



Review Article

Pretrial Detention of Ill Offenders

Mohammad Reza Rahmat (PhD Candidate)¹, Mohammad Ashouri (PhD)¹, Mohammad Ali Mahdavi Sabet (PhD)¹, Abbas Shiri (PhD)²

¹ Department of Criminal Law & Criminology, College of Law and Political Science, Science and Research Branch, Islamic Azad University, Tehran, Iran.

² Department of Criminal Law & Criminology, Tehran University, Tehran, Iran.

ARTICLE INFORMATION

Article history:

Received: 18 June 2020

Revised: 20 August 2021

Accepted: 05 September 2021

Available online: 01 October 2021

Keywords:

Detention

Criminal Procedure Law

Differentiation

Patient Rights

Criminal Law Enforcement

* Correspondence

Mohammad Ashouri (PhD)

Tel: +98 21 3360084

Fax: +98 21 3326033

E-mail:

ashouri.mohammad@yahoo.com

ORCID ID: 0000-0002-8908-5949

ABSTRACT

Background and Aim: Criminal procedure is the way of prosecution and sentencing accused persons and offenders. Based on different kinds of offenders, there need to be different kinds of procedural attitudes. Where the offenders are children or patients, differential procedures especially in detention is necessary. The purpose of the study is to investigate the differences of the defendants in determining criminal penalties in the process of criminal procedure.

Materials and Methods: In order to discuss the penalty as punishment intolerances, the rules of Criminal Procedure Acts in 1999 and 2013 will be reviewed.

Ethical Considerations: Ethical principles were considered in searching and citing the literature.

Findings: According to Article 502 of Criminal procedure 2013, if forensic medicine believes that defendant was not able to endure imprisonment and the imprisonment have physical danger for him, by observing legal requirements imprisonment will be prevented. There is also the Penal Code provision in exercise of slash as a punishment.

On the other hand, temporary detention as the most severe criminal provision in cases based on the article 237 and 238 of the Criminal Procedure Law 2013 is necessary. Also many cases of other criminal rules have conclusion similar temporary detention for reasons such as Inability to introduce bail.

Conclusion: Iranian Criminal procedure Law in article 250 refers to the need to pay attention to physical and mental state of the people in the pretrial phase, but it did not pay attention to its methods and methods.

This issue has been left to the judge's discretion that it is best to anticipate the precise criteria of this issue in law in order to avoid unequal judgment.

Cite this article as: Rahmat MR, Ashouri M, Mahdavi Sabet MA, Shiri A. Pretrial Detention of Ill Offenders. *Bioeth Health Law J.* 2021; 1:1-8: (e18). <http://doi.org/10.22037/bhl.v1i1.38172>

Introduction

One of the accepted principles in applying the penalties is proportionality of punishment with crime. The judge must consider the principle of proportionality between crime and punishment which is an indisputable juridical principle and then determine the punishment. For this reason, certain criteria must be defined and special tools should be considered (1). This criterion in sentencing can be referred to perpetrator or his conditions. Questions like what are psychological characteristics of the

perpetrator? And is he full responsible for behavior? are of particular importance especially in cases of imprisonment, which the judge has the possibility of using institutions such as discounts or suspensions of punishment or differing punishment (2).

For a long time, human society has been treated equally with psychiatric criminals, and the type of response to these individuals has been varied according to the progress of human knowledge (3). In our country, due to the necessity of the foundation of all laws on Islamic regulations, as

well as verses such as verse 32 of Sura Ma'edah, to effort to save the lives of people at risk important (4). In the new Islamic Penal Law, the criminal liability of mental illness has been expanded to the scope of mental illness, and has referred to the 1352 law in some way⁵. Attention to the physical and psychological state of the individual has been considered not only in substantive law, but also this issue is of particular importance in the context of criminal proceedings. The Criminal Procedure Law is a set of rules of law and principles that are followed by commitment crimes, so that authorities and competent legal authorities protect the community and the rights of those concerned with the guarantee of justice in relation to the discovery, prosecution, judgment and execution of punishment (6). Providing and guaranteeing justice at the discovery and pursuit stage is not possible without regard to the perpetrator's status (7). Therefore, the new Criminal procedure Law supposed observing the citizenship rights stipulated in the "Respecting Legitimate Freedoms and Protecting Citizens' Rights" and other laws obligatory in all stages of criminal proceedings, including prosecution, preliminary investigation, prosecution and execution of judgments, from all judicial authorities, law enforcement officials and other persons who interfere in the process of proceedings are obliged to do so (8).

