The Transformation of the Security Sector in Algeria

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1. Summary
This study contains a cross-section of the structure of the security establishment in Algeria, in addition to a brief explanation of the role and competence of its subsidiary directorates. The study also contains an analysis of the most important events of relevance to the security sector, especially those related to protests staged by police officers, a precedent in Algeria. Following the protests, many security services were disbanded and new laws were passed. The aim is to identify the background of all relevant changes and decisions made in the last several years.

These measures and legislations appear on the surface to be a result of a bid to reorganize the security establishment, to adapt to new realities and developments, at home and internationally. However, the political context of these developments forces a different reading to the official discourse, which will be analyzed and discussed in detail.

Nor should we overlook the inherent rights of the members of the security services, which have become today the focus of any desired reforms.
Introduction:

The security sector in Algeria, like other state sectors, has seen many shifts over the past few years. These shifts have been dictated by the political and security circumstances that arose in the 1990s, the so-called Black Decade, which was a period marked by security collapse. Counter-terrorism and restoring order thus became one of the key priorities of the security sector at the time.

On the other hand, the shifts that took place in the security sector in Algeria was a natural response to the challenges on the regional and international levels, with a view to keep up with current security developments and challenges. These include new types of crime, such as cross-border organized crime, money laundering, human trafficking, illegal immigration, cybercrime, terrorism, and financial crimes. These crimes now pose a threat to the security and stability of many countries, internally and regionally. This has prompted Algeria to join the international coalition formed under UN Security Council resolution 1373 (1), to engage in continuous action against terrorism and in its prevention, in addition to resolution 2133, issued by the Security Council on January 27, 2014, concerning the criminalization of ransom payments (2).

These shifts take place against the backdrop of another challenge, namely respect for human rights and international conventions, most of which Algeria has ratified. These texts are the reference frame for monitoring the performance of security services in implementing the rule of law.

The structural and administrative organization of the security sector in Algeria:

The Directorate General of National Security the main nerve of the police force in Algeria. All security agencies of the Algerian police branch out from this directorate. Each agency’s role and competence will be explained in detail.

1- Structures of the Directorate General of National Security:

The structures of the Directorate General of National Security consist of central, regional, and local structures. Three basic agencies branch out from the central structures – the Judicial Branch, the Inspectorate General and the General Secretariat.

In addition, the National Security Air Unit reports to the Director General of National Security. The unit was established in 2003 by Executive Decree No. 03-511 dated 02/04/2003 (3).

This unit specializes in providing logistical and intelligence support for tactical units. They help improve the effectiveness of intervention forces on the ground, through aerial support in coordination with tactical agencies.
Another entity is the police academy. Several police schools were established between 1964 and 1992 to train cadets. During this period, there were several recruitment and training drives nationwide. In this regard, recruitment witnessed quantitative evolution with the establishment of the applied school on 1/8/1969, and the Superior Police School on 5/1/1970. The structures inherited from the French colonial period continued to operate under the same system between 1965 and 1969.

In an attempt to improve the efficiency of the security services and strengthen cohesion between various police agencies (judicial police, general security, and general investigations), the system in place was modified. In 1971, provincial security services were established under Decree No.71-150 dated 3 June 1971, under which various agencies such as general security, the judicial police, and general investigations were merged.

The representative of the central security authorities was the only official and representative to the local authorities, coordinating between all these agencies. The security services of districts and urban areas were extensions of the provincial security authorities. The aerial and border police were also organized into regional divisions, and the same goes for logistics, financial, and communications agencies. For their part, police schools were under the control of recruitment and the vocational training sector.

The regional structures, in turn, were subdivided into regional inspectorates, regional financial departments, regional police border, regional anti-narcotics agencies, and regional investigative branches focusing on illegal immigration, which were created after the rise of illegal immigration from and into Europe.

The meeting of Western Mediterranean states or the 5+5 countries bringing together Morocco, Algeria, Tunisia, Libya and Mauritania from North Africa, and Portugal, Spain, France, Malta and Italy from southern Europe, was a turning point for the Algerian security policy. The meeting conclude with an agreement on a number of points, particularly those related to cooperation against illegal immigration.

