

The Impact of Criminal Modern Evidences on the Personal Conviction of the Criminal Judge in the Algerian Legislation

أثر أدلة الإثبات الجنائي الحديثة على الاقتناع الشخصي للقاضي الجزائري في التشريع الجزائري

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Abstract:

Proceeding from the basic principle of criminal proof, which is the freedom of forensic evidence by all available and legitimate means, and this principle has been endorsed by all comparative criminal legislation, which has not been distorted by the Algerian criminal legislation in accordance with the text of Article 212 of the Algerian Criminal Procedure Code.

And according to the rapid development that the knowledge arena has witnessed, which resulted in the emergence of several modern technologies, many of which were exploited in the field of criminal research and evidence, due to the lack of traditional methods and devices in detecting crimes and criminals, and these modern technologies multiplied according to the need for them, such as fingerprints of various kinds and hypnosis Lie detectors, digital evidence extracted from the analysis of individuals' digital devices and data.

But the development and acceleration in the technological field has not been accompanied by adaptation and revitalization in legal systems, and because of the mutual influence between the use of these technologies and between the prejudice to individual rights and freedoms, which made resorting to them at times under the cover of prevailing public interest over private interest within an implicit license, but more than That is the extent of the impact of these modern technologies on shaping the conviction of the criminal judge when building his judgments and judicial decisions, which studies and legal texts have not discussed.

Key words: *Forensic Evidence; Modern Forensic Evidence; Criminal Judge; Personal Conviction; Digital Evidence; Modern Technology.*

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ملخص

انطلاقاً من المبدأ الأساسي في الإثبات الجنائي والمتمثل في حرية الإثبات الجنائي بكل الوسائل المتاحة و المشروعة، وهو المبدأ الذي أقرته جميع التشريعات الجنائية المقارنة، والتي لم يشذ عنها التشريع الجنائي الجزائري وفقاً لنص المادة 212 من قانون الإجراءات الجزائية الجزائري إلا ما أستنتج بنص خاص.

وتبعاً للتطور المتسارع الذي عرفته الساحة المعرفية والذي نتج عنه ظهور عدة تكنولوجيات حديثة، تم استغلال الكثير منها في مجال البحث والإثبات الجنائي نظراً لقصور الوسائل والأجهزة التقليدية في الكشف عن الجرائم والمجرمين، وتعددت هذه التقنيات الحديثة بحسب الحاجة إليها على غرار البصمات بمختلف أنواعها والتنويم المغناطيسي وأجهزة كشف الكذب، والأدلة الرقمية المستخلصة من تحليل الأجهزة والبيانات الرقمية الخاصة بالأفراد.

لكن التطور والتسارع في المجال التكنولوجي لم يواكبه تكيفا وتحيينا متسارعا في المنظومات القانونية، وبسبب التأثير المتبادل بين استخدام هذه التقنيات و بين المساس بالحقوق والحريات الفردية، وكذلك مدى تأثير هذه التقنيات الحديثة في تشكيل قناعة القاضي الجزائري عند بناء أحكامه وقراراته القضائية، وهو الأمر الذي لم تتناوله الدراسات ولا النصوص القانونية بالبحث.

الكلمات المفتاحية: الإثبات الجنائي؛ الأدلة الجنائية الحديثة؛ القاضي الجزائري؛ الاقتناع الشخصي؛ الأدلة الرقمية؛ التكنولوجيا الحديثة.

I- Introduction:

The system of proof in criminal matters established by the Algerian legislation is proof system free , and that according to the text of Article 212 From the amended and complemented Algerian Code of Criminal Procedure (**crimes may be proven by any means of proof except in cases where the law provides otherwise, and the judge may pass his judgment based on his own conviction. The judge is not permitted to base his decision except on the evidence provided Him in the exhibition of pleadings in which the discussion took place in front of him**).¹

The provisions of this article is evident that Algerian legislation has adopted the principle of proof free ,which in that no exception of bone modern criminal legislation comparison ,this was due the need to adapt and cope with developments in all aspects of life ,and which no doubt have a reflection on the field The E .Criminal stability because of the development of types of crime and methods of criminals .

