



National Report on the State of the Judiciary
in Algerian Republic

Workshop

The Initiative of the United Nations Development Programme
and the Programme on Governance in the Arab Region (UNDP-POGAR)

“The Rule of Law and the Good Governance in the Arab Region”

**Arab Center for the Development of the Rule of Law and
Integrity
(ACRLI)**

Beirut, 30 September 2004

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The Judiciary in the Algerian Republic

Introduction:

The Algerian judicial system is dual-tiered (courts and councils). At the top of the pyramid is the Supreme Court to which the Constitution gives the role of regulator for all work performed by the tribunals and courts that are part of the judicial system. It guarantees a unified judicial interpretation throughout the entire country and assures the respect of the law.

Since the adoption of the 1996 constitution, the Algerian judicial system is distinguished by its dual-tiered judicial structure (regular and administrative judiciary).

Every person who is himself a party that suffers damages from the administration or a public institution of an administrative nature, shall have the right of recourse to the courts of the administrative system for compensation (as provided for by Law No. 01-98, dated 30 May 1998, concerning the competencies and work of the Council of State).

In criminal matters, Article 29 of the Criminal Procedure Code grants authority to the public prosecution to bring public action. On that basis, the prosecution judges on behalf of the people seek to apply the law against those who violate the penal code.

Restraining courts may intervene either through a direct summons, investigation, or, in the event a party is caught in the act of committing a crime, based on the right of the victims of violations to bring a public action either through the filing of a complaint, representation of the civil party before the investigating magistrate (Article 72 of the Civil Procedure Code), and a direct summons to appear before the misdemeanor court (Article 337 *bis*).

The Supreme Court exercises oversight to ensure consistency of court rulings with legal principles. It can uphold the judicial rulings that are the subject of appeal or overrule them, at which time the case is referred to the relevant authority. Excluding the legal representation of public organizations in their litigated matters, no appeal may be filed with the Supreme Court except by an attorney registered therewith.

This license is granted to attorneys with more than 10 years experience.

SECTION ONE: ORGANIZATION OF THE JUDICIARY

I. Judicial Authorities Specialized in Common Law

1. The Court

The court represents the base judicial entity, divided generally into four sections: civil, criminal, labor and commercial.

It consists of a presiding and sentencing judge, the prosecution, and court clerks. It decides all the aforementioned matters by a single judge, unless there are rulings in violation of the law, for example, with respect to the juvenile court and the social court, both of which issue rulings collectively with the presence of the judge hearing the case and two assistants.

2. The Tribunal

Pursuant to the Order dated 1997, concerning the division of the judiciary, 48 tribunals were established and divided on an administrative basis. This judicial division determines the regional jurisdiction of these tribunals, which remains different than the administrative jurisdiction in the narrow sense. The tribunal is considered a judicial appeals body, which decides collectively. It also includes a president, chamber presidents, counselors, public prosecution, and a clerk's office. Each tribunal is divided into several chambers that may be divided into sections as necessary.

The indictment chamber, which exists in every tribunal, is considered a judicial investigating body of the second degree. The president of the indictment chamber has the competence to monitor and supervise the activity of the investigating chambers. In addition, the indictment chamber oversees the activities of the judicial police officers.

3. The Supreme Court

The Supreme Court was established in 1963 (Law No. 218-63 dated 18 June 1963, establishing the Supreme Court). It is the highest judicial institution. It assesses the work of the tribunals and courts, and guarantees consistency in judicial interpretation for the entire judicial system throughout all parts of the country. Moreover, it guards the respect of the law.

The Supreme Court, which is currently subject to the 1983 Law, as amended and supplemented, is composed of eight chambers (civil, realty, social, criminal, misdemeanors, violations, personal status, the commercial maritime chamber and the petitions chamber).

Furthermore, the court enjoys financial and management independence. The management of administrative departments is handled by a secretary-general, assisted by a head of an administrative section and the head of the documents section.

The Supreme Court has jurisdiction to decide appeals for cassation, particularly those brought against final decisions and rulings issued by the tribunals and courts, excluding the judicial authorities that are part of the administrative system.

4. The Council of State

The Algerian Council of State is a recently established institution (1998). It is the regulatory agency for the activities of the administrative courts. It gives opinion on draft legislation prior to its review by the Council of Ministers. In addition, the council enjoys independence in exercising its judicial powers.

The Council of State reviews the following preliminary and final rulings and decisions:

- Appeals to vacate, brought against organizational and individual decisions issued by central administrative authorities, national public institutions and national professional organizations.
- Interpretative and evaluative appeals against the legitimacy of actions for which the dispute is reviewable by the Council of State. The Council, pursuant to a request for appeal, reviews initial rulings issued by the administrative courts in all cases otherwise not provided for by law.

Moreover, it reviews appeals for cassation brought against final decisions issued by administrative judicial authorities, as well as appeals for cassation against the decisions of the Audit Council.

5. The Court of Disputes

The Court of Disputes consists of seven judges, among whom is the presiding judge. Half of them are appointed from among Supreme Court judges, and the other half from among the judges of the council of state.

This court has the jurisdiction to decide disputes regarding jurisdiction among the judicial authorities that are part of the judicial system and those that are part of the administrative system. Its decisions are not subject to appeal.

6. The Criminal Court

It is the judicial body that has jurisdiction to hear cases that involve criminal acts, as well as misdemeanors and similar violations, and crimes classified as sabotage and terrorist activities, which are referred to it by virtue of a final decision issued by the indictment chamber. The court has complete authority to try adults and juveniles who are 16 years of age and who committed terrorist crimes referred to the court by virtue of a final decision issued by the indictment chamber. In addition, the court decides the latter by a panel of three judges assisted by two sworn assistants.

II. Specialized Judicial Authorities

1. Specialized Courts

It must be noted here that a draft organic law is currently being debated in Parliament, which law will amend the judicial structure and establishing realty, social and commercial maritime courts.

2. Administrative Courts

The administrative courts are judicial common law bodies for administrative matters. Its decisions are appealable before the Council of State. In order for its rulings to be proper, the administrative court must include at least three judges. Administrative court judges are subject to the fundamental law establishing the judiciary and are distributed among chambers that may be divided into sections.

3. The Military Court

The military court is considered an exceptional judicial body, responsible for trying certain crimes related to the army and persons in a military capacity. These decisions are subject to review by the Supreme Court.

4. The Public Prosecution

The public prosecution, in the name of the people, brings public actions and demands the application of the law. It is represented in every judicial body, and attends the deliberations of sentencing authorities. All verdicts must be pronounced in its presence.

It is also responsible for executing judicial rulings, and has the right to resort to the use of public force, as well as judicial police officers and their aides during the performance of its duty.

Representatives of the public prosecution are required to receive and accept written petitions in accordance with their job duty instructions. They are free to present their necessary oral remarks during sessions.

The Attorney General is represented before the council and all courts by the public prosecutors. The Attorney for the Republic is represented by the attorney general before the court.

5. Judicial Employees

Judicial employees include judges, judicial assistants and employees who contribute to the administration of justice.

6. Judges

The legal status of an Algerian judge can be looked at exclusively through the prism of the constitutional evolution of the country.

Indeed, the various fundamental laws establishing the judiciary have been cognizant of the evolution of various constitutions, promulgated since 1963.

The first law dated 1963, concerning the fundamental law establishing the judiciary, considered the judicial branch an instrument that served the socialist revolution, along with a large-majority constituent of the Supreme Judicial Council that allowed the administration to organize the professional careers of judges.

After that came the Constitution of 1998 and the subsequent law of the same year, concerning the fundamental law establishing the judiciary. This constitution for the first time elevated the judicial branch to the level of an independent judicial branch separate from the other two branches of government: the executive and legislative. It granted the Supreme Judicial Council, which is composed largely of elected judges, a decision-issuing authority. However, with the onset of the crisis that our country went through, this fundamental law was amended in such a manner so as to determine the number of elected judges represented on the council.

Presently, and by virtue of the 1996 Constitution, a draft organic law concerning the fundamental law establishing the judiciary was ratified by both Chambers of Parliament with some reservations that will be discussed by the select equal-membership Parliamentary committee. Its aim is to support the independence of the sentencing judge, establish the principle of duality of judicial bodies, maintain the policy of continued training and education of judges, determine the retirement system of judges, and restore the esteem once enjoyed by the Supreme Judicial Council by giving it financial independence and reinforcing its elected composition while enhancing its ratification authority.

Furthermore, the draft bill suggests opening the profession of judges to other walks of life at the national level such as the financial, economic and administrative fields of expertise. It must be made clear here that the Supreme Judicial Council, which is a constitutional body, is presided over by the President of the Republic (the Minister of Justice – the Vice President) with decision-making authority with respect to the appointment and transfer of judges and their professional conduct. He decides disciplinary matters under the sole supervision of the First Chief Justice of the Supreme Court. Moreover, he issues an advisory opinion on every amnesty procedure or any draft legal text that would modify the organization of the judiciary.

7. Court Clerks

The staff of court clerks is subject to the 1990 Decree. It is divided into two special staffs: directors of clerks' offices and court clerks.

-- The staff comprising the directors of clerks' offices, includes the position of directors and chief directors of clerks' offices.

