

**Discursivity of objectives, principles and terms as
the basis of fairness of court proceedings**

Abstract: Criminal procedure legislation of Azerbaijan Republic in part of the main notions, objectives, principles and terms of criminal court proceedings is not corresponded to the provisions of discursivity.

Keywords: criminal process; court proceedings; discursivity; principle; participants; competitiveness; objectives.

Earlier we pointed out that equal rights and obligations in criminal competition are not guarantee of fair decision as a victory of the stronger is not always meant the victory of justice.

Fair trial make closer fair decision but only the latter allows asserting about occurred justice [25, p. 105-115].

The last years a number of scientists-specialists if procedure developed and is suggested to introduction a new model of criminal process, called to provide a fair decision at fair trial. It named discursive (Lat. discursus - reasoning), i.e. logically based on reasoning that consists on sequent number of logical chains, each of which depends on previous and determines subsequent [20].

In base of discursive model is contained functional equality of the parties, non-combat nature of accusation, judicial participation in all stages of process, activity of the parties and their discretionary powers on initiation of accusation, collecting of evidences and conducting alternative investigation; subsidiary activity of court; principle of reasonableness of public accusation and opportunity of

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conclusion of mediational amicable agreements upon keeping of court's independence, separation of procedural functions, right to defence, presumption of innocence, direct examination of evidences, verbal nature, publicity, respect of rights and interests of an individual etc. [21, p. 251-253].

Thus, it is determined that only logicity all structural elements of a system of criminal process (criminal proceedings) will allow achieving the justice of it results.

Let's try to consider how these assertions are correlated with the tasks, principles and terms of criminal proceedings that declared in the Code of Criminal Procedure (hereinafter, the CCP) of Azerbaijan Republic.

The tasks of criminal proceedings are defined by the law (Article 8 of the CCP) the protection of an individual, society and state from criminal trespass; protection of an individual from abuse of officials in connection with actual or presupposed commission of crime; quick disclosure of crimes, comprehensive and objective clarification of all circumstances associated with criminal prosecution; exposure and bringing to criminal responsibility of persons charged in commission of crime with establishing of their guilt and rehabilitation of innocents [28, p. 12].

Thus, declared in law the tasks of criminal proceedings determine an existence of the parties with different interests in it.

Exactly, the parties of proceedings, but not criminal process, as according to valid CCP of Azerbaijan Republic, criminal process and criminal proceedings are the different notions, not selfsame. The law says only about the parties of criminal process like its participants, which carry out a prosecution or protection in criminal proceedings on the base of principles of adversarial character and equal rights [27, p. 8].

Wherein, under the criminal process is understood a body of procedural actions on criminal prosecution and made procedural orders (Article 70.3 of the CCP), and under the criminal proceedings – production conducted prior a court and in courts of first, appeal and cassation appeal instances in order provided by the CCP [27, p. 6-7].

It seems that assertion about the body of procedural actions on criminal prosecution makes slightly narrow a role of protection in criminal process.

There is no a single standpoint concerning the tasks, principles and terms of the stages of criminal proceedings. Number of the authors consider as such the common procedural tasks and principles of proceedings, which found their normative expression on constitutional level [9, p. 136-138], others distinguish substantive tasks and principles of all stages of proceedings [10, p. 61-62], third ones assert about simultaneous existence of those and others [6, p. 41-42], fourth ones – on impossibility to separate grounds for their stage by stage classification due to equivalence, integrate character and same nature and interrelationship [29, p. 71-78].

In our standpoint, tasks of criminal proceedings that declared in Article 8 of the CCP of Azerbaijan Republic are common for all its stages including pre-trial production and its stages, but for the latter is existed the specific tasks coming from general tasks of criminal proceedings.

As for the principles, it seems that they have to be common for all stages of court proceedings, and to might be differed only the terms of passing of various stages. In our standpoint, main in matter of principles is such formulation in the law, which makes them equal and equal-applied for entire participants of criminal process in all stages of criminal proceedings, but that is not provided by the acting CCP of Azerbaijan Republic.

