces, the ZANLA (Zimbabwean African National Liberation Army) and the ZPRA (Zimbabwean Peoples Revolutionary Army), were often incited to fight each other by counter-guerrilla operations. About these activities, Cillier writes that

A major success that did result from these operations was the mutual suspicion and distrust between insurgent forces in the field. Contact between such groups was increasingly preceded by lengthy exchanges of oral and written messages and co-ordination of forces for a single operation presented acute problems. This was even more so in those areas where both ZANLA and ZPRA forces were operating. Within ZANLA, groups frequently attacked one another. To increase this breach even further, pseudo ZANLA teams began attacking ZPRA insurgents, thus ensur-

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ing that the next encounter between ZANLA and ZPRA would turn into an armed clash. During the period between 1976 and 1978 when ZANLA attempted to encroach on Matabeleland, the success of this method was such that a captured ZANLA commander confessed to having been shocked by the fact that his first eight contacts were with ZPRA forces. He was captured by security forces in the ninth.<sup>99</sup>

In addition to these two kinds of subversive actions, pseudo-guerrilla operations can also involve more offensive tasks, such as 'hunter-killer' activities, luring guerrillas into traps and ambushes -- such actions being often supported by paying substantial bonuses for insurgent casualties.

A diverse set of actions called 'special operations' may include, for instance, 'hostage-taking, random killing and maiming, sabotage, capture and killing.'<sup>100</sup> Special operations involving bombings and mass killings of the civilian population obey an age-old terror principle, which the Document on Terror describes as follows:

First, the entire population must be subjected to terror in order to establish the conditions for the destruction of one part of the population. Second, whoever is not in the ranks of the terrorists is either an actual or a potential opponent, or creates favorable conditions for the opponent by his passive attitude. The former must be destroyed, the latter must be terrorized. Third, if it is probable that a certain group contains one single enemy who cannot be identified, the entire group must be wiped out to make sure he is destroyed.<sup>101</sup>

Lawrence Bailey, an ex-US marine employed as a mercenary in El Salvador, describes this kind of terror operations:

there is a striking difference between news reports of the El Salvador war and what actually takes place in the field. The difference is the target of attack. 'The army is not killing communist guerrillas, despite what is reported,' he said. 'It is murdering the civilians who side with them. It is a beautiful technique,' Lawrence Bailey said. 'By terrorising civilians, the army is crushing the rebellion without the need to directly confront the guerrillas,' he said. Bailey contends that the massacres of civilians are not scattered human rights abuses in an otherwise traditional war. 'Attacking the civilians is the game plan,' he said. From the talks he has had with others in his political camp in El Salvador, and from what he has seen in the field, the strategy is clear. 'Kill the sympathizers, and you win the war.' 'The murders,' he concluded, 'are not a peripheral matter to be cleaned up while the war continues, but rather, the essential strategy.'<sup>102</sup>

The arsenal of 'special operations' also comprises 'political operations'<sup>C</sup> – political take-overs or manipulations through infiltrated agents, abductions

<sup>C</sup> As an illustration, one may cite Kitson's prescription for counter-guerrilla political operations in Northern Ireland: 'set up pseudo-gangs (both Loyalist and Republican), to be involved in infiltration of diverse groups, manipulating loyalist gangs and orchestrating a campaign of assassinations that would terrorise the population; (mainly through SAS and other special units) wage a massive psychological war to discredit the IRA and, in the short term try and split them along Left/Right,

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or assassinations of adversary elite (individuals or groups) etc. – ‘psychological operations’, counter-propaganda, special disinformation and so on.

(3) Finally, from the scattered literature on the overall effectiveness of counter-guerrillas, it seems that, as a military instrument, the tactic can be a ‘most effective means of effecting insurgent casualties.’ Even if one allows for the over-glamorised gloss on some of the ‘success stories’, evidence of effective military use of counter-guerrilla exists and is compelling. Of course, not much literature is available to document cases of effective destruction of counter-guerrilla units. As a purely military instrument in the COIN campaign, the effectiveness of pseudo-insurgent operations is mixed and variable. But they have limited meaningful impact on the overall outcomes of wars. They often prove to be counter-productive in the long term, especially where their use is extensive and the incumbent regime has no political legitimacy. The moral, psychological and political implications of the local population, the insurgents and world opinion becoming aware of ‘security’ forces posing as insurgents and committing atrocities are highly damaging. This also undermines the regime's claim to legitimacy as enforcer of the law. Often, as the COIN campaign advances, the counter-guerrillas become intoxicated with their absolute power over life and death, distrustful and run out of control. They tend to lose sight of the purpose of the war and pursue increasingly aggressive and punitive strategies against the people to deter them from supporting the insurgent cause, hence further alienating them and channelling their discontent against political institutions.

#### 4.2 Examples of Counter-Guerrilla Forces

Force K, during the Algerian liberation war (1954-1962), and the Selous Scouts, in the Rhodesian war (1972-1979), will now be discussed in some detail. The history of both these units is relevant to the ongoing conflict because it is part of the COIN tradition and experience of the current managers and advisers of Algeria's military.

The most influential generals of the army are former officers in the French army.<sup>D</sup> They led the military coup of January 1992 and constitute the hard core of the self-styled ‘eradicator’ faction of the military. They are committed, as soldiers, to French military and security doctrines, strategies and tactics.<sup>103</sup> Further, the French army and intelligence services are directly involved in the counter-insurgency campaign.<sup>104</sup> In 1994, France despatched about fifty military advisors to advise and staff its Algerian trainees.<sup>105</sup>

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Doves/Hawks, North/South, and military/political axes.’ See R. Faligot, *Britain's Military Strategy in Ireland: The Kitson Experiment*, Zed Press, London 1983, p. 20.

<sup>D</sup> They include Mohamed Lamari, Mohamed Mediene, Abdelhamid Djouadi, Mohamed Touati, Khaled Nezzar, Smain Lamari and Larbi Belhair.

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France has numerous personnel trained in COIN warfare, a substantial number of whom are deployed in its former colonies including Algeria. These include, in addition to the Foreign Legion and some naval infantry units, the RPIMA parachute regiments specialised in COIN operations overseas. In the summer of 1995, about 1500 members of these special paratroopers units were despatched.<sup>106</sup> For mobile counter-guerrilla warfare, France has provided its Algerian trainees with special anti-guerrilla helicopters, some of which are equipped with night-vision equipment, as well as the required training of the pilots at Le Luc, near Toulon.<sup>107</sup> French intelligence regularly meets the chief of the regime's military intelligence.<sup>108</sup> French anti-terrorist forces (GIGN, RAIDS and Gendarmerie) also train Algerian special units under the umbrella name of 'anti-terrorist units'. The satellite Helios-1 specialised in surveillance of the Maghreb (put into orbit in July 1995), the spy ship Berry which patrols the Algerian coastline, checking all radio communications (even those of the government and army), and French spy planes, supply on daily basis exhaustive data to the analysts of the French DRM and DGSE intelligence agencies.<sup>109</sup>

The relevance of the Rhodesian experience lies in that mercenaries, among others from South Africa and former Rhodesia, with counter-insurgency combat experience in Rhodesia, Namibia, Angola, Mozambique, are also currently advising, training and assisting the Algerian military. According to *The Observer*, a multinational corporation of war, called Executive Outcomes, is currently selling its military and security services (training and advisory roles) to the Algerian regime.<sup>110</sup> It is engaged extensively all over Africa, notably in Algeria, Angola, Botswana, Ivory Coast, Kenya, Malawi, Nigeria, Rwanda, Sierra Leone and Zaire, where it shores up military regimes in return for 'large shares of an employing nation's natural resources and commodities.'<sup>111</sup> This multinational of war has corporate links with oil and gas multinational corporations and companies engaged in the search for gold, diamonds and other gems and minerals. That is to say that 'Executive Outcomes' are not just 'guns for hire'. They are 'the advance guard for major business interests engaged in a latter-day scramble for the wealth of Africa.'<sup>112</sup> It comprises various European mercenaries, former Rhodesian and South African military officers with counter-insurgency combat experience in various African war campaigns.<sup>113</sup> *Drillbits & Tailings* says Defence Systems Limited also sells COIN expertise to the army.<sup>114</sup>

#### 4.2.1. Force K in Algeria 1954-1962

Force K – K for Kobus – was a counter-guerrilla organisation set up by the French DST in Algeria in the latter part of 1956.<sup>115</sup> It should not be confused with Force K – K for Kabylia – involved in operation *Oiseau Bleu*.<sup>116</sup> Its counter-*maquis* (roughly, 'zone of operation') was located between Ain-

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Defla and Oued Fodda, on the borders between the military district 3 and 4 as defined by the *Front de Libération Nationale* (FLN).

Force K was under the ostensible leadership of 'Kobus', whose real name was Belhadj Djillali Abdelkader, a former Messalist 'turned' into a French intelligence informer while serving a three-year prison sentence for being a member of the *Organisation Secrète* (OS). This pseudo-guerrilla force was in fact under the command of Captain Conille, who led the SAS of Lamartine, and that of Captain Hentic in charge of the *harka*<sup>E</sup> of Beni Boudouane. Its membership grew from 200 to 1400 in 1958 and included former nationalists 'turned' or inducted forcibly through compromising them, politically illiterate or naive nationalists, fugitive criminals and mercenaries recruited from the ordinary criminal world. Force K included political commissars who indoctrinated both these pseudo-insurgents and the population. The French lieutenant Heux was in charge of handling its organisation, recommending any necessary changes in the force, indoctrinating the pseudo-guerrillas and co-ordinating between Force K and French army units as well as Bachagha Boualem's *harka*.

To get accepted by the population, Force K's political commissars employed anti-French propaganda in the hamlets; the Algerian flag was raised in Force K's camp and Kobus troops wore the same insignia as worn by the *Armée de Libération Nationale* (ALN). At the same time, their propaganda line against the FLN was intensely hostile: the 'FLN is led by communists', it is the 'real enemy' and 'all true nationalists', such as those in Force K, 'have to first cleanse Algeria of the FLN red leper.' Along with an infamous room for torture, the Force K base had well equipped printing facilities.

Its subversive actions involved sowing distrust between the population and the FLN guerrillas, isolating the latter from the former. This was done through the rapes of women, torture, stealing from and heavily taxing the population, in general spreading an atmosphere of terror and confusion in the minds of people, all done in the guise of FLN guerrillas. In its hunter-killer operations, it is reported to have destroyed the FLN mujahideen in its assigned area.

This success was, however, only temporary. Soon, this 'French Trojan horse in the heart of the Algerian resistance' was neutralised, using the very psychological principles and deception tactics that underlay Force K. Colonel Si Mhamed and Omar Oussedik astutely adapted and turned these principles against the French and Force K.<sup>117</sup>

Under Soustelle's psychological warfare experts, the French tried even larger scale experiments: the *Armée Nationale du Peuple Algérien* under the os-

<sup>E</sup> *Harkis* were Algerians recruited by France to serve as para-military militias. The *harka* is a centre regrouping the *harkis*.

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tensible command of 'Brigadier General Bellounis'<sup>118</sup> but actually under the supervision of the SDECE and command of General Parlange, and the counter-guerrilla force of 'Colonel Si Cherif' factually led by the SAS.<sup>119</sup> The SDECE tried a last experiment in 1960. It set up the *Front Algérien d'Action Démocratique* (FAAD), a political party campaigning for 'an Algerian republic associated to France', also known as the 'third force', supported by an armed wing operating in the Bou Kahil, Zemra and Djelfa regions. The political party was outwardly led by Belhadi, Khellifah and Laid, former leaders of the Mouvement National Algérien (MNA) rival of the FLN, while the military wing was seemingly commanded by Amar Badri, a guerrilla and militant of the MNA. The actual commanders of the political and military branches of the FAAD were colonel Mercier and colonel Peltier, in Algiers, and colonel Marceau in Paris, while the supervisor of the whole operation at the *Service Action* of the SDECE was colonel Roussillat.<sup>120</sup> These experiments are said to have succeeded in destroying a number of ALN guerrilla units but they ended in failures.<sup>121</sup> Commenting on these experiments Faivre said:

Attempts to create a third force in political and military opposition to the FLN were repeated throughout this war: the Kabyle operation in 1956, sometimes known as *Oiseau Bleu*, the Kobus Force, the National Army of the Algerian People of Bellounis, the auxiliary forces of Si Cherif, the 'bleus' of captain Léger, the committees of public salvation involving Muslims, the Challe project for the federation of self-defence and territorial units, the aborted rallying of Si Salah, the commission of deputies, and the Algerian republic proposed to general Jouhaud. Some of these attempts were led by the secret services, others were initiated by politicians or the military. All of them failed either for the inadequacy of the intelligence or the lack of political will [...] The FAAD was also doomed to failure from its inception.<sup>122</sup>

#### 4.2.2 *Selous Scouts in Rhodesia 1972-1979*

For a proper understanding of the Rhodesia-Zimbabwean war and the development of Rhodesian counter-insurgency doctrine, strategies and tactics, the emergence of the Selous Scouts counter-guerrilla unit and the development of its subversive operations, it is essential to consult the references cited in section 4.1 as well as Evans' work.<sup>123</sup> Suffice to say here that the Selous Scouts evolved from a classic pseudo-guerrilla tracking and secret reconnaissance unit to a battalion strength force, lavishly funded by the Rhodesian Central Intelligence Organisation (CIO) and the Directorate of Military Intelligence. It was made up mainly of former Zimbabwean nationalists but under the executive direction of CIO's Special Branch security and intelligence officers (white Europeans).

This literature also contains a wealth of operational details: 'validation' procedures used by the Selous Scouts, anti-deception tactics of the genuine resistance, 'turning' techniques, co-ordination rules between the Scouts and other Rhodesian regular force units ('frozen areas') and their problems,

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techniques for sowing dissent between the population and the Zimbabwean guerrillas, methods for sowing conflict within and between the armed insurgent organisations. These procedures will not be illustrated in detail here as this was done, to some extent, in section 4.1. We will, instead, look briefly at a few examples of the so-called 'special operations'.

In the class of aggressive operations, according to Ellert, the Scouts were continually searching for different clandestine warfare techniques and tactics to improve their kill-rate.<sup>124</sup> For instance, having noted the wide use of radios and record-players among the resistance through their close association with captured guerrillas, they used radio-bombs<sup>G</sup> or cassette-players<sup>H</sup> fitted with compact plastic explosives and multi-switch delay mechanisms which were supplied to the guerrillas through agents or secretly introduced into rural stores by substituting them for existing stocks. Another example: having learned the food, clothing and equipment habits of the guerrillas, the Selous Scouts launched a poisoning campaign. The intelligence laboratory impregnated odourless, colourless lethal toxins<sup>I</sup> into the fabric of various consignments of clothing (blue Denim trousers and jackets, underpants etc.) which were passed to the guerrillas through various routes. The Scouts also poisoned water reservoirs used by the guerrillas and introduced measured quantities of bacteriological poisons in various places along the Ruya river, near the Mozambique border. In all these 'special operations', an unknown number of guerrillas were reported killed, but a substantial number of unsuspecting civilians died in the process too. According to Ellert, the Rhodesian regime hid these murders under the category of malaria or cholera epidemics.

From the many dastardly Selous Scouts 'special operations' aimed at severing local and international support from the Zimbabwean insurgents, two examples are worth citing.

The first concerns their massacre of St Paul's Musami missionaries while masquerading as ZANLA guerrillas. Prior to the massacre, it was known to the Rhodesian authorities, police and army that many individual missionaries disliked the regime's repression and ill-treatment of villagers and Ellert says that they 'strongly identified themselves with the guerrilla cause and actively assisted them with supplies'.<sup>125</sup> The Special Branch, which monitored the

<sup>G</sup> Radio receivers were fitted with a homing signal effective up to fifty kilometres. The device was operated only when the radio was switched off, which in practice meant that the signal would be most active when the guerrillas were sleeping.

<sup>H</sup> The design was such that the cassette-player would not explode until the on-off switch had been operated several times. This was meant to ensure that the radio would now be in a base-camp where the kill rate would be higher.

<sup>I</sup> The poisons were selected so as to be absorbed by osmosis through prolonged skin contact in the genital, anal or arm-pit areas.

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missionaries, was aware that 'ZANLA guerrillas were in contact with the mission workers.'<sup>126</sup>

The circumstances of the massacre are that on the evening of 7 February 1977 armed men said to be ZANLA guerrillas entered the mission, lined up the European staff and gunned them down. Ellert says that

The St Paul's killing came as an ideal propaganda opportunity for the hard-pressed Rhodesian government. The Catholic Commission for Justice and Peace had in October 1976 published a litany of murder, torture, malicious injury to property, extortion and threat and bodily harm which laid the blame at the door of the Rhodesians. The publication, *Civil War in Rhodesia*, had embarrassed the Rhodesian government and news of the St Paul's incident enabled the Rhodesians to yell 'bloody murder' back.<sup>127</sup>

Various pieces of evidence pointed to the Selous Scouts' responsibility for this operation. They included spent cartridge identification, the killing of five African villagers living near the mission for being informers or 'sell-outs' (a Scouts 'validation' procedure) on the same night of the massacre as well as the 'frozen status'<sup>J</sup> of the district surrounding the mission, on instructions from security headquarters, some days before the incident. This corroborated the information that, a day prior to the killing, a group of armed men had been seen jumping from a truck at a distance 25 km from St Paul's Musami. At the time, this was reported to be the genuine ZANLA section in the area. The ZANLA expressed surprise at the news. Ellert comments: 'this new group was never accounted for and disappeared.'<sup>128</sup>

The second example of Selous Scouts's 'special operations' involved cutting the throat and massacring sleeping British missionaries and their children at the Elim Pentecostal mission, a year after the St Paul's Musami incident, on 23 June 1978. Six men, armed with axes, bayonets, knives and heavy clubs, identifying themselves as ZANLA guerrillas, attacked the mission and then disappeared into the surrounding forest, leaving a gruesome scene:

Thirteen people had been bayoneted, hacked and chopped to pieces in an orgy of the most grotesque proportions. Women had been sexually assaulted and the men had endured savage beatings with their hands tied behind their backs.<sup>129</sup>

Ellert says that this incident came at a time when top-secret plans were being prepared for Operation Favour when 'the Rhodesians were making desperate attempts [...] to achieve a popular swing in world opinion in favor of the Internal Settlement partnership.'<sup>130</sup> In other political assassinations, the use of axes, bayonets, knives and clubs and non-use of fire-arms was

<sup>J</sup> The Selous Scouts pseudo-teams adopted the rules of 'frozen areas' to operate without being killed by the Rhodesian security forces. A frozen area is a space in which security forces are not allowed to operate, except along the main roads.

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thought to be a way of getting round the efficient system developed by the ballistics section of the police to identify and link spent cartridge cases to guerrilla weapons from the operational area in question or to those of the Special Branch of the Central Intelligence Organisation.

Despite their many secret operations, which were successful in inflicting various military, political and psychological damages on the independentist guerrillas, commentators such as Ellert consider that the Selous Scouts were unsuccessful in substantially affecting the result of the liberation war. A last but not least illustration of the Selous Scouts' damaging but ultimately vain 'special operations' was their bombing campaigns. Ellert says:

The final hours of the Selous Scouts were as sullied as they were ignominious. Many Scouts bitterly resented what they perceived as a political sell-out of the Whites in Rhodesia. In early 1980 several incidents took place which all had the clear trademark of the Selous Scouts. In mid-February a number of disgruntled Scouts embarked on a bombing campaign in Salisbury (Harare) which they hoped would be blamed on ZANLA. The blasts came in the wake of a statement by Bishop Muzorewa who accused the Patriotic Front guerrillas of having plans to convert churches into schools and military barracks [...] The Presbyterian church in Jameson (Samora Machel) Avenue and the Kingsmead Chapel in Borrowdale were bombed, resulting in the accidental death of two civilians. Two days later, a crude bomb consisting of two RPG-7 projectiles, some slabs of TNT explosives and detonators were found inside a green canvas haversack together with a handwritten note from guerrillas expressing their desire to destroy churches. The makeshift bomb had been concealed at the Anglican cathedral in Salisbury (Harare).

Several days after this find, two African members of the Scouts, Lieutenant Piri-gondo and Corporal Moyo, died in a mysterious blast which completely wrecked the Renault Sedan in which they were driving. The explosion occurred [...] south of the city centre of Salisbury (Harare), and it was speculated they were on their way to yet another site when fate took a hand.<sup>131</sup>

After this digression to familiarise the reader with the general concept and mode of operation of counter-guerrillas, we are now in a position to look at the body of accumulated facts indicative of GIA's identity.

### **4.3 Institutional Identity Argument**

In modern COIN doctrines and war programmes, a counter-guerrilla organisation is a tactical instrument whose main identifying institutional attributes are as follows.

a) It is an irregular guerrilla-like force, posing as a guerrilla entity, often operating in areas with a strong presence of genuine guerrilla. We call this the *irregularity* attribute.

b) It comprises, amongst others, members of various 'security' forces, surrendered or captured guerrillas 'turned' by the former, in addition to

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members or groups that are dissident from, or in conflict with, the main military-political insurgent force. This is the *composition* attribute.

c) It carries out intelligence, subversive, offensive and ‘special’ operations aimed at damaging the military and/or political and/or ideological and/or psychological and/or financial force of the main military-political insurgent force. This is the *anti-insurgent operation* attribute.

If the GIA can be shown to embody these attributes, it will justify the view that it is a counter-guerrilla organisation.

That the GIA is an irregular force, claiming to be committed to combating the incumbent regime, operating in urban and rural zones with a presence of genuine islamist insurgents, is uncontroversial. The account will only focus on demonstrating that conditions b) and c) are met by the GIA. We discuss the GIA composition in section 4.3.1 and GIA operations in section 4.3.2. In section 4.3.3 we review the argument, present some objections to it, and conclude.

#### 4.3.1 *Composition of the GIA*

The GIA has comprised infiltrated security agents and ‘turned’ guerrillas at the top of its structure.

Various sources asserted security agents infiltrated the GIA: Ex-prime minister Brahimi, ex-diplomat Zitout, several intelligence officers now exiled in Europe, a few academic specialist on Algeria and intelligence analysts, journalists, and the targets of the intelligence themselves, erstwhile members of the GIA.<sup>132</sup> For instance Gèze and Vidal-Naquet wrote in *Le Monde* on 5 March 1998: ‘Western intelligence services are convinced the GIA are highly infiltrated by the [Algerian] military secret service agents to discredit Islamists and to maintain a climate of terror to prevent any revolt.’ The Rand Corporation report by Graham Fuller says:

Suspicion had arisen, among French analysts that the Algerian intelligence services had infiltrated and were manipulating several Algerian terrorist groups both to sow disinformation and support terrorist acts in a desire to bring the West – especially France – around to the conviction that the Islamists represent an unacceptable violent movement.<sup>133</sup>

Various testimonies from erstwhile targets of the infiltration, who left the GIA late in 1995 and early 1996, confirm it too. For instance, katibat al-muhajirun (the company of exiles) says: ‘the despotic regime chose a strategy of deceit and conspiracy to undermine the jihad from within by injecting hypocrites and collaborators among the ranks of the mujahidin at a time of inattention on the part of the sincere mujahideen.’<sup>134</sup> Seriyat al-iqdam (detachment of bravery) denounced ‘the plan of the infiltrated fifth column to liquidate the decision-makers among the preachers and military leaders.’<sup>135</sup>

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The army, the military intelligence and the police have separate units specialised in infiltration. Captain Haroun, former intelligence officer, says a unit called infiltration Section operates within the DRS.<sup>136</sup> Dalila, a former policewoman now exiled in the United Kingdom, says ‘the infiltration of the Islamists’ is the job of ‘the religious brigade, bearded policemen.’<sup>137</sup>

*Maghreb Confidential* explained the routes for infiltration this way:

The directorate of intelligence and security (formerly *Sécurité Militaire*) of General Mohamed Mediene, alias Tewfik, has organised a vast operation of manipulation of the GIA along three axes of infiltration

- 1) The creation of armed groups that carry out attacks, in the name of the GIA, and end up joining them.
- 2) True-false deserters from the army join the GIA with their weapons, and provide them with information pre-packaged by the central government.
- 3) The infiltration of agents from the bottom, i.e. in neighbourhoods where some manage to get recruited. These true-false GIA have three missions inspired by the famous ‘bleuite’, which allowed Captain Léger, in the Algerian War, to disorganise the underground ALN.

A well known case of the latter is Lieutenant Farid who infiltrated urban insurgents in the Casbah in the summer 1992, and lasted till 1994, time at which he was eventually found out and shot dead.<sup>138</sup> *Il Messaggero Domenica* reported that the validification technique used was an attention grabbing pseudo-arrest operation, in Bab El Oued, in which Lieutenant Farid ostensibly managed to escape. This established him in the Casbah, and within one year, he rose to the national leadership of the GIA, as he proved efficient at obtaining weapons, hide-outs, money, and recruiting insurgents.<sup>139</sup> His activities will be discussed later. Here suffices to mention that once he was accepted, he became a gate of infiltration in that he was recruiting fellow intelligence officers into the GIA.<sup>140</sup>

*Maghreb Confidential* omitted two important routes of infiltration. The first is the Afghan route. Even before the military coup of January 1992 and the emergence of the armed groups, the regime had planted many of its agents within the FIS. These were among the veterans of the Afghan war. The Algerian-Afghans enjoyed prestige among the radical segment of the social base of the FIS for the legitimacy they earned fighting the Soviets. The Algerian-Afghans are known for their strong opposition to the electoral strategy of the FIS and advocacy of armed struggle. Captain Haroun says:

The surveillance work of radical Islamists dates back to the war in Afghanistan. To support the Soviet troops in difficulty against the Afghans, the Soviet KGB had asked their Algerian counterparts, with whom they had strong links, to infiltrate the Afghan *maquis*. To carry out this operation, the military security sent a number of officers among the Algerians who, by conviction, wanted to fight alongside their Afghan brothers. One of them had even become a close collaborator of Commandant

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Messaoud, who was one of the most important leaders of the Afghan resistance. When they came back, the officers – with a solid experience in Islamist groups – were converted into the combat against Islamists, which had intensified from the late 80s. The GIA were infiltrated right from the outset. This allowed the secret services to follow closely their development and to act effectively especially whenever they attempt to unify their ranks.<sup>141</sup>

The second route was the famous evasion of about 1 000 prisoners from the Tazoult prison, in March 1994, an operation master-minded by the Afghan veteran Qadi Said. Various accounts exist about the operation but there is no dispute that it infiltrated a large number of security agents and hardened criminals into the GIA.<sup>142</sup>

Now, concerning the presence of the ‘turned’ component within the GIA various testimonial and inferential evidence support its existence. For example, Seriat al-iqdam (the detachment of bravery) stated that ‘the leadership of the GIA fell into the hands of a suspect and unknown clique manufactured by the secret services’<sup>143</sup> while Seriat al-wafa-a (the detachment of fidelity) stated that ‘by our lack of vigilance, a band produced by the military intelligence infiltrated itself up to the centres of decision making.’<sup>144</sup> These testimonies do not give details about the ‘production’ process but it is notorious.<sup>145</sup>

For instance, in the testimony he gave about the torture he suffered at the hands of the DRS, Gharbi Brahim says: ‘the military security wanted to make a mole out of me.’<sup>146</sup> In the testimony of Thamert Hocine, tortured first in the Police School of Châteauneuf in Algiers and then at the centre of military security in Blida, one reads some details of the ‘turning’ method:

The officer who was sitting next to me was old. He was using a paternalistic tone to try and convince me to collaborate, ‘to come back to the straight path...’ The torturers took me to a corner of a shed to resume the interrogation. There were several officers and soldiers waiting for me. One of the officers used a soft approach at first. He offered me to work for the military intelligence and save my life. Another one took over from him and told me in a peremptory tone: ‘otherwise you will be executed’.<sup>147</sup>

While Gharbi and Thamert resisted the ‘turning’ attempts there are other surrendered or captured activists or guerrillas who could not. The *bushkara* (hooded informers), accompanying the daily arrest, are the visible evidence of surrendered or captured insurgents successfully ‘turned’. For instance, a Gendarmerie captain told Devoluy and Duteille:

Mustapha Bensayed was lightly injured when he was captured following an engagement, in El Harrach, between his group of urbanites and an anti-terrorist unit that had been tracking them for weeks. After questioning, the prisoner revealed he was Mustapha Lebrika. He had cold-bloodedly killed a young policeman at a bus stop, at the beginning of the year, to prove his commitment. After a series of attacks in the East of Algiers, Mustapha took a *nom de guerre*: Abu Salah, and supplanted his com-

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mander. After treatment and conditioning, Abu Salah was 'turned' by Captain Rachid Benmohamed. He was used to neutralise an armed group led by one of his rivals operating near Larbaa. He disappeared in February 1993, 'probably killed by another armed band suspecting the infiltration', says Captain Benmohamed.<sup>148</sup>

The conversion of 'turned' guerrillas, who are called 'penitent terrorists' by Algerian officials, is acknowledged by the minister of justice, Mohamed Adami. In 1997 he declared:

The application of law of mercy has allowed many of those who repented to make amends to their people, because many of them have taken up arms and fought against their former comrades. They have also effectively helped security services with the intelligence and information at their disposal.<sup>149</sup>

The 'turned' insurgents are recycled into the paramilitary militia units<sup>B</sup> or pseudo-insurgent armed groups such as the GIA.<sup>150</sup> The scale of the 'turning' into paramilitary and counter-guerrillas irregulars is not known. There is an official figure of 5,000 'penitent terrorists' since 1995 but it should be taken with scepticism.<sup>151</sup>

There is testimonial evidence of 'turned' insurgents at the top of the GIA structure. A probable, though less obvious, 'turned' was the former leader of the GIA, Zitouni, an unknown and reportedly very cruel figure, was precipitously elevated to the position of emir of the GIA. He had an unprecedented ability to last very long in that position. Islamists hold the view that he had been 'turned' during his detention, along with thousands of other FIS activists and supporters in the Sahara camps, following the military coup in January 1992.<sup>152</sup> These sources maintain that during his detention he received the visit of several officers from the DRS and the army. An abridged account, from insurgent sources, of how Zitouni was subsequently infiltrated into the GIA, and later took over the GIA is given in the appendix.

In addition to these two components (infiltrated agents and 'turned' guerrillas), the GIA also comprised genuine insurgents. These comprised religious, political and military cadres, who up to 1994 saw the GIA as the only credible military force. Nationally known figures are Mohamed Said and Abderrezak Redjam. The bulk of the ranks however comprised young militants, often politically uneducated.

The proportion of agents of the military (infiltrators and 'turned') relative to the overall membership has evolved with time. In the pre-Zitouni stage one could speak only of the GIA as an infiltrated insurgent organisation because the available evidence indicates that the military agents were in small

<sup>B</sup> The militia units, which include the *Groupes d'Auto-Défense* (GAD – self-defence groups) and the *Patriotes*, number over 200,000 men. They are led by guerrilla veterans of the liberation war (1954-1962). A notorious militia leader is Commandant Azzedine, ironically the very man who destroyed the counter-guerrilla Force K, in the decolonisation war.

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proportion and not in full command of the organisation. The OPA (politico-administrative operation) that put Zitouni and other security agents in total control, the gradual elimination of the most able cadres that followed, and the massive break away – from 1995 up to early 1996 as the realisation of the deception sank in at the rank-and-file level – changed the proportions of its constituents drastically. As will be concluded at the end of this argument, it mutated into a conventional counter-guerrilla organisation, more like the force K or the Selous Scouts model, with a dominant membership of security agents, ‘turned’ guerrillas, and ordinary criminals.

#### *4.3.2 GIA Operations*

Let us now examine whether there is a correspondence between the GIA's modus operandi and the classic forms of counter-guerrilla activity: intelligence work, subversive operations, offensive activities and ‘special’ operations.

##### ***4.3.2a Intelligence Work***

The evidence that suggests the existence of counter-guerrilla intelligence gathering activities within the GIA is more inferential than testimonial or documentary. No public testimonial evidence exposing the details of the methods used by the army-controlled GIA from meetings with other insurgents (in the GIA and outside it), contact men and the local population is yet available.

But, of course, there is inferential evidence that intelligence has in fact been gathered and passed on to the army. *Il Messaggero Domenica* reported that infiltrator lieutenant Farid gave the locations of the hide-outs of urban insurgents in Algiers to the security forces; a good number of insurgents were killed as a consequence.<sup>153</sup> He would also take with him highly able fighters into battles where they would all get killed. We can also infer that intelligence flowed the other way. Farid got many policemen, informers, magistrates, and civil servants killed by genuine unsuspecting GIA guerrillas. These targets had been real sympathisers of the Islamist insurgency and had been passing intelligence to the insurgents. Lieutenant Farid's selection of targets must have originated from his security colleagues.

Stories of ‘betrayals’ leading to ambushes or arrests by the military abound. The most significant event of this kind occurred in the winter of 1995 as waves of arrests and operations followed the murders of the most able political, military and religious cadres of the GIA. This campaign started in November 1995, right after the presidential elections which brought Zeroual to power. These large waves of simultaneous arrests and operations were reported to have badly affected genuine insurgent groups in Algiers,

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Larbaa, Medea, Khemis Meliana, Djebel Louh, and Al Qasr. Massive intelligence transfer must have preceded this extensive campaign.

#### **4.3.2b Subversive Operations**

‘Subversive operation’ refers here to any overt or clandestine activity by which those who make up an institution, an organisation or a movement are turned against each other. There is testimonial and documentary evidence to support the view that the GIA carried out various operations with the aim of subverting the Islamist armed insurgents, and the whole Islamic movement by turning people against the armed insurgents.

In its description of the activities of the ‘putschist leadership’ of the GIA, *al-wathiqah ashbar-iyah* (the jurisprudential document) describes their subversive consequences: ‘turning the shooting away from the despotic regime and onto our own ranks’<sup>154</sup>, ‘the fragmentation of this Group into feuding factions’<sup>155</sup>, ‘the demolition of the trust between the leadership and the mujahideen, and among the mujahideen themselves’<sup>156</sup>, or also ‘the splitting of the Muslim ranks into two parties, a blamed party and a blaming party, a suspect party and a suspecting party.’<sup>157</sup>

As for the nature of the subversive operations, *al-wathiqah ashbar-iyah* reports them as including: ‘the spreading of conflict and disunity within the ranks of the mujahideen with fictitious incidents and preventing the promotion of a policy of brotherhood and tolerance among the mujahideen’, ‘spreading rumours, about the leaders and commanders of the Group, accusing them of heretical deeds, immorality, and disbelief’ or ‘disseminating hatred and division’<sup>158</sup>. It also lists: ‘the fabrication of false pretexts and lies to secure agreement of some mujahideen to fight other mujahideen brethren.’<sup>159</sup> *Sariat al iqtadam* (the detachment of bravery) reported ‘the spreading of sectarian [...] ideas [...] and the sowing of the seeds of conflicts, division and sedition among the brethren of the same faith.’<sup>160</sup> *Sariat al wafa* accused the infiltrators at the top of the GIA of ‘sowing despair in the ranks of the mujahideen by creating a climate of fear, hatred, terror and suspicion among the brothers.’<sup>161</sup> Two other techniques were reported: ‘removal of the commanders known for their effectiveness against the despotic regime’ in addition to ‘severing the links between the jihad zones of operation.’<sup>162</sup>

The subversive operations orchestrated by what the break-away groups call the ‘putschist leadership of the GIA’ have not spared insurgents outside the GIA, such as the AIS. There is evidence that the AIS (Armée Islamique du Salut) was also the target of fierce subversive propaganda. For example, the GIA has been seditiously portraying it as ‘a heretic sect with blasphemous innovations’ who ‘gave their struggle, loyalty and obedience to the FIS, hence becoming apostate Kharidjites.’<sup>163</sup> Typical GIA statements that

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have been interpreted as propaganda for creating and exacerbating frictions include:

examples of insinuations with the intent of creating frictions and exacerbating them into open armed hostility include GIA propaganda statements such as

the malevolent Western media, with the help of propagators of lies, hype the existence of an organisation called 'the Islamic Salvation Army'. This organisation was inflated to the point where people were misled into believing that its size was on par with that of the GIA.<sup>164</sup>

or

the enemies of Allah from the Christians and the Jews do their utmost to create a 'military' organisation with a 'jihad' guise on a par with the GIA to foment conflict and infighting among the mujahideen.<sup>165</sup>

With regard to the GIA's subversive operations aimed at sowing dissension between the people and the insurgents, and turning them against each other, there is a range of supporting testimonial and documentary evidence.

For instance, the jurisprudential document, cites the GIA's subversive actions as 'driving people to revolt against the jihad', 'prompting the people to withdraw gradually their support', and 'sowing despair and despondency among the ranks of the mujahideen and the people.'<sup>166</sup> Katibat Larbaa (the company of Larbaa) speaks of these subversive consequences as 'misleading the people about the truth.'<sup>167</sup> Seriat al-iqdam describes them as 'tarnishing the reputation of the mujahideen in the hope of turning the people against them, alienating their sympathisers and distancing the scholars from them' or as 'cutting the jihad movement from the people.'<sup>168</sup> Katibat Tablat observes that the consequence of the GIA subversive operations has been '1) driving many people to carry weapons in the service of the despots, 2) driving the inhabitants of the countryside to abandon their land and seek refuge in cities.'<sup>169</sup>

The documented subversive operations that caused, initially, bewilderment and disillusionment and then produced the reported divisive consequences are not unusual. They have deliberately targeted the most sensitive areas in the lifestyles and identities of the people: their religious beliefs, their sense of honour, their security, their livelihood and their deeply held aspirations to such values as justice and education.

A few illustrative testimonies about livelihood-threatening subversive operations bear witness to 'violation of people's property', 'extravagance and exaggeration in demands of money and property from people, and lack of appreciation of their circumstances', 'sabotage of water reservoirs and destruction of house furniture of defenceless people', 'burning and destruction

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of public factories and facilities', 'plundering of money [...] robbing houses and shops by force of arms', and 'burning property of peaceable citizens (cars, lorries, water pumps and electric generators).'<sup>170</sup>

The GIA's published material, far from concealing these acts, boasts about the destruction of private properties (houses, shops etc.) as well as collective properties: public health infrastructure (water reservoirs, hospitals and pharmacies), social infrastructure (town halls, youth centres etc.), economic infrastructure (factories, commercial centres etc.) in no uncertain terms. For example two GIA communiqués reported operations such as:

Batna: burning of enterprises of the despotic regime included a state-owned supermarket, a leather company, a pharmacy and seizing of the medicine, the youth club, a place of dance and immorality, the town hall, the regional district headquarters [...] a big number of cars and coaches belonging to the despotic regime.<sup>171</sup>

A detachment of the Group carried out a raid against a company specialised in prospecting and digging of wells. The mujahideen destroyed three heavy rigs costing around 16 million centimes.<sup>172</sup>

Destruction and burning of a number of the enemy's commercial centres and a similar number of lorries and coaches belonging to the public sector.<sup>173</sup>

Other operations with the objective of building up people's resentment against the insurgents include the destruction of their educational means and hopes for their children. GIA-published material acknowledges the destruction of schools:

In the same Wilaya (Batna), our detachment of destruction and sabotage carried out the destruction of seven educational institutions that did not heed the instructions addressed to them by the leadership of the mujahideen.<sup>174</sup>

As for targeting people's sense of security, the GIA's operations aimed at sowing distrust and provoking hostility between the insurgents and the population, as reported by the groups that broke away from the GIA, include: 'prescribing the killing of Muslims on account of the slightest sin such as cigarette smoking and other similar deeds', 'prescribing the killing of innocent persons', 'the killing of children, women and elderly persons, and the random detonation of bombs in public places', and 'permitting the killing on the basis of suspicion and conjecture.'<sup>175</sup>

#### ***4.3.2c Offensive Operations***

Unlike strictly intelligence work and subversive activities, offensive operations shift emphasis to inflicting maximum casualties on the insurgents. But what distinguishes counter-guerrilla offensive operations from classic offensive warfare is their singularly secretive or disguised nature.

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There is testimonial and documentary evidence to establish that what break away groups call ‘the putschist leadership of the GIA’ oversaw the execution of such operations within the GIA itself, and against other insurgent organisations such as the AIS.

The testimonies of defecting guerrillas are pervaded with words such as ‘treachery’, ‘deception’, ‘confusion’ and statements like ‘the deviation of these people [putschists] has become obvious lately [...] in its worst form as they perpetrated massacres of mujahideen and they permitted killing senselessly and illegitimately, in a treacherous and deceitful manner’<sup>176</sup>, and, ‘huge numbers of our brothers were recalled from several companies in Kasr al-Boukhari and El Affroun and killed treacherously.’<sup>177</sup> And further, ‘the phenomenon of disappearance of competent mujahideen, prominent for their jihad experience, became widespread. We were told “they died in combat”. Many of our brothers were killed treacherously.’<sup>178</sup>

Ambushes and hunter-killer operations based on deceit were reported by testimonies [referring to the ‘putschist GIA leadership’] such as ‘they would send away brothers on the pretext of training [...] and then would treacherously kill them’, ‘they would promise safety than kill’, in ‘suspicious missions’, and ‘fake ambushes’.<sup>179</sup> Some reports speak of secret trial techniques: ‘the putschist leadership of the GIA sought to deprive the jihad, through secret trial, of the known preachers, the sons of the Islamic movement and the faithful youth who followed the righteous way.’<sup>180</sup> Others point to ‘disguised warfare’: ‘they are known to kill on account of mere suspicion or a vested interest and to make lawful the blood, honour and wealth of those among the Muslims who disagree with them on the most futile matters’ or ‘they prefer to fight the brothers who disagree with them in the interpretation of religious matters or a tradition of the Prophet (s) [...]. Indeed, they thrive on self-righteousness and advocate fighting their brothers before fighting the enemy.’<sup>181</sup>

These reports are however limited in details. In 1993 infiltrator Lieutenant Farid obtained 200 pairs of *Tango* training shoes which were distributed among urban insurgents in Algiers.<sup>182</sup> The security forces decimated their ranks as those who wore them were shot on sight. The security forces reportedly joked about how many tangos they killed everyday.<sup>183</sup> Another technique used was the infiltration of special kalashnikov bullets, which would explode in the gun’s chamber. The GIA and the MIA units of Algiers were provided with large quantities of doctored ammunition and weaponry and consequently suffered heavy casualties.<sup>184</sup>

The GIA communiqués corroborate these reports. For example, the secretive killings of two prominent FIS figures, Mohamed Said and Abderez-zak Redjam, were announced as martyrdom by the GIA. But after the news spread in Algeria that the GIA had in fact killed them, the GIA resorted to

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justifying their killings on the grounds that they were ‘apostates’. First the GIA had published a communiqué that stated:

Just as early leaders such as the brothers Meliani, Sayf Allah Jaafar, Abu Abdallah Ahmed and many other heroes gave their life, so did Mohamed Saïd and Abdelrezzak Redjam. They met their Lord while fighting for the religion and defending it. They died under the banner of the GIA in the battles of Islam against anti-Islamic tyranny to prove to the people that the path they embarked upon was that of Jihad, the path of blood and martyrdom and not the path leading to arm chair politics and political trips. May Allah have mercy on them, accept their gift of martyrdom. May He lead us on that very path, Amen [...]. They were killed about two months ago in an ambush set by the despots and died instantly.<sup>185</sup>

Once witness reports stating they had been savagely tortured and slaughtered by Zitouni and his men spread nationally, the GIA published new communiqués stating:

Let it be mentioned that Mohamed Saïd and Abdelrezzak Redjam were never convinced of the legitimacy of the jihad, a fact known to all, because they believed in satanic politics and not the politics of the shariah,<sup>186</sup>

and

These heretical apostates had pledged allegiance to the organisation led by the hypocrite Mohamed Saïd who was hiding behind his heretical deeds until he was killed by our salafist brothers.<sup>187</sup>

Saïd and Redjam were only two targets of the wider campaign – which had started after Gousmi’s demise – that decimated the whole Algerianist tendency within the GIA.<sup>188</sup> Other prominent guerrillas liquidated in the same way include Abdelnacer Titraoui, assassinated in July 1995, and Mahfoud Tadjine (the leader overthrown by Zitouni) and Abdelwahab Lamara, both assassinated in December 1995.<sup>189</sup> A reliable estimate of casualties of the various kinds of clandestine warfare operations within the GIA ranks is still unknown but, in 1998, ex-prime minister Brahimi said:

In May 1994, two eminent FIS ‘ulama (scholars), Shaikh Mohamed Saïd and Abderezzak Redjam joined the GIA along with many of their supporters. Their idea was to unify the ranks of the mujahideen. But afterwards both Shaikh Saïd and Redjam as well as one hundred and fifty of their followers had their throats cut by the GIA.<sup>190</sup>

As for the offensive operations against other Islamist insurgent groups such as the AIS, GIA publications make no secrets of them. In March 1995 a communiqué-fatwa declared war on all the groups that had refused to join the GIA.<sup>191</sup> Under the rubric ‘fighting the pockets of apostasy’, GIA-published material reported news items such as:

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The GIA solved the matter of the residual AIS pockets by obliterating their presence in the city of Batna. [...] In a declaration published in this issue of Al-Ansar the GIA clarified its position with regard to the army which fights for a return to the electoral process and reclaim the 188 parliamentary seats. The GIA declared that whoever fought under the banner of that army belonged to anti-Islamism and deserved to be fought and repressed. The Group sought to sit down and engage them in a dialogue in order to explain to them the solid aims of the shariah in the jihad. Following such a dialogue, a group of 70 members from the region of Chlef, West of Algiers, decided to join the Group and declare their repentance. The Group settled the fate of the members in the region of Batna; one part repented and the other was overcome by force of arms. [...] Battles are still going on between the GIA and the AIS pockets in the region of Jijel.<sup>192</sup>

After issuing a war declaration against the AIS and explaining the conditions and reasons behind this decision, the soldiers of the GIA have carried out an attack against the AIS in Chlef, which resulted in the death of 11 of its members.<sup>193</sup>

Brahimi has testified that:

Since 1994, the GIA targeted the Islamic Salvation Army (AIS) instead of attacking military objectives. In 1994 and 1995, many Algerian sub-battalions deserted their barracks with their ammunitions and joined the AIS in the mountains near Ain Oussera, Tablat, and Larbaa. All of them were killed by the GIA. But where the GIA does not exist, it is the army which does the dirty job. Therefore the regular army was sent into action when in April 1995 a large number of soldiers abandoned their units at Ain Defla and took to the mountains.<sup>194</sup>

#### ***4.3.2d 'Special' Operations***

In COIN terminology, 'special' is a euphemism for unconventional and extra-legal activities, often with an exceptional degree of violence, deliberately intended to create a psychological effect on specifically targeted groups with the aim of changing their political behaviour in a manner consonant with the COIN objectives. These may include political kidnapping, political assassinations, 'selective counter-terror' and 'mass counter-terror'.

There is circumstantial evidence to support the case that the GIA carried out such kinds of operations. Here only a few representative examples of each of these four categories of 'special operations' are exposed one by one, in the order they have been listed.

##### The kidnapping of the 7 monks of Tibheherine

The kidnapping of Christian de Cherge, Luc Dochier, Celestin Ringard, Michel Fleury, Bruno Lemarchand, Christophe Lebreton and Paul Pavre Miville from the monastery of Tibheherine, in Medea, took place earlier than the evening of 26 March 1996, the date at which the Algerian military regime

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made the announcement. The GIA claimed responsibility for their kidnapping only a month later, on 26 April 1996.<sup>195</sup>

Prior to the kidnappings, the Trappist monks had very good relations with the population of Tibeherine as well as with the Islamist insurgents, whom they reportedly treated for gun wounds and referred to as 'our brothers from the mountain.'<sup>196</sup> Monsignor Claverie, other French sources and insurgents say that the monks they had been given guarantees for their security by the insurgents during the Christmas 1993 visit by Sayah Attiya, an insurgent commander in the district of Medea.<sup>197</sup> Rivoire said the monks had discreetly supported the dialogue initiative of Sant' Egidio (Italy) and had regular contact with Hocine Bouslimane, a figure close to the FIS leadership.<sup>198</sup> Impagliazzo, from the Sant'Egidio community, confirmed this claim.<sup>199</sup>

The kidnapping of these symbolic targets prompted revulsion in Algeria, and attracted strong condemnation from the Islamic-world and the international community, isolating further the whole insurgent movement.

In a communiqué published on 4 April 1996, i.e. after the announcement of the kidnapping by the military authorities but before the GIA claim of responsibility, Katibat al wafa, in Medea, issued a statement denouncing the kidnapping and explaining:

It remains to be pointed out that we do sense a complicity between the perpetrators and the secret services because the statements of the forces of repression announced the kidnapping of the monks only on the night of 26 March 1996. But on the night of the abduction, the kidnappers of the monks had killed five innocent people, among whom were some of the best youths who grew up in mosques, injured several persons, destroyed their houses and television sets. Why have the forces of repression kept quiet on these events? The latter were afraid of being exposed to the world for doing nothing and not leaving the barracks to come to the rescue of the people. Had they gone out they would have foiled the kidnapping operation.

The communiqué further asked:

Was the kidnapping operation a ploy of the military regime because the killing of the monks would fuel the anger of France and that of the West and the supporters of the Sharm Echeikh summit? The aim is to force the West to increase its economic and military aid to the regime in its 'fight against terrorism'.

The kidnapped monks were subsequently assassinated in the most gruesome manner, a killing claimed by the GIA.<sup>200</sup> Tincq believes their assassination was carried out with the complicity of Algerian secret services, a view shared by Captain Haroun who adds the extra detail that 'the death of the monks is the result of a conflict between the Algerian and French secret services.'<sup>201</sup> According to Haroun, French intelligence had access to the monks

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once during their detention, an event at which they were given tracking electronic devices, but as the SDECE attempted to free them, acting independently from the Algerian military intelligence, they were killed.<sup>202</sup> Aroua suggested their killing served 'to galvanise Christian public opinion around the world against Algerian Islamists, and to isolate them from international understanding and solidarity.'<sup>203</sup>

#### High Profile Assassinations

Islamic religious figures, non-military foreign visitors, political figures and journalists are some of the categories that have been particularly targeted by the GIA.

The GIA claimed, for instance, the assassination of Abdelbaki Sahraoui, inside a mosque in Paris.

The first operation carried out by our brothers was the killing of Abdelbaki Sahraoui who went on fighting the GIA after the expiry of the delay given to him and his like in the declaration of 11 July 1995.<sup>204</sup>

It also claimed the killing of Mokhtar Kadri, as states the GIA news item entitled 'killing of a high official in the ministry of religious affairs':

One of the GIA companies ambushed and killed a high official in the ministry of religious affairs whose name was Mokhtar Kadri of the Kouba town. The ministry headed by the apostate Essasi Lamouri is one of the biggest enemies of the mujahideen.<sup>205</sup>

These assassinations prompted dissent against the insurgents from the direct identification group of the victims (religious scholars and preachers).

Another important category in the political assassination programme of the GIA has been that of journalists. The GIA has publicised the motto 'we fight with the sword those who fight us with the pen.'<sup>206</sup> More than 60 journalists have been killed, not all claimed by the GIA.<sup>207</sup> A few examples:

After issuing a threat against journalists, instructing them to stop working in the information departments of the military regime, the GIA continued to carry out its threat by slaughtering the sports journalist Makhlof Boukhdar on the night of Monday, in Constantine. His body was placed in a car boot. In another operation, the despotic journalist Boukerz, enemy of Allah, was killed last Monday.<sup>208</sup>

In the same town (Birkhadem) the mujahideen succeeded in eliminating one of the voices of the despotic regime. The defunct used to work as a journalist in the radio-television of the apostate enemy. She did not respond to the edict of the Group which warned the journalists and gave them a delay to give up their posts or face death at the hand of the Group.<sup>209</sup>

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The psycho-political effects of this class of assassinations served the incumbent authorities. These killings aroused journalists and media institutions in Algeria and the world to identify more closely with their fellow victim, and react in a corporatist way. For many journalists, the reaction was simply a rallying to the cause of the incumbent authorities.<sup>210</sup>

As for the assassination of political figures, the GIA targeted mainly those who were active in defending a negotiated settlement. For instance, a few days after the signing of the National Contract for Dialogue in Rome in January 1995, the news bulletin of the GIA, *Al-Ansar*, stated:

In a military operation carried out by one of the companies of the Group, six members of the FLN party were killed in the Western town of Relizane. They were working for the forces of the apostate enemy. As is well known, there is a close pact between this party and the apostate despotic regime.<sup>211</sup>

This intimidated the identification group of the victims, the FLN, which under the reforming leadership of Abdelhamid Mehri had been instrumental in contributing to expose and isolate the eradicator faction within the military, and proposing a constructive framework for peaceful negotiations.

Another similar political assassination was that of Kasdi Merbah. Merbah had been president of the MAJD party, a former prime-minister, and head of Algeria's military intelligence for more than a decade. He was believed to have files indicting influential members of the military. On his return from Switzerland where he had met opposition leaders, as part of his efforts to broker a peace deal, he was assassinated. This occurred on 21 August 1993, the very day the hawkish eradicator Redha Malek was appointed prime-minister. A special unit from the military was believed to have killed him and his security guards.<sup>212</sup> Surprisingly, his murder was claimed by the GIA.<sup>213</sup>

Selective mass terror operations

As for the third kind of 'special operations', there is evidence for GIA operations targeting families of the irregular militias as well as those of the Islamist insurgents.

GIA attacks on the families of the militias have been claimed in its publications. For instance, the following report on an attack in Sidi Moussa:

One of the companies of the Group stormed two houses belonging to the despots who fight Allah, His messenger, may Allah's peace and blessing be upon him, and the believers. The mujahideen slaughtered the two families without sparing anyone.<sup>214</sup>

And from Baraki:

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This region saw a series of successful operations, with the help of Allah. These include the killing of a family from the despots.<sup>215</sup>

The direct identification group of the victims (the militias in particular, and the security forces in general) responds to these killings with a heightening of their aggressiveness. From the genuine insurgent audience, these massacres provoke demoralisation and the heightened fear of retaliation on their own families. From the wider community, they stimulate discontent, condemnation, and the rejection of the insurgents.

These massacres were the prelude to the GIA and the militias launching widespread punitive killings of the families of insurgents (those who broke away from the GIA and those of other genuine armed opposition groups (FIDA and AIS)). The GIA claims responsibility for the mass-killings; for instance, this on the attack on Ktiten in the Medea district:

The Mujahideen may Allah protect them attacked the region of Ktiten whose population is known for its staunch support of the apostates of the jaz-ara [Algerianists]. Our brothers executed God's sentence on 31 members of those convicted of being apostates.<sup>216</sup>

The 'convicted' were in fact mainly women and children, all belonging to the family of Ali Benhejar, one of the authors of the jurisprudential document cited above, which documented the crimes of the GIA and led to the revolt nationally against the 'take over by the infiltrated leadership'. Several insurgent groups denounced the GIA's killings of their families.<sup>217</sup>

From the indirect audience, by demonstrating the inability of the insurgents to protect their families and supporters, the punitive mass-terror produced forced submission and control of the wider population. As *Le Figaro* put it, 'every massacre isolates the armed groups from the civilians who used to support them. This turning leads to a discredited guerrilla whose recruitment is suspicious.'<sup>218</sup> Abroad, mainly presented as Islamist terror, they elicited world-wide horror and condemnation.

Although the killings of the families of the militias and those of insurgents may seem mutually exclusive in purpose, they are in fact complementary actions: part of the same classic 'unconventional terror tactic' used in counter-insurgency warfare. For example, in the chapter entitled 'Tactics against insurgents and terrorists', one finds a list of 'unconventional' counter-guerrilla tactics that include the following prescription:

Counter-insurgency forces need to realise that guerrilla movements normally labour under certain disadvantages which should be exploited at every opportunity [...]. Guerrillas frequently live in fear of violence to themselves and their families. Although this violence might come from government forces, there is often a fear of attack by rival guerrilla groups or in retaliation for a perceived betrayal of the 'movement' for which the fighter is actually risking his life and liberty.<sup>219</sup>

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Random mass terror operations

Finally, the fourth kind of 'special' operation – GIA's indiscriminate mass-terror tactics – is also confirmable.

For instance, insurgent groups denounced GIA operations describing them as 'indiscriminate and random killings', 'bomb attacks in the midst of the civilian population', and 'wholesale killings of children, women and elderly people.'<sup>220</sup>

Random maiming and killing operations are claimed in the GIA's own published material: 'an explosive device was planted in one of the civilian cafes resulting in the death of one of the despots'<sup>221</sup>, and, 'our mujahideen brothers succeeded in destroying a bar in which a new year celebration was being organised.'<sup>222</sup>

During the Algiers bombing campaign<sup>C</sup> in Autumn 94, the most deadly car bomb was detonated (on 29 January 1995, at the eve of Ramadan 1995) in front of the *Commissariat Centrale* of Algiers. Casualties numbered forty two dead and two hundred and eighty six injured, included many civilians. The bombing was claimed by the GIA. This kind of mass terror operations, mistakenly called 'blind terrorism' targets, kills and maims anonymous civilians intentionally as representatives of their identification group, in this case the wider population. From this direct audience, the psycho-political response it provoked was disorientation, outrage at, and alienation away from, the insurgents and a security need from, and hence some legitimization of, the incumbent authorities. Abroad it reinforced an already pre-formed international image of barbaric and ideologically corrupt insurgents.

In reference to the bombing campaign in Paris tourist sites and train stations in the summer and autumn 1995, a communiqué entitled 'Comment on the call to Islam to Chirac' and signed by Zitouni stated:

There we are continuing with pride and force our jihad and our military strikes: this time in the heart of France and in the midst of its biggest city to show that, with Allah's favour, our force is bigger than what the enemies of Allah reckoned. It was also made plain that nothing stood in our way as long as the action we sought to carry out was 'a worship of Allah', may He be exalted.<sup>223</sup>

<sup>C</sup> On 14 September 1994, a day after the release from prison to house arrest of FIS leaders for talks out of the crisis with representatives of the junta, the GIA expressed its opposition to the talks by restating its 'neither reconciliation, nor dialogue, nor truce' slogan. On 12 October, just as talks began, a car bomb was detonated in Algiers. This bomb was followed by a series of car bombs throughout the autumn. The first bomb in a public space was detonated in Algiers Airport in August 93, a week after the murder of Kasdi Merbah. Though officially blamed on 'Islamists' the trial of the accused reinforced the widely held opinion that it was an attempt of the military regime to achieve a popular swing in world opinion in its favour as 'a bastion against barbarism.'

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In March 1997, the GIA was more specific about the bombings it claimed as can be seen in a document it made public.<sup>224</sup> St Michel RER station on 15 July 1995, Place de l'Etoile on 17 August 1995, Maison Blanche metro station on 6 October 1995 and Musee-d'Orsay RER station on 17 October 1995. Interestingly, the list of bombings claimed in this GIA document includes other bombings which, according to *Libération* of 20 April 1997, never actually took place. In *The Observer*, John Sweeny wrote:

Even some Western analysts question Europe's backing for the Algerian regime. One political analyst said: '*Le pouvoir* has the French government in particular by the balls. They have made secret donations to French parties and politicians, so that they can blackmail them. At one time, five French cabinet ministers had mistresses controlled by the Algerians. And if the French don't play ball, they can bomb Paris.' 'French military intelligence and the DGSE [France's MI6] believe that at least some of the bombs in Paris were put there by terrorists manipulated by *le pouvoir*.' This extraordinary claim is supported by an influential Rand Corporation report.<sup>225</sup>

#### 4.3.3 Critique of the Argument

We may begin by noting that the credibility of the proposition (that the GIA is a counter-guerrilla organisation) is supported by the background discussion and the examples presented therein. The fact that counter-guerrilla organisations are standard tactical prescriptions in modern COIN warfare, the training of Algeria's military in French COIN doctrines, the presence in Algeria of French and international mercenaries with counter-guerrilla expertise and combat experience supporting and advising the army, all made the thesis possible, a priori even plausible.

Next, in the preceding section, we first laid out the irregularity, composition and anti-insurgent operational attributes that are necessary and sufficient identifying features of any counter-guerrilla organisation. These attributes are those generally prescribed in modern counter-insurgency doctrines and tactics. We then showed that these attributes do match the body of facts and information currently available about the GIA. It therefore follows that it is justified to hold the view that the institutional identity of the GIA is that of a counter-guerrilla organisation.

Among the criticisms that may be raised against this argument, 'selectivity of the data' with regards to matching the anti-insurgent operational attribute to the facts and information about the GIA seems the only serious objection. The compatibility of the irregularity and composition attributes with the data is obviously unproblematic.

As a matter of fact, one could object that the operational data about the GIA do not include pro-insurgent and anti-incumbent operations which have been 'conveniently' left out in the comparison with the anti-insurgent operational attribute. For instance, various reliable reports exist about GIA

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military operations against the forces of the military regime. These operations have been claimed by the GIA in its publications. But then, why are such kinds of operations not taken into account in comparing the prescriptions of the anti-insurgent operational attribute with the data? Could it be that the counter-guerrilla model does not adequately account for *all* the operational data about the GIA?

In response to this criticism, two points should be considered.

First, on a general note, the execution of pro-insurgent operations concurrently with anti-insurgent ones by the same counter-guerrilla organisation is not a contradiction in terms. As was discussed in the general background (section 4.1), these seemingly mutually incompatible operations are consistent with counter-guerrilla identity and *modus operandi*. It may seem counter-intuitive but incumbent regimes committed to modern counter-insurgency doctrines do allow, for the 'validation' needs of their 'domesticated' guerrillas or for various subversive or political purposes, the killing of their own regular forces. In the particular case of the Algerian military regime, evidence does exist to show that it authorises the killing of its own regular forces for what it considers higher subversive or political purposes. For instance, the former first secretary of the Algerian embassy in Tripoli, Mohamed Larbi Zitout, stated that

Between February and April 1992, the military intelligence deliberately shot dead about 50 traffic policeman to discredit more efficiently the FIS.<sup>226</sup>

Le Monde reported the testimony of an Algerian policeman, Fouad, who served the incumbent regime and is now exiled in France:

At the beginning, there were doubts, rumours, and then the first confirmations. At funerals of murdered policemen, their families prevented their colleagues from touching their coffins, telling them 'it is not the Islamists who have killed him, it is you!' The most popular policemen, 'the most just, the most loved' were shot dead 'as if to shock, to make people revolt' [...] On one occasion the soup for 1600 police cadets was poisoned by a policeman. *Ninjas* special commandos were shot dead in their backs though they were backed up by military [...] garrisons. Fouad affirms he pursued a car that had just perpetrated an attack. 'We managed to stick close to it. We were happy. Suddenly we saw it drive into a military intelligence barracks. I reported it on my radio and was told 'mission accomplished, return to the station.' Fouad recounts that on another occasion a commando unit riding a car executed a policeman in the street. 'We had the registration number, the car was going to be identified. Then there was silence in the walkie-talkie. We were told to stop the chase.'<sup>227</sup>

One may therefore infer that the military are unlikely not to have sacrificed members of their regular forces for counter-guerrilla 'validation' needs. Clearly then, what gives an anti-insurgent to the operations of a counter-guerrilla organisation is not so much the executing of anti-insurgent

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operations to the exclusion of pro-insurgent ones as much as it is the concurrent carrying out of both activities with the overwhelming preponderance (dominance) of the former over the latter.

Secondly, while part of the GIA's pro-insurgent operations can be accounted for in terms of 'validation' requirements, it is not the case that this explanation accounts for all such operations.

It should be remembered that the thesis being defended here is that it is the GIA post-Gousmi which is a counter-guerrilla organisation. Of course, the GIA has operated as an infiltrated armed opposition group since 1993. The reason our claim does not cover the pre-Zitouni era is that it is only after the tenure of Gousmi that both the compositional profile of the GIA and the proportion of its pro-insurgent operations relative to its anti-insurgent ones changed drastically. This threshold is the precursor to the increasing dominance of 'turned' agents at the top of the GIA's structure, the gradual elimination of genuine pro-insurgent cadres (military, political, religious) and the massive desertions from GIA ranks by politically literate insurgents. The compositional profile of the GIA is now much more like Force K with a dominant membership of security agents, 'turned' and ordinary criminals. The same threshold was followed by a drastic increase in the proportion in the GIA's anti-insurgent operations relative to its pro-insurgent ones. The bulk of the GIA's pro-insurgent operations took place in the pre-Zitouni era; the post-Gousmi era saw a drastic decrease in pro-insurgent operations.

That which accounts for part of the GIA's pro-insurgent operations is simply the presence of genuine insurgent members and groups since the process of transforming the GIA from an infiltrated armed group into a conventional counter-guerrilla institution did not take place, nor consolidate, instantaneously.

In sum then, if one does not ignore the important fact of the evolving nature of the GIA's identity and the time dependence of the scale of the pro-insurgent operations associated with the GIA, then the objection of 'selectivity of the data' with regards to matching the anti-insurgent operational attribute to the data about the GIA fails to undermine the argument supporting the proposition that the institutional identity of the GIA is that of a counter-guerrilla organisation.

#### **4.4 Functional Identity Argument**

Instead of identifying the GIA by its institutional properties one may attempt to do so by its type of function. In a functional identification, role, rather than structure, is the basic discriminator. For example, what individu-

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ates ‘a mouse trap’, is not so much its constitutive elements as much as its role.

In an insurgency context, what characterises the purpose of a military force is its strategy. As a means of functional identification, it would therefore be appropriate to infer the strategic patterns that underlie the GIA ideology and activities, pin down the strategic doctrine that fits them, and identify the larger aims it serves.

This exercise pre-requires some acquaintance with the strategic principles of guerrilla as well as counter-insurgency warfare. This is done briefly in section 4.4.1. Section 4.4.2 is devoted to analysing the strategic patterns that underlie the GIA activities. The main ideas are summarised in section 4.4.3.

#### *4.4.1 Guerrilla and Counter-Insurgency Strategies*

In low intensity conflicts, the operations of the military contenders are tightly bound to political and psychological imperatives to influence the loyalties of the civilian population.

The strategic postulate of guerrilla warfare is that the civilian and military spheres of activities have to be fused and engaged in struggles whose primary objective is political. The agent of this warfare is the guerrilla, neither soldier nor civilian, but both at the same time: a token of the inextricable link between the combatants and the population.<sup>228</sup>

Counter-insurgency (COIN) warfare postulates the *appropriation* and *inversion* of the strategic principles of guerrilla warfare as the most effective doctrine to defeat the insurgent.<sup>229</sup> The revolutionaries have to be fought with their own weapons, on their own grounds.

These fundamental precepts entail sets of guerrilla and COIN strategic principles, typical examples of which can be schematically classified as follows.

##### ***4.4.1a Preserving Oneself and Destroying the Opponent***

Guerrillas are militarily weak and hence fight strategically defensive and tactically offensive wars. ‘Hit and run’ warfare typical of guerrillas give precedence to preserving the revolutionary forces over conquering territory.

COIN strategy appropriates this principle. For instance it prescribes, especially in the first stages of the insurgency, scaling down operations and/or accelerating army withdrawals until it controls its base areas and the populations dwelling therein, even if it means giving up territory to the insurgents.

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*Intents and Perpetrators***4.4.1b Mobilising the People**

Guerrilla movements usually prescribe the physical and political unity of the movement with the people, and severing the links between the later and the incumbent authorities. Such movements implement this principle through organising, administering, politicising, educating, serving and defending the people. Insurgency movements typically take drastic measures to prevent the guerrillas antagonising the masses who provide political support, information, and human and material resources to the insurgency.

COIN strategy adopts and inverts this principle. It enjoins separating the insurgents from the people and turning the latter into a palisade against the former. This is usually done by neutralising the political and para-political/military organisations and influence of the insurgents, and then further by counter-organising the people into political, para-political and para-military organisations controlled by the incumbents.

**4.4.1c International Support for Oneself and Isolation of the Opponent**

Typical guerrillas seek international support and aid to their cause. COIN strategy instructs that it is absolutely imperative to ensure the alliance of adjacent countries, wider international support, and the discrediting of the insurgency on the world stage.

**4.4.1d Unifying the Efforts**

Conventional guerrilla strategy requires that the political, military, diplomatic, propagandist, social and educational efforts should be complementary arms co-ordinating towards a single goal rather than disjoint battlefields. It enjoins unity of planning and direction from the village to national levels.

The same principle is adopted by COIN strategies, which prescribe taking the war to the insurgents at all levels: military, political, diplomatic, psychological and economic, from the village to the international arena. This is usually directed by a centralised command and control structure involving both military and civilian authorities.

**4.4.2 Strategic Function of the GIA**

One can now analyse the activities of the GIA by the strategic principles just reviewed.

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***4.4.2a Destroying Oneself and Preserving the Opponent***

The subversive activities discussed in section 4.3.2b and the offensive operations reviewed in section 4.3.2c provide evidence that after the GIA succeeded in incorporating the bulk of the insurgents it set about destroying itself as well as all the insurgent forces that had refused to join in.

On the other hand it acted to preserve the military forces of the incumbent regime. This is borne out by its intelligence work (section 4.3.2a) and various testimonies of groups that broke away from the GIA. For instance, referring to the rule of Zitouni, the company of Medea wrote in its jurisprudential document:

The period when they had usurped the power was characterised by weak leadership of the struggle and the combatants. The military operations were halted and all the commanders able to harm the *taghut* [arrogant oppressor] and sap its foundation were removed. The operations inflicting material and moral damage on the *taghut* were ordered to stop, and in their stead the fire was redirected against the military, political and religious cadres inside and outside Algeria.<sup>230</sup>

***4.4.2b Demobilising the People***

Various kinds of GIA operations sowing conflicts between the insurgents and the people were reviewed in section 4.3.2b. The personal security, property, honour, and religious beliefs of the populations supporting the insurgency were constantly attacked by the GIA. Members of the GIA were impregnated with an ideology excommunicating the Algerian people from Islam. Their political discourse was about negation, exclusion and aimless destruction which alienated the people.<sup>231</sup> The GIA massacres discussed in 4.3.2d prompted the target populations to join the armed militias to protect themselves.

In other words the GIA has been both a demobilising agent, severing the bonds between the insurgents and the population, and a counter-mobilisation spur, inciting the latter to join the counter-organisations of the incumbents.

***4.4.2c International Isolation for Oneself and Support for the Opponent***

The first GIA attack on foreign nationals occurred on 21 September 1993, exactly one week after the FIS set up, overseas, its executive office for foreign affairs. The campaign of killings of foreign nationals, including those of nuns and priests, and the claiming of bomb attacks in Paris in 1995 (see section 4.3.2d) provoked international condemnation in both the Muslim and Western worlds. These actions discredited the whole insurgent movement, not just the GIA. They were seen as barbaric, cruel, and medievalist aggressors with no regard to basic sanctities, hence resulting in international isola-

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tion. They also confirmed the regime's propaganda as the last bastion against an impending terrorist deluge. The bombings in Paris gave a pretext for strengthening 'international co-operation against terrorism'. In countries such as France, Spain, Italy, and Belgium, especially and in addition to the Arab world, this meant banning any form of organised civil, political or intellectual opposition to the military regime.

The GIA literature is replete with pseudo-theological proscriptions of diplomatic work. False scriptural interpretations are marshalled to exclude support from 'Christians', 'Jews', 'Shiites', 'non salafi sunnites', and 'salafis not engaged in jihad'.<sup>232</sup> Even 'salafis engaged in jihad' such as the Libyan and Egyptian armed Islamic groups were excommunicated, for 'being infected by Seyyed Qutb's thoughts', leaving, in actual fact, no one as an actual or potential supporter outside Algeria.<sup>233</sup> The GIA issued repeated threats against FIS representatives abroad ordering them to cease all activities 'in the name of the struggle in Algeria'.<sup>234</sup> In May 1995, it threatened with death Abdelbaki Sahraoui and Moussa Kraouche (in France), Abdelkader Sahraoui and Rabah Kebir and Abbassi Madani's sons (in Germany), and Anwar Haddam (in the US) if they did not cease issuing statements and meeting officials in host countries within six months.<sup>235</sup> In July 1995 Abdelbaki Sahraoui was assassinated in Paris, inside a mosque, and the GIA claimed responsibility for the killing.<sup>236</sup> The GIA is widely accused, within the insurgent groups, of giving names of insurgency supporters outside Algeria to the DRS.<sup>237</sup>

#### ***4.4.2d Disintegrating the Efforts***

The GIA disjoined military and political activities. There is evidence to show that it de-politicised, in principle and in practice, the insurgency, turning it into a war for its own sake, a criminal enterprise of killing without justification or cause. The GIA targeted its own membership with a pseudo-religious propaganda describing politics as 'an impurity that must be avoided', 'a satanic activity practised by Christians and Jews', a 'trade of blood for chairs'.<sup>238</sup> It drilled unrelentingly that 'the GIA does not need cadres as much as it needs sincere men who love death'.<sup>239</sup> However, the same propaganda instruments proscribing politics as 'a satanic activity' have legitimised it for the GIA leaders:

The GIA is the sole legitimate and guided authority. It orders all Muslims in the regions where it combats to obey its commander who is their legitimate leader. He performs a legislative, judicial, political and military role on behalf of the Caliph.<sup>240</sup>

Public statements and literature of this force vigorously asserted that 'the GIA is not the armed wing of the FIS'<sup>241</sup>, as if to deprive it of any political advantage in negotiations. They attacked all FIS dialogue initiatives, especially the National Contract signed by the main political parties in Rome in

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1995, as betrayals of its ‘no dialogue, no truce, no reconciliation, and no pact’ motto.<sup>242</sup> It went to great length to attack the earlier electoral victories of the FIS and also the integrity of its leaders. For instance the GIA repeatedly denounced the ‘deviancies and atheism of the polytheistic democratic elections’<sup>243</sup> and, referring to the FIS electoral victories, it condemned ‘those who have called for the triumph of God’s religion with multi-party democracy’ because ‘in truth they support the heretical doctrine and polytheistic way.’<sup>244</sup> The GIA also pursued a campaign of attacks on the moral character and religious integrity of the FIS leadership describing them as ‘freaks’, ‘deviants’, ‘madmen’, ‘double-minded’, ‘heretics’ for example.<sup>245</sup>

On the media front the GIA was reported to have dismantled many propaganda instruments of the FIS and other insurgent groups (e.g. the weeklies *Minbar Al Jumu’a* (The Friday Pulpit), *Al-Rayya* (The Standard), *Al Itissam* (The Stronghold), the radio-station *Al Wafa* (The Fidelity)).<sup>246</sup> On the other hand it imposed its own literature (communiqués, and periodicals such as *Al Ansar* (The Supporters) and *Al Jamaa* (The Group) periodicals) as the sole reading material allowed in the *maquis*.<sup>247</sup> When Zitouni took over the GIA he reportedly decreed that all books (including classical Islamic texts on theological exegesis, jurisprudence, politics and military ethics), newspapers, and pamphlets be discarded or destroyed; he only allowed his pamphlet and GIA literature as reading material.<sup>248</sup> Insurgent individuals and groups who had undergone this ideological drilling before they left the GIA describe its content as ‘attacking rational thought and decision-making’, ‘sowing schisms and ideological dissension’, ‘creating doubts on the veracity of Islam’, and ‘channelling attention to trivial religious matters and issues irrelevant to the insurgency.’<sup>249</sup> They describe the effects it had on them as ‘demoralisation’, ‘despair’, ‘loss of confidence’, ‘disorientation’ and ‘fear’.<sup>250</sup>

#### 4.4.3 Summary

The pattern that stands out from this analysis is that the GIA violates the basic strategic principles of guerrilla warfare and implements those of COIN warfare. The function of the GIA is to execute COIN strategy whose larger aim is to crush the insurgency.

In other words, if guerrilla leaders and strategists, say Vietnamese Ho Chi Minh, Chinese Mao Tse Tong, or Algerian Emir Abdelkader (1832-1847) or Krim Belkacem (1954-1962) were to analyse the GIA they would not describe it as an ‘insurgent’ or ‘revolutionary’, nor ‘guerrilla’ organisation, as does, for instance, the Algerian regime, the US Department of State, Agence France Presse, Reuters, or some ‘experts’ on terrorism. It performs quite the opposite role, that of a counter-guerrilla irregular force.

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#### 4.5 Assessment of the Counter-Guerrilla Hypothesis

Before spelling out alternative hypotheses about the identity of the GIA, general comments about the counter-guerrilla hypothesis are in order.

First, in our survey of media material and analytical works on the GIA, we came across only two claims that defend the counter-guerrilla thesis. Attaf and Giudice suggested:

What the French experts managed to do, using methods learned from their lost combat against Vietnamese communists, their Algerian likes are improving on it today. False 'Islamist *maquis*', which are in fact *maquis*... of the army, correspond to the false *maquis* set up by the French [...]. Yesterday this was called 'Force K' for instance. Today it is called 'GIA'.<sup>251</sup>

Attaf and Giudice did not provide detailed arguments to support their view of the GIA but their historically informed intuition and analogy guided them to what is, in our opinion, the first correct appraisal of the GIA's identity to be published. Abdelhamid Brahimi, former prime-minister of Algeria, also pointed out that:

The GIA is an invention of the military intelligence, a bit like the GAL [Anti-terrorism Groups of Liberation] in Spain when Felipe Gonzalez was in power. The GAL in Spain is like a Spanish GIA to fight the ETA [Euskadi Ta Askatasuna – Basque Homeland and Freedom Group]. The GIA was thus created to fight the FIS. Naturally, their first target was the AIS and then the poor peasants who voted for FIS.<sup>252</sup>

Secondly, to hold the view that the GIA is a counter-guerrilla entity is to recognise that there is an integrated set of assumptions (i.e. the principles and modus operandi of counter-guerrilla organisation and warfare) that effectively order the accumulated yet unsorted facts and observations that are indicative of the GIA's identity into a coherent picture. This model of the GIA's identity has explanatory value because it fits the body of detailed facts and observation and because – in the same way a map would do – it increases our understanding of the GIA's identity by reducing the number of facts taken as independent.

Thirdly, just as a map can give more information than was needed to construct it, this model is larger than the observations that gave rise to it. It has deductive consequences other than those it was constructed to explain, some of which are new particulars that can be tested.

Among the various consequences one can deduce from assuming that the GIA is a counter-guerrilla organisation, consider for instance the explanatory value of the notion of 'frozen area' in elucidating a puzzling class of events: GIA operations in contiguity with, yet unopposed by, the regular forces.

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For example, there is the enigma of the killings at road-blocks, manned by ‘bearded men’, in between close road-blocks set up by regular forces of the army. In the past six years thousands of car or bus passengers were randomly slaughtered or machine-gunned in road-blocks set up in the most militarised districts of the country.<sup>253</sup> There is compelling testimonial evidence that these ‘false road-blocks’ operated in close proximity to security forces. *Libération* (from France) published, for instance, the testimony of Samir whose brother, an executive in a power station, had been killed by *gendarmes*.

In the summer of 1993, Samir’s younger brother refused to service the houses of gendarmes. He paid for refusing to get involved in corrupt practises. One night, his house was surrounded by five men. His back was burnt and he was finished off with a bullet in his head. ‘Those who killed my brother did not know he had a professional telephone for communicating with his colleagues. For four hours, throughout the attack, he was in touch with his assistant who was alerting the army, the police, the police headquarters... No one came, no one moved.’ A few days after the burial, Samir went back with a van to collect things from the burnt house. ‘There I saw the unthinkable: a false road-blocks, then a real one, one kilometre away from the first. My brother’s assistant told me, trembling, it was the *gendarmes* who killed my brother.’<sup>254</sup>

Amnesty International also reported that:

Most massacres have taken place around the capital in the Algiers, Blida and Medea regions in the most heavily militarised part of the country. In many cases massacres, often lasting several hours, took place only a very short distance, a few kilometres or even a few hundred meters away from army and security forces barracks and outposts. [...] That the security forces have not intervened during the massacres is also a fact, which is not disputed by the Algerian authorities.<sup>255</sup>

Referring to the massacres in the summer of 1997, *Libération* pointed out

Just as the patterns of assailants – Islamic groups according to the press and the authorities – are always the same, the behaviour of the security forces is strangely repetitive too. The latter intervene only several hours after the crimes. At Rais, there was a small garrison a few hundred metres from the killing. Immediately next to Beni Messous, there are at least 4 military concentrations. The massacre of Friday night took place 200 meters away from the *caserne du train* (military transport centre) and the headquarters of the military intelligence, and 300 meters away from two bases, that of the *gendarmerie* and the airbase for special paratroopers. This led even the press controlled by the authorities to ask many questions. As a matter of fact, how can one explain that terrorists move freely in several lorries, massacre civilians for several hours, abduct and kidnap women and leave without being challenged? All this happens at the door of a capital whose outskirts are tightly patrolled.<sup>256</sup>

Now if one believes, as is argued here, that the GIA is a counter-guerrilla organisation, then the unintelligible fact of the frequent occurrence of ‘GIA road-blocks and massacres’ in close proximity to passive regular forces finds

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its no-miracle explanation in the counter-guerrilla concept of 'frozen area'. In the case of the Rhodesian insurgency, the 'frozen area' rule was applied to co-ordinate between the Selous Scouts pseudo-guerrillas and the regular forces. A document of the Rhodesian military states:

A frozen area is a clearly defined area, in which Security Forces are precluded from operating, other than along main roads. Army security forces already in an area to be declared 'frozen' will be withdrawn from such an area by the time stipulated in the signal intimating that such an area is to be 'frozen'. This signal must be acknowledged by the recipient. The above ruling also applies to all armed members of the Services and Government Departments with the exception of: a) Those personnel tasked to operate exclusively along the Cordon Sanitaire b) Those personnel stationed at Protective or Consolidated Villages and establishments provided with a permanent guard in which case they are restricted to 1000 metres from the perimeter of such establishments. c) In the event of a vehicle breakdown, ambush or mine deterioration on the main road within a Frozen area those personnel involved are to remain in close proximity to their transport.<sup>257</sup>

In other words, an operational co-ordination between the GIA and the regular forces, as prescribed in COIN management procedures for counter-guerrilla forces, may well account for these puzzles.

Fourthly and finally, note that this hypothesis about the GIA's identity is actually testable. If, as is assumed here, the GIA is a counter-guerrilla force, then there must exist publicly accessible data, in the form of both material and testimonial evidence, to confirm conclusively the nature and structure of the institutional relationship between the GIA and the DRS. We would consider this hypothesis decisively refuted if a competent international investigation failed to come up with material and testimonial evidence confirming that the GIA is a COIN appendage of the DRS, under the ultimate command of major-General Mohamed Mediene.

## **5. Alternative Theses on the GIA's Identity**

Of course, alternative hypotheses may be conjectured to account for the body of accumulated facts that are indicative of GIA's institutional identity. In the literature on the GIA, one encounters three other main views. The GIA is alternatively held to be an 'Islamic guerrilla force', i.e. the received view discussed in section 2, a 'Kharidjite sect' and an 'anti-social movement.' We briefly discuss and evaluate the evidential support for, and explanatory value of, the latter two.

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### 5.1 The GIA is a Kharidjite Sect

In Islamist writings attempting to pin down the identity of the GIA, one commonly finds a class of denotations highlighting either its ideological particularity (e.g. 'Kharidjite' or 'Hijra-Takfir') or its inclusion of (or control by) '*mukhabarat*' (DRS) agents.

The spread of testimonial reports and the objective support of the GIA to the COIN campaign make transparent why such writings would refer to the GIA as infiltrated or *mukhabarat*, it is less clear why the GIA is referred to as 'Kharidjite'.

The Kharidjite denotation is a reference to one of the earliest sects in Islamic history (8<sup>th</sup> century) which, according to some views<sup>D</sup>, emerged as a dissent against Imam Ali's acceptance of arbitration during the battle of Siffin. Originally made up of warriors mainly from the Tamim tribe, led by an obscure soldier named `Abd-Allah b. Wahb al-Rasibi, it progressed into some kind of popular movement as an increasing number of soldiers deserted Imam Ali's army to join 'those who went out', whence the name Kharidjite<sup>E</sup>. This movement, though momentarily defeated by Imam Ali in the battle of an-Nahrawan, continued and manifested itself in resurgent armed insurrections which destabilised the Eastern part of the Muslim lands during the last two years of the Caliphate of Imam Ali. Some historians see these Kharidjite armed insurrections as having contributed to Moawiya's victory over Ali and their continued resurgence under Ummayyad rule as having aided the Abbassids' defeat of the Ummayyads.

From a doctrinal point of view, the original and subsequent Kharidjite are said not to have had a unified set of doctrines but to have shared two distinctive doctrines. First, a rejection of the legitimacy of Imam Ali's Caliphate and a condemnation of Uthman's conduct. Secondly, while the original Kharidjite movement branded as apostate or infidel whoever did not disown Ali and Uthman, subsequent manifestations of Kharidjite did the same for whoever did not accept their point of view on a variety of other self-defining issues. One may speak of their rejection of the doctrine of justification by faith without works and their regarding a Muslim as *murtad* (apostate), *kafir* (infidel) or *mushrik* (polytheist) for moral shortcomings, *ma'siyya* or *kabira* (minor or major sins) – which, according to the Quran and prophetic traditions, are considered as not entailing excommunication – or for simply resid-

<sup>D</sup> There are other views that do not see a connection between the origin of the Kharidjites and the issue of arbitration at the battle of Siffin. The view expressed here is reported from C.E. Bosworth, E. van Donzel, B. Lewis and C.H. Pellat (eds), *The Encyclopedia of Islam*, Vol. IV, Brill & Leiden Publishers, The Netherlands 1991, p. 1074.

<sup>E</sup> There is an alternative view that associates Kharidjite with the idea of their leaving the community of believers.

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ing in the *dar el harb* (i.e. Muslim territories under the authority of a ruler they consider as infidel).

In terms of attitude and behaviour, historical accounts associate the Kharidjite with cruelty, as they committed countless murders, especially not sparing women, with extremism and intolerance towards Muslims and a relative benevolence towards non-Muslims. Some historians view the Kharidjite's extremism, intolerance and schismatic mentality as the cause of endless religious disputes and splits within their ranks and as having chiefly contributed to the failures of the Kharidjite guerrilla wars.

Undoubtedly, given that the GIA holds doctrines of *takfir* (excommunication) resembling those of the early Kharidjite and since the GIA's guerrilla nature and indiscriminate use of violence against the Muslim population prompts parallels with the armed insurrectionary aspect of the Kharidjite's political history, the identification of the GIA as 'Kharidjite' seems plausible. In fact, there have been arguments put forward to justify this identification. These arguments involve two main steps.

First, they justify the view of Kharidjism as a trans-historical phenomenon rather than one confined to the early history of Islam. For instance, Srour<sup>258</sup> appeals to the authority of the Prophetic saying:

Zaid ibn Wahb Al-Jahani was in the army that set out to fight the Karidjites and heard Ali saying: I heard Allah's Apostle saying, 'in the last days of this world there will appear young foolish people who will use (in their claim) the best speech of all people (i.e. the Qur'an) and they will abandon Islam as an arrow going through the game. Their belief will not go beyond their throats (i.e. they will have practically no belief), so wherever you meet them, kill them, for he who kills them shall get a reward on the Day of Resurrection.'<sup>259</sup>

to justify this interpretation. The trans-historical nature of the Kharidjite phenomenon is also justified by appealing to the authority of Imam Ali's interpretation:

Ali Ibn Abi Taleb, may Allah be pleased with him, said, after he had been told that the whole army of the Kharidjites was annihilated: many more Kharidjites will be born and whenever they gather under a leader and a banner they will be killed till their last generation will be forced to lead the life of robbers and thieves.<sup>260</sup>

The second stage of these arguments consists in demonstrating that the membership of the GIA, its doctrines and practices, match the characteristic attributes of the Kharidjite, as described in the prophetic sayings or as classified by classical jurists, such as Ibn Taymiyya. For instance, in his argument by correspondence, Srour's paper mainly emphasises the youthfulness and ignorance of the members of the GIA, their doctrines of excommunication, their practices of killing Muslims (men and women) and

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sparing anti-Muslim forces as the key attributes that would identify the GIA as Kharidjite.

Probing the justifiability of this identification pre-requires an expertise in Islamic jurisprudence, textual analysis, and the body of *hadith* literature (prophetic traditions) and its interpretation as well as in eschatology, all of which are beyond the scope of the present discussion. However, assuming that this identification is justified, one finds that it extends one's understanding of the GIA but it raises several problems.

Identifying the confusing GIA with the well-understood historical Kharidjite allows Islamists to make inferences about the former on the basis of the latter and hence makes the former a less unfamiliar entity. It recognises precisely the doctrines of the GIA and locates them within the wider body of doctrines of the deviant sects known in the history of Islam. This specification of the ideological particularity of the GIA is its main strength. It also fits some facts such as the youthful, unspiritual, uneducated, extremist, intolerant, schismatic nature associated with part of the membership of GIA as well as the guerrilla war and criminal forms of its actions. In sum then, these inferences about the GIA, on the basis of the doctrines and political history of the Kharidjite, do fit some facts and make the GIA a less unfamiliar entity.

But familiarity should be distinguished from explanation. The Kharidjite hypothesis has a number of shortcomings and raises several questions. For instance, even if one puts the issue of the evolving nature of the GIA aside, this hypothesis ignores the DRS and the 'turned' components whose presence within the GIA is established. It fails to explain the specific and detailed forms that the GIA operations take. These are important features indicative of the GIA's identity. Moreover, this identification also fails to account for the common political and strategic patterns that underlie the GIA operations. It is one thing to recognise the similarity between the anti-Muslim nature of the armed insurrections of the historical Kharidjite and the anti-Islamic guerrilla warfare of the GIA, but it is quite another thing to explain why the strategic patterns that underlie its operations are such that they serve to implement the COIN strategy of the incumbent authorities.

Of course, most of the communications that identify the GIA as Kharidjite also refer to it as infiltrated by DRS agents. But none says how these two entities may be related conceptually, organisationally, operationally and functionally. In these accounts, the emphasis is sometimes on the Kharidjite character and some other times on the military intelligence feature, depending on the sets of facts needing explanation, as if they were somehow incongruous, indissoluble identities that cannot be integrated.

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In addition to these problems, the identification of the GIA as Kharidjite raises further questions. For instance, how should one interpret the trans-historical nature of the Kharidjite phenomenon?

One could interpret this trans-historicity as meaning that every manifestation of Kharidjite-like insurgents is inevitable, spontaneous, and natural in the sense of being an expression of a regularity of history. But this view is hard to defend. Arab regimes have an interest in artificially engineering, or catalysing Kharidjite-like movements in order to lengthen their survival. Extremist groups provide them with a domestic and international legitimacy (they otherwise lack) as a bulwark against anarchy, bigotry and terror. Any psychological warfare department can engineer them by impregnating susceptible target groups with the old Kharidjite doctrines.<sup>F</sup> These social, political, and ideological manipulations undermine the ‘naturalness’ that one would ascribe to any Kharidjite manifestation under the interpretation of trans-historicity we just mentioned.

To sum up this discussion, our conclusion is that the ‘Kharidjite’ and ‘*mukhabarat*’ denotations do reflect a few salient characteristics of the GIA but they stand fragmented and, in our view, fail to fit, summarise and explain the wider set of facts indicative of its institutional and functional identity.

## 5.2 The GIA is an Anti-Social Movement

The hypothesis that the GIA is an anti-social movement, or various of its slightly different versions, has appeared in some French writings. Unlike much of what is written in the largely islamophobic mass media in France, these writings appear as objective social inquiry.

This hypothesis about the identity of the GIA emerges from various argumentative schemes seeking to interpret Islamist ‘political violence and terrorism’ as excessive forms of action due to a lack of social actors, as deriving from an inversion process. In the sociology of political violence and terrorism, there is a theory that claims there are forms of terrorism that are the outcome of *inversion*.<sup>261</sup> Inversion is taken to denote the process through which a collective action drifts away from both its inceptive ideals as well as

<sup>F</sup> These regimes oversee the situational conditions under which extremist movements often emerge. Cultural alienation, political dictatorship, economic deprivation and social disintegration constitute a structurally violent environment which dislocates human lives and produces people with feelings of powerlessness and isolation, and unable to find opportunities to make their lives worthy and meaningful. It is the people who experience most acutely these alienating feelings who have been most susceptible to extremist ideologies. The *mukhabarat* (military intelligence) of some Arab regimes have impregnated selected inmates in prisons by feeding them with reading material on the doctrines of the historical Kharidjites. (Abdurrahman ben Mu'ala al-Luwayhaq, *Al Ghulu fi-Deen fi Hayat al Muslimeen al Mu'assira* (Religious Extremism in the Contemporary Muslim World), Mua-ssassat ar-Rissala, Beyrouth, 1992 and Na'aman 'abd errezaq Assamirai, *Atakfir, Judburabu, Asbabuhu wa Mubarinatuhu* (Excommunication, its History, Causes and Justifications), Al Manara, Beyrouth, 1986).

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the population on behalf of which it claims to be acting, ending into ‘organised practice of indiscriminate and irredeemable violence.’ It is said to involve a gradual loss of meaning and an estrangement from the social movement whose views the armed group claims to be voicing; those who previously suffered on behalf of people oppressed by a system drift away from their ideals and become scornful, dismissive and negative of people’s existence, needs and expectations and turn into criminals outside their group as well as within it. Within this framework, terrorism therefore derives from inversion, i.e. the collapse of a social movement into its negation, an anti-social movement. There are three features which are said to distinguish an anti-social movement. In an anti-social movement, the political actor or arm bearer:

1) Construes (and speaks about) the people – on behalf of whom he claims to act – as an abstract and ideological construct and not as a concrete, human and social entity. This is the *identity* condition.

2) Inverts opposition from fellow members into betrayal and that from social adversaries into total enmity. This is the *opposition* condition.

3) Has neither the wish to create a new society, nor the vision to transform it and his actions are never constructive or future-directed but aim exclusively at the destruction of the existing order as the ultimate end. He inverts the relationship between violence and politics; his violence is expressive rather than instrumental, an end in itself rather than a means to an end, spontaneous rather than rational. This is the *totality* condition.

It is this sociological perspective, or some of its journalistic versions, that some authors have applied to interpret the ‘political violence and terrorism’ in Algeria, in general, and that of the GIA, in particular. Labat, a representative figure of such a view, asks

When the ambition of a fraction of the armed groups is [...] not so much the management of an instrumental violence as it is a ‘blind’ violence, and, as the conflict gets entrenched, some groups linked to the FIS gradually lost sight of the initial aim of the struggle, thus evolving similarly to the GIA, should one speak of a *dérive terroriste* [terrorist drift]?<sup>262</sup>

Within this perspective, the argumentative strategy often put forward, as does Labat, to substantiate this sociological interpretation of the ‘political violence and terrorism’ associated with the GIA can be broken down into three steps:

a) Put forward a delineation of the social dislocation of the FIS following the coup d’état;

b) Throw out a narrative for the emergence, or actually take over, of the GIA, and an outline of the social recombination processes underlying it;

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c) Argue that the GIA is an anti-social movement.

In Labat's account, these three steps are meant to demonstrate the collapse of the FIS into an anti-social movement (the GIA) and hence account for the 'political violence and terrorism' of the GIA. Although, for the purposes of this section, only the argument that the GIA is an anti-social movement, i.e. argument c), is of central relevance, a brief sketch of the full argument is important for the evaluation and criticism of Labat's view later.

First, the social dislocation of the FIS following the coup d'état of January 1992 is described as a fracture between the cultural and institutionally integrated component of FIS, on the one hand, and its labour, social and least integrated component, on the other, or – as Labat puts it – between its 'institutionalised elite' and its 'proletarianised elite'.<sup>G</sup> The decapitation of most of its leadership (repressed, broken down and dispersed by the regime), the failure of its electoral strategy and its unpreparedness for an armed struggle are said to have left what remained of the local and national officials divided and marginalised. This dislocated the movement.

The second step deals with the recombination of individuals and groups that fragmented away from the FIS or had existed outside it into the GIA. Labat's main point is that it is those that were the least integrated into the FIS and the socially marginalised and excluded youth that recombined under the MIA and most importantly the GIA. Labat asserts

The subordinate cadres of the party, those who were marginalised by the electoral strategy developed in the three years of FIS electoral existence, provided the first battalions to the armed groups after the electoral process had been interrupted. As the repression of the regime became more systematic and severe, numerous actors, peripheral to the social movement, came to picture the social scene only as a battlefield.<sup>263</sup>

The social recombination under the GIA, according to Labat, consists of those least disposed to submit to the authority of the FIS and those least rooted and accountable to society: 'the most troubled actors and those least integrated to the party', 'Afghans', 'Hijra-Takfir' groups in addition to

A majority of elements sharing a common exclusion that makes them the figure-heads of the under-urbanised Algeria: unemployed, *trabendistes*, the excluded from the educational system, actors that represent a social movement whose surge onto the political scene takes mainly the form of a violence against the State. This violence is the terrain into which they transfer their quest for new forms of collective

<sup>G</sup> Labat claims: 'Is it enough to interpret the spiral of violence suffered by Algeria simply as the substitution of the participatory logic of the FIS up to 1992 with the military option of the armed groups? Should it not be seen as the effect of the polarisation of the Islamist party into two irreducible trends as a result of the tension between the revolutionary aspirations of its proletarianised elite and the conservative disposition of its institutionalised elite?' S. Labat, 'Le FIS à l'épreuve de la lutte armée', in R. Leveau (ed.), *L'Algérie dans la guerre*, Complexe, Paris 1995, p. 87.

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identity. The armed Islamic groups also know how to make their interest converge with those of local clientelist networks. They get the rallying, or at least the support, of bands of delinquents whose anti-state postures and thirst 'to smash cops' they convert into forms of politico-religious crime.<sup>264</sup>

Labat does not fail to mention, too briefly though, the infiltration of the GIA by the DRS.<sup>265</sup> In Labat's account, this is an incidental detail, irrelevant to her supporting arguments and her *terrorist drift* thesis.

The final step in Labat's argumentative scheme is to claim the GIA is an anti-social movement. For this, she argues that the GIA instantiates the features proper to anti-social movement. In Labat's view, the GIA construes the popular base as a purely abstract and ideological construct and not as a concrete human resource to mobilise:

The GIA are a distorted image of the social movement once expressed through the FIS. They are caught in a drift that leads them to perceive the social and political scene in an ultra-ideological and bellicose mode. Increasingly distant from its original social references, the violence of the GIA becomes a direct and exclusive confrontation with the state and feeds its own dynamics.<sup>266</sup>

This purports to show that GIA meets the identity condition of an anti-social movement. Labat further describes the notion of opposition within the GIA in the following terms:

The social and political adversary, in this case the regime and its representatives or associates, is demonised – enemy of Islam, unbelievers in the pay of Christian crusaders and Jews – whereas the partisan gets ascribed a meta-social identity.<sup>267</sup>

Furthermore, Labat considers that the GIA has no political perspective other than to overthrow the existing regime. She says 'the morbid drift of the GIA confirms that the means tend to get confused with the end.'<sup>268</sup> She also argues that the armed violence of the GIA is expressive rather than instrumental: 'the GIA puts an alternative logic in place: an action is not judged by its possible outcomes but according to its conformity with the cause it is supposed to defend.'<sup>269</sup> Labat equally asserts:

As carriers of a '*culture sauvage*' [savage culture] that diffused into the compost fertilised by the FIS, these former sympathisers of the party are at the borders between militancy and crime, and see in the handling of weapons the means to enhance their local symbolic and material capital.<sup>270</sup>

This last claim combines with those Labat makes above about the GIA's identity and opposition conditions to complete the argument that identifies the GIA as an anti-social movement.

Is Labat's thesis correct? Although Labat does not provide adequate evidence to support this thesis, some of its content happens to be in fact correct.

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Labat neither reads nor understands Arabic and provides no evidential support for her claims: no data about, or interviews with, members of the GIA is given, not even an analysis based on literature published by the GIA is presented.

But some of the claims Labat makes are correct. In so far as the GIA has comprised a 'Hijra-Takfir' membership, 'Afghan veterans' and some marginalised youth, this component of the GIA manifests indeed the identity and opposition principles of an anti-social movement. These principles may be regarded as analogues, in sociological terms, of 'Hijra-Takfir' or 'Kharidjite' doctrines, on the basis of the testimonial reports of the various break away insurgent groups in Algeria, and the GIA literature.<sup>H</sup> In other words, there has indeed been a component of the GIA that displays the attributes of an anti-social movement.

But the GIA has also comprised other components which Labat ignores without any justification. Labat ignores the fact that the GIA also comprised, at some stage, a substantial number of elements she would classify as 'institutionalised elite' of the FIS, for instance Mohamed Said, Abderezzak Redjam, and members of society who would hardly qualify as marginalised (professionals from all walks of life, deserting soldiers and officers etc.). Likewise, Labat regards the presence of members of the security forces infiltrated within the GIA as insignificant and incidental despite strong testimonial and circumstantial evidence to the contrary. Similarly, the existence of 'turned' guerrillas within it is not accounted for. These components of the GIA can hardly be associated with an anti-social movement.

Furthermore, it is obvious that highlighting these unjustifiably ignored components seriously undermines Labat's claim that the GIA's violence is expressive rather instrumental. Quite apart from the objection that one cannot separate expressiveness from instrumentality in any violent action, the evidence that Labat, Khelladi and Martinez present is either lacking or selective.<sup>I</sup> First, one needs only read GIA published literature to find explicit ref-

<sup>H</sup> One has to rely on testimonies from insurgents inside Algeria because it is not at all clear whether relying exclusively on GIA published material is sufficient for showing that the GIA is an anti-social movement. The reason is that, even if one takes this inversion framework of analysis for granted, one would need to establish whether it is these ideological features which led GIA members into terrorist actions. Although the GIA has comprised a membership committed to 'Hijra-Takfir' ideology, a careful scrutiny of the GIA published literature in the light of events shows that a substantial part of the GIA's beliefs and doctrines appear as *post-facto* justification for various violent actions. Furthermore, the fact that the main ideologues of the GIA, e.g. Abu Muss'ab Assury, Abu Qutada Al Falistini, and Abu Hamza Al Misri, are not Algerians, have never lived in Algeria, and are widely regarded as linked to Arab intelligence agencies, further undermines relying solely GIA published material to relate the GIA's ideology to the social status and consciousness of its membership in Algeria.

<sup>I</sup> Khelladi makes the claim that 'it is a new Islamism that is not so much after destroying a state as it is after purifying its soul by killing. It is the expiatory jihad, the ritual of blood, the sullied body that is slaughtered, mutilated, at which they go unrelentingly. It is the impossible redemption that the released violence confirms [...] The violence of Islamic groups is deliberately primitive, barbarian, irra-

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erence to strategies, and hence instrumentality, of violence.<sup>271</sup> Secondly, one may grant that say a small number of schools are destroyed by frustrated youths. But is the organised destruction of several hundreds of schools expressive and not instrumental violence? Is the organised mass-killing of the civilian population and the well planned selective elimination of the ‘institutionalised elite’ within the GIA expressive and not instrumental violence? Is the perpetration of massacres and bombings within areas of specific political geography and against specific target-groups expressive and not instrumental violence? Is the kidnapping of priests, killing of specific foreigners, rape of women expressive and not instrumental violence? Labat empties the GIA's violence from its instrumental content, which was shown to serve, in fact, a COIN strategic function.

The last but not least failure in Labat's account is the lack of attention to the time-dependence of the compositional profile of the GIA even though there is good evidence that the relative presence and distribution of these various components within it changed drastically over time. Reducing the GIA to one of its sub-components, and freezing it within a particular period, precludes various questions that would undermine the rather simplistic *terrorist drift* thesis. For instance one thinks of the break-away from the GIA of most genuine insurgent groups and individuals after the uncovering of the DRS infiltration, manipulations and killings of its most competent members (‘institutionalised elite’) were uncovered. Perhaps this should be described, in Labat's terms, as a *dérive anti-terroriste*, an anti-terrorist drift.

Borrowing such terms would not, however, be a good idea. Beyond the substantive deficiencies and failures of the *dérive terroriste* thesis as applied to the GIA, it is the framework of analysis within which it lies that requires careful scrutiny. Refuting the thesis without questioning the unspoken pre-suppositions intrinsic to this framework only re-asserts it by the back door. A few points need to be made.

First, this framework is not clear even about its basic objects of enquiry: ‘terrorism’ and ‘violence’. Within it, they denote vague and ideologically and politically evaluative categories open to dispute, rather than particular sets of facts, or specific and detailed patterns of violent acts.

Besides, inversion theories of terrorism are not explanatory, as some practitioners, such as Labat, hold them to be. They are also not testable.

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tional. It does not kill, it shows, exposes, and demonstrates.’ (see A. Khelladi, ‘Les islamistes Algériens’, in *Les Temps Modernes*, No 580, January and February, 1995, p. 151). Martínez also claims that the GIA's violence is more a statement of deprivation, rejection and misery suffered by the militants (i.e. an expression of a class consciousness) than an instrument for attaining some goal: ‘the destruction of schools by armed groups [...] is due not just to the content of the taught courses, seen to be against quranic injunctions, but also to the frustration felt by the mujahideen against a system that excluded them too early [in their lives].’ (see L. Martínez, ‘L'enivrement de la violence: ‘dijhad’ dans la banlieue d'Alger’, in R. Leveau (ed.), *L'Algérie dans la guerre*, Complexe, Paris 1995, op. cit., p. 69).

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They do not assign causes nor do they provide sets of integrated assumptions that would account for *specific* cases of violence. What they provide is assignments of meanings, interpretations imputing subjective states (motives, dispositions etc.) to human agents participating in 'violent' actions. These putative states are in general not publicly ('inter-subjectively') accessible and hence not verifiable, as is the case in Labat's account.

Even so, this is not to say that inversion theories, with their stress on the subjective rationale of violence, would not be useful accounts if they were complemented by analyses from other perspectives such as the political or strategic ones.<sup>J</sup> But in Labat's analysis the strategic perspective is given no consideration at all.

Clearly, the pre-suppositions that direct Labat's identification of the object of inquiry, her choice of method, perspective and, as was discussed earlier, her way of identifying facts and assessing evidence are highly selective. They direct attention to certain selected portions of the wider content of the Algerian war reality, and they deflect it away from some others. After all, state terrorism or violence, although much more destructive in Algeria and elsewhere, are poorly researched objects of inquiry. Labat, like most 'experts in terrorism studies', shows no interest in analysing and accounting for state involvement in the GIA, and in state terrorism in Algeria in general. The pre-suppositions that direct Labat's choice of method and perspective in her study of the GIA are not inevitable. For example, in 'terrorism studies' in European societies a distinction is often made between leftist terrorism and rightist terrorism. Leftist terrorism is said to proceed from the collapse of an idealistic movement into an anti-social movement, to project itself from below, to be anarchic. Rightist terrorism, on the other hand, has been tied to secret services, the police and crime (a hand of the state or some of its leaders), to work from above, to be authoritarian. The equivalent distinction in an insurgency context would be that between an anti-social movement and a counter-guerrilla force. But Labat ignores this well-known distinction.

<sup>J</sup> To highlight this point one may think of the following example. In so far as modern military or paramilitary forces are indoctrinated (as part of their training)

- 1) into believing that they are a special elite acting on behalf of abstract and meta-social constructs (the Nation, National Security etc.) rather than on behalf of concrete, human constituencies,
- 2) into objectivising opposition into total enmity, into targets to be attacked and destroyed,
- 3) into championing absolutes (do-or-die attitudes), and the destruction of the target (property, people or system) as an ultimate end.

it is legitimate to say that they embody the defining attributes of an anti-social movement. But then it is obvious that to account for the specific 'violent' or 'terror' actions of any such force, it is just not enough to invoke the three principles above (identity, opposition and totality). One would need to understand the strategies and tactics involved to be able to account properly for the patterns of such actions.

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One may speculate on the political values and interests at work behind the pre-suppositions and orientation of this kind of sociological inquiry into the nature of the GIA. The *dérive terroriste* has obvious consequences in terms of war policy recommendation. In Labat's reductive account, the violence of the GIA appears as having both a social source and character, as empty of political and strategic content, and as unconnected with the military regime, and even less with the French government whose COIN experts advise and supervise Algeria's generals. Discourses on violence being strongly normative, this account depoliticises and criminalises the wider insurgent violence by implication and it sanctions state violence, and French support to it, by omission.<sup>K</sup>

The value-oriented bias of Labat's inquiry into 'Islamist terrorism' is unfortunately not just an aberrant exception; it is in fact typical of studies posturing as objective inquiries into the phenomena of violence in the international order, what the philosopher Alexander George calls the discipline of terrorology.<sup>272</sup> In a critical survey of such studies about conflicts in Latin America, Indonesia, Africa and the Middle-East, Herman and Sullivan have shown that they ignore wilfully large scale state terror and state sponsored terror and deflect and impose the terrorist charge on the victimised populations.<sup>273</sup> As George put it, 'the reader's gaze is directed away from the complicity and responsibility of his or her own government for the 'tragic situation' and towards more convenient targets.'<sup>274</sup> Referring to the discipline of terrorology and the underlying value and interest orientations of its research efforts, Herman and Sullivan asserted that,

Western governments and business firms do underwrite such intellectual efforts, and they want data and analyses pertinent to their needs in confronting their perceived enemies, who are rebels and restive under-classes, rather than right-wing governments engaging in large-scale torture and killings, or Western organised and funded insurgents attacking disfavoured states. The definition, models of 'terrorism', and appropriately selective focus of attention follow accordingly.<sup>275</sup>

In their exhaustive analysis of the political economy of terrorology, what they call 'terrorism as ideology and cultural industry', Herman and Sullivan argue that in order to maintain access, control and privileged positions in the Third World, in the face of nationalist and popular upheavals, governments and corporate multinationals develop and sponsor institutes and think-tanks whose business is to produce and justify policy recommendations on 'terrorism' and to manufacture, refine and distribute ideological instruments of propaganda: information, disinformation, selected facts, analyses and perspectives on the topic of 'terrorism'. These are then disseminated to the public by the mass media through interviews, articles, books etc. by selected

<sup>K</sup> This is also the case for the writings of Kepel, Leveau, Galissot, Khelladi, Martinez and Raufer. These will be analysed in detail in a forthcoming publication.

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analysts and intellectuals directly or indirectly funded by the terrorology industry and self-servingly given the authoritative status of 'experts on terrorism.'

## 6. Summary and Conclusion

Although it is widely accepted that the GIA is responsible for part of the massacres suffered by the Algerian population, there are large discrepancies between the various views on the GIA's actual identity. These conflicting theories were reviewed, a brief chronology of the GIA was given and it was pointed out that any examination of the institutional identity of the GIA should recognise the fact that it has evolved over time. In September 1994, following the demise of Gousmi and the OPA that put Zitouni in charge, it underwent a drastic change. The thrust of this paper did not deal with the GIA pre-Zitouni because identifying it as an infiltrated Islamist insurgent group before then is uncontroversial. The focus of this paper has been on the GIA's identity post-Gousmi; its thesis, that the GIA is a counter-guerrilla organisation.

This paper defined the concepts of counter-guerrilla forces and discussed some general features about how the latter operate. These concepts and *modus operandi* were illustrated in the case of the Force K and the Selous Scouts because of their direct relevance to the counter-insurgency campaign currently unfolding in Algeria.

The paper then presented the argument in support of the view that the GIA is a counter guerrilla organisation. The strategy of the argument was to show that the GIA embodies the identifying institutional attributes typical of a counter-guerrilla organisation. The body of accumulated facts indicative of the GIA's identity does fit the irregularity attribute, the compositional profile condition and the anti-insurgent operational attributes typical of a counter-guerrilla force.

This argument was contradicted by what seems the most serious objection, i.e. selecting out GIA pro-insurgent operations in the matching of the counter-guerrilla anti-insurgent operational attribute with the relevant body facts about the GIA. This objection was dealt with by pointing out the time-dependence of the GIA's identity, the fact that the advent of Zitouni's leadership oversaw a drastic increase in the proportion of the GIA's anti-insurgent operations relative to its pro-insurgent ones, and that the *modus operandi* of counter-guerrilla forces allows for small scale pro-insurgent operations for 'validation' purposes.

The second justification of the counter-guerrilla hypothesis focused on the functional identity of the GIA. The GIA was shown to operate in viola-

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tion of all the strategic principles of guerrilla warfare and in accordance with those of COIN warfare.

The paper indicated that the counter-guerrilla thesis has been independently asserted by Attaf and Guidice, and Brahimi. The thesis was said to have an explanatory content because it effectively orders the accumulated and unsorted facts about the GIA into a coherent picture. It was pointed out that it has deductive consequences other than those it was constructed to explain; the example of the operational 'frozen areas' was discussed.

This paper also considered the main alternative hypotheses about the GIA's identity. The Islamist thesis that considers the GIA as an (infiltrated) 'Kharidjite sect' was reviewed. It was shown to reflect a few salient features of the GIA, (e.g. some of its religious and political doctrines), but to fail to fit, sum up or explain the wider body of facts indicative of the GIA's identity.

The alternative view was Labat's thesis; the GIA as an 'anti-social movement'. It was indicated that Labat's thesis correctly applies to the Hijra-Takfir component of the GIA but her identification of the *whole* GIA as an anti-social movement was shown to be false. Labat used an unjustifiably selective body of facts, weak evidence and ignored obvious facts contradicting her matching the defining attributes of anti-social movement to those of the GIA. Labat also overlooked the time-dependence of the compositional profile of the GIA. Some comments on the politically oriented bias of Labat's inquiry were made to explain her rather unjustifiably selective and evidentially weak analysis.

An important conclusion of this assessment was that the counter-guerrilla thesis is, unlike other claims about its identity, testable. If, as is claimed here, the GIA is indeed a counter-guerrilla force there must be publicly observable data, material and testimonial evidence, to confirm conclusively the nature and structure of the institutional link between the GIA and the DRS. This thesis would be decisively refuted if an international war crimes investigation team, that includes counter-insurgency experts from neutral countries, failed to come up with the adequate material and testimonial evidence. Given that the Algerian generals have already appealed many times to foreign bodies to monitor elections, there is no reason why they should not do so to refute the allegations that give them paternity over the GIA.

### **Acknowledgements**

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## Appendix

### Zitouni's Infiltration, Rise and Practices within the GIA according to insurgent sources

The 1996 report of the *Rabitat al-Islamiyya li-Dawa wal Jihad* (Islamic League for Predication and Jihad) on the effects of military intelligence upon the GIA states that prior to his rise Zitouni had been an insignificant figure with no public profile. It says he had enjoyed no media exposure, until the propaganda of the military regime, and that of France, exploited the anti-French sentiment of the population to infiltrate him as a hero. It gives the following account:

The French and Algerian media hyped his role as leader of the attack on the French embassy whereas the operation was planned and executed by the group of Mahfoud Abu Khalil. According to some sources, Zitouni was not a leader but a member of the group. The media then wanted to draw public attention and concentrate the minds on the name of Jamal Zitouni to transform the person behind it into an international star and a hero.

The report distinguishes between his infiltration into the population and that into the insurgent movement. For the latter it claims that:

Jamal Zitouni acquired a reputation among the mujahideen and his name was linked to the smuggling of an anti-aircraft weapon (*Dousbka*). In reality, the acquisition of the weapons was, to a large extent, the effort of a mujahid brother who had defected from the army; he was in charge of this weapon. This brother did not survive longer and was killed in a battle in the region of Khemis Miliana. As to the *Dousbka*, its fate remains unknown since it was never used in battles or for shooting down aircrafts or helicopters. There is no trace of it, nor of its whereabouts until now [...] Recently, a witness named Abderrezzaq Al-Qara, who fought in the group of Zouabri, declared in a testimony, which is recorded on a video in our possession, that the *Dousbka* and the other arms were recovered by the military authorities from a cache in the mountains. He personally heard this from Antar Zouabri who explained how this happened and who was responsible[...] Was the whole affair planned to launch Zitouni and create a halo of heroism around him to achieve specific aims? Was the matter a plan of the secret services and the weapons were returned to their sources once they played their roles? Or was there within the leadership of Zitouni and his henchmen somebody working with the despotic regime. This could explain why the weapon was never used for it was destined only as a mere exposition and display piece. Time will reveal the truth.

Following the death of Gousmi, who, according to a public report issued by the Medea Battalion on 15 January 1996, was killed in an ambush pre-arranged in collaboration with his driver, the constitutional leadership which took over was swept aside by a coup. The report says that instead of the ap-

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pointment of Mahfoud Abu Khalil, the first deputy of Gousmi, and hence interim leader according to 'article 10 of the third principle on the political constants of the GIA', various pre-planned events culminated in the unauthorised issue of a communiqué appointing Djamal Zitouni as leader. The report states:

The appointment of Jamal Zitouni as leader of the GIA happened through announcement only and not through a plebiscite from the mujahideen, present or absent, as was the case with the plebiscite that Abi Abdallah Ahmed secured from everyone. All the military districts pledged their allegiance to him.

If one takes the view that these statements are true, it remains a mystery why this coup was not challenged. Publicly accessible periodicals of the insurgents do not discuss this issue but Ait-Aarab cites an anonymous source who offered the following explanation:

But the brothers, fearing for the implosion of the Group and eager to avoid harming it, decided not to challenge Jamal Zitouni, temporarily, until the consultative assembly would meet. But the faction of Jamal Zitouni (Antar Zouabri, Fares Said, Abou Abbas, alias Boukabous, Adlan and others with suspicious links to the secret services) ensured that the consultative assembly never met. Zitouni started to dismiss the commanders with whom he disagreed. He also proceeded to kill others on the pretext that they had links with the secret services or were splitting the Group. He replaced them with commanders close to him. He succeeded in killing more than seven hundred able commanders in the various districts of the country. The absence of Abu Khalil Mahfoud during the first days of the leadership of Zitouni helped the latter put his plan into execution. Abu Khalil Mahfoud had fallen into an ambush set up at night by Zitouni's men and was told afterwards that his group had been mistaken for an army patrol. He was wounded in his feet and spent seven months in bed. This absence was a golden opportunity for Jamel Zitouni. He ordered that no visitor be allowed access to Abu Khalil in the hospital, especially his close friends. Zitouni dismissed also brother Khaled Abu Saeed, the second vice-deputy of Abu Abdallah Ahmed, and appointed Fares Assaid as his deputy. The latter was among the most abominable individuals who tortured Abu Khalil Mahfoud and Abdelwahab Lamara, the ex-commander of Fida. Other strangers with suspicious links with the secret services took part in the torture of the brothers.<sup>1</sup>

This source also makes the claims that:

Zitouni also took part in the torture by burning of brother Abu Mohamed, the surgeon of the group. He tortured him, his wife and their daughter in front of an assembly of people[...]. Abu Khalil as well as dozens of brothers were savagely tortured. One of the brothers, named [...], from [...], who fled from the prison of the Group [...], where he had his ten toes cut off, described to us the situation as follows: 'Zitouni appointed a special group for torture. The members of this group would break bones, mutilate, burn and Zitouni himself would take part in the torture.' The brother went on to describe this appalling spectacle: Zitouni would ask

<sup>1</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., p.31.

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Abu Khalil Mahfoud and Abdelwahab Lamara to imitate the sounds of animals and to sing. Abu Khalil bore his ordeal with patience and, tied by a rope and in chains, did tell Zitouni: 'you and your men belong to the secret services. You follow the way of the Kharidjites and the group of exile and excommunication and you seek to destroy the jihad, its symbols and leaders.' But Zitouni kept laughing and mocking Abu Khalil. The more Abu Khalil spoke, the more he was hit and tortured. This is the testimony of the brother [...]. He is still alive and the testimony is recorded on tape.<sup>M</sup>

## NOTES

<sup>1</sup> B. Boumaza, A. Attaf, A. Taffar, 'L'intégrisme, une contre-culture', in J-P. Chagnollaude (ed.), *Confluences Méditerranée*, No 25, Spring 1998, pp. 73-78.

<sup>2</sup> A. Ouyahia, 'Notre peuple contre le terrorisme', in J-P. Chagnollaude (ed.), *Confluences Méditerranée*, No 25, Spring 1998, pp. 67-72.

<sup>3</sup> R. Malek, 'Face au terrorisme, l'alternative patriotique et républicaine', in J-P. Chagnollaude (ed.), *Confluences Méditerranée*, No 25, Spring 1998, pp. 93-97.

<sup>4</sup> General X, 'Algérie: Les grands cimenterres sous la lune', interview by A. Taheri, in *Politique Internationale*, No 79, Spring 1998, pp.11-44.

<sup>5</sup> A. Loyd, 'Algerian Terror victims plead for death by bullet', *The Times*, 23 October 1997.

<sup>6</sup> A. Djouadi, 'Les monarchies du Golfe sont derrière le GIA', *Le Matin*, 16 February 1999.

<sup>7</sup> General X, 'Algérie: Les grands cimenterres sous la lune', interview by A. Taheri, in *Politique Internationale*, No 79, Spring 1998, pp.11-44.

<sup>8</sup> R. Tadjer, 'L'Iran a-t-il actionné le GIA?', *El Watan*, No 1432, 14-15 July 1995, p.3.

<sup>9</sup> *Le Matin*, No 1084, 26 July 1995.

<sup>10</sup> H. Cherif, 'La lumière et les ténèbres', in J-P. Chagnollaude (ed.), *Confluences Méditerranée*, no 25, Spring 1998, pp. 83-92; K. Messaoudi, *Une Algérienne debout*, Flammarion, Paris 1995; *Regard* (France), October 1997.

<sup>11</sup> US Department of State, *Patterns of Global Terrorism*, Middle East Overview, 1996, 1997 and 1998.

<sup>12</sup> US Department of State, *Algeria Country Report on Human Rights Practices*, 1996, 1997, and 1998.

<sup>13</sup> *Le Monde*, 7 January 1998; *Journal Officiel*, 5 March 1998; *L'Humanité*, 25 December 1997; *L'Express*, 22 January 1998.

<sup>14</sup> Council of Europe, Parliamentary Assembly, Session de 1998, *Compte Rendu de la septieme séance*, 29 January 1998, Reference FACR7.98 14032901984F.

<sup>15</sup> *Libération*, 31 January 1998; *Al Hayat*, 30 September 1998; *Le Monde*, 10 November 1997; *Associated Press*, 15 January 1998, *CNN*, 15 January 1998; *Reuters*, 16 January 1998.

<sup>16</sup> *Reuters*, 24 and 25 January 1998, 26 July 1998, 3 August 1998.

<sup>17</sup> Two samples: *Agence France Presse*, 29 December 1997, 12 November 1998.

<sup>M</sup> M. Ait-Aarab, 'dirassa tarikhiyya lil jamaa al islamiyya al mussalaha', op. cit., p.51.

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<sup>18</sup> Some samples: *Associated Press*, 3 and 10 October 1997, 10 November 1997, 5 January 1998.

<sup>19</sup> *ABC News*, 29 December 1997.

<sup>20</sup> G. Kepel, 'Le GIA à travers ses publications', in *Pouvoirs, Revue Française d'Etudes Constitutionnelles et Politiques*, No 86, 1998, p. 67-84.

<sup>21</sup> MINOS stands for Menaces Internationales Nouvelles d'Ordre Stratégiques. X. Raufer, Entretien, *El Watan*, 13 April 1998; M. Issami, 'Stratégie du désespoir du terrorisme islamiste', *El Watan*, 13 April 1998; *Algérie Confidentiel*, No 122, 15 July 1998.

<sup>22</sup> J. Phillips, 'The Rising Threat of Revolutionary Islam in Algeria', *The Heritage Foundation*, Backgrounder, No. 1060, 9 November 1995.

<sup>23</sup> B. Maddy-Weitzman, 'The Islamic Challenge in North Africa', *Journal*, No 2, July 1997; *Terrorism and Political Violence*, Vol. 8, No 2, Summer 1996; B. Maddy-Weitzman and E. Inbar (eds.), *Religious Radicalism in the Greater Middle East*, Frank Cass, London 1997;

<sup>24</sup> R. Fox, *Daily Telegraph*, 25 September 1997, p. 18.

<sup>25</sup> L. Ait-Hanlouda, 'L'Opacité du drame Algérien', *Le Monde Libertaire*, No 1098, 30 October - 5 November 1997.

<sup>26</sup> L. Ait-Hanlouda, 'L'Opacité du drame Algérien', *Le Monde Libertaire*, op. cit.

<sup>27</sup> Armée Islamique du Salut, Communiqué 9 December 1996; Armée Islamique du Salut, Truce Declaration, 21 September 1997.

<sup>28</sup> Ligue Islamique de la Dawa et du Djihad, Communiqué No 1, 5 February 1997; *Errabita* (The League), No 1, September 1997.

<sup>29</sup> F. Geze, 'Algérie: Face au poids de l'histoire et à la manipulation', *Politique Autrement*, No 13, June 1998.

<sup>30</sup> F. Burgat, 'Islamists in Algeria: Armed Resistance, Terrorism and Politics', *MSANNEWS*, 31 May 1996.

<sup>31</sup> Ibid.

<sup>32</sup> Human Rights Watch World Report 1999.

<sup>33</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha' (A Historical Study of the GIA), private communication, December 1998, pp. 12-14. The paper was kindly made available to the authors before publication. It will appear in the proceedings entitled '*Tablil lidba-hirat al-jamaa al islamiyya al mussalaha fil al-jazair min 'iddet manadhir*' (Perspectives on the phenomenon of the GIA in Algeria) to be published by dar ennashr, in 1999.

<sup>34</sup> Ibid.

<sup>35</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., p. 15.

<sup>36</sup> M. Willis, *The Islamist Challenge in Algeria: A Political History*, Ithaca, Garnet Publishing Ltd, Reading 1996, p. 280.

<sup>37</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., pp. 17-18.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> M. Willis, *The Islamist Challenge in Algeria: A Political History*, op. cit., p. 281.

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<sup>41</sup> M. Willis, *The Islamist Challenge in Algeria: A Political History*, op. cit., p. 272; M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., pp. 21-25.

<sup>42</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., pp. 21-25.

<sup>43</sup> Ibid.

<sup>44</sup> M. Willis, *The Islamist Challenge in Algeria: A Political History*, op. cit., pp.281-282, p.284, p.287.

<sup>45</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., p. 26; M. Willis, *The Islamist Challenge in Algeria: A Political History*, op. cit., p. 278.

<sup>46</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., p. 27.

<sup>47</sup> Ibid.

<sup>48</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., p. 29; M. Willis, *The Islamist Challenge in Algeria: A Political History*, op. cit., pp.282-284;

<sup>49</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., pp. 32-37; M. Willis, *The Islamist Challenge in Algeria: A Political History*, op. cit., p. 286, 289; M. Stone, *The Agony of Algeria*, Hurst & Company, London, 1997, p. 187.

<sup>50</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., p. 38; M. Willis, *The Islamist Challenge in Algeria: A Political History*, op. cit., p. 324.

<sup>51</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., p. 38; M. Stone, *The Agony of Algeria*, Hurst & Company, London, 1997, p. 189.

<sup>52</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., pp. 40-45.

<sup>53</sup> M. Willis, *The Islamist Challenge in Algeria: A Political History*, op. cit., p. 328;

<sup>54</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., pp. 46-47.

<sup>55</sup> Ibid; M. Willis, *The Islamist Challenge in Algeria: A Political History*, op. cit., p. 336.

<sup>56</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., pp. 50-55.

<sup>57</sup> Ibid.

<sup>58</sup> See section 4.3.2 of this paper.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., pp. 50-55.

<sup>62</sup> See section 4.3.2 of this paper.

<sup>63</sup> Ibid; M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., pp. 56-59.

<sup>64</sup> Ibid.

<sup>65</sup> *Le Monde*, 11 October 1997.

<sup>66</sup> *Libération*, 29 July 1996; *Le Monde* 30 July 1996; *Le Soir*, 29 July 1996.

<sup>67</sup> M. Ait-Aarab, 'dirassa tarikhyya lil jamaa al islamiyya al mussalaha', op. cit., p. 61.

<sup>68</sup> Ibid.

<sup>69</sup> *El Watan*, 15 July 1997; *Agence France Presse*, 27 July 1997; *Le Monde*, 11 October 1997.

<sup>70</sup> R. Trinquier, *Guerre, Subversion, Révolution*, Robert Laffont, Paris 1968.

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<sup>71</sup> M. McClintock, 'American Doctrine and Counterinsurgent State Terror', in A. George (ed.), *Western State Terrorism*, Polity Press, Cambridge 1991, p. 121. Thompson formulated this rationale in this way: 'The old *cliché* of setting a thief to catch a thief is nowhere more appropriate than in countering guerrillas or terrorists.' (L. Thompson, *Ragged War: The Story of Unconventional and Counter-Revolutionary Warfare*, Arms and Armour Press, London 1994, p. 139.)

<sup>72</sup> J. Pimlott, 'The French Army: From Indochina to Chad, 1946-1984', in I. F. W. Beckett and J. Pimlott, *Armed Forces and Modern Counter-insurgency*, Croom Helm Publishers, London and Sydney 1985, p. 46; B. B. Fall, *Street without joy: insurgency in Indochina, 1943-63*, Schocken Books 1972; R. Trinquier, *Les Maquis d'Indochine: les Missions Spéciales du Service Action*, Albatros, Paris 1976; D. Puy-Montbrun, 'Les Chemins secrets de la contre-guerrilla 1950-1954', in *Historia* (History Series) No. 25 (1972) p. 75 and R. Trinquier, 'L'Opium des Meos', in *Historia* No. 25 (1972) p. 93.

<sup>73</sup> J. J. McCuen, *The Art of Counter-Revolutionary War: the strategy of counter-insurgency*, Faber and Faber, London 1966, p. 239; A. Heggoy, *Insurgency and Counterinsurgency in Algeria*, Indiana University Press, Bloomington 1972; E. O'Ballance, *The Algerian Insurrection*, Faber and Faber, London 1967; A. Horne, *A Savage War of Peace*, MacMillan Publishers, London 1977; Y. Courrière, *La Guerre d'Algérie* (4 Volumes), Fayard, Paris 1968, 1969, 1970 and 1971; R. Trinquier, *Le Temps Perdu*, Albin Michel, Paris 1978 and Trinquier, *Guerre, Subversion, Révolution*, op. cit.

<sup>74</sup> See for instance, J. Paget, *Counter-Insurgency Campaigning*, Faber and Faber Ltd, London 1967; L. S. B. Leakey, *Mau Mau and the Kikuyu*, Methuen Press, 1952; L. S. B. Leakey, *Defeating Mau Mau*, Methuen Press, 1954; D. Barnett and Karari Njama, *Mau Mau from Within*, Macgibbon and Kee Publishers, 1966; F. Kitson, *Low Intensity Operations: Subversion, Insurgency, Peace Keeping*, Faber and Faber, London 1971; F. Kitson, *Gangs and Counter-gangs*, Barrie and Rockcliff Publishers, London 1960; F. Kitson, *Bunch of Five*, Faber and Faber Ltd, London 1977; J. Newsinger, 'A counter-insurgent tale: Kitson in Kenya', in *Race & Class*, Vol. 31 (1990) p. 4.

<sup>75</sup> See I. F. W. Beckett, 'The Portuguese Army: The Campaign in Mozambique 1964-1974', in I. F. W. Beckett and J. Pimlott (eds), *Armed Forces and Modern Counter-insurgency*, Croom Helm, London and Sydney 1985, p. 149, and A. Humbaraci, *Portugal's African wars: Angola, Guinea Bissao, Mozambique*, Macmillan, 1974.

<sup>76</sup> See P. Stiff and R. Reid-Daly, *Selous Scouts: Top Secret War*, Galago Press, Albertown 1982; I. F. W. Beckett, 'The Rhodesian Army: Counter-Insurgency 1972-1979' in I. F. W. Beckett and J. Pimlott (eds), *Armed Forces and Modern Counter-insurgency*, Croom Helm, London and Sydney 1985, p.163 ; J. L. Cilliers, *Counter-Insurgency in Rhodesia*, Croom Helm, Sydney 1985 and H. Ellert, *The Rhodesian Front War: Counter-Insurgency and Guerrilla War in Rhodesia 1962-1980*, Mambo Press, Gweru 1989.

<sup>77</sup> In an analysis on how various strategies and policies to handle 'terrorism' may affect 'democratic capacities to govern', Yehezkel Dror puts forward various 'positive functions of terrorism'. About one of these functions, Dror says: 'In the international arena, democracies should use rather than repress terrorism, to eliminate crazy rulers and inhibit anti-democratic forces. Other countries, in any case, will continue to employ terrorism, so why should not democracies teach the others a lesson in their own coin? If democracies do not want to dirty their own hands, they can always find proxies to act on their behalf. Indeed, carefully encouraging "freedom fighters" in anti-democratic countries may be a good way to destabilize them and prepare the grounds for democratisation.' (Y. Dror, 'Terrorism as a Challenge to the Democratic Capacity to Govern', in M. Crenshaw (ed.), *Terrorism, Legitimacy and Power*, Wesleyan University Press, Connecticut 1983).

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<sup>78</sup> See L.L. Lemnitzer, 'Memorandum for the Special Group (CI), Subject: Military Training Related to Counter-Insurgency Matters (U)', 30 January 1962; NSF, *Special Group*, Military Training Report, Box 319, Kennedy Library. For further details see M. McClintock, 'American Doctrine and Counterinsurgent State Terror', in A. George (ed.), *Western State Terrorism*, op. cit., p. 145.

<sup>79</sup> See W. Minter, *Apartheid's Contras: an inquiry into the roots of war in Angola and Mozambique*, Zed Books 1994, and W. M. James, *A political history of the civil war in Angola, 1974-1990*, Transaction Publishers, 1995.

<sup>80</sup> See R. Pardo-Maurer, *The Contras, 1980-1989: a special kind of politics*, Praeger Publishers, 1990; C. Dickey, *With the Contras: a reporter in the wild of Nicaragua*, Simon and Schuster Books, 1985; D. Eich, *The Contras: interviews with anti-Sandinistas*, Synthesis Publishers, 1985 and T. Cabestrero, *Blood of the Innocent: victims of the Contras' war in Nicaragua*, Orbis Books, 1985.

<sup>81</sup> In Turkey, the Ozel Harp Dairesi (Special Warfare Department), created by American 'advice' in 1959 and led by US counter-insurgency trained personnel, has managed several counter-guerrilla groups, some of which have operated subversively against the Kurdish population and resistance. See S. Celik, *Turkey's Killing Machine: The Contra-Guerrilla Force*, Arm The Spirit, Canada 1995.

<sup>82</sup> Acusación Popular en representación de los familiares del GAL, *Estado Español y Actividad Parapolitica*, Euskal Herria, 1995; 'French connection to official murder', *Le Monde*, 22 August, 1995; B. C. Vigden, 'A State of Terror', *Nexus*, February-March 1996, pp. 16-17; P. Webster, 'Invisible Enemy Haunts Paris', *The Guardian International*, 3 September 1995.

<sup>83</sup> R. Faligot, *Britain's Military Strategy in Ireland: The Kitson Experiment*, Zed Press, London 1983.

<sup>84</sup> See K. Pech and D. Beresford, 'Corporate dogs of war who grow fat amid the anarchy of Africa', in *The Observer*, 19 January 1997. E-2G Research Group and Executive Outcomes, two London-based corporations of war which train forces in counter-insurgency and low-intensity conflicts, in Amnesty International, *Made in Britain: How the UK Makes Torture and Death its Business*, AI, London 1997; 'Sandline Caught in Sierra Leone Diamond Scandal', *Drillbits&Tailings*, 7 June 1998, p. 4; 'People Power Ousts Mercenaries from Papua New Guinea', *Drillbits&Tailings*, 21 March 1997, p. 4; 'Canadian Oil Company Employs Mercenaries in Sudan', *Drillbits&Tailings*, 7 August 1997, p. 4; 'Sierra Leone Titanium Mine and Mercenaries', *Drillbits&Tailings*, 21 August 1997, p. 2; 'Colombia Oil Violence Escalates', *Drillbits&Tailings*, 21 December 1997, p. 1; 'Cold War Spy Rivals Now Jointly Battle for Mineral Companies', *Drillbits&Tailings*, 21 January 1998, p. 4; G. Burke, 'US admits role in Chiapas conflict', *El Financiero International*, Vol. 8, No. 7, (1998) p.1; T. Spicer, 'Guns for hire from a soldier of fortune', *The Independent*, 4 May 1998, p. 3; M. Honigsbaum and A. Barnett, 'British firms in African arms riddle', *The Observer*, 31 January 1999, p. 9;

<sup>85</sup> See M. T. Klare, *Low Intensity warfare: how the USA fights wars without declaring them*, Methuen Publishers, 1989; M. McClintock, *Instruments of statecraft: US Guerrilla warfare, counter-insurgency, and counter-terrorism, 1940-1990*, Pantheon Books, 1992; S. T. Hosmer, *The Army's role in counterinsurgency and insurgency*, Rand Corporation Publication, 1990; M. T. Klare and P. Kornbluh, *Low intensity warfare: counter-insurgency, pro-insurgency and anti-terrorism in the eighties*, Pantheon Books, 1988 and A. J. Bacevich, *American military policy in small wars: The case of El salvador*, Institute for Foreign Policy Analysis, 1988.

<sup>86</sup> M. McClintock, 'American Doctrine and Counterinsurgent State Terror', in A. George (ed.), *Western State Terrorism*, op. cit., p. 145.

<sup>87</sup> Brief details can be found in L. Thompson, *Ragged War: The Story of Unconventional and Counter-Revolutionary Warfare*, Arms and Armour Press, London 1994.

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- <sup>88</sup> See J. L. Cilliers, *Counter-Insurgency in Rhodesia*, Croom Helm Publishers, Sydney 1985.
- <sup>89</sup> J. Paget, *Counter-Insurgency Campaigning*, Faber and Faber Ltd, London 1967.
- <sup>90</sup> I. F. W. Beckett and J. Pimlott, *Armed Forces and Modern Counter-insurgency*, Croom Helm Publishers, London and Sydney 1985, p. 24.
- <sup>91</sup> Beckett, op. cit. p.149
- <sup>92</sup> J. Newsinger, 'A counter-insurgency tale: Kitson in Kenya', in *Race & Class*, Vol. 31, 1990, p. 4.
- <sup>93</sup> H. Ellert, *The Rhodesian Front War: Counter-Insurgency and Guerrilla War in Rhodesia 1962-1980*, op. cit., p. 94.
- <sup>94</sup> J. K. Cilliers, *Counter-insurgency in Rhodesia*, op. cit., p.119; Cilliers cites the reference A. R. Molnar et al, *Human factors considerations of undergrounds in insurgencies*, Department of the Army Pamphlet No 550-104, Washington DC, 1965, as authority for the cited claim.
- <sup>95</sup> J. K. Cilliers, *Counter-insurgency in Rhodesia*, op. cit., p. 124.
- <sup>96</sup> J. K. Cillier, *Counter-insurgency in Rhodesia*, op. cit., p. 119. For an example of pseudo-guerrilla psychological operations introducing sex stories against guerrilla see C. Foley, *Legacy of Strife: Cyprus from Rebellion to Civil War*, Penguin 1963.
- <sup>97</sup> J. K. Cillier, *Counter-insurgency in Rhodesia*, op. cit., p. 118.
- <sup>98</sup> See for instance National Committee for a Free Europe, 'Document on Terror', *News from Behind the Iron Curtain*, Vol. 1, No 3, 1952, p. 44.
- <sup>99</sup> J. K. Cilliers, *Counter-insurgency in Rhodesia*, op. cit., p.119.
- <sup>100</sup> For more details, see for instance McClintock, op. cit. The Fort Bragg Special Warfare Centre Directive ST 31/15 for operations against irregular forces lists: 'assassinations, bombings, armed-robbery, hostage-taking, arson, sabotage, propaganda, disinformation and extortion.'
- <sup>101</sup> National Committee for a Free Europe, 'Document on Terror', *News from Behind the Iron Curtain*, Vol. 1, No 3, 1952, p. 45.
- <sup>102</sup> S. Ornstein, *El Salvador: A Mercenary's View*, Fort Myers' News Press 23 October 1983; quoted in A. George (ed.), *Western State Terrorism*, op. cit., p. 78.
- <sup>103</sup> M. Ait-Embarek, *L'Algérie en Murmure*, Editions Hoggar, Geneve 1996
- <sup>104</sup> Documents in Mouvement Algérien des Officiers Libres, <http://www.anp.org>.
- <sup>105</sup> *VSD* (France), November 1994.
- <sup>106</sup> ) M. Ait-Embarek, *L'Algérie en Murmure*, op. cit.
- <sup>107</sup> Ibid.
- <sup>108</sup> *Maghreb Confidentiel*, No 254, 9 November 1995; *Maghreb Confidentiel*, No 173, 3 February 1994; *Maghreb Confidentiel*, No 260, 21 December 1995; *Maghreb Confidentiel*, No 349, 27 November 1997; *Maghreb Confidentiel*, No 321, 10 April 1997.
- <sup>109</sup> *Le Monde*, 8 July 1995.
- <sup>110</sup> See K. Pech and D. Beresford, *The Observer*, op. cit; A. Malone, 'Top dogs of war fight for survival,' *The Sunday Times*, 27 July 1997, p. 21
- <sup>111</sup> K. Pech and D. Beresford, *The Observer*, op. cit.

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<sup>112</sup> K. Pech and D. Beresford, *The Observer*, op. cit.

<sup>113</sup> Mouvement Algérien des Officiers Libres, <http://www.anp.org>, has published a list of French, South African and American mercenaries supervising Algeria's military.

<sup>114</sup> *Draillbits & Tailings*, 21 January 1998, p. 4.

<sup>115</sup> J. McCuen, *The art of counter-revolutionary war*, op. cit.; A. Heggoy, *Insurgency and counter-insurgency in Algeria*, op. cit.; J-C Carrière and Commandant Azzedine, *C'était la Guerre: Algérie 1954-1962*, Plon, Paris 1989; H. Alleg, J De Bonis, H. J. Douzon, J. Freire, P. Haudiquet, *La Guerre d'Algérie*, Vol. 2, Temps Actuels, Paris 1981.

<sup>116</sup> C. Lacoste-Dujardin, *Operation oiseau bleu*, La Découverte, Paris 1997.

<sup>117</sup> J-C Carrière and Commandant Azzedine, *C'était la Guerre: Algérie 1954-1962*, op. cit.

<sup>118</sup> According to Roger Wybot, a former head of the French counter-espionage agency (DST), Bellounis was killed by Trinquier as he had become a dangerous witness of French covert action. See P. Bernert, *Roger Wybot la bataille pour la DST*, Presses de la Cite, Paris 1975, p. 450; Chems Ed Din, *L'affaire Bellounis*, L'aube, Paris 1998.

<sup>119</sup> For all these operations see: A. Horne, *Histoire de la guerre d'Algérie*, Albin Michel, Paris, 1980; H. Le Mire, *Histoire Militaire de la Guerre d'Algérie*, Albin Michel, Paris 1982; Y. Courrière, *La Guerre d'Algérie*, Robert Laffont, Paris, 1990; B. Droz and E. Lever, *Histoire de la guerre d'Algérie*, Seuil, Paris, 1982; M. Faivre, *Un village de Harkis*, L'Harmattan, Paris, 1994.

<sup>120</sup> M. Faivre, 'Services Secrets et "troisième force": Le front Algérien d'action démocratique (FAAD) 1960-1962', in Ministère de la défense, Centre d'études d'histoire de la défense, *Il n'est point de secrets que le temps ne révèle*, Lavauzelle, Paris, 1998, pp.203-224,

<sup>121</sup> See note 119.

<sup>122</sup> M. Faivre, 'Services Secrets et "troisième force": Le front Algérien d'action démocratique (FAAD) 1960-1962', op. cit.

<sup>123</sup> M. Evans, *Fighting against Chimurenga: An analysis of Counter-Insurgency in Rhodesia 1972-1979*, The Historic Association of Zimbabwe, Local series No 37, Salisbury 1981.

<sup>124</sup> H. Ellert, *The Rhodesian Front War: Counter-Insurgency and Guerrilla War in Rhodesia 1962-1980*, op. cit.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> H. Ellert, *The Rhodesian Front War: Counter-Insurgency and Guerrilla War in Rhodesia 1962-1980*, op. cit., p. 118.

<sup>128</sup> Ibid.

<sup>129</sup> For similar ritual killings and mutilations by British counter-guerrillas in the Northern Ireland conflict see R. Faligot, *Britain's Military Strategy in Ireland*, op. cit., p. 37.

<sup>130</sup> H. Ellert, *The Rhodesian Front War: Counter-Insurgency and Guerrilla War in Rhodesia 1962-1980*, op. cit.

<sup>131</sup> H. Ellert, *The Rhodesian Front War: Counter-Insurgency and Guerrilla War in Rhodesia 1962-1980*, op. cit., p.122.

<sup>132</sup> A. Brahim, 'From coup to coup', *Impact International*, November 1998, p. 26; A. Brahimi, 'J'accuse', *Le Journal du Francophone*, September 1998, p. 5; *The Guardian*, 30 October 1995, 11 November 1997; *The Times* 9 December 1997; *The Independent*, 1 and 3 November 1997; *The Observer*, 25 May 1997, 26

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October 1997, 9 November 1997, 16 November 1997, 11 January 1998; *Der Spiegel*, 12 January 1998, *Die Tageszeitung*, 2 February 1998; *Libération*, 20 November 1997; *Al Watan al Arabi*, 2 January 1998; *Maroc Hebdo*, May 1998; *Le Monde*, 5 March 1998; See also material in the Internet site <http://www.anp.org> by dissidents from Algeria's military (the Algerian Movement of Free Officers),

<sup>133</sup> *The Observer*, 25 May 1997.

<sup>134</sup> Katibat al-muhajiroun (company of the exiles), mintaqat al wassat (Central District), *Bayan tandibi* (clarifying communiqué), 18 February 1997.

<sup>135</sup> Seriyat al-iqdam (detachment of bravery), mintaqat al wassat (Central District), *say-hat tabri-a ila kuli al murabiteen fi al thugbur* (A cry of innocence to all the resistance), 24 December 1995; see also Katibat al-mawt (company of death), al-affroun, *Bayan tandibi* (clarifying communiqué), 31 January 1996; Katibat al- fidaa (company of sacrifice), mintaqat al-assima, *Bayan raqam 1* (communiqué No 1), 25 February 1996.

<sup>136</sup> Mouvement Algérien des Officiers Libres, <http://www.anp.org>

<sup>137</sup> *Libération*, 22 June 1995; Comité Algérien des Militants Libres des Droits de l'Homme et de la Dignité Humaine (CAMLHDHDH), *Le Livre Blanc sur la répression en Algérie*, Vol. 2, Editions Hoggar, Geneva 1996, p. 170.

<sup>138</sup> V. Pellizzari, 'Ecco come il regime ha infiltrato la casbah', *Il messagero Domenica*, 1 February 1998, p. 12

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Capitaine Haroun, 'J'en veux a mourir a ceux qui sont responsables', in J-P. Chagnollaud, *Confluences Méditerranée*, No 25, Spring 1998, p. 233.

<sup>142</sup> A. Ait-Idir, *al mukhabarat wa al jamaa: waj-han li 'umla wabida* (The DRS and the GIA : Two sides of the same coin), to appear in 1999, at Ezzaman Publisher, London, UK. Ait-Idir is a former world champion in Judo, former commander of the GIA in the district of Tizi Ouzou. He says he escaped assassination after the GIA had been taken over by the DRS. He now lives in Europe.

<sup>143</sup> Seriyat Al-iqdam (detachment of bravery), mintaqat al wassat Central District, *say-hat tabri-a ila kuli al murabiteen fi al thugbur* (A cry of innocence to all the resistance), 24 December 1995.

<sup>144</sup> Seriat al wafa bil 'ahd (Detachment of fidelity to the pledge), mintaqat Bousaada, *Bayan 1* (Communiqué No 1), 15 March 1996.

<sup>145</sup> General Mohamed Mediene and General Smain Lamari have turned many founding members of the FIS: Zebda, Merani, Fqih, Guechi, Kerrar, Sahnouni (see T. Kawthar, 'Je me souviens', in *La Cause*, Vol. 1, No 1, 5 July 1994). For a Rhodesian analogy in 'turning' senior politicians see H. Ellert, *The Rhodesian Front War: Counter-Insurgency and Guerrilla War in Rhodesia 1962-1980*, op. cit., p. 105.

<sup>146</sup> See CAMLDHDH, *Livre Blanc sur la Répression en Algérie 1991 - 1995*, Tome 2, op. cit., p. 52

<sup>147</sup> See CAMLDHDH, *Livre Blanc sur la Répression en Algérie 1991 - 1995*, Tome 2, op. cit., p. 71.

<sup>148</sup> Reported in P. Devoluy, M. Duteille, *La Poudrière Algérienne*, Calmann Lévy, Paris 1994, p.241.

<sup>149</sup> *El Moudjabid*, 28 April 1997.

<sup>150</sup> See J-P Marie, 'Ces Algériens qui prennent les armes', *Le Nouvel Observateur*, 6-12 February 1997.

<sup>151</sup> *Agence France Presse*, 30 May 1999.

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<sup>152</sup> T. Benomar, *La contre-révolution en Algérie*, December 1997 (in <http://www.ccfis.org>).

<sup>153</sup> V. Pellizzari, 'Ecco come il regime ha infiltrato la casbah', *Il messaggero Domenica*, 1 February 1998, p. 12

<sup>154</sup> katibat el medea, *al wathiqah ashar-iyah* (the jurisprudential document), in *Al Anfal*, Vol. 2, 8 February 1996, p. 10 'The same document states, in page 13, the putschist 'turned the confrontation from the despotic regime into internecine quarrel and infighting among the mujahideen.'

<sup>155</sup> Ibid; katibat al-muhajirun (company of the exiles), mintaqat al wassat (Central District), *Bayan tandibi* (clarifying communiqué), 18 February 1997.

<sup>156</sup> katibat el medea, *al wathiqah ashar-iyah* (the jurisprudential document), op. cit, p. 2.

<sup>157</sup> katibat el medea, *al wathiqah ashar-iyah* (the jurisprudential document), op. cit, p. 12.

<sup>158</sup> katibat el medea, *al wathiqah ashar-iyah* (the jurisprudential document), op. cit, p. 2 and 12.

<sup>159</sup> katibat el medea, *al wathiqah ashar-iyah* (the jurisprudential document), op. cit, p. 5; *al wathiqah* also states that 'they use the concealment of intentions and other forms of lies [...] in the service of falsehood' (page 22).

<sup>160</sup> *Seriyat al-iqdam* (detachment of bravery), mintaqat al assima (Central District), *say-hat tabri-a ila kuli murabiteen fi al-thughur* (A cry of innocence and warning to the resistance), 24 December 1995.

<sup>161</sup> *Seriat al wafa bil 'ahd* (detachment of fidelity to the covenant), Bousaada District, *bayan 1* (Communiqué No 1), 15 March 1996.

<sup>162</sup> katibat el medea, *al wathiqah ashar-iyah* (the jurisprudential document), op. cit, p. 3 and 5. *Seriyat al-iqdam* testified that: 'whenever a preacher or a mujahid rose to call for the closing of ranks, the correction of deviations and application of the principle of consultations, he was removed and disarmed, and would eventually disappear without leaving any trace.' (See *Seriyat al-iqdam* (detachment of bravery), mintaqat al assima (Central District), *say-hat tabri-a ila kuli murabiteen fi al-thughur* (A cry of innocence and warning to the resistance), 24 December 1995.)

<sup>163</sup> *Al Ansar*, No 130, 4 January 1995.

<sup>164</sup> S. Abdenour, 'for these reasons, the GIA decided to put an end to the rebellion of these pockets', in *Al Ansar*, No 89, 23 March 1995.

<sup>165</sup> Ibid.

<sup>166</sup> katibat el medea, *al wathiqah ashar-iyah* (the jurisprudential document), op. cit, p. 9, 7 and 3 respectively.

<sup>167</sup> Katibat Larbaa, *bayan 1* (Communiqué No 1), 18 January 1996.

<sup>168</sup> See *Seriyat al-iqdam* (detachment of bravery), mintaqat al assima (Central District), *say-hat tabri-a ila kuli murabiteen fi al-thughur* (A cry of innocence and warning to the resistance), 24 December 1995.

<sup>169</sup> Katibat Tablat, *Bayan tandibi* (Communiqué for Clarification), 16 April 1996.

<sup>170</sup> These five testimonial quotations are from *al-wathiqah ashar-iyah*, op. cit., p.9 and p.6; Katibat Larbaa, *Bayan 1* (Communiqué No1), 18 January 1996; Katibat al-medea, *Bayan 1* (Communiqué No 1), 12 February 1996; *Seriat al wafa bil 'ahd*, Bousaada, *Bayan* (Clarification), 15 March 1996, respectively.

<sup>171</sup> *Al Ansar*, No 68, 27 October 1994.

<sup>172</sup> *Al Ansar*, No 65, 6 October 1994.

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<sup>173</sup> *Al Ansar*, No 60, 1 September 1994.

<sup>174</sup> *Al Ansar*, No 65, 6 October 1995.

<sup>175</sup> The testimonies are from Katibat al-muhajiroun, mintaqat al wassat (Central District), *Bayan*, 18 February 1997, Katibat al-medea, *Bayan* 1 (Communiqué No 1), 12 February 96, and Katibat al-medea, *bayan wa tawdih* (Communiqué and Clarification), 10 January 1996. See also *Al Ansar*, No 87, 9 March 1995 and *Al Ansar*, No 135, 8 February 1996.

<sup>176</sup> *Al-Anfal*, No 2, 8 February 1996.

<sup>177</sup> Katibat Tablat, *Bayan tawdih* (Communiqué of Clarification), 16 April 1996.

<sup>178</sup> Katibat al-arbi-a, *min tawdih lil-mujahideen wa-`amat al muslimeen* (Clarifying matter for the mujahideen and all Muslims), 23 December 1995.

<sup>179</sup> See for instance Katibat al-arbi-a, *Min tawdih lil-mujahideen wa-`amat al-muslimeen* (Explaining Matters to the Mujahideen and the Muslims), 23 December 1995 and the joint document Katiba Rabaniya (Djebel luh), Katiba al-khadra (ksar-el-bukhari) katibat al-feth (al-djelfa), *Kashf al litham `ani adukhala wa-li-am* (Lifting the Veil on the Infiltrators and the Wicked), 10 January 1995.

<sup>180</sup> Katibat al mawt, El Affroun, *Bayan Tawdih* (Communiqué for Explanation), 31 January 1996.

<sup>181</sup> Katibat al-fidaa, Mintaqat al-assima, *Bayan raqam 1* (Communiqué No 1), 15 February 1996.

<sup>182</sup> V. Pellizzari, 'Ecco come il regime ha infiltrato la casbah', *Il messagero Domenica*, 1 February 1998, p. 12; A. Ait-Idir, *al mukhabarat wa al jamaa: waj-ban li `umla wahida*, op. cit.

<sup>183</sup> Ibid.

<sup>184</sup> A. Ait-Idir, *al mukhabarat wa al jamaa: waj-ban li `umla wahida*, op. cit.

<sup>185</sup> *Al Ansar*, No 127, 14 December 1995.

<sup>186</sup> See 'masdar mass-ul fil-jamaa al-islamiya al-mussalaha fil-jazair yadli fi-hiwar ma-`a-hu tafasseel mu-hi-ma hawla maqtal Muhammad said wa abd errezaq redjam wa tan-theem al-jaza-ara' (An authoritative GIA source reveals important details about the killing of Muhammad Said and Abderrazak Rejam and the organisation of the Jaz'ara), in *Al Ansar*, No 132, 18 January 1996.

<sup>187</sup> See 'kashf haqa-iq hawla mu-a-marat al-jaza-a-ra al-mariqa li-itiwaa al-GIA' (Revelation of the truth concerning the machinations of the heretic Jaz'ara with a view to taking over the GIA), in *Al Jamaa*, No 10, September 1997.

<sup>188</sup> *Al Ansar*, No 135, 8 February 1996, p.3; No 150, 23 May 1996, p. 5; No 137, 22 February 1996, p.3; No 141, 21 May 1996, p.5; No 142, 28 March 1996; No 155, 18 April 1997, p.5; No 154, 4 April 97, p.5.

<sup>189</sup> *Al Ansar*, No 105, 13 July 1995; M. Ait-Aarab, 'dirassa tarikhiyya lil jamaa al islamiyya al mussalaha', op. cit., p. 45.

<sup>190</sup> A. Brahim, 'From coup to coup', *Impact International*, November 1998, p. 26.

<sup>191</sup> *Al Ansar*, No 89, 23 March 1995.

<sup>192</sup> *Al Ansar*, No 130, 4 January 1996.

<sup>193</sup> *Al Ansar*, No 132, 18 January 1996.

<sup>194</sup> A. Brahim, 'From coup to coup', *Impact International*, November 1998, p. 26.

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<sup>195</sup> *Al Ansar*, No 150, 23 May 1996; GIA, 'Al Milaf al kamil liqital al jamaa al islamiya al musalaha dhada firanca ummu al khabaith' (The complete report of the GIA's war against France the mother of all treachery', *Al Jamaa*, No. 12, March 1997.

<sup>196</sup> *Spécial Algérie* documentary, shown in the programme *Le Vrai Journal*, on the French channel Canal+, on 22 November 1998; A. Aroua, *Hororis Causa*, Hoggar, Geneva 1999.

<sup>197</sup> *La lettre de Magazine Hebdo*, 7 March 1999; Henri Tincq, *Le Monde*, 8 June 1998; A. Aroua, op. cit.

<sup>198</sup> *Spécial Algérie* documentary, shown in the programme *Le Vrai Journal*, on the French channel Canal+, on 22 November 1998; A. Aroua, *Hororis Causa*, Hoggar, Geneva 1999.

<sup>199</sup> Ibid.

<sup>200</sup> *Al Ansar*, No 150, 23 April 1996; *Al Jamaa*, No 12, March 1997.

<sup>201</sup> *Spécial Algérie* documentary, shown in the programme *Le Vrai Journal*, on the French channel Canal+, on 22 November 1998; Henri Tincq, *Le Monde*, 8 June 1998.

<sup>202</sup> Capitaine Haroun, 'J'en veux a mourir a ceux qui sont responsables', in J-P. Chagnollaud, *Confluences Méditerranée*, No 25, Spring 1998, p. 233.

<sup>203</sup> A. Aroua, op. cit.

<sup>204</sup> *Al Jamaa*, No 12, March 1997, p. 12.

<sup>205</sup> *Al Ansar*, No 107, 27 July 1995.

<sup>206</sup> *Al Jamaa*, No 9, September 1995.

<sup>207</sup> International Crisis Group, 'Between Death Threats and Censorship', *Algeria Report*, 31 March 1998; M. Margenidas, 'L'Information Asservie en Algérie', in *Le Monde Diplomatique*, September 1998, p. 19; Article 19, *Algeria: Press Freedom Under the State of Emergency*, Issue 19, 26 December 1992.

<sup>208</sup> *Al Ansar*, No 91, 6 April 1995.

<sup>209</sup> *Al Ansar*, No 111, 24 August 1995.

<sup>210</sup> A. Charef, *L'Algérie: le grand dérapage*, L'Aube, Paris 1994, p. 479.

<sup>211</sup> *Al Ansar*, No 80, 19 January 1995; *Al Ansar*, No 107, 27 July 1995.

<sup>212</sup> *Al Hayat*, 26 August 1993.

<sup>213</sup> *Al Ansar*, No 17, 4 November 1993; *Al Hayat*, 25 August 1993, 27 August 1993.

<sup>214</sup> *Al Ansar*, No 130, 4 January 1996. *Al Jamaa*, No 7, July 1996; *Al Ansar*, No 90, 30 March 1995.

<sup>215</sup> *Al Qital*, No 34, 20 May 96.

<sup>216</sup> *Al Ansar*, No 155, 18 April 1997; *Al Jamaa*, No 13, June 1997.

<sup>217</sup> See for example Katibat Al Intiqam, Al-'amariya, *Bayan* (Communiqué), 16 February 1996; Katibat al muhajiroon, mintaqat al wassat (Central District), *bayan tandibi* (Explaining Matters), 28 February 1997.

<sup>218</sup> *Le Figaro*, 1 September 1997, p.2.

<sup>219</sup> See L. Thompson, *Ragged War: The Story of Unconventional and Counter-Revolutionary Warfare*, op. cit., p. 148.

<sup>220</sup> Katibat al-muhajiroon, mintaqat al-wassat, *Bayan Tandibi*, 18 February 1997, Katibat Tablat, *Bayan tandibi*, 16 April 1996; Katibat al-medea, *Bayan wa tandeeb*, 10 January 1996.

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<sup>221</sup> *Al Ansar*, No 101, 15 June 1995.

<sup>222</sup> *Al Ansar*, No 129, 28 December 1995.

<sup>223</sup> *Al Ansar*, No 118, 12 October 1995.

<sup>224</sup> See 'Al Milaf Al Kamil liqital Al Jamaa Al Islamiyya Al mussalha dhada fransa ummu Al khabat-ith', *Al Jamaa*, No 12, March 1997.

<sup>225</sup> *The Observer*, 25 May 1997.

<sup>226</sup> *Ouest France*, 5 March 1997.

<sup>227</sup> *Le Monde*, 7 March 1995.

<sup>228</sup> J. Ellis, *From the Barrell of a Gun: A history of guerrilla revolutionary and counterinsurgency warfare from the Romans to the present*, Greenhill Book, London 1995.

<sup>229</sup> J. McCuen, *The Art of Counter-Revolutionary Warfare*, Faber and Faber, London 1966; J. Ellis, *From the Barrell of a Gun*, *op. cit.*

<sup>230</sup> katibat el medea, *al wathiqa ashar-iya* (the jurisprudential document), in *Al Anfjal*, Vol. 2, 8 February 1996, p. 3. A large number of similar statements are available in the communiqués of the groups that split away from the GIA in 1995 and early in 1996.

<sup>231</sup> katibat el medea, *al wathiqa ashar-iya* (the jurisprudential document), *op. cit* p 9, pp.20-23, p. 228, pp.40-41; Katibat al- fidaa, mintaqat al-assima, *Bayan raqam 1*, 25 February 1996; *Al Jamaa*, No 10, September 1996, No 12, March 1997, No 13, June 1997; Abu 'abd errahaman amin (Djamal Zitouni), *Hidayat Rab al 'Alameen fi tab-yeen usul assalafiyeen wa ma yajibu min al 'abd min al mujahideen* (The Guidance of the Lord of the Worlds in Clarifying the Fundamental Beliefs of the salafis and the Obligations of the Mujahideen towards the GIA), GIA publication 1995.

<sup>232</sup> katibat el medea, *al wathiqa ashar-iya* (the jurisprudential document), *op. cit* p 8; all issues of *Al Ansar* from No 90 to No 154; all issues of *Al Jamaa* from No 6 to No 13; Omar Abdelhakim (alias Abu Muss-'ab essouri), *al mu-amara al kubra 'ala al jihad fil jazair fi dbilal saleeb al vatican* (The Big Conspiracy against Jihad in the Shadow of the Cross of the Vatican), Part 3 of fil binaa al fida-I 'ala tariq al jihad, London 1996.

<sup>233</sup> *Ibid.*

<sup>234</sup> *Al Ansar*, No 90, 30 March 1995, p.6; GIA Communiqué No 30, in *Al Ansar*, No 96, 12 May 1995, p. 16.

<sup>235</sup> GIA Communiqué No 30, in *Al Ansar*, No 96, 12 May 1995, p. 16.

<sup>236</sup> GIA, 'Al Milaf al kamil liqital al jamaa al islamiya al musalaha dhada franca ummu al khabaith' (The complete report of the GIA's war against France the mother of all treachery), *Al Jamaa*, No. 12, March 1997, p.12.

<sup>237</sup> M. Ait-Aarab, 'dirassa tarikhiyya lil jamaa al islamiyya al mussalaha', *op. cit.*, pp. 70-72.

<sup>238</sup> See for instance the communiqués and articles in *Al Ansar* No 101, 15 June 1995, p. 16; *Al Ansar* No 114, 14 September 1995, pp.11-13; *Al Ansar* No 115, 21 September 1995, p.13; *Al Jamaa* No 5, March 1995, p.17; *Al Jamaa* No 7, July 1995, p.7.

<sup>239</sup> *Ibid.* See also *Al Ansar*, No 16, 27 October 1993, p.7.

<sup>240</sup> GIA Communiqué No 49, in *Al Jamaa* No 10, September 1996, p.49.

<sup>241</sup> See for example Communiqué No 36, in *Al Ansar*, No 101, 15 June 1995, p. 15.

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<sup>242</sup> *Al Ansar*, No 107, 27 July 1995, p. 8; *Al Ansar*, No 108, 3 August 1995, p. 3; *Al Ansar*, No 109, 10 August 1995, p. 16; *Al Ansar*, No 110, 17 August 1995, p. 15; *Al Ansar*, No 111, 24 August 1995, p. 15; *Al Ansar*, No 112, 31 August 1995, p. 16; Omar Abdelhakim (alias Abu Muss-'ab essourî), *al mu-amara al kubra 'ala al jibad fil jazair fi dbilal saleeb al vatican* (The Big Conspiracy against Jihad in the Shadow of the Cross of the Vatican), Part 3 of fil binaa al fida-I 'ala tariq al jihad, London 1996.

<sup>243</sup> *Al Ansar*, No 115, 21 September 1995, p.15; *Al Jamaa*, No 9, September 1995.

<sup>244</sup> *Al Jamaa*, No 7, July 1995, p.3.

<sup>245</sup> See for instance *Al Jamaa* No 7, July 1995; *Al Jamaa* No 10, September 1996; *Al Ansar*, No 114, 14 September 1995.

<sup>246</sup> katibat el medea, *al wathiqa ashar-iya* (the jurisprudential document), op. cit p 5, pp.7-10; A. Ait-Idir, 'al mukhabarat wa al jamaa: waj-han li 'umla wahida', op. cit.

<sup>247</sup> Ait-Idir, 'al mukhabarat wa al jamaa: waj-han li 'umla wahida', op. cit.

<sup>248</sup> Ibid.

<sup>249</sup> katibat el medea, *al wathiqa ashar-iya* (the jurisprudential document), op. cit.

<sup>250</sup> Ibid.

<sup>251</sup> R. Attaf and F. Guidice, 'Algérie: La Grande Peur Bleue', in Les Cahiers de l'Orient, Avril 1995.

<sup>252</sup> A. Brahimî, 'J'accuse', in *Journal de la Francophonie*, September 1998, p.5.

<sup>253</sup> *Agence France Presse*, 12 December 1996, 27 June 1997, 30 November 1997, 26 December 1997, 13 Mat 1998; *Renters*, 14 October 1997.

<sup>254</sup> N. Abdi, 'C'est devenu une guerre de tribus', *Libération*, 24 September 1997.

<sup>255</sup> Amnesty International, *Civilian Population Caught in a Spiral of Violence*, MDE/28/23/97, November 1997.

<sup>256</sup> *Libération*, 8 September 1997.

<sup>257</sup> See Rhodesian Army, *Military Support to the Civil Power* (MCP), restricted, as amended, dated 1 May 1976, p. xvi.

<sup>258</sup> M. Srouf Nayef Zin Al Abideen, 'Assalafiya bayna al-wulat wal ghulat', *Al-Sunna*, No 92, December 1996, p. 78.

<sup>259</sup> Reported by al-Bukhari, Muslim and Abu Dawud.

<sup>260</sup> *Nahjul Balagha* 4-1.

<sup>261</sup> See for instance M. Wiewiorka, *Sociétés et terrorisme*, Editions Fayard, Paris 1988 translated as *The making of terrorism*, The University of Chicago Press, Chicago 1993.

<sup>262</sup> S. Labat, 'Le FIS à l'épreuve de la lutte armée', in R. Leveau (ed.), *L'Algérie dans la guerre*, Complexe, Paris 1995, p. 98.

<sup>263</sup> S. Labat, op. cit., p. 88. Martinez speaks of 'the Islamist partisans of jihad who had been marginalised within the FIS during the electoral process, and were propelled into leadership positions due to its interruption.' (in L. Martinez, 'L'enivrement de la violence: 'djid' dans la banlieue d'Alger', in R. Leveau (ed.), *L'Algérie dans la guerre*, op. cit., p. 46).

<sup>264</sup> Labat, op. cit., p. 99.

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<sup>265</sup> Labat, op. cit., p. 101.

<sup>266</sup> Labat, op. cit., p. 102.

<sup>267</sup> Labat, op. cit., p. 102.

<sup>268</sup> Labat, op. cit., p. 104.

<sup>269</sup> Labat, op. cit., p. 104.

<sup>270</sup> Labat, op. cit., p. 102.

<sup>271</sup> See for instance *Al Ansar*, No 17, 4 November 1993 for a discussion on GIA strategic advantage of killing foreigners.

<sup>272</sup> A. George, 'The Discipline of Terrorology', in *Western State Terrorism*, A. George (ed.), Polity Press, Cambridge 1991, p. 76.

<sup>273</sup> A. George (ed.), *Western State Terrorism*, Polity Press, Cambridge 1991.

<sup>274</sup> A. George, op. cit., p. 78.

<sup>275</sup> E. S. Herman and G. O'Sullivan, "'Terrorism" as Ideology and Cultural Industry', in *Western State Terrorism*, A. George (ed.), Polity Press, Cambridge 1991, p. 39.

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*Intents and Perpetrators*

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### **III. National Responses**

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## Introduction

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Among the national responses to the massacres, those of the contending parties, that is to say those of the Algerian regime and the Islamic movement, are most crucial to the understanding of the painful events suffered by Algerians in recent years. Analysing the reactions of political parties, the media, and political and intellectual figures is also important. These actors are not directly affected by the massacres but nonetheless shape the course of events and their perceptions by the perpetrators, society at large and the outside world.

The Algerian regime is analysed here under its political, military and diplomatic facets. Zerouali looks at the responses of the Algerian government and the ways in which it dealt with the national and international questions and criticisms about its responsibilities. Lalioui focuses on the reactions of the military, the actual power holders; this study includes the responses of army dissidents. Bouzid discusses the behaviour and discourse of the diplomacy with regard to the massacres; this work identifies the main strategies deployed by Algeria's diplomats to deflect scrutiny of the mass murders. Aroua also discusses the response of Algeria's diplomacy but with a much narrower focus: its actions against the international human rights NGOs.

The reactions of the Algerian Islamic movement to the massacres are treated by Bendriss who compiles and analyses response data of various political parties and insurgent groups of this movement.

Senhadji describes of the responses of other Algerian political parties, and that of political and intellectual figures and national NGOs. In each case, the author delineates how the reactions to the victimisation correlate with underlying political loyalties and ideological inclinations.

Latif looks at the discourse of the Algerian media on the war. The author identifies its main rhetorical configurations and analyses the ways in which they have shaped the Algerian and international perceptions of the mass victimisation. This work also seeks to account for this state of affairs and discuss the responsibility of the press in the human rights crisis.

An important set of reactions to understand the massacres is that of Algerian citizens inside and outside Algeria. This work was not completed for this edition of the book; it will be published in the next one.

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## GOVERNMENT RESPONSES TO THE MASSACRES

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*A. Zeronali*

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## 1. Introduction

To fulfil their obligations on human rights protection under the UN Convention, the Algerian authorities were to report to the UN Human Rights Committee (UNHRC) in 1995. Instead, the report was only submitted in 1998, with a delay of nearly three years. The 55-page report only served to confirm the deliberate failure of the Algerian authorities to provide specific and pertinent information about the grave human rights crisis in the country. The report was viewed by many observers, and human rights organisations in particular, as yet another example of the authorities' complete disregard for their national and international obligations in terms of human rights protection. The Algerian regime stands accused of gross and systematic violations of human rights. A number of NGOs, politicians, official government representatives and independent personalities have clearly indicated that the authorities have a hand in the atrocities and wave of massacres which have plagued the country. The Algerian regime should answer its critics but refuses to do so and hides behind denials and dismissals.

The critics' suspicions are fuelled by the Algerian authorities' intransigent position with regards to an independent enquiry. Many observers and human rights campaigners maintain that the continued claims by the authorities that the blame rests with '*terrorist groups*' can easily be verified by an independent enquiry. But the authorities slam the doors shut in the face of any call for such an enquiry. Paradoxically, Algiers did accept external *political* interventions, like the visits by the EU troika and the European Parliament, in 1998, followed by the UN panel's visit, led by ex-Portuguese President Mario Soares. Such visits, which had no human rights components and no investigative powers, were not regarded as '*interference in internal affairs*'. Clearly, this stands in stark contrast with the authorities' persistent and forceful refusal to allow access to international human rights experts on the grounds of interference in the country's internal affairs.

The aim of this paper is two-fold: to give an account of the authorities' responses to their critics and to highlight the responsibility of the government in the killing of innocent civilians. It is argued here that the authorities' reactions are characterised by a classic discourse of official denial, whereby euphemistic and legalistic jargon and labels are used to mask, sanitise and deflect the ultimate responsibility onto the victim.<sup>1</sup>

It is worth noting that by authorities it is meant the President (or more generally the Presidency), and the government with all its satellite organisations. The reaction of the armed forces is dealt with separately in another chapter of the present book. The diplomatic corps (including embassies and ministry of foreign affairs) is also the subject of a separate contribution.

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In addition to this introductory section, this paper comprises three sections. Section 2 deals with the rhetoric of official denial and looks at the government use of euphemistic jargon when framing its replies to allegations of involvement in the massacres, when denying responsibility and when displacing blame onto the ‘other’. Section 3 discusses how some of the responses fall under the strategy of *condemning the condemners*; turning a defensive position into an attack on the critic. A summary of related statements and/or comments are grouped as a table at the end of the paper.

## 2. The Rhetoric of Official Denial

### 2.1. Downplaying the Scale of the Tragedy

On the night of 5 to 6 September 1997 more than 195 civilians were massacred and over 100 were injured in a single atrocity.<sup>2</sup> Following the massacre, the authorities prevented privately-owned newspapers from contacting survivors without first obtaining prior permission from the police. The latter would grant the permission only if the names of the interviewees were mentioned in the reports. This condition made the chances of discovering what happened in Beni Messous through the newspapers virtually impossible, since the survivors would be putting their lives in danger if they contradicted the official version of events. Meanwhile, on national television accounts of Princess Diana’s funeral monopolised the screen. Not a word was said about the massacre. Nonetheless, in the era of satellite television literal denial is not the best option. It is simply inconceivable to maintain that ‘*nothing is happening*’, and that ‘*there are no massacres*’. This option being ruled out, the next *more credible* option would be to downplay the scale of the tragedy.

Led by the Prime Minister, Ahmed Ouyahia, the government insisted that the security situation was ‘under control’ and that ‘terrorism was residual. Mr Ouyahia also disputed the loss of life being more than 100 000 dead since the conflict began in 1992<sup>3</sup>. He stated that only 26 536 had died, a figure that, according to him, included members of the security services, and that 21 137 were injured<sup>4</sup>. No ingenious calculations were required to realise that if these figures were accurate, Algeria’s war would be the first one in the modern age in which the number of wounded was less than that of the dead. He insisted that the country’s problems were not as bad as portrayed by foreign reporters and that things were under control<sup>A</sup>. Other related remarks made by the Prime Minister in this context are reported below.

Mr Ouyahia was vocal in his attempt to try to convince the domestic and international public that the situation was under control. In mid-December 1996 he stated that ‘*terrorism lives its last convulsive and insane movements*.’<sup>5</sup> A few

<sup>A</sup> During a press conference in late June 1999, in Crans Montana – Switzerland, new President Abdelaziz Bouteflika talked about 100 000 victims!

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weeks later he reaffirmed the government's grip on the situation: '*here, as well as in other regions of the country the situation tends to normality and terrorism is defeated.*'<sup>6</sup> Almost a year later, the same claim was emphasised again: '*the squalid beast of terrorism has been eradicated.*'<sup>7</sup>

Mr Ouyahia was not alone in insisting that Algeria's problems were minimal and under control. Sitting in his opulent offices, Mohammed Rezzag-Bara, President of the National Observatory for Human Rights (Observatoire National des Droits de l'Homme, ONDH), was equally vehement in his denial of the scale of the tragedy. Speaking before the Prime Minister's parliamentary address on Wednesday 21 January 1998, Mr Rezzag-Bara said:

There is no great catastrophe here. It is of a completely different scale to the one the West presents. Since 30 December, there have been only 900 or so victims in a dozen villages across Algeria, an area of over a million and a half square kilometres. I hardly believe that constitutes a humanitarian crisis.<sup>8</sup>

The ONDH claims to be politically independent but it is in reality a governmental organisation that follows whatever policy is advocated by the regime. It was set up by the regime to oppose and check the truly independent Algerian League for the Defence of Human Rights (LADDH). The ONDH is, therefore, allowed to operate inside Algeria, because it adheres to the rules of the game. When these rules are violated, the authorities are quick to react. The French newspaper *Le Monde*, of 20 February 1997, reported that the Interior Minister had issued a solemn warning to the national press. He accused certain newspapers of playing the game of the terrorist propaganda by inflating the figures of victims. His reaction followed the publication of information about three other massacres which were not made public by the authorities.

The authorities do not always succeed in their endeavour to play down the magnitude of the massacres. In their propaganda aimed at '*exposing the monstrous atrocity and inhumanity of the terrorists*'<sup>9</sup>, or when they are explaining why the army cannot protect its own citizens they contradict the strategy of downplaying the scale of the tragedy. Private statements reported by a foreign journalist can be contrasted with the claims of '*a situation under control*' and '*residual terrorism*'.

The Algerian Cabinet Minister ushered me into his office and issued a chilling warning. 'You must understand that the terrorists could be anywhere. They could be waiters in your hotel ... They could put poison in your drink.'<sup>10</sup>

The Prime Minister Ahmed Ouyahia declared that Algeria '*faced the most horrible form of criminality and terrorism known to humanity.*'<sup>11</sup> In late December 1997, General Kamel Abderrahmane, commander of the Western military region, urged the residents of the Relizane area to form pro-government mi-

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littias. 'People must either arm or take refuge in towns', he said. 'The state does not have the means to put a soldier in front of every house.'<sup>12</sup>

The above remarks and the continuing violence in the country belie the authorities' over-emphasised claims that the situation is 'under control' and that 'terrorism is residual'. The security is certainly under control in the areas that matter to the military regime, i.e. where there are oil and gas installations that ensure the flow of money to its coffers. In these areas foreign oil companies enjoy full protection. But in other parts of the country, the civilian population is denied the protection of the state and lives in fear of massacres.

There are no limits to the startling techniques that are used worldwide to deny, cover-up, interpret or lie about the most obvious realities. With repressive regimes, numerous cases of official denial have been recorded over the years. One of the most recent, and vivid examples is that of the Serb government response to the February 1993 market massacre in Sarajevo: either there was no massacre or the Bosnians had themselves faked the massacre by bringing in corpses from previous atrocities, or the Bosnians had deliberately bombed their own people to attract international support. However, whilst in the past such denial techniques and methods enabled dictatorial regimes to get away with their crimes, the proliferation of human rights monitoring groups coupled with advances in information technology are pushing official denials to the wall.

## 2.2. Interpretive Denial and the Use of Euphemistic Labels

On many occasions, Algerian officials have used the language of legalism as palliative terms to present the crisis as a mere battle between a legitimate State and a bunch of criminals and desperate terrorists. For example, the Interior Minister, Mustapha Benmansour, told Human Rights Watch '*I do not consider that Algeria violates human rights. All the procedures are being implemented in accordance with the law. There is no violation except for a few cases of abuse, such as insults or beatings, during operations – but these abuses are dealt with by legal proceedings and internal disciplinary measures... In 1992 and 1993 we lived a war and, at the time, the very foundations of the nation were threatened. Yet Algeria has always circumspectly respected human rights.*'<sup>13</sup>

In a report titled 'Algeria shirks its responsibilities before the Human Rights Committee'<sup>14</sup> four major Human Rights organisations, wrote: '*Every question raised by the Committee members concerning individual cases was skirted by the (Algerian) delegation, which hid behind general and theoretical remarks. Like the report presented to the Committee, the member of the Algerian delegation focussed on references to laws and procedures, completely avoiding the crucial problem of multiple violations of the covenant's provisions as well as of Algerian legislation itself.*'<sup>15</sup>

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Admitting the ‘facts’ but denying the interpretive framework that is placed on them is another common alternative to literal denial. Yes, there has been a massacre, people have been brutally killed and mutilated but what has happened is not part of a ‘dirty war’ in which the State is suspect, instead what happened is something else, something that not only raises the State above any blame but also reallocates the massacre to a less pejorative class of events. The most familiar form of interpretive denial is the use of euphemistic labels and jargon. For instance, interior minister Benmansour was reported by CNN to have said: *‘Algeria has been able to stand up with solid determination and faith against the forces of destructive terrorism which are living their last hours in our blessed land.’*<sup>16</sup> Yes, there is a crisis but, as Benmansour said, Algeria (i.e. the State) is able to stand up with *determination* and *faith* against the forces of *destruction* and *terrorism*.

### 2.3. Denial of Responsibility

This type of denial aims at deflecting the ultimate responsibility onto the victim. The government accepts that atrocities did occur but attributes the responsibility to forces that supposedly have nothing to do with the state and are beyond its control. The blame falls on ‘Islamist terrorists’, this unknown ghostly entity. In this way, the atrocities cannot be considered as a human rights crisis because the state is not directly involved and is, therefore, not accountable. Furthermore, attributing the responsibility to these groups is a way of making the population feel guilty about the disastrous consequences of its wrong choice in December 1991. Euphemistic labels are again used here to describe these ‘terrorists’ who are seldom (if at all) caught alive.

To reinforce this denial of responsibility the government rejects outright an independent enquiry. There is no need for an enquiry, for the killers are known: ‘Islamist terrorists’. For instance, Hadri Kamel, Communications Consul at the Algerian Embassy in Washington, declared: *‘we are against an inquiry because everyone knows who is killing. The people of Algeria know that it is the terrorists who have been doing the killing.’*<sup>17</sup>

Newspapers reported that the Algerian officials were consistent in directing the blame towards the ‘other’. The latter being the ‘fundamentalist’, ‘the terrorist’ or, more precisely, the dissolved party, the Islamic Salvation Front (FIS). The Guardian quoted an Algerian official telling the survivors of the Bentalha massacre: *‘you wanted the Islamic fundamentalists, now you’ve got them!’*, in reference to the 1991 general election the FIS was poised to win before the poll was cancelled.<sup>18</sup> Along the same lines, the Herald Tribune wrote: *‘government officials say that the killings were carried out by Islamic militants seeking to overthrow the military-backed government.’*<sup>19</sup> The Irish Times quoted Mr Attaf (then Foreign Minister) as saying: *‘this dissolved party bears primary responsibility for the tragedy we are living through. It has no role to play in our country.’*<sup>20</sup>

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## 2.4. Denial of the Victim

It is not realistic to believe that the population which voted overwhelmingly for the Islamic alternative, and clearly voiced its rejection of the corrupt military regime, will easily change its opinion simply because the authorities want them to. The flagrant loss of legitimacy suffered by the military regime required drastic measures to force the population to give up its right to choose its own destiny. A terrible policy, aimed at making the recalcitrant population realise its fatal mistake when it voted for the wrong party, had to be implemented. In brief, this policy had the following contours: *It's alright if you did not know. We now make you see the barbaric faces of those you voted for.*

Whilst working towards achieving this aim, the authorities' denial of the victim plays a crucial role. By dehumanising the Islamists, the latter would become a lower form of being with no right to life, no feeling and no entitlement to compassion. They would be transformed into savages, vermin, animals, and monsters. With time, the people who voted for the Islamists would cease to feel their presence. Because their existence as normal human beings would not be acknowledged they would not, therefore, be seen as victims.

Denial of the victim is also used by the government to 'recruit' as many cooperative perpetrators as possible from within the civilian population, and convert the rest into accomplice bystanders. Instead of allowing independent experts to investigate the identity of the perpetrators, the government is more comfortable laying the blame on Islamist terrorists who are referred to as savage beasts, criminals and a killing machine that has no political agenda. The dehumanised opponent cannot be seen as a victim, instead he is a barbaric monster that deserves to be eradicated. The following news reports show how the government meticulously chooses its words when describing the alleged perpetrators. The words are also judiciously chosen to achieve the effect of dehumanising the opponent.

The Algerian authorities say the violence is the work of extremist Islamic groups, which it refers to as terrorists and criminals.<sup>21</sup>

In a press conference held on 29 April 1997 at Jenane El-Mithaq (Algiers) the Prime Minister said: *'The horrible massacres perpetrated through acts of barbaric and savage terrorism have no precedent on any continent over centuries.'*<sup>22</sup>

The terrorist groups are no more than a killing machine without political, religious or popular ideals said Ahmed Attaf, Foreign Affairs Minister, on 18 February.<sup>23</sup>

Following the Rais massacre, the Prime Minister, Ahmed Ouyahia, reaffirmed that *'the squalid beast of terrorism has been eradicated'*.<sup>24</sup>

The President, Liamine Zeroual, has also reaffirmed the state's determination to fight *'the groups of criminals, traitors and mercenaries'*.<sup>25</sup>

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### 3. Condemning the Condemners

The Algerian authorities' denial was not made easy by the different reports, communiqués and declarations of NGOs and human rights organisations. To these critics the authorities have often reacted angrily by counterattacking the critics' own records. The strategy followed is that of '*shoot the messenger*'.

The critics are accused of hypocrisy, dishonesty and even mediatic terrorism. The main critics usually include human rights organisations such as Amnesty International and Human Rights Watch, and Algerian personalities living abroad such as ex-prime minister Dr Abdelhamid Al-Ibrahimi, and army or security forces defectors such as Colonel Ali or Captain Haroun. Sometimes the process of discrediting the critics appeals to raw emotions and feelings of victimisation. For instance, they do not like to see Algeria stable and prosperous, or they have an anti-Arab prejudice. In a speech broadcast on national television, President Liamine Zeroual denounced the existence of a conspiracy led by '*foreign powers*' with the help of Algerian personalities. Mr Zeroual accused these foreign powers of '*using the terrorist movement to undermine the will of the sovereign Algerian people and to keep Algeria in a spiral of destruction and humiliation.*'<sup>26</sup> The same '*foreign powers*' were attacked by the Interior Minister, Mr Mustapha Benmansour, who argued '*terrorism would not have developed without the leniency, or rather indulgence, of certain countries which do not wish to see our Arab world stabilise and our people develop and progress.*'<sup>27</sup> Sometimes the attack is direct as in the following Prime Minister's declaration: '*If we talk about those who contributed directly to arming the Algerians and training Algerians with regard to terrorism and striking this Muslim nation, I mention at the top of this list the Tebran regime.*'<sup>28</sup>

In the strategy of '*shooting the messenger*' a mere call for an independent enquiry can become a form of terrorism. In this context the newspaper *Le Parisien* wrote: '*the Algerian delegation denounced yesterday before the UN in Geneva the mediatic terrorism of Amnesty International and three other non-governmental organisations that have issued a call for an international enquiry on massacres in Algeria.*'<sup>29</sup>

In effect, the strategy of '*shooting the messenger*' seeks to cover the ground for which the rhetoric of denial is inappropriate. However, no matter how clever and intellectually convincing a crafty denial may be, it cannot be flawless. Therefore it is usually accompanied by attacks on the sources of information, casting doubt on the truth of the allegations and questioning the credibility of the critic. However, Amnesty International is well aware of this strategy and has consistently tried to dissuade the Algerian authorities from embarking on such a futile course. In one of its reports, it advised them on the right course of action to take: '*the energy put into trying to discredit Amnesty International and its work on Algeria should be put into investigating torture, ill-treatment, arbitrary detention, disappearances and extrajudicial executions.*'<sup>30</sup>

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## 4. What They Said: A Summary of Official Reactions

Respondent	Reaction	Date	Source
<b>President</b>	The State is determined to fight the groups of criminals, traitors and mercenaries	25/01/97	Tribune de Genève
	Foreign powers, with the help of Algerian personalities, use the terrorist movement to undermine the will of the sovereign Algerian people.	20/02/97	Le Monde
<b>Prime Minister</b>	Terrorism lives its last convulsive and insane movements	30/12/96	Dernières Nouvelles D'Alsace
	Here, as well as in other regions of the country, the situation tends to normalise and terrorism is defeated.	01/01/97	Dernières Nouvelles D'Alsace
	The government has crushed the Islamist guerillas	08/01/97	Irish Times
	Algeria faced the most horrible form of criminality and terrorism known to humanity	8/09/97	Newsweek
	The squalid beast of terrorism has been eradicated.	10/09/97	Tribune de Genève
	Terrorism is defeated and the attacks against civilians are desperate acts.	07/11/97	Dernières Nouvelles D'Alsace
	The horrible massacres perpetrated by acts of barbaric and savage terrorism have no precedents in any continent over centuries.	18/01/98	Liberté
	Tehran is at the top of those who contributed directly to arming the Algerians.	23/01/98	The Times
<b>Interior Minister</b>	Certain newspapers are playing the game of the terrorist propaganda by inflating the figures of the victims.	20/02/97	Le Monde
	Algeria has been able to stand up with solid faith and determination against the forces of destructive terrorism which are living their last hours in our blessed land.	05/01/98	CNN
	Terrorism would not have developed without the leniency, or rather indulgence, of certain countries.	05/01/98	CNN
<b>ONDH</b>	There is no great catastrophe. Since 30 December, there have been only 900 or so victims. This hardly constitutes a crisis.	23/01/98	The Times
<b>Foreign Affairs Minister</b>	The terrorist groups are no more than a killing machine without political, religious or popular ideals.	20/08/97	Le Monde
	This dissolved party bears primary responsibility for the tragedy we are living through. It has no role in our country.	23/10/97	The Irish Times

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## 5. Concluding Remarks

A representative sample of government officials' reactions to the massacres has been reviewed. Their comments and statements put the blame on Islamic groups. However, the reactions are unanimous in rejecting calls for an independent enquiry into the massacres. If the government of Algeria has nothing to hide and is in no way involved in the massacres, a commission of enquiry can only comfort its position and remove any suspicion harboured by its critics. Its reactions follow a known patterns of denial, deceit, concealment, evasion and accusations against its critics.

The reactions of the Algerian government are typical of what Chomsky calls *'the sacred right to lie in the service of the state.'*<sup>231</sup> The Algerian authorities are hiding behind the rhetoric of official denial not only to reinforce their claim of legitimacy but also to deny the opposition the very right to exist. When human rights reporters or other condemners try to shed light on the scale of the tragedy, the authorities are quick to resort to the strategy of *'shoot the messenger'*. Their message is clear: no one has the right to enquire or interfere but they have the right to subdue a recalcitrant population and force it into submission through atrocities and repression.

The Algerian government's classic discourse of denial is a typical response of a regime that has lost its legitimacy and is committing human rights violations to retain control of power. The dilemma of the population and of those who embraced the FIS ideals, in particular, is similar to that of a victim of torture who hears his interrogator shouting *'scream as you like, no one bears you and no one will believe you.'* When the tortured victim is released, he is faced with a double problem. First, he is not believed, and second, he is confronted with the doubt that *'he must have done something wrong!'*

Accepting the argument of the Algerian authorities that the massacres of tens of thousands of civilians is an internal affair is to legitimise the killing of innocent men, women and children. The matter would have been an internal affair if the state had not been a party to the conflict and had been able to provide adequate protection to all its citizens. When many fingers are pointed at the authorities accusing them of involvement in the massacres and when the authorities cannot convincingly refute these accusations, an independent enquiry into the massacres becomes a necessity. It is a requirement not only for today but also for tomorrow, so that Algerians can come to terms with their tragedy, nurse their deep wounds and start the process of national reconciliation. Until the truth emerges, Algeria will continue to drown in a blood bath that may continue for many years to come.

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## Government Responses

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## NOTES

<sup>1</sup> The categorisation of responses in this article is informed by the work of Stanley Cohen, 'Government Responses to Human Rights Reports: Claims, Denials and Counterclaims' - Human Rights Quarterly, No 18, pp. 517-543, 1996.

<sup>2</sup> *The Irish Times*, 8 September 1997.

<sup>3</sup> In December 1996 Maitre Abdennour Ali Yahya spoke of more than 190,000 victims (*Tribune de Genève*, 11 December 1996). The French *Le Figaro* reported, on 16 April 1996, that western intelligence services estimated a figure of more than 300 000 dead.

<sup>4</sup> CNN, 22 January 1998.

<sup>5</sup> *Dernières Nouvelles D'Alsace*, 30 December 1996

<sup>6</sup> *Dernières Nouvelles D'Alsace*, 1 January 1997

<sup>7</sup> *Tribune de Genève*, 10 September 1997.

<sup>8</sup> *The Times*, 23 January 1998.

<sup>9</sup> See Amnesty International, Fédération Internationale des Ligues des Droits de l'Homme, Human Rights Watch, Reporters sans Frontières, *Algérie, Le Livre Noir*, La Découverte, Paris 1997, p. 55.

<sup>10</sup> *The Independent*, 24 January 1997.

<sup>11</sup> *Newsweek*, 8 September 1997.

<sup>12</sup> *The Irish Times*, 5 January 1998.

<sup>13</sup> Amnesty International, Fédération Internationale des Ligues des Droits de l'Homme, Human Rights Watch, Reporters sans Frontières, *Algérie, Le Livre Noir*, La Découverte, Paris 1997, p. 143.

<sup>14</sup> AI INDEX: MDE 28/29/98, Geneva, 21 July 1998.

<sup>15</sup> Amnesty International, Fédération Internationale des Ligues des Droits de l'Homme, Human Rights Watch, Reporters sans Frontières, *Algérie, Le Livre Noir*, La Découverte, Paris 1997, p. 127.

<sup>16</sup> CNN, 5 January 1998.

<sup>17</sup> *The Irish Times*, 5 January 1998.

<sup>18</sup> *The Guardian*, 24 September 1997.

<sup>19</sup> *The Herald Tribune*, 20 October 1997.

<sup>20</sup> *The Irish Times*, 23 October 1997.

<sup>21</sup> BBC, 13 January 1998.

<sup>22</sup> *Liberté*, 18 January 1998.

<sup>23</sup> *Le Monde*, 20 August 1997.

<sup>24</sup> *Tribune de Genève*, 10 September 1997.

<sup>25</sup> *Tribune de Genève*, 25 January 1997.

<sup>26</sup> *Le Monde*, 20 February 1997.

<sup>27</sup> CNN, 5 January 1998.

<sup>28</sup> *The Times*, 23 January 1998.

<sup>29</sup> *Le Parisien*, 16 October 1997.

<sup>30</sup> AI Report entitled: "Algeria: Investigating Violations is a Better Way to Protect Human Rights than Denying that Violations Occur".

<sup>31</sup> Noam Chomsky, *The Culture of Terrorism*, Pluto, London 1988.

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*National Responses*

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## REACTIONS OF THE ALGERIAN ARMY TO THE MASSACRES

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*M. S. Lalioni*

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## 1. Introduction

The Algerian army holds the real power in Algeria. It dominates and controls the whole political system. Hence, examining the army's reactions to the mass killings, separately from those of the government, is an issue of particular importance.

In this paper, the army's reactions to the massacres are examined through the declarations of officers, official publications such as *El-Djeich*, interviews and testimonial reports on the massacres. The military institution is made up of a number of regular forces and runs few irregular ones. Its regular forces include the air force, the navy and land forces in addition to the Gendarmerie Nationale and the Directorate of Intelligence and Security (military intelligence – DRS) and to the Directorate of Foreign Intelligence (counter-intelligence – DRE). It runs irregular forces which include death squads and militias. The latter, although dependent on the gendarmerie, are operationally managed by the army. Since the Interior Ministry, in charge of the police, falls under the control of the army in states of emergency, its statements will be considered.

The study includes two main parts: a descriptive part (sections 2 and 3) and an analytical part (section 4). In the first part, a general account of the army's statements on the massacres is presented. In the second part, the army's responses are assessed and plausible theories explaining them are suggested. In particular it will be argued that the army's reactions to the massacres should be identified as the politics of denial and they will be interpreted in the light of the history, nature and record of the Algerian military institution.

Section 2 starts with a general exposition of the army declarations on the mass killings, the perpetrators and the victims. The issue of the army passivity during the massacres is then addressed on the basis of facts and explanations given by the army. Next, the army's position on the question of an independent inquiry into the massacres is presented. Testimonies and reactions of army and police defectors are then examined in section 3. Section 4 begins with a summary of the army's responses to the massacres. Alternative explanations of these reactions are then suggested. Finally, in section 5, a summary of the study is presented and the important conclusions are drawn.

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## 2. Army Declarations and Responses

### 2.1 Massacres, Perpetrators and Victims

The Algerian military claim that ‘terrorist groups’, a qualification usually used by the Algerian authorities to describe the Islamist groups, are responsible for the massacres of civilians. General Zeroual declared that the massacres proved that the ‘criminal groups’ had been defeated and ‘because of their failure they pour all their hatred out today and commit criminal acts against innocent civilians’.<sup>1</sup> He spoke of this terrorism as a ‘plot by foreign powers and Algerian personalities’ designed ‘to break the will of the sovereign Algerian people and maintain Algeria in a spiral of destruction and degradation’.<sup>2</sup> Zeroual often referred to the perpetrators of the massacres as ‘gangs of criminals, traitors and mercenaries’ engaged in ‘a blind terrorism never witnessed before in any time or any place’.<sup>3</sup>

The former interior minister, Mostefa Benmansour, described the massacres as ‘savage acts’ of ‘malevolent revenge against the Algerian people who resist heroically against attempts to destroy their homeland’.<sup>4</sup>

Amnesty International (AI) reported that, according to the military authorities and security services, ‘all the massacres have been committed by the GIA (Islamic Armed Group) and other such groups’<sup>5</sup> with the aim of ‘terrorising the population hostile to them, or who formerly supported them but who had recently withdrawn their support or relatives and current supporters of rival armed groups’.<sup>6</sup>

A high ranking officer wishing to remain anonymous, general X<sup>A</sup>, declared that it was Djamel Zitouni, a former GIA leader, who ‘launched the action of slaughtering and massacring civilians to sow terror within the population’.<sup>7</sup> He recognised, however, that ‘the AIS was not as savage as the GIA which burns down schools, assassinates cold-bloodedly women and children and has become a master in the art of slaughtering’. The general denied the widely held belief that the Algerian army had created the GIA in order to destroy the AIS and to discredit the Islamic movement and added that ‘the criminals who founded the GIA had been recruited by other powers to fight in Afghanistan before they decided to import their so-called jihad’. He claimed that GIA members had been to Iran and Sudan where ‘they were treated as Islamic revolutionary brothers’. The general stated that as far as the army was concerned, ‘getting rid of such monsters, was necessary not only for Algeria but also for the whole world’.

<sup>A</sup> *Le Monde* on 7 May 1998 identified general X as Mohamed Lamari, the chief-of-staff general.

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In an address to army officers, published in the army magazine *El-Djeich*, the chief-of-staff, general Mohamed Lamari, wrote: 'It is because of your resolute and determined action that today, the criminals and traitors to the nation are seriously weakened and confined to more and more limited areas'.<sup>8</sup> However, he warned the troops that the 'terrorists', following their 'suicidal logic', might believe that during the early presidential elections [held on 15 April 1999], the army activities would diminish and would therefore use what remains of their harmful capacity against the people.

The army, nevertheless, made a partial acknowledgement of its responsibility in the massacres when general Mohamed Lamari spoke out in an attempt to defend the 'republican army, a human rights advocate.' Recognising abuses, he pointed out that: 'one cannot rule out atrocities committed by individuals acting in isolation. [...] But this is only a minute proportion that does not tarnish in any way the military institution and the security forces'.<sup>9</sup>

Another confession by the military was reported by Algerian newspapers such as *Liberté* and *La Tribune*.<sup>10</sup> The newspapers wrote that army-led militiamen had been arrested on charges of carrying out massacres of innocent civilians in and around the Relizane region. Two mass graves containing 79 bodies, many of them buried alive, were uncovered. According to the same newspapers, El-Hadj Fergane, a member of the ruling RND party and El-Hadj El-Abed, head of the local defence unit, were arrested for committing the atrocities.

Former Prime Minister, Dr Abdelhamid Brahimi, who is currently a political refugee in England, accused three army generals for the massacres. General Mohamed Lamari (chief-of-staff), general Mohamed Mediene, alias Toufik, (head of the secret service) and general Smain Lamari, his deputy. 'They organise the massacres using the armed militias and the GIA (Islamic Armed Group), a group manipulated by the military secret service'<sup>11</sup> and then point the finger at the islamists, who according to Dr Brahimi, 'do not kill innocent people'. He criticised France for supporting the generals and accused the former colonial power of seeking 'to take revenge and to accomplish through the Algerian generals, who are close allies to France, the dirty job it could not accomplish during colonisation (i.e. keeping Algeria in the French sphere of influence)'.<sup>12</sup>

General Zeroual recognises that the massacres are criminal acts against 'innocent civilians'<sup>13</sup>, but in the army statements there is a clear lack of reference, empathetic or otherwise, to the victims. The only other statements about the victims come from the 'Algerian Movement of Free Officers' (AMFO), an organisation of dissident army officers, or defectors (see section 3.1).

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However, there are many testimonies which report statements of army officers and security forces blaming survivors for once supporting 'terrorism'. Such testimonies suggest that the targeted victims are FIS supporters who 'deserve punishment'.

In an Algiers hospital for example, police officers in plain clothes told a survivor of the Houche Khemisti massacre (Bougara region, 21 April 1997, 113 victims), a grandmother with a burnt face and fingers cut: 'You voted for these savages. So sort it out with them. Today your husband and children are killed. We hope that it will be your turn soon and then that of your dog and your cat'.<sup>14</sup>

Security forces and gendarmerie units often reproof victims and villagers asking for arms: 'you wanted the islamists, sort it out with them'<sup>15</sup>, or 'you wanted the islamists, you have them'.<sup>16</sup> A woman reported that when victimised families called for help, the security forces responded: 'Didn't you vote for FIS in this neighbourhood? Get then out of your own bloody mess. Ask the FIS to protect you'.<sup>17</sup>

Yahia, a survivor of the Bentalha massacre (Baraki, Algiers, 22 September 1997, 200 to 300 victims), reported that when people had gone to the defence ministry to ask for arms, they were told: 'when you fed the terrorists, when you sheltered them, you did not come. Now sort it out yourselves'.<sup>18</sup> An old woman from the Qasbah quarter in Algiers revealed that the assailants, who had come to attack the Qasbah but failed, said: 'It is you who sheltered them (the islamists) and you who sympathised with them. Now we are going to settle your hash'.<sup>19</sup>

After the massacre of Sour El Ghozlane (Bouira, 8 January 1998), in which 26 persons from three families had their throats slit, an army spokesman blamed the victims for refusing to take up arms. He told *El-Watan* newspaper: 'We told them to arm themselves but they refused'.<sup>20</sup> After another massacre in the Mitidja region, the head of the village militias advised the villagers to take up arms by joining his ranks. He was reported to have said: 'The state cannot put a soldier behind every citizen in danger. But it encourages you to join self-defence groups. Each person will then receive a weapon to defend his house and his honour'.<sup>21</sup>

Human Rights Watch (HRW) reported also that on the morning of one of the seven massacres in Relizane on 31 December 1997 and 6 January 1998, in which 900 innocent civilians were killed, villagers had been warned by village guards and gendarmes to leave their homes on that very day, otherwise, 'you will count the lives of your children tonight in front of us'<sup>22</sup> said one of guards.

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*National Responses*

## 2.2 Passivity of the Army during the Massacres

### 2.2.1 Irrefutable Facts

That army barracks are located close to the sites where many of the massacres were perpetrated is undeniable. That the security forces did not intervene during the massacres is unquestionable. The reports of human rights organisations and press accounts confirm these facts, and raise serious concerns for the apparent inability or unwillingness of the security forces to protect civilians.

Amnesty International (AI) noted that most of the massacres took place around Algiers and the regions of Blida and Medea, the most militarised part of the country.

In many cases massacres, often lasting several hours, took place only a very short distance, a few kilometres or even a few hundred metres, away from army and security forces barracks and outposts. However, in spite of the screams and cries for help of the victims, the sound of gunshots and the flames and smoke of the burning houses, the security forces have not intervened – neither to come to the rescue of those who were being massacred, nor to arrest those responsible for the massacres, who got away on each occasion.<sup>23</sup>

AI reported testimonies of survivors who fled to the military posts seeking help. On each occasion the security forces refused to intervene, claiming that they were not under orders to do so.

Several survivors described how people who had tried to escape from villages where a massacre was taking place had actually been turned back by a cordon of members of the security forces who stood by while the villagers were being slaughtered and did not come into the village until after the attackers had left.<sup>24</sup>

The human rights organisation quoted the following declaration of a survivor of the Rais massacre (Sidi Moussa, Blida, 29 August 1997, 200 to 400 victims):

Why did this happen? Why didn't anyone stop it? There is no law any more. The army and the security forces were right there; they heard and saw everything and did nothing, and they let the terrorists leave... They [the army] waited for the terrorists to finish their dirty task and then they let them leave. What does this mean to you? ... I had been threatened by the fundamentalists but I almost got killed by the army. Even my friends in the army don't understand anything anymore these days.<sup>25</sup>

AI expressed grave concerns about such testimonies, which, according to the organisation, strengthen reports that 'armed groups who carried out massacres of civilians in some cases operated in conjunction with, or with the consent of, certain army and security forces units'.<sup>26</sup> For AI, the fre-

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quency and geographical concentration of the massacres 'raise serious questions about the apparent inability or unwillingness of the military and security forces to take adequate measures to protect the civilian population, and about the lack of investigations into such incidents'.<sup>27</sup>

AI accuses the army for abdicating its responsibility of protecting the population:

According to official information, the security forces – who have often swiftly caught and killed the groups responsible for murders and massacres – have consistently been unable or unwilling to intervene to stop and prevent the massacres of civilians. [...] It is clear that there has been a conscious abdication by the Algerian authorities of its responsibility to protect the civilian population in areas whose position and security and communications network should make such protection possible.<sup>28</sup>

Following the massacres, Human Rights Watch (HRW) spoke of the domestic and international outrage directed both against 'the shadowy perpetrators – initially identified as the Armed Islamic Group (Groupe Islamique Armé, GIA) – and at the security forces' failure to protect civilians'.<sup>29</sup> It reported that 'in some instances, massacres occurred within a few hundred meters of security force barracks and posts'<sup>30</sup>, and that, according to interviews with survivors, 'no effort was made by the authorities to intervene to halt the attack or to apprehend the attackers as they withdrew' despite the fact that 'the slaughter lasted for hours, generating fire, smoke, explosions and cries for help'.<sup>31</sup>

The Association for the Defence of Victims of Massacres in Algeria reported the testimony of a woman who survived the Bentalha massacre of 29 September 1997:

As the night was falling, some people who were scared wanted to leave the village but they found the military surrounding the village. They prevented them from leaving and told them: 'Go back home. We are here to protect you'. But at about 10 pm, the attackers assaulted the village. They were in large numbers and were heavily armed with kalashnikovs, grenades, axes, iron bars, picks and knives.<sup>32</sup>

The international press devoted a lot of space in its columns to these disturbing facts. The *International Herald Tribune*, for instance, reported that the Rais massacre was particularly disturbing 'not only because of the numbers and the vicious methods of killing but because nobody ever came to help or protect the villagers'.<sup>33</sup> It reported that survivors testified that the slaughter lasted more than four hours, which 'reinforced suspicions that some of the atrocities, always officially attributed to 'Islamist terrorists', were perpetrated, or provoked or colluded in, by forces from the Algerian military'.<sup>34</sup> A young ex-journalist told the newspaper: 'I can't allow myself to believe it, it would be just too awful'.<sup>35</sup>

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*La Tribune de Genève* explained that the massacre of Rais took place at the gates of Algiers and ‘the assailants who occupied the various villages all night long used explosives to destroy houses without any fear of the army’.<sup>36</sup>

*Libération* raised the question of passivity of the security forces during the slaughter that lasted not less than four hours: ‘the light from burning houses and the sound of automatic weapons should have prompted the security forces to intervene’.<sup>37</sup> A survivor told the newspaper: ‘We sought help from a nearby security forces barracks but the first to arrive later in the morning were the firemen’.<sup>38</sup> The paper stressed that according to its sources, ‘a small unit of “special forces” was even positioned 200 meters away from the spot of the massacre’.<sup>39</sup>

The *Guardian* also questioned the disturbing passivity of the Algerian security forces which, in the case of the Bentalha massacre, were less than a mile away while the killers rampaged through the night. It asked:

Was the army simply at a loss on how to deal with unconventional warfare when they deployed heavy armour to observe what was happening but failed to send in troops? Or does this willingness to tolerate a massacre almost under their noses suggest a political agenda in which the excesses of extremism strengthen the hand of military hardliners?<sup>40</sup>

Concerning the massacre of Bentalha, the *Sunday Times* reported a European special forces veteran saying: ‘The army could have gone in and killed the terrorists but they clearly did not want to’.<sup>41</sup> The paper added that, according to intelligence sources, it was believed that ‘army units in the Algiers military region have been ordered not to intervene in such massacres’<sup>42</sup> and that ‘the GIA gangs carrying out the killings have been heavily infiltrated by Algerian secret services’.<sup>43</sup>

*Le Courrier International* confirmed that the massacres at Rais, Beni-Messous and Bentalha were perpetrated in areas heavily patrolled by the army and the gendramerie. It explained:

At Beni-Messous, close to the capital, the murderers were undisturbed for four hours at a few hundred meters away from a special forces barracks housing elite troops of general Smain Lamari. At Bentalha, few hours before the tragedy, civilians had alerted the army to the presence of a suspicious group of individuals camped around the small village. It is now an open secret that the army knew but preferred not to intervene. People in Algiers speak of an order, signed by the chief-of-staff, forbidding units to leave their barracks at night without a written instruction.<sup>44</sup>

### 2.2.2 *Army Justifications*

The army justifies its failure to intervene during the massacres by invoking claims such as the difficulty of moving because of mines planted by the kill-

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ers, the fear of booby traps and the incompetence and lack of experience of its soldiers.

*Libération* questioned this *laissez-faire* of the army and reported that on several occasions the military claimed that ‘mines prevented them from advancing’<sup>45</sup> and that the soldiers who lacked experience ‘feared falling into traps when responding to emergency calls’.<sup>46</sup>

Alias About, a survivor of the Bentalha massacre said: ‘We called the army after 15 minutes. The soldiers came but halted on the other side of the road; they said they wouldn’t come closer because they believed this road was mined’.<sup>47</sup>

An old woman who managed to flee the massacre said that soldiers came closer while the killing was going on but did not intervene claiming that the assailants had sealed the area with mines and booby traps. ‘It is certain that there was complicity’<sup>48</sup>, said the frightened woman.

The explanation of mines was again advanced by general X: ‘let us not forget that the terrorists often surround their shelters with mines that our men have to locate and neutralise before launching their assault’.<sup>49</sup>

Amnesty International commented on the mine claims of the military authorities. It recalled that the Algerian authorities had not made official statements on any specific incidents, but newspapers close to the authorities had often reported that ‘the security forces could not intervene because the terrain around the villages where the massacres were committed had been mined by those who committed the massacres to prevent the security forces intervention’.<sup>50</sup> AI stated also that the army and security forces usually ‘do not come to the site until several hours after the massacres, and often not until the following morning’.<sup>51</sup> The reason most frequently cited in the past for their lack of response is ‘the security forces fear of being trapped by a false alert and ambushed’.<sup>52</sup>

But Amnesty International said it was not convinced by these claims. It remains sceptical about the excuse of mines because ‘during the massacres villagers managed to flee from the villages and after the massacres, survivors, ambulances, helpers and security services have gone in and out of the villages without stepping on any mines’.<sup>53</sup> It contends that if such movements had been possible both during and after the massacres, it would have also been possible for security forces to go into the villages and stop the massacres. It argues that the excuse of traps is untenable as ‘the massacres often last for several hours, during which nearby security forces should have ample time to intervene to stop the massacres and to apprehend the attackers’.<sup>54</sup>

Another strategy used by the army to silence critics was to plead incompetence. *Le Nouvel Afrique Asie* reported that the Algerian army pleaded in-

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competence and mediocrity in an attempt to deflect international criticism. The magazine wrote:

Is it possible that the army has neither heard nor seen anything while the massacres were being perpetrated within earshot from the barracks? Is it possible that military intelligence officers could not have predicted what was allegedly being planned in the *maquis* against defenceless villagers? Is it possible that the special forces, an elite corps armed with all-roads vehicles, night vision equipment and armoured tanks, could have let the terrorists perpetrate their crimes and leave without intervening or harrying them in their retreat or even pursuing them? These are disturbing questions – taboo queries since one cannot call into question the effectiveness and professionalism of the army with impunity – that the military chiefs have eluded for so long. They say, indirectly through hand-picked foreign personalities such as Claude Cheysson, a former foreign minister of Francois Mitterrand, or Bernard-Henri Levy, the ‘new philosopher’ of the parisian Gotha, that it is ultimately through incompetence that the army did not stop the perpetration of the massacres. They invoke in detail the ‘heaviness of the chain of command’ which prevents the officers from passing on their orders with the appropriate swiftness to the combat units thus forced to remain passive. They also put forward the difficult nature of the terrain and the extreme mobility of the assailants to excuse the mediocre results of the half-hearted counter-offensives attempted by the army.<sup>55</sup>

The magazine reported an explanation put forward by an officer from the West of Algeria for the passivity of soldiers during the massacres: ‘One has to know the history of this army; it is a stationary army. It has a ‘red army’ culture and has never learnt how to move, especially at night when faced with savages who have the benefit of surprise and the knowledge of the terrain’.<sup>56</sup>

*Le Monde* reported that in September 1997, during a secret conclave of the top military officers, general Zeroual ‘took on acrimoniously the army for its powerlessness’.<sup>57</sup> In fact, the Algerian army ‘puts forward many excuses. The main one is the weakness of its strength’.<sup>58</sup> In another article, the same newspaper casts doubt on such claims:

To believe such claims is to forget that the Algerian forces have elite units, particularly paratroopers equipped with sophisticated equipment that could have been swiftly deployed in Bentalha. Rumour has it that the soldiers were under orders not to leave the barracks at night without a formal authorisation<sup>B</sup> from the army chief-of-staff, general Mohamed Lamari.<sup>59</sup>

<sup>B</sup> In fact, the AMFO published on 5 July 1999, in its web site (www.anp.org), the a copy of the fax sent by the chief-of-staff to all army units within the first military district (*1ère Région Militaire*). This fax orders all the units to be on state alert 1, cancels all leaves and bans sorties under all circumstances. The fax reads:

MDN – EM/ANP – DOP/CPO

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Despite evidence to the contrary, the army chief-of-staff, general Lamari, avoids explanations by maintaining that instances of passivity are the exception rather than the rule. He says: 'In general, their [the soldiers] interventions were effective whenever alerts were given on time. But, when alert was not given on time due to complicity, neutralisation or deception, death tolls were heavy'.<sup>60</sup>

### 2.3 The Independent Inquiry

Algeria's military blame the massacres on the terrorists (Islamists) in general and the GIA in particular, but refuse an independent investigation into them. 'They have consistently failed to investigate, or to allow others to investigate, killings and other abuses blamed on both armed groups and security forces'.<sup>61</sup>

Amnesty International has raised serious concern about the fact that no killer has ever been arrested given that the Algerian military authorities 'consistently refuse to provide the information on the basis of which their conclusions were reached, and do not allow independent investigations to be carried out'.<sup>62</sup>

Human Rights Watch stated that the Algerian military 'allowed no international human rights organisation or UN human rights rapporteur to investigate the violence'.<sup>63</sup> On mass killings, it said 'the questions surrounding the massacres received no conclusive answers' and 'no independent Algerian body had conducted a thorough inquiry'.<sup>64</sup>

The army opposition to an investigation into the massacres is justified on the ground that Algeria would never allow foreign interference in its internal affairs: 'the military authorities have always hidden behind the pretext of non-interference in its internal affairs in rejecting the idea of an international inquiry into a civil war that enters its sixth year in ever more suspicious hidden conditions'.<sup>65</sup>

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A toute les unités 1RM. Stop. Consigne à tout le personnel militaire. Stop. Ne sortir sous aucun prétexte. Stop. Etat d'alerte 1. Stop. Communiquez toute infraction à cet ordre. Stop. Fin. Stop.

Le chef d'état major.

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### 3. Reactions and Testimonies of Army Defectors

Following the military coup of January 1992 and the repression it launched to consolidate the ensuing regime, the army has not kept its unity. In addition to the well known split with regard to the strategy and aim of the war between the hard-line and soft-line factions, there has been an increasing dissent against the war in the course of its prosecution. This dissent has taken various forms which include the Algerian Movement of Free Officers (AMFO) and officers who deserted individually and sought asylum in Europe.

In so far as these officers were members of the army in the course of this war, while the massacres were taking place, their response, albeit not the official one, is also constitutive of the reaction of the military. The response of the AMFO is discussed in section 3.1 and that of defectors in section 3.2.

#### 3.1 Algerian Movement of Free Officers

The Algerian Movement of Free Officers (AMFO) is composed of officers who oppose the generals in power. It emerged after the 1992 military coup to express the discontent of a part of the Algerian army at the repression and extermination of the Algerian people and at the mismanagement and corruption at the top of the military institution. It explains the aim of the movement in its introductory declaration entitled '*The shame of the harki generals*':

We, faithful officers to the oath of the first of November 1954 and faithful to the sacred principles of the Algerian people to which we belong, proclaim solemnly and loudly our indignation and our refusal to keep quiet in front of the continuing genocide of our fathers, mothers, brothers, sisters and children. The limits of barbarism and the incredible have once again been breached on the land of our ancestors. The National Popular Army has always been the symbol of honour and sacrifice, but the rise of high-ranking officers, former French officers or relatives, to the command, put the clock forty years backward. The clock is at the time of the occupation. For all these reasons and to follow the example of our brothers, officers and non-commissioned officers cowardly executed since the first hours of the civil war by other members of the National Popular Army, acting under the orders of Mariane, we will fight these new *Harkis* and their allies to the last drop of our blood. At the time in which the Algerians are living the darkest days of their history, we pay homage to their dignity, as they are suffering silently in their flesh and soul behind an iron curtain.<sup>66</sup>

According to colonel B. Ali, who signs the AMFO statements and declarations, the movement started to act in a structured manner in the summer of 1997 and has within its ranks about sixty officers living abroad and a considerable number in Algeria. In one of his declarations he said: 'We thought that we were fighting an enemy, but found ourselves killing innocent people and entire families for generals who have amassed colossal fortunes'.<sup>67</sup>

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For the AMFO, it is the 'trio of shame' composed of generals Mohamed Lamari, Mohamed Mediene and Smain Lamari, and other 'traitors such as Fodil Cherif, who have planned and executed the sinister destruction of Algeria. They are the *Harki* generals who have responded to the call of their masters, whom they have always blindly obeyed, who plan and organise the genocide of Algeria in all fields'.<sup>68</sup> The movement revealed that '[these generals], who are aided by mercenaries who contribute massively in the massacre of our children, mothers, fathers, brothers and sisters, are today terrorising people and filling their pockets'.<sup>69</sup>

In a letter addressed to general Zeroual (as president and supreme commander of the armed forces), the AMFO said: 'Commander, history is recording the suffering of the Algerian people with blood, is writing their tragedies with the tears of the orphans and is preparing its revenge on the torturers and traitors'.<sup>70</sup> In another letter to Zeroual, the AMFO drew to his attention the killings and torture practised by his forces: 'the majority of the kidnapped citizens have been executed after abominable torture by the security forces and the militias in secret detention centres and then buried in mass graves situated in zones claimed to be under the control of the GIA'.<sup>71</sup>

Commenting on the 'resignation' of general Zeroual, the movement stated that Zeroual 'is more treacherous than the traitors because he has assassinated once again the poor victims of this war of shame'. His resignation came

after the concentration camps and the huge massacres of populations whose only crime was to be simple and poor Algerians, after committing the most horrible killings, the most revolting rapes, the most unforgivable crimes and the most ruthless atrocities, after the death squads which organised kidnappings, torture and physical liquidations of Algerians and foreigners.<sup>72</sup>

On 24 March 1999, the AMFO revealed that colonel Bachir Tartague (alias Athmane), 'known for heading death squads responsible for massacres and political assassinations', had escaped death. The assassination attempt was explained as a 'cleaning operation to cover the real guilty elements who are responsible for the national tragedy, the instigators of the crimes: generals Belkheir, Nezzar, Lamari and Toufik'.<sup>73</sup>

### 3.2 Other Army and Police Defectors

*The Irish Times* on 30 October 1997 reported the testimony of Reda, a former conscript in the Algerian army. After witnessing some of the horrors of the war, Reda fled in fear for his life. He escaped to seek asylum in Britain. Reda revealed that he and other conscripts were given injections (a strange whitish liquid) before they went out on missions. 'There was a doctor in uniform called Dr Sadek, and he gave it to us. We injected one an-

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other. It makes you feel as if you are on the moon, as if you are dreaming. When we killed men, it was as if we were killing cats’.

In June 1997, Reda's unit went out at midnight with a group of regular soldiers who ordered them to wait on a ridge 3km above a small village in Sidi Moussa (Blida region). They were told to enter the village only if they saw flares, but there were no flares and Reda and his fellow conscripts went back to their barracks. Reda recalled:

The next day, we heard that 28 people had been beheaded in that place. I started to think that the soldiers were the killers [...] Two days later, we were cleaning the barracks. My friend found a fake beard in one of the soldiers' pockets. We also found musk perfume like the Islamists wear.<sup>74</sup>

This event convinced Reda that the military, the career soldiers whom the conscripts had protected around the village, committed the massacre ‘to discredit the terrorists’. His alarm deepened when 26 conscripts were taken to other barracks in the mountains above Blida and were brought back later dead. Reda believes that they were executed by the army. He said: ‘None of the full-time soldiers were hurt. They brought the conscripts' bodies back, and they said they died in a gunfight. Maybe they thought they talked too much. We knew they were killed - eliminated’.<sup>75</sup>

A former Republican Guard, Captain Samir Abdi, blamed in a testimony not only the group of generals but also the whole military institution for its silence. He said:

The most incredible and most shameful fact is that all the massacres and killings are committed under the banner of national interest, the preservation of the republic and the anti-terrorist struggle with the complicity of the so called civil society and the microscopic parties [...] History does not forgive, that is why despite our large number in the National Popular Army, we still suffer and regret the killings and massacres in Algeria, all this in order that a small bunch of visible and hidden opportunists remain in decision making positions [...] We hold the decision makers among the generals responsible of the crisis and its consequences because the argument of the Islamist terrorism of the ‘GIA’ is no longer valid and does not convince anyone anymore. We are aware more than anybody else of the reality concerning the fictitious group ‘GIA’ and its real limitations as well as its abilities for killing and massacring entire villages.<sup>76</sup>

Haroun, a former secret agent who defected to seek asylum in Britain, made similar allegations about the responsibility of the Algerian army in the massacres. He declared in a television programme broadcast on Swiss TV:

It is the army which is responsible for the massacres. It is the army which executes the massacres, a special unit under the orders of the generals, not the regular soldiers. It should be remembered that land is being privatised, and land is very important. One has first to chase people from their land so that the latter can be acquired cheaply. And then there must be a certain dose of terror in order to govern the Al-

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gerian people and remain in power. A Chinese proverb says a picture is worth a thousand words. I could not stand the image of a young girl with her throat slit. I could not bear seeing what happened and remain silent. I have children, imagine what this girl had to suffer, the last 10 seconds of her life must have been horrible. I think it is our duty to speak up about this. I speak today in the hope that others would do the same, so that things change, and so that these killings cease.<sup>77</sup>

Lieutenant Messaoud Alili, a pilot in the Algerian army, fled from his base in Algeria in a military helicopter and flew, through NATO air defences in the Mediterranean, to seek political asylum in Spain. He declared:

The Algerian army has pushed the entire society towards a darkness with no escape and towards a war of extermination against the whole population [...] I know that the Algerian army had bombarded with napalm the villages where armed Islamists were hiding, but I did nothing of the sort. I only attacked with launch-rockets places I was ordered to target, but nothing mattered to my superiors except results regardless of means. The strategy of the Algerian regime does not serve the people, it does rather the opposite. In many cases, the security services refused to rescue civilians during terrorists attacks [...] Let them kill me now, it is of little importance. Bullets cannot kill a man whose heart is already dead anyway.<sup>78</sup>

Another deserter, Adlane Chabane, gave his account in *Al-Watan Al-Arabi*. After finishing his university studies, Adlane joined the army and became a professional soldier. Since 1988, he assumed several duties. He served under general Lakhel Ayat, then under general Mohamed Betchine, both successive chiefs of Algeria's military intelligence in the 1980s. He also served under general Mohamed Mediene (alias Toufik), the current chief of the DRS. His duties involved liaising between the main heads of the different departments of military intelligence. He left Algeria in mid-1997 and he is now living in Europe as a political refugee. He recalled:

I have taken the decision to quit the army during the hijacking of the Air France aeroplane by a GIA group. I monitored how the army managed the crisis. It was a real disaster which I took as a personal humiliation. We had in Algeria experience in these kinds of problems because we received several hijacked planes in the seventies. I thought that we had units of commandos specialising in the liberation of hostages. After that event, I understood that we were going to lose the trust of the people.

Contrary to what circulates in the press, the massacres are not new. Since 1994, massacres have been carried out by the security services, in particular, by a special force of the military intelligence which organises and executes them (the central direction of the military security). It operates within the framework of an operational centre composed of shock troops led by colonel Othmane Tartag, known as Bachir. The aim is to terrorise the families of Islamists in their areas in order to isolate them from other families who could be of great support to them.

This special unit is based at Ben Aknoun, Algiers. At the beginning it had 6 to 10 bearded elements wearing '*Qashabiya*' or '*Jallaba*' [clothes often worn by the armed groups]. Their method of work is as follows: in the middle of the night, they are taken in unmarked cars to Islamists areas such as Cherarba, Eucalyptus, Sidi Moussa, and Meftah. When the elements of the unit arrive in these localities they

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target precise families, those of the wanted Islamists. They knock on doors shouting: 'open, we are the mujahidīn'. As soon as the doors are open, the occupants of the house are killed. By dawn, tens of persons are killed. The houses are then burnt during the day. Such actions became worse with the arrival of police and militias reinforcements. The situation has become tragic and there have been murders, theft and rape on a large scale. Thus, the country has been caught in a dangerous web. The most dangerous fact is that there are increasing numbers of individuals who commit massacres as if they are hit by a massacre epidemic. Often, the killers use drugs to calm their nerves [...] These retributive expeditions are also considered preventive actions aimed at dissuading the FIS sympathisers from joining the armed groups after their release from the camps in the south.<sup>79</sup>

Captain X was an officer of the secret services in the Algerian army before deserting. He is also one of the few defectors who revealed to newspapers the implication of the army in the crimes perpetrated in Algeria. On 12 January 1998 the German *Der Spiegel* published his statement:

It was the events of Badjarah that pushed me to give up my privileged position of captain and to escape. On a morning of May 1994, the inhabitants of this suburb of Algiers were horrified when they discovered a dozen of corpses on the sides of the road, all poor young people of the neighbourhood. I was there when a lieutenant of Badjarah announced this collective murder to his superior in the ministry of defence. The first question from the latter was: 'what are the people in the street saying?' 'They suspect the military security' replied the lieutenant. The chief calmed him down: 'But, this is not serious, tell them that it was a settling of scores between the terrorists'. Soon after the soldier left, the officer exploded with laughter and expressed his satisfaction: 'Bachir and his men have done good work. I have to call him right away to congratulate him'. Bachir is the pseudo-name of an officer of the secret services, colonel Atmane Tartag. His general headquarters were in a military barrack on the heights of Algiers. His speciality was the execution of collective murders. He was pushing the families of Islamists to go into hiding. Not long after the massacre of Badjarah, the commandos of Bachir continued the killings in the Eucalyptus neighbourhood. There have been many of such attacks. I saw myself these groups of killers in action and I am ready to testify before international commissions of inquiry.

The latest atrocious massacres such as those of Relizane, the torture, the mutilations and the kidnappings of young women, raise the question whether, apart from fanatic Islamists, the soldiers are responsible for the fall of Algeria in barbarism. My answer is: yes, it is certain.

In order to infiltrate these groups and set them one against the other, the military have helped in the creation of a new group, the GIA, where the toughest and most dangerous elements are to be found. Former volunteers of Afghanistan, but especially big criminals amongst whom murderers convicted of death sentences joined the GIA under the command of self-proclaimed emirs [commanders]. The extreme brutality of the GIA killers who slaughter men, cut women with axes and burn children in ovens, indicate that the presumed fighters cannot be religious warriors but sadistic criminals.

Often, the night massacres, which result in the elimination of entire villages, occur very close to military posts, without the soldiers intervening to help the victims.

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This is an indication that the army tolerates the GIA. In this way, the army justifies bloody retributive actions and takes advantage of the generalised panic.

In the beginning, the operations of the fundamentalists targeted mainly members of the security services. The military wanted the terror to affect the whole population. This gave them some legitimacy and increased the chances of survival of the regime. This is why the security forces decided to take revenge on one family from this Islamists for every dead amongst their ranks. In this way they have driven the whole population into a dirty war [...] The policy of an ex-minister of interior, Meziane Cherif, who used to say 'fear has to change the camp', has been accomplished in a terrible way. The military and the police kill relatives of the suspects in the 'hot' neighbourhoods so that people in the area do not let a brother or a son of a fugitive find a hiding place. In this way, the foundation of the terrorists is destroyed and the people are separated from Islamist rebels.<sup>80</sup>

The London *Observer*<sup>81</sup> published on 9 November 1997 revelations of Youssef, an ex-agent of the Algerian military secret service who is now a political refugee in Britain. According to Youssef,

- The bomb attacks in Paris were fomented by the Algerian intelligent services.
- The massacres being perpetrated in Algeria are also the work of the military secret services, especially the death squads of general Smaïn Lamari.
- The climate of terror is orchestrated mainly by two persons: Mohamed Mediene (alias 'Toufik'), head of the Algerian secret service 'DRS' and Smaïn Lamari, head of the 'DRE' (Counter-Espionnage) and the 'GIS' (Special Task Force) known under the name of 'death squads'. Smaïn Lamari participates personally in torture sessions in the headquarters of his services.
- The GIA (Islamic Armed Group) has been infiltrated, manipulated and then hijacked (controlled) by the secret services.
- The FIS (Islamic Salvation Front) is not involved in the massacres. Western intelligence agencies know it very well but keep silent to protect the interests of the western countries.

## 4. Explanations of the Army Response

### 4.1 Outline of the Army Reactions

In essence, the army statements

- speak of the massacres as blind and inhuman acts motivated by a defeated terrorism which takes revenge on a population that has withdrawn its assistance;
- identify the killers as criminal groups of terrorists, meaning Islamists who took arms to fight the government;

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- mention very little the victims but blame them for having once supported the terrorists (i.e. the FIS and later the insurgent groups);
- attribute the inability of the army to prevent the massacres perpetrated close to their barracks to mines planted by the killers around the massacre sites and a lack of experience and incompetence of the troops;
- reject calls for an independent inquiry into the mass killings because this would mean accepting foreign intervention in the country internal affairs.

The defectors from the army, however,

- describe the massacres as genocide, coward executions and horrible killings;
- describe the victims as simple, poor and innocent Algerians;
- accuse the army of committing the massacres pointing in particular to former officers in the French army, the secret services, special death squads and the militias.

#### **4.2 Apologetics for the Army Reactions**

The response of the army is accepted at face value by the Algerian and French media as well as many Western intellectuals and diplomats. For instance, André Soulier of the European Popular Party, who headed a delegation of members of European Parliament (MEP) to Algeria, found causes for the Algerian army brutality and said in his mission report: 'The instrument of repression is an army that is badly trained and poorly equipped for fighting the changing forms of terrorism'.<sup>82</sup>

The former French foreign affairs minister, Claude Cheysson, explained the failure of the Algerian army to protect the population during a visit to Algeria as follows:

There is the fact that the authorities do not have a remarkable efficiency. There is poor coordination between the gendarmerie, the police and the army. [...] The conscripts, on the eve of their last day in the army, do not really want to go into a village where slaughter will be the rule if one is captured.<sup>83</sup>

The French minister rejects the allegations against the army: 'I reject totally the idea suggested by many that the Algerian authorities have a direct responsibility in the massacres or the bomb attacks which occurred'.<sup>84</sup> He offered the following elucidation of their passive proximity to the killings:

I have tried to understand why the security forces stationed close to a massacre place do not intervene quickly. There are understandable cases, even if these are not

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pleasant to recall [...] There are also purely technical reasons which are difficult to understand by civilians. When a military company has as a mission the guarding of a post, it is not equipped to go out in pursuit of attackers'.<sup>85</sup>

Jean Audibert, ex-ambassador of France to Algeria, who was put in charge of re-establishing links between Algeria and France through the civil associations of the two countries, absolves the Algerian army from the crimes and gives the following justification: 'I am disappointed by the fact that I do not understand how the army cannot afford the means to occupy the field, to recall the reservists, for example, if its manpower is not adequate'.<sup>86</sup>

Werner Hoyer, German delegate minister for foreign affairs, who visited Algeria three times since 1996 to promote economic cooperation, deplored the 'dangerous reflex concerning Algeria' and invited Europe 'not to fall into the trap laid by terrorism'. He told *El-Watan* newspaper:

When we criticise the armed forces for often arriving too late at the sites of the massacres, one has to realise that Algeria is a country eight times bigger than Germany but has only one third of the Germany population. It is impossible to put police forces in every small village.<sup>87</sup>

The European MEP Daniel Cohn-Bendit declared that 'what is more dramatic, is not that the army, for example, would dirty its hands by committing massacres, but that people believe in it, not because it is the truth, but because there is a huge hatred towards the army'.<sup>88</sup> He does not believe those who accuse a faction of the army of being responsible for some massacres in Algeria:

I believe, however, that there are on one hand, the inability and the fear of the young soldiers, and on the other hand, the Soviet style organisation of the Algerian army. The army is not mobile enough to fight efficiently against terrorism. I think that, in some areas, soldiers did not want to protect villages which attacked them for years, because they were linked to the AIS (Islamic Salvation Army). This is possible. [Murder of some individuals by factions within the authorities is possible], but I do not believe in the massacres of children and populations because the army would come out stripped off its legitimacy. The role of the army is nevertheless primarily to protect people.<sup>89</sup>

A number of intellectuals such as the French André Glucksmann and Bernard-Henry Levy defended the army. They praise its role and deny its involvement in the massacres. They put the blame of all the atrocities on Islamists. For instance, Glucksmann defends the army as follows:

Despite their advantage in strength the government forces did not know how to attack, nor did they know how to capture or to follow the killers. This was certainly a triumph of confusion, unpreparedness and lack of co-ordination. For sure, for when slaughterers and slaughtered intermingle in the dark, one would not know where to

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shoot. Furthermore, objective obstacles are multiplied by the bureaucratic weight of an apparatus modelled on the Soviets from which it inherited lack of initiatives, and an operational paralysis that the ex-Red Army has often experienced in the last decade. The Algerian army has also among its ranks many young and modern officers trained in the best military schools of the West. Unfortunately, they are not intended to this type of combat.<sup>90</sup>

Glucksmann is not only a good advocate of the military but blames also the West for not supporting the Algerian army: 'Strictly conventional in its training and mission, the Algerian army does not have the adequate technical means of anti-guerrilla warfare [...] France, followed by the United States, refuse to sell Algeria such means'.<sup>91</sup> He added that the Algerian army did not have the morale to fight:

One does not mobilise an army against 'hooligans' and 'rascals' [...] In order to risk one's life, one has to have more stirring motives. Saving Algeria, maybe. Playing the cop, without the advantages of the job, certainly not. A gendarme is certainly tired by the multiplication of tasks and risks, but above all, he is consumed by the uncertainty of the objectives.<sup>92</sup>

Another French philosopher, Bernard-Henri Levy, who spent the 1997 Christmas in Algeria, declared his admiration to the army and the militias when he left the country: 'I leave Algiers with the feeling that you will win because of the patriots, the village guards, the army as well as the resistance of the people and the courage of the journalists who have chosen to stay in Algiers'.<sup>93</sup> He also cleared the army of any responsibility in the massacres by claiming that the bomb attacks and the atrocities committed in Algeria 'are not the work of a victorious army but the actions of deviant groups'.<sup>94</sup>

The Algerian former interior minister, Mostefa Benmansour, explains the reason behind the non-intervention of the army in the massacres as follows:

The National Popular Army (ANP) is a popular army. One has the tendency to forget that, during more than a quarter of a century, the army was given the task to construct roads, socialist villages, dams, the trans-saharian road and the green desert-block. It really has not been trained for an offensive war and it has not been prepared to confront the form of terrorism facing the country. Since 1992, the ANP has been performing mainly 'knuckle-duster' operations. Now, it is going to systematically occupy the terrain.<sup>95</sup>

When asked whether the passivity of the army, especially during the summer 1997, was due to helplessness because of fear of falling into traps through passive or active complicity, and whether orders had been given in that direction, Hachemi Cherif, the leader of the MDS communist party, answered:

On this question, one has to be extremely careful to avoid grave contemptuous accusations [...] Whatever the mistakes committed in its name, the army remains the

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only institution which still enjoys an important capital of trust, even if this capital has been shaken by changes and deterioration in the war situation and tarnished by the discredit of the regime. Personally I am not aware of any instance in which the army was present at sites of massacres or in their proximity and did not intervene while it was possible. This accusation is nonsense from the point of view of its implications. The army cannot tolerate enemy forces since they would return against it, redeploy and increase in strength [...] Let us not neglect some parameters: the extent of the national territory (so many cities, villages, market towns and nerve centres of international frontiers, in particular the Moroccan frontier where the best troops are deployed); a terrorism which knows what it is doing, where to go to indoctrinate and mobilise to the extreme, conquers fearing neither God nor man, booby-traps access roads and dead bodies, threatens to blow up inhabited buildings and fires on the security forces while taking crowds as hostages.<sup>96</sup>

In an answer to a similar question, Redha Malek, the leader of the Republican National Alliance party, accounted for the army negative response by explaining that there was no such a thing as a perfect anti-terrorist war. He said: 'there are deficiencies in the anti-terrorist struggle; a strategy adopted in this kind of combat is not always implemented without setbacks'.<sup>97</sup>

### **4.3 Politics of Extermination and Denial**

The explanations, rationalisations, and pleas reviewed above can be argued to be unconvincing apologetics.

For instance, the argumentation of the army in justifying its attitude during massacres is very shaky. For example, the excuse of mines and booby traps around the sites of massacres is invalidated by the fact that the flow of circulation never ceased, and as soon as they were authorised, ambulances went in without taking any precaution, took the dead bodies and evacuated the injured. To hinder the army's movement, thousands of mines were required to ring the targeted sites, a logistical enterprise beyond the capacity of rebels who were constantly on the run.

The excuse of the army's incompetence is bizarre, to say the least. Bruno Etienne (a specialist of the Maghreb) refuted the causal link between 'lack of mobility' and 'incompetence'. He argued that since the seventies (when it was comparable to the model of the Red Army), the Algerian army has evolved: 'The young officers of the army belong to a new educated and effective generation which has proved to be operational in anti-guerrilla warfare'.<sup>98</sup>

In fact, there is evidence that the response of the army falls into a wider and classic pattern of official denial which aims at sowing confusion. The army had nothing to do with the massacres, was unable to protect the population and yet accepted that the victims deserved what happened to them. This position reflects the ideology of state terror that justifies mass killings whose existence is never officially admitted.

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In a study of responses of governments to human rights reports, Stanley Cohen<sup>99</sup> demonstrated that killer-states often deny responsibility of the killings, provide justifications for the killings or try to rationalise them. Killer-states use also counter-offensive tactics to respond to accusations of murder by attacking the sources of information, casting doubt on the truth of the allegations and questioning the right to criticise. When ignoring allegations, crude denial, ideological justification or aggressive counterattack are no longer possible to sustain, the killer-states respond by partial acknowledgement. This is rare but can happen when, for example, the evidence is too embarrassing to be explained away.

In the face of strong visual and testimonial evidence the Algerian army could not sustain the strategy of ignoring allegations completely, crude denial or technical justification were difficult to sustain indefinitely, so it had to resort to the partial acknowledgement that those killed were innocent civilians and that the army failed to protect them only on very few occasions. At the same time, the army made use of the 'denial of the victim' tactic to displace blame onto those who were harmed. Victim blaming of the targeted population took the form: 'you got what you deserved', a justification accusing the victims of being implicitly co-operative perpetrators or complicit bystanders, deserving therefore punishment.<sup>100</sup>

For the evaluation of the army's response, rather than categorising and analysing the rhetorical strategies of the army's statements, explanations which account for the politics of denial are proposed, i.e. interpretations are suggested for the contents of the army statements on the massacres, victims, alleged perpetrators, and inquiry, on its passive proximity to the sites of the killings, and the apologetics it deployed to justify it.

A basic interpretation of the denial is that the army is the actual perpetrator of the massacres. This position is sustained in two stages. First, the common *a priori* assumption that armies protect their citizens is challenged by showing that the notion of a killer-state is not a peculiarity. This is done in section 4.3.1. Second, the history, nature, warfare doctrine and practice of the Algerian army are invoked to support the assertion that the army is perpetrating the mass killings and lying about them. This is discussed in sections 4.3.2 and 4.3.3.

#### *4.3.1 On Killer-States*

The notion of a cut-throat state or a killer-state is not an anomaly at all. Murders of civilians ranging from individual assassinations to mass slaughter of whole opposition movements or entire ethnic groups have been committed by states in different parts of the world.

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In his research on democide (genocide, massacres, extrajudicial executions), Rummel stated that 'political regimes - governments - have probably murdered nearly 170,000,000 of their own citizens and foreigners in this century, about four times the number killed in all international and domestic wars and revolutions'.<sup>101</sup> He argues that

The less democratic a regime, the more unchecked and unbalanced power at the centre, the more it should commit democide. Democide becomes a device of rule, as in eliminating possible opponents, or a means for achieving one's ideological goal, as in the purification of one's country of an alien race or the reconstruction of society.<sup>102</sup>

Based on a survey, Helen Fein calculated that 'genocides and politicides between 1945 and 1980 have caused (maximally) over twice as many deaths as have wars during that period'.<sup>103</sup> Similarly, Fein found that 'state-sponsored massacres killed up to 2.6 times the number of people dying as a result of natural disasters between 1967 and 1986'.<sup>104</sup>

Amnesty International reported in the early eighties that 'political killings by governments have been committed in most, if not all, the regions of the world' and that these killings 'are not confined to any one political system or ideology'. Examples of such killings since 1980 were believed 'to have been carried out by official forces or other linked to the government'. According to this organisation,

The victims - individuals and entire families - have come from all walks of life and from many political persuasions and religious faiths. Politicians, government officials, judges, lawyers, military officers, trade unionists, journalists, teachers, students and school-children, religious workers and peasants: all have lost their lives. In some cases well-known political figures have been publicly assassinated; in others whole villages have been wiped out, and the news has not reached the outside world for weeks or months. Often the victims belonged to a political opposition - often they were simply members of a particular ethnic group or lived in an area targeted for security operations [...]. Several governments in the past two decades have decided on the wholesale liquidation of political opposition. The death toll in these purges has run into the tens and hundreds of thousands, sometimes in a matter of months.<sup>105</sup>

In such killings the powers of the state are deliberately used to suppress or systematically eliminate members of distinct ethnic, religious, national or political groups. In most cases ruling authorities use violent strategies and tactics in an attempt to quell politically active opposition groups. When state repression is met with resistance, violence is often returned disproportionately by the state. Barbara Harff and Ted Gurr observe that:

Sometimes what starts as a brief violent encounter between military forces and citizen groups may lead to a coherent policy of repression ending in geno-politicide... The worst of all possibilities is that in which a state systematically seeks to destroy, as a matter of policy, all members of a communal group irrespective of their actions.

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'Guilt' is established not by action or association, but is assigned to all those who share the defining ascriptive characteristics [...] The state's involvement in genocides and politicides may be more or less direct. Not all are carried out by uniformed agents of the government. In others, leaders assist or knowingly acquiesce in the killing of undesirable groups by vigilantes, 'death squads' or militia. And in some instances governments simply neglect their obligations to protect vulnerable minorities who are attacked by murderous mobs or profiteers.<sup>106</sup>

The target of state terror may be an entire people, a large crowd to which the opponents belong. The conceptual excuse for such 'blind' mass killings may be found in the following general principles of states terror:

- The whole population must be subjected to terror to prepare the environment for the elimination of one part of the population;
- Anyone who does not side with the state is considered a potential opponent, or seen to favour the 'terrorists' by his passivity. Therefore, the entire population must be terrorised by domination and/or extermination.
- In case there is doubt that a certain group of people embodies a single 'terrorist' who cannot be identified, the entire group must be eradicated.

The psychological perspective is also important in understanding how killer-states emerge and evolve. According to Ervin Staub<sup>107</sup>, decision makers (and their war experts) are different from direct perpetrators. In the case of Argentina for example, decision makers were guided by 'ideology and their need for defence against threats mainly to their self-image and world view' and also by 'self-interest and maintaining privilege'. They did so 'as part of a belief system and world view in which their long-held elite status had become their inalienable, "natural" right'. For Staub, the direct perpetrators 'had more mixed motives' in which 'obedience to authority was involved'. They were also 'exposed to a different progression along the continuum of destruction, through their experience with victims', and 'their ideological and identity-related motive became integrated with other personal motives (e.g. power, stimulus seeking, sadism)'. Over time, 'their respect of human life had to diminish' and 'it became acceptable to torture and murder teenage girls, nuns and pregnant women'. They reached the stage where they 'talked to the victims about this absolute godlike power and the victims' total dependence on them' and the violence could result from 'a desire for money, sex or pleasure'. By then, 'whatever "higher morality" may have been as initial motive, ideological purity is lost'. The criminals (kidnappers, torturers and killers) 'were regular members of the military and paramilitary units', and conscripts 'were kept on the fringes of the secret detention centres'.

The notion of a killer-state should also not be surprising from the point of view of military doctrine. Several military doctrines prescribe massacres as a tactical instrument. One such a doctrine is Counter-Insurgency (COIN), otherwise known by the euphemism of Low Intensity Conflict (LIC). The

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policy relies on killings and massacres, is coherent and has its ideologues, executors and budgets. It is nowadays the main weapon deployed by states to crush popular insurgencies:

[the policy of massacres] is theorised and taught in the same boat as counter-insurgency under the heading of 'low intensity conflict'. From Mexico to Algeria, from Colombia to Sri Lanka but also in Birmania, Tchad, Burundi, Kurdistan in Irak and Turkey, Palestine, Ireland and Euzkadi, the teaching given in the military academies is practised by specialists training teams of killers who become quickly professionals once they are caught up in the system.

Despite its apparent archaism and reactionary barbarity, the war said to be of low intensity, special or dirty is the most modern form of warfare for plunder and domination. Its fundamental objective is the eradication of all forms of resistance of local civil societies against the project of global domination of men, resources, bodies and minds. It is a multi-dimensional war: multilateral, multiform or polymorphous, and hence a carrier of all perversions. It involves many and seemingly changing forces: regular armed and security forces, intelligence services, special commandos, paramilitary groups, death squads, 'patriotic' militias, mercenaries, militarised corps of postmen, telecommunication agents, railwaymen, civil servants, journalists, teachers, students and doctors.<sup>108</sup>

Practically, this kind of war is based on conducting counter-revolutionary campaigns by adopting and reversing the principles of political and military struggle and organisation of the insurgents.

Counter-insurgency strategy appropriates by inverting what it perceives the counter-insurgency model to be: it seeks a counter-ideology to compete with the revolutionary ideology; its 'strategic hamlets' are the counterparts of the popular base areas, 'psychological warfare' seeks to counter the propaganda of the revolutionaries, and the teams of 'pacification' seek to reproduce the revolutionary cadres in the 're-education camps' and overturn the political commitments of the guerrilleros.<sup>109</sup>

LIC is a war that relies mainly on terror and intensive black propaganda. Its objective is 'to spread the biggest possible confusion amongst the targeted population and at the international level by a well measured amount of horrible images and incomprehensible and incoherent explanations'.<sup>110</sup> The success of this type of war depends greatly on the success of its propaganda. 'The most striking example and the most recent aspect of this form of war is Algeria'.<sup>111</sup>

The LIC strategy seeks to blur the facts surrounding killings and make them hard to ascertain. The killers often try to conceal or distort the facts. A killer state often denies any responsibility, remains silent or gives false or misleading/confusing explanations in response to the killings:

The facts about political killings by governments are often hidden or distorted by those in charge. The official cover-up can take many forms: concealing the fact of the killing, for example, by making prisoners 'disappear'; blaming killings on opposi-

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tion forces or independent armed groups; or passing off unlawful killings of defenceless individuals as the result of armed encounters or escape attempts. One means of covering up political killings by governments is by concealing the identity of the perpetrators, claiming that the killings are the work of clandestine groups over whom the government has no control.<sup>112</sup>

In LIC strategy, state terror and repression are justified, but never admitted officially. The victims are the ones who are accused of being liars.

#### *4.3.2 On the History and Nature of the Algerian Army*

The Algerian army has inherited much of French military tradition, culture and war doctrines. A commitment to COIN military doctrine, which is taught in Algeria's military academies, is an important part of its colonial legacy. Historically France implemented COIN strategy in Algeria in its effort to crush opposition to the occupation of the country. The French COIN doctrine was in fact founded by generals Bugeaud, Lyautey, Savary and Cavaignac during the first genocidal campaigns to colonise Algeria, and was later developed by other generals such as Allard, Baufre and Massu to counter the wars of liberation in Indochina and Algeria in the 1950's.<sup>113</sup>

General Bugeaud, for example, used a policy of massacres as a carefully implemented war strategy in all the military operations. He said:

The only way to defeat these supporters [of the freedom fighters] is not by chasing them but by starving them by destruction or confiscation of crops and animal flocks, burning hamlets and villagers, massacring the largest possible number of inhabitants – combatants or otherwise - and spreading such terror everywhere so that they should ultimately surrender or disappear.<sup>114</sup>

The counter-insurgency strategy of Bugeaud inspired much of French counter-revolutionary warfare against the Algerian armed resistance (1954-1962). The doctrine had by then developed following the Chinese and the French experience in Indochina. It prescribed also massacres as tactical instruments to isolate the armed resistance from the population, i.e. 'to isolate the fish from water', and counter-mobilise the population against the revolutionaries.

Most of the officers presently commanding Algeria's armed forces were exposed to the French war doctrines, strategies and tactics. Many of them actually served in the French colonial army and defected to the resistance only in the late 50's, on instruction from their French commanders, when it became clear that Algeria was to gain its independence. Officers of this kind include Generals Khaled Nezzar, Larbi Belkheir, Mohamed Lamari, Abdelmalek Guenaizia, Mustapha Chelloufi, Mohamed Touati and Benabbas Ghezaiel.

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For instance, General Khaled Nezzar, born in Batna in 1938, studied in the military school of Kolea and became an officer of the French army in the 13<sup>th</sup> RTA (*Régiment des Tirailleurs Algériens*<sup>C</sup> – Regiment of Algerian Infantrymen), which he ‘deserted’ in April 1958 to join the Algerian National Liberation Army (ALN). He later trained at the Frounze Military Academy (ex-USSR) in 1964 before leading an Algerian battalion to Egypt during the 1967 six-day war. He then joined l’Ecole Supérieure de Guerre of Paris. He commanded the 3<sup>rd</sup> military region in 1979, became general, vice-chief of staff in 1984 and commander of the land forces in 1986. He was in charge of the state of siege during the October 1988 bloody events and became chief-of-staff of the army in November of the same year before entering the government in 1990.

General Mohamed Lamari, the present army chief-of-staff, was born in 1939 in Algiers. He was an officer in the French army before ‘defecting’ in 1958 to the ALN. He played a major role, with Khaled Nezzar, in the repression of the October 1988 events. He was promoted major-general in July 1992 and headed the corps of special elite forces created in September 1992 for the sole purpose of fighting the Islamists.

General Mohamed Touati was an officer in the French army during the Algerian war of liberation. He was in the 64<sup>th</sup> Artillery Regiment which he ‘deserted’ in 1961, shortly before independence. In 1963 he underwent a training course in a French gendarmerie school. He is known as a fierce eradicator who has the confidence of Said Saadi and Redha Malek. He is their link with France. He was also an advisor to Khaled Nezzar.

Many other officers were exposed to the French COIN doctrine, strategy and tactics during their training in French military academies throughout the late seventies and eighties.

The first major indiscriminate use of violence against the population by the military disciples of the French army was practised in 1988. In October of that year, general Chadli Bendjedid imposed a state of siege and granted the army the permission to make use of automatic weapons against demonstrating civilians. The civilian, administrative and security authorities were placed under the orders of major-general A. Belhouchet, vice-defence minister and head of the army, and Khaled Nezzar, vice-chief-of-staff of the army. Orders were given to the security forces to fire on crowds. More than 1000 civilians were killed (the official death toll was 200). The repression was savage. Several hundreds young people were arrested. Mass torture was practised in police and gendarmerie stations and in military intelligence bar-

<sup>C</sup> See section 4.9 of A. Aroua, *Reading Notes on French Colonial Massacres*, paper No. 26 in part V of this book. An account of some of the activities of the Batna-stationed RTA is given.

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racks. During these events the security service was led by general Mohamed Betchine.

An observer of the Algerian scene commented on the situation as follows:

The riots of October 1988 and the response to them<sup>115</sup>, the brutal interruption of the electoral process in December 1991, the subsequent raids and the repression which has been going on since then with its procession of death and suffering reveal the nature of this army and at the same time reflect its overwhelming weight on the Algerian society. The Algerian army remains an ineffectual Third World army where negligence, anarchy and internal power struggle make the best battle plans.<sup>116</sup>

Since the cancellation of the 1991 parliamentary elections, drilling in COIN doctrine and tactics has increased in intensity and scope. The implementation of the COIN strategy in the ongoing war was inadvertently revealed by general X when he said explicitly: 'Our men lacked training and equipment adopted to this type of low intensity conflicts (LIC)<sup>117</sup>, and by *Demain L'Algerie* newspaper which revealed the creation of 300 death squads by general Belkheir.<sup>118</sup>

*Le Nouvel Afrique Asie*, quoting a former French foreign affairs minister, wrote about Algerian special army units being 'organised along the French model'<sup>119</sup>. Luis Martinez said that in 1993 a real armed body specialising in anti-guerrilla warfare was set up and has developed since<sup>120</sup>. This body is made up of 15 000 men from the army, gendarmerie and police units and led by general Mohamed Lamari, an ex-officer of the French army, elevated in July 1993 to the post of chief-of-staff of the armed forces.

This corps, made up of elite units, has become the pillar of the anti-guerrilla struggle. Its strength has increased steadily and reached 60 000 men in 1995. It is run by the co-ordination of the security of territory created in March 1995 to take charge of centralising the activity of the anti-terrorist forces. The army has had to introduce the principles of anti-guerrilla warfare in the training of its officers and non-commissioned officers. Four years after the beginning of the civil war, the Biskra Training School of Special Forces witnessed the graduation of the first-batch of special troops.<sup>121</sup>

Martinez explained further that the creation of the militia forces follows a classic anti-guerrilla war model similar to the one devised by general Challe during the Algerian war (1954-1962).

Foreign mercenaries contribute also to the training programme. Algeria is part of an increasing trend of governments hiring mercenaries to assist them in fighting the insurgency. There are international organisations supplying mercenaries who specialise in COIN warfare. One such an organisation is Executive Outcomes (EO), a South African military consultancy firm.

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It is Africa's best known private army and its mercenaries are deployed in Angola, Sierra Leone, Algeria and elsewhere.

The London *Observer* published an article entitled 'Corporate dogs of war who grow fat amid the anarchy of Africa' in which it provided evidence for an EO multi-national mercenary force operating in Algeria with a 'training and advisory role with the army'.<sup>122</sup>

This has been confirmed by the Algerian Movement of Free Officers (AMFO).<sup>123</sup> The latter revealed the following list of foreign mercenaries operating in Algeria, most of whom are French, South African and American:

- *Christian Le Breton*: Born on 17 April 1955 in Grenoble, France. Rank: major. Service: The RAID. He is in Algeria to assist general Fodil Cherif (collaborator of the chief of the Army), he is one of the most important officers in Algeria. His mission number is 38 ALFSMD99 and has an official status as a manager in a Franco-Italian drilling company.
- *Alain Robert Cholet*: Born on 25 January 1958 in Metz, France. Rank: Captain. He is responsible for training the Special Forces in Algiers. He is nicknamed by the ninjas as 'Errūji' (the redhead). He was the assistant of Major Favier (GIGN, French Assault Force) during the storming of the airbus of Air France at Marseilles Airport.
- *Jean Michel Pourtnes*: Born on 31 December 1951 in Paris, France. Rank: Captain of Communication and Transmission Services, specialising in telephone bugging techniques for the secret services.
- *Armand Pierre Lafarge*: Major of the 42nd French RT (Transmission Regiment). He deals with transmissions and bugging using the most modern and effective equipment (RITA and Satellite Systems). Three of his men drive vans full of electronic devices (for electronic detection in the greater Algiers) under the cover of employees of ART (Algerian Radio and Television). It is worth mentioning that this is done in close collaboration with the French listening submarine stationed near the Algerian coasts.
- *Pascal Chotte*: born in 1960. Rank: Captain. He assists General Smain Lamari. He is an officer from the DGSE (French secret service) but his influence goes far beyond his rank.
- *Daniel Cariben*: born in 1966. Rank: Chief-Sergeant. He was a member of the first Armoured Division of Baden-Baden, the strongest division in the French army.
- *Marcel Lehman Jean*: born in 1960. Rank: Sergeant. Comes from the same corps.
- *Damink Emanuel*: A major without mission (portfolio). He is one of the most secretive officers, assigned to General Mohamed Mediene, known as Toufik, (he enters his office without even knocking on the door).
- *Stefan Desmond*: Rank: Captain, a South African and a personal friend of General Sadek Kitouni (Algerian Ambassador to South Africa). He is assigned to the opera-

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tional services of the DCSA, namely Colonel Bachir Tertague alias colonel Atman, a specialist in torture and massacres.

- *Barsony Uri*: Rank: Major. He is a former member of the Apartheid army and a close friend of general Fodil Cherif (who presented him with US\$ 45,000, an order signed by the general secretary of the ministry of national defence, general Mohamed Ghenim).
- *Taylor Peter*: A retired CIA Colonel, former head of the CIA section in Europe and a personal friend of Smain Lamari. He is behind the shift in the US policy vis-a-vis Algiers. He has pocketed a huge commission after the completion of an armament contract with South Africa. He follows general Lamari as does his shadow, even abroad. He never misses out on any commission after every business deal.
- *Coblence Michael*: Rank: Major, aged 48 years old and has American citizenship. He enters the ministry of national defence from the big gate and moves about as if he is at home. He is in charge of the army computing service (SCIA) and has full power to do what he likes. His official job is as an adviser to the director general of Sonatrach (the Algerian national oil company). He had a reward of (01) million dollars in January 1998.

According to the AMFO, these mercenaries are professionals hired by the powerful army top brass to 'fight the war in exchange of market shares in the oil wells, arms, diamond ores and other important resources'. They 'act on behalf of generals Mohamed Lamari, Mohamed Mediene and Smain Lamari'. The movement further stated that

The visits of Smain Lamari to Paris since 1993 have borne fruits; he has succeeded to acquire the services of Jean Louis Chana, an ex-officer of the French intelligence services (DGSE) and a veteran of the Lebanon war. Jean Louis Chana is the director of the ARC Consultants, a company specialising in high level security and anti-terrorist wars. He started his co-operation by sending ex-légionnaires and former elite members of the GIGN to support general Smain Lamari in operations.<sup>124</sup>

During the 1998 world cup in France, the *Sunday Telegraph* in London revealed that battalions of the French Foreign Legion (Légion Etrangere) flew to Paris from 'their headquarters in Algeria resplendent in full-combat gear whereupon they brutally confiscated the cameras of a number of tourists'.<sup>125</sup> The rank and file of the French Legion was described as 'hardened criminals on the run from justice in their own lands [...] They are ruthless mercenaries whose job is war'.<sup>126</sup>

Such foreign military schools and consultancies have produced Algerian officers who are expert in controlling and brutalising their own people. Claude Cheysson, former French foreign affairs minister, compared 'the brutality of the Algerian security forces to the 'excesses' of the French colonial army in Algeria and to the American army in Vietnam'.<sup>127</sup>

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General Khaled Nezzar uses the word ‘terrorists’ (i.e. Islamists) as ‘fish in the water’, a concept typically used by LIC experts. This notion was originally used by Mao Tse Tong, and was later appropriated and reversed by counter-insurgency strategists. General Nezzar said:

Let us put ourselves in the place of the waiverers and the opportunists; they joined the ranks of the terrorists en masse. A large segment of the population was still waiting thus making terrorist actions easier. This explains why the Islamists moved like fish in water.<sup>128</sup>

This constitutes a clear policy statement by one of the pillars of the Algerian military establishment. How is the army going to isolate the fish from the water? Here resides the solution: LIC strategy. On the ground this policy can only be classically implemented through massacres like in the wars of Indochina and Algeria.

This propensity for eradication and massacres has been apparent in the army statements since the beginning of the war. General Khaled Nezzar, for instance, was reported to have said: ‘to those who have dirtied their hands with the blood of the defenders of order I say that the most implacable war will be waged against them until their total eradication’.<sup>129</sup> Meziane Cherif, another wielder of the terror weapon, declared during a press conference on 14 March 1995 in Algiers: ‘Does a gardener speak of weeds? No! He merely destroys them. Terrorists are like weeds’.<sup>130</sup> On another occasion, he mentioned explicitly to a journalist the ‘dirty job’ he and his eradicationist friends were doing for ‘the Westerners, especially the Europeans’.<sup>131</sup>

Amnesty International drew attention to this ‘eradication of roots’ mentality within the Algerian army when writing about the massacres perpetrated in Algeria:

There have been allegations that some of the massacres have been committed by groups acting on instructions, or with the consent, of certain army and security forces units and paramilitary groups, with the aim of eradicating the grassroots base of armed opposition groups.<sup>132</sup>

#### *4.3.3 Cut-throat Warfare of the Algerian Army*

The analysis of the army reactions to the massacres reveals a logic which supports the contention that the army generals use massacres as part of a well thought COIN strategy. A logic which explains also the army military-political interests and objectives in committing mass killings.

The army statements on its ‘inability to protect the population’ in response to accusations of complicity in the mass killings are an elaborate industry of excuses that find easily their way to the Algerian and French press. There is, however, one missing theory, that of operational co-ordination –

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technically known as ‘frozen areas’ – between the army and the killers (the GIA, a counter-jihad organisation reportedly operating in contiguity with, yet unopposed by, the army forces). The army statements form also part of a strategic propaganda campaign aimed at forcing the population to take up arms, in other words to counter-mobilise into militias. Blaming the victims supports the above views, meaning that the army statements are part of a COIN strategy.

J. Smith backs the thesis which explains that the massacres are the work of the Algerian regime and are part of its COIN war strategy. She explains:

Is this passive proximity accidental and contingent ? No. From the testimonies at our disposal the massacres have a common structure and this passive proximity of the armed forces of the regime is repetitive and systematic. In counter-insurgency tactics this passive proximity is called operational coordination, it is named the ‘frozen area’. This very passive proximity was also observed in the massacres of villagers by the military juntas of Latin America, Salvador, Guatemala and Rhodesia in the 70s. The GIA is a counter-guerrilla organisation (i.e. a false guerrilla camouflaged as a real one) which is totally controlled by the DRS which manages the coordination of its ‘special operations’ with the regular units of the army. These ‘special operations’ seek to discredit the real guerrilla, to build up the atrocities to swing society and hence to cut the genuine armed islamist groups from the civilians that support them. This is what explains what the military say to the survivors of the massacres: ‘You voted for islamists; sort it out with them’, or ‘it is the rebellious against God (al-ghaḍībūn ‘ala Allah)’ etc.<sup>133</sup>

John Sweeney stated that the Algerian generals had launched their own version of what the British in Malaya and the Americans in Vietnam called the ‘strategic hamlet programme’, a policy masterminded by two shadowy generals of the military security, the only effective centre of power in the country. Sweeney reported what he learnt when he visited Jijel in Eastern Algeria. Jijel was under the authority of general Boughaba. One day soldiers came to a village and told the inhabitants to take up arms to defend themselves against the terrorists. But the villagers declined the offer. For two weeks, the village was sealed off by the army. No food or vehicles were allowed in and their documents were confiscated. The pressure continued but the people still resisted it. Then, one night, 14 people were massacred. The next morning everyone made a decision. They either took up arms or fled to the city. General Boughaba then moved to Algiers to do the same work.<sup>134</sup>

There is another rationale which has been suggested to explain the militaro-political interests of the army in the mass killings. The suggestion is that they are used as tactical expedients in a power struggle between rival factions within the military institution. The massacres are instigated by ‘hardline’ factions within the army with the aim of undermining the power and political initiatives of rival ‘softline’ factions and thus dominating the military institution and the whole political order. One observer says ‘One can distinguish a

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bipolar structure within the Algerian military power. The utility of the massacres in this war is therefore clear. The massacres are used as an instrument of war of one faction against the other'.<sup>135</sup> This thesis is strengthened by the fact that the intensity and frequency of the massacres increase whenever the differences between the various factions become acute.

During the massacres of the summer and autumn 1997, the faction led by general Lamari was at loggerheads with that of general Liamine Zeroual and remained powerful, a fact which could explain the passivity of the armed forces during the massacres. 'By preventing the troops from intervening, those who oppose Zeroual have clearly indicated that whatever the chosen option nothing can be done without or against them. Such is the cynical reality'.<sup>136</sup> Thus, while the 'GIA' was committing terrible massacres of civilians practically under the eyes of a passive army, 'at the level of the military hierarchy each faction was negotiating with the FIS and the AIS, each faction trying to "counter" its rival'.<sup>137</sup> According to a prominent and well-informed Algerian human rights lawyer, the summer and autumn 1997 campaign of massacres was waged to weaken the power of Zeroual and thwart his dialogue initiative with FIS:

The troops within the *1<sup>ère</sup> Région Militaire* (first military district) were ordered not to intervene without prior authorisation from eradicator General Fodhil Cherif. This prompted strong protest from a number of officers who sent copies of the order to Liamine Zeroual. The president hit the roof at the news of this order and dismissed forthwith General Said Bey from his command of the 1<sup>st</sup> military district. The response of the eradicator faction was swift. A group of these generals went to Zeroual's office and asked him why he had dismissed Said Bey without involving them in the decision. To his reply that his position of president and supreme commander of the armed forces granted him the power to do so without their consultation, the generals asked him 'who granted you this power?' He said: 'Seven million Algerians who elected me!' General [...] retorted: 'It is seven generals who nominated you to this position and from the 7 000 000 you have nothing but the six zeros.'<sup>138</sup>

## 5. Summary and Conclusions

The Algerian army resorts to a classical discourse of denial in reacting to the massacres. Its statements

- describe the massacres as criminal and savage acts, a blind terror committed by defeated terrorists that take revenge on the population for withdrawing support from them;
- identify the perpetrators as gangs of criminals, traitors and mercenaries, meaning Islamists in general and the GIA in particular;
- blame the victims (innocent civilians) for once supporting the 'terrorists' and suggest the punishment is deserved by the victims;

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- justify the army's failure to protect the population during massacres that took place close to barracks by the fear of mines, booby traps, the lack of experience and the incompetence of the soldiers;
- reject the idea of an inquiry into the massacres, be it national or international, and justify this by a refusal on the ground of opposition to interference in Algeria's internal affairs.

It has been shown in this paper that the notion of a cut-throat state is not an anomaly. Killer-states slaughtering entire groups of people are today a sad reality. Such states implement military doctrines which prescribe massacres as a strategic instrument of war. One such a strategy is COIN (Counter-Insurgency) or LIC (Low Intensity Conflict). This massacre-based doctrine is being implemented in Algeria. It is based on French military teachings and its implementation is supported by French-trained officers assisted by French and South African mercenaries.

The analysis of the army's reactions to the massacres leads to two main concluding remarks:

- The Algerian army, led by French army-trained, has a history of using violence for political aims. It has acquired a 'culture' of genocide and cover-up. The massacres of October 1988 reflect such a criminal nature. It has a mentality of grassroots eradication.
- That the army does not intervene during massacres should not be seen as incompetence but as an operational co-ordination between the perpetrators and the security forces.
- The massacres are used by factions within the military institution as a weapon for political, military domination and economical gains.

There is a movement within the army which denounces and opposes the cut-throat strategy adopted by the military establishment. The response of this movement to the massacres is reflected in the statements and testimonies of some defecting officers who

- describe the massacres as a genocide, barbarism, cowardice and crimes against humanity;
- see the victims as fathers, mothers, brothers, sisters and children (humble innocent civilians, entire families of Islamists);
- blame the pro-French army generals who are assisted by foreign mercenaries, the secret services, special units, and militias for the massacres.

For this movement the Islamists are not the perpetrators of the massacres and the GIA is no more than a tool controlled by the military secret service.

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## NOTES

<sup>1</sup> *Le Monde*, 26-27 January 1997.

<sup>2</sup> *AFP*, 27 January 1997.

<sup>3</sup> *AFP*, 25 January 1997.

<sup>4</sup> *L'Authentique*, 30 August 1997.

<sup>5</sup> Amnesty International, 'Algeria: Civilian Population caught in a spiral of violence', AI Index: MDE 28/23/9, November 1997.

<sup>6</sup> *Ibid.*

<sup>7</sup> Amir Taheri, Interview with general X, *Politique Internationale*, No 79, Spring 1998.

<sup>8</sup> *El-Watan*, 20 September 1998.

<sup>9</sup> *Libération*, 30 October 1997 (taken from an interview in *El-Djeich* magazine).

<sup>10</sup> Reported by *CNN* on 14 April 1998 and in *Libération* of 15 April 1998.

<sup>11</sup> *Le Monde*, 11 February 1998.

<sup>12</sup> *Ibid.*

<sup>13</sup> See note 1.

<sup>14</sup> *L'Express*, 29 May 1997.

<sup>15</sup> *Libération*, 30/31 August 1997.

<sup>16</sup> *Libération*, 22 September 1997.

<sup>17</sup> *Le Monde*, 23 October 1997.

<sup>18</sup> *Libération*, 23 October 1997.

<sup>19</sup> *Radio Orient* (Paris), A testimony obtained through a telephone inquiry into the massacres, Zaki Chihab (London correspondent), 23 September 1997.

<sup>20</sup> *The Sunday Times*, 'Algeria sees 1,000 die in holy month', 11 January 1998.

<sup>21</sup> Salim Zaoui, Testimonial report, *Le Monde*, 26 March 1997.

<sup>22</sup> Human Rights Watch, *World Report 1999*.

<sup>23</sup> See note 5.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> See note 19.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

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<sup>32</sup> The Association for the Defence of Victims of Massacres in Algeria, PO Box 208, 1800 Frederiksberg, C. Copenhagen, Denmark, 10 October 1997.

<sup>33</sup> Flora Lewis, *International Herald Tribune*, 5 September 1997.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> *Tribune de Genève*, 30/31 August 1997.

<sup>37</sup> José Garçon, 'Algerie: L'onde de choc de la tuerie', *Libération*, 1 September 1997.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Editorial, *The Guardian*, 21 October 1997.

<sup>41</sup> *The Sunday Times*, 26 October 1997.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> *Courrier International*, 2-8 October 1997, p. 10.

<sup>45</sup> *Libération*, 8 September 1997.

<sup>46</sup> Ibid.

<sup>47</sup> *The Daily Telegraph*, 23 October 1997.

<sup>48</sup> *The Sunday Times*, 26 October 1997.

<sup>49</sup> See note 7.

<sup>50</sup> See note 5.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> *Le Nouvel Afrique Asie*, No 101, February 1998.

<sup>56</sup> Ibid.

<sup>57</sup> *Le Monde*, 21 October 1997.

<sup>58</sup> Ibid.

<sup>59</sup> Jean-Pierre Tuquoi, 'Lourdeur ou la chaîne hiérarchique', *Le Monde*, 11 November 1997.

<sup>60</sup> *Libération*, 30 October 1997.

<sup>61</sup> See note 5.

<sup>62</sup> Ibid.

<sup>63</sup> See note 19.

<sup>64</sup> Ibid.

<sup>65</sup> *Le Nouvel Afrique Asie*, No 101, February 1998, p. 11.

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<sup>66</sup> The Algerian Movement of Free Officers, Website: <http://www.anp.org>.

<sup>67</sup> François Campredon, AFP (Spain), 18 May 1999.

<sup>68</sup> See note 66.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> *The Irish Times*, 30 October 1997.

<sup>75</sup> *The Irish Times*, 30 October 1997.

<sup>76</sup> See Note 66.

<sup>77</sup> Télévision Suisse Romande (TSR), Switzerland, January 1998.

<sup>78</sup> Juan Carlos Sanz, *El-Pais*, N°767, 9 June 1998.

<sup>79</sup> *Al-Watan Al-Arabi*, 02 January 1998.

<sup>80</sup> *Der Spiegel*, N°3, 12 January 1998.

<sup>81</sup> John Sweeney and Leonard Doyle, *The Observer*, 09 November 1997.

<sup>82</sup> *Libération*, 13 March 1998.

<sup>83</sup> *L'Humanité*, 25 December 1997.

<sup>84</sup> *L'Humanité*, 5 January 1998.

<sup>85</sup> Ibid.

<sup>86</sup> *El-Watan*, 19 January 1998.

<sup>87</sup> *El-Watan*, 27 January 1998.

<sup>88</sup> *Maroc Hebdo International*, Interview by Mustapha Tossa, February 1998.

<sup>89</sup> Ibid.

<sup>90</sup> *El-Watan*, 31 January 1998.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> *L'Humanité*, 30 December 1997.

<sup>94</sup> Ibid.

<sup>95</sup> *Confluences Méditerranée*, N° 25, Printemps 1998, Edition L'Harmattan, pp. 73-78.

<sup>96</sup> Ibid, pp. 83-92.

<sup>97</sup> Ibid.

<sup>98</sup> Bruno Etienne, Interview, *Le Figaro*, 29 February 1997.

<sup>99</sup> Stanley Cohen, 'Government responses to human rights reports: claims, denials and counterclaims', *Human Rights Quarterly*, N° 18, 1996, pp. 517-543.

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<sup>100</sup> The army rhetoric of denial is consistent with the government's responses to the massacres, as explained by A. Zerouali, in paper No. 7, in part III of this book.

<sup>101</sup> R.J. Rummel, 'Democracy, Power, Genocide and Mass Murder', *Journal of Conflict Resolution*, Vol. 39, N° 1, March 1995, pp. 3-26.

<sup>102</sup> Ibid.

<sup>103</sup> Helen Fein, 'Genocide: a sociological perspective', *SAGE Publications*, 1993.

<sup>104</sup> Ibid.

<sup>105</sup> Amnesty International, 'political killings by governments', *1983 Report*, AI Index: ACT 03/26/82.

<sup>106</sup> Barbara Harff and Ted Robert Gurr, 'Victims of the state: genocides, politicides and group repression since 1945', *International Review of Victimology*, Vol. 1, , 1989, pp. 23-41.

<sup>107</sup> Ervin Staub, 'The roots of evil: The origins of genocide and other group violence', *Cambridge University Press*, USA, 1989, pp. 225-226.

<sup>108</sup> 'Une guerre mondiale contre l'humanité', *BASTA*, N° 1, January 1998.

<sup>109</sup> Eqbal Ahmed, 'Guerre révolutionnaire et contre-insurrection', quoted from N. Miller and E. Aya, 'National Liberation and Revolution', *The Force Press*, New York, 1970.

<sup>110</sup> See note 66.

<sup>111</sup> Ibid.

<sup>112</sup> See note 103.

<sup>113</sup> See A. Aroua, *Reading Notes on French Colonial Massacres in Algeria*, paper No. 26 in part V of this book.

<sup>114</sup> Charles-Andre Julien, 'Histoire de l'Algerie contemporaine', Vol. 1, p. 62.

<sup>115</sup> According to official sources, there were at least 500 persons killed by the bullets of the National Popular Army, among whom many were children. The brutality was such that young witnesses were in a state of shock when they were asked to describe the scenes: 'It is worse than South Africa, it is worse than Chile' and 'They are worse than the Zionists! The Zionists do not shoot at mosques, it must be written, you should write it'. Cited by *Le Monde*, 11 October 1988.

<sup>116</sup> Ahmed Rouadjia, 'L'Etat algerien et le problème du droit', *Politique Etrangere*, N° 2, Summer 1995, p. 357.

<sup>117</sup> See note 7.

<sup>118</sup> *Le Jeune Independent*, Interview with Me Ali Yahia Abdenour, 22-23 September 1998.

<sup>119</sup> See note 65

<sup>120</sup> Luis Martinez, *La guerre civile en Algerie 1990-1998*, Edition Karthala, Paris, 1998.

<sup>121</sup> Ibid.

<sup>122</sup> *The Observer*, 19 January 1997.

<sup>123</sup> See note 66.

<sup>124</sup> Ibid.

<sup>125</sup> Robert Philip, 'French bolster their defence', *The Daily Telegraph*, 6 June 1998.

<sup>126</sup> Ibid.

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<sup>127</sup> *Le Nouvel Afrique Asie*, N° 101, p. 15, February 1998.

<sup>128</sup> Ahmed Semiane, *October 1988: Ils Parlent*, Interview with Khaled Nezzar, 1998.

<sup>129</sup> See note 79.

<sup>130</sup> A. Taher, 'L'Algérie déchirée', *Politique Internationale*, N° 68, Summer 1995, p. 19.

<sup>131</sup> *Le Nouveau Quotidien* (Geneva), 4 April 1995.

<sup>132</sup> See note 5.

<sup>133</sup> J. Smith, 'GIA is a counter-guerrilla force', *Africa Human Rights*, Vol. 2, N° 7, 9 September 1997.

<sup>134</sup> *The Observer*, 18 January 1998.

<sup>135</sup> R. Meziani, 'On the politics of Algerian Massacres', *The News Review*, London, 3 October 1997, p. 6.

<sup>136</sup> *Courrier International*, 'Comment les services spéciaux ont contré le président', October 1997.

<sup>137</sup> *Ibid.*

<sup>138</sup> Private communication.

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## ALGERIA'S DIPLOMACY AND THE MASSACRES: THE SELLING OF ATROCITIES

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*A. Bouzid*

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## 1. Introduction

On Monday, 21 September 1998, as the Kosovo conflict began at long last to take the form and feel of an international crisis, the Serbian government under the control of Slobodan Milosevic asked its parliament to issue an official condemnation of international 'pressures, threats and blackmail' against Serbia over the separatist conflict in Kosovo. The United States and European governments were particularly pointed out for 'abusing the mechanisms of the UN for the realisation of their own aims, which directly threaten the sovereignty and territorial integrity of Yugoslavia'.<sup>1</sup> The draft statement went on to strongly condemn 'all those countries which are rendering financial, media, military and other aid to the terrorists while advocating military intervention for hypocritical humanitarian reasons', echoing the words of Serbia's president who had also earlier denounced unspecified countries for 'helping the terrorists with money and arms, and giving them media support'.<sup>2</sup> Ten days later, in reaction to fresh reports of new atrocities against civilians perpetrated by security forces in Kosovo, United Nations secretary-general Kofi Annan expressed his great shock over the latest developments. The Secretary-general was especially outraged – no doubt taking the affront personally – since the reports came only a few days after the foreign minister of the Federal Republic of Yugoslavia, Zivadin Jovanovic, had flatly denied in a face-to-face meeting with the Secretary that any such actions were taking place.<sup>3</sup> The Secretary-general pointed out that although the Yugoslav authorities had the right to maintain public order and to defend the country from provocative actions, such 'actions can never justify the pattern of terror, including the burning of houses, looting, killing of livestock and wanton killing that have been reported these past few days'.<sup>4</sup>

Anyone who has been following the horrific news on the Algerian crisis with any degree of attention will not fail to draw the necessary parallels between the pronouncements and protestations emanating from Serbia's spokesmen to the world and those articulated by their no-less articulate Algerian counterparts. Not that the crisis in Kosovo and the one that has been ravaging Algeria can be placed on equal footing. After all, the Kosovo crisis is at this time of writing no more than seven months old, claiming in life around 600 people (although the count threatens to rise quickly), while Algeria's conflict is about to enter its seventh year, and has claimed more than 60,000 lives (many put the figure above 120,000). One should also not fail to acknowledge that the international outcry over the crisis in Kosovo is more than one order of magnitude as vociferous as its outcry over the Algerian tragedy has been – yet another indication that the parallels between the two situations can only be pushed so far. But nonetheless, parallels there are, and

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they should be duly noted: according to the various official spokesmen (whether Serbian or Algerian), the world at large is conspiring against a legitimate government; it is aiding and abetting terrorism and rebellion; it is scheming to undermine the stability of the country; and not least, it is sparing no effort to erode and altogether do away with the very sovereignty of the country.

Of course, the arguments and protests – the phrases and formulations themselves, in fact – are as old as human government. Looking no farther than ten years back, the very same protestations have been formulated in nearly the same language by Boris Yeltsin in his brutal assault on Chechnya, by Slobodan Milosevic in his ethnic-cleansing campaign in Bosnia, by South Africa's regime in reaction to world condemnation of apartheid, by Israel in its continued occupation of South Lebanon, Syria's Golan Heights, the West Bank and Gaza, by Saddam Hussein in his genocidal war against the Kurds and his invasion of Kuwait, and by a succession of American administrations in their chronic war-mongering outbursts against anyone who challenges their claim to complete hegemony. In all cases, and to approximately the same degree of outrageous hypocrisy, transparent mendacity, and utter contempt for international law, the argument advanced has been the same: the world without is for some mysterious reason conspiring against an innocent government engaged in the perfectly legitimate act of protecting its interests and those of its people. But for all their similarities, each case has its own particular story to tell. Each has its tales of horror and its tallies of death. None of the tragedies briefly mentioned can be explained easily in simple, straightforward narratives – in fact, at the very core of the conflict is the simplistic bifurcation of the world into two camps: those who are on our side and those who wish us ill. The task of explanation proper belongs to the historian of tomorrow who will have to go beyond a story of good v. evil and identify for us who were responsible for committing crimes, why and how they perpetrated those crimes, who were the victims of those crimes, and for what reason were those crimes perpetrated against them.

The staggering savagery that has been visited upon innocent civilians in Algeria leaves the observer in a state of shock and bewilderment and defies him to construct a plausible narrative that will make sense of the unrelenting horror. But if we have to wait for tomorrow's historians to obtain answers, it is perfectly within our right to at least ask the obvious questions: 'Who is behind the massacres?'; 'Why are men, women, and children being killed, and in such a brutal way?'; 'Who benefits from such killings?'; 'How does one explain the continuing massacre of civilians?'; 'Why can't the government protect civilian populations that are being massacred?'; 'What about accounts that have reported massacres perpetrated near military barracks?'; 'Why are the Algerian authorities so opposed to an international inquiry into

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what is taking place in Algeria?', and countless other questions that beg to be answered.

Such questions are not impossible to answer – eventually – but they are difficult to address now in any conclusive way, since the very forces and interests behind what is taking place in Algeria today are still very much in effect and hard at work obfuscating the truth. But often enough, the act of obfuscation itself will go a long way helping us discern at least an outline of the truth. What follows is an attempt to examine some of the official answers and explanations willingly provided by Algeria's spokesmen to the world – its diplomatic corps – in reaction to the international outcry and indignation over the horrible massacres in Algeria over the last two years. The Algerian diplomatic corps has been actively engaged, from the outset of the crisis in January 1992, in a relentless campaign of damage control and image building, and has played a crucial role in the regime's overall strategy for dealing with the crisis. What the analysis will show is that the official line adopted and articulated by the Algerian authorities in presenting to international opinion their version of what is taking place in Algeria raises more suspicion than it answers questions and concerns.

## **2. Defensive Strategies**

### **2.1. False Dilemmas**

A time-honored rhetorical strategy employed by regimes on the defensive is to divide the world into two opposite camps: those who are loyal friends of the regime and those who are its sworn enemies. No middle ground is allowed for those who are not interested in either end of the two extremes. Algeria is a sovereign state, and therefore its internal affairs are not the business of anyone other than the Algerian state. Those who insist on holding the state answerable for such internal matters as the security and welfare of its civilian population are either maliciously acting with the intent of undermining the authority and sovereignty of the state, or, worse yet, willingly providing aid and cover to the enemies of the state.

Astonishing in its simplicity as it may seem – there are only two sides: you are either with me or against me – this rhetorical strategy has in fact been the backbone of Algeria's official response to the many outcries of horror and indignation (though late in coming and weak in intensity) that have emanated from all quarters of the world. A telling example, articulated by Algeria's ambassador to the US, Ramtane Lamamra, coming in the thick of Algeria's blackest period of massacres (many more massacres were to follow yet), came in the form of his, 5 February, 1998, testimony to the US Congress's House of International Relations' Subcommittee on Africa hearing on Algeria. The ambassador explained with great aplomb that:

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The Algerian government, which is respectful of its own constitution and laws, as well as of international law, cannot cooperate in an undertaking whose sole visible and immediate effect would be the exoneration of terrorist groups from their crimes, and the delegitimization of the multi-party elected institutions of the republic.<sup>5</sup>

And more directly challenging the good will of those he was addressing:

For any Algerian, whoever he is, sitting here, reading papers or following some of the questions – one can wonder if the accent here is not put on ways and means to obtain something from the Algerian government rather than ways to defeat terrorism.<sup>6</sup>

What that ‘something’ that the American congressmen wanted and that would be served by aiding and abetting terrorism, the ambassador did not care to elaborate.

Examples of the bifurcated world-view abound from Algeria’s spokesmen to the world: Mourad Bencheikh, Algeria’s ambassador to Sweden, explained that when independent inquiries into the Algerian massacres are requested by NGOs and other official bodies, ‘these criminals are put on the same level as the security forces, which are acting in self-defence to protect the Algerian state and population.’<sup>7</sup> Echoing the same sentiments, Algeria’s ambassador to France, Mohamed Ghoualmi, declared, that ‘the international community should show solidarity with Algeria’s fight against terrorism’,<sup>8</sup> obviously meaning by ‘solidarity’ a total and uncritical acceptance of the Algerian state’s version of events. He went on to state that ‘it was unacceptable that while there was an eruption of terrorist acts, pressure was being exerted exclusively on the state, as if it were responsible’.<sup>9</sup> The pressure to which the ambassador is referring, it must be noted, is nothing more than mere declarations and exhortations by various world bodies and personalities for the state to come to the aid of innocent civilians in imminent mortal danger and for a plausible explanation about why hundreds of people could be slaughtered within a few hundred yards from army barracks.

The answers from other Algerian diplomats have invariably been deaf to the outcries of indignation. In response to Lebanese offers to mediate negotiations, Hassan Bou Fares, Algeria’s ambassador to Lebanon, energetically denounced the offer, explaining that ‘We reject any attempt by Lebanon to interfere in our internal affairs’, accusing ‘some [Lebanese] parties and committees, with nothing in common except their enmity towards Algeria, of holding meetings under the cover of solidarity with the Algerian people’.<sup>10</sup>

The reply from Mohamed Salah Dembri, Algeria’s pugnacious ambassador to the United Nations in Geneva, intoning the official line, is that ‘Algeria is an independent, sovereign country [...] We do not accept any interference in our affairs’.<sup>11</sup> Again, ‘interference’ meaning any statement or declaration that does not embrace the Algerian regime as an absolutely innocent

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victim to savage terrorism. The very vocabulary and language, in fact, are expected to comply with the Algerian regime's version of reality, at the pain of declaring those who do not respect that language the abettors of terror. 'Those who wish to give terrorism legitimacy and honor by describing it as "armed opposition",' Algeria's ambassador to the UN in New York, Abdallah Baali, declared, 'would bear a heavy responsibility for the tragedy faced by some countries plagued by terrorism.'<sup>12</sup> Sometimes, even mere official expressions of concern can draw angry indignation from Algeria's spokesmen. In her first meeting with Algeria's foreign minister, Ahmed Attaf, Mary Robinson, then the new UN High Commissioner for Human Rights, stated that:

One of the things that has been an important experience of the international community is that human rights don't have those kinds of borders. [...] And when there are serious violations of civilians' rights and when the situation is as bad as in Algeria, I do not and cannot consider that to be an internal situation. [...] I know the government of Algeria may have a different view, but I am very concerned about the level of violence.<sup>13</sup>

To which, Mr. Attaf answered with great severity that the Commissioner had 'surpassed her authority in judging the position of a sovereign member state'.<sup>14</sup> Carol Bellamy, UNICEF Director, did not fare better in the hands of ambassador Baali for merely voicing public support to an Amnesty International report on Algeria. Her very motives, in fact, were directly impugned by the ambassador: 'Your hasty support to a report that needs to be carefully studied, examined, and answered, leads me to question your true motives,' ambassador Baali wrote in a letter addressed to the director and made public to the press.<sup>15</sup> Exactly what dark motives the UNICEF director could possibly harbor against Algeria, the ambassador did not bother to elaborate, as usual.<sup>16</sup>

## **2.2. Ad hominen**

A stronger and more aggressive version of the bifurcated-world strategy is the equally highly effective ploy of attacking the integrity of critics – any and all critics. In its most subtle articulation, this strategy is formulated in the guise of a challenge to the credibility of the critic: if doubt can be cast on the critic's credibility – e.g., their technical competence, their objective neutrality – then whatever damaging statements the critic may make will carry less weight and therefore have less impact. In the case of the Algerian diplomatic answer to the world, this level of subtlety has proven too high. Rather, time and again, when not asserting that those who do not agree with the Algerian official rendering of the situation are aiding terrorists, the Algerian diplomats have spent great energies impugning, in any way possible – whether relevant to the issues at hand or not – the character and moral probity of those who speak against them.

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Here, three variations of the strategy are deployed, sometimes all at once: the person's character is attacked; the critic's circumstances are noted; and the critic is pointed out for not practicing what he preaches. A typical example of this strategy can be illustrated in ambassador Lamamra's testimony to Congress. Ten days before the ambassador's testimony, the American weekly television program, *60 Minutes* aired a segment on the recent waves of massacres that had been sweeping Algeria for the previous months. In the segment, Abdelhamid Ibrahimi, an Algerian ex-prime minister now in self-exile in the United Kingdom, was interviewed. The ex-prime minister stated during the interview – as he had on many occasions before and since – that the army was not only derelict in its duties of protecting civilian populations in mortal danger, but was primarily responsible for the massacres. The ambassador, obviously having a sense of the respect enjoyed by *60 Minutes* in the US, did not dare to suggest – as the impulse must have urged him to – that *60 Minutes* was for some dark reasons conspiring against the Algerian state, a proposition that would have probably startled the Congressmen. Instead, he focused on Mr. Ibrahimi himself, a personality most probably none of the congressmen had heard of before. Pointing out that Mr. Ibrahimi was prime minister and a politburo member during the one-party era (by this, the ambassador no doubt wishing to proudly highlight the 'democratic' character of the government he was serving, about which more soon), the ambassador expressed the need to 'say something about the credibility of such a witness, which is questioned by most Algerians, as this individual was a politburo member of the ruling party in the 1980s, where he was representing the fundamentalist leaning'. The ambassador went on to state that 'as minister of planning and as prime minister between 1979 and 1988 – which is the "lost decade" – this individual is considered by most Algerians as the father of all disasters that have taken the country since then'.<sup>17</sup>

Aside the obvious hyperbole – did the ambassador mean that all the ills of Algeria emanated from this one great devil? – one might also be tempted to ask the following: how does the ambassador know how 'most Algerians' felt about an old politician? The ambassador, of course, does not say. The ambassador also does not bother to tell us how the vilification of Ibrahimi can replace an honest refutation of the grave accusations that the Algerian army may have a hand in the massacre of innocents.

A more gripping example from the same ambassador was his intense and outright demonisation of Amnesty International. To a congressman's query about witness accounts of survivors of the Bentalha massacres, where it was reported by Human Rights Watch, through accounts relayed by Amnesty International, that army units had stood by idly while for more than four hours the massacre of more than 200 people took place within a few hundred yards of their barracks, the ambassador confined his answer to articulating a lengthy diatribe against the objectivity of Amnesty International.

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Amnesty International's allegations were, according to ambassador Lamamra, 'fanciful' and 'extravagant'. In fact, the ambassador went so far as to make the curious statement that 'for many Algerians, Amnesty International look more like the second outlawed political party in Algeria; that is, a second FIS, rather than a neutral NGO' (and, as already indicated, by 'neutral' the ambassador means 'uncritical' of the authorities). Again, how the ambassador was able to determine what most Algerians felt about Amnesty International or why Amnesty International would want to behave as a second FIS, the ambassador was not forthcoming with an answer.

Ambassador Lamamra's attack on Amnesty International is not an isolated case by any means. No less blatant examples of the *ad hominem* strategy abound from all quarters of Algerian diplomacy. One particularly noteworthy instance was articulated by ambassador Mohamed Salah Dembri in a statement against both Amnesty International and the FIDH to the 54<sup>th</sup> session of the United Nations Commission on Human Rights (UNCHR) in Geneva.<sup>18</sup> According to the ambassador, Amnesty International and the FIDH are at best professionally incompetent and at worst guilty of practicing 'media terrorism'.<sup>19</sup> In his statement to the UNCHR, the ambassador said: 'we reject [Amnesty International's] worn out rhetoric, its simplistic methodology based on anecdotes [...] and anonymous testimony [...] as we reject its botched up field work conducted furtively and hastily.'<sup>20</sup>

We will turn shortly to a detailed illustration of the extent to which the Algerian authorities are permissive of more complex methodologies of investigation – ones that, for instance, can be carried out with deliberation and freedom of movement – although one may already wonder how the ambassador would reconcile his observations about Amnesty International's methodology with Algeria's officially stated policy of refusing any foreign inquiries into massacres and other human rights violations. But for now, let us follow the ambassador's logic in his attack on the two organisations.

Not wishing to altogether dismiss Amnesty International – a historically respected organization – the ambassador deployed the trick of drawing a wedge between the past and the present. The ambassador did not hesitate to speak words of glowing praise about the 'Amnesty of Sean Mac Bride, the one he lead, with the unanimous consent of all states, towards the Nobel Peace prize'. But, 'Alas,' the ambassador exclaimed, 'the successors of Sean Mac Bride are behaving today like charlatans, far from contributing to the establishment of defenders of human rights.' That is, Amnesty International may once have been a defender of human rights – and we acknowledge that it once *was* – but that was *then*. Our critics of today have nothing in common with the Amnesty of the past.

The flip side of the 'historical-wedge' tactic is the opposite one of 'historical-continuity'. Whereas the argument with the 'historical-wedge' strategy

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consists in stating that an essential difference obtains between what prevails today and what prevailed once (whichever of the two one wants to paint in favorable light), the ‘historical-continuity’ strategy consists in claiming the opposite: that what prevailed once still prevails today. One would think that in an argument sequence, one would not employ both strategies aside one another. But curiously, an example of the ‘historical-continuity’ strategy is provided by ambassador Dembri on the very next paragraph following his attack on Amnesty International, where he used the ‘historical wedge’ strategy. The target this time being the FIDH: ‘If there is any NGO that does not deserve to sit in this sacred forum, it is it,’ the ambassador proclaimed. He went on to say that:

Since it was created in 1922, we would like to know what positions it took between 1922 and 1962, years of struggle and independence in Africa. [...] During this period, it ‘valiantly’ supported the rights of colonizers – all the rights of the colonizer against the colonized. And now that we are independent, it pretends to give us lessons about the law. [...] What did it say when the leaders of nationalist movements were being deported? [...] What did it say about the African holocausts? [...] Well, it said nothing! [...] This organization needs to explain its past between 1922 and 1962.<sup>21</sup>

No mention this time that the leader of the FIDH today – or the FIDH itself of today – is not the same leader of the FIDH of thirty years (let alone of seventy years) ago.

The nationalistic, anti-colonialist trope, old and worn out as it may sound, especially coming from a regime that has exhausted its historical legitimacy of revolutionary liberator, remains an enduring old favorite fall back position that has proven too well-entrenched in the psyche of Algerian diplomacy to give up that easily. What does the Algerian government say in response to France’s half-hearted suggestion that ‘Algerians have the right to protection?’<sup>22</sup> The answer from ambassador Dembri consisted in reminding the world of the ‘violence of the French state during the colonial period’, pointing specifically to the freshly resurrected scandal of Maurice Papon and the drowning of hundreds of Algerians in the Seine in October 1961.<sup>23</sup>

What is noteworthy to highlight in all of this, the diplomatic diatribes notwithstanding, is that in the end, the ambassadors never did bother to explicitly deny the substance of specific accusations – scandalous accusations that must be answered at once – by the FIDH, Amnesty International, and other observers, that security forces had willingly and willfully refused to help innocent civilians in mortal danger.

### **2.3. Lack of Proof**

As we briefly noted earlier, ambassador Dembri criticized Amnesty International for its ‘simplistic methodology based on anecdotes [...] and any-

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mous testimony' and rejected 'its botched up field work conducted furtively and hastily'.<sup>24</sup> Hearing the ambassador, one might be led to believe that Amnesty International, or any other interested organization, is free to investigate as closely as it wishes what is taking place in Algeria. One might also be led to believe the same thing listening to the ambassador's reaction to declarations by the French Premier minister, Lionel Jospin, who had timidly suggested that there is such a thing as 'state violence' by the Algerian regime. 'When one makes an accusation,' the ambassador protested, 'one needs to back it up with solid proofs'.<sup>25</sup>

Let us look into how easy it is in Algeria to gather 'solid proofs'.

According to Anthony Loyd of *The Times*, 'In no other zone of conflict have I seen people so afraid to speak their minds to a foreigner. This fear is not eased by the constant presence of armed plainclothes "minders" who shadow almost every move of foreign journalists.'<sup>26</sup> Robert Moore of *The Observer* wrote on his part that 'It is not easy reporting when surrounded by 20 armed guards'.<sup>27</sup> In an effort to ensure that only their version of reality should come out, at the site of Beni Messous, where in the night of 6 September 1997, more than 200 people met with a violent death at the hands of assailants wielding knives and axes, the authorities 'forbade [journalists] from contacting survivors without first obtaining permission from the police station, which was only granted if the names and addresses of those likely to be interviewed were declared'.<sup>28</sup> The journalist goes on to remark that 'As the sight of a uniform is enough to silence the kasbah, that condition was virtually impossible to fulfil'.<sup>29</sup>

Small wonder that ambassador Dembri ringed hollow when he protested that 'Algeria wishes to solemnly remind the European Union, as it has done on many previous occasions, that it behooves those who are alleging violations of human rights to kindly produce documented proof and deposit them to the competent UN bodies for examination'.<sup>30</sup>

### 3. Offensive Strategies

#### 3.1. Discourse in International Law

Another favorite rhetorical strategy often deployed by Algeria's diplomats in answer to allegations that the Algerian authorities are guilty of violating human rights is to state that Algeria is signatory to a long list of international human rights treaties. In answer to the question: 'why is the Algerian government opposed to an international investigation,' ambassador Lamamra answered in his testimony to the US Congress by observing that:

Algeria is signatory to all the multi-lateral treaties on the non-proliferation of weapons of mass destruction, and Algeria is a signatory to 23 conventions aimed at pro-

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protecting and promoting human rights, and Algeria voluntarily accepts the optional protocols attached to those treaties, which establish monitoring mechanisms.<sup>31</sup>

How does the signing of treaties relate to actual reality and how does mentioning the number of treaties signed make Algeria more transparent, we are again not helped with an answer. As far as Algeria's responsibility to the international community is concerned, in the words of foreign minister Ahmed Attaf, 'The only obligation that we have at the moment is the periodic presentation of reports on the political and civil rights in front of the special United Nations commission on human rights.'<sup>32</sup> Not that these treaties and obligations are fair to the Algerian state in the first place – even if they are flouted and scorned as a matter of fact and policy. No doubt wishing to contribute to a more equitable system of human rights laws, ambassador Dembri complained that 'International human rights refers only to the responsibility of the state when, more and more, there exist entities outside of the state'. The remedy to this unbearable state of affairs? 'If we consider the phenomenon of mafias and terrorism, we have non-state entities whose responsibilities are not mentioned in international law as it exists today – and for this reason, we must further develop the notion of international law.'<sup>33</sup>

Getting back to the real world, we will do better in our attempt to evaluate the extent to which the Algerian state is respectful of the rule of law and the various treaties it has signed by examining how it actually behaves. According to Amnesty International:

More people are dying in Algeria than anywhere else in the Middle East. Time and time again, no one is brought before a court of law. There is just a statement, released to the press, that the killer or killers has been killed.<sup>34</sup>

Often, alleged terrorists are first brought before national television, where they make various self-incriminating statements – that yes, they participated in an assassination or that they carried out a murder – and then, they disappear, never to be heard from again. Two particular cases are worth mentioning: the assassination of Tahar Djaout in June 1993, the first journalist to fall victim to the violence, and that of Abdelhaq Benhamouda on January 28, 1997, a labor leader and ally of president Zeroual. In both instances, the alleged perpetrators were presented in front of national TV to 'confess' to their crimes. In the case of Tahar Djaout, a certain Abdallah Belabassi claimed in his televised 'confession' that he drove the assailants to the scene of the crime and that he was operating under Islamist leader Abdelhak Layada. It turned out later that Abdallah Belabassi could not have driven the assailants, since he was a few miles away during the assassination with his hand ball team.<sup>35</sup>

The handling of Abdelhak Benhamouda's assassination represents an even more egregious example of the state's routine violation of human rights

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and its lack of respect for the rule of law. Like Abdallah Belabassi, the alleged assassin of Mr. Benhamouda, Rachid Medjahed, was presented to national television on February 23, 1997, to ‘confess’ to his crime. Arrested by the authorities on February 15, the accused was not seen alive after his ‘confessions’ of February 23 and apparently died while in detention. According to Human Rights Watch,

Except for his televised ‘confession’, neither Mr. Medjahed’s relatives nor his lawyer saw him alive after his arrest. After first learning of his death the family had to wait a month before being permitted to view his body. They were then provided no details concerning the cause and circumstances of death. Authorities to this day have not as far as we know acknowledged Mr. Medjahed’s death publicly.<sup>36</sup>

Referring to the Medjahed case, an Algerian human rights lawyer said: ‘This gives you an idea of how far *le pouvoir* can go. No trial. He was never brought before a court of law. He’s on television in their hands. Then he’s dead.’<sup>37</sup>

A rectification needs to be made, however, since the authorities have at this time of writing at last publicly acknowledged the death of Rachid Medjahed. In their report to the United Nations Human Rights Commission, in Geneva in March 1998, the Algerian delegation acknowledged the *possibility* of only *one single case* of extra-judicial killing – that of Rachid Medjahed – which it claimed was injured in a shoot out while resisting arrest, although, the report added, the matter was still under investigation by the Algerian authorities.<sup>38</sup> How does this account fit with the fact that Rachid Medjahed seemed perfectly healthy during his, 23 February 23 1997, televised confession – that is, one week after his arrest in February 15 – the delegation did not seem eager to elaborate.

The Belabassi and Medjahed cases are only two instances among thousands of others, all eloquent testimony of the extent to which the Algerian state is respectful of the 23 international human rights treaties and proclamations of which it is willing signatory. According to Robert Fisk of *The Independent*, ‘documentary testimony [shows] that thousands – some say as many as 12,000 – men and women have been “disappeared” by a government that claims to be fighting “international terrorism”.’<sup>39</sup> Those few brave Algerians who dare seek to establish the fate of the disappeared themselves run the danger of joining the rank of those they are trying to defend. Hear the testimony of human rights lawyer Maitre Mohamed Tahri:

They took me to an office at the Cavaignac police station – I knew people who had died there under torture. They said to me: ‘You are one of those who gives information to Amnesty International and other organizations [...] you’re the one who arranges demonstrations, who causes trouble in this country.’ From there they took me to the commissariat in Colonel Amirouche Street where I stayed for six hours. There they told me: ‘You have contacts with journalists. You have contacts with Amnesty International.’<sup>40</sup>

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Even more eloquent are the simple words of those who have witnessed the disappearance of loved ones. As one witness put it, ‘Our children were not taken by terrorists, they were taken by the police.’<sup>41</sup> Another, pointing out the obvious, said: ‘The terrorists just kill, but the people who took my brother knew him and they came into our house with dogs. Terrorists do not use dogs.’<sup>42</sup>

‘That the regime kills innocent people is plain,’<sup>43</sup> concludes John Sweeney of *The Observer*, not a far-fetched conclusion to draw if one examines the well-documented facts on the ground. And one may not even need to seek evidence, since the security forces do admit to stepping out of bounds, as in the following exchange between Robert Fisk and an Algerian official, ‘a decent, highly educated man, a loyal servant of the military-backed government’:

‘Look, Robert,’ the official said, ‘you must realise that there are people who have lost wives and children. They are angry. And if you find one man and you think he knows of plans for a massacre in a village, well, do you not think it may be necessary to be “against” him – if you can save all those lives?’ For ‘against’ read ‘torture’. But that, I said, is Israel’s excuse [...] My Algerian friend had no reply to this.<sup>44</sup>

### 3.2. Claim of Transparency

The mere fact that Algeria is signatory to various international treaties should suffice as proof to the world that the Algerian state does respect the human rights of its citizens and that therefore the allegations that the state violates those rights are ‘fanciful’ and ‘extravagant’. Or so we are urged to think by Algeria’s diplomats. By the same token, Algeria has nothing to hide and has been completely transparent by the mere fact that it has allowed entry to journalists into Algeria.<sup>45</sup> ‘561 journalists [...] were admitted to Algeria in the year 1997 alone,’ ambassador Lamamra boasts, ‘one of them having produced the famous *60 Minutes* program mentioned earlier.’ The foreign minister was even more emphatic: ‘last year, 561 foreign journalists covered the events in Algeria under *totally normal conditions*.’<sup>46</sup> In fact, the essence of the problem, according to ambassador Dembri, is the exact opposite:

It is obvious that the international communication system is controlled and biased [...] We have great difficulty accessing it and this greatly restricts our ability to convince others [...] It is much easier to call upon our detractors outside of Algeria because – and let’s be honest – they present an image of the situation in Algeria that is more congenial to the various accounts that are being advanced by our adversaries. It is for this reason that we must seriously think about undertaking a modernization of our communication system [...] We have many talented professionals, and we must provide them with the means to [...] clarify the situation for world opinion.<sup>47</sup>

Unfortunately, reality does not concur with the ambassador’s claims. The fact, documented extensively, is that the vast majority of those reporters

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who were admitted to Algeria were severely constrained in the most basic ways in where they could go and what they could see and have frequently complained about the difficulty to carry out their tasks.<sup>48</sup> Those who have dared circumvent the authorities have spent a night or two in jail and then summarily ejected from the country.<sup>49</sup> But then again, the facts should not be expected to obstruct the rhetoric: 'The Algeria of 1998, sure of its destiny,' ambassador Dembri insists,

has shown the world that it is not averse to the rules of openness and open dialog. The recent European Troika visit proves this; the visit by the delegation led by Mr Soulier proves this; that of various personalities from all over the world proves this; that of journalists, intellectuals, and organization officials also proves this.<sup>50</sup>

First, one may be tempted to wonder how the ambassador reconciles his claims of total transparency and cooperation with the outside world with those of his superior, minister Ahmed Attaf, who claimed that there was nothing to be transparent about in the first place, and therefore nothing to cooperate over: 'The situation in Algeria is clear. It is a struggle waged by a state, through legitimate means, against terrorism, and there exist no doubts that require further investigations'<sup>51</sup>, or again 'There is no fact-finding mission, no investigation that would be acceptable to us, [since] the truth is known [...] The authorities in your countries know full well and in detail who is behind the terrorist acts in Algeria'<sup>52</sup>. Needless to say that the answer is not obvious. Moreover, the ambassador fails to mention that both the Troika and the European delegations were in fact denied access to the site of massacres, the requested visits characterized by minister Attaf as 'unseemly tourism', and that journalists also have not been allowed access into the site of massacres since the visits of the European delegations.<sup>53</sup> According to *Le Quotidien*:

The movement of foreign journalists has become severely constrained. Daily, new reasons are given to refuse requests to travel within the country. The harassment is also daily. In addition to the work visa, an accreditation of the ministry of Communication is also required [...] Police escort – which is mandatory and without which journalists are not allowed to move -- officially for security reasons – have also come to weigh very heavily on the journalists. It is not rare that during an interview an agent would interrupt by asking 'When are we going to leave?' or 'What more do you have to say?' When we know the fear that the police inspires in people in Algeria, the mere sight of a talki-walkie or an intimidating attitude suffices to discourage people from speaking up.<sup>54</sup>

It should come as no surprise that the obstacles local journalists face in their daily work are much harder to overcome than those faced by their international colleagues. If the regime is limited to using the devices of visas, work permits, and 'body guards' to control foreign journalists, the array of methods of local obstruction at the disposal of the regime are virtually limitless. Two categories of obstruction can be identified: those that are overt

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and on the surface in compliance with the letter of the law (laws written in the first place to obstruct the flow of information), and those that are covert and aimed at undermining, outside the rule of law, the free circulation of information.

In the first category, we can mention the 58 acts of censorship by the authorities against local newspapers since January 1992. Such acts range from confiscation of newspapers, suspension of the right to publish, and prohibition against the publication of certain articles, and other similar official acts. The official justification given by the authorities for each act of censorship has been a 'security concern'. By 'security concern' is meant, quite simply, the total prohibition to publish in any detail or form information concerning losses or casualties incurred by the security forces during their operations. The motivations behind this policy are obvious: the state needs to project to its citizenry and to the world that it is in control of the security situation, and what better way to accomplish this than by suppressing any information about its own casualties? But we do not need to guess what the motivations are: a memorandum, spelling out in so many words what the state expected from the national press, dated 7 June 1994, was circulated from the Interior Ministry to the heads of the main press bodies, outlining to them how the security situation should be covered:

In a period where all the vital forces of the nation are aimed at eradicating terrorism and subversion, I know that I will be able to count on your positive contribution in the anti-terrorist and anti-subversive fight [...]. Regarding information relating to acts of terrorism and subversion, the media are ordered to release only official communiqués [...]. The release of any information related to security matters, not officially authorized, is prohibited.<sup>55</sup>

The memorandum went on to provide helpful stylistic 'recommendations'. The press is asked to enter into 'mutual understanding' with the state for the sake of 'reducing the psychological impact of terrorist actions' by 'adopting an appropriate terminology lest the language unconsciously used is favorable to the ideology and propaganda of the opposition'; by 'systematically treating all security matters in inside pages, except in special instances, in which case the item should be given small space'; by 'avoiding the publication of the photograph of leaders of violent action'; by 'highlighting the atrocities committed by Islamist regimes' and by 'exposing the treachery and swindling of those who, in the name of religion and the purification of society, engage in criminal activities'. The memorandum goes on to explain that the journalists are expected to provoke 'the rejection of terrorism' by 'exposing the inhuman character of the barbarous practices of terrorism' and by 'showing that in the end [there is only] prison or death' that awaits the terrorists, thanks to the 'efficiency of the security forces which, even if they are not able to prevent all crimes, are always able to find the guilty'.<sup>56</sup>

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Not altogether happy with the level of compliance – not negligible, one must note – by the national press, the memorandum of 7 June 1994, was followed in 11 February 1996, by the establishment of the more concrete and more efficient ‘reading committees’, to be seated within the printing houses. The suspension, from then on, would be executed at the printing facilities, even before publication, a positive advance in the quest for the efficient control of information. Since the installation of these committees, the press has suffered 10 acts of suspension or confiscation.<sup>57</sup>

The more efficient and more effective means of controlling the flow of information are those that are undertaken as a matter of course, without memoranda, decrees, or reading committees. Three realities about the basic working conditions of the Algerian press need to be highlighted. First, all four printing houses that exist in Algeria are owned by the state. An attempt by UNESCO, the International Federation for Newspaper Editors, and the International Federation of Journalists in February 1996, to help in building a private printing house was, not surprisingly, energetically rebuffed by the authorities in the name of national sovereignty. A monopoly of the printing houses, needless to say, affords the state with a powerful means of controlling the flow of information. *La Nation* and *El-Hourriya*, for instance, were refused publication in December 1996, for not paying their bills to the Algiers national printing house (the Societe d’Impression d’Alger). The decision, arbitrary, since the two newspapers were not the only ones with arrears, was patently an act of censorship, according to the two newspapers a ‘political prohibition [...], a liquidation that obviously enters in the framework of reshuffling the national political and media scenes’.<sup>58</sup> As late as the time of this writing, late October 1998 – a period of great internal political turmoil within the power structure – the various power holders continue to exert their economic muscle to muzzle the press, effectively resulting in the suspension of *La Tribune*, *Le Soir d’Algerie*, *Le Matin*, and *El-Watan*.<sup>59</sup>

The second covert means of control is another crucial state monopoly on the material means of production and distribution: the importation of paper. The control in this case is effected indirectly by making it prohibitively expensive for newspapers to maintain their normal level of circulation. Through their monopoly on importation of paper, the state is not eager to seek the best price on the market for its paper, but rather to pass on to the newspapers the cost incurred in its purchases, in effect, a counter-subsidy of sorts. In fact, on the wake of the 1994 global paper crisis, the state did exactly this: it was paying \$1,000 per ton, when a price of \$735 could easily have been paid instead.<sup>60</sup> The result was an increase in the price of newspapers from 4 dinars to 10 dinars, on average and a reduction by more than 25% of normal circulation, outcomes that could not have chagrined the state to any considerable degree.

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The third means of covert control of information is the virtual monopoly by the state of advertisement in private newspapers. The state agency ANEP controls more than 85% of the Algerian advertisement market, that is, about 1 billion dinars (\$20 million).<sup>61</sup> Obviously, the state has in its hands a powerful tool of control, one deployed as a matter of course and on a daily basis, making this ostensibly least coercive of methods of control probably the most effective and pervasive one. In the words of *La Tribune*, ‘the advertisement market of the public sector, distributed to the benefit of newspapers, cannot conceal the desire by the authorities to come in the way of those titles that refuse to follow orders.’<sup>62</sup>

All of these means of control are very effective precisely because they are seamlessly deployed in the stream of every day life. But one must not forget the violent subtext that undergirds them and makes their deployment and persistence possible. Between May 26, 1993 and today, a total of 58 journalists have been assassinated in Algeria. Who has been behind these assassinations, no one knows, since *no independent inquiries have been carried out and not a single assassin of journalist has been caught alive*. Not surprisingly, Omar Belhouchet, the director of *El-Watan*, one of the major Algerian newspapers – himself the target of assassination on several occasions – has gone so far as to state that ‘there are journalists who disturb the power structure, and I would not be surprised in the least if tomorrow I were to learn that some of my colleagues were assassinated by men in power’.<sup>63</sup>

In its report to the Human Rights Committee in April 1998, the Algerian government pointed out that in reaction to the rash of journalist assassinations in 1993 and 1994, the government had grouped together in a protective compound around 700 journalists. The intent in mentioning this government action was obviously to demonstrate, in response to widespread allegations to the contrary, that the government is solicitous of the well being of journalists. But one must seriously wonder how journalists who rely on government security forces for their very lives can carry out their crucial task of watchdog, especially when those very security forces have been accused of gross human rights violations.

### 3.3. Claim of Democracy

In a speech delivered during ‘The 2nd Algerian-American Business and Cultural Conference’ on 1 July 1998, ambassador Lamamra quoted with great satisfaction the following passage from a scholarly journal:

[Algeria] is now remarkably pluralist. This was shown in the presidential election and in the political activity that accompanied it. Pluralism is shown in the way the government is now conducting its own ‘national dialogue’ with a wide spectrum of political elements [...]. A multiplicity of parties and political entities exist, which is closer to the Western model than almost anything else in the area. It puts Algeria

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ahead of most countries in the Third World and light years ahead of almost everybody else in the Arab World.<sup>64</sup>

To begin, let us note that the passage quoted by the ambassador was published in December 1996 – that is, prior to either the parliamentary elections, which took place only seven months later, in June 1997, or the municipal elections, which took place the following October, almost a year later. How a democracy can exist, let alone be described as ‘light years ahead’ of anything, without a duly elected parliamentary or municipal representation, the author does not tell us (a measure perhaps of the author’s pessimistic assessment of what is to be reasonably expected to mean by ‘democracy’ in an Arab country). But let us be charitable and pretend that the quoted report had been written one year later, that is, after the parliamentary and municipal elections. Can it be denied that democracy, or at least a ‘democratisation process’, is a reality in Algeria?

The facts on the ground may help us answer these important questions. Let us begin with the letter of the law, the Algerian constitution, which was adopted in November 1996. Did the new constitution lead Algeria towards a political system where power is pluralistically shared? Hardly. Instead,

The new charter dramatically expands presidential authority. The president can now rule by decree in certain situations not allowed previously, as when parliament is in recess or between sessions. Presidential appointment powers have been also broadened to include magistrates, the Central Bank governor and provincial governors, among others.<sup>65</sup>

Even more significantly, the new constitution all but guarantees a parliament at the mercy of an all-powerful president: the president is given virtual veto power over the parliament. This is achieved, constitutionally, by establishing a second body within the parliament, the Council of the Nation, two-thirds of which membership are indirectly elected by local and provincial legislatures, *with the president appointing the remaining third*. Given the further stipulation that passage of legislation requires the approval of three-quarters of the Council, it becomes almost a mathematical certainty that the president can successfully veto any legislation not to his liking.<sup>66</sup> No wonder that some experts – who risk no danger of being quoted by Algerian diplomats – have concluded that:

The amended constitution is a step backward for democracy in Algeria. Prospects for a political opening and a more plural society have diminished significantly. Instead, the regime is retreating to the more predictable and peaceful days of absolute government control. Its ‘reforms’ retain democratic trappings (legal opposition parties, a functioning legislature) but virtually insure against any significant challenge to the regime’s hold on power. And the new constitution is silent on the army’s role, maintaining instead the constitutional ambiguity that has allowed the military to rule Algeria since independence.<sup>67</sup>

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The facts on the ground are even less charitable if we look at the spirit with which the law is observed. In sharp contrast to the presidential elections, which were generally viewed, both by voters and international observers alike, as a potential genuine watershed point in the Algerian crisis,<sup>68</sup> both the parliamentary and municipal elections were marred by flagrant irregularities and outright fraud.

Not surprisingly, one would be hard pressed to suspect any such blemishes listening to Algerian interior minister Mustafa Benmansour announcing the results of the 6 June elections, describing them as a 'great achievement and a huge victory offered to the nation and rising generations'.<sup>69</sup> The minister went on to describe the contests as part of a 'series of major achievements made for the embodiment and consecration of democracy and the state of law within the framework of the efforts for national recovery'.<sup>70</sup> As to allegations of fraud, the minister stated that the contests were 'not marred by any distortion' and that 'fraud is not part of the vocabulary of Algerian politics'.<sup>71</sup>

Both international observers -- the 103 observers from the UN -- and the opposition had a different story to tell. Reporting for the *Middle East Time*, Paul Schemm wrote that

After abruptly canceling their scheduled press conference, the UN observers issued a press release questioning the 'transparency' of the voting and ballot counting procedures, especially those taking place at special mobile polling stations and sites reserved for military and security personnel.<sup>72</sup>

He goes on to write:

These sentiments were echoed by nearly every opposition party. Nahnah of the MPS [Movement for Peace in Society] claimed that poll watchers from his party had been excluded from ballot sites and harassed, even shot at in one case. The leaders of the other parties, including Al Nahda, the Front for Socialist Forces (19 seats), the Rally for Culture and Democracy (19 seats) and Worker's Party (4 seats), variously described the elections as 'fraudulent', 'rigged', 'macabre', and a 'farce'.<sup>73</sup>

The winner, not surprisingly, was the National Democratic Rally (RND), created by the president a mere three months prior to the elections, which took 155 seats in the 380-seat parliament. While not a majority, the RND expects support from the former ruling National Liberation Front (FLN), which garnered 64 seats. Together, the RND and the FLN enjoy a solid majority of 57 percent of the seats.<sup>74</sup>

The state of 'democracy' in Algeria deteriorated further with the municipal elections of 23 October 1997. At the wake of these elections, two unauthorized protest marches, on October 27th and 30th, the first since the 1992 cancellation, were held to contest the official results. According to those results, the RND swept the municipalities, carrying an outright majority of

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55% by itself, with its ally, the FLN, following as a distant second with 22% of the seats. Together, the RND and the FLN, then, obtained more than 77% of the seats, with the remaining 23% divided among the remaining parties – though unevenly, since the MSP, the junior in the three-way coalition partnership with the FLN and the RND, obtained more than half of the remaining seats.<sup>75</sup> The opposition was outraged, chanting during the demonstration ‘slogans calling for the resignation of the prime minister, describing the military authorities as “assassins” and as “liars and tricksters”’.<sup>76</sup> Even a member of the allied FLN, feeling perhaps cheated by the excessively wide gap that separated his party from the first-place RND, grumbled in complaint: ‘we do not want democracy to go backwards [...]. In the last election there was cheating. This time there was both cheating and violence.’<sup>77</sup>

Asked if there were irregularities, the minister of information answered: ‘For us in the government, we believe that things took place in as normal a manner as possible.’<sup>78</sup>

### 3.4. Claim of Innocence

If we are to believe Algeria’s diplomats, then, the Algerian state is: (1) respectful of human rights – the irrefutable proof being the 23 treaties of which Algeria is signatory; (2) open and transparent – the obvious proof consisting in the fact that journalists and other personalities were allowed entry into the country, and the fact that a multitude of newspapers do exist in Algeria; and (3) democratic – the unshakable proof being the fact that Algeria has an elected president, an elected national parliament, elected local assemblies, and a popularly adopted constitution.

