

France's Violations of Civilian Rights During Its Nuclear Tests in Algeria (1960–1966)

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Abstract

This study examines France's violations of civilian rights during its nuclear tests in Algeria between 1960 and 1966. International humanitarian law provides legal protection for civilians, combatants no longer participating in hostilities, and prisoners of war. These protections, established in the Geneva Conventions of 1949 and their Additional Protocols of 1977, obligate parties to armed conflicts to preserve life, dignity, and physical integrity, and prohibit inhumane treatment, collective punishment, and attacks on civilians. During the French colonial occupation, nuclear tests conducted in the Algerian desert systematically endangered civilian populations, causing immediate deaths, long-term health effects, and environmental contamination. The research demonstrates that French authorities deliberately exposed Algerian and foreign civilians to lethal radiation without precaution, in violation of international humanitarian law and human rights treaties. The study is structured into two sections: the first analyzes the protective legal framework for civilians in wartime; the second examines the specific crimes committed during France's nuclear tests, including intentional killings, inhumane treatment, and threats of extermination. The findings reveal that these acts constitute serious violations of international law and may incur both civil and criminal accountability for the French state and responsible officials. This research underscores the importance of legal enforcement and historical recognition of civilian protection in armed and colonial contexts.

Keywords: France, Algeria, Nuclear Tests, International Humanitarian Law, Civilian Protection.

Received: 27.05.2025 ; Accepted: 17.11.2025 ; Published: 03.03.2026

Introduction

International humanitarian law provides a general and a special system of protection. This system covers civilians, combatants who are no longer able to fight, prisoners of war, and all persons who do not take part in hostilities. It grants them protection during wartime. It also obliges the parties to a conflict to refrain from attacking their lives, physical integrity, and personal dignity. In addition, it prohibits the passing of sentences and the execution of penalties without fair trial procedures. These principles appear in the substance of the common Article 3 of the four Geneva Conventions of 1949, adopted on 12 August 1949 and entering into force on 21 October 1950, as recognized by the International Committee of the Red Cross.

The parties to a conflict must also respect their other international obligations. Failure to apply these obligations during armed conflicts, whether internal or international, constitutes a serious violation of the rules and customs of international law. Such violations give rise to international responsibility and its legal consequences for the party that commits them.

Algeria remained under French occupation from 1830 until 1962. At the end of the colonial period, the French authorities carried out a series of nuclear tests in the Algerian desert. This situation raises an important question: to what extent did the French authorities comply with international conventions concerning the protection of civilians during wartime, and with the obligation to protect them from the effects of nuclear military activities conducted on Algerian territory during the occupation?

To address this issue, the present study is divided into two main sections. The first examines the humanitarian protection system established for civilians during armed conflicts. The second analyzes the

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crimes committed against civilians during the French nuclear tests conducted in Algeria between 1960 and 1966.

Section One: The Protective System for Civilians in Time of War

The rules and customs of international law regulate the state of war. They also provide protection for civilians during armed conflicts. The aim is to preserve their lives and safeguard their rights.

To explain this issue in greater detail, this section is divided into three subtopics. The first addresses the concept of international protection during occupation. The second identifies the civilians who benefit from this protection. The third outlines the legal rules that form the basis of the protective system.

First: The Nature of the International Protection System During Occupation

To understand the content of the humanitarian protection system for civilians during war, two main points must be addressed. The first concerns the definition of military occupation. The second relates to the concept of international protection.

1. The Concept of Military Occupation

The jurist Hyde defined military occupation as the stage of military operations in which invading forces establish control over part of the enemy's territory. This situation arises when the invading army overcomes the existing resistance. It then sets up its own military authority in the occupied area.

Dr. Kamel Mustafa Shehata defined it as a phase of war. It occurs when invading forces enter the territory of a hostile state and defeat its forces if they resist the invasion. The invading forces then dominate the territory, or part of it, and establish a military authority that replaces the authority of the legitimate government.

Professor Dib Akkawi described it as a temporary occupation carried out by the armed forces of a state over the territory of another state, or part of it. In this situation, a military administration is established in the occupied territory (Faleej Ghazlan and Samer Mousa, 2023, pp. 98–99).

In legal scholarship, military occupation refers to organized and successive military operations carried out by invading forces in occupied territories. Through these operations, the occupying power establishes a temporary authority. It exercises effective control and imposes its military administration on the original population of the territory under its control.