Nevertheless, despite obvious reiterative, incorrectness an contradictions, the objectives of criminal proceedings that listed in Article 8 of the CCP, might be considered as general objectives for all its stages, but, in our point of view, questions of administration of justice, establishing of guilt and rehabilitation of innocence cover only court hearing. In addition, it turns that protection from unfound accusations is not included in the tasks of pre-trial production, and consequently, from its pre-trial stage is fallen the defence of rights and interests of process' participants, application to them proper legal procedures, prevention of crimes, strengthening of rule of law, formation of respect to law etc.

As it known pre-trial criminal production is not always began from investigation of obvious fact of crime. As rule, in certain situations reception and registration of information about committed or prepared crime, checking its correspondence of reality is its beginning. Not every event is the event of crime; as well as not every event is always contained signs of crime. Therefore, equivalent objectives of this stage of pre-trial production are the establishment of presence of absence of crime's event and its signs. It seems that this is the main task of pre-trial production and entire court proceedings, from results of which occur other ones. This is also related a stage of urgent institution of criminal case (Art. 209 of the CCP), even upon discovering of unidentified human corpse, signs of infection or poisoning of people, firearms, ammunition, explosive substances, explosive devices, at explosions or fires in public places, in buildings of state enterprises, institutions etc. [27, p. 214-215]. These cases an urgent task is not a quick disclosure of crimes, about presence or absence of which to assert early, but establishing their events and presence a corpse delicti in the events. It might be spoken about crimes' disclosure only after establishing their event, i.e. after establishing of crime's fact, and what is the main task of this stage of pre-trial and entire court proceedings.

It seems that above stated is also determined with an object of proving (Art. 139 of the CCP), the first par. of which is to establish a fact of criminal incident [27, p. 154-155].

If to accentuate that disclosure of crimes is a mandatory task of criminal proceedings, then in case of absence their event and corpus delicti and successive refusal in initiation of criminal case or its cessation, declared purpose is remained to be unachieved.

We believe that ensuring of compensation for material and other types of damage, which caused by crime, and establishing its reasons and terms and their elimination is another specific task of pre-trial production. These tasks can and have to be resolved at successive stages of court proceedings, but effectiveness of this impossible without their resolution in pre-trial production.

The CCP of Azerbaijan Republic does not include a compensation for damage caused by crime in number of court proceedings, and duty to establish and eliminate circumstances served to commission of crime referred to general terms of preliminary investigation.

According to Article 221 of the CCP of Azerbaijan Republic, during the investigation, the investigator shall determine the circumstances (reasons and conditions) which facilitated the commission of the offence. On determining these circumstances the investigator shall, if necessary, send a recommendation to the legal entity or official concerned to take steps to eliminate the circumstances which engendered conditions conducive to the commission of the offence. It shall be obligatory to examine the investigator's recommendation in order to take steps to eliminate the circumstances which engendered conditions conducive to the commission of the offence; the investigator shall be informed of the outcome in writing within one month [27, p. 241].

It seems that stated provisions have a declarative nature and are not provided with other norms of the CCP. If an investigator determined the circumstances (reasons and conditions), which facilitated a crime commission, then introduction of presentation on their elimination has to be duty, but not an alternative right, in this connection the words 'if necessary' should be excluded from the text of Article 221.1 of the CCP, and determination of reasons and conditions, which facilitated commission of crime, should be included in Article 139 of the CCP as circumstances that subjected to proving.

Comparative analysis of the content of enumerated objectives of criminal proceedings shows that many of them associate with principles and conditions of criminal proceedings, and some are identical them.

Under principle (lat. Principio – base, beginning) is understood main, primary provision of any theory, teaching or main rule of activity [19, p. 409].

M.S. Strogovich believed that the principles should be considered the most significant and leading legal provisions, in which designed criminal process [24, p. 124]. According to A.V. Grinenko, this definition entirely corresponds to general

scientific and might be used as initial at successive studying this category [7, p. 100].

