

**Jacques Vergès**

**An Open Letter  
to Algerian Friends  
Turned  
Torturers**



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**An Open Letter to  
Algerian Friends  
Turned Torturers**

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*Pour Djamila Bouhired*, Minuit, Paris 1957.

*Le Droit et la colère*, Minuit, Paris 1959.

*Les Disparus*, La Cité, Paris 1959.

*Défense politique*, Maspero, Paris 1960.

*Nuremberg pour l'Algérie*, Maspero, Paris 1961.

*De la Stratégie judiciaire*, Minuit, Paris 1968.

*Beauté du crime*, Plon, Paris 1988.

*Je Défends Barbie*, Picollec, Paris 1988.

*Le Salaud lumineux*, Robert Laffont, Paris 1991.

*La Justice est un jeu*, Albin Michel, Paris 1992.

# **An Open Letter to Algerian Friends Turned Torturers**

**Jacques Vergès**

**Translated and Revised  
By Michèle Messaoudi**

**Foreword by  
Lord Eric Avebury**

**Hoggar**

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Foreword by Lord Eric Aveybury

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*To the three hundred men sentenced to death  
by the special courts,  
with my utmost devotion.*

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## FOREWORD

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*‘They tortured me a lot, do you understand? Then General Tewfik came and told me I am the Master and you are going to see what I am going to do to you. Say you killed Hachani and you will get fifteen years of prison, your parents will be able to see you in prison. Otherwise I will take you to your mother and I will rip her open before you. I will make you spit out the milk you sucked. I am general Tewfik, the God of Algeria.’<sup>1</sup>*

During the trial of Fouad Boulemia, on the 12<sup>th</sup> April 2001, accused of murdering the FIS leader Abdelkader Hachani.

Hoggar Institute believes that bringing this book to the attention of the English-speaking world is still relevant despite the time that has elapsed since the traumatic events recounted in this book, and notwithstanding the so-called ‘charter for peace and reconciliation’ currently marketed by president Abdelaziz Bouteflika.

This book is published at a time the Algerian regime is trying to convince the outside world that it has finally resolved the conflict, brought about by the military putsch of January 1992, through the laws enacted in the ‘charter for peace and reconciliation’.

This charter was *imposed* by the Algerian generals calling the shots behind the democratic façade. No public debate about its content was allowed. Excluded from voicing their opinions about the ways to end the conflict, and put-off by its lack of provision of a modicum of truth, justice, respect and acknowledgement of collective memory, most Algerians did not participate in the 29 September 2005 referendum on this charter, held be under a state of emergency, facts which deprive this charter of the required legitimacy.

<sup>1</sup> General Tewfik refers to General Mohamed Mediène, the current chief of military intelligence, the DRS (Direction du Renseignement et de la Sécurité – Directorate of Intelligence and Security). See Daikha Dridi, ‘Procès de l’assassinat de Hachani: Fouad Boulemia condamné à mort’, *Algeria-Watch*, 16 April 2001; I. D., ‘Reconnu coupable de l’assassinat de Hachani Boulemia condamné à mort’, *Le Jeune Indépendant*, 14 April 01; and *La Tribune*, 14 April 01.



The ordinance 06-01 and presidential decrees 06-93 to 95, with regard to the ‘charter for peace and reconciliation’, signed by president Bouteflika glorify the perpetrators of crimes against humanity, whose misdeeds are referred to as ‘patriotic actions’ to ‘safeguard the republic’, and grant them a total and unconditional amnesty. The victims mentioned in this charter are classified under only two biased categories, i.e. the ‘victims of terrorism’, in order to criminalise those who opposed the military coup of January 1992, and the ‘victims of national tragedy’ so as to hide the identity of those responsible for state crimes. Other categories of victims are completely excluded, in particular survivors of torture, victims of summary executions, massacres and arbitrary detentions. Even worse, in the case of victims actually recognised by the charter, the families of the disappeared, the laws enacted condition paying the reparations to the families on their validation of the lies of the regime — accepting death certificates without the bodies, or even knowledge of the fate, of their loved ones.

This charter manifestly violates the Algerian constitution and all the international legal conventions ratified by Algeria because it forbids victims from resorting to justice, it absolves crimes to which the statute of limitations does not apply, it excludes the possibility of establishing the truth about all human rights violations since the putsch by independent inquiries, it punishes by three to five years imprisonment those who may resort to exercising their right to freedom of speech to hold to account the military top-brass hiding behind the ‘national tragedy’ designation, and it arbitrarily deprives Algerian citizens from exercising their political and civil rights.

Hoggar Institute believes that peace and reconciliation are both outcomes and processes that must be preceded by a cessation of hostilities followed by a resolution that addresses the root causes of the conflict. It considers that truth, justice, collective memory are cornerstones of any meaningful reconciliation, and is committed to contributing, through research and publishing, to their realisation in Algeria.

Especially at a time when the soundbites are about peace and reconciliation, to those who may object to Hoggar’s raising the issue of torture as irrelevant, the answer is in the quote, at the beginning of this foreword, from the currently serving head of the DRS as well as in the pages of Vergès’ book which remains as relevant as ever.

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## INVESTIGATING AND PUNISHING THE CRIMES: A PREREQUISITE TO DEMOCRACY

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Foreword by Lord Eric Avebury

Vice-chairman of the All-Party Parliamentary Group on Human Rights  
United Kingdom

Jacques Vergès wrote this polemic in the aftermath of the Algerian military coup of January 1992, when thousands had been arrested, tortured and executed in the name of democracy. He was addressing the comrades of thirty years before, many of whom he had defended against the power of the French state when they had been arbitrarily imprisoned and tortured. Now he undertook the painful task of pleading with them not to use the same techniques of repression against their own brothers.

The FIS, with an Islamist agenda, won the first round of the elections and were on the threshold of government when the army stepped in. Whatever the strength of popular support for the Islamists, they were to be denied the chance to govern because their platform was anti-democratic, it was claimed. Many people in Europe agreed, and were relieved that the generals had prevented the accession to power of a radical Islamic regime on the doorstep of Europe. The protests were muted, and when the violations of human rights intensified, the tendency was to make excuses for a state allegedly beset by a particularly virulent form of terrorism. But ‘democracy’ was not preserved by constitutional means; instead, Algeria descended into a maelstrom of hideously brutal massacres, in which tens of thousands died or disappeared.

Why is it necessary, today, to bring Vergès’ testimony to the attention of an English speaking audience? In this country there is a tendency to leave European Union policy on Algeria to the French, but France has had an all too friendly relationship with the *éradicateurs*, a group of generals who took the hard-line against political Islam. At best, the title meant the eradication of the policies, but it also carries overtones of extermination of the people concerned. The dialogue between the civilisations is not likely to be en-

hanced by those attitudes, and Britain, with her strong connections to the Muslim world, ought to have a role in promoting genuine justice and reconciliation, rather than confrontation, in Algeria.

How many of those whose testimonies are recorded by Vergès are still alive? Some must have died in prison, but others may be able to identify their torturers. There must surely be a reckoning, in which those responsible for inflicting dreadful suffering on fellow human beings are brought to trial and punished.

Many books have been published, giving inside information about what happened. For instance, Habib Souaidia, an ex-officer in the special branch of the Algerian army, in the *'The Dirty War'*, has described atrocities such as the burning alive of a fifteen-year old child. He says he witnessed soldiers disguised as terrorists massacring civilians; senior officers killing suspects in cold blood, and others torturing 'fundamentalists' to death. Nasrallah Yous, in *'Who killed in Bentalha?'*, says that the army and security forces were responsible for the massacre of over 200 men, women and children at Bentalha in September 1997.

These accusations elicited strong reactions from the Algerian authorities at the time. General Mohamed Lamari, Chief-of-Staff of the Army and one of the *éradicateurs*, dismissed 'malicious campaigns' fostered by rancorous intentions targeting the cohesion of the army, while the Algerian Ambassador in Paris referred to 'political forces outside the country interested in the destabilisation of Algeria'. Yet, to this day, there is no disposition to allow an independent investigation of the numerous unsolved massacres in which an estimated 30 000 people have died, to say nothing of the allegations of torture and disappearances. As has been pointed out by Roger Clark from Amnesty International, 'the Algerian authorities have not responded to a single request for information concerning the outcome of investigations into specific cases of human rights abuses.'

The basic problem of impunity in Algeria has not changed since Jacques Vergès brought it to the attention of the outside world in this book thirteen years ago. Although an elected civilian government has replaced the military junta, the generals are still calling the shots on matters of security and are determined to hide the evidence of state terrorism and violence. Yet Algeria can never become a normal democratic country until the crimes of the past — and the present — are properly investigated and punished.

In the former Yugoslavia and Rwanda, international tribunals have been established for those purposes, and soon, the International Criminal Court will deal with crimes against humanity and war crimes, wherever they occur. States which have signed up to the Convention Against Torture already have the power to arrest and try torturers, however high they may be, as the case of Pinochet demonstrated. It is already possible for an Algerian torturer to

be arrested in the UK, if enough evidence to secure a conviction is available. But the idea of universal jurisdiction over very serious crimes has emerged only because in many cases, regrettably, the rule of law has ceased to function in the states concerned. That was the state of affairs in Algeria after the coup. And although nominally there are laws against torture and extrajudicial execution and courts to enforce them, the army is still untouchable.

Jacques Vergès, your advocacy on behalf of those who were failed by the law still needs to be heard.



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## HAVE YOU LOST YOUR MINDS?

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Thirty years ago, I denounced the practice of torture by the police and a section of the French army in Algeria. If, at that time, I had been told that torture would be used again against Algerians and by those who claim to be the heirs of the revolution, I would not have believed it despite my having no illusions about human beings. I was, undoubtedly, naive. So were we all.

But facts prove to be more obstinate than our desire not to see them. As soon as independence was achieved, the beast showed again its hideous face on the same scenes of atrocities: torture reappeared here and there, practised on veteran resistance fighters by other resistance fighters, who had themselves been tortured. The victims, even though they subsequently became Ministers, have never been able to do anything against their torturers, although some of them were known by all. This has been so, despite a constitution which, being unique of its kind and taking into account what the Algerian people had endured, explicitly prohibits torture.

We were prepared to believe that the cases at hand were mere blunders, albeit disturbing ones, and that they would eventually disappear owing to the vigilance and the reprobation of the majority.

Today, it is no longer possible to reassure oneself so easily. Torture is back, it spreads, it prospers and it is becoming institutionalised. We no longer have the right to remain silent.

Dear Ali Haroun, member of the Higher State Committee, do you remember the time when, as head of the French section of the National Liberation Front (Front de Libération Nationale – FLN), you asked me to compile for Redha Malek, he too a member of the Higher State Committee and current Prime Minister, a register of all the torture cases I had to deal with for the Black Book he was preparing. Time does fly!

To denounce torture, you would have us believe, would be tantamount to betraying the ideals which united us in the days of the revolution. It would even amount – would it not? – to endangering human rights. Because, according to you, in the universal struggle between modernity and obscurant-

ism, the danger to human dignity does not come from the torturers but rather from their victims.

Bowing before the West, the supreme stage of civilisation, how would you not be won over to the idea that the corollary of human rights is misery, prostitution, unemployment, colonial domination and now torture?

Forgive me – you whom, out of weakness, I still consider to be my friend –, if I tell you that your discourse strangely rings like that held by a certain Guy Mollet, Prime Minister, or a certain François Mitterrand, Justice Minister.

It was in the name of human rights – French style! – that policemen and soldiers would practise torture at Villa Susini in Algiers as well as on Ameziane Farm in Constantine.

It was by the hundreds that Algerians died then under torture, without the public authorities – who were well informed indeed – showing any sign of emotion. Did the Muslims – as they were then called – not represent, for the secular-socialists, the return to the past, whereas the *Pied-Noir* and *Harki* alliance represented modernity?, this modernity which has become, against your people's aspirations, your only and fragile alibi.

I am not your enemy even if soon, spitting on the past, you will consider me as such and have me insulted by a lackey penpusher. As I find myself in the same situation as thirty years ago, I cannot but act in the same way.

In 1992, the leaders of the Islamic Salvation Front (Front Islamique du Salut – FIS), including Abassi Madani, appointed me to defend them along with my Algerian colleagues. Still trusting the ruling authorities, I paid you a visit, Ali Haroun, in what was your Ministry of Human Rights. You insisted that I should attend the trial of Abassi Madani and Ali Belhadj simply as an observer. Being mindful of the consensus, I accepted. On the day of the trial, at Blida, I was refused entry to the military tribunal. So I had been told a lie.

As I faced the armed policemen, I realised that, for some, the fraternity of yesterday had to become an unprincipled complicity. That day the scales fell from my eyes.

Today, appointed by two FIS activists, Rabah Kebir, FIS spokesman and Oussama, son of Abassi Madani, both sentenced to death in Algeria, both arrested in Germany at the request of the Algerian authorities who demand their extradition, I want to warn the German authorities against the manner in which justice is dispensed in Algeria.

I make it my duty to alert the international opinion to which the FIS has been presented as an enemy of intelligence and human rights, even though it was outlawed following the *coup d'état* after the legislative elections which it had won, and even if among its 7,000 members arrested in 1992, 1,224 exactly, on the very admission of the military officials, are members of the teaching profession, and that among the persons wanted today as 'terrorists', there are 315 teachers.

I do not indulge in polemics, I simply state facts that everybody could check if the rulers of Algeria would only allow it.

Perhaps you are not aware of what is happening in the camps and prisons of Algeria? In that case, this book, will not have been produced in vain. Perhaps, on the contrary, you do know but, as it is said in all the armies of the world, you do not want to know.

That the advocates of the new international order pretend like you not to see anything should give you food for thought. Would you have forgotten that the new order is directed against the struggle for independence of the people of the South, as eloquently demonstrated by the war and the embargo against Iraq and the armed humanitarian interference in Somalia?

