

## Controlled Delivery as a Mechanism to Combat Illicit Trafficking in Narcotic Drugs and Psychotropic Substances: How Effective?

التسليم المراقب كألية لمكافحة الاتجار غير المشروع بالمخدرات  
والمؤثرات العقلية: أية فعالية؟

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### Abstract:

This study aims at identifying the controlled delivery procedure, as one of the crucial procedures that embody international cooperation in ordinance to combat crime related to narcotics and psychotropic substances and to eliminate their use and illicit trafficking. By addressing an important problematic which lies in the effectiveness of this procedure and the most significant legal and practical challenges which limit its efficacy.

**Keywords:** Criminality; Narcotics; Psychotropic substances; Organized crime; Controlled delivery.

### ملخص:

تسعى هذه الدراسة إلى تسليط الضوء على إجراء التسليم المراقب، باعتباره واحدا من أهم الإجراءات التي تجسد التعاون الدولي في سبيل مكافحة جرائم المخدرات والمؤثرات العقلية وقمع الاستعمال والاتجار غير المشروعين بهما؛ وذلك من خلال معالجة إشكالية هامة تكمن في مدى فعالية هذا الإجراء وأهم التحديات القانونية والعملية التي تحد من فعاليته.

الكلمات المفتاحية: الجريمة؛ المخدرات؛ المؤثرات العقلية؛ الجريمة المنظمة؛ التسليم المراقب.

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## Introduction:

Cross-border transnational organized crime is one of the most prominent and dangerous forms of criminality faced by most developed and developing countries. The international community has recognized that a single state cannot successfully combat this severe crime pattern, in which criminals rely on technological advances to carry out their illicit activities. This has led to the emergence of novel forms of criminality whose detrimental effects transcend national borders and impact countries worldwide. Criminals now readily surpass the boundaries of individual states, using the entire world as a stage for their criminal activities<sup>1</sup>. The complexity of arresting those involved in this form of criminal activity has necessitated the concerted efforts of the entire international community. International cooperation is deemed the most appropriate and essential approach to combat organized crime. This collaboration is exemplified by establishing international agreements, notably the United Nations Convention against Transnational Organized Crime<sup>2</sup>, as affirmed by virtue of Article 1 therein, which stipulates that its adoption aims to enhance cooperation to prevent and combat transnational organized crime with greater effectiveness.<sup>3</sup> Algeria has contributed to the international community's pursuit of this objective by ratifying this international agreement in 2002, under Presidential Decree No. 02-55.<sup>4</sup>

One of the most significant manifestations of organized crime is the illicit trafficking of narcotic drugs<sup>5</sup> and psychiatric substances. Some consider this to be its quintessential representation, given that the distinctive characteristics of organized crime align with illicit traffic in narcotic drugs and psychotropic substances. Primarily, the existence of a criminal group with a structural framework extending its activities across several countries. Drug abuse has wholly and rapidly seized the planet, and perhaps advancements in technology, pharmacy, and agriculture are among many factors responsible for the escalating issues associated with drug use<sup>6</sup>.

International narcotics drugs trafficking is a highly organized endeavor, as the perpetrators possess the means to engage advanced minds, whether they are lawyers, financiers, logisticians, or chemists. This is accomplished by utilizing cutting-edge equipment and technology for the production, transportation, and distribution of their commodities and aiding them in laundering their amassed wealth<sup>7</sup>. Consequently, the proliferation and illicit trade of narcotic drugs and psychotropic substances have reached a significant and ominous threshold across diverse advanced and developing nations. The threat of their dissemination and trafficking has grown exponentially, becoming a formidable weapon wielded by wrongdoers to undermine human, societal, and economic capabilities.<sup>8</sup> This disconcerting reality has perturbed the entire international community, thereby mandating urgent collaboration on a global scale to counteract this pattern of criminality. The international community's endeavors led to adopt a universal instrument, embodied by the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.<sup>9</sup>