There is no common opinion concerning definition of criminal process. So, under principles Y.A. Ivanov understands the provisions, which determine real rights of person in criminal process [11, p. 45]. A.M. Larin believes that they are a generalized expression of norm of law [16, p. 32]. The same standpoint is followed F.M. Abbasova [1, p. 14-15], M.K. Aguldinov [2, p. 30-31], M.L. Bazyuk [3, p. 41], A.M. Baranov [4, p. 71-72], A.Y. Busygin [5, p. 49], I.F. Kutuzov [14, p. 21-22], I.F. Kutyagin [15, p. 18-19], R.S. Spulin [23, p. 16-17], I.Y. Sotsanyuk [22, p. 11-12], I.V. Telegina [26, p. 49-50] and others.

According to Ch.S. Kasumov “principle is a founding beginning determining a gist, content entire process and expressing its typical features; principle has to come off objectives of court proceedings and to assist their fulfillment, to express democracy of criminal proceedings; principle has to be fixed in law of criminal procedure; principle might be realized in one or few procedural stages, but certainly in stage of court hearing; principle of criminal process has to be closely tied with other principles, wherein not replacing them and not losing its own content” [12, p. 24].

An issue on availability of principles of separate stages of court proceedings is considered to be by most part of the scientists as problem of classification of principles, on which is also not common standpoint. So, some authors believe that the stages of criminal process have no their own principles and only common procedural beginnings are manifested in them [18, p. 37-38], other assert that apart of common principles it should be distinguished the principles of separate stages [2, p. 66; 28, p. 99-100].

Content of the principles of criminal process are subdivided in the juridical literature at: a) ensuring a proper criminal procedure and b) ensuring an observance of rights and freedoms of participants of criminal process [10, p. 21-27].

The following is related to the principles ensuring a proper criminal procedure: lawfulness; judicial protection of rights and freedoms of man and

citizen; independence of official persons acting in frames of their competence; comprehensive, entirely and objective examination of case's circumstances; evaluation on inner conviction and publicity.

To the principles ensuring an observance of rights and freedoms of participants of criminal process are related: respect of honour and dignity of person; personal inviolability; protection of rights and freedoms of citizen at production on criminal cases; inviolability of home; inviolability of home; privacy; privacy of correspondence, telephone conversations, postal, telegraph and other information; presumption of innocence; administration of court proceedings with considering equality citizens before law and bodies of criminal justice; administration of court proceedings on the basis of the adversarial character and equal rights of the parties; language of production on criminal cases and freedom of appeal of procedural actions and decisions [8, p. 57-60].

The CCP of Azerbaijan Republic distinguishes the principles and conditions of criminal proceedings, which according to Article 9 of the CCP: establishing the rules as basis for criminal prosecution; ensuring a defence man and citizen against illegal restriction his rights and freedoms; determining the legality and grounds every criminal prosecution.

According to Article 9.2 of the CCP, violation of the principles or conditions governing criminal proceedings may render the completed criminal proceedings invalid, cause the decisions taken during them to be annulled and deprive the evidence collected of its value [27, p. 13].

According to S.I. Ozhegov, condition is a) circumstance, from which anything depends; b) requirement brought by one of the contracting parties; c) verbal or written agreement about anything, arrangement (outdated); d) rules established in any kind of life, activity; e) environment, in which happens, carried out something; f) data, requirements, from which should be proceeded [17, p. 729].

It seems that the conditions are an integral part of the principles of criminal process, unfoundedly distinguished from them as separate provisions. In addition, a content of the Chapter two of the CCP does not contain clear facet between the

principles and conditions of criminal proceedings, in this connection an user needs independently to determine which provision attributed by a lawmaker to the principles, and which – to the conditions of criminal proceedings.

As for the principles of criminal proceedings, then it should be noted that in course of considering as independent principles of other common accepted principles of criminal process a lawmaker attributed an ensuring of number of principles in range of such.

