

The National Criminal Pole for Combating Terrorism and Transnational Organized Crime: An Analytical Study of the Provisions of Law No. 25-14

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Abstract:

This article examines and analyzes the National Judicial Pole for Combating Terrorism and Transnational Organized Crime as a specialized judicial mechanism established by the Algerian legislator under Law No. 25-14 amending the Code of Criminal Procedure. The research aims to define the conceptual framework of this pole, review its subject-matter and national jurisdiction, and analyze its newly introduced procedural mechanisms such as infiltration and technical surveillance. The study also reveals the pole's role in enhancing the effectiveness of combating terrorism and organized crime, as well as the challenges it faces, concluding with the importance of this judicial specialization as a fundamental pillar for protecting national security and activating international judicial cooperation.

Keywords: *Terrorism, Crime, Pole, Investigation, Algeria.*

ملخص:

يتناول هذا المقال بالمقال بالدراسة والتحليل القطب الجزائري الوطني لمكافحة الإرهاب والجريمة المنظمة عبر الوطنية كآلية قضائية متخصصة استحدثها المشرع الجزائري بموجب القانون 14-25 المعدل لقانون الإجراءات الجزائية. يهدف البحث إلى تحديد الإطار المفاهيمي لهذا القطب، واستعراض اختصاصاته النوعية والوطنية، وتحليل آلياته الإجرائية المستحدثة كالتمسك والمراقبة التقنية. كما يكشف الدراسة عن دور القطب في تعزيز فعالية مكافحة الإرهاب والجريمة المنظمة، والتحديات التي تواجهه، ليخلص إلى أهمية هذا التخصص القضائي كركيزة أساسية لحماية الأمن الوطني وتفعيل التعاون القضائي الدولي.

الكلمات المفتاحية: الإرهاب، الجريمة، القطب، التحقيق، الجزائر

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I. INTRODUCTION

The rapid evolution of organized crime and emerging forms of criminality prompted the Algerian legislator to intervene by enacting Law No. 25-14, amending the Code of Criminal Procedure. This law brought about a qualitative shift in the structuring of the criminal judiciary through the establishment of specialized national judicial poles. The legislator translated this legislative strategy by issuing several special texts for criminalization and punishment (such as anti-corruption laws, money laundering, terrorist financing, and smuggling laws), alongside establishing new procedural rules to confront the evolution of organized crime methods. The National Judicial Pole for Combating Terrorism and Transnational Organized Crime stands out as the most prominent of these new procedural mechanisms. It is defined as a specialized criminal judicial body, aiming to prosecute, investigate, and adjudicate extremely serious crimes, chief among them terrorism and cross-border organized crime, thereby allowing for the coordination of efforts and enhancing effectiveness in handling this type of case.

The study of the National Judicial Pole for Combating Terrorism and Transnational Organized Crime holds significant importance on multiple levels. On one hand, it embodies a qualitative shift in Algeria's criminal policy by unifying procedures and coordinating efforts among various competent judicial and security bodies, thus providing a specialized and effective mechanism to deal with the most dangerous forms of contemporary criminality. This mechanism also directly contributes to enhancing deterrence capacity against cross-border criminal organizations by concentrating expertise and resources within a single judicial entity. On the other hand, this pole represents a practical embodiment of the latest amendments introduced by the legislator to the Code of Criminal Procedure, aimed at modernizing the national legal system and keeping pace with Algeria's international obligations, especially those arising from the United Nations Convention against Transnational Organized Crime (Palermo, 2000). Finally, this pole plays a pivotal role in activating international judicial cooperation with other countries and global judicial bodies, making it a strategic tool in combating the scourges of terrorism and organized crime at both the national and international levels alike.

Through this study, we aim to achieve a set of core objectives, foremost among them clarifying the conceptual framework of the national judicial pole as introduced by the amendment to the Code of Criminal Procedure, while explaining the powers of its constituent judicial authorities (the prosecution and investigating judges). The study also primarily aims to highlight the role undertaken by this pole in combating terrorism and transnational organized crime, and to reveal its mechanisms of operation in the face of these dangerous criminal phenomena.

Studying this topic raises a highly significant problem: To what extent has the establishment of the specialized national judicial pole contributed to enhancing the effectiveness of mechanisms for confronting organized crime and combating terrorism in Algeria?

The nature of this study necessitated relying on an integrated methodology, based on using the descriptive method to outline the conceptual framework of the national judicial pole, identify its characteristics, and distinguish it from ordinary judicial bodies, while defining the crimes falling within its jurisdiction. The analytical method was also employed by examining the texts of the Code of Criminal Procedure amended by Law 25-14, analyzing them to deduce the new procedural rules established by the legislator, and assessing their suitability for achieving the purpose sought by creating these specialized poles.

To cover all aspects of the subject, we adopted a plan divided into two main chapters. In the first chapter, we will address the conceptual framework of the national judicial pole. The second chapter will be dedicated to studying the role of the national judicial pole in combating terrorism and transnational organized crime.

1. Chapter One: The Conceptual Framework of the National Judicial Pole:

The growth of serious forms of organized crime, such as smuggling, drug trafficking, and terrorist acts, prompted the Algerian authorities to adopt advanced criminal policies to modernize security agencies and the judicial system. In this context, the legislator sought to adopt more deterrent laws and establish specialized judicial bodies, aiming to enhance judicial performance and enable it to effectively confront organized crime. Foremost among these bodies is the National Judicial Pole for Combating Terrorism and Transnational Organized Crime. We will dedicate this chapter to establishing its conceptual framework, by explaining its concept and characteristics (Section One), and reviewing its subject-matter and territorial jurisdiction (Section Two).