Can you not see that the agreement between the chancelleries and the blessing given by the media blinded by their hatred of Islam do not carry much weight in the face of the courage of peoples?

Already – listen to them –, those who publicly support the current leaders of Algeria privately raise questions about their future. They have learnt the lessons that history has taught them, at their own expense.

As André Frossard wrote not long ago – I hope he will forgive me for quoting him – : 'Torture in Algeria disfigured France [...] When a country can no longer maintain its presence except by such methods, it is that history has given it its notice.'

Do you believe that a government alienated from its own country can escape a similar fate for long?

Have you lost your memory and changed so much? Have you lost your mind to the extent that you do not see that the same methods will lead you to the same disasters as the French democrats in the past?

At any rate, I, personally, have not changed. I stand firm and sign with my erstwhile *nom de guerre*: Mansour.





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## OUTLAW ALGERIA

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Violence, you say, has reached an intolerable level. That is true. But to condemn violence in general is not enough, let alone condemning that of armed groups while overlooking that of the State, forgetting that the first act of violence was that of the 11 January 1992 *coup d'état* and the cancellation of the electoral process.

That day, because they rejected the outcome of the legislative elections which had given the majority of votes to the candidates of the Islamic Salvation Front<sup>2</sup> in the first round, a small group of generals forced Chadli Bendjedid, the constitutional head of State to resign. They had first required him to dissolve the National Assembly<sup>3</sup> so as to ensure total power vacuum.

Five self-appointed men, gathered around the Defence Minister, proclaimed themselves the Higher State Committee, assuming real power. The people had produced the wrong voting result, so the people was changed. The elections were cancelled.

All the offices of the FIS, a legal party, were closed, its newspapers were sequestered and its leaders were arrested. On 9 February, the state of emergency was declared. It is truly a law for suspects which made it, first, possible to legalise *ex post facto* the arbitrary arrests which had already been carried out; then it lent a semblance of legality to a new wave of arrests. Over 10,000 people, including 150 newly elected members of parliament, 800 mayors, 4,000 municipal or regional councillors were arrested without charge or trial and taken to seven internment camps situated in the desert, at a distance of 1,000, 2,000 and sometimes 3,000 kilometres from their homes, at Reggane, Wargla, Ain-Salah, Amguel, Horm, Wad El-Namus and Tiberghameen.

<sup>2</sup> 3 300 000 votes in the first round of the elections out of 5 350 000 votes cast and 188 elected members out of 228. Among the 202 remaining seats to be filled, the FIS had a favourable lead in 150 constituencies.

<sup>3</sup> The outgoing Assembly.

Officially, the *coup d'état* was staged to save democracy. Officially, the Higher State Committee must, after a transition period, consult the people anew. How could one believe you when you have already rejected the verdict of the ballot box, when, already, on your extreme left, theories on the danger of the universal suffrage are being advanced? Did not *L'Hebdo Libéré* of 23 June 1993 write that: 'the illiterate cannot have the same right as the literate, the simple worker as the senior manager, the non-taxpayer as the taxpayer?'

Algeria is today a country without an elected President of the Republic, without elected members of parliament, without regional assemblies and without elected local councils, a country where the people's representatives, democratically elected, have been deported.

Amnesty international has denounced the conditions of detention which prevail in the camps: overcrowding, lack of hygiene, inadequacy of medical care, contempt for human life.

One example: on 3 March 1992, the 27th day of Ramadhan, a man who had been disabled in the war of liberation, Ammi Hadi, was shot down point blank by a staff sergeant from Tebessa while he was interposing himself between the soldiers and the prisoners who were protesting against their detention conditions. The next day, the authorities announced that he had been killed while attempting to escape. No legal proceedings were started against the murderer by virtue of the adage: a good Islamist is a dead Islamist.

In August, the authorities announced that the camps were to be closed and promised that all the detainees would be released. By the end of 1992, 3000 people were still there.

You will claim that you cannot know what is going on in the camps. But can you ignore what is happening in the streets and suburbs of your cities?

How many demonstrators, whether FIS sympathisers or not, have been killed during clashes in the streets of Algiers, Oran or Constantine? Over 70 civilians, according to official sources, were killed between 12 January and 14 March 1992 by bullets fired by police officers. Over one casualty a day!

Are we to believe that you are less informed of what goes on in Algeria than the French readers of the *Figaro*, *Libération* or the *Canard Enchaîné*? The *Canard Enchaîné* of 9 June 1993 reports about a 'bloody combing right in the centre of Algiers' in the following words:

Last week, a piece of news, communicated by a French intelligence desk, summed up in its brutality the methods used in Algiers to counter terrorism.

A radio conversation between military staff involved in hunting down underground fighters in a district of Algiers had just been recorded by French technicians. Once the operation was over, wounded Islamists were lying on the ground and the military were reporting back to their headquarters and asking for orders.

The answer of an officer, later identified as a member of the famous former *Sécurité Militaire* came on the air: 'Finish them off!' And, miracle wrought by the common use of the French Language, there was no need for the eavesdroppers to seek a translator: the order was transmitted in Massu's language.

Besides, General Lamari, chief of the anti-terrorist struggle, does not conceal – at least in private – his intentions: no prisoners to be made in the course of operations; no question of granting any extra time to the enemy.

General Lamari, you will say, does not share his private thoughts with you. As for the French press, it is seized whenever it reports news likely to affect the morale of the people, that is in fact your morale.

But are you deaf to the point of not hearing the spluttering of automatic weapons? It can be heard by the French diplomats from their embassy offices right in the heart of the posh district of Algiers, your district.



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## THE SPECIAL COURTS

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We must leave justice do its work, I am told. But can we trust a justice as special as the courts which dispense it?

The current leaders of Algeria are French-educated and some have acquired their legal training in French universities. They know the importance of words, their long history and their weight. It seems to me highly significant that to refer to those courts as ‘special’ they should have chosen the same epithet which the Vichy government attributed to its *sections spéciales* and which have left indelible stains on the face of justice in France. Since the word chosen by the Higher State Committee invites us to this parallel, let us compare, fifty years apart, the terms of the decree of 14 August 1941 with those of that of 30 September 1992.

In order to fight ‘subversive’ activities, both texts prescribe that the sentences provided for by the law be increased. According to Article 8 of the Vichy text, the sentences passed by the special courts cannot be lighter<sup>4</sup>. Article 8 – what a coincidence! – of the Algiers text increases further the sentences since it states that the sentences incurred will be:

the death penalty when the punishment prescribed by the law is life imprisonment, life imprisonment when the punishment prescribed by the law is ten (10) to twenty (20) years’ imprisonment, twenty (20) years’ imprisonment when the punishment prescribed by law is five (5) to ten (10) years’ imprisonment and double the legal norm for all other sentences.<sup>5</sup>

What is yet more serious is that both texts, that of Vichy and that of Algiers, go back on a principle which is inviolable in law-abiding societies by proclaiming that criminal law is retroactive, that is to say it is to be applied to offences committed before its promulgation and both make this statement in nearly identical terms.

‘These cases are rightfully removed from all judicial investigation or trial courts and handed over to the special court concerned [...]’ (Vichy, Art. 10)

<sup>4</sup> See, in the appendix 1, Article 8 of the unabridged text of the decree of 1 August 1941.

<sup>5</sup> See, in the appendix 2, Article 8 of the unabridged text of the decree of 30 September 1992.

‘The proceedings related to the offences referred to in section 1 above, or those being investigated or tried before the courts of the judiciary, are rightfully transferred to the territorially competent special court [...]’ (Algiers, Art. 42)

Whether out of cynicism or clumsiness, Article 42 of the Algiers decree admits that the special courts do not belong to the judiciary. Vichy had not gone that far.

Mr Mellor, who courageously defended the accused before the special court of the appeal court of Paris and who taught criminal law at the university, used to say that the 14 August 1941 law was a monstrosity the like of which was never seen in the course of history, not even at the time of the Inquisition. Were Mr Mellor alive today, he could record that Algiers is outdoing Vichy.

For his part, when reporting to his superiors, the German Major Boemelbourg stated that he saw in this law ‘a real revolution in the legal principles in force in France. The retroactive effect of a criminal law leads to the invalidation of the sacrosanct liberal principle *nulla poena sine lege*, no law, no sentence.’ ‘France,’ he concluded, ‘is mapping out a new state order.’

This is what the Germans must think today when faced with extradition requests regarding FIS members, but this time, sadly, about Algeria.

In the face of this legal revolution, the lawyers have done their utmost to save the honour of the profession and that of Algeria. But what can one do against a State which no longer acts on any rule? A legal amendment has limited the defence counsel’s rights before the special courts. The presiding magistrate may sanction any out of place behaviour or any delaying tactics on the part of a barrister with a suspension of three-months to a year. In protest, all the barristers in the country decided to boycott the special courts. The Minister of Justice immediately applied to the Supreme Court to suspend these proceedings at once on the grounds that they would impair the smooth functioning of the special courts. The magistrates, not as brave as the barristers, gave in on 9 May 1993.

This has enabled the presiding magistrate – who remains anonymous since the law prohibits the disclosure of his name – of the special court of Algiers to declare to the defendants facing empty defence bars:

I cannot resort to police force to compel the barristers to come to court. There is a decision of the administrative division of the Supreme Court which cancels the general assemblies of the bar associations and which I intend to enforce. If the defence body persists in its boycott, it is its business.

Extension of the application of the death penalty, special courts, restrictions of the defence counsels’ rights, retroactive effect of criminal law, these are the typical features common to the special courts of Vichy and the special courts of Algiers.

However, the Algiers text breaks new ground, improves on the Vichy text, if one may say so, on two points:

1) The decrees which appoint the special courts magistrates are not published and the names of the magistrates cannot be disclosed, otherwise sanctions will follow. They are nameless magistrates: 'Whoever discloses the identity of the magistrates who sit in the special court or divulges information of whatever nature leading to their identification is sentenced to two to five years' imprisonment.'

2) The decree of 30 September 1992 extends the duration of police custody provided for by the Algerian criminal law procedure (Art. 22).

It is now up to the European governments to speak out and say whether they agree to extradite men condemned to capital punishment in these circumstances. I am in no doubt about their response. But you, my friends, do you consider it acceptable that your brothers should be taken to their death in these circumstances? Even if they are assumed to be guilty? Even more so if they are innocent?





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## TRIAL IN WITCHCRAFT

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You are pulling a face. You say that if I fight so passionately about the form, it is for the purpose of avoiding the content which would be damning for my clients – I mean my brothers. Yes, my brothers. You know very well, from experience, what deep sympathy – in the strongest meaning of the word, to suffer with – binds me to my political clients.

You also know very well, and here again from experience, that the form and the content are inseparable, that they are indissolubly linked and that a government does not set up special courts simply for its own amusement, that these special courts are not for the purpose of dispensing justice as ordinary courts do, that their purpose is not to discover the truth but rather to terrorise, that their function is not to confound the accused on the basis of concrete evidence, documents and experts' reports but, rather, to extract confessions. Hence the use of torture, and the mockery of a trial at the end of which FIS activists have been sentenced to death in a climate which cannot be forgotten.

I had the privilege of visiting Algiers several times in the months prior to the trials. The first time, in March 1992, it was in response to a call from my colleague Ali Yahia Abdenour, president of the Algerian League for the Defence of Human Rights.

During my forty-eight hour visit, I learnt from the press and on the grapevine of the death of 17 prisoners held in the camp of Reggane, and the strike about family visits in the camp of Ouargla to protest against the detention conditions. A number of inmates were still wearing the same clothes which they had on when they had been arrested. Some, taken by night, had nothing but their pyjamas and slippers to withstand temperatures varying from -5 to + 40 degrees Celcius.

At Constantine, the funeral of a 28 year-old young man killed near a mosque degenerated into a demonstration in support of the FIS, gathering several thousands people throughout the working-class districts.

When I arrived at the end of June, on the eve of the FIS leaders' trial, the newspapers were following up lengthy editorials on the trial to come with

routine headlines as if they were dealing with commonplace news : Oran: Delegation of French Economic Operators. Jijel: Two Lorries Burnt. Bejaia: Two Policemen Injured. Sidi Bel Abbes: Fire in a Warehouse. El Abadia: One Gendarme Killed.

The next day, 29 July 1992, President Boudiaf was murdered by one of his bodyguards at Annaba during a meeting, and in the presence of the constituted authorities.

I heard the news while I was finishing breakfast in the company of Sid Ahmed Ghazali, still Prime Minister.

The ruling authorities immediately blamed the FIS for the murder. But during the funeral, the President's widow accused the 'Mafia', a term which in Algeria refers to both those holding political power and the corrupt. Since then, the inquiry has stalled. Compelled to drop the accusation against the FIS, the authorities endeavoured to give the impression that the assassin, still not tried, had acted on his own.

According to Mr Roger Faligot, generally well informed, 'the French special services have carried out an inquiry and concluded it was an operation organised by the *gendarmérie*, the Algerian secret services and the former Chadli administration.'<sup>6</sup>

One month later, on 26 August, a bomb exploded at Algiers Airport killing nine people and wounding 128. The Interior Minister immediately blamed the attack on the FIS, and seized this opportunity to announce the implementation of special anti-terrorism laws, on one hand, and to implicate those politicians who advocated the resumption of dialogue with the FIS, on the other hand.

At the beginning of October 1992, Algerian television broadcast the confessions of four people: Hocine Abderrahim, Rachid Hachaichi, Soussene Said and Rouabhi Mohamed, presented as the perpetrators of the attack.

They had been arrested twenty days earlier and tortured immediately. Those like me who, thirty years ago, had the honour of assisting men and women coming out of the military detention centres in Algiers, recognised the same signs on their faces: the unfathomable look, the swollen face and the trembling hands of one who returns from hell.

At any rate, these televised confessions failed to convince anyone.

<sup>6</sup> *Journal du dimanche*, 28 August 1993.

