

PREFACE TO *DJAMILA BOUPACHA*

by *Simone de Beauvoir*

TRANSLATION AND NOTES BY MARYBETH TIMMERMANN

A twenty-three-year-old Algerian woman and liaison agent for the FLN was imprisoned, tortured, raped with a bottle by French military men, and it's considered ordinary.¹ Since 1954, in the name of suppressing rebellion, then of pacification, we are all accomplices of a genocide that has claimed over a million victims; men, women, old folks and children have been slaughtered: gunned down during search-raids, burned alive in their villages, throats slit or bellies ripped open, many tortured to death. Entire tribes have been left to starve and freeze, at the mercy of beatings and epidemics in the "relocation camps" which are in fact extermination camps—serving also as brothels to the elite soldiers—and where more than five hundred thousand Algerians currently await their death. During the course of the last few months, the press, including even the most circumspect papers, has been full of horror stories: assassinations, lynchings, violent racist attacks on Arab immigrants; manhunts in the streets of Oran; corpses by the dozen in Paris, hanging from trees in the Bois de Boulogne and along the banks of the Seine; maimed limbs and blown up heads; bloody All Saints Day in Algiers.² Can

"Préface," *Djamila Boupacha*, Simone de Beauvoir and Gisèle Halimi (Paris: Gallimard, 1962), 1–13, © Éditions Gallimard, 1962.

we still be moved by the blood of a young woman? After all—as Mr. Patin, President of the Commission for the Protection [of Individual Rights and Freedoms] subtly insinuated during an interview at which I was present³—Djamila Boupacha is alive: what she endured was therefore not so terrible.*

In telling this story, Gisèle Halimi does not claim to stir the hearts of those who remain impervious to shame if they are not already submerged in it. The major interest of her book is that it exposes, piece by piece, a mechanism of lies that fit together so perfectly that even after seven years, only a few glimpses of truth get through. How many times have I come up against this response: “But if it were really so widespread, so enormous, and so horrible, it would be common knowledge.” But that’s exactly it; in order to be so widespread, so enormous, and so horrible, the very fact that *it is* must be kept secret. The use of torture has been publicly advocated by General Massu, openly taught to young officers, sanctioned by a large number of clerics, applauded by the European population of Algeria, and systematically practiced in the “triage centers,” prisons, military bases, and *Djebels*, so it has been easy to deny torture in each particular case, thanks to this unanimity.⁴ What makes Boupacha’s case exceptional is not the facts, but their publication. The stubbornness of a lawyer, the pride of the defendant, a favorable decree, and the professional courage of a judge all helped to raise the curtain of darkness that hides the daily horror of this “subversive war.” Only one obstacle has held out, but at least it has become glaringly conspicuous in the process. According to General Ailleret, High Commander of the Armed Forces in Algeria (appointed by General de Gaulle), the army actively objects to the names of Djamila’s torturers being made public.

Gisèle Halimi retraces, step by step, the path leading up to this last appeal. In light of her story, and considering the traps she sidestepped, the dangers she escaped, the efforts she made, and the twists and turns of luck and fate that all came together in the making of this relative success, you will come to understand why the wailing and crying and blood-curdling screams that have been emanating for so long from the land of Algeria—and that of France too—have not reached your ears, or have sounded so faint that it took but a hint of bad faith on your part to ignore them.

If a man succumbs to torture, he is killed or kills himself. And his corpse is hidden: no corpse, no crime. Sometimes a father or wife asks questions,

* Mr. Patin was alluding to the torture with the bottle that Djamila suffered when he said, “I had feared that she was made to *sit* upon a bottle, as they did in Indo-China with the Viets; in such cases the intestines are perforated and it is fatal. But that was not what happened here . . .” he added with a knowing smile; clearly nothing of the sort could ever happen to *him*.