As briefly pointed out, facts on the ground can be easily gathered to convincingly draw another picture, one closer to the real state of the world: the Algerian state is not respectful of human rights; it is not transparent and does not respect the right of its citizen to freely express themselves, and does not in any meaningful way tolerate, let alone promote, a pluralistic and democratic political system. But in and of themselves, these contradictions and the sharp contrast between a self-serving rhetoric and the harsh realities on the ground are nothing out of the ordinary and should not be so shocking. What we must remember, however, is that the long-winded perorations about Algeria’s respect for human rights, the speeches about Algeria’s transparency, and its fledgling spirit of democracy, were articulated in answer to some very specific questions about very specific events: *Why did the army fail, time and again, to come to the aid of civilians in mortal danger?*

Needless to say that an official answer that does not do violence to common sense has yet to be formulated. But let us nonetheless listen to what the state has to say by way of explanation. Ambassador Lamamra explained that,

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first, reports that the army had failed to intervene in massacres were ‘old style propaganda’ and ‘attempts to turn the exception into the rule’. He went on to say that:

In the few cases where such situations occurred, the military barracks in question were army logistical and technical facilities with no combatant force or anti-terrorist units. Furthermore, it is known that security forces usually undertake assigned missions that require advance preparation and planning. I was told by various foreign experts that night time immediate response improvised with insufficient intelligence, appropriate mobility and night vision equipment is generally considered as hopeless and suicidal.<sup>79</sup>

In other words, yes, the state did fail to protect its citizens, but its failure was the exception, not the rule, and when it did fail, it failed for good reasons, with the opinion of experts (unnamed) thrown in for good measure. Prime minister Ahmed Ouyahia (a career diplomat himself, before taking on his new job in 1995), however, was not so willing to concede even the obvious, preferring instead to claim what was patently the opposite of what took place in reality: ‘if it was not for the intervention of the security forces,’ he insisted, speaking on an international television broadcast, ‘which lost many men while intervening, hundreds more would have died.’<sup>80</sup>

Algeria’s ambassador to the UN in New York, Abdallah Baali, in an interview on a popular American national radio show, explained that

Most of the killings which took place have taken place in areas which were absolutely – I mean, which the security forces cannot and could not reach, I mean, quickly enough – places where you have no phone, no electricity, no connection whatsoever with any urban city or any military barrack. It’s not, unfortunately, 911\* and you can – you get three or four cars of police immediately. It’s a little bit more complicated than that.<sup>81</sup>

For a depiction of reality that does not altogether agree with the prime minister’s or the ambassadors’ discourse, we will have to go to those who actually witnessed the massacres and survived them. A survivor exclaimed:

It is impossible, at least 1,000 dead in a month! How can perpetrators assassinate hundreds of people and disappear in nature? This is something difficult for me to imagine: How come that in a zone so militarized as the Greater Algiers area soldiers could not hear even the echoing of the shooting. *Insha’ Allah*, he sighed hopefully, one day we will know the truth.<sup>82</sup>

Another also wondered:

How can tens, even hundreds of people be massacred in horrific conditions? How can this massacre last for hours without the security forces, actually stationed nearby, intervening?<sup>83</sup>

\* 911 is the emergency number in the US.

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Another witness: ‘the soldiers came but halted on the other side of that road; they said they wouldn’t come closer because they believed this road was mined.’<sup>84</sup> ‘This is a great mystery,’ said a witness to the Bentalha massacre, ‘The criminals spent more than four hours here and despite the shooting, bombing and our screams for help that echoed across the village, no help turned up.’<sup>85</sup> According to other accounts, fleeing victims reached security installation themselves, pleading for help: ‘Some of [a victim’s] family reached a police and army post half a mile away to raise the alarm, but the killings went on for several hours.’<sup>86</sup> According to another witness, ‘For four and a half hours [the terrorists] moved through the village at will, killing everyone they could.’<sup>87</sup> David Hirst of *The Guardian* wrote that ‘According to witnesses’, during the Bentalha massacre, ‘the army sent tanks to the very edge of the town while a helicopter circled overhead.’<sup>88</sup> Roula Khalaf of *The Financial Times* wrote that ‘survivors have complained that security forces, often stationed nearby, have not intervened to stop the killings.’<sup>89</sup> Robert Moore of *The Observer*: ‘in the village of Larbaa the attack took place 300 yards from a large barracks.’<sup>90</sup> *The Guardian*: ‘On September 7 [1997] the daily paper *El-Watan* had quoted several anonymous women swearing that the emergency services did not answer calls while the slaughter at Beni Mes-sous was going on.’<sup>91</sup> According to Reuters: ‘Survivors at Sidi Rais were more critical – “The day before the massacre, the forces were everywhere in the village, on the eve of massacre they disappeared,” one said.’<sup>92</sup> Reuters again: ‘Even during the slaughter pleas for help and word of what was happening reached the army post less than two km away, the troops did not react.’<sup>93</sup>

Is the official version, as articulated by ambassador Lamamra, then, believable? Massive evidence, collected in spite of the attempts by the authorities to suppress them, indicates otherwise. Again, the best answer is provided by someone who had witnessed the horrors first hand: ‘Why do they want to hide the truth from us, of whom is this government making sports by trying to conceal reality?’<sup>94</sup>

## 4. Mitigating Factors

### 4.1. ‘Residual’ Terrorism

A long-standing official assertion from the Algerian authorities has been that whatever terrorism Algeria is facing now is ‘residual’ – that is, sporadic and not widespread – and is in reality the last series of desperate acts of otherwise politically discredited and bankrupt groups destined for imminent demise.<sup>95</sup> Only a few days before the Baraki massacre of 22 September 1997, where more than 200 people were slaughtered, prime minister Ahmed Ouyahia declared on national television that ‘the increased vigilance of the

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population, the determination of the security forces and the end of political bargaining [with outlawed Islamic political groups] had left Algeria facing only 'residual terrorism'.<sup>96</sup> The aim in making such an assertion – severely out of step with reality as it may be – is at least twofold. First, it perpetuates the fundamental policy strictly followed by the regime of casting the crisis as a security problem rather than addressing the original basic causes of the Algerian crisis – i.e., political participation and representation. This enables the regime to deny the possibility that the crisis can be resolved through negotiations – or at best, that the time for negotiations is now past – and that what is left to do is merely to crush the remaining wayward and scattered groups. For instance, according to ambassador Lamamra,

Some of the terrorist groups, which have been announcing since the month of October of last year<sup>97</sup> their decision to put an end to their terrorist activity, had been motivated by the dead end in which they found themselves. That has not been the result of negotiation between anyone in the government and/or any politician claiming to speak for the FIS. [...] The cessation of activity on the part of several groups [...] has had a somewhat positive impact on the security situation, but it does not have any political significance, as it is not the result of any political discussion or negotiation.<sup>98</sup>

Insisting that the terrorist threat faced by the state is 'residual' is useful for a second reason: it allows the state to argue that solving the security problem is imminently within reach and that therefore what it needs is not help in resolving the political conflict – since there is no political conflict – but in crushing once and for all the remaining hoards of criminals. 'When you speak of mediation, you speak of civil war. In Algeria, there is no civil war,' ambassador Dembri explained.<sup>99</sup> 'Algeria is an independent, sovereign country with a parliamentary democracy and institutions and is capable of solving its own problems,' minister Attaf stated. 'We do not accept any interference in our affairs,<sup>100</sup> even if should this 'interference' come in the form of humanitarian aid to the victims of violence. 'Algeria has no need for humanitarian aid, though it is appreciative of the offer.'<sup>101</sup>

#### **4.2. Limited Resources**

The claim of 'residual terrorism' is part and parcel of a two-tiered strategy adopted by the Algerian regime in its effort to sell its version of the conflict to the international community. The term 'residual' in itself connotes progress from an earlier state where the terrorism was endemic, but it also points to the reality that terrorism persists. The theme that Algeria is making progress, as we have seen, is crucial to the Algerian authorities in their image re-making efforts. The challenge for the authorities is therefore to cast the violence that persists in terms that do not negate or take away from the overall image that Algeria is making progress, as it claims it is. The best way

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to accomplish this is to explain the failure to achieve total eradication of terrorism by pointing to material limitations. That is, the reason why the state has not been able to completely eradicate the violence is because the state lacks the necessary means to wage the final battle, implying that, with more material resources, the defeat of the enemy can at long last be achieved.

Here, then, the argument is that the state is doing all it can with whatever resources it has, but that it can do more if it did have more.<sup>102</sup> As General Kamel Abderrahmane, commander of the western Algeria military region, candidly put it, warning residents of the Relizane area to form pro-government militias, ‘people must either arm or take refuge in towns [...]. The state does not have the means to put a soldier in front of every house.’<sup>103</sup> One must note that the General articulated his warning in January 1998, that is, months after the massacres in Sidi Rais and Bentalha – both outskirts of Algiers, hardly an isolated area – where the atrocities took place a few hundred yards from security installations. For an even more explicit articulation of this position, we turn again to ambassador Lamamra testimony. The ambassador insisted that ‘the Algerian government has been devoting 100% of its capacities to terrorism prevention and suppression’, but complained that Algeria's size was four times that of the size of the state of Texas, that Algeria had many borders and many vital installations, and that 80% of the Algerian army was composed of conscripts.

By rationalising the failure of the authorities in material rather than political or moral terms, the regime can then proceed to ask the international community for a very specific kind of help: material and logistical help in combating ‘terrorism’, rather than moral and legal help to mediate in a political conflict. As ambassador Dembri put it, as usual not mincing his words: ‘There is no human rights crisis in Algeria, but rather the phenomenon of international terrorism.’<sup>104</sup>

### **4.3. An International Crisis**

The proposition that the terrorism faced by Algerians is ‘residual’ – preposterous as it may be, once the facts are consulted – is useful for many reasons: for arguing against undertaking a political solution – there is no point in negotiating a political settlement when facing ‘residual’ terrorism; and for denying the necessity for international mediation and scrutiny – we have the instruments and the institutions to solve our problems ourselves. Ironically, the same two effects can be achieved by claiming the exact opposite proposition that the terrorism faced is not residual but rather one that afflicts the whole world. ‘Among the new challenges the international community faces,’ minister Attaf announced, ‘terrorism is the one which apparently is the most challenging.’ The reasoning is that if terrorism is world-wide, then its causes are not local to Algeria, and hence there is no sense in attempting

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to seek an indigenous political solution to the crisis. This line of reasoning was eloquently articulated in a joint statement issued by Algeria's ambassador to Russia, Amar Makhlou, and Russian justice minister Sergei Stepashin, where they explained that 'the problem of terrorism should not be viewed as a political problem and common bandits should not be regarded as political figures'.<sup>105</sup>

Moreover, if the problem is an international one, the reasoning goes on, conferences and conventions about 'terrorism' should be organized, rather than rapporteurs or investigative teams sent to Algeria to look more closely into what is taking place there. An internationalisation along such lines is therefore most welcome since it achieves the salutary effect of distracting from the local causes of the conflict, thereby shifting attention to the nebulous threat of 'international terror'. In the words of Algeria's ambassador to Japan, Boudjemaa Delmi, 'We need the support of the international community to combat these terrorists',<sup>106</sup> while minister Attaf said approvingly: 'We should welcome the awareness of the international community, which has emerged as to the real nature of this phenomenon and which has been accompanied by greater mobilization of effort against this scourge.'<sup>107</sup>

Of course, the minister is playing, and with great effect, on one of the most prevalent of international narratives: the scourge of 'fanatic Islamic terrorism', a discourse to which Western powers are quite acutely receptive. But what is worth noting is that the political pose Algeria is striking today on the international scene, and the alarmist rhetoric it has adopted, is a recent occurrence that stands in sharp contrast with Algeria's traditional position and character. Since its independence and until recently, Algeria presented itself on the world scene, and with remarkable consistency, as a staunch supporter of all movements for self-determination. For a long time, and since its independence in 1962, Algeria was also one of the most outspoken critics of the long-standing Western double standard of demonizing any struggle, armed or peaceful, that sought to establish some measure of true popular independence, while legitimizing authoritarian and brutal regimes on grounds that they represented the last and only reliable check against the malignant advance of the enemies of civilization. Communism, until its demise, presented the most convenient bogeyman and served the United States well in its justification for supporting a long list of brutal regimes.

However, beginning from 1994, Algeria's long-standing anti-imperialist and nationalist identity underwent a major shift, or, perhaps more accurately, experienced a split into two parallel, but mutually contradictory personalities. In its desperate attempt to refashion for itself a new legitimacy it had suddenly and spectacularly lost with the abrupt halting of the democratic process, the regime found itself unable to sustain its long-standing rhetoric of liberation and self-determination. First, the old rhetoric now ringed quite hollow, since the regime had itself engaged in obstructing a process of inter-

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nal self-determination. But perhaps more importantly, the regime could no longer sustain its traditional nationalistic defiance because it was becoming more and more internationally isolated and shunned by Western governments. With no elected president, no parliament, no local assemblies, and an indefinitely instated state of emergency, Algeria suddenly found itself on the margins in the world scene.

It is during this period – between January 1992 and November 1995 – that the Algerian diplomacy shifted its traditional role of advocate and spokesman for Third World causes – decolonisation, anti-imperialism, political self determination, economic equity – to the mainstream Western discourse of anti-terrorism, anti-fundamentalism, anti-fanaticism, etc. This is not to say that the old discourse has been altogether abandoned. As we have already seen, when convenient, officials still lapse to the old discourse of colonization and national struggles (especially when France is the target of criticism). But at the same time, concrete steps have been taken in an attempt to seek allies within the Western camp. Iran, Sudan, Afghanistan, old friends, are suddenly cast away as ‘rogue states’ and to the ‘other side’ of the divide, with Algeria firmly aligning itself on the side of ‘civilisation’.<sup>108</sup> Now, Algeria is facing, along with the rest of the civilized world, the same challenges, the same threats and hazards, that all modern nations were facing: ‘international terrorism’. No longer able to proactively forge its own legitimacy, the regime now seeks to achieve that legitimacy by association.

To Algerians and observers familiar with recent Algerian history, the clearest signal that a fundamental breach with the past had indeed taken place came in the form of 13 March 1996, Sharm El-Sheikh anti-terrorism conference convened by Egyptian President Hosni Mubarak. The conference was called in the aftermath of attacks on Israel that had left 61 people dead, thereby threatening the collapse of the fragile Peace Process between the Palestinians and the Israelis. In the words of President Mubarak, the conference aimed at ‘restoring the peace process, condemning terrorism and organizing an international effort to deal with terrorism’.<sup>109</sup> The conference was attended by 29 leaders from throughout the world and had two aims: to support Israel, traumatized at the time by a rash of suicide bombings, and to establish the framework for the long-term fight against terrorism. Among the attendees were US President Bill Clinton, Russian President Boris Yeltsin, French President Jacques Chirac, British prime minister John Major, German Chancellor Helmut Kohl, and delegations from Israel, Turkey, Japan, Saudi Arabia, UAE, Bahrain, Oman, Yemen, among others. One of the ‘others’ was Algeria, a shocking event for those familiar with the traditional Algerian stand. Indeed, it was the first time that Algeria had appeared, and with such intense visibility, in the same official forum as Israel, let alone join a forum that had been convened specifically to support Israel. However, it is not hard to understand, once we grasp the extent to which the Algerian re-

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gime was desperate for new legitimacy on the international scene (at the expense of legitimization within, which had at that point sunk to new lows), that the temptation to be counted among the 'civilised' was too great to resist.

It is not a coincidence that this line of argument – i.e., that Algeria, along with the world at large, is facing the global mortal scourge of terrorism – possesses the additional virtue of absolving the regime from its responsibilities: the violence that is faced by innocent civilians is more akin to a disease that is itself its own origin and that knows no boundaries or jurisdictions, rather than a conflict with its perpetrators and its victims.

#### **4.4. A Unique Problem**

Since it should be clear by now that the Algerian authorities are not overly fastidious about the overall coherence of their protests, it should not come as a shock to discover that among the rhetorical strategies one might find in the Algerian diplomatic bag of tricks is the proposition that what Algeria is facing is a 'unique' problem, one that has not visited humanity any time before or any where else. In the words of prime minister Ahmed Ouyahia, reacting to one of the bloodiest massacres, in Rais, that claimed more than 300 lives, Algeria was facing 'the most horrible form of criminality and terrorism known to humanity'.<sup>110</sup> Not that the prime minister was speaking from shock or emotion: as early as April 1997, before some of the most spectacular massacres were to take place, we find the prime minister speaking in even more scandalized terms: 'the horrible massacres perpetrated by barbaric and savage terrorism have no precedent through the centuries and the continents.'<sup>111</sup> Minister Attaf, echoing his prime minister, was no less emphatic: 'the terrorism that Algeria is living today is without precedent in the whole history of humanity.'<sup>112</sup>

The proposition that the problem confronted by Algeria is a unique problem and that the violence faced is unprecedented in its savagery, is aimed at inciting the world to react in a very specific way. The savagery is indeed astonishing and seemingly incomprehensible. The scale of the massacres, the ghastly cruelty with which the killings are perpetrated, and the cowardice of the killers in choosing poor and defenseless victims, all represent irrefutable proof that the authorities are confronting not political rebels open to rational discourse, but pure criminals to be eliminated. At least this is what the authorities wish us to believe. This then narrows down the type of help sought by the government to material assistance rather than political mediation. Equally important is the significant psychological effect that the 'uniqueness' argument has on attempts to establish an explanatory model for what is taking place in Algeria: what good will it do to impose rationality on an inherently irrational situation? Although this by itself is no explanation, the psy-

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chological effect the irrationality argument has on observers of the Algerian situation should not be ignored.

## 5. Conclusions

Algeria's representatives to the world, its diplomats, have mobilized an impressive array of rhetorical strategies in their attempt to absolve their government of its numerous flagrant failings. We have here touched only on some of them. Some of those strategies are defensive and are aimed at silencing criticism by (a) dividing the world into two and holding all those who do not side with the Algerian view of the world the abettors of barbarous terror, (b) attacking the integrity and moral probity of those who dare criticize or accuse the authorities, or (c) dismissing as false any allegations on grounds of insufficient proof. Other strategies take the offensive and consist in asserting that the state enjoys the very qualities that critics may claim it lacks. Here the strategies all share in common the characteristic that what is being asserted is asserted on thin formal grounds that a minimum amount of research would readily negate. But the assertions are made nonetheless, since, ludicrous as they may sound to anyone familiar to any reasonable extent with the Algerian context, the audience to which they are often targeted will probably not know enough to reject the claims out of hand. Hence, the assertion is made that (a) Algeria is respectful of human rights, since it is signatory to international human rights treaties; (b) Algeria is open and transparent to the world and that it has nothing to hide, since it has granted entry into Algeria to journalists and other foreign officials; (c) Algeria is democratic since it has a popularly elected president, a popularly adopted constitution, a popularly elected multiparty parliament and popularly elected local representation; and (d) the Algerian state is solicitous of the safety of its citizens since, without its help, hundreds more would have died. A third set of strategies, taking neither the defensive nor the offensive, are employed to mitigate the failings of the state by claiming that: (a) the terrorist threat is a diminishing one; (b) the state has limited resources; (c) the crisis faced by Algeria is an international one; and (d) the crisis Algeria faces is a uniquely pernicious problem.

Aside the breathtaking discord between the facts on the ground and the version of the world peddled by the diplomats, the strategies, as we also saw, suffer the additional defect of not hanging particularly well together. They suffer, however, the even greater flaw that they do not bring us any closer to accepting the claim that the authorities – whose duty it is to protect civilians – are not themselves involved in the execution of atrocities. If anything, they achieve, by their obvious and awkward attempt to obfuscate, the exact opposite effect of heightening our worst fears and suspicions.

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- <sup>3</sup> 'UN Secretary General "outraged" by reports of atrocities in Kosovo', *Macedonian Press Agency*, 1 October 1998.
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- <sup>7</sup> Mourad Bencheikh (Algerian ambassador to Sweden), Letters To The Editor: 'About Algeria', *International Herald Tribune*, 15 May 1997.
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- <sup>9</sup> Ibid.
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- <sup>12</sup> *Reuters*, 19 November 1997.
- <sup>13</sup> Evelyn Leopold, 'Annan and Robinson condemn atrocities in Algeria', *Reuters*, 30 September 1997.
- <sup>14</sup> Ibid.
- <sup>15</sup> *AFP*, 20 November 1997.
- <sup>16</sup> *Le Soir de Belgique*, 27 January 1997.
- <sup>17</sup> Ramtane Lamamra, 'Situation In Algeria: Congressional Testimony, 02-05-1998', *Federal Document Clearing House, Inc.*, 5 February 1998.
- <sup>18</sup> Mohamed Salah Dembri, 'Droit de reponse de la delegation algerienne aux declarations d'Amnesty International et de la FIDH, point 10', 14 April 1998.
- <sup>19</sup> *AFP*, 29 October 1997.
- <sup>20</sup> Mohamed Salah Dembri, 'Droit de reponse de la delegation algerienne aux declarations d'Amnesty International et de la FIDH, point 10', 14 April 1998.
- <sup>21</sup> Ibid.
- <sup>22</sup> *AFP*, 6 January 1998.
- <sup>23</sup> Maurice Papon was being tried at the time for organizing the deportation of Jews during German occupation. Papon was also Paris police commissioner (prefet de police de Paris) when in October 1961, after a demonstration by Algerians in Paris, hundreds of Algerian workers were thrown in the Seine; many drowned. *AFP*, 8 October 1997.
- <sup>24</sup> Mohamed Salah Dembri, 'Droit de reponse de la delegation algerienne aux declarations d'Amnesty International et de la FIDH, point 10', 14 April 1998.

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<sup>25</sup> AFP, 8 October 1997.

<sup>26</sup> Anthony Loyd, 'Zeroual's zombies cast vote', *The Times*, 24 October 1997.

<sup>27</sup> Robert Moore, 'Hands that wield Algeria's knives', *The Observer*, 26 October 1997.

<sup>28</sup> *The Guardian*, 24 September 1997.

<sup>29</sup> Ibid.

<sup>30</sup> Mohamed Salah Dembri, 'Droit de reponse de la delegation algerienne aux declarations d'Amnesty International et de la FIDH, point 10', 14 April 1998.

<sup>31</sup> Ramtane Lamamra, 'Situation In Algeria: Congressional Testimony, 02-05-1998', *Federal Document Clearing House, Inc.*, 5 February 1998.

<sup>32</sup> *L'Humanite*, 10 January 1998.

<sup>33</sup> *La Tribune*, 22 March 1998.

<sup>34</sup> John Sweeney, 'The military is torturing and killing its way to victory over Islamists in June poll', *The Observer*, 25 May 1997.

<sup>35</sup> 'Algerie: la guerre civile a huit clos', *Reporters sans frontieres*, March 1997, p.5.

<sup>36</sup> Human Rights Watch letter addressed to Mohamed Adami, Minister of Justice', 26 April 1997.

<sup>37</sup> John Sweeney, 'The military is torturing and killing its way to victory over Islamists in June poll', *The Observer*, 25 May 1997.

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<sup>43</sup> John Sweeney, 'The military is torturing and killing its way to victory over Islamists in June poll', *The Observer*, 25 May 1997.

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<sup>45</sup> *Reuters*, 24 October 1997.

<sup>46</sup> *Le Quotidien*, 7 February 1998.

<sup>47</sup> 'L'Algerie a sa part de credibilite dans l'arene internationale', *La Tribune*, 22 March 1998.

<sup>48</sup> 'Algerie: la guerre civile a huit clos', *Reporters sans Frontieres*, March 1997.

<sup>49</sup> Mark Dennis, *Newsweek* reporter, was arrested and spent two nights in jail before being thrown out of the country for failing to comply with the prohibition on journalists to move anywhere in the country without security officer escorts. 'Hurt, But Not Yet Beaten', *Newsweek*, 30 June 1997.

<sup>50</sup> Mohamed Salah Dembri, 'Intervention de S.E. Monsieur l'Ambassadeur Mohamed-Salah Dembri: Point 3: Organization des travaux', 22 April 1998.

<sup>51</sup> *L'Humanite*, 10 January 1998.

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<sup>52</sup> *Dernières Nouvelles D'Alsace*, 15 January 1998.

<sup>53</sup> *Le Quotidien*, 7 February 1998.

<sup>54</sup> Ibid.

<sup>55</sup> 'Algerie: la guerre civile a huit clos', *Reporters sans Frontieres*, March 1997, p. 7.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid, p. 8.

<sup>58</sup> Ibid, p. 14.

<sup>59</sup> *AP*, 23 October 1998.

<sup>60</sup> 'Algerie: la guerre civile a huit clos', *Reporters sans Frontieres*, March 1997, p. 15.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid, p. 4.

<sup>64</sup> Peter W. Rodman (former White House and State Department official, now Director of National Security Programs at the Nixon Center for Peace and Freedom), *Middle East Quarterly*, December 1996.

<sup>65</sup> Mona Yacoubian, 'Algeria's Struggle for Democracy: Prospects for Incremental Change', *Studies Department Occasional Paper Series*, No. 3, Council on Foreign Relations, 1997.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Robert Fisk, veteran Middle East correspondent of *The Independent*, says 'it is not known whether Algerians were, in effect, voting against the Islamic Salvation Front (FIS) by ignoring their boycott appeal, or whether they were legalizing a presidency that is of doubtful legitimacy by the mere act of turning up at the polls'. *The British Media Review*, 17 November 1995.

<sup>69</sup> Paul Schemm, *The Middle East Times*, 15 June 1997.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> *The North Africa Journal*, *Maghreb Newswire*, 24 October 1997.

<sup>76</sup> Heba Saleh, *Middle East International*, 7 November 1997.

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<sup>78</sup> Ibid.

<sup>79</sup> Ramtane Lamamra, 'Situation In Algeria: Congressional Testimony, 02-05-1998', *Federal Document Clearing House, Inc.*, 5 February 1998.

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<sup>88</sup> David Hirst, 'This is where they shot my wife. Here they killed my daughter with an axe', *The Guardian*, 20 October 1997.

<sup>89</sup> Roula Khalaf, 'Panic and confusion over Algiers killings', *Financial Times*, 24 September 1997.

<sup>90</sup> Robert Moore, 'Hands that wield Algeria's knives', *The Observer*, 26 October 1997.

<sup>91</sup> *The Guardian*, 24 September 1997.

<sup>92</sup> *Reuters*, 24 October 1997.

<sup>93</sup> Ibid.

<sup>94</sup> *Dernieres nouvelles d'Alsace*, 2 March 1997.

<sup>95</sup> *Dernieres Nouvelles D'Alsace*, 7 November 1997.

<sup>96</sup> *The Washington Post*, 23 September 1997.

<sup>97</sup> The ambassador is referring here to the unilateral cease fire called by the armed wing of the FIS, the AIS, in October 1997.

<sup>98</sup> Ramtane Lamamra, 'Situation In Algeria: Congressional Testimony, 02-05-1998', *Federal Document Clearing House, Inc.*, 5 February 1998.

<sup>99</sup> *Reuters*, 8 October 1997.

<sup>100</sup> Ibid.

<sup>101</sup> *Reuters*, 8 January 1998.

<sup>102</sup> *Cable News Network*, 29 December 1997.

<sup>103</sup> *The Irish Times*, 5 January 1998.

<sup>104</sup> 'L'Algerie a sa part de credibilite dans l'arene internationale', *La Tribune*, 22 March 1998.

<sup>105</sup> 'Russia and Algeria have similar stand on terrorism', *Itar-Tass*, 9 February 1998.

<sup>106</sup> *The Japan Times*, 18 February 1998.

<sup>107</sup> *AFP*, 1 October 1997.

<sup>108</sup> Algeria broke diplomatic ties with Iran in 1993, accusing Tehran of backing Islamist rebels in Algeria.

<sup>109</sup> *The New York Times*, 14 March 1996.

<sup>110</sup> *Newsweek*, 8 September 1997.

<sup>111</sup> *Liberte*, 29 April 1997.

<sup>112</sup> *AFP*, 6 October 1997.

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## UNE DIPLOMATIE EN GUERRE CONTRE LES ONG DES DROITS DE L'HOMME

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*A. Aroua*

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*National Responses*

*Il faudrait rappeler à la FIDH que nous nous passerons fort bien de ses leçons et que s'il est une organisation non gouvernementale qui n'est pas digne de siéger ici, dans cette même enceinte sacrée du débat contradictoire, c'est bien elle.<sup>1</sup>*

Mohamed-Salah Dembri<sup>A</sup>**1. Introduction**

Dès le coup d'Etat de janvier 1992, dans sa guerre livrée contre la personne humaine, le régime militaire algérien a considéré que les ONG et autres ligues et comités des droits de l'homme figuraient parmi les adversaires les plus redoutables. Il s'agissait aussi bien d'organisations nationales authentiques qui ont refusé de cautionner les atteintes graves aux droits les plus élémentaires des Algériennes et des Algériens, comme la Ligue algérienne de défense des droits de l'homme (LADDH) et le Comité algérien des militants libres de la dignité humaine et des droits de l'homme (Karama), qu'internationales comme *Amnesty International* (AI), la Fédération des Ligues de défense des droits de l'homme (FIDH), *Human Rights Watch* (HRW), et Reporters sans frontières (RSF).

En effet, ces organisations ont réagi très vite à l'interruption du processus électoral et ont continué tout au long de la tragédie algérienne à sensibiliser l'opinion sur la situation catastrophique des droits de l'homme en Algérie, par l'intermédiaire de rapports, de communiqués, de livres et autres publications, ainsi qu'à travers des interventions régulières, notamment celles de AI, de la FIDH et de RSF, lors des sessions de la Commission des droits de l'homme (CDH) de l'ONU<sup>2</sup>.

La pression des ONG sur le régime algérien a atteint son apogée en 1997-1998, à l'époque où l'Algérie connaissait les horribles massacres à répétition des populations civiles<sup>3</sup>. Au début de l'année 1997 déjà, *Amnesty International* condamnait les massacres des civils en Algérie<sup>4</sup>. En septembre de la même année, AI a réitéré cette condamnation et a appelé à des mesures urgentes contre les massacres<sup>B</sup>.

A la mi-octobre, quatre ONG : AI, la FIDH, HRW et RSF, ont décidé de coordonner leur action. Elles ont lancé le 15 octobre 1997 un appel collectif revendiquant la constitution d'une commission d'enquête sur les massacres. Dans cet appel collectif, les quatre ONG ont déclaré :

Le gouvernement algérien a invariablement manqué à son devoir d'enquêter sur les abus commis par ses propres services de sécurité et par les groupes d'opposition armés, et de traduire les responsables de ces abus en justice. [...] Cela a précipité l'ef-

<sup>A</sup> Ambassadeur d'Algérie auprès de l'Office des Nations unies à Genève, à l'occasion de la 55<sup>ème</sup> session de la Commission des droits de l'homme, Avril 1999.

<sup>B</sup> Voir l'annexe 1.

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fondement de l'Etat de droit et a créé parmi la population civile le sentiment qu'elle est de plus en plus abandonnée et privée de protection. [...] Les massacres collectifs de cette année se sont déroulés dans un contexte où les droits de l'homme sont de plus en plus bafoués par les services de sécurité, les milices armées par l'Etat et les groupes islamistes armés, qui ont de plus en plus terrorisé et pris pour cibles les civils. [...] La communauté internationale est restée sourde trop longtemps au drame que vivent les victimes en Algérie. [...] Nous demandons l'ouverture d'une enquête internationale visant à établir les faits, à examiner les prétendues responsabilités et à formuler des recommandations concernant les massacres et autres abus commis par toutes les parties du conflit. Cette enquête devrait disposer de pouvoirs importants et des ressources humaines et matérielles nécessaires. Elle devrait notamment être chargée de rassembler des preuves et des témoignages, y compris de la part de victimes, de témoins et de responsables officiels, afin de découvrir la vérité. [...] A un moment où il voit ses citoyens se faire massacrer, le gouvernement algérien devrait se féliciter, et non pas s'y opposer, de toute initiative internationale ayant pour but d'aider à sauvegarder des vies humaines.<sup>5</sup>

Pratiquement au même moment, l'ambassadeur algérien auprès de l'Office de l'ONU à Genève, Mohamed-Salah Dembri, a fait une déclaration à Genève soulignant que l'Algérie n'avait pas besoin de médiation extérieure. Et l'ambassadeur d'ajouter :

Quand vous parlez de médiation, vous parlez de guerre civile. En Algérie il n'y a point de guerre civile. [...] L'Algérie est un pays indépendant et souverain avec une démocratie parlementaire et des institutions. Elle est capable de résoudre ses problèmes. Nous n'accepterons aucune interférence dans nos affaires.<sup>6</sup>

Vers la fin du mois d'octobre et le début du mois de novembre 1997, AI a diffusé un communiqué intitulé *Les Droits de l'homme n'ont pas de frontière<sup>C</sup>* et un long rapport sur l'Algérie, *La Population civile piégée dans une spirale de violence<sup>D</sup>*. Ces documents ont été suivis deux à trois semaines plus tard par l'intervention de Pierre Sané, secrétaire général d'AI, le 18 novembre 1997 à New York<sup>7</sup>.

L'année 1998 a connu une intensification de l'action des ONG, marquée notamment par la lettre ouverte du 26 février 1998, adressée par Pierre Sané aux gouvernements de tous les pays<sup>8</sup>, leur rappelant leur responsabilité vis-à-vis des événements tragiques d'Algérie, par les interventions fréquentes dans les médias du président de la FIDH, Patrick Beaudouin, et du secrétaire général de RSF, Robert Ménard, ainsi que par l'action conjointe menée à l'occasion de la 54<sup>ème</sup> session de la CDH<sup>9</sup> par les quatre ONG signataires de l'appel collectif.

Pour faire face à la pression croissante des ONG, le régime algérien a été amené à mobiliser, à l'intérieur et à l'extérieur, toutes ses ressources diplomatiques, médiatiques, politiques, parapolitiques et associatives.

<sup>C</sup> Voir l'annexe 2.

<sup>D</sup> Voir l'annexe 3.

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Ainsi, les médias algériens, les associations dites ‘féministes’, les institutions et associations étatiques des droits de l’homme comme l’ONDH<sup>10</sup>, les personnalités inféodées au régime, les chefs des formations politiques agréées se sont tous livrés à une campagne violente contre ces ONG les accusant d’ingérence et de conspiration contre l’Algérie.

Cette note porte sur l’action diplomatique menée contre les ONG critiques envers le régime militaire algérien. Elle tente de mettre en évidence les éléments de la stratégie algérienne anti-ONG. Pour ce faire on se limitera essentiellement – mais pas exclusivement – aux interventions de l’ambassadeur d’Algérie auprès des Nations unies à Genève, Mohamed-Salah Dembri. D’autre part on ne considérera que trois organisations : *AI*, la FIDH et Hijra International (*HI*), une organisation pour la défense des requérants d’asile algériens.

En suivant les prises de position de la diplomatie algérienne vis-à-vis de l’action des ONG, on constate que sa stratégie pour contrer ces dernières s’articule autour de deux axes principaux : les tentatives de *discrédit* et d’*intimidation*. Le premier sera traité dans la section 2 et le second sera analysé dans la section 3. Ces notes seront résumées dans la section 4.

## 2. La tentative de discrédit

La politique de discrédit adoptée par la diplomatie algérienne à l’encontre des ONG des droits de l’homme vise à affaiblir leur discours. Ainsi, ce ne sont pas les faits et les arguments avancés par ces organisations qui sont réfutés de manière rationnelle, ce sont plutôt la démarche et la motivation des ONG qui sont contestées. Cette politique s’articule autour de quatre critiques principales : (1) le manque de rigueur, (2) la nature occulte, (3) le passé douteux et (4) le soutien au terrorisme.

### 2.1. Le manque de rigueur

Cet argument, qui remet en cause l’objectivité et la rigueur des analyses faites par les ONG, est souvent utilisé pour jeter le doute sur l’approche même faite par ces organisations de la question des droits de l’homme en Algérie. Ramtane Lamamra, ancien ambassadeur d’Algérie auprès de l’ONU et actuel ambassadeur auprès des Etats-Unis, juge par exemple que les allégations formulées par *AI* sont ‘fantaisistes’ et ‘extravagantes’<sup>11</sup>. Lors de la 53<sup>ème</sup> session de la CDH, Mohamed-Salah Dembri a accusé quant à lui cette organisation d’amateurisme et de manque de professionnalisme :

[Nous rejetons] dans le fond et dans la forme les allégations concernant l’Algérie qui ont été formulées par cette organisation, par ailleurs tout à fait digne de respect, qu’est *Amnesty International*. En l’occurrence, les dirigeants de cette organisation témoignent d’une absence de professionnalisme évidente.[...]

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Victime de son propre amateurisme, *Amnesty International* essaie, sans succès, de mobiliser des pays, dont l'Afrique du Sud, contre l'Algérie. Or l'Algérie a prouvé, hier en combattant le régime d'apartheid, aujourd'hui par sa collaboration à diverses initiatives internationales, la force de ses convictions humanitaires.<sup>12</sup>

L'ambassadeur Dembri ira jusqu'à accuser *AI* et la FIDH, du fait de leur appel en faveur d'une enquête indépendante en Algérie, de pratiquer le 'terrorisme médiatique' et de se livrer à des dénonciations 'calomnieuses et difamatrices'<sup>13</sup>.

Mohamed-Salah Dembri reviendra à la charge contre *AI* et la FIDH au courant de l'année 1998. A la 54<sup>ème</sup> session de la CDH par exemple, et dans un droit de réponse<sup>14</sup>, il attaque *AI* pour 'sa rhétorique désuète, sa méthodologie simpliste qui fait place à l'anecdote' et affirme n'accorder à ses dirigeants aucune autorité, ni morale ni intellectuelle, qui puisse leur donner le droit de 'faire la leçon'. Après tout, 'où sont leurs listes de publications?' s'interroge l'ambassadeur. Il regrette ensuite qu'*AI* ait déviée de la voie tracée par Sean Mac Bride et que les successeurs de ce dernier :

se comportent aujourd'hui en histrions folkloriques et, loin de contribuer à la formation des défenseurs des droits de l'homme, comme c'est leur mission, ont érigé, depuis longtemps, un système bureaucratique qui pratique la dénonciation calomnieuse et fabrique à cet effet des épistoliers sycophantes.<sup>15</sup>

En une autre occasion, lorsque le Comité des droits de l'homme de l'ONU examinait le rapport périodique de l'Algérie, Mohamed-Salah Dembri a été interrogé à la Télévision suisse romande : pensait-il que 'les ONG se trompent quand elles disent qu'il y a de la torture alors que vous dites qu'il n'y en a pas' ? Il répondit :

Oui. Absolument. Je dis qu'il y a deux ONG [il s'agit de *AI* et de la FIDH] dont nous ne méconnaissons totalement leurs grilles d'analyse, leurs méthodes, et après tout ce ne sont que des allégations. Elles n'ont jamais apporté la preuve concordante que leurs allégations étaient bien des faits. Il y a une méthodologie scientifique qui veut que nous passions des allégations aux faits.<sup>16</sup>

## 2.2. La nature occulte

Cet argument est utilisé pour étayer la thèse de la conspiration contre l'Etat algérien, destinée surtout à l'opinion nationale.

Dans sa déclaration du 29 octobre 1997, Mohamed-Salah Dembri compare *AI* et la FIDH à des 'places fortes d'argent'<sup>17</sup> et va jusqu'à souhaiter le bilan comptable de 'ces deux puissances financières qui se paient des placards dans les journaux au lieu de venir débattre.'<sup>18</sup> Lors de son intervention à la 53<sup>ème</sup> session de la CDH, il informe l'auditoire :

La délégation algérienne a l'intention de faire un rapport complet sur les pratiques d'*Amnesty International* devant le comité des ONG à New York. A cette occasion,

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elle demandera des éclaircissements sur la situation financière de l'organisation ainsi que la publication de la liste de ses donateurs. Elle demandera également pourquoi la section algérienne d'*Amnesty International* est composée de membres qui sont tous affiliés à des formations politiques.<sup>19</sup>

En évoquant les activités des ONG internationales des droits de l'homme, Mohamed-Salah Dembri ne manquera pas de pointer du doigt ce qu'il appelle leur 'bailleurs de fonds'<sup>20</sup>. Ce sont ces entités occultes qui couvriraient selon la télévision algérienne<sup>21</sup> les frais de fonctionnement d'*Amnesty International* qui emploie une armée de 3000 collaborateurs.

Les ONG qui ont osé émettre des critiques contre le régime algérien sont accusées de détourner la défense des droits de l'homme 'à des fins politiques et partisans'<sup>22</sup>, et on expliquera par ailleurs que ce type d'ONG qui s'acharment uniquement contre les pays du Sud, représente 'un instrument nouveau du néocolonialisme'<sup>23</sup>.

L'ambassadeur Ramtane Lamamra dira même : 'Pour beaucoup d'Algériens, *Amnesty International* apparaît plus comme un deuxième parti politique banni en Algérie, c'est-à-dire un deuxième FIS, plutôt que comme une ONG neutre'<sup>24</sup>.

Le ministre algérien des Affaires étrangères, Ahmed Attaf, affirmera quant à lui, le 16 septembre 1998, suite à la publication du rapport du panel onusien, que ce rapport était 'plus honnête [que] les pseudo-analyses d'*Amnesty international* qui a honteusement déserté le camp de la défense des droits de l'homme pour s'investir dans un combat politique douteux.'<sup>25</sup>

De son côté, Mohammed-Salah Dembri, a dénoncé, dans une déclaration à la télévision algérienne le 8 avril 1999, les ONG : *Amnesty International*, *Human Rights Watch*, la Fédération internationale des droits de l'homme et Reporters sans frontières qu'il a accusées de nourrir des 'visées politiques consistant à porter un coup à l'Algérie.'<sup>26</sup> Interrogé au sujet des positions de l'Organisation mondiale contre la torture et de *Human Rights Watch*, il a reproché à ces deux organisations de se présenter en modèles de conscience universelle et de devenir des machines de guerre contre le tiers-monde<sup>27</sup>. Toujours en avril 1999, lors de la 55<sup>ème</sup> session de la CDH, Mohammed-Salah Dembri a accusé la FIDH de se livrer à des manœuvres politiciennes sous couvert de défense des droits de l'homme et de n'être pas digne de siéger aux travaux de la session de la CDH<sup>28</sup>.

### 2.3. Le passé douteux

Cet argument est utilisé, comme le précédent, pour la consommation intérieure, et exploite la mémoire de l'expérience coloniale des citoyens. Il est aussi orienté vers un certain nombre de pays du tiers-monde, afin de gagner leur sympathie en leur rappelant l'épreuve commune sous le colonialisme.

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La référence au passé a été utilisée dans le cas de la FIDH d'abord par le ministre algérien des Affaires étrangères, Ahmed Attaf. Confronté le 18 mars 1998 sur le plateau de la Télévision suisse romande à des témoignages accablants<sup>29</sup> sur la situation des droits de l'homme en Algérie, recueillis par la FIDH, il a réagi à l'interpellation du journaliste Xavier Colin en affirmant :

Pour ce qui concerne la FIDH, je vais dire avec beaucoup de tristesse, cette fédération internationale des droits de l'homme est née en 1922. Lorsqu'un dixième de mon peuple a été décimé où était-elle pour ce qui concerne les droits de l'homme ? Je crois que l'histoire de cette organisation, son histoire seule suffit à la traiter, maintenant votre question est beaucoup plus importante, parce que ce que dit la FIDH ne mérite pas que je le commente compte tenu de son histoire.<sup>30</sup>

Ce fut indéniablement un manque de tact de la part du ministre qui aurait pu se passer d'incriminer les responsables de la FIDH pour le comportement de leurs prédécesseurs qui étaient en charge de la Fédération un demi-siècle auparavant et qui ne sont probablement plus de ce monde. Ce fut d'autant plus maladroit de sa part que lui-même avait souffert d'être jugé pour les actes de ses parents.

En effet, la nomination de Ahmed Attaf à la tête de la diplomatie algérienne avait provoqué à peine deux années auparavant la démission bruyante de Youcef El Khatib, le médiateur qui était à l'époque chargé par le général Zeroual de mener les contacts avec les dirigeants du FIS. Youcef El Khatib protestait par son acte de démission contre la nomination à ce poste sensible d'un fils de *barki*, dont la famille était notoirement connue pour sa collaboration avec l'armée française, et dont le père aurait été condamné par le même Youcef El Khatib (alias colonel Si Hassan), qui était à l'époque officier supérieur de l'Armée de libération nationale<sup>E</sup> (ALN).

L'argument utilisé par Ahmed Attaf allait être repris plusieurs fois par Mohamed-Salah Dembri. Ainsi, à la 54<sup>ème</sup> session de la CDH, ce dernier affirmait au sujet de la FIDH :

S'il est une ONG qui n'est pas digne de siéger dans cette enceinte sacrée, c'est bien elle. Puisqu'elle a été créée en 1922, nous aimerions qu'elle nous dise les positions défendues par elle entre 1922 et 1962, année de nos indépendances en Afrique, et qu'elle ne fasse surtout pas oublier son passé colonialiste. Pendant toute cette période, elle a soutenu 'vaillamment' tous les droits du colon, tous les droits des colons contre les droits des peuples colonisés. Et elle prétend, maintenant que nous sommes indépendants, nous faire aussi la leçon et nous enseigner le droit.<sup>31</sup>

Ayant eu à ce moment-là suffisamment de temps, environ un mois, pour étayer l'argument de son ministre et pour chercher dans les livres d'histoire les faiblesses de la FIDH, Mohamed-Salah Dembri continuait dans sa lancée contre cette organisation :

<sup>E</sup> Celui qui a désarmé le père de Ahmed Attaf fut Mohamed Belmokhtar, alias Moh El-Méliani, qui était l'un des lieutenants de Youcef El Khatib.

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Rappelons-lui certains faits : Qu'a-t-elle dit quand les dirigeants des mouvements nationaux dans les colonies se faisaient déporter : la reine Ranavallo de Madagascar, le roi Behanzin du Dahomey, tous deux morts en déportation en Algérie, le roi Mohamed V du Maroc déposé et déporté à Madagascar, le détournement, au mépris du droit international, de l'avion qui transportait cinq des dirigeants de notre lutte de libération nationale ? Qu'a-t-elle dit face à tous nos holocaustes en Afrique, face à toutes les 'shoas' africaines : les milliers de morts malgaches, les milliers de morts algériens de Sétif et de Guelma dans les années quarante, les milliers d'Africains sacrifiés pour les besoins de la colonisation, les travailleurs algériens massacrés par le préfet Papon, presque sous ses fenêtres à Paris, et nous pouvons allonger la liste ? Eh bien ! La FIDH n'a rien dit. Elle a repris tout simplement à son compte le propos du général Gallieni : 'La colonisation est une école d'émancipation des peuples.' Allons encore un peu plus loin. Qu'a-t-elle dit quand notre condition humaine était régie par l'apartheid et le code de l'indigénat qui ont précédé le statut des juifs de Vichy ? Eh bien ! La FIDH n'a rien dit, car elle trouvait son affaire dans les principes constitutionnels du régime de l'apartheid : 'L'harmonie naturelle exige le développement séparé des races.' Cette ONG doit s'expliquer sur son passé entre 1922 et 1962, passé qu'elle ne fera surtout pas oublier en confiant aujourd'hui la lecture publique de ses pamphlets à un ressortissant africain. En attendant, nous lui conseillons sans plus tarder d'aller se recueillir et faire acte de repentance, au cimetière de Monte Cassino, sur les tombes de tous les tirailleurs africains de toutes origines qui reposent, côte à côte, loin de leur pays, et ont donné leur vie pour libérer l'Europe du joug nazi.<sup>32</sup>

A la 50<sup>ème</sup> session de la sous-commission de l'ONU sur la lutte contre les mesures discriminatoires et la protection des minorités, Mohamed-Salah Dembri reviendra à la charge contre la FIDH et interrogera les membres de la sous-commission :

Comment se fait-il, elle [la FIDH] qui se targue d'exister depuis 1922, qu'elle n'ait jamais exigé que la Déclaration universelle des droits de l'homme de 1948 soit étendue à tous les hommes sans discrimination, et, en particulier à nous, peuples anciennement colonisés ? Comment se fait-il qu'elle n'ait pas salué, à la suite de nos luttes de libération nationale, la déclaration 1514 de l'Assemblée générale de l'ONU sur l'octroi de l'indépendance aux peuples colonisés adoptée en 1960 ?<sup>33</sup>

En avril 1999, lors de la 55<sup>ème</sup> session de la CDH, Mohammed-Salah Dembri ne se lassera pas de répéter ses accusations à l'encontre de la FIDH du fait de 'son passé colonial et son silence sur des atteintes avérées aux droits de l'homme'. Cette fédération aurait, selon lui, 'défendu sans encombre, jusqu'aux indépendances africaines, toutes les politiques coloniales [et] justifié tous les massacres opérés contre les peuples colonisés de 1922 à 1974.' En outre, selon l'ambassadeur algérien, la FIDH n'aurait jamais condamné ni 'l'apartheid en Afrique du Sud', ni les 'centres de détention administrative en Europe qui sont des atteintes à la dignité humaine', ni protesté contre les 'violences exercées contre des immigrés' par les polices européennes<sup>34</sup>.

Il est à noter que la référence au 'passé douteux' est faite dans le cas de la FIDH uniquement et n'est pas utilisée pour les autres ONG comme HRW

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ou RSF par exemple. Dans le cas d'AI, c'est la stratégie inverse qui est adoptée. En effet, comme il a été vu dans la section 2.1, selon la diplomatie algérienne le passé de AI est bon, mais cette organisation 'a dévié de la voie tracée par Sean Mac Bride'.

#### 2.4. Le soutien au terrorisme

Cet argument entre dans le cadre de l'orientation politique de la diplomatie algérienne qui a choisi comme cheval de bataille la lutte contre le 'phénomène universel' que représente le 'terrorisme'<sup>35</sup>.

Le 27 novembre 1997, lors de ses entretiens à Bruxelles avec les députés européens de la sous-commission des droits de l'homme du Parlement européen, Ahmed Attaf s'en est pris à AI :

*Amnesty International* a cru devoir se mettre en position de porte-voix du terrorisme qui endeuille mon pays. Je le dis en pesant mes mots. D'où *Amnesty International* tient-elle ses sources ? Elles sont toujours anonymes. *Amnesty* parle d'opposition armée, c'est une opposition d'étrangleurs, de violeurs, de barbares !<sup>36</sup>

Dans sa déclaration à la 53<sup>ème</sup> session de la CDH, Mohamed-Salah Dembri n'a pas non plus hésité à accuser AI de jouer le jeu des 'terroristes' :

[Les dirigeants d'AI] utilisent des concepts nouveaux qui sont proprement aberrants. Ainsi, les terroristes qui égorgent les bébés dans les bras de leurs mères et qui violent et égorgent des lycéennes sont appelés des groupes armés d'opposition et les atrocités qu'ils commettent, des crimes à motivation politique. A ce compte, tous les crimes contre l'humanité qui ont été commis au cours de l'histoire récente devraient être requalifiés.<sup>37</sup>

En une autre occasion, pendant les travaux de la 54<sup>ème</sup> session de la CDH, il n'a pas manqué de traiter dans les médias une autre ONG, HI, d'"organisation terroriste."

Embarrassé par une intense campagne menée par plusieurs ONG et une large action citoyenne<sup>38</sup>, il a publiquement accusé un prétendu membre de HI de l'avoir menacé de mort au sein de l'enceinte du Palais des nations de Genève.

Le récit de cet incident est révélateur des basses manœuvres auxquelles peut recourir la diplomatie algérienne pour alimenter des événements sensationnels et détourner l'attention de l'opinion des vraies questions posées sur la scène algérienne en ce qui concerne le caractère criminel du régime algérien.

Lorsque l'ambassadeur algérien sortait de la salle XVIII du Palais des nations où se tenaient les travaux de la 54<sup>ème</sup> session de la CDH, un jeune Al-

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gérien, membre de la FIDH, dont le frère<sup>F</sup> et la mère avaient subi la répression étatique en Algérie et dont l'avocat avait écrit à l'ambassadeur mais n'avait pas eu gain de cause, s'est précipité sur lui pour lui soumettre son cas. Ce jeune avait appris par le groupe de travail du centre des droits de l'homme des Nations unies sur les disparitions forcées que son frère aurait été exécuté sommairement.

L'ambassadeur a très mal réagi à cette interpellation par un citoyen qui l'interrogeait sur un cas sensible devant un grand public. Il n'était pas disposé à lui répondre. A ce moment-là, un groupe d'Algériens est venu rappeler à l'ambassadeur qu'il devait écouter la plainte du jeune au sujet de son frère. 'C'est un citoyen algérien et il est de votre devoir de lui parler', lui a lancé l'un d'eux. Mohamed-Salah Dembri a alors fait appel au service de sécurité de l'ONU pour expulser du Palais ce groupe d'Algériens. 'Vous avez vendu votre âme aux généraux. Vous devriez avoir honte de défendre des génocides !', a rétorqué l'un d'eux.

L'ambassadeur était tellement embarrassé qu'il n'a pu contrôler sa fureur. Il a provoqué une tempête diplomatique-médiatique au sein du Palais des nations, et est passé immédiatement à l'offensive.

Il s'est livré en bon comédien à une action spectaculaire auprès du service de sécurité du Palais des nations et des médias en déclarant avoir été 'menacé de mort' par des éléments d'une organisation apparentée au GIA. A la chaîne III de la radio algérienne, il dira : 'Ils s'en sont pris à moi en proférant des menaces de mort à mon encontre et aussi des propos divers d'agressivité à l'encontre des institutions et des dirigeants de l'Etat algérien.'<sup>39</sup> Il fera aussi un témoignage dans le même sens à la chaîne de télévision arabe MBC et déposera un rapport sur l'incident auprès du Secrétariat général des Nations unies en demandant des suites judiciaires.

Le service de sécurité n'a pas manqué de remarquer le caractère comique de la plainte de Mohamed-Salah Dembri, comme l'avouera l'un de ses membres à l'une des personnes visées par la plainte. Il était en effet plus que grossier de prétendre que des membres d'une ONG de défense des droits de l'homme profèrent des menaces de mort contre un ambassadeur, au sein du Palais des nations, devant une foule de journalistes et de représentants d'ONG participant à un *sitting*, et devant les nombreuses délégations officielles qui sortaient de la salle XVIII.

<sup>F</sup> Il s'agit de Yamin Ali Kebaïli de Ras-el-Oued, 39 ans, comptable à la Sonelgaz qui avait été enlevé de chez lui la nuit du 21 au 22 juillet 1994 par un policier accompagné de quatre hommes en cagoule, et qui est depuis porté disparu. La mère de la victime, Khadra Kebaïli, 'est morte au début de 1995, écrasée de douleur', comme le rapporte *L'Autre Afrique* du 1<sup>er</sup> au 7 avril 1998. Dans une lettre datée du 30 avril 1998 (Document ONU, E/CN.4/1999/2), Mohamed-Salah Dembri s'adresse au Président de la 54<sup>ème</sup> session de la CDH, en réaction à la lettre de Patrick Baudoin (22 avril 1998). Il reconnaît 'l'état agité' de Kebaïli, qui a perdu son frère et sa mère et qu'il a refusé d'écouter.

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Le 20 avril 1998, l'organisation *HI* a publié un communiqué de presse, distribué au Palais des nations à Genève, qui condamnait les propos de Mohamed-Salah Dembri et les considérait comme une suite logique à son discours diffamatoire 'd'une rare violence' à l'encontre d'autres ONG des droits de l'homme traitées de caisses de résonance des GIA. On lira dans ce communiqué :

En tout état de cause, *Hijra International*, offensée par les propos calomnieux de M. Dembri, et qui affirme avec force qu'elle est totalement étrangère à l'incident en question, se réserve le droit de saisir la justice et de demander réparation.<sup>40</sup>

Ce que l'on apprendra surtout dans ce communiqué est que l'ambassadeur n'avait rien perdu avec les années de ses réflexes d'ancien boxeur :

Juste après la scène médiatique de M. Dembri, une information téléphonique nous est parvenue du ministère algérien des Affaires étrangères faisant état de ce que M. Dembri serait poursuivi pour violences physiques qui auraient provoqué une grave incapacité chez un collègue diplomate algérien<sup>G</sup>. La victime n'aurait pas cessé de réclamer ses droits depuis plus de quatre années, mais en vain, du fait que la plainte est toujours bloquée. Si cette information s'avère fautive, que M. Dembri la démente.<sup>41</sup>

Cette information ne sera jamais démentie.

### 3. La tentative d'intimidation

La politique de l'intimidation complète celle du discrédit et la renforce. Elle est la version 'diplomatique', donc un peu plus 'civilisée', de la politique répressive engagée à l'encontre des militants des organisations authentiques des droits de l'homme en Algérie. Son but est de dissuader les ONG internationales de s'occuper du dossier algérien.

Pierre Sané, Secrétaire général d'*AI*, explique le but de la politique d'intimidation pratiquée par le régime algérien contre les ONG des droits de l'homme :

Les récentes attaques contre nous sont l'expression d'une stratégie visant à imposer une lecture unilatérale de la situation. Dès que vous voulez faire un travail rigoureux fondé sur des faits dûment vérifiés, vous êtes soumis à une intimidation et à des menaces voilées, y compris contre les membres d'*Amnesty* en Algérie même. Ce n'est pas une attitude propre à ce régime. Tous les Etats qui ont voulu imposer le silence sur leurs pratiques - comme le Chili, l'Argentine... - ont recouru à ce genre d'intimidation, au dénigrement.<sup>42</sup>

Lors de la 53<sup>ème</sup> session de la CDH, Mohamed-Salah Dembri affichait clairement ses intentions : '[La délégation algérienne] n'hésitera pas à étudier,

<sup>G</sup> On apprendra plus tard que la victime fut un collègue de Dembri à l'ambassade d'Algérie au Canada.

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avec un certain nombre de pays, la possibilité d'une requête en suspicion légitime contre cette ONG.<sup>43</sup> Il déclarait par ailleurs : 'Nous introduirons une requête en suspicion légitime contre ces ONG, et demanderons à ce qu'on leur retire leur statut de consultants auprès des instances onusiennes<sup>44</sup>.' Il ajoutait que les autorités algériennes allaient mener leur action contre *Amnesty International* et la FIDH 'jusqu'au bout, en concertation avec d'autres pays<sup>H</sup>.'<sup>45</sup>

Le 30 octobre 1997, sous le titre sensationnel : 'L'Algérie déterre la hache de guerre contre *Amnesty International* et ses consœurs', la journaliste Emmanuelle Marendaz, du *Journal de Genève*, écrira : 'En septante ans d'existence, la FIDH ne s'est trouvée que deux fois confrontée à une telle situation : avec l'URSS de Staline et avec l'Argentine du temps des dictateurs.'<sup>46</sup>

#### 4. Conclusion

Ces notes ont eu pour objet de documenter et d'analyser la propagande de la diplomatie algérienne contre les ONG des droits de l'homme. Ce compte rendu a identifié deux argumentaires autour desquels s'articule cette propagande. Le premier fait appel à l'intimidation ainsi qu'à la menace de l'intimidation, pour faire accepter le point de vue du régime militaire. Il s'agit donc d'un *argumentum ad baculum*<sup>A7</sup>. Le second repose sur le discrédit de l'interlocuteur en lui imputant des actions répréhensibles. Il s'agit d'une argumentation *hombac* qui combine l'*ad hominem* et l'*ad baculum*<sup>A8</sup>.

Les diplomates algériens à l'instar des Dembri, Lamamra et Attaf sont moins connus pour leurs listes de publications que pour les listes de lecture obligatoires à l'école de la diplomatie de Marianne. 'Rappelons-leur certains mots' de *Si l'gininar Digoul* : 'A la guerre, la chance des généraux c'est l'honneur des gouvernements.'<sup>1</sup>

Lorsque sonnera l'heure de la vérité et de la justice en Algérie, les crimes des généraux seront la honte et la perte des diplomates sycophantes des généraux.

#### Remerciement

Je voudrais exprimer ma reconnaissance à Pierre Guillard pour m'avoir fait bénéficier de sa lecture critique du manuscrit.

<sup>H</sup> On apprend dans cette même édition du journal qu'il s'agit entre autres de certains pays africains.

<sup>1</sup> Charles de Gaulle, *Mémoires de Guerre*.

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**Annexe 1 : Document AI, MDE 28/25/97****Algeria : Amnesty International condemns massacres  
and calls for urgent measures**

22 septembre 1997

Amnesty International today condemned the massacres of more than 500 civilians in Algeria over the past few weeks, and urged Western governments to ensure that Algerian asylum-seekers who would be at risk of death or other human rights violations in Algeria are not sent back to their country.

More than 40 people, many of them women and children were reportedly killed two days ago in the latest of a series of massacres which have been committed in regions around the capital. The victims were killed at night by large groups of unknown individuals armed with firearms, knives, axes and other objects. Men, women and children were slaughtered, decapitated, mutilated, shot and burned as their homes were set in fire.

"These murders and atrocities must stop. The targeting of civilians cannot be justified or tolerated under any circumstance whatsoever, and those responsible for these atrocities must be brought to justice without delay," Amnesty International said. "Unless concrete measures are urgently taken, Algeria's cycle of violence and despair will continue to spiral out of control."

Survivors complain that the security forces, often stationed nearby, have not intervened to stop the massacres and did not come to the scene of the crime until the following morning. The authorities blame all the killings on armed opposition groups, while the armed groups accuse security forces and militias armed by the state. To date no investigation has been carried out and no one has been brought to justice for the killings.

Amnesty International condemns unreservedly all killings of civilians and other abuses committed by armed opposition groups. The organisation called on all those involved in the conflict to put an immediate end to the targeting of civilians and on the Algerian authorities to take concrete measures to ensure the protection of the civilian population, to ensure that prompt, independent and impartial investigations are carried out into the massacres and that those responsible are brought to justice.

While the pattern of massacres of civilians has become increasingly widespread, with thousands of victims in the past year, the Algerian government authorities have continued to reiterate that the security situation is under control and that there only remains "residual terrorism". Yet, at the same time they have encouraged the civilian population to take up arms and set up militia groups to protect themselves from armed attacks.

"The task of protecting the civilian population is the responsibility and the duty of the state. The protection of civilians cannot be guaranteed by arming them and encouraging them to take the law into their own hands," Amnesty International said.

Thousands of people have fled their homes in the wake of the massacres, for fear of attacks by armed groups, and as a result of death threats from armed opposition groups. Thousands more, who have managed to leave the country, have seen their asylum claims rejected. Western countries, who advise their own nationals not to travel to Algeria because of the high level of violence there, often refuse to grant political asylum to Algerians on the pretext that "there is no evidence that they would be at risk in their country".

The UN High Commissioner for Refugees (UNHCR) recently expressed concern at the forced return of Algerian asylum seekers, many of whom were in need of protection as refugees. The organisation stated that there has been a "very low level of acknowledgement" in some countries of these protection needs. The UNHCR called on governments not to deport Algerian asylum-seekers without due consideration of the security risks they may face if they are returned to Algeria.

"Amnesty International shares the concerns expressed by the UNHCR and wholly supports its call on governments not to return to Algeria asylum-seekers who would be in danger in their country," the organization said, adding that it was surprised by a statement made by the Algerian authorities condemning the UNHCR's position, and claiming that it is not true that a large number of Algerians who fled their country are in real need of international protection.

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*National Responses*

“It is unacceptable that the Algerian authorities, who have demonstrably failed to ensure the protection of the civilian population should condemn and object to initiatives aimed at protecting asylum-seekers,” Amnesty International said.

The Algerian authorities routinely accuse those who express concern at the human rights situation in Algeria of “interference in internal affairs”. Recently the Algerian government condemned a statement by the UN Secretary General, who had expressed concern at the situation in Algeria, saying that the statement was unacceptable and went against the principle of the respect for sovereignty and non-interference in internal affairs.

“With tens of thousands killed, it is high time for the Algerian authorities to acknowledge that human rights protection is not an internal affair and to take concrete measures to protect the civilian population,” Amnesty International said.

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**Annexe 2 : Document AI, MDE 28/33/97****Human Rights Have No Borders**

27 octobre 1997

Every state has the responsibility for protecting its civilians and ensuring their security. This principle is one of the fundamental reasons for the existence of the state -- a rule that no state should break. Yet in the six years since the declaration of the state of emergency in Algeria, the situation continues to deteriorate at an alarming rate. The massacres of civilians -- many of them women, children and the elderly -- in recent months has taken place on an almost daily basis, on a terrifying scale.

Not just one family is attacked -- hundreds of people are massacred. Victims are not just shot dead -- they have their throats cut, or are decapitated and mutilated. Civilians are not simply ambushed in isolated hamlets or on little travelled roads during the night -- the carnage takes place in military towns, sometimes within metres of army barracks. This year some massacres resulted in the death of more than 100 civilians: on 26 August there were some 100 victims in Beni Ali (Blida); on 29 August the massacre of at Sidi Rais (Sidi Moussa) claimed up to 300 victims; on 22 September more than 200 people were savagely killed in Bentalha (Baraki).

With no chance of outsiders getting free access to the "scene of the crime", and faced with fierce censorship imposed by the Algerian authorities, these numbers could even be higher and are simply an indication of the gravity of the situation.

Who are the killers? Why are defenceless civilians being targeted? Why don't the security forces and the army step in to protect women, children and the elderly when the killings go on for hours within earshot of military barracks? How is it possible that after hours of massacres the attackers can walk away from these bloody scenes with impunity/without being arrested by the security forces stationed nearby?

These disturbing questions remain unanswered and unexplained by the Algerian authorities, who more often than not prefer to boldly deny that massacres took place or minimize the number of victims. The official figures for the massacre at Sidi Rais are 98 dead, and for Bentalha 85 fatalities -- as if falsifying the figures will somehow diminish the scale of the tragedy.

To avoid responding to these disturbing questions, the Algerian authorities often hide behind the rhetoric of "national sovereignty" and "non-interference in internal affairs" -- the same authorities which welcome the international community's condemnation of "terrorism" with open arms.

The disturbing questions that Amnesty International poses are not about the country's political, economic or social issues. They are about the persistent violation of human rights which for six bloody years have bred a climate of impunity in Algeria.

Because human rights are not simply the internal affairs of any country in the world. No government has the right to abandon their citizens faced with horrible massacres or living under the threat of death by invoking pretexts of "sovereignty" or "non-interference". By ratifying international human rights treaties, the Algerian authorities have admitted that human rights have no borders, and have accepted that Algeria is not above international scrutiny.

Following the recent massacres -- carried out on such a scale and with such relentless brutality that the world was at last shocked -- the silence which for too long has surrounded events in Algeria has started to be broken. The international community -- through the words of the Secretary General of the United Nations, the High Commissioner for Human Rights, UNICEF and UNHCR -- has started to speak out against the lack of protection for the civilian population in Algeria.

However, the Algerian authorities obstinately refuse any suggestion that investigations into massacres and other abuses should be carried out, flatly condemning all such initiatives.

The first step to ending the infernal cycle of human rights violations in Algeria is to establish an independent and impartial inquiry to shed light on all these crimes and establish who is responsible for them. If the Algerian authorities have nothing to hide, they shouldn't oppose, but rather welcome any such initiative to protect the civilian population.

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*National Responses***Annexe 3 : Document AI, MDE 28/23/97 (extraits)****ALGERIA : Civilian population caught in a spiral of violence**

November 1997

[...]

**MASSACRES OF CIVILIANS: NO ONE IS SAFE**

Over the past year the civilian population has been targeted in an unprecedented manner, with the emergence of a pattern of massacres of large numbers of civilians, many of them women and children, in rural areas. The pattern has become increasingly widespread - often a daily occurrence. Villagers have been massacred in the most brutal ways; slaughtered, decapitated, and mutilated with knives, machetes and saws; some have been shot dead and others burned alive as their homes were set on fire.

The massacres have systematically been committed at night, by large groups of men who attacked the inhabitants, often in their sleep, killing entire families and villages and pursuing and killing whoever attempted to escape. No one is safe from the brutality. Men, women, children, small babies and elderly people have been hacked to death, decapitated, or mutilated and left to bleed to death. Pregnant women have been disembowelled. Survivors, relatives of the victims and medical personnel are traumatized by the horror they are forced to witness.

Some survived only because their attackers left them lying injured, believing they were dead, while others managed to escape in spite of their wounds. Dozens of women are reported to have been abducted by the attackers, raped and then killed.

As a result of these massacres thousands of people have fled their villages, some because their homes were destroyed or burned down, but most from fear of further attacks. Their numbers add to the thousands of others who have been displaced by the conflict in the past few years.

Several thousands are reported to have been killed in these massacres, but there are no accurate figures. In the majority of cases the government does not comment and issues no information about killings and when it does, the figures are considerably lower than those figures given by other sources. In the wake of the massacres the sites are often sealed off, preventing access to journalists and others. Survivors, relatives of victims, medical personnel, ambulance drivers and cemetery workers who give figures and other details to journalists usually do so on conditions of anonymity to avoid problems with the authorities. Because of these restrictions, the exact figures and details of the massacres are in most cases impossible to verify, and the information published by the heavily censored Algerian press often varies from one newspaper to another, while many killings go completely unreported in the press.

**Who is behind the killings? State negligence or complicity?**

Most of the massacres have taken place around the capital in the Algiers, Blida and Medea regions - in the most heavily militarized part of the country. In many cases massacres, often lasting several hours, took place only a very short distance, a few kilometres or even a few hundred metres' away from army and security forces barracks and outposts. However, in spite of the screams and cries for help of the victims, the sound of gunshots, and the flames and smoke of the burning houses, the security forces have not intervened - neither to come to the rescue of those who were being massacred, nor to arrest those responsible for the massacres, who got away on each occasion.

Survivors and neighbours have told of telephoning or running to nearby security posts seeking help, with the security forces there refusing to intervene, claiming that they were not mandated to do so. In at least two cases, several survivors described how people who had tried to escape from villages where a massacre was taking place had actually been turned back by a cordon of members of the secu-

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rity forces who stood by while the villagers were being slaughtered and did not come into the village until after the attackers had left.

That army barracks and security forces outposts are located next to the sites of several massacres is an undisputable fact. That the security forces have not intervened during the massacres is also a fact, which is not disputed by the Algerian authorities. The question which remains unanswered is why was there no intervention? The Algerian authorities have not commented officially on any specific incidents, but newspapers close to the authorities have often reported that the security forces could not intervene because the terrain around the villages where the massacres were committed had been mined by those who committed the massacres to prevent the security forces' intervention. However, this seems to be unlikely given that during the massacres villagers managed to flee from the villages and after the massacres survivors, ambulances, helpers, and security services have gone in and out of the villages without stepping on any mines. If such movements have been possible both during and after the massacres, it should also have been possible for security forces to go into the villages to stop the massacres.

The largest massacre of civilians reported to date was committed during the night of 28 August 1997 in Sidi Rais, south of Algiers. According to a wide range of sources, including medical personnel, up to 300 people, many of them women and children, and even small babies, were killed and more than 100 injured. The authorities did not issue any information on the massacre until late that afternoon, when they announced that 98 people had been killed and 120 injured. Sidi Rais is located in close proximity to the army barracks of Sidi Moussa, about three kilometres away, the army barracks of Baraki, about six to seven kilometres away, the security forces outpost of Gaid Kacem, about four kilometres away, and other security forces posts a few hundreds metres away. Survivors told Amnesty International that in addition to the security forces barracks nearby, security forces' units were also stationed just outside the village, and were aware that the massacre was being committed because those who were able to flee at the beginning of the attack had gone to seek help and refuge with the nearby security forces. Yet the security forces never intervened, either to stop the massacre, or to prevent the attackers from getting away. A survivor of this massacre told Amnesty International:

"Why did this happen? Why didn't anyone stop it? There is no law any more. The army and the security forces were right there; they heard and saw everything and did nothing, and they let the terrorists leave.... They [the army] waited for the terrorists to finish their dirty task and then they let them leave. What does this mean to you? ..... I had been threatened by the fundamentalists but I almost got killed by the army. Even my friends in the army don't understand anything anymore these days..."

Testimonies of survivors gathered by Algerian journalists, some of which were cited in Algerian newspapers, have also emphasised how massacres have occurred close to army barracks.

"...People banged on my door screaming. Frightened neighbours wanted to pass through my house to run to the army barrack, which is not far - about 100 metres - to alert the army and seek their protection. Many neighbours were thus able to get away and be safe. Just as I was letting through an elderly woman a terrorist shot me and wounded me in the shoulder but I managed to run to the army barracks..."<sup>49</sup>

In the evening of 5 September 1997, more than 60 men, women and children were massacred in Sidi Youssef (Beni Messous), on the western outskirts of Algiers. Many of the victims lived in makeshift homes built next to the residential district of Beni Messous. According to testimonies received, people from a nearby neighbourhood, who were alerted by the screams and banging of pots and pans (a means of attracting attention for those in danger), telephoned the security forces to alert them but were told that they could not intervene as the matter was under the mandate of the *gendarmerie*. They called the *gendarmerie* but received no reply. Beni Messous hosts the largest army barracks and military security centre of the capital, as well as three other *gendarmerie* and security forces centres from which the site of the massacre is clearly visible. The army barracks of Cheraga is also only a few kilometres away. However, as with all the other massacres, there was no intervention by the security forces to stop the massacre and the attackers left undisturbed. The authorities did not issue any details about the massacre nor did they provide information on the number of fatalities.

In the night of 22/23 September 1997, more than 200 men, women and children were massacred in Bentalha (Baraki), south of Algiers. Bentalha is near five different army and security forces outposts, including the army barracks of Baraki, about three kilometres away, the army barracks of Sidi Moussa, about five kilometres away, the Gaid Kacem security forces post, less than one kilometre away, the communal guard barracks about one kilometre away, and the security forces posts at the entrance of Bentalha. Survivors have told Amnesty International that at the time of the massacres armed forces units with armoured vehicles were stationed outside the village and stopped some of

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those trying to flee from getting out of the village. Similar reports have been received from journalists who have interviewed survivors. A survivor told Amnesty International:

"I don't understand; the army was surrounding Bentalha but they did not intervene; we had been worried for some time, and especially since the massacre at Rais a few weeks before. We had asked the authorities for weapons but we were told we had to wait. When we realized that we were being attacked we tried to resist, we got onto the terraces and rooves and threw stones and objects at them, whatever we could find. Some patriots [local militias] came from Baraki to help us when they heard that the massacre was happening, but the army did not let them into Bentalha. The terrorists had lists of people to kill, but they also killed at random. It's beyond comprehension. The massacre went on for several hours and then the terrorists left and no one stopped them; then the ambulances came in and cleared the bodies. I don't know what is going on, but I know it is not safe. After the massacre the authorities gave us weapons; I've now got a gun, but we don't envisage going back to live in Bentalha for the time being; I'll stay with relatives and try to keep my family safe. Even talking about it is risky; my neighbour who lost all his family in the massacre was telling a journalist what had happened and a policeman told him to shut his mouth or else he'd see. Who can help us? Nobody cares."

Amnesty International is gravely concerned by such testimonies, which add further weight to reports that armed groups who carried out massacres of civilians in some cases operated in conjunction with, or with the consent of, certain army and security forces units. The scale, frequency and geographical concentration of the massacres in the past year raise serious questions about the apparent inability or unwillingness of the military and security forces to take adequate measures to protect the civilian population, and about the lack of investigations into such incidents. In the absence of thorough, independent and prompt investigations in accordance with the minimum international standards for such investigations, such as the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, it is difficult to establish responsibility for these massacres.

The massacres fall within a pattern whereby large groups of men have been able to come from their supposed hiding places in the mountains and forests into the villages, which often entails crossing main roads, carry out killings lasting several hours, and leave to return - undisturbed - to their hiding places. The sound of gunfire and bomb explosions, the screams of the victims, and the flames and smoke of the houses on fire are audible and visible from a distance.

The lack of response by security services to calls by residents alerting them to night-time attacks taking place is not new. Over the past three years scores of individuals have reported to Amnesty International that the security forces had either not responded or refused to intervene when they had called at night, either by telephone or in person, to report attacks on their homes, killings of their relatives, attacks on neighbours, or shootouts. Daytime roadblocks, checkpoints and patrols are withdrawn at night, when the population is most vulnerable to attacks and when massacres are committed. The army and security forces usually do not come to the site until several hours after the massacres, and often not until the following morning. The reason most frequently cited in the past for their lack of response is the security forces' fear of being trapped by a false alert and ambushed. Understandably it may often not be possible for them to intervene in time to stop individual attacks, which tend to happen very quickly, or to arrest the attackers, who may easily hide and escape. However, the situation of massacres is fundamentally different in so far as the massacres often last for several hours, during which nearby security forces should have ample time to intervene to stop the massacres and to apprehend the attackers, who up to now have always been able to leave undisturbed.

Whether or not certain units of the army and security forces have been actively involved in the massacres must be investigated. In the meantime it is clear that there has been a conscious abdication by the Algerian authorities of its responsibility to protect the civilian population in areas whose position and security and communications network should make such protection possible.

#### **Reasons alleged to be at the origins of the massacres**

According to the authorities and security services all the massacres have been committed by the GIA and other such groups with the aim of terrorizing and punishing the population hostile to them, or who formerly supported them but who had recently withdrawn their support, or relatives and current supporters of rival armed groups.

Many massacres have taken place in areas where a large percentage of the population had voted for the FIS in the 1990 municipal elections and in the 1991 legislative elections. Amnesty International has received reports that many of the victims of recent massacres were relatives of members and sup-

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porters of armed opposition groups, people who had in the past been detained on charges of “terrorist activities” and their relatives, and people who had in the past refused to take up arms and set up militia groups. Members of the security forces and militias are reported to have said to local inhabitants and journalists that the victims of some of the massacres had met the fate they deserved because they had supported the “terrorists”, and thus deserved no protection.

Many massacres are believed to have been carried out by armed groups with the aim of eliminating supporters of rival groups, or supporters of the FIS, which has increasingly often condemned killings of civilians and other abuses by these groups. However, there have been allegations that some of the massacres have been committed by groups acting on instructions, or with the consent, of certain army and security forces units and paramilitary groups, with the aim of eradicating the grassroots base of armed opposition groups, which continue to maintain a presence in these areas in spite of repeated armed action against them by the army and security forces over the years.

The victims of the massacres seem to have been mostly ordinary people, often poor and living in makeshift homes, including people who had settled in the area in recent years after having fled their homes elsewhere because of the conflict. The FIS' armed wing, the AIS, does not appear to have been present in any significant way in the region (the AIS is reportedly present mainly in the east and west of the country, but not in the centre), whereas GIA groups have reportedly been based in the area. However, it is not known to what extent the local population really supported such groups, and if so to what extent it did so willingly or out of fear.

The pattern of large-scale massacres has developed against a background of years of escalating violence. Security forces killed members of armed groups, their relatives and people known or suspected of supporting such groups; while armed opposition groups targeted relatives of security forces' and militias' members, as well as families and supporters of rival armed groups. In this context, some believe that certain massacres have been committed as a vendetta, in retaliation for previous massacres and killings of relatives or communities by rival forces. In addition, there are allegations that part of the violence is the result of rival government factions' interests and power struggles linked to economic issues, including the forthcoming privatization of agricultural land and state-owned enterprises, exploitation of oil resources and corruption.

The sharp reduction in the level of violence at the time of important events such as the presidential elections of November 1995 and the legislative elections of June 1997 - in spite of increased threats issued by armed opposition groups against civilians who participated in the election processes - indicates that the Algerian authorities have the means to ensure a higher level of protection for the civilian population throughout the country when it is necessary for them to do so.

Whoever the perpetrators of these massacres may be, and whatever logic they may use to justify such atrocities, urgent and concrete measures must be taken to stop the unprecedented level of violence and brutality, and to protect the civilian population, especially those who are most vulnerable to such attacks such as women, children, the elderly and the poor. As a first step, a full and independent investigation must be carried out to establish who is responsible for these killings and other crimes which continue to be a daily occurrence, and to ensure that those responsible be brought to justice.

#### **PUNITIVE STRIKES VERSUS PROTECTION**

Armed groups who have carried out these massacres have mainly used weapons such as knives, axes, machetes, saws, metal bars, some light firearms (shotguns, hunting rifles, Kalashnikovs) and homemade bombs. The army and security forces possess far more sophisticated weapons and equipment, including armoured vehicles, rocket launchers, heavy artillery and combat aircraft - which they regularly use in large scale “clean-up, anti-terrorist” operations in different parts of the region and elsewhere in the country.

The Algerian government rarely issues information on military operations, but they do allow the Algerian press to publish, regularly, information which quotes un-named security forces sources saying that scores or hundreds of GIA members were killed in the course of military and security operations. However, in the absence of independent sources it has not been possible to establish the number and identity of those killed or the circumstances in which they were killed and media reports are often contradictory. Two large-scale operations were reported in Atatba and Thala Acha, in July and September 1997. As is customary, the Algerian government issued no information directly, but allowed the Algerian media to report the operations, saying that, according to un-named military and security sources, between 100 and 200 GIA members were killed in Atatba and more than 100 in Thala Acha,

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including those who had been responsible for recent massacres. However, the media gave different versions of the same event; for example, at the end of July 1997 some newspapers claimed that Antar Zouabri, presented as the GIA leader, was killed in the Atatba operation (different newspapers gave different versions of his killing<sup>50</sup>, a piece of information which could not be confirmed, and which was subsequently denied by a communique reported to have been issued by the GIA, and by other media reports. At the beginning of September 1997, Algerian newspapers again reported that Antar Zouabri had been killed, this time in the Thala Acha operation<sup>51</sup>, but the information was again subsequently denied. A month later, in the first military operation which some Algerian journalists were invited to cover, an un-named army officer was quoted as saying that Antar Zouabri was still alive<sup>52</sup>.

Announcements by the authorities officially, or via the Algerian media, that the perpetrators of certain murders, massacres, or other crimes have been killed by security forces form part of a regular and long-standing pattern. In recent years similar announcements have been made that the killers of the most well known victims - journalists, intellectuals and foreigners - had been killed by the security forces. To date not a single individual has been arrested and prosecuted for any of these assassinations which received widespread media coverage in Algeria and outside. Similarly, to date no one has ever been prosecuted for the massacres committed in the past year.

Thus, according to official information, the security forces - who have often swiftly caught and killed the groups responsible for murders and massacres - have consistently been unable or unwilling to intervene to stop and prevent the massacres of civilians.

This pattern whereby the "killers of X" are regularly reported to have been killed, and no one ever arrested and prosecuted, raises serious questions - especially given that the Algerian authorities consistently refuse to provide the information on the basis of which their conclusions were reached, and do not allow independent investigations to be carried out.

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## NOTES

<sup>1</sup> *El Moudjabid* du 21 avril 1999.

<sup>2</sup> Voir l'ouvrage *L'ONU et la deuxième guerre d'Algérie*, en préparation.

<sup>3</sup> Voir l'article *L'ONU et les massacres en Algérie* dans la partie IV du présent ouvrage.

<sup>4</sup> *Amnesty International Condemns Massacres of Civilians*, Document AI, MDE 28/01/97, 12 février 1997.

<sup>5</sup> AFP, 15 octobre 1997.

<sup>6</sup> *Arabic News*, 15 octobre 1997.

<sup>7</sup> Voir le texte dans les annexes de l'article *L'ONU et les massacres en Algérie* dans la partie IV du présent ouvrage.

<sup>8</sup> Voir le texte dans les annexes de l'article *L'ONU et les massacres en Algérie* dans la partie IV du présent ouvrage.

<sup>9</sup> Voir l'article *L'ONU et les massacres en Algérie* dans la partie IV du le présent ouvrage, section : La Commission des droits de l'homme.

<sup>10</sup> Voir les interventions de ses représentants lors des sessions de la CDH dans l'ouvrage *L'ONU et la deuxième guerre d'Algérie* en préparation.

<sup>11</sup> Voir l'article de Ahmed Bouzid, *The Selling of atrocities*, dans la partie III du présent ouvrage.

<sup>12</sup> Document ONU, E/CN.4/1997/SR.55.

<sup>13</sup> *Le Monde* du 31 octobre 1997.

<sup>14</sup> *Droit de réponse de la délégation algérienne aux déclarations d'Amnesty International et de la FIDH, point 10*, diffusé le 16 avril 1998 par la Mission permanente d'Algérie à Genève.

<sup>15</sup> *Ibid.*

<sup>16</sup> Télé Journal de la TSR, fin juillet 1998.

<sup>17</sup> *Journal de Genève* du 30 octobre 1997.

<sup>18</sup> *Ibid.*

<sup>19</sup> Document ONU, E/CN.4/1997/SR.55.

<sup>20</sup> Interview de M.-S. Dembri réalisé par Laïd Zeghlami, paru dans *La Tribune* du 22 avril 1998.

<sup>21</sup> Télé Journal de *Algerian TV*, avril 1999.

<sup>22</sup> Voir intervention du représentant de l'ONDH aux sessions de la CDH, dans l'ouvrage *L'ONU et la deuxième guerre d'Algérie* en préparation.

<sup>23</sup> Propos tenus par Leïla Aslaoui, membre du Sénat.

<sup>24</sup> Voir Ahmed Bouzid, *The Selling of atrocities*, dans la partie III du présent ouvrage

<sup>25</sup> AP, APS, AFP, 17 septembre 1998, in *Troubles* (site internet [www.multimania.com/troubles](http://www.multimania.com/troubles)).

<sup>26</sup> APS, 9 ou 10 avril 1999, in *Troubles* (site internet [www.multimania.com/troubles](http://www.multimania.com/troubles)).

<sup>27</sup> *Ibid.*

<sup>28</sup> APS, 22 avril 1999, in *Troubles* (site internet [www.multimania.com/troubles](http://www.multimania.com/troubles)).

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<sup>29</sup> Voir la section consacrée à la Commission des droits de l'homme dans l'article *L'ONU et les massacres en Algérie*, partie IV du présent ouvrage.

<sup>30</sup> Télé Journal du soir du 18 mars 1998 de la Télévision suisse romande.

<sup>31</sup> *Droit de réponse de la délégation algérienne aux déclarations d'Amnesty International et de la FIDH, point 10*, diffusé le 16 avril 1998 par la Mission permanente d'Algérie à Genève.

<sup>32</sup> *Ibid.*

<sup>33</sup> Droit de réponse relatif au point 2 : Violations des droits de l'homme et des libertés individuelles, diffusé le 6 août 1998 par la Mission permanente d'Algérie à Genève.

<sup>34</sup> APS, 22 avril 1999 et *El Mondjabid* du 21 avril 1999.

<sup>35</sup> Voir A. Aroua, *L'Organisation des Nations unies et les massacres en Algérie*, article no. 22, partie IV de cet ouvrage.

<sup>36</sup> *Le Monde* du 29 novembre 1997.

<sup>37</sup> Document ONU, E/CN.4/1997/SR.55.

<sup>38</sup> Voir le compte rendu des travaux de la 54<sup>ème</sup> session de la CDH dans l'article sur l'ONU.

<sup>39</sup> *Liberté* des 17-18 avril 1998.

<sup>40</sup> Communiqué de *Hijra International*, Genève, le 20 avril 1998.

<sup>41</sup> *Ibid.*

<sup>42</sup> Propos recueillis par José Garçon, *Libération* du 7 mai 1997.

<sup>43</sup> Document ONU, E/CN.4/1997/SR.55.

<sup>44</sup> *Le Monde* du 31 octobre 1997.

<sup>45</sup> *Journal de Genève* du 30 octobre 1997.

<sup>46</sup> *Ibid.*

<sup>47</sup> Douglas Walton, *The place of emotion in argument*, Pennsylvania State University Press, Pennsylvania 1992, p. 143.

<sup>48</sup> *Ibid.*, p. 244.

<sup>49</sup> *La Tribune* 29-30 August 1997.

<sup>50</sup> Voir *La Tribune* 27 July 1997, *Le Matin* 26 July 1997, and *El Watan* 26 July 1997.

<sup>51</sup> Voir *El Khabar* 11 September 1997.

<sup>52</sup> *Le Matin* 8 October 1997.

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## RESPONSES OF ISLAMIC POLITICAL PARTIES AND INSURGENT GROUPS

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*M. Bendriss*

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## 1. Introduction

Knowing the views of the Algerian Islamic movements concerning the massacres is a crucial element in trying to understand these crimes. Unlike the statements and assertions of the Algerian government, these views have hardly made it into the Western media and are not known to wider audiences in the world. If balanced opinions about these massacres are to be formed, the responses of the Islamic movements need to be known.

A fair survey of these movements should include the reactions of the 'legal' Islamic parties. It may be even more important to listen to the responses of the 'banned' Islamic movements. Not only do these groups represent one of the most (if not the most) important parameters in the Algerian conflict, but they are also constantly portrayed as the perpetrators of the massacres.

Hence, the aim of this report is to contribute towards a just and fair investigation into the massacres. This is achieved by compiling and reviewing the statements about the reactions of the Algerian Islamic movements to these massacres. These statements are organised in the form of referenced historical testimonies, and then summarised.

The statements are collected in section 2 and 3. Section 2 deals with the Islamic political parties: the Society's Movement for Peace (HMS), the Renaissance Movement (Nahda) and the Islamic Salvation Front (FIS). Section 3 is devoted to the Islamic insurgent groups in general: the Islamic Salvation Army (AIS), the Islamic League for Preaching and Jihad (LIDD) and other armed groups who split from the Armed Islamic Group (GIA), previously led by Djamel Zitouni and currently under the command of Antar Zouabri.

A couple of observations are worth noting. First, although the French and Algerian media present it as an Islamic insurgent group, the GIA is widely believed, by the Algerian population and by observers, to be a counter-guerrilla organisation used by the Algerian regime as a tool in their military strategy against the Islamic groups.<sup>1</sup> Also, all the armed opposition groups which dissociated themselves from the GIA confirm the infiltration and control of this group by the regime's secret services.<sup>2</sup> Therefore, Zouabri's GIA is not considered among the Islamic insurgent groups in this study. Second, although this report is based on a comprehensive list of citations, it is far from complete.<sup>3</sup> However, we believe that it is a reasonable reflection of the reactions of the Algerian Islamic movements to the massacres.

The general trend of this testimonial account indicates that, except for the Society's Movement for Peace (HMS), reactions to the massacres by the Islamic parties and insurgent groups are similar in principle, although with dif-

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ferent degrees of ‘openness’ and clarity. Whereas these groups, in general, accuse directly or indirectly the regime and its security apparatus (including the GIA and the militias) and appeal for a national and/or international inquiry to investigate these crimes, the HMS party firmly rejects the theory that the Algerian authorities might be involved in the killings and clearly accuses the GIA of committing these crimes. It refuses to consider any form of investigation into these massacres.

## **2. Responses of the Islamic Political Parties**

### **2.1. Movement for the Society of Peace (HMS)**

#### *2.1.1. The Party*

The Movement for the Society of Peace – *Harakat Mujtama' Silm* (HMS) – was founded in 1990 and has been led by Sheikh Mahfoud Nahnah since then. It is ideologically close to the Muslim Brotherhood movement. This party is known for its support for the present Algerian regime and its strong opposition to the FIS. Although the HMS won no seats in the interrupted 1991 parliamentary elections, it has become the second largest party in Algeria after the banning of the FIS. Nahnah's party was given 25 per cent of the votes in the presidential elections of 1995, 69 parliamentary seats (out of the 380) in the legislative elections of 1997, and is now participating in government with two ministers. It condemned the Rome Platform (Sant' Egidio Accord for Peace), although it attended some of the negotiation meetings leading to that accord.

The HMS sees itself as ‘a moderate Algerian Islamist political party which believes in pluralist democracy’ and aims at ‘pursuing the edification of a modern Algerian state within the framework of the principles of Islam, democracy and the republican system’.<sup>4</sup> It claims to offer a less radical alternative to the FIS, and had in fact justified the need for its creation soon after the first pluralist municipal elections when ‘alarming signals of the radicalisation of the FIS became prominent’ and ‘it became clear that the intolerant coercive line adopted by the FIS could not be accepted’.<sup>5</sup> The HMS believes this because it sees itself as ‘a grassroots organisation which enjoys support throughout the whole spectrum of the Algerian society’.<sup>6</sup>

The HMS stated in their founding principles that they consider Islam as the religion of the State and the people; believe in the values of liberty and democracy, and the respect of the will and choice of the people, as well as the change of government by peaceful means. They also stated that they reject all forms of violence whatever their source, and respect human rights and justice as the basis of government and power.

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*National Responses**2.1.2. Party Reactions*

The HMS leader, Mahfoud Nahnah, believes that the militias (or patriots) 'have not been prepared to face terrorism' and that is the reason why 'they have been at the origin of serious excesses'.<sup>7</sup> However, he confirms that they are also 'victims of horrible assassinations' and that 'self-defence is [therefore] a necessity'. As for the 'deadly madness of the fundamentalists', he thinks that it is because 'the villagers have stopped supporting the armed groups, which has made these groups resort to 'punishment actions'.<sup>8</sup> Nevertheless, he also thinks that many people, notably the 'politico-financial Mafia', have taken advantage of the situation as well by 'indulging in racketeering and rape'.<sup>9</sup>

For Nahnah, the formation of 'self-defence groups' (following massacres of civilian populations) reflected 'an act of belief and patriotism [...] even if this initiative might lead to some out-of-control situations, with arms being distributed selectively for protection against possible attacks from armed groups'.<sup>10</sup>

The HMS expressed its concern about the massacres and condemned 'the collective extermination' as well as 'the political logic' adopted by the authorities in dealing with this 'phenomenon of savage violence'.<sup>11</sup> It also questioned the 'persistence of some official authorities in dealing with the massacres in an absurd and careless manner, with boastful declarations of victory, which added to the doubts of the citizens about the desire and devotion of those authorities to protect them'.<sup>12</sup> The HMS asked the authorities to 'move away from provocative declarations, to act practically to activate the political class and announce a day of national solidarity with the victims of the tragedy'.<sup>13</sup>

The HMS leader pressed for the urgent creation of a large national coalition of all the political tendencies to fight terrorism:

The idea of such a national wall, where there will be people from the left, the right, seculars, patriots and Islamists, as well as the overall political class who are aware of the gravity of the Algerian crisis, has inspired me because of what happened recently [anti ETA campaign] in Spain to fight terrorism.<sup>14</sup>

He also encouraged the creation of 'self-defence groups' in rural and remote areas, confirmed his refusal to allow any form of 'foreign intervention' in the Algerian crisis, and described the letter sent by the FIS leader, Dr Abassi Madani, to the UN secretary-general as 'a waste of time'.<sup>15</sup> Nahnah said that it was not possible for the HMS to 'accuse the authority or the army of indulgence and complicity'. However, he confirmed that 'the politico-economic Mafia' took advantage of 'the climate of insecurity and the barbaric massacres that nothing can justify [sic]'.<sup>16</sup> Referring to the necessity

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for Algeria to have democratic institutions, Nahnah insisted on holding local elections, 'even if the fire should light up from all sides'.<sup>17</sup>

The HMS president renewed his rejection of the issue of internationalisation, 'be it in the form of Sant' Egidio and those who were misled into signing the Rome document, or in the form of those who were released from prison [referring to Abassi's letter to the UN secretary-general]'.<sup>18</sup>

When the European parliamentary delegation was on a visit to Algeria, the HMS secretariat of political affairs warned against 'the persuasion of the episode of concessions which could well be avoided if the national institutions were made useful within the frame of strategic interests and not within the frame of narrow calculations'.<sup>19</sup> It also expressed the HMS's fear about 'excesses which might occur' concerning the issue of 'national sovereignty which remains dependent on the national unity targeted by the different parties'.<sup>20</sup>

The HMS mentioned the 'very painful circumstances' resulting from the 'massacres in which hundreds of citizens were victimised', and renewed its call to the 'political class' and the 'state institutions' to 'stop the spreading of these massacres which indicate the absence of the state or the failure of the authorities to shoulder their responsibilities either by keeping silent or by using provocative statements'.<sup>21</sup> The HMS also condemned 'the deteriorating situation' and 'the creation of circumstances which allow foreign intervention with known incentives'.<sup>22</sup> It recommended 'considering the areas of the latest massacres as disaster areas, in which urgent measures to promote solidarity for the benefit of the citizens needed to be taken to prevent further backsliding in society and security skidding'.<sup>23</sup>

The HMS rejected both the accusation of the government security forces' involvement in the massacres and the explanation given for the passivity of the army and security forces (which attributed this passivity to misunderstandings and conflicts between the presidency and some of the military leaders):

This reading of the events is not correct, and it does not refute the fact that the security forces failed in fulfilling their responsibilities because

- a) based on what we know from the areas where the massacres were committed, the survivors confirm that the perpetrators are members of the armed groups, some of them from the inhabitants of the area as was the case in Bentalha, and that there are families closely related to the terrorists, who escaped on the night of the massacre, in addition to the fact that the GIA communiqué clearly claims responsibility for the latest massacres and judges all the Algerian people as disbelievers; and
- b) what was described as a disagreement within the regime cannot reach such a level of poisoning which portends foreign intervention. We should know the effect of massacres on the international public opinion and the major powers. We should also know the reactions resulting from these massacres, which, after the last one [Bentalha], led to consultations between America and France. In these circum-

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stances, it is inconceivable how the misunderstanding could reach such a level as to lead the country into this very grave situation.<sup>24</sup>

The HMS explained, however, that ‘the clarity about the identity of the perpetrators of these criminal acts does not contradict the fact that beneficiaries are numerous’.<sup>25</sup> According to the HMS those taking advantage of the massacres are

the callers for conflict and poisoning, warmongers and arms dealers, the minority which will be rejected by the people when the electoral process is completed, the eradicators, the callers for internationalisation of the conflict and the callers for partitioning of the country.<sup>26</sup>

During an interview<sup>27</sup> the HMS leader Mahfoud Nahnah discussed the Algerian tragedy in general and the issue of the massacres in particular. Some of his answers are detailed below; all of them are in response to questions relating to the massacres.

About the perpetrators:

In truth, the blood that is being spilled in some parts of Algeria reflects cruelty the like of which Algerians never witnessed except in the days of French colonialism. One can never describe it as an ‘Islamic massacre’, ‘Islamic killing’ or ‘Islamic jihad’. It cannot be national for it is a desire to gain power with skulls, tears and suffering. However, it is a cruelty that is committed by a bunch of people that have called themselves in bygone days the Armed Islamic Group. The truth is that this is not an Islamic group. Instead, it is a group that chose by itself to attack the whole Algerian people on every level by following a scorched-earth policy to achieve an international strategy that has a strong vested interest in and a clear perception of the geopolitical position of Algeria. It is either a victim of the ignorance that was once widespread in the country during a certain period, or it is an aggressor and its crime is very clearly against those innocent citizens who are under attack daily with no one to defend them.

We say very clearly that the killers have been witnessed by the remaining survivors in isolated villages and homelands. Certain families still recognise one another through kinship (*ansab*), branches of the extended family (*ʿrasha*) and lineage (*Sulālah*). They know their villages inch by inch, house by house, hut by hut, and a survivor would say, ‘I know the killer was so and so, son of so and so,’ so there is no doubt about who the killer is. I therefore hope that this misunderstanding will be eliminated from politics and from the media, which have opened the door for [a European] Troika. This is the first point. Second, it should be clear that the stupidity of those killers has benefited some people: members of the special services, a smart Mafia that makes good use of the stupidity of others to carry out its plans. Third, there is an economic, political, and separatist Mafia that wants to keep the status quo in preparation for partitioning projects that are very well known and have very well-defined objectives. Fourth, these armed groups were from the beginning, before the electoral process was halted in 1991, or you might say the military coup, planning and preparing for these armed operations. Fifth, there are the westernised elements who are fighting against the identity of Algeria. Therefore, the identity of the killers is clear to all. The stupidity of the killers is also clear when it is being used by political or separatist Mafia inside or outside Algeria or the Mafia that wants to launder

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*Responses of the Islamic Movements*

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money and take over what is left of the reserves and resources of the country for future generations. This is so that the Algerians will not be able to build their future. Of course, what is left is 'jihad in the Name of God'. We say that jihad in the name of God has been decreed, but terror in the name of God, and violence in the name of God can only be approved by one who envies Algeria or a traitor to the country or an agent for a foreigner, whoever he may be, so as to destroy the reserves of the country. So now we have corrected the concept of 'who is the terrorist'. There is one thing left, which is that the terrorist first admits, from a secret radio station that is being operated inside the capital Algiers, that he is doing this killing and secondly publishes leaflets in which he claims responsibility for the killing operations.

**About the victims:**

The presence of militias and the armed resistance of mujahidīn<sup>28</sup> are aimed at protecting the citizens from those murderers and terrorists who have been described by everybody as savage terrorists because they are resisting a whole people and paving the way for foreign intervention and destruction of the resources of the country. That is why we support the presence of militias or the assistance of the security forces, both of whom are here to protect citizens despite their weaknesses and some of their transgressions; and the presence of the town guards who commit mistakes sometimes; and the combined operations of these groups. However, that does not relieve the Algerian government of the responsibility of protecting the citizens in the way it sees fit.

**About the government and the army:**

The truth is that the general situation towards which Algeria has headed the decades over the decades of independence has been one of confusion... This leads us to conclude that the security situation which the forces of law and order are facing today – that of not being able to protect people – is about insecurity in public choices and cracks in the system's choices. Security requires good choices on the political front and the adoption of sound economic and educational programmes. [These choices] have created a shaky policy on all fronts. These contradictions have led to the decapitating of citizens and a scorch-earth strategy.

In our opinion, national unity can be preserved, in our country as well as other countries first, only by the army, secondly, by the unity of the army and thirdly, by the unity of the decision-makers of the army.<sup>29</sup> The parties are now manoeuvring to make the army a target of accusation or mistrust... We fully admit that the humiliation of and trespassing on people's dignity and mistakes perpetrated against Algerian citizens were continuously present, whether yesterday or today and perhaps tomorrow unless the army returns to what the constitution has made it for.

**About the Islamic Salvation Front (FIS)**

When the GIA was conceived, it was wholeheartedly adopted by the FIS. The latter's members (supporters) adopted its ideas and ways and they raised the banner, which was called in Algeria, at that time, the 'Jihād Banner for Algerian Resistance'. It started out with some of the educated imams, ʿulamā and researchers, soldiers, policemen, and security people. When popular support diminished for this group, it started to wage a war against the people who refused to surrender to these armed groups. Therefore, in the end we found these progenitors distancing themselves from the GIA. Afterwards, however, it was given a political cover (FIS) and then a

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religious cover in the name of Islam to carry guns against Algerians or some of the Algerians. When chaos became the norm and these armed groups realised that military resistance was doomed to reach a dead-end, some of the GIA members began to abandon it and accuse it of being a criminal group. In fact we have witnessed others who have come out of the skin of the GIA and from under its garments to fight it with arms. So now these massacres are happening left and right and reflect the in-fighting of a group which saw its inner structure explode.

#### About the armed opposition groups

In my opinion, and I take full responsibility for this, the consequences of assassinations, murder and inciting people to jihad (armed struggle) are much worse than cancelling the elections. Then the groups that adopted the armed struggle declared a 'holy trinity' of 'No dialogue, No reconciliation, No truce' and were faced by another group which declared a truce. So whoever says 'No discussion, No reconciliation, No truce' has adopted armed struggle and those who have declared the truce adopted armed struggle for a long period. Therefore, if we are to provide a historical account, let us not fall under misconceptions. Why announce a truce if we are within the Algerian context and have truthful intentions about jihad? Why announce a truce? And if we are not like this, then let us say frankly that we have wronged the Algerian people. Finally, those who have carried out armed operations (group or individual massacres) against all Algerian citizens are known. Their names are known to the ordinary Algerian citizen.

#### About foreign intervention and the commission of inquiry

To put it simply, we reject mediation, we welcome well-intentioned action and we like the interest that the world, the Arabs and the Muslims have shown in the Algerian crisis. This means that we do not accept that any party should meddle in the internal affairs of Algeria. And I said it once in the media: whoever wants his mother to miss him (that is, to be killed), let him come to the valleys of Algeria, its mountains, countryside and urban areas, and there he will know who will make his wife a widow and his children orphans.

The arrival of the Troika or the parliamentarians and media people from Europe is a normal consequence of fragile and weak Algerian diplomacy. Also it is a natural consequence of the way the Algerian media treated a very bad security situation. If the treatment has been fair at the level of Algerian diplomacy and the Algerian media, Algeria would not have been targeted with concealed threats under the banner of assistance or offering help to the victims of terrorism and those who suffered in the massacres.

We pose a question: Why do massacres happen here and there? Why are there assassinations near the security areas? Clearly, there is a fact-finding commission formed in the Assembly (parliament) to search and investigate, which has the full authority to do whatever it takes to find those who were lax in performing their national duty of protecting citizens. Therefore, we have asked the President to use his powers to punish those who, at any level of the power hierarchy, do not do their jobs, and people holding office while lagging in performing their duties. This is something that will raise doubts. Otherwise, Algerian citizens will then feel that there is no government protecting them, no security protecting them, which is something we totally reject.

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These quotations sum up the HMS attitude towards the massacres in general, their perpetrators, their victims, the regime's position as well as that of its army. They also convey the HMS views on the Islamic Salvation Front and on foreign intervention to determine the responsibility of the massacres. Basically, for HMS neither the government nor the army is to blame for the massacres. The massacres are therefore blamed on the Armed Islamic Group (GIA) whose ignorance – and its corollary of extremism and bigotry – or connivance with shadowy sides served, according to the HMS leader, various anti-national Mafia.

## 2.2. Renaissance Movement (Nahda)

### 2.2.1. *The Party*

The Renaissance Movement – *Harakat Annahda* (Nahda) – created in 1988 in December 1990 and led by Sheikh Abdallah Djaballah up to December 1998, is currently presided by Lahbib Adami. The party is based mainly in the east of Algeria and known for supporting the line of the Algerian (local) Muslim Brotherhood movement. It aims at establishing an Islamic state, albeit within the frame of democracy and political pluralism. It is considered to be the third Islamic party after the FIS and the HMS. The Nahda party signed the Rome Peace Accord (Sant' Egidio Platform, January 1995) and has always favoured the re-legalisation of the FIS. The movement did not win any seats in the cancelled 1991 parliamentary elections but won 0.8 per cent of the votes and gained 34 seats in the June 1997 legislative elections.

### 2.2.2. *Party Reactions*

The Nahda Movement has condemned 'the criminal acts [massacres], which are not authorised by Islamic law [*Shari'a*] or accepted by reason, and is opposed to the logic of force in the treatment of the security aspect of the crisis'.<sup>30</sup>

Nahda's leader, Abdallah Djaballah, ruled out any involvement by the authorities or the Islamic Salvation Front (FIS) in the atrocities, but said that 'Algeria's crisis had been complicated by the unsound policies' of the authorities:

I do not think that the authorities who safeguard the public interest, the rights and the freedom of the citizens are the authors of the massacres. I do not think either that a movement, which presents itself as an alternative to the authorities, has committed these massacres.<sup>31</sup>

He also acknowledged that the killings left a big question mark:

Are we facing an unknown faction that wants, for example, to complicate the situation further by driving people to despair and making them lose hope from reaching

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a solution? Or are we facing despairing armed groups that are driven to carry out such inhumane actions?<sup>32</sup>

Djaballah backed the government's rejection of an international investigation, but called for a parliamentary inquiry into the massacres, saying: 'This [situation] calls upon the people's representatives in the Assembly to shoulder their full responsibilities and set up a committee to investigate the massacres [...] and present the required and appropriate solutions'.<sup>33</sup> Djaballah blamed the authorities for the 'worsening of the conflict', accusing them of trying to 'root out the Islamic movement and isolate all forces that had another point of view'.<sup>34</sup> He believed that the crisis could be solved by the Algerians themselves and that 'resuming dialogue with the FIS and other opposition parties was the best way to bring the country out of the impasse'.<sup>35</sup> According to Djaballah, the European mission (EU Troika) will only serve 'to support the government's political line of fighting terrorism'.<sup>36</sup> He considered that the West, horrified by the massacres, 'does not have a precise idea or a clear proposal of how to end the violence as long as its interests were not threatened in Algeria'.<sup>37</sup> He also considers that the West 'has nothing to propose for it was not being subjected to any pressure to find a solution'.<sup>38</sup>

When the FFS party called for a national march on 11 September 1997 in Algiers to protest against the massacres, a member of the Nahda movement revealed that 'contacts had taken place between his party and the FFS about the subject of the march' and that it 'approved any initiative which could help, directly or indirectly, to stop these atrocious massacres'.<sup>39</sup> The Nahda party said that 'it was high time for the parties to play their role with the hope of finding a solution to the crisis which the country was undergoing', and hoped that 'the Algerian authorities would involve the political parties in the search for a solution to the security question which affected all the Algerians without any exception'.<sup>40</sup>

### **2.3. Islamic Salvation Front (FIS)**

#### *2.3.1. The Party*

The Islamic Salvation Front – Front Islamique du Salut (FIS), (*Al-Jabha Al-Islamiya lil Inqath*) – was founded and officially recognised in the summer of 1989. The following year, the municipal elections gave the FIS its first, and resounding electoral victory. In December 1991, the party participated in the legislative elections winning overwhelmingly the first round and was expected to win the second round with a large majority. This did not happen because the army intervened to halt the electoral process and impose a state of emergency. The FIS leaders are Dr Abbassi Madani (currently under house arrest), Sheikh Ali Benhadj (still in prison since June 1991), Engineer Abdelkader Hachani (released in 1997 after spending five and a half years in prison) and Sheikh Mohamed Said (assassinated in 1995 by the GIA faction

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of Djamel Zitouni). The FIS was then banned in March 1992. This led to the creation of a representation abroad in the form of several bodies:

- The FIS Executive Body: created in September 1993 and led by Rabah Kebir who is based in Germany. Its spokesman Abdelkrim Ouldadda is based in Belgium.
- The FIS Parliamentary Delegation: founded in 1992 and headed by Anwar Haddam who is in prison in the United States.
- The FIS Preparatory Committee: established in April 1997 and Led by Kamaredine Kharaban who lives in London. It is supported by the Algerian Community in Britain (ACB of London), a core of activists who further the cause of the FIS and denounce the Algerian junta through publications, but otherwise hold no significant grassroots following.
- The FIS Co-ordination Council (CCFIS): set up in October 1997 and headed by Ahmed Zaoui who was forcibly deported to Ougadougou (Burkina Fasso) by the Swiss authorities in November 1998.
- Algerian Fraternity in France (Fraternité Algérienne de France, FAF): is led by Moussa Kraouche who is also a member of the CCFIS temporary bureau and is currently under house arrest in France.

Thousands of FIS members and supporters have been subjected to detention in the Sahara desert, imprisonment, torture and eradication by the Algerian regime. The party leaders and sympathisers have also been the targets of GIA assassinations.

The FIS participated in the Sant' Egidio negotiations and is a signatory of the Rome Peace Accord of 1995. It describes itself as 'a non-violent political party that has emerged from the people of Algeria as an expression of their identity and aspirations',<sup>41</sup> a party adopting 'a moderate, balanced and broad line'<sup>42</sup> and one which believes that:

Political Islam in Algeria aims at re-establishing Islam as a comprehensive way of life by the institutionalisation of a stable governing system which should represent Algerian society in its plurality: a multi-party system that bears no resemblance to the theocratic system experienced in the West for centuries. The intention of Algerian political Islam is not to replace the present with a mystical past, but to re-structure the modern social order so that it conforms to Islamic principles and values. This does not mean, however, that under Islamic reforms everything Western is to be discarded. A selective interactive approach to western political, economic and social expression is to be undertaken so long as there is no violation of Islamic moral principles.<sup>43</sup>

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*National Responses**2.3.2. Party Reactions**2.3.2a. FIS inside Algeria*

While Abassi Madani, the FIS leader, was under house arrest, he sent a short letter to the UN secretary-general, Mr Kofi Annan, in which he expressed his willingness to help put an end to the conflict, and proposed to launch an appeal to stop the violence as the first move towards opening a serious dialogue:

In appreciation of what came in your appeal to the Algerians for dialogue and reconciliation, for stopping violence and solving the conflict, and in view of the desire of the wounded Algerian people, all the wise and sincere people, and the national and international public opinion, and in view of the miserable situation the Algerian cause has reached today and the mass killings being inflicted on the Algerian people, in view of all that, I am ready to launch an appeal to bring an immediate end to the bloodshed as a preliminary step towards opening a serious dialogue. A serious dialogue which will finally bring the conflict to a happy ending and rescue the country, with the help of God and the backing of all those who support and respect human rights and the right of peoples in self-determination. Finally, please accept my utmost respect for your courage and your faithfulness to the United Nations Charter.<sup>44</sup>

Abdelkader Hachani confirmed that the FIS ‘condemns the massacres unreservedly’.<sup>45</sup> He said that ‘Algeria has experienced a “crescendo” of violence since the suspension of the polls,’ and explained that ‘killings were limited at first to the central Mitidja region but have now spread westwards, notably into the region of Relizane where the FIS won all the town councils in 1990’.<sup>46</sup> He clearly blamed the authorities for this violence because of its ‘stubbornness’ and ‘by rejecting any political solution’, but avoided accusing them directly of the massacres:

In this climate of generalised terror, it is difficult to answer [the question of who is behind these massacres]. What is certain, however, is that by refusing a political solution and by renouncing their role of protecting the population, the authorities themselves bear a major part of the responsibility [...] The crisis has taken on a horrible dimension. Had the authorities taken account of our propositions, we would not have been in this situation. Having said that, in any movement there are forms of extremism which emerge when any political option is blocked. Only a political dynamic which opens perspectives to the Islamic movement could marginalise these extremists [...] Clearly, these massacres are veritable crimes against humanity. Once the identity of these killers is known, they should be pursued inside as well as outside Algeria... Only when peace and security are re-established will ‘tongues be loosened’ and the identity of the murderers disclosed.<sup>47</sup>

Hachani declared that ‘all the victims of the massacres had voted for the FIS’ and that the military-backed government of Liamine Zeroul ‘has done everything to fuel this violence’.<sup>48</sup> He also denied that his party could have taken part in the massacres, stating that ‘the FIS has always declared itself to

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be a political party intending to achieve its programme by normal means such as the ballot box,' and that 'the foundation of its programme is and will remain Islam'.<sup>49</sup> Hachani again blamed the Algerian authorities for the violence and discarded the view that the massacres were carried out by Islamists:

All along the time it was legal, the FIS had proved that it perfectly respected its initial choice and that it knew how to channel all the tendencies. The emergence of forms of extremism stems from the blind responsibility of the authorities and from cunning manipulation, some realities of which have started to appear, as well as from the policies of the international media aimed at tarnishing Islam. In the GIA acronym, what hurts me is the 'I' of Islamic. These massacres cannot be the work of individuals who invoke Islam's authority.<sup>50</sup>

The FIS leader, however, judged that it was not the time for a commission of inquiry to investigate into the massacres. He saw, rather, the necessity now for discussions between Algerians, inside Algeria. To help initiate this, he asked the West to put pressure on the Algerian authorities but he expressed some doubts though with respect to France in that it 'remains the only country that opposes a dialogue between the Algerian authorities and the FIS'<sup>51</sup> :

For six years, the Algerian people have lived martyrdom. For example, in February 1995, when inmates were massacred in their cells in the Serkadji prison in Algiers, the culprits were nevertheless known. We are to hope that the awakening of the conscience of the West does not conceal any hidden political, economic or other motives. For us, there is a difference between 'internationalisation' and 'interference'. The West has the means to bring the authorities to negotiate with all the representative political forces in the country. These negotiations would be conducted in Algeria, between Algerians, in order to result into conference of national reconciliation. We exclude any initiative which would threaten the sovereignty of the Algerian state. A commission of inquiry, however, cannot be envisaged except after the return of peace and security.<sup>52</sup>

A letter from the national leadership of the FIS was conveyed by Mr Ali-Yahia Abdennour, President of the Algerian league for the Defence of Human Rights (LADDH) and one of the FIS lawyers, to members of the EU parliamentary delegation, but was torn to pieces by the head of the delegation, the Frenchman André Soulier. In the letter, which was later published in the London *El Hayat*, the FIS leadership questioned the role of Europe in helping the Algerian people by asking:

[...] and now, what justice can you possibly achieve for our oppressed people whose hopes lie with those who are in charge of civilisation and the salvation of humanity? Are you going to stop the collective massacres which started in Serkadji prison in 1995, which then recurred, spread, escalated and increased in ugliness until it has become clear to all observers that most of the victims, if not from those hated for their allegiance to the FIS, are then from those hated because of their refusal to take up arms to protect the regime? [...] or are you going to unveil the faces and the 'in-

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cubators' who have brought out these criminal gangs, shedders of blood and transgressors of honour, from whose evil no one is safe except those who are allowed to be part of 'the useful Algeria' which pumps oil and gas, or those who protect the heads of the regime and its institutions?<sup>53</sup>

The letter also reminded the EU delegation of the FIS stand which 'condemns':

the horrible collective massacres inflicted on the Algerian people as well as the rejection by the authorities of any independent inquiry into these massacres, the situation of political prisoners, those missing, those evicted from their home or those dismissed from their jobs.<sup>54</sup>

**2.3.2b. FIS Executive Body Abroad**

The FIS Executive Body Abroad reported that the central region of Algeria, especially the *wilayas* (counties) of Blida and Médéa had been witnessing 'a real extermination of its population since the autumn of 1996', and that about a thousand citizens 'had been eliminated by various barbaric means since the start of the year, most of whom were children, women and elderly people'.<sup>55</sup> The FIS condemned 'very strongly these criminal and cowardly acts which are contrary to the teachings of Islam', and totally denounced 'their plotters, their perpetrators and those who keep silent about them'.<sup>56</sup> The FIS appealed to the international community, including states, humanitarian organisations, regional and international political bodies for 'the set-up of an urgent, independent internal inquiry to reveal the truth and find out about those responsible for the crimes which are exterminating individual Algerians daily'.<sup>57</sup>

The FIS blamed 'the military regime' for the massacres and explained: 'these massacres are being carried out daily on the innocent citizens by its repressive forces, the militias and the groups which this regime manipulates against the people who refuse its thesis of eradication'.<sup>58</sup> The FIS backed this claim by pointing out to the following:

The targeted regions are inhabited by the most deprived sections of the population and those most attached to the Islamic project. The Mitidja region known for its fertile land is an object of desire for those dreaming of owning it with the symbolic dinar [penny]. The political stance of the citizens in the central *wilayas* and their rallying around the FIS and its project were, and still are, a source of permanent worry to the authors of the coup d'état and to those who call for the eradication of Islam from its land. The militarisation of Algeria, by encouraging and supporting the militias and by infiltrating and manipulating the criminal organisations, can only lead to the 'poisoning' of the situation, the exacerbation of the anarchy and the increasing insecurity and crime. The massacres that have been committed are part of the extermination policy followed by the military wing of the authorities who is using it today for their electoral objectives.<sup>59</sup>

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Rabah Kebir, president of the Executive Body Abroad, issued a call to 'all the sons of the people in the armed Islamic opposition' to declare 'a truce even from one side'.<sup>60</sup> The appeal explained that this stance had become necessary in order to

separate the violent and wicked criminals who are carrying out the collective butchery [massacres] and the ugly atrocities against innocent and isolated people, so that their case is uncovered, their conspiracies are disclosed and the whole world knows who is standing behind them.<sup>61</sup>

Kebir also justified the truce by the necessity:

to leave the way wide open to anyone who wants to make an effort to stop the bloodbath and the destruction of the country, to guarantee the future of later generations and to protect Algeria as a state, a nation and a civilisation.<sup>62</sup>

The FIS Executive Body Abroad declared that 'the Islamic Salvation Front sees the necessity for a serious inquiry so that misfortunes do not happen again'.<sup>63</sup> In addition, it stated that

the FIS has the conviction that the one behind these attacks is the same, and what is worst is that these horrible crimes have not incited, in any case, the regime to proceed for a serious inquiry or to allow for an independent inquiry, be it national or international.<sup>64</sup>

The FIS expressed serious concern about the escalation of violence in the country which began in January 1992: executions committed by 'the death squads created by the regime', disappearances and 'summary executions of innocent people in regions where the majority of the population had voted for the FIS during the December 1991 elections'.<sup>65</sup> For a way out of the 'dark tunnel', the FIS advocated 'the immediate adoption of a just and global political solution by opting for a national reconciliation' and demanded 'the immediate release of Sheikh Ali Benhadj and the removal of the restrictions imposed on Sheikh Abbassi'.<sup>66</sup>

The FIS accused the Algerian regime of being implicated in the massacres either directly or by manipulation of the perpetrators: 'Either these criminal groups are protected by the regime or these people are part of the regime, of the army... They are in army khaki during the day and in Afghan garb and false beards by night,' declared Abdelkrim Ouldadda, spokesman of the FIS Executive Body Abroad.<sup>67</sup> He also made the claim that:

Based on confirmed sources of information, the recent massacres in the west of Algeria, in which large numbers of men were transported in daylight, could not have been carried out without the knowledge of the authorities or without their assistance [...] The fact that the perpetrators had made enormous efforts to take away their dead during the latest massacres makes one think that they did not want us to know that these perpetrators were military men.<sup>68</sup>

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Ouldadda said that the decision of the Algerian government to reject the visit by the EU Troika was ‘incomprehensible’ and that this was ‘another proof against the regime’. He believed that ‘from the beginning, the Algerian regime wanted to shut the door in the face of any initiative aimed at finding the perpetrators and instigators of these crimes’.<sup>69</sup> Ouldadda explained that ‘in Algeria, there are mass graves like those which existed in Bosnia’ and that the FIS ‘could give the exact positions of these mass graves when an independent commission of inquiry, with freedom of movement, is set up’.<sup>70</sup> For him, the authorities ‘provoke the “Afghanisation” of Algeria by distributing arms to the civilian population and seemed to shut the door in the face of any possibility of dialogue’.<sup>71</sup>

Following the massacre of Relizane, the FIS Executive Body published an article entitled *What is happening in Relizane, and why Relizane itself?* which suggested the following explanation:

Because Relizane had voted for the FIS and had been supporting the AIS, it suffered the oppression of the regime as well as the GIA’s ‘terror battalion’, loyal to Zitouni and Zouabri. This had pushed the AIS to confront this group and force it out of the region. After a while, the ‘terror battalion’ came back to the region and took revenge on the population of remote villages by completely exterminating whole families.<sup>72</sup>

The FIS said that they were taking a risk by revealing this preliminary information which came to them from ‘confirmed sources inside Algeria’, although they knew that ‘many people would not believe that a Muslim could commit such inhuman crimes’.<sup>73</sup> They also said that because they were ‘people of principles’, they oppose the regime and fight it, but that they make a difference between ‘opposing the regime and defending crime’.<sup>74</sup> For them, ‘the Muslim should know that Allah does not fix the work of the corrupters, and the way to power should not be built on the skulls of babies and the blood of the innocent people’.<sup>75</sup> They stated that:

A Muslim should not deny the responsibility of the criminal armed group [GIA] in killing women and children using *fatwas* from inside [the country] and justifications from outside. An international commission is therefore needed to inquire into the tragedy as a whole, starting with the torture of thousands of victims, the death squads responsible for killing thousands of citizens, the massacres in Serkadji and Berouaguia prisons and ending with the massacres being committed against innocent people as a result of the infiltration of these deviant groups by the regime. We are firmly convinced that top figures in the regime such as Redha Malek and Salim Saadi and others who have a hand in the crimes and torture should one day be tried by an international court for committing crimes against humanity. This also will be the fate of all those who have taken part in this criminal organisation (GIA) in any way, directly or indirectly. After this tragedy is over, the Algerian people will certainly ask to know the truth about this unknown group [GIA] so that they can confirm whether this group originated from Islamists themselves, or was just the product of some international intelligence institutions who tested their theories on the

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orphan Algerian people and destroyed their hopes of establishing an Islamic state in which security and stability would prevail.<sup>76</sup>

The FIS, however, stressed that ‘the regime is responsible for the tragedy since the January 1992 coup’ and that ‘it [the regime] is strongly refusing the setting up of an international commission of inquiry because it knows that it will be blamed for many of the crimes it has committed’.<sup>77</sup>

### ***2.3.2c. FIS Parliamentary Delegation Abroad***

The information bureau of the FIS Parliamentary Delegation Abroad called for a commission of inquiry to investigate the massacres and other human rights abuses:

In view of the recent upsurge of massacres and mass killings of civilians in Algeria, under the watchful eye and the passivity of the regime, the Islamic Salvation Front, the party of the majority in Algeria, and the sole holder of constitutional legitimacy in the country, demands on behalf of the [Algerian] people, and specifically the families of the victims, the prisoners, the tortured, and those who have disappeared, urgent intervention by the United Nation in order to stop the bloodbath by shedding light on and breaking down the walls of silence around the events in Algeria. We demand the setting-up of an international commission to investigate the crimes which have been taking place and the following up of its findings so as to bring the perpetrators and those who commanded them to justice. The FIS is ready to cooperate fully with such a UN commission, and also to play a constructing role in mediating with the mujahidīn organisations who are faithful to its political line, in order to establish the full facts of the crimes attributed to them and determine who are responsible. This position is taken despite our strong conviction that the mujahidīn have no connection with the crimes being perpetrated against civilians. The FIS looks forward to seeing the international commission of inquiry urgently demanding that the ruling regime remove the political cover from the generals and other military and intelligence officers who, in the view of the FIS, are behind the crimes being committed. The Islamic Salvation Front calls for an investigation of these crimes [...] while safeguarding the security and safety of the witnesses. The FIS insists on a full prosecution of the culprits, that is, those who gave the orders as well as those who executed them.<sup>78</sup>

The FIS strongly condemned ‘all the crimes being perpetrated against civilians, especially those crimes witnessed by Algeria and Egypt’.<sup>79</sup> It also insisted on calling upon the international media ‘not to put the blame for these horrible crimes on Islam and Muslims’.<sup>80</sup> The FIS considered it to be ‘an Islamic obligation to avoid jihad operations against general and humanitarian institutions which serve the interests of the people’ and that ‘it follows the divine obligation of not harming civilians, women, children, the elderly and non-combatant foreigners’.<sup>81</sup> Anwar Haddam’s party renewed ‘its strong condemnation of those crimes against civilians’ and called upon the world media ‘not to hurt Islam and Muslims and not to consider the criminals who are committing those criminal acts in the name of Islam to be the representatives of Islam and Muslims’.<sup>82</sup>

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Addressing members of the European Parliament, Anwar Haddam, head of the FIS Parliamentary Delegation Abroad, said:

You have been successful in organising an official debate on the current tragedy of the Algerian people who are living in an ever-increasing human rights catastrophe and who are facing a genocide which the Algiers military dictatorship wants to keep behind closed doors so that its involvement is not made known to the international public opinion. The uncovering of this involvement would certainly bring to an end the unconditional support of the accomplice governments.<sup>83</sup>

In a letter to the UK foreign secretary, Mr Robin Cook, the FIS declared that it was ‘still a non-violent political party believing in peaceful political process despite all the crimes committed by the regime against the people’.<sup>84</sup> At the moment, however, among the main concerns of the FIS is that of ‘the horrible massacres perpetrated by the regime against civilians’, which were ‘driving the Algerian society to the brink of destruction’.<sup>85</sup> In the same letter, the FIS underlined

the current regime’s objection to the idea of setting up an independent investigation – be it national or international – is a testimony to its desire to prolong the vicious cycle of violence it started after the coup d’état of 11 January 1992.<sup>86</sup>

The Islamic Party pressed for the setting up of ‘a balanced, fair, competent, independent, forward-looking commission of investigation concerning all of the massacres and crimes committed against the Algerian people since the military coup’.<sup>87</sup> It believed that ‘only such investigation [would] bring the perpetrators as well as those who commanded them to justice, [would] break the walls of silence built by the military regime around the horrible events in Algeria, and [would] stop the ongoing bloodshed in the country’.<sup>88</sup> The FIS Parliamentary Delegation expressed its hopes thus:

It is our sincere hope and urgent demand to the European countries to put an immediate end to the activities of those who claimed responsibility for these horrible massacres and crimes committed against civilians in Algeria, and bring them to justice. It is our hope to see the European Union taking seriously the testimonies given by former agents of the Algerian military regime, concerning its involvement in those horrible massacres as well as other terrorist acts in Algeria and abroad. It is also our hope to see the EU monitor different Algerian embassies and their suspicious activities. Finally, we hope to see an end to any military or financial aid to the regime in power.<sup>89</sup>

In a written address to the Rally for the support of the Algerian people, organised by the London-based Algerian Community in Britain (ACB), Anwar Haddam said:

I do thank you for your support for the cause of Algerian people at a time when many people around the world have let it down or rather there are those who are helping the oppressors financially, politically, militarily and by covering up the horrible crimes which they are committing against the people [...] The FIS project is civi-

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lisional and aims at freedom, and it is the only way which leads to the full independence of Algeria and to the self-determination of the Algerian people who are suffering under foreign domination. This project is the one which was the target of the 11 January 1992 coup d'état. That coup plunged the country in a sea of blood and tears and resulted in more than 200,000 victims [...] The FIS, based on its understanding of the teachings of Islam, renews its strong condemnation of the criminal acts and the savage massacres, and puts the absolute responsibility on the military dictatorship and its allies, inside and outside, for these horrible crimes and atrocious massacres.<sup>90</sup>

### ***2.3.2d. FIS Preparatory Committee Abroad***

The FIS Preparatory Committee, a group founded and headed in London by Kamaredine Kharabane, said that 'the generals of the junta have impoverished the country, humiliated the people and spread corruption,' and that 'they have created militias from the mercenaries to spill blood, plunder properties, and violate honour.'<sup>91</sup> The 'Committee' believed that 'the secret agents of the junta and members of the armed group (GIA) who are involved with them' carried out 'killing operations and collective massacres targeting women, children and elderly people', especially in the Médéa and Blida regions 'known for their support for the Islamic project'. According to the 'FIS Committee', this is done 'in an attempt to distort the image of Islam and to push people away from the religion of Allah'.<sup>92</sup>

For the FIS Preparatory Committee abroad, there is no doubt that 'the cursed junta is behind the horrible crimes' and that these massacres are planned and executed to fulfil various 'interests of this junta':

We have been stricken by the recent loss of a huge number of women, children and elderly people in the struggling and bleeding Algeria who have been killed by some mad criminal gangs, mercenaries of the oppressive and obscene junta. These innocent unarmed people were slaughtered like sheep in what looked like a bloodbath. We condemn and disapprove putting the blame for the killing innocent women, children and elderly people on the mujahidīn or the Islamists in general. This can only be believed by stupid people [...] It has been well known for quite a long time now that the junta uses and hires former criminals and released prisoners to form its own special forces (Ninja) and other similar para-military gangs to carry out these horrible acts. It is also well known that the aim of committing such crimes and showing them in the media at this moment is to terrorise people and force them to participate in the referendum of the 28 November 1996, just as they did for the so-called presidential election in November last year, which was held under the threat of force of arms and the supervision of 400,000 military personnel.<sup>93</sup>

The criminal operations in the form of mass killings and bombing among concentrations of innocent people are the work of the military regime, the dictator, against unarmed people who have chosen Islam as a religion and a state and have been denied the choice. We have been informed from our own sources inside Algeria that the junta is killing innocent unarmed citizens. This criminal policy has been adopted since the time of Redha Malek and these criminal operations of revenge are carried out in areas known for their sympathy and support for the Islamic solution, such as Médéa, Blida and the central areas. As mentioned by one of the farmers in

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Blida, some of these targeted areas consist of fertile agricultural lands, and there are those who want to terrorise their inhabitants and force them to migrate so that they take over the lands later on. The military regime has armed militias and used them against the people. They have carried out horrible murders and robberies, terrorised people and raped young girls. These criminals carry out their crimes wearing Islamic clothing to distort the image of jihad in Algeria. We say, as Sheikh Abbassi Madani said, that the Algerian massacres cannot be the work of humans and these cannot be linked to Islam in any way.<sup>94</sup>

Hence, the FIS Preparatory Committee denounced the truce declared by the Islamic Salvation Army (AIS) and stated that the FIS wanted ‘peace and not surrender’:

It has undoubtedly become clear to public opinion inside and outside that the military junta in Algeria is the one who masterminds and executes the campaign of organised mass murders to exterminate the weak, poor and oppressed among the Algerian people, supporters of the Islamic project. At this time of horror when the people are in greatest need of those who will expose the real criminals and fight them with words and arrowheads, there has appeared a communiqué of surrender in which Madani Mezrag, the emir of the AIS, declared a unilateral and unconditional cease-fire. What is strange, questionable and appalling is the justification given. This justification claims to unveil to the whole world the enemy who is behind the horrible crimes and to isolate the criminals of the devious section of the GIA and the enemies of Algeria and [of our] religion who are behind them. This rhymed statement is nothing but an acquittal of the real criminals who are the generals of the military junta, a party of whom have negotiated with the AIS to publish that communiqué, even if the infiltrated armed group (GIA) claims responsibility for the massacres. This has happened according to a well-studied plan aiming at absolving the camp of the military junta<sup>95</sup>.

The junta generals brokered this ‘truce’ by dubious secret negotiations. Yet, everyone knows that they are the instigators and perpetrators of these massacres. They managed to get Madani Mezrag to sign such a document acquitting them, the well-known criminals and mass-murderers. Millions of Algerians are ready to vouch and testify against these war criminals [...] According to this enemy, the Islamists are a bunch of drug-users, throat-cutters who enjoy disembowelling pregnant women, beheading babies and burning them, and committing all sorts of mutilation and horrors! [...] and yet, all the victims are Islamists’ families among the poor and powerless.<sup>96</sup>

Kamaredine Kharabane, the London-based FIS Preparatory Committee president, also showed his opposition to the AIS truce when he said:

Honestly, in a few words, this truce is a coup d’état against the sheikhs (Abbassi and Benhadj) and it is surrender to the regime. It is so because it has given a chance to the Algerian regime’s army to count freely the number of the mujahidīn and their haunts and then besiege them with militias. In villages where the population refuses to carry out the plan, massacres are committed, people are armed and militias are formed.<sup>97</sup>

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Kharabane also denied that the declaration of a truce by the AIS was in response to Abbassi's request in a letter he sent to the AIS. In the letter he accused the latter of not telling the truth:

Had the Islamic Army (AIS) avoided announcing the truce, the regime would have been forced to free the sheikhs and to conclude a real agreement with the front (FIS). Unfortunately, however, what prolongs the stay of the sheikhs in prison and prolongs the life of the conflict is this truce, to which the leadership of the secret services has gradually brought the AIS. The side which acquits the regime from committing the massacres [he meant the AIS] is the same side which sent a video tape showing the regime's massacres of the people. It is also the same side which says that the solution is to go back to the document of 1 November [1954] after it was calling for the establishment of the Islamic state. The side which can do all that can of course say that the letter of Sheikh Abbassi agrees with this truce.<sup>98</sup>

The ACB repeatedly supported and published articles of human rights organisations, journalists and political figures calling for an independent inquiry into the massacres.<sup>99</sup>

### ***2.3.2e. FIS Co-ordination Council Abroad (CCFIS)***

The CCFIS declared the massacres against civilians in Relizane, Algiers, Médéa and other regions 'are committed by the hands of the military junta and its henchmen militias, communal guards and other Mafia gangs, all armed and organised by the junta'.<sup>100</sup> The statement explained that 'the military junta hit in the most savage manner innocent people so as to gain the sympathy of those who gave their votes to the FIS'.<sup>101</sup> According to the CCFIS, 'the responsibility of the military regime in the massacres is obvious after part of the mujahidīn troops in line with the FIS had decided on a unilateral truce more than four months ago'.<sup>102</sup> And the goal of this truce was 'to show the Algerian people and world opinion the responsibility of the military regime as the perpetrator and instigator of these intolerable massacres'.<sup>103</sup>

Based on their 'information from Algeria' about a massacre committed in a village in the Médéa region, the FIS in France confirmed, 'the militias of the junta (self-defence groups) are the perpetrators of this odious crime'.<sup>104</sup> It explained that 'the victims paid the price for their decision to boycott the masquerade of the referendum on the constitution, as it was the case of other regions affected by explosions or massacres, regions known for their support for the mujahidīn'.<sup>105</sup> The FIS denounced 'with utmost firmness this kind of cowardly aggression targeting innocent people', and defied 'the fascist regime' to authorise an 'independent commission of inquiry to go out there so as to shed full light on these crimes'.<sup>106</sup> To support its allegations that the Algerian authorities were responsible for the massacres, the FIS asked:

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If it is not the junta and its accomplices, who else then can be behind the attempts at the genocide of the Algerian people? Why are these attacks carried out in districts or villages known for their moral support for the resistance? Who has the means to carry out attacks with extremely large quantities of explosives? Who kills innocent people in the darkness of the prisons and in the villages far from all surveillance?<sup>107</sup>

According to the FIS: 'The reality is that the militias of the junta were the ones who committed the butchery of Ktiten (Médéa). Thirty-one victims of two large families (Boukhatem and Hilali) known for their piety and their sympathy for the Islamic project, were savagely executed without sparing even the babies.'<sup>108</sup> It noted 'the helplessness of the junta in dominating the security situation and controlling the militias who impose their own laws and commit with impunity massacres of innocent villagers'; 'it is a state within a state', the FIS declared.<sup>109</sup> It also stated:

We denounce very firmly the collective massacres inflicted on innocent people. We also confirm that the regime and its repressive machine (army, police forces, militias and their allies composed of organised gangs and the *Hijra wa Takfir* group) are behind these criminal acts. These massacres are committed just before a new electoral masquerade and represent an 'electoral cleaning' in the regions which have not bowed down to the junta and have refused to integrate the militias.<sup>110</sup>

Abdelwahed Boughanem, the FIS representative in Denmark and one of the members of the CCFIS executive bureau said that 'the tragedy in Algeria is not internal' and that the international community 'should stir itself and send a commission of inquiry to uncover the real culprits behind the massacres, the blame for which is being unjustly and continuously put on the Islamic groups'.<sup>111</sup> Boughanem explained that 'almost all the car bombs and massacres were committed in poor neighbourhoods sympathising with the FIS', which makes it 'really strange to believe that the accused Islamists would commit such acts and block the road to their own selves'.<sup>112</sup> The FIS representative expressed his willingness to 'present information to the Scandinavian members of parliaments, showing that the security forces were the ones who committed these massacres'.<sup>113</sup>

For his part, CCFIS President Ahmed Zaoui said 'the Algerian regime wants surrender rather than peace, and wants the so-called Clemency law. But the FIS rejects that'.<sup>114</sup> Zaoui stated that the Algerian state was 'an emergency authority that has lost control', and that it was 'responsible for the tragedy'.<sup>115</sup> The CCFIS leader said that the FIS reminds the world opinion of their 'call for allowing an international committee to investigate the massacres being perpetrated in the regions of Algeria which voted for the FIS'.<sup>116</sup> In a communiqué published about a month before the parliamentary elections of June 1997, the CCFIS declared:

Whenever the date of an electoral masquerade draws near in Algeria, terror gains the field. The most shocking aspect of this phenomenon is that the victims of this institutionalised terrorism are women and children... We put the responsibility for these

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massacres on the shoulders of the putchists, those who support them as well as those who remain silent. We ask the international humanitarian organisations to send urgently a commission of inquiry in order to establish and publicise those responsible for these crimes. We express our condemnation of these inhuman acts which affect innocent civilians exclusively.<sup>117</sup>

Following the appeal of Kofi Annan for violence to cease in Algeria, and Abbassi Madani's supportive response to it, the leader was summoned by the interior ministry to stop all public statements. The FAF then declared:

We challenge the regime, since it is certain of its version of the events, to authorise independent commissions to inquire into the massacres. Yesterday, this same regime asked for a UN technical mission to legitimise the joke of the legislative elections (he did not shout about the interference then!). Today, however, the regime panics at the least rational declaration from the UN secretary-general.<sup>118</sup>

The CCFIS stated that the massacres 'are irrefutable evidence of the murderous and destructive nature of the gang constituting the criminal junta' and that the Algerian regime 'has attempted to subdue the so-called outlaws, including women and babies', using 'the same policy since independence, but only with a tendency to aggravation'.

These massacres are part of the serial mass slaughters, like those of Serkadji and Berouaghia prisons and other areas. They aim at eliminating citizens from the masses as well as from the elite. Otherwise, how can one admit that others than the generals or their agents – militias, the communal guards and the remnants of the mercenary 'Armed Islamic Groups' affiliated with the intelligence services – can be behind massacres of such atrocity and occurring in areas full of military barracks of various army units without their intervention to protect the unarmed people who live near these barracks. These massacres constitute another conspiracy to eradicate families from working-class districts who voted for the FIS, and to spread terror in the ranks of undecided people in preparation for the next electoral masquerade.<sup>119</sup>

The CCFIS also said that the FIS had not stopped 'campaigning for a peaceful solution to the crisis since the January 1992 coup d'état', and that it would continue 'to advocate a peaceful solution that will restore authority to the people and end dictatorship', despite 'the killing-machine of the blood-thirsty military regime that has done everything to plunge the country into this war'.<sup>120</sup> However, the CCFIS believes that there are minimal conditions for an effective solution to the crisis which shakes Algeria. These are:

The release of Sheikhs Abassi Madani and Ali Benhadj without any condition or constraint, with the possibility that they can meet the political members of the FIS and its operational leadership. Possibility for the FIS to carry out its political activity freely and for the Algerian people to determine their future freely. Permission for an independent international commission to inquire into the massacres. Permission for the non-governmental organisations to investigate the human rights abuses. The bringing to trial of those responsible for the military coup d'état and the massacres with the payment of compensation to the victims of oppression.<sup>121</sup>

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The CCFIS reiterated its demand to send an international commission of inquiry and informed world public opinion that it would ‘file a complaint on behalf of the families of the victims to the International Court of Justice in the Hague against the perpetrators and instigators of these massacres’.<sup>122</sup> The CCFIS asked the combat troops who were engaged in discussions with Algiers’ generals ‘to freeze their contacts and negotiations now until three vital and fundamental conditions are fulfilled’.<sup>123</sup> One of these conditions was that the Algerian regime ‘should allow an international commission of inquiry, as well as an independent national commission of inquiry known world-wide to shed all possible light on the massacres being committed for so many long months’.<sup>124</sup>

### 3. Responses of the Islamic Insurgent Organisations

#### 3.1. Islamic Salvation Army (AIS)

##### 3.1.1. *The Organisation*

The Islamic Salvation Army, *Al Jaysb Al Islami lil Inqath* (in French *Armée Islamique du Salut* – AIS) was founded in 1994 in the east of Algeria under the command of Madani Mezrag who was later appointed as the interim national leader of the AIS in March 1995. Its regional commander in the west of Algeria is Ahmed Benaïcha. The movement is considered to be the armed wing of the FIS; it is known for its declarations attacking only security and military targets, denouncing the killing of innocent civilians, and following the line of the FIS under the leadership of Abbassi Madani and Ali Benhadj. The movement has been attacked by the GIA and it is said by the media that clashes often occur between the two groups. During 1997, talks between generals in the Algerian army and leaders of the AIS resulted later in the year (October) in the announcement by the AIS of a unilateral truce.

##### 3.1.2. *Group Reactions*

The AIS leader, Madani Mezrag, in an appeal to the ‘Algerian Muslim people’ and to the ‘whole world’, declared:

the innocence of the AIS in all the suspicious operations targeting innocent unarmed men, women and children [and that the AIS would] continue the fight with all its strength according to the teachings of jihad and the good manners of an honourable war until Islam’s place in the country, Algeria’s peace and stability and the people’s rights and choice are all re-established.<sup>125</sup>

In the same call, he reaffirmed the loyalty of the AIS ‘to the Sheikhs of the FIS and to the decisions they make’, and expressed the willingness of the AIS ‘to back any chance or effort to support the religion [of Islam], salvage

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the country and eliminate oppression of the people'. Mezrag also called upon the mujahidīn who had left the GIA to join the ranks of his troops, and clearly accused the state of being behind the crimes against the people:

Mujahidīn, after you have realised the soundness of our concept, the accuracy of our views and the validity of our ideas from the traumas and deviations the jihad movement has witnessed, [you must remember that] behind these shocks and deviations was a small band of contemptuous youths controlled by suspicious intelligence circles, [namely] the eradicator movement of mercenaries and the group of opportunistic interests. The aim of all these groups is to bury jihad, give a bad image about the religion, divide the nation and destroy the country. When all this has become clear to you... you should hold fast to the teachings of Islam and carry on the struggle united under the banner of truth, the banner of the AIS within the frame of the FIS under the leadership of the Sheikhs Abbassi Madani and Ali Benhadj.

As for you, eradicators, murderers, criminals, traitors and deceivers, you who entertain your sick selves with the illusion of eradicating terrorism, of which you make the most with your hands, and the remainder of it with the hands of your mercenaries in the strayed armed groups, we tell you: We are honourable enough not to tarnish our jihad with those dubious terrorist operations which target the religion, the people and the country. We are also smart enough not to be pushed into following irresponsible policies which plunge the nation into a conflict that the enemies of Islam and Algeria await patiently.<sup>126</sup>

Ahmed Benaicha, the AIS Regional Commander, western Algeria, also issued an open letter to 'all mujahidīn units' advising them to walk away from the 'Islamic Armed Group (GIA)':

Praise be to Allah. Today, and after your long journey in the organisation of the GIA, you have come to know what we have always been afraid of in terms of uncertainties. You have come to attest to yourselves and to us the well-founded reason why we have insisted on preserving the historical leadership of the Islamic Salvation Front and its concept of the right methods for change in Algeria. Your position today is a historical stand for correcting the path of jihad in Algeria – A jihad which will be witnessed by all Muslims as that of honesty, uprightness and courage. We hope you will become a good example to all those sincere and faithful mujahidīn who may still be in the GIA, so that the power of jihad will be strengthened and all obstacles and difficulties eliminated. All that [is necessary] for jihad in Algeria to stand firm against the ruling dictatorship and to achieve for our people [the project of] what they have chosen [Islam].<sup>127</sup>

The AIS claimed that, contrary to what was said in the media, the massacres of civilians in the Médéa region were not 'internal settlements within the Islamic ranks among the supporters of the Islamic Salvation Army (AIS) and the Armed Islamic Group (GIA)'.<sup>128</sup> It supported this by declaring 'its innocence of these criminal acts which target innocent people' and explaining that 'the massacres targeting citizens in the Médéa region were not operations between the Islamists but were rather the work of militias which the regime armed under the claim of self-defence'.<sup>129</sup> The AIS condemned 'these massacres which target civilians', reiterated that it had 'no relation with what is happening in that region', and put 'full responsibility on the terrorist mili-

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tary authority for the crimes of those it had armed under the cover of self-defence or under other names'.<sup>130</sup> The AIS also asked the Algerian people to be careful about 'these misleading claims and flagrant lies'.<sup>131</sup>

In spite of the horrendous crimes they commit, the renegades of the military institution keep pointing the finger at the jihād organisations which they label as terrorists. It is known that terrorist organisations use all means, even illicit ones, to achieve their political aims, according to the Machiavellian pretext of the end justifying the means. This justification contradicts Islamic law which states that a legitimate objective can be reached only by legitimate means, according to the principle 'That which has been built on a wrong basis is still wrong.' As a consequence, the Army of Islamic Salvation (AIS) disapproves of all terrorists acts, which affect innocent citizens who do not take part in the war against the mujahidīn. Allah says in the Qurān (53:38-39): 'That no laden one shall bear another one's load, and that man only has that for which he makes effort'. Caliph Abu Bakr Seddiq had ordered the Muslim army: 'Do not kill any woman, child or elderly person. Do not cut down fruit trees nor burn palm trees. Do not destroy buildings. Do not slaughter sheep or cut the shins of camels unless you need the food.' Some Western states receive threats from armed groups, instigated by the intelligence services, to secure more political, financial and military support for the junta. Consequently, the AIS disapproves of any terrorist act against the security of the people who have nothing to do with the crimes committed by the regime of the Putsch.<sup>132</sup>

The FIS armed wing believes that 'the regime and its militias from the wretched bandits carry out massacres of unarmed innocent people and accuse the mujahidīn'. According to them, 'the dogs of the regime (the municipal guards)' use the cover of 'presenting the mujahidīn as fierce criminals and enemies of the people to commit their daily horrible crimes'.<sup>133</sup>

Late in 1997, the Islamic Salvation Army (AIS) declared a unilateral truce.<sup>134</sup> In his declaration, AIS national commander Madani Mezrag stated that 'the Algerian authorities had taken the first steps towards the solution by releasing the FIS leader, Abbassi Madani'.

This *détente* prompted the enemies of yesterday and today to manipulate their pawns scattered here and there in order to fan the flames of discord among the sons of the Algerian people and foil any plan that could bolster the country and motivate the citizens. These pawns resorted to a blind and fierce revenge against the people by killing unarmed men, women, children and babies in an abominable carnage of extreme barbarity, rarely seen in modern human history, which reminds us of the terror witnessed by the country in the wake of independence.<sup>135</sup>

Mezrag ordered 'all chiefs of the jihad groups fighting under his command to stop combat operations from 1 October 1997'.<sup>136</sup> He explained that the reason for this move was 'to foil the plans of those who are waiting for the opportunity to harm Algeria' and to 'give a chance to the honest sons of this beloved country (Algeria) to find a just solution'.<sup>137</sup> The AIS emir also called upon other groups 'caring about the interests of the religion and the nation' to rally to his appeal 'in order to expose to the whole world the en-

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emy hiding behind the horrible massacres, and to isolate the criminal remnants of the perverse GIA extremists and those who hide behind them'.<sup>138</sup>

Ahmed Benaïcha considered that the unilateral truce declared by the AIS in October 1997 'has brought back hope to the people because of the near return of peace to the country, and has shown that the Algerians are capable of finding themselves solutions to their problems'.<sup>139</sup> He also considered that the truce 'has deepened the credibility of the AIS and its ability to defend sincerely the choices of the nation, and has unveiled the real criminals in the country since the 1991 coup'.<sup>140</sup> The AIS emir believed that those who were behind the massacres [committed in Relizane], 'regardless of names and titles, [were] the enemies of the victories which the Algerian Muslim people achieved in the 1991 parliamentary elections'.<sup>141</sup> Further in the emir's opinion, they were also 'the enemies of peace which has become the demand of all the good people inside and outside Algeria'.<sup>142</sup> However, he declined to accuse the Algerian army directly, and said that 'through this truce', the AIS aimed at 'reaching the unknown truth in this conflict which would be uncovered by time'.<sup>143</sup> Benaïcha explained that the negotiations between the AIS and the authorities were related to security matters and that 'this was only a step within a general strategy to solve the conflict, starting with stopping the bloodshed first and then following it up with other aspects at later stages'.<sup>144</sup> As for solving the conflict in the future, the AIS foresaw the solution in 'referring back to the first November [1954] document which united the Algerians in similar circumstances'.<sup>145</sup>

### **3.2. Islamic League for Preaching and Jihad (LIDD)**

#### *3.2.1. The Organisation*

The Islamic League for Preaching and Jihad (known by its French acronym Ligue Islamique de la Da'wa et du Jihād (LIDD) or, in its original Arabic, *ar-Rabīta Al Islamiya li Da'wa wal Jihād*, was officially created in February 1997. It represents a union of some of the guerrilla factions which left the GIA, mainly the *Wafa'* battalion of Médéa and the Islamic Front of the Armed Jihād (FIDA) of Algiers. Both groups were the first to denounce the GIA and to announce their withdrawal from it late in 1995. The LIDD chief is Ali Benhjar, one of the elected FIS members in the [cancelled] 1991 general elections. The LIDD seems to be close to the AIS and has joined the truce declared by the latter in September 1997. The League describes itself as being 'the fruit of the struggle of the Algerian nation in all its forms (preaching, political work and armed jihād)', and says that it is 'loyal to the honest FIS and its leaders Abbassi, Benhadj and Mohammed Said'.<sup>146</sup>

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*3.2.2. Group Reactions*

The LIDD appealed to the youth who were still within the ranks of the Islamic Armed Group (GIA) to ‘repent to their Lord and keep off the wrong path they are following’ because ‘the massacres of the people, which they are perpetrating are far from the teachings of Islam’.<sup>147</sup> The LIDD explained, ‘These acts are but the work of secret agents and “the *kbawarij*” (the GIA) who kill the believers and spare the unbelievers.’

We show to the free men in the world that our struggle (jihād) is a right, not a terrorism as propagandised by the arrogant world powers and their puppets – the tyrants – who are governing our land. The military regime in Algeria, who carried out the coup in 1991, is today exterminating, crushing and terrorising the entire population. This regime is also making people hungry, ignorant and poor. You the wise and sensible people of the world, how can people who stand up to fight this oppression be described as terrorists?<sup>148</sup>

The LIDD claimed that by using the media, ‘the eradicators in the army and the administration (the Franco-communists)’ do their best to ‘distort the image of Islam and make it appear as a religion of violence and blood, and portray Muslims as bloodthirsty people’.<sup>149</sup> To ‘remind the people about the work of these eradicators’, the Islamic League asked the questions:

Who killed the innocent people in October 1988? Who gave the orders to kill peaceful citizens who were occupying different squares of the capital in June 1991? Who carried out the coup against the free will of the people when it chose Islam on 11 January 1992? Who put the best of the nation’s children in the Sahara concentration camps and in the darkness of the prisons? Who was behind the kidnapping and the killing of thousands of peaceful citizens in early 1994? Who engineered the massacres in the Berouaguia and Serkadji prisons?

Whoever committed all those crimes is today perpetrating these massacres of the unarmed people. The innocent victims are paying the price of conflicts between different wings within the generals’ army.<sup>150</sup>

To support its claim that these ‘eradicators’ are behind the massacres, the League stated further:

The massacres being perpetrated by the eradicators are occurring in poor and oppressed popular districts known for their backing of the FIS and jihad. These crimes are also committed in hamlets, villages and districts where inhabitants refused to take up arms, in surroundings where families of sincere mujahidīn live and in lands and regions which they desire – maybe for being the useful Algeria as is the case of the Sahara, the land of oil fields – [...] We call upon the Islamic nation, the free people of the world and the international community to support the Algerian people in its tragedy because it is facing a real genocide.<sup>151</sup>

The LIDD Commander, Ali Benhjar, said that their declared truce was not ‘a surrender’ but was rather ‘a cease-fire to allow “worthwhile efforts” to be made to look for a just and global solution to the conflict’, a solution

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which ‘does not contradict the religion’.<sup>152</sup> The truce was also meant to ‘unveil those who are perpetrating crimes against unarmed people, either in the name of Islam or under banners of evil, those who want this situation to persist so as to protect and keep their interests and privileges’.<sup>153</sup> For the ‘Islamic League’, however, the identity of the perpetrators was unambiguous:

The nation knows who the criminal are, who killed peaceful and unarmed people in the avenues and squares of the cities, and knows who the bloodthirsty culprits are, who attack homes at night and kidnap innocent people to kill them and dump their bodies on the roads. The nation also knows who are committing the massacres: on one occasion it is the traitors (communal guards) and militias, and on another occasion it is the secret apparatus of the junta, known by the name of ‘GIA’ who have killed hundreds of the best children of this nation. Also well known to our people is the party which is eager to cling to power. Could they be traitors – the generals – who were behind the sinister coup of 1991 and who repudiated the people’s will? Or could they be the elected children and the faithful men whom the nation trusted and to whom it gave the responsibility of running the country?<sup>154</sup>

The LIDD believed that it was the Algerian authorities who ‘internationalised the Algerian case’ by ‘seeking support all over the world’ and not Abbassi Madani who declared to the UN secretary-general that he was ready to announce a truce if ‘the authorities agreed to UN supervision to avoid a betrayal as was the case in June 1991’.<sup>155</sup> For the LIDD, the ‘panic of the Algerian authorities as a result of Abbassi’s letter to Kofi Annan was obvious because they feared that the secrecy imposed on their criminal acts would go out of the usual control. These crimes against which the whole world, young and old, shouted could not be accepted by anyone with an atom of belief in his heart’.<sup>156</sup> Hence, the League pointed the finger of accusation at ‘many of the eradicators in the regime who should be tried internationally as war criminals, as were the Nazi criminals and the Serb leaders, for their barbaric massacres and savage crimes’.<sup>157</sup> It also declared that they, the AIS and the other groups who broke away from ‘the deviant group (GIA)’, ‘do not oppose the coming of the international media and the national and an international commission of inquiry’, and asked: ‘Why, then, do these oppressors (in power) fear the coming of those organisations and why do they fear them knowing the truth?’<sup>158</sup>

To understand the ‘truth about the massacres in Algeria’, the LIDD holds the view that one should go back to the early years of the crisis when

the junta secret services adopted a terrible bloodthirsty strategy (which they learned from the Egyptian and Syrian intelligent services) in which they kidnap peaceful citizens from their homes during the night, from the streets and their workplaces or even from the police stations, take them to secret detention camps and torture them to death. The bloodthirsty agents of the secret services have also turned the city squares into exhibition places where the products on show are the dead bodies of the groups of innocent people whom they have killed.<sup>159</sup>

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At a later stage, ‘when this psychological strategy of terror failed,’ the secret services changed, according to the LIDD, to new methods based on ‘controlling and using the leadership of the GIA (already infiltrated by them from its creation)’.<sup>160</sup> For the LIDD, the aim of this new strategy was ‘uncovered in some of their declarations, for example that they “would push the terrorists to commit the most ugly crimes” and that “the mountains would become graveyards”’.<sup>161</sup> The account goes on to say that this ‘criminal plan indeed started to be implemented by the security services’ agents after they took control of the GIA leadership [...] [They] killed the sincere jihad leaders and innocent people’.<sup>162</sup> The LIDD claims that, in response, ‘the sincere and faithful mujahidīn (especially in Algiers, Médéa, Kasr-El-Boukhari, Khemis Meliana, Larbaa, Tablat and El-Afroun)’ tried unsuccessfully to contain the ‘effects of this infiltration’.<sup>163</sup> Hence, according to the LIDD, these ‘mujahidīn had no choice but to dissociate themselves from the GIA of the secret services’.<sup>164</sup> The *Wafa*’ battalion (Médéa) and the FIDA (Algiers) then created the LIDD and called upon all the other battalions to join them, according to the insurgent group’s account of its own genesis. The LIDD is of the view that this reorganisation provided the reason for further atrocities.

the GIA of the secret services found a new excuse for a cowardly revenge by committing these horrible massacres which target mainly families of the mujahidīn who had left the GIA as well as the people who sympathise with those mujahidīn, in addition to the FIS members. These massacres then spread to hit the population as a whole, and the excuses for such killings are numerous and versatile as far as the GIA of the secret services is concerned. Hence, the most horrible crimes have been committed against the people, and the declared terrorist plan has been executed as promised.<sup>165</sup>

The LIDD further added that there was ‘another way in which the junta oppressors contribute to committing these massacres. It is by complicity with the GIA of the secret services at the highest level’:

They prepare the way and make the work easy for them by preventing the soldiers from going out during the time of the massacre – as in Blida where massacres are being perpetrated in the heart of areas surrounded by a large number of military barracks –, or by moving the soldiers from the targeted area one or two days before the massacre – as was the case of the Ktitan district of Médéa.<sup>166</sup>

The Islamic League listed a series of ‘crimes instigated by the junta and executed by the army, the communal guards and the militias’:

The militias survive by creating bloodbaths and by robbing homes and shops at night. They do not differ at all from the GIA for they are two faces of the same coin, and two heads of the same beast, which is the junta. By creating these militias, the junta oppressors are plunging the nation into a ruinous civil war which is destroying the country and eliminating the people. They are exterminating the nation with these savage massacres and are fighting Allah by distorting Islam and presenting it as a religion of massacres and butchery, a religion of rape, cowardliness and

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oppression and a religion of darkness and decline! [...] History will not forgive the Algerian junta for the crimes it is committing against Islam and Muslims.<sup>167</sup>

### 3.3. Other Insurgent Organisations

At the beginning of 1996, after the murder of Sheikh Mohammed Said and many other FIS leaders by the GIA, the battalions of Médéa and FIDA (Algiers) issued statements denouncing the GIA leadership headed by Djamel Zitouni and announcing their separation from that group. Soon afterwards, many other insurgent groups (also under the command of Zitouni at that time) followed suit and issued similar communiqués of renunciation, in which they all denounced the crimes being committed in Algeria, including the massacres. They, too, distanced themselves from the GIA, which they regarded as a criminal gang controlled by the regime's secret services. Unlike the LIDD, the positions of these groups vis-a-vis the FIS and its leaders is not fully clear.

Of these groups we mention only a few, based on the available communiqués and declarations, including some of their relevant statements. What follows are translated extracts from their declarations.

#### 3.3.1. *The Armed Islamic Group of the Second Region*

The nation has lately been subjected to many massacres in which old and young, man and woman, have equally been executed [...] We believe that it is from being honest with Allah and with people we recognise that a faction of the mujahidīn who have gone astray [in their methods] bear part of the responsibility for what has happened to the nation [...] We declare to all the mujahidīn and to the children of the nation our innocence of all the unlawful and irresponsible acts and of any killing or harm (be it moral or physical) which has hit the children of this nation without a reason.<sup>168</sup>

I am really amazed at the world's recent attention to this, knowing that the phenomenon is quite old. The one who started these despicable deeds is the regime, which is willing to sacrifice the majority of the Algerian people for the sake of staying in power. It is this regime which has committed the massacres in Cherarba in 1994, in which 70 people were killed in a single night, and killed many other people in the Eucalyptus and Ben Zerga districts and other regions of the country, let alone the murders this regime committed in October 1988 and July 1991. This does not mean that we exempt the group of Antar Zouabri from these crimes which are being committed now. He himself claimed responsibility for these criminal acts in a communiqué he issued under the title *Preventing Evil from Possessing Islam*.<sup>169</sup>

#### 3.3.2. *The Faithful to the Covenant Movement (Al-Baqūn 'ala-l-'Abd)*

It has been brought to the attention of the mujahidīn that successive criminal acts have been aimed at sections of the population known to be supporting them. Hence, within a month, more than two hundred innocent people, mostly women and children, were killed. The movement never hesitated to declare before Allah

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their innocence from these crimes [...] We again, and emphatically, renew our oath to fight those factions who are committing these crimes and claiming these atrocities are supported by *fatwas* in their newsletters to justify maliciously the killing of women and children [...] It is now well known to the people, in general, and to the mujahidīn in particular, that the schismatic *khawarij* and excommunication groups are infiltrated by the junta secret services who are manipulating these groups according to plans they have devised to hit the mujahidīn's noble combat (jihad) from within, and this is by disgracing them in the eyes of the public, the scholars and the callers for this religion [...] Incidentally, these massacres occur in the regions of Blida and Médéa known for the heavy concentration of the junta troops. While the areas of the real mujahidīn are subjected to the unceasing air raids of the junta, the *Khawarij* (GIA) regions have not been targeted by the junta raids for over a year [since early 1995]. This is substantial proof of the existing relationship between the GIA and the junta secret services that maintain them and use them according to their plan to hit the jihad at the roots.<sup>170</sup>

After the successive defeats inflicted on the soldiers of the military government and the increasing desertions by members of the army and police, the secret services changed to using the old colonial methods by putting pressure on the unarmed people who are still backing their brothers. Their strategy is meant to force people to take up arms to face the mujahidīn and plunge the country into a civil war. This is done in co-operation with the militias led by Mohamed Cherif Abbas and the special squad of the military intelligent services led by general Ismail Lamari. When the people refused this thesis, the renegade junta started these barbaric massacres with the aim of terrorising people to limit their support for the mujahidīn and force them to take up arms. Their terror is designed to ultimately distort the image of the Islamic movement by causing unrest within the jihad movement [...] We want, therefore, to show to world public opinion that most of the victims of these barbaric crimes are families of the mujahidīn in either the centre or the west of the country. Whereas the criminal military government fears any international inquiry, our movement welcomes an investigation into these massacres including the butchery of Benzerga (Bordj-El-Kifan), Médéa, Larbaa, Chebli, Rais, Ben Aknoun, Sidi Kebir (Blida), Bainem, Tiaret, Saida, and recently the Relizane massacres. We also welcome an inquiry into the mass murders in the prisons of Serkadji and Berouaguia, and the various torture techniques. Finally, we remind all the states who believe in freedom and the principles of human rights, that any support for the military regime will be considered to be an encouragement and assistance to this regime to carry on with the massacres it is committing today.<sup>171</sup>

### 3.3.3. *Al-Muhajirūn – Central Region*

The group of hypocrites and regime's agents who could infiltrate the GIA and control its leadership justified the killing of Muslims for the committing misdemeanours such as smoking etc. They kill voters, women, children, students and the families of the mujahidīn who broke away from them. They also commit crimes which target a whole Muslim people by resorting to slaughter and indiscriminate bomb attacks. These acts are but clear proof that they are the work of the secret services, the enemies of Islam and sons of the crusaders, who managed to plan a strategy, implement it very efficiently and hence take revenge on this Muslim nation which does not accept any religion other than Islam. What helped them execute their plan is the ignorance of the mujahidīn and their blind trust in this cunning leadership. We renounce these criminal acts which are against Islam and Muslims and are committed by the

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group of the ignorant Antar Zouabri. We reassure the people of this region that we do our best to protect them and their properties.<sup>172</sup>

We denounce the crimes perpetrated by the enemies of Allah, Islam and Muslims, who kill innocent women, children and the elderly. Their aim behind these crimes is to mislead people, distort the image of Islam and bring down the banner of jihad by attributing these satanic acts to the mujahidīn.<sup>173</sup>

*3.3.4. Ar-Rahmān Battalion (Larbaa)*

Not long ago, the freedom, the will and the choice by the Algerian Muslim people of its Islamic project were repudiated by means of violence, force and betrayal. Today, as the Algerian people wants to reclaim its repudiated rights by the lawful means of jihad, the renegades of the junta, who have declared war against the religion of the Lord of the worlds, attempt to distort the image of the people's jihad and principles, using various methods, such as the barbaric and horrific massacres of the people never before witnessed in history, and their unjust, aggressive raping and robbing by an evil gang controlled by criminal elements fearing for their interests and privileges.<sup>174</sup>

*3.3.5. Movement for the Islamic State*

Our movement is today convinced that the GIA leadership is infiltrated by the evil secret services, and we have clear evidence that their commander Abu Abderrahman Amine (Djamel Zitouni) collaborates with the vicious secret agents. Copies of the documents obtained by the movement have been given to some of the commanders of the GIA from those who have declared their revolt against this corrupt leadership which has permitted adultery and the murder of the nursing and pregnant mothers.<sup>175</sup>

*3.3.6. Al-Furqān (Chlef) and Al-Itissam (Relizane) Battalions*

We declare to Allah our innocence of the unlawful acts which have been committed against the Muslim nation and which have been used by the renegade junta in a media campaign to plunge the people into a war against Allah and his messenger by taking arms against the mujahidīn. Of these crimes we mention: putting car bombs in public places, indiscriminate murder of young travellers, firemen and workers of the oil industry, and issuing unlawful fatwas such as those calling for the killing of those who do not perform the ritual prayers.<sup>176</sup>

*3.3.7. Protectors of the Salafī Call Group*

The GIA's methodology has deviated from the right path, its banner has become blind and its leadership has been taken over by children, fools and people out for punishment and trouble [...] We were the first group to refuse injustice and submission and leave this devious gang, the nest of the secret agents and 'innovators'. We declare to Allah our innocence of all that has been committed and is being commit-

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ted by the GIA: the killing of mujahidīn, the oppression of believers and the indiscriminate murder of people without rhyme or reason.<sup>177</sup>

### 3.3.8. *Other Insurgent Groups*

During 1996, the battalions of Al-Afroun, *Ar-Rabaniya* (Djabal Al-Louh), *Al-Khadra* (Kasr-El-Boukhari), *Al-Fat'h* (Al-Djelfa), *Al-Wafa'* (Bousaada), 'The Signatories with Blood' (Blida), Revenge (El-Amaria) and Tablat, have all issued similar communiqués of renunciation,<sup>178</sup> the general meaning of which can be summarised in the following three points:

- The GIA leadership has been taken over by a small unknown group holding the belief of *Hijra and Takfir* (belonging to the *khawarij* group) known for their deviation from the right path and for their excesses in religion. This group is controlled by the Algerian regime's secret services, who helped them to take over the GIA leadership by infiltration.
- This corrupt GIA leadership began by 'cleansing' the jihad by killing a large number of its members and then moving on to killing and robbing innocent people and burning their possessions. They call for those crimes by issuing criminal communiqués such as those calling for the killing of AIS members, other groups who separated from them, workers in the oil companies and young people travelling between cities (for military service). They also issue *fatwas* in which they permit murder of women and children, and carry out indiscriminate bomb attacks in public places.
- All of these groups have declared their innocence of the above crimes and have announced their departure from and revolt against this corrupt GIA.

## 4. Summary and Observations

The reactions of the Algerian Islamic political parties are summarised in Tables 4.1 to 4.7. Summaries of the Islamic Insurgent Organisations are given in Tables 4.8 to 4.10. These recapitulate the speeches of the political parties and fighting groups about the massacres, the victims, the perpetrators and the commission of inquiry. The following observations can be made from these reports:

### **Society's Movement for Peace - HMS (Table 4.1)**

The discourse of this Islamic party comes out as nationalistic rather than Islamic per se. It is clear that for Mahfoud Nahnah's party the massacres are indeed a phenomenon of savage and barbaric criminal acts caused by in-

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fighting within the armed groups who have resorted to such behaviour to punish and exterminate the Algerian population. Moreover, according to the HMS, the killers committing these massacres are well known. They are the GIA terrorists and not the authorities or the security forces. The involvement of what the HMS calls the 'Mafia' is regarded simply as a side effect of the main crimes. As for the victims of the massacres, the HMS seldom refers to them in its statements. Meanwhile, the HMS categorically rejects any form of inquiry, a position which sits well with the patriotic line followed by his party.

To sum up, the HMS reaction to the massacres is no more than a discourse aiming to secure some political gains, while showing no pressing concern with the very dangerous phenomena of the massacres and empathy with the victims. In fact, in contrast with its attitude towards the massacres, this party seems rather more concerned about the elections and their results:

In a very horrible criminal way, the hand of forgery has been extended to carry out a horrendous massacre of thousands of the electoral votes, especially in Greater Algiers, where excessive and barbaric rigging in terrifying forms was witnessed [...] We therefore request the opening of an inquiry into this rigging which strengthens administrative terrorism.<sup>179</sup>

At the time, in the October 1997 local elections, Mr Nahnah called on the 'international' community to 'support the HMS initiative for setting up of an independent commission to examine the irregularities in the elections'.<sup>180</sup>

This reaction suggests the existence of a flaw or a double standard in the HMS leader's discourse. He is quoted in the previous pages as opposing an 'international' commission of inquiry into the massacres of innocent citizens, but now it seems that, in his view, a commonplace electoral fraud does warrant international interference. Mr Nahnah's attitude clearly suggests that a poll rigging exercise by the authorities is more worthy of international attention than the large-scale murders of innocent civilians. Moreover, whilst Nahnah reacted strongly against the fiddling with the polls, history recorded that not only did he not oppose the illegal cancelling of the December 1991 legislative elections the FIS was poised to win, but he also went along with the generals who led the military coup, the same generals he now indirectly accused of rigging the polls.

#### **Renaissance Movement - Nahda (Table 4.2)**

Only limited material was available with regard to this movement. Based on these, it may be said that the party's position towards the massacres is balanced compared with that of the other legal party, the HMS. While rejecting the thesis that the Algerian regime or the FIS is behind the massacres, it contends that an unknown side has a role in the Algerian conflict, within the opposition armed groups or elsewhere. This uncommitted view of the per-

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petrators is consistent with the movement's position with respect to the issue of an independent inquiry. The party rejects an international inquiry, preferring to call for a national parliamentary one instead.

**FIS Inside Algeria (Table 4.3)**

The FIS regards the massacres as horrible crimes against humanity, targeting the Algerian people, the FIS supporters and those refusing to take up arms. The party categorically denies both its own involvement and that of Islamists in general, in the massacres. Although it blames the GIA and some extremist factions within the military regime for the massacres, it believes that an inquiry is not possible as long as violence is a potential option. The FIS inside Algeria, however, condemns the authorities' rejection of an independent investigation and calls on the West to put pressure on them for dialogue and negotiations.

**FIS Abroad (Tables 4.4 to 4.7)**

The FIS abroad, which obviously has more freedom to express its views than its leaders inside Algeria, describes the massacres as horrible and barbaric crimes, organised mass butchery, or as the work of institutionalised terrorism. The identities of both the killers and the targets appear to be clear in the mind of the FIS representatives abroad. They have no doubt that the victims of the massacres are innocent, isolated and unarmed people, in particular women, children and the elderly. The majority of these people are supporters of the FIS and sympathisers of the Islamic project. They are also related to the Islamists and those close to the genuine insurgents – as opposed to those controlled by the secret services – according to the latter. These respondents also all agree that the perpetrators of the massacres are the regime's security forces and secret services, its militias and the infiltrated GIA of Djamel Zitouni and Antar Zouabri. However, the FIS executive body places a little more emphasis on the latter group especially after the AIS declaration of a truce. FIS organisations abroad have all demanded the setting up of an independent commission of inquiry into the massacres, be it national or international. The reaction of the FIS-Abroad, therefore, is in general unambiguous and its reactions to the mass killings indicate that the FIS believes that the massacres are but a tool in the regime's war-strategy against the Islamic project in general, and the FIS in particular.

**The Islamic Insurgent Organisations (Tables 4.8 to 4.10)**

These tables summarise the responses of the Islamic insurgent groups to the massacres. It appears from these accounts that the insurgents see the massacres as abominable criminal acts of extreme barbarity. They regard these crimes as terrorist acts and genocide, in that they target innocent unarmed people (including women, children and babies), those refusing to take

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up arms, FIS members and their supporters, and families and sympathisers of the genuine guerrillas.

Regarding the identity of the perpetrators, these groups clearly indicate that the eradicators in the military regime were behind the massacres, using their secret agents, militias, municipal guards and the infiltrated and manipulated Zouabri's gang the GIA. After the AIS had declared a unilateral truce, however, its stand has been less clear. This leads to the conclusion that the change in the AIS reaction may be connected with what the truce conceals in the way of agreements with the generals of the same military regime that the AIS had blamed for the massacres before the truce.

As far as the investigation into the massacres is concerned, the Islamic opposition groups do not reject or oppose it; indeed they welcome a national/international commission of inquiry. With regard to the AIS, however, perhaps 'welcome' is too strong a word as no call for such a commission could be found in its reactions.

## 5. General Conclusions

The reactions of the Algerian political and armed Islamic movements to the massacres can be divided into four different types:

- Those of 'legal' movements, ostensibly in opposition but who actually participate in government and speak the language of the authorities in power, which claim that the perpetrators of the massacres are known, and that consequently there is no need for an internal investigation. Furthermore, these are of the opinion that the sovereignty of the state should be protected and, therefore, considering an international commission of inquiry is inconceivable. This is the case of the HMS.
- Those 'legal' movements which are in opposition and openly appear as such yet do not directly accuse the authorities of perpetrating the massacres but pose questions which beg for answers. They do not call for an external commission of inquiry, but they do request an internal investigation (Nahda party).
- The 'banned' political movement under severe repression inside Algeria which was denied its electoral victory. Most of its leaders and members are in jail and many of its supporters are prosecuted or have been killed. It does not publicly accuse the authorities of the massacres or call for the opening of an investigation, but in reality it believes the authorities to be the instigators of the massacres and strongly supports an international investigation. Action in this respect is, however, left to its representatives abroad (FIS-inside Algeria).
- The political movement in exile is free to express its real views. The same can be said of the armed movement fighting inside Algeria. For

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both of these groups there is no fear or restriction. These movements clearly accuse the military regime and its security apparatus (secret services, militias, municipal guards, Zouabri's GIA gang etc.) of committing the massacres. They demand an independent national and/or international inquiry (FIS-abroad and the armed opposition groups inside Algeria).

Given that the vast majority of the Algerian Islamic political parties and insurgent organisations support some sort of independent inquiry into the massacres, and given the fact that neither those who accuse the GIA and/or other guerrilla groups nor those who accuse the military regime have conclusive or substantial evidence of their claims (however strong and logical these may be), then surely, setting up an independent commission of inquiry is a logical step. Such a commission will formally investigate the massacres and establish the facts. The establishment of a commission of inquiry has become a necessity to determine responsibility in an important human rights issue for the Algerian people as a whole and for the victims and their families in particular.

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**Appendix: Reactions Summary Tables**

Table 4.1: Society's Movement for Peace (HMS)

<b>Events and People</b>	<b>Responses/Opinions</b>
<b>Massacres</b>	Punishment actions Barbaric and criminal acts that cannot be justified
<b>Victims</b>	Innocent Algerian citizens
<b>Perpetrators</b>	Armed groups in general, savage terrorists GIA, bunch of ignorant people
<b>Commission of Inquiry</b>	No foreign intervention in any form No meddling into the Algerian internal affairs

Table 4.2: Renaissance Movement (NAHDA)

<b>Events and People</b>	<b>Responses/Opinions</b>
<b>Massacres</b>	Criminal acts not allowed by Islamic law or reason
<b>Victims</b>	Innocent people
<b>Perpetrators</b>	Neither the authorities nor the Islamic Salvation Front Unknown faction
<b>Commission of Inquiry</b>	Rejects international investigation Calls for a national parliamentary inquiry

Table 4.3: Islamic Salvation Front (FIS inside Algeria)

<b>Events and People</b>	<b>Responses/Opinions</b>
<b>Massacres</b>	Horrible mass murders and crimes against humanity
<b>Victims</b>	Innocent people who refused to take up arms FIS voters and sympathisers
<b>Perpetrators</b>	Extremists including the GIA Criminal gangs and blood shedders
<b>Commission of Inquiry</b>	Not possible until peace and security are re-established Condemns the refusal of the Algerian authorities to allow any independent inquiry

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Table 4.4: FIS Executive Body Abroad

<b>Events and People</b>	<b>Responses/Opinions</b>
<b>Massacres</b>	Extermination operations and inhuman crimes Cowardly acts contrary to teachings of Islam
<b>Victims</b>	Innocent isolated and most deprived citizens Supporters of the FIS and those attached to the Islamic project Population of fertile lands
<b>Perpetrators</b>	Faction of army repressive forces and their militias Devious groups infiltrated by criminals in the regime Criminal armed group (GIA of Zitouni and Zouabri)
<b>Commission of Inquiry</b>	Called for an independent commission of inquiry, be it national or international

Table 4.5: FIS Parliamentary Delegation Abroad

<b>Events and People</b>	<b>Responses/Opinions</b>
<b>Massacres</b>	Horrible and atrocious crimes
<b>Victims</b>	The Algerian civilian people
<b>Perpetrators</b>	The generals, military and intelligence officers Gangs committing crimes in the name of Islam
<b>Commission of Inquiry</b>	Calls for urgent intervention of the United Nations Presses for a fair and competent, independent commission of inquiry—be it national or international

Table 4.6: FIS Preparatory Committee Abroad

<b>Events and People</b>	<b>Responses/Opinions</b>
<b>Massacres</b>	Horrible and criminal slaughter operations of revenge Organised mass extermination
<b>Victims</b>	Unarmed and poor innocent people. Oppressed supporters of the Islamic project who voted for Islam. Inhabitants of fertile agricultural lands
<b>Perpetrators</b>	Junta's mercenaries, secret agents and GIA members Army's special forces and militias
<b>Commission of Inquiry</b>	Supports calls for an independent inquiry

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Table 4.7: FIS Co-ordination Council Abroad (CCFIS)

<b>Events and People</b>	<b>Responses/Opinions</b>
<b>Massacres</b>	Odious, savage and inhuman crimes, genocide, serial mass slaughter Institutionalised terrorism
<b>Victims</b>	Innocent and unarmed people who have sympathy for the Islamic project or who are close to the mujahidin FIS supporters and working class families which voted for the FIS
<b>Perpetrators</b>	The generals' killing machine: army, police, militias, organised gangs and the GIA remnants—mercenaries affiliated with the secret services
<b>Commission of Inquiry</b>	Calls for urgent establishment of an international committee for investigation and an independent national commission Would forward a complaint to the International Court of Justice to put on trial the perpetrators and the instigators of the massacres

Table 4.8: The Islamic Salvation Army (AIS)

<b>Events and People</b>	<b>Responses/Opinions</b>
<b>Massacres</b>	Horrendous and horrible crimes, abominable carnage of extreme barbarity, blind and fierce revenge against the people
<b>Victims</b>	Innocent unarmed men, women, children and babies Innocent people / citizens / civilians
<b>Perpetrators</b>	The eradicators of the terrorist military authorities and their militias Mercenaries of the eradicators in the deviant GIA, manipulated by intelligent circles The enemies of the People's victory achieved in the 1991 elections
<b>Commission of Inquiry</b>	Aims at reaching the unknown truth which will be uncovered with time

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Table 4.9: The Islamic League for Preaching and Jihad (LIDD)

Events and People	Responses/Opinions
<b>Massacres</b>	Extermination of the nation, savage genocide Crushing of the people, bloodbaths, butcheries Cowardly and terrible revenge
<b>Victims</b>	Innocent peaceful and unarmed people Poor and oppressed people known for their backing to the FIS and jihad, families of the sincere mujahidīn (who left the GIA) and those sympathising with them, FIS members Hamlets and villages refusing to take up arms Inhabitants of useful lands
<b>Perpetrators</b>	Eradicators of the military regime (the Franco-communists) The army, communal guards and militias Secret agents and its GIA apparatus
<b>Commission of Inquiry</b>	Does not oppose the coming of the international media and the national and international commission of inquiry

Table 4.10: Other Islamic Insurgent Organisations

Events and People	Responses/Opinions
<b>Massacres</b>	Barbaric and despicable crimes, satanic executions Unlawful and irresponsible criminal acts
<b>Victims</b>	Innocent people, mostly women, children and elderly people Families of mujahidīn who broke away from the GIA Sections of the population known for their support for the mujahidīn and their families People who refused to take up arms
<b>Perpetrators</b>	Co-ordination militias-special team of secret services Gang controlled by criminal elements fearing for their interests and privileges Schismatic <i>khawarij</i> and excommunication groups (GIA) infiltrated and manipulated by the junta secret services
<b>Commission of Inquiry</b>	Welcome an international inquiry

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## NOTES

- <sup>1</sup> See B. Izel, J.S. Wafa, and W. Isaac, *What is the GLA?*, paper No. 6, in part II of this book.
- <sup>2</sup> ACB, 'The Jihad battalions confirm the GIA infiltration by secret services', *ACB*, London, 1997.
- <sup>3</sup> This note applies particularly to the Nahda movement, for which relatively very few citations were collected.
- <sup>4</sup> Memo on the HMS movement, URL: <http://www.hms-algeria.net>
- <sup>5</sup> Ibid.
- <sup>6</sup> Ibid.
- <sup>7</sup> *Le Figaro*, interview with Mahfoud Nahnah, 19 July 1997.
- <sup>8</sup> Ibid.
- <sup>9</sup> Ibid.
- <sup>10</sup> *El-Watan*, 22 September 1997.
- <sup>11</sup> Announcement by the HMS National Executive Bureau, 29 August 1997.
- <sup>12</sup> Ibid.
- <sup>13</sup> Ibid.
- <sup>14</sup> AFP, 15 September 1997.
- <sup>15</sup> Ibid.
- <sup>16</sup> Ibid.
- <sup>17</sup> Ibid.
- <sup>18</sup> *El-Khabar*, 22 September 1997.
- <sup>19</sup> *Liberté*, 11 January 1998.
- <sup>20</sup> Ibid.
- <sup>21</sup> HMS National Executive Bureau, 24 September 1997.
- <sup>22</sup> Ibid.
- <sup>23</sup> Ibid.
- <sup>24</sup> News Analysis N° 1, HMS National Elections Body, Media Committee, 27 September 1997.
- <sup>25</sup> Ibid.
- <sup>26</sup> Ibid.
- <sup>27</sup> Beirut LCBI Station, *Dialogue of the Age*, URL: <http://www.lbcSAT.com.lb>, 8 February 1998.
- <sup>28</sup> The author means the veterans of the Algerian war of liberation (1954-1962).
- <sup>29</sup> When the author mentions the army here, he refers to it as the 'military institution'.
- <sup>30</sup> *El-Watan*, 31 August 1997.
- <sup>31</sup> Nadim Ladki, *Reuters*, 11 January 1998.
- <sup>32</sup> Ibid.
- <sup>33</sup> Ibid.

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<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> *El-Watan*, 31 August 1997.

<sup>40</sup> Ibid.

<sup>41</sup> URL: <http://www.fisalgeria.org>

<sup>42</sup> "The Islamic Revolution in Algeria", Yafa Institution for Studies and Research (Arabic), 1991.

<sup>43</sup> URL: <http://www.fisalgeria.org>

<sup>44</sup> Letter signed by Abbassi Madani's son, Selmane, on his behalf, 30 August 1997.

<sup>45</sup> *Le Figaro*, Interview, 12 January 1998.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> *La Libre Belgique*, 12 January 1998

<sup>49</sup> Ibid.

<sup>50</sup> *Le Monde*, Interview, 13 January 1998.

<sup>51</sup> Ibid.

<sup>52</sup> *Le Figaro*, 12 January 1998.

<sup>53</sup> *Al-Hayat*, 13 February 1998.

<sup>54</sup> *Ibid.*

<sup>55</sup> FIS Executive Body Abroad, Communiqué, 24 April 1997.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> *Reuters*, Paris, 11 January 1998.

<sup>66</sup> Ibid.

<sup>67</sup> Interview given to Reuters TV, Brussels, 14 January 1998.

<sup>68</sup> Ibid.

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> *Al-Ribat*, Newsletter, N° 191, 9 September 1998.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Open letter to the secretary-general of the United Nations, 1 November 1997.

<sup>79</sup> FIS Parliamentary Delegation Abroad, Communiqué, 19 November 1997.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Open Letter from the prison of Manassas, Virginia, USA, 27 November 1997.

<sup>84</sup> Letter of FIS Parliamentary Delegation Abroad to Robin Cook, signed by Anwar Haddam, 25 January 1998.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Letter published in the newsletter *Sawt-Al-Jabba*, N° 22, 13 March 1998.

<sup>91</sup> FIS Preparatory Committee, Communiqué, 21 May 1997.

<sup>92</sup> FIS Preparatory Committee, Women's Division Communiqué, 22 May 1997.

<sup>93</sup> Communiqué, The Algerian Community in Britain (ACB), 13 November 1996.

<sup>94</sup> Communiqué, ACB, 2 August 1997.

<sup>95</sup> FIS Preparatory Committee, Communiqué, 30 September 1997.

<sup>96</sup> *The Enlightenment*, "The truce to hide the truth", 10 October 1997

<sup>97</sup> *Al-Hayat*, Interview, 30 March 1998.

<sup>98</sup> Ibid.

<sup>99</sup> See their URL: <http://website.lineone.net/~ilaf>.

<sup>100</sup> CCFIS Communiqué, N° 2, 7 January 1998.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

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<sup>104</sup> Fraternité Algérienne in France (FAF), Communiqué N° 4, 24 January 1997.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> FAF, Communiqué N° 5, 4 February 1997.

<sup>109</sup> FAF, Communiqué N° 7, 13 June 1997.

<sup>110</sup> FAF, Communiqué N° 11, 2 September 1997.

<sup>111</sup> *Al-Qods Al-Arabi*, 9 July 1997.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> *Ashark Al-Ansat*, 9 September 1997.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> Ahmed Zaoui, Moussa Kraouche and Said Lahlali (CCFIS), 25 April -1997.

<sup>118</sup> FAF, Communiqué N° 11, 02 September -1997.

<sup>119</sup> CCFIS, Communiqué N° 1, 5 October 1997.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> CCFIS, Communiqué N° 2, 7 January 1998.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> AIS Call, 9 December 1996.

<sup>126</sup> Ibid.

<sup>127</sup> AIS (Western Region), Communiqué, 15 March 1996.

<sup>128</sup> AIS (Western Region), Communiqué of Clarification, 18 February 1997.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> AIS (Western Region), Communiqué, 1 January 1997.

<sup>133</sup> *Al-Inqad*, Newsletter, N° 22, p. 5, 1 January 1997.

<sup>134</sup> AIS, Communiqué, Declaration of Truce, 21 September 1997.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

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<sup>139</sup> *Al-Hayat*, Interview, 10 March 1998.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> LIDD, Communiqué N° 1, 5 February 1997.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> LIDD, Communiqué N° 3, 15 September 1997.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> LIDD, Communiqué, Declaration of Truce, 9 October 1997.

<sup>153</sup> Ibid.

<sup>154</sup> *Ar-Rabita*, LIDD monthly publication, N° 1, September 1997.

<sup>155</sup> *Ar-Rabita*, N° 2, October 1997, pp. 1-7.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> *Ar-Rabita*, N° 2, October 1997, pp 8-18.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> Communiqué N° 7, signed by Abu Hamza Hassan Hattab (Commander), 13 July 1997. At this time of writing, it operates under the name of Salafi Group of Predication and Combat and is led by Aabdelmajid Dichou.

<sup>169</sup> *Al-Hayat*, Interview with Hassan Hattab, GIA's second region Emir, 5 April 1998.

<sup>170</sup> Communiqué on the massacres in Blida and Médéa regions, Abdurrahman Abu Jameel, 2 May 1996.

<sup>171</sup> Communiqué, Signed by Mustafa Al-Arbaoui, 9 January 1998.

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<sup>172</sup> Communiqué N° 2, Signed by Abu Suhaib Khalid (Commander), 18 February 1997.

<sup>173</sup> Al-Muhajiroun, *A call to the inhabitants of the central region*, 19 September 1997.

<sup>174</sup> Communiqué, Signed by Abu Abdel Ghafour Yahia and Mustafa Kertali, 7 November 1997.

<sup>175</sup> Communiqué N° 2, Signed by Said Mekhloufi (Commander), 14 March 1996.

<sup>176</sup> Communiqué, *Acquittal of Conscience and Guidance for the Nation*, 1 December 1996.

<sup>177</sup> Communiqué N° 1, Signed by Commander Abu Djaafar Mohamed, Illegible date.

<sup>178</sup> See Note 2.

<sup>179</sup> HMS Executive Bureau of Greater Algiers, Communiqué N° 1, 25 October 1997.

<sup>180</sup> Arabic News, URL: <http://www.arabicnews.com>, 30 October 1997.

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## NATIONAL REACTIONS TO THE MASSACRES

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*J. T. Senhadji*

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*The regression is so general that it takes the dimensions of a genocide. Torture is systematic. It has become an administrative method of work for the security services which consider it to be the best way of obtaining information. Extra-judicial killings have become common place. The special courts have gone but their legislation has been extended to all the courts of the land.*

Maître Ali-Yahia Abdennour, President of the Algerian League for the  
Defence of Human Rights

*Eradicationism will be, hopefully, the last contribution to the catalogue of inhumanities inflicted by man on man this side and the other side of the millennium.*

An Algerian citizen

## 1. Introduction

In Algeria, a human tragedy is unfolding before the eyes of the international community. Since the military coup of 11 January 1992 hundreds of thousands of people have been killed, jailed, “disappeared”, or exiled. Over the last three years, the conflict has degenerated into horrible massacres that have claimed the lives of thousands of people. Whole families have been slaughtered and obliterated from the face of the earth. Since the generals seized power in January 1992, they have adopted a policy of eradication which observers of the Algerian scene have dubbed ‘political’, or ‘electoral cleansing’. The core of the policy is the outright elimination of opponents, be they political or armed, their families, sympathisers and neighbours.<sup>1</sup> Terror is used as a weapon to coerce the population into total submission. Algeria now is a killing field where terror and eradication are pompously celebrated by the generals and their war press. One has but to glance at any newspaper to discover the gloating over the death of young Algerians sacrificed daily at the altar of eradicationism. Prisons (Serkadji, Berroughia), police stations (Ben Aknoun, Chateaneuf, Cavignac and Salembier) and villages (Bentalha, Beni-Messous, Sidi Rais, Relizane) have become killing grounds. The eradication work takes place away from the prying eyes of reporters and photographers. The Algerian tragedy is one of the least reported in modern times, as if taking place in another age, or on another planet.

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The military regime has succeeded in imposing a complete blackout on information. It has been skilful in waging the propaganda war to its advantage through the powerful machinery of the Algerian Press Service agency, State television and the newspapers of its allies. This formidable war press has been effective in presenting to the world a one-sided view of the complex Algerian tragedy. As a result, the international community has remained largely misinformed and often disinformed about the extent of the tragedy besetting Algeria. Unlike Bosnia, independent television pictures to galvanise the international community into action are not available since the regime prevents international reporters from operating freely in the country. Local reporters are subject to military censorship and can only write articles sympathetic to the generals' views. It has taken massacres of the scale of Ben-talha, Rais, Beni-Messous and Relizane to awake the international community to the suffering of the Algerian people.

It is difficult to gauge the feelings of the Algerian people to the ongoing massacres because of the atmosphere of terror, intimidation and insecurity pervading their life. In public, the people blame the Armed Islamic Group (GIA) for the massacres. In private, however, they are suspicious of the security services and armed militias. Only human rights activists and some political opponents dare openly accuse the regime of responsibility in the massacres. The question of 'who kills whom' is very much at the heart of the Algerian tragedy. It is a question that is anathema to a regime that perceives its mere mention as an accusation of its guilt. The regime has enlisted the support of some French 'intellectuals' such as Bernard Henry Levy, André Glucksmann, Alain Finkelkraut and Jack Lang in an effort to make the answer to the burning question a foregone conclusion, i.e. the killers are Islamists, the State is innocent and the army is incompetent to prevent the massacres. The regime's rhetoric has certainly changed in one respect. The image of the army is no longer that of an efficient and disciplined machine, capable of protecting the population. However, the hire of intellectuals, the excuse of an incompetent army and making the question of 'who kills whom' a taboo do not constitute a compelling defence. If the Algerian State is innocent, why does it fear an international commission of inquiry? Such a commission can only comfort the regime's position if the latter is not hiding anything from the world. The regime hides behind national sovereignty and pride in order to obstruct the legitimate quest of the international community to know who is committing crimes against humanity in Algeria.

The reactions of political parties, non-governmental organisations and personalities inside Algeria are extremely polarised. The divide between the supporters of the regime and its opponents is clear-cut. By 'regime', it is meant here the army. The civilian government is but the democratic façade of the military regime. This is why, for instance, the so-called 'democratic' parties (RCD, Ettahadi, PRA), which oppose vehemently the civilian gov-

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ernment, are found to be the staunchest supporters of the army. 'Democracy' in Algeria applies only to the virtual power, that of the civilian authorities, and does not extend to the real power, that of the military regime.

In what follows, the reactions of political parties, non-governmental organisations, political and cultural personalities and other persons to the massacres and atrocities that blight the lives of the Algerians are examined. The reactions of the main Algerian parties, some non-governmental organisations and representative personalities to the massacres, and violations of human rights are cited here verbatim from their documented sources to avoid any misrepresentation. The subject is too sensitive to leave any room for paraphrasing that may give rise to disputes and denials. The reactions constitute a facet of the subject of this book, and will help in forming a more complete picture about the protagonists in the Algerian conflict. They will contribute to lifting the veil on the extent of ideological entrenchment and complicity on the part of Algerian quarters that are fuelling the repression.

The compilation of the reactions is by no means comprehensive. However, the samples of declarations for the various categories are representative enough to allow a pattern of opinions to emerge. Understanding a reality that is surrounded by so much disinformation, complicity and cover-up is vital for discovering the facts on which future actions should be based. Indeed, the outcome of the analysis is revealing. The political parties, non-governmental organisations and personalities which depend on the military regime for their survival always blame the Islamists for all the atrocities that occur, portray them as barbaric and oppose any independent inquiry. The independent political parties, organisations and personalities have diametrically opposed views. For the latter, the military regime and its plethora of security services are manipulating and committing atrocities in order to discredit the Islamist opponents. They are on the whole in favour of an independent inquiry to identify the perpetrators and bring them to justice. The aim of the present paper is to press the need for an inquiry to establish conclusively 'who is killing whom'.

## **2. Political Parties**

Political parties in Algeria fall generally into three categories: supporters of the military regime (RND, RCD, Ettahadi, PRA), opponents of the military regime (FFS, PT), and Islamo-nationalist conservatives (FLN, MSA, Nahda) with ambiguous positions. Observers see this last category of parties as opportunists. Some principled parties such as the Oumma Party of Ben-Khedda, former President of the GPRA, or the MDA Party of Algeria's first President Ben Bella opted for self-dissolution rather than 'selling their souls' to a regime that has usurped the popular will and betrayed the ideals of the revolution for which millions of Algerians sacrificed their lives.

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The supporters of the military regime advocate a military solution to the political crisis through the *physical* elimination of their political opponents and sympathisers.<sup>2</sup> Their policy has been termed 'political' or 'electoral' cleansing. These parties have innovated in the subject matter of political theory and practice by fashioning, as far as Algeria is concerned, a new ideology, namely *eradicationism*: the eradication of the political opponent. Their struggle is presented to the world as a struggle between good and evil, modernity against obscurantism, democracy against fundamentalism. Eradicationism views the political opponent as a demon, a terrorist, an infra-human beyond reform, education or reconstruction. This ideologically entrenched situation has been described by a group of researchers as follows:

The strategy of demonisation of the opponent leads us straight into electoral genocide or electoral cleansing, besides providing justification for the worst violations of human rights and other denials of justice. In the face of the spread of the Islamist insurgency, the most radical faction of the regime advocates massive distribution of arms and attempts to set part of the population against the other using manipulation of the media and the war propaganda.<sup>3</sup>

The parties, which advocate dialogue and national unity, form the opposition in the parliament. These parties seize every opportunity to call for peace, the respect of human rights and the inclusion of all the political forces in a meaningful dialogue in order to extricate the country from its tragic state. These parties are signatories to the National Contract<sup>4</sup> signed in Rome which stipulates explicitly, among other principles, the rejection of violence as a means of acceding to, and staying in power and the guarantee of fundamental individual and collective rights and freedoms, without distinction of race, sex, religion or language. These parties are the object of constant harassment by the authorities which accuse them of conniving with terrorism. The state of emergency that has been in place since 1992 restricts their freedom and puts the lives of their adherents at risk. As a consequence of the constricting diktats of the regime, some parties have preferred self-dissolution and the withdrawal from political activity. Thus, the MDA and the Oumma party opted for this decision.

The political parties belonging to the third category (FLN, MSA, Nahda) cultivate an image of opposition to the eradicationists despite being members of a government which is totally committed to an eradicationist line. Within this group, Nahda is the only party that does not participate in the government. These parties owe their change of fortune from a marginal state to the present situation, where they have sizeable numbers of seats in the parliament, to the military coup of January 1992. These 'islamo-nationalists' either stand by or actively comfort the regime in its eradicationism to the extent of rejecting even the principle of an international commission of inquiry into the massacres.

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The regime draws comfort from the support of both the 'Islamists' of MSA and the 'democrats' of RCD. This alliance allows it to project an image of pluralism and a modernity that is not necessarily secular, since the Islamists of the MSA can identify with part of it.

### **2.1. Party of Defiance (Ettahadi)**

Ettahadi party<sup>5</sup> is the successor of the PAGS (Le Parti de l'Avant Garde Socialiste), originally a party of Marxist persuasion. The party was created on 26 January 1966 and has ever since been associated, in some form or another, with the successive regimes that have run the country. The culture of the party is widely seen as Stalinist and its adherents are mostly intellectuals who are out of touch with the aspirations of the general masses. At present, it is led by Cherif Hachemi. The party obtained 0.024 % of the voices during the local elections of 12 June 1990. Maître Yahia Abdennour, the President of the Algerian League for the Defence of Human Rights (LADDH), describes this party as follows

It is a party of inquisition, a believer in the final solution. It practices exclusion, rejection and condemnation of its opponents, fires without warning on all those who call for national reconciliation, refuses any political competition or elections before the total and definitive eradication of the FIS. Only those who align themselves to its positions get into its favour. It carries an obsolete ideology that has led to illusions and failure. It has lost the confidence of the population and, oddly, that of the working class that it is supposed to represent.<sup>6</sup>

Ettahadi is a staunch opponent of the Islamists and its positions are similar to those of the RCD. When Abbassi Madani, leader of the FIS, was freed from jail, the party leader wrote:

Did not contemporary fascism with Hitler, Mussolini, Franco and -more recently Pinochet- refer to religion? And what should one believe with regard to the thinking of Abbassi Madani after his release? Well! He thinks that it is not the authorities that have freed him. The authorities have all but given up before the Islamists. He does not owe anything to them, absolutely nothing, not even silence. It is God that has freed him. Only God. At least the god he believes in. It is to him that he owes everything.<sup>7</sup>

The enmity of the party to the Islamists knows no bounds judging from the following declaration of the party national council: 'Fundamentalist terrorism succeeds in reproducing and redeploying because it feeds on the aggravation of the crisis and the shady deals of the authorities and large sections of the political class with fundamentalism'.<sup>8</sup> The national council went on to deplore: 'the lack of a strategy and the incapacity of the authorities to confront the new developments of the situation as a whole and the security climate in particular. The complacency and arrogance of the official discourse add to the confusion of the population and its demobilisation'.<sup>9</sup>

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## 2.2. Rally for Culture and Democracy (RCD)

The RCD (Rassemblement pour la Culture et la Démocratie) was created in Tizi-Ouzou in February 1989. It is led by Saïd Sadi, its secretary-general. During the general elections of December 1991, the RCD fielded 302 candidates but was unable to win a single seat. Saïd Sadi himself was beaten in the first round by the candidate of the FFS in his fiefdom of Tizi-Ouzou. Seeing his party completely marginalised, Saïd Sadi, along with Ettahadi, and the UGTA (Union Générale des Travailleurs Algériens, the trade union organisation) called on the army to abort the electoral process. Maître Ali Yahia Abdennour wrote the following about Saïd Sadi:

Saïd Sadi who is a militaro-democrat awards himself the title of patriot, that of modernist and republican. He supports the military coup d'état, the totalitarian regime for the sole reason that the regime combats the FIS. He claims to be ready, with means that he does not possess but in the shadow of the army, to lead the country towards modernity with an iron hand and without compromises. A 'republican' who calls on the army to save democracy through non-democratic means, is he or can he be a democrat? A republican who asks the army to oppose the will of the people, that was freely and clearly expressed through the ballot box is a fascist who can only lead his country towards a tragedy without a name, for the sole benefit of the regime in place.<sup>10</sup>

The RCD party did not secure a single seat in the general elections that took place on 26 December 1991 and which were subsequently cancelled by the military regime. Its position has been very clear since the beginning of the conflict in Algeria. It has always advocated eradicationism and sought to enrol the civilian population in the war through the creation of militias and self-defence groups that are beyond political control and answer only to the security forces. For Saïd Sadi: 'The terrorists slaughter innocent civilians in the villages which lack the means of self-defence.' He advocates a 'government of national unity whose main action would be to arm the civilians in the areas which are threatened by terrorism'.<sup>11</sup>

The RCD adopts a strategy of dehumanisation of its political opponents. It fashions out of a primitive anti-Islamism a political *raison d'être* and supports actively the military regime in a savage war in which systematic torture, extra-judicial killings and repression are widely practised. The language of damnation of the Muslims appears to be the only policy of the party and the 'barbarism of the fundamentalism'<sup>12</sup> is a recurring theme in its terror rhetoric. Its main struggle is directed against what it terms 'fundamentalism'. For this party, all the atrocities committed across the land are the work of the 'fundamentalists'. The leader of the RCD was among the first to call for the setting up of local militias to combat the 'fundamentalists'. In its reports, Amnesty International has attributed many of the atrocities committed to the militia. Saïd Sadi angrily objects to Amnesty International use of the term 'militiamen'. In an interview, he declared:

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Moreover, I reject the term of ‘militiamen’ which evokes paid up mercenaries. The last report of Amnesty International is a dangerous drift. I have suffered while reading this. I had created the first section of Amnesty in Algeria (sic)<sup>13</sup>. The report states that the Islamists slaughter in response to exactions committed by the self-defence groups. We have no right to express such an irresponsible position that further complicates a situation that is already muddled. Do we leave people to be slaughtered? There was no other choice.<sup>14</sup>

Khalida Messaoudi, the vice-president of the RCD has no doubt about the identity of the killers. She declared to the French communist paper *L’Humanité*: ‘It is the armed Islamic groups which kill.’<sup>15</sup> The RCD opposes any international inquiry into the massacres in Algeria. Its position has been reiterated in a newspaper: ‘The RCD rejects even the principle of an international inquiry into the massacres in Algeria, for it amounts to putting on the same level terrorism and the State’.<sup>16</sup> In another newspaper, Saïd Sadi criticised Italy for being credited with the idea of calling for an international conference on Algeria. ‘This initiative, if maintained, will constitute a grudge between our two peoples’.<sup>17</sup>

In a speech at the festival of *L’Humanité* organised by the French communist party, Khalida Messaoudi spoke at length to an audience brought to a heightened state of anti-Muslim hysteria. We report below a large extract of her speech to illustrate the kind of semantic shifts and hyperbolic outpourings that have become the hallmarks of the eradicationist militants, be they Algerian or French converts. The eradicationists have been in the forefront of the war against ‘fundamentalism’. Not only were they instrumental in inciting the army to subvert the democratic process, but ever since the military take-over they have been actively engaged in the systematic elimination of their political opponents through their zeal for eradication. They spear-headed the creation of armed militias to hunt the Islamists and punish their families. It is now known that massacres previously attributed to the armed rebels are in fact the work of militias.<sup>18</sup> For Saïd Sadi, Khalida Messaoudi and their fans, the Islamists are to be eradicated and obliterated from the face of the earth because they have committed a cardinal crime, namely that of winning the general elections of December 1991. The eradicationists have refined the art of damnation of the Islamists to a degree that rivals with the mythology secreted by the crusaders in the Middle Ages against the ‘Saracens’. The kind of language they use is illustrated below in a long passage from the prima donna of eradicationism, Khalida Messaoudi:

Thank you for allowing the voice of the Algerian people who refuses to die slaughtered. The news from Algeria is not good. The population which lives in the centre of Algiers is facing a real genocide. We always read in the European press, often by the pen of the pseudo-specialists of Algeria, the following question: who are the killers? In the name of the decapitated babies and in the name of the slaughtered women, I take the responsibility to say: it is the armed Islamic groups. Furthermore, the responsibility for these massacres falls on the Islamic groups of the FIS whose

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leader is Abbassi Madani. I appeal brotherly to those who still ask the question, maybe in good faith. Each time you take the responsibility off the shoulders of the assassins [...] you undermine the legitimacy of the Algerian State. I make a distinction between the State and the regime in power. Our struggle is very difficult because we do not know how to understand the ferociousness that leads to ripping a foetus from the mother, in front of the father, placing a baby in an oven and slicing him in parts. They want to massacre in the most barbarous way; their objective is clear: to spread panic among the population, to cause it to flee in huge numbers to Algiers in order to cause the implosion of Algiers. The FIS seeks to impose chaos so that it can take power, all the power. Dear friends, who wish to help us, you hear the call for an international conference on Algeria. This will be an unexpected opportunity for the assassins of women, old people and babies. This will compel us to negotiate with the Islamist terrorists. This has not been achieved in Algeria up till now. I ask you not to support this project against the Algerians! It is difficult for us to stay calm but Algeria has got the means to find the right exit. There are moments of panic after these horrible crimes. [...]. But fear has also given rise to courage and dignity. Young men are getting organised. Even the children! They deny the title of Saviour to Abbassi Madani. Because the people know who kills! Abbassi Madani must be tried by an international tribunal for the crimes he is responsible for. The Algerians refuse that he be absolved of his crimes. If we have no need whatsoever for an international conference, we, however, hope for your support for the young men, the women, and the workers who struggle everyday for Algeria. Algeria is not Kabul or Khartoum. Algeria will never be Tehran! We have the means to fight. The massacres have been going on for six months and Abbassi Madani has declared that he could put an end to them. This means that that he recognises his responsibility in the killings that are carried out by the hundreds. [...] Is it a coincidence that, after his liberation, voices in Paris, Rome and elsewhere have called him a man of peace and proposed an international conference? I repeat. We do not need this, what we need is your help in loosening the vice around the Algerian democrats. You have to stop saying that in Algeria there is the state and the FIS. There is another alternative. It is very difficult but it is the only one. The young, the women and the workers have their associations. The democratic political organisations exist. They need your help.<sup>19</sup>

### **2.3. Democratic National Rally (RND)**

The RND (Rassemblement National Démocratique) party was created by general Zeroual and the militaro-political mafia with the aim of monopolising power. Since the military take-over of 1992, democracy has been turned upside down in Algeria. The distribution of seats is decided well ahead of actual ballots to avoid surprising outcomes. The generals in Algeria have now a political front, the RND, an instrument for the exercise of real power behind subservient and obsequious politicians. They are determined to avoid a repeat of the general elections of December 1991 which were free and fair by all accounts. In the new political configuration, the existence of other competing parties is essential for projecting a democratic façade to the outside world. The RND party was predestined to be the dominant party. In their witty humour, the Algerians describe the RND as a baby born with moustaches. Thus, the party won the first general election of 5 June 1997,

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just after three months of existence and went on to win the general elections of 23 October 1997 by securing, or rather grabbing, 55 per cent of the vote.

The RND is strongly backed by about two hundred thousand armed militiamen who terrorise, ransom and pillage the population with total impunity. They have the power over life and death. For instance, Zidane Mokhfi, a notorious warlord who commands a company of 2,000 militiamen,<sup>20</sup> headed the RND candidates list for the local elections in Bouïra. The Algerians are now tightly controlled by the generals and their numerous security services, a press run by the department of psychological operations of the Direction du Renseignement et de la Sécurité (DRS), and an overzealous party, the RND and its hordes of militiamen. The RND revolts the citizens by the thuggish behaviour of its militants and the unbridled greed and racketeering of its leaders.

Given the nature of the RND, its reactions to the massacres are therefore totally predictable. The party, which has been implicated in massacres, blames the Islamists for all the atrocities committed and vehemently opposes any inquiry into the massacres, be it national or international. The reactions of the party are typical of totalitarian regimes. Instead of confronting the reality of the situation, they take refuge in hollow patriotic sentiments.

The Democratic National Rally (RND) while denouncing with utmost firmness the odious crimes committed against defenceless civilians considers that revenge and hatred against the heroic Algerian people cannot diminish in any way its will and determination to persevere in the action of building a strong, stable and democratic Algeria.<sup>21</sup>

Too often, the party uses the language of conspiracy against the country. For instance, in another statement, the party said in a letter to its militants: 'We emphasise the existence of two plots against Algeria, one led by the terrorist groups and the other fomented by external political circles'.<sup>22</sup>

#### **2.4. National Liberation Front (FLN)**

The FLN (Front de Libération Nationale) party was formed in 1954 with the objective of liberating the country from the French occupation. At independence, a power struggle broke out between the political leaders represented in the GPRA (Provisional Government of the Republic of Algeria) and the Boumediene-led group of Oujda. The GPRA was mainly supported by exhausted and poorly equipped freedom fighters who had waged the liberation struggle from within Algeria, and was no match to the military might of the group of Oujda. Clashes occurred between the two sides and resulted in hundreds of deaths. To avert a civil war the GPRA gave way and disbanded. Thus the republic of Algeria was born through illegitimate methods, the use of force and intimidation. The new leaders established an army-backed regime with the FLN as a civilian front.

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The seeds of the instability that is plaguing the country today can be traced back to that fateful encounter between a legitimate provisional government and a violent army determined to secure its hold on power. The FLN party played a vital role in running the civilian administration on behalf of the army colonels and generals. During the mid-eighties, the country faced a severe economic crisis and growing popular discontent. The FLN was seen by the people as a discredited and corrupt party.

In October 1988 riots broke out in Algiers and the main cities. The army stepped in and did what it is good at, namely killing and maiming Algerian citizens.<sup>23</sup> The events of October were to prove a watershed moment in the history of Algeria. The popular uprising forced the regime to reform the political system. A new constitution enshrining the principle of multi-party democracy was adopted in 1989. Following the new changes, the FLN ceased to exist as a privileged party. It had to compete with a plethora of emerging and previously banned parties.

From October 1988 until 1996 the history of the FLN party is intimately linked with the struggle of one man: Abdelhamid Mehri. During this period, the fortunes of the party had been completely transformed. Mehri is a respected political figure and has behind him a long history of political struggle. As secretary general of the party since 1988, Mehri sought to transform the FLN into a modern opposition party. Mehri called for the respect of the popular will and opposed the military coup of 11 January 1992. The FLN did not support the military regime and did not take part in the formal institutions that were set up to fill the constitutional vacuum. Moreover, the FLN signed the National Contract which set out principles for solving the political crisis and promoting national reconciliation.

However old habits die hard and Mehri was never forgiven by the old guard for daring to sever the juicy links with the military regime. In December 1996 Mehri was removed from the leadership of the party and since then the FLN has reverted to its old opportunistic ways: grovelling to the authorities, supporting all actions taken by the military regime and stifling free speech and dissent. During the party congress of April 1998, Ahmed Taleb Ibrahimi, an ex-foreign affairs minister, was prevented from finishing the delivery of his speech. He described what happened to him as follows: 'I had the impression that I was standing in front of various security services that were trying a citizen accused of violating the law when I saw a group of persons with links to the security services posing as members of the FLN congress'.<sup>24</sup>

It is no wonder then that the reactions of the FLN to the massacres of innocent civilians are benign and even accommodating to the military regime: 'The National Liberation Front (FLN) condemns with vigour the barbarous acts committed against civilians.'<sup>25</sup>

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## 2.5. Front of Socialist Forces (FFS)

The FFS (Front des Forces Socialistes ) party was created by its present leader, Hocine Ait-Ahmed, in the early sixties during the one-party reign. Ait Ahmed is a founding member of the FLN. He is one of the leaders who sparked off the liberation struggle that led to independence from France in 1962. He was imprisoned and sentenced to death in October 1964 for his political activities. Two years later, he fled the prison and went into exile. With the end of the one-party era, he returned in 1989 to lead his party. After the coup d'état of 11 December 1992, which he opposed, he again chose exile rather than accepting the dictates of an illegitimate regime. An article in a newspaper describes the man as follows:

Hocine Ait-Ahmed does not mince his words. An historical figure of the liberation war, this seventy-year old Kabyle, President of the Front des Forces Socialistes (FFS) which is one of the last opposition parties to be tolerated by the authorities, is an acerbic critic of the regime. To a government that makes the 'eradication' of terrorists its unique response to a conflict that has lasted for more than five years, he advocates a political solution through a dialogue with the Islamists of the ex-FIS. Mr Ait-Ahmed has always shown an independent mind and an intellectual honesty that have earned him admiration by a large part of the Algerian public opinion. He lives nowadays in Switzerland. To the authorities that accuse him of 'deserting' he replies by denouncing the absence of democracy.<sup>26</sup>

The FFS party has consistently called for dialogue and reconciliation. It is one of the signatories of the Rome Contract. In a speech to journalists in Rome,<sup>27</sup> Hocine Ait-Ahmed accused the former colonial power, France, which has close ties to the military-backed government, of inaction on a political solution and for indifference to the plight of Algerians. He went on to say: 'We would like this wall of silence, this Berlin Wall being rebuilt on the frontiers of Algeria, to be broken.' He also said: 'Europe made itself an accomplice to the violence through its silence.' He then accused President Liamine Zeroual of using the state of emergency to suppress democracy and appealed to President Clinton to help find a solution to the crisis:

One of the initiatives we expect is for President Clinton to take measures which are likely to help bring about peace. Why does he not appoint a mediator on Algeria? We believe that such an initiative in favour of a peace process will be likely to unblock the situation.<sup>28</sup>

Hocine Ait-Ahmed told the British Royal Institute for International Affairs that only an international outcry could prevent Algeria from sliding deeper into despair. Despite fierce opposition by the army-dominated government, he urged the United Nations to open an office in Algeria in order to monitor the violence. He went on to say: 'The silence and indifference of the Western powers and public opinion have put my country on a very slippery slope towards an all-out slaughter, likely to rapidly assume the dimen-

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sions of a genocide.’<sup>29</sup> He praised UN Secretary-General Koffi Annan’s recent call for dialogue to overcome the violence and said the world should not be intimidated into silence by ‘fascist-like threats’ from the Algerian authorities. He stressed that he was not seeking outside military intervention but political pressure to bring all sides in Algeria to the negotiating table, as had happened in South Africa and between Israelis and Palestinians.

Hocine Ait-Ahmed accused the regime of seeking to manage the country as a military camp.<sup>30</sup> In another newspaper, he ridiculed the declarations of the Algerian authorities concerning the existence of an international conspiracy against them. He rejected the declarations of the President on the existence of a ‘conspiracy’ led with the help of ‘foreign forces’ and ‘Algerian personalities’ by describing them as a ‘Stalinist’ vision. He went on to say: ‘Algeria is put to fire and sword’, and ‘General Zeroual has only one thing to say: “international plot”.’<sup>31</sup>

Hocine Ait-Ahmed has been restless in the face of the recurring massacres that threaten the collapse of the Algerian society. His concern for the safety of the Algerians and his call for an international commission of inquiry into the massacres have been widely reported by the press. The newspaper, *La Tribune de Genève*, wrote the following article about him:

In Geneva the President of the Front des Forces Socialistes (FFS), Hocine Ait-Ahmed has equally asked the UN and the international community to intervene in Algeria in the face of crimes against humanity. He declared that the UN and Western nations should impose the return to democracy. ‘We cannot stand idly by in front of continuing massacres’, said the Algerian opponent in a meeting with the press. ‘The monstrous carnage of the last weeks is a crime against humanity. I call on the UN Secretary-General, the European Union and the President of the United States to quickly take a collective initiative in order to start a true peace and democracy process in Algeria’, said Hocine Ait-Ahmed. He revealed that he wrote to Kofi Annan asking him to intervene. ‘We have to abandon the policy of *laissez-faire* and indifference in front of the danger of ‘Somalisation’ and ‘Rwandisation’ which threatens the physical integrity of the population, added Mr Ait-Ahmed. The ‘complacency’ of the Westerners is explained by their interest in exploiting the resources of oil and gas, an advantage in the hands of the authorities.’<sup>32</sup>

The same paper reported in another issue:

Thus, Hocine Ait-Ahmed, leader of the Front des Forces Socialistes (FFS), having already appealed to the UN General Secretary to send a ‘special delegate’, as well as a commission of inquiry into the recent massacres, asked yesterday the leaders of the French and British governments, Lionel Jospin and Tony Blair as well as other Western leaders, to ‘take immediate initiatives in favour of peace in Algeria’. ‘We are for the internationalisation of the Algerian problem because the authorities in place have been incapable of assuring physical, economic and social security for the Algerians. But we are not for the internationalisation of the solution’, he added. During a meeting with the French daily *La Croix*, Hocine Ait-Ahmed asked the international community to exercise maximum pressure, including economic pressure, on the Algerian authorities to force them to accept opening up negotiations with all the politi-

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cal forces, including the Islamists of the Islamic Salvation Front (FIS), in order to put an end to the violence. It is the first time that the leader of the FFS has launched so direct a call for political and economic pressures on the Algerian government.<sup>33</sup>

## 2.6. Labour Party (PT)

The Labour Party (Parti des Travailleurs) burst onto the political scene in 1989, although it had been in clandestine existence for years. Its political programme is centred on the defence of the workers' rights, social justice and the promotion of individual freedoms. The party opposed the coup d'état of 11 January 1992, the ensuing state of emergency and the banning of the FIS party. It has consistently called for a political dialogue between all the political forces in order to put an end to the bloodshed. It took part in the January 1995 meeting of Rome and signed the National Contract which charts the principles that should govern the resolution of the Algerian crisis and lays the foundation for a political system in which the people shape their own destiny without any form of coercion.

The spokeswoman of the party is Louisa Hannoune, an energetic and indefatigable campaigner for peace and reconciliation. She helps the families of the disappeared and campaigns on their behalf to draw international public opinion to their plight. In a book<sup>34</sup> published in 1996, she lifts the veil on the hidden face of a savage war, in which the atrocities committed are officially attributed to the armed Islamists in order to hide the dreadful violations of human rights committed by the military regime, the wholesale impoverishment and criminal destruction of the Algerian society, its millennial culture, heritage, cohesiveness and humanity. She also denounces the cosmetic tampering with the constitution<sup>35</sup> that could in no way address the root of an essentially political problem that necessitates dialogue and national reconciliation. In this context, she wrote in her party paper, *La Tribune Ouvrière*:

The 'completion of the institutional edifice' has not solved any problem, on the contrary. The matter of Relizane, the deadly attack on the barracks of Larbâa, the succession of indictments of ex-DEC<sup>36</sup> and other government officials for violation of human rights and embezzlement, the bewildering number of disappeared, the complete decay of the economy and the social fabric, a vector of mafia generation and violence, prove, if need be, that no 'solution' is viable if it does not recognise as a priority the return to peace, the respect of human rights, the restoration of the freedom of speech to the people, the whole people, and the satisfaction of the urgent and huge needs of the overwhelming majority.<sup>37</sup>

The Parti des Travailleurs (PT) has consistently called for dialogue and a peaceful solution to the crisis. Its representative Benmohamed said: 'The priority is to put an end to this war'. To this effect, he proposed the organisation of an Algerian national conference for peace and fraternity in order to establish true democracy.<sup>38</sup>

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### 3. Non-Governmental Organisations

The number of political associations, social organisations and artistic movements in Algeria has soared since the coup d'état of 11 January 1991. These organised bodies, all more or less associated with the regime, are well funded, have easy access to the media and are 'consulted' by the authorities whenever major political decisions are taken. Despite their specific constituencies and particular political hue, they all have a common denominator: they support eradicationism, the official doctrine of the generals in Algeria, a euphemism for political genocide and the physical elimination of the ideological opponent. Nothing can be said or done without the approval of the ubiquitous *Sécurité Militaire* and the latter has learnt the crucial lesson from the outcome of the first round of the general elections of 26 December 1991. The FIS, a party over which it had no control, won a resounding victory. That event posed a threat to the interest of the generals and their respective clients and circles in the machinery of the State. Since then, the *Sécurité Militaire* set out to initiate, infiltrate, encourage and fund all kinds of 'independent' organisations. In fact, these bodies serve to generate sufficient background noise and agitation in order to give the impression of a democratic system based on freedom of association and political choice. The aim is really to prevent the rise of any genuine political movement that can articulate the grievances and aspirations of the people and channel their energy towards the establishment of a just form of government. Indeed, whenever there are calls for peace and national reconciliation, these organisations rise with one voice to frustrate them. They have constantly thwarted any attempt, including the National Contract, aimed at finding a political solution to the crisis. These organisations are nothing but an extension of the DRS, which uses them to preserve the narrow interests of the generals and the various mafia-bodies associated to the military regime.

Just as there are no independent organisations in Algeria, there is also no free press. The last truly free newspaper (*La Nation*) was shut down at the end of 1996 because the authorities could not tolerate the expression of independent opinions that did not promote eradicationism. In the words of an Algerian journalist, who preferred anonymity for fear of reprisals

There is no more free press in Algeria: hardly few concessions that allow the government to boast freedom of the press to the outside world in order to improve its image. Moreover, the generals know very well that, without a small breath of freedom, the country would be a pot under pressure and the situation would become explosive.<sup>39</sup>

Given the nature of the non-governmental organisations, it is no wonder then to find their reactions in tune with the claims of the generals. They all blame the Islamic armed groups for the massacres and oppose any call for

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an independent commission of inquiry. To illustrate the point, the reactions of some of them are reported here.

### **3.1. Algerian Rally of Democrat Women (RAFD)**

The RAFD (*Rassemblement Algérien des Femmes Démocrates*) is led by Leila Aslaoui, a former spokeswoman of the military regime and a passionate advocate for eradicationism. Sadly, her husband was killed in the troubles, but the tragic experience could only entrench her eradicationist convictions. In 1995, the movement staged a mock trial of opposition leaders such as Abbassi Madani and Ali Benhadj, Anwar Haddam and Rabah Kebir, as well as the deposed president Chadli Benjedid for legalising the FIS in 1989. In February 1995, the movement announced its intention to file a lawsuit in the United States against Anwar Haddam, on behalf of the civilian victims of the political violence in Algeria.

In a statement,<sup>40</sup> RAFD expressed its solidarity with the struggle of the Algerian women, condemned fundamentalist terrorism, asked the European governments to stop giving asylum to ‘terrorists’ and refused any interference in the ‘internal affairs of Algeria’. The movement has strong links to a clan within the military Establishment that advocates and implements a policy of physical elimination of the political opponents as well as their families. This clan always accuses the civilian authorities of not doing enough in terms of repression and eradication. The RAFD, being allied to this clan, subscribes to this eradicationist vision and accuses the authorities of complacency in the fight against ‘terrorism’. In a statement, the movement declared: ‘The fundamentalist assassins increase the pressure on the Algerian people’ and ‘the aggravation of the security climate contradicts violently with the triumphalist declarations of the authorities’.<sup>41</sup>

### **3.2. Association of the Executives of the Civil Service (ANCAP)**

The ANCAP (*Association Nationale des Cadres de l’Administration Publique*) controls the administration at the national and local levels and operates outside the control of elected officials. The regime uses it as an instrument for implementing its policies and for monitoring various segments of society. Its reaction reflects the official versions of events. In a statement, the ANCAP condemned the horrible slaughter by the terrorist hordes and castigated the acts of certain parties which stopped at nothing in order to ‘destabilise the institutions of the Republic’ by outdoing each other in their declarations.<sup>42</sup>

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### **3.3. Association of Victims of Terrorism (Djazairouna)**

This association opposes any drive towards dialogue and national reconciliation and blames the Islamists for all the committed atrocities and massacres. Leila Aslaoui, who leads the above mentioned Algerian Rally of Democrat Women, plays a major role in shaping the political stance of the movement.

In a released statement, the Association of Victims of Terrorism expressed its conviction that the disconcerting facility with which the aggressors acted as well as their repetitive methods might raise doubts as to the motive and identity of the authors.<sup>43</sup> During a debate in the European parliament on the situation of human rights in Algeria, Leila Aslaoui criticised Amnesty International for its use of 'armed opposition' in its reports. She went on to say: 'We, in Algeria, know who kills us and who protects us [...]. Yes, there are excesses, abuses of rights, people who disappear and torture. But these are isolated cases. There is no institutionalisation of the abuses'. She then went on to ask the parliamentarians 'not to misunderstand the struggle or the target'.<sup>44</sup>

### **3.4 Algerian Medical Union (UMA)**

The UMA (Union Médicale Algérienne) has assumed prominence since the military coup of 11 January 1992. All the doctors who do not support the military regime are barred from standing for office within the organisation's ruling body. Like most such organisations, it is but a front for the military regime and hence supports eradicationism. In a statement, the Algerian Medical Union (UMA) claimed to be horrified by the collective massacres and the crimes of rare savagery perpetrated by the criminal terrorists and mercenaries against defenceless children, women and old people.<sup>45</sup>

### **3.5. Algerian League for the Defence of Human Rights**

The LADDH (Ligue Algérienne pour la Défense des Droits de l'Homme) is the exception that confirms the rule of the non-existence of independent organisations in Algeria. The League has been a constant thorn in the back of the military regime which responded by creating its own league and observatory of human rights. In the Algerian landscape of cruelty and horror, the LADDH stands as a beacon of hope and humanity. It reminds the universal conscience that even on such a harsh and inhuman soil there are men and women of honour and integrity who, despite the constant threat to their lives, continue to defend the rights of man and to speak out against the evil inflicted on humanity.

Maître Ali-Yahia Abdennour, president of the LADDH, depicted a bleak picture of the situation of human rights in Algeria in an interview with *La*

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*Tribune de Genève.* The questions of the reporter together with the answers are reproduced below:

Maitre Ali-yahia Abdennour received us at home, in his apartment which dominates the bay of Algiers. It has been several months now since he has visited his cabinet at the centre of Algiers or has pleaded in the courts. Since the killing of Maitre Fathallah, President of the rival league considered to be close to the authorities, he lives practically underground.

Maitre Ali-Yahia Abdennour has spent months in prison in 1985 for having created, during the one-party regime, the first league of human rights for which he remains president. Since then, and at the age of seventy, he is still one of the most resolute and active adversaries of the regime.

Question: Within a few weeks, more than 300 citizens have been savagely slaughtered in the region of Blida. Why these particularly horrible massacres affecting peaceful citizens?

Answer – Y A: To be able to understand what is happening, I think one should go back to the year 1994. At that time, the government had launched the policy of the ‘out-stretched hand’ through which it proposed to the ‘stray’ Islamist insurgents to lay down their weapons in exchange for amnesty. The security services had brought heavy pressure to bear on the families of those who had taken to the hills so as to force them to come back. But the operation had been a failure. Once the deadline given to the ‘stray’ to return to the fold had expired, the security services attacked the families of the ‘terrorists’, appropriated their properties and imprisoned many of them on the grounds of ‘supporting terrorism’.

Question: What assessment do you make of the human rights situation in Algeria after five years of emergency state?

Answer – Y A: 190,000 dead, 461 disappeared identified by the League, 20,000 prisoners crowded in filthy prisons under inhuman conditions, the regression is so general that it takes the dimensions of a genocide. Torture is systematic. It has become an administrative method of work for the security services which consider it to be the best way of obtaining information. Extra-judiciary killings have become commonplace. The special courts have gone but their legislation has been extended to all the courts of the land.<sup>46</sup>

Maitre Ali-Yahia Abdennour is conscious of the genocidal enterprise of the generals in Algeria. They are determined to kill huge numbers of people in order to remain in power. In a meeting in Madrid, he spoke of massive violations of human rights and concluded: ‘This is the consequence of the security policy of President Zeroual and the “eradicators” who want the peace of cemeteries.’<sup>47</sup>

#### 4. Public Personalities

The military regime has enlisted the support of journalists, civil servants and trade union officials in its war against its political opponents. Its propaganda machine wants the world to believe that civil society, intellectuals and scientists are behind its ‘enlightened’ policies. The persons who have rallied to its

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defence acquire miraculously the title of ‘democrats’ or ‘intellectuals’ while those who fail to support it or choose to oppose it are at best denied these prized attributes. Instead, they can make do with a different list of attributes: ‘fundamentalists’, ‘obscurantists’, ‘terrorists’ and ‘infra-humans’. No amount of erudition, scholarship or intellectual ability entitles them to state their opinion or to be heard. Despite terror, intimidation and physical danger, many prominent personalities have spoken up against the crimes of the regime, denounced the massacres and called for an international commission of inquiry.

#### **4.1. Omar Belhouchet**

Omar Belhouchet is the editor of the daily newspaper *El-Watan*. He was an unknown figure prior to the January 1992 putsch, but since then has become one of the main ideologues of the military regime and maintains close ties with the security services. This explains why the newspaper he edits is quite well informed on security matters. Belhouchet is one of the pillars of the military regime. He constantly argues the case of the generals, vilifies the Islamists, and accuses them of all the evils that beset Algeria. He is a powerful exponent of the eradicationist cause. In his paper, *El-Watan*, he wrote:

A first fact, the armed Islamist groups, whose members belong to the FIS, have declared war on the Algerian people. To combat terrorism is also to combat the ideology that has produced it, i.e. fundamentalism. The building up of a credible state that respects the rights of its citizens must also be borne in mind. Algeria confronts a terrorism that derives from a political party. This terrorism has the potential to last and harm the country, its women and men. This terrorism is by no means technically and militarily defeated but, fortunately, it is rejected and disavowed by the population.<sup>48</sup>

Like all the eradicationists, Belhouchet blames the Islamists for the massacres without producing any evidence to corroborate his accusations

Those, under the name of the FIS, who opened the way not long ago to violence, stain the word ‘Islamism’. We cannot turn our back to truth. To say ‘one does not know who are the killers’ has no meaning. [...] Children are being slaughtered and decapitated in the name of Islam. The justifiable rejection (of an international commission of inquiry) should not hide in any way the crimes committed in the name of Islam.<sup>49</sup>

#### **4.2. Ahmed Ben Bella**

Ahmed Ben Bella, the first President of independent Algeria, assumed power from 1962 until he was toppled in 1965 and jailed by his defence minister Houari Boumediene. He spent the whole period of Boumediene’s reign in prison until the latter’s death. He was released from detention when Boumediene’s successor Chadli Bendjedid took over. After his release, he went into

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exile and set up a political party, the MDA (Movement Pour la Démocratie Algérienne). Ben Bella returned to the country after the events of 1988 which led to the end of the one-party state era. Ben Bella opposed the military coup of 11 January 1991 and condemned the interference of the military in politics.

Ahmed Ben Bella accuses the army of engineering the massacres and holds it responsible for the tragedy that engulfs Algeria. In a despatch from Vienna, *Agence France Presse* reported the following reaction from him:

The former Algerian President, Ahmed Ben Bella, declared on Wednesday that 'Algeria can only overcome the crisis through a dialogue with all the forces that seek peace', in an interview with the daily *'Kurier'*. 'A dialogue between the government and the Islamic Salvation Front (FIS) is necessary', he added. According to Ben Bella, 'Most of the Algerians believe that the army as well as the secret service organise the massacres'. 'The government is controlled by the army. It is criminal that the government can commit massacres like the GIA (Armed Islamic Group) even though it is the guardian of the law. The government and the GIA are the only ones responsible for the massacres. The FIS is not responsible', declared the former Algerian leader. 'I do not belong to the FIS and I do not defend its ideas', he clarified before stating that a dialogue without the FIS would lead nowhere.<sup>50</sup>

### 4.3. Ahmed Taleb Ibrahimi

Ahmed Taleb Ibrahimi is the son of one of the intellectual giants of the reformist movement in Algeria. He took part in the liberation struggle and was jailed by the French for his actions. After independence, he occupied several ministerial posts. He is best remembered as a skilful foreign affairs minister and has not been tainted by any whiff of corruption. Despite having served in many governments since independence, his integrity has remained intact, unlike many of his generation who failed to live up to the ideals of their youth, or who succumbed to the trappings of power and ended up pillaging the country and betraying the people in the name of which they fought and militated so eagerly in order to put an end to the French occupation.

In a speech before the FLN congress, Ibrahimi declared:

What is more dangerous is that years of violence and repression have produced a new mentality for which the victims have become but frozen numbers that add to each other in arithmetic operations which allow only addition and multiplication but no subtraction.

All of us have to condemn, with the utmost vigour and without any reservation, the butchery, burning, killings and the forcible removal of citizens from their homes, especially in remote villages. We condemn also the sabotage of public property, the pillage and destruction and the attacks on the Christian community through the assassination of one of its leaders and its monks. Among others, we question ourselves: is the State really incapable of protecting its citizens, putting an end to the series of massacres and sparing the country the dangers of the creeping internationalisation which constitutes the worst of all possible outcomes.

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At the same time we condemn all forms of human rights abuses, whether they are political, economic or social, and the breach of public freedoms, because we belong to a country which suffered colonial injustice. We should not humiliate the dignity of any citizen. With as much conviction, I think that this congress is called upon not to forget another tragedy which has deprived thousands of families from sleep since the beginning of the violence, namely the disappearance of hundreds of their sons in obscure conditions that should be clarified in order to arrive at the truth.<sup>51</sup>

The degradation of the security situation in all its forms has been further complicated by the distribution of weapons to a section of the population, thus putting new obstacles in the way of any durable political settlement and in turn feeding the germs of civil war. Indeed, violence in parts of the country is no longer motivated by political considerations but is used to settle accounts and as a method for quick enrichment and easy gain as well as an instrument for the domination and control of people's lives.

#### 4.4. Abdelhamid Brahimi

Abdelhamid Brahimi was a freedom fighter during the war of liberation. After independence, he assumed many positions in the government, culminating in that of Prime Minister (1984-1988) under President Chadli. Brahimi is one of the rare officials who have not been tainted by corruption. He is also an economist who has written extensively about the economy of Algeria. Nowadays, he lives in exile in London. He remains a member of the FLN party but disagrees with the party leadership that he feels has sold the soul of the party to the military junta.

Brahimi knows personally the generals who run Algeria and what they are capable of. He has also friends among retired generals who are privy to secrets and indiscretions. He has constantly accused the generals of responsibility in the massacres. In an interview with the London-based *Al-Hayat* newspaper Brahimi said:

The Algerian security services are responsible for the massacres in Algeria and for carrying out a series of bomb attacks in France in 1995. The state organises terror and the Armed Islamic Group (GIA) is part of the regime. Brahimi said the bomb explosions in France in 1995 and 1996 were the work of the Algerian secret services. He also added that a senior French official informed him that France was aware of the responsibility of the Algerian authorities. He also pointed out that the same source revealed to him that the French President Jacques Chirac wrote to the Algerian President Liamine Zeroual warning him that France would not accept in the future to see the Algerian authorities exporting terrorism to France.<sup>52</sup>

Brahimi is categorical about the perpetrators of the massacres. According to him, the military junta is massacring Islamists and their families and putting the blame on the Islamists. He told John Sweeny, an investigative journalist working for *The Observer*, the following:

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The Algerian Junta is killing Islamists and blaming it on them. It's machiavellian. The massive killings are always among the fundamentalists in the area where they are strongest. I knew some of the people killed in Medea. They were part of my family. The killers knocked on the door at night. They cut the throats of the father, his sons, daughters and a boy aged one. The family were well-known moderate Islamists. They voted for FIS in the 1991 elections. One of the sons was elected as a FIS Member of Parliament. He fled to the mountains. The message sent by the army and the Sécurité Militaire is clear. But everything happens in secret. You cannot find any official information, only that there is a reign of terror. Brahimi was especially critical for France's support for the junta.<sup>53</sup>

In an interview with *The Herald Tribune*, he highlighted the crimes of the military junta and the oppression of the Algerians.

There will be no change. Not only was there a massive fraud by stuffing ballot boxes by government officials, but mainly because the overwhelming majority of the Algerian people do not trust the present regime. Algerians do not understand the silence in Europe about developments in Algeria over the past five years. Algeria is only a two-hour flight from most major European capitals yet tens of thousands of innocent people can be killed without any notice being taken. This is something nobody can understand in Algeria. Algerians are wondering if they are considered as sub-humans. The very least the European countries, and especially the United Kingdom, can do, is to take a public position on two fronts: first, condemn the present regime's human rights policy and, specifically, the lack of freedom of speech and political expression. Second, they should encourage a return to the democratic process in Algeria, through dialogue between the regime and all the representative political parties without any exclusion of individuals.<sup>54</sup>

Brahimi went further in his accusations of the military junta. In an interview granted to a Moroccan newspaper he named three specific generals. When asked about the decision of the Algerian generals to sue him for accusing the army of being behind the massacres, he replied:

Before answering your questions, I need to clarify the following. In all my declarations I have never accused the Algerian army as an institution. I have accused three generals: general Mohamed Lamari, the Chief-of-Staff, general Mohamed Medienne, known as Toufik, and general Smain Lamari. These three individuals are responsible for all the massacres that have taken place since a year and a half. These three generals are behind the creation of the militias whose strength exceeds that of the army. The strength of the militia exceeds today 200,000 persons whereas the strength of the regular army does not exceed 170,000 persons. The 170,000 persons are not involved in the repression of the Algerian people. This task falls to the militias which act directly on the orders of the three generals. These three generals set the objectives to be achieved. As to the armed Islamists that the media keep talking about, everybody knows that the military wing of the FIS, the AIS has always condemned in all its declarations the targeting of civilians and foreigners and has concentrated its actions solely on military targets.<sup>55</sup>

When the interviewing journalist remarked that the AIS declared a truce in October 1997, Dr Brahimi went on to say:

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Precisely, despite this truce, the massacres have continued all the more and have even increased in horror and ferocity. We are told that the GIAs are responsible. But who are these GIAs? I can assure you that these GIAs are infiltrated and manipulated by the security services and that some Islamist Groups have been created by the security services. We have reached a situation where two forces led by the same instigators confront each other: the militias, and the GIAs which act, so the propaganda says, in the name of Islam. These GIAs, I repeat, are the extended arm of the military security services. The targets are, as if by chance, civilians who had voted for the FIS in 1991 and who are considered by the military security to be the electoral bastion of this party. We are witnessing posthumous revenge and settling of scores.

Brahimi has alerted the international public opinion to the genocide in Algeria through testimonies before human rights commissions and press interviews. In 1997, he sent the following letter to the British Trade Union Congress (TUC), which gathered in Brighton. In the letter, he spoke of the tragedy of the Algerian people and asked for the support of the TUC.

The Algerian regime has been carrying out a severe repression policy for almost six years. More than 100,000 innocent Algerians have been killed since January 1992. The collective massacres organised by the governmental militia since 1995-96 reached an average of 1,500 killed per week in August 1997. The regime continues to use force as a means of countering the political ideas and beliefs of people.

Since 1992, the people of Algeria have been subjected to terror, pauperisation, injustice, arbitrary arrest and extra-judicial executions. The violations of fundamental human rights by the military regime, as well as the violations of individual and collective freedoms, have become the tragic daily reality of a large number of people. Throughout this period, the economic and social situation has dramatically deteriorated. Poverty has spread throughout, while the middle class has disappeared. This clearly indicates that the present regime does not wish to establish a democratic process, or to accept alternation of power, since it rejects the popular verdict and the Algerian people's sovereignty. Since January 1995, all the political representative parties have been calling for a genuine dialogue with the regime to prepare for a democratic transition and to end the bloodshed. Instead, the regime, internally isolated from the people, is escalating its policy of repression.

The Algerians do not understand the silence of Europe on developments in Algeria over the last six years. Algeria is only a two-hour flight from most major European capitals and yet tens of thousands of innocent people can be killed without any notice taken. This is something nobody in Algeria can understand. We hope that the TUC can bring the Algerian crisis onto its agenda. We hope that the TUC will condemn the present regime's human rights policy and, specially, the lack of freedom of speech and political expression. The TUC could also encourage a return to the democratic process in Algeria, through a dialogue between the regime and all the representative political parties without any exclusion.

#### **4.5. Salima Ghezali**

Salima Ghezali started her career as a French teacher. With the political liberalisation of 1989, she embarked on a journalistic career. She worked first in

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a women magazine (*Njyssa*) before becoming director of the genuinely independent newspaper, *La Nation*. The paper was shut down in early 1997. In 1996 she received the award of 'Editor-in-chief of the Year' from the World Press Review in recognition for her constant advocacy for a political settlement between the regime and its opponents. In October 1996, she was awarded the Human Rights Prize of the American 'Rothkoe Chapel'.

*La Nation* was the only paper that did not toe the official line; it sought to articulate the views and opinions of the silent majority outside the influence of factions and vested interests. It was a quality paper that did not peddle the junta lies, convey disinformation, or rationalise eradicationism like the rest of the other papers. The suspension of *La Nation* is a vivid reminder that no 'free press' that is not sponsored by a powerful military clan can exist in Algeria. The European parliament awarded Ghezali the 1997 Sakharov Prize for her struggle in favour of freedom and free expression in Algeria. In a speech before the European parliament at Strasbourg, she said:

The political will of granting non-equivocal support to a ravaged people whose claims are essentially for peace and dignity assumes taking a risk. The risk has to be taken in the face of a regime that needs war to survive, in the face of a conjunction of 'business clans' that, on both sides of the Mediterranean, shamelessly reap the benefits of corruption, in the face of a kind of 'numbness' that prevents a sincere human solidarity when it comes to Islam...<sup>56</sup>

Salima Ghezali was once asked the following question: 'Can one be a journalist in Algeria?' To which she replied:

Two subjects are taboo: true corruption and everything that has to do with the war. Naturally, no one will prevent you from writing pages and pages on the 'patriots'<sup>57</sup> who take up arms to oppose the 'terrorists'. But try to write about the fighting, the disappeared, the role of justice and the insecurity in general: it is simply unthinkable. Everything that is printed must be cleared by the communication cell of the interior ministry.<sup>58</sup>

In *The International Herald Tribune*, Salima Ghezali accused Algeria's military-backed government of promoting 'fictions' about the sources of violence that has ravaged the country. She was quoted: 'It is the uncomfortable truth that extremist tendencies and fascist beliefs can be found just as much among Algeria's secularists as among the fundamentalists.' She criticised the Algerian government for its repressive methods and its failure to enter into a dialogue with its Islamist opponents. Given the censorship laws which require that all reporting on the violence be based on official figures distributed by the Interior ministry, and which strictly prohibit any contact with Islamic groups, there can be no other version of events inside Algeria. Mrs Ghezali went on to say:

One should stop hiding behind the smokescreen of the Islamists. There are Islamists and there are Islamic terrorists, there is a terror practised by criminals, and there is a

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terror sustained by the government in defence of its power. We should try to identify the source of the violence, and see who profits from it. The worst thing in a modern crisis is to think one can have good guys on one side, and bad guys on the other. We are not dealing with two different camps. It is not an ideological battle, as it is often portrayed in the West. It is a violent breakdown whose victims we can't see, and don't hear.<sup>59</sup>

Mrs Ghezali described the difficulties in trying to penetrate the mysteries surrounding the ongoing massacres, including the reasons that local government troops and police fail to intervene even when the killings are taking place in the vicinity of their own installations. 'They always claim that it is because there are mines all around the area. But then when it is all over, the mines never explode.'<sup>60</sup>

#### **4.6. Appeal of Algerian Intellectuals**

One hears a lot about 'democrats' and 'intellectuals' in Algeria. A caste system has been in the making over the last seven years in Algeria. In this thriving apartheid, it is not erudition, scholarship or a sound track record in research and publications that determine one's belonging to the new priesthood of 'democrats' and 'intellectuals'. All that is necessary to qualify for the prized title of 'intellectual' is to be a pen-pusher in the service of the generals. The latter have decreed an edict that their opponents cannot assume the title of 'intellectual' and if anyone usurps that title, he becomes ipso facto a 'terrorist'. The same goes for the 'democrat' attribute. As Lahouari Addi put it: 'The attribute "democrat" has undergone a semantic shift in the media and henceforth, it designates individuals or opinions that set themselves apart from the Islamists. The RND, the FLN, or indeed, the army are called "democrats".'

So, when the 'field' intellectuals, to paraphrase Malcom X, speak out against the atrocities committed against their fellow citizens, condemn the massacres and call for an international commission of inquiry, at best, they are dismissed as naive and at worst are accused of being 'closeted terrorists'. By contrast when the 'house' intellectuals speak out in support of the junta, they are showered with money and sent abroad to counter the 'malicious propaganda' of the fundamentalists. The room for manoeuvre of the 'field' intellectuals is obviously limited. Despite the physical danger to which they are exposed, they, however, continue to draw attention to the tragic situation of their compatriots. In what follows, we review some of the intellectuals' reactions to the massacres in Algeria. We start first with those of the 'house' intellectuals. Their reactions are full of hatred and intolerance and are simply calls for the mass murder of the regime's political opponents as exemplified by the following typical appeal of self-styled 'national intellectuals' headed by the writer Mohamed Dib.

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We, national intellectuals, producers and reproducers of culture and sciences, who cherish Algeria because it is our only country and we expect our children to live in it freely and in security,

condemn in an uncompromising manner terrorism and refuse the term 'political violence'. Terrorism has lost today any political dimension. It is the work of groups who have lost the sense of Algerianess, Islam and humanity. They have become infra-humans since they are capable of killing father and mother; Algeria asks them to give up their arms and submit to the laws of the republic. Otherwise, we say with a brutal frankness, that only the suicidal confrontation with the security forces remains;

support with utmost firmness and without ambiguity, the action undertaken by our republican security forces to have done with terrorism. In the terrible war they wage against the heartless infra-humans, we say to them that they are not on their own and that they have the support of society and its national intellectuals;

denounce the hypocritical language on 'the cessation of violence of whatever origin'. We state, that there are two radically different forms of violence: the terrorist infra-human violence and the legitimate defence of citizens exercised by the institutions of the State to ensure order and security;

salute the calm courage of thirty million Algerians, men and women who have allowed the defeat of terrorism, simply because they have refused to be terrorised;

share in the grief of the families of victims of terrorism and ask the State to intensify the help it gives to them;

call on the international community to support clearly our State in its fight against terrorism;

state our lucid confidence in the possibility of a new impetus by the Algerian society on the basis of the liberation of the creative effort of all its men and women.<sup>61</sup>

The 'house intellectuals' are inflaming a situation which is already causing too many deaths and much destruction and misery. The generals are cruel enough to carry on with their macabre business. What are needed are voices of reason and humanity such as the ones that are reviewed below.

A group of intellectuals, including the eminent historian Mohamed Harbi and the sociologist Lahouari Addi, have made the following appeal.

The Algerian people have been living daily in fear for several years. Tens of thousands of victims have already been listed by several international and Algerian organisations. The last massacres of villagers and travellers have provoked the indignation of the international community.

All the reactions (intellectuals, journalists of many countries and particularly the declaration of the United Nations Secretary General, the Director General of UNICEF, as well as non-governmental organisations such as Amnesty International, the International Federation of the Leagues of Human Rights) have expressed the emotions of public opinion and international solidarity with the suffering of the Algerian people. These declarations express the readiness of these persons and organisations to act in favour of the respect of human rights and the democratic freedoms in Algeria. In the darkness that surrounds the country, this solidarity is felt as a glimmer of hope, a consolation and a landmark by the ravaged population.

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While the government is constantly stating that terrorism has been defeated, insecurity spreads over a big part of the country. The government deploys considerable security forces for certain operations, and in particular to organise elections that it manages to control, but refuses to set up patrols to prevent, or stop massacres even when these crimes are committed for several hours within a few hundred yards from the big barracks.

The Algerian people have the right to know by whom and in which conditions these crimes are perpetrated and why no protection is assured to the citizens. Only an impartial and independent international commission of inquiry can now answer the expectation. The objective of the international commission of inquiry would be to shed light on the massacres, the bomb attacks and the human rights violations and to help in the determination of responsibilities.

The arguments according to which the constitution of such a commission would be an infringement of the sovereignty of the Algerian State does not stand up to any analysis. Indeed, the aim of such a commission is to establish the facts and to search for the truth, and no well-intentioned government should refuse it as this practice is widely accepted by the international community. It is neither a recourse to force nor a threat against the sovereignty of the State in the meaning of article 2 of the UN charter. The constitution of a commission of inquiry cannot be considered an interference in the sovereignty of the State.

In international law, in any case, the State has grounds for invoking sovereignty in so far as it has the capacity to organise and protect the populations living in the territories that it controls, especially as it is not an external threat that imperils the stability. The protection of the population is a fundamental pre-requisite element in the exercise of sovereignty. In any case, the development of an international protection of human rights in accordance with the Universal Declaration of Human Rights, the United Nations covenants on civic and political rights and on economic, social and cultural rights and the other relevant conventions, make the invocation of sovereignty inadmissible and irrelevant in order to prevent the demonstration of the international solidarity in favour of populations whose rights are massively violated on a repetitive basis.

The universal dimension of Human Rights is clearly affirmed in the international conventions ratified by Algeria. The universal dimension means that the human rights must be enjoyed by all men and women regardless of their political persuasion, religion or any other convention. It means also that the international community can and must show its active solidarity with the Algerian people, especially when the rights to life and the physical and moral integrity of the people are violated. Furthermore, the massacres of villagers, college students and travellers by armed groups are perpetrated at a time when the population is experiencing the ravages of an economic and social policy dominated by racketeering and corruption which increases unemployment and aggravates the conditions of life of the vast majority and socially excludes a big part of the youth. This policy has thrown large sections of the population into despair.

In these conditions, only an independent and impartial international commission can have the necessary moral credit to shed light on what is going on in Algeria.

The initiators of this appeal ask all the persons who approve of this text to append their signatures to it.<sup>62</sup>

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#### 4.7. Call for Peace in Algeria against the Civil War

Another appeal was also made by a number of persons who were concerned by the atrocities and the sufferings to which the Algerian people were subjected.

Where is Algeria heading? Two forces combat each other. The State on one side and the armed Islamic groups on the other side. War and violence have assumed an unprecedented scale, especially since the proliferation of militias in urban and suburban zones. Censorship of the information does not always allow the gauging of their role in the tearing up of the social fabric particularly when we know that the State owners, in their effort to achieve a better control of the situation, encourage the segmentation of the political and regional forces by exploiting the ethnic identity factor.

The tensions that opposed the State and society, more particularly since October 1988, had no reason to break out from the peaceful framework where they expressed themselves. It was the authoritarian State which, through its policy and since the elections of December 1991 upset the terms of the conflict by blocking any progress towards the democratisation of the country.

The army chiefs who have captured the State to their benefit sustain a project which is based solely on the confiscation of the oil revenues and personal enrichment. They freely enjoy the power that their position confers on them. Their refusal of any serious dialogue with the political opposition is a well established fact. Therefore, it is not without reason, that Algerian public opinion does not respond to their calls and considers them to be a menacing force that does not emanate from the people.

The opposition armed groups which confront the army claim an exclusive Islam and are in a situation in which they are responsible neither to a political authority – the State had repressed, broken and dispersed them– nor to society. Thus can be explained their military practices which are identical to those of the military and the militias, the reprehensible massacres, the application of the principle of collective responsibility on entire families.

The responsibility of the ‘international community’ in the evolution of the tragedy cannot be underestimated. France notably could not have interfered in the Algerian affairs with a clear conscience by developing ties with the Algerian military through networks and military nests if it was not invited to do so. The time of murky games is over. It is our duty to denounce them and to expose them.

Algerians and friends of the Algerian people, believers in the fraternity and co-operation among peoples on the basis of equality, we think that a more vigorous and a more sustained action of French and international public opinion in favour of peace is a necessary, though not a sufficient condition, for the Algerians to reconcile themselves and to foster a common will in order to rebuild the shattered country that is being ravaged by a civil war which has lasted too long.<sup>63</sup>

#### 4.8. Call for Peace

The following call for peace was made by a group of prominent Algerians who were eager to see an end to the violence and to promote peace and reconciliation among Algerians.

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The Algerian people has at all times expressed its aspiration for peace in unity, freedom and solidarity and has shown its attachment to the preservation of its State, the safeguard of its sovereignty and the defence of its fundamental rights. In other respects, it has proved its capacity to assume political pluralism in its diverse opinions, sensibility and vision. Now, for five years, the country has experienced a grave situation. The Algerians live a tragedy:

- tens of thousands of dead, of disabled, of widows, of orphans and of political prisoners, victims of the cycle of violence and repression. Far from receding, the violence takes new forms, exacerbates and extends dramatically;
- insecurity and fear reign in society;
- closing down of the political and media fields, violation of human rights, confiscation of freedoms and breaking up of the élite;
- detrimental malfunction of the State services, pressures and threats on the executives;
- destruction of the economy, aggravation of the external and internal debt, collapse of the value of the Dinar;
- unemployment and increasing dismissals, alarming academic exclusion, accelerated impoverishment;
- loss of direction, resurgence and instrumentalisation of regionalism.
- In this climate of insecurity and coercion, under the rule of the state of emergency, and in the absence of the Popular National Assembly and free debate, a revision of the constitution is proposed which, under the pretext of restoring the stability of the State:
  - reinforces presidential and administrative powers;
  - concentrates all the power within a reduced sphere;
  - confiscates the constituent power of the people;
  - restrains notably the rights and freedoms of the citizens;
  - neutralises the legislative authority and places the judicial authority under tutelage;
  - segments and confiscates the Algerian identity.

This revision cannot mend the fractures and exclusions, eliminate hatred and resentments, still less bring about peace and security. It will aggravate and further sustain extremism and violence. It is a dangerous process which is in a flagrant contradiction with the Declaration of November 1954.<sup>64</sup>

In the absence of peace, demanded with insistence during the last national poll, the security situation is condemned to deteriorate, the economy to collapse, poverty and social destitution to settle durably and our dependence to aggravate.

The establishment of a global and definitive peace requires a dialogue that is transparent, frank and open to those who express their wish to contribute. The immediate and unconditional cessation of acts of violence, the lifting of the state of emergency, the release of the prisoners of opinion, the opening up of the political and media fields, are the guarantees for a return to civil peace, democracy, stability and development. Because only peace can create the conditions likely to preserve

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the life of the Algerians, to guarantee individual and collective freedom, to bring the country out of the crisis, to safeguard its autonomy of decision and to implement the great political and economic changes and the social and cultural progress. This is why it is more urgent to get involved and to act to impose peace, to lead society to overcome its tragedies and fractures and to allow the people to dress their wounds and the citizen to enjoy his freedom and security.

In order for the return to peace to materialise and for the killings, exclusion, extremism, internment and the fratricidal confrontation to end, it is urgent and vital to allow the good wills to express themselves, the mistrusts to fade away, the doubts to lessen, and all the political and social forces to gather, mobilise and become involved.

The mobilisation of Algerians, men and women, along with all the political and social forces, is crucial to the quest for a political solution that will restore peace, national cohesion, the stability of the institutions and that will assure, in the framework of a law-abiding State, the security of property and persons. Thus, the ideal of freedom for which our martyrs sacrificed themselves will be concretised.

Violence is not an inevitability. Peace is possible. Hope is allowed.<sup>65</sup>

## 5. Miscellaneous Reactions and Testimonies

The Algerian tragedy has projected many persons into the limelight: defecting secret agents, soldiers, policemen, diplomats, lawyers, journalists, social scientists and researchers. Every person is eager to tell his story. The testimonies of defecting soldiers, secret agents and policemen, that were reported by newspapers such as *Libération*, *The Independent*, *The Observer*, etc. give a view from the front line of repression. They paint a gruesome picture in which ordinary civilians are the object of unspeakable atrocities. Lawyers such as Tahri, Taouti, Bouchachi, Khelilli and countless others have courageously denounced the use of systematic torture in the barracks, jails, detention centres and secret locations of the military regime. Ordinary Algerians are shaking off the fear that has gripped them for many years and are starting to inquire about the fate of their disappeared relatives. The lid on repression is finally starting to crack. The reactions of an Algerian journalist, a member of the secret service, a diplomat and an academic are reported here.

### 5.1. Rachid Messaoudi

Rachid Messaoudi is a London-based journalist who has been following the events in Algeria closely. He is well-placed from his contacts with the exiled community to know what is happening in Algeria. Messaoudi has researched the 'dirty war' waged by the generals on the Algerian population and arrived at the conclusion that the massacres and killings are in keeping with a pattern of the regime's counter-insurgency strategy. In an article published in a London paper,<sup>66</sup> he wrote:

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There is today ample evidence that the Algerian people's tragedy was initiated by France; that the French have actively assisted the Algerian generals, the erstwhile sergeants in the French army, to organise and carry out the present massacres, and that they played an instrumental role to misinform the world about it by turning the truth upside down. By an artifice that only the French political establishment and their media know very well, those who resisted the cancellation of the Algerian people's choice have become the terrorists, and the pro-French army fat cats who have carried out the current bloodshed have become the legitimate masters of the Algerian people.

He also wrote:

The reason why a commission of inquiry into the massacres was rejected by the Algerian generals, who were backed by Paris, is not difficult to understand. The commission will carry out a thorough investigation and its findings will be made public. Maître Bacre N'Diaye, the UN Rapporteur on Extra-Judicial Summary and Arbitrary Executions, is believed to have been trying for three years to obtain the green light from the Algerian government to start investigating the butchery which Mrs Mary Robinson, the UN Commissioner on Human Rights, recently described as the 'shame of mankind'. If it is true, as alleged by the Algerian regime, its press and the French media, that the Islamic armed groups, of whatever persuasion, are responsible for the continuing macabre butcheries, not pro-French Algerian security death squads, then why are the Algerian generals afraid of an inquiry by independent UN experts?

## 5.2. Captain Haroun

Captain Haroun is an ex-secret agent in the Algerian army. The appalling massacres of helpless poor people stretched his loyalty to the armed services to a breaking point. He could no longer accept to remain part of a repressive and a criminal military machine which crushes the lives of innocent human beings. He defected and sought asylum in Britain. Captain Haroun has testified before many organisations and parliaments on the involvement of the military regime in the torture and the killings. He made the following declaration on Swiss television:

It is the army which is responsible for the massacres; it is the army which executes the massacres, not the regular soldiers, but a special unit under the orders of the generals. It should be remembered that land is being privatised, and land is very important. One has first to chase people from their land so that it can be acquired cheaply. And then there must be a certain dose of terror in order to govern the Algerian people and remain in power. As the Chinese saying goes: a picture is worth a thousand words. I could not stand the image of a young girl having her throat slit. I could not bear seeing what happened and not tell it. I have children, imagine what this girl had to suffer, the last 10 seconds of her life must have been horrible. I think it is our duty to speak up against this. I speak today in the hope that others would do the same, so that things change, and so that these killings cease.<sup>67</sup>

Captain Haroun testified before the British House of Commons on the implication of the security services in the atrocities committed in Algeria. An

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account of his testimony was published by *The Guardian*, and *The Times*, respectively:

As more bloodshed was reported from Algeria, the country's security services were accused yesterday of conniving in the massacres and of torture. Captain 'Joseph' Haroun, described as a former member of the Algerian secret service, told the Commons all-party parliamentary human rights group that his former colleagues were implicated in 'dirty jobs, including the killings of journalists, officers, and children. They have been taken at the middle of the night to torture centres at Ben Aknoun, Chateauneuf, Cavignac and Salembier', he said. He also claimed that the militant GIA (Armed Islamic Group) has been infiltrated by the Algerian security forces.<sup>68</sup>

*The Times* wrote:

Captain Haroun, using a pseudonym, said as a young officer he had been proud to belong to a service which his father had helped to set up after independence from France in 1962. 'But I found out years later that I was not serving my country but a group of officers desperate to remain in power.'<sup>69</sup>

### 5.3. Mohammed Larbi Zitout

Zitout worked as a first-secretary in the Algerian embassy in Tripoli. He defected in 1995 to Britain where he is living as a political refugee. As a diplomat who was in contact with colleagues in the secret service, Zitout is well informed about matters of security. He could no longer condone the crimes perpetrated by the military junta against a helpless population that has been abandoned to its fate by the whole world. His decision to defect was a courageous one given the fate reserved to the families of the persons who become disaffected with the regime.

Mohamed Larbi Zitout urged Britain<sup>70</sup> to use its presidency of the European Union to put pressure on Algiers. He also declared that the EU should stop deferring to France. On the role of France in the Algerian tragedy, he was quoted as saying: 'In Algeria, France has a long tradition of deafness. But many of us hope that Britain and the rest of Europe will listen.'

In an interview granted to *24 Heures* (Lausanne) and in response to a question on the identity of the perpetrators of the massacres, Mr Zitout declared

It is the special forces which number between 40,000 and 50,000 persons and the hooded crack commandos, nicknamed the 'ninjas', who represent the most blood-thirsty elements among the army, the *gendarmerie* and the police. Their officers are trained in France, Germany and Italy. It is also the work of militias which comprise 200,000 of veteran mujahidīn, parents of victims and mercenaries who have become warlords in their regions. The war is being privatised. These people will never accept a peaceful negotiated settlement. The authorities need to terrorise the population, sufficiently in any case, to remain in power for good. In the same manner that we cannot live without breathing, the authorities cannot survive without terror.<sup>71</sup>

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#### 5.4. Lahouari Addi

Lahouari Addi is a sociologist and a visiting Professor of sociology at the Institut d'Etudes Politiques de Lyon. He has authored books and contributed articles to journals and magazines on the tragic situation in Algeria. His analysis of the army power structure has become a reference work in Algerian studies. He has a talent for untangling difficult situations and identifying the main factors at play.

In an article published in *Le Monde Diplomatique*,<sup>72</sup> Lahouari Addi dissects the structure of the Algerian army and eloquently explains how the army, ever since it toppled the GPRA (Provisional Government of the Republic of Algeria) at the end of the liberation war in 1962, has remained the decision-making body behind the façade of a civilian government. He writes:

If the military hierarchy exercised sovereignty and assumed the role of holder of the supreme authority thus reducing the council of ministers to an executive body in charge of running the administration, it is not for all that a homogeneous structure. The army is made up of several structures which, while formally dependent on the general staff, nevertheless enjoy a measure of autonomy. It is the case for the national *gendarmerie*, the military security, or still the various military regions.

The officers appointed at the head of these structures, establish among peers and subordinates networks of loyalty which increase their independence from the governing authorities

The public authorities – for which the army and the *gendarmerie* represent the secular arm – find themselves thus short-circuited. By an external logic to the official pecking order of the authorities, this conflicting mechanism, which is not obvious to the layman in normal periods, breaks out into the open in times of crises. This is why, for instance, the anti-Islamist repression is waged without coordination, or reference to the laws in force. Special masked units arrest individuals who then disappear without their families ever knowing to which structures of the army belong the responsible elements. If we find ourselves in this situation of lawlessness, it is because the military personnel is trained in the conviction that public peace is part of their own prerogatives. They can therefore act without feeling accountable either to justice or public opinion.

As to the government – including the president – it does not have the necessary authority to punish those in charge of the anti-terrorist struggle. The officers in charge do not report to any body. No judge can autonomously investigate an attack or a killing. Therefore, all forms of deviation are possible. As established by the reports of international human rights organisations, the fight against Islamic terrorism is waged unlawfully. It seems that the hard-liners will not stop from creating a situation of no-return.

To the Islamic Salvation Front (FIS) they have reserved physical liquidation, torture, and collective punishment. With the atrocities attributed to the Armed Islamic Group (GIA), the policy named 'security' has itself also degenerated. The secret services of the army have embarked on a strategy of terror with the aim of bringing the FIS to its knees and then imposing on it conditions in the hypothetical event of a negotiation conceded by the regime.

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## 6. Conclusion

An assessment of the reactions cited above leads to one conclusion. The majority of independent parties, organisations or personalities suspect the military regime of involvement in the massacres in one form or another. They favour the establishment of an international commission of inquiry into the massacres and violations of human rights so that the instigators and perpetrators can be unambiguously identified.

The political parties, organisations or personalities which espouse eradicationism blame the Islamists for the massacres but refuse an international inquiry to corroborate their claims. Their reactions could not be otherwise for they are ideologically motivated and driven by vested interests. Indeed, the eradicationists are part and parcel of the military establishment and have played a significant role in the formation of militias and the instrumentalisation of disinformation in their efforts to demonise their opponents.

The truth about the massacres is bound to come out as a result of inevitable contradictions, rivalries and human greed within the power structure. For instance, the massacres of Relizane were blamed by the Algerian authorities on Islamic groups, yet several months later, the killings were attributed to militiamen. Thus, according to a *Reuters* despatch:

Local officials and commanders of pro-government militias in Algeria have been arrested on charges of carrying out massacres of civilians, Algerian newspapers said on Tuesday. The French-language *La Tribune* and *Liberté* dailies said several local government heads, their aides, and pro-government militia leaders were in custody 'because they were involved in extra-judicial executions' of civilians. The government and Algerian newspapers had reported a series of massacres of villagers in Relizane and the killings of more than 40 civilians in Sidi M'Hamed Benaouda between last November and late January this year. More than 1,400 civilians have been killed in massacres in that period throughout Algeria, including hundreds in Relizane in last January. The government blamed Moslem rebels.<sup>73</sup>

Following this new development, José Garçon wrote in *Libération*:

We could see, in the arrest today of several militiamen, a *de facto* recognition of the 'dirty war' that the authorities make strenuous efforts to deny. But obviously, it is not the aim sought. Since the big massacres at the gates of Algiers and then at Relizane, the military know that they are being watched, though relatively, despite the media campaign launched in Europe and the United States. The authorities seek therefore to give the illusion of a new transparency in the conduct of the security policy by putting an end, at little cost, to the demands of Washington, the United Nations and the humanitarian organisations to send to Algeria a special UN Rapporteur or an international commission of inquiry.<sup>74</sup>

While the truth is bound to come out in the future, it may take time. Many more people risk being massacred in the meantime and the genocide may take even bigger proportions. That is why the international community

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should not rest until a commission of inquiry is allowed to visit Algeria and carry out a thorough, systematic and completely independent investigation into the massacres that have claimed thousands of innocent lives. The world owes to the memory of the massacred a duty of conscience and humanity. It should continue to press the need for an inquiry to establish conclusively 'who is killing whom'.

## NOTES

<sup>1</sup> Florence Aubenas wrote in the French newspaper *Libération*, 4 February 1998: 'Back in 1992 with the victory of the FIS at the general elections, the suspension of the democratic process and the proclamation of the emergency state. [...] The security forces adopted a strictly repressive policy, a pure theory of subtraction, explained one Member of Parliament who is close to the regime. By eliminating all the Islamists, the problem is eliminated.'

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> In January 1995, several political parties (FIS, FFS, FLN, PT, Nahda) and the Algerian League for the Defence of Human Rights met under the auspices of the Community of Sant' Egidio in Rome to draft and sign a political document outlining the principles of a political solution to the Algerian conflict. The document met with international approval but was violently rejected by the Algerian regime and opposed by France.

<sup>5</sup> Ettahadi changed recently its name to Mouvement Démocratique et Social (MDS) in order to adapt to the requirements of the new political situation. As a matter of fact, since independence, this party has always practised a policy of infiltration of the institutions of the State. During the era of socialism, the name PAGS (Parti d'Avant-Garde Socialiste) was convenient and fell in line with the official ideology. With the advent of a multi-party system, and while Arabo-Islamism was on the rise, the party opted for the Arabic Ettahadi. Since the coup d'état of 11 January 1992, Algeria is in the grip of murderous generals and mafia-modelled factions. True to its opportunistic nature, the party has again changed its name to MDS. In the face of rising poverty and destitution, the word social is useful for the party image.

<sup>6</sup> Ali Yahia Abdennour, *Algérie: Raisons et Déraison d'une Guerre*, Editions L'Harmattan, Paris 1996.

<sup>7</sup> *El-Watan*, 29-30 August 1997.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> See reference 7.

<sup>11</sup> *Alsharq Alawasad*, 24 January 1998.

<sup>12</sup> *El-Watan*, 29-30 August 1997.

<sup>13</sup> Ali Yahia Abdennour refuted this claim. He stated that Saïd Sadi was only a founding member of the Ligue Algérienne de Défense des Droits de l'Homme (Algerian League for the Defence of Human Rights). Ali Yahia Abdennour, *Algérie: Raisons et Déraison d'une Guerre*, Editions L'Harmattan, Paris 1996.

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<sup>14</sup> *Jeune Afrique*, 5-11 March 1997.

<sup>15</sup> *L'Humanité*, 21 January 1998.

<sup>16</sup> *Liberté*, 21 January 1998.

<sup>17</sup> *Le Monde*, 3 February 1997.

<sup>18</sup> The Algerian newspaper *Liberté* is an eradicationist and a staunch ally of the military regime. It could not, however, keep silent when it emerged that militiamen belonging to the RND party, the party of President Zeroual, were involved in the massacres of innocent civilians. El-Hadj Fergane, the mayor of Relizane, nicknamed the 'Sheriff', and El Hadj El-Abed, mayor of Jdiouia and their relatives were heading death squads that were responsible for the killing of scores of people. *Liberté* mentioned 17 corpses found in a well and 62 others found in blockhouses. Some of the victims were buried alive. Given the level of media censorship and strict guidelines under which the newspapers operate, the revelations could not have been published without the intervention of a powerful clan within the military to check the rise of the Zeroual clan. Indeed, the whole episode enlightens us about the rivalry that exists among the various poles of the military structure in Algeria. It supports also the analysis of the army made by Lahouari Addi (cf. *L'Armée Algérienne Confisque le Pouvoir*, *Le Monde Diplomatique*, no. 527, February 1998).

<sup>19</sup> *Regards*, October 1997.

<sup>20</sup> *L'Express*, 29 May 1997.

<sup>21</sup> *El-Watan*, 31 August 1997.

<sup>22</sup> *El-Khabar*, 9 September 1997.

<sup>23</sup> The Algerian army has never balked at killing Algerian citizens. Since independence in 1962, it committed a series of massacres in which thousands of Algerians perished. The main massacres occurred in 1962 during the conflict with the GPRA, in June 1965 when President Ben Bella was deposed and imprisoned, in 1980 during the events of Tizi-Ouzou known as the Berber spring and in October 1988 during popular uprisings. However, since the coup d'état of 11 January 1992 to prevent the FIS from acceding to power, the scale of the slaughter is unprecedented. The army is undertaking a real genocide because it has never been so challenged and in the process almost lost its grip on power if it were not for foreign assistance. The ongoing massacres in Algeria have to be understood through the ruthless nature of the Algerian army, especially when it is challenged.

<sup>24</sup> *Ash-Shiraa*, no. 824, 16 March 1998.

<sup>25</sup> *El-Watan*, 31 August 1997.

<sup>26</sup> *Le Monde*, 11 February 1997.

<sup>27</sup> *The Irish Times*, 24 January 1997.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Reuters* despatch, 7 October 1997.

<sup>30</sup> *Le Monde*, 11 February 1997.

<sup>31</sup> *Les Dernières Nouvelles d'Alsace*, 26 January 1997.

<sup>32</sup> *La Tribune de Genève*, 4 September 1997.

<sup>33</sup> *La Tribune de Genève*, 5 September 1997.

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<sup>34</sup> Louisa Hannoune, *Une autre voix pour l'Algérie*, par Louisa Hanoune - Entretiens avec Ghania Mouffok, Editions La Découverte, September 1996.

<sup>35</sup> The Algerian constitution was revised in 1996 in the face of widespread opposition.

<sup>36</sup> DEC (délégué exécutif communal): local councillor appointed by the authorities to replace the elected councillor of the FIS after the coup d'état of 11 January 1992.

<sup>37</sup> *Tribune Ouvrière*, no. 84, April 98, editorial of Louisa Hannoune, spokeswoman of Le Parti des Travailleurs.

<sup>38</sup> *Liberté*, 21 January 1998.

<sup>39</sup> The information under control in Algeria (*L'information asservie en Algérie*) by Marc Margenidas in *Le Monde Diplomatique*, September 1998.

<sup>40</sup> *Dernières Nouvelles d'Alsace*, 12 December 1997.

<sup>41</sup> *El-Watan*, 31 August 1997.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> *Le Monde*, 28 November 1997.

<sup>45</sup> *El-Watan*, 31 August 1997.

<sup>46</sup> *La Tribune de Genève*, 11 December 1996.

<sup>47</sup> *The Irish Times*, 15 April 1997.

<sup>48</sup> *El-Watan*, 29-30 August 1997.

<sup>49</sup> *Libération*, 23 January 1998.

<sup>50</sup> *Agence France Presse*, 7 January 1997.

<sup>51</sup> *Ash-Shiraa*, No. 824, 16 March 1998.

<sup>52</sup> *Al-Hayat*, 24 January in 1998.

<sup>53</sup> *The Observer* of 25 May 1997 run a lengthy article about the blow torch elections in Algeria.

<sup>54</sup> *The Herald Tribune*, 18 July 1997.

<sup>55</sup> *Maroc Hebdo International*, 15 February 1998.

<sup>56</sup> *Le Monde Diplomatique*, February 1998.

<sup>57</sup> Name given to the armed militiamen who take part in the war against the rebels. The patriots are notorious for their cruelty and their appetite for the bounty they receive whenever they kill 'terrorists'. They terrorise villagers and have committed numerous massacres. They target specially the families of rebels and take revenge on them with total impunity.

<sup>58</sup> *Le Nouveau Quotidien*, 29 Mars 1996.

<sup>59</sup> *International Herald Tribune*, 19 December 1997

<sup>60</sup> Ibid.

<sup>61</sup> Appeal of national intellectuals against terrorism, first signatories: Mohamed Dib, writer; Mohamed Bahloul, economist; Mohamed Oulhaci, artist painter; Nacira Babs-Ahmed, psychoanalyst; Abdelmad-

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jid Djebbar, jurist; Aicha Barki, educator; Badra Mimouni, psychologist; Abdelkader Djeghloul, sociologist.

<sup>62</sup> First signatories: Abboub Karim, psychiatrist; Lahouari Addi, academic; Belkeddar Farouk, community worker; Ben Sadia Hamida, community worker; Bencheikh Abdelmajid, academic; Chalabi El Hedi, academic; Daoud Kamel, academic; Djafri Yahia, lecturer; Harbi Mohamed, historian; Kadi Amina, academic; Laacher Smail, sociologist; Mouterfi Khelifa, retired trade union representative; Sayad Abedlamalek, sociologist.

<sup>63</sup> Names of the first signatories: Mohammed Harbi, historian; Abdelmalek Sayad, sociologist; Tassadith Yacine, anthropologist; El Hadi Chalabi, lawyer; Leïla Sebbar, writer; Lahouari Addi, sociologist; Nabil Fares, writer; Malek Chebbel, writer; Abdelkader Yefsah, academic; Ahmed Rouadjia, political scientist; Nourredine Abdi, sociologist; Fatiha Talahite, economist; Saïda Rahal sidoum, academic; Eliman Abdou, linguist; Brahim Younsi, historian; Fouad Hakiki, economist; Ould-braham Ouahmi, editor; Hassab Bouabdellah, film maker.

<sup>64</sup> A charter which set out the principles on which the future Algerian State would be based.

<sup>65</sup> Names of the first signatories: Tayeb Achour, Hocine Ait-Ahmed, Abdesselam Ali Rachedi, Abdennour Ali Yahia, Mohamed Allouache, Abdelaziz Belkhadem, Hadj Benalla, Ahmed Ben Bella, Rachid Benyelles, Mustapha Benmohamed, Khaled Bensmain, Mustapha Bouhadeb, Farid Chaoui, Fadila Chitour, Mohamed Dahmoune, Seddik Debaili, Ahmed Djeddai, Salima Ghezali, Mahfoudh Kaddache, Mahmoud Khelili, Rachid Hammouche, Mouloud Hamrouche, Louiza Hannoune, Abdelhamid Mehri, Mohamed Salah Mohammedi, Fodil Moubha, Mahmoud Ouarts, Tahar Ouattar, Hocine Sassi, Mohamed Said Sidi Said, Dalila Taleb, Hocine Zahouane, Djamel Zenati, Mohamed Larbi Zoubeyri.

Algiers, 9 November 1996. This call has subsequently been signed by thousands of people (*La Nation*, no. 175, 1996).

<sup>66</sup> *The Muslim News*, 30 January 1998.

<sup>67</sup> *Television Suisse Romande – TSR – /Switzerland/January 1998*

<sup>68</sup> *The Guardian*, 23 January 1998.

<sup>69</sup> *The Times*, 23 January 1998.

<sup>70</sup> Ibid.

<sup>71</sup> Interview conducted by Olivier Gravat in *24 heures* (Lausanne), 27-28 December 1997.

<sup>72</sup> L'Armée algérienne confisque le pouvoir (The Algerian army confiscates power), *Le Monde Diplomatique*, N° 527, February 1998.

<sup>73</sup> Reuters despatch dated 14 April 1998.

<sup>74</sup> *Libération*, 15 April 1998.

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## THE MEDIA COMMANDOS IN ALGERIA

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*I. Latif*

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*Free or indoctrinated Press?*

*Republican Algeria must be saved by any means, legal or illegal, for such is the direction of history.<sup>1</sup>*

This slogan must be considered to be the prelude to future warmongering speeches. While events moved fast the day after the halting of the electoral process in January 1992, the press, which had truly blossomed since 1989, was going to experience a decline that would sound the death-knell for the majority of the Arabic-language media and some French-language newspapers, but especially for all those opposed to the military government.

To understand precisely the role of the so-called 'independent press', one must distinguish between different aspects of the problem. The press, while being a war-horse in the discourse on democracy, is at the same time a party to a struggle being played out on several levels, and a victim of the latter. Several mechanisms have subjected the press to censorship, and economic constraints which, though far less despicable, are just as limiting.

The press was brought to heel following the interruption of the elections,<sup>2</sup> not only by being threatened with a ban on publication, but also by facing temporary or final suspension for disobeying instructions regarding 'the struggle against subversion and terrorism'<sup>3</sup> or the confidential circular from the Ministry of Interior concerning the 'processing of security-related information', dated 7 June 1994.<sup>A</sup> This circular represented a veritable code of practice for media manipulation. It was aimed at 'the editors and those in charge of the national press', and advised that 'at the time when all the efforts of the living strength of the Nation are directed to the eradication of terrorism and subversion, I know I can count on your positive contribution to the struggle against terrorism and subversion.' Article 1 informed those concerned that a department of communication, responsible for relations with the media and the explanation and broadcasting of official communiqués about the 'security situation', had been set up. Finally, the latest measure taken by the Ministry of Interior dates from 11 February 1996, and concerns the establishment of 'panels of readers' at the printing-presses in order to check and censure 'news regarding the security situation not officially confirmed.'<sup>4</sup> Since then, around ten newspapers have been seized or suspended.<sup>5</sup>

<sup>A</sup> See copy of the circular in the appendix.

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The state sector advertising market, distributed according to the newspapers, cannot hide the existence of a wish within the authorities to bring to heel publications that refuse to obey orders.<sup>6</sup>

Between the censorship dictated by the anti-terrorist law and the self-censorship imposed by the journalists themselves lie the struggles between the factions in power, of which every newspaper is made the spokesperson. Without patronage from within the army, no newspaper can survive, and to exist, it has to toe the patron's line of conduct. One false step can lead to a ban, whether legal or financial. Thus practically all the newspapers with an editorial line advocating reconciliation and dialogue between protagonists and political parties have been banned. To date the latest are *El Hourriya* and the *Nation*, which have been missing from the news-stands since December 1996.

Even more than the suspensions imposed for disobedience to 'directives', the state can subjugate the press organisations by the use of monopolies. Thus it is the owner of the only four printing presses in the country, and has blocked a grant from UNESCO intended for the installation of a private printing press. As for the Algerian Printing Company (SIA), it has a virtual monopoly on paper imports.<sup>7</sup> Another effective instrument of subjugation and sanction is the advertising monopoly mentioned above, nearly 90 per cent of which is controlled by the National Agency for Publishing and Advertising (ANEP).

While emphasising the constraints and pressures which the private press endures every day, one must nevertheless examine closely its active role in the current conflict. To regard it only as a scapegoat would be playing into the hands of the very people who, in the name of freedom of expression, are revealing themselves as its enemies.

The control of the media in general and the press in particular have a long tradition dating back to the colonial period, passing through the period of the one-party system. A large group of journalists, whose professional and political cultures and outlooks were moulded during their practice of journalism under military-backed one-party socialist rule, today claim for themselves the monopoly of democratic culture. They are ready to take advice from the generals, patrons of the same democracy monopoly. The fact that *L'Authentique* is 'the newspaper' of General Betchine is now an open secret. '*Liberté*, the daily, run for a long time from Paris by a certain Fattani, formerly in charge of the Surveillance and Protection Office (BSP) of *El Moudjahid*'<sup>8</sup>, is one of the newspapers most strongly opposed to those who are committed to a political solution.

The alliances of military and cultural eradicators goes beyond objective complicity resulting from a convergence of ideological interests. The latter agree

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to create the ideological cover for repression, justifying in the eyes of world opinion the eradication option and the rule of its advocates.<sup>9</sup>

The government press but also, in large part, the private press carry out this task either out of political conviction, ‘corporatist reaction’, or even as a ‘professional’ commitment.

Dependent on the government for its financial survival and, in short, for its existence, dominated by anti-Muslim-fundamentalist trends, it [the independent press] has been swiftly taken hostage by the government. Feeling it is at war with the FIS and then the armed groups, it has written very little about the abuse of which the Islamists have been victims. It has not been the witness of political life, but has become one of its principal actors, particularly when the armed groups have attacked journalists.<sup>10</sup>

In this psychological war waged by the military junta and its associated apparatus, the role of the press is not a minor one. The pressures that it endures, notably physical liquidation,<sup>11</sup> does not mean it is a victim or a martyr of democracy. It is playing an active part in this war waged by the junta in power.

What is more, certain publications, often quick to display themselves as martyrs for the freedom of the press, are not exempt from criticism in their treatment of information and their behaviour. Unhesitatingly, they implicate by name their critics, those they deem wrong for not thinking as they do, and those who support another point of view on the war that is ravaging our country. They have long made the choice of political commitment to the government and its allies.<sup>12</sup>

*The division of labour between the journalists and the armed forces*

As in all wars, the psychological dimension is the determining factor. At all levels it is the war option that stands out. The resulting pattern of analysis is disconcertingly simple, but fraught with consequences. Each person must make his/her choice, while knowing that there is no choice; deviation from the path marked out by the junta and its civilian allies means death, even if the supporters of total war strive to reverse the roles. Leila Aslaoui, a former minister, describes this situation perfectly when she writes about the call for peace launched in November 1996:

The call of the Saint Egidians and other reconcilers is on the contrary a call for surrender to fascism and a call for civil war... Peace is not a concept. It is built on the debris of war, with all what that signifies.<sup>13</sup>

The Algerian press, in coming to the assistance of the generals, uses an entire symbolic and ideological arsenal to produce a Manichean view of the situation. First of all, the demonisation of a movement that twice gained the majority through the polls was carried out by likening it to a fascist movement, comparable to the German National Socialist party, which in 1933

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established itself through the ballot-box, and subsequently by identifying it with barbaric terrorism whose only historical analogue are the barbaric Khmers Rouge; in Algeria, this press refers to them as 'Khmers Verts'. In alliance with the press, there is a panoply of small political parties and cultural organisations, portrayed as 'civil society', which, without wishing to deny their existence, represent acronyms more than significant sections of society. This 'civil society' claims to embody the backbone of 'the democratic republican state', if only the latter allowed it to develop fully. But the generals have no interest in cultural or feminist claims, of which part of the press makes itself the spokesperson. On the other hand they are extremely useful in a psychological war aimed at confusing opinions. To the democrats who support the war option is allocated a certain amount of expression – not to say gesticulation – that is tuned and sufficiently under control so as not to affect 'national trends and eternal values'. What matters to the Algerian decision-makers is not so much a 'project for society', democratic or otherwise, but the preservation of their power and privileges. It is, nevertheless, convenient for the latter to base their authority on a modernism which, although modelled on French republicanism, is only its pitiful caricature, but, all the same, sufficiently presentable as a 'bastion of resistance' and effective at arousing a 'spirit of solidarity' among Western public opinion against 'religious fanaticism'. Besides monopolising the concepts of democracy, justice, freedom and human rights (which are applicable only to a certain category of Algerians), the republican rhetoric manipulates the symbolism of a just and legitimate war which draws its imagery and language from the myths of the struggle for national liberation and French resistance to fascism.

The minds of the Algerian 'republicans', whether politicians or intellectuals, have been imbued with a deep-seated Islamophobia whose forerunners were the ethnologists and anthropologists of colonisation, and whose resemblance to current Western stereotyping of Islam is more than striking. Islam is allegedly the source of degeneration and extremism, incompatible with modernity and republican values. This colonisation of the intellect has devastating consequences in the sense that, in Algeria, universal ideas and values such as freedom, human dignity and social justice are usurped solely for the cause of war.

Algerian and foreign public opinion is hammered into shape by a unique interpretation that labels facts as 'events' or 'non-events'. Since the struggle against terrorism is declared to be the national priority, complicity with the military junta, the guarantor of democracy, becomes justified. This also means that dissenting outlooks or analyses are stifled or censored as support for terrorism. Yet war is not mentioned, for that would mean taking the enemy seriously and legitimising its existence, whereas all forces are mobilised to conceal, minimise and eradicate it. No method is more carefully used than

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the slogan launched by the military forces themselves, which incites defamation, the propagation of lies, calls for incrimination,<sup>14</sup> and systematic disinformation. As journalist Boussad Abdiche points out:

We are moving without any transition from stereotyped to vitriolic language, from the era of the muzzled press to the era of the press that is frankly wild. The greatest destroyers of the men and the system are the same people who, only yesterday, actually swore by these men and this system.<sup>15</sup>

Between 1989 and 1992, the government or privately controlled press did not have time to ponder over its role and professional code of ethics. Following the coup, it had to act fast to go back to the 'military academy'. The vast majority of journalists retrained without any difficulty in a journalism of hatred and the legitimisation of the war option.

In an article entitled 'The Last Chance' retired general Rachid Benyelles wrote: 'the media have been unleashed to condemn publicly the supporters of the political solution and reconciliation, who are again portrayed as traitors to the national cause.'<sup>16</sup>

As we shall see later from concrete examples, the Algerian press has gone beyond submission to the rules laid down by the generals to participate in active service in their ranks, accomplishing their mission perhaps unprofessionally but certainly with zeal.

*'Those who are not with us are against us'*

After the elections of January 1992 were halted, part of the self-proclaimed independent press swiftly took sides in what the government, in the words of its head, called a 'total war'. It set itself up as the mouthpiece of the factions most hostile towards the popular movements.<sup>17</sup> The principal enemy of the republic and democracy was firstly the FIS, which by its nature could only be a terrorist party. Secondly, war was declared on all those who had direct or indirect contact with this party. The signatories to the Rome agreement, which brought together the most important opposition parties, were demonised and portrayed as objective accomplices to terrorism.

Yesterday, while Ahmed Ben Bella was warmly embracing Anouar Haddam, a member of the caliphate of the GIA, at Rome, under the benevolent gaze of Catholic Church representatives several of whose members have been assassinated by the men of the same Anouar Haddam in Algeria, a 7 year old child had his throat cut in Tazoult, in the wilaya of Batna.<sup>18</sup>

The only discourse on terrorism that is allowed is the preserve of the authorities and the authorised 'propaganda organs', private or not, both of which impose the monopoly of defining terms. State terrorism does not exist, and every 'terrorist' act, real or not, is attributed to perpetrators other than the government. Therefore it is not appropriate to speak of the torture

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and massacres of civilians carried out by government forces. It is out of the question that the existence of ‘armed groups’ might be a reaction to the interruption of the elections and the repression that was consequently inflicted on every level of society. It is above all inconceivable that an armed opposition could be linked to colonial violence: a reaction to a structural violence that has never completely disappeared. On the contrary, it is deeply rooted and latent in the power structure of a regime built on the foundations of the colonial state and on French support to the military and the self-proclaimed Algerian ‘democrats’.

The message of the majority of the politicians in power or in the ‘authorised’ opposition regarding terrorism, and circulated by the press, does not linger too long over the semantics of terms. Their conception of terrorism is so vague and yet so heavily fraught with consequences; it is above all an ideological and psychological weapon against any enemy. This enemy, the ‘terrorist’, is not simply the brutal, uncultured young man, the FIS militant who wants to impose the Islamic state by force, shedding the blood of all those thirsting for democracy and freedom.

The man who had been standing for sometime did not have the appearance of a leader of a bloodthirsty fundamentalist group. With his delicate, emaciated face, his short fuzzy hair and the appearance of an obedient child, he would make one think of the victim rather than of the executioner. He was reminiscent of a peasant in this small village... And only his threatening voice indicated the presence of the vile, ferocious beast that slept inside him. [...] His name? His name matters little. In any case. Mourad is no longer a human being. Mourad is the name of a killing-machine.<sup>19</sup>

Moreover, he is Machiavellian, since he ‘infects’ our children, searching among these unfortunate, naive victims for a relay for his criminal acts. We have to be on our guard: the terrorist can be found everywhere like ‘the fish in the sea’. He can be our colleague, our neighbour, and, why not, our sister. Once *Le Matin* carried the headline: ‘Terrorist pupils. School in the service of fundamentalism?’<sup>20</sup> In another instance, it devoted a whole page to ‘The story of two teenagers: How we became terrorists.’<sup>21</sup>

The notion of terrorist is a convenient holdall making little demand on intellectual precision and integrity. The terrorist is the other – the enemy. He is the rejection of everything to do with morality, culture, science, historical will, social emancipation, etc., in short, of humanity. He is the antithesis. He is only a beast, a ‘killing-machine’.

From such a perspective, it is easy to strip the Other of his will. In the Islamic opposition movement – dubbed terrorist – there are neither intellectuals nor journalists, nor artists. Even the existence of women is challenged since the ‘democrat’ female eradicators take it upon themselves to speak on behalf of all women who, because they are women, are considered to be

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naturally opposed to the ‘fundamentalist’ movement and victims of its ‘barbarity’.<sup>22</sup>

As for those who work for a political solution, they are, according to the eradicators, dangerously close to the ‘terrorists’, and therefore on ‘the other side’. There is no shortage of diatribes against them. One of them, Ali Yahia Abdennour, president of the Algerian League for the Defence of Human Rights, gets ‘banished from history.’<sup>23</sup> Hocine Ait Ahmed, secretary-general of the Socialist Forces Front, was denounced as a traitor since, owing to his participation in the Rome meeting, ‘he can continue to make value-judgements to satisfy his brother, assassin Anouar Haddam.’<sup>24</sup>

*Terrorism is omnipresent...*

A characteristic of terrorism is its mobility and its unpredictability. It can happen anywhere, strike at anyone at any time, as shown by the victims of booby-trapped cars, the massacred innocent women and children, and the bombs planted without any warning, etc. Any citizen, male or female, can be a victim, but also a suspect.

To create resentment and the rejection of any opposition to the regime among the Algerian people, it is essential to spread confusion about the various protagonists in the opposition. Generating a media hype around the acts of sabotage, murders and massacres, and attributing them systematically to the armed opposition groups, serves on the one hand to discredit the Islamic Salvation Front, from which spring all these ‘terrorist’ groups, and on the other hand to prove that the sole aim of this terrorism is the destruction of the state, its institutions, its infrastructures, its economy and consequently public property. Those who call for dialogue are accomplices to this annihilation plot. When Ait Ahmed is cited in *Le Matin* regarding the meeting in Rome, it is to prove his responsibility for the destruction of the state:

‘The killing must be stopped, for the end will be the brutal and complete collapse of the state’. This statement made thus in the presence of the terrorist Haddam, whose movement has been working since its beginning towards the destruction of the whole concept of Algeria, state and nation, is encouraging.<sup>25</sup>

Once the nature of the terrorism has been revealed, then its ‘eradication’ can at last be tackled. The struggle against terrorism no longer has to be justified:

The violence imposed on us must be met with a legal and even greater violence, since it is now an established fact that those taking up arms to kill Algerians and to bring the state down once and for all claim that they are positively invincible.<sup>26</sup>

Thus we must get used to the fact that government forces shoot down ‘terrorists’ daily. The newspapers publish the figures, sometimes names and

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the type of weapon found. It has become not only commonplace to read this information but also unthinkable to challenge the version of the 'dangerous terrorist put out of action'. On the other hand, the losses on the side of government forces are never disclosed. The circular from the Ministry of Interior dealing with the treatment of information instructs journalists in paragraph 6 to:

Highlight the inhuman character of the barbaric practices of the 'terrorists' by focusing on 'the cutting of throats', the 'attacks on ambulances', the 'handicapping of children' and the 'assassination of relatives of members of the security services in front of children, even the very young'.

In the case of the journalists that have been assassinated, the press has often been able to describe the murder in convincing detail and name the culprit, yet, up to now, there has not been a fair and public trial establishing the guilt of the suspects.<sup>27</sup> Not only is it a question of 'deterrence', as is suggested by the directives of the Ministry of Interior, but moreover of sowing distrust and suspicion about everyone and of publicising the successes of the 'struggle against terrorism'.<sup>28</sup>

*...but on the road to extinction*

The daily announcement of these successes on the security front is accompanied by claims of 'the deathbed' of 'residual terrorism', although the press does not always seem to share the government's point of view. It rather favours sensational hype around assassinations, massacres, and bomb attacks to highlight the horror and the barbarity<sup>29</sup> and to commend the increase in government forces, the call-up of reservists, the creation of community guards<sup>30</sup> and above all of the militias.<sup>31</sup> Also it is a question of untiringly explaining that it is only a minority of assassins and throat-cutters terrorising the population who will be quickly eliminated once the 'patriotic forces' are mobilised.

In order to show public opinion that government forces are in control, it is necessary to spread confusion about the organisation of the armed groups. Depending on the circumstances, an armed group may have a pyramidal structure and a supreme leader, or there can be small independent groups who spread terror in order to project the power they lack. At other times the insurgents are a 'few hundred identified terrorists who are on file' or 'a thousand isolated individuals'. To put the finishing touch to these stories, newspapers are required to 'deal with the information systematically on the inside page' and to 'tone down and minimise the psychological impact of terrorist and subversive action and preserve the morale of the Nation'.<sup>32</sup>

The aim is to persuade Algerian and, above all, foreign opinion of the necessity and effectiveness of the fight against the insurrection, and in particu-

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lar to conceal the extent of popular resistance, whether passive or active. To fulfil their commitment to the mission of 'eradicating terrorism', some newspapers call upon citizens to organise themselves into 'self-defence committees' to combat the armed groups.<sup>33</sup> The newspapers also call for the denunciation of 'any suspect individual', slander all those who do not entirely share their point of view,<sup>34</sup> and sense at all times a conspiracy of 'international Muslim fundamentalism' against the sovereignty of the state. Under the headlines:

Sensational revelations about the refugees from the former FIS in Germany. Bonn covers up for the GIA.

One can read:

[...] Rabah Kebir and Lounici are full members of the GIA. They were planning an attack on the Algerian Embassy in Paris in August 1993. Moreover, they are preparing along with Oussama Madani<sup>B</sup>, an alliance with the Shi'ite movements in Iran and with Hezb-e-Islami of the Afghan Hekmatyar.<sup>35</sup>

Yet, to show that the state and, above all, the army have the security situation under control is essential. And the success of the 'anti-terrorist campaign' legitimates the raids on certain districts declared to be 'hot spots', the 'tracking down of terrorists', the summary executions, disappearances and other methods, and forces the population to accept the presence of all these government forces and an increased militarisation of society.

Mount of Collo. A trip into a region that has been terrorised for a long time. Our throats are tight with fear when we discover a delivery van completely burnt out. [...] We are heartened by a large number of soldiers of the ANP mingling with the local people. The sight of a child fondly seated on the lap of a soldier is particularly moving.<sup>36</sup>

But it is also a question of persuading foreign governments that the Algerian army and state have the terrorism well under control, which, after all, is not so exceptional compared with the terrorist attacks in Spain, Great Britain or elsewhere.<sup>37</sup> Democracies have had to endure their share of terrorism. As for the Algerian state, does it not manage to protect foreign interests in the south of the country? These states should rather track down FIS members in their territories, since they are, according to 'well-informed sources', behind the assassinations and organise arms trafficking to Algeria.

Is the American government going to wait for a repeat of the World Trade Center [bombing] before reacting against the Algerian terrorists who live in the United States? [...] No human intellect, however devious it might be, can pretend that one who introduces himself as the leader of the parliamentary delegation of the FIS

<sup>B</sup> Son of FIS leader Abassi Madani

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abroad is not one of the masterminds of the horrible attacks carried out daily in Algeria.

It will need an incredible genocide of the Algerian people and the elimination of a large part of its intellectual elite for Western opinion to begin to take a good look at the nature of the FIS and in particular at the arms trafficking it has organised out of Europe.<sup>38</sup>

*The exploitation of the dead for political ends*

The discourse of exclusivism and eradication, devised and popularised by numerous newspapers, encompasses themes expressing a simplistic and Manichaean vision. The single line of thought developed over these last few years of war is based, above all, on hate and negation of the Other – the other being both an identifiable entity (the beard, the veil, the terrorist, the *baraké*) and an amorphous mass whose use for propaganda purposes is easy. This mass is either clearly defined and depicted as a basis for the repudiation of barbarism, for resistance, for the organisation of militias, or for patriotic enthusiasm, or else it is portrayed as turned in upon itself, gloomy and uncultivated, imprisoned in its ancestral customs and receptive to the ‘Muslim fundamentalist’ discourse.<sup>39</sup> This anonymous mass is represented as in need of a patron who would lend it an identity. When this mass is suddenly turned into a ‘victim of terrorism’, it takes shape, acquires a personality and can even become a major news topic. ‘Huge national mobilisation. The front line of resistance’ was the headline in *El-Watan* on the occasion of the demonstration on 22 March 1994, ‘high-school girls take off the hijab’,<sup>40</sup> ‘a paediatrician of 42, Ishaq, mother of two boys of 2 and 5, had her throat cut in complete anonymity last week in the Islamist stronghold of Bougara, near Algiers’.<sup>41</sup> The late Youcef Fathallah, a human rights activist in the Algerian League for the Defence of Human Rights, was working for dialogue and national reconciliation. To express this commitment, he took part in the march on 8 May 1994, a march which was disparaged by ‘the eradicators and the press’, the very ones who ‘now want to draw political advantage from his death.’<sup>42</sup>

Thus the ‘victims of the Muslim fundamentalist terrorism’, with or without their consent, are exploited by the ‘republicans’ to lengthen the list of their ‘martyrs’. ‘Algerian women’ who were raped, abducted and throat-cut, decapitated intellectuals, ‘innocent children’ killed by bombs, former mujahideen in retirement, army conscripts, or members of various governments are all presented as driven by the same faith, the desire for the same peace, freedom and democracy. Why else would they be killed? This exploitation of the dead is accompanied by a whole discourse on barbarity which consigns the dead of the Other into the category of ‘terrorists’, whose identity, even

<sup>c</sup> Algerian loyal to the French

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when buried, can be disowned. 'X – Algérien' (X – Algerian) is the only permitted engraving on their tombstone, which brings strongly to mind the 'X – Muslim' used in colonial times.

It is the FIS that is put on trial after each car bomb attack, after each assassination. The eradicator press sets itself up as the judge and hands out the death sentences. The aim is to depoliticise a movement that challenges not only the monopoly of power and wealth, but also culture, religion and identity. The popularity of the FIS makes it 'dangerous' for the advocates of 'totalitarian democracy' and 'total war'. Therefore it must be demonised, brutalised, repudiated, and refused any possibility of political and social emancipation. The systematic discrediting of the Islamic movement and the representation of its members and sympathisers as monsters<sup>43</sup>, or people who have gone astray along a path 'lit by a false light', are useful to the army in its war against all opposition in the field. The point is to distract public attention from the torture, summary executions and massacres carried out by the police, the army or the militias, and from the concentration camps and to focus it, instead, on the oppression, real or imaginary, of the opposition. One no longer asks who is the author of the crime, since he is 'known' to everyone. 'The savagery of the terrorist knows no limits and is continually nourished by the blood of the innocent.'<sup>44</sup> Even if a journalist should happen to 'ask himself some questions', it is to wonder why 'armed individuals did not make use of their weapons' at the time of an attack surely carried out by 'terrorists'.<sup>45</sup>

*When a painful past catches up with an equally painful present*

The choice has to be made. Either one takes the good side and reaps the praise of the press and other eradicators<sup>46</sup> or else one is on the bad side, in which case one should not be astonished at being treated as a criminal, assassin, cut-throat, etc. A whole terminology of crime is used in order to remove from the real opposition to the regime its political substance.<sup>47</sup> It is only base and vile instincts which would push into crime the youths who, for a few dinars, would cut the throat of a policeman or an intellectual. Thus it is only with difficulty that one can avoid the tendency to make comparisons between the current discourse of the eradicators and that used by the advocates of the 'French Algeria' during colonisation:

The outlaw, the ordinary criminal who escapes searches and takes refuge in the mountains or in the forest, suddenly adorns himself, for the needs of a cause which is not his own, with this false heroism which is used today to stir up the masses, who cannot precisely assess the benefits of ... the French presence.<sup>48</sup>

Today it is the benefits of democracy in the style of the Algerian generals which one is asked to praise. The Algerian government and the eradicator press go to great lengths daily to show Europeans that in Algeria one is

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fighting for the same values: a free and democratic Algeria, and against obscurantism and barbarism. This common public enemy must be fought. The line of demarcation is not the Mediterranean<sup>D</sup> but, for scores of intellectuals on its two sides, that which lies between modernity and barbarism, democracy and theocracy. It is at this level that the discourse on Islam becomes strictly racist with colonial connotations: Islam is alleged to be incompatible with the ballot box. If it ventures out of its private sphere, it becomes the denial of 'civilisation' and thus totalitarian. This anti-establishment, identity-oriented Islam must therefore be fought, through the setting up of a 'clergy' at the disposal of the government. It is a tamed Islam, with a theology that legitimates the struggle 'against terrorism', which must be promoted. Indeed, the Interior Ministry circular did call for 'the development of a religious ideology condemning crime,'<sup>49</sup> the presupposition being that undeveloped Islam promotes crime. The mufti of the Grand Mosque of Marseille did declare on the occasion of a demonstration of solidarity with Algeria: 'I am for a democratic republican state as an obstacle to obscurantism. [...] Secularism frees the state from any dogmatism, and frees religion from any political take-over.'<sup>50</sup> As for the militias, called 'patriots', they are portrayed as being moved by a 'sheer spontaneous motivation, based on civilisational considerations.'<sup>51</sup>

#### *In search of allies*

For those who put the case for the military option, the analysis is straightforward: the FIS is a 'terrorist' party which was prevented from installing an Islamic state in 1992 and hence is taking its revenge in its bid to seize power by force. Thus 'all methods are legitimate for the partisans of obscurantism.' If the 'living strength', the 'enlightened minds' and the 'free and dignified Algerians' rose,<sup>52</sup> and if all the 'patriots' took the road to the re-establishment of an 'Algerian Algeria', then the enemy would be swiftly crushed. This enemy is in the country, everywhere, in the neighbourhood, the administration and the public companies.<sup>53</sup> It is also abroad in Sudan, Iran or Hizb-Allah.<sup>54</sup> Yet, it is not only those states and parties dubbed terrorist by the 'World's policeman' who allegedly threaten the unity of Algeria. The European democracies, by allowing known 'terrorists' on their soil, are weakening the republican movement in Algeria. The Algerian press snaps up any information regarding the crackdown on FIS members in Europe as a means of substantiating the conspiracy theory of instigators settled in Europe and benefiting from the 'liberality of political asylum to make

<sup>D</sup> The Mediterranean is a frontier which, for centuries, has stirred the imagination of Europeans: was it not the Romans who gave North Africa the name of Barbary? Was it not from a sense of duty, of a *mission civilisatrice*, that the colonial enterprise became attached to those poor 'natives out there'? Today, is it not the barbarism spreading 'right here' which is driving a minister by the name of Pasqua to want to 'restore law and order'?

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speeches encouraging murder in their country.<sup>55</sup> There are cries of 'No interference' when a French politician appeals for dialogue between all the parties concerned including the FIS:

In a communiqué, the signatories to the appeal [...] pointed out that at a time the Algerians resist against the terrorist hordes so that 'Algeria remains a sovereign state', in the French Assembly Mr Giscard d'Estaing's thundering voice calls for the participation of those behind the crime in the next legislative debate. Has Mr Giscard d'Estaing, struck down with amnesia, forgotten that Algeria has been an independent country for 35 years?<sup>56</sup>

There was jubilation when the French Minister of the Interior, Charles Pasqua, launched the pirate-watch plan which makes it easier to track down not only 'terrorists' but above all illegal refugees. Thus there is not much to choose between them, even if the latter upholding the French racist policy is a reminder of the round-ups of forty years ago<sup>E</sup>. Today, Algerian and French 'democrats' are united in a common cause. Together they fight for the republican values which have to be against the 'Muslim fundamentalists', 'inquisitors', 'obscurantists' and 'anti-civilisational forces'. There are ample opportunities for the 'democrats' on both sides of the Mediterranean to get together. The Algerian press publishes them in Algeria, as was the case on the occasion of 'a meeting on solidarity with Algeria' in Paris, on 3 February 1997, in which political personalities, Algerian and French intellectuals and artists took part.<sup>57</sup> All were in agreement both on causes of the current situation and on the war to be waged to conquer 'terrorism'. The incantation of the secular 'democrats': 'Stand up to barbarism until democracy triumphs', 'Boudiaf is Algeria', 'Algeria's majority identifies with the democratic plan', etc. The same war is being waged on both sides of the Mediterranean and, if from time to time, the 'Algerian democrats' wave the nationalist flag in the face of the former colonisers, it is to conceal their hypocrisy better. The leitmotiv of the latter has been expressed by the French philosopher, Pascal Bruckner:

I support dialogue between the government and the democratic forces. Asking democrats to have a dialogue with the Islamists is to ask the victims to embrace their executioners before they cut their throats.<sup>58</sup>

*'All dialogue is simply treason'*

It is a closed debate that centres exclusively on 'Muslim fundamentalist terrorism'. This means that 'it is not discussed' and that all those who do 'discuss it' are up against the wall. The biggest media campaign on the subject of treachery was waged at the time of the meeting between the main Algerian opposition parties in Rome. In January 1995 these parties signed a platform

<sup>E</sup> During the Algerian war of liberation.

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agreement to find a way out of the crisis. ‘Oh treachery!’ cried the eradicator press, ‘Algeria must not be put to death!’, ‘Down with capitulation!’

The expression ‘internal and external conspiracy’ is often used by the Algerian president when referring to the signatories to the platform agreement of Saint Egidio and the appeal for peace. The latter are implicitly accused of being responsible for the deteriorating situation.<sup>59</sup>

The roles seem to be reversed: those who try to bring together as many political persuasions as possible in order to find a common solution are treated as ‘traitors’ and accomplices to ‘terrorism’, whereas those who call for the population to be mobilised for a relentless war are heroes and true ‘partisans’. The media hype, the crackdown on the parties signatory to the Rome agreement and the censoring of everything that relates to the latter are such that to express one’s approval of the initiative suggests support for ‘terrorists’.

The aim of the psychological manipulation is to prevent a public debate on this agreement and to silence all its supporters, either by absolutely banning them from access to the newspapers, or by fabricating stories of popular demonstrations against the agreement, i.e. fictitious events described as so large as ‘to be mistaken for national independence parades.’<sup>60</sup> The supporters of dialogue with the FIS endlessly endure the diatribes of the eradicator press and are pushed to keep their distance from this party, and to ceaselessly condemn ‘violence’ – dubbed exclusively Muslim fundamentalist – simply to have the right to speak. There too, the aim is to distract attention from the basic questions about a way out of the crisis, and to enlist the Algerian public in discourses obsessed with ‘terrorism’. Above all, it is a matter of blurring sight and mind so that state terrorism, its crimes, its practices and its henchmen vanish behind all the horror attributed to the Islamists. ‘Fear must change sides’, the slogan launched by the former prime minister Redha Malek, is taken up by the whole eradicator press, which has undertaken to turn it into a reality.

*Fear must change sides’*

This slogan heralds an upsurge of the war, as much on the ideological as on the military front. It means involving the civilian population in the fight ‘against terrorism’ by creating militias. While the gendarmerie sets up the ‘self-defence committees’ – a euphemism for militias bent on bloodshed – some politicians and newspapers mark out the ideological and political ground. On one hand public opinion needs to be persuaded that a general mobilisation is unavoidable; and on the other hand, involving a large number of civilians in the killings is the best guarantee of collusion with government forces and loyalty towards the military junta. The drift towards civil war is

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the consequences of the army and the government increasingly delegating its 'dirty work' to the militias.

The media campaign makes use of all the available records to confuse, manipulate and indoctrinate the public. The press does not worry about portraying two women who had their throats cut as victims of Muslim fundamentalist terrorism even when they are members of a family of mujahideen.<sup>61</sup> The same applies to another victim whom the eradicator groups use in their inflammatory campaigns; as it turned out she had been assassinated by her ex-fiancé whom she wanted to leave.<sup>62</sup> Thus, it is rare that any doubt remains about the authors of the crimes and their ideological motives. The citizen Bouregua was portrayed by the daily *Liberté* as a member 'of a terrorist group comprising 30 criminals directed by Bouici and including among others Ali Bouregua and his brother, sons of Harki'<sup>63</sup>; in fact he had been in prison since 31 October 1993, and therefore could not have been implicated in the events which took place in June 1994.

We are told that these people know only one language: violence and terror. Their medieval and old-fashioned 'project for society' would attract only a few 'madmen' who, being so few, could not access power except by force. They would rape, cut throats, start fires, massacre, and plant bombs, their sole aim being to terrorise the people to attain their objectives.

On the national scale, does organised crime (terrorism) limit its activities to gambling, brothels, the seizure of land, mugging, racketeering, and other forms of extortion? No, it goes far beyond this series of 'challenges'; moreover, it claims an ideology whose *project de société* it intends to bring about using destruction, violence and murder.<sup>64</sup>

Since 'the enemy' can appear in any shape and at any time, citizens are called upon to organise their own defence. Thus, taking up arms will be only a legitimate act of defence, and the 'mistakes' and the 'excesses' are only unfortunate incidents.

*'Patriots', defenders of freedom*

The media regularly broadcast written or visual reports on the 'self-defence committees' made up of peasants or workers who, armed and paid by government forces, lay down the law in their district. They glorify, as new national heroes, these combatants about to rescue the people 'who suffer a daily living death: the unbearable heat and terrorism.'<sup>65</sup> These 'patriots', organised into militias, are not accountable for their deeds, and no one asks them to do so. What is essential is that they are on the 'right side': the camp of the 'democrats', the 'Algerian women', 'the intellectuals', the police officers, the community guards,<sup>66</sup> the gendarmes, the special forces and... the army, which is the sole guarantor of the republican option. It is thus on the action of the army that hopes and fears will be hinged.

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The decision of Zeroual to pursue a dialogue with officials of the FIS, a party that was dissolved, could put the unity of the army at risk... The basic question facing Algerians today is whether the army is going to support a step which will wipe out Algeria in a few months time.<sup>67</sup>

If it is the country which risks being wiped out in the case of dialogue with the opposition, then the commitment to a 'total war' is justified. The participation in the struggle 'against terrorism' becomes a patriotic duty. But to express concerns with the danger of arming the population is dismissed as smacking of defeatism, desertion and treason.

When the report of Amnesty International was published in November 1996,<sup>68</sup> the Algerian press was scandalised by the fact that the organisation did not conform to the eradication semantics.

The persistence of AI in, on the one hand, regarding terrorism as an armed opposition and, on the other hand, the groups of patriots as 'militias' whose existence threatens the existence of the country has other consequences even more serious. It frees the terrorist groups from any restraint and encourages them to shout from the rooftops abroad their alleged victories [...]. On the other hand, the tendency of Amnesty to portray the Algerian institutions and the authorities as being particularly hasty in moving on to the physical liquidation of every presumed terrorist without any trial can partly explain why certain countries hesitate to extradite terrorists.<sup>69</sup>

While the president of the army-backed Observatoire Nationale des Droits de l'Homme (ONDH – National Observatory of Human Rights) maintains that the 'civilian self-defence groups' operate 'under the control of the security forces and the law to fight against barbaric terrorism', the chief editor of *El Watan* asserts that the 'self-defence groups are not the creation of the government, but a reaction basically comparable to a survival instinct of the population in the face of the ruthless extremism of the armed Islamists.<sup>70</sup> It is in reading the testimonies of 'militiamen', reported by some journalists or human rights organisations, that one grasps the full extent of this 'dirty' war and the responsibility of the press for its justification.

The 'republicans' and the self-proclaimed democrats monopolise the symbolism of the struggle for liberation from colonisation not only to establish themselves as the exclusive heirs of the latter, but, also and above all, to legitimate the 'total war'. In a commentary entitled 'Resistance' (reference to the resistance to Nazism in France being one of the favourite topics of this press), Salim Ghazi writes:

The former mujahideen, who know the precise meaning of this word [freedom], have decided to organise themselves [...] into self-defence committees. Thus they intend to wage a second national 'war of liberation'.<sup>71</sup>

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*National Responses**The manipulation of European fantasies*

Being very concerned about its impact outside Algeria, especially in France, the Algerian French-language press skilfully manipulates the European fantasies about 'Islam'. It reproduces their perception of a clash between 'modernity' and 'archaism', which is so dear to every ardent republican. In fact the idea of religious fundamentalism serves as a foil for those who seek to distinguish themselves from their opponents, real or imaginary, and to find followers of their cause outside Algeria. This is done by drawing on the Western imagination, appropriating myths about the war mongering, tyrannical and misogynous nature of Islam, by conflating Islam, fundamentalism and terrorism, and, above all, by prompting a widespread but deeply entrenched fear among Westerners. But it is just as much a question of taking over the religious domain by advocating a concept of Islam stripped of its spirituality and vitality, and reduced to a skeleton of folk traditions:

Of course it was a rather pagan Islam, but so sincere, and pious. When I compare it with these Ramadans that the fundamentalists offer us, my hair stands up on the back of my neck! Their version is mortifying. They take upon themselves the unlimited control of the observance of religious precepts, such as they understand them. No singing, no candles, no dancing, no Sidi Ramdan and no hours.<sup>72</sup>

The reinvestment of age-old fears and stereotypes with new life resonates with European political and intellectual personalities and journalists who identify themselves with the Algerian 'democrats'. They act in Europe as the resonance chamber of the struggle the latter claim to wage against an outdated and medieval movement.

That political Islam has declared war on our democracies is something of a truism today. But it is already waging it elsewhere more savagely, on Muslim soil. [...] In the meantime we are abandoning without resources and without support democrats who swear only by the values that we are supposed to uphold and defend, who talk of the equality of the sexes, of the separation of the mosque from the state, of the reform of education and the judicial system that have fallen into the hands of the Muslim fundamentalists.<sup>73</sup>

The command of Western values and discourse on democracy, human rights, pluralism and individualism has enabled certain Algerian newspapers and journalists to be seen in Europe as the representatives of 'civil society', so dear to those very people who are rightly moved by the announcement of the assassination of a journalist but who keep quiet in the face of the thousands that have been tortured, imprisoned, killed or that have disappeared, and for whom the regime is indisputably responsible. Thus, it is in the name of this common cause that malevolent and racist remarks are accepted, and even encouraged, when coming from individuals of the like of Rachid Boudjedra or Khalida Messaoudi deemed in the front line of the 'fight for freedom'.

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The pavements are once again invaded, and chapters of misery multiply in a hellish chaos. Lorries swarm about with their brutish cargo. I can see only fearsome processions, from which rise incantations. There they are, brandishing the Quran and intoning at the top of their voices slogans that rouse the beggars. Revolt of the down-and-outs, of the miserable wretches who ask for nothing except to sleep endlessly. Timelessly. The eunuchs, in their turn, pour forth their vibratos, The whole of the day has shivered with dismal ululations.<sup>74</sup>

Every kind of manipulation of information is allowed, and magnified in Europe. Every demonstration by ‘democrats’, ‘feminists’ or any ‘appeal of intellectuals’, however insignificant they may be, is taken over by the media, amplified, and followed by messages of solidarity from France in particular, and Europe in general. On the other hand, the efforts of individuals and associations to expose the flagrant violations of human rights by government forces are generally concealed.

Manipulation also serves to inform the public, national as well as international, that reducing freedom, imposing censorship or declaring prohibitions does not interfere with the smooth functioning of democracy. On the contrary, without these restrictions, the very integrity of the state itself is threatened. In addition, this freedom of expression, on which the Algerian state congratulates itself, grants to certain journalists the privilege of every kind of journalistic excess and abuse, as long as this benefits the military interests. It is in the name of this freedom of expression that the call to war, denunciation, creation of militias, and defamation have become commonplace. The loss of dozens of colleagues ‘assassinated by Muslim fundamentalists’ endows the profession with an aura of martyrdom and a strong credibility in the eyes of foreign observers. Although it is a fact that visas can be obtained only in dribs and drabs, by greasing someone’s palm or by ideological affinity, foreign journalists fall back on the Algerian newspapers or the National Press Agency (APS), which are in the hands of the various military factions and controlled by the Département de l'Action Psychologique (DAP – Department of Psychological Warfare) of the Direction du Renseignement de la Sécurité (DRS – Directorate of Intelligence and Security). Thanks to the efforts of the French Press Agency (AFP) and other Western agencies, which act as conveyor belts for the junta’s war propaganda, disinformation in Europe is pervasive.

The course of events was confirming everyday the rumour among the ordinary people that the army organised counter-*maquis* and set up the GIA. The aim was to discredit the Islamists by sending faxes claiming responsibility for the murder of journalists, intellectuals, foreigners, etc. The operation consisted in portraying them as bloodthirsty fanatics, criminal extremists, and Godless and lawless rapists. This propaganda has been effective in France where it resonates with the fantasy of the Arab cut-throat.<sup>75</sup>

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The spectre of 'Muslim fundamentalism' surging through the Maghreb and threatening the heart of Europe remains very much alive and effective as long as economic interests govern political decisions in these countries with regard to Algeria. It is the trump card of the Algerian eradicators, who nourish this ancestral fear and exacerbate it excessively.

Then, when the Muslim fundamentalists were allowed to be eligible, they used the official state buildings. I emphasise this because I can see the same process becoming established in France and among your European neighbours. Not at the top level throughout the whole country [...], but in your suburban ghettos, which have become mini-Algerias.<sup>76</sup>

These are remarks which match perfectly those of the French politicians, who do not hesitate to harness this discourse and propagate further the conflation between Islam, Islamism and terrorism:

Our responsibility as Mediterranean Europeans is to take every measure to prevent the export of terrorism. [...] Today, the Islamists represent 4 million people in France: it is the second religion in France, a religion that is not organised, a religion that has political aims, and this is one of the big questions that must be shouted at political leaders today, whoever they may be.<sup>77</sup>

Despite the efforts of the junta to equip itself with pseudo-democratic institutions, over which in fact it has full control (elected president, made-to-measure constitution, submissive parties, puppet parliament, muzzled press, domesticated ONDH, and a society terrified by the massacres), state terrorism is spreading to an extent that is difficult to justify. However, it is still supported by its domesticated intellectuals, who are prosperous and highly respected in Europe, and who do not tire of repeating the same discourse. It is acceptable, it reinforces the supremacy of the Western vision and justifies the eradication option.

Do the humanists in Europe not see that a genocide of the Algerian people is taking place? They become guilty of a crime against humanity when they compare the crimes of the terrorists with state violence. This is a provocation for if the Islamists had taken power in 1992, if the elections had not been interrupted, I think that they would have killed 2 million people by cutting their throats with a knife in public. [...] I can see only one solution, and that is the military option. [...] We must support President Liamine Zeroual.<sup>78</sup>

*The imperialist dimension of the discourse on 'Terrorism'*

The war that is raging in Algeria with its torments and its corpses requires that it be understood from an international perspective. The 'terrorist hunt' is not just an Algerian, Egyptian or Palestinian affair, but is an important tool in defining, under the American aegis, a common enemy called 'terrorism'. It serves as a focus for mobilising international co-operation for main-

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taining the 'new world order' and justifying the 'anti-terrorist' struggle against any challenge to this order. The relative military and security unanimity shown during various conferences, of which one of the most important took place at Sharm-el-Sheikh, is in accordance with a standardised and watertight propaganda on the nature of 'terrorism'. Movements of popular dissent do not deserve understanding; their grievances are not worthy of empathy. The approach is to anticipate, suppress and reject in its entirety all that which interferes with the smooth functioning of this 'order', governed by the division of international labour, administered by institutions such as the International Monetary Fund, and controlled by the multinationals.

The Western discourse on terrorism imposes a fixed framework of analysis and reference. It allows the discussion of numerous subjects, but in the end every conclusion only serves to justify the very fundamentals of the discourse. The aim of most of the debates is to bring into line and absorb the thoughts and comments regarding the event under discussion. This intrinsic imbalance confirms the dogma of 'the West as the defender of human and civilisational values threatened by terrorism', whose only desire is to undermine the international order. It is the framework itself, its implicit certainties, the explicit ideas that it expounds, and the semantics that it uses which need to be studied.

The discourse on terrorism is important for imperialist expansion and control. This order must be upheld and imposed, especially in countries where the hegemony requirements of former or new colonial powers stumble against strong popular opposition. In their struggle against economic and cultural annihilation, the latter are a threat to the elite in power who serve the interests of the invasive and destructive West. An objective alliance is established between the cultural and military elites on the one hand and the upholders of this 'imperial' order.

