

Evidence Obtained From The Geographic Tracking Of The Suspect Using GPS Technology

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Abstract

Legislators around the world are committed to protecting individuals' right to privacy. As a result, laws in many countries have sought to provide the necessary safeguards for this right. However, the need to combat criminal phenomena—especially in light of technological advancements—has created a necessity to permit investigative procedures for detecting crimes, gathering evidence, and identifying perpetrators. These procedures often involve infringing on individuals' right to privacy, such as the use of electronic surveillance through GPS technology. This raises the need to examine the evidentiary reliability and nature of the digital evidence generated.

Keywords: *Geographic tracking of suspects, GPS technology, electronic evidence.*

INTRODUCTION:

When drafting criminal procedures, legislators aim to strike a balance between competing interests—namely, the public interest and individual rights—which emerge within the framework of criminal proceedings. This necessitates adapting investigative measures and evidence collection methods to the advancements of each era. As criminal activities become more complex and offenders leverage technological developments in their crimes, law enforcement agencies increasingly rely on modern tools for crime detection, suspect identification, and evidence collection—particularly in serious cases—with greater accuracy and efficiency. Among these key procedures is electronic surveillance through GPS tracking of suspects and the digital evidence it produces, which raises questions about its admissibility in criminal proceedings.

The importance of the topic:

The importance of the subject of research stems from clarifying the nature of the evidence obtained from the geographical tracking of the accused using GPS technology, and the position of jurisprudence, the judiciary and legislation of its authority in criminal evidence.

The problem of the subject:

The inability of traditional procedures in detecting serious crimes, obtaining their evidence and detecting their perpetrators, highlighted the inevitability of using the means of scientific and technological progress, including the evidence obtained from geographical tracking to confront them, but the problem arises about the nature of the evidence obtained from them and the extent of its authority in the field of criminal evidence.

Third: Reasons for choosing the topic:

The reasons for choosing the subject are to try to provide a scientific study on the extent of its authenticity Evidence derived from the geographical tracking of the accused with GPS technology in the field of criminal evidence.

RESEARCH METHODOLOGY:

The research relied on the analytical approach to find out the meaning of geographical tracking of the accused GPS technology, and the comparative approach to find out the position of legislation on the authenticity of the evidence obtained from this technology.

Scope of the research:

The scope of the research is limited to clarifying the definition of geographical tracking of the accused using GPS technology and clarifying the nature of the evidence obtained from it and

the extent of its authority in proof and standing on the position of jurisprudence, the judiciary and legislation on that.

1. The concept of the geographical tracking system of the accused using GPS technology

The evidentiary process can not be imagined to be completed randomly, but there must be basic rules based on it as an organized methodology, and the resulting evidence, and it can be said that it is a set of data intertwined with each other from the moment of committing the crime until the moment of sentencing it, the proof is the goal around which all criminal proceedings revolve, by drawing ways that lead to the detection of crimes and the control of the perpetrators, and the geographical location or what is known as geographical tracking of the accused by (GPS technology) One of the methods used in the stage of research, investigation and collection of evidence in order to track the perpetrators of crimes and monitor their movements, has known the geolocation system since relatively ancient times, man since prehistoric times seeks to invent a way to guide him to know the roads, travel and mobility, took the stars in the sky as a guide and guide him in his quest to search for pastures to settle in his homeland, and track the sun at its east and west ⁽¹⁾ and in order to surround the concept of geographical tracking of the accused technology (GPS).

I- Jurisprudential definition

The definition of geographical tracking of the accused using GPS technology was the subject of discussion by legal scholars, due to the novelty of this method compared to traditional investigation methods, as it is one of the manifestations of geographical digitization and the use of modern technology to determine the geographical location of individuals, as many of them have developed a definition for it as a new term in the field of investigation, evidence collection and criminal investigation.

It has been defined as: "a procedure used by the investigating authorities to establish the truth in the context of criminal investigations, for the purpose of gathering evidence about a person suspected of committing a crime, whereby work is done to trace the individual's trajectory, in order to determine his whereabouts and his route, using a geolocation operation". ⁽²⁾

The above definition deals with the criminal legal aspect of this system, as a means or procedure of investigation and collection of evidence against suspects and accused.

