

***Framing the Right to Information During the Preliminary
Investigation Stage
A comparative study in the Algerian and French legislation
تأطير الحق في الإعلام خلال مرحلة التحريات الأولية
دراسة مقارنة -في التشريع الجزائري والتشريع الفرنسي***

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Date of send: 2020/11/12	date of acceptance: 05/12/2021	date of publication: 25/01/2022
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abstract:

This subject falls within the framework of studying the relationship between freedom of expression and the proper functioning of the judiciary facility on the one hand, and the right of citizens to obtain information related to research and investigation of crimes on the other hand, pursuing perpetrators and bring them to trial. This study aims to analyze what is the right to information, during the investigation stage. Through several basic issues related to the content, nature, and control of this right, it clearly constitutes a necessary mechanism for balancing freedom of expression and the proper functioning of the judiciary on the one hand, and the need to preserve the rights of the parties to the litigation on the other hand. Article 11 of the Criminal Procedures Law states This right However, there is a lack of its content compared with French law, this requires the legislator to intervene in order to set controls for what can be allowed to be published, in order to avoid the media corruption, while granting the victim the right to stop the assault according to the urgent action filing. Before the civil judiciary, this is an example of the French legislator.

Keywords: Media, Right, Presumption of innocence, private life, Protection.

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ملخص:

هذا الموضوع يدخل في إطار دراسة العلاقة بين حرية التعبير وحسن سير مرفق القضاء من جهة، ومن جهة أخرى بين حق المواطنين في الحصول على المعلومات المتعلقة بالبحث والتحقيق في الجرائم، ومتابعة مرتكبها وتقديمهم إلى المحاكمة. وتهدف هذه الدراسة لتحليل ماهية الحق في الإعلام، خلال مرحلة التحريات الأولية، من خلال عدة مسائل أساسية تتعلق بمضمون هذا الحق، وطبيعته، وضوابطه، وقد تبين أنه يشكل آلية ضرورية للموازنة بين حرية التعبير وحسن سير مرفق القضاء من جهة، ومن جهة أخرى ضرورة الحفاظ على حقوق أطراف الخصومة، وقد نصت المادة 11 من قانون الإجراءات الجزائية على هذا الحق: إلا أن هناك نقص في محتواها مقارنة مع القانون الفرنسي، وهذا ما يستلزم تدخل المشرع لأجل وضع ضوابط لما يمكن السماح بنشره، تفاديا للبغى الإعلامي، مع منح المضرور الحق وقف الاعتداء بموجب رفع دعوى الاستعجاليه. وكذلك منحه الحق في طلب التعويض لما أصابه من ضرر وهذا أمام القضاء المدني، وهذا اقتداء بالمشرع الفرنسي.

كلمات مفتاحية: الإعلام، الحق، قرينة البراءة، الحياة الخاصة، الحماية

Introduction :

The Official Gazette included in its edition 40 issued on July 23, 2015, Ordinance No. 15-02 amending and supplementing the Criminal Procedure Law. The new provisions aim to bring about fundamental changes in the conduct of the criminal justice system in the framework of respecting basic rights and fair trial principles by strengthening the rights of the suspect and the accused, especially in the face of measures affecting freedom and activating the role of the judicial police, the Public Prosecution in the various stages of the procedures, in addition to several other amendments.

However, the subject of this research paper will be addressed in framing the right to the media during the preliminary investigation stage, knowing that this subject is part of the study of the relationship between freedom of expression and the proper functioning of the judiciary on the one hand, On the other hand, citizens have the right to obtain information related to research and investigation of crimes, to pursuit their perpetrators and to bring them to trial, which gives it great procedural importance.

This study aims and seeks to highlight the role of the Republic's media in everything related to the crime that affects society as a whole, as it is the case with child abduction, terrorist and drug crimes etc. As society and

its technological developments have a role in influencing the legal system, Such as destabilizing social media sites with the crime committed, and proposing punishment, it is well known that the role of public opinion in calling for the application of retribution for the perpetrators of the crimes of child abduction, on the one hand, and alerting society to what is reality on the other hand, to exercise vigilance and precaution, also to abide by the rules of morality and religion to dedicate it in a society that is shrinking and vanishing.

