

Special Investigation and Inquiry Methods for Combating Corruption Crimes in Light of Criminal Procedure Law No. 25-14 and the Law on the Prevention and Combating of Corruption No. 06-01

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Abstract:

Given the evolving and intertwined methods of committing corruption crimes, it has become imperative for the state to activate the work of bodies and authorities tasked with investigating and inquiring into these offenses, especially since traditional investigation methods can no longer keep pace with the sophisticated criminals who seek to achieve their criminal objectives by modern and advanced means. Therefore, the state adopted a procedural system either through amending the Criminal Procedure Code or through the Anti-Corruption Law, referred to as "special investigation and inquiry methods."

Accordingly, this study highlights the special inquiry methods and their contribution to strengthening the strategy for detecting corruption crimes by addressing their concept, as well as the conditions for resorting to and implementing them.

Keywords: judicial police authority - corruption - inquiry - investigation - combating.

Introduction:

Law No. 06-01 concerning the prevention and combatting of corruption included, within Article 56, distinctive provisions regarding investigation and inquiry methods for uncovering corruption crimes in general, which were previously unknown in Algerian legislation. Article 56 states: "To facilitate the collection of

evidence related to the crimes stipulated in this law, recourse may be had to controlled delivery or the use of special inquiry methods, such as electronic surveillance and hacking, in an appropriate manner and with authorization from the competent judicial authority, and the evidence obtained by these methods shall have probative value according to the applicable legislation and regulations."

By examining this article, it can be seen that it stipulates the special inquiry methods introduced by the Anti-Corruption Law, mainly the method of controlled delivery, along with special inquiry methods such as electronic surveillance and hacking. The legislator conditioned the use of these methods on authorization from the competent judicial authority, represented by the Public Prosecutor or the Investigating Judge.

Notably, the legislator used the comparative particle "such as" in the phrase "such as electronic surveillance and hacking," indicating that these methods are mentioned by way of example and not exhaustively.

It is worth mentioning that the Anti-Corruption Law limited itself to defining controlled delivery in its Article 2, paragraph (k), without defining the other methods. Under Law 25-14, which contains the Criminal Procedure Code, Chapters Four, Five, and Six were dedicated to inquiry methods newly introduced by the Algerian legislator: Chapter Four titled "Interception of Correspondence, Recording of Voices, Taking of Photographs, and Hacking," Chapter Five titled "On Infiltration," and Chapter Six dedicated to the protection of witnesses, experts, civil claimants, victims, civil parties, and informants.

From this standpoint, the following problem arises:

To what extent have the special investigation and inquiry methods stipulated in Laws 25-14 and 06-01 effectively served as tools for uncovering corruption crimes without violating legal guarantees? Or do these methods still suffer from legislative or procedural shortcomings that necessitate amendment?

In response to the above problem, this study relies on the comparative analytical method through Algerian legislation with reference to French and Egyptian legislation whenever research requires.

Therefore, these modern methods of investigation and inquiry will be addressed by exploring their concept, conditions for recourse, and implementation, through the following two sections:

First Section: Special Investigation and Inquiry Methods within the framework of Criminal Procedure Code No. 25-14.

Second Section: Special Investigation and Inquiry Methods within the framework of Law No. 06-01 concerning prevention and combatting of corruption.

First Section:

Special Inquiry Methods within the Framework of Criminal Procedure Code No. 25-14.

Due to the inability of classical investigation and inquiry methods to confront modern crime, comparative legislation introduced special investigation and inquiry methods¹, among the most important of which are monitoring individuals and the movement of goods and money, interception of correspondence, photographing, recording voices, as well as infiltration².

