



Page d'accueil

Textes Législatifs
et RéglementairesServices Publics
et procéduresRéconciliation
NationaleActions et
ObjectifsCoopération
PartenariatRéunions
Gouv/Walis

Le Ministère

- Le mot de Monsieur DAHOU OULD KABLIA Ministre de l'Intérieur et des Collectivités Locales à l'occasion de sa prise de fonction le 30 Mai 2010.
- Missions et Attributions du Ministère de l'Intérieur et des Collectivités Locales
- Organisation du Ministère de l'Intérieur et des Collectivités Locales
- Missions et organisation
- Les Institutions rattachées

Passeport et Carte Nationale d'Identité Biométriques et Électroniques

Annuaire Téléphonique

Wilaya / Daïra / Commune



Présentation des Wilayas

Associations

Dispositif d'investissement local

Formation/ Recrutement

Requêtes et opinions

Galerie Médias

Liens Utiles

Téléchargements

Élections Présidentielles

- Élections Présidentielles 9 Avril 2009
- Dispositif législatif et réglementaire
- Calendrier électoral
- Assainissement des listes électorales
- Guide de l'électeur
- Garanties offertes

Page d'accueil Élections Présidentielles ▶

PRESIDENTIAL INSTRUCTION of 7 February 2009 on THE ELECTION TO THE PRESIDENCY OF THE REPUBLIC

THE PRESIDENT

1. The enshrinement of the principle of the people's sovereignty in the Constitution since the recovery of the country's independence is, without doubt, one of the most valuable achievements of the nation. To give content to this democratic conquest of the people, the authorities have been working, by means of appropriate instruments, to ensure its expression; the right to vote is thus recognized to citizens without any discrimination and the laws and regulations, which are constantly been adjusted, make it possible to consolidate the guarantees offered to voters and candidates and to secure the achievements made in terms of transparency and fairness of elections.

2. Therefore, for more than a decade now, our country has adopted as a tradition the free choice by its people of their representatives at various levels of government, thereby making the election of representative institutions the foundation of democratic governance. With this approach, our country demonstrates its commitment to organizing fair, transparent, and pluralistic elections, now rooted in the political culture as a lasting tradition that offers the people a genuine opportunity to choose freely their representatives.

3. This year, our country is once again bracing for a major electoral event in the life of the nation; in accordance with the Constitution, voters are called upon to make the sovereign choice of the official in charge of presiding over the destiny of the nation for five years.

4. For organizing this national election, our country is proud of being able to satisfy all requirements for a free and transparent election in line with the most demanding international standards in terms of equal opportunities for candidates.

5. In this regard, this instruction is intended to recall the main guarantees enshrined in the law for the conduct of the election under the required conditions of transparency and fairness; to highlight additional measures aiming to reinforce the fairness of the election and to focus once more on the observance of the rules imposed on public officials and authorities in relation to neutrality.

I. THE MAIN GUARANTEES ENSHRINED IN THE LAW FOR THE CONDUCT OF THE ELECTION UNDER THE REQUIRED CONDITIONS OF TRANSPARENCY AND FAIRNESS

6. The national legal system related to elections offers all guarantees for a free and transparent voting process; these guarantees stem from our own experience and are essentially based on the following requirements:

- Organizing elections is the responsibility of the Administration whose members are subject to strict neutrality with respect to all candidates;

- Every citizen has the right to vote if he meets the legal requirements and has the right to claim his registration on the voters lists;

- Every candidate, every political party participating in the election, every monitoring political commission has the right to request and receive a copy of the municipal voters list;

- [Communiqués - infos élections](#)
- [English version](#)

- The guarantees of neutrality of the members of polling stations are reinforced by the obligation to furnish a copy of the list of polling stations officers to the representatives of candidates in the elections;
- Special polling stations are eliminated, and from now on, members of the People's National Army and the security forces will exercise their voting rights directly or by proxy;
- The control of elections is strengthened by the introduction of an additive list of representatives of candidates to face the possibility of absence;
- Duly authorized representatives of candidates are entitled to request and receive a copy of vote counting records as soon as the counting of ballots and the official addition of votes are over;
- Any candidate who believes that his rights are prejudiced may refer to the courts;
- The decisions of the Wilaya Election Commission, composed of two electors and now chaired by a magistrate may be appealed before the relevant administrative court;
- The law provides for the penal punishment of officers who refuse to furnish a copy of the municipal voters list and copies of vote counting records and the official addition of votes to duly authorized representatives of candidates;
- Candidates have the right to campaign under the same conditions of equity;
- Candidates are entitled under the same conditions to public media coverage to publicize their political agendas.

7. These devices, which are the product of the Algerian experience in electoral matters and a joint effort of the State and political parties now offer all the guarantees of a free and transparent election, whether they concern the requirements to ensure the impartiality of public administration, the strengthening of the right of political parties and candidates to ensure effective control of elections or the conditions necessary for exercising the right to vote in a free and transparent process.

II. ADDITIONAL MEASURES AIMING TO STRENGTHEN THE FAIRNESS OF THE VOTE

8. In electoral matters, the Algerian experience has been enriched throughout past elections, by the establishment and consolidation of monitoring mechanisms through the National Political Commission in charge of monitoring the election whose mandate I have decided to renew for monitoring the upcoming election to the Presidency of the Republic scheduled to take place on 9 April 2009.

