The criminal procedural mechanisms established to combat the crime of human trafficking, according to the Algerian Code of Criminal Procedure 25/14

الآليات الإجرائية الجزائية المقررة لمكافحة جريمة الاتجار بالبشر وفقًا لقانون الإجراءات الجزائية الجزائري 14/25

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Abstract:

Human trafficking is classified as a serious crime that constitutes a flagrant violation of human rights and an assault on human dignity, given its various forms of exploitation. The unique nature of this crime and the complexity of its criminal patterns have necessitated the development of effective criminal procedure rules that enable competent judicial authorities to efficiently conduct investigations, inquiries, and prosecutions, while providing necessary protection for victims and ensuring that perpetrators do not escape punishment. In this context, a fundamental question arises regarding the effectiveness of the procedural rules of criminal law established by the Algerian legislator under Code of Criminal Procedure No. 25/14 in addressing the specific nature of human trafficking and combating its various criminal forms. This necessitated the legislator's intervention through this law to enshrine a set of procedural mechanisms tailored to the nature of this crime, by adapting procedures, regulating judicial prosecution, and strengthening protection guarantees. This contributes to greater effectiveness in combating human trafficking and standardizing judicial practices in this area.

Keywords : Human trafficking, criminal procedures, investigation and follow-up, judicial investigation, specialized courts.

الملخص:

تُصنَّف جريمة الاتجار بالبشر ضمن الجرائم الجسيمة التي تشكّل انتهاكًا صارخًا لحقوق الإنسان واعتداءً على كرامته، نظرًا لما تتضمنه من صور متعددة من الاستغلال. وقد فرضت خصوصية هذه الجريمة وتعقيد أنماطها الإجرامية ضرورة تطوير قواعد إجرائية جزائية فعّالة، تمكّن الجهات القضائية المختصة من مباشرة أعمال البحث والتحري والمتابعة بكفاءة، مع توفير الحماية اللازمة للضحايا وضمان عدم إفلات الجناة من العقاب. وفي هذا السياق، يثور التساؤل الجوهري حول مدى فعالية القواعد الإجرائية الجزائية التي أقرّها المشرّع الجزائري بموجب قانون الإجراءات الجزائية رقم 14/25 في مواجهة خصوصية جريمة الاتجار بالبشر والتصدي لمختلف صورها الإجرامية، وهو ما استدعى تدخل المشرّع من خلال هذا القانون لتكريس مجموعة من الآليات الإجرائية التي تتلاءم مع طبيعة هذه الجريمة، عبر تكييف الإجراءات، وتنظيم المتابعة القضائية، وتعزيز ضمانات الحماية، بما يسهم في تحقيق فعالية أكبر في مكافحتها وتوحيد الممارسات القضائية في هذا المجال

الكلمات المفتاحية: الاتجار البشر، الاجراءات الجزائية، التحري والمتابعة، التحقيق القضائي، المحاكم المتخصصة.

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Introduction:

Human trafficking is one of the most serious crimes threatening human rights and dignity, as it involves the physical, economic, and social exploitation of individuals, often within the context of organized and transnational crime. With the increasing complexity of its methods and its entanglement with other crimes, the need has arisen to develop effective criminal procedural mechanisms that enable the detection of these crimes, the prosecution of perpetrators, and the protection of victims, thus ensuring the achievement of criminal justice.

The importance of studying criminal procedural mechanisms for combating human trafficking, in accordance with the Criminal Procedure Law 25/14, lies in the fact that these mechanisms form the backbone of national criminal policy to address this crime. They contribute to enhancing the effectiveness of criminal prosecution and ensuring the consistent and systematic application of the law, while respecting individual rights and the principles of a fair trial.

This study is based on a central question: To what extent are the procedural rules of criminal law stipulated in Criminal Procedure Code 25/14 capable of addressing the specific nature of human trafficking, particularly in light of the evolving methods used and the complexity of the networks involved? Furthermore, are these mechanisms sufficient to ensure a balance between the effectiveness of combating the crime and the protection of victims?

The methodology employed in this research is descriptive and analytical, relying on a study of national legal texts, relevant international conventions and agreements, and case law and academic literature to interpret and evaluate the effectiveness of these mechanisms. This is achieved by focusing on the fundamental elements of the procedural framework of criminal law, including the powers of competent judicial authorities, investigation procedures, and methods of protecting victims.

