

Abdelhafid Boussouf University Center – Mila

Faculty Of Law & Political Sciences

Departement Of Laws

Lectures On : Criminal Procedure Law In Algerian Legal System

Addressed To 2Nd Year Laws Students – Second Semester

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Academic Year 2023-2024

Title: Overview of Criminal Procedure Law in Algerian Legal System

Introduction:

The criminal procedure law in Algeria is a crucial aspect of the legal system that governs the process of investigation, prosecution, and adjudication of criminal offenses. It outlines the rights and obligations of both the accused and the state during criminal proceedings. This overview will provide insights into the key features and principles of the Algerian criminal procedure law.

Legal Framework:

The Algerian criminal procedure law is primarily governed by the Code of Criminal Procedure.

The CCP sets out the rules and procedures to be followed by law enforcement agencies, prosecutors, judges, and defendants throughout the criminal justice process.

Investigation Phase:

The investigation phase begins with the filing of a complaint or the initiation of a criminal investigation by law enforcement authorities.

During this phase, police officers conduct inquiries, gather evidence, and interview witnesses.

The CCP provides guidelines for search and seizure procedures, including obtaining warrants when necessary.

Pre-Trial Proceedings:

Once the investigation is complete, the prosecutor evaluates the evidence and decides whether to file charges.

The accused may be summoned for questioning by the investigating judge or prosecutor.

Bail may be granted to the accused under certain conditions, or they may be remanded into custody pending trial.

Trial Process:

The trial process in Algeria is generally adversarial, with the prosecution presenting evidence against the accused, who has the right to mount a defense.

Trials are conducted before a panel of judges in criminal courts.

The accused has the right to legal representation (الدفاع القانوني) and the presumption of innocence until proven guilty (احتمال البراءة حتى يثبت العكس).

Witnesses and experts may be called to testify, and evidence is presented and examined by both parties.

Rights of the Accused:

The CCP guarantees several rights to the accused, including the right to a fair and public trial (المحاكمة العادلة والعلنية), the right to remain silent (الحق في الصمت), and the right to confront witnesses (حق المواجهة).

Defendants have the right to be informed promptly and in detail of the charges against them and to have adequate time and facilities for the preparation of their defense (الحق في معرفة التهم الموجهة إليهم والاستعداد للدفاع).

The accused also has the right to appeal against the judgment of the trial court (الاستئناف ضد حكم المحكمة الابتدائية).

Sentencing and Appeals:

If the accused is found guilty, the court will impose a sentence according to the provisions of Algerian criminal law.

Both the prosecution and the defense have the right to appeal against the verdict or the sentence (الاستئناف ضد الحكم أو العقوبة).

Appeals are heard by higher courts, and the appellate court may affirm, reverse, or modify the lower court's decision.

Conclusion:

The criminal procedure law in Algeria provides a framework for the fair and efficient administration of justice in criminal cases. It ensures that the rights of the accused are protected while allowing for the effective prosecution of criminal offenses. Understanding these procedures is essential for all stakeholders involved in the Algerian legal system.

Key Terms:

Criminal Procedure Law - قانون الإجراءات الجزائية

Code of Criminal Procedure (CCP) - مدونة الإجراءات الجزائية

Investigation Phase - مرحلة التحقيق

Pre-Trial Proceedings - الإجراءات قبل المحاكمة

Trial Process - عملية المحاكمة

Legal Representation - الدفاع القانوني

Presumption of Innocence - احتمال البراءة حتى يثبت العكس

Fair and Public Trial - المحاكمة العادلة والعلنية

Right to Remain Silent - الحق في الصمت

Right to Confront Witnesses - حق المواجهة

Right to Appeal - الاستئناف

Sentencing - العقوبة

Search and Seizure Procedures - إجراءات البحث والتفتيش والمصادرة

Bail - كفالة

Accused - المتهم

Witnesses - الشهود

Experts - الخبراء

Judgment - الحكم

Verdict - القرار

المحكمة التي تنظر في الاستئنافات - Appellate Court

أعلى النموذج