

Freedom of Expression between the Right to Information and the Regulations of the Investigation Confidentiality, the Presumption of Innocence and the Protection of Private Life

حرية التعبير بين الحق في الإعلام وضوابط سرية التحقيق، قرينة البراءة وحماية الحياة الخاصة

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Abstract :

This paper deals with the relationship of freedom of expression ;including freedom of the media to investigate judicial (safeguards the interest of the accused and the special respect for the consort of innocence and of the council ;and its time ends as the final judgment of the bat as looking holy.

The relationship between freedom of expression with the privacy of the individual devoted to their protection in constitutions and the laws that protect privacy ;(the sound of his audio correspondence ; we concluded that the relationship between the media and the judiciary treat his complementary players do shoxs a picture of the case as to this last ;want to rely on the media .

Keywords: : Freedom of Expression; Right to Information; Investigation Confidentiality; Private Life;

المخلص:

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يتناول البحث علاقة حرية التعبير ومنها حرية الإعلام بالتحقيق القضائي (ضوابط مصلحة المتهم والتحقيق)، خاصة احترام قرينة البراءة، وأن مجالها الزمني ينتهي بمجرد صدور حكم نهائي بات، كما يبحث المقال العلاقة بين حرية التعبير مع خصوصية الفرد المكرسة حمايتها في الدساتير والقوانين التي تحمي الخصوصية (الاسم، الصورة، الصوت والمراسلة)، وخلصنا أن العلاقة بين الإعلام والقضاء علاقة تكاملية فالإعلام يوضح صورة القضاء كما أن هذا الأخير يرد الاعتداء على الإعلام.

الكلمات المفتاحية : حرية التعبير; الحق في الإعلام; سرية التحقيق; الحياة الخاصة.

INTRODUCTION

The citizen's right to information and access to judicial information is one of the basic principles that ensure fair trials, which are linked to the principles of open trials and judicial judgments and the principle of freedom of opinion and information, however these principles sometimes contradict the need to respect principles that ensure that they are also just. The law has emphasized the confidentiality of these investigations, and the media law has banned all media outlets under the penalty of follow-up publication and broadcasting of investigations facts before they are read out and authorized by the judicial authorities.

It is considered as a violation the excessive dissemination of the facts of the preliminary investigations as well as the publication of photographs at the investigative stage, particularly when considering that persons who have been defamed by publishing their photographs are subsequently acquitted.

At the trial stage, the principle of openness prevails. It means the right and possibility of public attendance, including the press, in the courtroom. This principle is considered a guarantee to preserve the fundamental freedom of citizens. The public and the public opinion appear as witnesses and observers in the judiciary, knowing that the confidentiality in this area calls into question, but the public and the press may be prevented from attending the trial on the grounds of public order, security or the inviolability of the private life of the parties to the proceedings.

The basic principle is that the freedom of information should not be restricted so that its giving should remain uninterrupted, and therefore it is logical, and it is inevitable that the Constitution will address discussion and

dialogue in everything related to public affairs, even if it includes a sharp criticism of those who work for the public interest, as no one may impose on others a provision, even if it is reinforced by The law, because the dialogue of power is a waste of the power of reason and it generates a disbelief between the citizen and the expression of his opinions, as the Constitution guarantees the press its freedom and inform the citizens of the facts that may not be withheld from them but with conditions and controls that limit the freedom of expression that is part of the freedom of the press and the media, and not to compromise - in the judicial field - an important principle in the Constitution, namely, the presumption of innocence of persons, the principle of the inviolability of private life and the principle of confidentiality of the investigation.

Through this pre-preparation, we try to clarify the relationship between the media and the judicial authority, i.e. the controls of the media practice in the dissemination and broadcasting of judicial information, and we address these issues through a range of basic themes.

The first axis: freedom of expression and the right to information

First: The concept of freedom of expression

Second: the basis on which it is based

Third: Its principles

The first axis: freedom of expression and the right to information

The topic of freedom is one of the most important topics that are discussed and researched, because freedom increases in value and prestige when combined with the press, and this is the position of the latter as one of the means of expressing opinion in contemporary society.

