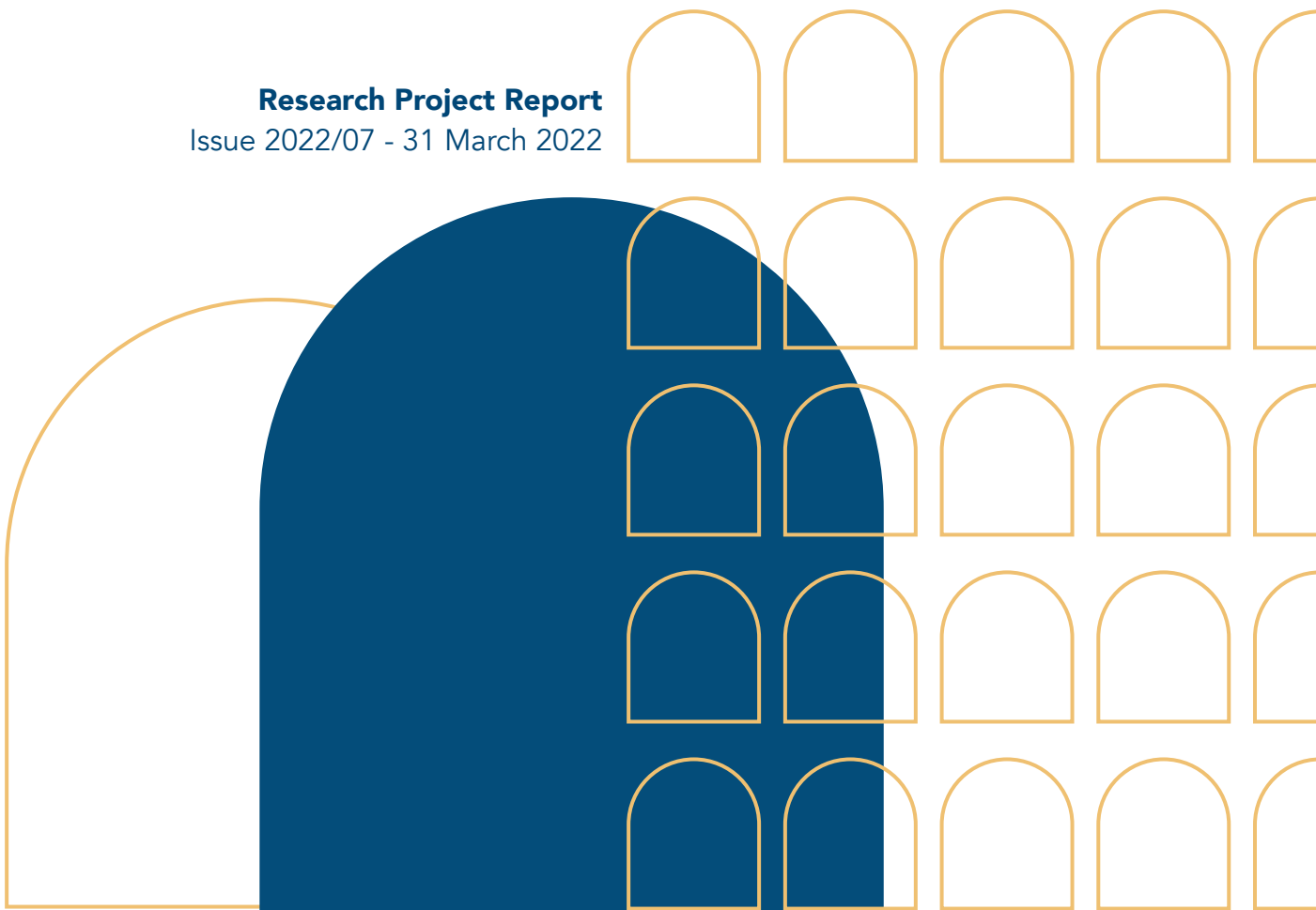


National Reconciliation and Peacebuilding in Algeria: Lessons for Libya?

Faouzia Zeraoulia

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Faouzia Zeraoulia**

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Executive Summary

In the 1990s, Algeria experienced a violent civil war with various atrocities. Civilians confronted violence from both state forces and from extremist armed groups. The suspension of the electoral process in 1992 by the military, which was associated with profound societal polarisation and economic bankruptcy, resulted in massive human rights violations. Thousands of suspected Islamists were detained under a variety of politically motivated charges. Torture, extrajudicial killings, kidnapping, and assassination were widespread in parts of the country since the beginning of the war. In the meantime, the Islamist insurgency expanded and took a large part of the country. In 1994-1995, according to official statements, one-third of the country was under the control of the insurgency¹. Those who were highly critical of the intolerant direction, policies, and acts of both state forces and armed groups, were themselves vulnerable to violence. These included religious leaders, journalists, teachers, professors, lawyers, intellectuals, politicians, and ordinary people.

Since 1996, with the militarisation of society and the multiplication of extremist armed groups, violence intensified at an alarming rate and expanded dramatically in terms of geographical locations and targeted groups. New extremist doctrines emerged, and state violence against civilians was exacerbated: violence became highly fragmented. Those, particularly in western prefectures and the municipalities surrounding the capital, were more likely to encounter massacres, and suicide attacks. Mass killings at Bentalha, Ghelizan, and Sidi Moussa are typical examples of the atrocities and human rights violations of that period against soft targets. As a response, powerful factions in the military establishment asserted the need for dialogue and negotiation to end the cycle of violence and to protect the unity of the country. Therefore, contacts between belligerent camps were re-established and the government started preparing for a national reconciliation project that could eradicate the extremism and bring the war to an end.

Despite the reconciliation process being frequently linked to the Charter for Peace and National Reconciliation (CNPR), planning for this project began with the first contacts with armed groups. Even belligerent camps used the term 'reconciliation' for the plan for ending violence and for reforging social links across the battle lines. This process for enhancing peace was highly centralised and based on security priorities. Civil society organizations played a remarkable role during the war in documenting atrocities and in promoting a human rights regime. Nevertheless, the Algerian government chose to craft the reconciliation plan behind closed doors without involving third parties. The international community, opposition, and bottom-up associations were effectively shut out. Only a few documents and reports illustrating the main articles and prerequisites of the peace agreement that set the terms for the reconciliation project were published.

Successive critics took issue with the reconciliation process in Algeria. However, it is undeniable that the initiative contributed decisively to the decrease in violence and the demobilization of more than 9,000 insurgents. Moreover, the social and economic reconstruction plan that came with reconciliation mitigated the societal polarizations that led to war and marginalised extremist doctrines. The process succeeded in containing the violent spiral and did so while protecting the territorial unity of the country from collapse and international interference. However, the post-war regime failed to promote a comprehensive agenda for rehabilitating interpersonal relations, enhancing the rule of law, and consolidating the human rights regime.

