

(Translated from Arabic)

**Permanent Mission of the People's Democratic Republic of Algeria to the United Nations Office at Geneva
and other international organizations in Switzerland**

**Response concerning the dissolution of the Algerian League for the Defence of Human Rights and the
dissolution of the Youth Action Rally association**

I. Dissolution of the Algerian League for the Defence of Human Rights

1. The facts

The Ministry of the Interior, Local Authorities and Land-Use Planning, representing the State, filed a lawsuit with the Administrative Court of Algiers on 4 May 2022, in which it basically stated the following:

(a) The association known as the Algerian League for the Defence of Human Rights was established on 26 July 1989 for the purpose of promoting universal human rights principles, helping to support human rights activists and to coordinate their actions, raising citizens' awareness of their rights and duties, and highlighting the concept of the rule of law in the development of society. It has freely practised its collective activities since its establishment and has not been subjected to any impediments or restrictions, provided that it operates in accordance with the legislation in force and the above-mentioned objectives.

(b) The association has experienced since 2007 a number of conflicts among its component groups, each of which claims legitimacy to run the association. [REDACTED]

(c) The petition filed for the opening of the lawsuit stated that the League had failed to comply with the provisions of the Associations Act, particularly with those contained in articles 18, 19 and 23 of Act No. 12-06. The following evidence was provided:

- Failure to comply with the procedure of aligning the provisions of its statutes with Act No. 90-31 of 4 December 1990 concerning associations, particularly article 48, which stipulates that: "The sole requirement for associations that were legally constituted prior to the promulgation of this Act shall be to align their statutes with the provisions of the Act";
- Failure to notify the competent authorities of amendments to the association's statutes and structures within the legal deadlines;
- Failure to notify the competent authorities of the election of a new president of the association during the conference held in Boumerdes on 23 December 2005;
- Failure to notify the competent authorities of the association's decision to renew its structure in 2007, and the organization of a conference on 26 October 2007, [REDACTED], at which it was decided to appoint a national council as the managing body.

(d) The defendant association carried out several illegal activities at the national level, including the following:

- Implementation of acts that undermine national sovereignty and security, for example:

- Demanding autonomy on ethnic and religious grounds for the Beni M'zab region from members of the provincial office of the province of Ghardaïa, in an attempt to draw international attention to the issue through various international organizations and entities;
- Building relations with non-Algerian bodies without complying with the requisite procedures:
 - The unauthorized involvement of members of the association in various international networks and non-governmental organizations (NGOs), such as the Euro-Mediterranean Human Rights Network, the International Federation of Human Rights Leagues and the Maghreb Coordination of Human Rights Organizations;
 - Promotion of unauthorized relations between members of the association and representatives of human rights organizations in neighbouring countries, where the security conditions are unstable, and issuance of inflammatory statements in order to disrupt public order.

Accordingly, the petition concluded that the League had engaged in many practices that were not in conformity with the objectives specified in its statutes, that it had perpetrated acts that undermine the sovereignty and security of the State, and that it had failed to comply with the provisions of the Associations Act, in particular the provisions of articles 18, 19 and 23 of Act No. 12-06 concerning associations (conformity of its statutes with the Associations Act; notification of the authorities of changes in its internal organization; acquisition of prior approval from the competent authorities for partnership and cooperation with foreign associations). It therefore requested that the court should dissolve the association.

2. The procedures

With a view to notifying the defendant, the Algerian League for the Defence of Human Rights, of the petition that had been filed, the process server, [REDACTED], sought to meet the President of the association with a view to providing notice of the lawsuit, to no avail. The notification and the petition were therefore sent to the association by registered mail and were delivered on 10 May 2022 to the League's official address at 5 Rue Pierre Fiala (Frère Alleg) Sidi M'hamed. The procedures for notification of the petition to open a lawsuit were also followed by a decision to post the notice of the lawsuit on an announcement board on 17 May 2022, in accordance with the provisions of the Code of Civil and Administrative Procedure. However, the association failed to present a defence and failed to respond to the petition.