1.1 Section One: The Concept of the National Judicial Pole:

Faced with the proliferation of emerging criminal patterns, it became necessary to issue more deterrent legal texts and establish specialized judicial bodies capable of confronting them. In this context, Algeria sought to strengthen the justice system by adopting modern techniques and advanced legal mechanisms consistent with the requirements of detecting and preventing serious crimes, while ensuring a fair trial before specialized judges. Given the novelty of these judicial structures, it is necessary to define the conceptual framework of the national judicial poles, by providing a precise definition of them (Sub-section One), then highlighting their most prominent distinguishing characteristics (Sub-section Two), and finally identifying the motives for their establishment and the reasons necessitating their creation (Sub-section Three).

1.1.1 Sub-section One: Definition of Specialized Judicial Poles:

They are defined as specialized criminal judicial bodies established under Algerian law (amendments to the Code of Criminal Procedure) to deal with serious crimes. They are also defined as specialized judicial bodies that consider certain crimes specified by law. Furthermore, they are not merely judicial bodies operating under special legal procedures, but rather they are subject to the same legal procedures adopted in ordinary courts and are considered courts with broad territorial jurisdiction specializing in a specific type of serious organized crime (Derradji, H. (2015)). From this, we conclude that the Algerian legislator did not provide a definition for these poles despite the attention given to them, and there is no legal text clearly establishing this term. Article 24 of the Law on Judicial Organization of 2005 mentioned the possibility of establishing judicial poles with broad territorial jurisdiction within courts (Amiour, K. (2014)).

1.1.2 Sub-section Two: Characteristics of the Specialized Judicial Pole:

From the definitions previously discussed, we deduce a set of characteristics, which we mention as follows:

First: The Specialized Nature: This means they are considered criminal courts that are part of the judicial system, composed of investigating judges, public prosecutors, and registrars possessing competence and expertise in complex crimes, in addition to continuous training in technical, financial, and security fields related to combating terrorism and transnational organized crime.

Second: Comprehensive National Jurisdiction: This pole is characterized by having jurisdiction over the entire national territory, i.e., it extends to include all courts under the jurisdiction of the Courts of Appeal across the country. It can consider cases occurring in any

province without being bound by the territorial scope of the court where it is located. It allows overcoming obstacles of territorial conflicts of jurisdiction and ensures the unification of judicial treatment of serious crimes with wide geographical reach. Laghouati, R. (2020)

Third: Functional and Administrative Independence and Acceleration of Procedures: It enjoys a degree of independence in managing files and distributing cases, which allows it to work efficiently without being affected by local or administrative pressures. The judges working within it are subject to the central judicial authority, which enhances their independence in performing their duties. Additionally, it devotes itself exclusively to considering cases of a special nature, and the special laws governing its work allow it to use extensive investigative means (such as hearing protected witnesses, technical surveillance, wiretapping, electronic monitoring, etc.).

Fourth: Institutional and Security Coordination: The pole operates within a framework of close coordination with specialized security and police bodies such as: the National Gendarmerie, National Security, the Information Processing Cell, and Customs services. This coordination aims to exchange information and data quickly and unify efforts to combat terrorism and organized crime. It also aims to curb the spread of the latter by tracing its financial sources and dismantling its networks. Laghouati, R. (2020)

1.1.3 Sub-section Three: Motives for Establishing the National Judicial Pole:

The goal of establishing specialized criminal courts is to create a new framework and structure to confront organized crime, encourage collective action through cooperation and an expanded division of tasks, while reconsidering the relationship between the prosecution and investigation, and also implementing active judicial work focused on defining the objectives of investigation and prosecution procedures by seeking the truth behind the crime, in addition to establishing a clear prosecution plan that respects the limits of the investigation. The Algerian legislator established specialized national judicial poles for motives represented in the following:

First: The Absence of Specialized Bodies to Combat Crimes: Due to the seriousness of organized crime at both the global and national levels, as it has become a threat to the security of states. Criminal organizations now use sophisticated methods relying on modern technology, making it difficult to combat them with old, traditional procedures. Therefore, it was necessary to establish specialized judicial systems capable of confronting organized crime.

Second: The Rise of the Phenomenon of Terrorism and Transnational Organized Crime: Algeria, like other countries, has witnessed an expansion in terrorist activities and international criminal networks, particularly those linked to arms and drug smuggling, illegal immigration, money laundering, terrorist financing, human trafficking, etc. These crimes have become more organized and intertwined, transcending national borders and requiring specialized and integrated judicial treatment. Megadba, A., & Razzak, Y. (n.d.)

Third: The Inability of the Ordinary Judicial System to Combat Organized Crime: The inadequacy of the ordinary judiciary in confronting organized crime, its inability to adapt to modern methods due to a lack of laws. Judges relied on traditional individual work, especially investigating judges, who were often alone with the case file, unlike the other side of organized crime, which is collective and organized work. It was necessary to go beyond traditional methods of investigation and judicial prosecution due to the complexity of these crimes, by establishing a specialized judicial body that combines expertise and speed in processing. The national judicial pole came to achieve specialization of judges in terrorism and organized crime cases, unify the judicial vision regarding them, reduce investigation timeframes, and improve coordination between the prosecution, investigating judges, and security agencies. Megadba, A., & Razzak, Y. (n.d.)

Fourth: Implementing Algeria's International Obligations: The establishment of the national judicial pole falls within Algeria's international obligations in the field of combating

terrorism and money laundering, in accordance with: (The United Nations Convention against Transnational Organized Crime (Palermo Convention 2000), and UN Security Council resolutions that obligate states to establish effective national mechanisms for prosecuting these crimes).