First: the concept of the right to information

Definition of the word: Information: It is a word derived from the verb "to inform" or "to know", and the Arabs say: he was informed by the news which is what the scholars call the information process (Ibn Manoor, Without a year, p. 100).

Conventional definition: The word "information" means the dissemination of news, facts, and information to all members of society.

Information is the dissemination of facts, opinions and events in appropriate formats, audible or visual and by means of symbols and means that are understood and accepted by the public, and in this way it is a

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civilized communication tool that serves the society, i.e. it is all aspects of communication activities aimed at providing people with all the right facts and news. Sound information on issues, topics, problems and the course of things objectively and without distortion leading to the creation of the greatest possible degree of knowledge, consciousness, awareness and comprehensive awareness among the audience receiving the media material with all the facts, and may be from any person or group of persons in the form of Legal regulation (profession of journalism).

Information activities are intended to be "any publication or broadcast of events, messages, opinions, ideas or knowledge, through any written, audio, television or electronic means and which is intended for the public or for a category of events." (Article 03 of Organic Law, 2012)

Freedom of information is guaranteed by many universal declarations, human rights charters and constitutions.

Second: the basis of the freedom of expression

Freedom of expression is a natural right that the individual has indispensably to enjoy, and is enshrined in many international conventions and conferences and enshrined in constitutions and laws in their texts.

-1- Legal basis:

The legal regulation of freedom of expression is one of the most important measures by which the degree of State progress is measured in addition to the opening of the power in place, the more restricted freedom of expression is restricted by restrictions and limits on its freedom, the less individuals do have access to it.

In view of the sanctity of the news and the faith in the message of the media in educating public opinion and providing it with the news at the moment of its publication and the right of each person to express its opinions, it was stipulated in many international conventions, including the Universal Declaration of Human Rights issued by the United Nations (The Universal Declaration of Human Rights, 1948) General Assembly in article 19 that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media".

This was also reflected in the International Convention on Civil and Political Rights (Convention, 1966) issued by the United Nations in Article 19, which stated that "Everyone shall have the right to freedom of

expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print."

In Algeria, several media laws have been passed, and one of the most significant articles on the freedom of expression there is: Article 02 from Law No. 12/05, which stipulates that "the media activity is freely exercised within the framework of the provisions of this organic law, legislation and regulation in force with respect of:

The constitution, the laws of the Republic, the Islamic religion and other religions, national body and cultural values of society, national sovereignty and national unity, requirements of State security and national defence, the requirements of public order, the economic interests of the country, the duties and obligations of public service, the right of the citizen to full and objective information, the confidentiality of the judicial investigation, the pluralistic nature of opinions and ideas, human dignity and individual and collective freedoms..."

It should be noted that article 02 gave the citizen the right to express /inform, and restricted this right using a number of controls, particularly those relating to the judicial investigation.

Article 03 also states that "all bodies, departments and institutions must provide the journalist with the news and information he requests in order to ensure the citizen's right to information."

2. Constitutional basis

Most of the world's constitutions stipulate freedom of expression and information, and the Algerian constitution (Constitution, 2016) stipulates this, and recognizes a wide range of rights and freedoms through a number of articles, including Article 36, by saying, "The sanctity of freedom of belief and the inviolability of freedom of opinion". Article 38 also states that no publication may be seized except by virtue of a court order, and Article 41 by saying, "Freedoms of expression, association and assembly are guaranteed to citizens" The belief of individuals and their organized meeting for the purpose of expression are constitutional principles.

Third: principles

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Freedom of the press is a form of freedom of expression and opinion, and in order for it to exist three main ingredients must be provided:

- Freedom of knowledge: the right to obtain the necessary information so that society can organize its life (the right to media).
- Freedom of speech: It is the right to communicate information freely and to form and discuss any subject, which in turn is a right of society played by the media (right of expression).
- Freedom of research: It is the right granted to media to access the sources of information that must be known and disseminated and is also a right for the society which is ensured by the media.