1 Abdennour, Ali Yahia, 2007. « Les disparitions forcées en Algérie: pour la vérité, la paix et la conciliation », International seminar, Brussels.

Introduction

In the 1990s, Algeria experienced a violent civil war between the government and an Islamist insurgency. There were seven armed groups, namely: the Armed Islamic Movement (AIM); the Islamic State Movement (ISM); the Islamic Front of the Armed Jihad (IFAJ); the Islamic Army of Salvation (AIS); the Armed Islamic Group (GIA); and the Guardian of Salafi Call (GSC). The war followed a contested process of political liberalisation that was associated with important societal cleavages. Disputes between sympathisers of secular parties and the Islamist opposition were seen on a daily basis, especially on university campuses. Mosques also were transformed into political mobilisation hubs and places of contestation against post-independence policies.

In 1992, and after the suspension of the electoral process by the military, violence exploded and the country descended into a period of massive human rights violations. Civilians were vulnerable to various types of atrocities: political assassinations, mass killings, massacres, sexual violence, enforced disappearances, and enforced displacements.

In 1997, a truce was announced by the AIS after long negotiations with the national intelligence agency. Consequently, the levels of violence in the country decreased. According to the national authorities, there had been as many as 200,000 victims in the civil war, but no detailed reports have been published assessing the deaths and consequences of the “Black Decade”². According to civil society estimates, the war resulted in around 18,000 enforced disappearances by state forces³ and 20,000 enforced disappearances by armed groups, including 4,000 women.⁴

After Abdelaziz Bouteflika came to power in 1999, the presidency announced two complementary projects to establish peace and to implement reconciliation: the Civil Concord Law (CCL, 1999) and the Charter for Peace and National Reconciliation (CNPR, 2005). Although violence decreased and life returned to various damaged villages, the projects have come under severe criticism from national and international human rights organisations, which asserted that reconciliation is not a one-step initiative. Instead, it is a long and multi-step process that involves enhancing societal tolerance, diminishing structural injustices, defending human dignity and victims’ rights. It follows that the reconciliation initiative should be revised and promoted continuously in a way that strengthens democratic norms and peaceful interpersonal relations.

This paper⁵ scrutinises the reconciliation initiative in Algeria by highlighting the principal measures that have been undertaken by different actors. It, also, illuminates the main lessons from the Algerian experience. Those lessons might be usefully employed by experts seeking to design reconciliation processes in Libya, a country in a complicated transitional period. Certainly, the external and internal dynamics of violence differ from one country to another. But both countries share common socio-cultural characteristics and are exposed to similar security threats.

The paper is part of a broader research effort that features extensive ethnographic fieldwork carried out in Algeria in 2018-2019. We rely on three sources to address the main scientific concerns of the analysis; most of the data are primary materials. First, there are interviews. We conducted more than one hundred interviews with victim families and other agents who played a significant role during the war.

2 The concept that is used in the official narrative to describe the civil war of the 1990s.

3 Author interviews with activists of the Meshaal association and previous members of the National Association of the Families of the Enforced Disappearances in the 1990s.

4 Zeraoulia, Faouzia. 2020. “The Memory of the Civil War in Algeria: Lessons from the Past with Reference to the Algerian Hirak.” *Contemporary Review of the Middle East* 7(1), p. 35.

5 This paper is a part of a research project that was launched in 2019. It is funded by the Fritz Thyssen Foundation with the collaboration of the Center for Near and Middle Eastern Studies (CNMS), Marburg.

These included demobilised insurgents, army officers, brigade, police, state forces, politicians, academics, and human rights activists. Secondly, we rely upon an analysis of official documents. These include the Charter for Peace and National Reconciliation; the Civil Concord Law; the National Contract; and communiqués from armed groups. Then, third, there is a media archive.

The analysis is divided into five sections. First, we provide some background information on the explanatory factors and the principal features of Algeria's descent into extreme violence. Second, we present the main initiatives for stopping violence and for achieving peace. Among them, there is the Civil Concord Law and the Charter for Peace and National Reconciliation. These are analysed in, respectively, the third and fourth sections. Finally, we highlight the complementary role played by grassroots organizations to enhance reconciliation and to implement societal tolerance. We end this paper with some conclusions and lessons from the Algerian experience that might prove useful to Libya.

1. Explaining Algeria's descent into violence

Algeria experienced a political impasse in the mid 1980s, which exploded violently in the 1990s. Scholars have presented many theories to explain the violence that prevailed in Algeria: bankruptcy; the failure of the economic policies; political corruption; authoritarian policies; and the social crisis.

The war had three main phases.

1.1. First Phase: Suspension of the electoral process

On 9 February 1992, the military rulers in Algeria announced a state of emergency and suspended the electoral process, as the Front for Islamic Salvation (FIS) had been on the verge of triumphing at the ballot box.⁶ Top-rank officers, mainly Khaled Nezzar, justified that decision as a way to protect the principles of the republic against the autocratic FIS project. It was largely presumed that the FIS embraced a radical doctrine and an extremist tone that challenged the post-independence regime. It is true that the FIS's leading figures, such as Ali Belhadj, had asserted that Sharia was the only source for legitimacy and knowledge. Nevertheless, the interruption of the electoral process was also an opportunity for the incumbent regime and powerful factions to monopolise the country's resources and hinder all forms of a transparent democratic reform: this was widely recognised by academics and in the public sphere.⁷

The suspension of the electoral process was accompanied by massive human rights violations against civilians, including FIS activists. It extended to people who publicly expressed their opposition to state policies without showing any support for the Islamist opposition. The state detained thousands in concentration camps in the south of the country under a variety of politically motivated charges.⁸ Meanwhile, others were executed or died under torture.⁹

6 Following the youth riots of October 1988, the Algerian government announced a process of democratization. Political parties, such as the communist Parti de l'avant-garde socialiste (PAGS), which had been clandestine, entered the public sphere. Many new parties were also created, including the Islamist party Front Islamique du Salut (FIS), which won the communal elections of June 1990 and the first round of the legislative elections that were then suspended by a military coup in January 1992. See Bouandel, Youcef. 2005. "Reforming the Algerian Electoral System." *Journal of Modern African Studies* 43 (3), pp. 403-412.

7 Author interviews with local politicians conducted from April to August 2019.

8 Comité Algérien des Militants Libres de la Dignité Humaine et des Droits de l'Homme. 1996. *Livre Blanc sur la Répression en Algérie (1991-1995)*. Suisse: Hoggar. According to human rights activist Ali Yahia Abdennour, 17,000 Algerians were imprisoned in the southern camps.

