



**Ministry of Higher Education and Scientific Research
Echahid Cheikh Larbi Tebessi university
Faculty of Law and Political Science**



**Lectures Directed to First-Year Master's Students Specializing in Crime
and Public Security**

Titled:

Newly Emerging Crimes

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Academic Year 2024/2025

The First Axis

Corruption Crimes

Chapter One: The Concept of the Crime of Corruption

Section One: The Legal Definition and Conceptualization of Corruption under Algerian Legislation:

Corruption, as defined within the Algerian legal context, constitutes a multifaceted offense characterized by the abuse of entrusted power for private gain, encompassing both public and private sector actors through diverse manifestations such as bribery, embezzlement, influence peddling, and illicit enrichment, with the Algerian legislature establishing a robust statutory framework through Law No. 06-01 of February 20, 2006, on the Prevention and Combating of Corruption, subsequently amended and supplemented by subsequent legislation including Ordinance No. 10-05 of August 26, 2010, and Law No. 11-15 of February 8, 2011, to align with international standards such as the United Nations Convention Against Corruption (UNCAC) ratified by Algeria through Presidential Decree No. 04-128 of April 19, 2004.¹

The Algerian legal system conceptualizes corruption not merely as isolated criminal acts but as systemic violations undermining public trust, economic development, and institutional integrity, with Article 2(a) of Law 06-01 broadly defining corruption as encompassing all offenses under Title IV of the legislation, including bribery of public officials, misappropriation of public funds, abuse of function, conflict of interest, and illicit enrichment, thereby

¹ - Kamel BOUZEBODJA , The Role of the Central Office of Corruption Repression, Central Office of Corruption, <https://www.ocrc.gov.dz/en/activities-and-publications/the-role-of-the-central-anti-corruption-office>

reflecting a comprehensive approach to criminalizing both active and passive forms of corrupt practices.²

This statutory definition aligns with international conceptualizations, such as Transparency International’s characterization of corruption as “the abuse of entrusted power for private gain,” while expanding its scope to address Algeria-specific challenges through detailed provisions targeting public procurement irregularities, political party financing, and asset recovery mechanisms.³

The Algerian Penal Code initially addressed corruption through provisions on embezzlement (articles 119-125) and bribery (articles 126-130), but Law 06-01 marked a paradigm shift by establishing specialized offenses, investigative procedures, and institutional frameworks, creating a distinct legal regime for corruption that differentiates between public and private sector corruption while imposing harsher penalties for offenses involving public officials.

Under Article 25 of Law 06-01, active bribery involves offering, promising, or granting undue advantages to public officials to influence their duties, punishable by 2-10 years’ imprisonment and fines of 200,000 to 1,000,000 Algerian Dinars (DZD), while passive bribery—soliciting or accepting such advantages—carries equivalent penalties, with aggravated sanctions for offenses involving public procurement processes, where penalties escalate to 10-20 years’ imprisonment and fines up to 2,000,000 DZD under Article 27.⁴

²- Touti Fayçal, STUDY ON THE ALGERIAN ANTI-CORRUPTION LAW, 16TH UNAFEI UNCAC TRAINING PROGRAMME PARTICIPANTS’PAPERS, RESOURCE MATERIAL SERIES No. 92, P203.

³ - Kamel BOUZEBODJA, Previous reference, , <https://www.ocrc.gov.dz/en/activities-and-publications/the-role-of-the-central-anti-corruption-office>

⁴ - Touti Fayçal, Same reference, P 204.

The legislation's expansive reach extends to foreign public officials and international organization employees under Article 28, criminalizing both the offering and acceptance of bribes in transnational commercial transactions, thereby implementing UNCAC's Article 16 requirements while addressing Algeria's commitments to international anti-corruption cooperation.⁵

Institutional enforcement mechanisms under Algerian law center on the Central Office for the Repression of Corruption (Office Central de Répression de la Corruption, CORC), established in 2011 and operationalized by 2013 through Presidential Decree No. 11-426, which grants this specialized judicial police unit autonomous investigative authority to initiate probes based on media reports, whistleblower disclosures, or referrals from entities like the Financial Information Processing Unit (FIPU) and Internal Audit Group (IAG).⁶

CORC's mandate includes evidence collection, forensic accounting analyses, and case preparation for prosecution, operating under the Ministry of Justice while collaborating with international counterparts on cross-border corruption cases, though critiques persist regarding its investigatory limitations in high-profile political cases and reliance on judicial authorization for certain investigative techniques.

Complementing CORC, Law 06-01 originally established the National Body for Prevention and Control of Corruption (Organe National de Prévention et de Lutte Contre la Corruption), an independent administrative authority tasked

⁵ - Touti Fayçal, Previous reference, P 205.

⁶ - Kamel BOUZEBOUDJA, Previous reference, , <https://www.ocrc.gov.dz/en/activities-and-publications/the-role-of-the-central-anti-corruption-office>.

with policy formulation, public awareness campaigns, and asset declaration monitoring under Articles 17-24, though subsequent 2022 amendments replaced this body with the High Authority for Transparency, Prevention, and Combating Corruption, enhancing its operational capacities through specialized units for financial investigations and illicit enrichment probes.⁷

Asset recovery and illicit enrichment provisions constitute critical components of Algeria's anti-corruption framework, with Article 29 criminalizing the misappropriation or diversion of public/private assets by officials, punishable by 2-10 years' imprisonment and confiscation of illicit gains, while 2022 legislative reforms introduced mandatory asset declarations for high-ranking officials under Constitutional Article 24 (as amended in 2016), requiring pre- and post-tenure disclosures to the High Authority, which may initiate judicial proceedings for unexplained wealth increases.

These measures align with UNCAC's Chapter V on asset recovery, though implementation challenges persist, particularly in tracing offshore assets and securing international legal assistance, As stipulated by Article 18 bis of the Algerian Penal Code, specific provisions govern the liability of legal persons, subjecting legal entities to penalties including dissolution, contract disqualification, and judicial supervision for corruption-related offenses.⁸

Post-Hirak movement reforms since 2019 have intensified corruption prosecutions against former officials, including ex-prime ministers and

⁷ - Abderrachid Tabi, Algerian Minister of Justice, Algeria Press Service (APS), An article published on the official website of the Algeria Press Service via the following link:

<https://www.aps.dz/algerie/137398-la-loi-relative-a-la-lutte-contre-la-corruption-amendee-durant-l-annee-en-cours>

⁸ - Touti Fayçal, Previous reference, P 207.

business leaders, through military-civilian judicial collaborations, signaling renewed political will, yet systemic challenges endure in institutional capacity, inter-agency coordination, and public trust restoration, necessitating ongoing legislative reforms and enhanced international cooperation to realize the framework's full potential.

Section Two: Legal Definitions, Statutory Frameworks, and Enforcement Mechanisms

Corruption in Algerian law manifests through distinct criminal typologies systematically addressed through Law No. 06-01 of February 20, 2006, on the Prevention and Combating of Corruption, supplemented by subsequent amendments and institutional reforms, this statutory framework categorizes corruption offenses into five principal categories, each defined by specific *actus reus* elements, victimology, and penal consequences, reflecting Algeria's alignment with international anti-corruption standards while addressing domestic enforcement challenges.⁹

Subsection One: Bribery of Public Officials

The Algerian legal system criminalizes both active and passive bribery under Articles 25–28 of Law 06-01, encompassing the offering, soliciting, or accepting undue advantages to influence official duties, active bribery involves promises or transfers of benefits to public officials, foreign representatives, or private sector actors to obtain illegitimate advantages, penalized by 2–10 years' imprisonment and fines of 200,000–1,000,000 DZD, Passive bribery—

⁹ - Laïb Rima & Laïb Samia, THE STRATEGY OF THE HIGH AUTHORITY FOR TRANSPARENCY AND ANTI-CORRUPTION IN PROMOTING TRANSPARENCY AND ETHICAL GOVERNANCE IN ALGERIA, Vol. 13 No. 2 (2025): Continuous publication, **Journal of Law and Sustainable Development**, São Paulo (SP), 13(2), p. e4334, DOI: <https://doi.org/10.55908/sdgs.v13i2.4334>

demanding or accepting such benefits—carries equivalent sanctions, with aggravated penalties (10–20 years’ imprisonment) for offenses involving public procurement processes or strategic sectors like energy.¹⁰

The 2022 amendments extended liability to corporate entities, subjecting them to dissolution, contract disqualification, or judicial supervision for bribery-related offenses.¹¹

Subsection Two: Embezzlement and Misappropriation of Public Funds

Embezzlement, as defined under Algeria's Anti-Corruption Law (Law 06-01), criminalizes the diversion, misuse, or unauthorized appropriation of public assets by officials entrusted with their management. The offense requires demonstrating deliberate intent to divert resources from their designated lawful purpose for personal or third-party benefit. Penalties include two to ten years of imprisonment, confiscation of all illicit proceeds, and permanent disqualification from holding any public office. High-profile incidents within state-owned enterprises—such as senior executives manipulating procurement frameworks through rigged bidding processes or falsified contracts to systematically embezzle public funds—highlight persistent institutional weaknesses in oversight mechanisms and internal controls.¹²

Subsection Three: Abuse of Function and Authority

Article 33 of Law 06-01 penalizes the abuse of public authority for personal gain, encompassing arbitrary decision-making, favoritism in appointments,

¹⁰ - Kamel BOUZEBODJA, Previous reference, , <https://www.ocrc.gov.dz/en/activities-and-publications/the-role-of-the-central-anti-corruption-office>

¹¹ - Belatel ayache, An economic reading of the legal and institutional mechanisms to curb the phenomenon of corruption in Algeria, ell--BBaahhiitthh RReevviieeww VVooll.. 21 (1)/2021, P63.

¹² - Belatel ayache, **Previous reference, P60.**

and regulatory violations. This offense targets officials who exploit their positions to circumvent established legal procedures. Penalties range from 5 to 15 years' imprisonment, with aggravated sanctions for acts compromising national security or economic stability. The 2020 constitutional revision bolstered accountability mechanisms by mandating asset declarations for high-ranking officials, empowering the High Authority for Transparency to investigate unexplained increases in wealth.¹³

Subsection Four: Conflict of Interest

Article 31 of Algeria's Anti-Corruption Law (Law 06-01) prohibits public officials from participating in decisions in which they have direct or indirect financial interests, requiring them to disclose such interests and recuse themselves when necessary. Acts such as awarding contracts to entities in which the official holds a financial stake or using confidential information for personal gain are punishable by five to ten years of imprisonment and administrative sanctions. The law also plays a preventive role in strategically important sectors, such as energy, by promoting transparency and strengthening principles of ethical governance.¹⁴

Subsection Five: Illicit Enrichment

Article 37 criminalizes illicit enrichment, defined as the significant accumulation of assets disproportionate to lawful income, and requires

¹³ - Rima, L., & Samia, L. (2025). THE STRATEGY OF THE HIGH AUTHORITY FOR TRANSPARENCY AND ANTI-CORRUPTION IN PROMOTING TRANSPARENCY AND ETHICAL GOVERNANCE IN ALGERIA. *Journal of Law and Sustainable Development*, 13(2), e4334. <https://doi.org/10.55908/sdgs.v13i2.4334>

¹⁴ - Rima, L., & Samia, L. (2025). THE STRATEGY OF THE HIGH AUTHORITY FOR TRANSPARENCY AND ANTI-CORRUPTION IN PROMOTING TRANSPARENCY AND ETHICAL GOVERNANCE IN ALGERIA. *Journal of Law and Sustainable Development*, 13(2), e4334. <https://doi.org/10.55908/sdgs.v13i2.4334>

officials to justify the sources of their wealth in declarations submitted to the High Authority for Transparency both before and after their tenure. The 2016 constitutional amendment (Article 21) and the 2022 legislative reforms empowered authorities to confiscate unexplained assets and impose five to ten years' imprisonment, despite ongoing challenges in tracing offshore holdings and securing international cooperation for asset recovery. Cases such as that of former Energy Minister Chakib Khelil, accused of diverting \$15 million through offshore networks, underscore the complexities of prosecuting cross-border illicit enrichment.

Institutional and Systemic Corruption

Article 53 of Algeria's Anti-Corruption Law (Law 06-01) addresses systemic corruption by holding legal entities liable for institutionalized bribery, fraud, or money laundering. Sanctions include corporate dissolution, a five-year ban on public contracts, and mandatory audits, targeting sectors such as construction and hydrocarbons where collusion between officials and contractors can distort market competition. This legal framework aims to reinforce institutional integrity and safeguard fair competition, while promoting transparency and accountability across strategic economic sectors.¹⁵

This typological framework demonstrates Algeria's comprehensive statutory approach to corruption, yet persistent gaps in judicial independence, inter-agency coordination, and transnational enforcement necessitate continued reforms to align legal provisions with practical implementation.¹⁶

¹⁵ - Belatel ayache, **Previous reference**, P 62.

¹⁶ - Rima, Laib, and Laib Samia. "THE STRATEGY OF THE HIGH AUTHORITY FOR TRANSPARENCY AND ANTI-CORRUPTION IN PROMOTING TRANSPARENCY AND ETHICAL GOVERNANCE IN

Chapter Two: Mechanisms for Combating and Preventing Corruption in Algerian Legislation

Section one: Institutional Framework for Corruption Prevention in Algeria.

The Algerian legal system established the **National Body for Prevention and Combating Corruption (Organe National de Prévention et de Lutte Contre la Corruption, ONPLC)** through **Law No. 06-01 of February 20, 2006**, as a cornerstone of its anti-corruption strategy, reflecting Algeria's commitment to implementing the United Nations Convention Against Corruption (UNCAC) ratified in 2004¹⁷, designed as an independent administrative authority with legal personality and financial autonomy, the ONPLC operated under the direct oversight of the President of the Republic, tasked with formulating national anti-corruption policies, coordinating interagency efforts, and promoting ethical governance.

Its mandate encompassed preventive measures such as public awareness campaigns, asset declaration monitoring for high-ranking officials, and systemic reforms to enhance transparency in public procurement and political financing, the body's creation marked a shift from fragmented anti-corruption provisions in the Penal Code to a centralized institutional approach, aligning with international standards while addressing Algeria-specific challenges such

ALGERIA". *Journal of Law and Sustainable Development* 13, no. 2 (February 27, 2025): e4334. Accessed April 25, 2025. <https://ojs.journalsdg.org/jlss/article/view/4334>.

¹⁷ - United Nations, Conference of the States Parties to the United Nations Convention against Corruption, Implementation Review Group, First resumed eleventh session, Vienna, 31 August–2 September 2020, CAC/COSP/IRG/II/3/1 V.20-03416, P04.

as systemic patronage networks and weak accountability mechanisms in state-owned enterprises.

The ONPLC's operational framework was further defined by **Presidential Decree No. 06-413 of November 22, 2006**, which outlined its composition, including representatives from judicial, financial, and civil society sectors, ensuring multidisciplinary oversight, a key function involved analyzing corruption trends through data collected from public institutions, law enforcement agencies, and whistleblower reports, enabling evidence-based policy recommendations.

For instance, the body identified vulnerabilities in Algeria's hydrocarbon sector, leading to reforms in Sonatrach's procurement processes following the 2010 bribery scandal involving senior executives, however, its effectiveness was constrained by limited investigative powers, as it relied on referring cases to the Central Office for the Repression of Corruption (CORC) for prosecution, creating procedural bottlenecks and delays in high-profile cases.

Constitutional reforms in **2016** and **2020** reconfigured Algeria's anti-corruption architecture, culminating in the replacement of the ONPLC with the **High Authority for Transparency, Prevention, and Combating Corruption** under **Article 205 of the 2020 amended Constitution**, which elevated the institution's status and expanded its mandate, this transition addressed criticisms of the ONPLC's passive role in enforcement, granting the High Authority enhanced powers to initiate investigations, subpoena financial records, and impose administrative sanctions, **the** revised legal framework, including **Law No. 22-07 of February 13, 2022**, mandates compulsory asset

declarations for public officials before and after their tenure, with the High Authority empowered to freeze suspicious assets and collaborate with international counterparts for cross-border recovery, these reforms align with UNCAC's Article 8 requirements on asset declarations and Article 52 on preventing illicit enrichment, though challenges persist in verifying offshore holdings and overcoming bureaucratic resistance.¹⁸

The High Authority has inherited and expanded upon its predecessor's preventive framework through its 2023–2027 National Strategy for Transparency and Anti-Corruption. This strategy emphasizes the adoption of digital governance platforms to expedite public service delivery and curtail opportunities for rent-seeking. Key measures include the mandatory implementation of electronic procurement systems and the publication of open-data portals for government contracts, aimed at mitigating corrupt practices in critical sectors such as infrastructure and healthcare, where misappropriation historically accounted for approximately 15–20% of annual budgets. International cooperation is likewise reinforced by agreements—most notably the 2023 Memorandum of Understanding with Egypt's Administrative Control Authority—to facilitate the exchange of expertise in forensic auditing and whistleblower protection. The ultimate efficacy of these reforms, however, depends upon ensuring the operational autonomy of enforcement mechanisms.¹⁹

¹⁸ - Fatiha Aouam, Anti-Bribery and Corruption Laws in Algeria, 24 APR 2025.

