

## **Recent Developments in the Work of the Investigating Judge under Algerian Code of Criminal Procedure Law No. 25-14"**

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**Abstract---**The investigating judge, as the first degree of the investigation, is entrusted with several procedural tasks, through the search and investigation of evidence of proof or denial to show the truth in each criminal case in which the request for investigation has been submitted .The legislature has granted broad powers in this regard, but without prejudice to the individual rights and freedoms protected by the Constitution. The legislator has distinguished between the investigative work that is binding on the judge and which he may not delegate to others, and the investigative work in which he may delegate, and in all cases, the investigating judge must draw up a report thereof and send them together with the other documents.

**Keywords---**Research and Investigation, Investigation Reports, Interrogation, Judicial Letter.

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## Introduction

A fair trial is one of the main objectives sought by the Algerian legislature through the developments contained in Law No. 25-14 of the Code of Criminal Procedure, dated August 3, 2025<sup>1</sup>. The investigating judge has broad powers to search and investigate the evidence of accusations and denials related to the elements of the physical and moral crime, as well as the search for the persons who are suspected or accused, who are involved in it or who are revealed by the investigation, as well as all crimes related to the crime under investigation. The investigating magistrate shall abide by the prescribed procedures, whether those for the preliminary hearing at the suspect's first appearance or in the second appearance when he is heard on the matter, without prejudice to the defendants' freedoms protected by the Constitution.<sup>2</sup>

However, a distinction must be made between the investigative work that the investigating judge must perform himself, whether those related to the appearance of the accused before him or to a hearing on the matter at the second appearance. On the other hand, the legislature authorized him to delegate some of his work to judicial seizure, which is not authoritative and is not taken as evidence. All his orders are subject to appeal before the Indictment Chamber<sup>3</sup>.

In addressing this research paper, we raise the following problem statement: What are the functions of the investigating judge under the provisions of Law No. 25-14 on the Code of Criminal Procedure? And is it possible for the investigating judge to exceed his territorial jurisdiction or to issue a judicial delegation to another judge?

To answer this problem, our study will be divided into two sections. In the first section, we will examine the investigative acts and procedures that the investigating judge must personally undertake. In the second section, we will address the investigative acts that may be delegated.

As for the methodology adopted, we have relied on both the descriptive and analytical approaches, in line with the analysis of the legal provisions introduced by Law No. 25-14 on the Code of Criminal Procedure.

### **The first topic : the duties of the investigating judge to be performed by himself:**

The Algerian legislature assigned the investigating judge in accordance with the provisions of the Code of Criminal Procedure No. 25-14, several tasks that were enshrined in accordance with the provisions of the Code of Criminal Procedure No. 66-155 of June 8, 1966<sup>4</sup> (repealed), with some changes.

### **The first requirement : to go for inspection, inspection, seizure of objects, and receive the certificate.**

We will deal with it in two sections as follows:

#### **Section One – Moving for Inspection and Inspection.**

The Algerian legislature dealt with transfer and inspection in accordance with the provisions of Article 155<sup>5</sup> in the third section under the title of "Transfer, Inspection and Control" of the first chapter under

1- Law No. 25-14 containing the Code of Criminal Procedure, dated August 3, 2025, corresponding to 8 Safar 1447 AH, G.R. No. 54.

2- Refer to Article 34 et seq. of the Constitution as amended in 2020

<sup>3</sup> - In addition to the investigative body at the level of the courts and represented by the investigating judges, there is an indictment chamber at the level of each judicial council, which is considered the second level of investigation, which operates in a composition, which is a judicial body, which oversees the work of the investigating judge, and also considers appeals filed against his orders by the accused, his lawyer, the civil prosecutor, the victim, the prosecutor of the republic within three (3) days, or the public prosecutor within twenty (20) days, in accordance with the provisions of the Code of Procedure. Penal No. 25-14. It is also considered a second investigative body, which may order the investigating judge to conduct a supplementary investigation of crimes and persons whenever necessary, or to summon the accused to attend its hearing.