Edward S. Herman and Gerry O'Sullivan, who analyse the discourse<sup>79</sup> on terrorism, wonder if the excessive media attention given to this subject is due to an upsurge of terrorist activity or else to the fact that it is in the service of Western politics and interests. In the latter case, terrorism comes first and foremost from the West, and is a reaction in response to the original violence from the West. The dominant discourse on terrorism can be accounted for and summed up by a number of axioms. According to Herman and Sullivan, these axioms include:

- a) The West is an innocent target of terrorism;
- b) The West only reacts to the violence initiated by others;
- c) Terrorists use barbaric methods to gain power and to create a reign of terror. In contrast to Westerners, they have no concept of civilised behaviour;

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- d) When the West supports insurgents, it is because the latter are fighting for democracy and do not use terrorist methods;
- e) The democracies are rejected by, and vulnerable to, terrorists;
- f) Terrorists are organised into an international network.

The broadcasting of this discourse on terrorism is done successfully thanks to a whole 'cultural industry' which elaborates, adapts, produces, distributes and sells information on terrorism and thus responds to the needs of the imperialist states. The objective of this industry, comprising experts, specialist institutions, government and mass media consultants, is to distract attention from the primary state terrorism, by making use of the ideological weapon against real or imaginary violence of popular movements which threaten Western supremacy. The role of the media is to disseminate and reproduce incessantly the image of this deep-rooted enemy: the 'terrorist'. Since this enemy is found outside the West as much as inside it, identifying the 'evil' is easier.

The 'terrorist hunt' can only serve the interests of Western governments and security services, who finance and maintain this industry. As the two authors mentioned above explain:

the industry comprises, first, a public sector of government agencies and officials, who establish 'policy' and provide official opinions and selected facts on terrorist activity in speeches, press conferences, press releases, hearings, reports and interviews. It includes also a private sector of think tanks and research institutes, security firms that deal in risk analysis and personal and property security and protection, and an associated body of terrorism 'experts'. [...] Governments play a major role in the terrorism industry, both directly and indirectly. Directly they fix policy, implement it, and explain and justify the policy to the public. [...] The government also has played a very important indirect role in the production of information (and disinformation) on terrorism.<sup>80</sup>

The discourse on terrorism is taken up in all the states subservient to imperialism, since it is the power of the elite serving Western interests in these states which are threatened. The 'security co-operation', at the logistics and military levels, is supported by an 'ideological co-operation' providing its framework, the propaganda arsenal and access to Western mass media.

The Western propaganda laboratories (agencies, experts, think-tanks, information services) supply an inexhaustible repertoire of themes and tools that the Algerian media import, take up or adapt for the current needs. The confidential circular, quoted a good many times in this paper, illustrates perfectly the adaptation of the axioms of the discourse on terrorism to the specific situation in Algeria.

One might think that to speak of an 'industry' in Algeria would be a mistake. However, the intelligence services, press agencies and government ex-

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perts are adept in propaganda activities, a legacy of the one-party system, but the government monopoly on information (banning any interference that might disturb the dominant discourse) allows it to substitute itself as the sole source of information, at home as much as abroad. Thus, the division of labour goes beyond the manufacture of the discourse on terrorism by the West and its passive consumption by the Algerian media. In controlling the broadcasting and interpretation of information, the local 'experts' at the level of the intelligence services or the newspaper editorial offices endlessly adapt and sharpen the weapons of this 'industry'. They zealously revive the Manichaeic views necessary for maintaining the power of the military regime and the cultural supremacy of the West.

*Press: Victim or Culprit?*

The majority of Algerian journalists knew that the GIA was a product of the security services, dependent on the Ministry of Defence, but they could not write it.<sup>81</sup>

Does not being able to write *it* explain the fact that when the massacres – the biggest post-colonial Algeria has ever known – are at last raising the alarm on the international scene and triggering serious questions about their perpetrators and intents, the so-called independent press is trying desperately to blame the victims? For instance *El Watan* writes:

What can government forces do when some populations continue, despite the misfortunes which strike the citizens, to lend their support to terrorist groups, thus allowing them to take advantage of extensive collusion to escape raids and security operations.<sup>82</sup>

Or else:

The armed Islamic groups, most of whose members have come from the FIS, have declared war on the Algerian people. They want to establish the Islamic republic by means of 'jihad', by massacring thousands of Algerians.<sup>83</sup>

But who decreed 'total war' shortly after the interruption to the electoral process? Who stripped the state of all its legal institutions? Who governed the country by decrees justified by the fight against terrorism? Who issued the slogan of eradication (official terminology)? What is the responsibility of those journalists who served the regime in its 'total war option'?

On the ground, 'the fight against terrorism' has not been limited to armed groups but applied to a whole population hostile to the military government and declared potentially supportive of subversive and terrorist designs. It has used all available methods. This programme of eradication cannot be the

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work of the military alone. Even if they are its instigators and organisers, a whole machinery must be developed and be operational at every level of the state apparatus. This machinery also depends on a division of labour between all the professional bodies: an expeditious *justice d'exception* ('special' law), a corrupt administration that is both manipulated and manipulating, doctors and psychologists covering up torture, while intellectuals and journalists in the regime pay-roll popularise the ideological foundations of this war programme. According to authors who studied the phenomena of massacres and genocide perpetrated during this century, propaganda plays a predominant role since it prepares the ground and justifies crime.

War presents the murderer with the double advantage of erecting a smoke-screen in front of international public opinion and of disguising his crime as a military necessity. Moreover, in a climate of tragedy where death is commonplace, his behaviour is all the less restrained by conscience that the targeted group has for a long time been made out by propaganda to be responsible for the present calamities.<sup>84</sup>

It is in working their way through a series of conceptualised myths with the aim of defining and delimiting the enemy that the propaganda organs develop a genocidal language accompanying the eradication on the ground. The experiences of Rwanda and Bosnia have shown its devastating repercussions. First of all, it is a question – as shown in the section 'Those who are not with us are against us' – of locating the adversary. It is vital to imagine and re-create the group representing the Other as the antagonist, the negative, the enemy, the fundamentalist, the fascist, the terrorist, etc. It is this mechanism of exclusion, of rejection of the Other, which carries within it the seeds of extremism. The Other is not looked at, nor listened to, but feared. The Other is the threat, the diffuse mass, the 'vile beast' or these 'mobs' in opposition to the 'citizens', as the chief editor of *El Watan*, quoted above, would say. The fear of this Other must be aroused by turning the latter into a monster, an aggressor. The reversal of roles justifies rejection and aggression. As Zazi Sadou, leader of the RAFD (Algerian Rally of Democrat Women) put it: 'one does not fight fascism with arguments, one fights it with arms.' Former prime-minister, Redha Malek, stated: 'Fear must change sides'. These are scathing slogans when they are pounded out by all the press and followed on the ground by summary executions and uncontrollable militias.

In the face of such a danger threatening the sovereignty of the state, the eradication programme inevitably becomes a duty. Yet it must be continually explained and justified, for the threat remains imaginary. The methods are basic and are a repeat of colonial teaching, but unfortunately a large number of Algerian intellectuals and journalists have become imbued with them. The task of dehumanising the other leads to borrowing from the dictionary of animals that need to be put down or crushed (the vile beast, the multi-headed hydra, the octopus, the rabid dog, the insect), or from the lexicon of

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diseases and plagues that have to be dealt with before healthy bodies become infected.<sup>85</sup>

Every stage of the genocide carries the marks of negation. The latter is found implicitly in the use of words, in the dialectic reversal of dehumanisation, which allows the suppression of groups by in the name of the protection of civilisation and respect for human rights. To avoid explaining his infamy, the criminal makes use of the opportunity of a war or muffles the pandemonium by lowering the iron curtain of censorship and of the closing of frontiers; he disguises his crime under *justice d'exception* ('special' law): state of siege, state of emergency, martial law. When murder is planned, the criminal state manufactures the elements of misinformation which will form the network of its future defence system.<sup>86</sup>

This process of dehumanisation, turning the other into a degenerate, a 'sub-human', a wild beast, and a public menace is indispensable for justifying the fight against 'terrorism'. The more that Algerian and European public opinions are bombarded with degrading descriptions, slander, lies and contempt about the alleged 'terrorist', the more this notion divests him of his human character. The terrorist is an outlaw. His physical elimination is unavoidable. There is no need to trouble oneself about legal or moral considerations. It is an evil that is being eradicated from society. Liquidating, torturing and getting rid of 'non-humans' is an act of bravery, patriotism and solidarity. It is a commitment that must be continually encouraged and revived as is shown in one of the recent appeals from Algerian intellectuals:

Let us support with the strongest resolution and without any doubt the action taken by our republican security forces. In the terrible war that they are waging against hardhearted sub-humans, we are telling them that they are not alone and that they have the support of society and the nation's intellectuals.<sup>87</sup>

These 'murderous words' have their direct and tangible repercussions. Thus, during a demonstration of the mothers and wives of the 'disappeared' by the security forces, one of the policemen, who had orders to use brute force to turn them back, said casually:

There are no 'disappeared' persons. There are only terrorists. Even their families are terrorists.<sup>88</sup>

Since the 'hunt for the Muslim fundamentalist' was launched, stigmatising and discriminating against bearded men both in words and in cartoons have become commonplace. Above all, journalists have striven to identify 'terrorists' from their facial features and have wilfully assumed police duties. Not only has this media manipulation been accompanied by the interrogation and arrest of bearded men by the security forces, but the testimonies of the victims of torture certainly show with what brutality and hatred the torturers relentlessly target the beards. They burn them, pull out the hairs by hand or with pincers, and coat them with plaster so as to rip them out.<sup>89</sup> Since the

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distinguishing mark of the 'fundamentalist terrorist' is the beard, little wonder that during the massacres the attackers have beards – even very long ones.

Notwithstanding the fallout of their propaganda, certain inflammatory newspapers are not content with registering the tens of thousands of dead. They are preparing for new battles.

But it seems to be forgotten that terrorism is but the armed wing of religious fundamentalism, which has inducted several institutions in the country: schools, the judiciary, mosques, and even parliament, from where it can influence political decisions. Furthermore, it would be a mistake to think that the advocates of terrorism have diminished considerably in number, or have renounced violence for good. In the face of the combined action of the security services and the self-defence groups, they have been forced to back down and retreat. But those who remain in action, be they leaders or underling, are waiting for the right moment to act, for violence is embedded in their politico-religious beliefs.<sup>90</sup>

These newspapers are preparing to provide the ideological and psychological foundations of future war expeditions. They are accessories to the massacre of hundreds of civilians hacked to death at the gates of Algiers. They are staunch apologists of the categorical refusal of any inquiry into the massacres. Yet, the Algerian state must one day face the accusation of committing crimes against humanity. Similarly, the level of responsibility of journalists 'who kill with the pen' will have to be established one day. The Algerian government ratified on 12 September 1989 the International Covenant on Civil and Political Rights of which Article 20 prohibits 'all propaganda in favour of war'. Yet the Ministry of Interior circular, which is aimed at the media, resembles – as we have seen – a code of war propaganda.

When consulting the codes and charters of the journalists' professional duties in different countries, one realises that Algerian journalism contradicts most of their principles: respect of the truth, upholding the freedom of information, not to use underhand methods, refraining from calumny, defamation and unfounded accusations, not to confuse the work of the journalist with that of the propagandist, rejecting all pressure, not to confuse one's role with that of the police officer, etc. Hence there is a need to investigate the responsibility of the Algerian journalists in the deterioration of the situation in Algeria: those who launched malevolent calls, incited people to take up arms and praised the killers in the name of the 'Republic' and 'Liberty'; those who have developed a language designed to touch 'dark places' at the centre of human beings to exterminate those who oppose military dictatorship, to motivate obedience to the victimisation of sections of society and to render this victimisation socially and internationally acceptable. It is necessary that an independent and impartial court be set up one day to bring, openly and fairly, charges against those who, for many years under the pretext of the 'green peril', have been covering up the 'khaki peril'. Once peace is re-

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established in Algeria, such proceedings will contribute to shedding light on the mysteries which have shrouded these nightmarish years and to establish the truth. The credibility of a profession which has placed itself in the service of a war logic is at stake. This profession will have to strive hard to regain the trust of those whose honour it has ridiculed for years on end.

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*Appendix: Inter-ministerial decree for security information*

**الجمهورية الجزائرية الديمقراطية الشعبية**

MINISTRE DE L'INTERIEUR  
DES COLLECTIVITES LOCALES,  
DE L'ENVIRONNEMENT  
ET DE LA  
REFORME ADMINISTRATIVE

وزارة الداخلية  
والجماعات المحلية  
والبيئة  
والإصلاح الإداري

Le Ministre

الوزير

A

07 JUIN 1994

CONFIDENTIEL  
RESERVE

MESSIEURS LES EDITEURS ET LES RESPONSABLES  
DE LA PRESSE NATIONALE

**OBJET :** - Sécurité intérieure et information-presse  
- Cellule de la communication sécuritaire.

J'ai l'honneur de vous adresser l'arrêté interministériel relatif au traitement de l'information à caractère sécuritaire.

Cet arrêté institue une cellule de communication dont la mission première est de vous faciliter l'accomplissement de votre mission.

La cellule de communication est localisée au Palais du Gouvernement. Ses numéros de téléphone et de fax sont :

- Numéro de téléphone : 63.10.85
- Numéro de Fax : 64.44.55

Au moment où tous les efforts des forces vives de la Nation sont tendus vers l'éradication du terrorisme et de la subversion, je sais pouvoir compter sur votre contribution positive dans la lutte antiterroriste et antisubversive.

Le groupe de travail pluridisciplinaire qui a étudié tous les aspects du traitement de l'information à caractère sécuritaire a associé à sa réflexion de nombreux journalistes et s'est enrichi de leur apport tout en prenant en charge leurs préoccupations et leurs problèmes dans le domaine visé.

La complexité de ce domaine nous impose à tous une concertation permanente, une compréhension mutuelle des impératifs et contraintes qui pèsent sur chacun de nous et une entraide efficace pour surmonter les nombreux obstacles et écueils qui se dressent sur notre chemin.

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Translation of the document in French (opposite)

**Democratic and Popular Republic of Algeria**

Ministry of Interior,  
Local Communities, the Environment, and Administrative Reforms

The Minister

**Confidential Restricted**

7 June 1994

**To the Editors and Managers  
of the National Press**

**Subject:**           - Internal Security and Press Information.  
                          - Security Information Unit.

I am writing to provide you with the inter-ministerial decree relative to security information.

This decree establishes an Information Unit whose primary task is to facilitate the carrying out of your mission.

The Information Unit is located at the Palais du Gouvernement. Its telephone and fax numbers are:

- Telephone number:   631085
- Fax number:           644455

At a time when all the efforts of the nation's forces are directed towards eradicating terrorism and subversion, I know that I can count on your positive contribution in the fight against terrorism and subversion.

The multi-disciplinary task group which has studied all the aspects of the treatment of security-related news sought the views of a number of journalists and has taken into account their concerns and problems.

The complexity of this issue calls for permanent exchanges of views, a mutual understanding of the requirements and constraints that apply to each one of us, as well as an effective co-operation to overcome the numerous obstacles and pitfalls that are on our way.

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Ministry of Interior  
and Local Communities

Ministry of Culture  
and Communication

Inter-Ministerial Decree Relative to Processing Security Information<sup>F</sup>

The Minister of Interior and Local Communities and  
The Minister of Culture and Communication

- In view of the law no 90-07 of 3 April, 1990 regarding news information;
- In view of the amended presidential decree no 92-44 of 9 February, 1992 whereby the state of emergency was decided;
- In view of the amended presidential decree no 93-02 of 6 February, 1993 whereby the state of emergency was extended;
- In view of the amended presidential decree no 92-304 of 8 July, 1992 whereby the prime minister was nominated;
- In view of the executive decree no 92-307 of 19 July, 1992, whereby the members of the government were nominated;

DECREE

Article 1

Under the provisions of the presidential decree no 92-44 of 9 February 1992, mentioned above, an Information Unit is established at the Ministry of Interior and Local Communities. It is in charge of relations with the media regarding information, the production and dissemination of official communiqués about the security situation.

Article 2

The communiqués produced by the Unit described in Article 1 above are the only ones to have an official status and are broadcast exclusively by the Algérie Press Service news agency(APS).

Article 3

As regards terrorism and subversion news items, all media of every kind are required to broadcast nothing apart from the official communiqués mentioned in Article 2 above and the content of public briefings made at press conferences by the Unit mentioned in the present decree.

<sup>F</sup> The French original version of this text is also available in Amnesty International, Fédération Internationale des Ligues des Droits de l'Homme, Human Rights Watch and Reporters sans Frontières, *Algérie: Le Livre Noir*, La Découverte, Paris 1997, pp. 52-57.

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Article 4

The broadcasting of any security-related news by any means other than official communiqués or communications made publicly during meetings with the press as mentioned in Article 3 above is strictly forbidden. Any violation of this ban is punished under the current law and regulations.

Article 5

The present decree will not be published and its provisions are notified only as extracts to whom it may concern (physical or moral person).

Algiers, [date.....]

THE MINISTER OF THE INTERIOR  
(illegible signature)

THE MINISTER OF COMMUNICATION  
(illegible signature)

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PROCESSING SECURITY-RELATED INFORMATION  
RECOMMENDATIONS TO THE NATIONAL MEDIA

**A.**

REMINDER OF THE MAIN AXES OF THE AUTHORITIES' INFORMATION POLICY RELATIVE  
TO SECURITY

- 1) To communicate, systematically and in a timely manner, information:
  - to present, counter and defeat [enemy] rumours and propaganda;
  - to develop a healthy and credible relationship in this domain with citizens and the media.
- 2) To reduce the psychological impact expected by the leaders of terrorists by:
  - trivialising any information about terrorist and subversive acts, and avoiding any exaggeration of their results;
  - seeking to achieve the opposite effect to that expected by the terrorists: *no panic, self-control and determination not to let political violence prevail.*

**B.**

RULES OF PROFESSIONAL ETHICS AND DEFENCE OF THE NATION'S HIGHER INTERESTS

The importance of what is at stake in the struggle against terrorism and subversions and its vital role for civil peace in our country requires us all to search for ways to contribute to the eradication of political violence.

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- 1) Information relating to security should not be part of the realm of competition between press organisations.
- 2) Scoops, excessive publicity and the exaggeration of legitimate emotions caused by any attack must be forbidden.  
The violation of collective discipline by any press organisation cannot be used as [pretext or justification] by any other organisation for failing to abide by this rule.

**C.**

RECOMMENDATIONS

1) TERMINOLOGY

An appropriate terminology will be made available to the media by the Information Unit.

[Its use is recommended] to avoid any unconscious use of a terminology which might serve the enemy's ideology and propaganda.

2) PROTECTION OF PEOPLE

The publication of pictures of non-public personalities known for their enmity to the fundamentalist ideology and to the use of political violence purposes must be avoided.

3) IMPORTANCE OF NEWS ITEMS

- Barring exceptional cases, news items should invariably be printed on inside pages.
- Where a news item is treated on the first page, owing to the importance or novelty of the event, the space devoted to it should be limited.
- Psychological impact of terrorist and subversive acts should be trivialised and minimised and the morale of the Nation should be preserved. The terrorists must understand that they will never reach their goal of [creating a psychological climate leading to the] paralysis of some institutions or prompting public reactions that would put pressure on the state to make compromises or to fatal errors.

4) FIGHT AGAINST THE ENEMY'S IDEOLOGY AND PROPAGANDA

- Avoid publishing of pictures of the *leaders* of violent action or gratifying them by giving them uncalled for terms or titles.
- Publicise atrocities committed by the Islamist regimes in Iran, Sudan, and Afghanistan.
- Emphasise the cheating and swindling of those who, in the name of religion and purification of society, take to criminal practices such as:
  - the use of drugs by the perpetrators of terrorist crimes;
  - the use ex-convicts and bandits as contract killers;
  - the forcible enrolment of unprotected youth and the exercise of pressure on them to make this involvement irreversible;

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- the cowardly practices of the *political leaders* who send gullible young men out to die.
- etc...

5) DETERRING VOLUNTEERS AND THOSE FORCED TO ENROL

Emphasise:

- that no crime will go unpunished and that at the end of the road there is no outcome other than prison or death;
- the efficiency of the security forces which, even if unable to prevent all crimes, do always manage to find the culprits;
- the losses suffered by the enemy;
- the cowardice of those arrested, and that they become informers;
- the severity of the sentences pronounced in the special courts;
- that public opinion rejects the use of violence for political aims;
- that citizens give up supporting the generous ideas of certain people immediately after the latter turn to terrorism.

6) PROMPTING REACTIONS OF REJECTION OF TERRORISM

Emphasise the inhumane nature of the terrorists' barbaric acts:

- slitting throats;
- attacks on ambulances;
- killing and maiming of children;
- killing of relatives of members of the security services, even in the presence of small children;
- etc...

7) HIGHLIGHTING THE COLLUSION WITH FOREIGN GOVERNMENTS

- Financial, logistical, etc... support by Iran, Sudan, etc.
- Training of *Afghans*.
- Calls to boycott Algeria and harm its vital economic interests.
- Contacts with foreign powers to negotiate for their support in return for promises or commitments to serve the interests of these powers in Algeria.
- Secret deals with the enemies of Algeria;
- Etc...

8) DEVELOPING INSTINCTS FOR COLLECTIVE SELF-DEFENCE

- To instil in society an instinctive rejection of terrorism; continuous use of the motto 'Terrorism will not win'.
- To prevent the impact anticipated by the terrorists on all or some categories of the population by:
  - highlighting the positive reactions of the families and relatives of the victims;

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- supporting the citizens' participation in the fight against terrorism;
- showing that terrorist activities in a number of advanced democracies (Italy, Spain, Britain, France...) have not changed the order of things;
- explaining to public opinion that violence is an endemic phenomenon of modern nations and that it causes thousands of deaths every year (nearly one thousand violent deaths in Washington D.C., in the USA alone during the first half of 1993);
- making terrorist instigators understand that their crimes will not affect in any way the natural development of our society and the normal functioning of its institutions.

9) FOSTERING A RELIGIOUS IDEOLOGY THAT CONDEMNS CRIME

- Terrorism in Algeria kills in the name of religion and on the basis of fatwas, and this represents a double crime: *against the human being and against Islam*.
- Organise interviews and panel discussions with religious scholars and intellectuals on this subject;
- Publicise the positive stands adopted by national or foreign religious authorities;
- Put pressure on those Algerian religious scholars who, out of fear, have kept silent in front of terrorism, to have the courage to express their views, the defence of one's country being incumbent on all its citizens.

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## NOTES

<sup>1</sup> *Alger Républicain*, 6 January 1992.

<sup>2</sup> The promulgation of the law on the media of 3 April 1990 puts an end to the State's monopoly on the press. As a result, tens of titles are launched. However, from January 1992, the authorities carried out 58 acts of censorship (seizures, suspensions or bans). The first newspapers targeted were those of the FIS [Islamic Salvation Front]. See 'Algérie, la guerre civile à huis clos', *Reporters sans frontières*, March 1997.

<sup>3</sup> The declaration of the state of emergency on 9 February 1992 'which aims at maintaining public order, protecting the people and their belongings, as well as ensuring the normal functioning of the public services' was crowned by the decree 92-03 of 30 September 1992 'relative to the struggle against subversion and terrorism'. This decree contained 'most alarming dispositions in the definition of 'subversion' and 'terrorism' giving the authorities the possibility to prosecute anyone accused of verbal support.' Human Rights Watch report, Middle East, 1994, and 'Livre noir de l'Algérie', *Reporters sans frontières*, Paris 1996, p. 152.

<sup>4</sup> *Reporters sans frontières*, op. cit., p. 10.

<sup>5</sup> *Reporters sans frontières*, op. cit., p. 11.

<sup>6</sup> *La Tribune*, 20 February 1995, quoted in Ghania Mouffok, *Etre journaliste en Algérie*, Paris 1996, p. 46.

<sup>7</sup> *Human Rights in Algeria*, a report by the US Foreign Ministry, February 1987 and *Reporters sans frontières*, pp. 21-23.

<sup>8</sup> *El-Moudjabid* was and still is the voice of the government: 'The BSPs [Bureaux of Surveillance and Protection] were created in State companies during the time of the Boumedienne dictatorship, to monitor the staff and to denounce any "political unrest". Their members were agents of the *Sécurité Militaire* and were recruited on the spot.' *Livre blanc de la répression en Algérie* (1991-1994), vol. 2, Planes-Ouates, p. 213.

<sup>9</sup> François Burgat, 'L'Islamisme contre les intellectuels' in *L'Islamisme en face*, Paris 1995, p. 160.

<sup>10</sup> Abed Charef, *Algérie, Le Grand dérapage*, La Tour d'Aigues 1994, p. 480.

<sup>11</sup> More than fifty journalists from all political tendencies have been killed. Despite the fact that the version of the 'Islamist commandos' has been refuted for some of the murders, as in the case of the highly publicised assassination of Tahar Djaout, the 'eradicationist commandos' still persist in their accusations. See Ghania Mouffok, 'Qui a tué Tahar Djaout' in *Etre journaliste en Algérie*, Paris 1996, p. 91.

<sup>12</sup> Report by *Reporters sans frontières*, p. 19.

<sup>13</sup> 'La compromission surnommée paix', in *El Watan*, beginning of December 1996. The representatives from parties such as the FIS, the FLN and the FFS who met in Rome under the umbrella of the Saint Egidio community to set up a platform of talks to get out of the Algerian crisis, were called 'Saint-Egidians'. They restated their quest for a political solution in this call for peace launched in November 1996.

<sup>14</sup> 'In an interview, Kamel Belkacem acknowledged that 80% of the letters published in the weekly magazine *Algérie Actualité* of which he was the director, were related to manipulations and doubtful denunciations of all sorts.' *Jeudi d'Algérie*, 17 September 1992, in *Algérie: Raison et déraison d'une guerre* by Abdennour Ali Yahia, Paris 1996, p. 60.

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<sup>15</sup> Ibid., p. 53.

<sup>16</sup> Ibid., p. 61.

<sup>17</sup> These publications have however no chance of survival, because, although they are the 'voice' of the government in its struggle against the Islamic movement, they have to face many conflicts on other fronts. Examples of newspapers of this kind are *Alger Républicain*, *Liberté*, *Le Matin*, *El Watan*, *L'Authentique*, *Le Soir d'Algérie*, *Hebdo Libéré*, etc., without mentioning the government press.

<sup>18</sup> *Le Matin*, 22 November 1994.

<sup>19</sup> *L'Hebdo Libéré*, 23-29 March 1994.

<sup>20</sup> 'Secondary school girls as contact agents. [...] In the course of their interrogation, they have claimed that they have been indoctrinated by their mathematics teacher, a militant from the ex-FIS [...]. The latter is on the run and is wanted.' *Le Matin*, 29 May 1994.

<sup>21</sup> *Le Matin*, 5 June 1994.

<sup>22</sup> Ghania Mouffok, 'Les Femmes algériennes dans la guerre', in *Peuples Méditerranéens*, January-June 1995.

<sup>23</sup> *Liberté*, 15 October 1994, in *Livre Blanc, Supplément*, p. 176.

<sup>24</sup> *Le Matin*, 22 November 1994.

<sup>25</sup> Ibid.

<sup>26</sup> *Hebdo Libéré*, 23-29 March 1994.

<sup>27</sup> Ghania Mouffok, *Etre journaliste en Algérie*, p. 93. Regarding the murdering of journalists, *Reporters sans frontières* reports that 'the security services have never revealed the results of their investigation, and the only trials of the journalists' murderers which were made public took place in absentia.' p. 5.

<sup>28</sup> Paragraph 5 of the memorandum in question recommends to stress 'the efficiency of the security forces who, even though they have not been able to prevent all crimes, they always manage to find the culprits'. One of the latest victims of the recent wave of assassinations is the presumed murderer of Abdelhak Benhamouda, president of the UGTA [the Algerian national workers' union], killed on 28 January 1997. Rachid Medjahid, who has 'admitted' being the author of the crime on the Algerian TV, was killed in prison on 26 February 1997.

<sup>29</sup> The aim, according to paragraph 6 of the confidential memorandum, is 'to make people reject terrorism' by demonstrating 'the inhumane nature of the barbaric acts of the terrorists.' One of the favourite issues is the rape of women and girls, playing on the psychological impact this sort of information has on the public. 'Despite the propaganda of the fundamentalists [sic], the ten terrorists have indeed raped the *gendarme's* two young daughters before slaughtering them.' *Le Matin*, 3 July 1994, and 'When the terrorists legalise rape', *Le Matin*, 17 May 1994.

<sup>30</sup> '15,000 local guards ready to go into action', *El Watan*, 16/17 December 1994.

<sup>31</sup> See paragraph 8 of the above-mentioned memorandum: 'Development of the collective reflex of self-defence'.

<sup>32</sup> Paragraph 3 of the above-mentioned memorandum.

<sup>33</sup> 'Citizens hunt down terrorists', *Le Matin*, 2 August 1994.

<sup>34</sup> 'This barbarian act proves once again that armed groups, made up mostly of *Harkis* and sons of *Harkis*, stop at nothing to attain their despicable ends.' *Le Matin*, 17/8 June 1994.

<sup>35</sup> *Le Matin*, 18/19 November 1994.

<sup>36</sup> *Horizons*, 12 February 1995.

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<sup>37</sup> Paragraph 8 of the confidential memorandum advises to 'reveal to the general public that violence is an endemic phenomenon of modern nations which causes thousands of deaths each year'.

<sup>38</sup> *El Watan*, 12 March 1995.

<sup>39</sup> Moussa Ait-Embarek, *L'Algérie en murmure, Un cahier sur la torture*, Plan-les-Ouates, 1996.

<sup>40</sup> *El Watan*, 6 April 1994

<sup>41</sup> It was fortunate that *El Watan* made this very anonymous crime known to the public on 14 October 1994, as the victim herself did not even know about it. She later complained to the newspaper.

<sup>42</sup> Ali Yahia Abdenour, 'Il est vrai que le ridicule ne tue pas en Algérie', *Livre Blanc*, vol. 2, p. 180.

<sup>43</sup> Rachid Boudjedra excels in vulgar slandering in his book *FIS de la haine*, Paris 1992.

<sup>44</sup> *El Watan*, 2 November 1994.

<sup>45</sup> *Ibid.*, 12 December 1994.

<sup>46</sup> Whether it is at the occasion of the demonstrations organised by a group of women speaking on behalf of 'all Algerian women' on Women's Day; or of the tribunal against fundamentalism organised by these very same 'democratic' women who do not hesitate to condemn the FIS leaders to death - a sentence that even the military court did not pronounce; the demonstration of the 'democrats' on 22 March 1994; the support rallies to Liamine Zeroual during the meeting of the opposition in Rome, etc.

<sup>47</sup> The change of wording noted by *Le Soir d'Algérie* on 26 February 1995, for instance, the use of 'criminal' instead of 'terrorist', would have 'occurred since the announcement of a bill of law relative to the modification of the procedure and the criminal law, and of the measures of clemency under conditions for repentant terrorists.'

<sup>48</sup> François Mitterrand in the official journal of 12 November 1954, quoted in Henri Alleg (ed.), *La Guerre d'Algérie*, Vol. 2, Paris 1980, p. 442.

<sup>49</sup> This 'ideology' focuses on the condemnation of terrorism by showing that, in Algeria, one 'kills in the name of religion and on the basis of *fatwas*, which constitutes a double crime: against a human being and against Islam.' Then it is a matter of giving the religious leaders ready to legitimise the government a platform of publicity, and finally, by putting the pressure on the other religious leaders so that they rally to the cause.

<sup>50</sup> Minutes of this meeting of 3 February 1997 in *El Watan*, 5 February 1997.

<sup>51</sup> *L'Authentique*, quoted in the report by *Reporters sans frontières*, p. 18.

<sup>52</sup> *Alger Républicain*, 21 March 1994, at the occasion of the call to a demonstration.

<sup>53</sup> 'The public authorities have -finally!- decided to fight fundamentalism which has spread like gangrene in administrations and public companies.' *El Watan*, 9 April 1995.

<sup>54</sup> 'Tehran promises to assassinate Ali Kafi', *El Watan*, 6 July 1992.

<sup>55</sup> *El Watan*, 18 December 1996.

<sup>56</sup> *El Watan*, 5 February 1997.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *El Watan*, 10 February 1997.

<sup>60</sup> 'According to well-informed sources, nearly 20,000 people have taken part this Thursday in Barika ... in the march in support of President L. Zeroual and against terrorism.' *El Watan*, 17/18 December 1994.

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<sup>61</sup> François Burgat, *L'Islamisme en face*, Paris 1995.

<sup>62</sup> Ibid.

<sup>63</sup> The right to answer requested by the man's wife was refused. *Livre Blanc, Supplément*, p. 186.

<sup>64</sup> *Le Matin*, 17 May 1994.

<sup>65</sup> 'Ex-Mujahedins set up self-defence groups. Chlef fights terrorism.' *El Watan*, 25 July 1994.

<sup>66</sup> 'An initiative which meets the citizens' approval: the local police deploys'. The latter is composed of relatives of ex-mujahedins and 'reflects the image of a resisting and hopeful Algeria', *El Watan*, 13 April 1995.

<sup>67</sup> Omar Belhouchet, in *El Watan*, 18/19 March 1994.

<sup>68</sup> Amnesty International, *Algeria, Silence and Fear*, November 1996.

<sup>69</sup> *Le Matin*, 23 November 1996, quoted in the report by *Reporters sans frontières*, p. 32.

<sup>70</sup> *El Watan*, 21 November 1996, quoted in *Reporters sans frontières*, pp. 29-30.

<sup>71</sup> *El Watan*, 1 August 1994.

<sup>72</sup> Khalida Messaoudi, *Une Algérienne debout*, Paris, 1995, p. 30.

<sup>73</sup> Elisabeth Schemla (Editor of *Le Nouvel Observateur*), in *L'Express*, 30 May 1996.

<sup>74</sup> Fériel Assima, *Une Femme à Alger*, Paris, 1995, pp. 33-34.

<sup>75</sup> Larbi Ait-Handoula (Journalist in Algiers). 'L'Opacité du drame Algérien', *Monde Libertaire*, 30 October-5 November 1997.

<sup>76</sup> Khalida Messaoudi, op. cit., p. 148-149.

<sup>77</sup> Jean-Louis Debré (President of the RPR [Rally for the Republic] party) at the French National Assembly, *Agence France Presse*, 28 September 1997.

<sup>78</sup> Rachid Boudjedra, *Der Spiegel*, 20 October 1997.

<sup>79</sup> '“Terrorism” as Ideology and Cultural Industry', in *Western State Terrorism*, UK, 1991.

<sup>80</sup> Ibid., pp. 52-53.

<sup>81</sup> Larbi Ait-Handoula, op. cit.

<sup>82</sup> *El Watan*, 17 September 1997.

<sup>83</sup> Omar Belhouchet, *El Watan*, 29 August 1997.

<sup>84</sup> Yves Ternon, *L'Etat criminel, Les Génocides au XXe siècle*, Paris, 1995, p. 99.

<sup>85</sup> Moussa Ait-Embarek, op. cit., pp. 152-157.

<sup>86</sup> Yves Tournon, p. 103.

<sup>87</sup> Call 'to finish with terrorism' published in various Algerian dailies around mid-October 1997.

<sup>88</sup> *Le Monde*, 24 September 1997.

<sup>89</sup> Moussa Ait-Embarek, op. cit., pp. 152-157.

<sup>90</sup> *El Watan*, 22 June 1997.

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## **IV. International Responses**

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## Introduction

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A bystander to a crime is any member or group of society who is neither perpetrator nor victim, or outside individual, organisation or state not directly affected by it. There is ample evidence indicating that bystanders can influence tremendously the course of victimisation events.<sup>A</sup> For instance in the case of emergencies, the words and actions of witnesses of affliction affect other bystanders' perceptions of the situation and their responses to it. Clearly bystanders' indifference or support, or opposition to massacres would influence the subsequent unfolding of events along different courses.

Unconcern to victimisation may confirm the perpetrators in its acceptability, if not its rightness, and the other bystanders in the lack of emergency and graveness to the situation. While the passivity of individual bystanders may be due to fear, cultural prejudice, just-world thinking, or compliance with the propaganda of the perpetrators, that of organisations and states originates from amoral, or sometimes deliberately exploitative, conceptions of political and economic activities, and narrow-minded notions of group and national self-interest.

Opposition to victimisation throws doubt upon the acceptability and consequences of the victimisation in the minds of the perpetrators. By breaking the uniformity of views and calling attention to values of caring they increase the propensity of other bystanders helping to put a stop to the victimisation.

It is the aim of this part of the book to record the reactions of different types of external bystanders to the massacres that have plunged Algeria into mourning in recent years. Due to space limitations, it is not possible to give a comprehensive account of all influential bystanders or noteworthy reactions. For each bystander of interest, be it a state, a national, regional or international organisation, the intention is to give a representative sample of responses that contribute to answering as many of the following questions as possible: How did the bystander view the massacres? How did the bystander perceive, and respond to, the perpetrators and the victims, and why? What did the bystander state about the need for an independent commission of inquiry into the killings?

<sup>A</sup> E. Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence*, Cambridge University Press, Cambridge, 1989.

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France is given particular attention in the study of international responses because of its geographic proximity and historical links with Algeria, its power of influence on events in the country, and the key role it plays in shaping the foreign policies on Algeria of many Western countries. The first contribution of Salem-Badis is devoted to French reactions to the massacres. The author covers those of the government, political and intellectual figures, NGOs, and the media. In the second paper, Salem-Badis discusses the analogies between the responses of France to the massacres in Algeria and its stands towards the genocide in Rwanda. The third paper, by Aroua, attempts to provide some explanations of the bystanding behaviour of France.

At a regional level, the European union exerts considerable influence on the conflict in view of Europe's proximity to Algeria, and the political, economic and financial supports it extends to the regime. Aroua's report on the responses of the EU to the massacres focuses on its main initiatives to halt these crimes.

Given the super-power status of the US, its wide ranging influence on states and international organisations, and its declared commitments to defend human rights in the world, its responses to the massacres are addressed in detail by Waliken and Larioui. The authors compile the reactions of various representatives of the US government and propose an explanatory account of this power's bystanding behaviour with regard to the Algerian mass killings.

Next in attention is the Arab and Muslim world. Although much less influential on the conflict than the respondents treated above, it remains important because of its religious, cultural and historical bonds with Algeria. The review of this world's reactions by Zerouali covers a sample of national governments, political parties, and intellectual and political figures, and includes those of the Arab League and the Organisation of the Islamic Conference. Zitout's contribution focuses exclusively on the Algerian policies of Arab regimes to explain the official Arab responses to the killings. Mohamedou addresses the silence of the Arab world about the massacres and spells out the causes of this stand.

The United Nations is the international organisation most concerned with resolving conflicts and protecting the rights of peoples and human rights. Aroua's paper is devoted to a survey of the responses of the various relevant UN bodies and the main actions the UN took towards stopping the massive human rights violations in the country. This report also documents the diplomatic strategy and tactics of the Algerian regime to neutralise the few initiatives of the UN to bring about respect of human rights in Algeria. Zehouane proposes a substantive critique of the report of the United Nations panel which has been the only concrete action of the UN with regard to the massacres.

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International economic and financial agents do also influence considerably the behaviour of the Algerian regime and the course of events. The by-standing role of international oil companies is discussed by an article of the Financial Times which kindly agreed to its reproduction. Tinkicht and Benhadid shed light on the responses of a wider range of transnational firms to the massacres and discuss an explanatory model that accounts for them.

Several countries, and regional groups and organisations in Africa, Asia and Latin America, Eastern countries, Russia in particular, the Vatican and international representative bodies of world religions were not included in this survey of responses. International human rights NGOs have stood by the Algerian people at their hour of need but they have not been treated separately here as their responses are documented in various ways in all the parts of this book. This part does not also review the responses of citizens in various countries of the world despite the fact that the massacres of Rais, Bentalha, Beni-Messous, Relizane, and Sidi-Hamed did affect world public opinion and prompt some actions. These gaps are not omissions or oversights but are due to constraints in getting surveys on these respondents ready within strict deadlines

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## FRENCH REACTIONS TO THE MASSACRES IN ALGERIA

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*L. Salem-Badis*

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*But some of these intellectuals go very far. They support actively the eradication option of the Algerian authorities whose only logic is: 'kill all of them!' In this outlook, the violations of human rights, however horrible they may be, are but a necessary evil that will cease with the death of the last activist.*

François Gèze, *Revue Esprit*, No. 235, August-September 1997.

*Let us have the frankness to say that if Algeria fell into an Islamist regime, the interests of France would be directly affected.*

Jean-Pierre Chevènement, interior minister, *L'Express*, 22 January 1998.

*In Algeria, we have only two things to export: our oil and our rows. The great French intellectuals have but succeeded in one thing: in reproducing without any distance the same debate that we have been having here for six years. Instead of going beyond, seeing things from high above, they confuse a little more the talking.*

Counter-reactions of Algerian citizens to the reactions of the French philosophers, *Libération*, 24 January 1998.

## 1. Introduction

France exerts a considerable influence on the political events in Algeria as a result of its colonial past. It still sees Algeria and the rest of its old colonies as a private preserve. In Africa, for instance, it has supported military dictators like Jean Bedel Bocassa of Central Africa, Mobutu of Zaire, and armed the Hutu militias which are responsible for the genocide of the Tutsi in Rwanda. The will to maintain a Francophone zone and a French presence in the ex-colonies where there are natural resources and markets for French products has meant a French policy of active support to repressive and corrupt regimes. At a time when the French cultural 'rayonnement' is in decline, owing to the neo-colonialist attitude of France, many former French colonies risk finding themselves in the situation of Rwanda or Algeria. France seems reluctant to accept peaceful transitions towards democratic forms of government over which the Ecole de Guerre-trained military officers have no influence. In the case of Algeria, the situation is further complicated by the historically inimical attitude of France towards Islam.

The political discourse in France is full of references to human rights, liberty, equality, fraternity and humanity. Unfortunately, the Algerians seem to be undeserving of these values. France is one of the few countries in Western Europe which denies free expression to the opponents of the Algerian regime. The political exiles on its soil are harassed and live in fear of the

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dreaded Algerian security services. The killers of Imam Sahraoui, an opponent of the Algerian regime and a founding member of the FIS party, have not been caught to this date. Like Algeria, France has interned Algerians in camps such as Folembrey<sup>A</sup>. However, the supporters of the Algerian military regime find encouragement, easy access to the media and are celebrated as 'democrats'.<sup>B</sup> Algeria is presently the worst country in the world with regard to human rights abuses and stands accused of gross and systematic violations of human rights by Amnesty International, Human Rights Watch and la Fédération Internationale des Droits de l'Homme. The lives of Algerians are threatened by endless massacres, extra-judicial killings, kidnappings and disappearances. The French government is well placed to know what is happening<sup>C</sup>, yet it continues to support a military junta whose excesses have embarrassed even its allies<sup>D</sup>.

Long before the implication of the Algerian security forces in the atrocities became known, a report<sup>1</sup> compiled by Algerian lawyers and campaigners for human rights in 1995 was banned in France by the interior minister Jean-Louis Debré. By this action, the French government dispelled any ambiguity on its stand regarding the Algerian conflict. Moreover, the activities of the supporters of the military regime have always found encouragement and assistance. Despite bomb attacks in Paris, whose responsibility is widely attrib-

<sup>A</sup> On 9 November 1993, a vast campaign of arrests was organised by Charles Pasqua, the then interior minister. The detainees were members and sympathisers of the *Fraternité Algérienne en France* (FAF). In total 88 persons were arrested without any valid reason, including the spokesman of the FAF, Moussa Kraouche, and were later placed under house arrest. After nine months of house arrest, 26 persons were assembled in a disused barracks at Folembrey, near Soissons, at about 100 km North of Paris. On 31 August 1994, the interior minister decided as a matter of urgency to expel 20 of them to Ouagadougou, capital of Burkina-Faso. The remaining persons stayed under house arrest and under judicial control.

<sup>B</sup> Saïd Saadi, Khalida Messaoudi and Rachid Boudjedra have been ubiquitous in the French media since the military coup of 11 January 1992 against the nascent democracy in Algeria. They lobbied, together with other losers in the ballot box, the military to intervene and take power. Algeria has been plunged since then in a spiral of violence which feeds on grinding innocent lives. The responsibility of the Algerian 'democrats' in the tragic events of Algeria cannot be overlooked.

<sup>C</sup> Through its eavesdropping operations, French intelligence is aware of what is exactly going on in Algeria.

<sup>D</sup> The Algerian newspaper *Liberté* is a staunch ally of the military regime's eradicationist line. It could not however keep silent when it emerged that militiamen belonging to the ruling RND party, the party of President Zeroual, were involved in the massacres of innocent civilians. El-Hadj Fergane, the mayor of Relizane, nicknamed the 'Sheriff' and El Hadj El-Abed, mayor of Jdiouia and their relatives were heading death squads which were responsible for the killing of scores of people. *Liberté* mentioned 17 corpses found in a well and 62 others found in blockhouses. Some of the victims were buried alive. Given the level of media censorship and the strict guidance under which the newspapers operate, the revelations could not have been published without the intervention of a powerful clan within the military to check the rise of the rival Zeroual clan. Indeed, the whole episode enlightens us about the rivalry that exists among the various poles of the military structure in Algeria. It supports also the analysis of the army made by Lahouari Addi (cf. *L'Armée Algérienne Confisque le Pouvoir*, *Le Monde Diplomatique*, N° 527, February 1998).

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uted to the Algerian secret service<sup>E</sup>, the Algerian ideologues of eradicationism continue to enjoy a status that even French politicians cannot aspire to.

In what follows, the French reactions to the massacres in Algeria are reviewed. The reactions are grouped into three categories: the French state and its representatives, political and cultural personalities, and human rights organisations and the media. Obviously, it would be an enormous task to gather everything that has been said in connection with the massacres in Algeria. No doubt, such an endeavour would be valuable. However, it is estimated that the reactions gathered below are sufficiently representative to give a true indication of the stand of France and its public opinion with respect to the massacres in Algeria. First, the special relationship between the Algerian generals and France is briefly illustrated in the light of recent revelations contained in a book written by two French investigative journalists: Claude Angeli and Stéphanie Mesnier.<sup>2</sup>

## 2. Tacit Support for the Algerian Generals

Relations between France and Algeria have always assumed a dual character: public and private, especially since the military coup of 11 January 1992. In public, the French call for democracy and the respect of human rights but in private they have always supported military rulers who serve their interests, regardless of the human rights situation. Claude Angeli and Stéphanie Mesnier wrote in this respect:

During the bomb attacks of the 1995 summer, Chirac confined himself to ordinary and prudent words in restating the position of France. Of the kind: 'France helps the people and not the military who are in power; it does not seek to interfere in this conflict, but encourages the Algerians to find the answers to their own problems.'

Has the GIA been led into action in France by these false neutrality and discreet support to the authorities? A study of the Saint-Simon foundation, published in July, does not rule out this hypothesis: 'The French help constitutes for the Algerian authorities an ever more indispensable support [...]. One has to recall that French targets remain a priority for the terrorists, whether in Algeria or on French soil.'<sup>F</sup>

An official of the secret service has confirmed the statement: 'We are paying for the promises made from 1993 to 1995, and especially by Pasqua. We are paying for the help granted to the Algerian regime in terms of arms and intelligence.'<sup>3</sup>

<sup>E</sup> According to information published by the British newspaper, *The Observer* of 9 November 1997: 'The bombs that outraged Paris in 1995 -blamed on Muslim fanatics- were the handwork of the Algerian secret service. They were part of a sophisticated black propaganda 'psy-ops' war aimed at galvanising French public opinion against the Islamists'.

<sup>F</sup> Notes de la Fondation Saint-Simon, *Comprendre l'Algérie*, July 1995. Two high officials, one French and the other Algerian, provide the keys for understanding the Algerian crisis. An editorial in *The Financial Times* published in August 1995 under the title, 'Chirac's Algerian puzzle', mentioned this document and suggested that the export of violence might be a tactic of the military regime aimed at provoking an anti-Islamist reaction in France.

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The Algerian generals have always sought to widen the conflict against their opponents and export it as far as possible to the West. So, any violence committed in the West, whether manipulated or engineered by them, and which can be attributed to the Islamists is grist to their mill. Indeed, the generals have been busy gathering their supporters world-wide for international action against the Islamists. Already, the Arab League and some European countries are fully collaborating with them on security matters. For the Algerian regime, France is a strategic country to which violence must be exported at any cost. France can indeed exert pressure on the European Union to take action against the Islamists. This is why, despite their support for the Algerian military authorities, the French remain wary of the intentions of the latter.

The support to the military is not devoid of suspicion. In the aftermath of the Saint-Michel bomb attack, a collaborator of Alain Juppé did not hide a mistrust shared by the prime minister, Dominique de Villepin and the DGSE still more than the DST: 'it is undoubtedly the work of Islamists. But who is behind them? Maybe a clan of either the Algerian Sécurité Militaire or the authorities which would like to draw us as their allies in the fight against terrorism?'

In order to justify such a mistrust, the same adviser of Juppé states that, according to information possessed by Matignon, it is not certain that many of the assassinations of the French of Algeria can be attributed to the terrorists. And he cites: 'the execution for instance of a nun in the Casbah, or that of the four Pères Blancs (White Friars) in Tizi-Ouzou. Some leaders in the Algerian secret service want perhaps to demonstrate that Juppé's position, which is in favour of a dialogue between the military and the opponents, is bad.'

If the team of Matignon believes, without proof but through intuition, that the Sécurité Militaire is capable of such operations, it is due to an obvious reason: some GIA commandos are infiltrated by its agents.<sup>4</sup>

The belief that the bombs planted in Paris were the work of the Algerian secret service was widespread among French officials.

The doubts were such that high officials within the police, the judiciary and the administration raised, in an opinion column in *Le Monde* under the pseudonym "Cicéron", a disturbing question: 'The financial help of France to Algeria is considerable and it has just gone up. Which side are we taking, without openly saying so, through such a policy? And what if it was this that the dead of Saint-Michel paid for with their lives?''<sup>5</sup>

Suspicious about the Algerian authorities extended up to the interior minister of the time, Jean-Louis Debré, who was, privately, concerned by the activities of the Algerian secret service.

'The Algerian Sécurité Militaire wanted us to be on the wrong track, quite simply so as to eliminate the persons that annoyed them', confided Jean-Louis Debré during a lunch with the regional press, on 15 September. He bit

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his lip later, but a bit late. He denied in vain – many journalists heard it and reported in writing – having said such words.

Thus the Algerian secret service is not only suspected of manipulating some of the bomblayers, but also the Paris authorities. On 14 September, an information note from the DST had once again warned Debré against this little game. ‘The Algerians are pushing us in the direction of the persons that interest them’, stated one member of the counter-espionage. The DGSE voiced the same precautions<sup>6</sup>.

France nurtures great ambitions in North Africa and views the rise of Islamic movements in this region with alarm. A large front comprising France, Tunisia and Egypt, three countries with a history of repression of Islamic ideas, was seen as an effective way of helping the Algerian regime to crush its opponents.

All the assessments transmitted to the Elysée by the secret service incited Chirac to be cautious, but to no avail. The head of the state is within his rights and he decides. During a visit to Tunis on 6 October, after congratulating Ben Ali for his struggle against fundamentalism, Chirac announced that he would meet the Algerian general Zeroual, in the UN headquarters, at New York. Both Ben Ali and the Egyptian President Mubarak satisfactorily applauded.

Everybody understood that Chirac was lending his support to a kind of anti-Islamic front, and backing a policy of repression practised in the Maghreb without concern for human rights and other nonsense. Out goes the official discourse on French ‘neutrality’ while Paris was under a wave of bomb attacks.<sup>7</sup>

President Jacques Chirac decided to meet general Zeroual against the advice of experts on Algerian affairs and the secret service. General Zeroual was chosen as the candidate of the generals in the presidential elections of September 1995. Obviously, a meeting with Chirac would enhance his position as an international statesman. Chirac, however, following advice from his officials, imposed conditions on the meeting such as the absence of photographers. General Zeroual felt humiliated by such restrictions and cancelled the meeting. The whole episode was a publicity boost for Zeroual for it allowed him to claim pride and jealousy for the sovereignty of his country. Beneath this circus, the reality was different. The Algerian regime was now firmly subservient to France and the theatrics were intended only for domestic consumption.

But nothing can shake the head of the state who draws a parallel between fundamentalism and Nazism, before crediting the Algerian generals of an inescapable victory over ‘the common enemy’.

On the same day that the Algerian president snubbed him, Chirac put on a brave face and assured that it was not in his intention to withdraw his support from him. ‘He is the only one capable of helping Algeria to get rid of the army’, he stated with optimism during a lunch offered to French journalists. Then followed a quick outburst on fundamentalism: ‘A great battle to be waged, and we should all stand together’, he declared to his guests and asked them not to quote what he said at the

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table. He then added with assurance: 'The Algerian authorities are winning militarily on the ground.'<sup>8</sup>

### 3. Reactions of the French State

On 29 August 1997 over 300 people were killed in the Raïs massacre. The French President, Jacques Chirac, reacted to the event by issuing the following communiqué on 30 August 1997:

The President of the Republic has learnt with deep emotion of the tragedies that have affected again the Algerian civilian populations. He expresses his indignation with regard to these acts of barbarism and his sympathy for the Algerian people, friend of the French people.

Within a month, two other massacres were perpetrated: Sidi Youssef on 6 September 1997 and Bentalha on 22 September 1997. Hundreds died in each atrocity. In October 1997, in an answer to a written question by a member of parliament on the attitude of France to the massacres in Algeria, Hubert Védrine, the French foreign affairs minister, replied as follows:

France is distressed by the afflictions that Algeria is going through these days. After the tragic events at Raïs on 29 August, the massacres of Sidi Youssef and Bentalha have, once again, by their atrocity and barbarism, caused revulsion in French society.

The French authorities share the pain of the Algerians and express their complete solidarity. As they have never stopped doing, they denounce the blind violence and terrorism that affect Algeria. The French declarations are, in this respect, without ambiguity. The Algerian population, which wishes to live in peace, has a legitimate right to be protected. It needs security and safety. But the crisis that Algeria is going through is above all of an internal nature. It is up to the Algerians themselves to define together their political future as they wish. The solutions to the Algerian difficulties cannot come from the outside or be imposed by the international community. In the present circumstances, any intervention or premature declaration, on the contrary, risks being counter productive. The Algerians are searching today for solutions. They aspire, more than ever before, to a political and democratic issue to the crisis which is tearing up their country.

The French authorities emphasise, for their part, without interfering in the internal Algerian affairs, the importance of a true political solution elaborated by the Algerians themselves. They wish that dialogue will prevail over the blind violence in order to put an end to the suffering experienced by the Algerian people. The French society, which understands and shares the aspirations of the Algerian population for peace, renews to the latter its support and unreserved solidarity.<sup>9</sup>

Following the large-scale massacres in Relizane and Sidi Hamed in January 1998, to a written question raised by a senator on the subject of an international inquiry, foreign affairs minister Védrine replied:

Naturally, the government shares the deep emotion felt by the French, as by the international community as a whole, against the terrible ordeal inflicted on Algeria by

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the terrorist violence and the collective massacres of civilians. It could not remain insensitive to the legitimate preoccupation of its fellow citizens who wish to demonstrate their solidarity with the Algerian people and seek to understand better what is happening in Algeria. The policy of France is guided above all by the concern to act usefully. The authorities and the great majority of the Algerian political organisations oppose clearly, at this stage, the visit of an international commission of inquiry whose objective they dislike. They wonder also about the means that the commission would have in order to inquire about the acts of the terrorist groups.

In this context, the French government wishes to establish a natural and deep dialogue with the Algerian authorities, on the bilateral level as well as within the framework of the European Union, in order to encourage them to continue with their effort of opening up and transparency. The mission to Algiers of the European Troïka on 19 and 20 January 1998 constitutes an important stage in this dialogue. For the first time, an initiative of the international community has been accepted by the Algerian authorities which did not view it as a will to interference. This visit has allowed the European Union to understand well the situation in Algeria and the political project of the Algerian government. The French government intends, in the future, to lend its support to European initiatives aimed at the strengthening of relations with Algeria. On the other hand, the French government considers that the path of dialogue through the United Nations deserves to be explored. As proposed by the fifteen member states during the council of foreign affairs ministers on the last 26 January, it encourages in this respect the Algerian authorities to allow into their country the special rapporteurs on torture and arbitrary executions. The policy of the French government is part of a long term approach. With the help of its main partners, the French authorities wish to support and encourage, without an interventionist spirit, the search by the Algerians themselves of a political solution to the violence which afflicts the country.<sup>10</sup>

These reactions, at the highest level, couched in diplomatic language do appear balanced. The foreign affairs minister shows consideration for the sensitivity of the Algerian regime. The massacres are attributed to terrorism but the terrorists are not specifically designated. The Algerian regime is advised to cooperate with the United Nations and to allow the UN rapporteurs on torture and extra-judicial executions to carry out inquiries inside the country.

The words are fine but it is the deeds which provide the telltale print of French policy towards the military regime in Algeria. First, France was instrumental in helping Algeria reach an agreement with the IMF (International Monetary Fund) for the restructuring of its crippling debt, thus leaving billions of pounds in the coffers of the military junta to prosecute a costly war against its opponents. The agreement was a boost to the regime at a time when the country was financially on its knees and its survival was in doubt without exceptional assistance<sup>G</sup>. Mr Camdessus, a French citizen and

<sup>G</sup> Algeria resorted twice to the restructuring of its public debt in 1994 and 1995 with the Club of Paris for an amount of 10 billion dollars and to a restructuring of its private debt with the London Club for an amount of 3.2 billion dollars. Moreover, the International Monetary Fund (IMF) approved a credit for Algeria equivalent to 252 million dollars under the compensatory and contingency financing facility (CCFF). The drawing relates to an excess in the cost of cereal imports during the period July 1995-

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the IMF Director, showed unusual enthusiasm in providing the Algerian generals with a very generous standby loan<sup>H</sup>. Second, France helped to shield the Algerian regime from scrutiny by the UN Human Rights Commission. During its session of March-April 1998, France and Algeria coordinated their efforts to prevent any discussion of the massacres and to oppose the visit of the UN special rapporteurs on summary and extra-judicial as well as arbitrary executions to carry out systematic inquiries. Thirdly, France constrained the reactions of the European Union by preventing the latter from adopting any resolution critical of the Algerian regime and its appalling human rights record.

Roger Cohen wrote in *The New York Times* of 6 December 1996: 'Broadly, according to French officials who insisted on anonymity, the French government backs Zeroual, a retired general, because it believes that a strong state, where democracy is introduced prudently, is now necessary in Algeria to avoid another crisis'.

France has always sought a regime in Algeria with which it can do business. This regime, however, should have a democratic cloak because the era of one-party states ended with the collapse of the Soviet Union. This regime should also be underpinned by generals sympathetic to French interests. The existence therefore of domesticated political parties, infiltrated associations and a free press owned by the generals themselves cannot threaten the stability of the regime. In this new political configuration, France will safeguard its interests through military generals whose financial interests will be guaranteed to move freely between Algeria and France. This position has been articulated by Jean-Pierre Chevènement, the French interior minister, who could not have been clearer when he said on 5 February 1997: 'Let us have the frankness to say that, if Algeria fell into an Islamist regime, the interests of France would be directly affected.'<sup>11</sup> Olivier Roy, a specialist on Algerian affairs, unveiled in the newspaper *Le Monde* the rationale behind French support to the generals in Algeria: 'We support the undemocratic forces because they are secular, hence more susceptible, in our minds, to be democratic one day, even though the question is not there [...] We cannot eradicate in a democratic way.'<sup>12</sup>

The massacres have always served as an important tool in the hands of the eradicationists because they serve to vilify and demonise the opponent. The real position of the French state can be gauged from the reactions of establishment figures such as Claude Cheysson. The Communist French

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June 1996 reflecting the exceptional increases in world grain prices which have been taking place over the previous year.

<sup>H</sup> The International Monetary Fund (IMF) approved a credit for Algeria totalling 1,795 million dollars under the Extended Fund Facility (EFF). The credit was made available over a three-year period to support the medium-term adjustment and structural reform programme of the government.

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newspaper *L'Humanité* reported a visit paid by Claude Cheysson to Algeria. The former Socialist foreign affairs minister of François Mitterand reported conversations he had with survivors of the fundamentalist violence whose fanaticised authors themselves explain to their victims that they prefer to slaughter rather than to kill by bullets, that, in their suffering, the victims might find purity.<sup>13</sup> As for the massacres, he estimated that 'the armed Islamic groups pursue relentlessly the villages which had voted for the FIS and which are prepared now to set up self-defence militias in response to the excesses of the fundamentalists.'<sup>14</sup> Claude Cheysson brushed aside totally the idea put forward by many according to which the Algerian authorities had a direct responsibility in the massacres, or the attacks that took place. He denounced the idea, which was unacceptable in his opinion, of an international commission of inquiry and said that he 'understands the reaction of Algiers' which had refused what it considered an interference. Mr Cheysson went on to add:

I have tried to understand why the security forces stationed in proximity of the place of massacre did not intervene early. There are comprehensible cases, even if they are not pleasant to relate. There are also purely technical reasons which are difficult to understand for civilians. When a company has as a mission to guard a post, it is not equipped to go on the offensive. There is nothing more dangerous than to reduce the Algerian problem to the fact that there are massacres in certain villages.<sup>15</sup>

Claude Cheysson also criticised severely the image given by French television of the situation in Algeria and the attitude of France, which was one of unprecedented disengagement from Algeria. 'In 170 years there has never been such a total human split between Algerians and French. Apart from oil, it is the break up', he said. He blamed the closing down of consulates and cultural centres, the suspension of Air France links and criticised 'the precipitate withdrawal of a big number of elements of the French presence in Algeria.'<sup>16</sup>

Claude Cheysson insists on the 'sacralisation' and 'cleansing' aspect of the violence. In his description of the slaughter, he borrows heavily from religious semantics. He chooses words that are loaded with sacrificial and ritualistic meanings such as: 'in their suffering, the victims might find purity'. Clearly, the aim is to draw attention to an 'Islamic signature' for these crimes. However, what Claude Cheysson does not mention is that the Algerian regime has 'religious brigades' whose members dress like devout Muslims, grow beards and are frequent visitors of mosques. According to ex-members of the Algerian security forces who defected to seek asylum in Europe, these 'religious brigades' are involved in armed groups which publicly commit atrocities.<sup>17</sup> Claude Cheysson, a Socialist turned supporter of the Algerian junta, prefers to ignore the revelations of the French newspaper *Libération*. The paper carried the testimony of a deserter, named Omar, who described how soldiers committed a massacre in a village by slaughtering

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about thirty villagers. While cleaning his commander's room, 'We rifled his pockets, looking for cigarettes or money. We were robbers just like Zeroual [Algeria's President]', said Omar laughing. 'In one of his pockets we found a false beard.'<sup>18</sup> This is a 'religious' signature that Claude Cheysson prefers to ignore .

Claude Cheysson calls for the outright murder of the opponents of the Algerian regime. He said on 3 January 1998: 'The armed Islamist groups defy our conception of life [...]. Against these, only counter-violence is possible. We will not convince them.'<sup>19</sup>

This is indeed the kind of interference that is sweet to the Algerian junta. However, it makes a mockery of the talk of pride, jealousy for independence and sensitivity to interference of the Algerian regime. The regime welcomes interference when it is in its own interest. Charles Pasqua, another fervent supporter of the military junta, used to comment, when he was interior minister, on every aspect of Algerian political life without ever incurring the slightest displeasure from his putschist friends.

Jack Lang, the President of the foreign affairs commission of the French parliament distinguishes himself by his vocal support for the Algerian regime. The country that tops the world league table of cruelty and human rights abuses, as demonstrated in a study carried out by the British Sunday paper *The Observer*<sup>1</sup>, becomes a model of democracy and freedom for Jack Lang. In an interview with the Algerian paper *Saout el Abrar*, which was reported by a *Reuters* despatch, he said: 'Algeria has reacted as a state enjoying all its capacities and powers to assume its responsibilities.'<sup>20</sup> He went on to state that no one had the right to dictate to it his point of view. He then added that he noticed 'a total control of the security situation by the state and a success of the security policy which has won the people over to the side of the security forces and the army in order to combat terrorism, thus allowing the defeat of the terrorist plan and the elimination of armed groups in several regions.'<sup>21</sup> After a two-day visit in February 1998, he said that he returned to France with

good impressions and a conviction that democracy has succeeded in the institution of a pluralist parliament, a council of the state, in holding local elections, in giving expression and responsibility to the people and freedom of expression to the press

<sup>1</sup> On 28 June 1998, *The Observer* stated: 'Algeria is the "winner" of an alternative world cup -for the worst abuser of human rights. The garland of dishonour emerges from the findings in The Observer's Human Rights Index, launched today to mark the 50th anniversary of the Universal Declaration of Human Rights.

With the backing of a panel made up of internationally recognised human rights campaigners and Nobel laureates, following extensive research, we have drawn up the first comprehensive league table of countries according to their respect for human right.

The Observer Human Rights Index aims to name and shame the world's worst abusers and maps out the relationship between economic development and oppression.'

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in the context of a real pluralism and a state of Law in the proper sense of the term.<sup>22</sup>

#### 4. Reactions of Cultural and Public Personalities

French intellectuals have been in the vanguard of the struggle against injustice and oppression since the days of Voltaire and Jean-Jacques Rousseau. Emile Zola took on the French establishment at the beginning of the twentieth century and exposed the anti-Semitism at its core in his famous pamphlet "J'accuse" in defence of colonel Dreyfuss, a Jewish officer who was wrongly accused of passing state secrets to the Germans. That tradition of selfless struggle for the dignity of man is still, fortunately, upheld by many French intellectuals who, as we shall show below, are not tempted by the glare of publicity and free trips. With regard to Algeria however, a number of French intellectuals are to be found firmly entrenched with the Algerian eradicationists, fighting a war on their behalf in the media and lobbying the French government for unwavering support to the Algerian junta. They have espoused the struggle of the Algerian eradicationists lock, stock and barrel. Many of their positions are not only incomprehensible within the French tradition of upholding just causes, but are criminal in the sense that they constitute an incitement to murder. For instance, *El-Watan*, an eradicationist Algerian paper, reported the following declaration by Ahmed Djedjai, the general secretary of the FFS party: 'Djedjai has revealed that the philosophers Bernard-Henry Lévy and Herzog had told him that the dead of Bentalha had but what they deserved since they gave their voices to the ex-FIS during the aborted elections. These personalities, added the first secretary, wanted the continuation of the war in Algeria.'<sup>23</sup> The FIS was a legal party before the military coup of 11 January 1992. Is voting for a legal party a crime punishable by the death penalty? Have the French philosophers become apologists for crimes? While this is the case for some of them, many intellectuals have not gone down that infamous road.

We begin first by reviewing the reactions of some intellectuals and public figures who fervently support the eradicationist line of the Algerian regime. For this group, the perpetrators of the massacres are Islamists, the victims are supporters of the ex-FIS party who have stopped supporting the rebel groups, and an international commission of inquiry is not only unnecessary but is an obscenity.

##### 4.1. The Eradicationists

André Glucksmann, a French philosopher and a college lecturer is an ardent supporter of the Algerian junta. He believes firmly that the Armed Islamic groups are the perpetrators of the massacres. In a declaration reported by *The Chicago Tribune*, he said:

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The first thing that outside countries could do to help Algerians would be to call the crime being committed against them a crime against humanity and hold its perpetrators just as criminally responsible as indicted war criminals as in Bosnia-Herzegovina. I think it's absurd to argue that we don't know who is doing the killing. All the independent Algerian journalists say it's the armed Islamic Group. Proclaiming the crime as a crime against humanity would be a large step towards deterring Islamic terrorism, or, for that matter, terrorism perpetrated in the name of any religion.<sup>24</sup>

Glucksmann takes his evidence from 'independent Algerian journalists'. One would like to know who these 'independent journalists' are. Reporters sans Frontières would have been in a position to enlighten Glucksmann had he wished to be informed about the state of the freedom of press in Algeria. The editor and the journalists of *La Nation*<sup>J</sup> could have also provided a first hand account on the 'independence of journalism' in Algeria. Glucksmann dares not mention the names of the 'independent' journalists or newspapers for fear of being ridiculed. Serious researchers always cite their sources, but it seems that the magic that surrounds French philosophers relieves them somehow from the rigours of objectivity by which researchers are bound.

Bernard-Henry Lévy (BHL), a philosopher is also an admirer of the Algerian junta. The Communist paper *L'Humanité* published this reaction of his to the massacres.

The attacks, atrocities perpetrated in Algeria are not the work of a victorious army but the work of groups in flight [...]. Terrorism is not residual but is on the way to being defeated. 'Who kills whom?' is obscene when one remembers all the victims that I saw and met in the field during my stay.<sup>25</sup>

The French satirical paper *Le Canard Enchaîné* reacted to a long article by Bernard-Henry Lévy published in *Le Monde* following a visit paid to Algeria. *Le Canard Enchaîné* wrote:

The generals of Algiers prefer a reportage of BHL to an international enquiry. The Algerian daily papers have acclaimed his performance: four pages in "*Le Monde*". But they did not mention that they were full of errors, approximations and unspoken comment. Bernard-Henry Lévy, who was invited by the Algerian film library, received the best of welcomes from the highest authorities of the state. The latter made it possible for him, as he himself modestly recognised, to go 'into places forbidden to journalists'.<sup>26</sup>

<sup>J</sup> The Algerian weekly *La Nation* was seized by the interior ministry on 4 Mars 1996 to prevent it from publishing a special issue on the violations of human rights in Algeria. The ministry accused the paper of seeking to publish 'false and tendentious informations' bordering on an apology for terrorism and criminal violence. Two weeks later (18 mars 1996), the paper was again suspended because of an article on the role of militias and the consequences of their proliferation throughout the country. On December 1996, the paper ceased to appear. The reason given is unpaid debt to the state-owned publishing company. This is how a flagship paper for democracy and human rights was silenced in Algeria.

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Bernard-Henry Lévy can get away with unsubstantiated allegations because the Algerian victims who are either buried under the earth or too scared to talk cannot contradict him. However, he cannot escape the scrutiny of investigative journalists such as those of *Le Canard Enchaîné* or John Sweeny of the British Sunday paper, *The Observer*, who rebutted his allegations. John Sweeny addressed him in an open letter:

Dear Bernard-Henry Lévy,

You must have found the news from Relizane a cruel blow. But evidence is evidence. That the Algerian authorities have arrested their own officials on suspicion of the mass murder of 17 villagers is astonishing news. It is proof that it is not just 'Islamists' fundamentalists who are to blame for the killing in Algeria. The Algerian military junta, which you have supported with such vigour, and its servants, kill too. And the news from Relizane makes celebrity philosophers such as you and your friends on the French left, who have bought the junta's line, appear credulous fools, as naive as your part name-sake, George Bernard Shaw, who went to the Soviet Union and declared: 'I have seen the future and it works'. He saw Stalinism and he was conned.

Your support for the Algerian junta sits at odds with the evidence in the open, with the reports of Amnesty International, with the testimony of the clients of the Medical Foundation for the Care of Victims of Torture, with what any Western journalist with half a brain can glean within a minute of looking into the eyes of a ninja on the streets of Algiers. If the junta is a good government fighting Islamic terrorists, why has it refused entry to the United Nation's missions on extra-judicial killing and torture?

On your return from your recent trip to Algeria, you wrote an article which appeared in *The European*. You wrote: 'The question of who is killing whom is itself an obscenity, as if you needed to add doubt and confusion to the horror.' That was sweet music for the junta. It says that the village massacres are the work of crazed Islamists. To cast doubt on their line is 'to add doubt and confusion to the horror...'

After Relizane, you must realise that you have been wrong to solely identify the Islamists as those responsible for the violence. You should apologise now, and remember that the first duty of any public figure, and especially of one who boasts that he is an intellectual, is respect for the evidence. Otherwise, you will be remembered in history as an unwitting apologist for murder.

And a fool.<sup>27</sup>

Yves Bonnet, ex-Director of the DST (Direction de la Surveillance du Territoire) declared that he would support a French intervention in Algeria if that proved necessary. He has led delegations to Algeria and continues to lobby on behalf of the military junta, especially in the intelligence circles that he knows very well since his days in the DST. *The Observer*, without naming him, accused him of having received bribes from the Algerian secret service. However, Yves Bonnet recognised himself in the article and threatened to sue the newspaper. Yves Bonnet has but admiration for the two heads of

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state, Mohamed Boudiaf and Liamine Zeroual who, in his view, have rendered a big service to France. He wrote in *Le Monde*:

Bad trial: that especially of two persons, Mohamed Boudiaf and Liamine Zeroual of the institution of the army and the administration who have spared us the quasi-promise of an absolute theocracy within missiles reach of our coasts when we had resigned ourselves to the worst.<sup>28</sup>

Robert Badinter, an ex-minister, has been very vociferous in his support for the Algerian junta. He campaigns hard for the enactment of international legislation to indict the Algerian armed opponents of the military regime. He declared to the Algerian eradicationist paper *Liberté*:

The collective killings, the collective rape, the slaughter of babies, children, old people, bear a name, namely that of crimes which affect the whole of mankind and which concern humanity whatever the place where they are committed.<sup>29</sup>

Robert Badinter is also quoted to have said in *L'Express*: 'In the person of the slain Algerian child, it is the whole community of mankind that is affected.'<sup>30</sup> Indeed, the world has been silent while crimes against humanity are committed on a massive scale in Algeria. If Robert Badinter had been calling for an independent commission of inquiry to identify the perpetrators, his words would have reflected a genuine concern for the forsaken Algerians, and the massacres would have ceased by now.

Yvette Roudy, a Socialist MP and an ex-minister, paid a visit to Algiers to express her support to the eradicationist camp. Algiers has become indeed, the hub of activism for the fanatics of electoral cleansing and eradicationism. Bernard-Henry Lévy, André Glucksmann, Jack Lang and many others have made this obligatory pilgrimage to Algiers. Yvette Roudy's visit was reported by *El-Watan*. She declared to the paper<sup>31</sup> that she felt persuaded that events had evolved and that there was actually in France 'a sudden awareness that leaves no room for doubt as to those who kill in Algeria.' For her 'it is clear that it is the Islamists, these God's madmen who kill'.

The Algerian street finds the opinions of the eradicationist philosophers partial and not helpful to the resolution of the ongoing conflict. The journalist Florence Aubenas of *Libération* visited Algiers and talked to various persons. The subject of the French philosophers' visits elicited the following response from passers-by:

In Algeria, we have only two things to export: our oil and our rows. The big French intellectuals have but succeeded in one thing: in reproducing without any distance the same debate that we are having here for six years. Instead of going beyond, seeing things from high above, they confuse a little more the talking.<sup>32</sup>

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#### 4.2. The Sceptics

In this category, one finds the doubters of the official versions of events, and those who know sufficiently the nature of the Algerian regime to take what it says at face value. Only an international commission of inquiry can meet their quest for the truth. They have serious questions about the attitude of the Algerian regime in relation to the massacres. The indifference of the army to the cries of help from the victims of massacres raises disturbing doubts in their minds. They wonder if, by tolerating or by being accomplice to the massacres, the regime is seeking to destabilise the Islamists and to win over the support of the population? Successive Algerian regimes have indeed undertaken psychological operations to discredit their political opponents. Are the recent massacres to be inscribed in the logic of an army that seeks, through counter insurgency operations, to break its political opponents? These are the questions to which the sceptics would like to have answers.

Michel Rocard, a former prime minister, declared on 8 January 1998: 'It seems that the army does what it wants and that the government does not have as its first worry the defence of human rights.'<sup>33</sup>

François Léotard, an ex-minister, declared on 7 January 1998: 'No country can presume on its internal sovereignty when it comes to crimes against humanity or war crimes.'<sup>34</sup> This was in response to the refusal of the Algerian authorities to accept an international commission of inquiry.

Dominique Strauss-Kahn, a Socialist politician, declared on 5 January 1998: 'To say that it is the government against the Islamists is certainly a rather simplistic vision of things. It is much more complicated.'<sup>35</sup>

The French prime minister Lionel Jospin had a suspicious attitude towards the Algerian regime before becoming prime minister. In January 1997 he declared: 'France should not keep silent, or give the impression that it supports the regime unconditionally'. However, once he became prime minister, he backtracked on his convictions and turned his back on Algeria. In an interview with *Le Monde*, he said: 'France is not responsible for what ravages Algeria today. At the official level, the French government is constrained in its expression [...]. We must repeat that a democratisation process is indispensable in Algeria.'<sup>36</sup> Realistically, one cannot expect a French prime minister to transgress the prerogatives of the Elysée in the area of foreign affairs which remains the preserve of the President. This reaction may also be seen as a feeling of frustration and powerlessness from a person known to be principled.

#### 4.3. The Fact Finders

While some French philosophers have compromised their integrity by defending the indefensible and allying themselves with the eradicationist cause

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of the Algerian generals, other French intellectuals have remained sceptical of the official versions of the events coming from Algiers. They favour an international commission of inquiry to shed light on the disturbing circumstances that surround the large-scale massacres of villagers in the suburbs of Algiers. These intellectuals do honour a French tradition of impartial inquiry and non-conformist thinking. They know from their research and past experience that the Algerian regime is skilful in the art of disinformation and psychological warfare. They do not take its declarations at face value.

Rony Braumann, member of Médecins sans Frontières and essayist wrote in *Liberation*

We have to be the least harmful possible. The unconditional and unflinching support of the French government to the Algerian military authorities as well as the dichotomy which consists in presenting always, on one side the Islamist killers and, on the other side, politicians carrying solutions, add fuel to the fire. We have to get rid of the eradicators among the Algerian authorities in the same manner that we do not support the nebulous GIA. The dialogue with the FIS has become a fundamental political necessity. 'Interference' is a trap word that I do not allow myself to use. This word is bandied about only when a foreign state does not support the authorities in place. However, when it supports the authorities, no one formulates any accusation.<sup>37</sup>

François Gèze, Director of the publishing house la Découverte wrote in *Liberation*.

The most important thing is first to break the silence: it is essential that the French government take a firm stand against the violations of human rights in Algeria, whether they are the work of the Islamists or the authorities. It is necessary to place the latter before their responsibilities. It is a corrupt mafia regime whose power games instrumentalise the deviations of the hardest Islamists in order to stay in power. The silence of the international community plays into the hands of the authorities as well as the Islamists. Given the extreme sensitivity of the Algerian government to international pressures, I think that such a position -which has nothing to do with "interference"- would be one way of moving things. The French government should also ask the UN Security Council to send an independent commission of inquiry into the massacres, as was done for other countries. In parallel, at the economic level, we should decide to make the financial transactions more transparent between France and Algeria, notably those linked to Algerian imports of consumer goods which give rise to all sorts of occult commissions. It is the sinews of the regime's war. Contrary to what our diplomats think, it is this type of international pressure which can contribute to the opening up of a true dialogue between the regime and its opponents, Islamists or not, for the return of civil peace.<sup>38</sup>

Bruno Etienne, Specialist on Algeria at the Institute of political science, Aix-en-Provence, wrote in the newspaper *L'Hebdo*.

Was not the massacre at Raïs perpetrated a few hundred yards from a military encampment without the army intervening? From this to say that the regime is not a stranger to the continuation of violence that has torn the country for more than five

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years, there is only one step which some do not hesitate to cross. 'The Islamist' can be made responsible for anything. The violence is also the work of clans belonging to the authorities which seek to destroy each other through intermediary groups.<sup>39</sup>

In the newspaper *Le Nouveau Quotidien*, he also declared: 'In this huge black hole that Algeria has become one certainty stands out: the Algerian authorities cannot provide security for their citizens. Unless they do not wish to.'<sup>40</sup> When questioned by the newspaper *Le Figaro*, he estimated that:

Three out of four attacks are promoted by the regime. In fact, a certain level of violence serves the interests of the authorities since it justifies repression and wide-scale military operations. A large number of the massacres of civilians have taken place in the Mitidja, a region where there are many barracks, without the security forces showing up.<sup>41</sup>

François Burgat, researcher at the CNRS, was interviewed by the journal *La Revue Croissance*. In answer to the question 'how do you explain these terrible massacres of villagers which, it seems, have been increasing since the beginning of the year?' he said:

This violence is the product of a confrontation between three actors. First the army which has sought to privatise repression and which has contributed to the process of militias creation. Then, these militias which have been engaged in the physical elimination of villages from which the armed groups are reputed to have originated. Thus, the militias arrive in certain villages and assassinate all the families of the persons belonging to the armed groups. Obviously, the armed groups do the same thing because they are indefinitely capable of coming to the villages that have militias and assassinating not only the militiamen but also their families. There is also another explanation that becomes more and more credible. The army might offer reprisal raids to some of its officers whose families have been the victims of attacks. I refuse therefore to lay equally the blame on the two parties because for me the initiative of the radicalisation of the civil war comes from the regime that has made it its principal political resource.<sup>42</sup>

The eradicationist lobby in France intimidates and bullies any person who has doubts on the perpetrators of the massacres in Algeria and who does not subscribe to the demonisation of Islam. The flames of McCarthyism directed against Islam and its adherents are being fanned. An Orwellian paradigm has been fashioned: 'democrats' good, 'Islamists' bad. Bad and revisionist are also the persons who sail against the new paradigm. The leitmotif of intellectual correctness is 'it is obscene to ask who kills whom'. Those who do not subscribe or conform to the new credo are ostracised. Thus, François Burgat, Rony Braumann of Médecins sans Frontières, Gilbert Granguillaume and Tassadit Yacine<sup>K</sup> feel indignant about the accusation of revisionism levelled against them by the French eradicationists. They wrote in *Libération*:

<sup>K</sup> Gilbert Granguillaume and Tassadit Yacine are readers at the EHESS.

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In the face of the atrocity of violence in Algeria, it no longer suffices to either deplore or become indignant or lay the blame equally on the army and the Islamists back to back. The dead of Relizane, Raïs or Bentalha deserve a political explanation. The latter cannot be reduced to a denunciation of “powerlessness” of an army that is incapable to check ‘head-cutting Islamist hordes’. To affirm that the responsibility of the massacres rests on Islam, as some intellectuals declare loudly and strongly, is to reduce the complexity of the Algerian situation to an appalling Manicheism. We cannot accept to be taxed ipso facto with ‘revisionism’ and with alliance with the throat-cutters because we refuse this outrageously reductionist prism. The dignity, and what is more, the survival of the Algerian people require breaking out from illusions and falsifications.<sup>43</sup>

The writers draw up an indictment of the French media that have presented a one-dimensional view of the Algerian crisis. The coverage of the Algerian crisis is selective and gives undue exposure to personalities who are opposed both politically and militarily to the Islamists.

And that is how the French authorities have ‘naturally’ supported the orientation taken by the Algerian authorities since 1992 even if nuances have appeared going from ‘non-interference’ to a more marked engagement in favour of the ‘total security’ line pursued by Algiers to a prudent wait-and-see policy, but nevertheless benevolent, since the attacks in France in 1995 and 1996. Political prudence is more than required in the face of a situation that is far from opposing on one side a state that is a ‘bulwark of democracy and civil society’, and on the other side “terrorists”. From now on it is time, if not to call into question, at least for a questioning of the unconditional support which has been given until now to the Algerian state.<sup>44</sup>

The authors do not comprehend the atmosphere of intimidation and ostracism towards individuals who dissent from the dogma that is currently fashionable among the French intelligentsia. They are concerned about attacks on the freedom of expression and about censorship.

Worse, we witness henceforth the importation to mainland France of practices that are current in Algeria and that consist in cursing and publicly denouncing all those humanitarian organisations, journalists, researchers and intellectuals whose only fault is that they do not tow the official line and try to do their job through asking questions which surround a more complex reality.<sup>45</sup>

## **5. French Humanitarian Organisations**

Non-governmental organisations are not allowed to operate in Algeria. The victims of repression, the orphaned and the destitute cannot count on the support of humanitarian organisations. The military regime dares not allow them to operate in the country for fear of losing control of the propaganda war. Since humanitarian organisations are known for their unwillingness to compromise their integrity, the only way to deal with them is either to ban them from carrying out their duties within Algeria, or to hinder their activi-

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ties so as to reduce their role to the mere provision of medicines and other goods.

### **5.1. Médecins sans Frontières**

Pierre-Pascal Vandini, programme co-ordinator of Médecins sans Frontières (MSF) declared:

Algeria is a country which causes uneasiness among us. For the first time in the history of MSF, we have decided straightaway not to send permanent representatives on the spot within the context of our mission. The risks are too important, both for our collaborators and our partners living there. Of course, we go there regularly. But we keep a low profile. It is very frustrating. On the genocide in Rwanda or the massacre of Srbrnica, in Bosnia, we made inquiries that lasted for months and drew the necessary conclusions. In Algeria, however, a very close country, we have no more than indirect information. The subject causes real uneasiness within MSF. Nevertheless, in our concern for effectiveness, we cannot see any other possible policy.<sup>46</sup>

The MSF organisation tries to help the victims in Algeria as much as it can, given the almost impossible circumstances under which it operates. Even the medicine and the medical equipment it provides are not labelled to avoid the wrath of the military regime.

### **5.2. Médecins du Monde**

In 1997 the humanitarian organisation Médecins du Monde appealed to the UN secretary general to intervene in order to assure the safety of the Algerian people. The president of Médecins du Monde Jacky Mamou said :

Following this initiative, our relations with the Algerian Red Crescent have become tense. Our humanitarian help on the spot, modest of course, has been affected. But I do not have any regret. In the face of such a tragedy, it is essential to recall some principles and to demonstrate one's emotion and solidarity.<sup>47</sup>

### **5.3. French Section of Amnesty International**

The Algerian human rights organisations have not been able to carry out investigations or inquiries because of the climate of intimidation that prevails in the country. However, there are individuals who risk their lives and that of their families by continuing to speak out against the abuses of human rights and to alert international organisations on the plight of urgent cases in which the persons involved would be in mortal danger if the international human rights organisations did not intervene quickly. Amnesty International, despite not being admitted to the country since early 1997, continues to monitor the human rights situation. The director of the French Section of Amnesty International, Michell Frost declared:

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The peculiarity of the Algerian case with respect to other countries where we are not allowed in, is that we ignore to which extent the government is accomplice or responsible for some of the massacres of civilians. Amnesty International has constantly called on the UN Human Rights Commission to take charge of the Algerian case.<sup>48</sup>

#### 5.4. Reporters sans Frontières

The organisation Reporters sans Frontières (RSF) strives to maintain contacts with their Algerian colleagues. The journalists who are still active in Algeria support by and large the military regime. The few publications that refused to tow the line of the authorities have ceased to appear. This is the context in which RSF operates. Djallal Malti of RSF sums up this difficult relationship with the Algerian authorities as follows:

In relation to the regime, we reek of heresy [...]. The Algerian press survives under the pressure of the authorities. It had experienced a golden era at the beginning of the nineties but did not know how to manage its achievements. At present the newspapers depend financially on the state, especially through advertising. In this context, our efforts to protect pluralism and freedom of expression seem to embarrass most of our interlocutors [...]. The differences in interpretations between the remaining newspapers reflect only the internal struggle at the head of the state. For the rest, it is too late.<sup>49</sup>

#### 6. French Media

The French media, in their majority, have always presented the FIS as an extremist and a dangerous party. As far back as June 1991, when the FIS called for a general strike in protest against the introduction of an electoral law that favoured the ruling party, the magazine *L'Express* wrote:

The population which is weary of the uncompromising 'bearded' who know nothing else save issuing interdicts, has started to turn away from them. The momentum plays, henceforth, against them and the coming elections promise to be a setback for them. The leaders, who will reject the results of the ballot box, have understood and are taking the fight to the streets. Their demonstrations no longer attract huge crowds, only the militants. Having become a minority riven by internal power struggle, the Islamic movement is hardening its stance, and showing a face that is more violent by the day to the Algerians. The elections boycott may be the next action of the FIS.<sup>50</sup>

The predictions of *L'Express* turned out to be wrong. The FIS took part in the general elections of 26 December 1991 and secured a resounding victory. It was not the FIS that rejected the outcome of the ballot box. The so-called 'democrats' put pressure on the army to interrupt the democratic process, thus plunging the country into a savage war that is still grinding the lives of Algerians by the thousands.

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As for the perpetrators of the massacres, the magazine lends credence, in a subtle way, to the claim that the massacres are committed by armed Islamic groups. The interviews with specialists on Algerian affairs are usually selective. In an interview with Luis Martinez, a researcher at the CNRS, the following was reported:

These killings are the work of those who had opposed the dealings and then the truce between the Salvation Islamic Army (AIS) and the authorities, that is the GIA. As to the massacres that occurred in the Western part of the country, the researcher states they are perpetrated by the group, *Al Aboual*, which apparently came from the Mitidja, following a split. According to the ex-FIS and its sympathisers, La Sécurité Militaire, is responsible, at least in part, for these killings. A version that is rejected says our correspondent, by the Algerian opinion, and which does not convince foreign observers, either. Thus, for Hubert Védrine, the elements that are in the possession of the Europeans do not “support” the thesis of the implication of the army.<sup>51</sup>

The above example provided by *L'Express* can be multiplied and extended to *Le Nouvel Observateur*, *Le Figaro*, *Le Point*, *L'Humanité*, etc. The French media as a whole have been echoing, without the usual customary precautions, the information disseminated by the *Algérie Presse Service* (APS) and recycling the unverifiable and loaded accounts of the eradicationist newspapers such as *El-Watan*, *Liberté*, *Le Matin* and *l'Authentique*. From the *Agence France Presse* (AFP), the daily and weekly papers to the radio and television, the same overkill dominates. The Islamists stand condemned of all evils, without trial and without giving them the opportunity to express their side of the story. Even the prestigious evening paper *Le Monde* lost its usually balanced reporting. François Burgat, Rony Braumann, Gilbert Granguillaume and Tassadit Yacine have drawn attention to the complicity of the French media in presenting a truncated vision of events that is favourable to the Algerian regime. They published in *Libération* the following scathing attack on them.

If these changes are perceptible in the political space, we are compelled to notice that the French media space, especially the televisual one, remains for its part strongly monolithic. Television functions as a platform for a truncated vision of the Algerian political crisis. This partial treatment of the Algerian affair can be explained by a French blindness towards Algeria but at the same time becomes an additional political resource for the Algerian authorities which have all interest in presenting themselves as the ultimate bulwark against religious fanaticism. Besides the retransmission without precautions of images provided by the official Algerian channels, the French networks have served as a springboard to political personalities with virulent anti-Islamism, using that artificial proximity between some Francophone elites and the French intellectual and decision-making circles.

The only Algerians that are acceptable on our channels are those that are least representative of the Algerian society but who have the advantage of resembling us and who take advantage of this proximity by making us believe that they are democrat, tolerant and respectful of pluralism even though their political practices are

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poles apart from these criteria. Such media orchestrations contribute to reinforcing the existence of a *trompe l'oeil* Algeria which serves today the political interests of the authorities. The support of France is an essential element in the communication strategy of the Algerian authorities to the outside world. With this intention, all the means are used, not only the muzzling of the Algerian press but also the broadcast to the outside world of the successive official versions of the political crisis: first of all a bulwark and protector state of the population against the attacks of the “terrorists”, then since the massacres of the last month, of a powerless state. The objective is indeed quite simple: it is a question of confining the representation of the mode of action of the Islamist camp to the sole blind violence against innocent civilians with lots of epithets and semantic shifts. A vision is then created of a savagery imputable solely to the Islamists who then assume the hard wearing archetype of bestiality and obscurantism to the point where it would never enter the head that intellectuals (researchers, teachers, journalists) might be found in the ranks of these new barbarians or even that Islamists themselves can be the victims of this violence as was the case at Raïs, Bentalha and Relizane. If the testimonies of the different actors attesting to the extent of the manipulation of the violence, the practice of killing by the regime of its own policemen but also of civilian populations, the constitution of criminal gangs financed by the authorities, can find room in the columns of certain French daily papers, indeed in the chambers of foreign parliaments, the televisual barrier of mainland France remains for its part difficult to pass.<sup>52</sup>

Only a minority of media have refused to take part in this witch-hunt and have continued to report the Algerian situation without a-priori bias. This media category which has striven to honour the journalistic tradition of inquiry and factual reporting includes the newspapers *Libération*, *Le Canard Enchaîné* and the television channel *Canal Plus*. As an example of exaggerated bias, the television channel *Arte* broadcast a programme of four hours in which the French eradicationist philosophers vented their uncorroborated accusations against the Islamists. No person with a different opinion was invited and neither were the human rights organisations that have collected massive evidence on the violations of human rights in Algeria. Most of the media, regardless of their niches in the political spectrum, repeat ad nauseam that it is the Armed Islamic groups that kill, oppose an international commission of inquiry and deny the right to ask the pertinent question ‘who kills whom in Algeria’. J. P. Daniel, the director of the weekly *Le Nouvel Observateur* goes further and does not even attempt to hide his prejudices. In a programme on the television channel *La Cinq* he shouted in the face of his detractors: ‘yes, I write with my prejudice.’<sup>53</sup>

At a time when people, who not long ago seemed to have irreconcilable differences, whether in South Africa or Northern Ireland, are learning to live together with those differences, the Algerian regime is being praised and encouraged in the eradication of its political opponents. The generals have already destroyed a whole generation<sup>L</sup>. It should certainly be the role of a responsible media to inform and promote understanding and reconciliation.

<sup>L</sup> The Algerian street has nicknamed general Mohamed Lamari the Red Sea because he is fond of spilling the blood of Algerians. Lamari is the chief-of-staff of the Algerian army and the co-ordinator

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## 7. Conclusion

A clear picture emerges from an analysis of the French reactions to the massacres: establishment figures and intellectual journalists accuse the Islamists and demonise them. Scholars and researchers accuse the regime of master-minding and manipulating the violence for its own survival. In the press however, the opinions of the scholars weigh less than those of philosophers, politicians or columnists who even feel pride in harbouring personal prejudices<sup>54</sup> when it comes to their support for the Algerian military regime. The writings and declarations of the latter are so in harmony with the thinking of the Algerian junta that they are reproduced in full by the Algerian media. Philosophers such as Bernard-Henry Lévy and André Glucksmann visited Algeria at the invitation of the Algerian authorities and came back enlightened with 'the truth' concerning the massacres. The UN rapporteurs on torture and extra-judicial killings have been waiting for years to be allowed into Algeria to investigate the human rights situation. The Algerian authorities have so far refused them permission. Have the French philosophers of the BHL, André Glucksmann or Jack Lang type more expertise in carrying out investigations on atrocities than the UN rapporteurs? The military junta wants clearly to pre-empt the work of the UN rapporteurs by co-opting its own investigators. The Algerian generals think the magic of French philosophers can ward off the demand of the international community for an independent inquiry into the massacres.

The world owes the dead of Bentalha, Raïs, Beni-Messous, Relizane and other numerable places a duty of conscience and remembrance. The only way to identify their killers is through an independent international commission of inquiry with full investigative powers. Once the killers are identified they should be severely punished by the international community to deter future atrocities. If the Algerian regime has clean hands, it should not fear an international inquiry. As for France, it can help the Algerians by denouncing the human rights violations in Algeria and refraining from echoing the disinformation of the Algerian generals. It can also support the voices of human rights organisation and those of numerous Algerians who call for an international commission of inquiry.

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of the anti-terrorist war. His policy is to kill his opponents and especially not to take prisoners. He is on the record for saying that if the price of crushing the FIS is to kill a third of the Algerians, he would not hesitate one instant to pay it. His policy has already resulted in the death of hundreds of thousands of Algerians. He is indeed swimming in a sea of blood.

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<sup>1</sup> Comité Algérien des Militants Libres pour la Dignité Humaine et les Droits de l'Homme (Algerian Committee of Free Campaigners for Human Dignity and Human Rights), *Livre Blanc sur la Répression en Algérie (1991-1994), Part 1*, Hoggar, Geneva 1995.

<sup>2</sup> Claude Angeli et Stéphanie Mesnier, *Salé Temps pour la République 1995-1997*, Bernard Grasset, 1997.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> *Journal officiel*, 27 October 1997.

<sup>10</sup> *Journal officiel*, 5 March 1998.

<sup>11</sup> *L'Express*, 22 January 1998.

<sup>12</sup> *Le Monde*, 24 April 1997.

<sup>13</sup> *L'Humanité*, 5 January 1998.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> *Libération*, 23 octobre 1997.

<sup>18</sup> Quoted by *The Observer*, 26 October 1997.

<sup>19</sup> *L'Express*, 22 January 1998.

<sup>20</sup> *Reuters despatch*, 4 April 1998

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> *El-Watan*, 5 March 1988

<sup>24</sup> *Chicago Tribune*, 7 January 1998

<sup>25</sup> *L'Humanité*, 30 December 1997.

<sup>26</sup> *Le Canard Enchaîné*, 14 January 1988.

<sup>27</sup> John Sweeny, *The observer*, 19 April 1998.

<sup>28</sup> *Le Monde*, 1 October 1997.

<sup>29</sup> *Liberté*, 23 January 1998.

<sup>30</sup> *L'Express* of 22 January 1998.

<sup>31</sup> *El-Watan* of 1 March 1998.

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<sup>32</sup> *Libération* of 24 January 1998.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> *Le Monde* of 16 September 1997

<sup>37</sup> *Libération* of 24 September 1997.

<sup>38</sup> Ibid.

<sup>39</sup> *L'Hebdo* of 4 August 1997

<sup>40</sup> *Le Nouveau Quotidien* of 1 August 1997

<sup>41</sup> Ibid.

<sup>42</sup> *La Revue Croissance*, Paris, June 1997

<sup>43</sup> *Libération* of 8 February 1998

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> *L'Express* of 20 January 1998.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> *L'Express* of 6 June 1991.

<sup>51</sup> *L'Express* of 22 January 1998.

<sup>52</sup> *Libération* of 8 February 1998.

<sup>53</sup> In a programme broadcast on the television channel *La Cinq*, (25 January 1998) J. P. Daniel the Director of the French weekly *Le Nouvel Observateur* admitted to a partial treatment of the Algerian crisis in his writings.

<sup>54</sup> Ibid.

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**PARALLELS IN FRANCE'S RESPONSES TO  
RWANDAN AND ALGERIAN MASSACRES**

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*L. Salem-Badis*

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*International Responses**In those countries, a genocide is not that important.*

François Mitterrand

## 1. Introduction

Rwanda and Algeria have witnessed horrific human rights violations of selective categories of citizens. The genocide in Rwanda did not occur spontaneously. It was the result of misguided colonial policies, the instrumentalisation of pseudo-ethnology for political domination, foreign interference and complicity. The massacres in Algeria are part of a policy which seeks to bring and maintain the Algerian people under the domination of the military and their international supporters and sponsors. The massacres were predictable following the elections results of December 1991 which saw the FIS (Front Islamique du Salut) party triumph. The military and the various vested interests felt threatened by that landslide victory and responded by a military take-over. The only alternative left to the military in their will to subdue the people's resistance was to crush the party and win over the people to their side through sheer brute force. The consequences have been terrible: endless massacres since the military coup of 11 January 1992.

The genocide perpetrated in Rwanda from April to July 1994 is one of the great tragedies that has befallen this century. Hundreds of thousands of people, perhaps about one million, were murdered because they belonged to a different race. Hutu racists undertook to wipe out the Tutsi minority as well as the moderate Hutu who opposed their plans. Once again, the whole world watched killings on a massive scale without facing up to its responsibility. The inaction of the international community and the complicity of a few foreign governments allowed the atrocities to take horrific dimensions. When killers are assured of international support, they continue with their crimes. They know that they are protected by 'friendly' powers. The genocidal regime of Rwanda had the support of France, a permanent member of the Security Council and a key player in the European Union.

The events that happened in Rwanda in 1994 and those still taking place in Algeria have common features. The then regime of Rwanda and the present one of Algeria are repressive, corrupt, undemocratic and heavily militarised. Both are underpinned by an elite which has built up lavish lifestyles through the pillage and plunder of the states coffers. France assisted the Hutu regime financially and supplied it with weapons even when the genocide was under way. Likewise, it continues to help the Algerian regime both financially and militarily while massacres of civilians are still going on. France shielded the Hutu regime from international action and is presently doing so with the Algerian one.

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What are the common elements in these tragedies? How could both regimes have escaped international scrutiny? Why did the international community stand by and not react? Certainly, many bystanders were aware of what was going on but did nothing. How did France manage to shield the regimes from being named and shamed by the international community? No doubt, all these burning questions require long awaited answers. Some answers can be found in recent books<sup>1</sup>. In this paper, we seek only to draw some parallels between the Rwandan and Algerian regimes and question the role played by the French state in supporting them both morally and materially during the course of the atrocities. We examine also how the military regimes used a Francophone elite to tap into French networks for support and exploit the artificial proximity between the elite and French intellectual and decision-making circles.

The objective of such an exercise is to examine whether the close relationship of the French government with the regimes of both countries has contributed to exacerbate the human rights violations by shielding the regimes from international scrutiny. To set the scene of the Rwandan genocide, a brief history of Rwanda is first recalled in Section 2. Section 3 examines how France rushed in to fill the vacuum left by Belgium, the colonial power. The French role in Rwanda during the genocide of Tutsi is then reviewed in Section 4. In Section 5 parallels are drawn between the actions of the Hutu racists and their Algerian eradicationist counterparts.

## **2. Historical reminder**

The Berlin Conference of 1885, which was convened to oversee the division of Africa among European powers, attributed Rwanda to the German Empire. The colonisation of the country was then spearheaded by the establishment of missions by les Pères Blancs (White Fathers), a society founded in 1868 by the first Archbishop of Algiers, Cardinal Lavigerie. In 1919, the treaty of Versailles gave Belgium a mandate over the country. The new colonial masters adopted a form of indirect rule that relied heavily on the promotion of a Europeanised elite. This led to the weakening of the traditional monarchy and the indigenous links and institutions which had ensured a peaceful co-existence of the various tribes for centuries. Ethnicity was promoted by the colonial power as a political and institutional construct. This construct was soon internalised and absorbed by the Rwandans. It led to the emergence of a class with supremacist pretences and to a feeling of resentment by the majority of the population. Human Rights Watch describes this policy as follows:

By assuring a Tutsi monopoly of power, the Belgians set the stage for future conflict in Rwanda. Such was not their intent. They were not implementing a 'divide and rule' strategy so much as they were just putting into effect the racist convictions common to most early twentieth century Europeans. They believed Tutsi, Hutu, and

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Twa were three distinct, long-existent and internally coherent blocks of people, the local representatives of three major population groups, the Ethiopid, Bantu and Pygmoid. Unclear whether these were races, tribes, or language groups, the Europeans were nonetheless certain that the Tutsi were superior to the Hutu and the Hutu superior to the Twa—just as they knew themselves to be superior to all three. Because Europeans thought that the Tutsi looked more like themselves than did other Rwandans, they found it reasonable to suppose them closer to Europeans in the evolutionary hierarchy and hence closer to them in ability. Believing the Tutsi to be more capable, they found it logical for the Tutsi to rule Hutu and Twa just as it was reasonable for Europeans to rule Africans. Unaware of the ‘Hutu’ contribution to building Rwanda, the Europeans saw only that the ruler of this impressive state and many of his immediate entourage were Tutsi, which led them to assume that the complex institutions had been created exclusively by Tutsi.<sup>2</sup>

The ethnic division of Rwandan society resulted, on occasions, in farcical situations. This misconception led to a tragic mistake in 1933. In a census carried out that year, a ‘Tutsi’ was defined as someone owning at least 10 cows! All the others were ‘Hutu’ or ‘Twa’ according to the work they performed. Thus a few rich Hutu became ‘Tutsi’ and many poor Tutsi became ‘Hutu’!<sup>3</sup>

The Hutu elite that was to emerge in the fifties would develop a discourse based on past grievances and historical resentment. An information mission of the French parliament highlighted, in a report, the role of colonial historiography in the creation and propagation of racial myths and their disastrous effect on contemporary Rwanda.

In a sense, strictly speaking there is no discovery of Rwanda, but rather an invention of contemporary Rwanda. The colonial historiography which set out to ‘build scientifically’ the racial model [...] structures even today the vision of a large part of the Rwandan population. Thus, the Bantu (assimilated to the category of Hutu land farmers) settled in a region that was reclaimed by the first inhabitants (the Twa). The Hutu and Twa were then confronted by the arrival of Hamit cattle farmers (a category progressively reduced to its Tutsi dominant composition) who, with their cattle, occupied all the vacant space and then imposed their order on the entire heartland of this region of Africa as well as on the bordering lands.<sup>4</sup>

The myth of an ethnic group born to rule and another to be ruled over was propagated by the colonial establishment. The report of the French information mission went on to say in this context:

Evolved Tutsi and Hutu designed to obey: this myth was methodically propagated during several decades by missionaries, teachers, intellectuals, ethnologists and academics who lent credence to the vision of the Rwandan society until the end of the seventies.

Belgium, which initially supported the Tutsi elite, changed its policy towards them to promote the Hutu elite. In a written submission to the Inter-

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national Tribunal on Rwanda, André Guichaoua, a Professor at the Science and Technology University of Lille, noted:

In its desire to thwart the increasing influence of independence calls among the princely elite of Rwanda and Urundi and to preserve a regional presence that is already strongly compromised in Kinshasa and Bujumbura, the colonial, administrative and religious authorities have, since the mid-fifties given their support to the Hutu leaders militating for 'a social revolution'.<sup>5</sup>

Belgium's support for the Hutu intensified as talk about independence started to gather momentum. Hutu were named to responsible positions in the administration. When the moderate Tutsi ruler, Mutara Rudahigwa, who had been in power since 1931 died in 1959, he was succeeded by a conservative half brother, Kigeri Ndahindurwa, whose reign was marked by increased ethnic division as described by Human Rights Watch:

Moderate parties that sought to organize across the Hutu-Tutsi divide lost ground as the Parmehutu (Parti du mouvement de l'émancipation des Bahutu), identified exclusively with Hutu, and the Union Nationale Rwandaise (UNAR), a royalist Tutsi party, gained in strength. In November 1959, several Tutsi assaulted a Hutu sub-chief. As the news of the incident spread, Hutu groups attacked Tutsi officials and the Tutsi responded with more violence. Several hundred people were killed before the Belgian administration restored order. The Belgians then replaced about half the Tutsi local authorities by Hutu. With the help of many of these local administrators, the Parmehutu easily won the first elections in 1960 and 1961. In September 1961, some 80 percent of Rwandans voted to end the monarchy, thus confirming the proclamation of a republic the previous January 1961 by the Parmehutu-led government. These events became known as the 'Hutu Revolution'.<sup>6</sup>

### 3. Enter France

Rwanda secured its independence from Belgium in July 1962. Soon after, new co-operation agreements in the economic, cultural and technical fields were signed between the Hutu-dominated government and France. Like Belgium, France adopted a strategy of support and cultivation of the Hutu elite, a policy described in the report of the French information mission as follows:

Its strategy for getting a foothold (in Rwanda) will therefore be limited to narrow governing circles in power and to the protection that it can offer them, particularly on the military level. The turning point occurred in the seventies when 'without oversimplification, we can say that France, with a general indifference, has worn the colonial shoes of Belgium, inheriting Rwanda through levirate'.<sup>7</sup>

During the 'Hutu revolution', also known as the 'social revolution', about 300 000 Tutsi fled to the neighbouring countries when fighting broke out between rival Hutu and Tutsi gangs. Massacres of the Tutsi population also took place. In the sixties, incursions by armed Tutsi exiles would inevitably

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end up in massacres of Tutsi inside Rwanda, easy hostages to the Hutu leaders. The exiles formed the Rwanda Patriotic Front (RPF) in Uganda, and on 1 October 1990, the RPF started a war against the regime of President Juvénal Habyarimana. During the war of 1990-1994 between the Hutu regime and the RPF, many massacres were committed against the Tutsi minority. These were denied by the French authorities who were instrumental in shielding the regime from international scrutiny. Human Rights Watch highlights particularly the role of French Ambassador Martres to Rwanda in defending the Rwandan President Habyarimana against charges of human rights abuses levelled against him by human rights organisations.

Ambassador Martres dismissed reports of massacres as 'just rumors' and a supporter within the French Foreign Ministry wrote soon after the International Commission published its report that the Habyarimana regime was 'rather respectful of human rights and on the whole concerned about good administration.' In a shocking echo of extremist Hutu propaganda, this author explained that the RPF, and not Habyarimana, should be blamed for the massacres of the Tutsi, because their agents (provocateurs) had infiltrated and caused the Bugesera massacre as well as the slaughter of the Bagogwe in 1991. As part of an effort to shore up Habyarimana and discredit further the RPF, the French secret service (Direction Générale des Services Extérieurs, DGSE) planted news stories about supposed Ugandan support for the guerrilla movement. On February 21, 1993, the reputable *Le Monde* published an account of a RPF massacre of hundreds of civilians that had in fact never taken place.<sup>8</sup>

President Mitterrand praised the model co-operation that existed between the two countries. He told his council of ministers on 17 October 1990: 'we maintain friendly relations with the Government of Rwanda which has drawn closer to France after it had noted the indifference of Belgium towards its former colony.'<sup>9</sup> These close relations established by France with the Rwandan Hutu regime translated into military support of the latter as noted by Human Rights Watch.

From the outset of the war with the RPF, Rwanda had been firmly backed by France. Able to rely on this steady support from a major international actor, Habyarimana was in a strong position to confront threats from the RPF, reproaches from other foreign powers, and opposition from dissidents within Rwanda. Fluent in French, apparently a devout Catholic, Habyarimana impressed French president François Mitterrand and others with his assimilation of French values. In the French system, where the president exercised enormous control over African policy, Mitterrand's bond with Habyarimana counted for a great deal.<sup>10</sup>

On 6 April 1994, Habyarimana and the Burundi President Cyprien Ntaryamira died when the Falcon-50 executive jet on which they were travel-

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ling was downed by a missile as it was about to land at Kigali airport. The killing paved the way for the Rwandan genocide. The origin of the attack remains a mystery to this date.

#### 4. France's responsibility

The Rwandan Hutu regime bears the responsibility for the genocide. However, the Hutu leaders were not operating in a vacuum. They certainly believed that, in their gruesome task, they had the support of some foreign governments. Human Rights Watch includes among the list of foreign governments France for 'having continued its support of a government engaged in genocide.'<sup>11</sup> French support to the Hutu regime was material and contributed to enhancing the regime's lethal capacity to inflict harm on what it perceived as its enemies. Early in 1998, the French daily *Le Figaro* published a series of articles by Patrick de Saint-Exupéry in which the journalist showed that France continued to arm the Hutu regime for nearly two months after the start of the genocide and two weeks after the UN arms embargo on Rwanda.<sup>12</sup> The revelations contained in *Le Figaro* were damning to the French government:

Despite the massacres Paris continued to supply arms to the Hutu killers [...] During these crucial weeks, and despite numerous official denials expressed at the time, French has continued in its co-operation policy with the Rwandan regime, with those who made possible the genocide.<sup>13</sup>

The journalist revealed also that:

The Hutu killers continued to be received in both the Élysée and Matignon weeks after the beginning of the genocide enterprise. Bruno Delaye who was in charge of the Africa Department in the Élysée confessed later to the following: 'I must have received 400 murderers and 2000 drug dealers in my office. One cannot keep his hands clean when dealing with Africa.'<sup>14</sup>

The newspaper noted that Mitterand was not so much preoccupied by the genocide as by the fall of Rwanda to Anglo-Saxon expansion in central Africa. In the summer of 1994, he was reported to have said to his entourage: 'in those countries, a genocide is not that important.'<sup>15</sup>

The reports of *Le Figaro* and the pressures of Human Rights organisations led to the creation of a parliamentary commission for the investigation into the role of France in the 1994 genocide in Rwanda. The commission was chaired by Paul Quilès, a Socialist and former defence minister, and an establishment figure. After a nine-month inquiry the commission concluded that France had no direct involvement in the genocide, and blamed the United Nations inaction which it attributed to a U.S. reluctance to intervene. The report also strongly criticised French policy in the region as short-sighted and naïve. As expected by human rights organisations, the report

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failed to come to a final conclusion. In presenting his report, Paul Quiles declared: 'we lack several elements, which explains why we could not come to a final conclusion.'<sup>16</sup> The representatives of the centre-right minority party on the commission refused to endorse the report, claiming that it did not sufficiently exonerate France. René Galy-Dejean of President Jacques Chirac's Rally for the Republic party said: 'France has nothing to blush about. It had no responsibility for the genocide.'<sup>17</sup>

France was well placed to know what was happening in Rwanda. It had a strong presence in the form of military advisers who were training the Rwandan forces. The communication system used by the army was set up by French technicians who were, no doubt, also ensuring its maintenance. The preoccupation of France was not so much the prevention of a genocide as the protection of an ally as noted by Patrick de Saint-Exupéry:

Towards the end of April, three weeks after the beginning of the tragedy, Paris is not on the same wavelength as the other states. The silence is similar but it does not hide only a bad conscience: it hides also a deep desire to protect the Rwandan 'allies'.<sup>18</sup>

The French authorities continued to receive visiting Rwandan officials. The Human Rights Watch report singled out France for failing to 'respond with any new initiatives and continued to operate within the same constraints that had shaped their policy towards Rwanda for some time.'<sup>19</sup> France said that it was not aware of what was going on in Rwanda but HRW stated that:

With close ties to Habyarimana and other high-ranking Rwandan officials and with an undercover intelligence operation in place, France certainly knew about the preparations for killing Tutsi and opponents of Hutu Power. French diplomats and military officers discussed the risk of genocide beginning in 1990 and, according to former Ambassador Martres, the 1994 genocide could have been foreseen in October 1993. Bound by its old loyalties, however, France continued to support the Rwandan government diplomatically, in discussions in the Security Council, for example, and militarily, with the delivery of arms. After the January 11 telegram, Boutros-Ghali had looked to France, Belgium, and the U.S. to support his efforts to get Habyarimana to halt the preparations for violence. According to Belgian diplomatic correspondence, it was France that prevented the three from addressing the issue when they met with the Rwandan president.<sup>20</sup>

The report of the French information mission is less specific about whether France was aware of the gross human rights violations in Rwanda or not. Nevertheless, it raises disturbing questions:

The silence of the ruling authorities, which is largely explained by traditions of discretion, if not of secrecy, cultivated by our diplomacy and our defence, and the apparent indifference of the Parliament, have given rise to questions, suspicions, indeed to accusations of French policy that are all the more preoccupying as the ob-

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jective information elements that might have invalidated or corroborated them were rare.<sup>21</sup>

In June 1994, *Opération Turquoise* was launched with Security Council authorisation with the aim of saving Tutsi lives. The presence of thousands of French crack paratroopers was powerless to stop the killings, except in a few pockets of refugees. The passivity of the French soldiers was highlighted by *The New Yorker's* Philip Gourevitch in a book about the Rwanda genocide. He wrote: 'Often French troops were ordered to wait in small towns while mass killings went on just kilometres away in Hutu-controlled area.'<sup>22</sup> He reported the following remark of a French soldier 'I am fed up with being cheered by murderers.'<sup>23</sup> Critics have always maintained that the real intention behind *Opération Turquoise* was to 'slow down the advance of the Patriotic Front and save the French-allied Kigali government.'<sup>24</sup> 'So what if that meant French complicity in one of the worst cases of mass murder of the century.' 'TV images made during the time embarrassingly show Hutu genocidaires holding pictures of Mitterrand.'<sup>25</sup>

### 5. Hutu racists and Algerian eradicationists: the parallels

French support for the Hutu racists and Algerian eradicationists took many forms. Both factions enjoyed the benevolence of the French authorities and were warmly received during their frequent visits to Paris. In particular, the Algerian eradicationists have had easy access to the media to globalise the propaganda and raise support for the generals. The help received by these two factions was not only moral but material too. The economic as well as the military help must have sounded to the beneficiaries as a full endorsement of their actions. Some of the actions undertaken by France to support these two factions are exposed below. Some common features shared by both factions are also exposed.

The aims of the European Union mission and the UN Panel<sup>A</sup> that visited Algeria in 1998 were strikingly similar to that of *Opération Turquoise*. Both missions had a strong French presence<sup>B</sup> destined to reassure the Algerian

<sup>A</sup> A nine-member delegation led by the French André Soulier visited Algeria on a five-day mission in February 1998. The delegates were from Austria, France, Spain, Greece and Germany, countries largely sympathetic to the cause of the military regime. The FIS leaders tried to communicate with the delegation members by sending them a letter. André Soulier publicly tore up the letter. A FIS spokesman commented on the action as: 'unbefitting political and diplomatic usage'. Soulier said that 'the delegation had concluded it was better to tear up the envelopes than open them, because they had promised the Algerian government they would not speak with Islamic rebels'. The quotations are from CNN, 9 February, 1998.

<sup>B</sup> In July 1998 a UN panel visited Algeria with no human rights mandate. The panel included an influential supporter of the military regime: Simone Veil. Sometime prior to her visit, she had disagreed with Valéry Giscard d'Estaing when the latter had supported a policy of national reconciliation in Algeria. She opposed him and declared that the declaration 'committed only him' (*Agence France Presse*, 31 January and 1 February 1997). After her return from Algiers in the summer of 1998, she appealed

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regime, dilute recommendations and ultimately shield the regime from international criticism. Algerian media greeted the visitors as friends who came to help Algeria at a difficult time of its history. If the intentions of France had been sincere, it would have refused to participate in these missions on account of its links to the military junta. Amnesty International said about the report of the UN panel that it 'blatantly fails to address the key issues concerning the human rights crisis'.<sup>26</sup>

When the RPF forces progressed and the full extent of the killings of Tutsi in the conquered areas was broadcast to the world, the French military spokesmen started to promote the idea of a 'two-way genocide' and called the RPF the 'Khmers Noirs' (black Khmers).<sup>27</sup> As evidence has mounted implicating the Algerian security forces in massacres and disappearances, some French officials and media have been promoting the two-way massacres theory which puts equal blame on both the regime and the rebels, referred to sometimes as *Khmers Verts* (green Khmers) in the French media. In this vision the regime's violence, however deplorable, is nevertheless motivated by the preservation of the state from destruction by barbarian hordes.

Like the Hutu supremacists, the Algerian eradicationists adhere to an exclusive vision of Algerian polity in which the political opponent has no place, or worse is to be eradicated. They claim to represent the majority of society, a claim not borne out by the outcome of elections, even the rigged ones, since the advent of political pluralism. They oppose the Arabic language and spare no effort in undermining its progress in the Algerian society. They despise Arabic culture and attack constantly the religion of Islam. Islam, fundamentalism or *intégrisme* and terrorism are interchangeable words to them. Democracy to them is whatever system incorporates their exclusivist vision. Everything else is undemocratic. They see the military junta as a bulwark for democracy. If the Hutu viewed society through a racial prism, the eradicationists use a cultural one instead. They behave as the rightful inheritors of the mantle of the nineteenth century colonialists who set out to civilise savages, occupy their land and subjugate them. Algeria's eradicationists seek today to civilise 'the Muslim, Arabic speaking Algerians' and introduce them to the wonders of 'French culture'. The power of this faction was demonstrated in 1988, when the then Algerian education minister was sacked immediately for naively daring to call for the replacement of the French language in schools by English.<sup>28</sup>

The Hutu racists played on the 'victimisation' they suffered at the hands of the Tutsi elite to justify the demonisation of all the Tutsi. The media, especially Radio-Télévision Libre des Milles Collines (RTL), had a major role

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for help 'to fight terrorism, against the fanatics, against an Islamism of hatred which seeks to impose its laws' (*Agence France Presse*, 14 September 1998).

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in bringing the Hutu militants to a state of frenzy. For their part, the Algerian eradicationists developed a world-upside-down rhetoric of victimisation, a discourse of a republic and a democracy in danger from 'barbarism'. They used the powerful media, *El-Watan*, *Liberté*, *Le Matin*, *L'Authentique*, etc. to demonise the opposition and promote the creation of ruthless militias and paramilitary patriots. If, for the Hutu, the Tutsi were 'cockroaches',<sup>c</sup> for the Algerian eradicationists, the political opponents are 'infra-humans'<sup>29</sup>, or animals: rats, locusts, dogs.<sup>30</sup> The eradicationist literature uses a colourful linguistic zoo<sup>31</sup> to describe the Islamists. Rachid Boujedra speaks of 'these mortiferous beings. A fascist minority, a filthy and nauseating political party, a conglomeration of mad and plague-stricken rats.'<sup>32</sup> Ferial Assima describes the events of 1991, when the army fired at demonstrators, in the following shocking terms:

For me, the reality of misfortune starts when the believers come out of mosques, when this host of men cross the city; when the mob roars and stirs up the street [...] The people is but a bloated belly which sucks in the earth [...] A mob, a mud flow, a landslide surging down onto us, uprooting our days from this too long slumber.

There was gunfire.

Luckily, the army has cleansed the town from these hotheads. Everything is calm, at last. Even the walls smile[...] The dead are dead. We wash our hands of them.<sup>33</sup>

Hence, one can see that the process of killing the opponent is usually preceded by his dehumanisation. Certain French officials had irresponsibly echoed these theories, and in the process made them appear respectable. French intellectuals such as Bernard-Henry Lévy, André Glucksmann and Jack Lang have been very vociferous in their support for the Algerian eradicationists.<sup>34</sup>

The French lobbies played a crucial role in shielding Rwanda from public opinion. Lionel Jospin, the French prime minister, is on record for his declaration: 'You must know that countless things on Rwanda have never been told.'<sup>35</sup> José Kagabo commented: 'there are briefs that are managed by different networks [...] administration places from where information does not filter.'<sup>36</sup> These lobbies are at work in Paris on behalf of the Algerian generals. Visits of their representatives to Algeria have intensified during the last few years. They never ceased, even at the height of the massacres. The expectations of the lobbies are understandable and have been articulated by the President of Le Conseil National du Patronat Français (CNPFI-international): 'There is not a country at two-hour flight from Paris that offers so many opportunities and possibilities as Algeria.'<sup>37</sup> Hocine Aït Ahmed, an Algerian

<sup>c</sup> Cockroaches (Inyenzi) was a term used to describe Tutsi who invaded Rwanda in the 1960s. It was revived in 1990 to refer to members of the RPF.

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opponent of the regime and a leading figure of the liberation struggle, expressed his difficulty of 'understanding French policy' which is decided by 'commercial networks or special services' and hoped that French policy would cease to be 'hostage to the Franco-Algerian lobbies.'<sup>38</sup> He denounced 'the role of diplomatic protectorate of France over Algeria.'<sup>39</sup> The national council of the FFS echoed this fear of

seeing some key-persons being able, like in Rwanda, to render irreversible the French policy of support to the Algerian extremists in power, through occult networks.<sup>40</sup>

The influence of the mercantile lobby cannot be underestimated at a time when Algeria is liberalising its economy at an accelerated rate. This is a golden opportunity for the Algerian generals and their protectors abroad. They never had it so good when it comes to plunder and pillage.

It has to be said, however, that certain French personalities have acted with conscience and honour towards both countries. They refused to condone inhuman policies accessory to genocide, gross human rights violations and echo the regime's lies. Valéry Giscard d'Estaing, a former President, rejected the idea that the French intervention in Rwanda was humanitarian. He accused the French command of 'protecting some of those who carried out the massacres.'<sup>41</sup> This is a far cry from the declaration of Charles Josselin, the aid minister: 'the French soldiers did not wield the machetes [...] and furthermore we were looking elsewhere.'<sup>42</sup> Valéry Giscard d'Estaing took also a correct position with respect to Algeria when he repeatedly called for a negotiated solution which involved all Algerian political forces. His principled stand led him to condemn the military coup of 11 January 1992, which was welcomed by the French government. In an interview with *L'Express*, referring to the military coup, he declared:

On the other hand, the government and the whole political class were pleased. And for that reason, they have taken the side of the military clan which seized power.

He also referred to the counter-insurgency strategy implemented by the Algerian generals:

As a matter of fact, the army and the security forces use an old technique of this type of conflict which consists in implicating the civilian populations in the conflict by arming them. This inevitably leads to an escalation of violence since these civilian populations become the object of savage reprisals, on both sides.<sup>43</sup>

## 6. Conclusion

The genocide in Rwanda was the culmination of years of low intensity massacres and cultural and political oppression of the Tutsi minority. This situa-

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tion was allowed to continue because there was complicity between the Hutu regime and the French State. France supported the Hutu regime ever since the country obtained its independence and did not stop doing so until the Hutu regime was overthrown by the Rwanda Patriotic Front. The international community had a number of leverages it could have used to put an end to gross violations of human rights: denunciations, sanctions, expulsions from international organisations and shaming. No leverage of this sort was used either against Rwanda, or is being contemplated in the case of Algeria. What put an end to the genocide in Rwanda was the defeat of the Hutu regime at the hands of the RPF.

In Algeria, massacres are continuing with total indifference of the international community. These massacres would have stopped by now if the Algerian regime had been challenged to open the country to an international inquiry into the mass killings of civilians. The massacres in Algeria constitute therefore a failure of the international community to uphold the norms of civilised behaviour. Human Rights Watch goes to the heart of the matter in its analysis of evil when, with regard to the Rwanda genocide, it writes: 'But genocide anywhere implicates everyone. To the extent that governments and peoples elsewhere failed to prevent and halt this killing campaign, they all share in the shame of the crime.'<sup>44</sup> This is indeed the reason which explains why, for instance, the Algerian regime continues to massacre innocent people with impunity. The Algerian regime has guaranteed that France will thwart any international inquiry into the massacres, let alone the prosecution of the perpetrators

The world owes a duty of conscience to the victims of the Rwanda genocide and the Algerian massacres. It failed to act in Rwanda and has been failing the Algerians who continue to be threatened in their very existence by a ruthless regime. It should learn the lesson of Rwanda and force the Algerian regime to accept an international commission of inquiry into all the massacres that have taken place in order to identify the perpetrators and punish them accordingly. If France continues to act as 'diplomatic protector' for the military regime in order to shield it from international scrutiny and frustrate the international community's demand for an independent inquiry into the massacres, it should be held legally and morally responsible for complicit behaviour with this killer state.

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NOTES

<sup>1</sup> Pascal Krop, *Le génocide franco-africain*, Lattès; Colette Braeckman, *Rwanda. Histoire d'un génocide*, Fayard; Francois-Xavier Verschave, *Complicité de génocide? La politique de la France au Rwanda*, La Découverte.

<sup>2</sup> Human Rights Watch Report, *Leave none to tell the story, Genocide in Rwanda*, 1999.

<sup>3</sup> Ibid.

<sup>4</sup> Mission d'information de la commission de la défense nationale et des forces armées et de la commission des affaires étrangères, *Rapport d'information sur les opérations militaires menées par la France, d'autres pays et l'ONU au Rwanda entre 1990 et 1994*, N° 1271, 1998.

<sup>5</sup> Ibid.

<sup>6</sup> See reference 2.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> See reference 4.

<sup>10</sup> See reference 2.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> *Agence France Presse*, 1 December 1998.

<sup>17</sup> Ibid.

<sup>18</sup> *Le Figaro*, 14 January 1998.

<sup>19</sup> See reference 2.

<sup>20</sup> Ibid.

<sup>21</sup> See reference 4.

<sup>22</sup> Philip Gourevitch, *We wish to inform you that tomorrow we will be killed with our families*, Farrar, Straus & Giroux, Inc., 1998.

<sup>23</sup> Ibid.

<sup>24</sup> *Agence France Presse*, 1 December 1998.

<sup>25</sup> *Liaison-Rwanda*, 3 June 1999. *Liaison-Rwanda* is a three-monthly news bulletin and a forum for the associations working for the reconstruction of Rwanda.

<sup>26</sup> *Amnesty International*, press release, 16 September 1998

<sup>27</sup> See reference 22.

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<sup>28</sup> Rachid Messaoudi, *Algerian-French relations: 1830-1991 a clash of civilizations in Algeria: Revolution visited*, Editor R. Shah-Kazemi, Islamic World Report, London 1997.

<sup>29</sup> See papers in part III of this book.

<sup>30</sup> Feriel Assima, *Une Femme à Alger*, Arléa, Paris, 1995.

<sup>31</sup> Moussa Aït-Embarek, *L'Algérie en murmure un cahier sur la torture*, Hoggar, Genève, 1996.

<sup>32</sup> R. Boujedra, *FIS de la baine*, Denoël, Paris, 1992.

<sup>33</sup> See reference 31.

<sup>34</sup> L. Salem Badis, *French reactions to the Algerian Massacres*, paper No 14, in part IV of this book.

<sup>35</sup> *Libération*, 1 April 1998.

<sup>36</sup> *Libération*, 1 April 1998.

<sup>37</sup> *Algerian Presse Service*, 1 April 1998.

<sup>38</sup> *Agence France Presse*, 23 January 1997. Declaration made during a press conference in Rome during a meeting of the International Socialist Council.

<sup>39</sup> *El-Watan*, 26 April 1998.

<sup>40</sup> Political resolution of the FFS National Council, 16-17 April 1998.

<sup>41</sup> See reference 23.

<sup>42</sup> See reference 25.

<sup>43</sup> *L'Express*, 22 January 1998.

<sup>44</sup> See reference 2.

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## ELEMENTS DE POLITIQUE ALGERIENNE DE LA FRANCE

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*A. Aroua*

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*Dans ces pays-là, un génocide c'est pas trop important.*<sup>1</sup>

François Mitterrand, été 1994

*Les Etats n'ont pas d'amis, c'est bien connu, mais seulement des intérêts. On peut sans risque de se tromper appliquer ce truisme aux relations européo-algériennes, et, pour commencer, aux relations franco-algériennes, qui se révèlent donc bien décisives. Décisives et, pour parler avec cynisme, compréhensibles d'un point de vue économique. Car, sur le plan politique, on chercherait également en vain une doctrine française sur les relations avec Alger. Tout se passe en effet comme si la France avait adopté une politique frileuse, réactive, à court terme. [...] Malgré les crises apparentes entre Paris et Alger [...], la France a réussi sans trop de mal à conserver d'excellentes relations avec Alger, même si cela se passe le plus souvent dans la discrétion.*<sup>2</sup>

Baudouin Loos, journaliste belge

## 1. Introduction

La France a un rôle déterminant dans le cours des événements en Algérie, à cause de son soutien fort et multiforme au régime d'Alger et en raison de l'influence qu'elle a sur la communauté internationale, européenne notamment. Le but de cet article est de tenter d'illustrer quelques facettes du soutien politique et diplomatique du gouvernement français au régime algérien afin que ce dernier échappe à toute investigation internationale au sujet de l'état tragique des droits de l'homme en Algérie. Cette contribution essayera aussi de monter les contradictions qui caractérisent la politique algérienne de la France et de donner quelques éléments qui peuvent expliquer l'attitude officielle de la France envers le pouvoir algérien.

## 2. Soutien français au régime algérien

### 2.1. Introduction

Il n'y a pas lieu dans cette section de recenser les diverses facettes de l'aide accordée par l'Etat français au régime algérien, qui va de la vente de matériel de guerre au soutien actif auprès des institutions financières et des bailleurs de fonds de l'Algérie, en passant par les conseils techniques en matière de

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guerre contre-insurrectionnelle. Car il est un fait incontestable : le régime algérien a tenu ces sept dernières années aussi bien au plan national qu'international grâce au soutien de Paris. En effet, aux moments où il était le plus vulnérable, l'aide française lui a été vitale. Pour Hocine Aït-Ahmed, le régime algérien 'ne peut survivre que s'il parvient à s'assurer de la pérennité du soutien de la France.'<sup>3</sup>

Cette section va focaliser sur un seul aspect de l'aide de la France officielle au régime algérien : il s'agit du soutien politico-diplomatique qui se manifeste par la promotion et la propagation des principales thèses<sup>A</sup> avancées par la diplomatie algérienne pour empêcher la constitution d'une commission d'enquête sur les massacres qui se sont intensifiés dès l'été 1996. Ces thèses s'articulent autour des prétendues légitimité, souveraineté et innocence du régime algérien. Cet aspect du soutien français au régime algérien est si importante que le conseil national du FFS n'a pas hésité à condamner :

- a) la position politique de l'ex-puissance coloniale et son rôle de 'protectorat diplomatique' et de 'soutien clandestin' au pouvoir algérien ;
- b) les obstacles dressés par cette dernière lors des travaux de la Commission des droits de l'homme de l'ONU pour l'adoption d'une résolution sur l'Algérie et l'envoi d'enquêteurs sur la violation des droits de l'homme ;
- c) la volonté de faire de l'Algérie une exception ségrégationniste où la défense des droits de l'homme, et notamment des droits à la vie et à la paix, est interdite aux organes suprêmes compétentes des Nations unies.<sup>4</sup>

## 2.2. La légitimation

Le 12 décembre 1996 déjà, lors d'un entretien télévisé, Jacques Chirac a insisté sur la nécessité de maintenir les liens politiques et économiques de la France avec l'Algérie, en affirmant que 'si l'Algérie [était] isolée, alors le pire [serait] à craindre. C'est le chaos qui pourrait guetter ce pays, ce serait une attitude tout à fait irresponsable.'<sup>5</sup> C'est l'affirmation sans équivoque que le pouvoir en place à Alger représente la négation du chaos, c'est-à-dire l'ordre. Ainsi, Jacques Chirac n'hésite pas à cautionner et déclarer légitime l'Ordre établi en Algérie. En effet, alors que tout le monde a condamné la fraude électorale qui a permis au général Zeroual d'être élu président, y compris les partis qui avaient participé à cette parodie d'élections et les observateurs étrangers, le président français s'est distingué quant à lui par sa position singulière en jugeant que 'le président algérien a été élu dans des conditions qui n'ont été contestées par personne sur le plan de leur fondement démocratique.'<sup>6</sup>

<sup>A</sup> Voir l'article *Algeria's Diplomacy: The Selling of atrocities*, dans le présent ouvrage, au sujet des éléments de la stratégie du pouvoir algérien face à la critique internationale.

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Par ailleurs, à la question de savoir si la France allait maintenir son soutien à un pouvoir 'qui méprise les libertés démocratiques', Jacques Chirac a répondu que 'les gens du GIA' n'étaient pas les 'mieux placés pour donner des leçons de démocratie et de liberté'<sup>7</sup>, réduisant ainsi le spectre politique et toute la société algérienne à un régime militaire sanguinaire et à des GIA criminels, ce qui représente en fait les deux faces d'une même monnaie ; le président français n'ignorait pas les liens organiques entre le régime militaire et les GIA de Zitouni.

Cette reconnaissance de légitimité accordée à un pouvoir illégitime n'est pas uniquement le fait de Jacques Chirac. L'ancien président de la République et président de la commission des affaires étrangères à l'Assemblée nationale française, Valéry Giscard d'Estaing, quelques jours après avoir été critique envers le pouvoir algérien, ce qui lui avait valu les foudres de la diplomatie algérienne et de certaines personnalités politiques françaises, n'a pas manqué de préciser qu'il tenait le président Zeroual pour le chef 'légitime' de l'Etat algérien, élu dans 'des conditions que l'on doit considérer comme régulières.'<sup>8</sup>

La reconnaissance explicite de la légitimité du pouvoir algérien par l'Etat français se caractérise par sa continuité et son indépendance des contingences politiques. Au début de l'année 1997, l'ambassadeur de France à Alger, Michel Lévêque, qui a exprimé, à son départ, la 'profonde solidarité de la France avec le peuple algérien' suite à la vague d'attentats du Ramadhan, a présenté ses condoléances pour les 'victimes du terrorisme.'<sup>9</sup> au président Zeroual. Son successeur, l'ambassadeur Alfred Siefer-Gaillardin, allait suivre la même ligne. Peu après sa nomination, il ne manquera pas d'affirmer dans une déclaration télévisée que la France comptait développer avec l'Algérie - c'est-à-dire avec les autorités algériennes - des 'relations fondées sur le respect mutuel, la concertation et le partenariat' et qu'il n'allait ménager aucun effort pour instaurer entre les deux pays 'une atmosphère de confiance et d'amitié réciproque.'<sup>10</sup> Sur le plan économique et commercial, il affirmera à la fin de l'année 1998 qu'il faut s'attendre en 1999 à la concrétisation d'un certain nombre de projets qui ne manqueront pas d'en surprendre plus d'un par leur ampleur.<sup>11</sup>

Cette position politique de principe est rappelée à tout moment par la diplomatie française lorsque la légitimité du pouvoir algérien est remise en cause au niveau international, ou même parfois lorsque le pouvoir algérien lui-même se livre à travers sa diplomatie à une 'effervescence nationaliste', destinée souvent à l'opinion nationale, et accuse la France d'ingérence dans les affaires intérieures du pays. Ainsi, lorsque le Quai d'Orsay a fait le 5 janvier 1998 une déclaration à la suite des massacres du Ramadhan de la même année, affirmant :

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[Les autorités françaises] condamnent de la manière la plus absolue ces crimes terroristes qui ne sauraient trouver aucune justification et surtout pas religieuse. Elles rappellent le droit légitime de la population algérienne à être protégée ; le devoir de tout gouvernement de permettre à ses citoyens de vivre en paix et en sécurité,<sup>12</sup>

la diplomatie algérienne a réagi brutalement par la voix du porte-parole du ministère des Affaires étrangères<sup>B</sup> :

Le gouvernement français continue à cultiver l'amalgame, l'équivoque et la dénatura-tion des réalités dans notre pays. Les autorités françaises n'ont aucun titre ni qualité à rappeler au gouvernement algérien ses devoirs, tout comme il est malvenu de leur part de prétendre suggérer des solutions alors même que l'Algérie est en train de conduire une démarche de sortie de crise qu'elle s'est librement donnée.<sup>13</sup>

En réponse à cette réaction, un haut fonctionnaire du ministère français des Affaires étrangères s'est empressé de préciser : 'Notre déclaration aurait dû être interprétée comme une marque de confiance envers le régime algérien pour rétablir l'ordre.'<sup>14</sup>

Peu après, en rentrant de sa visite à Alger, Jack Lang dira qu'il était reve-nu avec de

bonnes impressions et [la] conviction que la démocratie [avait] réussi à construire un parlement pluraliste, un Conseil de la nation, à tenir des élections locales et à donner la parole et la responsabilité au peuple et la liberté d'expression à la lumière d'un plu-ralisme réel et un Etat de droit au sens propre du terme.<sup>15</sup>

### 2.3. La non-ingérence

Lorsqu'on reconnaît la légitimité à un régime, il va de soi qu'on lui reconnaît aussi le droit de souveraineté. Paris insistera sur ce droit accordé au régime algérien chaque fois que des voix s'élèveront en France ou ailleurs pour condamner le silence du gouvernement français face aux massacres abomi-nables perpétrés en Algérie. Cette position fut le mieux illustrée par le 'tourbillon diplomatique' provoqué au début de l'année 1997 par les quelques in-terventions qui condamnaient la politique algérienne de la France. Bien qu'en apparence ce 'tourbillon' apparût comme une confrontation entre deux approches différentes, il en ressortait que les deux positions officielles, française et algérienne, étaient en fait dans un état de 'résonance' qui renfor-çait une thèse commune : celle de la souveraineté du régime algérien et de la non ingérence dans ses affaires intérieures.

<sup>B</sup> Cette protestation virulente a été relayée par Mohamed Ghoualmi, ambassadeur d'Algérie en France, sur le plateau de FR3 : 'Plus le terrorisme augmente en atrocité, [...] plus il y a une pression interna-tionale, malheureusement pas sur les terroristes mais sur l'Etat algérien ; et donc elle participe à désta-biliser cet Etat et à l'affaiblir dans son combat titanique contre le terrorisme.' (*Le Monde* du 8 janvier 1998).

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Il faut noter que déjà le 24 janvier 1997 le porte-parole du ministère français des Affaires étrangères, Jacques Rummelhardt, a été on ne peut plus clair sur la question de la souveraineté : 'Les problèmes de l'Algérie sont des problèmes algériens qui doivent être réglés par les Algériens avec des solutions algériennes.'<sup>16</sup>

Trois jours plus tard, le 27 janvier, c'est le ministre des Affaires étrangères qui a confirmé à Copenhague qu'il appartenait au 'peuple algérien et à ses dirigeants de trouver une solution à leurs problèmes.'<sup>17</sup>

Le même jour, Valéry Giscard d'Estaing a convoqué une réunion extraordinaire de la commission des affaires étrangères de l'Assemblée nationale, qu'il présidait, consacrée à l'Algérie. Le 30 janvier il a exprimé ses inquiétudes au sujet de la situation en Algérie et a déclaré qu'il était favorable à une participation de 'toutes les forces politiques algériennes' aux élections législatives, y compris celles qui ont pu se présenter aux élections de 1991 (allusion au FIS), faute de quoi ces élections seraient privées 'd'une partie de leur signification' ce qui 'en affaiblirait le résultat politique'. Il a aussi appelé à ce que la politique algérienne de la France s'inscrive 'dans une démarche européenne et euro-méditerranéenne.'<sup>18</sup> Hervé de Charrette révéla à cette occasion à la commission des affaires étrangères que les autorités algériennes 'tentaient d'entraîner la France dans un soutien qu'elle ne souhaite pas leur apporter'<sup>19</sup> et la rassura en affirmant que la France n'allait pas se laisser entraîner dans ce conflit et que c'était 'au peuple algérien de décider de son destin.' Le ministre français des Affaires étrangères a le même jour ajouté dans une interview à *L'Express* que 'chaque fois que l'Algérie aura besoin de la France, elle pourra compter sur son amitié' mais il s'est hâté de préciser que cela 'dépendra toujours d'elle.'

Les propos de Valéry Giscard d'Estaing, d'Hervé de Charrette et ceux de Lionel Jospin (voir plus loin) allaient irriter la diplomatie algérienne qui les a qualifiés d'appels à l'ingérence. Le même jour, l'ambassadeur d'Algérie en France, Hocine Djoudi, a déclaré au quotidien *Le Parisien* avoir remarqué 'dans certains milieux politiques français une certaine fièvre avec la tentation d'exploiter la situation en Algérie', et a ajouté qu'"on ne peut que mettre en garde contre ce genre d'exercice."<sup>20</sup>

La réaction de Ahmed Attaf, ministre algérien des Affaires étrangères, n'allait pas se faire attendre. Le lendemain, 31 janvier, il exigea que la France 'ne s'occupe pas' des affaires algériennes et 'ne s'ingère pas' dans leur conduite. L'Algérie 'n'a jamais demandé le soutien de la France' et souhaite 'que la France s'éloigne le plus possible' de ses 'affaires intérieures.'<sup>21</sup> Ahmed Attaf poursuivit en s'attaquant à Valéry Giscard d'Estaing qui s'était déclaré en faveur d'une participation du FIS aux élections législatives : 'Cette déclaration participe d'une contribution malsaine à une tentative de réhabilitation de ceux qui sont précisément à l'origine de la tragédie que vit [l'Algérie].'<sup>22</sup>

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Hervé de Charrette a téléphoné le 2 février à son homologue algérien pour lui confirmer que 'les orientations de la politique de la France à l'égard de l'Algérie restaient inchangées', et pour le rassurer puisque 'la France n'avait pas l'intention de s'ingérer dans les affaires intérieures algériennes.' Le ministre français a confirmé par ailleurs qu'il

pouvait faire siens les trois principes que le ministre algérien souhaitait voir respectés dans les relations entre l'Algérie et la France, à savoir le respect mutuel qui suppose la non-ingérence, l'équilibre des intérêts et la concertation sur les affaires d'intérêt commun<sup>23</sup>.

Le Premier ministre français, Alain Juppé, est intervenu également le 3 février, sur la station de radio *France Inter*, pour critiquer les propos de l'ancien président français et dénoncer 'cette volonté permanente d'ingérence dans les affaires algériennes [qui] n'est ni de l'intérêt de l'Algérie ni de l'intérêt de la France.' Il a affirmé que son gouvernement était hostile à la participation du FIS aux élections législatives et qu' 'il faut que participent les formations politiques légales.' Faisant allusion à Valéry Giscard d'Estaing, il a affirmé qu'il fallait certes 'parler de l'Algérie, mais pas pour dire des choses qui ne font que compliquer la situation'. Et d'ajouter enfin : 'L'avenir de l'Algérie ne se décide plus à Paris.'<sup>24</sup>

Le 4 avril 1998, au moment où se manifestait une mobilisation considérable de l'opinion pour la réalisation d'une enquête sur les massacres, le président de la commission des affaires étrangères de l'Assemblée nationale, Jack Lang, a accordé une interview au journal algérien *Saout el Abrar* dans laquelle il a défendu tous les arguments du pouvoir algérien. Il y a affirmé que l'Algérie jouissait 'de toutes les capacités et potentialités pour assumer ses responsabilités' et que 'personne n'a à lui dicter son point de vue'<sup>25</sup>. Il a déclaré aussi avoir constaté lors de sa visite à Alger les samedi 14 et dimanche 15 février 1998, peu après la visite de la délégation parlementaire européenne, une 'totale maîtrise de la situation sécuritaire par l'Etat à travers le pays' et ne s'est pas privé de cautionner la formation de milices armées par le pouvoir algérien en ajoutant que la 'politique sécuritaire [a permis] l'engagement du peuple aux côtés des forces de l'ordre et de l'armée pour combattre le terrorisme [et] anéantir des groupes armés dans plusieurs régions.'<sup>26</sup>

#### **2.4. La disculpation**

Les arguments de la légitimité et de la souveraineté, malgré la force avec laquelle ils sont instrumentalisés, resteraient fragiles auprès de l'opinion qui se mobilise pour une enquête sur les massacres en Algérie, s'ils n'étaient pas renforcés par l'argument de l'innocence. C'est justement de cet argument que vont user les autorités françaises pour démobiliser l'opinion.

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Ainsi, au moment où l'Algérie connaissait les pires massacres de populations civiles, à la fin de l'été 1997, le ministre français des Affaires étrangères Hubert Védrine est intervenu devant les parlementaires socialistes français le 11 septembre pour accuser les islamistes d'être responsables des atrocités perpétrées en Algérie. Il a déclaré que 'la recrudescence des violences en Algérie semble être la réponse d'islamistes opposés à tout compromis avec le gouvernement algérien'<sup>27</sup>, et a ajouté que les massacres des dernières semaines n'étaient pas des 'violences aveugles, [mais] une manière de s'opposer à un début de dialogue entre le gouvernement algérien et certains islamistes légalistes qui porte ses fruits'<sup>28</sup>. Il n'a même pas hésité à comparer ce qu'il considère comme une 'terreur islamiste' à la terreur déclenchée par l'OAS contre la population algérienne à la veille de l'indépendance.

Lorsque le gouvernement français désigne les auteurs des massacres par le vocable de 'terroristes', il ne fait que propager le discours de la junte algérienne qui utilise ce terme pour désigner toute opposition armée en Algérie. Le 24 septembre 1997, au lendemain du massacre de Baraki, le porte-parole du ministère des Affaires étrangères, Yves Dourtriaux, déclara : 'Devant ces événements dramatiques, la société française exprime son entière solidarité avec le peuple algérien. Elle ressent comme une abomination la violence et le terrorisme qui endeuillent l'Algérie.'<sup>29</sup> Et contre l'abomination du 'terrorisme', Jacques Chirac annoncera depuis Moscou :

Nous sommes tout à fait prêts pour ce qui nous concerne - c'est vrai des autres pays de l'UE et du monde - à aider, dans la mesure où elles le souhaiteraient, les autorités algériennes, mais c'est à elles qu'il convient d'engager les actions nécessaires pour rétablir l'ordre et la sécurité.<sup>30</sup>

L'argument de l'innocence sera brandi avec force par Jack Lang qui, de retour d'une visite à Alger, déclarera dans le journal *Le Monde* : 'Nos amis algériens unanimes - gouvernement ou simples citoyens - attendent des Français un langage sans équivoque sur le terrorisme qui meurtrit leur pays.'<sup>31</sup> Il dira dans cette interview que 'le doute a parfois été entretenu sur l'origine même des actes criminels, [une] confusion nourrit la cause du terrorisme [et] affaiblit le peuple algérien dans cette lutte sans merci engagée contre ses ennemis.' Concernant la commission d'enquête réclamée par l'opinion, Jack Lang estimera que cette commission qui devrait être constituée 'à l'initiative des institutions européennes', ne devrait pas avoir pour mission d'enquêter sur les violations des droits de l'homme mais d'établir une 'radiographie, pays par pays, des officines liées au GIA, des trafics d'armes et des transferts de fonds à destination des tueurs' afin de détruire 'les bases arrières du terrorisme' et d'apporter ainsi une 'pierre à la lutte des Algériens.'<sup>32</sup>

Vers le fin de l'année 1998, Hubert Védrine persistera et répétera la position officielle de la France au sujet de l'innocence du régime algérien. Dans

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le *Spécial Algérie* diffusé lors du *Vrai journal* de Canal+, le dimanche 22 novembre 1998, le journaliste interrogeait le ministre sur les massacres en Algérie : 'Qu'est-ce que vous feriez si vous découvrez que les services algériens sont derrière certains massacres ?' 'C'est une hypothèse irréaliste', a répondu le ministre. Devant l'insistance du journaliste, le ministre a déclaré alors que depuis longtemps les autorités françaises étudiaient et examinaient rigoureusement et systématiquement toutes les informations et les analyses faites en France et à l'étranger, et que jusqu'alors il n'y avait pas le moindre indice qui puisse éventuellement corroborer la thèse de l'implication des services algériens dans les massacres<sup>C</sup>.

### 3. Le Parti socialiste français et les massacres en Algérie

L'intensification de la vague des massacres en Algérie a coïncidé en France avec l'arrivée au gouvernement du Parti socialiste. Le but de cette section est de montrer les incohérences du discours socialiste selon sa place dans l'opposition ou au gouvernement, et les divergences d'appréciations et d'attitudes envers le conflit algérien au sein du Parti socialiste.

#### 3.1. D'un discours d'opposition à un discours de gouvernement

André Gide aimait à dire que 'la promesse de la chenille n'engage pas le papillon'. Ce mot n'est pas mieux applicable qu'à la classe politique française. On se souvient de la position de la droite concernant la crise de la Bosnie-Herzégovine, et en particulier des propos de François Léotard, alors dans l'opposition, très critiques envers la politique bosniaque des socialistes et envers l'attitude de François Mitterrand notamment, et de son revirement spectaculaire lorsqu'il est devenu ministre de la Défense.

Ces attitudes de volte-face sont on ne peut mieux illustrées dans le cas du conflit algérien, du côté socialiste, par la personne de Lionel Jospin<sup>D</sup>. Lorsqu'il était premier secrétaire du Parti socialiste, Lionel Jospin avait déclaré : 'Nous devons dire que nous ne sommes pas prêts à soutenir le pouvoir algérien quoi qu'il fasse, que l'on n'est pas à ses côtés dans n'importe quelle circonstance.' Il avait même estimé que 'l'opacité absolue dans laquelle est me-

<sup>C</sup> Cette certitude du ministre français rappelle la réaction de son compère, le ministre de l'Intérieur Roger Frey, qui avait en 1961 nié toute implication de la police parisienne dans le massacre des Algériens en octobre, et qui a répondu à Claudius-Petit (qui avait dit à l'Assemblée : 'La bête hideuse du racisme est lâchée') par une phrase qui relève du surréalisme : 'Je n'ai pas eu jusqu'à présent le début du commencement de l'ombre d'une preuve.' (voir l'article *Reading Notes on French Colonial Massacres in Algeria* dans la partie V du présent ouvrage).

<sup>D</sup> Le décalage entre le propos sur le conflit algérien tenu lorsqu'on est au gouvernement et lorsqu'on est dans l'opposition n'est pas spécifique aux socialistes. Hervé de Charrette, par exemple, attendra son départ du ministère des Affaires étrangères pour affirmer que 'les dirigeants algériens doivent des explications à la communauté internationale', qui a la 'responsabilité' de se 'mêler' de la crise algérienne (AFP, Reuter, 24 septembre 1997).

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née la répression prête au soupçon de provocation de certains secteurs de la sécurité algérienne', et a condamné

les mesures que le pouvoir algérien prend actuellement pour fermer le champ politique, pour diaboliser certaines forces politiques non-violentes, pour intimider ceux qui les soutiennent, pour couper ces forces de mouvements internationaux démocratiques et pacifiques comme l'Internationale socialiste.<sup>33</sup>

Mais une fois parvenu au pouvoir, à la suite des élections du 1<sup>er</sup> juin 1997, Lionel Jospin ne tardera pas à modifier son appréciation et à changer son propos. L'un de ses proches a avoué : 'La convergence entre les positions d'un leader de l'opposition et celle d'un chef de gouvernement ne peut s'effectuer que très progressivement. Nous devons conjuguer la non indifférence et la non ingérence.'<sup>34</sup>

Le 16 septembre 1997, le Premier ministre Lionel Jospin a expliqué dans une interview au journal *Le Monde* que la France était 'contrainte' au silence par le refus de l'Algérie d'accepter qu'elle prenne position, que la France officielle ne pouvait pas intervenir directement en Algérie et que la solidarité avec l'Algérie devait donc être le fait de la société française, non de l'Etat :

Même si nous ressentons un sentiment d'horreur et de compassion devant ce qui se passe en Algérie, avons-nous toujours à nous sentir coupables ? La France n'est plus responsable de ce qui meurtrit l'Algérie aujourd'hui. Au plan officiel, le gouvernement français est contraint dans son expression. Prendrait-il des initiatives qu'elles ne seraient pas reçues, nous le savons. Nous devons pourtant répéter [...] qu'un processus de démocratisation est indispensable à l'Algérie [...].

C'est de la société française elle-même que doivent venir, avec plus de force, des gestes et des signes. Le Parti socialiste, les autres formations politiques, les associations, les universités, les intellectuels, doivent nouer plus de liens, pratiquer un dialogue plus intense et étroit avec les forces démocratiques de la société algérienne. Notre politique d'asile politique, d'accueil de ceux qui sont menacés, doit prendre en compte le malheur qui frappe nos voisins. C'est ce que permettra la législation nouvelle préparée par le gouvernement. Ceux qui se battent pour la liberté et la démocratie ne doivent pas se sentir isolés ; ne jamais les abandonner, c'est la vocation et le devoir de la France.<sup>35</sup>

Le 29 septembre, Lionel Jospin a déclaré à la télévision française : 'Nous voyons bien une terreur affreuse, une violence scandaleuse qui se développe contre les populations ; [il] est extrêmement difficile d'identifier ce qui se passe.'<sup>36</sup> Mais cette difficulté n'a pas empêché le Premier ministre de formuler sa propre analyse. Pour lui, la situation en Algérie n'est pas comme 'au moment du Chili de Pinochet [...] où des démocrates lutteraient contre un pouvoir dictatorial', mais elle se caractérise par 'une opposition fanatique et violente [qui lutte] contre un pouvoir qui lui-même utilise d'une certaine façon la violence et la force de l'Etat.' C'est pourquoi il appelait les responsables français à la prudence.

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### 3.2. La divergence des positions au sein du parti

Au-delà des propos du Premier ministre, le discours socialiste concernant le conflit algérien, exprimé par les dirigeants et personnalités influentes du parti et par les membres du groupe parlementaire, n'a pas été uniforme. Les divergences d'opinion peuvent être schématisées, aux deux extrêmes, par les positions de François Hollande, actuel premier secrétaire délégué du parti, d'une part, et de Jack Lang, actuel président de la commission des affaires étrangères de l'Assemblée nationale, d'autre part<sup>E</sup>.

Alors qu'à un extrême des positions socialistes, le courant éradicateur et anti-dialoguiste est le mieux représenté, comme il a été vu plus haut, par les actuels ministre des Affaires étrangères, Hubert Védrine, et président de la Commission des affaires étrangères à l'Assemblée nationale, Jack Lang<sup>F</sup>, la position de François Hollande par rapport aux massacres en Algérie a été nuancée dès le début de l'année 1997, lorsqu'il était porte-parole du Parti socialiste. A la suite de la terreur perpétrée pendant le mois de Ramadhan, il a déclaré le 23 janvier 1997 que 'la démocratie est la seule issue pour revenir à la paix civile [et] la tenue d'élections libres est la seule perspective pour parvenir à cet objectif', estimant que le gouvernement français devait 'faire pression [pour que] la démocratie l'emporte en Algérie.'<sup>37</sup> Ce propos était cohérent avec celui du premier secrétaire de l'époque, Lionel Jospin, et avec celui du chef du groupe parlementaire socialiste et ancien Premier ministre, Laurent Fabius, qui avait appelé à se garder 'de tout ce qui peut alimenter la force du gouvernement algérien.'<sup>38</sup>

Quelques jours plus tard, François Hollande ira plus loin en considérant que l'annulation du scrutin de 1991 est un élément majeur dans la crise actuelle', et il ajoutera : 'Quand on organise des élections, on n'annule pas le second tour parce que le premier ne vous plaît pas, sinon on n'est plus un démocrate.'<sup>39</sup>

<sup>E</sup> De la même façon, les voix de la droite sont divisées, et lorsque, par exemple, Valéry Giscard d'Estaing s'est exprimé sur la situation algérienne et a déclaré être en faveur d'une politique de la réconciliation, les partisans de l'éradication dans son propre mouvement ont vite réagi par la voix de l'ancienne ministre Simone Veil (UDF) qui a affirmé que les propos de Valéry Giscard d'Estaing 'n'engageaient que lui' (AFP, 31 janvier et 1<sup>er</sup> février 1997, in *Troubles, op. cit.*). C'est aussi Simone Veil, membre de la mission de l'ONU qui s'est rendue en Algérie l'été 1998, qui a appelé quelques jours après son retour d'Alger à aider les Algériens 'contre le terrorisme, contre les fanatiques, contre [un] islamisme de haine qui veut imposer sa loi' (AFP, 14 septembre 1998, in *Troubles, op. cit.*).

<sup>F</sup> Jack Lang et Hubert Védrine représentent des alliés inconditionnels du pouvoir algérien. La visite de Jack Lang à Alger en février 1998, qualifiée de 'courte mission d'amitié et de dialogue', a été l'occasion pour lui de remettre à Ahmed Attaf une invitation de son homologue français Hubert Védrine pour se rendre à Paris 'dès qu'il le souhaitera'. Par ce geste, 'le gouvernement français veut donner un tour nouveau à ses relations avec l'Algérie', a affirmé Jack Lang (*Le Monde* du 17 février 1998).

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A l'automne 1997 encore, lorsque Lionel Jospin avouait que 'le gouvernement était contraint dans son expression', François Hollande affirmait à la presse :

Déclarer notre indignation ne suffit plus, les appels à l'ONU qui ont été faits par beaucoup, y compris des Algériens, doivent être entendus [et] l'Europe, sans s'immiscer dans la vie [de l'Algérie, doit faire] entendre sa voix [afin de] mettre chacun des acteurs [de la crise algérienne] devant sa responsabilité.<sup>40</sup>

#### 4. Motivations de la politique algérienne de la France

La politique algérienne de la France peut être synthétisée comme la combinaison d'un soutien actif au régime algérien par la tendance éradicatrice de la classe politique française et d'un manque d'engagement de la part de la tendance réconciliatrice, qui ne se manifeste que rarement et avec des opinions critiques et nuancées qui restent timides.

Comme il a été vu dans la section précédente, ce n'est ni l'orientation idéologique, ni l'appartenance politique qui détermine la position d'une personnalité politique française. Que l'on soit de gauche, de droite ou du centre, l'appréciation de la situation algérienne et l'attitude à prendre vis-à-vis d'elle sont dictées par d'autres considérations, psycho-sociologiques et économiques.

##### 4.1. La distance émotionnelle

La distance émotionnelle de la France officielle par rapport aux malheurs des populations des anciennes colonies de la France a été avoué le plus clairement dans le propos du roi Louis-Philippe<sup>G</sup> au sujet des actes de dévastations de ses colonnes meurtrières qui ont sévi en Algérie dès 1830. Pour ce roi de France, l'Algérie était trop loin de l'Europe pour susciter la moindre émotion.

Plus d'un siècle et demi plus tard, c'est un président de la V<sup>ème</sup> République connu pour son éloquence, François Mitterrand, qui l'exprimera en des termes différents devant certains de ses proches au cours de l'été 1994, en évoquant le génocide rwandais qui a coûté la vie à une population de 500 à 800 000 personnes en l'espace de cent jours. Pour François Mitterrand, il ne fallait pas s'inquiéter au sujet des massacres au Rwanda, car ce n'était pas bien important.

C'est justement parce qu'un génocide n'est considéré chez certains comme un crime important que s'il touche ceux qui ont été décrétés 'êtres humains à part entière', que la France s'est livrée à une 'complicité active'

<sup>G</sup> Voir citation au début de l'article *L'Union européenne et les massacres en Algérie* dans la partie IV du présent ouvrage.

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avec les génocidaires rwandais<sup>H</sup> et a continué de livrer des armes au Rwanda<sup>I</sup> pendant le génocide, alors qu'aussi bien les autorités politiques que militaires en France étaient informées de la situation<sup>J</sup>.

La distance émotionnelle n'est que la manifestation d'une attitude ancrée encore dans le subconscient d'une grande partie de la classe politique et de l'intelligentzia française et qui puise ses racines dans l'histoire colonialiste de la France. Si les atteintes graves aux droits de l'homme dans une communauté d'ex-colonisés ne suscitent pas l'émotion, ou du moins pas suffisamment pour induire une action, c'est que, consciemment ou inconsciemment, on ne reconnaît pas véritablement les droits de l'homme à cette communauté, souvent parce que l'on n'accorde qu'une humanité partielle et conditionnelle à ses membres<sup>K</sup>.

Cette distance émotionnelle peut paraître étrange dans le cas de l'Algérie du fait de ses liens géographiques et historiques avec la France. Pour illustrer les relations entre les deux pays, Marc Reymann (UDF), qui faisait partie de la mission parlementaire<sup>L</sup> qui s'est rendue en Algérie du 19 au 23 juillet 1998 pour 'développer les relations bilatérales franco-algériennes<sup>41</sup>', a déclaré qu'entre la France et l'Algérie, c'est comme la brouille et la séparation d'un couple qui s'est aimé.<sup>42</sup> Ce que Marc Reymann n'a pas précisé est que le

<sup>H</sup> Jacques Amalric s'interroge dans *Libération* du 4 avril 1998 sur la nature de la responsabilité de la France dans le génocide rwandais et se demande s'il s'agit d'une 'responsabilité par abstention ? Certainement, mais pas seulement. N'était-elle pas, en effet, en mesure de prévenir le prévisible ? Ne l'a-t-elle pas laissé se produire, interdisant même à ses représentants d'intervenir pour sauver des vies ? Ne s'est-elle pas interdit, ensuite, d'intercepter des auteurs avérés de tueries, leur permettant plus tard de quitter le pays ?'

<sup>I</sup> Lire les articles de Patrick de Saint-Exupéry dans le *Figaro* des 12 au 15 janvier 1998. Dans l'édition du 12 janvier on apprend que : 'Durant ces semaines cruciales, et en dépit des innombrables démentis officiels lancés à l'époque, la France a persévéré dans sa politique de coopération avec le régime rwandais, avec ceux qui avaient rendu possible ce génocide. Politiquement et militairement, cette politique de coopération s'est poursuivie - au minimum - jusqu'à la fin mai 94, soit presque deux mois après le début de l'extermination et une quinzaine de jours après le vote par les Nations unies d'un embargo sur les armes. Un haut responsable militaire a admis auprès du *Figaro* qu'il avait "donné l'ordre d'interrompre les livraisons d'armes un mois avant le début de l'opération Turquoise", lancée le 23 juin 1994. Lorsque cet ordre est tombé, lorsque le feu vert a été donné à ce militaire, l'essentiel du génocide était déjà accompli.' Le journaliste condamne dans son article le manque de courage politique chez les hommes politiques impliqués dans cette complicité avec les génocidaires et déplore 'un silence assourdissant brisé de temps à autre par des démentis où le pitoyable le dispute au ridicule.'

<sup>J</sup> Lire à ce sujet l'article de Marie-Laure Colson et Jean-Dominique Merchet, *Libération* du 1<sup>er</sup> avril 1998.

<sup>K</sup> Comparer les réactions disproportionnées de la classe politique française face aux massacres de milliers de civils anonymes en Algérie et face à l'assassinat, non encore élucidé, de Matoub Lounès, qui a conduit à des condamnations promptes et énergiques de la part de l'ensemble de la classe politique française, et à sa tête du président Jacques Chirac, qui était en tournée en Afrique australe, et de Lionel Jospin. La France officielle reconnaissait l'humanité de Lounès, non pas parce qu'il s'agissait d'un citoyen algérien, mais parce qu'il représentait 'une certaine idée en France' de ce que devrait être l'ex-colonie algérienne.

<sup>L</sup> Cette mission était composée de six membres représentant les divers groupes parlementaires, sous la conduite du socialiste François Loncle.

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couple dont il parle se caractérise par un mariage et une séparation sous la contrainte et dans le sang. Et la séparation de ce ‘paradis perdu’ est loin d’être ‘digérée’ en France, comme le fait constater Thirry Fabre :

En fait pour la France, l’Algérie est le prisme impitoyable de ses défaillances, un ré-  
flecteur de ses masques, un miroir insupportable de ses égarements. En Algérie,  
comme durant le régime de Vichy, la France a déchu. Elle n’a pas su vivre à la hau-  
teur de ses ambitions et ne supporte pas qu’on le lui rappelle, d’où cette hargne d’un  
grand nombre de Français à l’égard de l’Algérie et des Algériens : questions de mé-  
moire.<sup>43</sup>

#### 4.2. La peur de l’islam(isme)

L’islamophobie n’est pas un phénomène nouveau en Occident et particuliè-  
rement en France<sup>M</sup>, mais ce phénomène s’est amplifié et s’est propagé à plus  
grande échelle depuis l’émergence du mouvement islamique en Afrique du  
Nord, notamment en Algérie, comme alternative crédible au pouvoir. Cette  
phobie non contrôlée conduit souvent à la négation du droit d’existence po-  
litique pour ceux qui se réclament du mouvement islamique. Selon la journa-  
liste française Elisabeth Lévy, ‘Au Maghreb, les pays occidentaux préfèrent  
un régime militaire, même autoritaire, à un régime islamiste, même modé-  
ré.’<sup>44</sup> Par ailleurs, un spécialiste du dossier algérien, cité par Elisabeth Lévy,  
fait constater :

Alors qu’en Birmanie ou au Tadjikistan on considère les opposants comme des in-  
terlocuteurs légitimes, l’ensemble de la communauté internationale a accepté le pé-  
ché originel de ce régime [algérien]. C’est en partie dû au fait que l’opposition isla-  
miste est sans doute, aux yeux des Occidentaux, la moins défendable qui soit.<sup>45</sup>

L’islamophobie impliquait donc une alliance objective avec le régime al-  
gérien qui réprimait l’opposition islamique pour des motifs politiques. Et  
tant que cette opposition avait une chance, fût-t-elle maigre, de vaincre le  
régime, il fallait aider à son affaiblissement physique. Selon certains observa-  
teurs, ce n’est qu’une fois que cette opposition a semblé être anéantie qu’il

<sup>M</sup> Afin d’expliquer la perception occidentale de l’Islam, Jacques Berque écrivait, peu avant sa mort,  
dans *Les Arabes, l’Islam et nous* (Arte/Mille et Une Nuits, Paris, 1996), ‘L’Islam a souffert de trop de  
proximité et peut-être même de trop de complicités avec la civilisation méditerranéenne. Ce fut pour  
lui un grand malheur. C’est le cousin méconnu, c’est le frère rejeté, et qui se sent tel, c’est vraiment  
l’éternel dénié, l’éternel proscrit, l’éternel accusé, l’éternel suspect.’ Jocelyne Césari estime pour sa part  
que : ‘Il est toujours surprenant de constater à quel point la perception dominante de l’Islam l’érige en  
“étrange étrangeté” comme si entre “eux et nous” il n’y avait aucune valeur partagée alors que l’Islam  
n’est jamais que la troisième branche du tronc monothéiste. Les valeurs de l’Islam sont donc similaires  
à celles des autres religions monothéistes, et pourtant surgit régulièrement la vision d’une religion  
radicalement opposée et combative vis-à-vis de nos valeurs “judéo-chrétiennes”. Il faut en chercher les  
raisons dans une histoire faite de confrontations entre l’Europe et le monde musulman dont l’espace  
méditerranéen a été le décor principal depuis l’époque médiévale.’ (“‘Cette étrange étrangeté” : les  
représentations françaises de l’Islam’, in *Confluences Méditerranée*, no. 24, hiver 1997-1998).

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était envisageable d'émettre en France quelques critiques timides à l'encontre du régime algérien.

Or depuis un moment on paraît considérer que l'opposition islamiste ne représente plus une 'menace'. En effet, la délégation parlementaire française qui s'est rendue en juillet 1998 à Alger n'est-elle pas rentrée avec l'intime conviction que l'Algérie ne va pas vers une république islamique dure, malgré ses lourds handicaps<sup>46</sup>? Le médiateur de la République française, Bernard Stasi, a déclaré pour sa part, lors d'une mission en Algérie le 27 octobre 1998, que l'Algérie était engagée 'de manière irréversible dans la voie de la démocratie', que 'le pluralisme politique est une évidence' et que 'la menace islamiste est écartée'.<sup>47</sup>

La thèse du conditionnement de la reconnaissance de la nature despotique du régime algérien au potentiel d'action politique du mouvement islamique est utilisée par exemple par l'écrivain français Pierre Guillard pour expliquer le revirement spectaculaire récent du sociologue Pierre Bourdieu qui, pendant des années, n'a ménagé aucune énergie pour dresser l'opinion française et surtout les intellectuels français contre le mouvement islamique algérien.

Un diplomate, cité par Elisabeth Lévy, explique de son côté :

Jusque là, on ne s'est jamais soucié de la façon dont le régime traitait ses islamistes. Le fait nouveau est là. Paradoxalement, c'est parce que le régime est assuré de sa victoire qu'on peut désormais exiger de lui qu'il soit moins répressif, qu'il cesse de tuer ses opposants et même qu'il les laisse exister politiquement.<sup>48</sup>

Tout acte entrepris et toute parole prononcée en France à l'encontre du régime algérien doivent être mesurés afin de ne pas affecter le rapport apparent des forces. Ainsi, comme l'explique le journaliste Patrick Sabatier, si la France ne prend aucune initiative au sujet des massacres en Algérie, c'est 'en raison du refus de faire quoi que ce soit qui puisse contribuer, fût-ce indirectement, à porter au pouvoir les intégristes islamistes'.<sup>49</sup>

Il n'y a là rien d'autre qu'une idéologisation des droits de l'homme.

#### **4.3. La peur de la réaction du régime algérien**

A l'automne de l'année 1997, période durant laquelle les massacres des populations algériennes ont atteint une ampleur et une échelle insupportables, un diplomate français a fait remarquer : 'Dès qu'on ose une petite phrase qui n'engage à rien, cela déclenche les foudres'.<sup>50</sup> En fait, les foudres du régime algérien étaient encore dans les mémoires des Français, et l'on se souvenait des attentats à la bombe qui avaient eu lieu en 1995 à Paris et ailleurs en

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France<sup>N</sup>. Le journaliste John Sweeney a rapporté dans *The Observer* les propos d'un expert politique qui résume la nature des rapports entre le régime algérien et une certaine classe politique française :

Un expert politique dit : 'Le pouvoir [algérien] tient le gouvernement français par les couilles. Ils ont fait des dons secrets aux partis et hommes politiques afin qu'ils puissent les faire chanter. A un certains moment, cinq ministres au gouvernement avaient des maîtresses contrôlées par les Algériens. Et si les Français ne coopèrent pas ils peuvent bombarder Paris. La DRM et la DGSE croient qu'au moins certaines des bombes à Paris étaient placées par des terroristes manipulés par le pouvoir [algérien].<sup>51</sup>

Le journaliste Patrick Sabatier compte la peur des attentats parmi les principaux facteurs qui ont paralysé la classe politique française : 'La France apparaît, sinon hors jeu, [du moins] plus que jamais réticente à toute initiative par crainte que celle-ci ne se solde par une nouvelle vague d'attentats terroristes en France.<sup>52</sup> L'avocat Pierre Pasquini, maire de l'Île-Rousse et ancien ministre, affirme pour sa part que si 'sur le plan officiel, le gouvernement français est contraint dans son expression', comme l'a déclaré le Premier ministre Lionel Jospin, c'est à cause de 'la peur des attentats [qui lui fait] croire à la nécessité d'une lâcheté d'Etat.<sup>53</sup> Par ailleurs, le journaliste Baudouin Bollaert a estimé que, lors de la 52<sup>ème</sup> session de l'Assemblée générale des Nations unies, où le thème des massacres en Algérie était très présent dans les discussions informelles, Hubert Védrine a évité avec soin 'toute déclaration qui pourrait être interprétée et provoquer des attentats dans le métro parisien ou ailleurs...<sup>54</sup>

#### 4.4. L'influence des lobbies

En évoquant le génocide rwandais avec José Kagabo, historien à l'École des hautes études en sciences sociales et expert de la question rwandaise, Lionel Jospin, qui était ministre de l'Éducation jusqu'en 1992, déclara : 'Sachez que, dans le gouvernement, quantité de choses sur le Rwanda n'ont jamais été dites.<sup>55</sup> José Kagabo commentera : 'Il y a des dossiers gérés par différents réseaux [...] des lieux de gestion qui échappent à l'information.<sup>56</sup> La question rwandaise est représentative de toutes les questions sensibles en France, dans lesquelles trop d'intérêts, économiques notamment, sont en jeu. Dans ces cas-là, souvent, les prises de position échappent même au gouvernement.

La politique algérienne de la France est, elle aussi, très influencée par les lobbies industriels et commerciaux. Le 23 janvier 1997, Hocine Aït-Ahmed a évoqué dans une conférence de presse à Rome, où il assistait à une réunion du Conseil de l'Internationale socialiste, la difficulté de 'comprendre la poli-

<sup>N</sup> La thèse de l'implication des services algériens dans ces attentats, sous le pilotage de Zitouni du GIA, est crédible. Voir John Sweeney et Leonard Doyle, 'We bombed Paris for Algeria', *The Observer*, 9 November 1997.

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tique française' décidée par 'des réseaux commerciaux ou des services [spéciaux]' et a souhaité que la politique française cesse d'être l'otage des lobbies<sup>57</sup> franco-algériens. Le Conseil national du FFS a pour sa part affirmé dans l'une de ses résolutions politiques son inquiétude 'de voir quelques hommes clés s'appuyant sur des réseaux rendre irréversible, comme au Rwanda, la politique française de soutien aux extrémistes du pouvoir [algérien].<sup>58</sup>'

La pression exercée sur les politiques français, au sujet du conflit algérien, par certains opérateurs économiques et financiers est considérable. La raison est, comme l'a avoué François Périgot, président du Conseil national du patronat français qu'il n'y a pas de pays à deux heures d'avion de Paris qui offre autant d'opportunités et de possibilités que l'Algérie.<sup>59</sup> C'est pour saisir ces opportunités et en vue de décrocher le plus grand nombre de contrats commerciaux que François Périgot s'est rendu à Alger le 27 mars 1998, à une période où l'opinion internationale réclamait une enquête sur les massacres qui avaient fait des ravages en Algérie au début de la même année, à la tête d'une forte délégation d'hommes d'affaires français qui comprenait treize patrons de grandes entreprises.<sup>60</sup> A la même époque, le printemps de 1998, le régime algérien a réussi à convaincre ses partenaires occidentaux de retourner la requête d'une enquête internationale sur les massacres en une enquête sur le 'terrorisme islamiste' et ses 'réseaux de soutien en Occident'.

Outre les lobbies industriels et commerciaux, le gouvernement français est soumis à la pression de certains lobbies politiques, médiatiques et intellectuels. En fait, le pouvoir algérien a pu constituer, au moyen de mallettes remplies de billets de banque et d'actions dans des sociétés mixtes, de véritables réseaux de soutien en Occident. En France, l'action de propagande en faveur du régime d'Alger des Henry-Levy, Gluksmann, et autres Bonnet et Soulier illustre à quel point ces lobbies participent, directement ou indirectement, aussi bien au modelage de l'opinion publique française qu'au façonnage de la politique algérienne de la France. Les journalistes John Sweeney et Leonard Doyle rapporte dans *The Observer* le témoignage de Joseph, ancien agent algérien :

Josef a dit que Tewfik [Général Mohamed Médiène] et Smaïn [Général Smaïn Lamari] dépensent une partie des milliards ses revenus du gaz et du pétrole pour corrompre les politiques et les responsables des services de sécurité européens. Josef a dit : 'J'ai personnellement livré une valise contenant 50 000 francs français à un député français qui est fortement lié aux services secrets français.' Le député français qui a perdu son siège à la dernière élection est un apologiste notoire des régimes algérien et irakien.<sup>61</sup>

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## 5. Conclusion

Cet article a essayé d'illustrer quelques facettes du parrainage politique et diplomatique du gouvernement français aux généraux d'Alger pour soustraire ces derniers à toute investigation internationale au sujet des massacres. Il a passé en revue quelques thèmes principaux du discours officiel français de l'apologie de la junte militaire d'Alger : la légitimation, la non-ingérence et la disculpation. Il a aussi illustré les contradictions du discours des Socialistes français sur les violations des droits de l'homme en Algérie, et les massacres en particulier.

Ces notes ont aussi tenté de rendre compte des ressorts qui sous-tendent le discours et les positions du gouvernement français. Un 'universalisme' dans la conception des droits de l'homme qui s'estompe au-delà des Pyrénées, une peur et un dédain ancestraux et irrationnels de l'Islam, le chantage des généraux, et l'influence des lobbies français ont été évoqués comme éléments explicatifs.

Au moment où certaines voix, en Algérie et en France, proposent d'ouvrir une nouvelle page dans les relations entre les deux pays, et de laisser le passé aux historiens, d'autres estiment que la normalisation de ces relations ne doit pas occulter leur passé douloureux qui doit être assumé et assimilé dans les deux rives de la Méditerranée.

Cependant, les Algériennes et les Algériens, notamment les populations victimes des massacres, observent et prennent note de l'attitude et du comportement de Paris vis-à-vis de leurs persécuteurs. Une attitude et un comportement qui ne semblent guère évoluer depuis 1830.

## Remerciement

Je voudrais exprimer ma reconnaissance à Pierre Guillard pour m'avoir fait bénéficier de sa lecture critique du manuscrit.

## NOTES

<sup>1</sup> Confession à des proches, citée par Patrick de Saint-Exupéry, *Le Figaro* du 12 janvier 1998.

<sup>2</sup> Baudouin Loos, *L'Europe et l'Algérie*, conférence donnée le 26 mai 1999 à l'Institut européen de l'Université de Genève. Le texte de la conférence est disponible sur le site internet de l'Organisation *Algeria Watch* (<http://userpage.fu-berlin.de/~yusuf/algeria-watch>).

<sup>3</sup> AFP, 13 décembre 1996, in *Troubles : Lettre de la Commission socialiste de solidarité internationale*, CSSI, diffusée à Genève sur le site internet : [www.multimedia.com](http://www.multimedia.com).

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<sup>4</sup> Résolution politique du Conseil national du FFS datée du 16-17 avril 1998, in *Troubles, op. cit.*

<sup>5</sup> AFP, 12 décembre 1996, in *Troubles, op. cit.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> AFP, 1<sup>er</sup> février 1997, in *Troubles, op. cit.*

<sup>9</sup> AFP, 28 janvier 1997, in *Troubles, op. cit.*

<sup>10</sup> AFP, 3 avril 1997, in *Troubles, op. cit.*

<sup>11</sup> APS, 3 décembre 1998, in *Troubles, op. cit.*

<sup>12</sup> *Le Monde* du 7 janvier 1998.

<sup>13</sup> *Le Figaro* du 7 janvier 1998.

<sup>14</sup> *Ibid.*

<sup>15</sup> Reuters, 4 et 6 avril 1998, in *Troubles, op. cit.*

<sup>16</sup> AFP, 24 janvier 1997, in *Troubles, op. cit.*

<sup>17</sup> AFP, 27 janvier 1997, in *Troubles, op. cit.*

<sup>18</sup> AFP 30 janvier 1997, in *Troubles, op. cit.*

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> AFP et APS, 31 janvier 1997, in *Troubles, op. cit.*

<sup>22</sup> *Ibid.*

<sup>23</sup> *Le Monde* du 4 février 1997, in *Troubles, op. cit.*

<sup>24</sup> AFP, 2 février 1997, in *Troubles, op. cit.*, et *Le Monde* du 4 février 1997.

<sup>25</sup> Reuters, 4 et 6 avril 1998, in *Troubles, op. cit.*

<sup>26</sup> *Ibid.*

<sup>27</sup> AFP, 11 septembre 1997, in *Troubles, op. cit.*

<sup>28</sup> *Ibid.*

<sup>29</sup> AFP, Reuter, 24 septembre 1997, in *Troubles, op. cit.*

<sup>30</sup> *Libération* du 28 septembre 1997.

<sup>31</sup> *Le Monde* du 5 mars 1998, in *Troubles, op. cit.*

<sup>32</sup> *Ibid.*

<sup>33</sup> AFP 27, 28 et 30 janvier 1997, in *Troubles, op. cit.*

<sup>34</sup> Elisabeth Lévy, *Le Nouveau Quotidien* du 3 septembre 1997.

<sup>35</sup> *Le Monde* du 16 septembre 1997, in *Troubles, op. cit.*

<sup>36</sup> In *Troubles, op. cit.*

<sup>37</sup> AFP, 23 janvier 1997, in *Troubles, op. cit.*

<sup>38</sup> *Ibid.*

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<sup>39</sup> AFP, 31 janvier et 1<sup>er</sup> février 1997, in *Troubles*, *op. cit.*

<sup>40</sup> AFP, 24 septembre 1997 et *Le Monde* du 25 septembre 1997, in *Troubles*, *op. cit.*

<sup>41</sup> Reuters, 17 juillet 1998, in *Troubles*, *op. cit.*

<sup>42</sup> Marie-Thérèse Fuchs, *Dernières Nouvelles d'Alsace* du 26 juillet 1998.

<sup>43</sup> Thierry Fabre, 'France-Algérie : Questions de mémoire', in *Le Maghreb, l'Europe et la France*, sous la direction de Kacem Basfao et Jean-Robert Henry, Editions du CNRS, Paris, 1992.

<sup>44</sup> *Le Nouveau Quotidien* du 3 septembre 1997.

<sup>45</sup> Elisabeth Lévy, *Le Nouveau Quotidien* du 3 septembre 1997.

<sup>46</sup> Marie-Thérèse Fuchs, *Dernières Nouvelles d'Alsace* du 26 juillet 1998.

<sup>47</sup> AFP, 27 octobre 1998, in *Troubles*, *op. cit.*

<sup>48</sup> Elisabeth Lévy, *Le Nouveau Quotidien* du 3 septembre 1997.

<sup>49</sup> *Libération* du 28 septembre 1997.

<sup>50</sup> Elisabeth Lévy, *Le Nouveau Quotidien* du 3 septembre 1997.

<sup>51</sup> John Sweeney, 'The Blowtorch election that shames Britain', *The Observer* du 25 mai 1997.

<sup>52</sup> *Libération* du 28 septembre 1997.

<sup>53</sup> *Le Figaro* du 1<sup>er</sup> octobre 1997.

<sup>54</sup> *Le Figaro* du 26 septembre 1997.

<sup>55</sup> Marie-Laure Colson et Jean-Dominique Merchet, *Libération* du 1 avril 1998.

<sup>56</sup> *Ibid.*

<sup>57</sup> AFP, 23 janvier 1997, in *Troubles*, *op. cit.*

<sup>58</sup> Résolution politique du Conseil national du FFS datée du 16-17 avril 1998, in *Troubles*, *op. cit.*

<sup>59</sup> APS, 1<sup>er</sup> avril 1998.

<sup>60</sup> Voir l'article de M. Tinkicht et Benhadid, *Transnational Companies and the Massacres: Business as Usual*, dans la partie IV de cet ouvrage.

<sup>61</sup> John Sweeney et Leonard Doyle, 'We bombed Paris for Algeria', *The Observer* du 9 novembre 1997.

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## L'UNION EUROPEENNE ET LES MASSACRES EN ALGERIE<sup>A</sup>

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*A. Aroua*

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<sup>A</sup> Dans sa recherche documentaire, l'auteur a utilisé en partie des informations rassemblées dans le document *Troubles : Lettre de la Commission Socialiste de Solidarité Internationale*, CSSI, diffusée à Genève sur le site internet : [www.multimedia.com](http://www.multimedia.com). L'auteur adresse ses remerciements au collectif qui a élaboré cette base de données riche et bien organisée.

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*Qu'importe si cent mille coups de fusil partent en Afrique ! L'Europe ne les entend pas !<sup>1</sup>*

Louis- Philippe, roi de France, 1835

*Attendez-vous qu'il y ait deux cent mille morts avant de mettre en cause le gouvernement algérien ?<sup>2</sup>*

Robert Ménard, directeur de Reporters sans frontières à l'adresse du  
Parlement européen

*[Il est peu probable que les Quinze puissent intervenir utilement en Algérie], sinon pour distribuer des pansements...<sup>3</sup>*

Un haut fonctionnaire du Quai d'Orsay

## 1. Introduction

Un peu moins de deux semaines après la déclaration du Secrétaire général de l'ONU au sujet des massacres en Algérie, la présidence de l'Union européenne, qui était assurée à l'époque par le Luxembourg, a exprimé le 12 septembre 1997 'sa condamnation sans faille de tous les actes de terrorisme et de violence aveugle [en Algérie].<sup>4</sup> Dans le même communiqué, la présidence de l'Union a aussi présenté ses encouragements au 'processus de réforme politique et économique' en Algérie et a formulé son espoir que 'les élections municipales prévues le 23 octobre contribueront à l'édification d'une société démocratique et non-violente.'

Le 7 janvier 1998, la Commission européenne a rappelé les 'offres de l'Union européenne et de l'ONU pour élucider différents faits [liés aux massacres en Algérie]' et pour 'esquisser une solution [au problème des droits de l'homme en Algérie]'. La Commission préconisait notamment l'envoi d'une mission internationale d'enquête chargée de déterminer les responsabilités dans les massacres, en tenant à préciser qu'il n'est pas question d'ingérence dans les affaires intérieures, mais d'assistance.<sup>5</sup>

Vers la mi-mars 1998, alors que le monde diplomatique était en effervescence au sujet du dossier algérien des droits de l'homme et au moment où ce

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dossier, qui avait pris de l'importance à cause de la vague de massacres qu'avait connue l'Algérie en janvier 1998, constituait un point central dans les débats de la Commission des droits de l'homme de l'ONU qui siégeait en sa 54<sup>ème</sup> session, une délégation de parlementaires algériens sillonnait l'Occident. Elle visitait notamment plusieurs capitales européennes, dont Bruxelles le 16 mars 1998. Pierre Lefevre, président du groupe de l'union interparlementaire, a déclaré à cette occasion que 'l'Algérie est une démocratie qui se construit et un Etat de droit qui se fait.'<sup>6</sup>

En analysant le discours des responsables législatifs et exécutifs de l'Union<sup>B</sup>, on relève souvent des incohérences dans (et entre) les déclarations. La position européenne à l'égard du drame algérien dépend du *moment* et de l'*endroit* où elle est exprimée.

Ces incohérences qui ont paralysé l'Union européenne et l'ont empêché de prendre les mesures effectives nécessaires pour secourir les populations algériennes ne sont pas spécifiques au problème algérien, car jusqu'à l'heure actuelle l'Union européenne a échoué à dégager une politique étrangère commune.

Ce qui a aggravé cet état des choses dans le cas algérien est que la politique algérienne de l'Union européenne est façonnée par un petit nombre de

<sup>B</sup> Ce texte porte sur la réaction de l'Union européenne et ne considère donc pas les pays européens qui ne font pas partie de cet espace. Il est à noter cependant que les positions de l'Union européenne sont en général partagées par le reste des pays d'Europe. Lors d'un débat sur l'Algérie, l'Assemblée parlementaire du Conseil de l'Europe a affirmé par exemple le 29 janvier 1998 son soutien aux initiatives de l'Union européenne pour aider l'Algérie à sortir de la crise (Reuters, AFP, 29 janvier 1998, in *Troubles, op. cit.*).

Concernant la Suisse, il est à noter la position du Conseil fédéral exprimée dans sa réponse au mois de janvier 1998 dans sa réponse aux questions de M. Dardel, membre du Conseil national (parlement suisse), au sujet des 'crimes contre l'humanité en Algérie', dont voici des extraits :

'L'Algérie s'oppose catégoriquement à la venue d'une commission internationale d'enquête sur son territoire, ainsi qu'à la nomination d'un Rapporteur spécial de la Commission des droits de l'homme (CDH) de l'ONU sur ce pays. Cette opposition a été confirmée à la fin de la session annuelle de la CDH tenue récemment à Genève (du 16 mars au 24 avril 1998). Contrairement à ce que les autorités algériennes avaient laissé entendre fin janvier au Département fédéral des Affaires étrangères, elles ont également refusé de coopérer avec d'autres organes de la Commission. Cette attitude négative a poussé l'Union européenne et le Canada à faire en commission une déclaration regrettant le refus des autorités algériennes. La Suisse s'est jointe à la déclaration faite par le Canada. [...]

Il est vraisemblable que parmi les atrocités commises en Algérie, des crimes contre l'humanité ont été perpétrés. C'est toutefois à une autorité judiciaire qu'il appartiendrait d'en juger. Dans la mesure où les tribunaux algériens ne se prononceraient pas, la question de la création d'un tribunal international peut se poser. On relèvera à cet égard que les travaux entamés il y a plusieurs années en vue d'établir une juridiction pénale internationale à caractère permanent sont sur le point d'aboutir. En effet, une Conférence diplomatique chargée d'adopter une convention portant création d'une Cour Criminelle Internationale se réunira à Rome du 15 juin au 17 juillet de cette année. Si ces travaux auxquels la Suisse participe activement, devaient ne pas aboutir dans les délais prévus, il appartiendrait au Conseil de sécurité, s'il l'estime nécessaire, de se prononcer sur l'opportunité de créer un tribunal ad hoc, dans le cadre des conditions posées par le chapitre VII de la Charte des Nations unies.' (Document 'Conseil national suisse, no. 98.1002 Question ordinaire de Dardel, Crimes contre l'humanité en Algérie', Berne, approuvé par le Conseil fédéral le 27 mai 1998).

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pays européens, principalement la France, comme il sera précisé plus loin<sup>C</sup>, et l'Espagne, avant d'être proposée (souvent imposée) aux différentes instances de l'Union<sup>D</sup>.

Le but de la présente contribution est de mettre en évidence quelques aspects de la réaction de l'Union européenne aux massacres qui ont endeuillé le peuple algérien. La section 2 présente les déclarations officielles de l'UE sur l'Algérie durant les années 1997 et 1998. La section 3 évoque le sujet de la coopération euro-algérienne, qui a été la plus efficace dans le domaine sécuritaire. La section 4 présente quant à elle un échantillon de prises de position dans quelques pays de l'Union européenne. Les trois dernières sections portent sur les principales réactions de l'exécutif et du législatif de l'Union européenne aux massacres en Algérie : l'audition du ministre algérien des Affaires étrangères par la Commission des affaires étrangères du Parlement européen (section 5), la visite de la troïka européenne à Alger (section 6) et la mission de la délégation parlementaire européenne (section 7). La section 8 présente une conclusion de ce travail.

## 2. Les déclarations de l'UE sur l'Algérie en 1997-1998

En consultant les éditions du *Bulletin de l'Union européenne* pour les années 1997 et 1998 on constate que la question algérienne est évoquée sept fois. Il s'agit de :

(1) La déclaration issue de la présidence de l'Union européenne le 10 juin 1997 exprimant la satisfaction de l'UE au sujet de la tenue des élections législatives en Algérie le 5 juin 1997, 'qui ont permis à l'électorat algérien de se prononcer dans l'ordre et dans de bonnes conditions de sécurité.'<sup>7</sup>

(2) La déclaration de la présidence de l'Union européenne sur la situation en Algérie, rendue publique le 12 septembre 1997 et dont le texte est le suivant :

L'Union européenne est profondément choquée par la vague d'assassinats et les autres atrocités qui ensanglantent l'Algérie. Elle exprime ses condoléances aux victimes et à leurs proches. L'Union européenne réaffirme sa condamnation sans réserve de tout acte terroriste et de violence aveugle.<sup>8</sup>

(3) La résolution du Parlement européen sur la situation politique en Algérie, adoptée le 18 septembre :

<sup>C</sup> Voir l'article *Eléments de politique algérienne de la France* dans la partie IV du présent ouvrage.

<sup>D</sup> Il est évident que sur certains aspects comme la chasse aux islamistes sur le territoire européen, la France n'a pas obtenu l'adhésion de tous ses partenaires de l'Union à ses méthodes expéditives. En Algérie le journal *Liberté* a estimé que « si les *Quinze* pouvaient adopter une politique commune en matière de lutte anti-islamiste calquée sur celle de Paris, le dialogue entre Alger et l'Union européenne s'annoncerait sous les meilleures auspices. » (cité dans *Le Monde* du 6 mars 1997).

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Exprimant sa solidarité avec le peuple algérien, le Parlement condamne les attaques terroristes et les massacres perpétrés récemment contre la population civile d'Algérie. Il invite les responsables politiques et religieux à s'engager à tout mettre en oeuvre afin que soit mis un terme à la violence et appelle le gouvernement algérien à approfondir le dialogue avec toutes les forces politiques et les composantes démocratiques qui rejettent le recours à la violence, afin de permettre le rétablissement de l'État de droit et le respect des droits de l'homme. Enfin, il demande que soit constituée une délégation ad hoc afin que soit engagé le dialogue avec le nouveau parlement algérien et invite les États membres de l'Union européenne à ne pas rapatrier les citoyens algériens résidant sur leur territoire dont la sécurité serait menacée en cas de retour forcé en Algérie.<sup>9</sup>

(4) La déclaration faite le 26 janvier 1998 par le Conseil 'Affaires étrangères' de l'UE qui se félicitait de la visite effectuée par la 'troïka' européenne les 19 et 20 janvier 1998 (voir section 6 de cet article).

(5) La déclaration issue de la présidence de l'Union européenne le 8 juillet 1998 qui se félicitait de la création du 'panel' onusien :

L'Union européenne se félicite de la création, par le secrétaire général des Nations unies, d'un groupe de personnalités éminentes qui se rendra en Algérie dans un proche avenir à l'invitation du gouvernement algérien.

L'Union européenne se félicite de cette initiative et de la volonté manifestée par le gouvernement algérien d'appuyer pleinement les travaux de cette mission de haut niveau ainsi que de l'esprit d'ouverture dont il a ainsi fait preuve. Il s'agit d'une étape importante pour la démocratie algérienne; une plus grande transparence fait partie du processus démocratique auquel l'Algérie s'est déjà déclarée attachée.

Ayant exprimé à plusieurs occasions la grave préoccupation que lui inspire la situation en Algérie, l'Union européenne espère que la mission du groupe contribuera à une meilleure compréhension de la situation complexe qui règne dans ce pays et qu'elle répondra au besoin d'information de la communauté internationale.

L'Union européenne a maintes fois condamné sans réserve les actes de terrorisme que subit depuis si longtemps le peuple algérien. L'Union européenne attache une grande importance à un dialogue politique avec l'Algérie et continue d'appuyer les efforts que déploie le gouvernement pour consolider davantage la démocratie dans le pays et pour protéger les citoyens algériens du terrorisme, dans le respect de l'État de droit et des droits de l'homme.

L'Union européenne exprime donc l'espoir que la visite du groupe de personnalités éminentes sera fructueuse et qu'elle permettra de renforcer la coopération entre le gouvernement et le peuple algériens, d'une part, et la communauté internationale, d'autre part, dans le cadre des efforts visant à améliorer la situation dans le pays.

Les pays d'Europe centrale et orientale associés à l'Union européenne, le pays associé Chypre et les pays de l'AELE, membres de l'Espace économique européen, se rallient à cette déclaration.<sup>10</sup>

(6) La déclaration de la présidence de l'Union européenne sur le rapport établi par le 'panel' onusien concernant la situation en Algérie, rendue publique le 22 septembre :

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L'Union européenne prend acte avec satisfaction du rapport détaillé établi par le groupe de personnalités éminentes créé par les Nations unies, dans lequel ce dernier a rassemblé des informations sur la situation en Algérie afin que la communauté internationale puisse se faire une image plus claire de cette situation.

L'Union européenne considère que la visite du groupe créé par les Nations unies représente une étape importante dans le dialogue entre la communauté internationale et l'Algérie. Elle espère que ce rapport sera utile au gouvernement algérien dans les efforts qu'il déploie pour développer l'État de droit et renforcer le processus démocratique ainsi que les réformes, auxquels l'Algérie est attachée.

L'Union européenne examinera attentivement ce rapport et tiendra compte de ses conclusions pour la coopération future entre l'Union européenne et l'Algérie. L'Union européenne espère en outre que, dans le cadre de sa coopération avec la communauté internationale, l'Algérie appliquera les mécanismes des Nations unies relatifs aux droits de l'homme. L'Union européenne estime qu'il est indispensable de consolider le pluralisme démocratique et de renforcer la composante civile du gouvernement, ce qui est désormais réalisable.

Dans ce contexte, l'Union européenne condamne une nouvelle fois catégoriquement le terrorisme sous toutes ses formes et manifestations et continue de soutenir les efforts déployés par le gouvernement algérien pour consolider la démocratie et protéger les citoyens algériens contre le terrorisme. L'Union européenne réitère son attachement au dialogue politique avec l'Algérie.<sup>11</sup>

(7) La résolution sur la liberté d'expression adoptée par le Parlement européen le 19 novembre 1998, exprimant son inquiétude au sujet des difficultés que rencontrait en Algérie la presse francophone.<sup>12</sup>

### **3. La coopération de l'UE avec le régime algérien**

#### **3.1. La coopération sécuritaire**

La coopération sécuritaire entre l'Union européenne et la rive sud de la Méditerranée, et notamment avec l'Algérie, s'inscrit dans le changement d'orientation de la politique sécuritaire de l'UE à la suite de la chute du mur de Berlin. En effet, dès la fin de la guerre froide s'est fait jour le besoin de redéfinir les objectifs stratégiques en matière de sécurité. Pour ce faire, il fallait d'abord désigner un ennemi, du moins potentiel. On n'avait en fait qu'à se tourner vers le Sud et à se fixer sur ce que l'Européen Willy Claes, alors Secrétaire général de l'OTAN, appelait<sup>13</sup> 'les risques que fait surgir le fondamentalisme.<sup>E</sup> Les propos francs de Willy Claes, qui avait apparemment ad-

<sup>E</sup> Dans un document d'une vingtaine de pages établi en octobre 1993 par la sous-commission sur le bassin méditerranéen de l'Assemblée de l'Atlantique Nord, intitulé *Les tendances fondamentalistes et l'avenir de la démocratie en Afrique du Nord*, (rapporteur : Augusto Borderas), il est affirmé que : 'La montée de l'Islam radical en Afrique du Nord inquiète non seulement les gouvernements des pays de la région, mais également ceux des membres de l'Alliance [OTAN], qui se sentent menacés par : (1) l'érosion de la confiance dans les valeurs démocratiques que ce mouvement provoque ; cette érosion pourrait, en outre, atteindre les pays Européens qui accueillent de larges communautés musulmanes ; (2) le risque

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héris aux thèses de Samuel Huntington sur le clash des civilisations, toujours en vogue à l'époque<sup>F</sup>, allaient lui coûter son poste de Secrétaire général de l'Alliance atlantique. Mais en définitive, il n'a fait qu'exprimer à haute voix les sentiments, les préjugés et les réflexes ataviques partagés, même si non déclarés publiquement, par un certain nombre d'hommes politiques européens, et ce ne sont pas les propos du commissaire européen aux relations extérieures avec les pays de la Méditerranée, Manuel Marin, qui allaient changer la situation générale<sup>G</sup>.

Une fois ses objectifs stratégiques définis clairement, l'Union européenne a lancé ou encouragé les initiatives visant à instaurer et intensifier une coopération sécuritaire avec les régimes de la rive sud de la Méditerranée qui se trouvaient être alliés objectifs de l'Union, du fait de la guerre qu'ils menaient déjà contre les mouvements islamiques. Ainsi, on a vu naître le forum méditerranéen, la conférence des ministres de l'Intérieur des pays de la Méditerranée et la conférence euro-méditerranéenne.

### 3.1.1. *Le forum méditerranéen*

Le forum méditerranéen, né d'une initiative égyptienne en 1994, rassemble onze pays riverains de la Méditerranée : Algérie, Egypte, Espagne, France, Grèce, Italie, Malte, Maroc, Portugal, Tunisie et Turquie. Au départ, ce forum devait porter sur la coopération culturelle et sécuritaire entre les pays du bassin méditerranéen. Les réunions du forum devaient se tenir une fois dans un pays du Sud, une fois dans un pays du Nord. Ainsi, la première réunion s'est tenue en Egypte (1994), la deuxième en France (1995), la troisième en Tunisie (1995), la quatrième en Italie (1996), la cinquième en Algérie (1997) et la sixième en Espagne (1998).

A la réunion de Sainte-Maxime (France) en avril 1995, Mohamed-Salah Dembri a souligné lors de son intervention 'les efforts accomplis pour orga-

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de propagation d'une forme de terrorisme basé sur une défense aveugle des valeurs islamique.' (référence : AK 223 CC/MB (93) 2).

<sup>F</sup> Voir l'enquête réalisée par *The Economist* le 6 août 1994 : *Islam and the West*.

<sup>G</sup> 'Pas plus que la Chrétienté de jadis ne se ramenait à l'Inquisition, l'Islam ne se résume à l'intégrisme' a déclaré Manuel Marin à la fin de l'année 1995 (*Le Monde* du 1<sup>er</sup> décembre 1995). Il faut noter que Manuel Marin avait au début du conflit algérien des opinions équilibrées et a fait des déclarations reflétant de la lucidité dans l'analyse. Le 6 janvier 1995, il a déclaré dans une interview au Nouveau Quotidien : 'En Algérie, la politique de l'Union a été très erratique. Rappelez-vous : il y a deux ans, tout le monde a applaudi le coup d'Etat. Je me demande si une bonne négociation avec les secteurs modérés du FIS à ce moment-là n'aurait pas été une meilleure solution. Aujourd'hui, c'est beaucoup plus difficile, mais c'est toujours la négociation qui s'impose.' Cette prise de position a valu à Manuel Marin parfois des accrochages avec les autres membres de la Commission, notamment la représentation française. Il a fini malheureusement par rentrer dans les rangs de la tendance majoritaire au sein de la Commission et a même déclaré au début de l'année 1998 qu'il était 'personnellement convaincu' que le régime algérien n'avait 'pas la moindre responsabilité' dans les massacres perpétrés en Algérie (voir section 6 de cet article).

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niser une réconciliation nationale et défendre le pluralisme et l'Etat de droit.<sup>147</sup> Son homologue français, Alain Juppé, a déclaré avoir évoqué avec lui 'la sécurité [en Algérie], la préparation des élections et l'amorce de dialogue [entre l'opposition et les autorités] qui va vers ce que nous souhaitons depuis des mois.<sup>157</sup> La réconciliation et le dialogue dont parlaient les deux ministres sont évoqués trois mois à peine après que le régime algérien a rejeté la plate-forme du contrat national signée à Rome par l'opposition algérienne, plate-forme qui n'était pas non plus du goût de Paris.

A la réunion de Tabarka (Tunisie), en juillet 1995, Mohamed-Salah Dembri a rencontré son nouvel homologue, Hervé de Charrette, nommé après le changement de gouvernement en France. 'Les deux hommes ont convenu de consolider les relations entre les deux pays.<sup>167</sup>

La réunion d'Alger en juillet 1997, où le ministre socialiste Hubert Védrine s'est rendu pour faire la 'vedette malgré lui<sup>177</sup>, a représenté pour le régime algérien un événement significatif. Elle a été considérée par la presse algérienne comme 'une victoire diplomatique pour l'Algérie'. Le journaliste du quotidien *Le Monde* Jean-Pierre Tuquoi a fait remarquer :

Depuis le début des violences en Algérie, en 1992, après l'arrêt d'élections que le Front islamique du Salut (FIS) allait gagner, aucun rendez-vous diplomatique d'un tel niveau n'a eu lieu dans la capitale algérienne.<sup>18</sup>

La réunion de Palma de Majorque (Espagne) en avril 1998 s'est tenue au moment où la 54<sup>ème</sup> session de la Commission des droits de l'homme de l'ONU achevait ses travaux. Ainsi, un mois après son voyage à Genève (voir article sur l'ONU), Ahmed Attaf s'est rendu le 20 avril 1998 à Palma de Majorque où

les onze ministres des Affaires étrangères méditerranéens ont adopté sept propositions algériennes portant sur la coopération en matière de lutte contre le terrorisme islamiste, par l'échange d'informations et l'extradition des coupables.<sup>19</sup>

Ahmed Attaf déclara à cette occasion :

Les engagements contre le terrorisme pris par les onze pays du forum méditerranéen, à Palma de Majorque, laissent entrevoir la fin des violences islamiques [en Algérie]. [...] Pendant plusieurs années, nous avons demandé que la question soit traitée et cette réunion à Majorque nous a quelque peu soulagés, car nous avons désormais des propositions. La prochaine étape est leur application.<sup>20</sup>

Le ministre algérien tempéra cependant sa satisfaction en rappelant qu'il restait en Europe bien des pays qui n'avaient pas adhéré aux engagements des pays méditerranéens :

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Certains Etats européens, comme la Grande-Bretagne et la Suède, sont devenus des 'bastions pour les terroristes' et une coopération entre l'Union européenne et l'Algérie est nécessaire pour mettre un terme à la violence.

### *3.1.2. La conférence euro-méditerranéenne*

La conférence euro-méditerranéenne regroupe actuellement vingt-huit pays : les quinze pays de l'Union européenne et treize pays méditerranéens : Algérie, Chypre, Egypte, Israël, Jordanie, Liban, Libye (admise à la réunion de Stuttgart avec un statut spécial), Malte, Maroc, Mauritanie (admise à la réunion de Barcelone à la demande de la France), Syrie, Tunisie et Turquie. Il faut ajouter à ces pays l'Autorité palestinienne. Trois réunions de la conférence ont déjà eu lieu : la première en 1995 à Barcelone, la deuxième en 1997 à Malte et la troisième à 1999 à Stuttgart. Une réunion informelle a eu lieu également en 1998 à Palerme.

La première réunion de Barcelone en novembre 1995 a conduit à l'adoption d'une déclaration commune, dite *Déclaration de Barcelone*, qui prévoit un partenariat dans les domaines : (a) politique et de sécurité, (b) économique et financier, (c) social, culturel et humain<sup>H</sup>.

Lors de la réunion de Malte en avril 1997, la France et l'Algérie ont 'convenu de renforcer leurs relations bilatérales et de développer les échanges de visites dans différents secteurs de l'activité gouvernementale', comme l'a annoncé Hervé de Charrette après un entretien avec son homologue algérien, Ahmed Attaf. Le ministre français a expliqué que l'objectif de la France et de l'Algérie était d'avoir des 'relations cordiales, denses et si possible chaleureuses. Ce sont des rapports d'Etat à Etat, fondés sur le respect mutuel, la non-ingérence et l'intérêt des deux parties.'<sup>21</sup>

La réunion de Palerme en juin 1998 devait avoir un caractère informel, le but étant de tenter de relancer le partenariat euro-méditerranéen convenu à la réunion de Barcelone et paralysé par le blocage du processus de paix au Moyen-Orient. On devait y évoquer entre autres les menaces d'instabilité tels que le terrorisme, le crime organisé, le trafic de drogue et l'inégalité de développement entre la rive nord et la rive sud de la Méditerranée. Des réunions sur le terrorisme et le crime organisé étaient prévues au niveau des hauts fonctionnaires, ainsi qu'un séminaire de formation sur le thème de la coopération policière, pour la fin de l'année 1998 à Rome.<sup>22</sup>

La réunion de Stuttgart en avril 1999 a été centrée sur le renforcement de la coopération politique et économique. Les participants se sont entendus lors de cette rencontre pour élaborer à terme une charte euro-méditerranéenne pour la paix et la stabilité.

<sup>H</sup> Voir un extrait dans la section 10.2.2 de l'article *L'Organisation des Nations unies et les massacres en Algérie* dans la partie IV du présent ouvrage.

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*3.1.3. La conférence des ministres de l'Intérieur des pays de la Méditerranée occidentale*

Cette conférence réunit les ministres de l'Intérieur de sept pays de la Méditerranée occidentale : Algérie, France, Espagne, Italie, Maroc, Portugal et Tunisie. Un huitième pays, la Lybie, a rejoint la conférence en 1999. La première réunion de la conférence a eu lieu à Tunis en 1995, la deuxième à Rabat en 1996, la troisième à Paris en 1997, la quatrième à Naples en 1998 et la cinquième à Alger en 1999.

Le 21 janvier 1995, à la réunion de Tunis (absence du Maroc), les ministres de l'Intérieur ont 'solennellement et fermement condamné le terrorisme et toute forme d'extrémisme<sup>23</sup>'. En avril 1996, lors de la réunion de Rabat (absence de la Tunisie), les travaux ont porté essentiellement sur le phénomène de la drogue. En avril 1997, à la réunion de Paris, c'est l'Algérie qui a appelé à 'la mise en œuvre effective de la déclaration des Nations unies de 1994, visant à éliminer le terrorisme international.<sup>24</sup> Les 19 et 20 mai 1998, en une période caractérisée par la mobilisation de l'opinion pour la constitution d'une commission d'enquête sur les massacres en Algérie, les ministres de l'Intérieur ont déclaré lors de la réunion de Naples qu'ils allaient accorder une importance prioritaire à la lutte contre le phénomène du terrorisme qui représente selon eux une 'menace pour la stabilité et la sécurité.<sup>25</sup> Ils ont en outre décidé lors de cette rencontre de renforcer leur coopération antiterroriste entre autres par une intensification de l'échange d'informations opérationnelles' entre les services nationaux et ont souligné 'leur refus de voir leurs pays employés comme bases arrières par les mouvements terroristes.' Le représentant de l'Algérie, Mostefa Benmansour, ministre de l'Intérieur, ne pouvait que se déclarer 'totalement satisfait' des résultats de la réunion.<sup>26</sup> La cinquième réunion tenue à Alger en juin 1999 a été marquée par la présence pour la première fois de la Lybie, l'absence de l'Italie, pour des 'préoccupations intérieures' a indiqué la presse algérienne, et surtout par la visite à Alger des ministres français et marocain de l'Intérieur, Jean-Pierre Chevènement et Driss Basri respectivement. La conférence a adopté une déclaration, baptisée *Déclaration d'Alger*, qui porte sur deux thèmes principaux : la lutte contre le terrorisme et la lutte contre la criminalité organisée. Concernant le terrorisme, considéré comme une menace contre la stabilité des pays de la région, les ministres ont affirmé

le caractère prioritaire que revêtent la prévention et la lutte contre ce fléau quels qu'en soient les origines, les motivations et les objectifs et dont la dimension globale, transnationale et évolutive constitue une menace majeure autant pour la stabilité, la paix et la sécurité de la région que pour la démocratie, le respect des droits de l'homme et les libertés publiques et individuelles.<sup>27</sup>

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### 3.2. L'accord d'association

La conclusion de l'accord d'association entre l'Union européenne et l'Algérie revêt une importance particulière pour le régime algérien du fait de ses retombées à la fois politico-diplomatiques et économiques. C'est pour ces raisons qu'un certain nombre d'hommes politiques ou de défenseurs des droits de l'homme, algériens et européens, se sont mobilisés et luttent toujours contre un tel accord s'il n'est pas accompagné de conditions préalables concernant la situation des droits de l'homme en Algérie.

Au début de l'année 1997 déjà, lors d'une conférence de presse à Rome, à l'occasion d'une réunion du Conseil de l'Internationale socialiste, Hocine Aït-Ahmed avait condamné l'aide accordée sans 'conditions politiques' au pouvoir algérien, qui 'avait déjà choisi la guerre', une aide qui n'a fait que lui assurer un 'budget de guerre'.<sup>28</sup>

Avec la dégradation rapide de la situation en Algérie, le Parlement européen a menacé de bloquer l'aide financière de l'Union européenne à Alger. Lors de son voyage à Strasbourg en mars 1997, où il était l'invité de la délégation parlementaire chargée des relations avec le Maghreb, et où il a rencontré José Maria Gil-Robles, président de l'assemblée des Quinze, et Manuel Marin, commissaire à la coopération, Ahmed Attaf a déclaré d'un air rassuré : 'Je ne crois pas que l'Union européenne aborde la négociation d'un accord d'association avec mon pays en des termes d'exigence démocratique<sup>29</sup>'. Et le ministre algérien d'expliquer que la démocratisation du régime est l'affaire du peuple souverain, en accord avec l'ensemble de la classe politique, l'établissement d'un partenariat avec l'Europe devant être conduit 'de manière séparée'.

Le 1<sup>er</sup> octobre 1997, en France, la Commission nationale consultative des droits de l'homme a adressé au pouvoir algérien des critiques sur sa gestion des droits de l'homme, malgré l'appel à la prudence du représentant du ministère de l'Intérieur, présent à la réunion de la Commission. Cette dernière a proposé au gouvernement français de subordonner la 'conclusion de tout accord entre l'Union européenne et la République algérienne' à l'obtention de 'garanties' sur la question des droits de l'homme.<sup>30</sup>

Lors de sa visite au Parlement européen en novembre 1997 (voir plus loin), le ministre algérien des Affaires étrangères, Ahmed Attaf, a assuré qu'une clause sur les droits de l'homme dans l'accord d'association entre l'Union européenne et l'Algérie ne poserait pas de problème, mais il a souhaité que la lutte contre le terrorisme y soit évoquée<sup>31</sup>.

Cependant, le conditionnement de la signature de l'accord d'association à l'engagement du régime algérien ne fait pas l'unanimité au sein de l'Union européenne. Un diplomate français a expliqué au début de l'année 1998 que conditionner l'aide économique européenne au retour au calme en Algérie

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‘serait admettre que les tueries ne sont pas l’œuvre des terroristes, ce que personne ne croit.<sup>32</sup> En octobre 1998, à l’issue d’entretiens entre Ahmed Attaf et des responsables de l’Union européenne, alors que le ministre algérien souhaitait la concrétisation de l’accord d’association, le ministre autrichien des Affaires étrangères, Wolfgang Schüssel, a déclaré qu’il y avait de bonnes perspectives pour un tel accord et que l’objectif de l’Union européenne ‘est de ne pas laisser l’Algérie seule.<sup>33</sup> Le ministre autrichien a déclaré avoir trouvé auprès des représentants algériens

de l’ouverture [...] et la disposition de ne pas éluder les discussions ou de se retrancher derrière l’affirmation de valeurs culturelles, [mais il a estimé que] davantage de transparence, de respect des lois et de la légalité et plus de sensibilité pour les droits de l’homme pourraient également être un élément très important pour lutter contre le terrorisme.<sup>34</sup>

#### **4. Réactions de quelques Etats de l’UE**

Loin de donner un compte rendu exhaustif et analytique des réactions individuelles des Etats membres de l’Union européenne aux massacres en Algérie, cette section se limite à présenter un échantillon de déclarations et prises de position de la part de certains de ces pays.

##### **4.1. L’Allemagne**

A l’époque où les massacres faisaient des milliers de victimes en Algérie, la classe politique allemande était divisée sur l’attitude à prendre vis-à-vis de la situation algérienne. D’un ministère à l’autre (Intérieur, Affaires étrangères), et parfois au sein du même ministère les opinions divergeaient. Ainsi, alors que la position du ministre des Affaires étrangères, Klaus Kinkel, était relativement nuancée, Werner Hoyer, ministre délégué, appelait à un soutien inconditionnel au régime algérien et trouvait des justifications à l’inaction des militaires lors des massacres<sup>35</sup>.

Klaus Kinkel, a par exemple intensifié les démarches en vue d’impliquer la communauté internationale dans la tragédie algérienne. Après son intervention auprès de l’Assemblée générale de l’ONU en automne 1997<sup>1</sup>, il a lancé un appel à la Ligue arabe pour qu’elle soutienne les initiatives européennes en faveur d’une intervention auprès de l’Algérie et a demandé au gouvernement algérien de ‘s’ouvrir et d’accepter de se laisser aider.<sup>36</sup> Dans une lettre adressée au Secrétaire général de la Ligue arabe et aux ministres tunisien et algérien des Affaires étrangères, Klaus Kinkel n’a pas manqué de les inviter à ‘rechercher ensemble avec les pays de la Ligue arabe comment combattre efficacement le terrorisme en Algérie.’ Il s’est en outre déclaré

<sup>1</sup> Voir l’article *L’Organisation des Nations unies et les massacres en Algérie* dans le présent ouvrage.

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convaincu que 'le gouvernement algérien faisait tout ce qui était en son pouvoir pour combattre le terrorisme' et a souligné la nécessité de 'chercher une solution politique à la crise [et de] ne pas seulement miser sur la puissance des armes.<sup>37</sup>

Une vingtaine de jours plus tard, Klaus Kinkel a affirmé qu'il avait 'fait vérifier par tous les services spéciaux amis ainsi que par les services allemands<sup>38</sup> l'hypothèse d'une responsabilité des autorités algériennes dans les massacres, et que ces services 'n'avaient aucune indication de cette sorte.'

#### 4.2. L'Autriche

L'Autriche a assuré la présidence de l'Union européenne pendant le deuxième semestre de l'année 1998.

Le 26 janvier 1998, le ministre autrichien des Affaires étrangères, Wolfgang Schüssel, a dans une déclaration demandé à l'Algérie d'accepter une commission d'enquête sur les droits de l'homme. La réaction des autorités algériennes a été immédiate. Elles ont demandé à leur ambassadeur à Vienne d'intervenir auprès du gouvernement autrichien pour rappeler le refus de l'Algérie de 'toute ingérence dans ses affaires intérieures.<sup>39</sup>

Le 16 mars 1998, une délégation autrichienne s'est rendue à Alger. Cette délégation était conduite par le parlementaire social-démocrate Alfred Gusenbauer et comprenait, entre autres, Gerhard Koller, membre de la commission des affaires étrangères au sein du Parlement autrichien, et Fritz Edlinger, président de l'Association d'amitié austro-arabe. Alfred Gusenbauer a déclaré à cette occasion que la solution à la crise algérienne

n'est pas à rechercher dans le sécuritaire, mais dans la démocratisation de la société [...] et un débat basé sur une presse libre et une justice indépendante. [...] Il faut intégrer toutes les tendances religieuses dans le jeu démocratique pour peu qu'elles s'engagent à le respecter. [Il ne faut] ni un Etat à 100% islamiste, ni à 100% laïque. Plutôt un Etat basé sur le dialogue et la réconciliation entre toutes les tendances. C'est un chemin difficile certes, mais je ne vois pas d'autre issue.<sup>40</sup>

Lors de sa visite à Alger le 22 juin 1998, le député autrichien Hannes Swoboda, membre du Parlement européen, a affirmé que l'Autriche, qui allait assurer la présidence de l'Union européenne, avait une double mission : 'Aboutir à une coordination entre le Maghreb, l'Algérie et l'Europe dans le cadre d'une coopération pour la lutte antiterroriste ; le renforcement de la démocratie et des droits de l'homme.<sup>41</sup>

J Voir dans l'article *Eléments de politique algérienne de la France*, dans la partie IV du présent ouvrage, la déclaration, à peu près dans les mêmes termes, de son homologue français Hubert Védrine.

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### 4.3. L'Espagne

L'Espagne est le second fournisseur de l'Algérie après la France. Il n'est donc pas étonnant de constater qu'elle représente l'un des principaux soutiens européens du régime algérien. La stratégie espagnole de soutien diplomatico-politique à ce régime est similaire à celle de la France.<sup>K</sup>

Au début d'octobre 1997, le ministre espagnol des Affaires étrangères, Abel Matutès, avait conseillé à Alger de négocier avec l'ensemble des forces politiques. Son homologue algérien Ahmed Attaf avait rétorqué à l'époque lors d'une conférence de presse tenue le 6 octobre : 'S'il est dans l'intention de certains que nous discutons avec ceux qui se sont exclus, qu'ils le disent clairement, qu'ils disent que nous devons dialoguer avec les terroristes.' Le ministre algérien a saisi l'occasion pour reprendre son refrain préféré :

Si les pays qui s'émeuvent de notre situation le font par sympathie et compassion, ils ont notre gratitude, mais lorsqu'ils s'expriment en termes de plaider pour une intervention étrangère, nous leur disons que nous rejetons cela et que nous le trouvons inadmissible. Toute tentative d'ingérence est inacceptable, c'est une règle d'or chez nous. [...] La communauté internationale reconnaît dans son ensemble que l'Algérie dispose d'institutions à même de lui permettre de régler ses problèmes.<sup>42</sup>

Les propos d'Abel Matutès ont été pratiquement les dernières critiques d'un officiel espagnol au régime algérien. En effet, le régime algérien a tout mis en œuvre pour neutraliser un nouveau front en Espagne. En sus de la protestation diplomatique, et comme d'habitude, le régime algérien s'est livré à une campagne de séduction envers les opérateurs économiques espagnols qui allaient exercer une pression sur leur gouvernement.

Ainsi, au début de l'année 1998, quelques jours avant la visite de son homologue algérien à Madrid, Abel Matutès a déclaré que, dans le cadre des relations euro-algériennes, il fallait 'être très prudent, travailler beaucoup et éviter de succomber à la tentation de délégitimer l'action du gouvernement algérien, légalement constitué.'<sup>43</sup>

Le ministre algérien des Affaires étrangères, Ahmed Attaf, a visité l'Espagne les 25 et 26 février 1998. A propos de cette visite, Abdelaziz Rahabi, ambassadeur d'Algérie en Espagne, a estimé que la position des autorités espagnoles a été claire dès le départ et il a qualifié cette position de 'constante'<sup>44</sup>. Il a déclaré en outre :

Cette visite revêt en effet un caractère essentiellement politique pour une raison majeure, qui est qu'elle intervient dans une conjoncture d'intenses contacts diplomatiques entre l'Union européenne et l'Algérie. [La visite exprime] l'échec de la stratégie d'isolement diplomatique de l'Algérie, un objectif qui vise à imposer des concessions

<sup>K</sup> Voir l'article *Eléments de politique algérienne de la France*, dans la partie IV du présent ouvrage.

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sur la nature même du processus de transition démocratique et à rompre par conséquent le consensus national autour de la démarche du président Zeroual.<sup>45</sup>

Le 25 février, Ahmed Attaf a eu des entretiens politiques avec Abel Matutès. Ces entretiens ont été ensuite élargis aux deux délégations. Ahmed Attaf a affirmé lors de son allocution : 'Nous avons une très haute appréciation de la position de l'Espagne.'<sup>46</sup> Après le discours du ministre algérien, c'était à Abel Matutès de prononcer son discours. Il s'est adressé à Ahmed Attaf pour lui dire : 'Vos arguments sont très convaincants.'<sup>47</sup> Le discours de Abel Matutès était en faveur des 'réformes' politiques de Liamine Zeroual, du débat parlementaire qualifié de démocratique et des résultats économiques qualifiés d'indicateurs positifs'. Le ministre espagnol commettra cependant la maladresse d'évoquer 'le coup d'Etat de 1992', ce qui sera considéré par les observateurs comme un 'lapsus politique'.

L'après-midi du 25 février, Ahmed Attaf était l'invité des Cortès (parlement espagnol) pour expliquer aux députés la situation algérienne. Il saisira l'occasion pour transmettre 'une invitation aux parlementaires espagnols à se rendre en Algérie.'<sup>48</sup> La performance de Ahmed Attaf fut si 'bonne' que son homologue, Abel Matutès, qui devait parler le lendemain devant le Congrès, lui dira plus tard : 'Vous m'avez facilité la tâche devant le Parlement.'<sup>49</sup>

Le matin du 26 février, Ahmed Attaf a obtenu près d'une heure d'audience du roi Juan Carlos, avec qui il aurait passé un 'temps exceptionnel' comme l'ont affirmé les milieux diplomatiques.<sup>50</sup> Il a ensuite rencontré le chef du gouvernement José Maria Aznar.

Après l'audience avec José Maria Aznar, Ahmed Attaf a reçu les géants de l'industrie espagnole comme Miguel Vellar Mir, patron de *Fertiberia*, le dirigeant du groupe pétrolier *Cepsa* et les présidents de *Gas Natural* et *Repsol*, des géants des hydrocarbures qui travaillaient déjà dans le Sahara algérien. *Fertiberia*, premier groupe espagnol de fertilisants, a promis d'investir dès 1998 un demi-milliard de dollars, soit plus de la moitié des investissements étrangers attendus en Algérie en 1998.

A l'issue de sa visite, durant laquelle il a tenu deux conférences de presse, Ahmed Attaf a déclaré que les relations politiques et économiques entre l'Algérie et l'Espagne étaient 'exemplaires, sans ombre et sans tache et très prometteuses'<sup>51</sup> et a affirmé que 'l'Espagne s'acquitte de ses engagements politiques.'<sup>52</sup> Il s'agissait bien entendu de l'action 'exemplaire' de Madrid dans le domaine de la lutte 'antiterroriste'.

Lors de cette visite, le ministre espagnol des Affaires étrangères s'est converti en fervent défenseur du régime algérien. En effet, trois mois après la visite de Ahmed Attaf à Madrid, Abel Matutès est intervenu devant le Sénat espagnol pour réaffirmer :

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la disponibilité de l'Espagne à aider le gouvernement algérien dans sa lutte contre le terrorisme et à soutenir le processus de réformes politique et économique initié par le président de la République, M. Liamine Zeroual.<sup>53</sup>

Et le ministre espagnol d'ajouter :

Avec l'application de ces principes et suite aux récents succès enregistrés par les forces de sécurité contre les groupes terroristes, je crois que l'Algérie a toutes les possibilités, en tenant compte de la récente amélioration des données économiques, d'affronter avec succès la situation qu'elle traverse.<sup>54</sup>

Pour Abel Matutès, les autorités algériennes avaient initié un processus institutionnel depuis les élections présidentielles de novembre 1995 qui 'avaient pourvu le président Zeroual d'un soutien de 61% des votants en légitimant son autorité pour procéder aux réformes.' Il est allé jusqu'à faire l'éloge de l'action gouvernementale de Ahmed Ouyahia :

Durant son intervention télévisée, M. Ouyahia a donné des informations sur le nombre de victimes du terrorisme<sup>1</sup>, sur la situation sécuritaire du pays, sur les mesures de lutte antiterroriste et sur les projets de reconstruction en faveur des zones affectées par le terrorisme. [...]

Cette politique de plus grande transparence de l'information s'est confirmée en février dernier, lors du débat à l'Assemblée sur la sécurité, retransmis intégralement par la télévision, au cours duquel tous les partis responsables au Parlement ont condamné de manière unanime le terrorisme et donné différentes appréciations sur ses causes et solutions possibles.<sup>55</sup>

#### 4.4. La France

La France a un rôle déterminant dans le conflit algérien à cause de ses liens multiples avec le régime algérien. Pour cette raison, la réaction française aux massacres est traitée dans un article à part. Dans cette section on se limitera à souligner l'influence française sur la politique algérienne de l'Europe.

Vu son passé colonial en Algérie et ses relations privilégiées avec l'Etat algérien depuis l'avènement de l'indépendance - principal partenaire économique et culturel de l'Algérie et premier pays d'émigration pour les Algériens - la France a toujours constitué pour les Européens la principale source d'informations et d'analyses sur ce qui se passe dans ce pays. C'est à ce titre qu'elle constitue pour ses partenaires européens l'écran - dans les deux sens opposés du mot - à travers lequel les réalités algériennes sont sélectivement révélées ou occultées.

<sup>1</sup> Il s'agit du nombre fantaisiste de 26 536 morts qui sera rectifié un an plus tard par Abdelaziz Bouteflika qui annoncera le chiffre de 100 000 victimes.

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Jouissant de ce rôle clé dans la politique algérienne de l'Europe, la France s'est toujours opposée à l'implémentation de toute politique européenne qui puisse compromettre les intérêts stratégiques du régime algérien, et comme l'explique *The Economist* :

La France a fait plus que quiconque pour protéger l'Algérie contre la critique internationale et l'aider à obtenir des crédits du FMI. C'est elle qui dirige la politique - ou plutôt la non-politique - européenne concernant l'Algérie.<sup>56</sup>

Cet avis est partagé par Hocine Aït-Ahmed qui a fait constater le 23 janvier 1997, lors d'une conférence de presse à Rome, que la France a 'empêché l'Union européenne de prendre des initiatives en vue de faire pression sur le gouvernement algérien.<sup>57</sup> C'est aussi l'avis de Robert Ménard, président de Reporters sans frontières, qui a accusé la diplomatie française de 'bloquer depuis cinq ans [toute] ombre d'initiative qui viserait à mettre en cause les autorités algériennes.<sup>58</sup> Même Lionel Jospin, lorsqu'il était premier secrétaire du Parti socialiste, estimait que si 'personne ne bouge en Europe', c'est 'parce que la France ne bouge pas.<sup>59</sup>

#### 4.5. L'Italie

Depuis le début du conflit algérien, les relations algéro-italiennes sont passées par des hauts et des bas. Les initiatives de la communauté romaine de Sant'Egidio en 1994 et 1995 pour une solution pacifique au conflit algérien sont venues créer une tension considérable entre les deux gouvernements, même si le gouvernement italien a nié toute implication dans ces initiatives.

La tension entre les deux gouvernements a augmenté du fait de l'affaire de l'assassinat des marins italiens sur les côtes algériennes, assassinat attribué aux services du gouvernement algérien si l'on en croit les révélations de certains agents qui ont déserté ces services diffusées par la presse européenne. D'ailleurs l'ambassadeur d'Algérie à Rome a été convoqué le 11 novembre 1997 au ministère italien des Affaires étrangères à ce sujet. Lamberto Dini, ministre italien des Affaires étrangères, a déclaré pour sa part à Bruxelles que l'Italie devait 'mener l'enquête' sur cette affaire, qui aurait des 'répercussions' et 'assombrirait les relations entre l'Algérie et l'Union européenne<sup>60</sup> si les déclarations publiées dans le journal britannique *The Observer* se révélaient fondées. Le ministre italien de la Défense, Beniamino Andreatta, a quant à lui estimé que les 'propos de ce transfuge peuvent être considérés comme réalistes et d'une extrême gravité'. Le même jour, 11 novembre, le gouvernement algérien a déclaré son indignation devant le fait que le gouvernement italien avait pris en considération les révélations du journal britannique.<sup>61</sup>

Un autre facteur de tension entre les gouvernements algérien et italien a été la conséquence de l'entretien téléphonique du 8 janvier 1998 entre le ministre italien des Affaires étrangères, Lamberto Dini, et son homologue ira-

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nien, Kamal Kharazi, au sujet de la situation algérienne. Cette discussion a provoqué la fureur des autorités algériennes et l'ambassadeur d'Italie à Alger a été convoqué par le ministre algérien des Affaires étrangères qui lui a exprimé les 'vives protestations' de l'Algérie et sa 'profonde indignation'<sup>62</sup>. L'ambassadeur d'Algérie à Rome a été également chargé de protester auprès des autorités italiennes.

Le ministre italien des Affaires étrangères, Lamberto Dini, s'est rendu le 13 juillet 1998 en Algérie pour une visite officielle de deux jours durant laquelle il s'est entretenu avec le ministre algérien des Affaires étrangères, Ahmed Attaf, le Premier ministre, Ahmed Ouyahia, et le président Liamine Zéroual. A cette occasion, le ministre italien a salué le 'processus de renouvellement démocratique des institutions [engagé] au cours des trois dernières années dans des conditions souvent difficiles' et a exprimé son soutien 'aux résultats qui ont été réalisés.'<sup>63</sup> Lamberto Dini a aussi encouragé l'Algérie 'à poursuivre sur cette voie, qui la fera certainement sortir de ce chemin de violence et de terrorisme', et a appelé à ce que ce processus s'effectue 'au nom de la tolérance, du pluralisme et du respect des libertés'. 'Je suis ici parce que je souhaite comprendre l'évolution intérieure du pays', a précisé le ministre italien, qualifiant l'Algérie de 'démocratie guidée' qui a encore 'des progrès à faire'.

Lors de leurs entretiens, Ahmed Attaf et Lamberto Dini ont évoqué le 'processus de Barcelone', l'accord d'association euro-algérien et ont exprimé leur souhait de voir la Méditerranée devenir une 'zone de prospérité, de paix et de sécurité', faisant allusion à charte euro-méditerranéenne pour la paix et la stabilité en cours de préparation dans le cadre de la conférence euro-méditerranéenne. Ils ont aussi affiché l'intention des deux pays de 'renouer' le dialogue et de 'renforcer'<sup>64</sup> leur coopération, après une période assombrie par tant d'événements. A noter que plusieurs entreprises italiennes sont présentes en Algérie dans différents secteurs tels que celui de la construction, de l'équipement, de la chimie, et surtout celui du pétrole et du gaz avec la société *Agip*.

#### **4.6. Le Luxembourg**

Le Luxembourg a assuré la présidence de l'Union européenne pendant le deuxième semestre de l'année 1997, période où les massacres des populations civiles ont fait des ravages en Algérie.

Au début du printemps 1998, alors qu'existait une mobilisation internationale pour l'envoi d'une commission d'enquête en Algérie à vocation d'investigation sur les massacres, le ministre luxembourgeois des Affaires étrangères, Jacques Poos, a affirmé dans une interview au quotidien *Sant et Ahrar* que 'l'Europe a changé de vision sur l'Algérie [et a aujourd'hui] une meilleure perception de la réalité [et] une image différente de celle qui avait

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prévalu jusque là.<sup>65</sup> Selon Jacques Poos, les différentes visites effectuées par des Européens en Algérie, notamment celles de la troïka et de la délégation parlementaire, ont fait que 'le doute ne subsiste plus quant à l'identité des auteurs des massacres contre les civils'. Ces visites ont permis l'information sur 'la solide résistance des Algériens face aux groupes terroristes qui ont choisi la voie de l'extermination des citoyens innocents, des enfants, des nourrissons, des femmes enceintes et même des animaux.'<sup>66</sup> Jacques Poos a aussi estimé que la visite de la délégation parlementaire a été décisive puisqu'elle a 'renversé la situation en confirmant dans son rapport que l'Algérie, gouvernement et peuple, œuvre en un front unique pour résister au terrorisme barbare et que l'Etat fait des efforts considérables pour défendre les citoyens et protéger leurs biens.'<sup>67</sup>

Le ministre luxembourgeois, qui a d'ailleurs regretté les divergences entre pays européens quant au soutien que devrait fournir l'Europe à l'Algérie, a estimé que la nouvelle perception européenne de l'Algérie reste

en deçà du niveau [souhaitable], malgré le contact direct et même si nombre d'Etats européens ont compris la portée des demandes algériennes concernant le démantèlement des réseaux logistiques en Europe et dont il a été prouvé qu'ils soutiennent le terrorisme en Algérie au moyen d'armes et de fonds.<sup>68</sup>

Cependant, selon Jacques Poos, ceux qui en Europe ne sont pas convaincus par la nécessité de soutenir le pouvoir algérien deviennent de plus en plus minoritaires et 'la majorité des pays ont appuyé les efforts de l'Algérie dans sa lutte contre le terrorisme.'<sup>69</sup>

#### 4.7. Le Royaume-Uni

Le Royaume-Uni a assuré la présidence de l'Union européenne pendant le premier semestre de l'année 1998. C'est pendant cette période que la troïka et la délégation parlementaire européennes se sont rendues en Algérie. Comme c'est le cas dans beaucoup d'autres pays européens et américains, la politique algérienne du Royaume-Uni est influencée par la pression des lobbies industriels et économiques, surtout par celle des firmes qui ont des intérêts stratégiques en Algérie, comme *British Petroleum* dans le cas du Royaume-Uni.

Mais il faut dire aussi que le Royaume-Uni comme la Suède, accusés tous deux d'abriter des réseaux de soutien au terrorisme sous couvert du statut des réfugiés politiques, ont souvent fait l'objet de vives critiques de la part de la diplomatie algérienne telles que celles formulées par Ahmed Attaf à Bruxelles en novembre 1997<sup>70</sup> et à Madrid en février 1998.<sup>71</sup>

Le 7 janvier 1998, le ministre britannique des Affaires étrangères, Robin Cook, a estimé dans une déclaration que l'Algérie devait 'accepter une visite' d'un responsable de l'ONU, 'peut-être d'un responsable du département des

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droits de l'homme'. Selon le ministre britannique, cet envoyé devrait faire 'connaître au gouvernement algérien les inquiétudes de la communauté internationale [et] entendre directement' la version officielle algérienne des faits.<sup>72</sup> Robin Cook a aussi rejeté les accusations d'ingérence formulées par les autorités algériennes et a affirmé : 'Les préoccupations de la communauté internationale sont légitimes', car 'si on autorise le terrorisme à prendre racine dans un pays, il peut très rapidement être exporté dans les autres pays.'<sup>73</sup>

Lorsque à l'issue de la visite de la troïka à Alger le Royaume-Uni a été vivement attaqué par les autorités algériennes (voir plus loin), Robin Cook a déclaré que 'si Alger a des preuves claires' d'activités terroristes algériennes dans son pays, 'alors nous serons disposés à prendre les mesures qui s'imposent.'<sup>74</sup>

### 5. Ahmed Attaf au Parlement Européen

Le 27 novembre 1997, Ahmed Attaf devait débattre avec la commission des affaires étrangères du Parlement européen. Il s'est retrouvé en face d'une 'salle bondée, tendue, où l'on ressentait "un malaise réciproque", ainsi que l'a exprimé un député italien.'<sup>75</sup> Il a été assailli par les 'questions souvent embarrassantes des parlementaires.' On a évoqué bien sûr 'le terrorisme et les moyens de le combattre', mais pas toujours selon les modalités qu'aurait souhaitées le ministre algérien.

Certains députés ne se gêneront pas pour lui parler des 'excès' commis par les forces de sécurité algériennes contre la population. Le député vert allemand Daniel Cohn-Bendit, rapporteur sur l'accord d'association entre l'Union européenne et l'Algérie, a fait remarquer :

A propos des excès, certains disent que ce n'est pas la règle, d'autres en revanche qu'ils n'ont rien d'exceptionnel. Nous n'avons pas la réponse. Nous ne sommes pas des donneurs de leçons, mais c'est là la question fondamentale.<sup>76</sup>

La députée socialiste suédoise Theorin n'a pas manqué de faire remarquer à l'hôte de l'Europe l'implication partielle de l'armée dans les massacres, alors que la députée libérale belge Anne André-Léonard a évoqué 'sans précaution de style, les tortures, les "milliers de disparitions", "la vraie démission judiciaire"' et s'est même interrogée sur 'le sort de Abassi Madani.'<sup>77</sup>

Un député britannique a interrogé le ministre sur les massacres perpétrés 'à un jet de pierres d'Alger, sans que les forces armées n'interviennent', tandis que le député autrichien Swoboda a déclaré : 'On a eu l'impression que, délibérément ou non, la population n'a pas été suffisamment protégée.'<sup>78</sup>

A toutes ces questions embarrassantes, Ahmed Attaf a trouvé réponse :

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Notre armée est une armée républicaine et elle supporte le poids de la lutte. Ce qui est dit est offensant et indécent vu les sacrifices consentis pour que l'Algérie survive à la terrible épreuve.

La démission judiciaire ? La presse rend compte quotidiennement des procès faits à ces groupes, qui sont des procès individuels qui se déroulent normalement.

Des disparitions, il y en a, mais moins que vous ne le dites, et ces cas sont suivis.<sup>79</sup>

Quant au sujet épineux des massacres, Ahmed Attaf expliquera le phénomène par l'évolution du terrorisme :

Depuis trois ou quatre mois, on assiste à une nouvelle stratégie où c'est toute la population qui est devenue la cible des massacres de portée génocidaire. [...] C'est un terrorisme sans précédent, le devoir de protection, nous l'assumons dans des conditions particulièrement difficiles. Cependant, hormis des cas de complicité, les services de sécurité sont intervenus.<sup>80</sup>

Il a reproché ensuite à l'Europe d'abriter des réseaux de soutien au terrorisme en Algérie et a réclamé que cette question soit débattue. Il a regretté aussi qu'à une réunion du "processus de Barcelone", les Européens, qui voulaient délibérer de la drogue, du crime organisé, de l'immigration clandestine, se sont opposés à ce qu'on aborde le terrorisme<sup>81</sup>, en précisant :

Au moins dans deux capitales de l'Union, on publie ouvertement des décrets religieux qui rendent licite de tuer les femmes et les enfants des apostats. Est-ce que la liberté d'expression qu'on nous oppose concerne ces pratiques ? Voilà le débat et, c'est vrai, nous avons une divergence d'appréciation... Si nous admettons que le terrorisme est un problème global, la coopération entre nous devrait être d'une autre portée que celle, limitée, qui existe.<sup>82</sup>

Aux diverses interventions des parlementaires qui réclamaient la venue d'une commission d'enquête internationale en Algérie, il a opposé un refus catégorique en usant de l'argument de la souveraineté nationale et de celui de l'inutilité d'une telle commission : 'Une commission d'enquête, pour enquêter sur quoi ? Ces crimes qu'ils commettent, ils les revendiquent publiquement dans toutes les capitales, y compris les vôtres !<sup>83</sup>

Pour Ahmed Attaf, l'objectif d'une commission d'enquête internationale serait de 'déresponsabiliser les groupes terroristes' ; il estime que la revendication d'une enquête internationale est 'indécente et offensante pour tous les sacrifices consentis' par les forces de sécurité<sup>84</sup>.

Il a accepté cependant l'idée d'une délégation de parlementaires européens et a affirmé à ce sujet : 'Des relations existent avec d'autres parlements, et je ne vois pas pourquoi cela poserait problème.<sup>85</sup> Cette délégation pourrait s'entretenir avec des parlementaires algériens et des membres du gouvernement, mais aussi 'avec les partis de la scène algérienne.<sup>86</sup>

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Le ministre algérien a enfin été remercié par la présidente de la réunion, la députée française gaulliste Hélène Carrère d'Encausse, pour être venu dialoguer avec les députés européens : 'Vous l'avez fait avec courage et avec la volonté d'expliquer.'<sup>87</sup>

## 6. La visite de la troïka européenne

L'idée d'une troïka européenne qui se rendrait à Alger a été lancée pour la première fois au début du mois de janvier 1998 par Klaus Kinkel, ministre allemand des Affaires étrangères. Klaus Kinkel a demandé à la présidence britannique de l'Union européenne une réunion immédiate pour envisager des 'mesures' face à l'horreur des massacres en Algérie. Le ministre allemand, qui a estimé que la violence en Algérie devrait figurer à l'ordre du jour de la réunion suivante du Conseil des ministres des Affaires étrangères de l'Union européenne, a déclaré :

Il est possible d'imaginer une visite de la troïka [européenne (Grande-Bretagne, Luxembourg, Autriche)] au niveau des directeurs politiques, pour proposer au gouvernement algérien une coopération dans la lutte contre le terrorisme, selon les règles d'un Etat de droit, et de l'aide aux victimes de la terreur.<sup>88</sup>

Klaus Kinkel a précisé par ailleurs que toute aide européenne aux populations algériennes était conditionnée par 'le feu vert du régime algérien.'<sup>89</sup> Cette initiative, qui est venue se greffer sur celle de la visite d'une délégation parlementaire, convenue lors de la visite de Ahmed Attaf au Parlement européen, a bénéficié de l'adhésion de plusieurs pays européens, notamment la France, l'Italie, le Portugal et la Suède.

La diplomatie française, par la voix d'Yves Doutriaux, porte-parole du ministère français des Affaires étrangères, a affirmé le 5 janvier 1998 : 'La France continue d'encourager les initiatives susceptibles de manifester la solidarité de la communauté internationale avec la population algérienne. Elle accueille donc favorablement la proposition allemande de poursuivre au niveau de l'Union européenne un dialogue sur les meilleures mesures à prendre pour être utile aux Algériens.' Et le porte-parole de souligner que la France 'accorde notamment la plus grande importance à tout ce qui pourrait être fait pour l'aide aux victimes du terrorisme et à tout ce qui permet de promouvoir en Algérie une solution pacifique et démocratique à la crise que traverse ce pays.'<sup>90</sup>

A Bruxelles, les responsables des affaires maghrébines de l'Union européenne, réunis le 8 janvier, ont proposé que la troïka soit composée de hauts diplomates représentant le Royaume-Uni, qui occupait la présidence tournante de l'Union, le Luxembourg, présidence précédente, et l'Autriche, présidence à suivre. Les détails d'organisation de cette troïka, nature du mandat, niveau de représentation, date exacte de la mission, n'ont pas été arrêtés. Ils

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ont été différés à la réunion du 13 janvier des directeurs politiques de l'Union européenne. Il était cependant souhaitable que la troïka se rende en Algérie avant le 26 janvier, date de la réunion du Conseil des ministres des Affaires étrangères européens, durant laquelle la question algérienne allait figurer à l'ordre du jour.

Au départ, le but de la mission n'était pas défini avec précision, ou du moins il n'y avait pas de but commun à tous les pays de l'Union européenne. D'une part on affirmait que la mission avait pour but d'aider Alger à 'lutter contre le terrorisme' et de 'venir en aide aux victimes'<sup>91</sup>, mais on indiquait d'autre part que 'les membres de la troïka exprimeront à Alger leur "révulsion" face aux massacres de civils, et étudieront avec les dirigeants algériens "la manière d'aider à mettre un terme à la violence"<sup>92</sup>. Le ministre allemand des Affaires étrangères Klaus Kinkel précisait de son côté que la mission de la troïka serait une 'mission exploratoire chargée de collecter des faits'<sup>93</sup>, alors que le chef du *Foreign Office* britannique, Robin Cook, déclarait pour sa part que cette mission serait 'un premier pas important qui permettra d'avoir une vue claire de ce qui se passe sur le terrain [et d']exprimer clairement au gouvernement algérien les inquiétudes de l'Europe et du reste du monde concernant la situation sécuritaire [...] et [d'affirmer] notre désir d'offrir une assistance humanitaire'<sup>94</sup>.

Le ministre algérien des Affaires étrangères, Ahmed Attaf, qui a confirmé avoir reçu une lettre de l'Union européenne lui offrant une aide humanitaire, a d'abord déclaré : 'Nous n'avons pas demandé d'aide humanitaire et nous n'avons pas besoin de cette aide humanitaire.'<sup>95</sup>

Mais sous la pression de la communauté internationale, qui avait réagi enfin aux vagues de massacres, Ahmed Attaf ne pouvait que céder à l'initiative européenne. Le 8 janvier, il a souhaité à la troïka 'la bienvenue' au journal du soir de la télévision algérienne, mais il a posé ses conditions : la troïka devrait venir dans le cadre du dialogue politique entre l'Algérie et l'Union européenne et devrait se fixer comme objectif de discuter de la 'coopération dans la lutte contre le terrorisme.'

Selon le ministre algérien, la troïka n'aurait rien à voir avec une commission d'enquête internationale 'qu'elle soit sous l'égide de l'ONU ou pas, [et] que nous rejetons catégoriquement' car elle constituerait 'une ingérence flagrante dans nos affaires intérieures. Les choses sont claires : un Etat lutte contre le terrorisme par les moyens légitimes, il n'y a là aucun doute, aucune confusion, aucun mystère qui nécessitent une investigation ou une enquête.'

Le porte-parole du gouvernement algérien, Habib Chawki Hamraoui, a réagi pour sa part d'un ton menaçant en déclarant que l'Algérie tiendrait 'compte dans ses rapports extérieurs de l'attitude de chacun de ses partenaires.'<sup>96</sup>

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L'ambassadeur d'Algérie auprès de l'ONU à New York, Abdallah Baali, a réagi de son côté à l'offre européenne en affirmant que 'la seule aide acceptable c'est celle qui entre dans le cadre de la lutte contre le terrorisme. [Tout autre type d'initiative internationale] constituerait une ingérence dans nos affaires intérieures.<sup>97</sup> Il a ajouté :

Si les gouvernements européens veulent aider les Algériens à combattre les vagues de massacres, ils doivent alors démanteler les réseaux qui alimentent en armes [depuis l'Europe] les extrémistes islamiques [en Algérie] [...] Nous acceptons toute mission dont l'objectif est d'échanger des points de vue avec les Algériens pour soutenir et renforcer notre lutte contre le terrorisme.<sup>98</sup>

Quant au dialogue avec l'Europe, Abdallah Baali a déclaré que le gouvernement algérien était

ouvert à tout dialogue politique avec l'Europe [...] Il y a une distinction claire entre une commission d'enquête et le dialogue politique que nous avons entamé avec l'Europe. Nous n'avons jamais refusé d'entreprendre un dialogue avec les responsables européens. Ce que nous demandons à l'Europe c'est de démanteler les réseaux logistiques, financiers et de fourniture d'armes aux islamistes.<sup>99</sup>

Il a ajouté dans une interview à la chaîne de télévision *Channel Four* :

Je pense que le but de la visite [de la troïka] n'est pas d'enquêter sur ce qui se passe en Algérie. [...] Le but est d'avoir un échange de points de vue avec les responsables algériens, d'avoir une idée précise sur ce qui se passe là-bas, car il y a beaucoup de confusion entretenue par certains milieux. [...] Nous n'avons pas une situation de guerre civile en Algérie.<sup>100</sup>

Interrogé sur la nécessité d'une enquête internationale sur les massacres, Kamel Razzag-Bara, président de l'ONDH, a déclaré à la veille de la visite de la troïka : 'Il existe en Algérie des institutions régies par des lois. L'Etat est capable de faire face seul à ces crimes et de punir leurs auteurs. La situation ne mérite pas l'intervention de pays étrangers. A moins que ces pays n'envisagent de remplacer le pouvoir et de gérer toutes les affaires du peuple algérien.<sup>101</sup>

Dans une lettre d'apologie du régime algérien et de justification de ses crimes, adressée à la troïka, l'avocat Miloud Brahimi, membre de la Ligue algérienne de droits de l'homme<sup>M</sup> inféodée au pouvoir, l'a mise en garde contre ce qu'il appelle 'le syndrome algérien qui a la caractéristique d'être débilisant et contre lequel, hélas ! il n'existe pas encore de vaccin. [...] Ce syndrome [qui] a affecté les esprits les plus lucides pour déboucher sur l'exigence d'une investigation internationale.<sup>102</sup>

<sup>M</sup> A ne pas confondre avec la Ligue algérienne de défense des droits de l'homme présidée par l'avocat Ali-Yahia Abdennour.

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Dès le départ, il fut convenu que la mission de la troïka n'était pas celle d'une enquête, ce que réclamait depuis quelques temps les ONG des droits de l'homme qui avaient le soutien de l'opinion publique. En fait, le régime algérien, qui limitait le but de cette mission aux concertations en matière de lutte antiterroriste, tentait d'instrumentaliser la visite de la troïka pour faire oublier la revendication d'une commission d'enquête. Le représentant en Belgique de *Human Rights Watch*, Jean-Paul Marthoz, n'a pas manqué, très tôt, de formuler l'espoir que 'cette visite ne soit pas un substitut à la commission d'enquête internationale'.<sup>103</sup>

Par ailleurs, dans une déclaration commune, les quatre ONG des droits de l'homme<sup>N</sup> qui militaient le plus pour la constitution d'une commission d'enquête ont alerté l'opinion devant le risque : la mission ne serait que de la 'poudre aux yeux' si l'on n'entendait pas 'demander des explications' aux responsables algériens sur 'l'incapacité apparente des forces de sécurité d'intervenir dans de récents massacres collectifs' et si l'on ne comptait pas demander à ces responsables de prendre 'des mesures crédibles afin de mettre un terme aux abus commis par les forces gouvernementales, dont la torture, les exécutions extrajudiciaires, les détentions arbitraires et les "disparitions"'.<sup>104</sup>

Le 13 janvier 1998, une réunion des directeurs politiques des Etats membres de l'Union européenne s'est tenue à Bruxelles pour désigner les hauts fonctionnaires européens qui devaient composer la troïka. Il était d'abord question d'envoyer des responsables du *desk* Maghreb des ministères des Affaires étrangères des trois pays faisant partie de cette troïka.

Le directeur britannique, Jeremy Greenstock, a précisé à l'issue de la réunion que la mission devrait 'écouter, discuter des événements les plus récents et voir quelle aide on peut apporter à l'Algérie'.<sup>105</sup> Il a par ailleurs estimé que dans l'état des tractations euro-algériennes, il semblait exclu que la mission puisse rencontrer des membres de l'opposition algérienne.

La réaction algérienne se fit immédiatement entendre : il était hors de question de recevoir des hauts fonctionnaires. Des ministres ou personne. 'Une visite à ce niveau n'a aucun sens. La troïka ne vient pas'<sup>106</sup>, a déclaré le ministre algérien des Affaires étrangères Ahmed Attaf. Le 14 janvier, il a justifié son refus lors d'une conférence de presse en avançant trois raisons :

On nous propose des directeurs des ministère des Affaires étrangères. Nous ne croyons pas [...] que ce niveau de responsabilité modeste, très modeste, soit le plus approprié pour discuter de questions aussi sensibles, aussi complexes, aussi importantes. [...]

<sup>N</sup> Il s'agit de : *Amnesty International*, *Human Rights Watch*, la Fédération internationale des Ligues des droits de l'homme et Reporters sans frontières.

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[Ensuite, l'Union] demande pour ce qui concerne la partie algérienne que les interlocuteurs soient de niveau ministériel. Que des ministres du gouvernement algérien conduisent ce dialogue avec des fonctionnaires européens, là également, il y a un déséquilibre [...] difficilement acceptable.

[Enfin,] l'initiative allemande [à l'origine de la mission] parlait de la lutte contre le terrorisme comme objet, comme objectif de ce dialogue politique. Ce qui nous est proposé aujourd'hui c'est une exclusion de ce dossier du dialogue au motif qu'[il] n'a pas mûri au sein de l'Union européenne, qu'il exige des consultations, des discussions plus approfondies au sein de l'Union européenne. [...] Et cela est très clair [...] dans la lettre que m'a adressée mon collègue britannique Robin Cook.<sup>107</sup>

Devant la réaction immédiate de l'Union européenne qui a exprimé, par la voix de sa présidence britannique, sa déception devant la réaction algérienne et a réaffirmé 'la volonté européenne d'encourager le gouvernement algérien au dialogue'<sup>108</sup> et devant celle de Washington, qui a 'déploré', par la voix du porte-parole du Département d'Etat, le refus du gouvernement algérien qui a 'laissé passer une occasion de répondre aux inquiétudes légitimes de la communauté internationale. [...] Nous continuons de demander instamment au gouvernement algérien d'autoriser des observateurs extérieurs à étudier la situation des droits de l'homme [en Algérie]<sup>109</sup>, Ahmed Attaf s'empressa de déclarer le lendemain, 15 janvier 1998, sur les ondes d'*Europe 1*, qu'il 'maintenait son invitation' à la troïka européenne, à condition qu'elle soit 'composée de ministres', que le dialogue porte sur 'la coopération dans la lutte contre le terrorisme' et que cette visite ne prenne pas l'allure d'une 'mission d'information visant à élucider une situation qui, du point de vue du régime algérien, ne prête pas à interrogation.'

L'Union européenne a fini par se plier aux exigences algériennes : la troïka serait composée de trois secrétaires d'Etat, le Britannique Derek Fatchett, le Luxembourgeois Georges Wohlfart et l'Autrichienne Benita Ferrero-Waldner, accompagnés du commissaire européen Manuel Marin, chargé de la coopération avec le Maghreb et le Proche-Orient.

Pour ce qui est des thèmes qui allaient être abordés, on a entendu plusieurs déclarations qui n'allaient pas toujours dans le même sens. Le porte-parole de l'Union européenne, Josep Coli i Carbo, a déclaré que la troïka 'se rend à Alger essentiellement pour écouter'<sup>110</sup>, de façon à pouvoir proposer des recommandations devant le Conseil des ministres des Affaires étrangères lors de sa session du 26 janvier.

La secrétaire d'Etat autrichienne Benita Ferrero-Waldner a de son côté expliqué que la mission de la troïka était d'engager 'un processus de dialogue.'<sup>111</sup>

Quant au ministre allemand des Affaires étrangères, Klaus Kinkel, il a évoqué le sujet de l'aide humanitaire et a déclaré au quotidien allemand *Bild* qu'il fallait réfléchir 'avec les Algériens aux moyens d'aider immédiatement'

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les rescapés des derniers massacres ‘avec des tentes, des couvertures et des produits alimentaires.<sup>1127</sup>

Manuel Marin a déclaré pour sa part que ‘tous les sujets, aussi sensibles soient-ils, sont ouverts à la discussion<sup>1137</sup>, mais qu’il ferait une exception concernant la question d’une commission internationale d’enquête sur les massacres. ‘Jamais l’Union européenne n’a dit qu’elle soutenait une telle initiative’, a-t-il affirmé. Le commissaire européen a déclaré par ailleurs être ‘personnellement convaincu’ que le régime algérien n’avait ‘pas la moindre responsabilité<sup>1147</sup> dans les massacres perpétrés en Algérie.

On a appris par ailleurs que la troïka a assuré le gouvernement algérien, entre autres, de ‘la détermination de l’Europe à prévenir les attaques terroristes et à traduire les terroristes devant la justice.<sup>1157</sup> Ainsi, Robin Cook a déclaré que la troïka avait pour mission d’explorer ‘la question de savoir si et comment l’Europe peut aider à combattre le terrorisme.<sup>1167</sup> Le porte-parole du ministère britannique des Affaires étrangères a précisé pour sa part que les membres de la troïka étaient ‘prêts à écouter toutes les préoccupations que les Algériens voudraient exprimer, [y compris] ce qu’ils pensent que l’Union européenne pourrait être en mesure de faire en vue de contribuer à mettre un terme au terrorisme.<sup>1177</sup>

La troïka s’est envolée vers la capitale algérienne le lundi 19 janvier 1998 en début de soirée, pour la quitter bredouille le lendemain au soir.

A son arrivée à Alger, le chef de la troïka, Derek Fatchett, a déclaré que cette dernière venait ‘à l’invitation de l’Algérie, sans prévention particulière ni préjugé, [dans un] esprit de partenariat avec l’Algérie et son peuple, [pour engager un] dialogue afin de voir comment l’Union européenne peut jouer un rôle constructif dans l’atténuation des souffrances des Algériens.<sup>1187</sup> Il a en outre exprimé la ‘profonde inquiétude’ de l’Europe face aux ‘souffrances qu’endure le peuple algérien.<sup>1197</sup>

Au cours de leur mission ‘menée au pas de charge’ et qui s’est achevée effectivement le 20 janvier en début d’après-midi, les trois secrétaires d’Etat européens ont rencontré le Premier ministre, Ahmed Ouyahia, et le ministre des Affaires étrangères, Ahmed Attaf. Les discussions avec les officiels algériens ont porté sur plusieurs sujets, mais essentiellement sur celui de la lutte contre le terrorisme.

Concernant la coopération en matière de lutte antiterroriste, la troïka a exposé la complexité d’une telle démarche, qui nécessitait une prudence extrême pour ne pas affecter les libertés et les droits garantis par le droit international concernant par exemple l’asile politique ou les activités légitimes de propagande politique. C’était donc à Alger de soumettre à l’Union européenne des cas précis et des suggestions concrètes pour qu’ils soient étudiés.

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Les membres de la troïka ont aussi reçu à la mission diplomatique britannique les représentants de deux ONG (le président de l'ONDH, Kamel Rezag-Bara, et celui du Croissant rouge algérien), les directeurs des principaux journaux et les quatre partis de l'opposition parlementaire (FFS, Ennahdha, PT et RCD) qui ont eu droit chacun à cinq minutes pour s'exprimer. Ils ont enfin donné une conférence de presse avant de repartir.

Selon le quotidien *Al Khabar*, la troïka devait se rendre sur les lieux du carnage de Sidi Hamed mais le programme que les autorités algériennes lui ont arrêté ne lui permettait pas de le faire. La brièveté du séjour de la troïka a été déplorée par plus d'une personnalité algérienne. Khalida Messaoudi, vice-présidente du RCD, a estimé qu'il serait 'pour le moins léger que la troïka prétende avoir vu, rencontré ou compris quoi que ce soit.<sup>120</sup> Le quotidien *L'Authentique* n'a pas hésité pas pour sa part à souligner le danger que cette visite 'ne soit une première brèche provoquée dans la souveraineté nationale.<sup>121</sup>

Le 19 janvier déjà, avant la fin de la mission, Klaus Kinkel avait prévenu dans une déclaration au quotidien *Sächsische* qu'il ne fallait pas 'avoir d'attentes excessives.<sup>122</sup> Cela sera réaffirmé par le chef de la troïka, Derek Fatchett, qui jugera que 'les attentes des médias étaient trop élevées par rapport à ce que l'Union européenne pouvait faire.<sup>123</sup>

A l'issue de la visite à Alger, Derek Fatchett a estimé au cours d'une conférence de presse que 'la mission a été positive. [...] Nous avons réalisé des progrès.<sup>124</sup> Les membres de la troïka ont regretté cependant que 'le régime du président Zeroual refuse une mission de l'ONU et l'envoi d'un Rapporteur spécial sur les massacres qui ont lieu dans le pays', alors qu'il est dans l'intérêt de l'Algérie d'avoir une attitude ouverte.<sup>125</sup> Le secrétaire d'Etat britannique a incité pour sa part le pouvoir algérien à 'une plus grande transparence et à une plus grande ouverture' pour prouver qu'il n'a rien à cacher', et a fait entendre sa déception du fait que 'la réponse algérienne n'ait pas été plus positive.<sup>126</sup>

La troïka a également regretté 'de n'avoir pas pu manifester la "solidarité" des Quinze aux familles des victimes des massacres, ne serait-ce que par une mesure symbolique. Elle aurait pu prendre la forme d'un dépôt de gerbe ou d'une visite à des familles en détresse.<sup>o</sup> Et le diplomate britannique Derek Fatchett d'ajouter : 'Nous espérons le faire lors d'une prochaine visite.<sup>127</sup>

Un diplomate européen qui a préféré garder l'anonymat a déclaré à l'agence Reuters que les résultats de la troïka étaient maigres, que la mission a été un 'coup médiatique pour l'Algérie' et que les Européens ont été 'complètement instrumentalisés.<sup>128</sup>

<sup>o</sup> Cette impossibilité fut d'autant plus frustrante pour la troïka qu'une délégation parlementaire arabe arrivée en même temps que la délégation européenne a pu déposer sa gerbe de fleurs.

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La troïka a tout de même réussi à remettre en mains propres à Ahmed Attaf une invitation de la part du Premier ministre britannique Tony Blair, et a promis de réouvrir prochainement la représentation de l'Union européenne à Alger.

Les Algériens, de leur côté, ont déclaré avec satisfaction par la voix de leur ministre chargé de la coopération, Lahcène Moussaoui, que 'la question du terrorisme a été évoquée au premier chef.' 'Tous les sujets ont été abordés [y compris] celui des droits de l'homme, même si on n'a pas de problème des droits de l'homme en Algérie<sup>129</sup>, a-t-on ajouté au ministère algérien des Affaires étrangères.

La troïka a préparé un rapport et formulé des recommandations qu'elle devait soumettre au Conseil des ministres européens des Affaires étrangères qui devait se réunir le lundi suivant et discuter des suites à donner. Le Conseil des ministres a fait une déclaration dans laquelle il n'a pas voulu douter de l'innocence des autorités algériennes mais les a exhortées quand même à faire preuve de transparence :

Le Conseil se félicite de la visite effectuée par une 'troïka' ministérielle de l'Union européenne à Alger, les 19 et 20 janvier, et considère cette visite comme une étape clé sur la voie d'un large dialogue avec le gouvernement algérien. Réaffirmant sa condamnation du terrorisme et de la violence aveugle, le Conseil demande à ce gouvernement de faire preuve d'une plus grande transparence, convient de maintenir l'offre d'une aide humanitaire et souligne que le renforcement d'institutions démocratiques représentatives et du rôle du pouvoir judiciaire aidera à affaiblir ceux qui cherchent à obtenir un changement politique par la violence. Il se déclare favorable à ce que des contacts plus fréquents aient lieu entre parlementaires algériens et parlementaires européens, souligne l'importance de la visite, en février, de représentants du Parlement européen en Algérie et se prononce en faveur de la poursuite d'un large dialogue au niveau ministériel.<sup>130</sup>

La réaction des autorités algériennes aux déclarations du Conseil des ministres européens s'est vite fait connaître dans les médias.<sup>131</sup> Le 27 janvier, la radio officielle a fustigé l'Europe qui 'procure un refuge aux terroristes et fait de son sol une base arrière pour soutenir et financer le terrorisme international.' Le quotidien *El Mondjabid* a accusé l'Union européenne de ne 'pas vouloir changer de comportement' vis-à-vis de l'Algérie et de pratiquer 'la pression, l'équivoque et le double langage.' *Le Matin* a accusé l'Europe de vouloir 'culpabiliser et délégitimer' les autorités algériennes, alors que *Al-Chaab* a dénoncé la 'mauvaise foi' et les 'préjugés' européens à l'égard de l'Algérie.

Le 29 janvier 1998, c'est le ministre algérien des Affaires étrangères, Ahmed Attaf, qui a accusé à la radio publique l'Union européenne d'ignorer volontairement la situation [algérienne] ou de n'avoir 'aucune idée de ce qu'est la situation.'<sup>132</sup> Le ministre algérien a rejeté l'appel européen à une plus grande transparence de la part de l'Algérie et à son acceptation d'une enquête de l'ONU. Il a aussi dénoncé l'utilisation 'à des fins médiatiques et de propa-

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gande politique', au mépris des 'critères moraux les plus élémentaires', des 'cimetières et des tombes des victimes de la violence', et a accusé 'plusieurs pays, la Grande-Bretagne en tête' de représenter des 'havres pour les terroristes'. Il a enfin refusé toute aide européenne à l'Algérie, car, selon le ministre, l'Algérie refuse de se voir transformée par l'Europe en 'champ d'expérimentation du droit ou du devoir d'ingérence humanitaire'.<sup>133</sup>

## 7. La mission de la délégation parlementaire

L'idée de l'envoi en Algérie au début de l'année 1998 d'une délégation parlementaire qui s'entretiendrait avec les parlementaires algériens a été lancée, comme il a été vu, lors de la session plénière du Parlement européen de septembre 1997. Elle a été par la suite rappelée lors des auditions de la sous-soumission des droits de l'homme, présidée par André Soulier, qui ont eu lieu les 25 et 26 novembre 1997, la veille de l'intervention de Ahmed Attaf auprès de la commission des Affaires étrangères du Parlement. La visite de la délégation parlementaire n'a eu lieu cependant qu'à la suite de celle de la troïka qui a été décidée entre temps.

Ainsi, Alger n'avait pas eu le temps de respirer après la tempête médiatique qui avait suivi la visite de la troïka qu'une autre délégation, toujours européenne, frappait à la porte de la ville. Les autorités algériennes comptaient beaucoup sur cette délégation parlementaire pour faire oublier la troïka, dont la visite trop précipitée et bâclée lui avait valu bien des critiques.

Déjà en novembre 1997, l'ambassadeur d'Algérie en France, Mohamed Ghoualmi, avait déclaré que les députés européens pouvaient visiter l'Algérie, mais pas toutefois en mission d'enquête. Selon l'ambassadeur algérien, l'idée même d'une enquête internationale sur la situation des droits de l'homme en Algérie constituait un 'mépris pour le peuple [algérien, car elle tend à] mettre en accusation l'Etat en même temps que le terrorisme'.<sup>134</sup>

La délégation parlementaire qui s'est rendue à Alger le 8 février 1998 était présidée par le député français André Soulier (UDF et PPE) et comprenait huit autres membres. Il y avait trois autres Français, Hélène Carrère d'Encausse (RPR), Michel Scarbonchi (radical) et Mireille Elmalan (PC), une Belge, Anne André-Léonard (libérale), un Grec, Yannis Roubatis (socialiste), un Espagnol, Jorge Hernandez-Mollar (démocrate-chrétien) et un Allemand, Daniel Cohn-Bendit (écologiste).

A cause de la 'non disponibilité' de vols vers Alger de Belgique et d'Allemagne, la délégation devait transiter par Paris où elle avait le temps de passer au ministère français des Affaires étrangères.

La délégation avait pour seule mission, de cinq jours, d'engager le dialogue avec le Parlement algérien sur la situation critique du pays.' La délégation 'cherchera à faciliter les contacts avec, outre les politiques, les représentants

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de la société civile. Elle n'est pas envoyée en tant que commission d'enquête.<sup>135</sup> André Soulier a tenu à préciser qu'il n'y pas d'ingérence, nous n'engageons pas les exécutifs, nous voulons parler aux députés algériens, toutes tendances politiques confondues.<sup>136</sup>

Il n'était pas question de traiter d'autre chose sur place que de ce qui figurait sur le mandat de la délégation. Les parlementaires ne devaient surtout pas évoquer les mots de 'commission' ou d'enquête'. Le chef de la délégation, André Soulier, s'est même montré défavorable à l'idée d'une commission d'enquête sur les massacres et est allé jusqu'à déclarer avant son départ pour Alger que les informations dont disposaient les parlementaires européens 'font que nous ne voyons aucune implication directe des forces armées' dans les massacres.<sup>137</sup>

La marge de manœuvre des parlementaires européens et leurs possibilités d'action étaient pratiquement nulles. Ils ne pouvaient même pas choisir leur lieu de résidence. Ils pouvaient encore moins rencontrer ceux qu'ils voulaient. Me Abdenour Ali Yahia, président de la Ligue algérienne de défense des droits de l'homme, sera obligé de s'adresser à eux en tant que 'simple citoyen' : telle était la volonté du régime militaire algérien.

Les 8 et 9 février, la délégation parlementaire a rencontré les parlementaires algériens, en majorité des députés du RND élus frauduleusement en juin 1997. Les députés européens ont annoncé à leurs confrères algériens que le Parlement européen était prêt à constituer une commission d'enquête sur la collecte de fonds et les réseaux de soutien au 'terrorisme islamiste' en Europe. Ils ont demandé en contre-partie que le gouvernement algérien réponde favorablement aux revendications d'une enquête sur les violations des droits de l'homme. Le régime algérien a comme d'habitude refusé l'idée d'une telle enquête mais s'est félicité de l'offre européenne en matière de lutte antiterroriste. Abdelkader Hadjar, président de la commission des affaires étrangères de l'Assemblée populaire nationale, a tenu à saluer le fait que 'pour la première fois, la partie européenne a accepté de discuter du terrorisme'.<sup>138</sup>

Lors de la rencontre avec les parlementaires algériens, la députée belge Anne André-Léonard a remis à la délégation algérienne une liste de plusieurs milliers de personnes 'disparues' en souhaitant obtenir des autorités algériennes des informations à leur sujet. Abdelkader Hadjar l'informerait cependant du fait qu'il n'y avait pas plus de 31 'disparus' en Algérie<sup>139</sup>.

Les représentants du FFS, qui ont dénoncé les 'tenants du pouvoir' qui 'condamnent les populations à un génocide à petit feu', ont demandé aux parlementaires européens 'd'appuyer les initiatives des ONG en faveur d'une commission d'enquête internationale pour faire la lumière sur les massacres et dégager les responsabilités'.<sup>140</sup>

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*International Responses*

Les 10 et 11 février, les députés européens devaient rencontrer le Premier ministre Ouyahia, les responsables de l'ONDH, l'archevêque d'Alger Henri Teissier, le président du Haut conseil islamique, Abdelmadjid Méziane, les responsables de l'UGTA, les directeurs de certains journaux, les représentants d'organisations féministes, et les responsables du Rassemblement action jeunesse (RAJ).

C'est le 10 février que s'est produit ce qui a été appelé 'l'incident de la lettre du FIS'. En fait, au sein de la délégation, Daniel Cohn-Bendit avait déclaré au départ :

Je suis personnellement en faveur d'un débat avec les gens avec lesquels le gouvernement algérien discute. Or il y a des discussions avec des islamistes emprisonnés et, d'autre part, l'AIS (Armée islamique du salut) a décrété l'arrêt de ses activités militaires. On ne peut pas me demander de faire moins que le gouvernement algérien.<sup>141</sup>

Il était donc favorable à une rencontre avec des responsables du FIS et même avec les deux dirigeants détenus de ce parti. Le rapporteur de la délégation parlementaire a tout bousculé, y compris les plans de son propre chef de délégation André Soulier qui était hostile à une telle rencontre. Les divergences de points de vue entre les deux parlementaires n'ont pas tardé à se faire jour dans les médias. La confrontation a atteint le sommet lorsque André Soulier a reçu le 10 février, par l'intermédiaire de Me Ali Yahia Abdennour, une missive de l'un des responsables de FIS et a décidé de la déchirer, sans la lire, devant les caméras de télévision. On a appris par le quotidien *El Hayat* que le FIS soulignait notamment dans cette lettre :

L'arrêt du bain de sang est le prélude nécessaire à toute solution politique. Le FIS est prêt à assumer ses responsabilités politiques avec toutes les parties pour sortir de la crise. Nous sommes certains que vous ne manquerez ni d'arguments ni de convictions pour amener le pouvoir à opter pour une solution politique équitable, apte à mettre fin aux tueries et à faire aboutir la réconciliation nationale.<sup>142</sup>

L'acte irresponsable et déplacé d'André Soulier n'a amusé personne à l'exception de la presse algérienne qui a exprimé sa satisfaction. Dans son édition du 11 février, *Le Matin* a décrit l'action d'André Soulier comme un 'geste auguste' et comme l'un de 'ces actes spectaculaires qui déterminent parfois les virages historiques.'

Ailleurs, cet acte a été considéré par la classe politique algérienne, même chez les adversaires du FIS, comme un geste qui ne convenait pas au rang de député. Le président de la Ligue algérienne de défense des droits de l'Homme a qualifié ce geste d'acte de mépris envers le peuple algérien et les victimes de cette tragédie.<sup>143</sup> Pour Ali Yahia Abdennour, le geste d'André Soulier témoignait de ce que 'le souci de plaire au gouvernement algérien l'a emporté sur toute autre considération liée à sa mission' : par ce geste, toujours selon Ali Yahia Abdennour, 'Soulier s'est déshonoré.' Par ailleurs, avec

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beaucoup de déception, un responsable d'une importante ONG internationale des droits de l'homme a déclaré : 'Soulier a souillé sa mission.' Quant à l'humour algérien, vivace même en temps de détresse, il dira : 'André Soulier s'est chaussé d'une botte militaire à la peinture des généraux.'

La délégation européenne a achevé sa mission le 11 février. Elle a appelé, par la voix de son président, l'Union européenne à aider le pouvoir algérien à lutter contre le 'terrorisme'. André Soulier n'a pas manqué pas de déclarer : 'L'Algérie n'a pas besoin de juges, elle a besoin d'aide et de compréhension.' Son compatriote, Michel Scarbonchi, membre de la délégation, est allé jusqu'à prévoir le succès d'une solution militaire à la violence en Algérie en 'un ou deux ans'.<sup>144</sup>

Dans une déclaration au quotidien *Le Monde*, André Soulier a réitéré son opposition à la proposition de commission d'enquête internationale et a déclaré : 'Nous ne voulons pas faire de l'ingérence ni jouer aux maximalistes'.<sup>145</sup> Selon le chef de la délégation européenne, les forces gouvernementales en Algérie 'ne sont pas impliquées dans les massacres', mais l'armée est 'mal entraînée et mal équipée pour lutter contre des formes mutantes de terrorisme'.<sup>146</sup> Quant à la question de savoir 'Qui tue qui ?', André Soulier a répondu en rapportant des propos attribués à l'archevêque d'Alger Henry Tessier et au président du Conseil islamique Abdelmadjid Meziane : 'Ce sont des hommes qui investissent sur le désespoir de jeunes hommes perdus, égarés par un islam dévoyé qui a déclaré l'Algérie en état d'apostasie'.<sup>147</sup>

S'exprimant au sujet de la visite de la délégation parlementaire, la journaliste algérienne Salima Ghezali a déclaré :

Je suis consternée ! Je suis proprement scandalisée par le comportement plein de légèreté affiché par Daniel Cohn-Bendit, et celui, fait de mépris, d'André Soulier, chef de la délégation. On peut parler d'un échec des Européens face à la France. A Strasbourg, en décembre, j'avais rencontré de nombreux parlementaires européens qui s'étaient déclarés décidés à rompre l'hégémonie française qui prévaut dans l'Europe des Quinze pour tout ce qui concerne l'Algérie. Or la France bloque tout le dossier. Et ce qui vient de se passer confirme la donne: la mission (composée de quatre députés français sur neuf, NDLR), était emmenée par un Français. Il paraît même que ce dernier avait été reçu par Jacques Chirac avant d'aller à Alger. Ainsi, l'Europe continue, sans surprise, à ne pas se définir et, en fait, à soutenir le régime algérien à l'instigation de Paris.<sup>148</sup>

André Soulier et Daniel Cohn-Bendit n'ayant pas trouvé un terrain d'entente, la délégation a publié deux rapports contradictoires. Le premier texte de six pages sera celui officiel, rédigé par les soins d'André Soulier, et dont la teneur ne diffère presque pas du discours officiel algérien. Ce rapport sera remis au président du Parlement, José-Maria Gil-Robles, avant la fin du mois de février, et sera la base d'un débat prévu sur l'Algérie. L'autre texte de douze pages, officieux celui-là, préparé par Daniel Cohn-Bendit, sera l'image inverse du premier (voir le texte comparatif en annexe).

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Si l'on fait abstraction de l'attitude de Cohn-Bendit, la visite de la délégation parlementaire européenne a été pour le régime algérien un succès politique. La délégation a adhéré à ses thèses de lutte antiterroriste sans soutenir la revendication d'une commission d'enquête.

Mais afin de faire oublier les péripéties de la troïka européenne, et l'appel de l'opinion internationale, encore persistant et qui se faisait plus pressant, en faveur d'une commission d'enquête, le pouvoir algérien n'allait pas se contenter de ce succès. Il ne s'arrêtera pas à la délégation de Soulier, mais multipliera les invitations d'hommes politiques, de 'penseurs', de 'comédiens', etc., triés minutieusement pour leur soutien inconditionnel à la politique de l'éradication, comme c'est le cas d'un certain parlementaire français qui s'appelle Jack Lang<sup>p</sup>.

## 8. Conclusion

Le présent travail a tenté d'identifier une position européenne commune envers les massacres en Algérie. Il en ressort qu'une telle position n'existe pas, comme l'a fait constaté également le journaliste belge Baudouin Loos :

Les immenses difficultés que les pays membres de l'Union européenne rencontrent pour définir une politique étrangère commune digne de ce nom ne sont un secret pour personne. Sans surprise, le dossier algérien n'échappe pas à cette règle. On chercherait donc en vain une doctrine européenne clairement établie relative à l'Algérie. L'embarras des capitales européennes apparut même nettement lors des événements les plus douloureux, les grands massacres de 1997-98, par exemple, quand les opinions publiques européennes réclamaient des repères de compréhension que personne, au niveau officiel, ne parvenait à prodiguer. Cela dit, si la confusion et l'improvisation semblent évidentes, elles cachent mal des intérêts économiques bien compris des deux côtés de la Méditerranée.<sup>149</sup>

La seule action efficace qu'a entreprise l'Union européenne avec l'Algérie fut le renforcement de la coopération sécuritaire avec le régime militaire d'Alger. Les actions individuelles des Etats membres de l'UE ont été davantage dictées par des considérations économiques que par des impératifs moraux. Les deux principales initiatives lancées par l'UE au sujet des massacres, la visite de la troïka et celle de la délégation parlementaire, se sont caractérisées par l'inefficacité et la contradiction. Elles n'étaient en fait destinées, comme l'a fait remarquer la sociologue Gema Martín Muñoz dans *El País*, qu'à 'contenter les opinions publiques'<sup>150</sup> européennes. Les responsables de l'UE se sont trouvés en effet 'coincés entre leurs intérêts économiques et leurs opinions horrifiées'.<sup>151</sup>

Un haut fonctionnaire européen a avoué en janvier 1998 qu'il existe en Europe 'une mauvaise conscience non dite'<sup>152</sup>, causée par l'approbation eu-

<sup>p</sup> Voir l'article *Eléments de politique algérienne de la France* dans la partie IV du présent ouvrage.

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ropéennne tacite du coup d'Etat de janvier 1992, qui pèse encore. Bien que ne regrettant pas ce choix, dépendance sur les ressources énergétique de l'Algérie oblige, 'ils n'en sont pas très fiers'.<sup>153</sup>

Le 'coincement entre intérêts économiques et opinions horrifiées' et 'la mauvaise conscience' de l'Europe rappellent aux Algériennes et Algériens une vieille pièce de théâtre. C'était en avril 1887. La France coloniale avait organisé un 'voyage de propagande en Algérie auquel participèrent trois ministres, une centaine de parlementaires et de hauts fonctionnaires'. Bien que 'la grande caravane parlementaire ait été assaillie de pétitions et de réclamations', cela n'empêcha pas le parlement de se montrer 'à la fois sourd aux rares protestations des indigénophiles [...] et docile aux réclamations les plus exagérées des colons'.<sup>154</sup>

Le malheur, en une certaine Europe, c'est qu'on perd plus facilement les bonnes habitudes que les mauvaises. Lors de la visite à Alger de la troïka le 20 janvier 1998, l'agence *Reuters* rapporta ce propos d'un homme, dans sa cinquantaine, sur la Place des Martyrs à Alger, au sujet de cette visite : 'Que vont-ils faire ? Ils ne feront rien. C'est du théâtre, alors que nous mourons'.<sup>155</sup>

### **Remerciement**

Je voudrais exprimer ma reconnaissance à Pierre Guillard pour m'avoir fait bénéficier de sa lecture critique du manuscrit.

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*International Responses***Annexe : Rapports de Daniel Cohn-Bendit et de André Soulier**

*Comparaison des rapports de Daniel Cohn-Bendit et de André Soulier, respectivement rapporteur et président de la délégation parlementaire européenne qui s'est rendue à Alger en février 1998.*

**Algérie : une visite, deux visions***Libération du 13 mars 1998*

- Les conditions de travail

*Rapport Cohn-Bendit*

L'élaboration du programme suscita de nombreux incidents [...], le problème étant de pouvoir rencontrer au sein de la société civile des personnes d'horizons divers et de tendances différentes. Nous n'avons pas réussi à rencontrer Salima Ghezali (directrice du journal d'opposition la Nation, prix Sakharov 1997, ndlr), au même titre que les autres directeurs de journaux, ni les avocats qui s'occupent des dossiers de disparus. Également refusée: la rencontre avec le général Benyelles, autorité morale dans l'armée et opposé au «tout-sécuritaire» (politique suivie par le pouvoir algérien, ndlr). Les rendez-vous [...] durent se tenir à la résidence officielle, alors que nous proposons un hôtel. Nous savions que certains - par peur et pour garder l'anonymat - ne se déplaceraient pas à la résidence, notre prison surnommée «la Cage dorée».

*Rapport Soulier*

Il aurait été intéressant de pouvoir aller au-delà des limites tracées avec les autorités et de jouir d'une plus grande liberté, indépendamment du choix des interlocuteurs, difficile à élargir dans des contraintes de temps.

- A l'Assemblée nationale

*Rapport Cohn-Bendit*

L'APN constitue la première Assemblée pluraliste en Algérie. Cela ne signifie pas pour autant qu'elle traduise l'équilibre réel des forces politiques. Le FIS, parti dissous (après avoir remporté les législatives de 1991, ndlr), en est absent. Par ailleurs, tous les partis représentés, à l'exception de celui de Zéroual (RND), contestent les résultats des législatives (de juin 1997, ndlr). [...] Des parlementaires, pourtant conscients de la non-représentativité de cette institution, sont prêts à «jouer le jeu de la démocratie». [...] Nos interlocuteurs (au Parlement algérien, ndlr) seront majoritairement, voire exclusivement, du RND, du FLN et du MSP (les trois seuls partis de gouvernement, ndlr). Nous apprendrons par la suite que le FFS et le RCD ont boycotté [la] rencontre [dans ce cadre officiel]. La consigne était claire: la délégation du Parlement algérien devait parler d'une seule voix

*Rapport Soulier*

Le Parlement algérien existe, nous l'avons rencontré. [...] Un souffle démocratique [centré sur le rôle de l'Assemblée] parcourt l'Algérie, ce serait une grande faute de ne pas l'encourager.

- Le terrorisme

*Rapport Cohn-Bendit*

Qui tue en Algérie? La réponse fut quasiment unanime parmi les parlementaires et au Conseil de la nation: ce sont les islamistes. [...] D'autres personnes expliqueront également que des groupes terroristes d'origine mafieuse s'en prennent à la population. D'autres enfin iront jusqu'à dire que c'est le pouvoir qui détient le monopole de la violence. - L'armée est-elle impliquée directement ou indirecte-

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ment dans les massacres? Les réponses s'orienteront davantage vers les carences de l'armée ou une impuissance calculée que vers une implication directe. Les problèmes sociaux économiques sont considérés comme des facteurs propices à la haine de l'armée - symbole de corruption - et au terrorisme.

*Rapport Soulier*

La question «Qui tue qui?» est jugée indécente en Algérie. La racine terroriste des massacres ne fait pas de doute pour nos interlocuteurs. La gravité de la situation sociale et la montée du chômage facilitent le désarroi qui est à l'origine de cette vague terroriste.

- La lutte contre le terrorisme

*Rapport Cohn-Bendit*

La politique sécuritaire est un échec. Le terrorisme n'est pas endigué et la population n'est pas protégée. [...] Le Premier ministre a annoncé l'implantation de commissariats et d'unités régulières de défense dans tout le pays. En Kabylie cependant, l'armée vient d'évacuer plusieurs casernes. Pour remédier aux carences des forces de sécurité, le gouvernement encourage la formation de groupes de légitime défense. La majorité de nos interlocuteurs pense que, dans le contexte actuel, c'est inévitable. Certains groupes parlementaires d'opposition s'inquiètent de la militarisation croissante de la société, qui pourrait mener à une escalade de la violence, voire à une guerre civile. [...] Face à cette politique du «tout-sécuritaire», plusieurs partis proposent une solution politique associant toutes les forces qui rejettent la violence. [...] La question de la lutte contre le terrorisme entraînera les parlementaires algériens à poser le problème des réseaux de soutien en Europe. [...] J'ai insisté sur le fait qu'une commission d'enquête sur ces réseaux peut être envisagée si le gouvernement [...] s'explique sur les violations des droits de l'homme: tortures, arrestations sommaires et disparitions massives.

*Rapport Soulier*

[...] L'instrument de la répression est une armée encore mal entraînée et mal équipée pour lutter contre les formes mutantes du terrorisme. D'où le choix périlleux d'avoir recours à la distribution d'armes qui peut conduire à la généralisation de la violence. Les autorités en sont conscientes et [nous] l'ont affirmé. Elles ont engagé une course-poursuite en vue de la modernisation des forces de sécurité, de l'implantation d'unités régulières de défense et de commissariats, ce qui permettra au fur et à mesure de désarmer la population. L'enquête sur d'éventuelles bases de soutien au terrorisme en Europe doit être étudiée entre Parlements européen et algérien [en fonction] de la question des droits de l'homme.

- Les droits de l'homme

*Rapport Cohn-Bendit*

De grandes divergences existent entre les trois organisations [algériennes] quant à l'appréciation des violations des droits de l'homme. Contrairement à l'ONDH (Observatoire national des droits de l'homme, gouvernemental, ndlr), les deux autres ligues (la LADH et la LADDH, ndlr) considèrent que la torture est systématique, que les lieux de détention secrets sont nombreux et les disparitions massives. Qualifiées de dépassements quasiment logiques dans un contexte de lutte contre le terrorisme, les violations des droits de l'homme sont dénoncées par la LADH et la LADDH, qui préconisent un traitement du terrorisme dans le respect de l'Etat de droit. La LADDH (indépendante, ndlr) ira plus loin en affirmant que «tout le monde tue en Algérie». [...] Face à [cette] situation, il est primordial de faire la lumière. [...] Une fois les procédures nationales algériennes effectuées et en fonction de leurs conclusions, nous devons décider d'envoyer un rapporteur spécial de l'ONU pour enquêter ou créer une commission d'enquête internationale.

*Rapport Soulier*

Les massacres appellent la répression, et celle-ci se fait souvent au prix de violations des droits de l'homme qualifiées de «dépassements». [...] Le mécanisme institutionnel démocratique coupe court à toute spéculation sur une commission internationale d'enquête, ce qui ne signifie pas que la question des droits de l'homme ne se pose pas. Ce thème [relève] du Parlement algérien.

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## NOTES

<sup>1</sup> In Charles-Henri Favrod, *Le FLN et l'Algérie*, Plon, Paris, 1962.

<sup>2</sup> *Le Monde* du 28 novembre 1997.

<sup>3</sup> *Le Figaro* du 7 janvier 1998.

<sup>4</sup> Reuters, 12 septembre 1997, in *Troubles : Lettre de la Commission socialiste de solidarité internationale*, CSSI, diffusée à Genève sur le site internet : [www.multimedia.com](http://www.multimedia.com).

<sup>5</sup> AFP, ATS, Reuters, 7 janvier 1998, in *Troubles, op. cit.*

<sup>6</sup> *La Tribune*, 18 mars 1998.

<sup>7</sup> Bulletin UE 6-1997, Politique étrangère et de sécurité commune (9/20).

<sup>8</sup> Bulletin UE 9-1997, Politique étrangère et de sécurité commune (5/11).

<sup>9</sup> Bulletin UE 9-1997, Pays de la Méditerranée et du Moyen-Orient (8/11).

<sup>10</sup> Bulletin UE 7/8-1998, Politique étrangère et de sécurité commune (4/25).

<sup>11</sup> Bulletin UE 9-1998, Politique étrangère et de sécurité commune (4/23).

<sup>12</sup> Bulletin UE 11-1998, Droits de l'homme (2/8).

<sup>13</sup> Lors d'un entretien publié par *The Independent*, cité dans *Le Monde* du 10 février 1995.

<sup>14</sup> *Le Monde* du 11 avril 1995.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Le Monde* du 1<sup>er</sup> août 1995

<sup>17</sup> *Le Monde* du 14 juillet 1997.

<sup>18</sup> *Le Monde* du 14 juillet 1997.

<sup>19</sup> Reuters, 21 avril 1998.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Le Monde* du 17 avril 1997.

<sup>22</sup> AFP, 29 mai 1998, in *Troubles, op. cit.*

<sup>23</sup> *Liberté* du 19 mai 1998.

<sup>24</sup> *Ibid.*

<sup>25</sup> AFP, 19 mai 1998, in *Troubles, op. cit.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Le Matin* du 22 juin 1999.

<sup>28</sup> AFP, 23 janvier 1997, in *Troubles, op. cit.*

<sup>29</sup> *Le Monde* du 15 mars 1997.

<sup>30</sup> *Le Monde* du 3 octobre 1997.

<sup>31</sup> AFP, 27 novembre 1997, in *Troubles, op. cit.*

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<sup>32</sup> *Le Figaro* du 7 janvier 1998.

<sup>33</sup> AFP, 21 octobre 1998, in *Troubles, op. cit.*

<sup>34</sup> *Ibid.*

<sup>35</sup> Voir l'article de M. S. Lalioui, *Reactions of the Algerian Army to the Massacres*, dans la partie III du présent ouvrage.

<sup>36</sup> AFP, ATS, Reuters, 7 janvier 1998, in *Troubles, op. cit.*

<sup>37</sup> *Ibid.*

<sup>38</sup> AFP, Reuters, 26 janvier 1998, in *Troubles, op. cit.*

<sup>39</sup> APS, 27 janvier 1998, in *Troubles, op. cit.*

<sup>40</sup> *La Tribune* du 18 mars 1998.

<sup>41</sup> *La Tribune*, 23 juin 1998.

<sup>42</sup> *Le Monde* du 8 octobre 1997.

<sup>43</sup> AFP, Reuters, 18 janvier 1998, in *Troubles, op. cit.*

<sup>44</sup> *El Watan* du 25 février 1998.

<sup>45</sup> *Ibid.*

<sup>46</sup> *El Watan* du 26 février 1998.

<sup>47</sup> *Ibid.*

<sup>48</sup> *El Watan* du 25 février 1998.

<sup>49</sup> *El Watan* des 27 et 28 février 1998.

<sup>50</sup> *Ibid.*

<sup>51</sup> AFP, 26 février 1998 et *El Watan* des 27 et 28 février 1998.

<sup>52</sup> *El Watan* des 27 et 28 février 1998.

<sup>53</sup> *El Watan* des 29 et 30 mai 1998.

<sup>54</sup> *El Watan* des 29 et 30 mai 1998.

<sup>55</sup> *Ibid.*

<sup>56</sup> *The Economist* du 11 octobre 1997.

<sup>57</sup> AFP, 23 janvier 1997, in *Troubles, op. cit.*

<sup>58</sup> Reuters, 9 janvier 1998, in *Troubles, op. cit.*

<sup>59</sup> AFP 27, 28, 30 janvier 1997, in *Troubles, op. cit.*

<sup>60</sup> AFP, 11 novembre et APS, 12 novembre 1997, in *Troubles, op. cit.*

<sup>61</sup> AFP, 11 novembre et APS, 12 novembre 1997, in *Troubles, op. cit.*

<sup>62</sup> AFP, APS, 10 janvier 1998, in *Troubles, op. cit.*

<sup>63</sup> Reuters, AFP, 13 et 14 juillet 1998, in *Troubles, op. cit.*

<sup>64</sup> *Ibid.*

<sup>65</sup> *La Tribune* du 1<sup>er</sup> avril 1998.

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<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> *Le Monde* du 29 novembre 1997.

<sup>71</sup> *El Watan* des 27 et 28 février 1998.

<sup>72</sup> AFP, ATS, Reuters, 7 janvier 1998, in *Troubles, op. cit.*

<sup>73</sup> AFP, ATS, Reuters, 7 janvier 1998, in *Troubles, op. cit.*

<sup>74</sup> Reuters, AFP, 26 janvier 1998, in *Troubles, op. cit.*

<sup>75</sup> *Le Monde* du 29 novembre 1997.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> AFP, 27 novembre 1997, in *Troubles, op. cit.*

<sup>85</sup> *Le Monde* du 29 novembre 1997.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Le Monde* du 29 novembre 1997.

<sup>88</sup> AFP, Reuters, 6 janvier 1998, in *Troubles, op. cit.*

<sup>89</sup> *Le Monde* du 7 janvier 1998.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Le Figaro* du 7 janvier 1998.

<sup>92</sup> *Le Monde* du 10 janvier 1998.

<sup>93</sup> ATS, 8 janvier 1998 et Reuters, 9 janvier 1998, in *Troubles, op. cit.*

<sup>94</sup> *Le Monde* du 10 janvier 1998 et CNN & Reuters, 9 janvier 1998.

<sup>95</sup> CNN & Reuters, 9 janvier 1998.

<sup>96</sup> Reuters, AFP, 9 janvier 1998 et *Tribune de Genève* du 10 janvier 1998, in *Troubles, op. cit.*

<sup>97</sup> *Chicago Tribune* du 9 janvier 1998, et CNN & Reuters, 9 janvier 1998.

<sup>98</sup> *Ibid.*

<sup>99</sup> AFP, 10 janvier 1998.

<sup>100</sup> *Ibid.*

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- <sup>101</sup> *Courrier International*, no. 377, du 22 au 28 janvier 1998.
- <sup>102</sup> *El Watan* du 19 janvier 1998.
- <sup>103</sup> Reuters, 9 janvier 1998, in *Troubles, op. cit.*
- <sup>104</sup> *Ibid.*
- <sup>105</sup> AFP, Reuters, 13 janvier 1998, in *Troubles, op. cit.*
- <sup>106</sup> Reuters, AFP 14 janvier 1998, in *Troubles, op. cit.*
- <sup>107</sup> *Le Monde* du 16 janvier 1998.
- <sup>108</sup> Reuters, AFP 14 janvier 1998, in *Troubles, op. cit.*
- <sup>109</sup> *Le Monde* du 16 janvier 1998.
- <sup>110</sup> AFP, 15 et 16 janvier 1998, in *Troubles, op. cit.*
- <sup>111</sup> AFP, Reuters et *Le Monde* du 18 janvier 1998, in *Troubles, op. cit.*
- <sup>112</sup> *Ibid.*
- <sup>113</sup> AFP, 15 et 16 janvier 1998, in *Troubles, op. cit.*
- <sup>114</sup> AFP, Reuters et *Le Monde* du 18 janvier 1998, in *Troubles, op. cit.*
- <sup>115</sup> *Le Monde* du 22 janvier 1998.
- <sup>116</sup> AFP, Reuters et *Le Monde* du 18 janvier 1998, in *Troubles, op. cit.*
- <sup>117</sup> AFP, 15 et 16 janvier 1998, in *Troubles, op. cit.*
- <sup>118</sup> Reuters, AFP, APS et *Al Khabar* du 19 janvier 1998, in *Troubles, op. cit.*
- <sup>119</sup> *Ibid.*
- <sup>120</sup> AFP, 21 janvier 1998, in *Troubles, op. cit.*
- <sup>121</sup> *Ibid.*
- <sup>122</sup> Reuters, AFP, APS, 19 janvier 1998, in *Troubles, op. cit.*
- <sup>123</sup> Reuters, AFP, 26 janvier 1998, in *Troubles, op. cit.*
- <sup>124</sup> Reuters, AFP, 20 janvier 1998, in *Troubles, op. cit.* Voir *Le Monde* du 22 janvier 1998.
- <sup>125</sup> Reuters, AFP, 20 janvier 1998, in *Troubles, op. cit.*
- <sup>126</sup> *Ibid.*
- <sup>127</sup> *Ibid.*
- <sup>128</sup> Reuters, 25 janvier 1998, in *Troubles, op. cit.*
- <sup>129</sup> Reuters, AFP, 20 janvier 1998, in *Troubles, op. cit.*
- <sup>130</sup> Bulletin UE 1/2-1998, Pays de la Méditerranée et du Moyen-Orient (18/35).
- <sup>131</sup> AFP, 27 janvier 1998 et APS, 28 janvier 1998, in *Troubles, op. cit.*
- <sup>132</sup> Reuters, AFP, 29 janvier 1998, in *Troubles, op. cit.*
- <sup>133</sup> *Ibid.*
- <sup>134</sup> AFP, 27 novembre 1997, in *Troubles, op. cit.*
- <sup>135</sup> CNN & Reuters, 9 janvier 1998.

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<sup>136</sup> *Le Monde* du 28 novembre 1997.

<sup>137</sup> Reuters, AFP, 4-6 février 1998, in *Troubles, op. cit.*

<sup>138</sup> AFP, Reuters, 9 février 1998, in *Troubles, op. cit.*

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*

<sup>141</sup> *Le Monde* du 28 novembre 1997.

<sup>142</sup> *Le Monde* du 17 février 1998.

<sup>143</sup> *Tribune de Genève* du 18 février 1998, in *Troubles, op. cit.*

<sup>144</sup> AFP, Reuters, 11 et 12 février 1998, in *Troubles, op. cit.*

<sup>145</sup> *Le Monde* du 19 février 1998.

<sup>146</sup> *Ibid.*

<sup>147</sup> *Ibid.*

<sup>148</sup> *Le Soir* du 14 février 1998, citée par Baudouin Loos dans une conférence à l'Institut européen de l'Université de Genève.

<sup>149</sup> Baudouin Loos, *L'Europe et l'Algérie*, conférence donnée le 26 mai 1999 à l'Institut européen de l'Université de Genève. Le texte de la conférence est disponible sur le site internet de l'Organisation *Algeria Watch* (<http://userpage.fu-berlin.de/~yusuf/algeria-watch>).

<sup>150</sup> Gema Martín Muñoz, 'Commencer par comprendre, avant de courir à Alger', article reproduit dans *Courrier International*, no. 377, du 22 au 28 janvier 1998.

<sup>151</sup> *Courrier International*, no. 377, du 22 au 28 janvier 1998.

<sup>152</sup> Cité par Dominique Lagarde, François Geoffroy et Blandine Milcent, 'Les tout petits pas de l'Europe', *L'Express* du 22 janvier 1998.

<sup>153</sup> Cité par Dominique Lagarde, François Geoffroy et Blandine Milcent, 'Les tout petits pas de l'Europe', *L'Express* du 22 janvier 1998.

<sup>154</sup> Charles-Robert Ageron, *Histoire de l'Algérie contemporaine*, Tome 2, PUF, Paris 1979, cité dans Fatima Talahite, 'Quand la mission de Soarès analyse l'économie algérienne', *Libre Algérie*, No 6, 23 novembre-6 décembre 1998.

<sup>155</sup> Algerians see no light at end of tunnel, *Reuters*, 21 January 1998.

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## THE US AND THE ALGERIAN MASSACRES

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*R. Waliken and A. Larioni*

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## 1. Introduction

The United States enjoys an unchallenged position of leadership in the world. Being the only superpower, the position of the US is decisive in international relations. Its weight in the Security Council and its privileged place in NATO give it a real influencing power on the course of events at a global level. In the past, the US has used its might, especially military, to assume the role of the 'world's cop'. According to US state representatives, its interventions around the world, have sought 'to defend the values of the rule of law, freedom and human rights.' These interventions have been numerous and have stretched from Central America to the far East, including the Gulf.

The aim of this article is to record and assess the position of the US with regard to the massacres in Algeria. It is known that powerful bystanders have a strong influence on the course of events in countries where massive internal repression and violations of human rights unfold. Passivity or complicity confirms the perpetrators in their criminal intents and programmes, whereas protestation, refusal to co-operate and sanctions can deter them from pursuing their criminal policies.<sup>1</sup> Given the US's power to influence events in the world, many questions about the nature of its bystanding behaviour towards the massacres in Algeria arise. Has the US government condoned or condemned the massive internal repression and the massacres? Or has it stood by passively? Has it met its international humanitarian obligations or used pressure to put a stop to the massacres? Has it taken advantage of the plight of Algerians to extort economic and strategic concessions and further its meanly defined national self-interest? Or has its bystanding behaviour been a blend of both types of response? What are the underlying US interests and policies that may account for its bystander response?

Section 2 of this article surveys the different official reactions of the US to the massacres in Algeria. Section 3 presents a brief assessment of the American position on the massacres. Section 4 reviews some of the key aspects of the US's Algerian policy which may account for its bystanding behaviour. Section 5 highlights inconsistencies in the American policy regarding the prevention, detection and repression of war crimes. Section 6 concludes this report.

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## 2. Official Reactions to the Massacres

### 2.1. Condemnation of the Massacres

The government of the United States has been consistent in its condemnation of the horrible massacres that ravaged Algeria during the summer of 97 and winter of 98. On 3 September, five days after the massacre of Rais which had taken place on 29 August, James Foley, of the State Department declared:

We were horrified by the massacres that occurred over the last week. They really seem to have reached yet another astonishing threshold of barbarity. We condemn them unreservedly. [...] These events of the last week, as I said, it's hard to match in words the horror that they inspire. They were truly stupefying.<sup>2</sup>

Four months later, at the beginning of January 1998, when another wave of massacres hit Algeria, James Rubin, spokesman of the State Department, reiterated, in a declaration on 5 January, the American position on the massacres: 'We condemn the massacres and bombings in Algeria that have killed so many civilians in recent days. These attacks merit condemnation from the international community and all Algerians.'<sup>3</sup> This position was reiterated the next day:

These massacres have been condemned by the entire international community. Statements from Cairo to Tehran have condemned these massacres. It is very clear that these acts of terrorism must be condemned and must be stopped.<sup>4</sup>

On 11 January, Thomas Pickering, Under Secretary of State for Political Affairs, declared, for his part, that the geographic distance could not leave the United States indifferent to what was happening in Algeria: 'Although we may be further from the consequences of the ongoing carnage in Algeria than our European colleagues, we do not, as a consequence, enjoy the luxury of ignoring the horrors the Algerian people are experiencing.'<sup>5</sup> At the end of January and on the occasion of the Muslim festival of Id al-Fitr, it was the American President who 'expressed concern for those who are suffering in Algeria' and declared: 'Today, our sympathies are with the people of Algeria.'<sup>6</sup>

On 5 February, Ronald Neumann, Deputy Assistant Secretary of State for Near Eastern Affairs, who was the US ambassador to Algeria from September 94 to September 97, declared:

The world, rightly, reacts in shock and horror to the brutal massacres occurring on a daily basis. The United States vigorously condemns the atrocities being committed against innocent men, women, and children in Algeria. We extend our deepest sympathies to the victims of these crimes.<sup>7</sup>

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His senior in rank, Martin Indyk, Assistant Secretary of State for Near Eastern Affairs, declared on 11 March that ‘the horrendous slaughter of civilians in that country [Algeria] continues. It is unacceptable and we unequivocally condemn it.’<sup>8</sup>

Condemnation of the massacres by the United States was also voiced by Ambassador Bill Richardson, U.S. Permanent Representative to the United Nations, during his statement on 25 March at the 54<sup>th</sup> session of the UN Human Rights Commission in Geneva:

The United States, along with the international community, have been outraged by the massacres of innocent civilians over the past year in Algeria. [...] Women and children are not being spared from this unspeakable horror, with young women often being taken hostage and held in cruel and inhumane captivity. The United States condemns these monstrous crimes.<sup>9</sup>

## **2.2. US Reminders to the Algerian Government**

While condemning the massacres, the American authorities have constantly reminded the Algerian government of its responsibility to protect the civilian populations. On 5 January, James Rubin stated ‘it is the responsibility of the Algerian Government to protect civilians while also respecting the rule of law and human rights.’<sup>10</sup> The next day, on 6 January, he added: ‘I can repeat that it is, first and foremost, the responsibility of the Algerian Government to protect civilians, while also respecting the rule of law.’<sup>11</sup> On 11 January, Thomas Pickering declared, for his part, that ‘the Algerian Government has the responsibility of protecting its people, but it should do so within the rule of law.’<sup>12</sup> On 12 January, James Rubin stated once again:

We condemn these atrocities, that the Algerian Government should do all it can to protect civilians and bring the perpetrators to justice, while meeting the standards of the rule of law that we have long sought.<sup>13</sup>

On 28 January 1998, David Scheffer, U.S. Ambassador at Large for War Crimes Issues, declared in his turn:

Beyond our own outrage over the massacres in Algeria, we need to see more done to protect women, children and men from these terrorists, consistent with the obligations of all governments to respect the rule of law and human rights.<sup>14</sup>

On 5 February, it was the turn of Ronald Neumann to declare:

We also call upon the Government of Algeria to do more to fulfill its duty to protect its citizens within the rule of law and respect for human rights. [...] The government has a right to protect itself, and a duty to protect its citizens against this bloodthirsty group, consistent with the rule of law.<sup>15</sup>

On 11 March, Martin Indyk stated:

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Clearly, the Algerian Government must live up to its responsibilities to protect its citizens. But it must do so within the rule of law, or it will jeopardize the hesitant steps it has taken toward democratic government.<sup>16</sup>

### **2.3. Allegations about Perpetrator Identity**

Statements of US officials making claims about the identity of the perpetrators of the massacres can be divided into three groups. The first one alleges that the Islamist insurgents are responsible for the killings. The second category imputes responsibility to both the government and the insurgents, indirectly and implicitly for the former and explicitly for the latter. The third set suspends belief about the identity of the perpetrators and calls, instead, for investigations into the massacres.

On 23 October 1997, Secretary of State Madeleine Albright attributed the massacres perpetrated in Algeria to Islamic extremism: ‘we have seen extremists engaged in a grisly campaign of terror against their co-religionists in Algeria.’<sup>17</sup> On 11 January 1998, Thomas Pickering declared:

[We cannot] ignore the broader lessons of the devastating effects of extremism. We condemn the violence and extremism. [...] Extremist terrorism must end. Violence cannot be an option to further political goals.<sup>18</sup>

However, Ronald Neumann widened the range of alleged perpetrators when he declared on 5 February that:

We continue to believe that the Islamic extremist organization, the GIA, is responsible for the great majority of the atrocities. You will recall that in October 1997, we included this vicious group in our designation of foreign terrorist organizations. [...] However, some security forces personnel may also be involved, to some extent, in some of the killings. The situation is complex, and as long as there continue to be differing accounts of what is going on, and many questions about why civilians are not better protected, the need for greater openness remains.<sup>19</sup>

Most of the statements calling for the Algerian government to protect its population (section 2.2) and respect the rule of law may be interpreted, given the context of massacres, as an implicit statement that the Algerian government violates the rule of law, and hence the connotation of its involvement in the killings.

In the same way, Ambassador Bill Richardson declared on 25 March in Geneva that: ‘So called Islamic terrorists are murdering thousands of innocent people. [...] There are many allegations inside Algeria about the killings, and the paramount need is for a credible, independent verification of the facts.’<sup>20</sup>

In September 1998, in his opening remarks to the 53<sup>rd</sup> session of the United Nations General Assembly, President Bill Clinton mentioned the

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phenomenon of terrorism and said that no people was sheltered from this phenomenon. He then cited some examples among which 'the people of Algeria enduring the nightmare of unfathomable terror with still no end in sight.'<sup>21</sup>

#### **2.4. Position with regard to a Commission of Inquiry**

When questioned on 3 September 1997 on the readiness of the United States to support the involvement of the United Nations in the resolution of the Algerian conflict, James Foley replied that his country was disposed to support the efforts of the General Secretary who had responded to the massacre of Rais four days earlier: 'I think, really, that's a matter between the United Nations, the Secretary General, and the Algerian authorities. I shouldn't take a position on it. I think we would support the Secretary General in his own efforts.'<sup>22</sup>

During the intensification of the massacres in the next winter, James Rubin declared, for his part, on 5 January 1998, that the United States was encouraging the Algerian government to authorise inquiries into the massacres and was also supporting the German initiative expressed by the foreign affairs minister Klaus Kinkel:

We do encourage the government there to allow international inquiries into the human rights situation, and we're also encouraging independent NGOs to undertake such inquiries. It is only then we can get to the bottom of some of these issues to determine the extent of the massacres, perhaps begin to pin more clearly the blame for them. So we would support allowing NGOs and greater investigations.

As far as what an international inquiry would look like, I would point out that the Algerian authorities have told us that they would accept a visit by a UN human rights rapporteur, and we encourage this step. That is, presumably, the same kind of step that the German Government is envisaging.<sup>23</sup>

On 6 January 1998, James Rubin insisted on the necessity of allowing external observers to investigate the situation of human rights in Algeria. His statement involved the notion of establishment of facts:

We are encouraging the Algerian Government to allow outside observers to view and study the human rights situation there. Algerian authorities have told us they would accept a visit by UN human rights rapporteur, and we encourage this step. We are also encouraging independent NGOs to undertake such inquiries.<sup>24</sup>

Exactly what form this outside fact-finding takes is not as important to us as that it takes place. Let's remember that the facts of many of these massacres are often unclear. The perpetrators are sometimes unclear. The best way to get to the bottom of the horror that is going on in Algeria is to get outsiders in so that they can make an assessment. That will put us in a better position, hopefully, to see what steps can be taken to stop them.<sup>25</sup>

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This declaration was badly received in Algiers. On the same day, i.e. on 6 January, the Algerian foreign affairs minister summoned the American ambassador in Algiers, Cameron Hume, asking for an explanation about the State Department's declarations, and reminding him that the idea of an inquiry mission amounted 'objectively to an exculpation of the terrorists.'<sup>26</sup>

The next day, James Rubin was asked about the position of the United States regarding the official Algerian reaction and whether the latter was going to dissuade him from calling for an investigation into the situation of human rights in Algeria. The spokesman of the State Department replied that such was not the case and then dwelt on the exchanges he had with the United States' ambassador to Algeria:

I spoke to Ambassador Hume this morning, and he described the circumstances that unfolded yesterday. The short answer to your question is no. We share the concerns of other nations in the international community with regard to the massacres in Algeria. An international interest in the ongoing tragedy is normal and understandable.

But let's focus first on the culprits. These terrorist attacks must be condemned in the strongest possible terms. The terrorists must be condemned by the entire international community. The question is, what's the best way to get at some of the fact situations; not blaming the government, but getting at the fact situation. We do believe that outsiders may provide additional information on the scope and the source of these heinous crimes.

Ambassador Hume told me that we continue to discuss with the Algerian Government the idea of a UN human rights rapporteur. There are different ways in which the fact situation can be determined, and that idea, as far as we know, has not been rejected by the Algerian Government, and it is still a possibility. Other options include outside NGOs being able to go in and inquire and get to the bottom of this and be in a position to provide us with information that the international community has not had - how many people are really dying; what are the sources of this; what additional steps were or weren't taken.

The point is that this is a terrible situation, and that we have encouraged the Algerian Government to allow outside observers to visit and to look at the situation. They told us that they would accept a visit by a UN human rights rapporteur. What we are reiterating here is that the terrorist acts are condemnable; they're something that the entire international community is right to condemn. We want to see these barbaric attacks stopped. We're encouraging the Algerian Government to do all it can to protect civilians, bring the terrorists to justice, while also respecting the rule of law and human rights.

We support the idea of outside NGOs being able to go. We think that the prospect of deterring, and ultimately stopping, these terrible atrocities would be improved if outsiders, like a UN human rights rapporteur, like NGOs, were in a position to provide the world and the Algerian Government with additional information on the scope, nature, and source of these crimes.

I can state to you what the US position is - that a special rapporteur ought to be able to go; that in our discussions with the Algerian Government, they have not re-

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jected that idea; and that is an option we are pursuing in conjunction with the idea of outside groups, NGOs, other people who can help get to the bottom of this.

It is our view that outsiders and a UN human rights rapporteur would help the world know better what's going on in this terrible tragedy that's unfolding in Algeria.<sup>27</sup>

On 9 January, it was again James Foley who, when asked if the United States envisaged an international inquiry into the human rights situation in Algeria, replied:

We have been encouraging the Algerian Government to allow outside observers to view and study the human rights situation. Algerian authorities have told us that they would accept a visit by a UN human rights rapporteur. We encouraged this step. We note the press reports that the EU is planning to send a delegation to Algeria, I believe, before the end of the month. We share the concerns of the EU and other nations in the international community with regard to the massacres in Algeria, and the need to gain a clearer picture of what is happening in Algeria. So we support the EU efforts in this direction.<sup>28</sup>

Not satisfied by the answer, the journalist, who had asked the question, called James Foley's attention to the fact that the Algerian government wanted neither an inquiry nor an investigation, and that the use of these terms was avoided in the reply of the State Department's civil servant. James Foley reacted to the questioning by stating: 'We encourage the visit by the UN rapporteur, but we're not seeking an international commission of inquiry.'<sup>29</sup> Three days later, on 12 January, the State Department moderated its words by declaring, through the voice of James Rubin, that the majority of the atrocities perpetrated in Algeria against the civilian populations were attributable to the GIA, while maintaining nevertheless that militiamen close to the government were partially implicated:

I can say that we have been seeking to encourage a fact-finding effort to make sure that the basic facts in this area are as well-known as they can be, including a UN special rapporteur, including NGOs, including the media, to try to encourage the Algerian Government to that effect.

As for the general question of responsibility for the atrocities which the Algerian people are suffering, we believe that the Islamic extremist organization, the GIA, is responsible for the great majority of these atrocities, and we condemn these terrorist atrocities in the strongest possible terms. Some personnel in local government guard groups may also be involved to some extent. [...] The situation is complex, and that is why we've encouraged groups like fact-finding missions to go in and try to clarify what's going on.<sup>30</sup>

On the same day, according to Barr Seitz of ABS news, Hadri Kemal, public relations consul at the Algerian Embassy in Washington, reiterated the official position of Algeria which consisted of rejecting the idea of a commission of inquiry:

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We reject the idea of a committee to ask for an international inquiry. We are against an inquiry because everyone there knows who is killing. The people of Algeria know that it is the terrorists who have been doing the killing.<sup>31</sup>

Also according to Barr Seitz, John Entelis, Director of the Middle East Department at Fordham University in New York, gave an explanation on the Algerian refusal:

The Algerians have always been very insistent on maintaining their national sovereignty, which is often an excuse to do whatever they want. Any investigation that started outside could lead to an implication of the security personnel involved in killing, or in not responding well to the massacres.<sup>32</sup>

On 14 January, James Foley was asked about the position of the United States after the refusal of the Algerian government to grant access to a European Union mission to establish the facts about the massacres. The official of the State Department expressed the regret of the American authorities concerning this decision:

As you know, we supported EU efforts in this direction. Therefore, we regret the decision by the government of Algeria concerning the EU mission. We believe that the Algerian Government has lost an opportunity to respond to the legitimate concerns of the international community. We continue to encourage the Algerian Government to allow outside observers to view and study the human rights situation in the country. [...] We think that the international community has a legitimate right to information on the situation involving the loss of so many hundreds and even thousands of innocent men, women and children in Algeria.<sup>33</sup>

On 28 January 1998, David Scheffer, for his part, declared:

The United States has been strongly encouraging the Government of Algeria to allow outside observers to view and study the human rights situation there. We supported the recent mission from the European Union to Algeria, but are disappointed at the brevity and limited scope of its inquiry. We also encourage visits under U.N. auspices or by NGOs as well. International attention is essential when crimes of this magnitude occur. This is especially so when crimes of sexual violence occur as widely as they may have in Algeria.<sup>34</sup>

On February 1998, Ronald Neumann declared:

Along with many in the international community, we have repeatedly asked the Algerian Government for more transparency to let respected organizations conduct objective, factual studies into the massacres and other human rights concerns in Algeria. Toward these ends, we have suggested to the government that facilitating visits by international non-governmental organizations would not violate Algerian sovereignty since such groups have visited before. We welcomed the Algerian Government's intention to invite the United Nations Special Rapporteur on Executions, and another on Torture, to visit. We have urged these organizations to go to Algeria to perform such fact-finding missions. The real issue here, however, is increased transparency. I underline this because it cannot be obtained without the willing co-

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operation of the Algerian Government and, even then, objective reporting will be a difficult task. Therefore, it is important for us to keep the focus on transparency – that is, the quality of information – not the particular means by which that transparency is attained.

Transparency is also important for the government's credibility within the international community. We, along with others in the international community, continue to impress this point on Algiers in our respective dialogues. We think it is the advice of a friend. However, the Algerian Government has yet to respond positively or definitively. Recently, they also rejected offers made by the European Union of humanitarian assistance for the victims.<sup>35</sup>

On 11 March 1998, it was the turn of Martin Indyk to declare:

We are second to none in our commitment to the fight against terrorism, but Algeria should recognize that it cannot expect the international community, including its friends, to stand silently by while atrocities such as those we have witnessed continue. Algeria needs credibility if it wants support and it should work to provide greater transparency. There are ways to do so that do not impinge on Algerian sovereignty. I will be in Algeria soon and intend to discuss these issues with the government there.<sup>36</sup>

On 25 March 1998, Bill Richardson declared in Geneva on the occasion of the 54<sup>th</sup> session of the UN Human Rights Commission (UNHRC):

In our view, a visit to Algeria by the UN Special Rapporteur on Summary, Extrajudicial and Arbitrary Executions and by international NGO groups would be a positive step for improving transparency in Algeria.<sup>37</sup>

A month later, at the end of the 54<sup>th</sup> session of the UNHRC, Nancy Rubin, head of the US delegation to the UN Human Rights Commission, declared on 24 April:

It is with great regret that we must note that the Government of Algeria has so far refused to take [a] step toward transparency and cooperation with the Commission. The failure of member states to work constructively with UN bodies challenges the ability of UN human rights mechanisms to promote and protect human rights and fundamental freedoms effectively. We therefore urge the Algerian Government, once again, to avail itself of the assistance of the fact-finding mechanisms of the Commission. [...]

The appalling violence in Algeria is not simply an internal problem. It is one that concerns us all. The United States will continue to urge the Algerian government, both privately and publicly, to provide greater transparency and agree to access by the international community.<sup>38</sup>

Finally, it should be noted that some segments of American civil society have urged the US government to work for the setting up of a commission of inquiry and to suspend all support to the Algerian regime. For instance, at

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the end of January 1998, a joint letter<sup>A</sup>, co-ordinated by the Religious Action Center of Reform Judaism<sup>B</sup> and signed by a number of organisations<sup>C</sup>, was sent to Secretary of State Madeleine Albright. These organisations called upon the U.S. government to encourage an international inquiry into the massacres and declared that: 'The U.S. and the international community cannot turn a blind eye to these massacres', and that 'It is imperative that we not become numb to the pain and suffering of others and turn our backs to those who need our help.' At the same time, Archbishop Theodore McCarrick of Newark, Chairman of the US Catholic Conference International Policy Committee, sent on 26 January 1998 a letter<sup>D</sup> to Madeleine Albright in which he stated that: 'In the five years since election results were cancelled by the Algerian government the international community has been witness to crimes against humanity which are intolerable.' And the archbishop added: 'As religious leaders we cannot remain silent as hundred of innocent civilians are killed on a weekly basis.'

### **3. Assessment of the American Response**

The official position of the United States on the massacres in Algeria for the period between the summer of 97 and the winter of 98 is characterised by a constant condemnation of the massacres and regular reminders to the Algerian authorities about their responsibility for the protection of the civilian populations. Although the US has regularly stressed the need for more transparency with regard to the human rights situation in Algeria, it has not been consistent in its demand for a commission of inquiry into the massacres. During the massacres of January 1998 various US officials did call for such an investigation but some weeks later there was a rescission from this stand. This is consistent with US attitude towards the massacre campaign, which has not subsided since May 1996, including its posture in the summer and autumn 1997 that witnessed the worst killings. We also note that, even in its earlier calls for openness on human rights, it has not taken any initiative in this direction, and that its role has consisted in supporting the initiatives of third parties (UN secretary General, European Union, NGOs, etc.) and encouraging the Algerian government to take transparency measures,

<sup>A</sup> The full text of the letter is given in the Appendix.

<sup>B</sup> The Religious Action Center of Reform Judaism is the Washington office of the Union of American Hebrew Congregations and the Central Conference of American Rabbis, representing 1.5 million Reform Jews and 1,800 Reform rabbis in 875 congregations throughout North America.

