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Guarantees of fair trial in the UK criminal system

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Abstract

The fairness of the trial in the UK can be seen in how the judges are selected and how the system and the division of judges and courts up to the principle of the pursuit requirement and the logic governing investigations and prosecutions can be examined. Non-professional and professional judges, and their integration for their particular purposes, the jurisdiction of criminal proceedings to a certain extent by these judges, and before that, the powers and duties of the police in the investigation and application of the principle of individualization in the application of the theory of tagging by the earliest stages of the pursuit, this institution is one of the most viable issues in the debate. The right to a lawyer and the division of the jurisdiction of lawyers in the Had court, the Disciplinary Tribunal and the charge of the transaction are other guarantees of fair trial in the United Kingdom ruling in England, which guarantees a fair hearing. The right to rehabilitation and attention to this principle and the prediction of institutions for adolescents and young people for social inclusion, which is rooted in criminological data, are other things that can be considered as advanced safeguards in a fair trial.

Keywords: Guarantees, Criminal, Trial, Court, Fair, UK

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Introduction

Regarding a system, the first thing that comes to mind is the examination of different court systems in different countries. Today, the systems of the judiciary each have a more advanced system in their own right to ensure a fair trial, as we see in the advanced prosecution system that we see in the criminal justice system of the Commonwealth countries, such as the United Kingdom and America, or the mixed court system A country like France, which, when it comes to the advancement of this type of system, is seeing progress in the direction of this type of investigation towards the system of accusation and is in a way that the principle of equalization of arms is respected. When we talk about the guarantees of a fair trial, this means that all the rights of those involved in the case, such as the plaintiff, the accused, witnesses, experts, etc., on the one hand, and the social security rights, on the other hand, should be observed in such a way Which does not take into account the rights of citizenship in its various dimensions. Today, there are many items that require observing them to ensure a fair trial. An examination of the rights of the United Kingdom, which has an advanced criminal prosecution system, has come up with many solutions for a fair and comprehensive fair trial. The system of pursuit and broader police powers and, indeed, the great contribution of this institution to detecting crime on the path to follow, is in the way of applying Howard Baker's tagging theory and observing the principle of pursuit necessity. Rationality and logic are well on the way to reducing the cost of criminal justice in an institution like disclosure, as well as a charge deal. The sentence of punishment is precisely accessible and usable by observing the data of the principle of individualizing punishments with an indication of how and by categories of penalties. Supporting institutions for young offenders are well anticipated so that the process of pursuing in a smooth way on the basis of standards based on criminology is slow and unrestrained, and while eliminating the dangerous state and criminal capacity, it will leave the least indications of criminal identity to the perpetrators. How the court system, the jury and its functions, the way lawyers and judges work in the UK court system, and the amount of attention to criminological data in this court system, all contribute to a fair trial at the height of success. In this paper, we will try to illustrate the various aspects of the UK's criminal prosecution system by examining the efforts of this criminal justice system in pursuing a fair trial.

1. The concept, basis and objectives of fair trial guarantees

1.1. The Concept of Proceedings

The trial appears differently in the legal sense. The Persian word is composed of two words, the first of which means justice and fairness, and the latter means to arrive and to handle it. Then, the process involves getting someone to prosecute or prosecuting someone. (Amid, 1984, p. 2188) The term "trial" is an infallible one that is taken from try and one of its lexical meanings is testing and testing the concept of judicial culture in the judicial system. In the words of some cultures, some cultures mean the word "formal investigation" for evidence in a court of law by a judge and often a jury to decide whether a person charged with a crime is a criminal offender. Considering the meaning of the terms of trial, we can say that the word "trial" is the result of the sentence and the season of hostility. The term trial refers to the precepts of a judgment that is to be measured and, of course, is to discover the truth and The prosecution implies prosecution and giving. The term "prosecution" means "justice", but there is no such clause in the trial and trial. However, since in the term "fair trial", which in this article refers to a fair trial or trial, it is

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fair to say what is meant by a just or fair description is different from the actual concept of justice and dowry (Fazayeli, 2008, pp. 45 and 46)

But the trial means it consists of a discipline of law which aims to determine the rules about the judicial system, the jurisdiction of the judicial authorities, the determination of the rules on the types of lawsuits and the implementation of court decisions, which are referred to in the term as the term of the judgment, and in particular, the operational set It is used for the purpose of finding a judicial solution, such as the set of rules used to make a decision in a specific case (Jafari Langeroudi, 1988, p. 78)

1-2. The concept of just and fair trial

A fair trial is a model for the administration and conduct of criminal proceedings, which has been particularly respected by various legal and judicial circles in recent years at the national and international levels. In short, the purpose of a fair trial is to strike a balance between the authority and authority of the state on the one hand and the circumstances of the accused on the other hand in criminal proceedings. The purpose of a fair trial is based on justice. The right to a fair trial is recognized as an international human rights norm to protect free individuals and their rights to freedom. A fair trial is a collection of rights and obligations related to the implementation of justice and a right to the rights of the citizens of the community. Compliance with the fair trial does not in any way mean anyone, but observing these principles in the proceedings will make it impossible for people to be unhappy with the lawsuits of humanity and their fairness and justice. Observing this right means that society has reached the level of rationality that it wants to avoid mistakes, misuse and misconduct. In every criminal case, there is always one side of a state-owned case with many facilities, and the other party is accused of having a completely different position.

Theoretically, in the legislative stage, the establishment of rules and regulations that accurately define and determine the extent of the powers and duties of the perpetrators of criminal justice, as well as the rights and privileges of the defendant against them, is part of the fair trial process and the correct implementation of these rules and regulations in the position The pursuit of the defendants and perpetrators of crimes is considered to be the most important part of it. In this way, balancing the criminal proceedings will be possible in the light of the two criteria of the processing process. The fair trial requires compliance with certain specific procedures and, in order to be fair, it is necessary to observe the principles of the defendant's defense rights on the one hand and the principles of observing the rights of defense of the plaintiff on the other hand, observance of the defendant's rights of defense is the main pillar of the fair trial. The first pillar of this right is to accept the assumption of marriage both at the legislative stage and in the legal phase. The idea of a fair trial was first introduced in societies that the system of accusations was accepted and put into practice.

Because they were kept in detention for a long time in the auditing system without being aware of their accusations and convicted of confessions, the concept of fair trial was introduced in the 13th and 14th centuries in England and The Americans got it and entered the charter of all US states. But as we said, one of the components of a fair trial is to accept the assumption of innocence or innocence instead of guilty, and as some have argued, the assumption of the offense is not considered to be a right for the accused but should be regarded as a privilege. In the shadow of the principle of innocence, not only does the claimant have to provide the cause of the crime, in other words, he does not only regard the person as innocent, but also the defendant's responsibility to prove guilty. (Rahmdel, 2006, pages 110 and 111).

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This concept is apparent in Article 1 of the Basic Code of Criminal Procedure. This article also refers to a fair trial, and in this method of administration, the principle of atonement has been emphasized. In this article:

"The criminal procedure should be fair and superstitious and guarantee the balance between the rights of the parties to the dispute. Providing and guaranteeing a criminal procedure between the prosecuting authorities and the issuing authorities. Equal treatment rules apply to those who have the same requirements and who are prosecuted for similar crimes. The judicial authorities are required to maintain information and guarantee the rights of victims of criminal proceedings. Any suspect or wanted person shall be presumed innocent until his conviction has been proven, and the injuries and damage that would result in the innocence of individuals should be compensated and punished.

Each prosecuted person has the right to be informed of the reasons for the charges and also to the assistance of a lawyer. All compulsory measures should be prosecuted by the effective decision of the judicial authority against the person. These measures should be considered in accordance with the requirements of the procedure and proportionate to the severity of the offense and should not be detrimental to the dignity of the individual and should be judged in a reasonable manner, definitively in relation to the charge. Each sentenced person has the right He would like to consider his conviction in another court. "

There are also various rules in Iran's law regarding the principle of innocence and fair trial based on this principle. Article 37 of the Constitution, which states: "The principle is innocence and no one is convicted in law unless his crime is established in the competent court". The Criminal Procedure Code does not explicitly state the principle of innocence, but the effects of this The principle has been stated in several cases. Article 197 of the Civil Procedure Code stipulates this principle. The article states: "The principle of innocence is so that if one claims a right or a religion to another, he must prove it, otherwise he will be sentenced to death by an oath of office. "

The rule of law in each military system represents a political and legal organization whose ultimate goal is to protect the fundamental rights of citizens of a society. This good governance index is based on principles such as: judicial security, separation of powers, lack of corruption among judges and employees of the judiciary, accountability of judicial authorities against their actions, law for all, legality of the activities of the judiciary system ... Helps the judiciary to guarantee the rights of the people. Within the framework of the Good Governance Program, the rights and interests of all citizens are protected without exception.

