

## **The role of judicial mechanisms in compensating Algerian women victim of crimes against humanity committed by the French occupation**

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### **Abstract**

In this research paper, we address the crimes committed against Algerian women by French colonialism, and ways to obtain compensation.

Algerian women were subjected to various violations that are classified as crimes against humanity as stipulated in the Statute of the International Criminal Court.

In the context of holding France accountable for its crimes and seeking compensation, some cases were brought before the French judiciary, but they did not realize justice to the victims of crimes against humanity.

**Keywords:** Algerian women, crimes of French colonialism, compensation for victims, international criminal justice, compensation for Algerian women.

### **Introduction**

The French colonizer has committed horrific crimes against the Algerian people since its occupation of Algeria, represented in an attempt to obliterate the Arab and Islamic national identity, starting with the "Andjina" Law by subjecting people to special legislation in the repressive field according to French criminal law and the establishment of deterrent courts and campaigns of killing and revenge against people and following the scorched earth policy, passing through the crimes committed against the Algerian people in May 1945 and the nuclear tests in the Algerian desert.

Such acts can be classified within the framework of war crimes, genocide and crimes against humanity.

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All categories of Algerian society were targeted by colonialism, which did not differentiate between civilians and fighters, and did not spare even the elderly, children and women from its crimes.

Algerian women were subjected to all kinds of violations of their most basic rights, and were subjected to killing, displacement, deportation, starvation, imprisonment, rape and torture.

To discuss this topic, we will pose the following problematic:

To what extent will the judiciary contribute to compensating Algerian women who were victims of crimes against humanity committed by French colonialism?

### **Section one: Definition of crimes against humanity in the Statute of the International Criminal Court**

The Statute of the International Criminal Court defined crimes against humanity in Article 7 as follows:

Willful killing, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty contrary to fundamental rules of international law, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence, persecution of any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious or gender grounds, enforced disappearance of persons, apartheid, and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health<sup>1</sup>.

These acts must be committed as part of a widespread or systematic attack against civilians, and not targeting a specific group.

#### **I -Types of crimes against humanity:**

**1-Crimes against physical safety:** Crimes against physical safety are those crimes that occur against human life and body.

According to the Statute of the International Criminal Court, crimes against physical safety are:

**A-Willful murder:** The crime of willful murder is one of the types of crimes against humanity, and means any form of taking a life not resulting from a death sentence issued by a competent court.

Willful murder is criminalized whether individually or collectively, as individual murder is an assault on the human right to life, when committed against a group of civilians in accordance with the policy of a state or organization that requires committing this attack, within the framework of a widespread and systematic attack against civilians, and does not target a specific group or sect<sup>2</sup>.

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انصر الدين بوسماحة، المحكمة الجنائية الدولية، ج 1، دار هومة، الجزائر، 2008، ص 29

<sup>2</sup>Paragraph 1/A of Article 7 of the Statute of the International Criminal Court

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**B-extermiation:** the International Criminal Court stipulates that genocide includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population.

The crime of genocide includes killing one or more persons or forcing victims to live in conditions that inevitably lead to the death of a part of the civilian population, the perpetrator uses various means of killing in acts of genocide, such as firearms, poisoning water or food, or by detaining victims and preventing them from accessing life resources such as food, drink or treatment in a manner that inevitably leads to the death of these civilians or a part of them. These acts also include blockading civilians in a manner that prevents them from receiving necessary medicines<sup>3</sup>.

**C-Torture:** torture is the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to lawful sanctions<sup>4</sup>.

Article 7 of the Rome Statute of the International Criminal Court has identified the elements of the crime of torture, which constitutes a crime against humanity, as follows:

**-The material element:** The perpetrator of the crime inflicts severe pain or suffering, physical or mental, on one or more persons, and this person or persons are detained by the perpetrator of the crime, and this behavior is committed as part of a widespread or systematic attack against the civilian population.

