

The Algerian Anti Corruption Law: Overview

قانون مكافحة الفساد في الجزائر: نظرة عامة

The Algerian anti corruption law (Law No: 06-01 of February 20th, 2006 on the Prevention and the Fight against Corruption.), fits in the framework of the continuous action of moralization the political, economic and financial life, led by the public authorities and for establishing conformity of our domestic legislation to the international instruments and obligations undertaken by our country.

The major innovative elements introduced by the anti corruption law are the following:

- 1- A widest scope of application for the notion of corruption.
- 2- An extended definition of the public agent which includes the civil servants, either nationals or foreigners, the elected representatives, any person in charge of the management of a public service, concerning both public and private sectors.
- 3- Concerning the preventive measures, the new law imposes norms to different public administrations and other entities of the private sector by indicating to them guidelines in matter of recruitment, financial and administrative management. The law focuses also on the important role of the civil society including the media, through informing and increasing public awareness.
- 4- The creation of a national organ in charge of the prevention and the fight against corruption.
- 5- A very wide incrimination of the practices contrary to the integrity in the civil service and to the transparency of the public life in the political and economical sphere. Moreover, the new law extends the incrimination of corruption to the conflict of interests, to the acceptance Criminal Law Substantive Rules Procedural Rules of presents prejudicial for the normal exercise of the function and to the occult financing of the political parties.
- 6- The obligation for all public agents to declare their patrimony under penalty of disciplinary and penal proceedings. The law represses thus the illicit enrichment and puts the burden of the proof on the public agent whose patrimony is proportionally more important than the legitimate incomes.
- 7- Furthermore, the law provides dissuasive major and complementary penalties. Besides freedom deprived penalties, the courts may order the confiscation of the illicitly acquired properties, even if they have been subject of a transfer of property to relatives (descendants, ascendants or relatives by alliance).

8- The chapter of the law related to the international cooperation and the recovery of assets deals with the aspects related to the exchange of information and to the mutual assistance for the purpose of seizure and confiscation, notably in the case of cross-borders crimes.)

Translation of the most important terms:

Felony / جناية

Misdemeanor / جنحة

Contravention / مخالفة

Theft (Stealing) / سرقة

Criminal prosecution / المتابعة الجزائية

Money laundering / غسيل الأموال

Forging of coins / تزوير العملة

Blackmail / ابتزاز

Fraudulent / احتيال

Bribery / الرشوة

Fine / الغرامة

Public prosecution / المتابعة الجزائية

Victim / الضحية

Guilty / المتهم