The international community has long acknowledged that no single country can achieve effective narcotics drug control and that responding to the issues of drug abuse and illicit trafficking requires a global and coordinated effort. Therefore, ways must be sought to strengthen drug control measures at both the national and international levels<sup>10</sup>. With the increasing use of deceptive methods and innovative techniques to conceal drugs by criminals, detecting crimes and identifying perpetrators has become challenging. This reality underscores the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988's acknowledgment that conventional methods of

investigation and detection are no longer adequate to confront this serious and transnational criminal activity. This led to the adoption of a crucial procedural mechanism in line with the concealment methods used by the criminals behind major smuggling networks. This mechanism is “controlled delivery,” which is used when an illegal drug shipment is detected and allowed to proceed under the monitoring and supervision of law enforcement officers to secure evidence against the organizers of such illegal drug trafficking. This technique has proven effective in some countries in identifying the principles, organizers, and financiers of illegal narcotics drug trafficking and bringing them to justice<sup>11</sup>, by virtue of this technique, all accomplices in this criminal network, especially its organizers and financiers, shall be arrested and not just the carriers or possessors.

Hence, this study endeavours to highlight the procedure of controlled delivery as one of the most critical procedures that embody international cooperation in ordinance to fight narcotic drugs and psychotropic substance crimes and curb their unlawful use and trafficking; by addressing an important problematic: **How effective is the controlled delivery procedure in combating crimes of illicit trafficking in narcotic drugs and psychotropic substances?**

Answering this problematic requires adopting a binary division by defining the concept of controlled delivery as a particular investigative measure to combat illicit trafficking in drugs and psychotropic substances (**I**), then assessing this procedure as a positive step to combat this dangerous form of crime. However, it remains an incomplete practical step (**II**).

### **I: The concept of controlled delivery as a procedure to combat illicit narcotic drugs and psychotropic substances trafficking**

Serious crimes are difficult to detect and gather evidence to indict those involved. Hence, it is necessary to find other means that allow authorities to trace the steps of perpetrators, build a case against them, punish their actions and prevent impunity. One such method is controlled delivery, which can reveal criminals in serious crimes like illicit drug trafficking (A), requiring clarification of the characteristics of this method and its types (B) and procedures (C).

#### **A) The Algerian Legislator's Consecration of Controlled Delivery in the Legal System as an Investigative Method in Serious Crimes**

Controlled delivery refers to allowing illegal or suspicious consignments to enter and exit the state's territorial borders under the supervision of the competent authorities of the state at the request of another entity to investigate crimes and their perpetrators<sup>12</sup>. The procedure permits the illicit shipment to continue transport with the aim of police intervention at the destination point or upon arrival<sup>13</sup>. The legislator enshrined this method to investigate drug crimes in the Algerian legal system, as evident in ordinance No. 05-06 on combating smuggling<sup>14</sup>, as well as Law No. 06-22 amending and supplementing the Code of Criminal Procedure.<sup>15</sup>

#### **1- Consecration of Controlled Delivery under ordinance No. 05-06 on Combating Smuggling:**

In ordinance to investigate and uncover the crimes stipulated in the ordinance No. 05-06 on combating smuggling, the legislator authorized, under Article 33 of this ordinance, the use of special investigative methods provided for in the Code of Criminal Procedure, which were

established by Law No. 06-22 as amended and supplemented. These methods include intercepting correspondence, recording voices and images, and leakage operations.

Among the important methods for investigating smuggling crimes, enshrined by virtue of ordinance No. 05-06 on the fight against smuggling, we find the method of controlled delivery, under Article 40 thereof entitled "Leakage method", the content is as follows: **"The competent authorities for combating smuggling may, under their supervision and control, authorize the movement of illegal or suspect goods to exit, transit or enter the Algerian territory to detect and combat smuggling acts based on the permission of the competent public prosecutor."**

## **2- Consecration of Controlled Delivery under Law No. 22-06 amending and supplementing the Code of Criminal Procedure:**

The Algerian legislator amended and supplemented ordinance No. 66-155, of the Criminal Procedure Code<sup>16</sup>, by virtue of Law No. 06-22 dated December 20, 2006.<sup>17</sup> Pursuant to Article 16 bis, the legislator extended the powers of judicial police officers throughout the national territory to monitor persons against whom there is one or more reasonable grounds to suspect them of committing the crimes specified in Article 16 of the Criminal Procedure Code. This includes monitoring the destination, transfer, items, money, or proceeds of such crimes or that may be used in their commission.