So, as principles (or conditions) of criminal proceedings are meant ensuring of stipulated in Constitution the rights and freedoms of a person and citizen (Art. 12 of the CCP), ensuring the right to freedom (Art. 14 of the CCP); observance of the right to inviolability of a person (Art. 15 of the CCP), ensuring of the right to inviolability of private life (Art. 16 of the CCP), ensuring of the right to inviolability of dwelling (Art. 17 of the CCP), ensuring of the right to property (Art. 18 of the CCP), ensuring of the right to legal aid and defence (Art. 19 of the CCP), observance of the right to fair court hearing (Art. 22 of the CCP), ensuring of the right to re-apply to a court (Art. 35 of the CCP) and ensuring of restoration of violated rights of an acquitted person (Art. 36 of the CCP).

As separate principles (conditions) of criminal proceedings indicated lawfulness (Art. 10 of the CCP), equal rights of everybody before law and court (Art. 11 of the CCP), freedom of incrimination of the suspect and his relatives (Art. 20 of the CCP), presumption of innocence (Art. 21 of the CCP), carrying out criminal trial only by a court (Art. 23 of the CCP), carrying out criminal proceedings with participation of representatives of people (Art. 24 of the CCP), independence of judges and jurors (Art. 25 of the CCP), the language used in criminal proceedings (Art. 26 of the CCP), publicity (Art. 27 of the CCP), objectivity, impartiality and justice of criminal proceedings (Art. 28 of the CCP), examination by appropriate court (Art. 29 of the CCP), restriction of judge's participation in criminal proceedings (Art. 30 of the CCP), inadmissibility non-procedural relationships in criminal proceedings (Art. 31 of the CCP), adversarial nature of the parties (Art. 32 of the CCP), assessment of evidence (Art. 33 of the

CCP) and nobody may be convicted for the same offence twice (Art. 34 of the CCP).

Constitution of Azerbaijan Republic relates to the fundamental rights and freedoms of a man and citizen: right to equality, protection of rights and freedoms, right to life, right to freedom, property right, right to personal integrity, right to inviolability of dwelling, right to use one's native language, right to protection of honour and dignity, right to receiving legal aid, right to inadmissibility of change of legal jurisdiction, presumption of innocence, right to inadmissibility of repeated conviction for one and the same crime, right to for repeated appeal to court, right to inadmissibility of testifying against relatives, right to protect rights and freedoms man and citizen and others [13, p. 9-18].

Thus, it turns that number of constitutional rights and freedoms of a person indicated in the CCP as separate principles (conditions) of criminal proceedings, and their ensuring (Art. 12 of the CCP) indicated as separate principle (condition).

At the same time, a content of number in light of its main notions is presented to be wrong. So, as it noted above, according to Article 7.0.8 of the CCP, criminal proceedings means pre-trial proceedings and production in court of first, court of appeal and cassation appeal instances. In this connection, it seems to be wrong a principle (condition) of conducting of criminal proceedings only with a court as in this case pre-trial production is excluded. It seems that to ensuring is subjected not the right to demand, and the right to administer of justice and open judicial hearing in compliance with brought accusation or applied measure of procedural coercion (Art. 22 of the CCP). Restriction of participation of judge in criminal proceedings (Art. 30 of the CCP), is on essence one of the main reasons of rejection stipulated in Article 109 of the CCP.

Made analysis showed that main principles and conditions indicated in chapter 2 of the CCP are entirely related also to pre-trial production, but there are existed particularities of their application. So, Article 10.5 of the CCP says that procedural actions shall not be valid in the event of a breach of the rules laid down in this article. Meanwhile, Article 10 "Legislation" of the CCP says on necessity to

observe provisions of the Constitution, CCP and other laws of Azerbaijan Republic, and also international treaties, participant of which Azerbaijan Republic is. As result, principle of lawfulness receives a declarative nature as even insufficient deviations from law requirements, and number of cases determined with existed collisions, are able to cross out all pre-trial production on formal grounds. Person is kept in custody only on decision of court, and an inquiry officer and investigator have not right to release a person, like this stipulated in Article 14.5 of the CCP, if he is kept arbitrarily.