**-The moral element:** The perpetrator must know that this behavior is part of a widespread or systematic attack directed against the civilian population, or intends this behavior to be part of that attack.

**The legal element:** Article 7 of the Rome Statute of the International Criminal Court criminalizes acts of torture and describes them as a crime against humanity.

**D-Sexual violence:** There is hardly an armed conflict, whether international or non-international, that is free of crimes of sexual violence committed against civilians, especially women.

Article 7 of the International Criminal Court Statute stipulates this crime, specifying its forms: rape, sexual slavery, enforced prostitution, forced pregnancy, and enforced sterilization<sup>5</sup>.

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<sup>3</sup>Paragraph 1/B of Article 7 of the Statute of the International Criminal Court

<sup>4</sup>Paragraph 1/E of Article 7 of the Statute of the International Criminal Court

<sup>5</sup>Paragraph 1/F of Article 7 of the Statute of the International Criminal Court

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**E-Rape:** Rape is considered one of the most serious crimes, as it constitutes at the same time an assault on public freedom and an assault on human immunity, and may harm the physical, psychological and mental health of the victim<sup>6</sup>.

The 1949 Fourth Geneva Convention explicitly prohibits wartime rape and enforced prostitution of protected persons in international conflicts<sup>7</sup>, The prohibitions outlined in the 1949 Geneva Conventions were reinforced by the 1977 Additional Protocols I and II to the 1949 Geneva Conventions.

Through this, we define the elements of the crime of rape as follows:

**The material element:** the accused assaults a person's body with sexual behavior, and the assault is committed by force or threat of force or coercion, such as arising from fear of the person concerned, and the act is committed within an organized plan<sup>8</sup>.

**The moral element:** the moral element is represented by the accused's knowledge that the act is part of a widespread attack directed against a group of civilians, and that he intends that these actions are part of that attack<sup>9</sup>.

**The legal element:** Article 7 of the Statute of the International Criminal Court criminalizes rape, describing it as a crime against humanity when the material and moral elements are met.

**F-Sexual slavery:** This crime means that the perpetrator exercises his authority over a person or a group of persons as their owner, and this status entitles him to dispose of them by selling, buying, lending or bartering them to these persons, and it is also known as the status of a person over whom all or some of the powers associated with the right of ownership are exercised, including sexual intercourse through rape or other forms of sexual violence<sup>10</sup>, so the elements of the crime of sexual slavery are as follows:

**Material Element:** The elements of the crime of sexual slavery are:

- The perpetrator of the crime exercises his authority over a person or a group of persons by selling, buying, bartering or lending.
- The perpetrator of the crime causes acts of a sexual nature to be committed against these persons.

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<sup>6</sup> عصام عبد الفتاح مطر، القضاء الجنائي الدولي، مبادئه، قواعده الموضوعية والإجرائية، دار الجامعة الجديدة، الإسكندرية، مصر، 2008، ص 159

<sup>7</sup>Article 27 of the 1949 Fourth Geneva Convention

<sup>8</sup>سوسن تمرخان بكة، الجرائم ضد الانسانية في ضوء أحكام النظام الأساسي للمحكمة الجنائية الدولية، منشورات الحلبي الحقوقية، لبنان، 2006، ص

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<sup>9</sup>القهوجي عبد القادر، القانون الدولي الجنائي، أهم الجرائم الدولية، المحاكم الدولية الجنائية، منشورات الحلبي الحقوقية، بيروت، لبنان، ط1، 2001،

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<sup>10</sup>Paragraph 1/ G of Article 7 of the Statute of the International Criminal Court

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**The moral element:** the moral element of the crime of sexual slavery is represented by the perpetrator's knowledge and awareness that the act he is committing is considered an assault on the victim, by committing it using force and threats, and without the victim's consent, and this act is considered a crime<sup>11</sup>.

