

## **Algeria**

### **Law on the Political Parties**

Schedule n° 97-09 of the 27 Chaoual 1417 correspondent at bearing 6 March 1997 organic law relating to the political parties p.24  
(N° JORA: 012 of the 06-03-1997)

The President of the Republic,

Considering the Constitution, in particular its articles 42, 123, 165, 179 and 180;

Considering the ordinance n° 66-154 of the 18 Safar 1386 correspondent at June 8, 1966, modified and supplemented, bearing code of civil procedure;

Considering the ordinance n° 66-155 of the 18 Safar 1386 correspondent at June 8, 1966, modified and supplemented, bearing code of penal procedure;

Considering the ordinance n° 66-156 of the 18 Safar 1386 correspondent at June 8, 1966, modified and supplemented, bearing penal code;

Considering the ordinance n° 75-58 of the 20 Ramadhan 1395 correspondent at September 26, 1975, modified and supplemented, bearing civil code;

Considering the law n° 90-07 of the 8 Ramadhan 1410 correspondent at April 3, 1990, modified, relating to information;

Considering the law n° 91-05 of the 30 Joumada Ethani 1411 correspondent at 16 January 1991, modified and supplemented, bearing generalization of the use of the Arab language;

After adoption by the national Council of transition,

After opinion of the constitutional Council,

Promulgate the ordinance whose content follows:

#### **TITRATE I GENERAL PROVISIONS**

Article 1st. - the present ordinance has the aim of defining the rules of the organic law relating to the political parties in accordance with provisions of articles 42, 123 and 179 of the Constitution.

Art. 2. - the political party aims, within the framework of the provisions of article 42 of the Constitution, to take part in the political life by democratic and peaceful means through the regrouping of Algerian citizens around a political program and with a nonlucrative aim.

Art. 3. - In all its activities, the political prti is held to conform to the principles and objectives hereafter:

- nonthe use of the fundamental components of the national identity in its triple dimension, Islam, Arabité and Amazighité, at ends of propaganda partisane.
- the respect and concretization of the principles of the Revolution of November 1, 1954.
- the rejection of violence and the constraint like maintenance and/or access or political action and/or means of expression to the capacity and its denunciation.
- the respect of the personal freedoms and collective and the respect of the humans right.
- consolidation of the national unit
- the safeguarding of national sovereignty.
- the safeguarding of the safety and the integrity of the own territory and the independence of the country.
- attachment with the democracy in the respect of the national values.
- adhesion with political pluralism.
- the respect of the democratic and republican character of the State.
- the respect of alternation to the capacity by the way of the free choice of the Algerian people.

Art. 4. - the political party must use the language main roads and official in the exercise of its official activity.

Art. 5. - No political party can base its creation and/or its action on a base and/or objectives including:

- practices sectarian, regionalistic, feudal or nepotic.
- contrary practices with the values of Islamic morals, national identity like with the values of the Revolution of November 1, 1954 and which touch with the symbols of the Republic.

The political party cannot, moreover, base its creation or its action on a base religious, linguistic, racial, of sex, supporter of corporatism or regionalistic.

Art. 6. - creation, operation, the action and the activities of very political party, fit in the strict respect of the Constitution and of the laws in force.

The political party is prohibited very reached with safety and the law and order.

It prohibits any diversion of its means or any other means at ends of setting-up of military or paramilitary organization.

Art. 7. - the political party prohibits any co-operation, any bond with very foreign part on contrary or paradoxical bases with the provisions of the Constitution and those of the laws in force.

It prohibits also any action abroad or inside the country aiming at attacking the State, to its symbols, its institutions and with its economic and diplomatic interests.

It prohibits any bond or any report/ratio likely to give him the form of a section, an association or foreign politics grouping.

Art. 8. - Any institutional link, of allegiance, dependence or control between a political party and a trade union or an association or any other civil organization whatever its nature, is proscribed.

Art. 9. - No political party can obtain same the name, initials and other signs distinctive belonging to a preexistent party or organization or having belonged to a movement of some nature that it is, whose attitude or action was against the interests of the Nation and with the principles and ideals of the Revolution of November 1, 1954.

