

Means of Proving Crimes of Witchcraft and Sorcery before the Algerian Judiciary

An Analytical Study in Light of the Penal Code and the Code of Criminal Procedure

Zehor Adjailia (Pn.D)

Faculty of Law, University of Sfax, Tunisia
zehoradjailia@gmail.com

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Abstract:

This study aims to analyse the means of proving crimes of witchcraft and sorcery before the Algerian judiciary, with a focus on balancing the effectiveness of criminal prosecution with the guarantees of a fair trial. The subject is important because of the particular nature of these crimes: materially provable facts may be mixed with claims that are difficult to verify, and the acts may take either traditional or digital forms. The study adopts a descriptive-analytical method by examining the relevant legislative provisions, particularly the Penal Code provisions that introduced specific criminalisation of acts of witchcraft and sorcery under Law No. 24-06 of 2024, and the provisions of the Code of Criminal Procedure, Law No. 25-14 of 2025. It examines confession, testimony, documents, circumstantial evidence and inspection, followed by technical expertise and digital evidence, as well as the roles of investigative, inquiry and trial authorities. The study concludes that proof cannot rest merely on belief or on the label that a party assigns to an incident. Rather, it requires establishing the elements of the legally defined offence, its attribution to the accused, and the intent or purpose required by the provision, while verifying the legality and integrity of the evidence. It also recommends developing protocols for examining digital evidence, training law-enforcement personnel, and strengthening victim protection without undermining the presumption of innocence (Law No. 24-06, 2024, Art. 24).

Keywords: witchcraft and sorcery; criminal evidence; Algerian judiciary; digital evidence; technical expertise; presumption of innocence.

Medios de prueba de los delitos de brujería y hechicería ante la justicia argelina

Estudio analítico a la luz del Código Penal y del Código de Procedimiento Penal

Zehor Adjailia (doctora)

Facultad de Derecho, Universidad de Sfax, Túnez
zehoradjailia@gmail.com

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Resumen

El presente estudio tiene como objetivo analizar los medios de prueba de los delitos de brujería y hechicería ante la justicia argelina, prestando especial atención al equilibrio entre la eficacia de la persecución penal y las garantías de un juicio justo. La relevancia del tema radica en la particular naturaleza de estos delitos: los hechos susceptibles de acreditación material pueden entremezclarse con afirmaciones de difícil verificación, y las conductas pueden adoptar formas tanto tradicionales como digitales. La investigación emplea un método descriptivo-analítico mediante el examen de las disposiciones legislativas pertinentes, en particular las del Código Penal que introdujeron la tipificación específica de las prácticas de brujería y hechicería mediante la Ley n.º 24-06 de 2024, así como las disposiciones del Código de Procedimiento Penal, establecido por la Ley n.º 25-14 de 2025. Se examinan la confesión, la prueba testifical, la prueba documental, los indicios y la inspección, así como la prueba pericial y la evidencia digital. Asimismo, se analizan las funciones de las autoridades encargadas de la investigación, la instrucción y el enjuiciamiento. El estudio concluye que la prueba no puede fundarse únicamente en creencias ni en la calificación que una de las partes atribuya a un hecho. Por el contrario, exige acreditar los elementos del delito legalmente tipificado, su atribución a la persona acusada y el dolo o la finalidad exigidos por la disposición aplicable, verificando al mismo tiempo la legalidad y la integridad de las pruebas. También se recomienda desarrollar protocolos para el examen de la evidencia digital, capacitar al personal encargado de hacer cumplir la ley y reforzar la protección de las víctimas sin menoscabar la presunción de inocencia (Ley n.º 24-06, 2024, art. 24).

Palabras clave: brujería y hechicería; prueba penal; justicia argelina; evidencia digital; prueba pericial; presunción de inocencia.

Introduction:

The subject is particularly important because the legislator did not criminalise only one form of conduct. Article 303 bis 42 provides a legal definition connected with arousing hope or fear that an imaginary event will occur, deceiving another person into believing in the existence of an imagined ability or influence, assuming a false identity, and engaging in fortune-telling and prediction of the future. The provision must therefore be interpreted carefully, without extending criminalisation beyond its wording or depriving it of its substance (Law No. 24-06, 2024, Art. 24).

