
**AN INQUIRY INTO
TORTURE IN ALGERIA**

Institut Hoggar, Genève

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Table of contents, preface and introductions

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President of the National Council for Freedoms in Tunisia, Former President of the Arab Commission for Human Rights

2. Dr. Haytham Al Mena

Editor of the Encyclopedia 'Meditations on Human Rights', Former President of the Arab Commission for Human Rights

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5. Dr. Nidham Assaf

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11. Dr. Ahmed Rissouni

Lecturer at the Mohammed V University in Rabat, President of the Movement for Unity and Reform

12. Dr. Toufiq Achawi

Egyptian Lawyer and thinker

Extracts of reviews of the book

'An Inquiry into Algerian Torture'

'In Algeria torture is neither a blunder, nor an isolated act, nor an unfortunate accident, but a generalised practice made into a system of government. Torture has become an integral part of interrogations, which it replaces or supplements. [...] Torture is an unjustifiable atrocity which brings shame to the national community which remains passive in front of this crime.'

M. Abdenour Ali-Yabia,

President of the Algerian League for the Defence of Human Rights

'The Algerian people gave one of the best examples of struggling for freedom to the world. Just as it sacrificed everything to win the battle of the first independence, it is able to win the second battle for independence. I welcome this book and salute those who contributed to it, a book which is part of the battle raging in Algeria, and in Tunisia and in all our Arab countries, a battle that will continue until torture is eliminated and its causes are removed.'

Dr. Moncef Marzouki

President of the National Council for Freedoms in Tunisia, Former President of the Arab Commission for Human Rights

'The way torture is studied in this book, from a variety of disciplines yet with a focus on a single Arab country, is unprecedented. This book does not simply provide a thorough analysis of the causal, instrumental, legal, cultural and societal dimensions of torture in Algeria, but it is also a source of inspiration for all those who struggle against torture in the countries of the South. The approach taken in this book makes it a tool for defining and dismantling torture, and a means of exposing and conscientising. In short the Algerian researchers do not simply document and explain, but they also lay the foundations of a culture of resistance.'

Dr. Haytham Al Menaa

Editor of the Encyclopedia 'Meditations on Human Rights', Former President of the Arab Commission for Human Rights

'The studies in this book draw our attention to the fact that to the extent that the torturers seek to destroy the identity of their victims through the barbaric act, they end up destroying, to the same extent, their own personal identities.'

Dr. Violette Daguerre

President of the Arab Commission for Human Rights

'The book in your hands is a valuable contribution to human rights, especially the rights of the Arab citizen who is becoming envious of the dignity enjoyed by domestic animals in the West, animals who live free and die only from old age, while thousands of our youths die under the batons of torturers in the horrifying prisons and detention centers in the Arab world.'

Dr. Faycal Al-Qassim

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Presenter of the 'Opposite Points of View' programme at Al-Jazeera Satellite TV

'This important book is a great step in the long path we must undertake in the Arab world to put an end to the silence about what goes on in the buildings of the security services and the police, and in prisons: physical and psychological torture of suspects, detainees, and prisoners, and especially political prisoners.'

Dr. Nidham Assaf

Director of the Amman Center for Human Rights Studies

'This book is excellent and complete. No law or human rights library can afford to go without it.'

Dr. Sabika Mohamed Al Najjar

Chairwoman of the Babrein Association for Human Rights

'There have been many writings about this subject but none match this accurate and exhaustive study which combines an explanation of torture, its causes and forms with a study of the foundation of its ban in sharia, in positive internal laws and in international law, as well as a study of the physical, psychological and social consequences of torture on its victims.'

Mr Haytham Al-Maleb

President of the Syrian Association for Human Rights

'This book is a denunciation of torture and all those who make this practice possible, but it is not a rhetorical angry cry. It is a documentative, scientific, analytical and explanatory cry. It is a quiet and compelling call.'

Dr. Ahmed Rissouni

Lecturer at the Mohammed V University in Rabat, President of the Movement for Unity and Reform

PREFACE

This book is a multi-perspective investigative study of the practice of torture in Algeria since the military coup of 11 January 1992.

Torture has become a widespread institutionalised systematic practice organised with the approval and deliberate intent of the highest authorities. Hundreds of victims of torture have spoken out about their ordeals, tens of testimonies have been published by human rights organisations, yet the military regime and the media its controls continue to deny the existence of such a practice in Algeria. Only recently the military chief-of-staff, major-general Mohamed Lamari, stated: 'I am opposed to torture. Our generation has suffered a lot from this practice. I personally witnessed the Battle of Algiers, and I did not want us to practice such methods. I do not say that torture has not been practised, but each time such a thing did happen, we opened an inquiry... Why should we resort to torture when, after thirty minutes of interrogation, all terrorists start to cry and say "I have been duped"?'¹

Where does therefore the truth lie?

There have been countless calls and initiatives for a commission of inquiry into all serious human rights violations, including torture, in Algeria, but they have fallen on deaf ears. This failure has convinced us of the necessity and soundness of undertaking this investigation, which started in March 2000.

This book project drew also its motivations from the lack of publications in the Arabic language on the subject. A large number of books and reports on human rights in Algeria have been published in French and English, but there has not been a commensurate effort in Arabic, either in the form of translations or original works in Arabic.