- Law No. 66-155 incorporating the Code of Criminal Procedure, of June 8, 1966 (repealed):<sup>4</sup>

- Refer to the text of Article 155 et seq. of the Code of Criminal Procedure.<sup>5</sup>

the title "In the investigating judge", of the first book under the title "In the investigative bodies". It authorized the investigating judge to travel to the places of crime to conduct all the necessary inspections or to inspect them, provided that he notifies the prosecutor who can accompany him. All orders The investigating judge is subject to appeal before the indictment chamber in accordance with provisions 266<sup>6</sup> et seq. of the Code of Criminal Procedure 25-14.

The legislator regulated the search and its procedures in accordance with the provisions of Articles 156 and 157 of the Islamic Republic of Iran, where it authorized the investigating judge to initiate the investigation in all places where evidence could be obtained, but in this case, he distinguished between the procedures for searching the residence of the accused and the residence of the non-accused. Referring to the provisions of Articles 158<sup>7</sup> and 159 of the Islamic Republic of Iran <sup>8</sup>, which referred to Articles 76, 78, and 797 of the Islamic Republic of Iran related to the procedural dates for the search and their observance, the search may not be conducted before 5 a.m. or after 8 p.m. As a principle, and an exception that may be done in certain cases, for example, if the owner of the dwelling requests it, or if calls are made from within the house or in the exceptional circumstances prescribed by law, unless otherwise provided by law, but a search may be carried out during the day or at night if the investigation relates to the offences punishable by articles 339<sup>9</sup>, 340, 341, 342, 343, 344 and 345<sup>10</sup> of the Penal Code, inside a hotel, furnished house, family hotel, liquor store, club, discotheque or Public viewing areas and their accessories or any space open to the public.

Searches may also be carried out at any hour of the day and night and in any residential or non-residential premises and upon prior written permission from the competent Prosecutor of the Republic in the region, if the crime is related to intentional murder, narcotics and psychotropic substances, organized crime across national borders, crimes related to information and communication technology, crimes of money laundering, terrorism, crimes related to legislation on exchange, movement of capital from inside and outside the country, crimes of corruption, smuggling crimes, crimes of human trafficking, crimes of human trafficking, and crimes related to the legislation on the exchange of capital, crimes of corruption, crimes of smuggling, crimes of human trafficking, and crimes of crimes. Human trafficking, human organ trafficking crimes, migrants smuggling crimes, and kidnapping of persons, and the legislature also authorized the investigating magistrate to carry out any search or seizure operation at night or day or anywhere throughout the territory of the Republic, in accordance with the text of Article 78, paragraph 3 of the Islamic Republic of Iran.<sup>11</sup>

### **Second Branch – Seizure of Objects.**

Upon completion of the search, the investigating judge shall seize the objects subject to custody that are connected to the crime or crimes under investigation, in addition to seizing documents, records, and instruments related to the offense. These items must be placed in sealed evidence packages in

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- See Article 266 et seq. of the Criminal Code No. 25-14.<sup>6</sup>

<sup>7</sup> Article 158 of the Islamic Republic of Iran stipulates: "If a search takes place in the residence of the accused, the investigating judge shall abide by the provisions of articles 76 to 78 of this law, but he may, except for the articles of felonies, search the residence of the accused at a time other than the hours specified in article 78 above, provided that he conducts the search himself and that this is done in the presence of the Public Prosecutor.

- See the text of Article 159 of the I.C. 25-14.<sup>8</sup>

Article 339 as amended by Law 82-04 stipulates: "Every married woman who is found guilty of adultery shall be sentenced to one to two years' imprisonment <sup>9</sup>.

The same penalty shall be applied to anyone who commits the crime of adultery by imprisonment from one to two years, and the same penalties shall be applied to his accomplice.