but they are told that he has disappeared, and silence once again resumes. A murmur of voices became a torrent of questions regarding the case of a well-known and well-liked French professor named Audin, but they were all in vain, seeing that his assassin was never punished and even received the Legion of Honor.⁵ After the spectacular “suicide” of Boumendjel, several voices were raised, and were insistent, but were also in vain.⁶ However, as for all those obscure Algerians mentioned in the *Cahier vert*, and all those who are mentioned nowhere, which constitute an even greater number, their absence is met with complete indifference and has faded away; no trace remains of the torture they endured.⁷

If he survives and is found innocent and set free, then he is silenced by threats whose full meaning he is all too familiar with, and is usually placed under house arrest for more security; his jailers will guarantee his silence. If he is found guilty, it is usually too late to make an appeal. But won't the preliminary hearing provide him with the opportunity to speak? Absolutely not: he knows that if his confession is not ratified, he will be “questioned” again; sometimes the torturers are even waiting right outside the committing magistrate's door. In Algeria, the entire system rests upon the collusion of judges, doctors, and lawyers who all consider the defendant as the enemy. He must be found guilty, so the sentence is decided ahead of time and the proceedings simply aim at hiding the fact that it is arbitrary. On this point, Djamila's case is edifying. Faced with a hostile magistrate, traumatized, terrorized, her skin marked with burning souvenirs, she repeated her confession and then still managed to say, “I was tortured. I insist on being seen by a doctor.” The judge did not have the interrogation redone, nor did he ask any questions; he merely had her words included in the court records. Then he called one of those doctors whose job is to cover up for the Judge when he wants to make a show of following correct procedure. A few months later, the Parisian doctors who were called in as a second expert evaluation all agreed that Djamila indeed had undergone a “traumatic defloration.” In Algiers, however, it took only five minutes for doctor Lévy Leroy to declare that, having examined Djamila “completely unclothed,” he had noticed “menstrual troubles of a constitutional nature.” He would later—on June 14—state that Djamila had kept her underclothes on during this visit, and that he had performed no gynecological exam so as not to “humiliate her.” Before such a flagrant contradiction, one is tempted to denounce an outrageous absence of professional conscience, but for the “usuals” of Algiers this notion has no meaning. They are there not to verify ill treatment, but to deny it in all cases, and they are simply performing their allotted

roles. Likewise, the Algerian lawyers don't consider actually helping their clients; if this idea crossed their minds, fear would be enough to paralyze them. Maître Popie's courage cost him his life, but the immense majority of them don't even question it.⁸ They ask only to collaborate with the army, the police, the courts, and the majority of the European population, in order to strike down the adversary no matter what the means. Djamila could expect no help from her Algerian defense attorney, who cheerfully told Gisèle Halimi, "It's an open and shut case; in ten minutes it will be over."

Thus, Djamila very nearly was condemned, like so many others, based on a forced confession, since no proof against her was upheld. The awful days in El Biar and Hussein Dey would have only existed in her memory.

An unexpected event changed the classic scenario: a letter sent from camp Bossuet, written by Djamila's brother, reached Gisèle Halimi. Lawyers who come from France to defend Algerians are rare, and in spite of their zeal, they can only take on a very limited number of cases. In addition everything is put into place in order to hinder their activity—you will see in detail how this works. Gisèle Halimi succeeded nevertheless in forcing a breach in the system. She spoke to Djamila and encouraged her to file a complaint. She then alerted the district attorney of Algiers, and I helped her to rouse public opinion. A committee was created to support Djamila. It caused such an uproar in France and abroad that on June 17 (the authorities having meanwhile banned Gisèle Halimi from Algiers), the court, which ordinarily would not have balked at condemning the young woman without her lawyer present, feared that such a step would provoke a serious outrage, so they decided to postpone the trial. Not long after that, they offered her a deal: a psychiatrist would declare that she was not responsible for her actions and she would be acquitted, but at the same time her accusations would lose all credit. The trial against her torturers would not take place. She refused.

Yet there was little hope that her tenacity would bear fruit. When a complaint is filed in spite of the dangers that I have indicated, the judges in Algiers are quick to dismiss the case. Not only are the lawyers generally their accomplices, but the witnesses called by the defense tend to disappear; fear keeps their mouths closed. On the other hand, military personnel and police officers deny the facts with such conviction that the judge decides to be convinced. Thus hundreds of complaints are stifled—horrible, heart-breaking stories that I have had the chance to read—and this would have been the fate of Djamila's complaint if it had stayed in the hands of Mr. Courmontagne; he was briskly on his way to dismissing the case.