This lack of publications in Arabic explains partially why the Arab world is ill informed about the human rights situation in Algeria. The other part of the responsibility goes to the Arab regimes which, in addition to providing political and diplomatic support and 'security' co-operation, have relayed the propaganda of the Algerian generals through their media and their representatives of official Islam. Rather than support international calls for inquiries into all human rights violations in Algeria these castes, united in their fear of popular political participation and struggle for survival, have supported the generals' refusal of the inquiries on the ground that such investigations would constitute an interference into the affairs of a sovereign state.

Despite the fact that the crimes perpetrated in Algeria in the last ten years far outgrow in magnitude and horror those perpetrated by the Zionists in Palestine in the last 50 years, the vast majority of Arab intellectuals have maintained an uneasy and shameful silence. A minority of intellectual juveniles has sometimes been given broad media space to explain the human rights violations in Algeria as the outcome of the 'violent character of the Algerians', or of 'specificity of Algerian violence', but the voices of the handful of lucid and courageous Arab intellectuals, who have cut through the fog of war and called for an international expert and independent inquiry into all the human rights violations, have not been heard.

The religious scholars (*ulama*) have not been immune from the same intellectual and moral paralysis that have struck civil society in the Arab world. Only a handful of *ulama* have had the lucidity to request the establishment of inquiry commissions into all the human rights violations, while the usual 'priests of the rulers' have given religious sanction to the propaganda of the generals, and others have reacted to the war crimes with politically naïve petitions which have been used to support the claims of the regime.

It is global perception of the response of the Arab world to the human rights violation in Algeria that has reinforced our conviction that undertaking this inquiry in Arabic is a helpful contribution.

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¹ *Le Point*, No 1583, 15 January 2003.

This book's scope is broad as it integrates approaches, methods and analyses from a variety of fields. Academics, lawyers, human rights activists and journalists in North Africa and Europe contributed insights into the practice of torture from their many different perspectives.

The collection of papers in this book divides into 6 self-contained parts, each of which starts with an introduction which maps out its field of inquiry and introduces the papers in the part.

Part A gives an overview of the human rights situation in Algeria and compiles a large amount of data about the practice of torture and the victims. This data is in largely testimonial form but includes analyses from both a psychological and statistical perspectives.

Part B focuses on how the government manages torture, its weapons and practitioners, and why. It also surveys and analyses the ways in which it responds to torture reports by human rights non-governmental organisations.

Part C is devoted to recording and analysing the behaviour of the Algerian media with regard to torture.

Part D addresses the practice of torture in Algeria from a historical perspective with a focus on 3 periods: i) from independence up to 1991; ii) under colonial rule; iii) before colonial rule.

Part E tackles the practice of torture in Algeria from a legal angle. It discusses the status of this crime within Algerian internal law and the way magistrates deal with the matter. It also focuses on the status of this crime within international law and Islamic *Sharia*.

Part F is devoted to the depiction and analysis of torture from a pictorial representation.

At a time the military regime is pursuing a policy of amnesia, denying its crimes, expurgating them from public spaces and collective consciousness, expelling them into private memories and containing them therein, we hope that this book will reverse this process to some extent and validate socially the painful events Algerians have been going through. We hope it will also inform and conscientise observers outside Algeria about the reality of this practice. In addition to the careful documentation of cases of torture, the provision of evidence and clarification of responsibilities, we trust that the analyses in this book will contribute an explanatory input into making sense of the conditions under which this crime is practised, thus making the painful times Algeria is going through more intelligible.

Several contributors have pointed out many outstanding issues regarding the structure of torture, the intent and identity of the torturers and their commanders, the legal aspects of this crime and its history in Algeria. It is hoped that this work will persuade and motivate human rights scholars and activists, social scientists, jurists, criminologists, ulama, and historians to investigate the practice of torture in Algeria from the research concerns of their own disciplines.

Most of all we hope that the findings of this research will press the need for an international commission of inquiry into the practice of torture, which is the most effective means of extracting the truth and validating it.

INTRODUCTION TO PART A: TORTURE AND VICTIMS

Algeria. Torn, barred, tortured, mournful, bleeding and dispossessed Algeria. Tens of thousands of its children have been tortured and disappeared, and more than 150 000 have died since January 1992. As if Algerian history knows no resting place, in that month Algeria plunged into yet another war, just three decades after it had emerged from one of the most deadly liberation wars of last century.

Algeria was colonised by France from 1830 to 1962. Hundreds of thousands of Algerians were killed and tortured in the first waves of resistance against the French invasion. After the movement of resistance failed to defeat the invaders, the French engaged in the systematic oppression, expropriation, resettlement and exploitation of Algerians. As part of its project to deepen the roots of colonisation, France set out to destroy Algerian culture and personality through policies seeking to undermine Islam, Arabic and Algerian cultural heritage while promoting Christianity, French language and culture. After World War II, the Algerian national movement gathered strength and in November 1954 the National Liberation Front launched an armed struggle that culminated in independence in 1962. Before the French left Algerian soil, they had tortured hundreds of thousands of men and women and killed one and half million Algerians.

The military and political legacies of this war, which include the pre-eminence of the military effort in the struggle, and other fundamental weakness in the national movement since the 1930s all contributed to facilitate the army's illegitimate hold of the monopoly of power after 1962. National joy for independence and high oil prices helped Algeria find some stability, peace and economic progress, thus hiding severe and latent problems: army-backed one party FLN rule, subservience of the state, governments and society to the military hierarchy, estrangement from Islam, mishandling of the economy, acute external economic dependence, patrimonial, clientelist, nepotist and corrupt state administration, marginalisation of Berber culture, etc. The collapse of oil price in the mid-80s exacerbated these problems and brought them to the fore. The ensuing national strife culminated in the October 1988 street riots in several large cities. The army's response was a brutal repression of the street agitations. Hundreds of demonstrators, including a significant number of children, were arrested and savagely tortured by the Sécurité Militaire and paratroopers. At least 500 demonstrators, most of whom were youths, were shot dead.