Second axis: Legal restrictions on freedom of expression (legal regulations)

As the legislator represents the authority entrusted with regulating freedoms on the one hand, and protecting public order, human rights, and his personal life on the other, he works constantly to establish the parameters of freedom of expression and to clarify its area. The fact that the practice of the press has its right to formulate judicial media news during the judicial investigation phase, and to enable the public to know the judicial process of a particular judicial file within the framework of the right to the media, should take into account a number of legal restrictions, including those related to the interest of the accused (presumption of his innocence, the privacy of his life, the protection of his messaging and his secrets), and some of which are related to the interest of investigation and justice (the judicial secret).

These regulations are enshrined in many texts, both constitutional and legal, by reference to the International Convention on Civil and Political Rights in article 19, paragraph 02, by saying, "Respect for the rights and reputation of individuals..." The Algerian Constitution also stipulated the rules of this freedom, including the inviolability of the privacy of private citizens and the protection of the law. The confidentiality of correspondence and communications of all forms is guaranteed by Article 39 thereof, and the regulator of the presumption of innocence in accordance with Article 45. The media law stipulated a general principle, which is to prevent the publication of judicial discussions and prevent the

publication of any news or document that harms the confidentiality of inquiries, in accordance with Article 119 of the above said Code.

In addition, the Code of Criminal Procedure, as it represents the Constitution of Individual Freedoms, stipulates in article 11 the confidentiality of the investigation and investigation procedures.

First: Legal restrictions relating to the consideration of the interests of the accused

The legislator guaranteed the accused at the stage of judicial investigation within the framework of fair trial, two types of legal guarantees in relation to the media, namely the right to the presumption of innocence and the right to the image.

A. The right to the presumption of innocence

It has already been said that the Code of Criminal Procedure is a constitution for individual freedoms, as it is a law that guarantees that individual freedom is not restricted or plundered except within the limits established by law, and it sets limits for the authority entitled to oppose to the rights and freedoms and determines the restrictions and conditions to be respected by the public authorities, through which these rights are protected from abuses of power (Abdallah Ohaibia, 2005, p. 23)

The jurisprudential meaning of the principle of innocence is "to treat a suspect, whether a suspect or an accused, at all stages of the proceedings, regardless of the gravity of the crime attributed to him, as innocent until proven guilty by a final court judgment" (Mohamed Mhada, 1992, p. 225). This principle shall remain applicable to the accused until the court proves his conviction in a conclusive and decisive manner (Mahmoud Najib hosni, 1987, p. 422).

Article 11, paragraph 10, of the Universal Declaration of Human Rights stipulates that "every person accused of a crime shall be presumed innocent until proven guilty by law in a fair trial in which he has the necessary guarantees to defend him". Article 14, paragraph 20, of the International Covenant on Civil and Political Rights stipulates that "every individual accused of a criminal offense has the right to be presumed innocent, unless found guilty in accordance with the law", article 990 of the 1789 French Declaration of Human and Citizen Rights says: "Every human being is presumed innocent until proven guilty."

The presumption of innocence is a fundamental principle in criminal justice and procedural legitimacy (Suleiman Barch , 1986, p. 32), which is

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the conclusion of a known matter from an unknown matter. Innocence is an established matter (Boudaoud Lotfi , 2008/2009, p. 69), and the procedural law is based on a general principle, which is the origin of rights and freedoms, as every human is innocent originally (Ali benflis , 1998, p. 66), which is a constitutional principle (Mahmoud Najib hosni, 1987, p. 423) stated in article 45, which states that "every person is presumed innocent until a legal authority proves his guilt, with all the guarantees required by law". He remains innocent until the issuance of a judicial ruling, which is the end of the presumption of innocence and the end of the period of time therefore. This principle entails a number of applications explaining it:

1- Guaranteeing the personal freedom of the accused: When conducting public proceedings and conducting investigation procedures, the person's freedom is reduced and these pre-trial procedures may be prolonged, which makes this principle important in protecting freedom and ensuring its guarantees. The investigative authority, even if it is allowed by law to take some measures, it remains nevertheless restricted by certain measures that protect the accused from violating the presumption of innocence.

