



GUARANTEES OF A FAIR TRIAL IN CRIMINAL MATTERS- HISTORICAL EVOLUTION AND ADAPTATION IN ALGERIAN LAW

KRIZ Bilal*

University of Algiers 1, Faculty of Law

b.kriz@univ-alger.dz

Laboratory of Criminal Sciences

Send Article Date: 28-11-2025

Date of acceptance of the article: 15-12-2025

Abstract:

A fair trial is a fundamental principle of criminal law, ensuring the protection of the rights of those involved in legal proceedings and the legitimacy of the judicial system. This article traces its historical evolution, from Antiquity to contemporary international instruments (ECHR, ICCPR), and then examines its adaptation in Algerian law through the 2020 Constitution and the 2025 Code of Criminal Procedure. Recent reforms strengthen the rights of the defense, limit the duration of pretrial detention, create specialized courts, and promote the digitalization of procedures. The study emphasizes that the effectiveness of a fair trial depends on institutions, the training of legal professionals, and technological innovations, and that it constitutes a dynamic principle requiring continuous adaptation.

Keywords: Fair trial - Criminal law - Procedural safeguards - Rights of the defense - Independence and impartiality of the judge.

Introduction:

The right to a fair trial is one of the cornerstones of modern criminal law, guaranteeing the protection of the rights of those involved in legal proceedings and the legitimacy of the judicial system. Recognized by international legal instruments and national legislation, it ensures that every accused person benefits from a fair, transparent procedure that respects their fundamental rights. This principle is enshrined in Article 6 of the European Convention on Human Rights (ECHR) (Council of Europe, 1950). and Article 14 of

*KRIZ Bilal

the International Covenant on Civil and Political Rights (ICCPR)(United Nations, 1966). which guarantee, in particular, the right to a competent, independent, and impartial tribunal, a public hearing, respect for a reasonable time, and access to effective means of defense. These instruments reflect a universal requirement: criminal justice is not limited to punishment; it also protects dignity and individual freedoms.

In Algeria, the constitutional anchoring of this principle was strengthened by the 2020 Constitution(Algeria, 2020), and Law No. 25-14 (Algeria, 2025).Establishingthe new Code of Criminal Procedure. These reforms are part of a project to modernize the judicial system and aim to bring national law closer to international standards while adapting mechanisms to local realities. They introduce concrete guarantees: effective access to defense, limitations on the time limits for pretrial detention, the creation of specialized courts, and the digitalization of procedures.

While these developments represent significant progress, they raise fundamental questions about their practical application and the conditions necessary for the full implementation of fair trial principles. This leads us to ask:

To what extent do these reforms strengthen procedural safeguards in Algeria? And what factors influence their effective application in the daily operations of the courts and for litigants?

This article proposes to analyze these issues in two stages: first, the historical evolution and foundations of the guarantees of a fair trial in criminal law; Next, their adaptation into Algerian law through recent legislative reforms and the prospects for effective implementation. The objective is to demonstrate that a fair trial, far from being an abstract concept, constitutes a practical and dynamic requirement, articulating historical heritage, international obligations, and institutional modernization.



1-The historical Evolution of Guarantees of a Fair Trial in Criminal Law

The fair trial, now recognized as a fundamental principle of criminal law, is the result of a long historical and philosophical evolution. From Antiquity to contemporary international codification, it has gradually been structured around key principles—independence and impartiality of the judge, equality of arms, presumption of innocence, right to a defense, public hearings, and respect for reasonable time limits. This section traces this genealogy of procedural guarantees and highlights their consolidation by international instruments and modern jurisprudence, in order to show how they underpin contemporary criminal justice.

1.1- The historical and International Foundations of a Fair Trial

The fair trial, as we understand it today, did not emerge as a universally accepted truth: it is the product of a slow philosophical and legal development. From Antiquity, Greek thought linked justice to the rational order of the city-state. Aristotle, in his *Nicomachean Ethics*, distinguishes two dimensions of justice: distributive justice, which ensures a proportional distribution of burdens and benefits within the community, and corrective justice, which restores balance between two parties in dispute. These reflections anticipate two essential elements of a fair trial: equal treatment of litigants and the restoration of balance by an impartial body(Aristotle, 2009).