Widespread constitutional reforms were promised to pacify the national unrest. They were introduced in 1989 to enable the transition to a multiparty democratic system of governance. The Islamic Salvation Front (FIS) was set up in 1989. In the first free local and regional elections since independence, in June 1990, the FIS won 66.7 % of the Wilaya Popular Assemblies (APWs) and 55.4 % of the Communal Popular Assemblies (APCs). The FIS won 188 out of 231 seats at the first round of the legislative elections, in December 1991, and was in a favorable position in 177 out of the 199 remaining seats at the second round. The army, which had re-invented itself in the role of the guardian of democracy following its savage repression of the October 1988 demonstrators, forced president Chadli Bendjedid out of power, set a High State Council in his stead, and cancelled the electoral process.

The leadership of FIS was violently repressed, dispersed or arrested and the party was outlawed. The dislocated and polarised residues of the party responded through counter-violence and started targetting security forces and civil servants. As the cycle of violence intensified and spread, Algeria found itself in another cruel and bloody war.

The nature and extent of the massive human rights violations of this war are reviewed in the opening paper of this book, which is entitled *On Human Rights in Algeria* (:). Abdennour Ali-Yahia, a human rights lawyer widely respected in Algeria and abroad as well as the president of the Algerian League for the Defence of Human Rights, presents an overview of the human rights situation and maps out the human rights context in which the crime of torture is practised.

In ⁺*The Structure of Torture in Algeria* (), Moussa Ait-Embarek focuses on the ⁺analysis of the techniques of torture practised by Algerian torturers. Tens of testimonies of survivors of

torture at the hands of the military regime have been published, since the 1992 coup, by Algerian and international human rights organisations and lawyers. Using these testimonies as a basis, the author identifies, classifies and describes the various techniques of torture that recur in these accounts. Ait-Embarek takes considerable care to expose the intents of the torturers and the psychological principles that underly the techniques they use to manage the responses of their victims to the inflicted with the aim of breaking their resistance.

In the contribution entitled *Empirical Patterns of Torture Practices in Algeria* ()

, Mohamed Ghachemi examines the practice of torture from a statistical perspective. Using the testimonies published in the *Livre Blanc*² as a sample and the torture events as the relevant unit of analysis, the author develops a range of torture macro-indicators obtained by aggregating data about individual torture events. The analysis of Ghachemi infers some global regularities/patterns that characterise the practice of torture in Algeria.

In the edited paper entitled *Torture Survivors in Algeria: A Statistical Study*, (:)

, Michael Peel also studies the practice of torture in Algeria from a statistical perspective. This statistical differs from that of Ghachemi in two respects. Firstly, its sample consists of a set of Algerian patients of the Medical Foundation for the Care of Victims of Torture in London, the UK. These survivors of torture have sought treatment from the foundation since 1994. Secondly, it is the population of victims rather than the population of torture events which constitutes the unit of analysis of interest to this British statistical study. This work uncovers striking patterns in the population of victims and prominent regularities in the harm done to them.

Although these analytical and statistical studies are important for understanding the practice of torture in Algeria, they have the disadvantage of curtailing the voices of the victims, in the sense that they involve the victims as faceless, passive and abstract objects or concepts of study rather than active moral and political individuals expressing their perceptions of their own victimisation and reacting to it.

Voices of the Voiceless () is a collection of testimonies of survivors of torture who give their own account, in their own words, of their ordeals. This recueil – edited by M. Ait-Larbi, M. Farouq, M. Hocine, M. S. Lalioui, R. Waliken and L. Salem-Badis – complements the previous studies by restoring the dimension of individual suffering and witness.

In her reflections on the structure of torture, Elaine Scarry says that « even where the torturers do not permanently eliminate the voice through mutilation or murder, they mime the work of pain by temporarily breaking off the voice, making it their own, making it speak their words, making it cry when they want it to cry, be silent when they want its silence, turning it on and off, using its sound to abuse the one whose voice it is as well as other prisoners.»³

Thus this collection of testimonies is necessary because in the Algeria where voices are stolen, where torture reduces them to sounds and cries anterior to language, switches them on and off, and records lies on them and deletes truths from them, in this strangled Algeria, to restore to each survivor of torture his or her voice is to expose and make impossible the appropriation of these voices by the military junta.

Scarry rightly points out that «as torture consists of acts that magnify the way in which pain destroys a person's world, self, and voice, so these other acts that restore the voice become not only a denunciation of the pain but almost a diminution of the pain, a partial reversal of the process of torture itself.»

The last contribution is a collection of drawings by Nasreddine Chahid. Artists ordinarily fall silent before pain. Rather than using words, Chahid tries to use imagery to objectify physical and psychological suffering and shed light on the techniques of torture prescribed by the Algerian generals.

² Give the full reference of the book.

³ Elaine Scarry, *The Body in Pain*, The Making and Unmaking of the World, Oxford University Press, Oxford 1985, p. 54.