-- The court clerk staff consists of three positions: assistant court clerk, court clerk and head court clerk.

In addition to the tasks mandated upon them in accordance with the provisions of judicial procedure, the court clerks are responsible for maintaining the good conduct of their offices.

8. Judicial Police Officers

The function of judicial policing is carried out by judges, officers, aides, and employees qualified to perform such function. It is managed by the Attorney for the Republic. In every jurisdictional circuit there is a tribunal. The circuits fall under the supervision of the Attorney General and are monitored by the indictment chamber that is part of the same tribunal. The judicial police are responsible for registering any and all violations of the penal code, gathering evidence, and pursue the perpetrators of such violations, provided the investigation has not yet been opened.

SECTION TWO: THE COUNCIL OF STATE

The Council of State was established pursuant to the Algerian Constitution promulgated on 28/11/1996, which, in Article 152 paragraph 2 thereof, states that "[A] council of state shall be established as [*sic*] a watchdog organization for the activities of the administrative judicial authorities." Additionally, Article 153 states that "[A]n organic law shall determine the organization, work and other competences of the Supreme Court, the Council of State and the Court of Disputes."

The organic law concerning the council of state was passed under number 01-98, dated 4 Safar 1419 corresponding to 30 May 1998, and stated in the first article thereof that "[T]his organic law shall determine the competences, organization and work of the council of state in accordance with Articles 153615261436119 [*sic*] of the Constitution."

Basic Functions of the Council of State

These basic functions were determined pursuant to Articles 2, 4 and 6 of the aforementioned law, in accordance with the following:

Article 2: "The Council of State is a watchdog organization for the work of the administrative judicial authorities. It is part of the judicial branch of

government. It shall guarantee a unified administrative judicial interpretation¹ throughout the entire country and shall strive to achieve respect for the law.

When exercising its judicial competences, the Council of State shall enjoy independence.”

Article 4: “The Council of State shall express its opinion on draft legislation in accordance with the terms and conditions provided for in this Law and the procedures set forth in its by-laws.”

Article 6: “The Council of State shall prepare a general annual report to be submitted to the President of the Republic, which shall include a determination of the quality of decisions issued by the administrative judicial authorities and presented to it, as well as a full report of its own activities.”

Authorities of the Council of State:

1. Judicial Authorities

Pursuant to these authorities, the Council of State carries out the function of a judge whose responsibility is the vacation of judgments, interpretation, appeal and cassation.

- With respect to the vacation of judgments, and in accordance with the provisions of Article 9 of the Law, the Council of State shall issue preliminary and final decisions with regard to appeals ... brought against organizational and individual decisions issued by central administrative authorities, national public agencies and national professional organizations.
- With respect to interpretation, and in accordance with the same Article 9, the Council shall decide all appeals pertaining to the interpretation and legitimacy of such decisions that are disputable under its jurisdiction.
- With respect to appeals, the Council decides appeals brought against decisions issued initially by the administrative courts in all cases, unless otherwise provided for by law.
- With regard to cassation, the Council decides appeals for cassation brought against final decisions issued by judicial administrative authorities, as well as appeals for cassation against the decisions of the Audit [*sic*] Council.

2. Advisory Authorities

In paragraph 3 of Article 119 of the Constitution, “draft laws shall be brought before the Council of Ministers after obtaining the opinion of the Council of State”. Pursuant to the opinion expressed by the Constitutional Council,

¹ In the text, the word “*ijtima’a*” (consensus) appeared. The most likely intent was the word “*ijtihad*” (interpretation).

Number 6 / R.Q.A./M.D./98, dated 19/05/98, the advisory authorities granted to the Council of State shall be restricted to draft laws exclusively. Article 12 of the Council Law set forth that “[t]he Council of State shall express its opinion on drafts about which it is notified pursuant to the provisions set forth in Article 4 above, and shall suggest any amendments it deems appropriate.”

The Council assumes its advisory function in the form of a general assembly or a standing committee. The general assembly gives its opinion on draft laws under the presidency of the president and its members consisting of the vice president, the State commissioner, the section heads and five State counselors. Concerned ministers may participate in the sessions in person or by those acting on their behalf. No decision shall be deemed proper except with the presence of at least half the members of the general assembly.

In exceptional cases deemed urgent by the head of the government, the standing committee assumes the responsibility of reviewing draft laws. Such committee shall be comprised of a chairman with the rank of chamber president and at least four State counselors. The sessions shall be attended by the State commissioner or one of his assistants, and at these sessions he submits his memoranda.

Finally, Article 14 of the Council law states that the forms and methods of procedure for providing consultation shall be determined by regulation; and in this regard Executive Decree No. 261-98, dated 7 Jumada al-Aula 1419, corresponding to 29 August 1998, was issued.

Organization of the Council of State

The Council of State is composed of the following judges:

- On the one hand: the president of the Council of State – vice president – chamber presidents—section heads – State counselors
- On the other hand: the State commissioner – assistant State commissioners

(When exercising advisory authorities, this composition can be reinforced with additional specialized State counselors in an extraordinary function)

The Council of State has the right to record the minutes of the sessions. This is the responsibility of the head court clerk who shall be announced from among the judges, assisted by court clerks working under the authority of the Council’s president.

In addition, the Council shall include technical sections and administrative departments subordinate to the secretary-general, under the authority of the Council’s president. The method of appointing department and section heads shall be determined by regulation. In this regard, Executive Decree No. 263-98, dated 29 August 1998, was issued. As for the secretary-general, such appointment shall be made pursuant to a presidential decree upon the

recommendation of the Minister of Justice after consulting the president of the Council of State.

The by-laws shall determine the methods for the organization and work of the Council of State, particularly the number of chambers and sections and the areas of work thereof, as well as the competences of the clerks, technical sections and administrative departments.

The Council's Office

The Council of State shall have an office composed of the following:

- President of the Council of State as president.
- State commissioner as vice president of the office.
- Vice-president of the Council of State.
- Chamber presidents.
- Dean of the section heads.
- Dean of counselors.

The office shall have the following authorities:

- Prepare and ratify the by-laws of the Council of State.
- Express opinion on the distribution of functions among the Council of State judges.
- Take such regulatory procedures as necessary for the good conduct of the Council.
- Prepare the Council's annual program.
- Other authorities of the office shall be specified in the by-laws.

President of the Council

The Council of State shall be run by its president who is responsible for the general organization of its work. On that basis, he shall:

- officially represent the institution
- strive to enforce the provisions of its by-laws
- be responsible for the distribution of functions among chamber presidents, section heads and State counselors, after consulting the office
- exercise all the powers granted him by the by-laws, and in his absence or incapacity he shall be succeeded by the vice president

The State Commissioner

The State commissioner and assistant State commissioners perform the function of the public prosecution in cases of a judicial and consultative nature. They shall submit their memoranda in writing and explain their remarks verbally.

Authorities and Chambers

In addition to the two aforementioned formations concerning the advisory functions, Article 30 of the Law states that “[t]he Council of State shall convene its sessions in the form of combined chambers and section chambers”.

When convened in session, the Council shall be composed of all chambers combined in cases of need, especially in cases where the decision issued therein is a recantation of a judicial interpretation. In such cases, it shall be composed as follows:

President of the Council of State – Vice President – Chamber Presidents – Chiefs of Section Heads. The State Commissioner shall attend the sessions and present reports. No decision shall be deemed proper without a quorum of at least half the members of the combined chamber configuration.

The Council of State convenes its sessions in the form of chambers or sections to decide cases brought before it. No chamber or section may decide a case unless there is a quorum of at least three members of each. The president of the Council of State may preside over any chamber as necessary.

Finally, it is to be noted that procedures of a judicial nature that are followed before the Council of State are subject to the provisions of the Civil Procedure Code.

III. The Audit Council

The Audit Council was originally established pursuant to Article 19 of the Algerian Constitution promulgated in 1976; it was then provided for by Article 160 of the 1889 *[sic]* Constitution. It stated that “[a]n Audit Council shall be established and shall be responsible for oversight *a posteriori* over the monies of the State, regional groups and public establishments”.

In practice, the Audit Council was established pursuant to Law No. 5-80, dated 1/3/1980, which set forth the organization thereof and granted it an administrative and judicial authority to exercise complete oversight over the public monies of various organizations and public establishments.

Then Law No. 32-90, dated 4/12/1990, was enacted in regard thereto. It restricted its area of authority and stripped it of its judicial powers. However, this law was repealed by the legislation currently in force issued pursuant to Order No. 20-95, dated 17/7/1995, which determined “the powers of the Audit Council, the methods of organization and management thereof, and penalties resulting from its investigations” as set forth in the first article thereof.

The Basic Functions of the Audit Council

These functions were provided for in Article 2 of said Order, which stated the following: “[T]he Audit Council shall be considered the supreme institution for oversight *a posteriori* over the monies of the State, regional groups and public establishments”.

“In this capacity, it shall examine the terms and conditions upon which organizations can use financial resources and means and public funds that fall within the scope of its authority, as set forth in this Order, and shall assess the management thereof and ensure the consistency of operations of such financial and accounting organizations with the applicable laws and regulations”.