The same penalty applies to anyone who commits the crime of adultery with a woman who knows she is married.

A husband who commits the offence of adultery shall be punished by imprisonment from one to two years, and the same penalty shall be applied to his partner.

Measures are taken only on the basis of the complaint of the injured spouse, and the latter's class puts an end to all follow-up."

- Refer to Articles 339 to 345 of the Penal Code as amended.<sup>10</sup>

- See Article 78, paragraph 3 of the Code of Criminal Procedure.<sup>11</sup>

accordance with the provisions of Article 160 of the Code of Criminal Procedure, and they may not be opened except in the presence of the accused and his counsel, or following their lawful summons. Furthermore, any person from whom such items have been seized shall also be summoned.

### **Section III - Hearing of witnesses.**

The Code of Criminal Procedure distinguishes between the testimony given by witnesses before the judicial seizure, which it considers to be merely hearing statements that fall within the authority of judicial seizure records, which are considered only records to be taken as evidence, and the testimony given by witnesses before the investigating judge, where the investigating judge can receive it and take it seriously whenever it is useful in establishing the elements of the crime, misdemeanor, or even the violation when the prosecution requests to investigate it.

The witnesses shall testify individually before the judge of truth and without the presence of the accused, in accordance with the provisions of Article 165<sup>12</sup> of<sup>13</sup> the Islamic Republic of Iran.

The testimony of witnesses requires proving or denying the crime, so if one of the litigants mentions some names of people for proof, the other party may mention some names of people to deny or prove, and it is understood that the testimony of witnesses is considered among the evidence and clues that have a simple authority that can be refuted and reversed, and if there is the testimony of the prosecution witnesses, then on the other hand there is the testimony of the witnesses, and the investigating judge may give weight to the testimony of the witnesses over another and exercise his discretion in this because the testimony of the witnesses Do not contact public order and remain a legal process.

Pursuant to the provisions of Article 171 of the Islamic Republic of Iran, every person summoned to hear his testimony must be obliged to appear and take an oath to testify, taking into account the legal provisions related to professional secrecy, in accordance with the provisions of Article 172 of the Islamic Republic of Iran.

However, in the event that the witness is unable to appear due to an obstacle such as illness or any other reason, the investigating judge may proceed to hear his statements, or by way of a legal representation in accordance with the text of Article 174<sup>14</sup> of the Islamic Republic of Iran. If the witness is a juvenile and has not reached the age of sixteen (16), he shall testify without taking a legal oath, and each page of the report shall be signed by the investigating judge, the clerk, the witness and the translator, if any, and it is not permissible to cram between the lines of the report.

Pursuant to the provisions of Article 178 of the Islamic Republic of Iran, the victim and the civil plaintiff who has met the conditions for the validity of his claim may seek the assistance of a lawyer from the first day his statements are heard.

However, the accused, the victim or the civil prosecutor may not be heard or confronted except in the presence of his lawyer or after he has been legally summoned unless he expressly waives this and notes such waiver in the record. The lawyer shall be summoned by a recommended letter sent to him at least two (2) days prior to the interrogation of the accused or the hearing of the victim or the civil party, as the case may be.

Article 181 of the Islamic Republic of Iran also authorizes the Public Prosecutor to attend the interrogation and confrontation of the accused and to hear the civil prosecutor. He may ask such questions as he deems appropriate.

However, pursuant to the provisions of Article 182 of the Code of Civil Procedure, neither the defendant's lawyer nor the victim's lawyer or the civil prosecutor may address the matter, except for

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- Refer to the text of Article 165 of the Islamic Republic of Iran.<sup>12</sup>

- See Article 166 of the Islamic Republic of Iran.<sup>13</sup>

- Refer to the text of Article 174 of the Islamic Republic of Iran.<sup>14</sup>

direct observations and/or questions, with the permission of the investigating judge and under his supervision, who may order not to answer them, and the text of the observations and/or questions shall be included in the record or attached to it in all cases.