This technological development of modern Lovers of several new methods and techniques were not previously accessible to criminal investigators and the men of the judiciary similar to the use of types of fingerprints as AND for example , and the use of lie detectors and technical hypnosis ,as well as the emergence of the means of digital technologies , which made it possible to monitor the perpetrators of crimes and controlling them Electronically, in addition to extracting digital evidence from their modern tools and devices or from crime theaters and the use of electronic means and devices in them .

There is no doubt that the exploitation of such techniques and technological the modern of enabling criminal investigators and the men of justice revealed criminals and prove may commit crimes was not possible to decode gas is by means of criminal evidence traditional ,but the e a form that presents is the fact that the practical reality of this evidence and clues resulting from the means of criminal prosecution modern has become regarded as a prompt and effective indirectly to the opinion and the conviction of the judge penal ,although the law mandated by building his rule is settled upon his conviction and personal as stated in Article 307 of the Code of Criminal procedure (**It If the president before the court left the courtroom the following instructions that are suspended, in addition, in large letters in the most prominent place in the deliberation room - The law does not require the judges to provide an account of the means by which they have reached the form of their conviction, and does not draw rules for them by which they must to undergo its most especially estimate fully or adequacy of the evidence is ,but instruct them to ask themselves in silence and manage ,and look sincerely their conscience in any impact has wrought in Your awareness evidence assigned to the accused and aspects of its defense did not put them law only this question , which includes all The scope of their duties .Do you have personal conviction?**)²

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This Apprehension has become a danger and a threat to the principle of the presumption of presumed innocence in all individuals the text of the Constitution , as many criminal cases in the signed pension has become the existence of any evidence of such evidence of modern in a file the lawsuit , as prejudging Pal E .Dana or innocence as a result of experience Extracted from this evidence despite the fact that the law did not stipulate that, in addition to that the experiments showed that many of these recent evidence if the conditions for lifting, analyzing and storing are not respected in them may lead to wrong and shaded results , hence the problematic of this study is represented in the following: To what extent does the evidence of modern forensic evidence affect a For the personal conviction of the criminal judge and his orientation in building his judgments and judicial decisions in accordance with the Algerian legislation . ?

We try to answer p Li this dilemma in a family of two axes plan main address in the axis first evidence of criminal modern derived from biological and psychological means and what is the attitude of the Algerian legislator to use it is not taking the results , and Limp in the second axis to the most important means and evidence of digital and the consequences of experiences Drawn from its analysis , explaining through this the vision of Algerian legislation to influence and interdependence between it and the criminal judge's conviction of such evidence in building its judgments and judicial decisions , then at the conclusion of our study we come to the most important results reached and recommendation T to give the Algerian legislator .

II - Modern Biological And Psychological Forensic Evidence.

In the first axis of this study, the methods of influence left by modern forensic evidence that have a direct relationship with the human body , whether extracted directly from it, such as fingerprints in general and the genetic fingerprint in particular on the one hand , on the other hand, evidence and evidence that are directly related to the psychological and moral nature of the individual, such as subjecting him to a device lie detector and the process of hypnosis, but it is generally observed that all this evidence and evidence obtained through the exploitation of this technology is modern , offering in most cases purely scientific evidence finds no choice but criminal judge of reassuring them.

We try to address some of these modern technical criminal methods and evidence by introducing them and clarifying the position of Algerian legislation on them .

II.1. The Genetic Fingerprint

It is known that the Algerian legislator did not previously express explicitly to the concept of the genetic fingerprint or its use ,but hinted to this as a hint through several legal texts from which we cite the last paragraph of Article 68 of the Algerian Criminal Procedure Code stating the following (**...a judge may investigation to order a medical examination as to entrust him to a doctor to conduct psychiatric examination or orders to take any action seen a e useful ,and if such medical examinations may be requested by the accused or his lawyer is not to be rejected by the investigating judge only reasoned decision**)³

As well as through the paragraph last of Article 40 of the Law of the Algerian family , which reads as follows (**..the judge may resort to scientific methods to prove ratios**)⁴, leaving it to the

discretion of the Authority' s judge in resorting to DNA from whether or not ,and I consider it an helpful guide to resort to according to his personal conviction.⁵

Law No. 16-03 of June 19 ,2016 ⁶ ,Concerning the use of the DNA in judicial procedures and getting to know people, the first Algerian legal text to legislate the use of the DNA in judicial procedures in an explicit manner ,as the DNA was defined in Article 2 of paragraph 1 as: the sequence in the unencrypted region of DNA.