Beyond moral considerations, Aristotelian justice already contains procedural elements. Aristotle emphasizes the role of the judge as an "impartial third party," responsible not for creating the norm but for applying it according to the requirements of equity(Aristotle, 2009).

This distinction between legislator and judge foreshadows the functional separation of powers, a cardinal principle of the modern fair trial.

Cicero, heir to Stoicism, developed a universalist conception of law. In *De Legibus*, he defends the idea of a natural, rational, and immutable law that transcends political contingencies. This approach presupposes that the judge is not an instrument of power but the guardian of a higher order of justice. Mohamed Arkoun reminds us

that "ancient law, in its universal scope, establishes the requirement of neutrality and impartiality that still characterizes the judicial ideal today." (Arkoun, 2006).

Roman law translated these principles into concrete institutions: the adversarial appearance of the parties (*audi alteram partem*), the obligation to hear the accused before any decision, the publicity of hearings, and the existence of appointed judges subject to strict procedural rules. These mechanisms, although reserved for Roman citizens, already constituted a primitive form of the modern fair trial. As Aldo Schiavone points out, "Roman law invented the idea that judicial truth can only emerge from a balanced confrontation between the parties." (Schiavone, 2012).

This requirement of adversarial proceedings is later found in medieval canon law, which mandated public instruction and the assistance of a lawyer. Medieval glossators and post-glossators, such as Irnerius and Accursius, contributed to systematizing these principles, giving rise to the *jus commune*, the ancestor of continental procedural law.

In the 18th century, this tradition experienced a decisive revival. Beccaria, in *On Crimes and Punishments*, denounced inquisitorial practices and argued for the presumption of innocence, reminding us that "the moral certainty of guilt must precede any sanction." (Beccaria, 1986).

Montesquieu, in *The Spirit of the Laws*, linked the independence of the judge to political liberty: "There is no liberty if the power to judge is not separated from the legislative and executive powers." (Montesquieu, 1977).

These philosophical reflections foreshadow the constitutional enshrining of the principle of a fair trial as a guarantee of fundamental freedoms. The Declarations of Rights of the late 18th century the American Declaration of Independence of 1776, the French Declaration of the Rights of Man and of the Citizen of 1789 already incorporated essential concepts: the presumption of innocence, the right to a defense, and the legality of crimes and punishments. Jean Rivero refers to these achievements as "the core of judicial guarantees."



In the 20th century, international codification enshrined these principles. Article 6 of the European Convention on Human Rights (ECHR) affirms the right to a fair trial before an independent and impartial tribunal, while Article 14 of the International Covenant on Civil and Political Rights (ICCPR) guarantees equality before the courts and the protection of the rights of the accused. These texts set forth essential rights: prior notification of the charges, legal assistance, a reasonable time frame, public hearings, and the presumption of innocence.

The case law of the European Court of Human Rights has played a major role in the interpretation of these standards. In the case of *Delcourt v. Belgium* (European Court of Human Rights, 1970), the Court affirmed that “Article 6 p 1 of the Convention guarantees the right to a fair trial before an independent and impartial tribunal.”

The case of *Kemmache v. France* (1991) clarified that the right to a fair trial implies that the accused be informed of the nature and cause of the accusation against them (European Court of Human Rights, 1991). These decisions illustrate that the ancient principles of impartial and adversarial justice are now being translated into a guarantee

Thus, the modern right to a fair trial cannot be understood without this long philosophical, legal, and jurisprudential genealogy. It is an evolving principle, consolidated by international instruments and contemporary jurisprudence, but deeply rooted in a universal tradition of justice and equity.

2.1-The Fundamental Principles of a Fair Trial

A fair trial rests on a set of fundamental principles that constitute the foundation of any criminal justice system that respects human rights. These principles, consolidated by international case law and normative instruments, translate into law the requirements of fairness and impartiality, ensuring that justice is not reduced to a mechanical application of the law, but that it respects the dignity and rights of those subject to it.

1.2.1 The Right to an Independent and Impartial Tribunal

The independence and impartiality of the tribunal constitute the cornerstone of a fair trial. A tribunal is independent when its judges can perform their duties without external influence, whether from the executive, legislative, or private sectors. Impartiality, for its part, implies that the judge shows no prejudice towards either party and that they judge based solely on the evidence presented in the case (United Nations, 1948).