2- The accused does not have to bear the burden of proof: The law establishes a presumption of innocence of every human being, according to which he is not required to prove his innocence and should be treated like a noble human being without suspicion. Whoever claims otherwise shall bear the burden of proof. The prosecution shall be the party claiming the opposite, and it shall bear the burden of proof alone, i.e. not asking him to present evidence of innocence, but the prosecution party should look for the evidence of the accusation and bring it to trial, as it strengthens its position in the indictment and could be a basis in the application of punishment, and the charge determine the conviction or confirm innocence as much as it must gather evidence to prove the truth, hence if it is sufficient to refute the presumption of innocence or not (Abdallah Ohaibia, 2005, p. 26), the accused is innocent and this principle does not prevent the accused from denying the charge against him and proving it (Mahmoud Mahmoud Mustafa, 1989 , p. 63).

3 -Interpretation of doubt in favour of the accused: The judicial body shall not convict unless it is established and ascertained that the offense is established and attributed to the accused. The suspect shall benefit from the interpretation of the texts as he may benefit from it in assessing the facts and evidence (Mahmoud najib Hosni, 1989, p. 95). However, if there is doubt or ambiguity, this must be explained in favour of the accused (Ahmed Fathi Srour, 1993, p. 271), as his innocence is first, and the interpretation of the doubt in favour of the accused is derived from the principle of innocence, which is a holistic principle that cannot be broken down either in terms of liberty or in terms of criminal proof.

The doubt is connected to the idea of complete conviction. Conviction should not be based on doubt, and as long as the evidence was not perfect and the doubt shake the value of the accusation, no matter how weak (Kelan Khaled Mustafa, 2012, p. 34).

It is worth mentioning that in the Code of Criminal Procedure, the legislator recognized another principle, which is the presumption of offense and guilt, because of a change in the criminal policy map in dealing with some crimes that threaten the public interest. This is related to drug crimes, transnational organized crimes, crimes against the automatic treatment of data, crimes of money laundering, terrorism, and crimes related to the legislation on disbursement. For these crimes, the legislator has obliged the accused to prove his innocence, in other words, to transfer the burden of proof from the prosecution to the accused, due to the strength of the examination records (wahab Hamza, 2011, p. 22).

The French Legislature, by Law No. 02/92 amended by Law No. 516/2000, states that "every suspect or accused shall be presumed innocent as long as he is not proven guilty..."

What is useful in this text is that the French legislator laid down the basic principles that included the suspect or the accused, in order to consecrate the European Convention on Human Rights (christine Lazerges , 2001, p. 23).

According to article 90, paragraph 01, of the same law, every individual whose innocence has been violated by the courts has the right to request the immediate introduction of a correction of news published against a person or facts that are still under judicial investigation, with the aim of stopping the violation of the presumption of innocence, and in order to protect it, the Court of Cassation established its judiciary rule with a conviction of a journalist who published on television, a report stating that

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an accused had been convicted under a sentence dated 20 June 2000, as an infringement of the presumption of innocence.

The duty of respecting the presumption of innocence in the judicial investigation requires the media authority to refrain from issuing prior and ready judgments on the accused being investigated, even in serious criminal cases that sometimes attract attention and are followed by public opinion, such as public money cases, because by respecting the presumption of innocence of the accused the judicial authority that is interrogating him is respected, and instead of the press playing behind the public's feelings and issuing prior judgements of conviction towards the accused, it should direct the public and establish trust in justice and in the judicial body that investigates the accused.

b. The right to privacy

The evolution of the media and the art of visual recording has helped spread espionage amazingly, which has had an impact on private lives, exposing their secrets or false accusations against them in cases that would undermine the principle of non-interference in individuals' private lives.

1- Definition of confidentiality:

It is known for its meaning, which can be expressed in a number of terms, including isolation, alienation, non-interference, and other synonyms. This is why the concept of privacy was relatively special because what is considered special in a time is not the same in another time, and what can be private in a place may not be the same elsewhere.

It is also known as "what is unique to the human being himself without other things and matters, and private life is the same that man preserves for himself away from the intervention of others", and the international declarations and conventions have guaranteed private life.

2- Features of the right to privacy, and in general they lie in:

-Spying on private life by entering and wiretapping one's home, and this is an assault on one's right to be isolated.

-Publication of facts deemed private, which aim to protect a person against the dissemination of privacy of his life through the press or otherwise. The commission of this crime shall require the public announcement of this crime and the necessity that the published facts be specific to the person, such as marital relation.