The restrictions imposed by the legislator on the role of the defense counsel during his presence at the investigation session, without detail or clarification, remain ambiguous and may affect, first, the rights of the accused and individual freedoms, and second, the defense as an institution. Accordingly, we propose that the legislator establish a clear legal framework that safeguards the rights of the accused and strengthens the position of their lawyers during investigation hearings.

### **The second demand – interrogation and confrontation and their audacity.**

Interrogation is defined as: "discussing the accused in the charge against him, and confronting him with the evidence against him for the purpose of recalling the truth, either by denying and refuting it or by confessing to the crime attributed to him."

Confrontation is defined as: "the defendant is put face to face with another defendant, witness, or civil prosecutor, and the confrontation is between witnesses if their statements contradict." The legislator distinguished between the two stages of interrogation:

#### **Section I: Interrogation at the First Appearance (First Appearance).**

The legislator dealt with interrogation in the fifth section under the title "On interrogation and examination" of the first chapter under the title "On the investigating judge", of the third chapter under the title "In the investigative bodies", in the text of Article 175<sup>15</sup> of the Islamic Republic of Iran, where the investigating judge verifies his identity when the accused appears before him for the first time, and informs him of each of the facts attributed to him and their legal basis, and warns him that he is free not to make any statement, and notes that warning in the record. If the accused wishes to make his statements, the investigating judge shall receive them immediately, and the investigating judge shall inform the accused that he has the right to choose a lawyer on his behalf and grant him time to do so, and if he does not do so, he shall appoint a lawyer on his own initiative if he is asked to do so and mention this in the record.<sup>16</sup>

Accordingly, the investigating judge in the first appearance must respect the following procedures:

- Verify the identity of the accused,
- Inform the accused of each incident attributed to the accused and mention the legal texts.
- Informing the accused that he is free not to make any declaration with a reference to this in a record, and if he wishes to make it, he shall receive it immediately and record it in the record.
- Informing the accused that he is free to seek the assistance of a lawyer, and if the accused does not do so, the investigating judge shall appoint a lawyer for him.
- The judge shall inform the accused of the possibility of summoning or informing him by telephone or e-mail, and if he agrees, he shall mention this in the interrogation report.
- The first appearance shall be concluded with a report signed by the investigating judge and the clerk of the hearing, while the accused shall have the right to sign or reject it.

However, the investigating judge may exclude the application of the text of Article 175 of the Islamic Republic of Iran in case of urgency, so that he may interrogate and confront the accused at the first appearance and state the reasons and reasons for the urgency in the report in accordance with the provisions of Article 176<sup>17</sup> of the Islamic Republic of Iran.

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- Refer to Article 175 of the Islamic Republic of Iran.<sup>15</sup>

- Refer to Article 175 of the Islamic Republic of Iran.<sup>16</sup>

- Refer to Article 176 of the Islamic Republic of Iran.<sup>17</sup>

The accused may not be interrogated, heard, or confronted except in the presence of a lawyer after being summoned by law, unless the accused expressly waives his right which is recorded in the record pursuant to the provisions of Article 180, paragraph 1 of the Islamic Republic of Iran.

Article 180, paragraph 2 of the same law obliges the investigating judge to summon the lawyer by a recommended letter sent to him at least two days before the interrogation of the accused or the hearing of the victim or the civil party, as the case may be.

The file and procedures must be placed at the request of the defendant's lawyer, the victim and the civil prosecutor at least 24 hours before each interrogation for review.

Article 181 of the Code of Civil Procedure also authorizes the Prosecutor of the Republic to attend the interrogation of the accused, confront them with others, hear the statements of the civil prosecutor and ask questions directly during the interrogation.

### **Section Two: Interrogation on the Subject (Second Presence).**

The course of the case is determined negatively and positively by what the investigating judge reaches in his hearing session on the matter for the accused or the defendants, either by acquittal or conviction, and in view of this sensitive stage, which is considered a dangerous turning point in the course of the case, and therefore the legislator is informed of great guarantees.