<sup>C</sup> US Catholic Conference, National Council of Churches, United Synagogue of Conservative Judaism, Unitarian Universalist Association of Congregations, Church Women United, General Board of Church and Society, Seventh Day Adventist, International Religious Liberty Association, Presbyterian Church (USA), Church of the Brethren, and the Friends Committee on National Legislation.

<sup>D</sup> The full text of the letter is given in the Appendix.

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that would result in enhancing its credibility, without, however, exerting pressure so that these measures would be implemented.

During the singular period in which calls for an inquiry were made (January-February 1998), one observes that the American officials used a varied terminology such as 'international inquiries', 'investigations', 'UN rapporteurs', 'outside observers', 'outside fact-finding', 'fact-finding missions', 'fact-finding mechanisms of the [UN Human Rights] Commission', 'objective factual studies' into the massacres. These are expressions which indicate explicitly or implicitly the idea of an independent and expert body. However, as pointed out earlier, when the Algerian government reacted angrily to James Rubin's declaration of 6 January 1998, the State Department, in its quest to moderate its position, went as far as declaring on 9 January, through the voice of James Foley, that it was not demanding an international commission of inquiry.

The other remark to be made on this matter concerns the position of the US regarding the perpetrators of the massacres. It is time-dependent. We can distinguish on the whole three periods: the year 1997, the winter of 1997-1998 and afterwards. In the first and third periods, the American position regarding the authors of the massacres is quite clear-cut, as expressed in the declarations of senior US foreign policy officials, the president and the secretary of state, who have pointed to '[Islamic] extremism'<sup>39</sup> and 'terrorism'<sup>40</sup>, adhering thus to the thesis of the Algerian regime. The second period, which covers the winter of 1997-1998, is characterised by a discourse which attributes the major part of the massacres to terrorist groups while making it clear, however, that certain massacres could be the work of groups linked to governmental forces.

The change in the US position on the subject of the identity of the perpetrators of the massacres in Algeria during the 1997-1998 period stands out clearly when we compare the various editions of the Country Report on Human Rights Practices on Algeria, released by the State Department's Bureau of Democracy, Human Rights, and Labor, for the year 1997 (published on 30 January 1998) and for the year 1998 (published on 26 February 1999). In the first, it was stated that:

There were also reports that on some occasions security forces failed to intervene to prevent or halt massacres of civilians. Questions have been raised about the security forces indifference to, or complicity in, civilian deaths. Amnesty International (AI) reported that security forces did not intervene to stop the killings in three terrorist massacres near Algiers. In Hai Rais on August 28, hundreds of persons were attacked, although an army barracks is about 300 feet away and other security forces were nearby. Security forces neither came to the assistance of the villagers nor apprehended the killers when they left. In Beni Messous on September 5, at least 60 persons were killed. When villagers telephoned the nearby army barracks for help, security forces refused to intervene, saying the matter was under the mandate of the gendarmerie. Telephone calls to the gendarmerie received no reply, and the attackers

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escaped without any difficulty. In Bentalha on September 22, some 200 persons were killed over the course of several hours. Survivors reported that security forces with armored vehicles were stationed outside the village and stopped some villagers trying to flee. However, the attackers were able to leave. The Government asserts that security forces cannot respond to attacks against civilians because an attack might be a setup for an ambush, because the security forces lack night-fighting equipment, and because terrorists might have mined the area.<sup>41</sup>

This report was presented to the media by the Acting Secretary of State Strobe Talbott and Assistant Secretary for Democracy, Human Rights and Labor John Shattuck. Commenting on the report which deals with Algeria, John Shattuck declared:

In Algeria, alarming brutality, including massacres, systematic rape and other sexual violence against women continues. In the light of the differing accounts about the origin of these abuses, the need for a credible international fact-finding mission is clear.<sup>42</sup>

The effect of this was to irritate the Algerian authorities. On 2 February, the Algerian foreign affairs ministry spokesman considered that the US report stood out 'through a remarkable lack of rigour.' Alluding to the sworn enemies of the Algerian regime, the Human Rights NGOs, the spokesperson regretted that 'the State Department felt obliged to back allegations and tendentious calculations fed by some sources having lost all credibility on account of their known prejudice.'<sup>43</sup>

However, in the second report, the 1998 edition of the Country Report on Human Rights Practices on Algeria one finds that:

Armed groups targeted both security force members and civilians. In many cases, terrorists randomly targeted civilians in an apparent attempt to create social disorder. They carried out massacres in numerous towns and villages and also massacred civilians at roadblocks. They also used bombs to kill civilians and create panic. [...] There were numerous massacres committed by rebel<sup>E</sup> forces.<sup>44</sup>

#### **4. Algerian Policy of the United States**

Algerian-American relations can be traced back to 200 years ago, to the time when a peace treaty was signed with the Dey of Algiers in 1795, and the first bilateral agreement was signed in Algiers by Joel Barlow, envoy of George Washington. In the fifties, the backing of the United States, under President J. F. Kennedy, helped put the question of Algeria as a colonised country aspiring for independence on the agenda of the United Nations. After independence, the ideological orientation of the Algerian government did not prevent it from having rather friendly relations with the US. American busi-

<sup>E</sup> We discover in the following paragraphs of the report that it meant 'Muslim rebels'.

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ness was present in major Algerian industries like the oil sector. After the demise of Boumedienne in 1978, President Chadli Bendjedid's 'liberalization' opened up a new era of relations with the United States which appreciated Algiers' active involvement in the liberation of the American hostages in Tehran.

On the strategic level, one must differentiate when analysing Algerian-American relations between two periods. First, the time when Algeria was known on the international scene for its anti-imperialist stand, its anti-Zionist rhetoric, its active advocacy of a new international economic order more favourable to the South, and participation in the non-aligned movement. In the second period Algeria has given up the foreign policy doctrines and principles since independence; the sole recognisable pattern underlying its foreign policy has been mobilising international support to the military regime. Since 1992 Algerian diplomacy has devoted most of its efforts to trading Algeria's resources and strategic interests in exchange for shoring up support to the military regime, rendering its dismal human rights record acceptable, and getting international co-operation for silencing the political opposition overseas.

#### **4.1. Algeria in US foreign Policy**

##### *4.1.1. Algeria and the Middle East*

Algeria shares the geography, the history, the language and above all the religion (Islam) of the Arab world. Given the importance of Washington's economic and strategic interests in the Middle East and that of Israel and its security for the US, in a context of rising Islamic movements all over the Middle East and the Maghreb, but particularly in Algeria in the 1990s, Washington has considered Algeria as being closely linked to the Middle East. The perception of the Algerian political situation has been conditioned by one main factor: the Islamic revival. The debate within America's academia has dealt with the Algerian issue within the context of the Middle East where the issues of Islam, Israel and terrorism are closely linked in the American policy.<sup>45</sup>

When outlining the United States' strategy for the Middle East before the Senate in March 1998, Martin Indyk listed the promotion of democracy, the respect for human rights and for the rule of law in the seventh position out of eight principles. Israel had the first two priorities, relations with 'Arab allies' and Middle Eastern oil security the third, and fighting 'terrorism' the fourth.<sup>46</sup> Democracy and human rights seem to rank quite low in the priorities of the Clinton government.

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#### 4.1.2. *The US and Political Islam*

Officially, the United States has no problem with Islam. Muslims in America, unlike in France, write and publish Islamic literature, whether political or otherwise, and practice their religion without impediments. Bill Clinton has, for some years, adopted the habit of addressing his best wishes to American Muslims and stated on many an occasion that Islam is a great religion and a non violent one.<sup>F</sup> However, the United States is not indifferent to the political expression of Islam in the Muslim countries: what has been named 'political Islam' in the US.

Addressing the Council on Foreign Relations on 8 May 1996, Assistant Secretary for Near East Affairs Robert Pelletreau stated that the United States had 'no one-size-fits-all policy toward Islam.' However, he specified that 'Islamic political activism becomes a factor for us only when it impinges on a specific U.S. foreign policy goal or interest.'<sup>47</sup> He explained this view further: 'We carefully examine how specific countries or groups, including those that identify themselves politically with Islam, affect issues of importance to the United States, such as the Middle East peace process, terrorism, free markets, political stability and respect for human rights. Then we react accordingly.'<sup>48</sup>

In his address, Robert Pelletreau left no major field of activity without designating it as affecting its 'foreign policy goal or interest.' Elaborating on the detailed implications of such a policy statement is outside the scope of this study. Suffice it to mention the first two most important principles of America's Middle Eastern strategy that are, in fact, closely related and include the Middle East 'peace process' and the 'ironclad commitment to Israel's security and well being.'

#### 4.2. Evolution of the Algerian Policy of the US since 1992

When analysing the US policy towards Algeria after the 1992 coup, one finds two distinguishable periods: before the November 1995 presidential elections and afterwards.

Officially the Clinton Administration criticised the interruption of the first ever free elections in Algeria in January 1992, but no more, and went on to keep a certain stable but ambiguous attitude towards the Algerian crisis.

Washington consistently called for dialogue, reconciliation and political reform and denounced the violence, albeit in a detached manner. 'We are convinced' said Assistant Secretary Robert Pelletreau in 1995, 'that the best hope to end the violence in Algeria lies in the establishment of a political

<sup>F</sup> E.g. his best wishes to American Muslims on the occasion of the Muslim festival of *Eid al-Fitr*, 1 March 1995.

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process which would enable Algerians to make a constitution [...] such a process will need to be perceived as free, fair, and credible by the Algerian people and the main political parties, both Islamist and secular.<sup>49</sup>

In January 1995, the United States was swift to lend support to the Sant' Egidio Rome agreement, which was reached by a wide spectrum of Algerian opposition parties, including secular and Islamic parties (FIS in particular): 'We felt encouraged by the Platform signed by the principal opposition parties in Rome in January 1995. This ought to be the starting point to discussions with the regime. The categorical rejection of this initiative by the government is regrettable,' French journalist José Garçon wrote, quoting Pelle-treau.<sup>50</sup>

Since the end of 1995, the United States has made a spectacular change of policy on Algeria. From a balanced position, which consisted in disavowing the interruption of the political process and calling for a political solution to the Algerian conflict which would include all the political forces of the country, the United States has shifted to a position of support of the Algerian regime and the economic and security policies of Zeroual.

Abdelmalek Amine, journalist at the Algerian daily *El Watan*, a paper largely known for reflecting the opinions of the eradicator tendency within the army and for privileged access to military intelligence sources, admitted in the edition of 6 January 1998 that:

The United States has in fact offered its full support to the political steps of the [Algerian] authorities by even going to the extent of backing the military option in the fight against the fundamentalist *maquis*, at a time when Algeria was finding itself at the centre of a vast political and media campaign which had thrown discredit on the Algerian authorities accused, as they were, of being directly implicated in the atrocities committed against civilians.

At a time when a heated controversy was fuelling a debate in Europe around the question of 'who kills whom?' in the tragedy that rocks Algeria, the State Department has, on the contrary, displayed a never-failing serenity, not hesitating at any time to accuse directly the armed Islamist groups, which, by the way, they have included in the list of the most dangerous terrorist organisations in the world, against which a continuous struggle is to be waged.<sup>51</sup>

The change in American policy in favour of the Algerian regime manifested itself, among other things, through the arrest of Anwar Haddam, President of the FIS Parliamentary Delegation, who is incarcerated to this day for motives which have to do more with politics than justice, and through the declarations of the US embassy in Algeria. For instance, before leaving his post in Algiers, Neumann declared that Washington did not oppose the security measures of general Zeroual.

The new Algerian policy of the US administration has also shown itself in the political and economic declarations of various US officials such as Mar-

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tin Indyk who visited Algiers on 13 March 1998, and Stuart Eisenstat, Under Secretary for Economic, Business, and Agricultural Affairs. It also expressed itself through the bilateral military naval exercise organised at the beginning of October 1998 which, according to Ronald Neumann, 'has nothing to do with war.'<sup>52</sup> Trying to justify this unprecedented military collaboration between the armies of both countries, a statement qualified as a 'bad move'<sup>53</sup> by John Entelis<sup>G</sup>, Ronald Neumann declared:

We do something periodically to show that we are not anti-military. But we are not going to get close to them or join their war until we are sure they are for reform and the human rights situation gets better.<sup>54</sup>

### **4.3. Accounting for Changes in US Policy**

Several factors need to be considered in order to explain the change in US policy regarding the Algerian conflict after 1995.

#### *4.3.1. Political Concessions*

On the political level, the principal contribution to the shift in US policy has been a change in the official attitude of Algeria as regards the Middle East Peace Process and the Palestinian question. With respect to the Palestinian issue, the regime of Zeroual had reversed Algeria's long-standing anti-Israeli policy. Credible diplomatic sources reported that Algerian diplomats in Washington contacted the Zionist lobbies in America, on behalf of the regime of Zeroual, to reverse the US's relatively balanced approach to the Algerian conflict as well as its support for the San Egidio initiative. In exchange, the deal was that Algeria would lift the boycott of Israel and normalise its relations with it through the 'peace process'. These diplomats are said to have explained that the process of recognition of Israel would have to be gradual in view of the Algerian people's hostility to it. Bouteflika's statement about the recognition of the state of Israel in Crans Montana in June 1999 and his hand-shake with Barak at the funeral of King Hassan II in Rabat in July 1999 are evidence of this process and its gradual pace.

#### *4.3.2. Economic Concessions*

On the economic level, the government of Zeroual had adopted from the very beginning a policy of economic openness towards the United States. Everything was done to attract American investors (new legislation on foreign investment, preferential conditions, etc.). A considerable number of concessions have thus been granted to American oil and petrochemicals

<sup>G</sup> Director of the Middle East Department at Fordham University in New York.

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companies which arrived in force in Algeria despite the security and human rights situation.<sup>H</sup>

#### 4.4.3. *French Pressure*

In Washington, Algeria is seen as a French zone of influence. Robert Pelletreau, former US Assistant Secretary of State for Near Eastern Affairs summed up the US position when he stated, in 1998, that 'Algeria is not an American priority', adding that 'Algeria is a difficult problem that concerns the French in the first instance.'<sup>55</sup> James Rubin stated, for his part, that the French Government 'has unique influence in the area.'<sup>56</sup>

Thus, the authorities have not been insensitive to the French pressures which sought to harmonise the American position with that of France, given that during the first three or four years of the Algerian conflict the positions of both countries, at least the professed ones, were not at all in phase. Washington's interest in post-coup Algeria was a source of major friction with France. America's advocacy of a reconciliation that would include the Islamists had been met with alarm in France which adopted a different policy towards the Islamist movements.

The State Department's regular policy statements on Algeria and the presence of Algerian Muslims – including some activists – on American territory generated further bickering between the two countries in the first half of 1994. The US were accused by the French, who propagated the Algerian official discourse, of hosting Algerian terrorists, referring to the presence of FIS MP Anwar Haddam in the US. In the summer of 1994, Clinton's reassurances of a shared and similar analysis of the Algerian situation by the two countries contributed to easing tension.<sup>57</sup> Not for long though. France soon started showing impatience again vis-à-vis Washington. The latter's open support of the Algerian opposition's Rome Platform of January 1995 was a further source of discontent in Paris which had refused to support the event - and even criticised it unofficially - since it had fully backed in the 'total war' policy of the Algerian generals to help them eradicate the political expression of the Islamic movement.<sup>58</sup> Moreover, the French accused the Americans of being guided by economic interests<sup>59</sup> in an area which Paris considers its zone of influence.

France has exerted a strong pressure on the US through diplomatic channels and the media, and it appears to have contributed to the change in the Algerian policy of the US.

<sup>H</sup> See M. Tinkicht and A. Benhadid, *Transnational Companies and the Massacres: Business as Usual*, paper No 25, in part IV.

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#### 4.3.4. Reassessment of the Balance of Power in the Insurgency

Another factor to be considered is the balance of military power, between the military regime and the Islamist insurgents, which tilted decisively in favour of the regime of Zeroual in November 1995, the very month in which the presidential elections were held, consecrating Zeroual. This decisive military victory was the achievement of the Direction du Renseignement et de la Sécurité (DRS – military intelligence). Throughout 1995 its counter-guerrilla force, the Groupe Islamique Armé (GIA – Armed Islamic Group), assassinated scores of FIS political cadres and guerrilla commanders, its campaign culminating early in November 1995 when it assassinated about one hundred political and military leaders of the insurgency within a few weeks. US policy doctrinal antagonism towards political liberation forms of Islam notwithstanding, this evolution in the balance of military power, concurrently with the election of general Zeroual to the presidency, has been an important element in the US change of policy. This causal contribution is not widely acknowledged but Dana Priest, of the *Washington Post*, wrote on 12 November 1998, commenting on the joint military exercise between the Algerian and American armies:

The military overture ends a hands-off policy pursued by the Clinton administration toward Algeria, and follows an assessment by U.S. defense and intelligence agencies that the military controlled government has gained the advantage against extremists.<sup>60</sup>

#### 4.3.5. Understanding US Response in the Winter 1997-1998

Several theses have been put forward to explain the unusual attitude of the United States towards the Algerian regime during the winter of 1997-1998. The vocal demand for an inquiry did not match its strong support for the regime of Zeroual. There have been claims that the change stems from the American authorities' wish to recover some credibility in international opinion after having shown excessive support for the Algerian regime since the end of 1995. Other claims correlate the change to the pressure exerted by the major human rights NGOs. According to Abdelmalek Amine of the *El Watan* newspaper:

This surprising change, to say the least, of the United States regarding the Algerian crisis may find an explanation in a wish to moderate its attitude, thought to be too favourable, and strongly smelling of oil, by the European media and political circles, towards the Algerian authorities.

It may be also the result of lobbying work and pressure on the part of internationally known NGOs such as Human Rights Watch and Amnesty International which exercise a big influence on a Western public opinion that is sensitive to matters of human rights.<sup>61</sup>

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Other explanations have sought to interpret the attitude of the US within a purely tactical frame. The claim has been that US statements alleging partial responsibility of the security forces and calls for a commission of inquiry were simply pressure means to wrest more concessions, of a political and mainly economic nature, from the Algerian regime. In support of this thesis they point to the US reversal of tone, back to 'normal', in March 1998, as the number of visits, economic contracts and military co-operation increased.

The latter may well smack of over-cynicism. But the low priority accorded by the US, in practice not in rhetoric, to human rights and the rule of law in Algeria, in particular, and in the Arab world, in general, justifies to some extent this cynicism about US intentions and behaviour.

In the next section we review the US gap between practice and rhetoric, especially with regard to international obligations for detecting, preventing and repressing massive human rights violations.

## **5. Dealing with War Crimes: US Policy Inconsistencies**

### **5.1. Prevention and Detection of Genocide**

Conflicts of interest among the influential members of the Security Council and their lack of political will have rendered inefficient early warning systems of massive human rights violations and genocides.<sup>1</sup> In the case of the Rwandan genocide, states that hindered the UN initiatives include the United States. The US blocked in particular the despatch of 5500 soldiers to Rwanda.

What also retarded the process of making the international community aware of the Rwandan catastrophe was the rhetoric, started by the American authorities in the spring of 1994, on the subject of the definition of the concept of genocide and its applicability in the situation of Rwanda. Between April and June 1994, while hundreds of thousands of Rwandans were being massacred and the situation was taking the form of a real human catastrophe, the spokespersons of the State Department were engaging in endless semantic battles whose lack of decency was not to the taste of public opinion. On 28 April 1994, when Christine Shelley was asked whether what was going on in Rwanda was a genocide, she answered that 'the use of the term "genocide" has a very precise legal meaning, although it is not strictly a legal determination. There are other factors in there as well.'<sup>62</sup> On 25 May 1995, her colleague, Mike McCurry, was asked by the press whether the Admini-

<sup>1</sup> Section 10.3 of A. Aroua, *L'Organisation des Nations Unies et les Massacres en Algérie*, paper No 22, in part IV, discusses the failure of the UN human rights mechanisms, including the US contribution to this tragedy.

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stration had taken a decision on the qualification of what was going on in Rwanda as a genocide, he answered:

I'll have to confess, I don't know the answer to that. I know that the issue was under very active consideration. I think there was a strong disposition within the department here to view what has happened there certainly constituting acts of genocide that have occurred.<sup>63</sup>

Once again, when Christine Shelley was asked, on 10 June, 'how many acts of genocide does it take to make genocide?', she answered:

That's just not a question that I'm in a position to answer. [...] Well, is it true that you have specific guidance not to use the word 'genocide' in isolation, but always to preface it with these words 'acts of' [...] I have guidance which I try to use as best as I can. There are formulations that we are using that we are trying to be consistent in our use of. I don't have an absolute categorical prescription against something, but I have the definitions. I have phraseology which has been carefully examined and arrived at as best as we can apply to exactly the situation and the actions which have taken place.<sup>64</sup>

Three and a half years later, at the end of 1997, Secretary of State Madeleine Albright declared in Addis Ababa: 'We [and] the international community should have been more active in the early stages of the atrocities in Rwanda in 1994, and called them what they were – genocide.'<sup>65</sup> On 25 March 1998, the head of the White House, Bill Clinton in person, did apologise for the lack of sensitivity that his administration had displayed towards the victims of the Rwanda genocide. In Kigali he declared that:

The international community, together with nations in Africa, must bear its share of responsibility for this tragedy, as well. We did not act quickly enough after the killing began. We should not have allowed the refugee camps to become safe havens for the killers. We did not immediately call these crimes by their rightful name: genocide. We cannot change the past. But we can and must do everything in our power to help you build a future without fear, and full of hope.<sup>66</sup>

To show his intention of taking concrete measures to prevent future genocides, President Bill Clinton announced on the same occasion that he had given instructions to his administration 'to improve, with the international community, our system for identifying and spotlighting nations in danger of genocidal behaviour, so that we can assure world-wide awareness of impending threats.'<sup>67</sup> Eight and half months later, on 10 December 1998, David Scheffer announced during a conference on 'Genocide and Crimes Against Humanity: Early Warning and Prevention', given in the Holocaust Museum in Washington, that concrete measures were being taken in the White House:

This morning the President announced at the White House the establishment of a genocide early warning system in the U.S. Government. The core of the system will

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be the Atrocities Prevention Interagency Working Group, which I have the honor to lead. It will strengthen our capabilities to detect and analyze the warning signs of genocide and make recommendations for possible counter measures. The group will enable our policy makers to understand better what is occurring at the earliest possible stage and be better prepared to consider possible responses to stem the tide of killing. Our diplomatic and intelligence communities will collect and analyze information with a keen perspective on the warning signals of these heinous crimes against humankind.

At the State Department, Secretary Albright has just established the War Crimes and Atrocities Analysis Division in the Bureau of Intelligence and Research.<sup>68</sup>

In the same speech, David Scheffer presented the results of preliminary work carried out for the American government on the conditions that predispose a country to a genocide or a politicide. He stressed their importance because, according to the ambassador, 'to better determine how to prevent genocide and other atrocities, we must know its origins.'<sup>69</sup> The work of two experts, Barbara Harff of the US Naval Academy and Ted Gurr of the University of Maryland, has led to the identification of the factors that are most closely related to occurrences of genocide and politicide between 1956 and 1996. These factors include:

- 1) a ruling elite whose ethnicity is politically significant but not representative of the entire population,
- 2) a ruling elite that adheres to an exclusionary ideology,
- 3) a previous state failure,
- 4) autocratic rule,
- 5) and low trade openness.<sup>70</sup>

Assessing the attitude of the United States towards the massacres perpetrated across the world over the last decades, Ambassador David Scheffer confessed that 'our collective inability to prevent states from failing or collapsing in recent decades has been instrumental in the proliferation of atrocities.'<sup>71</sup> Furthermore, he emphasised that the lessons drawn from past experiences should be remembered in the future, especially:

- We need to heed the warning signs of genocide.
- Officially-directed massacres of civilians of whatever numbers cannot be tolerated, for the organisers of genocide must not believe that more widespread killing will be ignored.
- 'Neutrality' in the face of genocide is unacceptable and must never be used to cripple or delay our collective response to genocide.
- The international community must respond quickly to confront genocidal actions.
- The consequences of genocide are not only the horrific killings themselves but the massive refugee flows, economic collapse, and political divisions that tear asunder

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the societies that fall victim to genocide. The international community will pay a far higher price coping with the aftermath of genocide than if it were prepared to defeat genocide in its earliest stages.<sup>72</sup>

## 5.2. Repression of Genocide

Genocides and war crimes perpetrated over the last years in Europe and Africa, especially in Rwanda, have shown the importance of an impartial, credible and effective international justice system for the prosecution and repression of the instigators and perpetrators of the crimes. In presenting to the press the 1996 Country Reports on Human Rights Practices, Secretary of State Madeleine Albright declared on 30 January 1997 that:

A far higher use of law is reflected in the International War Crimes Tribunal for Rwanda and the Balkans. The task of apprehending and prosecuting those guilty of atrocities in these regions is a landmark effort and not an easy one. Success matters to the societies immediately affected because justice is a parent to reconciliation. It matters to all of us because success or failure may well affect the likelihood that future genocides will occur. Those are high stakes.<sup>73</sup>

On 10 December 1998, David Scheffer, for his part, was keen to make it clear that, beyond its mission of prosecution and repression, the international justice systems 'stand as preventive shields against atrocities and, through greater respect for the rule of law, deter crimes against humanity.'<sup>74</sup>

On another occasion, David Scheffer spoke of the reasons which justified the necessity of such justice systems, especially the failure of national jurisdictions to fulfil their mission of prosecution and repression of authors of atrocities:

National systems of justice are the front-line defense but they have proven problematic. In the ideal world, every war crime, every crime against humanity, and every act of genocide would be prosecuted either in the territory where it was committed or by the state of nationality of the defendant. Yet there are significant cases in which no one is prosecuted by responsible domestic authorities.<sup>75</sup>

## 5.3. Implications for the Algerian Case

When David Scheffer discussed, at the beginning of 1998, the question of ineffectiveness of national legislation, he took the case of Algeria as an example and declared: 'A real-time example of the challenge we face today [is] Algeria [which] is receiving increased attention in the international press for the continuing violence in which as many as 70,000 people may have been killed since 1992.'<sup>76</sup> At the end of the same year, he stated that: 'Today a significant number of countries are vulnerable to an outbreak or continuation of atrocities in the near future.' And the ambassador added: 'Algeria, where

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massacres of civilians continue to terrorise that society, represents two emerging examples.<sup>77</sup>

But what has the United States done regarding the massacres in Algeria which can be argued to be genocidal or, at least, to constitute a politicide? It can equally be convincingly demonstrated that the power structure of the Algerian regime does meet the factors causally correlated to politicides and genocides, as outlined by Harff and Gurr in section 5.1. What initiatives conforming to the new policy of the United States for the prevention, detection and repression of such atrocities have been taken regarding the Algerian case? It seems, from the official attitude of the United States regarding the massacres in Algeria, that, apart from indignation, episodic condemnation and verbal encouragement of the Algerian regime to show more transparency, no concrete and effective measure has been taken to put an end to the massacres. Why, after the experience of Rwanda, has the United States, and the rest of the international community, failed a second time to react to massacres of genocidal proportions?

A clue to this question might be contained in the declaration of David Scheffer on 10 December 1998:

We must be realistic. The United States cannot promise effective responses in every case. There is no cookie-cutter approach to the complex madness of atrocities. Nor is the United States necessarily prepared to go it alone unless our national security or other critical concerns are at stake.<sup>78</sup>

Hence before humanitarian obligations and ethical considerations, it is national security and economic interests that determine the response of the United States even in situations of massive human rights violations and war crimes.

In Algeria, it is not just the case that the massacres threaten neither the security nor the interests of the United States, but the Algerian regime keeps an eye on the strategic, political and economic interests of the United States in the region. The military regime's political programme and its propensity to cause massacres of larger genocidal scales<sup>K</sup>, and the Algerian people's right to life and freedom from abuse, the calls for assistance of the victimised populations in their hour of need count for nothing in the US scale of strategic interests.

<sup>J</sup> See M. Ait-Larbi *et al.*, *An Anatomy of the Massacres*, paper No2, in part I.

<sup>K</sup> Such massacres are a real possibility if the regime were to collapse and, as happened in 1962 after the defeat of France, retributive killings of the families and over 250,000 militiamen and security forces were to take place.

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## 6. Conclusion

The US has unambiguously and repeatedly condemned the massacres in Algeria. Several times it has reminded several times the Algerian government of its responsibility to protect the civilian population. Some US officials have alleged that the Islamist insurgents are the perpetrators of the massacres, other have claimed that both the incumbent regime and the insurgents are responsible, while a third category of officials has suspended its pronouncements, if not beliefs, on the matter and called for an inquiry commission instead.

But the US positions on the commission of inquiry into the massacres have evolved with time. In January 1998, the US administration was unequivocal about the necessity of such an inquiry, but later declarations conflicted with each other and, in the case of some officials, rescinded on the matter. In doing so, America's position became consistent with the government's bystanding behaviour toward the massacre campaign up to January 1998 and from March 1998 onwards.

In order to account for the US behaviour towards the massacre campaign in Algeria, we reviewed the relevant US foreign policy doctrines toward Algeria and sketched out how the Algerian policy of the US has evolved since the military coup of January 1992. We pointed out that 1995 saw an inflexion in US foreign policy. It shifted from advocating a negotiated solution inclusive of all political parties to a strong support of, and co-operation with, the military regime. As explanation for this evolution, and ultimately for accounting for US bystanding behaviour towards the massacres, we discussed several causal contributions: political and economic concessions, French pressures and shifts in the balance of military power in the insurgency. We also surveyed explanations for the short-lived positive bystanding response of the US in January 1998.

This paper also discussed the US obligations for preventing, detecting and repressing genocides. It was shown that the US pursuits of strategic and economic interests in Algeria conflict with, and override, these moral and legal obligations.

'The silence and indifference of the Western powers and public opinion have put my country on a very slippery slope towards an all out slaughter, likely to assume rapidly the dimensions of a genocide,' Hocine Ait-Ahmed, founder of the Socialist Forces Front (FFS), said.<sup>79</sup>

How many massacres does it take to make a genocide?

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## Appendix 1

### *Text of the letter signed by several American religious organisations<sup>80</sup>*

Dear Secretary Albright,

On behalf of the undersigned religious groups representing a diverse segment of the American population, we are writing to express our dismay and outrage at the recent massacres in Algeria.

As religious groups, we are particularly disturbed by the hundreds of killings which have occurred during the holy month of Ramadan, beginning on December 30, 1997. Each subsequent day brings horrifying accounts of massacres, including the slaughter of over 100 people yesterday while praying in a mosque. In the six years since the Algerian military canceled elections, over 75,000 innocent people have been mutilated, tortured and killed as the Islamic fundamentalists have tried to gain power from the secular, military government. As Americans, and as people of faith, we cannot remain silent. That these killings have been done, at least in part, in the name of religion makes it even more imperative for us to speak out.

Men, women and children live in fear in Algeria, hoping their government will put an end to this nightmare, and not enough is being done. The Algerian government has not effectively responded to the latest killings, and insists that only “residual violence” remains from the Islamic fundamentalists who oppose the secular government. While the facts are uncertain, it is clear that a thorough investigation is necessary to develop a strategy in order to end this violence. The government has recently made movement toward allowing an international inquiry into the violence, and we fully endorse this measure.

We support the Administration’s efforts in encouraging outside observers to investigate the killings in Algeria, and we urge our government to continue this pressure. The Bible admonishes us that we cannot ‘sit idly by the blood of our neighbors’ (Leviticus 19:16). The U.S. and the international community cannot turn a blind eye to these massacres, but rather we must try to protect the innocent citizens who are suffering at the hands of the internal power struggle between the current government and the Islamic fundamentalists, beginning at least with providing the kind of accurate information and attention that international observers can provide.

While the U.S. cannot be the only peacekeeper in the international sphere working to secure peace and the protection of human rights, it is imperative

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that we not become numb to the pain and suffering of others and turn our backs to those who need our help. History is replete with examples of the suffering that occurs when the world turns its back on evil. Let us, please, not allow that to happen again.

We stand ready to assist you in any way we can in responding to this urgent humanitarian crisis.

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## Appendix 2

### *Text of Archbishop McCarrick's letter<sup>81</sup>*

January 23, 1998

The Honorable Madeleine K. Albright

Secretary of State

Dear Secretary Albright,

As Chairman of the United States bishops' International Policy Committee, I wish to express alarm over the continued massacres which have traumatized the North African country of Algeria. In the five years since election results were canceled by the Algerian government the international community has been witness to crimes against humanity which are intolerable.

As religious leaders we cannot remain silent as hundreds of innocent civilians are killed on a weekly basis. We deplore the recent barrage of attacks which have claimed the lives of more than 1,000 individuals since the start of the Muslim holy month of Ramadan at the end of December. We believe that our government has a humanitarian and moral obligation to support and encourage all efforts to bring peace, stability and reconciliation to all sides in the Algerian conflict.

With every good wish, Madam Secretary, and asking God to bless your efforts for peace and justice, I am

Sincerely yours,

Archbishop Theodore E. McCarrick

Archbishop of Newark

Chairman,

International Policy Committee

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- <sup>1</sup> E. Staub, *The Roots of Evil: The Origins of Genocide and other Group Violence*, Cambridge University Press, New York, 1989.
- <sup>2</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, September 3, 1997.
- <sup>3</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 5, 1998.
- <sup>4</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 6, 1998.
- <sup>5</sup> Remarks at Loyola Marymount University, Los Angeles, California. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).
- <sup>6</sup> Released by the US embassy to Indonesia (Web site: [www.usembassyjakarta.org](http://www.usembassyjakarta.org)).
- <sup>7</sup> Statement before the House International Relations Committee, Subcommittee On Africa. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).
- <sup>8</sup> Statement before the Senate Foreign Relations Committee, Subcommittee on Near East and South Asia Affairs, Washington, D.C. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).
- <sup>9</sup> Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).
- <sup>10</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 5, 1998.
- <sup>11</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 6, 1998.
- <sup>12</sup> Remarks at Loyola Marymount University, Los Angeles, California. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).
- <sup>13</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 12, 1998.
- <sup>14</sup> Address at Fordham University School of Law, New York, New York, January 28, 1998, entitled 'Witness and Victim Protection in International Criminal Courts'. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).
- <sup>15</sup> Statement before the House International Relations Committee, Subcommittee On Africa. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).
- <sup>16</sup> Statement before the Senate Foreign Relations Committee, Subcommittee on Near East and South Asia Affairs, Washington, D.C. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).
- <sup>17</sup> Remarks at the Columbus School of Law, The Catholic University, Washington, D.C., released by the Office of the Spokesman, U.S. Department of State, October 24, 1997.
- <sup>18</sup> Remarks at Loyola Marymount University, Los Angeles, California. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).
- <sup>19</sup> Statement before the House International Relations Committee, Subcommittee On Africa. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).

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<sup>20</sup> Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).

<sup>21</sup> Released by The White House, Office of the Press Secretary, September 21, 1998.

<sup>22</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, September 3, 1997.

<sup>23</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 5, 1998.

<sup>24</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 6, 1998.

<sup>25</sup> *Ibid.*

<sup>26</sup> AFP, Reuters, APS, 7 janvier 1998.

<sup>27</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 7, 1998.

<sup>28</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 9, 1998.

<sup>29</sup> *Ibid.*

<sup>30</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 12, 1998.

<sup>31</sup> Quoted by Barr Seitz, ABC News, January 12, 1998.

<sup>32</sup> *Ibid.*

<sup>33</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, January 14, 1998.

<sup>34</sup> Address at Fordham University School of Law, New York, New York, January 28, 1998, entitled 'Witness and Victim Protection in International Criminal Courts'. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).

<sup>35</sup> Statement before the House International Relations Committee, Subcommittee On Africa. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).

<sup>36</sup> Statement before the Senate Foreign Relations Committee, Subcommittee on Near East and South Asia Affairs, Washington, D.C. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).

<sup>37</sup> Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).

<sup>38</sup> Released by the World Algerian Action Coalition (Web site: [www.waac.org](http://www.waac.org)).

<sup>39</sup> Remarks at the Columbus School of Law, The Catholic University, Washington, D.C., released by the Office of the Spokesman, U.S. Department of State, October 24, 1997.

<sup>40</sup> Released by The White House, Office of the Press Secretary, September 21, 1998.

<sup>41</sup> Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).

<sup>42</sup> Released by the Department of State (Web site: [www.secretary.state.gov](http://www.secretary.state.gov)).

<sup>43</sup> *AFP*, 2 February 1998.

<sup>44</sup> Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).

<sup>45</sup> José Garçon, 'L'Algérie, si loin de Washington...', *Politique étrangère*, no. 427, septembre 1995, p.429.

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<sup>46</sup> Martin S. Indyk, Statement before the Senate Foreign Relations Committee, Subcommittee on Near East and South Asia Affairs, Washington, D.C., 11 March 1998.

<sup>47</sup> Robert H. Pelletreau, Statement before the Council on Foreign Relations, New York, 8 May 1996.

<sup>48</sup> *Ibid.*

<sup>49</sup> Robert H. Pelletreau, Statement before the House International Relations Committee, Washington, D.C.; 2 August 1995.

<sup>50</sup> José Garçon, *op. cit.*, p. 431, quoting Robert Pelletreau's statement of 6 April 1995 before the House International Relations Committee.

<sup>51</sup> *El Watan*, 6 January 1998.

<sup>52</sup> Quoted by Dana Priest, *Washington Post*, 12 November 1998.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

<sup>55</sup> *L'Express*, 28 January 1998.

<sup>56</sup> Daily Press Briefing released by the Office of the Spokesman, U.S. Department of State, October 6, 1997.

<sup>57</sup> José Garçon, *op. cit.*, p. 434.

<sup>58</sup> Jocelyne Césari, "Cette étrange étrangeté": les représentations françaises de l'Islam, in *Confluences*, no. 24, Winter 1997-1998.

<sup>59</sup> José Garçon, *op. cit.*, p. 430.

<sup>60</sup> Dana Priest, *op. cit.*

<sup>61</sup> *El Watan*, 6 January 1998.

<sup>62</sup> Cited in a chronology entitled *The Triumph of Evil*, published in the web site: [www.pbs.org](http://www.pbs.org).

<sup>63</sup> *The Triumph of Evil*, *op. cit.*

<sup>64</sup> *The Triumph of Evil*, *op. cit.*

<sup>65</sup> Quoted by Ambassador David Scheffer in his address at the Conference on "Genocide and Crimes Against Humanity: Early Warning and Prevention", Holocaust Museum, Washington, DC, December 10, 1998, entitled 'The United States: Measures to Prevent Genocide and Other Atrocities'. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).

<sup>66</sup> *The Triumph of Evil*, *op. cit.*

<sup>67</sup> Quoted by Ambassador David Scheffer in his address at the Conference on "Genocide and Crimes Against Humanity: Early Warning and Prevention", *op. cit.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> Released by the Department of State (Web site: [www.secretary.state.gov](http://www.secretary.state.gov)).

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<sup>74</sup> Address at the Conference on "Genocide and Crimes Against Humanity: Early Warning and Prevention", *op. cit.*

<sup>75</sup> Address at Fordham University School of Law, New York, New York, January 28, 1998, entitled 'Witness and Victim Protection in International Criminal Courts'. Released by the Department of State (Web site: [www.state.gov](http://www.state.gov)).

<sup>76</sup> Address at Fordham University School of Law, *op. cit.*

<sup>77</sup> Address at the Conference on "Genocide and Crimes Against Humanity: Early Warning and Prevention", *op. cit.*

<sup>78</sup> *Ibid.*

<sup>79</sup> 'Algeria Opposition Leader Pleads for Concern', *Reuters*, 7 October 1997.

<sup>80</sup> Released by the Religious Action Center of Reform Judaism (Web site: [www.rj.org](http://www.rj.org)).

<sup>81</sup> Released by the United States Catholic Conference (Web site: [www.nccbuscc.org](http://www.nccbuscc.org)).

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## RESPONSES OF THE ARAB AND MUSLIM WORLD

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*A. Zeronali*

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## 1. Introduction

Identifying the perpetrators of the Algerian massacres is a key factor in the search for a solution to the country's tragedy. How did the Arab and Islamic world react to the massacres? Who do they think is behind the killings? What is their view on the necessity of an independent inquiry into the killings? The aim of this paper is to provide tentative answers to these questions through an analysis of the various statements reported in the media. These declarations fluctuate between three positions, namely, clarity, caution and complicity.

Certain quarters openly endorse the Algerian authorities' claims that 'terrorism' is to blame for the massacres and that an independent inquiry would be an 'interference in Algeria's internal affairs'. These quarters also assert that such an investigation is not needed anyway, because the perpetrators are known to be *Islamist insurgents*. The advocates of this position include, mostly, governments and official organisations, which are spearheaded by the Arab League.

Others are more cautious in their statements. Whilst they do not accuse the authorities directly, they harbour suspicion towards it and are very prudent when referring to an independent inquiry. Advocates of this position are found mainly amongst political parties, intellectuals and government officials.

The third category comprises a cross section of people who do not hesitate in pointing their fingers at the government forces. They believe that the regime is involved in the massacres. Advocates of this position include politicians, government officials, members of Islamic movements, intellectuals and common citizens. However, the position of this category regarding an independent inquiry is not always unanimous. The majority favours some sort of independent inquiry, but there seems to be concern that such an inquiry could lead to the regime's whitewash if it does not comprise independent members of the highest integrity.

In the remainder of this article, we record representative statements from the three above-mentioned categories. We have concentrated on the reactions which relate to the questions of the identity of the perpetrators and the necessity of an independent inquiry. We also touch upon the question of identity of the victims, which is of vital importance when trying to identify the perpetrators.

Section 2 of this article is devoted to the Arab World whereas section 3 deals with the Muslim World (that is Islamic non-Arab countries such as Iran and Malaysia). Both sections look at statements made by government

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institutions, political parties, independent intellectuals, Islamic movements (not necessarily Islamic parties) and the common citizens.

## 2. Reactions in the Arab world

It is a well-known fact within the Arab nations that their governments cannot agree unanimously on almost anything. An exception to this general rule, occurred when interior ministers from some twenty Arab countries met in Tunis in January 1998, a month which saw the worst massacres so far, and approved unanimously an agreement aimed at increasing co-operation in fighting 'terrorism'. The joint strategy was initially proposed by the Algerian and Egyptian regimes who are battling Muslim insurgents. Most of the official Arab statements about the Algerian massacres stem from this consideration.

### 2.1. Official and Public Authorities

#### 2.1.1. Government Institutions

##### EGYPT

Egypt is one of the leading Arab governments which has forcefully expressed its support of the Algerian regime in its fight against 'terrorism'. Egypt is Algeria's most important Arab partner in this fight. For the Egyptian government the Algerian regime is just another victim of 'terrorism'. The perpetrators are viewed quite simply as the 'terrorists'. Below are some of its official statements:

In Cairo, the Egyptian foreign minister, Amr Mussa, said: 'Egypt is opposed to terrorism and to the crimes which terrify the innocents in Algeria and any other country.'<sup>1</sup>

At the Tunis meeting, the Egyptian and Algerian interior ministers also called on Arab governments to pressure other states to extradite Islamic extremists granted safe haven within their borders.<sup>2</sup>

##### IRAQ

The Iraqi authorities have clearly expressed their support to the Algerian regime.

Saad Kasim Hammoudi, the Head of the Office for External Relations said: 'Our Party (i.e. the ruling Ba'ath) condemns the call for an international intervention in Algeria and considers this to be an interference in the internal affairs of a sovereign member state of the UN.'<sup>3</sup>

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The Iraqi Press Agency reported that, whilst receiving the Algerian ambassador in Baghdad, the Deputy Prime Minister, Mr Tariq Aziz, confirmed 'Iraq's firm position against any interference in Algeria's internal affairs'. He insisted that: 'the position of the Arab community must be unanimous against such an interference'.<sup>4</sup>

#### **JORDAN**

Jordan implicitly regards an international independent inquiry as interference in Algeria's affairs, but its official position regarding the perpetrators is characterised by caution. In a statement the foreign minister did not accuse any particular party but called for efforts, including international ones, to be deployed to stop the criminals whoever they may be.

Expressing his feelings in a statement, the Jordanian foreign minister, Dr Fayez Al-Taraunah said:

What is now going on in Algeria is a crime. There have been people slaughtered and this ugly image of killing spoils our reputation and deforms our image abroad. All those who commit such cowardly crimes, those who support them and stand behind them should be exposed. Jordan is ready to provide Algeria with the necessary support. Although we re-affirm Jordan's call against the interference in the affairs of other countries, we, in Jordan, are fully prepared to provide our brothers in Algeria with all the necessary help to end this horrible nightmare. It is time now to end these inhumane and immoral crimes. Every local and international effort should be deployed to overcome this dangerous criminal phenomenon and stop this terrorism, whatever its origin may be.<sup>5</sup>

#### **LEBANON**

During a cabinet meeting, the Lebanese leaders expressed their readiness to contact Arab leaders in order to establish a committee to help end the Algerian massacres. Algeria's ambassador to Lebanon, Hassan Abou Fares, expressed his country's total rejection of the Lebanese offer.<sup>6</sup>

#### **LIBYA**

For the Libyan leader, Col Moammar Qadhafi, the perpetrators are Islamist groups using religious masks to liquidate the Algerian people. As for an independent inquiry, Libya's reaction to NATO's proposal\* coupled with its position regarding the perpetrators suggests that Qadhafi's regime is against any interference in Algeria's affairs.

\* A Spanish newspaper disclosed that NATO has put forward a proposal to set up an emergency task force to intervene in the North African region should any emergency arise. The Libyan and Algerian authorities expressed similar views about the proposal which Libya called a new colonialism (<http://www.arabicnews.com>, 30 January 1998).

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In a radio and television broadcast to Arab teachers and students, the Libyan leader, Col Moammar Qadhafi called on all Arab people to team up and wipe out armed Islamist groups which he described as a serious threat to the stability of all Arab states as well as to the present and future of the Arab nation. Referring to Algeria Qadhafi said: 'Such groups were using religious masks to accomplish the role played by the French colonial troops of the 1960s in liquidating the people of Algeria.'<sup>7</sup>

In a four-hour broadcast on the Arab satellite channel *Al-Jazeera*, Qadhafi condemned the actions of 'terrorist' groups, which are committing massacres in Arab countries. He alleged that

These groups were originally recruited by the CIA through Saudi Arabia among the oppressed Arab youth under the pretext of fighting the Soviet occupation in Afghanistan. Once that war ended they were sent back home and instructed by the Americans to destabilise their countries of origin [...]. The US is trying to destabilise countries which matter in the Arab world, such as Egypt, Algeria and Libya.<sup>8</sup>

**SAUDI ARABIA**

The Saudi position was characterised by caution. The French newspaper, *Liberté*, quoted a delegation headed by King Fahd calling for 'reason to prevail so that an agreement is reached which should help re-instate calm and stability in Algeria'.<sup>9</sup> The massacres of innocent civilians have been vividly condemned and 'Saudi Arabia is prepared to respond to any request aimed at stopping the bloodshed. Saudi Arabia declares, once again, its willingness to play a mediating role in the Algerian crisis'.<sup>10</sup>

**UNITED ARAB EMIRATES**

The United Arab Emirates (UAE) have voiced their support of the regime in its battle against 'terrorism'.

Sheikh Hamdan bin Zaid Al-Nahyan, the UAE's minister of state for foreign affairs called on all Arab countries to 'join forces and stand by the Algerian government to eliminate all forms of terrorism'. He said that 'the UAE is ready to send a delegation to Algeria to discuss with the Algerian government what assistance the UAE may offer the brotherly Algerian people and what may be done to stop the heinous crimes against civilians. The UAE at the same time welcomes an Algerian delegation for the same purpose'.<sup>11</sup>

*2.1.2. Arab League*

No official organisation has been more vocal in its total support of the Algerian regime than the Arab League. For this organisation, the matter is very clear: the perpetrators are Islamist extremists; Islamist extremists are terrorists; terrorists should be eliminated; and any call for an inquiry is not only an interference in Algeria's internal affairs but also insinuates that government

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forces are involved in the killings (which is inconceivable according to the League). Here are a few illustrations of the organisation's reactions.

Algiers accepted a visit by an Arab League official, Muhab Muqbel, earlier this week, who said on Thursday he had conveyed the League's support to the Algerian government. 'The situation in Algeria is stable [...]', he told reporters at the League's Cairo headquarters, 'I have walked the streets of the capital (Algiers) and its suburb and I did not feel anything. Everything is normal.'<sup>12</sup>

Even if the 22 members of the Arab League may have different opinions about the Algerian tragedy, their defence of the principle of non-interference is unanimous. In an interview with the French daily *Le Matin*, Muhab Muqbel, under-secretary of the Arab League, affirmed that 'neither the regime nor the population need help'. When asked about the identity of the perpetrators, he said: 'asking this question amounts to instilling doubts about the attitude of the Algerian authorities. We think that this is unfounded.'<sup>13</sup>

The Arab League's General Secretary, Dr Ismat Abdul-Majeed, has forcefully condemned the "horrible crimes perpetrated by the terrorists against the innocent civilian population of Algeria". He reiterated the League's full solidarity with the Algerian people and its national leadership in their struggle against this *devious group*. He also insisted on the necessity of international co-operation to rid the world of the evil deeds of this group.<sup>14</sup>

Interior Ministers from twenty Arab countries meeting in Tunis have unanimously approved an agreement aimed at increasing co-operation in fighting terrorism. Correspondents say that the agreement, which has been under discussion for four years, was given added urgency by the killing in Algeria this week of 400 civilians in a single incident, as well as recent attacks on foreign tourists in Egypt.<sup>15</sup>

## 2.2. Political Parties and non-Governmental Organisations

### AL-JAMA'A AL-ISLAMIYA – EGYPT

The Egyptian Al-Jama'a Al-Islamiya issued a statement clarifying its position regarding the massacres and accusing the Algerian government of 'executing a plan aimed at tarnishing the image of the mujahidin by accusing them of committing crimes thus alienating the popular support which they have enjoyed so far. It is also trying to convince the Algerian electorate that only the regime can guarantee their survival against terrorism'. The statement also urged 'all those who are concerned by the Algerian crisis to expose the perpetrators and their real motives'.<sup>16</sup>

### EGYPTIAN HUMAN RIGHTS – CAIRO

The Cairo-based Arab Organisation for Human Rights (AOHCR) said in a statement that it condemns the escalation of violence by armed groups and calls for the establishment of a national investigation commission and national fact-finding commission. While it may be possible to justify rejection by the government of the

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principle of an international investigation for fear of internationalisation of the issue, it remains necessary to undertake a national, independent and impartial investigation of these massacres.<sup>17</sup>

**HEZBOLLAH – LEBANON**

Mohammed Hossein Fadl-Allah, the Shiite spiritual leader, accuses the authorities of 'having a direct or indirect hand in the recent massacres in the country'.<sup>18</sup>

**HUMANITARIAN SOCIETIES – TUNISIA**

In a joint statement, nine Tunisian human rights organisations condemned the massacres committed by armed groups in Algeria. The organisations called on the Algerian government to shed light on the recent massacres, identify those responsible and hold trials for the perpetrators of these massacres.

Whilst the statement was being delivered to the Algerian Embassy in Tunis, tough words were exchanged with the ambassador, Ismail Allaoua, who considered the statement an intervention in the internal affairs of Algeria.<sup>19</sup>

**MOROCCAN ASSOCIATIONS – RABAT**

In a statement sent to Reuters, a group of Moroccan associations (including human rights and women's groups) called on Moroccans to react to the massacres in neighbouring Algeria and said they would work to bring peace there.

'[The call] is to express indignation and solidarity with the families of the assassinated victims, people undermined physically and mentally and all the civilian population living in fear and dread for tomorrow'. They gathered hundreds of signatures in solidarity with the victims of the massacres.<sup>20</sup>

**2.3. Intellectuals and Personalities****SHEIKH YUSSUF AL-QARDAWI – QATAR**

In an interview broadcast on the Arab satellite television channel, *Al-Jazeera*, Yussuf Al-Qaradawi, one of the eminent scholars in the Islamic world, accused the army of being involved in the massacres. He said:

The least one can say is that an army that cannot protect its own people is useless. There is no solution to the crisis except through dialogue with the Islamic Salvation Front; and all the scholars in the Arab world (including the Sheikh of Al-Azhar and Sheikh Bin Baz of Saudi Arabia) should get together and encourage such a dialogue.<sup>21</sup>

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*International Responses***SHEIKH MOHAMMED SAID RAMADAN AL-BOUTI – SYRIA**

The GIA is to blame for these massacres that have gone beyond any boundaries of cruelty. Even if members of the GIA are not directly involved they have paved the way. The perpetrators cannot be Muslims.<sup>22</sup>

**SHEIKH OMAR ESSABEEL – MEKKAH**

In his address during a Friday prayer, Sheikh Omar Essabeel, Imam of Al-Haram Mosque (in Mecca), called upon all Algerians to 'stop the bloodshed and listen to the voice of truth'. He also called on 'all influential bodies of the nation to work for the unity of the Muslims'.<sup>23</sup>

**FEHMI HOWAIDI – EGYPT**

In an article published by Al-Sharq Al-Awsat and titled: 'If an internal solution is difficult then an international silence is complicity and crime', Fehmi Howaidi argued that 'even if we agree that an international intervention is an evil then surely allowing the massacres to continue is much worse an evil'. In another article he said:

Only the Arab world constrains itself to silence, and all its media are echoing what the Algerian authorities say, whilst they refuse to hear or see what is happening or voice their condemnations. As for the scandalous attitude of the Arab intellectuals who chose to settle their differences with the Islamist groups through supporting the army, this scandal will remain a shameful page in their history.<sup>24</sup>

**COLUMNIST SALAMA AHMAD SALAM – EGYPT**

International pressure so far has failed to unveil the mystery of the brutal massacres in Algeria. The United States and Europe have retracted their positions when they received the Algerian angry response to the request to send an investigation committee to Algeria. The Algerian government's pretext for rejecting international assistance is not convincing. Arab silence on the situation in Algeria is understood, but shameful.<sup>25</sup>

**IBRAHIM SHOKRI – EGYPT**

In an article published by the Arabic magazine *Al-Mujtama'*, the Editor-in-Chief of the London based Palestine Times summarised the situation by saying:

What is patently logical and firmly supported by press reports emanating from Algeria is that the majority of acts of killings, especially the barbaric slaughter of children and women with axes and machetes, is the work of the so-called self-defence militia groups supported by the government, some of which are Berber groups seeking to establish a Berber state. No one can convince us that the 'Islamists' would even

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think about slaughtering babies and women like cattle in the way that is happening in Algeria. On the other hand, most of the victims are from the families of the Islamists or their supporters.<sup>26</sup>

**SENIOR EDITOR SALEH QALLAB – JORDAN**

Some people think it is easy to form international or Arab fleets and send them into Algeria. They think that the Algerian army will give way, the terrorists will throw away their weapons and everything will be over. Simplifying the matter in this way is such a bitter laugh. Those who suggest the formation of these saviour fleets forget that what is happening in Algeria is not children's play in a small village. It is the outcome of international and regional polarisation that found the perfect atmosphere to take root and flourish and then turn against the Algerians.<sup>27</sup>

**MANAGING EDITOR YAHYA MAHMOUD – JORDAN**

The current international action on the Algerian crisis [...] should be approved by anyone who realises the amount of suffering of the Algerian people [...]. The fact that the Algerian government is incapable of protecting the Algerian people, and that the Arabs and Muslims have failed to arabise this crisis leaves one hope only: that the international forces will intervene in order to restore security to the Algerians.<sup>28</sup>

**MOHAMMED SEMMAK – LEBANON**

Mohammed Semmak, a political advisor to the Mufti of Lebanon, said:

The international community has to have some kind of initiative, we cannot stay indifferent to what is happening inside Algeria. I know that the Algerian Government is sensitive to any comment about its internal affairs but one cannot ignore the horrible effects these killings are having and we should encourage any kind of intervention that might help stop these massacres.<sup>29</sup>

**ABDUL RAHMAN AL RASHED – SAUDI ARABIA**

In talking about the perpetrators Abdul Rahman Al Rashed, a senior columnist in Arab News, said:

Some, I believe, claim that the government has a hand in these murderous acts. This is patently illogical. It is not possible for the Algerian government to do such things. What is taking place, in fact, is a war to defeat the present government by hacking to death unarmed women, children and innocent villagers.<sup>30</sup>

**2.4. Summary**

The table below summarises the reactions in the Arab world. Amongst the official declarations one can consider the Arab League to be the representa-

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tive of the Arab states' reactions. With the exception of Lebanon, which called for an all-Arab inquiry into the massacres, all the other governments have not made any statement that clearly contravenes the League's position. In contrast to the official reactions, Non-Governmental Organisations and intellectuals seem to agree that the government has a hand in the killings and that some kind of independent inquiry is needed to establish the truth and ascertain the validity of the claims emanating from all sides.

Table1. Summary of Reactions in the Arab World.

Origin of Reaction	What they said about		
	Perpetrators	Inquiry	Victims
EGYPT	- Terrorists - Islamic extremists	N/A	Innocent civilians
IRAQ	N/A	Interference in Algeria's internal affairs	N/A
JORDAN	unidentified	Interference in Algeria's internal affairs	N/A
LEBANON	N/A	Possibly an all-Arab one	N/A
LIBYA	Islamist groups CIA	Interference	N/A
SAUDI ARABIA	N/A	N/A	Innocent civilians
UAE	Terrorists	N/A	Civilians
The Arab League	- Certainly not the Algerian authorities - A devious group of terrorists	Interference in Algeria's internal affairs	Innocent civilian population
NGOs	- Government forces - Armed groups - Authorities, directly or indirectly	A national, independent and impartial investigation is necessary	innocent civilian population
Intellectuals	- Army - GIA - Cannot be Muslims - Self-defence militia groups - Berber groups	An international intervention is needed	- Unarmed women, children, babies - Families of Islamists and their supporters

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The following questions remain however: Where are all the other Arab states and organisations? Where do they stand regarding the situation of human rights in Algeria? Would the deafening silence be the same had an Israeli missile hit a lamppost in one of the streets of Algiers or any other Arab capital?

### **3. Non-Arab Islamic World Reactions**

Unfortunately we have had very little success in gathering information about the reactions in the Islamic (non-Arab) world. Numerous sources of publications have been consulted (including the internet) but only limited data was available. The following is a sample representation of the reactions recorded.

#### **3.1. Officials and Public Authorities**

##### *3.1.1. Government Institutions*

#### **IRAN**

Iran has condemned strongly the continuing ruthless killing of defenceless women and children in Algeria and criticised philanthropic organisations for their indifference towards the crimes.

The Foreign Ministry Spokesman, Mahmud Muhammad, said that: 'the crimes were suspicious and those responsible had remained unknown. The continuation of torture and killing of innocent women and children in Algeria is repulsive and should be condemned, no matter who or what organisation is responsible'.<sup>31</sup>

Ex-President Ali Khamanei said: 'We do not want to be affirmative but there is no doubt that the Algerian government is responsible for the security of its citizens [...] the cold-blooded attitude and the silence of the international institutions towards the Algerian tragedy [...]. The government is implicated in the massacre of innocent Muslims'.<sup>32</sup>

Iran's Parliamentary Speaker accused the Algerian government and Westerners of being involved in the massacres. Mr Ali Akbar Nateq Nouri 'reiterated direct involvement of the Algerian government in the massacre of over 400 men, women and children, adding that the alleged attribution of the slaughter to Muslim fundamentalists was a pretext by the Algerian government to harm the image of Islamic groups'.<sup>33</sup>

Iran's state radio urged the United Nations to step in to protect Algerians, following the killings of some 1,200 people since the beginning of the Muslim month of Ramadan on December 30. 'The Algerian government is responsible for protecting the lives of its citizens, but it has been proven that the rulers of Algiers cannot, or in

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other words do not want to, carry out this responsibility. It is therefore the duty of responsible bodies, such as the United Nations, to impose the will of the Algerian people and the international community on that country's leaders. Of course this pre-supposes that Western countries that support the Algerian regime put an end to their support to this regime', Tehran radio said in a commentary.<sup>34</sup>

**MALAYSIA**

Foreign minister Datuk Seri Abdullah Ahmad Badawi said that 'Malaysia is disappointed with the continuing killings in Algeria because they have given Islam a bad image. Some people associated Islam with extremism and terrorism after hearing of the Algerian violence'.<sup>35</sup>

*3.1.2. Organisation of Islamic Conference*

The world's largest Muslim organisation, the Organisation of Islamic Conference (OIC), condemned the massacres and denied strongly that such barbaric acts could be carried out by Muslims.

His Excellency Dr Azzeddine Al-Iraki, Secretary General of the OIC, is following with deep concern the terrorist events witnessed by Algeria and which escalated in the holy month of Ramadan. The Secretary General condemns these actions whose atrocity has rarely been matched in recent history, and strongly affirms that the Islamic faith rejects absolutely such evil deeds.<sup>36</sup>

Iranian Foreign Minister, Kamal Kharazi, telephoned OIC general secretary, Dr Azzeddine Al-Iraki, and urged him to visit Algeria to help stop the recent massacres in that country. The OIC general secretary announced that he was ready to travel to Algeria and expressed hope to be able to help end this human tragedy.<sup>37</sup>

**3.2. Political Parties and non-Governmental Organisations****HIZB UT TAHRIR – LONDON**

It would be inconceivable for the Islamic groups to kill the residents of such areas who happen to be their protégés, who supported them during the elections and most of the Islamic groups recruits come from these areas. It is also unlikely for the army and the security forces, who have a large presence in these areas, to allow the Islamic groups to commit massacres that last several hours without taking the initiative to attack them and catch them red-handed. If the Islamic groups had the ability to move unhindered amidst the large presence of the army and the security forces, they would attack the Club-des-Pins area, where government officials, army and security chiefs and political party leaders close to the government reside, for those are the real enemies of the Islamic groups. [...]

The appeal made by some Algerian political leaders to the UN and the Western states to intervene in order to put an end to the tragic situation in Algeria can only

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be described as political stupidity and political suicide, because the intervention of the UN and the West will not solve the problem, it will rather complicate it further.<sup>38</sup>

### 3.3. Intellectuals and Personalities

#### AYATOLLAH AHMAD JANNATI

During a Friday sermon broadcast on Tehran radio Ahmad Jannati said:

Why does the Algerian government not allow inspectors to come and investigate who is doing this (i.e. carrying out the killings)? This shows that it approves of it. If it is not involved itself, which we cannot rule out, then it is at least consenting to these acts, while it accuses Muslims of terrorism.<sup>39</sup>

#### HAMDAN MUHAMMAD HASSAN\*

It has been going on for some time now and many voices have come out to reveal the real nature and true facts of the tragic situation. News reports and commentaries add to the intricacies surrounding the grisly and mysterious killings. They talk about armed groups and gangs with beards and looking like Muslim fighters. The FIS has openly challenged and revealed the real perpetrators of such heinous crimes. Its recently released leader, Professor Abbasi Madani, asked that ever-famous question: *"tell me who were killed and I will tell you who did it"*. An ex-prime minister (during the FLN regime) has openly accused Zeroual's regime of posing as Muslim fighters in the massacres.

What is happening in Algeria is extremely tragic not only because of its ruthlessness and barbaric proportions of violence but the way how regimes respond and react (with tacit or apparent Western consent and support) to democratic changes and modern politics.

We must not let Algeria pass into oblivion. The struggle for peace and the establishment of the truth in Algeria must be part of the nation's agenda.

### 3.4. Common citizens

#### IRANIAN MARCHERS

Iranian Revolution Day marchers called on the OIC to take practical steps to end the killings in Algeria. In their statement at the Tehran rally, as read out on Iranian TV, they said:

\* Currently, a senior civil engineer at the University of Science of Malaysia. He is involved in youth activities with the Muslim Youth Movement in Malaysia, and is the secretary of the Muslim Staff Association in the university.

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We marchers, while condemning the disgraceful silence of the false defenders of human rights and stressing the need for the international community to take serious steps towards bringing to an end the tragic killing of the innocent people of Algeria, firmly urge the OIC to take practical steps - in view of this organisation's wish to play an active part in the resolution of the problems of the world of Islam - towards the restoration of security in Islamic countries, cultural and military cooperation between Islamic countries.<sup>40</sup>

#### **MEHMET DAL – A TURK WHO HIJACKED A PLANE**

A Turkish Airlines (THY) plane flying from Adana to Diyarbakir with 63 passengers on board was hijacked by Mehmet Dal. The hijacker used a bear-toy, in which he claimed there was a bomb, to hijack the aeroplane and ask for its destination to be re-routed to Iran. It is understood that the hijacker later gave himself up and no violence was used. The passengers described him as a normal person. He reportedly attended to their needs, asked whether there were sick passengers and let them go to the toilets. He eventually let the passengers go out.

Mehmet Dal who hijacked the plane to protest against the campaign of massacres in Algeria was born in Cyprus but lived at Adana in Turkey. Throughout the hijack Mehmet Dal repeated claims that the French, in co-operation with other non-Muslim countries, were committing the massacres in Algeria. The hijacker also repeatedly made the statements that 'no real Muslim or Muslim country was ready to halt these massacres in Algeria' and that 'I am a witness of Allah'. After his arrest, Mehmet Dal said that the object of his hijack was only to draw attention to the Algerian massacres and stop them.<sup>41</sup>

### **3.5. Summary**

Spearheaded by Iran, the Muslim world seems less reticent in accusing the government of being behind the massacres and in urging the international community to act swiftly in order to put an end to the suffering of the Algerian people. However, one has not heard from countries such as Turkey, Pakistan and other members of the OIC. One must conclude that the research has failed to uncover these countries' reactions, or that there is a distinct lack of reaction. The latter would account for the deafening silence of so many countries.

### **4. Conclusion**

Although neither those who accuse the Algerian authorities nor those who are happy to attribute the killings to 'terrorists' have any evidence to substantiate their reactions, the fact remains that in the Arab-Islamic world many people are suspicious and believe that an independent inquiry is required to establish the truth and to contribute towards finding a just and lasting solution to the Algerian tragedy.

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The Algerian regime is party to the conflict and its views on an independent investigation are, to say the least, paradoxical. If help and assistance are offered to support the military in power then it is welcomed by the regime. If, however, help is offered on humanitarian grounds, such as an international inquiry, the regime protests against foreign intervention in Algeria's internal affairs.

With regards to an all-Arab commission of investigation, it appears that the Arab regimes will only help each other muzzle their political opponents and critics. They can work closely together only when it comes to crushing dissent, stifling free speech and censoring the media. Therefore, an all-Arab investigation cannot be the answer as it is difficult to envisage how an independent Arab commission can be formed without the interference of undemocratic and repressive regimes.

Finally, it is our view that an independent inquiry would greatly benefit Algeria. It is by far the best possible tool to establish who is perpetrating some of the most heinous crimes in recent times. It is almost unbelievable that such an inquiry has not yet been issued in order to put an end to the cycle of terrorism, which all civilised people would surely wish to end.

## NOTES

- <sup>1</sup> *The Australian News Net*, 15 January 1998.
- <sup>2</sup> Barbara Plett, *Dispatches* (BBC News programme), 5 January 1998.
- <sup>3</sup> *Al-Hayat*, 1 October 1997, p. 6.
- <sup>4</sup> *Al-Quds Al-Arabi*, 31 January 1998.
- <sup>5</sup> <http://www.arabicnews.com>, 5 January 1998.
- <sup>6</sup> <http://www.arabicnews.com>, 19 January 1998.
- <sup>7</sup> *PanAfrican News Agency*, 9 August 1997.
- <sup>8</sup> *Al-Jazeera Satellite Television Channel*, 30 August 1997.
- <sup>9</sup> *Liberté*, 21 January 1998.
- <sup>10</sup> Ibid.
- <sup>11</sup> *CNN*, 15 January 1998.
- <sup>12</sup> *Reuters*, 16 January 1998.
- <sup>13</sup> Christophe Ayad, *Liberation*, 31 January 1998.
- <sup>14</sup> *Al-Hayat*, 30 September 1997.
- <sup>15</sup> *BBC World Service Newsroom*, 5 January 1998.
- <sup>16</sup> *Al-Hayat*, 6 May 1997.

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- <sup>17</sup> *The Boston Globe*, 31 January 1998, p. A19.
- <sup>18</sup> *Al-Sharq Al-Ansat, Arab & World News*, 8 January 1998.
- <sup>19</sup> <http://www.arabicnews.com>, 30 January 1998.
- <sup>20</sup> *Reuters*, Rabat, 28 January 1998.
- <sup>21</sup> *Al-Jazeera Satellite Television* ('Al-Sharia wa Al-Hayat' programme), 1 February 1998.
- <sup>22</sup> *Le Monde*, 10 November 1997.
- <sup>23</sup> *Al-Hayat*, 24 January 1998.
- <sup>24</sup> *Al-Sharq Al-Ansat*, 3 November 1997.
- <sup>25</sup> *Al-Abram*, 13 January 1998.
- <sup>26</sup> *Al-Mujtama'*, 5 August 1998.
- <sup>27</sup> *Al-Arab Al-Yawm*, 7 January 1998.
- <sup>28</sup> *Al-Asvaq*, 7 January 1998.
- <sup>29</sup> *Al-Quds*, 20 November 1997.
- <sup>30</sup> *Arab News*, Jeddah, 3 May 1997.
- <sup>31</sup> *BBC News*, 4 January 1998.
- <sup>32</sup> *Liberte*, 18 January 1998.
- <sup>33</sup> *CNN* (through Reuters), 11 January 1998.
- <sup>34</sup> *IRNA*, Tehran, 21 January 1998.
- <sup>35</sup> *Star Publications*, no. 10894, 23 January 1998.
- <sup>36</sup> *OIC statement*, Dubai, 10 January 1998.
- <sup>37</sup> *IRNA*, Tehran, 21 January 1998.
- <sup>38</sup> *Party Declaration*, London, 14 September 1997.
- <sup>39</sup> <http://www.cnn.com>, 6 February 1998
- <sup>40</sup> <http://www.monitor.bbc.o.uk>, 11 February 1998.
- <sup>41</sup> *Aksam* (Turkey), 3 January 1998.

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## LES REGIMES ARABES ET LE CONFLIT ALGERIEN

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## 1. Introduction

Lorsqu'on fait le bilan des réactions du monde arabes face aux massacres en Algérie, on constate qu'elles ont été bien en deçà de la dimension catastrophique de la tragédie qui a secoué un pays frère. Le recensement des principales réactions arabes à la tragédie que vit le peuple algérien montre à quel point elles ont été épisodiques, timides et inefficaces, c'est-à-dire incapables d'influencer positivement les événements en Algérie.

Les réactions officielles arabes peuvent se résumer en un soutien solidaire au régime militaire algérien, en particulier dans son refus de toute enquête indépendante sur les massacres, sous prétexte d'ingérence, ainsi que dans sa lutte contre ce qu'il appelle le 'terrorisme'. Ces réactions arabes représentent une singularité du fait qu'elles s'inscrivent en contrechamp aux réactions de l'opinion publique internationale – en particulier de l'été 97 à l'hiver 98 – qui a montré une intense solidarité avec le peuple algérien et une forte mobilisation en vue de mettre un terme aux massacres en Algérie.

Comprendre le fondement et le but de ces réactions requiert une appréciation de l'aide des gouvernements arabes au régime militaire algérien qui a été multiple et multiforme, allant du soutien diplomatique sur le plan international et surtout régional à l'aide financière accordée par certains pays du Golfe pour financer l'effort de guerre en Algérie. Mais l'aide arabe au régime algérien a été principalement dans le domaine sécuritaire et médiatique.

Ce sont des illustrations abrégées de cette aide multiforme qui sont proposées dans la section 2 de ces notes de réflexion. Dans la section 3, quelques éléments d'explication du constat fait dans la section 2 seront proposés. Ces notes seront résumées et conclues dans la section 4.

## 2. Facettes du soutien arabe au régime algérien

Ce texte n'a pas la prétention de traiter de manière exhaustive les nombreuses facettes du soutien de l'ensemble des régimes arabes au pouvoir militaire algérien. Il se limitera à citer quelques actions menées dans le monde arabe en faveur d'Alger. Ces actions portent sur les plans politique et diplomatique, sécuritaire, financier, idéologique et médiatique.

### 2.1. Soutien politique et diplomatique

La diplomatie arabe a joué un rôle important de soutien au régime algérien au plan international. Ce soutien a pris souvent la forme de lobbying en faveur d'Alger auprès des pays occidentaux et des organisations internationales

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et s'est manifesté tant au niveau individuel de chaque pays que collectif comme au sein de la Ligue des Etats arabes.

En Algérie, la société, le partis politiques représentatifs et les organisations des droits de l'homme ont appelé à une commission d'enquête sur les massacres. Un nombre croissant d'opinions publiques et d'Etats dans le monde ainsi que d'organisations internationales ont fait la même démarche. Alors que ces demandes avaient affaibli et isolé les dénégations du régime sur sa responsabilité et sur le principe de commission d'enquête, la plupart des pays arabes l'ont aidé à sortir de son isolement diplomatique en se faisant l'écho, au plan régional et international, des thèses du régime algérien selon lesquelles les responsables des massacres seraient uniquement et impérativement des islamistes, la commission d'enquête relèverait d'une ingérence, et l'Algérie aurait plus besoin d'une enquête et coopérations internationales contre le 'terrorisme' que d'une investigation sur les massacres. Par exemple, Amr Moussa, ministre égyptien des Affaires étrangères, a déclaré lors de rencontre de la Conférence de l'Organisation Islamique organisée à Téhéran en décembre 1997 que:

La menace extérieure contre le monde musulman, voire contre la civilisation islamique, est beaucoup moins grave que la menace qui lui est dirigée de l'intérieur, et qui émane, malheureusement, de membres de la société musulmane ayant choisi, consciemment ou non, de porter préjudice à l'Islam et d'altérer son image.<sup>1</sup>

Amr Moussa a aussi appelé à faire face à ces menaces, 'notamment celles qui proviennent de l'intérieur, avec une volonté sincère, un vision lucide, et de manière sévère et tranchée.'<sup>2</sup> Il a par ailleurs demandé à ce que 'la préoccupation de la conférence islamique qui devrait arrêter des programmes étudiés et des propositions concrètes et constructives.'<sup>3</sup>

De son côté, Cheikh Hamdan bin Zaid al-Nahayan, ministre des Affaires étrangères des Emirats arabes unis, 'a appelé les pays arabes et la communauté internationale à aider le gouvernement algérien pour éliminer toutes les formes de terrorisme.'<sup>4</sup> Le dirigeant libyen Moammar Kadhafi, qui a accusé les groupes islamistes d'être derrière les massacres en Algérie et dans d'autres pays arabes, a déclaré pour sa part que 'les membres de ces groupes terroristes étaient au départ recrutés par la CIA, à travers l'Arabie Séoudite, parmi la jeunesse arabe opprimée sous prétexte de combattre l'occupation soviétique de l'Afghanistan.'<sup>5</sup> Les autorités irakiennes ont quant à elles 'rejeté catégoriquement toute tentative d'ingérence dans les affaires intérieures de l'Algérie.'<sup>6</sup>

Au niveau de la Ligue des Etats arabes<sup>A</sup>, à la fin du mois de septembre 1997, son secrétaire général Ismat Abdel Maguid a condamné 'les crimes ter-

<sup>A</sup> La Ligue a toujours cautionné le régime algérien, notamment par l'envoi d'observateurs dont la mission est de valider les diverses élections truquées organisées en Algérie ces dernières années.

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roristes horribles commis par les groupes terroristes contre les enfants innocents du peuple algériens,<sup>7</sup> des crimes qualifiés d'actes transgressant les enseignements de toutes les religions ainsi que les idéaux et les valeurs de l'humanité.<sup>7</sup> Ismat Abdel Maguid a aussi insisté sur la 'solidarité absolue de la Ligue avec le peuple algérien et avec sa direction nationale [et son soutien] à toutes les mesures qu'elle prend en vue de faire face à cette secte déviante et de l'éradiquer.<sup>8</sup>

Au mois de janvier 1998, alors que la campagne des massacres était à son paroxysme, que le peuple algérien était éprouvé par la terreur et le deuil, et que la préoccupation de la communauté internationale était des plus intenses, la Ligue arabe interviendra pour faire accréditer l'impression d'une pseudo-normalité en Algérie et désenclaver un régime acculé internationalement pour avoir failli à ses obligations de protection de sa population. Mohab Mekbel, secrétaire général adjoint de la Ligue, a déclaré après une visite à Alger que 'j'ai marché dans les rues d'Alger et de ses environs et je n'ai rien ressenti [de menaçant à la sécurité]. Tout est normal.<sup>9</sup> Mohab Mekbel a ajouté que:

Le but principal était de réitérer la solidarité des pays arabes avec le gouvernement algérien. J'ai rencontré le ministre des Affaires étrangères et le président Zéroual, qui m'ont expliqué ce qui se passe dans leur pays et m'ont répété leur refus de toute ingérence extérieure. Ni le régime ni le peuple algériens n'ont besoin d'aide d'aucune sorte. Ce dont ils ont besoin, c'est de notre soutien pour lutter contre le terrorisme. Car les terroristes ont des ramifications à l'étranger, en particulier dans certaines capitales occidentales qui leur procurent l'hospitalité et leur permettent ainsi de financer les massacres perpétrés en Algérie. La Ligue arabe a fait sa part du travail: lors de la dernière réunion des ministres arabes de l'Intérieur, à Tunis en décembre, un accord général pour combattre le terrorisme a été dégagé. Alger souhaite que cet accord soit appliqué le plus vite possible.

Nous soutenons toutes les initiatives visant à combattre le terrorisme. La Ligue arabe appelle à faire tous les efforts pour en finir avec le terrorisme. Nous espérons qu'un accord international contraignant les Etats à lutter contre le terrorisme sera bientôt adopté, car ce fléau ne menace pas que l'Algérie.<sup>10</sup>

## 2.2. Coopération sécuritaire

Le soutien sécuritaire des Etats arabes au régime algérien a été très vite accordé à la suite du coup d'Etat de janvier 1992, principalement la Tunisie et l'Egypte<sup>B</sup>. Premiers pays, aux côtés de la France, à soutenir le régime algérien, ils l'ont aidé sur plusieurs plans: envoi d'experts formateurs dans la répression, spécialistes dans la torture notamment, coopération dans les rensei-

<sup>B</sup> Ces deux pays sont des pionniers dans la lutte anti-islamiste. Leurs expériences dans la répression des mouvements islamiques ne date pas d'hier ; elle remonte aux années 70 pour le régime Bourguiba-Benali, et aux années 50 pour le régime Nacer-Sadat-Moubarak.

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gnements, garantie de l'herméticité des frontières algérienne en assurant l'extradition des Algériens qui fuient le pays pour se réfugier à l'étranger.

Outre l'Égypte et la Tunisie, bien d'autres pays ont été également généreux dans leur soutien au régime algérien. C'est le cas de la Syrie et de la Jordanie, qui ont coopéré dans l'entraînement de la police et des agents de renseignement, du Yémen, de la Palestine, de la plupart des pays du Golfe, de l'Irak, de la Mauritanie, d'Oman et même de la 'République islamique' du Soudan ainsi que du Maroc dont les autorités ne portent pas pourtant les généraux algériens dans leur cœur pour des considérations historiques bien connues.

La coopération sécuritaire a porté également sur la surveillance permanente, le contrôle sévère et parfois la répression féroce contre des citoyens algériens résidants dans certains pays arabes. Elle a porté aussi sur le refus d'accorder le statut de réfugiés aux Algériens demandeurs d'asile, ainsi que sur l'extradition d'activistes islamistes de certains pays comme la Tunisie, le Maroc, Lybie, Syrie et l'Arabie Séoudite vers l'Algérie, c'est-à-dire souvent vers la torture, la prison ou la mort.

La coopération sécuritaire a porté enfin sur la collaboration des services de renseignement de certains pays arabes dans l'infiltration et la manipulation de l'opposition islamique armée en Algérie par des agents d'origine arabe, ou formés dans des pays arabes, comme Abou Moussaab As-Souri (le Syrien) et Abou Quotada Al-Filastini (le Palestinien) et certains Afghans-Arabes, chefs idéologues du GIA spécialisés dans l'imprégnation de la théologie des *moukhabarat* qui légitime tout crime sur ordre d'officiers supérieurs.

C'est sur le plan politique surtout que la solidarité arabe dans le domaine sécuritaire s'est manifestée le plus clairement et l'ont assisté ces dernières années à l'élaboration d'une véritable doctrine arabe de la coopération sécuritaire.

Le Conseil des ministres arabes de l'Intérieur est la seule instance de la Ligue arabe, parmi des dizaines d'autres<sup>C</sup>, qui fonctionne efficacement et se réunit régulièrement et dont les décisions sont prises à l'unanimité, avec conviction, et appliquées immédiatement et à la lettre. En janvier 1998, alors que l'Algérie était meurtrie par la vague des massacres qui ont coûté la vie à des milliers de citoyens innocents, le Conseil des ministres arabes de l'Intérieur tenait à Tunis sa 15<sup>ème</sup> session. Il a adopté une convention en vue d'intensifier la lutte arabe contre le terrorisme. Cette convention de 43 articles, qui a été critiquée à plus d'un titre sur le plan juridique<sup>11</sup>, n'est en définitive qu'une réaction collective des régimes arabes afin de sanctionner

<sup>C</sup> La plupart des autres instances de la Ligue sont de véritables appareils bureaucratiques employés pour 'caser' des fonctionnaires arabes en fin de carrière

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leurs natures répressives et de légaliser les guerres qu'ils préparent face aux forces de changement populaire qui menacent leur pérennité politique.

### 2.3. Aide financière

Bien que la propagande entretenue par certains journaux algériens affirme que les mouvements de la société algérienne qui accordent à l'Islam et la langue arabe une place particulière dans le projet de reconstruction nationale sont financés par les pays du Golfe, la réalité est que le régime algérien a bénéficié des largesses de gouvernements de certains de ces pays comme l'Arabie séoudite et les Emirats arabes unis. Cette aide prend la forme de dons ou de prêts et se chiffre en milliards de dollars. Déjà en 1993, au lendemain du coup d'Etat militaire, le général putschiste Khaled Nèzar a reçu lors de sa visite en Arabie Séoudite près de deux milliards de dollars. Les aides financières arabes, comme la rente pétrolière, n'ont pas été utilisées pour financer des projets d'utilité publique en Algérie, mais plutôt pour couvrir les frais de la guerre menée contre le peuple algérien.

### 2.4. Support idéologique

Les Algériens accordent en général beaucoup de respects aux autorités religieuses arabes. En l'absence d'une école algérienne en matière de sciences de la religion, résultat d'une école désintégrée sous l'effet de cent trente ans d'un colonialisme répressif de toute la vie intellectuelle et culturelle musulmane en Algérie, les Algériens se tournent souvent vers l'Orient pour répondre à certaines de leurs préoccupations en matière de droit islamique.

Cette situation a été exploitée à fond par le régime algérien qui a commandité, par l'intermédiaire des gouvernements arabes, des avis religieux en sa faveur, émanant d'autorités religieuses écoutées en Algérie<sup>D</sup>. Une coordination s'est alors mise en place au niveau arabe pour mobiliser les oulémas agréés, portes-parole autorisés de l'Islam officiel, pour émettre des fatwas qui délégitimisent toute résistance armée, soit elle défensive et légitime, contre les régimes dictatoriaux. Le cas typique des ces oulémas de service est cheikh Saïd Ramadhan Al Bouti qui a été invité à la télévision algérienne<sup>E</sup> pour condamner le 'terrorisme' qui serait, selon lui, derrière les massacres. Cheikh Tantawi, la plus haute autorité religieuse sunnite, le recteur d'al Azhar, n'a lui

<sup>D</sup> D'un autre côté le régime algérien condamne, à travers ses relais médiatiques, l'école religieuse du *machreq* qui aurait contribué, selon lui, à l'émergence de l'islamisme en Algérie. Ainsi par exemple, le très modéré imam Mohamed el-Ghazali, qui a été pendant quelques années, au début des années 80, le recteur de l'université islamique de Constantine, fait l'objet de violentes critiques de manière permanente de la part des éradicateurs et de leurs facades au pouvoir. Pour Ali Kafi, président de l'Etat entre 1992 et 1994, l'imam Mohamed el-Ghazali et le feuilleton télévisé Djamel Eddine al Afghani sont 'les deux sources du mal intégriste en Algérie.'

<sup>E</sup> La rue algérienne a estimé au lendemain de son allocution télévisée que *Al Bouti, al quoti dja y'sabouti* (Al Bouti, récipient creux, est venu saboter).

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aussi ménagé aucun effort pour diaboliser les ‘terroristes qui terrorisent’ le monde arabe. Un petit nombre de oulémas du *machreq*, comme le cheikh Yousouf Al Qaradhaoui, ont cependant été plus prudents –en attendant les enquêtes à venir - et ont refusé de se prêter à une telle utilisation par les régimes arabes et ont tenu une position.

## **2.5. Propagande médiatique**

Les médias arabes, contrôlés par la plupart par les régimes, et en particulier l’audiovisuel, ont été ordonnés de faire l’écho du discours officiel algérien. Comme leurs confrères algériens, ils se sont livrés, à quelques rares exceptions près telles la télévision Qatarite Al Jazeera, au mensonge, à la désinformation et à l’intoxication. Ils ont contribué à propager dans le monde arabe la rhétorique du régime algérien et son discours démonisateur au sujet de l’opposition authentique au régime, systématiquement qualifiée d’‘intégriste’, ‘anti-moderniste’, ‘barbare’, ‘obscurantiste’, ‘extrémiste’, ‘terroriste’, etc. La stratégie médiatique adoptée était claire: attribuer à l’adversaire politique toutes les horreurs, pour le délégitimer et légitimer son éradication.

Ainsi, ces médias ont entretenu une action psychologique dont le but politique était d’orienter l’opinion arabe. Ils ont permis de neutraliser la compassion arabe avec l’opposition algérienne ainsi que de renforcer la légitimité du régime algérien dans le monde arabe.

## **3. Fondements de la politique algérienne du monde arabe**

C’est la conjugaison de plusieurs facteurs diplomatiques, politiques et socio-culturels qui sous-tendent aux réactions officielles du monde arabe face au conflit algérien, mentionnées plus haut. Ces facteurs se résument en un manque de volonté politique d’examiner de près la situation algérienne, un manque exploité par la diplomatie algérienne qui n’a ménagé aucun effort pour conditionner les classes politiques arabes en faveur du régime militaire d’Alger. Il faut ajouter à cela la situation politique et des droits de l’homme dans les pays arabes, proche sinon comparable à celle qui prévaut en Algérie, qui ne permet pas de condamner ce qui se passe en Algérie sans entrer dans des contradictions flagrantes. Il faut signaler en fin le manque de pression de la part de la classe intellectuelle arabe qui laisse les dirigeants agir à leur guise.

### **3.1. Apathie et désengagement arabe**

Dans la plupart des capitales arabes, comprendre ce qui se passe en Algérie et assimiler le conflit que vit ce pays n’est pas une tâche prioritaire, même si le discours officiel dans le monde arabe affirme le contraire. Ce manque d’intérêt se traduit par un manque de moyens logistiques, matériels et hu-

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moins investis par les diplomates, les organisations parapolitiques, les journalistes et les intellectuels arabes permettant de bien maîtriser le dossier algérien. Ce rôle est ainsi délégué au gouvernement algérien et aux pays occidentaux qui deviennent pour un grand nombre de pays arabes la principale source d'informations et d'analyses. Ce désengagement arabe envers un conflit des plus meurtriers de cette fin de siècle est à l'instar de la démission historique que vit le monde arabe.

### **3.2. Action diplomatique algérienne dans le monde arabe**

Conscient du manque de volonté chez les régimes arabes d'appréhender la situation algérienne, le pouvoir militaire algérien a donné dès les premiers jours qui ont suivi le coup d'Etat de janvier 1992 une priorité à l'action diplomatique au monde arabe<sup>F</sup> pour façonner à sa manière la perception arabe du conflit algérien. La diplomatie algérienne, qui n'a ménagé aucun effort pour convaincre les régimes arabes de la théorie des dominos, à savoir que la chute du régime algérien allait conduire nécessairement, tôt ou tard, à celle de l'ensemble des régimes arabes, avait pour mission d'assurer: a) la propagande pour le régime putschiste ; b) la mobilisation et la recherche de soutien et d'aide de toute forme ; c) le combat de l'opposition algérienne à l'extérieur du pays.

Des instructions ont été données à toutes les représentations diplomatiques algériennes et des délégations ont été envoyées aux capitales arabes pour expliquer et justifier l'arrêt du processus électoral. L'argumentaire de la diplomatie algérienne était axée autour de quelques idées clefs:

- 1) il ne s'agissait pas d'un coup d'Etat mais d'une démission du chef de l'Etat suivie d'un vide constitutionnel qui a nécessité des mesures spéciales ;
- 2) les élections interrompues étaient entachées de graves irrégularités ;
- 3) le FIS qui a fraudé à grande échelle visait à l'instauration d'une théocratie et l'interdiction de la démocratie ;
- 4) l'interruption du processus électoral a permis de sauvegarder le régime démocratique républicain en Algérie, l'unité du peuple et l'intégrité territoriale, ainsi que de sauvegarder les intérêts des pays frères et amis dans la région qui étaient menacés par l'instauration d'un Etat intégriste dans une région d'importance géostratégique vitale.

<sup>F</sup> Bien que la tendance éradicatrice et francophile du régime algérien n'accorde aucun crédit à ce qui est arabe, y compris les régimes politiques, et n'éprouve que du dédain à leur égard, elle n'a pas hésité à mettre de côté les considérations idéologiques pour s'allier avec eux dans la lutte anti-islamiste.

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### **3.3. Dégradation de la situation des droits de l'homme dans le monde arabe**

La plupart des régimes arabes ont un registre sombre dans le domaine des droits de l'homme. De la Syrie au Maroc, en passant par l'Arabie Séoudite, l'Égypte, la Tunisie, la Libye et même la Palestine sous l'autorité nouvellement constituée<sup>12</sup>, les violations de ces droits (détentions arbitraires et torture en particulier) sont notoires et condamnées par les ONG internationales telles que *Amnesty International* et *Human Rights* et la Commission Arabe des Droits Humains. Dénoncer les violations des droits d'homme en Algérie remettrait en cause leur propre légitimité.

### **3.4. Carence de légitimité populaire dans le monde arabe**

Une autre raison, incontestablement la plus déterminante, réside en ce que pour chaque régime arabe, le soutien au régime algérien l'est aussi, et surtout, à soi-même. Ces régimes ont peur des mouvements de contestation populaire et d'opposition politique authentiques car ils manquent presque tous de légitimité populaire. Étant donné qu'à présent l'opposition qui représente un défi réel pour eux est principalement l'opposition islamiste, à côté d'un mouvement démocratique authentique et certes embryonnaire mais qui se consolide davantage notamment du fait de l'adoption de plusieurs mouvements islamistes de certains principes démocratiques, ils ne la tolèrent pas. Dès que son expression devient trop visible, ils lui déclarent la guerre. L'accession des islamistes et/ou de démocrates authentiques aux sphères du pouvoir réel en Algérie aurait créé un fâcheux précédent pour ces régimes effrayés par l'implication du modèle d'alternance démocratique sur les sociétés dont ils ont confisqué la souveraineté.

Ainsi, dès l'annonce du coup d'État et la dégradation de la situation sécuritaire en Algérie, les régimes arabes ont exploité les événements douloureux en Algérie pour la consommation interne. Les médias arabes ont été utilisés pour propager un discours qui dissuade le citoyen arabe d'adhérer à tout mouvement authentiquement démocratique ou islamiste. Le message adressé à l'opinion arabe est simple: mieux vaut une dictature qui maintient l'ordre qu'une démocratie qui mène aux chaos islamiste. La situation algérienne devenait le cauchemar évoqué pour effrayer le citoyen arabe. On est allé jusqu'à parler d'«Algérianisation» du monde ou de pays arabes comme l'Égypte, à la suite du massacre de Louxor en 1997.

### **3.5. Absence d'une action intellectuelle**

Ce qu'il faut noter aussi est que les positions officielles dans le monde arabe sont favorisées par l'absence d'une pression de l'opinion publique et d'un contre poids des intellectuels arabes. Dans des pays où l'opinion publique ne

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compte pas dans la sphère politique, où le citoyen est muselé et opprimé, et où la classe intellectuelle est domptée, il est clair que les dirigeants ont toutes les libertés dans l'élaboration des politiques qui les arrangent au premier chef.

Une partie importante des intellectuels arabes a affiché une distance par rapport à la tragédie du peuple algérien, malgré la gravité de la situation. Fehmi Howeidi a affirmé dans les colonnes du quotidien *Asharq Al-Awsat* au sujet du conflit algérien que 'si sa solution s'avère impossible à l'intérieur, le silence international devient alors complicité et crime.' De son côté, le journaliste Khalil Hachemi-Idrissi a déclaré dans son article 'Sauvons les Algériens', publié après le massacre de Bentalha, que: 'Nous, les Marocains, nous avons à l'égard de nos frères Algériens un devoir de parole, d'assistance et d'ingérence humanitaire. Il n'est plus possible de se taire et de laisser les Algériens abandonnés à leur sort macabre.'<sup>13</sup> Quant à Abdul Rahman Al Rashed il a condamné le silence arabe dans un article intitulé 'Le silence sur nos propres crimes' dans lequel il affirme que:

La justice est indivisible et pourtant, dans le monde arabe, il semble qu'un seul ennemi mérite d'être combattu. Apparemment, nous sommes aveugles aux crimes commis par des Arabes contre d'autres Arabes. En Algérie, le meurtre des femmes et des enfants dure depuis plus d'une année. C'est le type d'actes absurdes et brutaux que nous n'avons heureusement pas vus en Palestine en 50 ans. De même qu'ils n'ont pas été vus dans nos guerres du siècle passé. Malgré tout cela, personne ne les considère comme une question qui appelle à l'attention et à la prise de position. La justice demande au moins une condamnation publique des pareils actes. C'est le moins qui puisse être fait pour aider l'Algérie à mettre un terme à ces massacres.<sup>14</sup>

Salama Ahmad Salama, du quotidien égyptien *Al Abram*, a estimé pour sa part que: 'Le silence des pays arabes et musulmans face aux massacres en Algérie est honteux.'<sup>15</sup> Le silence de l'intelligentsia arabe a aussi été critiqué par six intellectuels arabes qui ont lancé en novembre 1997 un 'appel au refus collectif de la folie meurtrière'. Il s'agit de Gamal Ghitany (Egypte), Taha Ben Jelloun (Maroc), Elias Khoury (Liban), Hanan El Cheikh (Liban), Michel Khleifi (Palestine), Fethi Benslama (Tunisie) qui ont 'réclamé une réunion des intellectuels arabes indépendants des pouvoirs pour 'créer un choc psychologique' dans le monde arabe et au-delà.'<sup>16</sup>

La classe intellectuelle arabe ayant réagi à la tragédie algérienne se divise en trois catégories. La première, la plus importante, est constituée d'intellectuels 'de service' incapables de se détacher des pouvoirs, qui ont préféré se faire l'écho dans leurs interventions et leurs écrits des positions de leurs gouvernements. Ils ont été les vecteurs de la politique de la peur. Ils ont récupéré les massacres en Algérie pour 'affoler les masses arabes' et, par là, confirmer la légitimité des ordres établis comme 'moindre mal' et 'rempart à la menace', au 'chaos et à la barbarie'. Ce type d'intellectuels a été vivement

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critiqué par Fehmi Howeidi, qui dans un article intitulé ‘Appel à une réflexion différente sur la tragédie algérienne’, a estimé que:

Il est vraiment suspicieux et honteux de constater la position de certains intellectuels qui ne veulent pas ouvrir leurs yeux sur les faits curieux en Algérie. Ils se contentent du rôle de cornets qui répètent tout ce qu’affirment les communiqués officiels partiels et tendancieux. S’ils avaient utilisé leur capacités intellectuelles de façon équilibrée et honnête, et s’ils avaient réfléchi un seul instant d’une manière libre et objective, ils auraient pu prononcer une parole de vérité qui rendrait justice au peuple algérien et qui éclairerait l’opinion sur sa véritable souffrance et sur l’identité de ses assassins et tortionnaires.<sup>17</sup>

La seconde catégorie est composée d’intellectuels indépendants des pouvoirs qui ont pris position par rapports aux massacres, mais qui n’ont pas pris le temps ni investi les moyens pour appréhender le conflit algérien dans sa complexité et se sont contentés des stéréotypes entretenus par le régime algérien et ses relais médiatiques en Algérie et à l’étranger. Dans cette catégorie d’intellectuels entrent aussi nombreux oulémas qui prennent souvent des positions sans connaissance des tenants et des aboutissants de la question sur laquelle ils se prononcent. Par exemple, au moins deux pétitions ont été lancées par un groupe de oulémas en faveur de la ‘réconciliation en Algérie’. Même si louables dans les intentions, la superficialité dans la compréhension du conflit algérien qu’elles trahissent, et la frappante naïveté politique de leurs formulations, font qu’elles ont malheureusement pris la forme de caution au pouvoir. Aucune d’elles n’a évoqué la nécessité d’enquêtes pour établir la vérité sur les horreurs qui se passent en Algérie.

Enfin la troisième catégorie comprend une faible minorité d’intellectuels qui ont pris des positions lucides qui reflètent une compréhension profonde du conflit algérien. C’est le cas, par exemple, de Fehmi Howeidi qui dans son article ‘Dix leçons à tirer de la tragédie algérienne: non à une démocratie sans démocrates et terroriser les terroristes n’est pas une solution’, publié à la fin janvier 1998 dans *Al Majallah*<sup>18</sup>, a montré sa capacité d’analyser et de synthétiser les causes du mal algérien<sup>G</sup>.

L’un des sujets qui a divisé les intellectuels arabes est le sujet de l’enquête sur les massacres. Alors que la plupart d’entre eux se sont opposés à la constitution d’une commission d’enquête, un petit nombre a réagi en faveur d’une telle idée. Le journaliste Qasy Saleh Ad-Darweesh a jugé qu’‘en l’absence d’autres possibilités pour arrêter les massacres, oui à l’intervention étrangère.’<sup>19</sup> Abdul Rahman Al Rashed, bien que convaincu que le régime algérien est innocent, a jugé qu’une enquête internationale est utile est nécessaire.<sup>20</sup> Fehmi Howeidi a estimé quant à lui dans son article ‘Avant que

<sup>G</sup> C’est d’ailleurs Fehmi Howeidi qui avait en 1994 quitté le groupe de médiateurs qui étaient chargés par Zéroual d’entamer des entretiens avec Abassi Madani et Ali Benhadj, dès le moment où il avait compris que les généraux algériens n’étaient pas sincères leur démarche de dialogue et de paix.

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l'Algérie ne se transforme en un grand cimetière' que l'intervention n'est pas une solution idéale mais, dans le cas de l'Algérie, elle représente un remède amer indispensable.<sup>21</sup> Salama Ahmad Salama a pour sa part critiqué le refus des autorités algériennes pour une commission d'enquête, affirmant que les arguments de ces autorités étaient 'insuffisants et non convainquants. Ils semblent, au contraire, dissimuler un crime horrible.'<sup>22</sup>

#### 4. Conclusion

Cet article a rendu compte de quelques aspects du soutien des régimes arabes à Alger, même dans la période la plus noire où le peuple algérien a connu les terrifiants massacres à grande échelle. Il a aussi présenté quelque éléments qui aident à comprendre la politique algérienne du monde arabe.

Il s'est avéré que l'idée même de 'monde arabe' n'est perçue que comme l'univers dans lequel se réunissent les intérêts des castes qui gouvernent un certain nombre de 'républiques' et de monarchies qui ont en commun la langue du Coran. Même si souvent elles divergent totalement sur les plans idéologique et politique, ces castes ont un seul souci majeur qui les unit: la lutte pour la survie. Contrairement aux gouvernements occidentaux qui ont soutenu le pouvoir algérien pour leurs intérêts nationaux: géostratégiques d'abord, mais aussi le bien-être de leurs peuples et la prospérité de leurs opérateurs économiques, ceux du monde arabe l'ont fait pour l'intérêt des castes et des clans et non des peuples arabes. La Ligue arabe, comme la plupart des organisations régionales telles que l'Organisation de la Conférence Islamique, le Conseil de coopération des pays du Golfe, l'Union du Maghreb arabe ou l'Organisation de l'unité africaine, n'est qu'un club où se négocient les intérêts des gouvernants, et non des peuples, de ses pays membres. Ces peuples, principaux concernés par toute œuvre d'unification ont, quant à eux, toujours été exclus des diverses démarches de rapprochement interarabe. La volonté de servir les intérêts des pouvoirs prime sur celle de servir les intérêts des peuples. Dans cette perspective, il était donc prévisible que les gouvernements arabes apportent leur soutien au régime algérien pour assurer sa pérennité et la leur.

En guise d'explication des massacres qui ont ensanglanté l'Algérie, l'ambassadeur d'Egypte en Algérie, M. Amin, affirmait en mars 1998 que

les Algériens sont plus frustes que les Egyptiens ou leurs voisins au Maroc et en Tunisie. Ils ont un bon cœur, mais dans leurs rapports quotidiens ils sont violents, durs et dépourvus des manières douces d'un peuple civilisé. Ceci est dû principalement à la souffrance éprouvée sous la France.<sup>23</sup>

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Cette observation, loin d'être singulière<sup>H</sup>, est typique de certaines élites arabes qui, dans le miroir de l'Algérie meurtrie par les massacres, trouvent la légitimation des ordres qu'ils représentent, parfois l'image assouvissante du besoin qu'un peuple leur soit déclaré inférieur, ainsi que le mirage d'être admis dans ce qu'ils perçoivent comme le 'club de la civilisation'.

En réalité, à l'image des élites arabes aliénées, à la mémoire et à la conscience sélectives, l'ambassadeur égyptien passe sous silence l'existence de tortionnaires 'violents, durs et dépourvus des manières douces d'un peuple civilisé' dans les centres de détention en Egypte. Ces tortionnaires déchirent, au chalumeau et au bâton électrique, la chair, la voix, l'âme, la conscience, la liberté et l'avenir de leurs compatriotes égyptiens, comme en ont rendu compte et dénoncé à maintes les organisations des droits de l'homme telles que *Amnesty International* et *Human Rights Watch*. Le problème des violations des droits de l'homme dans le monde arabe est réel, incontournable et frustrant, quand bien même l'occulteraient l'amnésie et l'amoralité des régimes arabes aux 'manières douces'.

Le peuple algérien a déjà consenti un lourd sacrifice lors de la première guerre d'Algérie (1954-1962) pour recouvrer sa liberté. Le combat qu'il mène aujourd'hui s'inscrit en continuité de sa lutte pour vivre dans la liberté et la dignité, pour son droit à choisir ses représentants et à les contrôler et pour instaurer un Etat de droit véritable, respectueux des droits civils, politiques, culturels, économiques et sociaux des citoyens. L'histoire enseigne que ces droits ne s'octroient pas par le 'bon cœur' des élites gouvernantes, mais s'arrachent par le travail, la lutte, la résistance et le sacrifice. C'est l'effort que nous Arabes, Egyptiens, Tunisiens, Marocains ou Algériens, devons investir pour consacrer un jour ces droits.

## NOTES

<sup>1</sup> *Al Hayat*, 12 décembre 1997; *Agence France Presse*, 12 décembre 1997.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> CNN, 15 janvier 1998.

<sup>5</sup> *Panafrican News Agency*, 2 septembre 1997.

<sup>6</sup> *Al Quds* du 23 janvier 1998.

<sup>7</sup> *Al Hayat* du 25 septembre 1997.

<sup>H</sup> On retrouve cette même attitude chez les élites des deux voisins de l'Algérie : la Tunisie et le Maroc où l'on considère que le peuple algérien est un peuple non politisé, brutal et violent de nature.

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<sup>8</sup> *Al Hayat* du 25 septembre 1997.

<sup>9</sup> *Reuters*, 16 janvier 1998.

<sup>10</sup> *Libération* du 26 janvier 1998.

<sup>11</sup> Voir l'article de Shafiq Al-Misri, 'La convention arabe de lutte antiterroriste: point de vue juridique', *Al Hayat* du 19 mai 1998.

<sup>12</sup> Voir Edward Said, 'Le Problème est la sauvagerie', *Al Hayat* du 29 janvier 1998.

<sup>13</sup> Khalil Hachemi-Idrissi, *Maroc Hebdo*, No. 290, Automne 1997.

<sup>14</sup> *Arab News*, Jeddah, du 3 mai 1997.

<sup>15</sup> *The Australian News Net*, 15 janvier 1998.

<sup>16</sup> *Le Monde* du 10 novembre 1997.

<sup>17</sup> *Asharq Al-Awsat* du 5 mai 1997.

<sup>18</sup> *Al Majallah*, no. 937 du 25 au 31 janvier 1998.

<sup>19</sup> *Asharq Al-Awsat* du 16 janvier 1998.

<sup>20</sup> *Asharq Al-Awsat* du 16 janvier 1998.

<sup>21</sup> *Asharq Al-Awsat* du 16 janvier 1998.

<sup>22</sup> *The Australian News Net*, 15 janvier 1998.

<sup>23</sup> L. Marlowe, 'Why Conflicts in Egypt and Algeria now differ', *The Irish Times* du 17 mars 1998.

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## POURQUOI LE SILENCE ARABE ?

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*M.-M. Mobamedou*

*Directeur de Recherches pour l'Afrique du Nord et le Moyen-Orient  
Au Ralph Bunche Institute on the United Nations, New York*

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D'un carnage à l'autre, l'Algérie poursuit sa descente aux enfers. Mais, alors qu'après six années de crise et cent mille morts, la communauté internationale se décide à rompre le silence, le monde arabe est curieusement absent du débat sur le drame algérien. De par le monde on s'émeut. Lettres ouvertes, prises de position, éditoriaux des grands journaux et rapports des organisations non gouvernementales se succèdent. Le sort de l'Algérie est au cœur de toutes les réflexions, sauf celles du monde arabe où, mis à part de timides et épisodiques dénonciations *sotto voce*, un consensus s'est formé selon lequel il ne faut pas exacerber la nature radicale des événements à Alger. Pour autant, de Nouakchott à Bagdad, les Arabes déplorent de manière tortueuse une Algérie qui se meurt, un pays fou qu'il faut qu'il faut ramener à la raison.

Le non-dit de ces hésitations, dissimulations et contradictions n'est que la peur de l'islamisme. Alors que le monde arabe s'était mobilisé entier contre la répression coloniale française dans les années 50 et 60, peu de voix s'élèvent aujourd'hui pour dénoncer les massacres.

La réalité est que ce conflit indispose les Arabes. Après avoir, dans un bref premier temps, exprimé leur sympathie au mouvement du Front islamique du salut (FIS), la grande majorité des populations arabes a par la suite succombé à l'effet d'une théorie des dominos inversée par laquelle les régimes ont agité avec succès le spectre d'une évolution 'à l'algérienne' afin de contrer toute velléité d'émancipation de leur citoyens. 'Mieux vaut un ordre autoritaire qu'une anarchie démocratique' est alors devenu le credo de beaucoup d'Arabes se complaisant dans le confort d'une configuration politique statique.

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Une impuissance volontaire a dès lors été rationalisée sans grands efforts, et, cyniquement, la lutte contre les islamistes a été acceptée comme un mal nécessaire. Cette logique abrégée ignore néanmoins les conditions qui ont mené au 'désordre' : l'illégitimité et la violence du gouvernement algérien actuel. Les Arabes sont-ils dupes ou seraient-ils complices ?

Levons une équivoque : de même que l'argument que la crise algérienne est le fruit d'un traumatisme historique n'est plus tenable, les ambiguïtés de la guerre civile ne sont pas légion. Un coup d'Etat a eu lieu le 11 janvier 1992 pour prévenir la victoire électorale du FIS au second tour des législatives. Il fut suivi d'une implacable répression contre les militants de ce parti. En réaction, ces derniers ont lancé une sanglante insurrection générale contre l'armée et le gouvernement algérien. D'assassinats en attentats à la bombe et prises d'otage, tout a été ensuite fait pour médiatiser et internationaliser un conflit que l'Etat algérien a toujours voulu et longtemps pu étouffer avec un tranquille mépris de la vérité.

Depuis deux ans, le conflit [algérien] a pris une nouvelle dimension avec l'introduction des milices armées - les groupes de légitime défense dit 'patriotes' - et les factions paramilitaires. Cette privatisation de la violence a engendré à son tour une escalade dans la nature des tueries ; égorgements, décapitations et macabres mutilations de toutes sortes se succèdent désormais quasi quotidiennement.

Face à cette agonie, le monde arabe est coupable de complicité avec une junte militaire qu'il supporte passivement par crainte d'une marée islamiste. L'indifférence ambiante ne peut en effet s'expliquer que par la peur de la contagion. De plus, cette peur - et c'est là une nouveauté - est partagée par les régimes et les populations. Un effet pervers de cette paralysie est le renforcement des Etats autoritaires arabes qui font désormais commerce de la crainte du désordre. Le néo-autoritarisme est né.

Tout aussi coupables sont les démocrates arabes autoproclamés - dont un trop grand nombre a bénéficié des largesses des médias occidentaux - qui approuvent la lutte contre l'intégrisme. Et l'on mesure maintenant l'impéritie de ceux qui, cramponnés à des valeurs pseudo-humanistes, ont légitimé *ex post* le coup de force de janvier 1992 en diabolisant les islamistes et en survalorisant le discours de ces derniers.

Ce glissement quant à l'identité du responsable premier de la crise dénote une trop vivace propension à ignorer les crimes de l'Etat algérien : exécutions sommaires, pratique systématique de la torture, disparitions forcées, implication indirecte dans les exactions des milices ainsi que la probable participation à quatre assassinats politiques prémédités ; ceux du président Mohamed Boudiaf, de l'ancien directeur de la sécurité militaire, Kasdi Merbah, de l'ancien ministre de l'intérieur, Aboubakr Belkaïd et du dirigeant de l'Union générale des travailleurs algériens (UGTA) Abdelhaq Benhamouda.

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*Pourquoi le Silence Arabe?*

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Un gouvernement illégitime, issu d'un *pronunciamento* militaire, tue sa population. La question algérienne n'est donc plus confinée à ce pays. Nanisme politique et couardise sont les paralysantes contradictions des Arabes contemporains qui n'ont les yeux rivés que sur leurs théâtres locaux. La solidarité des intellectuels occidentaux est la bienvenue - les atteintes aux droits de l'homme relèvent de la conscience universelle - mais elle reste tout de même géographiquement et culturellement secondaire. Pour quelle raison les appels à la paix viennent-ils du secrétaire général des Nations unies, Kofi Annan, et pas de celui de la Ligue des Etats arabes, Esmat Abdel-Meguid ?

Le fait que ce soit des Arabes et des musulmans qui sont massacrés (dans des conditions horribles, il faut le signaler) devrait interpeller la conscience arabe avant toute autre. Le voisinage et la communauté de religion impliquent des responsabilités particulières. Il faut impérativement rompre le tabou et dénoncer la superficialité de l'argument spécieux de non-immixtion dans les affaires algériennes. Ce dernier et le silence dominant reflètent l'état déplorable des sociétés civiles arabes où l'action des démocrates arabes n'a que trop souvent été otage des considérations politiciennes et des jalousies nationales sublimées.

Le chauvinisme est le pendant de cette approche dont le pernicieux raisonnement politico-stratégique informe l'aveuglement des humanistes arabes en même temps qu'il favorise la floraison des radicalismes réactionnaires. La routinisation des massacres et la frénésie sanguinaire sont ainsi ignorés de manière à demi-complice parce qu'ils constituent un honteusement soulageant défoulement à distance. La chute de l'Algérie est pourtant celle du monde arabe. Elle n'est que la culmination d'un processus historique régional par lequel les régimes autoritaires ont, à contre-courant de l'histoire, mené leurs pays à la dérive. L'aveuglement arabe sur la question algérienne est une déchéance en plus.

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## L'ORGANISATION DES NATIONS UNIES ET LES MASSACRES EN ALGERIE

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*A. Aroua*

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*Dans l'histoire des guerres modernes, le charnier algérien est encore seul à témoigner, quotidiennement, d'un génocide froidement accepté, sinon approuvé, par l'ensemble de Monde Libre.*

*Délibérément, ils nous assassinent.*

*Ils tuent et violent à plaisir tout ce qui est algérien.*

*Ce n'est plus un combat. C'est un long crime qui dépasse le siècle et il n'est personne encore, parmi tant de nations qui se réclament de la liberté, pour arrêter les bras criminels.*

*Le sang des justes coule sans fin.*

*Certains nous applaudissent.*

*D'autres se plaisent à nous voir mourir.*

*Nul ne songe que le peuple algérien paie de sa vie cet atroce théâtre où les Nations unies s'offrent royalement, et chaque année, la mise à mort d'un peuple qui ne demande rien d'autre que de respirer librement.*

*Pourtant, au seuil de la sixième année de guerre, il n'est plus d'homme en ce monde qui ne soit informé de l'ampleur des massacres.<sup>1</sup>*

Hafid Kéramane, intellectuel algérien, faisant le constat amer de la réaction internationale à la tragédie du peuple algérien durant la première guerre en Algérie

*Celui qui tait la vérité est à l'image d'un diable muet<sup>2</sup>*

Parole du Prophète Mohammad (PSSL), rappelée dans le témoignage d'une Algérienne victime de la terreur durant la deuxième guerre en Algérie

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## 1. Introduction

En Algérie le problème numéro un est le terrorisme.

Il n'y a pas de problème de droits de l'homme en Algérie.

Cette double assertion ramasse en quelques mots l'essentiel de la stratégie du régime militaire algérien depuis quelques années en matière de communication avec le monde extérieur : opinion publique, Etats, ONG, organisations internationales comme les Nations unies. Elle a été prononcée par le chef de la diplomatie algérienne Ahmed Attaf lors d'une conférence de presse au Palais des nations à Genève, en mars 1998, à la suite d'une intervention du ministre algérien devant la 54<sup>ème</sup> session de la Commission des droits de l'homme de l'ONU.

Cette époque (été 97 - printemps 98) était caractérisée en Algérie par une intensification des massacres à grande échelle qui ont commencé à frapper les populations civiles dès 1996. Elle était également caractérisée par les premières réactions sérieuses de l'ONU à la tragédie algérienne qui dure depuis le début de l'année 1992.

Ces réactions, venues essentiellement du Secrétaire général et du Haut commissaire aux droits de l'homme, ont été bien accueillies par tous ceux qui se battent en faveur des droits des victimes innocentes de la terreur et de la répression en Algérie : ONG des droits de l'homme, comités de soutien au peuple algérien, collectifs d'avocats ou simples citoyens à travers le monde. Elles ont surtout suscité beaucoup d'espoir chez les populations algériennes qui voyaient en elles un soulagement et peut-être le début de la fin d'un calvaire qui n'avait que trop duré.

Les paroles du Secrétaire général et du Haut commissaire ont incontestablement redonné un peu de crédibilité à l'ONU, dont l'image a beaucoup été ternie par les échecs dans la promotion et la protection des droits de l'homme dont elle se dit pourtant le premier défenseur sur le plan international.

Mais au-delà des effets immédiats des propos des deux hauts responsables onusiens, et de la dynamique qu'ils ont initiée, il est utile d'évaluer comment ces réactions ont affecté le cours des choses et de quelle manière elles ont pesé sur les événements tragiques en Algérie.

Cette contribution a pour ambition d'examiner la manière dont ont réagi les différents mécanismes onusiens impliqués dans la promotion et la protection des droits de l'homme à la vague de massacres qui a secoué l'Algérie et de chercher à savoir si l'on peut parler d'une action efficace des Nations unies pour secourir les populations algériennes.

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Le but de ce texte est aussi d'examiner les moyens par lesquels le régime algérien a œuvré, par l'intermédiaire de sa diplomatie, pour faire accepter aux Nations unies le slogan qui affirme qu'en Algérie il n'y a pas de problème de droits de l'homme, même si ce slogan apparaît à première vue en décalage total avec la réalité de la situation des droits de l'homme dans ce pays, cette situation étant marquée par une vague des massacres abominables qui ont coûté la vie à des milliers d'innocents. Ces pages visent donc à évaluer dans quelle mesure le régime algérien a réussi dans cette tâche.

La section 2 présente l'ensemble des mécanismes prévus pour la gestion des questions des droits de l'homme au sein de l'ONU. Les sections 3 à 8 abordent au cas par cas la manière dont a été pris en charge le dossier des massacres en Algérie, respectivement par l'Assemblée générale et le Conseil de sécurité, le Secrétariat général, le Haut commissariat aux droits de l'homme, le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires, la Commission des droits de l'homme et le Comité des droits de l'homme. La section 9 porte sur la mission spéciale de l'ONU organisée pendant l'été 1998 et baptisée 'panel' onusien. La section 10 présente enfin une ébauche de bilan concernant l'action onusienne face aux massacres en Algérie.

## **2. Mécanismes onusiens des droits de l'homme**

Les Nations unies s'appuient sur différents textes légaux qui, théoriquement, les habilitent à promouvoir et à protéger les droits de l'homme dans le monde. Elles disposent aussi d'un certain nombre de mécanismes conçus pour veiller à l'application et au respect de cette batterie de textes. Les textes et les mécanismes onusiens relatifs à la promotion et la protection des droits de l'homme sont, par définition, reconnus par tous les pays membres de l'ONU qui les ont ratifiés ou y ont adhéré. L'interprétation des textes et des dispositions d'utilisation des mécanismes n'est cependant pas univoque, ce qui rend souvent difficile leur mise en œuvre réelle et effective.

Ci-dessous seront énumérés les divers textes, organes et instruments onusiens qui sont impliqués dans des phénomènes similaires aux massacres des populations civiles en Algérie.

### **2.1. Les textes légaux**

Les textes fondamentaux de l'ONU en matière de promotion et protection des droits de l'homme sont la *Charte des Nations unies* adoptée le 26 juin 1945 - l'Algérie a adhéré à cette Charte dès son indépendance, en devenant membre des Nations unies - et la *Déclaration universelle des droits de l'homme*, adoptée le 10 décembre 1948 ; l'Algérie a également adhéré à cette Déclaration dès son indépendance (article 11 de la Constitution de 1963).

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Il faut citer aussi le *Pacte international relatif aux droits civils et politiques* et le premier *Protocole facultatif* se rapportant à ce pacte, adoptés le 16 décembre 1966 et entrés en vigueur le 23 mars 1976. L'Algérie a ratifié le protocole comme le pacte le 16 mai 1989.

L'ONU dispose encore en matière de crimes de guerre et de crimes contre l'humanité, y compris le génocide, de la *Convention pour la prévention et la répression du crime de génocide*, adoptée le 9 décembre 1948 et entrée en vigueur le 12 janvier 1951. L'Algérie a adhéré à la Convention le 11 septembre 1963. Il faut ajouter la *Convention sur l'imprescriptibilité des crimes de guerre et des crimes contre l'humanité*, adoptée le 26 novembre 1968 et entrée en vigueur le 11 novembre 1970, et les *Principes de la coopération internationale en ce qui concerne le dépitage, l'arrestation, l'extradition et le châtement des individus coupables de crimes de guerre et de crimes contre l'humanité*, adoptés le 3 décembre 1973.

## 2.2. Les organes

Les principaux organes décisionnels des Nations unies sont l'*Assemblée générale* et le *Conseil de sécurité*. Le *Secrétariat général* veille à alerter ces deux organes décisionnels sur toutes les questions qui relèvent de la compétence des Nations unies, notamment les questions de droits de l'homme. Le Secrétaire général peut nommer un représentant spécial, un expert indépendant ou une délégation en vue d'examiner la situation d'un pays donné.

En matière de droits de l'homme, existent d'une part le *Conseil économique et social*, qui s'occupe entre autres dossiers de celui des droits de l'homme et qui dispose à cet effet de plusieurs instruments, et d'autre part le *Haut commissariat aux droits de l'homme*, mandaté pour la promotion et la protection des droits de l'homme, et dont l'une des principales missions est de répondre aux violations graves de ces droits.

## 2.3. Les instruments

Les principaux instruments onusiens en matière de droits de l'homme, impliqués dans les crimes similaires aux massacres perpétrés en Algérie, sont le *Comité des droits de l'homme*, l'un des comités de surveillance des traités, qui veille à la mise en œuvre du Pacte international relatif aux droits civils et politiques, et la *Commission des droits de l'homme*, qui débat lors de ses sessions annuelles de la situation des droits de l'homme dans le monde. La Commission est habilitée à former des groupes de travail qui examinent des thèmes précis, ainsi qu'à nommer des rapporteurs spéciaux pour se pencher sur un pays ou un sujet donnés, tels que le *Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires*.

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### 3. L'Assemblée générale et le Conseil de sécurité

Le 24 septembre 1997, à l'occasion de la 52<sup>ème</sup> session de l'Assemblée générale, le ministre allemand des Affaires étrangères, Klaus Kinkel, a déclaré à la tribune de l'ONU : 'L'abomination du dernier carnage en Algérie sera difficile à égaler. Cela coupe vraiment le souffle. Combien de temps la communauté internationale pourra-t-elle détourner la tête ?<sup>3</sup>' Le journaliste Baudouin Bollaert dira dans *Le Figaro* que la déclaration du ministre allemand 'risque fort de ressembler à un coup d'épée dans l'eau'<sup>4</sup>

Du côté du Conseil de sécurité, aucun Etat n'a posé le problème algérien devant cette instance, si l'on exclut l'intervention qu'aurait fait Robin Cook, secrétaire du Foreign Office britannique<sup>5</sup>.

Et pourtant, à l'occasion de la 52<sup>ème</sup> session de l'Assemblée générale, Pierre Sané, Secrétaire général d'*Amnesty International*, a proposé un 'challenge' aux Etats membres des Nations unies afin qu'ils 'arrêtent de détourner leur regard de la tragédie algérienne et engagent des actions réelles pour soulager le peuple algérien.<sup>6</sup>'<sup>A</sup> Il a dressé le catalogue des abus et des atteintes aux droits de l'homme, et présenté des faits. Il a aussi regretté que la communauté internationale n'ait décidé aucune action :

- Peu de pays membres de l'ONU ont parlé de la situation en Algérie, et ceux qui l'ont fait ont fait le plus souvent des déclarations de préoccupation douces et générales ;
- La Commission de l'ONU sur les droits de l'homme a échoué à s'attaquer au problème des victimes en Algérie ;
- L'Organisation de l'Unité africaine a échoué à répondre à la situation des droits de l'homme en Algérie ;
- L'Union européenne s'est cachée passivement derrière un mur d'ignorance qu'elle s'est créé, prétendant qu'elle n'a pas une information complète sur les atteintes aux droits de l'homme en Algérie, tout en ne décidant aucune action pour instiguer ou appuyer des investigations ;
- Aucun mécanisme expert de l'ONU n'a visité l'Algérie durant les six années d'horreur.<sup>7</sup>

Pierre Sané a poursuivi sa déclaration en évoquant les 'excuses' présentées par certains pays, qu'il a jugées 'insupportables' :

- Ils ont présenté des arguments selon lesquels les autorités algériennes n'autoriseront jamais dans leur pays une enquête sur les droits de l'homme ;
- Ils se sont cachés les uns derrière les autres, prétendant qu'il n'y a pas de volonté politique pour ouvrir une session spéciale de la Commission des droits de l'homme ;

<sup>A</sup> Voir le texte intégral dans l'annexe 1.

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- Ils argumentent qu'une telle session spéciale n'est pas nécessaire puisque la 3<sup>ème</sup> Commission de l'ONU se réunit en ce moment à New York ; mais cette commission n'a jusqu'à maintenant pris aucune initiative sur la crise algérienne.

Tout ceci sur l'arrière-plan des déclarations récentes faites par le Secrétaire général de l'ONU, le Haut Commissaire de l'ONU pour les droits de l'homme, l'UNICEF, le HCR, condamnant les massacres de civils et les autres atteintes aux droits de l'homme en Algérie. Ces mots sont les bienvenus, mais ils commencent à paraître creux quand ils ne sont suivis que d'hésitations des gouvernements et non d'actions.

On ne peut penser à aucun autre pays où les violations des droits de l'homme soient si extrêmes, où les civils soient ciblés à pareil degré, et où il n'y ait même pas d'examen minutieux par la communauté internationale.

Dans d'autres pays, face à des niveaux similaires de tortures, de 'disparitions' ou d'assassinats politiques, au moins des experts se sont-ils rendus sur place, ou des inspecteurs ont-ils été envoyés, ou des résolutions ont-elles été adoptées.<sup>8</sup>

A la fin de son intervention, Pierre Sané a mentionné : 'La situation tragique en Algérie est aujourd'hui universellement reconnue, et il est temps de décider une action en vue d'arrêter les violations des droits de l'homme et d'assurer la protection de la population civile.'<sup>9</sup>

La réaction de la diplomatie algérienne à ce propos était prévisible. Pendant le débat général de la session de l'Assemblée générale, Ahmed Attaf, ministre algérien des Affaires étrangères, n'a pas oublié de revenir sur son thème préféré, le 'terrorisme', et de souligner au milieu de son intervention :

Parmi les nouveaux défis auxquels se trouve confrontée la Communauté internationale, le terrorisme est celui qui, à l'évidence, est le plus redoutable en raison des menaces qu'il fait peser non tant seulement sur les droits les plus élémentaires de l'individu, que sur les fondements démocratiques de nos sociétés, et contre lesquelles aucun Etat ne peut se considérer comme étant durablement prémuni.

A cet égard, il y a lieu de se féliciter ici de la prise de conscience internationale qui a pris corps quant à la nature véritable de ce phénomène et qui s'est accompagnée d'une mobilisation plus grande contre ce fléau qui, outre qu'il entrave le développement économique et social des Etats, fait peser les plus graves dangers sur la paix et la sécurité internationales.

Il convient également de saluer la décision de l'Assemblée générale de notre Organisation d'inscrire la lutte contre le terrorisme international parmi ses principales priorités, dans son plan d'action à moyen terme. L'étape actuelle nous commande, en effet, d'exploiter efficacement tous nos atouts en orientant l'action des Nations unies dans une direction novatrice et pratique, axée sur les aspects juridiques opérationnels de l'action multilatérale contre le terrorisme.

Dans cet ordre d'idées, la conclusion d'une convention internationale qui appréhenderait les actes de terrorisme d'une façon globale et intégrée doit être un des axes principaux et prioritaires d'une action internationale plus effective.

En effet, la communauté internationale peut et doit se mettre résolument à l'écoute des exigences de la lutte contre le terrorisme, avant tout en le privant de

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tout sanctuaire et, ensuite, en veillant au strict respect des instruments internationaux pertinents en la matière.

Lors de la 43<sup>ème</sup> séance de la 3<sup>ème</sup> Commission de l'ONU, le 19 novembre 1997, c'était au tour du représentant permanent de l'Algérie, Abdallah Baali, d'évoquer le sujet des droits de l'homme en déclarant que son pays était

résolu à poursuivre l'effort de rénovation nationale dont la promotion et la protection des droits de l'homme sont une composante essentielle. Cette politique est conforme au vœu librement exprimé du peuple algérien. [...] L'Algérie fait face à une campagne terroriste d'une extrême violence qui s'acharne sur les femmes, les enfants et les vieillards. Avec l'appui du peuple algérien qui a rejeté le terrorisme et le fondamentalisme, les forces de sécurité algériennes luttent courageusement contre les terroristes.<sup>10</sup>

Abdallah Baali a aussi protesté contre les allusions faites au sujet de la passivité des forces de sécurité lors de certains massacres en Algérie :

C'est là une accusation extrêmement grave fondée sur des allégations dépourvues de fondement émanant d'une organisation non gouvernementale connue pour son manque d'objectivité, de professionnalisme et de connaissance de la situation réelle des pays qu'elle critique. Les forces de sécurité algériennes n'ont jamais failli à leur tâche et elles continuent à s'acquitter de leur mission sans défaillance dans l'intérêt de la paix et de la stabilité de la région. Travaillant dans des conditions extrêmement difficiles, elles respectent strictement les lois algériennes et les droits de l'homme.

Pour ce qui est de l'invitation au dialogue, [...] l'Assemblée nationale est une instance pluraliste démocratiquement élue où siègent une douzaine de partis politiques représentant toutes les nuances de l'opinion politique, y compris les groupes islamistes. S'agissant de la liberté de la presse, [il faut rappeler que] 200 journalistes étrangers, pour la plupart européens, ont couvert les récentes élections locales en Algérie et que 30 journalistes étrangers suivent actuellement la situation dans le pays. [...] Loin d'entraver l'action des organisations non gouvernementales s'occupant des droits de l'homme, le gouvernement algérien a reçu un certain nombre de missions représentant ces organisations.<sup>11</sup>

En définitive, malgré les horreurs perpétrées au moment où la 52<sup>ème</sup> session de l'ONU se tenait à New York, ni l'Assemblée générale ni le Conseil de sécurité n'ont jugé bon d'entreprendre une action concrète en faveur de la population algérienne. L'absence d'une telle action, qui aurait pu prendre la forme d'une résolution ou de la nomination d'une commission d'enquête ou d'un représentant du Secrétaire général, indique le manque de volonté politique chez les membres influents de l'ONU, notamment les cinq membres permanents du Conseil de sécurité.

D'ailleurs, les chefs de la diplomatie des deux membres les plus concernés par le dossier algérien, la France et les Etats-Unis, Hubert Védrine et Madeleine Albright, se sont bien rencontrés le 24 septembre lors d'un petit déjeuner en marge des travaux de la session, pour se concerter 'plus étroitement'<sup>12</sup> sur la crise algérienne, sans rien annoncer de précis. Les autorités françaises

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souligneront cependant qu'une médiation des Nations unies est envisageable 'à condition que toutes les parties du conflit la demandent'<sup>13</sup>, souveraineté de l'Etat algérien oblige. Et pour dissiper tout malentendu et éviter toute mauvaise interprétation, le porte-parole adjoint du Quai d'Orsay, Yves Doutriaux, affirmera le lendemain : 'Ce n'est pas parce qu'on a parlé qu'on envisage une action internationale', et ajoutera : 'Seuls les Algériens peuvent trouver une solution [à la crise]'.<sup>14</sup>

Ainsi, comme l'a annoncé le journaliste Baudouin Bollaert, l'ONU a choisi de 'se réfugier dans l'attentisme'.<sup>15</sup>

#### 4. Le Secrétariat général

Kofi Annan a entamé son mandat de septième Secrétaire général de l'ONU le 1<sup>er</sup> janvier 1997. Le 30 août de la même année, au lendemain de l'un des plus sanglants épisodes d'un long feuilleton de massacres horribles en Algérie, qui a entraîné dans la localité de Raïs près d'Alger la mort de 200 à 300 personnes, le nouveau Secrétaire général, en visite à la Mostra de Venise, a fait une déclaration lors d'une conférence de presse à l'occasion du Festival du film :

Nous sommes en présence d'une situation [en Algérie] qui a longtemps été considérée comme un problème intérieur. Alors que les massacres se poursuivent et que le nombre de victimes augmente, il est extrêmement difficile pour nous de prétendre que rien ne se passe, que nous ne sommes pas au courant, et d'abandonner ainsi le peuple algérien à son sort. En tant qu'êtres humains compatissants, comme des gens qui ont une conscience et des préoccupations morales, nous devrions être touchés et concernés par ce qui se passe en Algérie.

Les mots ne suffisent peut-être pas, mais c'est un premier pas de faire savoir aux victimes qu'une tierce partie s'intéresse à elles. Ceci leur donne parfois du courage.<sup>16</sup>

Il ajoutera que 'c'est un problème dont on ne peut pas se contenter de discuter à la télévision'<sup>17</sup>.

Après une longue léthargie et un silence prolongé du Secrétariat général de l'ONU concernant la situation dramatique des droits de l'homme en Algérie, la puissante déclaration de Kofi Annan, décidée 'malgré l'avis de certains de ses conseillers'<sup>18</sup>, fit l'effet d'une bombe diplomatique. En Algérie, ces propos sont venus redonner de l'espoir au peuple algérien qui allait reprendre confiance dans la bonne volonté de l'organisation internationale.

Toute la classe politique algérienne favorable à une solution pacifique de la crise, notamment les signataires du Contrat national, a bien accueilli l'intervention de Kofi Annan.

Le jour même où Kofi Annan prononçait sa déclaration, Abassi Madani, président du Front islamique du salut (FIS), libéré de prison tout juste un mois et demi auparavant et interdit d'activités politiques, a envoyé un mes-

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sage<sup>19</sup> au Secrétaire général pour le remercier de son appel au dialogue et à la réconciliation et saluer son courage. Le numéro un du FIS a déclaré qu'il appuyait l'initiative du Secrétaire général et qu'il était prêt à collaborer avec lui pour freiner le «pourrissement» de la situation et arrêter 'l'effusion de sang' en Algérie. Le lendemain, 1<sup>er</sup> septembre 1997, Abassi Madani sera assigné à résidence dans le domicile de ses parents dans le quartier populaire de Belcourt à Alger, et du fait de sa lettre à Kofi Annan menacé par le ministère de l'Intérieur de renvoi en prison. L'agence officielle de presse APS écrira que Abassi Madani 'tente pour ainsi dire de se remettre à flots, nonobstant les réalités nouvelles du pays, en recourant même à un appel à l'ingérence étrangère.<sup>20</sup>

De son côté, Hocine Aït-Ahmed, président du Front des forces socialistes (FFS), a lancé par lettre personnelle et lors d'une conférence de presse<sup>21</sup> tenue à Genève le 3 septembre 1997 un appel à Kofi Annan, lui demandant de 'mettre en action les voies et moyens appropriés' pour aider l'Algérie à 'ouvrir une sortie de crise globale pacifique et démocratique.' Il proposait au Secrétaire général l'envoi en Algérie d'un délégué spécial et d'une commission d'enquête sur les récents massacres. Hocine Aït-Ahmed allait jusqu'à comparer les atrocités que connaissait son pays à celles des nazis : 'Les Oradour-sur-Glane successifs qui viennent de foudroyer la société algérienne placent la communauté internationale devant des crimes contre l'humanité, quels que soient leurs auteurs et leurs commanditaires.' Le président du FFS a appelé la communauté internationale à renier son attitude de 'non-assistance à un peuple en danger' et a évoqué le danger de 'somalisation' ou de 'rwandisation' de l'Algérie. Il a estimé que le pouvoir qui jusque là n'avait fait que 'moduler la violence' pour sauvegarder ses intérêts devait 's'asseoir autour d'une table avec les forces représentatives' pour trouver une solution politique en Algérie. Hocine Aït-Ahmed déclarera par ailleurs :

Cela fait six ans qu'une guerre sans images, sans témoins se déroule dans notre pays. Avec comme bilan : 120 000 morts ! Ce qui s'est passé ces dernières semaines en Algérie dépasse les simples violations des droits de l'homme, il s'agit de crimes contre l'humanité. [...] La communauté internationale doit faire pression sur le régime qui détient la clé pour sortir de la crise. Il faut que ce pouvoir renonce à une situation militaire et accepte une solution politique négociée.<sup>22</sup>

Le courage politique de Kofi Annan a été également salué par les ONG internationales des droits de l'homme comme *Human Rights Watch* qui a estimé par la voix de son président, Kenneth Roth, que le Secrétaire général a 'l'obligation morale d'intervenir là où les droits de l'homme sont violés. Quand tant de vies sont perdues, ce n'est jamais une affaire purement intérieure<sup>23</sup>, ou *Amnesty International* qui a soutenu les efforts de Kofi Annan et a déploré le fait que 'les responsables algériens accusent systématiquement ceux qui expriment leurs préoccupations sur la situation des droits de l'homme dans ce pays.<sup>24</sup>

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De fait, la réaction de la diplomatie algérienne à la déclaration du Secrétaire général a été très violente ; on a très vite crié à 'l'ingérence dans les affaires intérieures<sup>25</sup>' de l'Algérie. Les propos de Kofi Annan ont été qualifiés d'«inacceptables car outrepassant les compétences du premier responsable d'une organisation mondiale fondée sur le respect de la souveraineté des Etats et de la non-ingérence dans leurs affaires intérieures<sup>26</sup>». De cet argument de l'ingérence, un diplomate fera le commentaire suivant :

Que l'Algérie ne veuille pas de l'intervention du Secrétaire général est une chose, mais il ne faut pas dire que c'est de l'ingérence de la part des Nations unies. [Depuis plusieurs années déjà, l'ONU] n'intervient que dans des conflits internes et non pas dans des guerres entre Etats : il n'y en a plus.<sup>27</sup>

Le ministère des Affaires étrangères, sous l'autorité d'Ahmed Attaf, a déclaré par ailleurs dans un communiqué de presse que le texte de Kofi Annan entretenait 'un amalgame singulier entre les tueries et le processus démocratique ancré dans notre pays, au sein duquel les auteurs et commanditaires [des massacres] ne sauraient trouver place<sup>28</sup>». José Garçon commentera dans *Libération* ce communiqué

dont seul le destinataire, l'ONU, change, car il ressemble à s'y méprendre à la diatribe de l'ambassadeur algérien auprès des Nations unies [Mohamed-Salah Dembra] il y a moins de dix jours pour empêcher l'adoption d'une résolution à la sous-commission des Droits de l'homme à Genève.<sup>29</sup>

Le ministère des Affaires étrangères a annoncé aussi avoir demandé à la représentation permanente de l'Algérie à New York de 'marquer [sa] désapprobation<sup>30</sup>' envers l'attitude du Secrétaire général et 'd'effectuer une démarche immédiate<sup>31</sup>' pour réparer le tort causé à l'Etat algérien par ses déclarations.

Outre la protestation officielle du gouvernement algérien, il est à noter que la déclaration de Kofi Annan a étonné plus d'un Etat, notamment les Etats-Unis comme l'a affirmé un diplomate américain<sup>32</sup>. Quelques jours plus tard, le 10 septembre, l'ambassadeur américain en Algérie, Ronald Neumann, ira rencontrer le général Zéroual et déclarera à l'issue de cette rencontre que 'les Etats-Unis soutiennent les mesures militaires prises pour assurer la protection des civils [et] la politique énoncée par le président Zéroual [en vue d'une] réconciliation nationale [entre ceux qui] rejettent la violence.<sup>33</sup>

Du côté français, on s'est empressé de préciser que, de toute façon, 'toute médiation de l'ONU nécessite une décision du Conseil de sécurité.<sup>34</sup> Une manière de rappeler que le Secrétaire général n'a pas de pouvoirs décisionnels réels, et que tout doit passer par les ambassadeurs des cinq membres permanents du Conseil de sécurité, dépositaires du droit de veto.

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Le soutien actif au régime algérien d'au moins deux membres du Conseil de sécurité, la France et les Etats-Unis, était garanti, comme l'affirme un diplomate cité par la journaliste Afsané Bassir Pour :

Il semble que la voix de la conscience a été réveillée par l'appel du secrétaire général. On a aussi pu constater que la stratégie du gouvernement d'Alger d'interdire toute médiation et internationalisation du conflit a de forts soutiens parmi les grands pays, la France certes, mais aussi récemment les Etats-Unis.<sup>35</sup>

Les pressions exercées sur le Secrétaire général l'ont conduit, quatre jours après sa déclaration, à téléphoner au général Zeroual pour lui fournir des 'explications' et des 'éclaircissements' sur ses propos. Un communiqué de la Présidence algérienne annonçait le 3 septembre que le général-président Zeroual avait rappelé lors de cet entretien téléphonique le 'refus' de l'Algérie de 'toute immixtion' dans ses affaires intérieures, car l'Algérie 'dispose aujourd'hui d'institutions fortes, capables par elles-mêmes de conduire le pays vers la sortie définitive de la crise' et parce que les difficultés 'conjoncturelles' que traverse l'Algérie 'ne sauraient être résolues que par les Algériens eux-mêmes, en dehors de toute ingérence extérieure, quelle qu'en soit l'origine'<sup>36</sup>.

D'Helsinki, le ministre algérien des Affaires étrangères, Ahmed Attaf, réitérera le 9 septembre le refus de l'Algérie des 'ingérences étrangères' et réaffirmera que l'Algérie est capable de s'en sortir par ses propres moyens.<sup>37</sup>

Le 11 septembre, le Secrétaire général s'est dit 'prêt à servir de médiateur dans le conflit algérien' et a regretté, de manière implicite, le refus du pouvoir algérien de toute médiation extérieure dans la crise<sup>38</sup>.

Par suite de la réaction brutale des autorités algériennes, un proche de Kofi Annan a avoué que l'offre de médiation de ce dernier était restée 'sans résultats, sinon celui de se voir renvoyer dans les cordes par le président Zeroual'.<sup>39</sup> Le Secrétaire général de l'ONU se souviendra d'ailleurs longtemps de la tempête provoquée par ses paroles et en tirera la règle d'or qui s'imposait : silence !

En effet, pour les diplomates algériens à New York ce silence a été garanti et ils ont tenu à en informer la presse internationale :

Kofi Annan a parfaitement compris qu'il n'a aucun rôle à jouer en Algérie. Nous avons des assurances qu'il est hors de question que le Secrétaire général intervienne de nouveau dans nos affaires intérieures ; la question est close.<sup>40</sup>

Ainsi, le 23 septembre, pendant les travaux de la 52<sup>ème</sup> session de l'Assemblée générale, la réaction du Secrétaire générale au massacre de Benthalha sera différente de celle qui avait suivi le massacre de Raïs. Il se contentera de condamner depuis son cabinet où avait lieu un long débat sur l'Algérie un 'acte brutal de terrorisme'.<sup>41</sup>

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Au début de l'année 1998, ce n'est pas le Secrétaire général mais son porte-parole qui a dû s'exprimer pour se dire 'extrêmement préoccupé'<sup>42</sup> par les massacres algériens.

Après un sursis d'une année, pendant lequel il cédera sur la principale revendication de la communauté internationale, à savoir la formation d'une commission d'enquête indépendante, le Secrétaire général acceptera l'idée d'un simple panel d'information sans pouvoir d'enquête (voir section 9) et sera accueilli avec les honneurs lors de son voyage de deux jours en Algérie concernant le conflit du Sahara occidental (1<sup>er</sup> et 2 décembre 1998).

En effet, Kofi Annan a été reçu le premier jour au matin par le ministre des Affaires étrangères, Ahmed Attaf, qui l'a informé du fait que l'Algérie soutenait la proposition des Nations unies concernant le processus de paix au Sahara occidental, ce qui lui sera confirmé par le Premier ministre Ahmed Ouyahia. Il rencontrera aussi plusieurs parlementaires triés sur le volet par leur président Abdelkader Bensalah. Le Secrétaire général leur dira : 'Les parlementaires doivent être la passerelle entre les Nations unies et le peuple, car la politique n'est plus uniquement locale mais globale'<sup>43</sup>. L'après-midi, il sera conduit par Ahmed Attaf à l'inauguration de la *Maison des Nations unies* offerte par le gouvernement algérien et qui devra abriter les agences, les fonds et les programmes des Nations unies travaillant en Algérie. Le soir, le Secrétaire général sera invité à un dîner offert par Ahmed Attaf en l'honneur de son hôte prestigieux.

Le deuxième jour, Kofi Annan sera reçu par le président du Sénat, Bachir Boumaza, en compagnie d'autres membres de cette chambre, avant de rencontrer le général Liamine Zeroual pendant une heure. Cette rencontre sera suivie par un déjeuner offert par Liamine Zeroual.

Ainsi, la visite de premier diplomate du globe s'achèvera dans un climat de satisfaction mutuelle.

A Alger, on se félicitera du fait que le Secrétaire général ait eu avec ses interlocuteurs 'des échanges de points de vue sur les moyens de rendre la coopération internationale plus efficace en matière de lutte contre le terrorisme à travers, notamment, l'adoption d'une convention internationale sur ce sujet'<sup>44</sup>.

A New York, on se félicitera aussi : 'Concernant sa contribution [au budget de l'organisation], l'Algérie est devenu hier le 110<sup>ème</sup> pays membre à effectuer son paiement intégral au budget régulier des Nations unies, en remettant un chèque d'un peu plus d'un million de dollars.'<sup>45</sup>

Le Secrétaire général marquera seulement un bémol avant de s'envoler pour Tunis. Lors de sa conférence de presse, il dira avoir discuté avec le président Zeroual des problèmes économiques et sociaux de l'Algérie, de la situation des droits de l'homme et de la femme. Touché probablement par la

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misère ambiante qu'il a pu apercevoir dans les rues d'Alger, à travers les vitres feutrées de sa limousine, il annoncera aux journalistes : 'J'ai eu l'occasion de dire au président Zeroual que la sécurité, c'est aussi le bien-être social<sup>46</sup>.'

Dix jours plus tard, le porte-parole de Kofi Annan prononcera la déclaration suivante :

Le Secrétaire général déplore profondément les pertes de vies qui ne cessent pas dans la situation tragique en Algérie. Il en appelle aux consciences des auteurs de ces crimes pour qu'ils affirment le caractère sacré de la vie humaine et arrêtent leurs attaques terroristes. Le Secrétaire général considère qu'il est particulièrement urgent et vital que la population civile, notamment les femmes et les enfants, soit protégée contre les forces de violence en Algérie.<sup>47</sup>

## 5. Le Haut commissariat aux droits de l'homme

Mary Robinson a été nommée au poste de Haut commissaire aux droits de l'homme le 9 juin 1997. Environ un mois après l'intervention de Kofi Annan, elle s'est déclarée 'préoccupée par la détermination affichée par le gouvernement algérien de refuser l'aide de la communauté internationale<sup>48</sup>.'

Ahmed Attaf croisera le Haut commissaire de l'ONU aux Droits de l'homme et aura avec elle un accrochage. Mary Robinson dira qu'elle a constaté avec lui 'une différence de point de vue pour juger si le niveau de violence [en Algérie] est matière à une préoccupation au plan international.<sup>49</sup>' Elle indiquera clairement :

Lorsqu'il y a un aussi haut niveau de violence continue contre la population civile et lorsqu'il y a une situation où une partie de cette violence se produit tout près des installations gouvernementales et des casernes de l'armée, il y a lieu d'avoir un degré de préoccupation au plan international.<sup>50</sup>

De passage à Washington, elle affirmera que la violence contre les civils en Algérie est devenue intolérable et qu'il y a 'un problème terrible de droits de l'homme<sup>51</sup>' en Algérie.

Moins de deux semaines plus tard, elle réitérera sa position en déclarant dans une interview accordée au journaliste Pierre Hazan :

Je n'accepte pas que sous le prétexte de ne pas violer la souveraineté algérienne nous ne puissions rien dire, alors que des gens sont massacrés. Je me suis heurtée la semaine passée sur ce point avec le ministre algérien des Affaires étrangères.<sup>52</sup>

Elle affirmera par ailleurs :

Les massacres et autres atrocités à l'encontre des civils innocents ont pris une telle ampleur en Algérie que je refuse de considérer cette situation comme exclusivement interne. Les droits de l'homme ne connaissent pas de frontières. [...] Je vais réunir, d'ici une semaine, le maximum d'informations sur la situation en Algérie par le canal

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des différents Rapporteurs spéciaux de la commission des droits de l'homme de l'ONU sur les questions suivantes : exécutions sommaires, torture, détentions arbitraires, disparitions, violence à l'égard des femmes. Ensuite, je déciderai du prochain pas à franchir.<sup>53</sup>

Mary Robinson ne se lassera pas de demander une enquête internationale. Le jeudi 18 décembre 1997, elle renouvellera lors d'une conférence de presse 'son appel pour l'envoi en Algérie d'une mission d'enquête des Nations unies sur la violence qui a fait plus de 65 000 morts depuis 1992<sup>54</sup> et estimera que 'la balle se trouvait désormais dans le camp du gouvernement algérien pour décider ou non d'autoriser une enquête indépendante sur les atrocités.<sup>55</sup>

Cette requête sera cette fois-ci soutenue par les Etats-Unis. Le 5 janvier 1998, le porte-parole du Département d'Etat américain a exprimé le souhait que le gouvernement algérien fasse 'plus pour protéger ses habitants tout en respectant la loi' et qu'une 'enquête internationale puisse faire la lumière<sup>56</sup> sur ce qui se passait en Algérie. Cela a provoqué, comme chaque fois que le mot 'enquête' est prononcé, la colère hystérique du régime algérien. Le 7 janvier, le gouvernement algérien n'a pas manqué de réitérer son rejet 'ferme et inébranlable' de toute 'ingérence' internationale<sup>57</sup>. Le même jour, l'ambassadeur d'Algérie à Paris, Mohamed Ghoualmi, a reproché à la communauté internationale d'affaiblir l'Algérie et de 'légitimer d'une certaine façon le terrorisme<sup>58</sup>'. De New York, l'ambassadeur d'Algérie Abdallah Baali déclarera de son côté :

Les Nations unies n'ont pas de rôle à jouer en Algérie, [car] ce qui se passe en Algérie est quelque chose que nous devons régler nous-mêmes. [Une enquête internationale] signifierait qu'il y a des doutes sur l'identité des responsables des massacres, alors que tout le monde sait qui ils sont.<sup>59</sup>

Mary Robinson se battra aussi dès la fin de 1997 pour que le pouvoir algérien autorise deux Rapporteurs spéciaux de l'ONU à se rendre en Algérie. Il s'agit du Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires et du Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants. Lors d'une rencontre avec l'ambassadeur d'Algérie auprès de l'Office des Nations unies à Genève, Mohamed-Salah Dembri, Mary Robinson lui fera connaître ses préoccupations et affirmera qu'il était dans l'intérêt du gouvernement algérien d'autoriser une telle mission ; mais l'ambassadeur sera d'un avis différent. Là encore, le Haut commissaire aura le soutien du gouvernement américain. James Rubin, porte-parole du Département d'Etat, souhaitera le 12 janvier 1998 qu'un Rapporteur spécial de l'ONU puisse 'se rendre [en Algérie] et faire la lumière<sup>60</sup> sur les massacres ; il réitérera ce vœu quelques jours plus tard.

Le 19 mars 1998, le Haut commissaire rencontrera le ministre algérien des Affaires étrangères, lors de son séjour à Genève, mais elle ne parviendra pas à le convaincre à propos de l'envoi des deux Rapporteurs spéciaux. Le

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ministre lui demandera de patienter jusqu'à ce que le gouvernement algérien rende en juillet au Comité des droits de l'homme de l'ONU son rapport périodique sur la situation des droits de l'homme en Algérie.

## **6. Le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires**

Le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires, tout comme le Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants, n'ont donc jamais été autorisés à se rendre en Algérie, malgré tous les efforts engagés dans ce sens. Le régime algérien a accepté la visite d'un seul Rapporteur spécial, celui chargé de travailler sur l'intolérance religieuse.

Ainsi, le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires a travaillé à distance, sur la base des documents et témoignages qui lui parvenaient et de la correspondance qu'il échangeait avec les autorités algériennes. Dans son rapport annuel remis à la Commission des droits de l'homme (CDH) à la fin de l'année 1997, le Sénégalais Bacre Waly Ndiaye, qui était alors Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires, écrivait :

Le Rapporteur spécial s'inquiète vivement de la situation en Algérie où, dans certains cas, les forces de sécurité, selon les informations reçues, ne seraient intervenues ni pour protéger ceux qui étaient massacrés ni pour arrêter les responsables de la tuerie, ce qui a entraîné la mort de centaines de civils innocents. Selon les renseignements portés à la connaissance du Rapporteur spécial, un grand nombre de massacres de civils ont été perpétrés aux environs de la capitale et en des lieux très proches des casernes et des avant-postes des forces de sécurité.<sup>61</sup>

Le rapport annuel indiquait également :

Le Rapporteur spécial est vivement préoccupé par la situation des droits de l'homme en Algérie, caractérisée par de nombreux massacres de civils, y compris de femmes, d'enfants et de personnes âgées, qui ont pris une ampleur sans précédent depuis les élections législatives du 5 juin 1997.

D'après les informations transmises au Rapporteur spécial, ces massacres seraient, pour la plupart, imputables aux groupes islamistes armés. Cependant, certains massacres auraient été commis à proximité immédiate des casernes de l'armée ou des positions des forces de sécurité sans que celles-ci n'interviennent. Des craintes ont été exprimées quant à l'éventuelle responsabilité de l'Etat en raison, d'une part, d'informations selon lesquelles des membres des groupes armés agiraient au vu et au su des forces de sécurité, voire avec la complicité de certains éléments de ces forces et, d'autre part, des défaillances qui se seraient révélées dans le système d'alerte et de prévention des massacres. Ces massacres font parfois plusieurs centaines de victimes en même temps.

En outre, l'utilisation de faux barrages des forces de sécurité a été citée à plusieurs reprises comme moyen d'attenter à la vie des populations civiles. D'autres in-

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formations font état d'exécutions sommaires de prisonniers, qui auraient été parfois en détention secrète, et de suspects au moment de leur arrestation. Enfin, la légalisation des groupes d'autodéfense par un décret du 4 janvier 1997 a favorisé la prolifération de milices qui viendrait compliquer la question de l'identification des auteurs des massacres et de leurs complices éventuels.<sup>62</sup>

#### Dans ses observations, le Rapporteur spécial

regrette l'insuffisance d'informations précises sur les allégations de violations du droit à la vie bien qu'elles continuent à se produire à une échelle alarmante. Ces violations, de nature et d'ampleur diverses, auraient été commises tant par les forces de sécurité que par les groupes armés islamistes et par les groupes d'autodéfense. Cette multiplicité d'auteurs et de complices possibles rend plus complexe l'appréciation de la situation du droit à la vie dans le pays. Le Rapporteur spécial rappelle qu'il est du devoir impérieux de l'Etat d'assurer la protection des populations civiles et de mettre fin aux massacres par tout moyen approprié, dans le respect de l'Etat de droit. Le nombre impressionnant de victimes - plusieurs dizaines de milliers - y compris des femmes, des enfants, voire des nourrissons et des personnes âgées sans défense, laisse apparaître un besoin crucial de mécanismes efficaces de prévention de ces massacres et d'enquête systématique sur leurs circonstances. Il est également nécessaire que le système de réparation du préjudice subi par les survivants et les familles des victimes soit renforcé. C'est pourquoi le Rapporteur spécial tient particulièrement à se rendre en Algérie afin d'apprécier par lui-même la situation et d'être en meilleure position pour recommander des mesures concrètes de protection du droit à la vie.<sup>63</sup>

Les propos du Rapporteur spécial Bacre Waly Ndiaye, tout comme ceux du professeur de droit britannique Nigel S. Rodley, Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants, n'ont pas été du goût de la délégation algérienne à Genève. Ainsi, Lazhar Soualem, sous-directeur des affaires humanitaires au ministère des Affaires étrangères, a dû intervenir lors de la 54<sup>ème</sup> session de la Commission des droits de l'homme pour protester contre le rapport de Nigel S. Rodley et faire remarquer que 'le gouvernement algérien a toujours fait preuve de coopération avec les mécanismes de la Commission des droits de l'homme et entend poursuivre cette coopération dans la transparence et la sérénité.<sup>64</sup> Il a aussi affirmé que 'l'efficacité de ces mécanismes repose sur un examen objectif des allégations reçues' et a déploré qu'en ce qui concerne l'Algérie ce critère ne soit pas respecté.

De son côté, Mohamed Hassaïne, conseiller à la mission permanente d'Algérie à Genève, en commentant le rapport de Bacre Waly Ndiaye, s'est mis à discourir sur le caractère de 'menace globale' que représente le phénomène du 'terrorisme', et la réponse internationale commune qui doit lui être réservée :

L'Algérie a adhéré à pratiquement tous les instruments internationaux des droits de l'homme, y compris les protocoles facultatifs, et présente régulièrement ses rapports périodiques aux divers Comités. L'Algérie n'est pas confrontée à une crise des droits

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de l'homme mais au phénomène du terrorisme qui est une négation outrancière des droits de l'homme, dont le plus sacré qui est le droit à la vie. Le gouvernement algérien rejette catégoriquement les manœuvres qui visent la légitimation ou l'explication des actions des groupes terroristes.

La protection des personnes et de leurs biens par les forces publiques de sécurité est une prérogative constitutionnelle de l'Etat dans tous les systèmes politiques. Le terrorisme constitue une menace directe pour toutes les démocraties, surtout dans les pays en transition. C'est un défi majeur à la communauté internationale car il met en danger la paix et la sécurité internationales. C'est pourquoi il ne faut pas l'aborder sélectivement selon les pays affectés, et qu'il doit être condamné de manière univoque.<sup>65</sup>

En évoquant le rapport du Rapporteur spécial Bacre Waly Ndiaye, Mohamed Hassaine a ajouté :

Il est regrettable cependant que le Rapporteur spécial paraisse encore incertain sur l'identité des responsables des massacres en Algérie, lorsqu'en fait ceux-ci sont régulièrement revendiqués par les groupes terroristes eux-mêmes. S'il a le moindre doute, il devrait chercher l'information auprès du gouvernement algérien.<sup>66</sup>

En ce qui concerne les observations du Rapporteur spécial sur la nécessité de mécanismes effectifs pour enquêter sur les circonstances des massacres, Mohamed Hassaine a déclaré :

Le système légal est impliqué à chaque occasion. Des investigations sont lancées et la presse nationale rapporte les procès des personnes arrêtées. [Nous sommes] prêts, comme toujours, à nous engager dans le dialogue et la coopération avec les mécanismes des droits de l'homme de l'ONU de manière calme et transparente, loin du regard des médias et à l'abri des manœuvres engagées par certains.<sup>67</sup>

## 7. La Commission des droits de l'homme

La 54<sup>ème</sup> session de la Commission des droits de l'homme de l'ONU (CDH) s'est tenue à une période où l'Algérie connaissait une généralisation des massacres de populations civiles dans un grand nombre de localités du territoire. Cette session s'est déroulée dans une atmosphère tendue, après un été et un automne sanglants en Algérie, caractérisés par les massacres à grande échelle perpétrés contre des populations sans défense, qui ont ému le monde entier et ont poussé Kofi Annan à prendre position. Cette session s'est aussi ouverte quelques mois après la nomination du nouveau Haut commissaire des Nations unies pour les droits de l'homme, Mary Robinson, qui avait déjà eu le temps de dire à haute voix son indignation.

La délégation algérienne, exceptionnellement forte cette année-là (voir composition ci-dessous), s'est trouvée dans une position défensive. Elle a été interpellée par les représentants de l'Union européenne et des Etats-Unis. Mais la pression est venue surtout des ONG des droits de l'homme qui ont mis les représentants du pouvoir algérien en difficulté. Quatre de ces ONG

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s'étaient déjà associées pour militer en vue de la constitution d'une commission indépendante d'enquête et cette position leur avait attiré les foudres du pouvoir algérien<sup>B</sup>. Ces quatre ONG allaient tenter une action de lobbying dans le but de convaincre les membres de la CDH de prendre position en faveur d'une telle commission d'enquête et d'adopter une résolution sur l'Algérie.

#### Liste des membres de la délégation algérienne et liste des membres du Bureau de la CDH lors de sa 54<sup>ème</sup> session annuelle<sup>68</sup>

##### Délégation algérienne

*Qualité* : pays observateur

*Chef de la délégation* : Mohamed-Salah Dembri.

Autres membres : Farida Aïouaze, Amar Abba, Anissa Bouabdallah, Mohamed Hassaïne, Saïd Khellifi, Amina Mesdoua, Lazhar Soualem, Chems Eddine Zelaci, Djoher Akrou, Saïd Ayachi, Fadila Belkhenchir, Janine Nadja Belkhodja, Mohamed Bouaziz, Mohamed Boufis, Youssef Mehdi, Kamel Rezag Bara, Mohamed-Salah Selougha, Soheib Bencheikh.

##### Bureau de la Commission

Président : Jacob Selebi (Afrique du Sud).

Rapporteur : Roman Kuzniar (Pologne).

Autres membres : Iftekhar Ahmed Chowdhury (Bangladesh), Luis Gallegos Chiriboga (Equateur), Ross Hynes (Canada).

Le 26 février 1998, Pierre Sané, Secrétaire général d'*Amnesty International*, a adressé une lettre ouverte aux gouvernements de tous les pays, leur proposant un programme d'action pour en finir avec la crise des droits de l'homme en Algérie<sup>C</sup>. Ce programme s'articule autour des points suivants : (a) la nomination d'un Rapporteur spécial de l'ONU sur l'Algérie ; (b) l'appui du Rapporteur spécial par des mécanismes thématiques et des experts techniques ; (c) l'envoi d'une mission urgente d'investigation sur le terrain ; (d) le rôle actif de Haut commissaire de l'ONU pour les droits de l'homme dans la coordination et l'intégration des activités ; (e) la mise à disposition des ressources nécessaires à ces activités.

<sup>B</sup> Voir l'article *Une diplomatie en guerre contre les ONG des droits de l'homme* dans la partie III du présent ouvrage.

<sup>C</sup> Voir le texte de cette lettre dans l'annexe 2.

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Le 9 mars l'organisation *Human Rights Watch* a soumis une requête écrite à la CDH où elle demandait la constitution d'une commission d'enquête et la nomination d'un Rapporteur spécial pour enquêter sur les massacres<sup>D</sup>.

Le 13 mars c'était au tour du *Cairo Institute for Human Rights Studies* de remettre à la CDH sa déclaration écrite qui, tout en commençant par une condamnation de 'tous les actes de terrorisme commis au nom de la religion', appelle les autorités algériennes à accepter une investigation indépendante sur les massacres<sup>E</sup>.

Il n'est donc pas étonnant de constater que dès le début de la session, le pouvoir algérien a mis en place une riposte aux ONG ; c'est le ministre algérien des Affaires étrangères, Ahmed Attaf lui-même, qui a déclenché la guerre contre elles à l'occasion de son passage à Genève en mars 1998<sup>F</sup>.

C'est le 18 mars 1998 que Ahmed Attaf devait intervenir devant la CDH. Une fois sur le podium, il a d'abord commencé son allocution par des considérations générales sur l'état des droits de l'homme dans le monde, en brochant la critique d'un système mondial qui ne prend pas en compte tous les droits de la personne humaine. Il a ainsi souligné :

Cinquante années après l'adoption de la Déclaration universelle sur les droits de l'homme, l'interdépendance et l'indivisibilité fondamentales des droits de l'homme sont loin d'être pleinement réalisées. Des percées ont été réalisées surtout en ce qui concerne les droits civils et politiques, alors que les droits économiques, sociaux et culturels sont toujours traités de manière inéquitable et inappropriée. Le développement économique et social est essentiel aussi bien pour la démocratie politique que pour les droits de l'homme.<sup>69</sup>

Après ce prélude, le ministre algérien est entré dans le vif du sujet qui lui tenait à cœur, le 'terrorisme' en Algérie :

La transformation de l'Algérie en un système politique pluraliste, commencée en 1988, s'est accompagnée de tensions internes et d'aberrations totalitaires terroristes comme celles connues par d'autres systèmes en transition. Cet extrémisme et cette violence terroriste sont étrangers aux valeurs ancestrales du peuple algérien et sont le résultat d'une mauvaise interprétation de la religion. La violence est dirigée, sans aucune distinction d'âge ou de sexe, contre le peuple jugé coupable de ne pas soutenir le plan des terroristes qui est d'imposer une société rétrograde et totalitaire.<sup>70</sup>

Après avoir décrit le 'terrorisme', le ministre s'est lancé dans une longue tentative pour convaincre l'auditoire des acquis démocratiques réalisés de l'Algérie malgré ce phénomène.

<sup>D</sup> Voir le texte de la requête dans l'annexe 3.

<sup>E</sup> Voir le texte de la déclaration dans l'annexe 4.

<sup>F</sup> Voir l'article *Une diplomatie en guerre contre les ONG des droits de l'homme* dans la partie III du présent ouvrage.

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Loin d'intimider les autorités et le peuple algériens, la violence terroriste a eu pour effet de renforcer leur détermination de consolider encore plus leur culture pluraliste et de combattre le totalitarisme sous toutes ses formes. Le processus démocratique est appuyé par le peuple algérien et ne pourra pas être détourné de son chemin. L'Algérie toute entière s'est engagée dans la restauration du processus électoral avec toutes les garanties d'équité et de transparence, y compris la présence d'observateurs internationaux. Elle s'est engagée également dans la consolidation de l'Etat de droit ainsi que dans la protection et la promotion des droits de l'homme. Le pays dispose d'institutions républicaines légitimes fondées sur le suffrage universel et la séparation des pouvoirs, avec la liberté de la presse qui est une des garanties de l'irréversibilité du processus et l'un des piliers de la démocratie pluraliste.<sup>71</sup>

Le ministre n'a d'ailleurs pas oublié de rappeler que son pays était un modèle d'Etat de droit, comprenant ses mécanismes de contrôle du pouvoir et transparent au regard étranger.

La situation difficile due au facteur terroriste n'a pas altéré la détermination des autorités publiques de maintenir la transparence. L'Algérie reçoit des délégations parlementaires de l'étranger ainsi que nombre de visiteurs éminents. Dans les dix derniers mois, il y a eu environ 1000 journalistes étrangers dans le pays. L'Algérie dispose de nombre de mécanismes de contrôle en matière de droits de l'homme, et en plus de la voie judiciaire il y a la possibilité de recourir au parlement. Il y a une commission d'enquête sur le déroulement des élections locales, une institution nationale indépendante pour le contrôle de la situation des droits de l'homme et un mouvement communautaire national. L'Algérie respecte régulièrement ses obligations vis-à-vis des organes de l'ONU pour les droits de l'homme.<sup>72</sup>

Ahmed Attaf terminera son intervention par un appel à la solidarité internationale et à la mobilisation contre la menace globale que représente le 'terrorisme'.

Le fléau du terrorisme ne détournera pas l'Algérie de sa tâche de construire un Etat moderne fondé sur le droit, l'alternance politique et les principes républicains, ainsi que l'implantation des droits de l'homme dans la vie collective du peuple. La lâcheté et la barbarie du terrorisme sont une violation du plus sacré des droits de l'homme : le droit à la vie, et la communauté internationale doit prendre position sur l'inadmissibilité de la violence et assortir une action concrète aux paroles de condamnation.

Le défi global posé par le terrorisme ne saurait faire l'objet d'une approche sélective et la détermination politique de la part de la communauté internationale doit s'exprimer à travers une solidarité et une coopération effectives, et ce à quatre niveaux : (a) le terrorisme doit être appréhendé comme une épidémie universelle et ne doit pas être abordé sur une base sélective et différenciée, (b) les efforts qui tendent à justifier ou expliquer le terrorisme comme une pratique politique ou un moyen d'expression doivent être rejetés, (c) les principaux sponsors du terrorisme doivent être neutralisés et les sources de financement et d'armes doivent être étouffées, et enfin (d) une action décisive doit être entreprise contre l'abus du droit d'asile utilisé dans le but d'installer des réseaux transnationaux de soutien au terrorisme.<sup>73</sup>

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Applaudi par la salle<sup>G</sup>, le ministre algérien est descendu du podium avec l'arrogance qui lui est propre. Dans la salle, la délégation algérienne était debout pour l'accueillir. 'C'était bien ?' demanda-t-il. 'Oui c'était parfait ! Formidable ! Très bien !' répondirent d'une seule voix ses conseillers en communication, parmi lesquels on reconnaissait son ambassadeur Mohamed-Salah Dembri et un certain Layachi Yaker, ancien ministre apparemment recyclé dans la diplomatie. Alors que la délégation algérienne se noyait dans l'euphorie triomphaliste, a tonné la voix du Sud-Africain Jacob Selebi, président de la session : 'Ici on travaille !' Agacé par le bruit provoqué par Ahmed Attaf et ses collaborateurs, il les a priés de quitter la salle s'ils voulaient continuer leur moment de distraction. A cet instant, un membre du service d'ordre, d'une forte carrure, s'est précipité sur le ministre qui a paniqué et fait quelques pas en arrière.

A l'issue de la séance, Ahmed Attaf avait rendez-vous avec la presse au Palais des nations ; elle allait le malmener avec des questions pointues auxquelles il apportera des réponses ridicules. 'En Algérie le problème numéro un est le terrorisme. Il n'y a pas de problème de droits de l'homme en Algérie<sup>74</sup>', assènera-t-il. L'arrogance de Ahmed Attaf et son assurance dans la stratégie que son équipe a implémentée l'ont ainsi conduit, non pas à opter pour une démarche subtile pour neutraliser la CDH<sup>H</sup>, mais à suivre à la lettre les instructions de ses supérieurs galonnés et à nier l'existence même d'un problème de droits de l'homme en Algérie.

Le soir, c'était au tour des journalistes de la Télévision suisse romande (TSR) de prendre le relais. A 19 h 30, le ministre était l'invité du *Télé Journal* ; il y répétera une phrase qui allait devenir tristement célèbre : 'En Algérie, un processus démocratique est en marche, sans détours ni recours.' Malheureusement pour lui, six mois plus tard, la réalité du régime militaire d'Alger aura raison de son affirmation. Le recours des généraux à la démission forcée du général-président démontrera que les criminels armés qu'il représentait, animés par les rancœurs mutuelles et occupés par leurs divisions internes, n'avaient pas fini de montrer ce dont ils étaient capables. Ces charlatans galonnés avaient plus d'un 'détour' dans leur sac pour poignarder le cadavre du processus démocratique, assassiné déjà depuis 1992.

Le corps crispé, le visage tendu, les sourcils froissés, les mains, les lèvres et les paroles tremblantes, la voix cassée, saucissonnée, Ahmed Attaf répon-

<sup>G</sup> La scène a été rapportée à l'auteur par un témoin oculaire.

<sup>H</sup> Le ministre de la Justice ougandais, qui représentait son pays à la session de 1977 de la CDH, raconte, dans une préface à un témoignage de dénonciation fait par un autre ancien ministre ougandais, qu'il avait reçu les ordres du maréchal Idi Amin de nier toute violation des droits de l'homme, mais qu'il avait jugé cette démarche inappropriée, car il n'aurait pas été pris au sérieux. Il avait donc décidé de demander à la commission plus de temps pour étudier les allégations, le but étant bien entendu d'amener la CDH à différer l'examen du dossier ougandais, ce qui a été effectivement obtenu (in Leo Kuper, *Genocide : Its Political Use in the Twentieth Century*, Yale University Press, 1981, p. 168).

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dra difficilement aux questions des journalistes de la TSR. Ce sera sans doute la dizaine de minutes la plus longue et la plus éprouvante de sa carrière de diplomate.

Il devra d'abord visionner un reportage préparé par la journaliste Cathérine Kammermann, dans lequel elle évoquait l'escalade de la violence, les massacres aux portes d'Alger, l'action des quatre ONG alertées par les graves atteintes aux droits de l'homme en Algérie et qui ont posé publiquement des questions au sujet des massacres : qui en sont les auteurs ? Pourquoi l'Etat algérien n'arrive-t-il pas à assurer la protection de sa population ? Pourquoi aucune enquête judiciaire interne n'a-t-elle été menée ? La journaliste parlait également de la commission d'enquête indépendante que le monde entier réclamait et traitait de l'argument de l'ingérence dans les affaires intérieures avancé par le pouvoir algérien. Elle mettait enfin en avant les propos de Mary Robinson et soulignait le peu d'actions entreprises sur le plan international, sans oublier de mentionner la troïka européenne dont la visite avait été trop courte et la délégation parlementaire aux voix discordantes.

Ce fut par la suite au présentateur du Télé Journal, Massimo Lorenzo, de bousculer le ministre : 'Pourquoi n'acceptez-vous pas que des observateurs étrangers viennent enquêter en Algérie pour voir ce qui s'y passe ?'

Ahmed Attaf ne répondit pas à la question mais réagit à la situation des journalistes étrangers évoquée dans le documentaire, ce qui se passait en Algérie ayant été décrit comme une guerre à huis clos. Il expliqua que les journalistes étaient libres, et que dans les dix derniers mois plus de mille journalistes étrangers avaient séjourné en Algérie et avaient travaillé librement, 'compte dûment tenu de la responsabilité de l'Etat algérien dans leur sécurité personnelle.' Le journaliste Xavier Colin, qui était sur le plateau, peu convaincu par les propos du ministre, rétorqua en lui rappelant que l'équipe de la TSR avait effectivement travaillé en Algérie, mais sous escorte policière.

*Massimo Lorenzo* : Je vous repose cette question. Puisqu'un processus démocratique est en cours, pourquoi ne tolérez-vous pas que des observateurs étrangers viennent dire : regardez ce qui se passe, et fassent une enquête. Puisque les auteurs des crimes sont clairement identifiés comme étant les ennemis de l'Etat, pourquoi ne peut-on pas venir faire un état des lieux en Algérie ?

*Ahmed Attaf* : Parce que cela se fait déjà. Cela est déjà fait. Deux éléments encore ici. Premier élément : il y a des délégations étrangères. Vous avez suivi, pour le simple mois de mars, il y a eu sept, si mon souvenir est bon, sept délégations occidentales qui sont venues, qui ont posé tous les problèmes, qui sont revenues avec des réponses que ces délégations estimaient satisfaisantes.

*Massimo Lorenzo* : C'est une version des choses. Les délégations se sont plaintes de ne pas pouvoir travailler librement, de ne pas rencontrer tous les interlocuteurs. C'est une version des choses, un tout petit peu réduite.

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*Abmed Attaf*: Lesquelles [se sont plaintes] ?

*Massimo Lorenzo*: Je pense par exemple à Daniel Cohn-Bendit et à ceux qui sont rentrés récemment avec la délégation européenne.

*Abmed Attaf*: S'il vous plaît ! Monsieur Cohn-Bendit est connu. Un provocateur.

*Xavier Colin*: Monsieur le ministre, en quoi cela vous gênerait-il qu'une enquête internationale dise : effectivement des islamistes commettent des actes monstrueux et l'Etat fait ce qu'il peut pour enrayer cela ? En quoi cela vous gênerait-il qu'il y ait une enquête ? Qu'avez-vous à cacher ?

*Abmed Attaf*: Nous n'avons rien à cacher. Je tiens simplement encore à mettre les choses au point. Cette délégation européenne dont vous parlez, la seule opinion dissidente était celle de Cohn-Bendit. Cette délégation était composée de neuf personnes. Ensuite, il y a d'autres mécanismes qui savent. Ce sont les mécanismes des Nations unies devant lesquelles nous sommes comptables. Interrogez-les. S'agissant de l'Algérie, notre coopération avec ces institutions est parfaitement saine. Maintenant, je reviens [sur ce point], pourquoi le gouvernement algérien refuse-t-il une commission d'enquête ? Une commission d'enquête sur quoi ? S'il s'agit de connaître les auteurs de ces massacres qui ont été perpétrés, très sincèrement, les honnêtes gens, ceux qui appréhendent la réalité algérienne sans ornières, sans œillères, sans préjugés, savent qui sont les auteurs de ces massacres ; ce sont les groupes terroristes. Et les gens qui ont pris la peine de venir en Algérie, qui ont interrogé les rescapés, les parents des victimes, se sont tous vus dire que ces gens-là étaient clairement identifiés, même nominalement.

*Massimo Lorenzo*: Monsieur le ministre, je me permets de vous interrompre, parce que c'est votre version. C'est la vôtre, c'est celle du pouvoir algérien. Il y a eu d'autres accusations et d'autres versions. J'aimerais que l'on voie ce document, ce sujet d'Anne Cuneo, et ça nous permettra de prolonger cette discussion, parce qu'il n'y a pas que l'avis du pouvoir algérien, il n'y a pas que l'avis de l'Etat algérien, il y a d'autres avis et d'autres opinions.

C'est le reportage d'Anne Cuneo qui mettra Ahmed Attaf hors de lui ; il y avait de quoi, cette journaliste ne mâche pas ses mots. Elle a énoncé d'emblée une affirmation qui ne pouvait que faire mal au ministre :

La violence qui déchire et mine l'Algérie depuis quelques années n'est pas uniquement le fait des terroristes. La FIDH au cours d'une mission en Algérie a eu la possibilité d'évoquer la violence jusque dans les plus hautes sphères du pouvoir.

La journaliste donnait ensuite la parole à Patrick Baudouin, président de la FIDH, qui déclarait :

Nous sommes pour notre part convaincus, car nous avons un petit peu l'habitude de ces discussions, qu'il y a une torture couverte par les autorités et qu'elle est même commanditée par les autorités algériennes au plus haut niveau.

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Et Anne Cuneo d'ajouter :

Il semble clair que la rupture du tissu social qui mène à la violence incontrôlée a ses racines dans la violence du coup d'Etat qu'a été l'annulation des résultats des élections démocratiques de 1991. L'armée a alors pris officiellement le pouvoir. La chasse aux islamistes était ouverte.

En entendant la commentatrice parler du coup d'Etat et en voyant les images des chars dans les rues d'Alger, Ahmed Attaf n'a pas pu retenir une grimace qui exprimait sa répulsion, avant de détourner son regard de l'écran. Il s'est fait rappeler à l'ordre par le journaliste qui l'a prié de regarder la suite du document, ce qu'il a accepté de faire en affichant sur ses lèvres un sourire diplomatique amer.

La journaliste continuait en présentant un témoin accablant.

*Anne Cuneo* : Pour ne pas être reconnus, les militaires ont pris l'habitude de porter des cagoules, ce qui confère à leur violence un caractère aveugle qui terrifie. On assiste bientôt à une escalade de tueries et de contre-tueries. A l'époque, Samia est inspectrice de police à Alger.

*Samia* : Ils prennent des jeunes, des jeunes qui n'ont rien fait, absolument rien, c'étaient des innocents. Ils les prenaient, ils les tuaient et ils les jetaient dans les rues. Après, le lendemain, ils disaient que c'étaient des terroristes, qu'ils étaient morts dans des accrochages.

Anne Cuneo introduisait ensuite un autre témoignage direct sur 'la violence ordinaire exercée par le pouvoir', recueilli par la FIDH. C'était celui de Rachid, opposant proche du FIS :

*Rachid* : Tu te rends compte ? On t'interroge, on te demande des noms, tu ne sais même pas de quoi il s'agit. Comme je ne savais pas répondre, ils m'ont mis des électrodes aux oreilles, à la poitrine, sur le sexe et dans l'anus. Quand ils ont commencé à envoyer des décharges électriques, je me souviens, j'ai bondi jusqu'au plafond.

La journaliste constatait enfin que 'si personne n'ose se plaindre, c'est qu'une autre terreur vient s'ajouter à celle-là.' Et c'est Samia qui expliquera cette autre terreur : 'On ne pouvait rien dire. On dit quelque chose, on est descendu. On dit la vérité, on est terroriste.'

Pendant les témoignages de Samia et de Rachid, Ahmed Attaf n'a cessé de se croiser et décroiser les doigts, de se regarder les ongles, de se frotter les mains. Il sera réveillé par le journaliste Xavier Colin :

Monsieur le ministre, à la suite de ces témoignages recueillis par la FIDH, moi je vous pose la question suivante : quand on lutte contre le terrorisme, est-ce que les moyens démocratiques, à eux seuls, suffisent, ou est-ce qu'on doit avoir le courage d'admettre qu'il faut d'autres moyens ?

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*International Responses*

Ahmed Attaf réagit d'abord en revenant sur l'histoire des cagoules. Pour lui, il ne faut pas induire les gens en erreur. Dans le monde entier, les groupes d'intervention portent la cagoule. Il engagea ensuite une contre-attaque à l'égard de la FIDH<sup>1</sup>.

Le ministre algérien poursuit dans sa lancée, en essayant de son mieux de répondre à la question du journaliste.

*Xavier Colin* : Maintenant pour ce qui concerne un Etat démocratique, je dois dire que dans un Etat démocratique, la lutte contre le terrorisme doit se faire par les moyens démocratiques, dans le respect des lois de l'Etat de droit.

*Massimo Lorenzo* : C'est ce qui se fait en Algérie ?

*Abmed Attaf* : C'est ce qui se fait en Algérie. J'ajoute, pour que les choses soient très claires, nous n'avons jamais prétendu que dans la lutte que nous menons contre le terrorisme, ce que nous appelons des dépassements, des bavures ne sont pas commises. L'important, que vous devez savoir, c'est que ces dépassements, ces bavures sont jugés et punis.

*Xavier Colin* : Des téléspectateurs nous ont écrit récemment en nous disant : 'Il y a des dizaines de milliers de morts, il y a parfois des arrestations effectuées par la police, la gendarmerie ou l'armée. Il n'y a jamais aucun procès'. Nos téléspectateurs n'ont jamais vu un islamiste poursuivi, éventuellement condamné ou puni pour un acte de meurtre.

*Abmed Attaf* : Voilà le prototype de la désinformation, pour quelque chose qui est prouvable.

*Massimo Lorenzo* : Mais pourquoi ne le montrez-vous pas, pourquoi ne le dites-vous pas, pourquoi ne transmettez-vous pas cela, pourquoi êtes-vous toujours sur la défensive, en train de vous refermer ? On ne peut pas ne pas avoir de doute, monsieur le ministre.

*Abmed Attaf* : Pas du tout. Nous ne sommes pas du tout sur la défensive. La preuve : je suis devant vous. Est-ce que je vous donne le sentiment d'être sur la défensive ? Je vous dis que cela est du domaine du public chez nous. Les dépassements sont punis. Regardez la presse algérienne d'aujourd'hui. Nos journaux rapportent des procès qui ont été faits à des gens qui ont commis des dépassements dans l'exercice de leurs fonctions. Aujourd'hui même, au moment où je vous parle.

Les procès des terroristes ? Mais c'est par dizaines. Et c'est dans notre presse. Prenez la peine de lire notre presse comme nous prenons la peine de lire la vôtre.

<sup>1</sup> Voir l'article *Une diplomatie en guerre contre les ONG des droits de l'homme* dans la partie III du présent ouvrage.

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Sur cette dernière phrase, les journalistes n'ont fait aucun commentaire. Ils savaient bien quel crédit il fallait accorder à la presse algérienne, propriété privée qui se veut indépendante mais qui est aux ordres des militaires.

Concernant les procès de ceux qui avaient commis des dépassements, annoncés le jour même dans la presse algérienne, ils étaient très probablement du même type que ceux qui seront annoncés un mois plus tard, par cette même presse, le jour même où Mohamed-Salah Dembri s'apprêtait à délivrer son droit de réponse à la CDH : on saura un peu plus tard que ces procès, qui concernaient les deux maires de Relizane et de Jdiouia, ne furent qu'une opération médiatique de relations publiques (voir plus loin).

Quant à l'attitude défensive, c'était en fin de compte aux téléspectateurs de dire, à partir du malaise dans lequel se trouvait le ministre sur le plateau et qui sautait aux yeux, dans quelle position il était.

Le 25 mars, *Amnesty International*, *Human Rights Watch*, la FIDH et Reprters sans frontières ont soumis à la CDH une déclaration commune concernant l'Algérie, réitérant la position annoncée dans leur communiqué du 15 octobre 1997<sup>J</sup>, et relançant l'appel à la nomination de Rapporteurs spéciaux, investis de pouvoirs réels, pour enquêter sur les violations des droits de l'homme en Algérie<sup>K</sup>.

Une dizaine de jours après l'intervention du ministre algérien des Affaires étrangères devant la CDH, ce fut au tour de Soheib Bencheikh, présenté comme le mufti de Marseille, de délivrer le 27 mars 1998 son discours sur le thème de l'intolérance et de la discrimination fondées sur la religion ou la conviction. En guise de trompe-l'œil, la mission algérienne chargera une certaine *Association for World Education* de présenter Bencheikh sous sa bannière, mais ce dernier sera toutefois accrédité comme membre de la délégation algérienne (selon la liste officielle). L'invitation de Soheib Bencheikh avait un but bien précis que ne révélait pas le titre de son intervention. Ce prédicateur connu pour son soutien inconditionnel au régime algérien était venu avec la mission de convaincre la CDH que c'étaient les islamistes qui étaient en train d'exterminer les populations algériennes. C'est dans cette direction que s'est orienté son propos :

Hélas, la transition d'un système traditionnel millénaire vers un monde nouveau ne se fait ni en un seul jour ni sans heurts et douleurs. De multiples groupes s'accrochent et s'acharnent avec une conviction inouïe à un droit musulman aujourd'hui obsolète, mais sacralisé par le temps et l'usage, et tentent de l'imposer par tous les moyens y compris la violence la plus cruelle.

<sup>J</sup> Voir l'article *Une diplomatie en guerre contre les ONG des droits de l'homme* dans la partie III du présent ouvrage.

<sup>K</sup> Voir le texte de la déclaration dans l'annexe 5.

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En Algérie par exemple, ces groupes ont décrété que les formes gouvernementales actuelles relevaient de la mécréance. Pire, ils considèrent qu'un peuple qui accepte d'être régi par ces gouvernements est un peuple renégat. Etre renégat est plus grave encore, car selon le droit musulman, toujours sacré à leurs yeux, il existe une sanction pour celui qui quitte l'islam : 'Celui qui change sa religion, tuez-le'.

Voilà pourquoi ces groupes n'essaient pas de séduire le peuple, ni même de l'endoctriner, mais ils sont en train d'appliquer une sentence : l'extermination du peuple algérien, femmes et enfants compris. Il est à la limite de l'indécence de considérer ces groupes comme des opposants politiques ou des contestataires dans le sens classique du terme.<sup>75</sup>

Trois jours plus tard, le 30 mars, la délégation algérienne, qui avait jusqu'alors refusé d'autoriser des Rapporteurs spéciaux de l'ONU sur la torture, les exécutions sommaires et la violence contre les femmes à se rendre en Algérie, a décidé de capitaliser l'intervention de Bencheikh en acceptant une visite du Tunisien Abdelfattah Amor, Rapporteur spécial sur l'intolérance religieuse. Ce dernier, qui s'est dit 'intrigué' par le revirement de la délégation algérienne, et qui a souhaité que cette démarche ne soit pas une 'opération formelle', n'a pas manqué toutefois d'afficher son parti pris dans la presse : 'Quand des gens, parce que croyant être dans la vérité absolue, entendent partager cette vérité avec d'autres par la force, en les égorgeant, il y a un problème des droits de l'homme qu'il ne faut pas oublier.'<sup>76</sup>

La contre-attaque particulièrement agressive du pouvoir algérien, épaulé par ses alliés dont beaucoup d'Etats arabes, africains et européens, allait porter ses fruits à la 54<sup>ème</sup> session de la CDH. Séance après séance, l'espoir de voir la CDH adopter une résolution sur l'Algérie diminuait.

Dès la première semaine d'avril, les ONG comprenaient que la CDH n'allait évoquer le drame algérien ni dans une résolution ni dans une déclaration du président de la session, qui était cette année-là Jacob Selebi d'Afrique du Sud, que son parcours personnel rendait pourtant particulièrement sensible aux questions des droits de l'homme. Mais toute déclaration du président devait avoir l'approbation des membres influents de la Commission.

Lors d'une conférence-débat sur le thème *de Des femmes en sécurité s'engagent pour des femmes en danger*, organisée par *Amnesty International* le lundi 6 avril 1998 à Lausanne, et animée entre autres par la journaliste algérienne Salima Ghezali, dont l'intervention fut très émouvante, la représentante d'*Amnesty International*, Alba Viotto, avouait sans ambiguïté que les quatre ONG qui se battaient contre l'intransigeance du pouvoir algérien n'avaient aucune chance de faire changer d'avis la CDH sur l'Algérie. *Amnesty International* annonçait aussi une campagne de protestation qui devait prendre la forme de rassemblements hebdomadaires (chaque jeudi) sur les places centrales de plusieurs villes. Cette action, baptisée *30 minutes avec l'Algérie*, qui allait durer plusieurs mois dans une quinzaine de villes suisses et européennes, s'articulait autour du slogan :

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*L'ONU et les Massacres en Algérie*

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Pour ne pas laisser les Algériens mourir en silence  
Pour protester contre les assassinats et les massacres  
Pour exiger que vérité soit dite et que justice soit faite  
Pour ne pas rester indifférents et passifs

En fait, l'action d'*Amnesty International* en Suisse était inspirée par une autre initiative datant du 22 janvier 1998. Andréa Riccardi, président de la communauté de Sant'Egidio, avait appelé le 14 janvier 1998 déjà à la tenue d'une conférence internationale sur l'Algérie et avait affirmé :

Il faut dépasser le complexe d'ingérence à propos de l'Algérie, interrompre le bain de sang et convoquer immédiatement une conférence internationale sur le modèle de celle tenue à Madrid en 1993 pour le Proche-Orient. [...] Nous savons bien aujourd'hui que le terrorisme n'est pas résiduel et est une réalité endémique<sup>77</sup>.

Il avait aussi annoncé une manifestation silencieuse pour l'Algérie le 22 janvier à Rome, Paris, Barcelone et Bruxelles, organisée à l'initiative de la communauté de Sant'Egidio et d'*Amnesty International*.

En outre, le 7 avril 1998, au lendemain de la conférence de Lausanne, les quatre ONG ont publié une déclaration commune<sup>L</sup> particulièrement critique envers l'attitude de la CDH qui jusque là n'avait rien tenté de concret à l'égard de 'la crise des droits de l'homme la plus grave que connaissait la communauté internationale aujourd'hui' : celle qui prévaut en Algérie. Les quatre ONG ont appelé la CDH à prendre ses responsabilités envers le drame algérien et ont réitéré la revendication de la nomination d'un Rapporteur spécial. La déclaration commune annonçait aussi la tenue d'une conférence-débat commune le 15 avril au Palais des nations à Genève.

Les représentants d'*Amnesty International* lors de la conférence de Lausanne avaient demandé à l'auditoire de proposer d'autres formes de manifestations pour soutenir leur action et augmenter la pression sur la CDH ; leur appel au secours a porté ses fruits, surtout du fait du déclenchement d'une véritable dynamique citoyenne qui allait dépasser les frontières suisses. Des citoyens algériens et suisses rejoints par d'autres, européens et américains, amis du peuple algérien, ont lancé une pétition de soutien en faveur de l'action des quatre ONG<sup>M</sup>.

La pétition de soutien aux efforts des quatre ONG pour dénoncer les graves atteintes aux droits de l'homme en Algérie, et en particulier les massacres perpétrés depuis plus d'une année, avait trois objectifs : (a) embarrasser les délégations qui adoptaient une attitude de passivité complice ; (b) permettre à des Algériens d'assumer le rôle de témoin devant Dieu et devant l'his-

<sup>L</sup> Voir le texte de la déclaration dans l'annexe 6.

<sup>M</sup> Voir le texte de la pétition dans l'annexe 7.

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toire ; (c) permettre à des amis de l'Algérie de faire un geste de solidarité envers le peuple algérien.

En moins d'une semaine, et malgré les vacances de Pâques, près de trois mille signatures provenant de onze pays occidentaux ont été réunies, et un premier communiqué du comité d'organisation de la pétition, *Appel à la conscience humaine*, a été adressé aux participants à la 54<sup>ème</sup> Session de la CDH le 15 avril 1998<sup>N</sup>.

Ce mercredi 15 avril allait être une date importante dans les relations de l'Algérie avec la CDH et les ONG, et ce à plus d'un titre. Mohamed-Salah Dembri devait en effet répondre ce jour-là à l'intervention de l'Union européenne, au moment où les quatre ONG devaient tenir leur conférence-débat.

A la veille de la journée du 15, la presse algérienne<sup>78</sup> avait décidé de faire des révélations ; ce furent, les lundi 13 et mardi 14 avril, des articles sur l'implication des deux maires de Relizane et de Jdiouia, tous deux appartenant au parti de Zeroual, le RND. Ces maires auraient eu sous leur commandement des milices armées (groupes d'autodéfense armés par le pouvoir) accusées d'avoir commis de graves exactions contre la population. Des fosses communes regroupant des dizaines de cadavres avaient été découvertes. Tout cela ne fut hélas qu'une opération médiatique qui devait accompagner l'intervention de l'ambassadeur d'Algérie à la Commission des droits de l'homme. On ne vit que l'exploitation du macabre et des malheurs du peuple à des fins politiques. Il fallut attendre quelques jours seulement pour apprendre que les inculpés avaient été relaxés.

La conférence-débat organisée par les quatre ONG avait pour but d'exercer une pression sur la CDH et de l'amener à prendre dans les jours restants de sa 54<sup>ème</sup> session des mesures effectives concernant les massacres en Algérie.

A cette conférence-débat, tenue dans la salle XXIII du Palais des nations à Genève, ont assisté plus d'une centaine de personnes, essentiellement des journalistes et des représentants d'ONG. L'invitée spéciale, la journaliste Salima Ghezali, était absente. La présidence était assurée par le journaliste Antoine Maurice, de la *Tribune de Genève*.

Les intervenants ont tous parlé avec leur cœur. Pierre Sané, secrétaire général d'*Amnesty International*, a été particulièrement touchant. Il a entamé son intervention en allumant un chalumeau et en signalant à l'auditoire qu'au moment où il parlait, des Algériennes et des Algériens se faisaient torturer avec un tel instrument. Il a insisté pour faire état de toutes les atteintes aux

<sup>N</sup> Voir le texte du communiqué dans l'annexe 8.

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droits de l'homme, et pas seulement des massacres qui tendaient à cacher le reste des horreurs.

Robert Ménard, secrétaire général de Reporters sans frontières, a été le plus direct et le plus incisif des intervenants pour dénoncer l'attitude de la CDH qui, selon lui, excellait dans l'hypocrisie. Ses critiques envers son gouvernement et envers Lionel Jospin en particulier ont été très acerbes. Il a traité le Premier ministre français de traître aux principes qu'il avait déclarés lorsqu'il était candidat à la présidence<sup>O</sup>. D'ailleurs, un mois plus tôt, Lionel Jospin avait évoqué l'Algérie lors de son intervention devant la CDH le 17 mars 1998. Il avait à l'occasion énoncé quelques principes de la politique algérienne que son gouvernement comptait mener tels que 'la solidarité avec le peuple algérien, la condamnation du terrorisme et du fanatisme, l'invitation lancée au gouvernement algérien au dialogue avec la France, l'Europe et la communauté internationale' et l'assouplissement de la politique d'asile à l'égard des Algériens<sup>79</sup>.

Robert Ménard a surpris beaucoup de monde en signalant que, parmi les dizaines de délégations officielles, pas un seul Etat n'avait fait le geste de demander des comptes à l'Algérie ou de déposer la demande d'une commission d'enquête. Ménard a aussi fait remarquer un fait singulier dans l'histoire de la CDH : jamais, en face d'un drame de gravité comparable, la Commission et l'ONU n'avaient été aussi démissionnaires. En tout temps et partout dans le monde auparavant, on avait fait des gestes, ne serait-ce que symboliques, envers les populations victimisées : ouverture d'un bureau d'observation, nomination d'un Rapporteur, etc.

Patrick Baudoin, président de la FIDH, a poursuivi dans la même ligne et a brossé le sombre tableau de la situation des droits de l'homme en Algérie.

Enfin Joanna Weschler, représentante de *Human Rights Watch*, a rappelé les revendications des quatre ONG dans le cas de l'Algérie, déjà mentionnées dans leur déclaration commune<sup>P</sup>.

Le débat était très animé, ponctué par plusieurs témoignages émouvants apportés par des citoyens dont des proches avaient été victimes de violations des droits de l'homme en Algérie. Le débat s'articulait autour des thèmes suivants : (a) le rôle actif de la France qui bloquait toute initiative en vue d'éclairer la situation des droits de l'homme en Algérie ; (b) les intérêts économiques et financiers et leur poids dans le processus de décision des gouvernements ; (c) la psychologie de la peur de l'Autre qui justifiait que l'on accepte de piétiner les droits de l'homme exceptionnellement pour se débarrasser des islamistes barbus qui 'font si peur'.

<sup>O</sup> Voir l'article *Éléments de politique algérienne de la France* dans la partie IV du présent ouvrage.

<sup>P</sup> Voir le texte de la déclaration dans l'annexe 6.

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A la fin du débat, vers 15 heures, les participants sortaient de la salle XXIII avec l'impression que tout le monde était plus ou moins informé de ce qui se passait en Algérie. Une seule question revenait avec insistance : pourquoi l'ONU n'agit-elle pas ?

Il a ensuite été décidé d'organiser un *sitting* à la sortie de la salle XVIII qui se trouvait en face et où siégeaient les délégations officielles, jusqu'à 18 heures, heure limite pour le dépôt d'une résolution contre le gouvernement algérien. C'était un geste purement symbolique, puisque les chances d'un tel événement étaient pratiquement inexistantes.

En fin d'après-midi, rien n'était fait pour le peuple algérien. Plusieurs chefs de délégations (pays islamiques, scandinaves, asiatiques, Suisse) qui sortaient de la grande salle XVIII ou y rentraient, assuraient des membres du comité d'organisation de la pétition de soutien aux ONG qui participaient au *sitting* qu'ils soutiendraient une action pour l'Algérie si elle devait être décidée. Mais il fallait qu'un pays influent en prenne l'initiative. Certains conseillèrent même, ironiquement, de déposer les signatures de la pétition, non pas chez le Haut commissaire de l'ONU aux droits de l'homme, Mary Robinson, puisqu'elle était déjà convaincue de la nécessité de faire quelque chose, mais auprès du chef de la délégation française.

A l'intérieur de la salle XVIII, Mohamed-Salah Dembri répliquait aux attaques de l'Union européenne qui avait évoqué une «*crise de l'Etat de droit*» en Algérie. La contre-attaque de Dembri était articulée autour de trois points principaux. D'abord il réactivait pour l'occasion le discours tiers-mondiste en accusant l'Union européenne de s'attaquer exclusivement à des pays du tiers-monde, et de dresser 'un catalogue des situations des droits de l'homme dans 37 pays, tous du Sud.<sup>80</sup> Le second élément de sa contre-attaque consistait en une incrimination et culpabilisation de l'Union européenne qui accueillerait 'les ordonnateurs des pires violations des droits de l'homme en cette fin de siècle' ; ces 'ordonnateurs' disposeraient dans la plupart des capitales européennes de 'réseaux' et de 'bases logistiques' d'où ils émettraient 'les principales fetwas, appelant au meurtre des citoyens algériens.' Enfin Dembri accusait l'Union européenne d'être partielle dans son analyse de la situation algérienne et de ne pas faire mention du 'dialogue politique qui s'est instauré entre elle et l'Algérie et qui s'est matérialisé par les visites de la troïka, d'une délégation du parlement européen et de nombreuses personnalités du monde politique, des arts et des médias.'

Mohamed-Salah Dembri saisit bien sûr l'occasion de défendre vaillamment le pouvoir algérien et d'occulter ses violations des droits de l'homme. Il se lança dans une opération de marketing pour promouvoir l'image de ses supérieurs galonnés, comme il avait pris l'habitude de le faire avec brio, en affirmant que 'de sa propre volonté, l'Algérie s'est engagée dans un processus de rénovation politique garantissant le pluralisme, les droits de l'homme

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et les libertés fondamentales, et a achevé la mise en place d'institutions républicaines démocratiques.' Il traitera les violations des droits de l'homme d'allégations' sans fondement. Dans la foulée, et pour rassurer les membres de la CDH, Dembri n'oubliera pas à cette occasion d'annoncer que 'le 2<sup>ème</sup> rapport périodique sur les droits civils et politiques, dont l'examen est prévu en juillet prochain, permettra de donner une image actualisée de la véritable situation des droits de l'homme en Algérie.' (voir la section suivante).

Lors de cette mise au point, Mohamed-Salah Dembri ne manquera pas de souligner, une fois de plus, le caractère de 'menace globale' du 'terrorisme' et appellera l'Europe à un soutien réel face à cette menace :

L'Europe doit aujourd'hui prouver une solidarité sans faille dans la lutte contre le terrorisme qui constitue la menace globale sur la paix et la stabilité dans la région euro-méditerranéenne, comme viennent de le faire solennellement 58 prix Nobel, qui ont appelé à dénoncer les carnages commis en Algérie par les groupes terroristes, parmi lesquels Desmond Tutu, Elie Wiesel, Claude Simon, Wole Soyinka.<sup>81</sup>

A la fin des travaux de la séance du 15 avril, rien n'a été entrepris par la CDH en faveur des populations algériennes. Mais Mohamed-Salah Dembri, en sortant de la salle XVIII, en compagnie de l'ambassadeur d'Espagne, s'est vu confronté aux participants au *sitting* de protestation, et sa victoire en a été gravement affectée, ce qui l'a rendu furieux. Dans sa panique, l'ambassadeur trouvera le moyen de récupérer un incident qui se produisit entre un citoyen algérien membre de la FIDH et lui, et d'en faire une tempête diplomatico-médiatique<sup>Q</sup>. Mais l'exploitation de cet incident n'a pas suffi à l'ambassadeur qui voulait à tout prix faire oublier la conférence-débat et le *sitting* organisés par les quatre ONG.

Le 16 avril 1998, Mohamed-Salah Dembri était justement occupé à délivrer son droit de réponse à l'encontre des interventions de ces ONG<sup>R</sup>. Ce jour-là, il allait préparer la deuxième partie de son offensive en convoquant d'Alger deux sénateurs 'indépendants', Smaïl Hamdani, futur Premier ministre, et Leïla Aslaoui, et deux députés, Ali Benflis (FLN) et Khalida Messaoudi (RCD), pour animer le vendredi 17 avril 1998 de 11 heures à 13 heures, dans la même salle XXIII où les quatre ONG avaient organisé le 15 avril leur conférence, car il fallait absolument neutraliser les effets de cette dernière, une conférence-débat sur les trois thèmes de *Démocratie et droits de l'homme en Algérie*, *Statut de la femme en Algérie* et *Terrorisme et violence contre les femmes en Algérie*. Vu le discours enflammé des deux animatrices, et le succès du sujet en Europe, la conférence sera en fait dédiée au deux derniers thèmes. Smaïl Hamdani et Ali Benflis seront relégués au rôle de figurants.

<sup>Q</sup> Voir l'article *Une diplomatie en guerre contre les ONG des droits de l'homme* dans la partie III du présent ouvrage.

<sup>R</sup> Des extraits de ce droit de réponse sont rapportés dans l'article *Une diplomatie en guerre contre les ONG des droits de l'homme* dans la partie III du présent ouvrage.

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L'annonce de la conférence affichée et largement diffusée sur toute la Suisse mentionnait que 'toutes les délégations, ONG et personnes intéressées sont cordialement invitées'. En réalité, des instructions seront données par les organisateurs (délégation algérienne) pour ne laisser entrer personne avant le contrôle de son identité. De cette façon les organisateurs s'assuraient que l'audience leur serait acquise. Au portail du Palais des Nations, se formait petit à petit une file de citoyennes et de citoyens algériens, mais aussi de citoyens suisses. Chacun devait décliner son nom, qui était transmis par le service de sécurité des Nations unies à un responsable de la délégation algérienne, un agent apparemment bien informé sur les dossiers des Algériens en Suisse, qui devait décider si la personne en question pouvait assister à la conférence ou non. C'est ainsi qu'un grand nombre de femmes et d'hommes, certains venus de loin, ne pourront pas participer à ce débat contradictoire 'version algérienne'.

Malgré toutes ces précautions et le fait que la salle n'était occupée pratiquement que par les membres de la délégation algérienne, de son impressionnant 'service d'ordre' et de quelques inféodés au pouvoir, les deux féministes-éradicatrices ont été mises en difficulté et attaquées pour l'incohérence de leur discours par quelques éléments qui ont pu échapper au mécanisme de présélection des participants. Khalida Messaoudi s'est trouvée hors d'elle-même lorsqu'un citoyen algérien l'a interpellée : 'Puisque vous pensez que le FIS n'est pas fréquentable, pourquoi votre parti, le RCD, a-t-il accepté de le fréquenter en participant à ses côtés aux élections pour ensuite contester les résultats des urnes ?' Irritée par cette intervention, elle ira jusqu'à crier au citoyen algérien : 'Si tu es un homme, rentre au pays, on s'expliquera là-bas !'

La dernière semaine de la 54<sup>ème</sup> session de la CDH fut très chargée pour le comité d'organisation de la pétition de soutien aux ONG des droits de l'homme. Traduit en plusieurs langues, le texte de la pétition a fait le tour du globe. Les signatures ont afflué de partout sur la centrale de réception qui était la section bernoise d'*Amnesty International*, par poste, fac-similé et courrier électronique. Tous les moyens étaient bons, car c'était une course contre le temps. En fin de compte, plus de 5000 signatures ont été réunies de par le monde. Ces signatures ont été remises le mardi 21 avril 1998 avec un communiqué final<sup>s</sup> à l'ambassadeur Ross Hynes, chef de la délégation canadienne, en sa qualité de vice-président de la 54<sup>ème</sup> session de la CDH chargé par le président de la session de recevoir des membres du comité d'organisation.

Ross Hynes a reçu une délégation de quatre personnes, dont deux femmes, qui lui ont apporté des précisions sur la situation des droits de l'homme en Algérie. Il a témoigné de son soutien et de celui du président de la 54<sup>ème</sup> session, le Sud-Africain Jacob Selebi, pour cette action citoyenne qui visait à

<sup>s</sup> Voir le texte du communiqué final dans l'annexe 9.

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ce que la question algérienne ne soit pas occultée. Concernant les revendications exprimées dans la pétition, Ross Hynes a cependant exprimé ses doutes de voir une résolution concernant l'Algérie votée, ou décidées la constitution d'une commission indépendante d'enquête ou même la nomination d'un Rapporteur spécial de l'ONU pour l'Algérie. Le vice-président a toutefois achevé ses propos par une note positive en annonçant que la question algérienne était inscrite à l'ordre du jour de la Commission pour le 22 avril 1998, et en encourageant le comité d'organisation à continuer son action citoyenne. Les membres de la délégation songeaient déjà quant à eux à se préparer pour la 55<sup>ème</sup> session.

Le 22 avril, date à laquelle allait être discutée la question algérienne, une interview de Mohamed-Salah Dembri, réalisée par Laïd Zeghlami, a été publiée dans le journal algérien *La Tribune*. A la première question du journaliste, qui lui demandait de faire le point de la situation concernant les travaux de la 54<sup>ème</sup> session de la CDH, l'ambassadeur algérien allait dans sa réponse afficher une assurance totale quant à l'issue de la session, grâce à son action en coulisses :

Comme vous le savez, nous sommes à la dernière semaine des travaux de la Commission des droits de l'homme et à ce stade ce qu'on peut dégager c'est qu'il n'y aura ni déclaration ni projet de résolution sur l'Algérie même si celle-ci a été l'objet de discussions très larges : le terrorisme et la violation des droits de l'homme, la violence contre les femmes et la situation des droits de l'homme, en général, dans le monde.

L'Algérie a donc été évoquée sous ces trois aspects, pas toujours en termes négatifs puisque sur les points du terrorisme et de la violence contre les femmes, il est évident que l'Algérie et la société algérienne, précisément, ont été présentées comme une victime du terrorisme. Par ailleurs, le terrorisme a été condamné même si, çà et là, certaines ONG ont voulu maintenir un doute sur les auteurs des massacres.

Je crois que la délégation que j'ai présidée a été amenée, en tout cas, à négocier très durement en coulisses avec l'ensemble des délégations présentes pour montrer que la réalité de l'Algérie devrait être abordée différemment.<sup>82</sup>

Le 22 avril, dans la salle XVIII du Palais des nations, plusieurs intervenants ont pris la parole pour aborder la question algérienne, notamment l'ambassadrice Glover, représentante du Royaume-Uni qui a parlé aussi au nom de l'Union européenne et de la Norvège, l'ambassadeur Rubin, représentant des Etats-Unis, et l'ambassadeur Hynes, représentant du Canada qui a parlé aussi au nom de l'Australie, du Liechtenstein, de la Nouvelle-Zélande et de la Suisse.

La représentante du Royaume-Uni a déclaré :

En dépit des plus grands efforts entrepris dans un esprit d'amitié et de coopération, le gouvernement algérien a refusé, de manière répétée, de coopérer avec les procédures spéciales de la Commission. Durant la session, l'Union a été en contact étroit avec la délégation algérienne en vue de l'encourager à accepter un arrangement con-

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sensuel dans le cadre duquel elle accepterait les visites - comme elle l'a promis et a été invitée à le faire - des Rapporteurs spéciaux sur les exécutions extrajudiciaires, sommaires ou arbitraires et sur la torture. L'Union a abordé ces discussions avec un esprit positif d'ouverture et de transparence totales, mais il a été impossible d'arriver à un résultat satisfaisant.

L'Union a espéré qu'un engagement concernant ces visites serait inscrit dans une déclaration du président [de la session] ou que la délégation algérienne prendrait, de sa propre volonté, le ferme engagement d'autoriser les Rapporteurs spéciaux [à se rendre en Algérie] et de convenir pour cela de dates arrêtées. Un tel engagement aurait permis dans une grande mesure d'assurer que les allégations sur les violations des droits de l'homme étaient abordées effectivement, et de fournir la preuve de la coopération [de l'Algérie] avec la Commission.

Par conséquent, l'Union regrette énormément que le gouvernement algérien ait mis un terme à son engagement dans les mécanismes de la Commission, et espère aborder la situation dans un futur très proche. Il est nécessaire de faire un progrès substantiel très vite pour que les préoccupations de la communauté internationale soient apaisées et que les allégations très graves sur les violations des droits de l'homme soient traitées.

La procédure habituelle lorsqu'un Etat membre ne coopère pas avec les mécanismes de la Commission, est de déposer une résolution insistant pour qu'il le fasse. Après que la position du gouvernement algérien est devenue claire, l'Union a très sérieusement envisagé de faire ce pas, mais à la fin elle ne s'y est pas résolue car elle désirait accorder du crédit aux paroles de ce gouvernement. Cependant, l'Union ne considère pas l'affaire classée, et souhaite rappeler au gouvernement algérien qu'il a obligation de coopérer avec les procédures de la Commission. L'Union observera donc de très près [les choses] pour s'assurer qu'il y a évolution [positive], et élaborera avec beaucoup d'attention sa position lors de la 53<sup>ème</sup> session de l'Assemblée générale et lors de la 55<sup>ème</sup> session de la Commission si aucun progrès n'a été enregistré jusque là.<sup>83</sup>

#### Le représentant des Etats-Unis a souligné pour sa part :

L'un des meilleurs moyens de rendre la Commission plus efficace consiste en ce que tous les Etats membres coopèrent pleinement avec ses mécanismes. Durant cette session, le représentant des Etats-Unis a appelé le gouvernement algérien à mieux coopérer avec la communauté internationale en autorisant un accès plus large aux journalistes, aux groupes parlementaires et aux ONG. Le gouvernement des Etats-Unis considère qu'une visite en Algérie du Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires serait un premier pas critique pour aider l'Algérie à honorer ses obligations en matière de droits de l'homme. [Nous avons] encouragé la délégation algérienne à accepter un arrangement consensuel dans cette direction, ce qui aurait pu être incorporé dans une déclaration du président [de la session].

C'est avec regret que [nous constatons] que le gouvernement algérien a jusque là refusé de faire ce pas en direction de la transparence et de la coopération avec la Commission, et [nous invitons] le gouvernement algérien une fois de plus à se servir des mécanismes de la Commission pour l'établissement des faits.

La situation en Algérie est une tragédie qui concerne chacun. Les actes de terrorisme ont visé là-bas des civils innocents, et alors que le gouvernement [algérien] croit que le Groupe islamique armé est clairement responsable de la plupart des

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massacres, des rapports récents de la presse algérienne ont indiqué qu'il était difficile de déterminer la responsabilité d'une partie de la violence. C'est pourquoi [nous] invitons le gouvernement algérien à utiliser l'un des mécanismes internationaux à sa disposition pour clarifier la situation. Le manque de coopération du gouvernement algérien est d'autant plus déconcertant que [mon gouvernement] n'a en aucune manière contesté la nécessité de combattre le terrorisme, conformément à l'Etat de droit, ainsi que la nécessité de traiter ses conséquences.

[Nous] saluons les efforts consentis par le gouvernement algérien, y compris la fourniture de logement et de support financier pour les populations déplacées, et [nous] l'encourageons à compter sur la coopération avec les organisations humanitaires. L'Algérie a fait un progrès significatif en direction d'une démocratie multipartite et d'une presse plus libre, mais la paix et la stabilité durables dépendent en fin de compte d'une politique qui garantisse plus de libéralisme politique et économique, notamment le renforcement des institutions parlementaires et de l'Etat de droit. [Nous invitons] le gouvernement algérien à accélérer ces réformes.

La violence épouvantable en Algérie n'est pas uniquement un problème interne. Elle concerne chacun. Les Etats-Unis continueront, en privé et en public, à inviter le gouvernement algérien à faire preuve de plus de transparence et à autoriser l'accès de la communauté internationale.<sup>84</sup>

Quant au représentant du Canada, il a tenu à préciser :

Les délégations que je représente condamnent sans réserve tous les actes de terrorisme contre le peuple algérien et tous ceux qui les commettent, et comprennent parfaitement la détermination du gouvernement algérien de remplir sa responsabilité de défendre son peuple contre cette menace. Elles saluent le désir exprimé par ce gouvernement d'assurer le respect total des droits de l'homme et des libertés pour tous les Algériens. Elles sont aussi entièrement d'accord avec ce qui a été dit concernant l'obligation des Etats membres à coopérer entièrement avec les institutions de l'ONU pour les droits de l'homme.

Les délégations que je représente accueillent favorablement l'engagement déclaré par le gouvernement algérien de coopérer authentiquement avec les mécanismes de la Commission et les organes et traités des droits de l'homme de l'ONU, et croient fermement que les gouvernements devraient appréhender un tel engagement avec les Nations unies non pas depuis une position défensive et de confrontation, mais dans un esprit ouvert de coopération, cohérent avec leur engagement vis-à-vis de la Charte des Nations unies de coopérer dans la promotion du respect universel des droits de l'homme pour tous.

Si ceci était gardé à l'esprit par toutes les parties concernées, l'écart perçu entre la coopération qui a été demandée et celle qui a été acceptée serait surmonté, et les Nations unies et la Commission seraient alors dans la position d'apporter une contribution significative pour aider le peuple et le gouvernement algériens à relever le défi d'intimidation auquel ils font face.<sup>85</sup>

Comme prévu, la 54<sup>ème</sup> session de la CDH a terminé ses travaux sans qu'aucune action concrète concernant le drame algérien ne soit adoptée. Ce fut, une fois de plus, la déception pour les militants des ONG des droits de l'homme et les milliers de citoyens qui s'étaient mobilisés pour que la CDH agisse.

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Ayant échappé à une résolution ou à une déclaration du président de la session, le 22 avril 1998, Mohamed-Salah Dembri interviendra devant la CDH pour s'en féliciter :

[...] Il était donc logique que la délégation algérienne refusât les deux formules précitées (déclaration du président ou résolution), fidèle en cela à cette tradition diplomatique qui est propre à l'Algérie depuis l'indépendance de refuser les œuvres périssables et les calculs étriqués pour favoriser les puissantes conjonctions de la communauté internationale sur le terrain du devoir collectif et solidaire.

Pareil refus ne pouvait signifier refus du dialogue et qu'il n'y ait eu ni résolution ni déclaration du président sur l'Algérie ne peut assurément pas signifier ce jour qu'il y a eu un vainqueur et un vaincu, mais qu'assurément les droits de l'homme ont été vainqueurs.<sup>86</sup>

Lors de son intervention, Mohamed-Salah Dembri saluera le soutien accordé au pouvoir algérien par la communauté des Etats, soutien qui lui était déjà garanti en coulisses :

L'appui unanime qui nous fut apporté, dans l'expression de nos positions par le monde du Non-alignement et par bien d'autres pays qui n'en sont pas membres, m'amène ici à m'acquitter d'un devoir de gratitude, de reconnaissance et de remerciements envers ceux qui, d'emblée, comprirent notre démarche et nous apportèrent leur soutien.<sup>87</sup>

## **8. Le Comité des droits de l'homme**

Le pouvoir algérien a su faire patienter les instances onusiennes au sujet de son deuxième rapport périodique sur les droits de l'homme<sup>88</sup>. Il ne l'a déposé qu'en mars 1998, avec trois années de retard. Ce fut une carte maîtresse, jouée pour desserrer l'étau que lui imposaient les ONG des droits de l'homme pendant la 54<sup>ème</sup> session de la CDH. Ce geste de la part des représentants du pouvoir algérien a contribué à éviter une résolution de la commission sur l'Algérie. En effet, plus d'une fois, Mohamed-Salah Dembri citera ce document pour convaincre l'assistance que son pays se conforme à ses engagements en matière des droits de l'homme.

Le rapport de l'Algérie allait être examiné les 20 et 21 juillet 1998 lors de la 63<sup>ème</sup> session du Comité des droits de l'homme, composé de 18 experts et présidé par la Française Christine Chanet ; il s'agissait de vérifier si l'Algérie remplissait ses obligations au regard du Pacte international sur les droits civils et politiques auquel elle est adhérente.

La période qui a encadré la 63<sup>ème</sup> session du Comité a été caractérisée notamment par deux événements importants. D'abord, au moment où allait siéger le Comité pour examiner le rapport algérien, une délégation onusienne (panel, voir section suivante) devait se rendre en Algérie pour une mission

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d'information. Ce panel séjournera en Algérie entre le 22 juillet et le 4 août 1998.

Tout comme la délégation algérienne avait utilisé la carte du rapport périodique pour réduire la pression exercée sur elle lors de la 54<sup>ème</sup> session de la CDH, elle utilisera cette fois-ci la carte du panel pour réduire la pression des membres du Comité. La journaliste José Garçon l'a noté : 'Le gouvernement algérien l'espère et a précisément choisi de faire coïncider son invitation [du panel] avec la réunion de Genève, afin de désamorcer les critiques<sup>89</sup>.' Poursuivant cette stratégie, Mohamed-Salah Dembri aura même la maladresse de tenter de 's'abriter derrière le CICR' et déclarera que cet organisme 'a eu des relations tout à fait normales avec l'Algérie et pourrait visiter des prisons lors de sa venue en octobre<sup>90</sup>.' Malheureusement pour l'ambassadeur, le CICR rappellera le 21 juillet au soir que, 'depuis 1992, il n'a pas de présence permanente en Algérie' et 'qu'aucun accord [sur la reprise de ses activités humanitaires] n'a pu être trouvé à ce jour<sup>91</sup>.'

Le second événement qui s'est produit en même temps que la tenue de la réunion du comité de l'ONU est lié à la médiatisation d'un autre dossier brûlant sur la situation dramatique des droits de l'homme en Algérie. Après le dossier des massacres à grande échelle, ce fut à celui des milliers de personnes 'disparues' de faire la une de l'actualité. Ce dossier a été amené au jour grâce aux efforts d'avocats algériens qui ont mis en place un comité des parents des 'disparus' et qui ont collecté un grand nombre de cas. Le comité des parents des 'disparus' avait d'ailleurs manifesté à Alger, non sans confrontation avec les forces de sécurité, pour alerter l'opinion publique sur le fléau des 'disparitions' forcées.

L'été 1998 a connu l'organisation par ce comité d'une 'caravane' qui devait passer par plusieurs villes européennes dont Paris, Bruxelles et Londres, une action soutenue notamment par la FIDH et *Amnesty International*. A chaque étape de son itinéraire, le comité des parents des 'disparus' organisait une manifestation en vue d'informer et était reçu officiellement par des représentants de l'autorité locale.

Le 20 juillet 1998, jour où commençait l'examen du rapport algérien par le comité des droits de l'homme de l'ONU, la caravane était à Genève et organisait une manifestation en face du Palais des nations. Elle a 'remis quelques 600 dossiers de cas individuels au groupe de travail de l'ONU sur les disparitions forcées et involontaires<sup>92</sup>.'

Par ailleurs, entre le dépôt du rapport algérien et son examen, plusieurs rapports alternatifs ont été remis au Comité des droits de l'homme de l'ONU. Ainsi, l'avocat algérien Brahim Taouti a publié un *Contre-rapport*<sup>93</sup> très critique envers les thèses du 2<sup>ème</sup> Rapport périodique de l'Algérie. Reporters sans frontières a publié également un rapport sur les violations de la liberté de la presse<sup>94</sup> en Algérie qui contredisait carrément les affirmations du rap-

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port algérien officiel. La FIDH a publié de son côté un *Rapport alternatif*<sup>95</sup> dont le contenu est diamétralement opposé à celui du rapport présenté par le pouvoir algérien<sup>T</sup>.

Le jour du début de l'examen du rapport, Mohamed-Salah Dembri était accompagné d'une délégation forte de 13 personnes pour affronter les 18 membres du comité onusien. Ci-après les listes des membres de la délégation algérienne et des membres du Comité des droits de l'homme pour la 63<sup>ème</sup> session<sup>96</sup>.

**63<sup>ème</sup> session du Comité des droits de l'homme, 1998**Composition du Comité

*Président* : Christine Chanet (France).

*Vice-présidents* : Bhagwati (Inde), Omran El Shafei (Egypte), Cecilia Medina Quiroga (Chili).

*Rapporteur* : Elizabeth Evatt (Australie).

*Autres membres* : Nisuke Ando (Japon), Prafullachandra Natwarlal Thomas Buerenthal (Etats-Unis), Lord Colville (Royaume-Uni), Eckart Klein (Allemagne), David Kretzmer (Israël), Pilar Gaitan de Pombo (Colombie), Rajsoomer Lallah (Ile Maurice), Fausto Pocar (Italie), Julio Prado Vallejo (Equateur), Martin Scheinin (Finlande), Danilo Türk (Slovénie), Maxwell Yalden (Canada), Abdallah Zakhia (Liban).

Délégation algérienne

*Chef de la délégation* : Mohamed-Salah Dembri (ambassadeur, représentant permanent).

*Autres membres* : Amar Abba (directeur général des relations multilatérales au ministère des Affaires étrangères), Mohamed Hassaine (conseiller à la Mission permanente d'Algérie à Genève), Farida Aiouaze (conseillère à la Mission permanente d'Algérie à Genève), Saïd Zerrouki (directeur des élections et des élus au ministère de l'Intérieur, des Collectivités locales et de l'Environnement), Fatiha Akeb (directrice de la presse écrite au ministère de la Communication et de la Culture), Hamed Abdelwahab (chargé d'études et de synthèse au ministère de la Justice), Nadia Bouabdellah (chargée d'études et de synthèse au ministère de la Justice), Leila Zerrouki (chargée d'études et de synthèse au ministère de la Justice), Fatma Zohra Chaïeb (chargée d'études et de synthèse au ministère de la Santé et de la Population), Abdel Nacer Almas (chargé d'études et de synthèse au ministère de la Solidarité nationale et de la Famille), Lazhar Soualem (sous-directeur des affaires humanitaires et des droits de l'homme au ministère des Affaires étrangères), Smail Hellab (conseiller au ministère des Affaires étrangères), Fatima Zohra Karadja (membre de l'Observatoire national des droits de l'homme).

Le rapport a été vivement critiqué par les membres du Comité qui n'y ont pas trouvé de réponses à leurs interrogations, certains d'entre eux l'ayant trouvé trop général, à caractère essentiellement juridique.

<sup>T</sup> Voir des extraits croisés publiés par José Garçon dans *Libération* du 21 juillet 1998 et reproduits dans l'annexe 10.

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La presse a aussi été très critique envers le rapport algérien qui, selon plusieurs journalistes, ne coïncidait pas avec la réalité de la situation des droits de l'homme en Algérie, car il ne faisait que décrire les mesures prévues par la loi pour garantir les droits humains en Algérie, mais ne disait mot de l'application de ces mesures sur le terrain.

En outre, les membres du Comité et l'ensemble des observateurs ont critiqué les réponses vagues et évasives de la délégation algérienne aux questions du Comité sur plusieurs sujets tels que les 'disparitions', la torture, les exécutions extrajudiciaires ainsi que la passivité des forces de sécurité lors de certains massacres. L'un des membres du Comité, irrité par le manque de coopération de la délégation algérienne pour élucider les questions posées, fera remarquer à l'issue de la réunion que 'le flou des explications et les sempiternels arguments sur l'ingérence, le complot ou la responsabilité des Européens dans la crise ne marchent plus face à la gravité de la situation.'<sup>97</sup>

En fait, comme l'indiquent les comptes rendus des débats<sup>U</sup>, la délégation a adopté la stratégie de la langue de bois et n'a pas hésité parfois à nier des vérités patentes comme la proximité des lieux de certains massacres avec des casernes.

Lorsqu'elle était interrogée sur des points précis, la délégation algérienne n'avait qu'un seul argument entre les mains : la situation des droits de l'homme en Algérie est la conséquence du terrorisme. Selon la présidente du Comité, Christine Chanet, l'utilisation abusive de cet argument a conduit à '[un] dialogue de sourds [et à] des débats sportifs'<sup>98</sup>, car elle estimait que quelles que soient les circonstances, 'l'Etat doit exercer ses prérogatives selon les règles du droit.' Un autre expert a estimé pour sa part que 'le terrorisme d'Etat ne pouvait être une réponse au terrorisme commis par des individus ou par des groupes de personnes qui s'opposent à l'Etat.'<sup>99</sup> Ceci allait d'ailleurs irriter Mohamed-Salah Dembri qui déclarera : 'J'ai été profondément choqué, je dois le dire avec franchise, lorsque j'ai entendu le mot "terrorisme d'Etat" face à un terrorisme criminel, celui du GIA.'<sup>100</sup>

Interrogé par la Télévision suisse romande (TSR) au sujet du débat du Comité des experts auquel il avait participé en tant que chef de la délégation algérienne, Mohamed-Salah Dembri a précisé son point de vue.

*Journaliste* : Quelle est votre attitude face à ces critiques ?

*M.-S. Dembri* : Vous avez constaté qu'à un certain moment nous avons voulu préciser le cadre méthodologique du débat, puisque évidemment nous n'avons pas eu une grille fixée sur laquelle les uns et les autres peuvent peaufiner un peu leurs interventions, donc une fois ce débat méthodologique clarifié, le reste c'était très facile. Il y a eu des réponses qui ont été apportées aussi bien en termes statistiques qu'en terme

<sup>U</sup> Voir des extraits des comptes rendus dans l'annexe 11.

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d'analyse du phénomène terroriste en Algérie. Il faut tout de même que ces lignes-là soient lues.

Cette 'langue de bois' et l'attitude de l'ambassadeur qui, à l'image du rapport officiel, a esquivé la question qui lui était posée, n'ont pas satisfait le journaliste. Mohamed-Salah Dembri a été plus cynique lorsqu'il s'est agi d'aborder la question des 'disparitions'. Déjà au cours des débats avec le Comité, 'alors que les disparitions se comptent en Algérie par centaines au minimum selon les organisations non-gouvernementales (ONG), la délégation algérienne a chiffré les "allégations" de disparitions à quelques dizaines seulement et a affirmé que, dans tous les cas où les autorités étaient saisies, des informations judiciaires étaient ouvertes<sup>101</sup>.' Face aux nombreuses familles de disparus, venues à Genève soumettre aux organismes onusiens des centaines de dossiers documentés sur des cas de 'disparition', Mohamed-Salah Dembri affichera une attitude purement dénégative.

*Journaliste* : Que dites-vous alors lorsque ce sont les experts de la commission eux-mêmes qui vous contredisent ?

*M.-S. Dembri* : Vous avez constaté qu'on ne nous a apporté aucun fait. On nous a donné deux noms depuis le début. Deux noms qui ont été avancés, sur lesquels nous avons tout de suite alerté nos autorités pour qu'elles nous donnent des réponses adéquates. Pour voir si ces personnes existent même à l'état civil. Il ne suffit pas de lancer un nom ; il faut prouver d'abord que c'est un citoyen algérien, qu'il existe, qu'il est né quelque part. C'est ça ce que j'appelle la critique des sources, etc. Il ne suffit pas d'aller se balader dans Genève avec quelques pancartes, des photos fantaisistes, donner des lieux de détention fantaisistes et penser, n'est-ce pas, que ça y est, on a défendu les droits de l'homme.

Le journaliste a eu l'adresse de confronter l'ambassadeur algérien avec Patrick Baudoin, de la FIDH.

*Journaliste* : A en croire cet officiel algérien, à en croire ce rapport, la torture n'existe pas en Algérie, et ceux qui affirment le contraire disent n'importe quoi, et le font sans preuve. Une réaction ?

*Patrick Baudoin* : Ecoutez, je n'ai pas l'impression que nous disions n'importe quoi. Contrairement aux propos que je viens d'entendre, alors que le rapport officiel algérien est un rapport purement théorique, très technique et juridique, nous apportons, nous, des éléments de faits concrets, probants, sur la base de preuves et de témoignages.

Nous avons ainsi recueilli des témoignages précis sur l'utilisation de la torture et les mauvais traitements d'une manière grave et systématique. Il ne s'agit pas de quelques dépassements, de quelques bavures. C'est une méthode qui est hélas beaucoup trop pratiquée encore dans l'Algérie d'aujourd'hui.

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Mais ce n'est pas le seul exemple. J'évoquerais aussi les disparus. Les disparus, pendant très longtemps on nous a dit qu'ils sont tous imputables aux islamistes, à des gens qui rejoignent les maquis, ou à des disparus comme on en trouve dans tous les pays du monde. Déjà, il y a un petit retour sur cette question des autorités algériennes qui admettent qu'il y a eu quelques cas très minimes de disparus. Nous, nous posons beaucoup plus de questions. Nous avons là aussi des témoignages de familles de disparus et nous savons que le chiffre se situe plutôt par centaines de disparus imputables aux forces de sécurité algériennes ou aux milices.

*Journaliste* : En étant un peu optimiste, on peut dire que le régime autoritaire d'Alger semble donner quelques signes d'ouverture. Une mission diplomatique d'information de l'ONU va se rendre dès demain en Algérie, et d'autre part une mission du CICR va pouvoir se rendre en Algérie en octobre pour y visiter les prisons, ce qui ne s'était pas vu depuis près de six ans, si je ne m'abuse.

*Patrick Baudoin* : Tout à fait. Alors nous saluons évidemment comme un fait positif, alors que les autorités algériennes invoquent toujours le principe de non-ingérence, de voir une mission internationale de l'ONU aller s'informer en Algérie. Nous espérons simplement que cette mission pourra réellement poser les questions qu'elle a envie de poser, voir les lieux où elle souhaite se rendre et également rencontrer qui elle voudra rencontrer. Nous souhaitons en effet que cette mission ne soit pas manipulée, récupérée comme cela a pu être le cas par exemple avec la troïka ou malheureusement, quelque peu, les parlementaires européens.

La mission du CICR nous paraît aussi un point très positif.

Dans une communication téléphonique avec la Chaîne I, retransmise par la télévision algérienne au terme des deux jours de discussion du Comité, Mohamed-Salah Dembri tiendra un discours tout différent de celui qu'il avait livré à la TSR. Ce sera une déclaration de victoire destinée à la consommation interne et à la manipulation de l'opinion nationale :

En résumé, le Comité a dit qu'il y a des choses positives en Algérie, parmi lesquelles l'ouverture algérienne envers l'étranger. Ils ont cité par exemple la commission de Monsieur Soares, et nos relations avec le CICR, et en même temps ils ont salué le rôle actif de certaines institutions internes en Algérie, dont le médiateur de la République [il s'agit aujourd'hui de Abdesselam Habachi] et l'Observatoire national des droits de l'homme.

Par ailleurs, et ceci représente pour nous un acquis important, le processus démocratique en Algérie qui est consacré dans la nouvelle Constitution, ils l'ont décrit comme un cadre juridique contribuant à l'édification de l'Etat de droit, et contribuant aussi à l'élargissement de la sphère des droits de l'homme dans le pays.

Concernant le terrorisme, il y a eu une condamnation forte de ce phénomène de la part du Comité. En même temps le Comité a exprimé sa solidarité absolue avec le peuple algérien en ce qui concerne le terrorisme. Ils ont par exemple évoqué le fait que ce terrorisme barbare qui vise les femmes n'est pas connu ailleurs, dans l'humanité entière.

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A l'issue de l'examen du rapport du gouvernement algérien par le Comité des droits de l'homme de l'ONU, les quatre ONG des droits de l'homme qui se battaient pour la constitution d'une commission d'enquête diffusèrent un communiqué commun de soutien au Comité<sup>V</sup>.

Les observations finales du Comité<sup>W</sup>, adoptées le 29 juillet 1998, seront sévères à l'encontre du régime algérien. Une petite section seulement sera consacrée aux *facteurs positifs* (création d'un Observatoire des droits de l'homme et d'une Médiature de la République), alors que la presque totalité du rapport traitera des *principaux sujets de préoccupation et recommandations*, où le Comité des experts dressera un tableau de la situation en Algérie 'aux antipodes des thèses d'Alger', comme l'a formulé un journaliste.

Le rapport indique l'insatisfaction des experts face aux réponses de la délégation algérienne à leurs questions sur les exécutions sommaires et extrajudiciaires et sur le rôle des groupes de légitime défense. Les experts ont été très sévères au sujet de la torture utilisée de 'manière routinière' pour arracher des confessions, et des disparitions imputées aux forces de sécurité. Ils ont aussi déclaré être préoccupés par 'l'absence de mesures de protection préventives ou urgentes des victimes par la police et le commandement de l'armée dans les secteurs concernés', par les 'affirmations répétées de collusion de membres des forces de sécurité dans la perpétration d'actes de terrorisme' et par l'absence de contrôle des milices, en s'interrogeant sur 'la légitimité d'un tel transfert de pouvoir de l'Etat à des groupes privés et le risque réel que l'exercice de ce pouvoir fait peser sur la vie et la sécurité, ajouté à l'impunité.'

Dans son rapport, le Comité de l'ONU a demandé des enquêtes indépendantes sur le comportement des forces de sécurité dans tous les massacres, à tous les échelons, du plus petit au plus élevé, et que des mesures pénales et disciplinaires soient prises à leur encontre, le cas échéant. Le Comité a aussi réclamé des enquêtes et éventuellement des sanctions au sujet des nombreuses allégations d'exécutions extrajudiciaires et de tortures, et des mesures de l'Etat contre les disparitions. A propos de ce dernier fléau, le Comité a demandé aux autorités algériennes de créer un 'fichier central des cas de disparitions' et d'entreprendre des actions concrètes pour faire la lumière sur chacun d'entre eux.

Dès la publication des observations finales du Comité des droits de l'homme de l'ONU, *Amnesty International* a publié le 31 juillet un communiqué intitulé *Algérie : Le Comité des droits de l'homme de l'ONU détruit le Rapport sur les droits de l'homme*<sup>102</sup> dans lequel elle 'partage les préoccupations sur la situation des droits de l'homme en Algérie exprimées par le Comité' et estime

<sup>V</sup> Voir le texte du communiqué dans l'annexe 12.

<sup>W</sup> Voir le texte du rapport ONU, CCPR/C/79/Add.95, dans l'annexe 13.

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que 'pour la première fois un mécanisme de l'ONU, en exprimant sa préoccupation sur la crise sérieuse des droits de l'homme, a émis des recommandations concrètes au gouvernement algérien pour des mesures à prendre afin d'arrêter et prévenir les violations graves [des droits de l'homme].' *AI* ajoute par ailleurs : 'Cependant, à la lumière de l'échec total du gouvernement algérien dans la reconnaissance des violations et dans l'offre de garanties pour y remédier, le Comité doit demander un rapport additionnel sur les préoccupations spécifiques les plus urgentes comme les 'disparitions', la torture et les exécutions extrajudiciaires, qui soit examiné lors de la prochaine session du Comité, afin d'assurer l'implémentation de ses recommandations par le gouvernement algérien.'

Le gouvernement algérien a réagi avec force au rapport du Comité. Abdelaziz Sbaa, le porte-parole du ministère des Affaires étrangères, a estimé dans son point de presse hebdomadaire qu'il est outrageant que le Comité ait prononcé de graves accusations en se fondant sur de simples allégations contre les institutions de l'Etat algérien', et a déclaré qu'Alger rejette 'avec indignation ces accusations malheureusement portées à la légère<sup>103</sup>.' Pour ce qui est des disparitions, Abdelaziz Sbaa a affirmé pendant ce point de presse que '49 cas avaient été signalés par l'ONU à l'Algérie qui y a répondu.' Concernant les tortures et les exécutions extrajudiciaires, il a indiqué que 'cinq cas avaient été signalés par le Centre des droits de l'homme de l'ONU et que l'Algérie y avait également répondu.'

Mohamed-Salah Dembri a rejeté également le rapport qui reflète selon lui les avis personnels des experts et se base sur des allégations non fondées. Ainsi, l'ambassadeur algérien, en contestant la véracité des propos du Comité et en qualifiant ses décisions de collection d'avis subjectifs, visait à le discréditer, à lui ôter son caractère collectif et à refuser toute autorité de contrôle, ou même de débat, en matière de droits de l'homme en Algérie.

Dans une communication téléphonique avec la Chaîne III, Mohamed-Salah Dembri allait utiliser la rhétorique de la fierté et de la souveraineté nationales et dénier au Comité toute autorité ; il allait ajouter qu'il ne reconnaissait pas le caractère obligatoire de ses recommandations :

Ce qu'il faut retenir, c'est que les recommandations du Comité n'ont aucune valeur contraignante, ni aucune force exécutoire. C'est à nous de les étudier. C'est à nous de voir quelles sont celles que nous allons prendre et celles que nous allons laisser de côté.

Je dois dire tout de suite que nous avons vigoureusement dénoncé toutes les recommandations qui se fondent sur des allégations, et en particulier celles qui touchent à l'honneur et à la dignité de nos forces de sécurité, dans le contexte des massacres et des crimes terroristes commis ces derniers mois.

Je crois que là les experts, du moins certains d'entre eux, ont oublié que leur tâche était de s'attacher aux faits et non pas d'émettre des appréciations qui sont fondées nécessairement sur des considérations subjectives.

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## 9. Le panel des Nations unies

*«Avec plusieurs milliers d'Algériens assassinés chaque année, et des centaines d'autres torturés ou 'disparus', la délégation de l'ONU [panel] doit s'attaquer avec sérieux aux questions des droits de l'homme si elle souhaite être crédible sur la situation générale.» (Hanny Megally, directeur exécutif pour le Moyen Orient et l'Afrique du Nord à Human Rights Watch<sup>104</sup>)*

Comme il a été vu dans les sections précédentes, la pression exercée sur le pouvoir algérien par l'opinion, les ONG et même certains fonctionnaires onusiens pour autoriser l'envoi d'une commission indépendante en vue d'enquêter sur les massacres est devenue étouffante pour Alger.

Ainsi, dès le début du mois de juin 1998<sup>105</sup>, la diplomatie algérienne a entamé des négociations avec l'ONU pour trouver un compromis qui sauve la face aussi bien à Alger qu'aux Nations unies. Chaque partie devait trouver son compte. Alger espérait avec cette démarche entrevoir une issue qui lui permettrait de mettre fin à la pression extérieure. L'ONU visait à concrétiser une action qui lui permettrait de dire à l'opinion : nous avons fait quelque chose pour l'Algérie.

C'est dans cet esprit que les deux parties se sont entendues sur la formule du 'panel de personnalités éminentes', dont la mission en Algérie a été annoncée le 2 juillet 1998 pour la fin du mois par Juan Carlos Brandt, porte-parole onusien. Le terme 'panel' a même été introduit dans les usages de la langue française grâce à la fermeté et l'obstination des diplomates algériens qui voulaient un terme sans la moindre connotation politique ou juridique. Il ne fallait surtout pas parler de commission, et encore moins d'enquête.

Ainsi, alors que le bureau du Secrétaire général de l'ONU déclarait que 'la délégation n'était pas une mission sur les droits de l'homme *per se*<sup>106</sup>', le ministre algérien des Affaires étrangères, Ahmed Attaf, a tenu à préciser dès le départ que le panel onusien n'avait 'ni un mandat d'enquête, ni un mandat d'établissement des faits [mais un] mandat d'information [qui ne] donnera lieu à aucune forme de suivi<sup>107</sup>' et que la décision d'autoriser le panel à se rendre en Algérie était une décision souveraine d'un Etat qui n'a 'jamais succombé aux pressions.'

Le panel avait donc pour unique mission de récolter des informations et d'informer ensuite l'opinion sur la situation en Algérie, comme l'a réitéré l'ambassadeur algérien à New York, Abdallah Baali :

[Le but de la mission est] de faire connaître toute la réalité de la situation algérienne dans toutes ses dimensions. [...] Nous avons le sentiment qu'on ne cesse de la dénaturer. Les membres de la mission verront de leurs propres yeux que, bien que la vio-

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*L'ONU et les Massacres en Algérie*

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lence existe en Algérie, elle n'est pas partout, ils verront aussi qu'il existe chez nous des institutions démocratiques.<sup>108</sup>

Les attentes du régime algérien étaient claires et ont été explicitées entre autres par l'agence officielle d'information APS qui a déclaré que la visite du panel

tendra à mettre fin au débat inquisiteur et au chantage aux droits de l'homme, et l'Algérie, qui n'aura plus alors à s'épuiser dans des campagnes d'explication et de sensibilisation, pourra alors consolider, en toute sérénité, sa place naturelle sur la scène internationale.<sup>109</sup>

Le risque de voir ce panel sans aucun pouvoir d'investigation se substituer à la commission d'enquête tant revendiquée, ou aux Rapporteurs spéciaux, a été vite souligné. Hanny Megally, directeur exécutif pour le Moyen Orient et l'Afrique du Nord à *Human Rights Watch*, a déclaré : 'Les Nations unies doivent le dire clairement : cette visite par des personnalités éminentes ne peut en aucun cas se substituer à des visites plus approfondies par les Rapporteurs spéciaux de l'ONU sur la torture et sur les exécutions extrajudiciaires, sommaires ou arbitraires.'<sup>110</sup>

De son côté, le FFS n'a pas caché son scepticisme au sujet du panel et a estimé, par la voix de son secrétaire national Samir Bouakouir, que 'ni l'envoi d'une commission d'enquête, ni celui de Rapporteurs spéciaux de l'ONU, ni l'adoption d'une résolution condamnant le gouvernement pour non-assistance à personnes en danger, n'ont été retenus' par la communauté internationale, et qu'il est difficile de 'croire dans ces conditions que la venue de cette délégation puisse mettre un terme au calvaire qu'endure le peuple.'<sup>111</sup>

Pour composer l'équipe qui va former le panel, le Secrétaire général de l'ONU aurait consulté les Secrétaires généraux de la Ligue des Etats arabes et de l'Organisation de l'Unité africaine, et en ultime étape le choix a dû être validé par Alger qui était libre d'agréer ou de rejeter la composition retenue. Le choix final portait sur six personnalités : le Portugais Mario Soares, ancien président de la République, la Française Simone Veil, ancien ministre, l'Indien Inder Kumar Gujral, ancien Premier ministre, le Jordanien Abdel Karim Kabariti, ancien Premier ministre, l'Américain Donald McHenry, ancien ambassadeur, et le Kenyan Amos Wacko, ministre de la Justice et ancien procureur général. C'était une composition bien 'dosée'. Il y avait un représentant des Etats-Unis, un de la France et un du Portugal qui représentaient l'Europe, un de la Jordanie qui représentait le Monde arabo-musulman, un du Kenya qui représentait l'Afrique et un de l'Inde qui représentait l'Asie et les Non-alignés.

Ainsi, comme le précisait José Garçon dans *Libération*, si Alger a accepté cette équipe, c'est qu'elle 'compte, de toute évidence, que les "politiques" qui composent la délégation soient plus sensibles à ses arguments que ne l'au-

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raient été des techniciens habitués à s'en tenir aux faits<sup>112</sup>, comme les experts qui composaient le Comité des droits de l'homme de l'ONU.

D'ailleurs, une semaine seulement après la publication du rapport accablant pour le pouvoir algérien, rédigé par le Comité des droits de l'homme de l'ONU, et à l'occasion de la 50<sup>ème</sup> session de la sous-commission de la lutte contre les mesures discriminatoires et de la protection des minorités, l'ambassadeur algérien à Genève, Mohamed-Salah Dembri, se vantait de l'ouverture de l'Algérie aux observateurs étrangers, en ne citant que des personnalités connues pour leur complaisance à l'égard du régime algérien.

Au chapitre de la transparence, je voudrais indiquer qu'en dépit de la contrainte terroriste, l'Algérie est un Etat de droit et qu'elle a suffisamment prouvé sa volonté de transparence. Au plan national, la liberté de la presse a été reconnue par nombre d'observateurs et de nombreux prix et distinctions étrangers ont été accordés à nos journalistes. Au plan de nos relations avec la communauté internationale, j'aimerais une nouvelle fois confirmer que les autorités algériennes ont répondu, sans exception, à toutes les communications qui leur ont été adressées par les mécanismes onusiens compétents, que plusieurs centaines de journalistes, de parlementaires, d'intellectuels et d'autres personnalités étrangères dont la mission du parlement européen présidée par M. Soulier, le président de la commission des Affaires étrangères de France, M. Jack Lang<sup>x</sup>, M. Glucksman, M. Bernard-Henri Lévy, se sont rendus et se rendent régulièrement en Algérie, et qu'un panel d'éminentes personnalités présidé par M. Soares vient d'accomplir une mission d'information de deux semaines pour le compte du Secrétaire général des Nations unies.<sup>113</sup>

Le panel onusien n'a été accepté par Alger qu'une fois que le principe d'enquête a été définitivement exclu. Par conséquent, dès le départ, les personnalités qui ont été d'accord pour faire partie de ce panel ont accepté de jouer le rôle d'une mission alibi qui remplacerait et ferait oublier la revendication d'une commission d'enquête. Ils savaient pertinemment qu'ils n'étaient maîtres ni de leurs mouvements ni de leurs prérogatives. Ils ne pouvaient visiter ou recevoir que ceux qu'autorisait le pouvoir algérien. Le seul espace de liberté qui leur était accordé, une façon de leur sauver l'honneur, était l'agenda des rencontres qu'ils établissaient jour par jour à l'insu du pouvoir algérien. Mais même ceci n'était que théorique, car d'après les révélations faites par une personnalité algérienne bien informée, les autorités algériennes avaient une 'taupe' au sein du panel en la personne du Jordanien Al Kabariti. Ce dernier aurait été dès le premier jour un indicateur qui faisait des comptes rendus aux autorités algériennes, en particulier sur les projets du panel et sur le contenu des discussions avec les personnes reçues.

En fait, Al Kabariti ne s'est pas cantonné à ce rôle. Il s'est aussi fait le propagandiste du régime algérien dans ses déclarations aux médias, alors qu'il n'était pas habilité à le faire puisque la délégation avait un porte-parole, Hassan Fodda. Al Kabariti a déclaré à la télévision algérienne qu'il y a des

<sup>x</sup> Voir l'article *Eléments de politique algérienne de la France* dans la partie IV du présent ouvrage.

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réalités en Algérie qui sont occultées sous l'effet de l'amplification effectuée par les médias occidentaux et par certaines organisations à l'étranger.<sup>114</sup> Suite à ce type de déclarations, Al Kabariti a été vite rappelé à l'ordre par le président du panel, Mario Soares.

Avant son départ pour Alger, le panel a reçu plusieurs dizaines de lettres et de documents<sup>Y</sup> de la part d'ONG algériennes et internationales, d'associations, de personnalités politiques et de simples citoyens qui l'informaient de la situation en Algérie. Souvent les expéditeurs de ce matériel informatif attiraient l'attention des membres du panel sur les obstacles et les pièges que pouvait leur tendre le régime algérien, en les illustrant avec les expériences antérieures de visites de délégations en Algérie. Certaines lettres se sont révélées avoir un pouvoir prédictif sur le déroulement de la visite du panel.

Après une réunion avec le Secrétaire général de l'ONU le 8 juillet, qui avait pour but de régler les détails du voyage, et une séance de travail de finalisation la veille de leur départ, les membres du panel se sont rendus à Alger le 22 juillet 1998. Ils ont atterri peu avant 17 heures, heure locale, à l'aéroport Houari-Boumédiène où les attendait Ahmed Attaf. Ils ont séjourné dans le pays jusqu'au 4 août. Durant ces deux semaines, le panel a vu défiler devant lui des dizaines de délégations : partis politiques, associations et personnalités influentes. Les audiences se tenaient toujours à l'hôtel Sofitel où étaient logés les membres du panel. Ces derniers ont fait tout de même le déplacement pour rencontrer les hauts responsables de l'Etat algérien, en particulier des décideurs comme le général Lamari qui les a reçus au siège du ministère de la Défense ou le général Zeroual qui les a accueillis au siège de la Présidence. En sus des rencontres, le panel a eu droit à plusieurs visites guidées dans différentes villes algériennes. A chaque étape, ses membres rencontraient des citoyens en présence des forces de sécurité. La télévision algérienne a saisi cette occasion pour interroger ces citoyens et diffuser les réponses qui adhéraient au discours officiel du régime.

Le 23 juillet, les membres du panel ont été reçus successivement par le Premier ministre, le ministre de l'Intérieur, le ministre de la Justice et le président du Conseil constitutionnel.

Le 24 juillet, la délégation onusienne a rencontré des militants des droits de l'homme, notamment Me Ali Yahia Abdennour, président de la Ligue algérienne de défense des droits de l'homme, ainsi que des représentants de l'opposition et des rédacteurs en chef de journaux privés.

<sup>Y</sup> On peut citer par exemple la lettre du Comité international pour la paix, la démocratie et les droits de l'homme en Algérie, celle de l'organisation *Algeria Watch*, celle de l'avocat Brahim Taouti, celle de l'organisation *Algerians for Legality and Human Rights in Algeria* (ALHUR), et celle du Mouvement pour la vérité, la justice et la paix en Algérie (voir le texte de cette dernière lettre dans l'annexe 14).

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Le 25 juillet, le panel a reçu des responsables syndicaux et Louisa Hanoune, du Parti des travailleurs, qui a déclaré à l'issue de l'entretien : 'Nous avons fait part à la délégation de notre vive préoccupation concernant les violences qui déchirent notre pays. La solution militaire s'est avérée un échec total au cours des sept dernières années. Seul le dialogue peut faire cesser ce bain de sang.<sup>115</sup>' Le panel s'est entretenu aussi avec le ministre des Finances, Abdelkrim Harchaoui, en compagnie de plusieurs directeurs généraux de son ministère. Même celui de la bourse était là. Avec Youcef Habib, patron de la Confédération nationale des opérateurs économiques, le panel a discuté de privatisation et de partenariat. Le 25 juillet, les membres de la délégation ont été aussi accueillis par le général Lamari, chef d'Etat-major.

Le 26 juillet, la délégation onusienne a reçu le secrétaire national du Front des forces socialistes, Ahmed Djeddaï. Ce dernier affirmera que lors des entretiens avec la mission onusienne il a réclamé l'envoi d'une commission internationale pour enquêter sur les 'violations massives' des droits de l'homme. L'ancien Premier ministre Rheda Malek, président de l'Alliance nationale républicaine (ANR), était aussi reçu ce jour-là par le panel. Il était accompagné de Salim Saadi et de Ali Haroune. En sortant de la séance, il a déclaré aux médias : 'La réunion était utile et fructueuse. Le parti a exprimé en toute transparence ses positions sur la situation en Algérie, tout en réitérant les positions du parti qui refuse toutes les formes d'ingérence dans les affaires intérieures de l'Algérie et l'envoi d'une commission d'enquête<sup>116</sup>.' Saïd Saadi, président du RCD, qui a indiqué être favorable à toute initiative qui aille dans le même cadre que celui du panel, a déclaré après ses entretiens le même jour avec le panel que 'la rencontre a permis à la délégation d'entendre les positions du parti concernant la situation qui prévaut en Algérie<sup>117</sup>.' Il n'a pas manqué de souligner le refus de son parti de débattre les affaires algériennes à l'extérieur du pays. Sur le plan des droits de l'homme, le panel a reçu Abdesslam Habachi, médiateur de la République, et Kamal Rezag Bara de l'ONDH. Rezag Bara a déclaré à l'issue de la rencontre : 'Le dialogue a tourné autour des droits de l'homme en Algérie, en examinant ce que le terrorisme perpètre comme crimes horribles contre toutes les couches de la société [...] La lutte antiterroriste se déroule dans le respect de l'Etat de droit<sup>118</sup>.' Interrogé sur les disparitions, les détentions arbitraires et la situation à l'intérieur des prisons, Rezag Bara a répondu : 'Les modalités de suivi des ces affaires se fait dans le cadre de mécanismes internes de suivi jusqu'à ce qu'elles arrivent devant la justice<sup>119</sup>.' Le panel a aussi reçu Mourad Bouchachi, l'un des avocats du FIS. Une rumeur a même été propagée alléguant que les membres de la délégation avaient rencontré ce jour du 26 juillet les cheikhs Abassi Madani et Ali Benhadj, mais elle a vite été démentie.

Le 27 juillet, les membres du panel se sont rendus à la prison de Serkadji qui avait connu au début de 1995 le massacre de plus d'une centaine de détenus politiques. Ils ont rencontré essentiellement des prisonniers pour délits

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économiques. A leur passage à la prison de Serkadji, les membre du panel ont été interpellés par des dizaines de prisonniers, qui se sont adressés en particulier à Simone Veil. Selon un cadre du ministère de la Justice qui accompagnait la délégation, cité par Associated Press, ils auraient crié : 'Simone Veil, sauvez-nous !' Un prisonnier âgé lui aurait même lancé : 'Nous savons que vous avez été à Auschwitz; nous savons que vous comprenez notre douleur.'<sup>120</sup> Simone Veil aurait alors 'fondu en larmes' selon ce témoin. La délégation a été ensuite conduite à la localité de Sidi Youcef, à côté de Beni Messous, où s'était produit le 6 septembre 1997 un massacre qui avait coûté la vie à près de 200 civils. Les services de la désinformation auraient même ordonné aux guides de faire un détour pour rallonger le parcours vers cette localité qui se trouve aux portes d'Alger. Les hôtes auraient alors pu penser qu'il s'agissait d'une région très éloignée de la capitale. En outre, selon des témoins de la région, on aurait changé les enseignes de plusieurs campements militaires et centres des services de sécurité qui entourent le lieu du massacre pour faire croire qu'il s'agissait d'établissements civils.

Le 28 juillet, la délégation s'est entretenue avec les ministres du Commerce Abdelkrim Harchaoui et des Affaires étrangères Ahmed Attaf, pour la troisième fois, et les représentants du RND et du MSP-Hamas. Tahar Ben Baïbèche, secrétaire général du RND, a déclaré après son entretien avec le panel que 'la rencontre a porté essentiellement sur la situation sécuritaire, économique et sociale en Algérie [et que] le dialogue a porté sur l'édification institutionnelle et le retour à la légalité constitutionnelle'<sup>121</sup>. Mahfoudh Nahnah, président du Hamas, qui hésitait d'abord à rencontrer le panel, et qui a finalement accepté d'être reçu par ce dernier, a déclaré à l'issue des entretiens : 'La rencontre était une occasion pour rappeler la position du mouvement qui considère que les affaires intérieures de l'Algérie ne sont pas sujet à l'ingérence, que la mission d'information ignore beaucoup de données et que certains de ses membres ont des positions politiques qui ne leur permettent pas de saisir véritablement ce qui se passe sur la scène algérienne'<sup>122</sup>. Le FLN de Benhammouda, tout comme Ennahdha de Djaballah ont refusé de rencontrer le panel. Le FLN a estimé que la venue du panel constituait une ingérence dans les affaires intérieures du pays.

Le 29 juillet, la délégation s'est rendue au siège de l'Assemblée nationale où elle devait rencontrer des délégations des deux chambres. Abdelkader Bensalah, président du parlement, indiquera à l'issue des entretiens : 'La rencontre était positive et a vu la reconnaissance par la délégation du rôle du parlement dans le contrôle des activités du gouvernement, grâce aux prérogatives en matière de législation qui sont accordées à cette assemblée'<sup>123</sup>. Quant à Bachir Boumaza, président du sénat, il dira à sa sortie de la séance avec les membres du panel que 'les entretiens étaient positifs et francs. Ils ont permis de donner une image juste de la réalité algérienne', et il ajoutera

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que 'le terrorisme est dépassé et l'Algérie est en train d'édifier une démocratie en dépit des difficultés actuelles'<sup>124</sup>.'

Le 30 juillet, la délégation s'est rendue à l'ouest du pays dans les régions de Tlemcen et Oran. En compagnie de représentants des forces de sécurité elle a visité notamment la localité de Aïn Khelil, à 70 km au sud de Tlemcen, où une douzaine de personnes avaient été massacrées quelques jours auparavant. Elle y a rencontré des survivants du massacre, des membres de la milice locale et des officiers des forces de sécurité.

Le 31 juillet, le panel s'est rendu à l'est du pays. A Tizi Ouzou il a rencontré les responsables locaux, avant de se rendre au 'village modèle' de Igoudjal, à 50 km de Tizi Ouzou, première localité où le pouvoir algérien a armé des groupes d'autodéfense en 1994. Le président Mario Soares aura même droit à un 'cadeau' dans la ville de Bejaia. Après s'être entretenus dans la maison des hôtes avec les 'élus locaux', et après être allés place du 1<sup>er</sup> Novembre pour y rencontrer les citoyens, les membres du panel se sont rendus à l'hôtel L'Etoile où a séjourné, dans la chambre 13 et pendant une dizaine d'années (1931-1941), le premier président portugais Manuel Texera Gomez, après qu'il a quitté la vie politique et décidé de s'installer à Bejaia. Les hôtes ont terminé leur visite par une tournée sur les sites touristiques de la région et une ballade en mer.

Le 1<sup>er</sup> août, le panel a reçu des responsables d'organisations de 'victimes du terrorisme'. Fatma-Zohra Flici, Benkhenchir ainsi que Djamil Benrabah et Chrifa Lakhdari de l'association Djaza-irouna, Leila Aslaoui, membre du sénat, membre fondateur de l'Association des victimes du terrorisme, se succéderont à l'hôtel Sofitel. A sa sortie de l'audience, Fatma-Zohra Flici a déclaré que son association prenait en charge les 'disparitions' 'imputables au terrorisme' mais qu'en ce qui concerne les personnes 'disparues' après avoir été arrêtées par les forces de sécurité, 'nous ne pouvons nous en occuper.'<sup>125</sup> Leila Aslaoui quant à elle a informé les médias qu'en toute 'transparence' elle avait évoqué avec le panel 'la situation sécuritaire, économique et sociale' et l'avait assuré que 'le terrorisme cible des citoyens isolés, mais le courage et la résistance du peuple ont mis en échec ce projet de destruction'<sup>126</sup>.'

Les organisations féministes alliées du pouvoir furent aussi de la partie. Saida Benhbiles, Khalida Messaoudi, tout le monde y est passé. Khalida Messaoudi, présidente de l'association Rachda, vice-présidente du RCD et membre du 'parlement', déclarera à l'issue de l'entretien que ce dernier a porté sur la situation sécuritaire du pays. Elle ajoutera que 'les tentatives d'internationaliser la crise que vit l'Algérie ont pour objectif la réhabilitation du FIS dissous. Des tentatives qui auraient pu envenimer la situation, ce qui aurait plongé davantage le pays dans la confusion'<sup>127</sup>.'

Le panel a reçu par la suite Mohamed Tahri, l'un des avocats des familles des 'disparus' qui avaient été arrêtés par les forces de sécurité. A l'issue de

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l'entretien, Mohamed Tahri a refusé de déclarer quoi que ce soit aux médias. Confondu par ces derniers avec son homonyme, gendre de Abassi Madani, il sera pris d'assaut ainsi que le panel du fait de leur rencontre.

Lors de sa visite, le panel a aussi reçu les responsables du syndicat de la presse, et Abdelmadjid Méziane, président du Haut conseil islamique (HCI), qui fut accueilli par la mission onusienne en compagnie de l'évêque d'Oran. Abdelmadjid Méziane a déclaré : 'La rencontre était transparente. Un résumé a été donné à la délégation sur le rôle et la mission du HCI. La délégation va repartir avec une véritable image de l'islam et de son rôle dans la modernisation et la réalisation de la démocratie<sup>128</sup>.' Il n'a pas manqué, lui aussi, d'évoquer le terrorisme qui est selon lui 'un fléau qu'il faut combattre.' Concernant les rapports islamo-chrétiens, Abdelmadjid Méziane a affirmé que 'l'évêque d'Oran qui a assisté à la rencontre a expliqué de son côté la situation en précisant que le christianisme est protégé en Algérie, que les hommes de l'Eglise se déplacent en toute liberté et qu'un dialogue est engagé entre l'islam et le christianisme sur la base de l'amour mutuel.' 'L'Algérie est un pays de liberté et d'ouverture<sup>129</sup>, a-t-il conclu.

Le panel onusien a achevé sa mission le 4 août, après avoir eu un entretien le 3 août au matin avec le général Zéroual, et s'être rendu par la suite dans le Sud algérien ; le panel y a visité Ghardaïa où il a été accueilli chaleureusement par les habitants et les autorités locales qui lui ont fait un exposé sur l'histoire de la vallée du M'zab et lui ont montré les richesses artisanales de la région. Il s'est ensuite rendu à Hassi R'mel où il a visité une installation gazière.

De retour d'Alger le 4 août 1998, le panel a fait le lendemain un premier compte rendu verbal de sa mission à Kofi Annan. Le panel allait mettre plus de quarante jours pour publier son rapport, période durant laquelle il s'est réuni à plusieurs reprises, parfois en présence de Kofi Annan. Ce délai était moins dû à la nécessité d'examiner les centaines de documents, de témoignages et de comptes rendus de séances qu'à une difficulté de s'entendre sur la ligne éditoriale à suivre. 'Ce délai semble s'expliquer par la nécessité de trouver un compromis entre les membres d'une délégation dont les vues divergeaient sensiblement', précisait José Garçon<sup>130</sup>. On apprenait par la presse que des divergences de points de vue étaient apparues chez les membres du panel<sup>131</sup>, que Mario Soares était notamment 'partisan d'un rapport plus critique à l'égard du régime algérien que celui que souhaiterait la majorité des membres de la mission<sup>132</sup> et que :

Avant la publication de ce texte, des diplomates ont expliqué que les divergences d'opinion à l'intérieur de la commission avaient empêché cette dernière de condamner plus sévèrement le régime algérien. Ainsi l'ancienne ministre française de la Santé Simone Veil a souhaité que le rapport soit moins critique, selon des diplomates et des responsables d'organisations de défense des droits de l'homme. Elle a ainsi ajouté ses propres commentaires sur certains sujets dans le rapport, qui ont été mis en

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italique pour bien montrer qu'ils ne traduisaient pas l'opinion de l'ensemble de la commission. Les responsables de l'ONU ont laissé entendre cependant qu'un rapport mesuré était peut-être le meilleur moyen de favoriser l'ouverture d'un dialogue avec Alger.<sup>133</sup>

En fait, deux tendances existaient au sein du panel. La première adhérait inconditionnellement aux thèses du régime algérien et était conduite par le tandem Veil-Kabariti. Simone Veil est connue en France pour faire partie de l'aile la plus éradicatrice quand il s'agit de la question algérienne. Abdel Karim Kabariti est connu en Jordanie pour son anti-islamisme viscéral. La deuxième tendance, représentée par Soares et McHenry, était moins inconditionnellement favorable au régime algérien. La position des deux autres membres du panel, Amos Wacko et Inder Kumar Gujral, n'était en définitive pas déterminante.

Le rapport<sup>134</sup> de l'ONU ne sortira donc que le 16 septembre 1998. Moins du sixième de ce rapport d'une trentaine de pages sera consacré aux violations des droits de l'homme, le reste constituant des considérations d'ordre général reproduisant le constat officiel du pouvoir algérien sur les événements qui se sont produits depuis 1992. Les membres ont regretté tout de même certaines entraves rencontrées à Alger, notamment le refus de les autoriser à rencontrer les dirigeants du FIS et les responsables du mouvement culturel berbère (MCB).

Dans les conclusions du rapport, les membres du panel ont commencé par s'identifier à la thèse du régime algérien sur ce qu'il appelle lutte antiterroriste :

Nous tenons à déclarer, en premier lieu, que nous rejetons catégoriquement le terrorisme sous toutes ses formes et manifestations. Le terrorisme a été condamné sans équivoque par la communauté internationale et est illégal au regard du droit international. L'Algérie mérite le soutien de la communauté internationale dans les efforts qu'elle déploie pour combattre ce phénomène. Nous condamnons de même toute forme d'extrémisme ou de fanatisme qui pourrait être invoquée pour justifier les actes de terrorisme. Rien ne saurait justifier le terrorisme. Nous sommes convaincus que la société algérienne est capable d'exprimer des vues politiques et d'en débattre dans le cadre de la légalité.

Après avoir rappelé le fait que 'les efforts déployés pour combattre le terrorisme doivent s'inscrire dans le cadre de la légalité, de la proportionnalité et du respect des droits fondamentaux de la population algérienne' et que 'les forces de police, de sécurité et d'autodéfense devraient être tenues d'observer les règles les plus strictes afin de convaincre la population algérienne et la communauté internationale dans son ensemble que l'Etat de droit prévaut en Algérie', le panel a estimé que 'c'est en renforçant la démocratie et en assurant mieux le respect des droits de l'homme que l'on pourra combattre le terrorisme.'

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Les membres de la délégation onusienne ont déclaré par la suite que 'l'Algérie mérite le soutien de la communauté internationale dans l'application des grandes lignes de la stratégie qui nous a été exposée pour consolider les institutions démocratiques, relever les défis économiques, juguler le terrorisme, et maintenir la sécurité', tout en précisant que ce soutien devrait être conditionné par le 'respect scrupuleux de l'Etat de droit et des droits de l'homme dans la pratique de tous les jours.'

Le panel a estimé ensuite que des efforts doivent être consentis pour bâtir un Etat de droit, et a souligné que, pour ce faire, 'il importe de s'employer de façon résolue à changer les mentalités dans l'appareil judiciaire, dans les institutions chargées de faire respecter les droits de l'homme, dans la police et dans l'armée, ainsi que dans l'ensemble du corps politique algérien.'

Le panel a également recommandé 'd'accélérer le rythme de la privatisation de l'économie algérienne, [ce qui] libérera les énergies créatrices du peuple algérien, contribuera à dynamiser davantage l'économie et aidera à dégager les ressources nécessaires pour s'attaquer à des problèmes sociaux tels que le taux de chômage élevé, les pénuries de logements et la diminution du revenu par habitant' et de 'lancer des programmes de réforme sociale de nature à réduire le sentiment de désespoir qui, d'après ce que nous avons appris, est très répandu parmi de nombreux jeunes Algériens.'

Les conclusions du rapport du panel sont revenues encore une fois sur le soutien de la communauté internationale au gouvernement algérien pour en souligner l'importance :

La communauté internationale devrait envisager des moyens ou programmes de coopération et manifester, par son soutien, sa solidarité avec l'Algérie dans les efforts que ce pays déploie pour chercher à résoudre les problèmes pressants qu'il connaît. L'Algérie aura besoin du soutien de la communauté internationale pour mettre en œuvre ses programmes politique et économique et mener sa lutte antiterroriste, tels qu'ils sont exposés dans le présent rapport.

Le soutien au gouvernement algérien est, selon les membres du panel, d'une importance capitale, car, partageant parfaitement les arguments du régime algérien utilisés dans tous les forums, ils ont estimé que 'si la situation en Algérie se détériore, des répercussions très négatives pourraient en découler dans la région méditerranéenne, en Europe et dans la communauté internationale.'

Sur le plan des droits de l'homme, le panel n'a pas oublié à la fin de ses conclusions d'inciter les autorités algériennes à renforcer davantage les 'institutions algériennes chargées de la promotion et de la protection des droits de l'homme' et à examiner rapidement les 'plaintes concernant les arrestations arbitraires, les exécutions extrajudiciaires et les disparitions.' Sur le plan politique, il a encouragé les dirigeants algériens à étudier 'les mesures qui pour-

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raient être prises pour améliorer la transparence de leurs décisions ainsi que le dialogue et la communication avec les citoyens algériens.’

A l'évidence, la démarche du panel onusien souffrait de plusieurs faiblesses, principalement :

- l'absence dans la délégation de spécialistes des questions des droits de l'homme ;
- l'absence d'un mandat d'enquête ;
- les contraintes imposées au panel sur place : déplacements sous escorte militaire, interdiction de rencontrer des parties essentielles dans le conflit comme les responsables du FIS ;
- le manque de temps pour étudier les documents soumis, digérer les contenus des discussions et faire une analyse approfondie de la situation ;
- les divergences d'ordre idéologique au sein du panel.

Certains membres du panel ont eux-mêmes admis les limites de leur mission et le fait qu'ils n'avaient pas les moyens de mener leurs propres investigations et qu'ils n'étaient pas mandatés pour le faire. Interrogé par l'AFP, Donald McHenry a déclaré que le panel 'n'avait ni le mandat, ni le temps ou l'expertise' pour enquêter sur la situation des droits de l'homme en Algérie<sup>135</sup>. De son côté, Simone Veil a affirmé aux journalistes : 'Nous étions une mission d'information et non pas une mission d'enquête. Et nous en savons les limites', en soulignant que la mission ne disposait d'aucun pouvoir d'enquête et n'était pas libre de ses mouvements<sup>136</sup>.

Mario Soares, pour sa part, après avoir démenti, depuis le Brésil, 'toute partialité' du rapport qu'il avait co-signé et affirmé que celui-ci donnait 'une vision globale de la situation du pays, sous un angle impartial<sup>137</sup>', déclarera quelques jours plus tard dans une interview à une radio portugaise que le panel avait constaté des cas de 'mauvais traitement, de torture et de mort infligés par le pouvoir établi à Alger', que le pouvoir algérien 'a fait disparaître des gens, certains chez eux, d'autres sur leur lieu de travail et d'autres dans la rue' et dénoncera 'des violations évidentes des droits de l'homme par le pouvoir établi à Alger<sup>138</sup>', ce qui était en contradiction avec l'esprit du rapport officiel du panel.

Quant à Abdelkarim Al Kabariti, il a réfuté toute accusation de partialité. Sur les ondes du service arabe de *Radio-France Internationale*, il a déclaré que 'ce rapport, qui reflète les points de vue de l'ensemble des membres de la délégation, est un document juste et réaliste élaboré avec neutralité et honnêteté<sup>139</sup>.' Selon l'ancien Premier ministre jordanien, 'les autorités algériennes

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n'ont pas besoin d'un chèque en blanc [ou] d'une mission comme la nôtre pour asseoir sa légitimité.' Abdelkarim Al Kabariti s'est aussi rallié au régime algérien pour s'attaquer aux ONG de défense des droits de l'homme qui avaient osé critiquer le rapport du panel. Selon lui, ces ONG 'partent à chaque fois de préjugés et de postulats politiques dont nous connaissons bien les objectifs.' Et d'ajouter que 'ces parties, connues pour leur inimitié à l'égard de l'Algérie, élaborent leurs campagnes à partir des dires de la presse européenne et des positions de certains cercles politiques. Ils n'agissent jamais sur la base de données et d'éléments d'informations obtenus à l'épreuve du terrain.<sup>140</sup>

La réaction des autorités algériennes au rapport du panel était prévisible. Elles ont affiché une pleine satisfaction. Ahmed Attaf a déclaré que 'le gouvernement algérien est satisfait de ce rapport. Le rapport est conforme à ce qui a été conclu entre nous et l'ONU', en constatant que le panel s'était limité à une stricte mission d'information<sup>141</sup> ; et le ministre d'ajouter :

Trois des conclusions du rapport appellent la communauté internationale à aider l'Algérie pour sa lutte contre le terrorisme, son plan de sortie de crise et ses réformes économiques et sociales. [...] Le rapport a apporté à la communauté internationale des clarifications sur la situation en Algérie, notamment sur la sécurité et sur ceux qui sont derrière les massacres.

Les responsables algérien et américain des Affaires étrangères, Ahmed Attaf et Madeleine Albright, se sont entretenus le 25 septembre à New York. Madeleine Albright a qualifié d'«équilibré» le rapport de la mission de l'ONU en Algérie et, selon l'ambassadeur algérien auprès de l'ONU, elle a estimé que beaucoup de progrès ont été réalisés en Algérie ces dernières années<sup>142</sup>.

En dehors du pouvoir algérien qui s'est félicité du contenu du rapport, les réactions ont été plutôt critiques. Une partie de la presse internationale a regretté la partialité du panel, alors qu'une autre partie a parlé d'un 'rapport mi-chèvre mi-chou.<sup>143</sup>

Les ONG des droits de l'homme ont été unanimes pour condamner l'attitude complaisante du panel envers le régime algérien. *Amnesty International* qui a accusé le panel de 'blanchir' le pouvoir algérien sur le plan des droits de l'homme a déclaré :

Le rapport sur la visite récente du panel onusien en Algérie ne parvient pas, de manière flagrante, à aborder les questions clés concernant les droits de l'homme. [...] Dans un pays connu pour sa violence, où des dizaines de milliers de personnes ont été tuées et où d'autres continuent à l'être chaque jour, une telle initiative était dénuée de sens sans un mandat concernant les droits de l'homme [...] La visite de cette mission de l'ONU a été une mise en scène et ne peut, en aucun cas, se substituer à une enquête indépendante, et qui tarde, sur la crise des droits de l'homme dans ce pays. [...] Dans un pays où près de 20 000 personnes sont détenues sous l'accusation de terrorisme, les délégués n'ont rencontré qu'un seul prisonnier dans ce

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cas et ont axé leur visite sur des détenus accusés de crimes économiques. Semblable approche est étonnante, tout particulièrement compte tenu du fait qu'aucune organisation internationale ni aucun expert des droits de l'homme n'avait jusque là été admis dans cet établissement ou dans toute autre prison.<sup>144</sup>

De son côté, la Fédération internationale des droits de l'homme a déploré 'l'analyse partielle' du rapport de l'ONU sur l'Algérie et a estimé qu'il constituait 'un chèque en blanc au régime.'<sup>145</sup> Elle a ajouté dans son communiqué :

Il est particulièrement préoccupant que le panel n'ait pas su prendre la mesure de la réalité des méthodes et des pratiques mises en œuvre systématiquement par les autorités et leurs agents, [comme] les exécutions sommaires, la torture systématique, les disparitions forcées, les détentions arbitraires.

En évoquant la question de la responsabilité des autorités algériennes dans les massacres qui reste posée, la FIDH a affirmé que '[la] revendication d'une enquête internationale, sur place, d'experts indépendants [et] ayant les moyens de leur investigation reste plus que jamais d'actualité.'

Patrick Baudoin, président de la FIDH, a déclaré 'être choqué par les conclusions du rapport, qui font une distinction de principe entre la violence terroriste et celle exercée par le pouvoir' alors qu'il n'y a pas de bonnes et de mauvaises violations des droits de l'homme.<sup>146</sup> Patrick Baudoin, qui a rappelé l'urgence de la constitution d'une véritable commission d'enquête, technique et juridique, dégagée de toute pression internationale', n'a pas manqué de souligner les dangers que comporte la garantie morale fournie au régime algérien par le panel :

En prononçant [un] verdict clément, la mission incite le régime algérien à persister dans la même voie : celle de marchand d'illusion, [et] donne au pouvoir une sorte d'immunité morale : désormais, à chaque fois que sera proposée une commission d'enquête sur l'Algérie, le pouvoir brandira le rapport Soares.<sup>147</sup>

Par ailleurs, interrogé par Nadjia Bouzeghrane du quotidien algérien *El Watan*, Patrick Baudouin apporte plus de précisions sur les positions de son organisation, et explique pourquoi il trouve que le rapport est partial :

Le rapport de l'ONU parle de tout cela mais de manière minorante. Il évoque les violations des droits de l'homme mais avec une certaine compréhension. La mission dit qu'il y a, d'un côté, le terrorisme et, de l'autre, les violations commises par les autorités algériennes, mais ajoute tout de suite qu'elle se refuse à les placer sur le même plan. Et c'est là où ce discours est ambigu parce que cela contribue à dire que pour parvenir à une certaine fin, qui est l'élimination du terrorisme, on est compréhensif, et que même si on condamne les moyens utilisés pour réprimer le terrorisme, et quelle que soit leur gravité, ils ne sont pas de même nature que les actes terroristes. C'est très pernicieux.<sup>148</sup>

Quant à son évaluation de la mission onusienne, le président de la FIDH a estimé :

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C'est une mission qui a été faite par des politiques, une mission d'information, et qu'en tant que politiques, ses membres sont forcément sensibles à des aspects que je qualifierai de façade, par exemple le fait qu'en Algérie il y ait eu des élections présidentielles, législatives, municipales... Ils sont sensibles à cette présentation qui est faite. Le problème est : qui gouverne en Algérie, qui détient le pouvoir ? Est-ce que ce sont les membres issus des élections ou un petit nombre de militaires ? Je pense qu'à mission politique réponse politique et donc minoration de la prise en considération d'éléments plus techniques sur le plan des droits de l'homme.<sup>149</sup>

L'organisation *Algeria Watch* a estimé pour sa part, dans une déclaration diffusée le 20 septembre 1998 à Berlin, intitulée *Lorsque le panel rédige un rapport sur mesure...* :

Le panel se rallie ainsi au discours officiel algérien, sans aucune distance, sans émettre une seule fois de doute quant à cette version des faits, sans poser une seule fois la question 'Qui sont ces terroristes ?' C'est avec une telle position que les crimes que commettent les groupes de forces de sécurité et d'autodéfense sont banalisés et réduits à l'appréciation : 'Les forces de sécurité font ce qu'elles peuvent, parfois mal'

Madjid Benchikh, professeur de droit international et président du Comité international pour la paix, les droits de l'homme et la démocratie en Algérie, a publié de son côté un compte rendu critique sous le titre *Le Rapport de la mission de l'ONU en Algérie : une analyse qui conforte le statu quo*.

La Ligue algérienne de défense des droits de l'homme a aussi publié un rapport critique envers le rapport du panel onusien<sup>Z</sup>. Son président, Ali-Yahia Abdennour, qui a critiqué dans une interview à la presse<sup>150</sup> les thèses contenues dans le rapport du panel onusien, a affirmé lors d'une conférence donnée à Londres à l'occasion du 10<sup>ème</sup> anniversaire du 5 Octobre 1988 que 'le panel s'est situé dans la même ligne que la troïka et surtout les eurodéputés, c'est-à-dire qu'ils ont accepté ce que le pouvoir algérien a voulu.' Quant au rapport du panel, Ali-Yahia Abdennour dira qu'il a donné au pouvoir 'quitus pour le passé, blanc-seing pour le présent et chèque en blanc pour l'avenir.'

Le FFS a été également très critique envers le rapport du panel onusien. 'Le FFS dénonce fermement ce rapport qui fait l'impasse sur la tragédie que vit le peuple algérien<sup>151</sup>', a affirmé ce parti d'opposition dans un communiqué. Le communiqué poursuivait : 'Comment ne pas être scandalisé par un rapport partial destiné à soutenir, et plus encore à blanchir, le pouvoir en place en lui accordant un satisfecit, véritable caution à la poursuite de la politique d'éradication avec son cortège de victimes ?' Le FFS a en outre appelé les 'instances internationales et à leur tête le Secrétaire général de l'ONU [à] une observation permanente et vigilante de la situation des droits de l'homme [en Algérie et à] une médiation en faveur d'un processus de paix et de réconciliation nationale.<sup>152</sup>

<sup>Z</sup> Voir l'article *Contredit au rapport du panel de l'ONU* dans la partie IV du présent ouvrage.

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Le FIS pour sa part, par la voix de Abdelkrim Ould Adda, a rejeté le rapport qui, selon lui, 'discrédite la mission [de l'ONU] aux yeux des Algériens<sup>153</sup>.' 'Le rapport de l'ONU est très décevant, il manque de neutralité et occulte volontairement la passivité plus que douteuse du pouvoir devant les massacres de civils. [Il] occulte aussi les centaines de disparitions', a ajouté Abdelkrim Ould Adda.

Plus que toutes ces réactions critiques au rapport du panel onusien, ce qui a lui a donné le coup fatal est l'événement qui s'est produit à Alger cinq jours avant sa publication. Le 11 septembre 1998, le général Zeroual, qui avait reçu les membres de la mission de l'ONU peu avant leur départ d'Alger, a annoncé qu'il avait décidé d'écourter son mandat. Pour beaucoup d'observateurs, ce ne fut rien d'autre qu'une démission forcée. Ainsi toute l'analyse contenue dans le rapport qui traite d'édifice institutionnel, de démocratisation, d'Etat de droit, s'est effondrée en un clin d'œil. C'était la preuve irréfutable que les institutions démocratiques n'étaient pas en voie de normalisation comme le prétendait le rapport. Ceci a sans doute provoqué un sentiment de gêne et de malaise chez la plupart des membres du panel onusien.

## 10. Bilan de l'action onusienne face aux massacres en Algérie

### 10.1. Introduction

«Même l'ONU a fait la sourde oreille. Un de mes amis khmers me confiait avec amertume, le jour de Noël 1975 : "En France, il existe des sociétés protectrices des animaux ; il existe des usines de fabrication d'aliments pour chiens et chats. Les Cambodgiens sont-ils donc moins que des bêtes, puisque personne ne daigne les défendre ?"<sup>154</sup>» (François Ponchaud)

Plus de vingt ans après ce douloureux constat, après cette expression d'amertume, les citoyennes et les citoyens algériens touchés par les massacres, en évaluant ce que les Nations unies ont fait pour eux, ne doivent pas avoir une opinion différente de celle de ce Cambodgien. Car, d'après les faits relatés dans les sections précédentes, en fin de compte, et malgré les positions et les déclarations d'un certain nombre de hauts fonctionnaires onusiens, l'action effective de l'ONU envers les populations algériennes touchées ou menacées de massacres a été pratiquement insignifiante, sinon négative.

Cet état des choses est dû en partie à l'efficacité du régime algérien pour neutraliser toute réaction de l'opinion qui pourrait faire pression sur l'Organisation internationale. Une efficacité qui s'explique par le dévouement avec lequel agissent ses supplétifs, politiques, parapolitiques et associatifs et au rythme auquel fonctionne sa machine médiatique et diplomatique,

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ainsi qu'au soutien que lui accordent ses alliés politiques et relais médiatiques à l'étranger.

Cet état de choses est dû surtout à l'*inefficacité* des mécanismes onusiens censés défendre le droit international lorsqu'il est bafoué et les droits de l'homme lorsqu'ils sont maltraités. Une inefficacité résultant des contradictions internes à l'ONU, des contraintes imposés à ses différents organes et du dysfonctionnement de ses instruments consacrés aux droits de l'homme.

## 10.2. Stratégie de la diplomatie algérienne et actions de l'ONU

### 10.2.1. *La neutralisation de la compassion humaine*

*«Dès lors que la machine de destruction se met en route, la capacité des spectateurs d'influencer les agents du crime se trouve affaiblie<sup>155</sup>» (Ervin Staub)*

Le régime algérien a pris conscience de cette vérité qui dit qu'une action visant à influencer un processus de destruction massive n'a vraiment de chance de réussir qu'aux phases précoces de ce processus. Le régime algérien s'est d'abord livré à des tests réels pour sonder la capacité de la communauté internationale à réagir, à protester et à intervenir. Le coup d'Etat militaire, la répression, les massacres à petite échelle, les carnages dans les prisons, les disparitions à petite dose, etc., tout cela a constitué des 'ballons d'essai' que le régime algérien a lancés en direction de la communauté internationale avant d'engager sa machine de destruction 'à plein régime'. La réaction de la communauté internationale à ces tests a hélas conforté le régime dans sa position et a été interprétée par ce dernier comme un signal fort d'encouragement, voire de soutien.

Mais ces tests, par la même occasion, avaient pour but de vérifier l'efficacité de la stratégie du régime en vue de dévaluer ses victimes au point de les priver de toute compréhension et compassion de leurs frères en humanité. Car le régime algérien savait pertinemment le rôle que peuvent jouer des spectateurs avertis et engagés, un rôle qui peut influencer significativement le cours des choses. Il était donc impératif pour ce régime de barrer la route à toute action sociale responsable, que ce soit au niveau national ou international, en faveur des victimes.

Les spectateurs indifférents, par leur manque de compassion envers les victimes, provoquent chez ces dernières le sentiment d'être lâchées, abandonnées, livrées à leur sort, et accentuent chez elles l'abattement et la résignation. Par l'absence de protestation, les spectateurs de ce type confirment et réconfortent les assassins dans leur attitude criminelle. Le silence est alors

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synonyme à la fois d'abandon et d'acceptation, voire d'approbation. Le régime algérien a donc intérêt à ce que personne ne prenne conscience du poids de la responsabilité du silence et à ce que règne partout ce que Bibb Latane et John Darley appellent une 'ignorance pluralistique'<sup>156</sup>, cet état de diffusion de la responsabilité.

En effet, dès le moment où les spectateurs passent de l'état passif à l'état actif, dès qu'ils arrêtent d'être des *complices* - car il ne peut y avoir dans ce type de situations de spectateur neutre - et se transforment en *témoins*, ils affectent aussi bien les victimes que les responsables des crimes. Ils affectent les victimes, car par leur soutien ils remontent leur moral et insufflent en eux l'espoir qui les rend forts et résistants. Ils affectent les criminels, car par leur dénonciation ils les poussent à réfléchir à leurs actes, à la foi à leur bien-fondé et à leur finalité.

Il n'y a qu'à voir l'effet générateur d'espoir qu'ont eu les propos de Kofi Annan et de Mary Robinson sur les populations algériennes victimisées, d'une part, et leur effet déstabilisateur sur les généraux et leurs supplétifs civils, de l'autre. Il fallait à tout prix briser cet élan de solidarité venant de personnalités éminentes des Nations unies avant qu'il ne provoque d'effets irréversibles.

Pour ce faire, le régime algérien a recours à une double stratégie. D'une part, il œuvre pour exacerber les contradictions au sein de l'ONU et amplifier les dysfonctionnements de cette organisation et exerce une forte pression sur toute voix, fût-elle timide, qui ose poser les questions dérangeantes. D'autre part, il prévient toute pression extérieure et lui fait face, notamment celle de l'opinion, qui peut être exercée sur l'ONU pour la pousser à prendre des mesures effectives concernant l'Algérie.

Contre la réaction de l'opinion et la pression qu'elle peut exercer sur les prises de décisions politiques, au sein de l'ONU par exemple, le régime algérien va d'abord employer, comme le montre bien Moussa Aït-Embarek<sup>157</sup>, une rhétorique de démonisation, de bestialisation et de négation de ses adversaires politiques et futures victimes. Le but étant de les dévaluer<sup>AA</sup> au point de justifier leur exclusion des univers social et moral. Une fois exclus de ces univers, ils ne pourront alors bénéficier d'aucun soutien extérieur, car les processus psychologiques<sup>BB</sup> qui incitent l'opinion à réagir à leurs souffrance, mauvais traitements et misère se trouvent alors inhibés.

<sup>AA</sup> Voir dans Ervin Staub comment la campagne de démonisation des juifs par le régime hitlérien a conduit à la passivité d'une grande partie de l'opinion publique occidentale (Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence*, p. 157, Cambridge University Press, Cambridge 1989).

<sup>BB</sup> Ervin Staub en dénombre trois principaux : l'orientation vers des valeurs prosociales, l'orientation vers des règles morales et l'empathie (in F. Fein, *Genocide Watch*, p. 164, Yale University Press, 1992).

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## 10.2.2. La doctrine de lutte antiterroriste

*«La diplomatie algérienne a opéré ces dernières années une véritable inversion de ses grandes lignes politiques. On est passé d'une diplomatie pour l'autodétermination des peuples et leur combat non seulement contre le colonialisme, mais aussi contre les régimes dictatoriaux (Franco, Salazar, Pinochet, etc.) à une diplomatie qui qualifie ce même type de combat de 'terrorisme'. On est passé d'une diplomatie 'pour la cause palestinienne qu'elle soit juste ou injuste' à la diplomatie de 'Charm El-Cheikh'. On est passé d'une diplomatie qui lutte pour l'instauration d'un nouvel Ordre économique à une diplomatie pro-FMI. Voici là une grave dérive.<sup>158</sup>»*  
(Larbi Zitout)

Après avoir construit l'image de l'islamiste-*'démon'*, l'islamiste-*'bête'*, l'islamiste-*'néglation de l'humanité'* et après avoir gravé médiatiquement cette image dans le subconscient collectif de l'opinion, le régime avait besoin de faire passer cette dernière de l'émotionnel au rationnel. Il fallait la conduire du préjugement et du procès d'intention de l'islamiste à son jugement sur la base de faits. Ces faits, il fallait bien les fabriquer et leur donner un nom. Ils seront baptisés *'actes terroristes'*. C'est le fondement de la doctrine de lutte *'antiterroriste'*.

Comme nous l'avons vu, la diplomatie algérienne va se mobiliser corps et âme pour faire accepter au monde entier cette nouvelle image de l'islamiste-*'terroriste'*. Ainsi, le cliché de l'islamiste-*'démon'* n'a pas eu le temps de *'gratter'* la conscience de l'opinion et de la déranger qu'est venu s'y superposer ce nouveau cliché gravé dans la profondeur des subconscious à force d'images insoutenables de femmes égorgées et d'enfants démembrés.

Aucun discours prononcé par les diplomates et paradiplomates algériens, notamment les représentants de l'Algérie auprès de l'ONU, ne manquera d'évoquer le *'terrorisme islamiste'*, jusqu'à ce qu'il soit un fait établi dans les usages, accepté dans les milieux diplomatiques et droits-de-l'hommeistes. Désormais, celui qui ose ne pas évoquer le *'terrorisme islamiste'* en parlant de la situation algérienne sera montré du doigt et traité de négationniste.

Bien entendu, la diplomatie algérienne fera tout pour empêcher tout débat sérieux sur la définition du terme *'terrorisme'* et la nature du *'terrorisme'*, qualifié a priori de débat stérile, et focalisera sur les *'manifestations terroristes'* qui font des victimes par milliers parmi les populations civiles. Il est évident qu'un tel débat aurait bousculé beaucoup d'idées reçues. Il aurait fait la part des choses et apporté une distinction nette entre une résistance légitime à un régime dictatorial et des actes génocidaires contre des populations désarmées. Il aurait indiqué à qui profite chaque type d'action. D'un tel débat de fond la diplomatie algérienne ne veut pas.

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Et comme il apparaît clair à l'opinion que les populations touchées par les massacres appartiennent à des régions connues pour leur soutien à la mouvance islamique, l'objectif du régime algérien est atteint : présenter les massacres comme étant des actes commis par des 'terroristes islamistes' contre des 'soutiens au terrorisme islamiste'.

A partir de ce moment, les spectateurs passifs (complices) auront la conscience tranquille, puisqu'ils disposeront d'éléments objectifs et rationnels pour motiver leur attitude. L'objectif du régime algérien à neutraliser le potentiel de réaction de l'opinion est ainsi atteint.

Ce qui est sûr c'est que la diplomatie algérienne, à force de 'matraquage' incessant, a réussi son pari. Elle a d'une part assuré une place privilégiée au thème du 'terrorisme islamiste' dans tous les forums internationaux, et en particulier au sein de l'ONU. Dorénavant, les fonctionnaires onusiens, même ceux qui sont motivés par les meilleures intentions qui soient, ne manqueront pas à la règle et évoqueront ce thème lors de chaque intervention concernant l'Algérie, même si cette intervention est dirigée contre le pouvoir algérien.

D'autre part, la diplomatie algérienne a été récompensée à plusieurs reprises pour ses efforts énergiques, tous azimuts, en vue d'alerter la communauté internationale sur le 'danger global' que représente le phénomène du 'terrorisme' (islamiste). Elle a pratiqué un lobbying intense dans divers forums régionaux pour mobiliser les Etats contre ce phénomène et en vue d'obtenir leur soutien pour faire accepter à l'ONU un débat sur de cette question, ce qu'elle réussira à gagner.

C'est sur le plan européen que la diplomatie algérienne a fait ses premières preuves. Son action en direction de l'Europe s'est concrétisée dès le mois de novembre 1995 lors du forum méditerranéen tenu en Espagne par la Déclaration de Barcelone qui 'consacre les efforts de l'Algérie en soulignant, entre autres, l'engagement de ses signataires à renforcer leur coopération pour prévenir et combattre le terrorisme, notamment par la ratification et l'application d'instruments internationaux auxquels ils ont souscrit.<sup>159</sup>

Sur le plan du monde islamique, en décembre 1997, lors du dernier sommet de l'Organisation de la conférence islamique (OCI) qui a eu lieu à Téhéran, les efforts de Abdallah Baali, ambassadeur de l'Algérie auprès des Nations unies à New York, qui représentait son pays à ce sommet et qui a appelé à une mobilisation contre le terrorisme et l'extrémisme religieux, ont porté leurs fruits. Les participants ont déclaré le 11 décembre qu'ils étaient favorables à la tenue d'une conférence internationale sur le terrorisme, sous les auspices de l'ONU. L'OCI a exprimé sa volonté de ne 'permettre à aucun mouvement exploitant la sublime religion de l'islam d'entreprendre une quelconque activité hostile envers l'un des Etats membres de l'OCI.<sup>160</sup>

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Sur le plan du monde arabe, le 5 janvier 1998, c'est le Conseil des ministres arabes de l'Intérieur qui a adopté à Tunis une convention de coopération 'antiterroriste' en vue d'intensifier la lutte contre le terrorisme (islamiste). Cette convention, qui devait être paraphée au Caire trois mois plus tard, considère comme acte terroriste 'tout acte de violence ou de menace de recours à la violence, quels que soient ses motivations et ses objectifs, ayant pour but d'exécuter un projet criminel individuel ou collectif de nature à provoquer la terreur ou à mettre en danger la vie, la liberté et la sécurité de la population.' La convention vise à 'resserrer les contrôles pour empêcher l'infiltration des éléments terroristes à travers les frontières entre les pays arabes [et à] faciliter l'exécution des mesures d'extradition des personnes impliquées ou condamnées dans des crimes terroristes.<sup>161</sup> Elle prévoit en outre 'l'extradition des extrémistes et des terroristes recherchés ou condamnés' et l'obligation pour les pays signataires de 'ne pas permettre aux groupes terroristes d'utiliser leurs territoires pour planifier ou commanditer des attentats dans d'autres pays arabes'.

Le Secrétaire général adjoint de la Ligue arabe, Ahmed Ben Helli, a de son côté rejeté le 9 janvier 1998 'toute ingérence' dans les affaires internes de l'Algérie. Il a annoncé que la Ligue allait dépêcher le 11 janvier un émissaire à Alger pour 'examiner les moyens d'aider le pays à surmonter la situation créée par les massacres.' Il a en outre déclaré que 'le peuple algérien est capable de résoudre lui-même ses problèmes' et que 'si les pays occidentaux veulent aider l'Algérie, ils doivent fermer leurs portes aux responsables du terrorisme qu'ils accueillent.<sup>162</sup>

Le 22 avril 1998, au siège de la Ligue arabe au Caire, la première convention arabe de lutte antiterroriste, adoptée à Tunis, a été paraphée par les ministres de l'Intérieur ou de la Justice de 19 pays et les ambassadeurs des autres membres de l'Organisation. Le ministre algérien de la Justice Mohamed Adami, satisfait de cet exploit et désireux d'aller plus loin, a appelé à la 'conclusion d'une convention de lutte contre le terrorisme par les pays membres de l'Organisation de la conférence islamique.<sup>163</sup>

Sur le plan du continent africain, en mars 1998, c'est au tour du président de la Ligue africaine des droits de l'homme et des peuples (LADHP), Khal-fallah, de condamner 'toute forme d'ingérence dans les affaires intérieures de l'Algérie', de souligner 'la nécessité de respecter la souveraineté de l'Algérie' et de déclarer que la LADHP allait 'proposer à la CDH à Genève d'adopter une position claire vis-à-vis du terrorisme, étant convaincue que la lutte que mène le peuple algérien contre ce phénomène étranger à la société algérienne ne se limite pas à l'Algérie mais touche l'ensemble de la communauté internationale qui est appelée à s'unir pour combattre ce fléau, à travers l'éradication des bases arrières du terrorisme à l'étranger.<sup>164</sup>

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Une année plus tard, c'était aux experts africains en matière de sécurité de se réunir dès le 30 mai 1999, ensuite c'était aux ministres africains de l'Intérieur et de la Justice de se rassembler les 2 et 3 juin 1999 pour préparer le texte de la Convention africaine de prévention et de lutte contre le terrorisme, qui devra être ratifiée lors du sommet de l'OUA qui se tiendra à Alger en juillet 1999. Le porte-parole de l'OUA, Ibrahim Dagash, déclarera à l'issue de la réunion : 'C'est la première fois que les pays africains s'entendent autour de la nécessité de coordonner leurs efforts pour combattre le phénomène du terrorisme et le prévenir. Il est maintenant évident que le terrorisme est transnational. Sa menace ne tient pas compte des frontières.'<sup>165</sup>

Sur le plan du mouvement des pays non-alignés, au début du mois de septembre 1998, le général Zéréal s'est rendu en personne en Afrique du Sud, accompagné de son ministre des Affaires étrangères Ahmed Attaf, pour participer au sommet des Non-alignés et présenter à ces derniers de 'nouvelles propositions'<sup>166</sup> en vue de l'élaboration d'une convention internationale de lutte contre le terrorisme.

Enfin, sur le plan des Nations unies, le porte-parole du ministère algérien des Affaires étrangères a annoncé le 21 septembre 1998 que l'Algérie 'poursuivra ses efforts' lors du débat général de la 53<sup>ème</sup> session de l'Assemblée générale de l'ONU pour amener les Nations unies à convoquer une conférence internationale 'dans le but d'aboutir à une convention internationale de lutte contre le terrorisme.'<sup>167</sup> Lors de ses entretiens avec Ahmed Attaf, le 25 septembre à New York, Madeleine Albright apportera son soutien à une telle initiative<sup>168</sup>. L'ambassadeur d'Algérie auprès de l'ONU à New York revient à la charge le 9 octobre 1998 en réitérant la proposition algérienne d'une 'convention traitant de manière globale du terrorisme.'<sup>169</sup> Au début du mois de décembre 1998, le porte-parole du ministère algérien des Affaires étrangères annonce enfin que la commission juridique des Nations unies a adopté une résolution pour la convocation d'une conférence internationale sur le terrorisme, qui se tiendra prochainement, ce qui est à l'origine une ancienne revendication de l'Algérie<sup>170</sup>, a-t-on tenu à préciser.

Ainsi l'ONU, sous la pression du régime algérien et de ses alliés au sein du Conseil de sécurité et de l'Assemblée générale, va passer de la revendication d'une enquête indépendante sur les massacres en Algérie à celle d'un débat sur le terrorisme.

Au sujet de ce renversement de situation, la sociologue canadienne Marie-Blanche Tahon se demande si l'on n'est pas en train d'assister 'depuis le début de l'année 1998 à une offensive d'un autre ordre.' Elle a en effet réussi à mettre le doigt sur les mécanismes par lesquels le pouvoir algérien et ses alliés occidentaux sont parvenus à faire face, et plus encore, à récupérer la dynamique internationale pour une action en faveur des populations algériennes et la mobilisation de l'opinion pour la constitution d'une commission

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indépendante en vue d'enquêter sur les crimes perpétrés en Algérie et surtout sur les massacres des populations civiles. Après cette mobilisation, 'n'est-on pas en train d'assister à la récupération, par les gouvernements occidentaux, dont le gouvernement canadien, de l'émoi qui a étreint leurs populations face aux récents massacres pour renforcer le régime qui, en effectuant le coup d'Etat militaire de janvier 1992, est responsable de cette situation ?<sup>171</sup>, s'interroge Marie-Blanche Tahon.

Après avoir souligné le premier élément de la stratégie du régime algérien qui est de favoriser des solutions de substitution afin de faire oublier le principe même de la commission d'enquête, elle développe le deuxième élément de cette stratégie qui consiste à faire diversion, en exploitant efficacement une véritable 'rente du terrorisme', car 'la lutte contre le terrorisme dont se revendique l'armée algérienne est un excellent argument pour accorder des prêts et des aides financières à l'Algérie.' Le régime militaire algérien engage à cet effet 'ses journaux et ses démocrates' et se fait relayer 'par la plupart des médias occidentaux et aujourd'hui par les touristes politiques, des vieux 'nouveaux philosophes' aux parlementaires, qui vont faire leur petit tour à Alger.'

A la fin de son analyse, Marie-Blanche Tahon ne manque pas de prévenir contre les conséquences de ce revirement dans la politique internationale :

(a) Caution accordée à la 'démocratie' algérienne ; (b) vente d'armes à l'armée algérienne pour accroître la répression du 'terrorisme' et (c) démantèlement des 'réseaux terroristes' en Europe. Les deux dernières conséquences résultent de l'amalgame savamment entretenu depuis six ans entre 'terrorisme' et 'expression politique'. Amalgame destiné à justifier la répression, quelle que soit sa forme.<sup>172</sup>

### 10.3. Défaillance des mécanismes onusiens des droits de l'homme

#### 10.3.1. Les leçons tirées mais non retenues de l'expérience rwandaise

*«Faisons en sorte que nous ne soyons plus jamais accusés de nous tenir à l'écart au moment où des génocides et des crimes contre l'humanité sont commis.<sup>173</sup>» (Kofi Annan)*

Le Secrétaire général de l'ONU évoquait là l'une des plus importantes tâches noires inscrites dans le registre onusien des droits de l'homme : le génocide rwandais. En l'espace de cent jours, durant le printemps et l'été 1994, 500 à 800 000 êtres humains ont été sauvagement massacrés sous les yeux indifférents de la communauté internationale. Car, comme le souligne le journaliste Nicolas Verdan :

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Washington, comme Paris, Bruxelles et les Nations unies bénéficiaient depuis 1992 d'informations sur la préparation de ces tueries de masse. La communauté internationale n'a pourtant rien fait pour les empêcher, comme l'y obligeait la Convention sur la prévention et la répression du crime de génocide adoptée en 1948.<sup>174</sup>

En fait, très tôt, tous les signaux en provenance du Rwanda indiquaient qu'un génocide était en préparation. Dès le début de l'année 1994, des alertes sans ambiguïté sont parvenues au Secrétariat général de l'ONU faisant état de la planification du génocide, y compris aux oreilles de l'actuel Secrétaire général qui était chargé à l'époque des opérations de maintien de la paix. Ces alertes ont d'ailleurs circulé dans plusieurs départements du Secrétariat, mais les hauts responsables onusiens, les collaborateurs du Secrétaire général Boutros Boutros-Ghali, trop liés aux décisions des Etats puissants de l'organisation, n'ont pas jugé nécessaire de bouger.

Dans les conclusions de son rapport sur le génocide rwandais, le *Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda* relève un certain nombre d'incohérences dans la politique de l'ONU lors du génocide, notamment :

- (a) Les intérêts conflictuels ou un manque relatif d'intérêt chez les membres du Conseil de sécurité pour une crise impliquant un pays d'importance stratégique marginale ;
- (b) des désaccords entre le bureau du Secrétaire général et le Conseil de sécurité ;
- (c) la formulation de stratégie et la communication inadéquates au sein du Secrétariat et les relations incohérentes entre ses fonctions politique, militaire et humanitaire ;
- (d) les relations incohérentes entre le Secrétariat et ceux qui étaient sur le terrain ;
- (e) la tension, sur le terrain, entre les agences de l'ONU et le flou dans la répartition des tâches entre elles.<sup>175</sup>

Parmi ces facteurs, le premier fut incontestablement le plus déterminant. En effet, le manque de volonté politique chez les grands décideurs du Conseil de sécurité d'intervenir pour sauver ces centaines de milliers d'innocents, ou plutôt la volonté politique de les laisser périr, a rendu inefficaces et même inutiles tous les systèmes d'alarme précoce (*early warning systems*). En effet, lorsque à la mi-avril 1994 le Conseil de sécurité de l'ONU a décidé, par vote unanime, de retirer la plus grande partie (les neuf dixièmes) des troupes UNAMIR stationnées au Rwanda, réduisant ainsi le nombre de soldats de 2500 à 270, il devait se douter que cet acte allait être interprété par les génocidaires comme un signal fort, un feu vert pour commencer le carnage.

Du côté américain, le blocage des initiatives onusiennes était on ne peut plus clair. Lorsque, vers la mi-mai, le Conseil de sécurité revenait enfin sur sa décision et voulait renforcer l'UNAMIR, c'est Madeleine Albright qui, au nom de 'la Démocratie super-puissante' retardera le vote de quelques jours. Et lorsque les Nations unies décideront d'envoyer en renfort 5500 soldats,

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essentiellement africains, sur le terrain, l'expédition sera retardée à cause du non accord sur qui devra payer la facture et fournir les équipements. D'ailleurs Bill Clinton n'avait-il pas signé au début du mois de mai 1994 une directive limitant l'implication des troupes américaines dans les opérations internationales de maintien de la paix ? Son conseiller pour la sécurité nationale, Anthony Lake, en commentant cette directive (Presidential Decision Directive PDD25), affirmera :

Les Etats-Unis et la communauté internationale n'ont ni les ressources ni le mandat pour œuvrer afin de mettre fin à tous les conflits. Nous devons donc faire des distinctions. Nous avons à nous poser les questions difficiles, à savoir où et quand nous pouvons intervenir. Et la réalité c'est que souvent nous ne pouvons pas résoudre les problèmes des autres peuples. Nous ne pouvons pas bâtir leurs nations à leur place.<sup>176</sup>

Du côté français<sup>CC</sup>, les autorités du pays ont opté pour la complicité flagrante et 'la France a même soutenu militairement le pouvoir hutu, aveuglée par ses vieilles alliances stratégiques en Afrique.<sup>177</sup>

Aujourd'hui encore, après avoir abandonné les populations rwandaises à leur triste sort, la communauté internationale leur refuse le droit à la vérité, pour ne pas parler du droit à la justice. Marie-Laure Colson relate avec amertume l'un des épisodes cyniques de l'attitude des Nations unies :

De mai 1994 à mars 1997, l'Ivoirien René Degni-Segui, rapporteur de l'ONU sur le Rwanda, a demandé en vain une enquête sur l'attentat, qui est, selon lui, le 'nœud gordien' de l'histoire du génocide. Auditionné en juin 1997 par la commission sénatoriale belge, puis, en mars 1998, par le Tribunal international pour le Rwanda à Arusha, il raconte qu'il a été baladé de Paris à Kigali en passant par New York, où les Nations unies ont fini par lui répondre qu'il n'y avait pas de budget pour cette enquête.<sup>178</sup>

Entre temps, les Nations unies ne trouveront que des regrets à présenter au peuple rwandais. Des mots d'excuses présentés par la voix du Secrétaire général Kofi Annan au Parlement rwandais :

Le monde a le devoir de regretter profondément cet échec. La tragédie rwandaise est la tragédie du monde tout entier. Nous tous qui nous sommes inquiétés au sujet du Rwanda, nous tous qui avons été témoins de ses souffrances, aurions souhaité avec ferveur avoir pu prévenir le génocide. En regardant rétrospectivement, nous voyons les signes qui, à l'époque, n'avaient pas pu être reconnus. Aujourd'hui nous savons que ce que nous avons fait était loin d'être suffisant. Ce n'était pas assez pour sauver le Rwanda de lui-même. Pas assez pour honorer les idéaux pour lesquels les Nations unies existent. Nous n'allons pas nier le fait que, au moment où il le peuple rwandais avait le plus besoin de lui, le monde n'a pas su lui apporter de l'aide.<sup>179</sup>

<sup>CC</sup> Voir l'article *Eléments de politique algérienne de la France* dans la partie IV du présent ouvrage.

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Ces regrets ne vont hélas rien changer à la situation onusienne. L'organisation des Nations unies va récidiver en adoptant la même attitude à l'égard des massacres à grande échelle qui allaient frapper les populations algériennes. Décidément, la tragique expérience rwandaise n'aura servi à rien.

### 10.3.2. Nations unies ou Etats unis ?

*«L'ONU est avant tout une organisation d'Etats, et non pas de Nations, et comme tous les Etats sont en fait menacés par les revendications des nations, il n'est pas étonnant que l'ONU soit pro-Etat et anti-Nation.<sup>180</sup>» (Pierre van den Berghe)*

Ce trait caractéristique des Nations unies est connu des Algériens depuis fort longtemps. Leur expérience révolutionnaire, qui leur a coûté plus d'un million de martyrs, leur a appris que les Etats ont toujours raison sur les peuples et que la raison des Etats est toujours la meilleure, surtout celle des Etats forts. Ils ont appris, concernant les Nations unies, qu'au-delà des chiffres obtenus lors d'un vote sur une résolution de l'Assemblée générale, ce qui importe c'est le camp dans lequel se positionnent les grandes et super-puissances. Ils ont compris que l'ONU n'avait en fait aucune autonomie, comme l'expliquait si bien, à la fin des années soixante déjà, Khalfa Mameri :

Au fond et contrairement à certaines thèses, il ne nous semble pas que l'organisation mondiale dispose d'un pouvoir autonome distinct de l'expression générale des politiques de ses membres. En politique, surtout dans les cas les plus brûlants, l'organisation est si étroitement surveillée et contrôlée, à l'occasion des Assemblées générales et même au Conseil de sécurité, que son pouvoir n'est finalement que l'amalgame des prises de position de l'ensemble des Etats qui s'y trouvent. D'autant que ce pouvoir emporte des significations différentes selon le poids et la composition des majorités. Que l'on veuille ou non, une majorité écrasante qui ne compterait en son sein que des nations petites ou moyennes, à l'exclusion des grandes ou super-puissances, n'indique à l'extrême limite qu'un pouvoir moral et non, loin s'en faut, un pouvoir réel d'action.<sup>181</sup>

Ainsi, les Nations unies se présentent en vérité non pas comme une communauté de nations mais comme un groupement d'Etats. En 1945, cette instance aurait peut-être été nommée les 'Etats unis' si en Amérique on n'avait pas depuis longtemps déjà utilisé cette appellation. Et au lieu de défendre les peuples, l'ONU protège les intérêts d'un club d'Etats qui font et défont à leur guise le droit international.

Lorsque le dossier des massacres en Algérie sera mis sur la table des discussions à l'ONU, cette organisation affichera à son égard la politique du club des pays puissants dont la position est déterminée par l'importance de leurs intérêts, notamment économiques, en Algérie.

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La realpolitik et surtout la réaléconomie ont souvent raison sur les normes de la morale et sur les considérations humanitaires. Cette amère vérité explique l'inaction des gouvernements influents du Conseil de sécurité, qui refusent de compromettre leurs intérêts immédiats, sous la pression des lobbies économiques et financiers qui ont d'énormes intérêts en Algérie, garantis par la situation chaotique qui prévaut dans le pays. Ils ont choisi au contraire de protéger leurs intérêts en ignorant la souffrance du peuple algérien.

### 10.3.3. Charte de l'ONU ou Déclaration universelle des droits de l'homme ?

*«En ratifiant les traités internationaux sur les droits de l'homme, les autorités algériennes ont admis que les droits de l'homme n'ont pas de frontières et ont accepté que l'Algérie ne soit pas au-dessus de l'investigation internationale.<sup>182</sup>» (Amnesty International<sup>DD</sup>)*

Outre la primauté de l'Etat sur la nation dans les considérations des Nations unies, il y a lieu de souligner la contradiction intrinsèque au système onusien qui a été relevée par nombreux observateurs, comme souvent le professeur Naom Chomsky par exemple. Cette contradiction porte sur l'incompatibilité de certains principes fondamentaux de la Charte de l'ONU et de la Déclaration universelle de droits de l'homme avec les intentions déclarées des Nations unies.

D'abord, la Charte dans le paragraphe 3 de son article 1<sup>er</sup> précise que l'un des buts des Nations unies est de

réaliser la coopération internationale en résolvant les problèmes internationaux d'ordre économique, social, intellectuel ou humanitaire, en développant et en encourageant le respect des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion

Par ailleurs, le préambule de la Déclaration universelle de droits de l'homme proclame cette dernière comme 'l'idéal commun à atteindre'.

Ces deux formulations dans les textes fondamentaux de l'ONU en matière de droits de l'homme montrent que cette organisation s'est fixée au départ comme mission d'encourager le respect des droits de l'homme et de favoriser le progrès vers cet idéal commun.

Mais entre la sensibilisation, l'encouragement et la promotion des droits de l'homme, d'un côté, et leur protection et secours lorsqu'ils sont bafoués et ne sont pas reconnus, de l'autre, le fossé est immense, même si au sein de

<sup>DD</sup> Voir l'article *Une diplomatie en guerre contre les ONG des droits de l'homme* dans la partie III du présent ouvrage.

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l'ONU on veut faire croire le contraire, parfois de bonne fois d'ailleurs. La raison réside dans le fait souligné par Georges Kiejman, avocat français et ancien ministre délégué aux Affaires étrangères, que 'la communauté internationale s'est interdit, par ses propres règles, l'accès aux victimes à l'intérieur des frontières d'un Etat reconnu.<sup>183p</sup> C'est le devoir de non-ingérence que doivent, théoriquement, respecter scrupuleusement les Nations unies. Théoriquement, puisque le paragraphe 7 de l'article 2 de la Charte stipule :

Aucune disposition de la présente Charte n'autorise les Nations unies à intervenir dans des affaires qui relèvent essentiellement de la compétence nationale d'un Etat ni n'oblige les membres à soumettre des affaires de ce genre à une procédure de règlement aux termes de la présente Charte.<sup>EE</sup>

Dans la pratique, la situation est toute autre. Le Conseil de sécurité peut être utilisé au gré des intérêts conjoncturels de ses membres puissants comme une autorité qui apporterait la caution légale et politique d'une atteinte à la souveraineté de n'importe quel Etat.

En citant la réaction de l'ONU, notamment celle de la CDH, à plusieurs cas de génocide commis à travers le monde dans l'histoire récente, Leo Kuper soutient la thèse selon laquelle

l'Etat territorial souverain revendique, comme une partie intégrante de sa souveraineté, le droit de commettre un génocide ou d'engager des massacres génocidaires, contre des populations sous son contrôle, et les Nations unies, pour toutes les raisons pratiques, défend ce droit. [...] Ce droit est exercé sous d'autres rubriques plus acceptables telles que le devoir de maintenir la loi et l'ordre ou la mission, apparemment sacrée, de préserver l'intégrité territoriale de l'Etat.<sup>184</sup>

Et Kuper d'expliquer les raisons qui conduisent les Nations unies à défendre ce droit des Etats, même au détriment de celui des peuples :

L'ONU n'est pas une organisation humanitaire mais politique. Ses objectifs humanitaires sont régis par des forces politiques, des groupes et des blocs de pression, au sein d'une arène où les délégués défendent les intérêts divergents des Etats qu'ils représentent. Ajouter à cela son engagement idéologique de protéger la souveraineté de l'Etat, avec son corollaire qui est la non intervention dans ses affaires intérieures, tout cela empêche une action effective contre le génocide 'interne'. Après tout, ce sont les dirigeants des Etats qui se rassemblent aux Nations unies, or ce sont essentiellement, même si ce n'est pas exclusivement, les chefs d'Etats qui se livrent au génocide.<sup>185</sup>

Dans le cas algérien, comme il a été vu dans les sections précédentes, le régime militaire a su exploiter à fond cette faiblesse du dispositif onusien. En deuxième position dans le discours de la diplomatie algérienne, après

<sup>EE</sup> Le paragraphe continue comme suit : 'Toutefois, ce principe ne porte en rien atteinte à l'application des mesures de coercition prévues au Chapitre VII.' Mais dans le chapitre VII de la Charte il n'est à aucun endroit fait mention des droits de l'homme.

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l'argument de 'la lutte antiterroriste', vient celui de la souveraineté de l'Etat algérien et le devoir de non-ingérence de l'ONU. En fait, comme l'a fait remarquer l'avocat français Georges Kiejman, 'le gouvernement algérien a le droit international pour lui'<sup>186</sup> et il le sait très bien. Georges Kiejman ajoute :

Face à tant de crimes, qu'est-ce qui empêche l'ONU de venir au secours des égorgés [en Algérie] comme elle sut le faire, fût-ce tardivement, fût-ce imparfaitement, en d'autres circonstances tragiques ? D'abord le gouvernement algérien, qui se refuse à voir mettre en cause sa souveraineté, laquelle se réduit au droit d'assister impuissant aux massacres des siens.<sup>187</sup>

Là où Georges Kiejman se trompe dans son analyse, c'est lorsqu'à cette première affirmation il ajoute : 'Ensuite, un grand nombre d'Algériens qui, soutenant ce gouvernement, se révèlent plus attachés à leur indépendance qu'à leur vie.' Car même s'il est vrai que le peuple algérien tient énormément à son indépendance, qu'il a d'ailleurs payée et paie toujours très cher, il a assez de sérénité pour distinguer entre l'ingérence et le soutien international. Les populations algériennes ne veulent pas d'ingérence mais attendent un soutien de la communauté internationale pour les aider à faire face à la tragédie qui leur est imposée par un régime dictatorial. Ceux qui font l'amalgame et entretiennent la confusion sont les génocidaires galonnés et leurs supplétifs civils. C'est d'ailleurs ceux-là, et le peuple algérien le voit tous les jours, qui bradent la souveraineté politique et économique du pays.

#### *10.3.4. Limites de la Convention sur le génocide*

*«Les Nations unies jouent un rôle négligeable dans la prévention directe et le châtiement concernant le crime de génocide.<sup>188</sup>» «La Convention est presque lettre morte, ou pire, elle représente une arme dans la guerre politique, et non un instrument pour libérer l'humanité de ce que la Convention appelle un 'fléau odieux'<sup>189</sup>» (Leo Kuper)*

Le troisième document fondamental en matière d'atteinte à grande échelle à la vie humaine est la Convention pour la prévention et la répression du crime de génocide. Mais là également, le texte de la Convention souffre de limites réelles d'application.

D'abord, l'un des aspects de 'l'émasculature' des dispositions de la Convention, pour emprunter un mot à Leo Kuper, est 'l'élimination des procédures effectives d'application'<sup>190</sup>, malgré le fait que l'article 3 de la Convention stipule que 'seront punis les actes suivants : a) le génocide; b) l'entente en vue de commettre le génocide; c) l'incitation directe et publique à commettre le génocide; d) la tentative de génocide; e) la complicité dans le génocide.'

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L'autre aspect soulevé par Leo Kuper est 'l'exclusion des groupes politiques comme étant des victimes potentielles du génocide.<sup>191</sup> En effet, l'article 2 de la Convention ne cite que des groupes à caractère national, ethnique, racial ou religieux et exclut d'emblée le crime de politicide.

Une autre limite dont souffre la Convention est liée à la définition même, ou plutôt à la mauvaise définition, du terme de 'génocide' dans le texte onusien. Ce flou définitionnel, et l'absence de critères précis pour juger du caractère génocidaire d'un massacre, ont été par le passé et sont encore souvent exploités par les Nations unies pour se dérober face à leurs responsabilités dans la mise en application de la Convention. L'exemple du génocide rwandais est instructif à ce sujet.

Dans la résolution qui condamnait les carnages au Rwanda, le Conseil de sécurité a évité d'utiliser le terme de 'génocide', car l'ONU aurait alors eu l'obligation légale d'intervenir pour le prévenir et punir ses auteurs. Ce n'est qu'à la mi-mai qu'une résolution du Conseil de sécurité mentionnera, au conditionnel, non pas un génocide, mais des actes de génocide : 'Des actes de génocide auraient été commis.'<sup>192</sup>FF

Mais au-delà de ces trois limites dans la mise en application de la Convention, c'est le dysfonctionnement de tout le système onusien qui est mis en cause, comme l'estime Leo Kuper :

L'obstacle à la mise en œuvre effective de la Convention sur le génocide ne réside pas uniquement dans l'émasculature des procédures d'application. Il est profondément lié à la structure et à la performance de l'ONU globalement et aux organes qui sont 'saisis' les premiers par des plaintes sur les violations des droits de l'homme.<sup>193</sup>

Pour en revenir au cas algérien, on se rend compte très vite que l'on est confronté aux mêmes difficultés que celles soulevées plus haut. Comment utiliser la Convention dans la situation où les massacres ciblent un groupe à caractère politique, si ce dernier n'est pas considéré par la Convention comme étant un groupe génocidable, même si l'on arrive à établir l'existence de tous les ingrédients du génocide, même si l'on parvient à montrer l'existence d'une volonté d'éradiquer une communauté pour les choix politiques qu'elle a faits un jour, même si l'on constate sans ambiguïté l'incitation directe et publique à commettre le génocide et la complicité dans le génocide ? Ensuite, à partir de combien de massacres, et au-dessus de quel nombre de victimes sera-t-il correct selon les normes des Nations unies de considérer ce qui se passe en Algérie comme un génocide ou même une tentative de génocide ? Seul l'avenir nous le dira.

<sup>FF</sup> Voir la position américaine et le débat sémantique au sujet du terme génocide dans l'article *The US and the Algerian Massacres* dans la section IV du présent ouvrage.

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### 10.3.5. Problèmes des organes et instruments onusiens des droits de l'homme

*«Il y a eu beaucoup d'accusations au sujet de l'indifférence du monde extérieur. Moi je décrirais cela non pas comme de l'indifférence, mais comme un mélange curieux de condamnation, de soutien et d'inaction qui a permis aux massacres de suivre un cours ininterrompu à travers les années.»<sup>194</sup> (Leo Kuper)*

#### 10.3.5.1. L'Assemblée générale et le Conseil de sécurité

Il apparaît que les seuls organes onusiens pouvant décider des actions concrètes et efficaces en matière de défense des droits de l'homme sont le Conseil de sécurité et l'Assemblée générale. Seulement, comme il a été dit plus haut, ces deux organes obéissent aux intérêts contradictoires de leurs membres, notamment les plus influents. Ces derniers ont seuls le pouvoir, lorsqu'ils arrivent à un consensus entre eux, de rendre envisageable et possible une démarche d'un quelconque autre organe ou instrument onusien. En l'absence de consensus, tout le dispositif des Nations unies se trouve paralysé. Cela n'empêche pas néanmoins un ou plusieurs membres puissants du Conseil de sécurité de court-circuiter ce dernier et de prendre des initiatives sans l'aval de l'ONU. C'est ce qu'ont fait les Etats-Unis au début de l'année 1999 en bombardant l'Irak, ou ce qu'ont fait les membres de l'OTAN, essentiellement trois des cinq membres permanents du Conseil de sécurité, Etats-Unis, Royaume-Uni et France, en bombardant la Yougoslavie, sans recourir à une résolution du Conseil de sécurité qui n'était dans les deux cas pas possible compte tenu de l'opposition des deux autres membres titulaires du droit de veto : la Russie et la Chine.

Concernant la cas algérien, il faut se rendre à l'évidence : ni l'Assemblée générale ni le Conseil de sécurité n'ont montré d'intérêt pour la situation tragique des droits de l'homme dans ce pays, surtout pour la vague de massacres qui l'ont secoué.