From the above, the motives for establishing the national judicial pole can be summarized as follows: confronting the complex evolution of terrorism and organized crime, diverse coordination between security agencies, respecting Algeria's international obligations, modernizing the judicial system, and activating the state's role in combating serious crimes. Kour, T. (2013)

2. Section Two: Jurisdiction of the National Judicial Pole and the National Judicial Pole for Combating Terrorism and Organized Crime:

Specialized national judicial poles are distinguished by unique procedures that make them different from traditional judicial bodies. This specificity allows them to expand the scope of their jurisdiction to include both local and subject-matter aspects. Territorially, their jurisdiction extends to include all courts and judicial councils at the national level, thereby transcending the limits of narrow local jurisdiction. In terms of subject matter, they are uniquely tasked with considering specific crimes characterized by particular gravity, which necessitated the legislator's intervention to establish this new judicial mechanism comprising investigating judges, public prosecutors, and trial judges who have undergone specialized training qualifying them to handle the complexities of these cases. In this section, we will address these two aspects through two sub-sections: the first is dedicated to the subject-matter jurisdiction of the pole, and the second is dedicated to the National Judicial Pole for Combating Terrorism and Transnational Organized Crime as the most prominent model of these specialized poles.

2.1. Sub-section One: Subject-Matter Jurisdiction of the Specialized National Judicial Pole in Terrorism and Transnational Organized Crime Crimes:

Algerian legislation extended the jurisdiction of the Court of the Judicial Council of Algiers to consider terrorism and transnational organized crime cases. This jurisdiction also includes the crimes provided for in Law No. 05-01 relating to the prevention and combating of money laundering and terrorist financing, in addition to transnational organized crimes of a criminal nature. Daara, C. E., & Abdeljalil

First: Terrorism Crimes: The Algerian legislator dedicated a special section in the Penal Code entitled "Crimes Described as Terrorist or Subversive Acts" within Articles 87 bis to 87 bis 10. The crime of terrorism is considered one of the complex crimes for which it is difficult to formulate a comprehensive definition due to the intertwining of political and ideological dimensions.

- **Linguistic Definition:** Derived from the verb "to terrorize," meaning to frighten and terrify. Terrorism is the incitement of fear and panic.
- **Conventional Definition:** It is the use of violence or the threat thereof to create a state of terror and disturbance within a society, with the aim of **achieving** specific goals, whether political, religious, or ideological. Mihaya, M. E. (2014)
- **Legislative Definition:** The Algerian legislator added a definition of the terrorist act in Article 87 bis as follows: "Considered a terrorist or **subversive** act is any act aimed at the security of the state, national unity, the stability of institutions, and their normal functioning..."
This type of crime is characterized as terrorist and subversive acts due to their difference from other crimes because they use means of a special nature, which express an intention to

cause great harm to society and official institutions. They also target the country's security through any act whose purpose is as follows:

- ✓ Spreading terror among the population and creating a climate of insecurity through moral or physical assault on persons, endangering their lives, freedom, or security, or attacking their property.
- ✓ Obstructing traffic or freedom of movement on roads, gathering, or sit-ins in public squares.
- ✓ Attacking the symbols of the nation and the republic, exhuming or desecrating graves.
- ✓ Attacking, seizing, or occupying means of communication and transport, public and private properties, without legal justification.
- ✓ Attacking the environment, introducing or leaking a substance into the air, subsoil, or dumping it on land or in waters, including territorial waters. (Order No. 66-156 of June 8, 1966 on the Penal Code)
- ✓ Obstructing the work of public authorities, the freedom to practice worship and public freedoms, and the functioning of institutions assisting the public service.
- ✓ Obstructing the functioning of public institutions, attacking the lives of their agents or their property, or hindering the application of laws and regulations.
- ✓ Hijacking aircraft, ships, or any other means of transport.
- ✓ Destroying air, sea, or land navigation facilities.
- ✓ Vandalizing or destroying means of communication and taking hostages.
- ✓ Attacks using explosives or biological, chemical, nuclear, or radioactive materials, or other weapons of mass destruction.
- ✓ Financing terrorists or a terrorist organization.
- ✓ Striving, by any means, to reach power or change the system of government through non-constitutional means, or inciting thereto.
- ✓ Impairing, by any means, territorial integrity, or inciting thereto.

The crime of terrorism is characterized by being: random in the choice of victims, as it often targets public places to inflict the largest number of uninvolved victims. It is also often an organized crime carried out by groups with a complex structure. Furthermore, it is cross-border, as many terrorist operations are planned in one country and executed in another, requiring international cooperation. Terrorists aim to draw attention to their cause through the media shock resulting from the attack.

- **Elements of the Crime of Terrorism:** The crime of terrorism, like other crimes, rests on three elements: the legal element, the material element, and the moral element.
- ✓ **The Legal Element:** It means the existence of a legal text criminalizing the terrorist act and prescribing a penalty for it. The Algerian legislator enshrined this element through the Penal Code, especially Articles 87 bis to 87 bis 10, and special laws related to combating terrorism and its financing. The criminal text relating to terrorism is characterized by the broad scope of criminalization and the severity of penalties due to the gravity of this crime against the entity of the state and society. Sweidan, A. H. (2002)
- ✓ **The Material Element:** The material element is embodied in the criminal conduct, represented by one of the acts specified by law when committed for a terrorist purpose. It includes acts such as: killing or attempting to kill, bombings, vandalism, and destruction, attacking means of transport and public facilities, kidnapping and hostage-taking, joining,

assisting, or financing a terrorist group, etc. The criminal result is represented by spreading terror and fear within society, impairing state security, and disrupting public order. Additionally, there is the causal link, where a causal connection must exist between the committed act and the criminal result.