The Algerian legislator addressed these methods in Articles 114 to 138 of the new Criminal Procedure Code No. 25-14³, where Article 114 states: "If the necessities of inquiry in flagrante delicto crimes or preliminary investigations in crimes such as premeditated murder, narcotics, psychotropic substances, transnational organized crime, crimes related to information and communication technologies, money laundering and terrorism, crimes related to foreign exchange and movement of capital law, corruption crimes, smuggling crimes, human trafficking, organ trafficking, migrant smuggling, and kidnapping, require it, the competent Public Prosecutor may authorize the following:

¹ Special investigation methods refer to "those operations, procedures, and techniques used by judicial police under the direct supervision and oversight of the judiciary for the purpose of investigating and detecting serious crimes, as regulated by specific provisions."

Quoted from: Cheikh Najia, New investigation and inquiry methods introduced in Law No. 06-22 amending and supplementing the Algerian Code of Criminal Procedure, Critical Journal of Law and Political Science, Vol. 1, Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, 2013, pp. 278-279.

² Saleh Shinin, Interception of Correspondence, Voice Recording, and Photography in Algerian Criminal Procedure Law, Academic Journal of Legal Research, Vol. 2, Faculty of Law, Abdelrahman Mira University, Bejaia, 2010, p. 67.

³ Law No. 25-14, dated 9 Safar 1447, corresponding to August 3, 2005, containing the Code of Criminal Procedure, J.R.J.G. 54.

- Interception of correspondence transmitted via wired or wireless communication means,
- Implementing technical arrangements without the consent of those concerned for the purpose of capturing, fixing, broadcasting, and recording speech secretly or privately by one or more persons in private or public places or taking photographs of one or more persons present in a private place."

The Algerian legislator also stipulated "infiltration" as a modern technique for investigation and inquiry into certain crimes enumerated in the law, in Articles 120 to 127 of the same law.

First Requirement: Interception of Correspondence, Recording Voices, and Taking Photographs

Correspondence includes all written letters, whether sent by mail or by a private messenger, as well as printed materials, parcels, and telegrams available at post offices, whether enclosed in sealed or open envelopes, or postcards where it is clear that the correspondence was intended to be seen by others without discrimination⁴.

By examining Articles 706-96 to 706-102 of the French Criminal Procedure Code, it appears that this procedure is intended as: "Any receipt of correspondence, whatever its type—written or audio—regardless of whether it is sent or received by wired or wireless means, words or signals by its sender or others or addressed to it, and their fixation and recording on magnetic, electronic, or paper media⁵."

The French legislator stipulated this procedure without defining it, in Article 100⁶ of the Criminal Procedure Code, which requires that the prescribed penalty be two years imprisonment or more, with a decision by the investigating judge under his supervision and control, if necessary, to intercept, record or divert voice correspondence, and this decision is not subject to appeal.

Here, the difference can be seen between the French legislator and the Algerian and Egyptian legislators, who limited the competent authority issuing the order for intercepting correspondence to the investigating judge and the Public Prosecutor, while the Egyptian legislator extended the competence to the trial judge.

⁴ Ahmed Fathi Sorour, The Right to Privacy, Law and Economics Journal, Vol. 54, 1989, p. 45.

⁵ Articles 706-96, 706-102 of the French Code of Criminal Procedure, (<http://www.legifrance.gouv.fr>).

⁶ Dalloz, Code de procédure pénale, 50th edition, p. 338.

The investigating judge issues an order in the Algerian and Egyptian legislation, while the French legislator issues a decision. Also, the penalty requirement for the crime subject to this procedure, which equals or exceeds two years imprisonment, is not mentioned by the Algerian and Egyptian legislators but is uniquely included by the French.

The French legislator did not specify the nature of crimes to which this procedure applies or any particular category of crimes for which this method is used, unlike the Egyptian and Algerian legislators, who left the matter unrestricted.

Regarding monitoring and recording telephone communications, it means tracking and wiretapping (interception) a personal conversation by any means, whether monitoring telephone calls, monitoring lines and signals, and recording calls. Article 114 of the Criminal Procedure Code referred to photographing as "**capture**," thereby allowing the use of all available means, which is a kind of visual monitoring constituting a physical observation of the state of a person or multiple persons at the time and place of photographing, within the limits permitted by law⁷.

