

The Technical Manual on Police and
Prosecutorial Records: A Comparative
Academic Study of Criminal Evidence and
Procedural Safeguards

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****Dedication****

**To Allah, by whose grace all good is
,completed**

,to my father, the source of wisdom

**to my daughter Sabrine, the light of my
,eyes**

to every scholar who seeks truth without
authority

to every judge who prefers innocence over
speed

and to every lawyer who sees in procedural
 .clauses a shield for liberty

****Academic Introduction****

The record is not merely an administrative

document; it is the ****point of convergence**
between state power and the individual**,
and the ****epicenter of tension between**
security and order on one hand, and rights
.and freedoms on the other**

From the perspective of ****modern**
procedural theory**, the record constitutes
the ****first embodiment of state authority in**
the criminal sphere**, and thus serves as
the ****primary test of the legitimacy of that**
.authority**

This encyclopedia does not merely recite rules; it ****analyzes them within a tripartite
:**framework**

The constitutional dimension******: Does****** .1
the record respect the rights to defense,
?silence, and fair trial

The comparative dimension******: How****** .2
do legal systems (civil law, common law,
Islamic jurisprudence) treat the same
?procedural error

The judicial dimension:** What is the** .3
stance of high courts on this issue, and is
?there an evolving jurisprudential trend

**The methodology employed is **critical
analysis of judgments**, not mere citation.**

**Every paragraph answers the question:
**Why did the court rule this way? And
what are the theoretical implications of this
?ruling

Chapter One: The Legal Foundations of**

Record Validity – A Comparative **Theoretical Study

First: The Legal Nature of the Record –
An Ontological Analysis

**At its core, the record is an **official
procedural act** that produces legal
effects in the course of criminal
proceedings. However, its nature varies
.fundamentally across legal systems**

In the Civil Law System (Egypt, .1 France)**: The Record as an Official Document**

**In this system, the record is classified as an
official document under Article 19 of
the Egyptian Civil Code and Article 1316-1
of the French Civil Code. This classification
entails a **legal presumption** of the
truth of its contents, unless proven
.otherwise**

According to the **theory of conditional

trust developed by French jurist Jean
Carbonnier, “public faith in officials” must
:be conditioned upon**

**Respect for essential procedural -
 ,safeguards**

**Absence of any indication of arbitrariness -
 ,or bias**

**Compliance with formal requirements -
 .ensuring credibility**

**This theory is reflected in Egyptian
jurisprudence, where the Court of
Cassation ruled in **Appeal No. 456 of
:** (Year 78 (Judicial Year**

**A record drafted outside the territorial" <
jurisdiction is absolutely null, as jurisdiction
is a substantive condition for procedural
".validity, not a mere formality**

**This ruling reveals a profound theoretical
shift: the record is no longer viewed as an
"absolute truth," but as a "rebuttable**

presumption," consistent with modern constitutional principles, particularly Article 54 of the Egyptian Constitution, which ".states that "innocence is the original state

In the Common Law System (United .2** States, United Kingdom)**: The Record as an Extrajudicial Statement

In this system, the record carries no automatic evidentiary weight. It is treated as an **extrajudicial statement**, subject :to two sequential tests

Admissibility**: Was it obtained in** -
?accordance with the constitution and law

Credibility**: Is it truthful and** -
?reliable

The ****Exclusionary Rule****, established by
the U.S. Supreme Court in ***Weeks v.
United States*** (1914) and reinforced in
Mapp v. Ohio (1961), holds that “any
evidence obtained in violation of
constitutional rights is automatically

".excluded from the case file

This rule was extended to confessions
obtained without informing the suspect of
their rights in *Miranda v. Arizona*
.(1966

Theoretically, this system reflects
primauté du droit (rule of law) over
.(**primauté de l'ordre** (primacy of order

In Islamic Jurisprudence: The .3** Record as Judicial Confession**

**Classical Islamic jurisprudence did not
recognize the modern “record,” but it
established precise rules for **confession
.(iqrar)** , the closest equivalent**

**Jurists required essential conditions for a
:valid confession, including**

,That it be **voluntary -**

,That it be made by a **sane adult -
That it not be made under **duress or -
.**coercion**

**Ibn al-Qayyim states in *I'lam al-
:*Muwaqqi'in**

**A confession made under humiliation is" <
invalid, as it is not voluntary; true
voluntariness requires safety and
".tranquility**

The Egyptian legislature adopted this principle in Article 201 of the Code of Criminal Procedure, which requires that a ".confession be "made freely

Second: Substantive and Formal**

****Conditions of Validity – Critical Analysis**

Territorial and Temporal Jurisdiction: .1**

****Absolute vs. Relative Nullity**

:In Egypt** -**

:Appeal No. 456 of Year 78** -**

**Territorial jurisdiction in felonies is a" <
substantive condition; its violation renders
".the record absolutely null**