This subject has been studied by following the analytical method to Algerian law, especially Article 11 of the Criminal Procedure Code, while following the comparative approach to French legal texts, in order to come out with the most important flaws in Algerian law in order to suggest its revision and amendment.

There is no doubt that the investigation procedures are characterized by the nature of confidentiality according to Article 11 of the Criminal Procedures Code. How did the Algerian legislator frame the right to information during this stage?

This is what will be answered through the following plan:

The first section: *the right to information and distinguishing it from similar procedures.*

The second section: *the right to information as an exception to the principle of confidentiality of research and investigation.*

The third section: *controls on the right to information during the preliminary investigation stage.*

The first section: the concept of the right to information and distinguishing it from some similar procedures:

The embodiment of the citizen's right in the media requires the necessity of publishing or informing the citizen and the public of everything that is going on in society related to the basic lives of citizens. French jurisprudence has defined the public's right to the media as the right of every person to obtain true and truthful information¹.

Some have expressed the right to the media that freedom of the press is not a right recognized for journalists and publishers as much as it is recognized for the citizen², who has the right to receive news and different opinions from various sources, also having the right to express his thoughts and opinions through the media. The media of the public has become one of the priorities that allowed journalists and media people conducting a type of investigation that allows them to obtain the largest possible number of information related

to the incident that they deal with and then distribute it through the media in the name of freedom of expression³.

The right to information as a human right finds its basis and support in many international charters and conferences and at the national level as well. For example, numerous United Nations General Assembly resolutions affirmed the right to information, such as Resolution 59 (A / 1) of 1946 which stipulated freedom of access to information as one of the indispensable elements of media freedom, the Resolution 64/1947 of the General Assembly also affirmed that member states must, within the limits permitted by their constitutional procedures, combat the spread of false and distorted news.

The Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights. The Special Rapporteur concerned with the promotion and protection of the right to freedom of opinion and expression, the right to information, with the need to respect the reputation of others, morals, private life and public order ... in addition to other decisions issued by international conferences such as the UNESCO General Conference⁴

The right to information is embodied in the citizen's right to be fully and objectively informed of reality and opinions of concern to society, including objective judicial information that does not contradict the principle of confidentiality of investigations and the proper conduct of criminal justice stipulated in Article 11 of the Algerian Code of Criminal Procedure.

There are some procedures similar to the judicial information system stipulated in Article 11 of the Criminal Procedures Law:

-First:

For example, there is a procedure for publishing the order that there is no way to institute a criminal case in whole or in part, or to publish a statement informing the public of the text of this decision and its reasons, in one or more written newspapers or audiovisual media that it determines, this procedure is carried out by the investigation room in accordance with Articles 177/1 And 212/1 of the French Criminal Procedure Code.

This publication takes place after a confirmed innocence not a potential or presumption of innocence, as it is the case in the judicial media system. These procedures will provide more robust, quick and effective protection, as it proves innocence by issuing an order that there is no point of follow-up, this would avoid error on the part of the media, if it publishes false news, especially since the desire to seize the media lead may distance it from objectivity and accuracy⁵.

-Second:

There is another example related to the procedure called publishing a statement according to the text of Article 9/1 of the French Civil Code, it is a means to punish the assault on the presumption of innocence, as a result of spreading false information, it is the publication of the statement that allows whoever was a victim of this assault to initiate the same method in order to restore the truth to its proper place, publishing the statement is similar to the right of reply established according to the French press freedom law⁶.

Although its use is limited to cases in which the conditions of Article 9/1 of the French Civil Code are met, which is not required in the second case.

The publication of this statement is assumed to have been preceded by a previous publication that investigated the infringement of the presumption of innocence⁷. It takes place by means of a summary lawsuit and thus gives the advantage of a quick response to the person whose presumption of innocence has been violated. Or through the written press or the audiovisual media⁸.

What distinguishes this procedure from the judicial information system is that the former is issued by the public prosecution representative or the judicial police officer after obtaining permission from the public prosecutor, it is not assumed the presumption of innocence violation. As for publishing the statement, it is assumed that there is an assault on the presumption of innocence by publishing issued by the civil judge.

