

Analysing long-term impacts of counterinsurgency tools in civil wars: a case study of enforced disappearances in Algeria

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Key points of interest

- Enforced disappearance in Africa takes place in a widespread manner, yet it is grossly underreported.
- Enforced disappearance is used by many African countries to suppress dissent, target migrants, or in the context of internal armed conflicts and the fight against terrorism, among other situations.
- While enforced disappearance has historically not been a focus of attention by the African Commission on Human and Peoples' Rights, the Commission has taken steps to produce guidelines that assist States in eradicating this practice on the continent.

Abstract

Background: The decade long civil war that struck Algeria in the 90s still has strong impacts on the Algerian society today. This article argues that the instrumentalizations of mass human rights violations by state actors cause repercussions on far more than just the direct victim, complexifying the post-war recovery and transitional justice processes that

are put forward in such contexts.

Method: Interviews conducted among mothers, brothers and wives of individuals that were taken by state actors and have disappeared since were analysed to understand the impact enforced disappearances can have on more than the direct victims.

Results: The study shows that the victimizations resulting from enforced disappearances are multi-level and long-term.

Discussion: Any rehabilitation process that comes after such mass inhuman treatments which aspires to be complete and truly contribute to social well-being needs to also take into consideration secondary level victims, which represent family members, and third level victims, which represent the societal and collective memory impacts in general.

Keywords: Algeria, Dark Decade, Enforced Disappearances, Victim Impact, Social Recovery, Collective Memory Trauma

Introduction

The opposition against torture and other degrading treatments has long been considered central and essential for the protection of human rights. The attempts by the American administration in the beginning of the 2000s to introduce a new debate about torture's relevance in situations of war against terror and in the name of national security

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has pushed public opinion in the last decade to learn more about the use of torture by their governments, an actor who should represent the rule of law (Rosemann 2006). Despite the impacts of civil wars already being studied short-term, long-term repercussions on societies are rarer in the literature, especially when narrowed down to the specific contexts of the rise of Islamist armed uprisings in the Middle East and North Africa (Willis 2014). Consequences direct victims of torture experience like psychological distress are discussed in many studies, but what about the experienced consequences on relatives of the direct victims who haven't been tortured but yet know about it and constantly fear it? This quest can be addressed with a case-study of the Algerian 90s civil war: it occurred over 20 years ago so its long-term impacts can be observed today and therefore easily studied, and it was a result of the rise of armed islamist groups and a military coup, which are factors present in many current Middle Eastern crisis like Egypt and Syria. Giving a closer look to the impacts the 90s civil war and the instruments Algerian state actors used to fight it could hold interesting implications for post-war recovery processes that currently need to be prepared for some of Algeria's neighbour countries.

After military intervention in 1992 to cancel the first-ever elections held since achieving independence, Algeria sunk into a decade-long civil war that caused over 100,000 deaths - some civil society organizations counting up to 200,000 deaths (Ould Khettab 2015). Despite the different anti-regime and islamist insurgencies being responsible for many of the victims in this count, State-actors also instrumentalized many anti-human rights practices to serve its war against 'terror' and caused heavy victimizations, including torture, arbitrary arrests, secret detentions and other cruel, inhuman and degrading treatments. Between

8000 and 20 000 persons disappeared, 4000 to 7000 of them disappeared after being arrested or abducted by state actors like policemen or military (Algeria-Watch and Sidhoum 2003). As the only solution put forward to put an end to the conflict also known as *the dark decade*, the Algerian government proposed a national reconciliation charter in 2006 that conceded amnesty to perpetrators.

This article suggests revisiting the files on one of the tools used in the 1990s in Algeria to fight anti-regime insurgencies and terrorism: enforced disappearances. This form of human right violation is particular in the way that it also leaves family members of the direct (disappeared) victim in a void where they wonder if they should mourn or fight to find truth about the whereabouts of their loved one, which is in itself a form of torture and degrading treatment on them even if they were not initially targeted by the human right violation. It discusses the multi-level victimization caused to Algerian society, offering a re-analysis of this civil war's repercussions that now takes fully into consideration the impacts of the widespread use of enforced disappearances. Through a victim impact analysis, the article uses video and audio testimonies of family members of enforced disappearance, all members of the women-led organization of mothers of abductees *SOS Disparus*, based in the city of Algiers.