- ✓ **The Moral Element:** The crime of terrorism is among the intentional crimes requiring special criminal intent. It consists of the general criminal intent, meaning the offender is aware that his act is legally criminalized and that it is directed against protected targets, and his free will is directed towards committing the material act and producing its result. The special criminal intent is the terrorist purpose: the offender must aim to spread terror and panic, compel a government or international organization to perform or abstain from an act, in addition to destabilizing security and stability or impairing the political or economic system of the state. Zein El-Din, A. J. (1986)
- ✓ **Second: Transnational Organized Crime:** It is defined as an organized criminal group, meaning a serious and illegal activity committed by a group of individuals operating continuously and permanently, according to a coordinated structure. Individuals in the organization use various means of violence, threats, extortion, and bribery to achieve financial or material gain. This crime transcends the borders of a single state in terms of its commission, effects, parties, or means of execution. The United Nations, in its first congress in 1975 in Geneva, defined organized crime as: "a complex and widespread criminal act carried out by a group of individuals with the aim of accumulating wealth at the expense of society and individuals." Although the Algerian legislator did not specifically define organized crime despite Algeria's ratification of the United Nations Convention against this crime, it focused on criminalizing certain acts represented in: money laundering, drugs, smuggling and human trafficking, and corruption crimes. Zein, T. (2017)
- **Characteristics of Transnational Organized Crime:** Transnational organized crime is distinguished by several characteristics that make it one of the most dangerous forms of contemporary criminality due to its complex nature and transcendence of **states'** territorial borders. These characteristics can be summarized as follows:
 - ✓ **Collective and Organized Nature:** Transnational organized crime is committed by an organized criminal group operating according to a structural organization based on a precise division of roles among members (financing, transport, forgery, protection, laundering), in addition to subjection to strict internal rules.
 - ✓ **Cross-Border Nature:** Transnational organized crime transcends the borders of a single state in terms of: committing criminal acts in more than one state, part of the crime occurring in one state and another part in a second state, or the effects of the crime extending outside the territory. Mihaya, M. E. (2014)
 - ✓ **Continuity and Criminal Professionalism:** This crime is not based on casual conduct but rather on: permanent and repeated criminal activity, adopting crime as the main source of income, and accumulating criminal experience over time, which transforms crime into an integrated criminal enterprise. Mihaya, M. E. (2014)
 - ✓ **Premeditation, Precision, and Profit Motive:** This crime is characterized by meticulous planning, studying legal and security loopholes, and using advanced technical means (such as encryption, digital transfers, fake identities, etc.), making it a complex and compound crime. Furthermore, achieving illegal profit is the primary goal of transnational organized crime, manifested in seeking international markets and exploiting legal and economic disparities between states. These profits may later be used for money laundering or financing terrorist activities.
 - ✓ **Secret Nature and Recourse to Corruption and Violence:** Criminal groups rely on concealing the true identity of members, forging official documents, using shell companies

and foreign bank accounts, and laundering money to legitimize criminal proceeds. Additionally, this transnational organized crime resorts to corruption by bribing public officials and influencing justice agencies, as well as violence through threats, physical liquidation, and intimidation. Corruption is an essential element to ensure the continuity of criminal activity. Mihaya, M. E. (2014)

- **Forms of Transnational Organized Crime:** The most important forms of organized crime include:
 - ✓ **Drug Crimes:** The crime of drugs, in its general concept, is defined as any illegal act related to narcotic drugs or psychotropic substances that is criminalized by law, aiming to protect public health, security, and public order. It is also defined as any illegal act related to dealing with narcotic drugs or psychotropic substances, whether through production, manufacture, possession, offering, sale, distribution, purchase, or consumption. This crime is considered one of the most serious crimes ancillary to organized crime. Pursuant to Law No. 04-18 relating to the prevention of narcotic drugs and psychotropic substances and the suppression of their illicit use and trafficking, the Algerian legislator dedicated legal provisions related to the crime of drugs and mentions the penalties applied to its perpetrators in Articles 12 to 22 of the aforementioned law. (Law No. 04-18 of January 7, 2005 on the prevention and suppression of the illicit use and trafficking of narcotics and psychotropic substances)
 - **Money Laundering:** Money laundering is considered one of the most dangerous economic crimes linked to organized crime and terrorism due to its direct impact on the public and economic order of the state. It is defined as any act aimed at concealing the criminal origin of property and funds, or converting or integrating them into the economic cycle in a way that appears legitimate, notably what is called "dirty money." The Algerian legislator addressed this in the Penal Code in Article 389 bis, stating that money laundering is considered:
 - The conversion or transfer of property, knowing that such property is derived from criminal activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of the predicate offense to evade the legal consequences of his action.
 - The concealment or disguise of the true nature, source, location, disposition, movement, or rights with respect to property, knowing that such property is derived from criminal activity.
 - The acquisition, possession, or use of property, knowing, at the time of receipt, that such property is derived from criminal activity.
 - Participation in, association or conspiracy to commit, attempts to commit, and aiding, abetting, facilitating, and counseling the commission of any of the crimes established in accordance with this article.
 - ✓ Money laundering is characterized by being a crime ancillary to a predicate offense (such as drugs, corruption, terrorism), often transnational, complex, and secretive, relying on modern financial techniques, and often committed within the framework of a criminal organization. The laundering process goes through three stages:
 - ✓ **Placement:** Considered the most difficult stage, where dirty money is introduced into the financial system to dispose of cash liquidity. This process involves converting cash into other monetary instruments, such as purchasing real estate or gold, etc.
 - ✓ **Layering:** This involves separating illicit money from its source by opening bank accounts in the names of individuals far from any suspicion or creating transactions.

