

Texts for Implementing Acts relating to the Restoration of Civil Harmony

Executive decree determining the methods of application of Article 8 of the Civil Harmony Act.

Executive decree 99-142 of 7 Rabie Ethani 1420, or of the 20th of July, 1999, determining the methods of application of Article 8 of Act 99-08 of 29 Rabie El Aouel 1420, or of the 13th of July, 1999, relating to the restoration of civil harmony.

The Leader of the Government,

Given the Constitution, including its articles 85-4 and 125 (paragraph 2);

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

Given Order 97-06 of 12 Ramadan 1417, or the 21st of January, 1997, relating to war materials, weapons, and ammunition;

Given Act 99-08 of 29 Rabie El Aouel 1420, or of the 13th of July, 1999, relating to the restoration of civil harmony, in particular its 8th article;

Given presidential decree 98-427 of 26 Chaâhane 1419, or of the 15th of December, 1998, concerning the appointment of the Leader of the Government;

Given executive decree 98-96 of 9 Dhou El Kaada 1418, or of the 18th of March, 1998, laying down detailed rules for the application of Order 97-06 of 12 Ramadan 1417, or of the 21st of January 1997, relating to war materials, weapons, and ammunition;

Decrees

Art 1. - The purpose of this Order is to determine the methods of application of Article 8 of Act 99-08 of 29 Rabie El Aouel 1420, or of the 13th of July, 1999, relating to the restoration of civil harmony.

Art 2. - The persons concerned by the provisions of Article 8 of Act 99-08 of 29 Rabie El Aouel 1420, or of the 13th of July, 1999, referred to above, must:

1) Notify collectively and voluntarily by any appropriate means, in an unequivocal manner and within the time limits set by the Act, one of the following authorities, that they have ceased any terrorist or subversive activity:

- The heads of Units and Training of the National Popular Army;
- The leaders of the national security services;
- The leaders of Groups and Training of the National Police;
- the Walis (Governors);
- the Heads of Daïras (municipalities);
- The Attorneys General;
- the Prosecutors of the Republic;

2) Present themselves to, either the heads of Units and Training of the National Popular Army, the leaders of the national security services, or the leaders of Groups and Training of the National Police, and give them back the weapons, explosives, fireworks, ammunition, and means of communication as well as documents in their possession. This will establish a verbal process with the Authority to whom they have delivered these possessions. On the

basis of this verbal process, the weapons, explosives, fireworks, ammunition, and means of communication will be borne by the National Popular Army services;

3) Attest to the sincerity of their declaration regarding the full return of weapons, explosives, fireworks, ammunition and means of communication which were in their possession;

4) Declare, individually, the acts that they have committed or in which they have participated.

The competent authorities may, in addition, request any additional useful information.

Art. 3. - The details to be included in the above declaration will be the following:

1. Complete identification of each person concerned:

- Last name, first name(s) and pseudonym, if applicable;

- Date and place of birth;

- Nationality;

- Complete filiations;

- Family situation;

- Residence;

- Level of training;

- Professional background, employers and places where they were employed;

- Judicial history;

- Military history,

2. Places and areas of refuge.

3. Identification of weapons, explosives, fireworks, ammunition, means of communication and of documents: type and quantity.

4. Acts committed, nature, dates, places and circumstances.

5. Declaration and signature of the person concerned.

The printed version of the declaration will include, in addition, the full statement of the provisions of article 10 of Act 99-08 of 29 Rabie El Aouel 1420 , or of the aforementioned 13th of July.

Art. 4. - The declaration will be printed by a printer provided by the authorities listed in Article 2-(2), following the model annexed to this Decree.

Art 5. - This Decree will be published in the Official Journal of the Democratic and Popular Republic of Algeria.

Signed in Algiers, 7 Rabie El Aouel 1420, or the 20th of July, 1999.

Smail Hamdani.

Executive Decree Determining the Methods for Implementing the Provisions of Articles 14, 16, 17, 31, 32 and 35 of the Civil Harmony Act.

Executive Decree 99-143 of 7 Rabie Ethani 1420, or of the 20th of July, 1999, determining the methods for implementing the provisions of Articles 14, 16, 17, 31, 32 and 35 of Act 99-08 of 29 Rabie El Aouel 1420, or of the 13th of July, 1999, relating to the restoration of civil harmony.

The Leader of the Government,
Given the Constitution, including its articles 85-4 and 125 (paragraph 2);
Given Order 66-155 of the 8th of June, 1966, amended and supplemented, on the penal code;
Given Order 66-156 of the 8th of June, 1966, amended and supplemented, on the penal code;
Given Act 99-08 of 29 Rabie El Aouel 1420, or of the 13th of July, 1999, relating to the restoration of civil harmony, including its 14th, 16th, 17th, 31st, 32nd, and 35th articles;
Given presidential decree 98-427 of 26 Chaâhane 1419, or of the 15th of December, 1998, concerning the appointment of the Leader of the Government;
Given the executive Decree 99-142 of 7 Rabie Ethani 1420, or of the 20th of July, 1999, determining the methods of application of Article 8 of the Act 99-08 of 29 Rabie el Aouel 1420, or of the 13th of July, 1999, relating to the restoration of civil harmony:
Decrees:

Art 1. - The purpose of this Order is to determine the methods for implementing the provisions of Articles 14, 16, 17, 31, 32 and 35 of Act 99-08 of 29 Rabie el Aouel 1420, or of the 13th of July, 1999, relating to the restoration of civil harmony.

