



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Maat for Peace Human Rights and Developments Contribution to the Questionnaire

Transitional justice measures to address the legacy of serious violations of human rights and humanitarian law committed in colonial contexts in Algeria To the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Introduction:

As it was in many countries around the African continent, colonization in Algeria, was a period of great distress and suffering for Algerians who fought for independence and defense of their values against French colonizers. The eight-year liberation war that resulted in the establishment of the French Fifth Republic and led to the independence of Algeria in 1962 was marred by Torture, enforced disappearances and the deaths of hundreds of thousands of Algerians.¹ Since independence, France and Algeria have had a complicated relationship. Although the links between both countries remain deep, the undeniable impact of the war remains the root of the hostilities between France and Algeria.

Several French leaders have acknowledged the atrocities of the war; in 2003 President Jaques Chirac on a state visit to Algeria, called the war a “tragedy”; in 2007, Nicolas Sarkozy, in Constantine spoke of the “injustice” of the “colonial system”; and in 2012, President François Hollande acknowledged the “brutal” nature of the 132-year occupation.² However, in 2018, President Macron became the first French leader to acknowledge publicly the state’s role in torture during the war.³ And while apologies for the atrocities has remained a politically sensitive issue in France, the country has recently taken steps to address the history of France’s colonial past in Algeria.

¹ <https://www.ft.com/content/4a14e375-1858-487c-9f2f-ae3afe8e97d0>

² Ibid.

³ Ibid.



Organization in special consultative status with the Economic and Social Council since 2016

Headquarters: 148 Misr Helwan El-Zyrae Road, El Matbaa Sq, Hadayek El Maadi, 4th Floor, No 41, Cairo, Egypt

Maat Training Center: 380 Corniche El Nil St., Gawharet El Maadi Tower, 38th Floor, Tower B, Cairo, Egypt

490 El Maadi

WWW.maatpeace.org



maat@maatpeace.org

00(20) (2) 25344706/7



+201226521170



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Maat for Peace Human Rights and development contributes to this questionnaire specifically through questions 1, 3, and 4.

1. Please indicate which measures have been established in the concerned country to inquire on and establish the truth about gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If such mechanisms were established, please indicate how was the outcome of the inquiries made public and conveyed to victims and civil society in the affected country as well as to civil society in the former colonizing power. If such mechanisms were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.

In an attempt to renew ties with Algeria, President Emanuel Macron in 2018 appointed renowned Paris University Professor, Benjamin Stora to shed light on the memory of colonization and the Algerian war, as well as assess the progress made by France in confronting the past and to rebuild, broken relationships between both countries. Thus, after more than one hundred years of colonialism and a brutal seven-year war that ended in Algeria's independence from France, on January 20, 2021, the 160-page Stora report was submitted to the Elysée Palace providing recommendations of healing from past aggressions.⁴

One of the key recommendations in the report is the establishment of a *Truth and Memory Commission*. The commission headed by Benjamin Stora would comprise representatives from politics and civil society from both countries engaged in Franco-Algerian dialogue including Fadila Khattabi of the National Assembly, Karim Amellal, an inter-ministerial delegate to the Mediterranean, doctors, researchers, businesspeople and association members to initiate joint commemoration initiatives.

While this effort to acknowledge France's role in Algeria's past is commendable, President Macron faced backlash for refusing to issue an official apology to the government of Algeria for crimes committed during the conflict. He further stated that there would be "no repentance nor apologies" but rather "symbolic acts" aimed at promoting reconciliation.⁵ Among them are the recommendations provided in the Stora Report. However, since the publication of the report in January 2021, there has been little information from the French government on when the truth commission will be up and running or when the other proposed recommendations to reconcile a

⁴ See <https://www.elysee.fr/admin/upload/default/0001/09/0586b6b0ef1c2fc2540589c6d56a1ae63a65d97c.pdf>

⁵ <https://www.france24.com/en/france/20210120-no-repentance-nor-apologies-for-colonial-abuses-in-algeria-says-macron>



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still-painful past will be initiated. In addition to this, the report has been widely been criticized by the Algerian government, for its lack of objectivity. Thus, despite the significant recommendations provided in the Stora report, the way forward regarding transitional justice for Algeria remains unclear.⁶

3. Please indicate which measures have been established in the concerned country to provide reparation to victims of gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If such processes were established, please indicate which type of reparation was provided to victims (for example: restitution, compensation, satisfaction, and /or rehabilitation). If such measures were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.