Following the meeting, most North African states implemented security measures at the national level, resulting in a number of laws aimed at reducing the movement of illegal immigrant from and to Algeria. Algeria was seen as both a destination and a corridor for migrants.

These measures were put into practice through Law 08-11 issued in 2008, concerning the entry, movement, and residence of foreigners in Algeria, replacing Decree 211-66 of 1966. This was followed by Law 09-01, which amended and supplemented the Algerian Penal Code provisions concerning the criminalization of illegal immigration in 2009.

Finally, there are the local structures comprising 48 provincial security agencies, district security, urban security, and central police, in addition to mobile judicial police divisions and the republican security units (which were dissolved after protests by security personnel). There is also the airport and land border police.

2- The administrative organization of the Directorate General of National Security
In the past, the Directorate General of National Security was part of the Ministry of Interior. Its headquarters was at the Palace of Government, and its role consisted of the following:

- Protection of figures and private and public property.
• Ensuring respect for the laws and regulations that regulate public social life. Protecting society from any activities that undermine the public order or attacks on public and private freedoms.
• Ensure the prevention and deterrence of all infractions and misdemeanors, by collecting evidence pertaining to crimes and necessary for the application of criminal justice, in cooperation with the judicial bodies and the country's authorities.
• Keeping the higher authorities informed on the political, social, economic, and cultural situation in the country through reports and analyses of public opinion.
• Contributing to the protection of national institutions from all attempts at compromising their stability and normal functioning.
• Monitoring traffic across the border both with regard to citizens or foreigners by enforcing the applicable regulations.
• Enforce laws relating to the entry and residence of foreigners on the national soil.

The Directorate General of National Security is split into the following branches:

A) Specialized departments:

Specialized directorates comprise five directorates:

1. **Judicial Police Directorate**: Entrusted with investigating various crimes as per legal directives (Criminal Procedure Code, the Penal Code, Anti-Terrorism Law ... etc.).
2. **General Intelligence Directorate**: This directorate submits special and daily reports to the central headquarters of the Directorate General of National Security.
3. **Directorate of Republican Security Units**: Created through an internal decision before being dissolved as will be explained later.
4. **Directorate of Public Security**: Entrusted with keeping the public order through administrative police, preventive security, road safety, urban police, environmental protection, protection of public installations and diplomatic missions, and regional urban police and tourist police. The Public Security Directorate has other functions, including monitoring and inspecting public security departments nationwide.
5. **Directorate of Border and Immigration Police**: The function of the border police is to control and monitor border points, the movement of persons from and to Algeria, and secure border terminals such as ports, airports, and land crossings. In addition, the police is entrusted with cracking down on illegal immigration and falsification of documents, not to mention all types of crimes related to the national border (smuggling, drug trafficking, financial crimes). (4)

B) Technical, administrative and support directorates

Technical, administrative, and support directorates are split into: the Human Resources Directorate, Directorate of Finance, the Directorate of Education and Schools, and the Directorate of Communication.

C) Central departments

1. **Central Department for Press and Communications**
Press and communication departments are entrusted with delivering information in a timely manner in daily reports. The Directorate General of National Security established a central department for press and communications at its headquarters, in addition to specialized bureaus in three central directorates – the Judicial Police, the Public Security, and the Border Police directorates. In addition, there are 48 public relations and communications offices at the level of provincial security services, which answer queries from the media and citizens, not to mention outreach initiatives with the civil society and press in the domain of violence and drug prevention.

2. **Central Department for Health, Social Activity, and Sports:**

This department is entrusted with overseeing specialized units that provide health services to security personnel, including managing their health data and post-monitoring in coordination with Social Security.

This department is also entrusted with overseeing and developing programs for sports activities (shooting competitions and various martial arts).