To address this central question, the study is divided into two main sections. The first section examines the conceptual framework of human trafficking, while the second section explores the procedural framework of criminal law for combating human trafficking in light of Criminal Procedure Code 25/14.

1. The Conceptual Framework of the Crime of Human Trafficking

The contemporary world is witnessing a significant rise in the phenomenon of human trafficking, which has become one of the most dangerous forms of transnational organized crime due to its grave violation of human dignity and fundamental rights. Several factors have contributed to the spread of this phenomenon, including poverty, unemployment, armed conflicts, weak legal oversight, and technological advancements that have facilitated the exploitation of individuals through more sophisticated and clandestine means.

Therefore, defining the conceptual framework of human trafficking is of paramount importance. It helps to clarify any ambiguity surrounding the term, distinguishes it from similar crimes, and serves as a foundation for understanding the applicable legal and procedural rules. Consequently, addressing this framework necessitates defining the crime, outlining its elements, and describing its characteristics.

1.1- Defining the crime of human trafficking

Defining the crime of human trafficking is a fundamental issue in the legal field, given the multifaceted nature of this crime and its overlap with other similar crimes, such as migrant smuggling and exploitation in its various forms. This makes a precise definition essential for understanding its legal nature and determining its scope of application.

National legislation and international conventions have devoted considerable attention to establishing a precise definition, most notably the Palermo Protocol, which provides a comprehensive definition based on identifying the elements of the crime: the act, the means, and the exploitative purpose. This contributes to unifying the legal understanding of the crime internationally.

The importance of this definition lies in the fact that it is not limited to the theoretical aspect but extends to form the basis upon which legal provisions are built, whether in terms of criminalization, prosecution, or the protection of victims. Furthermore, it plays a crucial role in distinguishing it from other related crimes.

1.1.1-The jurisprudential meaning of the crime of human trafficking:

The definition of human trafficking lacks consensus among legal scholars, which has hindered the ability to prosecute perpetrators. However, it can be said that human trafficking encompasses "all legal and illegal acts that transform a human being into a mere commodity or victim, to be traded by professionals across national borders for the purpose of exploiting them in profitable activities, wages, sexual activities, or similar means, whether the victim consents or not, or in other forms of slavery." Others define it as "the recruitment or transportation of persons by force, coercion, or deception for the purposes of exploitation in its various forms, including sexual exploitation, forced labor, compulsory service, begging, slavery, organ trafficking, and others." Therefore, human trafficking can be defined as any legally prohibited act committed by a natural or legal person with the aim of exploiting a human being in various ways to gain material benefit. (Youssef)

1.2 -The Legal Implications of the Crime of Human Trafficking

1.2.1-Definition of the Crime of Human Trafficking According to the Palermo Protocol

Human trafficking is a crime with an international dimension, which is clearly demonstrated by the ongoing international efforts to combat various forms of human exploitation. These efforts began with combating slavery, considered the historical origin of human trafficking, and gradually evolved into criminalizing human trafficking in its modern form, particularly with the adoption of the Palermo Protocol in 2000.

This historical trajectory culminated in a series of international agreements reflecting the international community's concern about this crime, including: the International Convention for the Suppression of the White Slavery of 1904, the International Convention for the same

purpose of 1910, the International Convention for the Suppression of the Traffic in Women and Children of 1921, the Geneva Convention for the Suppression of Slavery of 1926, the International Convention for the Abolition of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1950, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Practices Similar to Slavery of 1956.

Later, the international legal framework was strengthened with the adoption of the United Nations Convention against Transnational Organized Crime, known as the Palermo Convention, which included a Protocol to Prevent, Suppress and Punish Trafficking in Persons.

Especially women and children, which underscores the transnational nature of this crime and the necessity of international cooperation to combat it.

With reference to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which Algeria ratified with reservations under Presidential Decree 03-417, Article 3 stipulates the following:

(A) The term "trafficking in persons" means the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.

(B) The consent of a victim of trafficking in persons to the intended exploitation described in subparagraph (a) of this article shall not be relevant in cases where any of the means described in subparagraph (a) have been used.

(C) The recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation shall be considered trafficking in persons, even if it does not involve the use of any of the means described in subparagraph (a) of this article.

(D) The term "child" means any person under the age of eighteen. (Article 3 of the Protocol to Prevent)

1.2.2- Definition of human trafficking in regional conventions.