The European Court of Human Rights has developed extensive case law on this point. In the case of Campbell and Fell v. the United Kingdom (1984), the Court reiterated that even the appearance of a lack of independence or impartiality is sufficient to violate Article 6 of the Convention (European Court of Human Rights, 1984). This requirement is reflected in many modern legal systems through the statutory appointment of judges, the security of their mandate, the transparency of appointment procedures, and the prohibition of external interference in the adjudication of cases.

In Algeria, Article 163 of the Constitution guarantees the independence of judges, and the 2025 reform of the Code of Criminal Procedure reinforces this provision by establishing strict criteria for the appointment and conduct of magistrates.

2.2.1 The Right to Equality of Arms

The principle of equality of arms requires that parties have the same opportunities to present their case and challenge opposing arguments. It guarantees procedural balance, ensuring that no party has an unjustified advantage and that no decision is made based on an unbalanced position.

This principle is embodied in several rights: access to case files, the opportunity to question witnesses, the right to present expert testimony, and the right to sufficient time to prepare one's defense. As Jean Rivero points out, "equality of arms is not limited to a formal balance; it requires that each party effectively has the capacity to exercise its rights under fair conditions" (Rivero, 1973).

In the Algerian context, the Code of Criminal Procedure now stipulates that the accused must be informed of all incriminating



evidence and has full communication rights with their lawyer, thus reinforcing the effectiveness of equality of arms.

3.2.1 The Right to the Presumption of Innocence

The presumption of innocence is a fundamental principle according to which every person accused of an offense is considered innocent until proven guilty. It implies not only a burden of proof on the prosecution, but also an obligation of discretion in public communication and in the conduct of proceedings.

As Montesquieu emphasized in *The Spirit of the Laws*, “no one should be judged guilty before the law has declared him guilty.” (Montesquieu, 1977). International case law, notably that of the European Court of Human Rights in the case of *Öcalan v. Turkey* (2005), insists that this presumption must be protected at every stage of the proceedings, including during media coverage and public statements by the authorities.

4.2.1 The Right to a Defense

The right to a defense includes the possibility for the accused to be assisted by a lawyer, to prepare their defense, and to benefit from any measures necessary to ensure the effectiveness of their defense. This is a right closely linked to equality of arms and the presumption of innocence.

In the case of *Salduz v. Turkey* (2008), the ECtHR affirmed that access to a lawyer from the first hearing is essential to guarantee the effectiveness of the right to a defense. In Algeria, the 2025 Code of Criminal Procedure explicitly provides for legal assistance from the moment of police custody and full access to the case file, thus aligning national law with international standards.

5.2.1 The right to a reasonable time and a public hearing

The right to a reasonable time ensures that the case is examined without undue delay, which protects both the accused against prolonged detention and the general interest of an effective justice system. A public hearing, except in cases provided for by law, ensures the transparency of the trial and strengthens public confidence in the judicial system. The ECtHR case law, notably in the case of

Kemmache v. France (1991) emphasizes that these guarantees are complementary: transparency ensures social and democratic oversight, while respecting time limits protects the integrity of the accused's rights.

In Algeria, recent reforms introduce mechanisms for monitoring the length of pretrial detention (Algeria, 2025) and promote open court hearings, subject to the protection of public safety and minors.

and in 2012, the Algerian legislator enacted the Child Protection Law, which is considered a fundamental safeguard for the rights of minors during judicial proceedings. The law aims to regulate measures and procedures concerning minors, taking into account their best interests and ensuring their legal and social (Algeria, 2015).

6.2.1 A Universal and Evolving Scope

These fundamental principles are now integrated into most national legislation and international instruments, but their effective application depends on institutional and cultural contexts.

In short, the right to an independent and impartial tribunal, equality of arms, the presumption of innocence, the right to a defense, respect for reasonable time limits, and open court hearings constitute the core of a fair trial. Their articulation guarantees not only the protection of the accused, but also the legitimacy and effectiveness of the judicial system (Clooney & Webb, 2021).

By ensuring that these standards are met, international law can foster a legal environment that respects individual dignity and promotes justice, even after the trial has concluded. This commitment to humane treatment and fairness is essential for building a just society where the rights of all individuals are upheld (Sharif, 2015/2014).