To obtain the guarantee from criminal defendants, Article 250 of the new Criminal Procedure Law, given the state of health of individuals notes that "security must be relevant to the importance of crime, severity of punishment, reasons of charge, possibility of accused escaping, disappearance of effects of the crime, background of accused, status of health and age and his dignity. Legislator generally expressed this relevance and didn't mention any differences on various charges. Also in France, a legislative change has been created of 1994. According to this, person in custody can request that be examined by a physician under Article 2-63 Criminal procedure Law this checkup also can be done by the city prosecutor or judicial police officer or the defendant's family (9).

Due to the obligatory terms of the temporary detention in Article 35 of Criminal Procedure Law adopted 1999 one can say that in the cases referred to in this Article Iranian legislator acting a kind of differential procedural and make no differences between patients and non-patients. It is necessary to mention that mandatory detention has been deleted in new Criminal Procedure Law as outlined

in this article. Due to the challenges exist in terms of patients' rights in formal rules especially during the preliminary investigation, in this article initially we discuss about Medical Foundations of Differential procedure and at the end we talk about viewpoint of existing laws as well as issues which legislator should consider them.

Ethical Considerations

Honesty and ethics have been observed in searching and referencing.

Materials and Methods

In order to discuss the penalty as punishment intolerances, the rules of Criminal Procedure Acts in 1999 and 2013 will be reviewed.

Findings

1- Differential Procedure of Temporary Detention of Patients

Regarding patients under temporary detention, based on the following reasons and principles, can be considered. This important issue is based on principles of dignity oriented Criminal Justice.

1-1- The principle of individualizing Issuance of Detention

In an impartial proceeding, Impartiality does not meant Indiscrimination and neutrality of the judicial process (10) the requirement of impartiality is lack of commitment to maintain and protect the interests of one party without attention to law. Contrary to many lawyers which mention impartially as a description of judge, impartially must be consider in justice system and all its components. However, must be admitted that as the principle of individualized or personalized punishment is accepted, not to deviate from impartiality but also for realization of justice based on specific characteristics of individuals, can extend it to investigation and issuing criminal orders (11).

Humans have different personalities. To embed people in a form and expect their assimilation in personal and social behavior is not coincide with reality and not consistent with justice. Accuracy in various crimes and different personalities of delinquents don't expecting assimilation and necessity of same reaction from them. Therefore, law which is crystallization of social expectations, in principle regardless of the use of the principle of equal punishment will make a difference towards people in punishment, Justice also requires that the

judge not only during verdict and punishment but also in the investigation stage should pay attention to accused person or offender and his/her particular circumstances such as age, gender, family status, social and economic, Psychological characteristics and genetic structures of him (12). Currently individualizing the issuance of temporary detention in some of criminal procedure may be seen. According to article 134 of the Criminal procedure Law observance of this principle are as follows: 1-background of accused person, 2-accused condition 3-age and 4-The dignity of the accused. This article was completed in 2013 with the changes. Under Article 250 of the new law, history, age and dignity remained. Also the term "condition" removed and replaced with the more complete term "physical and psychological state". In the case of propriety of supply, attention to "gender" and "character" was also required. Provisions contained in paragraph "A" of Article 217 Criminal procedure Law is another example which shows individualizing principle. According to this paragraph, one of the provisions that the prosecution can issue is commitment to presence with the parole. Certainly accepting parole and believe its existence regardless the conditions and characteristics of the accused person is not possible. This approves implicitly the acceptance of differentiation detention in Iranian procedural rules. The final point that should be considered in this principle and would be prevented in a great extent is the mandatory issuance of a temporary detention. Currently in our justice system, according to article 35 Criminal procedure Law adopted 1999 one can see cases based on obligation to issue temporary detention. However according to some lawyers because of the conflict between Article 35 and 32 Criminal procedure Law one cannot consider expression "must" for temporary detention in the law (13).

Iranian legislator in 2013 eliminated obligation term in article 237. The context of legislation in this matter is: "Issuing a temporary detention is not permissible, except for the following crimes that the reasons and circumstances, and sufficient data indicate the charges to the accused." On the one hand, according to eliminating the term "must" in Article 35 of the former, new article can be interpreted as permission and on the other hand, depending on the type of crime expressed in this article as well as the conditions stipulated in Article 238, and of course, obligation to issue appropriate

sentence in Article 250, the obligation of issuing the detention order can be canceled.