To reconcile the public interest in uncovering the truth with the protection of privacy rights, Criminal Procedure Code 25-14 stipulates special conditions to avoid abuse and misuse of authority by those conducting these procedures, which can be summarized as follows:

- The recourse to these methods is restricted to crimes specifically enumerated in Article 114. It is noteworthy that Law 25-14 expanded the scope of crimes subject to these procedures by adding premeditated murder, human trafficking, organ trafficking, smuggling, migrant smuggling, and kidnapping.
- Authorization must be obtained from the competent Public Prosecutor or the Investigating Judge in case of a judicial investigation and under their direct supervision. The authorization must include all elements allowing identification of the communications to be intercepted and the intended places, whether residential or otherwise, along with specifying the crime justifying these measures and their duration⁸.
- The procedure must be exercised by a judicial police officer. The Investigating Judge or the judicial police officer delegated by him may employ any qualified

⁷ Bachir Abdelnour, Criminal Prosecution: Between Secrecy and Publicity, Master's thesis, Criminal Law and Criminal Sciences Department, Faculty of Law, University of Algiers 01, 2010-2011, pp. 24-25.

⁸ Article 116 of Law No. 25-14 contains the Code of Criminal Procedure, referred to above.

agent in a public or private entity responsible for wired and wireless communications to handle the technical aspects required⁹.

The judicial police officer must prepare a report including the legal aspects and those related to interception, such as information to be recorded, places of recording, start and end times of the recording, and technical details including specification of the device used by the deployed agent for recording, broadcasting, or taking photographs¹⁰.

In comparative legislation, the Egyptian legislator subjected this method to the same conditions and procedures as for interception of correspondence, like the Algerian legislator who followed the French legislator in this domain.

Second Requirement: Infiltration

The term "infiltration" (L'INFILTRATION)¹¹ is defined in Article 121 of Criminal Procedure Code No. 25-14 as follows: "Infiltration means that an officer or agent of the judicial police, under the responsibility of the judicial police officer charged with coordinating the operation, monitors persons suspected of committing a felony or misdemeanor by pretending to act with them or to be their partner or confederate," which is the same definition found in Article 706-81 of the French Criminal Procedure Code¹².

From this definition, it is clear that infiltration is one of the special investigation and inquiry methods that permits judicial police officers and agents to

⁹ Article 117, *ibid*.

¹⁰ Article 118, *ibid*.

¹¹ The term infiltration in Algerian criminal procedure law corresponds to the French word infiltration. Law No. 06-01 on the prevention and combating of corruption addresses the term infiltration in Article 56, which corresponds to the French word infiltration, meaning that the Algerian legislator uses the two words (infiltration, infiltration) to have the same meaning.

¹² Article 706-81 of the CPF provides: " Infiltration consists, for a judicial police officer or agent specially authorized under conditions set by decree and acting under the responsibility of a judicial police officer in charge of coordinating the operation, in monitoring persons suspected of committing a crime or offense by posing to these persons as one of their co-perpetrators, accomplices, or receivers. To this end, the judicial police officer or agent is authorized to use a false identity and, if necessary, to commit the acts mentioned in Article 706-82. Under penalty of nullity, these acts may not constitute incitement to commit offenses." <http://www.legifrance.gouv.fr>.

penetrate and infiltrate criminal groups under the supervision of another judicial police officer responsible for coordinating the infiltration operation¹³.

If the Public Prosecutor or Investigating Judge finds that the necessity of investigation and inquiry into corruption crimes requires infiltration, they may issue an infiltration authorization. Due to the seriousness of this procedure and to legalize it, the legislator obligated compliance with a set of conditions specified in Article 65 bis 11, namely:

The necessity of obtaining a written authorization issued by the Public Prosecutor or Investigating Judge, including the reasons justifying recourse to infiltration, specifying the type of crime, the identity of the judicial police officer supervising the operation, and the duration of the process, which is four (4) months renewable¹⁴. A copy of the authorization must be deposited in the procedural file after the infiltration operation is completed.

