

## Migrant Smuggling in Algeria

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### Abstract:

The smuggling of migrants represents a sophisticated evolution within the sphere of organized crime, targeting financial gains from migrants without offering any semblance of security for the smuggling operation. Given its strategic geographical position, Algeria is profoundly affected by this phenomenon, serving as a point of origin, transit, and destination for both legitimate and illegitimate migrant flows. In response, Algeria has formulated a comprehensive strategy that incorporates legal and procedural frameworks at both the national and international levels.

**Keywords:** Migrant; international cooperation; legitimate migrant; illegitimate migrant; Smuggling Networks.

## 1. INTRODUCTION

The international community prioritizes the crime of migrant smuggling due to its distinct nature from other criminal activities. Individuals caught in smuggling networks find themselves overwhelmingly vulnerable, stripped of their rights, and exposed to a spectrum of exploitations—ranging from extortion and degradation to severe forms of material, moral, and sexual abuses, including the potential trafficking of their organs. Recognizing this crime as a lucrative innovation<sup>1</sup> by criminal syndicates, global efforts have been mobilized to safeguard this particularly susceptible population, compelled towards migration by a confluence of economic necessity, social instability, or security threats, yet ensnared by illicit pathways offered by these criminal networks.

Against the backdrop of a global challenge, Algeria confronts the realities of migrant smuggling with a set of targeted measures. This context prompts several critical questions: What defines the crime of migrant smuggling? What is its current state in is it in Algeria? And what strategies has the Algerian government implemented to reduce this phenomenon?

<sup>1</sup> The Twelfth United Nations Congress on Crime Prevention and Criminal Justice, Comprehensive Strategies to Address Global Challenges, Crime Prevention Systems, Salvador, Brazil, April 12-19, 2010, p. 37.

The study unfolds through a structured plan as follows: First, it delves into the legal definition of smuggling crimes within Algerian legislation, delineating its boundaries with related concepts such as illegal immigration, asylum-seeking, and human trafficking, and thereafter highlighting the distinctive attributes and implications of smuggling activities. Second, it deals with the current state of migrant smuggling in Algeria. Third, it reviews the Algerian national strategy aimed at curtailing the smuggling of migrants, both into and out of the country. The conclusion synthesizes key findings and articulates main recommendations.

## **2. Defining the Crime of Smuggling**

This section delineates the legal definition of human smuggling and differentiates it from analogous terms

### **2.1 Legal Definition of Human Smuggling**

The Algerian legislation, as stipulated in Article 303 of the Penal Code, defines the crime of smuggling as follows: "Migrant smuggling is the act of facilitating the unauthorized exit from the national territory for one or more individuals, with the aim of directly or indirectly obtaining a financial or other benefit." This definition underscores that the Algerian legal framework primarily addresses the facilitation of exit from Algeria, somewhat overlooking smuggling activities into the country—a notable oversight given the challenges faced in southern Algeria. However, a broader scope is provided in Law 08-11, concerning the entry and residence conditions for foreigners in Algeria. Article 46 of this law penalizes anyone who directly or indirectly assists or attempts to assist the illegal entry, movement, stay, or departure of a foreigner within Algerian territory, thereby emphasizing a specific restriction over a general rule<sup>1</sup>.

In essence, the Algerian legal system identifies the smuggling of migrants out of the country as criminal irrespective of the migrants' nationality, distinctly addressing the smuggling of foreigners to and within Algeria. The framework interestingly does not criminalize the smuggling of Algerian nationals back into Algeria. This legislative approach is pragmatic, considering situations where Algerians abroad cannot return home due to wars or security instability, as seen in the instances of Algerians in Egypt in 2009 following a football match, in Iraq in 2003, and currently in Libya. However, this raises a critical question: Does the legitimacy extend to the smuggling of Algerians from other secure areas?

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<sup>1</sup> Law No. 08-11 dated 21 Jumada al-Thani 1429, corresponding to 25 June 2008, concerning the conditions of entry, residence, and movement of foreigners in Algeria, Official Gazette of the Algerian Republic, Issue 36, dated 2 July 2008.

