Immigration and Refugee Board of Canada

Responses to Information Requests

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Algeria: Recourse against corruption, including its effectiveness; the National Anti-corruption Association (association nationale de lutte contre la corruption, ANLC) (2013-March 2014)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Corruption in Algeria


2. Recourse Against Corruption

2.1 Legislation and its Effectiveness

The anti-corruption legislation, Law No. 06-01 of 21 Muharram 1427 (February 20, 2006) on the Prevention and the Fight Against Corruption (Loi n°06-01 du 21 Moharram 1427 correspondant au 20 février 2006 relative à la prévention et à la lutte contre la corruption), was enacted in 2006 (Algeria 2006; Algérie-Focus 19 Feb. 2013). The law sets out penalties of two to ten years' imprisonment in the case of the corruption of public officials (Algeria 2006, Sec. 25-33, 35, 37; US 27 Feb. 2014, 20). A copy of the law is attached to this Response.

According to an article in Algérie-Focus, an online newspaper that covers Algerian current affairs (Algérie-Focus n.d.), the Deputy Secretary General of the National Anti-corruption Association (association nationale de lutte contre la corruption, ANLC) reportedly stated that the legislation [translation] "suffers from glaring deficiencies, which prevent combating corruption effectively," and explained that [translation] "the law does not specifically define 'offences of massive corruption and petty corruption or the scope and consequences of the offences'" (ibid. 19 Feb. 2013). See Section 4 below for more information on the ANLC.

According to Country Reports 2013, "the criminal code provides mechanisms to investigate abuses and corruption, but the government did not provide public information on disciplinary or legal action against police, military, or other security force personnel, citing morale and security concerns" (US 27 Feb. 2014, 6). Country Reports 2013 also states that the judiciary "was not impartial and was often subject to influence and corruption" (ibid., 8).
The legislation also includes protection measures for whistle-blowers (Algeria 2006, Sec. 45; US 27 Feb. 2014, 20). The penalties for those who aim to cause harm to whistle-blowers include six months' to five years' imprisonment and fines ranging from 50,000 Algerian dinars (DZD) [approximately C$714 (XE 12 Feb. 2014)] to 500,000 DZD (Algeria 2006, Sec. 45; US 27 Feb. 2014, 20). However, whistle-blowers who make "abusive" accusations face the same penalties (Algeria 2006, Sec. 46). According to *Country Reports 2013*, this could have a chilling effect on potential whistle-blowers (US 27 Feb. 2014, 20).

### 2.2 Government Bodies

Sources note the existence of the National Prevention and Anti-Corruption Body (Organe national de prévention et de lutte contre la corruption, ONPLC) (Algeria n.d.a; UN 17 June 2013, 3), which became operational in January 2013 (ibid.). The creation of the ONPLC was provided for by the 2006 anti-corruption law (ibid.; Algeria 2006, Part III). According to an executive summary prepared to examine the application of the United Nations Convention against Corruption in Algeria, the ONPLC

[UN English version]

is an independent administrative authority having legal personality and financial autonomy. It reports to the President and is the main executing body of the national anti-corruption strategy. It is also in charge of collecting and analysing corruption statistics and trends, and leads efforts in education and the promotion of good governance practices. Where appropriate, it also refers cases to the Ministry of Justice for prosecution. (UN 17 June 2013, 3)

However, in a document outlining its roles and responsibilities, the ONPLC states that it [translation] "does not conduct investigations or fact-finding missions on corruption" but rather has a "primarily preventive mission" (Algeria n.d.b).


[UN English version]

is a central specialized investigative service in charge of combatting corruption. It brings together several police criminal investigation services and financial experts. It is responsible for assembling evidence, investigating acts of corruption and arranging for charges to be brought before the courts. (UN 17 June 2013, 4)[EF1]

According to the Xinhua news agency, citing information from the government agency Algeria Press Service (APS), the OCRC

[translation]

can initiate an investigation using the information reported by the press or by other sources, such as the Internal Audit Group (Inspection générale des finances, IGF), the Financial Information Processing Unit (Cellule de traitement du renseignement financier, CTRF), national securities commissions, police forces or even private citizens. (Xinhua News Agency 3 Apr. 2013)