Regional conventions have provided definitions of human trafficking, which largely conform to the definition in the Palermo Protocol of 2000.

Article 4 of the Council of Europe Convention defines human trafficking as: the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. (Trafficking)

Article 11 of the Arab Convention against Transnational Organized Crime stipulates that: Each State Party undertakes to take the necessary measures within the framework of its domestic law to criminalize the commission of, or participation in, the following acts by an organized criminal group:

1- Any threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or exploitation of vulnerability for the purpose of recruiting, transporting, harboring, or receiving persons for the purpose of their unlawful exploitation in prostitution or other forms of sexual exploitation, forced labor or services, slavery, practices similar to slavery, or servitude. The consent of the victim of trafficking in forms of exploitation shall not be valid when the means specified in this paragraph are used.

2- The recruitment, transport, harboring, or receiving of a child for the purpose of exploitation shall be considered trafficking in persons, even if it does not involve the use of any of the means specified in paragraph (1) of this article. In all cases, the child's consent shall not be valid. (Crime)

1.2.3- Definition of the crime of human trafficking in Algerian legislation

The general rule is that defining terms is not the function of the legislator. Rather, precise legal definitions are usually the domain of jurists and experts, as the legislator only defines criminal matters in exceptional circumstances. In Algerian legislation, the crime of human trafficking was initially stipulated in the Penal Code under the name "trafficking in persons," specifically in Articles 303 bis 4 to 303 bis 15. This term was considered inaccurate because it encompassed both natural and legal persons, whereas the subject of the crime is solely a human being. The legislator addressed this deficiency by repealing those articles and enacting Law No. 23-04 of May 7, 2023, concerning the prevention and combating of human trafficking. This law is considered a preventive measure aimed at protecting human beings and combating all forms of trafficking. Its definition of the crime is based on the international definition contained in paragraph (a) of Article 3 of the Additional Protocol to the United Nations Convention against Transnational Organized Crime (Palermo Protocol 2000), which focuses on preventing and suppressing trafficking in persons, particularly women and children, thus ensuring that national legislation aligns with international standards. (Youssef, p. 240)

Article 2 of Law No. 23/04 defines human trafficking as: the recruitment, transportation, transfer, harboring, or receipt of one or more persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position, exploitation of a position of vulnerability, or by giving or receiving payments or benefits to achieve the consent of a person having power over another person, for the purpose of exploitation. Exploitation includes, in particular, the exploitation of prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or organ removal. The giving or receiving of payments or benefits for the sale, transfer, or acquisition of a child for any purpose and in any form is also considered human trafficking. The law further stipulates that the use of any of the means mentioned in the first

paragraph above is not required for the crime of human trafficking with respect to a child to be established, provided that the intent to exploit is present. (Article 2 of Law No. 23-04 dated May 7)

2.The elements and characteristics of the crime of human trafficking

The crime of human trafficking is characterized by a unique legal nature, making it a complex crime based on a set of interconnected elements. Its legal definition is only established when all these elements are present. This necessitates analyzing its legal structure by examining its various fundamental components.

Furthermore, this crime possesses distinctive characteristics that reflect its severity, whether in terms of its connection to organized crime, its frequent transnational reach, or its direct infringement upon human rights. This underscores the importance of studying it by analyzing its elements and characteristics to gain a more precise understanding of its legal nature.

2.1- Elements of the Crime of Human Trafficking

According to Article 2, the definition of human trafficking consists of three essential elements that define the nature of this crime and distinguish it from other similar crimes: the acts, the means, and the exploitative purpose.

2.1.1- Acts of Human Trafficking

The aforementioned article specifies a set of acts that constitute the material element of the crime, namely: the recruitment, transportation, transfer, harboring, or receipt of persons.

a- Recruitment of Persons

Recruitment refers to the process of attracting or coercing persons for the purpose of exploiting them, whether this occurs within or outside the country. This act is not limited to coercive means but may also be carried out through indirect means such as enticement, luring, or deception. Therefore, it can be defined as enticing or attracting persons with the intention of bringing them into a cycle of exploitation.

b- Transportation/Transfer of Persons

Transfer refers to the movement of persons from one place to another, whether within the territory of the state or across international borders.