Contrastingly, this stance diverges from the international perspective outlined in the Protocol against the Smuggling of Migrants by Land, Sea, and Air<sup>1</sup>. The Protocol's Article 3 defines smuggling of migrants as the procurement of illegal entry of a person into a state of which they are not a national or permanent resident, for a financial or other material gain. This international definition highlights three core elements of migrant smuggling:

- A. Facilitating the illegal entry of an individual.
- B. Across international borders.
- C. For a financial or other material gain.<sup>2</sup>

## **2.2 Distinction between Migrant Smuggling and Analogous Crimes**

The conflation of migrant smuggling with illegal immigration and human trafficking is a common issue, necessitating a clear distinction between migrant smuggling and other similar organized crimes.

## **2.3 Differences between Human Trafficking and Migrant Smuggling**

Human smuggling is often confused with illegal or undocumented migration, where individuals or groups move across borders in pursuit of improved living, social, or economic conditions, or for religious freedom, without complying with the legal entry requirements of the destination country. This movement could potentially alter their social status or class<sup>3</sup>. Although migrant smuggling and human trafficking might appear similar at first glance, a closer examination reveals critical differences.

According to Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons<sup>4</sup>, human trafficking is defined as "the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs."

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<sup>1</sup> Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crime, adopted and opened for signature, ratification, and accession by the General Assembly resolution 55/25 of 15 November 2000, United Nations document A/RES/55/25.

<sup>2</sup> Hassan Sayed Ahl, "Combating Illegal Immigration in Light of International Responsibility and the Provisions of International Law in the Seas," First Edition, Dar Al-Fikr Al-Jamie, Egypt, 2014, p. 32.

<sup>3</sup> Sahar Hafed, "Illegal Immigration : Concept, Magnitude, and Legislative Confrontation," *Hermes*, Volume 2, Issue 2, 2013, pp. 45-114.

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted and made open for signature, ratification, and accession by General Assembly resolution 55/25 of 15 November 2000, United Nations document A/RES/55/25.

The critical distinctions lie in the consent of the individuals involved and the intent behind the act. Migrant smuggling operates with the consent of the smuggled individuals and is primarily driven by financial or material benefits. In contrast, human trafficking is characterized by the lack of consent and the objective of exploiting the trafficked individuals. Furthermore, while migrant smuggling involves the illegal crossing of international borders, human trafficking can occur within a single country and does not necessarily involve cross-border movement.

Migrant smuggling can inadvertently lead to human trafficking, particularly if the migrants fall into the hands of criminal networks.

Another key difference is observed in the legal treatment of the benefit derived from organizing smuggling operations between Article 303 bis 30 of the Penal Code and Article 3 of the Protocol against the Smuggling of Migrants. The latter employs the term "financial or other material benefit," thereby limiting the definition of a smuggler to individuals receiving a tangible, material gain<sup>1</sup>. Conversely, Algerian legislation adopts a broader approach, using the term "any other benefit," thereby recognizing that benefits accruing to smugglers can be both material and immaterial<sup>2</sup>.

It can be argued that the Algerian legislator was astute in adding the term "any other benefit" in comparison to the additional protocol.

Interpol characterizes migrant smuggling as "a criminal activity that is low-risk but highly profitable, typically conducted across air, sea, or land. Smuggling operations often utilize complex, rapidly changing routes."<sup>3</sup>

## **2.4 Distinction between Migrant Smuggling and Illegal Immigration**

The Algerian legislature classifies illegal immigration as a crime against laws regulating exit from national territory. Article 175 bis 1 specifies that illegal immigration is committed by "any Algerian or foreign resident departing the national territory illegally, whether through land, maritime, or aerial borders, by assuming a false identity, utilizing forged documents, or employing any other deceitful means to circumvent the presentation of required official documents or compliance with legal and regulatory procedures. The same penalties apply to individuals exiting the national territory via unofficial exits or locations not designated as border checkpoints."

Although both crimes violate territorial integrity, smuggling entails movements into and from the territory, while illegal immigration, as delineated by Algerian law, involves

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<sup>1</sup> Decree 66-156 dated July 8, 1966, containing the Penal Code and amended by Law No. 09-01 dated February 25, 2009, Official Gazette No. 15, p. 7.

<sup>2</sup> Abdelmalek Sayech, "Combating Illegal Immigration - A Look at Law 09/01 Amending the Penal Code," *Academic Journal for Legal Research, Faculty of Law and Political Science, Abderrahmane Mira University, Bejaia*, Issue 01 (2011), p. 17.

