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for International Peace

Algeria: Amnesty and Oligarchy

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On September 29, Algerians overwhelmingly endorsed the draft Charter for Peace and National Reconciliation, an amnesty law proposed by President Abdelaziz Bouteflika to grant exemption from prosecution to any member of an armed group for crimes committed in the conflict that began in 1992. The charter was approved by 97.36 percent of the vote with a 79.76 percent voter turnout, results unprecedented since Algeria's referendum for independence in 1962. These apparently impressive figures can be explained by the barrage of positive coverage of the charter in pro-government media in the preceding months as well as the manner in which the vote was conducted. Four hundred thousand civil servants reporting to the Minister of Interior observed the 424 poll stations without any oversight from independent parties or international organizations, which might have mobilized against undemocratic election procedures.

Rather than debate the credibility of the results, the focus must shift now to the implications of the charter. What political role is it designed to play? How does it change the balance of power in the Algerian political scene and the relationship among different political forces?

The charter raises many troubling issues. The first and most serious is that the vote allows the government essentially to sweep the deep traces of more than a decade of armed confrontations under the rug rather than to confront them. The main victims in these confrontations were civilians who became the object of both targeted and random attacks, massacres, torture, and disappearances. Both armed opposition Islamist groups and state agents are, to varying degrees, directly connected with these acts. The Charter cancels all legal proceedings against militants who voluntarily surrendered since January 2000, denies state responsibility for disappearances, and declares that any wrongful acts committed by state agents have already been punished.

The government's argument that the charter will help heal the wounds of the war and reconcile Algerians is illogical. As stated by the Algerian feminist group Réseau Wassila regarding victims of rapes and violence by armed Islamist groups: "certain cases cannot be ignored because doing so would violate the victims' humanity a second time and would compromise their reintegration in society. Victims who were tortured, mutilated, and raped are still not recognized as victims. Not a single criminal has publicly recognized his act or expressed shame and regret." From a legal point of view, the Algerian penal code mandates that these acts be examined and evaluated, their perpetrators identified, and the relevant articles of the penal code determined. A trial should then ensue in which both victims and perpetrators would have the right to defense and then a symbolic sentence could be imparted.

Only after such a process should the government declare amnesty and ask the victims to grant forgiveness.

The other major implication of the charter is that it strengthens Bouteflika's already formidable power. Since 2000 there has been relative calm and the regime has been able to secure its hegemonic position with the support of the West. The 2004 presidential election bolstered Bouteflika's position because he was elected by 85 percent of the vote while running against rivals who, unlike in previous elections, did not drop out of the race. The elections also helped him consolidate his position vis-à-vis the army. Moreover, a quick overview of the Algerian press since the presidential election reveals that a witch hunt has been going on in the judiciary. Under the pretext of reforming the judiciary, judges who were unenthusiastic about the presidential initiative have been forced to retire from office or disbarred. Thus, the Council of State, the Supreme Court, and the Constitutional Court have been emptied of those who would defend the judiciary's independence in the face of executive power. By the same token, anyone in civil society or the political arena who voiced opposition has been silenced.

Bouteflika clearly planned the referendum as a plebiscite to give himself carte blanche to govern without any political or moral counterweights. Among the many ramifications of such a situation is increasing corruption; the Algerian newspaper *Al Watan* reported recently on embezzlement and influence peddling by high-ranking members of the regime with the complicity of public servants. In the bloody decades of the 1990s, Algerians fell prey to the fury of armed men. In the twenty-first century a new oligarchy seems to be setting up under the cover of noisy ceremonies that glorify “civil peace and reconciliation.”

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