As for transportation, it means moving or transferring people from one place to another. This may be part of a series of operations aimed at removing the victim from their original environment to facilitate their exploitation.

c- Harboring and Receiving People (Harboring/Receiving)

Harboring involves providing a place or refuge to hide or detain people in preparation for their exploitation.

Receiving means taking possession of people after they have been moved or transferred, whether within the country or across its borders, thus completing the series of acts constituting the crime. (Oudini, p. 90)

2.1.2- Methods used in human trafficking

The article stipulates a set of methods used to subjugate a victim, including: the threat or use of force, coercion, kidnapping, fraud, deception, abuse of power, exploitation of vulnerability, or offering advantages to obtain the consent of someone who has control over the victim.

a- Abuse of Power: The protocol does not provide a precise definition of this concept. However, it refers to the use of influence or power that one person holds over another, such as the authority of the head of a family over its members or the authority of a guardian over a minor, with the aim of subjugating them or facilitating their exploitation.

b- Exploitation of Vulnerability: This refers to exploiting a vulnerable situation in which a person finds themselves unable to refuse or resist exploitation. This vulnerability may stem from economic factors (poverty), social factors (marginalization), legal factors (illegal immigration), or health factors (illness or disability). It is understood that the victim is in a position where they have no real choice but to submit. (Oudini, p. 90)

2.1.3- Exploitative purpose

Exploitation is the primary objective of the crime of human trafficking. The Protocol identifies several forms of exploitation, including:

1- Exploitation of prostitution: This refers to using a person in prostitution for financial gain, also known as pimping, which is criminalized in various legal systems.

2- All other forms of sexual exploitation:

The Protocol does not provide a specific definition for this concept, leaving it to national legislation to define its forms. This allows for keeping pace with the continuous evolution of exploitation methods, especially through modern means.

3- Forced labor: Forced labor refers to depriving a person of their fundamental rights at work, such as fair wages and humane working conditions.

Forced labor, according to the Forced Labour Convention of 1930, is any work imposed on a person under threat or coercion, without their free consent, even if it is for pay.

4. Slavery and Slavery-like Practices

This includes subjecting a person to authority akin to ownership, or placing them in conditions similar to slavery, such as debt bondage or serfdom.

5. Slavery

This involves imposing effective control over a person and forcing them to work or serve in conditions from which they cannot escape.

6. Organ Removal

This is considered one of the most serious forms of exploitation, where organs are removed from the victim's body for financial gain. (Oudini, pp. 90-91)

2.2- Characteristics of the crime of human trafficking

The crime of human trafficking is characterized by a number of features that give it a unique character, distinguishing it from other crimes, whether in terms of its subject matter, method of commission, or scope. It is a crime that targets only human beings, who are the object of protection, and it often requires a period of time to complete its elements, which gives it a continuous nature. Furthermore, it is closely linked to the activities of organized criminal groups, particularly those of a transnational nature. Accordingly, these characteristics will be discussed in more detail below:

2.2.1- The crime of human trafficking affects the human being as the object of protection:

The crime of human trafficking differs from other crimes in that its object is the human being himself. While the provisions of the penal code criminalize attacks on the various legal interests of the human being, including the right to life, physical safety, honor, reputation, and property, the crime of human trafficking aims to protect the human being himself, his freedom, and human dignity. The criminal legislator does not protect the property and possessions of individuals, but rather one aspect of the legal protection afforded to the individual himself.

Therefore, the crime of human trafficking possesses a unique characteristic that distinguishes it from other crimes in the penal code. It indicates extremely serious crimes that are not among Not only in terms of the means by which it is committed, but also its psychological and social effects on the victims. This crime is sufficient to destroy and dismantle any society.

This crime often occurs against vulnerable groups of people, namely women and children.

It can occur against anyone, but the law makes no distinction between this crime and any living human being, regardless of gender or age, man or woman, child, youth, or elderly. (Bashir, pp. 353-354)

The Algerian legislator explicitly enshrined this meaning in Law No. 23-04 relating to the prevention and combating of human trafficking, when it defined a victim of human trafficking as any natural person who has suffered material, physical or moral harm as a result of one of the acts of human trafficking, without any discrimination, and without requiring knowledge of the perpetrator or his prosecution.

2.2.2- The ongoing nature of the crime of human trafficking

A continuing crime is one whose execution is inherently capable of being extended over time whenever the perpetrator so desires. It is a crime where the voluntary act constituting the crime, whether an action or an omission, is predominantly continuous over a period of time, whether long or short.