- ✓ **Integration:** In this stage, the laundered money appears in the economy as completely legitimate, in the form of major investments or commercial projects, without raising suspicion.
- The Algerian legislator penalized the crime of money laundering in the Penal Code from Article 389 bis 1 to 389 bis 7. Law No. 05-01 relating to the prevention and combating of money laundering and terrorist financing also contains special provisions regarding money laundering. Bouskia, A. (2008)
- **Corruption Crimes:** Corruption crimes are defined as the exploitation of power or public office with the intent to achieve personal gain at the expense of the public interest. They are not limited to embezzlement of funds but also include administrative and legal deviations. They are the crimes provided for and penalized by Law No. 06-01 relating to the prevention of corruption. The legislator considered corruption crimes among the major crimes because they thrive in an environment that facilitates their spread. Article 2 of the aforementioned law specified these crimes, which are as follows: acts of corruption, misappropriation of public or private funds by an official, taking undue advantages, illicit enrichment by an official, abuse of office, bribery, influence peddling, failure to declare assets or false declaration, conflict of interest, concealment of proceeds, covert funding of political parties, and breach of trust.

2.2 Sub-section Two: The National Judicial Pole for Combating Terrorism and Transnational Organized Crime:

The establishment of the National Judicial Pole for Combating Terrorism and Transnational Organized Crime in Algeria represents a qualitative and important step in developing criminal justice mechanisms to confront emerging and evolving criminal patterns with national and international dimensions. This establishment came in response to the requirements of combating serious crimes characterized by organizational complexity and cross-border nature, such as terrorism and transnational organized crime, which necessitate judicial specialization and investigation and trial procedures of a special nature.

First: Definition of the National Judicial Pole for Combating Terrorism and Transnational Organized Crime: This pole refers to a specialized judicial body with national jurisdiction, established under the Algerian Code of Criminal Procedure, exclusively entrusted with the task of prosecuting, investigating, and adjudicating cases related to terrorism and crimes of a cross-border organized nature. This pole is based on the principle of judicial specialization by assigning these serious cases to judges with experience and competence, thereby achieving greater effectiveness in confronting this type of complex criminality. This pole is not an independent court per se, but rather a special judicial organization within the criminal judicial system, as it enjoys extended powers exceeding the territorial jurisdiction of ordinary courts due to the nature of the crimes it handles. Daara, C. E., & Abdeljalil. (2025)

Second: The Legal Basis and Characteristics of the National Judicial Pole for Combating Terrorism and Organized Crime: The Algerian legislator enshrined this pole within the amendments of the Code of Criminal Procedure (Law 25-14), where it stipulated assigning specific crimes of particular gravity to designated judicial bodies with national jurisdiction. This approach embodies the modern criminal policy based on combating serious criminality with specialized legal mechanisms. This pole is characterized by judicial specialization because it focuses on specific types of serious crimes (terrorism, corruption, organized crime, etc.) that require in-depth expertise. It also covers a wide range of cross-border crimes, making it exceed the jurisdiction of ordinary courts. Additionally, it includes judges and investigators with special training to face the complexities of crimes using modern techniques. It is also characterized by flexibility and adaptation to criminal developments. (Law No. 25-14 of August 3, 2025 on the Code of Criminal Procedure). (2025)

3. Chapter Two: The Role of the National Judicial Pole in Combating Terrorism and Transnational Organized Crime:

The establishment of criminal courts with extended jurisdiction constitutes a fundamental axis in reforming the justice system and reducing organized and serious crime. The Algerian legislator has taken advanced steps in this direction by creating a specialized judicial pole for combating terrorism and transnational organized crime. However, this step was not limited to mere creation; it was followed by the adoption of a more penetrating and effective procedural system, which gives the work of this pole a procedural specificity commensurate with the gravity of the cases brought before it.

The legislator, in Law No. 25-14 amending and supplementing the Code of Criminal Procedure, dedicated special provisions regulating the work of these courts and specified the tasks and procedures undertaken by the competent judicial authorities, especially in Articles 343 to 348 of the same law. Accordingly, we will dedicate this chapter to studying the newly introduced procedural framework for combating terrorism and organized crime (Section One), and then we will address the effectiveness of the national judicial pole in reducing these criminal phenomena (Section Two).

3.1 Section One: The Newly Introduced Procedural Framework for Combating Terrorism and Organized Crime:

Combating terrorism and transnational organized crime requires an advanced legal response that goes beyond traditional procedures, due to their cross-border nature and the complexity of their organizations. In this context, the Algerian legislator paid special attention to the procedural aspect, recognizing that the effectiveness of deterrence is not limited to criminalization texts but extends to mechanisms of investigation, inquiry, and trial. This was embodied by introducing a set of exceptional mechanisms and procedures at both the legislative and executive levels, aimed at keeping pace with the continuous evolution in the methods of these criminal groups.

The newly introduced procedural framework refers to the set of legal and technical transformations adopted by the Algerian legislator, inspired by international trends and standards set in relevant UN conventions, with the aim of providing effective tools for the national judicial pole to perform its tasks efficiently. In this section, we will address these mechanisms through two sub-sections: the first dedicated to the newly introduced investigation and inquiry mechanisms, and the second to the new tasks undertaken by the pole's members in confronting terrorism and organized crime.

3.1.1 Sub-section One: The Newly Introduced Investigation and Inquiry Mechanisms Specific to the Pole:

The National Judicial Pole for Combating Terrorism and Transnational Organized Crime relies on advanced and rapid investigation and inquiry mechanisms and methods to ensure an effective response. This grants the law enforcement authorities and judges working within the framework of the pole broad powers, both geographically and substantively.