The interrogation in the matter includes contradicting the accused in the most minute details of the charge against him, and as stipulated by law, interrogation in felonies is mandatory, while in misdemeanors it is permissible and in the case of offenses it is at the request of the Prosecutor of the Republic.

However, the investigating magistrate may, without questioning the accused, act in the case if he considers that the acts attributed to the accused do not constitute the elements of the offence and issue an order that there is no place for prosecution.<sup>18</sup>

### **Section III : Overall interrogation.**

Interrogation is defined as: "Confronting and discussing the accused with the charge attributed to him and the evidence against him by the investigator and discussing it in detail, and asking him to express his opinion on what has been attributed to him."<sup>19</sup>

Interrogation has a dual nature, as it is an investigative procedure that leads to the collection of evidence to reach the truth, and it is a means of defense that enables the accused to refute and respond to the evidence against<sup>20</sup> him, as it allows the accused to take note of the accusations added to him, and all the evidence in the case file and provides him with the opportunity to give clarifications that help to reveal his innocence<sup>21</sup>. It must be in the official Arabic <sup>language and in practice</sup>. According to the provisions of Article 183, paragraph 2 of the Code of Civil Procedure, which obliges the investigating judge in the criminal case to conduct the total interrogation before closing the door of the pleadings, the total question of the investigating judge is his impartial role in gathering evidence of accusation or denial in order to reveal the truth, where he takes orders, including summons and ordering temporary detention.

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- Messous Rashida, Interrogation of the Accused by the Investigating Judge, Master's Thesis, Colonel Hajj Lakhdar University, Batta, 2005-2006, p. 19. <sup>18</sup>

- Abdallah Ohaïbia, Explanation of the Algerian Code of Criminal Procedure, "Investigation and Investigation", Second Edition, Dar Houma, Algeria, 2011, p. 377. <sup>19</sup>

<sup>20</sup>- Ahmed Saadi Saeed Al-Ahmad, The Accused His Guarantees and Rights in Interrogation and Detention, "Pretrial Detention", in the Palestinian Code of Criminal Procedure, A Comparative Study of the Master's Thesis, 2008, An-Najah National University, Nablus, Palestine, pp. 48-49.

- Abdel Rahman Al-Shawarbi, The Defendant's Guarantees in the Criminal Investigation Stage, Alexandria, Al-Aref Facility, Egypt, 1996, p. 403.<sup>21</sup>

**The second topic: the work of the investigating judge in which it is permissible to delegate and delegate.**

**Chapter Two: Investigative Acts of the Investigating Judge that May Be Delegated or Assigned**

We will address them as follows:

**The first requirement : the letter of attorney.**

A letter of attorney is defined as: "a procedure whereby the investigating judge assigns persons at his disposal by law for the purpose of carrying out certain investigative work in accordance with the powers delegated to them"<sup>22</sup>, and when it comes to authorized persons, the investigating judges are the closest to others in response to the legislature's desire for the investigating judge to conduct all the investigative work himself. Perhaps for this very reason, the legislature has allowed the appointment of a judicial representative to any of the investigative judges within or outside the judicial circuit of the deputy.

A distinction must be made between:

**Section I: Representation in the same court as the investigating judge in which he or she is exercising his duties:**

When it comes to acting within the court's judicial chamber, al-Muneeb is often the dean of the investigating judges.<sup>23</sup> Representation does not apply to the investigating judges, whether the investigating judge is a deputy or a deputy. Article 234 of the Criminal Code permits <sup>24</sup> the deputation of any other investigative judge working in a court outside his regional jurisdiction or any police officer who also works outside his jurisdiction, where the latter is entrusted with carrying out the procedures of gathering evidence, except for interrogation, confrontation, or hearing the statements of the civil prosecutor pursuant to the provisions of Article 235 of the Islamic Republic of Iran.

