

Study visit of the Supreme Court of Algeria

22/12/2023



The *Cour de Cassation* welcomed a very high-level delegation from the Supreme Court of Algeria from 11 to 13 December 2023.

This visit was a continuation of the activities carried out by the *Cour de Cassation* as part of the Programme of Support for the Justice Sector in Algeria (PASJA) run by Expertise France and the French Embassy in Algiers, and following the missions carried out in Algeria in 2023 by Mr Patrick Matet, Honorary Elder judge, and Ms Nicole Planchon, Honorary judge.

First President Tahar Mamouni, accompanied by three presidents of chambers, Mohamed Lamouri, president of the social chamber, Mohamed Mokhtar Rahmani, president of the civil chamber, and Mostefa Labidine, president of the criminal chamber, requested this visit in order to deepen the reforms conducted at the Supreme Court on the management of case inventories.

Indeed, following the conferences organised in Algeria on rulings' reasoning, the dematerialisation of procedures, and the procedures for dismissal without special reasons and non-admission, it was important for the delegation to be able to grasp these issues in a concrete way.

The purpose of the study visit, supported by Expertise France and supervised by Chantal Bussière, First Honorary President and international judicial expert, was therefore to exchange views with magistrates of the *Cour de Cassation* on best practices for streamlining cassation work and enabling the supreme court to focus on the most complex cases.

The delegation was welcomed to the Court by First President Christophe Soulard. It was also received by the chamber presidents and by François Molinié, President of the Ordre des Avocats au Conseil d'Etat et à la Cour de cassation (Specialized Bar).

The discussions made it possible to appreciate the common issues and challenges faced by the two supreme courts, which operate and are organised in very similar ways. Discussions with the First President focused in particular on the debates surrounding the implementation of a filtering system, as well as the methods used to recruit magistrates at the Cour de cassation. Particular emphasis was placed on the role of the Ordre des Avocats aux Conseils - which has no counterpart in Algeria - in the successful implementation of reforms, particularly the dematerialisation of proceedings.



A meeting with the Prosecutor General, Rémy Heitz, provided an opportunity to discuss the links between the prosecutor general's office and the supreme courts and to broaden the discussion to include ethical considerations and the status of the judiciary. These discussions were all the more valuable given that Algeria recently reformed its Conseil Supérieur de la Magistrature (Council for the Judiciary) in 2020.

Next, Ms Caroline Azar, judge referee, special advisor to the First president, described the appeal circuit at the Cour de cassation, and presented the reform of the differentiated circuits. The reform has enabled appeals to be better channelled according to their legal complexity, thus facilitating the management of deadlines and the equitable allocation of the workload between councillors.



Ms Sandrine Zientara-Logeay, president of chamber and Director of the Documentation, Research and Reporting Department (SDER), which is responsible for referring appeals to the Chambers, addressed the issue of referrals in greater depth. She has also developed her department's role in assisting the Chambers' magistrates. Mr Edouard Rottier, judge referee at the SDER, continued the discussion by presenting, in addition to the Open Data on court decisions, the artificial intelligence techniques that have been put in place to facilitate the referral of appeals to the chambers and future projects to speed up these processes.

The members of the delegation were also able to attend hearings in their counterpart chambers. This gave them a good understanding of the role of the president and Elder judges of the chambers, as well as the judge referees, a function that has no equivalent at the Supreme Court of Algeria.

The last day of the visit was devoted to very practical cases. Since dismissals without special reasons (RNSM) and non-admission account for around 40% of the decisions handed down by the Court of Cassation, it seemed necessary to present the conditions under which they are made.

Ms Florence Marguerite, judge referee and special adviser to the First President, therefore presented both the history and the drafting techniques for dismissals without special reasons (RNSM). Emphasising the importance of the report concluding the RNSM and the arguments that flowed from it, she weighed up the issues at stake, both in terms of the obligation to state reasons and in terms of the time taken to process cases.

Ms Maud Fouquet, judge referee, and special advisor to the First President, gave a very detailed presentation of the procedure for non-admission to the Criminal Division. She explained the forms used and gave very concrete examples.

First President Tahar Mamouni expressed his particular satisfaction with these presentations, in that although a similar form of rejection is provided for in the texts, it is not used in practice at the Supreme Court.

Ms Claire Bonhert, judge referee at the Second Civil Chamber, demonstrated the use of the Virtual Office, a working platform for the Court's judges. In addition to explaining working methods, this presentation provided an opportunity to discuss the role of the team around the judge at the Court and the compilation of statistics and calculation of the Court's workload.



Finally, President Nicolas Bonnal, President of the Criminal Chamber, and Olivier Violeau, judge referee, gave a presentation on the “virtual office” and the role of this tool for the judges and the President of chamber. The presentation of this IT platform gave a concrete idea of the issues at stake and led to rich discussions on the role of the president of chamber, the distribution of the workload and the remote work of councillors.

The study visit concluded with both courts expressing their enthusiasm for the work that had been carried out. These particularly fruitful exchanges illustrate the close cooperation between the Cour de cassation and the Supreme Court of Algeria. This study visit brings to a close a first cycle of sustained cooperation between the Courts, which is set to continue.