Pire encore, au lieu d'être critiques et de mettre le régime algérien devant ses responsabilités, on constate que les Etats membres des Nations unies siégeant à l'Assemblée ou au Conseil ont encouragé ce régime, qu'ils ont maintenu avec lui des relations amicales, qu'ils ont continué à le soutenir financièrement et à l'alimenter en armes, et qu'ils lui ont régulièrement adressé des gestes symboliques de soutien. En 1995, le représentant du régime algérien a été nommé à la sous-présidence de la 51<sup>ème</sup> session de la Commission des droits de l'homme alors que les populations algériennes pliaient sous le poids de la terreur et de la répression. En mai-juin 1999, la représentation du régime algérien sera désignée à la présidence de la deuxième partie de la session annuelle de la conférence du désarmement.

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### **10.3.5.2. Le Secrétariat général et le Haut commissariat aux droits de l'homme**

Comme il a déjà été vu, le Secrétaire général et le Haut commissaire aux droits de l'homme ont réagi énergiquement et promptement à la vague de massacres qui a ensanglanté l'Algérie. Les propos de ces deux responsables onusiens n'ont malheureusement pas eu d'écho au sein de l'Organisation. Des pressions ont pesé sur eux, venues à la fois du régime algérien et de ses alliés à l'Assemblée générale et au Conseil de sécurité.

Conscient des pouvoirs réels du Secrétaire général et du Haut commissaire au sein de l'ONU, le régime algérien, au lieu de prendre leurs déclarations au sérieux et de cesser les massacres, a persévéré sans aucune inquiétude dans sa politique génocidaire.

La forte pression exercée sur le Secrétaire général et le Haut commissaire ont fini par avoir raison de leur ferveur et de leur détermination, et les deux hauts fonctionnaires ont fini petit à petit par renoncer à leur principale revendication : la commission d'enquête indépendante sur les massacres. Le Secrétaire général qui pouvait, théoriquement, nommer un représentant spécial comme il l'a fait pour le Cambodge, le Rwanda et la République islamique d'Iran, ou un expert indépendant comme il l'a fait pour Haïti, le Tchad et la Somalie, a préféré envoyer un 'panel' sans le moindre pouvoir, que tout le monde a considéré comme une 'délégation alibi' qui visait à calmer une opinion publique internationale se mobilisant de plus en plus pour la constitution de la commission d'enquête.

### **10.3.5.3. La Commission et le Comité des droits de l'homme**

*«Le lecteur doit être averti de ce que l'histoire de la Commission [des droits de l'homme] est difficile à suivre à un degré frustrant. C'est l'intention de la Commission. Dans une discrétion quasi totale elle a construit un labyrinthe bureaucratique et procédural. Les groupes de travail et autres groupes ad hoc ont proliféré, le retard a été institutionnalisé et le but est devenu de protéger, non pas les victimes, mais les oppresseurs.<sup>195</sup>» (Shawcross, Terry and Pringle)*

La CDH ainsi que l'ensemble des organes et instruments de l'ONU en matière de droits de l'homme ne disposent d'aucune autonomie décisionnelle. Ils ne sont là que pour enregistrer et annoncer les décisions prises par les 'fondés de pouvoir' de l'organisation, c'est-à-dire les représentants des Etats membres du Conseil de sécurité. Se voulant l'organe où s'élaborent les normes à portée universelle en matière de mise en œuvre des droits de l'homme, la CDH se trouve impuissante lorsqu'il s'agit de violation de ces droits. Car, comme le note Leo Kuper :

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La Commission des droits de l'homme est composée de membres qui représentent leurs gouvernements et leur doivent des comptes. [...] Dans la pratique, la Commission est fortement politisée. Ceci étant, je n'entends pas déduire que cet organe ne comprend pas de membres à principes, profondément dédiés à la promotion des droits de l'homme. Mais il y a une nette tension entre une éthique universelle et les intérêts de pouvoir des Etats souverains.<sup>196</sup>

D'ailleurs les sessions annuelles de la CDH, au lieu d'être des forums de débats libres et constructifs, ne constituent que des tribunes où les délégués viennent exposer les positions officielles, indiscutables et immuables de leurs gouvernements. Nous avons vu comment se sont déroulés les travaux de la 54<sup>ème</sup> session et comment tout projet sérieux de résolution ou de déclaration était exclu sous l'effet d'une action diplomatique de couloirs dont se vantait le chef de la délégation algérienne. Cette triste réalité de la CDH n'est pas nouvelle, puisqu'il y a vingt ans déjà elle a agacé Keba M'Baye, président de la Cour suprême du Sénégal, qui présidait la 35<sup>ème</sup> session de la CDH, au point que ce juriste, qui faisait à l'ouverture de la session, le 12 février 1979, le constat de la situation des droits de l'homme dans le monde, a adressé une critique particulièrement acerbe à la CDH :

Entre temps, les membres de la Commission des droits de l'homme sont arrivés à Genève avec des recommandations et des arguments préétablis. Chaque représentant a reçu des instructions qu'il est la plupart du temps incapable de modifier et qui reflètent la position et la politique de son gouvernement sur chaque question. Qu'en est-il de l'idéal commun des droits de l'homme universels et des principes humanitaires qui justifient la présence des membres à la session ?<sup>197</sup>

Démunie de tout pouvoir réel en dehors des pouvoirs individuels des membres influents, la CDH se noie dans des débats 'si procéduraux et si dénués de compassion humaine<sup>198</sup>', infertiles et souvent contre-productifs. Cela est apparu clairement à l'occasion des travaux de la 54<sup>ème</sup> session dont les résultats ont été bien en deçà de ce qu'exigeait la gravité de la situation algérienne.

La Commission, malgré l'urgence du cas, n'a pas nommé un Rapporteur spécial sur la situation des droits de l'homme en Algérie, comme il en existe pour une dizaine de pays : Afghanistan, Burundi, République démocratique du Congo (ex-Zaïre), Irak, Myanmar, Nigéria, Soudan, Territoires de l'ex-Yougoslavie, Territoires palestiniens occupés depuis 1967. A propos de la vague de massacres en Algérie, la CDH n'a pas non plus jugé opportun de nommer un Rapporteur spécial sur ce thème, alors qu'il existe par exemple des Rapporteurs spéciaux sur les allégations de massacres dans la République démocratique du Congo. Elle n'a même pas pu imposer la visite en Algérie des Rapporteurs spéciaux sur les exécutions extrajudiciaires, sommaires ou arbitraires et sur la torture et autres peines ou traitements cruels, inhumains ou dégradants.

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Une telle Commission ne peut être considérée par les populations algériennes que comme une façade diplomatique qui nourrit depuis les bords du lac Léman à Genève les faux espoirs et les illusions de la promotion et de la protection des droits de l'homme sur le plan global. Leo Kuper ne se trompait pas en affirmant :

Les Nations unies ne fournissent aucune protection contre le génocide. La Commission des droits de l'homme, pourtant investie de la responsabilité primaire, ne fait en fait que pardonner le crime par le retard, l'évasion et le subterfuge. Une arme à la disposition de la Commission est la condamnation urgente des violations flagrantes des droits de l'homme et la dénonciation des responsables auprès de l'opinion publique internationale.

Mais c'est précisément ce pas-là que la Commission hésite à faire. Elle utilise les procédures confidentielles pour cacher, dans le maximum de discrétion qu'elle peut assurer, ses propres délibérations, souvent peu honorables, et à travers les mêmes procédures, elle protège ses co-gouvernants, comme un club ou une clique protégerait ses membres délinquants.<sup>199</sup>

Quant au Comité des droits de l'homme, composé d'experts relativement indépendants et non pas des délégués des gouvernements comme c'est le cas de la CDH, il a eu beau soulever les vrais problèmes des droits de l'homme en Algérie et faire les recommandations appropriées, il n'a fait que prêcher dans le désert. Les autorités algériennes ont refusé de l'écouter. Elles préféreraient entendre et faire entendre au monde le discours flatteur du 'panel' onusien. Le représentant du régime algérien n'a-t-il pas affirmé avec arrogance, comme il a déjà été vu, que 'les recommandations du comité n'ont aucune valeur contraignante, ni aucune force exécutoire' ?

## 11. Conclusion

*'Alors que les cadavres mutilés et déchiquetés jonchent les rues, le moment est peut-être venu pour les gouvernements occidentaux de cesser de traiter les leaders algériens discrédités avec le degré de légitimité normalement réservé à des dirigeants responsables et démocratiquement élus. Il faut en effet faire preuve d'une grande habileté d'histriion pour trouver aujourd'hui des excuses au pouvoir algérien. Si la plupart de ces crimes innombrables sont à imputer aux militants armés de haches, les rapports sur la complicité de l'Etat dans les massacres se multiplient. Tout gouvernement qui manifeste son impuissance face à l'assassinat de milliers de civils, qui refuse les efforts de médiation occidentaux et qui est fortement soupçonné de ne rien tenter pour véritablement mettre un terme à la violence ne mérite aucun soutien, ni politique, ni financier, de la part de la communauté internationale.<sup>200</sup>' (The Wall Street Journal)*

Le présent article a passé en revue les réactions face aux massacres en Algérie de quelques instances onusiennes concernées par les droits de l'homme, notamment le Secrétariat général, le Haut commissariat aux droits de

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l'homme, le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires, la Commission et le Comité des droits de l'homme.

Il en ressort que les fonctionnaires en charge de ces instances ont en général été sensibles à la détresse des populations algériennes. Ils ont appelé le pouvoir algérien à remplir ses obligations de protection des citoyens et l'ont exhorté à autoriser des mécanismes onusiens en vue d'établir les faits concernant les crimes qui coûtaient la vie à des milliers de civils. Les fonctionnaires onusiens ont ainsi fait écho à l'appel incessant de l'opinion publique internationale qui réclamait une enquête indépendante sur les massacres en Algérie.

Cependant, tous ces efforts ont été vains du fait des blocages politiques des gouvernements membres de l'ONU, en particulier les membres permanents du Conseil de sécurité, qui n'avaient pas la même appréciation de la situation algérienne.

Ceci a eu pour effet qu'aucune mesure effective pour arrêter les massacres ou pour établir la vérité sur l'identité des auteurs de ces crimes n'a été entreprise par l'ONU.

L'action onusienne en Algérie au temps de massacres a donc été insignifiante. Elle a consisté principalement en l'envoi d'un panel onusien de personnalités éminentes, sans aucun pouvoir d'enquête. Si pour certains, cette opération spectaculaire avait pour but, plus qu'autre chose, de calmer la colère de l'opinion publique qui s'indignait contre le silence de la communauté internationale, elle était perçue par d'autres comme un acte de complicité avec le régime militaire algérien visant à couvrir ses crimes.

L'attitude des Nations unies concernant les massacres en Algérie a montré, encore une fois, la primauté des intérêts des Etats et des régimes sur les droits les plus fondamentaux des peuples, comme le droit à la vie.

Cette attitude a aussi révélé l'efficacité du régime algérien et de ses alliés en son sein, parvenus à faire face à la pression de l'opinion et à la neutraliser, et même à transformer la mobilisation pour une enquête indépendante sur les massacres en une mobilisation en faveur du régime algérien dans sa lutte dite 'antiterroriste'.

Le comportement de l'ONU a montré la limite de l'application des textes onusiens en matière des droits de l'homme ainsi que l'inefficacité des mécanismes de l'ONU pour la promotion et la protection de ces droits, mécanismes qui avaient d'ailleurs montré leur défaillance à plusieurs occasions comme ce fut le cas au Rwanda.

Pour conclure, il est légitime de se demander à quoi servent les mécanismes onusiens si les Etats membres des Nations unies ne leur reconnaissent ni valeur contraignante, ni force exécutoire. A quoi servent les recommanda-

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tions des experts, des commissions et des comités de l'ONU si elles ne sont pas contraignantes et applicables sur le terrain ? A quoi sert cette 'quincaillerie' d'instruments des droits de l'homme s'ils sont en panne chaque fois que des populations victimisées en ont besoin ?

C'est à l'ONU de réfléchir à toutes ces questions et d'y apporter des réponses intelligentes si elle veut un jour retrouver un peu de crédibilité aux yeux des hommes, des femmes et des enfants victimes du terrorisme des Etats.

**Remerciement**

Je voudrais exprimer ma reconnaissance à Pierre Guillard pour m'avoir fait bénéficier de sa lecture critique du manuscrit.

## NOTES

<sup>1</sup> Hafid Kéramane, *La Pacification*, Ed. La Cité, Lausanne 1960.

<sup>2</sup> Témoignage recueilli par la Ligue algérienne de défense des droits de l'homme, LADDH, Alger 1998.

<sup>3</sup> *Le Figaro* du 26 septembre 1997.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Libération* du 28 septembre 1997.

<sup>6</sup> Document *Amnesty International*, MDE 28/38/97.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> Document ONU, A/C.3/52/SR.43.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Le Figaro* du 26 septembre 1997.

<sup>13</sup> *Libération* du 28 septembre 1997.

<sup>14</sup> *Le Figaro* du 26 septembre 1997.

<sup>15</sup> Baudouin Bollaert, *Le Figaro* du 26 septembre 1997.

<sup>16</sup> The Quotable Annan, document de l'ONU.

<sup>17</sup> *Libération* du 1<sup>er</sup> septembre 1997.

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<sup>18</sup> Afsané Bassir Pour, *Le Monde* des 7 et 8 septembre 1997.

<sup>19</sup> AFP, 1<sup>er</sup> septembre 1997 in *Troubles : Lettre de la Commission socialiste de solidarité internationale*, CSSI, diffusée à Genève sur le site internet : [www.multimedia.com](http://www.multimedia.com).

<sup>20</sup> *Ibid.*

<sup>21</sup> AFP, 3 septembre 1997 in *Troubles*, *op. cit.*

<sup>22</sup> *Le Courrier* (Genève) du 4 septembre 1997.

<sup>23</sup> *Le Monde* des 7 et 8 septembre 1997.

<sup>24</sup> *Le Monde* du 25 septembre 1997.

<sup>25</sup> *Libération* du 1<sup>er</sup> septembre 1997.

<sup>26</sup> *Le Monde* du 2 septembre 1997.

<sup>27</sup> *Le Monde* du 25 septembre 1997.

<sup>28</sup> AFP, 1<sup>er</sup> septembre 1997 et *Libération* du 1<sup>er</sup> septembre 1997.

<sup>29</sup> *Libération* du 1<sup>er</sup> septembre 1997.

<sup>30</sup> *Le Monde* du 2 septembre 1997.

<sup>31</sup> AFP, 1<sup>er</sup> septembre 1997.

<sup>32</sup> Afsané Bassir Pour, *Le Monde* des 7 et 8 septembre 1997.

<sup>33</sup> *Le Nouveau Quotidien* (Lausanne) du 12 septembre 1997, in *Troubles*, *op. cit.*

<sup>34</sup> Afsané Bassir Pour, *Le Monde* des 7 et 8 septembre 1997.

<sup>35</sup> *Le Monde* du 25 septembre 1997.

<sup>36</sup> *Le Courrier* (Genève) du 4 septembre 1997.

<sup>37</sup> AFP, 9 septembre 1997, in *Troubles*, *op. cit.*

<sup>38</sup> Reuter, AP, 11 septembre 1997, in *Troubles*, *op. cit.*

<sup>39</sup> *Le Figaro* du 26 septembre 1997.

<sup>40</sup> *Le Monde* du 25 septembre 1997.

<sup>41</sup> *Ibid.*

<sup>42</sup> AFP, Reuters et *Le Monde* du 6 janvier 1998, in *Troubles*, *op. cit.*

<sup>43</sup> *UN Press Briefing*, 1<sup>er</sup> décembre 1998.

<sup>44</sup> *El Watan* du 2 décembre 1998.

<sup>45</sup> Déclaration de Manoel de Almeida e Silva, porte-parole adjoint du Secrétaire général, *UN Press Briefing*, 1<sup>er</sup> décembre 1998.

<sup>46</sup> *El Watan* du 3 décembre 1998.

<sup>47</sup> Document ONU, SG/SM/6434.

<sup>48</sup> *Libération* du 15 octobre 1997.

<sup>49</sup> Joe Carroll, *The Irish Times* du 25 octobre 1997.

<sup>50</sup> *Ibid.*

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<sup>51</sup> *Ibid.*

<sup>52</sup> *Le Nouveau Quotidien* (Lausanne) du 17 octobre 1997.

<sup>53</sup> Andre Naef, 'A l'ONU, les droits de l'homme héritent d'une militante passionnée', *Tribune de Genève* du 17 octobre 1997.

<sup>54</sup> Reuters, 18 décembre 1997.

<sup>55</sup> *Ibid.*

<sup>56</sup> Reuters, AFP et *Le Monde* du 6 janvier 1998, in *Troubles, op. cit.*

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> AFP, 10 janvier 1998.

<sup>60</sup> AFP, 12 janvier 1998, in *Troubles, op. cit.*

<sup>61</sup> Document ONU, E/CN.4/1998/68.

<sup>62</sup> Document ONU, E/CN.4/1998/68/Add.1.

<sup>63</sup> *Ibid.*

<sup>64</sup> Document ONU, E/CN.4/1998/SR.31.

<sup>65</sup> Document ONU, E/CN.4/1998/SR.48.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> Sources : site internet de l'ONU et document ONU E/CN.4/1998/Misc.2.

<sup>69</sup> Document ONU, E/CN.4/1998/SR.5.

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*

<sup>74</sup> Reuters, 18 mars 1998.

<sup>75</sup> Document publié par l'*Association for World Education*, 54<sup>ème</sup> session de la Commission des droits de l'homme, point 18 : application de la Déclaration [universelle des droits de l'homme] sur l'élimination de toutes les formes d'intolérance et de discrimination fondées sur la religion ou la conviction. Genève, 27 mars 1998.

<sup>76</sup> AFP, 1<sup>er</sup> avril 1998.

<sup>77</sup> *Le Monde* du 16 janvier 1998.

<sup>78</sup> *Liberté* des 13 et 14 avril 1998.

<sup>79</sup> *Tribune de Genève* du 18 mars 1998.

<sup>80</sup> Droit de réponse de la délégation algérienne à l'intervention de l'Union européenne sur le point 10 de l'ordre du jour de la 54<sup>ème</sup> session de la Commission des droits de l'homme, document de la Mission permanente d'Algérie auprès de l'Office des Nations unies et des Organisations internationales en Suisse, Genève, 14 avril 1998. Voir aussi le document de l'ONU E/CN.4/1998/SR.44.

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<sup>81</sup> *Ibid.*

<sup>82</sup> *La Tribune* du 22 avril 1998.

<sup>83</sup> Document ONU, E/CN.4/1998/SR.58.

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> Intervention de l'ambassadeur Mohamed-Salah Dembri sur le point 3 : organisation des travaux, 54<sup>ème</sup> session de la Commission des droits de l'homme de l'ONU, document de la Mission permanente d'Algérie auprès de l'Office des Nations unies et des Organisations internationales en Suisse, Genève, 22 avril 1998. Voir aussi le document ONU E/CN.4/1998/SR.58.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Deuxième rapport périodique de l'Algérie au Comité des droits de l'homme de l'ONU*, document CCPR/C/101/Add.1, Comité des droits de l'homme de l'ONU, Genève, mai 1998.

<sup>89</sup> *Libération* du 23 juillet 1998. Voir aussi l'édition des 1<sup>er</sup> et 2 août 1998.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> AFP, 21 juillet 1998.

<sup>93</sup> *Contre-rapport sur la situation des droits de l'homme en Algérie pour la période 1988-1998*, Maître Brahim Taouti, juillet 1998.

<sup>94</sup> *Algérie : les violations de la liberté de la presse de 1992 à 1998*, Reporters sans frontières, mai 1998.

<sup>95</sup> *Rapport alternatif de la FIDH au deuxième rapport périodique de l'Algérie au Comité des droits de l'homme de l'ONU*, numéro hors série de la *Lettre hebdomadaire* de la FIDH, juillet 1998.

<sup>96</sup> Sources : document ONU HR/CT/98/25 et document FA140798/MT/no 306, Mission permanente d'Algérie à Genève, 14 juillet 1998.

<sup>97</sup> *Libération* des 1<sup>er</sup> et 2 août 1998.

<sup>98</sup> *Ibid.*

<sup>99</sup> AFP, 21 juillet 1998.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

<sup>102</sup> Amnesty International, *Algeria : UN Human Rights Committee blasts human rights record*, document MDE 28/30/98, 31 juillet 1998.

<sup>103</sup> AFP, 3 août 1998.

<sup>104</sup> Rapporté par un communiqué de presse de *Human Rights Watch* diffusé le 23 juillet 1998.

<sup>105</sup> *Le Monde* du 4 juillet 1998.

<sup>106</sup> Rapporté par un communiqué de presse de *Human Rights Watch* diffusé le 23 juillet 1998.

<sup>107</sup> AP, AFP, Reuters, 2 et 3 juillet 1998.

<sup>108</sup> *Le Monde* du 4 juillet 1998.

<sup>109</sup> *Libération* du 23 juillet 1998.

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<sup>110</sup> Rapporté par un communiqué de presse de *Human Rights Watch* diffusé le 23 juillet 1998.

<sup>111</sup> AP, AFP, Reuters, semaine du 22 au 26 juillet 1998, in *Troubles, op. cit.*

<sup>112</sup> *Libération* du 23 juillet 1998.

<sup>113</sup> Droit de réponse de la délégation algérienne, 50<sup>ème</sup> session de la sous-commission de la lutte contre les mesures discriminatoires et de la protection des minorités, point 2 : violations des droits de l'homme et des libertés individuelles, Mission permanente d'Algérie à Genève, 6 août 1998.

<sup>114</sup> Rapporté par le télé journal de la Télévision algérienne pendant le séjour du panel en Algérie.

<sup>115</sup> *Le Monde* du 28 juillet 1998.

<sup>116</sup> Rapporté par le télé journal de la Télévision algérienne pendant le séjour du panel en Algérie.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*

<sup>120</sup> AP, 3 août 1998.

<sup>121</sup> Rapporté par le télé journal de la Télévision algérienne pendant le séjour du panel en Algérie.

<sup>122</sup> *Ibid.*

<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*

<sup>125</sup> AP, AFP, Reuters, ATS, 1<sup>er</sup> août 1998, in *Troubles, op. cit.*

<sup>126</sup> Rapporté par le télé journal de la Télévision algérienne pendant le séjour du panel en Algérie.

<sup>127</sup> *Ibid.*

<sup>128</sup> *Ibid.*

<sup>129</sup> *Ibid.*

<sup>130</sup> *Libération* du 16 septembre 1998.

<sup>131</sup> Reuters, 15 et 16 septembre 1998.

<sup>132</sup> *Le Monde* du 14 août 1998, in *Troubles, op. cit.*

<sup>133</sup> AP, 16 septembre 1998 (édition de 3h07 heure de Paris, le passage sur Simone Veil a été omis dans l'édition de 13h50).

<sup>134</sup> *Algérie : Rapport du Groupe de personnalités éminentes, juillet-août 1998*, publié par le Département de l'information des Nations unies sous le code DPI/2007, septembre 1998.

<sup>135</sup> *Ibid.*

<sup>136</sup> AP, 17 septembre 1998.

<sup>137</sup> APS, 20 septembre 1998, in *Troubles, op. cit.*

<sup>138</sup> *Liberté* du 27 septembre 1998 et AFP du 28 septembre 1998, in *Troubles, op. cit.*

<sup>139</sup> APS, 20 septembre 1998, in *Troubles, op. cit.*

<sup>140</sup> *Ibid.*

<sup>141</sup> AFP, 16 septembre 1998.

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<sup>142</sup> APS, 25 ou 26 septembre 1998, in *Troubles*, *op. cit.*

<sup>143</sup> *Libération* du 16 septembre 1998.

<sup>144</sup> Document *Amnesty International*, News Release, MDE 28/32/98, daté du 16 septembre 1998.

<sup>145</sup> AFP, 18 septembre 1998.

<sup>146</sup> AP, AFP, 17 septembre 1998, in *Troubles*, *op. cit.*

<sup>147</sup> *Ibid.*

<sup>148</sup> *El Watan* du 27 septembre 1998.

<sup>149</sup> *Ibid.*

<sup>150</sup> *Le Jeune Indépendant* des 22 et 23 septembre 1998.

<sup>151</sup> AFP, 19 septembre 1998.

<sup>152</sup> *Ibid.*

<sup>153</sup> AFP, 17 septembre 1998.

<sup>154</sup> François Ponchaud, *Cambodge année zéro*, 1977, p. 230, cité in Leo Kuper, *Genocide : Its Political Use in the Twentieth Century*, Chapter 9, *The Sovereign Territorial State : The Right to Genocide*, p. 161, Yale University Press 1981.

<sup>155</sup> Ervin Staub, *The Roots of Evil : The Origins of Genocide and Other Group Violence*, p. 230, Cambridge University Press, Cambridge 1989.

<sup>156</sup> *Ibid.*, p. 87.

<sup>157</sup> Moussa Aït-Embarek, *L'Algérie en murmure*, Hoggar, Genève 1996.

<sup>158</sup> Communication privée, janvier 1999.

<sup>159</sup> *Liberté*, 19 mai 1998.

<sup>160</sup> AFP, 11 décembre 1997 et APS, 13 décembre 1997, in *Troubles*, *op. cit.*

<sup>161</sup> AFP, 5 janvier 1998, in *Troubles*, *op. cit.*

<sup>162</sup> Reuters, AFP, 9 janvier 1998, in *Troubles*, *op. cit.*

<sup>163</sup> AFP, 22 avril 1998, in *Troubles*, *op. cit.*

<sup>164</sup> *El Watan* des 13 et 14 mars 1998.

<sup>165</sup> *El Watan* du 2 juin 1999.

<sup>166</sup> AFP, 30 août 1998, in *Troubles*, *op. cit.*

<sup>167</sup> APS, 21 septembre 1998, in *Troubles*, *op. cit.*

<sup>168</sup> APS, 25 et 26 septembre 1998, in *Troubles*, *op. cit.*

<sup>169</sup> APS, 10 octobre 1998, in *Troubles*, *op. cit.*

<sup>170</sup> APS, 1<sup>er</sup> décembre 1998, in *Troubles*, *op. cit.*

<sup>171</sup> Marie-Blanche Tahon, *Algérie : La guerre contre les civils*, Editions Nota Bene, Québec, Octobre 1998.

<sup>172</sup> Marie-Blanche Tahon, *op. cit.*

<sup>173</sup> Interpellation de la communauté internationale par Kofi Annan qui souhaitait la bienvenue au jugement du Tribunal international pour le Rwanda, UN Press release SG/SM/6687, L/2896.

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<sup>174</sup> Nicolas Verdan, *24 Heures* (Suisse) des 10 et 11 avril 1999.

<sup>175</sup> *The International Response to Conflict and Genocide : Lessons from the Rwanda Experience*, publié par le Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, Ed. David Millwood, Copenhagen, mars 1996.

<sup>176</sup> Citée dans une chronologie intitulée *The Triumph of Evil*, diffusée sur internet, site www.pbs.org.

<sup>177</sup> Nicolas Verdan, *24 Heures* (Suisse) des 10 et 11 avril 1999.

<sup>178</sup> Marie-Laure Colson, *Libération* du 6 avril 1998.

<sup>179</sup> Citée dans *The Triumph of Evil*, *op. cit.*

<sup>180</sup> Cité par Leo Kuper in *Genocide*, *op. cit.*, p. 161.

<sup>181</sup> Khalfa Mameri, *Les Nations Unies face à la 'Question algérienne' (1954-1962)*, p. 12, Société nationale d'édition et de diffusion (SNED), Alger 1969.

<sup>182</sup> *Algérie : Les droits de l'homme n'ont pas de frontières*, document *Amnesty International*, MDE 28/33/97 daté du 27 octobre 1997.

<sup>183</sup> Georges Kiejman, 'Le Drame algérien et la Charte des Nations unies', *Le Monde* du 13 janvier 1998.

<sup>184</sup> Leo Kuper, *Genocide*, *op. cit.*, p. 161.

<sup>185</sup> Leo Kuper, *Genocide*, *op. cit.*, pp. 175-176.

<sup>186</sup> Georges Kiejman, *op. cit.*

<sup>187</sup> *Ibid.*

<sup>188</sup> Leo Kuper, *Genocide*, *op. cit.*, p. 175.

<sup>189</sup> Leo Kuper, *International Action against Genocide*, Minority Rights Group, Report No. 53, p. 9, London 1984.

<sup>190</sup> Leo Kuper, *Genocide*, *op. cit.*, p. 176.

<sup>191</sup> *Ibid.*

<sup>192</sup> Citée dans *The Triumph of Evil*, *op. cit.*

<sup>193</sup> Leo Kuper, *Genocide*, *op. cit.*, p. 177.

<sup>194</sup> Leo Kuper, *Genocide*, *op. cit.*, p. 163.

<sup>195</sup> Shawcross, Terry and Pringle, 1976, cité in Leo Kuper, *Genocide*, *op. cit.*, p. 178.

<sup>196</sup> Leo Kuper, *Genocide*, *op. cit.*, pp. 179-180.

<sup>197</sup> Leo Kuper, *Genocide*, *op. cit.*, p. 181

<sup>198</sup> Leo Kuper, *Genocide*, *op. cit.*, p. 173.

<sup>199</sup> Leo Kuper, *Genocide*, *op. cit.*, p. 183.

<sup>200</sup> Extraits reproduits par *Courrier International*, no. 377, du 22 au 28 janvier 1998.

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## CONTREDIT AU RAPPORT DU PANEL DE L'ONU

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*H. Zebouane*  
*Vice-président chargé des Relations Extérieures,*  
*Ligue Algérienne de Défense des Droits de l'Homme*

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*International Responses*

## 1. Exposé des motifs

Le présent contredit est élevé contre le rapport rédigé à l'intention du secrétaire général de l'ONU par les membres du panel sous la direction de Monsieur Mario Soares et rendu public le 10 Septembre 1998 pour les motifs suivants.

La venue en mission d'information d'une délégation formée de personnalités ayant exercé de hautes responsabilités dans leurs pays respectifs et curieusement désignée sous le terme de 'panel', a été annoncée par le ministre algérien des affaires étrangères à grand renfort de publicité lors d'une conférence de presse télévisée. Cette annonce a été relayée et amplifiée dès le lendemain sous forme de campagne publicitaire par l'ensemble de la presse écrite et la télévision d'Etat mise à l'évidence sous commandement. Elle est venue s'inscrire en contradiction flagrante avec le refus systématique du gouvernement algérien de souscrire à l'envoi d'une commission d'enquête réclamée par les organisations non-gouvernementales (ONG) avec insistance depuis près de deux ans ou d'un rapporteur spécial mandaté par le commissariat des Nations Unies aux Droits de l'Homme. Malgré la surprise et la confusion créées dans de larges secteurs de l'opinion, par cette information, les esprits avisés y ont d'emblée décelé une opération de commandite du pouvoir algérien auprès du secrétaire général des Nations Unies et ce, aux fins de manipulation de l'opinion nationale et internationale.

Aux termes de leur rapport et durant leur séjour en Algérie, les panélistes se sont soumis à toutes les conditions érigées par le pouvoir algérien en faisant montre de pratiques et méthodes hautement récusables.

A l'évidence, toute la procédure recèle le concert frauduleux et l'opération en définitive se trouve entachée de suspicion légitime.

## 2. Suspicion légitime

### 2.1. Principe

Le rapport rendu public le 10 Septembre 1998 et livré à l'opinion internationale est intitulé:

Rapport du groupe constitué par le secrétaire général de l'organisation des Nations Unies pour réunir des éléments d'information sur la situation en Algérie et permettre à la communauté internationale de se faire une idée plus claire de cette situation.

En entrée, dans l'introduction le rapport énonce la base constitutive du panel et de sa mission en ces termes:

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*Contredit au Panel de l'ONU*

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Le 29 juin 1998, le Secrétaire général de l'Organisation des Nations Unies, Son Excellence Mr Kofi Annan, a fait paraître l'annonce suivante :

À l'invitation du Gouvernement algérien, le Secrétaire général a établi aujourd'hui un Panel de personnalités éminentes ayant pour mandat de recueillir des éléments d'information sur la situation en Algérie. Le Panel établira ensuite un rapport à l'intention du Secrétaire général qui le rendra public. Le Gouvernement algérien s'est engagé à assurer aux membres du Panel l'accès libre et entier à toutes les sources d'information dont ils pourraient avoir besoin dans l'exercice de leurs fonctions en vue d'avoir une vision claire et une perception précise des réalités algériennes d'aujourd'hui dans toutes leurs dimensions.

Auparavant, par anticipation préméditée, le ministre algérien des affaires étrangères Mr Ahmed Attaf dans une conférence de presse télévisée rend public le message adressé au secrétaire général des Nations Unies qu'il motive comme suit:

Cette volonté [du gouvernement algérien d'inviter un panel d'éminentes personnalités à venir s'informer dans notre pays] s'inscrit dans la politique de transparence et d'ouverture que mon pays a menée et qu'il entend développer avec constance, une politique de transparence au service de la consolidation de notre pluralisme politique et institutionnel et de l'enrichissement de nos avancées démocratiques.

Celle volonté participe également de notre souci de permettre à la communauté internationale d'avoir une vision claire et une perception précise de nos réalités nationales d'aujourd'hui dans toutes leurs dimensions; des réalités qui sont très loin de correspondre aux projections déformées ou erronées dont elles sont bien souvent l'objet.

Le mandat du panel est un mandat d'information, en l'occurrence il ne s'agit ni d'un mandat d'enquête ni d'un mandat d'établissement des faits. A l'issue de son séjour, le panel établira un rapport à votre attention, un rapport qui pourra à l'évidence être rendu public par vos soins.

Notre refus d'accepter une commission d'enquête internationale est interprétée comme étant un rideau baissé sur le pays par le pouvoir et cette initiative prouve le contraire. Le panel sera convaincu que l'Algérie ne vit pas une crise des Droits de l'Homme mais du terrorisme. Le rapport du panel n'aura aucune suite contraignante.

En réponse à une question d'un journaliste, il fait une comparaison entre une mission d'enquête et une mission d'information. A ce sujet, il affirme en substance:

La première est imposée, la deuxième est invitée. La première est composée par l'organe de tutelle sans l'accord du pays d'accueil, la deuxième est composée d'un commun accord. La première vérifie l'information, la deuxième se contente de voir et de transmettre. La première prononce ses premiers jugements sur les réalités, elle présente à sa tutelle des recommandations et vérifie leur exécution, le rapport de la deuxième reste sans suite.

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Il s'ensuit de ces énoncés du ministre algérien, du secrétaire général des Nations Unies et de l'introduction au rapport du panel que l'opération est commanditée par les autorités algériennes auprès de Kofi Annan.

Le maître de l'ouvrage est le gouvernement algérien, le maître d'œuvre le secrétaire général. But recherché tel qu'il ressort expressément de ces écrits: livrer à l'opinion internationale des impressions crédibilisées sous la couverture morale des Nations Unies et telles qu'elles cadrent avec les esquisses tracées par le gouvernement algérien lui-même. La publicité du rapport est le point culminant de la caution onusienne puisqu'elle se fait sous le label et l'autorité de l'organisation. Il ne resterait à l'opinion internationale qu'à se rasséréner sur la situation des Droits de l'Homme en Algérie et à ranger au vestiaire de l'excentrisme les appels de détresse des victimes et des défenseurs des Droits de l'Homme en Algérie et les cris d'alarme des ONG internationales.

Une série de questions frappe le juriste à l'analyse de la décision du secrétaire général des Nations Unies d'envoyer une mission dite 'panel pour réunir des éléments d'information sur la situation en Algérie à la demande du gouvernement algérien'.

Quelle est la base légale d'une telle décision? Dans quelle catégorie des actes de l'organisation peut-elle être rangée? Rentre-t-elle dans le cadre des actes réglementaires nécessaires à la mise en œuvre des décisions des organes délibérants de l'organisation? Ou bien relève-t-elle du pouvoir discrétionnaire reconnu au secrétaire général dans les domaines de l'administration et de la gestion?

D'évidence, elle ne peut être rattachée à la première catégorie puisque aucune résolution ou recommandation d'aucun organe n'existe pour l'autoriser. Rentrerait-elle alors dans le cadre des mesures discrétionnaires que le secrétaire général peut prendre pour répondre à l'appel du gouvernement d'un Etat membre?

Sans doute, le secrétaire général peut être juge de l'opportunité d'apporter son aide à un gouvernement qui lui en fait la demande, mais seulement dans le domaine de la solidarité internationale et de la défense humanitaire. Or dans ce cas d'espèce, il s'agit au contraire de la mise en accusation de plus en plus forte du pouvoir algérien par l'opinion internationale pour violation grave, systématique et prolongée des Droits de l'Homme.

De quoi s'agit-il alors? Kofi Annan a lui-même qualifié la décision de première et d'unique en son genre (déclaration de Lisbonne).

Serait-elle *sui-generis*? Nous venons de voir qu'elle n'a pas d'effet juridique, elle n'a même pas de base légale.

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Quel en est l'effet recherché? Elle vise à faire échec aux pressions de plus en plus fortes au sein de la communauté internationale qui tendent à obtenir la désignation d'une commission d'enquête indépendante dotée de tous les pouvoirs d'investigation nécessaires sur les violations des Droits de l'Homme et surtout les massacres perpétrés sur les populations civiles.

Très au fait des oscillations de l'opinion internationale, le gouvernement algérien a l'art d'opérations analogues commanditées auprès de groupes influents de la société civile en Europe et des institutions européennes favorables à sa cause. C'est ainsi qu'à la fin 1997 / début 1998, pressentant un revirement d'opinions bouleversées par la répétition de massacres sur les populations civiles il a suscité deux visites: la première composée d'intellectuels français, Bernard Henry Levy et André Glucksman, la deuxième composée de députés du parlement européen présidée par Mr Soulier. Leurs conclusions, bien entendu, sont faites pour le mettre à l'abri de tout soupçon.

La mission du panel en constitue en quelque sorte le prolongement. Elle a été programmée et mise en mouvement immédiatement après la condamnation par le comité des Droits de l'Homme de l'ONU 'des violations graves des Droits de l'Homme imputées aux forces gouvernementales incluant les disparitions, la torture, les exécutions extrajudiciaires ainsi que le manque d'investigation à propos de ces abus.'

Dès lors, la suspicion légitime entache jusqu'au principe même qui fonde l'envoi de cette mission dénommée 'panel' sans oublier les considérations d'ordre déontologique dont le mépris ou l'omission exacerbent la suspicion.

## **2.2. Déontologie**

Dans un mémoire adressé à Kofi Annan et à Mario Soares par l'entremise de la Fédération Internationale des Droits de l'Homme (FIDH), en date du 10 juillet 1998, la Ligue Algérienne de Défense des Droits de l'Homme (LADDH) avait attiré l'attention sur les risques de perversion d'une telle mission pour laquelle aucune garantie en matière d'objectivité et d'impartialité n'était assurée. Instruite qu'elle était par les précédentes missions, sa mise en garde était nuancée en ces termes:

Il ressort des propos ci dessus rapportés que la préoccupation majeure du gouvernement algérien n'est pas d'éclairer les institutions et l'opinion internationale sur la situation politique en général et l'état des Droits de l'Homme en particulier mais au contraire d'écarter toute tentative de mise en œuvre des mécanismes de contrôle et d'investigation internationaux prévus à cet effet.

A l'évidence, la violation massive et systématique des Droits de l'Homme entache d'une manière durable l'image de marque du régime algérien qui, ayant réussi à l'intérieur une normalisation autoritaire, se soucie de plus en plus de sa respectabilité dans le concert des Nations.

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Cette nouvelle initiative, si elle reste cantonnée dans les limites étroites qui lui ont été fixées de façon péremptoire et unilatérale, ne serait qu'un élément d'une stratégie globale visant à redresser l'image d'un régime connu et reconnu comme liberticide, et mis à rude épreuve lors de sa dernière session de la commission des Droits de l'Homme à Genève par d'éminentes organisations internationales telles que la FIDH, Amnesty International, Human Rights Watch, Reporters sans Frontières dont nous saluons au passage le courage, la probité et l'impartialité. Elles ont toutes exigé l'envoi d'une commission d'enquête.

Il convient d'éviter la répétition du sinistre épisode de la commission du parlement européen dirigé par Mr Soulier qui, au lieu de faire valoir auprès du pouvoir algérien les inquiétudes et les préoccupations de la conscience humanitaire internationale, est repartie avec un enthousiasme naïf ou complice au sujet du pluralisme politique de façade mis en place de toutes pièces suite à une recombinaison violente du champ politique et des apparences de légalité, sans se soucier du divorce criard entre ces apparences et les pratiques quotidiennes.

La LADDH considère que les actes et paroles d'une mission internationale d'un tel niveau seront particulièrement significatifs. Elle estime qu'il est de son devoir de s'adresser aux éminentes personnalités qui composent le panel qui se rendra le 22 juillet courant dans notre pays pour alerter sur les risques qu'il y a à servir directement ou indirectement de relais à une propagande du pouvoir. Cette propagande tend à faire admettre à l'opinion internationale que le seul et unique problème de l'Algérie est le terrorisme que le pouvoir combat dans le respect de la règle de droit même s'il reconnaît que des bavures existent vu les difficultés techniques rencontrées dans l'accomplissement de sa mission. A ses yeux, il ne saurait, en aucun cas, admis de mettre sur le même plan la violence imputée aux islamistes et les bavures gouvernementales. Le désarroi et les présupposés idéologiques, une opposition réduite et soumise, un personnel politique fragmenté ont rendu hégémonique, en Europe, une lecture aussi erronée de la crise qui ensanglante et endeuille notre pays depuis six ans.

Pour cerner au mieux la réalité, hélas, autrement plus complexe et tragique, il faut à notre avis faire preuve de vigilance intellectuelle, refuser les omissions volontaires et se méfier des informations partielles et partiales.

Lors du séjour du panel en Algérie du 22 juillet au 04 Août 1998, les craintes exprimées par notre ligue se sont avérées largement justifiées. En effet: a) la délégation avait été enfermée dans un hôtel à cinq étoiles et les accès filtrés au gré des services de sécurité; b) le listing des contacts et auditions révèle un déséquilibre flagrant en faveur des porte-voix des thèses éradicatrices et des officiels du pouvoir (ministres, associations proches du pouvoir, 'députés', etc.).

Il convient de noter au passage que deux des personnalités qui ont eu la part belle des entretiens sont celles qui avaient été appelées à la rescousse pour épauler le représentant du gouvernement algérien (Mr Dembri) en difficulté devant le comité des Droits de l'Homme de l'ONU en session à Genève au mois de Juillet 1998. La grande majorité de ces personnalités auditionnées résident au club des pins, enclave résidentielle réservée avec un cordon sanitaire.

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En revanche, le panel a fait la sourde oreille devant les appels de personnalités engagées et éprouvées sur le terrain des Droits de l'Homme depuis bien longtemps alors qu'il aurait gagné à les entendre s'il avait pour souci de s'informer de façon exhaustive sur la réalité.

En guise d'investigation, la mission admet elle-même qu'elle s'est abstenue de toute initiative sur le terrain: 'nous n'avons pas les moyens de mener nos propres investigations et n'étions pas mandatés pour cela'. Les rares sorties sur le terrain, à Beni Messous, Beni Khellil, et Serkadji, ont été conçues pour servir d'alibis.

A Beni Messous, le panel a été conduit sur un terrain nu où ne subsiste plus aucune trace du massacre, et accueilli par un colonel des services de sécurité qui a exposé la version officielle sur une carte au lieu de vérifier les faisceaux d'informations faisant état de faits troublants. Concernant les victimes, il s'agit de populations refluées de l'intérieur et établies dans des habitats précaires qui avant le massacre avaient été visitées par des groupes en uniforme qui leur avaient pris les livrets de famille prétextant cela à des fins de recensement. Le massacre a été perpétré près de la route reliant Baïnem à Beni Messous non loin d'installations militaires importantes. Ce qui détruit l'argument lié à la topographie du terrain pour justifier la non intervention.

Pourquoi n'avoir pas été dans d'autres lieux où se sont déroulés des massacres comme Raïs, Bentalha ou Sidi Hamed, lieux où survivent encore des populations rescapées? En ces lieux, des questions lancinantes continuent de se poser à propos des massacres, en l'occurrence celle relative au refus des forces armées d'intervention malgré les supplications de citoyens qui ont pu échapper aux assaillants ou celle tenant à l'interdiction d'accès à ces lieux à toute personne désirant apporter secours ou avoir des nouvelles de ses proches.

A la prison de Serkadji, la visite a été administrée et contrôlée de bout en bout par la direction de la prison. Il faut signaler que:

- a) Avant la visite du panel une prétendue commission nationale présidée par un procureur général avait interrogé les détenus afin de repérer les candidats à l'isolement et au transfert.
- b) Tous les détenus susceptibles de révéler des atteintes aux Droits de l'Homme ont été écartés pour empêcher tout contact avec les panélistes. Quelques-uns de ceux qui étaient en grève de la faim depuis 21 jours et qui étaient trop faibles pour être transférés ont été isolés dans des lieux secrets au sein de la prison même. Parmi eux quatre étaient à la limite du coma. Il s'agit de Djamal Laskri, Mohamed Lemlouma, Abdelkrim Touhami et Hacène Touati. Les autres ont été transférés pour la circonstance dans d'autres prisons. C'est le cas de Abdelghani Bendebagh, Boualem Ammour, Mohamed Larbi

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Makhloufi et Moussa Medjahed, tous condamnés à mort et témoins du carnage de la prison de Serkadji. Ils ont été déplacés la veille de la visite du panel et de nuit à la prison d'El Harrach puis ramenés deux jours plus tard et toujours de nuit à la prison de Serkadji. Un autre groupe a été transféré à la prison de Chlef.

### **3. Observations sur le rapport**

#### **3.1. Lettre et esprit d'une entreprise de désinformation**

A la lecture du rapport du panel de l'ONU, l'impression première qui se dégage est que la question des Droits de l'Homme en Algérie, question cruciale, est reléguée au second plan au profit de digressions vers des narrations historiques, économiques et sociales.

Le dit rapport est aussi truffé d'inexactitudes du genre: 'le président Chadli a démissionné' alors qu'il est de notoriété publique qu'il a été démis. Il contient des omissions telle que 'le haut conseil de sécurité a annulé le second tour des élections' sans préciser que, dans la constitution, cet organe a un rôle purement consultatif. Le rapport recèle même des contradictions; on y lit que 'le FIS en particulier s'est mis hors la loi en créant des groupes armés' et, plus loin, que 'le terrorisme algérien serait spécifique en ce qu'il ne poursuivrait aucun objectif particulier'.

Il rapporte comme des évidences les discours emphatiques que les responsables politiques lui ont tenus mais qui sont en discordance flagrante avec la réalité. Il relève par exemple que la dette extérieure est maîtrisée alors qu'elle obère totalement les capacités du pays de renouer avec l'investissement et la croissance. Il fait l'éloge de l'Etat de droit alors que le pays vit en état d'urgence depuis six ans et qu'on estime à près de cent mille le nombre de victimes et à des milliers le nombre de disparus, des exécutions sommaires, et que les juridictions d'exception ont été banalisées.

Par contre il n'est nulle part relevé que la caisse nationale des retraités est en cessation de paiements à cause des immixtions en tous genres des organes de tutelle dans l'utilisation de ses fonds, que les entreprises publiques sont en train de licencier massivement et que l'argent du rééchelonnement n'est pas utilisé pour le redressement des unités économiques mais comme fonds de soutien à la lutte anti-terroriste. A titre d'exemple la wilaya (préfecture) de Boumerdès consacre 70% de son budget au paiement des groupes de légitime défense et des gardes communaux.

#### **3.2. Considérations sur l'édifice institutionnel**

D'une manière insidieuse, le rapport s'attache à une description formelle de l'édifice institutionnel pour insinuer que ce dernier procède d'un processus

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authentiquement démocratique alors qu'en réalité il n'est qu'un montage réalisé de toute pièce suite à une recomposition violente du champ politique algérien après le coup d'Etat de 1992. Les secousses successives et répétées à l'intérieur du système démontrent l'inefficacité d'un tel édifice pour réguler la vie politique et résoudre les conflits pacifiquement. La surprenante 'démission' de Zeroual est une preuve accablante du peu de crédibilité de ces institutions.

L'Assemblée Nationale et le Sénat se livrent à des débats byzantins mais se gardent bien d'aborder les questions cruciales. A titre d'exemple, aucun des présidents des deux chambres n'a eu la velléité de déférer devant le conseil constitutionnel la décision de Zeroual.

Le conseil constitutionnel, juridiction censée contrôler la constitutionnalité des lois, est réduit au rôle de simple cellule chargée de sanctifier les actes de l'exécutif à la demande de ce dernier.

Les Conseils Municipaux (APC) et les Conseils de Wilaya (préfecture), issus de fraude généralisée, sont transformés en cercles d'empoignades partisans pour le partage des influences.

Les pratiques du système ont dévalorisé les élections à un point tel que l'opinion n'y attache plus de crédit. En effet, aucun candidat ne peut sortir des urnes sans l'aval de l'appareil politico-militaire. Les algériens ne constituent pas la source de légitimité du système.

### **3.3. Aspect Droits de l'Homme**

Alors que la préoccupation essentielle des organes onusiens et de l'opinion mondiale est la question des Droits de l'Homme en Algérie, le rapport du panel a réduit les dimensions de cette question fondamentale à leur plus simple expression. Curieusement le rapport passe pratiquement sous silence les questions brûlantes: la torture, les massacres, les enlèvements, les exécutions extrajudiciaires, les disparitions, les procès iniques, etc. Par contre il s'attache à établir une échelle de responsabilité en établissant une hiérarchie dans l'horreur. Un tel procédé conduit insidieusement à faire admettre la thèse du moindre mal au profit du pouvoir. Le panel réduit les violations commises par les forces de sécurité à de simples excès alors que l'Etat algérien est depuis le coup d'Etat de 1992 en rupture ouverte avec le droit et la légalité, rejoignant ainsi, dans la pratique, le terrorisme qu'il est censé combattre.

Le panel avance l'argument qu'on ne saurait mettre sur le même plan les violations commises par les forces gouvernementales et celles commises par les terroristes; un tel argument est par certains côtés fallacieux. A juste titre, un Etat qui se respecte ne peut se ravalier lui même à agir dans l'illégalité.

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Le panel a conclu partialement par un appel à la communauté internationale pour aider le gouvernement algérien dans sa lutte anti-terroriste. Cet appel tant à faire passer de manière insidieuse au yeux de la communauté internationale que la lutte anti-terroriste est la question majeure et celle des Droits de l'Homme une question tout à fait subsidiaire. Il induit que la commission internationale d'enquête tant réclamée par les ONG et une majeure partie de l'opinion publique est devenue sans objet. C'est là le but ultime qu'a toujours recherché le gouvernement algérien.

Malgré l'usage éhonté qu'il fera de ce rapport contre les défenseurs des Droits de l'Homme, il demeure que le respect de la dignité humaine reste la revendication majeure de la société algérienne et que le concours de l'opinion internationale lui est plus que jamais nécessaire pour l'aider à la concrétiser.

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## ALGERIA'S KILLING FUEL OIL CONCERNS

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*Financial Times*  
*Tuesday 6 January 1998*

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In the desert fields of southern Algeria, home to the country's oil and gas wealth, foreign oil companies have been working in exclusion zones, sheltered from the heavily populated and bloody north.

In co-operation with Sonatrach, the state oil and gas company, they have helped keep uninterrupted the supply of oil and gas to Europe.

But as Algeria's near-six-year conflict attracts more international attention, that isolation risks being disturbed. With the increase in violence (blamed by the government on Islamist extremists), confusion over why the killings occur, and lack of independent information, comes criticism of the army-backed government's human rights record and appeals for investigations into the massacres.

These calls rose in volume after last Tuesday's killing of up to 400 civilians and the spread of violence from areas south of Algiers to western regions.

Developments are compounding foreign company concerns over employee safety and the public relations dilemma about working with a controversial regime.

'There is increased interest in doing business in Algeria. But at the same time, human rights campaigns have recently generated an unprecedented amount of interest in the conflict,' says Martin Stone, of the London-based Control Risks, a political and security risk assessment company. 'It was inevitable that they would start to focus attention on business.'

Some oil companies have already made contact with human rights organisations to discuss Algeria. Many maintain an official wall of silence on the issue.

'It's a very complicated situation there and too delicate for us to comment on, even off the record,' said one European oil company. Another, more

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forthcoming, said: 'It is a concern. There is a feeling opposition groups might be able to capitalise on human rights concerns.'

Human rights and social issues have emerged in recent years as one of the trickiest problems facing international oil companies. The issue was highlighted in 1995 when Royal Dutch/Shell came under attack for failing to persuade Nigeria's military rulers not to execute Ken Saro-Wiwa and eight other activists.

In the past year, British Petroleum has been accused of supporting death squads in Casanare in eastern Colombia, a charge it and the Bogota government vehemently deny.

Algeria, which derives virtually all its foreign exchange revenues from oil and gas exports, is becoming an increasingly important supplier of natural gas to southern Europe. The country, which has the world's eighth largest gas reserves and has benefited from a string of oil discoveries, figures high in the strategy of several big petroleum groups.

Gas production – much of it destined for Europe – is due to rise from 11.6bn cu ft (bcf) a day in 1997 to 14bcf by 2005, according to consultants Wood Mackenzie; oil production capacity is expected to climb from about 842,000 b/d to more than 1.2m bid in 2003.

Human rights groups have long campaigned against the atrocities of Islamist extremists and government repression. The campaigns and media attention gained momentum this summer after three massacres which claimed hundreds of civilian lives.

The army's failure to intervene raised suspicions of complicity, voiced in a November Amnesty International report. The government strongly denies the allegations, blaming the army's attitude on inefficiency and previous attempts by Islamist extremists to trap security forces.

Some oil executives admit they are uncertain about what goes on in Algeria. But they say the situation there is far different than in, say, Colombia, where thousands of fortune hunters, leftwing guerrillas and ordinary criminals have flooded into the oil producing regions.

The remoteness of the Algerian oil fields and the ring of steel thrown around the region have reassured foreign investors. Though violence has sporadically targeted pipelines and, in one incident, foreign workers, there has not been a concerted effort to disrupt production.

One Algerian newspaper reported in December that 17 alleged guerrillas were imprisoned for plotting to attack Hassi Messaoud, Algeria's biggest oil field.

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*Algeria's Killing Fuel Oil Concerns*

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In contrast to the north, the southern army and gendarmerie units are seen as efficient, though security experts say there are weaknesses and groups bent on an attack could get away with it.

That the fields are so shielded deprives the oil companies of one of their main tools in countering accusations that they countenance human rights abuses or social neglect. While difficult social conditions, housing shortages and rampant unemployment plague the north, there is no large population in the south to benefit directly from foreign oil company largesse in the form of community development projects and cash grants.

Moreover, foreign companies hire foreign security experts to liaise with local army and gendarmerie officers. At least some companies provide the shelter and food for army units stationed around individual fields and company camps in Hassi Messaoud.

Oil company executives say they are confident the oil and gas industry will continue to be sheltered from the violence and that the government's survival is not threatened by the attacks on civilians. But could a sustained campaign on Algeria's human rights record have an impact on future energy investment levels?

For some companies, controversial countries have proved particularly profitable. 'The big money is in countries whose names end in "ia" and "stan"... places other people don't want to go to,' said a senior executive of a US oil engineering group active in Algeria.

But even so, his company is wary of setting up a permanent presence there. 'We only get corporate approval for one visit to Algiers a year, and that only under extraordinary security.'

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## TRANSNATIONAL COMPANIES AND THE MASSACRES: BUSINESS AS USUAL

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*M. Tinkicht and A. Benhadid*

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*Il faut bien dire que l'Algérie serait mise à l'index de la communauté internationale depuis longtemps si elle n'avait ni gaz ni pétrole.<sup>1</sup>*

Pierre Sané, Secrétaire Général d'Amnesty International

## 1. Introduction

On 19 January 1997 a bomb attack in Belcourt, a populous neighbourhood in Algiers, killed 42 people and injured about 100.<sup>2</sup> The next day, as Belcourt was nursing its wounds, *Le Soir de Belgique* reported that 'an old man, still traumatised, was pointing to a long trail of dried blood left behind on the pavement by the cleaners: "Do not walk on the blood of your brothers, it is a sin, go and get some water to wash this blood".'<sup>3</sup>

Walking past human suffering does not prompt the same response. Some events are noticed while others are not, depending on one's motives, values and aims.

What is true of individuals also stands for organisations and states. The responses of bystander states and organisations to massive human rights violations, war crimes and genocide range from humanitarian or armed intervention, economic sanctions or protests to indifferent passivity or taking advantage of the victimisation situation.

The aim of this paper is to document and account for the various responses of the transnational companies operating in Algeria to the waves of massacres and the human rights crisis in the country.

Section 2 of this paper seeks to describe the multinationals' behaviour toward the human rights crisis in Algeria. This will be done by reporting some of their responses to the massacres and their estimation of human rights facts and concerns in their risk assessments and security policies in Algeria.

Section 3 deals with some aspects of the economic order that underlies these responses. It gives an idea, albeit sketchy, about the transnational companies' rush to the 'Algerian Eldorado' and their volume of trade with the Algerian regime. Key mutual interests in this trade exchange are delineated.

Section 4 briefly sums up all these facts and then seeks to explain them. The correlation between the activities of transnational companies and human rights violations at a global level are reviewed, and then evidence that the multinationals operating in Algeria instantiate these patterns is presented.

Section 5 summarises the main results of this review and concludes.

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## 2. Multinationals and Human Rights in Algeria

In most cases, the transnational corporations operating in Algeria have not made public their reactions to the massacres in Algeria. Even the large scale mass killings which occurred between August 1997 and February 1998 did not elicit public statements.

It is however possible to infer the broad outline of their positions from the rare public reactions which are available, their justifications of their presence in Algeria, and on the basis of the weight accorded to human rights realities and concerns in their assessments of risk and their security policies.

### 2.1. Responses of Multinationals to Massacres

To the best of our knowledge no transnational firm has ceased its activities in Algeria in response to the massacres or the massive human rights violations in the country. On the contrary, the influx of multinationals has drastically increased since the start of the civil war in 1992.

At the level of action, as distinct from rhetoric, the transnational companies operating in Algeria actually take advantage of the human rights crisis. They do so in the sense that the regime being isolated internally, due to its lack of legitimacy and grave human rights violations, and dependent on international support for survival, has a weak bargaining position which the multinationals exploit and perpetuate.

In response to the question 'why the West Turns a Blind Eye to Algeria', the journalist Jørgen Wouters considered in September 1997 that it stems from the influence of oil companies on the decision makers and asserted that 'the inaction of the West is rooted in oil and Islam.'<sup>4</sup> He added:

Western petro-giants have invested millions of dollars in Algeria to pump out the country's rich reserves of natural gas and oil. But these heavily guarded operations are located deep in the Sahara Desert, far from the villages surrounding Algiers where thousands of innocent people have been murdered. And because the Islamic insurgency has yet to interrupt the flow of oil and money, the flow of Algerian blood is all but ignored in the West.<sup>5</sup>

In Autumn 1997, Shireen Hunter, analyst at the Brussels Centre for European Policy Studies and specialist on Algeria, declared: 'I don't see anybody at the moment wanting to get into the Algerian quagmire. The oil and gas keeps flowing, investment in the industry is going ahead and revenue is pouring into the regime.'<sup>6</sup>

In May 1998, Pierre Sané, General Secretary of Amnesty International, underlined the difficulty of getting concrete results in the field of human rights in situations where there is coexistence between oil and the military:

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Algeria, Nigeria and Burma all have two things in common – oil and military rulers. Although Columbia is a parliamentary democracy, rebels control 40% of the country and the armed forces play a leading role. [...] When you combine the two [oil and the military] you are faced with countries that are very difficult to move in the direction of bowing to international pressure.<sup>7</sup>

This difficulty is due to the fact that Western governments share the same perceptions and interests as the companies. As John Entelis, director of Middle East studies at New York Fordham University, put it: ‘Western powers are benefiting – the multinationals are happy.’<sup>8</sup> The Western governments adhere to the strictly commercial policies of the companies and give no importance to moral and humanitarian imperatives in the shaping of their foreign policies. Algerian journalist and winner of the Sakharov prize for human rights work, Salima Ghezali states:

The economic pragmatism which rules today means few European governments take into account the 15,000 deaths a year [in Algeria] when they formulate their policies. I do not really think that their policies are based on any kind of moral basis. Unfortunately, our economy is based on oil and gas which means the government can often put pressure on its Western partners.<sup>9</sup>

Now at the level of rhetoric, the responses of the transnational corporations to the massacres and human rights situation are more varied. Silence is the standard attitude but some of them acknowledge they are exploiting the situation, others hide it and keep silent about it, while still others attempt to justify it in different ways.

The silence of the companies is deliberate and is part of an established policy. In most cases it is impossible to make the public relations officers of these companies offer opinions about, or take a stand on, the massacres or the human rights crisis. When the authors contacted, a few months ago, about fifteen multinational firms working in Algeria, principally in the oil field industry (see section 3), the public relations officers of almost all these firms refused to answer the questions right from the start. The questions sent to them in advance included:

Do you consider Algeria a country with or without risk? What do you take into account in your evaluation of its risk profile? What is your opinion on the human rights situation in Algeria? What was your position with regards to the massacres of the civilian population? What can you do to contribute to the improvement of the human rights situation in Algeria? How do you reconcile the fact that you do business with the Algerian regime given your ethical policies?

In October 1995, Veronique Maur reported, in *Le Monde*, on the business that went on discreetly without any concern for the human rights situation in Algeria:

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While they [exporters] all hide, none complains. The specialists of the Algerian market have even been happy: 'Business has never been so good in the last decade.' In Algeria, internecine slaughter is an everyday reality but business goes on. 'The situation is tragic, not trade!' a civil servant summed up cynically.<sup>10</sup>

Among those who make public statements, some acknowledge the fact that they have exploited the Algerian conflict even at the worst peaks in the waves of massacres. In the article 'International bonds: Opportunities in Algeria for cynical traders' published in the *Financial Times* of 22 December 1997, Roula Khalaf noted that 'while Algerians brace for the worse, some investors in traded Algerian commercial debt see an opportunity.'<sup>11</sup> She quoted a number of financial agents to support her assertion. One of them did not hesitate to explain that 'the hedge funds buy Algeria because it's high yield paper. If there were no massacres, the spread would narrow and they would stop buying while more conservative mutual funds would pick it up.'<sup>12</sup>

When transnational company representatives offer justification for their doing business with the military regime, they make use of essentially four arguments. These are grounded on moral, political, security and socio-economical considerations in which the suffering and humanity of the Algerian people find no space.

For instance, Albino Sala, North Africa representative of ABB, a Swiss-based transnational company working in electricity production in Algeria<sup>13</sup>, was clear about the amoral nature of business: 'We are there [in Algeria] to do business not political analysis.'<sup>14</sup> When asked what feelings one experiences when doing business with the Algerian regime, Franz Blankart, Swiss Secretary of State, answered: 'I wonder whether you are not missing the point with your question.'<sup>15</sup>

There is another response, found especially among French-speaking businessmen, which is reminiscent of the *mission civilisatrice* arguments. For instance, according to a Swiss official, doing business in Algeria aims at shaping the political behaviour of the natives: 'The more money the West invests in Algeria, the less the Algerian people will be tempted to take up arms against the military regime.'<sup>16</sup>

Some transnational companies justify their activities in the midst of the worst human rights violations on the grounds that their presence has no consequence whatsoever on the political, military and human rights situation in the country. For example, an oil company representative stated that: 'We feel that we should follow the advice and lead of our governments as well as the rules of the host country, but what would we achieve by pulling out? Would it solve Algeria's political problems?'<sup>17</sup> Others appeal to precedence arguments. François Brulhart, from the *Office pour la Promotion de l'Industrie*

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*Genève*, who went to Algiers to prepare the Swiss-Algerian economic forum that took place in Lausanne in April 1997, came back with

a feeling of security, the confirmation of the enormous opportunities and wealth of the country, the impression that the government leaders are much less corrupt and the certainty that the enterprises of Geneva must take advantage of this market. The others, the Germans, the Italians, the Spanish, the Americans or Canadians are already there.<sup>18</sup>

The ‘inconsequentiality of trading with the military regime on the human rights situation’ is perceived as fraught with business consequences by the likes of Brulhart.

There are, however, justifications for engaging in business activities with the repressive regime which do not deny that this trade does have consequences. But in this case, the argument is that they actually contribute to the economic development of the country and thus to the social well being of its citizens. An official from an oil company affirms, for example, that:

A diplomatic solution is what is needed and all companies are working on making a contribution to the country’s economy. There is a lot at stake in Algeria, huge investments. Companies would not have made them if they did not think there was a future in Algeria.<sup>19</sup>

## 2.2. Risk Assessments

One can also infer the attitudes and responses of transnational corporations to human rights in Algeria by looking at the content of their risk assessments. What transpires from their definition of risks is that they are totally indifferent to the human rights violations in Algeria. In so far as a risk is ‘the possibility that something harmful or undesirable may happen’, the massacres of the civilian population are not considered harmful or undesirable by the multinationals. They do not enter in the calculations of risks so that even during the bleakest periods of massacres in 1997 and 1998, Algeria did not cease being a safe country.

In June 1997, a Canadian delegation of businessmen who went to Annaba to attend a forum declared: ‘In the streets of New York there is much more risk than in the most remote corners of Algeria. Algeria is a haven of peace.’<sup>20</sup> In January 1998, a month that witnessed an intensification of the massacres in Algeria, a manager of a European oil firm stated that: ‘As far as we are concerned it's business as usual.’<sup>21</sup> Consultants in the oil industry estimated that:

Algeria’s attraction to international companies for oil exploration and production remains largely undiminished. [...] There is no shortage of new foreign companies queuing to come into Algeria for a share of its vast untapped oil and gas reserves.<sup>22</sup>

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An analyst of the oil industry declared, for his part, that:

Six years of civil strife have not threatened Algerian oil and gas production, concentrated in the sparsely populated and heavily protected south of the vast country. Foreign companies were investing in oil and gas exploration and southern European countries were growing increasingly dependent on Algerian gas supplies piped across the Mediterranean. The risk factor to current operations is very small if not zero.<sup>23</sup>

Our dozen interviews of officials from transnational firms operating in Algeria yielded very few explicit answers concerning the issue of risk. An official from Mobil answered quite simply: 'We do not comment on risk analysis matters'<sup>24</sup>, whereas a representative of Total oil company gave a very confused answer: 'Well... usually we do not say anything... We do not take any political position, we do not interfere with local politics. So we do not answer this question. I cannot tell you anything but that.'<sup>25</sup> An official of LASMO stated that:

LASMO and its JV partners Anadarko and Maersk have been operating in Algeria since 1989. Our operations have been largely unaffected by civil/political strife in Algeria. LASMO continues to monitor the security situations in all its overseas operations and co-ordinates appropriate security measures with assistance from the national authorities in the countries concerned.<sup>26</sup>

Officials from BP-Amoco and BHP did, however, kindly answer the first two questions of the interview<sup>27</sup>:

*Question:* How does your company look at Algeria. Does it find it a risky or a safe country ?

*BP-Amoco:* Well, I think risk is another aspect of the decision making process when you decide to work in a country. We have considerable assets, a considerable interest, in Algeria now and we are looking for to developing them. We will probably be in there, certainly on the BP side, for five years. On the Amoco side I suspect a bit longer. When you look at something like the gas assets that we are developing, they are about a thousand kilometres to the south of Algiers in a more or less Sahara desert, a remote part of the country which has not experienced significant trouble.

*BHP:* Algeria is a well established hydrocarbons province. It is the world's fourth biggest producer of gas, its second largest exporter of LNG, and, during the past few years, has topped the league in terms of exploration success. It is also a core component of BHP Petroleum's growth strategy. There are risks associated with our involvement in Algeria - just as there are with many other countries in which we operate. However, since entering Algeria in 1989, BHP Petroleum has established comprehensive strategies to address all of the risks associated with its activities in the country. In this regard, we perceive the most significant country risks as being: security and safety; and, to a lesser extent, partial expropriation. These exposures have been comprehensively assessed by the Asset and appropriate risk management / mitigation measures have been adopted.

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*Question:* What criteria do you consider in your evaluation of risk ?

*BP-Amoco:* There is a whole bunch of criteria when you consider any project going through from geological risks, whether you can actually find any oil or gas there, to political, economic and other risks. They all have to be taken into account when you decide whether or not you invest or go with a project.

*BHP:* Although the intensity of the violence in Algeria has diminished appreciably in recent months, developments in both the political and economic spheres have underlined that the new institutional structure of elected Assemblies within the country are fragile. Nevertheless, the hydrocarbon sector is critical to the Algerian economy, accounting for around 95% of the country's foreign earnings and roughly 60% of government revenues. The clear importance of this sector gives the government a strong incentive to develop the industry further – although it does, of course, render the economy extremely vulnerable to shifts in oil price.

Because of this, we believe the industry will remain largely insulated from any political, social or economic upheaval. The state oil company, Sonatrach, has enjoyed wide support for its policies - which have not been challenged by any political group. From a security perspective, Algeria's oil and natural gas production is based in remote desert locations in the south of the country. The protection afforded by this isolation is reinforced by four 'counter infiltration zones', created by the government in 1995 to ensure the security of oil and gas facilities and personnel in the major producing centres. Within these zones, all traffic and shipments are controlled by army and police units. Coupled with the company's own security arrangements – particularly those focused on travel to Algiers – these safeguards have worked well.

In their evaluation of risk, the firms consider a number of factors, in particular: a) risks of profitability, such as geological risk, commercial risk, etc; b) security risks, such as the probability of riots, violence and racket by the forces of security, political instability; c) environmental risks, related to ecological aspects; d) legal risks; etc. However, all these risks relate directly to a financial risk. They do not recognise and quantify human rights violations in their calculations of risks and, hence, they do not see them as either 'harmful or undesirable.'

### **2.3. Security Policies in Algeria**

The multinational firms adopt an exceptionally strict policy with regards to the security of their employees and infrastructures in Algeria. While they do not regard the violations of the right to life and personal security of thousands of Algerians decimated in massacres or torn apart in torture chambers<sup>28</sup> as 'harmful or undesirable' to their business activities, they do regard the threat to the right to life and personal security of their employees as 'harmful or undesirable' to their profit ventures. They provide all the necessary means to safeguard them.

An important means consists in finding strong Algeria allies who are familiar with the security situation and able to ensure a significant share of the

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security tasks. It is no coincidence then that most of the Algerian representatives of the transnational firms are senior officers in the Algerian army, often at the rank of general.<sup>29</sup> In a country under military rule, the firms ensure in this way that their interests and employees are well protected.

The corporations also avoid the areas of the country where there is a significant massacre activity. These areas are, in general, economically underprivileged and host military activities between the insurgents and the military regime. In Algeria these regions are nicknamed 'infected zones' or 'useless Algeria'. Pierre Sané, General-Secretary of Amnesty International, stated:

We see that there is a 'useful Algeria' at the extreme South of the country. It is that of oil fields and gas installations, that where foreign companies and their employees work in secure conditions. They seem to be very well protected by the State. Should one conclude that the Algeria that resides twenty minutes away from the capital where the massacres and the bombings follow one another is a 'useless Algeria'?<sup>30</sup>

The companies do not venture into victimised areas so as not to expose their personnel to risks calculated to be undesirable, even if the economic and financial interests are there. For example, BP suspended its exploration in a concession area it had acquired in the mountains of the Atlas, close to Sour El Ghozlane, because the level of risk was considered to be unacceptable.<sup>31</sup>

At a time when several European airlines have suspended their flights to Algiers and the large cities in the Algerian north, direct flights connect several Western cities to the sites of the gas and oil platforms in the South. *Air Algérie* ensures a Geneva–Hassi-Messaoud connection which shortcuts Algiers. Together with Sonatrach, it created *Tassili Airlines* which deals primarily with the transport of people and freight to the oil bases in the South.<sup>32</sup> The direct Paris–Hassi-Messaoud route is ensured by *Go Fast* owned by a multimillionaire kin to major-general Khaled Nezzar.<sup>33</sup> In *L'Oasis-forteresse de l'or noir*, Didier François describes the airport of Hassi-Messaoud which was upgraded to become a truly international airport:

The engineers land at the local airport in special chartered flights which do not transit Algiers. The runway is the longest in the country; it can accommodate all types of large carriers, and the air traffic is the second most important in terms of freight activity.<sup>34</sup>

Even for trips inside the country, the foreign workers use private helicopters.<sup>35</sup> Clearly all the resources are mobilised to safeguard the persons whose rights to life and personal security carry a weight in the calculation of financial risk and profit.

The multinationals' double standards with regard to the value of human life are at their most striking in the security arrangements at the work sites and lodgings. For instance, Hugues Henri, director of the building site at Sofregaz, set up in 1996 in Hassi-Messaoud, testifies about the working and

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living conditions: 'the sector is completely fenced off, one lives in complete seclusion, well-accommodated, well-nourished and even better protected than others, because our companies require it.'<sup>36</sup> Didier François describes the extent to which the town of Hassi-Messaoud is cut-off from the outside world:

Security imperatives are taken seriously in Hassi-Messaoud. The entrances to this dormitory town of 45,000 residents in the middle of the desert are tightly controlled. This 'exclusion zone' can be entered only by authorised persons holding permits delivered after thorough investigations. Employees of Sonatrach, the national company in charge of exploiting the oil fields, their families and foreign nationals must display badges and be accompanied by an armed escort on all their trips.<sup>37</sup>

Dominique Lagarde reported (in November 1997) that '500 to 600 American engineers and technicians work in the oil and gas fields of the Algerian South. They live in 'life-camps', surrounded by barbed wires, permanently guarded by the army and private guards.'<sup>38</sup>

These security arrangements are not exclusive to the firms which exploit oil and gas. Reporting on the workers of the Italian civil engineering company Lesi, Jean-Pierre Tuquoi wrote in *Sixty soldiers to protect twenty foreign engineers*:

The camp in which the expatriates live looks like a fortified camp. A three-metre high wall topped with barbed wire acts as a first protective belt. It overlooks a seven-metre wide no man's land scanned day and night by infrared radar and cameras. At night a battery of projectors light this space. Further ahead, wire fencing acts as a first protection.

An interior wall separates the camp into two watertight zones. The first is allocated exclusively to Algerian engineers working for the National Company of Rail Transport (SNTF) whereas the second shelters a dozen small houses where Italians live. Why this internal partition? 'May be Algerian officials do not trust their co-religionists' suggests one of the expatriates.

There is a command post run by an Algerian security company in the camp. It operates fourteen television screens linked to external cameras. To demonstrate that he is awake, the guard must push a button every three minutes, otherwise an alarm goes off automatically. All the entrances and exits to the camp are controlled from this headquarters.<sup>39</sup>

However, some transnational firms do not rely only on the security measures provided by the Algerian state. They organise their own security, as the journalist Didier François reports: 'the international companies, like British Petroleum, recently established in Hassi-Messaoud multiply the systems of video-surveillance and mount concrete chicanes at the entrance of their zone.'<sup>40</sup> The firms often call upon one of the many private security companies which have proliferated in Algeria these last years. Algerian Generals Lakhil Ayat, Abdelmadjid Cherif and Abdelhamid Djouadi have the monopoly of private security companies for the surveillance of oil fields.<sup>41</sup>

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In sum then, the double standards used in estimating the worth of human life translates into 'two Algerias'. One that is wealthy and under high protection, and another that is under-privileged and suffering intense human rights violations.

### 3. The 'Algerian Eldorado'

To a considerable number of foreign firms, Algeria represents a real financial eldorado.<sup>A</sup> This is true for all the economic sectors, but especially for the petrochemical industry. In research carried out by Swiss-based consultants in this field, 'Algeria came top of the list of attractions for oil firms in 1996.'<sup>42</sup>

The new Algerian policy for foreign investment has led to the proliferation of joint-ventures; in the field of energy they are set up on the basis of production sharing agreements (PSA). Many state companies in the oil and gas sectors, and related industries and services are involved in such agreements. They include: the *Société Nationale Recherche, d'Activité et de Commercialisation en Hydrocarbures* (Sonatrach), the *Société Nationale de l'Electricité et du Gaz* (SONELGAZ), the *Entreprise Nationale de Canalisation* (ENAC), the *Entreprise Nationale de Commercialisation et de Distribution des Produits Pétroliers* (ENCDP), the *Entreprise Nationale de Forage* (ENAFOR), the *Entreprise Nationale des Grands Travaux Pétroliers* (ENGTP), the *Entreprise Nationale de Services Pétroliers* (ENSP), the *Entreprise Nationale de Géophysique* (ENAGEO), the *Entreprise Nationale de Raffinage et de Distribution des Produits Pétroliers* (Naftal), the *Entreprise Nationale de Raffinage des Produits Pétroliers* (Naftec). In the sector of pharmaceuticals, one can list Saidal, Simedal, the *Institut médical algérien* and the *Laboratoire pharmaceutique algérien*.

The list of foreign companies which benefited from the advantageous policy of the Algerian government is a long one. The following partial list can be established on the basis of media reports.<sup>43</sup> It lists companies doing business with the Algerian regime regardless of the human rights' situation.

**Energy<sup>B</sup>:** ABB (Switzerland), Agip (Italy), Anadarko (USA), Anderson (UK), Arco (USA), Bechtel (USA), BHP (Australia), BP-Amoco (UK), Cepsa (Spain), Daewoo (South Korea), Dowell (Australia), Elf (France), EniChem (Italy), Exxon-Mobil (USA), Fertiberia (Spain), Gas Natural (Spain), GE (USA), Go Fast (France), Itochu (Japan), JGC (Japan), Kvaerner (Canada), Lasmo (UK), Maersk (Denmark), Mitsubishi (Japan), MOL (Hungary), MW Kellogg (USA), Nest Oy (Finland), Norcen (USA), OMV (Austria), Oryx (USA), PetroCanada (Canada), Petronas (Malaysia),

<sup>A</sup> See in *Le défilé des délégations commerciales* (appendix 1) for a sample of companies from various countries, usually accompanied by state officials, which rushed to Algiers in 1997/1998, at a time when the Algerian people suffered some of the bloodiest massacres of recent years, to sign commercial contracts with the military regime.

<sup>B</sup> This covers various sectors related to hydrocarbons (prospecting, drilling, extracting, refining, distributing, etc.) and peripheral activities (security, surveillance, transport, petrochemistry, civil engineering, high energy, infrastructures, equipment, logistics, services, maintenance, etc.).

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Phillips (USA), Pluspetrol (Argentina), Ranger (Canada), Repsol (Spain), Saipem (Italy), Schlumberger (USA), SGS (Switzerland), Siemens (Germany), Snamprogetti (Italy), Sofregaz (France), Sun Oil (USA), Talisman (Canada), Total (France), Veba Oel (Germany), Wascana (Canada), Wintershall (Germany).

**American Suppliers<sup>c</sup> of Sonatrach:** Intermark, General Electric, Ebara International Corporation, MW Kellogg, Ava Guiberson, Holman Boiler Works, Halliburton Company, Degolyer and MacNaughton, Dresser Industries.

**Pharmaceuticals:** Biochemie (Austria), Cophital (Italy), Glaxo-Wellcome, Groupement Pharmaceutique Européen (Europe), Laboratoires Fabre (France), Laphal, Novo-Nordisk, Pfizer Pharm (USA), Rhône-Poulenc Rohrer (France), Sanofi (France), SmithKline Beecham (UK), Synthelabo.

**Finance:** Arab Banking Corporation (Bahrein), BNP (France), Citibank (USA), Crédit Lyonnais (France), Société Générale (France).

**Other Sectors:** Aviation Systems International (USA), Boss Group (UK), Bouygues (France), Bull (France), CEG-Alsthom (France), Daewoo (South Korea), Fritz Werner Industrie-Ausruestungen (Germany), Générale des Eaux (France), Lesi (Italy), Lyonnaise des Eaux (France), MAN (Germany), VAE (Austria).

Clearly trade activity between the transnational companies and the Algerian military regime can take place only if it serves the manifold interests of both parties.

The trade serves the Algerian generals in that it shows the world that the security situation in Algeria is well under control and that economically it is business as usual. The fact that powerful foreign firms, especially petrochemical ones, have considerable influence on the political decisions taken in their countries is of particular importance to the generals. These firms lobby for foreign policies favourable to the survival of the military regime. The money generated by the oil and gas revenues also serves:

- a) to purchase military equipment, weapons for repression and other security hardware;
- b) to pay the wages of hundreds of thousand strong regular and irregular armed forces;
- c) to fill hundreds of bank accounts, outside Algeria, which belong to influential members of the military oligarchy, the government and their intermediaries.

The attraction of transnational firms to Algeria is explained by several factors. Given the security situation in the country, and since there is a busi-

<sup>c</sup> Facilities and services.

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ness rationale such that the gains in a country are proportional to its security risks, the firms' profits in Algeria are substantial. In October 1995, *Le Monde* journalist Veronique Maur wrote:

The risks are enormous, but profits are guaranteed, for, in spite of the political situation, trade with Algeria has never been so flourishing. Business leaders turn into James Bond in order to evade the deadly pitfalls on the road to contracts. [...] If exporters stay put, this is because profits must match the risks. 'Money is earned in a much easier way than elsewhere, one maintenance specialist confesses naively, competition is not that great so prices and profit margins are higher.' In short, in Algeria there is fear, but it pays better. 'In the past they would ask us to find financial sources for them, we were involved in a lot of bartering: meat against oil derivatives or fertilisers. Now, they pay cash most of the time. If you have chosen a financially strong partner, you have no problem,' a Marseilles businessman explained.<sup>44</sup>

The possibility of easy profits attracts a large number of firms, in particular small size ones which cannot compete well elsewhere and seek to avoid the severe rigours imposed by the industrial, financial, and legal standards of their home countries. These firms find their financial rescue in doing business in Algeria. In 1995, the Franco-Algerian Chamber of Commerce estimated that 'more than one thousand PME's [small and medium size corporations] "live" practically only from the Algerian market, out of a total of 9500 exporters listed by the customs (1000 large groups and 8500 PME's).'<sup>45</sup>

In addition to this lucrative business, the Algerian sector of hydrocarbons is attractive for three other reasons. To begin with, Algeria represents a gigantic reserve of energy. Prospecting studies do not cease revising upward its oil and gas reserves. In 1996, the Industry and Mines Minister, Ammar Makhoulfi, evaluated the Algerian hydrocarbon reserves at 9 billion tons of oil and 5100 billion cubic metres of gas. Next, there is the high quality of Algerian oil, in particular that pumped out in recently discovered fields. Anadarko recognises, with pride, that the Saharan blend produced in the field it exploits in the south of Hassi Berkine 'is a very high quality crude that provides refiners with large quantities of premium products like jet and diesel fuel.'<sup>46</sup> The third reason is the strong dependency of southern Europe on Algeria in its energy imports. Spain and Italy, for instance, depend on Algeria for 60% and 40%, respectively, of their imports of natural gas.<sup>47</sup> For Martin Stone, from the London firm Risks Control which carries out evaluations of economic and political risks, 'Algeria's importance to the West is its trump card. Its gas supplies to southern Europe are crucial, and Europe cannot afford to isolate Algeria.'<sup>48</sup>

The attraction of American firms in hydrocarbons stems from their 'entrepreneurial spirit' and 'taste for risk' according to Sadek Boussena, the former Algerian minister for Oil and ex-president of OPEC. Asked to explain the increased interest of American companies in the Algerian energy

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sector, and the retreat of French firms, Boussena told the monthly magazine *Arabies*:

American companies appear to be pragmatic; like every company, they consider profitability and their own interests. The example of the American company Anadarko is significant. It was the first company to sign a production sharing agreement in Algeria in 1989 and thus, it was rewarded in return when it made one of the world's biggest recent oil discoveries two years ago. In the oil sector, one must be daring and take risks. This being said, Total is clearly present in Algeria, taking part in two projects: GPL-condensate, to the tune of \$1 billion. It seems that Elf too is again interested in Algeria. All depends on a general context; when there are opportunities, companies make calculations and assess risk: some go ahead boldly, others are more hesitant. It must be said that Algeria has suffered from prejudices. At the moment, foreign firms have begun to make the most of the available opportunities not only in hydrocarbons but also in other sectors of the economy. They must make an effort to get to know this country better and estimate its opportunities at their true value. There is not profit without risk.<sup>49</sup>

In fact, many hydrocarbons, and especially gas, produced in Algeria by American firms are exported to Europe and not the United States. The Algerian gas is transported to Europe via two gas pipelines. One in the East, Transmed, connects Algeria to Italy, through Tunisia, since 1980. The other, in the West, the Maghreb-Europe gas pipeline (GME), links Algeria to Spain via Morocco since the end of 1996. An American firm built the Algerian section of the GME which is 1265 kilometres long at a cost of 2.3 billion dollars. This dependence on American firms frightens some Europeans. Writing about 'the US contracts in Algeria', Dominique Lagarde from *L'Express* stated:

Algerian hydrocarbon exports are mainly taken by the European market. Algeria's gas' first clients are France, Belgium, Spain and Italy. Europe also consumes 80% of Algerian oil while the United States gets 10%. Consequently, the ever-increasing share of American companies in [Algeria's] oil and gas can only increase the dependence of European economies on them.<sup>50</sup>

## 4. Evaluating and Explaining Responses of Firms to Massacres

### 4.1. Assessment of Reactions to Massacres

From what precedes, one can summarise the behaviour of transnational companies operating in Algeria with regard to the human rights crisis in the country as follows:

- a) in practice all of them take advantage of the tragic situation;
- b) most of them pursue a deliberate policy of silence about the massacres and the wider human rights situation;

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- c) a few of them acknowledge they are taking advantage of the human rights situation, and even of the massacres; others justify their activities in the midst of massacres using a variety of arguments: by claiming that business has no moral content, by denying that their involvement and behaviour has any consequence on the military, political or human rights situation, or else by claiming that their trading with the regime does have consequences but positive ones in that they help the Algerian economy stand up and the Algerian people improve their social conditions;
- d) they do not recognise and quantify human rights violations of Algerians in their risks calculations which do, however, integrate profitability risks and those of geological, commercial, security, environmental and legal natures. Their risk evaluations do not see the massacres as either 'harmful or undesirable' to business;
- e) they have a double standard towards the worth of human life in that they regard the threat to the right to life and personal security of their employees as 'harmful or undesirable' to their profit ventures and provide all the necessary means to safeguard them.

In what follows we seek to explain these attitudes and responses. This is done in two steps. In section 4.2 we briefly review the correlative patterns between transnational companies' activities and human rights violations at a global level. In section 4.3 we discuss how the activities of multinational firms in Algeria instantiate, and are subsumed under, the global trends that are correlated with human rights violations.

#### **4.2. The World of Corporate Irresponsibility**

The world has increasingly evolved towards a single marketplace where the flow of capital has to be eased, competition encouraged and given free rein. The globalisation of world business and trade, the lifting of trade barriers, the new regulatory world bodies, the intensification of the competition amongst and within various blocks, the creation of monopolies, the forging of special partnerships and new alliances, the emerging of new competitors, the saturation of some markets and the opening up of new ones have taken place in an increasingly aggressive climate. In this fierce climate, the transnational corporations have seldom paid attention to the political, economic, social, and human rights consequences and environmental impacts of their ventures on the host communities unless, of course, they have interfered with their primary objective: making quick and easy money.

To illustrate the negative multi-dimensional impacts and unethical policies of such transnational companies, the case of British Petroleum in Colombia and that of Shell in Nigeria are discussed in some detail in section 4.2.1 and 4.2.2, respectively. Section 4.2.3 will discuss the global picture of

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the human rights impact of the activities of transnational companies in the third world.

*4.2.1. British Petroleum in Colombia*

For the last 25 years or so, Colombia has been in the throws of a semi civil war involving leftist guerrilla groups waging war against a succession of military and civilian regimes. British Petroleum (BP) has large interests in Colombia's oil industry with a 19.2% stake in the Casanare oilfield, one of the largest in the world.<sup>51</sup>

In 1996, the London *Observer* newspaper ran a number of articles on BP's involvement in Colombia. In the first one, it disclosed an unpublished report by the Colombian government 'accusing BP of collaboration with soldiers involved in beatings, torture and murder in the north-eastern Casanare region.'<sup>52</sup> These revelations caused a furore and lead to the European Parliament issuing a call to the Colombian government to publish the report and to calling on BP and other oil companies to 'observe the highest respect for human rights and environmental protection.'<sup>53</sup>

The report in question makes a number of disturbing revelations.

*4.2.1a. Human Rights Abuses*

About complicity in human rights abuse leading to beatings, torture and murder the report stated that:

BP passed intelligence about protesters to the Colombian army notorious 16th Brigade, resulting in arrests, beatings, and murder, and caused grave damage to a protected forest, polluted rivers, and damaged bridges and roads.<sup>54</sup>

It also indicated that:

The oil company compiled intelligence including photos and video tapes of local people protesting about oil activities, and passed the information on to the Colombian military which then arrested or kidnapped demonstrators as 'subversives'.<sup>55</sup>

Six peasant leaders who had protested against the oil giant were then found dead and army officers involved in paramilitary death squads came under investigation for human rights abuses. Amnesty International, for its part, wrote at the time:

Given the well-documented role of the police in human rights abuses and the lack of accountability and controls on the Colombian armed forces, BP practices are extremely dangerous and certainly open to abuse.<sup>56</sup>

Charges were also renewed that BP together with a private security firm it employs 'are financing paramilitary groups which have massacred civilians.'<sup>57</sup>

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These criminal practices prompted the National Liberation Army to write a letter published in *El Tiempo* newspaper and addressed to the British prime-minister, Tony Blair, declaring 'England has declared war on our people.'<sup>58</sup>

#### ***4.2.1b. Support to the Colombian Military Regime***

The report was very explicit about this support: 'BP gives millions of dollars to the Colombian military.'<sup>59</sup> The amount of support was made more explicit by another source: 'In 1996 BP and its partners signed a three year, \$60 million agreement with Colombia's Ministry of Defence.'<sup>60</sup> According to Human Rights Watch, 'paramilitaries were paid US\$2 million a year' by European and American oil companies.<sup>61</sup>

#### ***4.2.1c. Use of Mercenaries***

Some security operations come directly under the tutelage of BP. The services of a British mercenary firm DSL (Defence Systems Limited) were hired by BP to give some special military training courses: 'BP's team of DSL soldiers taught a course that included counter-guerrilla tactics such as lethal weapon handling, sniper fire and close quarter combat.'<sup>62</sup> DSL, as will be discussed later, also offers military service to the military regime in Algeria.<sup>63</sup>

#### ***4.2.1d. Causing Grave Environmental Damage***

The grave damage caused to the environment by BP practices was highlighted by the report mentioned above and by the *Observer*. This is also confirmed by an Amnesty report that details the environmental damage it caused:

The company's oil exploration has devastated a protected forest, polluted a river, and damaged several bridges and the only local road people can use to transport their products to market.<sup>64</sup>

Such behaviour was described as 'callous' and 'irresponsible', as well as 'cynical' in view of the fact that it went hand in hand with BP self-serving rhetoric on 'ethical policy'.

#### ***4.2.2. Shell in Nigeria***

In the mid-nineties, events in Nigeria gained headline attention in the world media following shocking revelations concerning the involvement of Shell in human rights abuse and complicity with the military junta in Nigeria. The case gained even more notoriety when the civil rights activist leader Ken Saro Wiwa was put on a trial and condemned to death. Ken Saro Wiwa, who was executed six months later along with eight of his co-campaigners, was a leading Nigerian who for years had been campaigning in defence of his peo-

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ple, the Ogoni people, who had endured decades of suffering at the hands of Shell and the military.

Shell's interests in Nigeria go back to 1958. Since then its interests in Nigeria's oil industry have grown and are now estimated to represent half of the total of Nigeria's export-earnings from oil. From the beginning the oil production centred on the Niger River Delta region, home of the Ogoni people. Years of irresponsible exploitation coupled with Shell's neglect of the interests of the local communities had made their plight reach a critical point. The regional ecosystem suffered from hundreds of oil spills, chemicals washed out in the rivers and depletion and poisoning of the local fish-stocks, flora and fauna. This dramatic situation was made even worse by the oppression suffered at the hands of the police and the military when sporadically the population made demands or marched peacefully campaigning for their basic human rights. Later on, Shell used even the services of a mercenary group in its operations.

The full extent of years of Shell's criminal and inhuman practices in the region were brought to the attention of the world only when the Ogoni people took steps in 1990 to force Shell to withdraw from its operations. These disturbances were savagely repressed and culminated in the show trial of the leading campaigner, Ken Saro Wiwa, and his subsequent execution by the military dictatorship on 10 November 1995 after seventeen months in custody.

The price paid by the Ogoni people in their fight was high. In the period of unrest, the World Council of Churches estimates that over 3,000 Ogonis were killed, 30,000 displaced and over 1,000 became refugees in neighbouring countries.<sup>65</sup> The peaceful civilian campaign of the Ogoni people was met with the brutal repression of the regime. Little was being invested by Shell or the government in their region while their environment, health and society were gradually destroyed and the wealth of their land exploited. Shell was financing the regime. That in itself was clear and had been known for years. But over the years evidence had been accumulating implicating Shell directly in the repression:

Ken Saro Wiwa and MOSOP (Movement for the Survival of the Ogoni People) repeatedly alleged that Shell is behind the ongoing violence in their homeland. They were right. Over the past an enormous amount of information has emerged on the situation which implicates Shell in past and ongoing environment and human rights abuses in Nigeria.<sup>66</sup>

Shell initially strongly denied all charges and dismissed them away as pure fabrication. Then the surprise came when, in February 96, the *Observer*<sup>67</sup> published copies of transaction documents of arms deliveries to the military in Nigeria. Shell had to admit supplying arms. The rapid succession of events coupled with the ongoing brutal repression and the new revelations concern-

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ing Shell's arming of the military and its use of mercenary forces, turned the whole case into a symbol of the fight against international corporate irresponsibility.

A detailed account of the history, political and economic involvements and human rights practices of Shell in the region since 1958 has been compiled and published.<sup>68</sup> This report presents most of the evidence implicating Shell in the abuse of the rights of the Ogoni people and their land. It is also a testimony to the courage and bravery of the Ogoni people.

#### *4.2.3. Global Picture*

These crimes are always portrayed as isolated incidents by the perpetrator firms once their responsibility has been established beyond any doubt. The global picture reveals that the unethical behaviour and practices of multinationals are in fact common and widespread.

This is shown in table 1 which lists cases of similar charges against transnational companies in a number of developing countries. For each country, a case involving a particular firm is presented. The list of victimised societies and offending firms is only illustrative and by no means exhaustive.

Five victimisation categories are used in the third column. Human rights violations are indicated as HRV. Military support, including financial and arms procurement to military regimes, is denoted MS; this includes, of course, the effect of impeding or blocking democratic aspirations. M refers to the use of mercenary units by the firm. SD stands for social damage inflicted on societies; this includes impacts such as the displacement of people or sudden and drastic economic changes in communities, usually impoverishment, leading to the break up of the existing social structure, demographic and cultural equilibrium. ED denotes ecological damage resulting from the firm's activities, e.g. ruin of fragile local ecosystems with air, land or water pollution, health effects arising as a direct consequence of this pollution, consumption of intoxicants etc.

The last column indicates whether the involvement in the corresponding victimisation has been direct or indirect; the latter stands for situations of accessory behaviour, i.e. where there is knowledge of the case, tacit approval and turning a blind eye by the multinational corporation.<sup>D</sup> The source of the data is given for each case.

<sup>D</sup> For instance it was reported that Mobil staff may have known about the torture, massacres and mass burials by the Kopassus, the elite and most murderous arm of the Indonesian military, which took place next to Mobil's oil drilling operations. As many as 39,000 people are believed to have disappeared from the area over the past two decades. On October 10, a coalition of 17 Indonesian human rights organisations issued a statement saying that Mobil is 'responsible for human rights abuses' by providing crucial logistic support to the army, including earth-moving equipment that was used to dig mass graves. (see *Drillbits & Tailings*, December 21, 1998)

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**Table 1: List of firms and charges levelled against them**

*Charge:* HRV: Human Rights Violations, MS: Military Support including financial and arms procurement, M: use of Mercenary units by the firm, SD: Social Damage as in displacement of people, ED: Ecological Damage resulting from the firm's activities.

*Involvement:* D: Direct, I: Indirect.

Country	Firm	Charges	Involvement
Nigeria <sup>69</sup>	Shell	HRV, MS, M, SD, ED	D
Colombia <sup>70</sup>	BP	HRV, MS, P, SD, ED	D
Indonesia <sup>71</sup>	Various	HRV, M, ED	D
Bolivia <sup>72</sup>	Vista Gold	HRV, SD, ED	D
Burma <sup>73</sup>	Premier, Texaco <sup>E</sup>	MS	I
Peru <sup>74</sup>	Shell	SD, ED	D
Angola <sup>75</sup>	Diamond Works	MS, M, SD	I
Congo <sup>76</sup>	Elf	M	I
Sierra Leone <sup>77</sup>	Sierra Rutile	HRV, M	D
Sudan <sup>78</sup>	Arakis	M	I
Uganda <sup>79</sup>	Branch Mining	M	D
Zaire <sup>80</sup>	America Mineral Fields	HRV, M	D

A robust theory that accounts comprehensively for all kinds of correlations between human rights violations and economic activities is yet to be developed. However some studies that looked at the global tendencies in the violations of human rights in the developing countries found that the latter correlate strongly to their external economic dependence. For instance, in *The Political Economy of Human Rights* published in 1979, Chomsky and Herman pointed out the coincidence that exists between the hardening of political regimes in a dozen countries (Brazil, Chile, Dominican Republic, Guatemala, Indonesia, Iran under the Shah, The Philippines, South Korea, Uruguay) and the improvement in the conditions offered to international investors – either following a relaxation in fiscal policy and in the measures for taking profits out of the country or following a repression of trade unions.<sup>81</sup> In their empirical study of repressive models of development, Bernard and Fontaine went as far as to state that firms not only benefit from repressive systems but sometimes prompt them:

<sup>E</sup> On 24 September 1997, Texaco stopped its operations in Burma's Gaz projects following a sustained lobbying by 'Free Burma' campaigners. The US administration changed its stance vis-à-vis the military rulers in Burma and in April 97 decided to cancel all new investment in the country. Europe and Canada soon adopted similar policies.

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Multinational firms take advantage of the repressive conditions in force in a great many countries. They consider authoritarian regimes so favourably that certain governments are encouraged to toughen the conditions of political confrontation in order to attract foreign capitals. South Korea and the Philippines are very significant examples of the multinationals' activities. The latter interfere directly in politics. Chile is one example. None of these facts can be denied.<sup>82</sup>

These findings contradict the transnational corporations' claims that they operate according to an 'ethical policy', bring economic benefits to the host country. While it is the case that some responsible transnational firms do benefit the local communities in terms of investments in health, educational and local infrastructure projects, the overall picture of their impact on host countries is rather dismal. When confronted with evidence of their negative bystanding behaviour, or complicity, with regard to massive human rights violations, most incriminated transnational companies remain obdurate in their practices and issue blanket denials to all the charges. Except, of course, when events escape their tentacular control making it impossible for their sophisticated public relations machinery to cover up. They then often admit their involvement in a damage limitation exercise and, even then, they go to great lengths in order to a) depict the incident as isolated and controllable and b) play down its impact and seriousness.

### **4.3. Multinationals in Algeria: The Political Economy of Brutality**

Contrary to the claims reviewed in section 2.1, the presence of transnational firms in Algeria does have harmful consequences at the political, military, social and human rights levels.

#### *4.3.1. Entrenching Military Dictatorship through Financial Assistance*

The main source of support to the generals who overthrew president Chadli Bendjedid in 1992, installed a military regime and launched a war against the opposition and society is undoubtedly the oil and gas money. As the article 'Oiling the wheels' in *The Guardian* put it two days after the Bentalha massacre:

Western involvement in Algeria's economy has been crucial to the survival of the government despite the country's disastrous human rights record. Western petrochemical companies are the backbone of the economy. Agip, BP, Elf, Exxon, Mobil and Total are all players. Algeria has the world's 14<sup>th</sup> largest reserves of oil and 5<sup>th</sup> largest reserves of natural gas.<sup>83</sup>

The trade with the military regime could have been made conditional on its respecting human rights, adopting a reconciliatory approach to the conflict, and embarking on a transition process towards an inclusive democratic system. But, in fact, the multinationals have rewarded the total war approach of the military and the entrenchment of the military regime, presumably to in-

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crease what they see as ‘stability’ and reduce the risks on their investments. For instance, the Zürich newspaper *Neue Zürcher Zeitung* considers that:

To improve the situation in Algeria, one needs to look at the nature of the conflict and the government in place dispassionately. The government is fighting for its survival. It mobilises all its resources to safeguard the foundations of its existence – oil and gaz installation – and neglects the protection of its population. Maintaining commercial exchanges allows the Algerian government to reject all serious efforts to find a political solution to the conflict – which would ultimately lead to its losing power – and ignore the international warnings.<sup>84</sup>

#### 4.3.2. Exacerbating the Human Rights Crisis through Military Support

Algeria’s military allocates a significant proportion of the oil and gas income of the country to arms purchase. Figure 1 shows the evolution of military spending in parallel with those of oil prices and the number of massacres, from the period between 1992 and 1998. The data for military spending is available only up to 1997 and is from the Stockholm International Peace Research Institute (SIPRI<sup>85</sup>) while the annual number of massacres is obtained from the study *An Anatomy of the Massacres* by Ait-Larbi *et al.*<sup>86</sup>

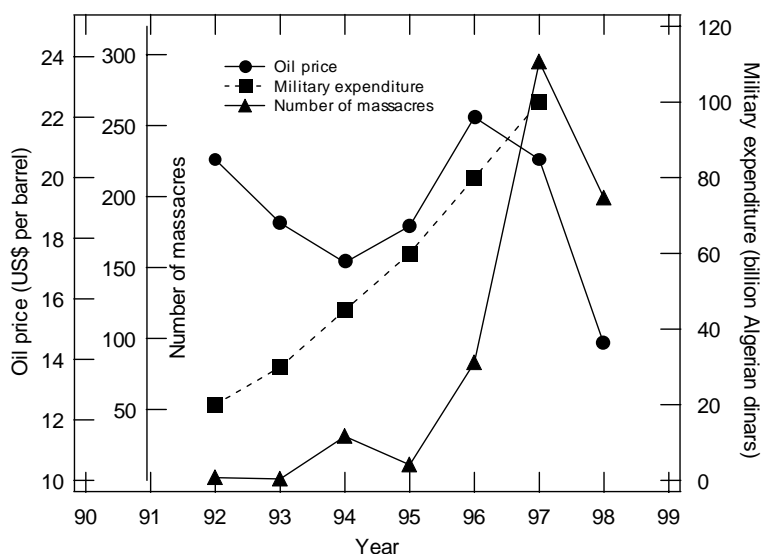


Figure 1. Evolution of military spending, oil income and massacre activity (1992-1998)

The figure shows that military spending has increased continuously since the military coup of 1992. This spending involved, for instance, purchases of aircraft for counter-insurgency campaigning from French (e.g. 60 *Ecureuil*

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helicopters with night-vision equipment) and South African (e.g. 83.3 million rands worth category A weapons including Seeker UAV systems) arms manufacturers, and 'anti-terrorist' weapons, gears and vehicles from British, Italian, German and US arms companies.<sup>87</sup> In July 1995, the *Arms Sales Monitor* revealed that US companies sold torture equipment to the military regime under licence OA82C and OA84C.<sup>88</sup> In April 1995, *Le Canard Enchaîné* reported the secret French sale of 79 510 Kilograms of tri-ethanolamin for the manufacture of mustard gas to the regime.<sup>89</sup>

The rise in military spending displayed in the figure occurred while the industrial production decreased by 22 % between 1990 and 1997, and the GNP went down from US\$ 2,500 in 1987 to US \$ 1,600 in 1997. Given the trend of oil prices, it is clear that a substantial and increasing proportion of the income has gone into financing the war. Note also that the number of massacres increases with military spending. It is clear the oil and gas income are exacerbating the conflict and the human rights crisis.

In addition to arms purchase, an important proportion of the oil and gas income goes into paying the salaries of 250,000 militiamen who, in addition to the army and security forces, absorb vast resources of the country. For instance, according to Hocine Zehouane, the vice-president of the Algerian League for the Defence of Human Rights, 70 % of the budget of the district of Boumerdès, east of Algiers, goes into maintaining the militiamen and the police.<sup>90</sup> It must be stressed that the financing of the war, including the setting up, training and arming of the militiamen, has been done with the blessing of the IMF. According to an anonymous high-ranking civil servant quoted by Jean-Paul Mari, already in 1995 the IMF had explicitly authorised the recruitment de 50,000 militiamen.<sup>91</sup> On the other hand, this international institution has imposed an economic 'restructuring programme' that has led to more than 600,000 redundancies since 1992, and a reduction of public spending on education, health, and subsidies on basic foodstuffs. Three million Algerians are unemployed. At least 10 million Algerians live below the internationally recognised poverty threshold.

The multinational firms also contribute significant security and military support to the regime. This support takes the form of partial or full security arrangements for protecting industrial sites and personnel, especially in the hydrocarbon sector. It also includes providing advice and training of Algeria's military and paramilitaries, especially in *counterinsurgency* warfare.<sup>F</sup> The transnational firms provide these military services directly, through their own security subsidiaries, or by contracting multinational corporations of war,

<sup>F</sup> Persistent rumours in Algeria and amongst dissident officers allege that foreign mercenaries were involved in the massacres at Relizane in which about 1000 villagers were massacred within a week (from 30 December 1997 to 6 January 1998). The massacres spots were the hosts of AIS insurgent activity and situated near a junction of the main oil and gas pipelines linking the production zones of the south with the port of Arzew and the spur pipelines to Algiers.

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such as Defence Systems Limited<sup>92</sup> or Executive Outcomes<sup>93</sup> which get a share of the oil income. Some of these companies are simply smokescreens for foreign military intelligence services; in 1995 Véronique Maur reported that:

Charter flights link Paris and Hassi-Messaoud directly, without a stop in Algiers. Small private planes, just like cars and oil installations, are under tight surveillance by the Algerian army and 'French private security companies', which are more or less camouflaged units from the French Direction Générale de la Sécurité Extérieure (SDECE – French secret services).<sup>94</sup>

Mercenaries, former intelligence officers, and contract killers from all over the world participating in these activities are very well paid. Roula Khalaf notes:

Foreign companies can also use the services of dozens of private security companies which have sprung up in Algiers in recent years. Some were set up in partnership with foreign security companies. According to diplomatic sources, bodyguards and armoured cars are now on offer for about US\$1,000 a day.<sup>95</sup>

This daily wage is at least ten times the guaranteed minimum monthly salary in Algeria. It should also be compared to Algeria's GNP per inhabitant, which collapsed from US\$2,500 in 1987 to US\$1,600 in 1997.

In summary, the influx of multinational firms goes hand in hand with the flight of the oil and gas income abroad, a huge rise in military spending, the building up of armaments, the militarisation of society through militias, further impoverishment of under-privileged sections of society and with an increase in massacres.

*4.3.3. Contributing to Corruption*

Widespread corruption pre-existed the involvement of transnational firms. According to Reporters Sans Frontières,

The ghost of corruption has haunted the economic and financial fluxes of the Algerian economy for the past two decades. It is a real network that uses the ways of trading for favours. It has its agents, hierarchies of functions, secret arbitration, and its levies which vary with the nature and stage of transactions. All this corruption money has made the leaders of the regime – including the most 'socialist' – into billionaires, but above all it has ensured the survival of the regime for long years by feeding the clientelist networks of the nomenklatura.<sup>96</sup>

The economic review *Challenges* published, in April 1999, an investigation into 'Algerian billionaires [...], businessmen who accumulated billions of French francs, probably thanks to their close 'links' to the military hierarchy and to the security services of the country.'<sup>97</sup> It estimated their assets held outside Algeria at 200 billion FF (US\$ 40 billions).<sup>98</sup>

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Abderahim Zerouali evaluated the money which feeds the corruption networks at 10-15% of the volume of imports; in 1992 this amounted to a total of 850 million to 1.3 billion dollars.<sup>99</sup> In 1997, this sum increased and was evaluated by economist and former prime-minister Abdelhamid Brahimi at 1.5-2 billions of dollars.<sup>100</sup>

The massive influx of transnational firms has worsened the problem of corruption. They contribute to the spread of corruption through the practice of 'commissions' and other forms of bribery. 'The principal source of the money of corruption comes from the illegal commissions taken on the flow of foreign trade,' according to Abderahim Zerouali.<sup>101</sup> Zerouali asserts that 'to ensure the smooth working of the [corruption] network, flow of goods and payment of commissions, the Algerian importers and the large exporting firms developed an occult mechanism of agreement.'<sup>102</sup> This mechanism comprises, according to the author, three wheels:

- a) intermediary firms (the 'facades') behind which hide the large firms which deliver products and services to Algeria and which 'do not want to bear the direct responsibility for either the commercial risk associated with these deliveries, or the legal risks related to the payment of commissions'<sup>103</sup>;
- b) giving advance information to foreign provider groups by their local partners about the tender offers (these services are remunerated);
- c) access to international loans which are, in general, used to pay for the imports.

This last wheel is particularly pernicious. Abderahim Zerouali affirms that:

Instead of negotiating tightly the costs of these credits with international public or private sponsors, the Algerian importers and bankers delegate this function to foreign exporting firms which make no bones about charging for this service by over-invoicing the costs of the credits. This system leads to a very significant increase in the cost of Algerian imports.<sup>104</sup>

The transnational firms are involved in corruption networks linking them to the most important military officers of the army. In Algeria it is those who hold the monopoly of power and of the instruments of institutional violence that benefit most from corruption. The multinationals approach influential generals to protect and secure their interests in Algeria. The Algerian Movement of Free Officers, a Europe-based group of dissident officers opposed to the repression of the people and corruption of their institution, have made allegations implicating a large number of firms and officers in corruption. For instance, major-general Mohamed Bétchine is said to receive 'a regular revenue from the American oil companies Anadarko and Arco.'<sup>105</sup> Major-general Larbi Belkheir receives 'an astronomical monthly revenue' from an Italian gas pipeline construction company for which he secured the

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contract at the expense of an Algerian firm.<sup>106</sup> Major-general Mohamed Lamari, the chief-of-staff, gets 'commissions from French pharmaceutical companies in Algeria.'<sup>107</sup> Major-general Mohamed Médiène, head of the Direction du Renseignement et de la Sécurité (DRS – military intelligence), is 'the principal shareholder of the South-African company of prospecting gold and diamonds in the Ahaggar [and] secured a significant revenue from several oil prospecting multinationals.'<sup>108</sup> His elder son is a member of the 'Board of directors of Daweoo in Algeria.'<sup>109</sup> General Smaïn Lamari, head of the Direction du Renseignement Extérieure (DRE – military counter-intelligence), receives 'broad commissions on the contracts for the supply of armaments from the French.'<sup>110</sup> Major-general Mohamed Touati receives 'commissions on all the major investment projects and oil prospecting ventures for which his private security companies provide security support in return for a percentage levied on each well.'<sup>111</sup> General Mohamed Hartani receives 'large market commissions from Siemens and other building material companies.'<sup>112</sup> General Benabbes Ghezail received significant bribes 'in the purchase of equipment for the national Gendarmerie, in particular from the company Beretta.'<sup>113</sup>

In *Les circuits de l'argent noir*, Zerouali stresses that the system of corruption rests on various pivots. He explains that:

So that the system of corruption operates effectively, the external and internal parts must be well articulated. There intervenes the powerful hidden network of public company directors, civil servants, financial directors, customs officers, etc. Its activity is varied and covers all the links in the decision line of every import. [...] High ranking civil servants and businessmen manage and control the members of the network. Their names never appear in the contracts and administrative documents in the chain of blackmail and constraints which feeds corruption. [...] The corruption network not only bleeds the Algerian economy white by over-invoicing, but it does everything so that it remains under-developed because a national production which is effective would diminish the cost of imports and hence commissions.<sup>114</sup>

The corruption in the oil industry is the most disastrous. According to *Algérie Confidential*:

Cadres of *Sonatrach* who work in the department of engineering and construction (ENC) are in the hot seat. The financial squad of security services suspects that several members of this department (ENC) have eased the attribution of rich oilfields in exchange for fat commissions on important contracts signed with American firms.

Sonatrach signed a one billion dollar contract with the American firm Arco to exploit the oilfields of Rhourde El Baguel. Thus Arco has had to pay 225 million dollars as an entrance fee alone. In December 1995, the British company BP signed a three billion dollar contract for the exploitation and commercialisation of gaz. The French company Total and the Spanish firm Repsol signed a 900 million dollar contract. It is hard to resist temptation before this financial manna.

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Comment of a former Sonatrach executive: 'the ENC department is in a strategic position on the way to the "reservoir".'

The inquiry is blocked by those who think that a wave of arrests within Sonatrach risks having negative consequences on foreign investments especially of the partners who are already involved. This opinion, which is shared by the leaders, increases the discrimination between the companies but also between the managers. It makes Sonatrach an 'expatriate' entity to which the most rigorous laws of the country do not apply.<sup>115</sup>

The 'negative effects' of inquiries on such crimes are only a pretext. The reality is that the military rulers are heavily implicated in corruption. Even worse, the regime allows economic criminals to launder their illicit gains. And in all these crimes, there are scores of complicit transnational companies.

## 5. Summary and Conclusion

The aim of this paper was to document and analyse the responses of transnational corporations operating in Algeria to the waves of massacres that have shocked the world in recent years.

It was found that rather than condition their trade with the military regime on respect for human rights and progress towards a peacefully negotiated solution, the multinationals show more interest in a 'stability' built on military coercion, and in exploiting the internal weakness and international isolation of the military regime. Their standard response to the massacres has been silence and keeping a low profile. But some companies have actually acknowledged making profit out of the massacres and the human rights crisis. The firms which sought to justify their involvement in Algeria have argued that business is amoral, it has no political or human rights consequences, or else it has positive socio-economic impacts on Algerians. The analysis also inferred that the transnational companies do not see the massacres and human rights violations as damaging or undesirable to their business because their assessments of risks distinguish and measure profitability, geological, commercial, security, environmental and legal risks but excludes those pertaining to human rights violations. The paper also illustrated the double standard towards the worth of human life implicit in the security policies of the firms.

After giving some indications about the volume of trade and mutual interests between the multinationals and the regime, we sought to explain why the firms respond to the massacres and human rights crisis as described above. It was shown that the response and attitude towards human rights violations in Algeria fit global patterns in the behaviour of multinationals towards human rights violations: 'pumping blood money out of countries run by military dictatorships.'<sup>116</sup>

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It is unclear whether this accessory behaviour to human rights violations can be changed. When under pressures from an increasingly ecologically aware public and movements such as Greenpeace, the transnational corporations did for the most part respond to the criticism of their irresponsible practices towards nature. For instance, most oil firms recognise and take into account the ecological risk, run 'health, environment and safety (HES) programs' and have ethical codes that care about ecology.<sup>117</sup>

Regarding human rights, Amnesty International has invested efforts to persuade the transnational firms to 'introduce codes of conduct incorporating human rights' and 'act responsibly.'<sup>118</sup> Acknowledging the real power that oil firms hold at the international level, Amnesty International's General-Secretary, Pierre Sané, stressed the urgency to involve them in the combat for the respect of human rights:

We feel those oil companies have certainly more influence than U.N. bodies, or other governments, because they are really the lifeline in terms of the resources that the regimes need. And therefore we have to ensure that those companies will join in the effort to improve the human rights situation in those countries... they can't be silent in the front of all these injustices.<sup>119</sup>

For the Algerians victimised by the military regime and its accessories, this is clearly the only way forward. It is a bitter irony of their history that it was a UN body, UNESCO, which organised, in Algiers itself, on 5-8 December 1982 a meeting of international experts on the role of private firms as constraints on human rights.<sup>G</sup> Ten years later the leaders of the military coup ignited a devastating war against Algerian society. The massive human rights violations that ensued, and that are still ongoing, would have been prevented had the generals not found so powerful and irresponsible accessories to their most shameful crimes.

'Algerian oil is red,' said those who survived the war against France. Will Anadarko, BP-Amoco, Total, Agip, Repsol, and ABB walk on the blood of their fellow humans or will they 'go and get some water to wash it'?

<sup>G</sup> See extracts of the conclusions and recommendations of the meeting in appendix 2.

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## Appendix 1. Le défilé des délégations commerciales

Durant la période des grands massacres en Algérie, les firmes étrangères se bousculaient pour décrocher des contrats avec le régime algérien. L'une après l'autre, les délégations commerciales se rendirent à Alger, souvent accompagnées de responsables politiques de leurs pays respectifs.<sup>H</sup>

### 1. L'Afrique du Sud

L'Afrique du Sud entretient des relations commerciales avec l'Algérie notamment dans le domaine de l'armement et dans la prospection et exploitation minières. Au milieu de l'année 1997 des négociations étaient en cours avec des entreprises sud-africaines pour l'exploitation de la mine d'or d'Amesmassa, dans le Hoggar, dont les réserves sont estimées à 85 tonnes.<sup>120</sup>

### 2. L'Allemagne

Au mois de juillet 1997, une grande délégation économique se rendit à Alger pour passer des contrats. Une chambre commune entre hommes d'affaires algériens et allemands a été créée à cette occasion. Dans une interview avec un haut responsable de l'économie allemande, la correspondante à Bonn de *Radio Orient* (Paris) lui a demandé la fin juillet 1997 s'il n'avait pas peur de faire des affaires en Algérie. Il a répondu qu'il y avait en Algérie avant eux des milliers de Français et d'Américains et qu'ils n'avaient pas eu de problèmes. Lorsque la journaliste a évoqué les risques encourus, il a répondu qu'ils avaient des garanties (couverture des risques) par le gouvernement fédéral allemand, en ajoutant que les finances algériennes étaient devenues assainies.<sup>121</sup>

Parmi les entreprises allemandes intéressées par le marché algérien on trouve le groupe MAN qui prévoyait de s'associer à la Entreprise Nationale des Véhicules Industriels (ENVI) dans une joint-venture pour fabriquer des bus destinés au marché intérieur.<sup>122</sup> Un responsable du groupe a déclaré: 'Nous avons conclu les premiers accords concrets et espérons voir bientôt le bout du tunnel. Mais la situation reste délicate.'<sup>123</sup> Quant au porte-parole de Fritz Werner Industrie-Ausruestungen, filiale du groupe MAN, il a déclaré que sa firme venait de repérer un créneau intéressant: 'Pour l'instant, personne ne fabrique de linge en Algérie.'<sup>124</sup>

Un autre géant de l'industrie allemande, Siemens – qui a un passé noir de compromission avec le régime nazi – se profile dans le domaine de production d'électricité et aussi dans le domaine de l'équipement médical. Siemens dispose dans ce dernier secteur d'un représentant de taille en Algérie.<sup>125</sup> Il s'agit du général Mohamed Hartani, ancien directeur de l'hôpital central d'Alger, qui représente cette firme 'sous la couverture de son épouse'.<sup>126</sup>

<sup>H</sup> A la fin de l'année 1997, les six premiers fournisseurs de l'Algérie étaient: la France (25%), l'Espagne (12%), les Etats-Unis (11%), l'Italie (8%), l'Allemagne (6%) et le Canada (5%), tandis que les six premiers clients: l'Italie (20%), les Etats-Unis (18%), la France (12%), l'Espagne (7%), les Pays-Bas (6.7%) et le Brésil (5%) (*Le Monde*, 23 octobre 1997).

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En septembre 1997, le ministre autrichien de la Recherche et des Transports, Caspar Eienem, s'est rendu à Alger, accompagné d'une délégation de chefs d'entreprises autrichiennes. Il y avait dans cette délégation des représentants de la firme VAE qui visait un contrat pour la modernisation de l'entreprise algérienne Batimetal fabriquant de matériel pour la Société nationale des transports ferroviaires (SNTF).<sup>127</sup>

**4. Le Canada**

Du 15 au 20 juin 1997, une délégation d'hommes d'affaires canadiens ont participé à un 'salon des technologies et du savoir-faire' tenu à Annaba. Ce premier salon devait être suivi en septembre de la même année d'un deuxième à Oran. Lors du salon de Annaba 57 protocoles d'entente ont été signés. Guy Charbonneau, président de la Société de commerce international de Montréal (SCIM) a déclaré à la presse:

Nous ne pouvons financièrement chiffrer avec précision le montant des protocoles d'entente signés avec nos homologues algériens. En tout cas, pour nous, Canadiens, ici présent à Annaba, les 60 millions de dollars US du programme d'aide au développement des pays du Maghreb prévu par notre gouvernement ne sont rien par rapport aux engagements de plusieurs centaines de millions que nous comptons investir dans différentes branches d'activité, surtout agroalimentaire en Algérie.<sup>128</sup>

Marc Gosselin, vice-président de la SCIM était tellement enthousiaste qu'il 'demandera, avec insistance et sur un ton très sérieux au premier responsable de la wilaya [d'Annaba]: "Comment faire pour avoir la nationalité algérienne".<sup>129</sup> Un autre membre de la délégation canadienne fera son *mea culpa* en affirmant: 'Nous sommes vraiment dérangés et désolés d'avoir cru un moment que tout ce qui était véhiculé et diffusé par les médias était vrai.'<sup>130</sup> 'Emerveillés par la beauté de l'Algérie et énormément satisfaits des résultats enregistrés à l'issue du salon, les Canadiens ont tenu à souligner que sur le plan sécuritaire: "Dans les rues de New York, il y a beaucoup plus de risque que dans les coins les plus reculés d'Algérie. L'Algérie est un havre de paix".<sup>131</sup>

**5. La Corée du Sud**

Le groupe industriel sud-coréen Daewoo est présent en force en Algérie et dans des domaines très variés. En avril 1997 déjà, le Premier ministre Ahmed Ouyahia avait indiqué lors d'une conférence de presse que ce groupe, 'déjà propriétaire de l'hôtel Hilton d'Alger, avait postulé pour l'acquisition de deux groupes industriels algériens, le Complexe de véhicules industriels de Rouiba et l'usine de fabrication de produits électroniques de Sidi Bêlabès.<sup>132</sup> A la fin du mois d'août 1997, période marquée en Algérie par les massacres à grande échelle, Daewoo a annoncé un programme d'investissements de 2 milliards de dollars en Algérie.<sup>133</sup> Charlotte Blum a commenté en octobre 1997 dans *Courrier International* l'implantation de Daewoo en Algérie:

Daewoo, qui commercialise des voitures en Algérie depuis quelques années, a annoncé les investissements les plus spectaculaires. Étalés sur cinq ans et concernant des secteurs aussi divers que l'assemblage automobile, les téléviseurs et l'hôtellerie, ils ont donné un coup de fouet au gouvernement algérien. [...] Et le traitement du gaz naturel est inscrit au menu de Daewoo. Dans le domaine de l'électricité, Daewoo étudie un partenariat avec Sonelgaz la compagnie publique d'électricité.<sup>134</sup>

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**6. L'Espagne**

Lors de sa visite en Espagne en février 1998, Ahmed Attaf n'a pas manqué de rencontrer les géants de l'industrie espagnole. Miguel Vellar Mir, patron de Fertiberia, celui du groupe pétrolier Cepsa et les présidents de Gas Natural et Repsol, des géants des hydrocarbures qui travaillaient déjà dans le Sahara algérien. Le gazoduc Maghreb-Europe (GME), reliant depuis la fin de 1996 les deux rives de la Méditerranée avait renforcé les liens économiques entre l'Algérie et l'Espagne. Fertiberia, premier groupe espagnol de fertilisants a promis d'investir dès 1998 un demi milliard de dollars, soit plus de la moitié des investissements étrangers attendus en Algérie en 1998.

Quelques semaines plus tard, le 18 mars, le ministre algérien des Mines et de l'énergie, Youssef Yousfi, s'est rendu à Madrid, accompagné entre autres du Pdg de Sonatrach. Il a lancé un appel aux investisseurs espagnols pour qu'ils s'intéressent à l'«immense chantier de développement économique et social [algérien]» et pour qu'ils participent en force à un grand nombre de projets stratégiques dans les secteurs des mines, de l'énergie, de la pétrochimie, de la construction et de l'agriculture. «Nous avons maintenant la certitude que la crise politique est terminée. Nous amorçons la relance de notre économie dans un contexte national stabilisé et nous entrons dans une nouvelle phase,<sup>135</sup> a-t-il déclaré.

**7. Les Etats-Unis**

Dès l'instauration du régime de Zeroual, le pouvoir algérien a mené deux actions en direction des Etats-Unis<sup>1</sup> afin de les avoir comme allié, la première d'ordre politique par un lobbying intensif auprès des groupes d'influence sur la politique américaine, notamment les lobbies sionistes auxquels la diplomatie algérienne a promis l'enclenchement du processus de normalisation avec l'Etat hebreux, la participation de l'Algérie à Charm ech-Cheikh s'inscrivant dans cette logique. La deuxième action est d'ordre économique. Elle a consisté à ouvrir la porte aux firmes américaines, des hydrocarbures notamment, afin d'exploiter les champs de pétrole et de gaz algériens à des conditions qui leur sont plus que favorables.

Les actions du pouvoir algérien ont vite porté leurs fruits puisqu'il y a eu revirement spectaculaire de la politique algérienne des Etats-Unis qui ont affiché un fort soutien au général Zeroual.

Ainsi, les compagnies américaines ont été encouragées à aller en Algérie. Pour les stimuler, la banque américaine de garantie des exportations et importations (Ex-Im Bank) a accordé en 1997 à l'Algérie un prêt de 150 millions de dollars pour l'exploitation d'hydrocarbures.<sup>136</sup> En juin 1998, à la veille d'une transaction de 56 millions de dollars portant sur des équipements et des services qui seraient fournis à Sonatrach par des firmes américaines, James A. Harmon, président de l'Ex-Im Bank a déclaré lors de la cérémonie de signature du contrat: «This transaction continues a very successful, long-standing relationship between Ex-Im Bank and Sonatrach that benefits both U.S. exporters and Algerian economic development»<sup>137</sup>, alors que le PDG de Sonatrach, Abdelmadjid Attar, a exprimé sa reconnaissance à l'Ex-Im Bank pour sa «continued confidence in assisting in the development of Algeria's hydrocarbon resources».<sup>138</sup>

Afin de faciliter les transactions financières dans les domaines pétrolier et gazier avec l'Algérie, la banque américaine Citibank, présente en Algérie<sup>2</sup> depuis 1992, a élargi la palette de ses services sur place. Un responsable de cette banque, soucieux de la sécurité des em-

<sup>1</sup> Les Etats-Unis avaient au début de la crise algérienne une attitude en faveur d'une issue politique au conflit algérien, selon le modèle Sant'Egidio.

<sup>2</sup> Citibank has run a representative office from a hotel in Algiers, headed by an Algerian, since 1992.

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plyés expatriés à envoyer en Algérie, a déclaré cependant à la fin de l'année 1997 que: 'This is a difficult time. Expanding in Algeria will have to be done cautiously.'<sup>139</sup>

Les compagnies américaines n'ont pas réfléchi deux fois pour pénétrer le marché algérien, et un nombre considérable d'entre elles (voir section 2.3) ont pris en Algérie des positions stratégiques dans le domaine de l'énergie et les industries périphériques.

Ainsi, pour ce qui concerne la firme Anadarko, par exemple, qui a commencé ses activités en Algérie en 1989 déjà,

[its] largest international venture is in Sahara Desert of Algeria where the Company has been responsible for some of the largest discoveries made around the world in recent years. [...] Since [1989], Anadarko has drilled 40 successful wells and discovered more than 2 billion barrels (gross) of crude oil and condensate. Algeria now accounts for about 26 percent of Anadarko's total proved reserves. [...] Since 1998, the Company and its partners Sonatrach (the national oil and gas enterprise of Algeria), Lasmo Oil (algeria) Limited and Maersk Olie Algeriet AS, recorded the highest level of drilling activity since operations began in 1989.<sup>140</sup>

En janvier 1998, période marquée par la recrudescence des massacres, la compagnie américaine Oryx a signé avec la Sonatrach, le 14 janvier, un contrat de recherche et d'exploitation de 28,8 millions de dollars. 'Ce contrat comprend des travaux d'exploration et de forages sur 7570 km<sup>2</sup> dans le Sahara, dans la région de Timmisit, en bordure du bassin de Berkine. Il comprend également la formation de personnel.'<sup>141</sup>

Mais les affaires en Algérie ne sont pas florissantes dans le domaine de l'énergie uniquement. Vers la fin de 1997 Nana Darko de la compagnie Aviation Systems International, qui négociait une joint-venture avec Air Algérie, a déclaré que: 'Les choses bougent en Algérie. Dans deux ans, le pays aura beaucoup changé.'<sup>142</sup> La firme Boeing décrochera quelques mois plus tard un contrat de livraison à l'Algérie entre 2000 et 2002 d'une dizaine d'appareils de ligne<sup>143</sup>. Pfizer, de son côté, organisera même à Alger en juin de 1999, année où cette firme célèbre son 150<sup>ème</sup> anniversaire, un séminaire dans un grand hôtel d'Alger pour faire la promotion du Viagra dans un pays chaud de tous les points de vue.

### **8. La France**

Même dans les périodes où les relations politiques entre Alger et Paris passaient par les pires difficultés, et où il y a eu durcissement de la politique des visas pour les Algériens et suspension des vols Air France pour l'Algérie, l'Algérie n'a pas cessé un instant d'être le marché africain de la France par excellence. C'est sans doute pour cela que le ministre algérien de l'Intérieur, Abedelmalek Sellal, a perdu son calme devant son homologue français, Jean-Pierre Chevènement, en visite à Alger en juin 1999: 'Dites-nous pourquoi les bateaux français viennent en Algérie et pas les avions ?'<sup>144</sup>

La Compagnie française d'assurance pour le commerce extérieur (COFACE) est un opérateur déterminant dans les échanges commerciaux entre la France et l'Algérie. En fait, si ces échanges ont été relativement pénalisés dans les premières années du conflit algérien, c'est à cause du niveau élevé des primes d'assurances exigées par la COFACE qui classait l'Algérie dans la catégorie des pays à risque maximum. Mais dans son rapport du début de l'année 1998 sur les 'risques pays', la COFACE a estimé que l'Algérie présentait à court terme un 'risque faible pour les investisseurs étrangers', en se félicitant que 'le programme d'ajustement structurel a permis de rééquilibrer les finances publiques [algériennes]'.<sup>145</sup> Cette déclaration a été faite peu de temps après les terribles massacres de Relizane: entre le 30 décembre 1997 et le 5 janvier 1998, 650 à 850 victimes sont tombées dans cette région.

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Cependant, le CNPF n'était pas content de cette appréciation de la COFACE et il se battait pour la faire changer.<sup>146</sup> D'ailleurs son président François Périgot n'était pas le seul à vouloir lever cette restriction. Le pouvoir algérien était aussi engagé dans cette bataille et réclamait que le cas de l'Algérie, où il ne restait selon lui qu'un 'terrorisme résiduel', soit réévalué par la COFACE. Le ministre algérien de l'Industrie et de la Restructuration, Abdelmadjid Menasra, a déclaré le 28 mars à la délégation du CNPF que la COFACE devrait 'réviser ses règles dans le sens d'une redynamisation de la coopération', car, selon le ministre, le marché algérien recelait 'de réelles opportunités que les entreprises françaises doivent exploiter'.<sup>147</sup> La requête du président du CNPF et des autorités algériennes, rejetée par le ministère français des Finances, bénéficie cependant du soutien du ministère des Affaires étrangères sous Hubert Védrine.<sup>148</sup>

A la fin du mois de mars 1998, il y a eu la visite à Alger d'une forte délégation de patrons français. Cette visite devait être suivie par une visite en mai, puis par des journées d'études sur l'Algérie, à Paris, réunissant des représentants des milieux économiques français et algériens. La délégation d'hommes d'affaires français qui a séjourné à Alger du 27 au 30 mars 1998 était conduite par le président du CNPF-International, et comprenait treize patrons de grandes entreprises dont les trois grandes banques: le Crédit Lyonnais, la Société Générale et la BNP, ainsi que les principaux groupes industriels français: Bouygues, Bull, CEG-Alsthom, la Générale des Eaux, et les Laboratoires Fabre.<sup>149</sup> A la fin de sa visite, le chef de la délégation n'a pas manqué de dresser un portrait optimiste de la situation économique algérienne, saluant en particulier les efforts considérables de restructuration 'en profondeur' de l'économie algérienne. Il a même jugé que l'Algérie répondait 'à tous les critères' pour l'investissement international.<sup>150</sup>

### ***9. L'Italie***

Malgré les hauts et les bas dans les relations politiques algéro-italiennes depuis 1992 (voir papier sur l'Union européenne), la présence en Algérie des firmes italiennes des hydrocarbures et de la pétrochimie n'a jamais cessé. Le gazoduc Transmed reliant l'Algérie à l'Italie depuis 1980 était le garant de la constance de la coopération dans le domaine de l'énergie. Ainsi, la firme AGIP, du groupe ENI, qui a confirmé dès le début de l'année 1997 la découverte de nouveaux gisements de pétrole à Hassi Berkine, a annoncé qu'elle projette d'accroître sa présence en Algérie.<sup>151</sup> Le 27 mai de la même année, AGIP a signé à Alger avec la Sonatrach 'un contrat de recherche et d'exploration de gisements de gaz humide d'un montant de 31,7 millions de dollars, pour le forage de cinq puits dans le périmètre d'In-Amedjane, au sud-est d'Hassi-Messaoud'.<sup>152</sup>

### ***10. Le Royaume-Uni***

'Nous investissons en Algérie parce que c'est le seul pays du Maghreb où l'on fabrique des chariots élévateurs',<sup>153</sup> a expliqué en automne 1997 un responsable du groupe industriel britannique Boss. Par ailleurs, un responsable de SmithKline Beecham, une firme de produits radiopharmaceutiques qui désire investir dans la production de pénicilline en Algérie au sein d'un consortium qui regroupe aussi les firmes Sanofi (France), Biochemie (Autriche) et l'investisseur algérien Mostapha Aït Adjedjou, a indiqué qu'il n'est pas exclu que nous l'agrandissions par la suite, cela dépendra de la situation qui régnera dans le pays.<sup>154</sup>

La présence la plus importante de firmes britannique reste cependant celle de British Petroleum (BP) dans le domaine gazier surtout. Cette firme qui aspire à devenir le principal fournisseur du gaz algérien en Europe a réussi à avoir des concessions au Sahara d'une surface supérieure à celle de l'Angleterre. Lors des trois premières années de la guerre, BP avait quelques hésitations à investir en Algérie. Elle suivait de près l'évolution de la situation poli-

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tique et en était bien informée. Un représentant de BP a assisté à un séminaire tenu à Londres le 15 juin 1994 par le Royal Institute of International Affairs à Chatham House sur l'Algérie et a suivi avec beaucoup d'intérêt les interventions de personnalités de l'opposition algérienne et participé au débat. Mais dès que le régime de Zeroual s'est consolidé et a eu en particulier le soutien des Etats-Unis, BP a décidé de 'mettre le paquet en Algérie' aux côtés de ses consoeurs américaines. Ainsi on a appris que:

BP is to develop in Ain Amenas a major gas field following its signing of a \$3.5 billion partnership agreement in December 1995. The agreement, which BP expects to last for 20 to 30 years, entails BP bearing 65% of the costs in return for a third of the profits.<sup>155</sup>

### **11. La Suisse**

Bien qu'un certain nombre de compagnies suisses (les grandes surtout) travaillaient en Algérie, la présence économique suisse est devenue faible en Algérie à la suite du conflit. Ceci était en conformité avec l'absence de la Suisse au plan diplomatique, puisque très tôt elle a fermé son ambassade à Alger. Mais il y avait tout le temps du lobbying de la part du pouvoir algérien, et de plusieurs industriels suisses, pour rétablir les relations économiques à leur niveau excellent d'avant-guerre. Ces campagnes de lobbying ont abouti en avril 1997 à l'organisation d'un forum économique algéro-suisse tenu au prestigieux Hôtel Beau-Rivage de Lausanne les 10 et 11 avril 1997. L'Office pour la promotion de l'industrie genevoise et la firme suisse Asea-Brown Boveri (ABB), présente sur le sol algérien, ont joué un rôle clé dans la tenue de ce forum.<sup>156</sup>

ABB travaillait en Algérie dans le domaine de production d'électricité<sup>157</sup> et était présente à travers la firme SARPI, société mixte entre la Sonatrach et ABB-Italie, spécialisée dans la réparation des pipelines. 'Active dans la production de centrales thermiques (gaz, pétrole), [elle] ne s'émeut pas de travailler dans un pays où la classe au pouvoir est ostensiblement corrompue et où l'exécutif, issu d'un coup d'Etat, a verrouillé le système constitutionnel: "Nous sommes là pour faire des affaires, pas de l'analyse politique. D'autant plus que la situation est complexe", note Albino Sala, un des responsables pour l'Afrique du Nord.<sup>158</sup>

François Brulhart, de l'Office pour la promotion de l'industrie genevoise avait fait un voyage en Algérie pour préparer le forum. Il est revenu avec 'un sentiment de sécurité, la confirmation des énormes potentialités et richesses du pays, l'impression que la classe gouvernementale est beaucoup moins corrompue et la certitude que les entreprises genevoises devraient profiter de ce marché. Les autres, Allemands, Italiens, Espagnols, Américains ou Canadiens, y sont déjà eux.<sup>159</sup>

Ont assisté à ce forum côté algérien, le gouverneur de la Banque centrale et le Pdg de Sonatrach, et du côté suisse, Franz Blankart de l'Office fédéral des Affaires économiques extérieures. Olivier Bovet, du même Office a déclaré que: 'Sur le plan strictement économique, l'Algérie est un pays intéressant, qui s'ouvre à la libre entreprise. Nous ne souhaitons pas pousser les entreprises suisses à s'y installer, mais faciliter l'implantation de celles qui le souhaitent.<sup>160</sup>

Pour Benno Laggner, chargé du Maghreb au Département fédéral des Affaires étrangères, le forum n'avait rien de surprenant. 'Après tout, nos relations avec l'Algérie sont aussi normale que possible. On espère quand même qu'elles [les entreprises suisses désireuses de travailler en Algérie] ne vont pas entrer dans le jeu, beaucoup trop dangereux, des pots-de-vin,<sup>161</sup> a-t-il déclaré.

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A la question de savoir le sentiment que l'on puisse avoir en faisant des affaires avec un régime comme celui d'Alger, le Secrétaire d'Etat Franz Blankart a répondu: 'Je me demande si vous n'êtes pas à côté de la plaque, avec votre question.'<sup>162</sup>

Dans un article intitulé 'La Suisse tend la main au régime militaire algérien', le journaliste Antoine Menuisier du *Nouveau Quotidien*, a rapporté la position officielle, jusque là non déclarée de la Suisse, exprimée en des termes crus par un fonctionnaire fédéral: 'La Suisse semble avoir fait le choix de satisfaire les attentes du pouvoir algérien. Plus l'Occident investira d'argent sur le sol algérien, dit-on à Berne, moins le peuple sera tenté par la prise des armes contre le régime militaire.'<sup>163</sup>

Un économiste sympathisant du FFS, employé d'une organisation internationale a expliqué dans une interview l'attitude des firmes et des responsables de l'économie suisse: 'Un homme d'affaires est un homme d'affaires, il voit un pays comme un marché. Mais il est clair que la morale interdirait d'investir dans les conditions actuelles. Le produit de première nécessité, loin devant tous les autres, pour les Algériens, c'est la paix. Or, les entreprises étrangères pourraient agir en ce sens, si elle demandaient aux autorités de créer un climat préalable de sécurité et de confiance.'<sup>164</sup>

Le forum économique de Lausanne aura eu une implication concrète: la création plusieurs semaines plus tard d'une Chambre de commerce algéro-suisse, dont les statuts devront être approuvés par les autorités compétentes des deux pays.<sup>165</sup>

Le critique la plus incisive de ce forum est venue du journaliste Denis Etienne de *L'Hebdo*. Son article, 'Algérie: la guerre n'empêche pas les affaires', avait comme sous titre: 'Suisse en lice: Une nouvelle vague de massacres coïncide avec l'ouverture d'un forum économique algéro-suisse. Mais les affaires sont les affaires'. Le journaliste suisse a écrit:

Normalement, ce serait une tache noire dans le tableau. Très tache, très noire. Depuis une semaine, des informations sur des massacres atroces paraissent à nouveau dans des journaux algériens. Par dizaines, des villageois, femmes et enfants inclus, sont assassinés de la pire des manières. A en croire le journal *Liberté*, la mutilation à la tronçonneuse se substitue même parfois à l'égorgement à l'arme blanche, comme si les Groupes islamiques armés (GIA) voulaient prouver leur capacité à progresser indéfiniment dans l'horreur. Ce jeudi, à mille lieues de là, à l'Hôtel Beau-Rivage de Lausanne, s'ouvre un 'forum économique algéro-suisse'. Représentants des deux pays et hommes d'affaires y parleront business. Sans états d'âme.<sup>166</sup>

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## Appendix 2. Pouvoirs privés et limitations des droits de l'homme

*Extraits des conclusions et recommandations réunion d'experts internationaux tenue à Alger les 5-8 décembre 1982 sur le thème du 'rôle des pouvoirs privés et non étatiques comme facteurs de limitation des droits de l'homme.'*

Au terme de leurs travaux, les experts ont unanimement dégagé les conclusions et fait les suggestions et recommandations suivantes:

A. Ils ont considéré que les pouvoirs privés, notamment certaines sociétés transnationales, pouvaient se présenter comme des facteurs de limitation des droits de l'homme et des peuples, tant dans leurs dimensions nationale qu'internationale

Parmi les violations les plus caractéristiques, ils ont retenu:

Celles qui relèvent des atteintes aux droits des peuples tels qu'ils sont reconnus par les instruments internationaux des Nations unies et les normes régionales comme la Charte africaine des droits de l'homme et des peuples adoptée à Nairobi en juin 1981:

- le droit des peuples à disposer d'eux-mêmes, ainsi que leur droit à l'autodétermination ;
- le droits des peuples à disposer librement de leurs richesses et de leurs ressources naturelles ;
- le droit au développement, condition sine qua non de la promotion des droits de l'homme ;
- le droit à la paix et à la sécurité qui est particulièrement mis en cause par les actions des Etat qui prônent une idéologie raciste tels que l'Afrique du Sud ;
- le droit à la communication, tant sur le plan national qu'international ;
- le droit à un environnement sain et équilibré constamment menacé par le transfert de pollution des pays développés vers les pays en développement ;
- le droit à l'identité culturelle mis en cause par le processus d'uniformisation d'un modèle culturel y compris ceux des minorités et des populations autochtones.

Celles qui relèvent des droits économiques et sociaux:

- le droit au travail ainsi que la jouissance de conditions de travail justes y compris au plan salarial ;
- la libre jouissance des libertés syndicales souvent entravées par la création de syndicats-maison ou de syndicats ne prenant pas en charge les intérêts exclusifs des travailleurs ;
- le droit à la santé souvent affecté par les conditions de travail extrêmement difficiles pratiquées par certaines sociétés transnationales.

Celles qui relèvent des droits civils et politiques:

- le respect de la vie privée auquel il peut être porté atteinte par un abus des moyens informatiques de contrôle sur le flus transfrontière des données individuelles ;
- le droit d'association et d'expression mis en cause par l'action de certaines sociétés transnationales ;
- le droit de participer aux affaires publiques de son pays dont le jeu libre et démocratique est parfois faussé par des actions subversives et pernicieuses de sociétés transnationales et notamment par le financement occulte de campagnes électorales.

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Les experts ont toutefois convenu que la liste des atteintes aux droits énumérés ci-dessus est loin d'être exhaustive et que d'autres droits peuvent être mis en cause par le comportement de certaines sociétés transnationales.

B. Afin de lutter contre les effets limitatifs des pouvoirs privés sur les droits de l'homme, les experts ont mis l'accent entre autres sur les suggestions et recommandations suivantes:

Mesure sur le plan interne:

Initiatives législatives en vue de contrôler efficacement des sociétés transnationales sur le territoire national et notamment:

- par leur soumission sans restriction à la loi et à la juridiction locales ;
- par l'obligation de réinvestir une partie substantielle des bénéfices dans l'économie du pays hôte ;
- par la suppression de l'anonymat des actions ;
- par l'exigence d'une garantie étatique ou bancaire ;
- par la prise en considération du respect des principes des droits de l'homme dans l'élaboration des codes d'investissements.

Mesure sur le plan international:

- élaboration d'un code d'investissements modèle à l'image de celui du Pacte Andin qui s'imposerait à tous les Etats d'une même région ou au niveau universel ;
- élaboration de codes déontologiques modèles ou de contrats types assortis de clauses destinées à la protection des droits de l'homme ;
- adoption du Code de conduite des Nations unies sur les sociétés transnationales par une convention multilatérale obligatoire et l'établissement d'un organe indépendant pour son application ;
- création d'un groupe informel d'experts, gouvernemental ou non, chargé de répertorier et de dénoncer les violations des droits de l'homme les plus flagrantes perpétrées par les sociétés transnationales.

(source: Multinationales et droits de l'homme, Raphael Draï, Cao-Huy Thuan, Tran-Van Minh, Jean-Paul Bernard et Jean-Marc Fontaine, pp. 219-220, Presses universitaires de France, Paris 1984)

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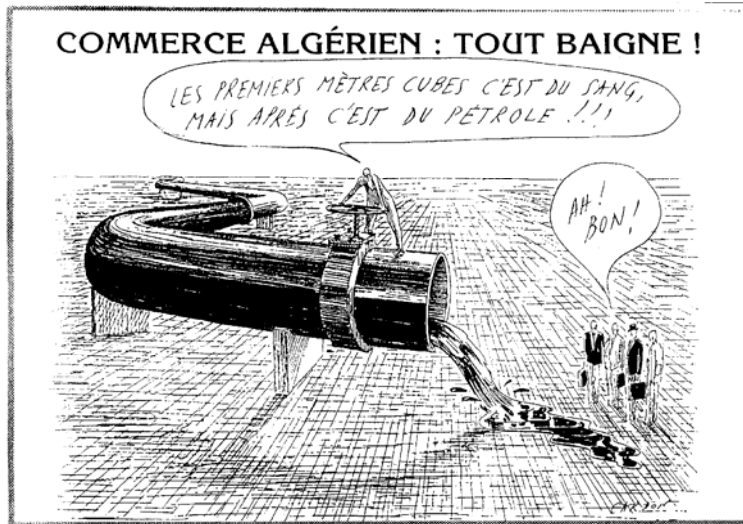
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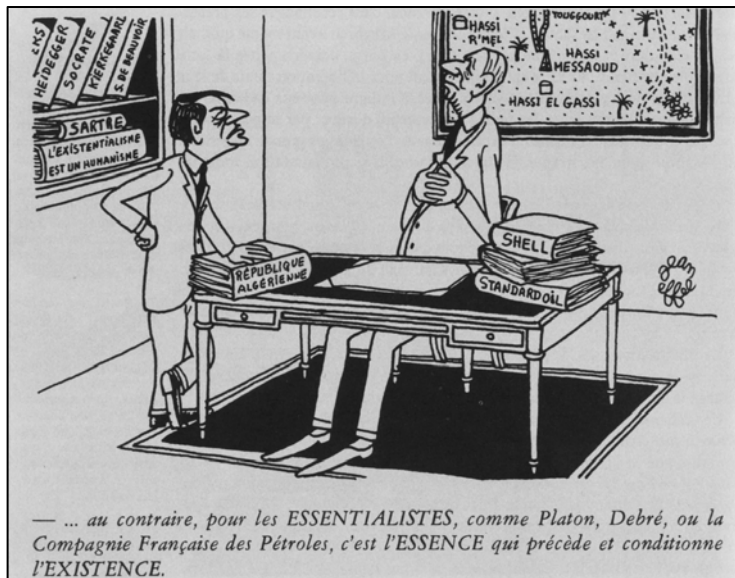
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Algeria after independence (1997)



Main caption: Algerian Trade: Everything bathes! \*  
Caption: The first cubic metres are blood, then comes oil!!!  
*Le Canard Enchaîné*, No. 4015, 8 October 1997

Algeria before independence (1960)



— ... au contraire, pour les ESSENTIALISTES, comme Platon, Debré, ou la Compagnie Française des Pétroles, c'est l'ESSENCE qui précède et conditionne l'EXISTENCE.  
Caption : For the ESSENTIALISTS such as Plato, Debré or the French Oil Company it is the ESSENCE which precedes and conditions EXISTENCE.  
Henri Alleg, *La Guerre d'Algérie*, Temps Actuels, Paris 1981

(\*) In French, 'tout baigne' suggests bathing both in blood and in oil; 'baigner dans l'huile' ('huile' stands for oil) means everything is hunky-dory.

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## NOTES

- <sup>1</sup> Interview by José Garçon, *Libération*, 7 May 1997.
- <sup>2</sup> *Le Soir de Belgique*, 21 January 1997.
- <sup>3</sup> *Le Soir de Belgique*, 20 January 1997.
- <sup>4</sup> Jørgen Wouters, 'Why the West Turns a Blind Eye to Algeria', *ABC News*, 25 September 1997.
- <sup>5</sup> Ibid.
- <sup>6</sup> Jørgen Wouters, 'Why the West Turns a Blind Eye to Algeria', *ABC News*, 25 September 1997.
- <sup>7</sup> 'Amnesty International To Target Multinational Oil Companies', *Reuters*, 14 May 1998.
- <sup>8</sup> Jørgen Wouters, 'Why the West Turns a Blind Eye to Algeria', *ABC News*, 25 September 1997.
- <sup>9</sup> *The Daily Telegraph*, 18 December 1997.
- <sup>10</sup> Véronique Maur, 'Algérie, le business continue', *Le Monde*, 4 October 1995.
- <sup>11</sup> Roula Khalaf, 'International bonds: Opportunities in Algeria for cynical traders', *Financial Times*, 22 December 1997.
- <sup>12</sup> Ibid.
- <sup>13</sup> Charlotte Blum, *Courrier International*, No. 361, 2-8 October 1997.
- <sup>14</sup> Denis Etienne, *L'Hebdo* (Switzerland), 10 April 1997.
- <sup>15</sup> Ibid.
- <sup>16</sup> *Le Nouveau Quotidien* (Switzerland), 10 April 1997.
- <sup>17</sup> Denis Etienne, *L'Hebdo* (Switzerland), 10 April 1997.
- <sup>18</sup> Sara el-Gammal, *Reuters*, 12 January 1998.
- <sup>19</sup> Ibid.
- <sup>20</sup> *El Watan*, 20-21 June 1997.
- <sup>21</sup> Sara el-Gammal, *Reuters*, 12 January 1998.
- <sup>22</sup> Ibid.
- <sup>23</sup> Paul Taylor, *Reuters*, 27 January 1998.
- <sup>24</sup> Ammar Benhadid, Interviews of transnational firms operating in Algeria, June-July 1999, to be published (in French).
- <sup>25</sup> Ammar Benhadid, op. cit.
- <sup>26</sup> Ammar Benhadid, op. cit.
- <sup>27</sup> Ammar Benhadid, op. cit.
- <sup>28</sup> Amnesty International, Fédération Internationale des Ligues des Droits de l'Homme, Human Rights Watch, and Reporters Sans Frontière, Algérie: *Le Livre Noir*, La Découverte, Paris 1997; Comité Algérien pour la Dignité Humaine et les Droits de l'Homme, *Le Livre Blanc sur la répression en Algérie*, vols 1, 2 & Supplément, Editions Hoggar, Genève 1995, 1996; Moussa Ait-Embarek, *L'Algérie en Murmure, Un cahier sur la Torture*, Hoggar, 1996.

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<sup>29</sup> See report of Mouvement Algérien des Officiers Libes, 'Affaires des généraux', Web site: [www.anp.org](http://www.anp.org), July 1999.

<sup>30</sup> Pierre Sané, Secretary General, Amnesty International, interview by José Garçon, *Libération*, 7 May 1997.

<sup>31</sup> Sara el-Gammal, *Reuters*, 12 January 1998.

<sup>32</sup> *Algérie Presse Service*, 1 April 1998.

<sup>33</sup> Mouvement Algérien des Officiers Libes, 'Affaires des généraux', Web site: [www.anp.org](http://www.anp.org), July 1999.

<sup>34</sup> Didier François, 'L'oasis-forteresse de l'or noir', *Libération*, 5 June 1997.

<sup>35</sup> Jean-Pierre Tuquoi, 'Soixante militaires pour protéger une vingtaine d'ingénieurs étrangers', *Le Monde*, 7 May 1998.

<sup>36</sup> Didier François, 'L'oasis-forteresse de l'or noir', *Libération*, 5 June 1997.

<sup>37</sup> Ibid.

<sup>38</sup> Dominique Lagarde, 'Les contrats US en Algérie', *L'Express*, 20 November 1997.

<sup>39</sup> J.-P. Tuquoi, *Le Monde*, 7 May 1998.

<sup>40</sup> Didier François, 'L'oasis-forteresse de l'or noir', *Libération*, 5 June 1997.

<sup>41</sup> *Maghreb Confidentiel*, No. 362, 5 March 1998; *Algérie Confidentiel*, No. 121, 30 June 1998.

<sup>42</sup> Sara el-Gammal, *Reuters*, 12 January 1998.

<sup>43</sup> Internet sites of MBendi Information Services, British Trade International, ANP, ExImBank and World Algerian Action Coalition; *The Guardian*, 24 September 1997; *Courrier International*, No. 361, 2-8 October 1997; *Reuters*, 12 January 1998; *L'Express*, 20 November 1997; *El Watan*, 27-28 February 1998; *Le Monde*, 30 December 1997; *Arabies*, September 1997; *Financial Times*, 17 December 1997; *Tribune de Genève*, 25 June 1997; *Maghreb Confidentiel*, No. 422, 17 June 1999; *Le Monde* 7 May 1998.

<sup>44</sup> *Le Monde*, 4 October 1995.

<sup>45</sup> Ibid.

<sup>46</sup> Anadarko's web site.

<sup>47</sup> Sara el-Gammal, *Reuters*, 12 January 1998.

<sup>48</sup> Ibid.

<sup>49</sup> *Arabies*, September 1997, p.20.

<sup>50</sup> *L'Express* du 20 November 1997.

<sup>51</sup> *The Observer*, 20 October 1996.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Web site:[www.moles.org/ProjectUnderground/mil/colombia.html](http://www.moles.org/ProjectUnderground/mil/colombia.html).

<sup>56</sup> Ibid.

<sup>57</sup> *Drillbits & Tailings*, 21 July 1998.

<sup>58</sup> Ibid.

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<sup>59</sup> *The Observer*, 20 October 1996.

<sup>60</sup> Web site: [www.moles.org/ProjectUnderground/mil/colombia.html](http://www.moles.org/ProjectUnderground/mil/colombia.html).

<sup>61</sup> *Drillbits & Tailings*, 21 December 1997.

<sup>62</sup> Web site: [www.moles.org/ProjectUnderground/mil/colombia.html](http://www.moles.org/ProjectUnderground/mil/colombia.html).

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> *The Observer*, 11 February 1996.

<sup>68</sup> Andrew Rowell and Stephen Kretzmann, Initial Research by Lowenstein Nigeria Project, Yale Law School, Web site: [www.moles.org/ProjectUnderground/motherlode/shell/timeline.html](http://www.moles.org/ProjectUnderground/motherlode/shell/timeline.html).

<sup>69</sup> See references in section 4.2.2.

<sup>70</sup> See references in section 4.2.1.

<sup>71</sup> *Drillbits & Tailings*, 7 September 1998; The Final Call, 12 January 1999; Web site: [www.moles.org/ProjectUnderground/mil/ijmil.html](http://www.moles.org/ProjectUnderground/mil/ijmil.html).

<sup>72</sup> Web site: [www.moles.org/ProjectUnderground/mil/bolivia.html](http://www.moles.org/ProjectUnderground/mil/bolivia.html).

<sup>73</sup> *Drillbits & Tailings*, 7 October 1997.

<sup>74</sup> *Drillbits & Tailings*, 21 May 1997.

<sup>75</sup> *Drillbits & Tailings*, 21 November 1998.

<sup>76</sup> Web site: [www.moles.org/ProjectUnderground/mil/congo.html](http://www.moles.org/ProjectUnderground/mil/congo.html).

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> N. Chomsky and E. Herman, *The Washington Connection and Third World Fascism, The Political Economy of Human Rights*, Vol.1, Black Rose Books, Montreal 1979; French translation: *Economie politique des droits de l'homme*, Albin Michel, Paris 1981; J-P Bernard et J-M. Fontaine, *Modèles Répressifs de Développement: Firmes multinationales et violence étatique dans le Tiers-Monde*, in Raphaël Draï et al., *Multinationales et droits de l'homme*, Presses Universitaires de France, Paris 1984, p. 154.

<sup>82</sup> In Raphaël Draï et al., op. cit., p. 154.

<sup>83</sup> *The Guardian*, 'Oiling the wheels', 24 September 1997.

<sup>84</sup> Paper reproduced in *Courrier International*, no. 377, 22-28 January 1998.

<sup>85</sup> Web site: [www.sipri.se](http://www.sipri.se)

<sup>86</sup> M. Ait-Larbi et al., *An Anatomy of the Massacres*, paper No 2, in part I of this book.

<sup>87</sup> *Le Canard Enchaîné*, 5 April 1995; 'Algeria Buys Arms from South Africa', *PANA*, 12 October 1997; 'The blowtorch Election that Shames Britain', *The Observer*, 25 May 1997; 'Britain Pays to Equip Alge-

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ria for 'Dirty War', *The Sunday Telegraph*, 9 November 1997; 'Nightmares of Torture Haunt Exiles Witness', *The Independent*, 1 November 1997; *Arms Sales Monitor*, No 30, 20 July 1995.

<sup>88</sup> Police Torture Exports Licenced by Commerce Department 1991-1993, *Arms Sales Monitor*, No 30, 20 July 1995.

Recipient	No / value of licences for commodity CMTDY, OA82C	No/value of licences for commodity CMTDY, OA84C
Algeria	1 / \$ 35	2 / \$ 370

There were 350 export licences of torture equipment worldwide worth \$ 27 millions for the period between September 1991 and December 1993. According to US administration regulations broad ranging categories include :

OA82C : saps, thumb cuffs, thumb screws, leg irons, shackles and handcuffs specially designed implements of torture; straightjackets, plastic handcuffs, police helmets and shields, and parts and accessories.

OA84C : combines electric-shock batons and cattle prods with shotguns and shells.

<sup>89</sup> *Le Canard Enchaîné*, 5 April 1995.

<sup>90</sup> H. Zehouane, *Contredit au Rapport du Panel de l'ONU*, paper No 23, in part IV of this book.

<sup>91</sup> J-P. Mari, 'Ces Algériens qui prennent les armes', *Le Nouvel Observateur*, 6-12 February 1995, p. 30.

<sup>92</sup> Web site: [www.moles.org/ProjectUnderground/mil/dsl.html](http://www.moles.org/ProjectUnderground/mil/dsl.html).

<sup>93</sup> *The Observer*, 19 January 1997; Web site: [www.moles.org/ProjectUnderground/mil/exec.html](http://www.moles.org/ProjectUnderground/mil/exec.html).

<sup>94</sup> Véronique Maur, 'Algérie, le business continue', *Le Monde*, 4 October 1995.

<sup>95</sup> Roula Khalaf, *Financial Times*, 20 November 1997.

<sup>96</sup> Reporters sans frontières, *Le Drame algérien. Un peuple en otage*, La Découverte, Paris 1994, p. 114.

<sup>97</sup> *Challenges*, No 135, April 1999. Reproduced by *Le Nouvel Afrique Asie*, No. 117, June 1999 which cites the names of Brahim Hadjas, a Union Bank director, relative of General Betchine, living in Palma de Majorque and whose fortune is estimated presently at between 5 and FF 10 billions; Mustapha Ait Adjedjou, director of LPA (*Laboratoires Pharmaceutiques Algériens*) of which he controls 25% of shares. He lives in Paris and his fortune is estimated at FF 30 billions. LPA has imported pharmaceutical products worth some 400 million dollars. He is in the process of setting up a fishing company and an airline and plans to build an ultramodern clinic in Algiers; Slim Othmani, director of the Nouvelles conserves algériennes, Coca-Cola producer in Algeria, whose assets are estimated at FF 10 billions; Djilali Mehri who owns a number of art galleries in France, represents Pepsi-Cola in Algeria and is in the process of setting up a private airline and whose assets are estimated at several billions of FF. *Le Canard enchaîné* of 14 april 1999 adds to this list the name of Abdelkader Koudjeti, a friend of general Larbi Belkheir, close to Hubert Védrine and Charles Pasqua, a veteran of MALG (the former name of the Algerian security services) who has a number of 'relations' at Thomson CSF and Total and 'who has no equal for praising the Franco-Algerian friendship from his own hotel in the XVI<sup>e</sup> arrondissement of Paris.' See also 'La Mafia politico-financière', in *La poudrière algérienne. Histoire secrète d'une république sous influence*, Pierre Dévoluy et Mireille Duteil, Calmann-Lévy, Paris 1994.

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<sup>98</sup> *Challenges*, No 135, April 1999. Reproduced by *Le Nouvel Afrique Asie*, No. 117, June 1999 which cites the names of Brahim Hadjas, a Union Bank director, relative of General Betchine, living in Palma de Majorque and whose fortune is estimated presently at between 5 and FF 10 billions; Mustapha Ait Adjedjou, director of LPA (Laboratoires pharmaceutiques algériens) of which he controls 25% of shares. He lives in Paris and his fortune is estimated at FF 30 billions. LPA has imported pharmaceutical products worth some 400 million dollars. He is in the process of setting up a fishing company and an airline and plans to build an ultramodern clinic in Algiers; Slim Othmani, director of the Nouvelles conserves algériennes, Coca-Cola producer in Algeria, whose assets are estimated at FF 10 billions; Djilali Mehri who owns a number of art galleries in France, represents Pepsi-Cola in Algeria and is in the process of setting up a private airline and whose assets are estimated at several billions of FF. *Le Canard enchaîné* of 14 april 1999 adds to this list the name of Abdelkader Koudjeti, a friend of general Larbi Belkheir, close to Hubert Védrine and Charles Pasqua, a veteran of MALG (the former name of the Algerian security services) who has a number of 'relations' at Thomson CSF and Total and 'who has no equal for praising the Franco-Algerian friendship from his own hotel in the XVI<sup>e</sup> arrondissement of Paris.'

<sup>99</sup> Abderahim Zerouali, 'Les circuits de l'argent noir', in *Le Drame algérien. Un peuple en otage*, Reporters sans frontières, La Découverte, Paris 1994, p. 114.

<sup>100</sup> Abdelhamid Brahimi, 'The scale of Algeria's Crisis and its long-term effects', The Centre for Maghreb Studies, London, 7 March 1997.

<sup>101</sup> Abderahim Zerouali, 'Les circuits de l'argent noir', *op. cit.*, p. 114.

<sup>102</sup> Abderahim Zerouali, *op. cit.*, p. 115.

<sup>103</sup> Abderahim Zerouali, *op. cit.*, p. 115.

<sup>104</sup> Abderahim Zerouali, *op. cit.*, pp. 115-116.

<sup>105</sup> Mouvement Algérien des Officiers Libres, 'Affaires des généraux', Web site: www.anp.org, July 1999.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Abderahim Zerouali, *op. cit.*, pp. 116-117.

<sup>115</sup> *Algérie Confidential*, No. 72.

<sup>116</sup> 'Amnesty International To Target Multinational Oil Companies', *Reuters*, May 14, 1998.

<sup>117</sup> The American firm Mobil, for example, declares that: 'Everyone who works at Mobil is responsible for protecting the environment and the health and safety of our people, customers and communities world-wide. Our commitment to EHS performance is an integral part of our business, and achieving cost-effective solutions is essential to our long term success.' The British firm BP-Amoco declares for

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its part that: 'Our goals are no accidents, no harm to people, and no damage to the environment.' It ensures that: 'Everywhere we work we try to contribute to the development of civil society – establishing clear ethical standards for ourselves and our contractors, ensuring that the whole of the local communities benefit from our presence, and bringing some positive energy to the development of the community.' The Italian firm Eni also declares that: 'Among the Eni Group's top priorities is protecting the environment and safeguarding health and safety on the job and in the management of its production facilities.' The American firm Anadarko is not an exception to the rule and declares: 'In carrying out its operations throughout the world, Anadarko maintains a strong commitment to protecting the environment as well as the safety of employees and the public.' Australian firm BHP also gets itself in the 'community involvement': 'As a company through the Tesoro Hawaii Foundation and through individual efforts, Tesoro Hawaii contributes to a variety of causes including environmental concerns. It is both our obligation and our pleasure to return something to the communities that have provided a home for our businesses and our families since 1904. We have supported or sponsored the following environmental programs, activities, and services.' As for the French firm Total, it commits itself to give a significant place in its strategy to questions related to the environment and the security of people: 'Protection of the environment, prevention of major risks and security of persons and property are the first daily priorities of a group whose industrial activities interact permanently with its environment.'

<sup>118</sup> 'Amnesty International to Target Multinational Oil Companies', *Reuters*, May 14, 1998.

<sup>119</sup> *Ibid.*

<sup>120</sup> *Agence France Presse*, 7 May 1997.

<sup>121</sup> *Radio Orient*, Paris, July 1997.

<sup>122</sup> *Courrier International*, No. 361, 2-8 October 1997 (reproduced from *Middle East Economic Digest*).

<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*

<sup>126</sup> Mouvement Algérien des Officiers Libres, [www.anp.org](http://www.anp.org).

<sup>127</sup> *Courrier International*, No. 361, 2-8 October 1997, (reproduced from *Middle East Economic Digest*).

<sup>128</sup> *El Watan*, 20-21 June 1997.

<sup>129</sup> *Ibid.*

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.*

<sup>132</sup> *Agence France Presse*, 28 April 1997.

<sup>133</sup> Charlotte Blum, *Courrier International*, No. 361, 2-8 October 1997.

<sup>134</sup> *Ibid.*

<sup>135</sup> *Agence France Presse*, 18 March 1998.

<sup>136</sup> *Agence France Presse*, 13 May 1997.

<sup>137</sup> Ex-Im Bank, Press Release, 19 June 1998.

<sup>138</sup> *Ibid.*

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- <sup>139</sup> Roula Khalaf, *Financial Times*, December 17, 1997.
- <sup>140</sup> Anadarko's Web site.
- <sup>141</sup> *Algérie Presse Service*, 15 January 1998.
- <sup>142</sup> Charlotte Blum, *Courrier International*, No. 361, 2-8 October 1997.
- <sup>143</sup> *Troubles* web site : [www.multimania.com](http://www.multimania.com). See economic chronology, entry of 10 August 1998.
- <sup>144</sup> *El Watan*, 21 June 1999.
- <sup>145</sup> *Algérie Presse Service*, 19 January 1998.
- <sup>146</sup> *Algérie Presse Service*, 1 April 1998.
- <sup>147</sup> *Algérie Presse Service*, 28 March 1998.
- <sup>148</sup> *Le Monde*, 27 March 1998.
- <sup>149</sup> Ibid.
- <sup>150</sup> *Algérie Presse Service*, 1 April 1998.
- <sup>151</sup> *Agence France Presse*, 8 January 1997.
- <sup>152</sup> *Agence France Presse*, 27 and 28 May 1997.
- <sup>153</sup> Charlotte Blum, *Courrier International*, No. 361, 2-8 October 1997.
- <sup>154</sup> Ibid.
- <sup>155</sup> Web site of MBendi Information Services (Pty) Ltd.
- <sup>156</sup> Denis Etienne, *L'Hebdo* (Switzerland), 10 April 1997.
- <sup>157</sup> Charlotte Blum, *Courrier International*, No. 361, 2-8 October 1997.
- <sup>158</sup> Denis Etienne, *L'Hebdo* (Switzerland), 10 April 1997.
- <sup>159</sup> Ibid.
- <sup>160</sup> Ibid.
- <sup>161</sup> Ibid.
- <sup>162</sup> Ibid.
- <sup>163</sup> *Le Nouveau Quotidien* (Switzerland), 10 April 1997.
- <sup>164</sup> Denis Etienne, *L'Hebdo* (Switzerland), 10 April 1997.
- <sup>165</sup> *Tribune de Genève*, 25 June 1997.
- <sup>166</sup> Denis Etienne, *L'Hebdo* (Switzerland), 10 April 1997.

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## **V. Historical Perspective**

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## Introduction

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Although the massacres taking place in Algeria are unique, in the sense that every event is unique, their occurrence, frequency, scale, extent and forms do have precedents and analogues in Algeria's history.

A history of past massacres in Algeria should therefore contribute to an understanding of the current ones. Recounting past massacres, about which we know more, allows inferences to be made about the present ones, about which we know less.

Algeria's collective memory has retained the massacre of Carthage as the earliest episode of large-scale mass murder and ruthless terror. Carthage is reckoned to have been a north-African city of nearly half a million people in 146 BC. After a siege of three years, the Romans ruthlessly put to death most of the Carthaginians and burnt and levelled the whole city, erasing it and its people from the face of the earth.

Among the recent massacres that hit the Algerians, that of October 1988 was a precursor to the impending waves of massacres that are still unfolding. In October 1988, thousands of youths from the deprived suburbs of Algiers went on rampage and, as the unrest spread to other cities, the army stepped in and opened fire indiscriminately on gatherings of youths, killing between 300 and 500 of them in a couple of days. Thousands of young men were also brutally tortured by the *Sécurité Militaire*.

A complete historical narrative would require spanning all the major episodes of mass brutality between these two landmarks but the historical perspective in this report is limited only to Algeria's recent colonial history and the massacre of October 1988. Aroua's reading notes on colonial massacres cover only the period from 1830 to 1962. Aroua narrates, through illustrative examples, the main episodes of massacre that took place during this era which the author divides into eight periods, each one corresponding to one of the respective political regimes that ruled France. The notes review also the various evolving policy aims that underlay these mass killings. Aroua discusses massacres as i) a depopulation instrument to provide space for colonial settlers and enrich land speculators, ii) a projection of absolute military power that inflicts rapid and disproportionate death, iii) a counter-insurgency tactic to sever the bonds between the guerrillas and the population, and iv) a retributive measure to discipline the population into 'collectively responsible' behaviour for the support any of its members may lend to the resistance against French colonialism.

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The notes also discuss the massacre of Algerians by Algerians during this era. In France, the loss of 'the other side of the Seine' has been mourned in silence and amnesia about the Algerian war. In Algeria, the sanctification of the liberation struggle and the myths propagated by Front de Libération Nationale continue to appropriate modern Algerian historiography and censor research on the massacres of Mellouza and the *barkis*. In the Melouza massacre of 28 May 1957 hundreds of Algerian civilians were massacred by the FLN as part of a political war against the rival Mouvement National Algérien (MNA). From March to September 1962 tens of thousands of *barkis*, Algerian paramilitaries and auxiliaries who had fought on the side of the French Army, were killed in retributive mass murders when France lost the war and washed its hands of its erstwhile 'collaborators', and those they had oppressed seized power.

*Les Massacres d'Octobre 1988* is a collection of short texts compiled by the Collectif Suisse de Solidarité avec le Peuple Algérien. They give a background and narrative accounts of the mass killings of October 1988.

In the last two decades an increasing research effort has been invested in developing genocide early warning systems. It remains an open question whether, using these systems, the current massacres could have been predicted on the basis of these historical events and transitions. An even more pressing question is whether one can predict and pre-empt those that may erupt in the future, partly as a consequence of the present mass victimisation of large sections of the Algerian population.

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## READING NOTES ON FRENCH COLONIAL MASSACRES IN ALGERIA

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*A. Aroua*  
*Translated by J. Hamani-Auf der Maur*

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*The French atrocities in Algeria have continued without interruption, at varying and rising degrees since 1830. There is no example in history of such relentlessness against a people, of such a resistance of this people, of such a martyrdom of innocents, guilty only of the fact of not being French! From the companions of Abdelkader smoked out in the caves, from the lime kilns of 1945 to the torture chambers and to the regrouping camps where lie, according to Mr Delouvrier himself, one million Algerians, it is an entire people which is enduring the torment of a slow death.*

(Hafid Keramane 1960: *La Pacification*<sup>f</sup>)

## 1. Introduction

The history of mankind abounds with massacres. The massacre is an episodic phenomenon occurring in all epochs of history; it still takes place in all corners of the globe.

In ancient times the massacre, in the same way as slavery, was considered a necessary confirmation of domination. It was the established norm. As history, particularly ancient, is generally written by the victors, the massacres committed in previous epochs (in Egypt, Athens, Rome etc.) are little written about. They are often described in euphemisms expurgating them of their cruel aspect and their painful dimension. Thus the destruction of entire towns and villages, the total annihilation of peoples and communities appear to the reader anodyne historical facts, banal and hence 'acceptable'.

Although religions came with a mission to elevate mankind and awaken in him a spiritual quest, they have recognised the inevitability and 'naturalness' of armed conflict in the world. Consonant with this mission, most religions have codes of conduct in war that seek to contain the unfolding of man's violence within boundaries respectful of the sacredness of human life and the dignity of man.

But human stupidity often triumphs in ethical questions, the 'beast', in the ignoble sense of the word, takes the place of man. The Middle Ages bear witness to many atrocious massacres committed against civilian populations in Europe and Asia by armies blessed by religious men.

In the modern era, scientific and technological progress worsened the phenomenon of massacre giving it a larger amplitude and scale. As the powder contributed 'effectively' to the elimination of the Indians in America, the atom allowed the invention of a new type of massacre, tested with 'success'

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at Hiroshima and Nagasaki, almost instant in its direct effect on the affected population, and almost eternal in its long term effects which injure and damage generations to come.

Recent history is full of massacres committed in Afghanistan, in Central America, in Angola, in Argentina, in Burma, in Burundi, in Cambodia, in Cameroon, in the Caucasus, in Chad, in China, in Colombia, in the Congo, in Cyprus, in El Salvador, in Ethiopia, in Greece, in Guatemala, in Guinea, in Haiti, in India, in Indonesia, in Indo-China, in Iraq, in Ireland, in Kenya, in Laos, in Madagascar, in Malaysia, in Morocco, in Mexico, in Mozambique, in Palestine, in the Philippines, in Rwanda, in Sri Lanka, in Uganda, in Vietnam, in Zaire. And, of course, in Algeria both under French colonisation and after independence.

There is no doubt that comparative studies of these episodes – especially as regards the contexts of their occurrences, their nature, the identities of the human agencies involved, the dynamics of their unfolding and their multi-dimensional consequences – would uncover historical regularities that would deepen our understanding of these tragic historical failures and their causes and perhaps even help predict and prevent them in the future.

However, so far, these important comparative issues have raised little concern in the countries that have experienced these dislocating events.

In the case of Algeria, despite the large scale of these episodes, there has not even been research interest in documenting and studying the history of massacres in the 1830-1962 period, either from a French perspective or from that of the Algerian victims.

As a matter of fact, historical works, Algerian or French, dealing with this subject are rare and are only accessible to a small group of initiates. For the colonial period preceding the War of Liberation, one should note among others the remarkably precise works of Charles-Robert Ageron, Charles-André Julien and André Nouschi *et al.*, Henri Alleg *et al.*, as well as that of Boucif Mekhaled which deals with the massacres of 8 May 1945. Regarding the repression in the War of Liberation, the lack of historical treatise is more blatant. The majority of civilian massacres committed during this period are not documented even though merely the number of one and a half million victims, which represented a sixth of the population at the time, speaks volumes about the proportion of civilian casualties.

This work is partly motivated by the need to contribute to filling this gap. It also aims at importing some comparative insight into the current massacre campaign, of course, from Algerian history rather than other episodes of mass killing in the world.

These reading notes are not limited to a narrative account of representative examples of massacres in Algeria in the 1830-1962 period. First, section

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2 reviews the set of ideas, values and motivations that made up the French colonialist worldview. It is the ideology of colonialism that served as a powerful tool to derive policies antagonistic to victimised nations, devalue their beliefs and values, and justify aggressive acts, such as massacres, towards them.

Section 3 surveys the specific and detailed ways in which the massacres were executed as strategic and/or tactical instruments to achieve the military objectives of the colonial political programmes in the 1830-1962 period.

In section 4, the notes narrate a selection of massacre episodes chosen to cover the whole span. The order of the presentation is chronological. The 1830-1962 span is divided into eight periods, each one corresponding to a distinct French ruling order.

Section 5 will summarise the main points of this historical review.

## 2. French Colonial Logic

### 2.1. Introduction

*Civilisation, civilisation, pride of the Europeans and open grave of the innocents... You built your kingdom on corpses. Whatever you wish, whatever you do, you remain in error. In your sight tears well up and pain cries out. You are the force which surpasses the law. You are not a torch but a conflagration. All that you touch you consume.*

(René Maran<sup>A</sup> 1921: *Batonala, véritable roman nègre*)

Before discussing the instrumentality of the colonial massacres it is useful to specify their context, to situate them relative to the colonial logic which created the need for such an instrumentality. It is equally necessary to make a distinction between those (individuals, institutions or State) who thought out and legitimated these massacres and those who planned and executed them.

Those who carried out the colonial massacres simply relinquished feelings of responsibility for the welfare of their victims. Colonialist ideology and military socialisation and experience moulded individuals into agents whose personal values and conduct were in accord with those of the system. As will be illustrated later, some of the perpetrators even evolved along a path of destructiveness that ended in sadistic enjoyment of, and addiction to, the practice of mass murder as they executed more massacres. The occasional twinge of conscience was resolved by sheltering behind the obligation to duty, to carry out 'normal operations'.

<sup>A</sup> Colonial civil-servant of West-Indian origin.

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On the contrary, those who thought out the colonialist ideology and those who prescribed the massacres placed themselves, consciously or unconsciously, in a position of superiority, finding it legitimate to indulge in disposing of the life of others, who in their eyes exist to be subordinate to their needs, interests and desires. It is a narcissistic and arrogant sentiment, termed in the Quran '*al-istikbar*', that does not simply numb feelings of responsibility but turns evil-doing into good, and brings about a complete reversal of morality. It turns murder into a heroic mission and service to mankind.

This *istikbarian* disposition pervaded the circles of the French 'enlightened' philosophers, liberal ideologists and the political and intellectuals societies. As the secretary of the Valenciennes Society put it: '*To remain a great nation, to become one, a people must colonise...*'<sup>2</sup>

## 2.2. Commercial Colonisation

To become and remain big, a nation must necessarily possess an economic force. It is one of the principal motives of colonisation and one which endowed France with a huge source of raw materials, a reservoir of manpower and a gigantic market to sell its manufactured goods under profitable conditions.

In 1748, a little less than a century before the conquest of Algiers, Montesquieu already recognised in *De l'esprit des lois* (On the Spirit of the Laws), a basic text of the liberal doctrine in France which inspired the French Constitution of 1791, that colonisation allowed trade with others on unequal terms: 'The purpose of colonies is to trade, under the best conditions, that which one could not do with neighbouring peoples with whom the advantages are reciprocal.'<sup>3</sup>

The Algerian historian Mahfoud Bennoune underlines in his book, *The Making of Contemporary Algeria*,<sup>4</sup> the economic motives of colonisation.

From the outset the French conquerors intended to establish a colony in the north of Africa that could absorb a large number of idle men and women, whose main function would be to provide the metropolis with raw materials and to be used as an outlet for dumping French manufactured goods. The major motives underlying this colonial undertaking were revealed and formulated in the conclusions of the *Commission d'Afrique*, which was set up in 1833 by the French government and sent to Algeria to study the advantages and disadvantages of the colonisation of the country. Its report, contrary to what most French historians have tried to make us believe, concluded that the occupation of Algeria would be profitable economically, commercially, politically and militarily to France:

The economic calculations had belittled the value of colonies. The old nations must have outlets in order to alleviate the demographic pressures exerted on big cities and the use of the capital that has been concentrated there. To open new sources of production is, in effect, the surest means of neutralising this concen-

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tration without upsetting the social order... It is the surest way of preventing the seeds of hostility that are being sown among the working classes, not only against the government but also against society and against property.

This economic motivation would be explicitly reaffirmed later by the settler Eugène Étienne, deputy for Oran, when he said to the Assembly:

I must say that if there is one reason justifying the expenditure of money and the sacrifice of men in establishing our colonial domain, it is the idea, the hope that the French merchant will have the option of throwing away the over-production of French industry into the colonies. It is undeniable.<sup>5</sup>

### 2.3. Civilising Colonisation

Colonisation as a means of enriching a nation should however be clothed in a ‘civilising mission’ allowing consciences of certain sensitive souls to be saved.

Jules Ferry, ‘one of the greatest theoreticians of colonisation, emphasised the importance of the colonies for the economic development of modern nations.’<sup>6</sup> He is also described as ‘the doctrinarian’ and ‘the strategist’ of ‘the imperialism of the triumphant Republic.’<sup>7</sup> He affirmed, for example, that ‘the “superior races” have both rights and duties with regard to the “inferior races” [...]’. These rights and duties are those of civilisation with regard to barbarism.<sup>8</sup>

This ‘duty of civilisation’ is also shared by the pacifist socialist Jean Jaurès. Although he did not always agree with the means used by France to civilise the ‘Barbarians’, he admitted that the ‘interests [of France] give it a sort of right.’<sup>9</sup> This principle of subordinating rights to interests was not only the basis of French colonial policy in Algeria but would also shape French foreign policy towards an independent Algeria.

The dialectic between the ‘duty to civilise others’ and the right to protect French interests, which one finds in French socialist circles of the time, is expressed by Raoul Girardet in these terms:

Unable to find, strictly speaking, a systematic doctrine of overseas expansion, Fourier, Cabet and the majority of the first French socialists were favourable to the general principles of a new colonisation – ‘conquest of the universe uncultivated by humanity’ in the words of Cabet – [that would produce] an increase in wealth and that would be capable of promoting the institution of new forms of social organisation.<sup>10</sup>

### 2.4. From Colonisation to Colonialism

On the ground, the war chiefs were not always favourable to the methods advocated by the intellectuals and politicians back in France who sought

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both 'to civilise' and benefit from the colonial populations. General Bugeaud, for example, was very critical of the discourse of certain 'pacifists' who did not stick to the principle of colonisation by force. To show how inconsistent they can be, he said (on 4 September 1848):

They did not even want us to go to war but we did in spite of them. They wanted us to colonise the flowerpots on the terraces of Algiers. When the country was tamed, and conquered, contrary to their judgement and forecasts, their demands were so inflated that they asked us to do in two years the work of centuries.<sup>11</sup>

On another occasion, when defending Colonel Pelissier who had been accused of having wiped out whole tribes, General Bugeaud wrote to Marshall Sault, the War Minister, explaining the necessary stages of civilisation and asking him to:

give the public a more accurate idea of the necessity of rigorous actions to achieve the full submission of the country, without which there can be no colonisation, no administration, no civilisation. Before administering, civilising, and colonising, it is a must that populations should have accepted our law. A thousand examples have shown that they will accept it only through force, which proves powerless if it does not reach the persons and the interests.<sup>12</sup>

Little by little, the ideology of the 'civilising colonisation' as a generator of wealth would disappear thus giving way, under pressure from war chiefs and above all the rapidly expanding settler community, to a colonialism which negated the colonised.

'As we cannot civilise them we must send them far away' declared General de Rovigo. Convinced of the impossibility of succeeding in the 'civilising mission', he recommended cleansing Algeria of its populations, and uprooting and dispersing them:

like wild animals who keep away from the vicinity of inhabited places, they must recede to the desert as we progress with our settlements; they must stay forever in the sands of the Sahara.<sup>13</sup>

One of the ideologists of colonialism who best expressed the new dream of a French Algeria without Algerians was Henri de Sarrauton. In 1891, he summarised his extremist ideas as follows:

The indigenous people will never accept our European values. They will never ask for French naturalisation and, should you want to impose it, they will reject it with all their force. Their religion formally and explicitly forbids them to adopt our civil and political institutions because the Quran is at the same time their religious code, their civil code and their political code. What you call the benefits of French civilisation are, in their eyes, deeply horrific heresies. To assimilate the indigenous population, the influence of the Quran must be uprooted and the people converted to Christianity. However, experience shows that the Muslim never converts from his own free will. For centuries missionaries have wasted their time and effort trying to

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convert Muslim countries. Force must be used. Can we imagine then that the tolerant and freethinking French government sets up an inquisition as did King Ferdinand after the conquest of Grenada? Clearly it is impossible. Assimilation is therefore a fantasy. This people must be driven back, step by step, and be replaced gradually and systematically by a French population. This is the only way for Algeria to become truly French.<sup>14</sup>

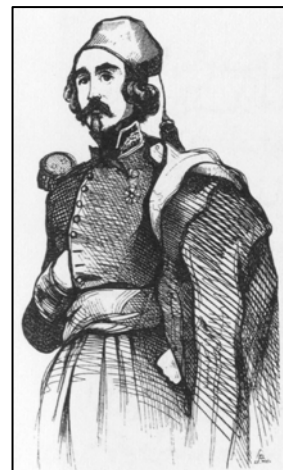
As for Varin, he recommended, in *Algeria, Will she Become a Colony?*, the same method towards the indigenous people:

We must imperceptibly but relentlessly constrict their running ground and, with taxation, make their existence progressively so painful until they have only this viable alternative: either they revolt or become soldiers for France.<sup>15</sup>

According to Dr Bodichon, another theorist of the permanent settlement of the French in Algeria and author of two widely distributed books at the time, *Thoughts on Algeria* (1845) and *Algeria and Africa* (1847):

It matters little that France in her political conduct goes beyond the limits of common morality at times; the essential thing is that she establishes a lasting colony and that, later, she brings European civilisation to these barbaric countries. When a project which is to the advantage of all humanity is to be carried out, the shortest path is the best. Now, it is certain that the shortest path is terror. Without violating the laws of morality, or international jurisprudence, we can fight our African enemies by powder and fire, joined by famine, internal division, war between Arabs and Kabyles, between the tribes of the Tell and those of the Sahara, by brandy, corruption and disorganisation. That is the easiest thing in the world to do.<sup>16</sup>

Everyone agreed that settlement in Algeria would only succeed if it was supported by a depopulation-repopulation policy. 'The expropriation of the indigenous is the first condition, the unavoidable condition for French settlement on the ground,' wrote Raousset-Boulbon<sup>17</sup>. For General Bugeaud: 'Our settlers must be placed wherever there is good water and fertile land, without inquiring about the ownership of the land. They must be given the land and made its sole owners.'<sup>18</sup> As for Lamoricière he speaks the same language as General Bugeaud: 'We need European settlers. Only a Christian agricultural population allows us to hope that one day it will be possible for us to maintain our position.'<sup>19</sup> But General Bugeaud wanted that population to be vigorous to face the resistance of the natives:



General Lamoricière

Ah, if there were no Arabs in Africa, or if they resembled the effeminate Indians, I would have been the last one to advise my country to raise budgets for a colonisa-

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tion base with a military element. But the experience of this nation, [which is] so vigorous, so well prepared for war, so superior in this sense to the European masses that we could bring to this country, compels us absolutely to establish in front of it, next to it and in its midst the strongest possible population.<sup>20</sup>

This population will not necessarily be French but will come from all the Mediterranean countries, even from Switzerland. ‘For seventy years, we have robbed, hunted and tracked down the Arabs in order to populate Algeria with Italians and Spanish,’ said Anatole France ironically in 1905.<sup>21</sup>

In 1922, that is to say nearly a century after the conquest, believing the Algerian people had been vanquished and their resistance annihilated, some French voices claimed in a disconcerting euphoria:

We French are at home in Algeria. We have become masters by force because a conquest can only be achieved by force, and necessarily implies that there be the vanquishers and the vanquished. When the latter were beaten, we were able to organise the country, and this organisation itself confirms the superiority of the conqueror over the conquered, of the civilised man over the lower man. We are the legitimate owners of the country.<sup>22</sup>

**2.5. The Barbarian and the Civilised**

From the earliest years of colonisation the deceitful mask of the ‘civilising mission’ quickly fell as the ‘barbarian’ people soon showed themselves less barbaric than the theorists of colonisation had propagandised.

As regards education, Henri Alleg describes the shock of the troops landing in Algiers and finding themselves in an environment completely different from what they had imagined on leaving the French coast:

A most humiliating surprise, at a time when 40% of our compatriots are illiterate, one realises that ‘nearly all the men can read and count [...], that in Algiers alone there are one hundred Quranic schools where children learn, alongside religious principles, reading, writing and arithmetic’. Hence, the soldiers who disembark are generally less educated than the ‘savages’ they have come to ‘civilise’.<sup>23</sup>

The French troops’ first operations were to destroy the cultural infrastructures, institutions and values which troubled their ego. Referring to the *razzias* in an exchange of letters with his friend General Lamoricière, Alexis de Tocqueville wrote: ‘Since we have allowed this great violence that is the conquest, I believe that we must not back down before details which are absolutely necessary to consolidate our position.’<sup>24</sup> He describes the plundering carried out by the conquering army:

The Muslim society in Africa was not uncivilised but it was backward and imperfect. At the centre were a large number of religious foundations with charitable and educational aims. We misappropriated their revenue, reduced their number, let the schools run down and broke up the seminaries. Around us the lights went out, the

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recruitment of religious men and of lawyers stopped. It must be said that we left the Muslim society more miserable, more disorganized, more ignorant and more barbaric than it had been before our encounter.<sup>25</sup>

Unable to eliminate physically the people, French '*istidmar*' (destructive colonialism) left no stone unturned in destroying its cultural identity. Daniel Guérin states that:

In Algeria we tried to murder the soul of the country. It was conquered to establish a settlement which would be annexed to the metropolis. We almost inflicted on the natives the expeditious treatment which the American pioneer used against the Redskins. Originally it was the military, for example a certain General Bernard in 1833, who seriously considered 'driving back and exterminating the indigenous population'. It proved an impossible task. But, for our inability to make the natives disappear physically, we have tried to break them morally and spiritually.<sup>26</sup>

In the military field, the civilised-barbarian rhetoric, which was at the heart of the colonialist ideology, had a practical implication on the ground. Its inhuman representation of the enemy legitimated aggression as a moral imperative and cultural ideal. Alexis de Tocqueville, in his *Travail sur l'Algérie* of 1841, would make the Arab a human oddity, a special case justifying and making 'necessary' the violation of the basic rules of war:

In France I have often heard that men whom I respect, but do not agree with, dislike the burning of harvests, the emptying of silos and the seizing of unarmed men, women and children. In my opinion they are necessary evils to which everybody wanting to make war with the Arabs must submit.<sup>27</sup>

The troops would thus feel confronted, as François Maspéro remarked, by a new type of enemy distinguished by both an animosity and a bestiality:

The entire military stage of the colonisation rests on one major notion: the negation of the other. Even if the men who debark at Sidi Ferruch do not feel inspired by a particular mission to civilise, they arrive imbued with this inborn certitude, specifically French: they incarnate civilisation, because they are French. It is simple and simple-minded. As a result, whoever fires at them attacks civilisation. Their enemy is therefore not only a classic enemy, but also a savage.<sup>28</sup>

In order to galvanise the destructive capacity of their troops, the generals of the French Army always resorted to the bestialization of the enemy. Referring to the discourse of the bestiary of the colonial authorities to incite the extermination of the insurgents in May 1945, (cf. § 4.7) François Maspéro reminds us that this is no novelty, but an attitude with its roots in the first phase of the conquest:

The 'savagery' is therefore an old antiphon of the coloniser. It is one of the most commonly used words by the conquerors one hundred years earlier. Savagery, bestiality: hyenas (Saint-Arnaud), jackals (Bugeaud), wild beasts (Montagnac), a complete

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bestiary is used. The main point is to deny the quality of being human to those so qualified.<sup>29</sup>

With regards to war ethics, General Saint-Arnaud, for example, known for wreaking havoc in Kabylia and for giving the order to bury five hundred Algerians alive in a cave near Ténès (cf. § 4.2), was pleasantly surprised to notice streaks of humanity in the ‘Barbarians’. He recounts how

a really strange event just happened. Abdelkader sent back all our prisoners without condition, without exchange. He told them: ‘I have nothing to feed you with, I don't want to kill you, I will send you back.’ A beautiful act for a barbarian. These unfortunates arrived today in Blida, in an understandable state of misery and suffering. At their head was the young lieutenant *d'état-major* Mirandole, caught in Mascara. He was enthusiastic about the Emir as were all the prisoners who had met him. It is true that all these poor people were almost all struck by a remarkable over-excitation of the brain.<sup>30</sup>

The contrast between the attitudes of the war chiefs, those of the ‘civilizers’ and those of the ‘civilisable’, is at times particularly striking. While some French generals were encouraging their troops to compete for collecting Arab ears by offering a generous bonus (cf. § 3.2), the head of the resistance, Emir Abdelkader, was giving strict instructions on the treatment of prisoners and

published in all the territories he controlled a decree which, it should clearly be stated, went against both the ethics of that time and the hatred prompted in Algerians by the invaders’ exaction: ‘Any Arab who brings alive a French soldier will receive eight *douros* as a reward [...]. Any Arab who has a French man in his possession is expected to treat him well and to bring him promptly, either to the Caliphe or the Emir himself. If the prisoner were to complain of bad treatment, the Arab would not have any reward.’ Following this decision, an Algerian soldier, addressing Abdelkader, asked him: ‘What reward for a living prisoner? — Eight *douros*. — And for a cut off-head? — Twenty five thrashings on the sole of the foot.’<sup>31</sup>

There were, of course, some French officers who had a humane concept of war such as Valée, Bosquet, Desvaux and Bandicour but the hard core of superior officers were always of the opinion that the end justified the most inhuman means. Indeed several names remain associated with the massacre of hundreds of thousands of Algerians. The most infamous being Bugeaud, Cavaignac, Lamoricière, Montagnac, Pélissier, Saint-Arnaud and Savary (the Duke of Rovigo).

The historical absurdity which consisted of using the argument of the ‘civilising mission’ to justify colonisation was not long in being pointed out by some French observers. As a matter of fact, in a report by a commission of inquiry appointed on 7 July 1833 by the King, to gather information on the situation in the colony, one can read the following: ‘We have massacred people carrying safe-conduct passes; slaughtered entire populations on a

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suspicion, which were later found to be innocent,<sup>332</sup> and ‘We have outdone the barbary of the Barbarians we have come to civilise.’<sup>333</sup>

### **3. The Instrumentality of the Colonial Massacres in Algeria**

#### **3.1. Introduction**

In order to discuss the instrumentality of the colonial massacres, two periods will be considered: i) the period from 1830, the year of conquest, to 1871 which saw the last major insurrection, ii) the period of the War of Independence (1954-1962). This choice is motivated by the comparable intensity and extent of the massacres and counter-insurrectionary aspects of the campaigns in the two periods. It should be noted however that between these two periods the use of massacre subsided but did not cease which explains the rapid implementation, during the War of Independence, of the methods and means used earlier during the colonial ‘pacification’ period.

The massacres had several functions. They were used as:

- i) a means of wiping out the local population to make room for ever greater numbers of European colonists and for offering opportunities to property speculators;
- ii) an instrument of terror to weaken the Algerian populations in order to establish and consolidate absolute authority over them and guarantee their submission;
- iii) a tool of psychological warfare, in order to manipulate opinion,
- iv) a counter-insurgency instrument to destroy the political and physical connection between the armed resistance and the people;
- v) a means of reprisal to retribute the populations in the framework of what was called ‘collective responsibility’. The conquering army took furious revenge against the civil population each time it suffered a setback at the hands of the armed resistance, often on a mere suspicion entire villages accused of having helped resistance fighters were wiped out.

#### **3.2. Instrumentality of the Massacres in the Period 1830–1871**

The French war chiefs used massacre as an instrument of ‘pacification’, that is to say to annihilate all resistance to the conqueror, from day one of the conquest of Algiers. Henri Alleg describes how the massacre in the conquest of Algeria had functions which were well-defined and worked out by the conquering army strategists.

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These are not isolated incidents, tragic accidents, 'mistakes' as we will say later on, of which we need only know the perpetrators so that they may be punished, but they are part of a willed and studied system, which will be expanded and perfected in spite of protests from those French that Saint-Arnaud, Pelissier and Montagnac call derisively 'philanthropists'. Terror, massacres and *razzias* shall constitute daily elements of the conquest strategy.<sup>34</sup>

This strategic option was not however an innovation. At the end of victorious military campaigns huge massacres of civilians had been perpetrated by French army columns at the Palatinate, under Louis XIV and under Hoche at Vendée. This practice was part of a military tradition where strategic rationality seeks the rapid and disproportionate death of the enemy (as both the foundation and objective of absolute military superiority) rather than the effective application of force against an adversary whose rationality and humanity is acknowledged and respected.<sup>35</sup>

From the earliest years of occupation French war chiefs used the execution of civilians on a massive scale in their anxiety for absolute domination of the whole territory, and to suffocate any local resistance which might slow down this domination. Officer Rozet had an unshakeable belief in the necessity 'to exterminate all the Berbers who live in the mountains of Beni-Menad, Chenoua, etc.'<sup>36</sup> in order to colonize effectively the Mitidja plain. Rozet's efficiency was well demonstrated throughout the Algerian territory. In 1994 François Maspéro estimates the loss of the Algerian population during the first quarter of the century at nearly a quarter (2 300 000 in 1856 as opposed to 3 000 000 in 1830).<sup>37</sup>

In his defence plea of General de Rovigo, the governor general of Algiers, who was accused of massacring thousands of unarmed Algerians, War Minister Girard asserted that:

We must decide to drive them far back, even to exterminate the indigenous population. Devastation, fire, spoiling of agriculture are perhaps the only means of solidly establishing our domination.<sup>38</sup>

Colonel L. François de Montagnac was very explicit in his *Letters from a Soldier* (Paris, 1885) about the necessity to rid the country of all pockets of resistance:

In my opinion everybody who does not accept our conditions must be eliminated. All must be taken, pillaged, with no distinction as to age or sex: grass should no longer grow where the French Army has passed.<sup>39</sup>

According to Alleg it was General Bugeaud who integrated the massacre of innocents as an instrument of terror into his war doctrine against the Algerian resistance:

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The terrible form the war has taken from its beginning is not only the expression of the cruelty of the expeditionary corps leaders and of the contempt they felt towards the 'Barbarians' they came to subdue but it also fits within a carefully set-up combat strategy. Lamoricière was the first to express the conclusions drawn from his experience. Bugeaud made it a doctrine and generalized its application to all military operations: the only way to defeat these elusive partisans is not to chase them but to starve them by destroying or confiscating crops and herds, slaughtering the largest number of inhabitants – fighters or not – and spreading everywhere such terror that they must ultimately surrender or disappear.<sup>40</sup>

It was therefore without embarrassment that General Bugeaud addressed the Chamber on 14th May 1840 before his departure for Algeria: 'We need a great invasion of Africa, one which resembles that of the Franks and that of the Goth.'<sup>41</sup> He added: 'Gentlemen, we do not make war with philanthropy. Who wants the end wants the means.'<sup>42</sup> It was also General Bugeaud who suggested the use of force as a remedy to the rebellion against injustice: 'We must be strong to bear the injustice towards the Arabs of which we cannot avoid being guilty.'<sup>43</sup>



General Bugeaud

General Bugeaud concluded that in facing Emir Abdelkader's mobile guerrilla strategy in Algeria, the French Army was making the same mistakes as against the Spanish *partides*: using columns of heavy infantry to inflict a decisive defeat (a Napoleonic War strategy). He prescribed instead the use of mobile columns. But the essence of his counter-insurgency strategy targeted the civilian population, a part of which supplied the insurrection with men, supplies and information on French troop movement. He prescribed the destruction of the popular base of the insurgents, and enshrined the principle that military action must be followed by political organization.<sup>44</sup> Massacre of the civilian population is therefore central to his strategy. General Bugeaud prescribes:

To conquer them their livelihood must be attacked. This cannot be done by simply rushing through; the territory of each tribe must be attacked; the villages destroyed, the fruit trees cut down, the harvests burned or dug up, the granaries emptied, the ravines, rocks and caves scoured to seize their women, children, old men, cattle and possessions. If only one or two ways are followed, one will only see the warriors. One will have more or less the advantage in combat, but will not strike at either the population as a whole or its wealth, and the result will be almost nil.<sup>45</sup>

On another occasion to justify the destruction of the Beni-Menacer tribe's villages and harvests, General Bugeaud wrote in his *Letter to Marshal Soult* (14 April 1842) that:

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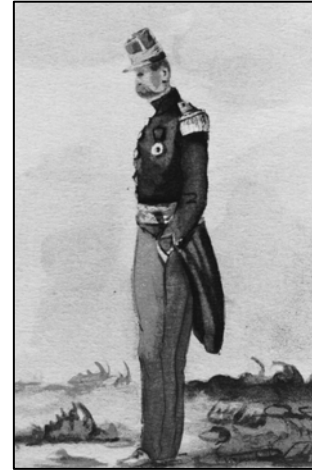
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Without doubt it is cruel and makes me sick; but there is no other means to reach and to subdue this extraordinary people. France must understand that it is an inevitable consequence of what she wanted; because one cannot go to war without envisaging the results, and these results can only be obtained by such means. If I had to take towns of the size of Vienna or Berlin, I would wage war in a manner to satisfy the philanthropists.<sup>46</sup>

Military entrepreneurs of colonization were not only interested in the massacres simply as a tactic in their counter-insurgency strategy. They were interested down to the smallest detail, that is to say in the massacre techniques and in the psycho-political reactions roused in the victimised population. The massacre was also a means of terrorising and demoralising the population, the know-how of producing a coercive submission and swinging it to the colonialist side. Colonel Montagnac, for example, learnedly discussed decapitation techniques and, in *Letter of a Soldier* (Paris, 1885), he asserted that:



Colonel Montagnac

A severed head produces a terror stronger than the death of fifty people. I have understood this for a long time and I assure you that none makes it out of my claws that has not undergone the delicate operation [...]. All the good military men that I have the honour of commanding are forewarned by myself that if they bring me an Arab alive they receive a thrashing with the flat side of a sword.. This is the way one should wage war against Arabs: kill all males who are more than fifteen years old, take all women and children and put them in ships and send them to the Marquise Islands or somewhere else. In one word, annihilate anything that does not crawl at our feet like dogs.<sup>47</sup>

The perpetration of planned and organised massacres by the French Army during the conquest of Algeria was echoed in the military authority's measures encouraging soldiers to increase the death toll and terror during massacres.

The 'harvest' of human ears, which can be compared to that of Indian scalps in America, was not only permitted but also rewarded. For a pair of Algerian ears, a price of ten francs was fixed and remained in use for a long time<sup>48</sup>. Several 'harvests' of barrels of ears were reported. In 1840, for example, Ben Gana, a feudal from South Constantine, who had joined forces with the French Army, sent an offering of 500 pairs of Arab ears to General Galbois. He was compensated with 50 000 francs and the *Légion d'Honneur*.<sup>49</sup>

Whereas the primordial instrumentality of the colonial massacres was prescribed by a counter-insurgency doctrine and the strategic principles of the French Army, there remains a proportion of the massacres which obeyed

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a subordinate instrumentality, an economic one, which was grafted onto the first.

The historians Noushi *et al.* emphasised the role of property speculators, deputies and friends of the authorities, who pushed the latter towards colonization. They had everything to gain in an enterprise which would increase their estate property in Algeria.

These tendencies have been used with precise intentions: to exterminate populations by destroying all their resources in order to make room for colonization, as did the Americans at the same epoch, with the Indians; suppressing all possibility of resistance by annihilating men themselves; speculating on this very destruction.<sup>50</sup>

General Bro's statement, in a letter to his brother in 1834, is very instructive about the degree of excitement experienced by the property speculators and land owners at the time.

You asked me what the progress with the colonisation is. I would reply that until now it is limited to property speculation. We are gambling on land as one gambles on the stock exchange with bonds, spirits or coffee. You will be surprised when I tell you that Blida was sold to thousands of colons before we conquered and occupied it. [...] The Mitidja plain is a marshland approximately twenty-five leagues long and twelve leagues wide (two leagues equals five miles) that has also been sold. All we have to do now is 'break arms and legs' to conquer the land of these tramps who spend their free-time flinging abuse at the poor soldiers who in turn spend their time and youth making money.<sup>51</sup>

Another aspect of the economic logic was the local colonialists' desire to maintain a certain financial autonomy thus guaranteeing independence vis-à-vis the central authority. This financial autonomy was to be assured by the expropriation of possessions and by taxes and fines extorted from the population. It was to this effect that 'one of the aims of extermination was also to benefit from that which had not been destroyed'.<sup>52</sup> Favrod explained the concern expressed by Marshall Soult on 13 August 1841 to alleviate the human and financial burdens of France, specifying that wisely limited colonisation 'is the first element of conservation; in a few years it can give us sufficient means to defend Algeria without expending more troops or money than is fitting'.<sup>53</sup> This was achieved by 'the colons bearing arms and becoming militias as soon as they had settled'.<sup>54</sup> The battalions of militia and other native auxiliaries of the army participated actively in the campaign of massacres against the civilian population.

It should also be noted that while in the beginning the massacres obeyed the colonialist imperative, certain French officers, as they developed psychologically towards sadism in the course of their destructive practices, committed massacres which had no relation to military-political aims but served only to gratify individual sadistic compulsions.

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General Savary (Duke of Rovigo), for example, recommended to his subordinates: 'Heads! Bring heads, heads, block burst water mains with the head of the first Bedouin you meet!'<sup>55</sup> Colonel Montagnac admitted that 'to chase away dark thoughts that besiege me, sometimes I have heads cut off.'<sup>56</sup> In *Letters from a Soldier*, he related:

[Of] the Algerian women we capture, some we keep as hostages and the rest are auctioned to the troops like animals. In the operations we have carried out during the last four months I have witnessed scenes that would melt the hardest heart, if one let oneself be moved! I witnessed it all with a frightening indifference. [...] Women and children caught on thick bush wood which they had to cross as they surrendered to us. We kill, we slaughter; the screaming of the terror-stricken and the dying blends with the sounds of the beasts.<sup>57</sup>

General Cavaignac, a man infamous for his *enfumage* (gasing) exterminations, spoke of his 'unpleasant job to which one becomes attached. A job so cruel one should feel nothing but remorse but nevertheless gives pleasure.'<sup>58</sup>

The massacre of a civilian population is, to borrow Joxe's expression, a 'strategy against nature', a 'strategopathology' or a 'strategic autism',<sup>59</sup> where the practitioners degenerate inexorably into psychological sadists.

### 3.3. Instrumentality of the Massacres in the Period 1954–1962

During the War of Liberation, a great number of the massacres of the populations were committed as a reprisal measure against ALN operations. Throughout the territory, above all in the countryside, the French Army systematically set up collective killings to avenge an attack on an army convoy or a military post. Witness statements describe how after each operation carried out by the *moudjahidines*, civilians, sometimes by the dozen, were shot at random, or burnt alive in front of their families. (cf. § 4.8 and 4.9)

However, the majority of the massacres committed during the War of Liberation stemmed from the same logic as that which prescribed the massacres at the beginning of the conquest. Bugeaud's counter-insurgency strategy found its continuation in the counter-revolutionary strategy of the War. In both cases the population was the major stake in the French Army's battle against the armed resistance.

As a matter of fact, French Army officers who had suffered a bitter defeat in Indochina progressively joined the troops engaged in the Algerian War. These included generals Baufre and Massu, and colonels Bigeard, Decournu, Godard, Jacquin, Lacheroy, Trinquier and Captain Léger. An analysis of their defeat in Indochina led them to theorise about the type of revolution they would meet in Algeria. Enriched by their experience in Vietnam and Indochina, they did not waste time in putting to work a counter-

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revolutionary strategy integrating the lessons learned from their previous defeats.

This strategy, which would prescribe massacre as a tactic, included this fundamental principle: sever the armed resistance from the population, ‘separate the fish from the water’ doctrine. The objectives were to deprive the resistance: (a) of the human resources within the population, and thus prevent the increase and renewal of the resistant troops, (b) of the logistical support given by the population in the form of food, shelter, financial contributions etc., (c) of its main source of intelligence and information.

In their quest to cut the umbilical connection between the resistance and the population, the officers of the Fourth and the Fifth Republics applied methods which differed little from those of their grandparents at the beginning of the conquest, even if new techniques were used. The French Army’s strategy would rest on two pillars: on the one hand, a deterrent policy based on terror and repression and, on the other hand, a persuasive policy based on political and administrative control and social assistance to the population. For both military and civilian authorities, the control of the population required reactivating the old destruction-construction doctrine, which had been advocated by Bugeaud and was still termed ‘pacification’<sup>60</sup>. General Allard did not tire of repeating: ‘one must destroy to construct’<sup>61</sup>. The theorists of counter-insurgency applied three principles simultaneously: (a) destruction, (b) psycho-political action, (c) construction.<sup>62</sup> Accordingly,

an information brochure on the country’s interior defence and the psychological war, approved on 3 November 1956 under the reference 12177/EM3/EGER-3-RFM/DR distributed by the Secretary of State to the armed ground forces, gives advice and examples. It explains that: ‘to wage war here means that you are at the same time a technician of destruction and a pacifier’.<sup>63</sup>

Slimane Chikh classifies this doctrine, which would determine the psychological action systematized by Colonel Argoud, as part of what was called the ‘protection-engagement-control’ triptych<sup>64</sup>. For him

‘protection’ shows itself through regroupment operations which consist of displacing and uprooting a population, enclosing it in a fortified camp, surrounded with barbed wire, where control and close watch is kept, so that the difference between ‘regroupments’ and ‘internment’ appears very subtle.<sup>65</sup>

The special administrative sections (SAS), which were conceived to manage the hundreds of thousands of Algerians displaced from villages in areas won over by the resistance, and regrouped in centres fitted up by the French Army, are simply ‘distant offsprings’<sup>66</sup> of the Arab offices set up by Trézél and Lamoricière and inspired by the sénatus-consulte of 1863 which had forecast the disappearance of tribes and the creation of territorial entities, ‘*douars*’, amongst which the Algerians would be distributed.<sup>67</sup>

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The second element of the triptych, that is to say ‘engagement’, consists of

controlling the population by Muslim leaders whose task would be to spot suspects and point them out to the administration. In plain language, it is a question of setting up, in the heart of the Muslim population, informers who would be appointed and paid.<sup>68</sup>

In fact the SAS, in addition to their role of isolating the resistance from the population and containing it within the prohibited zones, were instructed, as were all the urban administrative sections (SAU), to lead a psychological action within the population and to recruit Algerians to serve in the French Army either as self-defence groups or as mobile attack units. The officers in the administrative sections, with a zeal ‘in the tradition of the Arab offices’<sup>69</sup> according to Charles-Henri Favrod, achieved their mission of ‘making the population collaborate closely with the Army through information, self-defence and the formation of harkis – or auxiliary units – fighting alongside the regular troops’.<sup>70</sup>

Finally the third element in the triptych, ‘control’, consists of

subjecting the population to a constant surveillance, isolating them completely from the outside world, punishing, in an exemplary manner and in a public place, suspects or people mistaken for ‘rebellious criminals’, and even announcing collective sanctions in the case of undenounced crimes, according to the old principle of collective responsibility.<sup>71</sup>

With the principle of ‘collective responsibility’ the French Army would no longer content itself with punishing those guilty of ‘rebellious crimes’, or even suspects, but would extend its punishment to entire populations without discrimination. Indeed, as a military note printed in *Le Monde* emphasized, the principle of collective responsibility prescribes ‘resorting to collective sanctions of such a type that in the case of a crime, the population would be responsible and should pay for the sabotage by forced labour or fines, because they are always aware of what is going on.’<sup>72</sup>

The application of the principle of collective responsibility was debated down to the smallest detail by the officers of the French army. Even the number of Algerian suspects to slay for each European killed was discussed, as reported by a reservist in a testimony published in February 1957 by the *Committee of Spiritual Resistance*:

End of August, beginning of September 1956. At Tizirt-sur-Mer during a reunion of officers and non-commissioned officers lieutenant Colonel D., commander of the sub-sector of Mizrana, discussed at length the number of suspects to be killed for one murdered European – three or four. Finally the number of three was adopted. A non-commissioned lieutenant protested against this measure but the lieutenant Colonel told him to be silent.<sup>73</sup>

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As for reprisal measures and collective sanctions aimed at terrorising the population, paralysing it with fear and destroying its capacity to resist, the French Army would be loyal to its previous methods: large destruction of dwellings, burning of forests and harvests, summary executions, torture, and mutilation. Only the techniques had progressed. Helicopters, and other motorised vehicles, replaced horses, toxic gases replaced smoke, and napalm replaced gun powder.

## 4. Examples of Colonial Massacres in Algeria

### 4.1. Introduction

The evolution of the extent and intensity of the colonial massacres can be divided into three phases. The first phase extends from 1832, when the first conquering troops disembarked, until what resembled the completion of the conquest (the ‘pacification’ of the country) at the end of the nineteenth century. This phase is characterised by an intense armed resistance throughout the country led by historic leaders, the most famous being Emir Abdelkader, Cheikh El-Mokrani, Cheikh Boumezrag, Cheikh El-Haddad and Cheikh Bou-Beghla. Another characteristic of this phase is the ferocious repression by the colonial power. The second stage covers the first half of the twentieth century and is distinguished by a reduction in the intensity of the armed resistance and the perpetration of massacres. Only a few spontaneous and isolated protests against military conscription are to be reported. This stage, however, saw one of the most shocking massacres that Algeria, and indeed humanity, has ever experienced, that of May 1945. The third phase is that of the War of Liberation (the Algerian Revolution 1954-1962) on a national scale, which saw a renewal in the intensity of the colonial massacres.

However, our narrative account of a sample of massacres will be divided into eight periods. We use divisions according to the political regime in order to show that all political regimes which came to power in France from 1830 to 1962, be they monarchist, imperialist or republican, opportunist or radical, left or right, instrumentalised massacres in Algeria for their own political goals. All these regimes had called for human rights principles, as stated in the *Declaration of Human and Citizen Rights* voted in 1789, but agreed to limit their application only to the ‘civilized white man’ and to exclude the ‘colonised Barbarian’. A declaration of the government of Marshall Soult, War Minister and defender of Colonel Pélissier, who had led the Ouled Riah extermination by *enfumage* (gasing) in 1845 (see § 4.2), illustrates this selective application of human rights: ‘I deplore what has happened. In Europe such an act would be horrible and detestable. In Africa it is the war itself.’<sup>74</sup>

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To the question ‘Was the France of enlightenment totally absent from the colonization of Algeria?’ François Maspéro replies in the negative, asserting that:

The young officers – Lamoricière and Cavaignac – had been pupils, sometimes disciples, of Auguste Comte at the Polytechnic. They led the perpetrators of the massacres; precisely because of their education, they had understood the importance of establishing the massacre as a system. As justification, they gave it the name of an ancestral practice of the enemy itself: the *razzia*. In *Si c'est un homme*, Primo Levi tells us that when this system raises the negation of the Other from isolated acts or the stage of unformulated dogma to the level of ‘major premise of a syllogism’, then nazi camps loom at the end of the logical chain.<sup>75</sup>

It is this very Polytechnic which educated, much later, ‘the mystical and bloodthirsty Colonel Antoine Argoud, number one theorist of the “revolutionary war”, a raving graduate of the Polytechnic, who tried out the application of his observed logic to the extremes of horror.’<sup>76</sup>

Argoud believed that ‘the population must be separated from the rebellion by a terror founded on justice. Me, sir, I do not torture. I set up expeditious tribunals. The suspects are either FLN or not FLN. Either I acquit or kill.’<sup>77</sup> Lentin relates how, in the L'Arba neighbourhood where Argoud was ‘sector commander’ in 1956-7, ‘every Sunday he was seen leaving for Algiers, because he would not miss on any account the high mass in Saint Augustin church. During the week he would display, in the little square that I cross today, bodies of Algerians ‘convicted of being fellagha’ summarily judged and shot in a nearby ravine, today overgrown with brush. The bodies of Algerians were sometimes attached to the doors of the houses, with a placard round the neck: he has paid.’<sup>78</sup>

#### 4.2. Under the Juillet Monarchy (1830 – 1848)

On 14 June 1830, during the reign of Charles X (the legitimist monarchy), who incarnated the régime de la Restauration, a 37 000 strong army disembarked at Sidi Fredj (Sidi-Ferruch). The conquering King had undertaken with Polignac the conquest of Algeria ‘to save the throne with a stunning military victory’.<sup>79</sup> After the landing ‘the capital city, Algiers, fell to French troops on 5 July 1830. [...] By 1831 Algiers had lost 30 000 inhabitants, who were either killed or exiled.’<sup>80</sup>

Charles X was deposed shortly after by the July 1830 Revolution which established the bourgeois (Orleanist) monarchy. His successor Louis-Philippe felt hampered by this ‘millstone’<sup>81</sup> and decided to ‘abandon Algeria to the military’<sup>82</sup>, which started a vast conquest ‘distinguished by violence that was unusual and rare in the modern history of colonialism’.<sup>83</sup>

Immediately after the fall of Algiers, the French Generals realized it was difficult to conquer an enormous country with limited manpower. They

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therefore considered using local human resources. Before his hurried return to France, General Bourmont had already thought over colonial policy and foresaw recruiting natives to serve in the French Army. On 23 August 1830, he wrote to the War Minister:

Intelligence carried out inside the country can speed up the division between them. Even now, we could find auxiliaries among them. In the mountains to the east of Algiers there is a sizeable group of people who give soldiers to African governments wanting to buy them over. The men who make up these groups are called *zouaves*. Two thousands of them have offered me their services; five hundred are already assembled in Algiers.<sup>84</sup>

It was General Clauzel who exploited the policy already praised by General Bourmont. He established the first auxiliary corps comprising natives of diverse ethnic origins:

To create this corps, Clauzel used Kabyles. Bourmont had already started to enrol them; these *Zouaoua* were soldiers by choice, brave and devoted. They had been employed by the *deys* of Algiers and the *beys* of Tunis for many years. He [Clauzel] accepted men of all origins: Turks, Coulouglis, workmen from the town and country, Arabs and Kabyles. These men provided valuable services to the *avant-garde* and the outposts. [...] On 1 October 1830 a new corps named *zouaves* was created by decree<sup>85</sup>

After the set-up of the *zouave* corps, the enactment of 17 November 1831 created the *spahis*,<sup>86</sup> followed by the native infantrymen, the *goumier* (informers) and *khialas* (cavalry). The *Légion étrangère* (German, Italian and Polish battalions) were an essential pillar of the conquering army.

To have an idea of the scale of this recruitment policy, it is useful to note that 'the occupation force for Africa at the beginning of 1832 numbered approximately 10 500 men [of which] half [only were] made up of regular soldiers from France'.<sup>87</sup>

The French Army was able to recruit in the heart of the local population, amongst those whom General Bugeaud described, in a letter to Marshall Soult, as Arabs who 'can only be governed by the military, by those who have vanquished them.'<sup>88</sup> This is to say those who always side with power and who, later, turned against Emir Abdelkader and fought him on the side of the French. General Clauzel wrote to his minister, on 22 February 1836, that:

The Arabs always say: 'If you are strong enough, if you can protect us against Abdelkader's cruelties, we will be with you; but if you do not support us, and you leave us to his will and fury, we will be



General Clauzel

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forced to follow him, to do what he wants, to attack you in the end'.<sup>89</sup>

During the first year of occupation the French troops advanced along the Algiers' coast, perpetrating a great number of massacres.

When General Clauzel attempted to occupy Blida its inhabitants resisted. The General ordered his men to loot it and massacre its defenders. He noted that when he arrived he found the city 'strewn with corpses which included old people, women, children and Jews. All had been defenceless'.<sup>90</sup>

In Médéa, the capital of the province of Titteri, 'the population had been frightened by the French power'<sup>91</sup> and 'was not only totally depopulated but also devastated. It was attacked and looted in 1830-31 and finally occupied in 1836'.<sup>92</sup> In a single morning, on 26 November 1830, the assaults of the companies of officer Rullière, under the orders of General Clauzel, led to 800 dead and 'a huge number of injured'.<sup>93</sup>

Elsewhere, on 6 April 1832, French troops under the orders of General Savary (Duke of Rovigo) perpetrated one of the most atrocious massacres of this period: the El-Oufia tribe massacre. The area of Algiers where this tribe had lived was named after De Rovigo. Alleg recounts how members of this tribe were taken by surprise, death striking with no distinction of sex or age:

On the night of 6 April 1832, an army detachment left Algiers, on orders from the Duc de Rovigo, and raided by surprise the unarmed Olyfia [El-Oufia] tribe whose members had been camping in their tents. The soldiers massacred indiscriminately all men, women and children on the spot. 12 000 people were reported dead.<sup>94</sup>



General Savary

In *L'Afrique française*, P. Christian gives a detailed description of events following the massacre:

At sunrise an army corps [...] surprised the tribe whose members were still sleeping in their tents, and slaughtered the unfortunate El-Oufia, none of whom even tried to defend himself. Anything living was doomed to die: no distinction was made, neither of age nor sex. On return from this shameful expedition, our cavalymen had heads spiked on their spears [...] All the cattle [...] were sold to the consul of Denmark; the rest of the booty, bloody remains from a dreadful carnage, was exposed in the Bab-Azoun outdoor market. One saw with horror women's bracelets still attached to severed wrists as well as ear rings hanging on pieces of flesh. The proceeds of this sale were split among the slaughterers, and the meeting of April 8 proclaimed the strong satisfaction of the General with the eagerness and cleverness his troops had shown, thereby sanctifying such an infamy. That evening, the police ordered Algiers' Moors to light up their shops.<sup>95</sup>

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*French Colonial Massacres*

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Bejaia was conquered in 1833 after a ferocious battle which 'lasted three days and, as usual, increased the ferocity of the soldiers. The entire population either perished or was exiled for ever.'<sup>96</sup>

In 1835 it was the turn of the city of Mascara, capital of Emir Abd-el-Kader. According to Mahfoud Bennoune<sup>97</sup>, the city was

completely destroyed by the bombardment of the French troops who thus avenged the crushing defeat inflicted upon them in the battle of Macta. When the Duc d'Orleans entered the city, he exclaimed:

What I saw then was the most hideous spectacle I have ever witnessed. I had never imagined what a sacked city, where numerous inhabitants have been massacred, would be like. The street that leads to the square was full of all kinds of debris; wooden beams covered with flecks of blood were still burning; everything was in disorder; not a single object remained untouched; the houses were in flame and a thousand Jews threw themselves at our feet begging for mercy: all that was left of a population which until yesterday numbered 10 000 souls.

Constantine met the same fate and fell in 1837, after a remarkable resistance since the first attack by the French troops in 1836. According to the previous source:<sup>98</sup>

While besieged, a large number of the inhabitants were forced to flee over the gorges of the Rhummel, but many of them fell into the abyss and crashed to the bottom.

I stood on the edge of the terrifying ravines and stared at the sloping peaks over which thousands of men and women, trusting the abyss more than the mercy of the French victors, sought to escape. Their means of salvation were ropes attached to the upper walls of the rocks. When these ropes broke, human masses could be seen rolling down this immense wall of rock. It was a veritable cascade of corpses.

This period also saw an innovation in massacre technique. Large human groups that fled the war and sought refuge in caves were eliminated, sometimes by *enfumage* (asphyxiation) and *emmurage* (immurement).

Following a strong concentration of troops, Bugeaud's columns wreaked havoc in the Chlef province. On 20 May 1842 they 'finished off the Beni Zeroual sheltering in their caves'.<sup>99</sup> On his return to Algiers, amazed by the fertility and richness of the Chlef valley, Bugeaud wrote to Marshall Soult: 'A good government, followed by a good agriculture would make this country one of the most beautiful countries in the world within half a century.'<sup>100</sup>

In 1844-45, during the repression of Cheikh Bou-Māza's insurrection, General Cavaignac gave the order to asphyxiate the Sbēha. Officer Canrobert, who participated in this operation wrote:

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We blew up the entrance of the cave with dynamite and stacked bundles of brush there. In the evening the fire was lit. The next day some Sbéha survivors presented themselves at the entrance of the cave asking our outposts for protection. Their companions, women and children, had died.<sup>101</sup>

General Cavaignac lauded the Sbéha massacre as a model of efficiency. General Bugeaud was engaged in a campaign in Chlef. Before leaving Algiers he had confided the command of operations to three of his lieutenants: Saint-Arnaud, Ladmirault and Pélissier and had left an order (on 14 June 1845) stipulating that: 'If these scoundrels retire to their caves, you must imitate Cavaignac at the Sbéha and gas them like foxes.'<sup>102</sup> Pélissier did imitate him. The Ouled Riah tribe had been expelled from its village by the fire-raiser detachments of Colonel Pélissier and sought refuge in the caves of Ghar el Frachich. Pélissier asphyxiated them unhesitatingly on 19 June, killing 760 people<sup>103</sup>; according to François Maspéro more than one thousand men, women and children died.<sup>104</sup>



General Cavaignac

Witnesses' accounts of the events are terrifying. For example, an officer, quoted in *L'Algérie passé et présent*, relates how: 'French soldiers, ordered to guard the entrances of the gased caves, shot dead those who tried to escape the massacre during the night.'<sup>105</sup> On 20 June, at dawn, between fifty and sixty survivors succeeded in escaping; the attempt to help the others was interrupted as Colonel Pélissier himself later reported: 'The environment was so nauseating, so offensive that, on the doctors' advice, the [rescue] operation was suspended.'<sup>106</sup>

On 21 June Captain Valdan went with an engineer officer to inspect the cave. He discovered that:

On all sides the ground of the gallery was littered with corpses of men, women and children tangled with those of the herds. These wretched people had been pushed back by fire, by baked plaster caving in, by bullets of our infantrymen and by the shrapnel of our shells. Therefore they had taken refuge in the deepest part of the cave, face down, in search of a little fresh air to delay the fatal moment.<sup>107</sup>



Colonel Pélissier

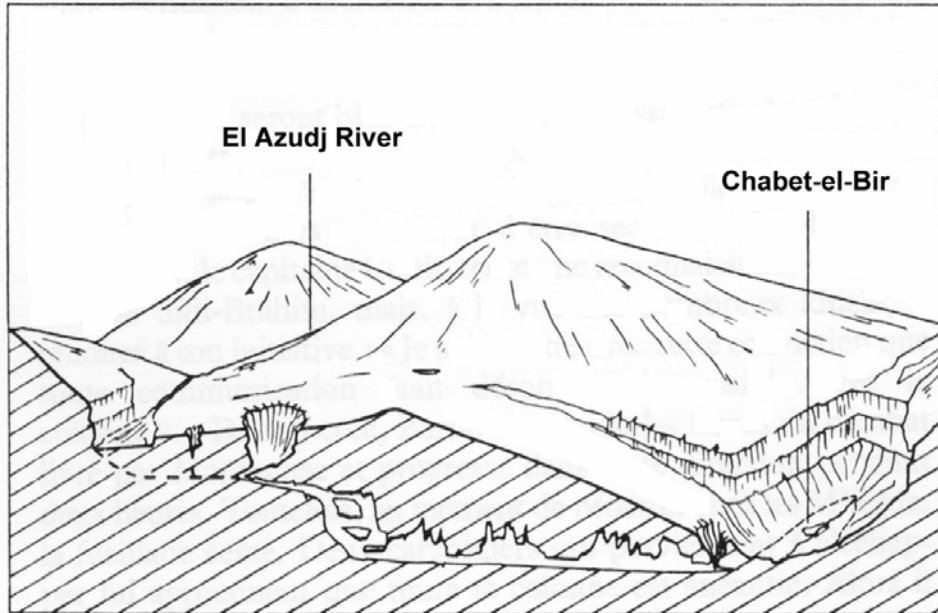
Another witness cited by Alleg describes the aftermath of the massacre in these terms:

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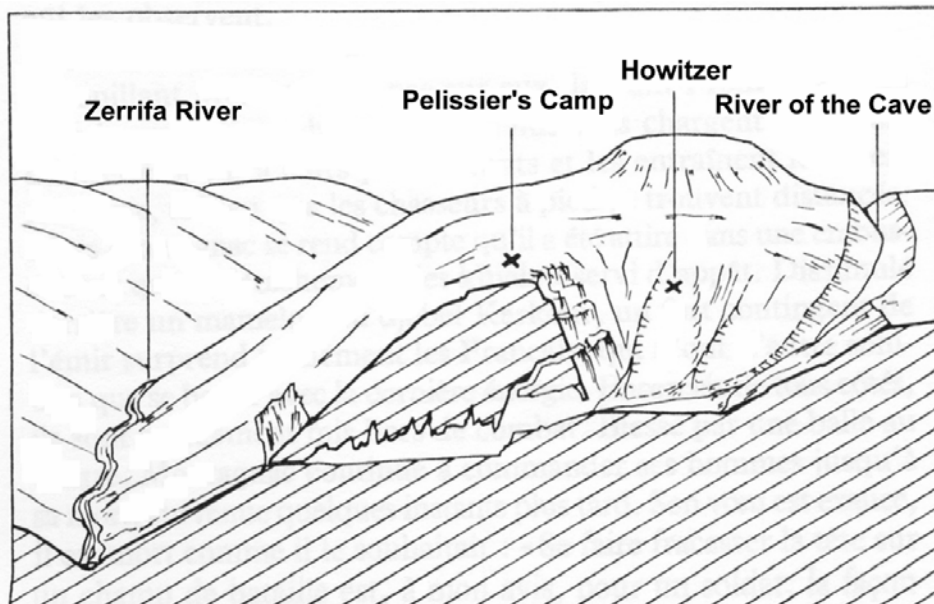
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**Massacre of the Sbéhas, 1844**

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**Massacre of Ouled Riah, June 1845**

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Which pen would be able to describe such a scene? To see in the middle of a moon lit night a unit of French troops busy keeping an infernal fire burning. Hearing the muffled groaning of men, women, children and animals, and the cracking of burned rocks collapsing [...] In the morning when we tried to clear the entrance of the caverns, we found bullocks, donkeys and sheep lying [...] Piled up beneath the animals we found men, women and children. I saw a dead man on his knees with his hand clenched on a bullock's horn. In front of him there was a woman holding her child in her arms. The man had suffocated in trying to protect his family from the rage of that animal. We counted 760 dead bodies.<sup>108</sup>

To answer his critics, Colonel Pélissier justified himself with exceptional cynicism stating that: 'The skin of just one of my drums is dearer than the life of all these wretches.'<sup>109</sup>

In General Azan's work *Conquête et Pacification de l'Algérie* published in 1932, a century after the conquest, one can read about Ouled Riah: 'The tribe let itself be nearly annihilated with a savage heroism.'<sup>110</sup> General Azan explained Pélissier's action by asserting that: 'An inspection of the caves showed that a violent attack on the hideout would have led to the loss of all who risked entering this labyrinth.'<sup>111</sup>

In a letter dated 14 July 1845 addressed to his Minister, Marshall Soult, Bugeaud took the entire responsibility for the massacre: 'Because Colonel Pélissier needs my fidelity, and out of my duty to you, I declare that I take full responsibility for this act. Before parting in the Ouarsenis, I had ordered the colonel to use this means as a last option.'<sup>112</sup> Following this justification the letter had a long dissertation on the methods of waging war. He sought to defend the methods which do not prolong suffering:

War and politics demand the use of all means, however powerful (I exclude poisoning, assassinating leaders, treachery, I am only talking about the use of open force) to arrive as quickly as possible at the goal. This is also in the interests of humanity, of the winners as well as the losers, because prolonged wars ruin nations and multiply victims due to the use of means lacking power. These undeniable principles having been stated, I wonder if the siege of caves by Colonel Pélissier is more cruel than the bombardment and famine with which we crush the whole population of cities at war in Europe? And at sea, do we not shell a ship to sink it or blow it up until it surrenders? Is that then more humane? All these things are identical: it is war with its unavoidable consequences. If the philanthropists do not want to see them, let them demonstrate their ability to give people and governments feelings of eternal peace.<sup>113</sup>

Still during the repression of Cheikh Bou-Māza's insurrection, General Saint-Arnaud outdid both General Cavaignac and Colonel Pélissier in savagery by inventing the technique of *l'emmurage* (immurement). On 8 August 1845 he found five hundred Algerians from Beni-Mādoun sheltering in a cave between Ténès and Mostaganem. They were refusing to give themselves up. General Saint-Arnaud ordered his soldiers to immure them alive. In a letter of 15 August 1845 he relates that:

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I had all the exits hermetically sealed and made a huge cemetery. The earth will cover the corpses of these fanatics for ever. [...] My conscience is clear. I did my duty as a commander and would do the same again tomorrow. However, I took a dislike to Africa.<sup>114</sup>

The central region (l'Algérois) was not the only one to be affected by massacres as 'troops trained by Bugeaud and his successors, would surpass themselves in the expeditions launched against the Kabyles (in 1845 and 1847) and in the southern oases.'<sup>115</sup>

P. Gaffarel recounts the massacres in Kabylia:

The order had been given to prosecute a devastating war, and it was rigorously executed. [...] Our soldiers behaved ferociously [...]. Women and children were killed, houses burned, trees cut down at their roots, nothing was spared. Atrocious acts were committed. Almost all Kabyle women have silver bracelets on their arms and legs. We saw soldiers cutting off the four limbs of women to steal those bracelets, and it was not always dead bodies that were so mutilated.<sup>116</sup>

This period also saw the massive destruction of numerous towns and villages; this did not take place without civilian casualties. In 1842 General Sil-lègue burnt down the Amoucha villages<sup>117</sup> and General Saint-Arnaud brought about the destruction of a part of Blida the same year.<sup>118</sup> Two years later it was the turn of the Ben-Salem and Bel-Kassem Ou Kassi regions. In a letter to his brother, General Saint-Arnaud talks about the destruction of the latter:

The Nissa basin which leads to Bougie, which was only 15 leagues away from us, was wonderful. The beautiful orange trees that my vandalism is about to destroy! I wish I could send you this pretty forest to Noisy. Your wife would be so happy. Today I burnt the properties and villages of Ben-Salem and Bel-Kassem Ou Kassi.<sup>119</sup>

### 4.3. Under the Second Republic (1848 – 1852)

The birth of the Second Republic coincided with important events in Algeria's colonial history. The preceding year, 1847, had seen the surrender of Cheikh Bou-Māza, on 13 April, and that of Emir Abdelkader on 23 December. It was therefore under the French Constitution of 1848, with a return to republican values, that Algeria was proclaimed an integral part of France. It was in this spirit that the French troops tried to extend their colonial domination over the whole of Algeria. To combat the continuing insurrections, the Second Republic was as ruthless as the bourgeois monarchy. From the east to the west, from the north to the south of Algeria, Algerian populations were massacred.

The massacre of the entire Zātcha tribe (between Biskra and Ouargla), in retaliation against the Aurès and Ziban insurrection led by Cheikh Bou Ziane, was the most striking massacre of this period. After a long siege, the

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assault on Zātcha was given on 26 November 1849 with a force of eight thousand men distributed among three brigades set up by General Herbillion, and commanded by Colonels Barral, Canrobert and Dumontet. The local inhabitants put up a fierce resistance so that to dislodge them from their houses, ‘mines had to be used, and the houses had to be blown up, one after the other, burying their defenders as they crumbled down.’<sup>120</sup>

Also of note in the work of Julien and that of Nouschi *et al.* were the massacres at Bou Saada, at Ouled Sidi-Chikh (South Oran), at Zouagha (north of Constantine), those of the Zouaoua tribe at Djurdjura, the Beni-Snouss people near Tlemcen, at the Qsur of Moghrar Tahtani and Fuqani in south Oran, that of the Aziz brotherhood in south Médéa, at Tifra in the Sebau, at Beni-Immel in the Guergour and at Nara, Oudjana, Oueldja and in other regions in the Aurès.

On 5 January 1850 the Nara villages were attacked by three light columns because they refused to pay the taxes. ‘The repression was severe: Nara’s defenders were killed or crushed under the ruins of their destroyed houses given over to fire.’<sup>121</sup> The assault ‘ended with the massacre of the whole population.’<sup>122</sup> Captain Bocher admitted, in his *Souvenirs*, that ‘there was a huge massacre suffered by the inhabitants.’<sup>123</sup>

The Oueldja massacre was perpetrated at the beginning of June 1850 and was the work of General Saint-Arnaud at the head of a column of four thousand men. ‘The foreign legion and the native infantrymen, preceded by sappers, violently entered the town, ransacked it and set it alight.’<sup>124</sup> The man behind the Oueldja massacre commented on this crime in one of his letters:

You can tell Rousset [lawyer at the royal court, childhood friend of Saint-Arnaud] that I destroyed and burned a lot, he is right to treat me as a Goth and a Vandal [...] The people of Oueldja (in the Aures) undoubtedly relied on their palm trees, walls and gardens and hence refused to pay the tax. As a pastime, they killed two of my soldiers of the 20<sup>th</sup>. That night, at 2:00 am, I ordered that the barricaded town be invested, and, at sunrise, while I was having the palm trees and gardens occupied, three battalions forced their way into the town where each house defended itself. I went by, burning everything and leaving fifty dead bodies in the streets of Oueldja [...] All that in a matter of two hours. The inhabitants of the oasis were terrified. They admit today, though a bit late, that they got what they deserved. Taxes will be paid.<sup>125</sup>



General Saint-Arnaud

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In another letter written to his wife, General Saint-Arnaud talks of his intention to continue the massacres:

Dear Louise, I am bivouacking in a 40° heat, in the midst of twenty superb villages which have never quite surrendered [...] I have given them until tonight to pay taxes and fines I inflicted on them. If they don't comply, I will do as I did in Oueldja, I will send in three columns to burn everything.<sup>126</sup>

Other massacres were committed as part of repressive operations often against insurgents who protested against the fines, taxes, seizures of property and herds. Between 1848 and 1850 repressive operations targeted the localities of Beni-Zougzoug and Ouled Deffelten in the Ouarsenis, Beni-Menad, Hayman, Beni-Snous, Righa, and Beni-Hassan in the Titteri, Mzaïa in the suburbs of Bejaïa, Bou-Saada, Ouled-Feradj, Ouled-Soltan and Ouled-Sylem in the Ouarsenis, three tribes in Oran, Nememcha, Ouled-Younès in the Dhahra, Harakta and Segnia in the Hodhna and three tribes on the Moroccan border. Nouschi *et al.* draw attention to the fact that 'all these operations are not without massacres' and specify, on the basis of the *Tableau des établissements français en Algérie (1846-1849)*, that 'the sole collection of the *achour* [a form of tax] from a group of the Beni Snous on 27 September 1848 resulted in "forty among them were killed, four others and twenty-nine women were taken prisoner"'.<sup>127</sup>

This period also witnessed the Kabylia Campaign with General Saint-Arnaud's operations in Kabylia and the fight against Cheikh Bou-Baghla's insurrection which started in 1850. The acts of destruction were the more murderous when they were committed as surprise attacks. This was the case of Colonel Lourmel's light infantry attack on the night of 24 and 25 June 1850. Ordered by General Saint-Arnaud, Lourmel led a light column and swiftly surprised and burned down the Beni-Meraï villages north-west of Sétif (Little Kabylia). His aim was 'to proceed with devastation in order to obtain surrender'.<sup>128</sup> Sétif was vanquished on 8 July 1850.

Alleg describes the repression which fell on entire communities in Kabylia:

On orders of generals Camou and Bosquet, the insurgent areas were ravaged. 300 villages were burnt, thousands of olive trees were cut down, an irretrievable loss for a generation, as thirty years are needed for an olive tree to reach full production. And 'no distinction!' In that impulse, enemy tribes as well as obedient tribes were slaughtered. In a *douar* [(hamlet)], whose inhabitants were found sitting quietly at home, we chose, as a matter of principle, to shoot everybody.<sup>129</sup>

Saint-Arnaud admitted in 1851, during operations carried out in Little Kabylia, that: 'I left a huge fire in my wake. All the villages, approximately two hundred, were burnt, all the gardens pillaged, the olive trees cut down'.<sup>130</sup>

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According to Nouschi *et al.*, Saint-Arnaud committed ‘extermination raids throughout Little Kabylia where he never fought without an enormous superiority in strength’.<sup>131</sup> Between April and July 1851 several massacres took place: of Selloum (10 April), Beni-Mimoun and Ouled Askar (12 May), more than fifty villages of the Beni-Amran tribe (19 May), Beni-Foughal at Djidjelli (26 and 27 May), three villages of the Beni-Aïssa (9 June), three villages of the Djebala, those of the Ouled-Aïdoun and that of the Achacha (in July).

Regarding the Beni Amran massacre, in *Conquête et Pacification de l’Algérie*, General Azan recalls the events:

He [General Saint-Arnaud] attacked them on a heather covered plateau: he sent the riflemen and the spahis, commanded by Colonel Bouscarin, to turn them to the left, and ordered the native infantrymen to turn them to the right; on the canon signal the cavalry charged, whilst at the front the *zouaves* advanced vigorously. The Kabyles had to throw themselves to the right, into a steep sided ravine where they fell under the cavalry fire, who had dismounted and were killing a great number; they left 300 to 400 corpses on the ground. The column had only one dead and four injured.<sup>132</sup>

In 1851, many other areas were struck by massive destruction<sup>133</sup> in battles against Cheikh Bou-Beghla, who was to be killed in December 1854. Such was the case of six villages near El-Maïss in the Soumman (23 May), several Gheboula villages on the Bou-Sellam (1 June), the Ouzellaguen villages (25 June), a part of the Beni-Aïdel villages (3 July), and the Qalaa of Beni-Abbès in the Guergour (8 July).

On 17 November 1851, General Pélessier received a laudatory letter from his minister congratulating him on the results of the Kabylia campaign, and the ‘exploits’ of General Saint-Arnaud:

I can only congratulate you on the vigorous and truly brilliant direction you have given to this expedition (of Kabylia). [...] These forcefully led operations hit the rebels twice as hard, and did not give them time to regroup, forcing them to abandon their homes and wander in the mountains with their families, without shelter, in the most cruel weather. These operations cannot fail to produce rapidly favourable results. I have therefore only congratulations to send you on this expedition, and I ask you to let the troops under your command know of my satisfaction with their good performance and their untiring devotion.<sup>134</sup>

#### 4.4. Under the Second Empire (1852 – 1870)

For colonised Algeria, the Second Empire meant the accession to power of an emperor, Napoleon III, who declared himself the protector of an ‘Arabian Kingdom’. The Second Empire, however, saw no fundamental change compared with preceding regimes. In establishing its colonial authority, the Second Empire was to prove particularly murderous for the Algerian people.

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This regime started with the continuation of the Kabylia Campaign and the destruction of five villages and eleven hamlets of the Ouled-Aïdoun in the Oued-el-Kébir (1852).

In Greater Kabylia there was the blockade and prohibition of markets 'aimed at starving the country'<sup>135</sup> and that lasted for several years. General Randon believed that the best way for subjugating the Kabyles of Djurdjura was to establish a blockade around them, preventing the *Zouaoua* from coming to the markets.<sup>136</sup> In June and July 1854 the columns of Generals MacMahon and Camou wreaked massive destruction in the high Sebaou, notably in the Beni Yaya and the Beni Hidjer. In August and September 1856 some villages of Sebau and Babor were burnt down following their protest against the blockade.



General Randon

It must be stated that under the Second Empire even natural disasters, like famine and epidemic, were exploited to bring to an end popular resistance. Although the French Army had destroyed the structures of the Algerian State and annihilated the social organisations which could have come to the aid of the population by providing first aid and limiting the damage of the disasters, the French administration did not move to help the people hit by these scourges. Alleg describes well the administration's attitude at the time of the terrible famines which took place between 1887 and 1889:

The horrifying famines of 1867, 1868 and 1869 caused close to 500 000 victims. A commission of inquiry which went to the scene, in spite of Governor General MacMahon's opposition, noticed that the colonial administration had not even tried to organise the most urgent aid. But did it really mean to help the population? The starvation which helped depopulate the country was in fact an efficient ally.<sup>137</sup>

Cheikh Bou-Beghla's death at the end of 1854 did not bring to an end the popular resistance in Kabylia. It was brought about in 1857 by a campaign directed by Governor General Randon who used a 25 000 strong force and 'after every act of resistance replied by burning villages and harvests.'<sup>138</sup> During this campaign, several tribes suffered ferocious repression. Such was the case, for instance, of the Beni Raten, the Beni Yenni and the Beni Menguillet. The villages of Aït el Hassen, Aït el Arba, Taourirt Mimoun, Taourirt el Hadjadj and Aguemoun were affected. Finally the famous resistance leader Lalla Fatma, her family and servants were taken on 12 July 1857.<sup>139</sup>

General Randon, who had been promoted to the rank of Marshall of France, announced to his troops at the end of the Kabylia operations, on

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15 July 1857: 'Soldiers, your mission is accomplished: the Kabylia of Djurdjura are subdued. There is no single tribe that does not obey our law [...].'<sup>140</sup>

But during this campaign even tribes which had been inclined to surrender were not spared, as in the case related by d'Hérison where the sole aim of the massacre was to appease an army Colonel's blood lust:

D'Hérison reports on such acts by General Youssouf, refusing, in these words, the surrender of a tribe: 'There is, on our left, this brave colonel who has not had anything yet. Let's leave this tribe for him to smash up, it will make him a bulletin, and after we will give them *amān* (protection).'<sup>141</sup>

Insurrections against the colonial forces were still active throughout Algeria, notably at Oued-el-Kebir, in the Aurès, at Belezma in the east (1858-1859), at the Beni-Snassen in Oran (1858-1859), and at Touat and Chaanba in the south (1860). These revolts were put down bloodily. In the campaign against the Ouled-Sidi-Cheikh insurrection, which spread rapidly from the Oran's Tell to the region of Constantine, nearly 100 000 men were used. According to Nouschi *et al.* 'only the resumption of extermination methods allowed the colonial power to restore its authority.'<sup>142</sup> This ruthless brutality went on to decimate the populations of the high plateau, in the east, Constantine and the Sétif region, in the centre, south Algiers, and in the west, south of Oran, notably at Ferdjona (1864), Nememcha and the Tebessa region (1864), and at El-Abiod-Sidi-Cheikh in Oran (1865).

In 1852 a massacre was perpetrated in Laghouat, which was bombarded for three hours. Gaffarel described the macabre scene:

When we had to bury the dead, they were so numerous that in some streets they were like barricades. We used forage ropes and horse harnesses; the men harnessed themselves onto them and we threw the bodies anywhere we could, especially into wells. A single well took 256 of them.<sup>143</sup>

And Alleg described the days following the Laghouat massacre:

For days, the city of the desert smelled of putrefying bodies. Clouds of crows and vultures flew over Laghouat, as over a big mass grave and the soldiers organized hunts to clear the sky of them.<sup>144</sup>

#### 4.5. Under the Third Republic (1871 – 1940)

This period saw the last large scale insurrections against the colonial forces, especially that of 1871 organised by Cheikh El-Haddad, the head of the Rahmánya religious brotherhood, Cheikh Mahieddine, the son of Abdelkader, Cheikh Mohamed Mokrani and his brother Cheikh Boumezrag. In 1871 the last armed insurgency on a national scale (until the War of Independence in 1954) started in Kabylia and spread quickly to all of the Constantine re-

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gion, the south, the Algiers region and to the Oran region at Ouled Sidi Cheikh. Among the factors which triggered the revolt, historians cite the forced enlistment of Algerian *mokbaznis* sent to the German war front during the war of 1870.<sup>145</sup> The weakening of the French troops by the war effort against Germany was also real motivation for organizing this insurrection.

The response of the Third Republic, still suffering from the military defeat inflicted by the Germans, the loss of Alsace and part of Lorraine, was particularly murderous. The repression of the 1871 revolt is described in these terms:

Once again fire devastates hundreds of villages. Shootings, summary executions and forced evacuations depopulate entire regions, but the settlers find that the 'lesson' is still insufficient. A Constantine newspaper, *Le Seybouse*, expresses their opinion: 'Terror must hover over the hideouts of the assassins and arsonists. The repression must be such that it becomes a sinister legend, for all the tribes, hence guaranteeing the security of the emigrants.'<sup>146</sup>

The 1871 repression targeted particularly the Hanencha, the Medjana, Tebessa, Ouled-Sidi-Cheikh, Greater Kabylia, the Rahmaniya, the Qalaa of the Beni-Abbes, M'Sila, Bou-Saada, Bou-Taleb and the Beni-Menaçer at Aïn-Telemsil.<sup>147</sup> It was followed by a huge campaign of land expropriation. The decade 1871-1881 was to be the most prosperous in terms of colonization.

The Third Republic also crushed the 1881 insurrection which took place in both the Saïda region and the south Oran region. It was organized and led by Cheikh Bou-Amama. Several revolts occurred later in protests against the forced conscription of young Algerians to fight for France in the First World War.

In 1908 the law to extend obligatory military conscription to Algerians was adopted but it was only in early 1911 that the decrees ordering obligatory military service were published. This measure provoked a population exodus towards Turkey and Syria. In the autumn of 1910 there was an exodus from the Constantine region. In 1911, in the region of Tlemcen, 'five hundred Muslim families left Algeria to escape the conscription project.'<sup>148</sup> In the Aurès the mothers protested shouting: 'We are ready to give you anything you ask for, our money, our harvests; but we prefer to die here and now rather than give our children.'<sup>149</sup> In Oued-el-Abdi the populations repeated: 'We do not want to give our children to the French authorities to be used as cannon fodder by the enemy.'<sup>150</sup> An Algerian intellectual from Tolga, cited by Ageron, wrote to an Italian personality complaining of 'the savagery of the French': 'They enlist our children into the army and send them to their death. They are pushed to the front row in scuffles and assaults against their will. It is as if they buy beasts of burden at the market.'<sup>151</sup>

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Most of the massacres perpetrated during the 1914-1918 period occurred in repressive operations against insurgent regions and tribes protesting against the forced conscription of young Algerians into French military units engaged in various fronts in the First World War. Of the 176 000 Algerians who were dispatched,<sup>152</sup> 25 711 died on the battlefield or were reported missing, and 72 035 were injured, of which 8 779 were mutilated.<sup>153</sup> In addition 119 000 Algerians were sent to France as manpower.<sup>154</sup>

In 1914 the Beni-Chougrane revolt (Oran region) was subdued by a force of 15 000 soldiers. A bloody repression struck notably two *douars* of Beni-Chougrane.<sup>155</sup> In 1915 the revolt of the Sahara tribes was put down.<sup>156</sup> The repression of the Touareg took place, following a protest led by Si Mohamed El Abed in the Hoggar, in 1917.<sup>157</sup>

In 1916-1917 the repression of insurrections in several regions in the Aurès, notably Barika, Bélezma and Khenchela, were particularly bloody. The repression involved the air force which bombed the djebels of Bosdaan and Mestaona, and a 14 000 strong force. This force included a brigade withdrawn from the German front as well as Senegalese and Algerian *zouave* battalions.<sup>158</sup> Ageron describes the events of that year, which would remain for the Chaouia peasants 'the year of the Blacks'<sup>159</sup>:

This small revolt of the deserters and the absentees, which affected the poorest *douars* [hamlets], remained with no leader or direction and hence was easily put down. Under what conditions was it done? The Ministry only heard about police rounds. The collective memory of Muslim Algerians remembers the 'Bélezma horrors, the action of the Black Senegalese who burned, raped and killed.'<sup>160</sup>

Four years later on 28 December 1920, a conservative member of parliament explained before the *Chambre bleu horizon* what had been the action of his regiment during that repression: 'We burned villages without either rhyme or reason although we knew that the children of the inhabitants were at the [German] front.'<sup>161</sup>

The forced enlistment was repeated once again during the Second World War when in 1939 114 000 Algerian fighters were dispatched to various fronts.<sup>162</sup> A large number of them failed to come back or returned to Algeria disabled.

#### 4.6. Under the Pétain and de Gaulle Regimes (1940 – 1945)

There was no divergence in the Algerian policy of the Vichy government, under Prime Minister Pétain, and that of Free France, represented by General de Gaulle. On the one hand Marshall Pétain, who tried in vain to establish a dialogue with the nationalist Algerian movement through Messali el-Hadj, announced on 11 October 1941 that 'the new regime's priority will be to defend national unity, that is to say a close union of overseas France and

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the metropolis.<sup>163</sup> On the other hand, General de Gaulle could not rid himself of the imperial idea which, according to Girardet, ‘is more forcibly affirmed with *France libre* because the colonial administrators and officers make up an important fraction of the handful of French who had rallied behind de Gaulle’s cause from the outset.’<sup>164</sup> Girardet also asserts that ‘the Empire Defence Council, created on 27 October 1940 “to maintain the territories’ allegiance to France, and to watch over internal and external security”, was one of the first institutional structures set up by *France libre*.’<sup>165</sup>

To claim that *France libre* had promised Algerian nationalists their independence as soon as France would be liberated contradicts de Gaulle’s resolution when he urged General Henry Martin, at the end of his visit to Algeria in 1944, to refasten Algeria’s ties to the mother state. He admitted to him that ‘it is a question of preventing North Africa slipping through our fingers while we save France.’<sup>166</sup> As Raymond Aron said, in October 1945, France’s most urgent task was ‘to safeguard French Algeria, “failing which our country would fall several degrees down on the scale of nations”.’<sup>167</sup> At the beginning of the conquest, several decades earlier, another liberal thinker, Alexis de Toqueville, did not believe that ‘France could imagine abandoning Algeria. To abandon it would be, in the world’s eyes, a declaration of France’s decline.’<sup>168</sup>

The participation of Algeria’s Muslim population in the war effort to liberate France should be, for *France libre*, a tribute of gratitude. René Cassin, a jurist, had the Universal Declaration of Human Rights adopted in 1948, later became the President of the European Court of Human Rights, and was awarded the Nobel Peace Prize towards the end of his life. Speaking of ‘the prodigious rise of the colonies’ he asserted that ‘the Empire’s population could never better repay their debt of gratitude towards France than by forming the armies destined to save the mother country.’<sup>169</sup> It was this frame of mind which explains General de Gaulle’s attitude towards the May 1945 uprising in Algeria and his implicit approval of the massacres that followed.

So it was that between 1943 and 1945 one hundred and forty thousand Algerian fighters were sent, against their will, to the front lines of the most murderous of combats, to liberate France.<sup>170</sup> Twelve thousand were killed.

#### **4.7. Under the Provisional Government of the Republic (1945–1947)**

Even after the end of World War II the colonial authorities in Algeria continued enlisting Algerians of fighting age, against their free will. They were sent to remote regions of the globe to participate in wars in which they were in no way concerned. Divisions of young Algerians were thus sent to die in the Crimea, in various French colonies and, from 1946, in Indochina.<sup>171</sup>

The most important massacres Algeria saw in the post war years remain undoubtedly those of 8 May 1945, shortly after the Allies victory over the

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nazis. The magnitude and extent of these massacres makes them amongst the most atrocious in recent history. The 8 May, the day the world celebrates victory over inhumanity, remains a day of mourning for Algerians.

After the Allies victory Algerian independentists expected the French authorities to resolve the problem of Algeria's independence. They had hoped that the participation of tens of thousands of young Algerians on the Allies side would be rewarded. However, these militants were soon to be disappointed because, at the end of the world conflict, discussing Algeria's independence was out of the question.

On 8 May, Armistice Day, the ensuing frustration led to demonstrations in the majority of Algerian cities and towns. The demonstrators marched with banners, shouting 'Down with fascism and colonialism'. In Setif the police fired on Algerian demonstrators who reacted by attacking the police and Europeans.<sup>172</sup> It was the beginning of an uprising in several towns and villages in the Constantine region: Sétif, Chevreul, El-Ouricia, Lafayette, Mansouriah, Tamsout, Béni Siar, Kherrata, Amouchas, Aïn Magranem, Périgotville, Aïn Abessa, Saint-Arnaud, Sillègue, Djidjelli, Annaba, Guelma, Millésimo, Petit, Villars, Héliopolis, Oued Zénati, Gounod, Lapaine, Aïn Amara, Bordj Sabath, Constantine, Fedj M'Zala, El Arrouch, El Coll, Jemmapes, Philippeville, Aïn Regada, Hammam Meskoutine, Medjez el Bab, Roknia, El Milia, El Ouassah, Robertville, Khenchla, Biskra, and Batna. The unrest spread throughout the territory including Blida and Berrouaghia in the region of Algiers, and Sidi-bel-Abbès in the region of Oran.<sup>173</sup> These riots led to 'one hundred and two Europeans or moderate Muslims dead, one hundred and ten injured, one hundred and thirty-five houses looted and nineteen set alight.'<sup>174</sup> The European victims had 'in the majority of cases the corpses terribly mutilated.'<sup>175</sup>

Facing this situation, the order to repress the demonstrators quickly came from the highest levels of the Fourth Republic. General de Gaulle sent a telegram to Governor General Chataigneau:

Would you publicly reaffirm the will of victorious France of not permitting any interference with French sovereignty over Algeria. Would you take all necessary measures to put down all anti-French movements by a minority of agitators. Would you reaffirm that France still trusts the majority of the French Muslims of Algeria.<sup>176</sup>

In the 8 June edition of a major colonialist newspaper, *L'Echo d'Alger*, Benscher wrote on the events in Sétif: 'When your house is burning, when the ship is sinking you call neither the insurer nor the dancing teacher. For the house it is time for the fireman, for the ship the lifeboatman. For North Africa it is time for the policeman.'<sup>177</sup>

So on 10 May 1945 a ferocious repression led by General Duval was launched. It lasted until June. This repression was particularly murderous in

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Guelma, Sétif and Kherrata and their surroundings. The death toll was forty-five thousand victims according to Algerian sources, between five and six thousand according to the French general government, and eighty thousand according to the Arab League. Jacques Jurquet called these massacres a 'colonial genocide'.<sup>178</sup>

On his return from a visit to massacre sites in the Sétif and Kherrata regions, the editor of the newspaper *Liberté*, Roger Esplaas, was upset by the 'ruthless character of the blind and ferocious repression' and declared that 'the area north of Sétif is no more than a huge cemetery'.<sup>179</sup>

The authorities employed overwhelming force in the repression; 'as soon as the slightest agitation and the first insurgent attacks were announced, tanks, artillery, air force and marines went into action'.<sup>180</sup> 'It was the communist minister Tillon who signed the order for the air force to bombard the *douars* [hamlets] suspected of supplying or welcoming the rioters'.<sup>181</sup>

Starting from 8 May the local authorities in the regions concerned by the unrest officially set up European militias to carry out 'Arab hunting'. This was the case at Guelma, Fedj M'Zala, El-Eulma (Saint-Arnaud) and Annaba (Bône). The settlers in the countryside were armed by the military. Compared to that of the regular army the 'repression carried out by civilian self-defence groups and militias had been very bloody'.<sup>182</sup> With regard to the militias, Ferhat Abbas wrote:

The settlers, supported by the police and the army, engaged in indescribable violence unworthy of a world which claims to be civilised. The youth, which formed the cadres of AML, paid a high price. At Sétif, Perigotville (Aïn el Kebira), Kherrata, Oued Marsa, Guelma, and Bône the settlers grouped into militias and appeased their hatred; they shot dead thousands of young people after inflicting upon them the worst of tortures. Arab hunting, as in de Rovigo and Saint-Arnaud times, reappeared in force.<sup>183</sup>

In addition to the regular troops and the racist European settlers, the repression forces included the *Légion étrangère* and Senegalese and Moroccan *tabors*. Ageron states:

Repression was ruthless and commensurate with the fear and hatred felt by the Europeans who took part in the operations. The army engaged about ten thousand men, légionnaires, Moroccan *tabors* and infantrymen, most of the latter from Senegal. The air force intervened: eighteen aeroplanes bombed forty-four *mesbtas* populated with about 3000 inhabitants each and the Duguay-Trouin cruiser bombed the Babor foothills from the Aokas bay.<sup>184</sup>

The repression forces also included Italian and Maltese *zouaves*. Brahim Mohamed Tahar, head of the *Parti du Peuple Algérien* section at Guelma, survived the massacres in his town and has been called 'the man who leapt

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from the lorry of death' since. He recalls how even Italians participated in the mass killings:

I saw trucks leaving the city and every ten to fifteen minutes I was hearing gun fire. That lasted for two months; the militiamen were gathering people from everyplace to kill them. Executions were carried out mainly at Kaf El-Boumba and at the Hadj-M'Barak quarry. It was Arab hunting. There were dead people all around Guelma. The settlers, who were all Maltese and Italians, the Senegalese, the *tabors* and the Italian prisoners armed by the settlers killed children, women and the elderly who could not flee to the mountains.<sup>185</sup>

Djemal Chérif, quoted by Henri Alleg, described how even the newborn were not spared: 'Légionnaires held infants by the feet, whirled them round and hurled them at stone walls, their flesh scattering over the rocks.'<sup>186</sup>

Harachaoui Ahmed and his sister Aldjia, survivors of the El-Eulma massacres and later among the first *mujahidin* in the War of Liberation, recounted in a statement published in the weekly review *Révolution Africaine* how:

All our family was massacred, there were ten deaths in the bosom of our family, the légionnaires were not satisfied with killing our mothers and fathers, brothers and sisters... [Aldjia added:] They went as far as shooting at me while I was carrying my two year old son; two bullets fired at point blank range - one of them proved fatal for my baby who died from his injuries. The second bullet pierced my left breast. Two days later I was taken to hospital and, thanks to God, I survived.<sup>187</sup>

In the same edition of *Révolution Africaine*, witnesses from Beni-Aziz said:

The inhabitants of our area will always remember Ali Boustila's four year old son killed by a soldier's gun and the six-month old baby Boudraa also killed by a soldier who had already killed the mother. Yes, we will never forget the dozens of near relatives arrested and burnt alive at El-Matamer.<sup>188</sup>

Abdellah Aïssaoui from Héliopolis, born in 1909, injured during the Second World War and recently demobilised at the time of the events, miraculously escaped death and related his experience in the daily newspaper *El moujahid*:

On 11 May, during the night, we started exhuming the dead bodies. There was an infernal heat and the bodies were decomposing quickly. The military and the militiamen were taking them to the furnace to burn them. The ashes were then recuperated and scattered into nature. Worse than that, I saw soldiers betting on pregnant women as to whether they were carrying male or female babies and then disembowel them.<sup>189</sup>

At Kaf El-Boumba, men, women and the elderly were arrested, led to specified places of execution and shot en masse. Cheikh Khaled Ali, aged thirty-five in 1945, was arrested and imprisoned during the events, and wit-

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nessed the Kaf El-Boumba executions and the subsequent incineration of the corpses. This survivor recalls:

I saw the French disembark handcuffed people, put them on the road, spray them with petrol before burning them alive. A commission of inquiry was set up. But to hide their crimes, the killers committed even more hideous ones. Indeed, they took the dead bodies and threw them in lime furnaces. The operation lasted a whole week.<sup>190</sup>

The Algerian writer Kateb Yacine confided that he and his whole family were traumatised by the atrocity and horror of the repression: ‘The repression was atrocious. People were pulled out of their homes to be burned.’<sup>191</sup> He remembers that:

It was in Sétif in 1945 that my humanitarianism was confronted for the first time by the most awful scenes. I was sixteen. I will never forget the shock that I felt before this ruthless butchery which caused the death of thousands of Muslims. There and then my nationalism was cemented. There were certainly other contributory factors, political and economic alienation, for example. But it was above all this denial of all that we had been taught that opened my eyes.<sup>192</sup>

Saci Benhamla, who lived five hundred meters away from the Héliopolis lime furnaces, remains haunted by the ‘blue smoke of the corpses, the unbearable smell of burning flesh and the continual toing and froing of lorries.’<sup>193</sup>

In *Les Echos de la Soumman* the Kherrata massacres were described as follows:

The people were massacred without warning or mercy ..., the Kherrata gorges were filled with dead bodies. People were thrown dead or alive in the deep crevasses... Thousands of people were assassinated in this way, the smell of native blood had awakened the bloody instinct of colonialism. For many months, Kherrata lived in a state of siege: the inhabitants were subjected to all kinds of torture, the *donars* [hamlets] burnt, the crops burnt... It is there where the executioners learned the art of murdering what is human in man.<sup>194</sup>

Still in Kherrata ‘a group of witnesses gave the names of people shot, sprinkled with petrol and burned alive, or mutilated and then thrown into the bottom of a ravine.’<sup>195</sup> At Guelma, ‘bodies were heaped up in front of the church parvis, sprinkled with petrol and burned in the presence of hundreds of Muslims who were forced to spectate.’<sup>196</sup> The sub-prefect Achiary

ordered to arrest Algerian suspects, by trucks, once the fighting ceased. Hundreds amongst them, particularly those who had been incarcerated in the city’s prison, were shot dead in reprisal, after a parody of trial, at the lime furnaces of Héliopolis and Millesimo [...] At Chevreul [Arbaoun/Beni-Aziz] extra-judicial executions of suspects are thought to have equally been committed.[...] These collective revenge acts had the look of a racist hash settlement.<sup>197</sup>

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Those political figures accountable<sup>198</sup> for the massacres included Governor General Yves Chataigneau, Prefects André Lestrade-Carbonnel (of Constantine from June 1944 to August 1945), Louis Périllier (of Constantine until June 1944, and of Alger from June 1944), René Petitbon (of Constantine from August 1945) and the sub-prefects Butterlin of Sétif, André Achiary of Guelma, Albert Byr of Bejaia, and those of other sub-prefectorates of the region. Those officers militarily responsible included Marshal Alphonse Juin, Admiral Pierre Ronarc'h, Vice-admiral Jean Amanrich, Generals Pierre André, Jean Breuillac, Raymond Duval, Henry Martin, Jean-Baptiste Moraglia, Paul Pelletier, Paul Tubert, Pierre Weiss, Colonels Georges Bourdila, Jacques Hoppenot, Camille Monniot, Michel Puvis de Chavannes and Louis Serres. These State officials, political leaders and military officers were never prosecuted for the criminal acts committed under their authority. In the same way, no judicial or punitive measures were taken against the militia leaders whose names are however well-known: Fontaneau, Colombo, Barral, Faje, Fillon, Mazulla at Setif; Sacoman, Pradeille, Fabre, Rechtenwald, Labres at El-Eulma (saint-Arnaud); Culet, Daniel, the Vigliano brothers, the Gallia brothers at Bordj-Bou-Arreidj; Gremona Paupol and Antoine, Grima Loulou, Paoulo known as Malta, Alfred Luset father and son, Ernst Colin, Schemoul at Guelma etc.

All attempts to investigate the events of May 1945 were stifled at the highest political level, on General de Gaulle's orders who in his *Mémoires de Guerre* 'hardly alluded to this "beginning of the insurrection" and was silent about the repression: Didn't he forbid General Tubert, the communist Mayor of Algiers, to inquire into this drama?'<sup>199</sup>

On 18 July the socialist Home Secretary, Adrian Tixier, announced at the provisional consultative Assembly of Paris that the victims numbered approximately fifteen hundred.



8 May 1945, the gorges of Kherrata, peasants taken as prisoners

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The repression of May 1945, the massacres and huge numbers of arrests, followed by thousands of sentences, of which about one hundred were death sentences, roused and sharpened the political consciousness of Algerians. Yacine Kateb recounted the profound transformation which took place within the Algerian soul:

At school, in Sétif, I had learned about the French Revolution. I identified with it, it was my passion... And then there was the 8 May, the demonstration, the repression... I was sixteen, I was arrested and I stayed in a sort of concentration camp for several months. It was extraordinary there; for the first time I really met my people, I understood what they were enduring, I learnt that fraternity which was, in my books, exactly the spirit of the Revolution. But it was no longer books, it was no longer France. It was Algeria, my people, my country in the flesh... Merely for making me discover that, I can say that I am grateful to the French. Even if they had no idea of the effect it had on me, they carved it in my flesh.<sup>200</sup>

In another source, in his novel *Nedjma*,<sup>201</sup> we read his impressions at the conclusion of these bloody events and his determination to continue, or rather to begin, the struggle:

I felt the strength of ideas.  
I went away with tracts.  
I buried them in the river.  
I drew a plan in the sand,  
A plan for a future demonstration.  
Give me this river and I will fight,  
I will fight with sand and water.  
With cold water and hot sand. I will fight.  
I have decided. I saw far ahead. Very far.

Another schoolboy, Houari Boukharouba (alias Houari Boumédiène), who witnessed the massacres when he was only thirteen year old said, twenty years later as head of the Algerian independent state: ‘That day I aged prematurely. The adolescent that I was became a man. That day the world rocked.’<sup>202</sup> In *La Guerre d’Algérie* Henri Alleg remarked that ‘the world rocked at the same time for hundreds of thousands of young Algerians. In the horror of the massacres perpetrated before their eyes they already perceived, confusedly, that to conquer the liberty of their people they, in turn, would one day have to enter the fiery furnace.’<sup>203</sup>

Historians would later say ‘the Algerian War started, in truth, in May 1945.’<sup>204</sup>

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When a colonisation claims to be justified by the will to extend the application of the Declaration of human rights overseas and yet violates so seriously these same principles, it confers on such acts a particularly hypocritical character, one of double talk. Moreover these acts took place at a time the colonising metropolis was rejoicing at having triumphed over an occupation which had brought with it a racist regime wherein both the German nazis and Vichyists proclaimed abolishing the 1789 Revolution and reintroducing discretionary punishment, principally torture. But in Algeria racism and torture were given free rein at the time of France's deliverance. In Algeria one can do as one likes to the 'Arabs', who take the place of Jews. We send in other colonial troops against them, for example the infantrymen known as the Senegalese – this term designates all soldiers recruited in the south Sahara, except Madagascar, whatever the country of origin. This method was repeatedly used from Madagascar to Vietnam and until the Algerian War. Even the words used at this time had a sinister resonance. Armed French civilians at Sétif and Guelma are not uneasy calling themselves 'militia' when, in France, this word meant the French auxiliaries of the nazis. Finally, and this is the crucial point, one must consider the motivation of the violence exactly as one considers it with regard to the Resistance against the nazis. Can one equate the violence for the preservation of a *status quo* where a conquering minority dominates another people as it pleases with that pertinent to the right of this people to choose its own destiny? Let it be repeated: the right of each people to govern itself was among the aims of the Allies War and in more shrouded terms it remains in the Founding Charter of the United Nations (26 June 1945). To equate them would be, in May 1945, to put on an equal footing the right of the French Resistance to resist, and consequently use violence against the opponent, and that of the nazis and Vichyists to assume the right to terrorise by another violence.

In all the colonial massacres of this period what is in question is the right of subjugated peoples to claim by all means equality and self-determination. In short, the right to rebel against oppression, 'the most sacred duty' as said La Fayette in July 1789. If one considers what certain advocates of colonisation term universalism as brought by France, there is a painful and flagrant contradiction.<sup>205</sup>

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**4.8. Under the Fourth Republic (1947 – 1958)**

When too many droughts burn the hearts  
 When hunger twists too many bowels  
 When we shed too many tears  
 When we stifle too many dreams  
 It's like adding logs to the wood-pile  
 In the end, it may take a twig, a slave  
 To light in God's sky and the heart of men  
 The most enormous fire.

Mouloud Mammeri<sup>206</sup>

Two years after the May 1945 massacres that General de Gaulle had ordered, approved and assumed, the Fourth Republic was born. During this period, the General's position on the Algerian situation would not change an iota. On 18 August 1947, as a rejection of the Algerian statute elaborated by the Fourth Republic, he declared that:

Sovereignty of France means that, first of all, we should not question in any form, from within or without, the fact that Algeria is our domain. It also means that there is no matter concerning Algeria about which the French public authorities, be they executive, legislative or judicial, would abrogate their right and duty to make the ultimate decision.<sup>207</sup>

The General was one war late because following the 1945 events, as was mentioned in the preceding section, the 1954 revolution had already been born. Six years after the advent of the Fourth Republic, the world would have confirmation of this reality.

As regards the Algerian policy of France, the statements made by French officials do not change from one government to another. When the Algerian revolution started, the Home Secretary, François Mitterrand, condemned on 5 November 1954 the Aurès insurrection in terms similar to those used by de Gaulle in 1947: 'Algeria is France; from Flanders to the Congo, one law, one nation, one parliament. It is the Constitution and it is our will... The only negotiation is war.'<sup>208</sup>

For that 'negotiation' to achieve quick results, it was necessary for the French army to gather all the available means. The NATO forces were there to support it. Hence, from November 1954 to March 1955, the French troops stationed in Algeria increased from 50 000 to 80 000 men. In May 1955, the number would increase to 100 000, and in April 1956 that number went up to 250 000 troops with 40 000 reserves. Already in January 1955, in the Aurès region alone, the cradle of the revolution, military operations were conducted by 5 000 troops with air and tank support.

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From the beginning, the Fourth Republic, whose policies would be maintained and indeed reinforced by the Fifth Republic, did not hesitate in using the most extensive and most violent means to crush the rebellion: ‘battles against the ALN maquis, bombing of villages, arrests, transfer of populations from their villages to less scattered areas.’<sup>209</sup> The French political and military authorities had also decided to do away with the laws and basic rules of war morality. As underlined by Hafid Keramane: ‘Depraved French soldiers and civilians tirelessly inscribed the bloodiest and most shameful pages in the history of the twentieth century.’<sup>210</sup>

The most serious violations of human rights were tolerated, indeed ordered. The entire spectrum of abuses were committed in this war, as recalls historian Slimane Chikh:

The arbitrary arrests, the summary executions meant to be exemplary, the assassinations disguised as escape attempts, suicides, or simply disappearances, the bombings of *douars* [hamlets] and villages, the usage of napalm and gas, and finally, the practice which provoked the most indignation, and which constitutes the most degrading side of violence: torture.<sup>211</sup>

Under the Fourth Republic (and also the Fifth), there was a large number of isolated massacres which took the lives of hundreds, if not thousands, of innocent people. But it is worth noting that the majority of the massacres committed during this period, which received very little coverage in the media, were part of the all out war decided by the French authorities to nip in the bud any possible popular insurrection. This was euphemistically termed ‘pacification’.

Before citing some examples of these isolated massacres, it is useful to say a few words regarding the political doctrine of ‘pacification’, the legal framework in which it was conducted, the agents who executed it and the means used to achieve it. This will be followed by a presentation of a sample of massacres committed as part of it during regrouping, combing operations, shelling and other acts of retaliation.

*4.8.1. Doctrine of ‘Pacification’*

‘Pacification’ is defined by Hafid K eramane as ‘the integration of souls by napalm and scorched earth.’<sup>212</sup> Referring to the repressive operations against the population in his collection of testimonies entitled *La Pacification*, he says that:

It was never a question of isolated cases, nor even waves of repression spaced out in time. We are talking about a daily system, cynical and perfected in theory as in practice. We are talking about annihilating, destroying, driving crazy and debasing the Algerian defenceless population, because the combatants, the organisers, as a matter of course do not fall so easily into enemy hands. We are talking about crushing, once and for all, a ‘rebellious’ Algeria in both her physical and moral being.<sup>213</sup>

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A few French soldiers have commented on ‘pacification’. Jean Muller was a young reservist killed in an ambush in October 1956. In one of his letters published in *Témoignage Chrétien*, he gives evidence of the exactions he witnessed: ‘The words ‘pacification’ and ‘re-establishing confidence’ are, without doubt, only for the history books [...] We are far from the pacification that we were recalled for. We despair to see to what point human nature can fall.’<sup>214</sup>

Noël Favrelire, a sergeant in the 8<sup>th</sup> regiment of paratroopers, wrote in *Résistance algérienne*: ‘I was recalled with those of the 53/1 to pacify, so they said. As a matter of fact, instead of pacification we took part in a genuine war of extermination. I can give a thousand examples to back up my words.’<sup>215</sup>

#### 4.8.2. ‘Pacification’ Laws

In order facilitate and accelerate the ‘pacification’ a legislative arsenal was set up. Following the law on the state of emergency in the Algerian territory, voted by parliament five months after the start of the War of Liberation, on 31 March 1955, Guy Mollet, elected on a program of immediate peace, made a *volte-face* and from the beginning of 1956 asked parliament to grant his government, notably Robert Lacoste, ‘special powers to wage a total war’ in Algeria.<sup>216</sup> The *loi d’exception* was voted on 12 March 1956 to this effect. This law granting ‘special powers’ was followed by another law, on 19 July 1957, extending its jurisdiction to France. It was adopted by a large parliamentary majority; Benjamin Stora recounts:

Robert Lacoste, appointed Resident Minister for Algeria on 9 February 1956 by Guy Mollet, brought in a bill at the National Assembly ‘authorizing the government to put in action in Algeria a programme of economic expansion, of social progress and administrative reform, enabling it to take exceptional measures with the view to re-establishing order, protecting people and goods, and safeguarding the territory’.

By the decrees of March and April, which allowed reinforced military action and the recall of available men, Algeria was divided into three Army corps, each being partitioned into pacification zones, operating zones and prohibited zones. In the operation zones, the aim was to ‘crush the rebels’. In the pacification zones protection of the European and Muslim populations was foreseen, with the Army endeavouring to compete with the sub-administration. The prohibited zones would be evacuated, and the population assembled would be in resident camps taken care of by the Army.

Parliament voted massively, by 455 votes against 76, in favour of this ‘special powers’ law, which notably suspended the majority of guarantees of individual liberty in Algeria.<sup>217</sup>

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To manage the 'pacification' in its different aspects, there were various agents present on the ground: the various branches of the regular army, the auxiliary army, the parallel armies, such as that of the Bellounis, trained by or with the backing of the French authorities to counter the ALN. They had a well defined role. For example, the combing operations were performed by the task forces (paratroopers, légionnaires, Senegalese infantrymen, etc.), whereas covering was given to the contingent, with the support of the territorial units and the auxiliary army.<sup>218</sup> The latter included the *barkis*, *mogbaznis*, self-defence militias, and the mechanized groups of rural protection (Groupes Mécanisés de la Protection Rurale) also called *goumiers*.

Among the principal agents of the 'pacification', the perpetrators of the massacres, the paras stood out for their necromaniac behaviour. The para concept of war is not about the efficient infliction of pain and death but is rather a diseased inclination towards gratuitous destruction.

In *The War without a Name: France in Algeria, 1954-1962*, John Talbott provides the portrait of a para, and gives an informative description. He stresses the fact that 'the para officers believed that they belonged to a "militant sect"'.<sup>219</sup>

In *La Guerre d'Algérie*, Henri Alleg also describes the 'para spirit' as being tormented and mentions how the paratroopers are narcissistic and consider themselves superhuman:

In the officers' mess, or on the ground among the elite troops - professional soldiers, légionnaires and paratroopers - they are constantly faced with the reflection of their own image. A 'superhuman race' indifferent to common prejudices, courageous and cruel, 'as hard as leather, as resistant as steel', full of contempt for the common servicemen, workers, employees, farmers, and the students who dream only of demob and the comfort and mediocrity of the daily life they have left. For us lads, its something else! 'My fortune: my glory! My domain: combat!' proclaims a poster inviting youths to join the parachutists. In the barracks one can still read this 'paratroopers' prayer' from the Second World War and still widely displayed:

Give me, my God, that which you have left,  
 Give me that which you are never asked for,  
 Give me that which people refuse to take from you,  
 I do not ask you for wealth  
 Neither success nor even health...  
 I want insecurity and restlessness  
 I want torment and combat,  
 And that you should give them to me, my God,  
 For ever...

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And give us also, Lord, men who obey without asking too many questions! 'The men fought well because they believe in themselves and in their commanders. It is enough', wrote Marcel Bigeard in one of his orders of the day.<sup>220</sup>

The second category of 'pacification' agents was recruited from the urban and rural militias, and trained and armed by Lacoste from 1956. As *Resistance Algérienne* pointed out:

In response to the United Nations General Assembly's wish, the French government has just decided to create urban militias in Algeria. Enough blood split, UNO said, Lacoste's reply: let us set up militias. Cease-fire, UNO advises, Lacoste shouts: let us arm civilians. The United Nations recommended that the two sides make contact to agree a democratic and peaceful solution. Lacoste decrees that, from now on, every European would be armed and can shoot at anyone he suspects. It was thought that savage repression, iniquitous, verging on genocide must be fought against by the authorities. Lacoste replies: let us hunt the Algerians. And symbolically, he gives civilian powers to the military and military powers to the civilians. The circle is closed. In the middle is the Algerian, unarmed, starving, hunted, upset, beaten, lynched and soon killed because he is suspect. Today in Algeria, there is not one Frenchman who is not authorised, indeed invited, to use a gun. One month after the call for peace by the United Nations, there is not one Frenchman in Algeria who does not have the permission, the duty to discover, to create, to follow suspects.

One month after the vote on the final motion of the United Nations General Assembly, not one European in Algeria is a stranger to the most appalling extermination venture of modern times. A democratic solution? Agreed concedes Lacoste, let us start by doing away with the Algerians. For that we will arm civilians and let them get on with it. [...]

It is said that the creation of militias will lighten the Army's burden. It will free the units whose task is to protect the Tunisian and Moroccan borders. An army six hundred thousand men strong. Practically the total of the Air Force and the marines. An enormous, expeditious police force with a dumbfounding honours list, and including the former torturers of the Moroccan and Tunisian people. Territorial units one hundred thousand men strong. The army must be unburdened. Let us create urban militias. The fact remains that the criminal and hysterical frenzy of Lacoste won the day, even among clear-sighted Frenchmen. The truth is that the creation of these militias has in its justification its own contradiction. The French Army's tasks are infinite. As soon as it is given the objective to gag the Algerian mouth, the door of the future always closes. Especially if analysing, understanding, and measuring the depth and density of the Algerian revolution is forbidden: district leaders, air-raid wardens, street leaders, building leaders, floor leaders... Today vertical controlling adds to surface covering.

Two thousand applications were registered in 48 hours. The Europeans of Algeria responded immediately to Lacoste's call to murder. In future every European must record Algerian survivors in his sector. Information, 'rapid response' to terrorism, detection of suspects, liquidation of fugitives, reinforcing of police services. Certainly, the Army's burden must be lightened. Today, vertical combing operations are added to surface combing operations. Planned murder is added to craft murder. Stop the flow of blood was the advise of the United Nations. Lacoste answers: The best way to do so is that there be no more blood to spill. The Algerian people is entrusted to the gentle care of the urban militias after it had been handed over to

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Massu's hordes. In deciding to create these militias, Lacoste intimates clearly he wants no interference in HIS war. He confirms the existence of infinite rottenness. To be sure, he is now a prisoner, but what pleasure to lose everyone with oneself.<sup>221</sup>

The other 'pacification' agents are the auxiliaries who were counter-mobilised by terror into the French Army using French counter-revolutionary strategy. The terror-inducted Algerians made up most of the auxiliaries. However, there were certainly some members who, living in miserable conditions, succumbed to the temptation of a financial reward. There were others who joined the French ranks by political choice based on a firm conviction due either to a proximity to the French culture or, considering the forces at play, to the inability to conceive of anything other than a French Algeria. There were, finally, some members who joined in a brutal reaction to the hardship they, or members of their families, had suffered at the hands of members of the Armée de Libération Nationale (ALN). The latter two categories were the most zealous when it came to repressing entire populations and inflicting collective punishments.



Training Centre of Algerian auxiliaries of the French Army (*Harkis*)

In November 1954 the first *barke* (a mobile auxiliary group) was set up at Arris in the Aurès by Jean Servier, the sociologist and specialist in the Berber culture. But, doubting their loyalty to the French Army, the recruitment of auxiliaries was limited until 1957 when General Salan decided to increase it. He thus resumed his predecessors' tradition who since 1830 had resorted to using auxiliary groups to manage the conquest and the pacification (cf. § 4.2). The recruitment of *harkis* quickly spread over all Algeria, and even to

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the metropolis where a *barki* group was set up in Paris to control the immigrant Algerian community.

Under General Salan the total of soldiers and Muslim auxiliaries went from 38 000 men in January 1957 to 103 000 in December 1958, thus exceeding the maximum manpower of the ALN at the beginning of 1958 (60 000 to 90 000). [...] General Challe doubled [under the Fifth Republic] the number of soldiers and Muslim auxiliaries which increased from 103 000 in December 1958 to 210 000 in April 1960. But from January 1961 onwards, when the negotiations with the FLN were initiated, they were progressively reduced to 160 000 in January 1962, among which 20 000 career soldiers, 20 000 conscripts, 30 000 *barkis*, 20 000 *mogbaznis*, and 60 000 self-defence members.<sup>222</sup>

Just like the paratroopers, the auxiliaries were known for their inhumane methods of executing their victims. Throat cutting was their speciality as recorded by many witnesses. A survivor of the Iflissen massacre relates:

Some of the 'black' perpetrators of these massacres had most likely darkened their skin with make-up, but the women and few men that were present at Iflissen remember particularly well this monster of torture that had black skin. This 'Sahari', they say 'an Arab from the Sahara', committed many murders, which to their eyes were made more repugnant because he cut the throat of his victims.<sup>223</sup>

The auxiliaries took great pleasure in making victims' relatives witness all the massacres. A survivor of the Iflissen massacre recounts that:

They slaughtered my brother with a knife, like a sheep. They did it in front of everybody. It was not done secretly; it is in front of everybody, and everybody saw it. They were not Algerians from here, but from elsewhere. And it was not a Frenchman who did it, it was definitely an Arab.<sup>224</sup>

Another survivor testifies how:

They came from Tizirt, [...] truckloads of black military personnel; they were different from the military based in the village. When they came, they looked for people, they took those they found. At Ighil Boussouil, men were under the ash-tree next to the mosque; they were all rounded up and killed, while women were forced to witness the slaughter.<sup>225</sup>

The predisposition of the members of this auxiliary army to massacre is often fuelled by their quest for recognition by their French officers, and a crazy race for promotion and medals. Said Ferdi's testimony - he was forced to join the French army at the tender age of 12 - describes the case of this sergeant who forced an innocent man out of his house to kill him, thereby earning the praise of his captain.

I went out with half a section to watch over a road that leads out of the village. We had left the base at 9 p.m. Twenty minutes later, we were settled. We waited remain-

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ing still for two hours. An hour and a half later, when silence was at its thickest, the chief suddenly decided to visit a nearby house. Four infantrymen and myself accompanied him, and while walking, he whispered that somebody had entered the house. I knew that was impossible as visibility was less than twenty meters. However, word of the chief being as sacred as the Bible, we knew better than to argue with him. As we reached the house, he ordered three infantrymen to surround it, and started knocking at the door. Nobody answered, but the chief insisted. Minutes later, the voice of a man behind the door asked us what we wanted. The chief answered that it was a simple ID check. He opened the door, half-asleep, wearing a simple night-shirt, but was ordered by the chief to get dressed and return. When he came back, the chief took him to the road, and shot him with a burst of automatic pistol. The chief had two grenades that he had recovered from a previous operation against the FLN. He then told us that this man had these two grenades on him. On return at the base, the chief presented his report to the captain; he told him that a guerrilla officer had taken the road leading to the mountains. He also said that the man had the two grenades on him, which he gave to the captain. The captain praised him for his work, and, later on, presented him with a citation for his bravery. All the infantrymen were part of this plot because of their fear of the chief, and also simply because their chief could get them a citation or a promotion. [...] Those crimes were committed almost everywhere for the same reasons. I learned about it from other recruits after the war had ended. It was mostly the doing of the *barkis*, rather than the regular army. Again, was this pacification?<sup>226</sup>

*4.8.4. Means of 'Pacification'*

To carry out the 'pacification' policy, the main criterion in the choice of methods to use was the effectiveness in applying the strategic principles and tactical methods of the counter-revolutionary war, drawn up by the French Army strategists (§ 3.3).

As the War of Liberation in Algeria spread, the French Army enlarged its range of repressive methods against the civilian population. It used combing operations, aerial bombardment with conventional bombs and with napalm, collective murder: machine-gunning or throat-cutting, bombing public places, and blowing up houses. Hafid Kéramane emphasises how the more the French forces realised their failure, the more they turned towards a total war:

The sight of daily bombardments, gigantic combing operations, fires in the forest, downpours of tracts beating down on the *douars* [hamlets], women, children and the elderly hunted down by French soldiers, houses destroyed, and human corpses shot through by machine-gun bullets lying dead at the side of animal corpses suffering the same end, all such scenes have become commonplace in the 'prohibited zones'. The enemy has completely failed in its objective to isolate the FLN from the population in these zones. It is as a result of this failure, so serious in her eyes, that France has chosen total war, that is the systematic extermination of all that lives.<sup>227</sup>

The French Army had recourse to non-conventional weapons of mass destruction, for example gas and toxic smoke. According to sub-officer 'D' a special company was formed for this purpose:

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In a suburb of Algiers there is a company 'Z' composed primarily of non-commissioned conscript career officers. They are instructed in the use of gas at the special arms school in Bourges. Initially divided among the troop corps, the elements of the 'Z' company were later regrouped in Algiers at the end of 1956.

Their role is to participate in operations in which the rebels are caught in caves. The team of technicians is sent in with gas grenades and protective clothing. Dozens of grenades are thrown into the cave opening. After a rather long wait a suspect is sent inside: if he is shot it means the rebels are still alive. More grenades are thrown in, the wait can be very long depending on the state and depth of the cave. Finally, men in protective clothing will go and take an 'inventory' of the interior.<sup>228</sup>

Even bacteriological arms were used, even though to a lesser extent, as reports Hafid Kéramane in *La Pacification*:

On 4 May 1957 in Guetna *douar* [hamlet], in the commune of Malherbe in the Ain-Témouchent district of the Oran département, a doctor – a lieutenant in the French Army – infected twenty-two babies (fifteen boys and seven girls) with a deadly virus. They died soon after: Ould Zenachi Ali (aged two), Ould Abdelkader Mohammed (aged two), Ould Dérrouich Ali (aged five), Ould Mimoun Abdelkader (aged two), Bent Lazaoui Khadra (aged 3), Ould Miloud Djilali (aged 18 months), Ould Abdellah B. Hadni (aged 15 months), Ould Ali Mohammed (aged 19 months), Bent Kouider Halima (aged 3), Ould Okacha Boumediène (aged 2), Ould Zenaki Youcef (aged 1), Ould Miloud Atria (aged 2), Ould Riah Mustapha (aged 3), Ould Habib Benaïssa (aged 18 months), Ould Habib Kaddour (aged 18 months), Bent El Hadj Chérifa (aged 1), Ould Zenaki Abdelkader (aged 2), Ould Habib Abdelkader (aged 2), Ould Habib Miloud (aged 2), Bent Mohammed Fatima (aged 2), Bent Boumed Halima (aged 18 months), Bent Djelloul Halima (aged 18 months).<sup>229</sup>

The means of 'pacification' also included the inhumane treatment inflicted by French soldiers on arrested civilians, suspect or otherwise, as is pointed out in the following examples.

At Tizi-Hibel, *El Moudjabid* reported that:

All the men, most of whom were elderly, were forced to walk along a mined road. Many of them, including Madène Ramadane, a sixty-three year old retired school-teacher, were blown to shreds.<sup>230</sup>

At El Asnam (Chlef), victims were stacked up in a sort of 'cage for suspects':

It is a hole dug in the ground, five to six meters deep, four meters wide and eight to ten meters long. The top is latticed with barbed wire, with an open space allowing the suspects to be forced down a ladder into the hole. Depending upon the results of local operations, the number of inmates varies between ten and sixty. There is no protection against the sun or bad weather. During the day the suspects are engaged in various occupations, in the evening they return to the hole.<sup>231</sup>

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French war methods: Algerians are crammed into a hole with barbed wire

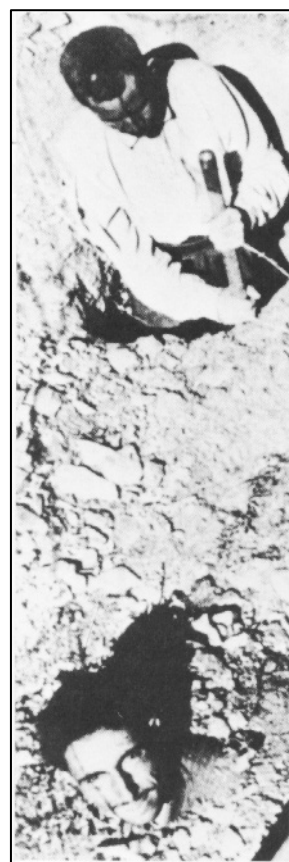
In the Soummam Valley a young French reservist states that:

Three suspects were arrested, buried up to the neck, having themselves dug the hole, in full sunshine. A bowl of water is placed fifty centimetres from their lips. They can only drink if they talk. They are left several days like that (approximately two). Not having spoken two are killed. The third talks but is killed afterwards.<sup>232</sup>

At Palestro (Lakhdaria), suspects were confined in wine cellars in the Marie farm, two kilometres from the town centre:

The suspects were confined in concrete wine cellars, access to which was through a small hole. The confined men were only permitted to leave the cellar once a day. At the beginning of August, there were several cases of death by suffocation due to the number of men confined and the heat.<sup>233</sup>

Robert Bonnaud relates, in his testimony published by the revue *Esprit* in April 1957, the atrocious scene of throat-cutting of a wretched victim during an interrogation:



Two Algerians are buried before their execution

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The European trained personnel of the GMPR who directed the 'cleansing' stood out particularly. They persisted in kicking his injuries until the wretched man suffocated from pain. They joked abominably during the taking of photographs. [...], redoubling their brutality on the pretext of interrogation.

Finally, taking out the kitchen knife, they sharpened it slowly and deliberately on a rock in the sight of the condemned.

The execution was slow and clumsy, hacking the neck and avoiding the carotid artery. Pompous and historic words were not lacking after the slaughter: 'another one who died as he lived...'

Caring that cap it all, a 'Mas 36' bullet at point-blank range crushed the face transforming it into something unspeakably vile that is beyond words even in the vocabulary of horror.<sup>234</sup>



Sahara desert, Algerians put in chain

In his letter to the President of the Republic published on 2 September 1958 in the northern newspaper *Liberté*, and reprinted by *Libération* on 8 September 1958, Paul Lefebvre, a young soldier who spent eleven months in Algeria, relates the massacre of thirty civilians arrested as suspects:

Last 24 July [1958], three days before my departure on leave, I had to watch, with clenched fists, an atrocious scene: thirty-one Algerians had been arrested in a farm situated twenty kilometres from the Chemora village. They were taken to a camp and, after interrogation, divided into small groups to be massacred in various places on the orders and example of Captain Tornade. They were buried under the football ground which was turned into a true mass grave.<sup>235</sup>

ALN fighters taken prisoners during combat were equally subjected to the most terrible treatment, flagrantly violating the treaties, signed by France, on the conduct to adopt vis-à-vis prisoners of war. Evidence given by sev-

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eral French soldiers is overwhelming. This reservist talks about the ‘forced-labour in the forest’, an efficient method for liquidating a detainee:

On 31 October seven *fellagha* were taken prisoner. After leading them through town under escort, they were returned to the battalion that had taken them: this battalion has been ordered to carry out ‘forced-labour in the forest’.<sup>236</sup>

Leulliete, for his part, reports that:

Our section had four prisoners, moreover uninteresting as they were more cumbersome than useful. A silent prisoner is a lost man. Even if he knows nothing, it is better for him to tell no matter what, than to be quiet. These four have persuaded us so well that they really have nothing to tell that they have condemned themselves. And at noon, because we believe them, after they have dug their grave in the shingle of a river, we execute them purely and simply with a bullet in the head.<sup>237</sup>

In *Esprit* of May 1958, Georges Fogel makes a long statement about torture in which he says:

The prisoners who were too ‘damaged’ were executed and became ‘rebel prisoners killed during an escape attempt’. [...] There were real attacks on human dignity with policemen subjecting prisoners to abjections to the point of trying to turn men into beasts. I saw prisoners forced to fight each other; they were told that the winner would not be interrogated that day, or that the loser would be killed the same evening. I saw men who were forced to submit to sexual relations with dogs and other things even more unspeakable.<sup>238</sup>

Detainees in the residence centre in Arcole (Oran) testify, in a collective letter sent in March 1957 to the Council President and the resident minister, about the serious exactions committed against them:

To give you an idea of the collective torture that takes place, it is sufficient to point out that from two hundred and fifty-six prisoners, forty were taken away from the camp, many of them in a very serious state. Nine of them have never come back and we are still unaware of their fate: Kerbouche Rabah (medical doctor), Houidek Mesbah (imam, serious condition), Abrassène Slimane (member of the Arabic teaching profession, serious condition), Bourenane Ali, Aouati Brahim (former deputy mayor of Constantine), Semar Larbi (former town-councillor of Bône), Bounab Mostafa (post office clerk), Roula Rabia, Bounazza Kaddour (former town-councillor of Souk Ahras). In addition, at least one hundred prisoners have serious marks from the blows received, the most serious cases being those of: Memchaoui Mohammed, Belkheir Moussa, Basta Omar, Rabehi Abdelkader, Kerkouche Boubakeur, Ould Aïssa Belkacem, Nedjahi Ferhat, Bouchama Abderrahmane, Bouchit Mohamed, Soualmi Zidane, Boughalem Mohamed.<sup>239</sup>

The war wounded were not spared the cruel treatment of the French Army. One reservist testifies:

On 5 October, in the Nemours sector, a unit combs a djebel where the air force has just taken to task a column of ‘rebels’. The djebel is deserted, not a single gun shot.

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Behind a bush we find an injured man. [...] He is in uniform, he is unarmed and he speaks French. We ask for the commander's orders by radio. What must be done? The reply: 'Send him to Morocco.' The boys understood [...] a burst of gunfire. For the sake of security a last bullet is shot in his head. We move on.<sup>240</sup>

The procedures put into action in the 'pacification' also include the state of siege, the prohibition of markets and blockades intended to starve the population. These methods, already used by the French Army at the beginning of the conquest, especially in Kabylia, (see § 4.4) were reactivated, again in Kabylia, in the form of 'hunger blackmail'. Henri Alleg points out:

We pacify. In the Azazga sector in Kabylia, the military authority decided a few weeks ago to blockade the civilian population by barbed-wire roadblocks. The aim is to starve them until they decide to vote for the *djemaas*<sup>B</sup> which means to 'collaborate' and to organize to fight the *maquisards* [guerrillas]. On 17 December [1956] they have not yet surrendered, we learn.

The mixed commune of Djurdjura, whose county town is Michelet, is also on the way to pacification. Its one hundred and twenty villages count 85 000 inhabitants crushed by misery. To put an end to the activities of the *maquisards*, win over the people, and encourage denunciations, it has been decided:

1. The blockade: suppression of all movement, all food supplies, all money orders.
2. Shooting on sight: anyone leaving his or her home will be in danger of death.<sup>241</sup>

#### 4.8.5. *Regroupings*

The policy of regrouping was a key element of the 'pacification' and perpetuated the cantonment of tribes dating from the time of the conquest. According to Henri Alleg, it is nothing short of 'wheels of a tentacular repressive mechanism which watches over, surrounds and hems in the whole country, by torture rendered commonplace, to the summary executions, "forced labour in the forest", to entire villages wiped off the map.<sup>242</sup> As M'hamed Yousfi explains, this policy was not established immediately after the start of the War of Liberation:

At the start of the insurrection, on 1 November 1954, pretending to ignore the fact that it was a revolution for independence, the reaction of the French authorities was strong and brutal. In retaliation, the paratroopers who were brought back from Indochina were deployed in the Aures-Nememchas, Kabylia, and, later on, all over the country. The French army destroyed entire villages. The problem of relocation did not need to be solved at the beginning of the war. It was simple – those who survived the massacres were rare.<sup>243</sup>

<sup>B</sup> Local councils in centres and hamlets of mixed communes. The members are elected but the French administrator has all the civil, judiciary and administrative powers which he exercises through a caïd.

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It was only implemented when the French authorities were convinced that the war had roots and ramifications within the general population. Once the laws for exceptional powers were adopted, regrouping centres were created in the Aures, and, subsequently, throughout the country, and 'as the revolution evolved, so did the centres of shame. Humiliation and contempt by the SAS for the Algerians were increasing daily.'<sup>244</sup>

The aim of these regroupings was to control tightly the rural zones, and 'to starve these populations by uprooting them from their homes, their ancestral land, and to deprive them of any contact with the guerrilla forces.'<sup>245</sup>

Once planned and put into action, the regrouping policy affected a large portion of the Algerian population. According to the French authorities, the number of relocated people in May 1959 was about one million people, one ninth of the total population. However, 'that number had reached, at the end of 1960 and at the beginning of 1961, two million people, that is over more than one fifth of the Algerian population.'<sup>246</sup> Michel Cornaton stated that 'one third of the civilian population was directly affected by this upheaval [the population displacement]. The rest of the population was indirectly affected.'<sup>247</sup>

By machine-gunning and bombing, the French authorities forced entire populations to leave their villages. 'The civilian populations were regrouped under the threat of tank and military truck incursions, and when needed an air strike, so that terrorised they would hastily join the regrouping centres surrounded by barbed wire where a new and inhumane life was awaiting them.'<sup>248</sup>

*El Moudjahid* of 1 February 1958 describes the 1957 regrouping of a population of 600 000 inhabitants in the Constantine region:

On 3 May 1957 in Constantine the French General staff proclaimed a 'prohibited zone' in North Constantine, in the districts of Djidjelli, El-Milia, Collo and part of that of the Philippeville (Jemmapes). Paratrooper General Sauvagnac, who set up his headquarters in El-Milia, was placed at the head of this zone with 600 000 inhabitants. The French army gave itself the task of transferring the populations to 'regrouping camps' at Catinat, Aïn-Kercha, El-Hanser, etc.

Two large-scale combing operations were organised to encircle the population and ensure its evacuation. Tracts were written and distributed to even the smallest *mecbtas*; they were solemn publications, a type of ultimatum on the theme: 'to the inhabitants of Djidjelli, etc.— the moment of decision has come — you must opt for France or for the rebels — if you choose the former, you have one week to join the regrouping camps — there follows a list of camps — if not, terrible missiles will crash down on you...'

The first combing operation took place on 3 June 1957 in Collo and El-Milia while the second on 17 June targeted Taher and Djidjelli.

The combing operation at Collo and El-Milia lasted seventeen days and 50 000 French soldiers were involved. In spite of careful preparation the combing proved

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as disappointing as the previous ones. The able-bodied men had fled and the French Army could only encircle old men, women and children. It is this section of the population that it tried directing toward the 'regrouping camps'.

In spite of the brutality of the enemy troops, the destruction and exemplary executions, the transfer of these defenceless populations met insurmountable problems and did not have the anticipated results. [...]

In July 1957, the day following the failed transfer operation, the tracts reappeared. This time the French General staff uttered its last threats announcing to the population who insisted on staying in the *douar* [hamlet] that the 'wrath of God' was about to fall on them. The 'wrath of God' did not keep them waiting. It took the form of intensive daily bombardments, some of which used napalm and gas. Each *douar* [hamlet] was subjected to three daily bombardments, each lasting an hour and involving seventeen to thirty-five aeroplanes on average.<sup>249</sup>

Elsewhere, the anonymous testimony of a 17-year old young man, published in the newspaper *El Mondjabid* of 5 January 1961, describes the force used on his hamlet so that they would leave and settle in the camps set up by the French authorities:

I was born in X... the oldest of three brothers and two sisters; the oldest is 12 years old, and the youngest 22 months. My father, who inherited nothing from his parents who had been dispossessed by Hernandez – a colonist in the region – died on 19 April 1958 in the Bessombourg concentration camp, after a seven-month detention. [...]

One day, at the end of autumn, the head of the SAS, accompanied by many soldiers, comes to the *douar*. We are all assembled. A European in civilian clothes and speaking Arabic gives a long speech about the war. 'Why are you helping the *fellagas*? Don't you see that you are feeding them so that they can kill the soldier who is teaching your kids and protecting you?' [...]

The head of the SAS returns to the *douar* always surrounded by French soldiers. 'You see that the *fellagas* have burned your harvest. Soon, they will cut the throats of your women.' We know that the French soldiers were the ones starting the fires in the bushes. Many women and kids had witnessed those incidents. 'Your only choice is to come and settle next to the base of...' [...]

Nine days later at dawn a deafening noise wakes us up. Explosions are heard far from the village, then closer and closer... The French air force is bombing the *douar*. Men, women and children, frightened, come out of their homes and disperse all around. Many people fell struck down. I can still recall the faces of women full of tears, and leaning on bloodied bodies. A few steps away from me, my younger brother is screaming with pain. I get closer. His shoulder blade is shattered. He has stopped moving. A moment later he dies. My mother, her young daughter in her arms, is not even crying. At 7 a.m., a convoy of French soldiers enters the *douar*, or whatever is left of it. Moving in pairs, the soldiers spray petrol on the walls of the huts, and strike matches. Soon, the whole village is engulfed in flames.

Afterwards, the soldiers assemble the survivors using rifle butts. The 960 survivors form a long column surrounded by soldiers. We walk over muddy roads for a long time. It is cold and raining. When we pass near other farms, the Europeans watch us. Many farmers laugh, while others cover their faces with their hands.

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At sunset, we stop in an area surrounded with [electrified] barbed wire. A child, exhausted, leans on the wire to rest. His body jumps, and he falls dead.<sup>250</sup>

There was, therefore, no alternative other than to be annihilated with one's home. One could not even escape from the village when one suspected an operation of forced relocation. The following testimony of Saïd Ferdi shows how relentless the French forces were against those wishing to escape their fate and avoid regrouping. This testimony also shows how the traditional expeditious methods used by the generals who had led the conquest were re-invented:

One morning, we went to a *douar* to surround and to assemble its inhabitants. However, the population had escaped the night before. In the deserted *douar*, we found only an old man, handicapped and mutilated in the war. I will always remember his image. As we entered his house, we found him lying on a rug his clothes decorated with all the medals he had been awarded during the two World Wars. A 60-year old regimental sergeant-major, he had served for 30 years, and we spotted the *légion d'honneur* among his medals. He had been awarded the highest distinctions, on top of decorations and medals for injuries in battle. The infantrymen started interrogating him about the whereabouts of the villagers. He then answered that they had fled many days ago to avoid the regrouping camps.

— So, where did they go? the chief asked.

— I do not know, and they did not tell me where they intended to seek refuge.

— You're lying, bastard! Tell me the truth!

— I do not know. The villagers know that if you come to the village, I am incapable of moving, and therefore they are afraid I would not keep silent under torture.

— Stop telling me stories! Tell me where they went!

— I swear on these decorations that I know nothing

After he uttered those words, the regimental sergeant violently tore the medals from the old man's chest and threw them on the ground, telling him that he was going to see if he really did not know where his *fellagas* comrades went. He hit him brutally with a cane. Blood started spewing from the fragile head, the head of an old servant of France. With so many handicaps, the old man fainted after few blows. When the officer kept asking the same question, the old man invariably answered:

— Give me back my medals. I want to die with them on my chest!

He died with a bullet in the head.

We then moved on. The mountain was 800 metres away from the village. While walking, an infantryman tried to get rid of a branch that stuck to his clothes, when he found out that he was in fact dragging the entire shrub. He traced his steps back and discovered a hole wide enough to let a man slip through. He tried to find out how deep the hole was, but without success. He then decided to inform the section leader of his discovery. At first glance, it seemed to be a petty find. However, not to let anything go unchecked, he ordered that one of the infantrymen be dropped into the hole and inspect it. Those holes, numerous in Algeria, particularly in the *douars*, would serve as storage for grain and wheat. In general, the cavity would be built as follows: a narrow opening wide enough to let a man pass through, followed by a

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large anfractuosity for storing the grain. One is let in with a rope attached to the belt, and he is hauled back out with the help of a second person outside the hole. One infantryman descended in that fashion, a gun in his hand. When he was 2 metres down, we heard a muffled noise. He had just received the discharge of a hunting rifle in the buttocks.

— Lift me up, lift me up! he screamed.

A little later, the section settled around the cavity, checking for any possible escape. The captain called in a team of specialists, which arrived minutes later by helicopter. They were carrying gas masks and huge cylinders. They dumped two or three of those cylinders in the hole, spread sheets along the edges along with special plates. An hour later, one of them descended in the hole only to come out a few minutes later and screaming crazily:

— It's full of people in there!

We started digging around the hole, and after more than an hours work, we ended in a huge cave where we found 90 bodies, dead by gas asphyxiation, all of them inhabitants of the *douar*, including old men and few-month old babies. One gun: the hunting rifle. This is again an example of this pacification enterprise.<sup>251</sup>



A guerrilla hiding place

Displaced populations left their homes in total distress to start a long walk, often many tens of kilometres, in dreadful conditions. It was a walk which would lead them to the *regroupment* camps which were often no more than an open piece of land surrounded by barbed wire. M'hamed Yousfi relates the long and complicated journey of the displaced people:

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Surprised by combing operations, usually carried out at dawn, or by their villages being bombarded, the inhabitants did not have time to take food and a few belongings (blankets or *barnous*). They had to walk in the open air without food or sleep.

Those who were lucky to have escaped death ended their odyssey exhausted, after a forced march of thirty, fifty and sometimes eighty kilometres, in a spot where nothing had been provided except barbed wire. To add to their misery was the harshness of the climate. Most of the farmers (and above all the children) rarely survived.<sup>252</sup>



Aurès Mountains, 1957, forced march to a *centre de regroupement* (strategic hamlet)

Once in the *regroupment* camps the displaced people would lead a nightmarish life. M'hamed Yousfi emphasises that 'the misery of the regrouped people was so big that several newspapers, at the time, termed it genocide.'<sup>253</sup>

In the *regroupment* camps, the displaced populations 'survived somehow or other, piled up in barracks or under canvas tents. Several networks of booby-trapped barbed wire surrounded these spaces, not to protect the inhabitants, but to prevent them from escaping.'<sup>254</sup>

Living conditions were precarious, unadapted to the climate and 'certain centres were in flooded areas (a basin) where the water had carried away women and children.'<sup>255</sup> The hygiene situation was critical, due to a lack of water, food was very insufficient, medical care practically non-existent.

In the M'sila region, for example, where five thousand people lived in a *regroupment* centre

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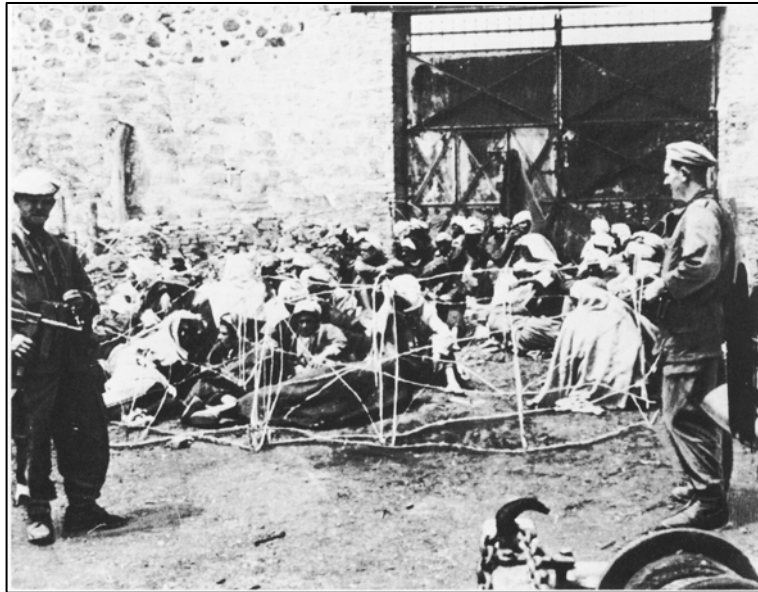
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After the raid and before 'questioning'



'Pacified' and regrouped in a strategic hamlet



Young girls on their own in the camp

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Each individual had only half a litre of water per day. Owing to the heat, in this high plateau area, and dehydration of the human body, a minimum of two litres of water is necessary; not counting the water essential for hygiene. The lack of this liquid and the sweating provoked by the heat undoubtedly cause illness, such as diarrhoea. Without treatment, the majority were doomed to a certain death.<sup>256</sup>

In the 'village-camps' where sustenance was a 'crucial problem', there was 'just what was necessary not to die of starvation.'<sup>257</sup> At Ighzer Amokrane, where approximately six thousand people had been forcibly displaced, Commander Florentin said in a report that in the camp 'food relief was about 900 grams of semolina per person per month; little children were not entitled to it.'<sup>258</sup>

Pastor Beaumont also testifies to the precarious food situation:

In the centre I saw five children literally die of hunger. A woman holding her dying son said to me. 'He is going to die!' A nurse, usually a native, said in tears: 'Nothing can be done...' These children were completely rachitic; the tibia and fibula could be seen under the skin. This state of affairs is the result of a huge displacement of people which allowed the French Army to carry out the war against the 'rebels'.<sup>259</sup>



Sorting center

In July 1959 the regrouping camp at Bessombourg was visited by Pierre Macaigne, a journalist from *Le Figaro*. This is what he wrote about the food shortage:

There are one hundred and twenty-three tents crowded under the pine trees, fifty-seven *gourbis* with thatched roofs and forty-seven solid houses. Cramped in fifteen to a tent since June 1957, these waifs live in an indescribable human blend. I was curious to go inside a tent. It is clean. But under the canvas a musky heat prevails which is well beyond forty degrees centigrade. It is sufficient to say that life is un-

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tenable therein. At Bessombourg there are eighteen hundred children. The population is at present fed by semolina alone. Each of the regrouped receives 120 grams of semolina per day. Milk is distributed twice a week with half a litre per child. There has been no distribution of fats for eight months. In an attempt to alleviate this distress the Red Cross was able to send 100 litres of oil. But what is 100 litres when it must be shared out between 2474 people? Other figures were given to me on the spot. No distribution of sugar for one year. No distribution of chick peas for one year. No distribution of soap for one year...<sup>260</sup>

The malnutrition problem was so critical that, according to Michel Cornaton, certain soldiers still endowed with humanity ‘to aid those regrouped, had taken salary advances to obviate the most urgent cases.’<sup>261</sup> Unfortunately these sensitive souls were only a tiny minority in the heart of the army. Generally the SAS soldiers, not content with starving the regrouped populations, often went to the non-displaced people to seize foodstuffs leaving them only the strict minimum, which was insufficient, on the pretext of depriving the rebel forces of supplies.<sup>262</sup>

In these camps, which Said Ferdi called ‘nests of ants’, ‘physical resistance [of the detainees] was reduced and all types of epidemic rapidly propagated.’<sup>263</sup> In addition, the malnutrition ‘weakened the health of everyone, particularly children: the influenza, for example, that caused havoc in 1960-1961; we saw six children die during one single night.’<sup>264</sup> One learns elsewhere that ‘an empirical law was recorded: when a *regroupment* reaches one thousand people, a child dies every second day’ because of malnutrition and epidemic.<sup>265</sup>

But malnutrition and epidemic were not the only banes to which the regrouped populations were subjected. They were also the object of the worst exactions on the part of French soldiers, auxiliaries and collaborators recruited in the camps, all of whom ‘imposed their dictatorship over the silent majority.’<sup>266</sup> Nobody was spared, even women were affected, as this statement shows:

The SAS leader notices the beautiful and gentle Badra, the wife of Abdel who had joined the ALN in March 1958. ‘You, my dove, your place is not here. My bed sheets need bleaching.’ We never saw her again. It was only later, in the *maquis*, that a *mokbazni* deserter informed me that a new born baby had been found in the dustbin at the SAS leader’s home and that Badra, now insane, had returned to her family.<sup>267</sup>

The displaced populations were sometimes tempted to flee the hell of the regroupment camps and return to their places of origin, categorised as ‘prohibited zones’ by the Army. The repression in these cases of escape was often dreadful. M’hamed Yousfi asserts that it was the evasion of several families from regroupment camps in North Constantine, in the El-Col region and in Little Kabylia that ‘accounts for the new combing operations carried out in November 1959 and May 1960 code-named “Pierres précieuses”’; in

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July 1959 and in March 1960 (code-named operation “Jumelles” by General M. Challe).<sup>268</sup>

*4.8.5. Combing Operations*

Another pillar of the ‘pacification’ policy was the combing operation which was, as Henri Alleg points out,<sup>269</sup> all the tougher because the population was deemed ‘*complicit and responsible*’. Combing is described by Hafid Kéramane as follows:

The combing operation lasts on average two to five days; sizeable numbers of effectives are employed, for instance two divisions for the ‘cleansing’ of seven to eight *douars* representing a population varying between five and ten thousand inhabitants. [...] Encircling the *douars* and searching them house by house, the French Army takes its revenge on the civilians as it burns, loots, executes. The repetition of similar exactions leads the people to flee and shelter in the mountains far from their *douars* of origin.<sup>270</sup>

The following testimony describes, in detail, the entirety of the exactions (terror, brutality, torture, mass execution, vandalism, looting etc.) regularly carried out during the combing operations:

January 1956 was a very eventful month. It was, in fact, in that month that the French authorities decided to hit the revolutionary organisation in the village hard. On the evening of 11 January 1956 a hundred soldiers, known as ‘red berets’ or ‘leopards’, came to settle in the village. On their arrival everything appeared normal and nothing foreshadowed a drama was going to follow. Troop movements had become an everyday event so nobody was particularly suspicious that evening. However, the ‘leopards’ had not come on a simple visit, but to accomplish a well-defined mission. They spent the night at the police station. The next day was particularly cold, the streets were empty, except for a few soldiers who strolled around reassuring, by a smile or a kind word, the few inhabitants who had ventured out that morning. But, during the night of the 12<sup>th</sup>/13<sup>th</sup>, they carried out the worst act of savagery that one could possibly imagine.

At nightfall, they entered houses, climbing walls with ladders, they woke up the men they were looking for and took them away, even in night-gowns, assuring the families that it was simply an ID check. They were guided by Arabs inhabitants of the village. During the night they made a tour of numerous houses and assembled about one hundred particularly well-known people. The following morning on leaving their homes, the inhabitants met soldiers who ordered them to return and stay put for forty-eight hours. They installed a curfew for two days. During these long hours of waiting, everyone asked each other what was happening; some people did not even know that some inhabitants had been abducted. After these two days of anguish, the result was a dozen shops belonging to the ‘disappeared’ looted, and several families had lost four or five of their own leaving only women and children. When the curfew was lifted the people were faced with a terrible sight: the dead lying abandoned on the pavements, covered with torture marks, shop doors had been smashed, children were crying in the streets looking for their father or brother. This was the awful result on this 15 January. Eighty-five kidnapped were counted, and apart from a dozen found dead in the streets, the others were never heard of again.

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It was a decisive event, not only in its volume but above all in the attitude of the population. The division became extremely clear between the small minority favourable to the French, and the great majority wanting to avenge the disappeared, who rallied to the revolutionaries.<sup>271</sup>

Mouloud Feraoun describes the combing of the Beni-Raten, near Fort-National, carried out on 17 March. He relates how a dozen villages were surrounded and an identity checking operation was launched. He evokes the case of five men from Tizi Rached, put on one side for an 'in depth' interrogation, and how 'the next morning, Sunday, they were found in the road near the village. Shot, mutilated, naked, robbed.'<sup>272</sup>

Jean Muller testifies to a combing operation in the Tablat region:

On the 3 and 4 September, we left with two companies (200 men) for the Mezrana *douar*, to the west of Seriet, with Captain C and sub-Lieutenant R. At six o'clock in the morning, a company killed five Arabs two hundred metres away from our camp, after the lieutenant commanding our company had refused the work be carried out by our company. Then, the same company shot on sight all those who tried to flee on our arrival. A child had a machine-gun bullet pass through his thigh. We rounded up all the men (forty-nine) and took them to Tablat. We saw the 3<sup>rd</sup> company set fire to five *meshtas* belonging to heads of tribes who had not come to the summoning of the administration of Tablat. We saw the same company set the forest alight. [...] Women and children wailed when they saw our column.<sup>273</sup>

Women did not escape the destructive madness of the repression forces during combing operations. Indeed, quite the contrary, they constituted a favourite target of sadistic acts by French soldiers, as well as auxiliaries and legionaries, as the three following statements show.

The testimony of a *maquisard*, which appeared in *El Monjabid*, on 20 July 1959, indicates how the hatred of the Arab pushed the French soldiers to disembowel a pregnant woman and to 'play' with the foetus. This practice is similar to another, very frequent at the time, which consisted of betting on the sex of the foetus before killing the mother:

It was during the summer of 1956. We had a neighbour who was pregnant. I was at her home when French soldiers on a combing operation burst into her house. I managed to hide but I saw the whole scene... They took the woman and cut open her stomach. They pulled out the foetus and played with it, like a ball. They threw it to one another: 'This is what we do with an Arab, a dirty Arab' they said. I saw it all with my own eyes. I was not yet fifteen.<sup>274</sup>

A reservist doctor of the French Army, relates certain dirty 'entertainment' preferred by the legionaries:

In a *meshta*, still occupied by the civilian population, two daughters of a Muslim who was away and we are sure belongs to the FLN, are arrested. The two girls, aged approximately sixteen and eighteen, are handed over to a company of legionaries as entertainment for the night, in the morning they are massacred.<sup>275</sup>

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Camille Lacoste-Dujardin, for her part, cites this testimony which recounts the fate of women unlucky enough to fall into the hands of the *gommier* commandos and the *barkis*:

When the lorry arrived, the women knew that they would all be taken to the same house, they looked at them, they chose, they took one and went into the house next door. [...] There were about fifteen women that had the same fate at Issenajène. Everyone knew about it, because the soldiers came to choose women, particularly young ones, and at Ighil Boussouil as well.<sup>276</sup>

To avoid the worst, mothers excelled in the art of camouflage in order to make their daughters look repulsive to the soldiers who invaded their houses, as this testimony points out:

As my sister was only just thirteen, my mother dressed her in a dirty old dress, a dirty scarf on her head, she left her like that on purpose. The soldiers came, they did this to the little one [took her by the chin and turned her head to see her better], then my mother said: 'leave her, she is ill, leave her, she is ill.' The soldier punched my mother and broke one of her teeth, but they didn't take my sister. We then quickly married her to a cousin.<sup>277</sup>

When women were not raped on the spot, often in the presence of near relatives (husbands, children etc.), they were taken to camps where they were abused. Inevitably, these humiliations leave the women with physical, and above all, indelible psychic scars, as Camille Lacoste-Dujardin emphasises:

There are other women who have become ill because the soldiers took them for the whole night. One of them has been ill ever since, she was at Tizi-Ouzou hospital, but she hasn't been well since. [...] The war has made the women ill, they are all upset, they are all deranged, they have all experienced too much misery. All the time they sing like this [laments]. And there are many who are a little mad; when they are not feeling good they spend a little time in hospital, and then they come back, but from time to time they are still a little mad.<sup>278</sup>

The French Army, and notably its information services, proved very efficient in disinformation about the crimes and massacres committed during the combing operations. They were masters of masking the records and the daily information bulletins. For instance:

On 15 August 1956 in the Saraf *douar*, ninety-five rebels are said to have been killed, three hunting rifles were recovered. Faced with this disproportion, the official account notes forty-five killed, instead of the ninety-five given in the first version. According to a police lieutenant at least two hundred were killed that day. The list of the victims' identities includes women and children. [...] A policeman's report: List of rebels killed; then identity — a child aged three among them.<sup>279</sup>

The following testimony illustrates clearly how the French soldiers got rid of embarrassing cases and 'masked' crimes committed in cold blood against innocents:

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An infantryman assigned to house searching during a clear-up operation found himself in front of a well-dressed man. He discovered a sum of money on him and took it. The victim started to protest. The infantryman threatened him with a bullet in the head if he said anything about the event, and for good measure gouged his eye with a butt of his rifle. The man, understanding the danger in protesting, kept quiet and several minutes later went to find the section leader to explain the mishap. The section leader, realising the seriousness of the injury, and fearing the consequences of his negligence if the victim lodged a complaint, (the victim belonged to the administration and was only there on short leave) ordered him to be shot. Then he informed the captain that he had just shot a fugitive. So, by this simple method the crime was masked. Unfortunately, it was not an isolated case, similar acts occurred quite often. It was one of the ways of pacifying the people, by employing the most ignoble and inhuman methods possible.<sup>280</sup>

The statements of the teacher Henri Munier, of El-Flaye, are revealing about the falsification, by the press, of events that took place in the Beni Oughlis *douar* and other *douars* in the Soummam Valley:

At the beginning of February [1956], at the Ikedjane *douar*: during a combing operation carried out by airborne légionnaire paratroopers, twenty-two civilians were killed. In the local press the next day: twenty-two fellagas killed! 27 March, a helicopter operation led by the colonial infantry at Semaoun. No engagement with the *maquis*, but six civilians killed, among them Hadj Aballache, an eminent man aged seventy. [...] In May, a patrol carrying out a search in Tasga, near Vieux-Marché, found a pile of blankets in a house. The men, relatives of M. Sahli, an administrative delegate at the Algerian Assembly, are shot and the block of houses is shelled. [...] 23 May, an engagement near Djenane. The *maquisards* withdrew without apparent loss. In retaliation the security forces attacked the neighbouring villages, notably Aït-Soula and Sidi-Yahia (partially set on fire) and Tazerout. Sixty-five peasants, including one woman, were lined up along the roadside between Djenane and Semaoun and machine-gunned to death. In the press the following day: thirty-nine fellagas killed in Djenane.<sup>281</sup>

But beyond this disinformation of public opinion, certain massacres committed during raids were not unknown to the French authorities, at the highest level, and metropolitan public opinion, as the following telegram and letters show.