### 3. Procedures to Report Corruption and Effectiveness of the Recourse

Information on the procedures to report cases of corruption could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Xinhua News Agency, a survey by the Algerian League for the Defense of Human Rights (Ligue algérienne de défense des droits de l'homme) published in December 2011 reveals that 88 percent of Algerians would not feel [translation] "adequately protected" if they were to report cases of corruption (Xinhua News Agency 15 Dec. 2011). The survey samples 1,600 people in 24 administrative regions of the country (ibid.). Freedom House's 2011 report *Countries at the Crossroads* analyzes the Algerian government's performance and indicates that "despite official public statements, petty bureaucratic corruption and illegal enrichment by public officials is tolerated and rarely brought to justice" (Freedom House 2011). Freedom House adds that adequate investigation by parliamentary commissions of inquiry into reported cases of corruption is "rare" and that there has been an increase in "harassment" of journalists who investigate corruption (ibid.).

Similarly, according to an Algérie-Focus article, the ANLC indicates in a press release that [translation] "Algerian power has intensified crackdowns against corruption whistle-blowers and, as such, protects the
Source report that the ANLC was established in 2012 (Algérie-Focus 4 Nov. 2013; FIDH 9 Nov. 2012; Le Quotidien d'Oran 7 Nov. 2012). According to Algérie-Focus, the ANLC was created \textit{"to engage civil society in the fight against corruption in Algeria"} (4 Nov. 2013). According to the International Federation for Human Rights (Fédération internationale des ligues des droits de l'homme, FIDH), the organization \textit{"aims to raise awareness and provide education regarding problems of corruption"} (9 Nov. 2012).

According to a 2012 \textit{Le Quotidien d'Oran} article, the President of the association claimed that the founding members of the ANLC \textit{"are mostly ‘citizens who have previously experienced problems for daring to report acts of corruption"} (\textit{Le Quotidien d'Oran} 7 Nov. 2012). The President of the ANLC is Mustapha Atoui, and his Secretary-General is Moumen Kheili (ibid.). The Deputy Secretary-General of the ANLC is Feddal Halim [also written Halim Fedal] (Algérie-Focus 19 Feb. 2013; \textit{Le Quotidien d'Oran} 7 Nov. 2012). Additional information on the ANLC's members could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Source report that the ANLC has not received formal accreditation from the authorities (Algérie-Focus 4 Nov. 2013; AI 18 Dec. 2013; \textit{Le Quotidien d'Oran}, 7 Nov. 2012). Sources note that the Ministry of the Interior refused the ANLC's application for accreditation in October 2012 and simply stated that it was not in compliance with the law on associations-without initially providing any explanation regarding the decision (AI 18 Dec. 2013; \textit{Le Quotidien d'Oran}, 7 Nov. 2012; FIDH 9 Nov. 2012). The FIDH pointed out that this lack of explanation ruled out the possibility for the ANLC to take measures to comply with the legislation (FIDH 9 Nov. 2012).

According to Amnesty International (AI), the Algerian authorities subsequently explained that the ANLC accreditation application had been refused because \textit{"the mission of the ANLC, to combat corruption, is completely and exclusively the prerogative of the government and its anti-corruption bodies"} (AI 18 Dec. 2013). Sources add that an administrative tribunal stated that it did not have jurisdiction to make a determination on a challenge to the decision filed against the ANLC (\textit{Le Quotidien d'Oran} 12 Dec. 2012; AI 18 Dec. 2013) in September 2013 (ibid.). The ANLC denounced the tribunal's decision as a \textit{"political decision"} (\textit{Le Quotidien d'Oran} 12 Dec. 2012).

However, according to Algérie-Focus, although the ANLC has still not been accredited by the authorities, \textit{... it works actively in exposing corruption. As such, the ANLC is an information and support network for people wanting to combat corruption. It also works to strengthen the Algerian legal framework that would provide additional protection for whistle-blowers.} (Algérie-Focus 4 Nov. 2013)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

\textbf{References}


Additional Sources Consulted

**Internet sites, including:** Afrik.com; Algeria Watch; Algerian Network; Algerian Network for Academics, Scientists & Researchers; Algérie1; Algérie360; Algeria – ministère de l’Intérieur et des collectivités locales; Algérie patriotique; Algérie Presse Service; Association algérienne de lutte contre la corruption; Association Nationale de Lutte contre la Corruption Banque mondiale; ecoi.net; Factiva; Human Rights Watch; Ireland – Refugee Documentation Centre; Le Matin; Ligue algérienne pour la défense des droits de l’homme; El Moudjahid; Mouwatin.com; United Nations – Economic Commission for Africa, United Nations Convention


Tips on how to use this search engine.

Attachment