2- Adapting Guarantees of a Fair Trial in Algerian Law

The principles of a fair trial, now enshrined in the Constitution and the 2025 Code of Criminal Procedure, find a strengthened legal framework in Algeria. Their effective implementation, however, depends on the coordinated action of institutions, the training of judicial actors, and the use of modern tools. This section first examines recent legislative reforms that consolidate the rights of those involved in legal proceedings, then the practical conditions and



challenges of their application, revealing a process of continuous adaptation of the judicial system to international standards.

1.2- Recent Legislative Developments

The right to a fair trial is now an essential requirement of the Algerian judicial system, affirmed in the 2020 Constitution, which occupies the highest position in the hierarchy of norms of the domestic legal order. This constitutional recognition is not limited to a declaration of intent: it guarantees the effectiveness of fundamental procedural rights for any person subject to prosecution or deprivation of liberty, in perfect consistency with the international commitments undertaken by Algeria, in particular under the International Covenant on Civil and Political Rights (ICCPR).

Among the key provisions of the Constitution, Articles 43, 44, and 167 enshrine the essential guarantees of a fair trial: presumption of innocence, rights of the defense, access to justice, prohibition of arbitrary detention, and the right to an effective remedy. Article 41 specifies that “every person is presumed innocent until proven guilty by a regular court, with all the guarantees required for a fair trial.” Article 45 expressly guarantees the rights of persons deprived of their liberty, including the right to information, the right to defend themselves with the assistance of a lawyer, and the right to challenge the legality of their detention before a court. Article 163 reaffirms the independence of the judiciary “any pressure exerted on them is a crime punishable by law.” Similarly, Luigi Ferrajoli reminds us that “a fair trial is not only an individual right, but a condition of legitimacy for any democratic legal order.”(Ferrajoli, 1995).

These constitutional principles constitute the fundamental framework that supports and legitimizes the reforms of the Code of Criminal Procedure, particularly Law No. 25-14 of August 3, 2025. This reform, widely praised by national and international legal scholars, is part of a modernization effort of the judicial system, aiming to align Algerian practices with international standards such as those of Article 6 of the ECHR and Article 14 of the ICCPR.

1.1.2- Strengthening the Rights of the Defense

One of the most significant aspects of this reform is the strengthening of the rights of the defense. From now on, the accused

has immediate access to a lawyer upon being taken into custody (Algeria, law 25-14). in accordance with international standards. This measure ensures that the accused can effectively prepare their defense, representing a significant improvement over previous legislation (Mahmoudi, 2025).

For example, in certain economic cases, a defendant can now consult their lawyer before any hearing related to complex financial transactions. This allows the lawyer to understand the nature of the accusations, request the production of documents, and submit observations from the outset of the investigation.

The Code of Criminal Procedure also stipulates that the accused must be clearly and fully informed of the nature and cause of the accusations against them, a principle directly inspired by the case law of the European Court of Human Rights, particularly the judgments in *Delcourt v. Belgium* (1970) and *Kemmache v. France* (1991). In practical terms, an individual accused of theft or tax fraud must receive a precise indictment, detailing the alleged offenses and the incriminating evidence, thus allowing for effective preparation of the defense.

2.1.2- The requirement to provide reasons for the pre-trial detention order

the Law 25/14 introduced a fundamental safeguard concerning pre-trial detention by requiring, under Article 197(3), that every order issued by the investigating judge to place the accused in pre-trial detention be duly reasoned. This amendment constitutes one of the most significant developments aimed at limiting the excessive resort to this exceptional measure.

The importance of this requirement appears in several key aspects, foremost among them the reinforcement of the principle that pre-trial detention is an exceptional measure. The obligation to provide reasons compels the investigating judge to set out the legal and factual grounds justifying recourse to this procedure, thereby preventing its use as a default or automatic option, in line with the fundamental principle of the accused's liberty.



3.1.2- Creation of Specialized Courts

The reform also introduces the creation of specialized courts, designed to handle complex or sensitive cases. These courts allow for a better distribution of responsibilities and more efficient case handling, while ensuring the specialization of judges in certain areas of criminal law, such as economic crimes, terrorism, or organized crime.

For example, money laundering or corruption cases involving multiple parties and complex financial documents are now handled by specialized chambers, where judges have received specific training in financial investigations and economic criminal law.