1.3. Fair trial criteria

The rule of law in each military system represents a political and legal organization whose ultimate goal is to protect the fundamental rights of citizens of a society. This good governance index is based on principles such as: judicial security, separation of powers, lack of corruption among judges and employees of the judiciary, accountability of judicial authorities against their actions, law for all, legality of the activities of the judiciary system help the judiciary to guarantee the rights of the people. Within the framework of the Good Governance Program, the rights and interests of all citizens are protected without exception. The foundations of good governance systems in the selection of legislative bodies are periodically organized to represent citizens in a fair way and to have a full participation in the selection of

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their lawyers. The presence of people or their representatives in executive agencies has the responsibility and commitment to the principles of wise and independent rule of good governance.

The long period of human history, rulers and law was in a row. The law was simply what the ruler wanted. The first step in moving away from this tyranny was the rule of law by the law, which included the concept of lower rule of law and its obligation to rule on the legal path. Democratic governments went a long way in establishing the rule of law. Although no society is without problems, the rule of law protects political, social and economic rights and reminds us that tyranny and lawlessness are not our only choices.

The rule of law means that no person, either the president or the average person, is superior to the law. Democratic governments use power through the law and they themselves are required to obey it.

1.3.1. General guarantees

General safeguards include the right to litigation, the independence and impartiality of the referral authority, the equality of defense facilities, the availability of facilities and adequate defense time, the right to be heard in person, the right to review, the right to open proceedings, the right to a reasonable period of time, and the principle of opposition or opposition.

1.3.2. Criminal guarantees

Principle of acquittals, charges, obtaining a lawyer, having an interpreter, the legality of arrest and arbitrary arrest, the right to silence, the right to compensation for non-enforcement of justice and the prohibition of double punishment, including the rights in the process of prosecution of criminal cases accused of them.

2- Guarantees of a fair trial regarding the accused

The fourth stage is the prosecution of a crime, the judiciary as the point of reference for public prosecution must try to handle the lawsuit and issue a verdict, mask from the face of the angel of justice, and strive fully to achieve justice. Clearly, achieving this result requires observance of ceremonies without which it is impossible to enforce trials based on fair criteria. The conditions for fair trials are as follows:

An imminent and unjustified hearing; a hearing must be made immediately and without delay. In this case, the defendant's trial is a response to a crime-related disorder that has affected society. At the trial, the defendant must first be read out of the indictment against the defendant, in order to inform the accused. At this stage, only the charges initiated in the preliminary investigation process are addressed.

The court proceedings also include the holding of an independent, legal and impartial tribunal, the openness of the court session, the presence of the jury at least in political and press contexts, the accompaniment of the accused by a lawyer and his assistance, if necessary, from a translator and the establishment of a special procedure for children and adolescents due to their specific circumstances and compliance with criminal doctrines, referred to below by some of them.

The court of law; the trial must be conducted in a court designated by the Constitution or other laws of the country and public. Proprietary courts are one of the violations of human rights. The court must be completely impartial and not influenced by any factor, even the atmosphere prevailing in society. The

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magistrate should be independent and free of administrative, financial and political reasons, and do not think of anything but justice, fairness and law enforcement, which is the true desire of society.

3. Certain guarantees in English law

3.1 Disclosure (rules of fairness)

Fairness during the period of the exercise and enforcement of English law was able to create complex rules that are the basis for its review. These rules are not principles that must necessarily be applied in any lawsuit, but also guidance on the exercise of jurisdiction Fairness and Voting. These rules are referred to as Maxims and are designed to achieve justice and fairness. Today, some of these rules are abandoned and not implemented, which are interpreted as "rules of fairness", such as "fairness knows what you do not know"

or "fairness is the same as the fair court", but some still remain in the courts and are acting in the courts, and in each of the cases brought before them, act as guides for judges in handling and deciding. The remaining rules of fairness are numerous. Of the 15 books mentioned above, the first 12 are used as common rules. These 15 rules are:

1) A person who wants help in fairness must act fairly.

2) Those who come to justice should have clean hands.

3.1.1. Definition of disclosure

Disclosure literally means to reveal and disclose. Disclosure is a legal entity in the UK and Wales criminal justice system.

This founding originated in Common Law and is partly due to the prosecution system in the land.

- Disclosure means that at different stages of the criminal procedure, the prosecutor and the accused, as parties involved in a criminal case, have no right to surprise each other when submitting documents. Therefore, the defense counsel of the accused (or the accused where there is no lawyer) and the prosecutor's representative must inform the other party of the documents in the quality we will describe. This establishment, or in other words, is a unique feature of the criminal trials in England and Wales and is rooted in ages and centuries.

3.1.2. Philosophy of disclosure

As described above, the prosecutor is required to disclose the documents he has to the accused and the defense attorney. The reason for establishing the above task is the prosecutor's responsibility, the difference in resources, that is to say, the difference between the defense weapons available to the prosecutor. The two are prosecutors on the one hand and the accused on the other. The prosecutor's office has extensive investigation and interrogation facilities, such as police and special services such as forensics, while the accused does not have such facilities.

Ensuring and ensuring a just and fair trial requires that the two (the prosecutor and the accused) face and fight in a comparatively equal situation and, in order to achieve the goals of justice and to place a fair trial against the accused, Kamna La, this is the duty of the Prosecutor. On the other hand, the accused and his lawyer are required to provide their prosecutors with timely evidence, in order to accuse the prosecutor of the accusation and the quantity and quality of these documents. The information about these documents is

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that, in the event of their strength, the prosecutor will surrender and, consequently, the excessive costs of judicial proceedings will not be imposed on public funds and taxpayers.

So far, we find that investigations in this court system are not confidential at all, and are far from the secret character of the accused, as it appears in the audit process. When the results are predictable from the beginning, it is not a reason to continue the research and impose financial and time costs on the system of rational criminal justice.

As stated above, it is concluded that the English prosecutor and accused are not allowed to surprise each other by concealing documents and presenting them in their own circumstances and they are required, in equal conditions and with knowledge of tools and weapons Available to the other side, to force and battle each other.

The duty and duty of the prosecutor to disclose the documents that are held has two aspects:

1. The prosecutor's office is to inform the accused or his attorney of evidence that the prosecutor has at his disposal and intends to rely on these documents in the course of the proceedings, and in other words, the main prosecutor's office is in the process of hearing the case.

This assignment includes documents submitted to the court magistrates before the prosecution is filed before the Crown Court in a committal proceeding, and the indictments are initially Includes criminal proceedings.

2. The prosecutor's request that the defendant's defense counsel be available to any prosecutor who does not intend to present them and to rely on them during the trial.

As described above, the prosecutor's duty to disclose the documents held by the judges of Common Law was created. Nevertheless, the subject of the regime is laid down in the Code of Criminal Procedure and Criminal Investigation 1996 and its implementing regulations.

In order to achieve the objectives of Disclosure, the legislator's plan and map are as follows:

First, according to statutory regulations, police investigation officers are required to record and maintain information and evidence collected or obtained during the investigation.

Secondly, the prosecutor should inform the defense counsel of the documents he holds but not intending to use them during the trial or provide them with access to the attorney.

This is the task other than the task that the prosecutor has to inform the defense counsel of the documents he has tried to use, and these are two separate assignments.

The sum of these two cases is the prosecutor's office to disclose documents, the so-called primary discus.

Third, the defendant's defense counsel is also required to inform the prosecutor of the contents of the case that he intends to submit to the court and is in the process of being heard, which is referred to as a secondary dispensary.