3. The judgment handed down in the case

The Administrative Court of Algiers discussed the requests of the plaintiff (the Ministry of the Interior), in accordance with the law, and handed down its judgment, based on legal reasoning, on 29 June 2022. It drew the following conclusions:

- The association has failed to comply with the obligations contained in articles 18 and 19 of the Associations Act. It is operating in an irregular manner and is engaged in unauthorized activities.
- The plaintiff, the Ministry of the Interior, describes the actions of the members of the defendant association and their suspicious activities at the national level, such as posting inflammatory statements on the social media in which they accuse the authorities of banning marches and adopting strict positions that impede reforms, thereby disrupting public order and inciting protests, publishing false data with a view to internationalizing the phenomenon of illegal immigration, promoting ethnic and religious strife between the Malikis and the Ibadis, and attempting to internationalize the issue with various international organizations. All of these claims are confirmed by the publications attached to the file, which were issued on behalf of the association and which expressly demonstrate that it deviated from its legal mandate, which specified its

conduct and organization. They also confirm its attempt to influence the judiciary by organizing protests before the courts.

- The plaintiff's request to the court to dissolve the association is well-founded and calls for a response based on article 43 of Act No. 12-06 concerning associations, which stipulates that; "The competent public authority is entitled to request the dissolution of an association before the competent regional administrative court when the association engages in one or more activities that breach its statutes."

It should be noted that an appeal against the judgment may be lodged with the Administrative Court of Appeal, in accordance with Act No. 22-13 of 12 July 2022, as amended, and the Code of Civil and Administrative Procedure, in line with the principle of litigation at two levels.

II. Dissolution of the Youth Action Rally association

1. The facts

The Ministry of the Interior, Local Authorities and Land-Use Planning filed a lawsuit on 23 May 2021 against the national association known as the Youth Action Rally, in which it basically stated the following:

The Youth Action Rally (*Rassemblement Actions Jeunesse* (RAJ)) is a national association that was established in 1992. Its aim is to implement awareness-raising campaigns in support of the concept of citizenship, to promote cultural activities, to promote human rights and to ensure that all Algerians are given the opportunity to express their views. It has freely practised its collective activities since its establishment and has not been subjected to any impediments or restrictions, provided that it operates in accordance with Act No. 12-06 concerning associations and its statutes.

The association has failed to comply in recent years with the Associations Act, particularly articles 13 and 23, which permit associations to cooperate with foreign associations. However, such cooperation requires the prior approval of the competent authorities, and the RAJ association has failed to meet that requirement. It has also engaged in many practices that are not in conformity with the objectives specified in its statutes, and has perpetrated acts that undermine the sovereignty and security of the State, including the following:

- Adoption of strategies with a political dimension, using its relations and shared orientations with political parties, in violation of the provisions of article 13 of Act No. 12-06 concerning associations;
- Establishment of unauthorized relations with foreign NGOs by inviting foreigners to attend meetings at its headquarters, which is a violation of the provisions of article 23 of the Act.

2. The procedures

The association was notified of the petition that had been filed for the opening of the lawsuit, in accordance with the provisions of the Code of Civil and Administrative Procedure, and it submitted the following observations and pleas regarding the points raised by the Ministry of the Interior, Local Authorities and Land-Use Planning:

- It stated that, in formal terms, the case was inadmissible due to the plaintiff's lack of capacity, since the State lacked the authority to dissolve associations.
- With regard to the substance, the association stated that the case should be rejected because the documents submitted by the plaintiff failed to substantiate the claims made in the petition. In addition, foreign personalities and activists had been received with the full knowledge of the public authorities.

3. The judgments handed down in the case

(a) Judgment handed down by the Administrative Court of Algiers

The Administrative Court of Algiers discussed the requests submitted by the Ministry of the Interior and the responses provided by the association and handed down its judgment on 13 October 2021. It noted that the association had acknowledged having received foreign activists and personalities and had failed to provide documents indicating that it had been authorized to receive them as natural or legal persons. This constituted a breach of the legal obligation specified in article 23 of Act No. 12-06 concerning associations, which required the competent authorities' approval prior to any cooperation with foreign persons, associations or organizations. The Court therefore concluded that it constituted a sufficient ground to respond to the plaintiff's request for the dissolution of the association.