Doesn't a Commission for the Protection [of Individual Rights and Free-

doms] exist? Indeed it does. The trouble is that it is concerned with protecting the safety of the torturers and not that of the tortured. I knew this, but prior to the interview which a delegation from the Boupacha Committee, myself included, had with Mr. Patin—an interview described in detail by Gisèle Halimi—I nevertheless was far from understanding the depths of the President of this Commission's devotion to the army, his racism, and his fear. The Melun negotiations had just begun and Mr. Patin, like Mr. Michelet whom we had seen that morning, had high hopes, which explains the candor with which he spoke to us.⁹ Mr. Michelet—to whom we had come to request that jurisdiction over this case be denied to the courts of Algiers—did not seem to doubt that Djamila and her father had in fact been tortured. As he led us to the door of his office, he said to me personally, “This canker in our midst comes from Nazism; it penetrates everywhere, corrupts everything, and we are unable to curb it. A bit of roughing up is fair enough; you can't run a police force without that. But torture is something different; it's unacceptable. I try to make them understand and tell them that there's a line that shouldn't be crossed . . .” And he shrugged his shoulders in a confession of ineffectiveness and complicity. “It's a canker in our midst,” he repeated. Then he pulled himself together and concluded importantly, “Oh well, we are nearing the end!” To hear this spontaneous admission, from the very lips of the Minister of Justice, left me astounded. As for Mr. Patin, I would not have dared to credit any fictional character with the views he expressed to us. One of his gestures in particular struck me. One of us, Germaine Tillion, I think, observed that the number of massacred civilian Muslims is significantly greater than that of European victims, and that no punishment had ever been publicly ordered for their murderers. He waved his hand toward a huge pile of reports, “I know,” he said, “I know.” He could not have acknowledged more explicitly that, far from protecting anything, he was covering up everything.

In order to deny jurisdiction to the district attorney's office of Algiers, the Minister of Justice must agree to petition the final Court of Appeal, which then must agree to uphold the petition. No recourse exists against these sovereign authorities. They are free to stifle a complaint by leaving it in the hands of the Algerian judges. Luckily his illusions of imminent peace and the pressure of public opinion led Mr. Michelet to allow Djamila's transfer to France where she underwent a new medical exam, which concluded that she probably had been tortured like she had claimed, and at its request the Court of Appeal agreed to deny jurisdiction.

Even at that stage, the course of Justice could still have been easily thwarted. If the judge in Caen was biased or indifferent, he could rely on the lax process suggested to him from Algiers: leave the responsibility of hearing witnesses in Algeria to a local rogatory commission. It goes without saying that they would have found none in favor of Djamilia, and the events that followed clearly demonstrate just that. In Algiers, terror keeps everyone silent. Zineb Laroussi, a common law prisoner whom the Algerian police kept on a tight leash, claimed on two separate occasions that Djamilia, with whom she shared a cell, had not been tortured, and that besides, she seemed crazy. In Caen, however, she described Djamilia in detail: unconscious, beaten black and blue, her underpants soaked with blood. Her testimony confirmed Djamilia's story as well as Zakia El Mehdaoui's, to whom Zineb had reported the facts at Barberousse.¹⁰ As for Zakia, she had written to Mr. Michelet some time previously saying that she could only speak in France. Her deposition during that final inquiry corroborated that of Zineb Laroussi and finally established the truth irrefutably. She would have never dared make that deposition when she was interned in the camp at Tefeschoun.