Already in May 1955 Hemana Dhiab and Mostefa Fadli, *djemaâ* presidents in the Aurès, sent a telegram to Edgar Faure, the Council President, complaining about the criminal acts against the people of their *douars*:

Respectfully draw your attention, on behalf of the populations of Ouled Fadhel and Ouled Amor-Ben-Fadhel, Aïn El Kseur commune, moved and indignant by summary execution 14 unarmed people, aged 40 to 65, by soldiers, in front of their homes, all irreproachable farmers. Great anxiety among the said population who live in complete insecurity.<sup>282</sup>

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The letter from sixteen inhabitants of El Afiss *douar* in Constantine, sent to the director of a Parisian newspaper on 15 April 1956 bears witness to the atrocities committed against the inhabitants of this *douar*:

We are the inhabitants of a torched *douar* who write to you to recount the atrocities and misfortunes that have fallen on a poor, starving and defenceless people. [...]

Twenty of us were taken away as 'suspects' (most of us are old people of seventy, and children between fifteen and seventeen years old), we have left behind us only piles of ashes, huge devastation, our wives and children weeping and shouting. Briefly, they took us to the Lamy barracks where we suffered the most dreadful torture, the most atrocious bondage. After they had tied our hands and feet, they stabbed our flesh with sharp knives, lighters were lit and put in our ears, the fire burned us atrociously. One of our unfortunate comrades, an old man of seventy, had to undergo three operations last year following the torture. Two others had their necks pierced by knife wounds, they spent only one night with us in prison in agonising pain. After awful groaning, they breathed their last, weltering in a pool of blood. [...] We were twenty, and now we are only ten men, or rather ten half-alive men. Six are dead and four without news. Until now their families do not know if they are still alive or they are in the eternal night.

Signed by: Mrs Rabha bent Fedjri, Mrs Khachouni, Mrs Messaouda Chedli, Miss fatima Mecheri, Mr Ahmed Chedli, Mr Brahim Chedli, Mr Hocine Khachouni, Mr Abdallah Khachouni, Mr Lakhdar Khachouni, Mr Ali Khachouni, Mr Boulares Chaoui, Mr Ahmed Chaoui, Mr Hamadi Chaoui, Mr Belkacem Ben Ali, Mr Mohamed Abdi, Mr Ali Abdi.<sup>283</sup>

Imalayène Tahar, former county councillor, in his letter to the Resident Minister Lacoste, dated 10 December 1956, draws the latter's attention to the disinformation kept up by the army services around the massacre of innocents, and informs him as to what really happened during an operation at ChercHELL:

On 30 November 1956, the newspapers informed us that nine fugitives had been killed at ChercHELL the previous day. It was my duty to make extensive inquiries and to give you the results of my investigation. During the day of 29 November 1956, the town of ChercHELL was on a state of alert from half past six in the morning until one o'clock in the afternoon, approximately. Three territorial guards went to Mr Saadoun Alle's property, situated in the suburbs of ChercHELL, about six hundred metres from the agglomeration. The brothers Saadoun Hocine (26 years old), Noureddine (18 years old) and their cousin Saadoun Hamoud (28 years old) were taken out of their father's house. They were taken one kilometre away and killed in cold blood. Other territorial guards went to the [house of] market gardener, Riad Abdelkader, where they killed two of his workers. A worker and a local council employee, a father of five children and a decorated soldier, were also killed on their way to their workplaces. Finally, one other worker was injured. The names of the territorial guards responsible for this slaughter are known to everyone. As for their irreparable acts, they seem to show a hate of anything Arab that is so deep I find it impossible to qualify. After this butchery, the population of ChercHELL is crushed, the Muslims weep for their dead. How can we not fear that such crimes, attributable to those entrusted with keeping order, will not change these traditionally peaceful people into rebels?<sup>284</sup>

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*4.8.6. Shelling*

'Pacification' is also blind shelling of villages and destruction of forests by gas and napalm, causing havoc in human lives and considerable damage to the environment. *El Moudjabid* on 20 August 1957 describes a typical bombardment:

At the beginning of each mass attack against a 'rotten zone' shelling by heavy artillery and the air force is carried out. The colonial army installs batteries at the periphery of a previously demarcated area and targets villages and hamlets. After an intensive pounding using napalm bombs, the soldiers penetrate the burning *douar*.

It is then that the French barbarity is unleashed. The houses spared the bombing are ransacked, the savings of the inhabitants are stolen, women are raped in front of their husbands, their fathers, their brothers. Women are also often taken to military posts where they are handed over to the Senegalese infantrymen and légionnaires before they are killed.

Entire villages, such as those in the region of Aït-Sedka (five), of Camp-Du-Maréchal and Haussonvilliers (seventeen) and of Beni-Douala (one hundred), were razed by French hordes and abandoned by their inhabitants.

Perpetual exodus, utter destitution, and the rigours of a mountain climate decimated the population.<sup>285</sup>

The French air force played a vital role in the War of Algeria. Heavily equipped with transport, reconnaissance and bombing aircrafts, often provided by NATO forces, notably the USA, it did not fail in its mission to 'pacify by fire'. Citizens still alive who lived through this 'pacification' remember how: 'Aeroplanes dropped drums of gas and everything. So, everything burned. All the forest was burned because they said: "we wage war inside", so they burned everything, everything, and now there is not much left.'<sup>286</sup>

In a letter which appeared in the French press in April 1957, a French soldier gives a vivid image of the work of the air force: 'The aeroplanes received the order to fire at anything that moved... The aeroplanes machine-gunned all afternoon. After their sorties the valley is left a cemetery. One cannot move one step without meeting a corpse.'<sup>287</sup>

Air bombing, and the tragic scenes of massacres they have brought about, are immortalised in popular songs in the areas affected by the calamities, as in this lament of Agouni-Zidoud sung by women and reported by Camille Dujardin:

Poor civilians, the majority died in hiding, because many men were forced to escape and hide; they were unarmed, they were not soldiers, they were only hiding. Only the *mujahidin* had weapons because they were soldiers. The war is soldier against soldier, but those were not armed. Sometimes an aeroplane flies by, it sees people walking along a road, they don't care if they are soldiers or not, they drop bombs... and they, they only wanted to hide, the poor things. Because he who left home [who

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took to the *maquis*] he knows that he must die or kill a soldier. But what can a civilian do? He avoids dying, he cannot do any harm, but the harm is done to him.<sup>288</sup>

Or in this feminine prose version from the same region of Agouni-Zidoud, again reported by Camille Dujardin:

Agouni-Zidoud, it's the first attack. Yes, the first. The forest is dense, there are many *maquis*. Above all, it goes up to the mountain. There used to be a beautiful forest, there used to be many trees in the *maquis*. Nearly everyone inside died, by bombs and gas: the first time everyone was burned. Everyone hid inside with a man from Iguer n'Salem. They used to meet there to learn how to start and, with aeroplanes, with boats, they shelled everything, nobody came out alive. They went to Taoudoucht, they surrounded it. And in the forest near Imsounen too, they went round overhead like this, and then the plane shelled them in the middle. Because someone had said the *fellagas* were inside. People did not know, they did not even know how to shoot, they knew nothing. So, the plane bombarded everything, they killed everyone inside. All those inside died, Faroudja's husband, Idir, Fatma's husband too, that of X and Mohand X, they died inside, and all of those from the hamlet. Only my brother and my cousin are alive because my brother had not gone from home.

But it is not like this that war is waged, not like this!<sup>289</sup>



1959, Oran, French F47 on a bombing mission

Said Ferdi, in his novel-testimony *A child in the War*, gives an account of the atrocities involved in a typical shelling operation of an inhabitant zone:

The shelling lasted the whole morning. As soon as the aeroplanes were short of bombs, four others came to take over. [...] At the end of the afternoon the aeroplanes came in larger numbers. Shelling became very intense then stopped so that we could attempt a new assault. [...] At daylight [the next day] we combed the zone. The command group came in the second line. We went forward about fifty metres then stopped, time for the front section to salvage weapons and documents from

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the dead. When we arrived at the first houses, I saw terrible things. About twenty bodies of men, women, children and elderly people were scattered over the ground, burnt, torn to shreds by shells and bullets. About a dozen old people, a few women and children still alive were at the side.<sup>290</sup>

Recounting the same shelling operation followed by the large combing, Said Ferdi describes the way the infantrymen treated the corpses burned by napalm:

Our captain put the two sections in two lines with the command group between. We started to walk and covered about one kilometre. The ground was strewn with bodies of *fellaga*, but above all civilians who had fled their *douars* on seeing the arrival of the French army, and had sheltered in the mountains not thinking that they would be surrounded. I was terribly shocked to see the infantrymen pounce on the bodies to tear off possessions, rings, watches, wallets, caps or boots, of the exceptional ones that wore them. Even more revolting was when they sometimes disembowelled a corpse with a bayonet. And in the burned bodies, softened by napalm, they drove in pieces of wood picked up from the floor. The few injured that we came across were finished off with a round of gun-fire. It was hardly possible to count the number of dead *fellaga*, with the exception of a few recognisable by their fatigues, they were indistinguishable from the civilians, all the bodies were burned and torn in shreds. I was dumbfounded to see so many dead, I cannot understand how such a slaughter was possible.<sup>291</sup>

#### 4.8.7. Retaliation

The reprisals are the application, on the ground, of the collective responsibility mentioned earlier. As Henri Alleg observes,<sup>292</sup> the deadly intensity of the retaliation, which became systematic since the beginning of the War of Liberation and often were masked by the euphemism ‘control operations’, is commensurate with the blows of the guerrilla operations led by the ALN and its *fidaiyîn*: ambush, assassination attempt etc. Thus, when it is ‘beaten, the colonialist army takes revenge, multiplying summary executions and collective massacres.’<sup>293</sup>

The following statements, reported by Hafid Keramane and Henri Alleg, give some idea about the retaliation operations carried out by the French Army. They span a one year period, from March 1956 to March 1957. On 4 March 1956 ‘After the death of a non-commissioned officer in Tebessa, a company of *légionnaires* lashed out in the Algerian neighbourhoods killing sixty-four people with machine-guns and bayonets; fire destroyed hundreds of homes and shops.’<sup>294</sup> On 24 March 1956, in Oued Zenati:

At the end of the afternoon a soldier is seriously injured by terrorists. Reaction: a round-up. All the Muslims living in the neighbourhood where the attack took place are brought to the police station where they pass the night; six of them are chosen and killed. The population is warned that for the next attack: thirty Muslims will pay with their lives.

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The day after these events six Muslims from the region who had been arrested one week previously as suspects were released by the police as no charge was found against them. They were taken on by the military and their corpses were discovered on Monday 26 June in a place called the 'Aïn-Arco mine'. On Tuesday, the local newspaper *La dépêche de Constantine* stated that six rebels were killed at Aïn-Arco mine in an engagement.<sup>295</sup>

## On 29 March 1956, in Constantine:

At about 9.30 in the morning the Police Chief Superintendent Sanmarcelli is killed by a terrorist. At approximately eleven o'clock the victim's son shoots at any Arab he meets. Two Muslims are killed outright and six others seriously injured (two died later).

In the afternoon and evening there is an enormous round-up. Approximately fifteen thousand people are gathered and brought to the *Esplanade du Coudiat* where lies the central police station.

Taking advantage of this situation, some members of the security services (police auxiliaries according to the people) break doors, smash shop windows (approximately three hundred) and seize all that seems of value.

The mosques at Sidi-Abdelminnène and Sidi-Bounoughref are desecrated.

Lastly thirteen people are killed, five under the Sidi-Rached bridge and eight on the road to Kroubs. None of them appear to have been involved in terrorist activity.<sup>296</sup>

'A raid into the Arab neighbourhood took place in Constantine on 22 April [1956] after an attack which led to the death of a paratrooper. His friends returned to the barracks, took their guns and went on a punitive expedition.<sup>297</sup> Early May 1956, near Batna, 'following an ambush in which two soldiers had been killed, fifteen suspects were interrogated and tortured. Fourteen out of the fifteen were shot,<sup>298</sup> whereas near Tebessa, 'following an assassination attempt, the friends of an injured soldier go into an Arab district, fire their guns at the civilian population and throw grenades into the houses.<sup>299</sup> On 11 May 1956, near El Hanser (north of Constantine), 'a unit passes a *meshta*; two or three shots are fired at the soldiers. An order is given to wipe out everything: at least seventy-nine people, men, women and children are killed.<sup>300</sup> On 19 May 1956,

the day after an ambush near Palestro, an operation including several units is launched. An alpine hunter recounts: 'We were unleashed in a repressive operation. *Meshtas* burn, bursts of gun-fire bang, the explosion of grenades is muffled by the walls of houses. How many rebels are among the victims?' Ouled-Djerrah, the village close to where the patrol was ambushed, is wiped out, fifty men killed immediately, and many others afterwards.<sup>301</sup>

## On 2 June 1956, near Nemours:

An ambush leaves fourteen dead in the Mobile Group for Rural Protection (GMPR) of Tounane. Friends of the victims are let to torture dozens of suspects. Then the

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battalion comes into action and burns three or four villages situated in the direction the ALN unit had taken. As for more distant villages (which could not be visited the same day), they were shot at by four fighter planes and pounded by rockets. The officers were, however, agreed that the gang was already far away in the countryside.<sup>302</sup>

Late July 1956, near Biskra, 'toll of a punitive expedition organised by the Senegalese: twenty six to thirty dead and forty injured amongst the civilian population.'<sup>303</sup> 'The Senegalese troops, who had been fired at, devastated the Mozabian neighbourhood, killing thirty five people and an undetermined number of others in a neighbouring palm grove.'<sup>304</sup> On 18 October 1956, 'an escort lorry of the Nedromah administration explodes on a mine: seven are killed. Several hours later eight Algerians are executed at the same place, and their bodies are left on show for nearly a month, as an example.'<sup>305</sup> Early October 1956:

One evening three lorries from the Road Department were stopped on a mountain road by an armed group and pushed into a ravine, after the drivers had been let free. The following day, the battalion commander gave an order to the sector lieutenant to fire on a village of his choice. The lieutenant then aimed his 60 mortar at a village where the military were rather badly received and fired several shots. Toll: unknown, all that is known is that there reportedly was a woman cut in two. The soldiers of the company were utterly disgusted, even though they had seen and done other terrible acts.<sup>306</sup>

On 27 October 1956:

[Commander] Azzedine organizes a deadly ambush against the 6<sup>th</sup> RI [Infantry Regiment] detachment near Tablat: 'The following day we were far away but, in retaliation, aeroplanes bombarded the sector, crushing the El Tlata market of Diour, during market time, and destroying several villages. Civilians paid a high price for the Oum-Zoublia ambush.'<sup>307</sup>

On 29 October 1956:

The 3<sup>rd</sup> company left on 'forced labour on the woods' with twenty suspects. They killed them at the Bécart passage, the site of an earlier ambush which had cost the lives of thirteen members of the 2/117<sup>th</sup> RI. They were finished off with a bullet in the head and left where they fell, without burial. The police were informed of the death of twenty 'fugitives' who had been killed. In the end the commander said: 'Now your comrades of the 2/117<sup>th</sup> RI are avenged. It is the Arabs who killed your friends. Anyway, if it was not these ones, they have paid for the others.'<sup>308</sup>

In November 1956:

An SAS captain said to the Ouadhias: 'We will stay in Kabylia, if necessary without the Kabylean people!' In November 1956 'pacification' was practised on the Ouadhias. The *maquisards* killed an SAS officer, Lieutenant Jacote, and injured his young wife. Nobody had warned this army missionary who, incidentally, came and went unarmed. The population was therefore considered an accessory. It will pay. With a trembling hand, the writer Mouloud Feraoun [who would be assassinated on 15

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March 1962 by the OAS, see § 4.9] wrote, in his Journal, what he had just learned from his teaching colleagues: ‘The *douar* was combed. The first village was completely emptied of its inhabitants. In the other villages all the men had been caught. They were confined together for two weeks. Eighty had been killed in small groups each evening. Graves were prepared in advance. After two weeks we noticed that more than a hundred others had disappeared. We think that they were shut in *gourbis* full of straw and burned. No *gourbi*, no haystack still has remained in the fields. The women stayed in the village, in their homes. They were ordered to leave their doors open and to stay one to a room. The *douar* was thus transformed into a military brothel in the countryside (BMC) where companies of alpine hunters and other *légiionnaires* were let loose. One hundred and fifty young girls took refuge in the convent and with the monks... Of others, we can find no trace.<sup>309</sup>

On 7 December 1956, Mohammed Bouchenafa, former delegate to the Algerian Assembly and County Councillor for Algiers, sent a letter to the Resident Minister Lacoste in which he recounted:

Last Saturday 23 [November 1956], eight French soldiers were killed and nine injured in an ambush near Berrouaghia. The same day an operation was carried out in the area by troops stationed at Berrouaghia. Scores of *fellahs* were indiscriminately imprisoned. The following day, Sunday, six of them were summarily executed a few hundred metres from the town of Barrouaghia. In addition, the troops tore peaceful Muslims from their homes and killed them in the same manner in nearby ravines. So it was that on this bloody Sunday fourteen Muslims picked at random were summarily executed by conscripts in a bitter mockery of ‘pacification’. [...]

On Monday 8 November, other events as serious and as painful occurred in another part of the Médéa district. That day, at about eight o’clock in the evening, two military lorries (Dodge) stopped between Oued-Chir douar, of the Sidi-Nadji municipal centre, and Tiara *douar* (joint commune of Tablat). Twelve young Muslims aged between eighteen and twenty got down from the first vehicle. From the second lorry soldiers, who were inside, opened fire on them. Seven of the poor youths were killed, five were able to escape the massacre. The victims were from the north of the region between Blida and Maison-Carrée. Representing the Muslim population of the Médéa district, I must, Mr. Minister, bring this to your attention. An inquiry will determine the tragic and deplorable truth. These events are not, unfortunately, isolated and exceptional excesses. In many regions of Algeria, we hear of similar and sometimes more atrocious executions.<sup>310</sup>

On 15 December 1956, in Médéa,

Following an assassination attempt in which a *spahi* was killed, the troop was authorized, if not encouraged, to indulge in blind and bloody retaliation against the civilian population. [...] Men, women and children were massacred. Police dogs were let loose on the injured who had not been totally crushed by automatic machine guns.<sup>311</sup>

On 28 February 1957, ‘a convoy of the 22<sup>nd</sup> RI was ambushed in the mountains south of Dupleix by a group from Wilaya 4, led by Captain Si Slimane Sihqa. Twenty-eight were killed.<sup>312</sup> A young soldier recounts the massacre that followed in the first week of March:

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1 March. [...] It is one o'clock in the morning. [...] Aeroplanes machine-gunned all afternoon and killed two Arabs, who were desperately waving their turbans, four hundred metres away from us. The aeroplanes had been ordered to fire on anything that moves. It augments the list of rebels killed. [...] This evening a fighter plane is prowling around and launches a rocket now and again. [...]

Two o'clock in the afternoon. [...] The attack has continued since this morning. It is a blood-bath. This evening the *fellaga* went by with their injured. At dawn they came to avert us. The Air Force has joined in and despite our explicit instructions to avoid T, they machine-gunned and bombarded the village. A man has just arrived, his father, his brothers are dead, half of T is destroyed and the dead cannot be counted. Twenty past three, the Colonel has just arrived by helicopter. A quarter to six, since these last words, many things have happened. The lieutenant admitted that the Air Force made a mistake in attacking T. (seventeen dead, more injured)...

T. no longer exists. It has been reduced to a blazing inferno. [...] At ten past midnight the patrol left, the valley is a cemetery. One cannot move one hundred metres without meeting a corpse or someone hanged; the *mesbitas* burn. No prisoners: they were killed on the spot. [...] 4 March. Noon, the operation continues. [...] Because of the executions, life in the mess has become impossible. I am the only one not to accept the execution of prisoners. And still, they were not tortured here. B. has not stopped torturing and executing for forty-eight hours.<sup>313</sup>

'According to the statement cited by Laurent Casanova, and taken up by Léon Feix (advisor to the French Union and member of the French Communist Party political office) in a letter to Guy Mollet: "The officers estimate at 1000 the dead in this repression. They told us not to disclose this number; the official number of deaths in this operation is 60".<sup>314</sup>

In mid-March 1957, forty-three Algerians from the *Arch* (community) of Béni-Smaïl were asphyxiated. *Résistance Algérienne* of 10 to 20 June 1957 reports on the massacre:

France, a party to the Geneva Conventions, violates them systematically and continually, 'article by article', if one can so put it. Let us take Article 33, for example, which stipulates that 'no protected person can be punished for a crime that he has not personally committed. Collective punishment as well as all types of intimidation or terrorism are forbidden. Looting is forbidden. Acts of retaliation against protected people and their possessions are forbidden'.

The article which reproduces, with slight alterations, the proposal of the International Committee of the Red Cross, originates from Article 50 of the Hague Regulations: 'No collective punishment, financial or otherwise, can be decreed against populations on the grounds of individual acts for which they cannot be considered jointly responsible.'

The facts cited below are a pale reflection of the sanctions and ill-treatment suffered by innocent and defenceless Algerians, in contempt of the most basic humanitarian principles, for acts which they had not perpetrated.

On the afternoon of 13 March 1957 an enemy military vehicle exploded on a mine placed by members of the Algerian National Liberation Army. Immediately one hundred Algerians were arrested and taken to the military headquarters at Aïn-Isser. Children, aged between twelve and fifteen, and old people were among these

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arrested. During the combing operation carried out the following morning, French soldiers burnt down the *khaymas* [tents], after looting them and destroying everything that could not be transported. Two hundred and fifty new people were taken to the military headquarters: men, women, the elderly and even babies (one had been born two days previously). Several men were later transferred to the police station, the others were crammed into wine cellars on a farm taken over by the army. The affair is well-known in Algeria. That night, tear-gas grenades were thrown into the cellars resulting in the death by asphyxiation of forty-three civilians. The corpses were given to jackals in a nearby forest.

Here is an example of the activities of the French army and militia in Algeria. Irrefutable: dates, places, names and ages of the victims; details are given here. They make tragically clear the 'generous and civilising mission' of France in our martyred homeland. Entire generations will remember.

A list of victims by year of birth and number of dependants who all belong to the *Arch* of Béni-Smail (Sebdou Bureau):

• Idaïssa *douar*: Bouhmidi Aïssa Ould Ahmed (1907, 6), Bouhmidi Nouar Ould Slimane (1908, 5), Youbi Abdelbaki Ould Mohammed (1907, 5), Youbi Kouider Ould Mohammed (1945, 0), Bouhmidi Mohammed Ould Aïssa (1897, 4), Farah Youcef Ould Mohammed (1943, 0), Youbi El Abid Ould Nouar (1897, 4), Youbi M'hammed Ould Aïssa (1941, 0), Bouhmidi Hbib Ould Mohammed (1907, 5), Abdellaoui Kouider Ould Chikh (1917, 2), Abdellaoui Mohammed Ould Kouider (1942, 0), S.N.P. Chikh Ould Rim (1927, 0). • Ouled Sidi Abdallah *douar*: Belouatek Miloud Ould Mohammed (1927, 5), Belouatek Djilali Ould Mohammed (1917, 4), Belouatek Youcef Ould Abderrahmane (1931, 1), Belouatek Abderrahmane Ould Abderrahmane (1939, 1), Belouatek Aïssa Ould Abderrahmane (1941, 1), Aïssaoui Abdelkader Ould Djilali (1927, 2). • Ouled Madah *douar*: Hmadouche Klifa Ould Embarek (1917, 5), Boufir Taieb Ould Mohammed (1922, 3), Bougrara Boumediene Ould Mohammed (1932, 2), Mokhtar Mohammed Ould Bachir (1927, 2), Maqchich Abdelkader Ould Mohammed (1897, 6), Taji Mohammed Ould Boudjemaâ (1922, 7), Fathi Miloud Ould Boubeker (1887, 0), Kort Mohammed Ould Abdellah (1897, 6), Boufir Taieb Ould Mohammed (1935, 3), Bougraga Boumediene Ould Mohammed (1925, 2), Mokhtar Mohammed Ould Bachir (1930, 2), Maqchich Abdelkader Ould Mohammed (1860, 6), Taji Mohammed Ould Mohammed (1935, 7), Fathi Boubeker Ould Kouider (1870, 0), Fathi Miloud Ould Boubeker (1915, 0). • Ouled Chadli *douar*: Tayebi Abdelkader Ould Youssef (1943, 6). • Ouled Amar *douar*: Hadjadj Benaouda Ould Benmrah (1941, 7). • Lamoricière *douar*: Mahmoudi Moqaddem Ould Menouar (1942, 4). • Ouled Maqrane *douar*: Ayad Boumediene Ould Bouazza (1927, 4), Maqrane Benabdallah Ould Kaddour (1937, 0). • Houabda *douar*: Belouafi Ould Menouar (1887, 0), Boubeker Ahmed Ould Mohammed (1922, 5). • Ouled Sidi Cheikh *douar*: Dairi Cheikh Ould Slimane (1902, 5), Dairi Mohammed Ould Cheikh (1932, 1), Toumi Mohammed Ould Youcef (1935, 5), Hssini Ahmed Ould Youcef (1943, 0). • Yacif *douar*: Bougrari Youcef Ould Mohammed (1945, 0), Sabri Boumediene Ould Mohammed (1937, 4), Bougrara Mohammed Ould Taieb (1941, 0), Amiri Mohammed Ould Bouziane (1912, 6), Amiri Youcef Ould Mohammed (1939, 0).<sup>315</sup>

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*4.8.8. 20 August 1955*

Less than one year after the start of the revolution, events took place in North Constantine which would prove decisive in the course of the war. This uprising, the work of Lakhdar Ben Tobbal under orders from Youcef Zighout, was the first operation, on a large scale, involving the population alongside ALN combatants.

According to the FLN, 'the operation was launched in retaliation for "the civilian victims of pacification and the denial of the combatant status to those condemned to death".'<sup>316</sup>

The Algerian historian and militant Mahfoud Kaddache considers that:

The 20 August operation was methodically thought out and prepared in the greatest secrecy by the leaders of the North Constantine ALN, on the initiative of their leader Zighout Youcef. The objective was the involvement of the rural masses at the side of the ALN *mujahidin*, in attacks directed against military posts, settlements and French settlers. [In order to] loosen the encircling of the Aurès, and induce the French forces to disperse and make their displacement more difficult.<sup>317</sup>

Thirty-six settlement centres in Constantine, Skikda (Philippeville) and in the neighbouring mining town of El Halia were attacked by the population flanked by ALN officers. A hundred and twenty-three dead were counted, of which seventy-one were European.<sup>318</sup> These attacks were brutal and without discrimination; women and children were also killed.

The French authority's response was indiscriminate and disproportionate. It was 'appalling, in line with that of 1945,'<sup>319</sup> and one of the first large scale applications of 'the principle of collective responsibility to defenceless populations.'<sup>320</sup> In a repeat of 1945, 'private militias were formed on orders of the mayor of Philippeville, Benquet-Crevaux, whose passionate speeches were as many calls for murder.'<sup>321</sup>

In Skikda, the very town whose mayor is Benquet-Crevaux, 'Muslim prisoners, who had been left in the stadium for their own protection, were liquidated by machine-gun. Prefect Dupuch did his utmost to save them as the Europeans were insulting him.'<sup>322</sup> Despite Dupuch's efforts, 'who managed to save entire lorries of hunted muslims from a certain death,'<sup>323</sup> the number of victims was still fifteen hundred 'of which a large majority were killed and buried in a mass grave.'<sup>324</sup> The death toll at Skikda was two thousand casualties according to other authors.<sup>325</sup>

At Zafzaf *meshta*, 'the Algerians who were in the streets and cafés were killed without exception.'<sup>326</sup> At El Khroub, Charles Ageron, citing a report by one of the officers responsible at the time, described how:

Sixty suspects were arrested the night following the repelled attacks on El Khroub. 'They were executed the next morning between 6.30 and 9.30.' The site of the burial

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of the corpses was levelled by bulldozer, and the ground filled in, in 1958: 'the bodies are henceforth at a depth of 2.5 to 3 metres.'<sup>327</sup>

The official death toll of the repressions is 1273 dead, but this figure seems very far from the truth. Following 'a methodical census'<sup>328</sup> and 'in a scrupulous enquiry carried out by the FLN.'<sup>329</sup> the number of victims is in the region of 12 000. This 'figure has never been seriously contradicted'.<sup>330</sup> Other ALN sources estimate the global figure to be 20 000.<sup>331</sup>

The massacres of 20 August had serious consequences. Without doubt they accelerated the population's adhesion to the revolution because they reminded the waviness of their situation and of reality of the war. According to Droz, the main consequence of the massacres

resides surely in the definitive separation, at least in that part of Algeria, of the two communities, henceforward unshakeably set one against the other. A genuine psychosis pushes the European population to demand, and even carry out, the most extreme solutions and the Muslim population to flee their devastated *douars* and join the ALN *maquis*.<sup>332</sup>

The thousands of victims of the August 55 events dug a 'ditch of blood between the Algerians and the colonizers that was henceforth impassable.'<sup>333</sup>

*4.8.9. Battle of Algiers*

Early on, terrorist acts in Algiers targeted Algerians suspected of belonging to or sympathizing with the FLN. From 1955 activist groups started forming. 'Their members were recruited essentially from European circles (bar owners, trades people, employees, etc.) but they are in contact with the Mitidja colons and with discreet moneylenders, which means they lack neither money, nor arms, nor vehicles nor passes. [...] They benefit from police complicity and press discretion.'<sup>334</sup>

Amongst these 'ultra' groups can be named the Committee of French Renaissance (CRF), the French North African Union (UNFA), and above all, the Resistance Organization of French Algeria (ORAF) 'created in March 1956 under the direction of the Kovacs, Castille and Fechoz, with connections to Parisian political figures, including Soustelle.'<sup>335</sup>

On 22 June 1956 the 'ultras' started blowing up 'shops and businesses belonging to Algerians suspected of contributing financially to the FLN.'<sup>336</sup> During the night of 30 June to 1 July 1956, at Place Lavigerie, 'they exploded the UDMA (*Union Démocratique du Manifeste Algerien*) headquarters at the time of a meeting between leaders and militants of the UGTA (*Union Générale des Travailleurs Algériens*) who were preparing the 5 July strike.'<sup>337</sup> The official casualty figure was seventeen Algerian workers seriously injured.<sup>338</sup> 'The police rushed to arrest all those present [militant workers who were members

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of the brand new labour union (UGTA - the General Union of Algerian Workers)] even though the press complacently repeats the claim of an explosion due to a gas leak.<sup>339</sup>

The ORAF attacked with a very powerful bomb the heart of the Kasbah, at 3 rue de Thèbes, on 10 August 1956 shortly after midnight. The target was the home of a FLN *fidai*. ‘Fifty-seven dead Algerians, including women and children, were pulled from the rubble.’<sup>340</sup> Henri Alleg talks about the ‘destruction of several buildings, leaving at least sixteen dead, of which nine children, and thirty-seven injured.’<sup>341</sup> Other casualty figures gave seventy Algerians killed by the explosion including children.<sup>342</sup>

Unable to put forward, once again, the ‘gas leak’ thesis as explanation, *Le Monde* put forward the hypothesis of a “hazardous handling” of explosives by “inexperienced FLN terrorists” in a clandestine depot.<sup>343</sup>

Henri Alleg describes the atmosphere prevailing in the Kasbah following this terrorist act: ‘Emotion is deep, blending with outbursts of solidarity, protest strikes, but also the beginning of panic. FLN leaders must hold impromptu meetings in order to calm and reassure the population.’<sup>344</sup> Lentin points out that it needed ‘all the authority of several FLN leaders, including Yacef Saadi, to prevent blind outbursts of violence against Europeans chosen at random.’<sup>345</sup> Lentin adds, however, that during the evening, ‘groups of *fidaijyn* attacked European bars, police stations and army lorries with grenades.’<sup>346</sup>

It was, in effect, the rue de Thèbes massacre, the execution of Ben Mohamed Zabana and Abdelkader Ferradj on 19 June 1956, followed by other executions in Algiers, Oran and Constantine prisons (as a result of the application of the law of 17 March, signed by the then Justice Minister François Mitterand, sentencing to death FLN members captured while carrying arms) which radicalised the ALN in Algiers and prompted it to adopt similar reprisal methods.

Lentin asserts that this radicalization was decided at the highest level of the FLN in Algiers:

Faced with this ‘ultra’ attack, the CEE [Co-ordination and Execution Committee of the FLN<sup>C</sup>] has decided to respond, in turn, to the bomb with a bomb, and to attacks on Muslim civilians by attacks against European civilians.<sup>347</sup>

So it was that on 30 September 1956 two bombs exploded in cafés in central Algiers: the Milk Bar and the Cafétéria. There were sixty injured, two of whom later died from their injuries. These bomb attacks were followed by

<sup>C</sup> The supreme authority comprising five members: Larbi Ben M'hidi, Abane Ramadane, Krim Belkacem, Ben Youssef Ben Khedda and Saad Dahlab, who had been designated by the Soummam Congress at the end of August 1956.

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those at the Hotel Aletti, Glières Square, and then, on 14 January 1957, on the premises of Radio-Algiers.

The decision to resort to bomb attacks in public places raised moral problems and questions of strategic and tactical order, as well as issues of revolutionary efficiency. Lentin reports that:

Two members of the CEE told me, separately, that only after a closely argued debate, lengthy hesitations and troubled consciences, was this radical decision, which raised not only moral questions but also problems of revolutionary efficiency, in that underground members of the FLN living in European neighbourhoods risked being victims of attacks by their own *fidaiyin*, was taken. The decisive argument which tipped the balance in favour of this radical decision was pressure from the *maquisards* in the mountains, who said that innocent Algerians by the hundred, if not the thousand, were massacred by French Air Force bombardments of villages and *douars*. The combatants in the front line could not understand why certain leaders, safe in their calm sectors, refused to open a front in the towns. If the CCE wished to establish its supreme leadership of the entire insurrection, it could only defer to this request.<sup>348</sup>

After his arrest in February 1957, Larbi Ben M'hidi, who had been in charge of supervising the armed group action during the Battle of Algiers, was interrogated about the use of bomb attacks against civilians. Lentin reports the dialogue Ben M'hidi had with the French officers, which he describes as 'an exchange of automatic gun fire':

On 28 February 1957 the most dynamic leader [of the autonomous zone of Algiers], Ben M'hidi, nicknamed 'the carburettor', fell into the hands of the colonels, some of whom questioned him personally.

— Don't you find it a little unmanly to transport terrorist bombs which kill innocents in women's shopping bags, beach bags or baskets?

Putting his head between his shoulders, a typical gesture of Ben M'hidi, he retorted:

— Don't you find it a lot more unmanly to throw, from high in the sky, as you do, on defenceless *douars*, your napalm and terrorist bombs which kill ten times more innocents. Obviously if we had aeroplanes it would be more convenient. Give me your bombers and I'll give you my baskets.<sup>349</sup>

Early in 1957 the Battle of Algiers started with its combing operations, extra-judiciary internments, individual and collective summary executions, rape and torture. On 7 January 1957, 8000 paratroopers, invested with a police mission, penetrated the town.<sup>350</sup> They 'settled in the old palaces, schools and on the highest terraces transformed into watchtowers and block-houses.'<sup>351</sup>

Robert Lacoste entrusted the 'pacification' of Algiers to General Jacques Massu, commander of the 10<sup>th</sup> parachute division, who

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has sizeable contingents of 'red berets' (colonial paratroopers), 'green berets' (paratroopers of the *Légion étrangère*), 'blue berets' (1<sup>st</sup> regiment of the hunter paratroopers), the '*casquettes*' of Bigeard's 3<sup>rd</sup> RCP and the Muslim *barkis*. The whole conglomeration of Algiers is progressively controlled and watched over, neighbourhood by neighbourhood, block of flats by block of flats, house by house, by Colonel Trinquier's DPU (Urban Protection Detachments) which use both regular army units and local reservists called up to serve in the UT (Territorial Units).<sup>352</sup>

Claude Lecerf, a 'Bigeard boy', in the words of Henri Alleg, talks about a former holiday camp at Bouzaréah, turned into a concentration camp for the victims of the frequent combing operations in Algiers:

Day and night, the urban combing operations bring new prisoners. Above the holiday camp they have set up an interrogation centre. Torture is carried out on a permanent basis; the use of electricity, the bathtub, repeated blows. Some soldiers are assigned to operating the magneto, others to hitting. Many victims leave the centre in a coma. Some others are dead. Soldiers load the bodies onto a GMC or a jeep, transport them and bury them in a discreet corner of the countryside: mass graves. [...] <sup>353</sup>



*Ratonnade* in Algiers

The Battle of Algiers lasted nearly all of 1957 and ended with the arrest of Yacef Saadi and the death of Ali La Pointe. It counted many victims. Lentin reports that:

In ten months 80 000 Algerians aged between fifteen and forty were taken for interrogation, 30 000 were put under 'house arrest', several thousand were tortured, 5000 'disappeared', dead as a result of brutality or summarily executed. The 10<sup>th</sup> paratrooper division dishonoured the French Army, but won the Battle of Algiers.<sup>354</sup>

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Lentin also noted that even when the Battle of Algiers was over, this town continued to be a theatre for exactions against the population:

Order reigns in Algiers, it is the order that reigned in Warsaw. Methods do not change, neither do the lies. When Aïssat Idir, the union leader, is assassinated, military and civil authorities pretend his death is accidental. They said he set alight his straw mattress with a cigarette and burned to death in his bed. But he never smoked. Algiers of the Algerians, Algiers white with anger, Algiers 'capital of pain' counts its dead, treats its wounded, supports its imprisoned, thinks of its revenge. In its lanes congested by uniforms, Massu's paratroopers and Captain Sirvent's *zouaves* lay down the law. Spurned as they are, they are less detested than the turncoats and the mercenaries whom Godard has organised into a special units allowed to commit all kinds of exactions, provided they 'maintain the peace by any means' and they be able, when the opportunity arises, 'to bring a lot more people' for psychological operations.<sup>355</sup>

*4.8.10. Mellouza Massacre*

The Mellouza massacre was perpetrated by Algerians against other Algerians. It was an extreme manifestation of the hasty justice put in place by the ALN to cope with French infiltration of their troops. Indeed, in the absence of previously established norms to regulate so called 'war justice' and moderate its perverse effects, thousands of Algerians, above all the *musabilines* (civilians who gave the ALN information and logistic support) and the new recruits across the country, were wiped out on a mere suspicion, in often appalling circumstances: with side-arms in front of parents and children etc. Many of the executed were victims of score settling.

The *douar* of Beni-Illeman in Kabylia is not far from the Mellouza locality. Mellouza was largely loyal to the Mouvement National Algérien (MNA), a rival party of the FLN whose armed wing was controlled by the French military. The Armée Nationale du Peuple Algérien (ANPA) led ostensibly by 'Brigadier-General Bellounis' but under the effective command of French General Parlange was active in Mellouza<sup>356</sup>.

The ALN troops, led by Colonel Mohammedi Saïd, commander of the wilaya (military district) N° 3, surrounded the *douar* on 28 May 1957 and attacked it. They killed about three hundred people (315 and 374 according to other sources), including women and children; there were 150 injured victims. According to Pierre Montagnon, 'the survivors lost their sanity from the horror they experienced.'<sup>357</sup>

The FLN claimed for a long time that the French army was responsible for the massacre but the culpability of the ALN in this atrocity is not disputed today. Ferhat Abbas imputes the responsibility of this massacre to Colonel Amirouche whom he qualifies as 'a courageous combatant lacking psychological sense.'<sup>358</sup>

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*4.8.11. Eight Days Strike*

The July 1957 strike is the second major event, after that of August 1955, which showed the world the close connection between the FLN/ALN and the people, and their solidarity in the cause of liberating their country. This strike, of great political significance, aimed, according to *El Moudjhid*, to 'show in a more decisive fashion the Algerian people's adhesion to the FLN, as its sole representative, and by this demonstration give an unquestionable authority to our UN delegates to convince the rare diplomats, from some foreign countries, who are still hesitant or have illusions about France's policy.'<sup>359</sup>

The Algerian historian, Mahfoud Kaddache, gave an account of the unfolding of the strike:

The strike has been observed in several towns (Algiers, Oran, Constantine, Bône...) and in several villages. But it is in the capital that it appeared with most vigour. [...] The strike is almost general. [...] On the third day the workers were dragged from their homes by soldiers; nearly all those from the Casbah were transported to their workplaces in army lorries. Compulsory and partial resumption, and passive resistance and repression distinguish the last days. [...]

In addition to the soldiers and police, a new security service, 'The Urban Protection Force', has been set up and put in charge of hunting down the suspects that all the inhabitants of Algiers had become. In various neighbourhoods in Algiers, and the surrounding district, sorting and transition centres were opened in schools, shops, cafés and Turkish baths to deal with the arrested.

Torture speeds up the investigations and thousands of people are sent to prison and residence centres in the south. The population has paid heavily for this strike and the support given to the FLN.

All families are affected; most of them have one or more members killed or arrested, sent to prison or to a camp.<sup>360</sup>

*4.8.12. The Shelling of Sakiet-Sidi-Youssef*

On 8 February 1958 the French Army violated Tunisian territory and bombarded, from the air, the border village of Sakiet-Sidi-Youssef which was sheltering a number of Algerian refugee families.

The massacre took place following incidents which had occurred the previous day. On 7 February 1958 a French Army fighter plane was attacked from an ALN base on Tunisian soil near the border. The following day shots were aimed at reconnaissance patrols. French pilots were forbidden to retort on Tunisian soil but decided to defy this prohibition. 'Eleven B 26s, six Corsairs and eight Mistrals attacked the FLN base in Sakiet-Sidi-Youssef. But around the base lies a civilian village; it is the latter which was hit. Seventy-five dead and more than eighty injured.'<sup>361</sup>

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The moment was badly chosen for this blind and indiscriminate response because 'that same day Red Cross delegates had visited a nearby village, Sakiet [Sidi-Youssef], to set up an infirmary and a school. Red Cross lorries were hit and there were civilian victims including women and children.'<sup>362</sup>

On 9 February 1958, a few hours after the attack, the French Command broadcast a communiqué which claimed the partial (50%) 'destruction of a rebel camp'. However, 'journalists, film makers, Tunisian, French, foreigners rushed to the scene. They were able to verify the assertions [in the communiqué]. What did they see? The village untroubled in the morning was three-quarters in ruins.'<sup>363</sup>

One week after the carnage at Sakiet-Sidi-Youssef, the newspaper *El Moujabid* published this report:

On a farm near the site where the dead were assembled, a haunting sight awaits the visitor. Apart from a customs official, they are all civilians: village tradesmen, local farmers who had come to the market. The victims are of all ages: the old, adolescents, women, children, and several middle-aged men. Some young victims are covered in white shrouds, others still wear their everyday clothes: 'Kashabiya' of the countrymen, aprons of the schoolchildren. Several shapeless masses are enveloped in squares of material, the blood seeping out; these are the corpses of the victims blown to shreds and of which the scattered pieces had to be collected together. Further away there is a robust man who must have been hit by a heavy machine gun bullet head on. He is there stretched out with a ten centimetre hole in his forehead through which his brain has seeped out. On his right, there are small, sandalled feet which peek out from under a grey cover; the child cannot be more than six.

Near a pillar in the shed, two raised planks support a shapeless heap from which fragments of blackened material break loose. On lifting the shroud one steps back in horror. What was a human being is now a pile of charcoal. Only one clear blob in this charred mass: the teeth yellowed by the fire which completely blackened the lips, the cheeks, the nose, the eyelids. [...]

After the funeral prayer, the corpses are transported to the cemetery. [...] Instead of a grave, seven trenches each more than twenty meters long were necessary to bury all the victims.

This, in its tragic reality, is the picture of Sakiet-Sidi-Youssef village after the French air force carried out its murderous raid on 8 February 1958.<sup>364</sup>

The turn of events, and above all the international community's condemnation of the criminal act, put Gaillard's government and the Governor General, Robert Lacoste, in an embarrassing position, all the more because they had not been previously informed of the air attack. General Salan approved of the attack. Subsequently, Lacoste did the same.

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#### 4.9. Under the Fifth Republic (1959 – 1962)

*Weapons stir up in our heart of hearts the filth of the worst instincts. They announce murder, feed hate, let loose greed. They have crushed the weak, exalted the unworthy, propped up tyranny. Without respite, they destroy order, ransack hope, put prophets to death.*

(General Charles de Gaulle 1932)<sup>365</sup>



General Charles de Gaulle

The Algerian conflict caused the fall of the Fourth Republic and brought General de Gaulle to power, once again, in May 1958. He had a new constitution approved, which laid the foundation of the Fifth Republic, and was elected president of the Republic on 21 December 1958.

From the start of the War of Liberation General de Gaulle realised that this would be the last battle leading the Algerian people towards political independence. At the beginning of 1955 he told close confidants that ‘Algeria will be free’ and ‘emancipated’.<sup>366</sup> In October 1956 he declared to Prince Hassan of Morocco that ‘Algeria will be independent whether we like it or not. The main thing is how. The fact is already written in history. It all depends on how.’<sup>367</sup>

But between May 1958 and June 1962 General de Gaulle had, in the words of Daniel Guérin, ‘a disastrous delay of four years’ during which Algerians would be ‘slaughtered daily like sheep, by the so-called French, before the horrified eyes of the world.’<sup>368</sup> As his offer of the ‘peace of the braves’ had been rejected by the FLN, de Gaulle decided to intensify the war, waiting for a long period – terrifying for the Algerian people – for that which was not to be found: ‘a third force’ to prepare the ‘*partir pour mieux rester*’ (leaving for staying better). It is from this viewpoint that ‘General de Gaulle ordered the army to deal the most severe blows to the ALN to force it to negotiate on the conditions set by France.’<sup>369</sup> It is to this effect that General Challe, famous for the diabolical plan bearing his name, took over from Salan in December 1958 and ‘was given six months to present a victory report.’<sup>370</sup>

On the ground, the arrival of de Gaulle at the head of the French State changed nothing in the nature of the war waged in Algeria. If anything, it intensified and, as the Algerian historian Mahfoud Kaddache points out, ‘General de Gaulle tried everything so that the military solution triumphed; by multiplying attacks against the *maquis*.’<sup>371</sup> General de Gaulle strengthened the ‘pacification’ policy of Algeria by allocating it yet more resources. According to the historian and French army officer Pierre Montagnon, 1959 is

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‘the great year for French Algeria’ and that of ‘all out pacification’.<sup>372</sup> For Lentin ‘1959 is that of ever greater plunge into war.’<sup>373</sup>

Commanding a 500 000 strong force General Challe ‘launched [large-scale combined] operations against the ALN *maquis* in 1959. His “hunter commandos” obtained convincing results.’<sup>374</sup> From 1959 to 1960 several major operations were launched: ‘Couronnes’ in the region of Oran (March 1959), ‘Courroie’ in the region of Algiers (April-June 1959), ‘Etincelle’ in the Hodna (July 1959), ‘Jumelle’ in Greater Kabylia (July 1959), ‘Pierres précieuses’ in Little Kabylia (Autumn 1959), ‘Turquoise’, ‘Emeraude’, ‘Topaze’ in North-Constantine (October 1959), ‘Matraque’ in the Ouarsenis (March 1960), ‘Prométhée I et II’ in the Atlas (April 1960) and ‘Ariège’ in the Aurès (Summer 1960).

General Challe also used other methods to achieve the ‘best results’ as Kessel and Pirelli stress:

The French Army realised that for the Challe plan to succeed an ample ‘intelligence’ was imperative. What *Le Monde* calls ‘questioning without consideration’ is in fact operational torture, perfected in 1956. As information does not come to us, we will look for it. Destruction of villages, killing of civilians, torture would mark Algeria in 1959 on an ever larger scale.<sup>375</sup>

In the quest for intelligence, the most radical methods were to be used. Before deserting his section and changing side over to the ALN, disgusted by the irregular methods used by the French Army, officer cadet X of the 60 D2 sent to General de Gaulle a letter where he states that:

All these massive and painful arrests within the population group that is more or less suspect had a systematic goal [...]: dehumanisation and information hunting. ‘[...] Taking at random the most suspect. If he refuses to talk, a new barbaric method is used to get rid of him. It consists of taking a helicopter up to 300 metre altitude and throwing him to get smashed against the rocks...’<sup>376</sup>

It is the same ‘pacification’ policy which prescribed that ‘on the pretext that the farmers, indeed the civilians, were a source of support to the rebellion, shepherds and *fellahs* were tortured and slaughtered. Most of the isolated *gourbis* were torched and the inhabitants who had managed to escape were at the mercy of military operations and combing operations.’<sup>377</sup>

The Jumelle operation, launched in July 1959 to ‘pacify’ Kabylia, was executed by more than twenty thousand heavily armed men. On 3 August 1959, *El Moudjabid* gave an account of three months of repression, from mid-April to mid-July 1959: collective massacres, various humiliations, torture, rape, summary executions, civilians burned alive, mutilation, throat-cutting, dismembering, hanging, machine-gunning, shelling of villages, mortar fire on inhabited houses, houses set on fire, and machine-gunning of herds etc. The following list is a short extract:

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— At Ouled Meddah two civilians are executed for refusing to enlist as *goumiers*.

— In the Menaâ Chir, Ouled Abdi, Tkout and Chenaoura *douars* the enemy arrested more than one hundred and fifty Algerians, aged between sixteen and twenty-eight, and led them to Arris where they were forced to enrol in the *Harka*.

— Near Tizi-Ouzou the enemy threw civilian prisoners from the top of a cliff.

— At Agouni Arrous women and children had their hair cropped short and were gathered together in the square for three to four days without food or drink.

— Still in Agouni Arrous, in order for lorries to progress along mined tracks in the *douars* the enemy forced the population to open up the way. Those who refused were killed on the spot.

— Summary executions by *douar*. The number of victims is in brackets: Ouled Meddah (2), Ouled Yahia (7), Tachechate(14), Ben Batta (5), Trioual (3), Tassafat Guezra (3), Felix Faure (an entire family), Ighram (6), Toudja (7), Ait- Khalfoun (15), Al Melhem (4), Timimoun (several), Cheurfa (2), Adhbagh (5), Agou Guessad (3), Boukrane (13).<sup>378</sup>

In an anonymous *Lettre de Kabylie*, sent to Me Jacques Vergès and published in *Les Temps Modernes*, in December 1959, the inhabitants of a Kabylia village recount the atrocities and the cruel methods used to extort information they suffered at the hands of the military during a crackdown:

They made us leave our homes at five o'clock in the morning; they smashed our doors open and it was bad luck for those who hesitated to come out. After being summoned by sub-machine-guns with fingers on the trigger, we were assembled in the square with kicks and shoves to speed up the gathering. Children of seven and eight had the same ill-treatment. I did not know what exactly they were going to do with us. One of us had only a shirt on his back. After searching the houses, which took barely half an hour, we were all (children and elderly aged eighty-five included) led to a small village next to ours. We were led to an old house belonging to a retired schoolmaster, the room was too small to hold us. A sergeant-major enters, his eyes shining like a big game animal with beasts to devour in front of him. Then the questioning starts and with each question a punch a blow, and, when the victim is on the ground, a kick. Five or six victims were questioned with little success. The same sergeant-major returns to the room, in a shameless fury, and says to us: 'I'll give you ten minutes to talk, tell us the name of the *fellagas*, the arms' depots and the shelters; he who talks will be evacuated to Algiers together with his family.' Once the ten minutes are over, the horrible scene starts: iron bars are ready, a big fire, made from furniture found in the house, is lit, the electric battery is in place. The bloodthirsty sergeant-major returns and makes a fourteen year old youth, Mohamed Ouramdane, stand up to undress him; it's easy, a paratrooper's dagger is good for everything, shirt and trousers are cut from top to bottom. His hands and feet are tied behind his back and he is laid down on his stomach with one piece of wood under the chest and another one under the thighs. The cries of pain start. Four paratroopers surround their victim, one with a razor in his hand, another the electricity, the third the red-hot iron bars while the fourth has an axe in his hand. Each has a turn to do his shameful work. Poor Mohamed Ouramdane loses consciousness. He is taken by two people and put in the corner of the courtyard in a lamentable state, hideous to see. During this time several paratroopers return to the room ordering us to hand

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over watches, bracelets or other valuables in good condition; hard luck for he who hides one of such objects.

The bloodthirsty one returns, and makes another man stand up. A. Mohamed Saïd is aged forty and father of five children, two of whom are with us in the room (8 and 10 year old). Within one minute, I see the unfortunate Mohamed Saïd naked and lying on his stomach, as was done to the first. The cries of pain start. We and the children cannot hold back our tears as each of the four inhuman butchers does his work. Blood runs from his ears, his fists and legs. An axe-blow on the head, hot iron bar on the body and the electricity take their turn. After about forty minutes the cries of pain are heard above all else – they are prolonged groanings. Several minutes later they bring Mohamed Saïd into the middle of the room, in a wheelbarrow, like a rag. It is dreadful to see – but we all believed we were in the next world. The bloodthirsty one tells us ‘you see, you have a quarter of an hour to talk, if not you will take it in turns to receive the same as him.’ The fifteen minutes over, he takes another one, K. Saïd aged thirty-five and father of four, one of whom is seven year old child is among us. He is put in the same position as the first two victims. The carnage begins, cries, pleas - nothing helps. Blood is running everywhere, and there is the smell of burnt flesh. His right eye is torn out, his teeth are broken, his head is covered in axe blows; his cries die down as he names the wife of the *katiba* leader. Two paratroopers lift him up by the arm and support him, a *barnus* is put on his back, the rest of his body is completely naked and dreadful to see. He is taken to look for this woman. The woman is Mrs B. Aldja, approximately thirty years old and mother of four young children. She is seven months pregnant. She is found in the house with other women, as some of these paratroopers have a taste for doing horrible and unbelievable things: rape, theft and all types of massacre. They tear a two year old child from her arm and throw him to the ground. Blows start raining down on the poor woman, a single slash of a dagger and her clothes are at her feet. Two other paratroopers take her, each by an arm, after she is confronted with Saïd. They are taken naked to the house of death. Saïd is put on one side and it is poor Aldja who takes his place. The torture begins, cries of pain, groans. The lieutenant arrives, finds the poor woman in this state, stops the scene and asks the captain in the control-room for information and tells him she is pregnant. Two minutes later I see the poor Aldja free but the scene continues as they retake poor Saïd, Aldja’s denouncer, who is lying on the ground hardly moving. The man with the razor approaches him, pulls out a big knife and in one stroke opens his throat from his jaw to his chest, a terrible sight, we were all shaken to the bottom of our souls. The bloodthirsty executioner returns anew, makes A. K. Kaci (aged approximately sixteen) stand up in the presence of his father, handicapped with one leg but unable to show any sign of protest. I cannot explain the state we were in. Poor Kaci once placed as the others, his cries of pain are heard, we could not hold back our tears. After barely a quarter of an hour, no more cries, water is poured on him to reanimate him, but it is too late, death has done its work. It was five o’clock, the four executioners returned to the room, one of them stated: ‘We are appointed to do this work and we will deal with everyone.’ They order the men to stand up; we believed they would suffer the same fate as the earlier ones, but as night was approaching they put the two dead in a wheelbarrow and had them tipped onto a rubbish tip at the end of the village. The lieutenant returns and says we could return to our homes once the paratroopers would be one kilometre away from the village on the way to their headquarters. It was awful when the parents and families of the victims met to pick up the poor mutilated bodies, awful to see as they covered the bodies with sheets and buried them as the night fell. The combing operation lasted a fortnight in our area, Ait-Yahia (in Kabylia). In all the villages, the tortures were more or less the same – plunging the

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bodies into boiling salted water up to the waist, and after several days of savage torture the victims had their throat cut. At Koukou, fifteen victims were slaughtered; at Ziri thirteen were slaughtered after they were tortured; at Gougaf nine were slaughtered; at Boutchour eleven victims had the same fate; at Tazeld seven and at Tifigout six. I cannot enumerate what happened during their presence. If the International Red Cross went to the villages where there are still survivors and enquired, they would be able to gather information about acts unworthy of all free, civilized human life; all types of atrocity that the commandos and paratroopers carried out on the population. In this combing operation, all the animals, donkeys, mules and horses were shot dead: eighty-seven in our region alone. No people worthy of a modern civilization whether of Christian, Muslim or Jewish belief, could accept this unlimited savagery on the mainly Kabyle population. We always suffer this savagery when these inhuman paratroopers who spread horror and terror come. God's punishment awaits them.<sup>379</sup>

'Pacification' under de Gaulle was synonymous with excess as regards terror, and beyond measure concerning repression. Algerians, especially those of the countryside, 'had become sub-human and foreigners in their own country. To the moral and economic oppression and domination of colonialism must be added the ill-treatment of the army which intervenes, in its turn, to make their life infernal and unbearable.'<sup>380</sup>

It was in the spirit of 'pacification' in its Gaullian version that the search for land mines, for example, was given to Algerian civilians, sometimes to children,<sup>381</sup> and that the corpses of Algerian victims were booby-trapped with grenades so as to massacre the families of the victims. A witness relates:

After each incident the French left a company on the spot, while the rest of the soldiers rejoined their bases, so as to arrest civilians living in the *maquis*. A few hours later, usually at night, the civilians left their hideouts with picks and shovels to bury the dead; sometimes they fell into the company hands and sometimes they managed to escape. This tactic exposed, the French changed the system and before departing they booby-trapped the corpses with grenades. Scores of civilians were victim of this strategy.<sup>382</sup>

It was in the spirit of this 'pacification', Fifth Republic version, that on 22 March 1959 112 Algerian civilians were massacred by the French Army in the *douar* of Terchioui, near Mac-Mahon (in the Constantine region). The victims, mainly women and children, sheltering in a cave were gassed to death. *El Moudjahid* on 25 May 1959 relates the events of this carnage, strikingly similar to the *enfumades* at the very beginning of the conquest:

It was following a combing operation carried out on 24 March 1959 in the Ouled-Fatima *douar*, by a French unit composed of GMPR and members of the seventh RTA stationed at Batna, Mac-Mahon, Barika, N'gaous and Corneille, that a number of civilians had to shelter in a cave in Terchioui.

The cave was surrounded until 25 March and, on that day, at ten o'clock in the morning, Colonel Colvaville, commander of the seventh *Régiment des Tirailleurs Algériens* [Regiment of Algerian Infantrymen], gave the order to destroy the cave and

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annihilate its occupants. To prevent anyone leaving, the cave's entrance was dynamited. The massacre, which lasted until 4 p.m., was carried out using asphyxiating grenades and blasts of toxic gas.

In addition to Colonel Colvaville the following French officers participated in this disgraceful slaughter: Major Adon of the 7<sup>th</sup> RTA, Captain Riette of the GMPR, Captain Bougofa of the 7<sup>th</sup> RTA, Major Gabriel of the SAS at Mac-Mahon and captains Jacquot Lucien and Bernard of the SAS.<sup>383</sup>

*4.9.1. December 1960 Demonstrations*

The December 1960 demonstrations were a strong political signal reiterating the Algerian people's support for the FLN/ALN. The population took to the streets of the capital, but also in the east and west of the country, to demonstrate peacefully and brandish the Algerian flag. The demonstrations were brutally put down.



Algiers, during the December 1960 demonstrations

Several days after the bloody events of 11 December a young demonstrator said: 'We had many more dead than the official communiqués claim. We claim that the events of the last few days resulted in the death of two hundred and eighty-seven Muslims.'<sup>384</sup>

In the east of the country the demonstrations on 12 December were fronted by 'women and children who were the targets of shooting from both the *légionnaires* and General de Gaulle's security service, which was in Annaba.'<sup>385</sup> The same occurred in the west as 'many dead and injured were counted among the demonstrators.'<sup>386</sup>

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In *Les otages de la Liberté* M'hamed Yousfi gives an example of executions carried out by French forces on unarmed demonstrators:

During the historic events of December 1960 the drama was marked by assassinations of children by paratroopers and 'pieds-noirs' [European settlers]. As in the case of young Farid Maghraoui from Diar El-Mahçoul, aged ten, who was killed in a cowardly manner by a burst of sub-machine-gun fire in the back. Covered in blood, little Farid fell to the ground, involuntarily getting himself rolled up in the green and white flag with a red crescent and star which he had just torn from an officer's hands.<sup>387</sup>

After the carnage the Turkish baths were transformed into provisional clinics to treat the injured who had been fortunate not to have fallen into the hands of French rescuers. Indeed, 'the ambulances which ceaselessly ploughed through the town's streets, were busy carrying and rescuing Europeans first and foremost. As for the Muslim dead and injured, most of them were rescued by fellow Muslims. Those who had the misfortune of being picked up by ambulancemen (Europeans) were 'finished off' on their arrival at hospital.'<sup>388</sup>

The demonstrations led to victims on both sides. According to delegate General Morin, the official figure for the repression is sixty-one dead (six Europeans and fifty-five Muslims) and twenty-five injured, most of whom were Muslim. But, according to other sources, the figure was much higher. The newspaper *El Moudjabid* gives the figure of two hundred dead and the same number of injured for the Belcourt neighbourhood, in Algiers, alone.<sup>389</sup>

Lentin states that the official figures 'are below the reality. Muslim sources announce 500 dead. A French official questions the number of fifty-five deaths for the whole of Algiers: "In the *Cité des Deux cents colonnes*, at Climat de France, alone there were sixty dead".<sup>390</sup>

And Lentin adds: 'Six Europeans killed on one side, hundreds of Muslims on the other. The disproportion is significant. Decimation is one sided. The life of an Arab is not worth that of a Frenchman, and the policeman's trigger is only cocked when an Arab is at the end of the barrel.'<sup>391</sup>

#### *4.9.2. Demonstrations against Dividing up the Territory*

The dividing up of Algeria was one of the last illusions pursued by General de Gaulle. At the opening of the Evian Conference, on 20 May 1961, questions on the status of the Sahara and the organisation of a referendum on self-determination were the main obstacles to its progress and led to its adjournment. Negotiations succeeded only ten months later with the signing of the Evian Agreement on 18 March 1962.

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On 5 July 1961, anniversary of the Fall of Algiers in 1830, demonstrations against the dividing up of Algeria were organised by the FLN. Ferhat Abbas summoned the Algerian people and set the tone: 'You will protest loudly that you will not tolerate any division of the national territory, the Sahara is an integral part of Algeria.'<sup>392</sup>



5 July 1961, Algiers, a young demonstrator

that you will not tolerate any division of the national territory, the Sahara is an integral part of Algeria.'<sup>392</sup>

The strike was nationwide and fifty-six districts out of seventy-five responded to the call.<sup>393</sup> Yves Courrière emphasizes that the strike was '90% effective. For the first time the FLN revealed its presence in the heart of the crowd by organising a body of officials responsible for maintaining strict order. But in the evening of the demonstration the government delegation announced: "In Algeria the demonstrations against

partition have left eighty dead and two hundred and sixty-six injured."<sup>394</sup> Henri Alleg gives a total of 95 dead and 425 injured.<sup>395</sup>

#### 4.9.3. *Repression of October 1961 in Paris*

This massacre was the work of Paris Chief of Police, Maurice Papon. He ordered his men to subdue the tens of thousands of Algerian demonstrators who had taken to the streets of Paris on October 17<sup>th</sup> 1961 in answer to the call of the FLN Federation in France, to demand independence for Algeria and to protest against the discriminatory measures decided by the Chief of Police. The outcome was a massacre with a death toll of about 300. Scores of demonstrators were assassinated and then thrown into the Seine River.

The story of the massacre can be reconstructed from several testimonies which help understanding what really happened that night.

Samia Messaoudi, for example, describes the massacre as follows:

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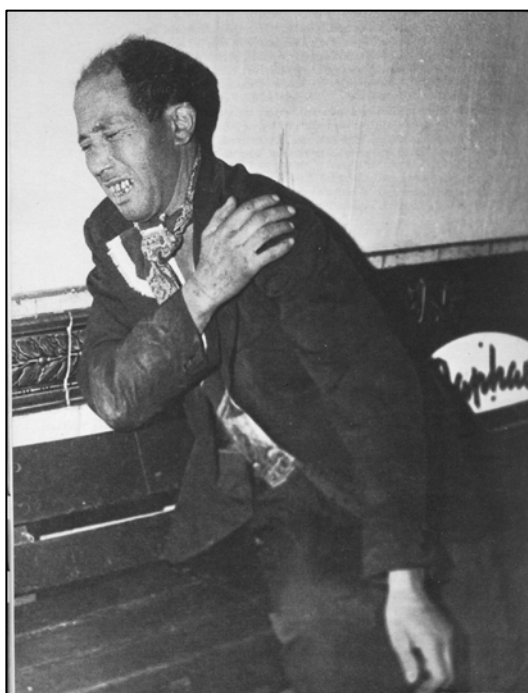
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It was thirty years ago, on 17 October 1961. In Paris Algerians, our parents, our elders, were peacefully demonstrating against the curfew imposed on them by Maurice Papon, Chief of Police. They were responding to a call from the FLN leaders. Women, children, men of all ages, came from the shanty towns of Nanterre and from the suburbs of Gennevilliers, Saint-Dennis, Levallois-Perret, and Clichy, all marching on the main boulevards of Paris: dignity was the watchword. Soon after dusk, the repressive actions started. The police attacked with clubs and opened fire. The demonstrators did not have time to leave the gateways of the metro. They were rounded up, mauled and transported in police buses (CRS). Throughout the night the Algerians were subjected to violence and hatred. The next morning bodies were found floating in the Seine River. The police headquarters officially announced two dead and fifteen injured. In reality, it is difficult to know exactly the number of dead and missing. Investigations lead one to believe that there were approximately two hundred. [...] By evening of Tuesday 17 October 1961, 11 538 Algerians had been taken into custody for questioning within four hours. The biggest raid since 'Black Thursday' in 1942 was over. They were assembled, by force, in the Coubertin Stadium and in the Sport Palace. One is reminded of Vel'd'hiv': 'Doesn't it remind you of something?' asks the French magazine *France Observateur* in a photo caption.<sup>396</sup>

Daniel Guérin in *Quand l'Algérie s'insurgeait (1954-1962): Un Anticolonialiste Témoigne* (When Algeria Rebelled: An Anti-Colonialist Testifies) relates that:

On the evening of 17 October 1961, at approximately six o'clock, a crowd of about 30 000 working-class Arabs from shanty towns and nearby suburbs, headed by unarmed women and children, marched with a deeply moving calm and courage towards the centre of the capital. The police showed such barbaric conduct outclassing even its earlier performances. The demonstrators were arrested *en masse*, rounded up like cattle and put in temporary concentration camps. During the night, out of the Parisians' sight, scores of them were loaded into buses and thrown into the Seine River. A number of them drowned. It is estimated that 250 Algerians died by drowning that night.<sup>397</sup>



17 October 1961, in the Paris *Métro* after the demonstration

Jean-Paul Monferran indicates that the next day following the massacre, 18 October 1961, one could read in the press:

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We know then that on 17 October, starting at 6 p.m., tens of thousands of Algerians peacefully demonstrated in *costume du Dimanche* [they put on their Sunday clothes], almost joyfully... We know that they did not have any weapons and that they wanted only to show their solidarity with the FLN freedom fighters: 'FLN to Power', 'Algeria for Algerians' or 'Free Ben Bella'. We know that around 9.30 p.m. police chief Papon deployed a real manhunt operation in the streets of Paris and its suburbs: gun shots in the Champs-Élysées, in La Concorde, in l'Opéra, in the main boulevards and especially in front of the Rex cinema; roadblocks on bridges, especially that of Neuilly, from which the police drowned demonstrators, fractured their skulls, and shot them down... men, women and children... The State crime did not happen, but the 'toll' repressing an 'act of war by the FLN' deserved an official communiqué: 11 538 Algerians arrested in the evening.<sup>398</sup>

The testimony of François Maspéro is clear about the selective nature of the repressive action targeting the Algerians:

From the 17 [October] I can still hear a sound, the sound of rifle butts hitting skulls. And silence all around: life continues, people hurrying about. I can still see myself at the bottom of Saint-Michel Boulevard in the midst of hundreds Algerians. There is a 'white' who owns the night club *El Djaïr*. All the Algerian residents I know in the area are here. I discover that they all belong to the FLN; they had always kept it to themselves. We start marching. There is an expression of happiness on faces, as if the people are meeting for the first time and have something to tell each other, something which did not need saying. It lasts scarcely a minute, maybe just the time to shout 'Long live Algeria' or 'Not the whites'. A group of policemen attacks, their clubs like wood-cutters. One of my friends screams 'Murderer', he is immediately surrounded, but an officer orders: 'Not the whites'. Then the charge surges back leaving people on the ground, blood on faces, on clothes, on hands; they had protected their heads. When the ambulances arrive the police charge again with weapon butts to arrest the wounded. It wasn't until much later that they were evacuated.<sup>399</sup>

Historian Pierre Vidal-Naquet gives the following account:

On the evening of 17 October 1961, the board of the Maurice Audin Committee met in my house. Jacques Panijel was very upset when he arrived because, living near l'Etoile, he had seen how the Algerian demonstrators had been received by the police at the metro station. The next day *L'Humanité* and *Liberté* were the only newspapers that protested. During the days that followed we learned dreadful things. We collected the testimony of a priest from Gennevilliers, one of the first to say that Algerians had been thrown into the Seine River. We prepared a file which was published by *Verité-Liberté*. Jacques Panijel produced the film: *Octobre à Paris* [October in Paris] in which he interviews the actual victims who survived the police aggression. We learned from a policeman that fifty Algerians had been beaten to death in the courtyard of the police headquarters, under the watchful eye of Maurice Papon. This is what I knew at that time.<sup>400</sup>

Mohamed Chelli was present during the demonstration. He relates how 'the policemen hit the demonstrators with clubs, their fists and their feet. We heard gun shots. My wife was wounded.'<sup>401</sup> François Lefort, fifteen years old at the time, was at the window of his flat in Neuilly Avenue. He remembers that 'there were inanimate bodies lying on the ground near the bridge. [The

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policemen] were handling and taking them away. There were gun shots and my mother asked me to get away from the balcony.<sup>402</sup> As for Claude Toulouse, who was a policeman at the time, he reported that 'on the morning of the 18 [October] I was assigned to the Police-Secours, a rescue unit. I took the bus to the Coubertin stadium [...]. There was blood everywhere: open wounds, broken limbs.<sup>403</sup> Doctor Henri Carpentier, then a medical doctor at the Poissonnière community clinic, witnessed that:

I crossed the roadblocks explaining to the police that I wanted to treat the injured. An officer took me to a porch of a door where human bodies were piled up and said: 'If you have time to waste, help yourself, take a client, choose.'<sup>404</sup>

Decades later, Dr Carpentier remembers that:

On the evening of the 17 [October] I was at the community clinic in Bonne-Nouvelle Boulevard. At the entrance to the Rex cinema I saw a pile of human bodies about one and a half metres high. I got closer and pulled a foot that had been moving, but how many feet were there in that pile... I pulled the body that was moving, and took him for treatment... It was a very old man.<sup>405</sup>

Cardiologist Bernard Morin recounts how in October 1961 an Algerian friend, whose brother had been a victim, came to see him:

He told me that his brother had been killed by the police and asked me to go to the Institute of Legal Medicine, which I did. Once there, they asserted that my friend's brother had been shot because he was trying to escape; but the corpse that I saw was of a man beaten and tortured to death, with appalling hematomas, multiple ecchymosis in the cervical area, wounds in the abdomen and in the genital parts. The wounds did not correspond to the escape thesis. That is the testimony I gave at the trial which took place later.<sup>406</sup>

Philippe Bernard tries to reconstruct the facts of the event and asserts that:

On the evening of 17 October thirty thousand men, women and children from nearby shanty towns marched in the Opéra, Etoile and Odéon districts. The police violently suppressed the unarmed demonstrators who showed no resistance. Hands in the air, the Algerians were clubbed, thrown to the ground and loaded into RATP buses under the indifferent gaze of Parisians. Murders by drowning in the Seine River were committed. The photographs taken by Elie Kagan, the only ones testifying to that tragic night, show bloodied faces, and men with their hands on their heads lined up at the Concorde metro station as well as abandoned corpses.<sup>407</sup>

On 18 October 1961 *Libération* newspaper wrote: 'The police buses are full of bloody and moaning victims, the arms and legs of unconscious men sticking out of the windows.'<sup>408</sup> A group of policemen affiliated to a trade union known as *Republican Policemen*, whose members prefer to remain anonymous, rebelled and wanted to make these massacres known to the general public. Their communiqué states that:

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At one end of the Neuilly bridge there were groups of policemen, at the other end there were special forces (CRS) slowly closing in. All the Algerians caught in this huge trap were knocked unconscious then systematically pushed into the Seine River. At least one hundred people suffered this treatment... At the Austerlitz metro station, blood was running in streams, human bodies in tatters were lying on the steps. This massacre was supported and encouraged by the leadership of M. Soreau, General Controller of the 5th District... The small courtyard, known as the Courtyard of Isolation, which separates the barracks of *la cité* from the headquarters building, was transformed into a real mass grave. The torturers pushed dozens of their victims into the Seine River, which runs few metres away, to prevent them from being examined by the medical coroner, but not before they had stripped the victims of their watches and money. Mister Papon, Chief of Police, and Mister Legay, General Director of the municipal police, witnessed these horrible scenes. At the Grand-Court du 14-Août, more than one thousand Algerians were the subject of intense clubbing, which night time made even more bloody.<sup>409</sup>

More than thirty years later, M. Potzer, a retired policeman who was a member of the *Republican Policemen* group, confided in a British television team:

We were a group of trade unionists, communists and members of the Human Rights League. We wrote a text and printed 6000 copies which were sent to all the newspapers. [...] The most horrible was the massacre that took place at the Isolation courtyard inside the police headquarters. The ground was stained with blood, people were killed, there were terrible screams. At the time of the massacre the Chief of Police, Mr Papon, was in his office on the second floor. The events unfolded in the courtyard beneath his window and there were horrible screams; he knew what was happening. He could not have been unaware. All the more since the corpses had to be transported and thrown into the Seine River and then they had to clean up.<sup>410</sup>

On 18 October two hundred and twenty nine intellectuals, including Aragon, Jean-Paul Sartre, Pierre Boulez and Pierre Vidal-Naquet, signed a manifesto in which they declared:

With a courage and a dignity deserving admiration, the Algerian workers from the Parisian region came to demonstrate against the ever increasing repression to which they are subjected and against the discriminatory regime that the government wants to impose on them. An unleashing of police violence reaction was the response to their peaceful demonstration: once again, Algerians have died because they wanted to be free.

By being passive, the French people would be the accomplices of the racist fury unfolding in Paris, which takes us back to the dark days of the Nazi occupation: between the Algerians piled up at the Sport Palace waiting to be deported and the Jews assembled in Drancy before deportation, we refuse to see the difference.

To stop this scandal, moral disapproval is not enough. The signatories of the document called insistently upon all parties, unions and democratic organizations not only to demand that the shameful measures be abrogated, but to demonstrate their solidarity with the Algerian workers by inviting their members to oppose immediately the repetition of such violence.<sup>411</sup>

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The responsibility of the Paris Chief of Police Maurice Papon, acting under the authority of the Home Secretary Roger Frey, for the massacre is unquestionable. Historian Pierre Vidal-Naquet indicates that ‘what is particularly serious in this matter is that there was direct incitement by Papon to beat up and ultimately to kill. There is no doubt about it.’<sup>412</sup>

Historian Jean-Luc Einaudi, author of the *Bataille de Paris: 17 October 1961*, also finds that the responsibility of Papon is

direct, personal and overwhelming. Maurice Papon, the Chief of Police for Paris and the Seine Department, was responsible for the action of the police force: in his position he was totally aware of the progress of the operation. There are enough testimonies to prove that the victims of October 1961 (drowned, shot, beaten to death, shattered skulls) were a result of a co-ordinated action by the police. There were killings on the 17<sup>th</sup>, and again on the 18<sup>th</sup>, outside the demonstration, in the Sport Palace, in the courtyard of the police headquarters and in the Pierre-de-Coubertin stadium.<sup>413</sup>

Philippe Bernard reminds us in *Le Monde* that ‘the “Algerian” career of the man [Maurice Papon] begins from October 1945 with his appointment as deputy director of Algeria in the Home Office. Chief of Police of Constantine between 1945 and 1951, Maurice Papon returns to this function five years later, in the middle of the War of Algeria’ He adds, citing Jean-Luc Einaudi, ‘under his authority extra-judicial executions and the use of torture were practised by the military and the police.’

A few days before the events, Papon had told his policemen to shoot first if they felt threatened, which indicates premeditation of the crimes committed:

You will be protected, I give you my word. In fact, when you inform the headquarters that a North African has been shot dead, the boss who goes to the scene has everything to ensure that the North African will be armed, because in the present climate there must be no mistake.<sup>414</sup>

Two and a half months after the massacre, on New Year’s Day 1962, Maurice Papon offered his good wishes to the police by declaring:

You know, particularly after 17 October, that your moral interests have been defended with success, since the intent of the opponents of the police to set up a commission of inquiry has failed.<sup>415</sup>

But Papon did not act in this way without the guaranteed support of the political authority. He covered up for his men as long as his superiors covered up for him. It is the Home Secretary Roger Frey who rejected all the evidence collected which implicated the Parisian police in the massacre. As a reply to Claudius Petit, member of the majority in the assembly at the time, who said ‘the hideous beast of racism is on loose’, Frey made a now famous

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comment: 'Until now, I haven't seen the start of the beginning of the shadow of an evidence.'<sup>416</sup> Frey would not have so acted if he had not been sure of Prime Minister Michel Debré's support, and especially the support of the President of the Republic, Charles de Gaulle, who, sixteen years earlier, had hushed up all investigations into the massacres of May 1945.

Despite the testimonies that are available today, an investigation is needed, the truth needs to be stated and the responsibilities taken on because until today,

Officially nothing happened in Paris on 17 October 1961. The murder of hundreds of Algerians by the French police, acting on orders of Police Chief Papon, and the State crime committed on the pretext of repressing an 'act of war' by the FLN did not occur. Thirty-six years later the massacre is still secret: despite hundreds of corroborating testimonies, despite a large number of news investigations, despite films and history books on the subject... Therefore who is aware that, on that evening men, women and children wearing the colours of the prohibited green and white Algerian flag and peacefully marching along major thoroughfares of the capital, were savagely attacked, trampled, beaten and drowned by the dozen in the Seine River, killed in police buses and police stations...? Still today - to crown the horror - we do not know how many of them died: 200, 300, or 400? There has not been, and there cannot be, an official 'toll' of a State crime which did not, officially, take place.<sup>417</sup>

The official casualty figure is two dead but the corpses of Algerians are carried along by the Seine River, their hands tied behind their backs, their legs tied together, most of them showing signs of beating. Forty bodies are registered at the Institute for legal Medicine at dates in early November 1961. The Home Office admits that there were only 6 dead during the demonstrations. Sixty judicial investigations are opened but the authorities will use the current judicial system to reject the parliamentary investigation requested by Gaston Defferre. Today, on the basis of all the complaints that have been assembled, the FLN estimates there were 200 dead and 400 missing.

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### Chronology

Source: MRAP, Mouvement Contre le Racisme et pour l'Amitié entre les Peuples (tr. Movement against Racism and for Friendship among People), on the Internet.

**March 1958:** Maurice Papon assumes his functions as Chief of Police of Paris.

**August-October 1961:** 11 policemen victims of assassination attempts by the FLN in Paris and its suburbs.

**5 October 1961:** The Chief of Police of Paris implements a curfew on the Muslim population, between 9:30 p.m. and 5:30 a.m., in the Capital and its suburbs. He warns the French Muslims against any gatherings.

**10 October 1961:** As a reaction to the curfew, FLN leaders adopt the idea of a demonstration in Paris.

**16 October 1961:** The order to demonstrate is communicated to the leaders of regions targeted by the curfew; the instructions are transmitted the same day to the French Muslims in the Paris region: to converge along the main boulevards, towards l'Opéra Square; to demonstrate peacefully. It is the first time that an Algerian demonstration is organized in the Capital (the others were organized by metropolitan associations).

**17 October at noon:** Demonstrators confused about the time of the event are arrested by the police, which then learns about the planned demonstration. Quickly, orders come from the police headquarters to major police stations to take control of all the targeted City sectors.

**17 October at 8:00 p.m.:** The demonstration begins; 20 000 demonstrators march peacefully along the main boulevards; at the forefront, young women make 'you-you' sounds of joy. On their arrival at l'Opéra, a limited number of policemen are waiting for them; the group takes the opposite direction; there is no hostile shouting.

**17 October at 9:40 p.m.:** The group advances along the main boulevards arriving close to the Richelieu Drouot crossroad; police buses start following them.

**17 October at 9:50 p.m.:** A gun shot is heard, followed by others. Seven people among the demonstrators are hit, creating a panic. The police force, supported by two battalions of CRS (i.e. special forces), attacks. On the adjacent streets, policemen continue pursuing demonstrators trying to disperse. The CRS assemble a group of demonstrators by the Rex cinema. All of the collected testimonies mention the use of brutality.

**In the evening of 17 October.** The repression hits Pont de Neuilly, Courbevoie, and Pont Saint Michel. Within four hours, 11 538 Algerians have been taken in for questioning.

**18 October.** 2000 Algerians have been transferred to the *Pierre de Coubertin* stadium, 7000 to the Sport Palace. (Thursday 16 and Friday 17 July 1942, 12 884 foreign Jews were arrested in Paris and assembled in the Velodrome d'Hiver.)

**18 October.** Other demonstration attempts are reprimanded, policemen and CRS open fire, men fall down. 1500 persons are arrested and join the sorting centers. There is an increase in arrests around the suburbs: in Nanterre (2 dead, 6 injured according to official figures), Courbevoie, and Colombes.

**19 October.** A last raid is justified by the police headquarters on the grounds of a suspected threat 'Commando Operation'. 421 persons are arrested in the suburbs and shanty towns. According to the testimonies, beatings were systematic. Between 17 and 19 October, 14 094 persons are imprisoned.

**20 October.** 1000 women and 550 children are arrested and assembled in gymnasiums, social centres and reception centres. Between 18 and 20 October, 1500 demonstration coordinators are deported to Algeria.

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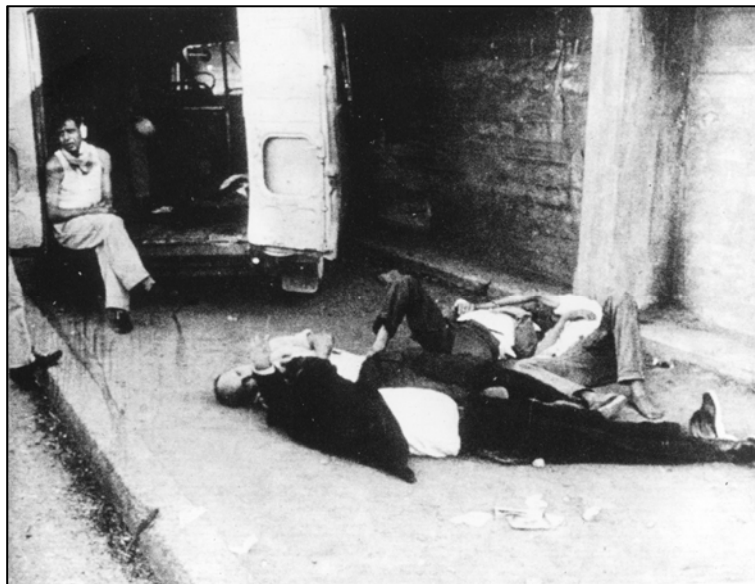
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*Historical Perspective**4.9.3. OAS Massacres*

The massacres perpetrated in the large towns by the Secret Army Organization (OAS), a paramilitary organisation of French settlers staunchly opposed to independence, were a bloody response to the negotiations conducted by the French government and the FLN and, later on, to the ceasefire concluded between the two parties. Militiamen supervised by army officers who had rebelled against the authority in Paris wreaked havoc in the heart of the civilian population. This was part of the 'scorched earth' policy practised from the announcement of the cease-fire (Spring 1961) to the departure of the last settler (Summer 1962).

The political intent of most acts of indiscriminate terror is to impose the law of a minority on a majority. Accordingly, the OAS' actions had 'as an aim, and early result, to extend 'the waves of fear', [to] create a psychosis of dread [and to create] in the perpetrators feelings of pride and omnipotence: the right of life and death'.<sup>418</sup> Algerians residing in large towns with a sizeable European population, in particular Oran and Algiers, lived through long months of terror. 'In Algiers and Oran ten to fifty Algerians are killed by the OAS every day.'<sup>419</sup> Towns in the metropolis were not be spared.



Algiers, OAS attack leaves four Algerians dead on the pavement

In Oran the watchword 'Arab hunting' was launched by the OAS in mid-1961. The 'hunting' campaign ended only in June 1962 when Colonel Du-four ordered 'the OAS commandos to stop the destruction of Oran.'<sup>420</sup>

Algiers underwent 'practices more cruel than gelatine explosives, whose detonations punctuate everyday existence: machine-gunning of moorish ca-

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fés is followed, from mid-January 1962, by shooting from cars at facades and even at anonymous passers-by. There is also the abduction of the injured from hospitals, or that of prisoners followed by their execution to the point that, in order to escape the “justice” of the OAS, the FLN detainees were transferred to France.<sup>421</sup>

On 1 November 1961, the seventh anniversary of the beginning of the War of Liberation, the FLN organised an Independence Day. About one hundred Algerians were killed that day.<sup>422</sup> On 26 February 1962 ten Algerians were assassinated in less than one hour in the streets of Algiers.<sup>423</sup> On 15 March 1962 six members of social centres, including the Algerian writer Mouloud Feraoun, were assassinated.<sup>424</sup> On 19 March 1962 at the Place du Gouvernement in Algiers ‘mortar shells were launched by the OAS into a Muslim crowd killing twenty-four people and injuring fifty-nine.’<sup>425</sup> On 20 March 1962 four Algerians, arrested following an FLN attack, were killed by ‘Delta commandos’ in their cell at the Hussein-Dey police station where they were detained.<sup>426</sup> The same day ten Algerians died and sixteen were injured in a shooting in Oran.<sup>427</sup> On 21 March 1962 eleven attacks are committed against Algerians.<sup>428</sup> On 26 March 1962 ten Algerians were assassinated during a *ratonnade* at Belcourt.<sup>429</sup> On 3 April 1962 OAS massacres increased in perversion. After the ‘corpses of Muslims killed by strangulation and wrapped in bags bearing the initials OAS’<sup>430</sup>, and ‘the massacre of four seasons tradesmen, the murder of florists and housewives’<sup>431</sup> the OAS proceeded to finish off the ill and injured Algerians by machine-gunning them in their hospital beds. Nine Algerian patients were assassinated in the Beau-Fraisier clinic in the suburbs of Algiers.<sup>432</sup> On 23 April 1962 several groups of Algerians were attacked by OAS commandos and machine-gunned.<sup>433</sup> On 24 April 1962 the OAS attacked Dr Jean-Marie Larribère’s clinic in Oran.<sup>434</sup> On 2 May 1962 an OAS booby-trapped car exploded at Algiers port in the middle of a crowd of one thousand Algerian dockers who were waiting for work. The explosion left sixty-two dead and one hundred and ten seriously injured.<sup>435</sup> On 10 May 1962, as part of ‘*Opération Fatma*’, ‘Delta commando’ marksmen shoot down Algerian charwomen on their way to their European employers.<sup>436</sup>

It is difficult to evaluate with precision the total death toll of massacres perpetrated by the OAS. Pierre Miquel asserts that ‘in less than one year the OAS had killed 2360 people and injured 5418 others.’<sup>437</sup> The American journalist Paul Hénissard estimates that ‘for the period up to Salan’s arrest on 20 April 1962 there were 1622 deaths of which 239 were Europeans and 5148 injured of which 1062 were Europeans, all of which were attributable to 12 299 gelatine explosions, 2546 individual attacks and 510 collective attacks.’<sup>438</sup> The number of attacks is phenomenal. Bernard Droz points out that ‘on certain days one could count an attack every fifteen minutes.’<sup>439</sup> In the final evaluation of all the massacres committed by the AOS the Algerians

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constitute the majority of victims. In the first five months of 1962 they represented 'more than 89% of registered deaths.'<sup>440</sup>

*4.9.4. Massacres of the Harkis*

The story of the *harkis* constitutes the sad epilogue of the Algerian tragedy whose acts have gone on for too long. These Algerians had, for one reason or another, chosen to side with the French and had served with full devotion, and often with some zeal, the interest of the French army. Most of them have committed the worst atrocities against the civilian population. But most of them were abandoned to their fate from the advent of Algeria's independence.

In March 1962, the French administration had estimated at approximately 260 000 the number of Algerians threatened because of their behaviour during the war (including military career officers, military personnel, *harkis*, *mok-haznis*, GMC, guards of self-defence groups, veterans and civil servants who were engaged within the Constantine Plan). However, by counting their families, the total number of this segment of the population reached one million people.<sup>441</sup>

But for the French authorities, these were after all only Algerians, and 'everything happens as if the *Comité des Affaires Algériennes* had put the elimination of the French Muslims in the "gains and losses" of the Evian Agreement.'<sup>442</sup> In France, the desire was to repatriate the minimum number of those who had fought under and for the tricolour flag. Tens of thousands had been left behind, not because of a lack of logistical means of transport within a short time, but rather for a reason of principle: 'It was considered undesirable to receive the families of the harkis in France (instructions were given to this effect).'<sup>443</sup> 'To be clear, Louis Joxe, the Minister for Algerian Affairs, wanted to stop "some initiatives, taken in Algeria, to organize the emigration to, and settlement in, France of Muslim families wishing to leave Algerian territory". [Joxe] demanded that the senior officers "search for the promoters, and their accomplices, of these enterprises to take the appropriate sanctions". Louis Joxe specified that "the auxiliary troops arriving in France outside the general repatriation plan will be, as a rule, sent back to Algeria".'<sup>444</sup>

Thus only a small fraction (a few tens of thousands) were able to benefit from repatriation with the French forces, and even the lucky ones who succeeded in embarking for France, quickly discovered a life which was not at all rosy. They were condemned to live there in misery and exclusion, parked in transit camps outside towns, which became in time permanent residences surrounded by barbed wire resembling the SAS regroupment camps in Algeria. Even today, some forty years after their settlement on French soil, this 900 000 strong community is still considered as second-class citizens, as are

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their children and grandchildren who suffer social handicaps such as more than 80% unemployment and with less than 10% success at baccalaureate level.<sup>445</sup> In his book *Coup d'État permanent* François Mitterand resumed well the *harkis'* situation in France: 'What shame could outdo that which we all attain before the fate of hundreds of thousands of Algerians who no longer have a homeland because they choose ours?'<sup>446</sup>

Our indifference towards them is undoubtedly one of the most painful manifestations of the incapacity of the French collective memory to look its colonial past in the face, and to take on the consequent responsibilities for those who made a choice whose the terrible consequences were predictable.<sup>447</sup>

As the French forces left in 1962, the *harki* community suffered the violent manifestation of hate accumulated by the population over many years. This community was to be subjected to the excesses of extra-judicial treatments, outside the framework of legal institutions, and which did not differentiate as to the nature of the crime committed. This treatment touched not only the *harkis* themselves, but also their families, who were unjustly punished for crimes they had not committed.

In some regions of Algeria, the population engaged in the practice of a cruel retributive justice which went against the basic rules of law and led to all kinds of excess, as was the case in the purges which followed insurrections and revolutions in other continents or in post-War France itself. According to some French historians, the victims of this savage justice were subjected to the worst of cruelties. Algerians were castrated, scorched alive, boiled, cut into pieces, pulled apart or run over by lorries. Entire families were exterminated, women raped and infants had their throats cut.<sup>448</sup>

Some of the testimonies point to a direct implication of the ALN in some massacres. According to a report issued by the Akbou County Chief, who was Muslim, in the period between 27 July and 12 September 1962,

the ALN arrested and killed civilians or veterans [who had served in the ranks of the French army]. In this region of the Bibans, which is populated by Kabyls and where the Beaufre 2<sup>nd</sup> motorized division had begun very early the process of 'pacification', 750 people, who were considered friends of France, had been grouped together by the ALN in 'interrogation centres', tortured and massacred. Harkis clothed in women's garments, mutilated and maimed were thrown alive into quicklime. The repression resumed on 15 April with summary executions at the end of October. The villages which had been the first to ally themselves to France were decimated. At the beginning of 1963 calm returned, but other executions were registered that same year. *Harkis* were affected to mine removal on the Maurice Line.<sup>449</sup>

The estimates of the death toll of these massacres range from 30 000 to 150 000 victims.<sup>450</sup> They were perpetrated in a spirit of retribution and not justice. They were facilitated by the following three factors:

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a) *Lack of necessary level of awareness* of the population. It was the duty of the FLN Political Commissioners to prepare the management of justice and right as important issues of the post-independence period. The population should have been made aware of the destructiveness of retributive measures outside judicial investigation and fair trials.

b) *Carelessness* of the regular ALN forces and the passive complicity of some border troops who were hostile to the clauses of the Evian Agreement concerning the *harkis*, as well as to promises of forgiveness and reassuring declarations made by some FLN leaders.

To give credit to the thesis of the premeditated and planned character of the *harkis*' massacre, at the highest level of FLN political authority, some French historians refer to a 'very confidential' directive of 'restricted distribution' which was issued by the Provisional Command of the Algerian Revolution (from its headquarters) in Tunis. This directive had allegedly given instructions on the attitude to adopt vis-à-vis the *harkis* and the conduct to be followed inside Algerian territory during the transition period which extended from 19 March up to independence. It allegedly asked the militants to:

Remain very prudent for the time being, do not take any action to avoid any reaction from the French army.

The French army will not be able to intervene or take action in any way in the aftermath of the declaration of independence. It is only after that date that we shall effectively take care of the *harkis*.

In order to prepare for this subsequent operation, we will seek, at all levels, to establish a complete list of the *harkis*, to gather the maximum information concerning them and their families and to monitor closely their movements.<sup>451</sup>

In their reading of this directive, which was allegedly found by French services in two different places in Algeria and Morocco, and in order to support the thesis of a deliberate and planned massacre, the expression 'take care of the *harkis*' was evidently not interpreted to mean an act of judging them, but rather that of finishing them off.

c) *Over-zealousness* of the new recruits who had joined the ALN shortly before the proclamation of the cease-fire. They were later referred to as the 'Martians', in reference to March 1962. To 'prove themselves' and advertise their 'nationalistic credentials', these combatants of the 25th hour engaged in all kinds of exactions against innocents. Thus, as Maurice Faivre insisted, the organized massacres of the *harkis* were most often committed 'by resistance fighters of 19 March, and by militants in rural areas who had come out of their hiding and pushed the population to redeem itself for its wait-and-see policy of the war years.'<sup>452</sup>

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Pierre Miquel also attributed the massacres of civilians committed in the early hours of independence to these over-zealous guerrillas supervised by military officials who belonged to the external ALN: 'The anarchy which prevailed before the ALN controlled the country was largely responsible for the first executions perpetrated by the 'March fighters', the famous 'Martiens', burning with patriotic zeal. The local chiefs who often were not combatants of the interior had also imposed their law on 'liberated' populations.'<sup>453</sup>

*Lack of awareness, carelessness and over-zealousness* explain better the Algerian reality than the theory of the 'scapegoat which purifies the people of their mistakes' used to explain the massacres of the *barkis* as serving the purpose of 'cleansing' the Algerian people of its guilt for its wait-and-see position adopted during the war.

### Testimony<sup>454</sup>

*Kaci was seventeen years old in 1962; his wife Nouara was ten at the time. They recount the massacre to Alain de Sédouy on a TV channel on 13 June 1993.*

**Alain de Sédouy:** How did you experience the end of the war? The Evian Agreement is signed, reconciliation seems to be going well, and suddenly things swing toward horror?

**Kaci:** I believe that the leaders of the Algerian government, the first ones, lied to the people by saying that the past was the past, that there would be no reprisals, that all would be for the best, and that we would rebuild Algeria. That is why the *barkis* left their military uniforms and became civilians. That is why the massacres took place. Everybody believed the political discourse of the time, on both sides moreover. In fact the tragedy happened a few months afterwards. There was a settling of scores, which the Algerian government itself, being only a provisional government, had perhaps not foreseen. The massacre was after all carried out by villagers themselves, that is between civilians.

**Alain de Sédouy:** Did elements from the ALN participate, or did they let it happen?

**Kaci:** The ALN replaced the French army in the military barracks. All this was done in front of their eyes, they did not move. In our neighbourhood, they did not participate, it was only the villagers. It all started with chants, in the streets, in the town, *barkis* were rejected. Yes, it was stones being thrown by children on the roofs of houses, later it was verbal provocation. It started like that, with hate, a hate that had been hidden before coming out in the open. Thus we felt uneasy, we did not feel at home, we had to leave Algeria.

**Alain de Sédouy:** And you madam, did you have the same feelings?

**Nouara:** Yes, because the men had to flee otherwise they came to look for them in the evening to cut their throats. The women, therefore, gathered in groups to sleep together with their neighbours, with the family, it was horrible...

**Alain de Sédouy:** You mean women were not spared?

**Nouara:** No.

**Alain de Sédouy:** What feelings did you have of being on the wrong side in the war?

**Nouara:** No, I believe it was absolute injustice, because the Beni Dracene had worked more on the side of the FLN. Later they swung to the French side and they were right in that because of various problems. Now, I think the mistake was to have said, I will become Algerian again. It was something that should not have been done. Once they (the *barkis*) had chosen their side, they should have left directly (for France).

*Kaci interjecting, remembers that Colonel André came with trucks to take them away, even with their sheep and goats.*

**Alain de Sédouy:** Then why was it the neighbouring villagers who carried out all this revenge?

**Kaci:** Oh, you know, it was a sort of settling of scores. The guerrillas of the last hour told them:



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'Kill a *barké*, that would be good for the nation. Many were merchants, there were quite a few who were not honest, in fact, there were those who have denounced.

**Alain de Sédouy:** There is something difficult to understand, it's the savagery of these score settlements. It is horrifying. How can one explain it? When peoples' eyes are gouged, when salt is spread inside wounds, atrocious things were done.

**Kaci:** In fact, it is inexplicable. I hear it said that some witnesses were later sorry and in fact they gained nothing. For some it was to make space for themselves, people from other villagers came to occupy our land.

**Alain de Sédouy:** Madam, when you witnessed all this, when one is young, one is marked forever.

**Nouara:** I used to ask myself many questions. I used to say my God it is true that France did commit evil, as in all wars. They killed, they conducted searches, but this atrocity of making pockets in a human body, of lighting a huge fire and making them dance in it with naked feet; it was unimaginable, it was horrifying, but it was real and we saw it. It would have been better to fire a shot in their heads rather than to make them suffer like that for hours and hours...

**Alain de Sédouy:** Can you explain exactly how it happened... so that people can understand?

**Kaci:** They used to come by the hundred, with axes, wooden clubs and knives. Yes by the hundred, men and women. They searched houses and committed full-scale atrocities. France never did that. In the Beni Dracene village it continued during the months of August and September.

**Alain de Sédouy:** How many were killed?

**Kaci:** In our village there were thirty-three dead, men between nineteen and forty-five years old. There was a lot of 'settling of scores' between families that had nothing to do with the War of Algeria. You stole my sheep once, you took my blanket... I'll give you a stupid example. My father used to have a dresser that a carpenter had made for him, this dresser was always in our home. With the arrival of Independence, someone came to take it. He opened it saying: 'It's mine, I'm taking it...' He liked it, he said, it's mine. It was at that moment that my father left for France. He did not witness the massacres.

**Alain de Sédouy:** And you, madam?

**Nouara:** When people began fleeing because the FLN came to look for them at night, my father went up to a village a little further away (to Amoucha) where his brother had a small shop. He moved us there to be safer. Then one evening he saw a group getting out of a car. They brought him two loaves of bread saying: 'Keep these loaves for us, we'll come and pick them up later.' It was only a pretext. Well, that evening he was lucky, they didn't come back. The next evening between 10 and 11 p.m. it started again. My father said yes, and then he began thinking it over. So he closed the shop and went to sleep in the woods. The next day there was a colleague of my father whom 'they' had beaten. The poor man had been beaten up all night by about a dozen of them. He came to tell my father: 'You'd better escape. Last night "they" enquired about you.' My father began preparations to flee. It was not easy because we lived in the middle of the village and there were always a lot of people around. There were groups who wandered around outside of the house. My father and a cousin looked left and right and then threw themselves out of the window. My mother then said to my father: 'Take your shirt, you will need it.' My father replied: 'No, I won't take anything, this shirt may perhaps end up consumed by the earth.' They left; we never had any news from them. For us they were dead. People said: 'We met them there, we saw their belongings in the forest, we buried them. Anyway, everything.' We then cried and screamed, we thought they were dead. Six months later, we heard someone in the family saying: 'We have received a letter from France.' My uncle says: 'Don't say anything, it is he [my father] who has written it. He has gone to France, he was lucky, he came out of it.' Nevertheless, it was not good for us; there was killing. When there is a soldier who dies, they kill in revenge.

**Alain de Sédouy:** When you assess the entire journey, do you feel it was positive or not?

**Kaci:** Yes, I think we must thank our parents for having brought us here and for having chosen France.

**Nouara:** Of course, I think a bit about the country (Algeria) and if the country were good, I would go on holiday to Beni Dracene. But unfortunately, nothing is going well. It is a pity, because it is a beautiful country. Otherwise I am completely French, it is as if I was born here.

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## 5. Conclusion

*If there were one day to be another Nuremberg Trial, we would all be condemned: Oradour<sup>D</sup>, we do the same every day [in Algeria].*

(Corporal R. 2<sup>nd</sup> Battalion foreign paratroopers)<sup>455</sup>

These *Reading Notes* attempted to retrace the history of the French colonial massacres in Algeria. They sought to delineate the ideological climate which bred this type of crimes and to bring to the fore their political and military functions.

The massacres committed by the French army were perpetrated in a period where the logic of force and power surpassed that of justice and law. The colonialist ideology was based on the negation of the Other: the native. It aimed at his physical elimination and, later on, when it clearly appeared that this task was not realistic the targets were his economic deprivation as well as his moral and cultural destruction.

The paper then reviewed briefly the strategic, tactical and retributive instrumentalities that underlay the massacres. It showed that the colonial massacres were not senseless actions. Their use as a colonial instrument, during the different stages of colonisation, was conscientiously studied and planned, and their diverse functions defined with accuracy: as a counter-insurgency tactic, as a punitive measure, and as a depopulating and land grabbing instrument.

The sample of testimonies presented in this work gave a glimpse into the spread and amplitude of these massacres, which occurred during a sombre period in Algeria's recent history. The Algerian people suffered all kinds of killing and destruction under French colonisation.

It must be noted though, that faced with this France of domination, of exploitation and of terror, another France of freedom, equality and brotherhood tried, since the conquest of Algiers, to make its voice heard. Unfortunately, the report of firearms and the din of capitalists and settlers often drowned this voice. But that France, loyal and true to its declared principles with respect to the human being, was increasingly evident as colonial France climbed the scale of barbarism. With its soldiers and officers, its intellectuals and historians, its lawyers, its journalists and writers, its men of the church, its doctors, its simple citizens 'the bag carriers', the France of freedom had a role far from negligible, in the triumph of the Algerian people's cause, and in the destruction of the 'French Algeria' myth.

<sup>D</sup> Oradour-sur-Glane, a parish in Haute-Vienne in France where the entire population (642 persons) was massacred by the German SS on 10 June 1944.

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This paper did not address the issue of understanding in specific detail the ways in which the massacres Algeria is currently experiencing are related to the genocidal massacres that dislocated Algeria for the past century.

In other words, are there historical connections between the massacres of yesterday and those of today? Are there analogies between them, regarding their nature and form, their geographic spread and amplitude, their target populations, their methods and means, the social distribution of their spread and amplitude? Are there similarities between them, with regard to their instigators, perpetrators, intents, instrumentality and stakes? In which way can the doctrine of 'eradication' be related to that of 'pacification'?

To answer all these questions, one needs a careful theoretical grounding of the historical framework and parameters, and of the comparative study. In addition, one must, of course, wait for the results of national and international investigations concerning the current massacres in order to have enough accurate and reliable data that permits the elaboration of a well-grounded comparison. It is hoped that this research programme will draw the attention it deserves from Algerian historians.

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## NOTES

- <sup>1</sup> Hafid Keramane, *La Pacification* (Lausanne: La Cité, 1960), p. 9.
- <sup>2</sup> Raoul Girardet, *L'Idée coloniale en France de 1871 à 1962* (Paris: La Table Ronde, 1972), p. 65.
- <sup>3</sup>Ibid., p. 28.
- <sup>4</sup> Mahfoud Bennoune, *The Making of Contemporary Algeria 1830-1987* (Cambridge: Cambridge University Press, 1988), p. 35.
- <sup>5</sup> Charles-Henri Favrod, *Le FLN et l'Algérie* (Paris: Plon, 1962), p. 35.
- <sup>6</sup> Mahfoud Bennoune, op. cit., p. 35. On the commercial conception of Jules Ferry see also Raoul Girardet, op. cit., pp. 82-83 and Charles-Henri Favrod, op. cit., p. 36.
- <sup>7</sup> Raoul Girardet, op. cit., p. 81.
- <sup>8</sup>Ibid., p. 83.
- <sup>9</sup>Ibid., p. 163.
- <sup>10</sup>Ibid., pp. 40-41.
- <sup>11</sup> Charles-Henri Favrod, op. cit., p. 60.
- <sup>12</sup> Henri Alleg, *La Guerre d'Algérie*, vol. 1 (Paris: Temps Actuels, 1981), p. 69.
- <sup>13</sup> Charles-Henri Favrod, op. cit., p. 31.
- <sup>14</sup> Henri de Sarrauton, *La question algérienne* (Oran: 1891), cited by Jacques Borgé and Nicolas Viasnoff, *Archives de l'Algérie* (Paris: Éditions Michèle Trinckvel, 1995), p. 21.
- <sup>15</sup> Charles-Henri Favrod, op. cit., p. 31.
- <sup>16</sup> Ibid.
- <sup>17</sup> Ibid.
- <sup>18</sup>Ibid., p. 14.
- <sup>19</sup>Ibid., p. 26.
- <sup>20</sup> Cited in the *Manifeste du Peuple algérien*, dated 10 February 1943, in *La Guerre d'Algérie by les documents*, [under the direction of] Jean-Claude Jauffret, Service historique de l'armée de terre (Paris: 1990), p. 32.
- <sup>21</sup> Charles-Henri Favrod, op. cit., p. 27.
- <sup>22</sup> Extracted from *L'Afrique Latine*, May 1922, reproduced in the *Manifeste du Peuple algérien*, dated 10 February 1943, in Jean-Claude Jauffret, op. cit., p. 34.
- <sup>23</sup> Henri Alleg, *La Guerre d'Algérie*, vol. 1, p. 61.
- <sup>24</sup> Yves Benot, *Massacres coloniaux 1944-1950: La IV<sup>ème</sup> République et la mise au pas des colonies françaises* (Paris: La Découverte, 1995), p. xi.
- <sup>25</sup> Benjamin Stora, *Histoire de l'Algérie coloniale 1830-1954* (Paris: La Découverte, 1991), p. 28.

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<sup>26</sup> Daniel Guérin, *Quand l'Algérie s'insurgeait 1954-1962: Un anticolonialiste témoigne* (Clair [France]: La Pensée sauvage, 1979), p. 21.

<sup>27</sup> Yves Benot, op. cit., p. xi.

<sup>28</sup>Ibid., pp. viii-ix.

<sup>29</sup>Ibid., pp. ix-x. Curiously and unhappily, it is the same discourse of bestialization which would be used several decades later in an independent Algeria by Algerians, such as Boudjedra, with the aim of eliminating their political opponents, as shown by Moussa Aït-Embarek in *L'Algérie en Murmure* (Hoggar, Genève 1996).

<sup>30</sup> Henri Alleg, *La Guerre d'Algérie*, vol. 1, p. 69.

<sup>31</sup>Ibid., p. 70.

<sup>32</sup>Ibid., p. 63.

<sup>33</sup> Benjamin Stora, op. cit., p. 21.

<sup>34</sup> Henri Alleg, *La Guerre d'Algérie*, vol. 1, p. 64.

<sup>35</sup> It is the same rationality that is behind the massacre of American Indians, the use of the atomic bomb and the nuclear dissuasion strategy.

<sup>36</sup> Yves Lacoste, André Nouschi and André Prenant, *L'Algérie: passé et présent. Le cadre et les étapes de la constitution de l'Algérie actuelle* (Paris: Editions Sociales, 1960), p. 255.

<sup>37</sup> Yves Benot, op. cit., p. viii.

<sup>38</sup> Henri Alleg, *La Guerre d'Algérie*, vol. 1, p. 62.

<sup>39</sup>Ibid., p. 64, and Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 306.

<sup>40</sup> Henri Alleg, *La Guerre d'Algérie*, vol. 1, p. 70.

<sup>41</sup>Ibid., p. 66.

<sup>42</sup> Smaïl Aouli, Ramdane Redjala and Philippe Zoummeroff, *Abd el-Kader* (Paris: Fayard, 1994), p. 292.

<sup>43</sup> Charles-Henri Favrod, op. cit., p. 14.

<sup>44</sup> The 'constructive occupation', the use of the Arab Office to administer the conquered population after destruction.

<sup>45</sup> John Ellis, *From the Barrell of a gun: A history of guerrilla, revolutionary and counter-insurgency warfare from the Romans to the present* (London: Greenhill Book, 1995), p. 137. [This book cites it with the following reference: *Par l'épée et par la charrue: écrits et discours de Bugeaud*, ed. by General Paul Azan (Paris: Presses Universitaires Françaises, 1948), p. 16.]

<sup>46</sup> General Paul Azan, *Conquête et pacification de l'Algérie* (Paris: Librairie de France, 1931), p. 278. See also Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 271.

<sup>47</sup> Henri Alleg, *La Guerre d'Algérie*, vol. 1, p. 67.

<sup>48</sup> Ibid.

<sup>49</sup>Ibid., p. 68, and Smaïl Aouli, Ramdane Redjala and Philippe Zoummeroff, p. 289.

<sup>50</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 305.

<sup>51</sup> Charles-Henri Favrod, op. cit., pp. 11-12.

<sup>52</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 306.

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<sup>53</sup> Charles-Henri Favrod, op. cit., p. 13.

<sup>54</sup> Ibid.

<sup>55</sup> P. Christian, *L'Afrique française, l'empire du Maroc et les déserts du Sahara: Histoire nationale des conquêtes, victoire et nouvelles découvertes des Français depuis la prise d'Alger jusqu'à nos jours* (Paris: 1845-1846), cited by Henri Alleg, *La Guerre d'Algérie*, vol. 1, p. 64.

<sup>56</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 306.

<sup>57</sup> Ibid., pp. 306-307 and Mahfoud Bennoune, op. cit., p. 40.

<sup>58</sup> Mostefa Lacheraf, *L'Algérie: Nation et société*, Cahiers libres 71-72 (Paris: François Maspéro, 1976), p. 226.

<sup>59</sup> Alain Joxe, 'Histoire d'un massacre: Sept lectures stratégiques d'Hiroshima', *La Pensée*, no. 302 (p. 29).

<sup>60</sup> Yves Courrière, *La Guerre d'Algérie en images* (Paris: Fayard, 1972), p. 103, and Pierre Miquel, *La Guerre d'Algérie* (Paris: Fayard, 1993), p. 295.

<sup>61</sup> Henri Alleg, *La Guerre d'Algérie*, vol. 2, op. cit., p. 393.

<sup>62</sup> Abder-Rahmane Derradji, *The Algerian Guerrilla Campaign: Strategy and Tactics*, doctoral thesis, University of Reading (UK: The Edwin Mellen Press, 1996).

<sup>63</sup> Henri Alleg, op. cit., vol. 2, p. 393.

<sup>64</sup> Slimane Chikh, *L'Algérie en armes ou le temps des certitudes*, Economica, OPU (Paris/Alger: 1981), p. 202.

<sup>65</sup> Ibid.

<sup>66</sup> Philippe Lucas and Jean-Claude Vatin, *L'Algérie des anthropologues* (Paris: Maspéro, 1982), p. 115.

<sup>67</sup> Jean Morizot, *L'Aurès ou le mythe de la montagne rebelle* (Paris: L'Harmattan, 1991), p. 160.

<sup>68</sup> Slimane Chikh, op. cit., p. 202.

<sup>69</sup> Charles-Henri Favrod, op. cit., p. 137.

<sup>70</sup> Yves Courrière, op. cit., p. 109.

<sup>71</sup> Slimane Chikh, op. cit., p. 202.

<sup>72</sup> Military note cited in an article in *Le Monde* of 31 March 1960 by Alain Jacob, in Slimane Chikh, op. cit., pp. 202-203.

<sup>73</sup> Hafid Keramane, op. cit., p. 200, and Henri Alleg, op. cit., vol. 2, p. 164.

<sup>74</sup> Henri Alleg, op. cit., vol. 1, p. 69.

<sup>75</sup> Yves Benot, op. cit., p. xi-xii.

<sup>76</sup> Albert-Paul Lentin, *L'Algérie entre deux mondes: Le dernier quart d'heure* (Paris: Julliard, 1963), p. 168.

<sup>77</sup> Ibid., pp. 168-169.

<sup>78</sup> Ibid., p. 169.

<sup>79</sup> Yves Benot, op. cit., p. vii.

<sup>80</sup> Mahfoud Bennoune, op. cit., p. 36.

<sup>81</sup> Yves Benot, op. cit., p. vii.

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<sup>82</sup> Marc Michel, Une Guerre interminable, in *L'Algérie des Français*, presentation by Charles-Robert Ageron, p. 40, Série Points, Collection L'Histoire, (Paris: Seuil, 1993).

<sup>83</sup> Mahfoud Bennoune, op. cit., p. 36.

<sup>84</sup> General Paul Azan, op. cit., pp. 24-25.

<sup>85</sup> Ibid., p. 30.

<sup>86</sup> Ibid., p. 60.

<sup>87</sup> Ibid., p. 53.

<sup>88</sup> Ibid., p. 315.

<sup>89</sup> Ibid., p. 137.

<sup>90</sup> Mahfoud Bennoune, op. cit., p. 37.

<sup>91</sup> General Paul Azan, op. cit., p. 36.

<sup>92</sup> Mahfoud Bennoune, op. cit., p. 37.

<sup>93</sup> General Paul Azan, op. cit., p. 38.

<sup>94</sup> Henri Alleg, op. cit., vol. 1, p. 64.

<sup>95</sup> P. Christian, op. cit., pp. 143-144, cited by Yves Lacoste, André Nouschi and André Prenant, op. cit., pp. 255-356, and by Henri Alleg, op. cit., vol. 1, p. 64.

<sup>96</sup> Mahfoud Bennoune, op. cit., pp. 37-38.

<sup>97</sup> Ibid., p. 38.

<sup>98</sup> Ibid.

<sup>99</sup> General Paul Azan, op. cit., p. 280.

<sup>100</sup> Ibid.

<sup>101</sup> Mahfoud Bennoune, op. cit., p. 41.

<sup>102</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 305.

<sup>103</sup> For more details look up the work of Smaïl Aouli, Ramdane Redjala and Philippe Zoummeroff, op. cit.

<sup>104</sup> Yves Benot, p. ix.

<sup>105</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 304.

<sup>106</sup> Smaïl Aouli, Ramdane Redjala and Philippe Zoummeroff, op. cit., p. 356.

<sup>107</sup> Ibid.

<sup>108</sup> Henri Alleg, op. cit., vol. 1, pp. 66-67.

<sup>109</sup> Yves Benot, op. cit., p. ix, and Smaïl Aouli, Ramdane Redjala and Philippe Zoummeroff, op. cit., p. 356.

<sup>110</sup> General Paul Azan, op. cit., p. 339.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid., p. 340.

<sup>113</sup> Ibid.

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<sup>114</sup> Part of the letter is reproduced in Henri Alleg, op. cit., vol. 1, p. 67.

<sup>115</sup> Ibid., p. 77.

<sup>116</sup> Ibid.

<sup>117</sup> Maurice Faivre, *Un Village de Harkis: des Babors au pays drouais* (Paris: L'Harmattan, 1994), p. 37.

<sup>118</sup> Mostafa Lacheraf, 'Psychologie d'une conquête', *Cahiers Internationaux* (1956).

<sup>119</sup> Henri Alleg, op. cit., vol. 1, p. 66.

<sup>120</sup> General Paul Azan, op. cit., p. 410.

<sup>121</sup> Ibid., p. 412.

<sup>122</sup> Jean Morizot, op. cit., p. 142.

<sup>123</sup> Ibid., p. 144.

<sup>124</sup> General Paul Azan, op. cit., p. 414.

<sup>125</sup> Henri Alleg, op. cit., vol. 1, p. 66.

<sup>126</sup> Ibid.

<sup>127</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 311.

<sup>128</sup> General Paul Azan, op. cit., p. 413.

<sup>129</sup> Henri Alleg, op. cit., vol. 1, p. 77.

<sup>130</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 312.

<sup>131</sup> Ibid., p. 311.

<sup>132</sup> General Paul Azan, op. cit., p. 416.

<sup>133</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 312.

<sup>134</sup> General Paul Azan, op. cit., p. 419.

<sup>135</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 312.

<sup>136</sup> General Paul Azan, op. cit., p. 426.

<sup>137</sup> Henri Alleg, op. cit., vol. 1, p. 80.

<sup>138</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 313.

<sup>139</sup> General Paul Azan, op. cit., p. 473.

<sup>140</sup> Ibid., p. 473.

<sup>141</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 313.

<sup>142</sup> Ibid., p. 315.

<sup>143</sup> Henri Alleg, op. cit., vol. 1, p. 80.

<sup>144</sup> Ibid.

<sup>145</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 337.

<sup>146</sup> Henri Alleg, op. cit., vol. 1, p. 83.

<sup>147</sup> Yves Lacoste, André Nouschi and André Prenant, op. cit., p. 341.

<sup>148</sup> Benjamin Stora, op. cit., p. 123.

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<sup>149</sup> Jean Morizot, op. cit., p. 169

<sup>150</sup> Charles-Robert Ageron, *L'Algérie algérienne de Napoléon III à de Gaulle* (Paris: Sindbad, 1980), p. 107.

<sup>151</sup> Ibid., p. 106.

<sup>152</sup> Maurice Faivre, op. cit., p. 115.

<sup>153</sup> Charles-Robert Ageron, *Histoire de l'Algérie contemporaine*, vol 2: *De l'insurrection de 1871 au déclenchement de la guerre de libération 1954* (Paris: Presses universitaires de France, 1979), p. 261.

<sup>154</sup> Benjamin Stora, op. cit., p. 44.

<sup>155</sup> Charles-Robert Ageron, *Histoire de l'Algérie contemporaine*, op. cit., p. 255.

<sup>156</sup> Henri Alleg, op. cit., vol. 1, p. 83.

<sup>157</sup> Ibid.

<sup>158</sup> Charles-Robert Ageron, *L'Algérie algérienne de Napoléon III à de Gaulle*, op. cit., pp. 97-122.

<sup>159</sup> Ibid., p. 101.

<sup>160</sup> Charles-Robert Ageron, *Histoire de l'Algérie contemporaine*, op. cit., p. 259.

<sup>161</sup> Ibid.

<sup>162</sup> Maurice Faivre, op. cit., p. 115.

<sup>163</sup> Raoul Girardet, op. cit., p. 282.

<sup>164</sup> Ibid., pp. 283-284.

<sup>165</sup> Ibid., p. 283.

<sup>166</sup> Charles-Robert Ageron, *L'Algérie algérienne de Napoléon III à de Gaulle*, op. cit., p. 243.

<sup>167</sup> Yves Benot, op. cit., p. xiii.

<sup>168</sup> Ibid., p. viii.

<sup>169</sup> Raoul Girardet, op. cit., p. 284.

<sup>170</sup> Maurice Faivre, op. cit., p. 115.

<sup>171</sup> Ibid.

<sup>172</sup> Benjamin Stora, op. cit., p. 91.

<sup>173</sup> Jean-Claude Jauffret, op. cit., pp. 206-214.

<sup>174</sup> Maurice Faivre, op. cit., p. 101.

<sup>175</sup> Charles-Robert Ageron, *Histoire de l'Algérie contemporaine*, op. cit., p. 574.

<sup>176</sup> *Écho d'Oran*, no. 25 768 of Saturday 12 May 1945, cited by Boucif Mekhaled, *Chroniques d'un massacre: 8 Mai 1945 Sétif, Guelma, Kherrata* (Paris: Coédition Au nom de la mémoire-Syros, 1995), p. 183.

<sup>177</sup> Slimane Chikh, op. cit., p. 194.

<sup>178</sup> Jacques Jurquet, *La Révolution nationale algérienne et le PCF*, 4 vols (Paris: Éditions du Centenaire, 1972-1984), cited by Boucif Mekhaled, op. cit., p. 185.

<sup>179</sup> Boucif Mekhaled, op. cit., p. 184.

<sup>180</sup> Boucif Mekhaled, op. cit., p. 183.

<sup>181</sup> Marcel-Edmond Naegelen, *Mission en Algérie* (Paris: Flammarion, 1962), p. 23.

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- <sup>182</sup> Charles-Robert Ageron, *Histoire de l'Algérie contemporaine*, op. cit., p. 574.
- <sup>183</sup> Ferhat Abbas, *La Nuit coloniale* (Paris: Éditions Julliard, 1962), cited by Boucif Mekhaled, op. cit., p. 195.
- <sup>184</sup> Charles-Robert Ageron, *Histoire de l'Algérie contemporaine*, op. cit., p. 574.
- <sup>185</sup> Interview with Braham Mohamed Tahar, at Guelma on 16 August 1984, cited by Boucif Mekhaled, op. cit., p. 192.
- <sup>186</sup> Interview with Djemal Chérif, cited by Boucif Mekhaled, op. cit., p. 185.
- <sup>187</sup> *Révolution africaine*, no. 1106, 9-15 May, 1985. Quoted by Boucif Mekhaled, op. cit., p. 186.
- <sup>188</sup> *Ibid.*, p. 187.
- <sup>189</sup> Testimony in *El Moudjahid* Newspaper, no. 6184 (8 May 1985), Supplément spécial, p. iii, quoted by Boucif Mekhaled, op. cit., p. 187.
- <sup>190</sup> Testimony in *El Djeich* Magazine, no. 263, (April 1985), quoted by Boucif Mekhaled, op. cit., p. 187.
- <sup>191</sup> Interview of 21 July 1984, quoted by Boucif Mekhaled, op. cit., p. 187.
- <sup>192</sup> Charles-Henri Favrod, op. cit., p. 102.
- <sup>193</sup> Testimony in *Algérie-Actualité*, no. 1021, quoted by Boucif Mekhaled, op. cit., pp. 187-188.
- <sup>194</sup> *Les Échos de la Soumman*, no. 9, (May 1985), quoted by Boucif Mekhaled, op. cit., p. 188.
- <sup>195</sup> In les Archives du CNEH, Alger, 1ère boîte A2742, cited by Boucif Mekhaled, op. cit., p. 189.
- <sup>196</sup> In *L'Algérien en Europe* Magazine, no. 340 (20 May 1981), cited by Boucif Mekhaled, op. cit., p. 192.
- <sup>197</sup> Charles-Robert Ageron, *Histoire de l'Algérie contemporaine*, op. cit., p. 574.
- <sup>198</sup> See for example the report issued by the *Service Historique de l'Armée de Terre* Jean-Charles Jauffret, op. cit., pp. 507-524.
- <sup>199</sup> Charles-Robert Ageron, *L'Algérie algérienne de Napoléon III à de Gaulle*, op. cit., pp. 243-244.
- <sup>200</sup> Yves Benot, op. cit., p. i.
- <sup>201</sup> Kateb Yacine, *Nedjma* (Paris: Seuil), cited by Henri Alleg, op. cit., vol. 1, p. 269.
- <sup>202</sup> Ania Francos and J.-P. Sereni, *Un Algérien nommé Boumédienne* (Paris: Stock, 1976), cited by Henri Alleg, op. cit., vol. 1, p. 269.
- <sup>203</sup> Henri Alleg, op. cit., vol. 1, p. 269.
- <sup>204</sup> Bernard Droz and Évelyne Lever, *Histoire de la guerre d'Algérie 1954-1962* (Paris: Seuil, 1982), p. 33.
- <sup>205</sup> Yves Benot, op. cit., pp. 33-34.
- <sup>206</sup> Yves Courrière, op. cit., p. 1.
- <sup>207</sup> Raoul Girardet, op. cit., p. 339.
- <sup>208</sup> Charles-Henri Favrod, op. cit., p. 313.
- <sup>209</sup> Slimane Chikh, op. cit., p. 184.
- <sup>210</sup> Hafid Keramane, op. cit., p. 13.
- <sup>211</sup> Slimane Chikh, op. cit., p. 187.
- <sup>212</sup> Hafid Keramane, op. cit., p. 8.

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<sup>213</sup> Ibid., p. 9.

<sup>214</sup> Ibid., pp. 202-203.

<sup>215</sup> Ibid., p. 211.

<sup>216</sup> Albert-Paul Lentin, op. cit., p. 194.

<sup>217</sup> Benjamin Stora, *La Politique des camps d'internement*, in *L'Algérie des Français*, op. cit., p. 301.

<sup>218</sup> Alain-Gérard Slama, *La Guerre d'Algérie: Histoire d'une déchirure* (Paris: Gallimard, 1996), p. 61.

<sup>219</sup> John Talbott, *The War Without a Name: France in Algeria, 1954-1962* (London: Faber and Faber, 1981), p. 68.

<sup>220</sup> Henri Alleg, op. cit., vol. 3, p. 317. For the prayer see also John Talbott, Ibid.

<sup>221</sup> Frantz Fanon, *Les Damnés de la terre* (Paris: La Découverte, 1987), pp. 63-65.

<sup>222</sup> Guy Pervillé, *Guerre d'Algérie: L'abandon des barkis*, in *L'Algérie des Français*, op. cit., pp. 304-305.

<sup>223</sup> Camille Lacoste-Dujardin, *Opération 'Oiseau bleu': Des Kabyles, des ethnologues et la guerre en Algérie* (Paris: La Découverte, 1997), p. 157.

<sup>224</sup> Ibid.

<sup>225</sup> Ibid., p. 156.

<sup>226</sup> Saïd Ferdi, *Un Enfant in la guerre* (Paris : Seuil, 1981), pp. 132-133.

<sup>227</sup> Hafid Keramane, op. cit., p. 241.

<sup>228</sup> Ibid., p. 174.

<sup>229</sup> Ibid., pp. 176-177.

<sup>230</sup> *El Moudjabid*, no. 9, 20 August 1957, quoted by Hafid Keramane, op. cit., p. 178.

<sup>231</sup> Henri Alleg, op. cit., vol. 2, p. 161.

<sup>232</sup> Hafid Keramane, op. cit., p. 191.

<sup>233</sup> Henri Alleg, op. cit., vol. 2, p. 161.

<sup>234</sup> Hafid Keramane, op. cit., pp. 208 and 209.

<sup>235</sup> Ibid., p. 210.

<sup>236</sup> Henri Alleg, op. cit., vol. 2, p. 166.

<sup>237</sup> Ibid., vol. 2, p. 167.

<sup>238</sup> Hafid Keramane, op. cit., p. 208.

<sup>239</sup> Ibid., pp. 46 and 47.

<sup>240</sup> Henri Alleg, op. cit., vol. 2, p. 167.

<sup>241</sup> Ibid., vol. 2, pp. 387-390.

<sup>242</sup> Ibid., vol. 3, p. 213.

<sup>243</sup> M'hamed Yousfi, *Les Otages de la liberté: Quelques aspects des dessous de la guerre d'Algérie* (Alger: Editions Mimouni, 1990), pp. 64-65.

<sup>244</sup> Ibid., p. 67.

<sup>245</sup> Ibid., p. 64.

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- <sup>246</sup> Patrick Kessel and Giovanni Pirelli, *Le peuple algérien et la guerre: lettres et témoignages 1954-1962* (Paris: Éditions François Maspero, 1962), p. 306.
- <sup>247</sup> Michel Cornaton, *Les regroupements de la décolonisation en Algérie* (Les Editions Ouvrières), cited by M'hamed Yousfi, op. cit., p. 69.
- <sup>248</sup> M'hamed Yousfi, op. cit., p. 64.
- <sup>249</sup> Hafid Keramane, op. cit., pp. 243-246.
- <sup>250</sup> Patrick Kessel and Giovanni Pirelli, op. cit., pp. 302-304.
- <sup>251</sup> Saïd Ferdi, op. cit., pp. 130-132.
- <sup>252</sup> M'hamed Yousfi, op. cit., p. 66.
- <sup>253</sup> Ibid.
- <sup>254</sup> Saïd Ferdi, op. cit., p. 128.
- <sup>255</sup> M'hamed Yousfi, op. cit., p. 67.
- <sup>256</sup> Ibid., p. 68.
- <sup>257</sup> Camille Lacoste-Dujardin, op. cit., p. 152.
- <sup>258</sup> M'hamed Yousfi, op. cit., p. 70.
- <sup>259</sup> Ibid., p. 71
- <sup>260</sup> Hafid Keramane, op. cit., p. 265.
- <sup>261</sup> M'hamed Yousfi, op. cit., p. 71.
- <sup>262</sup> Camille Lacoste-Dujardin, op. cit., p. 153.
- <sup>263</sup> Saïd Ferdi, op. cit., p. 129.
- <sup>264</sup> Camille Lacoste-Dujardin, op. cit., p. 152.
- <sup>265</sup> Patrick Kessel and Giovanni Pirelli, op. cit., p. 306.
- <sup>266</sup> Saïd Ferdi, op. cit., p. 128.
- <sup>267</sup> Patrick Kessel and Giovanni Pirelli, op. cit., p. 305.
- <sup>268</sup> M'hamed Yousfi, op. cit., p. 69.
- <sup>269</sup> Henri Alleg, op. cit., vol. 2, p. 159.
- <sup>270</sup> Hafid Keramane, op. cit., p. 243.
- <sup>271</sup> Saïd Ferdi, op. cit., pp. 23-25.
- <sup>272</sup> Henri Alleg, op. cit., vol. 2, p. 160.
- <sup>273</sup> Ibid., pp. 159-160.
- <sup>274</sup> Hafid Keramane, op. cit., p. 23.
- <sup>275</sup> Ibid., p. 194.
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- <sup>277</sup> Ibid., p. 159.
- <sup>278</sup> Ibid., pp. 159-160.

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<sup>279</sup> Hafid Keramane, op. cit., p. 193 and Henri Alleg, op. cit., vol. 2, p. 161.

<sup>280</sup> Saïd Ferdi, op. cit., p. 129.

<sup>281</sup> Henri Alleg, op. cit., vol. 2, p. 160.

<sup>282</sup> Patrick Kessel and Giovanni Pirelli, op. cit., p. 37.

<sup>283</sup> Ibid., pp. 38-39.

<sup>284</sup> Henri Alleg, op. cit., vol. 2, pp. 392-393.

<sup>285</sup> Hafid Keramane, op. cit., p. 177.

<sup>286</sup> Camille Lacoste-Dujardin, op. cit., p. 161.

<sup>287</sup> Hafid Keramane, op. cit., p. 234.

<sup>288</sup> Camille Lacoste-Dujardin, op. cit., p. 152.

<sup>289</sup> Camille Lacoste-Dujardin, *Histoire et Représentations de la guerre aux Iflissen lebahar*, in *La guerre d'Algérie et les Algériens 1954-1962*, [under the direction of] Charles-Robert Ageron (Paris: Armand Colin, 1997), p. 90.

<sup>290</sup> Saïd Ferdi, op. cit., pp. 63-64.

<sup>291</sup> Ibid., pp. 66-67.

<sup>292</sup> Henri Alleg, op. cit., vol. 2, p. 164.

<sup>293</sup> Hafid Keramane, op. cit., p. 177.

<sup>294</sup> Henri Alleg, op. cit., vol. 2, p. 164.

<sup>295</sup> Hafid Keramane, op. cit., p. 197.

<sup>296</sup> Ibid., p. 198.

<sup>297</sup> Ibid., pp. 191-193.

<sup>298</sup> Ibid., p. 191.

<sup>299</sup> Ibid., pp. 191-193.

<sup>300</sup> Ibid., pp. 191-193, and Henri Alleg, op. cit., vol. 2, p. 164.

<sup>301</sup> Henri Alleg, op. cit., vol. 2, p. 164.

<sup>302</sup> Ibid., p.165.

<sup>303</sup> Hafid Keramane, op. cit., pp. 191-193.

<sup>304</sup> Henri Alleg, op. cit., vol. 2, p. 164.

<sup>305</sup> Ibid.

<sup>306</sup> Hafid Keramane, op. cit., pp. 196-197.

<sup>307</sup> Henri Alleg, op. cit., vol. 2, p. 165.

<sup>308</sup> Hafid Keramane, op. cit., p. 205, and Henri Alleg, op. cit., vol. 2, p. 162.

<sup>309</sup> Henri Alleg, op. cit., vol. 2, p. 387.

<sup>310</sup> Ibid., p. 392.

<sup>311</sup> Ibid., p. 391.

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- <sup>312</sup> Ibid., p. 165.
- <sup>313</sup> Ibid., p. 165.
- <sup>314</sup> Ibid., p. 165.
- <sup>315</sup> Hafid Keramane, op. cit., pp. 180-182.
- <sup>316</sup> Daniel Guérin, op. cit., p. 72.
- <sup>317</sup> Mahfoud Kaddache, 'Les tournants de la guerre de libération au niveau des masses populaires', in *La guerre d'Algérie et les Algériens 1954-1962*, op. cit., pp. 53-54.
- <sup>318</sup> Bernard Droz and Évelyne Lever, op. cit., p. 76.
- <sup>319</sup> Ibid.
- <sup>320</sup> Ibid.
- <sup>321</sup> Bernard Droz and Évelyne Lever, op. cit., pp. 76-77.
- <sup>322</sup> Pierre Miquel, op. cit., p. 204.
- <sup>323</sup> Bernard Droz and Évelyne Lever, op. cit., pp. 76-77.
- <sup>324</sup> Mahfoud Kaddache, op. cit., p. 65.
- <sup>325</sup> Daniel Guérin, op. cit., p. 72.
- <sup>326</sup> Mahfoud Kaddache, op. cit., p. 65.
- <sup>327</sup> Charles-Robert Ageron, 'L'insurrection du 20 août 1955 in le Nord-Constantinois. De la résistance armée à la guerre du peuple', in *La guerre d'Algérie et les Algériens 1954-1962*, op. cit., p. 39.
- <sup>328</sup> Daniel Guérin, op. cit., p. 72.
- <sup>329</sup> Bernard Droz and Évelyne Lever, op. cit., pp. 76-77.
- <sup>330</sup> Ibid.
- <sup>331</sup> M'hamed Yousfi, op. cit., p. 101.
- <sup>332</sup> Bernard Droz and Évelyne Lever, op. cit., p. 77.
- <sup>333</sup> Daniel Guérin, op. cit., p. 72.
- <sup>334</sup> Henri Alleg, op. cit., vol. 2, p. 185.
- <sup>335</sup> Albert-Paul Lentin, op. cit., pp. 122-123.
- <sup>336</sup> Henri Alleg, op. cit., vol. 2, p. 185.
- <sup>337</sup> Ibid.
- <sup>338</sup> Albert-Paul Lentin, op. cit., pp. 122-123.
- <sup>339</sup> Henri Alleg, op. cit., vol. 2, p. 185.
- <sup>340</sup> Albert-Paul Lentin, op. cit., pp. 122-123.
- <sup>341</sup> Henri Alleg, op. cit., vol. 2, p. 185.
- <sup>342</sup> Daniel Guérin, op. cit., pp. 108-109 and Alain-Gérard Slama, op. cit., p. 61.
- <sup>343</sup> Albert-Paul Lentin, op. cit., pp. 122-123.
- <sup>344</sup> Henri Alleg, op. cit., vol. 2, p. 185..

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- <sup>345</sup> Albert-Paul Lentin, op. cit., pp. 122-123.
- <sup>346</sup> Ibid.
- <sup>347</sup> Ibid., p. 123
- <sup>348</sup> Albert-Paul Lentin, op. cit., pp. 123-124.
- <sup>349</sup> Ibid., pp. 127-128.
- <sup>350</sup> Benjamin Stora, *Histoire de la guerre d'Algérie 1954-1962* (Paris: La Découverte, 1993), p. 24.
- <sup>351</sup> Henri Alleg, op. cit., vol. 2, p. 463.
- <sup>352</sup> Albert-Paul Lentin, op. cit., p. 126.
- <sup>353</sup> Henri Alleg, op. cit., vol. 2, p. 463.
- <sup>354</sup> Albert-Paul Lentin, op. cit., p. 131.
- <sup>355</sup> Ibid., pp. 131-132.
- <sup>356</sup> See Chems Ed Din, *L'Affaire Bellounis*, (Paris: L'Aube, 1998), and M. Faivre, 'Services secrets et "troisième force": Le Front Algérien d'Action Démocratique (FAAD) 1960-1962', in Ministère de la Défense, Centre d'Etudes d'Histoire de la Défense, *Il n'est point de secrets que le temps ne révèle*, Lavauzelle, Paris 1998.
- <sup>357</sup> Pierre Montagnon, *La Guerre d'Algérie* (Paris: Pygmalion/Gérard Watelet, 1984), p. 242.
- <sup>358</sup> Quoted by Pierre Montagnon, *op. cit.*, p. 242.
- <sup>359</sup> *El Moudjibid* (1 February 1958).
- <sup>360</sup> Mahfoud Kaddache, op. cit., p. 61.
- <sup>361</sup> Yves Courrière, op. cit., p. 121.
- <sup>362</sup> Pierre Miquel, op. cit., p. 332.
- <sup>363</sup> Hafid Keramane, op. cit., pp. 235-236.
- <sup>364</sup> Ibid., pp. 237-238.
- <sup>365</sup> Albert-Paul Lentin, op. cit., p. 84.
- <sup>366</sup> Charles-Robert Ageron, *L'Algérie algérienne de Napoléon III à de Gaulle*, op. cit., p. 245.
- <sup>367</sup> Ibid., p. 246.
- <sup>368</sup> Daniel Guérin, op. cit., pp. 178-179.
- <sup>369</sup> Benjamin Stora, *Histoire de la guerre d'Algérie 1954-1962*, op. cit., p. 53.
- <sup>370</sup> Guy Pervillé, op. cit., p. 304.
- <sup>371</sup> Mahfoud Kaddache, op. cit., p. 57.
- <sup>372</sup> Pierre Montagnon, *op. cit.*, p. 141.
- <sup>373</sup> Albert-Paul Lentin, op. cit., p. 211.
- <sup>374</sup> Benjamin Stora, *Histoire de la guerre d'Algérie 1954-1962*, op. cit., p. 53.
- <sup>375</sup> Patrick Kessel and Giovanni Pirelli, op. cit., p. 386.
- <sup>376</sup> M'hamed Yousfi, op. cit., p. 72, quoting Benali Boukourt, *Le souffle du Dabra*.
- <sup>377</sup> M'hamed Yousfi, op. cit., p. 67.

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- <sup>378</sup> Hafid Keramane, op. cit., pp. 215-221.
- <sup>379</sup> Patrick Kessel and Giovanni Pirelli, op. cit., pp. 386-388.
- <sup>380</sup> M'hamed Yousfi, op. cit., p. 64.
- <sup>381</sup> Slimane Chikh, op. cit., p. 203.
- <sup>382</sup> Saïd Ferdi, op. cit., p. 124.
- <sup>383</sup> Hafid Keramane, op. cit., pp. 182-183.
- <sup>384</sup> M'hamed Yousfi, op. cit., p. 93.
- <sup>385</sup> Ibid., p. 99.
- <sup>386</sup> Ibid.
- <sup>387</sup> Ibid., p. 100.
- <sup>388</sup> Ibid., p. 98.
- <sup>389</sup> Ibid., p. 97.
- <sup>390</sup> Albert-Paul Lentin, op. cit., p. 151.
- <sup>391</sup> Ibid., p. 153.
- <sup>392</sup> Yves Courrière, op. cit., p. 239.
- <sup>393</sup> Henri Alleg, op. cit., vol. 3, p. 354.
- <sup>394</sup> Yves Courrière, op. cit., pp. 239-240.
- <sup>395</sup> Henri Alleg, op. cit., vol. 3, p. 354.
- <sup>396</sup> In *Ras l'front*, no. 16 (November 1993), *La Résistible ascension du Front de la Haine*, (Paris: Editions Syllepse, 1996).
- <sup>397</sup> Daniel Guérin, op. cit., p. 170.
- <sup>398</sup> Jean-Paul Monferran, in an article on 17 Octobre 97 entitled '17 octobre 1961, en plein Paris, un crime d'Etat contre des Algériens'.
- <sup>399</sup> Cited by Samia Messaoudi, in *Ras l'front*, no. 16, op. cit.
- <sup>400</sup> Pierre Vidal-Naquet, 'L'encouragement direct de Papon', *L'Humanité* (17 October 1997).
- <sup>401</sup> *L'Humanité*, (17 October 1998).
- <sup>402</sup> Ibid.
- <sup>403</sup> Ibid.
- <sup>404</sup> Ibid.
- <sup>405</sup> Anne Tristan, *Le Silence du fleuve*, Association Au nom de la mémoire (Paris: Syros, 1991), cited in Brigitte Stora, 'Paris, 17 octobre 1961: 200 Algériens massacrés', *L'Événement du Jeudi* (from 18 to 24 September 1997).
- <sup>406</sup> Bernard Morin, 'Le cadavre d'un homme battu à mort', *L'Humanité* (17 October 1997).
- <sup>407</sup> Philippe Bernard, *Le Monde* (17 October 1997).
- <sup>408</sup> Cited in Brigitte Stora, op. cit.
- <sup>409</sup> Cited in *L'Événement du Jeudi* (from 18 to 24 September 1997).

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<sup>410</sup> Cited in Brigitte Stora, op. cit.

<sup>411</sup> Daniel Guérin, op. cit., pp. 170-171.

<sup>412</sup> Pierre Vidal-Naquet, op. cit.

<sup>413</sup> Interview with Ariane Chemin, *Le Monde* (17 October).

<sup>414</sup> Cited by Philippe Bernard in *Le Monde* (17 October).

<sup>415</sup> Cited in Brigitte Stora, op. cit.

<sup>416</sup> Pierre Vidal-Naquet, op. cit.

<sup>417</sup> Jean-Paul Monferran, op. cit.

<sup>418</sup> Anne-Marie Duranton-Crabol, *Le Temps de l'OAS* (Paris: Editions Complexe, 1995), p. 116.

<sup>419</sup> Henri Alleg, op. cit., vol. 3, p. 410.

<sup>420</sup> Charles-Henri Favrod, op. cit., p. 347.

<sup>421</sup> Anne-Marie Duranton-Crabol, op. cit., p. 149.

<sup>422</sup> Charles-Henri Favrod, op. cit., p. 343.

<sup>423</sup> *Ibid.*, p. 345.

<sup>424</sup> Slimane Chikh, op. cit., p. 210.

<sup>425</sup> Yves Courrière, op. cit., p. 260.

<sup>426</sup> Henri Alleg, op. cit., vol. 3, p. 406.

<sup>427</sup> *Ibid.*

<sup>428</sup> Bernard Droz and Évelyne Lever, op. cit., p. 332.

<sup>429</sup> Pierre Miquel, op. cit., p. 502, and Bernard Droz and Évelyne Lever, op. cit., p. 334.

<sup>430</sup> Anne-Marie Duranton-Crabol, op. cit., p. 150.

<sup>431</sup> Bernard Droz and Évelyne Lever, op. cit., p. 334.

<sup>432</sup> Henri Alleg, op. cit., vol. 3, p. 408.

<sup>433</sup> Bernard Droz and Évelyne Lever, op. cit., p. 337.

<sup>434</sup> Henri Alleg, op. cit., vol. 3, p. 408.

<sup>435</sup> Favrod, op. cit., Daniel Guérin, op. cit., p. 178, Slimane Chikh, op. cit., p. 210, Bernard Droz and Évelyne Lever, op. cit., p. 337, and Henri Alleg, op. cit., vol. 3, p. 408.

<sup>436</sup> Henri Alleg, op. cit., vol. 3, p. 409.

<sup>437</sup> Pierre Miquel, op. cit., p. 504.

<sup>438</sup> Anne-Marie Duranton-Crabol, op. cit., p. 144.

<sup>439</sup> Bernard Droz and Évelyne Lever, op. cit., p. 337.

<sup>440</sup> Anne-Marie Duranton-Crabol, op. cit., p. 147.

<sup>441</sup> Pierre Miquel, op. cit., p. 507.

<sup>442</sup> Maurice Faivre, op. cit., p. 188.

<sup>443</sup> Pierre Miquel, op. cit., p. 507.

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<sup>444</sup> Patrick Girard, 'Les sans-papiers de la mémoire collective. La face cachée de la guerre d'Algérie', *L'Événement du Jeudi* (from 9 to 15 October 1997).

<sup>445</sup> Lakhdar Belaïd, 'Le Scandale Harki. La révolte des parias de la République', *L'Événement du Jeudi* (from 9 to 15 October 1997).

<sup>446</sup> Patrick Girard, op. cit.

<sup>447</sup> Ibid.

<sup>448</sup> Maurice Faivre, op. cit., p. 184.

<sup>449</sup> Pierre Miquel, op. cit., p. 508.

<sup>450</sup> Ibid.

<sup>451</sup> Maurice Faivre, op. cit., p. 182.

<sup>452</sup> Ibid., pp. 183-184.

<sup>453</sup> Pierre Miquel, op. cit., p. 508.

<sup>454</sup> Maurice Faivre, op. cit., pp. 200-203.

<sup>455</sup> Hafid Keramane, op. cit., p. 199.

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*Historical Perspective*

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## LES MASSACRES D'OCTOBRE 1988

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*Collectif Suisse de Solidarité avec le Peuple Algérien  
Textes choisis*

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Chronicle of a Massacre	1142
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Nouveau massacre à Alger	1149
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## Chronicle of a Massacre

Source: Collectif Suisse de Solidarité avec le Peuple Algérien, *Contre les violences de l'état: les droits de l'homme*, Lausanne, novembre-décembre 1988.

*A general discontent brews throughout Algeria. Social agitation has been at a peak for weeks. Austerity measures are the sole response of the regime at first. Shortages affect even basic necessities. Throughout Algeria, lorries carrying semolina are attacked and their cargo is distributed to the population. Rumours speak of strike notices. Several professions set up their own trade unions and independently from the unique and inescapable Union Générale des Travailleurs Algériens (UGTA).*

### 27 September 1988

*Air Algérie* pilots go on strike for their salaries. The army tries unsuccessfully to force the pilots to board the planes. The pilots win their case ; their salaries are increased. The journalists mobilise against censorship and redundancies. They create an autonomous trade union.

### 28 September

The army surrounds Algiers. The road leading to Rouiba, an industrial town, is blocked. 8,000 workers of the lorry manufacturer *SNVI* (former *Berliet* firm ) are on strike. They are supported by their colleagues in the branch at El Harrach.

### 29 September

13,000 soldiers and gendarmes take position around the factories. This does not deter the workers from preparing for an indefinite strike.

### 1 October

The strike continues and is stepped up in Rouiba. In Algiers, the national mail and telephone company initiate a strike. College students in El Harrach go on strike. They demonstrate and are joined by the unemployed youths of the suburbs toward the end of the day.

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*Les Massacres d'Octobre 1988*

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**2 October**

The army charges the El Harrach youths who resist for more than three hours. Rumours from Rouiba speak of a general strike to be launched on 4 and 5 October.

**3 October**

The atmosphere becomes tense. The postmen, the workers of the *SNVT* at El Harrach continue their strike. In colleges and public offices, there are debates about stopping work the next day. Markets are besieged; semolina and flour run out. In Bab-el-Oued, Belcourt, groups of youths demonstrate.

**4 October**

Demonstrations continue.

**5 October**

In Didouche Mourad Avenue, waves of hundreds of youths demonstrate, block the traffic and attack the shop windows throughout the morning. They attack the offices of the Polisaria in Riad el Fath, the temple of consumption of the wealthy youth of Algiers. Nothing escapes their wrath. Buildings of foreign airlines, the government and public companies such as *ANEP* (publishing) are burnt. At 3:00 p.m. the first clashes with police anti-riot units take place. Tens of demonstrators and passers-by are arrested.

**6 October**

The demonstrations turn into riots. In Algiers, the state of siege and curfew are decreed. In El Biar the first demonstrators fall under the bullets of the military. First toll: two dead.

**7 October**

Thousands of young 'Islamists' demonstrate in Algiers. The authorities close the schools. Photographers are systematically hunted by *the Sécurité Militaire* (political police). The special envoy of *Libération* is beaten up.

**8 October**

In Kouba, a suburb of Algiers, the army opens fire near a mosque, killing more than 60 people.

In France minor fires and attacks take place. In Marseilles, the local office of the *Amicale des algériens en Europe* is burnt. A new fire destroys the regional

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office of the *Amicale*. In Paris, the Algerian consulate in Vitry, in the Val-de-Marne are burnt. A Molotov cocktail is thrown at the Paris office of the *Amicale*.

**10 October**

The riots spread to several cities in Algeria. In Oran, Mostaghanem, Tiaret, Annaba, the army fires into the crowds with heavy machine guns. In Kabylia a 48-hour general strike is decreed in solidarity. In Bab –el-Oued, in Algiers, the army fires on a 20,000 strong demonstration. The demonstrators had come to claim the remains of the dead killed in the preceding days. More than 30 women and adolescents lay on the streets. Total death toll: more than 200 deaths.

End of the shortages: the EEC, Saudi Arabia and Morocco provide the commercial centres of the country with fresh supplies. The head of state, Chadli Bendjedid, promises, in a televised speech, to present a programme of political reforms shortly.

**11 October**

The state of siege is lifted. The official death toll reports 176 victims. *Agence France Presse* speaks of 500 dead. Well-informed sources say the casualty figure is more than 1,000 and count 10,000 arrests. Hundreds of demonstrators appear before courts, which pronounce sentences of up to 8 years. Several journalists sent to Algiers denounce systematic torture.

**12 October**

Chadli Bendjedid announces a change in the Constitution to be subject to a referendum ‘FLN fashion’ on 3 November. Two people were injured by gunfire during a demonstration in Tizi-Ouzou. Arrests multiply throughout the country.

**15 October**

The dead are not returned to their families. They are buried hurriedly in mass graves.

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## Face à face mortel dans les rues d'Alger

Source: Gilles Millet, *Libération* du 10 octobre 1988.

'Ils sont passés en camion, ils ont tiré, et ils ont blessé quatre innocents. Nous, on ne faisait rien de mal. On était devant la mosquée pour honorer la mémoire d'un jeune du quartier qui a été tué hier. Même les Juifs n'auraient pas fait cela... En Palestine, ils ne tirent pas sur les mosquées.' Samedi 13h30. Kouba, un quartier situé dans la banlieue, au sud d'Alger. Un sang poisseux dégouline sur les marches de la mosquée. On vient de conduire trois jeunes à l'hôpital. Autour, ils sont une vingtaine à courir, à crier. Ils accusent les militaires qui, apercevant un rassemblement, ont immédiatement tiré à la mitrailleuse sur la foule. Il y a des barbus, visiblement intégristes, qui dénoncent l'attitude des forces de l'ordre, et aussi beaucoup de jeunes aux allures de teenagers. Jeans, baskets, pantalons de survêtement, branchés aux cheveux gominés. Certains tournent en agitant des matraques de fortune, d'autres regardent au coin de la rue si les militaires tout proche n'arrivent pas. Un peu plus loin, ils ont confectionné un barrage avec des pierres, des poutres et quelques pneus qui brûlent doucement.

A quelques centaines de mètres, l'armée a bouclé le quartier. Très tendus, de jeunes militaires juchés sur leurs automitrailleuses, pointent leurs armes sur la foule. Autour on les regarde narquois, on les attend par petits groupes en discutant.

Tout à coup, c'est la panique. Deux voitures conduites par des civils se sont approchées de la mosquée. La bâche de la camionnette 404 Peugeot a été relevée, on a tiré. En l'air. En direction des jeunes qui se sont couchés. Les voitures ont pris la fuite. La plupart, ce sont des mômes. Les plus courageux sont restés devant la mosquée, se rapprochent, se reculent. Regardant au coin de la rue. Se méfiant de tout nouvel arrivant.

Depuis quelques jours, 'des civils' se sont mis de la partie. Fonctionnaires ou membres du parti, ils viennent prêter main-forte aux militaires qui tentent de rétablir l'ordre à Alger. Ils surgissent au milieu des manifestants, dont ils semblent faire partie, sortent une arme et tirent. Maintenant dès le moindre rassemblement on se méfie de tout le monde. Il y a ceux que l'on connaît, les gens du quartier, et puis les autres... Les autres devant lesquels on hésite à parler. Les autres que l'on signale immédiatement. Les autres d'où peut venir le danger.

Samedi après-midi tout le quartier de Kouba est en effervescence. C'est un large champ de bataille survolé par les hélicoptères de l'armée où fument les barrages entre deux immeubles façon HLM, où les familles tentent de retenir les enfants. Les militaires patrouillent, s'arrêtent. En attendant de

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foncer sur un nouveau barrage installé par quelques jeunes. Guérilla angoissante dans un paysage désolé de boue, de terrains vagues, de chantiers. Partout des groupes d'enfants se rassemblent puis disparaissent à la moindre rumeur d'arrivée des militaires.

Les ambulances ramassent les morts ou les blessés, les conduisent à l'hôpital du quartier. Aux urgences, les docteurs paniquent : 'Aujourd'hui il y a eu dix morts et trente-cinq blessés.' Les chiffres sont contredits. Exagérés. Réduits. Des médecins refusent de parler. D'autres se laissent aller à quelques confidences : 'Depuis le début des événements, il y a trois jours, on a eu plus de soixante morts et plusieurs centaines de blessés. Le premier avait 12 ans, il avait pris une balle dans la tête. Il y a aussi des enfants, de 10 ans, de 15 ans et des plus vieux de 20 ans ou plus...' Les médecins se méfient des questions. Ferment les portes. Parlent doucement. On s'étonne de la présence de l'intrus français. Il faut prévenir l'administration. Le responsable de l'hôpital. En attendant, certains font des confidences : 'On a pas le droit de donner le nombre de morts et de blessés. C'est la même chose pour les familles lorsqu'elles viennent se renseigner. On a pas le droit non plus de leur remettre le corps des morts. On a reçu un ordre par télex il y a quelques jours...' Le patron de l'hôpital arrive. Tout tremblant dans sa blouse blanche : 'Non il ne se passe rien ici, il ne se passe rien à Kouba. On a rien à vous dire... Allez vous renseigner au ministère de la Santé. Eux ils vous donneront des chiffres, des statistiques...'

De retour vers la ville. Au guet de Constantine, une autre banlieue, on aperçoit une dizaine de chars. C'est le campement militaire. Là d'où partent les patrouilles qui tentent de rétablir l'ordre. Parfois les routes sont coupées par des barrages. Les passants nous font signe de partir : 'Attention, ils tirent sur tout ce qui bouge, ils peuvent vous tuer...' D'autres s'efforcent de déblayer la chaussée afin d'éviter une intervention trop brutale des militaires. Plus loin, des balcons, des mères scrutent les environs, à la recherche de l'enfant qu'elles n'ont pas pu retenir à la maison.

A Alger, c'est la sortie des bureaux. Des hommes et des femmes regagnent précipitamment leurs domiciles avant la tombée de la nuit. Partout, des gens tentent d'arrêter des taxis. Ils sont rares ou travaillent au noir après avoir caché leur enseigne lumineuse. Rue Didouche Mourad, dans le centre ville, beaucoup de boutiques portent les marques des feux des journées précédentes. Vitrites cassées, étalages brûlés, enseignes brisées...

On essaie de faire disparaître les traces de destruction. Cependant restent des cabines téléphoniques défoncées, des panneaux publicitaires désarticulés, du verre, du fer et toutes sortes de débris amassés dans les caniveaux. Tous les cent mètres, des centaines de gens font la queue devant les boulangeries. Ils attendent parfois une heure ou plus, pour ramener à la maison quelques morceaux de pain. Même chose devant certaines épiceries où les femmes

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d'un côté, et les hommes de l'autre, patientent pour acheter un paquet de lentilles. On manque de tout comme avant, mais plus qu'avant. A Bab-el-Oued, au nord de la ville, le climat se tend. Le quartier est bouclé par les militaires. Devant l'immeuble de la sécurité, les gendarmes montent la garde. Ils ont sorti leur pistolet qu'ils tiennent comme des James Bond, à hauteur de leur visage. Ils scrutent en permanence les groupes de jeunes qui leur font face et qui les narguent de loin. Tout paraît en place pour une soudaine explosion. Les passants accélèrent le pas. Les taxis refusent de s'arrêter. 'Ça, c'est le vrai Alger', ironise un môme. 'Comme pendant la guerre contre les Français. C'est la nouvelle bataille d'Alger.' Il y a quelques jours le commissariat du quartier a été saccagé, brûlé. Les jeunes ont volé les dossiers et les ont distribués dans les cafés à tous ceux qui étaient fichés.

Partout, on hésite à parler à l'inconnu qui s'adresse à vous : 'Le soir c'est calme... Mais après, on ne sait pas. Vous savez, ici le régime c'est la mafia. En ce moment, elle a peur...' Les adultes sont plus prolixes : 'On ne sait pas ce qu'ils veulent, ils cassent tout et n'expliquent même pas pourquoi. On espère que cela va s'arrêter, parce que tout le monde va finir par en prendre plein la figure.' Après les premières condamnations, suivent les explications sur le pourquoi de la crise : 'La vie devient impossible, les prix n'arrêtent pas de monter, les gens ne trouvent pas de travail, le dinar ne vaut plus rien (1 dinar qui équivaut 1 franc français, en vaut 5 au marché noir). D'ailleurs la monnaie algérienne ce n'est le dinar mais le piston. Avec une brouette de dinars on n'a rien, avec le piston on a tout...' Viennent les exemples : la semoule qui vaut de plus en plus chère, les pièces d'automobile que l'on paie des fortunes, les cahiers d'écoliers aux prix impossibles. Et pendant ce temps-là, 'les autres', ils se sucent, ils ont de belles voitures, de belles villas, qui voyagent, qui ont le pouvoir et l'argent. 'Les jeunes ne se sont pas trompés', entend-on. 'Ils ont détruit les grosses compagnies, les marchés d'Etat et tout ce qui représentait l'Etat, comme les voitures officielles à plaques rouges que l'on arrêtaient et que l'on brûlait en laissant passer les autres...'

La crise semble avoir pris de l'ampleur au début de l'été. Après s'être exprimées sous le manteau, les revendications ont pris de l'ampleur à la rentrée. L'UGTA, le syndicat officiel qui ne manquait jamais une occasion de donner son appui au pouvoir, s'est même mis de la partie en soutenant publiquement 'les revendications des travailleurs' et 'la lutte contre la vie chère'. L'un des organes du FLN, le journal *Révolution africaine* a, quant à lui, exprimé ses critiques à l'égard du gouvernement. Les ouvriers se sont mis en grève aux quatre coins de l'Algérie et ont trouvé un soutien dans la personne même du président Chadli qui a invité, il y a quelques semaines, ses concitoyens à faire respecter leurs droits.

Le mouvement de revendications a été renforcé partout, on déclarait : 'On se met en grève puisque le Président nous l'a dit.' Le mot d'ordre, venu l'on ne sait d'où, appelait même à une grève générale pour le 15 octobre.

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*Historical Perspective*

Mercredi dernier, les premiers incidents éclataient à Bab-el-Oued avant de se propager le lendemain dans la plupart des quartiers d'Alger, puis en province à Oran, Mostaganem, Tiaret, Annaba.

Dans un premier temps les forces de l'ordre n'ont pas réagi, puis très vite, on a fermé les lycées, instauré le couvre-feu et commencé à donner l'ordre de tirer sur tous ceux qui avaient la mauvaise idée de se rassembler. La presse officielle de son côté, tente de minimiser les incidents, en affirmant qu'ils sont le fait de délinquants et accuse on ne sait quel ennemi externe ou interne, qui tenterait par ses agissements souterrains de manipuler les jeunes et de déstabiliser le pays. Langue de bois qui ne trompe personne, à commencer par ceux-là même qui voient d'un mauvais œil les manifestations et que l'avenir inquiète de plus en plus : 'Le président Chadli est toujours au pouvoir, c'est l'armée qui maintenant s'occupe de tout. Ce n'est pas un coup d'Etat, mais c'est tout comme...' Tout le monde est également convaincu de l'incapacité du pouvoir à résoudre la crise : 'Ils paniquent et ne savent pas quoi faire...' Même chose pour les jeunes appelés venus de province qui sont chargés du maintien de l'ordre. Ils stationnent près de leurs chars et deviennent de plus en plus nerveux avec la tombée de la nuit. Parfois ils tirent sans raison, tuant ou blessant un même qui pourrait être leur frère. Samedi soir dans le centre ville, un jeune militaire en permission a été tué alors qu'il sortait de la mosquée. Ce genre d'anecdote tragique se répète aux quatre coins de la ville et il est certain que plus de 200 personnes ont déjà été tuées depuis le début des événements. Chaque mort entraîne des protestations, des manifestations et une partie des militants intégristes se sont maintenant joints au mouvement en exploitant à plaisir chaque 'martyr'.

Samedi des manifestants ont attendu la nuit pour commencer à harceler les forces de l'ordre. Les incidents ont débuté vers 10 heures, peu après le couvre-feu, dans les quartiers bordant la rue Didouche Mourad. Les jeunes lançaient des pierres sur les policiers ou les militaires, faisaient brûler de petits barrages et s'enfuyaient par les ruelles. Paniqués, les soldats tentaient de les poursuivre et tiraient dès qu'ils apercevaient un groupe, une silhouette. Au-dessus, des familles entières contemplaient les incidents de leurs balcons, au risque d'être touchées par une balle perdue ce qui est déjà arrivé à plusieurs reprises. Partout, ce sont les mêmes cris : 'Chadli assassin', 'Etat assassin', 'On n'a pas besoin de poivre noir', (slogan qui exprime la volonté des jeunes d'avoir le minimum pour vivre et non pas le luxe). Partout les mêmes explications : 'On en a marre, on veut que ça change, ce régime est pourri...' Mais des voisins plus calmes s'interrogeaient, tout en reconnaissant le bien-fondé des revendications, et des jeunes leur demandaient : 'D'accord on veut bien faire quelque chose, mais dites-nous quoi...' A la télévision le ministre de l'Intérieur, Elhadi Lekhdiri, intervenait tout pâle : 'Il faut se calmer. On ne comprend pas ce que veulent les jeunes, moi je ne comprends pas et vous, vous comprenez ?'

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Dimanche, Alger se réveillait avec de nouvelles blessures. De nouveaux morts.

Dans le centre, à la morgue de l'hôpital Mustapha, une petite foule assistait au transfert de certains corps vers des hôpitaux plus discrets. Le silence d'abord, puis des cris à la sortie d'un corps : 'Allah akbar' (Dieu est grand). Les infirmiers paniquent. Croient à une manifestation. Une dispute éclate : 'Foutez-nous la paix, on n'est pas des intégristes. On vient juste saluer notre frère. Il est algérien. Il est musulman. C'est tout.'

Plus loin, à gauche et à droite vers d'éventuels policiers en civil, un ami du mort explique : 'Je suis fier d'être algérien. Fier de notre Révolution. Fier de notre politique extérieure. Et il faut dire, à l'intérieur du pays cela ne va pas. C'est une dictature. Pas une vraie dictature comme au Chili, mais une dictature hypocrite dirigée par des incapables. On en a ras le bol de ce régime qui n'est même pas foutu de faire vivre le pays, marre de ces profiteurs qui nous laissent crever de faim et d'ennuis...' Va-t-il continuer à manifester ? N'a-t-il pas peur des balles militaires ou de la mort ? 'Inch allah si on doit mourir on mourra. Tous ensemble comme des frères. On n'a rien à perdre...'

**Nouveau massacre à Alger**

Source: Philippe Mudry, *L'Evenement*, 11 octobre 1988.

Alger a replongé hier dans le drame. Alors que la situation paraissait se normaliser, de l'avis même des observateurs étrangers, l'armée a tiré sur une manifestation, faisant des dizaines de morts et de blessés. Il était encore impossible hier, en fin d'après-midi, de se faire une idée exacte du bilan, mais il est déjà certain qu'à quelques heures du discours à la nation que devait prononcer hier soir à 20 heures le président Chadli, l'armée a creusé un fossé irrémédiable entre le pouvoir et la population

13 h 30 place Belcourt. Des milliers de personnes ont répondu au mot d'ordre de prière commune, à la mémoire des personnes tuées lors des émeutes de ces derniers jours. La foule est particulièrement outrée par le fait que les autorités refusent de rendre les corps aux familles. La foule, qui grossit sans cesse, entonne des chants patriotiques et hisse une djellaba maculée de sang. Peut d'enfants, cette fois: la rue appartient au monde adulte.

Le cortège, qui compte désormais une vingtaine de milliers de personnes, se met en branle vers Bab el-Oued, où habitent un grand nombre des manifestants. Carrefour Belouizdad, premier accrochage: une rafale de sommation éclate. La foule est prise d'un mouvement de panique vite contrôlé. Elle reprend sa marche, silencieuse et seulement scandée de battement de mains, en direction de l'assemblée nationale.

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*Historical Perspective*

De là, les manifestants, qui recueillaient des signes de soutien très nets de la population massée sur les balcons, se sont avancés vers la place des Martyrs. Là, comme depuis l'instauration de l'état de siège, un dispositif militaire impressionnant les attend. Plusieurs blindés sont présents, entourés d'environ deux cents fantassins, parmi lesquels des bérets verts, appelés de Bechar. Bab el-Oued est à quelques dizaines de mètres, de l'autre côté du carrefour, de l'autre côté du blockhaus de la direction générale de la sécurité nationale (DGSN), sinistre masse de béton gris posée à flanc de mer, cernée par une nuée des soldats. Ironie du sort: la place voisine du lieu du drame se nomme Abd-el-Kader, du nom du fameux combattant, premier héros de la lutte pour l'indépendance algérienne.

### Au passage des hélicoptères

La foule est bloquée à l'entrée de Bab el-Oued, au pied de la Casbah d'où est descendu une nuée de curieux.

La tension monte rapidement. De la foule silencieuse s'élèvent des 'Allah Akbar' de plus en plus puissants. Les balcons sont une nouvelles fois noirs de monde. La mer est devant, splendide.

Soudain un coup de feu, puis une rafale. La panique est totale, la plupart des gens se jettent à terre, des femmes pleurent. L'une d'elles ne parvient pas à savoir où se trouve son enfant. D'autres, plus lestes, se sont mis à couvert et courent à toute jambes vers la place des Martyrs toutes proche, où l'armée n'a pas tiré. Des dizaines de corps sont étendus. Sont-ils morts, mourants, seulement blessés? Ils seront emportés avec une célérité extraordinaire.

Vingt minutes après, il y paraît à peine. A 15 h 30, tout est fini. Mais les rues, les places, les balcons sont encore noirs de monde. Il semble que toute la ville se soit donné rendez-vous ici, à quelques mètres à peine des soldats qui sont toujours là, le doigt dur la détente. Soudain, une rafale puis une deuxième, de l'autre côté d'un pâté de maisons, vers le front de mer. Tout le monde s'égaille. Des cris: 'Ce n'est rien, ce n'est rien, ce n'est pas pour nous.' Et chacun revient se tenir au milieu de la rue. Incroyable spectacle d'une ville qui préférerait mourir sur place plutôt que de manquer un événement. Les hélicoptères, qui ne quittent pas le quartier, n'effrayent personne. On les surveille du coin de l'œil, sans plus.

### 'Qu'ils nous tuent ici!'

De l'autre côté du barrage dans Bab el-Oued, la circulation n'a pas été interrompue. Les voitures, les passants entrent et sortent sans filtrage, comme c'était encore le cas il y a deux jours. Dans ce quartier insurgé depuis le premier jour, le mardi soir, une foule énorme se presse dans les rues. Chacun a vu, bien sûr, et entendu. Ils sont tous là eux aussi: hommes, femmes, en-

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fants, vieillards, qui se pressent sur les trottoirs, à quelques mètres des soldats qui quelques minutes plus tôt ont ouvert le feu. La même scène pourrait évidemment se reproduire. Nul ne paraît s'en soucier.

Cette fois, la prudence n'est plus de rigueur. Les visages, d'ordinaire fermés à l'approche des journalistes, s'ouvrent.

Vous avez vu, on ne faisait rien de mal. Il n'y avait rien. Et puis ils ont tiré de sang-froid. Rentrer chez nous? Pourquoi faire? De toutes façon, s'il doivent tous nous tuer, qu'ils nous tuent ici.

Un groupe de jeunes, apparemment inconscients, se sont postés juste au coin de la place Abd-el-Kader.

Ne dites pas que les événements d'Alger sont le fait des enfants. Ce n'est pas vrai. Vous avez vu, la manifestation était une manifestation d'adultes.

Une manifestation d'intégristes? Mais non, bien sûr qu'elle a démarré à l'occasion d'une prière. Mais cela ne signifiait pas pour autant qu'elle soit l'œuvre des intégristes. Les gens étaient là pour prier leur morts. C'est tout, et aussi pour réclamer un peu de dignité, de défense, des conditions de vie humaines. Nous ne sommes pas des chiens. Nous voulons vivre libres.

## Des changements radicaux

Tous parlent en même temps. Les badauds s'approchent en nombre. 'Partez, la police est partout. Nous avons peur'. Un peu plus loin, Place des Martyrs. Un étudiant, Mohammed, commente: 'Même en Pologne, pendant l'état de siège, ils n'ont pas tiré comme ça. Ce qui vient de se passer est un point de non-retour.'

Un autre: 'Beaucoup réclament maintenant une république islamique. C'est simplement parce qu'ils veulent que les principes les plus simples, les plus humains, consignés noir sur blanc dans le Coran soient enfin respectés. Ne croyez pas que les islamistes contrôlent la révolte. Ils courent derrière. Ils ne l'ont pas plus vu venir que les autres.' 'La religion', ajoute Mohammed, 'les gens n'ont plus que ça.'

La coupure entre l'armée, et le pouvoir d'une façon générale, s'est à ce point approfondie que des craquements de plus en plus évidents se sont manifestés. C'est sans nul doute la première fois dans l'histoire de l'Algérie moderne que des hauts responsables algériens ont rencontré hier soir des journalistes pour leur confier leur désarroi.

L'un deux, qui parlait sous condition d'anonymat total, a indiqué à un journaliste que la fusillade de Bab el-Oued changeait totalement les données du problème. Pour lui, il faut que des changements radicaux soient annoncés très vite en Algérie sur le plan politique et institutionnel.

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*Historical Perspective*

Autre nouveauté, absolument impensable il y a encore quelques mois: un groupe, de journalistes, affirmant parler au nom des journalistes d'Alger, ont rédigé une motion condamnant le recours à la violence, affirmant qu'il leur était 'interdit d'informer objectivement des faits et des violences qu'ont connus le pays', appelant à la libération de tout les prisonniers, à la levée 'immédiate' de l'état de siège, et exigeant 'l'établissement des libertés démocratiques dans leur totalité'.

Tout Alger attendait, hier en début de soirée, le discours à la nation que le président Chadli devait prononcer à 20 heures. Que dire après une telle tragédie qui a dû le prendre complètement de court? L'opinion commune était qu'il ne pourrait en aucun cas annoncer des initiatives à la mesure des attentes de la population. Hier, vers 18 heures, on apprenait que le président avait conversé avec trois importants imams, dont celui de Belcourt et celui de Bli-da, capitale de la Mitidja. La nouvelle n'avait pas encore été confirmée, à quelques minutes de son discours, mais il est certain que l'issue se trouve désormais dans des contacts directs entre le pouvoir et les autorités religieuses. Si il y a une issue. Massée autour des postes de Radio et de télévision, toute la population d'Algérie attendait fiévreusement de savoir si, oui ou non, le pays allait basculer dans la guerre civile.

### **Des villes dans la peur**

Source: Pierre Branche, *L'Événement*, 11 octobre 1988.

Pour un peu, on jugerait que le couvre-feu est intégral tant les rues du centre semblent désertes. A trois heures de l'après-midi, d'ordinaire, le centre de Mostaganem grouille de promeneurs, de chalands. Et la circulation n'a rien à envier à celle d'Alger qui est un inextricable et permanent cafouillis.

Dans cette ville moyenne de l'Oranie, forte de 250 000 habitants, les véhicules, aujourd'hui, sont plutôt du genre blindé et kaki. Comme ces camions aux plates-formes chargées de soldats qui roulent lentement le long des grandes artères. Comme ce char lourd, tapi sous un tamari, à l'angle de la wilaya (la préfecture) en haut de l'avenue Bendehiba Benaïed, que les citadins, même les enfants nés après l'indépendance, continuent imperturbablement d'appeler l'avenue du 1<sup>er</sup> de Ligne.

Les sentinelles casquées, campées sur leurs rangers, pointant droit devant elles leur kalachnikov ou leur fusil automatique, scrutent ceux qui pénètrent dans les bâtiments officiels. D'autres escouades montent la garde devant la poste, les délégations locales des ministères. On n'a pas oublié, bien sûr, le commissariat et la gendarmerie. En bas derrière le port, où des renforts de

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police contrôlent les accès, des parachutistes bouclent le dépôt central de carburants.

### Des émeutiers sélectifs

C'est que les émeutiers de l'autre nuit s'en sont pris aussi à deux stations-service, arrachant les pompes comme on déracine un arbre. Et, hier matin encore, les postes épargnés étaient à sec. Dans l'après-midi, heureusement, les camions citernes ont recommencé à livrer et les automobilistes se sont rués pour faire le plein.

Des émeutiers pourtant très sélectifs, qui n'ont pas touché à un seul magasin privé, pas un seul café, mais qui ont déchargé leur violence sur les enseignes de l'Etat. Détruit et pillé, l'Office nationale alimentaire ONACO. Privé de leurs vitrines, l'agence d'Air Algérie, l'Office nationale du tourisme ainsi qu'une permanence locale du FLN, le parti unique et officiel. Mis à sac les deux magasins publics d'alimentation à prix pilotes. 'Mais comme les rayons sont pratiquement vides, ça n'a été ni long ni difficile', remarque, narquois, un vieux Mostaganemois.

Il ajoute:

Quelle folie d'imaginer que cela pourrait durer comme ça, sans qu'il y est une explosion de colère de la part des jeunes et de tous ces chômeurs qui traînent à longueur de journée dans les rues. Qui retournent leurs fonds de poche pour dénicher le petit dinar qui leur permettra de s'installer à la table du café où ils vont palabrer durant des heures pour dénoncer tous les affairistes, le marché noir, la pénurie et l'insolence de tous ces princes et parvenus du régime qui se pavanent dans de belles villas, roulent dans de belles voitures, se coulent une vie douce de l'autre côté de la Méditerranée. Ne vous y trompez pas, ce ras-le-bol c'est contre le gouvernement qu'il est dirigé. Et il faudra qu'il soit rudement habile, ce soir, à la télévision, le président Chadli, pour désamorcer cette révolte qu'il n'arrive pas ou qu'il n'ose pas réduire par la force.

D'ailleurs on dirait que les autorités, dans l'incapacité de faire front partout, face à la multiplication des foyers d'insurrection, ont choisi de contrôler les grandes agglomérations en faisant une relative impasse sur les petites bourgades. Cela était assez sensible en parcourant, lundi, la route qui va d'Alger à Mostaganem. Tout de suite après avoir quitté la capitale, qui regorge de troupes prêtes à tirer, il était assez déconcertant de ne plus croiser un seul uniforme, un seul fusil. Pourtant, cela a chauffé dure, à Khemis Miliana, à l'entrée de la plaine de Chélif où les entrepôts, le magasin public, bien sûr, et même des voitures de pompier, ne sont plus que des carcasses noircâtres. De même qu'à Aïn Defla, l'ex-Duperré.

'Ils ont été drôlement culottés', raconte un adolescent de Chlef qu'on imagine aisément parmi ces émeutiers tant il en parle avec fierté. 'Oui, ils ont descendu de son mât un drapeau algérien et, à la place, ils ont hissé un sac de

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*Historical Perspective*

semoule! Quel symbole explicite des causes de la révolte. Parce que, ce nourrir, ici, c'est supporter tout à la fois la pénurie et la cherté.

### **Des chiffres effrayants**

Chlef, c'est cette ville qui s'appelait jadis Orléansville, meurtrie par le premier tremblement de terre, en septembre 1954. Rebaptisée El Asnam, elle fut détruite à 80 % par un second séisme le 10 octobre 1980 qui causa la mort de 25 000 personnes et fit 300 000 sinistrés.

Pour conjurer cette malédiction, on change encore son état-civil. Mais, huit ans jour pour jour après ce cataclysme, en parcourant lentement les artères de cette cité martyre, on ne sait plus très bien, de toutes ses blessures, celles qui sont anciennes ou celles qui sont fraîches. Pourtant c'est bien là, l'autre nuit, qu'on a brûlé le palais de justice, la mairie, la banque d'Etat et que l'on a à moitié ravagé la wilaya... Cependant, Chlef est, du moins semble-t-il, ignorée par les forces de l'ordre et confiée à la seule garde de sa police et de ses habitants

Combien y a-t-il eu de victimes? Les autorités se confinent dans le mutisme. Mais, de bouche à oreille, on chuchote des chiffres effrayants. Par exemple, trente morts rien qu'à Chlef, et du côté des manifestations. A Mostaganem, on parle avec insistance de deux cent cinquante victimes. Si tout cela se vérifie un jour, on parviendra à des totaux sans commune mesure avec le bilan provisoire et officieux de cent soixante-dix tués qu'Alger ne dément pas.

A quelques heures du discours du président Chadli, Mostaganem, frileuse, se recroqueville dans sa peur. La plupart des magasins ont gardé leur rideau baissé. Même les intégristes n'arrivent pas à faire sortir les gens de chez eux. Ils avaient lancé un appel : 'Rendez-vous pour une manifestation pacifique à la sortie de la prière de 13 h 30.' Mais sur l'ancienne place de la République, rebaptisée place du *1<sup>er</sup> novembre 1954*, les fidèles n'étaient qu'une poignée à répondre à l'appel du muezzin, psalmodiant du haut du minaret.

### **La torture systématique lors des émeutes d'octobre**

Source: Frédéric Fritscher, *Le Monde*, 18 Novembre 1988.

Report from Algiers.

La Ligue algérienne des droits de l'homme (LADH), présidée par Me Miloud Brahim, a rendu publics, mercredi 16 novembre 1988, au cours d'une conférence de presse à laquelle assistait l'avocat français Me Jacques Vergès,

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les rapports de ses commissions d'enquêtes sur 'les atteintes aux droits de l'homme' et 'les dérives et carences de l'information', liées aux émeutes meurtrières du mois d'octobre dernier. La Ligue, à partir de deux cent vingt-huit témoignages recueillis, a brossé un tableau accablant. Sans publier aucun bilan chiffré, elle estime cependant 'en dessous de la réalité' le chiffre officiel de 161 morts donné par le ministère de l'intérieur.

Selon le président du comité Ouest de la ligue, un avocat oranais, Me Mahi Gouadni, les arrestations ont été opérées dans 'l'illégalité la plus flagrante' et 'l'arbitraire le plus absolu', souvent en dehors des heures légales, par des personnes qui ne déclinaient jamais leur identité ni leur qualité mais qui étaient parfois accompagnées de 'civils', notamment de commerçants, victimes de pillages, qui ont été reconnus. Plusieurs personnes ont été appréhendées, à titre préventif, en raison de leurs opinions, avant même le début des émeutes.

Les arrestations comme les perquisitions, au cours desquelles des passeports et des travaux d'universitaires ont été saisis, ont été faites sans mandat de justice. Les proches des personnes arrêtées ont été malmenés chaque fois qu'ils tentaient de s'interposer ou de demander des explications. La LADH souligne que des responsables de la sécurité n'ont pas hésité à profiter des événements pour régler leurs comptes, 'cette attitude grave et irresponsable s'est manifestée jusqu'aux derniers jours d'octobre, à Tiaret (ouest) où onze morts sont à déplorer.' Me Gouadni a précisé que le responsable de la sécurité à Tiaret avait été relevé récemment de ses fonctions, ce qu'il interprète comme une 'volonté de sanctionner.'

Les personnes arrêtées ont été 'rassemblées dans des stades et à Oran dans les arènes où elles ont été triées', avant d'être dirigées sur des lieux de détention 'inappropriés', comme des casernes et des camps militaires, ou dans des endroits 'non identifiés, dont tout le monde parle et qui relèvent de certains services', a indiqué Me Gouadni. 'Dans de telles conditions,' souligne le rapport, 'des blessés n'ont pas reçu les soins nécessaires à leur état', notamment à Hadjout (ouest) où 'cinq blessés par balles n'ont été hospitalisés que douze jours plus tard.' 'Il n'y a pas de mots suffisants pour dénoncer ce qui été fait,' a déclaré Me Gouadni à propos de la torture qui a été pratiquée de façon systématique par les différents services d'ordre aussi bien civils que militaires. 'La lecture de certains témoignages est insoutenable,' a révélé l'avocat oranais, qui a confirmé qu'en divers endroits des séances de torture s'étaient déroulées en présence des autorités civiles, et notamment du chef de daira (sous préfet) de Boufarik (entre Alger et Blida).

Dans une longue et édifiante énumération, la Ligue retient des témoignages l'utilisation des méthodes de torture suivantes :

Châtiments corporels ; matraquages par instruments contondants ; coups et blessures par armes blanches ; personnes contraintes à se dévêtir et de ramper nues sur un

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sol jonché de graviers et de tessons de bouteilles (au camp militaire de Sidi-Ferruch, près d'Alger) ; supplices de la baignoire et de la 'gégéne', avec application des électrodes sur toutes les parties du corps ; violences sexuelles ; sodomisation par instruments tels que bouteilles ou manches de pioche (gendarmerie de Boufarik) ; brûlures de cigarettes (Boufarik) ; administration forcée de liquides et de produits nocifs divers, d'urines et d'eaux usées.

Me Gouadni a également confirmé que des médecins et du personnel paramédical avaient assisté les tortionnaires, à différents endroits.

'Il y a eu des morts violentes, dans la rue, sur les balcons, dans les maisons,' a ajouté Me Gouadni, précisant que, selon certains témoignages, on a tiré 'avec la volonté délibérée de tuer, à El Harrach, Belfort, Bouzaréah, Chéraga (près d'Alger), Blida et Sidi-Lakhdar, Ain-Defla.' La Ligue note que 'les constatations de différents médecins font ressortir l'utilisation de balles explosives.'

La LADH signale également une douzaine de disparitions à Alger. Il s'agit 'de personnes enlevées au moment des émeutes qui n'ont toujours pas reparu,' a indiqué Me Gouadni qui a dit avoir poussé les recherches jusque dans les services d'état civil des mairies, sans résultat. Selon lui, l'institution judiciaire n'a pas 'échappé au vide institutionnel.' Elle s'est caractérisée 'par un état de non-droit pendant au moins quarante-huit heures,' peut-on lire dans le rapport de la Ligue qui cite les tribunaux de Ain Defla et de Rouiba où des 'jugements quasi clandestins' ont été rendus 'de nuit, dans le cadre d'un huit clos de fait.' La ligue remarque que 'vingt-sept personnes déférées devant le tribunal militaire de Blida demeurent toujours incarcérées,' en dépit des strictes instructions présidentielles demandant l'élargissement des personnes arrêtées au moment des émeutes.

En conclusion de son rapport, la Ligue réclame 'la création d'une commission nationale d'enquête.' Elle exige 'la publication de la liste nominative exacte et complète des personnes blessées, tuées et disparues.' Elle demande que les responsables soient poursuivis, et souhaite la création d'une 'inspection générale des services' qui permette le contrôle de la police et de la sécurité militaire. Elle annonce aussi qu'elle se constituera 'partie civile dans toutes les procédures susceptibles d'être engagées.'

Dans son autre rapport d'enquête, la Ligue constate que 'la désinformation qui fut de règle dans la presse algérienne', durant les événements d'octobre, a pour causes 'les entraves que rencontrent les journalistes dans l'exercice de leurs fonctions depuis 1962 : humiliations, répressions professionnelle et policière, listes noires, fichage, interdits d'écrire, mutations arbitraires, falsifications, délation juridiquement organisée, dénaturation d'intention d'écrits et censure systématique.'

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Octobre 1988. Cimetière El-Alia, Alger.

Une soixantaine de tombes où viennent d'être inhumées des victimes du massacre de l'armée.

About Sixty victims of the army massacres have just been buried.

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## **VI. Legal Perspective**

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## Introduction

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The right to live is claimed at birth. It is a right upon which the realisation of all other rights depends. The negation of life through massacres is a crime calling for retribution. It may be argued that without punishment this basic value which ensures the survival of mankind is threatened. This belief is an implicit premise in the three papers of this legal perspective on the massacres by the jurist Ibrahim Taha.

The paper entitled *L'indifférence du droit Algérien aux massacres* investigates whether the massacre is a recognised crime, with a special status or otherwise, in Algeria's internal law. The paper examines all the articles of the Algerian *code pénal* that deal directly or indirectly with the crime of massacre. The author argues that the *code pénal* recognises massacre only as a crime against the security of the state (articles 77, 78, 84 and 85) or as an isolated, incidental and non-politically motivated crime against persons (article 254). The paper asserts that Algeria's internal criminal law does not provide for the recognition, prosecution and punishment of the current massacres which, he claims, are part of a deliberate and systematic policy pursued by the state. As explanation for this state of affairs, the paper suggests that Algeria's criminal law is geared toward protecting the regime and not society because most of it is inherited from French colonial criminal law whose chief concern was to repress Algeria's nationalist movement. Taha points out that Algerian internal law does, however, accept international criminal and human rights law as binding.

The paper entitled *Qualification juridique internationale des massacres* collects evidence and marshalls a series of arguments to demonstrate that the massacres taking place in Algeria embody concurrently the material and intentional elements constitutive of war crimes, crime against humanity and genocide, as defined in international criminal law.

*Poursuite pénale des criminels*, the last paper, deals with the issues of investigation, prosecution and punishment of those responsible for the massacres. This work is divided into two parts. First Taha examines the nature of the various categories of litigants involved and the options for initiating judicial proceedings against the suspects. The second part deals with the national and international jurisdictions that may be competent to investigate, prosecute and punish those responsible for the massacres. The author concludes by stating that justice, peace and reconciliation are objectives that can be simultaneously realised by 'respecting the rule of law, the only guarantee for the permanence of society and the viability of the state'.

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It is however debatable whether holding those responsible for massive human rights violations accountable is desirable or achievable given the current political context.

Sceptics have criticised the programme of seeking justice and reconciliation as a contradiction in terms arising from a vindictive legalism that is naive about political realities. Prosecutions are argued to be intrinsically destabilising to any progress towards peace and reconciliation, as they increase the probability of military coups and weaken the consolidation of transitional processes. Since prosecutions are bound to be selective, because not all human rights violations can realistically be addressed, any such programme would necessarily be discriminative. Furthermore opponents of prosecutions assert that the prevention of ongoing and future violations is far more important than concern for past ones, which they regard as undermining reconciliation.

Truth commissions have been advocated as a better alternative for reconciliation, in Chile, El Salvador and South Africa for instance. Truth telling without prosecutions has been said to promote reconciliation in that it is i) a compromise often acceptable to state criminals and ii) it has the power to heal the wounds of the victims whose loss and suffering is officially listened to, acknowledged and respected in the process.

Critics<sup>A</sup> contend, however, that provided truth and justice are not *a priori* construed as mutually exclusive, creative formulas can be found to meet the obligations of both. The argument of stability is rejected on the grounds that holding perpetrators of massive human rights violations accountable would achieve a lasting peace as opposed to only a lull in the conflict that would result otherwise. Truth telling is deemed as selective as justice seeking but the discrimination can be dealt with by establishing criteria of selectivity based on gradations of culpability and other transparent rules. Prosecutions are also argued to disaggregate collective responsibility and individual guilt, hence clearing innocent citizens collectively blamed for atrocities committed on other groups of the population. Furthermore many other critics have pointed that truth commissions in Latin America have brought about false reconciliation with the past, and within societies, because the power of the military and police are still intact, wherever the experiments were tried, and no substantial change in behaviour or institutions has followed.

It remains that Taha has opened a substantive debate about the issue of accountability for the massacres in Algeria. Only time can tell how it may develop.

<sup>A</sup> J. E. Méndez, 'Accountability for Past Abuses', *Human Rights Quarterly*, Vol. 19 (1997) pp. 255-282.

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## L'INDIFFERENCE DU DROIT ALGERIEN AUX MASSACRES

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*I. Taba*

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*Nous vivons dans un monde où l'on encourt un châtement lorsqu'on tue son prochain alors qu'on peut tuer des centaines de personnes en toute impunité.*

Extrait de la déclaration de Monsieur Kofi Annan, Secrétaire Général. de l'ONU, faite le 17 mars 1998, devant la commission des droits de l'homme des Nations Unies à Genève.

## 1. Introduction

Depuis sept ans, une violence à formes multiples frappe la population civile en Algérie, allant de la privation de liberté aux meurtres collectifs, où personne n'est épargné en raison de son âge ou de son sexe. Les massacres sont d'une ampleur et d'une atrocité inégalées, au point où il ne suffit plus de s'apitoyer ou de s'indigner, mais de mettre en question le droit.

Le terme massacre est emprunté au langage commun, d'où la difficulté d'une définition juridique rigoureuse. Pourtant, le droit en général, de tout temps, prévoit et punit les atteintes à la vie, et plus généralement à l'intégrité physique et morale de la personne humaine. On devrait normalement s'étonner que des crimes aussi horribles soient commis publiquement, dans l'indifférence totale des procureurs, qui, selon la loi, sont détenteurs du code pénal et gardiens de sa stricte application. On devrait davantage s'étonner de l'absence de l'Etat de droit, formellement prévu par les textes fondateurs du pays. Le pouvoir se contente d'imputer les massacres au « terrorisme » et ferme ses frontières, aussi bien à des enquêteurs indépendants, qu'au droit international officiellement ratifié.

Sans doute l'image de la crise algérienne, donnée par les médias algériens et étrangers, participe à sa banalisation ; image réductrice et simplifiée, jouant sur l'émotionnel en occultant son caractère illégal. Les massacres commis en Algérie n'ont, à notre connaissance, suscité aucun débat ni recherche proprement juridiques. Nous nous proposons d'ouvrir ce débat.

Après avoir cerné la notion de massacre, nous tenterons de l'examiner au travers des règles du droit national interne. Cette contribution exploratoire a la modeste ambition de faire un premier pas, en tentant de nommer juridiquement, sur la base du droit interne algérien, les faits constitutifs du phénomène des massacres de personnes humaines. Elle vise, part ailleurs, à faire prendre conscience de la nécessité d'une analyse plus systématique, notamment à travers le droit positif applicable, qu'il soit interne ou international.

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Si la notion d'évocation de massacre ne signifiait que les tueries ou meurtres en série, cette interprétation restrictive risquerait d'occulter des violences multiples, qui participent de cette entreprise de destruction systématique suggérée par le terme massacre, comme exemple les assassinats ciblés, ou les exécutions sommaires ou extrajudiciaires, commis à grande échelle. Elle exclut également les déportations massives de dizaines de milliers de personnes au Sahara dès avant la proclamation de l'état de siège en février 1992, les jugements prononcés sans aucune garantie par les juridictions militaires ou les juridictions d'exception, ou encore les tortures, mutilations et autres atteintes graves à l'intégrité physique. Ces violences, qui aboutissent à la destruction physique ou mentale de milliers de personnes, participent du massacre. Ces violences massives font partie de la stratégie de massacre et devraient, naturellement, y trouver leur place. Nous considérons qu'elles rentrent dans la définition du terme massacre, dès lors qu'elles sont commises en série, et se répètent dans le temps et l'espace. Cependant, même si on peut légitimement penser que ces violations systématiques rentrent dans ce que recouvre la notion de massacre, cette interprétation extensive risque de nous faire dépasser les limites imposées à notre article.

Malgré l'élasticité de la notion, c'est volontairement que nous adopterons une définition plutôt restrictive, certes fort discutable, mais qui aura l'avantage de permettre de nous en tenir aux exigences de la qualification juridique. Ce faisant, nous n'évoquerons pas l'ensemble des massacres, mais seulement ce qui est strictement nécessaire pour appuyer notre argumentation. D'autres études pourraient entreprendre de les sérier en les quantifiant, d'élargir le champ d'investigation à toutes les formes de violences commises en Algérie, en considérant le terme massacre à travers le prisme d'autres disciplines sociales.

Nous retiendrons, comme faisant partie des massacres, les tueries collectives de la population civile, les tortures mais seulement au sens d'atteintes *graves* à l'intégrité physique, ou comme mesures visant à entraver les naissances, enfin les disparitions forcées massives, et les meurtres ou exécutions extrajudiciaires commis en série, et à grande échelle.

Que faire pour que les crimes les plus haineux du conflit algérien ne demeurent pas impunis ? Le premier pas consiste, selon nous, à interroger le droit algérien *local*. Par local nous entendons le droit algérien au sens commun, à l'exclusion des règles du droit international conventionnel, reçues par le système juridique algérien, et donc potentiellement applicables en Algérie, car faisant partie intégrante du droit national, mais qui, de fait, ne le sont pas. Cet article propose donc d'examiner la réponse du droit algérien, stricto sensu, aux seuls massacres que nous avons retenus. Plus précisément, il a pour objet de tenter une qualification au regard du droit algérien, c'est-à-dire de nommer juridiquement les massacres perpétrés en Algérie.

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Il s'agit de rechercher, dans les dispositions législatives pénales algériennes, le nom des crimes pouvant qualifier ces massacres. Par suite, cette recherche explorera les raisons de l'inefficacité pratique, en droit interne, du droit international. Cette recherche s'appuiera sur le droit international public, qui est la partie du droit national qui organise la réception du droit international sur le territoire.

Quelles sont les thèses que nous allons défendre dans cet article, et comment ?

D'abord, nous établirons que le droit interne algérien est impuissant à qualifier ces massacres en dehors des infractions de droit commun. La société n'est pas protégée des crimes les plus graves qui pourraient être commis par les gouvernants ou par les agents de l'Etat. Ce système n'est pas en adéquation avec les engagements internationaux du pays. Par contre, de nombreuses dispositions du droit interne sont consacrées à la répression des atteintes à la sûreté de l'Etat. C'est ainsi que les tueries, les violences multiples et barbares et les atteintes à la liberté continuent dans l'impunité et le silence du droit national.

Ensuite, nous constaterons que même si le droit algérien prévoit la réception du droit international pénal dans son système juridique, et alors qu'il devrait être potentiellement applicable, il a eu peu de retentissement dans le droit interne. Pourtant, les dispositions du droit international tirent leur force d'abord de leur origine conventionnelle, l'Algérie ayant adhéré à plusieurs conventions et pactes internationaux portant sur ces droits. D'autre part, ces dispositions, par leur nature, en tant que normes devenues partie intégrante du droit coutumier international universel, sont des normes du droit des gens, dites de *jus cogens*, s'imposant même en l'absence de leur ratification par les Etats. L'inefficacité, en Algérie, du droit international pénal résulte de la résistance de l'autorité politique. Celle-ci s'est bien gardée d'intégrer ses dispositions au droit interne par des mesures législatives adéquates. Le pouvoir algérien soulève, à côté du prétexte de la souveraineté, celui des circonstances exceptionnelles vécues par l'Algérie, pour s'opposer à l'application de bonne foi du droit international et à son respect. Nous discuterons ces prétextes pour les réfuter. La responsabilité pénale internationale est, en effet, une conquête du droit international pénal sur le silence et la complaisance des droits nationaux, au sujet de questions qui préoccupent la conscience universelle.

Nous entreprendrons, dans un premier chapitre, de qualifier les massacres commis en Algérie. Nous exposerons le contexte algérien qui a donné naissance ou qui a précédé ou accompagné ces massacres. Ceux-ci seront évoqués et situés dans le temps et l'espace, dans l'objectif d'établir qu'ils ont touché la totalité du territoire algérien. Trois formes particulières de massacres seront classées, plus spécialement, dans un ordre qui démontre qu'elles sont le fait de l'ensemble des services de sécurité de l'Etat. Les massacres qui

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seront évoqués ne représentent qu'un échantillon du quotidien sanglant des algériens. Après cet exposé du « fait » massacre, nous tenterons de démontrer l'inaptitude du droit interne à le qualifier juridiquement. Nous exposerons les séries de textes du code pénal et les discuterons, pour aboutir au constat de l'incapacité du droit algérien, tel qu'il existe aujourd'hui, de qualifier et punir ces massacres, en dehors de l'usage politicien, partisan et restrictif du droit.

Au deuxième et dernier chapitre nous montrerons, que *de jure*, le droit algérien prévoit la réception du droit international pénal par son système national. Mais *de facto*, le droit international pénal ne trouve pas d'application, en raison, d'abord, de la paresse de l'Université algérienne, déconnectée des préoccupations légitimes de la société, ensuite, et principalement, d'une volonté politique qui traduit l'inertie du législateur, qui n'a pris aucune des mesures obligatoires pour le rendre applicable, enfin, par lâcheté du juge. Sommé de répondre, le pouvoir excipe principalement de deux arguments pour refuser l'application du droit international : la souveraineté nationale, qui s'opposerait à toute ingérence, et les circonstances exceptionnelles qui expliqueraient tous les crimes. Nous discuterons et réfuterons ces prétextes.

En conclusion, sur le constat de l'inaptitude du droit interne actuel à protéger la société, et du refus du régime de garantir l'état de droit, nous nous demanderons s'il ne faut pas recourir, d'une autre manière, au droit international pénal pour suppléer aux carences du droit interne et pour contraindre le régime au règne de la loi, afin que les auteurs des massacres trouvent leur châtement.

## **2. L'impossible qualification juridique interne des massacres**

Il ne se passe plus un jour, depuis maintenant sept années, sans que la violence en Algérie ne nous interpelle. Depuis le début de 1992 des organisations humanitaires et de défense des droits de l'homme, aussi bien nationales<sup>1</sup> qu'internationales, n'ont cessé d'attirer l'attention de l'opinion publique internationale sur l'horreur, vécue au quotidien par la société algérienne, accusant les GIA et les forces de sécurité d'en être les instigateurs et les exécuteurs. Dès 1992, dans sa 1147<sup>ème</sup> séance, le Comité des droits de l'homme des nations Unies, dans ses observations faites sur le premier rapport produit par le gouvernement algérien, en application du Pacte relatif aux droits civils et politiques, note ses préoccupations à propos de : « l'usage abusif des armes à feu par les forces de l'ordre pour disperser des manifestations ». Le Comité, en notant également « les nombreux cas de torture et de mauvais traitements [...] recommande de mettre fin à l'état d'exception »<sup>2</sup>.

La qualification juridique des massacres commis en Algérie consiste à nommer les faits, selon les catégories juridiques du droit pénal. Les atteintes massives à la vie, et à l'intégrité physique ou morale, doivent être mises en

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équation juridique pour déterminer leur qualification, opération indispensable à la détermination du régime juridique applicable. C'est une recherche sur la loi essentiellement, pour aboutir à son application aux faits, en l'occurrence, pour déterminer l'incrimination qui convient.

Or, la qualification juridique des faits suppose que ceux-ci soient connus et établis.

## **2.1. Les massacres, des faits et un contexte**

Les faits, dont nous allons citer une partie s'inscrivent dans un contexte historique, politique et militaire, qu'il convient de rappeler.

### *2.1.1. Le contexte*

Pour évoquer brièvement ce contexte on se limitera aux faits qui vont de la proclamation de l'état de siège, le 5 juin 1991, à la visite du panel onusien en août 1998.

Les événements les plus directement liés à la proclamation de l'état de siège de juin 1991, résultent de la contestation sérieuse et unanime de l'opposition politique algérienne qui s'était élevée contre deux projets de loi qui modifiaient, dans l'intérêt exclusif du parti FLN alors au pouvoir, le code électoral, et surtout le découpage des circonscriptions électorales. De 295 circonscriptions le projet avait élevé leur nombre à 542, en divisant au maximum les lieux où le FLN était le mieux assuré d'obtenir des voix. Ainsi, 7000 voix suffisaient pour assurer un siège pour le FLN, alors qu'il aurait fallu 80000 voix pour un siège au FIS. Celui-ci, ainsi que la quasi-totalité de l'opposition, notamment les partis MDA, MAJD, RCD, PNSD, UFP, UDL et UPD, s'opposèrent au nouveau découpage électoral.

Partis et presse ont unanimement dénoncé l'immoralité de ces lois, dites « lois scélérates », tout en veillant à distinguer le FIS des autres partis. C'est ainsi que pour parler des opposants aux lois scélérates, la presse algérienne les qualifia de « 7+1 ». Plusieurs partis feront ensemble, sans le FIS, une conférence de presse à l'hôtel *Essafir*, au cours de laquelle ils lancèrent un ultimatum pour une grève nationale s'ils n'obtenaient pas satisfaction. Le FIS menacera de recourir également à une grève générale et nationale.

Quelle réponse leur a-t-on donnée ? Une fin de non recevoir. Les plaintes n'ont pas été écoutées et la demande du FIS, avec sa menace de grève, sera considérée comme émanant d'une opinion perverse.

La grève est lancée par le FIS qui, en insistant sur son caractère pacifique en de multiples occasions, obtient l'autorisation du gouvernement Hamrouche d'occuper les places publiques pour ne pas gêner les voies de circulation. Quelques jours suffiront à des « décideurs »<sup>3</sup>, qui ont agi dans l'ombre, pour faire évacuer les places publiques<sup>4</sup> par les armes. Le 5 juin 1991, les décideurs

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vont faire changer le gouvernement<sup>5</sup> et déclarer l'état de siège par le chef d'Etat. Ils vont arrêter les dirigeants du FIS le 30 du même mois. Entre-temps, plusieurs centaines de militants et cadres du FIS seront assassinés<sup>6</sup>, des milliers d'autres illégalement licenciés de leur travail, et des milliers seront déportés au Sahara, dans des camps ouverts au grand Sud algérien, à une distance entre 800 et 3000 kilomètres de la capitale. La confusion avait été provoquée, dès la première semaine de la grève, par des tireurs anonymes circulant à bord de voitures banalisées. Selon une déclaration du ministre de l'intérieur Mohammedi, faite le 4 juin 1991, ces tireurs visaient aussi bien les grévistes que les policiers. Le journal gouvernemental *El Moudjabid* confirmera l'information le 13 du même mois. La hiérarchie militaire, à qui toute immixtion dans la politique était pourtant interdite par l'article 24 de la nouvelle Constitution et ses promesses<sup>7</sup>, s'était donc immiscée dans la gestion politique. Elle désigna alors les mouvements activistes « politico religieux » comme étant des ennemis<sup>8</sup>.

Le FIS décapité, l'état de siège est levé le 29 septembre 1991, cinq jours avant le terme initialement prévu. Lors d'une réunion d'un conseil de ministres restreint, tenue une semaine auparavant, la dissolution du parti FIS est évoquée<sup>9</sup>, écartée ensuite en raison de l'affaiblissement de ce parti, qui, dans une perspective des plus pessimiste pour les décideurs, ne pouvait récolter qu'un maximum de 25% des voix<sup>10</sup>. Plus tard, les élections seront à nouveau programmées par le régime. Après plusieurs hésitations, le FIS qui venait de se doter d'une nouvelle direction provisoire, y participe, en l'absence de sa direction historique, emprisonnée.

Les observateurs qualifieront, dans leur grande majorité, le scrutin du 26 décembre 1991 de première démocratique en Algérie. Le FIS étant largement vainqueur, des partis minoritaires contestent les résultats. Mais bien que les voies constitutionnelles et légales permettent de contester judiciairement le scrutin auprès du Conseil constitutionnel<sup>11</sup>, les décideurs écartent le Président de la République, soupçonné de respecter le verdict des urnes. Le 22 janvier 1992, ils procèdent à l'arrestation de Abdelkader Hachani, président de l'exécutif provisoire du FIS, et proclament le 9 février 1992 l'état d'urgence, en vigueur jusqu'à ce jour. Par suite, ils interdisent le parti FIS spolié de sa victoire électorale, et entreprennent une vaste politique de répression. Après l'échec des tentatives amiables de médiation, tendant à la faire revenir sur sa décision, la hiérarchie militaire prône ouvertement une politique d'éradication des contestataires du coup d'Etat. Le régime algérien a volontairement déplacé l'opposition politique en affrontement armé, et découplé tous les enjeux politiques et économiques de la lutte dite du « tout sécuritaire ». Il le fait en se basant sur une propagande simpliste de réduction du FIS à une organisation terroriste. Dans le premier mois de l'arrêt du processus démocratique, il y eut déjà, 150 morts, 700 blessés et 30 000 déportés parmi les cadres et militants du FIS<sup>12</sup>.

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Des groupes armés sont constitués sous différentes obédiences. Le massacre de la population civile prend de l'ampleur. Pierre Vidal-Naquet écrit : « les exécutions [les] plus nombreuses [sont celles] auxquelles procèdent des organisations clandestines très semblables aux escadrons de la mort brésiliens, et qui agissent sous le sigle OJAL [...] ou OSSRA [...] Tout cela, disent les tracts officieux que diffusent ces groupes, pour "appliquer la loi du talion aux terroristes et à ceux qui les soutiennent"»<sup>13</sup>. Les massacres commencent à être rapportés par la presse dès l'été 1994. A plusieurs occasions, l' AIS (armée islamique du salut) apparentée au FIS et opposée au régime, s'est élevée contre les tueries des civils en énonçant les principes qu'elle respecte dans sa lutte. Un porte parole du FIS à l'étranger condamnera plusieurs fois « ces terribles massacres ». Les tueries collectives ont continué, en ciblant spécialement l'électorat du FIS.

Les tueries collectives, et d'autres formes inédites de violence aveugle, ont fini par alerter l'opinion mondiale. Kofi Annan, Secrétaire général des Nations Unies, lance le 30 août 1997 un appel public pour trouver « une solution urgente » ; ajoutant :

alors que les massacres se poursuivent et que le nombre des victimes augmente, il nous est extrêmement difficile de prétendre que rien ne se passe, que nous ne sommes pas au courant, et d'abandonner ainsi le peuple algérien à son sort. On ne peut pas abandonner le peuple algérien à son sort.

Dans la même semaine, le quotidien *Le Monde* du 7 septembre 1997 rapportera la décision du Secrétaire général des Nations Unies de briser le silence de l'Organisation sur l'Algérie. Le président du FIS Abassi Madani, qui venait de sortir de prison, répondra positivement à l'appel de Kofi Annan. Il sera interdit de parole, ensuite assigné à résidence. Le 21 septembre 1997 l' AIS proclame une trêve unilatérale, à partir du 1<sup>er</sup> octobre 1997, respectée depuis lors et confirmée par un communiqué, en date du 25 septembre 1997, de l'instance exécutive du FIS à l'étranger. Le 13 janvier 1998, Abdelkader Hachani, qui venait de sortir de prison après plus de cinq années de détention préventive, déclara : « le FIS condamne sans réserves les massacres de civils »<sup>14</sup>.

Les autorités algériennes pointent systématiquement le doigt sur le terrorisme pour lui imputer les massacres, et accessoirement pour justifier les *barbares*. Si la lutte contre le terrorisme n'utilise pas les moyens permis par le droit pour sanctionner le terrorisme, défini lui même comme une violation du droit, cette lutte porte en elle-même le vice irrémédiable qui en fait le crime officiel, commis au nom de l'Etat, même si celui-ci le montre comme une forme de bravoure et de courage civique. La violation du droit par l'Etat est, en elle même, inacceptable eu égard au statut de l'Etat, qui au nom de la nation, veille précisément au respect du droit.

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Dans ce contexte, plusieurs Organisations Non Gouvernementales (ONG), humanitaires et de défense des droits de l'homme, tentèrent d'amener le gouvernement algérien à plus de respect vis-à-vis des droits de l'homme. Elles se seront trompées d'interlocuteur. L'armée, bras armé de la Nation, s'est arrogée le droit d'en être la tête. Parlant par procuration, le gouvernement algérien qualifiera l'intervention des ONG tantôt d'ingérence, tantôt de position objectivement favorable au terrorisme. Il finira par accepter, selon ses propres conditions, de recevoir une commission d'information composée de personnalités politiques. Cette concession du pouvoir algérien venait désamorcer la rigueur des observations du Comité des droits de l'homme des Nations Unies, jugées « inacceptables ».

### *2.1.2. Des faits de massacres incontestables*

On ne sait des massacres que ce que peut en dire une presse totalement contrôlée par le pouvoir, ou ce qui résulte des témoignages recueillis, tant auprès des familles de victimes que d'avocats, par les associations, comités et ONG, nationales et surtout internationales. Parfois, quelques révélations sont faites par la presse internationale, tirées des rapports diplomatiques de plusieurs puissances. Les témoignages, sur l'ensemble des faits, proviennent de différentes sources<sup>15</sup>. Pour certains massacres, nous indiquerons les sources spécifiques qui ont permis de les reconstituer.

Nous constatons, sur la base de ces témoignages, que ces massacres de la population civile touchent tout le territoire national, qu'ils ont commencé depuis l'interruption du processus démocratique, se sont poursuivis dans le temps et se poursuivent toujours, en augmentant en nombre et en horreur ; avec un pic dans le sommet de l'horreur entre l'automne 1997 et le printemps 1998. La censure, très tôt organisée par le pouvoir algérien, insistait pour les taire ou les minimiser. Une troisième constatation peut être faite : aucune personne n'est épargnée en raison de son âge ou de son sexe. C'est ainsi que selon quatre organisations des droits de l'homme : « des milliers de personnes – femmes, enfants, démunis et personnes âgées – ont été massacrées avec une brutalité hors du commun »<sup>16</sup>. Des familles entières sont massacrées, enfants, parents, grands-parents. Personne n'est épargné même pas les nouveau-nés. Des enfants égorgés ont pu être retirés de puits où ils avaient été jetés. Ces massacres et tueries ont fait que :

plusieurs milliers de personnes ont été tuées au cours de l'année écoulée, pendant laquelle la violence a atteint un niveau sans précédent depuis le début du conflit. Des hommes, des femmes, des enfants, ont été massacrés, décapités, mutilés et brûlés vifs<sup>17</sup>.

A priori, bien que l'Etat a l'obligation d'assurer la sécurité de la population sur tout le territoire national, ses forces n'interviennent ni avant, ni pendant ou immédiatement après ces massacres ; pourtant, ceux-ci sont perpé-

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trés dans leur proximité immédiate. Le Comité des droits de l'homme de l'ONU a adopté, le 29 juillet 1998, dans sa 1696<sup>ème</sup> séance CCPR/C/SR, des observations sévères. Il constate en effet que :

en Algérie [...] le Comité est vivement préoccupé par les massacres généralisés d'hommes, de femmes et d'enfants, dans un grand nombre de villes et de villages [...] également préoccupé devant l'absence de mesures opportunes ou préventives de protection des victimes, de la part des autorités de police et du commandement de l'armée dans le secteur concerné.

Le Comité demande par conséquent à l'Etat algérien « d'empêcher des attaques et, si elles se produisent quand même, [d'] intervenir rapidement pour protéger la population ».

Selon le discours officiel du gouvernement, et d'après la presse autorisée d'expression<sup>18</sup>, tous ces massacres sont attribués au GIA (Groupe islamique armé), avec une tendance permanente à en minimiser l'ampleur et d'empêcher les enquêtes. Cependant, quatre ONG imputent ces massacres, qui se déroulent dans un contexte d'atteintes systématiques aux droits de l'homme, tant aux forces de sécurité, et aux nombreuses milices armées par l'Etat, qu'aux groupes armés d'opposition. D'autres sources, comme la Ligue Algérienne de Défense des Droits de l'Homme (LADDH) ou le parti FFS accusent les autorités algériennes. Ait-Ahmed, leader du FFS « rend les autorités responsables des massacres »<sup>19</sup>. Dans son rapport sur les droits de l'homme, pour l'année 1997, le Département d'Etat américain constate que « les forces de sécurité algériennes se sont abstenues d'intervenir pour empêcher les massacres de la population civile »<sup>20</sup>. Le jeudi 15 janvier 1998, l'ambassadeur de Grande Bretagne François Gordon s'était déplacé sur les lieux du massacre de Sidi Hamed, près d'Alger, sans aviser les services de sécurité algériens. Il avait été interpellé par des rescapés, selon l'AFP, pour « dénoncer la passivité des autorités »<sup>21</sup>. D'autres sources, comme l'Iran<sup>22</sup>, imputent les massacres au gouvernement algérien ; alors que d'autres accusent directement les services de sécurité militaire algériens<sup>23</sup>. Enfin, si le GIA a revendiqué ces massacres par un communiqué daté du 26 septembre 1997, distribué à Londres, et dans lequel il menaçait la France et l'ONU, des révélations multiples, de différentes sources, insistent sur le fait que les GIA sont noyautés et téléguidés par les services secrets algériens de l'armée, qui n'hésiteraient pas à les manipuler pour la perpétration des massacres, dans une stratégie à objectifs multiples<sup>24</sup>. Parmi ces dénonciations, on compte celles d'une dizaine de groupes armés dissidents du GIA<sup>25</sup>. L'infiltration et la manipulation n'est pas le monopole des services de l'armée. Selon le témoignage d'une inspectrice de police réfugiée en France, publié par le quotidien français *Libération* du 22 juin 1995, ce serait la spécialité, également, de « la brigade religieuse des policiers barbus ». En tout état de cause, le pouvoir algérien refuse catégoriquement toute enquête impartiale, demandée par des

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ONG, des gouvernements, des organismes des Nations Unies, des partis politiques algériens et des personnalités de premier plan.

Par ailleurs, d'autres massacres, souvent perpétrés devant témoins, sont ouvertement le fait des autorités ; ces massacres ont touché des villageois, des citoyens, et aussi des prisonniers massacrés dans des lieux fermés.

Nous citerons quelques unes des tueries collectives de la population civile, spécialement ciblée, puis successivement, des cas de torture, rentrant aussi bien dans la catégorie juridique des atteintes graves à l'intégrité physique ou morale que dans celle des mesures visant à entraver les naissances, ensuite des cas d'enlèvements systématiques, dits « disparitions forcées », enfin des cas d'exécutions sommaires en série, de la population civile, ou de prisonniers. Bien entendu, les massacres dans les formes choisies pour l'exposé ne sont pas exhaustifs. Pour l'ensemble, les cas sont cités pour la démonstration.

#### ***A. Massacres collectifs selon une répartition géographique***

Les massacres atroces, meurtres collectifs et violences tragiques, d'une ampleur inégalée, sont des faits établis et confirmés par des sources multiples et incontestables<sup>26</sup>. Ces faits seront classés en cinq grandes régions avec, en général, une précision sur le lieu et la date de commission ainsi que le nombre de victimes.

##### (1) **Au sud du pays**

<i>Lieu</i>	<i>Date</i>	<i>Nombre de victimes</i>
A Ksar El-Hirane (wilaya de Laghouat)	7 octobre 1996	38 morts
A Ksar El-Boukhari	13 juillet 1997	44 morts
Oued Bouaicha (wilaya de Djelfa)	en mars 1998	47 morts

##### (2) **A l'ouest**

<i>Lieu</i>	<i>Date</i>	<i>Nombre de victimes</i>
A Harrouba (wilaya d'Oran)	2 octobre 1997	14 victimes
Près d'Oran	12 octobre 1997	43 morts
3 hameaux (wilaya de Relizane)	nuit 30/31 décembre 1997	des centaines de morts

##### (3) **A l'est**

<i>Lieu</i>	<i>Date</i>	<i>Nombre de victimes</i>
Wilaya de M'Sila	17 août 1996	63 victimes

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3 villages de la région

23 juillet 1997

53 morts

D'autres massacres ont été commis à Béni Slimane dans l'est du pays et jusqu'aux Wilayate de Guelma, Batna etc.

(4) **Au centre**

<i>Lieu</i>	<i>Date</i>	<i>Nombre de victimes</i>
Lakhdaria (wilaya de Bouira)	23 mai 1994	30 victimes
Gelb El-Kebir (wilaya de Médéa)	19 septembre 1997	53 morts
Tadjena (wilaya de Chlef)	9 décembre 1998	47/80 morts*

\* 47 morts selon la presse locale, 80 selon un décompte hospitalier rapporté par une agence de presse étrangère.

(5) **Au nord**

<i>Lieu</i>	<i>Date</i>	<i>Nombre de victimes</i>
Cherarba (wilaya d'Alger)	3 juin 1994	41 morts
Wilaya d'Alger	29 août 1994	6 et 22 morts
Rais, Béni Messous et Bentalha	septembre 1997	300, 195 et 200 morts
Larbaa (Wilaya de Blida)	11 janvier 1998	428/ 256 morts**

\*\* 428 selon le quotidien *Liberté*, 256 selon *La Tribune* citant des sources hospitalières.

***B. Tortures selon une répartition par auteur***

Dans cette catégorie générale des tortures nous citerons, spécialement, ce qui peut être qualifié, d'une part, d'atteintes graves à l'intégrité physique ou morale et, d'autre part, de mesures visant à entraver les naissances. C'est une forme du massacre systématique de la population civile ciblée, perpétré au bout d'une torture particulièrement grave. La population civile ciblée par cette forme de massacre peut comporter des opposants qui, pour une raison ou une autre, ne sont plus armés.

Les témoignages concordants de victimes de ces tortures, infligées par les différents services de sécurité, armée, police, gendarmerie et même par de nombreuses milices privées, attestent de leur pratique systématique. Ces témoignages sont trop nombreux pour qu'on les cite. De nombreuses victimes n'ont pas survécu à ces séances morbides, comme le confirme ce père, dont

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l'enfant a été tué, et qui s'écrie de derrière les barreaux de la prison d'Alger : « ils ont broyé les testicules de mon fils »<sup>27</sup>. L'actualité médiatique algérienne, en cet automne 1998, ne fait plus mystère de la pratique systématique et à grande échelle de la torture, érigée en moyen de gestion politique. A l'occasion du dixième anniversaire des événements d'octobre 1988, les langues se délient, dans un contexte de règlement de compte inter-clanique<sup>28</sup>. Il ne faut pas s'en étonner parce que « les différences de contenus entre les journaux algériens reflètent des conflits internes au sommet de l'Etat »<sup>29</sup>. La torture, comme il ressort des témoignages, s'est davantage développée depuis l'arrêt du processus démocratique en janvier 1992, sous l'œil indifférent des juges. Dans son rapport de juillet 1998, le Comité des droits de l'homme des Nations Unies se dit : « profondément préoccupé par les allégations persistantes de torture systématique », ajoutant encore que des « juges semblent admettre les aveux obtenus sous la contrainte alors même qu'il existe des preuves médicales attestant que des actes de torture ont été perpétrés ».

Le pouvoir algérien en reconnaît implicitement l'existence, puisqu'il déclare avoir traduit les auteurs de dépassements en justice. Sans doute pour atténuer la pression internationale, notamment, l'insistance du rapporteur spécial de l'ONU, chargé d'évaluer les réponses des Etats aux violations de certaines catégories de droits, mécanisme institué depuis 1980. Ce rapporteur n'a pu avoir accès au territoire algérien malgré ses multiples demandes. Il s'agit du rapporteur spécial sur les tortures, l'expert britannique Nigel Rodley.

Parmi toutes les formes de torture recensées, nous avons privilégié de n'en rapporter qu'une seule : la torture sexuelle. C'est un fait remarquable que la majorité des témoignages vérifiés de tortures disponibles, qui ont été publiés, rapportent des tortures sexuelles. Cette constatation est par ailleurs corroborée, par exemple, par le rapport de la Medical Foundation for the Care of Victims of Torture (MFCVT) britannique. Cette forme de torture peut être qualifiée, concurremment, d'atteintes graves à l'intégrité physique ou morale, et mesures visant à entraver les naissances. Si les tortures sexuelles sont, incontestablement, des atteintes graves à l'intégrité physique ou morale, on pourrait contester, par ailleurs, que les tortionnaires aient l'intention délibérée, ou préméditée, d'entraver les naissances.

Il serait concevable que les tortionnaires, en ciblant la sexualité des victimes, cherchent à faire basculer la victime dans une phase de souffrance chronique, appuyer sur le poussoir qui subordonne la résistance à l'amour propre et à l'intégrité sexuelle, sans pour autant avoir comme intention de provoquer la stérilité de ceux qui subissent la torture. On objectera à un tel argument le fait qu'il définit ce crime à partir de la perspective de l'oppressé, et non celle de la victime, car la première privilégie l'intention alors que la seconde insiste sur la conséquence. Il nous semble, objectivement, plus légitime d'examiner ces tortures sexuelles à partir de la perspective de la vic-

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time et de la conséquence et non celle du tortionnaire et de l'intention. Le fait est que *les conséquences* de ces tortures sont soit de tuer, soit d'entraver les naissances.

En effet, des témoignages nombreux établissent que les tortionnaires battent les détenus et prisonniers hommes sur les parties génitales. Beaucoup de rescapés des tortures ont affirmé que les bourreaux leur ont appliqué la torture à l'électricité sur les parties génitales. Des milliers de témoignages sont disponibles. La majorité des victimes, selon les médecins qui les ont traité, disent « qu'ils ne se sentent plus des hommes ». Pour donner un ordre de grandeur du phénomène, à distinguer de la catégorie des atteintes graves à l'intégrité physique, deux torturés sur sept sont incapables d'avoir des enfants, dans l'hypothèse où ils demeurent en vie. Dans l'affaire dite de l'aéroport, où seulement sept accusés avaient été jugés contradictoirement, deux (Rouabhi et Djamel Laskri), avaient été castrés par l'usage du « tiroir ». Le tortionnaire fait introduire le pénis de la victime dans un tiroir qu'il referme avec violence.

D'autre part, la torture sur les parties génitales, n'est pas la forme unique des atteintes graves à l'intégrité physique ou morale et des mesures visant la destruction du groupe, c'est-à-dire à entraver les naissances. *The MFCVT* a présenté, le 22 janvier 1998, au groupe parlementaire inter-partis à Londres, un rapport portant sur l'examen de 45 cas d'Algériens torturés, demandeurs d'asile politique, sur lesquels 23 ont subi diverses formes de sodomisation, alors même, notait le Dr Michael Peel, que le nombre des victimes de cette forme d'atteinte à l'intégrité physique et psychologique est plus important, parce que la plupart des victimes de ce type d'atteinte refusent d'en parler. Des 23 victimes recensées sur les 45 examinées, dix se sont vu introduire des objets dans l'anus (manches à balai, bouteilles, canons d'armes à feu etc.), cinq ont été sodomisés par leurs tortionnaires et huit victimes ont subi d'autres formes de sodomisation.

Enfin, si nous avons évoqué quelques faits touchant spécialement des hommes, les femmes n'ont pas été épargnées. Des femmes ont été violées, avant d'être assassinées ; certaines, enceintes, se sont vu éventrées et ont eu le fœtus brûlé, décapité ou violemment jeté contre un mur. Des centaines de cas touchant des femmes sont également recensés, mais en majorité sous l'anonymat. Les femmes victimes, beaucoup plus que les hommes, n'osent pas en parler, sans doute pour des raisons touchant à la nature de la société et sa culture.

Cette forme de torture, qui peut recevoir la double qualification d'atteinte grave à l'intégrité physique ou morale, et de mesure visant à entraver les naissances, est exécutée par tous les corps de sécurité de l'Etat algérien, et sur tout le territoire national. Voici quelques témoignages, reflétant clairement le caractère systématique et général de cette politique.

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**1. Par l'armée**

- Omar Khider, torturé par des militaires dans une caserne qu'il n'a pu identifier, indique : « Ils ont attaché un fil dur à mon sexe et un officier de l'armée a commencé à le tirer de toutes ses forces. J'ai perdu connaissance ».
- Benblil Samir, étudiant, déclare : « j'ai été séquestré pendant 32 jours [...] j'ai subi la gégène. On m'a asphyxié avec de l'eau sale tirée des WC, j'ai été brûlé sur la poitrine, les cuisses, les parties génitales, à l'aide d'une poudre noire après qu'on y eut mis le feu ».
- Hacene Kaouane raconte que ses tortionnaires l'ont : « torturé à l'électricité [...] ils jetaient aussi de l'eau sur moi pour que la souffrance due à l'électricité s'accroisse [...] ils ont mis la pince (au bout d'un fil électrique) sur mon pénis ; depuis ce moment, je suis pris de terreur, mon cœur bat plus fort et jusqu'à présent je sens comme si mon corps était plein d'épines».

**2. Par les services de la sécurité militaire**

- Amrouche Mohamed, enlevé et torturé à mort par des agents de la garde républicaine, a été retrouvé mort à Meftah ; il présentait une éviscération et une mutilation totale du sexe par sectionnement.
- Mouloud Bouchemla, torturé par des officiers de la Direction du Renseignement et de la Sécurité (DRS), relate : « ils ont mis les câbles (électriques) sur mes oreilles, mon anus et mes organes génitaux ».
- Harik Noureddine, arrêté par la police le 7 septembre 1993, déclare avoir été :

transféré dans les locaux de la sécurité militaire (selon mes tortionnaires). Là, je connus les pires sévices [torturé] à l'électricité sur les parties sensibles du corps comme les mamelons et les parties génitales, au point où j'avais d'énormes difficultés à uriner pendant des semaines du fait des brûlures atroces. Cette gégène fut utilisée à plusieurs reprises.

**3. Par la gendarmerie**

- Benredjidal Slimane, torturé au groupement de gendarmerie de Reghaia (Ouest), déclare : « Ils ont ramené une boîte en forme de tiroir, ils m'ont mis le sexe dedans, après quoi ils ont refermé violemment le tiroir. J'ai hurlé de douleur et j'ai perdu connaissance ».
- Le gendarme El-Kollo Mohamed Seghir, torturé par ses collègues de la gendarmerie de Birkhadem (Alger), rapporte que son sexe fut mis à feu après que ses tortionnaires eurent versé de l'essence dessus.

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- Noureddine Mostefai relate avoir été torturé par la gendarmerie de Bab Ezzouar : « ils ne s'arrêtaient pas aux oreilles pour faire passer l'électricité au corps mais ils l'augmentaient avec une grosse canne traversée par un courant électrique terrible dont ils mettaient l'extrémité sur les parties sensibles du corps ».

#### 4. Par la police

- Ait-Bellouk Mohamed, torturé à l'école de police de Châteauneuf à Alger, dit avoir subi : « le matraquage des points sensibles du corps à l'aide d'un instrument électrique [...] sur le sexe. Le tortionnaire [...] s'est tellement acharné sur moi que mes organes génitaux se sont tuméfiés, entraînant une impotence totale et définitive ».
- Rahmani M'Hand, arrêté avec ses trois frères par les forces spéciales (Nindjas) de la police, raconte : « On m'appliqua un appareil électrique qui envoyait des décharges électriques sur tout le corps. Les fils étaient fixés sur les parties sensibles [...] si bien qu'aujourd'hui, après plus de deux mois, je constate que j'ai un handicap sexuel ».
- Bekkis Amar, arrêté alors qu'il était âgé de 15 ans, témoigne : « j'ai failli m'évanouir devant le spectacle qui s'offrait à mes yeux. Des hommes nus étaient accrochés au plafond par les pieds. Un autre attaché à un banc sursautait à chaque fois qu'on lui mettait un fil électrique sur son sexe ».

#### C. Disparitions forcées

Cette forme de massacre, *disparitions forcées*, signifie que la personne disparaît. En droit, il s'agit des cas où des personnes sont arrêtées, détenues ou enlevées par un Etat, ou avec l'autorisation, l'appui ou l'assentiment de cet Etat, qui refuse ensuite d'admettre que ces personnes sont privées de liberté ou bien de révéler le sort qui leur est réservé, ou l'endroit où elles se trouvent, dans l'intention de les soustraire à la protection de la loi, pendant une période prolongée. De fait, les disparitions forcées se confondent souvent avec les exécutions sommaires faites dans la clandestinité. Pour éviter toute confusion, nous ne citerons que des cas de disparitions forcées, au sens du droit.

Les disparitions forcées sont des crimes organisés et exécutés par les services répressifs de l'Etat, perpétrés sur tout le territoire national, de façon répétitive et ciblée. Ces crimes touchent tous les âges de personnes ayant un rapport quelconque avec le FIS. Les Cadres, militants et simples sympathisants du FIS, en sont les victimes ciblées sans égard à leur statut économique et social. Les familles des disparus ont vu leurs recours et diligences auprès des services administratifs et politiques de l'Etat rester sans réponse. Ce silence officiel, durant de longues périodes, révèle une collusion certaine, ainsi

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qu'une politique préétablie de disparitions forcées. C'est ce qui ressort d'une étude statistique sérieuse. Cette étude, portant sur 477 cas de disparitions forcées, a été réalisée par un groupe de travail regroupant le Service International des Droits de l'Homme de l'ONU, la Fédération Latino-Américaine des Associations Relatives aux Disparitions et aux Détentions (FEDEFAM), et le Comité des disparus algériens. Le résultat de l'étude a été remis au groupe de travail des Nations Unies chargé des disparitions forcées. Il a été dûment établi ce qui suit :

- a) Que les trois quart des cas de disparitions forcées sont le fait des services répressifs de l'Etat, par exemple, les forces spéciales combinées dans 152 cas, l'armée seule dans 119 cas, la police dans 105 cas, la gendarmerie dans 14 cas, les services de sécurité militaire opérant en civil dans 21 cas, les forces de sécurité accompagnées de civils dans 16 cas, les milices GLD dans 9 cas etc.; au total, sur 477 dossiers, 434 mentionnent l'identité de l'organe d'Etat ou du service auteur agissant sans la présence de civils. Dans de nombreux cas, des noms d'officiers responsables ou ayant participé aux opérations sont mentionnés, ainsi que le service et le lieu. Dans 409 cas des témoins, entre une et plusieurs personnes, existent : parents, collègues de travail ou passants. Dans 153 cas, les lieux où ont été conduites les personnes disparues par la suite sont mentionnés : commissariats de police, brigades de gendarmerie, casernes, prison, centre de Châteauneuf déjà signalé par des défenseurs des droits de l'homme algériens comme étant un important centre de torture. La même proportion, soit trois quart des cas des disparitions, a eu lieu après arrestation dans le lieu de résidence entre minuit et trois heures du matin ou au travail, le dernier quart des arrestations a eu lieu dans la rue. 30 cas de disparitions sont signalés dans un lieu officiel de détention, commissariat, caserne, brigade de gendarmerie ou prison. A l'exception de cinq cas, toutes les arrestations, soit 472, ont été effectuées avec violence ou avec usage d'armes.
- b) Que sur les 477 cas identifiés, 453 disparitions sont datées avec précision et 471 désignent le lieu d'arrestation. Il en ressort que ces disparitions ont eu lieu en 1992 (3 cas), 1993 (20 cas), 1994 (127 cas), 1995 (111 cas), 1996 (132 cas), 1997 (51 cas) et partie de 1998 (9 cas). Sur les 477 disparitions 244 ont eu lieu après arrestation au domicile, 76 au lieu de travail, 5 à proximité du domicile, dans l'immeuble ou la cité d'habitation, 116 dans la rue, 13 disparus de leur lieu officiel de détention et 6 arrestations suivies de disparitions après un ratissage ou une rafle. Sur 477 cas étudiés, 466 dossiers décrivent les circonstances de l'arrestation ou de la disparition.
- c) L'âge des victimes varie entre moins de 18 ans et plus de 48 ans sur les 457 cas dont l'âge de la victime est mentionné ou dont on dispose de la date de naissance (380). 6 enfants de moins de 18 ans, 194 victimes âgées

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entre 18 et 27 ans, 169 étaient âgées entre 28 et 37 ans, 65 entre 38 et 47 ans et 23 au dessus de 48 ans. 453 cas sur 477 sont mariés ou mariés avec enfants (165). Il y a 3 femmes sur les 477 cas étudiés.

- d) Sur les 477 disparitions, les parents et proches ont entrepris des démarches auprès des autorités. Il y a eu 380 recours et plaintes de toutes sortes dont 321 procédures auprès des juridictions. Les disparitions constituent des violations de la Constitution (article 45) ; les arrestations sont réglementées par le code de procédure pénale (article 51) et celles illégales sont punies par le code pénal (article 110). Il y a eu au total, sur ces 477 disparitions, 321 plaintes auprès des tribunaux sans suite à ce jour.

Les rédacteurs de l'étude concluent, d'une part, que les arrestations et les disparitions sont opérées dans une impunité totale, les auteurs agissant à n'importe quelle heure du jour ou de la nuit et sont capables de paralyser toute recherche ou action judiciaire et, d'autre part, que le profil des disparus algériens est totalement différent de ceux observés dans le monde, en raison notamment de la variété des statuts sociaux et économiques des victimes, 70 cas sur 477 sont des cadres enseignants, des docteurs ou travaillant dans le secteur judiciaire<sup>30</sup>.

Les enlèvements suivis de disparitions sont une forme d'atteinte massive à la vie. Nous considérons le phénomène des disparitions forcées comme une forme de massacre, en raison de son ampleur, de ses caractères illégaux, semi-officiels et systématiques. Parce que pratiquées sur tout le territoire national, par l'ensemble des services de sécurité algériens, et souvent, aussi par des miliciens armés par l'Etat, les disparitions forcées sont un massacre.

- Un fait constant et systématique est la violation de la loi, notamment les textes réglementant l'arrestation.

Les autorités n'ont rien entrepris pour prévenir avant, ou pour réprimer après, la commission de ce crime. L'article 51 du code de procédure pénale algérien prévoit une durée de 48 heures pour la garde-à-vue, douze jours dans les affaires de terrorisme. Il prévoit également que 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 ». Or, ces textes sont violés de façon massive. Cette disposition est systématiquement violée. L'article 291 du code pénal algérien punit de cinq à dix ans ceux qui, *sans ordre des autorités constituées* et hors les cas où la loi le permet saisissent ou ordonnent de saisir des individus, enlèvent, arrêtent, retiennent ou séquestrent une personne quelconque. Si la détention ou la séquestration dure plus d'un mois, la peine est la réclusion à temps de dix à vingt ans. Ce texte, dont la rédaction est contestable, n'a à notre connaissance, jamais été appliqué.

- La reconnaissance implicite par les plus hautes autorités du phénomène des disparitions forcées.

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L'Office National des Droits de l'Homme (ONDH), organisme officiel relevant de la présidence de la république algérienne<sup>31</sup>, avait reconnu dans son rapport de 1996 des centaines de cas dits « disparitions », repartis sur tout le territoire national. Il indiquait en outre, dans ses rapports, avoir reçu des plaintes portant sur 567 disparus en 1995, 988 en 1996 et 706 en 1997. Dans son rapport pour 1994/1995 il reconnaissait déjà (pages 44 et 45) que les gardes-à-vue sont fréquemment prolongées, dans l'isolement total. Des personnes se trouvent dans : « des endroits que la loi n'a pas prévus pour ce rôle [...] commissariats de police ou [...] casernes militaires (ont) été transformés en lieux de détentions [...] secrètes ». Cependant, ces chiffres sont très en deçà de la réalité.

Durant la visite du *panel* envoyé par Kofi Annan, secrétaire général des Nations Unies, pour s'informer de la situation en Algérie, entre le 22 juillet et le 4 août 1998, le gouvernement algérien a consenti à recevoir les plaintes portant sur les enlèvements des victimes disparues, visant les services de sécurité. Par la dépêche AFP, datée du 30 août 1998, intitulée « mise en place de structures officielles sur les cas des disparus », nous apprenons qu'une délégation composée de membres des familles de disparus a été reçue, le 17 août 1998, à la Présidence de la République. Que celle-ci a promis que le dossier serait pris en charge par le ministère de l'intérieur, et que 738 dossiers ont été déposés le même jour. Le nombre des dossiers documentés, et que ce ministère refusera par la suite de prendre en charge, a atteint deux mois et demi après le chiffre de 3 500. Tout ceci nous autorise à dire que ce phénomène est officieusement reconnu.

- La réponse illégale des autorités au crime des disparitions forcées.

Cependant, dès que la pression internationale s'est estompée, les autorités sont revenues sur leur précédente position, certainement en raison des implications pénales induites par leur aveu. Elles l'ont fait en deux temps : une campagne de presse, suivie par des mesures de règlement présentées comme « la » réponse juridique idoine au problème des disparus, réponse au demeurant refusée par l'armée qui, dans l'éditorial de sa revue *El Djeich*, premier numéro de 1999, s'en prend à « certains cercles [qui] réclament toute honte bue l'égalité des droits pour les assassins et leurs victimes », faisant allusion à l'Association Nationale des Familles de Disparus (ANFD), association algérienne (non agréée à ce jour), qu'elle refuse d'assimiler à l'Association Nationale des Victimes du Terrorisme (ANVT) proche du pouvoir. C'est sans doute parce que l'armée est derrière la plupart des disparitions forcées que s'explique la violence de sa prise de position. Le quotidien *La Tribune* du 14 janvier 1999 rapporte que la section de l'ANFD d'Oran, s'étant plainte auprès des tribunaux de la ville et de la Wilaya, s'est vue répondre : « adressez-vous à l'ANP [Armée Nationale Populaire] ».

Une déclaration du président de l'ONDH, rapportée par le quotidien *Liberté* daté du 27 décembre 1998, avait affirmé que la plupart des disparus ont

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rejoint en fait les groupes armés. Dans un article de presse paru le même jour, dans le même quotidien, et signé par le journaliste Nacer Belhadjoudja, le problème des disparitions forcées est totalement remis en cause. L'ANFD a adressé au journal un droit de réponse que la direction du quotidien a refusé d'insérer. Dans ce droit de réponse l'ANFD déclare en substance que :

Notre cause ne souffre d'aucune ambiguïté, nos enfants ont été interpellés par des corps constitués de l'Etat avec des preuves et des témoignages [...]. Nous rappelons que chacun des dossiers dont nous sommes en possession fait l'objet d'un traitement préliminaire, à savoir qu'il n'y a pas un seul cas où l'implication des corps constitués de l'Etat n'est pas prouvée. Nous sommes aujourd'hui à plus de 3 000 cas.

Les dénégations de l'ONDH et de la presse proche des thèses des services de sécurité remonte à l'été 1998. Ces déclarations de l'ONDH et ces articles de presse avaient suscité une réplique d'Amnesty International qui, dans un droit de réponse signé de Marc Saghie, paru dans *El Watan* du 18 août 1998, a posé publiquement un certain nombre de questions auxquelles ceux qui déniaient la réalité des enlèvements et disparitions devaient répondre, ils ne le feront jamais :

Comment est-il possible que des groupes armés aient pu circuler librement au centre de la Capitale et d'autres villes et centres urbains, avec plusieurs véhicules des services de sécurité, encercler des bâtiments et cités, faire des perquisitions et enlever une ou plusieurs individus au milieu de la nuit et durant les heures de couvre-feu sans qu'aucun membre des services de sécurité n'ait intervenu ? Si ces centaines ou milliers d'enlèvements étaient effectivement l'œuvre des groupes armés, pourquoi les communiqués des services de sécurité n'en ont-ils pas fait état, comme cela a été le cas d'autres enlèvements et crimes commis par des groupes armés ? [...] Si ces disparus sont victimes des groupes armés, pourquoi leurs familles n'ont pas bénéficié d'une quelconque aide de la part des autorités, comme cela doit être le cas selon les autorités elles-mêmes ?

L'ANFD a continué d'exercer des pressions sur le pouvoir en organisant des sit-in devant le siège de l'ONDH, et le 7 janvier 1999 devant le siège du parlement algérien où le nouveau chef de gouvernement, chargé d'organiser des élections présidentielles anticipées, devait présenter son programme. Ce programme prévoit un traitement du dossier des disparus sur la base, ensemble, du code civil, du code de l'état-civil et du code de la famille. En l'occurrence, le gouvernement propose pour chaque disparu un jugement civil déclaratif d'absence pour ensuite en constater la mort civile, permettant de régler les problèmes de succession, de remariage etc. Ce programme prévoit en outre une mesure financière de corruption des familles de victimes auxquelles des pensions seront accordées, ce qui fera dire à ces familles : *nous n'avons pas besoin de pensions, nous demandons que nos enfants nous soient rendus*<sup>32</sup>. Or cette solution, valable pour ce que le code civil algérien qualifie « absence », qui est volontaire, est inappropriée pour les enlèvements criminels suivis de disparitions. La proposition du gouvernement viole une règle de droit algé-

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rien faisant partie de l'ordre public, selon laquelle, lorsqu'un fait présente des caractéristiques pénales il ne peut être traité que par le droit pénal, et ce, en vertu du principe que le criminel prime sur le civil. Le droit pénal est en effet un droit d'ordre public, ce qui n'est pas le cas du droit civil.

- Caractère systématique.

Les enlèvements ont été relevés à l'encontre de l'ensemble des services de sécurité du gouvernement algérien, et sur tout le territoire national, comme s'ils rentraient dans le cadre d'un plan prémédité de liquidations massives et ciblées. Ce phénomène a pris des proportions importantes et présente un caractère systématique, comme le confirment plusieurs ONG, internationales et nationales, et des défenseurs des droits de l'homme.

#### **Confirmations des enlèvements par les ONG d'envergure internationale**

Dans son rapport annuel mondial (1998), l'ONG Human Rights Watch affirme qu'il :

existe un nombre accablant de preuves établissant la responsabilité des services de sécurité dans des centaines de cas non résolus de disparitions. Le phénomène a atteint de telles proportions qu'il ne peut subsister qu'avec l'assentiment des plus hautes instances au niveau national [...] l'absence de sanctions disciplinaires constitue une preuve supplémentaire de la caution donnée par l'Etat à la pratique des disparitions [...] estime que ces cas sont le reflet d'une pratique commanditée par l'Etat.

Amnesty International (AI) déclarait, sous le titre « La population civile prise au piège de la violence », qu'elle avait recueilli depuis 1993 et plus particulièrement depuis 1994 des informations fiables sur des centaines de cas de disparitions, estimées à l'époque à 2 000<sup>33</sup>.

La Fédération internationale des ligues des droits de l'homme (FIDH) déclare « estimer que le nombre de 2 000 disparitions au moins, imputables aux forces de sécurité serait bien en deçà du chiffre réel »<sup>34</sup> ; signalant encore que souvent, les disparitions rejoignent et englobent les exécutions sommaires. Citant le témoignage d'un haut responsable du ministère de la justice, la FIDH rapporte que ce responsable dira que les détenus en prison ne représentent que la deuxième ou la troisième périphérie des terroristes, terme qualifiant l'opposition armée ; ceux de première catégorie seraient donc systématiquement disparus ou exécutés.

#### **Confirmation par les organisations de droits de l'homme, associations et personnalités locales.**

L'association des familles d'enlevés-disparus déclare avoir documenté 3.500 cas entre le 15 août et le 15 novembre 1998. Selon Maître Mohamed Tahri, avocat algérien, défenseur des droits de l'homme, le nombre des dis-

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paritions forcées serait de 12 000<sup>35</sup>. Le président de la Ligue Algérienne de Défense des Droits de l'Homme (LADDH), avance le chiffre de 18 000<sup>36</sup>.

Les disparitions forcées ont visé les militants du FIS, mais aussi les sympathisants, parfois seulement soupçonnés de l'être. Elles ont visé aussi d'anciens opposants qui ne sont plus armés, et plus spécialement et sournoisement, des personnes jugées, acquittées ou ayant purgé leur peine, enlevées à leur sortie des tribunaux ou des prisons<sup>37</sup>.

Nous allons exposer quelques cas, répartis selon les services répressifs auteurs des enlèvements, cas qui demeurent non résolus à ce jour. Cet exposé comprend le nom de quelques victimes, enlevées par cinq services de sécurité, avec leurs auxiliaires, en divers lieux du territoire national et sur une période allant de 1993 à 1997.

**a) Enlèvements par les forces spéciales (militaires, police et gendarmerie) :**

- I. Rachid Mihoub, 24 ans, arrêté en février 1994 par des militaires des forces spéciales.
- II. Mostefa Houari a été enlevé de son domicile le 6 avril 1996, à 2 heures du matin, par une vingtaine de soldats et policiers en uniforme. L'intéressé avait été acquitté en janvier 1996 par un tribunal, à la suite d'une accusation d'aide au terrorisme. Il n'a plus donné signe de vie.
- III. Ali Lakhdar Chaouch, enlevé le 1 avril 1997 à 2 heures du matin, de l'hôpital de Kouba où il travaillait comme chirurgien orthopédiste, alors qu'il était de garde. Les agents lui avaient produit un mandat d'arrêt délivré par les autorités militaires. N'a plus reparu.

**b) Enlèvements non résolus perpétrés par la sécurité militaire :**

- I. En octobre 1994, une opération d'enlèvements fut entreprise par les services de la sécurité militaire sur tout le territoire. A Arzew dans l'ouest par exemple, au camp de Ain El Bia, résidence des cadres et employés de Sonatrach (société pétrolière gouvernementale), furent enlevés et portés disparus : Arezki Bouna, financier ; Ayad Krarfa, ingénieur ; Araf Benoume, cadre administratif ; Mohamed Bendjilali, comptable ; Mohamed Zellal, cadre technique. A l'est par exemple, le sort de la famille Bouakaz : le père, colonel de l'armée en retraite, enlevé de son domicile en 1994, est d'abord gardé dans la caserne de la sécurité militaire de Sétif, face au siège de la Wilaya (préfecture) et exécuté par la suite. Son fils Mourad fut exécuté à la prison d'Alger (Serkaji) par les hommes cagoulés, qui circulaient après le carnage pour retrouver les noms portés sur leur liste.

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- II. Kaddour Aquimeur, 30 ans, pilote d'Air Algérie, arrêté le 15 avril 1995, à l'aéroport d'Alger, par la sécurité militaire.
- III. Mohammed Iril, 27 ans, chef de service à l'Epic Netcom, arrêté le 18 mars 1997 sur son lieu de travail par la sécurité militaire.

**c) Enlèvements par la gendarmerie :**

- I. Khaled Saker, 34 ans, bijoutier, arrêté le 7 août 1993 par la gendarmerie à son domicile. Une autre personne, arrêtée en même temps que lui, a été relâchée 5 mois plus tard.
- II. Ameur Allali, 34 ans, cadre dans l'enseignement, arrêté le 12 août 1994 après avoir été convoqué à la gendarmerie, et porté disparu depuis lors.
- III. Allaoua Ziou, arrêté le 1 janvier 1995 par quatre hommes en civil, près du cimetière des *choubada* (martyrs) à Guelma. Selon son frère vivant au Canada, des témoins oculaires ont suivi la voiture des ravisseurs jusqu'aux grilles de la caserne de gendarmerie d'Héliopolis dans la Wilaya de Annaba. Il a déclaré avoir téléphoné à la gendarmerie qui aurait confirmé l'enlèvement. La famille fut officiellement informée que la victime avait été transférée vers une autre région. N'a plus reparu depuis lors.

**d) Enlèvements perpétrés par la police**

- I. Nacereddine Battach, né le 1er mars 1956, urbaniste, arrêté le 20 février 1994 à son lieu de travail (Mairie d'Alger) par quatre policiers et conduit au commissariat central d'Alger.
- II. Mustapha Si-Ahmed, 30 ans, agent de sécurité à la télévision d'Etat, arrêté le 20 mars 1994 à son lieu de travail.
- III. Brahim Koudri, 24 ans, commerçant, arrêté le 5 mars 1995 à son domicile à Kouba par des policiers en civil.

**e) Enlèvements perpétrés par les milices<sup>A</sup>:**

- I. Ahmed Chaabane, 28 ans, sous-directeur de Daewoo, enlevé le 13 décembre 1994.
- II. Mokhtar Bourib, 43 ans, arrêté le 5 février 1995 à Garidi/Kouba (Alger) et conduit dans une voiture banalisée.

<sup>A</sup> Garde communale et Groupes dits de «légitime» défense.

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- III. Mourad Chihoub, 17 ans, enlevé de son domicile par le groupe d'autodéfense de Baraki le 14 novembre 1996. Son père, qui tentait de s'interposer, fut menacé de mort. Il n'a plus reparu.

#### ***D. Exécutions extrajudiciaires en série***

Malgré l'ampleur de cette forme de massacre, le pouvoir algérien continue de refuser l'accès au territoire national du rapporteur spécial de l'ONU, pour les exécutions extrajudiciaires, l'expert sénégalais Bacre Waly Ndiaye. Comme pour les atteintes graves à l'intégrité physique ou morale et les mesures visant à entraver les naissances, les exécutions extrajudiciaires, dites aussi exécutions sommaires, sont le fait de tous les services de sécurité algériens et des milices armées par l'Etat. Pour certains cas, nous rapporterons les circonstances qui ont accompagné les massacres, d'abord en raison de la crédibilité et de la vraisemblance des informations disponibles, ensuite pour l'éclairage que ces circonstances peuvent donner aux massacres.

##### **a) Par les forces spéciales**

- I. Brahim Boumriche, Djamal Dahmane et Karim Hireche sont arrêtés par les forces spéciales à leurs domiciles respectifs à Bordj El Kifane (Est d'Alger) le 2 avril 1994. Ils furent découverts assassinés dans un fossé situé dans le quartier de leur arrestation.
- II. Yacine Beniahneche, Brahim et Said Bensaci, Salim Bensihamdi et Mohamed Merouani sont assassinés au quartier Fedj Frih dans la ville de Constantine, par des membres des forces spéciales, le 24 avril 1994.
- III. 173 citoyens désarmés sont assassinés le 4 mai 1994 dans Ténès et sa région (Wilaya de Chlef). A la suite d'un ratissage effectué par les forces spéciales, 3 bataillons avec 5 hélicoptères, des maisons sont dynamitées, par exemple celle de la famille Bouchareb située à Ténès-ville. Dans la nuit du 28 au vendredi 29 avril 1994, des arrestations massives sont opérées dans les domiciles de la région, par des civils portant barbe et *kachabias* (tenue en laine épaisse portée par les montagnards). Le lendemain matin, après le couvre-feu, les habitants constatèrent que les murs de la ville de Tenes étaient couverts d'affiches et de communiqués signés par l'Organisation de la Jeunesse Algérienne Libre (OJAL), y compris sur les murs du lycée et de la cité d'habitation faisant face à la caserne de l'armée. Ces communiqués menaçaient de mort « tous ceux qui aident les terroristes, même avec une goutte d'eau ». Le 4 mai, les villageois de la région sont alertés par le départ des forces spéciales, et en même temps, par la ronde des vautours qui tournoyaient au-dessus des bois avoisinants. Les recherches aboutirent à la découverte de plusieurs char-

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niers, composés chacun de quinze à vingt corps, ligotés au fil de fer et carbonisés ; d'autres corps, le visage méconnaissable en raison des brûlures, jetés à partir des hélicoptères, ont été descendus des cimes des arbres. La localité de Taougrit fut la plus éprouvée, suivie de El-Marsa, Ouled Boudoua, Sidi Moussa, Ténès-ville. Les 65 victimes de Taougrit avaient été arrêtées le vendredi 29 avril, à leur sortie de la prière commune dans la mosquée du village, par les forces spéciales.

**b) Par l'armée**

- I. Vingt six personnes furent volontairement tuées entre le 4 et le 12 février 1992 à Batna (Est du pays), dont douze ne seront pas identifiées, âgées de 13 à 45 ans, 7 d'entre elles étant des enfants. L'armée avait utilisé des blindés, des armes lourdes et des balles explosives pour répondre aux manifestations de la population. La loi exige de faire une double sommation pour disperser des manifestants, avant d'utiliser la force publique, par jet d'eau et autres moyens, jamais d'armes à feu, sauf si les forces publiques doivent répondre à une menace portant sur leur vie. Parmi les victimes identifiées, une femme âgée de 60 ans, Yamina Derghal. Les autres victimes sont âgées de 11 à 60 ans : Mohamed Abdelmadjid, 30 ans ; Said Achach, 15 ans ; Mahmoudi Aouam, 22 ans ; Brahim Yakhlaf, 18 ans ; Samir Benzaroual, 20 ans ; Salim Bourenane, 22 ans ; Fawzi Chekabi, 24 ans ; Selim Deram, 17 ans ; Lazhar Hamlaoui, 11 ans ; Lotfi Ibrahim, 60 ans ; Abdennabi Khellaf, 27 ans ; Abdelmadjid Louchene, 18 ans ; Lakhdar Merezkane, 18 ans.
- II. Tayeb Belaroussi, Halim Djaidani, Azzedine Guenane, Mohamed Kader, Mahfoud Sellami et beaucoup d'autres ont été fusillés par l'armée le 15 janvier 1994 après 3 heures du matin, après un ratissage effectué à Larbaa (Wilaya de Blida). Plusieurs dizaines de citoyens ont été sortis de leur domicile ce matin là pour être fusillés, sans forme de procès. Les parents qui se plaignaient aux officiers furent abattus, comme cette grand-mère de 60 ans, Nadjat Mouhoub.
- III. Ali Azzizi 18 ans, Miloud Benane 22 ans, Mustapha Djebbar 21 ans, Abdeslam Guehane 34 ans, Abdelghani Hamioud 18 ans, Farid Karoune 21 ans, Hacene Larachi 43 ans et Hamou Bouchbou sont, parmi les 50 personnes assassinées dans la nuit du 2 au 3 juin 1994 par l'armée, les seules à avoir été identifiées ; les autres victimes furent enregistrées sous le patronyme X. Cette nuit, l'armée avait encerclé le quartier Cherarba d'El Harrach et avait commencé à faire sortir des citoyens de leur domicile. Elle les emmena avec elle avant de repartir. Les habitants du quartier entendirent des rafales d'armes automatiques, mais ne sortirent pas en raison du couvre-feu en vigueur. Le lendemain, 41 corps gisaient dans la rue, interdit de les

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prendre. Ils furent ramassés tard dans la journée par les pompiers, pour être conduits à la morgue de Bologhine (Ouest d'Alger), où seulement huit corps ont pu être identifiés.

### c) Par la gendarmerie

- I. Ahmed Allache dit « Ahmida », 23 ans, handicapé par une monoplégie polio sévère. Il avait une blessure sternale de 2,5 cm d'où on voyait le cœur, et se déplaçait avec une paire de béquilles. Il est arrêté en mars 1993 par la gendarmerie. Après une détention de deux mois à la brigade de gendarmerie de Bab Ezzouar, il fut fusillé avec deux autres jeunes citoyens par les gendarmes de la brigade de Baraki à la décharge publique de Oued Smar.
- II. Douze personnes furent tuées, dont 4 égorgées, dans la nuit du 12 décembre 1993 au village de Benzergua par des gendarmes qui étaient venus en véhicules blindés. Parmi les victimes, quatre jeunes du service militaire venus en permission, soupçonnés de sympathie islamiste. Les huit autres personnes sont : Youcef Djelloul, Abdelhamid Laouid, âgé de 72 ans, Nabil Laouid son petit-fils, Abderrachid Merir, Boualem Rich, Djelloul Sebti, Said Selmouni, Abdelkader Talbi.
- III. Belkacem Haddoum, né en 1960, père de trois enfants, officier municipal à Djlida (Wilaya de Ain Defla), fut arrêté en 1994 par la gendarmerie. Son père lui rendit visite à plusieurs reprises ; il l'a vu vivant pour la dernière fois au poste de gendarmerie, en février 1994. Il aurait été conduit et exécuté dans la forêt d'El-M'ghazi avec six autres victimes dont Kouider Haddoum, demeurant à Hassania, Djillali Haddoum né en 1966 et Belkacem Tazerout, père de dix enfants. La forêt de El M'Ghazi servirait régulièrement de lieu d'exécution.

### d) Par la police

- I. Kamel Nachef, demeurant à Tizi Ouzou, fut arrêté à son domicile le 2 février 1998 à 3 heures du matin devant son épouse enceinte. Il fut conduit au commissariat de Tizi Ouzou où son frère Said était déjà détenu, avec une cinquantaine de personnes, arrêtées la veille ou le jour même, dans la ville, dans les cités : le Cadi, les 2000 logements et Ain Hallaif. Le 8 février, c'est au tour de son frère Rabah d'être arrêté par quatre policiers et conduit au commissariat où l'officier Hassane Bisai l'informe du décès de Kamel. Il lui montra la cellule où il y avait des traces de sang au sol, des impacts de balles sur les murs, ainsi que des gourdins, des fils électriques et des chevrons traînant par terre. Plus tard, à la morgue, Rabah Nachef procéda à l'identification du corps de son frère qui portait des traces de sang et

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l'impact de deux balles, l'une au niveau de l'épaule droite, l'autre au côté gauche de l'abdomen.

- II. Hassan Sebaa, sergent de l'armée de l'air démissionnaire, exécuté avec son fils de 2 ans par l'inspecteur de police Korichi Abdallah du 3<sup>ème</sup> arrondissement de Sétif (Est), sur ordre venu d'Alger. Dehdèche, thérapeute à Sétif, fut exécuté en 1996 à Oued El Berd, près de Kherrata. Son corps a été ramené et jeté dans son quartier. On interdit à sa famille de l'approcher. Son corps fut repris, après avoir été exhibé, vers une destination inconnue à ce jour.
- III. Neuf étudiants et leur professeur, originaires de la région d'El-Oued (sud-est algérien), furent arrêtés le 12 mars 1994. Ils suivaient un stage de formation à l'aciérie El Hadjar à Annaba. Il s'agit de : Omar Dahab, Abdelnasset Derouiche, Abderrazak Rahal, Salah Mahadda, Abdelkader Aouinet, Abdelkader Djerad, Saad Arhouma, Abdelbaki Maatallah, Abdelkamel Nazli, Messaoud Khouider et Tahar Saci, étudiant originaire de Guemmar. Ce dernier avait été interpellé quelques jours auparavant. Le 17 mars, ils furent transférés vers un centre de détention à Annaba. Le 13 avril, la gendarmerie d'El-Oued informa officiellement leurs familles que ceux-ci avaient été libérés le 08 avril et qu'ils avaient été immédiatement abattus par des "terroristes". Les médias algériens annoncèrent, presque en même temps, qu'un groupe de "terroristes" dirigé par Tahar Saci, avaient été tués alors qu'ils essayaient de mettre le feu à l'aciérie El Hadjar. Un parent d'une victime qui avait cherché à connaître l'identité des "terroristes" tués la semaine précédente, reçut l'ordre de se taire sous peine de perdre un autre fils. Les cercueils étaient plombés, mais les familles les ont ouverts et ont indiqué que les corps portaient des lésions et des contusions.

#### e) Par les milices

- I. Arezki Taghrest, intentionnellement tué le 21 avril 1994 sous prétexte qu'il portait la barbe ; il était soupçonné de sympathie islamiste.
- II. Le même jour, Zakaria Bouali, 19 ans, est enlevé de son domicile à Larbaa (Wilaya de Blida) et découvert criblé de balles dans un fossé non loin de son domicile.
- III. Mourad Meddour, 40 ans environ, capitaine de l'armée, commandant d'unité à Tebessa, habitait Annaba. En décembre/janvier 1995, alors qu'il revenait de nuit dans une voiture Renault de type R4 vers son unité, il aurait remarqué sur le chemin de la caserne un barrage combiné (gardes communaux, patriotes et militaires qui, d'après un témoin, portaient des burnous). Méfiant, parce que dans le périmètre de la caserne le barrage ne devait être composé que de militaires, il

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tenta de rebrousser chemin pour rejoindre la caserne par un autre chemin. Les éléments du barrage firent feu et le tuèrent.

### ***E. Massacres de prisonniers***

Les massacres en série de prisonniers, ont eu lieu dans différents lieux du territoire depuis 1992. Sans doute les premiers fusillés furent-ils les dix-sept déportés au Sahara. Les prisons d'Etat ont été le théâtre de massacres : Tiarret, Chlef et Mers-El-Kebir (près d'Oran), à l'ouest du pays, Tebessa à l'est, El Harrach et Serkaji au nord, Cherchell et Berrouaghia au centre etc. Partout, l'explication fournie par les autorités a été la même : tentative d'évasion suivie de mutinerie. Même le meurtre, le 3 mars 1992, de Ammi Hadri, 61 ans, ancien moudjahid, qui avait perdu une jambe lors de la guerre de libération nationale, fusillé à bout portant devant des centaines de témoins, a été justifié par une tentative de fuite du camp de déportation de Reggane, situé en plein désert, en dehors duquel il n'existe aucune chance de survie, à plus de cinq cents kilomètres alentour.

Nous allons examiner le cas du massacre de prisonniers commis à la prison de Serkaji entre le 21 et le 23 février 1995, le 21<sup>ème</sup> jour du mois sacré de *Ramadan*, au cours duquel les Musulmans observent un jeûne total, de l'aube au couché du soleil. Ce cas est cité pour son exemplarité. Il convient d'abord de dire quelques mots sur le lieu et l'état d'esprit qui régnait dans la prison avant le massacre.

Serkaji est l'une des prisons les mieux gardées de la capitale. Elle est située dans une zone de haute sécurité, entre la caserne militaire (Ali Khodja) et le commandement national de la gendarmerie, tout près du commissariat de police Haute Casbah et du ministère de la défense nationale, à trois cents mètres de l'hôtel Aurassi. On a de la peine à croire à une tentative d'évasion. La grande évasion de la prison de Lambèse, dans la Wilaya de Batna, a précisément été possible en raison de l'absence d'une ceinture de sécurité extérieure réclamée des mois durant, avant l'évasion, par le directeur de prison limogé. Le 30 mai 1993, les détenus de Serkaji sont réprimés pour avoir protesté contre les dures conditions carcérales ; les visites familiales furent suspendues et plus de cent blessés graves furent recensés. Les conditions de détention n'avaient rien à voir avec la loi ; un collectif composé d'une dizaine d'avocats publia dans l'hebdomadaire *El Alam Essiyassi*, semaine du 3 au 10 septembre 1994, une protestation publique, réclamant, après l'échec des diligences des avocats auprès de l'administration judiciaire, la mise en place d'une commission qui devait se prononcer sur les conditions intolérables de détention et sur les violences gratuites, commises à l'égard des détenus politiques. Plusieurs plaintes pénales furent déposées entre 1994 et 1995 auprès des juridictions compétentes. Aucune n'aboutit, le parquet ayant décidé de leur classement sans suite.

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Lieu symbolique, Serkaji était une prison coloniale de haute sécurité, où furent exécutés les condamnés à mort de la cause nationale. Dès l'indépendance Serkaji fut transformée en musée, dont la pièce maîtresse était la guillotine. En 1982 Serkaji fut rouverte comme centre de prévention, statut qui le destina à recevoir les prévenus non jugés - en détention préventive -, et les condamnés qui doivent purger une peine inférieure à trois mois, tous majeurs et de sexe masculin. A la suite du coup d'Etat de 1991 ce centre devint, de fait, en raison de l'élargissement de la répression, un établissement de rééducation, destiné à recevoir, en plus, les condamnés dont il reste à purger une peine inférieure à un an de prison.

Nous utiliserons pour cet exposé, le contenu de trois rapports établis sur cette affaire. Le premier est le rapport préliminaire, rendu public le 3 juillet 1995, par un comité désigné respectivement, par le Syndicat National des Avocats Algériens (SNAA), la LADDH, le comité constitué par le groupe des avocats des victimes et les représentants des familles des victimes et détenus de Serkaji. Le second est le rapport de l'enquête diligentée par l'ONDH, émanation des autorités algériennes, et réalisé par l'ONDH, le Conseil Supérieur de la Magistrature (CSM) - qui est présidé de droit par le chef d'Etat, mais en fait par le ministre de la justice -, et enfin l'Union Médicale Algérienne (UMA), association relevant anciennement du parti politique FLN, ensuite du parti RND au pouvoir. Le troisième rapport, intitulé *Enquête préliminaire*, fut établi en août 1995 par le Comité Algérien des Militants Libres de la Dignité Humaine et des Droits de l'Homme (CAMLDHDH)<sup>38</sup>.

Le massacre de Serkaji se produisit dans des circonstances suspectes, survenues avant et pendant le drame. Nous distinguerons ces circonstances du massacre.

#### **a) Avant le massacre**

Au moins cinq faits sont enregistrés :

##### **1) Transferts externes irréguliers de détenus politiques vers Serkaji**

D'octobre 1994 à la deuxième semaine de février 1995, une semaine avant le drame, le ministre de la justice procédera, dans une clandestinité quasi totale, à des mouvements de prisonniers à travers le territoire national vers Serkaji qui souffrait déjà de surpopulation. C'est ainsi qu'au moment des faits, la prison Serkaji comptait, outre 617 détenus de droit commun, 920 détenus politiques dont une trentaine étaient asthmatiques et une dizaine diabétiques. Parmi les détenus politiques, une quarantaine étaient condamnés à mort et plus de trente l'étaient à la prison à perpétuité. Ces déplacements vers Serkaji se sont faits en provenance de plusieurs prisons (Chlef, El Harrach, Berrouaghia, etc.). Pourtant, le statut juridique de Serkaji ne permettait pas d'y recevoir les condamnés à plus d'un an de prison. D'autre part, les établisse-

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ments pénitentiaires destinés à recevoir les condamnés à la peine capitale sont limitativement prévus, par le code pénitentiaire et la réglementation, notamment l'arrêté du 23 février 1972, dont l'article premier dispose : « les condamnés à mort sont transférés dans les établissements pénitentiaires suivants : El Asnam (devenue Chlef), Berrouaghia, Tazoult et Tizi-Ouzou ». Lors de ces transferts, des détenus furent détournés vers des commissariats, certains furent séquestrés illégalement durant plusieurs semaines dans des lieux inconnus, après avoir été enlevés des prisons et emmenés dans les malles de voitures banalisées. Tous ont fait état des tortures qu'ils ont subies, parfois des mutilations et des castrations. De nombreuses plaintes pour séquestration et torture, ou pour extractions abusives non mentionnées sur les registres d'écrou des prisons, sont déposées devant les juridictions, par exemple, dès le 12 octobre 1994 auprès des tribunaux d'Alger et d'El Harrach.

### ***2) Transferts internes suspects de prisonniers***

S'il est normal que des permutations de détenus soient effectuées entre les salles, pour des raisons de sécurité, le vendredi 17 février 1995, quatre jours avant le drame, contrairement aux habitudes, ces mouvements sont opérés sur la base de listes. Des regroupements sont effectués dans les salles 25, 29, 30 et 31, dans le couloir des condamnés à mort. Ce sera le lieu où se concentrèrent les tirs d'armes lourdes et légères lors du massacre, grenades offensives, FMPK, armes automatiques et fusils à lunettes. Avant le drame, les détenus se plaignirent à leurs avocats et à leurs familles de ces regroupements, dans des cellules plus surpeuplées que les autres.

### ***3) Affectations et promotions troublantes dans le corps des gardiens***

Hamid Mebarki, 25 ans, nouveau gardien, est affecté dans la semaine précédant le massacre à l'aile des condamnés à mort, où, d'habitude et selon les usages dans les prisons du monde entier, sont désignés, plutôt des gardiens gradés, plus expérimentés et certainement plus « sûrs ». Ce fut ce gardien novice qui, selon les informations diffusées par le gouvernement, aurait introduit des armes: quatre pistolets et trois grenades, dont aucune n'a été utilisée. Les trois grenades ont en effet été montrées à la télévision d'Etat, à une heure de grande écoute, le 11 mars 1995, l'une d'elles était dégoupillée. Selon de nombreux témoignages, pendant le massacre, ce gardien fut hissé par les forces publiques sur le mur d'enceinte de la prison, à l'aide de grappins qui lui furent lancés par des soldats ou gendarmes.

La nuit du massacre, une autre affectation avec promotion suspecte fut observée. Un simple gardien, Selsaf Ramdane, fut désigné comme officier chef de poste de permanence contrairement à la réglementation pénitentiaire. Il était assisté de cinq de ses collègues, dont deux affectés à la surveillance par vidéo-écran.

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**4) L'ouverture miraculeuse de certaines cellules**

Entre trois et quatre heures du matin du 21 février 1995, un groupe de cinq ou six civils, armés et portant cagoules, habillés de jeans et chaussés de baskets, ouvrent les vingt cellules du couloir des condamnés à mort, avec des clés en leur possession. Lorsque ces mystérieux hommes cagoulés demandèrent aux détenus, parfois sous la menace, de sortir et de se diriger vers la cour de la prison, les détenus, selon le témoignage des survivants, ne reconurent pas leur voix. La porte de chaque cellule comporte deux serrures, le couloir comporte plusieurs grilles métalliques dont la fermeture est renforcée par une barre de fer scellée au mur. Ni les serrures ni les grilles ne furent forcées. Selon les constatations concordantes, faites après le drame, les serrures de ces cellules et les grilles du couloir de la mort ne furent pas forcées. Celles des salles et cellules situées hors du périmètre de haute sécurité ont gardé une serrure intacte et une serrure forcée ; certaines barres de grilles, dans les autres couloirs avaient été descellées. La clé d'une des deux serrures de cellules des condamnés à mort, dite de sécurité, doit être en permanence chez le directeur de prison. Deux constats ressortent unanimement des témoignages :

- Tous les témoignages des survivants, faits aussi bien aux avocats qu'aux familles, concordent pour dire que les mystérieux hommes cagoulés immédiatement disparurent avec les clés.
- Curieusement, la cellule de Abdelhaq Layada, sensé être le chef national du GIA ne fut ouverte que vers 5 heures 30 par d'autres détenus ; c'est ce que confirme le rapport de l'ONDH, qui affirme par ailleurs, que les serrures de sa cellule ont été forcées. Si tentative d'évasion il y a, la moindre des choses est de lui assurer une direction pour coordonner les opérations ; la direction des opérations toute indiquée est celle de Layada.

**5) Un fait qui rend le drame irrémédiable**

Trois condamnés à mort, parmi les survivants ont déclaré, que l'effet de surprise passé et après un moment de flottement, ils ont tenté de remonter les escaliers en direction de leur cellule ; là, ils découvrent les corps de gardiens, ligotés et sauvagement égorgés. Sans nul doute, ce crime allait être imputé, indistinctement, à tous les détenus politiques. Tous les rapports confirment que les gardiens ont été tués au premier moment du drame. Dans son rapport d'enquête, l'ONDH affirme que ces gardiens : « ont dû être égorgés dès les premiers instants de l'opération ». La majorité des détenus survivants soupçonnent les mystérieux libérateurs, armés et munis de clés, de ce forfait après lequel ils se sont « volatilisés » selon le terme employé par un témoin.

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Ce massacre ressemble bien à une opération préméditée. Lorsque le rapport de l'ONDH affirme que l'usage des bombes lacrymogènes « a été écarté, compte tenu de la configuration intérieure du quartier de détention et des risques d'asphyxie d'un grand nombre de détenus ne pouvant avoir accès à une ouverture d'aération », il voulait sans doute justifier l'usage intensif des armes mortelles, il ne relève pas, que quelques pages plus loin, il mentionne que le couloir des cellules des condamnés à mort fait 1, 5 mètre sur 1, 5, pour contredire, un peu plus loin, sa première affirmation : « vers 6 heures du matin (journée du mercredi 22 février 1995), les forces de sécurité ont lancé quelques grenades lacrymogènes vers le groupe des irréductibles re-tranchés dans la cellule 25 et les cellules situées de part et d'autre du couloir ». De fait, les forces de sécurité ont fait un usage intensif d'armes à feu, durant dix sept heures continues, sans aucun rapport avec le danger couru. Avant cela, ils avaient délibérément refusé une solution pacifique, proposée par une cellule de crise constituée par les détenus.

Ce qui frappe l'attention est l'avortement volontaire de la tentative de règlement amiable, dont Abdelkader Hachani, Ykhlef Cherrati et Abdelhaq Layada avaient pris l'initiative en constituant une cellule de crise. Après de nombreuses tractations, ils étaient arrivés à persuader la totalité des détenus à rejoindre leur cellule, et d'accepter toutes les conditions posées par le général Gheziel qui dirigeait les opérations. Le rapport du SNAA, de la LADDH et du Comité des défenseurs et des familles des victimes le constate dans sa section IV sous le titre : *Constitution d'une cellule de crise par les détenus : apaisement et retour au calme*. Cependant, alors que Ykhlef Cherrati était resté dans la cour, pour continuer à persuader le reste des prisonniers à réintégrer leurs quartiers, les deux autres membres de la cellule de crise, qui demandaient la présence de trois avocats pour témoigner de leur disponibilité et constater l'engagement des autorités à sanctionner les seuls responsables meurtriers des gardiens conformément à la loi, furent brutalement séparés et mis dans des cellules différentes. Cette tournure brusque des événements fait écrire aux auteurs du rapport précité : *La solution pacifique délibérément avortée*. Les détenus étaient sans doute renseignés par des précédents bien connus, pour avoir à craindre pour leur vie. En effet, moins de trois mois auparavant, en novembre 1994, il y eut meurtre de centaines de détenus à la prison de Berrouaghia, après que ces derniers eurent rejoint leurs cellules, dans des circonstances semblables. Par méfiance, ils demandaient donc la présence de témoins « sûrs ». Pourquoi le leur a-t-on refusé, et pourquoi préférer une solution qui, immanquablement, allait faire des dizaines de morts ?

Les rapports, à l'exclusion du rapport des institutions proches ou rattachées au gouvernement, indiquent que le massacre a pris trois formes : tirs ciblés à partir des terrasses et des voies d'aération – les lieux de détention sont tous situés aux sous-sols datant du dix-septième siècle – ; tirs nourris

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aux FMPK et armes automatiques, jets de grenades offensives – concentrés vers les cellules 25, 29, 30 et 31 – ; enfin l'achèvement de prisonniers sur la base de listes préétablies.

A la fin du massacre, des divergences sont apparues sur le nombre réel des victimes. 100 morts selon le ministre de la justice Mohamed Teguaia, 109 selon le CAMLDHDH, plus selon des avocats. Dans son rapport précité, l'ONDH écrit que 88 morts ont été inhumés « au cimetière d'El Alia, le reste dans les cimetières d'El Kettar et de Bologhine », deux paragraphes auparavant, le même rapport souligne que « les dépouilles des détenus ont pour la plupart été dirigées sur la morgue centrale de Bologhine. A la date du samedi 25 février 1995, cette morgue, qui a une capacité théorique de 36 places, abritait 54 cadavres [...] dans ces conditions [...] le Wali d'Alger est intervenu pour exiger l'inhumation rapide des morts [...] ceci peut expliquer la raison pour laquelle le parquet général de la cour d'Alger a délivré un certain nombre de permis d'inhumer sous "x" ».

Parmi les victimes identifiées du massacre, on dénombre selon la liste publiée par la CAMLDHDH, 26 condamnés à mort, 17 condamnés à perpétuité, 24 condamnés à la réclusion ou à la prison à temps, tous dirigeants, cadres, militants ou simples sympathisants du FIS. Dans un témoignage rapporté par le CAMLDHDH, un vieil employé du cimetière d'El Alia, où selon le rapport de l'ONDH 88 morts ont été inhumés, déclare :

en Algérie, même pour les morts il y a deux poids et deux mesures. Les services de sécurité ont réservé depuis deux ans des parcelles de terrain [...] [y] sont enterrés ceux qui meurent sous la torture [...] sous la dénomination X algérien. Ils sont ramenés par des policiers ou des gendarmes et nous les enterrons à toute heure, en leur présence. Ils n'ont ni nom ni famille.

Selon le CAMLDHDH, c'est dans l'un de ces carrés réservés, que des victimes de Serkaji ont été mises dans une fosse commune, sans bière, seulement des sacs en matière plastique.

Ces massacres, dans les formes que nous avons arbitrairement privilégiées, peuvent être situés chacun dans le temps et l'espace bien que le nombre exact des victimes est, en l'état actuel des choses, impossible à déterminer. Une fois établis, ces massacres doivent être qualifiés. Nous envisagerons cette qualification selon le droit interne algérien. Il faut d'abord épuiser les ressources du droit interne pour songer à recourir, subsidiairement et en cas de nécessité, si le droit interne se révélera inapte à le faire, au droit international. Mais là encore, nous constaterons que les autorités algériennes objectent des arguments tout-à-fait spécieux.

## 2.2. Massacres : L'incertitude du droit algérien

Le terme *massacre* est cité par une série de textes du code pénal au chapitre I intitulé *Crimes et délits contre la sûreté de l'Etat*<sup>39</sup>.

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L'allusion à la guerre civile, faite dans le même chapitre, par une autre série de textes n'utilise pas ce terme. Enfin, le code pénal, dans différents chapitres, punit certains faits considérés chacun séparément, sans qu'il ne les envisage dans une entreprise concertée de massacre. Nous exposerons chacune de ces trois séries de textes et leur rapport aux massacres perpétrés en Algérie. Nous constaterons que ce droit n'est pas conçu pour protéger la société mais pour préserver le régime politique. La carence est triple : au niveau de l'université, du législateur et des juges. Pourtant le droit interne algérien organise la « réception », dans son système, du droit international. Ce droit est applicable malgré les arguments des gouvernants. utilisant invariablement, soit la souveraineté nationale soit les circonstances exceptionnelles que vit l'Algérie.

### 2.2.1. *Discussion des textes de droit interne*

#### **A. Première série de textes**

Dans la première série de textes, les articles 84 et 85 du code pénal punissent ceux qui commettent un attentat ou un complot dont le but est, indistinctement, le massacre des gens ou la dévastation des biens.

##### **a) Exposé des textes**

**(1) L'attentat** « dont le but a été de porter le massacre ou la dévastation dans une ou plusieurs communes » (article 84), est puni de mort. Il s'agit d'une action matérielle et positive dûment déclenchée, consistant en un attentat contre l'intégrité physique de plusieurs personnes. Distinct de la rixe locale, le massacre apparaît comme étant une série de meurtres commis indistinctement. Ce massacre est commis avec ou sans but politique. La loi situe sur un pied d'égalité l'atteinte aux personnes et l'atteinte aux biens, en l'occurrence le massacre des personnes et la dévastation matérielle, en les punissant de la même peine.

**(2) Le complot** consistant en la « résolution d'agir arrêtée et concertée » entre deux personnes et plus, avec comme but l'attentat de l'article 84, est également punissable (article 85). Lorsqu'il s'agit d'un complot simple, réalisé dès que la résolution d'agir est concertée et arrêtée entre deux personnes ou plus, la peine est la réclusion de dix à vingt ans. Lorsqu'un complot (dit aggravé) est suivi d'un acte commis ou commencé pour en préparer l'exécution, la peine est la réclusion perpétuelle. Celui qui fait une proposition qui n'est pas agréée est puni, seul, de la réclusion de cinq à dix ans.

##### **b) Discussion juridique**

La jurisprudence algérienne n'est pas systématiquement publiée, nous privant de la certitude de savoir si elle a eu l'occasion de donner une interpréta-

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tion du massacre, et de déterminer ses éléments constitutifs. La seule accusation tentée sur cette base, à notre connaissance, avait été dirigée contre les dirigeants du FIS. Le parquet militaire avait soutenu la qualification de massacre des articles 84 (attentat) et 85 (complot) aux faits qu'il leur reprochait. La question liée à cette accusation, posée en salle de délibération des juges militaires, était de savoir si les accusés avaient, oui ou non, « donné l'ordre aux grévistes de ne pas évacuer les places publiques, édifié des barricades et violé le couvre feu, faits qui ont conduit les forces de sécurité et les résistants à l'usage d'armes faisant des dizaines de mort »<sup>40</sup>. Nonobstant la divergence dans la présentation des faits<sup>41</sup>, cette question était, à l'évidence, loin de nous renseigner sur la notion juridique de massacre. Est exclue la *jurisprudence* des cours spéciales qui, si elles ont massivement utilisé cette accusation, n'ont jamais motivé leurs décisions. Parce que spéciales et parce que statuant au criminel, elles ne sont pas redevables de l'obligation de motiver leurs condamnations ; l'intime conviction, incommunicable par définition, leur suffit.

Les juristes universitaires algériens n'ont pas tenté de discuter ces textes, ce qui nous conduit à puiser une explication dans le corps législatif lui-même.

L'interprétation d'un texte pénal, comme de tout texte de nature juridique, ne ressort pas de sa seule lecture littérale. Le texte doit être replacé à l'intérieur du système juridique dans lequel il est inséré, notamment au code pénal dans son intégralité, pour qu'on puisse le saisir d'après sa finalité. Examinons la forme et le fond des textes.

Nous constatons qu'au plan formel, le législateur inscrit ces crimes textuellement sous le titre de l'atteinte à la sûreté de l'Etat, qui comporte les articles 60 à 96, en l'occurrence pour protéger le régime politique : *Code Pénal, Livre troisième, Titre I Crimes et délits contre la chose publique, Chapitre I Crimes et délits contre la sûreté de l'Etat*.

Au fond, la qualification qu'il en donne confirme ce choix. Les qualificatifs de « complot » et d'« attentat » utilisés, respectivement par les articles 85 et 84, sont traditionnellement réservés à la protection du régime, même si l'intention arrêtée par les criminels (complot) ou l'acte (attentat) lui-même, visent tous deux le massacre de la population.

D'ailleurs, comme deux précautions valent mieux qu'une, le législateur algérien, proluxe pour protéger le régime, prévoit une autre incrimination, incluant elle aussi le massacre de la population. L'article 86 punit de mort l'attentat commis « en vue de troubler l'Etat par le massacre ou la dévastation ». C'est comme moyen que le massacre est spécifié dans ce texte. Qu'il s'agisse de détruire ou changer le régime, d'exciter les citoyens ou habitants « à s'armer contre l'autorité ou les uns contre les autres [...] de porter le massacre ou la dévastation dans une ou plusieurs communes », ces actes sont

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punissables de mort lorsqu'ils visent à troubler l'Etat. Ce texte ne punit pas le massacre en tant que tel.

A priori, les dispositions du code pénal sont inadéquates pour qualifier les massacres commis en Algérie. Ces textes envisagent le massacre indistinct et sans motif, alors que les massacres perpétrés en Algérie, si l'on croit de nombreux témoignages concordants, et si l'on examine le faisceau d'indices qui les entourent, y sont plutôt sélectifs et traduisent une politique. Si l'on prend la version donnée par les autorités algériennes, disant que les massacres visent « tout » le peuple, et qu'il s'agisse réellement de tueries indistinctes et sans motif politique, ces textes s'appliqueraient alors aux décideurs et leurs complices, qui ont écarté la Constitution et « instauré – sans pour autant abroger la Constitution antérieure – un régime de fait hybride né de ce que l'on peut considérer comme un coup d'Etat »<sup>42</sup>, et provoquant donc la guerre civile, dans laquelle les massacres ont été considérés comme une conséquence acceptable de leur décision.

Des dénonciations de plus en plus nombreuses montrent, en effet, que les services de sécurité et les milices armées par l'Etat sont directement ou indirectement responsables des violences. Ces services sont désignés du doigt comme étant derrière ces massacres, ou tout au moins derrière la plupart d'entre-eux. Le Comité des droits de l'homme observe fermement dans son rapport de juillet 1998, que nous avons cité, qu'il demeure préoccupé : « devant les allégations persistantes de collusion de membres des forces de sécurité dans la perpétration d'actes de terrorisme ». Devant une telle accusation aussi grave, une constatation s'impose : si tous les services de sécurité sont impliqués dans ces tortures, assassinats ciblés et tueries collectives, ceci ne peut résulter que d'une volonté centrale, car il est impossible aux dirigeants politiques de prétendre ignorer un phénomène aussi général et aussi systématique. Dans un témoignage écrit, Hocine Abderrahim, principal accusé dans l'affaire dite de la bombe de l'aéroport d'Alger, qui avait été condamné à mort et exécuté, cite nommément ses tortionnaires en impliquant des commissaires divisionnaires, un commandant de l'armée et le ministre de la sécurité, M'hamed Tolba.

A ces dénonciations s'ajoute un fait troublant. Jusqu'à ce jour, le gouvernement algérien n'a pris aucune des mesures préconisées par le Comité des droits de l'homme pour protéger la population ciblée.

Si la majorité des victimes s'avère être celle qui s'est opposée au coup d'Etat, ou qui s'y oppose toujours, si le gouvernement veut imposer une politique impopulaire largement décriée, et si l'on s'en tient au sens littéral des textes, ceux-ci s'appliqueraient bien aux auteurs du coup d'Etat. Pour maintenir leur projet ils ont porté la dévastation dans plusieurs communes et commis des massacres indiscriminés (contre tout le peuple) et, de ce fait, les articles 84, 85 et 86 leurs sont applicables, que les massacres soient sélectifs ou indistincts. Avant la commission des massacres, ces auteurs ont d'abord

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attenté à l'ordre constitutionnel et changé le régime politique en cours. Suivant l'ordre chronologique des faits, attentat à l'ordre constitutionnel, ensuite massacres, ils sont justiciables d'abord d'une autre série de textes, que nous allons examiner à présent.

## ***B. Deuxième série de textes***

### **a) Exposé des textes**

#### ***(1) L'attentat***

D'abord l'article 77 du code pénal punit de mort « l'attentat dont le but aura été soit de détruire ou de changer le régime constitutionnel, soit d'exciter les citoyens ou habitants à s'armer [...] les uns contre les autres [...] l'exécution ou la tentative constitueront seules l'attentat ».

#### ***(2) Le complot***

Ensuite l'article 78 punit le complot « ayant pour but les crimes mentionnés à l'article 77 ». Le complot est une conspiration plus ou moins secrète et dont l'objectif est l'attentat de l'article 77. Il y a complot dès qu'il y a une proposition faite et non agréée, également lorsque la résolution d'agir a été acceptée, concertée et arrêtée entre deux personnes et plus. La peine varie selon que le complot a consisté en une proposition non agréée, ou une proposition qui a débouché sur une concertation arrêtée, et selon que le complot a été suivi ou non d'un acte préparatoire, commis ou commencé. Cette peine varie de la réclusion à temps de dix à vingt ans au maximum, et d'un à dix ans d'emprisonnement avec amende. Dans tous les cas, le coupable peut être interdit, en tout ou partie, de ses droits civiques.

### **b) Discussion juridique de ces textes**

Ces textes visent la protection du régime contre deux formes d'atteinte, réalisables toutes deux, soit par une proposition ou un accord concerté (complot) soit par l'attentat.

Une première forme d'atteinte, réalisée par l'attentat, est celle qui qualifie les actes des chefs d'armée qui, en écartant un Président de la République élu, en bloquant un processus démocratique, en emprisonnant les élus, en proclamant l'état de siège, en modifiant la Constitution dans un sens qu'ils jugent favorable à leur désir, et en détruisant ainsi le régime constitutionnel, commettent un attentat. L'attentat est toujours précédé du complot. Le texte réprimant le complot aurait trouvé matière à s'appliquer si l'attentat n'avait pas été réalisé.

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La deuxième forme, réalisée par l'attentat, est celle consistant en l'excitation des citoyens (algériens) et habitants (résidents) à s'armer les uns contre les autres. Cette deuxième forme a été réalisée. En faisant l'apologie de la guerre civile par le verbe, c'est-à-dire en excitant les citoyens à s'armer, et en décidant de la privatisation de la violence par les actes, en l'occurrence, par l'embrigadement et l'armement de milices privées, les auteurs du coup d'Etat ont commis l'attentat prévu par le code pénal. Les médias éradicateurs, publics et privés, en faisant durant de longues années et de manière constante l'éloge des milices, pour les exciter à utiliser les armes, commettent également l'attentat prévu par ce texte. Celui-ci punit l'apologie de la guerre civile par toute déclaration ou écrit, en tant qu'acte matériel, excitant les citoyens à s'armer les uns contre les autres.

Une proposition même non agréée, ou un accord concerté sur un plan visant le même objectif, réalisé entre deux personnes et plus, constituent, chacun, le complot punissable. Le texte réprimant le complot aurait trouvé matière à application si l'attentat, visé par ledit complot, n'avait pas été consommé.

L'attentat et le complot des articles, respectivement, 78 et 77 s'appliquent plus directement aux responsables et complices, civils et militaires, qui ont annulé le processus démocratique en Algérie, suspendu la Constitution, conduit le pays à la guerre civile et au massacre de la population. Il n'est pas douteux qu'au plan juridique les responsables de l'armée ont, sous prétexte de sauver la démocratie, violé la Constitution<sup>43</sup>. Des déclarations publiques par des responsables politiques, comme celle de l'ancien chef de gouvernement Redha Malek, disant que « la peur doit changer de camp », peuvent constituer une incitation et un encouragement à la guerre civile, révélant ou concrétisant l'attentat de l'article 77. Enfin, une telle déclaration peut jeter l'effroi dans la population ou créer un climat d'insécurité. Elle devrait tomber sous le coup de l'article 87 bis du code pénal si le législateur avait eu le souci de protéger la société. Ce texte, reprenant l'incrimination du Décret législatif relatif à la lutte contre la subversion et le terrorisme, considère comme étant un « acte subversif ou terroriste [...] toute action ayant pour objet de [...] semer l'effroi dans la population et créer un climat d'insécurité »<sup>44</sup>. Ce texte ne protège pas la société, il n'est applicable que si l'auteur vise la sûreté de l'Etat.

***C. Troisième série de textes***

D'autre part, de nombreux faits d'atteinte à la vie et à la liberté sont punissables en eux-mêmes, sans que la loi ne les envisage ensemble dans une entreprise systématique. Il en est ainsi du meurtre, de l'assassinat, de la torture, des enlèvements, séquestrations, détentions arbitraires, etc., qui sont chacun puni en tant que tel par le code pénal, notamment au titre II intitulé *Crimes contre les particuliers*, et plus précisément au chapitre I *Crimes et délits contre les*

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*personnes*, à partir de l'article 254 du code pénal. Ce sont des infractions de droit commun qui ne reçoivent aucune qualification pénale spéciale, en droit interne, lorsqu'elles sont commises ensemble dans leur totalité ou partiellement, de façon massive ou systématique, à l'égard d'une population civile. Le code pénal algérien ne punit ni le génocide ni le crime contre l'humanité. Il est globalement conçu comme un instrument de protection du régime, non de la société en tant que telle.

Ces trois séries de textes, comme l'ensemble de la législation algérienne, sont d'inspiration occidentale, principalement française, avec quelques restes socialistes, vestige d'un passé récent. Si la Constitution affirme que la souveraineté appartient au peuple (article 6), que l'Islam est religion d'Etat (article 2) et que « L'Etat puise sa légitimité et sa raison d'être dans la volonté du peuple, [que]sa devise est – par le peuple et pour le peuple –, et qu'il est au service exclusif du peuple » (article 11), ces proclamations ne trouvent aucune consécration législative concrète, et restent de l'ordre du discours.

Le droit pénal algérien apparaît comme incapable de protéger la société, puisqu'il est conçu comme un instrument de protection du régime politique. Aux yeux des gouvernants algériens, le statut du droit est semblable à celui des biens, susceptible donc d'appropriation privative, à leur seul bénéfice.

### *2.2.2. Le droit algérien contre la société*

Aux termes du Littré, le droit est : « l'ensemble des règles qui régissent la condition de l'homme en société ». Certes, cette définition n'est pas exhaustive, mais elle présente l'intérêt de faire apparaître le phénomène juridique comme un phénomène social. Or le droit algérien, tel qu'il fonctionne et tel qu'il est enseigné, reste en dehors ou en deçà, ensemble, des pratiques sociales, du tissu spirituel et culturel de la société, de ses préoccupations et de sa sécurité en tant que nation. Le système juridique algérien se caractérise par son inadéquation vis-à-vis de la culture et de la religion de la société, ainsi que de ses intérêts vitaux.

La carence du droit algérien ne transparait pas seulement à travers son enseignement. Cette carence est plus visible dans ses textes et leur application par les juges. Alors que les universités mondiales, les juristes, et même les médias, ne restent pas insensibles aux expériences du droit international pénal, après la création des Tribunaux ad hoc pour l'ex-Yougoslavie et le Rwanda, l'Université algérienne enseigne toujours le commentaire des décisions judiciaires françaises du siècle dernier. Quant aux juges, munis de textes étrangers à la société, ils sont préoccupés davantage par leur avancement et leurs avantages matériels, qui dépendent de leur docilité vis-à-vis de l'exécutif.

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Pour apprécier la carence de l'université et de la recherche juridique sur ce plan, il convient de constater, au préalable, que les mécanismes juridiques classiques du droit positif français, hérités au lendemain de l'indépendance, ne sont pas toujours adaptés pour traduire dans le langage du droit, des situations qui se sont justifiées sur les plans économique, social, pénal etc. Des pratiques nouvelles se développent sans que l'Université algérienne ait pu les prévoir, alors même que ces pratiques ne sont pas dominées par le concept des relations individuelles, cher aux codes napoléoniens. Plusieurs relations sociales et économiques individuelles sont présentement dominées par des impératifs collectifs, hors des lois écrites et des quelques décisions judiciaires publiées. Des pratiques nouvelles peuvent être observées ; des conventions puisant leurs racines dans l'histoire lointaine sont passées, entre un grand nombre de participants et constituent donc des faits juridiques essentiels, que l'université aurait du observer et analyser. De fait, l'étude et la documentation de ces « pratiques » dépassent le cadre des bibliothèques universitaires ; c'est dans le chantier des relations économiques et sociales, telles qu'elles se nouent, qu'il faut se rendre et réfléchir<sup>45</sup>. On sera surpris de constater la relativité des normes et des interprétations classiques, issues du droit positif enseigné à l'université. Le décalage de celle-ci, par rapport à la réalité, est une caractéristique de la plupart des universités des pays de l'hémisphère sud de la planète en général, et celles de beaucoup de pays musulmans en particulier.

**B. Carence du législateur**

Le législateur algérien est étranger à sa société dont il semble ignorer la culture et les exigences, notamment de sécurité. Même des pratiques sociales algériennes, nouvelles ou anciennes, sont superbement ignorées. L'esprit du droit algérien reste en outre étranger à la langue nationale<sup>46</sup>. Inspiré principalement du droit français dont il adopte la plupart des solutions, il n'est pas un facteur d'intégration sociale mais une sorte de camisole, un maillage en grande partie étranger à la société. Le droit algérien n'est pas pour autant identique au droit français<sup>47</sup>. C'est ce que nous allons établir par l'examen successif de la politique législative et du système juridique algériens.

**a) La politique législative**

Après la libération politique formelle, la nouvelle autorité se substitue à l'ancienne en adoptant sa culture juridique. Au lendemain de son indépendance l'Algérie a, par la loi du 31 décembre 1962, reconduit la législation française : « sauf dans ses dispositions contraires à la souveraineté nationale ». Le législateur algérien a par la suite fait promulguer des lois, régissant de nombreuses matières, en s'inspirant essentiellement des codes français. Il en

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est ainsi pour la quasi totalité des codes pénal et de procédure pénale hérités au lendemain de la guerre d'indépendance, au moment même où les textes français avaient capitalisé les expériences répressives de leur droit. Il avait pourtant été averti des dangers d'une telle politique législative. Dès 1964, Cheikh Bachir El Ibrahimi, président de l'association des ulémas algériens parlait du : « risque de guerre civile que court le pays [...] les dirigeants ne paraissent pas réaliser que [...] les fondements théoriques de leur action doivent être puisés non pas dans des doctrines étrangères mais dans l'islam »<sup>48</sup>.

En dehors des protections minimales des personnes et des biens, inspirées du droit français d'il y a une trentaine d'années, notamment des codes français et de quelques orientations doctrinales de même inspiration, les codes pénal et de procédure pénale des ordonnances du 8 juin 1966 se montrent davantage soucieux de protéger le régime, et sa politique, que de protéger la société et de s'inspirer de ses données morales et religieuses<sup>49</sup>. En cela, ils héritaient de l'expérience juridique française de combat contre le nationalisme algérien. Les dispositions pénales algériennes ne renferment que partiellement, ce que la société considère comme vital pour sa sécurité et pour son ordre social et moral. Il en a été ainsi à chaque modification, par exemple par la législation anti-terroriste inspirée de la législation de Vichy selon certains auteurs<sup>50</sup>. La toute dernière Constitution repris des dispositions de celle de la France<sup>51</sup>.

La législation d'exception a été intégrée au droit commun malgré la pression de la critique. Cette intégration n'a pas échappé au Comité des droits de l'homme des Nations Unies qui, dans ses observations à propos des réponses du gouvernement algérien, note dans son rapport final, adopté le 29 juillet 1998 lors de sa 1696<sup>ème</sup> séance – CCPR/C/SR, que des dispositions du décret de 1992 ont été incorporées dans la législation pénale ordinaire, en donnant aux activités terroristes ou subversives « une définition qui se prête à des abus », contrevenant ainsi aux articles 6 et 9 du Pacte portant sur les droits civils et politiques, auquel l'Algérie est partie. Même la définition de l'acte terroriste retenue par la Convention arabe du 22 avril 1998, à laquelle l'Algérie est partie, n'a pas été intégrée dans le droit interne ; préférant sans doute sa vague définition, qui lui permet d'élargir la répression. Selon la Convention arabe, en effet, l'acte terroriste est « tout acte de violence ou toute menace de recours à la violence, quels que soient ses motivations et ses objectifs, ayant pour but d'exécuter un projet criminel individuel ou collectif de nature à provoquer la terreur, ou à mettre en danger la vie, la liberté et la sécurité de la population ». Indépendamment ou avec la législation d'exception, la loi algérienne porte toujours les tares d'une législation colonialiste répressive.

De fait, il n'est pas surprenant qu'il n'y ait pas dans le droit commun d'infractions punissant les atteintes contre la société, les tueries collectives, les massacres systématiques, les déviations graves de l'appareil judiciaire, la

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pratique des camps de concentration et autres atteintes à la vie, la liberté et la dignité humaine ; on n'y prévoit davantage les crimes contre l'humanité, crimes de guerre ou génocide. Malgré le pragmatisme du droit humanitaire international et son caractère majoritairement coutumier, la définition internationale des crimes n'a pas été intégrée dans les lois algériennes.

#### **b) Le système législatif actuel**

Nous préférons parler de système et non d'ordre juridique, ceci en raison de l'absence de rigueur du législateur dans le respect de l'une de ses propres règles : la hiérarchie des normes. Ce système donne l'image d'une mosaïque de règles, due à l'instabilité continuelle de ses références et fondements. Au socialisme considéré hier comme la source principale, sinon exclusive de son inspiration, succède après trente ans, un libéralisme étriqué. Le système juridique est l'ensemble du processus qui pousse à faire des lois applicables à des situations nouvelles et inconnues des textes existants. Or le pouvoir législatif, en tant qu'instrument de production législative, ne tient compte ni de la nécessaire unité juridique, ni du respect du principe de hiérarchie des normes. Plusieurs textes sont contraires à la Constitution, disons aux Constitutions successives et aux traités internationaux ratifiés ; des textes de nature réglementaire sont contraires aux lois, voire à la Constitution et aux conventions internationales du pays. Cette absence de rigueur dans l'observance du principe de hiérarchie des normes traduit, en fait, un volontarisme juridique propice aux détenteurs du pouvoir, et défavorable à la société.

C'est ainsi qu'en matière judiciaire, malgré les acquis de la période démocratique 1989-1991, le système recèle, et consacre toujours, la dépendance du juge à l'égard de l'exécutif. Par exemple, en matière de procédure, les pouvoirs de la police sont plus importants, en fait, que ceux du juge d'instruction, y compris dans la phase préparatoire des procès. L'article 30-1 du code de procédure pénale français, modifié en 1958 à l'occasion des pouvoirs spéciaux accordés à l'exécutif français dans sa lutte contre le mouvement nationaliste, et repris *in extenso* par l'article 28 du code algérien, faisait dire au conseiller Jean Mazard, avant même l'indépendance algérienne : « subrepticement, un véritable pouvoir policier a été institué au détriment de l'organisation judiciaire »<sup>52</sup>. Ce texte algérien n'a jamais été remis en cause. Sous prétexte de lutte contre le terrorisme, ces codes ont été révisés dans un sens défavorable aux droits du citoyen, garantis par les conventions internationales et les traités ratifiés par l'Algérie.

#### **C. Carence du juge algérien**

Si l'énoncé de la Constitution et des textes organisant la justice algérienne considèrent le juge comme étant le garant des droits et libertés des citoyens, celui-ci, en général, ne s'en est pas montré digne. Qu'il s'agisse du juge d'instruction, ou du juge du siège qui tranche les procès, il a toujours exécuté

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les directives de l'exécutif ; très souvent, il s'est montré zélé pour aller au devant de désirs informulés ; parfois, il a pris des décisions manifestement illégales et inéquitables, dans le seul souci de ménager un service subalterne de l'exécutif. Le juge pénal n'est pas le seul à être en cause. Par exemple, des juges de la chambre administrative ont apparemment détourné des pièces fournies par la défense, ou ont négligé de les réclamer aux « autorités », si, comme cela a semblé être le cas dans l'affaire de la dissolution du FIS, le dossier a été mystérieusement extrait du bureau du juge pour revenir incomplet<sup>53</sup>. Le juge administratif de la Cour suprême ne s'est pas montré plus digne, par exemple, lorsqu'il avait refusé les recours formulés contre les mesures de dissolution, par décrets exécutifs, des assemblées locales élues<sup>54</sup>.

Des milliers de prévenus ont été présentés aux juges d'instruction, alors qu'ils étaient en sang, des centaines étaient mutilés, sans que ces juges n'aient osé ordonner une expertise médicale pour vérifier l'origine des blessures visibles. Pire, ils ont refusé, à de très rares exceptions, de répondre favorablement aux demandes, faites par les avocats, de vérifier les allégations de tortures. Sans doute ne voulaient-ils pas subir leur mise à l'écart par la chancellerie, ou être soumis au conseil de discipline, devant lequel sont passés vingt-six magistrats intègres, dont plusieurs femmes, avant d'être suspendus, écartés ou mutés dans des services administratifs. Certains ont même été accusés de connivences terroristes et emprisonnés. Abdelkader Hachani, président du bureau exécutif provisoire du FIS, arrêté sur la base d'un délit de presse<sup>55</sup>, fut mis en prison préventive pour plus de cinq ans ; ses onze grèves de la faim n'ont pas ébranlé les juges d'instruction, qui se sont succédés dans la gestion de son dossier. Le juge d'instruction militaire n'était pas plus courageux. Par exemple, le capitaine Slimani qui était chargé du dossier des sept dirigeants du FIS, par devant le tribunal militaire de Blida, avait vigoureusement refusé d'enquêter sur les véhicules banalisés et leurs occupants, qui tiraient sur la foule et les forces de l'ordre, et dont l'existence avait été évoquée par un chef de gouvernement. Lors de sa déposition devant ce juge, et comme il ressort du procès-verbal établi, Madani Abassi lui avait pourtant fourni le moyen d'instruire à décharge, en lui déclarant avoir remis au général Toufik une cassette vidéo sur ces véhicules, dont certains avaient été filmés sortant du commissariat central d'Alger.

Les juges du siège quant à eux, civils et militaires, y compris et sans doute surtout ceux de la Cour suprême, gardienne de l'orthodoxie judiciaire, ont non seulement violé les lois, pactes et traités internationaux applicables, mais également leur propre jurisprudence. Les exemples étant trop nombreux, nous citerons à titre d'exemple significatif, en raison de son caractère exemplaire, l'arrêt rendu par cette juridiction dans l'affaire des dirigeants du FIS. Dans le même exemple, la carence du juge militaire apparaîtra comme évidente. L'exemple que nous citerons n'a par ailleurs jamais été publié.

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Au cours de l'instruction du dossier d'accusation des sept dirigeants du FIS, le juge d'instruction militaire a pris de nombreuses ordonnances, notamment sept, une par accusé. Par ces décisions il avait, d'une part, prononcé un non lieu partiel, écartant l'inculpation de constitution de groupes armés sans l'autorisation de l'autorité légitime, et d'autre part, déqualifié certains faits<sup>56</sup>. En l'occurrence, il avait écarté l'inculpation sur la base des articles 84 et 85, qui punissent le complot et l'attentat portant sur le massacre et la dévastation dans plusieurs communes. Ces ordonnances avaient acquis autorité de chose jugée, car aucune partie ne les avait contestées, pas même le parquet militaire. Or, au moment de la clôture de l'information, le juge d'instruction réintégra dans son arrêt de renvoi, les inculpations selon la qualification qu'il avait auparavant écartée, par une décision devenue définitive. Une partie des avocats de la défense fit appel contre l'arrêt de renvoi vicié. Le tribunal militaire, par exception aux autres juridictions de l'ordre judiciaire, fait office de chambre de révision des décisions du juge d'instruction ; il rejeta l'appel. L'arrêt de renvoi ne peut, en effet, faire l'objet d'un appel mais peut faire l'objet d'un pourvoi en cassation, devant la Cour suprême, en même temps que la décision qui sera rendue sur le fond de l'affaire. Lorsque l'affaire sera jugée au fond, la contradiction des décisions, les ordonnances de déqualification devenues définitives et l'arrêt de renvoi précédemment critiqué, étant des questions qui touchent l'ordre public, doivent être soulevée d'office par le tribunal. Or celui-ci mit en délibéré, conformément à l'arrêt de renvoi vicié, parmi les inculpations, celle sur laquelle existait des ordonnances de déqualification, ordonnances ayant acquis autorité de chose jugée. Après condamnation de leurs clients, les avocats de la défense présentèrent un double pourvoi en cassation, l'un contre le jugement de condamnation, l'autre contre l'arrêt de renvoi qui lui servait de fondement, en excipant, notamment, parmi de nombreux moyens de cassation, de la contradiction de décisions judiciaires. Manifestement, le moyen de cassation était imparable en droit. Moyen d'ordre public, la Cour suprême devait le soulever d'office, même dans le cas où les avocats ne l'auraient pas signalé. Cependant, contre toute attente, la Cour suprême, gardienne du droit, a refusé la cassation, laissant subsister à ce jour deux décisions contradictoires, rendues pour les mêmes faits et contre les mêmes personnes. Le pouvoir craignit, si la condamnation était cassée, que l'affaire des dirigeants du FIS ne perturba son programme répressif.

L'actualité a confirmé à l'opinion nationale et internationale, si besoin est, la dépendance du juge algérien. En exemple, on peut citer l'affaire devenue notoire de l'universitaire Bensaad, condamné à mort par contumace pour terrorisme, sur instigation d'un clan du pouvoir, ensuite acquitté in absentia, sur demande d'un autre clan. En effet, des jugements expéditifs de condamnation qui ne respectent ni la nécessaire neutralité du juge, ni les droits de la défense, ont été massifs et peuvent constituer un crime de guerre dans une situation de conflit armé interne, comme c'est le cas en Algérie. On est très

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loin de la période euphorique des discours sur l'indépendance du pouvoir judiciaire, justifiés certes par une série de mesures constitutionnelles et législatives<sup>57</sup>, mais cependant insuffisantes<sup>58</sup>. Peu de mois suffiront au régime issu du coup d'Etat pour réorganiser la dépendance du juge<sup>59</sup>, réorganisation à laquelle ce dernier n'a fait preuve d'aucune résistance ; c'est que cette réorganisation ne remettait pas en cause sa situation matérielle, elle révisait à la baisse les droits, garanties et libertés des citoyens.

En admettant les litiges soumis au juge algérien comme témoins valides, pour saisir l'étrangeté du système judiciaire par rapport à la société, les procès, dans toutes les matières (administratives, pénales, commerciales, fiscales, civiles etc.), intéressent surtout l'Etat et ses dépendances. La société civile n'y intervient que dans une fourchette située entre 8 et 12%, essentiellement dans les procès relatifs à la famille, et encore, il faut en exclure ceux où le parquet intervient à titre principal (garde d'enfant, tutelle, abandon de famille etc.). Tout le reste des procès compte l'Etat ou ses subdivisions comme partie prenante : administrations, sociétés d'Etat, parquet etc. La société y est absente. Le droit pénal qui nous intéresse est d'abord une affaire qui intéresse l'Etat. Les juridictions ne veillent à son application que lorsque les procureurs, soumis et représentants de la chancellerie, le jugent nécessaire à la protection du régime, utile à ses intérêts ou opportun contre ses adversaires.

Le gouvernement algérien a révélé au panel onusien que les seules Cours spéciales créées par un *Décret présidentiel*<sup>60</sup> ont prononcé, entre octobre 1992 et octobre 1994, 13 770 jugements. Il y a eu 1 661 peines capitales et 8 448 condamnations à des peines de prison. Ce n'est cependant que la partie visible de l'iceberg ; le rapport de la mission internationale d'enquête sur l'administration de la justice algérienne, conduite par la FIDH, publié sous le titre : « La levée du voile : L'Algérie de l'extrajudiciaire et de la manipulation »<sup>61</sup>, révèle l'absolue dépendance du pouvoir judiciaire vis-à-vis de l'exécutif et des services de sécurité. D'autre part, ni le chiffre des jugements rendus par les cours spéciales, ni le rapport de la FIDH, n'ont concerné les juridictions militaires qui, durant ces sept années, ont prononcé plusieurs milliers de décisions de condamnations de civils, en violation, notamment, de l'article 14 du Pacte portant sur les droits civils et politiques ; Pacte auquel l'Algérie est partie et que le juge, civil ou militaire, est sensé connaître et appliquer. Si le juge algérien s'est montré trop zélé dans l'application d'une législation déjà peu favorable aux droits et libertés, il a tout-à-fait ignoré le droit international, applicable par priorité en vertu d'une règle constitutionnelle. Le juge algérien est plus girouette que boussole.

Le juge algérien a en effet violé le droit, national et international. C'est ainsi que sont posés les problèmes de la réception par le droit interne du droit international, et son respect par le juge. En effet, ne serait ce que pour préserver les intérêts économiques du pays, le système juridique algérien est contraint de faire une place au droit international.

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### 3. Le droit international pénal entre parenthèses

C'est par la notion de souveraineté que le régime algérien prétend limiter l'extension de l'applicabilité du droit international sur son territoire et à ses nationaux. Parfois, pour justifier son opposition au droit international, le régime invoque les circonstances exceptionnelles de l'urgence ou de l'état de siège.

Nous allons examiner le principe de la réception du droit international par le système juridique algérien avant d'analyser et de discuter les prétendus obstacles à son efficacité.

#### 3.1. Réception du DIP en droit algérien

Le système juridique algérien organise la réception du droit international *conventionnel*<sup>62</sup>.

Quant au droit coutumier international, il s'impose de facto à tous les Etats.

Toutes les Constitutions algériennes, qui ont correspondu chacune à un chef d'Etat, placent les traités internationaux ratifiés au-dessus de la loi. L'article 123 de la Constitution de février 1989, qui consacre cette primauté, a été repris par l'article 132 de celle de 1996<sup>63</sup>. Dans le deuxième rapport périodique déposé le 18 mai 1998 auprès du Comité international des droits de l'homme, le gouvernement algérien affirme que par une décision du 20 août 1989, rendue à propos du code électoral, le Conseil constitutionnel a confirmé la primauté des traités internationaux ratifiés sur la loi interne, en ces termes : « après sa ratification et *dès sa publication*, toute convention s'intègre dans le droit national, et [...] acquiert une autorité supérieure à celle des lois, autorisant tout citoyen algérien à s'en prévaloir auprès des juridictions »<sup>64</sup>. En fait la Constitution n'exige pas la publication, seule la ratification est mentionnée. Le Conseil constitutionnel a ici adopté une solution du droit français, en ajoutant une condition qui semble logique<sup>65</sup> : si nul n'est sensé ignorer la loi encore faut-il qu'elle soit publiée.

Or si l'Algérie est signataire de 23 conventions et traités internationaux relatifs aux droits de l'homme, si elle a ratifié les Conventions de Genève, les Conventions contre le génocide et contre la torture, elle s'est bien gardée de les publier en même temps que les Décrets de ratification. Par exemple, la Convention sur la torture et le Pacte international relatif aux droits civils et politiques et le protocole facultatif y relatif, bien que ratifiés depuis le 16 mai 1989, n'ont pas été publiés. Le professeur Abdelmadjid Benchikh, président de la section Amnesty International en Algérie, a révélé qu'en juin 1990, lorsqu'il avait été reçu par le chef de gouvernement Mouloud Hamrouche, il demanda la publication officielle de tous les textes qui engagent l'Etat en matière de droits de l'homme. Mais, déclara-t-il au quotidien *Alger-Républicain* du

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7/8 décembre 1990 : « nous pouvons dire que dès lors que le chef du gouvernement n'a rien entrepris dans ce sens, il y a des réserves que nous ne comprenons pas ». A la veille de la préparation du rapport de la deuxième réponse du gouvernement au Comité des droits de l'homme des Nations Unies, et sous la pression de l'opinion mondiale consécutive aux massacres qui se déroulent en Algérie, le gouvernement s'est empressé de les publier<sup>66</sup>. Plus grave encore, le gouvernement algérien n'a pas pris les mesures législatives qu'il s'est engagé depuis trente-cinq ans de prendre concernant le crime de génocide. Il devait introduire dans le droit pénal national la répression de ce crime, d'autant plus que les seules réserves qu'il avait émises lors de la ratification de cette Convention avaient trait à la compétence du Tribunal international.

Le principe de primauté du traité sur la loi interne ne pose théoriquement pas de problème, lorsque le traité est postérieur à la loi, selon l'adage *lex posterior derogat priori*. D'ailleurs inversement, si une loi interne postérieure à un traité international le contredit, on doit supposer théoriquement que sa réponse serait identique à celle du droit français, qui admet la supériorité du traité même s'il est antérieur à une loi inconciliable<sup>67</sup>. Mais en Algérie, la décision politique prime sur le droit. C'est ainsi que la Cour suprême algérienne privilégie la loi, voire le décret aux traités internationaux, par exemple, en refusant le moyen de cassation du jugement de condamnation des dirigeants du FIS, tiré du Pacte international portant sur les droits civils et politiques sans justifier sa décision. Cependant, la volonté, fuse-t-elle celle de l'Etat, n'est pas la source exclusive du droit international, particulièrement celui ayant trait au noyau dur du droit humanitaire et des droits de l'homme. La volonté des Etats a été entamée depuis que, dans un avis consultatif célèbre émis par la Cour internationale de justice le 28 mai 1951, sur la question des réserves émises par certains Etats à la Convention sur le génocide, la Cour de La Haye avait déclaré que :

les principes qui sont à la base de la Convention sont des principes reconnus par les nations civilisées comme obligeant les Etats, *même en dehors de tout lien conventionnel*. Dans une telle Convention, les Etats contractants n'ont pas d'intérêts propres, ils ont seulement, tous et chacun, celui de préserver les fins supérieures qui sont la raison de la Convention [...]. La considération des fins supérieures de la Convention est, en vertu de la volonté commune des parties, le fondement et la mesure de toutes les dispositions qu'elle renferme<sup>68</sup>.

Dans son arrêt rendu le 27 juin 1986, dans l'affaire « Nicaragua contre Etats Unis d'Amérique »<sup>69</sup>, la même Cour reconnaît le caractère coutumier du droit humanitaire et son appartenance au droit international « général », c'est-à-dire le caractère absolu et indérogeable des principes de droit humanitaire qui doivent être respectés, et appliqués, en toutes circonstances. La Cour n'a pas restreint le champ d'application à quelques principes généraux. Elle a établi : « une continuité entre ce minimum et l'ensemble des Conventions de Genève, en considérant celles-ci comme n'étant que l'expression

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[...] de ces principes »<sup>70</sup>, pour en « assurer l'applicabilité en toute circonstance pour mieux assurer la protection des victimes »<sup>71</sup>. La Cour a condamné les Etats-Unis pour violation de l'obligation de « faire respecter le droit humanitaire », d'abord en raison des conventions et traités internationaux auxquels l'Etat adhère volontairement, ensuite, et surtout, en raison du développement du droit coutumier international, devenu obligatoire, même en l'absence d'engagement volontaire. Les normes de ce droit coutumier sont dite de *jus cogens*<sup>72</sup>.

Se posent alors les questions de souveraineté et de circonstance exceptionnelle, arguments souvent opposés par le régime algérien aux appels des ONG et de la communauté internationale, l'invitant au respect des droits de l'homme.

### 3.2. Obstacles à l'efficacité du DIP

Pour s'opposer au caractère obligatoire du droit international humanitaire et aux droits de l'homme, les gouvernants excipent souvent des arguments de souveraineté ou de circonstances exceptionnelles. Que de fois le gouvernement algérien n'a-t-il pas opposé l'argument du principe de non ingérence, et celui de la lutte anti-terroriste ?

Souvent, c'est de manière très peu diplomatique que ses représentants répondent aux demandes d'une enquête neutre sur les massacres. Le 15 octobre 1997, Amnesty International, la Fédération internationale des ligues des droits de l'homme, Human Rights Watch et Reporters sans frontières lancèrent un appel en faveur d'une enquête indépendante en Algérie, pour déterminer les responsabilités sur les :

massacres collectifs de cette année [qui] se sont déroulés dans un contexte où les droits de l'homme sont de plus en plus bafoués par les services de sécurité, les milices armées par l'Etat et les groupes islamistes armés, qui ont [...] terrorisé et pris pour cibles les civils.

Deux semaines plus tard, le 29 octobre 1997, à l'issue d'un entretien avec le Haut Commissaire des Nations Unies aux Droits de l'Homme, Mary Robinson, Mohamed Salah Dembri, représentant officiel de l'Algérie, accusera lors d'une Conférence de presse, AI et la FIDH de pratiquer le «terrorisme médiatique», et de se livrer à des dénonciations «calomnieuses et diffamatrices». Il proféra même des menaces : « Nous introduirons une requête en suspicion légitime contre ces ONG, et demanderons à ce qu'on leur retire leur statut de consultants auprès des instances onusiennes ». Le lendemain 30 octobre, sous le titre : *L'Algérie déterre la hache de guerre contre Amnesty International et ses consœurs*, la journaliste Emmanuelle Marendaz, du Journal de Genève, écrira : « En septante ans d'existence, la FIDH ne s'est trouvée que deux fois confrontée à une telle situation : avec l'URSS de Staline et avec l'Argentine du temps des dictateurs. »

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*3.2.1. L'argument de souveraineté et sa réfutation****A. L'obstacle est plus politique que juridique***

Mme Robinson, Commissaire des droits de l'homme des Nations Unies, a déclaré : « Les massacres et autres atrocités à l'encontre des civils innocents ont pris une telle ampleur en Algérie que je refuse de considérer cette situation comme exclusivement interne. Les droits de l'homme ne connaissent pas de frontières »<sup>73</sup>.

Pourtant, il faut souvent constater que la politique peut s'opposer au droit. Le Royaume Uni a ratifié les Conventions contre le génocide (1970), la prise d'otages (1982) et la torture (1988). A la fin du mois d'octobre 1998 et à propos de l'affaire Pinochet, Lord Bingham président de la haute Cour de Londres, qui avait opposé le principe de l'immunité du dictateur chilien aux prétentions de le passer en procès, s'était justifié, d'après *Le Monde* du 30 octobre 1998, en ces termes : « pas même la charte qui a établi le Tribunal de Nuremberg en 1945, ne peut invalider le principe selon lequel un Etat souverain ne peut récuser l'action souveraine d'un autre ». Or Pinochet n'est pas accrédité au Royaume Uni et son passeport diplomatique ne lui donne pas plus de droits qu'un autre. De fait, selon l'acte d'accusation transmis aux autorités britanniques par le juge espagnol Balthazar Garzan, Pinochet est poursuivi pour : « génocide, terrorisme et incitation à la torture ». Les conventions ratifiées par le Royaume Uni l'obligent à la coopération. Le Royaume Uni dispose d'une loi interne, inspirée de la Convention de Vienne, assimilant les chefs d'Etat aux chefs de mission diplomatique, et de ce fait, leur accorde une immunité. Cependant un triple problème se pose : Pinochet n'est plus chef d'Etat ; l'immunité doit-elle s'étendre aux actes commis lorsqu'il l'était ? Et dans ce cas, dans la hiérarchie des normes, quel texte doit l'emporter ? Une loi interne – d'immunité – ou une convention internationale, étant entendu que celle-ci considère certains actes comme heurtant la conscience universelle et ne pouvant donc être couverts, ni par le statut politique de leur auteur, ni par la souveraineté territoriale des Etats.