Art 2. - The persons concerned by the provisions of Act 99-08 of 29 Rabie el Aouel 1420, or of the 13th of July, 1999, referred to above, must:

1) Notify voluntarily by any appropriate means, in an unequivocal manner and within the time limits set by the Act, one of the following authorities, that they have cease any terrorist or subversive activity:

- The heads of Units and Training of the National Popular Army;
- The leaders of the national security services;
- The leaders of Groups and Training of the National Police;
- the Walis (Governors);
- the Heads of Daïras (municipalities);
- The Attorneys General;
- the Prosecutors of the Republic;

2) present themselves to, either the heads of Units and Training of the National Popular Army, the leaders of the national security services, or the leaders of Groups and Training of the National Police, and give them back the weapons, explosives, fireworks, ammunition, and means of communication as well as documents in their possession. This will establish a verbal process with the Authority to whom they have delivered these possessions. On the basis of this verbal process, the weapons, explosives, fireworks, ammunition, and means of communication will be borne by the National Popular Army services;

3) attest to the sincerity of their declaration regarding the full return of weapons, explosives, fireworks, ammunition and means of communication which were in their possession;

4) declare, individually, the acts that they have committed or in which they have participated.

The collective of the above will be transcribed according to the declaration model provided for in the annex of executive Decree 99-142 of 7 Rabie Ethani 1420, or of the 20th of July, 1999, determining the methods of application of Article 8 of the Act 99-08 of 29 Rabie el Aouel 1420, or of the 13th of July, 1999, relating to the restoration of civil harmony.

The competent authorities may, in addition, request any additional useful information.

Art 3. - Any competent judicial or administrative authority, civil or military, to whom one or several persons within the framework of the Civil Harmony Act have presented themselves voluntarily, must immediately involve the territorially competent Attorney General.

Art. 4. - The involved Attorney General may on the spot put the person(s) under house arrest in a provisional residence or in an appropriate place as close as possible to the security services of either the National Popular Army, the units of the National Police, or the national security units and offices. In the case of house arrest, the Attorney General will appoint one of the services mentioned in the previous paragraph and any officer of the judicial police to ensure its implementation.

The Attorney General may order all necessary checks on the person concerned and acts they have committed.

Art. 5. - In application of the provisions of article 32 of Act 99-08 of 29 Rabie el Aouel 1420, or of the 13th of July, 1999, referred to above, the decision to place a person under house arrest, taken by the Attorney General, will be immediately enforceable notwithstanding any provisions to the contrary.

Art. 6. - On the basis of the conclusions of audits which have been carried out in the framework of Article 3 above, the Attorney General:

- will file away the prosecution according to the rules of procedure established, if the case qualifies for exemption of prosecution, and deliver to the person concerned the document attesting to this exemption;

- will send the file, if the case qualifies for mitigation of sentences, to the prosecutor of the Republic of competent jurisdiction so they may begin public action;

- submit the file to the Probation Committee for their next meeting, if it seems that elements of the case make it eligible for probation.

Art. 7. - A Probation Committee in the territorial jurisdiction of each Wilaya is hereby established.

Art 8. - The Probation Committee will review the elements of the file that can be completed through investigation and useful information, with a view to pronouncing probation, and

implement any measures which the individual subject to probation would be subject to, proposes any measure accompanying the probation to the competent authorities, and designate a probation delegate.

Art 9. - The Probation Committee will meet in any appropriate place chosen by its President within the territorial jurisdiction of the Wilaya. The members of the Committee will be invited meetings by the Chairman of the committee.

Art. 10 - Over the course of the examination of their case by the Probation Committee, the person concerned has the right to be heard personally and/or to be represented by a lawyer of their choice. The date of the meeting devoted to the examination of their record will be notified to the person concerned by any appropriate means.

The person or their adviser may, in addition, request the results of the investigation before the date of the meeting reviewing their case.

Art. 11. - After reviewing the case and hearing, if applicable, from the person concerned and/or their representative, the Probation Committee will deliberate and make its decision.

Art 12.- The decision for probation must state the duration of the probation and the additional measures that the person concerned will be subject to.

It will designate, in addition, a probation delegate specifically responsible for the implementation of probation. The probation delegate will be chosen from among the authorities of the judicial police laid down in Article 15 (2 to 7) of the penal procedure code.

Art. 13. - The decision for probation and will be notified to the concerned party, to the specially designated probation delegate, and to any other competent authority. It will be immediately enforceable.

Art. 14 - The probation delegate will act under the direction of the Attorney General who has territorial jurisdiction on their area, and report, regularly and periodically, the situation of the person under probation.

They will carry out their mission within the framework of the service to which they belong.