In the *Libération* newspaper of 3 and 4 October 1992, José Garçon asked : 'Does that establish the responsibility of the Islamists in an operation which at the time seemed too professional for a movement which so far had attacked only policemen or military members walking almost always alone?'

'Here again, according to the French services, the leadership of the Directorate of Intelligence and Security services (Direction du Renseignement et de la Sécurité) is alleged to be responsible', writes Roger Faligot in the above-mentioned article.

Will you claim not to know anything of all this, to have seen nothing, to have read nothing in the international press to which even as a minister or a member of the Higher State Committee you claim you have no access?

Will you also claim that you do not read the newspapers that appear in your own country either? For instance, Hadj Chalabi remarks in *El-Watan* of 5 July 1993:

If there is an emergency, it is that which commands the defence of the physical integrity of those who are interned and detained. The practice of torture is becoming shamefully widespread with the complicity of those who are normally (but what is the norm?) under the obligation to prevent it, to denounce it, and to stop it. 'Produce evidence!', one will be told. So be it. At the present moment, the burden of proof must be reversed. It is up to the Observatory of Human Rights and its president to show us, in a country where the police and security services have always, in actual fact, enjoyed unlimited power over people, how the emergency regime does not authorise all kinds of abuses and perversions.

Besides, the evidence shines out openly in court. I did experience this thirty-five years ago when those who tortured your brothers were not themselves Algerians. It suffices that on the day of trial the accused shows half open wounds and that the barristers oppose facts to their confessions for the charge to fall apart.

The questioning of Hocine Abderrahim, the main defendant in the trial in May 1993 of the airport attack, is particularly instructive.

Hocine Abderrahim: Let God be my witness that I have no link with the airport case. All this has been fabricated to tarnish the image of Muslims and Islam in Algeria. It is impossible for a Muslim, on the whole planet, to kill innocents or to plant a bomb in an airport. I repeat, I have no link whatsoever with this case. We are innocent and we should like to inform public opinion of this.

I was taken twice to Ain-Naaja in a coma. Indeed, on one occasion, I was taken to this hospital under the name of Ben Abderrahmane Mohamed to have several stitches put in my scalp.

On that very day, I had no sooner returned from the hospital than I was taken straightaway to Hydra for more questioning.

I answered: 'I swear before God that I have no link with the airport case.'

At once, I was punched on my head and told: 'Now drink your blood.'

Luckily, an officer, a superintendent I think, said that I should be taken back to Ain-Naaja. Had they asked me whether I had killed my father, my mother or Boudiaf, I would have answered yes. I would have answered the same had they asked me if I was responsible for the earthquake of Chlef or Nador [...]

The presiding judge replied that none of this was mentioned in the investigation record and his head injury was self-inflicted by banging his head against the walls.

Towards 12.20 p.m., Abderrahim asked for a break, arguing that he had been woken up at 3 a.m. to be brought to the court of justice.

The presiding judge replied: 'As far as I am concerned, you have been here since 9 o'clock.'

Another time, Hocine Abderrahim declared: 'I was arrested on 6 September 1992.'

The presiding judge: 'According to the police statement, you were arrested on 6 October and brought before a judge on the 8<sup>th</sup>.'

Hocine Abderrahim: 'What! On 6 October! and the 8<sup>th</sup> ... For you Mr president, that is a police report. For me it is a torture report. Furthermore, you have the nerve to say that I was indeed arrested on 6 October.'

The presiding judge: 'Yes, I have that nerve. It is indeed mentioned in the police interview notes.'

Towards the end, Hocine, according to the press, had had enough:

He broke down, with his head between his legs, and vomited abundantly. He was overcome by an ulcer attack. The court retired. The invalid was taken from the courtroom to be given first aid. A quarter of an hour later, the presiding judge enquired about the defendant's health from the civil defence doctor. The answer was definite: Hocine Abderrahim was not in a state to continue the proceedings. The hearing was closed.<sup>7</sup>

It was in those circumstances that Hocine Abderrahim was sentenced to death on 27 May 1993 and executed on 31 August 1993.

Another defendant, Imad Mohamed, was called as a witness. As soon as he was ushered in, he denounced in his turn the torture sessions he had endured. 'He showed the audience the scars on his body. It was a moment of incompressible embarrassment. Thirty-four days spent in police custody, the hell already described by his two companions: even an elephant would have broken down.'<sup>8</sup> The same newspaper concluded: 'And yet nobody produced any evidence of his guilt. That was probably the most distressing aspect of the business.'

<sup>7</sup> *Horizon*, 11 May 1993.

<sup>8</sup> *Horizon*, 11 May 1993.

Imad Mohamed was none the less sentenced to death and executed. *Le Quotidien de Paris* ran as a headline: 'Exemplary Verdict'.

Relying on the statements extorted from Hocine Abderrahim, the judge next turned directly to another defendant, Hachaichi: 'You approached Hocine Abderrahim several times in order to convince him of the danger that might result from the airport explosion.'

'No, this is not true. I have never taken part in any meeting concerning the airport attack and I could never condone such an act,' protested Hachaichi.

Feigning not to have heard, the judge continued: 'You were against the idea of placing the bomb inside the control tower or in the kerosene station?'

'I repeat, my Lord, that I have absolutely nothing to do with this matter. I know nothing about it. As for Hocine Abderrahim, he implicated me just to avoid the torments of torture,' replied Hachaichi.

He was at home on the day of the explosion. He went to the scene only after the *dhobr* prayer, accompanied by another flight captain. That evening, he flew to Lyons (France).

As for the statements recorded in the police report, Hachaichi declared that they were extracted from him under torture.

'At the time when the police were questioning me, my mother was ill. She died two months later. My wife had just given birth. I was thinking only of these two women, and I was prepared to acknowledge anything. I did not even know that I appeared on television. It was the Serkaji prison governor who informed me of this some time later.'

Hachaichi was indeed filmed without his knowledge while in police custody.

Before the hearing was closed, he paid his respects to the memory of all the victims of the attack.

'I am against everything that happened. History will reveal the identity of the true culprits.'

Hachaichi was none the less sentenced to death and executed on 31 August 1993.

Rouabhi Mohammed's cross-examination shows the extent to which the torturers have stooped in today's Algeria today, and the contempt with which the defence is treated.

Straightaway Rouabhi denied everything, reported a journalist. He had met Hocine Abderrahim through the Islamist trade union.

‘I went to that union to complain because I felt that I was going to be fired. That is where I met Abderrahim for the first time. When I realised that he had no accommodation, I suggested that he share my flat in Hussein-Dey.

On 26 August 1992 (the day of the bomb attack), Rouabhi was summoned to the police headquarters of the wilaya of Algiers to be questioned in connection with a case of illegal dealing in hard currencies. It turned out that he had done nothing reprehensible, and he left unworried. On 6 September he was arrested by the police.

‘On that same day,’ he said, ‘I had received a phone call from my daughter telling me to come to Algiers because the police were looking for me. So I went to my flat in Hussein-Dey. I found the district surrounded by police. I was told to bring my passport and my letter of summons to appear. They also took my daughter. She was in a dreadful state.’

‘Yes, but you told your daughter on the phone that in case you were arrested, she should contact the lawyer Ali Yahia Abdenour? Why don't you say so?’ interrupted the prosecutor.

‘I forgot. And besides, I have the right to have a lawyer. I know Yahia Abdenour as someone who defends human rights,’ answered Rouabhi.<sup>9</sup>

Since the defendant maintained that he saw Hachaichi only once in the working-class district of El Bouzalli, in Hussein-Dey, the presiding judge of the special court asked whether he saw Hachaichi handing over a green suitcase to Abderrahim.

‘No, never,’ he answered. ‘This is a complete fabrication concocted by the police. They compelled us to say anything under torture.’

And then he mentioned that he had been tortured for thirty-four days. ‘My skull has been smashed, I have marks all over my body. There is blood in my vomit.

He hesitated a while and then murmured that he had been castrated.

‘When the examining judge came to the prison, he found me in a sort of trance. He himself carried me in his arms to my cell. Defence counsel Chikrou requested the examining judge that I be examined by a doctor but the judge refused.’<sup>10</sup>

But Rouabhi did not succeed in convincing the court. That is because, for the court, the oral proceedings are meaningless and the defendant’s denials during the trial cannot override the police reports.

<sup>9</sup> *El Watan*, 11 May 1993.

<sup>10</sup> *Ibid.*

‘What is reported as being said by me in these falsified documents is a complete lie,’ protested Rouabhi.

‘These are not falsified documents. These are officially recognised records,’ replied the presiding magistrate.<sup>11</sup>

In these conditions, why organise a trial at all?

Rouabhi, a prosecution witness against his will, was nevertheless sentenced to three years’ imprisonment, while those who mutilated him can freely continue their sinister activity.

The trial has not only shed light on the truth about torture in Algeria, but has also demonstrated the inconsistency of the confessions extracted under such conditions. For instance, the prosecution maintained that Soussene Said, introduced as the instigator of the attack, was at the airport on 26 August. How could he be there since he had been in jail since the 18 August?

This vice-president of an Algiers local authority was nevertheless sentenced to death and executed as one of the three authors of the attack along with Hocine Abderrahim, elected member of parliament in the first round of the legislative elections of 26 December 1991, and Rachid Hachaichi, an Air Algérie flight captain. That is what *Le Canard Enchaîné* called ‘attack by remote control’<sup>12</sup>.

You may wonder why I have not yet brought up the roles attributed to Rabah Kebir and Oussama Abassi, my clients, my brothers, sentenced to death in their absence. This is because, even during this monstrous trial, nobody pretended that they had played any part in the attack, for the simple reason that both of them had been in Germany, the former for eight days and the latter for eight months.

They were nevertheless sentenced to death owing to an association of cases intended to mislead foreign public opinion: to the bomb attack file were added a case of forged identity papers from which Rabah Kebir was alleged to have benefited by being able to leave Algeria, and a case concerning an armed group with which not Oussama himself, but his brother Salman was alleged to be involved. Two separate cases without any link with the airport attack.

In fact, the real charge against Rabah Kebir, Oussama and Salman, Abassi Madani’s is, above all, their political activity in Europe, as revealed by statements of the witnesses for the prosecution, in particular Mouaki Benani, a technician who works for the national Radio. In order to give media coverage to the declarations of the spokesman of the former FIS party, Salman

<sup>11</sup> Ibid.

<sup>12</sup> *Le Canard Enchaîné*, 9 January 1993.



Abassi is alleged to have handed over to Mouaki Benani an audio-cassette of a press conference held by Rabah Kebir in Germany.

According to the police records, he was to make copies and distribute them. Salman knew Benani extremely well since the latter used to carry out work at the headquarters of the former FIS party. He was even in charge of recording the famous meeting of the party held on 4 June 1990 at the 5<sup>th</sup> July Stadium.

On the other hand, the accused declared that he had never had any contact with Salman since the latter left for Germany.

‘After the political strike of June 1991, I broke with the FIS. I did not want any trouble,’ he pointed out during his second interrogation by the examining magistrate.<sup>13</sup>

Salman was none the less sentenced to death. *Libération* of 28 May 1993 wrote: ‘A death sentence passed without any material evidence being produced on the two children of Abassi Madani, the FIS leader jailed at Blida, is likely to reinforce the Islamists’ opinion that the announced dialogue is a mere show put on by the authorities.’<sup>14</sup>

Imad Mohamed, twenty-two years old, learnt the lesson from this trial belonging to another age: ‘Give me a single small piece of evidence which can confirm my involvement in the airport case! Tell me what part I have played in this case! Anyway if I am sentenced to death this will be my destiny; this is a political trial, no more, no less.’

<sup>13</sup> *El Watan*, 17 May 1993.

<sup>14</sup> *Libération*, 28 May 1993.

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## A PARIAH STATE

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At the trial in Blida brought against the FIS leaders, the current Algerian authorities denied me entry to the courtroom as they did in the case of the lawyers who came from Morocco, their sister country – among whom were several presidents of the Bar – and the observers from the various international organisations including Amnesty International. In the same manner, the French government in colonial times used to deny access to its special courts in the countries subjected to its supervision.

When one violates the laws while proclaiming to abide by them, it is better indeed to do it away from prying eyes. This constitutes an elementary precaution.

From this standpoint, Algeria's request to the Federal Republic of Germany to extradite Rabah Kebir and Oussama Abassi is a mistake.

Indeed, to agree to extradition, law-abiding states require a minimum of guarantees of respect for the law by the applying country. Following this foolish mistake, the current leaders of Algiers have put themselves under the obligation to explain the functioning of justice in Algeria.

In Germany, the extradition procedure is similar to that in most countries of Western Europe. When an extradition request is submitted, the German government requires first of all the opinion of the law, in this case the appeal court of Munich.

If the magistrates give a favourable opinion regarding the extradition, the government is free either to grant it or to refuse it: it is a political decision. If, on the contrary, the magistrates give an unfavourable opinion, the German state is bound by this opinion and hence must refuse the extradition.

However, the magistrates' decision is not arbitrary; it depends on the conditions in which justice is dispensed in the applying country, in this case Algeria.

It was up to the Algerian government to demonstrate that the justice dispensed in the special courts was consistent with the general principles common to law-abiding states. So the Algerian government found itself sum-

moned to explain the functioning of its institutions. The way it did it speaks for itself.

The first point raised by the German law concerned the death penalty. Indeed, there is no death penalty in Germany, and international practice requires that a country where there is no death penalty should not extradite anyone to a country where the person extradited risks death.

Thus before the death penalty was abolished in France, Denmark refused to extradite a Frenchman liable to be executed for a common law crime. France, on its part, has not extradited anyone since 1981 to an American state where the wanted person incurs the death penalty.

Under these conditions, the junta chose to lie.

In a note communicated to the German authorities on 9 June 1993, that is two weeks exactly after the verdict which sentenced to death Rabah Kebir and Oussama Abassi, the public prosecutor to the special court of Algiers declared that the maximum sentence which they risked was life imprisonment whereas he himself had requested and secured the death penalty against them.