Infiltration must be carried out by a judicial police officer or one of his agents under their responsibility according to the provisions of Article 121. The infiltrating agent must use a false identity and the true identities of judicial police officers and agents who performed the infiltration under a false identity cannot be revealed at any stage of the procedures¹⁵.

In line with the sensitive nature of the infiltration process, which requires gaining the trust of criminal elements, the law authorizes the agents conducting infiltration to perform certain criminalized acts without bearing criminal liability, which include¹⁶:

- Acquisition, possession, transfer, delivery, or giving of materials, money, products, documents, or information obtained from or used in committing crimes,
- Using or placing at the disposal of the perpetrators of these crimes legal or financial means as well as means of transportation, storage, accommodation, custody, or communication.

¹³ Olawa, Organized Crime and the Mechanism of Leakage, Journal of Law and Political Science, Vol. 1, Abbas Laghrur University, Khenchela, 2014, p. 65.

¹⁴ Article 124 of the Code of Criminal Procedure, referred to above.

¹⁵ Article 125 of the Code of Criminal Procedure, referred to above, and the observation on this article in light of the new Law 25-14 and contrary to the previous Article 65 bis 16, has increased the amount of the fine in all cases of disclosure of the identity of the leaking agent.

¹⁶ Article 123 of the Code of Criminal Procedure, referred to above.

These acts must not constitute incitement to commit crimes according to Article 121.

Therefore, all acts mentioned in the aforementioned article can be performed by those conducting infiltration operations during their investigative duties without criminal responsibility; they are legally protected under the authorization permitting them to do so, provided that the formal and substantive procedures regulating these acts are respected.

What can be noted in this regard is that the legislator did not address, as he did concerning electronic surveillance in Article 115 of the new Criminal Procedure Code, the issue of discovering crimes other than those mentioned in the judge's authorization and whether such discovery constitutes grounds for nullity of the procedures.

Regarding comparative legislation, it is noted that the Egyptian legislation did not explicitly stipulate infiltration, yet the procedure is practiced out of necessity in investigating and inquiring serious crimes, falling within the general investigative and inquiry procedures stipulated by the Egyptian Penal Code, even before ratifying the International Anti-Corruption Convention.

The French legislator stipulated infiltration in Article 706-81 of the Criminal Procedure Code, Book IV, Title XXV, Chapter II but restricted it to specific enumerated crimes, listed in Article 706-73, including organized crimes, counterfeiting money, money laundering, etc.

Thus, such crimes cannot be subject to the infiltration method according to the French legislator due to the absence of a direct text, although in practice this method is frequently used. This contrasts with the Algerian legislator, who in Article 56 of the Law on Prevention and Combatting Corruption explicitly stipulated and implemented it with respect to this crime.

Third Requirement: Monitoring Persons and the Movement of Things and Money

Monitoring means "putting a person or means of transport, locations, or materials under secret and periodic surveillance to obtain information related to the person under suspicion, his money, or his activities¹⁷."

¹⁷ Khalfi Abdelrahman, Criminal Procedures in Algerian and Comparative Legislation, 2nd edition, Dar Belqis, Algeria, 2016, p. 101.

The term "monitoring" is mentioned in Article 25 of the Criminal Procedure Code No. 25-14, which states: "Monitoring is a security operation carried out by judicial police officers and agents throughout the national territory to directly search for and investigate persons who have one or more acceptable grounds for suspicion of committing serious crimes or for the movement of things, money, or proceeds resulting from committing those crimes or that may be used in committing them."

The nature of the crime for which monitoring applies is specified as a limited set of crimes in Article 24 of the Criminal Procedure Code, including corruption crimes.

The legal conditions for conducting monitoring of persons and the movement of things and money are:

- Monitoring must be done after informing and without objection from the competent regional Public Prosecutor. The notification must be written as it includes an extension of local jurisdiction and affects personal freedoms.
- Monitoring must be based on serious grounds.
- Monitoring must adhere to its intended purpose.

