



# PROCEDURES AND PROTECTIVE MEASURES FOR WHISTLEBLOWERS AND WITNESSES OF CORRUPTION CRIMES IN ALGERIAN LEGISLATION

SARRA BEN SALAH

Lecturer Professor A, University of 8 May 1945 Guelma, Algeria, Faculty of Law and Political Science, Department of Law, Laboratory of Legal and Environmental Studies.

Corresponding author : E-mail : [passionice.droit@gmail.com](mailto:passionice.droit@gmail.com) ;  
[bensalah.sarra@univ-guelma.dz](mailto:bensalah.sarra@univ-guelma.dz)

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## Abstract :

*Corruption crimes are of a closed and secret nature, which is difficult to follow through traditional methods to reach them, which prompted the Algerian legislator to use more effective and effective methods to uncover them and establish their facts, such as the witness and the reporter, but due to the threats that these people may face because of what they present to the authorities. The competent person has very important and dangerous information that will reach the facts and reveal the circumstances of the crimes, which makes them reluctant to testify or notify about the crimes. Therefore, the Algerian legislator mentioned protective measures, including procedural and non-procedural ones. It also follows a punitive and deterrent policy for every person exposed. For witnesses or whistle-blower through the provisions of Law No. 01/06 regarding prevention and combating corruption, Ordinance No. 15/02 amending the Criminal Procedures Law, Order No. 66/156 containing the amended and supplemented penal code.*

**Keywords :** Protective Measures - Witnesses - Whistleblowers - Anti-corruption

## Introduction:

The evolution of corruption crimes and the methods used to commit them have turned corruption into a dangerous scourge, especially due to the harm it inflicts on the national economy. Corruption has become an imminent threat that endangers the security of people and states. Methods of committing such crimes have diversified to the point where they are now connected with transnational or organized crimes, prompting the Algerian legislator to recognize the need for innovative means and approaches to address and control them. It was not until 2006, with Law No. 06-01 dated February 20, 2006, that a dedicated law addressing corruption crimes was enacted, introducing the Law on Prevention and Combating Corruption. This law extends the United Nations Convention Against Corruption, which Algeria ratified with reservations by Presidential Decree No. 04-128 dated April 19, 2004. In this law, the Algerian legislator organized corruption crimes, dividing them into crimes within the public sector and those in the private sector. Additionally, the legislator established a new approach for detecting crimes and strengthening evidence related to them, which involves providing legal protection for individuals reporting or testifying about corruption crimes. It also allows offenders or contributors who report these crimes to benefit from legal extenuations. All these measures aim to encourage individuals to report crimes or present evidence against perpetrators, assisting the competent authorities in prosecuting and suppressing criminal groups. This comes as the law previously lacked sufficient protection for witnesses and informants, making them reluctant to provide testimony that might be the only evidence to reveal the truth in court or report crimes to ensure perpetrators do not escape punishment.



For all these reasons, the Algerian legislator saw the necessity of implementing a protective policy for witnesses and informants against any threats they might face. This led to an amendment in the Code of Criminal Procedure under Ordinance No. 15-02, which introduced Chapter Six titled "On the Protection of Witnesses, Experts, and Victims." This was in addition to the protection provided to witnesses, informants, and experts in Articles 45 to 47 of the aforementioned Law No. 06-01.

This brings us to the following key question:

What protective policy did the Algerian legislator grant to both witnesses and informants? And to what extent does it succeed in motivating them to disclose and provide evidence for corruption crimes?

