



*Aseorías y Tutorías para la Investigación Científica en la Educación Puig-Salabarría S.C.
José María Pino Suárez 400-2 esq a Lerdo de Tejada, Toluca, Estado de México. 7223898475*

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TÍTULO: Monitoreo de acciones penales de apego a la luz de un juicio justo. Los efectos y desafíos.

AUTORES:

1. Mohammad Reza Rahmati.
2. Mehdi Sheidaeiian.
3. Seyyed Mahmoud Mir Khalili.
4. Shahrddad Darabi.

RESUMEN: El principio de supervisión es el derecho de las autoridades a supervisar el ejercicio de los poderes de todas las instituciones de gobierno, incluida la institución de justicia penal, con el fin de garantizar los derechos y libertades de los ciudadanos y el interés público. El seguimiento de los acuerdos de suministro es de particular importancia en un juicio justo para evitar cualquier restricción excesiva de los derechos del acusado o la víctima en la protección de los derechos de la víctima y la comunidad. En esta investigación examinaremos los efectos y los desafíos de monitorear los acuerdos de suministro en el sistema penal de Irán.

PALABRAS CLAVES: principio de supervisión, principio de inocencia, acuerdos de suministro, juicio justo.

TITLE: Monitoring criminal writs of attachment in the light of a fair trial. Effects and challenges.

AUTHORS:

1. Mohammad Reza Rahmati.
2. Mehdi Sheidaeiian.
3. Seyyed Mahmoud Mir Khalili.
4. Shahrdad Darabi.

ABSTRACT: The principle of supervision is the right of the authorities to supervise the exercise of the powers of all government institutions, including the institution of criminal justice, in order to guarantee the rights and liberties of citizens and the public interest. The follow-up of supply agreements is of particular importance in a fair trial to avoid any excessive restriction of the rights of the accused or the victim in the protection of the rights of the victim and the community. In this research we will examine the effects and challenges of monitoring supply agreements in Iran's criminal justice system.

KEY WORDS: principle of supervision, principle of innocence, supply arrangements, fair trial.

INTRODUCTION.

The principle of innocence, as the common heritage of human society, and the most fundamental principle of criminal law, prohibit any limiting measure or a period of release from persons before conviction.

The principle of the principle of innocence is the safeguarding of the freedoms of individuals at the stage of prosecution and before the crime is proved against the criminal justice institution; at the same time, the most important criminal act is contrary to the supreme principle of innocence in the criminal procedure, the issuance of supply contracts, and judicial supervision of the defendants. Accordingly, the monitoring of this act, contrary to the principle and exceptional, is of particular importance and special sensitivity in the fair trial; to the extent that none of the other criminal establishments

condemns the presumption of innocence and, as a result, the rights of individual freedoms, before such a victim proves.

On the one hand, the safeguarding of the rights and freedoms of individuals against the judiciary and prosecutors requires no restrictions on the freedoms of individuals before committing a crime in a competent court and there should not be any violation to the individuals' fundamental rights; on the one hand, protecting the rights of the community and the perpetrators requires imposing some restrictions and adopting specific legal measures before proving a victim to have time access to the accused and prevent him from fleeing or hiding him or collusion with intuition or crime partners or for evasion of the crime.

In order to prevent any excessive restriction of the rights of the accused or the victim in protecting the rights of the victim and the community, the legislators have assessed the types of supply contracts and judicial supervision and determines the principles and rules governing the issuance of each of them, at the same time, he has taken special measures to control and monitor the correct implementation of these criteria in the criminal justice process.