S'agissant de crimes imprescriptibles, parce que touchant aux droits essentiels à la vie et à l'intégrité physique que les conventions prévoient précisément, ils justifient ce que la Convention contre la torture, comme celles de Genève, nomment formellement le principe dit de « compétence universelle », obligeant l'Etat concerné à juger ou à extradier. Juridiquement, le Royaume Uni n'a pas d'autre choix. Amnesty International ne s'est pas trompée en critiquant la décision de la haute Cour britannique : « l'Angleterre a affaibli le principe de lutte contre la torture dans le droit international ». Serait ce comme l'écrivait Khalil Gabran : « alors un juriste dit, mais qu'en est-il de nos lois, Maître ? Et il dit : vous vous complaisez à établir des lois, mais vous vous complaisez davantage à les violer »<sup>74</sup>, ou encore, comme le disait le professeur Sur, parlant des Résolutions de l'Assemblée

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générale des Nations Unies, qu'il classe dans l'ordre du discours : « le mensonge donne des fleurs mais pas de fruits ».

### ***B. La solution juridique***

Théoriquement, cette solution diffère selon la présence ou non de l'obligation internationale. « Les orientations politiques internes d'un Etat relèvent de la compétence exclusive de celui-ci, pour autant, bien entendu, qu'elles ne violent aucune obligation de droit international »<sup>75</sup>.

Il s'agit des obligations conventionnelles et des obligations coutumières. Mais aussi de la décision unilatérale du Conseil de Sécurité des Nations Unies, si toutefois la paix et/ou la sécurité sont menacées.

#### **a) L'Etat cède lui-même des matières de sa souveraineté**

Le principe général de non-intervention dans le domaine réservé de l'Etat, ne s'oppose pas aux mesures portant sur des matières où l'Etat s'est lui-même engagé. Il ne s'agit que du respect de l'obligation volontairement contractée. L'existence d'un engagement, donc d'une obligation internationale pour un Etat, dans une matière, fait sortir cette matière de ses affaires intérieures, puisque c'est volontairement qu'il l'a soumise au regard étranger. En effet, la souveraineté juridique d'un Etat est limitée par « une obligation qui lui incombe directement ou indirectement en vertu d'un traité ». C'est l'avis unanime de la doctrine du droit international moderne<sup>76</sup>. L'Algérie est partie aux quatre Conventions de Genève relatives à la protection des victimes de guerre, et aux deux protocoles additionnels y relatifs<sup>77</sup>. Or, l'article premier commun aux quatre Conventions, et l'article 1 § 1 du premier protocole y relatif, disposent : « Les hautes parties contractantes s'engagent à respecter et à faire respecter le présent [...] en toutes circonstances ». Dans un commentaire officiel de ce texte, le Comité International de la Croix Rouge (CICR) déclare :

Si une autre puissance manque à ses obligations, chaque partie doit chercher à la ramener au respect de la Convention : Le système de protection prévu exige en effet, pour être efficace, que les Etats ne se bornent pas à l'appliquer mais encore fassent tout ce qui est en leur pouvoir pour en assurer le respect universel [...] L'article 1 loin d'être une simple clause de style a été volontairement revêtu d'un caractère impératif. Il doit être pris à la lettre<sup>78</sup>.

La Conférence internationale des droits de l'homme de Téhéran (1968) a rappelé aux Etats, dans une Résolution adoptée avec 67 voix contre 0 et 2 abstentions : « la responsabilité qui leur incombe de prendre les mesures nécessaires pour faire respecter ces règles humanitaires, en toutes circonstances par les autres Etats ».

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L'article trois commun aux quatre Conventions de Genève invite à une application stricte de ses dispositions, en toutes circonstances<sup>79</sup>. Cependant, si l'article deux, commun aux Conventions de Genève dispose que celles-ci s'appliquent : « en cas de guerre déclarée ou tout autre conflit armé surgissant entre deux ou plusieurs des Hautes parties contractantes », induit sa non application aux conflits armés internes, l'article trois, commun aux dites Conventions, garantit : « en tout temps et en tout lieu » un minimum de protection aux victimes des conflits internes, protection élargie et développée par le Protocole II auquel l'Algérie est partie. Nous reviendrons, dans un autre article, sur la prétention de vouloir exclure toute obligation internationale aux Etats dans les conflits armés internes.

L'Algérie est partie aux quatre Conventions de Genève et aux deux Protocoles (I et II) y relatifs, à la Convention internationale d'interdiction de la torture. Elle est partie également à la Convention internationale contre le génocide. Compte tenu de ce qui précède, à chaque fois que l'on se trouve devant des cas de torture, de crime de guerre ou de génocide, le gouvernement algérien ne pourra pas opposer le principe de non ingérence dans ses affaires intérieures. Ces matières font l'objet de conventions auxquelles il a déjà souscrit, sans jamais les dénoncer.

#### **b) L'Etat sujet de droit est soumis au droit coutumier international**

Tout Etat membre de la communauté internationale doit se sentir personnellement lésé, et donc directement concerné, par la violation des droits fondamentaux de la personne humaine, sans aucune discrimination. Il s'agit des droits imposés par la coutume internationale, et devenus obligatoires en dehors de tout engagement conventionnel. Ces droits ne peuvent faire partie du domaine réservé des Etats. On peut, à cet égard, rappeler l'article 28 de la Déclaration universelle des droits de l'homme : « toute personne a le droit à ce que règne sur le plan [...] international un ordre tel, que les droits et libertés énoncés dans la présente déclaration puissent y trouver plein effet ».

##### **1) Des droits de l'homme à deux vitesses ?**

Outre le fait que cette Déclaration n'a pas valeur obligatoire selon quelques Etats, malgré son nom, elle ne serait pas aussi universelle que cela. N'est-ce pas que les pays occidentaux, qui avancent l'argument d'universalité lorsque leurs intérêts sont en jeu, se sont tous dépêchés d'afficher leur particularisme et leur régionalisme en créant, chacun pour soi, un instrument. L'Europe a sa Convention de sauvegarde des droits de l'homme et des libertés fondamentales, depuis 1950. Son article premier dispose que les Etats parties reconnaissent à toute personne « *relevant de leur juridiction*, les droits et libertés ». Les Etats américains ont la leur, depuis 1969. Evidemment, ces conventions heurtent l'universalité de l'article 2, alinéa 2, de la Déclaration « Universelle ». Pourtant, comme l'indique le préambule de cette Déclaration, le res-

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pect de cette universalité doit permettre d'éviter que : « l'homme ne soit contraint, en suprême recours, à la révolte contre la tyrannie et l'oppression ». Si, à l'origine, les gouvernements faisaient des droits de l'homme de simples maximes morales, dénuées d'efficacité pratique, l'évolution tend à les transformer en normes coutumières. C'est pourquoi il existe une série d'autres textes internationaux qui permettent l'intervention internationale, réduisant ainsi le champ de la souveraineté des Etats.

### **2) L'ancienne idée d'intervention a aujourd'hui des bases juridiques.**

Grotius écrivait que la souveraineté n'exclut pas le droit d'intervention de la société humaine : « lorsque l'oppression est manifeste (par) des cruautés qui ne peuvent être approuvées par aucun homme équitable »<sup>80</sup>. Cependant la notion moderne de « devoir d'ingérence »<sup>81</sup> est récente, quoique contestable, car il s'agit plutôt d'une obligation juridique de réagir<sup>82</sup> que d'un « devoir » moral, laissé à l'appréciation des seuls politiques.

Les bases proprement juridiques, en dehors de toute convention ou traité, de l'obligation pour tout Etat de réagir à la violation grave des droits de l'homme sont, entre autres :

- Le préambule de la Charte des Nations Unies qui proclame : « Nous, peuples des Nations Unies, résolus [...] à proclamer à nouveau notre foi dans les droits fondamentaux de l'homme [...] avons décidé d'associer nos efforts pour réaliser ces desseins ».
- L'article premier de la Charte qui exprime les buts des Nations Unies, dont celui de : « réaliser la coopération internationale en résolvant les problèmes d'ordre [...] humanitaire [...] en encourageant le respect des droits de l'homme et des libertés fondamentales ». L'article 56 de la Charte impose ces objectifs aux Etats et réclame des actions concrètes.
- L'article 55, alinéa c. répète ce qui avait été mentionné au préambule : « les Nations Unies favoriseront [...] le respect *universel et effectif* des droits de l'homme et des libertés fondamentales ».

La jurisprudence internationale a confirmé cette lecture. Dans sa décision dite affaire des *Activités militaires et paramilitaires au Nicaragua*, la Cour Internationale de Justice a condamné les Etats Unis pour violation de l'obligation de « faire respecter le droit humanitaire », que la Cour élève au rang de « principe général », dépassant le cadre conventionnel pour acquérir le statut de norme coutumière impérative. Cette jurisprudence a été confirmée dans une autre affaire célèbre, dite l'affaire du *Detroit de Corfon*<sup>83</sup>.

### **3) Le critère de la *lex specialis***

Ce critère nous permet de dire que l'on ne peut opposer au gouvernement algérien une norme coutumière, du *jus cogens*, ou s'en prévaloir pour le res-

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pect des droits, parce qu'il est engagé par conventions sur les mêmes droits. L'obligation conventionnelle chasse en effet celle tirée du droit coutumier. La Cour internationale de justice avait déclaré, lors de l'affaire des *Activités militaires et paramilitaires au Nicaragua*, que : « les règles conventionnelles [ont] le caractère de *lex specialis*, il ne conviendrait pas qu'un Etat présente une demande fondée sur une règle de droit international coutumier si, par traité, il a déjà prévu des moyens de régler une telle demande »<sup>84</sup>. Les victimes algériennes des massacres, ne trouvant dans le droit interne aucune disposition à même de les protéger efficacement, n'ont pas à fonder leur action sur la base du droit coutumier international, si cette action peut avoir un fondement conventionnel. Les victimes doivent pouvoir utiliser les conventions internationales ratifiées par l'Algérie. Ce n'est qu'en leur absence qu'elles peuvent avoir recours au droit coutumier.

Un autre problème se pose en présence d'une pluralité de conventions. Comment les victimes doivent-elles mettre en œuvre les droits, protégés en même temps, par plusieurs conventions et traités dont l'Algérie est partie ? Quel est le mode de règlement que doit choisir la victime, si parmi ces conventions, une seule prévoit un mécanisme particulier de mise en œuvre ? Il appartiendra à la partie plaignante, pour préserver l'ensemble de ses droits, d'user du seul mode de règlement conventionnel prévu. Si deux instruments et plus prévoient chacun un mode de mise en œuvre, la victime doit pouvoir choisir, parmi les différents mécanismes de mise en œuvre, le plus approprié, celui qui présente une efficacité qui lui paraît suffisante.

### **c) Les décisions unilatérales du Conseil de sécurité**

En dehors des obligations conventionnelles ou coutumières, la souveraineté est inopposable encore, lorsque la situation dans un pays constitue une menace contre la paix. C'est l'avis majoritaire de la doctrine du droit international. Elle fonde son avis sur le chapitre VII de la Charte des Nations Unies, qui donne au Conseil de sécurité un droit d'action coercitive, dans toute situation de menace à la paix. De plus, le Conseil de sécurité est seul habilité à apprécier le degré de la menace, donc à qualifier cette situation<sup>85</sup> et d'intervenir.

#### *3.2.2. Réfutation de l'argument des circonstances exceptionnelles*

Il a déjà été établi que le recours à l'exception, par les Etats, tend à devenir la règle pour faire face à des situations de crise. L'ONU a identifié, déjà en 1970, le fait que c'est pendant ces situations que l'on observe les plus graves violations des normes du droit international des droits de l'homme<sup>86</sup>. En Algérie les proclamations de l'état de siège, ensuite d'urgence, n'étaient ni justifiées en fait ni fondées en droit, qu'il soit interne ou international, notamment au regard des engagements internationaux du pays<sup>87</sup>. Nous faisons très brièvement la démonstration, au regard du droit international conventionnel

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d'une part, et coutumier d'autre part, relatifs aux droits de l'homme et au droit humanitaire, que les droits à la vie et l'intégrité physique sont inaltérables, même dans l'hypothèse où l'état d'urgence en Algérie serait justifié et fondé. Auparavant, une précision s'impose relativement à la distinction entre droits humanitaires et droits de l'homme.

Si le droit international humanitaire ne peut être ni abrogé ni suspendu en situation de crise, parce qu'il répond expressément à des circonstances exceptionnelles comme la guerre, il n'en serait pas de même, partiellement, pour les droits de l'homme<sup>88</sup>. Ceux-ci, bien qu'applicables en toute circonstance, peuvent, pour certains d'entre eux, être momentanément suspendus dans l'état d'exception, de siège ou d'urgence. Mais, s'il s'agit des droits dits du noyau dur, ceux-ci ne sont pas dérogeables<sup>89</sup>. Les droits de l'homme incompressibles, comme le droit à la vie et celui de ne pas subir de tortures, ou de traitements inhumains, sont absolus et inaltérables. Aucune circonstance exceptionnelle ne peut en justifier la violation. Ils font partie ensemble du droit humanitaire et du droit des droits de l'homme. Droit humanitaire et droits de l'homme ont des origines différentes et protègent des intérêts distincts. Leur évolution respective a réalisé une convergence, qui a abouti à en faire des droits complémentaires. Le droit humanitaire n'est applicable que lors de conflits armés, internes ou internationaux. Cette complémentarité a été initiée lors de la Conférence internationale sur les droits de l'homme de Téhéran en 1968, qui a adopté la résolution intitulée : « protection des droits de l'homme en cas de conflit armé »<sup>90</sup>. Confirmée à Vienne, en juin 1993, en ces termes : « le besoin se fait sentir d'élaborer des textes normatifs qui puissent réunir à la fois des éléments du droit humanitaire et des droits de l'homme, des normes qui puissent être appliquées tant en cas de conflits armés qu'en temps de paix »<sup>91</sup>.

Dès lors, l'argument des circonstances exceptionnelles pour suspendre, limiter ou supprimer la garantie des droits fondamentaux de l'homme est irrecevable, tant en raison des engagements conventionnels, que de la nature impérative du droit coutumier international.

### ***A. Réfutation en vertu des engagements conventionnels***

Les conventions sur le génocide, sur la torture et sur les droits civils et politiques, auxquelles l'Algérie est partie, excluent toute suspension des droits à la vie et à l'intégrité physique, même en situation d'exception. L'Algérie est liée par ses engagements internationaux. L'article 2 alinéa 2 de la Convention portant sur l'interdiction de la torture dispose : « aucune circonstance exceptionnelle quelle qu'elle soit, qu'il s'agisse de l'état de guerre ou de menace de guerre, d'instabilité politique intérieure ou de tout autre état d'exception, ne peut être invoquée pour justifier la torture ». Le Pacte international relatif aux droits civils et politiques exclut, par son article 4, alinéa 2, toute dérogation, réduction ou suspension, d'un certain nombre de droits en ces termes :

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« n'autorise aucune dérogation aux articles 6, 7, 8 (paragraphe 1 et 2), 11, 15, 16 et 18 ». Il s'agit des droits à la vie, à l'interdiction de la torture et des peines ou traitements cruels, inhumains ou dégradants, et à de nombreux autres droits.

Les gouvernants algériens, qui se sont succédés depuis le coup d'Etat, doivent le savoir puisque dès 1992, en réponse au premier rapport qu'ils ont remis au Comité des droits de l'homme des Nations Unies, par application du Pacte auquel l'Algérie est partie, ce Comité avait observé que « *Le Pacte ne permet pas même en situation d'urgence, de déroger à certains droits [...] les excès commis contre [...] [le] droit à la vie, [la pratique de] la torture et [les excès contre] le droit à la liberté de conscience et d'expression constituent des violations du Pacte dont il convient de mettre fin* ».

### ***B. Réfutation de l'argument en vertu du droit coutumier***

En s'appuyant sur le droit coutumier et sur les instruments de droit international, les juristes spécialistes du droit international défendent une même position, que la jurisprudence internationale confirme.

#### **a) L'unanimité doctrinale quant au rejet de l'argument des circonstances exceptionnelles pour justifier la suspension des droits fondamentaux de l'homme**

Les juristes, qui ont étudié la question de la dérogation, sont unanimes à penser que le droit à la vie et à l'intégrité physique ne sont susceptibles d'aucune dérogation<sup>92</sup>. La clause dite *Martens*, du nom de son auteur qui l'avait proposée à la Conférence de La Haye, il y a un siècle, est insérée dans les dispositions des quatre Conventions de Genève, relatives à la dénonciation, ainsi que dans l'article premier, § 2, du Protocole I additionnel et dans le quatrième alinéa du préambule du Protocole II additionnel<sup>93</sup>. Elle transcende, par conséquent, les catégories juridiques du conflit armé interne et international. Cette clause s'applique dans : « les cas non prévus par le droit en vigueur » (conventionnel). Le projet de code des crimes contre la paix et la sécurité de l'humanité considère comme faisant partie des droits non susceptibles de dérogation, quelques soient les circonstances invoquées, entre autres droits, les droits à la vie, à l'intégrité physique, d'être à l'abri de la persécution fondée sur des motifs raciaux, religieux, sociaux, culturels ou politiques.

#### **b) La jurisprudence internationale impose le respect de ces droits en toute circonstance**

En dehors des textes et de la doctrine, la jurisprudence confirme cette solution. La Cour internationale de justice a reconnu que certaines obligations, relatives aux droits fondamentaux de l'homme, s'imposent à tous les Etats<sup>94</sup>.

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La clause *Martens*, comme le dira la Jurisprudence internationale, protège les victimes des conflits armés en dehors des dispositions conventionnelles, sur la base des « usages établis [...] principes de l'humanité [...] les exigences de la conscience publique », et autant de normes développées par la jurisprudence de la Cour internationale de justice, comme les « considérations élémentaires d'humanité » que cette Cour a invoquées dans l'affaire du *Détroit de Corfo*<sup>95</sup>.

En plus du droit à la vie, cette haute juridiction a identifié dans le droit *coutumier* plusieurs autres droits fondamentaux, notamment le droit de ne pas être soumis à un traitement inhumain, en cas de privation de liberté, et le droit de ne pas être privé de cette liberté « abusivement ». Dans l'affaire relative aux otages à Téhéran, la Cour avait déclaré :

Le fait de priver abusivement de leur liberté des êtres humains et de les soumettre, dans des conditions pénibles, à une contrainte physique est manifestement incompatible avec les principes de la Charte des Nations Unies et avec les droits fondamentaux énoncés dans la Déclaration universelle des droits de l'homme<sup>96</sup>.

Si la Cour estime que le droit à la liberté physique de la personne humaine fait partie des normes impératives du droit international, à fortiori, le droit à la vie est un droit absolu, en toute circonstance.

Les objections du régime algérien, tirées de la souveraineté nationale ou des circonstances exceptionnelles, ne peuvent être opposées aux droits fondamentaux de la personne humaine. Les arguments du régime ne sont, tout au plus, que des prétextes politiques. D'ailleurs, ni le gouvernement algérien, ni les décideurs, n'ont opposé la souveraineté nationale ou les circonstances exceptionnelles, à l'occasion d'une affaire, qui tombait bien, celle-là, sous le principe de la territorialité de la loi pénale algérienne, loi d'ordre public. Lors du détournement de l'Airbus d'Air France, qui a eu lieu sur son territoire national, par ses nationaux, et où la grande majorité des passagers étaient de nationalité algérienne, le pouvoir algérien avait cédé à la demande de la France, sans opposer la sacro-sainte souveraineté. La France, par la voix de son premier ministre Balladur avait *exigé* de laisser décoller l'avion, à destination de son sol. Pourtant le pouvoir algérien savait que les forces d'intervention françaises risquaient de faire couler le sang algérien, celui des passagers et des pirates de l'air ; ou au mieux, soumettre des Algériens, soustraits à leur loi nationale algérienne, au droit français.

#### 4. Conclusion

Après le coup d'Etat du 11 janvier 1992 et la proclamation de l'état d'urgence, sur tout le territoire national, l'Algérie avait brusquement basculé dans le despotisme et la guerre ; depuis lors, chaque jour apporte son lot de sang et de larmes. Nous avons montré en quoi les massacres qui y sont commis revêtent, à maints égards, le caractère d'une entreprise systématique

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de destruction de la société. Intervenant sur tout le territoire national, et impliquant tous les services répressifs de l'Etat, qui n'a pas, par ailleurs, hésité à recruter et à armer des milices, ces massacres expriment une politique délibérée et réfléchie. Nous avons également montré que le droit national algérien, tel qu'il existe présentement, est incapable de protéger la société. Cependant, nous avons particulièrement insisté sur le fait que c'est moins le droit national qui est en cause que l'absence de l'Etat de droit.

En puisant dans le corpus des textes législatifs algériens, nous n'avons pas pu trouver la qualification juridique adéquate pour qualifier ces massacres. En effet, le droit interne, tel qu'il est actuellement en vigueur, est impropre à qualifier les massacres systématiques perpétrés en Algérie. Le droit commun du code pénal, on l'a vu, punit toute sorte de crimes considérés à part. Il punit le massacre en tant que tel, dans le cadre systématique de l'atteinte à la sûreté de l'Etat. Le droit interne ne protège pas la société mais le régime. Nous pensons avoir suffisamment démontré que le code pénal algérien, par la motivation originelle de sa conception, par son libellé, par sa nature et son esprit, reste étranger à la société qu'il est sensé protéger. Ce corps de textes avait été conçu, à l'origine, pour protéger un régime colonial de domination, de répression et d'exploitation de la population ; et repris tel quel par le législateur de l'indépendance. Nous avons situé la carence au niveau du législateur et du juge, gardien des droits et des libertés selon les textes organiques du pays. Le législateur, simple mandataire, s'est donné le statut de régisseur et a davantage montré sa capacité de nuisance pour s'y maintenir, par des préoccupations policières. Ainsi, il s'abstient volontairement de prendre les mesures législatives adéquates pour intégrer, dans le droit interne, les règles du droit international, applicables à l'Algérie sur la base de traités et de conventions librement convenues. Quant au juge, il s'est révélé n'être, en fait, et à quelques rares exceptions près, qu'un simple fonctionnaire zélé, plus girouette que boussole, intéressé par son seul statut matériel et n'hésitant pas à se faire le complice de violations manifestes du droit. Entre logique politique et logique judiciaire, c'est toujours la première qui triomphe. Nous avons également interpellé l'Université. Celle-ci reste dans son splendide isolement par rapport à la société et ses malheurs, en refusant de jouer son rôle d'éclaireur et d'avertisseur.

Toutefois, nous l'avons montré, si le droit national interne a montré son insuffisance pour protéger la société contre des crimes que la conscience universelle réprouve, ce même droit recèle, de jure, le fondement de la réception des règles du droit international. C'est, là encore, le pouvoir politique qui s'oppose à la souveraineté du droit dans son sens le plus large. Il soulève les faux arguments de l'ingérence dans les affaires intérieures du pays et des circonstances exceptionnelles. Oubliant qu'en vertu de ses propres engagements contractuels, et en raison de la nature impérative du droit international coutumier, la matière des droits de l'homme et celle du droit humanitaire transcendent les frontières nationales pour s'imposer, du moins en droit. Le

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vrai problème ne réside donc pas dans l'absence du droit, mais bien dans celle de l'Etat de droit. Or, celui-ci reste incompatible avec la logique des services de la sécurité militaire, volontiers manipulateurs et secrets, plus enclins à l'action musclée pour préserver le régime que du respect strict du droit pour assurer la sécurité de la société.

Or, s'il est vrai que le droit à la vie est consubstantiel à l'homme, que c'est un droit universel, valable en tout temps et tout lieu, s'il est vrai aussi qu'il est l'invariant primordial, sans lequel on ne peut parler, ni de droits de l'homme, ni de droit humanitaire, même en tenant compte du réalisme, de la relativité et de la raison d'Etat, alors forcément le droit a le devoir impérieux de le protéger. Il doit, d'abord, nommer les crimes par leur nom véritable, ensuite, assurer le châtement des criminels. Devant la carence du droit local à le faire, ou du moins des organes de l'Etat de le mettre en œuvre, par la volonté du régime en place, questionnons le droit international. Dans plusieurs de ses dispositions, ce dernier s'affirme comme subsidiaire au droit interne, non pas accessoire ou secondaire, mais supplétif et complémentaire. C'est pourquoi il nous fallait d'abord épuiser les ressources du droit interne pour nous tourner, ensuite, vers le droit international applicable aux massacres perpétrés en Algérie. Parmi les ressources de ce droit interne, il faut noter que le droit algérien consacre deux principes : le premier est celui de la primauté du droit international sur le droit interne, le second considère qu'en face de plusieurs qualifications pénales pour les mêmes faits, c'est la qualification la plus grave qui l'emporte, pour la détermination de la peine, qui, dans le système judiciaire algérien, n'est pas cumulable en cas de concours (pluralité) d'infractions. Par sa violence morale, une infraction au droit universel l'emporte sur celle du droit commun. Dès lors, le recours au droit international reste, quand même, dans une logique juridique algérienne ; il n'est pas hérétique d'y faire appel. Maintenant on peut poser la question de savoir : Le droit international conventionnel, auquel l'Algérie est engagée, et le droit international coutumier, qui s'impose en toute circonstance, permettent-ils la qualification des massacres commis en Algérie et, partant, la répression de leurs auteurs ?

Nous sommes persuadés, sur la base même du droit algérien interne, qu'à chaque fois que l'on est en face d'un crime qui bouleverse la conscience universelle, comme cela est le cas des massacres, commis en Algérie, dans l'impunité totale, ce crime *international* peut fonder la qualification des faits, et la poursuite judiciaire des criminels. Ni l'argument de la souveraineté, ni celui des circonstances exceptionnelles ne sont opposables à cette action. Dans un article consacré à l'Algérie, paru au journal arabe *Al Quds al Arabi* du 13 janvier 1998, l'écrivain palestinien R. Abu Chawar écrit : « La souveraineté de l'Etat ou celle du peuple ? », et d'ajouter avec raison : « Que signifie la souveraineté de l'Etat sans celle du peuple ? La mort quotidienne en Algérie n'est elle pas la négation de toute souveraineté ? ». Nous l'avons vu, la souveraineté et les circonstances exceptionnelles ne peuvent justifier la suspension ou

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l'atteinte aux droits à la vie, aux croyances et convictions, à la justice ou à la liberté.

Quel nom le droit international pénal rattache-t-il à ces massacres et comment organise-t-il la répression de leurs auteurs ? Une recherche juridique est nécessaire pour répondre à ces questions. Mais doré et déjà, on peut songer aux crimes de guerre, aux crimes contre l'humanité et au génocide. A priori, tous les éléments constitutifs de ces crimes sont réunis. La circonstance du conflit armé, opposant des groupes armés organisés aux forces publiques, conduit à voir dans les crimes commis à grande échelle en Algérie des crimes de guerre caractérisés. D'autre part, les victimes sont des personnes désarmées, et leur grande majorité n'a rien à voir avec les armes ; ne s'agirait-il pas de crimes contre l'humanité ? Il ne fait aucun doute que la paternité de ces crimes revient aux forces publiques, ainsi que les meurtres en série commis à l'occasion ou au cours de rafles et ratissages, les assassinats collectifs de prisonniers, les tortures dont nous n'avons retenu que les formes les plus graves, ou les disparitions forcées massives. Ces faits indiquent leur véritable nature et renforcent leur qualification de crimes contre l'humanité. Le crime contre l'humanité, en effet, a été conçu comme une incrimination des actes que ne peut perpétrer qu'un Etat à l'encontre d'une population civile. Enfin, la précision des critères d'appartenance des victimes à un groupe déterminé, l'existence de directives gouvernementales, l'affirmation maintes fois répétée d'une politique sécuritaire, dite d'éradication, et l'implication des plus hautes autorités de l'Etat dans cette politique, renforcent l'hypothèse de l'existence d'un génocide.

Cette réponse à priori n'est pas avancée pour céder à un effet de mode. On oublie que, très souvent, avant que la presse ne fasse de l'affaire Pinochet une « première mondiale », d'autres chefs d'Etat et commandants militaires ont été jugés : F. Marcos, le Shah d'Iran, Mobutu, et d'autres encore, ont tous fait l'objet de poursuites judiciaires sans mobiliser de façon extraordinaire les médias internationaux. D'évidence, la nature, l'ampleur et la portée des massacres commis en Algérie sont telles, que ces massacres interpellent la conscience universelle. Leur triple qualification de crimes de guerre, de crimes contre l'humanité et de génocide ne fait pas de doute à nos yeux, elle fera l'objet d'un article séparé pour en démontrer la solidité.

#### RENVOIS

<sup>1</sup> Il s'agit principalement de la LADDH et de la LADH ; l'ONDH gouvernemental et le Médiateur de la République apparaissent avoir été créés pour justifier la propagande gouvernementale. L'ONDH se

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défini statutairement comme un organisme d'alerte. Il attribue systématiquement à l'opposition islamiste le monopole de la violence au risque d'être très souvent démenti par les faits. Le Médiateur de la République quant à lui n'a pas le droit d'intervenir dans ce qui est appelé domaine sécuritaire (Décret 96-223).

<sup>2</sup> Algeria, 25 septembre 1992. CCPR/C/79/Add. 1.

<sup>3</sup> Le Président Boudiaf sera le premier à utiliser ce qualificatif pour désigner les officiers supérieurs de l'armée, principalement des généraux, qui dirigent, de fait, le pays en se servant de paravents civils. Voir l'article du sociologue Lahouari Addi, « A l'ombre de la terreur, l'armée algérienne confisque le pouvoir », *Le Monde Diplomatique*, février 1998 ; S. Ghezali avait déjà écrit que l'Algérie est un mélange explosif : « sur fond de confusion du politique et du militaire, de défense de l'Etat et des privilèges, inextricablement liés à la rente pétrolière et à la corruption », *Le Monde Diplomatique*, février 1996.

<sup>4</sup> Le chef du gouvernement Hamrouche et son ministre de l'intérieur Mohammedi diront lors du procès des dirigeants du FIS, qu'ils n'avaient pas donné l'ordre de faire évacuer les places publiques et qu'ils ignoraient d'où était venu cet ordre.

<sup>5</sup> Sid-Ahmed Ghozali succédera M. Hamrouche. Dans le nouveau gouvernement, le général L. Belkheir est reconduit au ministère de l'intérieur.

<sup>6</sup> Les quotidiens *The Guardian* et *Sant-Al-Koweït* du 25 février 1992 rapporteront qu'en l'espace d'un seul mois, entre juin et juillet 1991, il y aura 300 morts, et 8000 déportés.

<sup>7</sup> La Constitution du 23 février 1989 renonce à l'idéologie socialiste et au parti unique. L'armée, en vertu de l'article 24 de la nouvelle Constitution, devait se situer en dehors des luttes partisans. En mars 1989, un officier de haut rang déclare que : « l'ANP ne saurait désormais s'impliquer dans le jeu complexe des tendances [...] en tant que force au service du seul pouvoir légal de conserver intacte l'unité de ses rangs ». Le général Khaled Nezzar, nommé ministre de la défense le 27 juillet 1990 (il sera le premier à occuper ce poste qui avait toujours été monopolisé par les chefs d'Etat qui se sont succédés), déclarera en septembre 1990, devant les officiers supérieurs de l'armée, que celle-ci : « s'interdit toute immixtion dans les fonctions dévolues aux autorités publiques [...], l'armée n'est pas réticente ou opposée aux réformes politiques en cours ».

<sup>8</sup> Qualification utilisée par l'éditorial de la revue *El Djéich*, avril 1991.

<sup>9</sup> Le procès-verbal de cette réunion secrète tombera entre les mains du parti FIS qui le produira plus tard, devant la chambre administrative de la Cour d'Alger, pour prouver le caractère prémédité et politique de la demande du ministre de l'intérieur, L. Belkheir, visant la dissolution du FIS. Ce document disparaîtra avec d'autres pièces importantes de la procédure, faisant dire aux avocats du FIS, que le dossier entier est sorti du palais de justice avant le jugement, voir le quotidien *Djazair El Youm*, du 22 mars 1992, pp. 1-2.

<sup>10</sup> Confiance faite par Belayat, membre du parti FLN et ministre du gouvernement Ouyahia 1994-1998, à F. Jeanson qui le rapportera dans son livre, *Algérie : De retour en retour*, éditions du Seuil, 1991.

<sup>11</sup> Le résultat des législatives est publié au Journal officiel numéro 1 du 4 janvier 1992 donnant une large victoire au FIS. Celui-ci avait introduit des recours, pour contester quelques sièges, auprès du Conseil constitutionnel qui ne répondit jamais, violant ainsi l'article 153 alinéa 2 de la Constitution, les articles 31 à 38 et 40 du Règlement Intérieur du Conseil lui-même daté du 7 août 1989, ainsi que les articles 100 du code électoral et 112 à 115 du code pénal qui punissent le déni de justice. Auparavant, il avait été saisi par le Président du parlement sortant pour prendre une décision à propos de la compétence des juridictions militaires de juger les civils, devenue inconstitutionnelle depuis la nouvelle Constitution. Or le Conseil constitutionnel avait commis un déni de justice en refusant d'y répondre.

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Il n'est donc pas surprenant qu'il prendra, par la suite, fait et cause pour le coup d'Etat. A. Bentoumi, ministre de la justice du premier gouvernement algérien après l'indépendance, écrira à l'occasion d'un droit de réponse, : « J'ai eu l'insigne honneur de mettre sur pied les premières instances de la justice algérienne et de participer à la création de la justice militaire dont je souhaite seulement sa mise en harmonie avec la constitution de 1989 », *El Watan*, 17 octobre 1992.

<sup>12</sup> Amnesty International écrit : « arrestation de milliers de personnes de l'opposition islamique à la suite de manifestations populaires en janvier et février [...] plus de 10 000 d'entre elles sont mises en détention administrative, sans accusation ni jugement [...] plus d'une centaine de morts, la plupart par exécution extrajudiciaire », Rapport annuel 1993 d'Amnesty International, p. 148 ; lire également *The Guardian* et *Sawt El Koweït* du 25 février 1992.

La déportation massive de dizaines de milliers de personnes dans des camps qualifiés de « camps de concentration » par la Ligue Algérienne de défense des droits de l'homme s'était réalisée en violation du droit interne et international. En effet, alors que la Constitution algérienne (de 1996, reprenant une disposition identique de la Constitution de 1989) dont l'article 47 affirme que : « Nul ne peut être poursuivi, arrêté ou détenu que dans les cas déterminés par la loi et selon les formes qu'elle a prescrites », l'internement administratif et l'assignation à résidence avaient commencé à être pratiqués massivement depuis juin 1991. Aucun texte de loi dans le système algérien ne justifie ces pratiques de l'assignation à résidence et de l'internement administratif hérités de la période coloniale et institués pour faciliter la répression des partisans de l'indépendance. Si parce qu'au lendemain de l'indépendance le législateur algérien avait reconduit la législation française à l'Algérie sauf dans ses dispositions contraires à sa souveraineté, on peut légitimement penser que la matière des détentions administratives était réglementée par la loi du 3 avril 1955, modifiée par la loi du 7 août 1955 et par l'ordonnance du 15 avril 1960. Cette législation indique que lorsque l'état d'urgence est déclaré, le ministre de l'intérieur peut prononcer l'assignation à résidence de toute personne majeure dont l'activité s'avère dangereuse pour la sécurité et l'ordre public. *Mais, d'une part, cette compétence est assortie de restrictions dont celle qui interdit cette pratique, si elle a pour effet la création de camps où seraient détenues des personnes visées*, d'autre part une Ordonnance algérienne de 1975 avait abrogé le texte de reconduction de la législation française à l'Algérie. Depuis lors, aucun texte législatif n'est venu créer ou organiser l'assignation à résidence et l'internement administratif qui s'exercent en pratique sans fondement légal ni moral.

Le Décret qui a institué l'état de siège de juin 1991 avait illégalement ouvert la possibilité de prononcer l'internement administratif ou l'assignation à résidence contre toute personne majeure dont l'activité s'avère dangereuse pour l'ordre public. Le Décret 92-44 du 9 février 1992 relatif à l'état d'urgence proclamé autorise en son article 5 la mesure de « placement » dans un centre de sûreté. Un autre Décret (92-75 pris le 20.2.1992) fixe les conditions de ce placement défini comme « une mesure administrative à caractère préventif ». L'état d'urgence a été prorogé par le Décret 93-02. Or ces textes n'ont pas force de loi, ils sont de nature réglementaire, non législative. Dans la Constitution de 1989, le Président de la République n'a pas de pouvoir légiférant. D'autre part, la matière des libertés publiques est régie par la loi seule. Dans la Constitution, révisée en 1996, l'article 122, paragraphe 1 qui reprend sur ce point le texte de l'ancienne Constitution dispose que : « le régime des libertés publiques, la sauvegarde des libertés individuelles et les obligations des citoyens » ressortent du pouvoir législatif du Parlement. L'innovation introduite par la nouvelle Constitution permettant au Président de la République de légiférer par ordonnance (article 124) en cas de vacance du parlement n'a pas effet rétroactif. D'autre part, cette nouvelle prérogative de l'exécutif, dans ce cas, prévoit que l'ordonnance prise doit être soumise à la prochaine session du Parlement, sinon l'ordonnance non adoptée par le Parlement devient caduque. Dans son dernier alinéa, ce texte ajoute que le Président de la République peut légifé-

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rer par ordonnance « en cas d'état d'exception définit à l'article 93 ». L'Algérie n'est pas en état d'exception. L'état de siège et l'état d'urgence sont clairement distingués par la Constitution qui réserve une disposition particulière à l'état d'exception. Dans l'ancienne Constitution (1989), la même distinction était opérée entre les deux types de situations. Dès lors, la pratique des détentions administratives en Algérie n'ayant aucune base constitutionnelle ou légale, ces détentions sont arbitraires et immorales. D'autre part, elles contreviennent ensemble à la Déclaration universelle des droits de l'homme (articles 7, 13, 14, 18, 19, 20 et 21) et au Pacte International portant sur les Droits Civils et Politiques (articles 18 à 21).

<sup>13</sup> P. Vidal-Naquet, chronique, *Libération*, 4 août 1994.

<sup>14</sup> *Al Quds al Arabi*, 13 janvier 1998.

<sup>15</sup> Moussa Ait-Embarek, *L'Algérie en murmure : Un cahier sur la torture*, éd. Hoggar, 1998, pp. 41-44 ; *Livre blanc sur la répression en Algérie*, tome 1, même éditeur, 1995, p. 103 sq. et tome 2, 1996, pp. 50, 200 et 231 ; rapport d'Amnesty International. Algérie, La population civile prise au piège de la violence, EFAI, nov. 1997. Liste de disparus fournie par maître Tahri, avocat du barreau d'Alger, défenseur des droits de l'homme, au quotidien suisse *Le Temps*, du 27 avril 1998. FIDH, Rapport alternatif au deuxième rapport périodique de l'Algérie au Comité des droits de l'homme de l'ONU. Monsieur Mario Soares avait présidé la mission de l'ONU dépêchée en Algérie pour information sur demande de Monsieur Kofi Annan, Secrétaire général de l'ONU. Son rapport a été unanimement critiqué par les ONG de défense des droits de l'homme. Contredisant son propre rapport Monsieur Soares a déclaré le 26 septembre 1998 à la radio portugaise (RDP - antenna 1) : « La mission a constaté des cas de mauvais traitements, de torture et de mort infligés par le pouvoir établi à Alger ». Des cas où le pouvoir en Algérie « a fait disparaître des gens, certains chez eux, d'autres sur leur lieu de travail et d'autres dans la rue ».

<sup>16</sup> Amnesty International, Fédération internationale des ligues des droits de l'homme, Human Rights Watch et Reporters sans frontières.

<sup>17</sup> Trente cinq textes et entretiens publiés par la revue *Confluences Méditerranée*, l'Harmattan, Paris, 1998, numéro 25. Des témoignages émanant de plusieurs observateurs, journalistes, écrivains, politiques, des avis souvent contradictoires mais tous confirment l'existence des massacres. Les organes d'information de l'Etat appliquent les consignes strictes de la censure, au point où la presse locale s'est mise à railler la T.V. d'Etat sur son silence, par exemple *El Watan* des 30.10.1997, p. 24 et 4.01.1998.

<sup>18</sup> *L'Authentique* et *El-Acil* ( en arabe) appartenant tous deux à l'ex-général Betchine, ministre conseiller du Président algérien, *El Watan*, *Le Matin*, *Liberté* ou *El-Khabar* ( en arabe) sont présentés systématiquement comme « indépendants » et « privés » ; ils accusent unanimement l'opposition islamique de la violence qui sévit en Algérie. Leur explication est double : « la violence est consubstantielle à l'islamisme, assimilé au fanatisme, la haine et la terreur » et « les commandos islamistes sont militairement vaincus, résiduels, et entreprennent de se venger sur la population ». D'autre part, un communiqué est publié à Londres le 26 septembre 1997 par le GIA, mais c'est l'AFP qui rapporte l'information, disant que cette organisation revendique les massacres commis à Rais et Bentalha.

<sup>19</sup> *Al Quds al Arabi*, 6 janvier 1998. Les milices de l'Etat feront l'objet, par ailleurs, de nombreuses dénonciations : *Courrier International*, « La dérive des milices », numéro 590, 25-29 avril 1998, p. 40.

<sup>20</sup> *Al Quds al Arabi*, du 3 février 1998 ; *Le Nouvel Afrique-Asie*, numéro, janvier 1998, p. 29 révélait : « Le 18 novembre 1997, un rapport ultra-secret de la CIA notait, que les services secrets dépendant des généraux Mediène (dit 'Toufik') et Smain Lamari, avaient, non seulement infiltré et noyauté les

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GIA depuis longtemps, mais qu'ils dirigeaient aussi des commandos de 150 à 200 personnes, dont une cinquantaine serait en 'exil' en Europe ».

<sup>21</sup> Dépêche AFP, 15 janvier 1998, 16h 21 G.M.T.

<sup>22</sup> *Asbarq Al Awsat*, 12 janvier 1998

<sup>23</sup> « Les services secrets algériens sont derrière les massacres » révèle un ancien officier algérien de ces services, *Der Spiegel*, 12 janvier 1998.

<sup>24</sup> Le représentant d'Amnesty International aurait dit « nous avons des informations sur l'implication des militaires dans ces massacres », selon le quotidien *Al Quds al Arabi*, 12 septembre 1997. Le *New York Times* remarquait, dans un article publié une deuxième fois par *International Herald Tribune* du 11 septembre 1997, que la série de massacres qui a lieu en Algérie a renforcé l'hypothèse de l'implication d'une force armée, encouragée par le régime militaire au pouvoir, dans la perpétration des massacres. « Les rapports diplomatiques de plusieurs puissances impliquent les services de sécurité contrôlés par les généraux algériens, dans les massacres, directement ou par GIA interposé. Certains éléments de ces derniers, noyautés et téléguidés par les organismes qui relèvent des généraux Mediene (dit 'Toufik'), Betchine et Smain Lamari », *Le Nouvel Afrique-Asie*, numéro 101, février 1998, p. 10.

<sup>25</sup> Des groupes islamiques armés ont publié des communiqués, dans lesquels ils affirment que le GIA est infiltré et manipulé par des agents des services secrets algériens. Voici quelques-uns de ces groupes avec pour chacun la date de son communiqué : Katibat Larbaa, 23 décembre 1995 ; Katibat Médéa, 15 janvier 1996 ; Katibat El Fida, 15 février 1996 ; Mouvement pour l'Etat Islamique (MEA), 14 mars 1996 ; Katibates Relizane, Tiaret, Ain Defla, 14 mars 1996 ; Katibat Al Mouhajiroune (région du centre), 6 juin 1996 ; Katibet El Forqane et Katibat Al-Ptissam, 1 décembre 1996 déclarant qu'elles sortent de la direction du GIA, infiltré et manipulé, tout en dénonçant les massacres de la population civile et l'usage de voitures piégées dans des lieux publics, pratique contraire à l'Islam.

<sup>26</sup> Publication commune à ces quatre ONG, *Algérie, le livre noir*, éd. La Découverte, Paris, 1997.

<sup>27</sup> Le 31 mars 1993 la police arrête le jeune Halouane Kamel, infirmier à l'hôpital de Thenia et le conduit au commissariat de Reghaia. Le 11 mai, la gendarmerie informe son père, Halouane Mohamed ben Ahmed, que son fils est mort le 8 mai, en prétendant qu'il avait été libéré auparavant avec quatre autres jeunes mais qu'ils ont été retrouvés tous morts à côté de la caserne de Ouled Moussa. Son père s'est plaint et a fait des déclarations. Il a été inculpé et arrêté. Agé de 60 ans et souffrant de rhumatismes, il croupit encore en prison, à la salle 3 b., sous l'écrou numéro 75.209 ; source : CAMLDHHDH, Livre blanc sur la répression en Algérie (1991-1995), tome 2, éditions Hoggar, 1996, p. 50.

<sup>28</sup> *Demain l'Algérie*, quotidien du 7 septembre 1998 traite l'homme fort de l'ère du Président Chadli (sans le nommer), de « vulgaire indicateur du Secrétaire général de l'Elysée de Mitterrand », il l'accuse gravement « d'avoir installé des escadrons de la mort en 1992, sans le consentement du Haut Comité d'Etat (qui avait occupé de fait la fonction de Président de la République au lendemain du coup d'Etat de janvier 1992), soit « au moins 300 pour la seule région du centre ». Depuis janvier 1998 et jusqu'à l'annonce de la démission des ministres proches de la présidence de la République (l'ex-général Betchine, conseiller du Président pour la sécurité, accusé de tortures et le ministre de la Justice Adami, accusé d'instrumenter la justice au profit d'un clan) une vaste et boueuse polémique a opposé des clans du pouvoir par médias interposés. *Le Monde* du 23 juin 1998 ; dépêche de Reuter signée de Rabat par Rawhi Abeidoh en date du 20 octobre 1998 à 17h. 29 mn. Dans ce contexte, de règlement de comptes entre clans du pouvoir, et sous le titre « Les pages de la honte », le quotidien *El Watan* reproduit quelques extraits du Cahier sur la torture édité en octobre 1998 : « Aussi convient-il de souligner que les témoignages ne désignent pas les seuls exécutants de basse besogne mais ils montrent du doigt

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les responsables du pouvoir et des armes [...] l'ampleur, la similitude des procédés, la dissémination de lieux de torture sur quasiment l'ensemble du territoire national apportent des preuves irréfutables sur le fait que la torture a été programmée et institutionnalisée [...] le tortionnaire, qu'il agisse sur ordre ou sur protection déclarée ou implicite, se considère, à l'instant même où il opère, mandaté, c'est-à-dire commis de l'Etat [...]. C'est donc contre un système de résolution des problèmes politiques par la terreur que s'élèvent ces témoignages [...]. Dix ans après, que sont devenus ces tortionnaires qui, il faut le rappeler, n'ont jamais été inquiétés ? Ce qu'ils ont commis au nom des institutions de la République restera à jamais gravé dans la mémoire des victimes tant que justice ne sera pas faite ».

<sup>29</sup> Djallal Malti de l'organisation - Reporters sans frontières - à *L'Express* du 22 janvier 1998.

<sup>30</sup> Etude statistique réalisée entre juillet et septembre 1998 sur 477 dossiers documentés originaux de disparitions forcées. Cette étude a été réalisée par la FEDEFAM (Latin American Federation of Associations of Relatives of Disappeared Detainees), l'OMCT (Committee of Relatives of the Disappeared in Algeria) avec l'aide du Service juridique International des Droits de l'Homme de l'ONU. L'étude et les conclusions ont été remises au groupe de travail des Nations Unies chargé des disparitions forcées, accompagnées d'une description détaillée des méthodes de travail, d'un tableau de travail documenté sur le sujet, un sommaire et des rapports statistiques.

<sup>31</sup> L'ONDH a été créé par Décret présidentiel du 22 février 1992. La forme du « décret présidentiel » n'existait pas selon le système juridique algérien. Inaugurée après l'arrêt du processus démocratique, cette forme sera utilisée pour promulguer toute une série de textes attentatoires aux droits, garanties et libertés de la personne humaine.

<sup>32</sup> Quotidien algérien *La Tribune*, du 9 janvier 1999.

<sup>33</sup> *Algeria : Civilian Population Caught in a Spiral of Violence*, rapport d'Amnesty International, traduction française, les éditions francophones d'Amnesty International, novembre 1997.

<sup>34</sup> FIDH, *La levée du voile : L'Algérie de l'extra-judiciaire et de la manipulation*, Paris, juin 1997, publié également dans, Algérie, *Le livre noir*, éditions La Découverte, 1997, op. cit., le président de l'ONDH gouvernemental minimisera le chiffre et attribuera les enlèvements aux groupes terroristes, voir *Le Monde* du 13 juin 1997, « *Hacène Terro, on emmène ton fils pour quelque temps* ».

<sup>35</sup> R. Fisk, « Algerian's terror », *The Independent*, 30 octobre 1997, p. 8.

<sup>36</sup> Chiffre avancé par Maître Ali Yahia Abdennour lors d'une conférence, sous le titre « L'Algérie d'octobre 1988 à octobre 1998 : Dix ans de crise », présentée à la School of Oriental and African Studies, University of London, le 5 octobre 1998.

<sup>37</sup> Les enlèvements aux portes des prisons, par exemple, sont signalés par centaines. Le 12 septembre 1993, le tribunal d'Alger acquitte cinq citoyens inculpés à tort et incarcérés préventivement à la prison d'El Harrach. Le lendemain, à leur sortie de prison, ils sont kidnappés par des policiers cagoulés. Ces citoyens n'ont plus reparu, il s'agit de Kaddour Amari, Mohamed Berbère, Abdelaziz Dahri, Smail Mansouri et Saïd Tibaoui, Source : *Livre Blanc sur la Répression en Algérie 1991-1994*, édition Hoggar, t. 1, 1995, p.91.

<sup>38</sup> CAMLDHDH, *Livre blanc sur la répression en Algérie (1991-1995)* Les vérités sur une guerre cachée, tome 2, éditions Hoggar, 1996, pp. 177-323.

<sup>39</sup> Les crimes et délits contre la sûreté de l'Etat du droit algérien sont inspirés du droit français, et plus spécialement de l'ordonnance du 4 juin 1960 qui avait réalisé trois objectifs :

a) unifié le régime d'incrimination des atteintes à la sûreté de l'Etat (qu'il s'agisse de la sûreté intérieure ou extérieure),

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b) affirmé par la nature des peines adoptées le caractère politique de ces infractions (aspect important par ses effets sur l'extradition qui devient légalement impossible, sur la contrainte par corps qui ne peut être prononcée contre les condamnés etc.),

c) intégré les dispositions relatives aux attroupements (par abrogation notamment de la loi du 7 juin 1848 qui leur était applicable).

<sup>40</sup> Extrait de la feuille de question annexée au jugement du 15.7.1992, non publié.

<sup>41</sup> Dans une déclaration publique des 19 avocats défenseurs des dirigeants du FIS, devant le tribunal militaire de Blida, publiée par différents journaux, dont *Addwa* du 23 juillet 1992, pp. 10-11, on y lit aux points 3 et 5 : « L'audition des anciens premiers ministres Mouloud Hamrouche et Sid-Ahmed Ghozali, ainsi que celle du président de l'Assemblée Populaire Nationale [parlement] et du ministre de l'intérieur et du secrétaire général du FLN, a établi d'une manière éclatante, le souci constant des dirigeants du FIS d'utiliser des moyens pacifiques et de trouver des solutions politiques négociées à la crise qui avait déclenché la réaction unanime de la classe politique algérienne, à la suite de l'adoption de deux lois électorales scélérates [...] ; le refus [par le juge d'instruction militaire] d'enquêter sur les véhicules banalisés et leurs occupants qui tiraient sur la foule et les forces de l'ordre, et dont l'existence a été évoquée par l'ex-premier ministre Sid-Ahmed Ghozali, lors de sa déposition à l'audience, ainsi d'ailleurs que le président du tribunal lui-même. A ce sujet, M. Abassi Madani a déclaré au juge d'instruction avoir remis au général Toufik une cassette vidéo sur ces véhicules, dont certains ont été filmés sortant du commissariat central d'Alger ». Les faits, dûment établis à l'époque, furent le résultat de la grève du FIS, avec occupation autorisée par le gouvernement des places publiques, ainsi que de l'attaque des grévistes avec armes à feu, par les forces publiques qui obéissaient à un ordre mystérieux, n'émanant pas du gouvernement civil.

<sup>42</sup> J. J. Lavenue, *Le FIS et la Constitution algérienne*, revue semestrielle, Cerdic publications. PJR - Praxis juridique et religion, 10.02.1993, p. 128.

<sup>43</sup> J. J. Lavenue, *Aspects constitutionnels de la démission du président de la république et de la suspension du processus électoral en Algérie*, dans *Les épisodiques*, 6. 1992 (GREJ. Université de Lille II).

<sup>44</sup> Le Décret législatif numéro 92-03 du 30 septembre 1992 relatif à la lutte contre la subversion et le terrorisme (publié au journal officiel numéro 70 du 1 octobre 1992) a été abrogé et ses dispositions intégrées aux codes pénal et de procédure pénale par les ordonnances, respectivement numéros 95-11 et 95-10 du 25 février 1995 publiées au journal officiel numéro 11 du 1 mars 1995.

<sup>45</sup> Par exemple, c'est notamment le droit musulman (fiqh) qui régit principalement de nombreuses opérations bancaires modernes. Il existe aujourd'hui par le monde, en plus de la Banque Islamique de Développement - Banque intergouvernementale - quelque deux cent banques islamiques opérationnelles, y compris au Maghreb (Algérie, Tunisie, Mauritanie). Elles couvrent tous les continents (Amérique, Europe, Asie, Afrique et Australie). Toutes pratiquent des contrats et des opérations conformes aux préceptes de la Shari'a sans que l'Université algérienne ne s'en préoccupe.

<sup>46</sup> Geny, *Science et technique en droit privé positif*, 1921, tome 3, p.450 ; G. Mounin, *La linguistique comme science auxiliaire dans les disciplines juridiques*, Archives de philosophie du droit, t. XIX, le langage du droit, 1974, p.7. Voir encore Roubier dans *Théorie générale du droit*, Sirey, 2 ed. 1951, p. 113.

<sup>47</sup> A. Vialard, *Réflexions sur la méthode d'interprétation et d'utilisation du code civil algérien*, article publié dans la *revue algérienne des sciences juridiques*, vol.XVI, n° 2, juin 1979, p.289.

<sup>48</sup> Déclaration faite à l'agence de presse Reuter le 16 avril 1964.

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<sup>49</sup> Le code de procédure pénale, promulgué par ordonnance numéro 66-155 du 8 juin 1966, modifié par ordonnance 95-10 du 25 février 1995 a (1) élargi la compétence à tout le territoire national des officiers de police judiciaire - article 16 alinéa 2 - (2) a mis ces officiers sous la dépendance du procureur général alors qu'auparavant ils étaient sous le contrôle du juge président de la chambre d'accusation - article 16 alinéa 3 - (3) a élargi leur pouvoir vis-à-vis du juge d'instruction auquel ils peuvent « ordonner » de prendre toute mesure conservatoire - nouvel article 47 - (4) abaisse la majorité pénale aux mineurs de 16 ans - article 249 - (5) modifie le nombre des jurés populaires, devenus minoritaires par rapport au nombre des juges dans la composition des tribunaux criminels - article 258 - (6) fait désormais désigner les jurés par une commission créée par décret, par l'administration alors qu'auparavant ils étaient désignés par les assemblées locales élues - article 264 - etc. La législation antiterroriste avait déjà violé des principes constitutionnels, notamment en décidant de son effet rétroactif alors que les peines d'infractions classiques du code pénal avaient été doublées, ces mesures violaient les engagements de l'Algérie pris par la ratification de Pacte portant sur les droits civils et politiques et du Protocole additif qui en assure l'application.

<sup>50</sup> J. Vergès, *Lettre ouverte à des amis algériens devenus tortionnaires*, Albin Michel, 1993.

<sup>51</sup> Le véritable mimétisme législatif vient récemment d'être accentué par l'adoption par la dernière Constitution de 1996 du Conseil d'Etat, juridiction suprême des litiges administratifs, soumis auparavant à la chambre administrative de la Cour suprême. Cette option a contraint le législateur à créer encore un Tribunal des conflits chargé de départager le contentieux de compétence qui risque de naître entre la Cour suprême et le Conseil d'Etat. Or, dans l'histoire judiciaire algérienne il n'y a jamais eu de contentieux de compétence entre l'ordre judiciaire et l'ordre administratif, ressortant l'un et l'autre de chambres différentes de l'unique Cour suprême. La réforme judiciaire algérienne est donc superficielle et ne répond à aucun problème réel, cette réforme est un simple effet de mode et d'adaptation gratuite et superficielle de la justice algérienne à celle française.

<sup>52</sup> *Le Monde* du 1 février 1962.

<sup>53</sup> Trois pièces de fond remises par les avocats de la défense à la Cour d'Alger, chambre administrative, ont disparu du dossier, *Djazair El Youm*, 22 mars 1992, p.1-2. La demande de dissolution du FIS présentée à cette chambre par le général L. Belkheir, ministre de l'intérieur, était étayée de quatre coupures de presse. Le premier ministre S. A. Ghozali, alors que le dossier était entre les mains de la justice, s'était autorisé pour affirmer que le « dossier était lourd », *El Watan*, 3 mars 1992. Ces faits nous permettent de dire que ce dossier a été illégalement sorti du bureau du juge avant décision.

<sup>54</sup> Recours numérotés 110778 et 110779, portés devant la chambre administrative de la Cour suprême, pour contester les décrets exécutifs numérotés respectivement 141-92, 142-92 et 143-92, décidant de la dissolution de 482 APC et plusieurs dizaines d'APW élues, et donnant au wali (préfet), la possibilité de suspendre tout élu par simple arrêté, violaient le code communal et le code de Wilaya (journal officiel numéro 27 du 12 avril 1992). La cour suprême rejette les recours. Pourtant, par exemple, l'article 41 alinéa 2 du code de la Wilaya et l'article 32 alinéa 2 du code communal exigent, pour la suspension d'un élu, une décision personnelle et motivée, permettant le recours au juge. Les cas de dissolution d'assemblées élues sont limitativement prévus par ces codes, par exemple, articles 38 à 42 et 44 à 46 du code de la wilaya. Or, les décrets n'ont visé aucun des cas légaux de dissolution.

<sup>55</sup> A. Hachani avait fait publier un communiqué au nom du FIS, alors que ce parti était encore légal, dans le quotidien *El Khabar*, du 22 janvier 1992 et sur *El Forkane* du 23 janvier 1992. Ce communiqué ayant été considéré par la hiérarchie militaire comme subversif, A. Hachani sera arrêté le même jour, présenté au juge d'instruction qui le mit en détention préventive, qui durera cinq ans et demi. Il fut inculpé avec trois journalistes d'*El Khabar* ainsi que la direction d'*El Forkane*. Ce ne sera que le 7 juillet

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1997 que le tribunal criminel d'Alger le jugera ; il acquittera les journalistes et condamnera A. Hachani à cinq ans de prison ferme avec privation des droits civiques pour une durée de trois années.

<sup>56</sup> Ordonnances datées du 2 mars 1992, portant les références 42/91/1883.

<sup>57</sup> L'article 129 de la Constitution du 23 février 1989, repris d'ailleurs à l'article 138 de celle de 1996, affirmait que : « le pouvoir judiciaire est indépendant » ; la cour de sûreté de l'Etat est supprimée (loi 89-05 du 25 avril 1989) etc. La parole libérée, le président du syndicat des magistrats, auxquels un nouveau statut avait été accordé (loi numéro 89-21 du 12 décembre 1989) dira : « depuis l'indépendance, des pressions continuent toujours d'être exercées sur nous [...] il est clair que l'autonomie dérange certains, nous sommes la cible numéro 1 du gouvernement ».

<sup>58</sup> « Si le pouvoir exécutif s'amuse à enfermer ses opposants, à poursuivre ses adversaires, à museler toute opposition, à opter pour l'embrigadement des médias, qu'advierait-il des libertés et des lois si le juge se fait son complice ? [...] les juges ont donc aujourd'hui une lourde responsabilité à assumer : dire le droit en toute équité », notre article, « Les juges algériens, boussoles ou girouettes », hebdomadaire, *Parcours Maghrébin*, numéro 113, 27/4 au 3 mai 1991.

<sup>59</sup> Des décrets sont revenus sur les acquis du Conseil supérieur de la magistrature (numéros 92-05 et 92-388, parus au J. O. numéro 77), dénoncés publiquement (*La Nation*, numéro 95, des 11/17 avril 1995) et de simples circulaires à diffusion secrète, comme celle du 23 mars 1996, s'immisceront dans le cours de la justice (voir, *El Watan* du 19 août 1996).

<sup>60</sup> Décret numéro 92-03 du 30.9.1992. Ce texte a violé plusieurs dispositions constitutionnelles qui réservent la matière judiciaire au domaine de la loi. Il a également violé le principe de hiérarchie des normes.

<sup>61</sup> *Algérie, Le livre noir*, éditions La Découverte, Paris, 1997, p. 59 sq. ; *Livre blanc sur la répression en Algérie, supplément*, éditions Hoggar Print, 1996, p. 35 sq. Egalement, les révélations de la collusion de la justice algérienne avec des clans mafieux liés au pouvoir exécutif, faites par la presse algérienne encouragée par des clans de l'armée au cours des mois d'août à octobre 1998, provoquant la démission du ministre de la justice et, par contre coup, la suspension de plusieurs titres, ayant participé à la campagne, sous le fallacieux prétexte de dettes commerciales dues à l'imprimerie d'Etat qui détient le monopole de l'impression.

<sup>62</sup> Depuis 1815 la communauté internationale a passé plus de 300 conventions internationales sur le droit humanitaire, les droits de l'homme et le droit international pénal. Voir bibliographie citée par M. Ch. Bassiouni, « Draft Statute International Tribunal » dans la revue « Nouvelles études pénales », de l'Association Internationale de Droit Pénal, 2<sup>ème</sup> édition, Érès, 1993 ; notamment G. Grebing, *La création d'une cour pénale internationale : bilan et perspectives*, 45, Revue Internationale de Droit Pénal (RIDP), 435, 1974 ; RIDP, numéro spécial, numéros 3 - 4 (vol. 45), 1974 contenant des contributions pour la Cinquième Conférence des Nations Unies tenue à Genève sur la prévention des infractions et le traitement des délinquants ; Hassanin I. Abid, *La justice pénale internationale* (en arabe), Dar Annahdha El-Arabia, 1<sup>ère</sup> ed., Le Caire, 1977.

<sup>63</sup> Constitution, article 132 : « Les traités ratifiés par le Président de la République, dans les conditions prévues par la Constitution, sont supérieurs à la loi ».

<sup>64</sup> Nations Unies, Comité des droits de l'homme, CCPR/C/101/Add.1 - 18 mai 1998 -State Party Report, Algeria.

<sup>65</sup> A. Huet et R. Koering-Jouli, *Droit pénal international*, P.U.F., coll. Themis, Paris, 1993, p.30.

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<sup>66</sup> Convention contre la torture adoptée par l'Assemblée générale des Nations Unies le 10 décembre 1984 (Résolution 39/46) entrée en vigueur le 26 juin 1987 ; l'Algérie y adhère par décret numéro 89-66 du 16 mai 1989 - J. O. 20 du 17 mai 1989. Convention et Pacte portant sur les droits civils et politiques, adoptés et ouverts à la signature, à la ratification et à l'adhésion par l'Assemblée générale des N.U. (Résolution 2200 A XXI, du 16.12.1966), entrés en vigueur le 23.3.1976. L'Algérie y adhère par décret numéro 89-67 du 16 mai 1989. Ces Conventions et Pacte ne seront publiés qu'après 8 années : Journal officiel de la République Algérienne Démocratique et Populaire, numéro 11 du 26 février 1997.

<sup>67</sup> La chambre criminelle de la Cour de cassation française a affirmé la primauté des traités sur les règles intérieures postérieures, Crim., 14 janvier 1980, JCP, 1980, II, 19391 et 5 mai 1986, JDI, 1987, 325.

<sup>68</sup> Avis rendant nulles des réserves opposées à la Convention sur le génocide, Recueil 1951, p. 23.

<sup>69</sup> Cour Internationale de Justice, Recueil 1986, p. 14.

<sup>70</sup> R. Abi-Saab, *Les principes généraux du droit humanitaire selon la Cour internationale de justice*, RICR, juillet-août 1987, p. 386.

<sup>71</sup> Ibid., p. 389.

<sup>72</sup> C'est le nom par lequel plusieurs auteurs désignent les normes des droits de l'homme et du droit humanitaire faisant partie du noyau dur, droits inaltérables et sortant donc du domaine réservé des Etats, Schemmers H. G., *The Obligation to Intervene, in Human Law of Armed Conflict Challenges Ahead*, Essays in Honour of Frits Kalskoven, Astrid J. M. Delissen and G. J. Tanja eds. Dordrecht, Martinus Nijhoff, 1991, p. 592 ; Meron Theodor, *Human Rights and Humanitarian Norms as Customary Law*, Oxford, Clarendon, 1989, p. 80.

<sup>73</sup> A. Naef, « A l'ONU, les droits de l'homme héritent d'une militante passionnée », *Tribune de Genève*, 17 octobre 1997 ; le même jour Mme Robinson, Commissaire des droits de l'homme des Nations Unies déclarait dans une interview accordée à P. Hazan du *Nouveau Quotidien* (Lausanne) : « Je n'accepte pas que sous le prétexte de ne pas violer la souveraineté algérienne, nous ne puissions rien dire, alors que des gens sont massacrés. Je me suis heurtée la semaine passée sur ce point avec le ministre algérien des affaires étrangères ».

<sup>74</sup> Kh. Gabran, *Le Prophète*, éditions Casterman, p. 44.

<sup>75</sup> Cour Internationale de Justice, Recueil, 1986, § 258.

<sup>76</sup> Bin Cheng, *La jurimétrie : sens et mesure de la souveraineté juridique et de la compétence nationale*, J. D. I., 1991, p. 585. Cet auteur propose un système scientifique pour mesurer l'étendue de la souveraineté en p. 596 sq.

<sup>77</sup> L'Algérie a adhéré aux quatre Conventions de Genève et aux deux protocoles. Elle a émis des réserves sur le protocole I relatif aux conflits armés internationaux. Source, S. A. Aldeeb Abu-Sahlieh, *Les Musulmans face aux droits de l'homme*, ed. Bochum, 1994, p. 570.

<sup>78</sup> CICR, commentaire, III, pp. 24 et 28, article 1.

<sup>79</sup> E. David, *Eléments de droit des conflits armés*, Presses Universitaires de Bruxelles, 1991-1992, 2<sup>ème</sup> édition, p. 76 sq.

<sup>80</sup> Grotius, *Le droit de la guerre et de la paix*, Livre II, chap. XXV, VIII, 2.

<sup>81</sup> M. Bettati et B. Kouchner, *Le devoir d'ingérence*, éditions Denoel, Paris, 1987.

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<sup>82</sup> O. Corten et P. Klein, *Droit d'ingérence ou obligation de réaction*, coédition Bruylant et Université de Bruxelles, 1992, préface de Jean Salmon, professeur à l'Université libre de Bruxelles.

<sup>83</sup> C.I.J. , Recueil, 1986, p. 148, point 9 du dispositif de l'arrêt ; également arrêt Détroit de Corfou, même Recueil, p. 114, § 218.

<sup>84</sup> C. I. J. , Recueil, op. cit. , § 274.

<sup>85</sup> A. Ross, *La notion de compétence nationale dans la pratique des Nations Unies, une rationalisation a posteriori*, Mélanges Rolin, Paris, Pedone, 1964, p. 299 ; G. Cohen-Jonathan, Article 39, in Cot J. P. et A. Pellet, *La Charte des Nations Unies, commentaire article par article*, Paris, Economica, 1985, p. 651 sq.

<sup>86</sup> I. Oseredczuk, coordonatrice à l'Association de consultants internationaux en droits de l'homme (CID), dans l'Avant propos du livre de D. Prémont, *Droits intangibles et états d'exception*, imp. Etablissements Emile Bruylant, Bruxelles, 1996 ; voir également l'étude de Mme N. Questiaux , intitulée *Etude sur les conséquences pour les droits de l'homme des développements récents concernant les situations dites d'état de siège ou d'exception*, E/CN. 4/Sub. 2/1982/15.

<sup>87</sup> La proclamation des circonstances exceptionnelles visant au gel provisoire de certains droits, obéit aux conditions prévues dans les différentes conventions internationales, des conditions de forme et de fond. L'une des nombreuses conditions de fond à la proclamation des circonstances exceptionnelles est que le péril qui la justifie soit dirigé contre la nation et son existence, et non contre la pérennité du gouvernement. Lire Jaime Oraa, « *Human Rights in States of Emergency in International Law* », Clarendon Press, Oxford, 1992.

<sup>88</sup> L. Doswald-Beck et S. Vité, *Le droit international humanitaire et le droit des droits de l'homme*, RICR, mars-avril 1993, numéro 800.

<sup>89</sup> Article 4 du Pacte international relatif aux droits civils et politiques de 1966, auquel correspondent les articles 15 de la Convention européenne des droits de l'homme de 1950 et 27 de la Convention américaine portant sur les mêmes droits.

<sup>90</sup> Résolution XXIII.

<sup>91</sup> Déclaration et programme d'action de Vienne, ONU, A/Conf. 157/23, 12 juillet 1993, I. §29. La conférence mondiale sur les droits de l'homme de Vienne avait d'autre part affirmé que la protection de ces droits est une « préoccupation légitime de la communauté internationale ». L'Algérie y était représentée. Elle ne peut s'opposer à la préoccupation de la communauté internationale sur les massacres commis en Algérie sous prétexte de la souveraineté nationale et encore moins celui des circonstances exceptionnelles.

<sup>92</sup> Rapport de la réunion d'experts sur les droits non susceptibles de dérogation dans les états ou situations d'exception, Genève, 17-19 mai 1995, version révisée et complétée par le CID pour publication, il constitue l'annexe I du huitième rapport annuel et liste d'Etats qui, depuis le 1 janvier 1985, ont proclamé, prorogé ou abrogé un état d'exception, E/CN. 4/Sub. 2/1995/20 et Corr. Présenté par M. Leandro Despouy, Rapporteur spécial à la 47<sup>ème</sup> session de la sous-commission de la lutte contre les mesures discriminatoires et de la protection des minorités, 31 juillet - 25 août 1995.

<sup>93</sup> Articles 63, 62, 142 et 158 respectivement des 1<sup>ère</sup>, 2<sup>ème</sup>, 3<sup>ème</sup> et 4<sup>ème</sup> Conventions de Genève.

<sup>94</sup> Cour Internationale de Justice, Recueil 1949, 9 avril 1949, p. 22.

<sup>95</sup> Série de décisions depuis celle rendue en 1947 dans l'affaire du Détroit de Corfou ainsi que plusieurs avis consultatifs, notamment, sur le Statut international du sud-ouest africain et sur les Réserves à la Convention sur le génocide, avis cité ci-dessus. Dans son avis consultatif sur la Namibie, la Cour a déclaré que le déni des droits fondamentaux de la personne humaine constitue une « violation fla-

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grante des buts et principes de la Charte ». Voir, Conséquences juridiques pour les Etats de la présence continue de l'Afrique du Sud en Namibie (sud-ouest africain) nonobstant la Résolution 276 du Conseil de sécurité, (1970), C.I.J., Recueil, 1971, 21 juin 1971, p. 16.

<sup>96</sup> Arrêt du 24 mai 1980, C. I. J., Recueil 1980, p. 43 et p.91, affaire dite du personnel diplomatique et consulaire des Etats-Unis à Téhéran.

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## QUALIFICATION DES MASSACRES DANS LE DROIT INTERNATIONAL

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*I. Taba*

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*Quel plus terrible fléau que l'injustice qui a les armes à la main ?*

Aristote, Politique, trad. Prelot, PUF, 1950

## 1. Introduction

Depuis le coup d'Etat du 11 janvier 1992 et la proclamation de l'état d'urgence, sur tout le territoire national, l'Algérie a basculé dans le despotisme et la guerre. Dans cette situation de non-droit, la litanie des massacres continue. Le système juridique national, conçu pour protéger le régime, a montré son insuffisance pour qualifier les massacres commis en dehors de la criminalité de droit commun. Cependant, parce que les gouvernements sont assujettis à un régime de pluralité de droits applicables, et devant l'incapacité du droit interne algérien à qualifier correctement ces massacres, il convenait de se tourner vers le droit international pénal. Qualifier juridiquement les massacres c'est rechercher dans les faits si les éléments constitutifs des crimes prévus par les instruments de droit international se trouvent réunis. C'est le premier acte qui permet la mise en œuvre pratique du droit.

Notre but n'est pas académique ou théorique, bien que nous souhaitons que le sujet des massacres commis en Algérie fasse l'objet de recherches systématiques transdisciplinaires. Cet article a, modestement, une vocation d'information pour l'action, en offrant une approche juridique du problème des massacres. De fait nous nous proposons d'indiquer aux victimes algériennes et étrangères le nom juridique des massacres commis en Algérie et, partant, l'existence dans le droit international pénal d'un potentiel juridique à même de les protéger, ou pour le moins à nommer ces crimes de leur vrai nom. Si, accessoirement, les acteurs du conflit algérien, principalement les tenants de la solution éradicatrice par voie militaire d'un problème politique, doivent saisir l'implication judiciaire de leurs actes, et l'ampleur de leur responsabilité pénale, l'auteur de cet article aura réalisé tous ses vœux.

Dans cette recherche de qualification juridique des massacres commis en Algérie, nous privilégierons le terme droit international pénal (DIP) à droit pénal international (DPI) car il est le plus utilisé, et le plus précis à notre sens. Le DIP a trait aux crimes de guerre, aux crimes contre l'humanité et au génocide, ainsi qu'à la torture etc. A l'inverse le DPI est plus large, et comprend également les crimes internationaux comme le commerce de stupéfiants ou la traite des blanches. Le premier regroupe, comme matière, la définition des crimes et délits portant atteinte au droit international humanitaire et au droit des droits de l'homme; il comporte des textes de fond comme la détermination des éléments constitutifs des crimes et délits. Le

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DIP regroupe le droit international conventionnel et le droit coutumier. Le droit conventionnel résulte des engagements volontaires des Etats ; il a en grande partie donné naissance au droit coutumier, qui s'applique d'autorité, même en l'absence de ratification par les Etats.

Les crimes de guerre et le génocide sont définis par les différents instruments internationaux auxquels l'Algérie est partie. A leur différence le crime contre l'humanité n'a pas été codifié. Le droit coutumier a pour vocation de s'appliquer sur tout point non réglé par une convention spéciale et aux Etats non parties aux différentes conventions ; c'est essentiellement le droit coutumier qui définit le crime contre l'humanité. Les définitions de ces crimes ont évolué. En 1947 déjà, le professeur Donnedieu De Vabres notait que le crime contre l'humanité a connu « un développement que son commencement modeste ne laissait pas prévoir ». A l'époque pourtant, ce crime n'était pas imprescriptible comme il le deviendra vingt ans plus tard, tant dans le droit international que dans le droit interne de plusieurs pays.

Le génocide défini par une Convention de 1948 ne connaîtra pas une application par une juridiction internationale pendant un demi siècle, jusqu'à la création ad hoc des tribunaux pour l'ex-Yougoslavie et le Rwanda. Les pays qui ont intégré dans leurs systèmes juridiques nationaux la répression des crimes de guerre, contre l'humanité et du génocide, ont en donné des définitions divergeantes, plus ou moins restrictives. Assurément, les interférences historiques et politiques ont souvent provoqué des définitions divergentes et instables selon les cas d'espèce traités par les pays, chacun en fonction de son histoire, de sa sensibilité et de ses intérêts politiques conjoncturels. Nous nous en tiendrons quant à nous au droit international et ne ferons référence aux différents droits nationaux, notamment français, que pour la comparaison ou pour montrer une évolution significative des concepts et des notions juridiques.

Ayant défini ce que nous entendons par droit international pénal, ainsi que sa pertinence pour qualifier les massacres commis en Algérie, quelles sont les thèses que nous allons défendre et comment ?

Dans ce qui suit nous soutiendrons que les massacres qui se déroulent en Algérie sont, concurremment, des crimes de guerre, des crimes contre l'humanité et un génocide. Cette qualification juridique est légitime dans la mesure où les éléments constitutifs de ces trois crimes sont réunis, qu'il s'agisse de leur élément *matériel*, constitué par les massacres, de leur élément *légal*, que nous exposerons pour chacun de ces crimes, et de leur élément *intentionnel*, que nous examinerons également en prenant en considération les exigences légales propres à chacun de ces crimes. En dernier lieu, nous analyserons l'élément caractérisant le génocide et représenté par ses victimes, visées en tant que membres d'un *groupe victime en tant que tel*.

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Quant à la démarche que nous adopterons pour démontrer que les massacres commis en Algérie peuvent recevoir parallèlement ces différentes qualifications du droit international pénal, elle implique, à partir du fait matériel, de rechercher l'élément intentionnel des auteurs de massacres. C'est en effet l'élément matériel qui se révèle en premier à l'observateur. Ce n'est qu'après avoir constaté l'existence du « fait » massacres que l'on peut questionner la loi internationale, et voir comment il est nommé et catégorisé en tant qu'acte interdit. Il convient donc de constater l'existence des massacres commis en Algérie, ensuite de rechercher dans les catégories du droit international pénal l'élément légal, en l'occurrence si ces massacres sont prévus et punis par des textes qui leurs sont antérieurs en date. Par suite, si les crimes qualifiés sont de la catégorie des infractions intentionnelles, il peut paraître logique de rechercher l'élément intentionnel de ces crimes.

En d'autres termes, nous examinerons successivement leurs éléments constitutifs objectifs, ensuite leurs éléments constitutifs subjectifs. Les éléments matériel et légal sont objectifs. Le premier est matérialisé par des actes ou des omissions physiques observables alors que le second l'est par des textes de nature légale, ayant vocation à l'application, bien avant la commission des infractions. L'élément intentionnel des crimes commis sera examiné comme étant subjectif. L'intention criminelle sera spécifiée pour chacun des crimes. Cependant, les développements spécifiques au génocide pour la détermination du groupe victime en tant que tel, détermination qui participe à la constitution juridique du crime de génocide, clôtureront cette recherche sans impliquer que la détermination du groupe victime du génocide obéit à des critères subjectifs. De fait, ces derniers critères sont pour partie subjectifs, relativement à l'intention criminelle, et partiellement objectifs, notamment pour la détermination du groupe victime du génocide, ce qui justifie que leur traitement sera examiné à part.

Pour la clarté du débat nous consacrerons le premier chapitre aux éléments objectifs, le second aux éléments subjectifs, ou en partie subjectifs.

Dans le premier chapitre, l'élément matériel, commun à ces crimes, sera examiné dans la première section. L'élément légal, propre à chacun de ces crimes pris à part, sera examiné dans une deuxième section. Ce choix est dicté encore parce que si toute définition légale est statique, les institutions significatives ont sensiblement évolué de sorte qu'une définition du crime de guerre, du crime contre l'humanité ou du génocide, valable en 1948 n'est pas forcément valide aujourd'hui.

Le deuxième chapitre portera sur l'examen de la justification de l'application de ces qualifications aux massacres commis en Algérie. Nous rechercherons d'abord l'élément intentionnel de ces crimes dans une première section. Forcément, nous serons contraints de rechercher cette intention dans la matière commune aux massacres, c'est-à-dire dans les faits avec

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leurs sources, car nous nous sommes efforcés, même si nous parlons des mêmes crimes, de nous référer à de nouveaux faits de massacres que ceux déjà exposés, aussi bien dans l'élément matériel, qu'au premier article que nous avons consacré à l'examen de l'inaptitude du droit interne à qualifier et gérer les massacres commis en Algérie. Enfin, dans une deuxième section, nous tenterons de démontrer, pour l'établissement du crime de génocide, que les victimes ont été, et sont toujours, choisies de façon discriminatoire, en raison de leur appartenance à un groupe religieux, visé en tant que tel, pour être totalement ou partiellement détruit. Cet élément sera exposé à part en raison de sa spécificité.

Une synthèse des résultats les plus importants de notre analyse conclura cet article.

## **2. Réunion des éléments objectifs des crimes**

Nous allons examiner les éléments objectifs constitutifs des crimes de guerre, des crimes contre l'humanité et du crime de génocide. Nous commencerons par l'élément matériel en tant que fait et terminerons par l'élément légal. Nous jugerons si ce fait est par nature, selon les attributs qu'il recouvre, légalement qualifiable en tant qu'infraction punissable. Un principe de droit pénal général semble être aujourd'hui partagé aussi bien par l'ensemble des systèmes et ordres juridiques internes, que par le droit international pénal : c'est le principe « pas de crime ni de peine sans loi », consacré par la formule *nullum crimen nullum peina sine lege*. Du principe que n'est interdit que le fait qualifié et punit en tant que tel par une loi qui lui soit antérieure, il découle que l'élément légal est objectivement constitutif de toute infraction.

Nous exposerons successivement l'élément matériel et l'élément légal.

### **2.1. L'élément matériel des crimes universels commis**

Si la violence est matériellement apparue lors de l'arrêt brutal de la grève pacifique du FIS, les massacres à grande échelle, commis systématiquement et de façon organisée, sont apparus en Algérie à la suite de l'arrêt du processus démocratique le 11 janvier 1992. Selon toute vraisemblance, ils sont un élément logique constitutif de la stratégie de recomposition du champ politique par la violence. Ils s'inscrivent dans le cadre de la politique du tout sécuritaire.

Les massacres qui se produisent en Algérie ont plusieurs manifestations objectives, revêtant plusieurs formes. Bien qu'une seule suffit pour établir le crime de guerre, le crime contre l'humanité ou le génocide, nous en retiendrons trois.

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- Le meurtre. Ce vocable recouvre les tueries de masse perpétrées dans les villes et les villages, ou encore dans des lieux fermés comme les camps de déportation et les prisons. Il recouvre également les exécutions extrajudiciaires commises à grande échelle, soit lors de rafles et de ratissages, soit de façon anonyme à la suite d'enlèvements en série.
- La torture<sup>1</sup>, de laquelle nous ne retiendrons que deux types, d'une part en tant qu'atteintes graves à l'intégrité physique ou mentale et, d'autre part, comme mesure visant à entraver les naissances.
- Les disparitions forcées.

Seront donc omis les autres formes de massacres malgré leur gravité. Notamment les bombardements au napalm de villages<sup>2</sup>, les déportations massives, les jugements et exécutions faits en l'absence de toute garantie judiciaire, les atteintes graves aux droits et libertés. Les atteintes à la dignité et aux principes universels de justice, comme la pratique des aveux télévisés, extorqués par la torture et autres actes cruels dégradants ou inhumains, qui a été commise avec des complicités, actives et passives, multiples, notamment celle des juges, mais aussi, en raison de la reproduction dans la presse des déclarations obtenues par la violence et avant jugement équitable et définitif, celle des journalistes. Ces violences, malgré leur gravité, ne feront pas l'objet de nos développements. N'y feront pas partie, également, les atteintes massives à la liberté et la dignité humaine comme le transfert forcé de population, les discriminations judiciaires et les persécutions discriminatoires<sup>3</sup>, y compris en dehors du territoire national, inspirées par des motifs d'ordre politique, culturel, religieux ou sur d'autres critères universellement reconnus comme inadmissibles en droit.

Selon le quotidien britannique *The Observer*, du 26 juin 1998, un groupe de personnalités, composé de plusieurs détenteurs du prix Nobel, a établi après des recherches documentées, un index des droits de l'homme, ainsi qu'un tableau de classement mondial des pays selon leur rapport aux droits de l'homme, respect ou violation. Selon le classement final, l'Algérie est en tête des pays où sévissent les massacres à grande échelle, les exécutions extrajudiciaires et la torture institutionnalisée. Dans un précédent article nous avons donné, à la section consacrée aux faits et à leur contexte, le détail des types de massacres que nous avons retenus, en précisant nos sources d'information, privilégiant les plus vraisemblables, les plus cohérentes et les plus crédibles<sup>4</sup>. Il s'agissait de cas concrets de meurtres collectifs, de tortures particulièrement graves et de disparitions forcées. Il s'agissait d'un exposé *in concreto* des massacres, avec les lieux couvrant tout le territoire national algérien et les dates de leur commission, ainsi que, parfois, des services répressifs de l'Etat qui s'en sont rendus coupables. Nous avons constaté que ces massacres étaient le fait de tous les services répressifs de l'Etat avec la complicité active, comme co-auteurs, des milices levées et armées par l'Etat<sup>5</sup>, ainsi que

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quelques partis politiques et personnalités<sup>6</sup>. Pour les tortures, nous avons privilégié d'exposer seulement les tortures sexuelles en raison de l'étendue saisissante de cette forme d'atteinte à l'intégrité physique ou mentale, sa persistance dans le temps et l'étendue géographique de sa survenance, mettant en cause l'ensemble des services répressifs de l'Etat. Nous avons également analysé, avec force détails, le phénomène des disparitions et noté son ampleur, et ses caractères systématique et organisé.

Dans son rapport annuel mondial 1999, Human Rights Watch précise que les hameaux et villages touchés par les massacres de population ont voté pour le FIS en 1990 et 1991. Ces tueries de masse ont visé ceux qui avaient, ou ont été suspectés d'avoir, voté pour le Front Islamique du Salut (FIS) lorsque celui-ci était légalement engagé dans la compétition électorale. Pourtant, avant que la violence ne deviennent systématique le président du FIS, Abassi Madani, avait, selon le quotidien *Le Soir d'Algérie* du 4 juin 1991 : « invité ses partisans à la non violence et à refuser toute action subversive ». Incontestablement, dans tous ces cas de massacres de villageois et de citadins sans défense, les crimes sont commis davantage à l'encontre de personnes ne participant pas aux hostilités, y compris les membres des groupes armés ayant déposé les armes et les personnes mises hors de combat par maladie, blessure, détention ou pour toute autre cause. Certes on peut soutenir que tous les algériens sont victimes de massacres, sans égard au sexe, l'âge, la position sociale ou économique. Mais ils ne le sont pas de la même façon. Les massacres à grande échelle, systématiques et organisés n'interviennent pas sur tous les points du territoire de façon homogène. On trouve des lieux privilégiés où le massacre et les fosses communes n'ont pas droit de cité comme dans régions des champs pétrolifères et les quartiers huppés des grandes villes.

Nous avons démontré dans un précédent article que les autres types de massacres, en l'occurrence les tortures singulièrement graves et les disparitions forcées, visaient systématiquement les personnes liées d'une manière ou d'une autre au FIS. Les tortures spécifiquement graves dont nous avons privilégié l'analyse, les atteintes graves à l'intégrité physique ou morale, et les mesures visant à entraver les naissances, ont été exercées par toutes les forces répressives à l'égard des cadres, militants et sympathisants du FIS. A travers l'identité des victimes, et la géographie politique des massacres, on constate l'expression criminelle d'une sélection politique dans leur choix.

Nous allons reprendre ces trois types de l'élément matériel composant, indistinctement, les trois crimes universels que nous avons retenus.

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*2.1.1. Trois types de l'élément matériel*

L'élément matériel des trois types de crimes retenus peut résulter aussi bien de l'acte positif de commission que des actes négatifs, en l'occurrence l'omission volontairement criminelle.

**A. Les meurtres par commission ou omission**

S'il est de la responsabilité du gouvernement dans les situations de tensions ou troubles intérieurs, comme les émeutes avec actes isolés et sporadiques de violence, de maintenir ou de rétablir l'ordre public ou de défendre l'unité et l'intégrité territoriales, la condition impérieuse est qu'il le fasse par des moyens légitimes. Mais à l'évidence ce qui se passe en Algérie est une guerre et non de simples troubles; d'autre part, les gouvernants chargés de respecter et de faire respecter le droit le violent outrageusement, sous le prétexte de la lutte anti-terroriste. La violation des lois a commencé avant le coup d'Etat de 1992 ; les massacres visent à consolider le régime qui en est issu.

Les meurtres sont exécutés par commission ou par omission criminelle. La responsabilité pénale s'étend au-delà de l'agent d'exécution pour toucher les gouvernants, civils et militaires, qui les tolèrent. Le crime par abstention coupable consiste, pour les organes de l'Etat constitutionnellement chargés d'empêcher et de réprimer toute infraction, à s'abstenir de protéger la population civile victime et/ou de poursuivre et punir les criminels. Enfin, les victimes sont dans leur très grande majorité, des cadres, des militants ou de simple sympathisants du FIS.

**a) Les meurtres par commission**

Les meurtres sont des actes positifs consistant à donner volontairement la mort. Commis en séries, ils revêtent le caractère de véritables opérations militaires, organisées et minutées dans leur déroulement. Ils ont leur stratégie, leur propagande, leurs hommes et leurs moyens logistiques, comme le transport et les armes. Des témoignages rapportent que les villageois victimes ont été massacrés par des assaillants barbus, ou portant de fausses barbes, munis d'armes blanches. Des massacres ont été commis par l'armée, par les forces spéciales et d'autres forces publiques, comme la police, la gendarmerie, la sécurité militaire et parfois par les milices armées par l'Etat. Ils se commettent dans les villes, les villages et à la campagne à l'occasion de rafles et de ratissages. Des massacres ont également été commis dans les camps de déportation ou dans des prisons. Ces massacres n'ont pas seulement revêtu le caractère de tueries collectives instantanées. En effet, des exécutions extrajudiciaires ciblées, et en série, ont visé des milliers de personnes de la part des toutes les forces publiques et des milices. Souvent des exécutions sommaires sont commises à l'encontre de prisonniers, parfois de personnes arrêtées et

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présentées à la télévision, pour lesquels leurs avocats diront, chacun pour son client : « il n'y a pas de procès, on le voit à la télé, prisonnier, ensuite il meurt »<sup>7</sup>.

L'acte de commission peut être le résultat d'une contribution collective de plusieurs personnes. Une de ses composantes matérielles peut être commise par un co-auteur ou être perpétrée, grâce à l'aide d'un complice.

#### **b) Les meurtres par omission coupable**

Ces massacres sont commis alors que les villages ciblés sont d'abord encerclés par les forces publiques qui empêchent la fuite des populations terrorisées. Pour plusieurs massacres des témoignages crédibles, et nombreux, affirment que l'électricité a été coupée juste avant et lors du déroulement des tueries. Ces témoignages rapportent également que dans les villages disposant du téléphone le numéro d'appel de secours, le 17, un numéro supposé disponible en permanence et en toute circonstance, a cessé de fonctionner pendant les massacres. Ce serait des agents des services de sécurité militaire qui organiseraient l'opération et l'exécuteraient. Selon son rapport annuel de 1998, l'organisation Human Rights Watch rapporte certaines constatations d'Amnesty International en écrivant :

Selon des survivants interrogés par Amnesty International, des unités de blindés des forces armées stationnées juste en dehors de Bentalha ne sont pas intervenues alors qu'elles étaient clairement au courant de la situation, et *elles ont même empêché certains villageois qui essayaient de s'enfuir de le faire.*

Les autorités algériennes, civiles, judiciaires et militaires, n'interviennent ni avant, ni pendant ou après ces massacres. Le massacre de Bentalha, par exemple, a été commis à 100 mètres seulement d'une caserne dont l'officier a interdit toute intervention. Plusieurs témoignages n'hésitent pas à parler de collusion des forces publiques<sup>8</sup>. Des auteurs tout-à-fait neutres n'hésitent pas à imputer les massacres aux forces gouvernementales. Bruno Etienne, spécialiste du Maghreb, déclare « Trois attentats sur quatre sont le fait du pouvoir en place. J'ai vu des cassettes vidéo. C'est vrai, elles sont tournées par les islamistes, mais est-ce une raison pour ne jamais en parler ? »<sup>9</sup>. Dans tous ces cas, les représentants de l'Etat n'ont rien fait pour empêcher ces crimes et n'ont rien fait après leur commission pour en punir les coupables. Pourtant, les autorités, lorsqu'elles le désirent, maintiennent, sinon la paix, du moins le calme sur l'ensemble du territoire dans les moments qu'elles choisissent pour le déroulement d'élections de confortation du régime.

Les massacres, par actes ou par omissions coupables, constituent un crime punissable, que les victimes soient des civils ou des opposants armés qui, pour une raison ou une autre, ne participent plus aux hostilités.

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**B. Les atteintes à l'intégrité et empêchement de naissances**

Nous distinguerons les atteintes graves à l'intégrité physique, y compris celles ayant pour conséquence l'entravement des naissances, de celles touchant l'intégrité mentale.

**a) Les atteintes à l'intégrité physique**

Les témoignages concordants de victimes de ces tortures, infligées par les différents services de sécurité, armée, police, gendarmerie et même par de nombreuses milices privées, attestent de leur pratique systématique. Ces témoignages sont trop nombreux pour qu'on les cite ; nous y avons réservé de longs développements dans notre précédent article L'inaptitude du droit interne à qualifier et gérer les massacres commis en Algérie. De nombreuses victimes n'ont pas survécu à ces séances morbides. L'actualité médiatique algérienne, en cet automne 1998, ne fait plus mystère de la pratique systématique et à grande échelle de la torture, érigée en moyen de gestion politique. La torture, comme il ressort des témoignages, s'est développée depuis l'arrêt du processus démocratique en janvier 1992. Dans son rapport de juillet 1998, le Comité des droits de l'homme des Nations Unies se dit : « profondément préoccupé par les allégations persistantes de torture systématique », ajoutant encore que des « juges semblent admettre les aveux obtenus sous la contrainte alors même qu'il existe des preuves médicales attestant que des actes de torture ont été perpétrés ».

Le pouvoir algérien en reconnaît implicitement l'existence, puisqu'il déclare avoir traduit les auteurs de dépassements en justice. Sans doute pour atténuer la pression internationale, notamment, l'insistance du rapporteur spécial de l'ONU sur les tortures, l'expert britannique Nigel Rodley, chargé d'évaluer les réponses des Etats aux violations de certaines catégories de droits.

Dans l'hypothèse où l'on se place dans la perspective du tortionnaire, et que l'on considère qu'il ne vise pas, par ses actes, à entraver les naissances, en raison de la difficulté de prouver l'intention délibérée du tortionnaire, ces tortures n'en constituent pas moins, selon le droit international pénal, un crime. Le crime est établi, à plus forte raison, si l'on se place dans la perspective de la victime, pour constater matériellement les conséquences de ces tortures, à savoir, l'entrave définitive des naissances. Dans tous les cas, les castrations et autres tortures exercées sur les parties sensibles du corps aboutissent sans aucun doute possible, sinon à la mort de la victime, soit à attenter gravement à son intégrité, soit à l'empêcher définitivement de procréer. Ces deux formes de torture, l'atteinte grave à l'intégrité physique et l'entravement des naissances, constituent chacune, et dans tous les cas, l'élément matériel du crime punissable.

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*Legal Perspective***b) Les atteintes à l'intégrité mentale**

Les tortures physiques peuvent attenter à l'intégrité mentale de la victime. Des violences diverses peuvent aboutir au même résultat. Ces violences pouvant résulter indifféremment, par exemple, du bombardement de villages entiers, décimés par l'aviation utilisant le napalm selon plusieurs témoignages, notamment celui de Alili Messaoud, officier d'aviation qui a demandé l'asile politique à l'Espagne en 1998. L'usage massif du napalm a été confirmé par plusieurs sources et récemment rappelé par le *Washington Post*<sup>10</sup>. Autre exemple, les villageois sont souvent invités au centre ville pour regarder le cadavre de terroristes morts, portant sur la poitrine ou le dos des inscriptions gravées au couteau, ou sur le corps desquels une pancarte menace : « c'est le sort des terroristes et ceux qui les aident ». La population civile visée systématiquement n'a pas les moyens de mettre fin à l'agression dont elle fait l'objet ; mais elle est invitée à voter pour la paix en faveur des candidats du pouvoir<sup>11</sup>. Deux derniers exemples : le premier résulte des actes et pratiques prouvées, résultant d'une volonté criminelle délibérée d'attenter à la population civile par les destructions volontaires, et à l'explosif, des maisons d'habitation dans un pays en crise endémique de logement, ainsi que le pillage, les destructions ou appropriations de biens, non justifiés par des nécessités militaires, exécutées arbitrairement à grande échelle. Le deuxième peut résulter également des déportations dans des camps, avec barbelés et gardes, ou des crimes d'endoctrinement, des persécutions permanentes de sorte que les victimes, soumises à une angoisse continuelle, ne sont plus les mêmes avant et après leur perpétration.

**C. Les disparitions forcées**

Matériellement, les disparitions forcées sont les cas où des personnes sont arrêtées, détenues ou enlevées par un Etat ou une organisation politique ou avec l'autorisation, l'appui ou l'assentiment de cet Etat ou de cette organisation, qui refuse ensuite d'admettre que ces personnes sont privées de liberté, ou de révéler le sort qui leur est réservé ou l'endroit où elles se trouvent, dans l'intention de les soustraire à la protection de la loi, pendant une période prolongée.

Nous avons établi dans un précédent article plusieurs faits probants, fondés sur des documents officiels, des témoignages et des déclarations et mesures prises par le gouvernement algérien. Parmi ces faits, il est apparu que les arrestations sont très rarement opérées selon les prévisions du code de procédure pénale. Elles constituent, au contraire, l'enlèvement prévu et puni par le code pénal algérien. La Déclaration des Nations Unies, de 1992, sur la protection de toutes les personnes contre les disparitions forcées stipule en son article 6.1 « qu'aucun ordre émanant d'une autorité publique, civile ou militaire ne peut être invoqué », et que son article 7 ajoute

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qu'aucune circonstance d'instabilité politique ou même de guerre, ne peut être invoquée pour justifier les disparitions forcées. D'autre part, si la victime de l'enlèvement-arrestation a le droit de rentrer en communication avec les membres de sa famille ou avec un avocat, à aucun moment cette disposition légale n'a été respectée. C'est la violation de ces textes de loi interne qui a été constatée à l'égard de l'ensemble des services répressifs de l'Etat, et que de nombreuses ONG ont dénoncée. Cette pratique a été imputée au gouvernement algérien. Le rapporteur spécial de l'ONU sur les disparitions forcées n'a pas été autorisé à se rendre en Algérie pour enquêter sur ce phénomène, qui, bien que reconnu par les plus hautes autorités du pays, risque d'être traité de façon illégale. Le gouvernement algérien préconise, en effet, de considérer les disparus-forcés comme des absents volontaires, au sens du code civil.

Quel que soit le nombre des disparitions forcées, si le fait est établi, selon la Résolution 33.173 adoptée le 20 décembre 1978 par l'Assemblée générale des Nations Unies, les services de l'Etat compétent doivent dans ce cas : « consacrer les moyens suffisants et entreprendre des enquêtes diligentes [...] [car le] risque est important pour la vie, la liberté et la sécurité physique des personnes ». Or si le nombre des disparus-forcés se situe entre 3500 et 22000 selon les sources que nous avons citées dans notre précédent article, de fait, jusqu'à présent les autorités n'ont rien entrepris pour retrouver les personnes enlevées par leurs propres services de sécurité. L'élément matériel du crime est donc démontré, tant dans sa forme positive de commission, que dans sa forme négative d'omission criminelle. Les autorités algériennes l'ont implicitement reconnu dans sa première forme ; leur inertie face au drame des familles de disparus, ainsi que leur tentative d'enlever au crime son caractère pénal suffisent à démontrer leur responsabilité dans sa deuxième forme, au pire leur complicité active, au mieux leur complicité simple.

### *2.1.2. Caractères de l'élément « fait » des crimes*

Il s'agit des particularités remarquables et essentielles qui permettent de distinguer ces crimes du droit international pénal, d'autres crimes. Les crimes de guerre, les crimes contre l'humanité et le crime de génocide ont cette propriété d'être soit systématiques soit à grande échelle. Le caractère typique qui les réunit est qu'il s'agit de crimes organisés.

#### ***A. Caractère systématique des crimes***

Ces actes matériels de commission ou d'omission criminelle ne sont pas l'œuvre d'un ou plusieurs individus isolés. Ils rentrent tous dans le cadre d'une préparation d'ensemble, d'une concertation et d'un plan. Les actes matériels sont systématiques<sup>12</sup> en ce qu'ils constituent une entreprise rentrant dans le cadre d'un plan concerté. Dans ce cas les actes constitutifs du crime

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ne sont pas isolés, ce n'est pas leur juxtaposition ou leur nombre qui en feraient l'élément matériel du crime universel, mais le fait qu'ils participent d'un plan dirigé et systématique.

Isolé, chacun des actes est un élément d'un programme ou d'un plan prémédité qui exprime ouvertement l'objectif d'attenter à une population civile. Face à un seul acte, il y a possibilité de qualifier le crime ; il suffit qu'il rentre dans le cadre d'une organisation prévoyant une série de crimes généralisés. Ces crimes commencent par le premier assassinat, la première torture, la première persécution ou disparition. Le meurtre, c'est-à-dire tout homicide volontaire, la mutilation, la torture ou le traitement cruel ainsi que la disparition forcée constituent, selon le cas, l'élément matériel de l'un des crimes prévus et punis par le droit international pénal.

En Algérie, c'est la géographie politique des massacres commis, et leur caractère répétitif qui expriment leur nature systématique. C'est en second lieu l'identité des services répressifs qui se chargent de leur exécution qui révèle l'existence d'une directive de massacres systématiques. Ce n'est pas un service isolé de l'Etat, mais l'implication de leur ensemble qui manifeste l'aspect systématique de l'entreprise de massacres. C'est le choix d'une stratégie particulière, et non l'incapacité de ces services réunis à réaliser la directive, qui a justifié le recrutement, l'entraînement et l'armement de milices supplétives. Cette stratégie militaire permet la réalisation de la mission initiale, en l'occurrence l'objectif permanent de maintenir le régime politique, quelle que puisse être l'opposition de la population.

C'est enfin l'implication de tous les organes de l'Etat dans l'entreprise commune qui révèle le plus le caractère systématique des massacres. Au niveau politique d'abord, le discours éradicateur est affirmé avec force et constance ; cette politique est défendue à l'intérieur par l'organisation systématique des médias, et à l'extérieur du pays par l'embrigadement du réseau diplomatique aux fins de cette seule mission. L'appareil législatif et réglementaire, dans un cadre d'état de siège, s'est affranchi de tous les obstacles textuels. Cet appareil a produit une série de textes répressifs et organisationnels pour permettre et faciliter systématiquement la mission des massacres. Des pouvoirs exorbitants sont ainsi donnés aux services répressifs, sans aucun contrôle politique ou juridictionnel sous le prétexte de la situation exceptionnelle créée par le coup d'Etat. A défaut d'un soutien intérieur réel, l'entreprise systématique des massacres a veillé à caporaliser la scène médiatique de tout ce qui pouvait élever la moindre protestation sérieuse. Cette entreprise systématique a en outre corrompu les puissances étrangères par l'ouverture du secteur pétrolier à l'investissement étranger. Cette entreprise a nécessité l'exécution scrupuleuse des directives des institutions financières internationales, d'autant plus que cette exécution favorisait l'entreprise de massacres, puisque les effets immédiats des programmes financiers sont de remettre en cause les acquis sociaux, et d'atomiser la société, sans qu'aucun

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des monopoles politique et économique des décideurs militaires ne soit inquiété.

### ***B. Caractère à grande échelle***

Si ce caractère systématique distinctif des crimes universels n'est pas évident, il suffit qu'ils soient commis à grande échelle pour justifier leur nature criminelle internationale, et leur qualification juridique. Or le nombre des victimes décédées par meurtre est situé, selon des sources divergeantes officielles et officieuses, entre 200 000 et 26 536<sup>13</sup>. Mais quel que soit le chiffre retenu, on constate que le meurtre est commis à grande échelle. Les enlevés-disparus comptabilisés en l'espace de deux mois seulement, par l'ANFD, seraient de 3 500 sur la base de dossiers dûment documentés<sup>14</sup>. D'autres sources algériennes avancent des chiffres plus importants, c'est le cas d'un avocat qui estime le nombre des disparus à 12 000<sup>15</sup>, ainsi que la Ligue algérienne de défense des droits de l'homme qui le fixe selon les témoignages et documents recueillis à 18 000<sup>16</sup> disparus forcés. Au Chili, les disparus étaient de l'ordre de 1 700 en dix sept ans de dictature. Si les cas de tortures n'ont pas été chiffrés, leur nombre apparaît comme trop important eu égard aux témoignages publiés<sup>17</sup>, aux listes composant des ouvrages édités en plusieurs volumes<sup>18</sup>, et aux analyses consacrées au phénomène<sup>19</sup>. Il s'agit donc d'un phénomène qui se manifeste sur une grande période, sans interruption, à travers tout le territoire national, et par le fait de l'ensemble des services répressifs de l'Etat et des milices apparentées à ces services. Le nombre des victimes est très, trop, important pour qu'il soit considéré comme la manifestation de simples dépassements commis à l'insu des plus hautes autorités.

En tout état de cause, il paraît peu probable d'aboutir un jour à un bilan chiffré exact des massacres, même dans l'hypothèse de s'en tenir aux seuls types de crimes retenus : meurtres, tortures particulièrement graves et disparitions forcées. L'impossibilité d'aboutir à des chiffres globaux incontestables résulte de la grande répartition géographique des massacres, de leur étalement dans le temps, des pratiques de l'enterrement anonyme avec seulement la lettre pour identifier les victimes, et des fosses communes. A ces motifs objectifs s'ajoute la volonté manifeste des autorités d'en cacher la réalité, et d'en minimiser la portée et l'ampleur. Cependant, avec les chiffres disponibles, nul ne contestera le caractère à grande échelle de ces massacres.

Dans ces trois formes du massacre il n'est pas nécessaire que leur manifestation matérielle soit systématique s'ils sont commis à grande échelle. Ce caractère massif dispense de la nécessité de prouver l'existence d'un plan, ou d'un programme ; ces derniers étant d'ailleurs présumés par le nombre exorbitant des victimes. Cependant, que le massacre soit commis de façon systématique, ou à grande échelle, il présente bien un caractère organisé.

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Dans les deux cas, systématiques ou massifs, ces massacres sont le résultat de l'instigation ou la direction d'un gouvernement ou toute organisation, ou groupe politique ou social. Les violences sont en effet commises, non pas de manière spontanée par de petits groupes mais par des individus sous la conduite d'un commandement responsable, qui dirige des opérations concertées, supposant donc une stratégie planifiée. Les opérations rentrent dans le cadre de tactiques élaborées. L'individu criminel exécutant agit pour compte, en tant que membre d'un organe de l'Etat ou d'un groupe quelconque. Pour apprécier l'imputabilité du crime universel à un individu, crime prévu et puni par le droit international pénal, en plus de la preuve de son appartenance à l'organe de l'Etat responsable du crime, ou au groupe suspect, c'est généralement sa ligne de conduite habituelle, avant, pendant et parfois après les actes, qui peut éclairer l'imputation de faits spécifiés, à cet individu isolé en tant que suspect.

L'Etat par l'un quelconque de ses organes responsable, ou le groupe suspect, doit être l'organisateur, l'instigateur ou le directeur des crimes. L'Etat ou l'organisme peut en outre fournir aide et moyens logistiques, matériels et médiatiques nécessaires à la commission des crimes. Zoller a défini le crime contre l'humanité comme étant « une politique d'atrocités et de persécutions contre des populations civiles »<sup>20</sup>. L'Etat, groupe ou organisme, auquel l'attribution des crimes est faite, est reconnu implicitement comme ayant une position d'autorité sociale, financière ou politique. De fait, le groupe détenteur de l'autorité en Algérie est situé dans la hiérarchie militaire, et désigné par le terme *décideurs*.

Outre l'attribution exclusive des tortures systématiques, et des disparitions forcées, aux différents services répressifs de l'Etat algérien, ainsi qu'aux milices qu'il a volontairement levées, les révélations impliquant les services de la sécurité militaire, les milices et escadrons de la mort dans les massacres et tueries collectives se sont multipliées tout au cours de l'année 1998<sup>21</sup>. C'est l'effet direct de ce qui a été appelé « la stratégie du rouleau compresseur, avec utilisation du napalm, à laquelle s'ajoute une loi du talion, à la mort d'un officier répondent quarante exécutions sommaires »<sup>22</sup>.

Le caractère organisé des massacres commis en Algérie est révélé par plusieurs indices. La facilité déconcertante avec laquelle les attaques sont perpétrées, la retraite des criminels et leur anonymat assurés, ainsi que la passivité des forces armées et la proximité de la plupart des massacres des lieux de cantonnement de ces forces. La subordination des assaillants à des chefs qui diffusent les ordres suppose l'organisation des assaillants. A ces indices s'ajoutent la continuité remarquable des procédés, mais aussi la répétition dans le temps durant plusieurs années et l'étalement dans l'espace des crimes. Ce caractère organisé des massacres est en outre exprimé par la privati-

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sation contrôlée de la violence par les décideurs militaires. Il l'est par la discrimination par laquelle les victimes sont désignées ainsi que par la centralisation de la propagande éradicatrice, organisée sur le modèle stalinien. Un autre trait caractéristique de l'organisation systématique des massacres ressort de l'indifférence des autorités face aux multiples accusations des services de l'Etat algérien, par des ONG et personnalités nationales et étrangères, pour des faits de tortures, disparitions forcées ainsi que de tueries collectives de villageois, et de détenus. Cependant l'organisation des crimes perpétrés est révélée, surtout, par les objectifs recherchés à travers ces crimes et par leurs conséquences sociales et politiques planifiées. Ce critère permet d'expliquer que les massacres programmés et exécutés comportent également des crimes que nous appellerons périphériques.

Le centre militaire et politique qui se trouve à la tête du pouvoir réel en Algérie est celui qui avait décidé et fait exécuter le coup d'Etat du 11 janvier 1992. Il avait prétendu le faire pour sauver la démocratie, soutenu notamment par la France. Cependant les buts, valeurs et stratégie, de ce pouvoir militaro-politique ne peuvent être jugés sur la base de son seul discours. C'est sur ses actes, et non sur l'intention proclamée, que ce pouvoir doit être jugé. Plus précisément, l'élément à rechercher est le caractère invariable du comportement de ce pouvoir, qui est à même d'expliquer le parfait agencement des faits de massacres. Or cette disposition permanente de l'action du pouvoir militaire algérien, avant et après le coup d'Etat, repose sur deux constantes : le monopole exclusif du pouvoir et l'usage de la violence. Résumons ces deux constantes révélatrices du caractère organisé des crimes.

Les massacres de la population civile s'inscrivent dans la suite logique du coup d'Etat du 11 janvier 1992, et visent à garantir, par la terreur, le monopole exclusif et habituel des décideurs militaires, sur le pouvoir d'Etat, sur les ressources et sur les hommes. Tous les chercheurs, historiens et observateurs, ainsi que les spécialistes de la politique algérienne s'accordent dans le constat que la hiérarchie militaire, monopolisant la légitimité historique du recouvrement de l'indépendance nationale, s'est posée dès l'origine comme tutrice incontournable de la nation toute entière. Ce sont les militaires qui avaient installé le premier président de la première République algérienne ; qui l'ont ensuite écarté et emprisonné durant plus de vingt ans. Depuis 1965, le seul intermède civil fut la présidence de Mohamed Boudiaf, pour seulement moins de six mois. Installé par la hiérarchie militaire à la tête du haut comité d'Etat après le coup d'Etat, Boudiaf fut assassiné devant les caméras par un officier des services secrets affecté – dans des circonstances troubles – à sa protection. Par conséquent, sur la base des faits, l'objectif exclusif et invariable des décideurs militaires est ce monopole exclusif du pouvoir. Le coup d'Etat du 11 janvier 1992 était destiné à le maintenir. La démocratie en péril, ou la démocratie tout court, n'existe ni dans l'esprit de la hiérarchie militaire algérienne, ni dans ses projets. Les élections libres, avortées par leur

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seul vouloir, menaçaient de remettre en cause ce monopole. Le massacre, dans toutes ses formes, vise à protéger le statut et les intérêts bien compris de cette hiérarchie militaire ; tout comme le coup d'Etat du 11 janvier 1992 visait à écarter le danger de remise en cause de ce statut et de ces intérêts.

L'Etat sécuritaire, présentement imposé à la société, qui n'a raté aucune occasion de montrer qu'elle veut la paix, n'est le résultat ni d'un consensus, ni d'une négociation ou convention nationale majoritaire. Le régime militaire, détenteur réel du pouvoir, derrière des paravents civils, est toujours le même, avant et après le coup d'Etat. Les concessions faites au multipartisme, et à la relative liberté d'expression, restent dans tous les cas sous leur contrôle absolu. Ils le resteront par la violence, la manipulation ou la fraude électorale. Dans cette stratégie de maintien du pouvoir, l'ennemi reste, précisément, celui qui prétend à l'exercice de la liberté politique en dehors du monopole militaire. Cet ennemi, dénoncé hier comme suppôt du néocolonialisme, laquais de l'impérialisme ou agent de la réaction, est, aujourd'hui, tout « naturellement » un terroriste. C'est contre lui et sa base sociale que les massacres sont organisés.

L'appui extérieur à la stratégie du pouvoir de la hiérarchie militaire est obtenu sans difficultés de la France, à titre principal. Les schémas des services secrets français désignent l'ennemi islamiste. L'enjeu est le maintien des structures du pouvoir algérien où la classe politique française possède de vieilles alliances. Cela garantit le statu quo du régime algérien perçu comme favorable en fait à la francophonie dont les islamistes sont perçus, à tort ou à raison, comme les ennemis. Pour la France cet appui s'inscrit dans la stratégie du maintien de la zone où elle maintient son ascendance, et la lutte contre l'influence grandissante des Etats Unis. La France officielle réaffirme en 1999 « sa » zone de « solidarité prioritaire » incluant l'Algérie. Dès lors, l'organisation des massacres n'a pas pour but de sauver la démocratie.

Quant à la deuxième constante, elle ressort du fait invariable que la hiérarchie militaire algérienne est largement touchée par une désinhibition envers l'usage de la violence. D'aucun rappelle aisément la pratique de l'assassinat politique des opposants, même s'ils résident à l'étranger. Lors de la révolte sociale et politique d'octobre 1988, l'armée a tiré sur les foules désarmées, elle a torturé à grande échelle, et enlevé des citoyens, disparus depuis lors. Une loi d'amnistie avait clôturé l'événement. L'usage inconsidéré de la violence par la hiérarchie militaire est également une constante invariable, vérifiée à maintes occasions. Souvent la violence est utilisée pour des motifs de manipulation politique, parfois par des généraux en retraite appelés « militaires entrepreneurs ». Mohamed Betchine, ancien responsable des services secrets, limogé en août 1990, et repris comme Conseiller du Président de la République, se vit reprocher : « d'avoir fomenté l'attaque d'une caserne dans le sud-est algérien pour accréditer la thèse [...] de l'existence de groupes islamiques armés bien avant l'interruption du processus électoral »<sup>23</sup>.

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C'est donc cette caractéristique permanente de l'objectif invariable, et du moyen privilégié, de la hiérarchie militaire, auteur du coup d'Etat du 11 janvier 1992, qui sera la clef permettant de comprendre comment sera réalisée la recomposition d'un champ politique qui lui soit favorable. La violence est le principal moyen, sinon l'unique, par lequel un processus de décomposition politique, et de déstructuration sociale, sera mis en oeuvre. Les massacres actuels s'exercent principalement dans le cadre d'un plan organisé, à l'encontre des dirigeants et de la base sociale du FIS. Les massacres sont justifiés par la propagande officielle, qui diffuse la haine nécessaire au déclenchement et l'entretien du réflexe génocidaire<sup>24</sup>. Ces massacres, en prenant la forme de tueries collectives, d'exécutions extrajudiciaires en série, de tortures dans toutes ses horreurs ou en prenant la forme de disparitions-forcées, rentrent à titre principal dans cette organisation centralisée, lucide, et délibérée de l'éradication.

Toutefois, à côté des massacres listés, individualisés, répertoriés et programmés pour être exécutés dans l'objectif stratégique commun subsiste une autre violence. Celle-ci donne à l'observateur impartial l'impression que l'action des autorités militaires est parasitée par l'improvisation. Or les crimes périphériques constituent un élément tactique de la stratégie planifiée de massacres. L'usage de la violence institutionnelle par la hiérarchie militaire n'exclut pas une violence périphérique mais, au contraire, la permet et l'encourage. Cette violence peut trouver son origine, indifféremment, dans la lutte des clans au sein même de la hiérarchie militaire, qui ne se rencontrent que sur un objectif stratégique de destruction de la société du FIS, et dans la violence privée de zéloteurs. Quelques massacres commandés par le règlement de compte, s'ils ne figurent pas en tant qu'objectifs individualisés et ciblés en tant que tels, sont une réalité; ils subsistent en tant qu'appoints de la logique centrale, volontaire, précise et lucide, de l'éradication. Cette logique est constante depuis le coup d'Etat; sa mise en oeuvre planifiée est réelle. Elle ne peut exclure que chaque clan de la hiérarchie militaire poursuive son objectif propre, notamment dans les périodes d'euphorie où on croit la victoire certaine contre l'ennemi commun. Dès lors, la multiplication des initiatives de la violence et la pluralité des logiques apparentes n'excluent pas cette caractéristique permanente de l'usage de la violence par les décideurs militaires, sans état d'âme.

Dès lors, au pourtour de cette organisation centrale et principale des massacres contre l'ennemi commun, où chaque crime est conçu, programmé, organisé et exécuté, existe une violence individuelle. Dans le plan des décideurs militaires, le zèle du policier qui tire dans la foule, ou l'empressement que porte un directeur de prison dans l'assassinat de détenus épargnés par un assaut programmé contre une prison, n'est pas la traduction d'ordres précis. On ne saurait les inscrire dans l'organisation centrale des massacres voulus, un à un, et ordonnés de façon préméditée<sup>25</sup>. Néanmoins, ils participent, en

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seconde main, par un effet d'entraînement, au rouleau compresseur des massacres déclenché par la décision centrale de la violence. L'état-major ne les a pas ordonnés ponctuellement, mais les a prévus et encouragés, en les prenant en compte sous l'indicatif d'une forte probabilité à laquelle il affecte un pourcentage chiffré. Les initiatives émanant de zéloteurs isolés ne remettent pas en cause l'organisation des massacres ; elles permettent de camoufler le caractère organisé et systématique des massacres auxquels elles participent. Dans un contexte de guerre civile programmée, ces initiatives s'ajoutent pour confirmer l'objectif recherché, et s'additionnent donc aux massacres. Ces meurtres, tortures et enlèvements, en alourdissant la facture du plan, restent circonstanciels. Ce type de violence est provoqué par la dépersonnalisation de la victime. Le discours officiel distingue cette victime désignée pour la désocialiser, la déshumaniser, la dénaturer et la livrer à l'éradication qui doit se faire sans état d'âme et sans sentiment de culpabilité. Tuer le terroriste sans nom, c'est faire acte de bravoure et d'héroïsme, pour prouver son appartenance à la famille révolutionnaire, ou acquérir le statut de sauveur de la République et de la démocratie. L'ordre inhumain est, dans cette organisation, et cette ambiance, accepté et exécuté avec bonheur<sup>26</sup>. La violence périphérique, telle que définie, participe aux massacres organisés, planifiés et exécutés. Elle est perpétrée, non pour des motifs privés mais, par décision individuelle dans le cadre de la politique officielle de l'éradication.

D'autre part, la distribution à grande échelle des armes dans la société constitue un élément de la stratégie de massacre. Elle n'exclut pas l'usage de ces armes, en appont du programme d'éradication, pour des motifs de vengeance privée ou de banditisme. L'intérêt particulier d'individus ou de groupes se superpose à l'intérêt stratégique, tout comme l'intérêt des clans du régime se superpose à l'intérêt commun des décideurs qui organisent et planifient les massacres. Cette violence s'exerce également dans le cadre du programme politique centralisé, connu sous le nom de l'éradication, élevé au rang de projet national, et défendu en tant que tel. Le caractère privé des motivations de son auteur ne la rend pas indépendante vis-à-vis du programme de massacres organisés centralement au nom de l'Etat. C'est la contrepartie concédée aux miliciens et aux agents publics de la répression en échange de leur fidèle collaboration à l'exécution du plan. Cette partie des massacres planifiés concourt à la réalisation de l'objectif stratégique. Elle soutient la propagande officielle en appuyant, de fait, la tactique de brouillage de l'identité des criminels et la nature programmée de leurs actes. Dès lors, il est inutile de rechercher le mobile de l'agent d'exécution. Son appartenance à l'un quelconque des organes de l'Etat impliqué dans l'éradication, ou aux milices supplétives, suffit à caractériser le crime du droit international pénal par rapport au crime du droit commun interne.

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*2.1.3. La complicité active des coauteurs*

La co-activité, principe de complicité active dans la réalisation d'un acte criminel, se distingue de la complicité simple par la participation matérielle et intentionnelle à la réalisation du crime. C'est le fait de concourir aux actes, ou encore de fournir, en connaissance de cause, l'arme du crime, ou tout autre moyen humain, matériel, financier, médiatique, politique ou diplomatique et y contribuer partiellement. Le complice n'est responsable qu'à titre secondaire. La complicité consiste en la participation intentionnelle au crime commis par un autre. Le complice concourt à la réalisation du crime sans pour autant être actif dans la réalisation elle-même. C'est l'appui, l'assistance, l'encouragement, le soutien ou l'aide matérielle ou morale sans l'association directe aux actes, ou omission, qui constituent l'élément matériel du crime de complicité.

La France participe activement aux crimes commis en Algérie en prêtant hommes, en vendant matériels, en prêtant finances, en soutenant médiatiquement et diplomatiquement, en défendant politiquement les auteurs principaux des crimes et, en participant activement tant aux harcèlements, emprisonnements, déportations, arrestations et livraison des victimes aux autorités algériennes, qu'à l'entraînement, la formation, le conseil et la participation à la mise en œuvre de la stratégie appliquée par les services répressifs algériens.

Le renforcement de la coopération entre polices et services de renseignements français et algériens a été engagé, surtout, depuis la fin de 1993. « Personne ne fait mystère que les officiers de renseignement des deux pays coopèrent depuis longtemps » écrit L'Express, qui rapporte en outre que le quotidien anglais *The Independent* a révélé que : « La France écoute en permanence tous les échanges radio, à commencer par les rapports des commandants sur le terrain, notamment à partir d'un bateau croisant non loin des côtes algériennes, avec l'appui d'avions survolant la zone et les relais installés dans le "bunker" qu'est aujourd'hui l'ambassade à Alger. Le numéro de code du bâtiment de couleur blanche est A 646 Berry »<sup>27</sup>. Ce bâtiment est aujourd'hui remplacé par un sous-marin d'écoute. Les autorités algériennes sont réputées très pointilleuses sur tout ce qui touche à la souveraineté ; dès lors on ne saurait expliquer la présence sur les eaux territoriales de la République algérienne d'un bateau espion, et sur ses airs des avions militaires étrangers, si cette présence française ne rentrait pas dans le cadre d'une étroite coopération dans la gestion de la guerre qui se déroule sur le territoire. L'implication active française dans ce qui se déroule en Algérie est d'autre part corroborée par la diffusion sur Internet, par un site ANP (Armée Nationale Populaire algérienne, ndlr), animé par un Mouvement des officiers libres algériens<sup>28</sup>, de listes des militaires français, nommément et individuellement identifiés, avec leurs grades et affectations dans les diffé-

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rents services algériens, y compris à l'état-major général militaire, à la Direction du Renseignement et de la Sécurité et auprès du général gestionnaire du groupe d'intervention anti-terroriste.

Ces faits correspondent à l'implication française dans les massacres, comme co-auteur. Reste à savoir si cette participation matérielle est intentionnelle ; c'est ce que nous démontrerons au deuxième chapitre.

### 3.2. L'élément légal des crimes universels

Les sources primaires du droit international sont les traités, la pratique des Etats et les décisions émanant tant de l'ONU, ou de ses différents organes, que des organismes internationaux. Parmi les normes du droit international on distingue généralement les normes dites *erga omnes*, qui ne sont pas toutes impératives, des normes impératives dites du droit des gens ou du *jus cogens* et des crimes internationaux. On ne peut déroger aux normes des deux dernières catégories, même par accords entre Etats. Le *jus cogens* a été défini par l'article 53 de la Convention de Vienne portant sur le droit des traités ; la violation d'une de ses normes n'est pas nécessairement un crime. Toutes les normes du *jus cogens* ainsi que les crimes sont par définition des normes *erga omnes*, qui les recouvre ; l'inverse n'est pas vrai. De fait, le rapport entre ces trois catégories de normes se situe dans des cercles concentriques : on trouve au premier grand cercle les normes *erga omnes* qui englobe le cercle, plus petit, des normes du *jus cogens*. Au centre de ces cercles on trouve celui plus restreint des crimes. Une conception objective de ces crimes les considère comme étant consommés par la seule violation d'une norme ; la violation de la légitimité internationale entraîne la responsabilité internationale. Le crime est une violation de valeurs collectives faisant partie de l'ordre public international. Il n'est donc pas nécessaire, pour cette conception, de rechercher dans l'intention une forme quelconque de *culpa* (imputation à l'auteur) ou de *dolus* (faute de l'auteur ou du complice), c'est-à-dire une intention délictueuse. Nous opterons quant à nous pour une conception plus large, en raison du fait que la responsabilité « pénale » des Etats est discutable. La seule qui soit indiscutable est celle des individus, fussent ils gouvernants, ou agissant au nom d'un Etat.

Le crime international comporte la connotation générale d'un fait illicite significatif, qui mérite par son caractère distinctif la condamnation par la communauté internationale toute entière. C'est un fait internationalement illicite résultant de la violation par un Etat, ou ses représentants, d'une obligation internationale si essentielle pour la sauvegarde de la communauté internationale, et de ses intérêts fondamentaux, que sa violation est reconnue en tant que crime. Il est différent des autres faits illicites par sa nature, ses conséquences, spécifiquement graves, et par les procédures spéciales qui doivent être mises en œuvre pour sa sanction. Les crimes de guerre, crimes

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contre l'humanité et le génocide sont historiquement anciens mais juridiquement récents. Ce n'est que pendant et après la deuxième guerre mondiale qu'ils ont cessé d'être considérés comme des phénomènes internes, régionaux, ou dépendant des seuls rapports de forces, n'intéressant donc que les gouvernements et faisant partie de leur domaine réservé. Depuis lors, le droit international les considère comme des questions intéressant la communauté internationale dans son ensemble.

Ils sont prévus par différentes dispositions internationales de droit Conventionnel et coutumier<sup>29</sup>. Selon le Statut du tribunal international de La Haye pour l'ex-Yougoslavie

la partie du droit international humanitaire qui est indiscutablement devenue du droit international coutumier est le droit applicable aux conflits armés, à savoir : les Conventions de Genève du 12 août 1949, la Convention IV de La Haye et les règlements concernant les lois et coutumes de guerre sur terre de 1907, la Convention du 9 décembre 1948 pour la prévention et la répression du crime de génocide et le Statut du tribunal militaire de Nuremberg du 8 août 1945.

Ces crimes sont notamment prévus par les Conventions de Genève du 12 août 1949 et les Protocoles additionnels I et II pour les crimes de guerre, par la charte du tribunal militaire de Nuremberg pour les crimes contre l'humanité<sup>30</sup>, et par la Convention du 9 décembre 1948 qui définit quant-à-elle le crime de génocide. Le Statut de la Cour Criminelle Internationale (CCI), adopté par la conférence des plénipotentiaires de l'ONU tenue à Rome<sup>31</sup>, le 18 juillet 1998, a actualisé la définition de ces crimes. Nous allons examiner les définitions successives du crime de guerre, du crime contre l'humanité et du génocide.

### *3.2.1. Le crime de guerre*

La qualification « crime de guerre » est contestée lorsque les faits qui en constituent la base matérielle, et psychologique, surviennent lors de conflits armés internes. Nous allons exposer les textes juridiques se rapportant aux faits réprimés, avant de discuter et réfuter la prétention de leur exclusion pour les conflits armés internes.

#### **A. Exposé des textes**

Les crimes de guerre du Statut de Nuremberg sont des infractions désignées comme graves par les Conventions de Genève de 1949, qui en reprennent l'énumération pour la protection des victimes de la guerre. Nous ne citerons que les textes qui intéressent directement notre sujet, en l'occurrence qui ont trait, d'une part, aux trois types d'actes matériels que nous avons retenus et, d'autre part, aux conflits armés internes.

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L'article 3 commun aux quatre Conventions de Genève du 12 août 1949 auxquelles l'Algérie est partie<sup>32</sup> prescrit de traiter avec humanité :

les personnes qui ne participent pas directement aux hostilités, y compris les membres de forces armées qui ont déposé les armes et les personnes qui ont été mises hors de combat par maladie, blessure, détention ou pour toute autre cause.

Plus spécialement les articles 7 et 8 du Protocole additionnel II du 8 juin 1977, relatif à la protection des victimes des conflits armés non internationaux, développent et complètent l'article 3 commun aux Conventions de Genève du 12 août 1949.

Aux termes de l'article 2 § 1 du Protocole II, ce texte

s'applique sans aucune distinction de caractère défavorable fondée sur la race, la couleur, le sexe, la langue, la religion ou la croyance, les opinions politiques ou autres [...] ou tous autres critères analogues [...] à toutes les personnes affectées par un conflit armé au sens de l'article premier.

**b) Les actes prohibés**

L'article 3 commun aux quatre Conventions de Genève prohibe à l'égard de ces personnes : « les atteintes portées à la vie et à l'intégrité corporelle [...] les atteintes à la dignité des personnes ». Ce texte n'attache pas le qualificatif graves à ces infractions, contrairement à celles des conflits armés internationaux.

L'article 4 § 2 du Protocole additionnel II du 8 juin 1977 prohibe en tout temps et tout lieu :

a) les atteintes portées à la vie, à la santé et au bien être physique ou mental des personnes, en particulier le meurtre, de même que les traitements cruels tels que la torture, les mutilations ou toutes formes de peines corporelles, b) les punitions collectives, c) la prise d'otages, d) les actes de terrorisme, e) les atteintes à la dignité de la personne, notamment les traitements humiliants et dégradants, le viol, [...] h) les menaces de commettre les actes précités.

Son article 4 § 1 dispose qu'il « est interdit d'ordonner qu'il n'y aura pas de survivants », alors que l'article 4 § 3 prévoit que les enfants recevront les soins et l'aide dont ils ont besoin. Son article 6 pose des principes de caractère universel non dérogeables, en s'inspirant autant des 3<sup>ème</sup> et 4<sup>ème</sup> Convention de Genève que du Pacte International portant sur les Droits Civils et Politiques (PIDCP).

De la définition du crime de guerre donnée par (1) l'article 3 commun aux quatre Conventions de Genève, (2) le Protocole II additionnel qui le déve-

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loppe et (3) l'article 8 [5 quater], §2, c)[C] du statut de la CCI, nous retiendrons quant à nous que le crime de guerre est constitué par : a) les atteintes portées à la vie et au bien être physique ou mental - meurtre, torture, mutilation -, h) les menaces de commettre de tels actes. Mais étant entendu que la torture constitutive du crime de guerre est le fait d'infliger intentionnellement une douleur ou des souffrances aiguës, physiques ou mentales, à une personne se trouvant sous la garde ou sous le contrôle de l'accusé de torture, ce terme ne s'étend pas à la douleur ou aux souffrances résultant uniquement de sanctions légales, inhérentes à ces sanctions ou occasionnées par elles. Il est évident que les deux formes de torture que nous avons privilégiées pour la démonstration – atteintes graves à l'intégrité physique ou mentale et mesures visant à entraver les naissances – ne peuvent, sous aucun prétexte, rentrer dans le cadre des sanctions légales.

### ***B. Extension du DIP aux conflits armés internes***

La notion de guerre n'était considérée en droit que lorsqu'elle avait un caractère international. La « guerre » de libération nationale algérienne était considérée par la France comme une opération interne de police visant le maintien de l'ordre. Mais depuis lors, le droit humanitaire international utilise la locution « conflit armé », qui peut être « non international ». Dans ce cas le conflit armé interne se déroule dans les limites du territoire d'un Etat où des hostilités caractérisées mettent aux prises soit des forces armées et des groupes armés organisés, soit des forces armées et des forces dissidentes, organisées sous la conduite d'un commandement responsable, et exerçant sur une partie du territoire un contrôle tel qu'il leur permette de mener des opérations continues et concertées.

Ce texte s'applique lorsque des forces dissidentes, composées des membres des forces armées régulières qui ont rejoint les maquis, s'opposent par les armes aux forces publiques restées fidèles au pouvoir. Il s'applique également aux groupes armés engagés dans un conflit armé opposant sur le territoire d'un Etat partie ses forces armées à d'autres groupes armés organisés qui, sous un commandement responsable, exercent sur une partie de ce territoire un contrôle tel qu'ils sont en mesure de mener des opérations militaires soutenues et concertées.

C'est le cas en Algérie si l'on considère l'opposition armée comme un ou des mouvement(s) organisé(s) sous un (des) commandement(s) identifiable(s). L'article 3 commun aux quatre Conventions de Genève et le Protocole II additionnel leur est réservé. Mais également, pour l'avenir, l'article 8 [5 quater], §2, c)[C] du statut de la CCI adopté le 18 juillet 1998<sup>33</sup> leur sera applicable.

Peut-on raisonnablement soutenir la qualification de crimes de guerre pour les massacres commis en Algérie ? Cette conception a été rejetée pour

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les conflits armés internes. Nous allons examiner cette question avant de constater qu'une conception protectrice de l'ensemble des victimes, quelle que soit la nature du conflit, interne ou international, est conforme à la lettre et surtout à l'esprit des textes. Nous examinerons enfin le risque de confusion entre crime de guerre et crime contre l'humanité que cette extension de la protection peut impliquer, selon quelques juristes internationaux.

#### a) Opinion rejetant l'extension

Cette opinion fonde son argumentation sur l'article 2 commun aux quatre Conventions. Ce texte dispose que celles-ci s'appliquent : « en cas de guerre déclarée ou tout autre conflit armé surgissant entre deux ou plusieurs des Hautes parties contractantes », ce qui semble exclure les conflits armés internes du champ d'application des conventions. De plus, ni l'article 3 commun aux quatre Conventions de Genève, ni le Protocole II réservé aux conflits armés internes ne qualifient les infractions susceptibles d'être commises de « graves ». A priori ces deux considérations ne permettent pas de parler de crimes de guerre dans un conflit armé interne, violation réservée aux infractions dites graves, pour lesquelles chacune des quatre Conventions prévoit l'obligation universelle et solidaire de poursuivre, d'enquêter et de sanctionner les auteurs. Une grande partie de la doctrine pense que le droit applicable aux conflits armés internes : « ne connaît par conséquent pas de mécanisme instituant une responsabilité pénale internationale des auteurs coupables de violations », et que ce qui particularise :

le régime juridique des conflits armés non-internationaux en ce qui concerne la mise en œuvre du droit humanitaire international, c'est moins la réaffirmation de la souveraineté des Etats [...] que l'absence qui en découle de mécanismes de contrôle de respect du droit [...] extérieurs à l'Etat lui-même<sup>34</sup>.

Cette interprétation découle du sens littéral premier des textes. Elle semble obéir au principe *pacta sunt servanda* qui implique l'exécution de bonne foi des obligations librement consenties. Cependant, les conventions internationales comportent, outre les engagements réciproques des parties, des normes universelles.

#### b) Réfutation de cette opinion restrictive

Si l'interprétation d'un traité doit être conforme aux règles des articles 26 et 31 de la Convention de Vienne de 1969 sur le droit des traités, et être en relation avec l'intention exprimée par les parties lors de sa conclusion, en l'occurrence ne pas conduire sous prétexte d'interprétation à une véritable révision, cette interprétation doit être évolutive. Selon la Cour Internationale de Justice (CIJ) un traité doit être interprété dans le cadre de l'ensemble du système juridique en vigueur au moment où l'interprétation a lieu. Le respect de la volonté des parties doit être, au surplus, compatible avec les normes

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impératives du droit des gens dit *jus cogens*. En effet, si les traités comportent des obligations synallagmatiques, induisant pour les parties leur respect réciproque, ils comportent également des normes impératives dont le respect par l'une des parties est indépendant de l'exécution des obligations conventionnelles pour les autres. D'autre part, on doit privilégier le sens téléologique qui tient compte des finalités de la réglementation de la matière, une interprétation en rapport avec l'économie de l'ensemble des normes régissant le domaine du traité. Enfin, l'intérêt de la paix et de l'équité *infra legem* permettent de diriger l'esprit dans lequel cette interprétation doit avoir lieu.

D'autre part, l'évolution du droit international et des droits nationaux va dans le sens de l'extension de la qualification du crime de guerre dans les conflits armés internes.

Nous allons discuter en cinq points l'opinion qui, sous le prétexte de la nature interne du conflit armé, exclut la qualification du crime de guerre aux mêmes faits. Les trois premiers points de la discussion se limiteront à la lecture interne du texte des quatre Conventions de Genève et des Protocoles additionnels y relatifs, le quatrième point signalera l'évolution du droit de la guerre au plan international alors que le cinquième traitera de l'évolution de ce même droit au plan interne des Etats.

(1) Les infractions définies à l'article 3 commun aux quatre Conventions que le Protocole II élargit, en les développant, sont complémentaires aux garanties déjà offertes par d'autres instruments. Si l'article premier, commun aux quatre Conventions de Genève, dispose que les Hautes parties contractantes s'obligent à « respecter et à faire respecter en toutes circonstances » toutes les dispositions, cet engagement s'étend aux infractions de l'article 3 en vertu du principe d'indivisibilité des conventions. Le principe d'indivisibilité des conventions ne permet pas d'en soustraire un article pour le vider des garanties d'exécution de l'ensemble des conventions dont il est un des éléments. Le préambule du Protocole II cité stipule d'ailleurs que : « les instruments internationaux relatifs aux droits de l'homme offrent à la personne humaine une protection fondamentale », ajoutant : « la nécessité d'assurer une meilleure protection aux victimes de ces conflits armés (internes) ». Ce préambule rappelle enfin que : « pour les cas non prévus par le droit en vigueur, la personne humaine reste sous la sauvegarde des principes de l'humanité et des exigences de la conscience publique » ; c'est ce que la doctrine désigne sous le nom de clause Martens. Or l'interprétation restrictive restreint les garanties offertes aux victimes des infractions commises lors d'un conflit interne, alors même que le texte sur lequel cette interprétation est fondée entend, au contraire, les élargir. Un texte dont on retire la garantie d'exécution serait plutôt une simple formule morale qu'un texte juridique.

Au surplus, le Protocole II est accessoire aux Conventions dont il réaffirme et développe une disposition. Si son article 3 indique qu'aucune de ses

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dispositions ne sera invoquée : « en vue de porter atteinte à la souveraineté d'un Etat ou à la responsabilité du gouvernement de maintenir ou de rétablir l'ordre public [...] par tous les moyens *légitimes* » ou encore comme : « justification d'une intervention directe ou indirecte, pour quelque raison que ce soit, dans le conflit armé ou dans les affaires intérieures ou extérieures de la Haute partie contractante sur le territoire de laquelle ce conflit se produit », ce principe de non intervention est limité par la nature « légitime » des moyens utilisés par l'Etat. Il est également limité par l'obligation générale de respecter et de faire respecter l'ensemble des dispositions conventionnelles dont le Protocole n'est qu'une des émanations. La troisième limite résulte de la nature du conflit. S'il s'agit d'un trouble intérieur, effectivement, la souveraineté interdit toute ingérence, mais dès lors que ce conflit armé prend les proportions d'une véritable guerre, il n'est plus permis que la paix et la sécurité de l'humanité soient laissées à l'appréciation d'un seul Etat. Cette obligation de résultat des Etats leur permet d'intervenir pour le jugement des criminels de guerre. Cette obligation de résultat doit s'entendre en ce que les Etats qui s'y sont engagés ne devront pas en subordonner l'application à des considérations de nature politique, à moins d'établir que les moyens politiques et diplomatiques sont plus appropriés. C'est sur eux que pèse la charge de la preuve de l'efficacité de leurs moyens par rapport aux moyens judiciaires.

(2) Le caractère solidaire et indivisible des infractions prévues pour la protection des victimes résulte de leur intitulé. Les infractions prévues à l'article 3 commun aux quatre Conventions, et développées au Protocole additionnel II, sont fondamentalement identiques aux crimes dits graves dans le conflit armé international. Ces infractions sont identiques, par exemple, à celles des articles 50, 51, 130 et 147, respectivement des 1<sup>ière</sup>, 2<sup>ème</sup>, 3<sup>ème</sup> et 4<sup>ème</sup> Convention de Genève. D'ailleurs l'article 147 de la quatrième convention, qui définit les infractions dites graves, figure à la section I relative aux « dispositions générales » du Titre IV, intitulé « Exécution de la Convention ». Or ce titre couvre l'ensemble des incriminations de la Convention y compris celles de l'article 3, donc aux faits qui y sont décrits, repris et développés par le Protocole II réservé aux conflits armés internes.

(3) L'article 90 du Protocole I relatif aux conflits armés de nature internationale, et qui prévoit la création d'une Commission Internationale d'Etablissement des Faits (CIEF), fait référence en son paragraphe 2, alinéa c., aux « infractions graves ou *autres violations graves aux conventions* ». Ces « autres violations graves » dont il ne donne aucune définition, mais qui sont nettement distinguées aussi bien des « infractions graves » que des « autres situations » prévues à l'alinéa d) du même paragraphe, ne seraient elles pas réservées à nommer des faits qui, sans être des crimes, sont des violations qui ne laissent pas la communauté internationale indifférente ? Comment dès lors permettre une ingérence pour des violations moins graves que les crimes de

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guerre, et l'exclure devant de véritables crimes de guerre sous le prétexte de la nature interne du conflit armé ?

La formulation « autres violations graves », selon les commentaires des Protocoles, renvoie à trois types de comportements contraires au droit humanitaire qui, rappelons-le, fait partie du droit coutumier universel, applicable en tout temps et tout lieu. Il s'agit des :

comportements isolés non énumérés parmi les infractions graves mais revêtant tout de même un caractère de gravité ; les comportements [...] revêtant un caractère de gravité par leur nombre ou leur répétition systématique, ou par les circonstances ; (enfin) les violations globales, par exemple soustraire une situation, un territoire, une catégorie de personnes ou de biens à l'application des Conventions ou du Protocole<sup>35</sup>.

Ces comportements, non énumérés dans les instruments classiques du droit international pénal parmi les infractions graves, mais qui revêtent un caractère de gravité par leur nombre, ou leur répétition systématique, ou les circonstances de leur commission, ou encore par la soustraction d'une catégorie de personnes à l'application des conventions, sont commis en Algérie, même dans l'hypothèse où ils ne recevraient pas la qualification de graves.

D'autre part ce même texte, le Protocole I textuellement réservé aux conflits armés internationaux, en créant par son article 90 la CIEF qui serait compétente pour enquêter sur toute allégation de crimes faite par un Etat à l'encontre d'un autre, n'exclut pas sa compétence pour les conflits armés de nature interne. D'ailleurs, lors de sa première réunion, les 12 et 13 mars 1992, cette Commission a reconnu sa compétence pour enquêter sur toutes violations, y compris celles commises dans un conflit armé d'ordre interne, sous réserve de l'accord ad hoc des parties intéressées.

Enfin la pratique internationale, notamment l'insistance des ONG et associations de droit international à engager les Etats à élargir la compétence de la CIEF aux conflits internes, faisait dire en 1994 : « on peut se demander s'il n'y a pas une tendance actuelle à étendre l'incrimination à des faits commis dans les conflits armés internes »<sup>36</sup>. On ne voit pas l'intérêt d'une régression dans la protection de droits considérés essentiels, comme le droit à la vie et à l'intégrité physique, le droit d'avoir un jugement équitable et de ne pas être privé de sa liberté, sous prétexte d'une interprétation littérale, expurgée du contexte du droit humanitaire et contraire au principe universel de l'égalité du genre humain. Des faits sont qualifiés de criminels si leurs éléments constitutifs sont réunis, indépendamment du caractère interne ou international du conflit armé. N'est-ce pas que la nature interne ou internationale d'un conflit n'est pas toujours exempte de divergence, l'une des parties au conflit pouvant soutenir son caractère interne, et l'autre son caractère international ? Dans l'affaire Tadic, la chambre d'appel du tribunal international pour l'ex-Yougoslavie a retenu dans son arrêt du 2 octobre 1995 sa com-

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pétence pour juger les actes incriminés indépendamment de la nature interne ou internationale du conflit.

(4) Le statut de la nouvelle CCI, qui n'est pas encore entré en vigueur à la date de cet article, désigne comme graves et de crimes de guerre, entre autres, : « les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels et la torture [...] les traitements humiliants et dégradants », lorsqu'ils sont commis dans un conflit armé ne présentant pas un caractère international. Ce Statut prévoit en son article 8, [5 quater], sa compétence pour connaître des crimes de guerre : « lorsque ceux-ci s'inscrivent dans le cadre d'un plan ou d'une politique ou font partie d'une série de crimes analogues commis sur une grande échelle ». Dans ce cadre, selon le même article paragraphe 2 alinéa c[C], sont définis comme étant des crimes de guerre, en cas de conflit armé ne présentant pas un caractère international :

les violations graves de l'article 3 commun aux quatre Conventions de Genève du 12 août 1949, à savoir l'un quelconque des actes ci-après, commis à l'encontre de personnes qui ne participent pas directement aux hostilités, y compris les membres de forces armées qui ont déposé les armes et les personnes qui ont été mises hors de combat par maladie, blessure, détention ou pour toute autre cause :

i [a)] Les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels et la torture.

Ce texte ajoute au même paragraphe, alinéa e) [D], les autres violations graves des lois et coutumes applicables aux conflits armés ne présentant pas un caractère international, dans le cadre établi du droit international, à savoir l'un quelconque des actes ci-après :

i [a)] Le fait de diriger des attaques délibérées contre la population civile en général ou contre des civils qui ne prennent pas directement part aux hostilités ;

ix) [i)] Le fait de tuer ou de blesser par trahison un adversaire combattant ;

x) [j)] Le fait de déclarer qu'il ne sera pas fait de quartier ;

xi) [k)] Le fait de soumettre des personnes tombées au pouvoir d'une autre partie au conflit à des mutilations ou à des expériences médicales [...] et qui entraînent la mort ou mettent sérieusement en danger la santé desdites personnes.

On remarque que dans ces textes les infractions sont qualifiées de graves. Enfin, en vertu de l'article 10 [Y] du Statut, aucune disposition ne doit être interprétée comme : « limitant des règles du droit international existantes ou en formation ou leur portant atteinte d'une façon quelconque à des fins autres que celles du présent Statut ». Ces textes, les derniers en date, permettent de réfuter toute réserve quant à l'application du droit international pénal aux crimes commis dans les conflits armés internes.

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La jurisprudence de la CIJ a confirmé que les obligations de prévention et de répression reposent sur les Etats en vertu des conventions de Genève, que le conflit armé soit interne ou international, adoptant ici les mêmes règles que celles observées pour le crime contre l'humanité<sup>37</sup>. Cette orientation a été consacrée dans les Statuts des tribunaux créés ad hoc pour l'ex-Yougoslavie et le Rwanda.

Outre les instruments internationaux<sup>38</sup>, la doctrine dominante, en tant que source secondaire du droit, puisqu'elle est constituée par les opinions publiées des personnes dont les travaux ont pour fonction d'étudier et interpréter le droit, se prononce depuis 1992 pour cette extension<sup>39</sup>.

(5) La position officielle de plusieurs Etats a élargi aux conflits armés internes la qualification de crime de guerre. Parfois, ces positions résultaient d'options conformes aux droits internes respectifs de ces Etats. Lors de l'adoption en 1993 de la résolution 827 portant création du Tribunal international pénal pour l'ex Yougoslavie, les Etats-Unis d'Amérique, la France et l'Espagne ont soutenus la dénomination de crime de guerre, y compris dans les conflits armés internes.

L'élargissement, dans le droit national interne, du crime de guerre qui survient dans un conflit armé interne est le fait de plusieurs Etats. L'Espagne dispose d'un code pénal, dont l'article 608 protège les civils<sup>40</sup>, et d'une loi organique du pouvoir judiciaire(1985) qui consacrent tous deux la qualification de crime de guerre commis lors de conflits armés internes, sous le chapitre *Delitos contra la Comunidad internacional*<sup>41</sup>. Il en est de même pour la Finlande qui considère le crime de guerre dans les conflits armés internes<sup>42</sup>, et l'Irlande dans son *Geneva Conventions Act* (1962)<sup>43</sup> ; également le Danemark et la Suède<sup>44</sup>, qui consacrent en outre le principe de la compétence universelle<sup>45</sup> ; la Hollande le prévoit également à l'article 1<sup>er</sup> § 3 du *Wet Oorlogsstrafrecht*. Cependant, c'est surtout la Belgique qui a largement consacré dans son droit interne cette qualification assortie du principe de compétence universelle. La loi portant sur les infractions graves, du 16 juin 1993<sup>46</sup>, consacre ce dernier principe en son article 7 mais l'assorti, dans le cas de survenance de l'infraction lors d'un conflit interne, de la réserve de la double incrimination, en l'occurrence, l'incrimination des faits, également, par la loi du lieu de commission<sup>47</sup>. Ses juridictions ont confirmé l'application de ces principes<sup>48</sup>. La qualification de crime de guerre même lorsque le conflit armé est interne est admise par le code pénal suisse, dont les articles 2 § 9 et 108 donnent compétence aux juridictions nationales militaires suisses pour connaître des infractions au droit de la guerre conventionnel, compétence non étendue aux infractions du droit coutumier.

Ce principe est également mentionné dans les manuels militaires de Grande Bretagne (1958) et de l'Italie (1991)<sup>49</sup>. Le manuel militaire allemand (1992) reprend quant à lui textuellement les dispositions de l'article 3 com-

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mun aux quatre Conventions de Genève<sup>50</sup>. Les Etats Unis ont opté pour un supplément annoté au nouveau *Commander's Handbook on the Law of Naval Operations*<sup>51</sup>.

Toutefois, dans le War Crimes Act (1996)<sup>52</sup>, les Etats Unis prennent en considération le crime de guerre y compris dans les conflits armes internes, ils ne reconnaissent pas encore, légalement, le principe de la compétence universelle à laquelle pourtant le gouvernement Clinton est favorable, ainsi qu'une partie de la jurisprudence américaine<sup>53</sup>. La France par contre n'a pas intégré dans son droit national les dispositions des Conventions de Genève et des deux Protocoles additionnels y relatifs. Cependant, sa jurisprudence de premier ressort a tenté de reconnaître sa compétence pour connaître des crimes de guerre<sup>54</sup>, mais a vu ses décisions annulées par la Cour de cassation<sup>55</sup>.

Compte tenu de ce qui précède, nous considérons que le crime de guerre, lorsque ses éléments constitutifs sont réunis, peut qualifier les massacres commis en Algérie en dépit ou indépendamment de la nature interne du conflit armé. D'ailleurs il n'est pas nécessaire que l'Etat commette matériellement le crime de guerre, il suffit pour entraîner sa responsabilité qu'il s'abstienne de prendre des mesures de prévention et – ou de répression. La CIJ a confirmé cette responsabilité de l'Etat, que le conflit armé soit interne ou international<sup>56</sup>. Enfin, à la suite des déclarations tendancieuses de l'ambassadeur et représentant algérien devant le Comité des droits de l'homme à Genève, faites le 21 juillet 1998, un communiqué de presse daté de Genève, le même jour, émanant du CICR précise : « il est prévu que le directeur des opérations se rende à Alger pour discuter des conditions et modalités de la reprise des activités du CICR. L'institution avait pu visiter un certain nombre de détenus fin 1991 et au printemps 1992, visites suspendues après désaccord à la demande algérienne en juin 1992 ». Ces désaccords résultaient du refus des autorités algériennes des conditions du travail du CICR, qui exigeait de visiter les prisonniers que lui même désignerait et sans la présence de témoins. Faut-il rappeler que l'acceptation de la mission du CICR constitue une reconnaissance indirecte que ce qui se passe en Algérie est une guerre ?

### c) Quid de la confusion entre différents crimes

Une autre question doit être envisagée : Celle de la confusion possible entre crime de guerre (dans un conflit armé interne) et crime contre l'humanité ; ces crimes étaient souvent opposés. Cependant le crime contre l'humanité est un genre dont le crime de guerre n'en serait qu'une version ou une espèce dont la caractéristique est d'être commis lors d'un conflit armé. Leur définition respective inclut les mêmes faits punissables comme le meurtre ou la déportation par exemple. Leur nature semble identique. Cependant le crime

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de guerre est la violation des lois et coutume de la guerre, alors que le crime contre l'humanité, s'il peut résulter de l'extension de la guerre contre les civils, est toutefois caractérisé par : l'acte inhumain<sup>57</sup> commis en guerre ou en son absence d'une part, ainsi que par son caractère intentionnel spécial d'autre part. A l'intention criminelle générale qui suffit pour le crime de guerre doit s'ajouter une volonté particulière ou spéciale pour caractériser le crime contre l'humanité. De fait, leur sanction est généralement différente (plus lourde pour le crime contre l'humanité). Mais les poursuites et les peines sont imprescriptibles<sup>58</sup>. En ce sens, tout crime contre l'humanité peut être, concurremment, un crime de guerre s'il y a conflit armé. L'inverse n'est pas vrai en l'absence d'une intention criminelle spéciale au crime contre l'humanité.

### 3.2.2. *Le crime contre l'humanité*

Si le crime de guerre est codifié, le crime contre l'humanité ne l'a jamais été, jusqu'à l'adoption, en juillet 1998, du Statut de la Cour Criminelle Internationale (CCI). Le crime contre l'humanité résultait du droit coutumier. Pour étendre la responsabilité des criminels de guerre, le Statut de Nuremberg avait rejeté trois principes classiques du droit pénal ; pour cela, il avait été critiqué d'avoir été un tribunal de vainqueurs. Il avait notamment écarté le principe de *légalité* des délits et des peines, qui exige la promulgation préalable de la définition des actes punissables ainsi que son corollaire de non rétroactivité des lois pénales. Ce principe *nullum crimen sine lege* avait constitué dans l'évolution du droit une conquête humaine appréciable. Le crime contre l'humanité est traditionnellement reconnu comme étant couvert par le droit international coutumier<sup>59</sup>. A la différence du génocide et du crime de guerre, le crime contre l'humanité n'avait pas été défini par un traité. Il s'est imposé peu à peu comme un crime singulier, jusqu'à l'adoption du Statut de la CCI qui l'a textuellement défini.

La notion de crime contre l'humanité résulte d'une lente construction. La Déclaration de Saint-Petersbourg de 1868, déjà, avait utilisé le terme « humanité » en imposant des restrictions à l'emploi, en temps de guerre, de certains projectiles explosifs ou incendiaires déclarés « contraires aux lois de l'humanité ». En 1907, la clause Martens utilisa dans sa formulation les « lois de l'humanité ». Nous allons évoquer les quatre principales étapes de la construction du crime contre l'humanité.

#### **A. Naissance de la notion**

Le 8 août 1945 les quatre alliés vainqueurs ont conclu l'accord de Londres en y annexant le Statut du Tribunal militaire international de Nuremberg, pour la poursuite et le jugement des grands criminels de guerre.

L'article 6 du Statut fixait la compétence de ce Tribunal chargé de :

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juger et punir toutes personnes qui, agissant pour le compte des pays européens de l'Axe, auront commis, individuellement ou à titre de membres d'organisations, l'un quelconque des crimes suivants : [...] - c) Les crimes contre l'humanité : c'est-à-dire le meurtre, l'extermination [...] la déportation, et tout autre acte inhumain commis contre toutes populations civiles, avant ou pendant la guerre, ou bien les persécutions pour des motifs politiques, raciaux ou religieux, lorsque ces actes ou persécutions, qu'ils aient constitué ou non une violation du droit interne du pays où ils ont été perpétrés, ont été commis à la suite de tout crime rentrant dans la compétence du Tribunal, ou en liaison avec ce crime.

A part le meurtre, ou homicide volontaire, à distinguer de l'assassinat qui est un meurtre prémédité, qui dispose d'une définition précise dans toute législation, les autres incriminations visent à prohiber des comportements réprouvés par la conscience mais qui sont plus vagues. Elles sont limitativement énumérées. C'est le caractère international de cette définition qui explique la présence, ensemble, de notions pragmatiques du droit anglo-saxon et celles du droit écrit des pays latins. Ce compromis justifie la survivance juridique du crime contre l'humanité jusqu'à sa consécration.

Le Statut de Nuremberg définissait l'infraction à partir de la compétence du Tribunal, créé ad hoc dans le contexte de la fin de la deuxième guerre mondiale. Le rapport établi entre crime contre l'humanité et crime contre la paix pour punir les criminels, et les limitations, aussi bien géographique (agissant pour le compte des pays européens de l'Axe), que temporelle (avant ou pendant la guerre) avaient valeur procédurale, déterminant la compétence du Tribunal militaire. Ce rapport et ces limitations spatiale et historique ne constituent donc pas un élément nécessaire du crime contre l'humanité. Ces références sont présentement dénuées d'intérêt, ce Tribunal n'existant plus. D'ailleurs, l'article 6 ouvrant la Section II du Statut est intitulé : « Juridiction et principes généraux ». La définition est donc purement indicative. La nationalité (des pays de l'axe), le lieu et la circonstance de guerre ne sont pas des éléments constitutifs de l'infraction.

***B. Consolidation de la notion***

Le Conseil de contrôle allié – organe législatif pour l'Allemagne vaincue, composé des commandants des quatre zones – promulgue, le 10 décembre 1945, la loi numéro 10 qui permettait aux commandants de poursuivre, chacun dans sa zone, les criminels en prévision de la disparition de la juridiction militaire internationale. L'article II, alinéa c. du statut du Conseil de contrôle, adopte une large définition du crime contre l'humanité. La liste des atrocités punies est ouverte ; sont en outre ajoutés les délits de torture, d'emprisonnement et de viol. Mais le plus important est, d'une part, la disparition de la nécessité du lien entre ces crimes et ceux de guerre et, d'autre part, la suppression de la locution « avant ou pendant la guerre ». La jurisprudence de la zone américaine avait majoritairement tenu compte de cette

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évolution<sup>60</sup>. La jurisprudence française fut pourtant d'un avis contraire<sup>61</sup>, sans aucun doute pour préserver la France à qui peuvent être reprochés des crimes contre l'humanité, commis durant les guerres d'indépendance dans ses anciennes colonies. Le lien maintenu entre crime contre l'humanité et circonstance de guerre lui permet de maintenir que les soulèvements dans ses colonies n'étaient que de simples troubles « intérieurs », et d'exclure donc autant le crime de guerre que le crime contre l'humanité.

### ***C. Consécration du concept de crime contre l'humanité***

En 1947, la Commission de Droit International (CDI) reçoit de l'Assemblée générale des Nations Unies la mission de formuler les principes de droit reconnus par le Statut et le jugement du Tribunal de Nuremberg, et d'élaborer un projet de code des crimes contre la paix et la sécurité de l'humanité. Ce n'est que lors de sa 48<sup>ème</sup> session en 1996 que la CDI a adopté des textes accompagnés de commentaires, où les crimes contre l'humanité sont ainsi définis :

On entend par crime contre l'humanité le fait de commettre, d'une manière systématique ou sur une grande échelle et à l'instigation ou sous la direction d'un gouvernement, d'une organisation ou d'un groupe, l'un des actes ci-après :

(a) le meurtre (b) l'extermination (c) la torture (d) la réduction en esclavage (e) les persécutions pour des motifs politiques, raciaux, religieux ou ethniques (f) la discrimination institutionnalisée pour des motifs raciaux, ethniques ou religieux comportant la violation des libertés et droits fondamentaux de l'être humain et ayant pour résultat de défavoriser gravement une partie de la population (g) la déportation ou le transfert forcé de population, opérés de manière arbitraire (h) l'emprisonnement arbitraire (i) la disparition forcée de personnes (j) le viol, la contrainte à la prostitution et les autres formes de violence sexuelle (k) d'autres actes inhumains qui portent gravement atteinte à l'intégrité physique ou mentale, à la santé ou à la dignité humaine, tels que mutilations et sévices graves.

La liste des actes prohibés est plus longue. Ce qui est remarquable est l'élargissement de l'incrimination, soit par le caractère massif des crimes, soit par leur caractère systématique, ainsi que la condition que ses actes matériels constitutifs soient commis à l'instigation, ou sous la direction d'un gouvernement, d'une organisation ou d'un groupe. Nous retiendrons comme constitutifs du crime contre l'humanité, a) le meurtre, c) la torture et i) la disparition forcée de personnes.

### ***D. Application du concept***

Cette définition va être confirmée par trois statuts. Les Statuts des Tribunaux internationaux institués pour juger les crimes commis en ex-Yougoslavie (1993) et au Rwanda (1994), ainsi que par le Statut de la Cour Criminelle Internationale (CCI).

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Pour le premier statut, les crimes sont punis lorsqu'ils sont commis : « au cours d'un conflit armé, de caractère international ou interne »<sup>62</sup>, condition qui n'est pas exigée par le second, qui précise, par ailleurs, que les crimes doivent avoir été commis : « dans le cadre d'une attaque généralisée et systématique ». La jurisprudence du Tribunal pénal international pour l'ex-Yougoslavie a cependant atténué l'exigence de la perpétration du crime au cours d'un conflit armé. Dans l'affaire Tadic, la décision de première instance, confirmée par la chambre d'appel, disant que depuis le jugement de Nuremberg, le lien entre crime contre l'humanité et crime contre la paix, ou crime de guerre, n'est plus nécessaire ; jurisprudence confirmée dans l'affaire Dragan Nikolic<sup>63</sup>. Le Statut de la CCI a actualisé la définition du crime contre l'humanité. Selon l'article 7 [5 ter], paragraphe 1 de ce statut :

on entend par crime contre l'humanité l'un quelconque des actes ci-après, lorsqu'il est perpétré dans le cadre d'une attaque généralisée ou systématique, dirigée contre une population civile et en connaissance de cause : a) Le meurtre [...] f) La torture [...] i) Les disparitions forcées [...] k) D'autres actes inhumains de caractère analogue, causant intentionnellement de grandes souffrances ou des atteintes graves à l'intégrité physique ou à la santé physique ou mentale.

Selon le paragraphe 2, alinéa a) de l'article 7 [5 ter], par attaque dirigée contre une population civile « on entend un comportement consistant en la commission multiple d'actes visés au paragraphe 1, contre toute population civile, en application ou dans la poursuite de la politique d'un Etat ou d'une organisation, ayant pour but une telle attaque ».

Au terme de ces quatre étapes, et selon les dispositions du droit international pénal, tirées respectivement de l'article 6 du Statut du Tribunal de Nuremberg, de l'article II, alinéa c de la loi numéro 10 du Conseil de contrôle allié, et enfin du code adopté par la CDI lors de sa 48<sup>ème</sup> session en 1996, constitue l'élément matériel du crime contre l'humanité : le meurtre, ou la torture et tout autre acte inhumain, qui porte gravement atteinte à l'intégrité physique ou mentale, à la santé, tels que mutilations et sévices graves, toute forme de violences sexuelles, ou encore les disparitions forcées de personnes. Le projet de code adopté par la CDI, considère que les disparitions forcées sont un crime contre l'humanité. L'un quelconque de ces actes matériels constitue donc le crime contre l'humanité, lorsqu'il est commis à grande échelle. En effet, il n'est pas nécessaire que les actes matériels constitutifs du crime contre l'humanité s'inscrivent dans un plan lorsqu'ils sont commis en masse. Selon le projet de code de la CDI, le crime contre l'humanité est « le fait de commettre, d'une manière systématique *ou* sur une grande échelle [...] ».

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*3.2.3. Le crime de génocide****A. Les actes constitutifs du génocide***

Si l'article premier de la Convention sur le génocide, que l'Algérie a ratifiée depuis 1963, dispose qu'il est un crime du droit des gens, l'article 2 donne une liste close de cinq actes constitutifs, chacun, du génocide commis dans l'intention de détruire en tout ou en partie un groupe national, ethnique, racial ou religieux comme tel. Cette définition est confirmée par l'article 6 [5 bis] du Statut de la CCI. Ces actes sont :

- a) meurtre de membres du groupe,
- b) atteinte grave à l'intégrité physique ou mentale de membres du groupe,
- c) soumission intentionnelle du groupe à des conditions d'existence devant entraîner sa destruction physique totale ou partielle,
- d) mesures visant à entraver les naissances au sein du groupe,
- e) transfert forcé d'enfants du groupe à un autre groupe.

Selon les catégories du droit algérien le meurtre est le fait de donner volontairement la mort, c'est l'homicide intentionnel ; il ne s'agit pas de l'assassinat qui exige la préméditation. La mort d'une personne peut également résulter de tortures, violences volontaires ou actes de cruauté entraînant la mort. Mais il s'agit d'une conséquence qui ne modifie pas la nature de l'infraction, qui demeure donc, malgré son résultat, une torture, une violence ou acte de cruauté entraînant la mort. Le meurtre en série, en tant qu'entreprise visant la destruction d'un groupe, constitue le génocide. Si le meurtre en série est exécuté contre une population civile, sans discrimination dans le choix des victimes directes, cette infraction est qualifiée de crime contre l'humanité. Nous retiendrons comme constitutifs du génocide, a) le meurtre de membres du groupe, b) la torture en tant qu'atteintes graves à l'intégrité physique ou mentale, d) mesures visant à entraver les naissances au sein du groupe.

***B. Les différentes formes du génocide***

Aux termes de l'article III de la Convention sont punis :

- le génocide,
- l'entente en vue de le commettre,
- l'incitation directe et publique à le commettre,
- la tentative de génocide,

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- la complicité dans le génocide.

Si l'on s'en tient au principe de légalité, seule la Convention sur le génocide punit « l'entente en vue de le commettre », c'est-à-dire le complot du code pénal algérien appliqué par analogie au génocide (résolution d'agir concertée). Quant à l'incitation au génocide, elle doit être directe et publique pour être punissable, alors que pour le crime de guerre est punie l'excitation du genre « pas de quartier ». Les actes préparatoires sont punissables, ils doivent être distingués des actes de début d'exécution ou tentative, qui est punissable dans tous ces crimes. Les actes préparatoires sont punissables pour le génocide seulement, en ce qu'ils constituent une sorte de complot aggravé. L'article 3 de la Convention punit « l'entente en vue de commettre le génocide » de sorte que les actes préparatoires constituent une entente confirmée par des actes préparatoires.

Pour la qualification des massacres en Algérie par le crime de génocide, on devra, en outre, démontrer que ce crime est commis dans l'intention de détruire, en tout ou en partie, *un groupe* national, ethnique, racial ou religieux comme tel. Le problème réside dans la définition du groupe « religieux en tant que tel », en l'occurrence si l'appartenance religieuse du groupe victime est déterminante. Si elle précède l'appartenance politique en ce sens que le critère religieux est si essentiel que l'appartenance politique est une conséquence de la profession de foi du groupe. Nous y reviendrons.

En résumé, pour la constitution du crime de guerre, du crime contre l'humanité ou du crime de génocide, il faudrait l'existence d'un fait matériel : le meurtre, la torture ou la disparition forcée (ou tout autre acte prévu par le droit conventionnel ou coutumier). Légalement le meurtre consiste à donner volontairement la mort. Des violences graves, des coups mortels et autres atteintes ne constituent le meurtre que si l'auteur a eu l'intention de donner la mort. Si c'est le cas et s'il en résulte de graves atteintes à l'intégrité physique ou mentale, ces violences constituent la tentative de meurtre.

Légalement, la pratique systématique de la torture, confirmée par des témoignages nombreux et concordants pour être le fait de toutes les forces gouvernementales, avec l'assentiment des responsables (armée, gendarmerie, service de sécurité militaire, police, groupes de légitime défense, garde communale), et pour se dérouler dans toutes les régions du pays, si elle permet de qualifier le crime de guerre, le crime contre l'humanité, et dans certaines conditions le génocide, n'a pas été retenue dans notre article en tant que telle. Nous en avons retenu deux formes principales textuellement prévues :

D'une part les atteintes graves à l'intégrité physique ou à l'intégrité mentale. Les atteintes à l'intégrité physique sont le fait d'infliger, volontairement, de profondes blessures à la victime. L'intention de l'auteur n'est pas de donner la mort mais d'affecter gravement les facultés physiques de la victime. Ce sont de graves atteintes, ce qui exclut les violences légères. Par ces atteintes

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graves à l'intégrité physique, la victime est exclue du champ social, humain, économique ou politique. Si la victime meurt des suites des tortures, la qualification n'est pas le meurtre, mais coups et blessures volontaires ayant entraîné la mort. Les atteintes graves à l'intégrité mentale sont le fait de provoquer de fortes peurs, de proférer des intimidations et des menaces permanentes. Leur répétition affaiblit les victimes, psychologiquement et intellectuellement. Ces atteintes provoquent chez les victimes de graves traumatismes avec des séquelles psychiques ou intellectuelles quasi permanentes. Cette dichotomie entre atteintes graves à l'intégrité physique et atteintes graves à l'intégrité morale n'est avancée que pour les besoins de la démonstration. De fait, les tortures physiques provoquent des séquelles psychiques ; de même, des violences morales peuvent avoir des troubles physiques graves.

D'autre part, les mesures visant à entraver les naissances qui sont des violences dont le résultat physique, la conséquence directe pour la victime, est l'impossibilité de procréer. Il s'agit d'actes inhumains, de caractère analogue aux violences graves, comme les mutilations (castrations) causant intentionnellement de grandes souffrances, ou atteintes graves à l'intégrité physique ou mentale des membres de la population civile, mais dont la conséquence est d'entraver la reproduction humaine, quelle qu'a pu être l'intention du tortionnaire. C'est également toute autre agression dont le but, dans l'intention du tortionnaire, est d'entraver la reproduction au sein du groupe désigné, dont la victime directe est un membre quelconque.

Selon le droit coutumier, les disparitions forcées sont une forme spécifique du crime contre l'humanité. Le Statut de la nouvelle CCI consacre cette extension. Lorsque la torture suit la disparition forcée, et que celle-ci est accompagnée de mesures telles que la privation de sommeil, de nourriture ou d'eau, que ces mesures rentrent dans le cadre d'une entreprise dont la conséquence est le meurtre, elles constituent, non des atteintes graves à l'intégrité physique ou mentale, mais un cumul des crimes de disparition forcée et de meurtre. Si l'intention et l'acte matériel sont la soumission des victimes à des conditions telles qu'elles entraînent la destruction physique d'un groupe, notamment lorsque les victimes, regroupées dans des camps, des prisons, des casernes ou autre lieux, officiels ou secrets, sont soumises à ces actes de façon autonome et distincte, la qualification est le génocide et non le crime contre l'humanité.

#### **4. Réunion des éléments subjectifs des crimes**

La commission du crime est le comportement volontaire consistant en la réalisation effective d'actes de meurtre, d'atteintes graves à l'intégrité physique ou mentale et de disparitions forcées. Ces formes criminelles peuvent être également réalisées et consommées par l'abstention criminelle, qui est une omission volontaire décidée et réalisée dans l'intention de nuire. Dans

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tous les cas, le crime par commission ou par omission est mis en œuvre en application ou dans la poursuite de la politique d'un Etat ou d'une organisation ayant pour but de tels actes. L'intention criminelle se manifeste généralement par un acte positif, mais peut résulter aussi d'une omission coupable. L'omission volontaire est assimilée à la commission du crime dans les trois formes du massacre que nous avons retenues ; il s'agit d'une abstention volontaire due à l'intention de nuire. L'intention qui s'exprime par le crime n'est pas nécessairement celle de l'agent d'exécution ; elle est toujours celle de l'autorité responsable. Pour justifier de leur qualification de crimes de guerre, l'intention criminelle générale suffit, alors que pour les crimes contre l'humanité et le crime de génocide, ces actes, par commission ou par abstention coupable, doivent être la manifestation, outre de cette volonté criminelle générale, d'une intention spéciale. D'autre part, pour le crime contre l'humanité, les actes doivent avoir été volontairement commis à l'encontre de toute population civile, alors que pour le génocide l'intention spéciale doit volontairement choisir le groupe victime de façon discriminatoire ; le génocide, en effet, vise un groupe déterminé en tant que tel. Cependant, pour la qualification du génocide, il faut établir que les crimes visent un groupe national, racial, ethnique ou religieux, exclusivement.

Nous allons examiner si l'intention qui se trouve derrière les massacres commis en Algérie est volontaire, ensuite si les crimes commis visent un groupe religieux particulier, visé intentionnellement en tant que tel.

#### **4.1. L'élément intentionnel**

Les crimes, par commission ou par omission, sont réalisés par les auteurs, qu'ils soient commanditaires ou simples exécutants, aidés en cela par des co-auteurs et des complices. Les crimes commis en Algérie, par commission ou par omission, le sont pour un mobile avoué de l'autorité responsable : éradiquer un adversaire religieux et politique. Ils ont un triple objectif : consolider les acquis du coup d'Etat, recomposer le paysage politique et refuser l'alternance politique par le maintien des décideurs militaires au pouvoir politique et économique, si besoin par la force armée et la violence institutionnelle multiforme. Les objectifs avouables, parmi ceux mentionnés, s'inscrivent dans un programme systématique officiel. Mais quel que soit le mobile criminel profond, chacun de ces crimes de guerre, contre l'humanité et génocide, poursuit un objectif qui lui est propre. L'élément intentionnel est composé par la volonté criminelle générale, qui est nécessaire à la constitution de tout crime intentionnel, et par une volonté criminelle spéciale. En effet, si l'intention criminelle générale est suffisante pour établir le crime de guerre, il faut prouver l'existence d'une seconde intention criminelle, une volonté particulière au crime contre l'humanité et au génocide.

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#### 4.1.1. *L'intention criminelle générale*

C'est l'intention criminelle générale, constituée par la volonté et la connaissance, qui constitue l'élément subjectif du crime. C'est le comportement anormal dicté par l'intention de nuire qui se manifeste par un acte positif, ou par une abstention coupable. Cette intention criminelle est partagée aussi bien par l'auteur principal que par le co-auteur. Cette intention générale de nuire est publiquement affirmée dans la politique éradicatrice, elle est avouée. Or l'aveu est la preuve par excellence en matière criminelle.

Cependant, on peut nous contester de nommer aveu de crimes une politique justifiée par la lutte anti-terroriste. A cette objection, nous signalons, d'une part, que le crime de guerre ne nécessite pas une intention spéciale et d'autre part, que la simple répétition dans le temps des actes matériels, de commission ou d'abstention, leur très large répartition géographique, ainsi que le statut civil des victimes, permettent d'affirmer que l'intention criminelle générale nécessaire à la qualification et l'imputation du crime de guerre est admise et caractérisée. Cette circonstance confirme l'aveu de l'éradication. Nous avons réservé dans un précédent article, intitulé 'L'indifférence du Droit Algérien aux Massacres', de larges développements aux faits constitutifs du crime de guerre, perpétrés par l'ensemble des forces publiques et les milices auxiliaires, sur une longue période de sept années consécutives. Ces faits ne sont pas répétés, et en des endroits différents, par le simple fait du hasard. Il suffit qu'il y ait meurtres, tortures et disparitions multiples, étalés dans le temps et l'espace, pour exprimer cette intention générale de nuire à la population civile victime.

Le caractère massif de ces actes matériels constitutifs des crimes permet, en effet, d'apprécier l'existence de cette intention et sa confirmation. Les autorités ont cette intention qu'ils avouent ouvertement par l'option d'une politique dite d'éradication. Luis Martinez rapporte dans son dernier livre le témoignage d'un habitant de village : « [...] le gouvernement dit : "il y aura la justice et la rahma (clémence) pour les « terroristes » qui se rendent", et d'un autre côté les généraux disent aux miliciens : "Quand vous les trouvez, égorgez-les" »<sup>64</sup>. Cette seule phrase constitue, à elle seule, le crime de guerre, qui est par ailleurs enseigné et ordonné par les militaires auxiliaires. Les meurtres collectifs exécutés à l'occasion de rafles et ratissages, les exécutions extrajudiciaires et les tortures commises par l'ensemble des armes et services répressifs, ainsi que les disparitions forcées enregistrées pour être le fait de tous les services de l'Etat manifestent, par leur répétition durant sept années, et par leur répartition géographique, que l'intention criminelle générale est bien celle des autorités et de leurs exécutants.

L'intention générale de nuire, qui s'exprime par ces crimes est constituée, également, par l'abstention des autorités de protéger la population civile victime, par l'absence de toute mesure préventive, l'absence de toute interven-

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tion protectrice au moment des massacres, ou immédiatement après. Il a été établi que les autorités n'ont rien entrepris pour empêcher les massacres, les tortures et les disparitions forcées, faits devenus de notoriété publique et portés directement à leur connaissance. L'intention criminelle est constituée, enfin, par l'absence d'enquête et de poursuite pour la sanction des agents d'exécution criminels.

Si le conflit armé est une circonstance qui permet de caractériser le crime de guerre, celui-ci est commis à l'égard de combattants qui ont été faits prisonniers ou qui, d'une manière ou d'une autre, n'utilisent plus les armes. Ce crime est également commis contre une population civile non combattante. La qualité civile ou militaire (opposant armé fait prisonnier ou blessé) de la victime n'influe pas sur la qualification criminelle, dès l'instant où les éléments matériel, légal et intentionnel, sont réunis. Dès lors, l'intention criminelle générale de commission, ou d'abstention volontaire, constitutive des crimes de guerre, des crimes contre l'humanité et du crime de génocide, est bien celle des autorités algériennes. Si elle suffit pour qualifier les massacres commis de crimes de guerre, il convient toutefois d'établir l'existence d'une intention spéciale, qui se cumule à l'intention criminelle générale, pour qualifier le crime contre l'humanité et le génocide.

*4.1.2. L'intention criminelle spéciale*

A l'intention criminelle générale, impliquant la volonté de l'auteur, ou du co-auteur, et sa connaissance des conséquences de ses actes, s'ajoute, se superpose une intention spéciale. Celle-ci caractérise le crime contre l'humanité et le génocide.

Une partie de la doctrine française, et internationale, vise à étendre au crime contre l'humanité les persécutions pour d'autres motifs que ceux énumérés dans les instruments internationaux. L'objectif visé par les criminels jugés en 1945 était : « d'asservir l'Europe »<sup>65</sup>. L'intention spécifique du crime contre l'humanité, qui s'ajoute à l'intention criminelle générale, est l'intention de porter atteinte à une population civile, alors que cette intention spéciale vise un groupe déterminé en tant que tel pour constituer le crime de génocide. Cette intention seconde et particulière se manifeste par la nature civile de la population victime, contre laquelle des crimes sont spécialement commis, par l'acte positif ou par l'abstention criminelle, ainsi que par le caractère systématique ou à grande échelle des crimes et par leur caractère organisé. Cette intention spéciale, *culpa*, ou faute grave, *dolus*, dite encore *dol* particulier, s'exprime, essentiellement et non exclusivement, par l'existence d'une politique criminelle, inspirée, dirigée et exécutée par un gouvernement ou un groupe quelconque.

Le caractère massif ou systématique et organisé des crimes commis en Algérie ressortent suffisamment des faits. C'est publiquement et ouverte-

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ment que les gouvernants prônent, encouragent, financent, dirigent et exécutent l'éradication d'une population civile dont le seul tort est d'avoir cru à la liberté d'avoir une opinion religieuse et politique, déclarée par la suite inadmissible. Sur la base d'un faisceau d'indices irréfutables, les massacres commis en Algérie, les meurtres collectifs, les exécutions extrajudiciaires en série, les tortures particulièrement graves et les disparitions forcées, rentrent dans une politique, c'est-à-dire dans le cadre d'un programme d'élimination physique systématique, pour des mobiles politiques et économiques. Pour le crime contre l'humanité, il n'est pas nécessaire de prouver que la désignation des victimes des massacres ressort d'une discrimination très précise et spéciale. Il suffit que ce soit la population civile en général qui soit visée par ces crimes. Quant au génocide, il ne se distingue du crime contre l'humanité que par son caractère discriminatoire, en visant par le massacre et la destruction un groupe défini en tant que tel.

Pour la forme du crime contre l'humanité, la question s'est posée, en France, de savoir si les individus visés à cause de leur opposition à la politique (criminelle) de leur adversaire pouvaient plaider le crime contre l'humanité. La jurisprudence Barbie a répondu par l'affirmative en le permettant aux résistants. Le code pénal français, modifié, a consacré cette large définition applicable depuis le premier mars 1994. Cependant, si le droit international le permet pour l'apartheid, le Statut de Nuremberg, qui a défini le crime contre l'humanité, et l'évolution de la notion ne justifient pas cette extension. La jurisprudence Barbie aboutit à confondre crime contre l'humanité et crime de guerre car la victime est un opposant qui a choisi le combat. Comme l'a écrit André Frossard, « l'opposant pouvait cesser de s'opposer [...] le juif ne pouvait cesser d'être juif »<sup>66</sup>. Le croyant dont l'opinion religieuse l'avait conduit à militer ou seulement sympathiser avec le FIS, l'avait fait, certes pour des raisons qui peuvent être religieuses ou politiques, poussé par exemple par une impulsion religieuse irrésistible qui fait partie de son moi, mais il ne peut plus effacer son passé de sympathisant ou de militant, ou rendre inexistant son bulletin de vote de 1990 et 1991. Or, précisément, ce sont ce passé militant, ou cette sympathie ancienne, ou encore ces bulletins de vote qui désignent les victimes algériennes au crime contre l'humanité et au génocide.

A l'intention criminelle générale s'ajoutent par conséquent des éléments qui permettent d'affirmer l'existence d'une volonté spéciale, une intention significative et particulière de détruire soit une population civile en général, soit un groupe déterminé en particulier. Cette volonté spéciale s'exprime, comme l'intention criminelle générale, soit par des actes positifs de commission des crimes, soit par des abstentions criminelles aboutissant aux mêmes crimes, de la part aussi bien des auteurs et co-auteurs principaux, que des complices. Cependant, pour être justiciable du crime contre l'humanité et du génocide, l'abstention criminelle significative doit, d'une part, avoir touché

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massivement une population civile ou un groupe déterminé et, d'autre part, se prolonger dans le temps pour révéler la volonté lucide ou préméditée. Si le caractère massif des crimes a fait l'objet de développements suffisants, il convient d'insister présentement sur l'abstention volontaire criminelle prolongée, permettant d'établir l'intention criminelle composant le crime contre l'humanité et le génocide. Des témoignages suffisamment nombreux prouvent cette abstention criminelle prolongée. Ainsi, l'intention spéciale au crime contre l'humanité et au génocide est également révélée par l'abstention criminelle que par la commission positive et réfléchie des crimes. Ces crimes d'abstention ou de commission ressortent d'une politique d'éradication expressément formulée, et revendiquée, par les autorités militaires et civiles algériennes. Nous allons examiner l'intention criminelle spéciale des autorités militaires et civiles algériennes, successivement, dans sa forme abstentionniste et dans sa forme positive. Par suite, nous envisagerons l'intention criminelle spéciale relative à la complicité française dans les massacres commis en Algérie.

#### ***A. L'intention criminelle spéciale par abstention***

Les témoignages sur la collusion, voire la culpabilité des forces publiques, sont très nombreux pour qu'on puisse ne pas les prendre en considération<sup>67</sup>. Nous en avons signalé un grand nombre dans notre article 'L'indifférence du droit Algérien aux massacres' commis en Algérie, en précisant les lieux et dates des massacres, ainsi que le nombre des victimes. Citons sommairement quelques conclusions de journalistes :

Le caractère massif de l'expédition qui aurait mobilisé plus de cent tueurs, sa durée et la proximité du cantonnement de Larbaa (près de Blida, ndlr.) suscitent des interrogations sur les raisons de la passivité des forces de sécurité. Un point paraît toutefois acquis : il n'y a pas eu d'accrochages entre l'armée et les assaillants<sup>68</sup>.

Il y a une semaine, près de 400 personnes, selon des sources dignes de foi, ont été massacrées aux portes de la capitale sans que les auteurs des tueries soient inquiétés. Plusieurs milliers d'hommes armés stationnaient pourtant dans les casernes à proximité<sup>69</sup>.

« Nous avons crié, appelé à l'aide, un cantonnement des forces de sécurité était proche, mais les premiers arrivés étaient les pompiers, le matin », a raconté un survivant au journal Libération. La journaliste José Garçon ajoute : « Selon nos informations, une petite unité des forces spéciales se trouvait même à 200 mètres du lieu du massacre »<sup>70</sup>.

On lit sur *Courrier International* :

Les récents carnages commis [...] exécutés dans des zones fortement quadrillées par l'armée et la gendarmerie. A Bentalha, quelques heures avant le drame, des civils avaient signalé à l'armée la présence d'un groupe d'individus suspects bivouaquant

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aux abords du petit village. Bref, c'est désormais un secret de polichinelle, les militaires savaient, mais ils ont préféré demeurer l'arme au pied. On évoque même à Alger l'existence d'une directive signée par le chef d'état-major qui interdit de sortir la nuit des casernes sans ordre écrit<sup>71</sup>.

A ces témoignages étrangers ajoutant une source locale. Un député du mouvement Rassemblement Action Jeunesse (RAJ), qui a enquêté immédiatement après un massacre, a recueilli des témoignages selon lesquels : « des hélicoptères ont survolé la région pendant trois jours, ont quitté les lieux une heure avant le massacre pour y revenir ensuite ».

Quatre ONG internationales des plus crédibles constatent que : « Certains parmi ceux qui ont eu la chance d'échapper à leurs assaillants, et d'éviter ainsi d'être égorgés ou brûlés vifs dans leur maison, ont rejoint les postes des services de sécurité voisins et appelé au secours. En vain. »<sup>72</sup>

Les tortures particulièrement graves ont été signalées formellement sur des plaintes déposées auprès des procureurs de la république algérienne à travers le territoire national sans, jusqu'à ce jour, faire l'objet du moindre commencement d'enquête. Des plaintes avec constitution de partie civile ont été massivement déposées, dans les formes et conditions de la loi, avec notamment la consignation de cautions financières pour prendre en charge les frais de justice, auprès des juges d'instruction près de la quasi totalité des juridictions du pays, sans aucun effet. Pire, des milliers de prévenus et d'accusés, présentés aux procureurs, et aux juges d'instruction, par les différents services de sécurité, alors que ces prévenus et accusés portaient des traces ostensibles, visibles, et incontestables de tortures, les dits magistrats ont procédé systématiquement aux inculpations des victimes et les ont placées en détention préventive, sans prendre la moindre mesure tendant soit à constater les traces de torture, soit à la mise en œuvre des dispositions législatives internes et internationales, que ces magistrats étaient dans l'obligation légale et morale de mettre en œuvre.

Plus encore, les prévenus et accusés qui se sont plaints de tortures, ou de sévices graves, se sont vus menacés d'être restitués à leurs tortionnaires si jamais ils revenaient sur les déclarations obtenues sous la contrainte physique, qui par ailleurs avait abouti dans de nombreux cas à mort d'homme. Des avocats, après constat de traces évidentes de tortures sur leurs clients, ont déposé plainte et réclamé l'annulation des procédures d'aveux fondées sur la torture. Ils se sont vus opposer une fin de non recevoir. Des torturés ont été massivement condamnés. Très souvent, des condamnations ont été prononcées pour les mêmes faits, à l'encontre de plusieurs groupes d'accusés, dans des procédures différentes ; ces accusés avaient pour point commun d'avoir subi d'horribles tortures et d'avoir ainsi avoué la commission répétée des mêmes faits. Dans tous ces cas, les procureurs et juges se sont rendus complices actifs de ces tortures en ne prenant aucune des mesu-

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res légales de protection des victimes, ou de préservation de leurs droits, encore moins des mesures de rétorsion à l'encontre des tortionnaires.

Les disparitions forcées se comptabilisent par milliers. Des dossiers dûment documentés existent, mettant en cause les différents services de répression, et des milices couvertes par le gouvernement. Ces dossiers ont été mis à la disposition de l'ONDH présidentiel, ainsi qu'à celle du Médiateur de la République. Le Président de la République, le chef de gouvernement, ainsi que les ministres de l'intérieur et des affaires étrangères ont en pris également connaissance. En effet, autant le représentant de l'Algérie à la commission des droits de l'homme de Genève, que les dizaines de Walis (Préfets) à travers le territoire national, ont officiellement reçus depuis 1994, des centaines de plaintes émanant des familles de disparus. Ils sont donc sensés connaître l'existence de ce crime. Les plaintes n'ont cependant pas abouti à autre chose qu'à couvrir les agents auteurs des enlèvements de personnes physiques, suivis de leurs disparitions, comme si ces disparitions obéissaient aux ordres que ces autorités officielles auraient elles-mêmes donnés.

Tous ces témoignages, ces plaintes, ainsi que ces dossiers confirment la passivité des forces publiques, et des gouvernants au plus haut niveau. Le laissez-faire ostensible, cynique et assumé, des forces gouvernementales suffit à lui seul à mettre en cause la responsabilité pénale des gouvernants civils et militaires. La garantie de la sécurité, que l'Etat est constitutionnellement tenu d'assurer à la population, en raison de son monopole légal de la violence, n'est volontairement pas assumée.

### ***B. L'application de la stratégie contre-insurrectionnelle***

Sur la base d'un faisceau d'indices irréfutables, les massacres commis en Algérie expriment une doctrine, c'est-à-dire une conception intellectuelle aboutissant à une politique et à une stratégie. Celle-ci est traduite, entre autre, par un programme d'élimination physique systématique. Il n'est pas nécessaire d'établir pour chaque exécutant l'existence de cette conception globale de la destruction de la population civile, bien que chaque acte criminel puisse rentrer dans le cadre d'un micro-plan d'exécution. Cette doctrine avait été imposée et appliquée par la hiérarchie militaire, auteur du coup d'Etat du 11 janvier 1992. Nous allons donc orienter le débat sur cette stratégie et cette politique, qui révèlent cette intention criminelle spéciale de massacrer la population civile, ou un groupe déterminé en tant que tel. Plus précisément, il s'agit de savoir si les décideurs militaires maîtrisent et appliquent volontairement une stratégie particulière de guerre contre l'insurrection armée, conduisant à la commission intentionnelle des crimes prévus et punis par le droit international pénal.

Les décideurs militaires connaissent et enseignent la stratégie contre-insurrectionnelle. Lors d'une visite secrète en France, au printemps 1994, les

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chefs militaires algériens rencontrent les principaux responsables gouvernementaux français et déclarent en substance à leurs interlocuteurs: « Si vous voulez nous aider, faites en sorte que l'on parle le moins possible de la situation en Algérie, parce que nous allons frapper fort, liquider, éradiquer. Nous avons besoin de temps, de votre aide, mais aussi du silence. »<sup>73</sup> Pour démontrer leur intention spéciale de commission des crimes contre l'humanité et du génocide, nous analyserons l'application de cette stratégie, en la confrontant aux faits dûment établis sur le terrain social, politique, médiatique et militaire algériens. Mais auparavant il convient d'expliquer brièvement en quoi consiste cette stratégie.

La stratégie contre-insurrectionnelle appelée aussi guerre de basse, ou de faible intensité, est désignée également par guerre sale, spéciale ou totale. C'est une guerre totale car elle utilise tous les moyens public disponibles. Elle s'étend aux domaines psychologique, médiatique, économique, social, militaire etc., et impose l'usage de tous les chantages : alimentation, logement, salaire, santé et religion notamment. Cette stratégie implique un plan global de coordination de l'ensemble des efforts civils et militaires. Elle est théorisée, enseignée et appliquée contre l'opposition armée interne. Son objectif est la suppression brutale et sans ménagement de toute forme d'opposition, de dissidence ou de résistance des populations civiles au projet global des gouvernants. Le principal moyen de cette stratégie est la terreur par la violence et la propagande. La peur est considérée comme le principal levier de toute stratégie de domination en l'absence de légitimité. La population civile ciblée doit, par cette stratégie, vivre la terreur par la mort, la torture, ainsi que par les disparitions forcées. Les survivants de ce régime de terreur doivent sentir la confusion pour ensuite s'intégrer à l'objectif du pouvoir. Le choix de cette stratégie a pour but de rendre irréversible la contre-mobilisation de la population rurale qui devra balancer dans le camp du pouvoir et s'intégrer dans des organisations armées supplétives. Cette stratégie part de l'idée simple que l'insurrection armée vit « dans » la population civile comme un poisson dans l'eau. L'usage de la terreur par le massacre et la propagande doit conduire au retournement de la population contre l'insurrection armée, qui sera ainsi détruite. L'objectif est de déstabiliser la population civile, afin de l'amener à changer de camp, et combattre l'insurrection au lieu de la soutenir ; il fallait transformer le problème politique en problème policier, en occultant l'illégitimité du pouvoir par la nécessité de combattre un terrorisme « aveugle » et sans but politique.

La doctrine éradicatrice sera érigée comme une réponse militaire, administrative et technique, à la crise politique issue du coup d'Etat. Toute dimension politique attribuée à l'insurrection est violemment rejetée. La loi et l'appareil judiciaire sont également instrumentalisés à cette fin. Les solutions sont donc militaires, policières, techniques et formalistes, distribuées centralement et exécutées froidement sans rapport à la réalité politique, et encore

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moins au droit. D'autre part, l'illégitimité du régime, qui s'est perpétué par le coup d'Etat du 11 janvier 1992, est mise sous le boisseau. Ahmed Iqbal auquel nous ferons de larges emprunts écrit : « La doctrine de la contre-insurrection permanente présuppose le refus de reconnaître l'absence ou la perte de la légitimité du gouvernement »<sup>74</sup>.

La hiérarchie militaire algérienne dispose de l'expérience coloniale au cours de laquelle la France l'a pratiquée, ainsi que de celle du mouvement armé de libération. Durant l'époque de la dictature argentine « la période la plus terrible fut appelée "La bataille d'Alger" par des militaires inspirés par les spécialistes de la répression coloniale française autant que par les spécialistes de la CIA »<sup>75</sup>. Des centaines d'officiers algériens ont suivi une formation spéciale, notamment à l'École supérieure de guerre de Paris. Cette stratégie est enseignée, notamment en France, et en Algérie à l'École inter-armes de Cherchell, avec la coopération d'experts de différentes nationalités, et notamment français, et de spécialistes sud-africains de la multinationale Executive Outcom. En optant pour la stratégie contre-insurrectionnelle, le statut secondaire du droit est confirmé. L'appareil judiciaire n'est mis à contribution que pour les opposants de seconde zone, des « terroristes » de la deuxième et troisième périphérie comme les qualifiera le ministre de la justice algérien, Mohamed Adami. Les massacres se concentrent sur des régions particulières ; celles où la population civile est opposée au régime, pour y mettre tous les moyens et y engager tous les efforts. Cette stratégie implique donc le crime à grande échelle pour l'embrigadement armé de la population rurale, et parallèlement la mise en place d'une propagande, en empruntant aux techniques de manipulation les plus sophistiquées, notamment stalinienne. La coopération soviétique en Algérie organisa durant trente années les stages de nombreux officiers algériens.

Parce que les décideurs militaires maîtrisent cette stratégie, et qu'ils ont une désinhibition totale envers l'usage de la violence, et qu'ils ont en outre le mobile qui est de se maintenir au pouvoir, reste à examiner comment ils ont mis en œuvre leur stratégie. Son exécution a été entamée parallèlement au programme d'ajustement structurel, qui a permis le rééchelonnement de la dette publique algérienne, aboutissant à dégager les moyens financiers de la répression sans toucher aux habitudes rentières du régime. C'est ainsi que les massacres seront accompagnés de toutes mesures tendant au déplacement de la population civile vers la précarité et la dépendance envers le régime. Les mesures économiques agissent en complément des bombardements au napalm et des incendies des forêts ; tous ces actes calculés participent de cette stratégie, car ils en accélèrent le processus.

La mise en place de cette stratégie s'est effectuée en plusieurs étapes. En effet, pour sa mise en œuvre en Algérie, les décideurs militaires ont entrepris une vaste opération d'épuration, pour éviter tout risque d'éclatement de l'armée, en raison de la persistance de clivages anciens, entre politiques et

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techniciens, jeunes officiers et potentats, éradicateurs et démocrates, franco-phones et arabophones, maquisards de la première heure et anciens officiers et sous-officiers français. Il fallait convaincre les hésitants de la hiérarchie militaire que la guerre à la population civile est une nécessité stratégique vitale, et ainsi, impliquer le plus possible de cadres militaires. L'opération d'élimination préalable des opposants militaires internes réalisée, la purge s'est élargie aux niveaux administratif et économique. Dans les faits, l'épuration a été accompagnée et suivie, militairement, par des mesures tendant à assurer la sécurité des régions considérées comme les bases sociales et économiques vitales – pétrolifères et gazières – , ainsi que celle des réseaux essentiels des communications nécessaires au maintien du régime. Parallèlement, cette stratégie militaire commandait de maintenir des représailles intermittentes dans les régions non prioritaires pour empêcher l'opposition armée de les contrôler totalement de façon durable. Durant cette période, les algériens parlaient de régions libérées.

Pour la démonstration, nous distinguerons trois manifestations concrètes de l'exécution de cette stratégie, alors même que la programmation et l'application de celle-ci en prévoit l'étroite imbrication. La propagande des décideurs militaires est consubstantielle aux crimes programmés, pour attribuer les massacres au GIA que le régime s'est approprié pour servir ses desseins. Par suite, les tueries de masse, la torture systématique et les disparitions forcées, sont exécutées dans un huis clos organisé.

#### **a) La propagande officielle soutient les massacres**

Aux plans politique et médiatique, cette phase de la stratégie a visé essentiellement la déstabilisation politique de la population civile majoritaire, pour la rendre apte, par la suite, à récuser et combattre l'insurrection armée. Cet objectif tendait à décrédibiliser la direction politique du FIS aux yeux de sa base sociale par la dissolution sur commande - judiciaire - de son parti et l'organisation d'un faux dialogue politique. Elle avait encore deux autres objectifs : le premier étant de créer le réflexe génocidaire, c'est ainsi qu'une campagne médiatique, centralisée pour plus d'efficacité, a été organisée avec un contenu éradicateur très clair, comportant essentiellement l'exhortation à la haine et à la violence politique, en tant que succédané de la contre-insurrection. Quant au second objectif, il s'agissait de rendre le choix stratégique du régime irrémédiable.

Effectivement, un arrêt judiciaire de dissolution du parti FIS a été prononcé sur la base de quatre coupures de presse, d'une campagne médiatique ainsi que des pressions directes sur les juges et auxquelles les Premier ministre et Président du Haut Comité d'Etat ont participé. Plus tard, un dialogue intermittent sera organisé avec les dirigeants de ce parti. Cette stratégie étant par définition secrète, ne sont parus alors à l'opinion publique que les élé-

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ments nécessaires au programme de propagande. L'objectif tactique poursuivi par les détenteurs officiels de l'organe politique de l'Etat devait désespérer la population civile du parti FIS dorénavant dissous, ainsi que de ses dirigeants politiques emprisonnés. Le Haut Comité d'Etat (HCE) seul, ou avec l'aide d'une vraie-fausse Commission Nationale de Dialogue (CND), va durant des années diffuser des communiqués sur les « résultats » d'un dialogue politique secret mené, par intermittence, en prison, sans accorder la moindre possibilité au partenaire de s'adresser lui-même au public. Par une diffusion savante de l'information intox, cette tactique visait à persuader, unilatéralement, la population civile que le refus de la paix venait de l'opposant politique du régime, alors que parallèlement la situation sécuritaire se dégradait de jour en jour au détriment de cette même population civile.

Auparavant, dès le coup d'Etat, le gouvernement s'est évertué à détruire la presse indépendante. En 1992, il avait achevé l'élimination de tous les titres ayant une sensibilité islamique, qu'ils soient d'expression francophone ou arabophone. Pour le reste des titres, le gouvernement n'a pas cessé d'exercer une pression permanente de mise au pas<sup>76</sup>. La presse privée est étroitement contrôlée et soumise au monopole de l'Etat, pour le papier, l'impression, la publicité et l'information dite sécuritaire. Il existe des directives secrètes relayées par des textes de nature réglementaire non publiés au journal officiel, notamment un arrêté interministériel et une circulaire que l'ONG Reporters Sans Frontières (RSF) a dénoncés sous le titre : « La guerre civile à huis clos ». La hiérarchie militaire vise, par l'utilisation des instruments mis en place « à montrer que la violence islamiste est pire que la violence policière. L'hypothèse que certains militaires aient contribué à fabriquer cette image, en faisant faire ou en organisant les tueries par milices interposées, est désormais émise par tout observateur rationnel »<sup>77</sup>.

Cette campagne avait été organisée centralement. Tous les médias publics sont mis à contribution, télévision, radios d'Etat, presse publique. La télévision d'Etat et ses radios prônent ouvertement la politique éradicatrice et font de longues campagnes de publicité au profit des miliciens armés par l'Etat, affublés à l'occasion de Rijal waqifoun (hommes debouts) et de Rijal khoulouqou lil-watan (hommes nés pour la patrie) et contre l'islamisme. Dans une émission de la télévision d'Etat on voit Khalida Messaoudi, une des dirigeantes du parti RCD, distribuer des armes aux miliciens de son parti. Selon des témoignages, parus sur l'hebdomadaire El-Hadeth, certains déportés dans le grand sud algérien furent traduits devant les tribunaux militaires pour avoir refusé de porter des tenues afghanes, distribuées par le commandement militaire, en vue de les filmer à l'attention de l'opinion internationale<sup>78</sup>. Cette pratique a été confirmée par d'autres sources<sup>79</sup>.

Le régime a organisé une campagne de propagande pour l'éradication de l'« ennemi ». Cette campagne est orchestrée par les médias gouvernementaux

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et ceux désignés éradicateurs, ponctuée par des déclarations d'hommes politiques, de chefs de l'armée et de partis qui partagent cette thèse de l'éradication de l'islam politique. Dans une interview au quotidien arabe algérien *El Khabar* du 29 juin 1993, Ali Haroun, membre du Haut comité d'Etat et ministre des droits de l'homme, dira : « chaque algérien patriote comprend la situation avant de s'interroger sur les droits de l'homme », donnant caution officielle de ce qui sera appelé dépassements. Un chef de gouvernement, Redha Malek, a publiquement déclaré le 16 mars 1994 à Oran (deuxième ville d'Algérie, à l'ouest) : « la peur doit changer de camp » confirmant l'autorisation officielle des massacres, et désignant le groupe destiné à la destruction totale ou partielle. Son ministre de l'intérieur, Salim Saadi, confirmera l'autorisation de tuer le 23 du même mois, à Blida, en disant notamment qu'il faudra : « appliquer une thérapie radicale », ce qui fera écrire à un journaliste de Jeune Afrique : « si, ce qu'à Dieu ne plaise, l'Algérie sombre dans le chaos pour cause de guerre civile généralisée, le discours de Salim Saadi y aura largement contribué ».

#### **b) L'appropriation-inversion du GIA**

La thérapie radicale conseillée, en l'occurrence la stratégie contre-insurrectionnelle, prescrit l'appropriation-inversion du GIA, considéré comme le modèle-type de l'organisation insurrectionnelle. Dès lors, si le GIA va commettre, partiellement, et revendiquer des massacres de la population civile, comme nous l'écrivions dans notre précédent article sur L'inaptitude du droit interne à qualifier et gérer les massacres commis en Algérie, c'est en confortation de l'application de la contre-insurrection.

En effet, plusieurs sources impliquent le régime algérien dans les massacres par GIA interposé. Le représentant d'Amnesty International aurait dit, selon le quotidien *Al Quds al Arabi* du 12 septembre 1997, « nous avons des informations sur l'implication des militaires dans ces massacres ». Le *New York Times* remarquait, dans un article publié une deuxième fois par *International Herald Tribune* du 11 septembre 1997, que la série des massacres qui ont lieu en Algérie a renforcé l'hypothèse de l'implication d'une force armée, encouragée par le régime militaire au pouvoir, dans la perpétration de ces massacres. Les rapports diplomatiques de plusieurs puissances impliquent les services de sécurité, contrôlés par les généraux algériens, dans les massacres, directement ou par GIA interposé. Certains éléments de ces derniers sont : « noyautés et téléguidés par les organismes qui relèvent des Généraux Medienne (dit "Toufik"), Betchine et Smain Lamari »<sup>80</sup>. Une dizaine de groupes islamiques armés ont publié des communiqués dans lesquels ils affirment que le GIA est infiltré et manipulé par des agents des services secrets algériens.<sup>81</sup> Citons, entre autres, les groupes : Katibat Larbaa, dans son communiqué daté du 23 décembre 1995, et Katibet El Forqane et Katibat Al-Ptissam, dont le communiqué commun daté du 1<sup>er</sup> décembre 1996, déclarait

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qu'elles sortent de la direction du GIA, : « infiltré et manipulé », tout en dénonçant les : « massacres de la population civile et l'usage de voitures piégées dans des lieux publics, pratique contraire à l'Islam ».

Le GIA va, dans une ambiance de censure tatillonne incontestable, bénéficier, dans le cadre de la propagande officielle, du monopole médiatique, comme étant l'exemple type de l'insurrection. Son discours extrémiste sera largement reproduit, volontairement accentué et radicalisé.

### **c) Le huis clos du tout sécuritaire**

Les décideurs militaires ont tracé une diagonale sur laquelle s'est concentré l'effort de guerre, comme le prescrit la stratégie adoptée<sup>82</sup>. Cette ligne mobile d'opérations encercle les lieux où la guérilla se meut librement. La stratégie contre-insurrectionnelle considère que l'opposition armée vit dans son élément social et économique naturel ; dans les lieux où sans grands risques elle obtient les vivres, les recrues et les renseignements. Elle vit dans « une mer démographique », comme le poisson vit dans l'eau. C'est exactement la formule utilisée par le général-major Khaled Nezar, principal artisan du coup d'Etat du 11 janvier 1992, alors ministre de la défense, dans un entretien réalisé par Ahmed Semiane. Ce général-major déclare :

Mettons-nous à la place des hésitants et des opportunistes, ils ont rejoint en masse les rangs des terroristes. Une bonne partie de la population, demeurant dans l'expectative, facilitait par cela l'action terroriste. C'est ainsi que les islamistes évoluent comme des poissons dans l'eau.<sup>83</sup>

L'objectif militaire consiste à faire bouillir l'eau, l'évaporer et détruire ainsi le poisson. En l'espèce, massacrer la population civile abritant ou sensée abriter l'opposition armée. Le massacre des populations civiles supposées soutenir l'opposition armée tend, selon les décideurs militaires, à amener ces populations à douter de l'opposition armée, après avoir douté de leurs dirigeants politiques emprisonnés, ensuite à lui attribuer les massacres, enfin à s'armer et à s'organiser en milices privées pour combattre aux côtés du gouvernement.

Militairement, la tactique appliquée par les décideurs a consisté à permettre à des forces spéciales de pénétrer dans le périmètre de l'opposition, dans le plus grand secret, pour commettre les crimes prévus. Dans une première phase, ces forces spéciales sont composées d'unités entraînées pour vivre au maquis comme les membres du GIA, et faisant des opérations en son nom, ainsi que des groupes du GIA infiltrés et manipulés. Au fur et à mesure des massacres, et du succès de la contre-mobilisation de la population, ce seront les milices qui seront substituées aux forces spéciales. Le plan commande, d'une part, de maintenir ces forces le plus longtemps possible, quitte à « les approvisionner par avion (des techniques permettent de le faire sans faire

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découvrir les positions) »<sup>84</sup> et d'autre part, de garantir l'assurance du secret de l'identité des assaillants réels, et l'empêchement de toute enquête sérieuse, ou l'aboutissement de toute plainte, au besoin par l'organisation de représailles.

C'est sur la base de cartes de l'état-major militaire que les massacres de la population civile sont entrepris. La diagonale tracée a servi, par massacres successifs, de séparer l'opposition armée des populations civiles. Les villages et hameaux neutres choisis par la hiérarchie militaire ont servi de bases stratégiques. Au début de l'encerclement, ces lieux reçurent la visite de gendarmes en renfort demandant à la population de s'armer contre les terroristes. Généralement, les populations civiles qui n'ont pas eu à souffrir de la proximité des insurgés, refusent. Cependant dès le lendemain, ou le surlendemain, ces villages et hameaux recevaient des assaillants pour les premiers massacres de la population civile. Très souvent, lors des massacres, des prisonniers de la deuxième et troisième périphérie, comme les a qualifiés le ministre de la justice, Mohamed Adami, ou des personnes enlevées par les services répressifs et portées disparues, sont ramenés contre leur gré pour participer aux massacres. Lorsque quelques survivants sont épargnés, c'est pour en précipiter le ralliement au gouvernement, ou pour servir plus tard des fins propagandistes. La multiplication des massacres dans ces hameaux a conduit la population civile à réclamer des armes et à constituer des milices de légitime défense. C'est grâce aux fichiers de la gendarmerie, et parfois ceux de la police, ou encore de partis politiques éradicateurs, que les chefs miliciens locaux sont choisis. Ceci est aussi vrai pour tous les agents des forces de sécurité. Cette ligne qui encercle les différentes régions du pays où réside la population civile réfractaire, permet aux services de sécurité militaire d'identifier et d'intercepter tous ceux qui essaieraient de traverser, dans un sens ou dans l'autre, la diagonale de la mort. Dans une interview, un général algérien ayant gardé l'anonymat a révélé que :

la seconde phase a consisté à expulser les terroristes des zones où ils étaient implantés, [nous] avons coupé la plupart de leurs liens avec le reste du pays [...] nous avons commencé à recruter, à entraîner et à armer les "patriotes" [...] des dizaines de villages, qui avaient naguère servi de repaire aux terroristes, ont été nettoyés [...] je puis vous assurer qu'en zone rurale le terrorisme ne sera bientôt plus que de l'histoire ancienne<sup>85</sup>.

Cette stratégie a permis, tout en augmentant les effectifs à moindre frais<sup>86</sup>, de garder l'armée régulière hors de l'exécution matérielle des massacres, pétrés d'abord par des sections spéciales des services au nom du GIA, ensuite par les milices encadrées, entraînées et appuyées. Le massacre à grande échelle par les milices interposées et services secrets, a provoqué le retournement de la population neutre, et détruite celle opposée ou hostile au régime, sans ternir, selon les décideurs militaires, l'image de l'armée. Une fois cette partie du programme contre-insurrectionnel largement entamée, les

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massacres en série de la population civile des villages et hameaux supposés abriter, protéger, alimenter et renseigner l'insurrection, ont été entrepris à grande échelle, avec pour mot d'ordre « pas de survivants », ce qui explique que les assaillants reviennent souvent sur les mêmes lieux pour achever les survivants. La destruction systématique de la population civile, comptabilisée par les stratèges de la hiérarchie militaire comme étant hostile au régime, contribue, selon ce plan, à l'asphyxie et l'expulsion des opposants armés de la zone qui sera récupérée et rattachée donc au hameau stratégique le plus proche. Dans l'interview du général algérien X, déjà citée, celui-ci dira : « nous sommes dans la troisième et - nous l'espérons - dernière phase de notre campagne d'éradication [...] nos hommes manquaient d'entraînement et d'équipements adaptés à ce type de *conflit de basse intensité* »<sup>87</sup>

Tous les observateurs et journalistes ont constaté que, paradoxalement, les lieux touchés par les massacres de masse sont les plus militarisés du pays, et le lieu de concentration des forces publiques et des milices, alors que l'« Algérie utile » est épargnée. Ce constat recoupe ce que nous avons déjà écrit à propos, d'une part de la protection initiale et préalable des régions vitales et, d'autre part, de la diagonale encerclant les zones ciblées. Ce constat ne contredit donc pas, mais au contraire confirme, le fait que les lieux touchés ne sont pas totalement dénués d'intérêts, notamment des intérêts politiques et économiques<sup>88</sup>. La stratégie contre-insurrectionnelle concentre ses efforts sur la diagonale tracée autour des lieux où l'opposition armée est sensée évoluer comme un poisson dans l'eau. Si les massacres visent à faire basculer la population civile pour asphyxier l'opposition armée, la concentration des forces armées du gouvernement va de pair avec la généralisation des massacres, ce qui constitue la preuve supplémentaire de la collusion volontaire de ces forces avec les massacreurs.

Un agent des forces spéciales algériennes, témoin de l'un des massacres, et qui a fuit le pays, confie à John Sweeney :

C'est notre Jeep qui est passée la première. Quand nous avons vu ça, nous ne pouvions le croire. Des femmes, des enfants, tous massacrés. C'était affreux. Il y en avait tant que l'on ne pouvait pas les compter. J'ai vu des gorges tranchées, des têtes coupées de leur corps dans chaque maison. Tout le monde a été tué. Il n'y a pas de doute pour moi que ceux qui ont fait ça étaient de la Sécurité militaire<sup>89</sup>.

Un ancien officier algérien révélera que l'un des centres de l'armée qui exécute les massacres est dirigé par le colonel Othmane, dit Bachir<sup>90</sup>. Le quotidien *Demain l'Algérie*, appartenant au conseiller politique du président Zerroual, accuse dans son édition du 7 septembre 1998 un général à la retraite, ancien ministre de l'intérieur au moment du coup d'Etat de janvier 1992, d'avoir créé au moins « 300 escadrons de la mort sans l'accord du Haut Comité d'Etat », qui assumait à l'époque la fonction de chef d'Etat. En fait, cette création avait l'accord de la hiérarchie militaire et spécialement celle des

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services de la sécurité militaire. Un responsable politique algérien, interrogé sur ce qu'entreprend l'Etat pour protéger la population civile, a répondu : « Que fait le citoyen pour l'Etat ?, pour arracher ses droits il faut assumer ses devoirs »<sup>91</sup>, niant la raison d'être même de l'Etat et utilisant la violence pour obliger la population à choisir son « camp ». Le régime algérien considère l'usage de la violence, y compris contre sa propre population, comme naturel. Il s'agit de la réalité d'un pouvoir où la force, la violence, la contrainte et l'autorité, font figure de seuls moyens d'y parvenir et s'y maintenir.

Des journalistes ont entrepris de faire des analyses basées sur les informations qu'ils ont pu recueillir. J. Smith écrit :

Selon les témoignages à notre disposition, ces massacres ont une structure commune et cette proximité mais passivité des forces armées du régime y est répétitive, systématique. Dans la tactique de guerre contre insurrectionnelle, cette proximité-passivité se nomme coordination opérationnelle, ça s'appelle la zone gelée. C'est cette même coordination opérationnelle qui a été observée dans les massacres de villageois par les juntes militaires d'Amérique Latine, au Salvador et au Guatemala par exemple, et en Rhodésie dans les années 70. Le GIA est une organisation de la contre-guérilla islamiste (c'est-à-dire une fausse guérilla camouflée en une vraie), totalement contrôlée par la DRS [Direction du Renseignement et de la Sécurité, ndlr.] qui gère la coordination de ses opérations spéciales avec les unités régulières de l'armée algérienne. Ces opérations spéciales visent à discréditer la vraie guérilla, à capitaliser sur les violences pour faire basculer la société, et donc à couper les vrais groupes islamiques armés des civils qui les soutenaient. C'est ce qui explique aussi les propos des militaires aux survivants après les massacres : vous avez voté islamiste, débrouillez-vous avec eux<sup>92</sup>.

F. Ait-Mehdi fera appel à l'histoire du mouvement national algérien pour tenter des comparaisons fort utiles. Il déclare lors d'une interview :

Ceux qui connaissent bien l'histoire de l'Algérie ont de bonnes raisons de croire que le GIA est une version actualisée de la force K [...] que la France a instrumentalisé dans son dispositif contre insurrectionnel. Les journalistes et les experts qui ont pris la peine de collectionner les communiqués des groupes qui ont quitté massivement le GIA dès novembre 1995, suite à l'assassinat de Mohamed Said, vous diront combien ils sont riches en information sur le travail de renseignement, sur les opérations offensives, subversives et opérations spéciales du GIA qu'ils ont mis à jour. Elles coïncident parfaitement avec la stratégie et la tactique de contre guérilla, et elles se recourent avec ce que l'on sait sur le contenu du programme anti-guérilla que les experts en contre insurrection français et sud-africains enseignent à l'académie militaire de Cherchell. Autre remarque [...] est que l'un des personnages clefs qui a participé à la destruction de la force K durant la guerre de libération, le commandant Az-zedine, est aujourd'hui en charge des patriotes. Je pourrai vous citer bien d'autres preuves circonstanciées<sup>93</sup>.

Les atteintes graves à l'intégrité physique ou mentale, les mesures visant à entraver les naissances, ainsi que les enlèvements de personnes suivis de disparitions forcées sont, par définition, des actes positifs volontaires. Commis des milliers de fois, à l'encontre de milliers de personnes, à travers tout le

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territoire national et par l'ensemble des services répressifs de l'Etat, aidés souvent des milices armées par le gouvernement, ces actes volontaires rentrent tous dans le cadre de l'exécution de cette politique de massacre impliquée par la stratégie contre-insurrectionnelle.

Le résultat immédiat de l'application de cette stratégie, escompté par les décideurs et réalisé en grande partie, est la donnée incontestable de la contre-mobilisation. Nul ne contestera que les autorités ont entrepris de privatiser la violence, en cédant à des milices des prérogatives de puissance publique. La création de milices armées et leur entraînement, la distribution d'armes à la population civile par le gouvernement, avec l'accord et la direction de la hiérarchie militaire<sup>94</sup> sont des faits probants. Dans son rapport de juillet 1998, le Comité des droits de l'homme des Nations Unies, en réponse au rapport déposé devant lui par le gouvernement algérien, en application du Pacte International portant sur les Droits Civils et Politiques (PIDCP), constate que le gouvernement algérien « n'a fourni que de maigres renseignements (sur les) groupes de légitime défense. De graves questions se posent quant à la légitimité du transfert par l'Etat à des groupes privés d'un tel pouvoir [...] le risque très réel (qui pèse) sur la vie et la sécurité des personnes ». Les autorités ne sont pas les seules à embrigader et armer des milices, après avoir créé les escadrons de la mort. Des chefs de partis politiques assument publiquement avoir créé ou facilité la création ou d'avoir encouragé la création de milices privées<sup>95</sup>. La nature des partis politiques, comme le RCD, l'ANR, le MDS et le RND au pouvoir, et autres formations, est ainsi dévoyée en organisations qui encouragent la pratique du meurtre, de la torture et des disparitions forcées. Les ONG de défense des droits de l'homme, comme Amnesty International, n'ont cessé d'attirer l'attention de l'opinion publique internationale sur : « la privatisation du conflit ».

Les actions des milices armées n'ont pas laissé les médias internationaux indifférents, au point où des journaux et des hebdomadaires du monde entier n'ont pas hésité à titrer : « La dérive sanglante des milices en Algérie », ou encore : « La sanglante saga des milices d'Etat »<sup>96</sup>. Justifiée par la notion de légitime défense, la création et l'utilisation de ces milices obéit en fait à d'autres motifs ; elles participent en effet aux opérations offensives, y compris avec des unités de l'armée et de la gendarmerie. Un général de l'armée algérienne reconnaît explicitement, lors d'une interview anonyme, que : « nous avons commencé à recruter, à entraîner et à armer des patriotes »<sup>97</sup>. Mais c'est accessoirement que ces milices sont utilisées, car leur objectif principal est de participer au massacre de la population civile voisine, afin de rendre la rupture sociale définitive, et l'option éradicatrice profondément enracinée dans les moeurs villageoises. La terreur est l'instrument de l'atomisation des populations rurales, élevées dans le culte de la solidarité, et imprégnées des liens de sang, de tribu et de région. La rupture de ces liens livre l'individu désemparé et terrorisé aux stratégies de la recomposition so-

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ciale et politique, qui en feront le milicien actif. C'est en ce sens que les assaillants, qu'ils soient composés de ces milices, des escadrons de la mort, des unités spéciales ou du GIA manipulé sont en fait garantis d'anonymat par les plus hautes autorités du pays.

La contre-insurrection implique le secret sur l'identité réelle des assaillants. Cela doit créer le doute et la confusion au sein de la population victime, sensée abriter et protéger l'insurrection, et permettre ainsi de manipuler l'opinion interne et internationale. Cette action est couplée par des moyens illégaux en vue d'empêcher l'identification des assaillants. Le pouvoir organise la censure de l'information et favorise l'expédition de procès de masse. Pierre Sané écrit : « On remarque aussi que personne ne peut se rendre sur les lieux et interroger les survivants. La seule lecture qu'on puisse faire, c'est à travers le prisme officiel ou celui de la presse algérienne qui ne peut enquêter sur les affaires touchant à la sécurité [allusion aux fameux textes, arrêté interministériel et circulaire, secrets, ndlr] »<sup>98</sup>. Selon des ONG internationales les enquêtes sur place, après les massacres, sont conduites par des journalistes constamment accompagnés d'agents de sécurité qui n'hésitent pas à empêcher tout témoignage confidentiel. Des journalistes ont confirmé cette surveillance rapprochée. Arnaud Hameli, directeur de l'agence Sunset, réalisateur du reportage en Algérie diffusé dans *Envoyé spécial*, le 8 janvier 1998, sur France 2 a dénoncé la « haute surveillance » dont il a été l'objet. Il avait déclaré : « Les flics ne restent pas devant la porte, ils assistent aux entretiens [...] dans aucun autre pays je n'ai été autant surveillé, sous prétexte d'assurer notre sécurité ». Patricia Alémonière, grand reporter à TF1, confirmera lors de la même enquête : « Il y a des escortes qui confondent la protection et la surveillance, et font de l'obstruction »<sup>99</sup>. Lors de la visite du panel onusien en Algérie, les autorités ont utilisé le mensonge et la manipulation. Le quotidien *El Watan*, pourtant désigné éradicateur, écrit :

les pouvoirs publics ont même créé des fichiers fictifs de suivi psychologique à la polyclinique de Larbaa - Wilaya de Blida - (région acquise au FIS, ndlr) pour les enfants victimes du terrorisme afin de faire croire au panel onusien à une prise en charge psychologique des enfants<sup>100</sup>.

L'identité des victimes, ainsi que la parfaite synchronisation des massacres, sont également un moyen d'identification des criminels. Or ces victimes sont précisément celles désignées par les décideurs militaires. Dès avant les élections législatives, la hiérarchie militaire algérienne avait publiquement désigné le groupe opposant irréductible dans l'éditorial de sa revue *El Djeich* d'avril 1991 : elle parlait déjà de « *mouvements politico-religieux* » à éliminer. Le Dr Michael Peel de la Medical Foundation for the Care of Victims of Torture affirme avoir constaté que l'ensemble des patients qu'il a examinés se sont vus reprocher par leur tortionnaires de militer dans le parti FIS, parfois, ils sont seulement soupçonnés de sympathiser avec ce parti. Les victimes

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sont donc spécialement déterminées. Par ailleurs, beaucoup d'observateurs auront noté, d'une part, l'arrêt presque total de la violence dans les périodes d'élections organisées par le régime et, d'autre part, la curieuse correspondance entre les phases de dialogue entre certains clans du pouvoir algérien et les dirigeants du parti FIS. Cela s'est encore vérifié entre l'automne 1997 et le printemps 1998, période durant laquelle les massacres de la population civile ont atteint leur seuil le plus sanglant. On a pu écrire que la : « violence de la reprise des massacres pendant et juste après l'accord intervenu entre un clan de l'armée et l'Armée Islamique du Salut (AIS), ensuite la libération de Abassi Madani [président emprisonné du FIS, ndlr] indique qu'un autre clan de l'armée s'est opposé à tout accord politique »<sup>101</sup>. L'objectif de la stratégie contre-insurrectionnelle tend à rendre la politique du tout sécuritaire, et l'exclusion politique, des choix tout-à-fait irrémédiables.

Cependant, les intérêts claniques des décideurs militaires se superposent à l'intérêt politique des massacres. C'est ainsi qu'aux massacres opérationnels, individualisés et programmés, s'ajoutent des crimes que nous avons qualifiés de périphériques, qui sont prévus et qui participent à la stratégie contre-insurrectionnelle, pour des mobiles privés. Le zèle des exécutants et agents du nazisme les avaient conduit à l'assassinat de prisonniers qui n'étaient pas juifs. A la question de savoir si ces victimes font partie du génocide, de nombreux auteurs ont répondu par l'affirmative, considérant que la logique meurtrière de l'extermination doit être comprise dans un contexte fonctionnaliste, avec prise en charge d'une violence accessoire, ce qui correspond aux intérêts de clans du régime algérien :

Il y a des régimes qui ne cessent de créer les conditions d'une déstabilisation politique et sociale autour d'eux pour mieux survivre [...] telle est donc la situation : un Etat dont le durcissement est inséparable de la guerre que se livrent les divers clans militaires qui tiennent le pouvoir, et profitent plus que jamais de la rente pétrolière, une violence qui ne peut être ramenée à la seule violence islamiste et religieuse<sup>102</sup>.

La juxtaposition des décisions centrales des décideurs militaires à celles claniques explique la conjonction des logiques politique, et économique, des massacres. Aux intérêts politiques des massacres s'ajoutent des intérêts économiques. En voici le témoignage :

Début 1988, trois millions d'hectares appartenant à l'Etat vont être mis en vente dans le cadre de la privatisation générale de l'économie. Cent mille hectares cultivables concernent la plaine de la Mitidja, composée à 80% d'exploitations collectives gérées par des coopératives de paysans qui cultivent mais ne possèdent pas la terre. A cause des massacres, la terre ne vaut rien aujourd'hui. Demain, elle vaudra de l'or. Lors de la privatisation, les paysans bénéficieront d'une sorte de droit de préemption sur les terres qu'ils cultivent. Depuis six mois, c'est eux qu'on massacre, apparemment sans raison. En fait, c'est une stratégie. Il s'agit de vider les fermes collectives de leurs habitants. Plusieurs sont déjà désertées. A chaque massacre, la terreur pousse les cultivateurs dans les villes. Afin que le mouvement s'accélère, les tueries sont de plus en plus ignobles. On a relevé des cas de cannibalisme. Des bébés ont

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été cloués sur des portes ou brûlés dans le four d'une gazinière. Les meurtriers s'acharnent sur les enfants pour éliminer jusqu'au dernier héritier afin d'interdire tout recours futur pour l'attribution des terres ! Il arrive qu'après un premier massacre des rescapés restent sur place car ils ne savent pas où aller. A Rais, les commandos de la mort sont revenus. Cette terre maudite est convoitée par les gros, mais aussi par les petits. Les gardes communaux, les patriotes (milices), les cheffailons locaux revêtent des cagoules et vont massacrer le douar voisin<sup>103</sup>.

La même analyse portant sur la conjonction d'intérêts économiques avec les massacres est faite par plusieurs personnalités politiques algériennes, des observateurs et des journalistes<sup>104</sup>.

De ce qui précède, la démonstration est faite que les massacres volontaires ont été commis dans le cadre et en application d'une politique, traduite militairement par la stratégie contre-insurrectionnelle. L'intention criminelle spéciale au crime contre l'humanité et au génocide, dans sa version positive de commission volontaire des crimes, ressort bien de cette parfaite concordance entre la stratégie et sa traduction criminelle concrète. Les faits tels qu'ils se sont déroulés, et surviennent encore en Algérie, tels également qu'ils se sont répétés durant une longue période, concordent parfaitement avec le but, les moyens ainsi que les différentes phases d'application de la stratégie contre-insurrectionnelle, telle qu'elle est pratiquée par les décideurs militaires.

### ***C. L'intention avouée de complicité active française***

En Occident, la répétition morbide et obsessionnelle du couple Islam-islamisme sur le plan médiatique et dans une littérature à bon marché fait naître et entretenir une peur instinctive.

La force des images, la violence des fantasmes sont, dans le cas de l'islam, en proportion inverse de l'abstraction absolue qui se cache sous ce terme et son dérivé politico-médiatique, l'islamisme. L'Islam invariant et figé, de tous les temps et de tous les lieux, religion de la fermeture, de l'intolérance et de la violence, l'Islam du djihad, de la dhimma [...] . voici ce que ressent la psyché occidentale depuis la révolution iranienne. L'abstraction islamique est ainsi devenue le fantasme du nouvel Antéchrist après le judaïsme et la franc-maçonnerie, le bolchevisme, le péril jaune<sup>105</sup>.

Cette image a une source historique lointaine, le professeur Robert Mau-trau écrit :

il faut bien constater que les premières croisades, loin de provoquer une prise de conscience d'un monde différent, une reconnaissance intelligente de "l'autre", ont contribué à dresser une barrière entre deux pouvoirs, deux religions, deux civilisations, ce qui a engendré pour des siècles une incompréhension, voire une intolérance [...] dont encore aujourd'hui il est difficile de se débarrasser .

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C'est dans une remarquable osmose que la France officielle participa à la campagne de diabolisation du terroriste islamiste, en utilisant ce fond culturel et historique. Le 16 juin 1993 le premier ministre, Alain Juppé, déclare lors d'une visite en France de Redha Malek, alors ministre des affaires étrangères, « La France exprime son intention d'aider l'Algérie, dans sa lutte contre l'extrémisme et l'intégrisme ». Moins d'une semaine plus tard, le 21 juin, Pierre Bourdieu crée le Comité International de Soutien aux Intellectuels Algériens (CISIA), désignant l'intégrisme comme ennemi de ces intellectuels. Le 4 novembre 1993 le ministre de l'intérieur, Charles Pasqua, lancera l'opération *chrysanthème* qui se soldera par deux cent interpellations en moins d'un an, et mettra en place des structures judiciaires d'exception. Jusqu'à ce jour une grande publicité est faite à des procès de présumés terroristes islamistes en France, procédé employé à chacune des échéances politiques algériennes, comme les élections. Dans ces procès, les règles de procédure d'instruction et de respect des droits de la défense sont rarement respectées, et ne sont, dans tous les cas, pas compatibles avec les conventions des droits de l'homme engageant la France aux plans européen et international.

La coopération militaire française avec les décideurs militaires algériens est située aux plus hauts niveaux de la hiérarchie militaire, comme nous l'avons indiqué en examinant l'élément matériel des crimes commis, dans la section 2.1.3.

L'intention criminelle spéciale est bien établie pour justifier la qualification juridique que nous avons retenue pour nommer ces massacres. Le caractère massif de ces massacres, leur répétition dans le temps et leur étalement dans l'espace, découlent nécessairement d'une intention spéciale exprimée par une politique délibérée. Cette intention est celle des gouvernants algériens, aussi bien que celle des gouvernants français qui y coopèrent activement et en connaissance de cause.

#### **4.2. Le groupe visé par le génocide**

Les victimes sont intentionnellement choisies et désignées au génocide sélectif d'algériens pour leur conviction religieuse, de laquelle ils tirent leur appartenance politique. Les victimes algériennes torturées ou massacrées ne savaient pas qu'elles étaient de trop sur leur terre où, quelques mois auparavant, elles avaient eu la permission de voter en conscience, selon leur conviction religieuse propre ; précisément, c'est cette conviction qui aujourd'hui les désigne au crime. Nous discuterons cette notion de groupe avant de démontrer, par une série d'indices évidents, que les victimes algériennes sont, en fait et en droit, victimes d'un génocide intentionnel.

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*4.2.1. Le groupe religieux 'en tant que tel'*

Le choix du groupe destiné à la destruction totale ou partielle peut résulter d'une option idéologique et politique. L'histoire fournit des exemples de massacres de groupes de musulmans<sup>106</sup>. La Résolution de l'Assemblée générale des Nations Unies du 11 décembre 1946 avait mentionné que l'histoire de l'humanité avait connu des massacres. En effet : « dans beaucoup de cas, le génocide a été commis et que des groupes entiers raciaux, religieux ou politiques et autres, ont été entièrement ou partiellement annihilés ». Si cette résolution inclut les groupes politiques, la Convention sur le génocide de 1948 ne prévoit pas le groupe particularisé par l'appartenance politique.

***A. Littéralité de la notion de groupe***

En se voulant objective la définition restrictive du groupe susceptible d'être victime du génocide est seulement littérale. Depuis la Convention sur le génocide, un groupe politique en tant qu'entité ayant une opinion ou une prise de position, par exemple à l'égard d'un régime politique ou d'un système déterminé, n'est pas recevable en tant que groupe victime pour caractériser le génocide. A première vue, la définition objective du génocide par la victime, selon une appartenance restrictive (nationale, ethnique, raciale ou religieuse) en tant que telle, exclut une définition subjective ou volontariste. Une partie de la doctrine soutient que le groupe concerné par la Convention portant sur le génocide serait exclusivement religieux, national, ethnique et racial, sans définir ces notions. C'est ce qui distinguerait ce crime des autres atteintes massives à la vie. Cette option est délibérément restrictive car fixée par le sens littéral du texte. A priori, il est de principe que le droit pénal est étroit, autorisant difficilement une interprétation extensive. De nombreuses polémiques ont eu lieu.

Nous allons rappeler brièvement l'histoire de la notion de groupe et recenser les arguments de son acception restrictive, avant de les discuter.

**a) Histoire de la notion de groupe**

A l'origine, comme l'indique la Résolution du 11 décembre 1946, le critère politique distinctif de la victime était déjà admis pour le génocide. D'autre part, ce crime avait une acception plus large chez le découvreur de la notion de génocide, terme composé à partir d'un mot grec (*genos* signifiant race ou clan) et d'un mot latin (*cide* suffixe latin impliquant la notion de tuer). R. Lemkin prévoyait, en effet, l'incrimination de la destruction physique, biologique et culturelle d'un groupe<sup>107</sup>. La référence au groupe politique avait été écartée après l'opposition de l'ex-URSS et des démocraties populaires, qui menaçaient de ne pas adhérer à la convention. Ainsi les groupes sociaux et politiques victimes de génocide seraient exclus de la définition retenue par la

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Convention, qui n'a pratiquement pas été appliquée en un demi-siècle. Un tel crime commis contre ces groupes ne serait pas un génocide mais une forme très grave du crime contre l'humanité. Toutefois, depuis l'implosion du communisme, l'exclusion du groupe politique de la définition, et donc la restriction de la notion de génocide, n'est plus politiquement soutenue.

#### **b) Discussion de la conception restrictive**

La question du rajout du groupe politique, qui avait été soulevée lors de la rédaction de la Convention, avait été rejetée sur la base de multiples arguments. Parmi les arguments du rejet de la protection du groupe politique, il y a celui qui considère que le groupe politique ne présente pas la même stabilité et solidarité qu'un groupe religieux, racial, ethnique ou national. Les liens unissant les membres de ces groupes types seraient moins sujet au changement et à controverse. On peut plus facilement changer d'opinion politique que de conviction religieuse, ce qui rendrait la définition du groupe politique moins rigoureuse, et celle du groupe religieux plus stable. Ainsi, pour les tenants de cette thèse le membre du groupe racial, ethnique, religieux ou national est rattaché à son groupe de façon innée. L'exclusion d'autres groupes, politiques ou culturels par exemple, de la définition serait justifiée pour des raisons objectives.

A ces arguments s'ajoute celui de la nature restrictive du droit. L'exclusion d'autres groupes que ceux retenus par les instruments internationaux a une justification textuelle. La Convention doit être interprétée restrictivement en vertu du principe de légalité des crimes. Le droit, tout particulièrement pénal, est souvent qualifié d'étroit.

Toutefois, cette opinion n'est pas unanime. Cette interprétation restrictive qui peut sembler justifiée est pourtant discutable. Elle ne résiste pas à l'analyse.

#### ***B. Critique de la conception littéraliste***

La conception restrictive de la notion de groupe religieux est essentiellement basée sur le principe de légalité. Or ce dernier n'a pas, comme en droit interne, un effet absolu en droit international pénal. Par ailleurs, la spécificité du génocide exclut tout risque de confusion de ce crime avec un autre. Enfin, cette conception porte atteinte au principe absolu d'égalité du genre humain. Notre critique portera sur ces trois points.

#### **a) Limites du principe de légalité**

Le principe de légalité devrait être réservé au droit national et non au droit international. La diversité des droits nationaux montre que, souvent, ces derniers ne punissent pas des crimes que la morale universelle réprouve, ce

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qui donne au critère de légalité une relativité qui ne peut convenir au droit pénal international. D'ailleurs, le Statut de Nuremberg avait explicitement exclu le principe de légalité pour le crime de guerre et le crime contre l'humanité. Il permettait l'incrimination que les actes : « aient constitué ou non une violation du droit interne du pays où ils ont été perpétrés ». Comment ne l'aurait-il pas exclu pour un crime autrement plus barbare par sa discrimination arbitraire ? Enfin une grande partie du droit des gens, dit *jus cogens*, n'est pas strictement codifié, pourtant nul ne songe à lui enlever son caractère impératif. Il en a été ainsi du crime contre l'humanité jusqu'à l'adoption du Statut de la CCI en juillet 1998.

### **b) Spécificité du crime de génocide**

A s'en tenir au sens littéral du texte, n'est-ce pas que le génocide est suffisamment caractérisé par l'existence chez son auteur d'une volonté spéciale de destruction, totale ou partielle, d'un groupe ? Ce qui n'est pas le cas du crime contre l'humanité, dont l'auteur persécute ou assassine, avec une volonté spéciale certes, mais celle-ci vise une population civile quelconque. Il n'y a donc pas de risque de confusion entre ces deux crimes dont le génocide constitue l'authentique barbarie, en ce que les victimes sont désignées selon des critères discriminatoires intolérables.

La précision des éléments constitutifs du génocide ne justifie pas l'exclusion de cette qualification au groupe politique homogène, dont la détermination est objective. Les éléments constitutifs du génocide sont, en effet, spécifiques. Ce sont l'intention criminelle générale et l'intention criminelle spéciale (politique de persécution, plan), le caractère systématique des actes matériels projetés, ou commis, actes limitativement désignés, qu'il s'agisse de l'atteinte à la vie par le meurtre, ou de l'atteinte grave à l'intégrité physique ou mentale, ainsi que les mesures visant à entraver les naissances, la soumission intentionnelle du groupe à des conditions d'existence devant entraîner sa destruction physique totale ou partielle, et enfin le transfert forcé d'enfants du groupe à un autre. L'objectif du génocidaire induit tous les motifs politiques ou idéologiques qui le conduisent à l'acte, aucun n'exclut ou n'excuse le génocide. D'ailleurs, selon le Statut de Nuremberg, l'attaque d'un groupe pour des raisons politiques constitue un crime contre l'humanité quelque soit la population victime. Mais alors que ce dernier crime est établi quelque soit la victime civile, pour le génocide c'est la discrimination intolérable dans le choix des victimes, en tant que groupe homogène visé en tant que tel pour être destinataire des crimes cités, qui est nécessaire à sa qualification juridique.

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La proclamation de l'Assemblée générale des Nations Unies du 25 décembre 1982 (Résolution 36-55), portant sur l'élimination de toutes les formes d'intolérance et de discrimination fondées sur la religion ou la conviction, prévoit en ses articles 2 et 4 l'élimination de toute discrimination dans la reconnaissance, l'exercice et la jouissance, des droits de l'homme et des libertés fondamentales dans tous les domaines de la vie, y compris politique. L'article 2 du PIDCP exclut, également, toute discrimination sociale religieuse ou politique. L'article 3 de la Déclaration Universelle des droits de l'homme reconnaît à toute personne le droit à la vie, la liberté, la sécurité, la légitime défense et celui de résister à l'oppression<sup>108</sup>. Le droit à l'insurrection est lié aux premières déclarations des droits de l'homme, et à la Déclaration américaine de 1776. L'élargissement des critères distinctifs des victimes de génocide est une nécessité juridique. La protection du droit international de tous les groupes en vertu du principe d'égalité du genre humain est textuellement fondée. On doit protéger le groupe en raison de sa conviction religieuse au même titre qu'on protégerait le groupe pour son opinion politique. De sérieux arguments ont été avancés pour qualifier de génocide les crimes commis au Cambodge, par les khmers rouges, alors même que la population visée était ciblée en raison de son appartenance politique, au point où, lorsque la presse mondiale parle de génocide cambodgien, rares sont les objections. On devrait admettre, de plus fort, que les massacres commis en Algérie contre des victimes en raison de leur appartenance à un groupe religieux et politique sont un génocide.

***C. Critique du sens occidental de religion*****a) L'appartenance du groupe religieux et politique**

Le critère religieux du groupe n'exclut pas par lui même le critère politique. Or en Algérie tel est le cas ; la destruction du groupe rentre dans le cadre d'un plan central prémédité de recomposition du paysage religieux et politique. L'incrimination pour génocide ne fait pas mention de l'individu mais du groupe. Elle punit le génocide du groupe comme on punirait l'anéantissement physique ou moral d'un individu. Les victimes sont visées en tant que représentants un groupe ou une partie d'un groupe de population, dont le criminel vise la disparition totale ou partielle des membres, pour leur appartenance nationale, raciale, ethnique ou leur conviction religieuse ou politique. L'incrimination n'est pas destinée à protéger la liberté de culte et d'opinion religieuse ou conviction politique. Elle protège le droit à la vie, à l'intégrité physique et à la liberté. Elle protège donc des droits fondamentaux contre toute atteinte arbitraire et discriminatoire à l'occasion ou sous le prétexte d'une appartenance (raciale, ethnique nationale) ou d'une conviction

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religieuse de laquelle il résulte une opinion politique manifestée par les victimes ou présumée être la leur.

#### **b) La notion de religion est relative**

Que signifie le terme non démocratique de « religion » ?

Qu'entend-on par le couple de mots « groupe religieux » ? Il peut prêter à discussion, notamment lorsque ce groupe a une conviction politique à partir de déterminations religieuses, faisant de cette appartenance religieuse non désirée un critère plutôt politique que strictement religieux au sens occidental de ce terme. Il serait peut être légitime de redéfinir ce que recouvre le terme religion sur une base plus démocratique. Il y a eu des contestations interminables sur l'origine du mot « religio ». Une source étymologique cite la tradition ciceronienne « relegere » de legere (rassembler), une autre cite celle de Lactance et Tertullien « religare » de ligare (lier). Or le mot arabe « dine » affirme L. Gardet, cité par Henri Laoust, n'a pas la signification étymologique de religio<sup>109</sup>. Des auteurs ont déjà suggéré d'interdire à tout non chrétien l'usage du terme religion<sup>110</sup>. D'autre part, il est évident que la résurgence de la « religiosité » caractérise aujourd'hui toutes les confessions : « c'est un fait majeur qui s'affirme à l'échelle du monde [...] de moderniser le Christianisme, l'Islam ou le Judaïsme, la formule des années soixante se retourne en christianiser, islamiser ou judaïser la modernité »<sup>111</sup>, de sorte qu'une révision de la définition du groupe religieux des années quarante n'est pas forcément la plus juste, encore moins universelle. Il est nécessaire de la réviser. Cette nécessité de la définition du terme religion est posée aussi bien par le droit interne que par le droit international. Parce qu'aucune définition n'a été construite pour servir de base de réflexion aux juristes, la notion de religion est loin de constituer un concept universellement admis. Aux USA, par exemple, le premier amendement garantit la liberté religieuse, cependant que les Cours de Justice n'ont aucune base uniforme pour traiter les cas pratiques touchant à la religion. C'est ce qui a conduit nombre d'auteurs à proposer des critères qui permettent d'établir une définition, qui soit assez large pour englober tous les systèmes de croyance, et ne pas s'arrêter aux seules religions occidentales, mais suffisamment rigoureuse pour mériter et garder son statut de concept<sup>112</sup>. Les scandales sociaux et financiers qui ont entouré les sectes en Europe sont dus à l'absence d'une définition rigoureuse pour éviter d'y inclure les sectes qui exploitent la détresse d'autrui pour des motifs à vocation financière.

#### *4.2.2. Les victimes algériennes visées comme 'groupe'*

La population visée par les massacres présente une homogénéité religieuse et politique qui présume la sélectivité dans sa destination à la destruction totale ou partielle. Le groupe visé a une conception religieuse qui détermine une

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vocation politique jugée défavorable. Or le régime tient à imposer une vision étrangère, rétrograde et figée de cette religion pour qu'elle n'ait pas à s'immiscer dans la politique. Il distingue donc l'Islam officiel acceptable et combat l'Islam militant. Tout comme le choix discriminatoire était racial ou ethnique dans d'autres cas de génocide (Allemagne nazie, ex-Yougoslavie, Rwanda), et strictement politique dans d'autres (Cambodge), il serait religieux et politique dans le cas algérien. D'ailleurs la démonstration peut être apportée par les faits que les victimes algériennes sont désignées en tant que groupe religieux et politique. Elle résulterait facilement d'une série d'indices. En voici trois.

### ***A. Le groupe victime désigné ex-ante***

Au lendemain des élections locales du 12 juin 1990, qui avaient consacré la majorité au parti FIS, le ministre de l'intérieur Larbi Belkheir recevra quatre généraux de l'armée algérienne dans son bureau. A l'issue de leur réunion ils affirmeront ensemble, selon le quotidien *El Hayat*, du 14 février 1995, qui disposerait d'un enregistrement : « nous n'accepterons jamais un gouvernement islamique, même si le pays sera noyé dans le sang ». Il semble depuis lors que le sort des dirigeants, cadres, militants et sympathisants du FIS ait été définitivement réglé. Il est remarquable de constater la constance de cette politique, malgré le changement des chefs d'Etat et des gouvernements successifs qu'aura connu l'Algérie. Il faudrait sans doute rappeler que Mohamed Boudiaf, nommé président du Haut comité d'Etat au lendemain du coup d'Etat en janvier 1992, déclarait sans détour :

S'il n'y avait pas eu la mise hors la loi du FIS [...] où est ce que nous serions aujourd'hui ? [...] il fallait mettre un frein et prendre les décisions qui s'imposaient [...] s'il fallait mettre 10.000 personnes, pour quelques temps au sud, cela ne saurait être grave, je le dis sans aucun état d'âme<sup>13</sup>.

Bruno Etienne déclara que cette phrase a choqué, ajoutant : « et puis ce ne sont pas 10 000 personnes mais 35 000 qui ont été arrêtées à ce jour »<sup>14</sup>. Ali Kafi, successeur de Boudiaf à la tête du Haut comité d'Etat, qui avait la fonction de président de la république, déclarera en janvier 1993 devant le Conseil supérieur de la magistrature : « il serait erroné de parler de la souveraineté du droit dans un Etat qui fait face à la destruction et dont la stabilité est en danger ». Son remplaçant, le général Zeroual, prônera à son tour l'éradication sans concession du terrorisme, en visant en fait le parti FIS spolié de sa victoire électorale. La politique d'éradication n'a jamais varié à ce jour.

Il s'agit d'une politique délibérée d'éradication de tous ceux qui ont milité, sympathisé et même d'avoir été seulement soupçonnés être réceptifs au parti FIS. Dès lors, le témoignage diffusé sur l'antenne de Radio Orient (Paris), le 23 septembre 1997, de cette dame rescapée d'un massacre, disant que les

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hommes venus pour perpétrer des assassinats massifs les avaient accusés : « c'est vous qui logiez les autres (islamistes) et qui sympathisiez avec eux. Maintenant on va vous régler votre compte », ne laisse aucun doute sur l'identité des victimes choisie de façon discriminatoire en tant que groupe, et à contrario des assassins<sup>115</sup>. Le rescapé d'un massacre près d'Alger, région qui a massivement voté pour le FIS en juin 1990 et décembre 1991, raconte que les victimes ont été accusées : « d'avoir donné à manger aux terroristes », qualificatif destiné à désigner les militants du FIS. Il accuse formellement la garde communale de Baraki, en disant que lorsqu'une femme est arrivée à retirer la cagoule de l'un des assaillants celui-ci lui tira une balle dans l'œil, après s'être écrié « arfetni ! » (elle m'a reconnu)<sup>116</sup>. Des centaines de témoignages existent et qui confirment que les victimes sont majoritairement d'anciens responsables, militants ou simples sympathisants du FIS.

D'autre part, les exemples des charniers découverts début 1998 ont nommément impliqué les délégués désignés par le gouvernement pour gérer des localités à majorité FIS. Ces délégués étaient devenus maires après des élections que l'opposition politique autorisée a unanimement dénoncé pour fraude massive<sup>117</sup>. Par exemple, les maires ayant remplacé les élus du FIS dans les communes de Relizane et Jdiouia, disposaient, comme leur confrères à travers le territoire national, des archives électorales pour mener leur campagne d'extermination. L'exemple des maires de Relizane et Jdiouia peut donc être multiplié<sup>118</sup>.

La désignation du groupe victime est faite ouvertement et sans ambiguïté non seulement par les discours politiques publics, mais également par l'écrit, notamment dans la revue *El Djeich* éditée par l'armée algérienne (considérée généralement comme étant le point de vue de l'état-major), et par l'ensemble des mass médias du gouvernement.

Les victimes des massacres, tout comme les torturés et disparus forcés, sont dirigeants, militants ou simples sympathisants du FIS, parfois simplement soupçonnées de l'être<sup>119</sup>. Elles sont méticuleusement ciblées. Pourtant les médias autorisés d'expression taisent leur appartenance religieuse et politique. Il n'est donc pas surprenant que « les morts dont on peut parler sont soigneusement sélectionnés pour choquer, plus d'une trentaine de journalistes, près de 250 femmes. Les 50 000 autres ? Pas un mot, ou presque »<sup>120</sup>.

### ***B. Les victimes constituent un groupe homogène***

Les populations civiles systématiquement ciblées le sont pour avoir, sur la base d'une conviction religieuse particulière, massivement voté pour le FIS, tant lors des élections locales de juin 1990 que lors des élections législatives de décembre 1991. Le premier acte des autorités fut de dissoudre le parti FIS sur le fondement de quatre coupures de presse. Par suite, la géographie des massacres, qui n'a pas varié depuis 1992, a ciblé l'encadrement et la base so-

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ciale de ce parti. Dès le premier mois de l'arrêt du processus démocratique en Algérie, on comptait 150 morts, 700 blessés et plus de 30 000 déportés au Sahara. L'ensemble des victimes fait partie d'un groupe déterminé en tant que tel. Les victimes des massacres croient profondément et unanimement que leur religion, l'Islam tel qu'ils l'entendent, détermine des options politiques caractérisées. Pour cette population victime la politique n'est qu'une branche des activités humaines, dont les racines sont irrémédiablement et définitivement religieuses. Les victimes des massacres massifs commis en Algérie se sont reconnus dans le discours et dans le programme du FIS en tant que groupe homogène uni par une doctrine et un projet communs. Or l'anti-islamisme explique le génocide du groupe qui s'en réclame.

Ces populations homogènes, désignées en tant que groupe par la plus haute hiérarchie militaire pour être les victimes du génocide, sont d'ailleurs clairement perçues en tant que telles. C'est devenu d'une telle évidence en Algérie que ce candidat RCD (parti politique laïc) aux législatives de décembre 1991 à Ain Defla confie dans une interview accordée à l'ONG Human Rights Watch :

Les forces de sécurité (d'une ville voisine) ont envoyé des renforts. En représailles, ils ont tué sept personnes qui n'avaient rien à voir avec l'attaque, et n'étaient même pas favorables au FIS, ils les ont amenés à la gendarmerie de la ville et on a par la suite retrouvé leurs corps dans les bois.

Dans son rapport annuel, pour 1999, cette organisation de défense des droits de l'homme précise que les hameaux et villages victimes des massacres ont voté en 1990 et 1991 pour le FIS.

### ***C. La volonté de minimiser l'ampleur des massacres***

Selon la LADDH le nombre des victimes dépasserait les 200 000 morts. Les pays européens estiment le nombre de victimes à 120 000. Selon un rapport des Etats Unis publié à Washington, le 29 janvier 1998, le nombre des victimes au 31 décembre 1997 serait de 70 000 victimes. Or il existe une volonté manifeste d'ignorer l'existence même des victimes de la part des gouvernants. Par la censure de l'information et en la dirigeant, en affirmant officiellement des chiffres en deçà de l'ampleur réelle des massacres, probablement parce que aux yeux des gouvernants les victimes ne sont pas considérées comme des êtres humains, en vertu d'une discrimination politico-religieuse, le régime algérien pratique le génocide. L'Algérie a été classée en tête des pays où sévissent les massacres, tortures systématiques et autres violations graves du droit humanitaire, par un panel de personnalités détentrices du prix Nobel dont le rapport a été mentionné par *The Observer* du 26 juin 1998. Pourtant, aux yeux des gouvernants algériens, la victime est dé-socialisée et déshumanisée. A propos de la déclaration du chef de gouvernement faite à l'Assemblée nationale, en janvier 1998, par laquelle il fixait le chiffre de 26

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536 morts à fin 1997, chiffre contesté par ailleurs à l'intérieur même du Parlement, un général dira : « je pense que ces données n'incluaient pas les terroristes »<sup>121</sup>. N'est-ce pas l'aveu que le chef du gouvernement minimise volontairement le nombre des victimes ?

Les autres formes de massacre sont niées ; le régime algérien n'a reconnu ni les tortures systématiques ni les milliers de disparus forcés, alors même que ces crimes sont massivement commis, comme nous l'avons établi dans la section 2.1.2 (B). L'ONDH a toujours minimisé les chiffres des disparus, n'en reconnaissant, dans son rapport annuel de 1996, que 567 cas pour 1995, 988 cas pour 1996 et 706 pour 1997. Malgré la manipulation des chiffres, son président ne rate aucune occasion pour attribuer les enlèvements des personnes disparues aux groupes armés (*Le Monde* du 13 juin 1997), ou pour affirmer que les disparus ont rejoint le maquis (*Liberté* du 27 décembre 1998). Cependant, dès qu'il est acculé et confronté à l'ampleur des crimes et l'implication des gouvernants, il se justifie par le statut de son organisation qui ne serait qu'un instrument d'alerte, comme il l'a fait devant le panel onusien pendant l'été 1998. La volonté de minimiser les massacres, de cacher l'identité véritable des assaillants et des victimes est encore confirmée par le refus systématique du gouvernement de toute commission d'enquête neutre et impartiale. Or, si l'argument de la souveraineté est brandi à l'encontre de commissions internationales d'enquête, le gouvernement n'avait aucune justification de refuser une commission interne, neutre, lorsque des organisations nationales d'avocats et de défense des droits de l'homme avait exigé d'enquêter sur le massacre, par exemple, de la prison de Serkaji.

Des actes de cette nature, examinés à travers ce faisceau d'indices ne peuvent résulter que d'une intention non équivoque de destruction d'un groupe ciblé en tant que tel. Ces éclaircissements permettent de qualifier les actes mentionnés de génocide. La Convention portant sur le génocide incrimine d'ailleurs, outre les crimes positifs entendus au sens commun mais également, l'entente, l'incitation, la tentative et les complicités en vue de la commission des actes cités par la Convention s'ils sont appliqués à un groupe religieux, dont la profession de foi implique nécessairement une appartenance politique.

## 5. Conclusion

Le drame algérien était programmé dès avant les élections législatives de 1991. Celles-ci se sont déroulées conformément à l'ordre constitutionnel applicable à l'époque. L'arrêt brutal du processus démocratique a été suivi de l'application d'une stratégie visant à recomposer le champ politique, ce qui a précipité le pays dans la guerre civile. Plus probant encore pour démontrer l'existence d'une politique délibérée d'extermination, le fait que les autorités n'aient rien fait pour empêcher la commission des massacres, et n'aient

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même pas respecté, ni l'engagement conventionnel de prendre des mesures législatives pour prévenir et punir les crimes universels, ni les observations et recommandations qui leur ont été faites par les différents organes des Nations Unies, notamment le Comité des droits de l'homme des Nations Unies, pour prévenir ces crimes ; par exemple d'organiser des registres destinés à recenser les victimes des disparitions forcées. Au contraire, les gouvernants algériens ont volontairement prôné une politique d'éradication, et pour la mettre en œuvre ils ont recruté, entraîné, armé, équipé, financé, approvisionné, encouragé, appuyé, aidé et dirigé les actions militaires et paramilitaires en y consacrant des moyens matériels et financiers, des fonctionnaires, des agents et des auxiliaires.

Les massacres de la population visée dans les régions qui ont massivement voté pour le FIS ne sont pas la conséquence fortuite, casuelle, ou contingente de la guerre mais un résultat délibéré. Les massacres ont lieu dans des régions qui ne constituent pas des objectifs militaires classiques, et les victimes y sont sans défense. Ce sont de surcroît les régions les plus militarisées du pays, ce qui rend totalement incompréhensible la non intervention des forces armées, avant, pendant, ou même immédiatement après les massacres, sauf connivence. Ces circonstances n'ont d'explication logique que par leur insertion dans la stratégie contre-insurrectionnelle, dite guerre de faible intensité.

Les massacres commis en Algérie rentrent concurremment dans différentes catégories juridiques. Le droit pénal, en effet, définit la nature juridique de chaque acte qu'il compte interdire. Le principe de légalité des crimes et des peines vise à assurer cette interdiction préalablement à la survenance du crime. Nous avons qualifié les massacres commis en Algérie de crimes de guerre, de crimes contre l'humanité et de génocide, précisément parce que les instruments internationaux étaient applicables avant la commission des massacres.

Pour qualifier les massacres commis en Algérie selon le droit international pénal, nous avons démontré l'existence des éléments constitutifs de ces crimes, qu'il s'agisse de l'élément matériel, de l'élément légal, savoir l'existence de textes juridiques virtuellement applicables aux faits, ou de l'élément intentionnel. Nous avons classé et présenté ces différents éléments en deux temps. Les éléments objectifs et les éléments subjectifs. Si les premiers ne demandaient qu'à être sériés et présentés, les seconds exigeaient des démonstrations objectives et appuyées. Nous avons donc argumenté l'existence de l'intention criminelle, et démontré que les victimes des crimes ont été désignées en raison de leur appartenance à un groupe religieux et politique déterminé en tant que tel.

Sur l'existence de la volonté criminelle des auteurs de massacres, en l'occurrence les décideurs militaires et politiques algériens, et sans écarter

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l'aveu public d'une volonté d'éradication, que nous nous sommes contentés de signaler, nous avons bâti notre argumentation selon deux perspectives. L'intention criminelle peut en effet se manifester par la commission directe et positive du crime ou par l'abstention criminelle volontaire. Sur le terrain subjectif, s'il est difficile de pénétrer dans les intentions des décideurs militaires algériens, ou du moins de prouver leurs intentions cachées, il est par contre aisé de constater, matériellement, l'inaction, la partialité et l'omission coupable de ces décideurs devant ces crimes : aucune mesure, législative, militaire ou judiciaire n'a été initiée pour empêcher, intervenir ou punir les auteurs des massacres. Les recours des victimes ne donnent aucun résultat, ces victimes sont, au contraire, ciblées par des représailles. Selon le droit international pénal, cela suffit pour condamner ces détenteurs de l'autorité pour crimes de guerre, crimes contre l'humanité et pour génocide. Cependant, nous avons voulu aller au-delà de cette démonstration.

En nous plaçant sur le terrain objectif de l'examen des résultats concrets des agissements des autorités algériennes, l'intention de commettre les crimes que nous avons qualifiés ne fait pas de doute pour ses victimes. La quasi-totalité des victimes a succombé sous les armes des services officiels, la majorité des suppliciés et torturés connaît l'identité des tortionnaires-fonctionnaires. Les disparus forcés, selon toutes les enquêtes, études et témoignages, ont été enlevés par des agents de l'Etat sécuritaire. Le témoignage est un moyen classique de preuve en matière pénale. Or des milliers de témoignages existent, nous avons utilisé certains d'entre-eux, les autres témoignages ne demandent qu'à être centralisés pour un traitement systématique.

D'autre part, nous ne nous sommes pas arrêtés à ce constat matériel du crime par omission criminelle, ni aux conséquences physiques du crime par commission, et l'imputation des massacres aux autorités. Nous avons établi, également, que les crimes commis l'ont été positivement. C'est dans le cadre et en application d'une stratégie pensée, programmée et minutieusement appliquée, que s'inscrivent ces crimes. La hiérarchie militaire algérienne, détentrice réelle du pouvoir, était et demeure la mieux placée pour mettre en pratique la guerre de basse intensité. Elle l'a apprise dans les académies militaires étrangères, notamment françaises, elle est présentement enseignée à l'école militaire de Cherchell en Algérie par des coopérants français et Sud Africains. Le pouvoir militaire dispose, pour mettre en œuvre et appliquer cette stratégie, de la volonté nécessaire, comme l'a avoué un général algérien lors d'une interview anonyme. Ce pouvoir dispose aussi de l'expérience et de l'appui, rémunéré, d'experts en massacres, complaisamment prêtés par la France, qui participe, par ailleurs comme co-auteur, à la gestion de la guerre par la formation, le conseil, la surveillance en mer et sur air, le renseignement et la fourniture des équipements et des experts. D'ailleurs, le général-major Khaled Nezzar constate dans une interview récente que les « terroristes »

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vivent dans la population comme un poisson dans l'eau. Dans l'esprit d'un militaire ce constat est un aveu indirect de la stratégie recommandée.

En dernier lieu, la doctrine de l'éradication, et la stratégie mise en œuvre pour la réaliser, visait un ennemi irréductible, constitué par un groupe de la population civile, un groupe qui a été désigné et spolié au départ de sa victoire électorale, spolié par la suite de sa citoyenneté, pour n'être désigné que par le terme « terroriste ». La désignation du groupe victime a été faite en même temps qu'à été créé le réflexe génocidaire. Le matraquage d'une propagande répétitive et simpliste, a été conçu pour détruire, totalement ou partiellement, un groupe déterminé de façon discriminatoire, groupe constitué majoritairement de personnes non combattantes. La discrimination est également observée dans la distribution des vivres et des aides normalement destinées à toutes les victimes de la violence. Ces aides sont systématiquement réservées aux clients du régime, et à l'exception du groupe de la population victime visée pour l'anéantissement total ou partiel. Cette désignation a été relayée à l'étranger, et surtout dans les coulisses des chancelleries occidentales, et françaises en particulier ; elle a été défendue devant les organes internationaux des droits de l'homme. Elle s'est manifestée en France, où, à chaque échéance importante du calendrier politique des éradicateurs, la diplomatie, la justice, et la police françaises entrent en scène pour davantage culpabiliser le « terroriste », dont le seul tort est d'avoir, un jour de liberté retrouvée, cru de son devoir de choisir la fin du monopole du pouvoir politique des militaires.

Mais quel est l'intérêt de la qualification juridique des massacres commis en Algérie ? L'Union des avocats Arabes dont le siège est au Caire avait lancé un appel le 6 janvier 1998, destiné aux pays arabes et islamiques, leur demandant de : « prendre une initiative pour arrêter le massacre de civils qui atteint le niveau du crime de génocide ». En vain. Les appels et les pétitions n'ont aucun effet.

Des preuves suffisantes et des milliers de témoignages existent pour établir *prima facie* l'imputation et l'attribution des crimes de guerre, des crimes contre l'humanité et génocide, respectivement, aux gouvernants apparents et aux autorités algériennes de fait, ainsi qu'à leurs agents d'exécution et leurs complices, avec la responsabilité civile de l'Etat algérien, dont tous les organes sont mis à contribution pour la perpétration des massacres que nous avons qualifiés. La manière dont est menée la politique d'éradication, euphémisme pour des crimes universels caractérisés, exprime bien la volonté de destruction, comme elle exprime l'idée qu'elle a été projetée d'avance.

Dès lors, en procédant à cette qualification juridique des crimes, peut-on réaliser simultanément des objectifs de justice et de réconciliation ? N'y a-t-il pas contradiction dans la recherche de la justice et de la paix ?

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La conciliation de ces objectifs n'est possible que par le respect du droit, seul garant de la permanence de la société et la viabilité de l'Etat-nation. La qualification est le premier acte dans une démarche judiciaire, celle qui permettra de poursuivre et punir les criminels. Lorsque la qualification juridique des crimes est acquise, il faut songer à en réprimer les auteurs. Quel que soit le lieu et le moment de commission de l'un des crimes cités, d'après les dispositions du droit national ou international applicable, tout crime doit faire l'objet d'une enquête et lorsque des preuves existent, les auteurs doivent être recherchés, arrêtés et traduits en justice, et s'ils sont reconnus coupables châtiés. En ouvrant ce débat, nous espérons que d'autres l'enrichiront, afin que les acteurs du drame algérien mesurent leurs responsabilités respectives. Afin aussi, et dirions-nous surtout, pour que les victimes, et les militants de la justice internationale, prennent l'initiative des poursuites pénales, et prennent en charge le dossier algérien, pour être en accord avec les principes universels d'équité et pour rendre justice à un peuple meurtri. Si des actions judiciaires permettent de rendre justice aux victimes et prévenir la récurrence des massacres dans l'avenir, elles doivent de surcroît favoriser le retour à la paix. Or une justice intégrale risque de faire perdurer la déstabilisation du pays. Ne serait-il pas plus indiqué, pour conjuguer justice et paix, que seuls les dirigeants et leurs complices directs soient l'objet de poursuites, à l'exclusion des agents d'exécution subordonnés?

Cependant, étant donné que l'appareil judiciaire algérien a démontré ses carences, et surtout sa dépendance vis-à-vis des suspects, ces objectifs posent les problèmes de savoir comment prendre l'initiative des poursuites, devant quelles juridictions agir, et comment?

Nous tenterons de répondre à ces questions dans un prochain article.

#### RENVOIS

<sup>1</sup> La Convention contre la torture définit celle-ci comme étant : « tout acte par lequel une douleur ou des souffrances aiguës, physiques ou mentales, sont intentionnellement infligées à une personne aux fins notamment d'obtenir d'elle ou d'une tierce personne des renseignements ou des aveux, de la punir d'un acte qu'elle ou une tierce personne a commis ou est soupçonnée d'avoir commis, de l'intimider ou de faire pression sur elle ou d'intimider ou de faire pression sur une tierce personne, ou pour tout autre motif fondé sur une forme de discrimination quelle qu'elle soit, lorsqu'une telle douleur ou de telles souffrances sont infligées par un agent de la fonction publique ou toute autre personne agissant à titre officiel ou à son instigation ou avec son consentement exprès ou tacite ».

<sup>2</sup> Interview de A. Brahimi, ancien premier ministre algérien, in *Impact International*, novembre 1998, p. 26. Lire également Ghania Mouffok, *Jeune Afrique*, numéro 1774, 5-11 janvier 1995.

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<sup>3</sup> La persécution est le déni intentionnel et grave de droits fondamentaux en violation du droit international, pour des motifs liés à l'identité du groupe. C'est l'ensemble des droits qui sont concernés, expression, association, déplacement et autres droits, y compris ceux qui garantissent un procès équitable, par une juridiction indépendante légalement formée.

<sup>4</sup> I. Taha, L'indifférence du droit algérien aux massacres, papier No 28, partie VI de cet ouvrage.

<sup>5</sup> « La dérive des milices », *Courrier International*, numéro 590, 25-29 avril 1998, p. 40 ; *El Quds Al Arabi* du 6 janvier 1998.

<sup>6</sup> RCD, PCA, devenu PAGS, ensuite Ettahadi et MDS, ANR sont les principaux partis qui encouragent la guerre civile.

<sup>7</sup> Par exemple, Rachid Medjahed, présenté comme terroriste à la télévision : « on avait vu un œil tuméfié [...] le 9 avril sa famille a pu voir son corps. Il avait deux balles dans l'aine, trois dans le ventre, trois dans le dos et une dans la nuque ». L'ONDH prétendra qu'il serait décédé des suites des blessures reçues lors de son arrestation, *Courrier International*, numéro 545, 12-18 juin 1997, p. 12.

<sup>8</sup> F. Lewis, « Cry Out for Algeria, and Press for Peace Talks », *The New York Times*, 2 August 1997 Charles Trueheart, in « Waves of Butchery, No Letup for Algerians », *International Herald Tribune*, 5 September 1997 ; R. Meziani, « On the Politics of Algerian Massacres, The New Review », *International Herald Tribune*, 9 September 1997 ; Pierre Sané, secrétaire général d'Amnesty International déclare : « on remarque aussi que personne, jusqu'à présent, n'a été traduit en justice pour ces tueries », Londres, 3 October 1997, p. 6.

<sup>9</sup> Bruno Etienne, « Ce sont les généraux qui se déchirent », *Le Figaro*, 31 août 1997.

<sup>10</sup> Article de D. Priest, édition du 12 novembre 1998.

<sup>11</sup> S. Ghezali, « Le scrutin du 16 novembre 1995 n'a même pas débouché sur les prémisses de concrétisation des promesses électorales du candidat Liamine Zeroual : paix, sécurité, réconciliation nationale. Les attentats meurtriers ont repris dans les jours qui ont suivi l'élection », *Le Monde Diplomatique*, février 1996.

<sup>12</sup> Maître Ali Yahia Abdennour utilisera cette qualification de « torture systématique » dans l'interview qu'il donna au quotidien algérien *El Watan* le 3 janvier 1995. Nous en avons apporté la démonstration dans notre précédent article, voir notre renvoi 4 ci-dessus.

<sup>13</sup> Selon la LADDH, le nombre des victimes dépasserait les 200 000 morts. Les pays européens estiment le nombre de victimes à 120 000. Selon un rapport des Etats Unis publié à Washington, le 29 janvier 1998, le nombre des victimes au 31 décembre 1997 serait de 70 000 victimes ; 100 000 selon les partis d'opposition d'après une dépêche signée d'Alger, par l'Associated Press, datée du vendredi 8 janvier 1999, 10 heures 58. Lors d'un discours prononcé en janvier 1998, devant l'Assemblée nationale algérienne, le chef de gouvernement, Ouyahia, donnera le chiffre de 2 6536 morts au 31 décembre 1997, chiffre qui sera contesté à l'intérieur même du parlement.

<sup>14</sup> Suite aux pressions internes et surtout internationales, une délégation des proches des disparus forcés a été reçue à la Présidence de la République et au ministère de l'intérieur, *El Watan* du 18 août 1998. Après ces audiences, les familles de disparus décident de créer leur association, l'ANFD qui multipliera les communiqués et maintiendra la pression aussi bien à l'égard de l'ONDH que du gouvernement. Dans une lettre ouverte adressée au général de corps d'armée Mohamed Lamari, chef d'état-major de l'ANP, cette association déclare qu'elle dispose de « plus de 3 500 dossiers documentés [...] les derniers enlevés il y a à peine 3 mois », cette lettre demandait l'intervention de l'ANP pour la

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régularisation de l'agrément de l'ANFD et pour faire toutes diligences pour retrouver les disparus enlevés par les services répressifs de l'Etat.

<sup>15</sup> Déclaration de maître Tahri Mohamed, avocat algérien et défenseur des droits de l'homme, reprise par R. Fisk, « Algeria's Terror », *The Independent* du 30 octobre 1997, p. 8 - voir également *Le Monde* du 13 juin 1997.

<sup>16</sup> Le chiffre avancé par le président de la Ligue Algérienne de Défense des Droits de l'Homme (LADDH) lors d'une conférence donnée sous le titre : « L'Algérie d'octobre 1988 à octobre 1998 : Dix ans de crise », au School of Oriental and African Studies, University of London, le 5 octobre 1998.

<sup>17</sup> Amnesty International, Reporters Sans Frontières, Fédération Internationale des Droits de l'Homme, Human Rights Watch, dans « Algérie Le livre noir », éditions La Découverte, 1997, p. 225 sq. Au sujet des tortures, AI y écrit le résumé de son rapport publié en novembre 1997, sous le titre *Algeria : Civilian Population Caught in a Spiral of Violence*. Cette version fait foi ; pour la traduction française, elle a été diffusée par Les éditions francophones d'Amnesty International (EFAI), novembre 1997.

<sup>18</sup> CAMLDH « Livre blanc sur la répression en Algérie (1991-1994) », éditions Hoggar, 1995, p. 103 sq. ; « Livre blanc sur la répression en Algérie (1991-1995), Les vérités sur une guerre cachée », ed. Hoggar, 1996, tome 2, pp.38-128.

<sup>19</sup> M. Ait-Embarek, « L'Algérie en murmure : Un cahier sur la torture », Hoggar, Genève, 1996,

<sup>20</sup> E. Zoller, « La définition des crimes contre l'humanité », *Journal du droit international*, vol. 120, 3, juillet-septembre 1993, p.551.

<sup>21</sup> *Der Spiegel*, 12 janvier 1998 ; le quotidien *Le Monde* ira jusqu'à soulever leur implication dans l'assassinat des 7 moines trappistes, 7/8 juin 1998.

<sup>22</sup> J. Cesari, Les rapports France-Algérie : l'effet Airbus, CNRS - IREMAM.

<sup>23</sup> S. Boularès, « La Grande Muette livre ses secrets », *Les Cahiers de l'Orient*, numéros spéciaux 36/37 et 39/40, consacrés à l'Algérie, publiés en 1995.

<sup>24</sup> D. J. Goldhagen, *Les bourreaux volontaires de Hitler*, ed. Le Seuil, Paris, 1997. L'auteur y défend l'idée que l'antisémitisme explique le génocide, dans cette optique les exécutants sont lucides et responsables de leurs actes.

<sup>25</sup> H. Arendt, « Les origines du totalitarisme. Le système totalitaire », ed. Le Seuil, Paris, 1972. L'auteur soutient que la logique meurtrière du plan de l'extermination doit être portée dans un contexte fonctionnaliste, avec prise en charge d'une violence accessoire.

<sup>26</sup> E. Conte et C. Essmer, *La Quête de la race. Une anthropologie du nazisme*, ed. Hachette, Paris, 1995. Ces auteurs constatent que les victimes du nazisme ne furent pas seulement des juifs. Le zèle des exécutants et agents du nazisme a assassiné des prisonniers de guerre soviétiques, des malades mentaux etc. La question qui se pose est : est-ce que ces victimes font partie du génocide ?

<sup>27</sup> Ch. Hoche, « Algérie : la France dans la guerre », *L'Express*, 29 décembre 1994.

<sup>28</sup> Site internet : <http://www.anp.org/>

<sup>29</sup> Lors de la création du tribunal pénal international pour l'ex-Yougoslavie, le Secrétaire général des Nations Unies avait déclaré que : « L'application du principe *nullum crimen sine lege* exige que le Tribunal international applique des règles du droit international humanitaire qui font partie, sans aucun

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doute possible, du droit coutumier », Document des Nations Unies, S/25704, paragraphe 34 ; rapport du Secrétaire général établi conformément au § 2 de la Résolution 808 (1993) du Conseil de sécurité.

<sup>30</sup> Les crimes contre l'humanité sont définis dans le Statut du Tribunal militaire international de Nuremberg créé le 8 août 1945 par les Accords de Londres. Le 19 janvier 1946 l'Accord de Tokyo crée le Tribunal militaire international pour l'Extrême Orient qui donne également des définitions. Ces Statuts seront confirmés par les résolutions 3 (I) et 95 (I) de l'Assemblée générale des Nations Unies en date des 13 février 1946 et 11 décembre 1946.

<sup>31</sup> Le statut de la CCI, bien que signé par 120 Etats doit être ratifié. Il ne rentrera en vigueur qu'après les 60 jours qui suivront la ratification du soixantième Etat. Il est déposé aux Nations Unies et le restera jusqu'à la fin de l'an 2000 pour recevoir les ratifications. Ce statut comporte une clause, dite « opting-out », permettant à tout Etat qui y souscrit de se soustraire à la compétence de la CCI pendant 7 années pour le crime de guerre, y compris le conflit armé interne.

<sup>32</sup> L'Algérie a adhéré aux quatre Conventions de Genève du 12 août 1949 et aux deux Protocoles additionnels y relatifs du 8 juin 1977. Source S. A. Aldeeb Abu-Sahlieh, *Les Musulmans face aux droits de l'homme*, éditions Bochum, 1994, p. 570.

<sup>33</sup> Commentaires des Protocoles additionnels du 8 juin 1977 aux Conventions de Genève du 12 août 1949, CICR, Martinus Nijhoff Publishers, 1986, p. 1069, cités in *Revue Situation*, numéro 29, op. cit. p. 43.

<sup>34</sup> E. David « Le Tribunal international pénal pour l'ex-Yougoslavie », *Revue belge de droit international*, 1992, pp. 574-575.

<sup>35</sup> *Revue internationale de la Croix-Rouge*, CICR, Genève, 1990, pp. 448-449 ; idem, 1991, pp. 132-133

<sup>36</sup> E. David, *Principes de droit des conflits armés*, Bruylant, Bruxelles, 1994, pp. 554-555 ; M. Nijhoff, *La dimension humanitaire de la sécurité internationale, Le développement du rôle du Conseil de sécurité*, Colloque de La Haye, 21-23 juillet 1993, Académie de La Haye, 1993, p. 180 ; *Revue Situation*, numéros 18/19 (février 1993), 25 (été 1995), 27 (hiver 1995-96) et 29 (printemps/été 1997).

<sup>37</sup> Arrêt du 11 juillet 1996 portant sur les exceptions préliminaires soulevées par la Yougoslavie en réponse à l'action de la Bosnie-Herzégovine, § 31 ; Arrêt du 27 juin 1986, Recueil 1986, § 220 et 225, pp. 114 et 129.

<sup>38</sup> Submission of the Government of the United States of America Concerning Certain Arguments Made by Council for the Accused in the Case of the Prosecutor of the Tribunal v. Dusan Tadic (Case IT-94-I-T), 17 July 1995, pp. 35-36. Egalement, Déclaration commune du 5 octobre 1992, Bulletin des Communautés Européennes, Commission, numéro 10, 1992, pp. 96-97 ; Déclaration commune du 2 novembre 1992, Bulletin des Communautés Européennes, Commission, numéro 11, 1992, p. 109

<sup>39</sup> M. Bothe « War Crimes in Non-international Armed Conflicts », *Israel Yearbook on Human Rights*, vol. 24, 1994, p. 247 ; Ch. Meindersma, « Violations of Commun Article 3 of the Geneva Conventions as Violations of the Laws or Customs of War under Article 3 of the Statute of the International Criminal Tribunal for the Former Yugoslavia », *Netherlands International Law Review*, vol. XLII, 1995, p. 396 ; Th. Meron, « International Criminalization of Internal Atrocities », *American Journal of International Law*, vol. 89, 1995.

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<sup>40</sup> Codigo Penal, Ley 10/1995, de 23 de noviembre.

<sup>41</sup> Ley orgànica 6/1985, de 1 de julio, del Poder Judicial, art 23, § 4.

<sup>42</sup> The Penal Code of Finland (translated by M. Joutsen), The American Serie of Forcing Penal Codes (vol. 27), Wayne State University Law School, Rothman / Sweet & Maxwel, Littletown (Colorado)/London, 1987, Chapter 1, article 3, § 2. 1, p. 17 ; Chapter 13, article 1 & 2, pp. 48-49. Voir également Lauri Hann Kainen, Raija Hanski, Allan Rosas, Implementing Humanitarian Law Applicable in Armed Conflicts : The Case of Finland, Nijhoff, Dordrecht/Boston/London, 1992, pp. 116-118.

<sup>43</sup> Geneva Convention Act, 1962, numéro 11, sections 3 et 4.

<sup>44</sup> The Swedish Penal Code, Chap. 2, Section 3, § 5, The National Concil for Crime Prevention, Stockholm, 1986, p. 9.

<sup>45</sup> Notamment à l'article 12 du code suédois : Wet Oorlogsstrafrecht, Nederlandse Wetboeken, Suppl. 226, 1991, pp. 161-167. Pour le Danemark, Østre Landsret - Division orientale de la Haute Cour danoise, 3<sup>ème</sup> chambre, décision du 25 novembre 1994, Procureur c. R. Saric.

<sup>46</sup> Loi du 16 juin 1993, relative à la répression des infractions graves aux Conventions internationales de Genève du 12 août 1949 et aux Protocoles I et II du 8 juin 1977 additionnels à ces conventions, Moniteur belge du 5 août 1993, pp. 17751-17755. E. David, « La loi belge sur les crimes de guerre », Revue belge de droit international, vol. XXVIII, 1995, pp. 668-671 ; Lire également, A. Andries, E. David, C. Van Den Wijngaert, J. Verhaegen, « Commentaire de la loi du 16 juin 1993 relative à la répression des infractions graves au droit international humanitaire », Revue de droit pénal et de criminologie, 1994, p. 1133, § 2. 24.

<sup>47</sup> Ibid., (ouvrage collectif, Commentaire de la loi du 16 juin 1993) pp. 1174-1175.

<sup>48</sup> Cour d'appel de Bruxelles, chambre des mises en accusation, arrêt du 17 mai 1995, affaire V. Nt ; même affaire portée devant la Cour de Cass 2<sup>ème</sup> chambre, F. arrêt du 31 mai 1995, même affaire devant le Tribunal de première instance de l'arrondissement de Bruxelles, chambre du Conseil, ordonnance du 22 juillet 1996.

<sup>49</sup> Sono considerati crimini di guerra anche le infrazioni gravialle Convenzioni internazionali ed ai Protocolli aggiuntivi alle stesse. Stato Maggiore della Difesa, Manuale di diritto umanitario - Vol. I Usi e Convenzioni di Guerra - Roma, 1991, p. 28 § 626.

<sup>50</sup> Références allemandes et anglaises : (Deutsche) Bundesministerium der Verteidigung, Humanitares Volkerrecht in bewaffnefen Konflikten, Handbuch, August 1992, par. 1209 - (English) Federal Ministry of Defence, Humanitarian Law in Armed Conflicts, Manual, August 1992. Pour un commentaire voir, D. Fleck (ed.), The Handbook of Humanitarian Law in Armed Conflicts, Oxford University Press, 1995.

<sup>51</sup> Annotated Supplement to The Commander's Handbook on the Law of Naval Operations, New York P) (REV : A)/ FMFM 1-10 ; Washington DC, 1989, § 6. 2. 5. Cette annotation est réalisée par l'Office of the Judge Advocate General. Elle se résume en l'adjonction de références légales au texte du manuel lui-même, elle n'est donc pas officielle, les Etats Unis n'ont pas ratifié les Protocoles additionnels I et II relatifs aux Conventions de Genève.

<sup>52</sup> War Crimes Act of 1996, Public Law 104-192, 21 August 1996. Texte amendé en 1997, voir Congressional Record - Senate, 9 November 1997, p. S 12362 et Congressional Record - House, 12 November 1997, p. H 10728.

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<sup>53</sup> Notamment, Court of Appeals for the Second Circuit, décision du 13 octobre 1995 dans l'affaire S. Kadic c. R. Karadzic dans *International Legal Materials*, vol. 34, 1995, p. 1601, également pp. 1604-1605. Autres décisions : US District Court for the Southern District of New York, 7 septembre 1994 et 2 décembre 1997 - affaires Jane Doe c. R. Karadzic.

<sup>54</sup> Tribunal de grande instance de Paris, ordonnance du 6 mai 1994, prononçant son incompétence partielle mais avec recevabilité de la constitution de partie civile des plaignants, affaire : E. Javor, K. Kussuran, M. Softic, S. Alic et M. Mujdzic c/x.

<sup>55</sup> Cour d'appel de Paris, 4<sup>ème</sup> chambre d'accusation, arrêt du 24 novembre 1994; Cour de cassation, chambre criminelle, arrêt du 26 mars 1996.

<sup>56</sup> Arrêt du 11 juillet 1996, paragraphe 31, affaire Bosnie-Herzégovine c. Yougoslavie.

<sup>57</sup> J. Santuret « Le refus du sens - Humanité et crime contre l'humanité » coll. Polis, ed. Ellipses, écrit (p. 33) que le terme « inhumain » « est sujet à interrogation. Comme l'a souligné André Frossard, tout assassinat est, à l'évidence inhumain, puisqu'il est une atteinte à l'humanité en l'homme [...] de ce point de vue, tout crime appartient au même genre, et tout crime serait une crime contre l'humanité ». Le droit musulman considère que le meurtre d'une personne est assimilable au meurtre de l'humanité. Le droit de mort n'est conçu par le droit musulman que comme une peine légale, Coran : « Et qui a tué une personne sans droit ou sans (qu'elle ne commette de) mal sur terre, c'est comme s'il a tué l'humanité toute entière ».

<sup>58</sup> Ibid. p. 32, J. Santuret croit pouvoir affirmer que les crimes de guerre ne sont pas imprescriptibles alors que la Convention sur l'imprescriptibilité des crimes de guerre adoptée par l'Assemblée générale des Nations Unies le 26 novembre 1968 (Résolution 2391 - XXIII) est entrée en vigueur depuis le 11 novembre 1970.

<sup>59</sup> Grynfogel, Le concept de crime contre l'humanité. *Revue de droit pénal et de criminologie*, Chronique, p. 13 sq.

<sup>60</sup> Etats-Unis contre Ohlendorf et al., dossier numéro 9, Procès du Conseil de contrôle IV (1947), p. 49 ; voir également contre Altstoelker et al., dossier numéro 3, Procès III (1947).

<sup>61</sup> La chambre criminelle de la Cour de cassation française a confirmé un arrêt de non lieu au motif que les faits étaient postérieurs à la 2<sup>ème</sup> guerre mondiale, Ch. Crim. 1<sup>er</sup> avril 1993, G. P., 1993, I, 24 juin 1993 ; également JCP, 1993, IV, numéro 1879. Au sujet des victimes de la guerre d'Algérie, Crim., 29 novembre 1988, D., 1991, chron., p. 229 sq. ; la Cour de cassation confirme encore deux arrêts de non lieu au motif qu'un Décret de 1962 a amnistié les faits. La jurisprudence française a considéré que les crimes contre l'humanité concernent une région (les pays de l'axe) et une période (la 2<sup>ème</sup> guerre mondiale).

<sup>62</sup> Selon l'article 5 du Statut du Tribunal pour l'ex-Yougoslavie les crimes contre l'humanité recouvrent l'assassinat, l'extermination, la réduction en esclavage, l'expulsion, l'emprisonnement, la torture, le viol, les persécutions pour des raisons raciales, politiques et religieuses et d'autres actes inhumains « lorsqu'ils ont été commis au cours d'un conflit armé de caractère international ou interne ». Cette définition est réductrice du crime contre l'humanité aux seuls crimes commis lors de conflits armés à la différence du Statut du tribunal de Nuremberg qui inclut les crimes commis en dehors de tout conflit armé, mais seulement s'ils portent atteinte à la paix.

<sup>63</sup> Affaire numéro IT - 94 - 1 AR72, du 2 octobre 1995, paragraphe 141, arrêt *Le Procureur c/ Dusko Tadic*, Le crime contre l'humanité n'a plus de lien avec le crime contre la paix ou le crime de guerre :

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N.U. Doc TIPY, affaire numéro IT) 2-R61, *Le Procureur c. Dragan Nikolic*, décision du 20 octobre 1995, p.15

<sup>64</sup> L. Martinez, *La guerre civile en Algérie*, éditions Kharthala, 1998, p. 236

<sup>65</sup> Rapport du juge R. Jackson, United States Representative to the International Conference on Military Trial, Washington, US Superintendent of Documents, 1949.

<sup>66</sup> A. Frossard, *Le crime contre l'humanité*, op. cit., p. 94.

<sup>67</sup> Avant le massacre de Rais, des survivants affirmeront que les autorités ont confisqué les armes détenues par quelques villageois (*The Independent*, R. Fisk, 3 novembre 1997) ; d'autres témoins ont rapporté qu'avant le massacre, des hélicoptères de l'armée ont largué des hommes à proximité du lieu du carnage qui durera six longues heures (*Libération*, Paris, 22 septembre 1997) ; d'autres témoignages et confirmation, notamment dans : *The Observer* du 20 octobre 1997, *The Guardian* de même date, *Revue Esprit* numéro 235, voir également *Frankfurter Rundschau* du 16 février 1998 ou encore les déclarations de l'été 1998 de Alili Messaoud, officier algérien qui a atterri en Espagne avec son hélicoptère et y a demandé l'asile.

<sup>68</sup> Th. Oberle, « Algérie : la stratégie du pourrissement », *Le Figaro*, 1<sup>er</sup> septembre 1997.

<sup>69</sup> *Le Monde*, 5 septembre 1997.

<sup>70</sup> J. Garçon, « Algérie : l'onde de choc de la tuerie », *Libération*, 1<sup>er</sup> septembre 1997 et 23 octobre 1997.

<sup>71</sup> *Courrier International*, 2-8 octobre 1997, p. 10.

<sup>72</sup> Amnesty International, Reporters Sans Frontières, Fédération Internationale des Droits de l'Homme, Human Rights Watch, dans *Algérie, Le livre noir*, op. cit.

<sup>73</sup> Mensuel français *L'Esprit Libre*, mai 1995. La visite des militaires algériens en France a eu lieu au cours du second trimestre 1994.

<sup>74</sup> A. Iqbal, *Guerre révolutionnaire et contre-insurrection*, N. Miller et E. Aya (eds.), National Liberation and Revolution, livre collectif présenté par E. R. Wolf, New York, *The Free Press*, 1970.

<sup>75</sup> A. Joxe, « Repentons-nous sur l'Algérie et parlons vrai », *Le Monde*, 11 novembre 1997, p. 12.

<sup>76</sup> Suspension de l'hebdomadaire *La Nation* et du quotidien *El Djazair El Youm* par l'arrêté ministériel du 15 août 1992. Le quotidien ne paraîtra plus jamais, l'hebdomadaire a subi une dizaine de suspensions de longue durée. Les hebdomadaires, quotidiens et bimensuels faisant preuve d'indépendance seront définitivement suspendu, il en est de *Hiwar*, ou encore, par arrêté ministériel du 19 août 1992 de *Assah Afa*, *Barid Ech-Chark* ; par arrêté du 28 septembre de la même année, suspension définitive du bimensuel *A La Une* (*Journal Officiel de la RADP* numéro 76 du 21 octobre 1992).

<sup>77</sup> A. Joxe, op. cit. renvoi 75

<sup>78</sup> Numéro du 8 février 1994.

<sup>79</sup> Reportage de A. Barik paru sur *Le Monde diplomatique*, mars 1996.

<sup>80</sup> *Le Nouvel Afrique-Asie*, numéro 101, février 1998, p. 10.

<sup>81</sup> *Katibat Médéa*, 15 janvier 1996 ; *Katibat El Fida*, 15 février 1996 ; *Mouvement pour l'Etat Islamique (MEA)*, 14 mars 1996 ; *Katibates Relizane*, *Tiaret*, *Ain Defla*, 14 mars 1996 ; *Katibat Al Mouhajiroune* (région du centre), 6 juin 1996

<sup>82</sup> A. Iqbal, op. cit., renvoi 74.

<sup>83</sup> A. Semiane, « Octobre :Ils parlent », *Alger*, 1998.

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<sup>84</sup> R. Thompson, Les principes fondamentaux de la contre-insurrection, Defeating Communist Insurgency, Malaya and Vietnam, Londres, Chatto and Windus, 1966.

<sup>85</sup> Interview accordée sous le couvert de l'anonymat par un général X à Amir Taheri, *Politique Internationale*, printemps 1998.

<sup>86</sup> Le budget militaire est actuellement la chose la mieux gardée en Algérie. Le Parlement qui a prétendu avoir un droit de regard a reçu une fin de non recevoir. En 1991, selon les chiffres figurant sur les tableaux des revues de stratégie militaire, ce budget avoisinait le milliard de dollars US par an, alors que la dette militaire était de cinq milliards. S. Boularès « La Grande Muette livre ses secrets », article cité au renvoi 23. Est-il besoin de signaler que cette option stratégique permet de payer les milices en nature, par le pillage des villageois victimes, le vol de bétail et des récoltes. Ces pratiques sont au demeurant encouragées par la hiérarchie militaire en ce qu'elles affaiblissent, selon l'état-major, les bases socio-économiques de la population ciblée, sensée soutenir la guérilla.

<sup>87</sup> Interview citée au renvoi 85.

<sup>88</sup> Une étude pour répondre à la question : A qui profite la guerre ? dans : « La guerre civile en Algérie », Luis Martinez, op. cit., résumée dans son article par sur *Politique Internationale*, numéro 79, printemps 1998. Les massacres « sont commis pour l'essentiel dans la plaine de la Mitidja, très près d'Alger et plus près encore de Blida, une ville garnison, siège de la première région militaire du pays » déclare Pierre Sané, secrétaire général d'Amnesty International au journal *Libération* (Paris) du 7 mai 1997. Voir également Algérie, *Le livre noir*, op. cit. p. 159.

<sup>89</sup> *The Observer* du 11 janvier 1998, voir également Pierre Vidal-Naquet et François Geze dans *Le Monde*, 4 février 1998.

<sup>90</sup> *El Watan El Arabi*, numéro 1087, 2 janvier 1998

<sup>91</sup> *Le Monde* du 9 septembre 1997. Cette déclaration confirme la politique d'insécurité qui « vise [...] en tant qu'élaboration de règles qui président à un découpage de la population [...] - en amis et ennemis - », -, S. Roché, *Le sentiment d'insécurité*, P.U.F, Paris, 1995, p. 16

<sup>92</sup> J. Smith, « GIA is a contre-guérilla force », *Africa Human Rights Newsletter*, Vol. 2, numéro 7, 9 septembre 1997. Egalement l'interview donnée par François Geze à Jean Conilh dans *Politique autrement*, numéro 13, juin 1998 et au journal *Le Monde* du 5 mars 1998.

<sup>93</sup> Interview de F. Ait-Mehdi, Paris, 29 septembre 1997, paru dans le bulletin Algérien Forum, 7 octobre 1997, l'interviewé projetait de publier « Chevaucher le tigre : du Taleban au GIA., réflexions sur la contre guérilla dans le monde musulman », aux éditions Arguments, 1998.

<sup>94</sup> La stratégie impliquant l'usage de milices est enseignée par des coopérants militaires sud-africains à l'Académie militaire de Cherchell, lire N. Chevillard, *L'armée et les services, L'après guerre civile en Algérie*, Nord-Sud Export Conseil, juin 1995, Lettre du 7 juin 1996.

<sup>95</sup> *Le Monde* du 17 septembre 1994 ; *La Nation*, numéro 143, 16/22 avril 1996. Saïd Saadi, chef du RCD confirmera qu'il a demandé qu'un gouvernement d'union nationale prenne l'initiative d'armer les citoyens, *El Hayat*, 24 janvier 1998. Il confia au *Figaro* du 30 mars 1994 : « Je connais des hauts fonctionnaires, des militaires et des diplomates totalement acquis à notre demande ».

<sup>96</sup> Notamment le quotidien *Libération*, Paris et l'hebdomadaire *Afrique-Asie. Courrier International*

<sup>97</sup> Interview citée au renvoi 85.

<sup>98</sup> P. Sané, « Qui profite de cette situation ? », *Libération*, 7 mai 1997.

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<sup>99</sup> Selon l'enquête réalisée par J. Buob, F. Cornu et F. Hartmann pour le dossier « *Images brouillées d'Algérie* », paru au journal *Le Monde*, du 19 janvier 1998

<sup>100</sup> *El Watan*, 21 novembre 1998

<sup>101</sup> *Quds Al Arabi*, 12 septembre 1997, p. 11

<sup>102</sup> O. Mongin, « Le sale avenir de la guerre civile en Algérie », *Revue Esprit*, mars-avril 1997, pp. 16-26. Voir également les ouvrages que nous avons déjà signalés aux renvois 25 et 26, notamment celui de H. Arendt, et celui, collectif, de E. Conte et C. Essmer.

<sup>103</sup> P. Forestier, « Algérie : derrière les tueries, de sordides intérêts immobiliers et financiers ? ». Les zones de banlieue où ont lieu les massacres seront bientôt constructibles, *Paris-Match*, 9 octobre 1997.

<sup>104</sup> Louisa Hanoun, leader d'un parti de gauche représenté au parlement algérien est convaincue : « qu'il y a un lien entre les massacres et la privatisation des terres agricoles », J. Garçon, *Libération*, 4 janvier 1998 ; on lit sur la page 8 du mensuel *Le Nouvel Afrique-Asie*, numéro 101, février 1998 : « En y regardant de près, la carte des massacres recoupe point par point celle des domaines d'Etat qui doivent être démembrés et vendus à des propriétaires privés, au détriment des paysans qui y sont installés et de leurs familles. Un formidable enjeu de plus de deux millions d'hectares de riches terres agricoles situées en lisière des villes, constructibles à terme, ou encore de terrains proches du littoral, idéalement placés pour y édifier des complexes touristiques ».

<sup>105</sup> G. CORM, 'Sursauts islamistes ?', Revue *Autrement, Islam Le Grand Malentendu*, numéro 95, décembre 1987.

<sup>106</sup> Parmi les massacres les plus connus, celui de Dar Yassin avait été conté par un Suisse, Jacques de Reynier, Président de la Délégation de la Croix Rouge Internationale en 1948. Il écrivait : « Il y avait 400 personnes dans ce village, une cinquantaine se sont enfuis, trois sont encore vivantes. Tout le reste a été massacré sciemment, volontairement, car je l'ai constaté, cette troupe est admirablement en main et elle n'agit que sur ordre » (Jacques de Reynier : *1948 à Jérusalem*, Editions de la Baconnière, Neuchâtel, 1969, p. 74). D'après Dr S. A. Aldeeb Abu Sahlieh « ce massacre [...] a été perpétré par l'Irgoum - dirigé par l'ancien Premier Ministre Menahem Begin, prix Nobel de la paix - et par le Lehi - dirigé par Yitzhak Shamir ». D'autres massacres ont eu lieu, cet auteur écrit : « La liste établie par Israël Shahak et vérifiée par Christoph Uehlinger comprend 383 villages palestiniens détruits (soit) 81% de l'ensemble des localités palestiniennes qui existaient dans les frontières avant 1967 », S. A. Aldeeb Abu Sahlieh, *Discriminations contre les non juifs tant chrétiens que musulmans en Israël*, édition Pax Christi, Suisse, 1992, pp. 6 et s. Voir également *Journal de Genève*, 1-2 juin 1985, *Le Monde diplomatique*, décembre 1986, *Le Monde*, 23 septembre 1988. Qui songerait à dénier le caractère politique de ces crimes, tant dans les motivations des auteurs que dans le choix des victimes ou les résultats escomptés.

<sup>107</sup> « Quiconque, tandis qu'il participe à un complot visant la destruction ou l'affaiblissement d'un groupe national, racial ou religieux, commet un attentat contre la vie, la liberté, la propriété des membres d'un tel groupe, est coupable du crime de génocide », Lemkin R., *Axis Rule in Occupied Europe ; Le crime de génocide*, Revue de droit international, de sciences diplomatiques et politiques, tome 24, 1946, pp. 213-223.

<sup>108</sup> La Déclaration Universelle des droits de l'homme a revêtu la forme d'une simple déclaration de l'Assemblée générale des Nations Unies. Le Tribunal Constitutionnel Autrichien avait jugé le 5 octobre 1950 que cette Déclaration n'avait pas force obligatoire légale, cité par Dr M. S. Mohamed Ghazwi. Cependant cette vieille décision autrichienne ne fait plus jurisprudence en raison du développement du droit coutumier international.

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<sup>109</sup> H. Laoust, Essai sur les doctrines sociales et politiques de Taqi Din Ahmed b. Taimiyya, Le Caire, 1939.

<sup>110</sup> J. Derrida, La religion, Religion, éthique et pouvoir, coll. Repères, éditions Marinoor, 1997, p. 97.

<sup>111</sup> R. Passet, *Le Monde Diplomatique*, novembre 1993.

<sup>112</sup> E. Penalver « The Concept of Religion », *Yale Law Journal*, (8-2880) - 1997 - 12 vol. 107 : numéro 3, pp. 791-822.

<sup>113</sup> Interview de M. Boudiaf à *Algérie-Actualités*, numéro 1384, 23/1992. pp.3-7

<sup>114</sup> Déclaration faite à *Jeune Afrique*, numéro 1644, 9.7.1992, p.62.

<sup>115</sup> « Souvent les massacres ont lieu dans les villages qui avaient voté pour le FIS, alors, peut-être que le pouvoir veut leur faire la leçon : voila ce que font vos anciens amis ! », - « *Les Algériens de Paris, entre révolte, consternation et défaitisme* », *Le Monde*, 2 septembre 1997. « Après six ans de l'un des conflits les plus meurtriers de cette fin de siècle, l'Algérie offre aujourd'hui l'image pathétique d'un pays où des généraux corrompus affichent outrageusement leur opulence face à un peuple ravagé - un peuple qui n'a pas encore fini de payer pour avoir accordé ses faveurs au FIS un certain 26 décembre 1991 », A. M., journaliste dans l'un des principaux quotidiens d'Alger, dans « *Algérie : les négociations secrètes* », *Courrier International*, 2-8 octobre 1997, p. 11.

<sup>116</sup> N. Abdi, « C'est devenu une guerre de tribus », *Libération*, 24 septembre 1997.

<sup>117</sup> Une commission parlementaire algérienne a confirmé la fraude électorale massive réalisé au profit du parti RND au pouvoir, voir les commentaires de la presse algérienne durant toute la semaine du 5 au 10 décembre 1998.

<sup>118</sup> Le quotidien *Liberté* du 14 avril 1998 titre : « *Maires de Relizane et de Jdiouia : d'autres révélations* ». Le journaliste écrit : « *la ville bantée depuis environ 5 ans par les hommes cagoulés de El Hadj Fergane [...] lequel avait fait vivre aux relizanais une ère de terreur* », donnant d'autres précisions, le journal écrit que 17 corps retrouvés dans un puits à Sidi M'Hamed ben Aouda, victimes du maire . Dans des casemates, d'autres communes de la Wilaya (département) de Relizane, 62 corps « *certain enterrés vivants* » ont été retrouvés, « *Malib, serait l'égorgeur du groupe* ». Le journal révèle encore que plusieurs communes ont été touchées par cette terreur, notamment celles d'Oued Jemaa, Boudaoud (Mariana) etc.

<sup>119</sup> « Si ce sont les islamistes qui ont fait tous ces massacres, pourquoi ont-ils opéré d'une façon aussi accablante dans des régions qui les ont longtemps aidé ? Les milices ont augmenté les possibilités de manipulation » questionne et affirme M. Willis dans *The Observer* du 11 janvier 1998.

« Comment peut-on massacrer des dizaines, voire des centaines de personnes dans des conditions horribles, comment ce massacre peut-il se prolonger pendant des heures, sans que les forces de sécurité, pourtant cantonnées dans les environs, soient intervenues ? Souvent les massacres ont lieu dans les villages qui avaient voté pour le FIS », - « *Les Algériens de Paris, entre révolte, consternation et défaitisme* », *Le Monde*, 2 septembre 1997

<sup>120</sup> J. Girardon, « France - Algérie : liaisons dangereuses », *L'Express*, 16 novembre 1995

<sup>121</sup> Interview du général anonyme citée au renvoi 85.

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## LA POURSUITE PENALE DES CRIMINELS

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### *I. Taba*

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*Les violations d'aujourd'hui sont les causes des conflits de demain.*

Extrait de la déclaration faite le 17 mars 1998, par Mr Kofi Annan, S. G. de l'ONU, devant la commission des droits de l'homme des Nations Unies à Genève.

## 1. Introduction

Sous le fallacieux prétexte de sauver la démocratie, le régime algérien a instauré les massacres systématiques de tous ceux qui ont un rapport quelconque avec le parti vainqueur des élections avortées du 26 décembre 1991. C'est cependant les actes du régime, et non son discours, qui renseignent sur ses buts et ses valeurs. Le coup d'Etat du 11 janvier 1992, conduit par la hiérarchie militaire, a bouleversé l'ordre constitutionnel algérien et a donné naissance à un régime terroriste. Appliquant la stratégie contre-insurrectionnelle, pour parachever les objectifs de l'attentat, le régime a instrumentalisé tous les organes de l'Etat : législatif, exécutif et judiciaire ; il a utilisé toutes les structures de la répression : armée, services de sécurité, gendarmerie, police, n'hésitant pas à armer des milices privées pour privatiser et généraliser la violence.

Dans un premier article, intitulé *L'indifférence du droit algérien aux massacres*, nous avons sérieusement des faits de massacres, tirés de sources multiples et indifférentes, et observé :

- qu'au plan institutionnel, les massacres ont été organisés et exécutés par l'ensemble des services répressifs du pouvoir, y compris ses auxiliaires ;
- qu'au plan géographique, ces faits se sont déroulés et se déroulent sur toute l'étendue du territoire national ; particulièrement là où la population est hostile au régime ;
- que ces massacres s'étendent dans le temps et continuent d'être perpétrés, de 1992 à ce jour.

Ces critères permettent à tout moment d'assurer l'imputabilité des faits reprochés à chacun des responsables, et chacun des agents d'exécution à titre personnel. Il appartiendra à tout procureur compétent d'élaborer, et de documenter avec plus de précision et de sûreté, l'acte d'accusation de chaque suspect à part. Ils permettent, en même temps, de distinguer les massacres dont l'objectif est l'éradication de l'opposant politique et religieux, et qui

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sont commis volontairement et avec lucidité, dans le cadre d'un programme central, des autres massacres locaux, improvisés et secondaires. Ces massacres périphériques sont le résultat des luttes claniques au sein de la hiérarchie militaire, ainsi que la conséquence accessoire, de la propagande qui a engendré la haine et la peur, procédé classique de contrôle de la population. Les crimes que nous avons qualifiés résultent donc de contributions multiples, celles des décideurs militaires, des responsables politiques, d'anciens militaires devenus entrepreneurs, des administrateurs, des juges, ainsi que celles des exécutants fidèles, des complices et enfin celles des zéloteurs du régime. Les massacres que nous avons analysés font partie de la doctrine de l'éradication, et les seuls à rentrer dans le cadre de la stratégie contre-insurrectionnelle mise en place et exécutée par la hiérarchie militaire.

Dans le même article nous avons démontré que le droit algérien, parce que d'essence colonialiste, pour avoir été repris presque tel quel de la France au lendemain de l'indépendance, c'est-à-dire à l'étape précise où ce droit était à son apogée répressive, était inapte à protéger la société. Il est entièrement tourné vers la protection exclusive du régime. La législation spécialement adoptée depuis le coup d'Etat avait été conçue pour sur-sanctionner toute opposition et non pour protéger la société de la litanie des massacres. Ce qui nous a naturellement conduit à chercher la solution dans le droit international, auquel l'Algérie avait adhéré avant la guerre civile intestine provoquée par le coup d'Etat. Nous avons constaté que ce droit international pénal était écarté sous de faux prétextes. Les motifs tirés de la souveraineté nationale, ou les circonstances exceptionnelles, étaient plus politiques et tactiques que juridiques, car l'application du droit international pénal n'est pas favorable au régime.

Dans un deuxième article intitulé *Qualification des massacres dans le droit international*, nous avons abouti à qualifier les massacres commis en Algérie de crimes de guerre, de crimes contre l'humanité et de génocide, qualifications valables à la date de leur commission. Nous avons constaté que les éléments constitutifs de ces crimes étaient réunis, qu'il s'agisse de l'élément matériel, de l'élément légal et de l'élément intentionnel, y compris cette intention spéciale au crime contre l'humanité et au génocide.

Sur la base de nombreux indices et témoignages, les gouvernants algériens avaient agi, et ont toujours agi, intentionnellement ; qu'en ajoutant à l'intention générale de nuire une intention criminelle spéciale, ils ont commis aussi bien des crimes contre l'humanité que le crime de génocide. Les massacres commis en Algérie, tels que qualifiés, étaient et sont volontaires. Ils sont constitués de plusieurs séries de crimes analogues rentrant dans le cadre d'un plan préétabli. Cette entreprise a commencé dès le coup d'Etat du 11 janvier 1992 et a été dirigée par un groupe restreint de militaires et civils qui s'est assuré le contrôle total du pouvoir politique, de l'armée, de l'administration et de la justice. C'est ouvertement que ce groupe a dirigé au nom de l'Etat,

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en tant qu'autorité algérienne, une politique d'éradication, terme traduisant la volonté clairement exprimée de l'extermination d'un groupe politico-religieux. Cette politique pour laquelle des plans ont été conçus et exécutés, et des moyens humains, matériels et financiers ont été consacrés, continue d'être une politique officielle. Les décideurs militaires avaient mis en place et exécuté une stratégie dite contre-insurrectionnelle qui continue de se dérouler, dans laquelle la propagande est destinée, entre autres objectifs, à créer le ressort psychique du génocide et à l'entretenir. Dans ce cadre, la propagande insiste tout particulièrement que le fait de tuer, éradiquer, et exterminer le groupe victime désigné de façon claire, était et demeure la solution idoine. Cette entreprise a été exécutée avec ordre et méthode par des assaillants issus des différents services de sécurité ; l'entreprise a été ensuite sous-traitée par des milices que le pouvoir s'est évertué à créer, armer et protéger, en empêchant son identification et en l'assurant de l'impunité.

Cette politique avait en outre été favorisée par le caractère centralisé du pouvoir en Algérie et par des mesures administratives spéciales d'encadrement, comme par exemple la création, à côté des Walis (préfets) administratifs, du poste de Wali chargé de la sécurité, dans toute région acquise politiquement au FIS ainsi que par la dissolution des assemblées élues et le remplacement des représentants élus du FIS par des délégués administratifs, originaires de la région et acquis à la politique d'éradication. Ces derniers ont, de ce fait, largement participé à son exécution. Le plan des massacres a été mis en exécution sans la nécessité de dresser de listes désignant les victimes à éliminer, disposant par ailleurs des listes électorales pour les identifier. Dans cette entreprise criminelle, les massacres systématiques du groupe victime, les exécutions extrajudiciaires, les atteintes graves à l'intégrité physique ou mentale, ainsi que les disparitions forcées, avaient des logiques complémentaires ressortant de la volonté politique d'éradication.

Que faire dès lors pour que les massacres incriminés par le droit universel ne demeurent pas impunis, et dans la même perspective, contribuer au retour de la paix ? Nous nous proposons d'y répondre. Ces deux objectifs : justice et paix, passent inmanquablement par la répression des auteurs, co-auteurs et complices de ces crimes.

Le droit international pénal construit, qu'il soit conventionnel ou coutumier, s'intéresse surtout à «civiliser» la liberté d'action des gouvernants. Il permet en outre de poursuivre et sanctionner les crimes les plus graves, même s'ils sont commis par des gouvernants. Notre objectif est de montrer aux victimes algériennes que l'utilisation de ce potentiel juridique leur permettra de faire prévaloir leur droit à une juste et équitable réparation. Nous espérons, par ailleurs, que face aux massacres qui se déroulent en Algérie, les acteurs de la « justice » nationale et internationale, ainsi que les Etats, prendront conscience de leurs multiples responsabilités dans la mise en œuvre effective des dispositions prévues par les instruments juridiques.

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Il s'agit de rechercher dans les dispositions législatives de procédure pénale, algériennes et étrangères, ainsi que celles des instruments internationaux du droit international pénal, la détermination des personnes responsables, auteurs, coauteurs et complices, ainsi que celle des victimes directes et indirectes. Il s'agit également d'identifier, dans ces dispositions, les règles de procédure qui désignent les juridictions compétentes, qui organisent l'instruction et le procès des criminels et, parfois, qui définissent les peines. Nous évoquerons également le droit pénal inter-étatique pour parler de la responsabilité de l'Etat algérien dans ces crimes.

Nous exposerons deux thèses ici : La première est qu'il est possible de mettre en mouvement l'action pénale visant la répression des criminels ; cette action implique la définition des parties au procès et la mise en mouvement de l'action judiciaire. La deuxième thèse entend préciser quelles sont les juridictions aptes à abriter le procès des suspects des crimes du droit international pénal commis en Algérie.

Dans un premier chapitre nous examinerons, successivement, la détermination des parties au procès et la mise en mouvement de l'action judiciaire répressive. Si la place des défendeurs, en l'occurrence les suspects, auteurs, coauteurs et complices, paraît évidente, nous aurons l'occasion de démontrer que le statut des gouvernants ne les soustrait pas à leur responsabilité pénale. La responsabilité des organismes est largement admise, cependant que la nature pénale, ou civile, de la responsabilité de l'Etat soulève quelques discussions. Face aux criminels nous aurons à définir les victimes, directes et indirectes, des crimes et leur admission au procès en cette qualité. Le procès pour être ouvert exige une mise en mouvement qui n'est pas toujours à la portée des victimes directes ou indirectes. L'initiative des poursuites pénales fera l'objet de développements en fonction des droits applicables. Le droit interne algérien, le droit national étranger, et le droit international pénal, chacun de ces droits y réserve des solutions différentes. Ce chapitre vise à identifier les parties au procès et répondre à la question : comment engager la mise en œuvre du droit pénal dans un objectif de justice.

Le deuxième et dernier chapitre a pour objet d'indiquer quelles sont les juridictions nationales, de droit interne national et étranger, ou internationales, compétentes pour examiner, juger et punir les criminels auteurs, coauteurs et complices, des massacres commis en Algérie. D'évidence les juridictions algériennes ont vocation à en connaître. Cependant, nous les écarterons en raison de leur étroite dépendance des gouvernants civils et militaires algériens. Nous excluons également la nouvelle Cour Pénale Internationale dont le Statut fixe la compétence pour les faits postérieurs à ceux qui nous intéressent ; cette juridiction n'est d'ailleurs pas encore opérationnelle. Les juridictions potentiellement compétentes pour juger les défendeurs sont nombreuses. D'abord la Cour Internationale de Justice de La Haye, compétente pour juger l'Etat génocidaire, ensuite les juridictions nationales étrangè-

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res des pays parties aux différentes conventions internationales du droit humanitaire et des droits de l'homme. Les suspects algériens, en effet, peuvent à tout moment faire l'objet de poursuites pénales dès l'instant que, pour une raison ou une autre, ils prétendent résider, même temporairement, dans ces pays. Il y a enfin la possibilité de la compétence d'une juridiction internationale qui serait créée spécialement pour le cas algérien, en raison de la menace à la paix, et surtout en raison de l'urgence qu'il y a à arrêter le génocide algérien en cours.

En conclusion, nous verrons en quoi la mise en œuvre du droit participe à la réalisation du double objectif de réaliser la justice et la paix. Il s'agit en effet de sortir de l'abstraction des chiffres que fournit la répétition des massacres, et de l'anonymat des criminels pour les désigner de leurs noms et prénoms. La mise en œuvre du droit est la seule mesure à même de permettre de désarmer définitivement la violence.

## 2. Le procès des criminels

Le droit international pénal permet de poursuivre et de punir les responsables directs des crimes de guerre, des crimes contre l'humanité et du crime de génocide commis en Algérie. Il punit également les complices, ou les responsables indirects. Les criminels, auteurs, coauteurs et complices ont agi volontairement et en connaissance de cause, que le crime ait été positivement commis ou qu'il soit le résultat d'une abstention coupable. Dans les deux cas le crime résulte de l'intention volontaire de nuire.

L'auteur principal et le coauteur du crime contre l'humanité ou du génocide, et leurs complices, ne visent pas la victime algérienne en raison de son individualité, elle une cible collective. La victime est visée car elle existe en dehors des critères des décideurs militaires ; ou encore en raison de son existence, c'est « Lorsqu'on tue quelqu'un sous prétexte qu'il est né »<sup>1</sup>. Le génocidaire a comploté, incité, planifié ou exécuté un plan d'extermination totale ou partielle d'un groupe en tant que tel. Ce n'est pas, là non plus, une action individuelle. Lorsqu'elle a défini le génocide pour la première fois, l'Assemblée générale des Nations Unies, dans sa résolution 96 du 11 décembre 1946, l'a désigné comme étant : « le refus du droit à l'existence [...] de groupes humains entiers ». L'intention toute spéciale qui caractérise le crime contre l'humanité, visant une population civile quelconque, et le génocide, visant un groupe particulier, n'est pas nécessaire pour qualifier l'infraction de crime de guerre, pour lequel il suffit d'établir une volonté criminelle générale ordinaire, contre des civils ou des opposants qui ne sont plus armés.

L'ensemble de ces crimes a la particularité de rentrer dans le cadre d'une politique, c'est-à-dire une entreprise volontaire dont les opérations d'exécution sont programmées d'avance. Cette entreprise a été qualifiée en Algérie de politique du « tout sécuritaire », ou encore de « thérapie radicale »

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et surtout de l'éradication. Le Statut du Tribunal pour l'ex-Yougoslavie définit dans ses dispositions générales l'« opération » comme étant un certain nombre d'actions ou d'omissions, survenant à l'occasion d'un seul événement ou de plusieurs, en un seul endroit ou en plusieurs, et faisant partie d'un plan, d'une stratégie ou d'un dessein commun.

Dans tous les cas, la complicité en matière de crime de guerre, de crime contre l'humanité ou de génocide est punissable. Elle repose sur deux éléments : l'accomplissement volontaire d'un acte ou son omission, et la connaissance qu'a le complice du caractère criminel de l'activité de l'auteur principal. Agissant ou s'abstenant, accessoirement, le complice n'est pas un comparse mais un coupable secondaire dont l'aide au coupable principal, par tout moyen, a facilité ou permis l'accomplissement du crime. Le coauteur est un complice actif qui aura participé au crime.

La victime algérienne en tant qu'être vivant appartenant à la communauté du genre humain est atteinte par l'entreprise criminelle, tant en cette qualité humaine qu'en tant qu'être singulier, visé en raison de son appartenance à un groupe politico-religieux. Cette victime, civile en général, peut en outre être un opposant au régime, que cette opposition soit armée ou non. Le crime est l'atteinte à l'un de ces principes, celui de l'appartenance au genre humain pour le crime de guerre et le crime contre l'humanité, ou celui de la particularité du groupe d'appartenance pour le crime de génocide, qui par discrimination intolérable et inadmissible désigne le groupe à détruire et touche la victime en raison de son appartenance au dit groupe. Qu'importe le nombre exact de ces victimes. On ne saura probablement jamais le bilan chiffré des massacres commis en Algérie. L'étendue géographique de sa perpétration, l'implication de l'ensemble des services répressifs de l'Etat, la politique officielle du silence, la manipulation des chiffres, qui exclut volontairement les victimes civiles qualifiées de terroristes, ainsi que la durée de la guerre sont autant de facteurs qui empêchent de chiffrer le nombre des victimes.

L'antagonisme des auteurs et complices à leurs victimes ne peut se résoudre que par le droit, qui permet de reconnaître officiellement le martyr de la victime, qui punira les criminels et découragera les criminels potentiels. Il est important pour l'Algérie de mettre fin à la désinhibition des détenteurs de l'autorité militaire et politique envers l'usage de la violence. Seul le droit permet d'y concourir.

Peut-on envisager une action judiciaire pour punir les criminels ? En d'autres termes, pour les massacres commis en Algérie, et que nous avons qualifiés de crimes de guerre, crimes contre l'humanité et génocide, quelles pourraient être les parties au procès et comment mettre en mouvement l'action judiciaire ?

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## 2.1. Les parties au procès

Les auteurs et complices de crimes sont incontestablement parties au procès en qualité de suspects, accusés-défendeurs. Face à eux, nous placerons les victimes, qu'elles soient directes ou indirectes. Les victimes ont souffert des actes et omissions coupables des auteurs et leurs complices, que ces actes et omissions aient revêtu un caractère objectif et physique ou seulement moral. La victime de la tentative ou de la menace, que cette menace ait été exprimée ou non, puisqu'il suffit de comploter un génocide dans le secret pour incriminer le coupable, est également recevable en cette qualité.

Les accusés devront répondre des faits qui leur sont reprochés, qu'ils revêtent un aspect *physique et matériel*<sup>A</sup> ou *moral*<sup>B</sup>. Cependant, dans le cas de génocide l'agression morale doit être entendue comme celle qui vise la destruction totale ou partielle du groupe, en l'exposant à des conditions de vie inhumaines, en entravant les naissances au sein du groupe ou en provoquant toute autre atteinte à l'intégrité mentale de l'un de ses membres. Par contre, pour le crime contre l'humanité l'agression morale peut consister en la persécution de civils quelconques pour des motifs politiques, ou tout autre motif discriminatoire. Contrairement au meurtre, qui est une infraction instantanée, la persécution est un crime continu. Les décideurs militaires n'ont pas cessé de commettre cette persécution, y compris en exerçant des pressions au niveau international. Sous le prétexte de lutter contre le terrorisme ils veulent amener les pays occidentaux à chasser les réfugiés algériens, ou réduire leurs droits d'expression, d'association et de mouvement.

Les victimes sont recevables en leur action, qu'elles aient souffert de la menace ou de la tentative de crime. La menace de perpétrer le crime de guerre, le crime contre l'humanité ou le génocide est punissable comme la tentative de les commettre. A priori, l'élément matériel du crime de génocide est strictement physique, comportant un ou plusieurs actes limitativement énumérés à l'article II de la Convention pour la prévention et la répression du génocide. Toutefois, l'article III de cette convention assimile au génocide, sans exiger le passage à l'acte, l'entente en vue de le commettre, l'incitation, la complicité et la tentative. L'acte physique contre la victime n'est pas nécessaire à la constitution du crime de génocide. L'entente en vue de commettre le génocide, au sens d'un complot, est déjà punissable en tant que génocide. Quand la tentative dépasse le commencement d'exécution de l'acte, elle est punissable si elle n'aura été arrêtée que par une cause externe à la volonté du criminel, même dans le cas où elle aura été infructueuse. Si pour les infrac-

<sup>A</sup> Meurtres, tortures, terrorisme, destruction des moyens d'existence, des symboles religieux, des écoles, des habitations civiles, hôpitaux etc. dans l'intention de soumettre le groupe à des conditions d'existence entraînant la destruction physique totale ou partielle du groupe.

<sup>B</sup> Agression psychique par l'exposition des cadavres après les avoir dénaturés pour susciter la terreur, conditions insupportables de vie, terrorisme moral.

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tions de droit commun le droit interne algérien considère, tout comme le droit français, que seul un commencement d'exécution rend la tentative punissable, a fortiori, la tentative de l'un des crimes du droit international pénal est condamnable. La Convention portant sur la torture prévoit en son article 4 que : « tout Etat partie veille à ce que tous les actes de torture constituent des infractions au regard de son droit pénal. Il en est de même de la *tentative* de pratiquer la torture ou de tout acte commis par n'importe quelle personne qui constitue une complicité ou une participation à l'acte de torture ». Or la torture est l'une des formes que peut revêtir n'importe lequel des crimes du droit international pénal que nous avons retenus contre les criminels et leurs complices.