To answer this question, we have chosen an analytical and descriptive methodology to achieve the intended outcomes of this research paper. The work is divided as follows:

### **Section One: Legal Protection Measures for Witnesses and Informants**

- First Subsection: Criteria for Witness or Informant Protection Eligibility
- Second Subsection: Concealing the Identity and Address of the Witness or Informant

### **Section Two: Penal Policy for Combating Corruption and Protecting Witnesses and Informants**

- First Subsection: Penalties Imposed on Those Threatening Witnesses or Informants
- Second Subsection: Legal Extenuations for Informants Who Are Offenders or Contributors

### **Section One: Legal Protection Measures for Witnesses and Informants**

The Algerian legislator has established legal protection measures for witnesses and informants through the Code of Criminal Procedure and the Law on Prevention and Combating Corruption. These laws allow witnesses, experts, and informants to benefit from one or more non-procedural protective measures whenever their safety, health, or the well-being of their family members and relatives, or their essential interests are at risk. This protection applies when the information they can provide to the competent authorities is significant and reveals the truth in corruption cases<sup>1</sup>.

To ensure that witnesses and informants benefit from these measures, the necessary criteria for granting them protection must be met, which will be discussed in the following two sections:

#### **Section One: Reasons for Protection**

Identifying the necessary reasons for establishing legal protection for witnesses and informants, as provided in Article 65 bis 19 of Ordinance No. 15-02 and Article 45 of Law No. 06-01 on the Prevention and Combating of Corruption, includes the following:

##### **1. Threats to the Witness or Informant**

The Algerian legislator links eligibility for legal protection measures for witnesses and informants to the presence of a threat, whether the threat is directed at the witness, the

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<sup>1</sup>Article 65 bis 19 of Order 15-02 dated July 23, 2015, amending and supplementing Law No. 66/155 on criminal procedure, and also Article 45 of Law No. 06-01 dated February 20, 2006, on measures for the prevention and fight against corruption, as amended and supplemented.



informant, a family member, or even a close relative, endangering their life or physical safety. This threat must have a material element, primarily involving pressure on the witness through threats of murder, harm, or mutilation if they testify, as well as a mental element, where the offender intends to coerce the witness or informant into silence regarding the crime<sup>2</sup>.

The Anti-Corruption Law provides for the protection of witnesses and informants against retaliatory threats, criminalizing this as a misdemeanor punishable whether the threat is against the witness, informant, or their families and close associates. International conventions ratified by Algeria, including the United Nations Convention against Corruption, also enshrine this element of threat<sup>3</sup>.

## **2. Crimes Committed in the Public or Private Sector**

The Algerian legislator has expanded the scope of corruption-related criminalization to include crimes committed by offenders in both public and private sectors. These crimes, detailed in the Anti-Corruption Law under "Criminalization, Penalties, and Investigation Methods," include offenses such as bribery of public officials, unjustified advantages in public procurement, influence peddling, failure to disclose or false disclosure of assets, embezzlement in the private sector, among others<sup>4</sup>. Additionally, related articles in the Penal Code on terrorism, as well as special laws on smuggling and drug prevention, provide grounds for legal protection for witnesses and informants<sup>5</sup>.

## **3. Testimony Leading to Uncovering the Truth or Disclosure of the Crime**

Given that witness testimony is the primary means of evidence in criminal cases involving material facts, the legislator has linked witness eligibility for protective measures to the effectiveness of their testimony in uncovering the truth. Therefore, legal justification for granting a witness protection is based on revealing details of the crime and resolving ambiguity in organized crime, terrorism, and corruption cases. Likewise, an informant's eligibility for protective measures depends on their effectiveness in uncovering actual crimes, identifying offenders, holding them accountable, and imposing penalties. This excludes any baseless or malicious reports, as the Algerian legislator punishes individuals who intentionally file false reports about crimes listed in Chapter Four of Law No. 06-01 on the Prevention and Combating of Corruption<sup>6</sup>.

It follows that an informant who makes a false report against one or more individuals with the intent of misleading authorities is subject to criminal prosecution. Reporting itself holds significant importance for society and security interests, aiding in the collection of evidence to apprehend offenders and ensure public safety.