The high number of prisoners in the country, many of whom are under arrest, despite the efforts of the legislator and the accountability of the judicial authorities, the decline in the prison population is increasing every year, increasingly reveals the importance of two-way monitoring of the issuance of supply contracts and judicial supervision and its conditions. The ambiguities and shortcomings in the context of the conditions governing the provision of and judicial supervision, whether legally or legally and the lack of an efficient regulatory process, in practice, the policy of reducing the number of criminal cases has failed and has caused violations of the rights and freedoms of the defendants and the opposition in some cases of violations of the rights of victims. On the one hand, some of the provisions of the Criminal Procedure Code, including regulations on the supervision of supply contracts, have created serious challenges in the implementation phase; for example, in accordance

with the following article 242 of the Criminal Procedure Code, temporary detention of accused persons in crimes punishable by deprivation of liberty should not exceed two years, and after two years, the law should become a proportional provision; but the question is How can one be prevented by bail on such crimes as fight, murder and rape? How can the victim's rights, parents and society be protected and secured? The amount of the loan is commensurate with the charges, and on what basis should the amount of the debt be determined? Questions of this kind have created serious practical challenges for the country's courts, which often even refuses to deal with them in order to violate the rights of the victim and the community.

Now, in this research, we try to examine the effects of monitoring the supply side as well as the challenges of efficient monitoring of supply contracts.

DEVELOPMENT.

The effects of monitoring the supply contracts in the criminal procedure code approved in 2013.

Legal requirements for the issuance of supply and selection of its type.

The existence of sufficient reasons: The first criterion for the issuance of providing security is sufficient grounds for accusing the accused that, unless there are sufficient reasons, the accused should not be summoned and charged and charged.

The criterion of the existence of sufficient reasons relates to the principle of the supply and distribution, but in terms of the type of supply and its weakness, it is the criterion of "fit." The provision of judicial supervision and supervision should be proportional to the type and importance of the crime, the severity of the punishment, the reasons and the charges, the probability of escaping or hiding the accused and the destruction of the crime, the history of the accused, his mental and physical condition, his age, gender, personality and dignity. (M 250 C, A, D, K)

Appropriateness of supply: The proportionality criterion is based on several indicators.

Some of the eligibility indicators are specific and relevant to a particular type of provision such as temporary arrest and there are some indicators of proportionality between all supply-control and judicial oversight arrangements. The most important common features of judicial and supervisory appointments are: The nature and significance of crime, severity of punishment (Iranian lawmaker in Article 19 of the Islamic Penal Code, adopted in 2013, divides punishments into eight degrees, which is a criterion for determining the severity of the punishment), the reasons and reasons for the charges, the attributes of the defendant's status and personality including age, sex, social character, physical and mental status, and the history of the accused.

Temporary detention is considered to be the most severe type of security provision, in addition to the general and joint terms of supply arrangements, certain rules are set by the legislator for its issue. These criteria are divided into two categories. The first set of rules of the ruling is mentioned in Articles 237 and 238 of the Criminal Procedure Code which states the general and common rules and conditions of the detention order and the second category is the specific and dispersed rules that have been issued by the legislator in the case of certain crimes¹.

Legal instruments for monitoring and controlling temporary arrest.***The severity of the offense subject to the detention order.***

In the Code of Conduct for Public and Revolutionary Courts in Criminal Matters of 1999, there was practically no limitation on the type of crime involved in the issuance of interim detention and according to article 32 of the law, irrespective of the type of victim only because of the fear of escaping the accused or his collusion with witnesses was a judicial authority permitted even in light

¹ For example, in accordance with the remarks of Article 690 of the Law on Imprisonment, if the number of three defendants is exceeded in crimes constituting mistreatment, denial of right or harassment, the detention order will be issued.

crimes, he will issue interim detention. The first positive development of the Criminal Procedure Code adopted in 2013 on the rules for the issuance of interim detention is to limit the detention of temporary custody to specific offenses set forth in the five paragraphs of Article 237 of the Law (Khaleghi, 2015)¹.

The conditions for the issuance of arrest warrants.