Drug crimes are among the ones that fall within the scope of extending the jurisdiction of judicial police officers. to cover the entire national territory and granting them the authority to monitor individuals, As is evident from the text of Article 16/7 of the Code of Criminal Procedure referred to in the aforementioned Article 16 bis, stipulates as follows: **"However, with regard to investigating and inspecting narcotic drugs offenses and organized transnational crime and crimes affecting automated data processing systems and money laundering and terrorism and crimes related to currency regulations, the jurisdiction of judicial police officers shall extend to the entire national territory."**

### **B) Features and types of controlled delivery:**

We clarify below the most important features that distinguish the procedure of controlled delivery, and highlight its types.

**1- Controlled delivery features:** is an investigative procedure to detect the identity of perpetrators in serious crimes, including illegal trafficking in narcotic drugs and psychotropic substances, is characterized by several features related to its nature as a procedure and related to its subject matter and purpose.

• **The most important features of the controlled delivery method related to its nature as an investigative procedure:** The controlled delivery method is characterized as an investigative procedure, recognized by the Algerian legislator in the legal system, by being an investigative and permissive confidential procedure, in addition to being a passive investigative method.

- **Controlled delivery is a permissive investigative method:** Controlled delivery is considered a permissive investigative measure, is subject to the discretion of the competent judicial authority, which has the power to permit the use of this method, deducing this feature from Article 40 of ordinance No. 05-06 on the fight against smuggling<sup>18</sup>, where the legislator

used the phrase "**it is possible**" which implies giving the permissive nature to this method, meaning monitoring the movement of illegal or suspicious goods.

- Like narcotic drugs and psychotropic substances - to exit, pass through or enter Algerian territory with the aim of searching for smuggling acts and combating them - it is by its nature an optional and permissive procedure, and non-compulsory, shall be decided only by the competent authority, which has the competence to assess the need to resort to this method or not. As per Article 16 bis of the Criminal Procedure Code, the monitoring of persons suspected of committing drug-related crimes and other crimes mentioned in Article 16 of the same law is an optional procedure, by using in the text of Article 16 bis the wording "may" which indicates permissibility and excludes compulsion.

- **Controlled delivery a confidential investigative method:** Confidentiality is considered one of the most important characteristics and fundamental guarantees of investigation and inquiry.<sup>19</sup> The legislator has stipulated confidentiality in accordance with Article 11/1 of the Criminal Procedure Law<sup>20</sup>, which states, "**Investigation and inquiry procedures shall be confidential unless otherwise provided by law and without prejudice to the rights of the defense.**" Paragraph 2 of Article 11 of the Criminal Procedure Law states that "**any person involved in these procedures shall maintain professional confidentiality...**". In general, the law requires the preservation of professional confidentiality and the non-disclosure of investigative secrets under the penalty<sup>21</sup>. Accordingly, the controlled delivery method in investigating serious crimes, including drug offenses, is characterized by confidentiality. Undoubtedly, the underlying rationale of conferring this confidentiality lies, on the one hand, in the purpose of resorting this method is to catch the perpetrator red-handed and apprehend all those involved in narcotic drugs crimes (carriers, holders, producers, suppliers, etc.). his can only be achieved provided that the operation is kept confidential to ensure its success. Thus, confidentiality has a positive impact in the field of investigation and inquiry<sup>22</sup>. On the other hand, the purpose behind confidentiality is in preserving the reputation of the suspect and not defaming him in accordance with the requirements of working on the presumption of innocence.

- **Controlled Delivery: A Passive Surveillance Method:** Controlled delivery is a passive activity carried out by national security and customs officer at border points (maritime, aerial, land) regarding illicit or suspicious shipments. Thus, the activity of the officer takes on a passive character, whereby he shall be refrained from immediately seizing and confiscating these shipments for a specified period. Instead, other security agencies shall monitor and observe these shipments until they reach their intended final destination. Ultimately, this allows for the apprehension of the entire organized criminal gang. Controlled delivery is among the measures employed by the state to apprehend a greater number of perpetrators.<sup>23</sup>

• **The main features of the controlled delivery method, linked to its purpose and scope, are as follows:** Controlled delivery is characterized as a purposeful procedure with a specific scope.

