

Fighting against Torture: Comparative Study of the Legal System of the Islamic Republic of Iran and the Federal Republic of Germany (in the Light of the International Human Rights Law)

Samaneh Rahmatifar *

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Abstract

The main purpose of this research is a comparative study of legal system of Islamic Republic Iran and Federal Republic of Germany of fighting against torture to provide a solution for weaknesses in the legal system of Iran. The research method is comparative; In this way, based on the international human rights law, the approach of the two legal systems in the fight against torture is described part by part and the strengths and weaknesses of each are analyzed. Findings show that despite the defects in Iran law in the fight against torture, the German legal system does not have a significant advantage over Iran and in turn has serious defects. The results show that the commonness of torture is not necessarily due to the weakness of legislation; its due to the lack of culture making of the government about the absolute prohibition of torture and the violence of this principale by government at all, and the high status of confession as a criminal evidence. Using the guidelines of the international human rights law can be used as an anti-torture strategy.

Keywords: confession; detention; training; absolute prohibition of torture.

* Assistant Prof, Department of Law, Faculty of Humanities Science, Hamedan Branch, Islamic Azad University, Hamedan, Iran.
Email: s.rahmatifar@gmail.com



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