Accordingly, human trafficking is considered a continuing crime as long as the elements constituting it require some time to be completed; that is, they are not completed all at once. For example, murder is a momentary crime because it occurs in a single act, such as when the perpetrator shoots or stabs the victim and kills them. The act of shooting or stabbing does not take long. In contrast, human trafficking requires time to complete the criminal act, as when the perpetrator transports, harbors, receives, or recruits the victim for the purpose of exploiting them in prostitution, forced labor, slavery, etc. Time is therefore an essential element in the commission of the crime. (Doub, pp. 535-536)

2.2.3- The organized nature of crime

Human trafficking is closely linked to organized crime, sharing many of its characteristics. While the United Nations Convention against Transnational Organized Crime does not provide a precise definition, it outlines the crime's defining features: organization, continuity, use of corruption and violence to achieve its objectives, profit-making, and an international or global reach. These are the same characteristics that distinguish human trafficking, thus classifying it as an organized crime. (Doub)

However, this characteristic is not absolute, as human trafficking may be committed within the territory of a single state, or even by a single individual or a limited number of people, without rising to the level of organized crime. Nevertheless, the Algerian legislator took this specificity into account when determining the penalty, considering that committing the crime within an organized criminal group or with a transnational character constitutes an aggravating circumstance, transforming the crime from a misdemeanor to a felony. This reflects the seriousness of this criminal pattern and the severity of the penal policy towards it.

2.2.4- compound crime

Human trafficking is described as a multifaceted crime, where coercion, abduction, or deception are used as methods to accomplish other acts, including transportation, recruitment, harboring, or hosting. Therefore, when these acts overlap with coercion, deception, or abduction, they are considered a unified crime, which is the crime of human trafficking. (Boudahra, p. 276)

3.The procedural framework for combating human trafficking in light of the Criminal Procedure Law 25/14

The crime of human trafficking presents significant procedural challenges due to its unique nature, the complexity of its methods, and its often organized and transnational character.

This necessitates the adoption of effective and flexible criminal procedural rules.

Accordingly, the Algerian legislator, through Code of Criminal Procedure 25/14, sought to establish a specific procedural framework that addresses the nature of this crime by strengthening the powers of investigative authorities and adapting prosecution procedures to enable more efficient detection and prosecution of these acts.

3.1- Adapting the investigation phase to the specific nature of human trafficking crimes

Human trafficking is a complex, organized, and transnational crime, prompting the Algerian legislature to enact a set of special procedural rules that reflect its gravity and nature. In this context, the legislature has adopted a distinct approach to the investigation and evidence-gathering phase, deviating from some of the general rules stipulated in the Code of Criminal Procedure.

This adaptation manifests itself in several ways, most notably by extending the periods of pre-trial detention to accommodate the difficulty of detecting this type of crime, as well as by establishing exceptions to the general rules concerning searches, thus allowing for greater effectiveness in evidence collection. The legislature has also introduced special investigative techniques tailored to the organized nature of this crime.

Therefore, we will attempt to highlight these exceptional privileges granted to judicial police officers in the fight against human trafficking.

3.1.1- Traditional investigative procedures

First: Deviating from general rules when searching residential premises

Some legal scholars define this as: searching the repository of secrets for evidence of the crime that occurred and anything that helps in uncovering the truth. The repository of secrets is represented by the person of the accused or the place where he works or resides.. (Ladash) Insofar as the search is conducted in this sense, it is considered among the serious investigative procedures because it involves an infringement on the accused's personal freedom and residence.. (Youssef Mustafa Hussein)

A dwelling is considered to be the place where a person usually lives, whether owned or rented, and no one is allowed to enter it except with their permission. Legal protection is afforded whether the dwelling is actually occupied or unoccupied.

Article 78 of the Code of Criminal Procedure states: “It is not permissible to begin searching and inspecting residences before five (5) in the morning or after eight (8) in the evening unless the homeowner requests it or calls are made from inside or in the exceptional circumstances stipulated by law”. (Article 75 of Law No. 25/14)

Therefore, the legislator has established a general rule prohibiting the entry and search of residences outside the legally prescribed hours between 5:00 AM and 8:00 PM. However, an exception to this rule has been made, allowing entry and search of residences at any time of day without being bound by the legal hours if the crime of human trafficking is involved.