As defined in the second paragraph of the same article DNA or RNA is: a sequence of a group of nucleotides each consisting of a nitrogenous base of adenine (A) guanine (G) cytosine (C) and thymine (T) and sugar (deoxyribose)) And a phosphate group.

Then ,in the fifth paragraph of the same article, genetic analysis is defined as the set of steps performed on biological samples with the aim of obtaining a genetic imprint.⁷

Thus ,through the issuance of this law, the Algerian legislator has made the first step in the field of legislation explicitly to adopt the DNA technology as a scientific guide in judicial procedures , despite the ambiguity surrounding this law ,which requires more detail and explanation , so that the judiciary and their assistants can work with this technology legally. Bigger.

Whereas ,the practical reality in Arab courts has proven that the experience derived from the genetic fingerprint technology oscillates between strong and weak context, and the matter is up to the judge and his freedom to convince himself,⁸ as it is , like other evidence and other evidence, it has legitimacy to work with it except by texts that are implicit or explicit as we previously discussed it with regard to the position and opinion of the Algerian legislation that moved from implicitly alluding to this technology until it was approved explicitly within the provisions of the provisions of law 16- 03 on using DNA in judicial proceedings and to identify the persons , but it is legally or jurisprudence do not have any distinguish from other evidence and clues other and everyone is left to the discretion of the judge of the penalty it , although definitive in its meaning that there is a relationship between the accused and the crime by virtue of precision and technical Modern ,but it remains conclusive in that it is the perpetrator and the perpetrator of the crime .

II. 2. Lie Detector⁹

Returns the discovery of a lie detector ages technique old , was known when Greece and the Chinese and the Arabs in traditional ways different, and Greece in ancient times they rely on Jesse pulse ,and the Chinese were giving the accused a handful of rice to put it in his mouth ,and the Arabs using pot heat of iron or copper with fire and asks that the accused Touch it with his tongue,¹⁰ all to be discriminated offender for the innocent ,given that the latter does not occur has any changes in physiological and keep their saliva flowed normally scrimp F offender who is disturbed and dries the saliva ,but in the end was the traditional means and tolerate indictments and the relative is large ,and it is linked to a Great in personality and nature of the person tested .

As for recently, the lying measurement device appeared in 1921, when John August Larson announced the completion of a device that records a set of variables that appear on a person during interrogation, including blood pressure and breathing ... etc.

Jurisprudence opinions differed regarding the extension of the legitimacy of the use of this device and the adoption of its results as evidence of criminal proof, between supporters and opponents, although most of the comparative legal legislations considered that it is not permissible to use a lie detection device, where the Italian legislator in Article 613 of the Italian Penal Code, taking the results of such roads , and he punished by imprisonment for an act that puts the accused in the case without his less than the ability to choose or manage is less, an approach that went E .les Egyptian

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legislator indirectly and clarified the provisions of Article 274.¹¹ of the Egyptian Criminal Procedure Code.¹²

As for the position of the Algerian legislator, it did not explicitly state the legality of the use of a lie detector or similar devices in any of the provisions of the criminal law or others, nor did he specify a special feature for the evidence derived from these devices for the criminal judge and left the matter subject to his discretion and personal conviction, but on the other hand, and examine the provisions of the Constitution of Algeria as the supreme law, we find that article 40 of its states **(the State guarantees the violation of human sanctity. and attend any physical violence or breach of dignity. cruel, inhuman or professional law suppressed)**¹³, which is derived from it the illegality of the use of such devices at all stages of the public suit to his effect on individual freedom and safety of moral individuals fortiori not only take the evidence that draws them, which we call the Algerian legislature to text it explicitly in the Algerian Code of Criminal Procedure

II. 3. Hypnosis

Hypnosis is defined as " :a suggestive process through which the hypnotist can control a person whose conscious mind is disrupted while his subconscious remains awake, which helps to achieve scientific goals by adjusting the degree of excitation and stimulation, controlling behavior, testing the stimulus, and determining response " .¹⁴