SOS Disparus is a local human rights organization formed in 1998 by a group of Algerian mothers looking for the truth about their loved ones who had been arrested or abducted by State actors during the 1990s civil war and who were never seen since. Their work on the ground involves collecting testimonies and assisting families of victims. The organization also created a podcast named *Radio des Sans Voix* (radio of the voiceless) and produced a number of interviews with family members of

enforced disappearances. Some of these interviews are also used in this paper.

Background: The 2006 national reconciliation charter that the government put forward to put an end the conflict posed many challenges to post-war recovery. It conceded amnesty to all preparators, whether state officials or by armed groups. The charter goes against truth-seeking for families of victims of enforced disappearances since it makes it impossible to file “complaints against a state official presumed to be the author of an enforced disappearance or any other violation human rights” (CFDA 2016). Monetary compensations have been offered to families of disappeared, but is subject to the families agreeing the provision of a death certificate of the missing person, which implicates that the person is officially no longer disappeared but dead and that the family can no longer legally ask the State to help them find their disappeared loved one. The United Nation’s Committee Against Torture’s last report about Algeria (2008) condemned this condition to touch indemnities since it lays family open to additional victimization, which is in itself a form of inhuman or degrading treatment (UNCAT 2008).

Method

Definitions: Enforced disappearances are a form of torture, which is defined by the *International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.” (OHCR 1984) The approach used in this paper pushes for a more englobing definition of torture that takes into consideration a more contemporary victims typology. This typology considers that the definition of victims “extends well beyond the individual, direct victim of crime and in-

cludes many different groups of persons” like family members (Wemmers and Manirabona 2014).

Victimology researchers such as Wemmers and Manirabona propose a typology for victims of war crimes that takes into consideration the impact on the groups, communities and societies that have suffered harm - for example, the fear that is created by the systematic use of violence. Fear alone can create trauma that is as worthy to be considered as a rehabilitation need as a direct victim’s trauma (Wemmers and Manirabona, 2014). This paper will therefore consider 3 levels of victims: the direct victim of enforced disappearance, the family of the direct victim, and the community, mainly Algerians living in the capital, as the vast majority of enforced disappearances occurred in Algiers and therefore had an impact on the social climate in the city. See figure 1 for a representation of multi-generational victimization.



Figure 1. Family of forcibly disappeared Hakim Cherguit, March 2016, Algiers (CFDA 2015)

Similarly to the definition of torture, the definition of enforced disappearances used here starts with a definition from international law, more specifically from the *International Convention for the Protection of All Persons from Enforced Disappearance* and extends it to include more victims than the direct victim. Article 2 of the *Convention* defines enforced disappearance as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State [...] followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person” (OHCHR 1992).

Method: The paper looked for victim impact statements in the testimonies of second level victims of enforced disappearances, which are family members. Victim impact analysis consists of looking for “information about the effects of a crime on the victim or the victim’s family” in a testimony the victim or the family gives (Myers and Arbuthnot 1999).

The approach developed is that victim’s voices should be at the heart of any post-war recovery process, so using victims’ oral statements is a particularly appropriate method to identify the needs the recovery strategy and policies should tackle.

In Algeria, after over 20 years since the disappearances, mothers tend to be the most active family member in the search for a disappeared loved-one, and thus they are the most present in the videos. Six (6) video testimonies available on both *Youtube* channels of *SOS Disparus* that are named *collectif disparus-algerie* and *Disparition forcée en Algérie* were used. The videos present the testimonies of 9 mothers in Arabic, French or Amazigh depending on the preferred language of the mother. The videos were all recorded in the streets, in the context of a peaceful protest or demonstration demanding the truth about the missing loved-one, except for one that was recorded at the

home of one of the mothers. Seven (7) audio recordings, still produced by *SOS Disparus* but through it podcast *Radio des Sans Voix*, were also used. One of testimonies is given by both parents of a victim, so the number of second-level victims listened to in this case is 8. The audios were all recorded at the office spaces of *SOS Disparus* in Algiers, in a safe environment, except for one audio (recorded in 2021) that was recorded through a phone-interview because of the covid-19 context.

The total number of (second level) victims listened to is 17 ($n=17$). Some videos offer short testimonies (2 minutes), and the audio testimonies are all 20 minutes \pm 2 minutes. In efforts to measure long-term victimizations of the 1990s civil war, all testimonies used were collected recently, between 2015 and 2021. The audio testimonies were semi-structured while the videos were not. The links of all videos and audio testimonies can be found in the Annex.