Based on the fact that in the area of the criminal procedure, the issuance of interim detention has been taken as an exceptional measure contrary to the principle of accepted freedom. The legal conditions for issuing it should also be specific, necessary and clear. Also, the terms must be strictly limited, not allegorical, to the extent that they are precluded by the judicial authorities. The conditions for issuing the arrest mentioned in Article 238 include: the collusion of the accused with other accused persons or witnesses, the fear of escaping or hiding the accused, the danger of a life threatening to their claimants or their families, or disturbing public order (Agriculture, 2014)².

Time limit for temporary detention.

The legal limitation of the duration of interim detention is another important means of monitoring and controlling arrest. The legislator has set two terms of time for temporary custody one of which is the maximum legal length of each detention period, at the end of that, the judiciary should decide on the jaw or retention and the other is charged with the maximum total length of the legal period allowed

¹ According to Article 237 of the Criminal Procedure Code, these crimes are:

Exemptive crimes, life imprisonment, amputations, intentional crimes with a maximum of a quarter or more, four degrees of imprisonment and more, Crimes against the internal and external security of the country from grade five to up, harassment for women and children, manifestation and power of attorney with a knife or any kind of gun, robbery, fraud, bribery, embezzlement, betrayal of trust, Forgery or use of a document in the event of a defendant's previous conviction of any of the offenses in question.

² Under the terms of Article 32 of the Code of Civil Procedure, the General and Revolutionary Courts of the Criminal Law, adopted in 1999, were one of the issues of the issuance of provisional arrest warrants when the accused's freedom was "corrupted." The general and general interpretation of corruption resulted in a variety of interpretations and was manifest by the accused rights and the principle of the exceptional nature of interim detention.

for arrest. Of the two ways, the time limit for the periodic installer and the maximum installer can be interpreted.

In accordance with Article 242 of the Criminal Procedure Code the duration of each period of temporary custody in the offenses covered by clauses A, B, C, and D of Article 302 ¹shall not exceed two months and other crimes are set at a maximum of one month and then the judicial authority is obligated to impose a judicial decision on the jaw or the imprisonment and review it and this process should be applied every two months or one month.

The question is, how long is it possible to repeat the process of retention of interim detention? It is clear that the maintenance process cannot be unlimited, and the legislator has also set a maximum limit in addition to the periodic timeframe. Under Article 242, the duration of the detention of the accused shall in any case not exceed the minimum sentence of imprisonment for that crime, and in any case, the crimes required for the deprivation of life of two years and other crimes shall not exceed one year. The time limit mentioned in practice faces challenges.

One of the most important of these challenges is that in life-threatening crimes such as murder, rape and fights that the judicial authority is obliged to impose an interim detention at the end of two years and turn it into another provision, what is the appropriate supply? If the bail is issued, how much of the proceeds of such a crime is proportional to such crimes? These ambiguities have led to different judicial procedures in the country. Some bailiffs exonerate several bucks in these cases so that practically, the defendant's detention will continue and others bail a few hundred million Tomans on the basis of a full amount of blood money of a Muslim man and the third group is accused of escaping and, in violation of the law, practically does not comply with the regulation. This ambiguity requires that the legislator predict a criterion for alternative quarantine (Interesting, 2008).

¹ **The crimes in clauses (a), (b) and (c) of Article 302 are: Exemptions for life and life imprisonment, crimes punishable by grade 3 or higher, and amputated crimes and intentional crimes, with or without half the cost of blood.**

4-2-1- Regulatory Instrument. The right to challenge the defendant.

Another important means of controlling and monitoring supply contracts is to challenge the accused or his lawyer to guarantee the fundamental rights and individual freedoms of the accused. The Code of Criminal Procedure, passed in 2013, has had a positive development in terms of extending the right of the accused to object to judicial provision and supervision. In addition to imposing interim detention, other arrest warrants are also open to challenge under Article 226. In accordance with Note 2 of Article 247 of the Code of Conduct, judicial review may also be appealed to the competent court within ten days. It is also objected to the failure to meet a bail or bail deposit, which is considered by the law innovations to supervise the appointment of the defendant.