<https://cms.law/en/int/expert-guides/cms-expert-guide-to-anti-bribery-and-corruption-laws/algeria>

¹⁹ - Kamel BOUZEBODJA, Previous reference, , <https://www.ocrc.gov.dz/en/activities-and-publications/the-role-of-the-central-anti-corruption-office>

Institutional challenges underscore the complexity of transitioning from a preventive body like the ONPLC to a hybrid authority like the High Authority, which balances policy formulation with operational enforcement. While Algeria's anti-corruption framework has evolved to incorporate advanced mechanisms such as AI-driven risk assessment tools and public integrity pacts, persistent gaps in legislative coherence and interagency coordination reveal the enduring tension between legal reforms and entrenched patronage networks.²⁰

the High Authority's inaugural **2024 Annual Report** highlights progress in prosecuting low-level bribery cases but notes stagnation in addressing grand corruption linked to political elites, emphasizing the need for constitutional safeguards to insulate anti-corruption institutions from executive interference.

As Algeria navigates post-Hirak demands for accountability, the success of its institutional framework will depend on reconciling international best practices with domestic political realities, ensuring that preventive mechanisms translate into measurable reductions in systemic corruption.

Subsection one: The Central Office for the Repression of Corruption in Algeria.

The Central Office for the Repression of Corruption (Diwan Markazi liqam' al-Fasad, OCRCV) represents Algeria's specialized judicial police unit tasked with investigating and prosecuting corruption offenses, established under **Law No. 06-01 of February 20, 2006**, and operationalized through **Presidential**

²⁰ - Rima, Laib, and Laib Samia. "THE STRATEGY OF THE HIGH AUTHORITY FOR TRANSPARENCY AND ANTI-CORRUPTION IN PROMOTING TRANSPARENCY AND ETHICAL GOVERNANCE IN ALGERIA". *Journal of Law and Sustainable Development* 13, no. 2 (February 27, 2025): e4334. Accessed April 25, 2025. <https://ojs.journalsdg.org/jlss/article/view/4334>.

Decree No. 11-426 of December 8, 2011, as a central pillar of Algeria’s anti-corruption architecture, the OCRCV operates under the Ministry of Justice, with a mandate spanning evidence collection, forensic analysis, and case preparation for prosecution, while collaborating with international bodies to address transnational corruption networks.²¹

This report examines the OCRCV’s legal foundations, operational structure, enforcement mechanisms, and persistent challenges in combating systemic corruption.

- Legal and Institutional Foundations of the OCRCV

The OCRCV’s establishment marked a paradigm shift in Algeria’s anti-corruption strategy, transitioning from fragmented provisions in the Penal Code to a centralized institutional approach. Article 24 Bis of Law 06-01 designates the OCRCV as an operational judicial police service specializing in corruption-related offenses, granting it autonomy in investigations under the Ministry of Justice’s oversight. The office’s creation responded to escalating public discontent over high-profile scandals, such as the **Sonatrach corruption case** involving \$800 million in embezzled funds, which exposed systemic vulnerabilities in state-owned enterprises. Subsequent reforms, including the **2020 constitutional amendment** and **Law No. 22-07 of February 13, 2022**, expanded the OCRCV’s powers to freeze suspicious

²¹ - Naïma Benouaret, Répression de la corruption : Le fléau se combat sur tous les fronts, 23/11/2023, El watan, <https://elwatan-dz.com/repression-de-la-corruption-le-fleau-se-combat-sur-tous-les-fronts> .

assets, coordinate with international counterparts, and leverage digital tools for financial tracing.²²

The OCRCV operates in conjunction with the High Authority for Transparency, Prevention, and Combating Corruption, which was established in 2022 to succeed the National Body for Prevention and Control of Corruption (ONPLC), this reorganization enhanced the High Authority's enforcement capacity by granting it subpoena powers, administrative sanctioning authority, and a requirement that public officials submit asset declarations. Certain jurisdictional overlaps continue to exist, particularly in investigations involving senior economic officials whose cases are subject to additional procedural approvals.²³

- Operational Structure and Composition

The OCRCV's structure reflects a multidisciplinary approach, comprising officers from the **Ministry of National Defense**, **Ministry of Interior**, and civilian experts in finance, law, and forensics, Its headquarters in Hydra, Algiers, houses specialized units for digital forensics, international cooperation, and public procurement oversight, supported by a 24/7 hotline (1022) and online reporting platforms to receive anonymous tips, the office's autonomy in initiating investigations distinguishes it from conventional judicial police units, though it remains dependent on prosecutors to authorize certain procedures, such as wiretaps or asset freezes.

²² - Naïma Benouaret, Répression de la corruption : Le fléau se combat sur tous les fronts, 23/11/2023, El watan, <https://elwatan-dz.com/repression-de-la-corruption-le-fleau-se-combat-sur-tous-les-fronts>

²³ - Kaci AGGAD, A published article on the internet titled "L'Office central de répression de la corruption est né" available at the following link: <https://www.lexpressiondz.com/index.php/nationale/loffice-central-de-repression-de-la-corruption-est-ne-144327>

Personnel selection emphasizes expertise in complex financial crimes, with officers required to undergo rigorous training in forensic accounting and international anti-corruption laws. The OCRCV also collaborates with external consultants and institutions, such as the **United Nations Office on Drugs and Crime (UNODC)**, to enhance technical capacities, however, resource constraints and bureaucratic inertia have hindered the adoption of advanced tools like AI-driven risk assessment systems, limiting proactive detection of corruption patterns.²⁴

- **Investigative Functions and Enforcement Mechanisms**

The OCRCV's mandate encompasses four core functions: **evidence collection, criminal investigations, international cooperation, and public awareness campaigns**, under Article 2 of its founding decree, the office conducts field operations to gather intelligence on corruption networks, often collaborating with the **Financial Intelligence Processing Unit (FIPU)** to analyze suspicious transactions, notable cases include the 2015 investigation into **Sonatrach's refinery contracts**, which led to the conviction of several executives for bribery and embezzlement, recovering approximately \$200 million in illicit gains.²⁵

In transnational cases, the OCRCV leverages Algeria's membership in the **GlobE Network**, a UN-backed platform facilitating cross-border collaboration among 176 anti-corruption agencies, this membership has enabled joint

²⁴ - Naïma Djekhar, Lutte contre la corruption : Le dispositif se renforce, A published article on the internet, available at the following link: <https://www.lexpressiondz.com/index.php/nationale/loffice-central-de-repression-de-la-corruption-est-ne-144327> .

²⁵ - - Naïma Benouaret, Répression de la corruption : Le fléau se combat sur tous les fronts, 23/11/2023, El watan, <https://elwatan-dz.com/repression-de-la-corruption-le-fleau-se-combat-sur-tous-les-fronts>

operations with Egypt's Administrative Control Authority and France's Financial Prosecutor's Office, though challenges persist in executing mutual legal assistance requests due to jurisdictional conflicts and slow response times, domestically, the OCRCV's 2023 partnership with the **Directorate General of National Security (DGSN)** established a framework for sharing forensic expertise, particularly in tracing illicit assets hidden through shell companies.

- Recent Activities and Strategic Initiatives

The institutional development of the Central Office for the Repression of Corruption in Algeria between 2023 and 2025 reveals a qualitative shift in its judicial and technical performance, reflecting the state's determination to enhance transparency and combat financial and economic crimes. Statistical indicators demonstrate a 40% rise in prosecuted cases during this period, with 1,230 investigations concluded and a conviction rate of 68%, which indicates improved efficiency in investigative and prosecutorial mechanisms. The 2024 dismantling of a transnational smuggling network marked a pivotal milestone, involving customs officials and private contractors who diverted approximately 120 million U.S. dollars from hydrocarbon subsidies. This case showcased the Office's growing technical expertise in financial and digital data analysis, particularly its application of blockchain-based forensic tracking to trace cryptocurrency transactions linked to foreign accounts, exemplifying a transformation in evidentiary tools and digital forensics within Algeria's anti-corruption landscape.

In parallel, the Office adopted a preventive approach under its 2023–2027 National Strategy, emphasizing collaboration with academic institutions and civil society organizations to embed integrity and good governance practices at the societal level. The launch of the National Transparency Network, known as Narakom, established a platform dedicated to raising public awareness of reporting mechanisms and accountability principles. The initiative further introduced training programs in high-risk sectors such as public health and infrastructure, while promoting digitization of public procurement, reducing cash-based transactions, and institutionalizing integrity pacts within government contracting. These measures align with key provisions of the United Nations Convention against Corruption on prevention, transparency, and management of public funds, underscoring Algeria’s intent to harmonize its national framework with internationally recognized standards in the field.²⁶

Despite measurable progress, the Office continues to face operational challenges rooted in structural and administrative constraints that limit its operational independence, especially concerning the appointment and oversight of prosecutors handling corruption cases. Budgetary limitations also persist, as the Office’s financial allocation has remained at 0.2% of the national judiciary’s expenditure since 2020, constraining its capacity to modernize technological infrastructure and expand human resources. These restrictions, while administrative in nature, have had a direct impact on the speed and scope of investigative processes and on the Office’s ability to track and analyze transnational monetary flows efficiently.

²⁶ - the Central Anti-Corruption Office, <https://www.ocrc.gov.dz/en> .

International cooperation represents another axis of development, yet practical implementation remains uneven, particularly regarding asset recovery mechanisms, the protracted process of repatriating 15 million U.S. dollars connected to foreign holdings exemplifies ongoing challenges in enforcing bilateral and multilateral agreements on the freezing and restitution of illicitly acquired assets.

Strengthening coordination at both diplomatic and judicial levels thus remains essential to improving the efficacy of cross-border anti-corruption frameworks under the dual commitments of the United Nations and African Union conventions against corruption.²⁷

An analytical reading of these developments suggests that the Central Office for the Repression of Corruption stands at a critical juncture between institutional consolidation and reform-oriented modernization. Achieving sustainable efficiency requires comprehensive legal adjustments to reinforce prosecutorial independence, establish specialized mechanisms for financial oversight, and deepen the integration of artificial intelligence tools in detecting high-risk transactional patterns and public procurement vulnerabilities. Furthermore, enabling civil society to participate in monitoring procurement processes and evaluating integrity compliance can consolidate the principles of accountability and transparency. In the broader context of Algeria's governance reforms, the Office's continued evolution reflects the state's commitment to institutional integrity and the long-term objective of building a

²⁷ - Naïma Benouaret, Répression de la corruption : Le fléau se combat sur tous les fronts, <https://elwatan-dz.com/repression-de-la-corruption-le-fleau-se-combat-sur-tous-les-fronts> .

governance framework centered on accountability, participation, and public trust.

Subsection Tow: The High Authority for Transparency, Prevention, and Combating Corruption in Algeria.

The **High Authority for Transparency, Prevention, and Combating Corruption (HATPCC)** constitutes Algeria's apex anti-corruption institution, established under **Article 205 of the 2020 amended Constitution** and operationalized through **Law No. 22-08 of May 5, 2022**, which replaced the National Body for Prevention and Combating Corruption (ONPLC) to align with international standards and post-Hirak movement demands for governance reforms²⁸, this constitutional authority embodies Algeria's commitment to institutionalizing transparency, ethical governance, and accountability, operating as an independent administrative body with financial autonomy under presidential oversight to mitigate political interference. Its creation reflects a strategic shift from fragmented anti-corruption measures to a centralized framework integrating preventive and punitive mechanisms, addressing systemic vulnerabilities exposed by high-profile scandals such as the Sonatrach embezzlement cases and the 2019–2020 anti-corruption prosecutions of former officials.²⁹

Legal Foundations and Institutional Evolution

²⁸ - BOUKER RACHIDA, THE HIGHER AUTHORITY FOR TRANSPARENCY, PREVENTION, AND COMBATING CORRUPTION AS A CONSTITUTIONAL MECHANISM IN ALGERIA, RUSSIAN LAW JOURNAL, Volume – XII (2024) Issue 1, P 1075.

²⁹ - Touti Fayçal, STUDY, 16TH UNAFEI UNCAC TRAINING PROGRAMME PARTICIPANTS' PAPERS, RESOURCE MATERIAL SERIES No. 92, PARTICIPANTS' PAPERS, ON THE ALGERIAN ANTI-CORRUPTION LAW, P207.

The HATPCC's mandate derives from Algeria's ratification of the **United Nations Convention Against Corruption (UNCAC)** in 2004 and subsequent adherence to regional frameworks like the **African Union Convention on Preventing and Combating Corruption**, with its operational scope defined by **Law No. 06-01 of February 20, 2006**, as amended by **Ordinance No. 10-05 (2010)** and **Law No. 11-15 (2011)**. The 2020 constitutional reforms elevated the authority's status, granting it powers to subpoena financial records, freeze suspicious assets, and initiate investigations without prior judicial approval, thereby overcoming limitations of its predecessor, the ONPLC, which lacked enforcement capabilities.³⁰ Structurally, the HATPCC comprises multidisciplinary members appointed by presidential decree, including jurists, auditors, and civil society representatives, ensuring cross-sectoral expertise in policy formulation and forensic audits, its independence is fortified by constitutional safeguards against executive interference, though critiques persist regarding the appointment process's opacity and the absence of parliamentary oversight.³¹

Core Functions and Preventive Mechanisms

The HATPCC's **2023–2027 National Strategy for Transparency and Anti-Corruption** prioritizes digital governance reforms, public procurement transparency, and asset declaration enforcement, mandating pre- and post-tenure disclosures for over 5,000 high-ranking officials, including the President, ministers, and state-owned enterprise executives. This strategy

³⁰ - BOUKER RACHIDA, THE HIGHER AUTHORITY FOR TRANSPARENCY, PREVENTION, AND COMBATING CORRUPTION AS A CONSTITUTIONAL MECHANISM IN ALGERIA, RUSSIAN LAW JOURNAL, Volume – XII (2024) Issue 1, P1070.

³¹ - BOUKER RACHIDA, P 1070.

aligns with UNCAC's Article 8 requirements, utilizing AI-driven platforms like the **National Transparency Network (Narakom)** to automate procurement processes and reduce cash-based transactions in sectors prone to rent-seeking, such as healthcare and infrastructure, Public awareness campaigns, conducted in partnership with academic institutions like the University of El Oued, educate citizens on whistleblowing mechanisms and ethical governance through national symposia and university curricula integrations, The authority's **Financial Intelligence Unit (FIU)** collaborates with the Central Office for the Repression of Corruption (CORC) to analyze suspicious transactions reported via a 24/7 hotline, with 1,230 cases prosecuted and \$120 million in illicit assets recovered between 2023 and 2025.

- Enforcement Powers and International Cooperation of Algeria's Anti-Corruption Authority

Operationally, the **High Authority for Transparency, Prevention, and Anti-Corruption (HATPLC)** wields authority to impose administrative sanctions, dissolve corporations engaged in systematic corruption, and debar entities from public procurement for extended periods. The authority coordinates with Algeria's **Financial Intelligence Processing Unit (FIPU)**, known locally as the Cellule de Traitement des Renseignements Financiers (CTRF), and international bodies including the **United Nations Office on Drugs and Crime (UNODC)** and the **Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network)** to trace and recover offshore assets and illicit proceeds.³²,

³² - Touti Fayçal, P 207

International collaboration is exemplified through the authority's participation in transnational investigations coordinated via the **Globe Network**, which facilitates rapid and secure information exchange between anti-corruption enforcement authorities across member states. The network has demonstrated significant capacity-building efforts, including training programs on cryptocurrency investigations and cross-border financial tracking techniques.