Furthermore, the legislator has permitted, in this type of crime, that searches be conducted without the presence of the homeowner, their representative, or two witnesses, as stipulated in the Code of Criminal Procedure.

Secondly: Extension of the Period of Police Detention

Police detention is defined as a procedure undertaken by a judicial police officer to place a person in a police or gendarmerie station for a legally specified period, whenever the needs of the investigation so require. The law has set this period at 48 hours, as stipulated in Article 83 of the Code of Criminal Procedure. The period of police detention can be extended in certain specific crimes. Therefore, the period of detention for investigation may not exceed 48 hours, except in exceptional cases stipulated in Article 83, which introduced new time limits, as the detention period for investigation may be extended with written permission from the competent public prosecutor, and these are as follows: (Procedure.)

:

– Twice (2), if the matter concerns premeditated murder and kidnapping.

– Three times (3), if the matter concerns drug trafficking, crimes related to information and communication technologies, money laundering, crimes related to currency exchange and capital movement to and from abroad, corruption, smuggling, human trafficking, organ trafficking, and migrant smuggling.

– Four times (4), if the matter concerns crimes against state security and transnational organized crime.

– Five times (5), if the matter concerns crimes described as acts of terrorism or sabotage.

3.1.2- Modern investigation procedures

First: Preliminary Investigations

1_ Infiltration

The Algerian legislator defined infiltration as “the act of a judicial police officer or agent, under the responsibility of the judicial police officer in charge of coordinating the operation, monitoring persons suspected of committing a felony or misdemeanor by giving them the impression that he is an accomplice or partner with them.”

2- Controlled Delivery.

Article 2 of the Anti-Corruption Law defines this as the procedure that allows illegal or suspicious trucks to leave, pass through, or enter the national territory with the knowledge or under the supervision of the competent authorities, for the purpose of investigating specific crimes and identifying the individuals involved.

Article 25 of the Criminal Procedure Code also stipulates this, but defines it as the monitoring of individuals against whom there is one or more reasonable grounds to suspect them of committing the crime stipulated in Article 24, as human trafficking is one of the crimes explicitly addressed by the legislator.

A. Types of Controlled Delivery:

- National Controlled Delivery: This refers to the complete monitoring of the movement of illicit funds and tracking their transfer from one place to another within the country's territory.

- International Controlled Delivery: This refers to allowing an illicit shipment, after its origin has been discovered, to transit from one country to another. This type of delivery is implemented through coordination and agreement between the competent authorities in these countries. (Chenine)

Second: Reliance on special investigative methods.

1- Intercepting communications: Defined as: Monitoring private telephone conversations, meaning observing, following, and vigilantly examining them. In this sense, it requires eavesdropping, listening, and vigilantly examining them. (Farouk, pp. 139-140.)

2- Recording Voices: The Algerian legislator defined this procedure in Article 114 of the Code of Criminal Procedure, stipulating that recording voices is carried out by implementing technical arrangements, without the consent of those concerned, to record private speech or conversations made by one person or a group of people in private or public places.(The second paragraph of Article 114 of Law No. 25/14 states: “Putting in place technical arrangements without the consent of the concerned parties, in order to capture, record and record speech spoken privately or confidentially by one or more persons in private or public places.”)

3- Taking Photographs: This is a physical, visual observation of the condition of a person or several people in the situation they were in at the time of the photograph, linking time, place, and people simultaneously. (Amina Rekab: Special Investigation Methods in Corruption Crimes in Algerian Law, p. 67)

Therefore, this type of covert surveillance allows judicial authorities the opportunity to obtain conclusive evidence that confirms the suspicion.

3.1. Establishing specialized judicial bodies to combat human trafficking crimes

The crime of human trafficking has created a new procedural reality due to its complexity and interconnectedness, revealing the limitations of traditional judicial mechanisms in effectively addressing it. This has prompted legislators to seek more specialized and effective approaches to combat it.

In this context, a trend has emerged towards establishing specialized judicial bodies to handle this type of crime. This would allow for the pooling of expertise, the unification of efforts, and enhanced coordination among the various actors involved in combating it. This approach aims to ensure more precise and effective handling of cases related to this crime, whether in terms of investigation, prosecution, or adjudication.