3. **National Forensics Institute:**

Seeks to develop the scientific and technical police in particular by introducing the latest techniques in forensic evidence, to make them up to international forensics standards.
The security establishment and the conflict of wings in power and internal unrest

The past few years were eventful and witnessed changes unprecedented in the history of the Algerian security services. Some of these events have been attributed to the accumulations over the previous years, and the absence of any real reform in the conduct of the security services in Algeria. Others believe that the decisions made were merely the result of conflicts in decision-making centers in Algeria, with a view to rearrange the security establishment to serve the interests of the ruling authorities.

1- Dissolving the secret intelligence service tasked with monitoring crises
One of the first far-reaching decisions was when the Algerian prime minister, with the approval of the president, abolished the secret intelligence service tasked with monitoring crises, which was created in 2003 by the then-interior minister. (5)

The decision, issued under executive decree 13-156 on April 15, 2013, published in the Official Gazette No. 23, includes abolishing the National Practical Center for Assisting Decision-Making. This was a 10-year-old mechanism under the authority of the interior minister, and there is limited information regarding its actual activities, as it operated in semi-secrecy. The identity of its director was not publicly known.

This agency had extensive powers. Most security agencies were required to submit reports to it during crises, including the Interior Ministry police force, the gendarmerie, and various intelligence and security agencies of the Ministry of Defense.

Observers see the dissolution of the agency as the end of a major security apparatus, which other security agencies saw as a parallel instrument whose activities and jurisdictions overlapped with their own.

2 – Dissolving the military police of Algeria’s intelligence:
On September 23, 2013, the Algerian President Abdelaziz Bouteflika issued a decree abolishing the military judicial police of Algerian intelligence, effectively sacking two major generals. He also referred the head of the National Gendarmerie to early retirement.

The presidential decree, which was published in the Official Gazette, abolished the legal status of the military agency that enjoyed the status of judicial police, and was tasked with conducting investigation on behalf of judicial bodies. This agency lasted five years, from February 2008 until its dissolution in 2013.

This agency reportedly investigated graft cases, including allegations of corruption in the Algerian oil company Sonatrach involving former Energy Minister Chakib Khelil, who is politically affiliated to Bouteflika’s team.

This agency was the third agency of the intelligence services to be included in the president’s decisions. The first decision abolished the intelligence services’ Communication and Broadcasting Center, which
was tasked with following up the press and television stations, gauging public opinion, and broadcasting news.

The second decision removed the Military Security department from the intelligence services’ structure, and placed it under the authority of the Army Staff supervised by the Chief of Staff, the Deputy Minister of Defense.

These decisions coincided with changes introduced by President Bouteflika in senior and sensitive positions in the army and intelligence, including the sacking of the director of Internal Security and Counter-Espionage, and the sacking of the director of external security. The president also referred the head of the National Gendarmerie to early retirement.

These decisions can be seen as “tactical”, touching on the intelligence services and army command. They are seen as an attempt to keep the army and intelligence away from decision-making or influencing political life.

3- Protest by police officers
The protests held by security personnel in Algeria were the most prominent event in the history of the police force in the country since independence and a precedent.

The event began when Republican Security Units (Central Security) in the province of Ghardaia declared an open-ended strike over the situation in the city that was experiencing daily ethnic clashes between Amazigh residents (native people of North Africa) and ethnic Arabs. The protests expanded to the Algerian capital, which in turn witnessed organized and disciplined demonstrations mostly by members of the Republican Security, which emerged from their barracks to make a series of demands.

The demands included the departure of the general director of National Security, the right to form an independent trade union, in addition to a number of other demands. The protest went to the presidential palace where a sit in was held until a delegation representing them was received by the prime minister.

The demands included:

- Better work shifts.
- Reviewing allowances retroactively.
- Transport allowances, student grants, and other bonuses
- Posting security personnel closer to their residences
- Sick leave
- Protection against pressure and assault within the law
- Representation for police personnel in trade unions

The demands were prompted by excessive deployment of security personnel in areas witnessing ethnic clashes and in suppressing riots without being allowed to use weapons, which often put them at risk of being at the receiving end of popular anger. The police personnel were opposed to this role, not to mention the increased workload and long periods of deployment that left them at increased risk of exhaustion and stress.