4.1.2- Improving Access to Justice

Finally, improving access to justice is a cornerstone of the reform. The 2025 Code of Criminal Procedure promotes the simplification of procedures and the use of digital tools for case tracking and communication with litigants.

Specifically, some courts now allow individuals to check the progress of a case online or to file electronic documents, thus reducing travel and accelerating case processing. In minor cases, such as commercial disputes or traffic violations, this digitalization enables faster and more transparent resolution, while ensuring respect for the right to information for all parties. so we can see the possibility for foreign nationals to pay bail through electronic payment methods (Algeria, Law 2025). and the possibility of submitting the petition for compensation for unlawful pre-trial detention electronically to the Secretary of the Compensation Committee.” (Algeria, Law 2025).

An Integrated Approach in Accordance with International Standards. These legislative advances are part of a strategy to consolidate fundamental rights while modernizing the Algerian judicial system. They show that the Algerian legislature draws inspiration not only from international standards but also from comparative best practices to ensure that the guarantees of a fair trial do not remain purely formal but become effectively operational in the daily practice of the courts.

In conclusion, Law No. 25-14 of August 3, 2025, represents a major turning point in the protection of the rights of litigants in Algeria. By strengthening the rights of the defense, regulating pretrial detention, creating specialized courts, and improving access to justice, the Algerian legislature is helping to bring the judicial system closer to the requirements of international law, while simultaneously strengthening citizens' trust in judicial institutions.

2.2- Prospects for the Effective Implementation of Fair Trial Guarantees in Algeria

While Algerian legislation has significantly strengthened the rights of litigants, the effectiveness of the right to a fair trial depends less on the letter of the law than on its implementation. The success of this implementation therefore requires an appropriate judicial organization, well-trained actors, and sufficient institutional resources.

1.2.2- The Evolution of the Legislative and Institutional Framework

Recent reforms to Algerian law demonstrate a genuine commitment to a fairer and more transparent justice system. Law No. 25-14 of August 3, 2025, establishing the new Code of Criminal Procedure, have strengthened several fundamental guarantees of a fair trial. These texts reflect the desire to bring the national judicial system closer to the international standards set forth in Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and Article 7 of the African Charter on Human and Peoples' Rights.

Among the major advances, the Law No. 25/14 provides a fundamental safeguard for the rights of the defense by explicitly stipulating that the accused, the victim, or the civil claimant cannot be heard, nor can a confrontation be conducted among them, without the presence of a lawyer. This provision reinforces the participatory nature of investigative procedures and protects the interests of the parties, also the legislator emphasizes the requirement to summon the lawyer through formal means, abolishing the possibility of oral notification, which was prone to practical difficulties regarding proof of service. The law provides two methods for notification: registered



mail or any reliable electronic means, ensuring that the summons is delivered in a verifiable and documented manner(Algeria, 2025).

These coherent and complementary reforms mark a significant evolution of the Algerian system towards a criminal justice system that is more respectful of fundamental rights.

2.2.2- Training and Culture of Judicial Actors

The effective implementation of these guarantees requires their adoption by judicial actors—judges, prosecutors, lawyers, and court clerks. Indeed, the existence of a clear regulatory framework is not enough: legal professionals must also fully embrace the culture of a fair trial.

With this in mind, the National School for the Judiciary (ESM) has, since 2022, strengthened its initial and continuing training programs focusing on the rights of the defense, the adversarial process, and judicial impartiality. These initiatives are essential to ensuring consistency between legal principles and judicial practice

Similarly, lawyers play a key role in realizing the right to a defense. Their training in new procedures and digital tools, particularly those related to the digitization of legal processes, directly contributes to strengthening the balance between the parties and ensuring respect for equality of arms.

3.2.2- Access to Justice and the Digitization of Procedures

Another important lever for the effective implementation of a fair trial lies in access to justice and information. The simplification and digitization of procedures, initiated as part of the 2025 reform, have led to the introduction of digital platforms allowing litigants to consult their case files, follow hearings, and submit certain requests online.

This innovation addresses a dual objective: reducing procedural delays and making justice more accessible, particularly in remote areas.