“The goal of this oversight that is exercised by the Audit Council, based on the results it has achieved, is to encourage the effective and strict utilization of material resources, means and public monies, in order to reinforce the requirement of submitting accounts, and to develop transparency in the management of public monies”.

Article 3 stated that “the Audit Council is an institution that enjoys an administrative and judicial authority in the exercise of the function with which it is entrusted. It shall enjoy the necessary independence as a guarantee of objectivity, neutrality and efficiency in its work”.

The Powers of the Audit Council

1. Administrative Powers

- With respect to the organizations that are subject to oversight, it monitors such organizations’ good use of public financial resources, monies, values and means.
- Evaluates the quality of the management thereof at the efficiency, effectiveness and economic levels in view of the tasks, goals and methods used.
- At the end of its investigations, it recommends all the procedures that it deems appropriate for enhancing performance, without interfering in the “veracity and feasibility of the policies and goals of the programs put forward by the administrative authorities” (Article 15).

2. Judicial Powers

- The council shall ensure the strict adherence to the rules of order and discipline in the management of the budget and finances. It shall make decisions placing the burden of responsibility upon the necessary officials and their assistants at public institutions, establishments and organizations.

- Audit the books of public accountants, and issue rulings in regard thereto. In this area, it shall audit the veracity of the financial operations described therein, and their consistency with legislative and regulatory provisions applied thereto.
- Provide the penalties for any violations set forth in the law (Article 88), and impose appropriate fines on the violators within the prescribed limits.

3. Advisory Powers

- The Audit Council may be consulted on draft legal texts concerning public finances (Article 19).
- In addition, “an examination of files of national importance that fall within the scope of its jurisdiction” may be submitted to it for review. This is done by the president of the legislative body, the head of the government and the head of the parliamentary group”.

Organization of the Audit Council

The Council is organized into national and regional chambers. These chambers may be divided into sub-chambers. The chambers and sub-chambers exercise judicial and administrative powers within the framework of the Council’s authorities. The regional chambers assume the task of oversight *a posteriori* over the finances of regional groups and public organizations falling under their jurisdiction.

The number of national chambers and sub-chambers, and their area of intervention, as well as the number and locations of regional chambers, and other organizational matters, are determined by the by-laws of the Council, which are issued pursuant to a presidential decree upon the recommendation of the Council’s president after consulting “the membership of all chambers combined” and pursuant to Decree No. 377-95 dated 20/11/95 currently in effect. The number of national chambers is 8 and each one’s specialization has been determined. The number of regional chambers is 9 and their locations, as determined, are the capitals of the following provinces: Annaba, Constantine, Tizi Ouzou, Blida, Algiers, Oran, Tlemcen, and Ouarqla. It is to be noted that the location of the Council’s main office shall be “the city of Algiers” as determined by law.

The role of the public prosecution is given to the inspector-general, assisted by assistant inspectors. The inspector-general’s office is complemented with administrative departments, whose authorities are determined jointly by the president of the Audit Council and the inspector-general.

The Audit Council shall have a clerk’s office, which, under the authority of the president, is headed by the head clerk, assisted by clerks. A clerk is appointed for each chamber, and is responsible for recording the minutes of each chamber and its sub-chambers.

The Council also includes technical sections and administrative departments. The technical offices are tasked with providing the support necessary for the Council to carry out its functions and enhance its performance. It may take part in the auditing, investigation and evaluation processes.

A secretary-general is appointed for the Council pursuant to a decree upon the recommendation of the Council's president. The secretary-general assumes the responsibility of promoting, and following up on, the Council's technical sections and administrative departments, as well as coordinating among them under the auspices of the Council's president.

The Council is composed of the following judges:

- On the one hand: President of the Audit Council – Vice President – Chamber Presidents – Sub-Chamber Presidents – Counselors – Treasurers.
- On the other hand: Inspector-General – Assistant Inspectors-General.

The rights and duties of the Audit Council's judges are provided for in a fundamental decree-law, as will be explained below.

The Authorities and Roles of Council Judges

1. The President

He represents the Council in an official capacity and before the judges. He handles the Council's relations with the President of the Republic, the speaker of the legislative assembly and the head and members of the government. He works to achieve consistency in the application of the provisions of the by-laws. He appoints the Council's employees, for which no other method of appointment has been established. In his absence or incapacitation, the vice-president will assume his responsibilities.

2. The Superintendent-General

He continues the exercise of judicial powers as an Audit Council, and performs the function of monitoring the application of laws and regulations in effect at the Council.

He ensures that the accounts are submitted regularly, requests the implementation of required judicial procedures, and follows-up on the enforcement of the Council's decisions and ascertains the extent of that enforcement.

He attends the judicial sessions and submits his conclusions in writing, and his oral remarks as necessary. He handles the relations between the Council and the judicial authorities, and follows up on the results of each file sent to such authorities for review.

3. Chamber Presidents

They are responsible for coordinating the work within each chamber, and work towards improving their job performance. They assign the work to the judges of their respective chambers, as well as promote, follow up, and supervise such work.

They periodically prepare progress reports and an annual statement of work results. In addition, they prepare evaluation reports about the extent of implementation of the monitoring program.

The Configurations of the Council

In Article 47 of the law, the configurations were determined as follows:

- **Joint Chamber Sessions:** This configuration consists of the president, vice-president, chamber presidents, a judge from each chamber to be selected from among the sub-chamber presidents, and chamber counselors, in accordance with the procedures set forth in the by-laws.
- **Chambers and Sub-Chambers:** A deliberation configuration composed of at least three judges per the terms and conditions set forth in the by-laws.
- **The Chamber Responsible for Discipline in the Management of the Budget and Finances:** It is composed of at least six (6) counselors appointed pursuant to a decree issued by the Council's president in accordance with the provisions of the by-laws.
- **The Programs and Reports Committee:** It is composed of the Council's president, vice-president, Superintendent-General, and chamber presidents. The secretary-general attends its sessions, but not its deliberations.

The law and by-laws determine the authorities of each one of these configurations, how they are exercised, and the procedures to be followed.

Methods to Appeal the Audit Council's Decisions

1. Review

The Audit Council's decisions are reviewable within a period of one year from the date of notification thereof, per the request of the litigant or the Superintendent-General. Moreover, the chamber or sub-chamber issuing the decision may automatically conduct a review. The reasons for this review are: -- the existence of errors – neglect and fraud – duplication – the emergence of new facts that justify such a review.

2. Appeal

The council's decisions are appealable within a period not to exceed one month of the date of notification of such decisions, per the request of the concerned litigant or inspector-general.

The request for appeal is reviewed by "the joint chambers configuration", and such configuration decides the matter by issuing a majority-vote decision outside the presence of the *rapporteur* and the superintendent-general.

During an appeals process, the execution of the decision on appeal is stayed.

3. Cassation

According to Article 110 of the Audit Council Law, No. 20-95 dated 17/07/95, the decisions of the Audit Council that are issued by the joint chambers configuration are subject to cassation before the Supreme Court pursuant to the Civil Procedure Code. The appeal for cassation is submitted per the request of the concerned party or an attorney certified at the Supreme Court, or at the request of the Minister in charge of finance, the authorities responsible for forward buying or legal guardianship, or the superintendent-general.

If the Supreme Court rules to rescind the appealed decision, the joint chambers configuration will abide by the legal grounds established by the Supreme Court; however, this Article has become inconsistent with the provisions of Article 11 of the Council of State Law².

The Fundamental law for the Judges of the Audit Council

As mentioned above, the Audit Council judges are subject to a special law (issued pursuant to Decree No. 23-95 dated 20/03/95), which sets forth their rights and obligations and regulates their employment status, as stated in the first article of said law. Following are the most important provisions of this law:

Appointments

The Audit Council judges are appointed as follows:

- President of the Council: by presidential decree.
- Vice-president and chamber and sub-chamber presidents: by presidential decree upon recommendation by the council's president.
- Superintendent-general and assistant inspectors: from among the council's judges by presidential decree upon recommendation by the head of the government.

² No. 01-98, dated 30 May 1998. It states that "[t]he Council of State shall decide all appeals for cassation brought against final decisions issued by the administrative judicial authorities, and therefore, all appeals for cassation brought against the decisions of the Audit Council".

- The first appointment shall be at the grade of counselor or treasurer, pursuant to a presidential decree on the recommendation of the council's president after consulting the council of judges at the Audit Council.

The law states that joining the ranks of judges at the Audit Council shall be done by means of conducting a nation-wide contest in which legally eligible candidates take part. The eligibility requirements are that the candidates must be at least twenty-five years of age and not older than forty-five years of age, plus a higher education degree in legal, economic, financial or commercial sciences, or the equivalent thereof.

Rights and Duties of Judges

Judges are protected from all forms of pressure or interference and maneuvering, which would impede them from performing their functions. The State must protect them from any threats, humiliation, insults, slander or assaults, whatever they may be, to which they may be exposed during, or on the occasion of, the performance of their jobs. It must also compensate them for any damages they may suffer in all other cases not provided for in the applicable legislation.

A council judge receives a salary and compensation, sufficient to afford him independence and commensurate with the powers he is granted. The methods of the application thereof are determined by regulation.

The right of Audit Council judges to join labor unions is recognized, with consideration given to certain terms and conditions.