Perhaps the most interesting demand, however, was the call for the director general of National Security to step down. Since his appointment in 2010, the director was controversial, as someone who
came from a military institution (the National Gendarmerie) subject to the military service law that is also a historic rival of the Directorate General of National Security.

Many observers agree that it we cannot separate those protests from the cold war within the Algerian regime between various centers of power, especially in relation to the war over succession of the president and the distribution of powers between vital agencies when it comes to decision making.

4- The right of police officers to organize into trade unions:
Establishing a trade union is a constitutional right respected in most democratic countries. Just like judges and civil servants have unions, police officers have the right to establish unions like anyone else in Algeria.

Police personnel, like everyone else as well, face professional and social issues, and trade unions would be the only entity capable of defending their rights and can play an important role in improving the security services.

Establishing police unions would ensure the presence of a liaison between police and the government and the authorities, to solve their problems and fulfill their demands in a peaceful framework based on dialogue.

Article 56 of the constitution of 2008 states that the right to organize is recognized for all citizens. However, Article 57 restricts this right, stating: “The right to strike is recognized if it is carried out within the framework of the law. The law may forbid or limit the strike in the field of national defense and security, or in any public service or activity of vital interest for the community.” (6)

Executive Decree No. 10-322 dated December 22, 2010, containing the basic law on the personnel of national security reiterated Executive Decree No. 91-524 on December 25, 1991. Article 30 of it states: “According to Article 43 of Law No. 90-02, dated 6 February 1990, striking or resorting to any form of deliberate walk-out from work is prohibited for police personnel. Any collective action found to be in breach of discipline is punishable in accordance with the provisions of Article 112 of the Penal Code without prejudice to disciplinary measures.”

This issue was raised following the protests of police personnel, unprecedented in Algeria since independence.

The police has duties but also rights. As much as its duties are vital in preserving public order and protecting people and properties, police have rights related to the conditions and circumstances of their work. It is not possible for police officers to express their legitimate demands legally unless an elected trade union is established according to discipline, whose function would be to defend the professional rights of their members in accordance with the law (7).

5- Preliminary results and decisions in the aftermath of police protests:
Only days after the protests by security personnel, President Abdelaziz Bouteflika made large-scale changes in the police service, including in particular the National Security intelligence service, which failed to anticipate what can be described as a rebellion in the security establishment, with uniformed police officers for the first time since independence coming out in protests demanding better working conditions.
The reshuffle included the director of intelligence, who was sacked, the director of public police, and the director human resources in the agency, in addition to reshuffles at the local level in a number of provinces.

These changes were proposed by the director general of National Security, after the tremor experienced by the police corps following the violence in the southern region (Ghardaia). Those events triggered protests by police officers that the intelligence department did not predict, which was seen as a failure in fulfilling its duties.

In truth, some security personnel had the audacity to leave the Republican Security Units in the Algerian capital, and headed towards the Directorate General for National Security, and also left the Urban Security branches in the south (Ghardaia) to protest outside the Provincial Security Directorate demanding the resignation of the director general of National Security.

6- The dissolution of the Directorate of Republican Security Units

A few weeks after the precedent set by the police corps by marching to the presidential palace and against the director general of National Security, the first result or decision was to dissolve to the Republican Security Units (URS) and other units in the country by the director general of National Security (DGSN).

Those units had been established via an internal decision inside the Directorate General of National Security.

The protests, which were calm and highly disciplined, were a display of power that prompted the prime minister to almost agree to all demands.

The measure to dissolve the Republican Security Units was seen by observers as a preemptive measure but also as collective punishment, at a time when the authorities denied taking any disciplinary measures against the police officers who took part in the demonstrations. The authorities say the reshuffle are part of a restructuring of National Security and is not linked to the events that shook this agency.
The security establishment and the challenge of respecting human rights

The issue of respecting human rights comes to the fore every time a state of emergency is imposed or lifted, as this is the benchmark for measuring the conduct of the security agencies, and how much they respect the provisions laid down in the conventions and treaties ratified by Algeria.