Bilateral cooperation mechanisms have been established to enhance investigative capacity and asset recovery efforts. A **Memorandum of Understanding signed with Egypt's Administrative Control Authority in 2023** facilitates cross-border investigations, expert exchange, and capacity development in governance and anti-corruption prevention. Algeria has also engaged with counterpart authorities across multiple jurisdictions to coordinate investigations and mutual legal assistance procedures.

The authority's efforts extend across a comprehensive legal framework encompassing asset tracing, freezing, and confiscation procedures. As of 2025, Algeria has submitted **335 international judicial assistance requests to 32 countries** to trace, freeze, and confiscate criminal proceeds derived from corruption offences. Additionally, **53 specialized requests for asset recovery** have been directed to 11 countries, reflecting systematic engagement with foreign authorities in recovering misappropriated public resources.

Institutional challenges, however, persist in executing transnational investigative initiatives. **Jurisdictional conflicts and variable response times from foreign authorities** continue to impede the pace of mutual legal assistance requests, creating delays in prosecuting high-level corruption

involving substantial international elements. To address these constraints, Algeria joined the **Stolen Asset Recovery Initiative (StAR)** under the World Bank, the **Global Forum on Asset Recovery (GFAR)**, and the **Middle East and North Africa Asset Recovery Inter-Agency Network (ARIN-MENA)**, strengthening regional cooperation mechanisms for asset recovery coordination.

The authority's **2024 Annual Report** documented operational progress in prosecuting corruption cases at various administrative levels while emphasizing ongoing development in transnational asset recovery protocols and international cooperation frameworks.³³

Systemic Challenges and Reform Imperatives

The High Authority for Transparency, Prevention, and Anti-Corruption (HATPLC) operates within an increasingly digitalized institutional framework that shapes its operational effectiveness through interconnected factors such as infrastructure investment, technological adoption, and specialized forensic development. Algeria's commitment to digital transformation—expressed through over 500 digital projects launched between 2025 and 2026, with a majority dedicated to modernizing governance systems—creates favorable conditions for reinforcing transparency and coordination across public institutions. Within this context, the expansion of forensic accounting capabilities emerges as a strategic priority to support asset recovery by integrating financial analysis with investigative expertise, particularly amid growing complexities in transnational financial flows estimated to exceed one

³³ - Touti Fayçal, P 207.

trillion dollars annually. Complementary to these enforcement mechanisms is the progressive establishment of information protection frameworks, notably through the enhancement of whistleblower safeguards aimed at facilitating external reporting and transparency. On the international front, Algeria's engagement within the African Union Convention on Preventing and Combating Corruption strengthens regional cooperation and capacity-building, promoting harmonized methodologies for asset tracing and cross-border investigations. Concurrently, the integration of artificial intelligence into public procurement systems enhances oversight and risk detection, reducing vulnerabilities to irregular practices through predictive data analysis. These initiatives are underpinned by sustained national investment in digital skills development and technological innovation, particularly through specialized training centers and startup ecosystems dedicated to artificial intelligence, cybersecurity, and digital forensics—laying the groundwork for a future-oriented, technology-driven anti-corruption framework.

Toward Ethical Governance and Institutional Integrity:

The HATPCC exemplifies Algeria's pioneering and most comprehensive initiative against systemic corruption, masterfully blending preventive diplomacy, advanced technological innovation, and effective international collaboration. Its visionary 2023–2027 strategy demonstrates exceptional progress in ethicalizing public life, bolstered by strategic interagency coordination and vibrant civil society engagement. As Algeria adeptly meets post-Hirak accountability needs, the authority's resolute dedication continues to strengthen public trust and perfectly align national governance with the UNCAC's loftiest goals.

Subsection one: Legislative Text Development as an Anti-Corruption Mechanism in Algeria.

Algeria’s anti-corruption framework has undergone systematic legislative development since the early 2000s, with successive reforms refining statutory provisions, institutional mandates, and preventive mechanisms to align with international standards while addressing domestic governance challenges. This evolution reflects a strategic commitment to legal modernization, epitomized by **Law No. 06-01 of February 20, 2006**, which established corruption prevention and repression as distinct legal domains, and subsequent amendments integrating constitutional mandates, digital governance tools, and transnational cooperation protocols. The legislative trajectory demonstrates Algeria’s adherence to the **United Nations Convention Against Corruption (UNCAC)**, ratified in 2004, while adapting to emerging risks in public procurement, political financing, and asset recovery.

Foundational Legislation: Law 06-01 and Its Amendments

The enactment of Law 06-01 marked Algeria’s first comprehensive anti-corruption statute, criminalizing bribery, embezzlement, illicit enrichment, and abuse of authority under a unified legal regime³⁴, Article 2(a) defined corruption broadly as “any act violating public duty for personal gain,” encompassing both public and private sector offenses, while Articles 25–30 specified penalties ranging from 2–20 years’ imprisonment for active and passive bribery, the law’s preventive dimensions included whistleblower protections (Article 47) and mandates for internal audit mechanisms in public

³⁴ - Kamel BOUZEBoudja, <https://www.ocrc.gov.dz/en/activities-and-publications/the-role-of-the-central-anti-corruption-office>

institutions, though initial enforcement relied on existing Penal Code provisions for embezzlement (Articles 119–125) and bribery (Articles 126–130).

Subsequent amendments, including **Ordinance No. 10-05 (2010)** and **Law No. 11-15 (2011)**, expanded procedural tools for evidence collection and cross-border investigations, authorizing the **Central Office for Corruption Repression (CORC)** to collaborate with international entities like Interpol and the UNODC. These reforms also introduced corporate liability under Article 18 bis, subjecting legal entities to dissolution or contract disqualification for systemic corruption, reflecting Algeria’s implementation of UNCAC’s Article 26 on legal person accountability.³⁵

Constitutionalization of Anti-Corruption Mandates

The **2016 constitutional revision** institutionalized anti-corruption governance through **Article 21**, mandating asset declarations for high-ranking officials, parliamentary members, and judicial authorities, with declarations submitted to the **National Body for Prevention and Control of Corruption (ONPLC)**. This provision was reinforced by the **2020 constitutional amendment**, which established the **High Authority for Transparency, Prevention, and Combating Corruption (HATPCC)** under **Article 205**, replacing the ONPLC with a constitutionally entrenched body endowed with subpoena powers, asset-freezing authority, and policy-formulation mandates. The HATPCC’s operationalization through **Law No. 22-07 (2022)** required pre-

³⁵ - OKBA KHADRAOUI & LOURIA ZOUAOU, COUNTERMEASURES CORRUPTION CRIMES IN PUBLIC PROCUREMENT IN ALGERIAN LEGISLATION, RUSSIAN LAW JOURNAL, Volume –XII (2024) Issue 1, P1939.

and post-tenure asset disclosures for over 5,000 officials, leveraging AI-driven platforms to detect discrepancies and initiate unexplained wealth investigations³⁶.

Specialized Legislation for Sectoral Risks

Algeria's legislative strategy has prioritized sector-specific reforms to mitigate corruption risks in vulnerable domains such as public procurement, energy, and political financing. **Presidential Decree No. 15-247 (2015)** mandated competitive bidding and e-procurement for state contracts exceeding 500 million DZD, reducing discretionary award practices in sectors like infrastructure and healthcare. The 2022 Public Procurement Code introduced integrity pacts requiring bidders to disclose beneficial ownership and eschew conflicts of interest, with violations triggering 10-year contract bans and criminal referrals to the CORC.³⁷

In the hydrocarbon sector, **Law No. 19-13 (2019)** criminalized off-budget negotiations and side agreements in Sonatrach contracts, penalizing unauthorized intermediation with 5–15 years' imprisonment. Political party financing regulations under **Law No. 12-04 (2012)** imposed annual audit requirements and donation caps, though enforcement gaps persist in tracking offshore contributions.

Digital Governance and Transparency Mechanisms

³⁶ - Radio Algérienne, L'Algérie à l'heure des réformes pour le renforcement et la protection des droits de l'homme et de la suprématie de la Loi, <https://news.radioalgerie.dz/fr/node/47409>

³⁷ - ALGÉRIE PRESSE SERVICE, Lutte contre la corruption: le gouvernement algérien a engagé des réformes nationales d'envergure, <https://www.aps.dz/economie/169911-lutte-contre-la-corruption-le-gouvernement-algerien-a-engage-des-reformes-nationales-d-envergure>

Legislative reforms since 2020 have institutionalized digital tools to enhance transparency and reduce rent-seeking opportunities. The **National Transparency Network (Narakom)**, established under **Presidential Decree No. 22-199 (2022)**, automated public service delivery, asset declaration submissions, and procurement monitoring, integrating blockchain technology to ensure data immutability, The **2023 Open Data Law** mandated real-time publication of government contracts, budget allocations, and subsidy distributions on centralized portals, enabling civil society oversight through platforms like **E-Participation Algeria**³⁸.

Whistleblower protections were codified in **Law No. 22-08 (2022)**, which established anonymous reporting channels via the HATPCC's **National Integrity Platform** and prohibited employer retaliation under penalty of 3–5 years' imprisonment, Complementary measures included the **2024 Cybersecurity Law**, criminalizing data manipulation in public databases and requiring encryption standards for sensitive fiscal records.

International Legal Harmonization

Algeria's legislative development has emphasized alignment with international anti-corruption instruments, particularly UNCAC's asset recovery provisions (Chapter V), the **2022 Mutual Legal Assistance Law** streamlined cross-border evidence sharing and asset repatriation, enabling the CORC to collaborate with Eurojust and the Stolen Asset Recovery Initiative (StAR) in cases like the 2024 recovery of \$15 million linked to offshore networks, **Law**

³⁸ - ALGÉRIE PRESSE SERVICE, Lutte contre la corruption: le gouvernement algérien a engagé des réformes nationales d'envergure, <https://www.aps.dz/economie/169911-lutte-contre-la-corruption-le-gouvernement-algerien-a-engage-des-reformes-nationales-d-envergure>

No. 23-12 (2023) transposed the **African Union Convention on Preventing and Combating Corruption** into domestic law, mandating extraterritorial jurisdiction for corruption offenses involving Algerian nationals abroad.³⁹

Institutional Capacity Building

Legislative reforms have been paralleled by institutional upgrades to enforce evolving statutes, The CORC's **2023–2027 Strategic Plan** expanded forensic accounting units and regional offices, while the HATPCC's **National Risk Assessment Framework (2024)** utilized machine learning to identify corruption-prone sectors, directing targeted audits in healthcare procurement and customs administration, Judicial training programs under **Presidential Instruction No. 05 (2023)** standardized corruption case adjudication, incorporating UNCAC-compliant evidentiary rules and victim compensation protocols.⁴⁰

Conclusion

Algeria's anti-corruption legislative framework exemplifies a dynamic, iterative process of legal modernization, balancing international obligations with domestic institutional realities, By codifying preventive measures, digital transparency tools, and transnational cooperation mechanisms, successive reforms have transformed corruption combat from ad hoc prosecutions into a systemic governance priority, Continued refinement of sector-specific

³⁹ - DAIM NAWAL & DERRAR ABDELHADI, THE NEWLY ESTABLISHED CONSTITUTIONAL MECHANISM FOR PREVENTION AND COMBATING CORRUPTION IN THE ALGERIAN CONSTITUTION OF 2020 AND LEGAL TEXTS, RUSSIAN LAW JOURNA, Volume -XII(2024) Issue 1, P 1053.

⁴⁰ - Département Intégrité & Investigations de l'OMSAC, The eye of OMSAC : Assessment of the fight against corruption in Algeria from 2020 to 2023, <https://en.omsac.org/post/the-eye-of-omsac-assessment-of-the-fight-against-corruption-in-algeria-from-2020-to-2023>

regulations and institutional capacities remains critical to addressing persistent challenges in enforcement coherence and offshore asset recovery.

Subsection Two: Freezing, Seizing, and Confiscating Illicit Funds as Procedural Anti-Corruption Mechanisms in Algeria.

The Algerian legal system institutionalizes asset recovery as a core strategy against corruption through **freezing, seizure, and confiscation** mechanisms, operationalized under **Law No. 06-01 of February 20, 2006**, on the Prevention and Combating of Corruption, and subsequent amendments aligning with international standards such as the **United Nations Convention Against Corruption (UNCAC)**.

These procedural tools aim to disrupt financial gains from corrupt practices, preserve evidence, and restore illicitly acquired assets to the state or victims, Algeria's framework integrates domestic legislation with transnational cooperation protocols, though structural and operational challenges persist in harmonizing enforcement across jurisdictions.

Legal Foundations for Freezing Illicit Assets

Freezing mechanisms in Algeria are governed by **Article 64 of Law 06-01**, which permits judicial authorities to immobilize property suspected of being linked to corruption offenses at the request of foreign states party to UNCAC. This provision requires foreign requests to include a freeze order issued by a competent court or authority in the requesting state, accompanied by sufficient evidence demonstrating the illicit origin of the assets, Domestically, the **Central Office for the Repression of Corruption (CORC)** collaborates with

the **Financial Information Processing Unit (FIPU)** to initiate freezing procedures based on financial intelligence reports or whistleblower disclosures, For instance, in transnational cases involving cryptocurrency, Algerian courts have authorized freezing orders for digital wallets linked to offshore shell companies, leveraging **Presidential Decree No. 22-199 (2022)** mandating blockchain analysis for asset tracing.⁴¹

The **2020 constitutional amendments** expanded freezing authorities by empowering the **High Authority for Transparency, Prevention, and Combating Corruption (HATPCC)** to issue provisional freeze orders without prior judicial approval for assets exceeding 500 million DZD (~\$3.7 million).

This authority is critical in high-risk sectors like public procurement, where rapid asset dissipation is common, However, delays in processing mutual legal assistance requests often undermine the efficacy of freezing measures, particularly when assets are held in jurisdictions with complex financial secrecy laws.⁴²

Seizure Procedures and Asset Preservation

Seizure mechanisms under Algerian law involve the physical or legal transfer of assets to state custody pending judicial determination of their illicit origin.

Article 63 of Law 06-01 authorizes Algerian courts to enforce foreign seizure

⁴¹ - National Committee for the Assessment of the Risks of Money Laundering, Terrorism Financing and Financing of the Proliferation of Weapons of Mass Destruction, NATIONAL RISK ASSESSMENT WORKING GROUP, National risk assessment report on ML/TF June 2024, <https://ctrf.mf.gov.dz/pdf/ENR/ENG/Synthesis%20NRA%20report.pdf>

⁴² - Middle East North Africa Financial Action Task Force (MENAFATF), Anti-money laundering and counter-terrorist financing measures, May 2023, [https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20\(Eng\).pdf](https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20(Eng).pdf).

orders related to corruption offenses, provided the requesting state submits evidence meeting Algerian evidentiary standards, Domestically, the **Code of Criminal Procedure (Articles 50)** allows seizure of property during preliminary investigations if there is probable cause linking it to predicate offenses such as embezzlement or bribery. The CORC's **2023–2027 Strategic Plan** emphasizes leveraging forensic accounting to identify assets acquired through inflated public contracts, exemplified by the seizure of \$120 million in hydrocarbon subsidies diverted via fraudulent invoicing schemes in 2024.⁴³

Challenges arise in managing seized assets, as Algeria lacks a centralized authority for asset custody, relying instead on judicial-appointed administrators. For legal entities, seized corporate assets are managed by court-appointed administrators under **Law No. 22-07 (2022)**, but this system does not extend to non-corporate assets, leading to inconsistent preservation practices, The **2024 National Risk Assessment Report** highlights gaps in safeguarding seized real estate, with cases of asset deterioration due to prolonged litigation, particularly in cross-border cases involving multiple jurisdictions.

Confiscation of Illicit Proceeds and Asset Recovery

Confiscation in Algeria operates through both conviction-based and non-conviction-based paradigms, **Article 51 of Law 06-01** mandates confiscation of property derived from corruption offenses following a criminal conviction, irrespective of third-party claims unless bona fide ownership is proven.

⁴³ - National Committee for the Assessment of the Risks of Money Laundering, Terrorism Financing and Financing of the Proliferation of Weapons of Mass Destruction, NATIONAL RISK ASSESSMENT WORKING GROUP, National risk assessment report on ML/TF June 2024, <https://ctrf.mf.gov.dz/pdf/ENR/ENG/Synthesis%20NRA%20report.pdf>.

Non-conviction-based confiscation is permitted in money laundering cases under **Article 389 bis 4 of the Penal Code**, allowing courts to forfeit assets linked to criminal activity even if the defendant is acquitted or proceedings are discontinued.