According to Article 19.3 of the CCP, an authority carrying out criminal process has no right to prohibit to a lawyer, invited as representative for participation in questioning of witness or victim. But, according Article 105 of the CCP, any person might be invited as representative of witness, in this connection a mention only of a lawyer is wrong. Principle of publicity, fixed in Article 27 of the CCP, at pre-trial production has restriction determined with necessity to observe of secrecy of investigation. Other principles (conditions) of court production, coming from specifics of this stage of criminal process, have also particularities at pre-trial production.

Summarizing foregoing, it should be noted that by their nature and purpose, principles have no to have exceptions since they are not such upon their presence. At the same time, in our standpoint, unsupported of the principle is a result of unscrupulousness that manifested in favour of the corporate interests of the “accomplices” of preparation of the CCP’s draft and falsely understood interests of the state.

We noted above that principles should be equal for all stages of court proceedings, and main in this matter is such their interpretation on law, which allows equivalently using them by all participants of criminal process at every stage of court proceedings. But, made analysis of the content of norms of the CCP of Azerbaijan Republic shows that this condition in number of cases is not observed, does not cover pre-trial production.

So, according to Article 19 of the CCP of Azerbaijan Republic “Guarantee of the right to legal aid and right to conduct one’s defence”, during criminal prosecution an inquiry officer, investigator, prosecutor or court shall take measures to providing the right of victim, suspected or accused to receiving of experienced legal aid. During questioning of victim or witness, an authority conducted criminal process, has no right to ban a presence of their lawyer invited by them as representative [27, p. 17].

But, at initial stages of pre-trial production, in course of checking applications about committed or prepared crimes, before institution of criminal case there is neither victims nor witnesses, questioning is not conducted, but it taken only explanations. As rule, at this stage it is created a basis for the following criminal prosecution, but potential suspected, accused and victims have no any status in it, and consequently, they are deprived an opportunity to have legal aid and proper defence that declared in Article 19 of the CCP of Azerbaijan. In its turn, authorities carrying out criminal process deprived an opportunity ensuring this right.

In our standpoint, right to receive legal aid and defence as the principle of criminal proceedings should be began from first stage of pre-trial production – receiving and registration of a statement (information) about crime and to continue acting in all stages of criminal proceedings, in this connection legislation in this part should be changed.

This refers the principles of freedom of testifying against himself and relatives (Article 20 of the CCP), presumption of innocence (Article 21 of the CCP), language of criminal proceedings (Article 26 of the CCP), adversarial nature of the parties in criminal process (Article 32 of the CCP), and assessment of evidence in criminal proceedings (Article 33 of the CCP).

So, Article 20 of the CCP of Azerbaijan Republic “Incrimination of the suspect and his relatives” does not touch the stages of pre-trial production before initiation of criminal case since it says only about testimonies and preliminary investigation.

Article 21.3 “Presumption of innocence” of the CCP says that a person accused in commission of crime is not obliged to prove his innocence. It shall be for the prosecution to prove accusation, refuting reasoning of defence [27, p. 18-19]. But, at stage of pre-trial production before initiation of criminal case, charges in notion of Article 223 of the CCP is not brought anybody, however, claims and matters coming from them are asked and in this connection a person needs to refute the reasoning of opposite party. Actually, provision about duty of prosecution to refute reasoning brought in defence of accused in context of presumption of innocence is paradox since other one contradicts logics. It seems that in this case it happened a mixing of the accents and it should be spoken about non-alternative duty that mandatory in course of criminal proceedings.

According to Article 26 of the CCP of Azerbaijan Republic, participants of criminal process, not commanding with language used in court, have right to use free an aid of interpreter and receiving of clarification in their right to used native tongue [27, p. 21], but it does not concern the initial stages of pre-trial production, where there is no participants of criminal process in notion of Article 7.0.18 of the CCP.