### **Section Two: Concealment of Witness or Informant Identity and Address**

Due to the significant legal role of witnesses and informants in criminal cases, the national legislator has established safeguards to allow them to provide testimony or report crimes without fear or hesitation about potential harm from offenders, such as threats, intimidation, or physical or mental harm to themselves or family members. This is provided

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<sup>2</sup>Hijab Noura, Witness Protection System in the Algerian Criminal Procedure Code and Comparative Law, Master's thesis, Criminal Law specialization, Mohamed Boudiaf University, M'sila, Algeria 2017-2018, at 44.

<sup>3</sup>United Nations Convention Against Corruption, adopted by the United Nations General Assembly in New York on March 31, 2003, ratified by Algeria under Presidential Decree No. 04/128 dated April 19, 2004

<sup>4</sup>Refer to the provisions under Chapter 4 of Law No. 06-01, as amended and supplemented.

<sup>5</sup>See Article 46 of Law No. 06-01, supra note 4.

<sup>6</sup>See Article 46 of Law No. 06-01, supra note 4.



for in Article 65 bis 19 of the Code of Criminal Procedure and Article 45 of the Anti-Corruption Law, where two key procedures for witness or informant protection are outlined: concealing their identity and address or relocating them. The two procedures are detailed below:

### 1. Security Measures to Conceal the Identity of the Witness or Informant

Article 65 bis 20 of Law No. 15-02, which includes the Code of Criminal Procedure, outlines various non-procedural measures for witness protection<sup>7</sup>. However, Article 45 of the Anti-Corruption Law, which pertains to informants, only provides for penalties against those who threaten them. The Code of Criminal Procedure allows for concealing the witness's identity by using an alias, preventing the offender from discovering their real identity. Pseudonymous information is recorded in documents and reports related to the crime, with their real identity kept in a special file maintained by the investigating judge or prosecutor<sup>8</sup>. Additionally, the article includes the following non-procedural measures:

- Providing the witness with a private telephone line.
- Allowing them access to a contact point within security services.
- Ensuring close physical protection, extendable to family members.
- Installing preventive technical devices in their home.
- Recording phone calls received or made with the witness's explicit consent.

These measures give the witness or informant reassurance to testify or report (in the case of informants) and provide documents and evidence without fear for their or their family's safety<sup>9</sup>. The non-procedural measure of granting a private telephone line allows the witness to contact security services if threatened. This line remains confidential and is difficult to access or trace, preventing disclosure of the witness or informant's identity, with the condition that this phone line is monitored by relevant authorities with the witness's explicit consent<sup>10</sup>.

These procedures were introduced by the Algerian legislator in the 2015 amendments to the Code of Criminal Procedure, aligning with the United Nations Convention against Corruption, ratified by Algeria in 2004. Article 32, paragraph 1 of the convention, calls for "measures to provide physical protection for such individuals, such as, to the extent necessary and practically possible, relocating them and restricting the disclosure of their identity and location or imposing limitations on such disclosure."<sup>11</sup>

### 2. Security Measures for Changing Residence

The security measures involving the relocation or nondisclosure of witnesses' or informants' residences are non-procedural steps outlined in Article 65 bis 20, paragraph 07, of Law No. 15-02 on Criminal Procedure. This important measure enhances protection by transferring the witness or informant to a secure location. This new location may be temporary—where the witness or informant and their family reside for a limited period in specific situations—or permanent, which is often practiced by relocating them far from their original

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<sup>7</sup>Refer to Article 65 bis 20 of Order No. 15-02, *supra* note 1.

<sup>8</sup>Barakat Bahia & Bouzidi Ahmed Tajani, \*Witness Protection Procedures in Organized Crime in Criminal Procedure Law\*, Legal and Economic Research Journal, Aflou University Center, Laghouat, May 2020, at 45.

<sup>9</sup>Amin Mustafa Mohamed, \*Witness Protection in Criminal Procedure Law\*, Dar Al-Nahda Al-Arabiya, Egypt 2006, at 80.