Supervision of the hierarchy of provisions in the criminal procedure code 2013.***Attorney's supervision.***

The prosecutor's control and supervision as the prosecutor's office is one of the most important supervisory duties of the prosecutor in preliminary investigations to monitor the proper implementation of the law. Although the prosecutor is a party to the lawsuit and defense lawyer, this does not mean that the prosecutor does not monitor legitimacy and proportionality.

Some prosecutors are considered as litigious or an offensive adversary who collects the reasons in favor of the defendant and defends the defendant's legal rights in line with his supervisory duties. The Prosecutor's Office is a system inspectorate and the prosecutor is considered a criminal offense, but it is undoubtedly the duty of supervising the good law enforcement and safeguarding the fair trial of his most important assignments. The prosecutor is obliged to supervise the law enforcement agencies with continuous supervision of any non-compliance measures, including guaranteeing and providing security.

According to the instructions on how to supervise and observe public law dated 2016-4-5, the Attorney General of the country and in accordance with Article 290 of the Criminal Procedure Code, prosecutors have the duty to pursue and supervise claims for public and citizenship rights. The defense rights and fundamental freedoms of the accused are part of the civil rights that the prosecutor has to protect from it.

In addition, prosecutors are responsible for supervising investigations, whether they are conducted by a counselor or an interrogator, and the most important supervisory dimension of the prosecutor is to supervise the enforcement and judicial oversight. The prosecutor's oversight of the way in which an assassin's appointment is taken out of other prudential oversight measures in the law is to protect the rights of the accused.

Supervision of the head of the judicial branch and the head of the judiciary.

In special cases, the Chief Justice of the Supreme Court and the heads of the jurisdictions also have supervisory appointments on security contracts including criminal court one under article 429 of the Islamic Penal Code can release the sentence of self-perjury by bail that have been in jail for many years in some ways as the inability of their parents to pay dividends in vain after giving a deadline for assigning a convicted offender and in case of failure to determine the duty by the parent after the determination of the punishment imposed on the general aspect of the intentional murder, but the bail issued by the criminal court must first be approved by the head of the jurisdiction and then approved by the chief justice of the province, and if the bail is not approved by any of the officials, it will not be legally valid (Hofmann et al, 2011).

Supreme Court Supervision.

Among the important functions of the Supreme Court, including the Supreme Court and the Appeals Court, is the supervision of the courts of law, including the monitoring of the legitimacy and

proportionality of the supply arrangements made by them in case of non-observance of the law by the tribunals, the Court reports to the Judicial Prosecutor's Office in its role as supervisory authority.

Indirect judicial supervision on supply plans (police supervision - guidance).

Although the Iranian legal system lacks a clear and specific criminal policy on various criminal matters. However, over the past decade, officials in the judiciary have adopted various measures with a policy of detention aimed at reducing the prison population and monitoring and controlling the detainees. These oversights are often guaranty and do not have the legal authority to abolish or transform. The most important supervisory and regulatory authorities are:

The Detention Supervisory Board or the Arbitrary Detention Committee which was formed on the basis of a recipe for organizing prisoners and reducing the total number of criminal cases approved by the head of the judiciary on 2016-9-7; its task is to monitor the appointment of detainees and take different measures to reduce the prison population.

Although in decrees related to the reduction of criminality, positive measures and measures to reduce the number of convicts are imprisoned and imprisoned, but in practice, there is no significant impact on the country's criminal justice system, but the country's criminal jurisdiction is constantly increasing, in such a way that the head of the Prisons Organization announced the statistics of the prisoners more than 220 thousand people in 2016, and this figure reached 240 thousand in 2017.

The Supervisory and Inspection Board for the Protection of Citizenship Rights established in accordance with the law of respect for legitimate freedoms and the maintenance of citizenship rights approved on 2004-5-4.