Luckily, Mr. Chausserie-Laprée took his duties and the truth seriously. Having gathered the pertinent reports, dossiers, and depositions, he was persuaded that Djamilia had been tortured and was determined to prosecute her torturers. He then overcame one by one the obstacles that were put up before him. He made sure all the documents concerning the elder Abdelaziz Boupacha, whose complaint he was also looking into, as well as that of Abdelli Ahmed, Djamilia's brother-in-law, were seized and photocopied. He arranged to bring the different members of the Boupacha family together in his office in an effort to get to the truth by hearing all sides. When Abdelli Ahmed was subpoenaed, the authorities, in keeping with a well-tested maneuver, immediately released him; it is easy to make a bothersome witness disappear as he leaves his prison or camp, either by intimidating him into hiding or by kidnapping him. But the judge sent police officers to Algiers who met Abdelli the very moment his cell was unlocked and urged him to follow them to Caen. It was thus possible for the judge to conduct the lengthy and meticulous interrogation that ended up convincing him of the plaintiffs' good faith. He was not so lucky with the two Algerian women who had heard Zineb Laroussi's story at Barberousse. Even though Nadja Hanchi and Safia Morcelli were awaiting death sentences, they were both freed, purchasing this unprecedented pardon by forgetting what Laroussi had told them. But their defection was of little importance because Zineb Laroussi

herself denied her previous lies. In Caen, after having described Djamila's true state, she clearly explained the methods used by the police to obtain the false testimonies that they needed:

Indeed, I made statements to civilian and military examining magistrates in Algiers that were absolutely opposed to those I make now.

Before I was called before these two magistrates, I had been called to the Génie barracks at Hussein Dey where lieutenant D . . . as well as inspectors G . . . and T . . . showed me the statements I was to make. I was supposed to say that I had seen nothing and that Djamila's side was injured even before her arrest. They also told me that I was supposed to state that Djamila had acted insane at Hussein Dey. Out of fear—I was only temporarily freed—I followed the instructions they had given me.

On November 3, 1961, G . . . and T . . . came back and found me at my work place at the Pierre and Marie Curie Center on Battandier Avenue. When we were alone in the lobby, they asked to see my summons, and after having looked it over, they told me that I was supposed to make the same statements as I did in Algiers, and that if I felt far enough away from Algiers and spoke, I would be condemned, I would disappear and my parents would never see me again . . .

On the other hand, it was easy to prove that Djamila had been illegally detained. In order to conceal her arbitrary imprisonment, they claimed that she had stayed at the Beni-Messous camp, but the director officially informed the judge that she had never set foot there.

The Judge accumulated charges and proofs. The report had reconstructed the crimes committed against Djamila. The only thing left was to serve the indictment and hear the accused. As early as February 1961, he made a request to the commander of Alger-Sahel for the list of police and military personnel who had been in contact with Djamila, her father, and her brother-in-law. He renewed his request on March 8, asking for "the names of all military personnel (officers, non-commissioned officers, *gendarmes* and privates) and civilian police officers who participated in the operation that took place on the night of February 10 and the early morning of February 11, 1960, at the Boupacha household, and who interrogated Djamila Boupacha at El Biar and at Hussein Dey. Also, a recent postcard-sized photograph of all such persons . . ."

He was given the identity of the soldiers and police officers who had signed the police report, i.e., those whose names he already knew. As for the others, he was met with silence, making it impossible to issue summons. He found a way—the only way—to get around this obstacle. Djamila obvi-

ously did not know the names or even the functions of her torturers, but she remembered their faces. Mr. Chausserie-Laprée again made his request, insisting on photographs of all those who had been in contact with her, so that she could identify them. All he obtained from General Ailleret was a blunt refusal:

I must nevertheless inform you that recent postcard-sized photographs of each of the military and police personnel who participated in the various operations during which Djamila Boupacha, Abdellaziz [sic] Boupacha, and Ahmed Abdelli [sic] were apprehended, and who interrogated these persons or even attended these interrogations in any capacity, will not be included in this next dispatch.

Indeed, I have deemed that requesting photographs from all the military and police personnel who might have been in contact with Djamila Boupacha would likely cause undesirable side-effects on their states of mind and on the morale of the corps and services of which they are members. I made my feelings known to the Minister of Armies who kindly informed me on May 29, 1961 (letter no. 15,842/MA.CC./C.) that he completely shares my view on this matter, and intends to adhere strictly, in this affair, to the usual procedures of hearings and confrontations if necessary . . .