Fourth Requirement: Protection of Witnesses, Experts, Civil Claimants, Victims, Civil Parties, and Informants

Article 128 includes the fundamental pillars of protection for the concerned persons, stating: "Witnesses, experts, civil claimants, victims, civil parties, and informants may benefit from one or more procedural or non-procedural protective measures stipulated in this chapter if their lives or physical safety, or the lives or safety of their family members, relatives, or essential interests are under serious threat due to the information they may provide to the judiciary, which is necessary to reveal the truth in cases involving organized crime, terrorism, crimes against state security, corruption, drug trafficking, psychotropic substances, money laundering, human trafficking, organ trafficking, or smuggling of migrants."

The United Nations Convention Against Corruption likewise defined corruption crimes and encouraged informants and witnesses to report by adopting protective measures for them and their families, as stated in Article 32.

Several conclusions can be drawn from this article:

- Only witnesses and experts who face serious threats due to information they can provide to justice enjoy protective measures.

- The protection extends to family members, relatives, or essential interests of the concerned persons. Notably, the Algerian legislator expanded protection to include persons closely related documentation-wise, without limiting kinship ties, and also covered interests, which may be financial or moral.
- Through Law 25-14, the Algerian legislator activated protective measures covering all crimes characterized by seriousness and the covert nature of criminal networks, including corruption crimes. This makes evidence collection very difficult for law enforcers. The transnational dimension of these crimes requires transnational assistance in relocating witnesses¹⁸. Protective measures encourage individuals to testify after receiving guarantees ensuring their protection. These are adopted due to the increasing role witnesses play in combating organized crime and terrorism, leading to the conclusion that the evolution of crime necessitates the evolution of dismantling methods¹⁹.
- The legislator divided protective measures into procedural and non-procedural, which can be applied concurrently or separately.

First Branch: Non-Procedural Measures

Article 129 sets out nine measures to protect witnesses, experts, civil claimants, victims, civil parties, and informants, including:

- Concealing identity-related information,
- Providing a dedicated phone number,
- Giving access to a contact point within security services,
- Ensuring close physical protection with the possibility of extension to family or relatives,
- Installing protective technical devices at their residence,
- Recording telephone calls they receive or make with their explicit consent,
- Changing their place of residence,
- Providing social or financial assistance,

Placing a prisoner in a special protection ward.

¹⁸ Karen Kramer, Witness Protection as a Key Tool in Addressing Serious and Organized Crime, pp. 3-4. Published on website: www.unafei.orjp/english/pdf/PDF_seminar/fourth_GGSeminar_p3-p1.pdf

¹⁹ Mariam Loukal, New legal mechanisms for the protection of witnesses, experts, and victims under Order 15-02 amending the Code of Criminal Procedure (comparative study), Annals of the University of Algiers 1, No. 31, Part II, p. 106.

It should be noted that the article adds the phrase “The modalities of applying this article shall be determined, when necessary, by regulation,” indicating that this article will only be enforced after the issuance of implementing regulations, making these measures pending until then.

The competent authorities to activate non-procedural protective measures are the competent judicial authority and the Public Prosecutor, automatically or upon request by the judicial police or the concerned person²⁰.

Second Branch: Procedural Measures

Article 132 of Criminal Procedure Code 25-14 stipulates that procedural protective measures for witnesses, experts, civil claimants, victims, civil parties, and informants include:

- Not mentioning their real identity or using a pseudonym in procedural documents,
- Not indicating their real address in procedural documents but instead indicating the police station where they were heard or the judicial authority reviewing their case²¹.

It can be said that the distinction between non-procedural and procedural protective measures is that procedural measures relate solely to hiding the beneficiary's identity in procedural documents, either completely or partially, and remain effective until the end of trial proceedings. These fall under the authority of the trial judge and the Public Prosecutor. In contrast, non-procedural measures include a diverse array of ordinary and technological protection methods, are broader, and may continue if necessary, under the jurisdiction of the Investigating Judge.