INTRODUCTION TO PART B: POLITICAL PERSPECTIVE

The scale of the practice of torture, its frequency and persistence over time, its wide geographical spread nationally, the weapons and techniques used and their repetitiveness and routinization, and the number of government agents and agencies involved all provide strong evidence that torture in Algeria has a deliberate, calculated and goal-orientated character.

An Anatomy of Algerian State Terror () is a paper that identifies and analyses the calculated intents underlying the practise of torture. After defining the security ideology of the generals in charge of the repression, Bedjaoui analyses the motives and political goals of torture using an approach that assumes that this odious practice is an integral part of the wider state terror they manufacture and manipulate to dominate Algerian society. The paper also looks carefully at the effects of state terror on society, and attempts to explain why Algeria's military rulers have resorted to state terror as a method of government.

Reflecting on the motivations and intents of torturers and their psychology, Françoise Sironi said: «Pour construire la paix, il faut nécessairement penser la guerre, penser le mal et la destruction: mettre en évidence l'intentionnalité de l'agresseur et celle des systèmes tortionnaires, retrouver et dévoiler au grand jour les théories qui sous-tendent les actions et les pensées destructrices, démonter les initiations par lesquelles les systèmes tortionnaires ont formé des bourreaux.»⁴

The paper entitled *The Management of Torturers: Grangrene at the Heart of the State* : () deals precisely with the state manufacture of torturers, albeit in a rather partial and sketchy way. Using the testimonies published in *Le Livre Blanc*, Karimi focuses on their data about the torturers and attempts to infer some regularities about the way in which the torturers come to accept their sadistic and politically evil practice as normal. He discusses various techniques: anonymisation of the torturers, their desindividualisation, psychological justification, ideological preparation, and corruption.

The paper also comments briefly on the participation of doctors in the practice of torture. This cursory mention is however insufficient because this complicity is reportedly widespread. The participation of medical doctors in this political evil has been reported at 3 levels: a) Maintaining the life of victim during torture when the victim is not to be tortured to death or when support measures are needed to continue torturing the victim; b) Failing to seek out or report evidence of torture during medical or post-mortem examination; c) Providing medical expertise to assist the torturers in devising or developing their torture techniques. It is hoped that thorough and systematic investigations will fill this gap.

A form of assistance to torture which is better documented here is the support in terms of torture weapons provided by some technologically advanced nations to the Algerian military regime. The paper of Senhadji and Bedjaoui, *Algerian Arms Imports: Investments and Returns* : () identifies some of the torture weapons and technological devices of political control transferred to Algeria since the 1992 military coup. Senhadji and Bedjaoui also document and analyse the wider counter-insurgency arms imports of the military regime, and their volumes and suppliers.

Of course, the high-tech torture weapons imported complement, rather than substitute, the more 'traditional' torture weapons. In their studies of the ways in which space, time and ordinary things are

⁴ Françoise Sironi, 'Comment devient-on un bourreau? Les mécanismes de destruction de l'autre', Conférence au Collège de France, 31 janvier 2002.

turned, perverted actually, into devastating weapons in the process of torture, Doerr-Zegers *et al.* and Scarry list: the bed made for resting or love turned into an electric grill, the water made for quenching one's thirst or cleaning perverted into an asphyxiating or abominable substance, and so on for the room, the cane, the broomstick, the bathtub, the chair, the cloth (chiffon), the bottle, the telephone, the torturer's hand, words and questions, the prisoner's own body, his screams, eardrum and sexuality, the prisoner's wife or children, even time itself.⁵ Scarry says: «All these and many more, everything human and inhuman that is either physically or verbally, actually or allusively present becomes part of the glutted realm of weaponry.»⁶

All these weapons are not enough to translate pain into power. In order to rule people through torture, denying the pain of the victims is as important as the act of inflicting it. Because if the reality of the other's suffering enters the consciousness of the generals and their torturers, it would compel them to stop torture. It is therefore this denial that allows them to continue the practise of torture. Scarry observes: «It is not merely that the power of the torturer that makes him blind, nor that his power is accompanied by blindness, nor even that his power requires blindness; it is, instead, quite simply that his blindness, his willed amorality, is his power, or a large part of it.»⁷

The last paper *Government Responses to Torture Reports: The Politics of Denial*)

(: , records the official responses of the military regime, through its various spokesmen, to the torture reports published by international and national human rights organisations over the years. Lalioui identifies and analyses the main rhetorical strategies these officials use to deny the torture crimes perpetrated by the forces of the state: literal denial, interpretative denial, *ad-hominem* and partial acknowledgement. The paper also attempts an explanation of this official discourse of denial.

⁵ O. Doerr-Zegers, L. Hartmann, E. Lira and E. Weinstein, 'Torture: Psychiatric Sequelae and Phenomenology', *Psychiatry*, Vol. 55 (1992), p. 177; E. Scarry, *The Body in Pain*, The Making and Unmaking of the World, Oxford University Press, Oxford 1985, p. 56.

⁶ E. Scarry, *op. cit.*, p. 56.

⁷ E. Scarry, *op. cit.*, p. 57.

INTRODUCTION TO PART C: MEDIA PERSPECTIVE

In Algeria as in other parts of the Arab and Muslim world, to be spared the ordeal of torture is an incredible privilege that entails the responsibility to fight all forms of this barbaric practice with all one's might: denouncing it, documenting it, conscientising individuals and collectivities about it, creating a cultural repugnance of it, struggling against it on the legal and political fronts, etc. This responsibility is proportional to one's influence and ability to diffuse ideas. Journalists, by virtue of their access to the means of diffusing ideas widely, should play a crucial role in banishing this scourge.