1-2- Extending the Rules of Mitigation of the Sentence in the Issuing of Temporary Detention

By revealing the weakness of fixed penalties in criminal justice and conflict with the principle of individualizing the punishment, the principle of legality has been weakened gradually in terms of quality and lost its binding power in favor of Judge. The principle of necessity of justice and the principle of individualizing of penalty are two sides of the coin justified each other's existence at the same time. Hence 1832 French law considered mitigation circumstances and allows to judges to reduced it even under the minimum penalty¹⁴. Raymond Sally French considered delegation of authority to judge as the necessity of justice and fairness and writes:" Among all the people who have committed crimes there is only one thing in common: crime. Regardless of this particular crime which is same among all people, there are no other similarities between them. Great disagreements and differences in terms of age, education, social status, health, spiritual and mental status, intelligence and religion and ... will separated them (15). In these cases and due to the differences, justice and fairness require that there be differences between punishments for offenders. Judges should be allowed to that consider all the factors at the trial determine the punishment fits the personality of the offender and with regard to all aspects. However, giving authority to judge in commutation of the sentence faces with some opposition, but it has privileged and decisive role in the realization of the principle of individual penalties. International Congress of Penal Law about the role of the judge in sentencing considers delegating broad powers to judges to implement a policy of sanctions as a necessity. Of the most important decisions made by seventh and eighth Congress in 1957 and 1961 is that the judge discretion does not conflict with the principle of legality of crimes and punishments. The authority delegated to the judge must be within the law. The judge must take a two separate decision: one is for the original conviction and the other for determining punishment (15).

Adoption of concession approach in determining the punishment is the result of mitigating factors which show merit of offender to receive leniency and social compassion. As mentioned concession it is transmittable to orders and decisions as well. One of these decisions which is needed mostly in the

prosecution and investigation is issuance of providing criminal.

Discounting on the obtaining of security stage is possible in two ways; Legal deals and judicial discount. In Iranian justice system, we face with two types of optional and mandatory detention. It is important to bear in mind; in cases of mandatory detention is not especially large ability to maneuver judge and his performance is limited in this regard. In this type of temporary detention one can see only legal discounts that were forecast by legislator. Although in some cases the legislator has operated on the contrary. Such as temporary detention of children in accordance to note 1 in article 224 Criminal Procedure Law 1999, temporary detention period forecasted until the judgment and its implementation. Legislator in 2013 generally eliminated condition of obtaining a supply of children. According to the last part of Article 287 in new Criminal Procedure Law, if necessary, obtaining a guarantor or collateral is possible only from the accused over fifteen years. Also about accused person over 15 years, the provisions relating to custody until sentencing was corrected and according to the above-mentioned article temporary detention replaced by temporary keeping. This new provision in case of crimes which is mentioned in Article 237 and Article 238 about adolescent issued by reference research and follows all work and temporary detention orders. About optional temporary detention the theme is different.

1-3- Convenience in the Possibility of Conversion of Provision

The most interesting about the temporary detention differential leniency is that the legislator because of the type of offense charged or special status may be considered the conversion of provision before the basic permitted and legal period. For example, about temporary detention of children to Note 1 of Article 224 Criminal Procedure Law 1999, if the child has no parent or guardian, or his guardian not willing to give bail and also another person due process of law is not willing to pledge or collateral, the child will keep in the Correction and Rehabilitation Center temporary until issuing the warrant and its implementation. It means that the child who was arrested, if legal person put bail for him, the child must be released as soon as possible. It seems that legislator should be more explicitly to approve the regulation about patients. Considering that sick prisoners which can't tolerate

imprisonment punishment, the legislator attempted to convert the penalty provisions of Article 291 of Criminal Procedure Law in 1999 and articles 502 and 522 in 2013 law. Considering these measures in the temporary detention, especially in the new criminal procedure law, the mandatory temporary detention has been ruled out.

1-4- Increase the Capability of Appeal

In Iranian law all sentences of detention can appeal in respect of any of the offenses and suspects. In Criminal Procedure Law 2013, legislator was mentioned explicitly the possibility of appeal in Article 38. With all this in paragraph 4 of Article 171 of the same law, has been repeated and emphasized on possibility of appeal which shows caution of legislator. This is important enough which should have written in text according to law. This provision seems necessary for a society which all are not familiar with the law. The law also for arrangements that led detention accused person to detention in terms of misdemeanor or criminal act being committed predicted that if up to 2 months or 4 months did not lead to indictment, the court was required to provide reduced supply unless there are legitimate ways. In any case, the accused had the right to appeal the decision within ten days.