The appointed investigating judge shall specify in the letter of attorney the type of crime that is the subject of prosecution and its legal grounds, and shall date and sign it by the investigating judge who issued it, and stamp it with his seal. He shall specify precisely the tasks assigned to the subject of the deputy, and he shall avoid general delegation pursuant to the provisions of Article 235, paragraph 1<sup>25</sup> of the Criminal Code.

**Section Two: Deputy Judicial Police Officers:**

Pursuant to the provisions of Article 141 of the Code of Criminal Procedure, the judicial police officer is not permitted to interrogate the accused, conduct confrontations, or hear the statements of the civil party. The investigating judge shall determine the statutory time limit within which the judicial police officer must submit the reports. If no deadline is specified, the reports must be transmitted within eight (8) days following the completion of the measures undertaken pursuant to the judicial delegation.

By interpreting the provisions of Article 155, it becomes evident that the investigating judge's transfer to the crime scene for purposes of search and inspection is optional and subject to his discretionary authority. The investigating judge is also entitled to move, accompanied by the clerk of investigation, outside his territorial jurisdiction after notifying the Public Prosecutor at his court, in order to carry out investigative and inspection measures whenever the investigation so requires and proves necessary. In such cases, the Public Prosecutor of the receiving jurisdiction must likewise be informed, and the judge must record in his report the reasons that justified such action, in accordance with the provisions of Article 156 of the Code of Criminal Procedure.

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- Abdelmadjid Zaalani, The Judicial Letters of the Investigating Judge, Algerian Journal of Legal and Political Sciences, Youssef Ben Khida University, Algeria, No. 4,<sup>22</sup> Year of Publication, 1998, pp. 9-26.

<sup>23</sup> -R.Merl and A.vitu, treatise on criminal law, pinal procedures, 2nd edition. Cu-jas, 1973 N°1134et seq. G stephanie and G. levasseur, B. bouloc, Paris, procedures pinales, précis, Dalloz, 11th ed., N° 1, ss.

- Refer to Article 234 of the Islamic Republic of Iran.<sup>24</sup>

- See Article 235, paragraph 1 of the Islamic Republic of Iran.<sup>25</sup>

## Requièrent II : Délégation of experts

The Algerian legislature has authorized the investigating judge to assign an expert from among the experts listed in the list of experts when it comes to a technical or scientific matter, and criminal expertise is defined as: "a procedure related to a subject that requires familiarity with technical information in order to be able to extract evidence from it"<sup>26</sup>, and it is also defined as: "It is the use of a person with a certain special scientific or technical competence to give an opinion and clarifications on a matter that is beyond the scope of the investigator's legal or general knowledge".<sup>27</sup>

The role of the expert in criminal proceedings is to provide answers to technical matters in order to resolve factual issues, pursuant to Article 242 of the Algerian Code of Criminal Procedure: "The decision appointing experts must always specify their mission, which may only aim at examining matters of a technical nature."

In accordance with the provisions of Article 244 of the Code of Criminal Procedure:

"Every order issued by the delegate of an expert for every order issued by the delegate of experts shall specify a time limit for the completion of their mission, and this period may be extended at the request of the experts if special reasons require it, and this shall be by a reasoned order issued by the judge or the body that delegated them. Forty (48) hours of all objects, papers and documents entrusted to them pending the performance of their mission, and furthermore, they may be subject to civil liability and disciplinary measures may be taken against them, which may amount to the removal of their names from the roster of experts provided for in article 240 above.

In carrying out their mission, experts must be in contact with the investigating judge or the delegated judge, keep him informed of the developments in their work and enable him to take the necessary action at all times.

The investigating magistrate may, in the course of his proceedings, always seek the assistance of experts if he deems it necessary."

The expert himself may need experts and technicians in details that are outside the scope of his specialization?

