

Country/entity	Algeria
Region	Middle East and North Africa
Agreement name	Civil Harmony Act
Date	13 Jul 1999
Agreement status	Unilateral document
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Algerian Civil War (1990 - 1998)

The conflict has involved secularist and Islamic political forces. After the Front Islamique du Salut (FIS) won local councils and the first round of national elections in 1990 and 1991 respectively, the ruling state party, Front Libération National (FLN) dissolved Algeria's parliament and suspended the constitution and the army council took over the reins of government. After protests by FIS, the military regime imposed a state of emergency, effectively triggering off a bloody civil war as Islamist militias rose in opposition. The FIS split, and the breakaway Groupe Islamique Armé (GIA) became known for some of the most violent anti-government actors. Violence peaked in 1995 after the military candidate won in presidential elections. Heavily pressured by the military, FIS-loyalists declared a ceasefire in 1997 and after presidential elections in 1999, President Abdelaziz Bouteflika enacted a new amnesty law, which saw the number of insurgents shrink dramatically. By 2002, the GIA was effectively beaten militarily, however, various small Islamist groups continue to operate in the region.

Close

Algerian Civil War (1990 - 1998)

Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Algeria: Bouteflika Process
Parties	President and parliament of Algeria (signed by Abdelaziz Bouteflika, President of Algeria)
Third parties	-
Description	This law which emerged as a result of informal negotiations, as a 'unilateral' offering, provides for how to deal with past crimes and reconciliation.

Agreement document	DZ_990713_Civil Harmony Act.pdf (opens in new tab) Download PDF
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Agreement document (original language)	DZ_990720_Loi sur la concorde civile.pdf (opens in new tab)
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Groups

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

Women, girls and gender

Page 2, Chapter III, Probation, 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.

Page 2, Chapter III, Probation, 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.

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.
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Border delimitation	No specific mention.
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Cross-border provision	No specific mention.
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Governance

Political institutions (new or reformed)	No specific mention.
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Elections	No specific mention.
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Electoral commission	No specific mention.
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Political parties reform	No specific mention.
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Civil society	No specific mention.
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Traditional/ religious leaders	No specific mention.
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Public administration	No specific mention.
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Constitution	No specific mention.
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Power sharing

Political power sharing	No specific mention.
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Territorial power sharing	No specific mention.
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Economic power sharing	No specific mention.
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Military power sharing	No specific mention.
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Human rights and equality

Human rights/RoL general [Summary] Human rights are addressed as relevant for the procedures related to amnesty:

Page 4, Chapter III, Probation, Art 16:
During all phases of the probation procedure, human rights must be guaranteed and respected.

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 Justice sector reform→Criminal justice and emergency law→Reform to specific laws
Pages 2-7, [Summary] This whole document outlines procedures related to the treatment of amnesty under Algeria's criminal law provisions, providing for exemption from prosecution and probation.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

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.

DDR Security sector→DDR→DDR programmes
Page 2, Chapter III, Probation, 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.

**Intelligence
services** No specific mention.

Parastatal/rebel and opposition group forces	No specific mention.
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Withdrawal of foreign forces	No specific mention.
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Corruption	No specific mention.
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Crime/organised crime	No specific mention.
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Drugs

No specific mention.

Terrorism

Page 1, 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.

Page 2, 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.

Page 2, Chapter III, Probation, 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.

Page 3, Chapter III, Probation, 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,

Page 5, 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:

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

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper
[Pages 2-7, Summary: This whole document outlines procedures related to the treatment of amnesty under Algeria's criminal law provisions, providing for exemption from prosecution and probation.]

Courts Transitional justice→Courts→National courts
Page 7, Page 6, Chapter VI, Special Provisions, 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.

Mechanism No specific mention.

Prisoner release Page 6, 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.

Page 6, Chapter VI, Special Provisions, 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.

Page 6, Chapter VI, Special Provisions, 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.

Vetting No specific mention.

Victims Page 7, Page 6, Chapter VI, Special Provisions, 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.

Missing persons No specific mention.

Reparations Transitional justice→Reparations→Material reparations
Page 7, Chapter VI, Special Provisions, 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.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/ similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source El-Mouradia.dz (The Source): https://web.archive.org/web/20170302162652/http://www.el-mouradia.dz/francais/algerie/histoire/Dossier/loi_sur_la_concorde_civile.htm