By changing the system of courts, with the approval of the General and Revolutionary Courts adopted in 1994, appealing to temporary detention order was also changed. According to new laws which recognize and limited contestable decisions, temporary detention was not among them. Lack of ability to appeal to temporary detention was resolved in 1999 and in 2002 by modifying the law; it placed between arrangements which can appeal to them. The new law also has several articles to discuss detention. In accordance to Article 241 of the law, defendant can appeal to temporary detention once a month. Equal Article 250 if the temporary detention issued disproportionately lead to prosecution by the police and convicted judgment from grade 4 to up. One of the problems of the law is that temporary detention is certain at least for 1 month. It means accused is not entitled to protest his detention for a month. This does not seem proper due to the significance of even a day in a person life.

Regarding the protest issued Criminal Procedure Law there is no distinction between crimes and various charges or specific perpetrators. In any case, this was regardless the type of charge or type of committed in various laws there is the possibility

of protest or there isn't a time. About patients or occurrence of disease during temporary detention Iranian legislator doesn't stated possibility of out-of-date protest explicitly. However, due to such an Article 4 of the new Law or Article 291 Procedure code in 1999 or Article 250 of the new, law differential aspects of protest against the detention of patients should be consider. Perhaps the way of English law was appropriate to an independent reference in setting Habeas Corpus institution about protest of arrested person to what is considered illegal arrest. The authority after the receiving the protest, immediately investigate and if it is not suitable, accused immediately released (16).

1-5- The limitation of extended time

Another common feature in differential temporary detention is the option to renew it. Since prevent the prolongation of proceedings and having speed in determined accused is an accepted principle in court, the legislature usually doesn't consider the possibility of frequent renewals without restriction at this stage. The accused person has the right to informed from its legal mandate as soon as possible. This issue in the case of crimes against the security is different (17).

We see a series of strategies for limiting the number of renewals. The first solution is the possibility of extension of detention until the minimum punishment which prescribed by law for the committed crime. Another solution is to extend the detention for a maximum period of time. What is certain is that detention cannot be extended indefinitely. Extension of detention for every crime is subjected to two conditions; first, for the implementation of Article 5 of the European Convention on Human Rights, the extension must be reasonable. Second, the extension shall not exceed the legal maximum. In France, the legal maximum for the misdemeanor anticipated under Article 1-145 and in the case of crimes is according to Article 2-145¹⁸. In Iran we face with a few models announced first with a maximum of six days in accordance with paragraph "e" of Article 32 regarding murder with demand heirs to the blood for annulment **Binet**. Second, Extension of temporary detention to the minimum penalty prescribed in law for the committed crime. The third approach is to determine the maximum duration before sentence. This type of temporary detention order can be seen in the single article of a law abolishing flogging adopted in 1344.of

course the main objection for issuing this type of temporary detention is that it doesn't set up clear and specific time. Thus, if the time of sentencing has been prolonged for the reasons of having long time for hearing or need to invite witness attract the expert, this will lead loose of rights of the accused person.

The above subjects indicate that determine temporary detention and its extension from any of the triple regimes introduced follow, eventually will be limited. By comparing the preferences of the patient defendants it can be concluded that if they need to be detained in addition to complying with medical regulations to protect the health and efforts to improve these persons, judicial authorities has more restrictions than others in the repeatedly extended detention.

2- The Temporary Detention of Patients in Some Iranian Criminal Acts

According to legal principal that was discussed in the preceding paragraph of this article which is based on necessity of differential temporary arrest patients and executive solutions, in this issue we review legal element of temporary detention differential patients in laws and regulations.

2-1- Intolerance of punishment (Unity criteria Criminal Procedure Law Article 502, 2013)

It is certain that the aim of the legislator to impose penalties on unscrupulous individuals is not transmission of punishment to other issues of living people. This is considered in Sources of shari'a Iran. In the case of certain crimes, Physical illness defendant has no effect on execution, such as:

- a) Fine punishment: Since the fine punishment No direct impact on human health.
- b) Life-depriving punishments such as the death penalty or execution.
- c) Depriving penalties or limiting the right.