It is worth noting that Algeria, for the first time in its history, established a witness protection program by ratifying the Arab Convention against Corruption²² under Presidential Decree No. 14-249 dated 8 September 2014, which notably includes provisions for protecting witnesses, experts, and informants of corruption.

²⁰ Article 130 of the Code of Criminal Procedure, referred to above.

²¹ This is an exception to the general rules set out in Article 168 of the Code of Criminal Procedure, which requires witnesses to state their name, surname, age, status, profession, place of residence, and whether they are related to or connected with the parties to the proceedings, or are employed by them, or are legally incompetent, before giving evidence

²² Presidential Decree No. 14-249 of 13 Dhu al-Qa'da 1435, corresponding to September 8, 2014, contains Algeria's ratification of the Arab Anti-Corruption Convention, drawn up in Cairo on December 21, 2010.

Second Section

Special Investigation and Inquiry Methods within the Framework of Law No. 06-01 on the Prevention and Combatting of Corruption

Algeria has adopted special methods for detecting corruption crimes in its penal legislation, reflecting the international anti-corruption conventions, both in criminal and procedural aspects. Algeria ratified the Arab Convention against Corruption in 2010, which includes special investigation methods in its Article 26.

In this regard, this section addresses the special inquiry methods that the Algerian legislator employed in investigating corruption crimes stipulated in Law 06-01.

First Requirement: Controlled Delivery of Criminal Proceeds

This method is stipulated by the Algerian legislator in Article 2, paragraph (k) of Law 06-01 related to corruption prevention and combatting, stating: "Controlled delivery is the procedure that allows illegal or suspicious shipments to exit, transit, or enter the national territory with the knowledge and under the supervision of the competent authorities in order to investigate a crime and identify the persons involved in its commission²³."

This definition aligns with the one in Article 40 of Order 05-06 dated 23 August 2005 concerning the fight against smuggling²⁴, which clarified that recourse to this procedure requires authorization from the Public Prosecutor.

The French legislator addressed controlled delivery in Article 706-32 of the Criminal Procedure Code without explicitly defining it. According to the article's content, it means allowing the receipt of narcotics or placing such substances at the disposal of persons under surveillance by judicial police officers or agents, under the supervision of judicial police officers, and naturally under an order issued by the Public Prosecutor or the Investigating Judge after consulting the Public Prosecutor, using all necessary means to enable arrest.

²³ It should be noted here that the definition adopted by the Algerian legislator for controlled delivery is the same as that given in Article 2 of the United Nations Convention against Corruption, which states: "a procedure that allows illegal or suspicious shipments to leave, pass through, or enter the territory of one or more States with the knowledge and under the supervision of its competent authorities for the purpose of investigating a crime and identifying the persons involved in its commission."

²⁴ Law No. 05-17 of 29 Dhu al-Qa'da 1426, corresponding to December 31, 2005, includes the approval of Order No. 05-06 of 18 Rajab 1426, corresponding to August 23, 2005, relating to the fight against smuggling.

These means are limited to residence, warehouse, means of transport, or communication to apprehend suspects. The French legislator in relation to substances subject to controlled delivery referred to Articles 222-27 and 222-39 of the French Penal Code.

Thus, this procedure defers the seizure of crime-related items to a later time, permitting their passage from the state's territory to that of another state with the knowledge of competent authorities and under their secret and continuous supervision, aiming to identify the perpetrators, whether primary or accomplices²⁵.

Controlled delivery can occur outside the state territory, from one country to another, termed external controlled delivery, or within a single country's territory, called internal controlled delivery.

Unlike Article 25 of the Criminal Procedure Code 25-14, which stipulated conditions for executing this procedure, the Algerian legislator set no terms or procedures for validating controlled delivery in Law 06-01. Some perceive that the Algerian legislator did not give due importance to controlled delivery despite its seriousness, thereby opening the door to potential violations of individual freedoms and fundamental rights without oversight²⁶.