9 While the authorities acknowledged that 7,000 went missing, the Algerian League for the Defense of Human Rights (LADDH) notes that the victims of enforced disappearance between 1992 and 1997 are estimated up to 18,000 persons.

1.2. Second Phase: Mass Recruitment and the Militarisation of the Society

After the interruption of the electoral process, Algeria witnessed a growth in Islamic armed groups and the militarization of society. The expansion of human rights violations provided a fertile ground for Islamist armed groups to recruit youths and radicalise communities.¹⁰ Indeed, the military intervention gave space to hard-liners inside the FIS, who saw violence as the only alternative for achieving their political objectives and for establishing an Islamic State ('Dawla Islamiya'). State institutions, staff, and even people who opposed the use of violence were targeted by the Islamist insurgency.¹¹

Then, on the other side of the conflict, since the end of 1993, new pro-government forces emerged in Algeria to fight the Islamist insurgency. Unlike the self-appointed pro-government troops that had autonomy in conflict zones, these forces were highly centralised and were totally under state control. Many reasons were given to explain the appearance of these groups: the total absence of security; protection provisions; enforced recruitment; personal grievances; the search for power and self-enrichment; and poverty.

Nonetheless, there is a consensus that the state also played a crucial role in increasing militarisation, which was considered a way to strengthen the government's hands against insurgents. Remarkable efforts were made to augment recruitment. The regime broadcast announcements on official media calling people to help the government and to fight alongside state forces. Furthermore, in rural zones where citizens were more vulnerable to violence, people were compelled to join these forces.

The pro-government forces in Algeria were divided into two structures: the Patriots and the Communal Guards. The Patriots or what was called the self-defense forces appeared in 1993. There were estimated officially to be about 170,000 members.¹² It is claimed that the first groups appeared in Tizi Ouzou mountain villages where insurgents used to go to collect food and money. Residents asked for arms from the regime to protect themselves and their properties from the insurgents. The Patriots were not properly autonomous. Instead, they were dependent on the Defense Ministry and worked closely with the military operational sector. Moreover, they were geographically rooted. Most of them prioritised the safety of their own area and their families.

The second division of the pro-government irregular forces was the Communal Guards, who were dependent on the Interior Ministry. They were forces with regular salaries and worked in close connection with the brigade and the police. Due to the economic crisis, this recruitment program provided socio-economic advancement for many impoverished young men during the war.¹³ The first groups were set up early in 1994. They were set out in cities and abandoned villages where they were charged with patrolling state institutions; protecting state officers and politicians and fighting alongside the army in the mountain villages. They were stationed in destroyed schools and empty state buildings and provided protection in many peripheral zones.

10 Rare statistical data were shared on FIS activists who joined armed groups; respondents estimated that around half of them chose to join the insurgency. The concentration camps allowed the FIS activists to organise themselves and coordinate for actions in armed groups later. Even people who denounced the use of violence were convinced and took up weapons.

11 From 1993, and as a response to state policies, the armed groups launched a campaign against all state representatives, including army officers, intellectuals, journalists, police, and civil servants. They captured many towns, including the edges of the capital, and pursued urban warfare to isolate the state from society.

12 Author interviews with anonymous respondents.

13 Author interviews with various members of the Communal Guards and Patriots.

1.3. Third Phase: Massacres against Civilians

After 1996, the war was more complex and brutal. It became fragmented, multipolar, and loyalties blurred. Two factors explain this change. First, the emergence of pro-government forces forced a profound fragmentation within communities. The locally-driven forms of social solidarity and the cognitive concepts of proximity, including clans and big family, started to break down. Then, the social fabric and the traditional societal hierarchies that structured social solidarity between communities and individuals were badly damaged. Different members of the same family could support the regime and armed Islamists. The second factor was the emergence of extremist doctrines within both belligerent camps. On the one hand, new armed Islamist groups appeared considering society as a whole to be 'infidel' ('kafir') and seeking a new societal system. On the other hand, powerful clans inside the establishment adopted more radical speech demonising all religious symbols and opponents of the regime. The result was a large-scale campaign of violence against civilians.

In 1996-1997, Algeria witnessed massacres in different prefectures, especially in cities surrounding the capital and in the western part of the country. Thousands of civilian people, including children, were slaughtered.¹⁴ It is alleged in the official narrative that massacres were a response to the announcement of the electoral process by President Liamine Zeroual in 1995.¹⁵ Armed groups proclaimed in published communiqués that those elections were not legitimate and they were attempting to deter people from participating in the polls. In contrast, a 'dirty war' hypothesis emerged among academics and refugees in exile.¹⁶ For instance, the military rulers had been accused of passivity and collusion with extremist groups after hundreds of men, women and children had been slaughtered in a single night a short distance from an army barrack. Even the AIS leadership maintained that massacres presented a state-led strategy to discredit the Islamist opposition.

2. Preparing for the Peace Process

Algeria saw many attempts at dialogue and negotiation in the 1990s. There were top-down as well as bottom-up initiatives: the preliminary talks of 1994; the National Contract; the Rahma Law; and the Truce of 1997.

2.1. Preliminary talks

In 1994, first contacts were established between the Algerian intelligence agency and the AIS to discuss the possibility of peaceful negotiations. They were conducted by regional army commanders and political activists who had close relations with the AIS chief Mazreg Madani.¹⁷ Three factors encouraged the state apparatus to negotiate: the Islamist groups controlled large parts of the country; the state had failed to provide security for citizens; and the economic crisis required international support.¹⁸

14 See Kalyvas, Stathis N. 1999. "Wanton and Senseless? The Logic of Massacres in Algeria." *Rationality and Society* 11 (3), pp. 243-285; Mundy, Jacob. 2015. *Imaginative Geographies of Algerian Violence*. California: Stanford University Press. Also Yous, Nasreddine, and Mellah, Salima. 2012. *Qui a Tué à Benthalha: Algérie, Chronique d'un Massacre Annoncé*. Paris: Découverte.

15 In an attempt to gain legitimacy on national as well as in the international arena, the military rule under President Liamine Zeroual announced the organization of a presidential election prior to the end of 1995. However, he affirmed that the FIS would never be a part of the electoral process. See: Le Sueur, James D. 2010. *Between Terror and Democracy: Algeria 1989*. London: ZED Books, pp. 65-69.

16 Souaidia, Habib. 2001. *La sale guerre: Le témoignage d'un ancien officier des forces spéciales de l'armée algérienne*. Paris: La Découverte; Bedjaoui, Youcef; Aroua, Abbas; and Ait-Larbi, Meziane. 1999. *An Inquiry into the Algerian Massacres*. Switzerland: Hoggar.