Nothing falls short of this expectation as Algerian journalism does. In Algeria there is a widespread belief that, since the military coup of 1992, the media have played a shameful role with regard to the practice of torture in particular, and the massive violations of human rights in general. The Algerian media is widely regarded as a propaganda arm of the generals and the cheerleaders of their genocidal campaign against part of the Algerian nation. In other words, the Algerian media is accused of having deliberately and systematically attempted to shape the perception of the public, manipulate its cognitions and direct its behaviour to achieve responses congruent with the objectives of repressive campaign of the generals.

The first paper, *The Rhetorics of Terror* (), discusses the ideology of this propaganda campaign and its purposes with regard to the repression. Ait-Embarek documents four propaganda discourses (the rhetorics of demonisation, negation, bestiary and infection) and analyses in each case the psychological and moral mechanisms they deploy to justify state crimes such as torture, and engineer a collective acceptance of the repression. This paper also exposes the historical and cultural roots of these four propaganda discourses.

The Media Commandos in Algeria (), the second paper, explains how the media has sought to define the target groups and covers three kinds of propaganda : a) defamatory propaganda which denigrates, degrades, reviles and insults the target group (FIS and its social base) in such a way as to disturb its relations with the rest of society; b) subversive propaganda which disseminates ideas calculated to overthrow the internal political order within the target group; c) war-mongering propaganda which incites the population to hatred and discrimination of the target group, and implants in people's mind a disposition or desire to harm it.

Latif's paper introduces this analysis with a commentary on the way the organisation of the propaganda is structured. The department of psychological warfare at the DRS and an inter-ministerial and inter-disciplinary 'information unit' at the ministry of interior have the monopoly in the manufacture, package, release as well as dissemination of security related news. The public sector media and the private press, the latter being owned by various factions of army generals 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 murders – which police this set-up and censor or repress any investigative or dissenting press have been discussed summarily by Latif, but they have been thoroughly documented and analysed elsewhere.⁸

Another key parameter in propaganda analysis is its effect on target audiences, and Latif doesn't fail to discuss some nefarious consequences of the propaganda. She mentions the obsession of torturers with

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

beards, the fixation of members of security forces on bearded citizens, and the swelling of militia ranks. She even accuses the newspapers of being «accessories to the massacres if hundreds of civilians hacked to death at the gates of Algiers» and «staunch apologists of the categorical refusal of any inquiry into the massacres».

It remains to demonstrate that the propaganda is causally correlated with specific acts of political violence, but the collective moral responsibility of the media in the crimes perpetrated by the generals since 1992 is not in question. If no material causation between their propaganda and the crimes can be proved, at the very least the media are to blame for lying, denigrating the victims, inflaming hatred and war-mongering on behalf of the state criminals. Besides supporting the perpetration of state crimes, these acts constitute breaches of the professional code of conduct of journalists. What is not clear however is the extent to which this collective responsibility is distributable to individual journalists. What are the conditions under which the ascription of moral responsibility to individual journalists is justified? This issue has not been tackled by Latif's paper, or actually by any Algerian human rights lawyers so far.

The issue of legal responsibility is even less clear. The Algerian penal code recognises the crimes of *qadhif*, *qadh*, *tahqir* and *sab* through its articles 296 to 299.⁹ But it does not seem to have provisions for recognizing and punishing the crimes of propaganda for war and incitement to hatred, discrimination, hostility, killing or eradication against individuals and groups, despite the fact that Algeria has signed the International Covenant on Civil and Political Rights who article 20 states that : «1. Any propaganda for war shall be prohibited by law; 2. Any advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.»

It is an open question whether the Algerian penal code can offer, through articles 41-46 on complicity, the legal basis for prosecuting suspected journalists on charges commensurate with the magnitude of their crimes. According to article 42, «sont considérés comme complices d'une infraction, ceux qui – sans participation à cette infraction – ont [...] avec connaissance aidé par tout moyen ou assisté l'auteur de l'action dans les faits qui l'ont préparée ou facilitée, ou dans ceux qui l'ont consommée.» No causation between the propaganda and the crimes of the generals need to be demonstrated in this case because complicity requires only the *conduct element* of assisting or facilitating the commission of the crime and the *mental element* of knowing the essential matters which constitute the offence.

The papers presented here did not address these issues and it is hoped that future works on the role of the media in the civil war tearing apart Algeria will address the issue of the individual legal liability of journalists engaged in propaganda on behalf of the putschist generals and their genocidal project.

⁹ Some of these offences are not explicitly defined in the code but they seem to coincide with the speech offences recognised by Islamic law (*al jahr bi su min al qawl*, *qadhif*, *iftira*, *shatm*, *baghy*, *fitna*), even though the corresponding punishments do not concur.

INTRODUCTION TO PART D: HISTORICAL PERSPECTIVE

The inquiry into torture in Algeria presented in this book has focused exclusively on this ongoing practice since the 1992 military coup. But this practice is not an unprecedented phenomenon that emerged ex-nihilo, out of nothing, just after the coup. Its scale, methods, politics and other details do have analogues, if not precedents, in Algeria's history. One might say the ongoing torture is a link in a long historical chain whose three latest links will be assumed here to span from independence up to 1992, from the beginning up to the end of colonisation, and the era before colonisation.