Second Requirement: Electronic Surveillance

As previously mentioned, Article 56 of the Anti-Corruption Law includes electronic surveillance among special investigation methods but without defining it. Although the Criminal Procedure Code does not mention the term electronic surveillance explicitly, it includes measures commonly considered part of it, such as interception of correspondence, recording voices, and taking photographs²⁷.

It is worth noting that Algerian law until recently did not provide a legal basis for practices like telephone call monitoring. Nevertheless, practical experience has shown that this measure was used exceptionally in investigating significant crimes, with results playing a crucial role in uncovering offenses.

²⁵ Soumati Cherifa, Criminal Prosecution of Corruption Offenses in Algerian Legislation, Master's Thesis, Faculty of Law, University of Algiers, 2011, p. 87.

²⁶ Haoua Abdelali, Legal Mechanisms for Combating Administrative Corruption in Algeria, Master's thesis, Mohamed Khider University, Biskra, 2012-2013, Algeria, p. 259.

²⁷ The French legislator has mentioned the term "electronic surveillance" (La surveillance électronique) in more than one place, with more than one meaning. In Article 723-7 of the Code of Criminal Procedure, it refers to the definition given in Article 132-26-1 of the Penal Code, but we did not find a specific definition of electronic surveillance in this article, only a mention of it.

Comparatively, the French legislator addressed electronic surveillance in the 1997 Criminal Procedure Code, dedicating ten articles to its definition. It refers to employing a transmission device, often an electronic bracelet, to track the movements of the concerned person and locations frequented.

In French law, this surveillance is primarily used during the execution phase of a sentence and thus considered a punitive rather than preventive or crime-fighting measure.

Conversely, the Egyptian legislator does not explicitly recognize this method in combating corruption crimes. However, for other related methods such as interception of correspondence, recording voices, and taking photographs, both Egyptian and French legislations, like Algeria's, have explicit provisions.

The French legislator confined such monitoring to convicted persons to assess their risk or potential for committing further crimes. Contrarily, Algerian and Egyptian legislators did not restrict monitoring to a specific method or class of persons; anyone, including mere suspects without formal charges, may be monitored.

The French legislator further referred to electronic surveillance in Article 763-10 et seq. of the same law, implying interception and recording of correspondence, restricting it notably to mobile phones for security reasons, and requiring an order from the execution judge.

Conclusion:

What can be concluded from the study of the special investigation methods recently introduced by the Algerian legislator to combat corruption crimes in general is that the Algerian legislator has taken a significant step forward by incorporating special inquiry methods for corruption crimes into the legal system. These methods help shorten time and ensure the effectiveness of the work carried out by judicial police officers while strengthening the various criminal evidences they obtain.

However, these newly introduced procedures suffer from several gaps and shortcomings that may hinder achieving the expected effectiveness and objectives. The Algerian legislator has expanded the powers of judicial police officers at the expense of individual rights and freedoms. These procedures raise many issues and discussions related to constitutionally and legislatively guaranteed rights, notably the "right to the presumption of innocence" and the "right to protection of private life." They also present numerous practical problems, such as financing the infiltration process, which requires substantial funds and capabilities. Additionally,

correspondence or recorded voices on electronic or magnetic media are susceptible to alteration or content modification.

Therefore, based on the foregoing and with the aim of achieving the objectives of these methods, the following proposals are suggested:

- Establishing strict procedural and punitive controls applied in cases of misuse of these procedures by judicial police officers.
- Enhancing the security agencies' efficiency in investigating corruption crimes by subjecting a specialized category of officers to training to conduct these dangerous operations.
- Necessitating the provision that recourse to such procedures is exclusive and limited.
- Providing greater guarantees for the officer responsible for the operation and the executor of the procedure.
- Giving more importance to the financial aspect by specifying how the necessary funds are to be provided and the entity responsible for them.
- Mandating interception of all correspondence without exception.
- Modernizing the devices and tools available to the judicial police, fostering openness towards universities, linking training to field expertise, and enhancing cooperation among states regarding their security agencies within the framework of mutual legal assistance.
- Increasing penalties and preventing the use of sentence mitigation and suspension.