2. The Concept of International Protection

Professor Omar Saadallah defined international protection as an expression of a fundamental rule. This rule reflects the determination of the international community to grant victims of armed conflicts a number of guarantees (Ya'qur, 2010, p. 24).

Professor Zuhair Al-Husseini offered another definition. He explained that international protection for victims of armed conflicts has two dimensions. The first is preventive. It refers to the criminalization of acts that lead to human suffering. The second is remedial. When such acts occur, international protection bodies intervene to reduce their effects. At the forefront of these bodies is the International Committee of the Red Cross, which provides relief operations to limit further suffering (Ya'qur, 2010, p. 25).

International protection therefore refers to a set of legal rules. These rules derive from international conventions and customary international law. They contain binding provisions that apply to subjects of international law. Their aim is to prohibit hostile and inhumane acts against civilians. They also impose international responsibility on those who violate them.

Second: Civilians Covered by the Humanitarian Protection System in Time of War

In order to identify the civilians who fall under the system of international humanitarian protection during wartime, it is necessary to examine the term civilian and clarify its legal meaning. This definition determines precisely the persons who are entitled to such protection.

1. The Doctrinal Definition of Civilians

Professor Mohi El-Din Ali Ashmawi defined civilians as all persons who are not members of the military or similar bodies. They reside in occupied territories. During military occupation, they receive protection under the rules governing occupation. These rules appear in the Hague Regulations and the Fourth Geneva Convention (Ashmawi, 1971, p. 317).

Professor Omar Saadallah offered another definition. He described civilians as persons who do not take part in hostilities. They face dangers that arise from military operations between the parties to a conflict (Ya'qur, 2010, p. 28).

2. The Legal Definition of Civilians

The definition of civilians appears indirectly in Article 4, paragraph 1, of the Fourth Geneva Convention of 1949. The article states that protected persons are those who find themselves, at a certain moment and in any manner, in the hands of a party to the conflict or an occupying power of which they are not nationals.

Civilians may also be understood as persons who do not take part in hostilities. This meaning appears in paragraph 1 of the common Article 3 of the four Geneva Conventions of 1949 (International Committee of the Red Cross, First Geneva Convention, available at:

<https://www.icrc.org/ara/resources/documents/misc/7umF63.htm>).

The Geneva Conventions of 1949 did not provide a precise and explicit definition of civilians. For this reason, the International Committee of the Red Cross made further efforts to develop a clearer and more comprehensive definition. This effort appeared in Article 4 of the Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War of 1956. The provision appeared under the title "Definition of the Civilian Population." It states that the civilian population includes all persons who do not belong to any of the following categories:

A. Members of the armed forces or of auxiliary or supporting organizations attached to them.

b. Persons who do not belong to the forces mentioned in the previous paragraph but who nevertheless take part in combat.

In 1970, the International Committee of the Red Cross proposed another definition of civilians. According to this definition, civilians are persons who do not form part of the armed forces or bodies connected with them. They also do not take direct part in activities related to the war effort (Ya'qur, 2010, pp. 30–31).

The former United Nations Secretary-General Boutros Boutros-Ghali proposed another definition of civilians. In his report entitled *Respect for Human Rights in Time of Armed Conflict*, he stated that civilians are persons who do not carry weapons on behalf of any party to the armed conflict. The definition also includes persons who do not support any party through military acts such as sabotage, espionage, recruitment, or propaganda (Ya'qur, 2010, p. 30).

Article 50 of the Additional Protocol I of 1977, which supplements the Geneva Conventions of 1949, also addresses this issue. It appears in Chapter Two under the title *Civilians and the Civilian Population*. The article states the following:

1. A civilian is any person who does not belong to one of the categories listed in sub-paragraphs (1), (2), (3), and (6) of paragraph (A) of Article 4 of the Third Geneva Convention and Article 43 of this Protocol. If there is doubt about whether a person is a civilian, that person shall be considered a civilian.
2. The civilian population includes all civilians.
3. The civilian population does not lose its civilian character because some individuals within it do not fall under the definition of civilians (Faleej Ghazlan and Samer Mousa, 2023, p. 109).