<sup>10</sup>Barakat Bahia, Bouzidi Ahmed Tajani, *supra* note 2, at 47. .

<sup>11</sup>See Article 32, Paragraph 01 of the United Nations Convention Against Corruption, *supra* note 3.



residence. This geographic separation provides a degree of security from any threats or risks.

The Algerian legislator has also stipulated an additional measure to accompany the relocation of the witness or informant: installing technical protective devices at their residence. These devices act as a robust protective measure, monitoring every movement within the premises and triggering an alert for the witness, who can then contact security services to mitigate any imminent danger.<sup>12</sup>

## **Section Two: Criminal Policy for Combatting Corruption Concerning Witnesses and Informants**

Due to the pervasive nature of corruption crimes, which permeate the social fabric and vary across communities and groups, detecting these crimes and identifying the perpetrators has become increasingly challenging. This difficulty has driven the Algerian legislator to implement several measures to protect witnesses and informants, recognizing them as effective tools for combating and exposing these crimes. The legislator has imposed penalties on those who threaten or harm witnesses and informants and has incentivized informants, whether perpetrators or accomplices, by allowing them certain legal defenses. The following section clarifies this criminal policy.

### **Section One: Penalties for Threatening Witnesses or Informants**

#### **1. Protecting Witnesses and Informants by Imposing Penalties**

The Algerian legislator has adopted a punitive approach for anyone who threatens or intimidates witnesses or informants, or otherwise seeks retaliation. Law No. 06-01 on the Prevention and Combating of Corruption stipulates imprisonment of six months to five years and a fine for any person who engages in such actions against witnesses, experts, victims, informants, their families, or close associates<sup>13</sup>.

By criminalizing any action that harms witnesses, informants, or their families, the legislator intends to protect this category from any form of retaliation by wrongdoers, as defined in this law. Court attendees are thus expected to refrain from verbally or otherwise threatening witnesses or informants. Judges are also tasked with safeguarding witnesses and penalizing any abuse directed at them.

One of the significant penalties set forth by the Algerian legislator in Ordinance No. 15-02, amending the Code of Criminal Procedure, is a punishment for any individual who reveals or contributes to revealing the identity or address of a protected witness or expert, punishable by six months to five years of imprisonment and a fine<sup>14</sup>.

The legislator has also taken measures to prevent witnesses from facing undue pressure or material inducement, criminalizing any attempt to bribe them with gifts or benefits or to coerce them through threats or violence into giving false testimony. The penalty for such actions is imprisonment of one to three years and a fine of up to 2,000 dinars, or one of these penalties if the offender was not involved in a crime subject to an enhanced penalty<sup>15</sup>.

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<sup>12</sup>Hussein Magid Al-Din, \*Witness Protection in Criminal Procedures: A Comparative Study\*, Mouloud Mammeri University, Tizi Ouzou, 2011, at 281.

<sup>13</sup>See Article 45 of Law No. 06-01, as amended and supplemented, *supra* note 4.

<sup>14</sup>See Article 65 bis 28 of Order No. 15-02 amending the Criminal Procedure Code, *supra* note 1. . See Article 236 of Order No. 66-156 amending the Penal Code, *supra* note 5.

<sup>15</sup>See **Article 236** of Order No. 66-156 amending the Penal Code, *supra* note 5.



## 2. Penalties for False Reporting and Failure to Report

### A. False Reporting

False reporting is defined as "providing information about a nonexistent incident that warrants the punishment of the person accused, directed at a judicial or administrative authority, with criminal intent."<sup>16</sup>

The Algerian legislator criminalizes false reporting in the Penal Code, imposing a penalty on anyone who knowingly files a false report through any means to judicial officers, administrative or judicial police, or other relevant authorities, against one or more individuals, or to the superiors or employers of the person falsely accused, following the hierarchy<sup>17</sup>.

For an individual to be considered a false informant, they must have submitted the report voluntarily, without being obliged to do so; otherwise, it would not constitute false reporting<sup>18</sup>.

