

Civil Harmony Act

Act relating to the restoration of civil harmony, 99-08 of 29 Rabie El Aouel 1420, or the 13th of July, 1999.

The President of the Republic,

Given the Constitution, including articles 77-7, 120, 122 and 126;

Given Order 66-155 of the 8th of June, 1966, as amended and supplemented, establishing the penal procedure code;

Given Order 66-156 of the 8th of June, 1966, as amended and supplemented, establishing the penal code;

Given Order 72-02 of the 10th of February, 1972, establishing the prison organization and rehabilitation code;

Given Order 75-80 of the 15th of December, 1975, relating to the execution of judicial decisions on prohibition of residence and allocation to residence;

Given Order 95-12 of 25 Ramadan 1415, or the 25th of February, 1995, on clemency measures;

Following approval by the Parliament;

Passes the Act whose content is as follows:

Chapter 1 General Provisions

Art.1.- This Act is part of the plan for the recovering civil harmony. Its goal is to establish specific measures with a view to resolving issues related to people involved or previously involved in acts of terrorism or subversion who have expressed their willingness to stop, in true conscience, their criminal activities, by giving them the opportunity to accomplish through reintegration into society.

In order to benefit from the provisions of the present act, the persons referred to in the previous subparagraph must notify the competent authorities that they have ceased any terrorist activity, and present themselves to these authorities.

Art.2.- The persons referred to in Article 1 will benefit, in line with the law and according to the case, from one of the following measures:

exemption from prosecutions;

probation;

mitigation of sentences.

Chapter II Exemption from Prosecution

Art.3.- Any person who was part of one of the organizations referred to in article 87 bis 3 of the penal code, either inside or outside of the country, will not be prosecuted. This will only be the case if they have not committed or participated in any of the offenses provided for in article 87 bis of the penal code that led to the death of or permanent disability of a man, rape, and have not used explosives in public places. They must, within a period of six (6) months from the date this act comes into force, notify the competent authorities that they have ceased any terrorist or subversive activity, and must voluntarily present themselves to these authorities.

Art. 4.- Under the same conditions provided for in Article 3, persons who possessed weapons, explosives, or other material means, and have submitted these voluntarily to the competent authorities, will not be prosecuted.

Art. 5. - Notwithstanding any provisions contrary to this law, the beneficiaries of Articles 3 and 4 are in all cases deprived of rights provided for in Article 8 (2) of the Penal Code, for ten (10) years from the date that their exemption from prosecution is decided.

Chapter III Probation

Art. 6.- Probation consists of the temporary adjournment of proceedings, for a period determined in order to ensure the full amendment of the affected individual.

Art. 7.- The following will benefit from probation measures , according to the time periods and conditions hereinafter determined: persons who were part of one of the organizations referred to in article 87 bis 3 of the penal code and who, within a period of six (6) months from the date this act comes into force have notified the competent authorities that they have ceased any terrorist or subversive activity, and have presented themselves, individually or collectively, to these authorities.

Persons who have committed or participated in crimes that led to the death of a man, in collective massacres, in bombings in public places, or rape, will be excluded from the benefits described in this article.

Art. 8.- Notwithstanding the provisions of article 7, the following may benefit from probation: persons who were part of one of the organizations referred to in article 87 bis 3 of the penal code who have not committed collective massacres or used explosives in public places, and who have collectively and voluntarily informed, within three months of the date this Act comes into force, the competent authorities that they have ceased any terrorist or subversive activity, and that have presented themselves to these authorities and agreed to participate, under the authority of the State, in the fight against terrorism.

The persons who are part of one of the organizations referred to in the preceding paragraph are required to declare, in a sincere manner, any explosives, ammunition, and equipment in their possession, and submit these to the authorities to which they present themselves.

The same declaration must include, in addition, any acts that they have committed or in which they have participated,

The methods application of this Article will be specified, as necessary, by regulatory means.

Art. 9.- The end of a probation granted in line with Article 8 of the present act, may take place through public action, under the benefit of the provisions of article 28 of this Act.

Art. 10.- If, during the prosecution adjournment, proven facts not reported, are revealed, against one or more persons subject to probation, the delay of criminal prosecution is immediately revoked and public action is then put in motion in line with the rules of common law.

Art.11.- Notwithstanding any provisions to the contrary, the decision to grant probation implies full deprivation of rights provided for in Article 8 (2) of the penal code.