Dr. Tamer Mohamed Saleh defined it as: "Determining the place where the individual or thing is located through the use of GPS technology , whether in the same thing such as a mobile phone, or a car, or by placing a specific piece on objects or objects" ⁽³⁾, which is taken on this definition that he used the phrase "with the knowledge of the person concerned" as the use of this technology with the knowledge of the person loses its importance as an inferential measure, so tracking must be carried out without the knowledge of the person concerned in order to detect crimes and know This definition also did not clarify the legal aspect of the use of GPS technology in the field of criminal justice.

II- Technical definition

The scientific revolution has played a pivotal role in the transition by means of tracking and geographical positioning, as it redrew how to navigate and draw, and one of the manifestations of this development is the emergence of the global positioning system known as GPS, as the concept of using satellites appeared with the launch of the Sputnik satellite in 1957, and here

(1)Alaa Radwan, GPS technology and its role in tracking the accused, available on the website: <https://www.par-many.com> the date of visit 17/9/2024.

(2) Saadi Abdullah Al-Sakka and Rami Jar or Sabha, Special Investigation Methods Developed under Law No. 20/5, Master's Thesis, Faculty of Law and Political Science, University of August 20, 1955 - Skikda, 2021, p. 14.

(3) Dr. Thamer Mohamed Saleh, Accused Geographical Tracking by GPS Technology as One of the Evidence Collection Procedures, A Comparative Study, Dar Al-Fikr wal-Qanoon, Mansoura, 2021, p. 21.

the United States realized the importance of satellite-based navigation, so the US Department of Defense proposed the development of a comprehensive satellite navigation system, which later became the Global Positioning System GPS, which was called Navstar, which was launched in 1978⁽¹⁾, and GPS satellites broadcast two types of data, the first type is encrypted and can only be accessed by the US military forces, and the second type of data is not encrypted and can be used in civilian applications, as President Ronald Reagan issued a directive related to GPS signals Civilian, as it became available to the world for free, although it was designed so that civilian users could not obtain the same level of accuracy as the US military⁽²⁾.

There have been many names given to this technology, such as determining the geographical location of the suspect or accused person, electronic tracking system, and geographical tracking of the accused by GPS technology, or the Global Positioning System, which is a group of satellites launched by the US Department of Defense in 1978 to determine geographical locations, and increased in prevalence in 1993, and accuracy in 2000, and this system consists of satellites that number 27 satellites at an altitude 20,000 km above sea level and orbits the Earth (24) satellites in operation and followed by additional satellites in the event of failure of one^{of them (3)}, distributed over 6 orbits, and contains a transmitter and a receiver and a clock accurate time to measure time and solar cells and another set of control devices, and control stations, which is a major control station in the United States of America as well as craft stations around the world, whose task is to track the status of satellites and maintenance, and user devices, which are receivers that are used to determine the location⁽⁴⁾.

GPS trackers take several different forms and levels of sophistication, they may be as small as mobile phone cards, which can be tracked when making a phone call through the service provider's cell towers⁽⁵⁾.

III- Legal definition

The Iraqi legislator did not explicitly provide a definition of GPS technology in the provisions of the Criminal Code, and with reference to comparative legislation, we find that some legislations have provided for the use of GPS technology explicitly, such as the French legislator, although it is not defined by it, Article (230-32) of the Code of Criminal Procedure of 1950 stipulates: "Any technical means may be used to locate a person in real time. Throughout the national territory, without his knowledge, vehicle or any other thing, without the consent of its owner or holder, if this operation is necessary to:

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- (1)Article entitled: History of GPS, available on the website <https://www.2thar.com> date of visit 17/9/2024.
 - (2)The Global Navigation Satellite System (GNSS) is the general standard term for satellite navigation systems, and GNSS receivers can use various satellite navigation systems, while GPS receivers can use the satellite navigation system that bears the name (Global Positioning System), and due to the widespread use of GPS receivers, the term (GPS) is used.) as a general term.
 - (3)J.L. Akinode, "Improving National Security Using GPS Trucking system Technology", 2011, VOL2, NO5 Special Issue, Mediterranean Journal of Social Sciences, University of Rome, P78.
 - (4)Dr. Mohammed Yaqoub Saeed, GPS System, Geography Program, United Arab Emirates University, pp. 8-10.
 - (5) Recent Development, who knows where you've Been? Privacy concerns Regarding the use of cellular phones as personal Locators, 18HAR v.J.L& TECH, 2004, P307-308. Marcin Frachiewi cz, the Ethical Implications of satellite surveilliance Ncon – Line), avail able: <https://ts2.space/en/the-ethical-implications-of-satellite-surveillance#gsc.tap> last visit : 10/9/2024.