<sup>3</sup> INTERPOL Fact Sheet number COM/FS/2017-02/THB-01. For more information, visit the website [www.interpol.int](http://www.interpol.int).

unauthorized departure. Smuggling is facilitated by networks, contrasting with illegal immigration, which is initiated by the migrants themselves.

Illegal immigration typically employs rudimentary methods, such as stowaways on vessels without the knowledge of the crew or the use of counterfeit documents, like forged passports or visas. On the other hand, migrant smuggling utilizes advanced techniques, including boats and jet skis, and may involve bribing officials, sometimes linking to human trafficking networks.<sup>1</sup>

The phenomena of migrant smuggling and illegal immigration can intersect within the realms of human trafficking networks.

### **3. The Status Quo of Migrant Smuggling Networks in Algeria**

Post-World War II, the prevalence of human smuggling escalated in impoverished countries, with the last two decades witnessing a remarkable surge in individuals seeking employment opportunities, risking perilous Mediterranean crossings on unsafe transports. The economic crisis has made Northern countries less receptive to immigrants, particularly those entering illegally, given the associated security concerns, terrorism, and criminality fears. Ranking third in danger after drug and arms trafficking, illegal immigration has prompted the emergence of specialized criminal networks, organizations, and gangs dedicated to human smuggling.<sup>2</sup>

These organized international gangs comprise individuals with expertise in immigration, citizenship, travel, tourism, and primarily land and sea transportation, aiming to profit financially or materially. Their objective is to facilitate the illegal entry of people into countries where they are neither citizens nor permanent residents. Generally, individuals involved willingly collaborate with smugglers. According to a 2006 study by the Refugee Studies Center, migrants crossing the Mediterranean fall prey to human trafficking, including women and children who suffer exploitation and lifelong maltreatment. The study also highlights that clandestine migration to European countries exacerbates xenophobic sentiments, with some migrants encountering persecution and human rights abuses<sup>3</sup>.

#### **3.1 Definition of Smuggling Networks**

Smuggling networks are characterized as expansive, organized criminal groups that exert control over the entirety of a smuggling operation. These transnational networks often consist of a significant number of perpetrators, spanning vast geographic areas, and managing large volumes of people, including migrants. They tend to operate with a level of

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<sup>1</sup> Malika Hajjaj, "The Distinct Boundaries Between the Crimes of Illegal Immigration and Migrant Smuggling," *Heritage Journal*, Issue 10, December 2013, pp. 84-95, p. 92.

<sup>2</sup> Naïma Rahmani and Nassira Bakouche, "The Situation of Illegal Immigrants: An Anthropological Analytical Study of the Content of a Television Segment 'Echorouk Investigates' titled 'Harraga Between Dream and Loss' (Part Two)," *Journal of Science History*, Issue 5, pp. 53-62.

<sup>3</sup> Cited from: Othman Hassan Mohamed Noor, "Yasser Awad Al-Karim Al-Mubarak," *Illegal Immigration and Crime*, Riyadh, Center for Studies and Research, 2008, p. 42.

continuity that surpasses other criminal organizations involved in orchestrating illicit activities, facilitating the consistent movement of individuals across networks<sup>1</sup>.

Such networks are perpetually seeking innovative methods and continuously exploring new routes or ports of entry. Transnational groups employ a variety of pathways to several destinations and frequently engage in other illegal activities, including drug trafficking and arms smuggling. It is common for these groups to establish connections with services outside their direct operations, such as governmental protection, debt collection agencies, document forgery experts, money laundering services, and even intelligence gathering. Moreover, these criminal organizations are highly likely to maintain ties with the legitimate sphere, either through business corporations, collusion with such entities, or via bribery of government officials<sup>2</sup>.

Smuggling networks provide services that facilitate migrants' illegal entry into European countries, charging a specific fee for these services. The financial demands placed on migrants often lead them into debt, burdening them with the repayment of loans and, in many cases, forcing them into unauthorized employment as they journey towards their destination. The smugglers offer transportation, accommodation, and occasionally engage in document forgery or "visa smuggling" to enable migrants to navigate through various national authorities before reaching their final destination. However, these services entail substantial risks, most notably the practice of cramming up to 100 migrants into a single inflatable boat and launching them across the Mediterranean towards Europe. The risk of capsizing due to overloading is significant, as evidenced by numerous tragic incidents<sup>3</sup>.