The Probation Committee referred to in Article 14 of this Act may add to its decision of one or more of the corrective actions provided for in Articles 8 and 9 of the penal code and in article 125 bis 1 of the penal procedure code.

The Probation Committee may, during probation, taking into account the behaviour of the person concerned, alleviate in whole or in part the corrective actions ordered.

The corrective actions ordered will be implemented and reported according to the procedures established in the present Act.

The decision to grant probation and the corrective actions that accompany it will be, on the Probation Committee's notice, added to the criminal record of the person concerned. They will not be brought to bulletin 3 of the judicial record.

Art. 12.- The probation period will last for a minimum of three (03) years and ten (10) years maximum.

Art. 13. - Without prejudice towards the other provisions of this Act, individuals eligible for probation who agree to serve the State in the fight against terrorism and subversion will subject to a maximum probation period of five (5) years, and will not be subject to the measures provided for in Article 8 (1) of the penal code,

Art. 14.- A Probation Committee within the territorial jurisdiction of each Wilaya (Province) may be formed, responsible for:

- declare probation;
- enact the measures which would be applied to those put under probation;
- register and declare the revocation of probation;
- propose any measure to the competent authorities to accompany the probation;
- register the end of probation, and issue the act which ascertains this;
- designate a probation delegate.

Art. 15. - The Probation Committee will be composed of:

The Attorney General of that territory's jurisdiction, the President;

A representative of the Minister of National Defence;

A representative of the Interior Minister;

The commander of the Wilaya's police station;
The Wilaya's Chief of Security;
The President of the Bar or his authorized representative.

Art. 16. -Referral methods for the Probation Committee and its rules of operation will be determined, as necessary, by regulatory means.

During all phases of the probation procedure, human rights must be guaranteed and respected.

Art. 17. -The execution of measures decided within the framework of probation, as well as monitoring and checking that they are being respected, will be carried out by, under the direction of the Attorney General, the authorities of the judicial police referred to in Article 15 (2 to 7) of the penal procedure code.

The methods of application of this Article will be determined through regulation

Art. 18. - If a person under probation exempts them from one of the measures to which they are bound, the Probation Committee can revoke their probation.

Public action, for the facts causing the postponement of prosecution and, where applicable, for the facts that led to the revocation of probation, can then be set in motion against them. The ordinance does not stop until the day on which the revocation of probation is declared.

Art. 19.- The revocation of probation will occur after the person concerned has had the opportunity to provide the Probation Committee with any useful explanation of the facts leading to the revocation procedure.

The person concerned may be assisted by a lawyer of his choice.

Art.20.-The individual whose probation has been revoked may make an ex gratia appeal before the Probation Committee, extended to the President of the Court of the Wilaya's Seat, within a period of ten (10) days from day the revocation is declared.

The appeal will suspend the revocation process.

The revocation may be accompanied by any measure guaranteeing the representation of the person concerned during the appeal.

Art.21.-The expanded Probation Committee will decide on the appeal within a period of ten (10) days of the date of referral.

Art.22.- Probation can be lifted early by the Probation Committee when the individual concerned is distinguished by exceptional behaviour at the service of the country or has given sufficient evidence of their amendment.

The early lifting of probation may be conditional. The duration of the conditional lifting may not, however, exceed a year. At the end of this period, the lifting of the probation will become final.

Art. 23.- Probation will be, in all cases, lifted at the end of the term for which it has been set.

Art. 24.- Lifting of probation will be declared by the Probation Committee upon a report from a probation delegate, and will be confirmed by a certificate issued by the Chairman of the committee.

Art. 25.- The lifting of probation will imply public action from the Leader on the facts that caused the lifting, without prejudice towards Articles 9 and 28 of the present act.

Art 26.-Public action for facts revealed after the lifting of probation will be established according to common law from the day the probation is lifted.

Chapter IV **Mitigation of Sentences**

Art. 27.- The following will benefit from a sentence mitigation: persons who were part of one of the organizations referred to in article 87 bis 3 of the penal code who have ceased any terrorist or subversive activity, who voluntarily present themselves to the competent authorities within a period of three (03) months from the date this Act comes into force, who have not been put under probation, and who have not committed acts of collective massacres, nor used explosives in public places. The conditions of this sentence mitigation follow:

Imprisonment of twelve (12) years maximum, when the maximum penalty by law is the death penalty or life imprisonment;

Imprisonment of seven (07) years maximum, when the maximum penalty by law is greater than ten (10) and less than twenty (20) years of imprisonment;

Imprisonment of three (03) years maximum, when the maximum penalty by law is equal to ten (10) years.