The German judges, who were informed by myself, were not duped. They asked the Algerian authorities if, by any chance, Rabah Kebir and Oussama Abassi were not sentenced to death. They received no answer, and for a very good reason: the supreme court had just confirmed the sentences.<sup>15</sup>

The judges then asked the Algerian government if it could commit itself to not enforcing the sentence and – ultimate humiliation – what guarantee it could offer to keep its promise if it made that commitment.

Here again, and for a very good reason, the Algerian government did not provide answers. The special court of Algiers had just sentenced to death nine people including, for the first time, a woman. The prosecutor justified capital punishment as an example.<sup>16</sup>

The Algerian authorities were also to inform the German authorities of the incriminatory charge which had motivated the proceedings against Rabah Kebir and Oussama Abassi. Since the grounds for prosecution were political, the Algerian authorities decided to lie and indicated briefly that they had ‘aided and abetted the execution of a criminal act,’ namely the attack on Algiers airport.

Yet, everyone knows that they were prosecuted for acts with no relation whatsoever with the attack: a case of forged papers and flight out of Algeria

<sup>15</sup> *Le Monde*, 17 august 1993.

<sup>16</sup> *Le Monde*, 20 August 1993.

for Rabah Kebir, the setting-up of an underground group for Oussama Abassi's brother.

The German authorities, who were not duped, asked the Algerian government whether they had really been sentenced on the grounds mentioned in the extradition application. The Algerian government opted once again for silence. What else could it do?

When asked by the magistrates of the court of Munich, the Algerian authorities could not specify how long Rabah Kebir and Oussama Abassi had been in Germany, and for a very good reason, since they had sentenced them for an attack which had happened in their absence!

Besides, the judges of the special court omitted to inform the Munich judges that Rabah Kebir had been sentenced to twenty years' imprisonment by the special court of Constantine for forgery.

This lie by omission constitutes a new trick. Indeed, the extradition rules authorise the applicant to judge the extradited person or jail him only on the charges mentioned in the application.

Actually, the Algerian government tried to have Rabah Kebir handed over to them in order to make him serve the twenty-year imprisonment sentence they kept in reserve, contrary to all international customs and practices and for want of being able to execute him.

The third point raised by the German magistrates dealt with the special nature of the court which passed the sentence.

If they had not felt ashamed about it, the Algerian authorities would have passed on to the Munich judges the text of the statutory order of 30 September 1992 which prescribed that ordinary sentences be doubled and application of the law be retroactive. They preferred to lie a third time by communicating the articles of the ordinary penal code which in fact were rendered null and void by the statutory order of 30 September.

The fourth and last point was about torture, condemned by a 1984 UN resolution ratified by the Federal Republic of Germany in 1990. Here again, no answer was supplied.

Without deluding themselves, the German judges asked the Algerian special court judges if torture was not an essential element of the special proceedings instituted against the FIS.

Since the Algerian government considers castration, and torture by water or electricity normal means of investigation, no further dialogue is possible. Under these conditions the Algerian request cannot help being rejected. It confirms the existence of a law-abiding state in Germany but, sadly, also confirms that the Algerian state has outlawed itself from the civilised nations.



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## ALGERIA, LAND OF TORTURE

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I can hear you already: ‘Mr Vergès, not only is torture not institutionalised in Algeria but it is outlawed. Most certainly, there can be excesses in the heat of action. If some of your clients allege to have been tortured, report them to the military authority which will investigate and impose the necessary sanctions if these allegations are found to be true.’

That was what the French authorities in charge of maintaining law and order in Algeria used to tell me in 1957. They would add with a faint smile: ‘your clients are no angels.’

That is what the highest Algerian authorities told Amnesty International without convincing them :

We have prepared a report on the situation in Algeria, and the answers given by the government have not reassured us about an evolution in a positive direction. We are greatly concerned about the systematic use of torture, the extra-judicial executions and the illegal detentions. The Algerian government seems to have backtracked from the progress achieved in the early eighties.<sup>17</sup>

Besides, how could the answers of the Algerian government carry conviction when a man says during a trial ‘I was castrated’, when the judge refuses to order the medical examination required by his lawyer, when the prosecutor remains stonily indifferent, does not order any inquiry and shows no emotion?

In 1957, when the authorities in charge of maintaining law and order were already subjecting the Algerians to torture by electricity, by electric shocks to the victims’ genitals, they claimed that this was not torture but simply forceful interrogation.

The Algerian authorities of today probably consider castration to be the strong-arm style of interrogation. I hope this is not and will never be your case.

<sup>17</sup> Pierre Sané, Secretary General of Amnesty International, remarks recorded by Cherif Ouazani.

Because you do not share the majority of the Algerian people's longing for social justice, you wish the FIS to be defeated. This is your right. You wish the present authorities to win, this is also your right. That is not the point. The point is: do you accept the methods they use?

This is the question which you have refused to hear until now because it is the essential one, and because your answer to it will definitely and unambiguously determine your side : the side of those who die and kill also, I admit it, but who are driven by an ideal. Or the side of those who, in the darkness of cellars, strive fiercely and unrelentingly to achieve what is worse than snatching man from life: stripping him of his dignity.

Like the three little monkeys that epitomise happiness in cowardice, you have persisted until now in covering your eyes so as not to see, in plugging your ears so as not to hear, in sealing your lips so as not to cry out.

Today I have sworn to make you listen to the voices of the Algeria that is being tortured. I do so out of brotherly affection, because I should not like to lose you.

All of Algeria is present here. The Algeria which is never mentioned because it is not right-thinking. The Algeria of olive stall-holders, technicians, tradesmen, doctors, lawyers, teachers, craftsmen, of junior clerks as well as academics.

A campaign orchestrated by your *nomenklatura* and its French accomplices tends to present the generals' party as a party of intellectuals and the FIS members as enemies of intelligence.

The accusation is all the more laughable since Rabah Kebir is a teacher and Oussama Abassi an art student. 1,224 teachers were among the 7,000 Islamist detainees officially numbered. Who is against intelligence?

In a recent letter sent to a [French] support committee for Algerian intellectuals, some intellectuals – independent Algerian human rights campaigners to be precise – expressed astonishment at this late and selective awakening of intellectuals across the Mediterranean, whereas torture, detention in concentration camps and summary executions have been practised since January 1992. They expressed bewilderment at 'the selective indignation regarding a certain class of intellectuals' and gave Pierre Bourdieu, president of the said committee, a non-exhaustive list of intellectuals of the second college, those who are imprisoned in the jails of the dictatorship:

1. Mr Brahim Taouti, lawyer and human rights campaigner, arrested on 2 February 1993, sentenced to three years' imprisonment by the military court of Blida.
2. Mr Ali Zouita, lawyer, arrested in February 1993, not tried to date.

3. Dr Thamar, professor of cardiology, practising at Blida, arrested in July 1992 for treating political opponents, tortured at the Château-neuf centre, now incarcerated at the Serkaji jail without trial.
4. Dr Ahmed Saki Mahfoud, professor of paediatrics, practising at the Bainem hospital, arrested on 2 May 1993 during the discharge of his duties at the head office of his department. Tortured at Cavaignac, now imprisoned at El Harrach jail without trial.
5. Dr Housseem Eddine Benadda, surgeon at El Harrach hospital, arrested in April 1993 at midnight within the premises of the hospital where he was on duty. Tortured at Cavaignac, now detained without trial at El Harrach jail.
6. Dr Redha Mameche, surgeon at El Harrach hospital, arrested in April 1993. Tortured at Cavaignac, now detained at El Harrach jail without trial.
7. Dr Ahmed Briguen, medical doctor at Badjarah, arrested on 23 March 1993. Tortured, now detained at El Harrach jail without trial.
8. Dr Boualem Chebine, doctor at Tenes hospital, arrested in January 1993. Tortured, now detained at Serkaji jail without trial.
9. Dr Ouadai, surgeon at Douira hospital, incarcerated at El Harrach jail without trial.
10. Dr Larbi Belmahdi, heart specialist at the Parnet hospital, arrested in December 1992 during the discharge of his duties. Incarcerated at the Serkaji jail without trial.

Intellectual or not, everyone, in his own words, will tell you who he is, who his parents are, his children, his address, the day and nearly the hour of his arrest, the places where he was tortured, what the torturers looked like and what ranks they had, the hospitals to which he was rushed to be resuscitated, for it is pointless to make an inanimate person suffer, the jail where he is now, and his administrative reference number, so that you may verify his statements if you doubt them. But you will not doubt them because you will recognise their voices; they were yours ... in bygone days.

I have spoken long enough. Listen to them now.

### **Case no. 1: Hocine Abderrahim**

Two days after my arrest, I was taken to the Director of the centre, Superintendent K. A cameraman was standing next to him.



‘What do you know about the airport affair?’ the superintendent asked me. I answered that I did not know anything more than what I had read in the newspapers and seen on television. I added that a foreign hand was probably behind this operation, following the statement made by Belaid Abdesselam, who was Prime Minister at the time.

On realising that the cameraman was recording my statements, the superintendent called out to him: ‘Why are you filming?’ Evidently he was not satisfied with my answers. He ordered the cameraman to stop filming and started to threaten to use other means to make me talk. I swore that I told him nothing but the truth.

‘Besides, you must have already started to investigate this case,’ I added, ‘I am in your hands. If you have the slightest proof or if anybody has testified against me, I am ready for a confrontation!’

He then said to me: ‘I am sure that you didn't order the operation and that you are not involved in it directly or indirectly, but I do not believe you when you say that you do not know who is behind it.’

The first interrogation session ended at that point. On Friday, after the *‘asr* prayer, the Director-General of the Sûreté Nationale (National Police Corps) came to the same office and asked me the same question. I repeated to him what I had already told Superintendent K. My statements were neither filmed nor recorded. Evidently these statements did not correspond to the scenario they had prepared. The Director-General did not answer me and I was taken back to my prison cell.

The next day an officer named T. came with a group of torturers and said to me: ‘Your philosophical discussions with high ranking officers are over! Now you are going to talk to us. We are military officers and we don't care about God, politics or religion. If you don't confess we are going to torture you. If we need to kill you, we shall. You will not be the first nor the last; and we are going to start off by cutting off your testicles; you will no longer be able to do anything with women!’

They dragged me to the torture room. They tied me up with ropes, covered my head and forced water down my throat through a piece of cloth pushed into my mouth. As I kept on shouting my innocence, the officer told me: ‘Die like a dog! Since this is not enough for you we will use electric shocks.’

And he said to his colleague: ‘Start the 380 Volts!’

I saw death before me. After unbearable suffering, I made up a story about the airport bomb attack. I gave names of innocent brothers. I wanted the torture to end. One hour later I was untied and taken to superintendent

K. He asked me to repeat what I had said under torture and ordered the cameraman to film me.

He said to me: 'You are lying! What you are saying does not make sense,' and he ordered that I be taken back to my cell.

One or two days later they came back to torture me. They hit me on the head with a tool that looked like a drill. I was in such bad shape that I was taken to Ain-Naaja hospital where I was treated in atrocious conditions with the handcuffs still on. The doctor had a hard time stitching my wounds.

Two days later the officer came back and took me to Superintendent I.'s office. Both started again to interrogate me about the airport case. As I repeated that I was innocent, officer T. hit me on the head. The stitches gave way and blood began to pour out abundantly. I started to scream for help.

I was taken back to Ain-Naaja hospital, treated in the same conditions, and spent two days tied down to a bed in a room at the torture centre.

Then torture started again, using the water and chiffon technique. I made up another story as fictitious as the first one. When they asked me about the colour of the suitcase in which the bomb was hidden, I told them once that it was green, another time that it was red. An avalanche of blows hit me each time.

The last Friday of our stay in the centre, at 1 p.m. precisely, I was shown into Superintendent K.'s office. He asked me once more who was behind the operation. I said to him: 'I am innocent. You are torturing me, this is unjust!'

He kept quiet and ordered that I be taken out.

The next Sunday I was surrounded by a dozen policemen. They covered my head up to my nose, threw me on a table and tied me down. They forcibly made me drink water. I saw myself dying. I found myself telling them names of people who had nothing to do with the case, such as the name of Rachid Hachaichi, a flight captain. I mentioned the time and the place of the telephone call related to the bombing.

They told me: 'We do not need this information; you read it in the newspapers. We need names, names!'

At that point I made up a third story.

I was then taken along with a few brothers to the barracks of the military intelligence at Hydra. Facing an officer – a major from what I heard – I had to repeat the latest version of the story I had made up under torture. I came to know later that I was being filmed without my knowledge.

When we came back to the torture centre of Ben-Aknoun, I was given a new *qamis* and a new *sheshiya*<sup>18</sup>. Mine were covered with blood. Superintendent I. gave me a prepared statement and ordered me to read it in front of the camera or else I should be sent back for more torture. I mentioned to him that it contained remarks that I had not even made under torture, such as those incriminating Sudan, Iran and the *shuyukh*<sup>19</sup>.

I also had to ask the Algerian people for forgiveness to appear as the instigator of the airport bombing. Thank God people have sufficient knowledge of the nature of the security services and have understood that it was a masquerade.

So we were tortured for a whole month. The day we were driven to Abane Ramdane court, we were chained in a brutal way: our hands were tied down between our legs and our heads held down. All this to make sure that torture would keep haunting us. Even in the Prosecutor's office, we were threatened with going back to the torture centre if we ever thought of withdrawing our statements. When we appeared before the examining magistrate, we were kept chained and the security people came in with us. I did not dare tell the truth to the judge. As I did with the doctor at Ain-Naaja hospital, I told him that I had banged my head against the walls and I mentioned suicide. I did not want to go back to the torture centre anymore.