Therefore, the creation of these specialized bodies is a natural response to the evolving nature of this criminal phenomenon and reflects the legislator's commitment to establishing modern judicial mechanisms capable of addressing the specific characteristics of human trafficking and combating it effectively.

3.1.2- Specialized judicial poles

First: Specialized Judicial Hubs with Extended Territory

Despite the importance of specialized judicial hubs in combating serious and complex crimes, the legislator has not provided an explicit definition within the legal texts. Rather, legislative policy has been limited to specifying the types of crimes that fall within the jurisdiction of each hub, with human trafficking being one of the crimes falling under its specific jurisdiction. (Procedure), In addition to regulating the procedures established for initiating investigations and follow-ups, and in the absence of a legal definition for specialized judicial hubs, and through our analysis of the legal texts related to the functioning of these judicial bodies, we can define them as: criminal judicial bodies established by the legislator at the level of certain courts and granted broad local jurisdiction, specifically for examining a particular type of complex and organized crime.

This jurisdiction is not exclusive and is based on the ordinary procedural rules of public law. Specialized judicial hubs are characterized by their broad local jurisdiction. The local jurisdiction of some courts, public prosecutors, and investigating judges has been extended to the jurisdictional districts of other courts, as defined by Executive Decree No. 06/348 dated 5/10/2006, amended and supplemented by Executive Decree No. 16/267, concerning the extension of local jurisdiction for public prosecutors, investigating judges, and adjudicators. These districts are as follows: (25/14)

First: The Specialized Judicial Hub at the Sidi M'hamed Court in Algiers: Its local jurisdiction extends to the central region and includes the courts under the jurisdiction of the following judicial councils: Algiers, Chlef, Laghouat, Blida, Bouira, Tizi Ouzou, Djelfa, Medea, M'Sila, Boumerdes, Tipaza, and Ain Defla.

Second: The Specialized Judicial Hub at the Constantine Court: Its local jurisdiction extends to the eastern region and includes the courts under the jurisdiction of the following judicial councils: Constantine, Oum El Bouaghi, Batna, Bejaia, Tebessa, Jijel, Setif, Skikda, Annaba, Guelma, Bordj Bou Arreridj, El Tarf, Khenchela, Souk Ahras, and Mila.

Third: The Specialized Judicial Hub at the Ouargla Court: Its local jurisdiction extends to the southern region and includes the courts under the jurisdiction of the following judicial councils: Ouargla, Adrar, Tamanrasset, Illizi, Biskra, El Oued, and Ghardaia. Fourth: The specialized judicial pole of the Oran Court: Its local jurisdiction extends to cover the western region, and includes the courts affiliated with the courts affiliated with the following judicial councils: Oran, Bechar, Tlemcen, Tiaret, Tindouf, Saida, Sidi Bel Abbes, Mostaganem, Mascara, El Bayadh, Tissemsilt, Naama, Ain Temouchent, Relizane.

Second: Specialized Judicial Bodies with National Jurisdiction.

The specialized national criminal divisions in Algerian legislation are divided into three main categories, established to address specific forms of serious and complex crime. These are: the Criminal Division for Combating Terrorism and Transnational Organized Crime; the Economic and Financial Criminal Division; and the Criminal Division for Combating Crimes Related to Information and Communication Technologies. The latter is one of the most significant developments brought about by rapid technological advancements. It specializes in investigating crimes committed through digital media and communication networks, such as

cybercrimes, attacks on automated data processing systems, the dissemination of illegal content, and human trafficking crimes committed using media or communication networks. (25/14)

This specialized branch is characterized by its technical nature, requiring expertise in the digital field and relying on modern investigative methods suited to the nature of cybercrime and organized crime. This enhances the effectiveness of criminal prosecution and contributes to adapting to the rapid digital transformations that exploit cyberspace for diverse criminal activities. The legislator has granted this branch national territorial jurisdiction, extending its reach to the entire Algerian state as a single territorial unit, given that crimes related to information and communication technologies are characterized by their wide geographical scope, the number of perpetrators, and their inherent seriousness and complexity. (Bouhlais)

The Algerian legislator also granted the specialized national criminal division the exclusive powers to adjudicate the most complex crimes related to information and communication technology, as well as related crimes, in the text of Article 335 of the Code of Criminal Procedure. (The Algerian legislator also granted the specialized national criminal division the exclusive powers to adjudicate the most complex crimes related to information and communication technology, as well as related crimes, in the text of Article 335 of the Code of Criminal Procedure)

First: At the national level

1- Protection of witnesses, experts, civil plaintiffs, victims, civil parties, and whistleblowers.