The second section: the right to information as an exception to the principle of confidentiality of search and investigation procedures :

As it is demonstrated from the foregoing that the investigation and search procedures are confidential procedures unless the law states otherwise, and that every person who participates in these procedures is obligated to conceal professional secrecy according to the conditions set out in the Penal Code and shall be liable to stipulated penalties, this is in accordance with Article 11 of Algerian Code of Criminal Procedure⁹.

If the general rule or principle is that the secrecy of the search and investigation procedures is one of the most important principles on which the Criminal Procedures Law is based, or rather the Criminal follow-up procedures as an important stage of the public prosecution phase¹⁰.

However, in the context of balancing conflicting rights, the state often resorts to enshrining basic human rights, including the right to information, therefore, this is in line with the rules of international human rights law and the constitution.

On this basis, the same previous article stipulated in the fourth paragraph that “However, in order to avoid the spread of incomplete and incorrect

information or to put an end to the disturbance of public order, a representative of the Public Prosecution or a Judicial Police officer may after obtaining written permission from the Public Prosecutor, That the public opinion is informed of the objective elements extracted from the procedures, provided that they do not include any assessment of the burdens attached to them against the persons involved¹¹

This paragraph is originally due to the amendment of the Algerian Procedures Code of 2006 according to the decree of December 20, 2006.

It is an idea taken from the French law, in order to establish the public's right to see the follow-up procedures in an objective manner, this is an embodiment of the right to the media. The Justice Reform Commission formed by the former French President played an important role through its important recommendations, as among them was the necessity of developing a general policy for judicial information that would balance the right to information, the rights of persons and the conduct of criminal justice.¹²

On the occasion of the discussions on criminal justice prior to the issuance of the June 15, 2000 law on the presumption of innocence, the Confederation of Judges in France called for the need to establish a real judicial information system aimed at solutions that solve unorganized semi-official data., This is what led to the proposal to amend Article 11 of the French Criminal Procedure Code.¹³

This law has adopted this proposal as Article 11/3 stipulates the principle of confidentiality of investigation and inquiry, the Public Prosecution authority must be careful in issuing media statements in order to avoid inaccurate information, on its own initiative or upon the request of the investigating judge or the parties, provided that it broadcast The objective elements extracted from the case, which do not include any estimate of the strength of the evidence obtained against the persons involved in the case.

Whereas in Algeria, in the same context, we find reference to a publication issued by the Ministry of Justice on January 14, 1990, in which it urged the presidents of councils, the general prosecutors of the councils, the presidents of the courts, and the agents of the republic to organize media seminars, and to publish press releases whenever necessary to illuminate (Public opinion and avoiding the spread of distorted or incomplete news about the cases being investigated or inquired. The same publication clarifies that the secrecy of the investigation and inquiry, even if it appears to be inconsistent with the right to the media, does not contradict the objective and disinterested media¹⁴.

With reference to the fourth paragraph of the aforementioned Article 11, informing the public about the investigation procedures in an objective manner remains a matter of permissibility, explicitly, as it states, "... the public prosecutor or the police officer may....

It is noticeable that what makes it very difficult is that the team supporting the confidentiality of search and investigation is based on what the necessities of public order, the presumption of innocence and the right to privacy dictates...".

All of them are constitutional rights and are stipulated in the international declarations of human rights, where the opposition party invokes the secrecy of research and investigation, headed by the media and press people, on the freedom of information and expression and informing citizens, and even judicial ones, as they fall within the basic rights and freedoms of the citizen, which are also stipulated in International human rights law and the constitution.

In general; It can be said that in order to balance the requirements of the confidentiality of conducting research and investigation and the right to information, so the first remains the original, and the second is the exception with the need to respect freedom of expression and freedom of the press, in light of respect for the relevant laws, especially with regard to the rules regulating the right to the presumption of innocence and the inherent rights Personality, and what is required by the rules of public order and good court facility.

In addition to the above, according to Article 17, Paragraph Six of the Algerian Criminal Procedure Code, the Judicial Police officer, based on written permission from the Public Prosecutor, may request an address or publish notices, descriptions, or photos, pertaining to persons being searched for or pursued, and often the judicial police resort to this procedure, especially in terrorism crimes.

