

Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>

Country/ entity	Algeria
Region	Middle East and North Africa
Agreement name	Texts for Implementing Acts relating to the Restoration of Civil Harmony
Date	20 Jul 1999
Agreement status	Unilateral document
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (Algerian Civil War (1990 - 1998))
Stage	Implementation/renegotiation
Conflict nature	Government
Peace process	Algeria: Bouteflika Process
Parties	Government of Algeria (signed by Smail Hamdani, prime minister)
Third parties	-
Description	This document consists of a set of implementing executive decrees for the Law on Civil Harmony, which instituted several types of amnesty in Algeria. The document was issued by means of executive decree. The decrees set out the details of the manner in which those subject to amnesty are to apply and be processed by Algerian institutions.

Agreement document	DZ_990720_Texts for Implementing Acts relating to the Restoration of Civil Harmony.pdf  Download PDF
-----------------------	--

Groups

Children/ youth	No specific mention.
--------------------	----------------------

Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
Men and boys	No specific mention.
LGBTI	No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention Pages 4-6:

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

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/ rights No specific mention.

Pastoralist/ nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

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 Dairas (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.

Intelligence services No specific mention.

Parastatal/
rebel and
opposition
group
forces No specific mention.

Withdrawal
of foreign
forces No specific mention.

Corruption No specific mention.

Crime/
organised
crime No specific mention.

Drugs No specific mention.

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 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 Dairas (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;

Pages 7-8:

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 courts, as well as the terms of payment by the State for damages.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper
The whole of this document concerns modalities of implementing amnesty in Algeria, establishing modalities for identifying and applying amnesty and forms of probation to qualifying persons.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims

Pages 7-8:

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".

Missing persons

No specific mention.

Reparations Transitional justice→Reparations→Material reparations

Pages 7-8:

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".

Reconciliation No specific mention.

Implementation

UN
signatory No specific mention.

Other
international
signatory No specific mention.

Referendum No specific mention.
for
agreement

International No specific mention.
mission/
force/similar

Enforcement No specific mention.
mechanism

Related No specific mention.
cases

Source Copy on file with author.