First: Specialization and Extended Jurisdiction: The pole enjoys jurisdiction extending over the entire national territory, i.e., very broad jurisdiction covering several courts. This allows it to handle files that start in one city and move to another without being bound by the narrow local jurisdiction of ordinary lower courts. The pole is composed of investigating judges, prosecutors, trial judges, and assistants specialized in international criminal law and cyber investigation. This specialization accelerates decision-making and understanding of the mechanisms of organized crime and terrorism. Additionally, it coordinates work internally and externally to create joint

investigation teams comprising officers from various security agencies (Gendarmerie, Police, Internal Security) to exchange information and documents and analyze them instantly. Kaderi, A. F., & Saadi, H. (n.d.)

Second: Special Investigation Means: These are powers that breach the secrecy of communications and criminal gatherings and are more sensitive, subject to strict judicial oversight. Among the special investigation means are:

- **Infiltration:** It is a process carried out by competent authorities under the supervision of a judicial police officer, where their role is to monitor suspected individuals and pretend to be participants in organized crime to gather evidence about the structural framework of the criminal network. Article 121 of the amended Code of Criminal Procedure defines it as: "Infiltration means the act by which a judicial police officer or agent, under the responsibility of the judicial police officer coordinating the operation, monitors persons suspected of committing a felony or misdemeanor by leading them to believe that he is a perpetrator, accomplice, or concealer." Articles 122 to 127 of the same code specify the procedures and penalties dedicated to this operation. Maaziz, A. (2015)

Third: Technical Surveillance or Electronic Monitoring: The Algerian legislator considered electronic monitoring as one of the special investigation methods in corruption crimes, pursuant to Article 56 of Law No. 06-01 relating to the prevention and combating of corruption, which states: "In order to facilitate the collection of evidence related to the crimes provided for in this law, recourse may be had to controlled delivery or the use of special investigation methods such as electronic monitoring and undercover operations, in an appropriate manner and with the permission of the competent judicial authority." Law No. 06-01 of February 20, 2006 on the prevention and fight against corruption, amended and supplemented]. (2006)

- Technical surveillance is defined as a secret investigation and inquiry procedure resorted to by judicial authorities **using** technological means to monitor, record, and track the movement of persons and their communications via electronic media. It goes beyond traditional monitoring to encompass all digital activities with the aim of uncovering serious crimes, particularly terrorism and transnational organized crime. Electronic monitoring takes several forms, granting the pole's authorities the power to order: interception of correspondence, audio recording and photography, and controlled delivery. (Articles 114 to 119).
- ✓ **Interception of Correspondence:** Chapter Four of Law 25-14, under the title "On Interception of Correspondence, Recording of Sounds, and Photography," stipulates in Article 114: "If the necessities of the investigation in a flagrant crime or the preliminary investigation in crimes of premeditated murder, drugs and psychotropic substances, transnational organized crime, crimes related to information and communication technologies, money laundering and terrorism, crimes related to the special legislation on exchange and the movement of capital to and from abroad, corruption crimes, smuggling crimes, human trafficking crimes, organ trafficking crimes, and kidnapping crimes require it, the competent Public Prosecutor may authorize the following:
 - Interception of correspondence conducted via wired and wireless means of communication."
- ✓ From the mentioned article, we note that interception of correspondence refers to a secret monitoring process carried out on wired and wireless correspondence to detect and investigate crimes, in **addition** to gathering evidence against persons suspected of committing these crimes.
- ✓ **Audio Recording and Photography:** Audio recording represents a new means of proving legal actions. It has become common among individuals using modern recording devices, enabling the re-hearing of those audio recordings and their use as evidence. Photography

technology is a process relying on the use of small-sized cameras placed and hidden in specific locations without the knowledge or consent of individuals present in a private place. Articles 114 **paragraph** 3 to 119 specify the procedures carried out by the judicial police officer through audio recording and photography. Law No. 25-14 of August 3, 2025 on the Code of Criminal Procedure. (2025)

- ✓ **Controlled Delivery:** It is a special investigation and inquiry method where the pole allows security agencies to monitor an illicit shipment crossing borders without immediately intercepting it, to identify all participants in organized crime. For safety, the illicit shipment may be replaced with similar but legal materials, **allowing** the transport to continue under close surveillance. Skil, R. (2020)

3.1.2 Sub-section Two: The Newly Introduced Tasks Undertaken by the Pole's Specialists in Combating Terrorism and Organized Crime:

Given the close relationship between terrorism and transnational organized crime, where terrorists increasingly rely on criminal networks to finance their activities, the newly introduced procedures focused on breaking this link through integrated strategies. The Algerian legislator, in the amended Code of Criminal Procedure, Chapter Four entitled "The National Judicial Pole for Combating Terrorism and Transnational Organized Crime," specified in Articles 343 to 348 the tasks of both the Public Prosecutor and the Investigating Judge specialized in this pole. The content of these articles can be summarized as follows: Law No. 25-14 of August 3, 2025 on the Code of Criminal Procedure]. (2025)