To approach torture from a historical perspective is not a librarian exercise in archiving pain and suffering, nor should it be construed as a psychotherapy excavating forgotten or suppressed atrocities from the past and connecting them to the torture practices denied today. Knowledge-wise, such an approach contributes some understanding of the conditions under which this practices occurs, the regularities and trends that characterise its appearance, growth, aims, forms, management etc. Normatively, such an approach can contribute to eradicating torture by using presently and in the future the insights inferred about the historical structures and dynamics of this practice.

The movement to eradicate torture from Europe has been accompanied by numerous works on the history of torture, a subject which still attracts considerable research interests. This effort to resurrect what has been forgotten and remember what might potentially be forgotten reflects the political agenda to keep Europe free from torture. Unfortunately no such research interest exists in the Arab and Muslim world in general and in Algeria in particular, despite the epidemic proportions on this plague therein.

The first paper, *entitled The Practice of Torture in Algeria from 1962 to 1991*)
(1991-1962, provides a concise sketch of the main episodes of this plague from independence to the eve of the January 1992 putsch. Sidhoum and Ait-Embarek consider this historical period as a process of nationalisation of torture, a transitional phase during which torture evolved from a French method of government to an Algerian method of government. They present a collection of testimonies which clearly shows that torture never ceased to be practised since independence, that it was a premeditated policy and organised activity rather than a series of incidental mistakes, and that it evolved gradually from a practice targeting a limited number of opponents at the beginning to a widespread practice targeting increasing segments of society from all political persuasions, as the legitimacy of the regime shrunk and public protest expanded.

This paper is more of a remembrance about a an emotionally close and fusing subject than a historical exercise of uncovering factual evidence because the victims of this practice are still alive, most of them still silent because their torturers are still in their heinous jobs and their commanders are still in power. This paper acts as a social validation of memory and justice because the state continues to deny its practice of torture and deprive its victims from their rights.

The authors are aware of the limitations of their effort and call for a more comprehensive and representative survey of testimonies and evidence about this kind of pain endured by Algerian society. They also call for a research programme to investigate, document and analyse: a) the victims and the forms of torture they were subjected to; b) the psychological, social and political effects of torture; c) the political authorities of torture, the organisation of torture, its means, techniques, weapons, and the torturers, their training and evolution in the practice of torture; d) the responses of the judiciary and political to torture claims and reports; e) the attitude of various sections of society towards this political plague.

In the next paper, *A Notebook on the History of French Torture in Algeria* (

), M. Al-Aqal presents a selection of readings about the practice of torture during the colonial era. These readings include i) a broad and concise introduction to the subject through defining regularities and statistics; ii) a sample of torture testimonies that illustrate the perception of torture by victims and explains its methods, organization and infliction by the torturers; iii) an analysis that sketches the nature of the relationship between torture and French colonialism.

The paper entitled *The Torture of Algerian Women under French Colonial Rule* (

) presents a collection of writings covering the same historical period but with a focus which has received scant attention so far: women. Cherifi and Bedjaoui select torture testimonies of a sample of female rural and urban guerrilla fighters and sympathisers of the national liberation struggle. These testimonies do indicate clearly the extent of this practice, its aims, and methods. This collection of writings also includes a concise presentation about the French military use of rape and other forms sexual violence. This is done through testimonies, analyses of the aims underlying the practice, and accounts of its physical, psychological and social consequences on the victims and of its social after-effects on the family and society.

Both articles focused on the last stage of the French colonial presence (1954-1962) and did not shed light on the practice of torture in the formative years of the colonisation (1830-1872), or in the transitional period in-between (1900-1945), despite the fact that there is evidence that torture had been practiced then. Algerian historians have totally ignored documenting torture in these historical periods, but it must also be said that the thrust of the intellectual effort to document torture in the last stage of the French colonial presence (1954-1962) has been made by French, not Algerian, historians. Algerian historians are yet to collect the largest possible number of oral and written testimonies of victims, torturers and witnesses and study the scale of this practice, its evolution, aims, organisation, means and consequences, with a greater depth, detail and accuracy than what has been contributed by French historians so far.

Both articles did not discuss the possibility of there being similarities in the nature, forms, management and means of torture between the torture of Algerians during the colonial era and their torture after independence, but the attentive readers will no doubt infer striking analogies as well as tentative correlations needing further probing to establish their validity.

The last paper of this historical perspective is a paper entitled *A World History of Torture* (

) traces this practice from pre-colonial times backwards, with a particular emphasis on the history of torture in the Muslim world. Algerian collective memory links torture exclusively with French colonial rule – either directly before independence or through what it calls the generals subservient to France today – and it has forgotten about the practice of torture under Ottoman rule, but it remains the case that torture was practiced in Algeria in pre-colonial times.

The collective amnesia about pre-colonial torture may be explained in light of the fact that societies memorize and forget events in a way that is reminiscent of the body's need of periods of light and periods of darkness. Within a given society, one may distinguish periods in which collective amnesia about a particular event is valued, and other periods in which it is its remembrance that is valued, the principle regulating the forgetting and remembrance being the historical or cultural survival of society. One might thus argue that, following the collapse of the Algerian state and the colonisation of the country, the imperative of asserting the existence of Algeria led to the shaping of an idealised image of pre-colonial Algeria, a memory of an Algerian state expurgated from all its flaws, including torture.