In all other cases, the maximum penalty is reduced by half.

Art. 28. - Persons who were part of one of the organizations referred to in article 87 bis 3 of the penal code who have been granted probation will benefit from the sentence mitigation under the following conditions:

Imprisonment of eight (8) years maximum, when the maximum penalty by law is the death penalty or life imprisonment;

Imprisonment of five (05) years maximum, when the maximum penalty by law is greater than ten (10) years and less than twenty (20) years;

Imprisonment of two (02) years maximum in all other cases.

Art. 29. - In all other cases, persons who were part of one of the organizations referred to in article 87 bis 3 of the penal code who have ceased any terrorist or subversive activity, who voluntarily present themselves to the competent authorities within a period of three (06) months from the date this Act comes into force, will benefit from a reduction of sentence according to the following conditions:

Imprisonment of fifteen (15) to twenty (20) years when the penalty by law is the death penalty;

Imprisonment of ten (10) to fifteen (15) years when the penalty by law is life imprisonment.
In all other cases, the maximum penalty is reduced by half.

Chapter V Procedure

Art. 30. - The persons referred to in Article 1 of this Act may present themselves voluntarily to the judicial or administrative authorities, civil or military, accompanied where appropriate by their guardian and/or their lawyer.

Art. 31. - The Attorney General may on the spot put the person(s) under house arrest in a provisional residence, in a place that will be determined by the regulation, and order all necessary checks on the person(s).

Art. 32. - The decision of house arrest made by the Attorney General will be legally binding, notwithstanding any provision to the contrary.

Art. 33. - The Attorney General will submit the case to the Probation Committee for its next meeting.

Art. 34. - The Probation Committee's decision will be notified to the authorities and bodies responsible for its implementation and to the person concerned. It will be immediately enforceable.

Art. 35. - The methods of application of this Chapter will be determined where appropriate by regulatory means.

Chapter VI Special Provisions

Art. 36. - Persons referred to in Article 3 who are under accusation, detained or not, as of the date this Act comes into force, will benefit from it.

Art. 37. - Persons referred to in Article 3, who are sentenced inmates as of the date this Act comes into force, will benefit from immediate parole for the remainder of their sentence, notwithstanding any provision to the contrary.

Art. 38. - Persons who had presented themselves voluntarily to the competent authorities and who had informed them that they ceased any terrorist or subversive activity before the date this Act comes into force, and who are under accusation, detained or not, can benefit, if they meet the conditions for probation, release, postponement of sentence, depending on the case and notwithstanding any provision to the contrary, and will be subject to the probation regime.

During the probation, the postponement of the sentence may become parole for a period not exceeding the remainder of the sentence and in any case not exceeding the probation period.

Art. 39. - Notwithstanding any provisions to the contrary, the beneficiaries of the provisions of Articles 36, 37, and 38, are in all cases, deprived of the rights provided for in Article 8 (2) of the penal code for a period of ten (10) years from the date they begin benefiting from measures provided for in this Act.

Art. 40. - In the case public action being taken, victims of the acts provided for in article 87 bis of the penal code, or beneficiaries of said acts, may sue for criminal damage and claim compensation for the prejudice suffered.

The damages that would be potentially granted in this case by the courts, would be deducted from compensation which might have been granted elsewhere, in line with current legislation. The State will be responsible for their payment, and will be able to take recourse action against the debtor to recover, where appropriate, the amounts by them paid.

The methods of application of this Article will be determined by regulatory means.

Art. 41. - The provisions described are not applicable, except when needed, to persons who belonged to organizations who have voluntarily decided to put an end to acts of violence and have put themselves at the disposal of the State.

Art. 42. - The provisions of Ordinance 95-12 of 25 Ramadan 1415, or the 25th of February, 1995, on clemency measures, will be revoked.

Art. 43. - This Act will be published in the Official Journal of the Democratic and Popular Republic of Algeria.

Signed in Algiers, 29 Rabie El Aouel 1420, or the 13th of July, 1999.

Abdelaziz Bouteflika.