Furthermore, the pilot program for videoconferencing in certain hearings, initiated during the 2020-2021 health crisis, demonstrated that digital tools can uphold fundamental rights without compromising procedural safeguards. This modernization makes it possible to

reconcile efficiency with respect for the principles of public hearings, transparency, and reasonable time limits.

4.2.2- Institutional Coordination and Persistent Challenges

The effectiveness of a fair trial also depends on coordination between the various judicial and institutional actors. In complex cases, such as those involving corruption or organized crime, the rapid transmission of information between investigative services, the public prosecutor's office, and the courts is crucial. Cooperation protocols and digital communication systems have been introduced to streamline these exchanges and minimize delays.

However, several structural challenges remain: the courts' workload, a lack of material resources, administrative delays, and a legal culture that is sometimes still marked by excessive formalism. Training, resource planning and awareness-raising among stakeholders remain priorities to ensure consistent application of the new guarantees across the entire territory.

5.2.2-. A Dynamic of Continuous Adaptation

Ultimately, the effective implementation of fair trial guarantees in Algeria cannot be considered an end in itself, but rather an evolving and ongoing process. Recent legislative reforms have laid a solid foundation, but their success will depend on the judicial system's capacity to sustainably integrate a culture of fundamental rights.

Conclusion

The study demonstrates that the right to a fair trial is not a modern concept but the result of a long philosophical evolution, spanning from Greek and Roman thought to the Enlightenment, where fundamental principles such as equality before the law, the separation of powers, and the protection of individual liberty from arbitrary authority were crystallized. International instruments, notably the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR), have translated these philosophical principles into concrete legal obligations, requiring states to guarantee an independent judiciary, transparent



procedures, respect for defense rights, and limitations on restrictions of liberty.

Within this framework, the legislative reforms introduced by Algeria's 2025 Code of Criminal Procedure represent a serious effort to assimilate this philosophical legacy and international standards. They include essential guarantees such as immediate access to legal counsel upon detention, stricter safeguards on pre-trial detention with mandatory justification, the establishment of specialized courts, and the expansion of digital procedures to enhance transparency and expedite case management.

However, the effectiveness of these guarantees does not depend solely on legal texts. It requires institutional dynamism manifested in the training of judges, law enforcement officers, and lawyers, the improvement of material resources, the reduction of court workload, and the cultivation of a legal culture grounded in respect for fundamental rights. On this basis, the study recommends the following measures to strengthen the practical implementation of fair trial principles:

- Enhance Specialized Training for Judges and Law Enforcement Officers by integrating mandatory modules on human rights and fair trial guarantees, complemented by continuous updates informed by international jurisprudence.
- Accelerate the Digitalization of Judicial Procedures through the expansion of secure electronic platforms for case management, the audiovisual recording of hearings and investigations, and the digitalization of pre-trial detention records to ensure precise oversight of time limits.
- Strengthen Safeguards Surrounding Pre-Trial Detention by enforcing stricter judicial review, requiring detailed justification for detention, and promoting alternatives such as judicial supervision and electronic monitoring.
- Reinforce Practical Judicial Independence by protecting appointment and promotion processes from external interference and providing adequate human and material resources to ensure impartial decision-making.

Accordingly, it can be concluded that Algeria has taken a significant step toward incorporating the philosophical roots and

international standards of the right to a fair trial into its legislative framework. Nevertheless, the true challenge lies in ensuring the effective application of these guarantees in practice, thereby protecting individual rights and enhancing citizens' confidence in the judicial system.

