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# ALGERIAN PENAL CODE (EXCERPTS)

## CHAPTER TWO

### COLLATERAL PENALTIES

#### Article (6):

Collateral penalties shall involve legal limitation of competence and denial of national rights and they are exclusively related to the punishment for a crime.

## CHAPTER THREE

### SUPPLEMENTARY PENALTIES

#### Article 9: [Law No. 05-89 of April 25<sup>th</sup> 1989]

Supplementary penalties shall include:

1. Confinement;
2. Prohibition of stay;
3. Prohibition from exercising certain rights;
4. Partial confiscation of funds;
5. Dissolution of the legal personality, and
6. Publication of the verdict.

#### Article 15: [order No. 47-75 of June 17<sup>th</sup> 1975]

Confiscation is the ultimate devolution of funds or a specific group of funds to the State. Such funds shall not become subject to confiscation thereafter.

- 1- (Law No. 15-90 of July 14<sup>th</sup> 1990) The dwelling of the spouse, the ascendants and the descendants of the first degree of the convict, in case they have been already residing in this place upon finding out about the infringement and provided that such dwelling hadn't been acquired illegally.
- 2- (order 47-75 of June 17<sup>th</sup> 1975) The funds indicated in paragraphs 2, 3, 4, 5, 6, 7 and 8 of article 378 of the Code of Civil Procedure.
- 3- The necessary income for the livelihoods of the spouse and the convict's children as well as the assets of those who live under the convict's guardianship.

In case of sentencing in a felony, the Court may rule the confiscation of the items used or were intended to be used in committing the crime or these resulting therefrom as well as the gains and profits awarded to the perpetrator all while retaining the rights of others with good intent.

It shall not be allowed to confiscate the above mentioned items when ruling in an offense or infringement unless the Law expressly indicates otherwise.

**Article (15 bis):**

(Law No. 15-90 of July 14<sup>th</sup> 1990)

In case of sentencing in one of the crimes indicated herein in articles 119, 162, 172, 173, 175, 382, 422 bis and 426 bis, the sentencing body may order confiscation as per the conditions indicated herein in article 13, paragraph 3 above.

**Article 25:**

It shall be allowed to order the confiscation of the seized items as a security precaution in case such items' manufacturing, usage, carrying, possession or sale is a crime in itself.

However, ordering the return of such items for others with good intent may be allowed.

**Article (31):**

Attempting to commit an offense shall not be penalized unless by an explicit provision in the Law.

Attempting to commit an infringement shall not be penalized at all.

**Article 87 bis: (order No. 11-95 of Feb. 25<sup>th</sup> 1995):**

Acts of terrorism or sabotage are, in the concept of this order, every act that targets the security of the State, national unity, the integrity of the country's soil, stability of institutions and normal functioning by any activity that is sought to:

- Spread horror among the population and create a sense of insecurity by physical or moral assault against individuals or expose their lives, freedom or safety to danger or attack properties.
- Block traffic or the freedom of movement, congregate in roads or sit-in public squares.
- Attack the icons of the nation and the Republic, exhume or desecrate graves.

- Carry assault against the transportation means, public or private properties, and assume possession without legal justification.
- Carry assault against the ocean, introduce substances or leak them through the air or soil or dump such in the territorial waters to the detriment of the people's health, animals or natural environment.
- Impede the work of the public authorities, the freedom of worship, public liberties and the operations of the supporting institutions of the public utility.
- Impede the work of the public institutions, assault on the lives of employees or their properties or impede the enforcement of laws and regulations.

**Article 144:**

**(Law No. 09-01 of June 26<sup>th</sup> 2001):**

Whoever insults a judge, a public employee, an officer, a leader or any of the law enforcement personnel either by word, gesture, threatening or by sending, handing over anything to them or by implied writings or drawings while performing their job or because of it with the intention of violating their honor, self-esteem or the due respect to their authority, shall be punished with imprisonment for two months to two years and shall be fined with 1000 to 500,000 dinar or by one of these two penalties.

The imprisonment shall be from one to two years if the insult directed to a judge or a juror or more has taken place during a court hearing or in a judicial setting.

The judiciary may, in all cases order the publication of the verdict and its conditions at the expense of the convict provided that such expenses don't exceed the maximum fine indicated above.

**Article 144 bis:**

**(Law No. 09-01 of June 26<sup>th</sup> 2001)**

Whoever insults the President of the Republic by words implying degradation or libel either in writing, drawing or expression or in any other form of audio or visual demonstration or through any electronic, internet or media means shall be imprisoned for three (3) to twelve (12) months and fined from 50,000 dinars to 250 dinars or with one of these two penalties.

The General Prosecution shall initiate the litigation procedures spontaneously.

In case of recurrence, the imprisonment and fine stated above shall be doubled.

**Article 144 bis 1:**

**(Law No. 09-01 of June 26<sup>th</sup> 2001)**

Upon committing the crime indicated in article 144 bis by a daily, weekly or monthly publication, the litigation procedures shall be brought up against the perpetrator and those in charge of the publication, its editors and the publication itself.

In such case, the perpetrator may be sentenced to three (3) to twelve (12) months and fined with 50,000 to 250,000 dinars or by one of them while the publication shall be fined with 500,000 to 2,500,000 dinars.

The General Prosecution shall initiate the litigation procedures spontaneously.

In case of recurrence, the imprisonment and fine stated above shall be doubled.

**Article 144 bis 2:**

**(Law No. 09-01 of June 26<sup>th</sup> 2001)**

Whoever insults Prophet Mohammed (Peace Be Upon Him) or the rest of the prophets, or ridiculed the basics of the religion or any of the Islamic rituals either in writing, drawing, expression or any other method.

The General Prosecution shall initiate the litigation procedures spontaneously.

**Article 145:**

When a person reports to the authorities about a crime with prior knowledge that such crime hasn't been committed or when such person offers false evidence related to a fake crime or confesses to a crime which hasn't been committed by him or he hasn't been involved in committing, such act shall be deemed an insult and shall be penalized thereof.

**Article 146:**

**(Law No. 09-01 of June 26<sup>th</sup> 2001)**

The penalties indicated in the two articles above shall also apply in the case of insult or libel directed through any of the means indicated in articles 144 bis and 144 bis 1 towards the Parliament or one of its chambers, the judicial councils, the courts, the national army or any other public entity.

In case of recurrence, the imprisonment and fine penalties shall be doubled.

**Article 147:**

The following acts expose their perpetrators to the penalties stated in paragraphs 1 and 3 of article 144:

- 1- Acts, sayings and public writings that are intended to influence the rules of the judges in case of unsettled claims.
- 2- Acts, sayings and public writings that are intended to underestimate the judicial verdicts downgrading the power of judiciary or its independence.

**Article 148:**

**(Law No. 26-88 of July 12<sup>th</sup> 1988)**

Whoever turns violent or attacks with force one of the judges, employees, leaders, law enforcement personnel or public officers while exercising their job or because of exercising it shall be punished with two to five year imprisonment.

If such violence resulted in shedding blood, injuring or illness or with premeditation either against a judge, a juror or a judicial council then the penalty shall be temporary imprisonment for five to ten years.

And in case such violence resulted in the deformation or amputation of a limb, disability, losing eyesight or the sight in one eye or any other permanent disability, the penalty shall be temporary imprisonment for ten to twenty years.

In case violence lead to premeditated murder, the perpetrator shall be executed.

The perpetrator sentenced to prison may be deprived of the rights indicated in article 14 of this law for minimally one year and maximally five starting on the day of the penalty enforcement and may also be given a rule of prohibition of stay from two to five years.