The English legislator has special provisions for the application of this rule when there is a controversy over disclosure or disclosure of a specific document by the prosecutor.

There is also a guarantee for advocates refusing to provide documents to the prosecutor and performing a formal and controversial disciple by a lawyer.

From the legislator's point of view, disclosure is required to deal with cases that are to be dealt with in a criminal court. However, this is arbitrary in summary trials by the Peace Tribunal and the juvenile offenses (whether they are abusive, prosecuted, or prosecuted in both ways).

According to Article 23 of the Criminal Investigation Act 1996, investigating officers have a duty to have any information about recorded and stored investigations, whether these information and documents have

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been obtained in the course of the investigation, or by investigation, such as documents obtained from the accused or interrogation records, certified and certified by him under the oath in the following special form.

The investigating officer is obliged to bring the prosecutor's attention to any document that could destroy the prosecutor's file and point him to the prosecutor.

- The Disciple Officer is the person responsible for verifying the records and evidence obtained during the criminal investigation and prosecution and disclosure and providing the documents required by the prosecutor or the defense counsel of the accused, and must certify that, according to his opinion and belief, the tasks assigned to the law are best done.

In providing a defense statement (defense bill) from a defendant's lawyer, the officer in charge has the duty, with a reassessment of the documents stored, to bring the prosecutor's attention to documents reasonably expected to assist the defendant in defense, Attract

The investigating officer may, at the request of the prosecutor, be permitted to disclose the following to the accused:

_ Any document that has the ability to ruin the prosecution's case.

_ In the premise of submitting a defense bill by the defendant or his lawyer, any document that is reasonably expected to help defend the defendant.

_ Any document that the court ordered to disclose it.

3.1.3. The Prosecutor's Duties for disclosure

Article 3 of the 1996 Criminal Investigation and Prosecution Law requires the prosecutor to provide him with unpublished documents that, if disclosed, would reasonably protect the accused and enable him to destroy the prosecution's case, (The defendant or his lawyer).

Disclosure of documents, either by giving them to the accused's lawyer, or by allowing the accused's lawyer to review the documents in reasonable time and place. However, the documents that the court did not disclose to the benefit of society and to the benefit of the public is not disclosed.

One of the documents that could be fatal for the Prosecutor's Office is the reminder of the records of the prosecution's misconduct.

In the vasiliou case, the appeal court of the Court ruled that: The appeal was vetoed uncertainly because the prosecutor failed to disclose the previous records of the prosecutor's evidence, which means that the appeal would take the chance of challenging intuition The prosecution has been denied (due to their character and characteristics). The lack of accountability of the accused has led to the failure of the revision to either adopt and adopt a strategy different from that adopted. Consequently, the conviction was violated and the order was resumed and the trial was restored.

3.1.4. The duty of the attorney for disclosure

According to Article 5 of the Code of Conduct and Criminal Investigation, when the original Dissolve was conducted by the Prosecutor and the case was sent to the Criminal Court, the defendant's lawyer should submit a defense statement to the prosecutor and the court. (In the Peace Tribunal this bill is optional)

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The defense bill submitted to the Peace Tribunal or the Criminal Court should contain the following: Identify the nature of the defendant's defense and any specific defense that he intends to invoke and rely on during the trial.

_ Describe every matter of the law of the court (mater of law) that it intends to rely on.

If the defense bill involves an alibi defense, the alibi's witnesses' details, including their name, date of birth and address, or any other information about the witnesses that help them identify, should be mentioned. The alibi defense is a defense that aims to prove that Due to the presence of the accused in a particular place or area at a particular time, he could not have claimed the crime at that time or his presence was unlikely.

It should be noted that the duty of disclosure imposed on the attorney is different from what we said about the prosecutor. The prosecution's duty is to disclose the documents and those who do not intend to use it. But the defense attorney is merely obliged to disclose the contents of the case that he intends to file, not by law, nor by law, for a defense lawyer, an obligation to disclose the documents and documents he holds but intends to provide them. No, it is not stipulated. Of course, it should be noted that the prosecutor is not required to disclose a strategy and method of using and deducing evidence and reasons for the accused.

Article 34 of the Criminal Justice Act 2003, which amended the provisions of the 1996 Trial and Investigation Act, has provided more assignments for the defendant's lawyer to inform the court and the prosecutor of the accused's witnesses (the purpose is an intuitive witness other than the alibi intuition) It is the duty of the defense attorney in both the Criminal Court and the Peace Tribunal. According to this article, the defendant must provide the bill (notice) to the court and the prosecutor, in which it is specified that the intention to summon witnesses (other than the accused and witnesses themselves) alibi) is in the process of trial? In addition, any changes to the inventive summoning plan, including the decision not to summon an indi- vidual that has previously been charged, or the summoning of an incident that has not previously been billed, will result in a corrective notice to the court and the prosecutor's office.

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In cases that have multiple defendants, the court may order any defendant to file a copy of their offender's defense bill. The court will do so either at the request of one of the parties.

In accordance with Article 6b of the 1966 Corrigendum to the Prosecution and Criminal Investigation Act 2003, the defense attorney before the Prosecutor's Disciplinary Court has made a defense statement, the lawyer is required to submit an updateb statement Or to submit a bill stating that he did not make any changes in his previous statement.

3.1.5. Applications to the cout

The prosecutor may file a request to the court that, because it is not in the interest of society, certain documents should not be disclosed. The defense counsel, also in accordance with the provisions of Article

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8 of the aforementioned law, may ask the court to order the disclosure of those documents. It is a court order. The order for disclosure of the documents will be issued when there is a reasonable chance and probability that these documents will help defend the attorney.

3.1.6. Continuous review

The prosecutor may file a request to the court that, because it is not in the interest of society, certain documents should not be disclosed. The defense counsel, also in accordance with the provisions of Article 8 of the aforementioned law, can ask the court to order the disclosure of those documents. It is a court order. The order for disclosure of the documents will be issued when there is a reasonable chance and probability that these documents will help defend the attorney. In accordance with the law, the prosecutor is obligated to review the disciples' discussions on a regular basis and, at any time before conviction, he or she acquits evidence that it is capable of destroying the prosecutor's office or reasonably contributes to the defendant's defense. He should inform the attorney as soon as possible and within a reasonable time. He will, for example, indicate that the prosecutor's office has evidence that he is against the police with his initial statements and that the lawyer It is unnoticed that this information should be communicated to the attorney so that he can at the same time Cross-examination will reveal the invalidity of the testimony of witnesses.

3.1.7. Public interest immunity

The legal duty of the prosecutor to perform disclosure is exclusively reserved for the benefit of the community, explaining that the prosecutor is required to disclose the documents and inform the defense counsel of them unless their disclosure is in accordance with the interests and interests of the public. For example, the prosecutor may believe that the documents are classified as sensitive, and disclosure is in conflict with the public interest. For example, to argue that if a person's identity is disclosed, he will take retaliatory action against him, and as a result, the information resources of the police will be destroyed and dying. Nevertheless, in the marks v beyfus case it became clear that the disclosure of the identity of the accused is indispensable, provided that it is indispensable to prove the innocence of the accused. The court's determination in this regard will be the norm, as we have already stated, the Executive Order requires the Disciple Officer to provide a list of documents that expose them to a serious and real threat to the public interest. Reasoning to include them in the list of these documents. The Executive Regulation lists examples of sensitive and public-interest documents that are:

_ Provisions and documents related to public security
_ Provision of trust-based documents
_ Documents relating to the identity or practice of the police and secret police officers
_ Provide documentation on police surveillance and surveillance techniques and practices, and other methods for detecting crime.
_ Provision and documentation for children and adolescents.