In the testimonies, the harm experienced by families of victims of enforced disappearances is the variable aimed to be identified. Any sign of change in the (second level) victim’s economic situation, like the loss of a lot of money to pay for judicial procedures to ask the State for the whereabouts of their loved one is what is looked for. The harm experienced can also be in the social status, for example an exclusion from the rest of the person’s family or friends because they become associated with “something” that happened during civil war, or “something” that is against the State. In these situations, it is often because enforced disappearances are not understood by most of the population, and many Algerians think that people who were taken by State actors and disappeared were probably terrorists, and that they might have deserved it. The Algerian context, as of most contexts where enforced disappearances occurred, however shows that

there was not many evidence collected on a victim before arresting her and making her disappear, which means that disappeared victims were not necessary involved with armed terrorist groups. Even if the person was, enforced disappearances remain a crime against humanity that is prohibited. Finally, any change in the psychological or emotional condition of the (second level) victim is also considered as an impact that will be analysed. It can be related to a state of tiredness or isolation because of the nature and the duration of their fight to find out about their disappeared loved one.

In the statements of the studied interviews, different factors that can have an impact on the harm experienced by family members were measured: the satisfaction or dissatisfaction with the judicial process that was made available to them for the human rights violation their loved one has been a victim of, the involvement in looking for the missing loved-one which is known to cause tiredness and loneliness, and the psychological and socio-economic situation of the interviewed person at moment of his or her testimony. These variables were inspired from the ones used in a study on victim harm published in the *International Review of Victimology* in 1997 by Edan Erez, Leigh Roeger and Frank Morgan. These factors were identified as tending to influence the way victimizations are experienced in situations of human rights violations. Since none of the testimonies followed a pre-established and controlled questionnaire, some testimonies do not give information on some factors.

Participants: The study of enforced disappearances in Algeria and its impact on victims is a difficult one because the vast majority of the parents of victims of enforced disappearances today are in an advanced age, and many have already died. Because of this, a study on their reality and experiences is very important, and the already documented work done on the

ground by *SOS Disaprus* therefore becomes highly valuable. The fact that they have gathered a lot of documentation allow researchers to study the testimonies of these family members. The present study is thus based on the information contained in the videos and audio testimonies of As for the third level victims, the harm they suffered from enforced disappearances will later in the paper be extracted from an analysis. Since it is a broad and large population, it is difficult to collect data about it.

Results

In all 17 testimonies listened to, some kind of harm and negative repercussion is depicted by the family member. Since enforced disappearances were systematic in the way that they occurred on a wide level with an organization in the context of a cycle of repression, the testimonies of families of victims have similarities. The harm documented show a long-term (over 20 years) repercussion on the family of the direct victim. All the mothers in the 6 videos show serious involvement in the quest for their missing son, where this quest has taken a big part of their everyday lives for years. All of them participate in demonstrations taking place after over 20 years and are still active within *SOS Disparus'* work. One of the sons of a disappeared man interviewed in a podcast episode also show serious involvement. Every testimony talks about a deep desire to access truth about the loved-one, to "receive the bones if he is dead" to at least have a grave to go to, and to be finally able to have the closure to mourn, which translates into a dissatisfaction of the solutions offered by the State, and in many cases an exhaustion.

Psychological and socioeconomic situation was the most difficult type of impact to measure in the testimonies studied because most of the testimonies don't naturally think of

talking about this aspect, or don't do it because of the stigma and because these are personal details. It is a limit of using pre-made testimonies that don't answer the same questions and rather let (second level) victims express freely about whatever they want to talk about related to their experience. Although reports about enforced disappearances tend to show that families left behind struggle economically and can suffer from marginalization, this factor was difficult to measure with the data available (Amnesty International 2009). However, in two of the videos and two of the audios, the family members talk about the emotional tiredness and burden of their quest. In five of the videos the person interviewed appears to want to use the platform that they were offered as a way of communicating to the government that they will not back down, showing a determination level that is not diminished by the passage of time.

In 4 testimonies (audio), the (second level) victims interviewed talk about a fear of repercussions because of their involvement in the search for their loved ones, some talking about

threats received, in form of anonymous letters for example that are believed to have been sent by State actors, or a perception of threat at least and fear of repercussion.

On the basis of the analysis of the testimonies, the factors considered to influence the trauma and the fear that the family members experience are: the level of satisfaction with the judicial process made available by the State, the involvement in looking for the disappeared loved one, and the psychological and socio-economic situation of the family member.