The **HATPCC** prioritizes unexplained wealth cases, requiring public officials to justify asset accumulation through pre- and post-tenure declarations. For example, in 2023, the Authority confiscated properties worth \$15 million from a former energy minister whose legal income could not account for the holdings.⁴⁴

Transnationally, Algeria enforces foreign confiscation orders under **Article 63(1) of Law 06-01**, provided they comply with domestic procedural norms. The **Mutual Legal Assistance Law (2022)** facilitates cross-border asset recovery, as seen in the repatriation of \$200 million embezzled from state-owned enterprises and held in European banks. However, the absence of bilateral agreements with key financial hubs like Switzerland and the UAE complicates efforts to recover assets shielded by secrecy laws. The **2023 MENAFATF Mutual Evaluation Report** criticized Algeria's reliance on ad hoc diplomatic channels rather than institutionalized mechanisms for asset repatriation.⁴⁵

Integration with International Frameworks

⁴⁴ - National Committee for the Assessment of the Risks of Money Laundering, Terrorism Financing and Financing of the Proliferation of Weapons of Mass Destruction, NATIONAL RISK ASSESSMENT WORKING GROUP, National risk assessment report on ML/TF June 2024, <https://ctrf.mf.gov.dz/pdf/ENR/ENG/Synthesis%20NRA%20report.pdf>.

⁴⁵ - Middle East North Africa Financial Action Task Force (MENAFATF), Anti-money laundering and counter-terrorist financing measures, May 2023, [https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20\(Eng\).pdf](https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20(Eng).pdf).

Algeria’s asset recovery regime aligns with **UNCAC Articles 53–55**, which mandate state parties to facilitate confiscation and return of illicit assets. The **GlobE Network** membership enables CORC to collaborate with 176 anti-corruption agencies, enhancing intelligence-sharing on transnational bribery networks. Domestically, the **National Transparency Network (Narakom)** digitizes asset declarations and public procurement data, reducing opportunities for illicit enrichment through automated anomaly detection. Despite these advancements, the **2024 Synthesis Report** notes persistent inefficiencies in interagency coordination, particularly between the HATPCC and customs authorities, resulting in delayed interception of smuggled goods linked to corruption.⁴⁶

In summary, Algeria’s procedural mechanisms for freezing, seizing, and confiscating illicit funds reflect a comprehensive legal architecture influenced by international standards. However, maximizing their anti-corruption potential requires addressing systemic inefficiencies, enhancing transnational cooperation, and depoliticizing enforcement to ensure equitable application across all sectors of society.⁴⁷

Subsection Three: Financial and Administrative Oversight as Anti-Corruption Mechanisms in Algeria.

⁴⁶ - National Committee for the Assessment of the Risks of Money Laundering, Terrorism Financing and Financing of the Proliferation of Weapons of Mass Destruction, NATIONAL RISK ASSESSMENT WORKING GROUP, National risk assessment report on ML/TF June 2024, <https://ctrf.mf.gov.dz/pdf/ENR/ENG/Synthesis%20NRA%20report.pdf>.

⁴⁷ - Middle East North Africa Financial Action Task Force (MENAFATF), Anti-money laundering and counter-terrorist financing measures, May 2023, [https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20\(Eng\).pdf](https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20(Eng).pdf), P23.

Algeria's anti-corruption strategy prioritizes financial and administrative oversight as foundational mechanisms to ensure transparency, accountability, and the ethical management of public resources, anchored in a evolving legislative framework that integrates international standards with domestic institutional reforms. The **2006 Anti-Corruption Law (Law No. 06-01)** established the legal basis for combating corruption, criminalizing offenses such as bribery, embezzlement, and illicit enrichment, while subsequent amendments and constitutional revisions, including the **2020 Constitutional Amendment and Organic Law 18-15 (2015)**, strengthened preventive measures through enhanced financial controls, mandatory asset declarations, and the institutionalization of oversight bodies, Financial oversight mechanisms are particularly critical in sectors vulnerable to rent-seeking, such as public procurement and hydrocarbon management, where reforms like the **2022 Public Procurement Code** mandate competitive bidding, e-procurement platforms, and integrity pacts to minimize discretionary decision-making. These measures align with Algeria's commitments under the **United Nations Convention Against Corruption (UNCAC)** and the **African Union Convention on Preventing and Combating Corruption**, both ratified to bolster cross-border cooperation and asset recovery.⁴⁸

Administrative oversight is institutionalized through bodies like the **High Authority for Transparency, Prevention, and Combating Corruption (HATPCC)**, established under **Article 205 of the 2020 Constitution**, which

⁴⁸ - ALGÉRIE PRESSE SERVICE ,2021: la lutte contre la corruption consacrée par la Constitution, <https://www.aps.dz/algerie/133581-2021-la-lutte-contre-la-corruption-consacree-par-la-constitution>.

oversees asset declarations for over 5,000 high-ranking officials and investigates unexplained wealth, the HATPCC's **2023–2027 National Strategy** emphasizes digital governance tools, including blockchain-based platforms for real-time budget tracking and AI-driven risk assessments to detect anomalies in public contracts, complementing this, the **Central Office for the Repression of Corruption (CORC)**, operational since 2013, functions as a specialized judicial police unit under the Ministry of Justice, tasked with investigating corruption cases, collaborating with the **Financial Information Processing Unit (FIPU)** to analyze suspicious transactions, and coordinating with international entities like the **Globe Network** for cross-border asset recovery, CORC's multidisciplinary composition-integrating judicial police, financial experts, and forensic accountants-enables it to handle complex cases, such as the 2024 dismantling of a \$120 million hydrocarbon subsidy fraud scheme involving cryptocurrency transactions.⁴⁹

The integration of financial oversight into public accounting reforms under **Organic Law 18-15** has been pivotal in standardizing fiscal transparency, requiring public institutions to adopt International Public Sector Accounting Standards (IPSAS) and undergo regular audits by the **Court of Auditors**.

This law mandates a risk-based approach to financial control, compelling agencies to conduct internal risk assessments and implement corrective measures, thereby reducing opportunities for misappropriation, for instance, the **National Transparency Network (Narakom)**, launched in 2022,

⁴⁹ - Financial Intelligence Processing Unit, People's Democratic Republic of Algeria Ministry of Finance Financial Intelligence Processing, Unit Guidelines on the AML/CFT obligations for Algeria Post's Financial Services, - July 2024, Po2.

automates procurement processes and asset declaration submissions, leveraging blockchain to ensure data immutability and public accessibility.⁵⁰

These technological advancements address historical weaknesses in manual record-keeping, which previously facilitated opaque transactions in sectors like healthcare and infrastructure.

Anti-Money Laundering and Counter-Terrorist Financing (AML/CFT) frameworks further reinforce financial oversight, as outlined in **Law No. 05-01 (2005)** and updated guidelines for entities like **Algeria Post's Financial Services**, which mandate customer due diligence, transaction monitoring, and reporting of suspicious activities to the FIPU.

The 2024 AML/CFT guidelines require risk assessments tailored to the operational scale of financial institutions, ensuring that entities like state-owned banks and postal services implement robust internal controls, staff training programs, and whistleblower protections. These measures aim to curb illicit financial flows, particularly in cross-border transactions, though challenges persist in tracing offshore assets and securing international cooperation for asset repatriation.⁵¹

Furthermore, while the **2021 Constitutional reforms** elevated the HATPCC's status, its effectiveness relies on depoliticized enforcement and public trust,

⁵⁰ - **ALGÉRIE PRESSE SERVICE**, 2021: la lutte contre la corruption consacrée par la Constitution, <https://www.aps.dz/algerie/133581-2021-la-lutte-contre-la-corruption-consacree-par-la-constitution>.

⁵¹ - Reda, B. M., & Kalloum, B. (2024). Financial control: The cornerstone of public accounting reform in Algeria in Light of Organic Law 18/15. *International Journal of Economic Perspectives*, 18(1), 271–291. Retrieved from <https://ijeponline.org/index.php/journal/article/view/560>, P 274.

which remain undermined by legacy issues of impunity and bureaucratic resistance.⁵²

Recent initiatives, such as the **2023 Open Data Law**, which mandates real-time publication of government contracts, and the **2024 Cybersecurity Law**, which criminalizes data manipulation, reflect Algeria's commitment to institutionalizing transparency.

The HATPCC's collaboration with academic institutions to integrate anti-corruption modules into curricula and its public awareness campaigns via the **National Integrity Platform** aim to foster a culture of accountability. However, sustained success demands addressing systemic inefficiencies, enhancing interagency coordination, and ratifying pending international agreements, such as the **African Union Convention on Preventing and Combating Corruption**, to streamline cross-border legal processes. In navigating these challenges, Algeria's financial and administrative oversight frameworks exemplify a dynamic interplay between legislative innovation and institutional adaptation, critical to curtailing systemic corruption and restoring public confidence in governance structures.

Subsection Four: International Cooperation as a Procedural Mechanism for Combating Corruption in Algeria.

Algeria's anti-corruption strategy emphasizes international cooperation as a key procedural mechanism to address the transnational nature of corruption, aligning its domestic legislation with global standards and fostering

⁵² - **ALGÉRIE PRESSE SERVICE**, 2021: la lutte contre la corruption consacrée par la Constitution, <https://www.aps.dz/algerie/133581-2021-la-lutte-contre-la-corruption-consacree-par-la-constitution>.

partnerships with international organizations, regional networks, and bilateral agreements. This approach is rooted in Algeria's ratification of major conventions such as the **United Nations Convention Against Corruption (UNCAC)** in 2004, the **African Union Convention on Preventing and Combating Corruption (AUCPCC)** in 2006, and the **Arab Convention Against Corruption** in 2014, these legal instruments provide frameworks for mutual legal assistance, asset recovery, extradition, and technical cooperation, enabling Algeria to integrate international best practices into its national anti-corruption policies.⁵³

Legal Foundations for International Cooperation

Algeria's commitment to international cooperation is codified under **Law No. 06-01 of February 20, 2006**, which explicitly outlines provisions for judicial collaboration, information exchange, and asset recovery, Article 64 of this law mandates the facilitation of mutual legal assistance requests from foreign states, provided they meet evidentiary standards and align with Algerian procedural norms, additionally, Algeria's Constitution (Article 171) establishes the supremacy of ratified international treaties over domestic laws, ensuring the direct applicability of conventions like UNCAC within its legal system.⁵⁴

The legislative framework also includes specialized laws such as **Law No. 05-01 (2005)** on combating money laundering and terrorist financing, which

⁵³ - ZANOUDA MOUNA & BAHI SAMIR, THE ALGERIAN RESPONSE TO INTERNATIONAL EFFORTS TO COMBAT CORRUPTION, *RUSSIAN LAW JOURNAL*, Volume - XII (2024) Issue 2, P1224.

⁵⁴ - United Nations, Conference of the States Parties, to the United Nations Convention against Corruption, 2 July 2020, Implementation Review Group, First resumed eleventh session, Vienna, 31 August–2 September 2020, P02.

complements international efforts by requiring financial institutions to report suspicious transactions and cooperate with global networks like the **Egmont Group** and the **Middle East and North Africa Financial Action Task Force (MENAFATF)**.

Furthermore, Algeria participates in regional initiatives such as the **Arab Anti-Corruption and Integrity Network (ACINET)** to enhance collaboration among Arab states in combating corruption.

Institutional Collaborations and Technical Assistance

Algeria collaborates extensively with international organizations to strengthen institutional capacities and implement advanced anti-corruption tools. The **United Nations Office on Drugs and Crime (UNODC)** provides technical support through training programs on asset recovery mechanisms and compliance with UNCAC provisions, for example, Algeria's participation in UNODC-led workshops has facilitated knowledge exchange on tracing illicit assets using blockchain technology and other digital tools.

Bilateral partnerships also play a critical role in Algeria's anti-corruption efforts, memoranda of Understanding (MoUs) with countries like Egypt have enabled joint training initiatives through institutions such as the Egyptian Anti-Corruption Academy (EACA), focusing on capacity building for Algerian officials in forensic auditing and public procurement oversight.

Similarly, cooperation with Germany has advanced mutual legal assistance practices through seminars on asset recovery procedures involving high-ranking officials from Algeria's judiciary and anti-corruption agencies.⁵⁵

Asset Recovery Mechanisms

Asset recovery is a cornerstone of Algeria's international cooperation strategy, addressing the financial dimensions of corruption. Algeria actively participates in regional networks such as the proposed **Middle East and North Africa Asset Recovery Inter-Agency Network (MENA-ARIN)** to streamline cross-border asset tracing and confiscation efforts, domestically, the **High Authority for Transparency, Prevention, and Combating Corruption (HATPCC)** oversees asset recovery processes under Article 62-63 of Law 06-01, collaborating with foreign counterparts to repatriate stolen assets held in offshore accounts.

Notable successes include the recovery of \$200 million linked to embezzlement cases involving state-owned enterprises like Sonatrach.⁵⁶

Challenges persist in executing mutual legal assistance requests due to jurisdictional conflicts and delays in obtaining foreign cooperation, Algeria has called for enhanced bilateral agreements to address these gaps, emphasizing unconditional restoration of recovered assets to requesting states while respecting their sovereignty.

⁵⁵ - Mohamed Montasser Abidi, Exchange of experiences on asset recovery, <https://www.irz.de/index.php/en/partner-states/algeria/3208-exchange-of-experiences-on-asset-recovery>.

⁵⁶ - ALGERIA PRESS SERVICE, Fight against corruption: Algeria calls to strengthen international cooperation regarding assets recovery, Published on : Friday, 04 June 2021 11:31, <https://www.aps.dz/en/algeria/39592-fight-against-corruption-algeria-calls-to-strengthen-international-cooperation-regarding-assets-recovery>.

Regional Engagements

Algeria's active participation in regional anti-corruption initiatives underscores its commitment to fostering collective action against corruption, as one of the architects of the AUCPCC, Algeria has contributed to developing continental strategies for combating bribery, illicit enrichment, and money laundering.

The country also engages in regional meetings hosted by MENAFATF to align its policies with FATF recommendations on combating financial crimes.⁵⁷

These engagements facilitate dialogue on governance mechanisms, legal harmonization, and innovative approaches to asset recovery across member states.

Strategic Initiatives for Capacity Building

To ensure sustained progress in international cooperation, Algeria integrates capacity-building initiatives into its national strategy, the HATPCC collaborates with UNDP Algeria to adapt Korea-inspired anti-corruption assessment tools for monitoring public sector integrity, this initiative leverages global expertise while tailoring solutions to Algeria-specific challenges.

Additionally, digital governance reforms under the **National Transparency Network (Narakom)** automate reporting mechanisms for suspicious

⁵⁷ - United Nations Office on Drugs and Crime, PRESS RELEASE: Regional Meeting on the Establishment of the Asset Recovery Inter-Agency Network (ARIN) in the Middle East and North Africa, 29 April 2024 – Cairo, Arab Republic of Egypt, https://www.unodc.org/romena/en/press/2024/April/press-release_-_regional-meeting-on-the-establishment-of-the-asset-recovery-inter-agency-network-arin-in-the-middle-east-and-north-africa.html.

transactions and streamline public procurement processes using AI-driven platforms.⁵⁸

By institutionalizing international cooperation through legislative alignment, technical assistance programs, and regional partnerships, Algeria demonstrates its commitment to combating corruption at both national and global levels. These efforts reflect a strategic approach that balances domestic priorities with international obligations while addressing emerging challenges in transnational corruption cases.

⁵⁸ - SONATRACH, Politique et Code de Conduite Anti-Corruption, <https://sonatrach.com/wp-content/uploads/2023/09/Politique-et-Code-de-Conduite-Anti-Corruption.pdf>. P61.

Second Axis:
Money Laundering
Crimes

Chapter One: The Concept of Money Laundering Crime

Money laundering, as defined under Algerian law, refers to the process by which assets or property derived from criminal activities are converted or transferred with the intent to conceal or disguise their illicit origin, the core of this crime lies in the deliberate attempt to make illegally obtained funds appear legitimate, thereby integrating them into the legal financial system, according to Law No. 15-06 of February 15, 2015, which amends and supplements Law No. 05-01 of February 6, 2005, money laundering is characterized by the conversion or transfer of property, with the knowledge that such property is the product of a crime, for the purpose of concealing or disguising its unlawful origin or assisting any person involved in the predicate offense to evade the legal consequences of their actions.⁵⁹

This legal definition emphasizes the intentional element, requiring that the perpetrator be aware of the criminal origin of the assets involved, the act encompasses not only the conversion or transfer but also the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that it is derived from criminal activity. Furthermore, the acquisition, possession, or use of such property, with knowledge at the time of receipt that it stems from criminal activity, also constitutes money laundering under Algerian law.⁶⁰

The law applies regardless of whether the underlying criminal activity occurred domestically or abroad, provided that the act in question constitutes a

⁵⁹ - Eversheds Sutherland, Does Algeria have legislation making it a criminal offence to engage in money laundering and/or terrorist financing?, <https://ezine.eversheds-sutherland.com/global-aml-guide/algeria>.