We are facing with a significant difference in the preliminary inquiry and that is lack of proof in alleged Accusation till the end of the prosecution and crime detection. In this case we are not facing with an offender yet. Therefore, discovery of crime shouldn't be an excuse for violating the fundamental rights. Attention to this point seems so necessary that the temporary detention makes accused be separated from his family and it has harmful effects (19). In terms of temporary detention can be mentioned two types of system based on dignity and security.

Before the new criminal procedure law we were faced with Article 291 of the Criminal Procedure law which is considered the possibility of converting a penalty with legal requirements for those sentenced to imprisonment who don't have the ability to withstand punishment²⁰. Before 2013, applying this rule for temporary detention had fundamentally challenges according to mandatory detention and Judge limitations in decision-making in these cases. Therefore, should be concluding that where our justice system moves toward based on security, we are facing to fundamental dilemma in the debate patient rights. A direct reference to Article 291 of Criminal Procedure Law 1999 for temporary detention of the accused person, according to the stipulation of this article for convicts, is problematic. Of course by omission of mandatory detention in the new bill, the problem will be solved.

2-2- Article 134 of Criminal Procedure Law 1999

This article considers an important condition to supply any criminal with focusing on the physical condition and temperament of persons. Surely, compliance with these conditions about the strongest security which is just temporary detention is of great importance.

In the new Criminal Procedure Law, article 614 in the cases of military crimes, consider temporary detention as compulsory. However, due to indicating "during the war", which has mentioned at the beginning of this article, can be seen significant limitations in acts of compulsory detention. This article and material related to military has been deleted in new Procedure 2013.

2-3- Article 250 of Criminal Procedure Law 2013

This legal provision has also attempted to explain the provisions of Article 134 of 1999. The major difference on this article is that rule of the law will coincide with the removal of the issuance of mandatory detention. In this case, diagnosis of the issuing authority will be more effective. Also in article 250, Physical and mental state of the accused for the issuance of the criminal provision is important. Note of article 250 by determining punishment of offenders from provisions of this article to disciplinary punishment grade 4 and above considered Strong enforcement to observe the physical and mental state of the person.

2-4- Article 4 of Criminal Procedure Law 2013

The new law of Procedure with an approach based on dignity, in its article 4, by stipulating one of the most important principles of the constitution considers principle based on innocence. According to this article" principle is based on innocence." Therefore, any restrictive measures, depriving freedom and entering to personal privacy is not allowed unless in accordance with law and in compliance with regulations and under the supervision of a judicial authority. Anyway these measures should be applied in such a way that doesn't damage the dignity and prestige of persons. This article generally discusses about freedom depriving actions and focuses on restricting such actions within the law. But what is important is that this article states a general rule. And it is impossibility of damaging the dignity of persons under any circumstances. However temporary detention with threatening individual freedom in practice is not compatible with human dignity²¹. Lack of attention to individual diseases and regarding patient rights based on what was mentioned in the charter of Patient Rights is one of the issues which is directly related to of respect for dignity of persons.

2-5- The Sprite of Article 501 and 502 of the Procedure Law 2013

Article 501 of the new law delays the Execution of breastfeeding period, pregnancy and childbirth and menstruation. This article is more extensive than article 288 of 1999. In the law of 1999 lack of implementation and delay penalties for these people it was predicted just about flogging and legislator was silent about punishment of imprisonment. Even the possibility of imposing penalties such as imprisonment or exile about lactating women was accepted in article 296. Legislator in 2013, ruled out impose of any punishment on this people. Also legislator in article 502 of the new law without reference to punishment or certain diseases noted that whenever convicted person has a physical or mental illness that punishment makes it more or delays its improving, judge can delay the implementation of execution and if the obstacle is not disposed, the case will be sent to other appropriate authority for other suitable sentencing. Certainly legislator in 2013, with expansion of exemptions in disproportionate punishment issued in court rulings, about temporary detention which is

preliminary stage and is in favor of exploring crime, considered more kindness and fluidity.