Also, enabling the lawyer to view the file of the investigation procedures, and to photograph it, in order to consecrate the right to defense in accordance with Article 68 of the Criminal Procedures Law which does not contradict the principle of confidentiality of search and investigation procedures. Or an order not to proceed when protesting it before the courts, which does not contradict the principle of confidentiality as long as these rights and interests are legitimate.

The third section: controls on the right to information during the preliminary investigation phase:

If the various comparative legislations agree on the principle of confidentiality of investigation and inference procedures, they also agree on the right to the media, and the permissibility of publishing some news during this stage. But there are other rules and principles that must be observed, which are the necessity of proper conduct of search and investigation procedures and respect for the rights of the suspect, especially his reputation, dignity, private life, and the presumption of his innocence.

This is why the Algerian draft text stipulated in Article 11/4 of the Criminal Procedures Law that the presumption of innocence and private life must be respected while informing the public about news of research and investigation, and it also specified the bodies authorized to process public opinion in the third paragraph of the same article, and the objectives of this The process and the information provided define the controls of the right to information through the following elements:

First: The entities authorized to inform public opinion

Article 11 of the oldCriminal Procedure Codegranted the right to inform the public opinion during the preliminary investigation stage, as it is characterized by secrecy, to the Public Prosecution and its representative as a sole authority only. After amending this article according to the aforementioned order, the same article added the right to inform the public opinion to the police officer Judicial, after obtaining written permission from the Public Prosecutor.

As for the public prosecution or its representative to inform the opinion, several considerations dictate thar, including the public prosecution which is the representative of the public right and the community in the public prosecution, as it proceeds in the name of society and demands the application of the law, represents before every judicial authority, attends the sessions, the pronouncement of judgements in its presence,and undertakes the implementation of the judiciary provisions¹⁵.

It should be noted that Article 11 of the French Criminal Procedure Code stipulates the authority of the Public Prosecution Office to inform public opinion, either on its own initiative, or at the request of the investigating judge or the parties...

It is noted that the Public Prosecution Office, through this article, may exercise its authority to inform public opinion, and this is based on the request of the investigating judge, it is a very important issue, especially if it comes to informing the public of the investigation process. The first person

responsible for the investigation stage is the investigating judge, and the necessity of his agreement at this stage to inform the public opinion is a necessary matter consistent with the principles of procedural legality

It would be desirable if the Algerian legislator would add a paragraph related to the approval of the investigating judge, to inform public opinion about the course of the investigation.

As for the second party authorized to inform public opinion during the preliminary investigation stage in Algerian law is the Judicial Police officer, after obtaining permission from the Public Prosecutor, and the Judicial Police officer is that a person who belongs to the Judicial Police, which is considered an important body that exercises its duties within the framework of laws. And the regulations that came specifically to organize society and preserve its being as part of the state's social structure because it stems from the depth of this society.

It acquires the status of judicial police in a group of categories organized by Article 15 of the Algerian Procedures Code. The tasks of judicial police are carried out by judicial officers, officers, agents, and employees, who are mentioned in articles 13 and after of the same law.

The public prosecutor manages judicial control, this is in accordance with Article 12 of the same law, it seems that granting the Judicial Police officer the power to inform the public about the conduct of research and investigation is due to several considerations, including that the Judicial Police is granted by the law during the research and investigation phase with the task of uncovering the occurrence of the crime and gathering evidence, Regarding its contributors and submitting them to the Public Prosecution, as they are more knowledgeable than others of the requirements and processes of this stage and its strings. Then they work under the administration of the Public Prosecutor, and the latter is the one who gives the Judicial Police officer permission to inform public opinion.

Second: The obligation to respect private life and the presumption of innocence¹⁶:

Explicitly, Article 11, Paragraph 4 stipulates that informing public opinion must take into account the presumption of innocence and the inviolability of private life. Everyone knows that both principles are considered among the most important basic rights of the human being¹⁷ and enjoy constitutional protection¹⁸.