3.1.8. Sanctions

If the defense lawyer does not submit a defense statement, it is not allowed to ask the court to disclose documents that the prosecutor did not disclose until then. In addition, the court or jury may, in its final conclusion, consider failure to present a defense statement as an indication of the offense of the subject

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matter of the defendant's district. Obviously, the accused will not be condemned solely on the basis of such an inference. Article 11 of the Criminal Procedure Law provides for additional guarantees for failing to comply with a lawyer who has been discharging his duties.
The following matters that will be assigned to a defense attorney include:

1-Shortness of defender's defense in the presentation of the initial defense declaration required by Article 5 of the Code of Criminal Procedure and Criminal Investigation.
2. The defender's deficiency in defending and defending the defendant's failure has been updated in accordance with paragraph 1 of Article 6b, or the failure to present a defense bill to the extent that the original defense declaration that it has previously submitted does not require correction. Note 4 Article 6 (b) of this Law
3. Failure to declare witnesses' inquiries, as required by Article 6 (c).
4. Each of the above cases is outlawed.
5. Note the contradictory defenses in the defense statement
6. The prosecution is going to go ahead with what is stated in the defense statement.
7. Reflecting on issues that should be mentioned in the defense statement but not mentioned. Article 6a.
8. Providing documents about alibi or summoning intuitions in support of alibi without observing the rules of notification and tariffs of alibi
9. No untaxed witnesses or intuitions whose full details have not been provided.

3.1.9. Third party disclosure

Sometimes the information and documents required by the attorney to defend the accused is available to a person other than the prosecutor. If the documents are against a third party, the defense counsel of the accused is entitled to request disclosure. If the third party refuses to provide evidence and information, the lawsuit against the attorney or anyone else is usually charged with a defense attorney. The cooler is from a third party. For third parties, in such cases, a summon order is issued to face the court and to provide documents. The person requesting the issuing of a summons to a third party must convince the court that the person It is likely to be able to provide and document documents in the case.
The named person may not be present at the trial for this purpose. A third person may, after being present, indicate that he has no evidence, or that what is at his disposal is not a document, or the documents held by him, in the direction Preserving the benefit of the community can not be disclosed. What has been said about the UK court system under the name of Discusgovernor indicates the high interest of this system of justice in the rights of citizens and the system of charges that prevails on their preliminary investigations. (Jazayeri, 2008: 43)

3.2. Charge transaction...

This phrase is ambiguous and can be used in at least four different concepts as follows.
First, this term may mean an agreement between the judge and the accused, that if the accused accuses some or all of the offenses charged with accusations, his punishment will be in a particular way. One deal in this sense can be the question of whether the accused has been pressured to make such a decision,
Second, this term can mean the prosecution's commitment to the prosecutor's refusal to prosecute some of the charges against the prosecutor, or to ask the judge to apply a fairly light sentence Determine This form of transaction in the UK criminal justice system is not feasible because the indictment is completely

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independent from the law and in the stage of determining the punishment, the prosecutor's duty is merely to provide the judge with the subject matter rather than suggesting appropriate punishment.
Third, this statement may indicate that the prosecutor agrees that if the accused accepts a lighter crime, the prosecutor accepts his conviction,
Fourth, this term may refer to the Prosecutor's agreement not to prosecute one or more of the allegations contained in the request, provided that the accused accuses the remaining charges of the accused.
The third and fourth sentence of the allegations of charges are a common occurrence approved by the courts. If the accused is willing to accept the whole file against him, whether by accepting the offense for a lesser offense or by accepting the conviction for some of the charges, not all of them, it is usually not proportional to the general benefit that the time and expense are carefully checked to prove The accused's guilt is given as given. The exchange of charges is usually carried out by a prosecutor and attorney outside the court before the trial begins. The question arises whether the judge should confirm what he proposed. In the Kuard case, Judge Photon handed over the assignment solely to the prosecutor's office, noting that the prosecutor's office is responsible for deciding which defense to take. Undoubtedly, attorney-attorney describes his decision to the judge, and if the judge did not endorse, he might do so in a courtroom. Attorney-at-law may actually change its original decision, according to the judge.
But as the last resort, the judge can not force the prosecutor to proceed. On the other hand, in the case of "the Prosecutor's Office, he essentially sought to have no evidence against Braud if Brown's complicity had been accepted. But after asking the judge and discovering and disclosing that he does not agree, he decided to continue the proceedings. In this case, Braud was sentenced. The Appeals Court dismissed the appeals request, stating that the judge was certified by the lawyer for the performance guarantee. The Fermank Committee report suggested that if the prosecutor's attorney requests the judge to confirm explicitly before the consent of the defendant, then he is bound to comply; whatever it may be. But if the lawyer wants to do so without asking for initial confirmation, his duty is only to explain his argument to the judge. If the judge does not endorse, the attorney must re-examine his situation and even consult with the Royal Attorney General, although in the final analysis, the prosecutor's opinion is preferable. The Report of the Frakcen Committee in the Gerotaun case highlighted the disagreement between the judge and the attorney-at-law that the prosecutor could not continue the case or focus the news after the trial began.
Sometimes it is inclined to convict, on the basis of a private description, of the facts available. Therefore, the attorney and the prosecutor may try to reach an agreement on the issues on which they are convicted. For example, the prosecutor is willing to admit that the accused was luckiest (by neglect) to the victim. (Instead of saying that it was intended. Such an agreement would probably have an effect on the process of determining the punishment. The duty of the accused is to pursue such a reference, although the judge can point to a lawyer who is also competent to pursue such a proceeding. Then the judge can decide whether to submit such a criterion or delay it and not be obliged to provide a reason. As soon as a benchmark is presented, this is binding on the judge who presented it and is responsible for any other judge who is responsible for the case. However, if he did not commit a criminal offense after providing a reasonable opportunity to examine his or her condition, the proposed criterion would be rejected so that the judge would not be obliged to apply the desired criterion in rejecting the conviction or even accepting the perpetrators after denying reasons. . Upon the advocate's arrival in the case, he should not seek to find

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such a standard without his permission from the clerk. The attorney is personally responsible for ensuring that his client is aware of the following:

1. The accused should not accept the offense unless he is really guilty.
2. Any measure adopted to determine the punishment by a judge shall be subject to review by the Attorney General for the possibility of referral of the punishment of ill-treatment.
3. Any criteria provided by the judge represent the position of that time, and if the acceptance of the bit is not provided according to that criterion (not taken), the proposed criterion is affected,
4. Each proposed criterion refers only to issues related to what is requested.

A judge should never be required to indicate the various levels of punishment he intends to take depending on the various (different or different) defenses. Regarding the process, each standard for determining the punishment is usually requested at the defense hearing. This is only required when the prosecutor and the accused agree on the subject-matter of the defense base (events that have taken place).

The hearing should normally be conducted in the courtroom and accompanied by a complete registration of the entire proceeding. Both parties must have a lawyer and one person must be present. Initial statements by a prosecutor's representative do not usually take place with a defense in order to obtain a rebate from an attorney.

Usually there are limitations on the report that if the accused accepts a conviction they will be overcome. This procedure could not be extended to the Peace Tribunal (only in relation to the cases before the Criminal Court). In the case of Ecolaya, the appeals court encountered a situation in which the judge was requested to be informed of the case, in which The defendant was subjected to criteria for the perpetrators of harmful offenders. The problem was that this criterion may be risky before the judge becomes aware that it may prove to be unfair. The judges of the appeal court remarked to the judge that this was a subject, depending on the judge's discretion, who provided this criterion, and therefore they had no duty to do so. Where crime is one of the cases stipulated in the 2003 Law on the Enforcement of Justice, and if a future risk assessment is to be made, then the credibility of the benchmark is subject to evaluation. If a pernicious perpetrator is detected, any punishment imposed by the perpetrators of the perpetrators of a criminal offense (a penalty longer than usual) is applied, then the provided criterion will be the predetermined period function, which will be the minimum estimate for the offender It is used in hurricanes. If the hazard is not evaluated, the criterion applies in the normal way.

In the Prosecutor General's Circular, the Appeals Court strongly emphasized the fact that the purpose of the decision in the Goodyear case was not to encourage the return of the lawyer to meet with a judge in his private room in private. Is. A meeting in which the benchmark for determining the punishment is to be examined should normally occur in the courtroom. (There is an exception, which is when it is unknowingly that the patient is attached to death.)

So far, it was assumed that when the accused was summoned, he reasonably responds to the charges. What he says may be less than a mere admissibility or rejection of a criminal offense, but at least his answer indicates that he is listening and understands the clerk's talk. However, the defendant may not be reluctant to respond at the time of the Criminal Code, or he may not be able to respond reasonably and reasonably to the allegations made. The first possibility is the intentional silence and the second possibility poses the issue of non-advocacy for defense.

