



**International Covenant on
Civil and Political Rights**

Distr.: General
14 July 2021
English
Original: French
English and French only

Human Rights Committee

**Information received from Algeria on follow-up to the
concluding observations on its fourth periodic report***

[Date received: 25 June 2021]

* The present document is being issued without formal editing.



Reply to the recommendation contained in paragraph 30

1. Algeria provided a reply regarding the issue of persons who disappeared during the “black decade” (*décennie noire*) and how this issue has been addressed in its report of 2017 and its follow-up report of 2018, both of which are available on the United Nations website.
2. The implementation of the Charter for Peace and National Reconciliation was discussed at length during the Committee’s interactive dialogue with the Algerian delegation during the Committee’s consideration of the country’s previous report.
3. The Algerian delegation stressed that, under Algerian law, it was not lawful to pardon or to commute the sentences of persons convicted of rape, torture, bombings in public places, premeditated murder or abduction, or to terminate the prosecution of persons charged with those offences.
4. The Charter states that the courts can try criminal cases, hear any allegations of human rights violations and deal with them appropriately, except where the alleged perpetrators were law enforcement officials or persons engaged in counter-terrorism operations acting in the performance of their duties.
5. Individuals therefore have the right of appeal if the acts were unrelated to public order, security or counter-terrorism operations.
6. The Charter for Peace and National Reconciliation was adopted by parliament and submitted to a referendum. It may be amended only following the same process. The Charter was adopted pursuant to a democratic decision that cannot be modified by the Government or any national or international actor.
7. During the presentation, in July 2018, of the report submitted by Algeria under the Covenant, the Algerian delegation provided adequate replies to the Committee’s observations (paragraphs 7, 8, and 13; reply concerning note 9 of the report of Algeria submitted in 2017; paragraphs 4 and 5 of the follow-up report issued in 2018).
8. Accordingly, the State’s reply concerning the issue of cases of enforced disappearance that occurred in the 1990s and the compensation of victims in accordance with the Charter for Peace and National Reconciliation remains consistent with the approach taken by Algeria in this regard and the treatment of such cases under the Charter.

Reply to the recommendation contained in paragraph 38

9. In Algeria, the situation of asylum seekers and refugees is regulated by Decree No. 63-274 of 25 July 1963 and the annex to Decree No. 63-256 of 16 July 1963, which make the determination of refugee status the responsibility of the Algerian Office for the Protection of Refugees and Stateless Persons, a body attached to the Ministry of Foreign Affairs that maintains cooperative relations with the Office of the United Nations High Commissioner for Refugees, in line with the Convention relating to the Status of Refugees, adopted in Geneva in 1951.
10. A new law is being drafted to better address the situation of refugees and stateless persons by extending the definition of refugee beyond that established in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, according to the criteria established in the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. The future law will also include provisions that take into account the broader commitments of Algeria in the area of international protection and refugee rights.
11. Arrests of foreign nationals with irregular status by the security services are carried out in accordance with legal provisions and procedures that safeguard the fundamental rights of the persons concerned and protect them from unlawful expulsion or deportation.
12. Algeria does not carry out collective expulsions of foreign nationals with irregular status. They are treated with dignity and brought before the courts, which decide on each case according to an individualized procedure. The removal of foreign nationals from the national

territory is carried out in consultation with the official representation of the foreigner's country of origin and at the expense of the Algerian State.

13. Since 2019, repatriations are organized in cooperation with the International Organization for Migration and the countries of origin. Migrants with irregular status, not to be confused with asylum seekers, are not arbitrarily detained; in the event of repatriation, they are held in reception centres pending the completion of identification procedures and the issuance of the necessary laissez-passer by the consular offices of their countries of origin.

14. The principle of non-refoulement is established in article 33 (1) of the Convention relating to the Status of Refugees of 28 July 1951, which provides that "no Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".

15. In accordance with article 32 of Act No. 08-11 of 25 June 2008 on the Conditions of Admission, Stay and Movement of Foreign Nationals in Algeria, foreign nationals subject to deportation may contact their diplomatic or consular representation and, if necessary, receive assistance from a lawyer and/or an interpreter.