- **Controlled Delivery: A Purposeful Procedure:** The legislator, in establishing the controlled delivery method, sought to achieve an important objective, which is combating serious crimes such as narcotic drugs offenses, by facilitating the process of tracking and identifying offenders. It is not limited to apprehending only the main perpetrators, but also various key elements, including masterminds and financiers<sup>24</sup>. Thus, its objective goes beyond directly apprehending the immediate offender and extends to targeting orchestrators and planners. Furthermore, its objective goes beyond apprehending criminals within the state's

territory and aims to track them even outside the borders. This is what gives controlled delivery a particular advantage in terms of its purposefulness.

- **Controlled delivery is a well-defined procedure:** The Algerian legislator has made illegal or suspicious shipments subject to controlled delivery, as it is stated under Article 40 of ordinance No. 05-06 on combating smuggling. The Algerian legislature adopted the same procedure with regard to controlled delivery in corruption crimes, according to the express text of Article 2/k of Law No. 06-01 on the prevention and fight against corruption.

**2- Types of Controlled Delivery:** 1- Types of controlled delivery: The controlled delivery method is divided into two types: internal (national) controlled delivery and external (international) controlled delivery.

- **Internal (national) controlled delivery:** National controlled delivery refers to allowing illegal or suspicious shipments to move from one place to another within the borders of a single state, in other words, within the state's territory. This type of delivery allows for the apprehension of offenders present within the state's territory.

- **External (international) controlled delivery:** International controlled delivery refers to allowing illegal or suspicious shipments, whose nature has been discovered but not apprehended, to cross the territory of one state to another, where the first state serves as the point of origin and transit for the illicit or suspicious shipments, while the second state serves as the destination point for the cargo. This type of delivery is carried out through coordination and prior agreement between the two states, thus reflecting international cooperation between countries in combating serious crimes such as narcotic drugs trafficking. Thanks to international controlled delivery, the opportunity to apprehend offenders extends to those present outside the territory of a single state.

**C) Conditions for Implementing the Controlled Delivery Procedure:** Implementing the controlled delivery procedure - as a measure to investigate drug crimes and uncover the identities of those involved in their commission - is subject to several substantive and procedural formal controls.

**1- Substantive controls:** These primarily relate to the scope of applying the controlled delivery procedure, which the legislator has established to investigate specific serious crimes, including narcotic drugs offenses. The legislator explicitly stipulates this under Article 16/7 and Article 16 bis of the Code of Criminal Procedure<sup>25</sup>. Additionally, the controlled delivery procedure may be applied in smuggling cases, as explicitly stated in Article 40 of ordinance No. 05-06 on the fight against smuggling.

**2- Procedural Formal Controls:** The procedural formal controls that govern the controlled delivery procedure include obtaining permission from the competent authority and the authority responsible for executing the controlled delivery.

- **Obtaining Permission for Implementing Controlled Delivery:** The controlled delivery procedure shall not be permissible based on approval issued by the competent authority. As controlled delivery is a measure employed during the initial stages of the investigation, the authority responsible for approving is represented by the public prosecutor. The provisions related to controlled delivery shall not be implemented without prior approval from the public prosecutor, as explicitly stated in Article 16 bis of the Code of Criminal Procedure<sup>26</sup>. Furthermore, the legislator has established that controlling the movement of illegal or

suspicious goods entering, exiting, or passing through Algerian territory to investigate and combat smuggling shall require permission from the relevant public prosecutor.<sup>27</sup>

The legislator did not specify the conditions that shall be met for permission to carry out controlled delivery. The legislator has not also defined the duration of the permission or whether it can be renewed or not<sup>28</sup>. However, it is generally understood that the permission shall be in writing and shall specify the crime that justifies resorting to controlled delivery, particularly in the case of narcotic drugs crimes.

- **Authority Responsible for Executing Controlled Delivery:** Referring to Article 16 bis of the Code of Criminal Procedure, the controlled delivery procedure is executed by judicial police officers designated under Article 15 of the Code of Criminal Procedure, after obtaining permission from the public prosecutor, as previously mentioned. The territorial jurisdiction of the judicial police officers in narcotic drugs crimes extends throughout the national territory under Article 16/7 of the Code of Criminal Procedure.