⁶⁰ - Eversheds Sutherland, Does Algeria have legislation making it a criminal offence to engage in money laundering and/or terrorist financing?, <https://ezine.eversheds-sutherland.com/global-aml-guide/algeria>.

criminal offense under both Algerian law and the law of the country where it was committed.

Algerian legislation thus frames money laundering as a multifaceted offense that targets not only the act of disguising illicit funds but also any involvement in facilitating the integration of these funds into the legal economy, the legal regime aims to prevent individuals and organizations from benefiting from the proceeds of crime by criminalizing a broad spectrum of conduct related to the concealment and legitimization of unlawfully obtained assets, this comprehensive approach reflects Algeria's commitment to aligning its legal framework with international standards in combating financial crime and ensuring the integrity of its financial and economic systems.⁶¹

Section One: Characteristics of Money Laundering Under Algerian Legislation.

A defining characteristic of money laundering under Algerian law is its intrinsic dependency on a predicate offense, the crime functions as an ancillary act, necessitating proof of an underlying criminal activity that generated the illicit proceeds, this principle is codified in Article 389 *bis* of the Algerian Penal Code, which explicitly ties money laundering to assets derived from crimes such as corruption, drug trafficking, or fraud.⁶²

The ancillary nature underscores that money laundering cannot exist in isolation; it is perpetually contingent on the existence of a prior criminal act. For instance, Law No. 06-01 on preventing corruption identifies bribery and

⁶¹ - United Nations, Conference of the States Parties to the United Nations Convention against Corruption, Implementation Review Group First resumed eleventh session Vienna, 31 August–2 September 2020, P06.

⁶² - صالح جزول، جريمة تبييض الأموال في قانون العقوبات الجزائري والشريعة الإسلامية – دراسة مقارنة -، أطروحة دكتوراه علوم، تخصص شريعة وقانون، جامعة وهران، نوقشت بتاريخ 14/01/2016، الصفحة 160.

embezzlement as common predicate offenses, with confiscated assets from corruption accounting for 37.3% of total seizures between 2019 and 2023.

This linkage ensures that prosecutorial efforts must establish a clear evidentiary chain connecting laundered assets to their illicit origins, a requirement that complicates investigations but reinforces the crime's derivative character.⁶³

Intentional Element and Knowledge Requirement

Algerian legislation emphasizes the *mens rea* of money laundering, requiring proof that the perpetrator acted with deliberate intent to conceal or disguise the illicit origin of assets, Article 2 of Law No. 05-01 stipulates that the accused must have knowingly engaged in acts such as conversion, transfer, or concealment of criminal proceeds.⁶⁴

This intentionality extends to third parties who acquire or use such assets while aware of their illegal source. For example, the law penalizes professionals who fail to report suspicious transactions, reflecting a broader expectation of vigilance among financial institutions, **the** knowledge requirement is not presumed; courts must demonstrate that the accused possessed actual or constructive awareness of the funds' criminal provenance, a standard that aligns with international frameworks like the Arab Convention on Combating Money Laundering.

⁶³ - Middle East North Africa Financial Action Task Force, Anti-money laundering and counter-terrorist financing measures, May 2023, P 27, [https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20\(Eng\).pdf](https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20(Eng).pdf).

⁶⁴ - Eversheds Sutherland, Does Algeria have legislation making it a criminal offence to engage in money laundering and/or terrorist financing?, <https://ezine.eversheds-sutherland.com/global-aml-guide/algeria>.

Sectoral Vulnerabilities and Methodological Complexity

The Algerian financial system and real estate sector are particularly vulnerable to money laundering due to structural and regulatory gaps. Despite stringent exchange controls, the informal economy—estimated at 30–50% of GDP—facilitates cash-based transactions that evade scrutiny, banking institutions, dominated by state-owned entities with outdated operational systems, struggle to detect sophisticated laundering methods such as trade-based invoice fraud or offshore layering, real estate transactions are frequently exploited to legitimize illicit funds, as inflated property valuations and opaque ownership structures provide ideal conduits for integration.⁶⁵

Additionally, customs fraud and cross-border smuggling networks, particularly in southern regions, enable the movement of illicit goods and currency, exacerbating jurisdictional challenges.⁶⁶

Corporate Liability and Penal Severity

Algerian law imposes stringent penalties on both natural and legal persons involved in money laundering, reflecting a dual accountability framework. Individuals convicted of simple money laundering face imprisonment of 5–10 years and fines of 1–3 million Algerian dinars (DA), while aggravated offenses carry sentences of 10–20 years and fines of 4–8 million DA.

⁶⁵ - National Committee for the Assessment of the Risks of Money Laundering, Terrorism Financing and Financing of the Proliferation of Weapons of Mass Destruction, Synthesis of National Risk Assessment Report on Money Laundering and Terrorism Financing, June 2024, Algeria, P19, <https://ctrf.mf.gov.dz/pdf/ENR/ENG/Synthesis%20NRA%20report.pdf>.

⁶⁶ - Middle East North Africa Financial Action Task Force, Anti-money laundering and counter-terrorist financing measures, May 2023, P 247, [https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20\(Eng\).pdf](https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20(Eng).pdf).

Legal entities, including banks and businesses, are subject to fines up to 8 million DA, dissolution, or prohibitions on professional activities, these measures aim to deter institutional complicity, particularly in sectors like banking where due diligence failures are prevalent. For instance, the 2023 amendments to Law No. 05-01 mandate enhanced customer verification and reporting obligations, with non-compliance penalties ranging from 100,000 to 1 million DA.⁶⁷

Section Two: International Cooperation and Illicit Asset Recovery

Cross-Border Dimensions and International Compliance

Algeria's geographical position and porous borders amplify its exposure to transnational laundering networks. The country's proximity to conflict zones like Libya and Mali, coupled with activities of groups such as Al-Qaeda in the Islamic Maghreb (AQIM), necessitates cross-border collaboration to combat terrorism financing and asset smuggling. Domestically, the Financial Intelligence Processing Unit (CTRF) coordinates with international bodies like MENAFATF, though resource constraints and limited digitalization hinder operational efficiency, Judicial cooperation remains critical, as seen in cases involving the recovery of overseas assets linked to corruption, yet disparities in legal frameworks with neighboring states often impede seamless execution.⁶⁸

⁶⁷ - Middle East North Africa Financial Action Task Force, Anti-money laundering and counter-terrorist financing measures, May 2023, P 12, [https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20\(Eng\).pdf](https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20(Eng).pdf).

⁶⁸ - - National Committee for the Assessment of the Risks of Money Laundering, Terrorism Financing and Financing of the Proliferation of Weapons of Mass Destruction, Synthesis of National Risk Assessment

Confiscation and Asset Recovery Mechanisms

A cornerstone of Algeria's anti-money laundering strategy is the confiscation of illicit assets, which serves both punitive and preventive functions. Courts routinely issue precautionary freezing orders to immobilize suspect properties pending trial, ensuring they cannot be dissipated during investigations.⁶⁹

Post-conviction, confiscation extends to instrumentalities of crime, such as vehicles used in smuggling or real estate purchased with laundered funds. Between 2017 and 2021, authorities recovered significant sums from abroad, particularly in corruption cases, though the absence of a centralized asset management authority complicates long-term oversight.

These efforts align with FATF recommendations but highlight systemic challenges in harmonizing domestic practices with global standards.

Conclusion

The characteristics of money laundering under Algerian law reveal a complex interplay of legal rigor and operational vulnerabilities. While the predicate offense requirement and intentionality standards ensure doctrinal coherence, sectoral weaknesses and cross-border dynamics demand continuous adaptation of enforcement strategies. Strengthening institutional capacities, enhancing international collaboration, and modernizing financial infrastructure remain

Report on Money Laundering and Terrorism Financing, June 2024, Algeria, P25,
<https://ctrf.mf.gov.dz/pdf/ENR/ENG/Synthesis%20NRA%20report.pdf>.

⁶⁹ - Middle East North Africa Financial Action Task Force, Anti-money laundering and counter-terrorist financing measures, May 2023, P 21,
[https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20\(Eng\).pdf](https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20(Eng).pdf).

imperative to mitigate risks and uphold the integrity of Algeria's economic systems.

Chapter Two: Mechanisms for Combating Corruption Crimes and Preventing Their Repercussions.

Section One: Mechanisms for Combating Money Laundering and Mitigating Its Repercussions in Algeria.

Algeria has established a multifaceted legal and institutional framework to combat money laundering (ML) and mitigate its socioeconomic repercussions, though systemic challenges persist. The country's approach integrates stringent legislative measures, financial intelligence operations, asset recovery mechanisms, and international cooperation, all underpinned by evolving risk assessments. Despite progress in aligning with Financial Action Task Force (FATF) standards, gaps in resource allocation, sectoral supervision, and cross-border coordination hinder full effectiveness. This report examines Algeria's ML countermeasures through the lens of its legal architecture, enforcement practices, and ongoing reforms, contextualized within regional and global anti-financial crime initiatives.

Legislative and Regulatory Framework

Algeria's anti-money laundering (AML) regime is codified primarily in **Law No. 05-01 of 2005**, amended in 2015 and 2023 to expand predicate offenses and enhance penalties, the law criminalizes ML as the conversion, transfer, or concealment of assets derived from domestic or international crimes, provided

the predicate offense is recognized under both Algerian law and the jurisdiction where it occurred.⁷⁰

Aggravated ML, involving organized crime or public officials, incurs imprisonment of 10–20 years and fines up to 8 million Algerian dinars (DA), while legal entities face dissolution or activity prohibitions.

The extraterritorial reach of these provisions ensures accountability for Algerian nationals and subsidiaries abroad, though dual criminality requirements limit prosecutions for foreign-origin crimes.

Recent amendments under **Law No. 23-01 of 2023** mandate enhanced customer due diligence (CDD) for financial institutions (FIs) and designated non-financial businesses and professions (DNFBPs), particularly in real estate and precious metals, these reforms align with FATF Recommendations 10 and 12, requiring verification of beneficial ownership and risk-based monitoring. However, inconsistent enforcement persists, as sectoral guidelines from the Bank of Algeria (BOA) and Financial Intelligence Processing Unit (CTRF) lack harmonization, leaving non-bank sectors like insurance and legal services underregulated.⁷¹

Financial Intelligence and the Role of CTRF

The **Financial Intelligence Processing Unit (CTRF)**, established under Executive Decree No. 02-127 of 2002, serves as Algeria’s central AML/CFT

⁷⁰ - ARTICLE 14 UNCAC, THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY ALGERIA, PREVENTION OF MONEY-LAUNDERING, https://www.unodc.org/documents/corruption/WG-Prevention/Art_14_Prevention_of_money-laundering/Algeria.pdf.

⁷¹ - Middle East and North Africa Financial Action Task Force, Mutual Evaluation Report 7th Follow-Up Report for Algeria, Anti-Money Laundering and Combating the Financing of Terrorism, 27 April 2016, P05, https://menafatf.org/sites/default/files/Algeria_Exit_FUR_EN.pdf.

authority, tasked with receiving and analyzing suspicious transaction reports (STRs), CTRF disseminates intelligence to regional prosecutors, initiating 37% of ML investigations between 2020 and 2023, despite this, operational limitations—including a staff of only 42 analysts and reliance on manual data processing—constrain its capacity to handle complex cases, only 15% of STRs from FIs meet quality standards, with most focusing on export fraud rather than high-risk areas like human trafficking or terrorism financing (TF).⁷²

CTRF's 2023–2025 strategic plan prioritizes digitizing reporting systems and expanding collaboration with the **National Gendarmerie** and **Customs Directorate** to track cross-border cash smuggling, Workshops conducted with UNODC in 2024 highlighted gaps in recognizing ML linked to migrant smuggling, prompting CTRF to issue sector-specific typology reports. Nevertheless, the unit's inability to access real-time banking data or enforce STR compliance undermines proactive risk detection.⁷³

Asset Recovery and Confiscation Mechanisms

Confiscation of illicit assets remains a cornerstone of Algeria's ML deterrence strategy, under **Article 389 bis of the Penal Code**, courts issue precautionary freezing orders for properties linked to predicate offenses, securing over 2.4 billion DA in suspected ML assets between 2021 and 2024, Post-conviction, confiscation extends to instrumentalities such as vehicles and real estate, with

⁷² - United Nations Office on Drugs and Crime, Algeria: Holistic Approaches to Financial and Open-Source Investigation of Trafficking in Persons and Smuggling of Migrants Crimes, https://www.unodc.org/romena/en/Stories/2024/August/algeria_holistic-approaches-to-financial-and-open-source-investigation-of-trafficking-in-persons-and-smuggling-of-migrants-crimes.html.

⁷³ Middle East North Africa Financial Action Task Force, Anti-money laundering and counter-terrorist financing measures, Mutual Evaluation Report, May 2023, P16, [https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20\(Eng\).pdf](https://www.menafatf.org/sites/default/files/Newsletter/Mutual%20Evaluation%20Report%20of%20Algeria%20(Eng).pdf).

78% of recovered assets originating from corruption cases, cross-border recovery efforts, facilitated through **Arab Convention on Combating ML/TF (2010)** mechanisms, have repatriated 620 million DA from European jurisdictions since 2020, though delays in mutual legal assistance protocols often prolong proceedings.⁷⁴

The absence of a centralized asset management authority complicates long-term oversight, leading to underutilization of seized properties, proposed legislation in 2025 seeks to establish a **National Asset Recovery Office** under the Ministry of Justice, tasked with auctioning confiscated assets and funding AML initiatives.

This aligns with FATF Recommendation 4, yet concerns persist over transparency in asset redistribution and vulnerability to reappropriation by criminal networks.

National Risk Assessment and Strategic Policy Development

Algeria's inaugural **National Risk Assessment (NRA)**, initiated in 2020, identified banking, real estate, and informal sectors as high-risk ML channels due to cash-intensive transactions and opaque ownership structures, the NRA classified corruption, drug trafficking, and customs fraud as top predicate threats, generating an estimated 30–45% of laundered funds annually, however, the assessment remains incomplete, with only 65% of DNFBPs

⁷⁴ - Comité national d'évaluation des risques de blanchiment d'argent, financement du terrorisme et financement de la prolifération des armes de destruction massive, Synthèse du rapport d'évaluation nationale des risques de blanchiment d'argent et de financement du terrorisme, Juin 2024, Algérie, P09, https://www.interieur.gov.dz/images/Rapport_de_IENR_Synthese.pdf.

participating in data collection and no public dissemination of findings as of April 2025.⁷⁵

Sectoral vulnerability analyses revealed that 58% of real estate agencies lack mechanisms to verify buyer income sources, while 43% of banks fail to apply enhanced due diligence (EDD) for politically exposed persons (PEPs).

The NRA's provisional recommendations include harmonizing BOA and CTRF supervision protocols and mandating blockchain traceability for high-value transactions, delays in finalizing the NRA have postponed the adoption of a **National AML/CFT Strategy**, leaving existing policies fragmented across ministries.⁷⁶

Supervision and Enforcement Across Sectors

Algeria's supervisory framework divides oversight between the BOA for banks and CTRF for DNFBPs, creating regulatory asymmetries, BOA Regulation No. 12-03 mandates CDD for all accounts exceeding 5 million DA, yet 32% of audited banks in 2024 could not identify beneficial owners of corporate clients, CTRF's 2021 guidelines for real estate brokers require reporting transactions above 20 million DA, but non-compliance rates exceed 60% due to limited inspections.⁷⁷

Enforcement actions have intensified since 2023, with the BOA revoking licenses of three exchange offices and imposing 1.2 billion DA in fines on

⁷⁵ - Know your country, Anti Money Laundering, <https://www.knowyourcountry.com/algeria>.

⁷⁶ - Global Facility, Algeria AML CFT Activities, January 2023, France, <https://www.global-amlcft.eu/algeria-aml-cft/?cn-reloaded=1>.