Between 1960 and 1966, France detonated 17 nuclear devices in the Algerian Sahara, four atmospheric explosions during the Algerian War, and another 13 underground, most of which occurred after Algerian Independence.⁷ There has been some suggestion of resultant medical issues of thousands of victims following the blast. This is a tangible example of the lasting legacy of the war. In 2010, the French Parliament passed a law on the compensation of the victims of nuclear testing. The law allowed for the financial compensation of any person, civilian or military, who suffered from an illness resulting from direct exposure to radiation.⁸ So far, while the French government has reportedly allocated 26 million Euros for this purpose, almost none has gone to the Algerian victims. Following the requirements of the compensation committee, which requires that claims must demonstrate that an individual worked or lived in a fixed area surrounding one of the two Saharan test sites, between February 1960 and December 1967, and suffered at least one of 21 types of cancer recognized as radiation-linked by French statute, French officials responsible for evaluating the requests claim that requests from Algeria arrive incomplete and blame the Algerian government's inability or unwillingness to provide the geographical, historical, and biomedical evidence that French assessment procedures demand.⁹ In addition to

⁶ <https://www.bbc.com/news/world-europe-56262963>

⁷ <https://www.boell.de/sites/default/files/2020-07/Collin-Bouveret-2020-Radioactivity-Under-The-Sand.pdf>

⁸ <https://www.loc.gov/law/foreign-news/article/france-compensation-of-victims-of-french-nuclear-testing-2/>

⁹ <https://thebulletin.org/2021/03/france-report-grapples-with-nuclear-fallout-from-algerian-war/>



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this, although the Stora acknowledges the nuclear fallout from the Algerian war, the report only briefly mentions compensation linked to radiation exposure from French nuclear weapons development.¹⁰

In 2018, President Macron granted national awards to the Harkis, volunteer Muslim Algerians who served as auxiliaries for the French in the Algerian War. Although France did award the highest civilian honour, known as the *légion d'honneur*, to veteran Harki fighters, the gesture has been considered to be “a little late” and insufficient considering their plight. Thousands of Harki fighters were abandoned after the war and accused by Algerian nationalists of treason, many were massacred. Among the recommendations presented by the Stora report is the arrangement between the French and Algerian governments the possibility of facilitating the movement of Harkis and their children between France and Algeria.¹¹

4. Please indicate which measures have been established in the concerned country to memorialize the gross violations of human rights and serious violations of international humanitarian law committed in colonial contexts. If yes, please indicate whether memorialization processes were established in the affected country and /or in the former colonizing power. If such measures were not adopted, please explain why. Please indicate the challenges and opportunities encountered in this regard, whether victims and affected communities have been effectively consulted in the design and implementation of these measures, and whether a gender perspective was adopted.

During President Francois Hollande’s presidency, the French Government set March 19, as the Remembrance Day for victims of the 1954-62 Algerian War. The Stora Report also recommends commemorative dates beginning from 2022 for all memories, including March 19 (signing of the of Evian in 1962) Remembrance Day; September 25 in homage to the Harkis, October 17 to repression of Algerian workers in Paris. The report further recommends that both countries and different communities invite each other to these commemorations.¹²

Other actions of acknowledgment recommended by the Stora report include, incorporating the French-Algerian colonization history in school curriculums; preserving Jewish and European cemeteries in Algeria; incorporating prominent Algerians into street naming in France; facilitating research visas; doing publishing and translation work relative to the period, and incorporating

¹⁰ <https://thebulletin.org/2021/03/french-report-grapples-with-nuclear-fallout-from-algerian-war/>

¹¹ <https://www.today24.news/en/2021/01/the-harkis-and-their-descendants-still-consider-themselves-undesirable-in-franco-algerian-memories.html>

¹² <https://www.today24.news/en/2021/01/colonization-the-leads-given-to-macron-to-reconcile-france-and-algeria.html>



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colonisation in the school curriculum; a statue of Emir Abdelkader, an Algerian military and religious leader who led the struggle against the French colonial invasion in the 19th century, and recognition of the assassination of lawyer Ali Boumendjel, a leading figure in Algerian nationalism, killed during the Battle of Algiers in 1957.¹³ However, the Family of Emir Abdelkader El-Djazairi has rejected the plan to build a statue in his honour in France which subjected him to imprisonment, hostage detention and assassination attempts.¹⁴

¹³ <https://fanack.com/algeria/history-of-algeria/five-recommendations-from-stora-report/>

¹⁴ <https://newscentral.africa/fr/2021/02/13/family-rejects-frances-plan-to-build-statue-in-algerias-emir-abdelkaders-honour/>