## **II: Evaluation of the Controlled Delivery Procedure as a Measure to Combat Illicit Narcotic Drugs and Psychotropic Substances Trafficking**

The dedication of the controlled delivery procedure as a mechanism for investigating serious crimes within the Algerian legal system is a positive step taken by the Algerian legislator. It is a valuable addition to the Algerian legal arsenal in the fight against narcotic drugs and psychotropic substances trafficking. These crimes are considered among the most serious offenses that warrant controlled monitoring of illegal or suspicious shipments (A). However, the effectiveness of this procedure remains limited due to its challenges, which hinder the achievement of its intended objectives (B).

### **A) Consecration of Controlled Delivery as a Positive Step in Combating Narcotics and Psychotropic Substances Trafficking Crimes:**

The consecration of the legislator to the controlled delivery procedure as a measure to investigate serious crimes, including narcotic drug-related offenses, reflects the legislator's commitment to enhancing the strategy for combating these crimes. We consider this a positive step based on the resulting outcomes from implementing this procedure, particularly it serves as a mechanism to promote international cooperation in combating narcotic drugs and psychotropic substances trafficking. Additionally, it is a method that ensures accountability and addresses the problem of impunity.

#### **1 - Controlled Delivery as a Measure to Promote International Cooperation in Combating Narcotic Drugs and Psychotropic Substances Trafficking:**

The success of the global fight against illicit drugs requires practical international judicial cooperation<sup>29</sup>, which is essential for combating the illegal trafficking of narcotic drugs and psychotropic substances. One of the prominent aspects of international cooperation in this field is "controlled delivery," which involves monitoring the movement of illegal or suspicious shipments. Controlled delivery represents the intended international image in this context, which requires cooperation between the origin country of the illicit or suspicious shipment and the receiving country. Drug crimes transcend the borders of a single state, necessitating the establishment of legal mechanisms to confront them beyond the territorial boundaries of a single state. From this perspective, controlled delivery is a method to promote international cooperation in fighting drug crimes.

## **2- Controlled delivery ensures accountability and punishment:**

The legislator adopted the controlled delivery method as the most important procedure to implement field monitoring techniques for serious crimes and criminals. This enhances the opportunities of revealing the truth and obtaining evidence condemning perpetrators. This procedure reduces the chances of evading criminal prosecution and escaping retaliation. Besides, establishing the controlled delivery method aims to track criminals wherever they are found, not just apprehending the executing criminals but also reaching the masterminds, planners, and leaders of criminal networks. Controlled delivery is an investigation method that allows specific shipments of illicit drugs or other materials under the control of one or more state territories to pass through. The aim is to identify the maximum number of people involved in the deal and facilitate arresting drug trafficking "leaders, " not just street vendors<sup>30</sup>. The controlled delivery method has been instrumental in dismantling criminal networks and prosecuting their members.

Justice cannot be achieved as long as the most dangerous crimes go unpunished<sup>31</sup>. Therefore, dedicating the process of controlled delivery has a positive impact on the justice sector, as it contributes to obtaining evidence in serious crimes, including those related to drugs. This, in turn, ensures criminal accountability, which is the fundamental criterion for embodying the idea of the law, promoting civilized behavior, and achieving deterrence<sup>32</sup>.

**3- The controlled delivery process helps ensure the recovery of proceeds from narcotic drugs and illicit substances trafficking:** Narcotic drugs trafficking is considered one of the most profitable illegal activities worldwide. Therefore, the controlled delivery technique assists in obtaining additional evidence, arresting offenders, bringing them to trial, and convicting them. Consequently, it allows for the identification of assets subject to seizure<sup>33</sup>. The controlled delivery process contributes to recovering illicit funds acquired from drug trafficking and illicit substances. Regardless of the role of individuals involved in drug crimes (primary actors, partners, instigators, etc.), monitoring these offenders inevitably aids in tracking the illicit funds acquired, particularly through drug production and sales, as well as other illegal proceeds from such crimes. International society has shown a significant interest in asset recovery, as evidenced by the inclusion of legal mechanisms for asset recovery in various international instruments. One of the most important instruments is the United Nations Convention against Corruption, which considers asset recovery a fundamental principle and dedicates a specific chapter entitled "Assets Recovery," comprises nine articles (51 to 59).<sup>34</sup>

### **B) The main challenges that hinder the effectiveness of the monitored delivery process:**

Indeed, dedicating field monitoring to track the movement of illicit and suspicious shipments and controlling the perpetrators involved within the Algerian legal system is a positive step for which the legislator deserves to be thanked. However, legal and practical obstacles hinder its effectiveness and the achievement of its desired objectives.