### Case no. 2 : Abdelkader Salem

My name is Abdelkader Salem. I was born in Algiers, 9th *arrondissement*, on 22 February 1956. I was arrested during the night of Thursday to Friday, 28 February 1992. Some soldiers accompanied by civilians, the majority of whom wore hoods, burst into our house with untold savagery. We were woken by a tremendous crash. They had just broken the door down. At first I thought that I was having a bad dream. But they dragged me out of bed by the hair while pushing the barrels of their guns against my head and chest. I quickly realised what was happening. My wife was not spared either. I had time to glimpse her face contorted by fear as one of the policemen pulled her by her hair and threw her on the floor. The expression on her face will be engraved on my memory forever. At the same time, insults, obscenities and death threats were yelled at us during this ordeal.

My children aged two and four, were so afraid that they are traumatised to this day.

<sup>18</sup> Translator's note: The *qamis* is a traditional long robe worn by males in Arab countries; the *sheshiya* is a traditional cap in the Maghreb.

<sup>19</sup> *Shuyukh*: plural of Sheikh, term of respect to refer to Abassi Madani and Ali Belhadj.

The last image I kept of them is one of two children in tears and in a state of total panic. The older one, my son, was shouting: 'Mum, Mum ...' while trying to reach his mother. He probably wanted to protect her from these monsters. One of them gave him such a brutal slap on his face that the boy fell backward on the floor. I cannot relate the rest of the story to you, it hurts me so much.

I was then taken to a prison located at Bouzareah (a suburb of Algiers) where I spent the rest of the night sharing the same cell as my brother. There was only one bed.

The day following my arrest, at about 6.30 in the morning, a guard asked me my name and ordered me to follow him. We entered a room which was located far from the cells. A tall, bald man, wearing a black leather jacket, jeans and Ray-Ban style glasses was already in the room. Two other individuals were with him: one of average height and the other a little shorter approximately 1.60 meters tall. I remember seeing the tall and bald man before in M.B.'s office in Hussein-Dey in June 1990.

The first interrogation session then started. The tall, bald one ordered me to sit down, mentioned several names and related to me a number of cases. Of all the names that he mentioned only one was familiar to me.

But when I told him so, he went mad, punched me, kicked me and clubbed me with all his might. I have to mention that this 'club' was rather special; it was in fact an electric truncheon covered with leather at one end and with three metal spikes at the other. I was hit so hard that the metal side broke. I was bleeding profusely from the head and nose and my body ached badly all over.

Next, he ordered another type of equipment to be brought in: a mesh-sprung bed base. The other individual, the shortest one, handcuffed me almost at elbow height and placed a pair of metal clips on my ear lobes saying: 'I'll put earrings on you, son of a [...]' He was very excited.

Then he activated the electric machine. I bit my tongue several times. The pain was excruciating.

I screamed and struggled as I could for my feet were still free. Meanwhile, the bald chap had started again to hit me in the lower abdomen with another electrified truncheon. I was able, not without a great effort, to tell him that I was wearing a heart pacemaker.

'I'll recharge your battery, don't you worry,' he answered, while beating me more furiously.

As I had been taking an anticoagulant drug, I was losing a lot of blood. Since I was still struggling, he ordered that cuffs be placed on my feet and activated the electric shocks himself.

The intense electric shocks were becoming unbearable and I came close to losing consciousness several times. I was tortured like this until about 11.30 a.m. I know the time because somebody asked for it at exactly 11.45 a.m.

About ten minutes later, three other torturers came to take over the dirty job. I felt very cold and I was shaking all over. My eyes were hurting badly and they felt as if they were about to burst. The tall, dark-skinned man started to ask me the same questions as his predecessors. The chap wearing glasses and the tall fair one were taking care of the rest of the job. They took turns without a moment's break.

I had to endure the electric shocks and blows until about 4 p.m. on Saturday, 29 February. In the distance, the call to prayer reminded me for a short while that, outside, life went on and many people were probably unaware of the existence of this accursed place. I was kept chained to the mesh-sprung bed base until sunset. It was then that began the third torture session during which I had to accept all the accusations, all of them untrue. It was the only way to stop the agony I was suffering. The torturers knew that I was saying anything and they knew very well why I was doing it. But the search for truth is the last of their worries. Torture is their job! Everything goes to show that they practise it for pleasure!

This masquerade lasted until the morning of Sunday, 1 March 1992. Then a man wearing a blue suit, whom I noticed coming in and out several times during the torture sessions, asked me to stand up. I tried but I could not; some time later an ambulance took me to the military hospital of Ain-Naaja.

In the emergency ward I was put on a drip before being taken to the third floor to a room located at the end of the corridor on the left. The room had a view on the Jolie-View estate which I recognised because of the minarets of the mosque. I spent two days in the hospital.

On 3 March 1992, I was taken back to Bouzareah where I had to endure more torture sessions through to the next day. After that, I was taken back to Ain-Naaja hospital on Wednesday, 4 March 1992 where I had an ultrasound scan on the fourth floor (cardiology department). The doctor of the military intelligence and the cardiologist left the room together; I could not hear their conversation.

From Thursday, 5 March the torture sessions stopped. I am of course speaking of physical torture. For, in spite of the critical condition of my health, relentless interrogation sessions loaded with insults and threats went on all night long. They worked in groups and in turns. I was then taken to a cell where there was only a very dirty foam mattress and a single blanket. It was under these conditions that I spent the few moments of respite between the torture sessions from 28 February to 5 March 1992.

I was transferred to another cell on Friday, 6 March and I was given two blankets. I almost suffocated in this cell several times. It did not have any air vent.

I was finally examined by a doctor. I stayed with him for about two hours before I started to feel a little bit better.

It was not until Tuesday 10 March 1992 that I was transferred to the military jail of Blida. Since my condition was still critical, I was again taken on the 18th to Ain-Naaja hospital where I stayed under medical observation. My state of health is not very encouraging. My family is on my mind.

I feel very sad about my country. This is my testimony. Although a modest one, I hope that it will contribute to stopping one day this savagery that I myself have endured, in mind and body.

### **Case no. 3 : Abdenacer Kazi**

Born on 7 May 1965. Profession: tailor. Address: Bat. no. 10, Escalier Diar-el-Mahçoul, Algiers. Currently in detention.

On 27 October 1992, at 3 a.m., we were woken up by a savage pounding on the front door of our house. My mother, an elderly woman, suddenly found herself facing a group of hooded men carrying automatic weapons. They claimed to be from the *Sûreté Nationale* (National Police Corps).

As soon as I identified myself, they handcuffed me and threw me into a car. The whole area was sealed off as if a notorious criminal was being arrested. My mother's screams woke up the entire neighbourhood.

The two cars, a Peugeot 505 and a Nissan of the rapid deployment forces, headed towards the 4th *arrondissement* of Algiers and stopped at the Cavaignac police station.

As soon as I got out of the car I received a volley of blows on my head and chest. Inside the police station I was made to kneel down on an iron grid in front of the wall. I was showered with cold water and beaten with a stick for about two hours.

After this, a plain-clothes police inspector, in his thirties, took me up to his office. There again blows rained down on me, dealt with a metal chair. While pouring out obscenities, the inspector pointed his gun to my head to terrorise me.

A little while later, I was taken down to a cell where I was submitted to the *chiffon* torture for twenty minutes. I was then taken to another cell of about 100 square feet, already occupied by six other people. I could not

sleep because of the blows I had endured. I stayed there without food or water.

From then on they stepped up the torture. Nails connected to electric wires were planted into my body. It lasted for about twenty minutes. As I started to faint I was taken back to my cell. I was shaking all over.

At 9 a.m. I was tortured again. After being put to the *chiffon* for one and a half hours, I was taken to the next floor up by four or five plain-clothes policemen. The interrogation session was continually interrupted by savage beatings: they banged my head against the wall, hit me on my back and head with a metal bar. They even put out their cigarettes on my hand.

'Your hand is my ashtray,' said one of them.

Then I found myself before the senior police officer or the officer in charge of the station. He was about forty-five years old, about 5 feet 10 inch tall and of average build. He ordered me to kneel down; then I was treated to a series of insults that were so vulgar that they contrasted sharply with the elegance of his clothes. Following his orders the men present in his office resumed the beatings with the metal bar. I found myself, half-conscious, handcuffed to a radiator in the corridor. At nightfall I was taken back to the corridor leading to the cells quarter. Taking advantage of this 'lull' I tried to sleep but a police inspector suddenly awakened me. Once more blows rained on me, coupled with obscene insults and spitting.

I stayed without food or sleep until midday Friday when I was able to have a little rest.

On Saturday, 31 October – the eve of anniversary of the revolution –, at 3 p.m., a plain-clothes policeman told me to follow him to his office located on the first floor. He was in his thirties with a fair complexion, a black moustache, slim, and he wore jeans. He was probably a police inspector.

The interrogation dealt with subjects that I knew nothing about. I constantly answered: 'I don't know, I don't know him [...]' After twenty-five minutes I was taken back to the corridor leading to the cell.

On Tuesday, 3 November the same scenario was repeated, with the same questions.

On Friday the officer put me in the same cell as two other detainees from my neighbourhood: Driss Chanaje and Rachid Laadlimi.

After a while, the officer – having probably spied on us through a hole in the door – opened it and told us that we were saved because we had nothing to do with the case!

In the afternoon I was taken out of the cell and was ordered to sign a statement. At midnight I was transferred to the police headquarters of the

wilaya. The following day I appeared before Abane Ramdane court where it was decided that I would be remanded in custody.

I stress the fact that the prosecutor and the examining judge can bear witness to the state I was in when I appeared before them.

#### **Case no. 4: Mokhtar Boutchiche**

Married with six children, including a daughter born during his detention.

My name is Mokhtar Boutchiche, unjustly detained at the military jail. This is what I endured from the security forces.

My ordeal started on 20 January 1992. That day, a friend of mine asked me to go with him to a place near Bousaada where he owns some cultivated land. At Tidjellabine we were stopped at a police checkpoint. After our identity papers had been checked, we were asked to leave the car on the spot and get into the police vehicle.

We were taken to the police station for a so-called 'investigation'. Instead we were tortured and humiliated.

On 21 January, I was thrown inside a vehicle, flat on my stomach and my head covered with a sack. After a while the car stopped and then I was dragged inside a room. The interrogation started: 'Where are the weapons? Where are the hiding places of the groups?'

I was tied down tightly on a bed with electric wires. A mop was thrust into my throat. I was flogged all over my body and my nails were pulled out with pliers. The same questions were continually put to me, coupled with insults, death threats and spitting.

Because of the unbearable pain I gave them any names that came into my head: names of friends, neighbours, work colleagues.

When they realised that I had no link with what they were looking for, they released me on condition that I worked for them as an informer. They put me in a car, then into another one, before they threw me out in a street near my neighbourhood.

However, on 18 February the gendarmes carried out a big combing operation in my neighbourhood. They did not find me at home but at my in-laws' house. Under threats my parents had told them I was spending the night there. They rushed in, firing rounds of bullets. I was arrested as well as all the male occupants of the house. We were then taken to their centre.

There, I was astonished to hear the remarks of the man that appeared to be the one in charge: 'You deprived me of a piece of land, now I shall de-



prive you of your life. Call on your God for help! You had it easy with the military intelligence but this time it is all over for you!

Then he added: 'We arrested a group of thugs carrying a hunting rifle and we think you are their leader!'

I strongly denied it. He ordered that I be taken to the basement, stripped of my clothes, tied down and flogged with electric cables. As I was screaming, one of them thrust a mop soaked in putrid water into my mouth. Then the man in charge of the centre, a captain, took a whip and started lashing at my genitals until I passed out.

When I regained consciousness, a lieutenant asked me questions about some people who had been arrested as well as people from my neighbourhood.

Then they made me sit on a bottle. I answered all the questions the way they wanted.

I spent five days in the centre until 22 February without food or drink.

On 22 February, at about 2.00 p.m., officers from the military intelligence took me to their torture centre. I was immediately stripped of my clothes, thrown on a bed and tied down. One of them made me drink soapy water while another was whipping me violently including my genitals. Then they burnt my beard, and pulled out my flesh with pliers.

All the torturers were hooded and spoke French among themselves; they thought that I did not understand.

Then I was thrown into a cell, on the bare floor, without being given a blanket or a light.

On 3 March 1992 I was handed back to the gendarmes. I was very weak; with the help of people from my neighbourhood, who had also been arrested, I was able to feed myself a little, and regain some strength.

On 10 March I was taken with some other detainees to the military jail of Blida. On hearing my denials, the military prosecutor, commander B., insulted me and poured out unspeakable obscenities.

I am detained at the military jail without charge.

### **Case no. 5: Slimane Rait**

Married, three children.

I, the undersigned, denounce the scandalous practices of those who oppress the free children of Algeria under cover of the law and in the name of defending the citizens' freedoms, rights, and security. I address myself to all

those who live in this noble land of Algeria to defend the rights of citizens to freedom and dignity.

I, Slimane Rait, born in 1963, a builder by trade, used to lead a peaceful life with my wife and children, and all my life was so until the night of 18 February 1992. That night, I discovered the dark face of Algeria. Indeed, the task force of the *gendarmerie* broke savagely into my home. There were over sixty gendarmes who terrorised my children and my wife, and beat me before their eyes.

After immobilising me against a wall, they smashed up everything standing in their way: they demolished the wardrobe, broke the crockery, and even grabbed hold of some money as well as my working tools.

They then took me to the *gendarmerie* of Bab-Ezzouar, and there began the bestial practices on me and on the others who were present there.

I was then taken into a cellar, specially equipped for the practice of torture. It was freezing in there, and I was shaking with cold and fear. They stripped me completely of my clothes. I was humiliated, and I felt ashamed. I could not find anything to cover my nudity; besides, my body felt frozen.

I was hung by my hands with the aid of handcuffs attached to a horizontal steel bar. They wound around my body an electric cable, pulling it so tightly that I thought I was going to be cut up.

These men of law then relentlessly burnt my beard after attempting to pull it out with their bare hands.

Next, they covered my face with a cloth previously soaked in sewage water so as to force me to drink from that water and breathe its nauseating smell. This session was to last all night, until I lost consciousness.