The impacts and trauma experienced by family members of enforced disappearance victims have been particularly violent: some families have received threats because of their quest for justice and truth, some lost their social networks and economies due to legal fees, and many have organized their lives around their revendications because they regularly attend protests (CFDA 2016). People who witness these impacts or hear rumours or stories about the state's use of torture and other inhuman treatments can later themselves become afraid and mistrustful of state

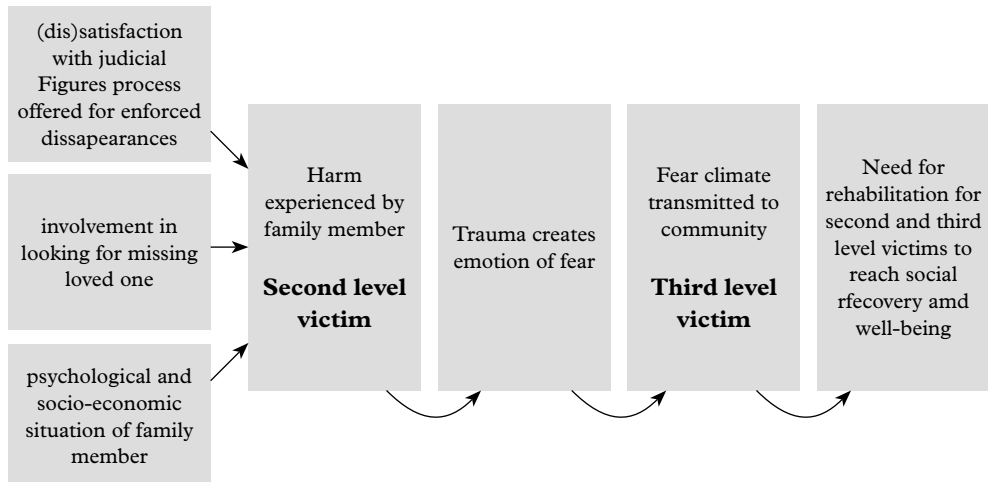


Figure 2. Enforced disappearances creating multi-level and long-term victimizations in Algerian context

actors. When this transmission of a fear climate occurs, third level victimizations take place and rehabilitation becomes needed for people who, for example, live in Algiers in a neighbourhood where enforced disappearances occurred, even if they are not direct victims nor family members of a direct victims.

Although utilizing a small sample, the results show that enforced disappearances cause harm to family members, which creates fear in some of them. Added to the other mass human rights violation committed during the dark decade, the birth and transmission of a fear climate, even to new generations, can be expected (see figure 2). The existence of victims other than those directly victimized logically demonstrates the existence of rehabilitation needs for this much larger group of victims.

Discussions

As Wendy Pearlman explains in her study “Emotions and the Microfoundations of the Arab Uprisings”, fear is an individual emotion. This was identified in the current work through some testimonies of families of victims of enforced disappearances, but it can also be an emotional climate, which can be observed in Algeria since the *dark decade* (Pearlman 2013). Algerian psychology professor Cherifa Salhi declared in 2012 in the context of Arab Spring in the neighbouring countries: “*even if we would like to fight against corruption, for justice, freedom and democracy, we are still traumatized [...] we need more time to overcome the effect of ten years of violence*” (Pearlman 2013). Even if the new generation of Algerians “*does not remember the details of the civil war, [...] every family has a victim to tell the story of the civil war*” (Zeroualia 2020). Trauma does not disappear, but rather a complete mental representation of traumatic events remains available in the memory. Since the conflict resolution mode chosen by Algeria

did not involve any form of rehabilitation, the trauma in the collective memory that emerged from experiencing, witnessing, or hearing about the systemic and instrumentalized mass human rights violation is predictable.

The absence of transitional justice procedures in post-1999 Algeria, identified as key mechanism for social reconstruction after armed conflicts, is an aggravating factor of the Algerian collective memory’s trauma here studied. The UN’s Committee against Torture has expressed its concerns for years about Algeria’s charter for peace and reconciliation that gives amnesty to all preparators, since it is within a state’s obligation to prosecute perpetrators of war crimes and crimes against humanity, including torture and enforced disappearances (UNCAT 2008).

