



**International covenant
on civil and
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

**Comments by the Government of the People's Democratic Republic of Algeria
to the concluding observations of the Human Rights Committee***

[7 November 2007]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**Comments by the Algerian Government to the concluding observations
of the Human Rights Committee (CCPR/C/DZA/CO/3)**

The Algerian Government was surprised by the content of the concluding observations of the Human Rights Committee, made public on 1 November 2007, following the consideration of Algeria's third periodic report on 23 and 24 October 2007.

The observations, contained in the document CCPR/C/DZA/CO/3/CRP.1, do not accurately reflect the content of the discussions held with the Algerian delegation and are not fully in keeping with the preliminary conclusions read out by the Chairperson at the meeting during which the periodic report was considered.

Desirous of promoting a fruitful dialogue with the Human Rights Committee, the Algerian Government wishes to point out that it provided the Committee with the relevant clarifications to questions raised by members of the Committee during the interactive dialogue with the delegation, both in the written replies submitted prior to the session and during the three meetings at which the report was considered. The Government expressed its willingness, moreover, to submit in writing any additional responses or documentation that might be requested by the Committee.

The Government was therefore entitled to expect to see this expression of willingness reflected in the Committee's concluding observations alongside the allegations the Committee saw fit to record.

In the light of the foregoing, the Algerian Government would like to make the following comments in respect of the Committee's concluding observations:

1. The Charter for Peace and National Reconciliation is a political text and should not, therefore, elicit comment from a legal body

The texts mentioned - Ordinance No. 06-01 and the implementing decrees - are based on the Charter and are intended to provide a legal framework for situations not addressed by domestic law. Those texts contain provisions aimed at addressing the consequences of the national tragedy once all of the options under existing legislation have been exhausted.

Neither the ordinance nor the implementing texts of the Charter for Peace and National Reconciliation favour impunity or amnesty, as appears to be suggested in the Committee's concluding observations. Those texts reflect the unanimous will of the Algerian people, in whom sovereignty is vested and on behalf of whom justice is done, once and for all to overcome the serious crisis that affected Algeria for a decade.

2. Secret places of detention

The Algerian delegation has categorically refuted the allegations with regard to alleged places of detention that lie outside the reach of the law. In all the time that they have been promoting subversion and attacking republican institutions, the people making such allegations have never been able to put forward any documentary evidence. The Algerian Government

wishes to reaffirm that it exercises its authority over all places of detention under its jurisdiction and has been allowing independent domestic and foreign institutions to visit them for more than eight years.

3. The issue of disappearances

As explained during the debate with the Committee, the Algerian Government wishes to emphasize that the issue of disappearances should have been considered in its natural context, that is, as a consequence of terrorist crime.

The Government, anxious to address this painful issue, which is a consequence of the national tragedy, wishes to point out that the principle of compensation is applied and has been extended to all victims without distinction.

The Government stated that the decision on publication of the report of the ad hoc National Commission on Disappearances fell under the exclusive jurisdiction of the authority that had prepared it and that many of the recommendations contained in the report were addressed by the implementing texts for the Charter for Peace and National Reconciliation.

4. Torture, pretrial detention and the definition of terrorist offences

The Algerian Government described the legislation in place on torture and pretrial detention both in its report and during the debate with the Committee. The Government informed the Committee that torture was prohibited in all places and in all circumstances and that the perpetrators of ill-treatment faced criminal prosecution. The Government outlined the constitutional provision concerning pretrial detention, the strict procedures to be followed under the supervision of the judicial authorities to extend the period of pretrial detention and the penalties provided for any State officials who do not comply with those provisions.

The Algerian Government wishes to recall that for more than a decade it has been calling for an international conference on terrorism to be held and regrets that the international community has yet to reach an agreed definition of terrorism. The Algerian legislature, for its part, has adopted a definition based on legislation in other countries and current practices.

5. Freedom of association, expression and assembly and freedom to demonstrate

The Algerian Government pointed out in its replies that freedom of association, expression and assembly and freedom to demonstrate are enshrined in the law. Any restrictions are those referred to in the provisions of the Covenant relating to public order, security, morality and respect for the private lives of others.

6. Status of women

When it ratified the Covenant, the Algerian Government pointed out that it had formulated interpretative declarations, particularly with respect to the sphere of personal status. It had recalled in its written replies and during the consideration of its report that reservations were a right guaranteed by the Vienna Convention on the Law of Treaties and that, in respect of the Covenant, they did not affect the essence of the rights guaranteed therein.

The Algerian Government points out that all observers agree that the amendments to the Family Code constitute a remarkable advance and that it endeavours to make them effective in practice, particularly by punishing violence against women and promoting the participation of women in public life. The Government has underscored the huge efforts currently being undertaken in the field of education, training and awareness-raising to promote women's rights in Algeria.

7. Follow-up to the Committee's views on communications

With regard to the cases referred to the Committee under the Optional Protocol, the Algerian Government informed the Committee that it cooperated with it in good faith in this regard. The Government pointed out that the facts were not always presented or interpreted faithfully by the source, and in some cases were entirely distorted by political considerations.

The Algerian Government has indicated that, if it should be established that evidence that was not made known during the examination of a case by the domestic courts could, in fact, totally change the outcome of a judicial decision, Algerian law provides for the possibility of a judicial review.

In providing this clarification, which reflects the gist of the debate with the members of the Committee, which was in fact recorded by conference services at the United Nations Office at Geneva, the Algerian Government stresses that it remains committed to the spirit of cooperation it has always shown vis-à-vis the Committee. The Government regrets, however, that the final views of the Committee are not in line with its preliminary observations, despite the efforts made by the delegation to enable the Committee to assess the achievements made in terms of the promotion and protection of civil and political rights.