Supervision of the Prosecutor's Office of the Prosecutor's Office, which is the basis for its supervision, the law on the supervision of the behavior of judges approved by the Parliament and its executive code, adopted on 2013-5-15 by the head of the judiciary. According to Article 11 of the law, the

Prosecutor's Office of the Judiciary ¹has a duty to continuously monitor the performance of judges and to investigate and detect violations of the law and conduct of their professional conduct. Among the important areas of supervision of the Prosecutor's Office of the judiciary, supervision over the issuance of supply contracts and their proportionality (Hussain, 2011).

Supervision of the Compensation Commission of Innocent Detainees, Supervising Commission for Compensation of Innocent Inmates, Adoption of Article 255 is subject to post-paid monitoring of supply arrangements, so that if an innocent person is guilty of arrest, he can claim his damages.

Challenges for effective oversight of enforcement processes in the criminal justice process.

Legitimate Challenges.

Although the legislative process in Iran in the field of criminal procedure, in line with international human rights law, shows a positive trend in promoting the rights of the parties to the lawsuit. However, we see that in some cases, the legislator ignores ²the rights of the accused with respect to the rights of the accused, and in other cases, the legislator with a security-based approach ignores the defendant's defense rights, including the right to a lawyer (Ingram, 2013). There are also challenges in monitoring and controlling the process of proceedings, and in particular on supply contracts, the most important of which are:

Lack of explicit legal advice about the principle of supervision and control and its guarantees in the Constitution and the Criminal Procedure Code, the incomplete and implicit statement of the principle of oversight in law and the mention of its implications are not explicitly included in Article 4 of the Criminal Procedure Code.

¹ According to Article 1 of the Law on the Supervision of the Judiciary Act of 2011, the monitoring of the conduct and conduct of judges and the investigation of violations of law and their jurisdiction are governed by the provisions of the articles of the said law.

² According to Note 3 of Article 217 of the Criminal Procedure Code, 2013, the punishment for the commission of bail and custody is not permissible in the deliberate crime in which the victim's rights are secured in other ways, such as insurance, while some unintentional offenses such as unintentional murder have a general and punitive nature Imprisonment is not appropriate in all cases.

There are numerous and ineffective laws in the field of monitoring the proceedings; most existing laws are ineffective and non-scientific, and have been drafted and enforced by the legislature's rush, like the Citizenship Law, which lacks an efficient structure and guarantees effective implementation. The lack of a scientific unit reference - Research to review and draft legal bills, the existence of numerous and parallel investigations, such as the Judiciary Research Center, the Parliamentary Research Center, and the Guardian Council's Research Center, have led to the legislative process in Iran.

Lack of transparency and lack of legal standards in some aspects of the proceedings.

Effective control and monitoring process consist of four basic steps for defining standards, performance measurement, performance comparison with standards and corrective action. Accordingly, the setting of standards and standards for criminal procedure is the first step in the essential steps of the monitoring and control process and is essential for effective monitoring of the proceedings. The legislator has not provided, in some cases, in Article 242 of the Code of Criminal Procedure, a clear clause to impose a detention order. The lack of transparency of the law and the use of ambiguous expressions, which are different from the law, are another barrier to effective monitoring.

Lack of a certain criminal policy in the field of supply contracts.

In criminal law, and in the area of custodial provisions, although the legislator, with the policy of reducing the population of criminals, ordered the special cases of temporary custody and established judicial supervision and supervisory arrangements for the provision of services, however, the issue of temporary detention was still extensive ¹and there was virtually no judicially-supervised judicial appointment as a substitute for arrest because only in grades 7 and 8 of the prosecutor's permission is

¹ Under Article 237 of the Code of Criminal Procedure, an interrogator is allowed to issue interim detention even in certain crimes with a class 7 punishment, such as harassment for women.

allowed to issue a judicial review if it is guaranteed, and in other cases, it must provide security (Saberi, 2007).

Judicial challenges. The lack of a systematic and efficient regulatory structure in the judiciary.