Adversarial principle of the parties (Article 32 of the CCP) presupposes their presence in face of prosecution and defence, but there are absent in initial stages in notion of Article 7.0.19 of the CCP.

Principle of assessment of evidence in criminal proceedings (Article 33 of the CCP) is not disseminated also in initial stages of pre-trial production before institution of criminal case since there is no evidence in notion of Article 124 of the CCP.

Article 28 of the CCP of Azerbaijan Republic “Objectivity, impartiality and justice of criminal proceedings” mentions only the judges; there is nothing about pre-trial production, in this connection a definition of this principle, like others stated above, should be changed.

Summarizing foregoing, we may assert about necessity of reforming the chapter 2 of the CCP of Azerbaijan Republic and its edition corresponding to provisions of discursivity.

References

1. Abbasova F.M. Teoreticheskie i prakticheskie problem osuschestvleniya printsipa sostyazatel'nosti v ugolovno-protsessual'nom zakonodatel'stve Azerbaijan Republic [Theoretical and practical problems of carrying out the adversarial principle in criminal procedural legislation of Azerbaijan Republic]. Avtoref. dis. dokt. yurid. nauk [Doct. of Law Diss. Abstract]. Baku, 2011, 49 p.

2. Agul'dinov M.K. Ponyatie, printsipi, zadachi i sistema dosudebnogo proizvodstva [Notion, principles, tasks and system of pre-trial production]. Uchebnoe posobie [Tutorial]. Kazan, 2010, 317 p.

3. Bazyuk M.L. Okhrana prav i svobod cheloveka i grazhdanina kak printsip rossiiskogo ugolovnogo sudoproizvodstva [Protection of rights and freedoms of man and citizen like a principle of Russian criminal proceedings]. Dis. kand. yurid. nauk [PhD in Law Diss.]. Irkutsk, 2009, 226 p.

4. Baranov A.M. Zakonnost' v dosudebnom proizvodstve po ugolovnom delam [Lawfulness in pre-trial production on criminal cases]. Dis. dokt. yurid. nauk. [Doct. of Law Diss.]. Omsk, 2006, 413 p.

5. Busygin A.Y. Deyistvie printsipa sostyazatel'osti na dosudebnom proizvodstve v Rossiiskoyi Federatsii (Action of adversarial principle in pre-trial production in Russian Federation). Dis. kand. yurid. nauk [PhD in Law Diss.]. Irkutsk, 2009, 221 p.

6. Ginzburg A.Y. Printsipy sovetskoyi kriminalistiki (Principles of soviet criminalistics). Karaganda, 1974, 79 p.

7. Grinenko A.V. Konstitutsionnye osnovy dosudebnogo ugolovnogo protsessa v Rossiiskoyi Federatsii [Constitutional basis of pre-trial criminal process in Russian Federation]. Moscow, 2000, 258 p.

8. Grinenko V.A. Sistema printsipov ugovnogo protsessa i ee realizatsia na dosudebnikh stadiyakh [System of the principles of criminal process and its realization in pre-trial stages]. Dis. dokt. jurid. nauk [Doct. of Law Diss.]. Voronezh, 2001, 471 p.

9. Demidov I.F. Printsipy sovetskogo ugovnogo prava [Principles of soviet criminal process]. Kurs sovetskogo ugovnogo protsessa. Obschaya chast' [Course of soviet criminal process. General Part]. Moscow, 1990, pp. 132-146.

10. Dobrovol'skaya T.N. Printsipy sovetskogo ugovnogo protsessa [Principles of soviet criminal process]. Moscow, 1971, 200 p.

11. Ivanov Y.A. Osnovnie nachala (printsipy) sovetskogo ugovnogo protsessa [Main beginnings (principles) of criminal process]. Sovetskiy ugovnyi protsess/pod red. Kareva D.S. [Soviet criminal process, ed. by Karev D.S.] Moscow, 1975, pp. 43-71.