According to Article 4 of the Third Geneva Convention of 1949 concerning the treatment of prisoners of war, the following persons are excluded from the status of civilians:

1. Members of the armed forces of a party to the conflict. This category also includes militias and volunteer units that form part of these armed forces.
2. Members of other militias and volunteer units. This group includes members of organized resistance movements. They belong to one of the parties to the conflict and operate inside or outside their territory, even if that territory is under occupation.
3. Members of regular armed forces who declare allegiance to a government or authority that is not recognized by the detaining power.
4. Inhabitants of non-occupied territories who take up arms on their own initiative when the enemy approaches. They do so to resist the invading forces, even though they have not had time to organize themselves into regular armed units.

In addition, Article 43 of the Additional Protocol I of 1977 states that the following persons are not considered civilians: 1 Members of the armed forces.

Third: International Legal Rules for the Protection of Civilians in Time of War

The legal rules contained in the four Geneva Conventions of 1949 provide a clearer and stronger framework for the protection of civilians during armed conflicts. Common Article 3 of the four Geneva Conventions obliges the parties to a conflict to treat civilians in a humane manner (1). This rule applies during non-international armed conflicts and prohibits any form of discrimination.

Most of the other provisions of the 1949 Geneva Conventions address the protection of civilians during international armed conflicts. For example, Article 12 of the First Geneva Convention requires that civilians and combatants who are unable to fight must be protected in all circumstances. It also requires the parties to the conflict to treat them humanely (2).

Article 7 of the same Convention also stresses the important role of the International Committee of the Red Cross and other humanitarian organizations. These bodies assist in the protection and relief of civilians and combatants who are no longer able to fight. The article also affirms the need to allow humanitarian activities to continue during wartime, provided that the parties to the conflict give their consent (3).

This provision reflects the same content found in Article 10 of the Fourth Geneva Convention of 1949 on the protection of civilians in time of war, with a slight modification in wording. The article states: "...for the purpose of protecting and providing relief to civilian persons...".

Article 4 of the same Convention defines the persons protected by the Convention. This issue has already been addressed in the section dealing with the definition of civilians.

Article 8 of the Fourth Geneva Convention of 1949 also states that protected persons may not renounce the protection granted to them under any circumstances and for any reason (4).

Article 47 further affirms that protected persons who are present in occupied territories shall not, in any case or in any manner, be deprived of the benefits of the Convention. This rule applies regardless of any changes that may occur as a result of the occupation of the territory. It also applies regardless of any modification affecting the institutions or government of that territory, any agreement concluded between the authorities of the occupied territory and the occupying power, or the annexation of all or part of the occupied territory by the occupying state (Article 47 of the Fourth Geneva Convention of 1949).

Article 51 of the Additional Protocol I of 1977, which supplements the Geneva Conventions of 1949, is entitled “Protection of the Civilian Population.” Paragraph 1 of this article states:

“1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. In order to make this protection effective, the following rules shall always be observed, in addition to other applicable rules of international law.”

Paragraphs 2 to 8 of the same article list a number of rules, including the following:

1. The civilian population shall not be the object of attack.
2. Acts or threats of violence against the civilian population are prohibited.
3. Indiscriminate attacks that are not directed at specific military objectives are prohibited.
4. The use of means of warfare whose effects cannot be limited is restricted.
5. Bombardment attacks are prohibited.
6. Attacks that cause civilian losses excessive in relation to the concrete and direct military advantage anticipated are prohibited.
7. Reprisals against the civilian population are prohibited.
8. The use of civilians as human shields to protect military objectives is prohibited.

Section Two – Some Crimes Committed Against Civilians During the French Nuclear Tests in Algeria

During the conduct of its nuclear experiments and explosions in the Algerian desert, the French authorities committed acts that are considered international crimes against Algerian and foreign civilians. Some of these acts are presented below as examples, without limitation.

First: The Crime of Intentional Killing

Killing means the taking of a human life. It is an attack on the life of individuals and a denial of the right to life. This right is protected by both domestic and international law.

Article 1 of the American Declaration of the Rights and Duties of Man, adopted by the Organization of American States, affirms the legal protection of the human right to life. The same principle appears in Article 3 of the Universal Declaration of Human Rights, which states: “Everyone has the right to life, liberty and security of person.”

Article 2 of the European Convention on Human Rights of 1950, adopted by the Council of Europe, also confirms that the right to life shall be protected by law.

