

Control of Police Custody in Iranian and French Law

Ali Alghasi mehr¹
Dr. Ali Janipour²✉
Dr. Shahram Ebrahimi³

Received: 2017/08/04

Accepted: 2018/12/05

The fulcrum of which the individual rights overwhelmingly turn is the right not to being arrested without properly legal process. (notice and hearing by a neutral court). In other words, this inalienable right primarily and relatively is the main prerequisite for the performance of other individual rights. Monitoring or surveillance as a common police procedure and basic framework of a triable case might be a potential violation of liberty. One of the most paramount means of ensuring the observance of the fundamental rights and restraining any violation of the right to liberty envisaged in the criminal procedure law of Iran and France, is to recognize and consider surveillance and monitoring as a violation of right to liberty. In this article, surveillance, its methods and the persons in charge of its application and its legal effect with regard to victims and legal authorities will be thoroughly addressed.

Key words: *Police Custody, Control, Public prosecutor, Iranian law, French law.*

1. Student in Criminal Law and Criminology, Islamic Azad University, Yasuj

2. Assistant Prof. Islamic Azad University, Yasuj

ali.janipour2018@gmail.com ✉

3. Assistant Prof. Shiraz University