**The legal element:** Article 7 of the Statute of the International Criminal Court criminalizes the practice of sexual slavery, describing it as a crime against humanity.

**G-Forced prostitution:** According to the definition of the United Nations Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, forced prostitution includes sexual slavery and most forms of forced prostitution. Accordingly, forced prostitution means forcing one or more persons to engage in acts of a sexual nature, or to use them in exchange for gain, money or otherwise<sup>12</sup>.

As stated in the first paragraph (g) of Article 7 of the Statute of the International Criminal Court, it is a form of sexual violence, stating its elements as follows:

**The material element:** The elements of the crime of forced prostitution are as follows:

- The accused forces one or more persons to engage in acts of a sexual nature by using force, threat or coercion.

- The accused or another obtains or expects to obtain money or benefits in exchange for those sexual acts or for a reason related to them.

- Imprisoning one or more women or forcing them to become pregnant with the intention of influencing the ethnic composition of the group, or resorting to depriving one or more men or women of the biological capacity to reproduce, without such behaviour having medical reasons or justifications dictated by treatment received in a hospital, and with the genuine consent of the person concerned<sup>13</sup>.

**The moral element:** The moral element of the crime of forced prostitution is represented by the perpetrator's knowledge that the act he committed is considered part of a widespread or systematic attack against the civilian population.

**The legal element:** Article 7 of the Rome statute of the international criminal court stipulates forced prostitution and considers it a crime against humanity.

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<sup>11</sup>سوسن تمرخان بكة، المرجع السابق، ص 379

<sup>12</sup>فرج علواني هليل، المحكمة الجنائية الدولية، دار المطبوعات الجامعية، الاسكندرية، مصر، 2009، ص 126

<sup>13</sup>عبد الفتاح بيومي حجازي، المحكمة الجنائية الدولية، دار الفكر الجامعي، الاسكندرية، مصر، 2004، ص 596

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**H-Forced sterilization:** the crime of enforced sterilization against women is considered one of the most heinous crimes committed against women during armed conflicts according to article 7 of the statute of the international criminal court, which stated its elements as follows<sup>14</sup>:

**The material element:** The perpetrator commits acts that result in the victim's inability to reproduce, and this is done by injecting the victim or performing a surgical operation to remove the reproductive organs responsible for reproduction, whether for men or women without medical necessity, and this is done under coercive circumstances.

**The moral element:** The moral element of the crime of forced sterilization is limited to the perpetrator's intention to commit the behavior according to a systematic plan against the civilian population, and that the perpetrators know that their behavior is part of that plan.

**Legal element:** article 7 of the Statute of the international criminal court stipulates that the crime of enforced sterilization is considered a crime against humanity<sup>15</sup>.

**I-Forced pregnancy:** forced pregnancy is the pregnancy of a woman by force, by raping her and detaining her so that she cannot abort herself<sup>16</sup>.

**Elements of the crime of forced pregnancy:** the elements of the crime of forced pregnancy are as follows:

**Material element:** forced pregnancy is by raping and detaining a woman, so that she cannot abort herself, in order to influence the ethnic composition of the population.

**The moral element:** the crime of forced pregnancy requires the presence of general and specific criminal intent, which is the perpetrator's intention to influence the ethnic composition of the population, such that the act committed is within the framework of an attack directed against the civilian population.

**The legal element:** the crime of forced pregnancy constitutes a violation of international humanitarian law and a flagrant departure from the rules of international law, as stipulated in Article 7 of the statute of the international criminal court.

**2-Crimes against freedom:** the statute of the international criminal court mentioned in paragraphs c, d, and e of article 7 the crimes against freedom, which are slavery, deportation of population or forcible transfer of population.