-Publishing facts that distort the truth in the eyes of people, i.e. defamation of the public, such as using the image of a person on the cover of a book or in an article without any link between the picture and the book, such as using it to represent a hungry person or a juvenile offender.

- The financial property of a person, his/her financial conditions, volume of business, or the tax number may not be published.
- Political opinions and the secrecy of voting.
- Revealing accommodation and phone number.
- Name and job disclosure.

The picture is an extension of the right to privacy, and the obligation of the media to not issue prior judgments on the accused being investigated requires that it cannot take photographs, record, or publish a photo without his consent, or publish an investigation, comment, or conduct a poll on him/her. In accordance with Article 303 A of the Penal Code (Law no 15/19, 2015), which states that " "Shall be punishable by imprisonment from six months to three years and a fine of 50,000 to 300,000 DZD anyone who deliberately violates the privacy of persons by any technique including:

- By picking up, recording or transmitting private or confidential calls or conversations without the permission or consent of the owner,
- By capturing, recording or transmitting a picture of a person in a private place without the permission or consent of the owner,
- The offence referred to in this article shall be punished by the same penalties as the one prescribed for the total crime...

With regard to the interception of correspondence, the Constitution in article 49 stipulates that "the confidentiality of correspondence and communications in all its forms is guaranteed," correspondence between the accused and the lawyer may not be accessible, disclosed or reserved by investigators, whatever the reason, and interferes with the freedom of communication between the accused and the lawyer. It is not permissible by any means whatsoever to disclose its secrets, and this is what the lawyers' code referred to when it requires that the lawyer benefit on the occasion of the exercise of his functions and in relation to his functions from the protection of a the secret nature between him and his client and the confidentiality of correspondence and files is guaranteed, and therefore it is not permissible to search the lawyer's office except in the presence of the president of the bar-association or who represents him legally, and the lawyer cannot be prosecuted during the hearing for acts, statements or plea

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in the context of discussion and arguments. In addition, the freedom of communication between the accused and his defence is a guaranteed right in law under article 102 of the Code of Criminal Procedure (Law no 19/10, 2019) and enshrined in article 151 by the Constitution by saying "The right to defence is recognized, the right to defence is guaranteed in criminal cases, and is based on the principle of absolute confidentiality, whatever the means of communication in writing or oral, and in all cases the documents containing them may not be accessed, detained or spied on under legal and judicial guarantees.

The right to confidentiality, i.e., non-disclosure, is forbidden for anyone to break into this privacy without the permission of the competent judicial authority in accordance with article 65A. 05 of the Code of Criminal Procedure, which stipulates that "If the necessity of investigating the offence in which it is committed, the preliminary investigation of drug offences, transnational organized crime, crimes involving automated data processing systems, crimes of laundering funds, terrorism or the use of exchange legislation as well as corruption offences It is permissible for the competent prosecutor to authorize the following:

- Interception of correspondence made through telecommunications
- Make technical arrangements, without the consent of those concerned, in order to capture, install, broadcast and record speeches into in particular or confidentially by one or several persons in private or public places or to take pictures of one or several persons who are in a private place..."

In order to protect the human right to freedom of private life in relation regarding his correspondence, the Penal Code in article 137 stipulates that "any employee, aid from the State, employee or postal service representative who has dispersed, misappropriated or destroys messages sent via mail, facilitated their opening, misappropriated or destroyed them, shall be punished with imprisonment from 03 months to five years and a fine of 30,000 to 500,000 DZD, and the same penalty shall be imposed on any employee or representative of the telegram Department who embezzles or destroys a telegram or broadcasts its contents...", article 303 of the same law confirmed this penal protection for correspondence.

Second: Legal restrictions related to the consideration of the interest of investigation and justice

In order to preserve the interests of the investigation and all the actions taken during this phase, the law has established the confidentiality

of the investigation because of its significant implications for the investigation and justice in general.

- Investigation confidentiality

1. The concept of investigation confidentiality

It is an important principle in the code of criminal procedure, and stems from the fact that it aims to protect the innocent accused from being unjustly imprisoned as well as being necessary to discover the truth, and therefore confidentiality was established in the interest of justice and the accused at the same time.