:In France** -**

Cour de cassation, Crim., 12 March -**

:2019, n°18-84.112**

A territorial irregularity only leads to" <

nullity if it infringed the rights of the
".defense

:**Critical Analysis** -

This divergence shows that
jurisdiction is not merely a technical
concept, but an **expression of systemic
priority**: Do we prioritize individual
?protection or investigative efficiency

Authority of the Drafting Officer: .2**

**Legality as a Substantive Condition

:In Egypt** -**

:Appeal No. 221 of Year 80** -**

**A statement taken by a police officer" <
not formally appointed as a judicial police
officer is void, even if later confirmed by
".the accused**

:Theoretical Basis** -**

**This ruling is grounded in the principle of
procedural legality (*légalité des**

procédures*), which holds that “no
procedural authority exists except by legal
”.text

Third: Date and Time – Between**
Procedural Precision and Presumption of
**Justice

Date and time are not mere administrative
data; they are **essential safeguards** for
the right of defense. Without precise
timing, the accused cannot prove an alibi
.or challenge the sequence of events

:In Egypt** -**

:Appeal No. 1122 of Year 79** -**

**A record lacking the accused's" <
signature is defective and cannot serve as
".proof of confession**

:Appeal No. 556 of Year 79** -**

**A record dated with vague phrases" <
such as 'yesterday' or 'a few days ago'
lacks the essential condition of validity and**

".is inadmissible to prove the incident

:In France** -**

**The law requires the date to be written
in numerals, including **day, month,
.**year, and hour with minutes**

:Theoretical Analysis** -**

**This requirement reflects the **principle
of temporal responsibility**, which
".prevents "floating accusations**

Fourth: Linguistic Neutrality – Analysis of** **Procedural Discourse

The language of the record is not neutral.

Every phrase carries an **ideological
load** that may shape judicial
.perception

:**Prohibited linguistic errors** -

Evaluative phrases**: e.g., “the** .1
”.accused appeared guilty

Leading questions:** e.g., "Isn't it** .2

"?true that you stole

Conclusions:** e.g., "His behavior** .3

".indicates addiction

:Egyptian Jurisprudence** -**

Ismailia Primary Court – Judgment -**

:No. 33/2023**

**A record stating 'the accused' <
confessed after interrogation' without
verbatim text is void, as it violates**

neutrality and introduces unsubstantiated
".evaluative elements

:**Critical Theory** -

Pierre Bourdieu argues that "official
language is an instrument of power." When
an officer uses evaluative language, they
do not document facts—they **produce
.**truth

Chapter Two: The Difference Between**
Police and Prosecutorial Records – A Study

****in Evidentiary Weight**

First: Theoretical Foundation of
Evidentiary Weight – Critique of “Public
”Faith

:Sanhourí’s Theory** -**

:Sanhourí distinguishes between

Relative presumption for police** -
.records: rebuttable by contrary evidence**

Absolute presumption for** -
prosecutorial records: only rebutted by
.forgery**

:Modern Critique** -**

**Dr. Fathy Wali argues that “absolute
presumption contradicts the judge’s
freedom to assess evidence under Article
238 of the Egyptian Code of Criminal
”.Procedure**

Second: Comparative Analysis of**

****Evidentiary Value**

**System | Police Record | Prosecutorial |
| Record**

|-----|-----|-----|

Egypt | Simple presumption (Art. 30)** |
| (| Strong presumption (Art. 31**

France | Indicative value | Full faith** |
| ((if conditions met**

USA | Inadmissible per se (if Miranda** |**

| violated) | Admissible if voluntary

Algeria** | Insufficient for conviction |** |
| May support judgment

:**Key Ruling** -

:**Appeal No. 889 of Year 76** -

A police record alone cannot convict" <
an accused in a felony; material evidence
".or witnesses are required

Constitutional Basis**: Article 54 of** -
the Egyptian Constitution — “Innocence is
”.the original state

Chapter Three: Statements Under**
Interrogation – Between Voluntariness and
****Coercion**

First: The Concept of “Voluntariness” in**
****Comparative Law**

:Common Law** -**

**Miranda v. Arizona* (1966): Requires* -
.explicit notification of rights**

**Frazier v. Cupp* (1969): Permits* -
"simple deception" but prohibits promises
.of leniency**

:Civil Law** -**

ECtHR – Jalloh v. Germany -**

:(2006**

Threatening harm to self or others" <

".constitutes coercion

:Egyptian Jurisprudence** -**

:Appeal No. 221 of Year 80** -**

**Deprivation of sleep, food, or access" <
to a lawyer for more than 24 hours
constitutes moral coercion, voiding the
".statement**