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<sup>14</sup>Paragraph 1/G of Article 7 of the Statute of the International Criminal Court

<sup>15</sup>عصام عبد الفتاح مطر، المرجع السابق، ص 161

<sup>16</sup>Paragraph 1/ G of Article 7 of the Statute of the International Criminal Court

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**A-The crime of slavery:** slavery means the exercise of any or all of the powers committed over the right of ownership over a person, including the exercise of these powers for the purpose of trafficking in persons, especially women and children<sup>17</sup>.

**Elements of the crime of slavery:** the crime of slavery requires the presence of three elements, which are:

**The material element:** the elements of the crime of slavery are represented in the perpetrator exercising any of the powers committed over the right of ownership over a person or persons, by buying, selling or bartering them.

**-The moral element:** the responsibility of the perpetrator of the crime of slavery arises from his committing acts as part of a widespread or systematic attack against civilians, in addition to his knowledge that this behavior is considered part of a widespread attack<sup>18</sup>.

**- The legal element:** article 7 of the Statute of the international criminal court stipulates that the crime of slavery as a crime against humanity in the second paragraph<sup>19</sup>

**B- The crime of forcible transfer and deportation of population:** forcible transfer of population is the forced displacement of the persons concerned from the area in which they are located, by expulsion or any other coercive act without justification permitted by law, or by the threat arising from fear of violence or psychological persecution or the use of power against a person or group of persons.

Paragraph (1/d) of Article 7 of the Statute of the international criminal court stipulates this crime, describing it as a crime against humanity.

**Elements of the crime of forcible transfer and deportation of population:** the elements of this crime are as follows:

**- The material element:** four elements must be present in this crime, namely:

- The person or persons concerned are present legally in the area from which they were deported or transferred.

- The accused forcibly deports or transfers one or more persons to another state or another place by expulsion or any other coercive act for reasons not recognized by international law.

- This behavior is committed as part of a widespread and systematic attack.

**- The moral element:** the accused must be aware of the factual circumstances on the basis of which the legality of this presence was determined, and that his

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<sup>17</sup>Paragraph 2/C of Article 7 of the Statute of the International Criminal Court

<sup>18</sup>Paragraph 1/ C of Article 7 of the Statute of the International Criminal Court

<sup>19</sup>أفرج علواني هليل، المرجع السابق، ص 121

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action must be motivated by the desire to get rid of these persons and transfer them to another area<sup>20</sup>.

- **The legal element:** article 7 of the international criminal court statute considered the deportation and forcible transfer of populations a crime against humanity.

**II - Pictures of crimes against humanity committed against Algerian women by the French occupation:**

**1- Torture:** the French occupation practiced the most heinous types of torture against the Algerian people, and did not differentiate between men, the elderly, children, and women.

So, torture centers were established in every village and city, including the "Jeanne d'Arc torture center" in "Skikda" in May 1958.

General "Paul Aussaresses" also established death squads to torture and kill Algerians with the blessing and silence of the political leadership in Paris, and with the blessing of the military leaders in Algeria<sup>21</sup>.

Among the types of torture practiced against Algerians in police and army centers were unleashing trained dogs to devour the body and eat its flesh, applying electricity to the body, forcing people to drink rotten soapy water, pulling out nails with hooks, skinning the head, and tying some body parts to a tree and tying the rest to a car that pulls it until it separates them from the body.

What confirms that the French occupation committed crimes of torture against Algerians is the French officers' admission of these crimes, as did officer "Godar", whose lawyer, who stated on the occasion of his defense in the rebellion case, said that "I declare on my honor that "Godar", like hundreds of other officers, receive orders from the highest French authorities to torture..."<sup>22</sup>.

Among the crimes of torture practiced against Algerian women is what the mujahida "Louisa Ighil Ahriz" mentioned in the media about her torture by French colonial soldiers, as well as the mujahida "Malika Griche"<sup>23</sup>.