It should be emphasised that this study does not offer a religious or social assessment of beliefs. Instead, it adopts a procedural legal criterion: has a material act falling within the statutory provision been established? Has it been attributed to the accused? Were the evidence lawfully collected and made

available for discussion? This perspective prevents confusion between a complaint, which initiates an inquiry, and evidence capable of supporting a conviction.

Proving crimes of witchcraft and sorcery raises legal and practical issues that go beyond establishing that a material event occurred. A report may contain claims of foreknowledge or supernatural powers, while also relating to tangible conduct such as obtaining money, providing services for payment, using fraudulent methods, or causing physical or moral harm. It is therefore insufficient for a complainant simply to describe conduct as witchcraft or sorcery. The justice authorities must precisely identify the alleged acts and then compare them with the elements required by the criminal provision.

By Law No. 24-06 of 28 April 2024, the Algerian legislator added a dedicated section entitled “Acts of Witchcraft and Sorcery” to the Penal Code, comprising Articles 303 bis 42, 303 bis 43 and 303 bis 44. This legislative intervention reflects an approach that addresses the phenomenon through specific provisions rather than relying solely, depending on the circumstances of each case, on general legal classifications such as fraud or assault. Procedurally, Law No. 25-14 of 3 August 2025, containing the Code of Criminal Procedure, affirms the principles of legality, fair trial, the presumption of innocence, and interpretation of doubt in favour of the accused (People’s Democratic Republic of Algeria, 2024, 2025; Law No. 24-06, 2024, Art. 24).

The research problem is framed by the following question: To what extent are traditional and modern means of evidence sufficient to prove crimes of witchcraft and sorcery before the Algerian judiciary while respecting procedural safeguards and the rights of both the victim and the accused? This question gives rise to several subsidiary questions: What evidentiary value should be assigned to confession, testimony, documents and circumstantial evidence? What are the limits of technical expertise and digital evidence? And how can unsubstantiated allegations be distinguished from material acts criminalised by law? (Hadj Ali, 2022; Bouderara Zeggar, 2025).

The need for this distinction is reinforced by the wording of Article 303 bis 42 itself. It links criminalisation to legally described conduct and to practising the activity or committing one of the acts for the purpose of obtaining a material or moral benefit. It also provides for harsher consequences where harm occurs, private life, honour or dignity is infringed, or the conduct is accompanied by fraud or deception. The prosecution must therefore identify the paragraph or statutory form on which it relies and specify the corresponding facts, rather than using a general label alone (Law No. 24-06, 2024, Art. 24).

The study adopts a descriptive-analytical method, describing the means of evidence and analysing their function and limits in light of the legal provisions. It distinguishes the legal rule from analytical inference and does not treat practices or beliefs, in themselves, as sufficient evidence that an offence has been committed. The research is limited to the general Algerian framework and does not replace consultation of the updated official versions of the legislation when applying it to a specific judicial case.

Chapter One: Traditional Means of Evidence in Crimes of Witchcraft and Sorcery:

Section One: Oral Evidence in Proving Crimes of Witchcraft and Sorcery

First Branch: Confession:

First: Confession in Criminal Matters:

In practical terms, the record of questioning or statement should contain clear questions and answers. A general formulation that appears to imply an admission not actually made by the accused should not suffice. If the confession appears in an electronic conversation or recording, the authenticity and context of the file and the identity of the speaker must be verified, because attributing the words to their author is part of the evidentiary question itself, not a separate formal matter (Kent et al., 2006).

Confession means an accused person's admission of a fact or facts attributed to them, such as receiving money in exchange for a particular service, publishing an advertisement, sending messages to the victim, or engaging in specific material conduct. In these cases, a distinction must be made between confessing to the material act and adopting a supernatural explanation of the incident, whether by the accused or another person. The former may directly relate to the elements of the offence, whereas the latter does not relieve the prosecution of the obligation to prove the required legal elements.

The evidentiary value of a confession must be assessed under the general rules of criminal evidence; it is not an infallible form of proof. An admission may be partial, made in an ambiguous context, or influenced by pressure, promises or coercion. Its circumstances, clarity, consistency with the remaining evidence, and compatibility with the accused's right of defence and the presumption of innocence under the Code of Criminal Procedure must therefore be examined (People's Democratic Republic of Algeria, 2025).

