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Contact

Our reference

Date 11 April 2023
Subject The principle of double jeopardy and privacy regulations country of origin information report Algeria

Dear

I hereby send to you, with reference to the agreements hereon between the Ministry of Justice and Security and the Ministry of Foreign Affairs, an overview of items for consideration that, with a view to policymaking by the State Secretary of Justice and Security and the implementation practice of the Repatriation and Departure Service require discussion in the country of origin information report to be issued by you with regard to the principle of double jeopardy, the recognition of foreign judgments and relevant privacy legislation, as well as the status of such legislation in practice in Algeria.

In relation to repatriation, can you provide specific information on the following topics?

- 1.1. Is the principle of double jeopardy contained within the laws and/or regulations of Algeria? If so, on the basis of which article(s) of which law(s) or rule(s) is this regulated and are distinctions made in this regard according to the nature of the offence (e.g. violent offence, sex offence, drug offence)?
- 1.2. If laws and/or regulations in Algeria contain the principle of double jeopardy, do the Algerian authorities in that case also respect the principle of double jeopardy in practice, and are distinctions made in this regard according to the nature of the offence? If so, what evidence is available, and are there any known examples of this? If not, what evidence is available, and are there any known examples of this?
- 1.3. If laws and/or regulations in Algeria contain the principle of double jeopardy, do the Algerian authorities in that case also respect the principle of double jeopardy in practice, and are distinctions made in this regard according to certain nationalities? For example, consider other ethnicities, religions or population groups.
- 1.4. If laws and/or regulations in Algeria do not contain the principle of double jeopardy, do the Algerian authorities in that case indeed respect the principle of double jeopardy in practice, and are distinctions made in this regard according to the nature of the offence? If so, what evidence is available, and are there any known examples of this? If not, what evidence is available, and are there any known examples of this?

- 1.5. If laws and/or regulations in Algeria do not contain the principle of double jeopardy, do the Algerian authorities indeed respect the principle of double jeopardy in practice, and are distinctions made in this regard according to certain nationals? For example, consider other ethnicities, religions or population groups.
- 2.1. Do the laws and/or regulations of Algeria contain the recognition of foreign judgments? If so, on the basis of which article(s) of which law(s) or rules(s) is this regulated, and are distinctions made in this regard according to the nature of the offence?
- 2.2. Do the Algerian authorities take into account criminal judgments pronounced abroad and already executed against Algerian nationals when they apply the principle of double jeopardy to their nationals? If so, is this subject to certain conditions and/or restrictions and, if so, what are they?
- 3.1 Are there any laws and/or regulations in Algeria regarding privacy and/or protection of personal data? If so, on the basis of which article(s) of which law(s) or rule(s) is such privacy and/or protection of personal data regulated, and are distinctions made in this regard between legislation (for organisations) and authorities?
- 3.2 Is a data subject's request for access to, rectification and deletion of the data transmitted by the Repatriation and Departure Service secured in these laws and/or regulations in Algeria regarding privacy and/or protection of personal data?
- 3.3 Do laws and/or regulations in Algeria provide a legal framework for the receiving authority to also use the criminal records transmitted by the Repatriation and Departure Service for the purpose of 'achieving deportation', or to use them for any other purposes?
- 3.4 Are there any laws and/or regulations in Algeria that require the receiving authority to provide these criminal records to other authorities in Algeria or under which other authorities in Algeria are authorised to view or request these criminal records? If so, what is the background of these laws and/or regulations, and associated authorities (e.g. public order and national security)?
- 4.1 If there are laws and/or regulations in Algeria regarding privacy and/or protection of personal data, do the authorities also respect them in practice? If so, what evidence is available, and are there any known examples of this? If not, what evidence is available, and are there any known examples of this? Also relevant within this context is whether data subjects can exercise their rights of access, rectification and deletion, as well as whether (effective) legal remedies are available to them. The presence or absence of an independent data protection authority is also important.
- 4.2 If, in Algeria, the laws and/or regulations regarding privacy and/or protection of personal data are also respected in practice by the authorities, is it possible for data subjects to exercise their rights of access, rectification and deletion? In addition, are any (effective) legal remedies available to data subjects?
- 4.3 Is there an independent data protection authority in Algeria?

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If you have any questions about the points for consideration listed above, please contact us.

Sincerely,
The State Secretary of Justice and Security,
Represented by,

Headquarters
Directorate of Strategic Advice
and Legal Affairs

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