- 1- Investigate or obtain information relating to an offence punishable by at least three years in prison.
- 2- Conduct an investigation to search for the causes of death or disappearance provided for in Articles 74, 74-1 and 80-4.
- 3- The search procedure for a fugitive provided for in Article 74-3.
- 4- The geographical location shall be determined by the judicial police officer or under his responsibility or renovated at the request of the judicial police officer in accordance with the conditions and manner provided for in this chapter."

Similarly, the Algerian legislator did in Law No. (20-5) of 2020 on the prevention and combating of discrimination and hate speech, where the prosecutor or the investigating judge, after notifying the prosecutor, authorized under his supervision, to authorize the judicial police officer to determine the geographical location of the suspect or accused person, the means of committing the crime or anything related to the crime, using any means of information and communication technology⁽¹⁾. From the foregoing, it is clear that the legislation that adopted this technique did not set a specific definition for it, but rather set conditions and used it as one of the procedures for collecting evidence.

2. Authenticity of evidence derived from the GPS of the accused

The use of modern technology has revolutionized the field of criminal evidence, so it has become a matter of dispute among jurists, in the absence of legal texts that determine the nature of this evidence and the extent of its authority in proof, as the practical application in criminal investigations of modern technology means leads to obtaining evidence based on fixed scientific foundations, relied upon by investigators to identify the perpetrators and reveal the facts, and give the judge a perception of the facts, and this evidence is undoubtedly digital evidence that may agree or disagree with others In ⁽²⁾order to clarify the nature of the evidence derived from this system and its authority in proof.

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- (1) Article 27 of Law 20-5 of 2020 on the prevention and combating of discrimination and hate speech in Algeria stipulates: "The prosecutor or the investigating judge may, after notifying the prosecutor, authorize, under his supervision, the judicial police officer, whenever there are reasons likely to commit one of the crimes stipulated in this law, to determine the geographical location of the suspect or accused person, the means of committing the crime or any other thing related to the crime by using any means of information and communication technologies. Or clarifies technical arrangements specially prepared for this purpose, and some legislations have referred to the use of GPS technology implicitly as one of the modern technology techniques as one of the procedures for investigating crimes and collecting evidence, such as the Egyptian legislator and the Iraqi legislator.
 - (2) The jurisprudence differed about the legal nature of the digital evidence, so three directions appeared, the first trend sees that the digital evidence is one of the physical evidence that can be perceived by the senses, and their argument in this is that the outputs of digital evidence are paper, while the non-physical evidence can be extracted in the form of supports such as magnetic disks and magnetic tapes, so they become evidence of a physical nature and not moral, but if a magnetic disk is seized and inside it are secret numbers for credit cards or e-mail, they are considered moral electronic evidence because the environment that The second trend believes that the digital evidence is moral evidence and not physical, as the digital evidence is magnetic or electrical evidence and remains moral until it has not been extracted physically, as these outputs are not the evidence, but rather a process of transferring that evidence from its technical nature to a body that can be inferred from certain information that benefits the investigation authorities, The analysis of digital

I- Nature of evidence derived from GPS

The evidence is not equal in terms of its significance and evidentiary strength, and this depends on the conditions that must be met, and since the geographical tracking of the accused with GPS technology is one of the mechanisms for harnessing technology in the field of criminal evidence, so it is an electronic (digital) evidence, as it is produced mechanically, the information received by the GPS device is generated mechanically and transmitted by satellite, it is the result of internal calculations and operations conducted by the device depending on the information it receives⁽¹⁾. The electronic (digital) nature is shown by the way it works, where GPS uses satellites to monitor the locations of receivers (trackers) on the ground, using signals from these satellites, and the authorities are able to track latitude and longitude by attaching a GPS tracking device to the object observing⁽²⁾.

II- The position of jurisprudence

Since the evidence obtained from the electronic monitoring system by geographical tracking of the accused using GPS technology is electronic evidence, it is necessary to draw it to the expertise of a specialized technician, as it is difficult for the judge to conclude it himself, despite his freedom to form his conviction, but nevertheless the court may not replace the expert in a technical matter, but must seek the opinion of the expert⁽³⁾.