Conclusions

Criminal proceedings of patients are of utmost importance. As in terms of criminal responsibility, some types of diseases can make lacks of criminal responsibility the person who commits. Criminal experts believe that criminal responsibility of the crime depends on the particular and special case of offender which is imposing punishment to him is impossible logically and rationally²². If we face to responsible patient, way of dealing that he charges and the trial of the accused will be raised. The most important issues in the Procedural rules are criminal supply arrangements. Importance of temporary detention is undeniable because of it is most severe criminal provision and as well as its similarity to imprisonment. About temporary detention patients or continued detention of a person due to the process of disease occurrence, if the continuation the process of arrest be dangerous and inappropriate for person, there is not any direct attention in Iranian law. Whereas equal to Article 291 of the Criminal Procedure law in 1999 and article 502 new law we are faced with the perfect solution for those who do not have the ability to continue prison sentence. Since the temporary detention applied in the preliminary inquiry and yet there is no definitive sentence, this should be used as an exception and only in cases of emergency. Regarding personal dignity and prevent physical and mental impairments is the most important conditions to apply this provision of the Criminal. Despite this matter, different legal systems in order to differentiate this entity has been less attention has been in discuss of patients about different vulnerable people. In Iranian law by considering mandatory fields of temporary detention, in practice have less Differential given leniency to this vulnerable. In French and the UK law despite attention to the medical condition of detainee and considering necessary facilities in order to introduce the person to the doctor and examination of him, there isn't any special strategy to differential temporary detention of these accused.

Acknowledgements

None.

Conflict of Interest Statement

The author declares that they have no conflicts of interest.

References

1. Safavi SH, The principle of proportionality of punishment in criminal justice policy in Iran , Dadresi, 2010, 79: 5.[Persian]
2. Abbasi M, Petoft A. Citizenship rights, from Principles to social Platform. Tehran: Legal Publishers. 2017:85.
3. Salehi A, Khani M, Foroughi M, Criminal responsibility and mental disorders according to DSM- IV, Iran J Med Law, 2013, 6(23): 157-185.[Persian]
4. Rahmat MR, Modarresi SZ, Patients' right and organ donation, Iran J Med Law 2012, 6(20): 55-76.
5. Abbasi M, Khosravi A, Schizophrenia and its criminal liability from point of Iran's law, Iran J Med Law 2012, 6(22): 151-188. [Persian]
6. Ashoori M, Criminal Procedure, 11th publication, Tehran, SAMT, 2006:35. [Persian]
7. Najafiabrandabadi AH, Pleadings fair trial and justice, Shahid Beheshti University, Tehran, 2011, 176. [Persian]
8. Mossadegh M, Ideas, policy innovations Criminal Procedure Act, Dadresi, 2011, 87: 10-3. [Persian]
9. Bouloc B, Stefani G, Levasseur G, Procedure Penal, France, Dalloz-Sirey, 2006, 329 .
10. Saber M, Standards and fair trial guarantees in the preliminary investigation stage, Humanities, 2009, 63: 144. [Persian]
11. Summers S, Fair Trials: The European Criminal Procedural Tradition and the European Court of Human Rights (Criminal Law Library),Hart Publishing, 2007: 115.
12. Abasi M. Petoft A, Citizenship Rights: from the Government Protection to Monitoring on it. Tehran: Justice Publication. 2017:59-65.
13. Elahimanesh MR, Temporary detention and alternatives (in Iran and France), Tehran, Majd Publication, 2011:80. [Persian]
14. Abbasi M. Petoft A, Current limits of neurolaw: A brief overview. Médecine & Droit. 2020 Apr 1;2020(161):29-34.
15. Petoft A. An Overview of the Technical Limitations of Applying the fMRI Method in Neurolaw. Bioethics Journal. 2019;9(34):95-107.
16. Petoft A. Neurolaw: A brief introduction. Iranian journal of neurology. 2015 Jan 5;14(1):53.
17. Petoft A. The Use of Neuroscientific Evidence in the Modern Criminal Law with Emphasizing on the UK and Canadian Neurolitigation. Iranian Journal of Medical Law. 2021 Apr 10;15(56):241-59.Yavari A, To respect the presumption of innocence in quasi-judicial proceedings in French law "in the light of the European Convention on Human Rights, Law studies, 2009,49:352. [Persian]
18. Akhundi M, Criminal Procedure, 4th publication, Tehran, Farhang Publication, 2009:138-9. [Persian]
19. Petoft A. The Validation Requirments of Neurscientific Evidences before Courts. Iranian Journal of Medical Law. 2021 Apr 10;15(56):431-43.

20. Milaki A, Improve the detention, the idea of normalization in the heart of the judicial system, Correcting and training Journal, 2006, 5 (50):20. [Persian]
21. Mirsaeidi SM, Criminal Responsibility, Second edition, Tehran, Mizan Publication, 2007:11. [Persian]