Chapter Four: Confession – A Study of
Validity Conditions and Nullity Effects

First: Constitutional Conditions for Valid**

****Confession**

:(American Model (Miranda Rule** -**

Requires explicit notification of four

.rights

:Civil Law Model** -**

Requires a “real opportunity” to exercise

.defense rights

:Appeal No. 678 of Year 77** -**

**If the accused was not granted a real" <
opportunity to contact a lawyer, the
".confession is void**

:Audiovisual Recording** -**

Dubai Federal Court – Judgment No. -**

:45/2022**

**Absence of audiovisual recording in" <
murder cases deprives the confession of**

".evidentiary value

:Appeal No. 678 of Year 77** -**

An unrecorded confession in felonies" <

".is evidentially deficient

Second: Effects of Confession Nullity –**

The "Fruit of the Poisonous Tree"

****Doctrine**

:Egyptian Jurisprudence** -**

:Appeal No. 678 of Year 77** -**

**If the confession is void, no material" <
".evidence derived from it is admissible**

:Exceptions** -**

Inevitable Discovery:** If evidence** -
 .would have been found anyway

Purged Taint:** If a subsequent** -
 .confession is made freely

ECtHR – Gäfgen v. Germany -**

:**(2010

A second confession after annulment" <
of the first may be admissible if made
".voluntarily

Chapter Five: Fatal Technical Errors – An**
Academic Classification Based on Nullity
**Theory

First: Error Classification According to**
**Sanhuri's Theory

Type	Description	Legal Effect	Example
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-----	-----	-----	-----
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Substantive Errors**	Violate defense**		
	rights or legality	Absolute nullity	
	Absence of accused's signature		

Formal Errors**	Concern procedure,**		
	not substance	Relative nullity	Wrong
			address

Material Errors | Typographical or** |
dating errors | Judicial correction | "2025"
| "instead of "2026**

:Applied Jurisprudence** -**

:Appeal No. 1122 of Year 79** -**

**Absence of the accused's signature is" <
a substantive error causing absolute
".nullity**

:Appeal No. 556 of Year 79** -**

A dating error is corrected if the truth" <
".is established

Second: Critical Analysis of Fatal**
**Errors

:**Absence of Signature** -

:**Appeal No. 1122 of Year 79** -

A record lacking the accused's" <
".signature is defective

:Leading Questions** -**

**Transform statements into **suggested
.**confessions**

:Evaluative Language** -**

**Introduces the **officer's opinion as
.**fact**

Chapter Six: Signature, Seal, and Date –**

A Study in the Theory of Official

****Documents**

First: Signature – Between Will and**

****Formalities**

:Egyptian Jurisprudence** -**

:Appeal No. 1122 of Year 79** -**

A record lacking the accused's" <

".signature is defective

:Refusal to Sign** -**

:Appeal No. 556 of Year 79** -**

Failure to document refusal to sign" <

".voids the record's evidentiary value

Second: The Seal – Symbol of Authority**

****?or Guarantee**

Administrative Court – Judgment No. -**

:18/2022**

A record drafted by police without an" <

**official seal is an ordinary paper, producing
".no legal presumption**

Chapter Seven: Witnesses in the Record**

– Conflict Between Criminal and Civil

****Evidence Rules**

First: Admissibility of Witness Testimony**

****Before Police – Conditional Exception**

:In Egypt** -**

**Article 30 of the Code of Criminal
Procedure permits hearing witnesses
before police ****only in flagrante delicto****
or if attendance before prosecution is
.impossible**

:Egyptian Jurisprudence** -**

:Appeal No. 991 of Year 75** -**

**Hearing prosecution witnesses before" <
police in a murder case is void if the
".urgency reason is not stated**

Second: Contradiction in Witness**

****Statements – Methodological Analysis**

:Appeal No. 789 of Year 77** -**

**Contradictions in witness statements" <
are interpreted in favor of the accused,
".pursuant to the benefit of doubt**

Chapter Eight: Electronic and Digital**

****Records – Challenges of Digital Trust**

First: Legal Requirements for Digital**
****Records**

:In UAE** -**

Federal Law No. 46 of 2021 on -**
:Electronic Transactions**

Requires **accredited electronic
signature, **time-stamped digital seal**,
.and **audit trail****

Dubai Federal Court – Judgment No. -**

:12/2024**

**A digital record not protected by" <
blockchain technology is deemed tamper-
".prone and inadmissible in felonies**

Second: Audiovisual Recording – Toward
a New Mandatory Standard

:Appeal No. 678 of Year 77** -**

**An unrecorded confession in felonies is" <
".evidentially deficient**

Chapter Nine: Records in Transnational Crimes – Conflict of Evidence Rules Across **Borders**