The hypocrisy of this last sentence must not fool anyone: in order to fall back on the “usual” procedure of hearings, it would have been necessary for the identities of the suspects to have been disclosed “as usual.” But the military authorities hid them, which, under “normal” circumstances would have incurred charges against them for the harboring of known criminals. Refusing the photos is definitively shielding those criminals from the prosecution required by law. Such a step is nothing less than a violation of the Constitution, which assures the separation of powers. Here we see the executive power—incarnated by General Ailleret and Minister Messmer¹¹—deny autonomy to the judiciary power, going so far as opposing it and thwarting its efforts. In an authentic democracy, this would be considered an abuse of authority and its perpetrators would be prosecuted by the circuit court.

The reason given to justify this breach of the law should be carefully examined. No one wants to offend the army or the police, but the photos—which, incidentally, were kept on file in the corps and services of the soldiers and police officers involved so no one would have had to “request” them from the individuals themselves—were destined for a secret dossier. Innocent men would not have had to fear a public inquiry involving their names; they could have even remained uninformed. Only those whom Djamila recognized and whom the judge charged would have been “demoralized.” This

is the risk from which General Ailleret and the Minister of Armies intend to protect military personnel and police officers: the risk of not being able to torture without incurring punishment.

Early in 1958, General de Gaulle, called on to protest against torture, arrogantly replied that it was inherent in the “System,” and that it would be eliminated with the fall of the fourth Republic. After May 28, Malraux declared to the world that torture was indeed abolished. So after two and a half years of Gaullist regime, de Gaulle’s Minister of Armies and the high commander of the Armed Forces in Algeria, appointed by de Gaulle, decide to ensure impunity for their subordinates no matter what they have done, which amounts to openly granting them the right to perpetuate acts of violence as they please, with no physical or “moral” hindrances. For a long time we have piously made this distinction: torture may occur in the army, but it is not the army who tortures. General Ailleret’s letter puts an end to these nuances; by protecting those who commit crimes in uniform, he takes responsibility for those crimes: it is the army who tortures.

Speaking out against these injustices would be futile [*vain*]. Protesting in the name of morality against these “excesses” or “abuses” is now an aberration that resembles complicity. There is no abuse or excess, but an entire system in place. Morality in such a war does not come into play. The army marshals such irrefutable arguments against morality that the only way to avoid its consequences is to strip the army of its power.

For the army did not need its revolts and plots to succeed in order to govern us. The man to which it lent the appearance of authority in May of 1958 was not capable of breaking its sovereignty, even with all his maneuvers, procrastinations, and equivocations. He submitted to it and would have us submit to it. The army, for reasons which concern itself—and are completely self-serving—wants to maintain in servitude a people who are entirely resolved to die rather than to renounce their independence. Against this collective and indomitable will, the army considers itself obliged to defy every law, written and unwritten; indeed, their problem allows for only one solution: extermination. “*Et ubi solitudinem faciunt, id pacem appellant [sic]*” [Where they create desolation, they call it peace], said Tacitus of the Romans.¹² These words apply exactly to what these military men call pacification, which can only be accomplished in regions that have first been transformed into wastelands, and it will only come to an end if all Algerians were to die or waste away behind barbed wire. No other victory is conceivable. So if it’s victory we want, as the generals, colonels, paratroopers and legion-

naires proclaim, then why quibble about the means? The end justifies them all in full and even surpasses them by far.