Then they began to beat me with sticks all over my body: face, chest, stomach, thighs, genitals, buttocks [...] The torturers took it in turns, and I still bear the marks of the beatings and handcuffs.

After the torture, they gave me a jacket and underpants, and then threw me into a cell which already contained twelve people, and had no mattresses, blankets, or even water. We were even deprived of using the toilets, which forced some of us to relieve ourselves in front of everyone inside the cell itself. I spent twenty-two days in that state under those conditions.

They prepared a charge statement and forced us to sign it.

Once at the military court, we were forced, under threat of fresh torture, to confirm the content of the charge document.

The gendarmes of the Bab-Ezzouar squad practised torture openly and with the full knowledge of their commanders, some of whom have attended the torture sessions. However, considering the barbaric practices already

mentioned, a good number of the people who were tortured will not dare testify out of fear of reprisals on themselves or close relatives.

### **Case no. 6: Mohamed Bouyoucef**

My name is Mohamed Bouyoucef. I am a bus driver. I am fifty one years old, and a father of seven children.

I was arrested on 7 September 1992 at 11 a.m. on the Bouarfa road while in the car of my friend Ali Soumati. I was put by military intelligence agents in an unmarked Renault J5 police van. I could not see which way we were heading since I was made to lie on my stomach. When the van stopped, I was blindfolded and led into a cell. I was punched on my head and face.

Next, they pulled out the entire left side of my beard. Then I was taken to another cell where they plugged electrodes to my ears. Punches up and kicks rained down on my face and the rest of my body. Blood was spurting out. One of them, who must have practised Karate, gave a shout and landed a violent kick with the sole of his foot right in the middle of my face. They then asked me questions, and forced me to give the answers dictated to me.

I was then taken to the *gendarmerie*, where I was kept in a cell for twelve days. I was left on the bare floor, without food for the first five days. A few gendarmes started giving me a small chip sandwich secretly about once every twenty four hours.

I was beaten in every way. I experienced electric shocks, the cloth soaked in filthy water, or in a chemical product I cannot identify, but which produces the same effect as chloroform. They also used another chemical substance which must certainly be 'spirits of salt'<sup>20</sup>. They soaked the piece of cloth in these chemicals, until my face, neck and back were burnt and covered with blisters.

They forced me to reply to their questions with the answers they wanted.

I spent there the most atrocious days in my life. I shall never forget that those who tortured me were Algerians like me.

### **Case no. 7 : Hassen Kaouane**

After my arrest, I was taken to a place where they started to torture me. I was led to a room, given a uniform, and ordered to put it on. They insisted that I remove my clothes in front of them. I considered this to be a violation

<sup>20</sup> Translator's note : Hydrochloric acid.

of my honour. This was followed by insults and the worst obscenities. Torture began soon afterwards.

They made me sit on a chair with my hands handcuffed to my back. Then they punched my face. Blood burst out of my nose, and the tip of my tongue was cut off. I was unable to open my mouth for the next two days. I was unable to eat anything except liquid food, which they gave me in a plastic bowl. Torture continued nevertheless.

I was placed on an iron bed. My hands and left foot were tied, and they tortured me with electricity. I cannot describe the excruciating pain I felt. It is an indescribable pain. Since then my heart rate has increased, and I have the feeling that my body is full of thorns. However, my main concern now is my left foot. I do not know whether the problem is a bone fracture or a major bruise. The wound is very visible, and it gives me horrible pain.

I end this testimony by mentioning that one of my torturers threatened to rape me.

#### **Case no. 8 : Bousous**

I am detained at the military jail of Blida.

One day, I was asked to put myself in 'position', that is to say, to turn my face toward the wall and to keep still. I was blindfolded and then taken to an unknown destination. It was a Wednesday at midday.

The next day, towards 4 a.m., handcuffed, I was driven in a van towards the mountains. The drive took approximately two hours. Then we walked for about four hours. They asked me to show them the rebels' hideouts, of which I have absolutely no knowledge. We walked from Thursday 4 a.m. to Friday 4 a.m. During the whole time, I was made to carry ammunition boxes. Once we reached the top of the mountain, they threatened several times to kill me. In the presence of military intelligence agents, a gendarme pushed me into the empty space.

I had injuries to my knees and elbow, and tore a muscle of my left thigh. I fainted and was transported to the military intelligence barracks where I regained consciousness. I remained there for thirteen days, from Wednesday, 18 March to 30 March 1992, until my wounds had healed.

When I returned to the military jail of Blida, I was no longer able to speak. I would stammer and weep ceaselessly. I could not longer distinguish between day and night, because I suffered from such atrocious headaches.

In prison, I learned that my absence had been officially justified as a simple transfer to the hospital!

**Case no. 9 : Djilali Aous**

My name is Djillali Aous. I am married and the father of three children. I studied law.

I was arrested on 7 October 1992 at 3 a.m. at my residence, 275 Parc Ben-Omar, Kouba, Algiers. My arrest was carried out by the judiciary police of Bab-el-Oued without a warrant. My entire family was heavily harassed.

I was transferred several times back and forth between the central police station of Algiers and the anti-terrorist squad unit of Châteauneuf. I then appeared before the Hussein-Dey court on 8 November 1992. So I was kept in custody for thirty three days.

Most of the time, I was kept in solitary confinement in a cell. On occasions I happened to share a cell of four square metres with four to six people.

From 7 October to 11 October 1992, I was tortured at Bab-el-Oued. I was punched and kicked all over my body. I was asphyxiated with sewage water to which other chemicals were added. I was handcuffed for more than twenty days.

Apart from water, I was not allowed any food for the first five days of my detention. In addition to physical torture at the hands of the judiciary police of Bab-el-Oued, I had to endure harassment, insults, spitting, flooding of the cell and sleep deprivation.

I am being detained at El Harrach prison, cell no. 4a, under incarceration no. 64586.

N.B. I forgot to mention that in the evenings some of the police officers used to bring insane people from the port of Algiers (dirty, ridden with lice and dribbling all over) and throw them into the torture room against the prisoners who sat on chairs with their hands handcuffed behind their backs.

The officers watched the scene, smoking their cigarettes, and shouting to excite the mentally ill wretches, who inflicted the worst physical, and especially mental, torture on the detainees.

They spat on their faces, kissed them, and covered them with saliva. Finally, the police officers handed them sticks to beat the handcuffed prisoners. Meanwhile, the policemen would laugh and shout hysterically. We thought we were living a real nightmare.

**Case no. 10 : Ali Ter**

I am being detained at the El Harrach jail, incarceration No. 63111. I was arrested by the gendarmes on 15 July 1992 at 3.30 p.m., while leaving the mosque.

After my arrest, I was driven to my home by the gendarmes who carried out a house search without any warrant. They found nothing in my home, except for old newspapers (*El Mounquidh*, *El Forkane* and *L' Eveil*), which were sold publicly on all the news-stands. They stole 18,750 dinars [about £1,800].

I was then driven to the *gendarmerie* of Ain Taya. After leaving me in a cell for four hours, they began to torture me by forcing into my mouth a mop soaked in soapy water and spirits of salt. Next, I was hit on the soles of my feet with a stick. I was then ordered to take off my clothes, and was tied up in such a way that they could force a stick into my anus.

Torture lasted for a week and I suffered atrocious pain every time I went to the toilet. I still suffer this pain, and I feel nervous every time I need to go to the toilet.

**Case no. 11 : Nouredine Bouamama**

My name is Nouredine Bouamama, I am forty-two years old. I am married and have four children. I am a shopkeeper. I am being detained at El Harrach jail, cell no. 4a, incarceration no. 63982.

I was arrested by the 'ninja'<sup>21</sup> units on 23 September 1992 at 2.30 a.m. at my home. They looted and stripped my home, and brought out the whole neighbourhood by firing volleys of bullets and making a din.

They took me to the central police station on boulevard Amirouche. There I was insulted, beaten up and spat at all over by plain-clothes police officers.

During the entire period of my arbitrary detention at the central station of Châteauneuf, and at another location which I am unable to specify, I was tortured by individuals who, like cowards, covered their faces with hoods and inundated me with all sorts of insults.

They stripped me naked, and inflicted on me the worst of tortures: electricity, water asphyxia, and violent blows delivered simultaneously on my skull and the soles of my feet. Atrocious pain was thus felt round my stomach and the lower abdomen, causing haemorrhages.

<sup>21</sup> Translator's note: Security forces who appeared at the end of June 1992. They are so called because of the balaclavas they wear to conceal their identity.

They tied my head to a bench with a steel wire. With pliers, they tore out pieces of my flesh, and broke my nose. They pulled out four of my teeth using screwdrivers. My face and entire body were so swollen and puffed up that my torturers were unable to look at me, and one of them fetched old newspapers to cover me and thus avoid the sight. My torturers were all police officers.

Today, thank God, I am alive but I suffer from profound physical, mental and moral after-effects.

### **Case no. 12 : Ahmed Amara**

My name is Ahmed Amara; I was born in 1957. I have been a public administration employee for seventeen years. I am detained in the military court of Blida.

It was with great sadness that on the occasion of the thirtieth anniversary of the independence of Algeria I discovered that there exists Algerians who trample on the principles of the 1st November revolution and crush the dignity of the Algerian people by various methods, the most abhorrent and widely used of which is torture.

What is more revolting is that these practices against the safety, dignity and protection of the citizens are perpetrated by those who are supposed to safeguard them.

The night of 18 February 1992 will remain forever engraved in my memory and in that of my entire family. It was the night of shame and injustice.

During that night, some gendarmes, more than sixty of them, forced their way into my home through all the doors, and held us, our wives, children, fathers and mothers at gunpoint.

One of the gendarmes grabbed my mother violently by the nape of her neck. They broke into my bedroom, turning everything upside down and tearing up whatever they found on their way. They took 20,000 Dinars [about £2,000] and clothes, leaving behind them a wrecked home, a terrorised and humiliated family, deeply affected by their inhumanity. They forced my father, who is seventy-five years old, to dig a deep hole in the garden. Obviously they found nothing there. How can this gratuitous act be justified?

After this unspeakable operation, they took me to the *gendarmerie* of Bab-Ezzouar, where they began to insult me and take my clothes off as they did with all the others.

They set fire to what was left of my beard after pulling it out with their bare hands, as they did to others, on instruction from their superior officer.

They beat me black and blue on my entire body, despite my telling them that I was asthmatic, upon which they took it in turns to thrash me twice as hard.

I did not escape the soaked mop torture either.

The blows were aimed mostly at my face and genitals. I still bear torture marks on my thigh.

There were twelve of us in the same cell, without food, water or blankets. They would come from time to time to take one or two of us to the basement from where they brought them back covered with blood, which increased our fear. Everyone was waiting for his turn.

These practices lasted twenty-two days, after which we were warned not to change anything to our earlier statements, otherwise torture would be used again.

### **Case no. 13 : Hani Faci**

I was born on 19 November 1969. I am detained at Blida military prison. I was arrested on 24 February 1992 at 7 a.m., during a combing operation carried out by the *gendarmerie*. I was then doing some building work at the mosque.

I was taken to El Harrach military barracks, then to the *gendarmerie* of Bab-Ezzouar, where I spent the following night without a blanket or water, and without being allowed to go to the toilets.

The next morning at 8.30 a.m., I was taken to the office of the officer in charge, where I was met with insults and obscenities.

After taking note of my name and date of birth, the officer ordered that I be taken to the cellar.

There they threatened to rape my sisters in front of me, and to rape me myself if I did not speak.

I was tied up, then violently beaten on my face and my genital area.

I was flogged with an electric cable until I fainted. My head was forced into a bucket of water until I nearly suffocated. I was asked to confess to some facts, which I denied every time. The nightmare lasted for about two hours, until I was left lying down on the floor, motionless.

Afterwards, they plugged my nose with a cloth to prevent me from breathing, then they inserted a large hose into my mouth, and opened a water tap to maximum flow.



They would remove the hose to ask me to confess to the facts they dictated to me.

Then I was tied up and flogged more than two hundred lashes. I lost consciousness, at least four times. I remained unable to urinate for more than twenty days following this treatment.

Lastly, they tried to make me sit on a broken glass bottle. But since I had already seen what effect this had on a person named Mahmoud Mesbah, I told them that I would admit to whatever they wanted.

And so I signed a statement under duress, without even reading it.

#### **Case no. 14 : Mustapha Slimani**

I was tortured for ten days. I was hit on my head with a Kalashnikov butt, stabbed in my lips (even my tongue was cut), in my right shoulder, in my right thigh and my left leg.

They threw tear gas right in my face; my eyes were badly hurt. I could no longer see anything at all and I eventually fainted.

I was kicked so many times in my face that I had trouble eating afterwards.

I was stripped to the waist and whipped. I was left hanging from a wall at the end of a rope for a whole day.

I was chained and subjected to the soapy rag torture, and to the table and chair torture: tied to a chair, you are pushed against the table so that you fall on your face. This process is repeated many times. I was tortured with electricity. I was burned on my face and fingers with cigarettes.

I received death threats during the entire torture session. They told me: 'We are going to kill you and say that you attempted to escape.'

I was forced to sign the police report with a gun pointed to my head.

#### **Cases nos. 15 to 19 : Mohamed Berbere, Abdelaziz Dahri, Said Tibaoui, Salem Belkadi and Smail Mansouri**

Mohamed Berbere : single, incarceration number 64237, El Harrach jail ;  
Abdelaziz Dahri : single, incarceration number 64234, El Harrach jail ;  
Said Tibaoui : married, three children, incarceration number 64235, El Harrach jail ;  
Salem Belkadi : married, nine children, incarceration number 64238, El Harrach jail ;  
Smail Mansouri : married, six children, incarceration number 64236, El Harrach jail.

Smail Mansouri's testimony for the group:

We were arrested by the gendarmes of Ain Taya, driven to the torture centre of Boudouaou, and taken to the basement. There, people were hanging by their feet or their chests. They were screaming.