An effective monitoring and control system is constructed of a structure, consisting of all elements of its integration and a complete system coordination for the monitoring process (standard setting, information acquisition, performance comparison with corrective standards). Several supervisory authorities in the judiciary, including the Supreme Court, the National Inspectorate, the Judiciary Prosecutor's Office, the Commission on Article 164 of the Constitution, the Board of Detention Supervision, etc. none of them do not have the structure of a systematic regulatory authority and they do not fully observe any monitoring process, and they all have partial and incomplete supervisory functions.

Lack of scientific methods and practices in applying supervision and statistics in the judiciary.

Today, the priority of monitoring the judicial system in Iran is affected by the dilemma of prosecution and the aggravation of cases, the statistics are the closure of cases. Emphasis on the performance of judiciary (statistics) and its priority on qualitative criteria are of the most important challenges in monitoring Iran's judicial system, so that the benchmark for many reprisals, incentives, payments, and evaluations is currently closed and the performance of the judiciary is low.

Lack of clear criminal justice policy and judges' imprisonment.

The prohibition of imprisonment among judges on the one hand and the imprisonment of prisoners in the community on the other hand have led many of the imprisonment measures, including in the field of supply contracts, to fail. The same thought is one of the most important reasons for the issuance of heavy-duty appointments, including interim detention. The public expectation in the community is to deal with the hardline defendants in such a way that if a defendant is released by bail or bailiffs, he carries the weakness of the criminal justice institution. In the same vein, it has been

repeatedly heard that it is expressed in society: "The accused came out of the courtroom earlier than the agents!" This indicates the existence of a prisoner of culture in society (Tzanakopoulos, 2011).

Cumulative inflation and the plurality of file inputs.

Criminal inflation or the accumulation of criminal penalties is due to various factors, including the absence of a clear, comparative criminal policy in the country. More than 10 million cases are filed annually by judicial authorities that more than half of this number is for criminal cases and despite the severe shortage of administrative and judicial powers, these statistics are constantly increasing (Buisson, 2002)¹.

Execution challenges. Non-compliance of regulatory authorities.

Applying superficial and inefficient supervision not only does not increase the productivity and motivation of manpower, but also leads to distrust and the creation of an atmosphere of nausea and impotence of manpower, resulting in a gap between the levels of managerial and supervisory work with manpower. Inadequate supervision of people who are not affiliated with power centers may be subject to the most stringent supervision and, in the sense of antitrust supervision. In front of people affiliated with power centers on the safe side. This undoubtedly leads to distrust of the regulatory authority.

Lack of sufficient trained and trained staff.

The supervisory authorities of the security agencies, including the Delegation Supervisory Board, are often unfamiliar with the principles of effective supervision and control, and have only legal information, although some observers, due to the fact that they have been accountable for many years, do not fully understand the principles of criminal procedure.

¹ According to the annual report of the Minister of Justice at the Judiciary Weekly Commemoration Summit, released by the Deputy Director of Statistics and Technology of the Judiciary, in 2015, 14 million and 621,945 lawsuits were filed in the Justice and Dispute Resolution Council, which exceeded 15 million cases in 2016, and prosecutors were faced with an increase of 2.3 per cent.

Lack of general monitoring and control system

Although official and governmental oversight can not be neglected in general, however, in order to prevent corruption and diversion in the functioning of organizations, including the judiciary system, public oversight is indispensable and should not be purely formal and public oversight. Given that monitoring of the proceedings is a matter of fact, specialized NGOs specializing in civil rights, legal entities and the Bar Association are among the non-governmental organizations that can monitor the proceedings, including enforcement arrangements.

CONCLUSIONS.

The principle of supervision is one of the fundamental and indisputable principles in the field of law, which is inevitable in all stages of the process of prosecution, investigation, prosecution and execution, in order to guarantee the rights and freedoms of citizens and the enforcement of justice. This principle is referred to in Article 4 of the Criminal Procedure Code referred to by the legislator. One can refer to the principle of supervision as the head of the principle, since this principle guarantees the proper implementation of other principles of fair trial.