The same principle is affirmed in the International Covenant on Civil and Political Rights, adopted on 16 December 1966 and entering into force on 23 March 1976. Article 6 of the Covenant states that the right

to life is inherent to every human being. The law must protect this right. No one may be arbitrarily deprived of his life (Rish, n.d., p. 100).

International legal instruments that affirm the human right to life have continued to develop in later texts (5).

The crime of intentional killing falls within the scope of offenses against the personal rights of protected individuals (6). These rights extend beyond economic transactions and include the right to life, the right to the preservation of human dignity, honor, and reputation, as well as the right to physical integrity (Boudali, 2011/2012, p. 93).

Colonial France deliberately caused the deaths of thousands of Algerian civilians and laborers during its surface nuclear explosions at Reggane in 1960 and 1961, and its underground nuclear tests at In Ekker in 1961 and 1962. These activities were accompanied by ongoing military nuclear operations in Algerian territory after independence, continuing until 1966.

France deliberately exposed civilians to the effects of nuclear explosions and lethal radiation without taking the most basic preventive or precautionary measures. These are measures that the International Atomic Energy Agency requires even in cases of peaceful nuclear energy use. The inhabitants of the Algerian desert, and those present at or near the test sites, were treated as human guinea pigs to measure the impact of the explosions and thermal and nuclear radiation on human health and the body. Many nuclear tests failed, causing additional deaths. French officers and conscripts who witnessed the events, some of whom suffered serious radiation effects, have confirmed this. Medical records from that period were deliberately concealed, and even the names of the deceased remain missing. Most of the victims were Algerian, but others came from various African countries, as the Algerian desert served as a passage for trade caravans and grazing grounds for nomadic herders from neighboring states (Hamdoun, 2024).

France violated the provisions of the Geneva law, particularly the four Geneva Conventions of 1949, the two Additional Protocols of 1977, and various treaties of international humanitarian law and international human rights law. These violations occurred during systematic intentional killings carried out as part of its nuclear tests and military operations in the Algerian desert, both during wartime and peacetime (1960–1966).

Paragraph 2 of Common Article 3 of the four Geneva Conventions of 1949 states: “For this purpose, the following acts are prohibited in relation to the persons mentioned above and shall at all times and in all places remain prohibited”

(a) Assault on Life and Physical Integrity, Particularly Killing, Mutilation, Cruel Treatment, and Torture

Second: The Crime of Causing Excessive and Unjustified Harm to Health and the Body

Acts that cause excessive and unjustified harm to the body and health are considered inhumane treatment. They take various forms of torture and inflict severe physical or psychological pain (Boudali, 2011/2012, p. 94).

Regarding France’s nuclear tests in the Algerian desert, all their health impacts resulted in severe harm to human health and the bodies of all living creatures. They caused enduring psychological and physical suffering. This began with the selection of sites populated by civilians for military nuclear activities. Civilians were forced to perform dangerous and strenuous tasks for these activities under the pretense of working in gold mines. They were compelled to clean radioactive and contaminated materials and locations without basic health precautions, exposing their own lives, as well as the lives of their children and families, to nuclear radiation hazards.

Furthermore, their food and water resources, fields, livestock, and homes were subjected to radioactive fallout and ionizing radiation. This directly and significantly contributed to the emergence of chronic

diseases, cancer, congenital and hereditary deformities, and genetic disorders that persisted across generations due to the long half-life of radioactive and nuclear pollutants. The French authorities deliberately concealed their nuclear archives, including maps of nuclear burial sites in Algerian regions and records of the health effects of their nuclear activities.

Although France quickly signed and ratified the Fourth Geneva Convention of 1949 on the protection of civilians during wartime, it systematically violated its provisions. For example, it violated Article 32, which explicitly prohibits: “All measures of such a character as to cause physical suffering or extermination of protected persons under their control, whether killing, torture, corporal punishment, mutilation, or medical or scientific experiments not justified by the treatment of the protected person. This prohibition also extends to any other form of cruelty, whether carried out by civilian agents or military personnel” (Article 32, Fourth Geneva Convention, 1949).

Earlier, the Fourth Hague Convention of 1907 and its annexed regulations on the laws and customs of land warfare had prohibited “the use of arms, projectiles, or materials of a kind calculated to cause unnecessary suffering or injury” (paragraph (e), Article 23, Hague Regulations on the Laws and Customs of War on Land, 18 October 1907).