The legislator dealt with this issue in accordance with Article 245 of the Islamic Republic of Iran, which stipulates:

"If the experts seek guidance on a matter outside the scope of their specialization, the judge may authorize them to include technicians, designated by name and specifically selected for their expertise. Such appointed technicians shall take an oath under the conditions provided for in Article 241 above. Their full report shall be attached to the report referred to in Article 249 of the Algerian Code of Criminal Procedure."

However, in our view, although the legislator has provided a solution to this issue as envisaged under Article 245 of the Code of Criminal Procedure, another formula could be introduced, consisting in entrusting the matter to an investigative body, as has been adopted in commercial arbitration, whether international or domestic, pursuant to the Code of Civil and Administrative Procedure No. 08/09 as amended by Law No. 22-13.

The investigating judge may not abandon the legal issues of the expert, either at the request of the Public Prosecution, the litigants or their lawyers, and if the investigating judge rejects this request, he may reject it by a reasoned order within (10) days from the date of receipt of the request, and in case it is not decided within this period, the accused or his lawyer may notify the Indictment Chamber directly within a period of (10) days, and the request shall be decided within a period of (20) days from the date of notification. Its decision shall be final and not subject to any appeal in accordance with the

- Atef Al-Naqib, Principles of Criminal Trials, (D.T.), Obeidat Publications, Jordan, 1971, p. 337.<sup>26</sup>

<sup>27</sup> - Khalifa Callender, Abdullah Hussein, The Defendant's Guarantees in the Preliminary Investigation Stage in the Code of Criminal Procedure, A Comparative Study, 1st Edition, Dar Al-Nahda Al-Arabiya, Egypt, 2002, p. 450.

provisions of Article 239<sup>28</sup> of the Code of Criminal Procedure, and the investigating judge shall select one of the experts on the list of the Court and after consulting the opinion of the Public Prosecutor. Pursuant to the provisions of Article 240, paragraph 1<sup>29</sup> of the Criminal Code, the expert shall take the legal oath before performing his duties once before the Judicial Council. If the expert is not included in the list of experts, he shall take the oath every time he is appointed in accordance with the provisions of Article 241<sup>30</sup> of the Code of Criminal Procedure.

The appointed expert must comply with the technical and scientific tasks ordered by the investigating judge and must submit his expert report within the time limit set for him in accordance with the provisions of Articles 244 and 249<sup>31</sup> of the Islamic Republic<sup>32</sup> of the Code of Criminal Procedure.

The legislator allowed the replacement of the expert whenever justified, and the expertise accomplished by the expert is non-binding, as the investigating judge can take it into account whenever he deems it useful in the case under investigation, and he may appoint another expert to carry out counter-expertise and the same tasks after consulting the opinion of the Prosecutor of the Republic in accordance with the provisions of Article 250<sup>33</sup> of the the Code of Criminal Procedure.

In the event that the judge rejects the request for the appointment of an expert, such rejection must be made by a reasoned order within thirty (30) days from the date of receipt of the request. If no decision is rendered within the prescribed period, the request shall be submitted to the Indictment Chamber within ten (10) days, which shall have thirty (30) days to rule on the request from the date of its notification. Its decision shall be final and not subject to any appeal.

### **Conclusion of the study:**

From the discussion presented in this research paper, it is evident that the Algerian legislator has entrusted the investigating judge with a set of investigative acts falling within his jurisdiction. These include moving to locations for the purposes of search, inquiry, and gathering evidence regarding all crimes and suspects connected thereto, as well as other related offenses and all persons revealed by the investigation as accused, accomplices, instigators, or assistants. The judge is also empowered to hear witness testimony, whether for incrimination or exoneration, to order pretrial detention, and to appoint experts whenever the facts require technical or scientific examination.

It is noteworthy that certain acts of the investigating judge must be carried out personally, as they are exclusive to him and may not be delegated, while other acts may be delegated to another. At the conclusion of the investigation, the investigating judge prepares official reports, which are attached to the documents relevant to each case and made ready for transmission to the Public Prosecution.