The gendarmes stripped us naked, tied our feet and hands and started burning us with a blowtorch. One of them used a syringe to inject something in our penises. We had to lie because we had no answer to their questions. Many of us have lost the use of a limb or an organ. Salem Belkadi's legs and feet are badly burnt; he has to be carried when he needs to go to the bathroom.

After Boudouaou, we were driven to the *gendarmerie* of Ouled Moussa where we heard horrible screams. Salem Belkadi's shin was hacked with a bayonet. Our feet and hands were tied up, and we were flogged with electric cables. They shoved into our mouths rags soaked in used water, cresol and spirits of salt. We lost consciousness many times.

As soon as we were incarcerated at El Harrach jail, three of us were kept at the infirmary where medicines were non-existent.

Our ordeal lasted seventeen days.

### **Case no. 20 : Ayachi Bekbekouch**

Forty-five years old, married, six children, incarceration number 64336, El Harrach jail.

We were arrested by the gendarmes on 9 October 1992 at 10.30 a.m. in Mila where we reside.

We were tortured for two days, then transferred to the *gendarmerie* of Shelghoum El Aid and tortured again. We were transferred again to the *gendarmerie* of Setif, then to Borj Bou Arrerij, then Bouira, then Lakhdaria, then Si Mustapha in a critical condition. We were deprived of food and water for three days.

In Si Mustapha *gendarmerie*, we were tortured for ten days, as well as in various centres: Issers, Borj Menayel and Nasiria, a rapid intervention unit. It was in those barracks that they started pulling my nails and flesh with pliers. I nearly lost my mind.

From Si Mustapha, we were transferred to El Harrach jail with eighteen other people who had suffered the same fate as we had. They had burns on their buttocks and the soles of their feet.

Others, tortured even more cruelly, can no longer speak, their lips sealed forever by death. Let us mention a few of their names:

Mohamed Amrouche, twenty-seven years old, resident of Mefiali, whose body was returned to his parents, with his stomach ripped open and his genitals cut off.

Tahar Haddad, born in 1938, a former member of the *Armée de Libération Nationale*, died under torture on 15 January 1993 at Baraki *gendarmerie*, Algiers.

Hassan Bendjemline, born on 20 March 1955 in Bouzareah, haulier, arrested on 5 September 1992. Died under torture on 15 September 1992 at the police station of the 5th *arrondissement* of Algiers.

Mohamed Bennani, twenty-two years old, muezzin at the Al-Nasr mosque in la Glacière district. Assassinated by the police outside the mosque while he had his hands up.

Tayeb Ould Rabi, twenty-seven years old, resident of Djenane Mabrouk, Bashdjarah, Algiers. Assassinated by the police outside his home while he had his hands up.

Mohamed Zait, arrested on 6 February 1993. Died under torture on 11 February at the Bab-El-Oued police station. His body was carried to the Casbah and left on his doorstep.

Rabah Sefsat, born in 1966, working in Rouiba. Arrested at his residence, tortured to death by the police officers of Rouiba police station, then thrown out a few yards from his residence where he expired.

Captain Bessas, an officer in the navy based at Châteauneuf, died under torture.

Said Mekideche, called Mohamed Lamana by the people of El Madania in Algiers because of the trust he inspired and his honesty. Arrested by the gendarmes of Bouzareah under the command of chief warrant officer R.; died under torture. His coffin was opened against the officials' orders: his limbs had been chopped with a chainsaw. Thousands of people accompanied Mohamed Lamana to his final resting place, to the sound of *yonyous*, despite the attempts of the police who fired volleys to disperse the crowd. On the way out of the cemetery, hundreds of people were arrested.

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## FAREWELL, SALAM!

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I do not bid farewell to our dreams but only to those of you who have betrayed them.

For my generation, Algeria has been that of free France and the [French] Resistance, the touchstone of our sincerity.

Indeed, among those who pretended to fight against Germany in the name of the peoples' rights, how many managed afterwards to remain true to themselves?

On the very day that Germany capitulated, settlers, gendarmes, policemen and soldiers were slaughtering civilians in the [Algerian city of] Constantine area, including women and children, guilty of peacefully laying claim to independence.

In the decade that followed, Indochina, Madagascar, Tunisia, Morocco and the countries of black Africa had a taste of the same trail of horrors in their turn, until Diên Biên Phu<sup>22</sup>. And then there was a fresh Algerian insurrection.

Because I wanted to be in a position to remind the world of all these events, I decided to be part of the defence bench in Klaus Barbie's trial, along with a colleague from Algiers and another one from the bar of Brazzaville.

Compared with a Paul Teitgen, a former concentration camp prisoner and former general-secretary at the police headquarters of Algiers, who likened the [French] methods of repression to those of the Gestapo, and compared with General de Bollardière, former member of *France Libre*, who refused to practise torture against FLN prisoners, how many others went back on the oaths they had taken just before?

Messrs Soustelle and Lacoste, ministers in residence, were advocates of taking a tough line against the patriots, the former being an ex-member of *France Libre*, and the latter an ex ex-member of the Resistance. Bigeard and Massu were both generals who favoured the strong-arm style of interroga-

<sup>22</sup> Translator's note: The author refers to the famous battle of Dien Bien Phu in 1954 in Indochina, and in which the French were decisively defeated and had to leave in a hurry to avoid the massacre of their 18,000 troops.

tion, the former having been a member of the Resistance and the latter that of *France Libre*.

But were they really untrue to themselves?

In the days of *France Libre* and the Resistance, did they really have that humanist vision from which they claimed to draw their inspiration or which we thought they had?

Had we not succumbed to the only too human temptation of idealising them simply because we were taking the same risks in the same struggles?

In this case, we must not let our disappointment turn into acrimony. After all, we alone are responsible for this disappointment.

When I used to plead cases in military courts, I had one advantage over the judges: I anticipated their tropisms. They did not understand my reasoning. Have you become like them or will you manage to remain true to what you were?

Shall we make together an effort to be lucid? Are you still capable of it?

You are not in the position of some current Algerian generals who waited until the die was cast to join the FLN in 1958, 1959 and 1960. Those have never claimed to be humanists. Soldiers by profession, they just switched from one camp to the other. Likewise, the Petainist officers in Algeria twenty years earlier, in 1942, had switched from anglophobia to anti-Nazism after the Allied landing.

They had never been magnificent wretches and the contempt in which they hold members of armed groups today is the same as that in which they formerly held the fellahs of the FLN with whom they had never had anything in common.

Your problem, you fighters who have turned torturers or accomplices of torturers, is much more painful.

Since I made your acquaintance when you were in your prime, I know that you believed in the people and in the values which it held. Today, you do not understand it any better than the French in Algeria could in the sixties. Because their worldview was markedly different and their interests antagonistic; because replacing secular values with Islamic values as well as giving up their privileges was unthinkable, the *Pieds-Noirs* believed that the end of their world was nothing less than the end of the world.

Then followed a race to the abyss: this one, until recently a fervent supporter of integration, condoned a policy of genocide; that one, who voted

for the Left, joined the OAS ranks. The same panic reached France, muddled the brains of the leading politicians to the extent that Mr Michel Debré envisaged having me shot dead because I was denouncing torture. The only thing to prevent him from doing so was the responsible attitude of the professionals (General Grossin, head of special services, and Constantin Melnik, advisor to the Prime Minister) despite their lack of sympathy for me.

I see in your behaviour today the forerunning symptoms of that same insanity.

You resorted to the ballot box and then denied its verdict, just because it did not agree with your wishes.

You called on the French government to hunt down the political exiles who took refuge on its soil, even if it means you denying it later the right to interfere when it dares doubt the reliability of your policies.

You have appealed for a national consensus at the time when you were initiating a policy of mass executions of prisoners on death row: seven executions on the same day (31 August 1993). Even Lacoste and Massu had not reached this figure.

It is in the heady lure of violence and fear that men go back on what they have stood for, even if it means the shame of a sullied soul forever.

Be careful, I can already see in your eyes the denial that causes the everlasting sadness of the survivors of the colonial wars: the Russians from Afghanistan, the Americans from Vietnam, the French who had fought the dirty Algerian war.

It was not without good reason that in its 23 September 1993 issue, *Jeune Afrique* ran the following headline to describe the events: 'The New Battle of Algiers.'

In all fairness, however, I have to concede that there is a difference between Massu and you. Massu was fighting men who were foreign to him in every respect in a country that was not his. You, in your own country, you consider men who are your brothers as enemies.

Giving up all ideals and reason, moved by the blind nature of things, this is what you have come to. You could not have a worse fate. I pity you. Sincerely.

The diseases of the soul are transmitted through one's buttocks. Having sat yours on the seats of the *Pieds-Noirs*, you have caught their reflexes, and – worse – their way of thinking.

Whatever you may say, your lifestyle is western; your dreams ride in a Mercedes.

Thirty years ago, you read Saint-Just: the poor people were the powers of the earth, they were its rulers.

Today, your press blames the members of the armed groups for their so-called lack of culture, as if the people were not also a trustee of the national culture.

Today, you call your adversaries illiterate beggars because they do not speak French as well as you do.

Today, you say: Algiers will not be Kabul. Have you really thought about what this means? Would you prefer Kabul occupied by the Russians, those second-class westerners, to a liberated Kabul?

Having sat on the seats left by the *Pieds-Noirs*, you have adopted their way of thinking and it is not surprising that in your special units the orders are given in the language of Massu; it is not surprising that your press releases repeat the words used by the occupying forces in 1957: combing, tight control, terrorists. In the past, even though the French dealt with the fighters as an enemy, they never used the word war, for they were prisoners of the legal myth that Algeria was France. Now that Algerians are fighting their fellow countrymen, the local press proclaiming to be socialist refers to the war in these terms: 'News from the front line.'<sup>23</sup> It shows without doubt some progress in candour, or cynicism.

In the past, the colonial press described the fighters as louts. Today, the Algerian press writes: 'The illiterate class is the one responsible for the most serious crimes.'<sup>24</sup> This evaluation is supposed to result from a scientific study. Does it make it less serious?

In the past, following a bloody confrontation, it would be said that the French soldiers had been murdered and the mujahideen shot down. Today, the official reports use the same words: 'Tigzirt: two policemen murdered; El Makaria: five terrorists shot down.'<sup>25</sup>

Using the words employed in the past by the occupier is not an innocent choice. It is from Vichy that you borrowed the expression 'special courts', from the nazis that you took up the word 'terrorists'.

Your brothers and sisters who fought in Algiers in 1957 refuted such accusations. Ben M'hidi<sup>26</sup> himself had asked Bigeard: 'Who is the terrorist, the gunner or the pilot who bomb the villages indiscriminately, or the woman who defies torture and death all by herself, with a bomb in a basket?'

<sup>23</sup> *L'Hebdo Libéré*, 9 June 1993.

<sup>24</sup> *Le Matin*, 7 July 1993.

<sup>25</sup> *El Watan*, 7 June 1993.

<sup>26</sup> Larbi Ben M'Hidi: hero of the Algerian resistance, arrested, tortured and found dead in French custody 'as if he had committed suicide' during the battle of Algiers.

One of the documents used against me in 1960, when I was suspended from the Paris bar, was a notebook found on the dead body of Ali La Pointe, in which he had noted my war code name, Mansour, and the address of a friend who was a blacksmith in Paris.

‘How,’ asked with a pout of disgust the reporter of the Bar Council, ‘can the named Ali La Pointe call you his brother?’

‘Because we know each other through public rumour,’ I said, ‘and we have respect for each other.’

You know very well that there are between me and Algeria ties which you cannot break, even when tomorrow, switching from flaunted universalism to xenophobia, you will try to deny me the right to proclaim the truth.

These ties are not only bonds between war veterans, they are living ties. Not just bonds with men hunted down by you, but also bonds with the humble people that you abandon to oblivion. I was seen more often than you by the side of teenager girls wearing the *hijab*, whom the secular-progressive elements wanted to expel from the schools of the Republic. The Algerian haemophiliacs and those who were victims of the contaminated blood transfusions in France, for whom I have already won a few tens of millions of dinars in compensation, are thanking me with the best fee there is: wonderful bouquets and letters that go straight to the heart:

‘Thank you for everything you have done for me during a period when I needed so much help.’

To those who are not true to themselves, I bid farewell! To the eternal Algeria, that of the faithful, that of the outlawed, that of the humble, I say again Hello, *Salam* !





## Appendix 1

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Law of 14 August 1941

We, Marshal of France, Head of the French State, in agreement with the Cabinet,

Decree:

Art. 1. One or several special courts to each military or naval court are set up for the trial of all criminal offenders, whatever the nature of their offences, if perpetrated with a communist or anarchist intent.

In the parts of the territory where there is no military or naval court, the jurisdiction of the special courts provided for in the paragraph above will fall to a section of the court of appeal which gives rulings without stating the grounds by deciding only on guilt and sentence.

Art. 2. The special court attached to each military or naval court is composed of:

A presiding magistrate of the rank of colonel or lieutenant-colonel, or of the rank of navy captain or commander,

A major or a squadron leader or commandant, or a navy lieutenant-commander,

A captain or a navy lieutenant,

A lieutenant or second-lieutenant or a navy lieutenant,

A non-commissioned officer or a naval officer.

The members of the special court are freely appointed by the generals commanding the military divisions and by the port admirals.

If the accused is a serviceman, the special court will be set up according to the rank, under the conditions provided for in Article 156 of the military law for land forces, and Article 136 of the military law for the navy.

The section of the appeal court is composed of a presiding judge, two assistant magistrates and two members of the court of first instance, appointed by decision of the first presiding judge.

Before the special courts to each military or naval court, the functions of public prosecution will be carried out by a government commissioner freely appointed by the military authorities indicated above, and chosen either among government commissioners to the military or naval courts, or among the officers of the land forces, the navy and the airforce.

Before the section of the appeal court, the public prosecutor appoints the members of the prosecution through rulings.