**2- Deliberate killings:** the French occupation practiced horrific executions against Algerians without trial, and often justified this crime with the false claim of an attempt to escape, which the International Committee of the Red Cross expressed its concern about in January 1960, saying: "the problem of death while trying to escape deserves to be studied closely due to the frequency of incidents." The seventh report of the committee reflects many manifestations of premeditated

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<sup>20</sup> عصام عبد الفتاح مطر، المرجع السابق، ص 155

<sup>21</sup> محمد قنطاري، من بطولات المرأة الجزائرية في الثورة وجرائم الاستعمار الفرنسي، دار الغرب للنشر والتوزيع، ص 151

<sup>22</sup> جازية بكرادة، دور المرأة الجزائرية في الثورة التحريرية بالولاية الخامسة، رسالة دكتوراه، جامعة تلمسان، الجزائر، 2016/2017، ص 250

<sup>23</sup> عبد الكريم بوالصفصاف، جهاد المرأة الجزائرية في ولاية سطيف وتضحياتها الكبرى، مديرية المجاهدين، سطيف، 1997

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murder, in which it stated that it had requested death certificates for five detainees during its visit to the "Nakhilat" Center in October 1960.

Among the most famous crimes of premeditated murder committed by the French occupation against Algerians were those committed in May 1945, which claimed the lives of forty-five thousand Algerians, and the crimes of the butcher Colonel "Bellissi" in 1845, who ordered his soldiers to set fire to a cave where members of the "Ouled Riyah" tribe had taken refuge in the "Dahra" Mountains, escaping the hell of colonialism, which led to their suffocation and death inside the cave in tragic circumstances.

In addition to the crimes of "Maurice Papon", which he committed against the Algerian community in France in October 1961 during the era of General "De Gaulle", which led to the martyrdom of 300 Algerians and throwing most of them into the "Seine River", and many of them were transferred to police stations and dozens were thrown into the sea by planes<sup>24</sup>.

**3-Displacement and deportation:** France followed a policy of displacing Algerians, and used a scorched earth policy, killing, and means of expropriation in favor of the colonists, which led to the Algerians losing their pastures and fertile lands. A large migration occurred in different directions, at different times, and for various reasons.

The first migration was immediately after the occupation, the second during the resistance of "Emir Abdelkader", and the third after his defeat, the migration continued after that until independence due to the brutality of French colonialism against Algerians.

The migration of Algerians was especially to Morocco, Tunisia, the Hijaz, Egypt, and Turkey, in addition to the deportation campaigns to Caledonia, Cayenne, and the French colonies in the Pacific, Tunisia, Morocco, and others<sup>25</sup>.

**4- Detention of civilians in camps:** the colonial authorities gathered Algerian civilians in camps or what are called selection and deportation camps and detention camps, which constitute a type of slavery prohibited by international humanitarian law.

These camps were established next to military barracks in villages, mountains and hamlets, which means that they were putting civilians in large prisons.

What reveals the conditions in these camps is what was mentioned in the report of the International Committee of the Red Cross, which stated: "Although the camp has been in existence for three years, the detainees do not have bowls,

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<sup>24</sup>سعدى بزبان، جرائم موريس بابون ضد المهاجرين الجزائريين في 17 أكتوبر 1961، منشورات ثالثة، الجزائر، 2009، ص 64

<sup>25</sup>بسام العسيلي، المجاهدة الجزائرية، دار الرائد، الجزائر، 2010، ص 187

spoons or anything else at their disposal, and they eat their food from food cans... this shows that it is intentional.."<sup>26</sup>

**5- Rape:** French colonial soldiers committed rape crimes against Algerian women, but the French media did not pay attention to this issue until recent years.