- **First: Article 343:** The content of this article revolves around: The establishment of the National Judicial Pole for combating terrorism and transnational organized crime. The Public Prosecutor and the Investigating Judge at the Court of the Judicial Council of Algiers are given shared and national jurisdiction over terrorism and subversion crimes stipulated in the Penal Code, money laundering and terrorist financing crimes stipulated in Law No. 05-01, and transnational organized crime and related crimes, exercising their powers over the entire national territory.
- **Second: Article 344:** This article stipulates the extension of jurisdiction according to Article 343, and the procedural rules stipulated in Articles 321 to **329** of the Code of Criminal Procedure apply.
- **Third: Article 345:** The content of this article is that the Public Prosecutor and the Investigating Judge at the Court of the Judicial Council of Algiers are **granted** exclusive jurisdiction to prosecute and investigate specific terrorism crimes defined in the Penal Code (Article 87 bis) and paragraph 2 of (Article 87 bis 6), in addition to related crimes.
- **Fourth: Article 346:** This article means that reports and investigation procedures in these crimes are sent directly to the Public Prosecutor at the Court **of** the Judicial Council of Algiers. Judicial police officers receive their instructions directly from him, and if a judicial investigation is opened, they receive rogatory commissions directly from the competent Investigating Judge.
- **Fifth: Article 347:** We summarize this article as follows: If the Public Prosecutor finds that the facts do not fall within the pole's jurisdiction, he **issues** a decision to relinquish the file in favor of the territorially competent Public Prosecutor.
- **Sixth: Article 348:** The content of this article is that if the Investigating Judge finds that the facts reported to him pursuant to the provisions of Article 345 above do not fall within his jurisdiction, he issues an order of lack of jurisdiction after obtaining the opinion of the Public Prosecutor or at his request, and transfers the file to the territorially competent authority after the order becomes final, while arrest or detention warrants remain valid and previous procedures are not repeated.

The general conclusion from these articles is that they aim to concentrate national jurisdiction in terrorism and serious organized crime crimes within a specialized judicial pole, while ensuring speed of procedures, sharpness of judicial direction, and avoiding disruption of prosecutions when jurisdiction changes.

3.2 Section Two: Challenges and Obstacles Facing the Pole's Work in Combating Terrorism and Transnational Organized Crime and Its Effectiveness in Reducing Them:

The effectiveness of the National Judicial Pole for Combating Terrorism and Transnational Organized Crime is centered on its pivotal role as a point of specialization and coordination at both the national and international levels, making it more capable of dealing with complex and cross-border crime with efficiency surpassing ordinary courts. However, this effectiveness, despite its importance, collides with a set of challenges and obstacles that limit its performance and hinder the achievement of the desired goals. Accordingly, in this section we will address this issue through two sub-sections: in the first, we will shed light on the most prominent challenges and obstacles facing the pole's work, whether legal, technical, or logistical, and in the second, we will dedicate to evaluating the effectiveness of this pole in reducing terrorism and organized crime, and the extent of its ability to achieve the practical results intended from its establishment.

3.2.1 Sub-section One: Challenges and Obstacles Facing the Work of the National Judicial Pole for Combating Terrorism and Transnational Organized Crime:

The judicial pole for combating terrorism and organized crime faces a set of crimes characterized by complexity due to the evolution of criminal groups' methods, difficulties in coordination among various actors, and keeping pace with the continuous technological development exploited by criminal networks. These obstacles can be classified into four main axes:

First: Challenges Related to the Cross-Border Nature: International cooperation is an essential element in confronting terrorism and transnational organized crime, but they are hindered by sovereign borders. Despite the existence of conventions (such as the United Nations Convention against Transnational Organized Crime), there is slow international judicial cooperation. For example, mutual legal assistance procedures such as requests to freeze accounts or interrogate witnesses abroad may be slow and complex. Criminal and terrorist networks also exploit countries with weak anti-money laundering laws, in addition to facing difficulty in asset recovery. Akroum, A. (n.d.)

Second: Technical and Intelligence Challenges: Criminal development has become faster than available legal tools, representing a major technical challenge. Criminal and terrorist groups increasingly rely on cryptocurrencies to launder money and transfer it in a decentralized manner, using strong encryption techniques to conceal their communications, making it difficult for the pole's authorities to intercept and analyze correspondence. Investigating organized crime and terrorism requires massive and continuous investment in advanced technical tools and software for analyzing big data. Chormat, S. (n.d.)

Third: Legal and Procedural Challenges: Terrorist crimes in Algeria are subject to multiple texts, including the Penal Code and the Code of Criminal Procedure, in addition to other special laws such as the law on combating money laundering and terrorist financing and the anti-corruption law. This multiplicity creates difficulties in legal characterization and makes the judges' task more complex, especially given the continuous evolution of terrorist organizations' methods. These organizations are also characterized by speed of movement and high secrecy, making proof difficult. Samir Fayez Ismail. (2010)

Fourth: Logistical and Human Challenges: Working in the field of combating terrorism requires specialized training in digital forensic analysis to understand the nature of terrorist organizations

and money laundering techniques. However, the number of specialists remains limited. Additionally, there is the logistical and security protection of witnesses and informants; the pole needs to provide protection for individuals whose lives may be threatened by criminal networks. It also requires an advanced logistical and technical infrastructure to secure systems and digital data to prevent leakage of sensitive information. Suleiman, A. F. (2008)

3.2.2 Sub-section Two: Effectiveness of the National Judicial Pole in Reducing Terrorism and Transnational Organized Crime:

The Algerian state has adopted a modern criminal policy based on judicial specialization, embodied in the establishment of the national judicial pole to reduce organized crime and terrorism. It aims to concentrate judicial expertise and unify efforts to confront these crimes that affect state security, and to assess its ability to achieve the desired practical results in combating them.

First: Concentrating Judicial Specialization and Coordination with Security Agencies: Concentrating judicial specialization aims to exclusively consider terrorism and organized crime cases, which are among the most complex cases, before a specialized judicial authority, i.e., in the hands of judges experienced in this type of crime, in addition to the expertise and ability to handle extracted evidence and understand encryption techniques used by criminal groups. The pole also contributes to improving coordination between the Public Prosecutor's Office, the judicial police, and security services, as well as unifying informational efforts.