(b) Ruling issued by the Council of State

The association lodged an appeal against the judgment with the Council of State, which decided on 23 February 2023 to uphold the judgment handed down by the Administrative Court of Algiers. After discussing the association's pleas and requests and the responses from the Ministry of the Interior, it reached the following conclusions:

- The association's claim that the State lacks the legal capacity as a public corporation is unfounded and must be rejected, since the State is represented by the Minister of the Interior, Local Authorities and Land-Use Planning, who enjoys full capacity and interest in the case.
- The association has committed illegal acts through its relations and shared orientations with political parties and its adoption of strategies with a political dimension, its establishment of relations with foreign NGOs, its reception of foreign human rights activists, and its holding of meetings with foreigners at its headquarters under the supervision of its President.
- The association violated the provisions of article 23 of Act No. 12-06, which stipulates that associations are entitled to cooperate through a partnership with foreign associations or international NGOs that have the same goals, provided that they respect national values and principles and comply with relevant laws and regulations. In addition, the prior approval of the competent authorities is required for such cooperation.

Accordingly, the Council of State decided to uphold the judgment concerning the dissolution of the association handed down by the Administrative Court of Algiers, and no appeal in cassation was filed.

III. The restrictions imposed on the right to establish and run associations under Algerian law and the extent to which they comply with international obligations

- The right to establish associations is enshrined in article 53 of the Constitution, which stipulates that: "The right to form associations shall be guaranteed upon obtaining a permit."
- The State encourages the establishment of associations of public interest.
- An institutional act specifies the conditions and procedures for the establishment of associations.
- Associations are dissolved solely on the basis of a legal decision.

These constitutional provisions are consistent with the international obligations of Algeria, especially those contained in the International Covenant on Civil and Political Rights, article 22 of which guarantees the right to freedom of association with others, including the right to form and join trade unions for the protection of one's interests. Article 22 (2) stipulates that no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. According to this article, the International Covenant on Civil and Political Rights permits restrictions to be

imposed in a State's domestic legislation on associations' exercise of their rights, primarily with a view to preserving public security and law and order.

In conformity with these international obligations and with the constitutional rights, Act No. 12-06 concerning associations was enacted on 12 January 2012 with a view to specifying the conditions and procedures for the establishment, organization and management of associations, the scope of their operations, as well as cases in which the suspension and dissolution of such associations is permissible and the procedures to be followed. In addition, it specifies the rights and duties of associations, including primarily the following:

1. Their rights

- The association shall be freely established by its founding members. They shall meet in a constituent general assembly, a record of which shall be compiled by a court bailiff (article 6 of the Act).
- Upon its establishment, it shall acquire the status of a corporate entity and civil capacity.
- It is permitted to conclude contracts, agreements and conventions that are consistent with its objectives.
- It can engage with public authorities in partnership activities that have a bearing on its objectives.

2. Their duties

- Associations are prohibited from establishing organizational or structural links to political parties. In addition, they may not receive any subsidies, donations or bequests from them, and they may not participate in their funding (article 13 of Act No. 12-06 of 12 January 2012).
- They may join foreign associations that pursue the same or similar goals, while respecting national values and principles and the laws and regulations in force. The prior approval of the Minister of the Interior is required. If such approval is denied, an appeal against the Minister's decision may be lodged with the competent administrative judicial authority.
- They are entitled to cooperate through a partnership with foreign associations or international NGOs that have the same goals, provided that they respect national values and principles and comply with relevant laws and regulations. Such cooperation between the parties shall be subject to the prior approval of the competent authorities.

Violations of these obligations shall result in the dissolution of the association in the event of interference in the country's internal affairs, infringement of national sovereignty, engagement in activities that are not foreseen in its statutes, or receipt of funds from foreign organizations (articles 39 and 43 of the Act). In addition, its activities may be suspended for a maximum of six months if it violates the provisions of articles 15, 18, 19, 28, 30, 55, 60 and 63 of the Act.

It is clear from the foregoing that the provisions of the Act concerning associations and, in particular, the restrictions imposed on the freedom to establish and dissolve associations are in conformity with the provisions of article 22 of the International Covenant on Civil and Political Rights, which aim at ensuring the maintenance and protection of national security, public safety and public order, and the protection of the rights and freedoms of others.

Accordingly, the dissolution of the Algerian League for the Defence of Human Rights and of the Youth Action Rally (RAJ) was based on judgments handed down by a judicial authority which ascertained that their members were guilty of committing infringements and abuses. The judgments complied with all the guarantees of a fair trial and with the provisions of the international human rights treaties ratified by Algeria, in particular those requiring the presence of the parties, the right to a defence and means of appeal.

The Algerian authorities are willing to provide additional information concerning the matter.