Audit Council judges must abide by the principle of reticence, which guarantees their independence and impartiality. They may not do any electoral work at the legislative assembly or the elected regional councils.

They are prohibited from doing any other paid work or any private activity for the purpose of profit. However, they are allowed to engage in training, educational or research programs at higher education institutions consistent with the terms and conditions set forth in the applicable regulation. Moreover, they may produce scientific, literary or technical literature.

As for the legal conditions set for judges, they are as follows:

- Job performance
- Secondment (assuming the tasks of a member of government, performing functions at public administrations, institutions or organizations, or taking on a technical collaborative job abroad or at international organizations)
- Placement on non-active status (in certain specific cases)
- Termination of jobs (for reasons of resignation, acceleration, removal or retirement at the age of sixty with the option to extend to age sixty-five)

Council of Judges at the Audit Council

Within the Audit Council, “a council of judges at the Audit Council” shall be established, which shall work to achieve respect for the provisions of the fundamental law governing the council’s judges, and follow up on their employment status. It shall be presided over by the president of the council and composed of the following members:

- Vice-president of the Audit Council as representative of the president
- Superintendent-general
- Two members appointed by the President of the Republic from outside the circle of Audit Council judges
- A chamber president elected by chamber presidents
- A sub-chamber president elected by sub-chamber presidents
- Two counselors elected by their colleagues
- Two treasurers elected by their colleagues
- The director-general of the Audit Council

The function of secretary of the council of judges is performed by a functionary from the administrative departments at the Audit Council with the rank of director at the least. The organization and rules of procedure of the council’s secretariat shall be determined by regulation.

The term of membership in the council is three years for members appointed by the President of the Republic, members representing the legislative assembly and elected members. Membership may not be renewed until after three years from the expiration of the prior period. Elected members may not be transferred during the period of their membership.

The council is called to convene by its president who may delegate this authority to his vice-president.

It convenes in two regular sessions every year and in exceptional sessions whenever necessary.

The deliberations of the council shall not be deemed proper unless there is a quorum of at least two-thirds of its members. Its decisions shall pass by a majority vote and a specified majority for decisions involving disciplinary sanctions.

Among the most significant authorities of the council are the following:

- Examine the files of the candidates to be appointed at the Audit Council, and work towards achieving respect for legal provisions
- Express opinion on suggestions concerning the transfer of judges, which entail professional relocation (transfers are done pursuant to a decision by the president)

- Review the files of candidates who are in line for a promotion, and review the grievances submitted by judges subsequent to the publishing of the eligibility list
- Assume the function of a disciplinary council with respect to the judges of the Audit Council

Monitoring the Conduct of Audit Council Judges

Any breach by any judge at the Audit Council of his basic legal obligations or the honor or sanctity of his profession, shall be deemed an offense that subjects such judge to disciplinary sanctions without prejudice to any punitive measures that may be taken if such breach is at the level of a violation.

If the Audit Council's president is notified of an offense committed by one of the council's judges, whether it is a breach of his legal obligations or a judicial follow-up measure taken against him because of a violation of common law that infringes upon the honor or sanctity of his profession, the council's president shall immediately suspend such judge and transfer the disciplinary action file to the council of judges at the Audit Council as soon as possible. The council is then obligated to decide the case within a period not to exceed ninety days from the date of suspension.

The disciplinary action is initiated by the president of the Audit Council or whoever is acting on his behalf before the council of judges, which is in session discussing the matter of disciplinary measures.

With respect to disciplinary sanctions, they are specified as follows:

1. Sanctions of the first degree: Warning – Admonition
2. Sanctions of the second degree:
 - Temporary suspension, along with suspension of the salary, wholly or partly, without any family compensation
 - A one- to three-grade demotion
 - Removal from the eligibility list
3. Sanctions of the third degree:
 - Exclusion of certain jobs
 - Reversion
 - Forced retirement, if the concerned party legally qualifies for retirement to receive pension
 - Removal, without abrogation of the right to pension
 - The president of the Audit Council shall impose sanctions of the first degree by a decision from him, and shall notify the council of judges thereof during its next session
 - Sanctions of the second degree are imposed by decision from the president of the council after obtaining an endorsing opinion from the council in session for disciplinary matters. Such decision is issued by a simple majority of the attending members
 - Sanctions of the third degree are imposed by an absolute majority of attending member votes, and, with respect to the

sanction of removal, an absolute majority of the full membership is required

- The sanction of reversion is imposed by decision from the president of the council. As for the remaining third-degree sanctions, they are imposed by a presidential decree

SECTION THREE: ADMINISTRATION OF JUSTICE

I. The Ministry of Justice:

The first article of Executive Decree No. 410-02 of 21 Ramadan 1423 corresponding to 26/11/2002, which sets forth the organization of the Ministry of Justice, states that the central administration under the authority of the Minister of Justice, the Guardian of the Seals, shall consist of the following:

1. The Secretary-General:

Under his authority shall be the mail and communications office and the internal security office. He shall be assisted by eight (8) directors of research among whom six (6) shall be appointed to perform functions that are part of the activities of the committee to promote and pursue the reform of justice.

2. The Minister's Office

The office of the minister shall be composed of the head of the office and eight (8) staff members in charge of research and summarization. They shall be responsible for the following:

- Prepare files concerning the minister's participation in government activities
- Information, communication and relations with the media
- Follow-up and preparation of summaries regarding the development of the sector
- Public relations and protocol
- Present the aggregate results of the sector's activities
- Pursue relations with social and professional associations and organizations
- Prepare and make use of the files related to activities with international organizations and agencies
- Review the international cooperation files

The office shall also include four (4) attachés assigned to the main office.

3. The Following Structures:

- i. The directorate-general for human rights
- ii. The directorate-general for employees and training
- iii. The directorate-general for finance, facilities and means

- iv. The directorate-general for modernization, organization and methodologies
- v. The directorate-general for prison administration and rehabilitation, which is managed pursuant to a special provision in the law

A) The directorate-general for human rights

Within the framework of the authorities granted to the Minister of Justice, the Guardian of the Seals, the functions of the directorate-general for human rights are as follows:

- Take into consideration the concerns of the citizenry with respect to any violations of human rights, and strive towards achieving respect therefor through communication with relevant departments
- Take the initiative and recommend the necessary amendments for incorporation into domestic legislation, and the adaptation thereof to international standards
- Evaluate the work of the justice department with regard to human rights
- Guarantee the promotion of human rights through constant communication with civil society, public institutions and international organizations
- Contribute to the preparation of human rights reports that are forwarded to them within the context of the relations with international institutions/organizations, with due consideration to the authorities given in this regard to the Minister in charge of foreign affairs

B) The directorate-general for employees and training

The directorate-general for employees and training shall be given the task of ensuring that an effective framework is put in place for judicial and administrative departments, by means of sound management of human resources centered on developing a rational planning strategy for staff, providing initial appropriate training for such staff, and having in place an ongoing training program for all employees and judicial assistants.

It includes two directorates, which are:

1. The Directorate of Judges. It is given the task of preparing and implementing a policy for the evaluation and development of the professional careers of judges. In this context, it performs the following functions:

- Takes part in the policy of employment and initial training of judges
- Guarantees the management of their professional careers
- Manages social services
- Plans and implements the training policy for judges

The directorate of judges includes two sub-directorates as follows:

a. The Sub-Directorate for the Management of the Professional Careers of Judges. It assumes the following functions:

- Guarantees the management of the professional careers of judges, in accordance with the legislation in effect
- Deals with issues regarding statutes and employment, in accordance with the legal and regulatory provisions
- Follows up on disciplinary actions with respect to judges
- Follows up on the management of social services offered to judges

b. The Sub-Directorate for the Training and Improvement of Training for Judges. It assumes the following functions:

- Assesses the training and training improvement needs for judges
- Prepares an initial and specialized training plan, and improves training for the benefit of judges, through coordination with training institutions
- Implements programmed activities and conducts assessments

C) The directorate-general for finance, facilities and means

The directorate-general for finance, facilities and means shall be responsible for providing the centralized and decentralized departments of the Ministry with the financial and material facilities and means necessary for the management thereof. In this regard, it performs the following functions:

- Prepares the program for the facilities that are to be built, and guarantees the implementation and supervision thereof
- Prepares the budget estimates necessary for managing and equipping the various structures of the justice sector
- Manages the financial allocations that are granted in the context of the management and equipment budget
- Determines the needs with regard to the equipment and the public means needed for the management of the departments
- Manages movable and real property, as well as automobile garages
- Assumes the responsibility of monitoring management at the central and judicial departments, as well as institutions under trusteeship

It is composed of two directorates:

- Directorate of Finance and Accounting
- Directorate of Facilities and Means

Each of the two directorates includes three sub-directorates.