The researcher⁽⁴⁾ believes that the evidence resulting from the geographical tracking of the accused with GPS technology cannot be considered a judicial presumption as evidence that is not provided for by law and deduced by the judge from the circumstances and facts of the case with his discretionary power, which is endless, because this tracking involves a violation of The right of the individual to privacy, whether the accused or other individuals related to him, so the law must provide for geographical tracking with this technology and determine the conditions for subjecting the accused to electronic monitoring GPS technology in a clear and accurate manner, and it cannot be resorted to as evidence without the existence of a legal system that determines its legal structure in a way that does not carry interpretation, either what jurisprudence went to

evidence also requires by its nature special technical devices to analyze its content, which enables the investigation to benefit from the information it contains, while the third trend believes that digital evidence is characterized by characteristics that distinguish it from traditional criminal evidence and represent a qualitative addition to the criminal evidence. Dr. Lawrence Saeed Al-Hawamdeh, The authenticity of digital evidence in criminal evidence - a comparative analytical study - Journal of Jurisprudence and Legal Research, p. 36, 2021, pp. 902-903, and the researcher believes that the digital guide is characterized by a special nature as it is a new guide and that its extracts vary according to the type of technical evidence, as they may be physical if they are printed in paper form or moral such as the evidence in the e-mail.

(1) Dr. Tamer Mohamed Saleh, op. cit., p. 151.

(2) GPS Overview, GPS, Gov, Available at:
<https://www.GPSgov/syste/GPS> . Last visite : 11/9/2024.

(3) Article 69 of the Iraqi Code of Criminal Procedure in force stipulates: "The judge or investigator may, on his own initiative or at the request of the litigants, delegate one or more experts to express an opinion on what is related to the crime being investigated", corresponding to Article 94 of the Federal Decree Law on UAE Criminal Procedures No. 38 of 2022. Article 292 of the Egyptian Code of Criminal Procedure No. 150 of 1950 and Article 143 of the Algerian Code of Criminal Procedure, Article 156 of the French Code of Criminal Procedure. For more information, see: Saeed Hassab Allah Abdullah, Explanation of the Code of Criminal Procedure, Dar Ibn al-Atheer, Mosul, 2005, pp. 33 and beyond.

(4) Dr. Tamer Mohamed Saleh, op. cit., pp. 158-159 .

consider it indirect evidence because it is a judicial presumption ⁽¹⁾It relied on the division of evidence into direct and indirect is a formal division, which has no impact on its legal value.

In summary, the evidence resulting from electronic surveillance by geographical tracking of the accused using GPS technology as a measure for collecting evidence and investigating crimes is technical and legal electronic evidence, so it should be organized by the legislator in a precise and clear manner for its important role in proving crimes on the one hand, and the need to achieve a balance between the state's right to punishment and the right of individuals to private life.

III- Position of legislation

It is no secret that there is a relationship between the criminal procedure and the criminal evidence, as the first is a means of obtaining the second ⁽²⁾, so the criminal evidence must have authority to be accepted before the judge, and the position of legislation and the judiciary has varied from the extent of the authenticity of the evidence derived from electronic monitoring by GPS technology, according to what is appropriate with the prevailing evidence system.

In French legislation, the legislator has allowed the French Code of Criminal Procedure of 1950 for the judge the possibility of proving crimes by all means of proof, in accordance with the free evidence system, which indicates the possibility of taking the evidence resulting from the use of GPS technology as individual evidence, as Article (427) of the French Code of Criminal Procedure stipulates: "Crimes are proven by all means of proof, and the judge rules according to his sincere conviction." In addition to the legal framework set by the French legislator for the use of this technology in Articles (230-32) to (230-44) of the French Code of Criminal Procedure, and it is clear that the legislator has considered GPS global positioning as a special method of investigation, and that is Articles (230-32) to (230-44) of Chapter V of the Code of Criminal Procedure, as well as the Algerian legislator and Law No. (20-5) of 2020 on the prevention and combating of discrimination and hate speech, as it took the evidence derived from this technology and set specific controls for it, It derives its authority from these controls, if they are available in them as stipulated by law.

Article 302 of the Egyptian Code of Criminal Procedure of 1958 stipulates: "The judge shall rule on the case according to the belief that he has formed in full freedom, yet he may not base his judgment on any evidence that was not presented before him in the hearing."

It is clear that the French, Egyptian and Algerian legislators did not explicitly stipulate the evidentiary value of the electronic evidence derived from the use of GPS technology, but they gave the judge the freedom to take any evidence as long as it is legitimate and logical, the judge's freedom to be convinced of the evidence is not absolute, but must be within the framework of what is required by reason and logical sequence of things, and not based on his personal perceptions, which means that the evidence resulting from GPS geotracking does not have absolute but relative authority ⁽³⁾.

