

Evidence Acquisition in Iranian Criminal Law and Its Relationship with the Fundamental Principles of Fair Trial

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the section “The Concept of Evidence Acquisition,” the definition that evidence acquisition consists of “lawful, judicial, and regulated measures undertaken by competent authorities” is overly broad. The manuscript would benefit from distinguishing evidence acquisition from investigation, evidence gathering, proof production, and evidentiary evaluation using established criminal procedure theories and authoritative doctrinal sources.

The paragraph asserting that evidence acquisition “may be regarded as the link between objective realities and the legal system” introduces a philosophical dimension but does not engage with epistemological debates regarding judicial truth versus factual truth. A deeper discussion of competing theories of truth in criminal adjudication would significantly strengthen the theoretical foundations of the article.

The discussion of the principles of legality, presumption of innocence, privilege against self-incrimination, and equality of arms is largely descriptive. The manuscript should explain how each principle specifically influences the admissibility, collection, and evaluation of evidence under Iranian law and identify potential tensions among these principles.

The comparison with the United States legal system is too brief and lacks analytical depth. For example, the sentence referring to “the exclusionary rule” should be expanded by discussing its constitutional basis, scope, exceptions, and practical implications, followed by a comparison with the Iranian approach to illegally obtained evidence.

In the section describing the stages of evidence acquisition, the manuscript identifies crime detection, preliminary investigation, and judicial evaluation as separate stages. However, no explanation is provided regarding the legal consequences

of procedural defects occurring at each stage. A more detailed analysis of the effect of procedural irregularities on evidentiary admissibility would enhance the practical relevance of the article.

The section “The Legal Foundations of Evidence Acquisition in General Laws” focuses almost exclusively on the Criminal Procedure Code. The authors should also examine the constitutional foundations of evidentiary safeguards, particularly provisions relating to privacy, human dignity, due process, and protection against coercion.

The paragraph stating that “any measure taken to collect and acquire evidence must be based on legal authorization” would benefit from discussion of remedies and sanctions. Specifically, the manuscript should analyze the legal consequences when evidence is obtained without authorization and whether exclusion, nullification, or disciplinary liability follows.

The article lacks a dedicated methodological discussion explaining how sources were selected and analyzed within the descriptive–analytical approach. Since the study relies on documentary analysis, the authors should describe source selection criteria, analytical procedures, and the rationale for choosing comparative references.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The paragraph beginning with “The procedural nature of evidence acquisition is one of the important and fundamental dimensions...” repeats several arguments already presented in the Introduction. The authors should reduce repetition and instead use this section to provide a more detailed examination of procedural safeguards, supported by statutory references and judicial precedents.

When discussing the Iranian legal system, the manuscript repeatedly states that evidence acquisition must occur “under judicial supervision,” but it does not identify the precise legal mechanisms of such supervision. The article should clarify the respective roles of judges, prosecutors, investigators, and judicial officers in supervising evidentiary activities.

The section on procedural and formal aspects would benefit from a more systematic classification of procedural requirements. For instance, judicial authorization, legal representation, documentation requirements, and timing constraints could be analyzed under separate subcategories rather than being discussed collectively.

In the substantive dimension section, the authors state that evidence must be “logically, empirically, and legally valid.” These three forms of validity are not defined. The manuscript should explain the criteria used to assess each type of validity and provide examples illustrating how they are applied in criminal proceedings.

The discussion of expert opinions, witness testimony, and documentary evidence remains highly general. It would strengthen the manuscript to analyze the differing evidentiary weight assigned to these categories under Iranian law and explain whether specific reliability standards apply to each.

The subsection on content-based and value-based dimensions introduces an interesting analytical distinction, yet the practical interaction between these dimensions is not sufficiently demonstrated. The authors should provide concrete examples showing situations where highly reliable evidence may nonetheless be excluded because of violations of ethical or human rights principles.

The section “The Concept and Position of Evidence Acquisition in the Iranian Legal System” contains several assertions regarding the influence of jurisprudential and Sharia principles, but the analysis lacks direct engagement with specific jurisprudential doctrines or authoritative juristic opinions. The manuscript would be significantly strengthened by incorporating primary Islamic legal sources.

The article repeatedly refers to international human rights standards but does not systematically identify the relevant instruments. The authors should explicitly discuss the International Covenant on Civil and Political Rights, fair trial jurisprudence, and related international standards governing evidence acquisition and admissibility.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.