17 Author interviews with autonomous army officers, 2019, Algeria.

18 Author interviews with autonomous army officers, 2019, Algeria.

The AIS refused to negotiate outside the framework of the FIS and demanded the release of FIS's main leaders: Abassi Madani and Ali Belhadj. They were released prior to the start of the dialogue; however, the preliminary talks were interrupted in their first phase. Indeed, the mediators, Moussa Aissani¹⁹ and Bashir Meshri²⁰, who were trusted by the AIS and the intelligence agency, failed to garner consensus between the disputing parties. Both belligerent camps refused to make concessions seeing negotiations as a zero sum game. The military regime refused the rehabilitation of the FIS and its reintegration into political life. Then, on the other side, both Abbasi and Belhadj, continued to demand the return of FIS to the political scene and the application of Sharia.

2.2. The National Contract: The Political Opposition's Initiative

Before the suspension of the electoral process, the political opposition had made strong efforts to avoid violence by encouraging dialogue between the FIS and government representatives.²¹ Political parties had emphasised that dialogue was the only way to resolve what was a political crisis. In 1994, with the escalation of human rights violations, the opposition suggested a new initiative to discuss the political situation and to find a solution. Based on the remarkable efforts of Abdelhamid Mehri,²² the FIS representative abroad, the FLN, the Front of the Socialist Forces (FFS), and other parties gathered. In several meetings they negotiated a common platform and debated a political solution for the political crisis in Algeria.²³

These meetings resulted in "the National Contract", as it was called, that was signed in the Sant' Egidio community in Rome on 13 January 1995.²⁴ This independent initiative was an attempt to find a settlement by developing a national agenda with the participation of all parties regardless of ideological differences. The National Contract distinguished between the fundamental principles that are required to bring a sustainable form of peace and the prerequisite conditions to make the negotiations successful.

First, the Contract asserted the following principles:

- Full commitment to the principles of democracy and the peaceful transfer of power. All forms of violence are rejected.
- Condemnation of dictatorship, regardless of its form and its nature.
- A guarantee of fundamental, individual, and collective freedoms and basic rights for all Algerians regardless of the race, sex, religion, and language.
- Respect and promotion of human rights as is stated in the international conventions.
- Multipartism and the alternance of power.
- The primacy of the rule of law.
- Non-intervention of military institutions in political affairs.
- Respect for the popular legitimacy and elected institutions.
- Freedom and respect of religious beliefs.
- Commitment to the respect of the principle of separation of powers (legislative, executive, and judicial).

19 Moussa Aissani is an old veteran who participated in the war of independence.

20 Bashir Meshri was one of the FIS lawyers.

21 Among the main parties that refused the use of violence were the Front of Socialist Forces and the Movement of Society for Peace.

22 Abdelhamid Mehri is a politician and independence-era veteran.

23 Author interviews with autonomous ex-FLN members, 2019, Algeria.

24 The Sant' Egidio community played no role in the framing of the National Contract. It only hosted the event.

Second, participants maintained that negotiations should be preceded by a set of measures to build confidence between the belligerent parties, measures which would facilitate the dialogue:

- To release the FIS activists and all detainees of political opinion.
- To prepare for the electoral process that should be based on transparency and freedom of expression. All the parties have the right to participate, including the FIS.
- To stop the torture policies that had been embraced by the military regime.
- To condemn the use of violence and attacks against civilians, state institutions, and public assets, both inside and outside the country.
- To establish an independent commission to investigate the human rights violations committed by different perpetrators.

This political initiative was strongly denounced by the military government, which refused all dialogue unless under its own oversight. The government launched a propaganda campaign against Mehri in an attempt to remove all coordinated efforts from the official plans.²⁵ Indeed, the regime demonised the initiative and portrayed all participants as traitors who sought to destroy national unity and internationalize the political crisis. Regime clients and supporters organised many demonstrations across the country under the slogan “army and people: we are with Zeroual”. These demonstrations were funded and widely supported by the government. Politicians described this top-down campaign as a strategy to fragment and exclude the opposition from the negotiation process.

2.3. The “Rahma Law” Initiative

Following the Sant’ Egidio platform, president Zeroual announced the “Rahma Law” on 25 February 1995. *Rahma* means ‘clemency’ and ‘mercy’ in Arabic. The law was directed towards the insurgents. According to the national authorities the insurgents had made a mistake; however, the state would forgive them and offer them mercy.

The presidential project contained three significant axes²⁶:

- Promised limited remission of sentences for demobilised insurgents who were involved in human rights violations.
- Insurgents who committed no crimes will be integrated back into society.
- The state will provide protection for all who lay down their arms and declare that their security is threatened.

Ahmed Oyahia, the ex-prime minister, stated that Zeroual’s initiative resulted in the demobilization of around 4,000 combatants.²⁷ However, the project failed, it is generally acknowledged, to attain its objectives: the demobilisation of insurgents; and lower levels of violence.

First, the regime lacked the required legal infrastructure for the implementation of the Rahma Law. Judicial institutions were under the control of the military government and lacked the transparency and accountability that were needed. Moreover, the AIS leadership condemned the project and considered it a humiliating initiative because it did not address the crimes committed by the state against civilians

25 This campaign became evident when the powerful clans in power exercised more pressure on the FLN factions to replace Abdelhamid Mehri as party head by someone else. Also, Mehri was deprived of all the privileges given to independence-era veterans. All his complaints either to the presidency or the local authorities were ignored and rejected. However, Mehri continued making the case that dialogue was the only way to achieve peace, an opinion that was clearly explained in his letter to president Zeroual on 13 September 1997.

26 See presidential decree No. 95-10 that was published on 25 February 1995.

27 Mellal, Nadia. 2005. “Il ne s’agit pas de remuer le couteau dans la plaie.” *Liberté*, 10 September 2005.

and FIS sympathisers. Also, it was based on the interests of the military rulers of Algeria and ignored the demands of armed groups: there was no reference to releasing political prisoners; discussing state-led enforced disappearances; let alone the return of the FIS to the political scene. Meanwhile, the more radical groups like GIA refused all negotiation with the state and declared that the only solution was to defeat the political regime and establish an Islamic Caliphate ('Khilafa Islamiya').