**1 - Legal Challenges:** Despite the importance of controlled delivery and its role in tracking criminals involved in drug crimes and apprehending them, its effectiveness is limited due to various legal challenges, including:

- The modest supervision of the controlled delivery procedure by the Algerian legislator who neglected to address the controls and regulations governing the implementation of this procedure through clear and precise provisions. This is in comparison to other methods of



undercover investigations (such as leakage, interception of communications, audio recording, and image capture), especially regarding the duration of procedure permission and its renewability, particularly considering that the controlled delivery method is characterized by continuity.

- The controlled delivery process involves the possibility of failure to achieve the desired goal. This is the case where the receiving state of the drug shipment has not enshrined the process of controlled delivery in its legal system, which means that it will seize this shipment as soon as it reaches its borders. Thus, the controlled delivery operation fails to reach the masterminds and planners of narcotic drugs trafficking and psychotropic substances operations. This indicates that the success of the controlled delivery requires cooperation with states that recognize resorting to this procedure.
- The problem of jurisdictional conflict arises due to the fact that resorting to controlled delivery, especially on an international level, involves multiple states discovering a drug crime, leading to a conflict of jurisdiction. Consequently, it becomes unclear which state is competent to adjudicate the crime. Is it the state that initially discovered the crime and allowed it to proceed under field surveillance? Or is it the state that is the final destination of the drug shipment? This highlights the need to execute controlled delivery with countries that have previously entered into international agreements, clarifying the state with jurisdiction to adjudicate the case and regulate the issue of extradition between them.

**2- Operational Challenges:** Among the significant practical challenges faced by the implementation of controlled delivery are:

- **Human-related challenges:** The success of this method relies on highly experienced personnel, as it often ends in failure due to the lack of training and necessary expertise of the operatives<sup>35</sup>. Therefore, it is crucial to focus on training judicial police officers who carry out controlled delivery procedures.
- **Financial challenges:** Implementing controlled delivery requires substantial funding to provide modern and advanced equipment, technical preparations, and logistics to monitor the movement of illicit shipments and apprehend the liable perpetrators<sup>36</sup>. Controlled delivery is a sophisticated operation that involves deploying appropriate personnel, financing, logistics, and other essential components for a successful operation.<sup>37</sup>

### **Conclusion:**

The study addressed an important procedural mechanism for combating narcotic drugs and psychotropic substances trafficking, which the legislator established in the Algerian legal system. This mechanism is represented by the controlled delivery method, which allows the passage of drug and psychotropic substance shipments through Algerian territory without a seizure. To determine their destination and purpose, enabling tracking criminal networks involved in such serious crimes and apprehending those involved in their execution and planning.

This study identified the main obstacles that prevent this mechanism from achieving its objectives, necessitating legislator intervention to address some of the shortcomings in a manner that enhances the effectiveness of this procedure in combating organized crime, including drug-related crimes. These include:

- Addressing the deficiencies in framing the controlled delivery procedure and filling the gaps hindering its implementation.

- Entering into international agreements that clarify the process of implementing controlled delivery between countries and reveal the issue of pursuing, apprehending, and the competent judicial authority.
- Conducting training courses for the implementing body of controlled delivery operations.
- Ensuring sufficient financial coverage to implement this technical operation requires funding to achieve the desired goals.

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<sup>1</sup> - قيشاح نبيلة، الجريمة المنظمة ومكافحتها دوليا ووطنيا، مجلة الحقوق والعلوم السياسية، العدد 08، الجزء 2، جوان 2017، ص. 948.

<sup>2</sup> United Nations Convention against Transnational Organized Crime, Approved by the General Assembly of the United Nations on November 15, 2000.

<sup>3</sup> (a) "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in ordinance to obtain, directly or indirectly, a financial or other material benefit; Article 2/a of United Nations Convention against Transnational Organized Crime, Ibid.