Art. 10. - Any Algerian and Algerian having reached the electoral majority can adhere to very political party.

Cannot however adhere to it throughout their activity:

- magistrates.
- members of the popular National army and the bodies of safety.

Moreover, the members of the constitutional Council like any government official, exerting functions of authority and responsibility, to which the particular statutes or rules of procedure oppose incompatibilities of adhesion expressly, are held to cease any bond and to prohibit any report/ratio and activity, in some form that it is, with very political party throughout function or mandate; they are held to subscribe engagements writes for this purpose.

Art. 11. - the internal organization of the political party and its operation must be done on the basis of democratic principle, in all circumstances and in all the cases.

## CONTAIN II PROVISIONS RELATING TO The CONSTITUTION AND A the ACTION

Art. 12. - the declaration constitutive of a political party is carried out by the deposit of a file by the founder members near the minister responsible for the interior against receipt.

The legal duration envisaged with subparagraph 2 of article 15 of this law runs as from the handover date of the receipt.

Art. 13. - the founder member of a political party must meet the following conditions:

- To be of Algerian nationality and not to have another nationality.
- To be at least 25 years old.
- To enjoy its civil laws and civic and not to be condemned for crime, offence or a defamatory sorrow.
- not to have had a contrary control with the principles and ideals of the Revolution of November 1, 1954.

Art. 14. - the file aimed to article 12 of this law, includes/understands:

1 - A request for constitution of a party signed by three (3) founder members.

2 - An engagement written and signed by at least 25 founder members residing indeed in a third (1/3) of the number of the wilayas of the country at least, bearing on:

- the respect of the provisions of the Constitution and the laws in force.
- the engagement of the behaviour of congrés constitutive of the party within one year at most, as from the date of publication of the receipt of declaration to the Official Journal of the democratic and popular Algerian Republic.

3 - The project of the statutes of the party in three (3) specimens.

4 - Birth certificates of the founder members.

5 - Extracts of the criminal record n°3 of the founder members.

6 - Algerian certificates of registry of the founder members.

7 - Certificates of residence of the memebres founders.

8 - The name and the address of the seat of the party like those of its local representations, if they exist.

9 - Preparatory project of the political program.

10 - A certificate attesting of nonthe implication of the founder of the political party born before 1941 in contrary acts with the war of liberation.

Art. 15. - After control of conformity with the provisions of this law, the minister in charge of the interior ensures the publication the Official Journal of the democratic and popular Algerian Republic of the receipt of declaration, mentioning the name and the seat of the party,

the names, first names, dates and birthplaces, addresses, professions and functions within the party of the 25 signatories of the engagement envisaged in article 14 above.

- the publication in the Official Journal of the democratic and popular Algerian Republic must intervene in the sixty (60) days which follow the date of filing of the file.

This publication of the receipt of declaration, occurred under the conditions envisaged by this article, opens right to the exercise of the partisans activities to make it possible to the members to join together within the time envisaged in article 14 above, the necessary ones to the behaviour of congr s constitutive of the party.

The memebres founders jointly engage their responsibility in accordance with the rules fixed by the civil code.

Art. 16. - the minister in charge of the interior makes proceed, during the time noted to article 15 above, with any study, recherche or inquires necessary to the control of veracity of the contents of the declarations.

It asks for the production of any missing part, as well as the replacement or the reatrit of any member not filling the requirements by the law.

Art. 17. - When the minister in charge of the interior estimates that the conditions of creation required by articles 13 and 14 of this law are not filled, it must notify the rejection of the constitutive declaration step decision justified, before the expiry of the period envisaged in article 15 of this law.

The founder members have the right to exert a recourse in front of the qualified administrative jurisdiction against the above mentioned decision of rejection, within one (1) month, as from the date of notification of the decision of rejection.

The court order is likely of call in front of the Council of State.

No decision having been taken of rejection and in the absence of publication within the time envisaged in article 15 of this law, the founder members are entitled to continue their activities within the limits fixed by articles 14 and 15 of this law.