An example of rape is the case of "Mohamed Qarn", the illegitimate son who was the result of repeated rapes of his mother by the colonial army forces. his mother, "Kheira", lived with her husband and his family, When her husband joined the Algerian revolution and was subsequently killed, the entire family was displaced. His wife fled in fear of the colonizer and remained lost in the forest, sleeping in a tree trunk at night and during the day picking up whatever was in the forest. One day, colonial soldiers found her and took her to the barracks in "Thniat El Had" in 1959, where she was subjected to all kinds of torture, including brutal repeated rape, When she became pregnant and became ill and weak, they wanted to kill her, had it not been for the intervention of a French doctor who provided her with health care and took her to her home, after independence, when her son "Mohamed" grew up, she told him that he was the son of a martyr, but later he learned the truth and left his mother and immigrated to France, while his mother remained lost, living in the cemetery next to the martyrs and became disabled, then Muhammad returned home and searched for his mother and wanted to regain his rights and the rights of his mother, so he hired a lawyer to defend his case.<sup>27</sup>

The case of the female mujahida "Louise Ighil Ahriz" who was raped also appeared in the media.<sup>28</sup>

## **Section Two: Judicial mechanisms to hold France accountable for its crimes against humanity against Algerian women:**

In order to redress the damage caused by the crimes against humanity committed by French colonialism against Algerian women, one can resort to the French judiciary or to national courts with universal jurisdiction.

**I -Resorting to the French judiciary:** France included crimes against humanity in the French Penal Code after France signed the London Agreement concluded on August 8, 1945, relating to the establishment of the International Military Tribunal of Nuremberg, pursuant to Decree No. 2267/45 issued on

<sup>26</sup>عمر سعد الله، القانون الدولي الانساني والاحتلال الفرنسي للجزائر، دار هومة، الجزائر، 2007، ص 201

<sup>27</sup>سحنون أم الخير، ظاهرة الاغتصاب في الجزائر، مجلة الحكمة للدراسات الاجتماعية، المجلد 2، العدد 4، جوان 2014، ص 115، 116

<sup>28</sup>Amal AMMI ABBACI, L'expérience carcérale dans le discours mémoriel de Louisa IGHILAHIRIZ "Louissette", Revue plurilingue : Études des langues, littératures et cultures, / ÉLLiC 8.1 (2024), p 97

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October 6, 1945, it also issued law n° 1326/64 on December 26, 1964, stipulating that crimes against humanity are not subject to a statute of limitations.

The butcher "Maurice Papon" was tried on charges of committing crimes against humanity against Jews, which allows the possibility of exploiting this judicial precedent to try him for the crimes against humanity he committed against Algerians in general and women in particular<sup>29</sup>.

**1-Examples of cases brought before the French judiciary against perpetrators of crimes against humanity in Algeria:** On May 4, 2001, the human rights committee filed a complaint before the Paris Court against general "Paul Aussaresses", for the crimes against humanity he committed against Algerians during the battle of Algiers in the period from 1955-1957, during which "Larbi Ben M'hidi" and "Ali Boumendjel" were arrested and killed under torture.

- The Committee against Racism and for Friendship with Peoples also filed a complaint against "Paul Aussaresses" on charges of committing crimes against humanity against Algerians.

- On May 13, 2001, the wife of "Maurice Audin" "Josette Audin" filed a complaint due to the crimes against humanity committed by "Aussaresses", "Maurice Bigeard", "Masso" and "Salan" against the Algerian people and her husband who was killed by the misguided under torture on the orders of their leaders.

On June 19, 2001, a group from the movement called "for the Abolition of torture" declared their intention to file a complaint with the court due to the boasting of crimes against humanity and war crimes by general "Aussaresses"<sup>30</sup>.

- In June 2001, the Algerian Mujahida "Louise Ighil Ahriz", submitted a file to the investigating judge of the Paris court regarding crimes against humanity committed by French generals who tortured "Louise Ahriz".

- In June 2001, the National Federation for Human Rights and "Nafissa" and "Fatima Zahra Ben M'hidi" filed a complaint with the French judiciary due to crimes against humanity committed by the French colonial generals against the Algerian people<sup>31</sup>.

However, all these initiatives did not receive a response from the French judiciary, in light of the official French position that denies that the French committed crimes against Algerians during the occupation, and the adoption of the law glorifying colonialism accordingly.