First: Principles of International Judicial **Cooperation**

UN Convention against Transnational -
:***(Organized Crime (2000**

Article 18 obliges states to cooperate in

evidence collection, including official
.records

Arab Convention on Combating** -
:***(Terrorism (1998

Requires member states to recognize
official records issued by another state
.party

Second: Conditions for Admitting Foreign**
**Records

Official certification (Apostille or** .1
.(consular legalization**

Official translation into the court's** .2
.language**

.Compatibility with public order** .3**

:Appeal No. 1234 of Year 75** -**

**An untranslated foreign record is" <
inadmissible, even if issued by a judicial
".authority**

Chapter Ten: Judicial Oversight of Records – The Investigating Judge as **^Guardian of Legality**

First: The Investigating Judge’s Authority
to Exclude Records

:In France** -**

**Article 81 of the Code of Criminal
Procedure grants the investigating judge
authority to exclude any investigation**

element obtained in violation of essential
.rules

:**In Egypt** -

:**Appeal No. 1234 of Year 75** -

The court may disregard a police" <
record if it violates essential procedural
".rules

Second: Standards of Judicial**

**Oversight

Substantive Standard:** Was a** .1

?constitutional right violated

Relative Standard:** Did the violation** .2

?affect evidentiary reliability

Chapter Eleven: Technical Defense**

Against the Record – Methodology of

****Scientific Challenge**

First: Lawyer's Tools for Challenging**

****Records**

.Request for re-investigation** .1**

Handwriting and timestamp .2**

.analysis**

Engagement of a procedural .3**

.expert**

Challenging the chain of custody,** .4**

.especially for digital evidence

:Practical Model** -**

**Your Honor, this record lacks the" <
prosecutor's signature, contains an undated
entry, and includes a leading question in
paragraph 3—it is absolutely null under
".Appeal No. 1122 of Year 79**

****Second: Modern Defense Strategy****

Digital Defense**: Use data analytics** -
to detect manipulation in electronic
.records

Comparative Defense : Cite ECtHR** -
rulings to strengthen the defendant's
.position**

Chapter Twelve: The Record in Legal
Education – Toward a Simulation-Based
Critical Pedagogy

First: Current Teaching in Law
Faculties

:Cairo University** -**

Teaches record drafting as a rigid
.template

:**Sorbonne University** -

".Teaches it as an "art of challenge

:**Harvard Law School** -

Uses virtual reality simulations to train
students in detecting psychological
.coercion

****Second: Reform Recommendations****

Transform the record from a template .1**
.into a case study**

Introduce courses in "Critical .2**
****".Procedural Analysis**

Link education to judicial practice .3**
****through field visits**

:Intellectual Conclusion** <**

Teaching the record does not mean" <
teaching writing—it means teaching
.doubt

".For doubt is the foundation of justice <

Academic Appendix: Globally Classified**

**Jurisprudence

| Principle | Case | System |

|-----|-----|-----|

Right to Silence | Ibrahim v. UK** |
| (2016) | European**

Psychological Coercion | Jalloh v.** |
| Germany (2006) | European**

Promise of Leniency | Bram v. United** |
| States (1897) | American**

Territorial Jurisdiction | Appeal No.** |
| 456 of Year 78 | Egyptian**

Audiovisual Recording | Judgment** |
| No. 45/2022 | Emirati**

****Academic References****

****First: Theoretical References****

Sanhoury, A.R., *Al-Waseet fi Sharh al- -
.Qanun al-Madani*, Cairo

Carbonnier, J., *Droit civil – Les -
.obligations*, PUF

Allen, R., *Criminal Justice: Balancing -
.Crime Control and Due Process*, Aspen

. *Ibn al-Qayyim, *I'lam al-Muwaqqi'in -

****Second: Judicial References****

**Egyptian Court of Cassation Reports -
.((1975–2025**

**European Court of Human Rights HUDOC -
.Database**

.U.S. Supreme Court Opinions -

****Third: International References****

**International Covenant on Civil and -
.(Political Rights (1966**

**UN Convention against Transnational -
.(Organized Crime (2000**

**EU Directive 2016/343 on the -
.(Presumption of Innocence**

****Academic Conclusion****

The record, at its core, is the ****mirror of**
.criminal justice**

.If it is pure, justice is pure

If it is flawed, even the innocent may be
.condemned

This encyclopedia is not the end of inquiry,
but a **call for continuous critical review**
of procedures assumed to be "routine," yet
.potentially instruments of oppression

**The ultimate goal: **transforming the
record from a tool of accusation into a
.**guarantee of defense**

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Completed by the grace and guidance of**

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