Most legislation strikes a balance between the right to information and the inviolability of private life, or the so-called right to privacy and the

presumption of innocence as well. Hence, the Algerian legislator must set the necessary limits that the body authorized to inform the public can exceed.

There are legal and ethical limits, which should not be clarified to the eyes and lenses of the media, whereby a suspected person becomes a stalker in this respect¹⁹, and on the other hand he is presumed innocence, so it is not permissible to prejudge that he is a convict.

The private life has become exposed to various crises and factors, as well as the great scientific development, and these factors have contributed to creating a crisis around the problems affecting private life ,and the dangers that threaten it, this is despite the fact that comparative jurisprudence and judiciary, A long time ago it was settled that private life should be surrounded by a fence to protect it from interference and knowledge of others, but this decision has become insufficient to protect it.²⁰

With reference to Article 11 of the Code of Criminal Procedure, it explicitly states that the public prosecutor or the judicial police officer may inform public opinion, the phrase “.... objective elements extracted from the procedures does not include any evaluation of the accusations against the persons involved’.

The meaning behind this phrase is to protect the presumption of innocence, the same is measured in relation to private life, therefore the amendment to this article, by increasing the last paragraph of protecting the presumption of innocence and private life, did not bring anything new except to reveal what was previously there, which is what The legislator intended through the aforementioned phrase, which is to protect the rights of the suspect and the other parties, on the one hand, and to establish procedural legitimacy on the other hand.

The French legislator was the first in the text of the presumption of innocence, at the core of the French Criminal Procedure Code, according to the June 15, 2000 amendment to consolidate the presumption of innocence. The French legislator, in addition to the foregoing, has arranged civil liability on the media, or every assault on the presumption of innocence, and the inviolability of private life when the suspect is the subject of a criminal procedure and has not yet been convicted, this is in accordance with Article 9/1 of the French Civil Code.²¹It would be preferable if the Algerian legislator would add a new article in the civil law that protects the right to private life and the presumption of innocence, as a penalty for the attacks that may occur especially by the media, similar to the French project, this is through the urgent judiciary, in order to stop the assault and decide the right to compensation before Ordinary civil judiciary

As a conclusion of the foregoing, it is not permissible for the authorized body to inform the public of information about a person's beliefs, sectarian or religious tendencies, sexual desires, or secrets, and his family secrets in particular, if the suspected crime violates decency and morality. These elements must remain shrouded in secrecy, it is not necessary to assume that he is guilty. Rather, the principle of man is the presumption of his innocence.

Third: Objectives to inform public opinion

The relationship between the right to information and the proper conduct of search and investigation procedures is evident in the necessity of observing the objectives set by the legislator as a result of the authorized bodies informing public opinion when conducting investigations. These objectives are represented in two cases according to the third paragraph of Article 11 previously mentioned.

- 1Avoid spreading incomplete or incorrect information*
- 2Putting an end to disturbing the public order.*

To declare the right to the media by publishing or broadcasting news, to respond to a true incident, this is what is required by the social interest that requires the validity of the published or broadcast news, as the publication of incorrect news, whether intentionally or unintentionally, often causes severe damage to the public interest When it reduces public opinion²². One of the most difficult things for human beings is for the wicked to attach false accusations to them, by spreading what they are innocent of, the simplest rumors turn into a major scandal as soon as they are published, and the greater the ability of the media to spread, the greater the extent of the danger threatening the rights of the suspect in it, especially the presumption of his innocence and the right to privacy.

In fact, the spread of incomplete and incorrect information is possible as long as the party qualified to give credible information is silent, which makes other parties aware of the case or some of its details, leaking incomplete or wrong news, with or without purpose.²³ That is why it is necessary to avoid the repulsive, negative media, spontaneous and arbitrary action; There should be an objective judicial notification that avoids incomplete and incorrect information.

Thus, the legislator should set controls as to what may be allowed to be published or notified; The fact that the media corruption who commits under the requirements of the public's right to the media is considered one of the ugliest types of insults on the rights of the suspect, who the judiciary has not yet said in condemning or confirming the presumption of innocence.²⁴ As for

the second case, the Algerian legislator expressed it by putting an end to the breach of public order.