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<sup>29</sup> حساني خالد، جرائم الاحتلال الفرنسي للجزائر من وجهة نظر القانون الدولي، دار بلقيس، الجزائر، ص 66

<sup>30</sup> سعدي بزيان، جرائم فرنسا في الجزائر، دار هومة، الجزائر، 2012، ص 43

<sup>31</sup> المرجع نفسه، ص 44

**2-The French Constitutional Council cancels the condition of French nationality to obtain compensation:** in February 2018, the French Constitutional Council abolished the requirement of French citizenship to obtain compensation for torture, and issued a decision approving the granting of compensation to Algerians who were subjected to "acts of violence and torture" during the French occupation in Algeria, a decision that came three days after Algerian Jews announced that they had obtained a decision to compensate Germany for Nazi crimes.

The French Constitutional Council's decision stated that "victims cannot be differentiated on the basis of their nationality, as long as they were subjected to acts of violence on French soil when the acts they filed complaints about occurred," and justified its decision by the fact that Algeria before 1962 was under French sovereignty<sup>32</sup>.

This case is a precedent in the French judiciary's view of dealing with the file of compensation for victims of crimes committed by the French occupation, and it can be relied upon to obtain compensation for victims of crimes committed by French colonialism.

**II -Trial by national courts with universal jurisdiction (Belgian judiciary):**the Belgian judiciary derived its authority to consider crimes against humanity committed anywhere and at any time from Article 146 of the fourth Geneva convention, which obliges the States Parties to prosecute those accused of committing serious violations of international humanitarian law and bring them to trial, regardless of their nationality<sup>33</sup>.

Belgium embodied this approach by issuing the law dated June 16, 1993, relating to responsibility for serious violations of the four Geneva Conventions and their first and second protocols<sup>34</sup>.

Since this law grants the Belgian judiciary universal jurisdiction to consider violations of the four Geneva Conventions of 1949, and considering that the crimes of the French occupation are a violation of the four Geneva Conventions of 1949, the Belgian judiciary is competent to consider the crimes of the French occupation against Algerians, and the French perpetrators of crimes against humanity against Algerians during the occupation can be held accountable.

## Conclusion:

<sup>32</sup>جريدة الشروق اليومي، الجزائر، الأحد 25 فيفري 2018

<sup>33</sup>ساسي محمد فيصل، محاكمة فرنسا عن جرائمها الاستعمارية في الجزائر وفق أحكام القانون الدولي الجنائي، مجلة دفاتر السياسة والقانون، العدد

2013/8، ص 77

<sup>34</sup>عبد القادر البقيرات، العدالة الجنائية الدولية، ديوان المطبوعات الجامعية، الجزائر، 2005، ص 205

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The crimes committed by the French colonialists against Algerians, and women in particular, have caused great suffering to the Algerian people, and are considered a flagrant violation of the provisions of international humanitarian law, and are classified as crimes against humanity.

Although the Algerian people have not yet been able to obtain an apology or compensation from France, their attempts to hold France accountable for its crimes against the Algerian people during the occupation will be crowned with success by redressing the harm caused by those crimes.

The position of the French Constitutional Council on the issue of compensation for victims of crimes of violence during the colonial period and its dropping of the condition of French nationality to obtain compensation is considered a positive indicator in the matter of women victims of crimes against humanity committed by the French colonialists obtaining compensation.

To hold France accountable and obtain compensation for women victims of its crimes against humanity committed during its occupation of Algeria, we present the following suggestions:

- Teaching the history of French colonialism to pupils and students
- Gathering victims of occupation crimes into associations concerned with their rights.
- Filing individual and collective lawsuits against the French who committed crimes during the French occupation.
- Proceeding with the issue of criminalizing colonialism and exploiting international forums to raise this issue.
- Exploiting the principle of universal jurisdiction.

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