Hypnosis has three degrees :an easy degree characterized by relaxation and a feeling of comfort and negativity and partial loss of feeling, and a medium degree represented in the case of deep sleep accompanied by stiffness of the muscular system, and a deep degree so that the sleeper can open his eyes and walk in a suggestive association with the hypnotist.¹⁵

As for the Algerian legislation's view of the legitimacy of using this method, it followed the example of comparative legislation in preventing the use of hypnosis technology and not relying on it as evidence of forensic evidence,¹⁶ even though it is not stated explicitly for the E. courtyard or prevention as it was not singled out for it by law or text special, but he extrapolating the provisions of the law of the E. penal procedures Algerian special Article 100, which states in its first paragraph reads as follows **(checks The investigating judge, when the accused appears for the first time with his identity, informs him explicitly of each incident attributed to him and warns him that he is free to refrain from making any statement and notes this in the record ...)**, which explores the illegality of this method as it leads to affecting the will of the accused, which weakens the freedom of choice has.¹⁷

The opinion which is headed by the Algerian legislature is what in its price as a respect for individual freedom and human dignity and to promote the presumption of innocence which is approved by the Algerian Constitution to all individuals under Article 56 of the Constitution of Algeria, and from this rostrum, we call on the Algerian legislature to text in Grate Ih under the provisions of the Code of Criminal Procedure Algerian to prevent and criminalize the use of such techniques against individuals, considering that these methods have become current in our time considerably, which could lead to assistive devices to eliminate to be used to elicit recognition and information from individuals even if they did not include the results in Public lawsuit file General.

III Modern Technical and Digital Forensics

We discuss in the second axis of this study some evidence derived from modern technological development in the world of technology and digital and even in Siberian spaces and what distinguishes this evidence from the evidence discussed in the previous axis that it has no contact with the human body as it does not affect him, neither from an organic side nor from Psychological aspect is moral, in the first branch we deal with the case of evidence arising from electronic monitoring, as these methods used in such cases are often separate and far from individuals and their aim is to monitor their sayings, actions and movements from a distance, but in the second branch we are exposed to painful evidence You will get rid of the analysis of digital means, often not in the presence of individuals or accused, in all of this we try to show the extent of the impact of this evidence on the formation of the personal conviction of the criminal judge and the position of the Algerian legislation on that.

III.1 Electronic Monitoring

It must be clarified here that electronic monitoring takes place through several different devices and means that have emerged thanks to the recent technological development, we can summarize them in three categories and means: eavesdropping and monitoring phone calls and audio recording devices, video recording devices or taking pictures, and added to it recently As well as electronic surveillance across networks and various digital spaces.

And defined by the Algerian legislature is outlined in Article 65 bis 5 of the Code of Criminal Procedure , the Algerian AI it without the approval of the establishment of technical arrangements concerned from a bulk of broadcast and record the utterances uttered,¹⁸ and we can list some types of electronic monitoring according to what the Algerian legislator stipulated in the provisions of Articles 65 bis 5 and later:

Eavesdrop and monitor telephone conversations: are intended to eavesdrop and monitor telephone conversations is that all conversations made from a particular telephone or received by him listen to it secretly captures or using means of technical assistance in order to get those calls the subject of surveillance.¹⁹

Voice recording : means the recording of conversations that a person gives directly through the usual recording devices , and this process is done in public and may also be done in secret.²⁰

Capture pictures and surveillance cameras :This is called the type of monitoring the E for electronic surveillance video ,it is through special sophisticated equipment picks up the image and sound works fast like video cameras and television ,and are linked usually with in order to increase the clarity and accuracy even in the dark.²¹

In general within the great protection of privacy and the privacy of individuals and the confidentiality of Algerian legislation contacts , through the text of article 46 of the Constitution of Algeria , which reads as follows **(The sanctity of the citizen's private life and the sanctity of his honor cannot be violated and protected by law. The secrecy of private correspondence and communication in all its forms is guaranteed. It is not permissible in any way to infringe these rights without a justified order from the judiciary. The law is punished for violating this provision. The protection of natural persons in the field of processing data of a personal nature is a basic right guaranteed by law and punished for violating it)**²², and passed harsh penalties in articles 303 and

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303 bis.²³ From the Algerian Penal Code to those who violate the privacy of individuals, by any means.