Article (12) of the Iraqi Integrity and Illicit Gains Commission Law No. (30) of 2011, as amended, stipulates: "The Commission may use the means of scientific progress and the devices and machines of investigation, investigation, collection of evidence, and summoning those concerned for investigation directly after the issuance of a decision by the competent judge, and its chairman shall provide the requirements and requirements for their use in the field of detecting, preventing or prosecuting corruption crimes." It was mentioned exclusively in Article (1/III/A-B) of the same law, which stipulates: "Third-1- Corruption case: It is a criminal case being investigated for a crime (theft of state funds, bribery, embezzlement, illicit gain, employees exceeding the limits of their

(1)For more information, see: Dr. Kamal Mohamed Awad, Sharia and Legal Controls for Criminal Evidence in Islamic Jurisprudence and Positive Law, Dar Al-Fikr Al-Jamia, Alexandria, 1st Edition, 2011, pp. 50-51 .

(2) Dr. Tamer Mohamed Saleh, op. cit., p. 128.

(3) Dr. Abbas Fadel Saeed, The Use of GPS Technology in Tracking the Geographical Location of the Accused, Al-Rafidain Journal of Law, vol. 24, p. 81, 2024, p. 259.

jobs in accordance with Articles (328, 329, 330, 331, 334, 335, 336, 338, 340 and 341) of the Penal Code No. 111 of 1969). The case of corruption shall be considered the following crimes: 1- Corruption crimes, including breach of trust, committed by non-governmental organizations granted the status of public benefit and in unions, syndicates and professional associations in which the state contributes their funds, or whose funds have been granted the status of public funds, or whose employees have been granted the status of public service commissioners. 2- Crimes of bribery in the national and foreign private sector in business related to the public sector and crimes of bribery of foreign employees.

This indicates that the Iraqi legislator has authorized the Commission of Integrity to use the means of scientific progress and devices and machines for investigation, investigation and collection of evidence and to adopt the electronic monitoring system, which in turn depends on the means of scientific progress, in the field of detecting corruption crimes, which include crimes of theft of state funds, bribery, embezzlement, illicit gain, exceeding the limits of their jobs, breach of trust committed by non-governmental organizations granted the status of public benefit, unions, unions and associations that contribute to the state in Their funds or their funds have been granted the status of public funds or whose employees have been granted the status of public service commissioners, as well as crimes of bribery in the national and foreign private sector in business related to the public sector and crimes of bribery of foreign employees.

The position of the Iraqi legislator in adopting the electronic monitoring system and not specifying a specific means when using this system is commendable, given that it has been subject to the year of continuous technological development, which allows the possibility of using the electronic monitoring system by any technical means resulting from this development.

The researcher believes that the electronic evidence that is carried out under the supervision of the judiciary, and with its permission, is an electronic evidence independent of the traditional evidence and of a scientific nature and a procedure of investigation, evidence collection and investigation, and has vital importance in criminal investigation.

Digital forensic medicine has emerged, which shows the basic practices that are criminally sound that can be used to collect, study, transfer, store and analyze digital evidence, as well as the capabilities of digital forensics and its techniques and their interaction with digital evidence to reach legal acceptability and enable it to manage digital evidence, it is an example of integrating science and its developments with law to solve a legal problem, because the best digital scientific evidence reached by science and its applications is of no evidentiary value if it is unacceptable to Courts, and sometimes digital evidence is the only evidence in the criminal investigation and the only investigative link between the offender and his crime, yet it is acceptable before the judiciary, whether for charge or for trial, because it is clear evidence that is not tainted by forgery, distortion, deletion or addition⁽¹⁾.

(1) Makhoulf Daoudi, Digital Forensics: An Overview of its Concept and Importance in the Criminal Justice System, *Journal of Jurisprudence and Legal and Economic Studies*, vol. 11, p. 1, 2022, pp. 403 and 404; Digital forensics is defined as: "the application of science and engineering to the legal problem of extracting legal evidence", and it is also defined as: "That branch of forensic science that involves identifying, collecting, analyzing, and reporting any valuable digital information in digital devices related to computer crime as part of an investigation, i.e. the process of identifying digital evidence." and preservation, analysis and presentation and includes the field of analysis such as media, storage, devices, operating system, network and application", Daoudi Makhoulf, previous source, p. 397; Nasira Zawtat and Somaya Boukais, The Status of Digital Forensic Medicine in the Criminal Field, *Journal of Law and Political Science*, vol. 10, p. 2, 2023, p. 109, quoting