### **3.2 The State of Migrant Smuggling Networks in Algeria**

Algeria functions as a significant node in the migration network, acting simultaneously as a country of origin, transit, and destination for both legal and illegal migrants. The nation has become a focal point for African migrants aspiring to cross its borders in pursuit of better opportunities. Estimates indicate that of the 30,000 to 35,000 undocumented migrants, fewer than two-thirds decide to remain within Algeria<sup>4</sup>.

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<sup>1</sup> The Twelfth United Nations Congress on Crime Prevention and Criminal Justice, "Comprehensive Strategies for Confronting Global Challenges, Crime Prevention Systems," Salvador, Brazil, April 12-19, 2010, p. 4. For further information, visit: [https://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/A\\_CONF.213\\_7/V1050760a.pdf](https://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/A_CONF.213_7/V1050760a.pdf).

<sup>2</sup> Twelfth. United Nations Congress on Crime Prevention and Criminal Justice 18 May 2010, in website [https://www.unodc.org/documents/crime-congress/12th-CrimeCongress/Documents/A\\_CONF.213\\_18/V1053828e.pdf](https://www.unodc.org/documents/crime-congress/12th-CrimeCongress/Documents/A_CONF.213_18/V1053828e.pdf)

<sup>3</sup> Sayech Abdelmalek, "Combatting the Smuggling of Undocumented Migrants," Doctoral Thesis, Faculty of Law and Political Sciences, Mouloud Mammeri University of Tizi Ouzou, 2014, pp. 193-199.

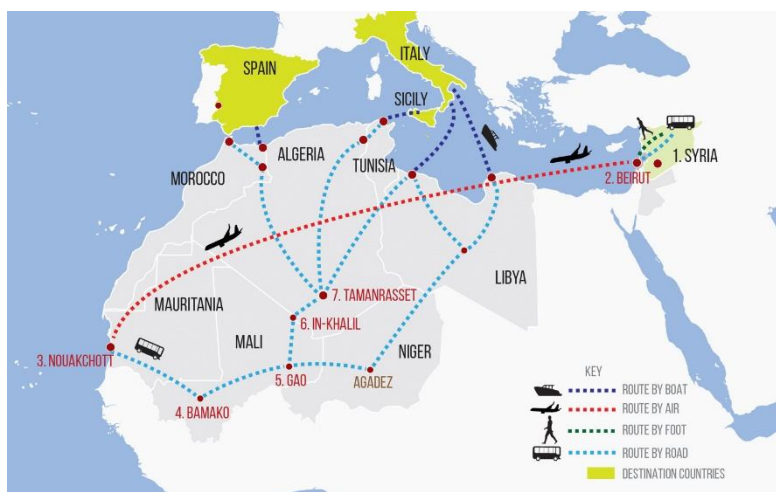
<sup>4</sup> Betaher Abdelkader, "The Rights of Irregular Migrants in the Context of Euro-Mediterranean Cooperation," Master's Thesis, Faculty of Law and Political Sciences, Specialization in Public Law, University of Oran, 2015, p. 124



A Map of the Dynamics of Migrant Smuggling Networks in the Sahel <sup>1</sup>



A chart illustrating the routes used in smuggling operations<sup>2</sup>



The smuggling routes are complex, with one of the primary paths for West African migrants, particularly relevant to Algeria, starting in Senegal and extending through Mauritania and Morocco, ultimately leading to the Canary Islands. Another significant route initiates in Mali, heading towards Algeria and Morocco, or from Niger to Algeria or Libya. These routes may also commence from further locations across the African continent, such as Cameroon and Nigeria, converging at key Algerian entry points like Agadez in Niger and Gao in Mali.

Key border locales include Ain Guezzam on the Algerian-Niger frontier, Tinzawatine, and Bordj Badji Mokhtar along the Mali border. Tamanrasset, located at the southern

<sup>1</sup> Adel Zekagh, Sofiane Mansouri, "The Reality of Organized Crime in the Sahel Region of Africa," Journal of Humanities and Social Sciences, Issue 13, March 2016, pp. 155-166, p. 160.