D) The directorate-general for modernization, organization and methodologies

The function of the directorate-general for modernization, organization and methodologies is the modernization of the judicial system, in terms of its organization, internal management, and its relationships within national and international circles. It is considered a support instrument for the various

judicial, civil and penal policies, and those concerned with prisons. In this regard, it performs the following functions:

- Analyzes the data concerning the management of judicial authorities and penal institutions
- Analyzes the data concerning all types of crimes, for the purpose of contributing to the formulation of policies to eliminate recidivism
- Analyzes the data concerning judicial disputes of all kinds, which are referred to the judicial authorities, for the purpose of contributing to the adaptation of the applicable rules of form and substance
- Suggests the various methods in every shape, way or form, which can be employed for the purpose of promoting the organization and modernization of justice, and following up on the progress thereof
- Codifies and coordinates judicial and administrative work methodologies
- Guarantees the normalization [*sic*] of procedure, documentation and filing systems employed at judicial authorities and in administration, as well as management work at all levels
- Works towards producing, applying and publishing information
- Completes organizational studies for the departments of justice administration
- Promotes the use of automated media and communication technologies at all levels of the justice sector

It consists of two directorates:

- Directorate of Research, Organization and Methodologies (which includes two sub-directorates)
- Directorate of Automated Media and Information and Communications Technology, which includes three sub-directorates

E) The directorate-general for prison administration and rehabilitation

The penal sector consists of 128 institutions and 13,400 staff assistants at all levels of the various categories. They supervise a segment of prisoners consisting of 35,000 to 40,000 inmates. The directorate-general for prison administration and rehabilitation, which was established pursuant to Decree No. 2002-98 of 20 June 1998, is responsible for the management of this sector, where its primary task is to implement the reform of the penal institutions sector, which was a part of the program for universal reform of the justice sector.

The reform of the penal institutions, which is organized by a new legislative and regulatory body, centers around four principal goals.

A new draft legislation has been prepared regarding the organization of the penal institutions. It will soon be submitted to the government. Its goal is to enhance and improve the conditions of inmates and the respect for human rights, in addition to incorporating a modern perspective towards the issue of

prisoner rehabilitation and their assimilation back into society. The new anticipated provisions appear within the context of strict adherence to international treaties ratified by Algeria, particularly those concerning human rights. These provisions provide for the increased participation of civil society in the social re-assimilation of prisoners.

They are rules that are more flexible, which enable the judge responsible for imposing punishment and the various committees provided for by law to take the necessary measures to improve prison conditions and prisoner re-assimilation into society.

A review of penal laws and criminal procedure codes, which must take into account the directives and goals of the penal institution reform process, as interpreted by the new law regarding penal regulation; and a review of the regulatory provisions that govern penal institutions, which aim at improving and modernizing management and work procedures.

The review process will also have an effect on the fundamental laws concerning all the penal sector employees.

II. The Inspectorate General

The inspectorate general of the Ministry of Justice consists of: the central inspectorate, three district inspectorates, and the research director.

Functions of the Inspectorate General

The inspectorate general assumes the function of general inspection of judicial authorities, penal institutions, and agencies and departments that are part of the Ministry of Justice. It may also be responsible for conducting special inspections as necessary. Excluded from this are the Supreme Court, the Council of State and the Central Administration of the Ministry of Justice. However, the area of intervention of the inspectorate general extends to the clerks' offices and administrative departments of the Supreme Court.

The special inspection includes all investigations entrusted by the Minister of Justice, the Guardian of the Seals, to the Inspector-General. Inspectors may not conduct special inspections except by written order from the Inspector-General. In addition to the general authorities provided for in Article 17 of the aforementioned Executive Decree No. 188-90 of 23 June 1990, the inspectorate general performs the following functions:

- Prepares an annual inspection program
- Guarantees the good conduct of judicial authorities and penal institutions, and works towards the sound implementation of the programs developed by the Ministry of Justice
- Standardizes work methodologies at all judicial authorities

- Conducts all inquiries and investigations that it is tasked to do by the Minister, whether or not the matter relates to judicial or administrative resources or equipment
- Investigates the location itself in search of all the difficulties and obstacles faced by judges and staff when performing their jobs
- Puts forward all the suggestions and solutions that it deems sufficient to deal with the deficiencies, and incorporates every improvement into the quality and effectiveness of the services provided by the justice system
- Monitors the conduct of the Republic's public prosecution offices for the purpose of ensuring speed in the disposal of cases
- Follows up on the clerks' offices and the conduct thereof
- Conducts regular inspections of the management and security of penal institutions, and strives to improve prison conditions

Inspection Program

The central inspectors and district inspectors conduct inspections at least once a year according to the annual program prepared by the Inspectorate – General at the beginning of every judicial year, after it has been submitted to the Minister of Justice for approval.

Surprise inspections can be conducted as necessary.

Management of the Inspectorate General

The district inspectorates are under the supervision of a district inspector, assisted by three (3) inspectors.

The central inspectors, research director and district inspectors perform their functions under the supervision of the inspector-general.

Inspectors at the district inspectorates perform their functions under the supervision of the district inspector.

Functions of the Inspector-General

The inspector-general performs the following functions:

- Prepares an annual inspection program at the beginning of every judicial year, which is submitted to the Minister of Justice for ratification
- Ensures the follow-up and implementation of the annual inspection program
- Receives the complaints and reports of the heads of the judicial authorities, and takes the necessary measures relative thereto
- Follows up on the activity of the central inspectorate, research director and district inspectorates

- Conducts all the special investigations he is tasked with by the Minister of Justice, the Guardian of the Seals
- Represents, or appoints a representative for, the Minister of Justice, the Guardian of the Seals, before the Supreme Judicial Council in its disciplinary session
- Assesses judges in every inspection operation, and presents the evaluation forms to the Supreme Judicial Council
- Prepares a complete report at the end of the first two months of every year, which includes the activities of the inspectorate general, then submits such report to the Minister of Justice, the Guardian of the Seals, and sends an abstract thereof to the Supreme Judicial Council
- Prepares a detailed report at the end of every special inspection, which he then sends to the Minister of Justice, the Guardian of the Seals

The inspector-general, within the context of his job performance, has the right to request the heads of the judicial authorities and penal institutions that are part of the Ministry of Justice, to provide him with any information file, document or record for his perusal.

Functions of the District Inspector

The district inspectorate is presided over by a district inspector, working under the supervision of the inspector-general. He performs the functions with which he is specifically tasked. They are as follows:

- The areas of inspection are to be determined by a decision from the Minister of Justice, the Guardian of the Seals
- The inspectorate general shall notify the concerned judicial authorities of the results of the inspection and the observations contained therein
- Results of a special investigation are not be transmitted to the concerned party until the Minister of Justice has issued a decision in its regard

Functions of the Research Director

The research director assumes the responsibility of managing the following departments:

- The department responsible for the secretariat of the inspectorate general
- The department responsible for obtaining and summarizing the inspection reports
- The department responsible for creating, inventorying and following up on disciplinary files
- The department responsible for receiving and examining petitions and complaints

- The department responsible for researching and gathering periodic statistics on judicial work and the performance of judges

III. Judicial Aides

1. Attorneys

The legal profession is organized in accordance with Law No. 04-91 of 08 January 1991, which includes the legal profession, and in accordance with the decision dated 04 September 1995, which includes the ratification of the by-laws of the legal profession.

2. Process Servers

3. Notaries Public

4. Auction Sales Overseer

An auction sales overseer is considered a public assistant in charge of assessing movable property and material effects and the sale thereof at public auctions.

5. Judicial Disposal Agents

Judicial disposal agents are selected from among bookkeepers and accounting experts specialized in the real estate, agricultural, commercial, maritime and industrial sectors. The national committee submits an annual list of judicial disposal agents for registration, and such list is endorsed by the Minister of Justice.

The profession of judicial disposal agent is an independent free-lance profession organized pursuant to Decree No. 23-96 of 09 July.

6. Experts

When carrying out its functions, the judiciary, pursuant to the applicable legislation, may request experts with technical expertise in various areas of specialization. They are appointed by decision from the Minister of Justice and are registered in the judicial experts list.

7. Interpreters

SECTION THREE: PROBLEMS AND OBSTACLES FACING THE JUDICIARY IN ALGERIA

The publication bearing the title "Required Information", does not include answers to the questions posted therein in regard to the problems and

obstacles of the judicial system. But certain ideas were inspired from the words of the President of the Republic and the First Chief Justice of the Supreme Court at the inauguration of the 2001-2002 judicial year, and from the inaugural speech of the Minister of Justice at the Journalist Seminar on the Reform of Justice.

In general, officials concerned with the state of the judiciary in Algeria all agree that it is in need of reform to restore its credibility. The First Chief Justice of the Supreme Court, in addressing the President of the Republic, says, "Your presence today ... is an indication of your keenness on restoring credibility to the judicial sector, which oftentimes and quite correctly was the subject of much criticism..." One must, at this point, highlight a number of standards that my current and future colleague judges must observe. Moreover, even though the standards may appear to some as having been abandoned, they are however of great importance to the litigant, such as honesty, integrity and efficiency. In addition, the standard of dignity must also exist and be deep-rooted... dignity alone is enough to adorn a judge with the quality of credibility, and through him the entire judicial institution.

In particular, reference can be made to the following problems about which the officials are talking:

- At the level of human resources: the need to enhance the efficiency of judges by means of providing training courses and extending the training period for judges in the future. This is in addition to increasing the number of judges and the size of the body of student judges as a way to overcome the deficit.
- At the level of administering justice: the need to modernize the justice system to make it accessible to all, and faster and more effective by affording judges the technological means necessary to best perform their functions.
- At the level of legislation: the need to develop some legislation in light of the review and recommendations proposed by the national committee for the reform of justice

SECTION FOUR: REFORM PLANS

The Algerian judicial system is currently going through an intense reform process, particularly with the start of implementation of the suggestions and recommendations of the national committee for the reform of justice.