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A: Intentional silence (refusal to answer)

If the accuser remains silent, this is either his own choice, or because of his inability to respond to the allegations.

In the first hypothesis, the principle is that he has been silent on ill-intention. The rejection of the offense is recorded by the accused who has been silent on suspicion, and then the proceedings continue, as if he himself has denied conviction. (Note 1 of Article 2 of the Penal Code 1997)

If the accused deliberately refuses to answer, he assumes that he is godly. When a jury decides that God is dead, they may be asked to specify the cause of silence. If silence comes from someone who is not able to speak or can not hear, so that he can not hear the secretary's speech, the case will be postponed to find a way to establish a verbal communication with him, for example, through an expert in the sign language. If the reason for silence seems to be that the accused suffers from emotional problems (mental illness) and therefore unable to respond, when the indictment is read, a jurist may be asked to consider whether the defendant is defenseless?

B: lack of competency to defend

If an accused fails to understand the process of prosecution in a way that provides adequate defense against the punishment, he or she does not have the right to defense by attending the trial. Whether he is able to understand the indictment in the manner in which the charges are answered is clearly a valid factor. Other prestigious factors include:

1. Is he able to attack the jurors or not?

2- Can he or she introduce his lawyer? And is he capable of pursuing evidence?

The accused merely because he has a particularly unusual situation or because he is likely to commit a crime against his personal interests, or even because he is oblivious to his ability to recall alleged offenses with the circumstances and circumstances surrounding the crime It is not defenseless. Note 2, article 4, of the 1996 Code of Conduct on Insanity, allows courts to postpone the examination of the defendant's non-litigation at any time until the presentation of the evidence by the lawyer. The court should consider that the postponement of the proceedings is expedient and in the interests of the accused.

Where the defendant does not have defense, the prosecutor or lawyer should summon the matter to the judge before summoning him for the indictment. Although everyone usually expects a defense attorney to do so, the prosecutor may feel that it is his duty to step in. If, for example, the accused has no lawyer, but it is clearly evident that he is not in a good position to understand the process of proceedings.

Whether or not a defendant has been defending a judge had already been decided by the jury, the Family Violence, Crime and Victim Law Act of 2006 changed the situation so that the judge is currently judging. The burden of proof and the criterion of proof lies with the person who raised the subject. If the prosecutor has made this point, he should prove that he or she does not want to go beyond any reasonable doubt, and if the lawyer advocates doing so, he or she should, depending on the probability of doing so, act accordingly. When the judge determines The accused does not have defense rights, Article 4 of the Amendment to the 1996 Code of Criminal Procedure for Madness adopted in 1996. This article then stipulates that the issue of non-affiliation for defense must be determined by the jury, whether the accused has committed the verb or has left the charge against him as a crime. If they were convinced that the accused would act such a verb or leave the current one, they should act in accordance with paragraph 3 of article 42. Witnesses should acquit the accused.

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Note 2 of Article 6 of the 1994 Law provides that the court can not decide on the issue of non-adjudication for defense, except on the basis of evidence (written or verbal) or the certificate of two or more of the two doctors, at least one of whom must be given by the Minister of the Interior The title of specialist specialist in the diagnosis and treatment of mental disorders is confirmed.

4. The structure of the courts in England

Courts are the most important part of English law. Some courts create procedures and others do not. In general, courts are divided into two parts, legal and criminal, will be briefly explained below. (Akbari, 2016, p. 3)

4.1 Legal Courts

1. Administrative Cases. Regarding some administrative decisions, disputes are first examined in administrative tribunals. Like protesting against the decisions of the Immigration, Taxation, Social Security and Pensions. The handling of these trials is more administrative than the judicial aspect. The Appeals Court is the Administrative Court of Appeal.

2. Court Division. Primary proceedings are conducted in most civil cases, including litigation, physical injury, contract breach, family matters and restitution by district courts, which are also limited in nature in terms of the amount claimed. The goal of establishing these courts is simple access to the judiciary's low cost of litigation for insolvency. The court will not establish a procedure and its votes will not be published.

3. High Court. The Supreme Justice Court in London and the 24 other centers are located throughout England and Wales. This court is divided into 3 parts:

Queen court This court is a substitute for the old tribunals and is subject to civil liability lawsuits, violations of contracts and claims for damages.

dowry court. This court is competent in matters relating to the execution of the subject of contracts, trusts, orders and agreements to prevent the infringement of legal or contractual right, commercial companies and intellectual property.

Family Court. Matters related to family matters such as marriage, divorce, custody of children, the province of Saharan and affairs related to the jurisdiction of this court.

The votes of each of the Supreme Courts (dowry, Queen and Family) are being drafted for the same court, and as a result, their important opinions are published.

4. Appeals Court. The appeals court has two civil and criminal parts. The court of reference is the judge of the votes handed down by the district courts or the Supreme Court. The court of appeals appeals to the tribunal itself and all tribunals, and most of these votes are created.

5. House of Lords. The House of Lords is a superlative reference to the judicial hierarchy in the United Kingdom and plays the role of the Supreme Court. The House of Representatives is an appeal court in the important points of the Appeals Court and refuses to enter the nature of the dispute. The House of Lords votes for all tribal courts, but they do not create for themselves. Most of the votes of the Assembly will be published.

6. Council for the revision of the Commonwealth. This council is the reference point for the acts that are being issued in the colonies and now in the Commonwealth countries. The court decision is also being drafted by the courts of the Commonwealth and the court itself. (Akbari, ibid, p. 4)

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4.2. Criminal Courts

1. Royal Prosecutor's Office. In most of the criminal cases, defendants are being prosecuted by a government body to the Royal Attorney General's Office, the Queen or the King. When the police gathered the reasons for committing the crime, they report a case to prosecute the accused at the Royal Court of Justice. The Royal Crown Prosecutor's Office will prosecute the accused who believes that the prosecution is more likely to acquiesce. After the prosecutor's order, the matter is brought before the Peace Tribunal and, if the matter is within the jurisdiction of the Peace Tribunal, it will be heard and, if there are sufficient reasons, the indictment will be filed and the file will be referred to the Royal Court of Justice.

2. The Magistrate's Court (Peace). The courts deal with minor crimes and disqualifications. The maximum penalty for these crimes is six months in prison with a cash penalty of up to £ 2,000. The decisions of this court are subject to appeal by the Royal Court and this request will be accepted only from the defendant. The Magistrate court also complies with the Medium and High Crimes Act as a prosecutor and prepares preliminary investigations. Some of the Magistrates' Courts have jurisdiction to deal with crimes for children (under 14) and juvenile offenders (between 14 and 17 years of age), and thus play the role of the children's courts.

3. The Royal Court. In the English Penal Code, offenses that require indictment are divided into four groups. The first category of very serious crimes such as murder, espionage and security crimes are handled by judges. The second category is pseudo-intentional murder, sexual assault, sexual abuse of children and child abuse that is handled by supreme judges or regional judges. The third category of crimes are handled in addition to high judges and district judges by the clerk of the court, such as kidnapping, hijacking, and robbery. The fourth category is the crimes that are usually handled by regional judges or court clerks, such as severe physical injuries, theft, and conspiracy. (Akbari, ibid, p. 4)

4. Queen's Court. The Queen's court may be the Royal Court of Appeal's appeal. The Queen's court is both the Royal Court of Appeal and the Magistrate's Court of Appeal.

5. Appeals court. The referring court is an appeal to the Royal Court of Appeals. The appeal is only allowed by the defendant and the plaintiff or the claimant does not have the right to appeal.

6. House of Lords. Important legal or legal issues, whether in criminal or civil matters, may ultimately be resolved by the Majles. Therefore, if there is a protest against the application of law or its interpretation by the appeals court, the accused can ask the House of Representatives to decide on the matter.

7. Other Criminal Courts. In addition to the general criminal courts, there are special criminal tribunals, such as the military court.

Some English Criminal Law Principles that are enforced in England's Criminal Courts are as follows: It is considered innocent unless proved guilty.