Second: Conditions for Relying on a Confession and Its Evidentiary Weight:

Relying on a confession requires that it be made freely and consciously, be clear and specific, and be recorded in minutes that satisfy the legal requirements. It must not be obtained through physical or psychological coercion or interpreted outside its context. In practice, it is useful to determine whether the confession corresponds with independent information, such as receipts, financial transfers, electronic messages or seized items. Agreement with another item of evidence does not relieve the court of its duty to examine the legality and probative value of both items.

A retraction should not be confused with automatic invalidity of a confession. Retraction calls for judicial examination of the circumstances in which the admission was made, the reasons for withdrawing it, and whether independent evidence corroborates it. Likewise, an admission that money was received does not necessarily establish that the payment was for an activity criminalised under Article 303 bis 42; the nature of the activity and the purpose required by the provision must also be proved.

Third: The Criminal Court's Authority to Assess the Confession and Its Sufficiency:

Assessing a confession falls within the jurisdiction of the court in light of the entire case file. A conviction should not be based on an isolated phrase or an admission that fails to identify the criminalised act. This is particularly important where the file contains statements about supernatural abilities or outcomes that cannot be verified by objective means. The assessment should focus on provable facts, including the activity performed, its purpose, the benefit obtained, the alleged harm, and the accused's connection to each element.

Second Branch: Testimony in Crimes of Witchcraft and Sorcery:

First: The Concept of Testimony and Its Role in Criminal Proof:

When hearing witnesses, it is useful to break down their accounts into specific temporal and spatial elements, ask non-leading questions, and record what the witness directly observed separately from what they inferred or heard from others. This distinction helps prevent personal inference from being treated as an observed fact and facilitates comparison of testimony with available documents and recordings.

Testimony is a person's account of an incident relevant to the case as perceived through their senses. The victim's or a witness's testimony may reveal how the accused was contacted, how a service was agreed upon, whether money was handed over, whether a threat was made, whether a particular outcome was promised, or whether subsequent harm occurred. Testimony is more useful when it addresses verifiable details rather than relying on a general description such as saying that the accused practises witchcraft (Ouhabia, 2024).

Second: Conditions for Admitting Testimony and Assessing Its Value:

Testimony is assessed in accordance with the procedural rules governing the hearing of witnesses, taking into account the witness's competence, the circumstances in which the event was perceived, the consistency of the account, any interest or hostility, and the possibility of corroboration by other evidence. A victim's testimony should not be rejected merely because the victim lodged the complaint, nor should it be accepted automatically merely because the victim alleges harm. It must be examined, tested through questioning, and weighed against the other elements in the file.

Third: The Evidentiary Value of the Victim's Testimony and of Eyewitnesses:

A distinction should be drawn between a witness who saw money being handed over or directly heard a threat, a person repeating an account heard from someone else, and a person expressing a personal inference about the cause of an illness, loss or change in private life. Each type has a different evidentiary scope. An account can be tested against dates, correspondence, receipts and medical reports, without assuming that temporal sequence alone proves causation or criminal responsibility.

Section Two: Documents, Circumstantial Evidence and Inspection in Proving the Offence:

First Branch: Documents and Records:

First: The Concept of Documents and Their Importance in Criminal Evidence

The analysis must also distinguish a document's ability to establish that a financial transaction occurred from its ability to establish the nature of that transaction. A bank transfer may prove that money moved from one person to another, but it does not by itself prove that the money was paid in exchange for an act criminalised by law. It must be linked to other indicators, such as the content of an advertisement or messages, or testimony from someone who attended the agreement, while considering any reasonable alternative explanation.

Depending on the circumstances, relevant documents may include receipts, invoices, simple contracts, service advertisements, written correspondence and financial-transfer records. These materials can help reconstruct the relationship between the parties and establish the nature of the advertised service, the amounts paid, the frequency of the activity and the promises made. However, the existence of a document does not by itself prove every element of the offence: a document may establish payment while the purpose of the payment, the nature of the act and attribution of the document to the accused still require additional evidence.

Second: Reliance on Receipts, Invoices and Payments:

Receipts, invoices and transfers may help establish that a material benefit was obtained, an element of particular importance where the provision links criminalisation to practising an activity for the purpose of obtaining a benefit. The source of the document, the accuracy of its contents, the identity of its author and its connection to the matter under prosecution must be verified. A distinction must also be made between merely receiving money and proving that an act falling legally within witchcraft or sorcery was performed; the former alone is insufficient to prove the latter.