When the reported crime is punishable, the informant may face criminal prosecution even after an acquittal or release of the accused, or following an order of no further prosecution by the competent authority<sup>19</sup>.

The Algerian legislator requires that a false report concern a crime listed in the Anti-Corruption Law. Article 46 of the same law stipulates: "Anyone who knowingly submits a false report regarding crimes specified in this law, against one or more persons, shall be punished by imprisonment for six (6) months to five (5) years and a fine of 50,000 to 500,000 dinars."

The term "malice" implies the informant's intent to harm the person falsely accused, requiring that the informant knowingly reports a false incident.

### B. Failure to Report Corruption Crimes

The crime of omission is defined as a negative crime in which the defendant's conduct is passive, refraining from an action imposed by law under specific circumstances. Given the severity of this type of crime, the Algerian legislator has included it within the provisions of the Penal Code, as well as the Code of Criminal Procedure, and notably, within the provisions of the Anti-Corruption Law<sup>20</sup>. It prescribes penalties for any person who fails to report as follows:

1. Immediate notification of the Public Prosecution by any authority, officer, or public employee who learns of a felony or misdemeanor while performing their duties, as stipulated in Article 32 of the Code of Criminal Procedure<sup>21</sup>.
2. . In crimes affecting national security, such as treason, espionage, or anything that may harm national defense, failure to report these crimes to military, administrative, or judicial authorities upon awareness is punishable<sup>22</sup>.
3. The Anti-Corruption Law penalizes any person who, by virtue of their profession, learns of any crimes specified in this law and fails to promptly report them to the relevant public authorities<sup>23</sup>.

<sup>16</sup>Awad Hassan Ali, *False Reporting Crimes*, Dar Al-Kutub Al-Qanuniya, Egypt 2002, at 15.

<sup>17</sup>See **Article 300** of Order No. 66-156 amending the Penal Code, *supra* note 5.

<sup>18</sup>Bousqia Hassan, *Concise Special Penal Law*, Vol. 1, 17th ed., Dar Houma, Algeria 2014.

<sup>19</sup>See Article 300, Paragraph 02 of Order No. 66-156 amending the Penal Code, *supra* note 5.

<sup>20</sup>Hussein Ben Ashi, *The Crime of Failing to Inform Authorities in Algerian Legislation*, Published in *Al-Bahith Journal of Academic Studies*, Issue 7, 2015, at 298.

<sup>21</sup>See Article 32 of Order No. 66-155 amending the Criminal Procedure Code, *supra* note 4.

<sup>22</sup>See Paragraph 01 of Article 91 of Order No. 66-156 amending the Penal Code, *supra* note 5.



The Algerian legislator has also imposed penalties on those who fail to report an attempted felony or are aware of a crime's occurrence and do not report it immediately<sup>24</sup>.

Regarding penalties for the crime of failure to report, they range from misdemeanor penalties for crimes listed in the Penal Code and Anti-Corruption Law, where imprisonment is between 6 months to 5 years and a fine from 50,000 DZD to 500,000 DZD, to felony penalties for crimes affecting national defense. Under the first paragraph of Article 91 of the Penal Code, imprisonment is no less than ten years, extending to twenty years in wartime and from one to five years in peacetime, with fines ranging from 20,000 DZD to 100,000 DZD. A person may benefit from a full or partial exemption from punishment if they report a planned felony or misdemeanor against state security before the crime occurs, as stated in Article 92, paragraphs 1, 2, and 3 of the Penal Code.