<sup>4</sup> Presidential Decree No. 02-55 of February 5, 2002 ratifying, with reservation, the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly of the United Nations on November 15, 2000, Official journal of the Algerian Republic N 09 of February 10,2002.

<sup>5</sup> The term drugs is used to refer to certain substances that have different effects on the physical or psychological entity of a person, See:

أحمد طه علي ريان، المخدرات بين الطب والفقہ، دار الاعتصام للطباعة والنشر والتوزيع، القاهرة، 1987، ص. 81.

<sup>6</sup> Efficacité des traites internationaux relatifs au contrôle des drogues, organe international de contrôle des stupéfiants, Supplément au Rapport de l'Organe international de contrôle des stupéfiants pour 1994, Nations Unies, New York, 1995, p.6, disponible en ligne [https://www.incb.org/documents/Publications/AnnualReports/AR1994/AR\\_1994\\_F.pdf](https://www.incb.org/documents/Publications/AnnualReports/AR1994/AR_1994_F.pdf), consulté le 01 Aout 2023 à 09:10 a.m.

<sup>7</sup> La lutte contre la drogue, disponible en ligne [https://www.europarl.europa.eu/topics/drugs/drug3\\_fr.htm](https://www.europarl.europa.eu/topics/drugs/drug3_fr.htm), consulté le 30 juillet 2023 à 09:20 a.m.

<sup>8</sup> أعراب سعيدة، "مكافحة الاتجار غير المشروع بالمخدرات في القانون الدولي"، مجلة معالم للدراسات القانونية والسياسية، العدد 02، ديسمبر 2017.

<sup>9</sup> "Narcotic drug" means any of the substances, natural or synthetic, in Schedules I and II of the Single Convention on Narcotic Drugs, 1961, and that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961", Article 1/n of United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

<sup>10</sup> Efficacité des traites internationaux relatifs au contrôle des drogues, p.6, Idem.

<sup>11</sup> The technique of Controlled delivery as a weapon in dealing with illicit traffic in narcotic drugs and psychotropic substances, Available online <https://pubmed.ncbi.nlm.nih.gov/6563921>, Accessed on December 30, 2023 at 11:04 a.m.

<sup>12</sup> جباري عبد المجيد، دراسات قانونية في المادة الجزائية على ضوء أهم التعديلات الجديدة، دار هوم، الجزائر، 2012، ص. 65.

<sup>13</sup> Ann Jacobs, Jean-Luc Trullemans, Frank Debusschere, Méthodes particulières des recherches, Wolters Kluwer, Belgique, 2004, p. 73.

<sup>14</sup> Ordinance n° 05-06 of August 23, 2005 relating to the fight against smuggling, Official journal of the Algerian Republic n° 59 of August 28, 2005, amended and supplemented.

<sup>15</sup> Law n° 06-22 of December 20, 2006 amending and supplementing Ordinance n° 66-155 of June 8, 1966 on the Code of Criminal Procedure, Official journal of the Algerian Republic n° 84 of December 24, 2006.

<sup>16</sup> Ordinance n° 66-155 of June 8, 1966 on the Code of Criminal Procedure, Official Journal n° 48 of June 11, 1966, amended and supplemented.

<sup>17</sup> Controlled delivery meant "The method of allowing the exit from the national territory, the passage or the entry of illicit or suspected illicit shipments, with the knowledge and Under the control of the competent authorities, with a view to investigating an offense and identify the people involved in its commission", Article 2/k of Law n° 06-01 of February 20, 2006 relating to the prevention and fight against corruption, Official journal of the Algerian Republic n° 14 of March 08, 2006, amended and supplemented.

<sup>18</sup> Ordinance n° 05-06 of August 23, 2005 relating to the fight against smuggling, amended and supplemented, Idem.

<sup>19</sup> محمد إبراهيم زيد، تنظيم الإجراءات الجزائية في التشريعات العربية، ج. 2، المركز العربي للدراسات الأمنية والتدريب، الرياض، 1990، ص. 222.

<sup>20</sup> Ordinance n° 66-155 of June 8, 1966 on the Code of Criminal Procedure, amended and supplemented, Idem.

<sup>21</sup> Any person who participates in this procedure is bound by professional secrecy within the penalties provided for in the criminal code", Article 11/2 of Ordinance n° 66-155 of June 8, 1966 on the Code of Criminal Procedure, amended and supplemented, Ibid.