IV- The position of the judiciary

In the absence of legislation that includes texts that regulate the electronic monitoring system by geographical tracking of the accused GPS in some countries, including Iraqi law, which makes the judge resort to texts that deal with evidence in general, such as Articles (222-226) of the Iraqi Code of Criminal Procedure to assess the extent of its authenticity, so the effect of supporting the evidence, which affects the judge's self-conviction when issuing his ruling, as it should be mutually reinforcing, the Federal Court of Cassation has ruled: "The court has decided to apply the provisions of the law after adopting sufficient evidence shown by the facts of the case in investigation and trial, represented by the defendant's explicit confession, the testimony of witnesses and medical reports." ⁽¹⁾ Whether individually or combined with others with evidence and supporting with it.

Part of the Iraqi judiciary went to the fact that the detection of crimes by electronic devices need other evidence to prove the fact, and can be used by forensic experts to ensure their authenticity, and considered it a presumption of evidence can not be relied on alone unless it is carried out under the supervision of the judiciary and by a decision of it, as this evidence must be strengthened with evidence, which is what the Iraqi Court of Cassation goes to, and justifies this opinion by saying that these means can be fabricated, dubbed and distorted, while another side sees From the judiciary, electronic evidence differs in terms of the strength of its authenticity, because the law does not explicitly provide for the authenticity of this evidence, but despite that, the judge deals flexibly with laws, especially in light of technological development, and therefore investigative courts can rely on them to refer to the Court of First Instance ⁽²⁾

The researcher believes that the evidence obtained from electronic monitoring using GPS technology can be taken alone or supported by other evidence, in the absence of texts regulating this type of electronic procedures, based on the text of Article (213 / a), which allowed the court to take any evidence determined by law as well as the text of Article (69) related to the assignment of experts, as long as the Iraqi legislator has allowed the use of surveillance cameras, so the use of GPS technology can be resorted to. Especially since it is the least prejudice to the right to privacy for individuals as it clarifies and transmits the places that are going to by the accused, and does not transmit his voice or image as is the case when using surveillance cameras.

Therefore, we call on the Iraqi legislator to add legal texts to the Code of Criminal Procedure that include a legal system governing electronic surveillance with its various techniques and methods, including GPS technology as a simulation of human behavior, so that the GPS tracking system replaces human tracking as one of the manifestations of geographical digitization, especially after proving its efficiency in solving gas many crimes, and amending the text of Article (213/a) of the Code of Criminal Procedure to become as follows: "(a) The court shall rule on the case on the basis of its conviction that it has of the evidence presented before it in any role of the investigation or trial, namely the confession, the testimony of witnesses, the minutes of the investigation, the minutes and other official statements, the reports of experts and technicians, electronic evidence resulting from the use of scientific and technological means, evidence and other evidence prescribed by law."

CONCLUSION

At the end of the research, the researcher concludes a set of results and recommendations as follows:

from: The Giving Initiative, Digital Forensic Medicine in Information Security, an article published on the website www.ataa.sa the date of the visit 1/7/2022.

(1) Decision of the Federal Court of Cassation No. 427/EC/2011 of 29/12/2011 (unpublished).

(2)An article published on the website of the judiciary entitled "Videos are not enough to monitor crimes" <https://mustaqila.com/>, accessed 2/8/2024.

RESULTS:

- 1- Geographical tracking of the accused by GPS technology is one of the modern means of proof and is a reflection of technological development on criminal law.
- 2- The evidence obtained from this technology is one of the important digital evidence, especially in proving serious crimes, revealing their truth and knowing their perpetrators.
- 3- The position of the judiciary varied on the extent of the authenticity of the evidence obtained from this technique.
- 4- The Iraqi legislator adopted the means of scientific and technological progress in detecting corruption crimes in the Integrity and Illicit Gain Commission Law No. 3 of 2011, as amended.

Recommendations:

- 1- The necessity of stipulating the possibility of using GPS technology in the field of criminal evidence and legitimizing the evidence obtained from it in crimes punishable by imprisonment of more than five years and not limiting the possibility of using it in corruption crimes.
- 2- The need to take into account the development of a legal framework that regulates the use of this technology and legitimizes the evidence obtained from it to ensure a balance between the conflicting interests that appear in light of the criminal litigation.
- 3- Preparing human cadres with scientific backgrounds that can deal with such digital evidence.

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