The secrecy of the investigation means that persons may not enter the place of investigation, that the records of the investigation shall not be shown to all for review, and that the media may not broadcast them.

It means not to publicly involve anyone who is not part of the investigating in a subject, whether by his presence or by access to its papers, and it concerns the others, which is the public, so the investigation is confidential to him, i.e. the public, which means that the confidentiality contained in article 11 of the Law of Procedure does not mean the opponent in the case, because it is not permissible in the first place to prevent the opponent from attending the investigation or reviewing its papers (Abdallah Ohaibia, 2005, p. 314).

2- Elements of the investigation confidentiality: It is based on two elements:

- To prevent the presence of the public during the investigation except the accused, the victim, the civil party, witnesses and defence lawyers, and this is to protect the accused from defamation, especially if an order is issued that there is no prosecution element, and the public investigation will result in a waste of the presumption of innocence.
- To prevent the dissemination and circulation of investigative data through the media or other means, i.e. prohibit the publication of the data of the investigation by any means and should prevent the journalists and the media from attending the investigation.
- The justifications for the secrecy of the investigation: there are justifications and argumentative, namely:
 - Protecting the rights of the accused.
 - Protecting the accused from the influence of public opinion and without affecting judges and witnesses.

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- not to obstruct the investigation proceedings because the public hinders the normal conduct of the investigation, especially when statements appear in the newspapers and the conclusion of the story by the media.
- Maintaining the presumption of innocence.

These restrictions are based mainly on the important principle of confidentiality of the investigation in accordance with article 11 of the Code of Criminal Procedure, which says that the procedures of research and investigation shall be confidential, unless the law provides otherwise and without prejudice to the rights of the defence, and anyone who contributes to these proceedings is obliged to keep the professional secret under the conditions set out in the Penal Code..." , and since the journalist has the right to inform the public about a particular issue that concerns them, this right often clashes with the secrecy of the investigation, which prevents all persons contributing to the investigation to disclose the professional secret, which makes it difficult for the journalist to convey the media news to the public, but the legislator referred to this issue in the Penal Procedure Code in the previous article following the recent amendment in paragraphs 02 and 03 by saying "However, in order to avoid the spread of incomplete or incorrect information or to put an end to the violation of public order, the public prosecutor's office or the officer of the judicial police may after obtaining a written authorization from the Public Prosecutor, inform the public of objective elements derived from the proceedings, but shall not include any assessment of the accusations that are committed against the persons involved, and in all cases by taking into account the presumption of innocence and the inviolability of private life."

We note that even the law has prevented the representative of the Public Prosecution and the police officer from destroying the principle of confidentiality and allowed them to only inform thematic elements without specifying the procedures or accusing people or mentioning procedures or evaluating the accusation, and they may mention the actions for which the investigation is sought to be conducted and the number of accused without mentioning their names.

In accordance with this, the Ministry of Justice has recommended that any judicial Court should establish an information cell at it level, and this aims to provide information with objective elements for the media.

3- The subject of secrecy: The subject of secrecy of the investigation means the areas on which this secret is based in terms of form or content.

3-1- Search and investigation procedures: i.e. all searches and investigations carried out by the law enforcement officers and prosecutors and that may not be consulted, and confidentiality means that the officer of the judicial police does not provide any information regarding the research and investigation work or disclose them to the journalist to convey the news, as the role of secrecy here is maintaining the evidence of the crime and the suspects in support of the presumption of innocence, as stipulated in article 51 A. 01 of the Code of Criminal Procedure with regard to the contact of the detained in custody with his family, by saying "taking into account the confidentiality of the investigations and their good conduct."

3.2. Judicial investigation procedures: i.e. carried out by the investigating judge and are confidential in accordance with article 11 of the Code of Criminal Procedure.