1 – Declaring a state of emergency in Algeria:
Following the serious unrest and the threat to the public order in 1988, political and security officials were caught off guard by the magnitude of the events that caused an internal popular eruption. The Algerian police force was entrusted with keeping the order, public security, and conducting investigations. But it was not prepared or trained to deal with daily protests. Therefore, there were many human rights violations and violations against the right to peaceful protest and assembly, as well as the right to have a fair trial.

Three months after the events of October 1988, a new plan was implemented to draw lessons at the security level. This culminated in a series of measures, including:

- Reorganization of the central administration of the Directorate General of National Security, in order to become more flexible and efficient.
- Establishing specialized police departments
- Reforming the training system
- Better planning and preparation for human and material resources
- Proportional use of resources
- Enhancing technical and other assets

In 1990, the implementation of the new program coincided with the start of a new and unprecedented wave of unrest and terrorism in Algeria. The police departments were not prepared in terms of material and human resources to tackle this phenomenon (terrorism). Bringing in the national army in counter-terrorist operations became a necessity for officials, in parallel with declaring a state of emergency.

The state of emergency in Algeria was declared by Presidential Decree No. 92-44 dated 9 February 1992, following the cancellation of the results of the legislative elections in December 1991, won by the Islamic Salvation Front (FIS).

At the outset, the state of emergency was imposed for a specific time frame of 12 months nationwide. Later, a new presidential decree No. 93-02 was issued, extending the state of emergency indefinitely, in violation of the constitutions of 1989 and then of 1996.

Indeed, the constitution states: “The state of urgency or the state of siege can only be prolonged after approval by the Parliament meeting in joint session.” (8).
As the barbaric terrorist atrocities reached a peak, some changes were introduced in 1994 to security structures with transfers carried out between various agencies. In addition, some measures were taken to improve security work, and strengthen cooperation and cohesion in the security establishment.

2- Lifting the state of emergency in Algeria

Lifting the state of emergency in Algeria was inevitable. The regime feared popular revolts similar to what happened in Tunisia and Egypt. This measure was thus taken to convince the domestic and international public opinions that reforms were being enacted to introduce the changes demanded in peacetime.

The decision was made in the midst of a protest wave, with people demanding their will and desire for change be respected, the so-called Arab Spring.

Thus Decree No. 11-01 of 23 February 2011 was issued, putting an end to the state of emergency. However, this did not lead to the positive results that were expected when it comes to public and individual freedoms. Human rights violations continue, and there is no sign of such positive results.

The initial results of having the state of emergency lifted were contrary to the official discourse or the stated intent of the authorities. The military authorities were empowered in the context of counter-terrorism and anti-sabotage, through ministerial decree of May 2, 2011, implementing Executive Order 11-03, which states: “The chief of staff of the national army is entrusted with leading, overseeing, and coordinating all counter-terrorism and anti-sabotage operations.”

These provisions were added to previous measures related to the implementation of emergency provisions, embedded within domestic laws.

The Algerian authorities adopted a series of measures that gave the army free rein to combat terrorism. This created an ideal climate for human rights violations, including introducing secret detention to the bylaws of the security establishment. The basis was the provisions of Decree 11-02 amending Article 125 bis 01 of the Code of Criminal Procedure, sanctioning secret “protected residence” for any person accused of terrorist and subversive activities for a maximum period of three months that can be extended twice. The provisions punish anyone who published information related to the place of residence of the “protected” suspects.

These measures reflect the desire of the Algerian authorities to develop a legal arsenal that would limit defendants’ legal rights, as a first step to legalize secret detention and curb the right to hire an attorney.

Lifting the state of emergency in Algeria therefore maintained the same measures enforced under the state of emergency by other means. Protests, demonstrations, and assembly were still banned and could not receive licenses.

3- Ordinance 06-01: A peace and national reconciliation charter, or a law cementing impunity for security services?