Then, Zeroual's project was resented even by forces within the government and the army. There was a profound split and disputes between different powerful factions about what defines violence and how to achieve peace. The 'eradicators'²⁸ from the government refused to negotiate with the armed groups. Indeed, they affirmed that the only way out of the political crisis in Algeria was the eradication of the Islamic threat through military actions. These internal disputes came out in the contradictions documented during the implementation of the Rahma Law. While the president called for limited punishments, many of the demobilised insurgents who surrendered within that legal framework were sentenced to many years in prison or were killed by 'eradicators' from the security apparatus.²⁹

2.4. Reaching a Truce between the Intelligence Agency and the AIS

In 1996, the intelligence agency restarted negotiations with Mazreg Madani without involving the political parties. At that time, both parties, the army as well as the AIS, were aware that winning the war was not a realistic objective. The regime wanted to impose its agenda and recognised that it was impossible to reach an end with the presence of the opposition parties since they demanded the FIS's right to participate in future elections. They also wanted the perpetrators who committed human rights violations against civilians to be punished. All these conditions were rejected by the regime.

The AIS was the largest and the most coherent group at that time. Most of its members had been FIS sympathisers and activists before the military coup; thus, the AIS enjoyed strong support in the first years of the war in many communities. From a security perspective, appealing to the AIS for dialogue was important. Three factors brought Madani to the dialogue table. First, the AIS had been weakened by the successive attacks of the competing armed groups, such as the GIA. Secondly, it had also suffered at the hands of the Patriots and Communal Guards, which played an essential role in changing the military balance in favour of the government.³⁰ Third, the AIS had lost its social legitimacy in many parts of the country due to the increasing atrocities committed against civilians. This meant that access to food and logistical support was increasingly difficult.

These negotiations were led by Madani and Major General Smaïn Lamari, head of the *Département du Renseignement et de la Sécurité* (DRS): Lamari enjoyed legitimacy within powerful regime factions. An agreement was concluded, and Madani announced a truce on 1 October 1997.³¹ The content of the agreement was never discussed publicly, save in a short video broadcast by state channels showing the meeting between Madani and Lamari. The accord did not stop the violence. But it was the first step in isolating all the radical actors refusing dialogue from both belligerent camps and in diminishing the levels of violence.

28 'Eradicators' is a term usually used to describe the factions that refused negotiation with armed groups.

29 Author interviews with anonymous respondents.

30 Different statements of Mezreg Madani and demobilised insurgents.

31 Madani sent an official letter to the national authorities, which was published later in the national media and newspapers.

3. The Civil Concord Law as the Backbone of Reconciliation

In 1999, with the election of president Abdelaziz Bouteflika, a limited amnesty for six months was announced by the regime under what was known as the “Civil Concord Law” (CCL).³² The law, which was presented as a complementary step to the truce, was approved by a national referendum in September 1999. The political regime rejected all external intervention and proclaimed that the civil war was an internal affair that required a peaceful resolution framed by Algerians. In practice, the CCL was designed mainly by the regime and, more specifically, by the faction that sponsored the negotiations with the AIS: the intelligence agency. On 1 June 1999, Madani published a letter proclaiming his total support for the presidential project.

3.1 Implementation of the Law

The implementation of the CCL was highly centralised; government institutions worked with little transparency and without including the civil society organizations and the political parties. According to the CCL, the government would not prosecute or punish combatants if they reported to the nearest local authority, renounced and abandoned involvement in violence, and surrendered any weapons in their possession before 13 January 2000. The political regime affirmed that retributive justice would threaten the negotiated peace and that it would be perceived as a continuation of the war by judicial means. So, an amnesty was a necessity in stopping the violence and building confidence.

Following the president’s instructions, committees of general probation were founded across the country. Their objective was the implementation of the CCL.³³ These structures specifically monitored demobilization programs; the reintegration and the resettlement of demobilised combatants; and the issuance of amnesty certificates. Moreover, the presidency constituted the National Commission of the General Amnesty headed by the previous President Ahmed Ben Bella. This commission was to deal with demobilised combatants’ concerns.

The law made an exception of insurgents who had been convicted of serious human rights violations such as mass killings and massacres: these were offered no amnesty. However, in practice, the pardon was collective and unconditional.³⁴ Serious crimes were seldom investigated and amnesties were granted indiscriminately. In 2000, 6,300 insurgents laid down their arms and returned to their families. These received a pardon, exemption or discharge from criminal prosecution and from any other form of punishment by the state.³⁵

The CCL brought down the levels of violence in Algeria, but the confrontations between state forces and the armed groups that rejected dialogue continued: hold-outs included The Salafist Group for Predication and Combat (GSPC) and the Armed Islamic Group (GIA). Between 13 January and 12 July 2000, the hold-out groups targeted about 1,800 victims. Ali Yahia Abdenour has stated that since 13 January 2000, from 850 to 1,250 were dying annually from terrorist acts.³⁶

32 Presidential decree No. 08-99 that was published on 13 June 1999.

33 Each committee consists of the republic’s public prosecutor as president, army officers, brigade officers, and chief of the operational sector in each prefecture.

34 Zeraoulia, Faouzia. 2021. “National Reconciliation in Algeria from a Bottom-up Approach: Analysing Victims’ Narratives”, *Journal of North African Studies*.

35 Few cases of sentenced demobilised insurgents were documented. But the conditions and circumstances of prosecution are still non-declared. Even access to their judicial files is denied. Besides, disarmed combatants were never accountable for the assets and money they brought from the camps, which were used later to open commercial projects. Regarding detainees, the political regime released around 3,000 prisoners who were arrested during the 1990s by the security forces. Human rights activists maintained that many of the released prisoners were implicated in serious crimes, while other detainees have been in jail since the beginning of the 1990s.

36 Hammadi, Souhaila. “Ali Yahia Abdenour plaide plutôt pour une conférence nationale sur la paix.” *Liberté*, No. 3946, 12 September 2005, p. 2.

3.2. The Challenge of Demobilizing Pro-Government Forces

The disarmament of pro-government forces was one of the principal challenges that faced the Bouteflika regime and which continues to be an issue for the government. Among the elements that made the disarmament of these forces more complicated was a calculation of president Bouteflika. He wished not only to mute the past, but also to transform the civil war memory into a mechanism legitimising his power. Thus, not only he excluded the pro-government forces' narratives from the official account, but he also tried to distort their stories to gain clients and to marginalise competing factions.

While the amnesty guaranteed the reintegration of demobilised combatants in 2000, the CCL does not mention a detailed plan for demobilization. Its text only mentions that state forces, including Patriots and Communal Guards have been exempted from accountability and that all crimes are linked to the chaotic situation that prevailed during the 1990s. However, it is claimed that the presidency ordered the dissolution of these forces in 2002 without suggesting detailed plans or programs explaining how to demobilise and reintegrate them into civilian life. This decision, which was issued without consulting the regional army commanders, also made no reference to the agenda for economic and social recovery.³⁷

Due to a deep split within the army, the presidential proposal to dismantle the auxiliary forces was neglected. In this regard, army officers pointed out that the decision to disarm those groups without framing a comprehensive plan for guaranteeing their rights provoked immense resentment. This was especially true in the western prefectures. Military commanders were afraid to face a mutiny: around 194,000 members of the Communal Guards, who were recruited either forcibly or voluntarily during the war, were threatened with the loss of their jobs.