It is true that this collective amnesia about pre-colonial torture can be partially explained by cultural 'slippage' because French colonialists decimated an important section of the Algerian population, destroyed all the cultural institutions and eradicated all the symbols of former political regimes, thus breaking the symbolic, written and oral supports for the transmission of collective memory. The criticisms we faced when discussing the project of this article confirmed, however, our impression that this collective 'blind spot' for pre-colonial torture is essentially an instinct of cultural self-defense.

Aroua's tackling of the history of pre-colonial torture is not an exercise in cultural debilitation or aggression. On the contrary, aware as he is of Malek Bennabi's notion of 'colonisability', his contribution

delineates the history of pre-colonial torture and the flaws of Muslim states without losing sight of Islamic teachings about torture and the best of Islamic civilisation in this regard. The paper is premised on the fact that torture is a flaw of the political leader, whatever his religion, and not Islam, and it approaches the subject with realism and balance, distinguishing between the principles of Islam and the regimes that had claimed embodying those principles. Aroua does not conflate Islam with the political systems as did, and continue to do, the regimes that seek to legitimate their torture practices, and as do some detractors of Islam to portray it as a barbaric religion.

The paper overviews the history of torture in ancient civilisations including the Christian one, and gives an account of the torture of Prophets. Aroua then presents the arguments of Islamic law (*sharia*) against torture. Using the seven volume encyclopedic work on torture by Aboud Ashaliji as a sample, the paper infers statistically some general features about the methods of torture practiced in the Muslim world and the regularities observed with regard to the intents underlying the practice. A sample of testimonies is also included to illustrate the key characteristics that emerged from the sample (Ashaliji's encyclopedia on torture in the Muslim world).

This approach is original but the inferences made are strongly dependent on the representativeness of Ashaliji's sample. However even if the sample turns out to be unrepresentative this work will remain valuable in that it contains the core assumptions of a research programme that needs carrying out. It is hoped that it will attract the interest of Muslim historians, political scientists, legal experts etc. to expand the sample of torture episodes, test again the validity of the regularities inferred in this work, and look for other regularities.

The dominant impression that emerges from the reading of the four papers in the part of the book is that the practice of torture has a long history in Algeria and is not simply a colonial plague. It has been practiced by Algerians on Algerians, before the French invasion and afterwards. This historical continuity is clearly expressed in the continued use of very ancient torture techniques. Colonisation has not invented torture but it has modernised its techniques and weapons, and widened and rationalised its use. Algerians have taken up this heritage and modernised and rationalised it further since independence.

Taken as a predictor this entrenched historical trend is a bad omen for the future, and should be a source of concern to all those who wish to eradicate this scourge from Islamic lands. It should be all the more worrisome that torture was practiced despite Islam's opposition to it. This entrenched disease in Algeria's body politic and political culture is not likely to disappear merely with Islamic exhortation and human rights slogans.

Only a well-thought comprehensive and sustained programme of political, legal, judicial, organisational, moral and educational reforms, which are regularly measured and assessed over a long period of time may rid Algeria of this plague once and for all.

INTRODUCTION TO PART E: LEGAL PERSPECTIVE

The right to physical and moral integrity is claimed at birth. It is a most fundamental right, for without it most other rights cannot be realised. Its violation, through torture, prompts moral abhorrence universally, and it is legally criminalised by most judicial systems in the world.

Given the legal provisions of the Algerian penal code, sharia and the international human rights treaties with regard to torture, one would have expected the Algerian judicial system to offer victims of torture the opportunity to tell their story, confront their tormentors and receive reparations for the harms they have suffered, thereby affirming and restoring their dignity and holding the perpetrators accountable. Instead, Algerian courts have become a broadcasting chamber for the torturers' lies, and a second punishment with which the generals penalise their victims on the basis of 'evidence' extorted by a first punishment.

The first paper, entitled *Torture in the Algerian Legal and Judicial Systems* (التعذيب في جهازي القانون والقضاء الجزائريين), attempts to describe in detail how the judicial system cooperates with the torturers in order to impose, under the guise of justice, the political will and vengeful repression of the generals. Taouti, who is a counsel at the Supreme Court and the State Constitutional, also explains why the practice of torture is institutionalised with the complicity of the judicial system, given that the legal provisions of the Algerian penal code and the international human rights treaties signed by Algeria explicitly forbid it.

The paper *Complicity of the Judiciary* (تواطؤ النظام القضائي) analyses the subordination of the law to the military rulers of Algeria. Ali-Yahia, who is the president of the Algerian League for the Defence of Human Rights, discusses carefully how the generals made use of the State of Emergency and various decrees in 1992 to curtail the independence of justice and make it a simple tool of the executive powers. Ali-Yahia dissects the workings of the Special Courts set up by the generals to operate in the same way as the erstwhile colonial Special Courts. Using his extensive court experiences as a lawyer and his insights into the workings of the judicial system, the author devotes the third part of this paper to exposing the various ways in which judicial procedures are rigged to conform to the torturers' lies and do the generals' bidding.

When Algerian courts are unwilling or unable to provide satisfactory legal remedy to the victims of torture, they can take action at the international level because Algeria has ratified a significant number of treaties and conventions which safeguard fundamental human rights. The following paper, entitled *The Struggle Against Torture in International Law* (مكافحة التعذيب في القانون الدولي) presents the most important of such treaties relevant to torture. Most of the instruments are legally-binding on the Algerian state by virtue of their ratification and article 132 of the constitution which integrates them into national law and confer to them a higher authority. These international human rights treaties are unknown to the vast majority of the Algerian population because the military regime has failed to publish them and publicise them in Algeria, despite its undertaking to do so, to keep citizens ignorant of their rights. Citizens who do not know their rights cannot claim them before Algerian courts or abroad.