The report of the national committee, which has been submitted to His Excellency, the President of the Republic, anticipates a real rejuvenation in the Algerian judicial sector to be able to adapt to the needs of the current situation.

The Council of Ministers has adopted the government's work plan to incorporate the reform of justice as a part thereof. The implementation period of this plan has been set at five years.

The purpose of this reform is not only to review the laws, but also to create a self-renewing environment within which such laws can be enforced. It also gives great importance to human resources (judges, attorneys, clerks, notaries, process servers and others).

The issue is about enhancing their qualifications and securing their protection in the interest of independence of the justice system, as well as guaranteeing their respect for their professional obligations.

A partial review of important legal provisions had been done, where the main amendments ratified by Parliament concerned the following:

- Reinforcement of the principle of presumption of innocence: judicial police, placement under judicial probation, protective custody (Criminal Procedure Code)
- Move towards decriminalizing violations associated with the management of public economic institutions, criminalizing illegal appropriation of property, overcoming obstacles, and executing court sentences (Penal Code)
- Administrative closure, which, from now on, must be subject to the control of the administrative judge (Civil Procedure Code)
- Have the State incur the expenses associated with judicial assistance in civil matters, and those associated with the official committee in criminal matters (judicial assistance)

This initial stage, which will be expanded later to include the issue of attainment of rights, will tend to strengthen, more and more, the constitutional principle of the right to a defense, which is the fundamental axis upon which is built the nation of law.

Part 1: In terms of the work required at the level of the legislature and the judiciary:

1. On the legislative front:

1. A review of the laws
2. An urgent and penal review of the fundamental laws
3. Consistency of legislation

2. On the judicial front:

1. Within the agencies of the State
2. Geared to the citizenry

Part 2: The Judiciary

1. The Status of Judges

- A. Training and enhancing the skills of judges
- B. The circumstances of a judge

2. Judicial Assistants

- A. Offices of court clerks
- B. Attorneys
- C. Notaries
- D. Process Servers
- E. Experts

3. Restoring esteem to the judicial authorities

- A. Management of judicial authorities
- B. Judicial authorities network
- C. Modernization of judicial authorities
- D. Judicial organization
- E. Re-organization of the central administration of the Ministry of Justice

4. Elevate the penal system to an appropriate level:

- A. Review the legislation
- B. Improve the facilities and expand the penal network
- C. Modernize the management techniques
- D. Improve prison conditions

Remarks:

This report was prepared on the basis of the information that we were able to obtain from our correspondents or sources published in various media.

Therefore, we apologize if there is any incomplete or inaccurate information. We would hope that the reader can provide us with any piece of information that may complete or correct the content of this report or any part thereof.

Annex No. 1

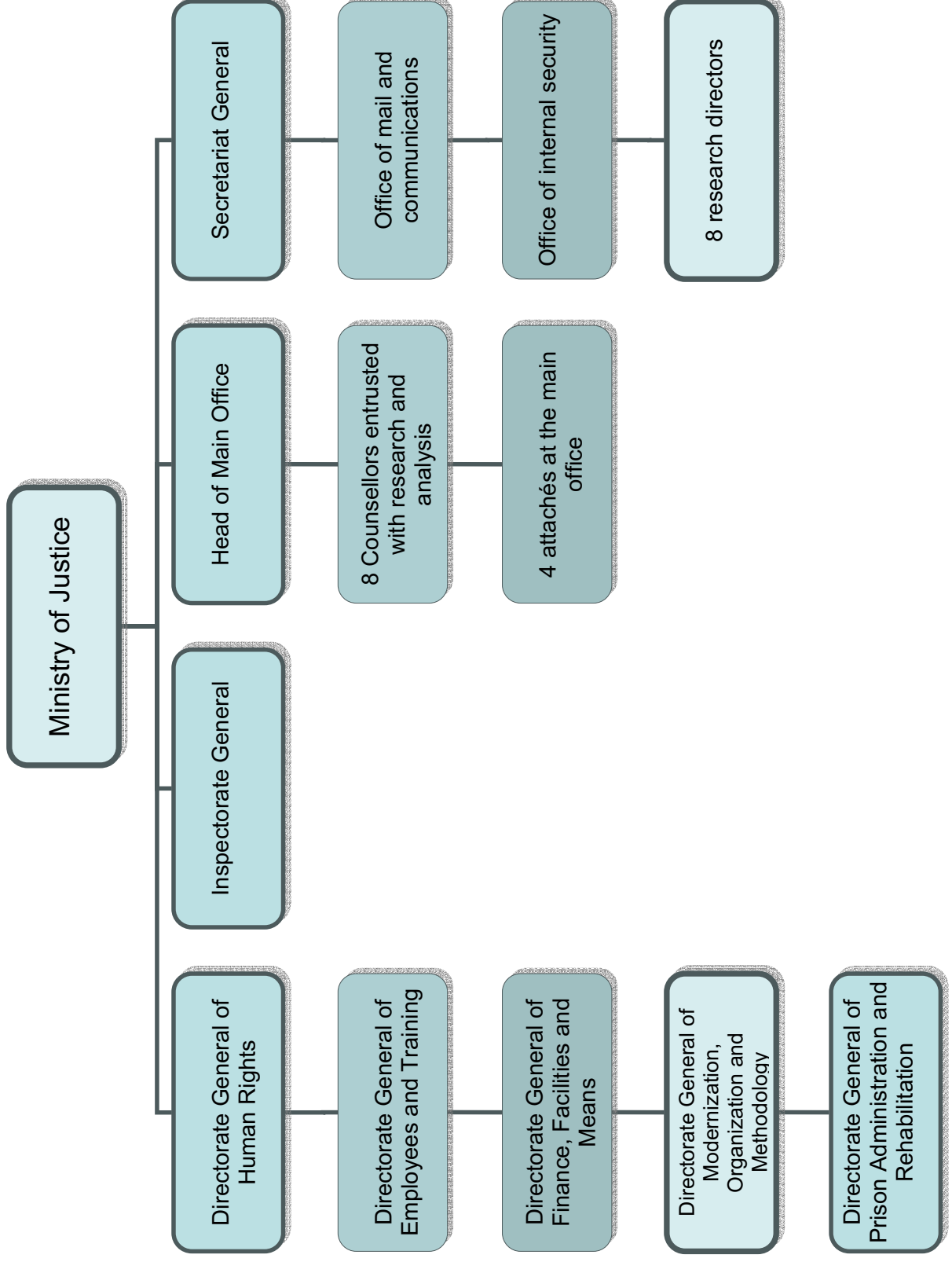
Legal Texts Concerned with the Judiciary

Title of Legal Text	Type of Text	Text No.	Date
Constitution	Constitution	1	28/11/1996
Fundamental Law for the Judiciary	Law	21	12/12/1989
Law establishing the Supreme Court	Law	22	12/12/1989
Law establishing the Council of State	Law	1	30/5/1998
Law establishing the structure of administrative courts	Law	2	30/5/1998
Court of Disputes	Law	3	3/7/1998
Law establishing managed prisons	Decree	98-2002	20/6/1998
Organization of the central administration at the Ministry of Justice	Executive Decree	410-02	26/11/2002
Law establishing the Council of State	Law	1	30/5/1998
Jurisdiction, organization and function of the Council of State	Organic Law	98	30/5/1998
Defining the job classification of the Secretary-General of the Council of State	Executive Decree	322-98	13/10/1998
Methods of appointment and classification of Council of State department and section chiefs	Executive Decree	263-98	29/8/1998
Methods of referral of all cases filed with and/or brought before the administrative chamber of the Supreme Court to the Council of State	Executive Decree	262-98	29/8/1998
Consultative procedures before the Council of State and methods of application thereof	Executive Decree	261-98	29/8/1998
Non applicable	Law	23-90	18/8/1990
Organization of the Constitutional Council	Presidential Decree	143-89	7/8/1989
Statute determining the rules of procedure for the Constitutional Council	Statute	48	28/6/2000
Audit Council	Decree	95-20	17/7/1995
Fundamental law establishing the Audit Council judges	Decree	95-23	26/3/1995
Audit Council rules of procedure	Presidential Decree	95-377	20/11/1995

Annex No. 3

Diagram of the Central Administration

Organizational Chart of the Central Administration at the Ministry of Justice



Annex No. 4

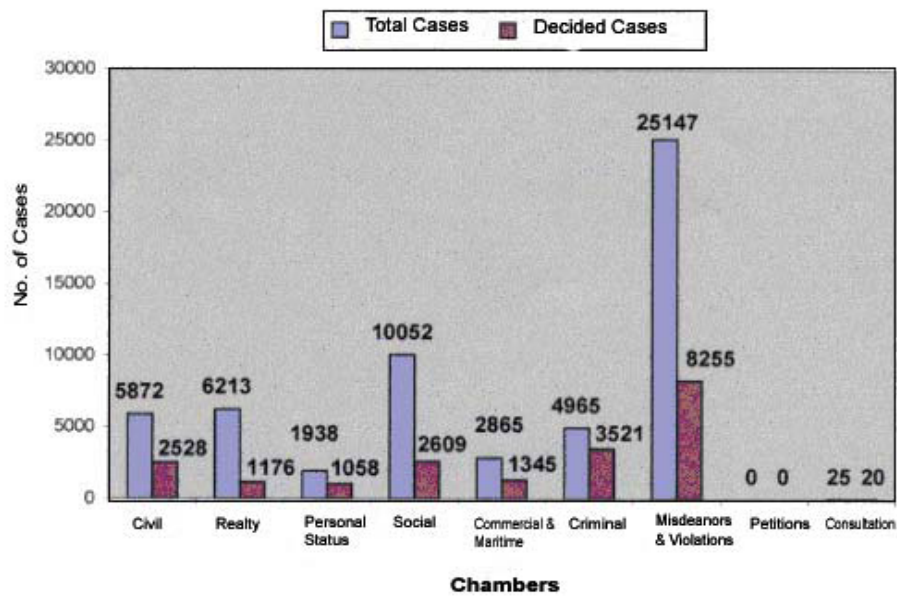
Year 2000 Statistics:

During this year, there were 21,920 new cases filed with the Supreme Court. As of 31/12/1999, the number of remaining cases pending decision was 35,157. Thus, the total number of cases is 57,077.