Art. 3. The individuals arrested in the act of a criminal offence with a communist or anarchist intent will be brought directly and without prior investigation before the special court.

No delay is fixed between the summoning of the accused before the special court and the meeting of the latter.

In the absence of a lawyer chosen by the accused and present at the hearing, the presiding judge of the special court will immediately appoint a lawyer as a matter of course.

Art. 4. Apart from cases of arrest in *flagrante delicto*, the investigation will be conducted within a period of eight days. The ruling of the examining magistrate who will refer the matter and the accused directly before the special court will be final. With regard to the accused present in the court, the examining magistrate will decide within two days of the presiding judge receiving the file.

Art. 5. If the accused referred to the special court has not been caught or when, having been caught, he has escaped, then, on the basis of the remand order and at the behest of the magistrate holding the office of public prosecution, the presiding judge of the Special Court will issue an order indicating the offence for which the accused is prosecuted and specifying that the defendant will have to appear within a period of ten days starting from the completion of the latest formality to comply with the publication of the said order.

The publication will be assured by serving notice of the order at the last known place of abode of the accused, by sticking a bill on the door of this residence and by inserting a notice in three newspapers chosen by the said order.

At the expiry of this deadline, the trial will proceed.

A copy of the conviction verdict will be inserted in one of the newspapers of the *département* of the convicted person's last abode, within eight days of its pronouncement, at the behest of the magistrate holding the office of prosecution in the special court.

Moreover, it will be posted on the door of his last abode.

Art. 6. If the accused reappears or is arrested before the sentence lapses, the verdict returned in his absence will be rightfully nullified and it will be passed on him in the form provided for by the present law applicable to the accused present in court.

Art. 7. The judgements pronounced by the special court are not subject to any recourse or appeal to the supreme court ; they are immediately enforceable.

Art. 8. The sentences that will be pronounced by the special court are imprisonment with or without fines, hard labour for a given period or for life, or the death penalty, and the sentence cannot be lighter than that provided for in the general Criminal Law.

In cases of crimes or offences committed by a serviceman, a civil servant or a government official, serving in *départements*, local authorities, state industrial establishments or public services, whether contracted out or not, the special court cannot pronounce sentences lighter than the maximum punishment provided for in the general Criminal Law.

Art. 9 Article 463 of the Criminal Law and the Law of 26 March 1891 will not be applicable to the individuals prosecuted in accordance with the present law.

Art. 10. There shall be no prosecution of offences ten years after their commission, even if those offences were committed prior to the promulgation of the present law.

These cases are rightfully removed from all investigation or trial courts and will be handed over to the special court concerned; the latter will furthermore take cognisance of any appeal against judgements by default or sentences passed *in absentia*.

Art. 11 The present decree will be published in the *Journal Officiel* and enforced as State law.

Vichy, 14 August 1941.

Philippe Pétain

By the Marshal of France, Head of the French State:

*The Keeper of the Seals,*

Minister Secretary of State for Justice,

Joseph Barthelemy.

The Admiral of the Navy, Vice-President of the Council of Ministers, Defence Minister, Secretary of State for Foreign Affairs and the Navy,

Admiral Darlan.

The Minister Secretary of State for the Interior,

Pierre Pucheu.

The Minister Secretary of State for War,

General Huntziger.

The Secretary of State for the Airforce,

General Bergeret.

## Appendix 2

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Algeria, 30 September 1992

LEGISLATIVE DECREE

Anti-subversion and terrorism decree No. 92-03 of 30 September 1992.

The President of the Higher State Committee:

Considering the Constitution, in particular its Articles 116 and 117-1;

Considering the declaration of the constitutional Council of 11 January 1992;

Considering the proclamation of 14 January 1992, setting up the Higher State Committee ;

Considering the deliberation no. 92-02/HCE of 14 April 1992 relating to decrees of a legislative nature;

Considering the deliberation no. 92-04/HCE of 2 July 1992 relating to the election of the President of the Higher State Committee;

Considering the ruling no. 66-155 of 8 June 1966, modified and complemented, outlining the rules of criminal procedure;

Considering the ruling no. 66-155 of 8 June 1966, modified and complemented, outlining the Criminal Law;

After deliberation of the Higher State Committee;

Issues the legislative decree whose terms follow:

**CHAPTER I: OFFENCES DEFINED AS SUBVERSIVE OR TERRORIST ACTS**

Art. 1. Is considered a subversive or terrorist act in the sense of the present legislative decree, any offence aiming at the security of the state, the territorial integrity, the stability and the normal functioning of the institutions by any action aiming to:

Spread terror within the population and create a climate of insecurity by harming people or jeopardising their lives, freedom or security, or by damaging their property.

Hinder traffic or obstruct the freedom of movement on highways and in public places.

Harm the environment, the means of communication and transport, public and private property, take possession of them or occupy them illegally, desecrate burial places or attack the symbols of the Republic.

Obstruct the action of the public authorities or the free exercise of worship and public liberties as well as the functioning of the institutions which work towards public service.

Obstruct the functioning of public institutions or harm the lives and property of their officials, or obstruct the implementation of laws and regulations.

Art. 2. The violations defined in the present section also constitute subversive or terrorist acts.

Art. 3. Whoever sets up, establishes, organises or leads any association, body, group or organisation whose aim or activities fall under the provisions of Article 1 above is punished with life imprisonment.

Any member of or participant in associations, bodies, groups or organisations referred to in the above paragraph, in whatever form, with full knowledge of their aims, is sentenced to ten (10) to twenty (20) years' imprisonment.

Art. 4. Whoever justifies or encourages, by whatever means, the acts referred to in Article 1 is sentenced to five (05) to ten (10) years' imprisonment and fined DA 10,000 to DA 500,000.

Art. 5. Whoever knowingly reproduces or distributes printed documents or recordings justifying the acts referred to in Article 1 is sentenced to five (05) to ten (10) years' imprisonment and fined DA 10,000 to DA 500,000.

Art. 6. Any Algerian who joins abroad an armed association, group or organisation whatever its form or its denomination, convicted of terrorist activities, even if the said activities are not directed against Algeria, is sentenced to ten (10) to twenty (20) years' imprisonment and fined DA 10,000 to DA 50,000. When the actions defined above aim at harming the interests of Algeria, the punishment is life imprisonment.

Art. 7. Whoever holds, carries, trades in, imports, makes or repairs firearms, ammunition and explosive substances, without any authorisation from the concerned authority, is sentenced to ten (10) to twenty (20) years' imprisonment and fined DA 100,000 to DA 1,000,000. Whoever sells, buys, imports or makes knives for illicit purposes is sentenced to five (05) to ten (10) years' imprisonment and fined DA 10,000 to DA 100,000.

Art. 8. For the offences set out in Article 1 above, the punishment incurred is:

the death penalty when the punishment provided for by the law is life imprisonment;

life imprisonment when the punishment provided for by the law is ten (10) to twenty (20) years' imprisonment;

ten (10) to twenty (20) years' imprisonment when the punishment provided for by the law is five (5) to ten (10) years' imprisonment;

Double the legal norm for all other sentences.

Art. 9. The imprisonment sentences pronounced in application of the provisions of the present legislative decree include an incompressible part fixed at:

twenty (20) years' imprisonment when the sentence passed is life imprisonment.

half when the sentence passed is imprisonment for a term. Moreover, confiscation of the prisoner's property may be declared.



Art. 10. In the case of a criminal sentence passed in application of the provisions of the present legislative decree, the additional penalties provided for in Article 6 of the criminal law must be imposed, for a period of two (02) to ten (10) years.

## **CHAPTER II: COMPETENT JURISDICTIONS**

Art. 11. Three (03) jurisdictions named 'special courts' are set up to take cognisance of the offences referred to in article 1 above.

Their headquarters and territorial jurisdiction are fixed by regulations.

Art. 12. The special court is composed of five magistrates among whom one (01) presiding magistrate and four (04) are assistant magistrates. Under the same conditions, one (01) presiding magistrate and three (03) to nine (09) assistant magistrates are appointed as substitutes.

Art. 13. The office of public prosecution to the special court is held by a director of public prosecutions appointed among magistrates of the Public Prosecutions department. The director of public prosecutions is supported by one or several assistants.

Art. 14. One or several investigation divisions are set up within the special court. The examining magistrates are appointed among the bench.

Art. 15. An investigation review division is set up within the special court.

The review division is composed of a presiding judge and two assistant magistrates. The office of public prosecution is held by a magistrate of the Public Prosecutions department.

Art. 16. A clerk's office is appointed to the special court, the investigation review division and the investigation divisions. The court clerks are appointed by decree of the Ministry of Justice.

Art. 17. The presiding magistrate and the assistant magistrates of the special court and the review division as well as the public prosecutor of the special court are appointed by a non-publishable presidential decree at the suggestion of the Minister of Justice. The other magistrates are appointed by a non-publishable order of the Ministry of Justice.

Whoever discloses the identity of the magistrates who sit in the special court or divulges information of whatever nature leading to their identification is sentenced to two (02) to five (05) years' imprisonment.

### **CHAPTER III: PROCEDURAL RULES**

Art. 18. The rules of criminal proceedings concerning the preliminary inquiry, the exercise of prosecution, the investigation and the trial are applicable to the crimes and offences which fall within the jurisdiction of the special court, subject to the provisions hereinafter.

#### *Section 1: Preliminary Inquiry*

Art. 19. In the course of their investigations and the recording of the offences referred to in section 1 above, the officers of the criminal investigation department have power throughout the national territory. They operate under the supervision of the prosecutor of the territorially competent special court. In all cases, the public prosecutor is kept informed.

Art. 20. The officers of the criminal investigation department can, after authorisation from the public prosecutor to the special court, a view to publish notices, descriptions or photographs concerning wanted or prosecuted persons.

Art. 21. The provisions of Articles 45 and 47 of the rules of criminal proceedings, with the exemption of the provisions related to the protection of professional confidentiality provided for in Article 45, section 2, paragraph 3 of the rules of criminal proceedings, are not applicable.

Art. 22. Police custody, as provided for in Article 65 of the code of criminal procedure, can be extended without exceeding twelve (12) days.

*Section 2: The Investigation*

Art. 23. The examining magistrate can carry out or order searches or seizures to be conducted by the officers of the criminal investigation department concerned, by day or by night, and anywhere throughout the national territory.

He can also take the other measures provided for by the legislation in force, and order all protective measures either automatically, or on demand by the public prosecution, or else on request of the officer of the investigation department.

Art. 24. Except for cases when officially appointed lawyers are commissioned, the retaining of a lawyer is subject to the formal approval of the accused.

Art. 25. The procedural acts provided for in paragraph 8 of Article 68 and in paragraph 2 of Article 108 of the rules of criminal proceedings are optional.

Art. 26. The investigation must be closed within a period of three (03) months starting from the date of submission of the case.

Art. 27. The investigation review division must make its transfer decision within one month starting from the date of submission of the case.

Art. 28. The decisions of the investigation review division are not subject to appeal.

Art. 29. The ruling on cases transferred to the special court must be reached within a period of one month following the transfer decision made by the investigation review division.

*Section 3: The Trial*

Art. 30. The exceptions drawn from the regularity of the submission of the case to the court and from the nullities of procedure must be presented within the statutory time limit in a single statement before any substantive debate of the case. All the contentious points of law are appended to the substance of the case. The special court has complete jurisdiction.

Art. 31. The presiding magistrate of the special court is invested with discretionary powers provided for in Article 286 of the rules of criminal proceedings.

Art. 32. The hearings of the special court are public.

However, the court can decide automatically or on demand by the public prosecution that all or part of the proceedings to be held *in camera*. The enacting terms of judgements of the main substance are, in all cases, pronounced in a public hearing.

Art. 33. The provisions of Articles 307 and 309 of the rules of criminal proceedings are not applicable. The record of questions is signed by the presiding magistrate.

Art. 34. The judgements rendered by the special court by default are subject to objection according to Articles 409 and *passim* of the rules of criminal proceedings.

Art. 35. The judgements rendered by the special court are subject to appeal against them.

The supreme court decides within two months from the submission of the case.

If the appeal is successful, the matter is referred before the special court differently made up or before another special court.

Art. 36. Independent action for damages by private individuals is allowable before the Special Court.

Art. 37. The excuses provided for by the rules of criminal proceedings are applicable to the offences covered by the present legislative decree.

Art. 38. The special court is empowered to try juvenile minors over the age of sixteen (16) years who have committed offences referred to in section 1 above.

They benefit from the provisions provided for in Article 50 of the Criminal Law.

Art. 39. When a case related to an offence described above is referred to an investigation court or a trial court other than the special court, the case is rightfully withdrawn from that jurisdiction by request of the public prosecutor of the Special Court.

#### *Section 4: Temporary and Final Provisions*

Art. 40. Within a period of two months from the promulgation of the present legislative decree, anyone who has belonged to one of the organisations covered in section 1 above and who has not committed offences resulting in death or permanent disability, who informed the authorities that he is leaving the organisation and stopping all activities, will not be prosecuted. In cases where the persons described in the first paragraph are guilty of offences having resulted in death or permanent disability, the punishment incurred will be:

Fifteen (15) to twenty (20) years' imprisonment, when the punishment provided for by the law is the death penalty.

Ten (10) to fifteen (15) years' imprisonment, when the punishment provided for by the law is life imprisonment.

In all other cases, the sentence will be halved.

Art. 41. Within the same period mentioned above, anyone who has possessed arms, explosives or other material equipment and who has spontaneously handed them over to the authorities will not be prosecuted.

Art. 42. The proceedings related to the offences referred to in section 1 above, under investigation or on trial before the courts of the judiciary, are

rightfully transferred to the territorially competent special court on demand by the public prosecutor of the said special court.

Art. 43. The present legislative decree will be published in the *Journal Officiel* of the Algerian Democratic and Popular Republic

Algiers, 30 September 1992.

Ali Kafi