In cases of human trafficking, witnesses, experts, civil plaintiffs, victims, civil parties, and whistleblowers may benefit from one or more protective measures if their lives or physical safety, or the lives or safety of their family members or relatives, or their essential interests, are seriously threatened by information that could be provided to the judiciary and which is necessary to establish the truth.(For further clarification regarding the protection established by the legislator, refer to Articles 129 to 138 of Law No. 25/14.)

1- Extension of the period of pretrial detention: Pretrial detention is defined as: a precautionary measure in which the accused is deprived of his freedom by being placed in prison for a period determined according to the requirements of necessity within the controls and conditions specified by law. It can be one of the means by which justice is achieved if its sole purpose is to help reveal the truth. (Al-Dulaimi)The Algerian legislator, within the framework of judicial investigations into human trafficking crimes, has granted the investigating judge at the specialized division the authority to order pretrial detention and its extension if the substantive and procedural conditions are met. The period of pretrial detention may reach three years if the investigating judge has ordered an expert examination or taken measures to collect evidence or receive testimonies outside the national territory.

Second: At the international level.

1- Judicial assistance:

Article 18 of the Convention against Transnational Organized Crime emphasizes the need to activate mutual judicial assistance between states during the investigation and trial phases, and defines and limits the areas of judicial assistance to: (Benour)

• Obtaining evidence and statements from individuals.
• Serving judicial documents.
• Executing searches, seizures, and asset freezes.

• Examining information and locations.
• Providing information, evidence, and expert reports.
• Submitting original documents and relevant records, including government, banking, financial, corporate, or business records.

1- Extradition:

Extradition is defined as a set of legal procedures aimed at one state handing over an accused or convicted person to another state for trial or to enforce the sentence issued against them in that state.

Among the legal conditions for extradition is the requirement of dual criminality. The act for which extradition is sought must be a crime punishable in both the requesting and requesting states. (Benour)

2- Judicial Delegation.

Human trafficking crimes are among those whose effects, underlying elements, or criminal proceeds may extend beyond the country's borders. Therefore, the law empowers all public prosecutors, investigating judges, and judges at the judicial level to resort to what is called judicial delegation. This is defined as a request for assistance from the judicial authority to the delegated authority, whether judicial or diplomatic, to take investigative measures or gather evidence abroad, as well as any other judicial procedure necessary to resolve the issue raised or potentially raised in the future before the delegated judge, which he is unable to carry out within his jurisdiction.

Conclusion:

Finally, and based on the foregoing, it can be said that the procedural mechanisms for combating human trafficking under the Criminal Procedure Law No. 25/14 constitute a fundamental and vital framework for combating this crime, given the threat it poses to human rights and individual dignity, and its connection to organized and multilateral networks, often operating across national borders. The law emphasizes the importance of granting competent judicial authorities clear and flexible powers for investigation and prosecution, ensuring a swift response and adapting judicial procedures to the specific nature of the crime. This framework also highlights the necessity of coordination among various judicial and security bodies to standardize procedures and achieve greater effectiveness in combating human trafficking. Furthermore, it underscores the importance of developing ongoing training programs for judges and relevant bodies to address the evolving methods of committing the crime and enhance the judicial system's capacity to effectively and professionally confront transnational crimes. Thus, the role of Law 25/14 is evident not only in regulating procedures but also in establishing a solid legal foundation that balances the rights of victims with the effectiveness of legal deterrence against perpetrators of these crimes.

Therefore, Law 25/14 plays a crucial role not only in regulating procedures but also in establishing a robust legal basis that balances the rights of victims with the effectiveness of legal deterrence against perpetrators of these crimes. Recommendations:

• Strengthen coordination between judicial and security authorities to ensure swift investigations, judicial follow-up, and effective procedures.

• Organize training programs and workshops for judges and investigative bodies on the specifics of human trafficking and its modern methods of perpetration.

• Review and update certain legal procedures to expedite judicial responses and improve the effectiveness of counter-trafficking efforts, particularly in transnational cases.

• Enhance international cooperation and information sharing with other countries to effectively and sustainably combat organized human trafficking networks.

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