Second: Enhancing the Speed of Procedures and Contributing to Dismantling Terrorist and Criminal Networks:

Enhancing the speed of procedures and dismantling networks is the ultimate goal behind the 2025 amendments to the Code of Criminal Procedure. Justice in terrorism and organized crime cases is only complete if it is swift and comprehensive, targeting the criminal structure, not just individuals. In organized crime, time is the primary enemy, and delaying procedures may allow criminals to escape or launder money. Therefore, the law resorted to mechanisms including digitization and electronic litigation, i.e., adopting an electronic file system instead of traditional paper correspondence, activating strict legal deadlines by setting precise timelines for investigation and trial proceedings in the pole's cases, while reducing extensions of investigation except in cases of extreme necessity dictated by the case's complexity. Regarding contributing to dismantling terrorist and criminal networks, the goal here is to move from the "traditional approach" of arresting the perpetrator to the "structural approach" of destroying the organization. The pole has proven its effectiveness in tracking the financing of terrorism and organized crime, tracing the path of funds from the moment of the crime until they reach fictitious accounts, immediate seizure and confiscation, and dismantling sleeper cells and organizations with cross-border reach.

Third: Activating International Cooperation Between the National Judicial Pole and Security Agencies:

Given the nature of cross-border crimes, investigation mechanisms rely heavily on international channels, including: security and intelligence cooperation based on intensifying the exchange of intelligence information between national security agencies and specialized agencies (such as INTERPOL) regarding terrorist fighters and cross-border criminal networks. The pole also acts as a coordination center between various judicial control agencies, ensuring information flow and joint work between bodies. Additionally Meziani, S. (2025), it represents the main judicial channel for international cooperation in these files, undertaking to request and provide mutual legal assistance to and from foreign countries (to execute freezing orders, interrogate witnesses, or exchange evidence), and executing procedures for the extradition of persons internationally wanted for terrorism and organized crime. It also contributes to unifying investigative and judicial practices at the national level, thereby raising the quality of procedures used in combating these types of crimes. Law No. 06-01 relating to the prevention of

corruption, in its Title Five entitled "International Cooperation and Asset Recovery," in Articles 57 to 69, provides the procedural and international judicial framework that activates the work of the national judicial pole. These articles aim to provide exceptional investigation means and extend judicial jurisdiction nationally and internationally, enabling it to trace and recover funds and prosecute perpetrators. Thus, the national judicial pole constitutes the central mechanism for applying these provisions on the ground, especially in corruption cases of an organized or cross-border nature. Meziani, S. (2025)

I. Conclusion:

The National Judicial Pole for Combating Terrorism and Transnational Organized Crime represents a qualitative leap in Algerian criminal policy, enshrining the principle of judicial specialization by concentrating expertise and resources to confront the most dangerous forms of contemporary criminality. This pole combines comprehensive national jurisdiction with special investigation mechanisms (such as infiltration and technical surveillance) to dismantle cross-border criminal networks. Despite the legal and technical challenges it faces, this pole remains a pivotal tool for enhancing criminal deterrence, activating international judicial cooperation, and balancing procedural effectiveness with the guarantees of a fair trial, making it an essential pillar for protecting national security and societal stability.

II. Findings:

1. Law No. 25-14 brought about a qualitative shift in the Algerian criminal judiciary by establishing specialized poles with national jurisdiction, thereby overcoming the inadequacy of narrow local jurisdiction in confronting cross-border crimes.
2. The pole possesses exceptional and effective investigation mechanisms (infiltration, interception of correspondence, controlled delivery) subject to judicial oversight, enabling it to penetrate the complex structure of terrorist and criminal networks.
3. The Algerian legislator enshrined the principle of judicial specialization by assigning terrorism and organized crime cases to experienced judges with continuous training, which enhances the quality of judgments and unifies jurisprudence.
4. Despite its effectiveness, the pole faces significant challenges, most notably: the slowness of international judicial cooperation, the rapid technical evolution of criminal groups (such as cryptocurrencies), and the multiplicity of legal texts, which complicates the legal characterization of crimes.
5. The pole constitutes a pivotal mechanism for activating Algeria's international obligations, particularly the Palermo Convention, by serving as the main channel for international judicial cooperation in the areas of information exchange, asset freezing, and extradition of criminals.

III. Recommendations:

1. **Continuous Updating of the Legislative Framework:** I recommend that the Algerian legislator keep pace with the technical evolution of crime by introducing texts that explicitly criminalize the use of cryptocurrencies and modern digital means in terrorist financing and money laundering.
2. **Enhancing Specialized Training for Judges:** The necessity of establishing continuous and mandatory training programs for judges and judicial police officers working within the pole in the fields of digital investigation, financial data analysis, and techniques for combating criminal encryption.

3. **Developing International Cooperation Mechanisms:** Work towards concluding more flexible and effective bilateral and multilateral agreements with brotherly and friendly countries, particularly in the area of exchanging digital evidence and recovering criminal assets within reasonable timeframes.
4. **Strengthening Protection for Witnesses and Whistleblowers:** I recommend enhancing physical and legal protection mechanisms for witnesses and whistleblowers in corruption and terrorism cases, and providing a secure logistical and technical infrastructure for them, to encourage reporting while minimizing risks.
5. **Comprehensive Digitization of Procedures:** Expanding the full adoption of the digital judicial file system within the pole, to ensure rapid information exchange between various security and judicial bodies, and to reduce investigation and trial timeframes.

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