From this number of cases, 20,512 cases were decided, i.e., 35.93%, which is an increase of 35.56% compared with the previous year.

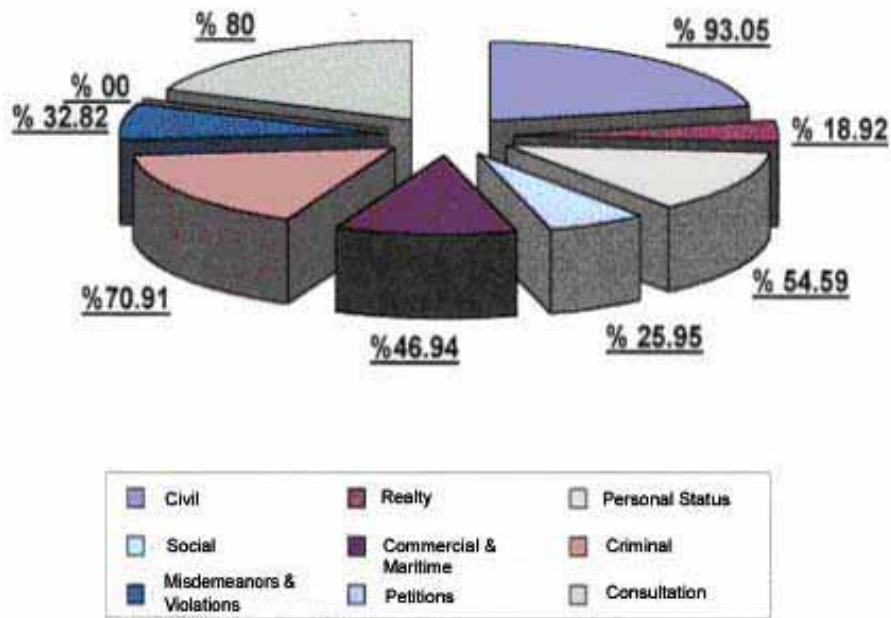
As for the remaining cases pending decision as of 12/31/2000, there are 36,565 cases. This is illustrated in the following chart:

Total Number of Cases and Number of Decided Cases



As for the percentage of cases decided for all chambers during the year 2000, it is as shown in the following figure:

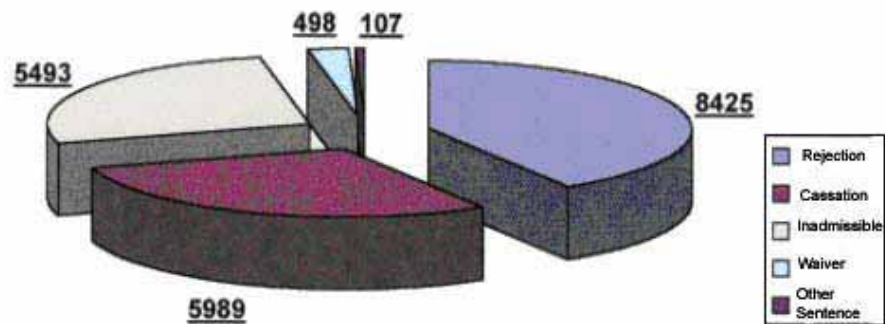
Percentage of Cases Decided for Each Chamber in 2000



With respect to decisions issued, they are classified as follows:

Rejection	8425 decisions	41.07%
Cassation	5989 decisions	29.20%
Inadmissible	5493 decisions	26.78%
Waiver	498 decisions	02.43%
Other Sentence	107 decisions	00.52%
Total	20512 decisions	100%

Decisions Issued During the Year 2000



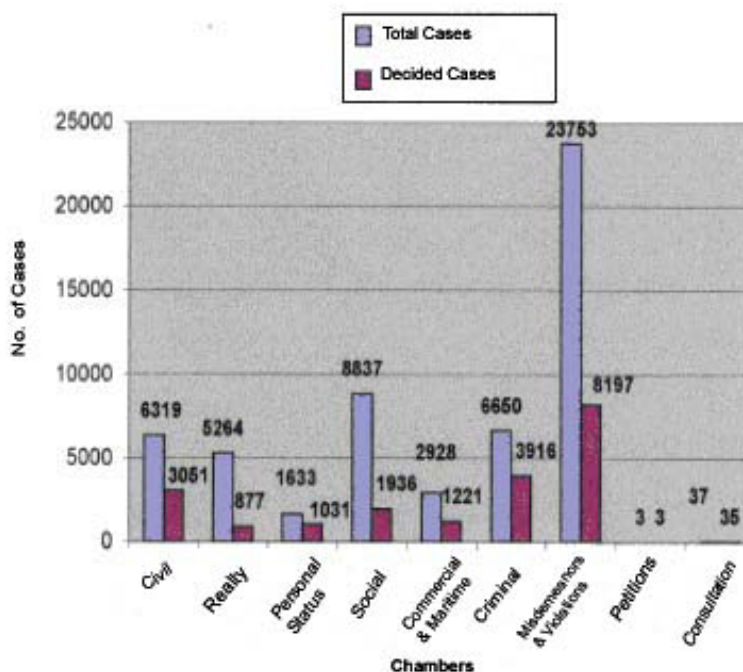
1999 Statistics

During this year, there were 23,648 new cases filed with the Supreme Court. As of 31/12/1998, the number of remaining cases pending decision was 31,768, and 8 cases were referred by the Council of State to the chambers of the Supreme Court. Thus, the total number of undecided cases pending before the court was 55,424.

From this number of cases, 20,267 cases were decided, i.e., 36.56%, which is a decrease of 39.37% compared with the previous year. This is due to the fact that some sessions did not take place during the holy month of Ramadan, which coincidentally came at the beginning and end of the year.

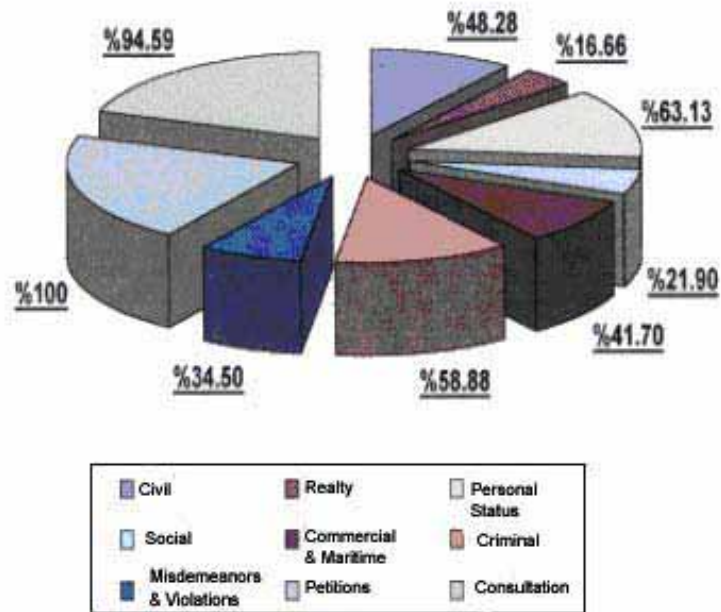
As for the number of remaining cases pending decision as of 12/31/1999, there are 35,157 cases. This is illustrated in the following chart:

Total Number of Cases and Number of Decided Cases With Respect To Each Chamber During 1999



As for the percentage of cases decided for all chambers during the year 1999, it is as shown in the following chart:

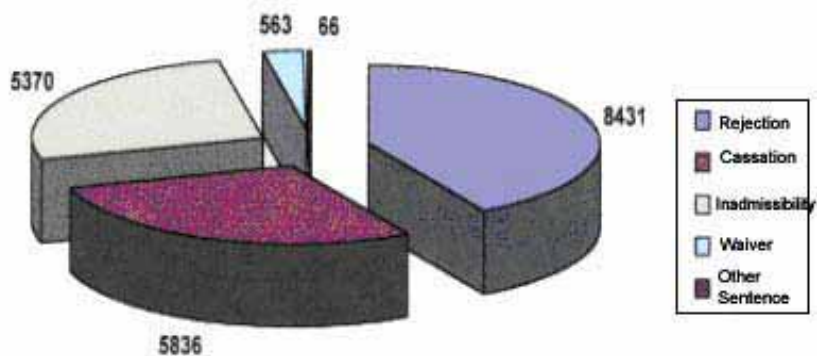
Percentage of Cases Decided for Each Chamber in 1999



With respect to decisions issued, they are classified as follows:

Rejection	8431 decisions	41.60%
Cassation	5836 decisions	28.80%
Inadmissible	5370 decisions	26.60%
Waiver	563 decisions	02.78%
Other Sentence	66 decisions	00.32%
Total	20266 decisions	100%

Decisions Issued During the Year 1999



A comparison between the different cases from 1995 to 2000.