<sup>2</sup> <http://newirin.irinnews.org/arabic-extras/the-long-way-round-ar>

extremity of Algeria, emerges as a critical city near the Niger border, predominantly hosting a mix of Sub-Saharan migrants and refugees, whether through regular or irregular means, alongside seasonal workers or those recently deported. Migrants aiming for Morocco and Europe typically move towards Maghnia, then Oujda in Morocco, while those heading to Libya navigate towards Janet. Generally, migrants depend on smuggling networks and intermediaries to facilitate their journey and meet its requirements. Research suggests that the majority embark on migration voluntarily, often driven by family strategies rather than external compulsion, such as enslavement or human trafficking.

The toll on irregular migrants, including those involved in smuggling, has been grievous, with 529 reported missing and 70 deceased en route from Algeria to Sardinia, and along the migratory paths from the Algerian Sahara to Western Sahara, Mauritania, and from Senegal to Spain toward the Canary Islands and through the Strait of Gibraltar. Here, 8,954 individuals have perished, and 9,861 are missing<sup>1</sup>.

Official records from 2007 document approximately 1,530 'Harragas'—migrants attempting illegal sea crossings—were intercepted along the Algerian coastline, with numbers increasing in 2008. Additionally, over 2,300 Algerian 'Harragas' have been rescued<sup>2</sup>. According to official data, more than 2,400 irregular migrants were saved at sea over the past three years. The coast guard retrieved 147 bodies from the sea between 2006 and 2007, indicating a rising trend in this perilous journey. Noteworthy is the Spanish Interior Ministry's data, reporting about 56,000 migrants residing illegally in Spain, with more than 200,000 migrants prevented from reaching Spanish borders as per 2007 reports. However, unofficial figures cited by political parties and NGOs suggest the presence of approximately 1.5 million undocumented migrants in Spain, predominantly from the Maghreb and Sahel regions<sup>3</sup>.

#### **4- Algeria's Strategic Response to Smuggling Networks**

The Algerian government has developed a multifaceted approach to combat smuggling networks, incorporating both procedural and substantive mechanisms. This strategy addresses the issue on both domestic and international fronts.

In an address in Bamako on June 2, 2016, the Minister of Interior and Local Governments, Mr. Noureddine Bedoui, emphasized the need to mobilize all available resources to obstruct the pathways of terrorist groups and dismantle criminal organizations threatening regional security. During the twelfth session of the Algerian-Malian bilateral border committee, which he co-chaired with his Malian counterpart, he underscored that terrorism, illegal immigration, drug trafficking, human trafficking, and smuggling pose

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<sup>1</sup> Malika Hajjaj, "The Distinct Boundaries Between the Crimes of Illegal Immigration and Migrant Smuggling," *Heritage Journal*, Issue 10, December 2013, pp. 84-95.

<sup>2</sup> [https://ostatic.echoroukonline.com/files/pdf/2007/12/31/chorouk2186\\_180555349.pdf](https://ostatic.echoroukonline.com/files/pdf/2007/12/31/chorouk2186_180555349.pdf)

<sup>3</sup> Cited from: Fatiha Kerkoush, "Illegal Immigration in Algeria - A Psycho-Social Analytical Study," *Journal of Psychological and Educational Studies*, Issue 4, June 2010, pp. 43-54.



significant threats to border security and stability, hindering the free movement of people and goods and stifling the regional economy. He noted that terrorist and criminal groups exploit the lack of institutional presence and the vulnerability of border crossings, leveraging the distress of the local populations to make them susceptible to radical ideologies and exploitation.<sup>1</sup>

On the international stage, Algeria has urged European nations to adopt a more realistic and comprehensive perspective, focusing on combating racism and xenophobia in Northern countries, which adversely affect humanitarian relations between the North and South.<sup>2</sup>

#### 4.1 Core Mechanisms Include

##### A. Domestically

The Ministry of National Defense and the Ministry of Interior collaborate closely to counter smuggling networks. This partnership is particularly evident in the operations of the Algerian Coast Guard<sup>3</sup> and the General Directorate of National Security, which encompasses various specialized departments.