Although confidentiality in the investigation aims to not prejudice the consideration of the accused and his dignity in anticipation when his innocence is proven later, it is not an absolute but relative principle, that is, the principle is confidentiality and the exception is public information in some procedures, the investigation file must be placed at the request of the defence lawyer before hearing him at least 24 hours in accordance with Article 105 of the same law, and Article 168 of the same law requires that the defendant's lawyer and the civil prosecutor must be informed of judicial orders, and Article 106 states that it is permissible for the prosecutor to attend the questioning and confronting the accused and to hear the statements of the civil prosecutor and to ask the questions he deems necessary.

In addition to the secrecy of the investigation, the professional secret is inevitable for anyone who receives the secret, in particular the judicial information, including:

Lawyers: They are obliged to keep the secrets of the defence and entrusted with all the information they obtain, whatever their form is, orally or in writing, and article 03 of the lawyer's code (Law no 13/07, 2013) states that it is forbidden for the lawyer to share any information or documents relating to any case assigned to him and to enter into a conflict concerning that case and in all cases, he has to keep his client's secrets in all circumstances."

Journalists: For their part, they are obliged to keep a professional secret regarding information that may reach their knowledge de facto or in the

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context of professional and judicial investigations regarding the private life of individuals if they are harmful to the concerned persons or to the judicial work, but they are not obliged to keep the professional secret if such information is due to demonstrate that the crime has occurred or to discover criminals, and in this case they are obliged to publish it and report it in accordance with the rules established in the Code of Criminal Procedure.

Judicial officers: They are judicial police officers and judges in the framework of information obtained during the exercise of their occupation in accordance with article 03 of the Basic Law of Justice (Law no 04/11, 2004) , in which the judge swears to keep the secret of the deliberations.

Justice assistants : They are multiple according to their multiple functions as auxiliaries of justice, whether permanent, temporary or incidental, these persons - when they carry out work or procedures related to judicial investigations or when they collect useful information to show the truth in the field of criminal research within the framework of the special mandate- are obliged to keep the confidentiality of the investigation in accordance with the provisions of Article 11 of the Code of Procedure, and among them are experts and translators.

4- Allowing the disclosure of the investigation confidentiality: There are reasons for disclosing the secret, which are mentioned below:

- Allowing it in the context of preliminary research, investigation and investigation.
- If necessary, including to inform the immediate superiors of the results of the research as well as the judges in case of an investigation, and the Public Prosecutor must give information to the Attorney General and the Minister of Justice.
- The case of felonies and misdemeanours against State security, the officer of the judicial police must inform the Wali (Governor) of the information if assigned him the investigation in accordance with article 28 of the Code of Criminal Procedure.
- The investigating judge must notify the Public Prosecutor in case of new facts, which were not in the opening request in accordance with article 67 of the Code of Criminal Procedure.

- The investigating judge is obliged to put the investigative procedures at the disposal of the defence lawyer in accordance with the provisions of article 105 of the Code of Criminal Procedure.
- Experts in the investigation, when assigned by investigating judges, can use other experts and provide them with information about the crime without disclosing the confidentiality of the investigation but provided that there is a judge's authorization.

The confidentiality of judicial investigation procedures, as after closing the case and referring the case to trial, it's secrecy is lifted in public, which is a principle of fair trial.

- The holders of special testimony, if necessary, are judges, clerks and judicial police officers when giving testimony before the judge after the file is closed.

CONCLUSION

Based on the above, the expression, including the media, can -within the framework of the rights guaranteed to it by constitution and law-exercise its right to draft and transmit the media news to the public, but by taking into account the regulations of the interest of the accused and the investigation, especially the respect for the presumption of innocence and the confidentiality of the investigation, considering that the relationship between the media and the judicial authority in general must be complementary, and through which the media can disseminate impartial information related to the activity of the courts, contributing to the transparency of the performance of the judiciary system without affecting its course, which calls for the provision of so-called judicial information, which must be characterized by extensive knowledge of legal and judicial information, as the media on the one hand reveals deviations, which if they are submitted to justice, they will be subject to the rule of law, and the judiciary protects the press from any aggression against it and any violation of its rights or freedom, so that no one, whatever his hobby or desire, or any organ, no matter how powerful it is and whatever is its intention, can interfere in their affairs in order to weaken the willingness of the men of the profession, and perhaps there is today an urgent need for a specialized judicial press that works alongside the judicial authority in its various components within the framework of legal regulations.

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