Third: The Crime of Threatening to Exterminate or Deny Life

Paragraph (d) of Article 23 of the 1907 Hague Regulations on the Laws and Customs of Land Warfare explicitly states: “In addition to the prohibitions established in special conventions, it is especially forbidden: (d) to declare that no quarter will be given.”

Similarly, Article 33 of the Fourth Geneva Convention of 1949 prohibits collective punishments and all measures of intimidation and terror. It also forbids reprisals against protected persons and their property. This principle is reaffirmed in Article 40 of Additional Protocol I of 1977, titled “Respect for Life,” which states: “It is prohibited to order that no person be allowed to survive, to threaten the adversary in this regard, or to conduct hostilities on that basis” (Rochou, 2020, p. 103).

This crime was fully realized in the acts accompanying France’s nuclear tests and explosions in Algeria. Algerian populations in the desert regions near nuclear test sites and surrounding forts were forced to remain outdoors without protective clothing or eyewear during each nuclear detonation. This was done to measure the effects of radiation on their bodies, assess human tolerance, and monitor both immediate and long-term health impacts.

This exposure and forced assembly of civilians occurred under direct threats: any disobedience or refusal to comply was met with the threat of extermination. The same coercion was applied to Algerian laborers at the nuclear sites. Many workers initially refused to continue after witnessing the first detonation in 1960 at Hammoudia, Reggane, and observing the health and environmental hazards. France, however, forced them to continue by threatening total annihilation for anyone who refused, making it clear that none would be allowed to survive.

These actions confirm that the French authorities deliberately threatened populations with extermination to complete their nuclear military operations and to study the radiological effects on humans and the environment. In doing so, they effectively turned the Algerian desert, particularly Reggane and In Ekker, into a human scientific laboratory, committing acts that constitute internationally recognized crimes.

Conclusion

Through the focus of this research, it becomes clear that France, represented by its central and local authorities, committed serious violations of international law norms during the colonial period in Algeria. These violations particularly concerned the provisions of international humanitarian law, as France conducted its military nuclear activities in the Algerian desert. These actions deliberately disregarded the protective framework for both Algerian and foreign civilians, resulting in a significant humanitarian tragedy.

Consequently, France may face international civil accountability as a legal person under international law, and its civil and military officials may be subject to criminal prosecution, especially since war crimes are not subject to statutes of limitation.

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The first paragraph of Article 3 common to the four 1949 Geneva Conventions provides: "In the case of an armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: persons taking no active part in hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction based on race, color, religion, faith, sex, birth, wealth, or any similar criteria." (First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949, International Committee of the Red Cross, <https://www.icrc.org/ara/resources/documents/misc/7umF63.htm>, accessed 15/09/2016, 16:00)

Article 12 of the First Geneva Convention of 1949 states: "The wounded and sick, whether members of the armed forces or other persons referred to in Article 3, shall be respected and protected in all circumstances, and the Party to the conflict under whose authority they are shall treat them humanely..."

Article 7 of the First Geneva Convention of 1949 provides: "This Convention shall not impede humanitarian activities that may be carried out by the International Committee of the Red Cross or any other impartial humanitarian organization, intended to protect and assist the wounded and sick, as well as medical and religious personnel, provided that the consent of the Parties to the conflict is obtained."

Article 8 of the Fourth Geneva Convention of 1949 states: "Protected persons shall not, under any circumstances, partially or wholly renounce the rights granted to them under this Convention or under the special agreements referred to in the preceding Article, if such agreements exist."

Among other applicable legal provisions are: Article 4 of the American Convention on Human Rights (San José), dated 22 November 1969; Article 4 of the African Charter on Human and Peoples' Rights, 1981; Article 2 of the Draft Arab Charter on Human Rights and Peoples in the Arab World, 1986; Article 2 of the Cairo Declaration on Human Rights in Islam, issued on 31 July 1990; and Article 5 of the Arab Charter on Human Rights, issued on 15 September 1997, among others.

Crimes related to assaults on individuals are understood as: "those criminal acts that affect or threaten with danger rights of a purely personal nature, meaning rights inherently linked to the victim." (Boudali, 2011/2012, p. 93)

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