16. The person concerned is notified of the expulsion decision and may file an appeal with suspensive effect against the decision before the urgent applications judge. Persons who fall into the following categories have up to 30 days to lodge an appeal:

- Foreign nationals who have been married to an Algerian for at least two years, provided that the marriage was contracted in accordance with the laws and regulations currently in force and it can be proven that the married couple live together
- Foreign nationals who can prove by legal means that they were ordinarily resident in Algeria before reaching the age of 18, with their parents who are or were Algerian residents
- Foreign nationals who hold a 10-year residence permit, in which case the appeal has suspensive effect

17. The urgent applications judge may also order the provisional suspension of the execution of the expulsion order in the event of force majeure, and in particular for:

- Foreign parents of an Algerian minor residing in Algeria, if it can be proven that they contribute to the child's upbringing and to meeting his or her needs
- Foreign nationals who are or were minors on the date of adoption of the deportation decision
- Orphaned foreign minors
- Women who are or were pregnant on the date of adoption of the deportation decision

Reply to the recommendation contained in paragraph 46

18. Freedom of peaceful assembly and demonstration underpins the strengthened and consolidated democratic freedoms enshrined in the Constitution of 1 November 2020.

19. A new article 52 has been introduced into the Constitution. It protects freedom of peaceful demonstration and provides that it may be exercised pursuant to a simple declaration. The conditions and rules governing the enjoyment of this freedom will be regulated by law, unlike under previous provisions, which subjected the organization of public events to an authorization procedure.

20. Accordingly, the current law governing public meetings and demonstrations is being brought into line with the new constitutional provisions.

21. The new legislative framework that will govern the exercise of freedom of peaceful assembly and demonstration will be in line with international standards, in particular the 1948 Universal Declaration of Human Rights, to which Algeria acceded in 1963, and the 1966

International Covenant on Civil and Political Rights, to which Algeria acceded in 1989, as well as with the legislative best practices of democratic countries.

22. The measures aimed at establishing the freedom of peaceful demonstration include the abolition of the prior authorization procedure, the affirmation of the principle of freedom of peaceful assembly, the introduction of a positive obligation on the State to facilitate the exercise of this freedom, the strengthening of the role of the judiciary in guaranteeing and protecting the exercise of this freedom, and the definition of the circumstances in which the administrative authorities may prohibit a peaceful demonstration.

23. All restrictions imposed comply with the procedural and substantive conditions set forth in article 21 of the Covenant, insofar as they are established by law and are necessary in a democratic society.

24. The restriction placed on demonstrations in the wilaya (province) of Algiers for various reasons, particularly the narrowness of the boulevards in the city of Algiers and the lack of open spaces, was in no way intended to deprive citizens of their right to freedom of peaceful demonstration. On the contrary, it was decreed by the public authorities in order to maintain public order and protect the safety, health and peace of mind of the people and, above all, of the demonstrators.

25. Nevertheless, despite these risks and challenges, demonstrations and sit-ins were held in Algiers without the authorization required by law on a regular basis.

26. Moreover, the demonstrations organized during the “Hirak”, which led to the emergence of a new Algeria, are a clear illustration of the authorities’ desire to return to the normal state of affairs with regard to the organization of demonstrations in Algiers.

27. It should be noted that the Ministry of the Interior, Local Authorities and Land-Use Planning recently issued a reminder that citizens who wish to organize peaceful demonstrations must respect the current law governing public meetings and demonstrations.

28. Legal action may be taken in relation to the exercise of the right of assembly only in accordance with the relevant legal provisions.

29. Moreover, the legal penalties provided for by law for violations in this area are light, consisting of either a period of imprisonment of 1 to 3 months or a fine of 2,000 Algerian dinars or both.

30. Law enforcement personnel called on to disperse crowds always take a flexible approach, in accordance with the law, using both democratic crowd management techniques and conventional means.