Notably, **the Border Police and Immigration Directorate** plays a crucial role in this effort. Its responsibilities include enforcing international agreements, national laws, and regulations, monitoring the movement of people and goods across borders, contributing to the prevention and suppression of border law violations, ensuring the security of ports and airports, supporting intelligence gathering in border areas, overseeing the movement of vehicles, aircraft, and maritime vessels, combating clandestine migration, and supervising border police services throughout the national territory.

**The Border Police and Immigration Directorate** is structured into four deputy directorates: the Deputy Directorate for the Movement of People, the Deputy Directorate for Port and Airport Security, the Deputy Directorate for Studies and Statistics, and the Central Office for Combating Clandestine Migration. This directorate also oversees regional border police services and local border police units.<sup>4</sup>

**Moreover, the National Gendarmerie** has launched an electronic border surveillance system aimed at detecting cross-border movements, with a particular focus on human smuggling incidents. In early 2016, it introduced "RUNITEL," a nationwide network for both wired and wireless communications, connecting all gendarmerie divisions. This network allows investigative judges to remotely conduct visual verifications of suspects from any location within the country, facilitating the identification of their involvement in

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<sup>1</sup> <http://www.interieur.gov.dz/index.php/ar>

<sup>2</sup> Ibid, Betaher, p. 127

<sup>3</sup> It refers to an entity that is part of the Algerian Navy, tasked with the protection and surveillance of Algeria's Mediterranean coastline.

<sup>4</sup> <https://www.algeriepolice.dz>

further criminal activities. Moreover, the Gendarmerie's Border Guards are upgrading border surveillance with an advanced electronic monitoring system. This project, currently in a pilot phase along selected segments of the Algerian-Moroccan border, involves installing sensors, radars, and surveillance cameras to provide real-time data to border guard commanders, enabling swift action, comprehensive investigations, and potential detentions<sup>1</sup>.

Established in 2004, **the Central Office for the Combat Against Illegal Immigration**, operating under the Directorate General of National Security, is pivotal in orchestrating the efforts of various investigative teams across Algeria. This office manages four regional and five local search teams stationed in strategic locations across the country, including Oran, Constantine, Bechar, Ouargla, and Souk Ahras. Additionally, it oversees thirty-nine local research units embedded within the national police services. The office's main objectives include dismantling networks that support the sheltering and movement of undocumented foreigners within Algeria, combating document forgery related to illegal immigration, addressing unlawful employment of foreigners, and devising preventative and deterrent strategies against illegal immigration.<sup>2</sup>

Despite these robust measures, a 2017 report by Amnesty International criticized the Algerian government for not implementing laws to protect the right to seek asylum. Highlighting the plight of approximately 1,500 migrants and refugees from Sub-Saharan Africa in Algiers, many of whom were forcibly deported to Niger, the report underscores the challenges faced by those not deported. Released in Tamanrasset, these individuals reportedly faced restrictions on public transport use, aiming to deter their return to Algiers<sup>3</sup>. Amnesty International classified these individuals as refugees, thereby affirming their rights under international humanitarian law, regardless of their legal status.

## **B. Internationally**

• **AFRIPOL:** AFRIPOL serves as a pivotal organization facilitating information exchange among national police forces on matters of international crime, terrorism, narcotics, and arms trafficking across Africa. Established on December 13, 2015, in Algeria, AFRIPOL is the continent's premier law enforcement organization, encompassing police forces from 41 member countries. The inception of AFRIPOL was officially announced following the African Police Chiefs and Inspectors General Conference held in Algiers on February 10-11, 2014. Subsequently, at the 23rd African Union Summit in Malabo, Equatorial Guinea, from June 20-27, 2014, African leaders endorsed the Algerian Declaration, aligning with the collective vision of African police chiefs. The Algerian

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<sup>1</sup> Hocine Labdelaoui, LA GESTION DES FRONTIÈRES EN ALGÉRIE, Projet de coopération sur les questions liées à l'intégration sociale des immigrés, à la migration et à la circulation des personnes Co-fi nancé par l'Institut universitaire européen et l'Union européenne (Programme AENEAS). P.28 Disponible sur le site ; [http://cadmus.eui.eu/bitstream/handle/1814/8081/CARIM\\_RR\\_2008\\_02.pdf](http://cadmus.eui.eu/bitstream/handle/1814/8081/CARIM_RR_2008_02.pdf)

<sup>2</sup> Omar Al-Dahimi, "Study on Secret Immigration in Algeria," Scientific Symposium on "Arab Experiences in Combating Illegal Immigration," Naif University for Security Sciences, February 8, 2010.