- <sup>22</sup> محمد محدة، ضمانات المتهم أثناء التحقيق، ط. 1، دار الهدى، عين مليلة، 1992، ص. 86.
- <sup>23</sup> Hartmut Aden, Les effets au niveau national et régional de la coopération internationale des polices : un système spécifique de multi-level governance, *Approches comparées des polices en Europe*, L'harmattan, Paris, 2003, p. 24.
- <sup>24</sup> شنين صالح، " التسليم المراقب في التشريع الجزائري واقع وتحديات "، *المجلة الأكاديمية للبحث القانوني*، المجلد 12، العدد 02، 2015، ص. 202.
- <sup>25</sup> In addition to drug offences, controlled delivery can be used in the context of transnational organized crime, offenses related to automated data processing systems, money laundering and terrorism offences, and offenses related to foreign exchange legislation, Article 16/7 of Ordinance n° 66-155 of June 8, 1966 on the Code of Criminal Procedure, amended and supplemented, *Idem*.
- <sup>26</sup> It is the same competent authority to authorize controlled extradition in corruption offenses at the preliminary investigation stage, Article 56 of Law n° 06-01 of February 20, 2006 relating to the prevention and fight against corruption, amended and supplemented, *Idem*.
- <sup>27</sup> Article 40 of Ordinance n° 05-06 of August 23, 2005 relating to the fight against smuggling, amended and supplemented, *Idem*.
- <sup>28</sup> Unlike procedures of intercepting correspondence and recording votes, interceptions of correspondence, sound and image fixations, and infiltration, where did the legislator specify the conditions for its implementation, in particular the authorization and its conditions, look Art 65 bis 5 to Art 65 bis 28 of Law n° 06-22 of December 20, 2006 amending and supplementing Ordinance n° 66-155 of June 8, 1966 on the Code of Criminal Procedure, *Idem*.
- <sup>29</sup> La lutte contre la drogue, Assemblée générale des Nations Unies, Session extraordinaire consacrée au problème mondial de la drogue, New York, 8-10 juin 1998, disponible en ligne <https://www.un.org/french/ga/20special/presskit/fiche1.htm>, consulté le 20 juillet 2023 à 10:20 a.m.
- <sup>30</sup> La lutte contre la drogue, Assemblée générale des Nations Unies, *Ibid*.
- <sup>31</sup> ولد يوسف مولود مولود، عن فعالية القضاء الجنائي الدولي في محاربة الإفلات من العقاب، دار الأمل للطباعة والنشر والتوزيع، تيزي وزو، الجزائر 2013، ص. 11.
- <sup>32</sup> يوبي عبد القادر، " مساهمة المحكمة الجنائية الدولية في تكريس العدالة الانتقالية "، *مجلة القانون، المجتمع والسلطة*، جامعة وهران، المجلد 2، العدد 1، 2013، ص. 83.
- <sup>33</sup> SRLNIVASAN Gopal, Controlled delivery- An efficacious investigative technique to bust drug syndicates: An analysis, *international journal of Law Management & Humanities*, Vol 5, Issue 3, 2022, p.p. 927,934.
- <sup>34</sup> United Nations Convention against Corruption, approved by General Assembly resolution n° 4/58 of October 31, 2003, was ratified by Algeria with reservations by Presidential Decree No. 04-128 of April 29, 2004, *Official journal of the Algerian Republic* n° 26 of April 25, 2004.
- <sup>35</sup> بشير المجالي، جمع وتحليل المعلومات الجنائية اللازمة لاستخدام التسليم المراقب والتحريات العادية والإلكترونية، "تحليل المعلومات الجنائية في مجال مكافحة المخدرات"، كلية التدريب، عمان، 1010، ص. 10.
- <sup>36</sup> صرياك مسعودة، زرارة لخضر، " دور نظامي التسليم المراقب وتسليم المجرمين في تحقيق التعاون الدولي لمكافحة الفساد في الجزائر "، *مجلة الباحث للدراسات الأكاديمية*، المجلد 08، العدد 01، 2021، ص. 93.
- <sup>37</sup> SRINIVASAN Gopal, *Idem*, p. 951.