Third: The Evidentiary Weight of Documents in Establishing the Activity and Its Purpose:

The value of a document depends on its contents, context and relationship to the remaining evidence. An advertisement explicitly promising foreknowledge or influence over future events may indicate the nature of the advertised activity, but it does not necessarily prove that the accused published it or that the service was actually performed. It is therefore necessary to establish attribution, determine the date of creation or publication, and verify the possibility of alteration or impersonation (Ouhabia, 2024; Law No. 24-06, 2024).

Second Branch: Circumstantial Evidence and Inspection:

First: The Concept of Circumstantial Evidence and Its Role in the Judge's Conviction:

The strength of circumstantial evidence can be tested through three questions: Was the primary fact independently established? Does that fact genuinely support the proposed inference, or could it have other explanations? Are the indicators mutually corroborative and independent, rather than all originating from the same source? If several witnesses merely repeat a single account, they should not automatically be treated as multiple independent pieces of evidence.

Circumstantial evidence is an inference drawn from an established fact to reach another fact in dispute. Examples include repeated receipt of payments from several people, the existence of similar advertisements, or correspondence between the content of messages and victims' statements. Circumstantial evidence is stronger when it is multiple, independent and mutually corroborative, and weaker when it permits a reasonable innocent explanation. Suspicion or social impression must not be converted into evidence of guilt (Ouhabia, 2024; Suleiman, 2008).

Second: The Role of Inspection and Seized Items in Revealing Material Acts:

Inspection may cover a location, tools, papers, devices or materials found during an investigation. Its importance lies in documenting the physical condition of the place and objects at a particular time, not in automatically assigning them a legal meaning. The presence of objects with symbolic or ritual characteristics does not by itself establish that an offence occurred. Their connection to a specific act criminalised by law, to the accused, and to the purpose or result required by the provision must be demonstrated.

Third: Conditions for Relying on Circumstantial Evidence and Seized Items:

Reliance on seized items requires proof of where and under what circumstances they were found, an accurate description, documentation of their transfer and storage, and access for examination where appropriate. Contamination, substitution or loss of data that might affect their significance should be avoided. For circumstantial evidence, the inferential steps connecting the established fact to the conclusion must be explained, and reasonable alternative explanations must be raised and addressed.

Chapter Two: Modern Means of Evidence and Scientific and Judicial Challenges:

Section One: Technical Expertise and Digital Evidence in Proving Crimes of Witchcraft and Sorcery:

First Branch: Technical and Scientific Expertise:

First: The Concept of Expertise and Its Role in Criminal Evidence:

It is advisable for an appointment order or request for expertise to specify the technical questions precisely, such as whether an audio file has been altered, whether data can be extracted from a device through documented procedures, or whether two versions of a digital document differ. Asking whether the accused is "guilty" or whether the incident legally constitutes an offence is not a technical question to be left to an expert; it falls within the court's jurisdiction.

Expertise is a technical means by which a judicial authority obtains assistance when understanding an element of the case requires specialised knowledge, such as examining an electronic device, analysing an audio file, verifying the integrity of a digital document, or interpreting a medical report concerning physical harm. Expertise clarifies technical matters but does not replace the judge in legal classification or determination of responsibility (Kent et al., 2006).

Second: Resorting to Expert Examination:

Expert examination is useful where there is a dispute over the authenticity of a recording or message, the identity of an account creator, the integrity of data extracted from a phone or computer, or the nature of an

alleged injury. The expert's task should be defined, and the materials examined, method followed and limitations affecting the findings should be documented. Fair-trial safeguards also require that the parties be enabled, in accordance with the law, to discuss the report and request clarification, supplementary examination or a counter-expertise where justified (People's Democratic Republic of Algeria, 2025).

Third: Limits of Scientific Expertise:

Expertise cannot establish the truth of a supernatural claim merely because it appears in the case file, and an expert must not substitute moral or belief-based judgments for technical criteria. The expert's role is limited to matters that can be examined using the tools of the relevant specialism: whether a recording is original or altered, whether there is evidence of injury, or whether digital data are consistent with a particular hypothesis. Whether the elements of the offence and criminal intent exist, and whether the act is legally attributable to the accused, remain matters for the judicial authority to decide on the basis of all the evidence.