When preparators enjoy impunity from the crimes they have committed, communities tend to grow an even larger mistrust toward their governments, which heavily blocks social recovery and marks collective memories. When a State doesn’t investigate a crime, it is rarely perceived as a lack of capacity or budget or a lack of evidence to prosecute, despite it often being a narrative diffused to victims, and is rather perceived as a voluntary strategy of impunity. This lack of trust, the absence of justice and accountability, and the general climate of fear and abandonment by the State that is initially perceived by families of direct victims, or second level victims, is what can be transmitted to the rest of the community with years passing. Nevertheless, even when transitional justice mechanisms are introduced, the sole act of instrumentalizing human rights violations, even if they are used in the name of national security, has heavy repercussions on all levels of victims.

The analysis of the Algerian experience can hold essential lessons and implications for partitioners working in post-war contexts. Tra-

ditional transitional justice mechanisms that usually involve trials between direct victims and perpetrators have an appeal for Western public opinion and therefore tend to be pushed by the international community and donors, but in some cases like in Algeria, the traumas cannot be tackled by traditional procedures (Hazan 2006). It is crucial to design mechanisms that tackle collective memory traumas like the fear climate. The need for reparation of the different levels of victims should have its place in every need's assessment process of post-war recovery projects that take place in a context where enforced disappearances occurred. Partitioners and researchers working with families of victims of enforced disappearances should also avoid as much as possible referring to family members as "mother of", for example, to help considering them fully as victims themselves instead of just family members of victims.

Conclusion

When discussing the impacts of armed conflicts, Algeria's *dark decade* rarely emerges in current debates. This paper proves itself highly relevant because it can attest of the long-term consequences that the use of torture, including enforced disappearance, can have on societies and communities at large. If analysed as a failure case of rehabilitation of war victims, the study of the Algerian context can help sensitize on the multi-level, multi-generational and often just understated and minimized victimizations and traumas that the use of enforced disappearances and their impunity can create.

As a call for future research, this article stresses on the importance to treat enforced disappearances as a mechanism that causes serious repercussions over a long period of time, far greater than the direct disappeared victim and its direct close family members.

The victim impact analysis developed here serves as a reminder that when mass violations are instrumentalized as they were in Algeria, victimizations occur on a wide multi-level, implying that traditional transitional justice mechanisms mainly focusing on the reparation process of the direct victims can be insufficient to heal collective memory traumas.

Annex

Links of videos documenting testimonies of victims of enforced disappearances used in the paper (publicly available):

- Testimony of Mrs. Mechani, November 2016: https://www.youtube.com/watch?v=m0_eZ8zcFRo
- Testimony of Mrs. Berkane, October 2017: <https://www.youtube.com/watch?v=n8jIOrLazYk>
- Testimony of Mrs. Cherguit, December 2019: <https://www.youtube.com/watch?v=ZC7crATjadM>
- Testimony of Mrs. Bouabdellah, December 2019: <https://www.youtube.com/watch?v=g0FeTP6hDiw>
- Testimony of a group of mothers, August 2016: <https://www.youtube.com/watch?v=NdJvGOX5hZc>
- Testimony of Nasserata Doutour, January 2021: <https://www.youtube.com/watch?v=w9Btw5sJFK0>

Links of audio testimonies of families of victims of enforced disappearances used (publicly available):

- Testimony of Mr. Othmane, Decembre 2019: <https://www.radiodessansvoix.org/app/assets/uploads/2019/12/La-disparition-forcée-de-Othmani-Baba-Ahmed-.mp3>
- Testimony of Mr. and Mrs. Medjeber, July 2016: <https://www.radiodessansvoix.org/app/assets/uploads/2016/07/Djilali-MEDJBER-FINAL.mp3>
- Testimony of Mr. Ouazzane, August 2016: <https://www.radiodessansvoix.org/app/assets/uploads/2016/08/Mr-Omar-OUZZANE-Noublions-pas.mp3>
- Testimony of Mr. Gherzoul, November 2016: <https://www.radiodessansvoix.org/app/assets/uploads/2016/11/DISPARITION-FORCEE-DE-SALIM-GHERZOUL.mp3>
- Testimony of Mr. Kyrza, July 2017: <https://www.radiodessansvoix.org/app/assets/uploads/2017/07/La-disparition-forcée-de-Sadek-KYZRA.mp3>
- Testimony of Mrs. Maziri, October 2018: <https://www.radiodessansvoix.org/app/assets/uploads/2018/10/La-disparition-forcée-de-MAZIRI->

Abd-Allah.mp3

Testimony of Mrs. Bennoua, January 2021:

<https://www.radiodessansvoix.org/app/assets/uploads/2021/01/MOURAD-ET-MUSTAPHA.mp3>

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