On an exceptional basis, the licenses of the Algerian legislator are included in the provisions of Chapter 4 of Chapter Two of the Algerian Criminal Procedures Law, and it is intended to intercept correspondence, record votes and take pictures ,from Article 65 bis 5 to Article 65 bis 10 ,this license from the legislator on specific terms within the provisions of the aforementioned articles and in special crimes mentioned by way of It is limited to crimes of drugs , and crime , transnational organized national , and offenses against the systems of automated processing of data , and laundering crimes of money , and terrorism , and crimes related to the legislation disbursement , Okz of corruption crimes .

Hence, the effect that evidence derived from such devices and modern technological means does not hide from us , in the conscience of the criminal judge due to the nature of these crimes on the one hand and given the limited knowledge of the judge on this technology on the other hand , and thus we are facing a clear violation of the general principles of criminal proof) The principle of presumption of innocence and the principle of personal conviction for the criminal judge ,(especially the licenses included in the last two paragraphs of Article 65 bis 5 of the Code of Criminal Procedure .Therefore , we call on the Algerian legislator to withdraw from these exceptions ,which were dictated by certain security conditions, and to establish the basic principles of criminal proof , because in our view we cannot fight a crime by violating privacy, individual rights and freedoms.

III.2 Digital Evidence

The electronic guide is defined as the evidence taken from computers and it is in the form of magnetic or electric pulses or pulses that can be collected and analyzed using applications and technology programs and is a digital component to provide information in various forms such as written texts, images, sounds or shapes and drawings in order to adopt it In front of law enforcement.²⁴

There are those who define it as the evidence that finds its basis in the virtual world and leads to crime ,as it is that part based on the use of technology for processing technical information ,which leads to the judge of the matter being convinced that someone has committed the crime by using information and communication technology.²⁵

The Algerian legislator organized the issue of fighting crimes related to information and communication technology under Law 09-04 of August 05 ,2009 ,which includes special rules for the prevention of crimes related to information and communication technology , and it is known that the criminal evidence obtained in such crimes is not with traditional evidence but rather such Digital evidence that has nature and privacy that distinguishes it from other evidence .

Where notes through this law that the Algerian legislature allowed the conduct surveillance of electronic in order to extract and collect electronic evidence of digital ,and this as a way of precaution to prevent crimes of specific crimes which the E .phobia, vandalism and offenses against the security of the state ,and the assault on the system information ,and this in view of the seriousness of these crimes and the threat For security and public order .

Like other previous evidence, most of which is drawn from advanced and modern electronic and technological devices and means , which are most often by virtue of legal training only, the judge cannot analyze or understand their technical content , and therefore the practical reality certifies that the provision of such evidence before the courts is not for a judge investigation during the

investigation stage or judge the h how much in the stage of the final of the proceedings public , only the tendency to the results of her , and sometimes many convinced them to without strengthening the circumstances and evidence or evidence of other ,and judgment based on them alone only , because of their high impact on the conscience of the judge penal , This is in violation of the law as well as a waste of the basic principles of criminal evidence.

IV- Conclusion:

At the conclusion of this study, we conclude that the development witnessed by mankind in all aspects of life has had , without any doubt, a significant impact on the field of criminal proof because of the interdependence between it and the development known to the crime field as well ,through the exploitation of modern technological development by criminals who have become a are also a high level of technical and technology.

What is also noticed is that the Algerian legislator has accompanied this development, even partially , in updating the system of the Algerian criminal law) the Code of Criminal Procedure and the Penal Code ,(and touched on mechanisms and methods to combat some serious types of criminality and licenses for some measures that are essentially a violation of the privacy and dignity of the individual and of rights and freedoms Individualism , and the justification for this, of course, is to maintain public security and peace for the community ,and this is often accepted by the individuals themselves.

However, what remains in question is the criminal judge's influence on the evidence and evidence extracted from modern technological means and devices. Reading the forensic evidence correctly or due to its erroneous results, under any circumstances in the collection, analysis and storage.