The problem indicated here is that the term public order was mentioned in many Algerian legal texts without specifying its content²⁵.

The jurisprudence defined it as the sum of the basic interests of the group or the sum of the foundations and pillars upon which the building of a society or group is based, and its entity in such a way that it is not conceivable that this entity will remain intact without stability and that it includes the political, economic, social and moral foundations on which the entity of society is based as determined by the internal laws. It is expanding and confining according to the political system in the state²⁶.

The public order is in fact one of the efforts taken by the public authorities, in balance with the purely security measures to maintain and impose order, and the Public Prosecution often issues a press statement, to emphasize, for example, the suspect and the measures taken to reveal the truth, This is in order to avoid protests that may result when citizens feel the possibility of the perpetrator's impunity or that the authorities condone the crime despite its seriousness.²⁷

Conclusion :

Through what was previously mentioned; The right to information during the preliminary investigation stage, or the so-called judicial media system, is a very important mechanism for its purpose in avoiding the spread of incorrect news and preventing malicious rumors, especially since the issue is related to the rights of people who are not in their natural status, whether it concerns the suspect or the victim.

The fact that these rights are often related to personal rights such as the presumption of innocence, or the right to privacy, and the right to image, what increases the importance of these rights because they relate to the person who was and still is the focus of legal studies, or other related studies that aim to promote and activate these rights in particular in light of the technological progress, which the mass media benefited from it, the press, and the development of the information system, which facilitated the transfer and circulation of information.

All this is in order to embody the right to the media, which may negatively affect the rights of the personality, especially if the person whose rights are violated is not in his natural condition but in a suspect or accused situation, this requires the need to reconcile between the right to information and human rights.

Despite the fact that the Algerian legislator has stipulated the right to the media system, in line with the previous legal systems to establish and enforce it, especially the French legislator; However, he was not able to clearly control the legal texts. Therefore, some suggestions can be made that require the Algerian legislator to take into account an amendment to the right to information, whether in the same Article 11 of the Code of Criminal Procedure or by adding another article.

These recommendations are as follows :

-The need for the Algerian legislator to intervene to put an end to the disturbance of public order, with the necessity to define the content of the idea of public order, in the concept of the penal code and the law of criminal procedures, given that the criminal texts require clarity and do not accept interpretation, so this is a special jurisprudence of the Algerian legal system despite the fact that The idea of public order seems loose and broad.

The legislator should set controls as to what may be allowed to be published or notified; In order to avoid media corruption, it is also desirable to set the necessary limits, which the authorized party can exceed in order to inform the public.

-It would be preferable if the Algerian legislator adds a new article in the civil law that protects the right to private life and the presumption of innocence as a penalty for the attacks that may occur especially by the media, this is by raising an urgent case to stop the assault, and demand compensation before the competent civil court.

-It would be preferable if the Algerian legislator added a paragraph related to the approval of the investigating judge, to inform public opinion about the course of the investigation.

Margins:

¹-P. ALBERT : Lexicon of the written press Dalloz 1998 p78.

²- J. ROBERT : Human rights and fundamental freedoms Montchrestien Paris 1993 p582. -

³Article 206 of the Egyptian Constitution stipulates, following the amendment of May 22, 1980 : "The press is an independent, popular authority that exercises its mission in the manner set forth in the constitution and the law." Quoting Dr. Ahmed Mujahid, Civil Protection for the Presence of Innocence, Dar Al-Nahda Al-Arabiya Egypt 2002 p. 07

4-- For more details, see Dr. Sorour Talbi, an intervention entitled The Right to Media and Guarantees of Implementation of Human Rights Agreements at the Forum on Constitutional Guarantees of the Right to Media in the Maghreb Countries, which took place at the University of Biskra - Faculty of Law - on 14/15 October 2012.

For more details, see Dr. Sorour Talbi, an intervention entitled The Right to Media and Guarantees for the Implementation of Human Rights Agreements in the Forum on

Constitutional Guarantees of the Right to Media in the Maghreb Countries, which took place at Biskra University - Faculty of Law - on 14/15 October 2012.