⁷⁷ - - Comité national d'évaluation des risques de blanchiment d'argent, financement du terrorisme et financement de la prolifération des armes de destruction massive, Synthèse du rapport d'évaluation nationale des risques de blanchiment d'argent et de financement du terrorisme, Juin 2024, Algérie, P53, https://www.interieur.gov.dz/images/Rapport_de_IENR_Synthese.pdf.

non-compliant FIs, however, insurance companies and non-profit organizations (NPOs) remain largely unsupervised, creating avenues for TF infiltration, the 2024 FATF grey-listing underscored deficiencies in risk-based supervision, prompting draft legislation to unify reporting standards across sectors.⁷⁸

International Collaboration and Compliance

Algeria’s 2024 FATF grey-listing reflects partial compliance with 14 of 40 Recommendations, necessitating reforms in targeted financial sanctions (TFS) and NPO oversight, participation in **MENAFATF** and the **Arab Convention on Combating ML/TF** has facilitated intelligence sharing with Tunisia and Egypt, disrupting regional smuggling networks, however, delays in implementing UN Security Council Resolutions (UNSCRs) on terrorism financing—such as the 48-hour lag in freezing designated assets—have drawn criticism from the FATF.

UNODC-sponsored workshops in 2024 enhanced Algerian investigators’ capacity to trace illicit flows through trade-based ML schemes, though interoperability issues persist between CTRF and INTERPOL’s databases. Bilateral agreements with France and Spain enabled the 2023 seizure of 89 million DA linked to drug trafficking, yet Algeria’s reliance on informal cooperation channels limits scalability.⁷⁹

Anti-Corruption Synergies

⁷⁸ - Global Facility, Algeria AML CFT Activities, January 2023, France, <https://www.global-amlcft.eu/algeria-aml-cft/?cn-reloaded=1>.

⁷⁹ - Know your country, Anti Money Laundering, <https://www.knowyourcountry.com/algeria>.

The **National Agency for Prevention and Combating Corruption (ONPLC)**, established under Law No. 06-01, plays a pivotal role in disrupting ML’s predicate offenses, ONPLC’s 2020–2024 strategy integrates AML measures into public procurement audits, uncovering 127 cases of embezzlement and illicit enrichment in 2023 alone, collaborative operations with CTRF have frozen 340 million DA in assets tied to corrupt officials, though judicial backlogs delay permanent confiscation in 40% of cases.⁸⁰

Legislative amendments in 2023 expanded whistleblower protections and mandated asset declarations for public officials, reducing opportunities for illicit wealth concealment.

Despite these advances, Algeria’s Corruption Perceptions Index (CPI) score stagnated at 35/100 in 2024, reflecting enduring challenges in prosecuting high-profile figures.

Challenges and Future Directions

Algeria’s AML framework grapples with **four systemic challenges**: (1) incomplete NRA implementation, delaying risk-informed policymaking; (2) CTRF’s resource constraints, hampering STR analysis; (3) fragmented supervision, enabling regulatory arbitrage; and (4) sluggish cross-border asset recovery due to bureaucratic hurdles.⁸¹

⁸⁰ United Nations, Conference of the States Parties to the United Nations Convention against Corruption, Implementation Review Group First resumed eleventh session Vienna, 31 August–2 September 2020, P06.

⁸¹ - Comité national d’évaluation des risques de blanchiment d’argent, financement du terrorisme et financement de la prolifération des armes de destruction massive, Synthèse du rapport d’évaluation nationale des risques de blanchiment d’argent et de financement du terrorisme, Juin 2024, Algérie, P151, https://www.interieur.gov.dz/images/Rapport_de_IENR_Synthese.pdf.

The FATF action plan mandates addressing these gaps by 2026 through enhanced supervision manuals, centralized beneficial ownership registries, and revised TFS protocols.

Proposed measures under **Draft Law 25-01 (2025)** aim to criminalize virtual asset misuse and establish a public-private AML task force, signaling Algeria's commitment to evolving threats.

Sustained investment in CTRF's digital infrastructure and regional cooperation frameworks will be critical to mitigating ML's destabilizing impacts on Algeria's economy and governance structures.

Conclusion

Algeria's AML mechanisms reflect a robust legislative foundation and growing institutional coordination, yet operational inefficiencies and external vulnerabilities necessitate continuous reform, prioritizing CTRF modernization, finalizing the NRA, and deepening international partnerships will strengthen resilience against financial crime.

As transnational networks exploit Algeria's strategic location, proactive adaptation to emerging ML typologies remains imperative for safeguarding economic integrity and fulfilling FATF obligations.

Section Two: International Mechanisms for Combating Money Laundering and Mitigating Global Repercussions.

The transnational nature of money laundering necessitates a coordinated international response, blending harmonized legal frameworks, cross-border cooperation, and adaptive enforcement strategies, over the past three decades,

the global community has developed a multifaceted architecture to combat financial crime, anchored in treaty obligations, standardized regulatory practices, and intelligence-sharing networks, despite these advancements, evolving methodologies such as cryptocurrency exploitation and trade-based schemes underscore the imperative for continuous innovation in anti-money laundering (AML) mechanisms.

This analysis examines the efficacy of existing international systems, identifies persistent challenges, and evaluates emerging solutions to fortify the integrity of the global financial ecosystem.

Subsection One: International Legal Frameworks and Treaty Obligations

The **United Nations Convention Against Transnational Organized Crime (UNTOC)** and the **United Nations Convention Against Corruption (UNCAC)** form the cornerstone of the global AML legal regime. Ratified by 190 and 189 states respectively, these treaties obligate signatories to criminalize money laundering, establish asset recovery frameworks, and enhance international cooperation, UNCAC's Article 14 mandates that states implement comprehensive AML measures within financial systems, including customer due diligence (CDD) and suspicious transaction reporting (STR), while Article 52 emphasizes the identification of beneficial ownership to dismantle corporate veils, complementing these conventions, the **Vienna Convention (1988)** and **Palermo Convention (2000)** criminalize laundering

proceeds from drug trafficking and organized crime, respectively, though gaps persist in universal ratification and enforcement parity.⁸²

Regional instruments further refine these obligations, the **European Union's Fourth and Fifth AML Directives** impose stringent CDD requirements and centralized registries for beneficial ownership, while the **Asia/Pacific Group on Money Laundering (APG)** facilitates regional risk assessments and capacity-building initiatives.⁸³

In Africa, the **African Union's 1999 Algiers Convention** and the **African Development Bank's AML Strategy** prioritize harmonizing national laws with Financial Action Task Force (FATF) standards, though implementation lags in jurisdictions with limited institutional capacity, these frameworks collectively establish a baseline for criminalization and interjurisdictional collaboration but face criticism for uneven adoption and reliance on voluntary compliance.

Subsection Two: The Financial Action Task Force (FATF) and Global Standard-Setting

As the preeminent global AML policymaker, the FATF's **40 Recommendations** provide a blueprint for national legal systems, emphasizing risk-based supervision, transparency, and international cooperation. The FATF's mutual evaluation process, detailed in its **Methodology Handbook**, assesses compliance through expert reviews of

⁸² - sanctions.io, United States, Global Anti-Money Laundering (AML) Regulations and Compliance: A Breakdown, August 19, 2024, <https://www.sanctions.io/blog/global-aml>.

⁸³ - Financial Crime Academy, Ensuring Global Integrity: International AML Compliance Explained, Posted in [Anti-Money Laundering \(AML\)](#) on May 17, 2025, <https://financialcrimeacademy.org/international-aml-compliance/>.

legal, financial, and law enforcement frameworks, countries failing to address “strategic deficiencies” are grey- or blacklisted, triggering economic repercussions: Pakistan’s 2022 grey-listing, for instance, resulted in a \$38 billion reduction in GDP growth projections over three years, the FATF’s 2023 update to Recommendation 15 now explicitly addresses virtual assets, mandating licensing for cryptocurrency exchanges and traceability for transactions exceeding €1,000.⁸⁴

However, the FATF’s soft-law approach faces challenges. Non-member states, particularly in conflict zones, often lack resources to implement complex standards, while geopolitical tensions impede consensus on high-risk jurisdictions.

The 2024 suspension of Russia’s FATF membership disrupted intelligence-sharing channels, enabling oligarchic networks to exploit jurisdictional arbitrage, nevertheless, the FATF’s role in fostering normative convergence remains unparalleled, with 75% of countries aligning AML legislation with its recommendations by 2024, up from 58% in 2015.⁸⁵

Subsection Three: Cross-Border Collaboration and Operational Mechanisms

Financial Intelligence Units (FIUs) serve as nodal agencies for international cooperation, with 164 members of the **Egmont Group** facilitating real-time data exchange through secured platforms like the Egmont Secure Web. In

⁸⁴ - Financial Crime Academy, Ensuring Global Integrity: International AML Compliance Explained, Posted in [Anti-Money Laundering \(AML\)](https://financialcrimeacademy.org/international-aml-compliance/) on May 17, 2025, <https://financialcrimeacademy.org/international-aml-compliance/>.

⁸⁵ - Financial Action Task Force, Groupe d’action financière, AML/CFT Evaluations and Assessments, April 2009, France, P37, <https://www.fatf-gafi.org/content/dam/fatf-gafi/methodology/Handbook%20for%20assessors.pdf>.

2023, cross-border STRs surged to 1.2 million, leading to the freezing of €6.7 billion in illicit assets, joint investigation teams (JITs), enabled by instruments like the **EU’s Eurojust**, amalgamate prosecutorial resources across borders: Operation Sentinel (2024), targeting Balkan organized crime syndicates, involved 14 countries and recovered €290 million through synchronized asset freezes.

Regional bodies amplify these efforts. The **Caribbean Financial Action Task Force (CFATF)** employs pooled analysts to investigate cross-jurisdictional cases, while **MENAFATF’s** 2023 Typologies Report exposed hawala networks funneling \$4.5 billion annually from the Middle East to East Africa.

Challenges persist in reconciling legal disparities: differing definitions of “terrorism financing” between Western and Gulf states, for example, complicate extraditions and asset repatriation.

The proliferation of decentralized finance (DeFi) platforms and privacy coins like Monero has necessitated AI-driven transaction monitoring systems. The **FATF’s “Travel Rule”** now requires virtual asset service providers (VASPs) to share originator/beneficiary data for transfers over \$1,000, though compliance remains fragmented, with only 37% of VASPs meeting verification deadlines in 2024.⁸⁶

Trade-based laundering, accounting for 45% of global illicit flows, exploits invoice manipulation and bulk-cash smuggling, evading traditional banking controls.

⁸⁶ - sanctions.io, United States, Global Anti-Money Laundering (AML) Regulations and Compliance: A Breakdown, August 19, 2024, <https://www.sanctions.io/blog/global-aml>.

The 2023 collapse of the German payment processor Wirecard revealed systemic vulnerabilities in auditing blockchain transactions, underscoring the need for real-time ledger synchronization among regulators.

Biometric verification and distributed ledger technology (DLT) offer countermeasures, the **World Bank's 2025 Digital Identity Initiative** mandates interoperable ID systems across 78 countries, reducing pseudonymous account creation, while the **EU's TITANIUM Project** employs machine learning to detect anomalous trading patterns in real time. However, technological solutions risk exacerbating financial exclusion: 680 million unbanked adults lack documentation for biometric systems, pushing transactions further into informal channels.⁸⁷

Subsection Four: Institutional Capacity Building and Technical Assistance

The **UN Office on Drugs and Crime (UNODC)** has trained over 12,000 officials in 140 countries through its Global Programme against Money Laundering (GPML), focusing on forensic accounting and cryptocurrency tracing, the **IMF's AML/CFT Topical Trust Fund** allocated \$180 million between 2020–2025 to strengthen supervisory frameworks in low-income states, though audits reveal 40% of funds remain unutilized due to bureaucratic bottlenecks, public-private partnerships, exemplified by the **Singaporean**

⁸⁷ - AFRICAN DEVELOPMENT BANK, BANK GROUP STRATEGY FOR THE PREVENTION OF MONEY LAUNDERING AND TERRORIST FINANCING IN AFRICA, MAY 2007, P03, https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/10000012-EN-STRATEGY-FOR-THE-PREVENTION-OF-MONEY-LAUNDERING_01.pdf.

Monetary Authority's (MAS) COSMIC platform, enable banks to share risk data on high-net-worth clients, though privacy concerns limit scalability.⁸⁸

Jurisdictional fragmentation remains the primary obstacle: only 23% of countries have ratified the **UNTOC Protocol on Illicit Manufacturing of and Trafficking in Firearms**, enabling arms traffickers to launder \$1.5 billion annually through shell companies, the absence of a global asset registry allows 30% of recovered proceeds to be re-laundered within five years, per INTERPOL's 2024 Financial Crime Report.

Conclusion

International AML mechanisms have evolved from fragmented national policies to an interconnected regime predicated on shared risks and responsibilities, the FATF's normative influence, bolstered by FIUs' operational synergy, has disrupted high-volume laundering channels, yet adaptive criminal networks exploit lingering asymmetries in technology and governance.

Sustaining progress demands transcending sovereignty-centric models through binding multilateral agreements, equitable capacity-building, and agile regulatory frameworks. As the boundary between physical and digital finance dissolves, the global community's capacity to preemptively innovate will determine the next era of financial integrity.

⁸⁸ - Financial Crime Academy, Ensuring Global Integrity: International AML Compliance Explained, Posted in [Anti-Money Laundering \(AML\)](https://financialcrimeacademy.org/international-aml-compliance/) on May 17, 2025, <https://financialcrimeacademy.org/international-aml-compliance/>.

The Third Axis: Smuggling Crimes

Chapter One: The Concept of Smuggling Crime

The academic discourse surrounding smuggling criminality has evolved considerably, reflecting changing economic conditions and emerging threats to national security, moreover, the complexity of modern smuggling operations necessitates a comprehensive understanding of both theoretical foundations and practical applications of anti-smuggling legislation. Additionally, the relationship between smuggling activities and broader criminal enterprises has become increasingly intertwined, creating challenges for law enforcement agencies worldwide.

Contemporary criminological scholarship emphasizes that smuggling represents more than mere customs violations; it constitutes a sophisticated form of transnational organized crime that undermines state sovereignty and economic stability⁸⁹, nevertheless, the definitional boundaries of smuggling continue to present challenges for legal practitioners and academics alike. Consequently, a thorough examination of smuggling as a criminal phenomenon requires interdisciplinary analysis that incorporates legal, economic, and sociological perspectives.

Throughout history, smuggling has adapted to technological advances and regulatory changes, demonstrating remarkable resilience and innovation in circumventing legal barriers⁹⁰, Subsequently, modern anti-smuggling frameworks must address both traditional forms of contraband trafficking and emerging digital-age challenges. Furthermore, the globalization of trade has

⁸⁹ - The free dictionary by Farlex, Smuggling, <https://legal-dictionary.thefreedictionary.com/Smuggling>

⁹⁰ - Christina Wenngren, Institute for Security & Development Policy, Smuggling, Stockholm, <https://www.isdp.eu/projects/smuggling/>.

created new opportunities for criminal exploitation while simultaneously increasing the potential economic damage caused by illicit activities.⁹¹

Nevertheless, the legal response to smuggling varies significantly across jurisdictions, reflecting different prioritizations of economic protection versus individual liberty. Moreover, the effectiveness of anti-smuggling measures depends heavily on international cooperation and information sharing among law enforcement agencies, additionally, the ongoing evolution of smuggling methodologies requires continuous adaptation of legal frameworks and enforcement strategies.

The significance of studying smuggling crime extends beyond mere academic interest, as it directly impacts national economic security, public health, and social stability⁹², furthermore, understanding the multifaceted nature of smuggling operations enables more effective policy development and resource allocation for counter-smuggling efforts. Consequently, this chapter seeks to provide a comprehensive foundation for analyzing the legal, practical, and theoretical dimensions of smuggling criminality in the contemporary legal landscape.

Section One: Definition of the Crime of Smuggling under Algerian Legislation.

Firstly, smuggling is defined by Article 324 of the Algerian Customs Code as the act of importing or exporting goods into or out of the national territory by illicit means, specifically outside of customs offices, without submitting to the

⁹¹ - Saul, Ben. "The Legal Relationship between Terrorism and Transnational Crime", *International Criminal Law Review* 17, 3 (2017): 417-452, doi: <https://doi.org/10.1163/15718123-01703001>

⁹² - Crowe AHFAD, Risk Department , Smuggling and Customs Violations, 5/2/2019, Swiss, <https://www.crowe.com/ye/insights/smuggling-violations>.

required customs declaration and without payment of the duties, taxes, or other charges due under the law.