We conclude in conclusion to the most important results the following :

- Algerian criminal legislation was based on the principle of free proof in all procedures of criminal, and in the proof of all crimes , according to the text of the Dah 212 of the Code of Criminal Procedure Algerian , but some of the crimes exempted proof system restricted by identifying evidence acceptable to prove similar to the crime of driving in the case of sugar , And the crime of adultery.
- The Algerian criminal legislation has adopted the principle of personal conviction of the criminal judge in all stages of the public lawsuit , especially in the criminal case, according to the text of Article 307 of the Algerian Criminal Procedure Code.
- The recent technological development that touched all aspects of life has also left its impact on the field of forensic evidence through recent forensic evidence that we have exposed to some of them in this study.

The Algerian legislator has kept up to a certain extent with these developments by updating the Algerian criminal law system , but it still requires a readjustment ,because most of the updates to the law constituted a violation and violated individual freedom, dignity and privacy , as it was a reaction to the seriousness of some of the crimes that were introduced.

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To complement her findings, we include the following recommendations :

- We recommend the Algerian legislator to unify the mandatory reasoning of judgments and judicial decisions called for in Article 212 of the Code of Criminal Procedure in the matter of misdemeanors and offenses , and between release and non-binding on grounds that he knows apply the principle of personal conviction to the criminal judge in accordance with the text of Article 307 in the criminal case ,through Adoption of the principle of personal conviction of the criminal judge to cause judgments and judicial decisions in accordance with the evidence presented for discussion , in order to enable the appeals party - the Supreme Court - to monitor those rulings and decisions in form and in substance .
- The need to review judged articles 65 bis 5 t o the 65 bis 10 and emphasis in the methods of investigating the offenses developed as a result of technological development mechanisms of modern ,and subject to the conduct and supervision of the judiciary ,due to the prejudice and influence principles of human dignity, rights and freedoms of the individual ,as well as violating the particular article 46 thereof to the Algerian Constitution .
- The necessity of explicit stipulation to prevent the use of modern technological means that violate human dignity and violate the sanctity and privacy of individual freedoms and rights , and the criminalization of taking evidence and the results derived from it under whatever means , because it is from the first door not to combat a crime with a crime greater than it ,or to violate the provisions of the articles of the constitution by another law Less than it.
- The necessity of good training for the judiciary and thinking in preparing judges specialized in modern technologies at the level of the various judicial bodies to be involved in the ruling body in such cases.

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¹ Article 212 of Ordinance 66-155 of June 08, 1966 containing the amended and complemented Code of Criminal Procedure , issued in the Official Newspaper of the Republic of Algeria , No. 48 , third year , dated Friday, June 10, 1966.

² Article 307 of Ordinance 66-155 of June 8, 1966 containing the amended and complemented Code of Criminal Procedure.

³ Article 60 of Ordinance 66-155 of June 08, 1966 containing the amended and complemented Algerian Code of Criminal Procedure .

⁴ Article 40 of Law 84-11 of June 09, 1984 containing the amended and complementing Algerian Family Law , issued in the Official Newspaper of the Republic of Algeria , No ,24 .Year ,21 issued on June 12, 1984.

⁵ Oum ELKhair Bougara,2010, **The Role Of The Genetic Fingerprint In Protecting Lineage** ,an article published in the Journal of Judicial Diligence , No ,7 .published by the Laboratory of the Effects of Judicial Efforts on the Legislative Movement at the University of Mohamad Khaidr in Biskra .

⁶ Law 16-03 of 19 June 2016 on the use of DNA in the judicial process and to identify the persons ,issued in the Official Newspaper of the Republic of Algeria No , 37 year ,2016 issued on 22 June .2016

⁷ See Law 16-03 related to the use of DNA in judicial procedures and identification of persons .

⁸ Nourelhuda Mahmoudi,2018, **The Legitimacy Of Modern Scientific Methods In The Study Of Criminal Evidence Analytical** ,PhD thesis Law and Criminology science punishment ,Faculty of Law and Science Political ,University of Batna 1 El Hadj Lakhdar ,Batna ,p. 145 .