<sup>3</sup> Amnesty International Report 2016/2017 on the situation of human rights in the world, First published in 2017 by Amnesty International Ltd. P.65

Director-General of National Security showcased Algeria's contributions to crime prevention and the enhancement of cooperation and information exchange mechanisms among police forces globally at the 84th INTERPOL General Assembly in Kigali, Rwanda, from November 2-5, 2015, underlining Algeria's pivotal role in AFRIPOL's establishment.

• **Frontex<sup>1</sup>**: Algeria has voiced concerns regarding European strategies for externalizing border control, including the proposal to establish transit camps in Maghreb border regions and deploying the European Border and Coast Guard Agency, Frontex, to manage migration. Algeria remains undecided on the European proposal for the Maghreb's incorporation into Frontex operations. Furthermore, through its embassy in Brussels, the Algerian government explicitly declined immediate participation in the European Neighborhood Policy. It countered European propositions by advocating that countermeasures should broadly target terrorism, mafia networks, and smuggling activities without singularly focusing on human smuggling<sup>2</sup>.

### C. Regional Security Cooperation

Algeria has actively pursued discussions and negotiations to establish cooperative agreements, leading to the implementation of 4 key mechanisms, which are:

• Joint commissions with Tunisia and Mauritania focused on security and person monitoring.

• The Algerian-Nigerien bilateral border committee, founded in October 1997, encompasses the Algerian territories of Tamanrasset and Illizi and the Nigerien regions of Agadez and Tahoua,.

• The Algerian-Malian security committee, covering Adrar and Tamanrasset from Algeria and Gao, Kidal, and Timbuktu from Mali.<sup>3</sup>

## 5- Conclusion

The rapid expansion of smuggling networks highlights the inadequacy of national laws alone in combating human smuggling. It underscores the necessity for international cooperation that surpasses individual national strategies, advocating for a development-oriented approach. This strategy aims to motivate international partners to consider creating conditions conducive to sustainable development to mitigate the complex risks associated with smuggling.

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<sup>1</sup> Frontex is the European Union's agency responsible for coordinating operational cooperation at the external borders of EU member states, focusing on border security to prevent illegal immigration, human trafficking, and the potential infiltration of terrorists. Based in Warsaw, Poland, its mission is to assist member states in implementing EU border control regulations and ensuring uniform high standards of border management across the Union, as outlined by the European Council directives.

<sup>2</sup> Hocine Labdelaoui, Op.Cit.P.8

<sup>3</sup> Benmashri Abdelhalim, "Algeria's Efforts to Achieve International Cooperation in the Field of Combating Migrant Smuggling," Thought Journal, Faculty of Law and Political Sciences, Mohammed Khider University of Biskra, Issue 12, pp. 101-121, p. 117.

This study concludes that:

- Algeria serves as a significant exporting, transit, and importing country for migrants, both legal and illegal.

- Algerian law criminalizes the act of smuggling migrants out of the country, regardless of their nationality, distinguishing between smuggling operations into and out of Algeria. However, exceptions exist, particularly for Algerian nationals facing expulsion who are then smuggled back into the country.

- Algeria has enacted numerous procedural and substantive mechanisms as part of its comprehensive strategy to counter smuggling. Efforts to foster international cooperation in the fight against migrant smuggling have been a central component of this strategy.

Recommendations include:

- Amending Article 303 of the Penal Code to explicitly include both "entry" and "exit" in the definition of migrant smuggling, acknowledging that smuggling operations may involve entering Algeria.

- Establishing an international coalition to reduce migrant smuggling, particularly given Algeria's pivotal role as an importing, exporting, and transit country. Algeria should intensify its international efforts by engaging in various international agreements aimed at combating smuggling.

- Enhancing the activation of the Central Office for the Combat against Illegal Immigration, alongside strengthening cooperation between the Ministry of National Defense and the Ministry of Interior to more effectively counter smuggling networks.

- Algeria must clarify the legal status of undocumented migrants and refugees to safeguard its efforts against smuggling from skepticism.

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