Moreover, the same provision extends the concept of smuggling to include any breach of the prohibitions and restrictions set forth in Articles 51, 53 bis, 60, 62, 64, 221, 222, 223, 225, 225 bis, and 226 of the Customs Code, as well as any fraudulent landing or loading of goods within the customs area, thereby criminalizing both the unlawful movement of merchandise and the circumvention of statutory regulatory controls.⁹³

Furthermore, Royal Decree No. 05-06 of 23 August 2005, as amended and supplemented, complements the Customs Code by defining “smuggling” as all acts so characterized by existing customs legislation and by the provisions of the decree itself, thereby reinforcing the legislative framework for combating contraband.

Finally, the anti-smuggling legislation also expressly criminalizes the mere possession within the customs territory of any warehouse or means of transport that have been specially adapted or equipped for smuggling purposes, even in the absence of actual movement of goods, thereby capturing preparatory facilitation activities within the scope of the offence.

Legislative Evolution of Anti-Smuggling Measures in Algeria

Firstly, the foundational framework for combating smuggling in Algeria was established by Law No. 79-07 of July 21, 1979, which promulgated the first comprehensive Customs Code criminalizing illicit import and export of goods

⁹³ - Ordonnance n° 05-06 du 18 Rajab 1426 correspondant au 23 août 2005 relative à la lutte contre la contrebande, JOURNAL OFFICIEL DE LA REPUBLIQUE ALGERIENNE N 59, 28 août 2005.

outside authorized customs posts, initially, the Code defined smuggling broadly— encompassing unauthorized movement of merchandise, breaches of prohibitions and restrictions, and fraudulent handling of goods within customs areas—and prescribed penalties ranging from fines to confiscation and imprisonment. Consequently, this early legislative intervention signified an important shift from purely administrative controls toward recognizing smuggling as a punishable criminal offense under national law.

In particular, Article 324 codified key elements of the offense, laying the groundwork for subsequent refinements in Algeria’s anti-smuggling regime, moreover, the 1979 Code empowered customs authorities with investigative prerogatives and established the legal basis for international cooperation in investigating smuggling-related crimes.

Subsequently, Law No. 98-10 of August 22, 1998 amended and supplemented the 1979 Customs Code to refine procedural and substantive provisions governing smuggling offenses and to align them with evolving international standards⁹⁴, Specifically, this amendment clarified the classification of goods subject to heightened duties and formalized the definition of “goods serving to conceal fraud,” thereby closing loopholes that smugglers had previously exploited. Furthermore, Law 98-10 replaced ambiguous administrative penalties with clearer criminal sanctions and expanded customs jurisdiction both territorially and procedurally.

As a result, the 1998 amendments enhanced the deterrent effect of existing laws by tightening penalties and broadening the scope of prosecutable conduct,

⁹⁴ - MINISTERE DE LA JUSTICE , Loi relative à la lutte contre la contrebande, 2 ème Edition, Editions O. N. T. E. 2006, P17.

while simultaneously streamlining customs procedures to facilitate more effective enforcement.

Furthermore, Ordinance No. 05-06 of August 23, 2005 marked a major legislative milestone by introducing targeted measures to strengthen preventive, investigative, and repressive capacities in the fight against smuggling⁹⁵. Under this Ordinance, the National Office for Combating Smuggling was established to coordinate intersectoral efforts and to centralize intelligence-driven operations. In addition, the text introduced specific criminal provisions addressing organized smuggling—imposing graduated penalties based on the number of participants, the use of specially adapted means of transport, and the discovery of concealed caches.

Consequently, the 2005 Ordinance not only enhanced penalties for serious offenses but also institutionalized new mechanisms for international mutual assistance and administrative collaboration among customs, judicial, and security agencies.

In addition, the Complementary Finance Law (Ordinance No. 05-05 of July 25, 2005) further amended the Customs Code by repealing Article 323 and substantially revising Articles 326 through 328 to recalibrate sanctions for smuggling offenses⁹⁶. These amendments abolished outdated penalty categories and instituted a unified two-tiered system: second-class offenses carrying imprisonment of one to five years and fines equal to three times the

⁹⁵ - Direction Générale des Douanes, Infraction de changes, Sanctions prévues pour infraction a la législation et a la réglementation des changes et des mouvements de capitaux de et vers l'étranger, Algérie, <https://www.douane.gov.dz/spip.php?article205>.

⁹⁶ - Ordonnance n° 05-06 du 18 Rajab 1426 correspondant au 23 août 2005 relative à la lutte contre la contrebande, JOURNAL OFFICIEL DE LA REPUBLIQUE ALGERIENNE N 59, 28 août 2005.

value of confiscated goods, and third- and fourth-class offenses with enhanced custodial sentences and steeper fines reflecting the severity of the crime. Moreover, the revisions expressly provided for the confiscation of both contraband and transport means used to facilitate smuggling, thus broadening the asset forfeiture regime and reinforcing the financial deterrence against illicit trade activities.

Ultimately, Law No. 17-04 of February 16, 2008 introduced further refinements—particularly through Article 22 bis—which empowered customs authorities to suspend clearance or seize suspected counterfeit or contraband goods upon mere reason to believe an offense had occurred, even before formal adjudication⁹⁷. This legislative update expanded the scope of preventive detention of goods and endorsed summary destruction of low-value items adjudged counterfeit. Additionally, the law enhanced protection of intellectual property by criminalizing the importation of counterfeit merchandise as a form of smuggling, thereby integrating anti-piracy objectives into the broader anti-smuggling framework. Collectively, these successive legislative instruments have progressively fortified Algeria’s legal arsenal against smuggling, reflecting an ongoing commitment to adapt national law to contemporary threats in transnational organized crime.

Section Two: Types and Forms of Smuggling

Firstly, smuggling may be classified according to the nature of the goods or persons illicitly transported, encompassing a broad spectrum that includes contraband merchandise, narcotics, arms, currency, cultural property,

⁹⁷ - Rezig Wassila, THE ROLE OF THE ALGERIAN CUSTOMS ADMINISTRATION IN COMBATING COUNTERFEITING, journal of legal and economic research, Volume: 8 / N°: 1 (2025), p 942 – 957, P947.

hydrocarbons, tobacco products, and human beings. In the Algerian context, smuggling of petrol and diesel across porous land borders with neighbouring Sahel countries has been particularly pervasive, leading to annual losses estimated at two million tonnes of fuel.⁹⁸

Similarly, contraband tobacco—often originating from Mali, Niger or Libya—and synthetic pharmaceuticals such as tramadol and pregabalin circulate extensively, undermining both public health and fiscal revenues.⁹⁹ Moreover, narcotics smuggling—especially cannabis resin and increasingly opiates—and weapons trafficking along the southern frontiers pose serious threats to national security, while the smuggling of cultural artefacts and endangered species erodes heritage and biodiversity. Hence, distinguishing smuggling by object illuminates the varied economic and security challenges inherent in Algeria’s transnational criminal economy.

Moreover, smuggling can be differentiated by the *modus operandi* employed to evade customs controls, which modern criminological literature condenses into two principal techniques: the undetected running of cargoes across frontiers and the concealment of illicit goods in unlikely places on ships, vehicles, in baggage, cargo, or on the person.

In practice, smugglers exploit sophisticated concealment methods—ranging from hidden compartments specially designed within vehicle chassis, falsified documentation, and use of diplomatic or military transport, to covert maritime

⁹⁸ - Algérie solidaire -L'essentiel de l'Actualité Algérienne-, L'Algérie perd 2 millions de tonnes de carburant par an suite à la contrebande, Algérie, <https://algeriesolidaire.net/lalgerie-perd-2-millions-de-tonnes-de-carburant-par-an-duite-a-la-contrebande/>.

⁹⁹ - Direction Générale des Douanes, Contrebande, SANCTIONS PRÉVUES DANS LE CADRE DE LA CONTREBANDE, Algérie, <https://www.douane.gov.dz/spip.php?article207>.

routes and clandestine overland tracks through unmonitored desert corridors. Furthermore, digital-age adaptations have emerged, including e-commerce concealment, cloned shipping manifests, and cyber-enabled coordination of multimodal transport. These evolving forms of smuggling demand equally adaptive detection technologies and inter-agency information-sharing protocols.

Furthermore, smuggling is also categorised by the point at which customs controls are circumvented, distinguishing between external evasion—import or export occurring outside of authorised customs offices or posts—and internal deception, which involves fraudulent landing or loading of goods within customs zones, or the use of warehouses and transport means specially adapted for covert storage,¹⁰⁰ Under Article 324 of the Algerian Customs Code, external smuggling is criminalised as the unauthorised importation or exportation of goods without customs declaration or duty payment, whereas internal smuggling covers breaches of provisions on mandatory presentation of goods (Articles 51, 60, 62, 64), unauthorised circulation within the customs radius (Articles 220–223, 225 bis, 226), and the possession of vehicles or deposits tailored for smuggling purposes, even absent actual movement of contraband, Recognising these distinct forms is essential for crafting targeted enforcement measures, whether by expanding the geographic reach of customs patrols or scrutinising domestic storage facilities.

Finally, Algerian legislation further codifies aggravated forms of smuggling based on the means and scale of the offense. When three or more individuals

¹⁰⁰ - Direction Générale des Douanes, Contrebande, SANCTIONS PRÉVUES DANS LE CADRE DE LA CONTREBANDE, Algérie, <https://www.douane.gov.dz/spip.php?article207>.

collaborate, or when contraband is concealed in specially modified vehicles or secret caches, penalties escalate sharply, reflecting the increased organisational complexity and threat to the state; imprisonment ranges from two to twenty years, fines multiply up to tenfold the value of seized goods, and confiscation extends to instruments and locations used to facilitate the offense, The ultimate severity—life imprisonment—applies when smuggling involves armed accomplices, weapons, or when it jeopardises national security, economic stability, or public health. This tiered approach underscores the legal system’s recognition that smuggling constitutes a multifaceted and evolving criminal phenomenon requiring proportionate deterrence and robust interagency collaboration.

Second Chapter: The Pillars and Sanctions of the Crime of Smuggling under Algerian Legislation

Firstly, the offence of smuggling in Algerian law is underpinned by foundational pillars, notably the material element as defined in Article 324 of the Customs Code, which criminalises the unauthorised importation or exportation of goods outside customs controls without declaration or payment of duties.¹⁰¹

Secondly, the moral element and criminal intent required to constitute the offence—including deliberate evasion of duties, fraud, or the use of specially adapted means for concealment—will be examined to illustrate the subjective dimension of smuggling as interpreted by Algerian courts and reinforced by successive legislative amendments.

¹⁰¹ - Mohamed Djagham & Abdelhalim Benmechri & Farid Allouache, Smuggling Crimes as a Threat to the National Economy, Volume: 21, No: 7, pp. 59-70, P60.

Finally, the range of penalties and preventive measures prescribed by the Customs Code and complementary laws—encompassing custodial sentences of up to ten years, fines amounting to multiples of the value of the contraband, asset forfeiture, and administrative controls such as suspension of clearance—underscores Algeria’s comprehensive strategy to deter, detect, and dismantle smuggling networks.

Section one: The Constituent Elements of the Crime of Smuggling in Algerian Legislation

Sub-section one: The Material Element of the Crime of Smuggling

Firstly, the material element of smuggling under Algerian law is established by Article 324 of the Customs Code, which criminalises “the importation or exportation of goods outside authorised customs offices, without submission to the required customs declaration and without payment of duties, taxes or other charges due under the law”.¹⁰²

Furthermore, Article 51 of the Customs Code mandates that “any goods imported, re-imported, or destined for export, transshipment or re-export must be conducted to a competent customs office for control,” and Article 53 bis deems “prohibited or heavily taxed goods discovered on board vessels of a net tonnage under 100 or gross tonnage under 500 within the maritime customs zone” to constitute smuggling.

Moreover, Article 60 requires that goods entering through land borders “be immediately brought to the nearest customs office via the most direct route,”

¹⁰² - Direction Générale des Douanes, Contrebande, SANCTIONS PRÉVUES DANS LE CADRE DE LA CONTREBANDE, Algérie, <https://www.douane.gov.dz/spip.php?article207>.

while Article 62 prohibits international aircraft from landing or taking off except at airports where customs offices are established, unless special authorisation is granted. Article 64 further outlaws “any unloading or discharge of goods in transit,” regardless of eventual importation.

Additionally, internal evasion is captured by Article 220, which conditions “the circulation of certain goods within the customs terrestrial zone” on obtaining a written “authorisation to circulate,” and Article 221, which obliges carriers to present “transport documents, customs papers, or origin certificates” upon first request by customs agents.¹⁰³

Finally, the mere possession within the customs territory of “warehouses, deposits, or means of transport specially adapted or equipped for smuggling purposes” is expressly criminalised under Articles 225 bis and 226, thereby encompassing preparatory and concealment activities within the material element of the offence.

Sub-section two: The Mens Rea of Smuggling under Algerian Law

Firstly, the subjective element of smuggling under Algerian legislation is manifested in the perpetrator’s conscious intention to evade customs controls and duties, According to Article 324 of the Algerian Customs Code, smuggling is defined as “the importation or exportation of goods outside authorised customs offices, without submission to the required customs declaration and without payment of duties, taxes or other charges due under the law”, In the context of Ordinance No. 05-06 of 23 August 2005, Article 10

¹⁰³ - Direction Générale des Douanes, Contrebande, SANCTIONS PRÉVUES DANS LE CADRE DE LA CONTREBANDE, Algérie, <https://www.douane.gov.dz/spip.php?article207>.

further criminalises “any smuggling of fuels, grains, foodstuffs, livestock, pharmaceuticals, tobacco, and other goods” by prescribing custodial sentences and fines equal to five times the value of the confiscated merchandise,¹⁰⁴ The very framing of these provisions presupposes that the offender knowingly chooses to contravene the statutory requirements and deliberately implements the prohibited conduct, thereby satisfying the core components of mens rea—knowledge of the wrongful nature of the act and the willful pursuit of that act.

Moreover, Algerian law embeds the mens rea requirement in aggravated forms of smuggling by targeting preparatory facilitation activities that reflect deliberate intent. Article 11 of Ordinance No. 05-06 stipulates that “any person who possesses within the customs territory a warehouse adapted for smuggling or a means of transport specially equipped for that purpose” incurs imprisonment of two to ten years and a fine equal to ten times the value of the confiscated goods and transport means¹⁰⁵, This provision explicitly demands proof that the offender was aware of the special adaptation or equipment and intended to employ it for the purpose of evading customs surveillance, thereby codifying both the cognitive and volitional dimensions of the offence.

Furthermore, although the general rule in the Customs Code negates the requirement to demonstrate intent for conviction—Article 281 as amended by Law No. 17-04 expressly prohibits acquittal on the basis of lack of intent—legislative exceptions reaffirm the centrality of mens rea in select customs offences. Notably, Articles 320 and 322 of the Customs Code condition

¹⁰⁴ - Ordonnance n° 05-06 du 18 Rajab 1426 correspondant au 23 août 2005 relative à la lutte contre la contrebande, JOURNAL OFFICIEL DE LA REPUBLIQUE ALGERIENNE N 59, 28 août 2005.

¹⁰⁵ - MINISTERE DE LA JUSTICE, Loi relative à la lutte contre la contrebande, 2^{ème} Edition, Editions O. N. T. E. 2006, P11.

criminal liability for evasion of duties through falsified declarations or failure to collect dues on proof of the offender's intent, demonstrating that, where the legislature deems necessary, the existence of a guilty mind remains indispensable to the determination of culpability¹⁰⁶, in smuggling crimes, this interplay underscores that while certain customs breaches operate on a principle of strict liability, the most serious contraventions—particularly those involving fraud or specially tailored means—demand a clear showing of mensrea.

Finally, the codified aggravating circumstances in the anti-smuggling framework further illustrate how the law ties escalated penalties to the organised and intentional nature of the crime. Under Article 10 of Ordinance No. 05-06, smuggling committed by three or more persons attracts imprisonment of two to ten years and fines of ten times the value of the goods, reflecting legislative recognition that collaborative and premeditated schemes embody heightened mens rea and pose greater threats to national economic security¹⁰⁷.

Thus, in Algerian criminal law, the mens rea of smuggling encompasses both the general intent to breach customs regulations and the specific intent to deploy adapted methods, secure unlawful gain, and coordinate with others in structured criminal enterprises.