Today, despite the existence of numerous supervisory bodies such as monitoring and evaluation bodies, special inspection bodies of the Prosecutor's Office of the judiciary, the Supreme Court of the country, the inspection agency and the monitoring of the situation of detainees, etc., it is clear that monitoring and controlling the process of proceedings, including delivery is inefficient and non-systematic, and does not follow the principles and characteristics of an efficient regulatory system and faces numerous legislative, legal and executive challenges that have led to inefficiencies in supervision.

Given the importance and unmatched role of monitoring in the functioning of the justice system and the fairness of the fair trial, and in order to effectively monitor and control the proceedings and supply contracts, the following suggestions can be made:

1. Review and modify the administrative and supervisory structure of the judiciary and the use of leading lawyers of the country at the head of the country's judicial system and the amendment of the relevant constitutional principles.
2. Determining the place and importance of the principle of supervision in ensuring fair trial by the legislator along with other principles governing the criminal procedure
3. Use of expert opinions, field and university professors, experienced judges and lawyers in the preparation and development of legal bills to prevent the adoption of inadequate regulatory provisions.
4. Modification and redesign of the structure of the control and supervision system in the criminal justice institution and the establishment of a unitary supervisory authority based on the scientific principles of control and supervision with the powers of supervision of the appointment
5. Orientation of all regulatory measures in relation to the implementation of a priori (preventive)
6. Standardization and setting clear and transparent criteria in all aspects of the trial process, for example, determination of the highest rate of the dish for post-jail payment for interim detention, subject to Article 242 of the Criminal Procedure Code.
7. Guaranteeing the independence of regulatory authorities and taking the necessary measures to prevent the personal actions of managers and, as a result, create legitimacy for regulatory authorities.
8. Developing a clear and transparent criminal policy on the punishment of freedom of the day, as well as the provisions of the year of freedom.
9. Consideration of judicial supervision as a substitute for providing for unintentional crimes, as well as grade 4 to 8 sanctions, and amending the criminal procedure law in this regard.
10. Reforming the prisoner's approach to the community, including the judiciary, the judiciary, and the public, through the explanation of the subjective and social effects of imprisonment and culture in this regard.

11. The elimination of parallel monitoring and the establishment of a single and moderate monitoring system on the proceedings in a way that does not impede creativity, talent and innovation of human resources, and privacy of individuals is also respected.

12. Avoiding statistics in monitoring and prioritizing issues under criminal procedure in line with the principles of fair trial.

13. Adopt legal measures to enforce public oversight on the protection of the rights and freedoms of the accused through the institutions of man, lawyers and jurors

14. Proof of the principle of the right of the accused to be prosecuted in criminal proceedings, such as the UK's criminal justice system, so that the issuance of any post-employment arrest warrant is exceptional and contrary to the principle and requires the prosecutor to prove it to be necessary.

15. Authorize the issuance of interim detention to a judge sitting independently of the prosecutor's office, such as a judge of liberty and detention in the French criminal justice system, and deny the right to issue arrest from the prosecutor.

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DATA OF THE AUTHORS.

1. **Mohammad Reza Rahmati**. Department of Law, Qom Branch, Islamic Azad University, Qom, Iran. Email: Rahmati_ju@yahoo.com
2. **Mehdi Sheidaei**. Faculty of Law, Department of law, Farabi Campus, University of Tehran, Iran. Email: m_sheidaei@ut.ac.ir
3. **Seyyed Mahmoud Mir Khalili**. Faculty of Law, Department of Law, Farabi Campus, University of Tehran, Iran. Email: mirkhalili@ut.ac.ir
4. **Shahrdad Darabi**. Faculty of Law, Department of Law, Qom Branch, Islamic Azad University, Qom, Iran. Email: shardad.darabi@yahoo.com

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