In the 1990s, Algeria experienced a bloody era. Experts and observers differ on what to call this period, some declaring it a national tragedy, others a black decade. However, according to international human rights law, what happened qualifies as a civil war.
The conflict had many consequences, including assassinations, arrests, suicide bombings, rape, and enforced disappearances. A forced disappearance (or enforced disappearance) occurs “when a person is secretly abducted or imprisoned by a state or political organization or by a third party with the authorization, support, or acquiescence of a state or political organization, followed by a refusal to acknowledge the person's fate and whereabouts, with the intent of placing the victim outside the protection of the law.” (Working Group on Enforced or Involuntary Disappearances).

To overcome this bloody stage that led to hundreds of thousands of casualties after 1992, when the electoral process was aborted, the Algerian authorities – as it states – issued the Charter for Peace and National Reconciliation, adopted by popular referendum on September 29, 2005. However, the charter ensured the security forces would escape punishment, especially in articles 45 and 46, which prevent prosecution of or even discussions regarding perpetrators of violations.

Ordinance 06-01 on the peace and national reconciliation charter, specifically Article 29 and 30, mandates compensations for the families of the forcibly disappeared as a solution created by the authorities to close the case of missing persons, as the law calls them.

These compensations, however, cannot remedy the material and moral damage suffered by the families of the victims of enforced disappearances as a result of the civil war experienced by Algeria during the nineties. Real compensations would need several important and necessary elements that the Algerian authorities have not yet fulfilled, and we will detail these as follows, according to Article 19 of the International Convention for the Protection of All Persons from Enforced Disappearance:

1) The Algerian authorities must carry out in-depth and objective investigations, which have been made impossible because of Article 45 of the peace and national reconciliation charter, preventing the victims of the national tragedy from bringing any complaints against National Security or National Defense and their agencies. Article 45 states: “‘legal proceedings may not be brought against individuals or groups who are members of any branch of the defense and security forces of the Republic for actions undertaken to protect persons and property, safeguard the nation and preserve the institutions of the Republic. Any allegation or complaint shall be declared inadmissible by the competent judicial authority.”

2) Prosecution of the perpetrators of violations, whether at the national or international level. This would include notifying the families of forcibly missing persons of the progress of the investigations in an appropriate manner by the competent authorities.

3) Ensuring the non-recurrence of violations.

4) Material compensation.

5) Official measures such as apology by the President of the Republic, which is stipulated in Ordinance 06-01 on the peace and national reconciliation charter, Chapter V, but has yet to be implemented in practice.

6) Providing social services such as healthcare and psychological care to the victims.

7) Official commemorations including allocating a national day for the victims.

Article 29 of the same law restricts the ability of the families of the forcibly disappeared to obtain material compensation. It requires obtaining a certificate of death for the missing persons as a condition for obtaining compensation, something that the International Committee Against Torture considers cruel, humiliating, and inhumane treatment of the families.
Thus, the families of the forcibly displaced face further psychological and moral suffering as a result, being denied their right to obtain justice and learn the truth about the fate of their relatives.

Article 45 of Ordinance 06-01 prevents victims of human rights violations committed by members of the security forces from taking legal action.

Article 45 contradicts Article 2, paragraph 3 of the International Covenant on Civil and Political Rights, which includes the right to effective remedy against such violations. This was confirmed by the Human Rights Committee in its concluding observations in 2007, stating that the Algerian government should guarantee Article 45 of Ordinance 06-01 does not prevent the right to an effective remedy.

The demand for truth and justice is a demand that concerns all segments of Algerian society, and is not limited to the families of victims of enforced disappearances. The establishment of the rule of law inevitably passes through respect for international treaties ratified by the Algerian state.

Conclusion

The policy of purchasing social peace pursued by the Algerian regime at all levels, including with the police force, which is now a tool for absorbing popular anger and repressing all forms of peaceful protests seeking change, is itself at threat of protests and calls for change from within the heart of the security establishment.

It is necessary to carry out real reform in the police force in accordance with international standards, as part of a forward-looking strategy and vision. This is inevitable if the police force is to remain stable and develop in its functions under the law, while respecting human rights.
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