Second Branch: Digital and Electronic Evidence:

First: Electronic Messages and Conversations:

Digital conversations require preservation of their surrounding context, including relevant preceding and subsequent messages, the date and time, the platform and the method of extraction. A single screenshot may omit important elements, such as the identity of the other party or replies that change the meaning of a statement. The method by which the data were obtained should therefore be documented, and the complete version should be made available for examination whenever the legal procedures permit (Kent et al., 2006).

Messages and conversations exchanged through applications or social-media platforms may contain an agreement to provide a service, a stated fee, a threat or a promise relevant to the incident. Their value increases when they can be linked to a specific account, device or number, their date and context are established, and they are read in full rather than through extracts. However, an account name or profile picture alone does not establish the actual user's identity, since an account may have been stolen or an identity impersonated (Kent et al., 2006).

Second: Audio Recordings, Images and Video Clips:

Recordings and images may document a meeting, transfer of money, publication of an advertisement or a threat. Their evidentiary value, however, depends on authenticity, context and legality. The file's source, available metadata, possibility of editing or manipulation, completeness of the recording, and identity of the persons shown or heard must be checked. Privacy rules must also be observed; not every circulating recording should be assumed admissible or suitable for judicial reliance.

Third: Conditions for Collecting and Examining Digital Evidence:

The integrity of digital evidence requires documenting the device or account from which data were extracted, recording the time of collection and the authority that performed it, preserving the original copy where possible, working on a forensic copy when necessary, and documenting any technical procedure that affects the data. Digital verification values, such as hash values, are advisable to demonstrate that a copy has not changed during processing, together with a clear chain of custody. The required jurisdiction, authorisation or other legal basis for accessing the data must also be respected, because the integrity of content does not automatically remedy a defect in the method by which it was obtained (Kent et al., 2006).

International technical standards for digital evidence indicate that collection, preservation and examination should be documented and capable of independent verification, and that limitations affecting the results should be stated (National Institute of Standards and Technology [NIST], 2006). These standards are

technical guidance, not a substitute for Algerian law or the judicial authority's assessment of the legality and evidentiary weight of the material (Kent et al., 2006).

Section Two: The Role of Judicial Authorities and Evidentiary Difficulties

First Branch: The Role of Judicial Authorities in Collecting and Assessing Evidence

First: The Role of the Judicial Police:

In practice, official seizure records should include a precise list of seized items, the place where each was found, the time of seizure, the identity of the person who received it, and the method of packaging and storage. For electronic evidence, tampering with a device, opening applications or changing their contents without documentation should be avoided. Specialists should be consulted whenever necessary to preserve data integrity.

The judicial police conduct searches and investigations and collect preliminary evidence within the powers and procedures prescribed by law. In the cases under consideration, attention should focus on verifiable facts: the parties' identities, the nature of the advertised service, payments, exchanged messages, the place of the incident and persons who witnessed it. Seized items and digital evidence must also be documented in a way that preserves their integrity and allows scrutiny of the collection process.

Second: The Role of the Public Prosecutor's Office

The Public Prosecutor's Office initiates and conducts public prosecution in accordance with the law, assessing whether the reported facts justify prosecution, whether the legal classification is appropriate, and whether the available evidence requires further investigation. Proper decision-making requires avoiding confusion between the victim's allegation and sufficient evidence, while also ensuring that material facts revealed by transfers, messages or mutually corroborative testimony are not overlooked.

Third: The Role of the Investigating Judge and the Trial Court:

Where a judicial investigation is conducted, the investigating judge seeks evidence both for and against the accused in accordance with legal safeguards, including hearing individuals and ordering expert examination or inspection where necessary. The trial court examines and weighs the evidence presented to it and determines whether the act has been established, whether it is attributable to the accused, and whether the elements of the applicable provision are satisfied. A large quantity of evidence does not necessarily mean strong evidence: multiple items may derive from one source or rest on an unverified account.

The general provisions of the Code of Criminal Procedure, Law No. 25-14, affirm principles associated with the presumption of innocence, fair trial and interpretation of doubt in favour of the accused. These principles are especially important in cases where accounts may be affected by belief, fear or rumour (People's Democratic Republic of Algeria, 2025).