With respect to the cases that are decided or pending decision, their number is constantly increasing. This is shown in the following table illustrating the period from 1995 to 2000.

Cases	1995	1996	1997	1998	1999	2000
Old Cases	17948	21821	25212	29456	29768	35157
New Cases Filed	15855	19335	22732	22935	23648	21920
Total Cases	33803	41156	47944	52398 ⁽¹⁾	55424 ⁽²⁾	57077
Cases Decided	11982	15944	18488	20630	20267	20512
Cases Pending	21821	25212	29456	31768	35157	36565

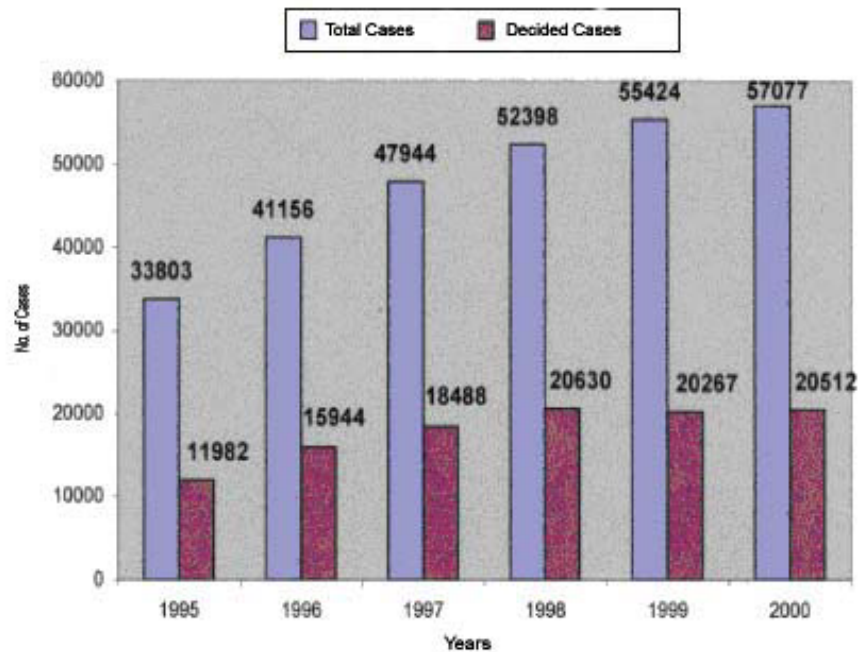
(1) Indicates that there are 7 files carried over from the Council of State to the chambers of the Supreme Court.

(2) Indicates that there are 8 files carried over from the Council of State to the chambers of the Supreme Court.

Number and percentages of decided and pending cases from 1995 to 2000

Cases	95/96	96/97	97/98	98/99	99/2000
	%	%	%	%	%
Old Cases	+3873 +21.57	+3391 +15.54	+4244 +16.83	+2312 +07.84	+3389 +10.66
New Cases Filed	+3480 +21.94	+3397 +17.56	+203 +0.89	+713 +03.10	-1728 -07.30
Total Cases	+7353 +21.75	+6788 +16.49	+4447 +09.27	+3026 +05.77	+1653 +02.98
Cases Decided	+3692 +33.06	+2544 +15.95	+2142 +11.58	-363 -01.75	+245 +01.20
Cases Pending	+3391 +15.54	+4244 +16.83	+2312 +07.84	+3389 +10.66	+1408 +04.00

The total number of cases and cases decided from 1995 to 2000



Remarks:

1 – New Cases Filed

The number of cases filed in 1999 was 23,648 cases. This number represents:

A 3.10% increase in the number of cases compared with 1998 in which there were 22,935 new cases filed.

2 – Cases Decided

In 1999, 20,267 cases were decided. This means:

A 1.75% decrease in the number of cases decided compared with 1998 in which the number of cases decided was 20,630 cases.

A 69.14% increase with respect to 1995, in which the number of cases decided was 11,982 cases.

3 – Cases Pending Decision as of 31/12/1999

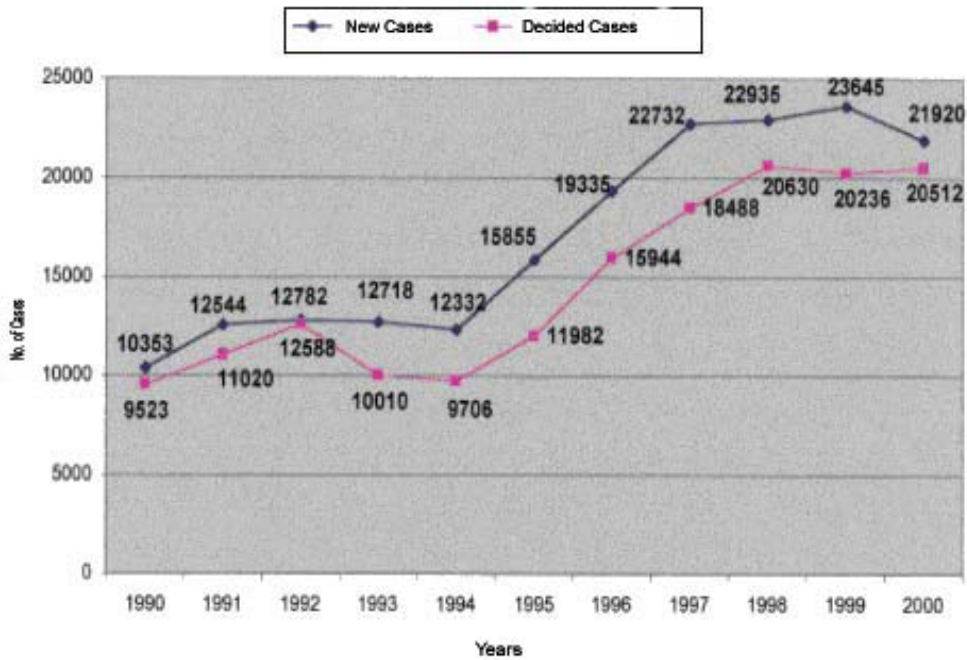
The number of cases pending decision as of 31/12/1999 was 35,157 cases. This means:

A 10.66% increase in the number of cases compared with 1998 in which the number of cases pending decision was 31,768 cases.

A 16.11% increase in the number of cases with respect to 1995, in which the number of cases pending decision was 21,821 cases.

The following curve represents an increase and decrease in the number of cases from 1990 to 1999.

New Cases Filed and Cases Decided
From 1990 to 2000



Remark:

It is noticeable that there is a constant rise in the number of new cases filed and cases decided, especially starting from 1994, with the exception of 1998 in which there was a decline in the number of cases decided for many reasons among which are:

- New Justices needing some months to develop a work routine like other Justices.
- Delegation of some justices to perform other functions outside the Supreme Court.
- All the sessions that were to take place during the holy month of Ramadan, which coincided with January and December of the same year, were cancelled, as well as August which is vacation month for the judiciary.

Number of Justices per Each Chamber from 1995 to 2000

Chambers	Years					
	1995	1996	1997	1998	1999	2000
Civil	18	23	24	22	22	18
Personal Status	11	12	12	10	10	08
Social	13	17	16	14	15	15
Commercial Maritime	07	12	13	10	10	10
Realty	-	-	07	08	09	11
Administrative	08	12	13	-	-	-
Misdemeanors and Violations	27	40	38	40	39	40
Criminal	14	18	19	19	19	16
Petitions	02	05	03	01	01	01
Consultation	03	01	01	01	01	01
Total	103	135	138	124	124	191 [sic] +10 Justices

During 1996, the number of justices was 135, among whom 50 justices were working in the Petitions as well as other chambers.

During 1997, the number of justices was 138, among whom was the First Chief Justice who worked in both the Consultation and Criminal chambers, and 7 other justices working in two different chambers.

During 1998, the number of justices was 124, noting that the First Chief Justice worked in the Consultation and Criminal chambers.

During 1999, the number of justices was 124, noting that the First Chief Justice worked in the Consultation and Criminal chambers, and there was another justice from the Realty chamber who was working in the Civil chamber.

During 2000, the number of justices was 119, noting that the First Chief Justice worked in the Consultation and Criminal chambers. It is to be noted also that 10 new justices were appointed to the Supreme Court beginning in September 2000.

A Comparison Between the Number of Cases Decided and the Number of Justices