12. Kasumov Ch.S. Prezumpsiya nevinovnosti v sovetskom prave [Presumption of innocence in soviet law]. Baku, 1984, 138 p.

13. Kostitutsiya Azerbajjanskoyi Respubliki. S dopolneniyami po 13.12.2005 [Constitution of Azerbaijan Republic, with supplements of 13.12.2005]. Baku, 2009, 51 p.

14. Kutuzov I.F. Dosudebnoe proizvodstvo v rossiiskom ugovnom protsesse [Pre-trial production in Russian criminal process]. Volgograd, 2007, 346 p.

15. Kutyagin I.F. Dosudebnoe proizvodstvo [Pre-trial production]. Tver, 2006, 206 p.

16. Larin A.M. Prezumpsiya nevinovnosti [Presumption of innocence]. Moscow, 1982, 152 p.

17. Ozhegov S.I., Shvedova N.Y. Tolkovyi slovar' russkogo yazika]. 4 izd. dopoln. [Explanatory dictionary of Russian language, 4th edition, suppl.]. Moscow, 2000, 1536 p.

18. Perlov I.D. Kassatsionnoe proizvodstvo v sovetskom ugovnom protsesse [Cassation production in soviet criminal process]. Moscow, 1968, 134 p.

19. Sledstvennye deistviya po sovetskomu ugovno-protsessual'nomu pravu [Investigative actions on soviet criminal procedural law]: Ucheb.posobie/A.K. Gavrilov, S.P. Efimichev, i drugie [Tutorial ed. by A.K. Gavrilov, S.P. Efimichev, and others]. Volgograd, 1975, 112 p.

20. Slovari i entsiklopedii na Akademke. Filosofvskaya entsiklopedia [Dictionaries and encyclopedias in Academy]. Available at http://dic.academic.ru/dic.nsf/enc_philosophy/339/Discursivnyi

21. Smirnov A.V. Tipologiya ugovnogo sudoproizvodstva [Typology of criminal proceedings]. Dis. dokt. jurid. nauk [Doct. of Law Diss.]. Moscow, 2001, 345 p.

22. Sotsanyuk I.Y. Sostyazatel'nost' v ugovnom protsesse Kyrgyzskoi Respubliki [Adversarial nature in criminal process of Kyrgyz Republic]. Avtoref. dis. kand. jurid. nauk [PhD in Law Diss. Abstract]. S. Petersburg, 201, 28 p.

23. Spulin R.S. Dosudebnoe proizvodstvo [Pre-trial production]: Metod. Posobie [Tutorial]. Moscow, 2010, 102 p.

24. Strogovich M.S. Kurs sovetskogo ugovnogo protsessa v 3 tomakh, tom 2 [Course of soviet criminal process] in 3 vol., vol. 2. Moscow, 1970, 591 p.

25. Suleymanov J.I. Fair trial: Illusions and reality. Juridical Sciences and Education. Baku, no. 47, 2016, pp. 105-115.

26. Telegina I.V. Realizatsiya printsipa uvazheniya chesti i dostoinstva lichnosti v rossiiskom ugovnom sudoproizvodstve [Realization of principle of respect of honour and dignity of person in Russian criminal proceedings]. Dis. kand. jurid. nauk [PhD in Law Diss.]. Orenburg, 2009, 178 p.

27. Ugolovno-protsessual'ni kodeks Azerbajjanskoi Respubliki na avgust 2014 g. [Code of Criminal Procedures as for August 2014], Baku, 2014, 568 p.

28. Khudaiberdiyev A.I. Sistemnye problemy dosudebnogo proizvodstva po ugovnomu presledovaniyu [System problems of pre-trial production on criminal prosecution]. Moscow, 2010, 156 p.

29. Yugovskyi I.N. Problemy dosudebnogo proizvodstva [Problems of pre-trial production]. Tver, 2010, 147 p.