Then, in 2005, after consecutive meetings with different representatives, the national authorities suggested a new plan for the partial demobilization of the pro-government forces. Communal Guards suffering injuries were pushed to early retirement under the pretext of disability. The non-injured, on their side, were given the right to retire after completing fifteen years of service. But their socio-economic rights have always been questioned. As to the Patriots, the national authorities ordered that they be reintegrated into the army for guidance services since their expertise was needed for fighting the still active Islamist groups.³⁸

4. The Charter for Peace and National Reconciliation (CNPR): A Top-down Reconciliation Initiative

A year after his re-election, in April 2005, president Bouteflika made it clear that he wanted to introduce a new spirit of national reconciliation into Algeria to strengthen the peace. In August, he issued a decree containing a "Draft Charter for Peace and National Reconciliation" that was approved by a referendum in September 2005. The new president mobilised all state institutions for a 'yes' in that vote. The presidential project focused on four elements: amnesty; financial reparations; compensations for enforced disappearances caused by state violence; and oblivion and past silencing.

³⁷ Author interviews with anonymous respondents.

³⁸ The 'Patriots' were not paid until 2014. As part of the demobilization agenda suggested by Bouteflika, members who suffered from injuries due to violence were suspended without compensation or insurance card. The rest were integrated into the army and have benefitted since 2014 from a monthly payment of only 120 euros. According to Tarek Chakrouni, the president of the National Association of the Patriots, 4,000 patriots were killed, 14,000 were injured, and 85,000 live with their families in inadequate socio-economic conditions.

4.1. Amnesty

The CCL amnesty measures were extended with the CNPR to exempt all individuals, whether insurgents, civilian auxiliary forces, or security forces, from prosecution for crimes committed during the 1990s. The text of the CNPR made an exception only for those who had participated in massacres, rapes, and bombings in public places. It also called for an end to judicial proceedings against those who had sought refuge abroad and who had been convicted *in absentia*. As with the CCL, the amnesty was generalised and there are no clear criteria to explain on what basis the pardon is granted for demobilised insurgents. Furthermore, the amnesty mechanism has no time limit and the only one who has the right to introduce amendments is the president.

4.2. Reparations

The second element are reparations, which has become a well-established instrument of transitional justice and reconciliation.³⁹ Victims of violence in transitional contexts have the right to the restitution of their property as well as to employment. They are also entitled to rehabilitation including medical and psychological services and symbolic acknowledgment such as memorials, public apologies, and full public disclosure of information on human rights violations.⁴⁰ In Algeria, reparation is minimal in terms of cash funds compensation. The government aims to close a contested past without acknowledging victims or revealing the truth of what really happened.

Compensations for the victims of the armed groups violence were introduced under military rule.⁴¹ But the socio-economic security of the victims of state violence was a controversial topic. Living in poor conditions, many families, especially relatives of those who had disappeared, had no official documents giving the status of their victims. Consequently, they were deprived of access to social and economic services, including work and school for their children. Thus, the Charter set out rules to compensate them. This included families with members who joined the insurgency and who were killed during the war, children born in insurgents' camps, and political prisoners from the 1990s.

Neither victims of state violence nor victims of armed groups violence supported the state's individual compensation policies. It was claimed that the distributive agenda was highly politicised, lacked transparency, and was selective. Furthermore, it is widely asserted that compensations have been instrumentalized as a means for revenge by the security apparatus and even past FIS sympathisers who work as civil servants in the state bureaucracies. Thus, many victims' families have been deprived of their rights.

4.3. Disappearances Caused by State Violence

Enforced disappearances put still more pressure on the Algerian government. The CNPR brought in temporary solutions in order to avoid international and national criticism. In 2005, the National Consultative Commission for the Protection and Promotion of Human Rights (CCNPH) was charged with identifying the number of the 'disappeared' caused by state violence. The commission issued a report that recognised a total of 6,146 missing people. In 2006, after the referendum, the local authorities contacted victim families to settle their cases. Then, various investigations were conducted through

39 Odier Contreras-Garduno, Diana. 2018. *Collective Reparations: Tensions and Dilemmas between Collective Reparation with the Individual Right to Recieve Reparation*. Vol. 84. Antwerp: Intersentia.

40 Buckeley-Zistel, Susanne, and Shafer, Stephanie. 2014. *Memorials in Times of Transition*. Cambridge: Intersentia ; Bell, Duncan (ed.). 2006. *Memory, Trauma and World Politics: Reflections on the Relationship between Past and the Present*. Basingstoke: Palgrave Macmillan.

41 Presidential decree No. 97-49 issued on 19 February 1997.

the brigade and the local courts; state agents requested victims' relatives to recount what happened. These were publicised as inquiry commissions to get at the truth. However, their main purpose was to compensate the affected families provided that the family agreed to sign a death certificate. These certificates mention that their victims died during the "black decade".

As to the political regime, the objective is less to reveal the truth than to close the door on a controversial past by offering compensation. Those in power decided that the truth and reconciliation commission would stir up old resentments. A few families refused to collect their benefits since they felt that the government was mocking them by merely offering a sum of money for their vanished sons and fathers. Most, though, accepted the settlement to cover their socio-economic needs. However, victims' families continue to state that compensation will never make up for not knowing the truth: the fate of those who died is connected to their family's human dignity and their fundamental rights that should never be bargained with.

4.4. State-Sponsored Amnesia

The post-war regime confirmed that amnesia was the only way for peace; it succeeded in manufacturing a culture of silence and thus enhancing national oblivion. People should forget their past hatred to further the reconciliation process and to make it successful. Bouteflika mentioned in one of his speeches, "you cannot forget your beloved, but you have to turn the past page to live in peace". Therefore, no symbolic reparation programs in the form of either commemoration or monuments have been set up. The national authorities perceived symbolic reparation as a way of stirring up difficult feelings. The "black decade" is a bad memory that should be erased from the post-independence history of Algeria. The regime took minimal measures serving only its political objectives. It organised, for instance, local ceremonies for victims of pro-government forces during the electoral campaigns. Even in school textbooks, the memory of the civil war is rarely mentioned; there are only short sections describing the role of president Bouteflika in the peace process.