Art. 18. - the congr  constitutive one, to be validly joined together, must be representative of twenty five (25) wilayas at least. It must join together enters four hundreds (400) and five hundred (500) congressmen, elected by two thousand five hundred (2500) adherent at least, residing in twenty five (25) wilayas at least, without the number of congressmen not being lower than sixteen (16) by wilaya and that of the members lower than hundred (100) by wilaya. It cannot meet apart from the own territory, whatever the conditions.

The conditions of validity of the behaviour of the constitutive congress are attested by official report of an usher or a notary.

In the event of not held of the congress constitutive of the party within the times prescribed by the present law, the declaration constitutive envisaged in article 12 of this law becomes null and void, and any partisane activity founder members realized beyond these deadlines, fall under the blow from the provisions of article 38 of this law.

Art. 19. - the statutes of the political party are adopted by its congr s constitutive.

They must obligatorily fix:

- bases and objectives of the political party in the respect of the Constitution and the provisions of this law.
- the composition of the deliberating body.
- the composition, methods of election and renewal, and term of the office of the executive body.
- The internal organization.
- financial provisions
- procedures of devolution of the goods in the event of voluntary dissolution.

The congr s constitutif one expressly elects that which is charged to deposit the statutes of the party to the ministry in charge of the interior.

Art. 20. - Any change which has occurred in the direction or the administration regularly indicated by the political party, like any modification of the statutes or creation of new local structures, must, in the month which follows the change occurred, to be the subject of a declaration to the ministry in charge of the interior.

Art. 21. - the founder members and/or leaders of a political party must meet the same conditions, envisaged in article 13 of this law.

Art. 22. - At the end of the congress constitutive of the party the deposit of the file of application envisaged with subparagraph 3 of article 18 of this law, is carried out in the fifteen (15) days near the minister in charge of the interior, against receipt.

After control of conformity with the provisions of this law, the minister in charge of the interior delivers approval with the political party concerned.

The minister in charge of the interior takes care of the publication of the aforesaid approval with the Official Journal of the democratic and popular Algerian Republic in the sixty (60) days which follow the date of filing of the application .

With the expiry of this time, the not-publication of approval is worth acceptance.

The minister in charge of the interior can reject approval by justified decision.

The decision of rejection referred to above is likely of recourse in front of the administrative jurisdiction of Algiers which must rule in the month which follows date from the recourse.

The court order can be the subject of a call in front of the Council of State which must rule within the same time envisaged with subparagraph 3 above.

Art. 23. - the file of application is composed of the following parts:

- Copy of the official report of the behaviour of congrés,
- Statutes of the party in three (3) specimens,
- Program of the party in three (3) specimens,
- Component of the deliberating authority,
- leading Component of the authorities executive,
- Rules of procedure,
- Document envisaged in article 13 of this law for the members not-founders of the direction and the administration.

Art. 24. - approval confers on the political party the legal entity and the legal capacity

Art. 25. - Very political party counsel, can publish one or more publications in the respect of the laws in force, in particular the provisions of article 3 of this law.

Art. 26. - the activities of the political party as regards public meetings, information and electoral operations are controls by provisions of the laws in force.

### CONTAIN III FINANCIAL PROVISIONS

Art. 27. - the activities of the political party are financiées by means of resources consisted:

- contributions of its members,
- gifts, legacy and liberalities,
- incomes related to its activities,
- possible assistances of the State.

Art. 28. - the contributions of the members of the political party, including those residing abroad, are only versed in national currency with the account envisaged in article 35 of this law and do not have to exceed to the more 10% of the guaranteed minimum national wages, for each member and per month.

Art. 29. - a political party can receive gifts, legacy and liberalities of national origin which must be the subject of a declaration with the minister in charge of the interior, mentioning their source, their authors, their nature and their value.

Art. 30. - the gifts, legacies and liberalities can come only from the identified physical people. They cannot exceed 100 times the guaranteed minimum national wages, by donation and per annum.

Art. 31. - It is interdict with the political party to receive directly or indirectly a financial or material support of an unspecified part foreign, with some title or forms that it is.