_ The courts carefully enforce the rights of the defendants, so that they can not be prosecuted against the accused in the press and the media before the conviction is issued, and the jury can decide without prejudice to the accused's guilt.

From 1967, the jury can cast a conviction with a majority of votes and there is no need for consensus among jurors.

_ Execution has been canceled since 1965.

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_ In almost all of the criminal cases instituted in royal courts, the cost of obtaining a lawyer is provided by the defendant through public funds.
_ The police are obliged to present the defendant to the Magistrate's court within 36 hours.
The Magistrate's judge can arrest a defendant for up to 96 hours without charge.
_ About one percent of the defendants are detained for more than 24 hours without charge.
The decision on the release of the defendant by bail or his arrest is the responsibility of the court. (Akbari, ibid, p. 5)

3-4. Sources of UK Law

In general law, the law of precedence has a special significance and place, and is at the forefront of legal resources, if it is in the top right of the law. Indeed, in the legal system of England, judicial review is the most important source of law. Also, in general law, the rules are interpreted verbatim and literally, and therefore, in a restrictive manner, if the law is essentially interpreted by law in the light of the legislator's intention. (Akbari, ibid, p. 5)

4-4. Judicial votes

Generally, in the general system, higher courts are set up for lower courts, in which case they are supreme courts. In the Comenius system, it is a principle accepted that the court will not issue a judicial decision unless there is a real disagreement with it, so the courts are not entitled to order arbitrary disputes. That part of the court's ruling establishes a procedure directly related to the resolution of the dispute. Against that part of the judgment that does not necessarily have a relationship with the verdict is not binding. The distinction between a related section and an unrelated portion of a single vote is not always a simple matter. In some cases, related and unrelated content is linked, in which case the next judge should make this distinction.
From the foregoing, we understand that, subject to the following conditions, the decisions made in the previous case will come into force in the next case:
1. If the decision is related to the identification of the subject matter, then it will not be binding, and only the part of the judgment that can be invoked has been expressed regarding the dispute, and the various issues are not cited.
2. A judgment issued in the previous case has been issued by a court to set up a court hearing a new case.
3. There is no significant difference between the characteristics of the previous file and the new file.
Failure of the courts to follow previous opinions and the creation of new legal rules in accordance with new conditions and circumstances may create the notion that laws and principles are not fully stable and court rulings are not foreseeable. Considering the entire system, it can be admitted that there has always been a balance between the stability of legal rules and the response to new needs.
In each legal system reliant on judicial scrutiny, there is a need for a coherent method of securing votes that guarantees accurate and reliable access to votes. In the case of courts that are established, it is not necessary to publish all their votes, since many of them are adapting their previous opinions and repeating them. However, it is necessary to publish the following:
_ All judgments that presumably require a new rule or legal principle.
_ All acts that have largely moderated or changed the legal principle.
_ All the acts that specifically provide useful information and guidance.

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The publication of votes from the fourteenth century began with the publication of the yearbook and continued until the sixteenth century. The reports were in French and in the Norman dialect, and cover most of the lawsuit. These votes were searched on the list of lawsuits filed in court. After the release of the yearbook, the publication of votes was interrupted for some time, and since the late sixteenth century the collection has been published by private individuals, which differed in terms of accuracy, quality and validity. In the first half of the seventeenth century, Cook Cook went on to publish a series of votes that were highly valued. The Legal Reports Council was set up to organize legal reports. The goal of this institution is to prepare and publish British and Wels courts' judgments in a usable and standard price under the supervision of professional lawyers and publish two sets of titles, legal reports and legal reports. (Akbari, ibid, p. 6)

4.5. Background of the record

According to this rule, the judge is obliged to apply the same case at first to the votes cast in the previous case, and in the next step, if the vote is not appropriate for the new case, he will issue a new ruling. If the court hearing the new case is higher than the court hearing the former case and votes on the decisions taken by the former court, then the court will confirm the decision made by the former court. If the court hearing the new case finds that the decisions made in the former case are inappropriate, then if it is superior to the former court or the judgment was issued by the same court and is allowed to change its previous decision, then this The face may explicitly state that the previous judgment is not correct and is not binding from time to time. If the second court is not authorized to violate the former, then the second court will be required to comply with the provisions of the previous filing.

4.6. Trust

Trust is a legal entity in the Common Law. In this Sellor of the Trust, the property is deposited with one or more other persons (Beneficiaries), and the property is managed in favor of one or more other persons. The people who are given these properties are called Trustee. Trust is a special contractual obligation. Trust has a special place in English law, and examples include wills, heba, lawyers and others. Because in the Middle Ages, the rules of Common Law prevented the inheritance of the land, so creating a trust was a way out of the rules of the Commonwealth. In the sense that by creating a rule of trust, the legal ownership of the trust was transferred to the trusts and the actual ownership of the heirs remained, and some time later, after the death of legal ownership, heirs were also transferred. In this way, people were free to pay heavy taxes. The trust consists of three pillars: trusts, beneficiaries and trusted property.

Trust has legal ownership of the trusted asset, and it can even trade it or hack it, but the trusted asset is not considered a trusts property and creditors can not seize it. There is also a trusted assignment and authority over the trusts. (Akbari, 2016, p. 7)

Trusts have different types:

1. Extreme Express Express Trust.
2.Implied Trust.
3. Constructive Trust.

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5. Lawyers in UK law

As a matter of fact, the bilingual system of lawyers, which is predominantly for historical reasons in British law, unlike most other countries, is unknown to our jurists and ours, and this experience has shown that this ignorance in many cases confuses those represented on behalf of organizations and departments Different countries travel to England to pursue their claims and select an appropriate lawyer, and even lawyers and lawyers who advise them on how to pursue their lawsuits are usually also due to lack of familiarity with the judicial system The UK does not come up with the right direction in this matter. In general, studying at different angles of judicial systems of other countries is beneficial and even necessary (Mir Mohammad Sadeghi, 2013, p. 4)

Lawyers are divided into Solicitor and Barrister, in terms of UK law, each with its own characteristics regarding how to study and study, their respective business organizations, their job responsibilities, and many other issues. For ease, the work of each of these plugs is discussed in a separate discussion.

5.1. Solicitor

If we want to make comparisons between lawyers and practitioners, the Solicitor (currently around 35,000 in the UK), in fact, like general practitioners, and surgeons (about 5,000 people) are more like specialist doctors. That is, unlike the briesters, who form a major part of their work as litigation-advocacy, they primarily have the task of defending the lawsuit within the court, the sula litsists deal with a number of issues, most of which relate to the proceedings In other words, more clearly, statistics show that only about 2% of the total work done by an average SULI participant leads to proceedings and litigation, which, according to the law, Suliciter should only arrange for contact with the client and prepare the case and there is no possibility of defending the case in court, but for this Returns the file to a britister.

In the case of other Solicitor, it can be said that most of their work (about 60%) is in the field of real estate transfer, which, according to UK law, can only be done by lawyer involvement, 5% on family matters such as marriage and wills, etc., 10% of business affairs, and about 20% of the remainder, as well as the various transmissions they refer to.

5.2. Solicitors

Organizationally, they have an institutional function known as the Law Society. Unlike the bureaucrats, they can help to form a company. The maximum number of partners in a company could be 20, but now this Restrictions have been taken and even companies with 50 major partners are found. About 18% of the Sulicity companies now have fewer than five partners.

In the case of Solicitorian traineeship, anyone applying for this profession (which should not necessarily be a graduate of the university) should have a one-year theory course, and then a practical training course called Articles, based on the degree of individual education it's from 2 to 5 years under supervision of solicitor.

5.3. Barrister

The establishment of Barrister is older than the Solicitor in terms of English law; in other words, it may be that the latter was only 2-3 centuries ago (although there was no systematic arrangement until the 19th century); if the establishment of the old history More than that. The Barristers have the exclusive right to

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attend the main courts of the Solicitors, i.e., if the lawsuit is brought to these trials, the Solicitors should give Barristers a court order to defend the case by hiring a person.