5. The Role of Civil Society in the Reconciliation Process

Civil society organizations see reconciliation as a process that involves continued changes in institutions, beliefs, ideas, and attitudes. Reconciliation takes place on two levels: reconciliation with what happened in the past; and reconciliation with the ideological differences that characterise Algerian society. Grassroots organisations perceive unconditional amnesty, absence of accountability, and legal silence as factors that could strengthen a culture of impunity and widen the state-citizen gap. According to them, these are not sustainable solutions. They do not discourage violence in the future. Yes, a minimum degree of amnesty is required in order to stop the violence. But pardons should only be granted after disclosure and after revealing the truth. Additionally, amnesty should not include grave human rights violations.

There are divergences between the state and the civil society approach to reconciliation. However, these bottom-up associations refused either to enter into an open confrontation with the national authorities or to force a rupture. They try instead to balance the security-centric benefits of the peace agreement and the urgent need to acknowledge and address victims' rights. They play a complementary role in the process of national reconciliation in Algeria. They did not take a part in the peace agreement. Nor did they participate in framing the draft of the CCL and the CNPR. However, their work directly affects the design and the implementation of the presidential agenda.

Despite bureaucratic constraints, civil society organisations work hard to promote reconciliation. They do so by addressing the different features that have been neglected by the top-down initiatives for reconciliation. They do not deny the efforts of the national authorities to achieve peace and to stop the violence. They seek to establish a comprehensive agenda of reconciliation that largely covers the needs and concerns of different victims' communities. The official silence was not perceived as a sustainable solution for past violence. Rather grassroots organisations⁴² claimed that the peace agreement and reconciliation project would be eroded in the absence of a comprehensive agenda that prioritises the universal value of the human dignity of different victims. Thus, they developed initiatives in order to defend victims' needs and to discuss the gaps that have not been filled by the regime.

5.1. Civil Society Activism during the War

During the war, lawyers, activists, journalists, and professors came together voluntarily to pursue the interests of victims groups. Considering the military regime's control over the media and access to information, these organizations did a relatively good job in tracking the violence that occurred in the 1990s. Indeed, several civil society organisations initiated their work even before obtaining the legal registration form from the national authorities. They engaged actively in the bottom-up campaign to defend victims' rights.

The authoritarian context and prevailing violence had a bearing on the functioning of local civil society organisations. However, they demonstrated a high commitment to advocating victims' rights through persistent activism. One of their main tasks was the documentation of human rights violations across the country. For this purpose, activists used their own resources to move between villages and cities while collecting data and registering the committed violations. They also focused on raising awareness about the large human rights violations committed in the country, especially abroad. Additionally, they provided assistance to affected women, orphans, and poor families, including psychological services, training, education, and accommodation.

5.2. Civil Society and the Reconciliation Process

Until 2006, civil society organisations were relatively polarised: this reflected the political divides that characterised the 1980s. However, after the Arab uprisings, intensifying connectedness and horizontal cooperation networks have been enhanced. The shared desire to remedy past atrocities with mechanisms of accountability, memorialization, and commemoration have created a consensus that allowed to intensify common collaboration projects. Grassroots associations launched various initiatives and led different activities to promote the reconciliation process.

a) Providing Assistance for Victims

Civil society organisations continue to respond to the psychological needs of the victims and to deal with the trauma. This had been transmitted to children due to the experiences of their parents.⁴³ Encouraging tolerance and societal cohesion, psychologists and professors promote rehabilitation and reintegration into society by treating traumatised victims and demobilised insurgents alike.⁴⁴ They offer counselling services to affected communities. Also, they make sustained efforts to fight the stigmatisation of children who were born in the insurgents' camps.

42 Such as: the National Organization of Victims of Terrorism (ONVTA); Collectif des Familles de Disparus (SOS Disparus); Djzairouna, the Algerian Association for Psychological Help, Research and Development in Psychology (SARP); the Algerian League for the Defense of Human Rights (LAHHD); the Boucebc Foundation; the National Associations for Political Prisoners; and Meshaal.

43 Arar, Fatima. 2013. "L'aide psychologique de groupe aux adolescents victimes d'actes terroristes et présentant des difficultés scolaires." *Psychiatrie de l'Enfant* 56 (1), pp. 195-217 ; Belarouci, Latéfa. 2010. "Le terrorisme en Algérie: entre honte et trauma." *Dialogue* 190 (4), pp. 107-116.

44 Sadouni, Messaouda. 2018. *Impact de la Violence Extrême et Traumatismes: Cas du Milieu psychiatrique en Algérie*. Editions Universitaires Européennes; Sadouni, Messaouda. 2021. "Victims of National Tragedy: Forgiveness and Healing." Presentation at the International Webinar "Civil War Memory, Victims' Narrative and National Reconciliation in Algeria." Marburg: The Center for Near and Middle Eastern Studies.

Besides psychological assistance, civil society organisations devote their time to openly engaging in social service delivery. They reach out to victims' families and work with local structures in Algerian society (town halls, education and health authorities) dealing with victims' rights policies.⁴⁵ Then, since most of the victims are illiterate and ignore the legal procedures that should be followed to guarantee their rights, activists contribute by providing the required legal and administrative advice: they write out the victims' complaints for them, translate their documents, and even help them to contact international human rights organisations.

b) Documentation

The documentation activities that civil society associations conducted during the 1990s were significant in guaranteeing the financial rights of victims after the war. Indeed, these acts of documentation pushed the government to frame a draft for solving the enforced disappearance files. This draft was later integrated in the CNPR as an article. Indeed, the government-suggested solution was not satisfactory for many victims. But the efforts of human rights organizations in documenting the committed violations compelled the post-war regime to acknowledge these crimes. The documentation process does not stop with the end of violence. Instead, associations continue to document undeclared cases: they collect victims' pictures and register testimonies. Recently, organizations have attempted to develop new digital platforms for documentation and archiving to reach a larger audience and to encourage other families to register their cases. This archiving process has been reinforced by a wide range of international organizations and diaspora collectivities. For instance, Algeria-Watch is a website created by activists, among them refugees who fled the civil war. Algeria Watch has been central in documenting atrocities and transgressions committed by different perpetrators.