### **Section Two: Legal Excuses Applicable to Perpetrators or Participants who Report**

Article 49/01 states: "Anyone who commits or participates in one or more of the crimes stipulated in this law and, before initiating prosecution procedures, informs administrative or judicial authorities or relevant entities of the crime and assists in identifying the perpetrators<sup>25</sup>... will benefit from legal excuses exempting them from punishment as prescribed in the Penal Code."<sup>26</sup>

From the above article, it can be inferred that the legislator imposes conditions on the benefit of legal excuses for perpetrators or accomplices who report, specifying results that will be discussed as follows:

#### **First: Conditions for a Perpetrator or Accomplice to Benefit from Exemption**

Referring to Article 49 of the Anti-Corruption Law, we deduce three conditions from the first paragraph that must be met for the perpetrator or accomplice to benefit from legal excuses, either for exemption or reduction of punishment:

- a. The crime committed by the reporter or in which they participated must be among the crimes specified in Law No. 06-01, whether in the public or private sector. Examples include bribery, false asset declarations, money laundering, embezzlement, and abuse of office.
- b. The reporter must inform about the crime before the initiation of prosecution procedures—that is, before the Public Prosecution moves to initiate criminal proceedings. The report cannot be misleading to the authorities and must contain genuine details of the crime and the circumstances under which it was committed. The report must also include all elements of the crime and relevant evidence; if it lacks these details, it fails its purpose of providing a "service to society" and thus is invalid for exemption.

The Algerian legislator further requires that the report aids in identifying the perpetrator. Consequently, if all conditions are met but fail to lead to the perpetrator's identification, the perpetrator does not benefit from legal excuses for either exemption or mitigation.

- c. Report to administrative or judicial authorities or relevant entities: The report must be made before prosecution procedures are initiated by the relevant

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<sup>23</sup>See Article 47 of Law No.06-01 concerning the Prevention and Fight Against Corruptionsupra note 4

<sup>24</sup>See Article 181 of Order No. 66-156 amending the Penal Code, supra note 5.

<sup>25</sup>Hajjah Abdel Ali, *Legal Mechanisms for Combating Administrative Corruption in Algeria*, PhD thesis in Public Law, Faculty of Law and Political Science, Department of Law, Mohamed Khider University of Biskra, 2013, at 335.

<sup>26</sup>Omar Chabane & Said Dali, *Whistleblower Protection in Algerian Law*, Published in *Legal Studies Journal*, Yahia Fares University (Médéa), Algeria, Vol. 6, Issue 2, June 2020, at 115-116.



authorities. The report holds no value if the authorities are already aware of the crime, and therefore does not exempt the perpetrator from punishment.<sup>27</sup>

### **Second: Results of Fulfilling the Conditions for Benefiting from Legal Excuses**

Upon meeting the conditions set by the legislator for the perpetrator or accomplice who reports the crime under Article 49, paragraph 1, of Law No. 06-01, the court may either exempt them from punishment or reduce their sentence. This is clarified as follows:

- A. **Exemption from Punishment:** If the legal excuse for exemption applies—i.e., the perpetrator or accomplice informed the authorities before prosecution procedures were initiated and helped identify the perpetrators—the judge must apply this excuse and rule for exemption from punishment. This is mandatory, with no discretionary power for the judge<sup>28</sup>.

The judge cannot rule for the reporter's innocence, as innocence can only apply if there is no crime or the person has no responsibility for it, such as in cases of insanity or if the crime was impossible to commit (e.g., attempting to kill a person who is already deceased).<sup>29</sup>

In addition to judicial exemption from punishment, exemption from functional punishment is also possible. This means that an employee who reports a crime or attempted crime within their workplace is protected from any form of workplace pressure or harm, including dismissal, punitive transfer, or denial of promotion, and is safeguarded from any action that may cause them harm<sup>30</sup>.

### **B. Reduction of Punishment**

Alongside exemption from punishment, the Algerian legislator provides a second legal excuse that benefits a person who aids in apprehending one or more participants in the crime. Article 47, paragraph 2, of Law No. 06-01 states: "... the penalty shall be reduced by half for any person who committed or participated in one of the crimes specified in this law and who, after prosecution procedures began, helped in apprehending one or more persons involved in its commission."