Citations

- Algeria. (2025). *Law 2025, Art. 214*.
- Algeria. (2025). *Law 2025, Art. 223*.
- Algeria. (n.d.). *Law No. 25-14, Arts. 175 & 180*.
- Algeria. (2025). *Law No. 25-14, Arts. 202–205*.
- Aristotle. (2009). *Nicomachean ethics* (W. D. Ross, Trans.). Oxford University Press.
- Arkoun, M. (2006). *Rethinking Islam: Common questions, uncommon answers*. Westview Press.
- Beccaria, C. (1986). *On crimes and punishments* (D. Young, Trans.). Hackett Publishing.
- Campbell and Fell v. United Kingdom, App. No. 7819/77 & 7878/77 (ECHR 1984).
- Clooney, A., & Webb, P. (2021). *The right to a fair trial in international law* (p. 152). Oxford University Press.
- Council of Europe. (1950). *European Convention on Human Rights (as amended)*.
- Delcourt v. Belgium, Application No. 2689/65 (ECHR 1970).
- European Court of Human Rights. (1991). *Kemmache v. France* (Applications Nos. 12325/86 & 14992/89).
- European Court of Human Rights. (1991, November 27). *Kemmache v. France* (Application No. 24862/94).
- Ferrajoli, L. (1995). *Law and reason: Theory of penal garantism*. Editorial Trotta.
- Mahmoudi, R. (2025). *Fair trial guarantees between international and national guarantees*. Algerian Journal of Law and Political Sciences, 1(10), 0102.
- Montesquieu, C. de Secondat. (1977). *The spirit of the laws* (T. Nugent, Trans.). University of California Press.
- People's Democratic Republic of Algeria. (2015, July 19). *Law No. 15-12 on Child Protection* (Official Gazette No. 39).
- People's Democratic Republic of Algeria. (2020, December 30). *Constitution of the People's Democratic Republic of Algeria* (Official Gazette No. 82).
- People's Democratic Republic of Algeria. (2025, August 13). *Law No. 25-14 establishing the Code of Criminal Procedure* (Official Gazette No. 54).
- Rivero, J. (1973). *Les libertés publiques*. Presses Universitaires de France.
- Schiavone, A. (2012). *The invention of law in the West* (J. Carden & A. Shugaar, Trans.). Belknap Press of Harvard University Press.
- Sharif, A. (2015/2014). *Objective standards for fair trials in international law and Algerian law* (Doctoral thesis, Abou Bakr Belkaid University, Tlemcen).
- United Nations. (1948, December 10). *Universal Declaration of Human Rights*, Article 10.
- United Nations. (1966). *International Covenant on Civil and Political Rights*.



References:

Books

- Aristotle. (2009). *Nicomachean ethics* (W. D. Ross, Trans.). Oxford University Press.
- Arkoun, M. (2006). *Rethinking Islam: Common questions, uncommon answers*. Westview Press.
- Beccaria, C. (1986). *On crimes and punishments* (D. Young, Trans.). Hackett Publishing.
- Ferrajoli, L. (1995). *Law and reason: Theory of penal garantism*. Editorial Trotta.
- Montesquieu, C. de Secondat. (1977). *The spirit of the laws* (T. Nugent, Trans.). University of California Press.
- Rivero, J. (1973). *Les libertés publiques*. Presses Universitaires de France.
- Schiavone, A. (2012). *The invention of law in the West* (J. Carden & A. Shugaar, Trans.). Belknap Press of Harvard University Press.
- Clooney, A., & Webb, P. (2021). *The right to a fair trial in international law* (p. 152). Oxford University Press.

Articles

- Mahmoudi, R. (2025). Fair trial guarantees between international and national guarantees. *Algerian Journal of Law and Political Sciences*, 1(10), 0102.

Doctoral Theses

- Sharif, A. (2015/2014). Objective standards for fair trials in international law and Algerian law (Doctoral thesis, Abou Bakr Belkaid University, Tlemcen).

Legal Texts

- People's Democratic Republic of Algeria. (2020, December 30). Constitution of the People's Democratic Republic of Algeria (Official Gazette No. 82).
- People's Democratic Republic of Algeria. (2015, July 19). Law No. 15-12 on Child Protection (Official Gazette No. 39).
- People's Democratic Republic of Algeria. (2025, August 13). Law No. 25-14 establishing the Code of Criminal Procedure (Official Gazette No. 54).

International Legal Instruments

- Council of Europe. (1950). *European Convention on Human Rights* (as amended).
- United Nations. (1948, December 10). *Universal Declaration of Human Rights*, Article 10.
- United Nations. (1966). *International Covenant on Civil and Political Rights*.

Case Law / Court Decisions

- Delcourt v. Belgium, Application No. 2689/65 (ECHR 1970).
- European Court of Human Rights. (1984). *Campbell and Fell v. United Kingdom*, App. No. 7819/77 & 7878/77.
- European Court of Human Rights. (1991). *Kemmache v. France*, Applications Nos. 12325/86 & 14992/89.
- European Court of Human Rights. (1991, November 27).
- *Kemmache v. France*, Application No. 24862/94.