9. To strengthen the process of monitoring the forthcoming election and to spare no effort to meet all the conditions for creating a serene atmosphere conducive to transparent, equitable and fair elections, I have decided to allow international observers with proven integrity to watch over the next election. I have therefore instructed the Government to introduce a request for international observers from four international and regional organizations of which Algeria is a member, namely the United Nations Organization, the Organization of the Islamic Conference, the League of Arab States, and the African Union. International observers will be free to control the conditions under which the presidential election will take place and will therefore be able to attest to the sincerity of its outcome.

10. Concerning operational and organizational matters, the Government, which is responsible for providing organizational, material, technical and human resources, has taken over the aspects required by the organization and security of elections, the setting up of administrative electoral commissions, information, civic awareness, and organizing media coverage of elections. The Government has also set up the legal mechanisms of control of voting operations.

III. THE RULES IMPOSED ON THE AUTHORITIES AND PUBLIC OFFICIALS IN TERMS OF NEUTRALITY

11. The legal and practical measures that have been taken, in law and fact, aim to give voters free choice and meaning to the principle of impartiality of public administration. They also aim to strengthen the monitoring of elections.

12. It is, therefore, incumbent on all the actors in the electoral process to fulfil his role and to exercise his prerogatives and rights in conformity with the law and in strict compliance with its provisions, whether these actors are the public administration which must be impartial, the candidates who are entitled to watch over the control of electoral operations, the public media which must ensure fair treatment of all candidates, the control mechanisms necessary to fulfil their mission, or the voters who will have to express their choice freely.

13. For its part, the public administration must strive to fulfil the material and security conditions necessary to enable the citizens to exercise their right without hindrance or coercion. Fair treatment must be given to all candidates by the public media both during the election campaign and in the period preceding it.

14. In this context, the administration must meet the conditions required for the organization and proper conduct of the election campaign, particularly those relating to rallies, public meetings and events and ensure the same treatment to all candidates. In particular, it must ensure the observance of the prohibition of using the state's human and material resources for electoral purposes.

15. Arrangements must also be made to allow representatives of the candidates involved in the electoral competition to exercise effectively their right to control the voting process, the counting of ballots and the official addition of votes in all premises where these operations take place, including itinerant polling stations. The mission of the officers in charge of monitoring elections and the international observers must also be facilitated so that they can monitor the conduct of all voting operations.

16. Officers of the public administration in charge of organizing this election shall comply with the law to ensure the sincerity of votes. They shall therefore seize this opportunity to demonstrate the capability of the Algerian public administration to continuously adapt to the requirements of democracy and political plurality. It is through the observance of the principle of impartiality, the compliance of their acts with the law, which is the sole reference in this matter, and the effectiveness of their actions, that the officers the public administration will be able to promote the instauration of a atmosphere of confidence and respect between the public administration, the political actors, and the candidates.

17. This election should be seized as a genuine opportunity by candidates to demonstrate their ability to mobilize citizens around political agendas. It should also be seized by the citizens to show their commitment to the full exercise of their constitutional rights and the accomplishment of the duties imposed by citizenship.

18. During the long process of construction of the State and the strengthening of its institutions, the duty of every citizen is to fully assume the obligations devolved on him by the laws of the Republic. It is on this condition that every citizen will be able to pride himself, in respect of future generations, on the construction of the institutional fabric and the consolidation of the rule of law.

19. I expect from the Government and the Walis that they ensure, every one in their own sphere, full compliance with this instruction by all officers of the public administration, particularly local authorities as part of the fulfilment of their missions linked to the organization of the presidential election next April.

I also expect from them exemplary collaboration for the successful achievement of the mission of the international observers, on the one hand, and the National Political Commission in Charge of Monitoring the Election to the Presidency of the Republic, on the other hand.

Finally, I expect from the Honourable Magistrates that they ensure compliance with the provisions of the election law by all actors and, should the need arise, to punish any breach of law.

Abdelaziz BOUTEFLIKA

Recipients:***Ladies and Gentlemen:***

- ***The Prime Minister;***
- ***The Coordinator of the National Political Commission in Charge of Monitoring the Election to the Presidency of the Republic;***
- ***The Members of Government;***
- ***The Walis;***
- ***The Presidents of the Wilaya Administrative Commissions***
- ***The Presidents of the Wilaya Committees of Political Monitoring of the Election to the Presidency of the Republic***
- ***The Presidents of the Municipal Administrative Commissions;***
- ***The Presidents of the Municipal Committees of Political Monitoring of the Election to the Presidency of the Republic.***

For Communication purposes:***Ladies and Gentlemen,***

- ***The President and the Members of the Council of Nation***
- ***The President and the Members of the People's National Assembly;***
- ***The President of the Constitutional Council;***
- ***The President of the Supreme Court;***
- ***The President of the Council of State.***

[Top](#)

Page d'accueil | Le Ministère | Présentation des Wilayas | Annuaire Téléphonique | Associations | Liens Utiles

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Palais du gouvernement, 01 Rue Dr SAADANE ALGER - ALGERIE
Tél: +213 21.73.23.40 Email: webmaster@interieur.gov.dz