⁹ Polygraph or "the Lie Detector " is a device that John Auguste Larson invented in general1921 , a tool that records phenomena The physiology revealed by the body of the accused subject to interrogation. Like breathing And blood pressure The pulse speed .It is used to determine whether the questioner (the accused (is lying about what he says or is true .Generated a year1924 They were used by investigators and policemen And the judges Since then ,its credibility remains to this day contested by psychologists And objection to the jurists and judges .The device is not recognized by by the scientific community has issued the National Academy of Sciences In the United States General official report 2001 Reliably false this device. Information derived from the site electronic encyclopedia [https:// www. wikiwand.com](https://www.wikiwand.com) , Accessed on January , 29,2020 at 11:39 am.

¹⁰ Nourelhuda Mahmoudi,2018,Ibid,p 207.

¹¹ Article 274 of the Egyptian Criminal Procedure Law states the following (The accused may not be interrogated unless before that. If some facts emerge during the pleading and discussion that he deems necessary to provide explanations from the accused for the appearance of the truth, the judge turns to it and authorizes him to provide those clarifications. If he refuses The accused of answering, or if his statements in the session are contrary to his statements in the record of gathering evidence or investigation, the court may order that his first statements be read).

¹² Bakhouya Idris, 2017, **The Impact Of Proof Of Criminal Use Of Modern Means Of Technology On Human Rights**, an article published journal Arab Science forensic medicine Forensic , Volume 01 , Number ,06issued by the University of Naif Arab Science Security , Riyadh .

¹³ The amended and completed Algerian Constitution , promulgated in the Official Newspaper of the Republic of Algeria No. 76 of the year ,33 dated December 08, 1996 .

¹⁴ Ghazi Mahmoud Dhounaibat,2008, **Hypnosis Magnetic And Serum Truth in a field Criminal investigation between legality and application**, The symposium Scientific ,Sides Legitimacy And legal To use means Scientific. Modern, First edition , the University of Naif Arab Science Security, Riyadh , p. 193 .

¹⁵ Akram Nashat Ibrahim ,2009 ,**Criminal Psychology** , First Edition , Dar Al-Thaqafa for Publishing and Distribution ,Amman ,p 61 .

¹⁶ Bakhouya Idris,2017 ,Ibid.

¹⁷ Ben Lagha Akila , 2012, **Authentic Modern Evidence** , Master Thesis, Criminal Law and Criminal Sciences , Faculty of Law, University of Algeria ,p 108.

¹⁸ Chenin Saleh, 2014 , **Research and investigation procedures for crimes related to information and communication technology in Algerian legislation Law 09-04**, an article published the journal

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¹⁹ Kawthar Ahmad Khaland, 2007 ,**Forensic Evidence By Scientific Means** , Interpretation Office for Publishing and Advertising ,First Edition , Erbil ,p . 220 .

²⁰ Ibid , P 223.

²¹ Ibid, P 226..

²² Article 46 of the Algerian Constitution , Ibid.

²³ Article 303 of Ordinance 66-15 6 of June 8, 1966, containing the amended and complemented Algerian Penal Code , issued in the Official Gazette of the Algerian Republic, number ,49 third year , on June 11, 1966 , where the article states the following (Whoever dislodges or damages Messages or correspondence addressed to others by means of intent to do, and in cases other than those stipulated in Article ,137 he shall be punished by imprisonment from one month to one year and a fine of 25 thousand dinars to 100 thousand dinars ,or by either of these two penalties only), and Article 303 bis states the following (shall be punished by imprisonment of six months to three years and a fine of 50 thousand dinars to 300 thousand dinars ,both deliberately compromising the sanctity of private life to not Persons ,technical misfortune that was - 1 : by capturing , recording, or transmitting private or secret conversations or conversations , without the permission of its owner or his consent 2 - by taking , recording or transmitting a picture of a person in a private place , without the permission of his owner or his consent .Committing a misdemeanor stipulated in this article with the same penalties established for a complete crime, and the forgiveness of the victim puts an end to the criminal prosecution).

²⁴ ELhasan eltayib Abdessalam, 2016, **Forensic Evidence by Modern Scientific Methods, A Comparative Study** , Master Thesis of Islamic Studies , Maulana Malik Ibrahim Islamic University , Malang , Malaysia, P.78.

²⁵ Ahmad Messaoud Meryam , 2013, **Mechanisms for Combating Information and Communication Technology Crime in the Light of Law No ,04-09** .Master Thesis of Criminal Law , University of Ouargla, P.70.