Second Branch: Evidentiary Difficulties:

First: Distinguishing Unsubstantiated Allegations from Criminalised Material Acts

One major difficulty is that incidents may be described in social, religious or personal language that does not necessarily correspond to legal terminology. A report should therefore be translated into specific factual questions: What act occurred? Who performed it? When and where did it happen? Was payment or another benefit involved? Was there a threat, impersonation or a specific promise? What independent evidence supports the allegation? These steps are important in light of the legislator's definition of acts of witchcraft and sorcery in Article 303 bis 42, which links criminalisation to specified acts and the purpose of obtaining a material or moral benefit, with enhanced penalties in the circumstances set out in the provision

(People's Democratic Republic of Algeria, 2024; Law No. 24-06, 2024, Art. 24; Hadj Ali, 2022; Bouderara Zeggari, 2025).

Accordingly, a belief or an unfamiliar ritual should not, by itself, be regarded as sufficient evidence of an offence. Nor should fraudulent conduct, a threat or established harm be ignored merely because the incident has been described in supernatural terms. The focus of the assessment must be the act defined by law, not whether society accepts or rejects the beliefs involved.

Second: Proving the Relationship between the Accused's Act and the Alleged Harm

A complainant may allege that a particular act caused an illness, financial loss or social disruption. Yet proving that harm occurred differs from proving its cause, and proving the cause differs from attributing it to the accused. Medical or financial reports may help establish the harm, but they do not, by themselves, prove that the accused caused it. A causal connection supported by admissible evidence must be investigated, avoiding inferences based merely on temporal succession or a personal interpretation of events.

Third: Safeguarding the Accused's Rights and Protecting the Victim:

A balanced approach also requires avoiding the publication of the victim's personal data or recordings beyond what the proceedings require, and avoiding repeated questioning in a manner that may intensify the harm suffered, while preserving the accused's right to access and challenge the evidence in accordance with the law. Digital evidence requires particular care because circulation of copies outside the case file may violate privacy, alter the file or make the source of a leak difficult to identify.

A balanced approach requires listening respectfully to the victim, protecting the victim's data and privacy where appropriate, and avoiding redistribution of images or conversations beyond procedural necessity. At the same time, the accused's right to know the allegations, challenge the evidence and obtain legal defence must be preserved. Protecting the victim does not require lowering evidentiary standards, just as the presumption of innocence does not mean disregarding a complaint or obstructing an investigation (Law No. 25-14, 2025).

To improve the effectiveness of evidence, the study proposes: preparing a unified procedural guide for documenting seized items and digital evidence; training judicial police officers, prosecutors and judges to interpret technical evidence; using specialised expertise when authenticity or causation is disputed; avoiding imprecise terminology in official records; conducting interviews that take account of possible influence and fear; and ensuring evidence is preserved and the parties are able to discuss it. Legal awareness should also be developed to explain the difference between holding a personal belief and engaging in conduct that satisfies the statutory elements of an offence.

Conclusion:

Methodologically, international technical guidance should not be treated as independently binding law in Algeria. It may instead be used as a technical reference for organising collection, preservation and analysis, while the legality of procedures remains governed by national legislation. The NIST guide highlights the importance of documenting data sources and examination methods, while noting that it is a technical reference, not legal advice, and does not replace compliance with local rules (Kent et al., 2006).

The study concludes that proving crimes of witchcraft and sorcery before the Algerian judiciary requires an approach that breaks an account down into verifiable acts and facts and then examines whether the criminal provision applies to them. The amendment introduced by Law No. 24-06 of 2024 provides a specific framework for criminalising acts of witchcraft and sorcery, while the Code of Criminal Procedure,

Law No. 25-14 of 2025, provides the general procedural framework within which evidence must be collected and discussed (Law No. 24-06, 2024, Art. 24).

Oral evidence, particularly confession and testimony, plays an important role when it is specific, consistent and supported by independent indicators. Documents, receipts, inspection and seized items can also help establish the activity, benefit and material circumstances, provided their attribution and the integrity of their collection are verified. Expert examination and digital evidence are increasingly important, but remain limited by their technical scope and by the need to respect the legality of obtaining evidence and its integrity.

The study makes the following recommendations: first, focus on the legal elements of the act rather than merely describing it as witchcraft or sorcery; second, document the chain of custody for seized items and digital files; third, use independent experts when necessary and define their tasks precisely; fourth, strengthen victim protection and privacy without undermining defence rights; and fifth, develop further field and judicial studies based on published judgments or lawfully accessible case files to assess how the newly introduced provisions are applied in practice. A conviction must remain contingent on establishing the facts and elements of the offence through lawful and persuasive evidence, not mere belief or suspicion.

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