Nous distinguerons les parties poursuivies, en l'occurrence tous les suspects de crimes, des parties poursuivantes que sont les victimes, qu'il s'agisse, dans les deux cas, d'individus ou de groupes ou d'institutions.

#### *2.1.1. Les défendeurs suspects*

Il y a certes des responsables directs de crimes, mais également ceux qui les encouragent, les assistent et les aident, en l'occurrence des responsables indirects. Les responsables directs sont ceux qui décident, programment, ordonnent, ou encore qui tolèrent la commission de crimes impardonnables, ainsi que ceux qui exécutent des infractions comme le crime de guerre, le crime contre l'humanité et le génocide. Celui qui, en étant gouvernant, tolérerait ces crimes, et particulièrement le génocide, serait directement coupable. Les exécutants sont personnellement responsables de leur fait. D'autre part, il y a les coauteurs qui, sans être les principaux criminels, ont positivement participé à la perpétration des actes interdits ; ils sont des responsables indirects. Il y a enfin les complices qui sont également des responsables indirects.

#### ***A. Les responsables directs de crimes***

C'est le principe de la responsabilité personnelle au sens physique qui commande la poursuite pénale, sans que les entités, groupes et organisations, même en tant que personnes morales, ne soient exemptés. Ce principe de responsabilité personnelle exclut la responsabilité collective primitive, et rend l'individu pleinement responsable de ses actes ; aucune circonstance tirée du statut de gouvernant, ou du simple agent qui objecterait l'ordre de la loi, ou l'ordre reçu du supérieur ne sont à même d'exclure cette responsabilité, ou de l'atténuer en droit international pénal.

Les gouvernants algériens, civils et militaires, qui se sont succédés au pouvoir depuis janvier 1992 sont, à des degrés divers, auteurs de crimes de guerre, de crimes contre l'humanité et de génocide. Cette évidence n'est démentie que par ces mêmes gouvernants et leurs complices, algériens ou étrangers. Qu'il s'agisse des chefs d'Etat ou de gouvernement, de ministres

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de la défense, de l'intérieur, de la justice, des finances, de l'information, des affaires étrangères, des officiers d'état-major ou des opérations, des responsables des différents services de sécurité, et des milices, avec l'ensemble des agents d'exécution qui ont participé à titre personnel, chacun répondra de ses actes pour la période durant laquelle il a exercé son activité, pour concevoir et mettre en œuvre l'un quelconque des crimes. Chacun répondra de ses omissions et pour avoir non seulement toléré la commission de ces crimes, mais empêché l'identification des assaillants. Pour tous les responsables, s'ils n'ont pas donné l'ordre direct de commission, ils se sont abstenus de dénoncer et de poursuivre les criminels. Le fait qu'ils aient toléré ces crimes, et particulièrement le génocide, est punissable comme s'ils les avaient commis.

Nous distinguerons la responsabilité pénale des individus de celle des organismes. Nous nous interrogerons enfin sur la nature de la responsabilité de l'Etat.

#### **a) La responsabilité pénale des individus**

Les solutions juridiques sont différentes en droit algérien, en droit national étranger, et en droit international pénal.

##### **1) En droit algérien interne**

Les textes algériens, la Constitution, le code de justice militaire (CJM), le code pénal (CP) et le code de procédure pénale (CPP), organisent la responsabilité pénale des particuliers mais réservent en même temps l'impunité des responsables militaires, politiques, administratifs et judiciaires. Ces textes exigent des conditionnalités procédurales et aménagent des immunités au bénéfice de ces responsables de sorte que leur poursuite s'avère quasi impossible, sauf volonté politique. Tous les chefs de l'exécutif, aux différents niveaux de responsabilité, disposent de privilèges de juridiction. L'article 158 de la Constitution de 1996 dispose que le chef d'Etat ne peut être attrait que pour haute trahison devant la Haute Cour de l'Etat. Cette juridiction est seule compétente pour juger des crimes et délits du chef de gouvernement. Les ministres ne peuvent faire l'objet de poursuites pénales qu'à l'issue d'une procédure qui débute au niveau de la Cour suprême. Les Walis et même les maires bénéficient de procédures particulières dérogatoires au droit commun.

Quant aux particuliers sans responsabilité, et parfois à l'égard de responsables subalternes, l'accusation est possible. Elle n'est cependant engagée que si elle correspond à la volonté du pouvoir exécutif. Ainsi l'inculpation en 1996 et 1997 de gestionnaires économiques, dirigeants d'entreprises publiques, alors même que les délits n'étaient pas établis, devait servir d'alibi politique, ou cacher des intérêts économiques. Dans son programme le candidat élu aux présidentielles de 1995 avait promis de combattre la corruption, le

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népotisme et le trafic d'influence. L'instrumentation de l'appareil judiciaire dans ces affaires a été décidée d'autre part à la veille de la privatisation des plus importantes entreprises publiques, cette circonstance n'exclut pas l'élimination d'opposants potentiels à cette politique. L'aveu de l'inculpation des 25, 68 ou 128 militaires, agents des services de sécurité militaire, policiers, gendarmes et miliciens de divers groupes, coupables de *dépassements*, selon l'expression choisie par les responsables algériens, devait désamorcer la pression internationale exercée sur le pouvoir algérien et donner crédit au discours affirmé de respecter l'Etat de droit<sup>2</sup>. D'ailleurs cette inculpation n'est que probable car non vérifiée, les victimes n'étant pas admises à se constituer parties civiles devant les tribunaux militaires algériens.

En droit strict, l'auteur et le coauteur sont punissables quelle que soit leur nationalité. Le système juridique algérien organise un privilège de juridiction pour ses nationaux ; mais un accord passé entre ce pays et plusieurs autres, notamment la France, permet d'éviter de violer la règle *non bis in idem* et punir la même personne deux fois pour les mêmes faits. Dès lors le suspect poursuivi devant n'importe quelle juridiction étrangère devra prouver avoir été déjà condamné, ou acquitté, pour les mêmes faits afin de bénéficier des effets de la règle *non bis in idem*. Néanmoins, l'accusé devra établir l'existence d'une parfaite connexité des faits, des parties et de l'objet des deux procès.

D'autre part le motif de l'ordre de la loi, ou du supérieur, ne modifie pas les éléments constitutifs de l'infraction. Aucun motif n'est recevable pour écarter l'existence du crime en tant que tel. Mais une fois la culpabilité établie, ce motif agit sur l'étendue de la responsabilité lorsqu'il a un effet atténuant sur la peine, ou absolutoire (légitime défense, excuse de provocation, parfois ordre de l'autorité, dénonciation etc.). En droit interne algérien, l'ordre légal ou du supérieur n'enlève pas la qualification criminelle aux faits, mais intervient dans l'appréciation des peines et peut même aboutir à l'absolution, en l'occurrence, la disparition des peines avec le maintien de la culpabilité éventuellement.

## **2) Selon le droit national étranger**

Des juridictions nationales, notamment aux Etats-Unis, ont condamné d'anciens dictateurs et d'ex-chef et commandants militaires pour des faits de torture sur la base du droit international pénal<sup>3</sup>. La mise en cause de la responsabilité pénale d'anciens dictateurs n'est donc pas nouvelle même si : « le monde a découvert qu'un juge (national) peut, seul ou presque, bouleverser un ordre établi qui accorde presque toujours l'impunité à d'anciens responsables d'Etat »<sup>4</sup>. Lorsqu'ils sont toujours en fonction, les chefs d'Etat prétendent être protégés par l'immunité d'Etat<sup>5</sup>, en confondant entre immunité d'Etat et immunité de chef d'Etat. Des décisions de justice ont accordé cette immunité, d'autres l'ont rejetée. De hauts responsables politiques l'ont ré-

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clamée, pas toujours avec efficacité ; une cour de justice américaine avait rejeté l'argument d'immunité soulevé par Karadzic<sup>6</sup>.

En dehors des chefs d'Etat, ou de grands responsables politiques et militaires, la justice nationale de nombreux pays n'hésite pas à condamner les criminels. Les juridictions de presque tous les pays européens ont eu, particulièrement ces dernières années, à condamner des ressortissants de l'ex-Yougoslavie ou du Rwanda pour crimes de guerre, crimes contre l'humanité et/ou génocide.

### **3) Selon le droit international**

Le coupable, auteur, coauteur ou complice est punissable quelle que soit sa nationalité, qu'il soit gouvernant, fonctionnaire ou particulier. Depuis l'arrêt rendu par le Tribunal de Nuremberg, le 1<sup>er</sup> octobre 1946, la protection que le droit international assure aux représentants de l'Etat ne s'applique plus pour des actes criminels. Les auteurs de ces actes ne sauraient invoquer leur qualité officielle pour se soustraire de la procédure de jugement et de châtiement. Les dispositions de la Convention sur le génocide s'appliquent pour la poursuite des particuliers et des représentants de l'autorité de l'Etat, qu'ils soient auteurs ou coauteurs. Aux termes de l'article 2 de la Convention sur l'imprescriptibilité des crimes contre l'humanité et le génocide, du 26 novembre 1968, ces mêmes dispositions s'appliquent aux représentants de l'autorité de l'Etat qui, sans être directement et matériellement impliqués dans le génocide, toléreraient sa perpétration. Elles s'appliquent à ceux qui incitent directement à sa perpétration. Mais alors que le projet initial de texte sur le génocide avait prévu, en son article 5, que l'ordre de la loi ou les ordres reçus des supérieurs ne sont pas de nature à absoudre de la responsabilité, le texte final est resté silencieux sur ce point, et n'y a même pas fait référence. On doit considérer comme acquis, depuis le Statut de Nuremberg, que l'ordre de la loi ou des supérieurs n'est pas absolu de la responsabilité, du moins en droit international. L'ordre du supérieur constitue, à la fois, un témoignage à charge contre le responsable donneur d'ordre et un aveu indirect de l'exécutant.

Nous allons examiner plus en détail, en les distinguant, la responsabilité pénale des dirigeants politiques et militaires algériens ainsi que celle des exécutants.

#### **3.1) Responsabilité pénale personnelle des dirigeants politiques et militaires**

Il n'y a pas place à l'immunité. Cette conquête est due au Statut de Nuremberg, confirmée depuis par les Conventions internationales portant sur le génocide et les crimes de guerre. L'article IV de la Convention sur le génocide dispose : « Les personnes ayant commis le génocide [...] seront punies, qu'elles soient des gouvernants, des fonctionnaires ou des particuliers ». Les

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gouvernements prennent souvent des libertés avec le droit interne. Les juges sont dans plusieurs systèmes juridiques, comme le système algérien, des auxiliaires fidèles et des interprètes dociles de la volonté politique du régime. Ils répugnent à invalider ses décisions et ses orientations<sup>7</sup>. La presse d'autre part joue un grand rôle dans le cours de la justice, par conviction ou sous la manipulation, elle préétabli *qui* doit être coupable<sup>8</sup>. C'est pourquoi il paraît difficile de mettre en œuvre ce principe de responsabilité pénale des gouvernants devant leurs propres juridictions. Cette raison milite pour faire appel au principe de compétence universelle, qui donne droit à n'importe quel juge national étranger de juger les criminels et leurs complices. Elle justifie également de mettre les Etats, signataires des Conventions du droit humanitaire et du droit des droits de l'homme, devant leurs responsabilité à assumer pleinement leurs obligations contractuelles internationales.

Les Etats doivent *respecter et faire respecter* le droit de la guerre, même dans les conflits armés internes comme c'est le cas en Algérie ; ils doivent aussi *prévenir* le génocide, sa tentative, l'entente en vue de le commettre et, à défaut, *réprimer* les suspects, dès l'instant où des informations vraisemblables, crédibles ou multiples, et provenant de plusieurs sources, permettent de penser qu'un risque de génocide existe, ou que des massacres sont perpétrés par un gouvernement, ou dans l'indifférence de celui-ci.

### **3.2) Responsabilité pénale personnelle des exécutants et des coauteurs**

Les agents d'exécution des éléments matériels des crimes sont, à tous les échelons, responsables personnellement et pénalement de leurs actes, qu'ils aient agi de leur propre initiative ou sous ordre, que ces exécutants soient fonctionnaires ou miliciens, ou encore particuliers. Celui qui a incité au génocide, publiquement par la parole ou l'écrit, ou toute autre forme d'encouragements, est considéré selon le cas comme auteur ou coauteur et donc pénalement responsable. Est coauteur celui qui incite, ordonne, dirige ou exécute une partie du crime, ou prend part à sa commission par tout moyen, y compris la vente d'armes, la formation aux métiers de la guerre civile, ou la coopération technique par l'envoi d'experts, ou en y participant en cette qualité.

Les agents d'exécutions, de même que les responsables intermédiaires, ne peuvent se soustraire de leur responsabilité pénale personnelle en invoquant l'ordre de la loi, ou celui du supérieur hiérarchique. En effet, aux termes de l'article 4 du Statut de Nuremberg : « L'ordre du gouvernement ou du chef n'écarte pas la responsabilité de l'exécutant en droit international tant qu'il dispose du choix moral ». Le principe de responsabilité individuelle est consacré par le droit international pénal<sup>9</sup>, qui ne permet pas de s'abriter derrière l'autorité pour justifier la commission d'un acte répréhensible. Les suspects algériens ne pourront bénéficier ni de l'immunité, ni de l'excuse absolutoire

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de l'ordre légal, ou celui du supérieur, s'ils sont accusés et jugés sur la base du droit international pénal.

#### **b) La responsabilité pénale des organismes**

L'article 9 du statut de Nuremberg avait prévu que : « lors d'un procès intenté contre tout membre d'un groupe ou d'une organisation quelconque, le tribunal pourra déclarer que le groupe ou l'organisation à laquelle il appartient était une organisation criminelle ». Sur cette base, le tribunal avait déclaré comme étant des organisations criminelles celles des SS, de la Gestapo ainsi que celle du corps des chefs du parti nazi, etc. De fait, cet élargissement de la responsabilité pénale à des personnes morales devait servir à sanctionner les personnes qui ont dirigé ou activé au sein de ces organisations, par le seul fait de leur affiliation. Néanmoins, les organisations condamnées étaient déjà dissoutes au moment du jugement. Le troisième Reich avait perdu sa souveraineté en tant qu'Etat.

En Algérie, le délit d'appartenance peut s'établir à l'égard des membres des escadrons de la mort, et autres organisations terroristes, ou de milices, lorsqu'il est établi que l'accusé y a adhéré volontairement et en connaissance de cause. Les militants de partis extrémistes agissant ouvertement pour l'armement des civils<sup>10</sup>, ou l'éradication d'un groupe social, sont potentiellement coupables si ces partis prônent leur politique ouvertement de sorte qu'aucun militant ne puisse plaider l'ignorance. Il n'en serait pas de même de simples sympathisants, à moins que le parti ou l'organisation incriminée n'annonce publiquement sa politique aux fins qu'elle devienne de notoriété publique. On ne voit pas comment un membre actif, ou militant, de tels milices ou partis n'adhérerait pas volontairement à leur politique. Lorsqu'une organisation porte dans ses statuts, ou prône ouvertement, la destruction d'un groupe en tant que tel, elle est auteur de génocide par incitation publique à sa commission. L'adhésion à une telle organisation, parti ou association, en connaissance de cause de ses objectifs, et de son discours, suffit à établir une forte présomption de culpabilité. Des organisations armées comme le GIA et l'OSRA doivent conduire aux mêmes résultats<sup>11</sup>.

#### **c) De la responsabilité de l'Etat**

En droit interne algérien, cette responsabilité n'est pas pénale mais civile. Elle est fondée sur les conséquences résultant de l'infraction et non sur la faute et sa gravité. L'Etat répond aux demandes de réparation des dommages physiques, matériels et moraux, que les victimes sont en droit de réclamer. Cependant si l'Etat n'est responsable que civilement, c'est-à-dire redevable des réparations matérielles, cette réparation est en dernière analyse supportée par la Nation dans son entier, car c'est sur ses ressources que s'effectue la réparation, portant ainsi atteinte au principe de « personnalisation » de la peine.

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En droit national étranger, certains droits internes admettent la responsabilité pénale des personnes morales, mais rares sont les droits internes qui étendent cette responsabilité à l'Etat. Ainsi la nature pénale de la responsabilité de l'Etat est discutée, même si des législations internes nationales retiennent cette responsabilité pour les personnes morales, par exemple le code pénal français. De longues et complexes discussions ont opposé partisans et adversaires de la responsabilité pénale de l'Etat, et de la notion même de crime d'Etat. En l'état actuel du droit, il n'y a pas une définition commune du crime d'Etat, comme il n'existe pas de règles procédurales de répression pénale.

Qu'en est-il de la responsabilité pénale de l'Etat en droit international pénal ? Au lendemain de la première guerre mondiale, la clause de réparation de guerre incluse dans le traité de Versailles était la première tentative historique d'attribution d'un crime à l'Etat clairement affirmée. Le Statut de Nuremberg en incluant la responsabilité pénale des « organismes », alors que ceux-ci n'existaient plus en raison de la perte de souveraineté du troisième Reich, n'avait pas étendu cette responsabilité de façon claire à l'Etat. Si la responsabilité civile de l'Etat en général, et de l'Etat algérien en particulier, fait l'objet d'unanimité, celle pénale est toujours discutée.

En principe, lorsque le crime est commis par les représentants d'un Etat, gouvernants et agents, civils ou militaires, ou avec leur complicité, c'est leur responsabilité individuelle qui est engagée, même s'ils ont agi au nom et pour le compte de leur Etat. Il s'agit bien entendu de leur responsabilité pénale. Dans sa résolution 771 du 13 août 1992, le Conseil de sécurité a affirmé que « les personnes qui commettent ou ordonnent de commettre des actes constituant de graves violations du droit international humanitaire en portent individuellement la responsabilité ». Cependant, la question de la responsabilité pénale de l'Etat n'est pas totalement écartée.

Selon ses adversaires, la notion de crime d'Etat pourrait conduire à un usage abusif et avoir pour conséquences la justification de sanctions disproportionnées, en réaction à de violations mineures du droit international. Or on ne peut parler de violations mineures pour le cas algérien. D'ailleurs les défenseurs de cette opinion, tout en affirmant que la mise en œuvre pratique de la responsabilité pour crime d'Etat se heurte à des difficultés insurmontables, soutiennent que cette violation ne doit être prise en compte qu'eu égard à sa gravité, et à la durabilité de ses conséquences préjudiciables. Cette opinion justifie sa position en soulignant, enfin, que la pratique des Etats, notamment pour créer la CCI, et la pratique au sein de la communauté internationale, concernant les mesures pouvant être prises en vertu du chapitre VII de la Charte des Nations Unies, en particulier en cas de violation mettant en danger la paix et la sécurité internationales, sont présentement suffisantes.

Par contre, pour les partisans de la notion de crime d'Etat, la distinction entre crimes internationaux et autres faits internationalement illicites est non

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seulement fondée en droit mais suffisamment claire. Les conséquences des crimes d'Etat sont distinguées notamment pour régler les rapports entre l'Etat fautif et l'Etat lésé, et pour donner compétence exclusive aux organes représentant la communauté internationale, ou des organes judiciaires internationaux, au lieu de tel ou tel Etat. Pour les tenants de cette opinion, le vide qui reste à combler est la nature de la sanction en cas de crime, sanction dont l'objectif est de réparer, au lieu de punir, comme en droit interne. Le but de la sanction est de faire payer les conséquences des actes, sans compromettre ni la souveraineté, ni la stabilité économique et sociale, pour éviter que la population n'ait à en souffrir. La Commission du Droit International (CDI) avait, lors de sa cinquantième session, fait des propositions fondées sur une conception objective de ces notions controversées, jugées intéressantes. Elle avait distingué les crimes des simples délits.

La responsabilité pénale des personnes morales reste discutable ; certains auteurs affirment qu'elle n'est pas reconnue par le droit pénal international. Elle semble pourtant fondée sur le droit humanitaire et ressort de la juridiction de la CIJ, à laquelle renvoient la plupart des conventions impliquant une responsabilité pénale, comme la Convention sur le génocide. L'article IX de la Convention incriminant le génocide dispose que la CIJ de La Haye est appelée à résoudre : « les différends entre les parties contractantes relatifs à l'interprétation, l'application ou l'exécution de la présente Convention, y compris ceux relatifs à la responsabilité d'un Etat en matière de génocide ». Un Etat peut être poursuivi par un autre à la seule condition d'être partie à la Convention interdisant le génocide. Cet instrument prévoit de soumettre à la juridiction de la CIJ de La Haye tout litige concernant cette Convention, opposant les Etats parties, y compris sur la responsabilité d'un génocide. D'autre part, si la Convention portant sur le génocide n'affirme pas clairement la responsabilité pénale des Etats, la jurisprudence internationale a soutenu l'idée de crime d'Etat. Il en a été ainsi dans l'affaire de la *Barcelona Traction*<sup>12</sup>, de laquelle il ressort que la responsabilité de l'Etat n'est pas exclusivement bilatérale. Cependant, cette décision ne concernait pas des crimes mais des obligations *erga omnes* dont la violation ne constitue pas toujours un crime.

A la supposer admise, cette responsabilité est le fait des organes de l'Etat, quelle que soit leur position dans la structure étatique. Par organe, nous entendons toute institution appartenant aux sphères constituante, législative, exécutive ou judiciaire, ou encore à toute autre sphère de l'Etat, ayant des fonctions internationales ou exclusivement internes. Tout agissement d'un tel organe est attribuable à l'Etat tout entier. Cette attribution de la responsabilité du comportement criminel de tout organe à l'Etat peut être fondée sur un critère organique, comme on l'a vu, ou selon un critère matériel incluant les actes positifs, par exemple, des instructions expresses, ou encore, lorsque les actes délictueux ont été commis sous la direction et le contrôle de l'un quelconque de ces organes. Parfois, il suffira de soutenir que l'acte cri-

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minel ait été commis sous le « contrôle effectif », ou « de fait », de l'un quelconque de ces organes, et ce même si l'exécutant aura été une entité privée, à laquelle auraient été donné le pouvoir d'exécuter des prérogatives de puissance publique. Ce sera le cas de l'agissement des milices, levées, armées et encouragées par l'Etat. Dans ce cas, l'action soutiendra que l'attribution de la responsabilité à l'Etat est autorisée car l'agissement criminel s'est fait de façon officielle, sur la base d'une qualité publique apparente. L'attribution d'un crime à l'Etat se base soit sur un ou des critères de droit, soit sur des critères de fait. Cependant, pour attribuer un crime quelconque à l'Etat, le crime doit être qualifié, ou être en tout cas un comportement non autorisé par le droit international pénal. Or toute violation d'une norme du *jus cogens* est considérée en droit international comme grave, à plus forte raison si les faits sont qualifiés de criminels.

### ***B. Les responsables indirects : les complices***

#### **a) la complicité en droit interne algérien**

Nous empruntons à l'article 91 du CP algérien la définition de la complicité et du recel en matière d'atteinte à la sûreté de l'Etat. La complicité est un acte volontaire de commission ou d'omission. Elle implique la réunion d'un élément matériel et d'un élément intentionnel. Ce dernier élément est l'intention dotée de la connaissance, par le complice, de ce que l'auteur principal commet un acte légalement répréhensible.

Il n'est pas nécessaire que les actes de complicité soient habituels, contrairement par exemple au recel de brigands. Un seul acte suffit à établir la complicité. C'est le fait de faciliter par n'importe quel moyen, la recherche, le recel, le transport ou la transmission de l'objet du crime. Cette règle est différente en droit pénal local qui ne punit le receleur que si l'objet du crime a été obtenu à l'aide de l'infraction. Il s'agit des moyens financiers, matériels, médiatiques, diplomatiques et militaires grâce auxquels le crime est commis ou tenté. Ce sont également les études de toute sorte qui permettent de le programmer, ou de désigner le groupe victime. Sont assimilés aux cas de complicité les cas particuliers de recel comme détruire, soustraire, receler, dissimuler ou altérer sciemment un document (public ou privé) de nature à faciliter la recherche de l'infraction, la découverte des preuves, ou le châtiement des auteurs. Ces actes sont postérieurs à l'infraction et pourtant punissables, contrairement aux règles ordinaires de la complicité.

A fortiori, la complicité est établie lorsqu'il y a fourniture des moyens du crime, avec ou sans contrepartie. La vente d'armes au criminel de guerre, au criminel contre l'humanité et au génocideur est une complicité caractérisée lorsque le vendeur sait l'usage qui va être fait des armes. Que le complice soit un national ou un étranger. Les pays occidentaux guidés par la France n'ont jamais cessé d'aider le régime algérien, y compris militairement. C'est un se-

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cret de polichinelle, « par la vente d'armes et d'équipements la France a choisi d'épauler coûte que coûte le pouvoir algérien, ou plutôt sa composante militaire la plus éradicatrice » déclarait en décembre 1994 Rémy Leveau, dans une interview accordée à Sylvaine Pasquier, parue dans *L'Express* sous le titre « Paris a fait son choix »<sup>13</sup>, choix que confirmera Gilles Kepel un an plus tard<sup>14</sup>. L'aide directe au clan éradicateur, engagé dans une guerre d'extermination notoire, est justifiée par le complice par la nécessité de combattre le « terrorisme », le « péril vert », les « nouveaux khmers verts » et autre qualificatifs d'auto-légitimation. Cette aide directe n'est pas démentie par les militaires algériens. Un général de l'armée algérienne a déclaré que les aides ont pris diverses formes : « sous la forme de savoir faire technique, d'entraînement et de formation à l'emploi d'équipements spéciaux tels que les dispositifs de vision nocturne et les détecteurs thermiques »<sup>15</sup>. La complicité est donc humaine, technique, matérielle et financière. Lors de la petite crise algéro-française, consécutive au détournement de l'Airbus d'Air France, le premier ministre français, Balladur, avait décidé de geler les fournitures d'armes et la livraison des hélicoptères Ecureuil, payés<sup>16</sup>. L'élément matériel de la complicité est établi, reste à établir son élément moral : Est-ce que la France a volontairement, et en connaissance de cause, aidé par tout moyen le régime algérien à commettre l'un quelconque des crimes que nous avons qualifiés ?

Tout conduit à répondre par l'affirmative. L'accumulation des rapports des organes de l'ONU, chargés des droits de l'homme, des ONG, des partis d'opposition algériens et d'éminentes personnalités, alors que ces rapports décrivent les massacres et s'interrogent sur la responsabilité des autorités algériennes, certains désignant ouvertement les responsables militaires et politiques algériens d'être derrière ces crimes, tout cela n'a pas modifié la politique de soutien de la France au clan éradicateur. Paris a milité pour les différents rééchelonnements de la dette algérienne pour lui éviter l'asphyxie ; les autorités françaises reçoivent les responsables algériens et ouvrent leurs médias, particulièrement aux complices actifs qui appellent au meurtres collectifs. A l'ONU et lors des délibérations de ses différents organes, comme au sein des organes de l'Europe, la France fait cause commune avec le clan militaire éradicateur algérien et lui assure un véritable « protectorat diplomatique » comme l'a qualifié Ait Ahmed, le président du parti algérien FFS. Elle délivre des visas longue durée et offre l'asile territorial à ceux qu'elle qualifie de « défenseurs de la liberté », qui, paradoxalement, défendent les thèses éradicatrices, tout en interdisant d'expression leurs opposants, au besoin par leur transfert hors du territoire, notamment, au Burkina Faso. De nombreuses publications internationales démontrent que l'axe Paris-éradicateurs algériens est fondé sur des relations clientélistes, dans lesquelles se confondent politique et affaires, sociétés publiques et privées, société réelle et société-écran. Cette politique est justifiée par quelques officiels français par la double nécessité de la solidarité francophone et la défense de la zone d'influence par

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le containement des assauts américains. En privé, cet axe est justifié par la « fraternité d'armes » entretenue entre les officiels français et les éradicateurs, anciens élèves des écoles militaires françaises, qu'on n'omet pas de gratifier de commissions lors des achats d'armes, et auxquels sont gracieusement fournis des renseignements, tant pour lutter contre l'ennemi commun, que pour manipuler les communistes et démocrates pro-laïcs algériens.

D'autres puissances, les Etats Unis notamment, adoptent une politique ambiguë par rapport au régime algérien. Depuis l'attaque de 5 techniciens étrangers à Ghardaia, au sud algérien, le 5 mai 1995, les américains ont modifié leur politique ; ces techniciens travaillaient pour le compte de la société U.S. Bechtel. Après cette attaque Washington a inscrit le GIA sur la liste des organisations terroristes, alors que ses propres services n'hésitent pas à le rattacher aux services secrets algériens, et entrepris d'aider le régime algérien, notamment sur le plan économique. C'est ainsi que les Etats-Unis ont usé de leur influence pour faire obtenir au régime algérien différentes facilités financières (accord du F.M.I. du 22 mai 1995 accordant au pouvoir algérien un crédit de 3 milliards de dollars), favorisé l'investissement massif des sociétés américaines en Algérie, particulièrement dans le domaine des hydrocarbures<sup>17</sup> et doublé le budget accordé traditionnellement dans le cadre de la formation militaire. Les aides militaires, politiques, diplomatiques et les facilités économiques et financières permettent au régime de réserver une part importante des ressources tirées des hydrocarbures au financement de la politique éradicatrice. L'ampleur des massacres et les multiples prises de positions publiques des principales ONG mondiales, impliquant la responsabilité des gouvernants algériens, permettent d'évacuer toute exception d'ignorance des occidentaux qui, en aidant le régime algérien, s'en font les complices objectifs.

Le pouvoir algérien n'a jamais caché sa volonté éradicatrice, ce qui implique sa connaissance par l'opinion en général, et par le complice en particulier, de sorte que toute aide à cette politique constitue, au mieux, une complicité et, au pire, une coopération conjointe faisant de l'auteur de l'aide un coauteur. Sans doute que le pouvoir algérien : « s'est lancé dans une grande campagne de communication extérieure. Cible: les journalistes et intellectuels français. Des moyens importants ont été mis à la disposition des lobbyistes algériens chargés des 'faiseurs d'images' français »<sup>18</sup>. Cela lui est d'autant plus facile qu'il maîtrise la mentalité culturelle et politique française, comme le note François Burgat :

Le degré de symbiose atteint entre les différentes familles politiques françaises et la petite partie de la société algérienne, qui est aujourd'hui au pouvoir, est sans limite. Le régime algérien et ses alliés, ex communistes et laïcs, ont en effet une connaissance intime des schémas de pensée des français, de leurs peurs, de leurs sympathies et de leurs ignorances.

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Pour des raisons d'espace, nous nous limiterons au seul droit français. Ce choix n'est pas arbitraire en raison de la forte implication de la politique française en Algérie. Aux termes de l'article 690 du CPP français :

Quiconque s'est, sur le territoire de la République, rendu complice d'un crime ou d'un délit commis à l'étranger peut être poursuivi et jugé par les juridictions françaises si le fait est puni à la fois par la loi étrangère et par la loi française, à la condition que le fait qualifié crime ou délit ait été constaté par une décision définitive de la juridiction étrangère.

Or, si le droit algérien ne punit pas le crime de guerre, le crime contre l'humanité et le crime de génocide comme le fait le droit français, il punit la torture. Encore faut-il qu'un jugement soit prononcé par une juridiction algérienne contre l'auteur principal des tortures, et devienne définitif après épuisement des voies de recours. Mais peut-être que par la « décision définitive de la juridiction étrangère » le législateur français vise la décision contre l'auteur principal, prononcée par une juridiction étrangère quelconque, autre que française ? En tout état de cause, la poursuite du complice est subordonnée à celle de l'auteur principal. A cet égard, on doit envisager la poursuite, en France, des auteurs principaux et leurs complices sur la base de l'article 689-1 du même code, qui consacre le principe de la compétence universelle pour les crimes contre l'humanité, perpétrés en temps de paix ou en temps de guerre, et le génocide.

**c) La responsabilité indirecte en DIP**

L'article 3 de la Convention sur le génocide punit la complicité. Sont considérés comme actes de complicité, le fait de fournir sans contrainte et en connaissance de cause, subside, moyen d'existence, logement, lieu de retraite ou de réunion aux auteurs de ces infractions. La complicité s'étend aussi aux particuliers qui écrivent et incitent, comme lors d'un partage de tâches entre l'auteur principal et son complice, ou visitent les capitales mondiales pour exciter l'opinion publique, nationale ou internationale, à une guerre sans merci contre un groupe déterminé en tant que tel. Les décideurs militaires avaient encouragé et ordonné au gouvernement le financement de cette diplomatie parallèle de soutien à leur entreprise. L'incrimination comme coauteur ou complice peut s'étendre au-delà des frontières et toucher ceux qui aident ou incitent, par n'importe quel moyen, le criminel. Des enquêtes journalistiques ont établi que la France a aidé politiquement, militairement, et financièrement à la perpétration de la répression à grande échelle de groupes politiques islamiques algériens, ou d'origine algérienne.

L'argument de lutte anti-terroriste excipé est inacceptable de la part du gouvernement algérien qui, à notre connaissance, n'a pas ratifié les instruments internationaux essentiels de lutte contre le terrorisme<sup>19</sup>. Les gouver-

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nements occidentaux qui l'aident le savent bien alors même qu'ils devraient faire la différence entre terrorisme et résistance, terrorisme et exercice pacifique des droits garantissant la liberté d'expression, d'association et de protestation<sup>20</sup>.

Si l'incrimination est basée sur le droit international, les conventions internationales facilitent l'extradition des auteurs, coauteurs et complices même si les faits reprochés ne sont pas prévus et punis par le droit national des personnes recherchées.

Les suspects de crimes de guerre, crimes contre l'humanité, et de génocide étant déterminés, restera à les contraindre à comparaître en justice. L'Etat algérien a l'obligation morale, politique et juridique, tirée de sa propre Constitution, mais aussi du droit conventionnel et coutumier international, de traduire les coupables de crimes de guerre, de crimes contre l'humanité et de génocide devant l'une de ses juridictions puisque ces crimes sont commis sur son territoire. A défaut, il sera tenu de livrer les coupables et suspects. Mais si l'obligation morale, politique et juridique, de poursuivre et punir les criminels repose sur l'Etat de droit, en l'état actuel des choses l'Etat algérien est une fiction, derrière laquelle les décideurs monopolisent le pouvoir.

Qui peut contraindre les criminels à rendre des comptes, ou du moins entreprendre de les poursuivre en justice ?

### *2.1.2. Les demandeurs au procès*

Ce sont tous ceux qui ont un intérêt légitime à agir, soit pour obtenir réparation, soit par acquis de conscience, car devant l'horreur et la détresse d'autrui il n'est pas permis de rester insensible. Ce sont également les Etats signataires des différentes conventions internationales, notamment celle prévenant et réprimant le crime de guerre, la torture et le génocide, qui ont l'obligation juridique d'agir. C'est une véritable obligation de résultat qui pèse sur eux.

La question se pose de savoir si, parce que le conflit armé qui se déroule en Algérie menace la paix et la sécurité régionales, le Conseil de sécurité a l'obligation d'agir en vertu de ses textes fondateurs. Il nous semble que la qualification de menace à la paix et la sécurité, qui revient de droit au Conseil de sécurité, procède plus d'une décision de nature politique que juridique. D'autre part, la sanction que peut décider ce même Conseil n'est pas de nature juridique, puisqu'elle consiste en une menace d'utiliser la force ou l'usage direct de celle-ci, sur résolution du Conseil. Il s'agirait d'une sanction militaire. Certains ont reconnu une nature juridique à la menace de la paix et la sécurité, qualification nécessaire et préalable à la décision de sanction, alors que celle-ci serait une notion *sui generis* en raison de sa singularité.

Garant de la paix, et de la sécurité de l'humanité, le Conseil de sécurité dispose de moyens juridiques pour intervenir. Outre la condamnation des violations du droit international humanitaire, et des graves violations des

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droits de l'homme, le Conseil de sécurité a le devoir d'établir la responsabilité individuelle des auteurs des crimes, et de privilégier la justice à l'impunité. Ses Résolutions sont obligatoires en vertu de l'article 25 de la Charte des Nations Unies. Cependant, la nécessité d'une résolution autorisant spécifiquement l'usage de la menace, ou de la force, fait que ses interventions restent sélectives, en fonction de l'intérêt pris en considération par ses membres permanents. De ce fait, la qualification de menace à la paix ou à la sécurité, qu'il est seul à pouvoir prononcer, reste aléatoire et toute circonstancielle ; cette qualification reste largement déterminée par l'intérêt que porteront les grandes puissances à la question. C'est ainsi que des conflits sont ignorés de façon discriminatoire, alors que d'autres sont surdimensionnés. Parfois des conflits terminés sont exhumés. Le représentant des Etats-Unis au Conseil de sécurité a diffusé au sein du Conseil, en mai 1998, un projet de résolution basé sur le chapitre VII de la Charte, portant création d'un tribunal *ad hoc* pour juger les khmers rouges. Il n'avait pas montré un tel intérêt pour le génocide rwandais, et reste silencieux sur le génocide algérien.

Les autres membres permanents au Conseil de sécurité ne se montrent pas plus respectueux de leurs engagements juridiques et moraux. Pour son acceptation, tout projet en ce sens doit requérir l'accord des cinq membres du Conseil de sécurité, ainsi que quatre autres membres, pour parfaire la majorité. N'est-ce pas ce préalable qui a conduit certaines puissances à s'arroger du droit de menacer, et même d'utiliser la violence, sans recourir à cette autorisation lorsqu'elles estiment que leurs intérêts sont menacés ? A ce principe général de l'autorisation préalable du Conseil de sécurité, certaines puissances soutiennent qu'il peut exister des exceptions permettant l'intervention. C'est ainsi que le président français, Jacques Chirac, déclare lors d'une conférence de presse, tenue conjointement avec Lionel Jospin, premier ministre français, et Romano Prodi, président du Conseil italien, au palais Vecchio à Florence, le 6 octobre 1998 : « une action militaire quelle qu'elle soit, doit être demandée et décidée par le Conseil de sécurité [...] la situation humanitaire constitue une raison qui peut justifier une exception à une règle si forte et si ferme soit elle [...] pour assister ceux qui sont en danger ». Javier Solana dira la même chose, selon lui : « il faut examiner aussi cas par cas la légitimité d'une action »<sup>21</sup>.

### **A. Les victimes directes**

#### **a) La population civile**

Il s'agit des individus isolés ou organisés, victimes directes ou ayants droit de victimes, qui demandent réparation pour les préjudices subis, physiques, psychiques, affectifs et matériels et qui revendiquent, en outre, le rétablissement de leurs droits politiques, sociaux et économiques. Ceux encore qui réclament le retour de leurs proches disparus dans les geôles secrètes du ré-

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gime algérien. Ce sont également les suppliciés et rescapés des camps de déportation et des massacres commis en Algérie et toute victime directe des crimes de guerre, des crimes contre l'humanité et du génocide.

## **b. Les opposants politiques**

### ***1) Les opposants armés***

Il s'agit de ceux que le régime algérien qualifie indistinctement de terroristes, qui seraient selon lui les auteurs exclusifs d'une violence indiscriminée. Le terrorisme est un terme journalistique et politique, non une notion juridique. Les mouvements de libération nationale, ou de résistance au fascisme, ont été qualifiés de terroristes. Les nazis ont été les premiers à utiliser ce terme pour désigner les opposants européens. Aujourd'hui les mass médias insistent sur le terrorisme individuel en passant sous silence le terrorisme institutionnel, étatique, malgré l'ampleur des moyens qu'il utilise, et les conséquences autrement plus dramatiques qui en résultent. Si au niveau de l'ONU on note l'importance d'étudier les causes conduisant au terrorisme, les délégués occidentaux tout en reconnaissant et rejetant :

les formes tyranniques utilisées par certains gouvernements à cause de la forte ambition du pouvoir politique de laquelle il résulte la violation des droits et libertés fondamentales des peuples [...] conduisant au mépris de la justice [...] [ces formes de violence publique] restent soumises à la compétence de la Commission des droits de l'homme<sup>22</sup>.

Dès lors, les délégués occidentaux invitent les victimes à se plaindre devant les Comités et commissions des droits de l'homme alors même que ces instruments, d'une grande complexité, ne disposent, tout au plus, que de simples recommandations non exécutoires.

Les opposants armés de tous les camps, tombés entre les mains de leurs ennemis, et qui ont été victimes de crimes de guerre, d'exécutions sommaires, de tortures, sévices et mauvais traitements, de jugements inéquitables, de mutilations, sont en droit d'engager des poursuites. Il s'agit de l'ensemble des opposants armés victimes, selon le cas, de crimes de guerre, de crimes contre l'humanité ou de génocide. Pour les victimes décédées, le droit d'agir appartient à leurs ayants droit.

### ***2) Les opposants non armés***

Les victimes de crimes de guerre, de crimes contre l'humanité et de génocide commis en Algérie, tels que ces crimes ont été définis, sont également en droit d'agir. Cependant, si leur opposition non armée a consisté à aider, renseigner, soutenir matériellement ou par la propagande, l'une des parties, qui s'opposent par les armes, elles sont assimilées aux parties en conflit armé, et de ce fait, si elles sont victimes de crimes de guerre, elles ne le sont pas pour

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le génocide ou le crime contre l'humanité selon les définitions que nous avons adoptées. Néanmoins, ces victimes peuvent soutenir, comme pour les opposants armés, qu'elles ont été poussées à la résistance pour l'exercice d'un droit légitime de défense, de sorte que leur opposition soit moins un choix libre, qu'une option irrésistible de leur condition sociale, politique et humaine.

Qu'ils soient armés ou non, selon quelques législations nationales internes, ceux qui s'opposent ou combattent le système idéologique, au nom duquel les crimes contre l'humanité ou le génocide sont commis, sont recevables à agir en justice. Tel est le cas en France. L'action doit être portée devant les tribunaux français sur la base de l'article 212-2 du CP, ainsi que l'article 689-1 du CPP. Ce dernier texte dispose en effet que :

En application des conventions visées aux articles suivants [portant sur la torture, les crimes contre l'humanité et sur le génocide, ndlr] peut être poursuivie et jugée par les juridictions françaises, si elle se trouve en France, toute personne qui s'est rendue coupable hors du territoire de la République de l'une des infractions énumérées par ces articles. Les dispositions du présent article sont applicables à la tentative de ces infractions, chaque fois que celle-ci est punissable.

### ***B. Les victimes indirectes***

Il s'agit de tous ceux qui refusent le crime, individus, ONG, Etats et organes internationaux habilités, particulièrement ceux qui respectent les obligations du droit et qui souffrent de le voir violé. En somme la victime indirecte est l'humanité. Le droit international pénal ouvre la possibilité aux Etats, parties aux différentes Conventions, et les oblige parfois d'agir auprès de la CIJ et auprès des organes des Nations Unies habilités.

Toutefois la notion « d'Etat lésé », consacrée par l'article 60 de la Convention de Vienne sur les traités, a été critiquée en raison de l'usage abusif des notions sur lesquelles l'action doit être basée. Toute décision d'agir en justice, au nom de l'Etat, comporterait une part de subjectivité, ce qui nécessite une détermination objective des qualifications pénales. D'autre part, en droit international pénal, l'action dirigée contre un Etat se fonde sur l'attribution, et non l'imputabilité à cet Etat de crimes, car la notion d'imputation comporte une part de subjectivité et de fiction, notamment dans sa traduction anglaise. Or qui est habilité à qualifier un crime universel ? Par ailleurs est-ce que l'action idoine initiale, pour prévenir ou pour punir, est subordonnée à une qualification criminelle ? On sait que la seule tentative constitue déjà le crime. Ces raisons permettent de rejeter l'opinion qui rejette la notion d'Etat lésé, car en droit, l'Etat n'a pas besoin d'être lésé pour agir, son adhésion aux Conventions lui fait obligation, d'abord d'empêcher le crime, ensuite, s'il est commis, d'agir pour le faire punir.

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S'il est vrai que la seule qualification de génocide oblige, juridiquement, tous les Etats signataires de la Convention portant sur la prévention et la répression du génocide à agir, l'existence des éléments constitutifs du génocide, de sa tentative, de l'entente en vue de le commettre, ou même l'existence de simples prémisses qui annonceraient sa commission, indépendamment de leur qualification juridique, entraînent les mêmes obligations pour ces Etats. La qualification est une opération intellectuelle postérieure aux faits qui la soutiennent. En effet, selon l'article VIII de cette convention ces Etats, et les organes compétents des Nations Unies, sont dans l'obligation de prendre les mesures jugées appropriées pour la « prévention », ensuite pour la répression du génocide. Les Etats craignent d'appeler le génocide par son nom, pour ne pas se sentir obligés d'intervenir. C'est la principale raison qui conduit les Etats à refuser cette qualification même si elle est établie, par exemple au Rwanda où les carences et le retard de la communauté internationale à porter secours aux victimes ont été postérieurement dénoncés. C'est la même raison qui explique le silence sur le génocide algérien. Or, la même obligation pèse sur ces Etats, et avec la même force, pour prévenir avant de réprimer. Toute qualification juridique du crime n'est valable que par décision d'un juge compétent. Les victimes sont donc en droit de porter plainte en pré-qualifiant, les Etats et les procureurs également ; ces pré-qualifications n'échapperont pas aux contestations, ne serait ce que par le génocidaire. Seule une décision judiciaire définitive donnera à la qualification juridique du crime le statut d'une vérité opposable à quiconque. Dès lors, les Etats sont juridiquement obligés d'agir lorsque des faits « susceptibles » d'une qualification criminelle universelle sont portés à leur connaissance, par tous moyens. Nous soutenons la qualification criminelle universelle des crimes commis en Algérie. Nous avons par ailleurs la certitude que tous les Etats signataires des conventions internationales du droit humanitaire, et du droit des droits de l'homme, ont l'obligation juridique d'agir contre les criminels et contre l'Etat algérien.

Tout Etat peut, en outre, agir devant ses propres juridictions en vertu du principe de compétence universelle, qui reconnaît au juge national interne de décider des actions judiciaires portant sur des faits qui se sont déroulés hors du territoire national, et impliquant des personnes qui ne portent pas sa nationalité. Mais de nombreuses législations nationales limitent ce principe en exigeant, par exemple, que les victimes soient en tout ou en partie des nationaux. D'autres législations plus souples exigent la résidence, même temporaire, du suspect sur le territoire, c'est le cas du CPP français lorsque le crime sur lequel est fondée l'action ressort de l'une des conventions auxquelles la France est liée et a fait l'objet de mesures législatives d'introduction de ces crimes dans la législation nationale. La France est partie aux conventions portant sur le génocide, la torture et le crime contre l'humanité ; le Royaume Uni est lié par les instruments internationaux portant sur le crime de guerre et la torture. Dans les Etats parties aux différentes conventions du droit in-

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ternational pénal, il est possible aux victimes directes de porter plainte. Certains droits nationaux, en Espagne par exemple, à côté de l'action de la victime et celle du parquet, la population peut agir dans le sens d'une ouverture d'une action judiciaire.

Tout Etat signataire de conventions internationales portant sur le droit humanitaire et le droit des droits de l'homme peut, lorsque la convention dont il se prévaut le prévoit, saisir tout organe des Nations Unies d'une requête, afin de faire condamner l'Etat qui a violé ses engagements, ou une règle du droit humanitaire. L'organe compétent peut être, par exemple, le Conseil de sécurité lorsque ces violations menacent la paix et la sécurité internationale, ou la CIJ dans tous les autres cas.

Les ONG ont qualité pour agir en justice selon quelques droits nationaux, et ne l'ont pas selon d'autres. Les Ligues de défense des droits de l'homme et organisations de défense des droits humanitaires devraient militer pour conquérir la « qualité pour agir en justice », devant les graves violations du droit, puisqu'elles défendent ces droits, non pour un intérêt égoïste mais par humanisme ayant vocation universelle. Dans les systèmes qui n'admettent pas cette motivation, réservée aux procureurs de la République, au Roi ou à la Reine, les ONG et associations devront au contraire établir qu'elles défendent non l'intérêt général ou universel mais un intérêt collectif, au sens corporatiste, un intérêt égoïste qui serait leur raison d'être. En effet, quelle serait la justification d'admettre la qualité pour agir efficacement en justice aux associations de protection des animaux, largement admise par ces systèmes, en la refusant aux humains, victimes en l'occurrence des crimes les plus barbares ?

## **2.2. Mise en mouvement de l'action judiciaire**

Depuis ces dernières années, le principe se confirme que l'individu dispose de droits et est soumis à des obligations, qui sont définis non par le droit national mais par le droit international. Sur ce sujet la doctrine est divisée. L'école du droit positif défend une opinion traditionnelle qui ne reconnaît pas à l'individu une personnalité juridique internationale. L'école moderne du droit réaliste considère quant à elle que les individus sont les seuls sujets du droit international, qui les concerne directement. Leur responsabilité a été reconnue par les décisions du Tribunal de Nuremberg, ainsi que par les Tribunaux pour l'ex-Yougoslavie et le Rwanda. Bien auparavant, les dispositions internationales sur le droit des étrangers, les droits de l'homme, la prévention et la répression de la piraterie ainsi que le génocide ont étendu aux particuliers la reconnaissance de la qualité et la capacité d'agir, et la possibilité d'avoir à répondre de ses crimes, devant certaines juridictions internationales. Ces dispositions internationales les concernent directement comme sujets de droit.

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A qui appartient l'initiative des poursuites en droit interne algérien, en droit national étranger et en droit international ? Et qu'en est-il des obstacles de temps et d'espaces qui peuvent assurer l'impunité des criminels ? En d'autres termes, après l'examen de l'initiative des poursuites, nous analyserons l'obstacle du déroulement du temps, qui risque de faire oublier ces crimes, et s'opposerait à la poursuite des criminels en raison de la prescription des faits. Nous analyserons également l'obstacle géographique, car en trouvant asile au-delà des frontières, les criminels peuvent, avec ou sans l'accord des autorités du pays d'accueil, prétendre s'assurer l'impunité de leurs responsabilités dans les crimes, s'opposer à l'extradition ou y opposer l'exception politique de leurs faits.

### *2.2.1. L'initiative des poursuites pénales*

#### ***A. L'initiative des poursuites en droit algérien***

L'initiative des poursuites pénales appartient au ministre de la défense pour les juridictions militaires, et aux magistrats du parquet pour les juridictions du droit commun. Théoriquement l'action au pénal appartient à la société, représentée, par une fiction juridique, par les magistrats du parquet. De fait, le parquet est l'outil de l'exécutif dont il est l'émanation. Il lui appartient de pré-qualifier les faits, ce qui dans ce cas est un choix politique. Il en est de même pour le parquet militaire sauf qu'il ne représente pas la société mais le ministre de la défense. Subsidiairement, la victime peut déposer plainte avec constitution de partie civile auprès du juge d'instruction territorialement compétent. Cette possibilité est exclue devant les juridictions militaires qui n'admettent pas les plaintes des victimes.

En pratique, l'initiative en matière pénale appartient au parquet (procureurs) soumis à la hiérarchie (chancellerie), c'est-à-dire au gouvernement. Le code de procédure pénale (CPP) et le code de justice militaire (CJM) consacrent cette appartenance de l'initiative des poursuites. Il paraît peu probable qu'un procureur algérien quelconque mette en mouvement l'action publique pour punir les auteurs des crimes de massacre, de tortures, séquestrations etc. mettant en cause de hauts responsables politiques et militaires. Le massacre est systématiquement attribué aux terroristes, une imputation commode pour cacher les vrais auteurs. L'appareil judiciaire algérien n'est pas un pouvoir autonome malgré l'affirmation de la Constitution. Nous avons traité cette question dans deux articles précédents intitulés respectivement « L'inaptitude du droit interne à qualifier et gérer les massacres commis en Algérie » et « La qualification juridique des massacres commis en Algérie selon le droit international pénal ». La Fédération internationale des ligues des droits de l'homme - a consacré l'un de ses rapports au même sujet sous le titre « L'Algérie de l'extrajudiciaire et de la manipulation »<sup>23</sup>. Dans le rapport soumis au Secrétaire général des Nations Unies par le panel chargé de re-

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cueillir des informations en Algérie, en août 1998, ce grave dysfonctionnement est dénoncé en des termes à peine voilés.

En théorie, l'action des victimes et leur dédommagement est possible, mais pratiquement difficile à réaliser. En effet, au plan théorique, et à côté du droit du parquet de prendre l'initiative des poursuites de son propre chef, la victime a le droit de déposer une plainte soit devant le procureur, soit devant le juge d'instruction en se constituant partie civile. Dans ce cas, la loi ne protège pas la victime de carence du procureur territorialement compétent, qui refuserait de prendre l'initiative des poursuites, ou qui classerait sans suite une plainte émanant de la victime. Lorsque celle-ci prétend être lésée par une infraction et dépose plainte avec constitution de partie civile devant un juge d'instruction de droit commun, celui-ci est tenu d'ouvrir l'information, soit contre personne dénommée, soit contre X. Cependant, le juge d'instruction est libre, en principe, dans ses appréciations et ses décisions et peut ordonner qu'il n'y a pas lieu à informer. Si la Constitution dit qu'il n'obéit qu'à la loi, l'expérience montre que les juges d'instruction ont été largement sous la dépendance des services de sécurité, police, gendarmerie ou sécurité militaire, dont ils ont systématiquement conforté les procès-verbaux, alors même que ces pièces étaient touchées de vices rédhibitoires. Ils sont plus encore sous la dépendance de l'exécutif qui, ces dernières années, ne s'est pas gêné pour leur adresser des instructions fermes assorties de sanction, en cas d'inobservation, sur des domaines qui ressortent pourtant de la loi et leur seule conscience. Récemment encore, à la fin de l'année 1998, le président du syndicat des magistrats algériens a publiquement accusé le ministre de la justice, Mohamed Adami, de violations multiples de la Constitution et des lois, précisément à l'égard des juges d'instruction.

Théoriquement donc, le droit d'obtenir réparation ressort du droit commun. Le coupable peut être condamné aux réparations civiles par le tribunal criminel accessoirement à l'action pénale. Lorsqu'il est établi qu'il a agi dans le cadre ou à l'occasion de sa fonction, son commettant (employeur, patron y compris l'Etat) peut être retenu comme civilement responsable pour le paiement des réparations.

### ***B. L'initiative en droit national étranger***

Il appartient à l'Etat de mettre en mouvement cette action. Il le fait par le biais de ses procureurs ou ses juges, sur la base du principe de compétence universelle, selon lequel tout individu peut être accusé et attiré devant une juridiction étrangère en vertu du droit coutumier, même s'il est ressortissant d'un Etat non partie à la convention.

D'autre part, les personnes victimes directes, seules ou groupées, peuvent saisir toute juridiction du territoire où elles résident. Les particuliers ont la possibilité de se constituer partie civile en portant plainte devant le juge d'instruction dans les systèmes juridiques « inquisitoires » qui l'admettent. Ils

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peuvent saisir le juge compétent pour obtenir autorisation de citer les suspects dans les autres systèmes « accusatoires ». Les juridictions de ces deux systèmes sont compétentes pour en connaître lorsque l'Etat concerné est partie aux différentes conventions portant sur le crime de guerre, le génocide et la torture. Cependant pour l'acceptation formelle de l'action, dans certains pays, la résidence même provisoire du suspect sur le territoire est exigée. Les victimes algériennes plaignantes peuvent demander, si le suspect n'y réside plus, la mise en œuvre de la procédure d'extradition. Cette procédure, que seul le juge saisi pourra apprécier, lui permet de réclamer l'arrestation du suspect et sa remise au juge requérant, à toute juridiction étrangère dans le territoire de laquelle réside ou est détenu le dit suspect. En vertu du principe de compétence universelle, cette dernière juridiction a le choix exclusif de tout autre de « juger » elle même ou « extradier ».

En France, par exemple, en sus de l'initiative des poursuites appartenant au parquet, c'est par le procédé de la plainte au Procureur de la République, au Commissaire de police ou à la brigade de gendarmerie qui la transmettront au Procureur (article 40 du CPP), ou de la plainte avec constitution de partie civile auprès du juge d'instruction (article 85 du CPP) que l'action peut être mise en mouvement sur initiative de la victime directe ou indirecte. De récentes réformes tentent d'assurer la liberté des procureurs par rapport à la chancellerie. En Espagne, en plus de l'initiative qui appartient aux procureurs et aux victimes par leur saisine d'un juge d'instruction, l'article 23 de la loi organique, faisant office de CPP, prévoit une voie remarquable. La population ou un groupe organisé peuvent faire démarrer une poursuite pénale.

Les victimes indirectes peuvent selon certaines législations nationales agir en justice. L'organisation Reporters sans frontières (RSF) avait déposé plainte avec constitution de partie civile, devant un juge d'instruction français, contre Aghate Habyarimana et autres responsables de la Radio rwandaise *Mille collines*. Le juge a rendu une ordonnance d'incompétence partielle, mais a rejeté la constitution de partie civile<sup>24</sup>. La chambre d'accusation saisie sur appel de RSF a décidé de renvoyer le dossier au tribunal *ad hoc* pour le Rwanda.

### ***C. L'initiative judiciaire en DIP***

Les Statuts des tribunaux internationaux créés pour juger des crimes de génocide, crime contre l'humanité et crimes de guerre, commis en ex-Yougoslavie et au Rwanda réservent le droit de l'initiative des poursuites au Procureur près de ces juridictions. Il examine souverainement toute plainte ou information rentrant dans le cadre de la mission du tribunal.

Devant la CIJ, les Etats étant les sujets primaires du droit international, c'est uniquement sur leur action que la procédure peut être liée, selon le principe accusatoire. Les victimes algériennes, par l'intermédiaire des ONG, doivent trouver l'Etat partie aux différentes conventions de droit internatio-

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nal pénal pour soumettre la requête d'action à la CIJ, qui a confirmé sa compétence, notamment pour le génocide. En effet, la Convention portant sur la prévention et la répression du génocide fait peser sur les Etats une responsabilité directe, en vertu même de leurs engagements. Juridiquement leur intervention devrait précéder le génocide puisqu'ils ont l'obligation de « prévenir ». Si nous soulignons cette responsabilité lorsqu'il s'agit de prévenir le crime, à fortiori cette responsabilité est incontestable lorsque le crime est déjà consommé comme en Algérie. La répression dans ce sens est la solution ultime, qui paradoxalement intervient après la carence due à l'inexécution de l'obligation de prévention.

*2.2.2. Imprescriptibilité des crimes et des actions*

Les crimes de guerre, les crimes contre l'humanité et le crime de génocide sont imprescriptibles. La Convention sur l'imprescriptibilité des crimes de guerre, des crimes contre l'humanité et du génocide, entrée en vigueur le 11 novembre 1970, fait partie du droit coutumier international obligatoire. Elle prescrit que les crimes de guerre, les crimes contre l'humanité, commis en temps de guerre ou de paix, ainsi que le crime de génocide sont imprescriptibles, tant en ce qui concerne les actes de poursuite qu'en ce qui concerne la peine. Ils sont imprescriptibles quelle que soit la date de leur commission.

La lecture de l'article 3 commun aux quatre Conventions<sup>25</sup> de Genève, et du Protocole II relatif à la protection des victimes dans les conflits armés non internationaux, textes consacrés à la définition des infractions, et qui ne prévoient aucune sanction, ne permettent cependant pas d'affirmer d'emblée que l'imprescriptibilité touche également les crimes commis lors d'un conflit interne. Ces textes ne parlent pas d'infractions « graves ». D'autre part, le texte des quatre Conventions et du Protocole I, qui impose aux Etats parties une véritable obligation de résultat, qui est celle de : « respecter et faire respecter en toutes circonstances » les dispositions conventionnelles, ne figure pas au Protocole II. Ce dernier prévoit l'obligation des Etats parties à seulement diffuser le droit humanitaire international. Le principe d'imprescriptibilité des crimes commis lors de conflits armés internes a été discuté ; il n'est discuté aujourd'hui que par une minorité. Le développement des conflits armés internes (Cambodge, Rwanda) et concomitamment des droits de l'homme ont fait reculer la notion de souveraineté. Depuis lors on peut penser que l'imprescriptibilité doit logiquement être étendue à ces crimes, même s'ils sont commis lors de conflits armés internes. Notamment parce que la jurisprudence de la Cour Internationale de Justice (CIJ) avait consacré ce principe, et que en l'état actuel du droit international pénal, résumé par le Statut de la Cour Criminelle Internationale (CCI), adopté en juillet 1998, les crimes de guerre sont qualifiés de *graves* même s'ils sont commis lors d'un conflit armé interne. L'article 27 de ce Statut dispose en effet : « Les crimes relevant de la compétence de la Cour ne se prescrivent pas ».

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Cette opinion est plus amplement développée dans notre précédent article sur la qualification juridique des massacres commis en Algérie selon le droit international pénal, de sorte que l'on peut affirmer aujourd'hui que les crimes de guerre, commis lors d'un conflit armé interne comme en Algérie, sont des crimes imprescriptibles, aussi bien pour l'exercice de l'action judiciaire que pour l'application de la peine.

Des législations nationales ont consacré ce principe. L'article 213-5 du CP français dispose : « l'action publique relative aux crimes prévus par le présent titre, ainsi que les peines prononcées, sont imprescriptibles ». En l'occurrence, le titre du code pénal portant cette disposition est réservé, entre autre, au crime contre l'humanité, commis en temps de paix (article 212-1 du même code) ou en temps de guerre (article 212-2) et au crime de génocide (article 211-1 du CP français).

### *2.2.3. Extradition ou exception politique ?*

#### **A. L'engagement d'extradition**

Selon le droit algérien et français, l'extradition n'est exclue que pour les crimes politiques. Autrement, pour le droit commun, elle est réglée par les conventions et traités judiciaires bilatéraux. Qu'en est-il pour les crimes graves du droit international pénal ?

Les Etats parties à la quatrième Convention de Genève s'engagent, en vertu de son article 146, à permettre l'extradition des représentants de l'autorité de l'Etat, ou des particuliers accusés, pour autant que l'Etat requérant a : « retenu contre les dites personnes des charges suffisantes ». La Convention sur le génocide comporte le même engagement même si les faits ne sont pas une violation du droit interne. L'extradition est de droit à chaque fois que l'Etat requis n'aura pas traduit lui même l'accusé devant ses propres juridictions, comme c'est le cas en Algérie. La Convention internationale sur l'imprescriptibilité des crimes de guerre ou contre l'humanité comporte l'engagement des Etats à faciliter l'extradition de tout auteur, coauteur ou complice, y compris les représentants de l'Etat qui auraient toléré la perpétration de l'un de ces crimes.

En adhérant aux Conventions de Genève, et à la Convention incriminant le génocide, l'Algérie avait émis des réserves lui permettant de privilégier ses juridictions, et de refuser donc que ses nationaux puissent être traduits devant un tribunal international, ou une juridiction étrangère. Nous reviendrons sur ce point. Mais d'ores et déjà, cette réserve portant sur l'immunité de juridiction est inopposable pour empêcher tout accusé d'échapper au procès, puisque le droit algérien interne ne punit pas le génocide, alors même que l'Etat algérien s'est engagé, depuis trente cinq ans, à prendre des dispositions législatives adéquates.

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La Convention pour la prévention et la punition de la torture, que nous prenons ici comme une forme du crime de guerre et du crime contre l'humanité, institue ce que la doctrine du droit international pénal appelle le principe de la « compétence universelle », qui oblige les Etats parties à juger ou à extraditer. L'Algérie est partie à cette Convention.

La jurisprudence française refuse d'extrader celui qui n'est qu'un comparse, c'est-à-dire n'est pas auteur, coauteur ou complice, même s'il a eu l'intention d'agir. Celui qui s'est volontairement désisté avant la consommation de l'infraction, et celui qui n'a accompli que des actes préparatoires, ne sont pas extraditables sauf pour les actes préparatoires en matière de génocide, car ils impliquent l'entente en vue de le commettre qui est punissable. Pour les autres crimes et délits dès qu'il y a commencement d'exécution, le suspect devient virtuellement extraditable<sup>26</sup>. L'entente et la tentative de génocide sont punissables et leurs auteurs extraditables. La jurisprudence française exclut également l'extradition lorsque la demande d'extradition a un but politique. L'extradition est refusée en cas d'infraction politique, soit par son objet, soit par ses motivations<sup>27</sup>, quoique dans ce dernier cas, cette position n'est pas absolue, en raison notamment de la volonté politique de dépolitiser le terrorisme, volonté exprimée par la Convention de Strasbourg du 27 janvier 1977. Gerard Soulier notait dans un article publié par le quotidien *Le Monde*, du 12 novembre 1979, que cette Convention contrevenait à de nombreux principes de droit international, particulièrement l'article 14 de la Déclaration Universelle des droits de l'homme qui prescrit que le droit d'asile politique est un droit naturel de l'homme. De surcroît, la nouvelle convention d'extradition adoptée entre les Etats membres de l'Union européenne, en 1996, a supprimé les exceptions auparavant opposées aux demandes d'extradition et tirées de motifs politiques ou liées à la nationalité. Or, étant donné que les suspects de crimes universels ne sont pas admissibles à l'asile politique, on peut envisager des actions judiciaires dans le pays européen qui offre le plus de garanties pour un procès équitable, et qui se montre scrupuleux dans l'exécution de ses obligations internationales en matière de droit humanitaire et de droit des droits de l'homme, ceci à chaque fois qu'un suspect réside, même temporairement, dans ce pays européen. En France, la loi du 11 mai 1998 a créé un nouveau statut de réfugié<sup>28</sup>, inconnu des conventions internationales : celui des combattants pour la liberté, accordé par l'Office Français de Protection des Réfugiés et Apatrides (OFPRA). Or de nombreux suspects algériens, auteurs et complices, ont semble-t-il bénéficié de l'asile en France sur la base de cette loi. Une action judiciaire contre des suspects bénéficiaires de ce statut doit juridiquement aboutir à sa révision si le procès aboutit à une condamnation.

La convention arabe contre le terrorisme du 22 avril 1998 prévoit l'extradition et l'échange d'informations sur les activités terroristes. Elle laisse cependant au pays saisi par la demande d'extradition la possibilité de la refuser, s'il considère souverainement qu'elle est demandée pour des raisons

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politiques. Une convention algéro-française interdit l'extradition si l'infraction constitue une violation d'obligations militaires selon la loi de l'Etat requis. Cette solution est partagée par l'article 4 de la convention européenne. Les infractions connexes qui ont un lien avec une infraction militaire ou politique excluent également l'extradition. Cependant, si le crime principal est le crime de guerre, le crime contre l'humanité ou le génocide, et que les infractions connexes revêtent un caractère militaire ou politique, on doit supposer la primauté du crime international pénal en raison de son pouvoir d'attraction sur les infractions accessoires ou internes. Solution renforcée par le principe de hiérarchie des normes, qui place les conventions internationales au dessus des législations internes.

### ***B. L'irrecevabilité de l'exception politique***

Les Conventions sur la répression des crimes de guerre et du génocide engagent les Etats à prendre des mesures législatives pour prévenir et sanctionner ces crimes. Ceux-ci ne peuvent être considérés comme des crimes politiques, permettant de soustraire l'accusé à l'extradition. Cette disposition est importante.

La législation pénale algérienne ne punit pas le crime de guerre, le crime contre l'humanité et le génocide, alors même qu'en adhérant aux Conventions sur le génocide en 1963, aux quatre Conventions de Genève et aux deux Protocoles additionnels de 1977 en 1989, l'Etat algérien s'était engagé à les inclure au CP. Il se trouve lié par son engagement de ne pouvoir opposer le caractère politique des crimes, que le ou les accusés soient des particuliers ou les représentants de l'autorité politique, administrative, judiciaire ou militaire.

La détermination des parties au procès, et la connaissance du mécanisme de mise en mouvement de l'action de répression des criminels ne suffisent pas. Il faudrait dorénavant répondre à la question : devant quelle juridiction agir ?

## **3. Les juridictions aptes à en connaître**

La réponse à cette importante question pratique nous conduira à éliminer, dorénavant et déjà, certaines juridictions, malgré l'espoir que leur naissance a donné aux victimes de par le monde, et malgré la logique qui voudrait que le juge qui devra trancher, est celui dans le territoire duquel ces crimes ont été commis.

### **3.1. Les juridictions à exclure**

Il s'agit essentiellement des juridictions algériennes et de la nouvelle CCI.

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Les règles de procédure, du stade de l'enquête jusqu'à celui du jugement définitif, figurent au CPP et au CJM<sup>29</sup>. En temps de paix, de situation d'urgence ou d'état de siège, une double compétence existe : celle des juridictions militaires et celle des tribunaux de droit commun. En temps de guerre, formellement déclarée par le pouvoir ou reconnue par une disposition expresse, seules les juridictions militaires ont compétence.

Puisque l'initiative des poursuites appartient au parquet (civil ou militaire), le choix de l'un ou de l'autre ordre de juridiction relève du pouvoir discrétionnaire de l'autorité, contredisant les dispositions de la Constitution et du droit international. La Constitution fait du juge de droit commun le juge naturel, souci partagé par le droit international, notamment l'article 14 du PIDCP. D'autre part, depuis le coup d'Etat de janvier 1992, les juges algériens ont vu leur statut révisé et leurs principales conquêtes de 1989 annulées. C'est ainsi que, par exemple, par décret-legislatif et décret-exécutif, portant respectivement les numéros 92-05 et 92-388 et pris les 24-25 octobre 1992, le Conseil supérieur de la magistrature a été réorganisé pour être soumis au pouvoir exécutif. Cette réorganisation a fait écrire en 1995, que : « au cours de ces trois dernières années le pouvoir judiciaire a été apprivoisé ; il est totalement soumis au pouvoir exécutif et aux centres de la décision politique et sécuritaire »<sup>30</sup>. Cette régression du statut du juge avait suivi de peu la création, par un texte de même nature, des Cours spéciales anti-terroristes. Cette forme de texte, le décret-legislatif, était inconnue jusque là du système des normes algériennes.

Dès lors, il n'est pas possible aux victimes directes et indirectes des crimes commis en Algérie de s'adresser aux juridictions algériennes, qu'elles soient militaires ou de droit commun.

***A. Les juridictions militaires***

Si l'article 25 du CJM stipule que la juridiction militaire est compétente lorsque les faits se déroulent dans une enceinte militaire, ou que l'auteur ou même un complice est militaire, son alinéa 3 réserve une compétence générale en matière de délits d'atteinte à la sûreté de l'Etat. D'autre part, dans toute affaire soumise à son examen, la juridiction saisie a une compétence qui s'étend au-delà des atteintes à la sûreté de l'Etat, pour concerner les infractions connexes et même celle de droit commun, comme la torture, la détention arbitraire, les viols, les séquestrations, etc. Ce sont ces juridictions qui, semble-t-il, ont traité les 68 cas qualifiés de dépassements par le gouvernement algérien, et dont la liste a été remise au panel onusien par le gouvernement algérien. Cependant, le parquet militaire a toujours le dernier mot nonobstant la loi. C'est ainsi que, pour éliminer des opposants politiques, des crimes contre la sûreté de l'Etat leur ont été reprochés, et soumis aux juridic-

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tions militaires alors même que le texte ne parle pas de crimes, seulement de délits. La survivance même de l'alinéa 3 de l'article 25, reconnaissant compétence à ces juridictions pour connaître des délits d'atteinte à la sûreté de l'Etat, était justement contestée. C'est une survivance de la période socialiste durant laquelle les crimes relevaient de la compétence de la Cour de sûreté de l'Etat, alors que les délits ressortaient de la compétence des juridictions militaires. Après la promulgation de la Constitution plus démocratique de 1989, le Président du Parlement avait saisi le Conseil constitutionnel pour juger de la constitutionnalité de l'article 25 du CJM. Ce Conseil n'a jamais statué.

Dans les faits le droit n'est pas respecté ; le tribunal militaire avait retenu sa compétence pour juger les dirigeants civils du FIS et l'avait refusée pour juger un militaire qui, alors qu'il était en service commandé et en possession d'un ordre de mission officiel écrit, avait assassiné un Président, sensé être, selon la Constitution, le chef suprême des armées. Dans une autre affaire célèbre, la juridiction militaire avait retenu sa compétence, et condamné un journaliste, pour un délit de presse, en l'occurrence Djamil Fahassi qui, après avoir purgé sa peine de prison fut déporté au Sahara, ensuite enlevé et depuis lors porté disparu.

Devant les juridictions militaires algériennes, l'intervention des victimes comme parties civiles n'est pas recevable. Elles devront théoriquement porter leur action devant les juridictions civiles une fois que la condamnation par le tribunal militaire est acquise. Ces juridictions dépendent en totalité du ministre de la défense, et les actions sont entreprises à son initiative par l'intermédiaire du parquet militaire qui relève hiérarchiquement de lui. Les procureurs militaires ont les grades les plus élevés dans ces juridictions, face aux juges d'instruction, et des assesseurs du siège dans la majorité des procès. On le voit mal poursuivre les auteurs des massacres, et encore moins les décideurs militaires. L'ouverture de procès de ce genre serait inacceptable pour le régime qui, malgré l'accumulation des preuves, des dénonciations et des pressions internationales, s'évertue à nier les atteintes systématiques au droit à la vie et à la liberté, pratiquées à grande échelle. Il faut donc exclure les juridictions militaires algériennes de la compétence de traiter des massacres commis en Algérie.

### ***B. Les juridictions de droit commun***

Les juridictions algériennes demeurent potentiellement compétentes. C'est dans leur ressort territorial qu'ont été commis les crimes. Les suspects sont de leur nationalité de même que les victimes, à charge de demander l'extradition des coauteurs et complices étrangers, de recevoir aussi les constitutions des parties civiles étrangères victimes des crimes commis. La justice algérienne est fondée sur le principe inquisitorial. Les juridictions algériennes

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sont de deux sortes, les unes chargées de l'instruction, les autres du jugement.

#### **a. Les juridictions d'instruction**

En matière criminelle l'instruction est obligatoire. Les juges d'instruction sont saisis *in rem*, c'est-à-dire qu'ils ont le droit d'étendre leur compétence très largement, à condition d'instruire exclusivement sur les faits dont ils sont saisis. Les victimes de tortures accusées de terrorisme se présentaient devant les magistrats de ces juridictions alors que les traces des sévices sur leur corps étaient visibles, elles se voyaient inculpées sans retenue et leurs demandes d'expertise pour constater les tortures rejetées. Les juges d'instruction algériens refusaient d'instruire les plaintes, pourtant régulièrement déposées devant eux, avec paiement de la caution judiciaire dont ils fixaient arbitrairement le montant. C'est ouvertement qu'ils violaient la loi et les principes qui garantissent l'équité et la justice, qui leur commandent d'instruire à charge et à décharge. Le procès du massacre de Serkaji, présenté par l'accusation comme étant celui d'une mutinerie, a révélé que le juge chargé de son instruction avait menacé d'un pistolet tous les témoins, qui sont tous des détenus, en raison de leur refus initial de signer une déposition préparée par le dit juge, par laquelle il forçait les faits pour justifier le massacre. Il n'empêche que devant les juges du fond, ces dépositions ont été prises à la lettre ; tout comme les ordonnances et les arrêts de renvoi viciés, préparés par les juridictions d'instructions, pour juger les accusés.

#### **b. Les juridictions de jugement**

Les CP et le CPP donnent au juge du fond le pouvoir de décider selon son intime conviction en matière criminelle. Ce pouvoir dispense les juridictions criminelles de motiver leur décision souveraine. Ainsi, les juges n'ont pas eu à motiver les condamnations d'accusés sur le seul motif de leur affiliation à un parti politique légal au moment des faits ; ils ont même condamné, selon un avocat, pour port de barbe, alors que la Constitution et la loi consacrent le principe « pas de crime ni de peine sans loi préalablement promulguée et publiée ».

La loi leur donne également, en de nombreuses dispositions, le droit d'absoudre, c'est-à-dire de dispenser l'accusé reconnu coupable de la peine encourue, particulièrement devant une excuse absolutoire tirée de la loi interne. Théoriquement, ces excuses procèdent de la politique criminelle du législateur ; par exemple, l'absolution garantie par l'article 92 du CP algérien au coauteur ou complice qui dénonce aux autorités l'infraction projetée, avant toute exécution, lorsqu'il s'agit d'un crime ou délit contre la sûreté de l'Etat. Les accusés peuvent encore plaider l'ordre reçu du supérieur hiérarchique ou celui de la loi, circonstances admises par le droit algérien et autorisant le juge à absoudre de toute peine, ou de la moduler à volonté.

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***C Les empêchements à la compétence de ces juridictions***

Les empêchements aux procès équitables en Algérie même sont argumentés en fait et en droit.

**a) Les empêchements de fait**

Outre ceux implicites de l'absence de sécurité pour les victimes et témoins, les empêchements sont nombreux. Les juridictions algériennes se sont contentées des procès verbaux des services de sécurité viciés, et en ont fait la base des condamnations, violant ainsi les droits interne et international. La Cour suprême, gardienne des libertés et de l'interprétation correcte des lois, selon la Constitution, a violé dans de très nombreuses occasions les principes sur lesquels repose le système juridique algérien, par exemple celui de la hiérarchie des normes, en privilégiant un décret sur la loi et sur les traités internationaux régulièrement ratifiés. Elle a souvent nié la loi et l'évidence de faits comme la nature politique de procès d'atteinte à la sûreté de l'Etat, en confirmant les condamnations à la contrainte par corps alors légalement exclue dans ce cas. C'est pourquoi, pour des raisons évidentes d'équité, compte tenu de la dépendance de ces juridictions aux ordres des principaux suspects, il n'est guère pratique de compter sur leur impartialité, ni même de la possibilité de recevoir les plaintes. Si des plaintes pour torture n'ont reçu aucun début d'instruction, et les plaintes des familles de disparus classées sans suite, comment celles portant sur les massacres perpétrés par des agents de l'Etat le seraient-elles ?

Il est impossible d'envisager, dans une ambiance de terreur, que les victimes innombrables des crimes commis en Algérie viennent s'en plaindre auprès de ceux qui, précisément, sont suspectés d'être derrière ou avec les auteurs. Il est difficile de convaincre les victimes d'agir en Algérie même, ou les témoins de dire la vérité, en raison des risques de représailles. Les familles des disparus qui ont présenté des plaintes auprès des juridictions et des administrations algériennes ont subi les foudres des représailles des services répressifs de l'Etat. La revue mensuelle militaire algérienne *El Djeich* s'en est violemment prise à ces familles dans son numéro de février 1999. Qu'en serait-il si les plaintes visaient les crimes universels commis par ces mêmes forces répressives ?

Même avec des garanties, l'accusé, particulièrement lorsqu'il occupe un poste important dans la hiérarchie du pouvoir politique ou militaire, peut être tenté de circonvenir un témoin par promesses, par menaces ou voies de fait, par manœuvres ou artifices, pour l'amener à faire une déposition, une déclaration ou une attestation mensongère. Théoriquement il peut dans ce cas être poursuivi de subornation de témoin. Certes, si la subornation de témoin est pénalement punissable qu'elle ait ou non produit ses effets, et que le seul fait de provocation à l'altération de la vérité est constitutif du délit, il

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est difficile d'envisager, en fait, une action judiciaire en Algérie en l'absence de l'Etat de droit.

## **b) Les empêchements de droit**

### **1) Selon le droit interne**

Le système juridique algérien a réalisé actuellement un blocage empêchant de traduire les criminels en justice. Non seulement le CP ne punit pas les crimes de guerre, les crimes contre l'humanité et le génocide, mais de plus, la Constitution reconnaît au pouvoir de faire jouer toute une série d'immunités, de grâces et d'absolutions au profit des criminels. La Constitution algérienne reconnaît en effet aux pouvoirs législatifs, exécutif et judiciaire de larges privilèges. Les auteurs peuvent prétendre bénéficier de l'immunité (parlementaire par exemple), ou être graciés ou voir leur peine commuée ou diminuée sur le fondement du droit interne dans le cas, improbable, où les gouvernants algériens consentent à ouvrir des poursuites contre quelques exécutants, et que ces poursuites aboutissent à des condamnations. Les juges saisis peuvent d'ailleurs absoudre tout suspect de toute peine.

L'immunité est d'abord un privilège du chef d'Etat et des membres des deux chambres, parlement et sénat, élus ou désignés. Le régime, en adhérant à différentes conventions du droit humanitaire et traités des droits de l'homme, s'est réservé des immunités de juridiction pour ses nationaux, ne reconnaissant que les siennes propres. Nous reviendrons sur ce sujet.

Le privilège du pouvoir législatif algérien d'amnistier, c'est-à-dire d'effacer un fait punissable, d'empêcher les poursuites et d'anéantir toute condamnation est basé sur l'article 122 § 7 de la Constitution. L'amnistie est différente de la grâce qui suspend l'exécution de la peine tout en laissant subsister les effets de la condamnation. Le privilège du chef d'Etat (tiré de l'article 77 § 7 de la Constitution) à accorder la grâce, la commutation ou réduction de peine aux condamnés est reconnu par la majorité des systèmes juridiques, y compris par le droit international. C'est ainsi qu'aux termes de l'article 28 du Statut de la Cour pénale internationale, le pays où le condamné purge la peine infligée par cette cour, doit, lorsque sa législation prévoit les mesures de grâce ou de commutation de peine, informer la Cour. Mais dans ce cas, c'est elle qui doit examiner ces questions.

D'après la Constitution algérienne, le juge n'obéit qu'à la loi. Celle-ci (CPP) prévoit qu'en matière criminelle, le juge n'a pas à motiver sa décision puisqu'il opère par *intime conviction*. L'organisation des juridictions criminelles a été modifiée pour réduire le rôle des jurés populaires, devenus minoritaires dans la composition des juridictions. Les juges de fond qui sont fonctionnaires tiennent en main la décision finale prise dans l'anonymat des salles de délibération fermées. C'est le principe des convictions incommunicables qui

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prime. De nombreux textes permettent également de moduler les crimes (circonstances atténuantes), de fixer les peines (sursis) et même d'absoudre.

Particulièrement dans les crimes contre l'humanité, l'amnistie, qui constitue pour le droit positif un blâme légal implicite en ce sens qu'elle n'est accordée que pour un crime, est inacceptable au bénéfice de l'auteur d'actes que la conscience universelle réproouve. D'autant plus que ce privilège est l'attribut de responsables politiques, qui souvent se confondent avec les auteurs ou complices, actifs ou passifs, des crimes commis contre l'humanité. En l'absence d'amnistie, ils peuvent simuler un procès qui sera immédiatement vidé de tout effet, par une libération discrète par le ministre de la défense prévue par le CJM, ou par une grâce du Président de la République prévue par la Constitution.

## **2) Selon le droit international**

Le principe de territorialité, sur lequel repose le droit pénal algérien et qui prescrit le renvoi aux juridictions du lieu de commission des faits, principe prévu par la plupart des Conventions internationales, n'est pas absolu. S'agissant en l'occurrence de droit international pénal, la relativité de ce principe explique que même des décisions judiciaires, qui seraient rendues par les juridictions algériennes, ne s'imposeraient pas.

Les articles 9 et 10 des Statuts des tribunaux internationaux, respectivement pour l'ex-Yougoslavie et le Rwanda, permettent de rejurer des suspects même dans le cas où ils auraient été jugés par leur juridiction nationale, dès l'instant que la juridiction n'aura pas été impartiale ou indépendante, ou encore si les faits auraient été qualifiés de crimes de droit commun, alors qu'il s'agit de crimes universels. Ce serait le cas des « dépassements » qui auraient été jugés en Algérie et leur auteurs condamnés. Les textes du droit international résument une *opinio juris* incontestable. Il est évident que des criminels au pouvoir, ou ayant des complicités au pouvoir, doivent être jugés par des juridictions moins sujettes à pression ou intimidation, surtout si ces juridictions ont participé, directement ou indirectement, aux crimes de guerre, contre l'humanité et au génocide.

Cette compétence ne pourra être envisagée que si un régime démocratique se substitue à l'actuel. Dans ce cas, selon la Convention sur l'imprescriptibilité des crimes de guerre, des crimes contre l'humanité et du génocide, du 26 novembre 1968, entrée en application en novembre 1970, les crimes commis, soit en temps de paix soit en temps de guerre, sont imprescriptibles, quelle que soit la date de leur commission, même s'ils ne constituent pas une violation du droit interne du pays où ils ont été commis. On peut penser, par hypothèse, que le législateur algérien promulgue de nouvelles lois pénales pour incriminer ces faits sur la base du droit international, et permettre ainsi la poursuite et la répression des criminels. Ces lois ne créeront pas pour autant une nouvelle incrimination. Les suspects ne

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pourront opposer la règle *nullum crimen sine lege*, et prétendre que les faits n'étaient pas punissables. Ces lois n'auront fait que consacrer une incrimination préexistante.

En dehors du recours improbable dans l'immédiat aux juridictions du lieu de commission des crimes de guerre ou contre l'humanité, génocide compris, les victimes algériennes pourront-elles saisir la nouvelle CCI ?

### *3.1.2. Exclusion de la cour pénale internationale*

Il faudrait exclure dès à présent la Cour Pénale Internationale (CPI), appelée également Cour Criminelle Internationale (CCI), créée le 18 juillet 1998 après l'adoption de son statut par 120 Etats. L'énorme espoir suscité par la création de cette juridiction, compétente pour connaître des crimes de guerre et du crime d'agression, des crimes contre l'humanité et du crime de génocide, est déçu. Elle ne peut avoir d'effet pratique immédiat pour les victimes algériennes. Elle ne sera opérationnelle que dans plusieurs années, et a donc valeur dissuasive plus que punitive.

Cette cour dont le siège a été fixé à La Haye (Pays-Bas) sera compétente à l'égard des parties contractantes qui auront reconnu sa juridiction. Sa saisine sera le fait d'un Etat partie (article 14 des statuts) ou du Conseil de sécurité des Nations Unies (article 13, b.). Il n'appartient donc pas aux particuliers de saisir directement cette juridiction. Certes, les particuliers peuvent faire ou adresser des communications écrites ou orales au Procureur de la CCI. Mais si celui-ci dispose d'assez de pouvoirs pour mener une information (article 15, §2), l'ouverture d'une action, à son initiative propre (article 15 §1), ou sur communication de particuliers (article 15 §6), n'est possible qu'après autorisation de la chambre préliminaire. Celle-ci en effet décide souverainement avec la possibilité pour les victimes de lui adresser des représentations. Le procureur décide également du rejet d'une demande émanant de particuliers qui peut lui apparaître injustifiée. D'autre part, le Conseil de sécurité peut exercer une sorte de droit de veto qui peut suspendre, durant douze mois renouvelables, toute initiative judiciaire, enquête ou poursuite (article 16).

Cette limitation aux droits des victimes est suivie d'une autre, plus importante. L'imprescriptibilité des crimes devient sans objet en raison d'une disposition prise dans le Statut de la CCI qui limite sa compétence, *ratione temporis*, aux crimes postérieurs à l'entrée en vigueur du Statut. D'après l'article 11 du Statut approuvé de cette cour, celle-ci n'a compétence que pour l'acte constitutif d'un crime relevant de sa compétence commis après l'entrée en vigueur de son Statut. Cette entrée en vigueur n'a pas encore eu lieu au moment où nous écrivons. Textuellement, celle-ci aura lieu 60 jours après la ratification du soixantième Etat, qui le ferait, d'ici le 31 décembre 2000. D'autre part, si un Etat ratifie le statut après son entrée en vigueur, il est de principe que la compétence de la CCI, à son égard, n'est possible que pour

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les faits postérieurs à cette ratification, à moins d'un engagement express différent, pris par cet Etat (article 11 §2 et 12 §3).

Enfin, le statut comporte une clause dite « opting-out » permettant au pays qui ratifie la Convention de se soustraire, pendant sept ans, de la compétence de la CCI pour tout crime de guerre, ce qui fera dire à Amnesty International que c'est une licence pour tuer pendant sept ans<sup>31</sup>. La CPI a déçu de nombreuses ONG. Médecins Sans Frontières a considéré, d'après *Le Monde* du 21 juillet 1998, que les crimes sont assortis de vingt ans d'impunité. Ce constat sévère n'est pas dénué d'objectivité.

Si les victimes algériennes et leurs ayants droit ne peuvent se plaindre, pour des raisons objectives, devant les juridictions de leur pays, et que la CCI a déçu leurs espoirs, ont-ils d'autres recours ?

### 3.2. Les juridictions compétentes

Il y a trois types de juridictions susceptibles de juger les massacres commis en Algérie. Il faudrait, cependant, « ne pas confondre la dimension normative et la dimension utopique. Le propre des règles de droit, quelque soit leur système de référence, est en effet de pouvoir ne pas être appliquées, de ne posséder qu'une applicabilité virtuelle. Le droit international ne présente sur ce point, guère d'originalité »<sup>32</sup>. Les algériens savent mieux que d'autres cette relativité du droit, relativité qu'ils vivent dans leur pays, où, le statut du droit est au niveau des choses privatisables par les dirigeants politiques qui l'instrumentent à leur gré, et selon l'opportunité qu'ils sont les seuls à définir. En droit international, nous l'avons dit, le statut du droit n'est pas mieux loti ; il faut souvent qu'il se conjugue avec les intérêts matériels et les objectifs stratégiques des Etats.

Les trois ordres de juridictions compétentes pour le cas algérien sont la CIJ, les juridictions nationales étrangères, et une juridiction internationale aléatoire, qui pourrait être créée *ad hoc*.

#### 3.2.1. La CIJ contre l'Etat criminel?

La CIJ de La Haye n'est compétente qu'à l'égard des Etats coupables, pas vis-à-vis des individus. L'initiative des poursuites appartient aux Etats et non aux victimes. Il n'appartient pas aux particuliers, seuls ou associés, de saisir cette juridiction internationale mais aux Etats parties, aux différentes conventions du droit humanitaire, notamment la Convention réprimant le génocide, qui trouvent intérêt à l'action. La mise en oeuvre de cette action est difficile, car il faudra aux victimes et leurs ayants droit convaincre un Etat signataire de la Convention d'accepter d'attirer l'Etat algérien devant cette juridiction internationale. Il est à craindre que la communauté internationale continue à se désintéresser des crimes de guerre, des crimes contre l'humanité et du génocide qui se déroulent en Algérie, oubliant sa responsa-

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bilité. Cette difficulté est due à la prévalence des intérêts économiques sur le droit et des intérêts politiques sur la justice dans les relations internationales.

Signalons toutefois qu'en adhérant à la Convention réprimant le génocide le gouvernement algérien, fidèle à son habitude<sup>33</sup>, a cru utile de faire des réserves sur cette compétence. La première réserve concerne précisément l'article IX. Ces réserves visent à soustraire de la compétence de la CIJ les mises en cause de l'Etat algérien. Nous affirmons que cette juridiction est compétente nonobstant l'opposition ou la réserve de l'Algérie.

### ***A. Réserves sur la compétence de la CIJ***

Lors de son adhésion à la Convention portant sur le génocide le 31 octobre 1963, l'Algérie a émis des réserves ainsi conçues :

La République Algérienne Démocratique Populaire ne se considère pas comme liée par l'article IX de la Convention qui prévoit la compétence de la Cour Internationale de Justice pour tous les différends relatifs à la dite Convention.

La RADP déclare qu'aucune disposition de l'article VI de la dite Convention ne sera interprétée comme visant à soustraire à la compétence de ses juridictions les affaires de génocide ou autres actes énumérés à l'article III qui auront été commis sur son territoire ou à conférer cette compétence à des juridictions étrangères.

La compétence des juridictions internationales pourra être admise exceptionnellement dans les cas pour lesquels le gouvernement algérien aura donné expressément son accord.

La première réserve vise à soustraire la compétence de la CIJ de La Haye pour, notamment, juger de la responsabilité de l'Etat, non celle des individus.

La seconde réserve semble inutile et sans objet au regard de la rédaction de l'article VI de la Convention sur le génocide. Ce texte donne compétence aux juridictions dans le territoire desquelles a été commis le crime, ou à une cour pénale internationale dans l'hypothèse où il en serait créée une, sans appeler à sa création expressément. Cette réserve du gouvernement algérien n'est pas absolue, puisqu'il admet qu'il pourra, dans des circonstances exceptionnelles, consentir à la compétence internationale pour juger des algériens. Si l'article VI de la Convention porte en lui même la limite à son exécution, puisque ce sont les tribunaux nationaux qui sont prioritairement compétents, les réserves algériennes sont juridiquement discutables.

### ***B. Discussion juridique des réserves algériennes***

#### **a) Le principe des réserves**

Les réserves posent le problème de savoir si les traités conclus par les Etats doivent, en cas de contestation, être interprétés sur la seule base du consen-

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tement. En d'autre termes, il s'agit de savoir si une convention, ou traité, comporte des dispositions exclusivement synallagmatiques, des engagements volontaires réciproques, autorisant un Etat de se soustraire à ses obligations au motif du non respect de celles d'autres Etats contractants. Il s'agit de savoir si les traités comportent également des dispositions normatives obligatoires, de sorte que leur respect par tous les Etats n'est pas lié par le comportement réciproque d'autres Etats. Comment concilier entre intégrité des traités, ou principe consensuel, ou encore force de l'intention des parties, et universalité de ses normes ? Comment apprécier la recevabilité ou l'incompatibilité d'une réserve avec l'objet ou le but d'un traité ? Ces questions méritent une halte, car tout Etat pourra opposer ses réserves à chaque fois que le respect d'une convention n'est pas jugé favorable à ses intérêts immédiats, surtout lorsqu'il s'agit de conventions multilatérales normatives.

La Convention de Vienne de 1969 sur le droit des traités prévoit la règle d'or à observer à propos des réserves. L'article 19 § 3 de cette Convention dispose que la réserve ne doit pas être incompatible avec l'objet et le but du traité. Si ce traité a pour but et objet de créer des normes juridiquement contraignantes pour les Etats qui le ratifient, et fournit son propre mécanisme de contrôle de l'exécution des obligations souscrites, les réserves ne doivent pas remettre en cause ce but et cet objet. A l'évidence, l'intention du gouvernement algérien n'était pas de modifier ou exclure la Convention. Son but était, tout au plus, d'exclure l'effet juridique d'une disposition et non cette disposition elle-même.

La Convention sur le génocide punit l'atteinte au droit sacré à la vie reconnu aux groupes raciaux, ethniques, nationaux et religieux en tant que tels. Toute réserve qui porte atteinte à ce droit est inacceptable. Cette convention instaure en outre deux types de garanties, l'un interne, qu'il appartient aux pays qui adhèrent à la Convention de mettre obligatoirement en œuvre, et l'autre, externe, c'est-à-dire une juridiction internationale pénale à créer, mais qui n'a vu le jour qu'en juillet 1998, soit la CIJ de La Haye. Ces garanties sont essentielles à l'existence même de l'objet et du but de la Convention. Toute réserve dont l'objet est de les éliminer est irrecevable.

Qu'en est il de l'application par le régime algérien de ses obligations ?

L'Algérie a signé et ratifié cette Convention depuis 35 ans. Cependant, elle a violé et continue de violer l'article V par lequel les parties contractantes se sont engagées à prendre des mesures législatives, notamment les sanctions punissant le génocide. L'objet et le but de la Convention sont donc vidés de leur substance par l'absence de la garantie interne. L'omission algérienne a enlevé la première garantie, interne. Sa réserve tend à supprimer la seconde garantie, externe.

Or il est utile de constater d'autre part qu'aucune réserve n'a touché l'article VIII, qui dispose que toute partie contractante (tout Etat) peut saisir

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les organes compétents des Nations Unies pour qu'ils prennent des mesures de prévention et de répression des actes prévus par les articles II et III de la Convention, en l'occurrence les actes constitutifs du génocide. Ces organes ont compétence donc, dans le cadre et conformément à la Charte des Nations Unies, pour prendre les mesures qu'ils jugent appropriées. La CIJ est l'un de ces organes les plus appropriés pour en connaître.

Enfin, la CDI a estimé que les organes de contrôle des droits de l'homme avaient compétence pour faire des observations et formuler des recommandations sur la licéité des réserves émises par les Etats<sup>34</sup>. Cette compétence est indiscutable lorsque le traité leur confère ce pouvoir. Quant aux organes ayant pouvoir consultatif ou technique, ils devraient se maintenir, selon une opinion minoritaire, dans les limites du mandat qui leur a été donné. Néanmoins, cette règle est tirée de la théorie des compétences implicites. Elle est une méthode d'interprétation téléologique par laquelle il est possible de reconnaître, à l'organisation chargée du contrôle de l'application des conventions, des compétences nécessaires à la réalisation de ses buts, et de ses fonctions, sans que ces compétences soient expressément prévues dans ses statuts. Cette règle avait été élaborée par la Cour suprême des Etats-Unis d'Amérique, transposée par la suite dans l'ordre international, d'abord par la Cour Permanente de Justice Internationale (CPJI), devenue la CIJ. Elle est depuis lors observée par les juridictions régionales, comme la Cour de Justice des communautés européennes et la Cour européenne des droits de l'homme, notamment dans l'affaire *Belilos*. Dès lors, la CIJ n'est pas la seule organisation qui a compétence pour apprécier la valeur de toute réserve, et éventuellement la rejeter ; cette compétence est également celle, par exemple, du Comité des droits de l'homme des Nations Unies.

## **b) Conséquences juridiques de la critique des réserves**

### ***1) Sur la compétence formelle de la CIJ***

Dès lors, dans l'hypothèse où un Etat porte le génocide algérien devant cette Cour, et que le gouvernement algérien croit utile de soulever une exception d'incompétence, il y aura bien une situation dans laquelle deux points de vue sont opposés sur un différend d'ordre juridique. Il est illogique de soumettre le différend aux juridictions de l'ordre interne d'un Etat partie sans préjudicier à l'autre Etat. L'Algérie ne peut être juge et partie à la fois. L'article 20 § 4 de la Convention de Vienne permet à tout Etat de faire objection aux réserves soulevées par un autre Etat. La réserve algérienne est unilatérale et elle est dissociable de la Convention multilatérale. A l'évidence, la CIJ a compétence pour apprécier les réserves algériennes. Elle est en outre compétente pour contrôler efficacement l'exécution des obligations souscrites par l'Algérie.

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**2) Les conséquences sur le fond**

Il sera alors loisible de considérer que si l'article VI de la Convention dispose que les personnes suspectées de génocide doivent : « être traduites devant les tribunaux compétents de l'Etat sur le territoire duquel l'acte a été commis », le gouvernement algérien a précisément doublement violé cette disposition. Les criminels ne sont pas traduits en justice et la loi interne ne punit pas le génocide. La communauté internationale ne peut rester insensible à l'impunité et encore moins à la continuation de la perpétration du génocide algérien.

Selon la Résolution de l'Assemblée générale des Nations Unies (96 - I - du 11 décembre 1946) prise à propos de la Convention sur le génocide, celui-ci est :

un crime de droit des gens impliquant le refus du droit à l'existence de groupes humains entiers, refus qui bouleverse la conscience humaine, inflige de grandes pertes à l'humanité, et qui est contraire à la fois à la morale et à l'esprit et aux fins des Nations Unies.

Dans son arrêt du 11 juillet 1996, rendu entre Bosnie-Herzégovine contre Yougoslavie (rôle général numéro 91), la CIJ, en réponse aux exceptions d'incompétence de cette Cour opposées par la Yougoslavie, rappelle qu'elle a tiré de cette résolution, dans son avis du 28 mai 1951, deux conséquences majeures :

- la première est que les principes qui sont à la base de la Convention portant sur le génocide sont des principes reconnus par les nations civilisées comme obligeant les Etats, *même en dehors de tout lien conventionnel*,
- la seconde est le caractère universel, à la fois, de la condamnation du génocide et de la coopération nécessaire « pour libérer l'humanité d'un fléau aussi odieux » (préambule de la Convention sur le génocide).

Et la Cour de conclure que les droits et obligations consacrés sont des droits et obligations *erga omnes*, que la Convention ne limite pas territorialement<sup>35</sup>. Dans une autre affaire, la CIJ avait affirmé que les parties signataires de la Convention ne poursuivaient pas des objectifs égoïstes, ni des intérêts propres, ce qui veut dire que la Convention de prévention et de répression du génocide n'est pas purement synallagmatique, mais comporte des obligations impératives<sup>36</sup>.

L'universalité de ce crime grave est unanimement reconnue. La Convention fait dorénavant partie du droit pénal international coutumier et s'impose même aux Etats qui n'y ont pas adhéré. C'est ce qui ressort de l'avis consultatif émis par la CIJ, le 28 mai 1951, sur la question des réserves émises par certains Etats à cette Convention : « les principes qui sont à la base de la Convention sont des principes reconnus par les nations civilisées comme

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obligeant les Etats, même en dehors de tout lien conventionnel ». La compétence de la juridiction internationale s'étend lorsque les agents d'un Etat, même non signataire, sont responsables de l'infraction. Elle s'étend à plus forte raison lorsque les suspects sont ressortissants d'un Etat signataire. C'est précisément le cas algérien.

La réserve algérienne sur cette question est donc inopérante, d'autant plus qu'elle ne porte que sur une clause de la Convention réprimant le génocide. Ces arguments sont *mutatis mutandis* transposables à l'ensemble des Conventions, Traités et Protocoles par lesquels l'Algérie s'est engagée, même si elle a cru pouvoir empêcher par ses réserves la compétence des organes externes de contrôle comme la CIJ.

Cependant, il n'est pas possible de constater la responsabilité d'un Etat dans un génocide sans celle des individus, qui ont eu une responsabilité pénale, à un moment ou à un autre. Cela est inévitable lorsque le génocide est établi. Les victimes n'ont pas qualité pour agir auprès de cette cour, privilège réservé aux Etats, à moins de convaincre un Etat signataire de la Convention sur le génocide d'attirer le gouvernement algérien devant la CIJ. En dehors de cette juridiction internationale, les victimes algériennes n'ont recours qu'auprès d'une juridiction interne nationale ou étrangère, ou encore par devant une juridiction qui serait spécialement créée *ad hoc* pour l'Algérie.

### 3.2.2. *Les juridictions nationales étrangères compétentes*

#### **A. Le principe de compétence universelle**

Le principe de compétence universelle permet à tout Etat de poursuivre devant ses propres juridictions un criminel de guerre, un suspect de crime contre l'humanité, ou un génocidaire, sans l'exigence d'un lien entre cet Etat et le lieu de commission du crime, ou entre cet Etat et les personnes actives (auteurs ou complices) ou passives (victimes). En vertu de ce principe, qui fait des juridictions nationales des juridictions universelles, l'obligation d'un Etat quelconque de réprimer les infractions graves commises en Algérie est indépendante de la nationalité des auteurs, des victimes et du lieu de commission des infractions. C'est la raison qui explique la multiplicité des plaintes déposées un peu partout dans le monde, à l'encontre de génocidaires comme ceux de l'ex-Yougoslavie, du Rwanda ou du Chili. Ce principe est consacré par l'article 146 de la quatrième convention de Genève, ainsi que par l'article VI de la Convention portant sur le génocide.

La jurisprudence de la CIJ a confirmé que les obligations de prévention et de répression reposent sur les Etats, en vertu des conventions de Genève, que le conflit armé soit interne ou international, adoptant ici les mêmes règles que celles observées pour le crime contre l'humanité<sup>37</sup>. La position officielle de plusieurs Etats a élargi aux conflits armés internes la qualification de

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crime de guerre. Parfois, ces positions résultaient d'options conformes aux droits internes respectifs de ces Etats. Lors de l'adoption de la résolution 827 portant création du Tribunal international pénal pour l'ex-Yougoslavie, en 1993, les Etats-Unis d'Amérique, la France, ainsi que l'Espagne ont soutenu la qualification du crime de guerre, y compris dans les conflits armés internes, ainsi que le principe de la compétence universelle, qui permet à tout juge national de juger les faits qui se sont déroulés hors de sa compétence territoriale, et n'impliquant aucun national qu'il soit auteur ou victime.

L'Espagne dispose d'un CP dont l'article 608 protège les civils<sup>38</sup>, et d'une loi organique du pouvoir judiciaire (1985) qui consacre, outre la qualification de crime de guerre lors de conflits armés internes, le principe de compétence universelle, sous le chapitre *Delitos contra la Comunidad internacional*<sup>39</sup>. Il en est de même pour la Suède<sup>40</sup>, qui consacre le principe de la compétence universelle<sup>41</sup>, et de la Hollande qui le consacre également à l'article 1<sup>ier</sup> § 3 du *Wet Oorlogsstrafrecht*, solution suivie par sa jurisprudence<sup>42</sup>. C'est assez largement que la jurisprudence des pays nordiques consacre ce principe, comme c'est le cas pour la Finlande<sup>43</sup>. Le Danemark fait application, en droit interne, aussi bien de son propre CP que des Conventions de Genève, y compris lors d'un conflit armé interne<sup>44</sup>. La qualification de crime de guerre, même lorsque le conflit armé est interne, est admise par l'Irlande<sup>45</sup>, ainsi que par le CP suisse, dont les articles 2 § 9 et 108 donnent compétence aux juridictions nationales militaires suisses pour connaître des infractions au droit de la guerre conventionnel, compétence non étendue aux infractions du droit coutumier. La jurisprudence suisse a eu l'occasion de se prononcer en ce sens<sup>46</sup>. Cependant, c'est surtout la Belgique qui a largement consacré dans son droit interne le principe de compétence universelle. La loi portant sur les infractions graves, du 16 juin 1993<sup>47</sup>, l'admet en son article 7 mais l'assortit, dans le cas de survenance de l'infraction lors d'un conflit interne, de la réserve de la double incrimination, en l'occurrence l'incrimination des faits par la loi du lieu de commission<sup>48</sup>. Ses juridictions ont confirmé l'application de ces principes<sup>49</sup>.

Dans le *War Crimes Act* (1996)<sup>50</sup>, les Etats-Unis prennent en considération le crime de guerre, y compris dans les conflits armés internes, mais ne reconnaissent pas encore légalement le principe de la compétence universelle, à laquelle l'administration Clinton ainsi qu'une partie de la jurisprudence américaine sont pourtant favorables<sup>51</sup>. La France par contre n'a pas intégré dans son droit national les dispositions des Conventions de Genève et du Protocole additionnel I y relatif. La loi 83-1130 du 23 décembre 1983 a autorisé l'adhésion de la France au Protocole II, que le décret 84-727 du 17 juillet 1984 a publié au journal officiel. Cependant, sa jurisprudence de premier ressort a tenté de reconnaître sa compétence pour connaître des crimes de guerre<sup>52</sup>, mais a vu ses décisions annulées par la Cour de cassation<sup>53</sup>. Par contre, elle a intégré, comme on l'a vu précédemment au paragraphe consacré aux parties poursuivantes, le principe de compétence universelle dans son CPP, pour les crimes contre l'humanité, dans lesquels sont intégrés aussi

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bien la torture que le génocide, dont elle donne, par ailleurs, dans son CP, une large définition favorable à l'accusation. En effet, la législation française a été modifiée pour être applicable à partir du premier mars 1994. Plus récemment encore, le Conseil constitutionnel français a décidé que la Constitution devra être modifiée pour s'adapter au Statut de la CCI auquel la France vient d'adhérer<sup>54</sup>. Le CPP prévoit en son article 689-1 le principe de compétence universelle son article 689-2 dispose désormais : « pour l'application de la Convention contre la torture [...] adoptée à New York, le 10 décembre 1984, peut être poursuivie et jugée dans les conditions prévues à l'article 689-1 toute personne coupable de tortures au sens de l'article premier de la convention ». Cette compétence est également étendue aux crimes contre l'humanité, incluant le génocide. Le crime contre l'humanité est, selon l'article 212-1 du CP français :

La déportation [...] et la pratique massive et systématique d'exécutions sommaires, d'enlèvement de personnes suivis de leur disparition, de la torture ou d'actes inhumains, inspirés par des motifs politiques, philosophiques, raciaux ou religieux et organisés en exécution d'un plan concerté à l'encontre d'un groupe de population civile.

Pour le génocide, la France adopte une large définition confirmant d'ailleurs celle que nous avons retenu dans notre précédent article sur ce qu'il convient d'entendre par génocide en droit international pénal. Le génocide en droit interne français est défini par l'article 211-1 du CP comme étant :

Le fait, en exécution d'un plan concerté tendant à la destruction totale ou partielle d'un groupe national, ethnique, racial ou religieux, ou *d'un groupe déterminé à partir de tout autre critère arbitraire*, de commettre ou de faire commettre, à l'encontre de membres de ce groupe, l'un des actes suivants : atteinte volontaire à la vie, atteinte grave à l'intégrité physique ou psychique [...] mesures visant à entraver les naissances au sein du groupe.

Ces textes français, nous l'avons dit, ne s'appliquent qu'aux faits postérieurs au 1<sup>er</sup> mars 1994.

### ***B. Une justice à deux vitesses***

Il paraît logique que les juridictions nationales compétentes soient d'abord, par priorité, celles du lieu de commission du crime, de la nationalité du suspect, de sa résidence ou de sa détention, de la nationalité de la victime ou de la résidence de cette dernière. Toutefois, d'ordinaire les juges nationaux appliquent quotidiennement le droit international, civil, commercial, financier etc., et leur droit pénal national dans des cas présentant un ou plusieurs éléments d'extranéité. Le droit pénal connaît depuis longtemps le crime transfrontières, soit relativement aux faits, soit aux personnes impliquées, en tant que sujets actifs de la criminalité, ou en tant que victimes.

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En droit strict, il n'y a donc pas lieu de s'étonner qu'un juge national, espagnol en l'occurrence, ait pu prendre l'initiative d'une poursuite pénale pour crime de droit international pénal contre Pinochet. Cet acte n'a pas bouleversé le droit, mais un ordre politique qui porte un regard traditionnel tolérant sur des criminels ayant occupé de hautes responsabilités politiques ou militaires<sup>55</sup>. Parfois ces suspects risquent de mettre en cause de grandes puissances, coauteurs ou complices de leurs crimes, s'il leur arrive d'être traduits en justice pour répondre de leurs crimes, ce qui explique les réticences à leur poursuite<sup>56</sup>.

Peu de pays échappent aux considérations politiques, même devant des crimes que la morale universelle réprouve. Par exemple, le principe de la compétence universelle a été méconnu par une juridiction française. La chambre d'accusation d'une Cour d'Appel a déclaré, par arrêt du 14 novembre 1994, que la plainte avec constitution de partie civile déposée par 5 bosniaques des chefs de torture, génocide, crime de guerre et crime contre l'humanité était irrecevable. Maître Henri Leclerc, l'avocat des bosniaques, dira avec raison : « en refusant la notion de compétence universelle, en contestant l'applicabilité directe des Conventions de Genève en France, la Cour a vidé de leur sens les mécanismes de répression internationale que ces conventions avaient voulu organiser »<sup>57</sup>. Faut-il rappeler que des tentatives antérieures, au Royaume Uni, avaient échoué dans leur poursuite contre Pinochet ?<sup>58</sup>

Néanmoins, des juges de nombreux pays ont pris l'initiative de mettre en œuvre l'application, pour des crimes commis hors les limites de leur compétence territoriale, du droit international pénal. C'est ainsi que plusieurs juridictions ont prononcé des condamnations à ce titre<sup>59</sup>, y compris dans les pays où la jurisprudence en cette matière paraît hésitante comme en France<sup>60</sup>. Il est donc possible de déposer des plaintes dans les pays où réside, même de passage, des suspects de crimes de guerre, de crimes contre l'humanité, génocide et tortures perpétrés en Algérie. L'actualité nous en donne une démonstration éloquente. Depuis la Résolution de l'Assemblée générale des Nations Unies du 3 décembre 1973, l'Organisation des Nations Unies avait proclamé un ensemble de principes sur la coopération internationale en ce qui concerne le dépistage, l'arrestation, l'extradition et le châtiement des individus coupables de crimes de guerre et de crimes contre l'humanité. Si cette résolution n'est pas une Convention, elle laisse le soin aux Etats de développer la coopération en cette matière par des traités bilatéraux et multilatéraux. Les Etats doivent coopérer pour la collecte de renseignements et de documents d'enquête et leur partage pour faciliter la mise en jugement des auteurs de ces crimes. Dans ce cadre, la communauté internationale a une responsabilité directe pour la mise en œuvre de ces dispositions pour le cas algérien. Il convient donc de multiplier les dépôts de plaintes auprès des juridictions nationales étrangères.

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A plus forte raison lorsqu'on considère que l'obligation des Etats d'agir est une obligation de résultat découlant de leur engagement de « respecter et faire respecter en toutes circonstances » les obligations conventionnelles et les principes humanitaires issus du *jus cogens*. C'est le moyen idoine pour donner crédit aux instruments internationaux existants et d'empêcher toute menace contre la paix et la sécurité internationales.

### 3.2.3. Une juridiction internationale *ad hoc* pour l'Algérie

Le Conseil de sécurité a compétence pour créer une juridiction *ad hoc* pour réprimer les auteurs des crimes universels commis en Algérie, comme ce fut le cas pour l'ex-Yougoslavie ou le Rwanda, sur le fondement du chapitre VII (articles 39 à 51) de la Charte des Nations Unies, s'il considère que les crimes universels qui s'y commettent menacent la paix ou la sécurité<sup>61</sup>. La reconnaissance de la compétence d'une juridiction internationale, créée *ad hoc* pour juger des individus, induit que l'individu est sujet de droit international. C'est le principal acquis de la Convention sur le génocide<sup>62</sup>. Cette création avait obéi à des situations d'urgence, en l'absence d'une juridiction représentant l'humanité. Il a été soutenu, en effet, qu'une juridiction d'un ordre interne ne peut parler au nom de l'humanité<sup>63</sup>. On peut légitimement penser que depuis la création de la Cour Criminelle Internationale, en juillet 1998, il n'est plus nécessaire de créer des juridictions internationales *ad hoc*. Cependant, dans l'hypothèse où l'Algérie adhère à ce Statut dans l'avenir, puisque la CCI ne sera pas opérationnelle d'ici au moins plusieurs années comment répondre à la situation d'urgence, de menace à la paix et à la sécurité internationale, que le Conseil de sécurité est seul à pouvoir qualifier, et qui nécessite une solution immédiate ? Par ailleurs, le Statut de la CCI, notamment son article 27 § 3, qui détermine la compétence de cette juridiction n'empêche pas qu'un comportement soit qualifié crime au regard du droit international pénal, indépendamment de ce statut. Un tribunal *ad hoc* est toujours un instrument qui doit faire face à toute menace contre la paix, ou contribuer à son retour, ou son maintien. La violation massive des droits de l'homme et du droit humanitaire en Algérie constitue, en elle même, cette menace autorisant l'intervention du Conseil de sécurité.

Lorsque cette création a obtenu le consentement de l'Etat concerné, comme cela a été le cas pour le Rwanda, les rapports entre la juridiction internationale et les juridictions internes rwandaises sont complémentaires, avec, bien entendu, un rapport de primauté au bénéfice de la juridiction internationale. Cette solution permet le respect de la règle *ne bis in idem* qui empêche la double condamnation du même criminel pour les mêmes faits. Le droit algérien consacre la règle *ne bis in idem* dans l'ordre juridique interne, pour régler les conflits de ses propres juridictions. Mais en l'absence de consentement, comme pour le cas du Tribunal pénal international pour l'ex-Yougoslavie, dont seule la Bosnie a donné son accord, la Serbie s'étant abs-

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tendue, plusieurs problèmes se posent, y compris sur le plan de l'enquête *in loco* pour la réunion des preuves, l'audition des témoins et enfin l'exécution des décisions. La Serbie refuse de coopérer, préférant évidemment la compétence de ses propres juridictions, malgré la légitime suspicion de la communauté internationale. Enfin une juridiction internationale *ad hoc* ne juge pas *in absentia* même si elle a la possibilité de délivrer des mandats d'arrêts internationaux. Avec cette juridiction des problèmes pratiques d'efficacité se posent, et mériteront une sérieuse étude, pour ou contre.

Les instruments internationaux portant sur les crimes de guerre, les crimes contre l'humanité et le génocide, ainsi que sur la torture, ne prévoient pas l'échelle des peines applicables aux criminels. Ils laissent compétence aux législations nationales de le faire conformément à leurs constitutions respectives. L'Algérie, qui est partie à la Convention sur le génocide et aux Conventions de Genève et des protocoles additionnels y relatifs, s'était engagée à prendre des mesures législatives pour la prévention et la punition de ces crimes. Elle n'a pas respecté son engagement. En effet, si le code pénal (CP) algérien punit le meurtre, la torture, les enlèvements, ou encore les séquestrations et atteintes à la liberté, c'est en tant qu'actes isolés qu'il le fait, non en tant qu'entreprise globale de massacres massifs, ou de crimes universels. Par exemple, le meurtre est puni de mort. Autre exemple, aux termes de l'article 110 alinéa 3 : « tout fonctionnaire ou agent qui exerce ou ordonne d'exercer la torture pour obtenir des aveux est puni d'emprisonnement de 6 mois à 3 ans ». La torture visant la disparition totale ou partielle du groupe victime, ou encore la torture sadique, faite sans motif ou pour toute autre cause que celle d'obtenir des aveux, n'est pas punissable en tant que torture au sens littéral du code pénal (CP). Tout au plus les faits pourront être qualifiés de violences volontaires dont la peine variera en fonction de la gravité des atteintes portées à la victime, difficiles à imputer au tortionnaire « fonctionnaire » algérien.

Les juridictions internationales créées *ex-post* par le Conseil de Sécurité des Nations Unies pour répondre à l'urgence de la répression, et dans l'objectif du maintien ou de la restauration de la paix, appliquent les peines prévues par leurs Statuts respectifs. Ces peines sont soit créées *ad hoc*, soit fixées par renvoi à la législation nationale du pays de la commission des faits ou de la nationalité du suspect. Une juridiction internationale qui serait créée *ad hoc* pour le cas algérien saura que le CP local réserve la peine de mort au coupable de massacre en tant que complot contre la sûreté de l'Etat (article 84 du CP), ou en tant qu'attentat (article 85) ou encore en tant qu'atteinte à la sécurité de l'Etat par le massacre (article 86). La même peine est prévue pour le meurtre et pour l'assassinat en tant qu'actes isolés (articles 255 à 263). Cette solution est conforme aux engagements de l'Algérie, puisque l'article 6 - 2 du Pacte International portant sur les Droits Civils et Politiques (PIDCP), auquel l'Algérie est partie, dispose :

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Dans les pays où la peine de mort n'a pas été abolie une sentence de mort ne peut être prononcée que pour les crimes les plus graves, conformément à la législation en vigueur au moment où le crime a été commis, et qui ne doit pas être en contradiction avec les dispositions du présent Pacte, ni avec la convention pour la prévention et la répression du crime de génocide.

Si un tribunal *ad hoc* est créé pour le cas algérien, et si son statut va renvoyer à la législation algérienne pour la fixation des peines, c'est sans doute la peine de mort qui sanctionnera la plupart des crimes qui y sont commis.

La victime internationale comme le délinquant international sont des réalités juridiques. Ici apparaît la limite de la souveraineté nationale. Celle-ci s'opposait traditionnellement de reconnaître à d'autres organes que ceux de l'Etat-national le droit de juger ses nationaux. De fait, la juridiction internationale ne dépend pas d'un autre Etat mais constitue un organe qui leur est indépendant. L'accusé n'est pas extradé vers un autre Etat mais remis à une juridiction internationale, indépendante des Etats qui l'ont constituée. Cependant, il faut se rendre à l'évidence. Dans un rapport au Conseil de sécurité relatif au Rwanda, le Secrétaire général a écrit que la réaction tardive de la communauté internationale au génocide a démontré de manière criante qu'elle était peu à même de réagir rapidement, et efficacement, aux crises humanitaires qui accompagnent les conflits armés<sup>64</sup>. Il s'agira donc de convaincre la communauté internationale de son devoir de respecter et de faire respecter le droit auquel elle a souscrit.

#### 4. Conclusion

Cet article s'est attaché à la détermination des parties antagonistes au procès et la mise en mouvement de l'action judiciaire répressive, ainsi qu'à la connaissance des juridictions susceptibles de juger les criminels.

Les suspects de crimes de guerre, de crimes contre l'humanité et de crime de génocide commis en Algérie, qu'ils soient auteurs, coauteurs et complices, ont leur place dans le box des accusés. Leur responsabilité pénale s'étend aux gouvernants, qui sont les premiers auteurs d'abus et d'injustices, ainsi qu'aux responsables directs des forfaits. La responsabilité pénale des gouvernants est consacrée en droit international pénal. La responsabilité des organismes est largement admise mais sa nature pénale ou civile, notamment lorsqu'il s'agit de l'Etat, soulève quelques discussions. Cette responsabilité est également celle des imposteurs qui ont justifié l'arbitraire des crimes et celle de ceux qui, par leur ardeur, fanatisme et frénésie, ont attisé, justifié et encouragé les offenses faites à la vie et à l'intégrité physique ou morale des personnes humaines. A côté des décideurs gouvernants, criminels au premier degré, viennent leurs adeptes et leurs disciples, avec les adhérents et affiliés des partis extrémistes et organismes qui font de l'éradication leur raison d'être.

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Face aux criminels, nous avons précisé la place des victimes, directes et indirectes, des crimes et leur admission en qualité de parties civiles au procès. Il s'agit des plaignants qui se placent en rivaux des suspects en étant leurs principaux contradicteurs. Ce sont toutes les proies désignées de la stratégie contre-insurrectionnelle qui sont les victimes directes, avec les ayants droit des martyrs. Ce sont aussi les victimes indirectes, les personnes civiles mais surtout les ONG qui considèrent toujours que le droit à la vie et à l'intégrité physique ou morale sont des droits inaliénables, et qui font de la défense de ces droits leur credo et leur raison d'être. Les Etats le sont également, mais ils ne sont cités dans notre article qu'en raison de l'obligation juridique et morale qui pèse sur eux d'avoir à respecter et faire respecter le droit humanitaire.

Cet article s'est également consacré à la mise en œuvre du procès. La mise en mouvement de l'action pénale est initiée par les procureurs à titre principal, par les victimes accessoirement par le dépôt de plainte avec constitution de partie civile, ou après autorisation des juges dans les systèmes qui ne prévoient pas la compétence de juges d'instruction. La mise en mouvement de l'action pénale n'est pas toujours à la portée des victimes directes ou indirectes. L'initiative des poursuites pénales est une question conjoncturelle locale, et dépend des droits applicables. Le droit interne algérien, le droit national étranger, et le droit international pénal, chacun de ces droits y réserve des solutions différentes. Il faudra, à chaque fois que nécessaire, y puiser ce qui permet de déterminer l'aptitude, la qualité, la capacité ainsi que le pouvoir d'engager le procès. Cependant, l'objectif de permettre la mise en œuvre du droit pénal dépend de la juridiction compétente. Non seulement celle qui est apte à ouvrir le dossier, mais surtout celle qui offre les garanties de droiture, d'intégrité et d'équité, afin que justice soit rendue aux victimes. Comment choisir la juridiction pertinente, rigoureuse et adéquate, pour dire le droit en toute souveraineté, en dépit des pressions politiciennes ?

Nous avons écarté pour des motifs d'efficacité pratique, et pour des motifs de droit, la compétence des juridictions algériennes. Si d'évidence les juridictions algériennes ont vocation à en connaître, nous les avons écartées en raison de leur étroite dépendance des gouvernants civils et militaires algériens. Il n'y a pas d'Etat de droit en Algérie. Sans doute que ce serait une victoire sur le silence et l'impunité si le régime algérien est contraint à ouvrir des poursuites, ne serait ce que contre les seconds couteaux. La pression de la communauté internationale l'y a déjà conduit. Elle a encore permis d'ouvrir le dossier des « enlevés » disparus. D'autre part, une action devant la nouvelle Cour Pénale Internationale n'est pas envisageable présentement. Nous avons exclu cette possibilité en raison du fait que le Statut de cette Cour en fixe la compétence pour des faits postérieurs à ceux que nous avons qualifiés. Toutefois, plus efficacement, nous avons conclu qu'il convenait d'agir pour la saisine de juridictions internes étrangères ou internationale. Cette option est d'autant plus urgente et nécessaire que la CCI n'est pas encore

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opérationnelle, et que les juridictions algériennes sont incapables de recueillir la confiance de la société, notamment celle des victimes directes ou indirectes et des témoins, en raison même de la dépendance totale de l'administration judiciaire algérienne vis-à-vis précisément des suspects.

En effet, les victimes algériennes devront utiliser toutes les ressources des juridictions nationales étrangères des pays où ils résident, et où les suspects se rendent dans l'impunité. Des actions judiciaires peuvent, dorénavant, être engagées contre les criminels, partout où ils s'y risquent dans le monde. Toutefois, là encore, dans certains pays il ne faut pas nourrir de grandes illusions malgré les discours affirmant leur respect du droit. Il n'y a pas longtemps le principe de la compétence universelle a été méconnu ou contesté. Néanmoins, récemment encore des plaintes françaises, suisses, danoises et autres, contre Pinochet ont été officiellement prises en compte par les autorités respectives de ces pays, pour les communiquer à Londres, où se trouve l'ancien dictateur chilien, sur la base du principe de compétence universelle. Ces plaintes font aujourd'hui boule de neige à travers le monde. La politique prudente réservée aux conflits internes, qui favorise l'impunité des responsables des violations intolérables du droit international pénal, devrait désormais appartenir au passé. Cette possibilité d'action devant les juridictions nationales étrangères n'est pas l'unique solution.

Le Conseil de sécurité des Nations Unies a créé par résolutions des tribunaux dont il a adopté les statuts pour juger les crimes contre l'humanité et le génocide commis en ex-Yougoslavie et au Rwanda. On peut envisager cette possibilité pour l'Algérie car les crimes qui s'y commettent interpellent la conscience universelle. Il y a urgence et situation d'un peuple en danger. Le chemin sera long. Les victimes algériennes devront dans un cadre organisé, avec l'aide des O.N.G nationales et internationales, exercer une pression soutenue au plan international pour amener à la création d'une juridiction spéciale pour juger les crimes commis en Algérie, la paix internationale ayant en effet un caractère indivisible. Cette pression devra être envisagée parallèlement à une vaste opération de collecte de données. En effet, parallèlement, il nous semble nécessaire de créer un centre pour le regroupement des archives, témoignages, travaux d'historiens et tout document se rapportant à la tragédie algérienne, dans le but de soutenir des actions en justice partout dans le monde contre les criminels. Cette documentation devra être soumise à une recherche méthodique reposant sur des questions et des témoignages pour en faciliter l'exploitation, données nécessaires aussi bien au soutien des actions judiciaires internes, qu'au soutien de cette pression internationale vis-à-vis des Etats pour les amener à proposer au Conseil de Sécurité la création d'une juridiction internationale *ad hoc* pour l'Algérie.

Cependant la volonté ne doit pas être simplement de traduire en justice les responsables des crimes. Peut-on réaliser simultanément des objectifs de justice et de réconciliation ?

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La conciliation de ces objectifs n'est possible que par le respect du droit, seul garant de la permanence de la société et la viabilité de l'Etat Nation. Les criminels, quelle que soit l'horreur de leurs actes doivent bénéficier de procès équitables. Leur choix initial des armes avait de lui même exclu la loi. Ils ont longtemps géré la parole et le silence. Aujourd'hui la loi doit reprendre son ministère et la liberté doit être restituée à la société. La justice est la seule à pouvoir désarmer définitivement la violence et permettre à la société algérienne de ré-appropriier son histoire d'avant le drame, de retrouver la paix, les visages, les souvenirs, les racines communes et les projets d'avenir.

## RENVOIS

<sup>1</sup> A. Frossard. *Le crime contre l'humanité*, éditions Laffont, 1987

<sup>2</sup> Selon le rapport annuel de l'Office National des Droits de l'Homme (ONDH), organisme dépendant de la présidence de la république algérienne, pour l'année 1996, 25 personnes auraient été inculpées pour « dépassements », selon le 2<sup>ème</sup> rapport du gouvernement algérien versé devant le Comité des droits de l'homme des Nations Unies en avril 1998, ce nombre serait de 128 mais il ne sera que de 68 selon le document officiel remis par le ministre de la justice algérien aux membres du panel onusien comme indiqué (visé comme annexe) sur le rapport de ce dernier, remis au Secrétaire général des Nations Unies.

<sup>3</sup> *The Republic of Philippines v. Marcos*, 806 f : 2d 344 (2<sup>nd</sup> Cir. 1986) ; *Filartega v. Pena-Kala*, 630 F. 2d 876 (2<sup>nd</sup> Cir. 1980) ; *In re Estate of F. Marcos, Human Rights Litigation, A. Trajane et al. V. Estate of F. Marcos and I. Marcos - Manotoc*, 978 f : 2d 493 (9<sup>th</sup> Cir. 1992), cert . denied, 113 S. Ct. 2960 (1993) et *In re Estate of F. Marcos, Human Rights Litigation. M. Hilao et al. V. Estate of F. Marcos*, 25 F. 3d 1467 (9<sup>th</sup> Cir. 1994). Egalement *Marcos et consorts c. Ch. D'accusation du canton de Genève, ASDI*, 1988, vol. 44, p. 226.

<sup>4</sup> *Le Monde*, 21 novembre 1998.

<sup>5</sup> Arrêt *Lafontant v. Aristide*, 844 F. supp. 128 (EDNY, 1994), ce district Court a considéré qu'Aristide, le président haïtien en exil aux Etats-Unis, accusé de meurtre, était bénéficiaire de l'immunité personnelle : « absolutely immune from personal jurisdiction in United States Courts ». Pour l'immunité matérielle, relative aux actes qu'ils peuvent commettre, s'ils sont de nature privée, l'immunité n'est pas opératoire (*Munden v. Duke of Brunswick - 1847 - 10 QB 656*, p. 662 -) ; par contre s'il s'agit d'actes de nature publique, la question est controversée (Sir A. Watts, *The Legal Position in International Law of Heads of State, Heads of Governments and Foreign Ministers*, RCADI, 1994, III, tome 247, pp. 56-57, qui discute sur la différence entre acte privé et acte public. Voir également, *Hatch v. Baez* 7 Hun. 596 (1876) et *Nixon v. Fitzgerald* 457 US 731 (1982).

<sup>6</sup> US Court of Appeals, 2<sup>nd</sup> circuit, décision *Karadzic*, 13 Octobre 1995.

<sup>7</sup> *L'Algérie de l'extrajudiciaire et de la manipulation*, texte du rapport de la mission de la FIDH, dans *Algérie : Le livre noir*, ouvrage collectif, édition La Découverte, coll. Les cahiers libres, 1997, p. 59 sq.

<sup>8</sup> *Algérie : la guerre civile à huis clos*, texte daté de mars 1997, publié par l'organisation Reporters sans frontières dans *Algérie : Le livre noir*, op. cit. 9 sq.

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<sup>9</sup> Y. Al Ghazawi, « Le problème de la responsabilité pénale personnelle en droit international », thèse présentée à l'Université du Tennessee (Etats-Unis), département des sciences politiques, 1967, Imprimerie Chafiq, Bagdad, 1970, p. 183.

<sup>10</sup> Le chef du RCD, parti laïc algérien, reconnaît avoir « *assumé avec son parti la résistance des patriotes* », *El Watan*, Alger, 21 juillet 1998 ; les trois principaux chefs de l'ANR ont fait des déclarations plus graves, voir nos deux articles pré cités ; *El Hachemi Cherif*, le chef du parti communiste Ettahadi, devenu MDS a exprimé cette politique à de nombreuses occasions dans la presse algérienne.

<sup>11</sup> Nous manquons de documents et de témoignages relatifs aux autres organisations telle l'OJAL (Organisation de la jeunesse algérienne libre). Quant à l'OSSRA (Organisation secrète pour la sauvegarde de la république algérienne), notre précédant article a exposé des faits, notamment le massacre de 173 villageois à Ténès et ses environs, avait établi sa complicité avec les forces armées spéciales, qui leur ont permis, pendant le massacre d'afficher sur les murs de la ville leurs bulletins d'appel au massacre.

<sup>12</sup> Belgique c. Espagne, Barcelona Traction, Light and Power Company, Limited, décision publiée au Recueil CIJ, 1970, p. 3.

<sup>13</sup> *L'Express* du 29 décembre 1994.

<sup>14</sup> *L'Express* du 12 octobre 1995.

<sup>15</sup> Interview accordée par un général qui a préféré garder l'anonymat, présenté comme le général X par Amir Taheri, *Politique Internationale*, printemps 1998.

<sup>16</sup> *Le Nouvel Economiste*, numéro 981, 27 janvier 1995.

<sup>17</sup> Thierry Lalevée du Centre Analyse et Information écrit dans Arabies, juin 1995 : « Entre Washington et l'Algérie, ce sont les relations économiques qui priment. Dans une continuité de Bush à Clinton, la politique énergétique américaine est fondée sur une augmentation croissante de la consommation des Etats Unis en GNL – gaz naturel liquéfié – au cours des 20 prochaines années », ce qui explique l'investissement américains en Algérie de près de 3 milliards de dollars depuis le printemps de 1995.

<sup>18</sup> *Maghreb Confidentiel*, numéro 363, 12 mars 1998 : « deux articles écrits au terme d'un voyage sous escorte, programmé, balisé, surveillé par les autorités algériennes ou l'armée, qui seront publiés dans le plus grand quotidien français, quoique bourrés de platitudes et d'erreurs, et tout entiers orientés vers une confusion simpliste, bien fait pour donner satisfaction aux meilleurs et aux pires sentiments, à l'apitoiement superficiel et à la haine raciste, maquillée en indignation humaine ; un meeting unanime regroupant tout le gratin de l'intelligentsia médiatique, et des hommes politiques, allant du libéral intégriste à l'écologiste opportuniste, en passant par quelque socialiste en mal de portefeuille, et par la passionaria des éradicateurs. Une émission de télévision parfaitement unilatérale sous des apparences de neutralité et le tour est passé. Le compteur est remis à zéro. L'intellectuel négatif a rempli sa mission », citant : L'intellectuel négatif, *Liber* - supplément à la revue *Archives des sciences sociales*, Paris, Collège de France, janvier 1998.

<sup>19</sup> Par exemple les Conventions de Tokyo (1963), La Haye (1971), le Protocole de Montréal (1988), les Conventions de 1973 sur la prévention et la répression des infractions contre les personnes dotées d'une protection internationale ; de 1979 contre la prise d'otages etc.

<sup>20</sup> La plupart des peuples ont utilisé le terrorisme comme moyen de résistance car « ils ne disposaient pas de ressources et moyens permettant de conduire une guerre ouverte, c'est ce qui a distingué le peuple espagnol contre Franco et le peuple français entre 1940 et 1945 », Bouthoul, cité par M. Mis-

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bah Dabarah, *Le terrorisme*, publication de l'Université Qariouns, Benghazi, 1990, p. 86 sq. ; E. David, cité par cet auteur écrit : « le terrorisme est l'arme des faibles ».

<sup>21</sup> *Le Monde*, 8 octobre 1998, p. 3.

<sup>22</sup> Déclaration du représentant américain devant l'Assemblée générale des Nations Unies, Documents officiels des Nations Unies, A/32/37, p. 27. Le délégué italien déclare la même chose : « Bien que ma délégation soit consciente des causes de l'insistance sur l'idée de terrorisme d'Etat, elle continue de penser que cette forme de violence est fortement liée aux obligations des Etats membres des Nations Unies dans le domaine des droits de l'homme, il s'ensuit que le terrorisme d'Etat doit être examiné par les organes spécialisés des Nations Unies », mêmes références, p. 25.

<sup>23</sup> Amnesty International, Fédération Internationale des Ligues des Droits de l'Homme, Human Rights Watch, Reporters Sans Frontières, *Algérie, Le livre noir*, op. cit., p. 59 sq.

<sup>24</sup> *Revue Situation*, éditée par Droit International 90, numéro 27, op. cit.

<sup>25</sup> La 1<sup>ère</sup>, 2<sup>ème</sup>, 3<sup>ème</sup>, et 4<sup>ème</sup> Convention de Genève du 12 août 1949 concernant respectivement l'amélioration du sort des blessés et des malades dans les forces armées en campagne, l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer, le traitement des prisonniers de guerre, enfin la protection des personnes civiles en temps de guerre. L'Algérie y adhère, ainsi qu'aux deux Protocoles additionnels I et II, le 16 août 1989, en faisant une déclaration interprétative au sujet de l'article 90 du Protocole I.

<sup>26</sup> Paris, 3 juillet 1967, *Juris-Classeur Périodique (J.C.P.)*, 1967, II, 15274, arrêt annoté.

<sup>27</sup> Koering-Joulin, *Infraction politique et violence*, J. C. P., 1982, I, 3066 ; Ladhari, *L'évolution de la notion de délit politique*, thèse, Paris, 1950.

<sup>28</sup> *Le Monde*, 19-20 juillet 1998.

<sup>29</sup> Ordonnance 71-28 de décembre 1971, modifiée et complétée en 1973.

<sup>30</sup> *La Nation*, numéro 95, 11-17 avril 1995.

<sup>31</sup> Interview de Maître Belarif, *Le Jeudi d'Algérie* du 23 juillet 1992, dans laquelle il a notamment déclaré : « la Cour de Tiaret, en 1986, a motivé un arrêt condamnant deux prévenus à des peines de prison ferme, du fait que les deux prévenus portaient des barbes ! un jugement pareil est un véritable crime. Ils ont eu deux ans de prison ferme avec mandat arrêt à l'audience au prétexte qu'ils portaient des barbes ».

<sup>32</sup> S. Sur, *Système juridique international et utopie*, Archives de philosophie du droit, t. 32, Sirey, 1987, pp. 35-58.

<sup>33</sup> En adhérant aux conventions internationales, l'Algérie a pris l'habitude de porter des réserves, par exemple lors de l'adhésion à la convention contre l'esclavage, Convention pour la répression de la traite des êtres humains et de l'exploitation de la prostitution d'autrui, entrée en vigueur le 25 juillet 1951.

<sup>34</sup> Documents officiels de l'Assemblée Générale, 52<sup>ème</sup> session, Supplément numéro 10 - (A/52/10), par. 157, par. 5 des conclusions préliminaires.

<sup>35</sup> Arrêt du 11 juillet 1996, paragraphe 31, affaire *Bosnie-Herzégovine c. Yougoslavie*.

<sup>36</sup> Avis consultatif CIJ, relatif aux réserves à la Convention pour la prévention et la répression du génocide, 18 mai 1951, Recueil 1951, p. 23.

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<sup>37</sup> Tribunal International Penal pour l'ex-Yougoslavie, *Le Procureur c. Dusko Tadic alias Dule*, arrêt du 2 octobre 1995, affaire IT-94-1-AR 72, p. 80, § 141.

<sup>38</sup> Código Penal, Ley 10/1995, de 23 de noviembre.

<sup>39</sup> *Ley orgànica* 6/1985, de 1 de julio, del Poder Judicial, art 23, § 4.

<sup>40</sup> *The Swedish Penal Code*, Chap. 2, Section 3, § 5, The National Council for Crime Prevention, Stockholm, 1986, p. 9.

<sup>41</sup> Notamment à l'article 12 du code suédois : *Wet Oorlogsstrafrecht, Nederlandse Wetboeken*, Suppl. 226, 1991, pp. 161-167.

<sup>42</sup> Jurisprudence hollandaise : Arrondissementsrechtbank te Arnhem, militaire kamer, décision du 21 février 1996 ; Hoge Road der Nederlanden, Strafkamer, décision du 22 octobre 1996 ; Arrondissementsrechtbank te Arnhem, militaire kamer, décision du 19 mars 1997 ; Hoge Road der Nederlanden Strafkamer, décision du 11 novembre 1997.

<sup>43</sup> *The Penal Code of Finland* (translated by M. Joutsen), The American Series of Foreign Penal Codes (vol. 27), Wayne State University Law School, Rothman/Sweet & Maxwell, Littletown (Colorado)/ London, 1987, Chapter 1, article 3, § 2. 1, p. 17 ; Chapter 13, article 1 & 2, pp. 48-49. Voir également Lauri Hann Kainen, Raija Hanski, Allan Rosas, *Implementing Humanitarian Law Applicable in Armed Conflicts : The Case of Finland*, Nijhoff, Dordrecht/ Boston/ London, 1992, pp. 116-118.

<sup>44</sup> Pour le Danemark, Østre Landsret - Division orientale de la Haute Cour danoise, 3<sup>ème</sup> chambre, décision du 25 novembre 1994, Procureur c. R. Saric. Sur le fondement de la 3<sup>ème</sup> et 4<sup>ème</sup> Convention de Genève, la Haute Cour danoise a condamné *Refik Seric* à 8 ans de prison ferme avec expulsion, pour les crimes de guerre commis en juillet et août 1993 dans le camp de détention croate de Dretelj en Bosnie-Herzégovine.

<sup>45</sup> Irlande, *Geneva Convention Act*, 1962, numéro 11, sections 3 et 4.

<sup>46</sup> Jurisprudence suisse : Tribunal militaire de division 1, décision du 18 avril 1997, affaire Auditeur c. G. Grabec.

<sup>47</sup> Loi du 16 juin 1993, relative à la répression des infractions graves aux Conventions internationales de Genève du 12 août 1949 et aux Protocoles I et II du 8 juin 1977 additionnels à ces conventions, *Moniteur belge* du 5 août 1993, pp. 17751-17755. E. David, « La loi belge sur les crimes de guerre », *Revue belge de droit international*, vol. XXVIII, 1995, pp. 668-671 ; Lire également, A. Andries, E. David, C. Van Den Wijngaert, J. Verhaegen, « Commentaire de la loi du 16 juin 1993 relative à la répression des infractions graves au droit international humanitaire », *Revue de droit pénal et de criminologie*, 1994, p. 1133, § 2. 24.

<sup>48</sup> Ibid., (ouvrage collectif, Commentaire de la loi du 16 juin 1993) pp. 1174-1175.

<sup>49</sup> Cour d'appel de Bruxelles, chambre des mises en accusation, arrêt du 17 mai 1995, affaire V. Nt/ ; même affaire portée devant la Cour de Cass. 2<sup>ème</sup> chambre, F. arrêt du 31 mai 1995, même affaire devant le Tribunal de première instance de l'arrondissement de Bruxelles, chambre du Conseil, ordonnance du 22 juillet 1996.

<sup>50</sup> *War Crimes Act of 1996*, Public Law 104-192, 21 August 1996. Texte amendé en 1997, voir Congressional Record - Senate, 9 November 1997, p. S 12362 et Congressional Record - House, 12 November 1997, p. H 10728.

<sup>51</sup> Notamment, Court of Appeals for the Second Circuit, décision du 13 octobre 1995 dans l'affaire S. Kadic c. R. Karadzic dans *International Legal Materials*, vol. 34, 1995, p. 1601, également pp. 1604-1605.

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Autres décisions : US District Court for the Southern District of New York, 7 septembre 1994 et 2 décembre 1997 - affaires Jane Doe c. R. Karadzic.

<sup>52</sup> Tribunal de grande instance de Paris, ordonnance du 6 mai 1994, prononçant son incompétence partielle mais avec recevabilité de la constitution de partie civile des plaignants, affaire : *E. Javor, K. Kussuran, M. Softic, S. Alic et M. Mujdzic c/x*.

<sup>53</sup> Cour d'appel de Paris, 4<sup>ème</sup> chambre d'accusation, arrêt du 24 novembre 1994 ; Cour de cassation, chambre criminelle, arrêt du 26 mars 1996.

<sup>54</sup> Décision du Conseil constitutionnel français numéro 98-408 DC du 22 janvier 1999, relative au traité portant statut de la CCI.

<sup>55</sup> *Le Monde*, 21 novembre 1998.

<sup>56</sup> Les juges-Lords de Grande-Bretagne ont certainement ressenti de très fortes pression lors de l'examen de l'affaire Pinochet. Si l'ex-premier ministre Thatcher déclarait « je reste convaincue que les intérêts nationaux du Chili et de la Grande-Bretagne seraient bien mieux servis en le libérant », il n'y a aucun doute la dessus ; le problème est de choisir entre les valeurs de justice et celles de l'argent. Il y également des intérêts politiques que d'autres puissances voudraient sauvegarder par une libération. Par exemple les Etats-Unis ; un rapport de la CIA du 28 septembre 1976, rendu public en 1996, relatait l'opération « Condor » menée, sous l'égide des Etats-Unis, par les services secrets du Chili, l'Argentine, la Bolivie, le Paraguay et l'Uruguay qui ont entrepris de repérer et d'assassiner les opposants à ces régimes où qu'ils se trouvaient dans le monde. Si Pinochet devait être traduit devant le juge espagnol, irait-il, pour se défendre, jusqu'à faire d'autres révélations, impliquant d'autres responsables politiques, notamment l'ex-président Nixon ?

<sup>57</sup> Cité dans l'article « Autour de la compétence universelle » de *La lettre de Juristes Sans Frontières*, mars 1995, p. 12.

<sup>58</sup> Les avocats britanniques avaient vainement tenté d'obtenir l'arrestation de Pinochet en 1994, lors d'un précédent séjour du dictateur à Londres, *The Times*, 31 mai 1994, G. Bindman, « Bringing Torturers before the Courts ».

<sup>59</sup> R. Maison, « Les premiers cas d'application des dispositions pénales des Conventions de Genève par les juridictions internes », *Journal of International Law*, 1995, pp. 360-373.

<sup>60</sup> Dans le dossier dit *Javor*, sur la base d'une plainte contre X, un juge d'instruction français se déclare, par ordonnance datée du 6 mai 1994, compétent pour en connaître, sur la base de la Convention de New-York du 10 décembre 1984 portant sur la torture, et sur les Conventions de Genève. Après appel, sa décision est infirmée par la chambre d'accusation, au motif que les auteurs et complices *n'ont pas été découverts sur le territoire français*. La Cour de cassation saisie confirme, par décision du 26 mars 1996, l'arrêt de la chambre d'accusation. M. Sartre, *revue générale de droit international public*, chronique, *Jurisprudence française*, 1996, numéros 3-4, pp. 1083-1096. Dans une autre affaire, sur plainte de RSF contre la radio rwandaise *Les mille collines*, le juge d'instruction s'était déclaré incompétent par ordonnance du 9 février 1995. La chambre d'accusation confirme au motif, notamment, que les quatre Conventions de Genève revêtent un caractère trop général pour créer directement, des règles de compétence extra-territoriale en matière pénale, lesquelles règles, doivent être énoncées avec précision - voir, L. H. Reydam, « Universal Jurisdiction over Atrocities in Rwanda : Theory and Practice », *European Journal of Crime, Criminal Law and Criminal Justice*, 1996 -1 -, pp. 18-47.

<sup>61</sup> La combinaison des articles 29, 39 et 41 du chapitre VII de cette chartre permet au Conseil de sécurité des Nations Unies de prendre les « mesures adéquates n'impliquant pas l'emploi de la force armée » pour

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mettre un terme à une situation qui menacerait la paix et la sécurité internationale. Des résolutions ont été prises pour créer des tribunaux qui restent des émanations du Conseil de sécurité.

<sup>62</sup> Opinion du Dr M. S. Mohamed Ghazwi, *Le crime de génocide*, (en arabe), Université de Jordanie, Faculté de droit, 1980, p. 13.

<sup>63</sup> Hannah Arendt avait défendu, dans sa chronique du procès d'Eichman à Jérusalem, l'idée qu'un tribunal d'une seule nation ne pouvait se mesurer à des crimes monstrueux, Gallimard, 1966. A. Fin-kielkrant, dans *La mémoire vaine*, Gallimard, 1989, soutenait la même idée. La professeur M. Delmas-Marty se demandera dans *Libération* du 18 novembre 1998, « Faut-il un tribunal représentant l'humanité pour juger les crimes contre l'humanité ? »

<sup>64</sup> The United Nations and the situation in Rwanda, document de référence de l'ONU, avril 1995, p. 13.

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## **VII. Photographic Account**

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## WORLD PRESS PHOTOS

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*Edited by M. Hocine and M. Dellali*

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The scale of the Algerian massacres and the brutality of the killings have shocked people around the world. Words and numbers have captured some reality of these unspeakable crimes but they did not do more than graphic images to bring home the horror and suffering. It is a selection of such world press images that are presented here.

The number of world press photos available is rather small. Given the duration, scale and geographic spread of the massacre campaign, it is safe to say there have been more massacres than photos. This is a hidden war. Furthermore, access to massacre spots is restricted and, when allowed, selective. As *Agence France Presse* photographer Hocine put it, ‘in Rwanda or Somalia, you can see the violence unfold. In Algeria, you can’t see anything until after it’s over. I have never seen such atrocity as in Algeria, with the exception of Rwanda. Well, may be – just may be – Rwanda was worse.’

The photographs<sup>A</sup> of the massacres were taken for specific purposes. The camera’s eye belonged to the journalist with his own audience in mind. Here the intention behind the selection and order of the photos is to illustrate some key facts.

Photos 1-4 capture scenes of random mass killings that have terrorised the population in cities: bomb attacks.

The next set of photos portrays selective mass killings. Photos 5-6 depict the scale of the massacres. Photos 7-9 portray how the victimisation targets all ages, genders and both individuals and families. In photos 10-14 the camera focuses on the most reported method of killing. Photos 15-16 illustrate the blunt and sharp weapons used for this method. Photos 17-18 depict how fire is used to destroy the victims and their properties. The vulnerability of the victims is captured in photos 19-20. Photo 21 represents the weaponry used by the independent vigilance committees that appeared in autumn 1997 after the regime failed to protect the population from the most intense wave of mass killings. Photo 22 describes the weaponry used by the army run self-defence militias. Photos 23-24 depict aspects of the mass exodus of victimised peasants to towns and cities. Photos 25-33 catch some of the emotions of survivors and relatives of the victims: pain, sadness, fear, anger.

<sup>A</sup> © ABC, AFP, AP, Boomerang, Cosmos, EPA, New Press, Reuters, Sipa Press, Stringer, Sygma.

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*Photographic Account*

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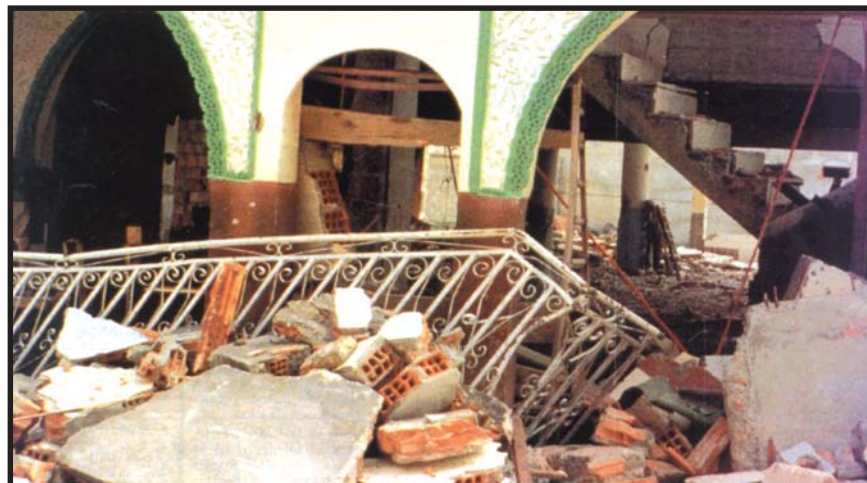
1. Bomb attack in Belcourt, a popular neighbourhood of Algiers, 19 January 1997, 42 dead and more than 100 injured.



2. Bomb attack on a bus in Algiers, 20 January 1998, 4 dead and over 20 injured.



3. Bomb attack on a residential area in Algiers, 1997. Death toll unknown.



4. Bomb attack on a mosque in Algiers, 1997. In 1997, 33 people died and 211 were injured in 8 bomb attacks on mosques.



5. Sidi-Hamed cemetery.  
Sidi-Hamed massacre, 11 January 1998, over 350 dead.



6. Street in Raïs.  
Raïs massacre, 29 August 1997, over 300 dead.



7. Street in Raïs. No gender or age is spared.

8. Sidi-Hamed cemetery.  
Several graves of the *Lemloum*  
family.



9. Bentalha cemetery. The grave reads: Sarah  
Henni, 3 month old. Bentalha massacre,  
22 September 1997, over 200 dead.



10. Bedroom of a slaughtered woman.  
Raïs massacre.



11. A young woman from Sidi-Hamed.



12. One of 19 civilians massacred in Blida, in September 1997. His hands are tied behind his back and his throat is slit.



13. A young victim of a massacre is pulled from a well. Blida, September 1997.

14. A survivor of the Raïs massacre.





15. Blunt weapons. Ouled Benaïssa massacre, 3 October 1997, 38 dead.



16. Sharp weapons. Relizane massacres, January 1998.





17. A house in Sidi-Hamed. Calcined remains of a child.



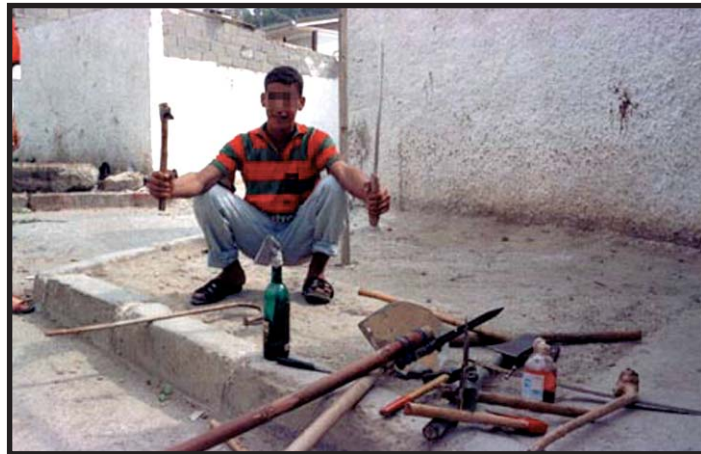
18. A burned house in the aftermath of the Si Zerrouk massacre, 27 July 1997, 51 dead.



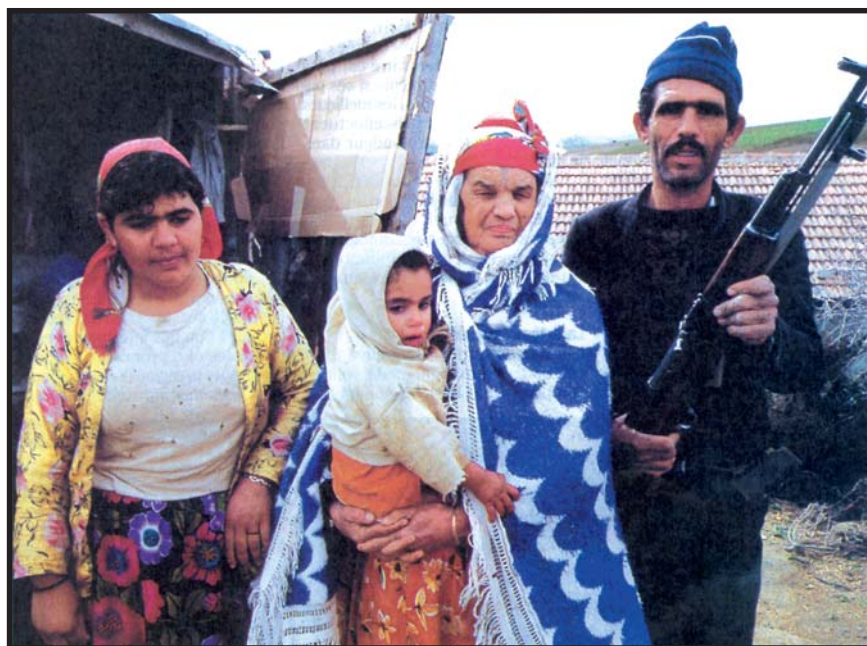
19. Survivor of the Bentalha massacre describes how she barricaded herself in her house during the massacre.

20. Bentalha survivor reconstitutes how she hid with her child under a vine tree.





21. Aftermath of Raïs massacre. A member of the independent self-defence committee in Raïs displays rudimentary weapons.



22. Aftermath of the Relizane massacres. A peasant joins the *Groupes d'Auto-Défense* (GAD, army-led militias). Relizane massacres: 412 dead on 30 December 1997, 117 dead on 4 January 1998, over 300 dead on 5 January 1998 and 62 dead on 6 January 1998.



23. Sequel of Relizane massacres: Exodus.

'Leaving is better than dying. I am leaving everything here, my house, my crops, what is left of my livestock. To go where? I don't know but I cannot stay here.'

Relizane survivor, 6 January 1998.



24. In the wake of the Beni-Ali massacre, peasants flee to towns and cities. Beni-Ali massacre, 26 August 1997, 64 dead.



25. Bentalha massacre, Zmirli Hospital, 23 september 1997. A woman grieves the loss of dear ones.



26. Sidi-Hamed cemetery. A woman on the grave of her son. 13 January 1998.



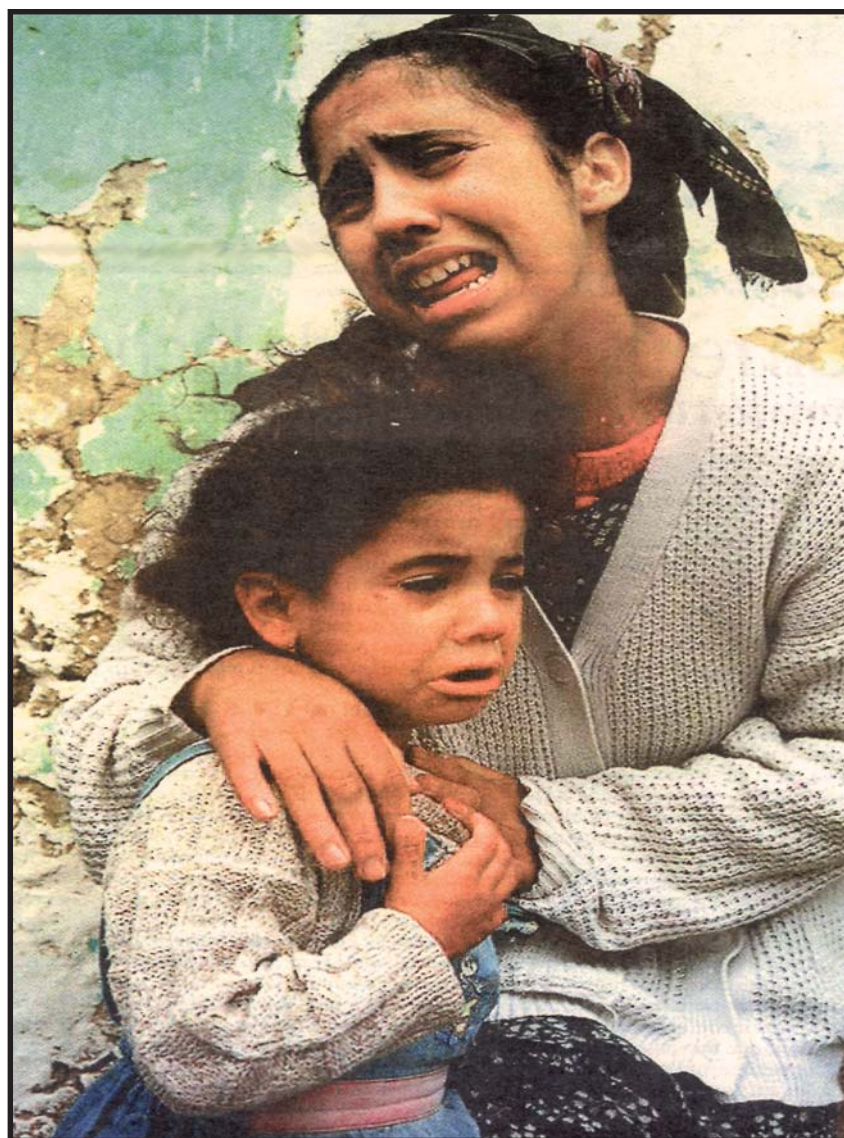
27. Survivors of the Sidi-Hamed massacre.



28. Sidi-Hamed cemetery. January 1998.



29. Women grieve in a village in the district of Relizane after a mother learns of her son's death. January 1998.



30. El-Hadj farm. Two sisters who survived the mass killing. Baba-Ali massacre, 23 January 1997, 22 dead.

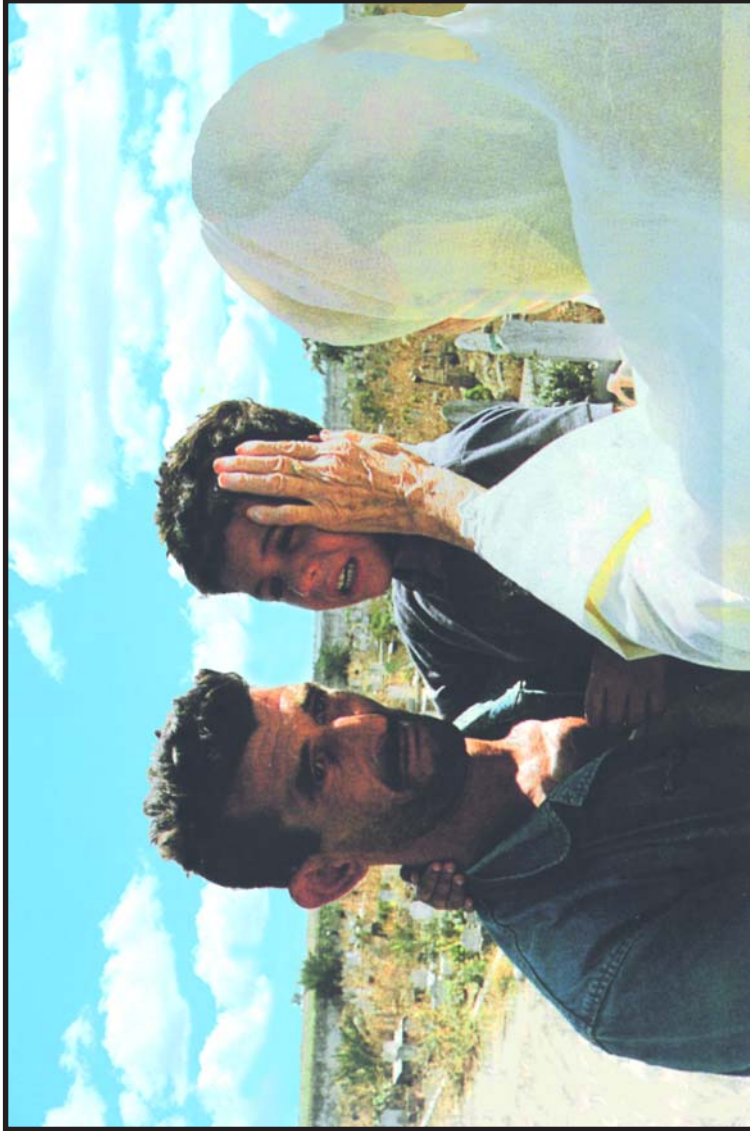


31. Why?  
Blida, Autumn 1997.



32. Mother and son in the aftermath of a massacre.  
Tabainat massacre, 12 January 1997, 12 dead.





33. Rais cemetery. 1 September 1997. The victims have just been buried.

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**Annexes à l'article *L'Organisation des Nations unies*  
et les massacres en Algérie, article no. 22, partie IV**

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*L'ONU et les Massacres en Algérie****Annexe 1 : Déclaration de Pierre Sané, Secrétaire général d'Amnesty International à New York le 18 novembre 1997*****Algerians : Failed by their Government and by the International Community**

Today Amnesty International is taking its lobbying campaign on Algeria to New York because we want to challenge United Nations member states to stop averting their gaze from the Algerian tragedy and start taking real action to bring some relief to the Algerian people.

Let me start by giving you some basic facts :

- some 80,000 people have been killed since the outbreak of the conflict in 1992 ;
- this year alone Algerians have been slain in their thousands with unspeakable brutality -- decapitated, mutilated and burned alive in their homes ;
- many of the massacres have been within shouting distance of army barracks, yet cries for help have gone unanswered, the killers allowed to walk away unscathed ;
- torture, "disappearances" and extrajudicial executions have become part of the daily reality of Algerian life ;
- and what action has the international community taken? None

This last point is as disturbing as the grizzly catalogue of abuses.

- Few member states of the UN have spoken out on the situation in Algeria, and those which have done so have made mostly bland and generalized statements of concern ;
- The UN Commission on Human Rights has failed to address the plight of the victims in Algeria ;
- The Organization of African Unity has failed to respond to the human rights situation in Algeria ;
- The European Union has hidden passively behind a self-created wall of ignorance, claiming they don't have full information on the abuses in Algeria yet taking no action to instigate or support investigations ;
- No expert mechanism of the UN has visited Algeria in the six years of horror.

In the mean time, children and women have continued to die, and that is why Amnesty International added its voice to calls for action made by other non-governmental organizations.

Last month, we joined with the International Federation of Human Rights, Human Rights Watch and Reporters sans frontières to call for a Special Session of the Commission on Human Rights and the establishment of an international investigation to get the facts, determine who is responsible for abuses, and make recommendations.

We have been lobbying governments around the world, sent letters to foreign ministries and issued an open letter to all governments two weeks ago.

We're here today to call again on governments to take action, including those who have to date responded with what I can only describe as insupportable excuses.

- They have argued that the Algerian authorities will never allow a human rights investigation into the country ;

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- They have hidden behind each other by claiming that there is no political will for a Special Session of the Commission on Human Rights ;
- They argue that such a Special Session is not needed because the Third Committee of the UN is currently meeting here in New York, but this committee has so far taken no initiative on the Algerian crisis.

All this against the backdrop of recent statements by the UN Secretary General, the UN High Commissioner for Human Rights, UNICEF and UNHCR condemning the massacres of civilians and other human rights abuses in Algeria. These words are welcome, but start to sound hollow when they are followed only by the hedging of governments and not by action.

We can think of no other country where human rights violations are so extreme, where civilians have been targeted to such an extent, and yet where there has not even been international scrutiny let alone action by the international community.

In other countries with similar levels of torture, "disappearances" or political killings at least experts have visited or monitors have been sent or political resolutions have been passed.

Governments cannot claim to be ignorant of the violations, especially the massacres of the past year.

Most of these massacres have taken place in areas around the capital Algiers, in the most militarized region of the country. As I said earlier, some of the villages where the massacres were committed -- sometimes for hours on end -- were close to army barracks and security forces posts. Yet the army and security forces did not intervene, neither to stop the massacres nor to arrest the killers - who were able to leave undisturbed on each occasion.

Let me give you some recent examples :

- on the night of 11 July in Bou-Ismaïl, west of Algiers, a family of 12 were massacred ;
- on the night of 28 August in Rais, south of Algiers, up to 300 people, many of them women and children, even small babies, were killed and more than 100 injured ;
- on the night of 5 September in Sidi Youssef, on the outskirts of Algiers, more than 60 people were massacred ;
- and on the night of 22 September in Bentalha, south of Algiers, more than 200 men women and children were massacred ;
- and in the past few weeks, hundreds more have been killed in a series of massacres of a dozen or more people at a time.

The recent massacres have taken place against a backdrop of increasingly widespread human rights abuses and violence over the past six years.

Security forces have been responsible for extrajudicial executions, "disappearances", and torture.

Armed groups which call themselves "Islamic groups" have killed, abducted and tortured civilians.

And militias armed by the state have been responsible for deliberate and arbitrary killings.

The government's attempt to lay the blame for all killings squarely on the shoulders of "terrorist groups" and wash its hands of any civilian deaths is a disgrace.

It is true that armed groups have killed many civilians and committed terrible atrocities, but it is also true that security forces who should be protecting the population have been responsible for many killings of civilians.

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The authorities have also been arming civilian militias to join in the “anti-terrorist fight”. Thousands of these groups are now operating outside the law effectively as vigilantes, many headed by relatives of people killed by armed groups who want to seek revenge.

In doing this, the government has not only abdicated its responsibility for law and order but also drawn civilians ever more into the centre of a conflict in which they are increasingly the victims.

This escalation of violence against the population and erosion of law and order belies the statements by the authorities that the security situation is “under control” and that “terrorism is residual”.

The security situation is certainly under control in the south, the north-east and north-west of the country, in areas dotted with oil and gas refineries and outlets, where foreign oil companies are indeed well protected.

But in others parts of Algeria, especially in poor areas where oil and money do not flow, the civilian population, increasingly impoverished, is denied the protection of the state and lives in fear of massacres and attacks.

There is also little protection for the population in the areas where the massacres have taken place, areas where large numbers had voted for the now banned Islamic Salvation Front in the 1990 and 1991 elections. It is in these areas that armed “Islamist” groups have had most support after the beginning of the conflict, even though many people may have supported these groups out of fear of retaliation.

This is also the area with the richest agricultural land, where the privatization of land is an issue of intense and controversial debate among fears that much of this rich land may end up being grabbed by powerful interest groups.

There have been allegations that some of the massacres were perpetrated with the aim of punishing the local population for having supported or failed to denounce armed groups, and to force villagers and peasants to flee and abandon the land.

Accepting the argument of the Algerian authorities that the massacre of tens of thousands of civilians is an “internal affair” may be an easy option for those who do not - for whatever reason - want to know the truth and who do not want to stop the killings.

But human rights are not just an “internal affair” or an issue of national sovereignty especially when citizens are being slaughtered en masse week after week and when disregard for human rights has become the rule rather than the exception. Algeria cannot be above international scrutiny. Why should it be?

The need to investigate and reveal the truth is the first step to finding solutions to this human rights tragedy. For this reason, we are calling for the establishment of an international investigation to ascertain the facts, examine allegations of responsibility and make recommendations in respect of the massacres and other abuses by all sides in Algeria.

Such an investigation has to be provided with broad powers, adequate staff and resources. It should collect evidence, statements, including testimony from victims, witnesses and responsible officials, to discover the truth.

The tragedy of the situation in Algeria is now universally recognized, and it is time for action to stop the massive human rights violations and to ensure the protection of the civilian population.

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***Annexe 2 : Open Letter to all governments from the Secretary General of Amnesty International*****Algeria : Programme of Action to End Human Rights Crisis**

The UN Commission on Human Rights (UN Commission) opens in Geneva on 16 March 1998. This year marks the 50th anniversary of the Universal Declaration of Human Rights as well as the five year review of the Vienna Declaration and Programme of Action. The forthcoming UN Commission will be an important test of the commitment of all governments to uphold the guarantees set out in these documents.

Amnesty International is calling on all governments, and in particular those states who are members of the UN Commission, to take immediate and effective action on the acute situation of human rights in Algeria. An estimated 80,000 people have been killed since the start of the conflict in 1992 by security forces, armed groups which call themselves "Islamic groups", and more recently by militias armed by the state.

In October 1997 (1), Amnesty International and other non-governmental organizations urged the international community to establish an international investigation into massacres and abuses by all parties to the conflict. In the five months which have followed, some 2,000 people have been killed in Algeria. At the end of December 1997 and the beginning of January 1998, hundreds of men, women and children were shot, slaughtered, decapitated, hacked to death and burned alive by groups of assailants who fled the area after the killings. On 30 December 1997, some 300 people were killed in villages in the western province of Relizane, and on 11 January 1998 more than 100 people were massacred in Sidi Hamed, south of Algiers.

According to the Algerian authorities all those who have been killed since the start of the conflict have been victims of "terrorist" attacks or were themselves "terrorists" who were killed by security forces in the context of armed conflict. It is true that armed groups who define themselves as "Islamic groups" have killed thousands of civilians in both targeted and random attacks, often with unspeakable brutality. Such groups have also issued death threats against civilians, have been responsible for abductions and have subjected their victims to torture, including rape. However, the monopoly on violence is not theirs alone.

The Algerian security forces have increasingly violated human rights, including extrajudicially executing individuals and groups, sometimes in their homes and in front of their families. Other victims of the security forces include people who have been killed in detention after having been arrested, detainees who have been subjected to the widespread practice of torture, and hundreds - possibly thousands - of people who have "disappeared" into secret detention after having been arrested. To date not a single investigation is known to have been carried out to shed light on any of these cases of extrajudicial executions, torture and "disappearance".

The civilian population has been increasingly trapped in a spiral of violence, which has affected all sectors of society, but in particular, the poor and most vulnerable. The policies of the Algerian Government over the past three years to arm civilians and encourage the establishment of militia groups has not helped to reduce the level of violence. It has further drawn the civilian population into the conflict and undermined the rule of law.

Yet member states of the UN have failed to propose and implement any measures to find solutions to this tragedy, despite repeated recognition of the severity of the situation by UN officials such as the Secretary-General, the High Commissioner for Human Rights and

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the High Commissioner for Refugees and by some governments. The recent mission by the European Union Troika (2) failed to secure an assurance from the Algerian Government that two UN Special Rapporteurs (3) would be urgently granted access to the country. The Organization of African Unity (OAU) has failed to develop and lead a regional response to the serious human rights situation in Algeria. Indeed, it is not even on the agenda of the ministerial meeting of the OAU which is currently taking place (4).

Amnesty International continues to believe that an international investigation into the massacres and wide range of gross human rights abuses by all parties to the conflict would be an essential starting point for finding solutions to this crisis. The UN Commission can and should recommend a programme of action which fulfils the tasks of an inquiry and ensures that the human rights situation in Algeria is under constant and public scrutiny leading to recommendations for a long term human rights plan. The programme of action should comprise the following components:

(a) **The appointment of a Special Rapporteur on Algeria.** The human rights situation in Algeria requires urgent, in-depth and sustained scrutiny. The appointment of a country rapporteur would go some way to meeting this demand. The UN Commission must swiftly appoint a person who fulfils the highest criteria of expertise in human rights investigations, independence and impartiality. This post would be the focal point for action by a range of experts and would ensure constant and public scrutiny. The Special Rapporteur should issue frequent and public reports and report to the UN General Assembly as well as to the UN Commission.

(b) **Support by thematic mechanisms and technical experts for the Special Rapporteur.** The scale of the problems in Algeria is too large and complex to be dealt with adequately by one expert. The Special Rapporteur on Algeria should be expressly mandated to co-operate and co-ordinate with relevant thematic mechanisms of the UN Commission. His or her work should also be expressly supported by technical experts, including from outside the UN, such as forensic specialists.

(c) **Urgent on-site mission.** The first and most pressing priority for the Special Rapporteur would be to carry out an on-site mission. The UN Commission should instruct the Special Rapporteur, as a matter of urgency, to conduct a joint on-site mission with at least the Special Rapporteurs on summary, arbitrary or extrajudicial executions and on torture, and with the support of relevant technical experts. The UN Commission should request the joint mission to be carried out and a first report circulated to all members of the UN Commission within two months of the appointment of the Special Rapporteur.

The on-site investigation should focus primarily on establishing the facts surrounding, and responsibility for, the massacres and other gross human rights abuses. The report should include recommendations for further on-site investigations and additional action by the UN Commission and other parts of the UN, including development of a long term human rights strategy for Algeria. Member states should ensure that these proposals are implemented.

(d) **The UN High Commissioner for Human Rights** will have a key role to play in co-ordinating action by the UN Commission's experts on Algeria, as well as ensuring the integration of activities of relevant UN agencies and departments.

(e) **Resources.** It is essential that the work of the Special Rapporteur on Algeria, supported by thematic and technical experts, be properly resourced. The programme of action must not flounder in the face of financial insecurity or a lack of political will.

The consequences of six years of human rights atrocities and continuing widespread abuses can no longer be ignored by the international community. Tens of thousands of people have already been killed, tortured and "disappeared". Children are orphaned, women and girls raped and sexually abused. Families are fleeing their homes, their communities and their country in fear for their safety. The UN Commission cannot remain silent in

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the face of this horror. It must urgently and effectively promote and protect the human rights of the people of Algeria, and it must do so now.

Yours sincerely,  
Pierre Sané  
Secretary General

1. See *AI Index* : MDE 28/25 /97, joint appeal by Amnesty International, International Federation for Human Rights, Human Rights Watch and Reporters sans frontières

2. The Troika comprises past, present and future presidencies, currently Luxembourg, United Kingdom and Austria. The Troika visit took place on 19-20 January 1998.

3. The Algerian Government had previously agreed in principle to on-site visits by the UN Special Rapporteurs on summary, arbitrary or extrajudicial executions and on torture. During and following the Troika visit, the government refused to allow these visits to proceed.

4. The OAU Council of Ministers meeting is being held in Addis Ababa, Ethiopia from 23-27 February 1998.

AI Index: MDE 28/16/98

26 February 1998

***Annexe 3 : Déclaration écrite soumise le 9 mars 1998 à la 54<sup>ème</sup> session de la CDH par l'Organisation Human Rights Watch***

Human Rights Watch wishes to call the attention of the United Nations Commission on Human Rights to the grave human rights situation in the following countries.

[...] Algeria

Both the Government of Algeria and armed groups operating in the country are responsible for gross and systematic violations of human rights. Since 1996, the most salient abuses have been the massacres of hundreds of men, women and children living in rural and semi-rural areas. The assailants have used barbaric methods to kill their victims and are reported to have abducted and raped hundreds of women, many of whom remain unaccounted for up to this day.

These massacres, most or all of which appear to have been carried out by armed groups, are only one part of a grim human rights picture. The Algerian security forces are responsible for the practice of torture in interrogation centres, for carrying out summary executions, and for "disappearing" hundreds, if not thousands of individuals. Security forces practise abuses in a climate of impunity: the Algerian authorities have produced no detailed evidence to show that any security force member has faced punishment for abusive behaviour.

In the face of the ongoing abuses and the restrictions on access to information, Human Rights Watch, together with Amnesty International, the International Human Rights Federation and Reporters without Borders, called on 15 October for a special session of the

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Commission on Human Rights, and for an international investigation to ascertain the facts, examine allegations of responsibility and make recommendations in respect of the massacres and other abuses by all sides. Algerian authorities denounced this call and rejected calls for an international investigation into human rights abuses. Human Rights Watch also supported the immediate dispatch to Algeria of the United Nations Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions. But while accepting their visit in principle, Algerian authorities have yet to provide a date for their visit.

In light of the gravity of the human rights situation in Algeria and the continuing refusal of the Algerian Government to allow unfettered access for human rights investigators, Human Rights Watch calls on the Commission on Human Rights to appoint a Special Rapporteur on the human rights situation in Algeria. The Special Rapporteur should be provided with sufficient resources to investigate, in consultation with the special mechanisms of the Commission, the gross and systematic violations of human rights committed by the Government of Algeria and by armed opposition groups and - because of the urgency of the situation - to submit an interim report with his or her findings and recommendations to the General Assembly no later than 30 June 1998, as well as a final report to the fifty-fifth session of the Commission.

E/CN.4/1998/NGO/52

17 mars 1998

***Annexe 4 : Déclaration écrite soumise le 13 mars 1998 à la 54<sup>ème</sup> session de la CDH par le Cairo Institute for Human Rights Studies***

Arab intellectuals and human rights activists meeting at the invitation of the Arab Regional Working Group on Human Rights (ARWGHR),\* hosted by the Cairo Institute for Human Rights Studies (10-12 March 1998), after a general discussion of the situation in Algeria, solely on the basis of humanitarian and human rights principles:

- (a) Condemn all acts of terrorism carried out in the name of religion or any other purposes, and specifically the brutal massacres which have led to the deaths of tens of thousands of unarmed civilians, and which constitute crimes against humanity;
- (b) Call on the Algerian authorities to fulfil their responsibilities in protecting the security of the population in full accordance with human rights standards and the Code of Conduct for Law Enforcement Officials;
- (c) Denounce all patterns of human rights violations carried out in the context of the bloody conflict in Algeria and call for their immediate cessation;
- (d) Appeal to the Algerian authorities to remove all obstacles hindering the activities of Algerian civil society; allow individuals and groups to exercise their fundamental rights, specifically their rights to freedom of expression and opinion and association and the right to seek and impart information; and to guarantee freedom of the media;
- (e) Urge that international governmental and non-governmental organizations be allowed to carry out their functions in accordance with international humanitarian law and international human rights agreements and conventions signed or ratified by Algeria.

ARWGHR has decided to set up:

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(a) An independent, non-governmental team of experts and human rights activists to conduct fact-finding activities on the horrendous massacres and other forms of human rights violations in Algeria. The team will seek to collect testimonies from all possible sources;

(b) A data bank on the Algerian situation.

ARWGHR calls upon all parties, Algerian, Arab and international, to cooperate with the team. It also calls upon the Algerian Government to cooperate with the team and facilitate its tasks inside Algeria.

ARWGHR invites all Arab intellectuals, public figures and human rights activists to endorse this declaration.

\* The Arab Regional Working Group on Human Rights is a team of experts and human rights activists working for the development of the Arab human rights movement and its stances. CIHRS is currently acting as the secretariat for the ARWGHR.

E/CN.4/1998/NGO/96

27 mars 1998

***Annexe 5 : Déclaration commune soumise le 25 mars 1998 à la 54<sup>ème</sup> session de la CDH par les quatre ONGs des droits de l'homme (Amnesty International, la Fédération internationale des droits de l'homme, Human Rights Watch and Reporters sans Frontières)***

**The Human Rights Situation in Algeria : Time for The Commission to Act**

On 15 October 1997, our four organizations issued a joint appeal to the international community and members of the United Nations Commission on Human Rights in particular, to act without delay in the face of the alarming human rights crisis in Algeria to set up an international investigation to ascertain the facts, examine allegations of responsibility and formulate recommendations with respect to the massacres and other abuses by all parties to the conflict.

Regrettably, this call went unheeded. More than four months later, violations of human rights in Algeria, far from receding, have reached unprecedented levels: the Government of Algeria, in this period, has continued to obstruct and denounce all efforts to establish a credible and impartial international mechanism to carry out such a mission.

Amnesty International, Human Rights Watch, the International Federation of Human Rights and Reporters sans Frontières therefore call upon the United Nations Commission on Human Rights, at its fifty-fourth session, to appoint a special rapporteur on the human rights situation in Algeria, who should carry out visits with thematic mechanisms and be supported by forensic and other technical experts. Given the scale and scope of human

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rights violations there, such a step is crucial to ensure a measure of ongoing international scrutiny of the situation, to express to the people of Algeria the concern of the international community, and to provide information and recommendations that will enable the Algerian Government and the international community to address effectively the continuing violence and human rights abuses.

The need for this initiative is clear. Although precise numbers are not known, there are some estimates that as many as 80,000 people have been killed since the beginning of the conflict in 1992, including some 2,000 in the past four months alone. At the end of December 1997 and beginning of January 1998, hundreds of men, women and children were shot, decapitated, hacked to death and burned alive by groups of assailants who fled the area after the killings. On 30 December 1997, some 300 people were killed in villages in the western province of Relizane, and on 11 January, more than 100 people were massacred in Sidi Hamed, south of Algiers. In addition to these large-scale slaughters, scores, often hundreds, of civilians are killed every week. Some of these attacks have been claimed by armed groups that are opposed to the Government and call themselves Islamic. There has yet to be any serious or transparent investigation into the facts regarding these killings, as well as numerous cases of torture, enforced disappearances, and other serious abuses.

The general failure of the Algerian authorities to bring to justice those responsible for gross human rights violations, the absence of a credible independent investigation into the killings and massacres, the restrictions imposed on Algerian and foreign journalists and international organizations, all contribute to perpetrating a situation of complete impunity where violence thrives on fear and silence.

For the past six years, armed groups have deliberately and arbitrarily targeted unarmed civilians, carried out indiscriminate attacks which have killed civilians, and abducted and raped women. Vulnerable people such as the elderly and children have been frequent victims of the armed groups, whose methods are unspeakably brutal. We have strongly and unequivocally condemned these atrocities, and have repeatedly called on the Algerian authorities to bring to justice those responsible for such crimes and to take the necessary measures to ensure the protection of the civilian population. We have also urged the Algerian authorities to ensure that the fight against violence must take place within the rule of law and in compliance with international human rights treaties to which Algeria is a party.

The Algerian authorities have blamed all the massacres and other killings on "terrorist" groups. They have not explained convincingly, however, why many of the massacres in the most heavily militarized regions of the country, some in close proximity to army and security forces barracks and outposts, took place without the army and security forces having intervened to stop the mass killings or to capture the attackers, who apparently fled undisturbed.

The large-scale massacres of the past year have been perpetrated against a backdrop of increasingly widespread violence and human rights abuses. Security forces have continued to be responsible for extrajudicial executions, "disappearances", abductions and torture. Thousands of cases of such violations have been brought to the attention of the Algerian Government, but no investigations are known to have been carried out. Moreover, the authorities have armed large sectors of the civilian population and encouraged the creation of paramilitary militias, in the process further drawing the civilian population into the conflict.

Since our appeal four months ago, a number of European Governments and the United States have publicly called on Algeria to cooperate with the United Nations special mechanisms and to facilitate investigations by international human rights organizations. There have been hearings on the situation before committees of the United States Congress, the European Parliament, and the parliaments of several European States. The European Union dispatched foreign ministry officials of the troika countries in mid-January. Within the United Nations, UNICEF supported the call for an international investigation. Secretary-General Kofi Annan had earlier deplored the continued killings in Algeria and offered to

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discuss with the Algerian Government ways of bringing an end to the spate of killings; Sadako Ogata, the High Commissioner for Refugees, appealed to European countries not to turn back Algerians to their country; Mary Robinson, the High Commissioner for Human Rights, requested information on the human rights situation in Algeria from across the whole United Nations system, while engaging in a high-level dialogue with the authorities. But these initiatives have not resulted in concrete steps that would shed light on the human rights situation or reduce the scale of abuses in Algeria.

The Algerian authorities have adamantly and consistently rebuffed these approaches and denounced any kind of international undertaking aimed at clarifying the human rights situation in the country. In spite of repeated entreaties by the High Commissioner for Human Rights and the European Union, in public and in private, the Special Rapporteurs on torture and on extrajudicial, summary and arbitrary executions have not been allowed to carry out a joint visit to the country, even though the Algerian authorities had agreed in principle to these visits.

Algeria's rejection of any form of international scrutiny cannot be allowed to be the final word. The United Nations must take immediate, decisive and serious steps towards the establishment of a mechanism for an international investigation. In particular the Governments that currently make up the Commission on Human Rights must live up to their responsibilities and take steps to address the human rights crisis in Algeria in an effective manner. Ultimately, a thorough and credible investigation of Algeria's human rights situation can only happen on-site, with the cooperation of the Algerian Government. The step that we are urging, however, will help ensure an important degree of ongoing international scrutiny of that situation, and will provide a measure of solidarity with the people of Algeria.

We believe that an international investigatory mechanism is required by the gravity of abuses and by the policy of the Algerian Government to impede any independent international investigation. The Commission on Human Rights should appoint a special rapporteur on Algeria at its present session. This is a step that the Commission can and should take with or without the cooperation of the Algerian Government. The special rapporteur should be instructed to seek a joint mission to Algeria, along with relevant thematic mechanisms, and with other experts, including from outside the United Nations system, and representing a wide range of expertise in the fields relevant to the human rights situation in the country, namely: forensic anthropology, torture, summary, arbitrary or extrajudicial executions and killings, "disappearances", violence against women and children, and internal displacement.

Whether or not such a request is granted, he or she should be provided with sufficient resources and authority to investigate, with the assistance and collaboration of the special mechanisms and working groups of the Commission on Human Rights, the gross and systematic abuses of human rights committed by armed groups and by security forces in Algeria, and should be instructed to submit an interim report of his or her findings and recommendations to the General Assembly no later than 30 June 1998, and a final report to the fifty-fifth session of the Commission in March 1999. The special rapporteur should propose a long-term human rights plan to be coordinated by the High Commissioner for Human Rights. This plan should include gender-specific recommendations to address the occurrence of rape and sexual abuse, and should integrate activities of the relevant United Nations agencies and departments concerning Algeria.

E/CN.4/1998/NGO/93

26 March 1998

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***Annexe 6 : Communiqué commun adressé le 7 avril 1998 à la 54ème session de la Commission des droits de l'homme de l'ONU par quatre ONGs des droits de l'homme (Amnesty International, la Fédération internationale des droits de l'homme, Human Rights Watch and Reporters sans Frontières)***

***Algeria : The Commission on Human Rights Must Act Now***

The annual meeting of the Commission on Human Rights is now more than half over, yet astoundingly there has been no movement whatsoever to address the human rights situation in Algeria, one of the gravest human rights crisis facing the international community today. It is imperative that member states of the Commission take an immediate initiative to table a resolution that establishes a mechanism to investigate the situation in Algeria. It is completely unacceptable that the Commission would allow Algeria's rejection of any human rights inquiry as the last word. This would not only reward Algeria's intransigence, but would signal other states that such declarations of impunity carry no price at all from the paramount international human rights body.

Many of the 53 member states have expressed the view that it would not be credible if this session of the Commission were to end without a strong expression of concern about the human rights situation in Algeria and a public Algerian government commitment to allow fact-finding missions by the U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions and by the Special Rapporteur on torture. In fact, Algeria has slammed these doors shut rather than opened them in the slightest.

Many governments have indicated that they would feel compelled to vote for a resolution on Algeria on these issues should one be tabled. But no government has been willing to put one forward.

Our four organizations call on member governments of the Commission, and especially the E.U. meeting today in Brussels, to instruct their delegations to table, as a matter of greatest urgency, such a resolution.

Algerian Foreign Minister Ahmad Attaf, in his March 18 address to the Commission and in subsequent statements, actually reneged on Algeria's earlier agreement in principle, expressed to the E.U. troika delegation, officials of other governments, the U.N. High Commissioner for Human Rights and the Special Rapporteurs themselves, to finalize at the Commission dates and details for visits of the Special Rapporteurs. By all accounts, Foreign Minister Attaf issued the same refusal in his meetings with the High Commissioner for Human Rights Mary Robinson, Foreign Minister Klaus Kinkel of Germany, and other officials. U.S. Assistant Secretary of State Martin Indyk, meeting in Algiers on March 14 with Attaf and other high officials in an attempt to persuade the government to cooperate with the Commission's mechanisms and with international human rights organizations, also came away empty-handed.

The U.S. then began consultations with other governments regarding Algeria. U.S. Ambassador Bill Richardson, addressing the Commission on March 25, spoke of "the paramount need for a credible, independent verification of the facts." The U.S. and its European allies have hoped that such remarks and the beginning of consultations would persuade Algeria to comply with the request to allow a visit by the Special Rapporteurs and international NGOs. In our view, this is not at all adequate to address Algeria's appalling human rights situation. Even this, however, the Algerian government has adamantly rebuffed.

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As for the other regional groups, they have remained conspicuously silent, and appear content to leave any initiative to the Western group.

In Algeria, meanwhile, the massacres and other killings of civilians, the torture in security forces centres, the forced disappearances and other serious crimes continue without respite and without any serious or credible Algerian government investigation into the facts or indictment of those responsible. As we argued in our joint submission to the Commission, it is within the power of the Commission to address the continuing violence and human rights abuses in Algeria, with or without the cooperation of the Algerian government. The Commission should, as a first step, appoint a Special Rapporteur on the human rights situation in Algeria. Given the scale and duration of the crisis, this is crucial to ensure a measure of on-going international scrutiny of the situation, to express to the people of Algeria the concern of the international community, and to provide information and recommendations that will enable the government and the international community to address the crisis effectively.

There is still time for the Commission to act, but this process must begin immediately. Algeria today is flaunting its impunity before the Commission. In the face of this intransigent posture, member states of the European Union must no longer hide behind the facade of the E.U. unity - and the opposition mainly of France to any Commission initiative on Algeria - to justify silence in Geneva this week, even while high-level corporate and banking delegations travel to Algiers to discuss new opportunities for business profit. Nor can the E.U., the United States and Canada pretend any longer that the remaining shreds of "political dialogue" with the Algerian authorities will cover their inaction at the Commission. To avoid taking a decision to put forward a resolution on Algeria at the Commission on Human Rights is to reveal the complete subordination of human rights policy to every other possible consideration.

To all the governments that are presently members of the Commission, and to other governments attending as observers and participating in regional policy groupings, including today's E.U. meeting in Brussels, we therefore ask you to meet your responsibility to act on the human rights crisis in Algeria. Any other course risks the credibility of the Commission and the human rights mechanisms of the United Nations.

On Wednesday, April 15, in Geneva, Pierre Sané, Secretary General of Amnesty International, Patrick Baudouin, President of the International Federation of Human Rights, Robert Ménard, Executive Director of Reporters sans Frontières and Joanna Weschler, United Nations representative of Human Rights Watch, will hold a joint briefing for delegates and journalists in Room XXIII of the Palais des Nations.

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*L'ONU et les Massacres en Algérie*

***Annexe 7 : Texte de la pétition lancée à l'occasion de la 54<sup>ème</sup> Session de la Commission des droits de l'homme de l'ONU par les amis du peuple algérien et les Algériens résidant à l'étranger***

A Son Excellence  
Le Président de la 54<sup>ème</sup> Session de la Commission  
de l'ONU pour les Droits de l'Homme

J'apporte mon soutien à l'initiative du Secrétaire Général de l'ONU et à celle du Haut Commissaire de l'ONU pour les droits de l'homme, pour la constitution d'une commission indépendante afin d'enquêter sur les atteintes aux droits de l'homme en Algérie et sur les massacres en particulier.

J'apporte mon soutien à Amnesty International, à la Fédération Internationale des Droits de l'Homme, à Human Rights Watch, à Reporters Sans Frontières et à toute autre ONG qui fournit des efforts pour la constitution d'une telle commission.

J'exhorte la Commission des Droits de l'Homme de l'ONU, à l'occasion de sa 54<sup>ème</sup> Session (23 mars au 24 avril 1998) à prendre des actions concrètes pour que cessent les atrocités en Algérie. Je demande en particulier la nomination d'un rapporteur spécial de l'ONU pour l'Algérie.

J'appelle les gouvernements des pays occidentaux à prendre leurs responsabilités et de faire pression sur le gouvernement algérien afin qu'il accepte la voie politique pour résoudre le conflit qui meurtrit le peuple algérien.

***Annexe 8 : Appel à la Conscience humaine adressé aux participants à la 54<sup>ème</sup> Session de la Commission des droits de l'homme de l'ONU par le Comité d'organisation de la pétition***

Mesdames, Messieurs,

Pendant que vous siégez à votre session annuelle, qui revêt cette fois-ci un caractère particulièrement symbolique, puisque vous commémorez le cinquantième anniversaire de l'adoption de la Déclaration universelle des droits de l'homme, non loin de vous des êtres humains continuent de se faire massacrer dans des conditions épouvantables.

En Algérie, l'ampleur des massacres a atteint un niveau inacceptable, et la souffrance des populations victimisées interpelle tout individu qui dispose encore d'un peu de sensibilité humaine.

Mesdames, Messieurs de la Commission, vous qui représentez à l'échelle du globe la conscience humaine qui se veut protectrice des droits élémentaires de la personne et vigilante contre tout ce qui peut leur porter atteinte, vous êtes particulièrement observés par les populations algériennes qui voudraient bien croire aux principes déclarés qui représentent le fondement de votre honorable Commission. Ces populations horrifiées par tant d'atrocités attendent une action concrète de votre part.

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Afin de soutenir les efforts que déploient certains d'entre vous en vue de sortir de la session avec des mesures concrètes telle que la nomination d'un rapporteur spécial de l'ONU pour l'Algérie et la constitution d'une commission indépendante pour enquêter sur les massacres dans ce pays, nous, citoyens de différentes nationalités, avons lancé une pétition adressée à Son Excellence le Président de la 54ème Session de la Commission de l'ONU pour les droits de l'homme.

En moins d'une semaine, et malgré les vacances de Pâques, nous avons pu réunir près de trois milles (3000) signatures provenant de onze pays occidentaux : l'Allemagne, l'Angleterre, l'Autriche, la Belgique, le Canada, le Danemark, les Etats-Unis, la France, l'Italie, les Pays-Bas et la Suisse. Ceci est plus que significatif et révèle à quel point les citoyens à travers le monde se préoccupent de la détérioration inquiétante des droits de l'homme en Algérie. La période de collecte de signatures sera prolongée jusqu'à peu avant la fin des travaux de la 54ème Session. Les signatures collectées seront alors remises au président de la 54ème Session par une délégation du comité d'organisation.

Mesdames, Messieurs,

Nous nous adressons à vous en tant que femmes et hommes pour montrer votre compassion envers le peuple algérien qui meurt en silence. Nous vous appelons en tant que fonctionnaires pour saisir votre responsabilité historique. Il y a trop de questions sans réponses, trop de circonstances obscures, trop d'éléments sérieux (témoignages de victimes, déclarations de transfuges des services de répression, articles de presse, etc.) qui exigent la constitution d'une commission d'enquête indépendante pour établir la vérité.

Genève, le 15 avril 1998

Le Comité d'organisation de la pétition

***Annexe 9 : Communiqué final concernant la pétition des amis du peuple algérien et des algériens résidant à l'étranger pour une enquête indépendante sur les massacres en Algérie***

La pétition se voulait un mouvement citoyen pour démontrer d'abord que ce dont il s'agit en Algérie, c'est la vie d'hommes, de femmes et d'enfants tous en danger de mort, et pas seulement de pétrole ou de gaz. Et qu'à ce titre ne pas inscrire la 'question algérienne' à l'ordre du jour de la Commission onusienne des droits de l'homme, alors que le conflit a déjà fait plus de cent mille morts, des milliers de disparus, de dizaines de milliers de torturés et d'exécutions extrajudiciaires, serait la pire dénégation des principes de la Déclaration Universelle des Droits de l'Homme.

La pétition voulait montrer que ces ONG ne représentent pas quelques personnes, ni une tendance politique quelconque, mais que derrière elles, il y a des milliers de citoyens qui leur apportent leur soutien actif dans leur demande que vérité soit faite, que pression s'exerce et que massacres s'arrêtent. Et que face aux attaques des représentants algériens à la dite commission contre ces ONG, il y a des milliers de personnes qui disent non aux mensonges, non aux calomnies.

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La pétition se voulait aussi soutien au Commissaire des Nations Unies pour les droits de l'homme, Mme Mary Robinson, pour ses prises de position courageuses en faveur du peuple algérien et de ses droits fondamentaux, afin qu'elle ne se sente pas seule dans son combat, face aux délégations étatiques et leur pression multiforme.

La pétition se voulait une prise de conscience citoyenne universelle (elle a réuni plus de vingt nationalités différentes) dépassant les cadres étatiques, pour rappeler que l'être humain et sa condition se doit de primer sur toute autre considération, frontalière notamment, ou de pseudo-souveraineté. En effet, au nom de la souveraineté intérieure, des peuples ont subi la purification ethnique ces dernières années, que ce soit en ex-Yougoslavie, en Afrique ou ailleurs.

Le comité d'organisation tient à remercier toutes celles et tous ceux qui ont investi des efforts considérables pour assurer le succès d'une telle action. Il appelle tous les signataires de la pétition à ne pas baisser les bras et à continuer leur combat aux côtés de ONG des droits de l'homme jusqu'à l'arrêt des atrocités que subit le peuple algérien.

Genève, le 22 avril 1998

Le comité d'organisation

***Annexe 10 : Comparaison par la journaliste José Garçon, du rapport périodique algérien et du rapport alternatif de la FIDH***

**Algérie: deux versions sur les droits de l'homme Un document de la FIDH répond au rapport présenté à l'ONU par le gouvernement algérien.**

*“Depuis septembre 93, il n'y a eu aucune exécution capitale.”* Rapport d'Alger

*“Les forces antiterroristes ont procédé à des exécutions de personnes suspectées d'appartenir ou de soutenir les groupes armés.”* La FIDH

Hier à Tizi-Ouzou, des Kabyles manifestent en hommage à Matoub Lounès, le chanteur assassiné. Depuis 1995, l'ONU attendait le rapport du gouvernement algérien sur les droits de l'homme. L'émotion de l'opinion publique internationale après les grands massacres de l'été et de l'automne 1997 a poussé les autorités d'Alger à déposer finalement ce document en mars 1998 auprès du comité des droits de l'homme de l'ONU. Examiné hier et aujourd'hui à Genève, ce texte de 55 pages se borne, pour l'essentiel, à énoncer les décrets et textes de lois algériens sans jamais parler de leur application concrète, ce qu'avait déjà “regretté” l'ONU à propos d'un précédent rapport déposé en 1991. Plus étonnant: ce texte, censé parler des droits de l'homme, ne fournit aucune des indications habituellement fournies dans ce type de document, comme le nombre de prisonniers. Il fait l'impasse sur des épisodes noirs de la guerre civile, par exemple la mutinerie de la prison de Serkadji, en février 1995, où 96 détenus au moins et 4 gardiens ont trouvé la mort dans des conditions troubles. Pas un mot, non plus, sur les milices gouvernementales, dont Alger affirme ne pas connaître les effectifs (elles compteraient au minimum 100 000 hommes) et sur leurs exactions. L'explication fournie pour expliquer la suspension de l'hebdomadaire la Nation n'est pas moins surprenante. Alors que les autorités avaient toujours mis en avant une “dette de ce

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journal”, le rapport l'attribue à la publication par la Nation, le 26 juillet 1992, d'une "information faisant état de l'arrestation du leader spirituel des touaregs, jugée par les pouvoirs publics comme ayant eu sur les populations du Sud un effet générateur de troubles préjudiciables à la paix civile. Dès lors, cette fausse information procède d'une manœuvre de dés-stabilisation et constitue une atteinte à l'unité nationale”.

Au total, se félicite le rapport d'Alger, “dès 1994, le chef de l'Etat a clairement identifié la protection des libertés et le respect des droits de l'homme comme objectifs permanents et prioritaires de l'action gouvernementale”.

“Le droit le plus systématiquement et régulièrement violé en Algérie est d'évidence le droit à la vie”, rétorque la FIDH (Fédération internationale des droits de l'homme) dans un “rapport alternatif” également remis à l'ONU. Aux généralités du texte algérien, les 39 pages du document de la FIDH (qui s'est rendue en Algérie en 1995 et 1997) opposent, outre des faits, une précision et une rigueur méticuleuses. Extraits croisés.

**Tortures, disparitions***Rapport algérien*

“La torture et autres traitements cruels sont interdits par la Constitution [...]. Dès novembre 1992 et à la suite d'allégations de mauvais traitements rapportés par la presse, le ministère de l'Intérieur avait manifesté sa volonté de sanctionner les éventuels coupables de pratiques prohibées par les lois de la République, réprouvées par la morale de l'Etat et attentatoires à la dignité des hommes. Même si des dépassements peuvent avoir été commis par des membres des forces de l'ordre, il n'existe pas une pratique systématique de la torture. Des sanctions disciplinaires et judiciaires ont été prises à l'encontre des personnes qui se sont rendues coupables de tortures ou de traitements cruels, inhumains ou dégradants.”

*Rapport FIDH*

“Les forces régulières de sécurité ont procédé à des milliers d'arrestations illégales et arbitraires, soumis des personnes arrêtées à la torture [...]. 18000 prisonniers, soit la moitié de la population carcérale, sont condamnés "pour des faits de terrorisme". Plusieurs dizaines ont été tués au prétexte de réprimer des "mutineries" ou des "tentatives d'évasion". Selon la version officielle, les disparitions imputables aux forces de l'ordre seraient rarissimes. Des milliers de personnes sont aujourd'hui disparues.

**Peine capitale***Rapport algérien*

“Depuis septembre 93, il n'y a eu aucune exécution capitale.”

*Rapport FIDH*

“Les forces engagées dans la lutte antiterroriste ont procédé à des exécutions de personnes suspectées d'appartenir ou de soutenir les groupes armés. (Celles-ci) ont entrepris des représailles collectives aveugles contre les populations de quartiers populaires ou de villages dans lesquels des attentats contre les forces de l'ordre venaient d'être commis. La FIDH dispose de centaines de noms de personnes tuées dans ces circonstances. [...].”

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*L'ONU et les Massacres en Algérie***Centres de sûreté et prisons***Rapport algérien*

“Depuis novembre 1995, il n'y a plus de centres de sûreté. A la suite de l'état d'urgence (le 9 février 1992), une campagne d'interpellation a touché 8 891 personnes. 6 786 ont été placées dans 11 centres de sûreté. Un décret (du 20 février 1992) définit le placement dans des centres de sûreté comme une mesure "administrative à caractère préventif qui consiste à priver toute personne majeure, dont le comportement est susceptible de compromettre dangereusement l'ordre et la sécurité, de sa liberté d'aller et venir".”

*Rapport FIDH*

“En 1997, la FIDH a pu établir une liste de 13 centres de détention illégale et prolongée pour Alger et 4 dans d'autres départements.”

**Les cours spéciales***Rapport algérien*

“Les pouvoirs publics avaient élaboré un texte de loi mettant en place des "cours spéciales" pour juger les affaires de terrorisme (1). Entre octobre 1992 et octobre 1994, 13 770 personnes ont été jugées par (ces) cours, 3 661 ont été acquittées. 1 661 peines capitales ont été prononcées, dont 1 463 par contumace.”

*Rapport FIDH*

“Si les cours spéciales ont été supprimées et si les violences terroristes sont désormais du ressort de tribunaux ordinaires, des règles d'exception ont été incorporées au droit commun.”

**Le droit de réunion***Rapport algérien*

“Le droit de réunion pacifique est reconnu dans la Constitution. Toute manifestation se déroulant sans autorisation, ou après son interdiction, est considérée comme un attroupelement [...] susceptible d'être dispersé.”

*Rapport FIDH*

“Le FFS (Front des forces socialistes) s'est vu interdire l'organisation de trois marches et deux autres de ses manifestations ont été dispersées violemment. [...] Une des associations (de jeunes) les plus dynamiques, RAJ, s'est vue interdire plus de vingt réunions, concerts et manifestations entre 1994 et 1997. [...] Il n'est pas rare que l'interdiction d'une manifestation soit communiquée verbalement sans aucune notification écrite. [...]”

(1) Composées de magistrats nommés par décret présidentiel, elles imposaient des restrictions aux droits de la défense et ont été supprimées en 1995.

*Libération du mardi 21 juillet 1998*

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***Annexe 11 : Compte rendu des débats du Comité des droits de l'homme lors de l'examen du deuxième rapport périodique présenté par le gouvernement algérien***

CCPR/C/SR.1681

24 July 1998

## HUMAN RIGHTS COMMITTEE

Sixty-third session

## SUMMARY RECORD OF THE 1681st MEETING

Held at the Palais des Nations, Geneva, on Monday, 20 July 1998, at 10 a.m.

Chairperson: Ms. CHANET

later: Mr. EL SHAFEI (Vice-Chairperson)

later: Ms. CHANET (Chairperson)

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)Second periodic report of AlgeriaThe meeting was called to order at 10.05 a.m.CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)Second periodic report of Algeria (CCPR/C/101/Add.1; CCPR/C/63/Q/ALG/1/Rev.1)

1. At the invitation of the Chairperson, Mr. Dembri, Mr. Abba, Mr. Hassaine, Mr. Zerrouki, Miss Akeb, Mr. Hamed Abdelwahab, Mrs. Bouabdellah, Mrs. Zerrouki, Miss Chaieb, Mr. Almas, Mr. Soualem, Mr. Hellab and Mrs. Karadja (Algeria) took places at the Committee table.

2. The CHAIRPERSON invited the head of the Algerian delegation to introduce his country's report.

3. Mr. DEMBRI (Algeria) said that the report currently before the Committee (CCPR/C/101/Add.1) was the fourth periodic report submitted by Algeria in less than two years to United Nations human rights treaty monitoring bodies, thus demonstrating its willingness to continue its cooperation and enhance its dialogue with those bodies. Although the report had been due in 1995, his Government had deferred its submission in the interests of covering more fully the political and democratic restructuring that was in progress.

4. It would be recalled that, when the initial report had been submitted in 1992, his country had already begun the transition towards political pluralism and a market economy required by the wide range of aspirations of the Algerian people. With the adoption of a new Constitution by referendum on 23 February 1989, political pluralism, and universal suffrage and a balance of powers had been selected in a clear expression of the will of the people. That choice had immediately been confronted with the criminal acts of subversive groups determined to impose on society an authoritarian and totalitarian method of governance. The terrorist attacks on the new institutional structure had led the authorities, in January 1992, to interrupt, not the democratic process as was too often wrongly asserted, but the electoral process.

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*L'ONU et les Massacres en Algérie*

5. Since then, the barbarism of the terrorists groups, though it had spared no social stratum, had in no way altered the determination of the Algerian people and authorities to continue working to establish a State subject to the rule of law and to consolidate pluralist democracy. It was with that in mind that, in 1994, the President had undertaken to renovate the country's political institutions and to restore the electoral process, resulting in presidential and other elections, constitutional reform, and the establishment of mediation machinery.

6. The dialogue begun by those measures still prevailed and remained open to all those who rejected violence and were committed to respecting the Constitution and laws of the Republic and to sustaining the pluralist, democratic and republican political model. Algeria thus possessed legitimate republican institutions within which the public authorities and the politicians were working to strengthen and enrich the values of multi-party democracy.

7. In order to preserve and strengthen what had been achieved, Algeria had established the National Human Rights Observatory (ONDH) as an independent institution and had appointed an Ombudsman of the Republic, a system which was making a tangible contribution to rectifying the abuses of central bureaucracy. Moreover, the vitality and blossoming of civil society in thousands of non-governmental organizations (NGOs) attested to the strength of the collective effort to promote and protect human rights. Freedom of expression and opinion within the independent press had won it many international prizes and distinctions.

8. The public authorities had ensured the adoption of a clemency law and had elaborated measures for the social rehabilitation of persons who, without having committed bloodshed, had found themselves involved in terrorist acts. Measures had also been adopted and programmes launched for the material and psychological care of victims of terrorism and their families and for the reconstruction of infrastructures damaged by terrorist attacks. Algeria had received a delegation from the European "troika", representatives of numerous foreign parliaments, including the European Parliament, and more than a thousand journalists from all parts of the world. They had been able to see that, although the Algerian people was the victim of terrorist groups, it had not renounced its decision in favour of pluralist democracy and human rights. Algeria was soon to welcome a panel of eminent persons, selected by the Secretary-General, for a fact-finding visit designed to enable the international community to understand the real situation in Algeria.

10. Algeria's exemplary fight against terrorism and the price paid by its people to defend democracy and human rights called for the respect and consideration and the effective solidarity of the international community.

11. The CHAIRPERSON invited the delegation of Algeria to answer the questions contained in the final list of issues (CCPR/C/63/Q/ALG/1/Rev.1).

12. Mr. HAMED ABDELWAHAB (Algeria), replying to the questions in paragraph 1, subparagraphs (a) and (b), on extrajudicial killings, said that there was one case that was currently being investigated. While it could not be termed extrajudicial killing, because there had as yet been no court decision on what had actually happened, it did involve a suspicious death in custody. The person concerned, who had been accused of murdering the Secretary-General of the Union fédérale des travailleurs algériens, had been wounded in an exchange of fire with the security forces while resisting arrest. Following his arrest, his condition had deteriorated and he had succumbed to his wounds.

13. Mr. DEMBRI (Algeria) added that it was the emergence of terrorism, and not a political crisis of human rights, that had occasioned human rights violations. His Government, which had constantly urged that international law be amended to enable it to apply to individuals with no official ties to a Government, hoped that the recently established International Criminal Court would have the power to prosecute such individuals for mass violations of human rights.

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14. Algeria had always responded openly to questions about extrajudicial killings, but there was no evidence that the phenomenon occurred with any frequency. The State complied with the responsibility incumbent upon it under the Constitution to protect persons and property, but the land area was large and the security apparatus relatively small. Hence the need to respond to terrorist attacks by tightening the security net nationwide.

15. Mr. HAMED ABDELWAHAB (Algeria), replying to the question in paragraph 1, subparagraph (c), said that the Government had investigated every reported instance of massacres of civilians. As the events at Rélizane, Benthala and Sidi Rais were the ones most often mentioned in the media, he would refer to them in answering the question.

16. An investigation had been instituted within a few days of the massacre of 30-31 December 1997 at Rélizane. As no individual suspects had been identified, the investigation had been general in nature. In the case of the killings at Benthala, investigations had been launched in respect of four individuals who had been brought before a court. Three of them had been held under a detention warrant while the fourth had initially been released, but the court of appeal had overturned that decision and had ordered the person to be taken into custody. A month later, warrants had been issued for the arrest of three more persons. The investigation was continuing. Investigations had commenced two days after the killings at Sidi Rais. Four suspects had been identified but, although arrest warrants had been issued, they remained at large.

17. Those three cases were illustrative of the procedure used in every reported instance of a massacre of civilians: investigations were systematically carried out.

18. Mr. HELLAB (Algeria) said that, when the terrorists had failed in their bid to take power, they had first of all begun to assassinate members of the security forces, followed by political figures and scientists and intellectuals. Having failed to intimidate Algerian society, they had taken terrorism to the highest degree of criminality by targeting isolated groups of the population.

19. The Sidi Rais massacre had occurred during the night: the terrorists had been attending a party and had drawn knives against those present and those in a neighbouring house. The police station was located at the opposite end of the town of 10,000 inhabitants. Women and children fleeing towards the station had prevented the police from opening fire on the assailants, who had mined their escape route to prevent pursuit. At Benthala, where there was no police station, the events had likewise occurred at night and the weapons used had also been knives. At Sidi Youssef, the massacre site was at a distance of five kilometres, through a forest, from the nearest police station.

20. There was no known case of non-assistance by the security forces to the population in the event of collective killings; in fact, in the interests of self-defence, population groups in remote areas had been issued with weapons by the security forces. Since 1992, efforts had been made to increase the number of police stations in rural areas, where the number of such establishments was relatively small.

21. Mrs. KARADJA (Algeria) said that, after a massacre, the psychological and physical traumas of the population had to be addressed and the danger of a mass exodus averted. Both governmental authorities and civil society had participated in measures to restore calm and a sense of community to the population concerned. It was important that the survivors be recognized as victims so that they would be free to grieve and helped to start the healing process. Steps were taken to enable orphaned children to be looked after by their extended families; including social assistance from the State and guardianship arrangements organized by NGOs.

22. Other measures were designed to give psychosocial support to families and provide compensation on an emergency basis, e.g. for the reconstruction of housing. They related to family reunification, local security and psychological care for children in school. Emergency action of a medical or social nature was taken wherever necessary.

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*L'ONU et les Massacres en Algérie*

23. Mr. ALMAS (Algeria) said, in reply to the question in paragraph 1, subparagraph (d), that rapid intervention by the authorities to compensate survivors and the families of the victims was guaranteed. The amount of compensation paid was based on the victim's previous income or, in the case of physical injury, on the degree of disablement. Material damage was compensated for in full. A total of 7.6 billion dinars had been allocated for the purpose since 1992.

24. In all, 38,900 cases had been processed, including about 18,000 cases of death, over 13,000 cases of material damage, 7,000 cases of physical injury and about 750 cases of kidnapping by terrorist groups. As the procedure for determining the amount of compensation to be paid naturally took some time, there were special programmes designed to tide the victims over, help them to rebuild their homes, provide holidays for their children, etc.

25. Miss CHAIEB (Algeria) said that victims of terrorist attacks were immediately taken to public hospitals, where they received free treatment from multidisciplinary teams of physicians, surgeons and psychologists. The activities of such teams were supervised by the Ministry of Health and the Ministry of National Solidarity. Algeria had a special arrangement with the Cantonal Hospital in Geneva, which undertook to take up to 130 wounded a year, priority being given to children, especially amputees. A similar arrangement with the ophthalmological department of the Lausanne Hospital was about to become effective.

26. Mr. DEMBRI (Algeria) said that NGOs making allegations of extrajudicial killings in Algeria were earnestly requested to provide documentary evidence so as to enable his Government to refute the allegations. All trials for terrorist activities were public and the right of defence was assured in all cases.

27. Mr. ABBA (Algeria), replying to the questions in paragraph 2, said that, at the beginning of the emergency, the Algerian security forces had been relatively unprepared to deal with a form of violence until then unknown in the country. In the first year, the police had suffered heavy losses simply because adequate precautions had not been taken. Since then, the security forces had been enlarged and their training improved.

28. While it was true that at first the terrorists had concentrated their attacks on specific groups of the population - journalists, intellectuals, ministers of religion (both Muslim and Christian) and politicians - their attacks had subsequently been directed indiscriminately against all sections of the population, principally in isolated hamlets and some quarters of the towns.

29. Individual members of target groups were taking precautions of their own, such as changing their addresses, vehicles or routes to work, etc. Experience had shown that the best way to resist the terrorists was to ignore and defy their threats while, at the same time, taking some simple precautions.

30. Miss AKEB (Algeria), replying to the questions relating to journalists in paragraph 2, said that many journalists had indeed been killed in 1993 and 1994, the number of killings sometimes reaching two a week. Since then, however, the Government had taken special steps to protect journalists by, *inter alia*, providing collective housing for about 600 of them in coastal areas. As a result, the number of killings had drastically diminished in 1995 and 1996 and had since dwindled to zero.

[...]

54. Mr. KRETZMER said that the report contained a wide range of information concerning laws and legal instruments but very little about practical developments in recent years. Nobody would realize from the report that, according to some estimates, between 40,000 and 80,000 civilians had been killed in Algeria during the past five years and that there had been serious allegations of systematic torture, secret detention and disappearances. Official denials of such reports would be credible only if Algeria opened up its society to outside organizations, especially human rights bodies, so that they could furnish independent information. Unfortunately, restrictions had been placed on the entry of such

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organizations, especially during the last few years. The Committee also required detailed information from the authorities regarding the investigations of alleged human rights abuses.

55. The information given by the delegation in reply to the questions in paragraph 1, subparagraph (c), of the list of issues was insufficient. In the case of the massacre which had taken place in Sidi Rais on 28 August 1997, the delegation had stated that, when the terrorists began shooting, the crowds had fled towards the police station at the other end of town, thus blocking the road and preventing the police from reaching the scene. However, according to the Committee's information, there were army barracks very close to the site. Why had the army not been called in to surround the town in order to ensure that those responsible for the atrocities were unable to escape?

56. More importantly, he wished to know what type of investigation had been carried out after the incident, and by whom. From what had been stated, it appeared that, in such cases, there was reliance on a judicial investigation to examine allegations against those identified as responsible. It would seem, however, that a much wider investigation was called for into the conduct of the security forces, in order to enable guidelines to be laid down for the future.

57. The delegation had stated that, in the case of the Benthala massacre, there was no police station in the town. However, there were five different outposts of the military and security forces in the vicinity and, according to witnesses, units with armoured vehicles had been stationed outside the village. There again he would like to know what kind of investigation had been carried out.

58. Lastly, in the case of the events in Sidi Youssef, the delegation had stated that the nearest police station was five kilometres away. There were, however, army barracks in the area and it had been alleged that the army had refused to act. Again, it was important to know what kind of investigation had been launched.

59. Regarding paragraph 1 (b) of the list of issues, the Committee had been told that there had been only one case of extrajudicial killing. He was somewhat surprised to hear that that case was still under judicial investigation and that the results had not yet been published. There were, however, other cases that had come to the Committee's knowledge.

60. In one such case, a young man of 17 years of age had been taken away from his school in Algiers by members of the security forces on 30 January 1996. Two weeks later, his father had found his body in the mortuary. The staff of the school had been visited by the security forces a few days before the young man's arrest and questioned about him. Had any investigation been carried out into the circumstances of his death?

61. In another case, an individual had been arrested on 3 June 1994, and no details had been supplied regarding his whereabouts despite inquiries by relatives and by NGOs. A peculiar feature of that case was that, in early 1996, the Algerian authorities had informed the United Nations Special Rapporteur on extrajudicial, summary and arbitrary executions that the man had been arrested by the security forces on charges of terrorism, and had been killed in July 1994 while trying to escape. It was most curious that no information regarding him had been released until 1996.

[...]

65. Mr. ZAKHIA said that, as a general rule, when a State was threatened by armed uprisings, only monitoring by an independent and impartial authority could effectively prevent human rights violations. The Committee was thus interested in learning who was currently carrying out investigations into the massacres that had taken place in the country, and what sort of investigations they were. In the light of the gravity of the situation, and the public's confusion in the face of repeated human rights violations by members of the security forces, he wondered why the ONDH and the Ombudsman of the Republic, as well as NGOs, had not been invited to monitor the investigations, notably with regard to the be-

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haviour of the security forces and of the authorities, in general. In addition, international human rights bodies ought to be allowed into the country to make their own inquiries: that would give greater credibility to the Government's efforts in the eyes of the world.

[...]

71. [Ms. MEDINA QUIROGA] found it very difficult to accept the report's omissions in respect of article 6 of the Covenant, particularly in view of the many reports of massacres by armed groups, deaths in custody, and disappearances. She wished to know whether the role of the security forces stationed near the sites of the massacres had been investigated, and whether any lists of victims had been published.

73. It had been reported that civil militias, or legitimate defence groups, had confessed to being motivated by revenge in their activities and she would like to know what the Government intended to do to remedy that situation.

[...]

The meeting rose at 1.05 p.m.

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CCPR/C/SR.1682

11 novembre 1998

COMITÉ DES DROITS DE L'HOMME

Soixante-troisième session

COMPTE RENDU ANALYTIQUE DE LA 1682<sup>ème</sup> SÉANCE

tenue au Palais des Nations, à Genève, le lundi 20 juillet 1998, à 15 heures

Présidente : Mme CHANET

puis : Mme MEDINA QUIROGA

puis : Mme CHANET

SOMMAIRE

EXAMEN DES RAPPORTS PRÉSENTÉS PAR LES ÉTATS PARTIES CONFORMÉMENT À L'ARTICLE 40 DU PACTE (suite)

Deuxième rapport périodique de l'Algérie (suite)

Le présent compte rendu est sujet à rectifications.

La séance est ouverte à 15 h 5.

EXAMEN DES RAPPORTS PRÉSENTÉS PAR LES ÉTATS PARTIES CONFORMÉMENT À L'ARTICLE 40 DU PACTE (point 4 de l'ordre du jour) (suite)

Deuxième rapport périodique de l'Algérie (CCPR/C/101/Add.1;

CCPR/C/63/ALG1/Rev.1)

1. Sur l'invitation de la Présidente, la délégation algérienne reprend place à la table du Comité.

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3. M. LALLAH doute, comme la délégation algérienne l'a affirmé, qu'il n'y ait pas de crise des droits de l'homme en Algérie et ne peut non plus souscrire à l'idée qu'il puisse être mis un terme au processus électoral sans que le processus démocratique ne soit lui-même interrompu. Force est de constater en effet que l'Algérie traverse une très grave crise qui touche les principaux droits reconnus dans le Pacte et notamment les droits à la vie, à la liberté, à la sécurité de la personne et à la protection contre la torture. Dans son rapport, l'État partie a tendance à nier toute responsabilité des autorités dans les violations des droits de l'homme commises en Algérie et une telle attitude n'est pas compatible avec les engagements pris par le Gouvernement algérien en vertu du Pacte, l'État étant responsable non seulement du comportement de ses agents mais aussi de tous les actes qui se produisent sur son territoire.

4. Selon la délégation, 275 agents de l'État auraient été condamnés pour abus de pouvoir, y compris pour homicides. M. Lallah aurait souhaité savoir avec précision dans quelles circonstances de tels abus se sont produits et pour quelles infractions ceux qui les ont commis ont été jugés. Par ailleurs, en réponse à l'une des questions écrites du Comité, la délégation algérienne a indiqué qu'après les massacres perpétrés dans des villages de Sidi Rais, Sidi Youssef et Benthala, plusieurs personnes avaient été arrêtées et condamnées. M. Lallah souhaiterait savoir qui étaient les responsables de ces massacres, quels ont été les chefs d'accusation précis retenus contre eux et également si les intéressés ont été jugés dans le cadre de procès publics.

5. À propos des massacres susmentionnés, il y a lieu de noter qu'apparemment l'armée était présente dans le voisinage et qu'elle pouvait donc protéger les villageois. Le fait qu'elle ne leur ait apporté aucune assistance constitue un manquement manifeste de la part de l'État partie aux obligations librement contractées qui lui incombent en vertu du Pacte. Qui plus est, une enquête sérieuse aurait dû être menée pour déterminer s'il n'y avait vraiment aucun moyen d'aider les victimes. L'État partie ayant en outre invoqué l'obstacle que constituaient les mines, il y a lieu de se demander si des opérations de déminage ont été menées dans les secteurs concernés. D'autre part, selon les informations reçues par le Comité, de nombreuses disparitions se sont produites en Algérie. Il convient de rappeler à cet égard, qu'il est du devoir de l'État partie d'informer les familles du sort de toutes les personnes qui sont détenues. En outre, il importe au plus haut point de déterminer avec précision le nombre des personnes disparues dont on n'a aucune nouvelle.

[...]

7. Mme EVATT regrette que l'État partie n'ait pas fourni dans son rapport et dans ses observations orales suffisamment d'informations sur la situation réelle en Algérie. Certes, des horreurs ont été commises dans le pays ces dernières années par des terroristes armés, mais aucun acte de ce type ne saurait justifier l'intervention de l'État en violation des droits de l'homme. Par ailleurs, la délégation algérienne n'a abordé qu'évasivement le problème des femmes qui sont prises pour cible par les terroristes, alors que bon nombre d'entre elles ont été ainsi violées et assassinées. Mme Evatt voudrait savoir si ces crimes ont fait l'objet d'enquêtes et si les responsables ont été traduits en justice. D'autre part, des femmes sont enlevées et forcées de contracter des mariages temporaires. Que font les autorités pour combattre cette pratique ? Est-il vrai que l'avortement est interdit même dans les cas des femmes qui sont enceintes à la suite d'un viol ? En outre, selon de nombreux rapports, lors de massacres commis dans des régions qui étaient auparavant acquises au Front islamique du salut, l'armée n'est pas intervenue. Comment se fait-il que les autorités, qui ont pu assurer la tenue d'élections dans des conditions de sécurité parfaites, n'ont pas apporté la protection nécessaire aux victimes de ces massacres ?

[...]

13. Le rôle des groupes privés armés ou milices paraît aussi assez inquiétant à Mme Gai-tán de Pombo. Il lui paraît en effet dangereux de favoriser la création de groupes de civils armés, même si c'est dans une intention louable et pour protéger le droit à la légitime dé-

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fense, car c'est normalement l'État qui a le monopole de la force et, dans la mesure où l'on empêche l'État d'exercer ce droit, on porte atteinte à son rôle central qui est d'exercer l'autorité et de garantir la sécurité des citoyens. De plus, ce qui est préoccupant dans ce phénomène c'est que la population civile devient malgré elle un objectif militaire, ce qui engendre ensuite un mécanisme de représailles et de vengeance dans lequel la population devient une cible. Enfin, Mme Gaitán de Pombo a noté qu'une dizaine ou une vingtaine d'assassinats de journalistes ont été élucidés et que les responsabilités ont été établies. Elle demande ce qu'il en est des autres cas de journalistes assassinés.

14. M. BUERGENTHAL fait siennes plusieurs des préoccupations déjà exprimées par d'autres membres du Comité et souligne notamment que, dans le rapport, l'application des articles 5, 6, 7, 9, 12 et 14 notamment est traitée de manière purement formaliste, sans que la réalité de la situation en Algérie soit abordée. [...]

16. Enfin, M. Buergenthal voudrait croire que tous les massacres commis doivent être attribués à des organisations terroristes et non pas à des groupes liés d'une manière ou d'une autre aux pouvoirs publics. Quoiqu'il en soit, la manière dont les enquêtes ont été menées laisse beaucoup à désirer. À cet égard, le Comité n'a pas reçu assez d'informations sur les mesures prises pour enquêter sur ces massacres et les faire cesser. M. Buergenthal souhaiterait notamment que la délégation cite des exemples précis de personnes et d'organisations poursuivies pour actes de terrorisme et de mesures que le Gouvernement a prises ou a l'intention de prendre pour empêcher la poursuite des massacres.

[...]

19. M. DEMBRI (Algérie) rappelle que l'Algérie a présenté son rapport initial en 1992 et que le deuxième rapport périodique, présenté en 1998, apporte un certain nombre de réponses aux questions qui étaient restées en suspens en 1992 ainsi que des informations sur la suite donnée aux recommandations du Comité. Les membres du Comité auront ainsi remarqué qu'il n'y a plus de Comité d'État en Algérie, mais qu'il existe désormais un système institutionnel fondé sur le suffrage universel, qui s'est matérialisé dès 1995 par la restauration du processus électoral et l'élection du Président de la République au suffrage universel, dans un contexte de pluralisme et sous observation internationale. Ainsi le rapport de 1998 a pour objet de présenter l'Algérie actuelle, avec les fondements qu'elle a choisis pour se doter d'un État de droit moderne, en faisant référence à tous les articles du Pacte qui énoncent l'ensemble des droits de l'homme et que l'État algérien a acceptés, d'autant plus qu'il se soumet également aux dispositions du Protocole facultatif. Il est vrai néanmoins que le rapport présenté peut ne pas exprimer les réalités concrètes dans toute leurs nuances, de l'Algérie moderne. C'est en conséquence pour en rendre compte que la délégation algérienne s'est préparée à répondre à l'ensemble des questions de la Liste des points à traiter qui lui a été envoyée.

20. Pour donner au Comité une vision exacte de la situation dans le pays, la délégation se heurte, sur le plan de la méthodologie, au problème des allégations. Les sources documentaires sont connues : ce sont les organisations non gouvernementales et aussi les sources officielles détenues par l'État. Le propos du débat entre le Comité et la délégation doit être de soumettre à un esprit critique les sources utilisées, afin de sortir du domaine des allégations pour se situer sur le plan de l'établissement des faits. C'est là que des divergences risquent de se faire jour, parce que la procédure contradictoire n'a pas été appliquée à ces sources documentaires. La délégation algérienne, pour sa part, accepte d'étudier les preuves ou les allégations présentées afin d'éviter que des données relevant encore trop souvent de la supputation ne soient transformées en vérités générales.

21. On a beaucoup dit et écrit sur l'Algérie. Par exemple, en janvier 1993, le Département d'État des États-Unis prédisait qu'en Algérie, dans un délai de 100 jours, le terrorisme prendrait le pouvoir et que l'État de droit connaîtrait sa déréliction la plus totale. La délégation algérienne peut affirmer aujourd'hui avec fierté que le terrorisme n'a pas pris le pouvoir et n'a pas pu s'imposer à la population algérienne qui, elle, a su consentir les sacrifices né-

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cessaires, y compris celui de sa vie, en acceptant la lutte contre le terrorisme sans autre moyen de défense que le fusil qui lui a été concédé au nom de la légitime défense. À ce propos le mot "milice" a été prononcé; mais ce fusil donné aux citoyens pour se défendre n'est autre qu'un permis de port d'armes et ce n'est pas parce que les citoyens sont organisés dans leur quartier ou dans leur hameau qu'ils deviennent une milice.

22. La volonté populaire de faire barrage au terrorisme s'est exprimée en 1992 et s'est matérialisée par des élections présidentielles et législatives qui se sont déroulées sous contrôle international. Pour assurer la défense des droits de l'homme, l'État algérien a mis en place les instances de contrôle voulues. Il est du reste question dans le rapport de la fonction de contrôle des deux chambres du Parlement. En outre, l'Observatoire national des droits de l'homme et le Médiateur interviennent dans ce domaine et leurs rapports sont là pour le montrer. Jamais des abus délibérés n'ont été autorisés et tout ce qui a été sanctionné est indiqué dans le rapport, qui traduit la volonté des pouvoirs publics algériens d'assumer les devoirs d'un État de droit, de respecter les dispositions du Pacte et de protéger la population.

23. Peut-être l'action de l'État n'est-elle pas toujours perçue avec toute la netteté souhaitable. C'est pourquoi la délégation va apporter quelques précisions, en indiquant tout d'abord qu'elle ne saurait accepter que l'on parle de disparitions, alors qu'il s'agit de présomptions d'enlèvement. On essaie d'attribuer à l'État la responsabilité des enlèvements pratiqués par des groupes armés et des terroristes. La presse ne manque pas d'exemples de jeunes femmes violées et enlevées, de jeunes filles nubiles enlevées, violées et soumises à ce qu'un membre du Comité a appelé le "mariage temporaire", formule qui ne correspond ni à la réalité des moeurs algériennes ni à sa culture religieuse. On est allé jusqu'à citer le chiffre de 120 000 disparus. Or, le chiffre officiel communiqué à l'Assemblée nationale populaire en mars 1998 était de 26 535. À cet égard, les registres de l'état civil dans lesquels sont consignés très officiellement les décès et les rapports d'autopsie, entre autres données, sont absolument fiables et il n'y a aucunement lieu de mettre en doute leur authenticité. Ainsi, les chiffres avancés sans aucune preuve documentée à l'appui ne peuvent être dignes de foi.

24. Pour ce qui est de la loi sur la clémence et de la recherche d'une solution qui irait dans le sens fondamental recherché par l'Algérie, au moyen de la négociation et du dialogue national, il ne saurait être question de remettre en cause la forme républicaine de l'Etat, non plus que le résultat du suffrage universel. En tout état de cause, la voie reste ouverte à la constitution d'associations politiques et au dialogue national sur la base du respect de l'Etat de droit. M. Dembri ajoute que cette méthode de dialogue national a déjà amené l'Armée nationale du salut à rendre les armes et qu'il faut espérer qu'avec le soutien de la communauté internationale l'Algérie parviendra bientôt à instituer un régime politiquement stable et économiquement prospère, dans le respect des engagements qu'elle a contractés à l'égard des pays européens et de la zone méditerranéenne.

25. La PRÉSIDENTE remercie la délégation algérienne de toutes les réponses qu'elle a apportées aux questions posées dans la Liste des points à traiter. Elle souligne que les membres du Comité s'expriment avec franchise et s'appuient naturellement aussi sur les informations reçues d'organisations non gouvernementales, ainsi que d'autres organes de l'ONU comme, notamment, le Groupe de travail sur les disparitions forcées ou involontaires. À cet égard, l'occasion est ainsi offerte à la délégation d'engager un débat contradictoire pour le bénéfice du Gouvernement algérien.

[...]

37. M. HELLAB (Algérie), répondant aux questions concernant la protection des citoyens par les autorités algériennes, fait observer que la politique pratiquée en matière de sécurité publique par les autorités algériennes depuis l'indépendance relève d'un choix stratégique. Il rappelle qu'en 1962, le taux de scolarisation de la population mineure était de 5 % seulement, contre près de 98 % aujourd'hui. Ces chiffres montrent que les autorités algériennes ont systématiquement privilégié la construction d'écoles par rapport à celle de com-

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missariats de police ou de casernes. En outre, les effectifs actuels de la police nationale algérienne représentent ceux d'une seule ville dans les pays voisins.

38. En ce qui concerne les dérives possibles des groupes de légitime défense, M. Hellab fait observer que chaque fois que les autorités ont armé un citoyen, cela a permis d'éviter la mort d'un civil. Le gouvernement est placé aujourd'hui devant un choix : soit il prévoit un policier derrière chaque citoyen, soit il arme sous son contrôle la population. Quoi qu'il en soit, tout dépassement de la part des membres des groupes de légitime défense ou des services de sécurité fait l'objet de poursuites judiciaires. En outre, si le dépassement est commis par un membre des forces de sécurité, cela constitue une circonstance aggravante, et la législation prévoit le doublement de la peine.

39. En réponse aux questions concernant les enquêtes sur les massacres de civils, M. Hellab assure le Comité que chaque fois qu'un crime est commis, il est établi un procès-verbal et le Procureur de la République est informé. Dans le cas d'un massacre, une enquête interne aux services de sécurité est ouverte pour déterminer leur responsabilité. M. Hellab indique que dans deux cas les forces de sécurité sont intervenues, mais tardivement, et les responsables sont aujourd'hui en détention. Pour ce qui est du massacre de Benthala, les services de sécurité, et en particulier l'armée, sont effectivement intervenus, et ont abattu sept terroristes. Ils ont eux-mêmes perdu trois de leurs membres, tués par une bombe. Des véhicules blindés ont été utilisés pour dégager les pistes sur lesquelles s'étaient enfuis les terroristes. S'agissant du massacre de Sidi Youssef, M. Hellab assure le Comité qu'il n'y avait pas de caserne à proximité, la plus proche étant située à 5,8 km du lieu de la tuerie. Il ajoute que, d'une façon générale, les massacres ont lieu la nuit et les terroristes coupent les lignes téléphoniques, de façon à empêcher que l'alerte soit donnée rapidement.

40. Mme KARADJA (Algérie) tient à apporter certains éclaircissements en sa qualité de membre de l'Observatoire national des droits de l'homme. Elle souligne tout d'abord qu'immédiatement après les massacres de civils, le Ministère de la solidarité a demandé aux associations d'aide humanitaire de fournir une assistance aux survivants. Ces associations ont ainsi recueilli des témoignages sur le vif et ont pu constater notamment que la population demandait à assurer elle-même sa sécurité. Les groupes de légitime défense sont d'ailleurs l'expression de la volonté des gens de s'armer pour protéger leur vie et celle de leur famille, ainsi que leur honneur. Les civils sont armés par les forces de sécurité et sous leur contrôle, dans le seul but de mettre fin à l'impuissance à laquelle ils ont été trop souvent réduits. Mme Karadja cite le cas du massacre de Benthala où la population a refusé le sucre, le riz et les couvertures que leur apportaient les membres du Croissant-Rouge, et leur a demandé des armes, estimant que le danger pouvait venir des localités environnantes et même de l'intérieur de la communauté. Pour ce qui est du massacre de Sidi Rais, Mme Karadja, qui s'est rendue sur les lieux, a pu constater la barbarie des agressions, qui ont été commises de nuit, essentiellement à l'arme blanche. Les survivants ont affirmé que la plupart de leurs agresseurs se trouvaient dans la cité avant le massacre, où ils participaient à une fête. Les habitants ne se sont donc pas méfiés et les survivants ne cessaient de répéter "qu'ils avaient été trompés par des gens auxquels ils n'avaient rien fait". Les forces de sécurité algériennes sont intervenues, contrairement à ce que d'aucuns pensent, et ont même perdu deux de leurs membres qui ont sauté sur des mines.

41. D'une façon générale, Mme Karadja insiste sur la résistance que le peuple et l'Etat algériens opposent à la folie meurtrière de groupes terroristes dont les ramifications à l'étranger sont bien connues et qui sont soutenus par une puissance financière et logistique dont tous les observatoires géopolitiques connaissent l'identité. Le mouvement terroriste a été à un certain moment si puissant que l'on pensait qu'il prendrait le pouvoir. C'est d'ailleurs son unique objectif : exercer un pouvoir absolu, sans dialogue et sans négociation. En 1992, la population était certes favorable à l'idéologie du Front islamique du salut et au message trompeur des islamistes, mais elle a largement modifié son point de vue depuis et a compris de quoi se nourrissait cette idéologie. Elle a compris également que la violence des

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groupes islamistes, nullement réactionnelle, était au contraire constitutive de leur idéologie. Le but des groupes terroristes est d'anéantir tout ce qui bouge, vit et pense en Algérie. Les femmes en sont les cibles privilégiées, et ce sont elles qui ont payé et continue de payer le prix le plus lourd. Qu'elles portent ou non le voile, elles sont de toute façon visées par les intégristes. Toutefois, les femmes résistent, et elles sont aujourd'hui à l'avant-garde du combat que mène le peuple contre ses agresseurs. Mme Karadja souligne que si le peuple algérien n'a pas sombré dans la guerre civile, c'est grâce à la sagesse dont il a fait preuve, en particulier en restant dans le cadre strict de la légalité. Le peuple algérien est doté aujourd'hui d'un État légitime, qui est en mesure de participer à sa protection contre la violence aveugle du terrorisme. Certes, la lutte contre le terrorisme entraîne parfois certains dépassements, mais il est impossible de combattre un tel monstre sans causer quelques dommages. Toutefois, on ne saurait mettre sur un pied d'égalité les atrocités commises par les terroristes et les dépassements dont peuvent se rendre coupables les membres des forces de sécurité. Mme Karadja appelle à cet égard l'attention des membres du Comité sur une série de dessins d'enfants, qui illustrent des réalités terribles et que la délégation algérienne met à leur disposition. Mme Karadja tient à souligner également que, dans le cadre du système de protection sociale algérien, l'État prend en charge les familles dont le chef, terroriste, est décédé. Elle cite le cas de deux petites filles, dont les parents, des terroristes armés, ne voulaient pas se rendre aux forces de l'ordre, et que les policiers ont sauvées d'une mort certaine. Aujourd'hui, ces enfants se trouvent dans un orphelinat, où elles sont traitées comme les autres enfants, et les autorités recherchent les membres de leur famille élargie, dans l'espoir qu'ils les reprennent.

[...]

47. La PRÉSIDENTE remercie la délégation algérienne pour ses réponses et annonce que le Comité poursuivra l'examen du deuxième rapport périodique de l'Algérie (CCPR/C/101/Add.1) lors d'une prochaine séance.

La séance est levée à 18 heures.

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CCPR/C/SR.1683

28 July 1998

## HUMAN RIGHTS COMMITTEE

Sixty-third session

## SUMMARY RECORD OF THE 1683rd MEETING

Held at the Palais des Nations, Geneva, on Tuesday, 21 July 1998, at 10 a.m.

Chairperson: Ms. CHANET

later: Ms. MEDINA QUIROGA (Vice-Chairperson)

later: Ms. CHANET (Chairperson)

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Algeria (continued)

The meeting was called to order at 10 a.m.

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*L'ONU et les Massacres en Algérie*CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)Second periodic report of Algeria (CCPR/C/101/Add.1;  
CCPR/C/63/Q/ALG/1/Rev.1) (continued)

1. At the invitation of the Chairperson, the members of the Algerian delegation took places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to comment on the answers given by the delegation of Algeria to the questions asked.

3. Mr. KRETZMER, having thanked the delegation for its replies, said he wished to express his sympathy for the Algerian people and to emphasize that the terror reigning in Algeria could not be condoned, and merited universal condemnation.

4. From the replies given, he understood that judicial investigations were held in order to identify the persons responsible for massacres, and that the only other inquiry was an internal army investigation. There had been serious allegations of collusion between the terrorists and certain members of the armed forces, as a result of which the military had not done as much as it should to stop the massacres and protect the population. He was confident that the Government was in no way party to such collusion but, assuming for the sake of argument that collusion had occurred, he wondered how an internal army investigation would reveal it. He would appreciate more details on the way the inquiry had been carried out.

[...]

20. Mr. HELLAB (Algeria), in reply to the question on what kind of investigations had been carried out into the massacres, said that in addition to the judicial investigation there had been independent inquiries. More than 360 journalists from all over the world had been allowed free access to the sites, and there had also been inquiries by the ONDH and by parliamentarians of both Government and opposition parties. On the question of the failure of the gendarmerie to respond to a telephone call, he said that the line in question had been cut before the call was made.

21. There had perhaps been some misunderstanding with regard to the legitimate defence groups, or community guards. They received six months' training, and never acted independently but always under the control of police officers. Once the immediate threat to their community had passed, they would be disbanded, and the task of defence would be left to the police.

[...]

The meeting rose at 1 p.m.

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CCPR/C/SR.1684

18 novembre 1998

COMITÉ DES DROITS DE L'HOMME

Soixante-troisième session

COMPTE RENDU ANALYTIQUE DE LA 1684<sup>ème</sup> SÉANCE

tenue au Palais des Nations, à Genève, le mardi 21 juillet 1998, à 15 heures

Présidence : Mme CHANET

puis : M. EL SHAFEI

puis : Mme CHANET

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EXAMEN DES RAPPORTS PRÉSENTÉS PAR LES ÉTATS PARTIES CONFORMÉMENT À L'ARTICLE 40 DU PACTE (suite)

Deuxième rapport périodique de l'Algérie (suite)

Le présent compte rendu est sujet à rectifications.

La séance est ouverte à 15 h 10.

EXAMEN DES RAPPORTS PRÉSENTÉS PAR LES ÉTATS PARTIES CONFORMÉMENT À L'ARTICLE 40 DU PACTE (point 4 de l'ordre du jour) (suite)

Deuxième rapport périodique de l'Algérie (CCPR/C/101/Add.1; CCPR/C/63/Q/ALG/1/Rev.1) (suite)

1. La délégation algérienne reprend place à la table du Comité.
2. La PRÉSIDENTE invite la délégation algérienne à répondre aux deux derniers points de la Liste, ensuite de quoi les membres pourront poser les questions qu'ils souhaitent.

[...]

55. La PRÉSIDENTE remercie la délégation algérienne des nombreuses réponses qu'elle a apportées oralement aux questions du Comité, et qui ont utilement complété le deuxième rapport périodique. Ce dernier a certes été présenté avec retard, mais le Comité ne considère pas pour autant que les autorités algériennes se sont dérobées à leurs obligations au titre de l'article 40 du Pacte, contrairement à ce qu'ont laissé entendre apparemment certains organes de presse. Selon l'usage, le Comité avait adressé un rappel à la Mission permanente de l'Algérie auprès de l'Office des Nations Unies à Genève, qui s'était alors engagée à soumettre le deuxième rapport périodique dans les trois mois, délai qui a été tenu.

56. À l'issue de l'examen du deuxième rapport périodique de l'Algérie, plusieurs aspects positifs peuvent être dégagés, en particulier les perspectives de collaboration avec le CICR et la mission de l'ONU qui devrait se rendre sous peu en Algérie, la création du poste de Médiateur de la République et la mise en place de l'Observatoire national des droits de l'homme. Il convient de saluer également la révision de la Constitution, qui est de nature à offrir un cadre juridique plus propice à la protection et à la promotion des droits de l'homme. À cet égard, on peut toutefois regretter que les rapports annuels de l'Observatoire national des droits de l'homme et du Médiateur de la République aient été communiqués au Comité si tardivement et n'aient pas été joints au deuxième rapport périodique (CCPR/C/101/Add.1). Le Comité relève en outre que le deuxième rapport périodique ne contient pas suffisamment d'informations sur les difficultés auxquelles les autorités algériennes se heurtent dans l'application du Pacte. Il constate à ce propos, que la situation de violence dans laquelle le pays est plongé depuis plus de cinq ans entraîne des souffrances pour tous les Algériens, et plus particulièrement les femmes. Le Comité tient à assurer les autorités algériennes qu'il ne mésestime nullement l'ampleur et l'horreur du phénomène terroriste. S'il s'est abstenu, dans la mesure du possible, de désigner nommément les groupes terroristes, c'est pour éviter de leur faire en quelque sorte de la publicité. Cela étant, au regard de l'application du Pacte et des engagements souscrits à ce titre par l'Algérie, la responsabilité de l'État partie, au demeurant inscrite dans la Constitution algérienne, est la seule que le Comité est habilité à évaluer. L'État partie porte également une responsabilité vis-à-vis des activités criminelles, quelle qu'en soit l'origine, ainsi que des activités des autorités au pouvoir durant la période couverte par le rapport. Dans ce contexte, le Comité a constaté, à partir notamment des renseignements communiqués par la délégation algé-

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rienne, que la protection de la population par l'État souffrait d'insuffisances. En particulier, l'abandon aux citoyens de la prérogative essentielle de la puissance publique qu'est l'exercice de la sécurité constitue un abandon de la primauté du droit et traduit une perte de confiance dans les forces de sécurité officielles qui est tout à fait inquiétante. En outre, elle a des effets très graves, car elle transforme les citoyens en cibles du terrorisme et entraîne ce que la délégation algérienne a appelé des débordements inévitables, notamment des homicides volontaires ou exécutions sommaires - peu importe le nom qu'on leur donne - qui échappent au contrôle de l'État.

57. Tout au long de l'examen du deuxième rapport périodique, le Comité s'est efforcé de dissiper les malentendus sur la nature de l'échange avec l'État partie, et d'établir un réel dialogue. Il convient de rappeler une fois encore que le Comité n'est pas un tribunal, et l'exercice de l'examen du rapport périodique d'un État partie ne saurait être assimilé à une mise en accusation. Mais, de la même façon, la délégation de l'État partie ne saurait transformer l'exercice en une mise en accusation des ONG, lesquelles n'auraient d'ailleurs pas la possibilité de répondre. Ce que le Comité attend de l'État partie, c'est qu'il donne son évaluation non pas de tel ou tel fait précis, mais des phénomènes qui le sous-tendent. En ce qui concerne l'état d'urgence, par exemple, l'article 4 du Pacte prévoit qu'un certain nombre de dispositions de l'instrument ne sont pas dérogeables, notamment les articles 6, 7 et 16. Or non seulement les ONG, mais l'ensemble de la presse internationale font état de tortures, de disparitions et d'exécutions sommaires en Algérie, ce que confirme d'ailleurs le dernier rapport de l'Observatoire national des droits de l'homme. Face à cette situation, le Comité n'attend pas des explications au cas par cas, mais voudrait savoir comment le Gouvernement répond à ce phénomène et quels mécanismes il a mis en place pour garantir que les allégations fassent l'objet d'enquêtes et que les victimes aient droit à réparation. L'État partie ne saurait simplement nier les faits au motif que le Comité n'en apporte pas la preuve, vu que ce n'est nullement son rôle.

58. En conclusion, le dialogue avec la délégation algérienne, s'il n'a pas permis de lever toutes les inquiétudes des membres du Comité, a eu néanmoins le mérite d'être franc. Certaines questions n'ont pas encore reçu de réponse et la délégation algérienne s'est engagée à y répondre par écrit dans les jours à venir. La Présidente remercie par avance la délégation algérienne, et forme le vœu qu'à l'heure où le Comité examinera le troisième rapport périodique de l'Algérie, la situation dans ce pays sera apaisée.

59. M. DEMBRI (Algérie) remercie les membres du Comité pour les questions et les observations qu'ils ont adressées à la délégation algérienne, qui sont autant d'orientations quant à la façon d'améliorer l'analyse des événements et de l'évolution de la société algérienne en général. Il salue également la franchise avec laquelle ils ont apprécié la situation dans son pays, et l'esprit de souplesse qu'ils ont manifesté. Il remercie le Comité d'avoir exprimé sa solidarité avec la société algérienne et condamné sans réserve la barbarie terroriste. L'activité terroriste met les autorités algériennes face à de nouvelles responsabilités, qu'elles entendent assumer pleinement, dans le respect strict du droit. En ce qui concerne le rapport, la délégation algérienne reconnaît qu'il est lacunaire. Les questions des membres du Comité auxquelles il n'a pas été répondu feront l'objet d'un complément écrit qui parviendra au Comité dans les jours qui viennent. Pour conclure, M. Dembri assure le Comité que les autorités de son pays veilleront à tirer le meilleur profit du dialogue qui s'est établi avec le Comité.

60. La PRÉSIDENTE remercie la délégation algérienne et annonce que le Comité a achevé l'examen du deuxième rapport périodique de l'Algérie.

61. La délégation algérienne se retire.

La séance est levée à 17 h 45.

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***Annexe 12 : Communiqué commun des quatre ONGs à l'issue de l'examen du 2ème rapport périodique d'Algérie par le Comité des droits de l'homme de l'ONU***

Le Comité des Droits de l'homme a conclu aujourd'hui l'examen du rapport sur la mise en œuvre du Pacte International relatif aux droits civils et politiques présenté par l'Algérie avec trois ans de retard. *Amnesty International*, la Fédération Internationale des Ligues des Droits de l'Homme (FIDH), *Human Rights Watch* et Reporters sans Frontières, tout comme les experts du Comité eux-mêmes, regrettent que la délégation du gouvernement algérien n'ait pas fourni de réponses concrètes et détaillées aux questions précises posées par les membres du Comité. Cela est d'autant plus regrettable que le rapport ne contient aucune information précise concernant les différents types de violations les plus graves et répandues en Algérie, telles que les exécutions extrajudiciaires, les 'disparitions', la torture et les procès iniques.

Les experts ont exprimé unanimement leurs préoccupations quant à l'existence d'une grave crise des droits humains ; nombre d'entre eux ont constaté aussi que les autorités algériennes ont dérogé à leur obligation de lutter contre la violence dans le cadre de l'Etat de droit.

Les organisations sanitaires sont consternées par le refus catégorique de la délégation algérienne de ne reconnaître l'existence d'aucune exécution extrajudiciaire – alors même que de nombreux cas ont été répertoriés. La délégation a également nié en bloc l'existence de cas de torture entre les mains des forces étatiques, prétendant que seuls les groupes armés commettent de tels actes. Quant au phénomène répandu de la 'disparition' forcée et involontaire, la délégation a fait fi du problème, prétextant entre autres que les 'disparus' avaient rejoint les groupes armés ou avaient été enlevés par ceux-ci.

Toute question posée par les membres du Comité concernant des cas individuels a été esquivée par la délégation, qui s'est cantonnée derrière des propos généraux et théoriques. Les membres de la délégation algérienne, tout comme le rapport présenté au Comité, ont multiplié les références aux lois et aux procédures, éludant complètement le problème crucial, à savoir de multiples violations des dispositions du Pacte, ainsi que de la législation algérienne elle-même.

Les ONG signataires partagent les inquiétudes, exprimées lors de plusieurs interventions d'experts, concernant la prolifération de milices paramilitaires, qui a encore impliqué davantage la population civile dans le conflit. En outre, les ONG signataires insistent sur la nécessité, pour les autorités algériennes, de fournir les informations demandées par l'ensemble des experts sur les enquêtes que les autorités prétendent avoir menées sur les massacres, ainsi que sur les 'dépassements' des forces de sécurité.

Constatant l'incapacité patente de la délégation algérienne à répondre précisément aux interrogations et inquiétudes des experts, les ONG signataires espèrent vivement que le Comité reflétera la gravité de la situation des droits humains dans ses conclusions, et adressera des recommandations précises au gouvernement algérien et appellera celui-ci à s'y conformer.

Genève, le 21 juillet 1998.

La Lettre hebdomadaire de la FIDH, No 753-755, 9-23 juillet 1998

AI, document MDE 28/29/98 pour la version anglaise

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*L'ONU et les Massacres en Algérie***Annexe 13 : Les observations finales du Comité des droits de l'homme de l'ONU sur l'Algérie**

1 - Le comité a examiné le deuxième rapport périodique de l'Algérie (CCPR/C/101 Add.1) au cours de ses 1681e, 1682e, 1683e et 1684e séances, tenues les 20 et 21 juillet 1998 (CCPR/C/SR.1681 à 1684) et il a adopté (à sa 1696e séance, le 29 juillet 1998 (CCPR/C/SR.1696) les observations finales ci-après :

**A - Introduction**

2 - Le comité félicite l'Etat partie pour avoir traité des problèmes sur lesquels le comité avait mis l'accent dans les observations finales (CCPR/C/79 add.1) adoptées après l'examen du rapport initial de l'Algérie (CCPR/C/62/add.1) en 1992. Il note que le deuxième rapport périodique de l'Algérie a été présenté avec un retard de plus de deux ans. Tout en reconnaissant que des renseignements supplémentaires ont été fournis dans le rapport et des déclarations ultérieures au sujet des lois et règlements adoptés par le gouvernement algérien pour donner effet aux dispositions du pacte, le comité relève l'insuffisance de données précises sur la crise actuelle en matière de droits de l'homme. Le comité regrette que la délégation n'ait pas pleinement répondu à nombre de ses questions et se félicite de l'engagement de l'Algérie de présenter des informations supplémentaires par écrit pour répondre aux questions soulevées par les membres du comité au cours de deux journées de dialogue caractérisé par un sentiment de solidarité du comité à l'égard des souffrances du peuple algérien.

**B - Facteurs et difficultés entravant la mise en œuvre du pacte**

3 - Les attaques aveugles et généralisées perpétrées contre la population civile qui provoquent d'innombrables pertes de vies humaines ainsi que le climat général de violence accroissent les responsabilités de l'Etat à l'égard du rétablissement et du maintien des conditions nécessaires à la jouissance et à la protection des droits et libertés fondamentaux en Algérie.

**C - Facteurs positifs**

4 - Le comité se félicite de l'établissement de l'Observatoire national des droits de l'homme ainsi que du Médiateur de la République, qui a compétence pour recevoir les plaintes des particuliers au sujet des violations des droits de l'homme.

5 - Le comité accueille avec satisfaction l'établissement du Comité national pour la préservation et la promotion des femmes, ainsi que la participation accrue des femmes à la vie publique.

**D - Principaux sujets de préoccupation et recommandations**

6 - Le comité est vivement préoccupé par les massacres généralisés d'hommes, de femmes et d'enfants dans un grand nombre de villes et de villages.

Le comité est aussi gravement préoccupé par le fait que des femmes ont été non seulement assassinées mais aussi victimes d'enlèvement, de viols et de graves sévices.

Le comité est également préoccupé devant l'absence de mesures opportunes ou préventives de protection des victimes de la part des autorités de police et du commandement de l'armée dans le secteur concerné, ainsi que devant les allégations persistantes de collusion de membres des forces de sécurité dans la perpétration d'actes de terrorisme.

Le comité demande instamment à l'Etat partie d'adopter des mesures efficaces :

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a) pour empêcher des attaques et, si elles se produisent quand même, intervenir rapidement pour protéger la population ;

b) pour garantir que des enquêtes appropriées soient menées par une instance indépendante pour identifier les coupables et les traduire en justice ; et

c) pour faire en sorte que, dans tous les cas de massacres, une enquête indépendante soit menée sur le comportement des forces de sécurité à tous les échelons, du plus petit jusqu'au plus élevé, et que des sanctions pénales et disciplinaires soient prises à leur encontre, selon qu'il convient.

7 - Le comité est en outre préoccupé, au vu des réponses de la délégation qui sont loin d'être satisfaisantes, par les innombrables informations reçues faisant état d'exécutions arbitraires ou extrajudiciaires, dont certaines auraient eu lieu en détention provisoire et d'autres seraient associées d'une manière ou d'une autre à des groupes terroristes. L'Etat partie devrait, de manière urgente, faire en sorte que :

a) des mécanismes indépendants soient créés pour examiner toutes les violations du droit à la vie et à la sécurité des personnes ;

b) les contrevenants soient traduits en justice ;

c) l'accès soit accordé dès que possible au CICR et à d'autres observateurs indépendants.

8 - Le comité se déclare préoccupé par le fait que le gouvernement, à la fois dans son rapport, dans la présentation orale qu'il en a faite et dans ses réponses aux questions posées par le comité, n'a fourni que de maigres renseignements concernant l'organisation des "groupes de légitime défense", leur reconnaissance officielle, leur compétence, la supervision à laquelle ils sont soumis et leur formation. De graves questions se posent quant à la légitimité du transfert par l'Etat à des groupes privés d'un tel pouvoir étant donné en particulier le pouvoir que l'Etat lui-même leur concède et le risque très réel que l'exercice de ce pouvoir, conjugué aux risques d'exactions non sanctionnées, fait peser sur la vie et la sécurité des personnes.

Le comité recommande que la gouvernement prenne d'urgence des mesures visant à maintenir au sein de ses forces de police et de ses forces armées la responsabilité du maintien de l'ordre public et de la protection de la vie et de la sécurité de la population et que, dans l'intervalle, il veille à ce que ces groupes de défense soient placés sous le contrôle strict et effectif des organes de l'Etat responsables et promptement traduits en justice en cas d'exactions.

9 - Bien que la délégation algérienne ait nié que certaines autorités recourent à la torture, le comité est profondément préoccupé par les allégations persistantes de torture systématique. Le comité déplore le fait que des juges semblent admettre couramment les aveux obtenus sous la contrainte, alors même qu'il existe des preuves médicales attestant que des actes de torture ont été perpétrés, et il demande à l'Etat partie de prendre toutes mesures pour remédier à cette situation.

Le comité prie instamment l'Etat partie :

a) de mettre en place un système crédible qui permette de suivre le traitement de tous les détenus afin de s'assurer qu'ils ne sont soumis ni à la torture ni à un traitement cruel, inhumain ou dégradant ;

b) de faire en sorte que toutes les allégations spécifiques fassent l'objet d'une enquête par un organe impartial et que les résultats de cette enquête soient publiés ;

c) de faire en sorte que les fonctionnaires mêlés à des actes de torture soient poursuivis et s'ils sont reconnus coupables, sévèrement punis.

10 - Vu le caractère insatisfaisant des réponses fournies par la délégation et le nombre de plaintes émanant des familles, le comité exprime les graves préoccupations que lui inspirent le nombre des disparitions et l'incapacité de l'Etat à réagir de manière appropriée, ou à répondre tout simplement, à des violations aussi graves. Les disparitions peuvent mettre en

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cause le droit à la vie consacré par l'article 6 du Pacte ainsi que, lorsque les personnes disparues sont toujours en vie et détenues au secret, le droit garanti par l'article 16 du pacte, qui dispose que chacun a droit à la reconnaissance en tous lieux de sa personnalité juridique. Dans cette situation, ces personnes sont également privées de leur capacité d'exercer tous les autres droits reconnus par le Pacte ainsi que de toute possibilité de recours. Qui plus est, les disparitions constituent une violation de l'article 7 pour ce qui est des familles des disparus.

Le comité demande instamment à l'Etat partie d'adopter des mesures

- a) dans le but d'établir un registre central pour enregistrer tous les cas de disparition signalés et toutes les démarches effectuées au jour le jour pour retrouver les disparus ;
- b) pour aider les familles concernées à retrouver les disparus.

Le comité demande en outre que dans son prochain rapport périodique, l'Etat partie donne des renseignements sur le nombre de cas signalés, les enquêtes menées et les résultats obtenus.

**11** - Le comité a noté que le décret de 1992, portant état d'urgence pour faire face à "la subversion par le terrorisme" a été abrogé, mais que certaines de ses dispositions ont été incorporées dans la législation pénale ordinaire. Les dispositions en question augmentent le nombre d'infractions possibles de la peine de mort, abaissent à 16 ans l'âge à partir duquel une personne peut être condamnée à cette peine, font passer de 2 à 12 jours la durée pendant laquelle un suspect peut être gardé administrativement au secret et donnent des activités "terroristes" ou "subversives" une définition qui se prête à des abus.

Le comité recommande que les modifications apportées à la législation pénale soient alignées rigoureusement sur les articles 6 et 9 du Pacte.

**12** - L'Observatoire national des droits de l'homme a reconnu dans son rapport annuel pour 1996, qu'il existe des lieux de détention qui échappent au contrôle stipulé par la loi. Ceci renforce les allégations émanant de plusieurs sources concernant la garde à vue de personnes qui ne sont pas inscrites sur des registres et qui ne sont pas déférées aux tribunaux, contrairement à ce qu'exigent à la fois la législation algérienne et l'article 9 du Pacte.

L'Etat partie doit veiller :

- a) à ce que nul ne soit arrêté ni détenu "hors du cadre prescrit par la loi" ;
- b) à ce que les plaintes concernant ces arrestations ou ces détentions fassent l'objet d'une attention immédiate et que des familles, amis ou avocats des personnes détenues soient en mesure de faire valoir un recours utile, y compris l'examen de la légitimité de la détention ;
- c) à ce que toutes les personnes arrêtées soient gardées dans des lieux de détention officiellement désignés ; que leurs familles soient informées immédiatement ;
- d) à ce que ces personnes puissent entrer immédiatement en contact avec un avocat ; et quelles soient promptement inculpées et traduites en justice.

**13** - En ce qui concerne la garantie de l'égalité de traitement des femmes quant à la jouissance de tous les droits qui leur sont garantis, le comité note que la délégation a indiqué que la déclaration interprétative concernant le paragraphe 24 de l'article 23 du Pacte faite par l'Algérie lors de la ratification de celui-ci deviendrait caduque avec le temps. Il note aussi que des progrès ont été réalisés en ce qui concerne la participation des femmes à la vie publique et à la société civile. Toutefois, le Code de la famille comporte encore de vastes champs d'inégalités qui ne sont pas conformes aux articles 3, 16, 23 et 26 du Pacte, au sujet desquels l'Algérie n'a pas fait de réserves.

A cet égard, le comité note que, selon le Code de la famille, le consentement de la femme à un premier mariage passe généralement par un tuteur et que ce dernier peut lui refuser le droit de choisir son époux. Il note également que le Code de la famille prévoit que

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le mari est le chef de la famille, autorise la polygamie et interdit à une femme d'épouser un non-musulman, alors que cette restriction ne s'applique pas aux hommes.

Le comité recommande donc à l'Etat partie de mettre sa législation en conformité avec le pacte de manière à reconnaître aux femmes tous les droits auxquels elles peuvent prétendre en vertu des articles 3, 16, 23 et 26 de celui-ci.

**14** - Pour ce qui est du pouvoir judiciaire, le comité craint que l'application de certains décrets exécutifs pris en 1992, qui réglementent la nomination, la promotion et la rénovation des juges, ne compromette son indépendance. Il note en outre avec préoccupation que les juges ne deviennent inamovibles qu'après dix ans de carrière.

Le comité souhaiterait recevoir des informations complémentaires sur la procédure applicable à la désignation, à l'élection et à la révocation des magistrats. Il recommande que des mesures appropriées soient prises pour assurer une totale indépendance au pouvoir judiciaire.

**15** - Le comité prend acte de la déclaration de la délégation selon laquelle le décret sur l'utilisation de l'arabe, qui est entré en vigueur le 5 Juillet 1998, a pour objet de renforcer le statut que cette langue nationale doit posséder. Il note cependant que l'utilisation obligatoire, immédiate et exclusive de cette langue dans tous les domaines de la vie publique aboutirait à entraver, pour une grande partie de la population qui utilise le berbère ou le français, la jouissance des droits garantis par les articles 19, 25, 26 et 27 du Pacte. Le comité recommande que la loi soit réexaminée d'urgence de manière qu'elle ne produise plus ces effets négatifs.

**16** - Le comité accueille avec satisfaction la suppression dans les imprimeries des "comités de lecture" placés sous le contrôle de l'Etat et le retrait des directives officielles interdisant la publication d'informations non autorisées touchant les "questions de sécurité". Il note cependant que de nombreuses restrictions subsistent en pratique en ce qui concerne la liberté d'expression, par exemple celles qui touchent la diffusion d'informations portant sur les allégations de corruption et l'examen de ce problème, ainsi que la critique des autorités, et la diffusion de matériaux considérés comme une manifestation de sympathie ou d'encouragement à la subversion, toutes restrictions qui portent gravement atteinte au droit des médias d'informer le public et au droit du public d'être informé.

Le comité est aussi profondément préoccupé par les menaces que reçoivent les journalistes, les militants des droits de l'homme et les avocats, et par les assassinats dont ils sont victimes.

Le comité recommande que la législation actuelle soit réexaminée de manière à protéger pleinement le droit à la liberté de pensée et d'opinion et à la liberté d'expression que garantissent les articles 18 et 19 du Pacte.

**17** - Le comité demeure préoccupé par le fait que la restriction imposée par l'Etat partie, en vertu de la loi 97-05, au droit de constituer des partis politiques empêche en fait des militants politiques d'exercer le droit de s'associer librement avec d'autres ou de voter pour les représentants de leur choix, vu la grande diversité des catégories de groupements interdits (groupements fondés sur la religion, la langue, la race, le sexe, l'appartenance à une région ou à une corporation). Depuis qu'elle est entrée en vigueur, cette loi a été invoquée pour interdire ou empêcher la légalisation de plus de 30 partis.

Le comité recommande que les conditions requises par le Pacte en ce qui concerne les restrictions à la liberté d'association soient respectées et que la législation actuellement en vigueur soit modifiée de manière à la rendre conforme aux exigences du Pacte et aux obligations auxquelles l'Algérie a souscrit lorsqu'elle y a adhéré.

**18** - Le comité observe qu'en dépit du fait que l'Algérie est devenue partie au Protocole facultatif en 1989, très peu de communications ont été adressées au comité, malgré la crise profonde que connaissent les droits de l'homme et les graves violations qui se sont produi-

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tes ces dix dernières années. Cette situation donne à penser que la population algérienne ignore peut-être qu'elle a le droit d'adresser des communications au comité.

Le comité recommande que des mesures urgentes soient prises par l'Algérie pour que le public, les universités, les juristes et, en particulier, les organisations non gouvernementales, qui défendent les droits de l'homme soient informés des droits protégés au titre du Pacte et du fait que les particuliers, dont les droits ont été violés peuvent présenter des communications au comité.

19 - Le comité appelle l'attention du gouvernement algérien sur les dispositions de l'alinéa (a) du paragraphe (6) des directives concernant la forme et le contenu des rapports périodiques communiqués par les Etats parties et lui demande de fournir dans son prochain rapport périodique, qu'il doit présenter en juin 2 000, des informations qui répondent aux présentes observations finales dans leur intégralité. Le comité demande en outre que le deuxième rapport périodique de l'Algérie et les présentes observations finales soient largement diffusés auprès de l'opinion publique partout en Algérie.

CCPR/C/79/Add.95

18 août 1998

***Annexe 14 : Lettre ouverte d'un membre du Mouvement pour la Vérité, la Justice et la Paix en Algérie à la délégation onusienne***

Excellences,

J'ai appris que vous étiez invités par le pouvoir algérien pour une visite de plusieurs jours en Algérie dont le but serait de rassembler des informations sur la situation dans ce pays et de présenter au Secrétaire Général de l'ONU un rapport qui devra être rendu public.

Étant donné qu'une partie de votre mission serait d'écouter, mais aussi d'entendre, ce que dit la société algérienne sur ce qu'il se passe dans son pays, je me permets, en tant que citoyen algérien, et en tant que membre du Mouvement pour la Vérité, la Justice et la Paix en Algérie, de partager avec vous les espoirs et les craintes que suscite votre visite, ainsi que mes points de vue sur ce qu'il se passe dans mon pays.

Excellences,

Quant à mes espoirs, laissez-moi d'abord vous dire que je me réjouis et vous félicite d'avoir été sélectionnés par le Secrétaire Général pour cette mission. Il a tenu à choisir des personnalités éminentes et intègres qui ont pour la plupart, depuis longtemps et de manière probante, montré leur attachement et leur lutte pour la défense des libertés et des droits de l'homme.

En consultant vos biographies, j'ai tempéré mon scepticisme quant à l'efficacité d'une délégation sans réels pouvoirs, sans spécialiste dans les stratégies et tactiques de guerre contre-insurrectionnelle, sans expertise criminologique dans l'investigation de crimes contre l'humanité, de crimes de guerre et de politicides dans des contextes de conflits euphémistiquement dits «de basse intensité», une délégation qui n'est d'ailleurs pas habilitée à enquêter et qui devra se contenter à observer de loin et à tirer les conclusions qui s'imposent. J'ai

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tempéré mon scepticisme car malgré ces aléas, on ne peut s'empêcher de voir dans votre délégation des personnalités avec une grande sensibilité et perspicacité, qui ne s'acquiert que par l'expérience personnelle de la souffrance humaine. La sensibilité que l'on devine dans le parcours politique de chacun de vous indique que ce qui anime votre action ne peut être que votre seule préoccupation au sujet de ce qu'endure le peuple algérien et votre désir et volonté de contribuer pour mettre fin à sa tragédie.

Monsieur le Président Soares, votre long combat contre la dictature de Salazar, votre déportation à Sao Tomé, la prison que vous avez visitée douze fois pour vos opinions politiques, l'exil dont vous avez fait l'expérience à Paris pendant plusieurs années, vos écrits sur le thème de la liberté ainsi que votre engagement pour la défense des droits de l'homme et vos contributions auprès des ONGs des droits de l'homme et notamment la Ligue internationale des droits de l'homme dont vous êtes membre, tout cela vous rend très apte à comprendre pourquoi un peuple se soulève contre la dictature et ses injustices, et comment il paie de sa vie sa quête pour la liberté.

C'est également votre cas, Monsieur le Premier Ministre Gujral, qui avez été déjà en 1930-1931 emprisonné pour votre participation dans un mouvement pour la liberté de votre pays, et qui l'avez été encore une deuxième fois en 1942 durant le mouvement *Quit India*, à l'époque où le Mahatma Gandhi parcourait le sous-continent pour éduquer son peuple et lui enseigner le sens de la liberté.

Quant à vous, Mme le Ministre Veil, qui avez à dix-sept ans souffert de la déportation aux camps de concentration d'Auschwitz et de Bergen-Belsen en compagnie de votre mère et de vos deux soeurs. Vous qui avez vécu là-bas les pires atrocités, pour le seul crime d'être ce que vous êtes, et qui avez laissé dans ces camps de la mort votre mère et l'une de vos soeurs. Vous qui évoquez un peu partout «la conscience du bien», vous êtes bien armée pour saisir la vraie nature d'un régime qui dès les premiers jours de son coup d'État n'a pas hésité à recourir à la déportation vers les camps du Sud de dizaines de milliers d'innocents, ramassés dans la rue pour seul crime de faciès, et détenus, pour certains durant plusieurs années, simplement pour avoir été au moment des rafles porteurs d'une barbe ou d'un *ka-mis*.

Votre présence au sein de la délégation, Monsieur le Premier Ministre Kabariti, est particulièrement utile. Vous venez d'un pays de mêmes culture et traditions. Il vous sera facile de constater la souffrance d'un peuple frère, vous qui êtes si sensible à la fraternité arabe. Votre présence est d'autant plus utile, que vous avez vécu dans votre pays, le Royaume hachémite de Jordanie, les mêmes expériences politiques, les mêmes agitations, les mêmes débats très animés, au sujet de la participation des islamistes au gouvernement du pays. Mais contrairement à l'attitude de vos hôtes, vous n'avez pas opté pour l'éradication de vos adversaires politiques. Vous les avez combattus politiquement, vous avez siégé avec eux au parlement et respecté ainsi la volonté de vos concitoyens qui avaient voté pour eux.

Monsieur l'Ambassadeur McHenry, votre lutte contre l'action des lobbies et leur manipulation de l'opinion dans votre pays vous a sans doute immunisé contre toute tentative de récupération dont vous seriez la cible à Alger. Vos différentes expériences avec les régimes africains vous ont bien équipé pour reconnaître les mécanismes subtiles qu'ils utilisent pour «maquiller» leurs systèmes répressifs et les couvrir d'une apparence de légalité. Votre soutien, chez vous, aux droits des minorités, à l'égalité des chances et à «l'action affirmative» ont sûrement aiguisé en vous le sens de la solidarité avec les faibles, les démunis, les opprimés, les laissés pour compte, les exploités, les humiliés, ceux qui ne pèsent rien dans la balance des États de non droit. Vous allez en croiser tous les jours dans les villes et campagnes algériennes.

Votre formation de juriste, Monsieur le Procureur Général Amos Wacko, qui est aussi celle de M. Soares et Mme Veil, vous fournit l'outillage intellectuel nécessaire pour discerner le vrai de faux, le bien du mal, le légal de l'illégal, le légitime de l'illégitime malgré toute rhétorique qui viserait à noyer l'un dans l'autre. Avec votre logique du droit, tout sophisme

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mystificateur, toute alchimie politique qui tenterait de transformer la victime en bourreau et le coupable en vertueux, n'a pas d'emprise sur vous. En outre, votre sensibilité africaine vous aidera sans doute à mieux voir à travers l'opacité volontairement confectionnée autour de la situation algérienne.

Excellences,

Quant à mes craintes, peut-être les trouverez-vous légitimes, elles sont fondées sur une connaissance de l'histoire, des valeurs et des pratiques de la junte militaire algérienne et de la diplomatie à son service, en général, et sur l'expérience maintes fois confirmée de sa gestion du mensonge lors de visites de missions semblables à la vôtre, en particulier. C'est une connaissance inférée de l'observation de la gestion militaro-diplomatique du mensonge lors des visites des maintes personnalités qui se sont rendues jusqu'à présent en Algérie (observateurs de l'ONU, de l'Organisation de l'Unité africaine, de la Ligue arabe, ministres et parlementaires européens, artistes et quelques rares journalistes). C'est une connaissance qu'il ne faut pas rejeter *a priori* car elle est testable, elle a un pouvoir prédictif. Ces craintes sont fondées sur des expériences qu'il faut écouter car le propre du psyché militaire, et donc de la diplomatie à son service, est d'avoir peur de l'insécurité du changement, c'est de se reproduire, d'être prévisible.

Excellences,

Il est prédictible que le pouvoir algérien vous a agréés afin que vous fassiez le constat de son succès dans la gestion des affaires du pays. Il vous a acceptés dans le but de vous entendre, dès votre retour, proclamer haut et fort sa réussite et faire l'éloge d'un pays où «tout va bien», contrairement à ce que prétendent les méchantes ONGs, qui à l'instar d'*Amnesty International*, de la Fédération internationale des droits de l'homme, de *Human Rights Watch* et de Reporters sans Frontières, seraient «infiltrées et manipulées par les GIA», auraient vendu leur âme et travailleraient pour le compte de «l'impérialisme et le néocolonialisme occidental».

Il est prédictible qu'il veut faire de vous une délégation alibi, comme il en a fait des Henry-Levy, Gluksmann, Pelletro, Bonnet et autres Souliers. Il est aussi prédictible que, vu votre notoriété et intégrité, il n'osera pas utiliser avec vous les méthodes qu'il a employées avec certains d'entre eux, c'est-à-dire les mallettes remplies de billets de banque et les maudites actions dans des sociétés mixtes (des affaires sombres de ce type commencent déjà à faire surface dans la presse internationale). Mais il n'hésitera pas à utiliser vos noms et vos parcours individuels dans tous les forums internationaux pour clamer son innocence, pour nier ses crimes, pour gagner la sympathie. Il n'arrêtera pas de vous évoquer, et éventuellement de vous citer, pour montrer qu'il n'y a plus besoin d'une commission indépendante d'enquête.

Il est prédictible qu'il se servira de vos propos, et les déformera s'il le faut, pour détruire les arguments du Secrétaire Général et du Haut Commissaire de l'ONU pour les droits de l'homme, qui depuis des mois réclament tous les deux une telle commission d'enquête, qui se sont vus fustigés et traités de tous les noms par le pouvoir algérien et ses relais en Algérie et ailleurs, et qui auraient même été désapprouvés par certains de leurs proches collaborateurs.

Excellences,

On peut prédire autres choses que les intentions, inaccessibles et non testables, de la junte militaire algérienne.

Vous êtes tous, chacun à sa manière, de fervents opposants au colonialisme et à l'impérialisme. Certains, comme vous, Monsieur l'Ambassadeur McHenry qui êtes de la même

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famille politique que le Président J. F. Kennedy, avez même écrit sur le thème de la décolonisation. Il y a parmi vous de très anciens amis de la révolution algérienne.

Il est donc prédictible que vous rencontrerez en Algérie beaucoup d'éloquents qui joueront sur cette corde et dissèreront sur «la guerre de libération», sur les «acquis de la révolution», sur la «souveraineté nationale» et sur le «principe de non ingérence». Ceux ne sont là que de faux arguments utilisés par des «imposteurs malgré eux». Car au fond, ces gens-là n'ont jamais été réellement indépendants et n'ont jamais goûté à la liberté. Ils sont toujours des colonisés de l'âme. Ils portent en eux les idées, les attitudes et les réflexes du colonisé trop accoutumé à la soumission. C'est pourquoi, potentiellement colonisables, ils ne se gênent pas, à la première occasion, à compromettre l'indépendance politique de leur pays, à brader ses ressources économiques, et à hypothéquer son avenir.

Les révolutionnaires algériens que vous admiriez, les patriotes qui se sont levés contre l'oppression coloniale, ont soit donné leur vie en sacrifice durant la guerre, à l'instar des Amirouche et Ben-Mhidi, soit ils ont été écartés et marginalisés après l'indépendance par ceux qui devaient pendant des décennies tirer les meilleurs profits des acquis de la révolution. Les rares symboles de la guerre de libération qui restaient propres et intactes aux yeux du peuple algérien ont malheureusement fini par souiller leur histoire en se joignant, souvent avec zèle, à l'entreprise criminelle des putschistes des années 90. Quel triste et pitoyable sort fut réservé aux Mohammed Boudiaf, M'hammed Yazid, Ali Haroun, Rédha Malek et autres, jadis illustres par le combat qu'ils avaient mené pour la libération de leur peuple, aujourd'hui devenus tristement honnis par ce même peuple pour la caution morale qu'il donnèrent, et continuent de donner encore, à un pouvoir militaire en manque de légitimité.

Il est donc prédictible qu'on essayera de vous gérer en invoquant les sentiments et les luttes communes. Maître Jacques Vergès ne s'est guère trompé en dénonçant la torture dans sa *Lettre ouverte à des amis algériens devenus tortionnaires*. Il faut dire que Me Vergès se sent rattaché à des principes et à l'«Algérie éternelle», à celle des «paysans et des marchands d'olive», non pas à une égo-nostalgie du passé ou à des hommes, et aussi que son fort a toujours été de prédire les réflexes des bureaucrates de l'injustice.

Excellences,

Il est prédictible que durant votre séjour en Algérie vous serez bien accueillis. On vous logera dans de superbes villas méditerranéennes et dans des hôtels de luxe. On vous fera part de la générosité algérienne. On vous servira du bon couscous à la viande d'agneau nourri aux bonnes herbes du *Tel*, et vous fera savourer les délices d'un pays qui a accumulé les richesses culinaires de l'Occident et de l'Orient. On vous fera visiter des endroits superbes, où règnent paix et prospérité. Et lorsque vous en aurez assez, et que vous demanderez d'être conduits là où vous pourrez enfin commencer votre travail, on vous escortera vers des endroits où tout sera prêt et préparé pour vous. Lorsque vous vous sentirez gênés de la quasi-omniprésence de vos hôtes, on vous répondra que c'est pour votre bien être, sécurité et confort.

Là-bas, dans le désastre, au milieu des ruines, c'est un tout autre spectacle que vous verrez. Dans cette Algérie «inutile» (par opposition à l'Algérie dite «utile» qui désignait à l'époque coloniale l'Algérie des Français, et qui désigne aujourd'hui celle où sont concentrés les intérêts de la caste régnante), vous croiserez la souffrance et la misère incarnées par des visages humains. Vous serez surpris de découvrir la tristesse et le chagrin chez un peuple de nature gaie.

Il est prédictible que les personnes qu'on vous présentera pour vous éclairer sur la situation auront des réponses immédiates, toutes faites, à toutes vos questions. Ils vous diront dans des termes presque identiques leur vérité, celle décrétée par les services de la Certitude. Ils vous citeront tous les «ismes» qui font le malheur de l'Algérie : le fanatisme, l'obscurantisme, l'intégrisme, le fascisme et bien entendu le terrorisme, qui désignent tous, comme

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vous le constaterez, l'islamisme ambiant. Ils vous parleront de leurs combats pour sauver la démocratie, la modernité, le Monde libre et même la Civilisation humaine. Ils évoqueront aussi, en toute fierté, leurs exploits sur la sauvagerie et la barbarie moyenâgeuse.

## Excellences

Il est prédictible qu'après votre tournée à l'extérieur, on vous emmènera rencontrer les personnalités influentes et les faiseurs d'opinion. Vous verrez défiler devant vous, à longueur de journée, des bataillons de femmes et d'hommes qui vous seront présentés comme les anges gardiens de l'Algérie moderne.

Vous serez reçus par le président d'une république malade, celui d'un gouvernement depuis trop longtemps en quête de gouvernail, celui d'un parlement dont la seule action efficace depuis sa «nomination» fut la garantie d'un traitement royal pour ses membres, ainsi que celui d'un sénat en retard d'une époque, pressé de finir, coûte que coûte, son «combat inachevé».

Il est prédictible que vous ne serez pas reçus par le pouvoir réel, c'est-à-dire les généraux des clans qui ont droit à s'asseoir aux conclave militaires qui décident de tout dans ce pays, de l'élection d'un président, jusqu'à la licence d'importation de camembert, en passant par les pourcentages des résultats des élections communales. Vous ne serez pas reçus par les galonnés des diverses factions militaires qui, dans leur guerre pour le contrôle de l'institution militaire et le pillage des ressources nationales, instrumentalisent l'État, le gouvernement, les partis politiques et para-politiques qui ne sont que de simples agents exécutants, des ustensiles souvent jetables, qui veillent sur les intérêts de leurs supérieurs. Vous ne serez pas reçus par le cercle très fermé des stratèges de la mort qui contrôlent près de quatre cent mille hommes armés, allant des troupes régulières aux milices d'autodéfense, en passant les «GIA islamistes» et les «GIA berbères».

Les chefs des partis politiques agréés seront de la fête. Ça ira des dinosaures gonflés par les tricheries électorales aux autres «schtroumpfs», dont la taille «microscopique» n'a pas bougé d'un micron, et qu'un certain avocat respectable qualifie de «décoratifs». Tout le spectre «boulitique» y passera, depuis l'extrémiste laïque, défenseur d'une République qui a honte de son peuple, jusqu'à l'arrogant islamiste, imbu de sa personne, qui après avoir apporté tant d'innovations dans le lexique politique algérien, animé par un fervent opportunisme politique, a inventé un type nouveau de «participation contestataire» ou plutôt d'«opposition par le soutien zélé», une recette qui rendrait jalouse la formule magique des Helvètes.

Vous rencontrerez évidemment le secrétaire général d'un FLN squatté par des opportunistes militants de la 25ème heure qui n'ont de ce parti que les initiales, et qui seraient incapables de vous commenter la Déclaration de 1er Novembre 1954, au cas où ils seraient au courant de son contenu. Sans oublier le président du parti au pouvoir, le parti de tous les pouvoirs, celui qui agit effectivement au nom du tout puissant club des généraux putschistes.

Vous aurez certainement l'occasion de faire la connaissance du président d'un Observatoire des droits de l'homme, installé pour pallier à la myopie du système dans ce domaine, et qui s'avérera vite, dès sa naissance, atteint d'une cécité grave, au point de compter les victimes de la terreur et la répression dans l'ordre décroissant.

Il est aussi prédictible que défilent devant vous ensuite les journalistes attirés qui excellent dans l'art subtil qui consiste à diffuser les communiqués officiels, tout en préservant le titre d'«indépendants», ainsi que les dirigeants d'une multitude d'associations socioprofessionnelles, culturelles, syndicales, patronales, droits-d'hommistes, féministes, sportives, etc. jusqu'aux présidents du Loto et du Pari Sportif algériens.

Ils viendront tous vous exposer leur point de vue, vous expliquer la solution qu'ils préconisent pour résoudre la crise algérienne. Ils vous diront tous la même chose. La concor-

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dance de leurs propos et la convergence de leurs idées vous laisseront déconcertés. Tous vous apporteront la même vérité – la seule tolérée – que vous auriez déjà maintes fois entendue de la bouche de leurs hommes de la rue. Une vérité qu'on vous répétera jusqu'à ce que vous seriez enfin aptes à la porter en vous, à la réciter les yeux bandés, à l'annoncer comme de bons apôtres convaincus, dès votre retour, autour de vous.

Il est prédictible que «cette vérité» sera peut-être mieux formulée, présentée de manière plus subtile, enrobée dans des élaborations théoriques et des constructions intellectuelles. Vous aurez droit à des leçons d'histoire, de géographie et de stratégie politique. On vous rappellera le caractère géostratégique de l'Algérie et soulignera la dimension régionale, voire globale, du «péril vert». On ne se gênera pas de vous renvoyer à un passé lointain, qui suscite chez certains d'entre vous de vives émotions, en faisant des parallèles avec l'Allemagne hitlérienne, l'Italie mussolinienne, l'Espagne franquiste ou le Portugal salazarien.

Excellences,

Il est prédictible que ce qui vous sera difficile d'entendre, c'est l'autre voix de l'Algérie. Celle de ses enfants bannis, privés de parole, car ils ont commis le crime d'envisager une autre vérité que celle accréditée par le pouvoir. Les portes-parole et portes-plume de cette autre vérité, vous aurez tout le mal du monde à les rencontrer. Et quand vous aurez l'occasion de le faire, ça sera de manière furtive. Et pourtant ce sont eux qui pourront apporter des couleurs à l'image noir et blanc qu'on vous aura donnée de l'Algérie. Ce sont eux qui pourront mettre des nuances dans le paysage binaire qu'on vous aura dépeint. Ce sont eux qui pourront corriger la description trop simplificatrice et réductrice de la crise, que vous aurez eue.

Ces Algériens, Madame et Messieurs les membres de la Délégation, qui sont des femmes et des hommes politiques tels que Louisa Hannoune, Abdelhamid Mehri et Benyoucef Benkhadda, des défenseurs des droits de l'homme tels que les avocats Abdenmour Ali-Yahia et Mahmoud Khelili, des journalistes tels que Salima Ghezali, vous apprendront qu'en Algérie, le noir n'est pas aussi noir et le blanc pas aussi blanc que l'on veuille le faire croire.

Ces Algériens sont aussi celles et ceux que vous rencontrerez dans la rue mais qui hésiteront à prononcer un mot. Celles et ceux que vous n'entendrez pas parler en présence des officiels, car tétanisés sous l'effet des uniformes. Celles et ceux qui ne feront que vous regarder. Celles-là et ceux-là, vous pourrez vous fier à leur langage non verbal. Vous pourrez décoder leurs expressions corporelles et déchiffrer les signaux visuels qu'ils vous enverront. A travers les traits de leurs visages, vous pourrez deviner l'ampleur de leur drame. Dans leurs yeux, vous pourrez lire leur souffrance. Si on vous permet de les écouter seuls et seules, et si vous les entendez, ils vous diront combien des leurs ont-ils injustement perdus. Ils vous diront les humiliations qu'ils endurent au quotidien, les détentions extrajudiciaires, les tortures, des viols, les exécutions sommaires, les massacres collectifs, les disparitions et plein d'autres atteintes à la dignité humaine et aux droits fondamentaux de la personne qu'ils ont éprouvés ou dont ils ont été les témoins. A défaut de les écouter, vous pourrez les regarder avec attention. Vous pourrez scruter leurs silhouettes et observer leurs tenues pour savoir à quel point ils vivent la misère économique. Vous saurez comment ils se battent pour préserver un minimum de survie indécente. Car de vie décente ils ne rêvent plus depuis qu'ils ont tout perdu y compris la possibilité de subvenir aux besoins de leurs familles. Vous saurez à quoi ressemble un être humain incapable de scolariser ses enfants, de leur fournir des soins, ou de leur acheter du lait tout simplement. Vous saurez à quoi ressemble un peuple auquel on a confisqué la dignité et qu'on a entraîné en l'espace de quelques années vers les abysses de la pauvreté et de l'insuffisance, sous les ordres du FMI et d'autres bailleurs de fonds, sous la conduite d'un pouvoir qui dilapide les richesses du pays en surarmement et en fortunes privées, et sous les applaudissements du Monde libre.

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*L'ONU et les Massacres en Algérie*

Excellences,

Voilà enfin partagés avec vous tous mes espoirs et toutes mes craintes. En plus de ce partage, je voudrais vous souhaiter bonne chance. Car vous devez réussir votre mission, pour le peuple algérien. Ce peuple qui est en ce moment privé non seulement de justice mais aussi de vérité.

Il est dit, Madame et Messieurs les membres de la Délégation, que dans un monde où la justice est inaccessible, la vérité peut être un substitut temporaire. Sans que la vérité sur ce qu'il s'est passé et sur ce qu'il se passe en Algérie ne soit dite, le retour de la paix civile sera pratiquement impossible. La vérité est le préalable indispensable à tout effort de réconciliation. J'espère de tout mon coeur que vous marquerez, dans mon pays, les premiers pas dans le chemin de la vérité.

Dr Abbas Aroua

Lausanne, le 20 juillet 1998

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### Chronicle of Colonial Massacres

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1830	<i>June</i>	(14) The French land at Sidi-Fredj.
1830	<i>July</i>	(05) Fall of Algiers.
1830	<i>November</i>	(26) Massacre in Médéa by companies ordered by General Clausel: 800 dead and scores of injured.
1832	<i>April</i>	(06) Massacre of the El-Oufia people, near Algiers, by companies under the command of General Savary: 12 000 dead.
1833		Massacres in Bejaia.
1835		Massacres in Mascara.
1836-1837		Massacres in Constantine. Fall of Constantine.
1842	<i>May</i>	(20) Massacre of the Beni Zeroual, in the Chlef province, by the troops of General Bugeaud.
1844-1845		Massacre of the Sbéha by troops under the command of General Cavaignac. <i>Enfumage</i> (asphyxiation) techniques are used.
1845	<i>June</i>	(19) Massacre of the Ouled Riah tribe. Colonel Pélessier leads the killing. <i>Enfumage</i> is used. More than 1000 people die.
1845	<i>August</i>	Massacre of the Beni-Mādoun tribe. Colonial troops are ordered by General Saint-Arnaud.
1845-1847		Massacres in Kabylia by Generals Silègue and Saint-Arnaud.
1847	<i>April</i>	(13) Cheikh Bou-Māza is defeated.
	<i>December</i>	(23) Emir Abdelkader is defeated after 17 years of resistance.
1848	<i>September</i>	Massacre of Beni-Senous.
1849	<i>November</i>	Massacre of the Zātcha tribe, between Biskra and Ouargla, by General Herbillon, Colonels Barrel, Canrobert and Dumontet.
1850	<i>January</i>	Massacre of the Nara people in the Aurès.
	<i>June</i>	Massacre of the Oueldjas in the Aurès by troops commanded by General Saint-Arnaud.
1850-1851		Massacres in Little Kabylia ordered by General Saint-Arnaud.
1851	<i>May</i>	(19) Massacres in more than 50 hamlets of the Beni-Amran people by General Saint-Arnaud. Hundreds are killed.
1852		Massacre in Laghouat. Hundreds are massacred.
1852-1856		Blockade and prohibition of markets in Greater Kabylia ordered by General Randon. In December 1854 Cheikh Bou-Beghla is killed after many years of resistance in Kabylia.
1867-1869		Terrible famines cause hundreds of thousands of victims. The populations were not assisted by the French authorities.

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*Chronicle of Colonial Massacres*

- 1871 Last armed insurrection on a national scale.
- 1881 Insurrection led by Cheikh Bouamama in the Saïda region.
- 1914 Revolt of Beni-Chougrane in the Oran region.
- 1915 Revolt in the Sahara.
- 1916-1917 Insurrections in different regions of the Aurès.
- 1926 Foundation of the *Mouvement de l'Etoile Nord Africaine*.  
Demand for independence by Emir Khaled, the grandson of Emir Abdelkader.
- 1935 Creation of the Algerian Association of Ulema by Abdelhamid Ben Badis.
- 1936 *March* (11) The *Etoile Nord-Africaine* party transforms into the *Parti du Peuple Algérien* (PPA). Ahmed Messali Hadj leads the party.
- 1944 *March* (14) Foundation of the *Mouvement des Amis du Manifeste et de la Liberté* (AML) by Ferhat Abbas.
- 1945 *May* (08) Demonstrations of Algerians in the Eastern Algeria. France kills tens of thousands of civilians in response.
- 1946 *March* (16) The *Union Démocratique du Manifeste Algérien* (UDMA) is established by Ferhat Abbas.
- 1946 The *Mouvement pour le Triomphe des Libertés Démocratiques* (MTLD) is founded.
- 1947 The *Organisation Spéciale* (OS) is set up.
- 1954 *April* Creation of the *Comité Révolutionnaire d'Unité et d'Action* (CRUA).  
*November* (01) The *Front de Libération Nationale* (FLN) issues a declaration calling for independence and launches a guerrilla war for liberation.
- 1954-1962 The pacification doctrine adopted by the French army leads to 1.5 million Algerian victims according to Algerian sources (few hundred thousands according to French sources). Massacres are perpetrated as counter-insurgency instruments and means of collective retributions for FLN guerrilla action.
- 1955 *April* (01) State of Emergency in Algeria.
- 1956 *August* (20) FLN congress of the Soumam. Foundation of the *Comité National de la Révolution Algérienne* (CNRA).
- 1957 *January* (28) Start of the eight days strike.  
*December* (26) Assassination of Abbane Ramdane.
- 1958 *September* (19) Constitution of the *Gouvernement Provisoire de la République Algérienne* (GPRA).
- 1959 *July* (21) French Army launches the *Jumelles* counter-insurgency operation in Kabylia.  
*December* (16) Tripoli Meeting of the GPRA.

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*Chronicle of Colonial Massacres*

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| <b>1960</b> | <i>December</i> | (11) Demonstrations of the Algerian population to support the FLN.  |
| <b>1961</b> | <i>February</i> | Colonialists set up the <i>Organisation Armée Secrète</i> (OAS). The OAS perpetrates scores of massacres in cities.       |
|             | <i>October</i>  | (17) French police led by Maurice Papon massacres hundreds of Algerians in Paris. Scores are thrown into the Seine River. |
| <b>1962</b> | <i>March</i>    | (18) Signature of the Evian Accords.  |
|             | <i>July</i>     | (05) Algeria is free of French colonisers.  |

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*Chronicle of Colonial Massacres*

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## Chronology

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<b>6430 B.C.</b>		Neolithic Culture.
<b>1200 B.C.</b>		Phoenicians establish colony.
<b>814 B.C.</b>		Carthage is founded.
<b>3<sup>rd</sup> century B.C.</b>		Kingdoms of Berber tribes rule in the shadow of Carthage. Masinissa (240-148 B.C.).
<b>146 B.C.</b>		Destruction of Carthage. North Africa becomes a Roman Protectorate.
<b>429 A.D.</b>		Vandals defeat Romans and assume dominance.
<b>533</b>		Byzantines succeed Vandals.
<b>647-711</b>		North Africa embraces Islam.
<b>909</b>		Fatimid dynasty.
<b>1042</b>		Almoravid dynasty.
<b>1142</b>		Almohad dynasty.
<b>1518</b>		Algiers becomes an Ottoman Regency.
<b>1830</b>		France colonises Algeria.
<b>1954</b>		FLN launches liberation war.
<b>1962</b>	<i>July</i>	(05) Independence of Algeria.
	<i>September</i>	Ahmed Ben Bella and the external ALN overthrow the Provisional Government presided by Benyoucef Benkhedda.
<b>1965</b>	<i>June</i>	(19) Colonel Houari Boumediène overthrows Ben Bella.
<b>1967</b>	<i>January</i>	(03) Algerian secret services assassinate Mohamed Khider in Madrid, Spain.
	<i>November</i>	Colonel Tahar Zbiri, the Army chief-of-staff, attempts a coup d'état. The air force, loyal to Boumediène, crushes the attempt.
	<i>December</i>	Colonel Zbiri finally fails in his bid.
<b>1970</b>	<i>March</i>	(17) <i>Al Qiyam</i> association is banned throughout Algeria.
	<i>October</i>	(18) Algerian secret services assassinate Krim Belkacem in Dusseldorf, Germany.
<b>1971</b>	<i>February</i>	(24) Nationalisation of oil industry.
<b>1978</b>	<i>December</i>	(27) Death of Houari Boumediène.
<b>1979</b>	<i>January</i>	A conclave of top military officers nominates Colonel Chadli Bendjedid as president of Algeria.

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*Chronology*

- 1980** *April* (20) Berber Spring: several days of violent demonstrations in the *Kabyle* regions, especially Tizi-Ouzou. Students demand the recognition of the Berber language and culture.
- 1982** *November* Large meeting of Islamists in the Faculty of Algiers. Waves of arrests follow.
- 1984** *April* (13) 20 000 people attend the funerals of Sheikh Abdellatif Soltani.
- 1985** *June* (30) Abdennour Ali-Yahia presides the creation of the Algerian League for the Defence of Human Rights.
- August* (27) An armed group led by Mustapha Bouyali attacks the Soumaa Police Academy.
- 1986** *November* New national constitution.  
Violent demonstrations in Constantine and Sétif. Students protest bad living conditions.
- December* Top military officers meet in a conclave to arbitrate a conflict between president Bendjedid and army chief-of-staff Mustafa Belloucif.
- 1987** *March* (1) Bouyali is killed by the Police. His group is arrested thereafter.
- 1988** *October* (05-10) Widespread demonstrations and riots. The army steps in and massacres 500 civilians. Bendjedid promises political and economical reforms to 'democratise' the country.
- November* Army generals meet in a conclave to nominate Bendjedid for a third presidential term.
- 1989** *February* (23) A new constitution allowing a multiparty political system is adopted in a referendum. The army withdraws from the central committee of the FLN.
- September* (14) The FIS, created months earlier, is legalised.
- December* (12) Several hundred thousands women demonstrate in Algiers to denounce 'aggressions against Islam' in response to a call from *Arabita* of Shaikh Ahmed Sahnoun.
- 1990** *June* (12) The FIS wins local elections with 55% of the votes against 28% for the FLN. The FFS and the MDA boycott the poll.
- July* (27) General Khaled Nezzar is nominated defence minister.
- 1991** *May* The FIS calls for a general strike to ask for changes in electoral laws for legislative elections and demands the holding of anticipated presidential elections.  
Army generals meet in a conclave and decide to remove prime-minister Mouloud Hamrouche from power and to arrest FIS leaders.
- June* (04) FIS general strike is crushed by security forces.

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*Chronology*

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- (05) After bloody confrontations between security forces and FIS followers, president Bendjedid postpones legislative elections, accepts the resignation of the government of Mouloud Hamrouche and declares a state of siege.
- (30) FIS leaders Abbassi Madani and Ali Benhadj are arrested.
- December* The FIS wins the first round of the general elections with 47.3% of the votes (3.2 million votes, 188 of the 430 provided seats). The FLN comes second with 23.4% (1.6 million votes, 16 seats). The FFS obtains 7.4% (more than 0.5 million votes, 25 seats). The abstention rate is 48% of the registered voters.
- 1992** *January* (02) FFS leader Hocine Ait-Ahmed calls on Algerians to 'save democracy'. About 300,000 people demonstrate in Algiers.
- (04) Army generals meet in a conclave and agree to overthrow the president.
- (11) President Bendjedid is forced to resign in a military coup.
- (12) The military High Security Council (HCS) cancels legislative elections.
- (14) A High State Committee (HCE), headed by Mohamed Boudiaf, is appointed to assume power. Troubles break out throughout the country.
- (22) Interim FIS leader Abdelkader Hachani and most party leaders in the FIS provisional executive bureau are arrested.
- February* FIS militants are sent to concentration camps in the desert.
- (04-08) Violent confrontations between FIS militants and security forces.
- (09) State of emergency is declared by the HCE. FIS protests cancellation of national elections.
- March* (04) Court outlaws FIS at the request of Interior Ministry.
- April* Municipal assemblies under FIS control are dissolved.
- June* (29) Mohamed Boudiaf, HCE president, is assassinated by a member of his presidential guard during a visit to Annaba.
- July* (02) Ali Kafi is appointed president of the HCE.
- (15) A military court sentences FIS leaders, Abbassi Madani and Ali Benhadj, to 12 years imprisonment. Protests flare up.
- August* (26) A bomb explodes in Algiers airport. Ten civilians are killed and 128 wounded.
- October* The Groupe Islamique Armé (GIA) emerges as an insurgent group led by Abdelhak Layada.
- December* 123 municipalities and more than 200 councils controlled by the FIS are banned.

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*Chronology*

- 1993** *February* (13) 'Eradicator' General Khaled Nezzar escapes an assassination attempt.
- March* Amnesty International denounces the use of torture in Algeria.
- July* (10) General Liamine Zeroual is appointed minister of defence to replace general Nezzar. Zeroual pledges to increase dialogue with rebel groups.
- August* Sid-Ahmed Mourad becomes leader of the GIA after Layada's arrest.
- (21) Assassination of Kasdi Merbah, former prime-minister and ex-head of the secret services.
- (31) First state executions of Islamists (seven deaths).
- September* A National Dialogue Commission is created with the task of preparing a 'National Reconciliation Conference' for the choice of a successor to the HCE.
- October* FIS opens a representation in Europe. GIA warns all foreigners to leave Algeria.
- November* HCE declares its willingness to open dialogue with political movements.
- (09) 88 Islamists are arrested in France. The Algerian government expresses satisfaction to French interior minister, Charles Pasqua.
- December* A conclave of generals nominates general Liamine Zeroual for the presidency.
- 1994** *January* A National Reconciliation Conference is held. FIS is not invited. The main opposition parties boycott the event.
- (30) General Liamine Zeroual is appointed president of the state for a three-year period. The HCE is dissolved.
- February* Cherif Gousmi becomes GIA leader after Sid-Ahmed Mourad is killed by security forces.
- March* About 1000 prisoners escape from the Tazoult prison at the end of Ramadhan (mid-March).
- Eradicator generals impose their total war policy and launch a large offensive in cities and rural *maquis*.
- April* An agreement for the restructuring of Algeria's debt (about 26 billion US Dollars) is signed with the IMF.
- May* (04) 173 persons are killed in a massacre in Tenès.
- (13) Insurgents groups (GIA, FIDA, MEI, independent groups and some leading figures of FIS) unite under the GIA.
- An acting-parliament (CNT) is set up.
- July* The Armée Islamique du Salut (AIS) is created.
- FIS deputy leader Benhadj writes to Zeroual for dialogue.
- Zeroual announces a new dialogue initiative.

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*Chronology*

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- August* FIS leader Madani exchanges letters on dialogue with Zeroual.
- September* (13) FIS leaders Madani and Benhadj are moved from prison to house arrest as dialogue with authorities makes progress.  
(26) Mahfoud Tadjine becomes GIA leader as Gousmi is killed by security forces.
- October* (29) Zeroual announces failure of dialogue with FIS leaders.  
Djamel Zitouni overthrows Tadjine and takes over control of the GIA.
- November* (07) 513 persons are killed in Berrouagouia prison massacre.  
Main Algerian opposition parties meet in Saint' Egidio, Italy.  
Zitouni initiates a campaign of assassinations of insurgents of the Algerianist tendency within the GIA.
- December* (24) An Air France plane is hijacked in Algiers airport allegedly by a four-member GIA commando.
- 1995** *January* (13) Leaders of the main opposition parties (FIS, FLN, FFS, MDA, PT and MN) sign a peace platform (National Contract) under the aegis of the Saint' Egidio Catholic community.  
(30) Bomb attack against Algiers Central Police Station: 42 dead, 286 injured. Most casualties are civilian passers-by.
- February* (20) Serkadji prison massacre. 109 dead Islamist prisoners are killed. Most victims are selected political prisoners.
- July* A wave of bomb attacks attributed to the GIA hits France.  
(11) Imam Abdelbaki Sahraoui is shot dead in a mosque in Paris. The office of president Zeroual announces the failure of a new secret dialogue with the FIS leaders in prison.
- September* Hundreds of insurgents of the Algerianist tendency are assassinated by the GIA. Victims include leading FIS figures Mohamed Said and Abderezaq Redjam. This intense assassination campaign lasted till November.
- November* (16) General Liamine Zeroual elected president with 61% of the votes. Mahfoud Nahnah (HMS) gets 25.5% and Said Saadi (RCD) 9.6%. Signatories of the Rome Peace Platform (FIS, FLN, FFS) boycott elections.  
(27) Conciliator general Mohamed Boutighane is assassinated.
- December* GIA explodes as insurgent groups leave and denounce Zitouni and his leadership as DRS agents.
- 1996** *March* (27) 6 French monks are abducted by a GIA commando.
- June* (07) Conciliator general Fodhil Saidi is assassinated.
- July* Zitouni is shot dead by a FIDA unit. Zouabri takes over the leadership of the residual GIA.

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1450

*Chronology*

- The Mouvement Islamique de la Dawa et du Djihad (MIDD) is created.
- November* A gas pipeline linking Algeria and Spain is inaugurated.  
(28) A new constitution giving wide powers to the head of state is adopted. Reforms include proportional representation, a two-chamber parliament and a ban on religious or ethnic political parties.
- December* Arrest of FIS representative Anwar Haddam in the USA.
- 1997** *January* Legalisation of militias (GAD and Patriots).  
An assassination attempt on Zeroual fails.  
(15) FFS leader Ait-Ahmed calls on Clinton to appoint a special mediator to help stop the violence in Algeria.  
(19) Bomb attack in Algiers: 42 dead and over 100 injured.
- February* The RND, the president's party, is created.  
LIDD is created
- March* (13) FIS asks the European Parliament to open an international inquiry into the violence in Algeria.
- June* (05) RND wins the majority of seats in the National Assembly. Results are contested by the opposition.
- July* Eradicator general Abbas Ghezail is replaced by conciliator Tayeb Derradji at the head of the Gendarmerie Nationale.  
(18) FIS leaders Madani and Hachani are released from prison.
- August* (29) Massacre of Raïs: 200 to 400 dead, hundred of injured.
- September* Army generals meet in a conclave and wrangle about negotiations with FIS and militia control.  
A military coup against Zeroual is aborted.  
(03) UN general secretary, Kofi Annan, calls for 'tolerance and dialogue' and for 'an urgent solution' to the conflict in Algeria. Madani responds by offering to 'launch a call for immediate end to the bloodshed'. Authorities threaten to put him back in prison. Madani is put under house arrest later in September.  
(05) Beni-Messous massacre: 151 persons are killed.  
(22) Massacre of Bentalha and Baraki: 300 persons are killed.  
(23) AIS declares a unilateral truce on all its military operations from 1 October.  
(24) US foreign secretary, Madeleine Albright, discusses the Algerian issue with French foreign minister Hubert Vedrine.
- October* The FFS asks the UN to put pressure on the regime to stop human rights abuses and open political dialogue.

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*Chronology*

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Eradicator general Said Bey is replaced by conciliator general Rabah Boughaba at the command of the 1<sup>st</sup> Military District where most massacres occur.

The RND takes a majority of seats in the local elections. FLN comes second, and HMS third. All parties except the RND denounce massive riggings of the polls.

MIDD, LIDD and FIDA join the truce declared by AIS.

- December* (25) Elections for the Senate. RND takes 80 out of 96 seats.  
 (30) Relizane massacres: 529 persons are killed.
- 1998** *January* (04) Another wave of massacres in Relizane: over 500 are killed in Dhamnia, Kalaa, Soumara, Benimoussa, Sidi Maamar.  
 (05-06) The US calls for an international inquiry into the Algerian massacres. US State Department declares there are no plans to limit imports of Algerian oil and natural gas to pressure the Algerian government.  
 (11) Massacre of Sidi-Hamed: over 300 are killed.  
 (12) FIS calls on Zeroual to set up a commission of inquiry into the massacres.  
 (15) The UN discusses sending humanitarian aid to Algeria. Mrs Mary Robinson, the UN Human Rights High-Commissioner, declares that the victims of massacres need humanitarian assistance.  
 (19) A European Union delegation visits Algeria on a two-day mission.  
 (22) Prime minister Ouyahia announces 26,563 were killed and 21,500 injured from 1992 to December 1997.
- February* (08) A delegation of 9 European Members of Parliament visits Algeria on a five-day mission.
- June* Eradicator media initiate a campaign of attacks on Zeroual and conciliator general Mohamed Betchine.
- July* (22) A UN delegation visits Algeria on a 'mission of information' lasting 12 days.
- August* Attacks in the media on Zeroual and Betchine intensify.
- September* (04) Generals meet in a conclave and decide to remove Zeroual from power.  
 (11) Liamine Zeroual is forced to 'shorten his term of office'. Zeroual announces early presidential elections in February 1999 and, later in October, the date is changed to April 1999.
- October* General Betchine is forced to resign as advisor to Zeroual.
- November* Mass graves discovered in Hafiz farm, Meftah, in Blida. More than 200 bodies are found in wells.
- 1999** *January* (01 – 02) A 22 member family of nomads is massacred in Oued el-Atchane, near El Bayadh.

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1452

*Chronology*

- February* (01) 20 young men including shepherds are slaughtered a massacre in Sidi Abderrahmane, in the district of Chlef.
- April* (14) Six of the seven presidential candidates protest electoral fraud and withdraw from the race.  
(15) Abdelaziz Bouteflika, widely believed to be the army candidate, is elected as new president of the country.
- June* (4 – 5) 22 members of the Hadj Mokhtar family, including 4 women, 7 children and a baby are massacred in Sidi Ahmed Drouni, in the district of Mascara.  
(10 – 11) A 14 member family is massacred in Sidi Naâmane, in the district of Médéa.
- August* (14 – 15) 29 people are randomly massacred and ten women are abducted in a roadblock in Bouaich, Beni Ounif, in the district of Bechar.  
(20 – 21) 17 people, including 5 women and 14 children, are massacred in Ouezra, in the district of Médéa.
- September* (16) Referendum on the law of civil concord.

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## Glossary

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<i>al-Majlis al-Watani</i>	national popular assembly.
<i>baladiya</i>	municipal council (plural: <i>baladiyat</i> ).
<i>barnous</i>	also spelt <i>burnous</i> , coat made of wool worn by men in North Africa.
<i>bushkara</i>	term first used in the Algerian war of independence to denote Algerian hooded informers.
<i>chawi</i>	a Berber from the Aurès, east of Algeria (in particular from the districts of Batna, Tebessa, or Souk-Ahras).
<i>debabine</i>	slaughterers (plural form of <i>debab</i> ).
<i>dinar</i>	Algerian currency.
<i>donar</i>	a very small administrative division in rural areas of North Africa.
<i>el-Djeich</i>	official magazine of the Algerian army.
<i>eradicationism</i>	a doctrine, embraced by hardline secularist military officers and party political leaders and journalists, that advocates the physical elimination of the political opponents of the Islamic trend. Partisans of this doctrine call themselves, and are called, <i>eradicators</i> .
<i>fellaga</i>	also written <i>fellagha</i> , derived from the Arabic <i>fallaq</i> which means brigand, used by the French to refer to Algerian guerrilla fighters.
<i>fidaiyn</i>	plural of <i>fida-i</i> which denotes an urban guerrilla fighter.
<i>goumier</i>	a soldier from a <i>goum</i> . A <i>goum</i> is a unit of Algerian auxiliaries of the French army.
<i>gourbi</i>	poor dwelling in North Africa.
<i>harkei</i>	Algerian informer, militiamen or soldier recruited by the French Army during Algeria's independence war (1954-1962). The plural is <i>harke</i> , which also denotes the operational base of the auxiliaries.
<i>hijab</i>	modestly styled set of clothes worn by Muslim women.
<i>hijra-wa-takfir</i>	a set of schismatic beliefs that excommunicate Muslims from the faith and advocate internal exile away from sin. Also denotes trends or groups that adhere to this ideology.
<i>hogra</i>	Algerian term for oppression.
<i>istidmar</i>	destructiveness. In Arabic it is used to refer to colonialism.
<i>istikbar</i>	arrogance
<i>kachabia</i>	coat made of wool worn by men in North Africa.
<i>katiba</i>	military company.
<i>Kharijite</i>	follower of an intolerant and schismatic political-religious doctrine regarded as deviant by Islamic scholars; also denotes parti-

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*Glossary*

	san of the dissident movement which led an armed insurrection against the Calife Ali, 657.
<i>kbawarij</i>	Arabic plural of <i>Kharidjite</i> .
<i>kbayma</i>	tent
<i>kbiala</i>	derived from <i>kbayl</i> (horse), refers to cavalrymen.
<i>klash</i>	short for the kalashnikov machine-gun.
<i>mabchoucha</i>	also spelt <i>mabshoosha</i> , refers to a sawn-off shot-gun.
<i>meshta</i>	a hamlet in Algeria and Tunisia.
<i>mokbazni</i>	also spelt <i>moghazni</i> , derived from <i>makhzan</i> (store), soldier recruited by the French Army during Algeria's independence war to guard.
<i>moussabiline</i>	plural of <i>moussabil</i> which refers to a militant who gives logistical and intelligence support to the guerrilla fighters.
<i>mukhabarat</i>	Arabic term for secret services.
<i>ninja</i>	Algerian army special units wearing black balaclavas.
<i>pieds-noirs</i>	French colonialists in Algeria.
<i>razzia</i>	armed attack that includes pillage.
<i>Sécurité Militaire</i>	outdated but widely used reference to the military intelligence apparatus of Algeria's military. This apparatus is now called DRS (see acronyms).
<i>seria</i>	military detachment.
<i>sphabi</i>	word of Turkish origin, refers to a French army corps created in 1834. Its recruits are mainly natives.
<i>taghut</i>	arrogant oppressor.
<i>wali</i>	governor of a <i>wilaya</i> .
<i>wilaya</i>	territorial, administrative and/or military division used in Algeria; plural for is <i>wilayat</i> . Algeria is divided into 48 administrative <i>wilayat</i> or districts.
<i>zouaves</i>	derives from zwava, the name of a Berber tribe, native soldier of a French infantry corps created in 1830.

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## Acronyms

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AIS	<i>Armée Islamique du Salut</i> (Islamic Salvation Army)
ALN	<i>Armée de Libération Nationale</i> (National Liberation Army)
AMFO	See MAOL
ANFD	<i>Association Nationale des Familles des Disparus</i> (National Organisation of Relatives of the Disappeared)
ANP	<i>Armée Nationale Populaire</i> (National Popular Army)
ANR	<i>Alliance Nationale Républicaine</i> (National Republican Alliance)
APS	<i>Algérie Presse Service</i>
CAMLDHDH	<i>Comité Algérien des Militants Libres de la Dignité Humaine et des Droits de l'Homme</i> (Algerian Committee of Free Campaigners for Human Dignity and Rights)
CCFIS	<i>Conseil de Coordination du Front Islamique du Salut</i> (Coordination Council of Islamic Salvation Front)
CCI	<i>Cour Criminelle Internationale</i> (International Criminal Court)
CIJ	<i>Cour Internationale de Justice</i> (International Court of Justice)
CND	<i>Commission Nationale de Dialogue</i> (National Commission for Dialogue)
CNT	<i>Conseil Nationale de Transition</i> (National Provisional Council)
CP	<i>Code Pénal</i> (Penal Code)
DEC	<i>Délégation Exécutive Communale</i> (Executive Municipal Council)
DIP	<i>Droit International Pénal</i> (International Penal Law)
DRE	<i>Direction du Renseignement Extérieur</i> (Directorate of Counter-Intelligence)
DRS	<i>Direction du Renseignement et de la Sécurité</i> (Directorate of Intelligence and Security)
FAF	<i>Fraternité Algérienne en France</i> (Algerian Fraternity in France)
FFS	<i>Front des Forces Socialistes</i> (Front of Socialist Forces)
FIDA	<i>Front Islamique du Djihad Armé</i> (Islamic Front of Armed Struggle)
FIS	<i>Front Islamique du Salut</i> (Islamic Salvation Front)
FLN	<i>Front de Libération Nationale</i> (National Liberation Front)

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*Acronyms*

GAD	<i>Groupes d'Auto-Défense</i> (Self-Defence Groups)
GIA	<i>Groupe Islamique Armé</i> (Armed Islamic Group)
GPRA	<i>Gouvernement Provisoire de la République Algérienne</i> (Provisional Government of the Algerian Republic)
HCE	<i>Haut Comité d'Etat</i> (High State Council)
HCS	<i>Haut Comité de Sécurité</i> (High Security Council)
HMS	<i>Harrakat Mujtama es-Silm</i> (Movement for the Society of Peace)
LADH	<i>Ligue Algérienne des Droits de l'Homme</i> (Algerian League for Human Rights)
LADDH	<i>Ligue Algérienne de Défense des Droits de l'Homme</i> (Algerian League for the Defence of Human Rights)
LIC	Low Intensity Conflict
LIDD	<i>Ligue Islamique de la Dawa et du Djihad</i> (Islamic League for Predication and Jihad)
MAJD	<i>Mouvement Algérien pour la Justice et la Démocratie</i> (Algerian Movement for Justice and Democracy)
MAOL	<i>Mouvement Algérien des Officiers Libres</i> (Algerian Movement of Free Officers – AMFO)
MCB	Mouvement Culturel Berbère (Berber Cultural Movement)
MDA	<i>Mouvement pour la Démocratie en Algérie</i> (Movement for Democracy in Algeria)
MDS	<i>Mouvement Démocratique et Social</i> (Democratic and Social Movement; formerly known as PAGS and Ettahadi – see PAGS)
MIA	<i>Mouvement Islamique Armé</i> (Armed Islamic Movement)
MIDD	<i>Mouvement Islamique de la Dawa et du Djihad</i> (Islamic Movement for Predication and Jihad)
MN	<i>Mouvement de la Nahda</i> – also know as <i>Nahda</i> – (Renaissance Movement)
OJAL	<i>Organisation de la Jeunesse Algérienne Libre</i> (Free Algerian Youth Organisation)
ONDH	<i>Observatoire National des Droits de l'Homme</i> (National Human Rights Watch)
OSRA	<i>Organisation de la Sauvegarde de la République Algérienne</i> (Organisation for the Salvation of the Algerian Republic)
PAGS	<i>Parti de L'Avant-Garde Socialiste</i> (Progressive Socialist Party)
PRA	<i>Parti du Renouveau Algérien</i> (Party for Algerian Renewal)
PT	<i>Parti des Travailleurs</i> (Algerian Labour Party)

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*Acronyms*

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RAFD	<i>Rassemblement Algérien des Femmes Démocrates</i> (Algerian Rally of Democrat Women)
RAJ	<i>Rassemblement Action Jeunesse</i> (Action and Youth Rally)
RCD	<i>Rassemblement pour la Culture et la Démocratie</i> (Rally for Culture and Democracy)
RND	<i>Rassemblement National Démocratique</i> (National Rally for Democracy)
SNAA	<i>Syndicat National des Avocats Algériens</i> (National Union of Algerian Lawyers)
SONATRACH	<i>Société Nationale pour la Recherche, la Production, le Transport, la Transformation et la Commercialisation des Hydrocarbures</i> (National Society for Research, Production, Transport, Transformation, and Commercialisation of Hydrocarbons – national oil and gas company)
UDL	<i>Union Démocratique Libérale</i> (Liberal Democratic Union)
UFD	<i>Union des Forces Démocratiques</i> (Union of Democratic Forces)
UGTA	<i>Union Générale des Travailleurs Algériens</i> (General Union of Algerian Workers)
UMA	<i>Union Médicale Algérienne</i> (Algerian Medical Union)

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Algeria is in a multi-dimensional crisis, and in a crisis of the governed toward the governing. Thirty-seven years after Algeria's independence, the people are still waiting for the dawn of human rights. The 11 January 1992 coup d'état is the root cause of the political violence which has bathed in blood and plunged into mourning Algeria for the past seven years. Terror, massacres, torture, extra-judicial executions, disappearance of people, population drift to the cities because of insecurity, all within a political climate of mistrust, intolerance, hatred and division, have only worsened the crisis and furthered repeated, systematic and serious violations of human rights.

Power is meaningful only if it is not snatched away from the people, if it is exerted under their supervision and remains at the service of the human being, his dignity and his rights.

Maitre Abdenmour Ali-Yahia  
President,  
Algerian League for the Defence of Human Rights

This work brings together for an English-speaking public, for the first time, a great deal of information about the massacres in Algeria since 1992. It is indeed the first comprehensive study of the phenomenon in any language, including a great deal of original material and approaching the subject from a variety of angles.

Lord Eric Avebury  
Vice-Chairman,  
UK Parliamentary Human Rights Committee

This sombre study indulges in little speculation. It keeps to careful documentation of the 'economic geography of the mass killings', the choice of victims, the locations relative to military and police installations, the timing relative to 'interfactual hostilities within the military' and events of political significance (elections, 'statements and positions of France and the US'), and similar factors, providing a comprehensive record that others may evaluate to draw their own conclusions. At the very least, this impressive and deeply sobering study underscores the importance of the call for a high-level independent inquiry, which has been issued repeatedly by the leading human rights organisations, and always rejected.

Professor Noam Chomsky  
Massachusetts Institute of Technology

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