However, at the opposite of this right, which the Solicitors are denied, there is a right that the Solicitors have and lack of it, and it has the right to make direct contact with the client; on the other hand, except for very exceptional cases (the most obvious example of which There is a lawsuit going on outside of England and it is only the intention to use the legal opinions of a briesser or to give advice to a friend (no one has the right to make direct contact with the client, or to accept his lawsuit). The work must be done through the Solicitors. Even after determining the barrister by the Solicitor, the client and the Barrister only can meet with each other to attend a meeting with Solicitor.

Because of the dependence of Barrister on a more Solicitor reference to the work of referrals, some briesters, especially those from other countries (such as Indians and Pakistanis), because they are not referring to much work, are forced to Through their respective stages, they will shift their jobs to a more sultanate. In spite of this dependency on the Solicitor, it should be noted that they are in higher order in terms of job classification, and therefore they are the bases for determining the tactics of the lawsuit and how to handle it in court.

In the case of the division between themselves, it should be noted that they are divided into Senior and Junior divisions and, as their name suggests, the second group (which accounts for about 10% of the job) is of a higher rank. How to improve the position of the bureaucrats so that they must submit their request to Lordchansel, the highest judicial authority in the United Kingdom, who, taking into account various factors, has promoted the status of Briester to the Senior, which is sometimes Queen, s Counsel (or, briefly (QC also read, agree or disagree.

By raising his position as Briester, his expense rises too. There have previously been two rules for the connection between the two types of barristers: one that no higher lawyer has the right to participate in a court session without the presence of a lawyer of a lower rank, and, secondly, the right of the attorney is lower than the right of the lawyer The lawyer is higher. Although the two Qaeda have already been eliminated, they are still enforced in practice, and because of this, clients may have a significant cost of referral to QC and, as a result, QCs are not sufficiently skilled. And they even regret their request to upgrade their position, but after re-upgrading, there is no way to go back to the lower level.

Improving the position of the barristers also requires a change in appearance, which means that they will occupy the front seats in the court, and even their clothing forms change and become silkworms. And therefore, they sometimes interpret the practice of promoting the status of "bayonets" as "Taking Silk".

Another feature of the berserr is that they cannot be prosecuted for their performance in court because of negligence. This is a more historical issue. 3 And they also refer to the sula litsists about the work they carry out within the court. (In cases where the right to defense is in court, that is, in lower courts).

Regarding the organization of education and education and apprenticeship, Herbjester should be a member of one of the four institutions known as the Inns of Court. The name of the four institutions is as follows:

Each of these four institutions has a board of directors called "Benchers," and their members make up more experienced bestsellers and judges. In addition, there is another founding board called the Bar Council, which is almost identical to a union of lawyers in the organization of lawyers. At the head of each Senate for the inns of the court and the Bar, there are about 90 members' General supervision over the lawyer's business.

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At the same time, a council called "Council of Legal Education" in each of the four abovementioned institutions is in charge of legal training for job candidates and lawyers. Candidates who must be graduated from the university-not necessarily in the field of law-are this way After a one-year examination period, after a one-year theoretical test, a candidate must pursue an apprenticeship, along with a further study, before joining the court before being admitted. This course is called Practical Pupilage.

Another is the Clerk or Clerk of the facility, which is important because there is no right to work without a clerk. These secretaries have a duty to speak with a more sultan for the purpose of determining their wages and their own rights It is also provided with the royalty and therefore their personal interest also requires that the right to the wages be kept as high as possible.

The offices of the Barristers are called Chamber, in which several bureaucrats are affiliated with an Inn (Inn), but each of them has its own jurisdiction, because the bureaucrats, as mentioned above, unlike the Solicitors, have the right to establish a company with There is no cooperation from other lawyers. (Sadeghi, MirMohammad, 1981: 107)

6. Familiarity with the Criminal Investigation Process in the UK

The procedure in the criminal justice system of detection and prosecution is based on the discovery and arrest of the accused person of the crime, which the police have the right to choose from in the following way. Next prosecution seizure: Police may be inadequate for reasons or because a non- The official appears to be sufficiently accused of the decision to refrain from prosecution. Among these cases, it should be noted that there are persons who are under the age of ten who are not criminally liable and may be subject to civil action.

Official notice: when the offender confesses to his conviction, there is sufficient reason to issue his sentence, the offender condemns the conviction and it appears that the prosecution is not in the public interest, in this case A "formal notice" may be given to him by a senior police officer. Although this method is often used for the unprecedented youth and delinquents, it is now increasingly applied to older offenders and repeat offenders. The next issue is the charge, when someone is prosecuted as a defendant. The law will require him to appear before the Peace Tribunal as soon as possible. On the other hand, the police or any other person can sue, so that the court requires the accused to be present or hand him over to the police. The final case of precautionary custody or release by bail, the Peace Tribunal may at any time delay the prosecution of a dispute, in which case either the decision to arrest a suspect or to temporarily release him as a guarantor. (Mahra, 2013, p. 21)

The Kingdom of the United Kingdom has four districts: England, Wales, Scotland and Northern Ireland. Some laws apply across the UK, and some only in one, two or three areas. In this article, we intend to study the legal structure of the country throughout this country (Jazayeri, 2017, p. 1).

6.1 Sources of English law

The four main sources of British law are: laws, judicial procedures, EU law and the European Convention on Human Rights. However, there is no single collection that covers all of England's laws. Here is a brief overview of these resources.

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6.1.1. Statute

The rules of the law are rules that have been codified, and the most important part of the law is the laws passed by the parliament. Because the most important institution of the UK legislature is the parliament of this country. In fact, the parliament is the institution that has the power to pass laws that are implemented in every part of the country. This institution consists of two Houses of Parliament and a House of Lords. The electoral system in this country is based on the relative majority system. That is, the candidate who receives the most votes is elected as the representative of his constituency. This type of electoral system makes parties with fewer votes, even as minorities, do not have parliamentary seats, and the parliamentary assembly is roughly homogeneous, although in 2011 a referendum was held on a kind of proportional system to change the electoral system of England, but with the negative vote of the people, this has been eliminated, and now the same electoral system, which is more than 100 years old, is in place. The House of Lords (Ayān) also has about 800 members, 600 of whom are nominated by the Prime Minister and Queen's order, and 200 others are those who inherited titles and aristocratic titles, such as Lord or Laidi, and eventually the Archbishop of Chapel England is also a member of this House. Although different regions of the UK, such as Scotland, Wales and Northern Ireland, have internal constituencies, they have legislative powers in their own area only in the framework of the central system for them. (Jazayeri, ibid, p. 2)

6.1.2. Judicial procedure

The UK legal system is more than judicially based, and therefore the opinions of the Supreme Courts and the revision become part of the legal rules of the country.

6.1.3 European Union laws

The United Kingdom is one of the member states of the European Union, which means that the rules of this union are prioritized by the domestic regulations of England.

1.6.4. European Convention on Human Rights

The United Kingdom, as a member of the Council of Europe, signed the European Convention on Human Rights, and the adoption of the human rights law in 1998, which came into force on October 2000, has enabled all United Kingdom courts to observe the rights recognized in the convention. (Jazayeri, ibid, p. 3)

6.2. Classifying the rights of England

Rights in the UK, like most other countries in the world, are divided into two categories of public rights that shape relations between citizens and the state, and private law that forms relationships between individuals and private organizations, but there is also a more important division. Dividing rights into civil and criminal law. Civil law covers such things as: contracts, family matters, employment matters and things like wills, and criminal law, which in fact is a branch of public rights, outlines the boundaries of permissible behaviors, and as a result a person who fails to comply with this boundary The title of the crime is known to the entire community.

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6.3. How Civil Rights Work in the UK

If a person believes that another has committed a civil error, he can file a claim in court. The district court is located in more than 200 locations, with a court hearing of less than £ 50,000, including physical damage, and a higher-ranking claim is heard by the London Supreme Court.

All of these courts have a judge in civil matters.

In civil cases, the responsibility for proving the fault is claimed, if the claimant succeeds in proving his claim, compensation will be made by paying the amount to be determined by the court. Of course, other remedies are also available in case of compensation. Like forbidden, going to certain places, etc. (Jazayeri, ibid, p. 4).