### **Results and Suggestions:**

#### **I. Results:**

- The period during which counsel is summoned by a recommended letter sent to him or her at least two (2) days prior to the interrogation of the accused or the hearing of the victim or the civil party, as the case may be, is a stated period.

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<sup>28</sup> - Article 238 of the Criminal Code: "When a matter of a technical nature is presented to them, the investigating or adjudicating authorities may, automatically or at the request of the Public Prosecution or the litigants or their lawyers, order the appointment of an expert."

- Article 240, paragraph 1 of the Islamic Republic of Iran: "Experts shall be selected from the table prepared by the judicial councils after consulting the opinion of the Public Prosecution."<sup>29</sup>

- See Article 241 of the Islamic Republic of Iran.<sup>30</sup>

- Refer to Articles 244 and 249 of the Islamic Republic of Iran.<sup>31</sup>

<sup>32</sup> - See, Articles 106 to 161 of the Code of Civil and Administrative Procedures, as amended by Law 22-13, of June 12, 2022, (G.R.), No. 48, 2022.

- See Article 250 of the Constitution.<sup>33</sup>

- The fact that a lawyer may not speak without the permission of the investigating judge may affect the rights of the accused and at the same time the defense family.
- The expertise provided by the expert is not binding on him, and is not related to the public order, and is therefore subject to his discretion.
- The assignment of some of the duties of the investigating judge to judicial seizure would change the course of the investigation.

## **II. Suggestions:**

- To express durations, especially when they are short, it is preferable to express them in hours rather than days.
- The Algerian legislature must establish a body of experts.

## **References:**

### **Sources:**

1. The 1996 Constitution of the People's Democratic Republic of Algeria, as last amended in 2020.
2. Law No. 66-155 incorporating the Code of Criminal Procedure, of June 8, 1966 (repealed).
3. Law No. 08/09 containing the Code of Civil and Administrative Procedures of 25 February 2025, as amended by Law 22-13.

### **Books:**

#### **A. In Arabic.**

1. Khalifa Callender, Abdullah Hussein, The Defendant's Guarantees in the Preliminary Investigation Stage in the Code of Criminal Procedure, A Comparative Study, 1st Edition, Dar Al-Nahda Al-Arabiya, Egypt, 2002.
2. Atef Al-Naqib, Criminal Procedure Procedures, (D.T.), Obeidat Publications, Jordan, 1971.
3. Abdel Rahman Al-Shawarbi, The Defendant's Guarantees in the Criminal Investigation Stage, Alexandria, Al-Aref Facility, Egypt, 1996.<sup>1</sup>
4. Abdallah Ohaibia, Explanation of the Algerian Code of Criminal Procedure "Investigation and Investigation", Second Edition, Dar Houma, Algeria, 2011.
5. Abdelmajid Zaalani, The Judicial Representation of the Investigating Judge, Algerian Journal of Legal and Political Sciences, Youssef Ben Khida University, Algeria, No. 4,<sup>1</sup> Year of Publication, 1998.

### **Letters:**

1. Ahmed Saadi Saeed Al-Ahmad, The Accused His Guarantees and Rights in Interrogation and Detention, "Pretrial Detention", in the Palestinian Code of Criminal Procedure, A Comparative Study of the Master's Thesis, An-Najah National University, Nablus, Palestine, 2008.
2. Rashida Messous, Interrogation of the Accused by the Investigating Judge, Master's Thesis, Colonel Hajj Lakhdar University, Batta, 2005-2006

#### **B. References in Foreign Language:**

1. R. Merl et A. vitu, traité de droit criminel, procédures pinals, 2<sup>ème</sup> édition. Cu-jas, 1973  
N°1134et ss G stephanie et G. levasseur , B. bouloc, Paris, procédures pinales, précis, Dalloz, 11<sup>ème</sup> éd , N° 1, ss.