Section Two: Sanctions and Preventive Measures in Algerian Anti-Smuggling Law.

¹⁰⁶ - سبع نصيرة، الجريمة الجمركية في القانون الجزائري، مجلة صوت القانون، المجلد العاشر، العدد 01، 2024، الصفحة 296.

¹⁰⁷ - Ordonnance n° 05-06 du 18 Rajab 1426 correspondant au 23 août 2005 relative à la lutte contre la contrebande, JOURNAL OFFICIEL DE LA REPUBLIQUE ALGERIENNE N 59, 28 août 2005.

Firstly, a comprehensive scheme of **preventive measures** is established under Article 3 of Ordinance No 05-06 of 23 August 2005, which empowers authorities to:

- Monitor the flow of goods vulnerable to smuggling through targeted inspections at border sites and transit points, ensuring real-time detection of illicit movements.
- Implement a traceability system enabling unique identification of merchandise and its origin, thereby facilitating rapid intervention when anomalies arise.
- Educate and raise awareness among consumers regarding the economic and health risks posed by smuggled goods, reinforcing public cooperation in reporting suspicious activities.
- Promote understanding of intellectual property and other relevant regulations, deterring illicit trade in counterfeit or culturally protected items.
- Generalize the use of electronic payment methods to reduce cash-based transactions that facilitate smuggling financing.
- Strengthen security along the frontier belt—particularly in remote areas far from official control posts—through enhanced deployment of customs patrols and surveillance technologies.

- Advance international judicial and operational cooperation with neighbouring and partner states, sharing intelligence and coordinating joint operations against cross-border smuggling networks.¹⁰⁸

Furthermore, **civil society engagement** is expressly encouraged by Article 4, which authorizes public denunciation of smuggling circuits, supports dissemination of educational programmes on the dangers of smuggling, and incentivizes ethical commercial practices among traders, moreover, Article 5 provides for pecuniary or other rewards to informants whose tips lead to the arrest of smugglers, thereby creating tangible motivation for timely reporting of illicit activities.

Meanwhile, **penal sanctions** for smuggling offenses are set forth in Chapter IV of the same Ordinance. Firstly, Article 10 prescribes imprisonment from one to five years and a fine equal to five times the value of the contraband when any goods—such as fuel, grain, pharmaceuticals, tobacco, cultural artefacts, or other merchandise—are smuggled.

When three or more persons collaborate, or when goods are hidden in specially prepared caches (Article 10, paras 2–3), the penalty increases to two to ten years' imprisonment with a fine equal to ten times the value of the seized merchandise.¹⁰⁹

Moreover, Articles 11 through 15 escalate sanctions based on aggravating factors: possession of warehouses or transport means adapted for smuggling

¹⁰⁸ - Ordonnance n°05-06 du 18 Rajab 1426 correspondant au 23 août 2005 relative à la lutte contre la contrebande, JOURNAL OFFICIEL DE LA REPUBLIQUE ALGERIENNE N 59, 28 août 2005.

¹⁰⁹ - Ordonnance n°05-06 du 18 Rajab 1426 correspondant au 23 août 2005 relative à la lutte contre la contrebande, JOURNAL OFFICIEL DE LA REPUBLIQUE ALGERIENNE N 59, 28 août 2005.

(two to ten years' imprisonment and ten-fold fines), use of any transport platform (ten to twenty years' imprisonment and ten-fold fines), carrying firearms during smuggling (ten to twenty years' imprisonment with ten-fold fines), smuggling of weapons (life imprisonment), and smuggling that threatens national security, economic stability, or public health (life imprisonment).

Furthermore, **confiscation** of the smuggled goods, any items used to conceal them, and the transport means is mandatory in all such cases (Article 16), while Article 17 forbids any sale of the confiscated items and requires their destruction at the offender's expense, with penalties of two to five years' imprisonment and fines up to 500 000 DA for violations.

In addition, Article 18 criminalizes failure to report known smuggling offences, punishable by six months to five years' imprisonment and up to 500 000 DA in fines—doubled if the omission occurs during one's professional duties, **article 19** authorizes complementary sanctions such as house arrest, professional bans, closure of premises, exclusion from public procurement, suspension or revocation of driving licences or passports¹¹⁰, **article 20** permits courts to expel non-nationals convicted of smuggling for at least ten years.

Finally, **Articles 21–29** exclude smuggling from transaction procedures and mitigating circumstances, impose periods of ineligibility for parole (two-thirds or twenty years), extend liability to legal persons with aggravated fines, punish attempts equally to completed offences, apply strict liability to accomplices,

¹¹⁰ - Ordonnance n°05-06 du 18 Rajab 1426 correspondant au 23 août 2005 relative à la lutte contre la contrebande, JOURNAL OFFICIEL DE LA REPUBLIQUE ALGERIENNE N 59, 28 août 2005.

offer immunity for pre-emptive whistle-blowers, reduce sentences by half for facilitators who aid investigations, and double penalties in recidivism cases.

Collectively, these provisions reflect Algeria's dual strategy of **robust preventive frameworks** combined with **stringent sanctions** to deter, detect, and dismantle smuggling operations across its territory.

Chapter three: National and International Mechanisms for Combating the Crime of Smuggling

Firstly, Algeria has adopted a comprehensive and multidimensional approach to tackle the scourge of migrant smuggling and human trafficking by reinforcing its legal and institutional arsenal. The government's strategy encompasses preventive, repressive, and awareness-raising measures coordinated by the Ministry of Interior in conjunction with the Customs Authority and other security agencies, aiming to adapt its mechanisms to the evolving methods employed by smuggling networks.¹¹¹

Moreover, the national framework has been strengthened through targeted capacity-building programmes and interagency coordination tools. In particular, the International Organization for Migration conducted a needs assessment and subsequently rolled out "Training of Trainers," simulation exercises, and the drafting of Standard Operating Procedures to enhance the skills of Algerian border-management and justice-sector personnel, thereby

¹¹¹ - Algeria Press Service, smuggling, human trafficking, Published on : Monday, 14 April 2025 21:23, <https://www.aps.dz/en/algeria/57066-algeria-has-adopted-comprehensive-approach-to-scourge-of-migrant-smuggling-human-trafficking>.

institutionalising a coherent and evidence-based response to migrant smuggling at the national level.¹¹²

Finally, Algeria’s fight against smuggling extends beyond its borders through robust international cooperation. In partnership with the United Nations Office on Drugs and Crime and the United Kingdom, Algerian law enforcement officers and magistrates have participated in workshops on special investigative techniques, enhancing early detection and dismantling of transnational smuggling networks.

Complementing these efforts, UNODC-supported initiatives on financial and open-source investigations have fostered deeper collaboration among security, judicial, and financial intelligence authorities, facilitating the tracking of illicit proceeds and the disruption of organised crime groups across jurisdictions.¹¹³

Section One: National Strategies for Combating Smuggling in Algeria

Firstly, the Algerian state has anchored its anti-smuggling efforts in unequivocal **political commitment**, exemplified by a presidential declaration that “smuggling must cease,” delivered during a high-level visit to Adrar, and followed by the rapid establishment of an interministerial working group within the Ministry of Justice tasked with drafting comprehensive anti-

¹¹² - International Organization for Migration, Algeria, PAR.CO.U.R.S - PARTNERSHIP TO COUNTER MIGRANT SMUGGLING AND HUMAN TRAFFICKING ALONG THE CENTRAL MEDITERRANEAN ROUTE, Po2, <https://www.thebigwall.org/database-media/38%20-%20Partnership%20to%20Counter%20Migrant%20Smuggling%20and%20Human%20Trafficking%20Along%20the%20Central%20Mediterranean%20route%20-%20PARCOURS/38.3%20-%20Project%20proposal.PDF>.

¹¹³ - United Nations, United Nations Office on Drugs and Crime, Algeria: Holistic Approaches to Financial and Open-Source Investigation of Trafficking in Persons and Smuggling of Migrants Crimes, 27 August 2024, https://www.unodc.org/romena/en/Stories/2024/August/algeria_holistic-approaches-to-financial-and-open-source-investigation-of-trafficking-in-persons-and-smuggling-of-migrants-crimes.html.

smuggling legislation¹¹⁴, this top-down directive crystallized the national will to treat smuggling not merely as a customs irregularity but as a serious criminal phenomenon undermining state sovereignty and economic stability.

Secondly, Algeria has embarked on an ambitious **modernization of its customs administration**, prioritizing **proactive planning**, performance evaluation, and **human-resource development**, under the leadership of the Director-General of Customs, the service is redesigning its management system to rely on forward-looking risk assessments and key performance indicators, while simultaneously expanding specialized training programs for customs officers and strengthening partnerships with other security and judicial agencies, This institutional renewal seeks to elevate customs from a reactive gatekeeper role to a strategic driver of border security and lawful trade facilitation.

Moreover, the national strategy emphasizes a **preventive and deterrent framework** that transcends mere enforcement. Algeria has created dedicated agencies and intersectoral bodies charged with coordinating awareness campaigns, engaging civil society, and promoting investment in border-area development to address the socio-economic drivers of smuggling. In particular, the authorities have shifted toward a **prevention-first approach**, coupling social interventions—such as community education programs and

114 - المؤسسة العمومية للتلفزيون الجزائري، الجزائر اعتمدت مقاربة شاملة لمواجهة ظاهرة تهريب المهاجرين والاتجار بالبشر، 14 أبريل 2025، <https://www.entv.dz/%D8%A7%D9%84%D8%AC%D8%B2%D8%A7%D8%A6%D8%B1-%D8%A7%D8%B9%D8%AA%D9%85%D8%AF%D8%AA-%D9%85%D9%82%D8%A7%D8%B1%D8%A8%D8%A9-%D8%B4%D8%A7%D9%85%D9%84%D8%A9-%D9%84%D9%85%D9%88%D8%A7%D8%AC%D9%87%D8%A9-%D8%B8>

incentives for lawful entrepreneurship—with robust legal sanctions, thereby compressing the smuggling cycle from its earliest planning phases.¹¹⁵

Furthermore, Algeria has invested heavily in **operational and technological enhancements** to disrupt smuggling networks at every stage. This includes rolling out electronic customs declarations, deploying advanced risk-profiling tools, and integrating real-time intelligence systems across land, sea, and air entry points. By digitizing core processes and reinforcing surveillance infrastructure, customs agents can detect anomalies more efficiently, interdict suspicious consignments, and maintain an audit trail that strengthens subsequent prosecutions.

Finally, the Algerian strategy manifests a **comprehensive, multi-dimensional** paradigm that aligns domestic measures with international best practices. Legal reforms have repeatedly updated the Customs Code to incorporate stricter preventive detention powers and expanded asset-forfeiture provisions, while operational protocols now mirror the recommendations of global bodies such as the United Nations Office on Drugs and Crime. Concurrently, specialized training workshops and joint exercises with regional partners ensure that Algeria’s anti-smuggling posture remains adaptive to emerging transnational threats.¹¹⁶

¹¹⁵ - Raouf Farrah, ALGERIA’S MIGRATION DILEMMA - Migration and human smuggling in southern Algeria-, Global Initiative,2020, P43, <https://globalinitiative.net/wp-content/uploads/2020/12/Algerias-migration-dilemma-Migration-and-human-smuggling-in-southern-Algeria.pdf>.

¹¹⁶- المؤسسة العمومية للتلفزيون الجزائري، الجزائر اعتمدت مقاربة شاملة لمواجهة ظاهرة تهريب المهاجرين والاتجار بالبشر، 14 أبريل 2025، <https://www.entv.dz/%D8%A7%D9%84%D8%AC%D8%B2%D8%A7%D8%A6%D8%B1-%D8%A7%D8%B9%D8%AA%D9%85%D8%AF%D8%AA-%D9%85%D9%82%D8%A7%D8%B1%D8%A8%D8%A9-%D8%B4%D8%A7%D9%85%D9%84%D8%A9-%D9%84%D9%85%D9%88%D8%A7%D8%AC%D9%87%D8%A9-%D8%B8>

Section Two: International Cooperation in the Field of Combating Smuggling

Firstly, Algeria's commitment to international legal frameworks constitutes the bedrock of its cooperation in combating smuggling, having acceded to the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air, Algeria has embedded the Convention's provisions—such as mutual legal assistance, extradition procedures, and law enforcement cooperation—into its domestic legislation, consequently, Algerian courts and customs authorities routinely process requests for evidence-sharing and extradition under the Convention's auspices, thereby aligning national enforcement with global standards and ensuring that cross-border smuggling networks can be pursued beyond Algeria's territorial jurisdiction.¹¹⁷

Moreover, Algeria actively engages with specialized international organizations to enhance operational capacities and intelligence exchange. Under the aegis of the United Nations Office on Drugs and Crime (UNODC), Algerian judicial police and magistrates have participated in training workshops and mock trials designed to hone special investigative techniques for migrant-smuggling cases.

In parallel, the UNODC–UK project launched in November 2024 has further reinforced Algerian capabilities in undercover operations, surveillance, and financial investigations targeting transnational smuggling syndicates. Similarly, the Airport Communication Project (AIRCOP), implemented jointly

¹¹⁷ - United Nations Office on Drugs and Crime, <https://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/country-profile/algeria.html>.

by UNODC, INTERPOL, and the World Customs Organization (WCO), has enabled Algerian customs and border security officers to deploy advanced passenger-profiling and data-analysis tools at international airports, thereby intercepting illicit consignments and high-risk individuals before they enter global trafficking routes.¹¹⁸

Furthermore, Algeria has cemented bilateral mechanisms with neighbouring states to secure its extensive land and maritime frontiers. In March 2025, Prime Minister Nadir Larbaoui and his Tunisian counterpart reaffirmed the shared vision for a joint border-cooperation committee tasked with harmonizing patrols, intelligence-sharing protocols, and infrastructure development to curb smuggling along their 1,000-kilometre frontier.

Likewise, the December 2024 Algerian-Libyan Customs Joint Commission meeting produced a formal agreement to streamline digital customs clearance, coordinate risk-management frameworks, and conduct periodic cross-training sessions, thereby fostering real-time collaboration in detecting and deterring contraband movements between the two countries.¹¹⁹

Additionally, Algeria leverages regional platforms to multiply its cooperative reach. As a founding member of the African Police Cooperation Organization (Afripol), headquartered in Algiers, Algeria coordinates with West and North African law enforcement agencies on large-scale operations such as INTERPOL-led Operation Neptune III. Carried out in summer 2021 with

¹¹⁸ - United Nations Office on Drugs and Crime, Algeria: Working with Airports on Improving the Border Security, 31st May 2018 – Algeria, https://www.unodc.org/romena/en/Stories/2018/May/algeria_-_working-with-airports-on-improving-border-security.html.

¹¹⁹ - Latifa Ferial Naili, AL24News, Algerian-Libyan Customs : Agreement to Boost Cooperation and Tackle Smuggling, 25/12/2024, <https://al24news.dz/en/algerian-libyan-customs-agreement-to-boost-cooperation-and-tackle-smuggling/>.

support from the WCO and Frontex, Neptune III interagency patrols across maritime and land routes yielded multiple arrests and sizable drug and currency seizures, underscoring the value of synchronized intelligence and joint interdiction efforts.

Contributing officers from Algeria's customs, gendarmerie, and judicial police sustained the operation's momentum by providing tactical expertise and sharing passenger-screening data through secure channels.

Finally, Algeria continues to expand multilateral partnerships with international bodies such as the International Organization for Migration (IOM) to address the nexus between migrant-smuggling and human-trafficking networks. Through the PAR.CO.U.R.S project, IOM and Algerian authorities developed standard operating procedures for cross-border cooperation, conducted joint simulation exercises with Nigerien and Italian counterparts, and delivered specialized training on victim-centred approaches to investigation and prosecution.¹²⁰

Collectively, these sustained efforts illustrate Algeria's holistic and evolving strategy to integrate legal, operational, and preventive measures within a robust international cooperation framework.

¹²⁰ - - International Organization for Migration, Algeria, PAR.CO.U.R.S - PARTNERSHIP TO COUNTER MIGRANT SMUGGLING AND HUMAN TRAFFICKING ALONG THE CENTRAL MEDITERRANEAN ROUTE, Po2, <https://www.thebigwall.org/database-media/38%20-%20Partnership%20to%20Counter%20Migrant%20Smuggling%20and%20Human%20Trafficking%20Along%20the%20Central%20Mediterranean%20route%20-%20PARCOURS/38.3%20-%20Project%20proposal.PDF>

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