The last paper in this part has the same informative and educational function, but this time from the perspective of Islamic *sharia*. Article 2 of the Constitution asserts that 'Islam is the religion of the State' and its article 9 affirms that 'Institutions are forbidden from behaving in ways that breach the values of Islam and the November revolution.' Yet far from educating and training institutions, such as the security forces, in Islamic duties and rights, and far from educating the citizens about the provisions of *sharia* provides with regards to human, political and social rights, the military regime, its press and its diplomats have tirelessly demonised and barbarised the image of Islam in order to project the generals as the ultimate barrier against the 'Islamic danger' and thus attract Western support. Their propaganda has relentlessly presented Sharia as a set of punishments (hudud, qat', jald and rajm).

The paper entitled *The Foundations of the Ban of Torture in Islamic Law* (أصول تحريم التعذيب في الإسلام) is a small attempt to redress this injustice. Betrouni explains in detail the stand of sharia with regard to the practice of torture and spells out some its important provisions for the rights of suspects.

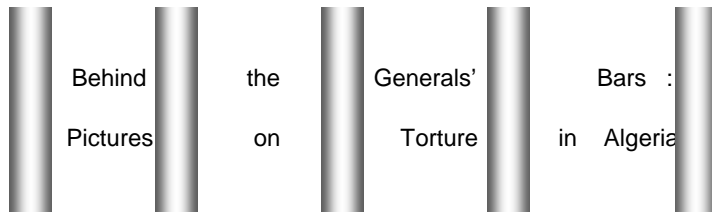
INTRODUCTION TO PART F: ARTISTIC PERSPECTIVE

After the documentation and analysis of Algerian torture from a variety of intellectual angles, the last part of this book seeks to approach it from a perceptual perspective.

Rather than publish the set of photographs – of physical injuries and marks caused by torture on the bodies – given to us by a group of lawyers, we thought it more appropriate to ask an artist to present an essay on torture as it is practised in Algeria, that is to say a chain of events starting with a violent arrest, followed by a series of traumatic events at different times and places, and ending with prison in most cases, or death in some cases, or else release in some other cases. All the testimonies in our disposal were given to the artist Abdelhadi Chahid who agreed to undertake this challenge. Abdelhadi Chahid has practised painting since his childhood and studied art in a European city known for its art schools.

It is hard to express the pain in the bodies, and even harder to represent pain in souls. Pain often silences artists. Notwithstanding these difficulties, Chahid attempts to grapple with pin down and convey the realities of the cruel practise in Algeria, and whatever the opinions of the public on his work, it is clear that *Behind the Generals' Bars: Pictures on Torture in Algeria*, (

) is a courageous attempt to use art as a tool to eliminate this hideous practice from our country.



Abdelhadi Chahid



Algeria has become a vast territory of pain and suffering but the only stories that have captured the attention of the world are those of the unspeakable massacres. The voices of the tortured have been drowned amidst the increasing and competing cries of other victims within Algeria, and outside it, especially in the wider Muslim world which is fast becoming a vast theater of oppression confusing and dividing our attention.

This painting exposition is focused exclusively on torture in Algeria since the military coup of 11 January 1992. This work aims at outing the truth about those who were tortured, at making sure that the truth about what they went through does not get confined within private memories or buried by official statements and media lies.

This work also seeks to explain the techniques and weapons used by the torturers to tear apart the flesh and souls of their victims.

By capturing and recording the pain and suffering of the tortured, this work hopes to remind this generation, and future generations, of Algerians that torture is not just the problem of its victims, as well as to conscientise them on the need to fight this plague which can strike any and everybody. My effort would be completely rewarded if this essay makes a single person aware that the incredible privilege of being spared from the ordeal of torture entails the responsibility of struggling against it with all one's might.

The paintings presented here were produced over a period of 12 months. I used a mixture of water-colours, oil paint, acrylic, pastels, crayons and ink on 1.5 m X 1.5 m sheets. In the presentation you are about to see I have included three rather unknown paintings about torture in Algeria (one by Mohamed Khadda, one by Leonardo Cremonini and one by Ali Foudili), and I have adapted a few paintings originally published by the International Center for the Rehabilitation of Torture Victims. The paintings are presented in an order that reflects the torture process, from its beginning (violent arrest) up to its end (often imprisonment).

These paintings have raised the political objection that they propagate fear of torture, and in doing so help the Algerian generals and weaken the resistance against the military dictators. This argument is groundless. First it is the generals and their torturers who create fear and terror, and not the paintings. Secondly, if paintings about torture are objectionable because they may propagate fear, speaking about torture should be equally objectionable since it would also propagate fear. But then how can one fight torture if one can't speak against it? Thirdly, fear of tyrants is a bad counselor, and it should not hold us back from pursuing what is right.

Finally, I would like to acknowledge the material help and moral support of Zoubir Guellabou, Mourad Arouji and Djamel Almethadeth at the difficult stages of this work. I also thank Guellabou for financing the conversion of these paintings into digital form.

This work is dedicated to all those who suffered torture in Algeria since independence. I hope that those of them who might be hurt again by looking at these paintings will forgive my reminding them of their ordeal. I wish them a prompt rehabilitation, and hope that their rights will be restored to them in this world. No doubt justice will be done in the Next. And I beseech God to purify the land of Algeria from the evil of torture till the end of time.

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