Art. 15. - The probation delegate will have the power to convene the person under probation and to ask them for any information or document to control the implementation of the measures established in the probation framework. They must in addition be informed of any change of employment or residence and all movements.

Art. 16. - On the basis of a written report by the probation delegate providing sufficient evidence of the good behaviour of the person concerned and their clear willingness to make amends and towards social reintegration, the Probation Committee may, at any time, alleviate the control measures and the conditions imposed on the person under probation.

Art. 17 - If, during the course of the probation period the person concerned breaks one of the conditions imposed on him, the probation delegate will immediately refer the matter to the Attorney General by way of a detailed report with a view to beginning proceedings to

revoke probation from the person concerned.

In this case, procedures laid down in Article 19 of this Decree will be applied.

Art. 18. - One month before the end of the probation period, the probation delegate will write a reasoned report on the behaviour of the person under probation and send it to the Attorney General. The Attorney General will inform the contents of the report to the person concerned to receive any useful observation.

After receiving any potential observations from the person concerned, issued personally or through their guardian and/or adviser, the Attorney General will inform the Probation Committee.

Art. 19. - The date of the meeting devoted to reviewing their file will be notified to the person concerned by any appropriate means.

During the course of the review of their case by the Probation Committee, the person concerned will have the right to be heard personally and/or to be represented effect by a lawyer of their choice. The probation delegate may also make any oral observation. In all cases, the word will return to the person under probation.

Art. 20. - After reviewing their file and hearing, if applicable, from the person concerned and /or his representative, the Probation Committee will acknowledge the end of probation, formalised by a certificate issued by its Chairman to the person concerned.

Art. 21. - The decision of the Probation Committee will be notified to all civilian and military authorities concerned

Art. 22. - This Decree will be published in the Official Journal of the Democratic and Popular Republic of Algeria.

Signed in Algiers. On 7 Rabie Ethani 1420, or on the 20th of July, 1999.

Smaïl Hamdani.

Executive Decree Establishing Detailed Rules for Implementing the Provisions of Article 40 of the Civil Harmony Act.

Executive Decree 99-144 of 7 Rabie Ethani 1420, or of the 20th of July, 1999, determining the methods for implementing the provisions of article 40 of Act 99-08 of 29 Rabie El Aouel 1420, or of the 13th of July, 1999, relating to the restoration of civil harmony.

The Leader of the Government,

Given the Constitution, including its articles 85-4 and 125 (paragraph 2);

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

Given the legislative Decree 93-01 of the 19th of January, 1993, on the Finance Law for 1993, including its 145th article;

Given the legislative Decree 93-18 of 15 Rajab 1414, or of the 29th of December, 1993, on the Finance Law for 1994, including its 150th article ;

Given Order 95-27 of 6 Chaâbane 1416, or of the 30th of December, 1995, on the Finance Law for 1996, including its 159th article;

Given Act 99-08 of 29 Rabie El Aouel 1420, , or of the 13th of July, 1999, relating to the restoration of civil harmony, in particular its 40th article;

Given presidential decree 98-427 of 26 Chaâhane 1419, or of the 15th of December, 1998, concerning the appointment of the Leader of the Government;

Given executive decree 99-47 of 27 Chaoual 1419, or of February the 13th, 1999, relating to the physical compensation for persons victims of damage or injury suffered as a result of acts of terrorism or of accidents occurring during anti-terrorist activities;

Decrees:

Art 1. - The purpose of this decree is to determine, in application of Article 40 of Act 99-08 of 29 Rabie El Aouel 1420, or of the 13th of July, 1999, the methods for making amends to persons who have suffered material or physical injuries or injury as a result of acts of terrorism who are suing through criminal court authorities, as well as the terms of payment by the State for damages.

Art. 2. - The criminal courts, when dealing with an application for civil compensation by one or several persons victims of damage or injury suffered as a result of acts of terrorism, will seek prior to determining the amount of damages payable, the issuance of a certificate by the Treasurer of the Wilaya. This certificate will relate to compensation granted or lack thereof by applying the legislation and regulations relating to the compensation of victims of physical or material harm as a result of acts of terrorism or of accidents occurring during the fight against terrorism.

Art. 3. - The beneficiary of a judicial decision awarding them damages as a result of acts of terrorism, must present a written request to the treasurer of the Wilaya in which they reside.

This request must be accompanied, under penalty of inadmissibility, by the enforceable judicial decision awarding them damages.

Art. 4. - The treasurer of the Wilaya will be able to involve the Attorney General or his or her assistants in any verification process.

Art. 5. - On the basis of the enforceable judicial decision and, where appropriate, of the checks carried out, the treasurer will, within a period which must not exceed one month from the date of its referral, pay the damages.

Art. 6. - The damages paid will be charged to the account No 302-075 open under the name of the main Treasurer and named "Fund for the compensation of victims of terrorism".

Art. 7. - This Decree will be published in the Official Journal of the Democratic and Popular Republic of Algeria.

Signed in Algiers, 7 Rabie Ethani 1420, or on the 20th of July, 1999.

Smaïl Hamdani.

The Probation Committee

The Probation Committee's mission will be to:

- 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 (article 18 of the Act); .

Composition of the Probation Committee

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.