“I am but one prisoner among thousands of others,” Djamila was saying to her lawyer the other day. Indeed, there are 14,000 Algerians detained in camps and prisons in France, 17,000 more in prisons located in Algeria, and hundreds of thousands packed into the camps located in Algeria. The efforts made in Djamila’s case would fall short of their mark if they failed to arouse a revolt against the treatment of her brothers and of which her case represents only one very ordinary example. But this revolt will have no reality unless it takes the form of political action. There exists only one choice for you who grieve so readily and so abundantly over past tragedies, like Anne Frank or the Warsaw ghetto. You can either take sides with the torturers of those who are suffering today and passively consent to the martyrdom they endure in your name, almost under your noses—thousands of Djamilas and Ahmeds—or you can refuse not only certain practices, but the end that authorizes and demands them. You can refuse this war that dares not speak its name and the army that feeds off of this war, body and soul, as well as the government that gives in to the army. And you can put everything into place to make your refusal effective. There is no third alternative, and I hope this book will help to convince you. You are being confronted with the truth from all directions; you can no longer continue to stammer, “We didn’t know . . .” And, knowing, will you be able to feign ignorance or content yourselves with a few token [*inertes*] laments?

I hope not.

NOTES

Previously translated by Peter Green (New York: Macmillan, 1962).

1. FLN stands for *Front de libération nationale* (National Liberation Front), which was the resistance organization in Algeria fighting for Algerian independence during the French occupation and colonization of that country.

2. Beauvoir is referring to the acts of violence and killings that occurred in Algiers on November 1, 1954, called *la Toussaint rouge* in French. These were the first European civilian deaths in Algeria, marking the real beginning of the war for Algerian independence.

3. The *Commission de sauvegarde des droits et libertés individuels*, which Beauvoir refers to as the “Commission de Sauvegarde,” was created in 1957 by French statesman and socialist leader Guy Mollet with the official purpose of investigating the claims of torture, disappearances, and acts of violence committed by the French against the Algerians, but in reality it tried to shield the French government and army from public scandal. Maurice

Patin (1895–1962), who was then the president of the Criminal Court of Appeals, was named president of the Commission by Charles de Gaulle. See <http://chs.univ-paris1.fr/cherche/seconde.pdf> for more information (accessed November 3, 2011). This is not to be confused with the “Committee of Public Safety,” which is how Peter Green translates it in the previous translation. The “Committee of Public Safety” (*le comité de salut public*) was the military regime in Algeria led by General Massu and formed in 1958 when the army and French Algerians seized power in reaction to France’s waning support of the military operations in Algeria.

4. The *Djebels* are mountains in northern Africa.

5. Maurice Audin (1932–57), whose father was French and whose mother was Algerian of European descent, was an anticolonialism activist and professor of math at the University of Algiers until he was arrested, tortured, and killed by the French military in 1957. French historian Pierre Vidal-Naquet led a committee to investigate his death and wrote a book called *L’affaire Audin* in 1958, but not until May 2004 was there a “Place Audin” in Paris, commemorating this martyr. The main suspect in his death, a lieutenant Charbonnier, was never punished and the French authorities have still not admitted to the assassination of Audin.

6. Ali Boumendjel was a prominent Algerian attorney, whose death was made to look like a suicide. The French general Paul Aussaresses admits in his book *Special Services, Algeria 1955–1957* (Paris: Perrin, 2001), to torturing and executing scores of Algerian militants. According to this memoir, Boumendjel was thrown from a rooftop after having been tortured for forty-three days.

7. Beauvoir is most likely referring to a book entitled *Les disparus, le cahier vert* (Disappearances: The Green Notebook) (Paris: La Cité, 1959), written by Jacques Vergès, Michel Savrian, and Maurice Courrège, which lists 175 cases of suspicious “disappearances” of Algerian Muslims.

8. Pierre Popie, who was killed in 1961, was a liberal Algerian lawyer who defended torture victims and tried to publish a list of his clients who had disappeared and the French military units that had arrested them.

9. On June 25–29, 1960, Charles de Gaulle met secretly with leaders of the FLN in Melun, France, in the hopes of obtaining a cease-fire, but these negotiations failed; Edmond Michelet (1899–1970), a French politician and survivor of the Dachau concentration camp, served as Minister of Justice from 1959 to 1961.

10. Barberousse is a prison in Algiers, Algeria.

11. Pierre Messmer (1916–2007) was France’s Minister of Armies.

12. Cornelius Tacitus (55–117) was a witty, insightful, and eloquent Roman historian who criticized the corruption of Rome. Some of his best known works include *Histories* and *Annals*.