Art. 32. - the political party can have incomes related to its activity and resulting from noncommercial investments.

It is interdict with the political party to carry on any commercial activity.

Art. 33. - the legally approved political party can profit from a financial assistance of the State, according to the number of seats obtained at the Parliament. The amount of the possible subsidies to allocate by the State with the political parties is entered with the budget of the State.

Art. 34. - Every political party must hold a double-entry book-keeping and an inventory of its movable and real property.

It is held to present its annual statements at the qualified administration and to justify constantly, the source of its resources financial and their use.

Art. 35. - a political party is held to have a single account, opened near a national financial institution, in its seat and its branches, established on the own territory.

Art. 36. - Without damage of the other legislative provisions and in the event of violation of the laws in force, or their engagements by the founder members of the political party before the behaviour of the constitutive congress, and in the event of urgency and of risk of imminent disorders to the law and order, the minister in charge of the interior can, by final and justified decision, to suspend or prohibit to all the partisans activities founder members and to order the closing of the buildings used for these activities.

The decision is notified to the founder members.

It is likely of recourse in front of the administrative jurisdiction of the place of the seat of the party, which must rule in the month which follows the date of the introduction of the action at law.

The court order is likely of call in front of the Council of State which must rule in the month which follows the date of the introduction of the action at law.

Art. 37. - When the failures envisaged in article 36 of this law are the fact of an approved political party, the suspension, dissolution or the closing of the buildings of the party, can intervene only by decision returned by the administrative jurisdiction of Algiers regularly seized by the minister in charge of the interior.

The jurisdiction mentioned above must rule in the month which follows the date of the introduction of the action at law.

The court order is likely of call in front of the Council of State which must rule in the month which follows its sasine.

Art. 38. - Without damage of the other provisions of the legislation in force, whoever, in violation of the provisions of this law, melts, directs or manages a political party, in some form or denomination that it is, incurs a sorrow of imprisonment from 1 to 5 years and of a fine going of 5.000 DA with 100.000 DA or the one of these two sorrows only is punished same sorrows, whoever directs, manages or formed part of a political party which would have been maintained or reconstituted during its suspension or auprès its dissolution.

Art. 39. - Whoever enfreint the provisions of articles 3,5 and 7 of this law, incurs the sorrows envisaged in article 79 of the penal code.

Art. 40. - Whoever enfreint the provisions of subparagraph 3 of article 6 of this law, is punished sorrows envisaged in article 80 of penal code.

Art. 41. - Whoever enfreint the provisions of articles 28, 29, 30, 31, 32, 34 and 35 of this law, is punished of a imprisonment from 1 to 5 years and of a fine going of 5.000 DA with 50.000 DA or the one of these two sorrows suelement.

The sorrow can be carried to the double of the maximum envisaged with the subparagraph precede, when the author of the infringement is responsible for finances for political party.

Art. 42. - the associations in political matter, subjected to the provisions of the law n°89-11 of July 5, 1989, are held to return in conformity, in a two (2) months deadline, as from the publication of this law at the Official Journal of the democratic and popular Algerian Republic, their denomination their bases and their objectives, with articles 3 and 5 of this law like any other element of their statutes or their activities induced by the implementation of the known as provisions.

Art. 43. - the associations in political matter subjected to the provisions of the law n°89-11 of July 5, 1989, will continue their activities while waiting to conform to the provisions of this law, in particular its articles 12 to 25 and this, within maximum one (1) year as from the publication of this law at the Official Journal of the democratic and popular Algerian Republic.

Art. 44. - While waiting for the installation of the Council of State and the administrative jurisdictions of first spring, the administrative room of the supreme Court as well as the administrative rooms of the courses remain qualified, each one in what relates to it for the payment of the dispute resulting from the implementation of this law.

Art. 45. - All contrary provisions with the present law, are repealed, in particular those of the law n°89-11 of July 5, 1989.

Art. 46. - the present ordinance will be published in the Official Journal of the democratic and popular Algerian Republic.

Fact in Algiers, 27 Chaoual 1417 correspondent at March 6, 1997.

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