⁴Patrick AUVERT : the right to respect for the presumption of innocence. 1994, 1.3802 n ° 70 and 71 p 503

⁵The penal bill stipulates the right of reply in Article 101 to the next of Organic Law No. 12-05 of 12 January 2012 related to media

⁶Jacques RAVANAS. Note under CA Toulouse July 5, 1993 collections Dalloz. Serer 1994, jurisprudence n ° 10p386.

⁷Helen BUREAU, The presumption of innocence before the civil judge SCP ed. No. 40 - September 30, 1998 p 1698.

⁸Article 301 of the Algerian Penal Code punishes the crime of divulging a professional secret

⁹The rule of confidentiality of search and investigation procedures is one of the most important rules on which the technical system is based, its emergence linked to the emergence of the state as a strong authority keen to impose order in society, making the accusation authority the prerogative of the Public Prosecution, and giving the judge a positive role in searching for the truth. See each of Dr. Abdel-Rahman behind, Lectures on the Criminal Procedure Law, Dar Al-Hoda 2010, p. 16, Dr. Muhammad Hzeit, Notes in the Procedural Law, House of Huma 2009, p. 5. Dr. Hassen Boussiaa, Judicial Investigation, Dar Hima 2009, p.6.

¹⁰What is noticed during the last amendment to the Criminal Procedures Law according to Order 02/15 is that it expanded the transferring authorities to inform public opinion of the procedures progress, as according to the old law, it was the prerogative of the Public Prosecution alone. The last amendment added granting this right even to an officer. Judicial Police and that he obtained permission from the Public Prosecutor.

¹¹Some argue that this report, which the commission concluded in 1997, was one of the main sources on which the famous law promulgated on June 15, 2000 was based on strengthening the presumption of innocence and the rights of defense and the victim. See : j. PRADEL. Law of June 15, 2000 Reinforcing the presumption of innocence and the rights of victims - conference at the court of appeal of POITIERS on 8/11 / 2000. www.ca-poitiers-justice.fr/dxours/expradel2.ltm.V.le10/13/2005

¹²Dr. Abu Al-Hassan Mujahid, Civil Protection for the Presence of Innocence, Dar Al-Nahda Al-Arabiya, Egypt, p.159.

¹³Dr. Mokhtar Al-Akhdar Al-Saihi, Journalism and Judiciary, Dar Huma Algeria 2011 p. 44.

¹⁴See Article 29 of the Code of Criminal Procedure.

¹⁵Dr. Aissa Kacem : The Algerian police is an institution in the depths of society. Dar Al Kitab for Printing and Publishing without the year p. 33

¹⁶See Articles 11 and 12 of the Universal Declaration of Human Rights 1948 and Articles 14/2 and 17 of the International Covenant on Civil and Political Rights 1966.

¹⁷See articles 32,34,35,36,39,45 of the Algerian constitution.

¹⁸See Dr. Abd al-Rahman Djamal al-Dine Hamza, Privacy and freedom of the media, Egyptian General Book Authority, Egypt 2003, p. 265 and beyond.

¹⁹Dr. Khaled Mustapha Fahmi, the civil liability of the journalist, Dar Al Jamia for Publishing Alexandria 2003, p. 153

²⁰For more details on this topic see :

Hélène BUREAU .la présomption d'innocence devant le juge civil JCP ED. G. N°40-30 Septembre1998P1694

²¹Yosri Hassan Al-Qassas Criminal Controls for Freedom of Opinion and Expression, Dar Al-Jameya Al-Jadeeda, Egypt 2014.p 134.

²²Mokhtar Al-Akhdar Al-Saihi, previous reference, p. 45

²³Dr. Hatem Bakkar Protecting the defendant's right to a fair trialMunshaat Al Ma'arif facility, Alexandria 1997, p. 407

²⁴For details, see Dr. Ben Tayfour Nasereddine, the content of public order as a restriction on freedom of expression, Journal of Rights and Freedoms, Issue 01/2014, Faculty of Law, University of Tlemcen, p. 11, 19.

²⁵Dr. Khaled Mustapha Fahmi, the civil liability of the journalist, Dar Al Jamia for Publishing Alexandria 2003 p 279.

²⁶Mokhtar Al-Akhdar Al-Saihi, previous reference, p. 46