From this paragraph, we deduce that the Algerian legislator, similar to the excuse of exemption, requires certain conditions for the assisting informant to benefit from a penalty reduction by half. These conditions are:

- a. The informant must have committed or participated in one of the corruption crimes specified in Law No. 06-01, which covers the prevention and fight against corruption.
- b. The informant's assistance must occur after prosecution procedures have begun or if they surrendered after the Public Prosecution initiated proceedings. Their assistance must be effective in apprehending the other contributors or individuals involved in committing the crime<sup>31</sup>.

Regarding the penalty reduction, it operates similarly to the exemption, as it becomes obligatory for the judge if conditions are met, leaving no room for judicial discretion. The

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<sup>27</sup>Abu Amer Mohamed Zaki, *Penal Code (Special Section)*, 2nd ed., Egypt 1989, at 103.

<sup>28</sup>Omar Chabane & Said Dali, *supra* note 2, at 116.

<sup>29</sup>Bousqia Hassan, *supra* note 2, at 280.

<sup>30</sup>Omar Chabane & Said Dali, *supra* note 2, at 117.

<sup>31</sup>*Id.* at 117.





judge's role is to verify compliance with the conditions set out in Law No. 06-01 to issue a judgment with the reduction, ensuring a sound and valid decision<sup>32</sup>.

### Conclusion

In conclusion, through our study on "Protective Measures for Whistleblowers and Witnesses in Corruption Crimes in Algerian Legislation," it is evident that, given the crucial role of witnesses and whistleblowers in exposing corruption crimes, the Algerian legislator has established a range of security measures to protect these individuals. Additionally, the legislator has adopted a criminal policy that encourages whistleblowers to fulfill their duty with a sense of security and confidence before the competent authorities.

### Findings

From this study, several key findings emerge:

- By issuing Law No. 06-01 on corruption prevention and combat, the Algerian legislator has upheld the principles it conditionally endorsed in the United Nations Convention against Corruption.
- The specific protection provided to witnesses and whistleblowers through the Anti-Corruption Law is a positive and encouraging step. This measure incentivizes whistleblowers to reveal corruption crimes, ensuring perpetrators face prosecution and punishment while establishing evidence of crimes when testimonies are the sole proof.
- In amending the Code of Criminal Procedure under Ordinance No. 15-02, the Algerian legislator prioritized witness and expert protection by introducing Chapter Six. However, this amendment neglected to extend protection to whistleblowers, who are essential for exposing corruption crimes and providing crucial assistance to the authorities, particularly in organized and covert crimes, including terrorism and drug trafficking.
- Non-procedural measures under Ordinance 15-02 offer significant protection for witnesses, notably in provisions shared with Law No. 06-01, such as concealing the identities and addresses of witnesses and whistleblowers to safeguard them and their close relatives from potential threats.
- Penalties imposed on anyone who harasses witnesses or whistleblowers act as a deterrent, protecting these individuals from offenders.
- Legal excuses, whether for exemption or reduction of punishment, granted to whistleblowers and witnesses by the legislator represent a prudent criminal policy that maximizes their protection, with the ultimate goal of:

Detecting and apprehending criminals, establishing proof of their actions, and reducing such crimes that harm both the state's economy and societal security.

### Recommendations

Based on the findings, we propose the following recommendations:

- Review and amend the Code of Criminal Procedure to include whistleblowers in the protection framework provided for witnesses, experts, and victims. The last amendments to the Code (20/04 and Law No. 21/11) did not address this matter.
- Activate and implement procedural and non-procedural measures in practice to instill confidence and security in whistleblowers and witnesses.

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<sup>32</sup>See Paragraph 02 of Article 47 of Law No. 06-01 concerning the Prevention and Fight Against Corruption, as amended and supplemented, *supra* note 4.



- Add a clause to Article 65 bis 20 to increase penalties for individuals who disclose the identity of a witness or whistleblower.

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