Creating documentation platforms on social media or websites profoundly impacts the reconciliation process and helps many victims' families to channel their demands and obtain their rights. Moreover, those online platforms became places for gathering and sharing information, as well as for memorialisation. They are not only archive sites for future generations. They are also spaces for memory, spheres for knowledge production, places for reflection and contestation. They give voice to the silenced. They also put pressure on the national authorities to acknowledge victims' suffering.

c) Raising Awareness

Civil society organisations create a safe space in which people can act, criticise, propose new ideas, and exchange experiences. Whilst still facing many challenges, such associations enhance human rights consciousness and provide spheres of activism and action in which motivated and qualified personnel are involved. They organise, participate and encourage meetings, seminars, symposia on the various themes or subjects related to past violence and its consequences. Moreover, through arranging small meetings to train new activists, civil society organizations create a bridge between the generations. SOS Disparus and Meshaal, for example, organise marches and protests in Algiers against oblivion policies.

d) Commemoration

A typical example of a commemorative organization in Algeria is the Boucebci Foundation. Mahfoud Boucebci was one of the founders of Algerian psychiatry and the author of numerous works, books, and articles. He was president of the Algerian Society of Psychiatry, vice-president of the International Society of Child and Adolescent Psychiatry, and a UNICEF collaborator. Boucebci had taken a stand for marginalised communities and groups such as women. On 15 June 1993, he was assassinated. Then, Boucebci's friends and family established an association to commemorate his thoughts and

45 Northey, Jessica Ayesha. 2021. "Civil Society, Justice, and Memory: Associations and Reconciliation in Algeria." Presentation at the International Webinar "Civil War Memory, Victims' Narrative and National Reconciliation in Algeria." Marburg: The Center for Near and Middle Eastern Studies.

his life. Their commemoration is not only built on the necessity to criminalise violent acts against Boucebci. There is also the urgent need to consolidate his ideas and denounce the values and norms that nourish discrimination and authoritarianism. The Boucebci Foundation runs cultural events and annual conferences on societal challenges such as drug addiction or mental health, with associated publications. Moreover, it offers workshops and family therapy to all victims of violence who come to its center in Algiers.⁴⁶

In sum, we can say that civil society activism contributes to the reconciliation process through three mechanisms:

- **Coordination:** civil society organisations facilitate the implementation of reconciliation in Algeria by channelling the victims' demands and coordinating with state institutions to guarantee rights to affected families.
- **Pressure upon the state institutions:** civil society organisations' activism is perceived as a counter-force that puts more pressure on the state and compels state institutions to acknowledge state-sponsored violence during the war.
- **Encouraging non-violent behaviour:** social and psychological services that have been provided by different associations contribute to mitigating the negative feelings caused by policies encouraging silence and oblivion. They generalise solidarity between different victim communities and encourage tolerance and non-violent behaviour.

Conclusion

Libya and Algeria are neighbouring countries that share common social, cultural, and economic characteristics and that have long mutually influenced each other. Although the war in Algeria and the Libyan conflict differ in terms of external dynamics and regional determinants, they have similarities, not least the spread of extremist and Jihadi groups. Both wars are also linked directly to a long-term tradition of authoritarianism where oil revenues have played a key role in sustaining non-democratic regimes and corrupted policies. Thus, the reconciliation process in Algeria would present many lessons for experts and practitioners working to advance human rights and consolidate transitional justice in Libya.

Gradualism, contextualisation, and classification of priorities are essential determinants for the success of reconciliation in fragmented post-conflict societies. Objectives should be classified and organised according to peacebuilding process aims, but it is significant to adapt these ends depending on context. That is, reconciliation should be designed based on an understanding of the context of the violence and with the participation of different stakeholders: political parties, human rights organisations, international donors, and belligerent parties. Truth commissions, punishment, commemorations, and reparations, are all significant mechanisms in reconciliation. They create sustainable peace. Nonetheless, the effect of these mechanisms differ from one case to another. Other countries' experiences would be helpful. However, understanding the socio-economic context, the militarisation process, the regional linkages with foreign actors, and the political disputes in Libya should be the main determinants for the architecture of a reconciliation agenda.

⁴⁶ Northey, op. cit.

Amnesty: the Algerian experience proved that in the presence of powerful actors involved in violence against civilians, punishment impedes all attempts to establish peace. Indeed, it provides more opportunities to spoil peace and to exploit a general state of chaos: this is true of national and international actors. Amnesty has severe humanitarian consequences and risks strengthening a culture of impunity. However, it can play an essential role in ending the cycle of violence. In Algeria, collective amnesties encouraged more than 9,000 insurgents to join their families and to lay down their arms. Many of these demobilised insurgents helped the army to eradicate the remaining armed groups by providing information. Amnesty seduced the actors willing to negotiate, weakened the parties that insisted on the continual use of violence and neutralised external intervening parties. In cases where an amnesty is needed to guarantee peace negotiations and proceed into the transitional process, it should be designed carefully with the help of lawyers, politicians, and belligerents. It should, also, be limited in time and target crimes in a way that allows for the establishment of the rule of law and the avoidance of violence. In the Algerian experience the politicisation of the amnesty measures during Bouteflika's rule – in an attempt to shore up state policies – negatively affected the social peace. The president ended up enabling a culture of impunity and clientelism.

Demobilization of Pro-Government Irregular Forces: the demobilization of pro-government irregular forces is a complicated process, particularly when those forces are involved in proxy wars and when they have been financed by external actors. In the case of Algeria, these forces were highly centralised and had been controlled by the army and the Interior Ministry. Thus, the probabilities of defection and rebellion against the state apparatus were low. Policymakers in Algeria relied massively on regional army commanders, who know much more about those paramilitary organizations and are connected directly with them. In cases where those forces have been sponsored by external actors or allied with regional armed groups, demobilisation would be more difficult. In addition, when these forces have been highly fragmented forces based on ethnic and tribal affinities, the disarmament process can take a long time because there are patronage linkages deep within the tribal system. These define socio-cultural life for decades. Peace stakeholders need to ponder these societal and regional linkages and the extent to which they will affect any reconciliation project.

Economic and Social Security: the provision of social and economic security for different victims in the first phases of reconciliation is indispensable for decreasing violence and for guaranteeing the success of the reconciliation process. Regardless of the rentier policies of Bouteflika, the development projects that had been implemented in his first and second term, contributed to absorbing and mitigating the latent hostilities in society. Satisfying the fundamental social rights of victims and also demobilising combatants furthers the process of reconciliation, lessens societal polarisation, and weakens the desire for revenge. In addition, economic and social development can soften the ideological doctrines that played a crucial role in the outbreak of violence during the 1990s.

Participation of Grassroots Actors: The reconciliation initiative in Algeria was closed and centralised. However, civil society organizations succeeded in influencing the reconciliation plans through coordination, exercising pressure on the government, and through documentation. Political parties and human rights organisations were excluded from the process, and the state adopted a security-centric approach that neglected the underlying structural determinants that allowed radical doctrines to flourish and dominate the society during the 1990s. This pure security approach dampened violence down. But the result was a post-war regime that did not prioritise human rights. Instead, reconciliation is a participative project that needs to balance security and humanitarian needs. Therefore, in post-authoritarian contexts where old regimes had repressive human-rights-violating machinery, civil society organisations are indispensable in promoting a peaceful culture and in consolidating tolerance among different communities.

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