6.4. How to enforce criminal law in the UK

If a person complains of someone to the police, he claims to have committed a crime, the police are investigating and interrogating. If he concludes that he has committed a crime, he will send the case to the royal prosecutor as an accused and after The prosecution begins a criminal prosecution against the accused. It is noteworthy that the prosecution is responsible for the prosecution in criminal matters. In England, criminal justice courts are divided according to the importance of the crime, in such a way that small crimes, such as driving crimes, are heard by the magistrates' court (this court is almost similar to the Dispute Resolution Council in Iran). In these trials, three judges hear the subject and have branches in many cities; it is not necessary that the judges of these courts have legal knowledge, but also by a clerical clerk who is also a lawyer aware of legal issues. But very severe crimes such as murder and rape are heard in the king's court. The king's court is about 90 points from England. The court has a jury of 12 people who are randomly chosen and decide on the accused's responsibility. Jury decisions are usually taken unanimously, but the judge can only consider the majority of 11 or 10 people. In any case, however, he ultimately judges that he will decide on the accused and impose his sentence. Penalties for multiple offenses in the UK include cash compensation, jail and social penalties such as free public services. (Jazayeri, ibid, p. 5)

6.5. The Greatest Appeals Tribunal of England

The appeals courts of the country are only reviewing the decisions of other courts. The UK's most appealing court of appeal is the Court of Appeal and the Supreme Court. Court of Appeal England and Wales coverage, including both civil and criminal, which the law into the dispute the views of civil courts of first instance and the criminal investigation of the drawbacks of the law by the court decisions of Mjstryt and the king is responsible. At the highest level, the House of Lords is the highest judicial authority in the United Kingdom, which, in cases where it is issued on controversial issues, decides to make a decision and it is binding on all courts. (Jazayeri, ibid)

7. Jury in the UK

The founding and emergence of a jury institution in the present form derives from the rights of the United Kingdom. The beginning of the jury's participation in criminal affairs was generally the decision of the Fourth Lutheran Council (Black Henry Compbell, 1983, p. 444) in 1215 AD Consider breaking the support of the Roman Catholic Church from the trial by "Ordelli" or the ritual. Of course, there is no doubt that the jury has existed before this year (S.H. Bailey and M.J.Gunn, 1996, pp. 888-889)

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As the "judicial system existed in Greece and Rome, and even among the tribes of the Berber, which was not unlike the present jury" (Jabbari, 1923, p. 19)

What has been learned from ancient Greek history (indicated by them) have sometimes used the jargon unevenly, but it is sometimes seen that a method similar to that used by the jury is now used Rhode Island; in Athens, there is a list of 6,000 people from all over the world who used it when they needed a jury, and this list has been updated annually; 501 votes in the famous trial of Socrates and, as a result, convicted him of drinking "the famous poison of the Shukran" for provoking young people to corruption and pessimism. (Khamenei, 1953, p. 112)

Historians have written that the present jubilee is almost deformed by the same bodies that have existed in Greece in the past and called them "boards". The delegations were people who gathered in public squares and in the open air, under the direction of a panel of judges, judging and judging, more, senses, and facts to take into account the dry and unconditional provisions of the law. These boards consisted of the floors of the shrine, the shoemaker, the Attar, the bayonet, the stonewall, etc. (Tabatabaei, 1953, p. 47)

In the United Kingdom, before the formation of a jury in the form of a case that had been issued since 1215, the defendant was guilty of blaming or not guilty, there was a form of jury as a tax collector and royal interest; In 1066, William the Conqueror, who was French-speaking Normandy, conquered England. He charged a heavy tax on movable and immovable property of the people of England, but because he was not sure that people were willing to pay taxes, they would either have a committee of twelve people from that place or ten in each place or every ten. The members of these delegations were initially required to be truthful according to the oath they were calling, and then they introduced the property of their neighbors and put it in the vote they were issuing. These voices were the basis for tax payments, but the British people were reluctant to surrender to the wicked will of the kings who considered them a bastard, so they thought of the means to keep their property against the action.

So, to escape, as soon as the decision was made to pay the tax, they immediately filed a formal dispute, and each of the parties to the lawsuit claimed its ownership, and thus, the time taken for the boards to deal with the claim of ownership (Emami, 1964, pp. 72 and 73). In English law, the jury has undergone many changes since its inception today. At the beginning of the formation of the jury in England (1215 CE), its role in the proceedings was not clear in terms of whether the right to vote or only had a consultative role in the judges' votes. In the history of the jury's developments in England, the transition and the passage from the decision-making stage based on past information and prejudice, to complete neutrality and the lack of reliance on previous knowledge and prejudices is quite evident. In addition, in 1988, it became apparent that the jury's decision had to be straightforward and unambiguous, and the manner in which proceedings were conducted in such a way that, at first, the witnesses began to provide evidence, and the jury would also be in contact with and talk with outside persons until it arrived. The final decision was forbidden. Also, the number of jurors until 1988 was not specified. This year, the number was set at 12, and the jury's jury was considered an essential point. (Durant, 1986, p. 426)

In the 1670s, in the "Bushles Case", it was established that the jury had the right to vote on its conscience. Eventually, it was determined by the eighteenth century that the juror should not have personal information in the subject matter of the case. The necessity of dealing with important press offenses, including libel in the presence of the jury, was enacted in the British Parliament in 1972 (Motamedinejad, 1998, p. 35) in Iranian law, although the jury, as it stands today, has a long history and the imported entity from the West entered the Constitutional Revolution in the Constitutional Revolution.

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8. Police Effect on Criminal Justice

Public order is considered as a deterrent and advocate of public interest in all areas of law, including private law and international law, but its application is higher in the criminal justice system, as important institutions of criminal justice, such as legislators, police, prosecutors and courts All criminal proceedings, prosecutions, investigations and prosecutions are used. Therefore, the concept of public order in the criminal justice system is graded. In the sense that from the point of view of the police, the general and the prosecutor's point of view is scarce. Lawyers have made great efforts to define public order, but have so far failed to comprehend and prevent it. The reason for this is the abstract concept of public order. To clarify this concept, the framework should be clarified. The use of various analyzes that social scientists have drawn from the concept of social order and foundations is useful in analyzing the concept of public order and its foundations. Although public order is used in most laws along with the term security, this does not mean that the concepts are not independent of each other. The specification of crimes against public order with clear terms in the law, the determination of the limits of the powers and duties of criminal justice institutions, and the commitment of law enforcement agencies to legal frameworks, the systematic and continuous monitoring of their behavior, the anticipation and enforcement of legal safeguards against violators, outgoing decisions This is a challenge. The role of public order in the area of the English criminal justice system. In the British criminal justice system, public order, such as property or human beings, is considered a crime, and for that reason, its implications are counted. The source of crimes against public order was 1986. More often than not, it is more law-based. Chaos, violent order disorder and conflict are the most important examples of crimes against public order in the UK criminal justice system. The concept of public order, from the point of view of the British police, is clear from the point of view of the courts of that country, and is limited to crimes against public order. In other words, anything that the British police consider to be detrimental to public order is not a crime. Nevertheless, the scope of the duties and authority of this institution has been identified as protecting public order (Sadeghpour, 2011, p. 52)

Professor Lavazour referred to the following three words in describing the term "police": 1. A set of regulations imposed on public by public authorities. 2. The implementation and enforcement of regulations aimed at providing comfort, security and public health;

3. A group of government employees who implement the regulations on peace, security and public health adopted by competent authorities. " (Ansari, 1978)

Albert Weiss also introduces the police as a mediator between society and the country's legal system. (Myrshifiyan, 1358) The Great Britain police is a reactionary and new institution that provides security and peace in the community. In the UK, the Home Office is responsible for the UK and Wales Police. "The UK has 43 types of police, which employ about 233,000 employees. Of these, about 140,000 administrative staff, 78,000 staff members and 15600 people are serving as community policing officers. The police department also volunteers to use certain persons on the police board as special perpetrators. There are currently around 14500 specialties in England and Wales. "

The most important law that has been laid down in relation to the police is the 1984 Police and Criminal Code. The law has been applied by the police, especially in relation to arrest, inspection of persons and places. Also, the Police Reform Act in 2002 created social support officers and eventually passed the 2005 Police and Organized Crime Act, which came into force in 2006. This law entails a fundamental

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review of the powers of detention and the creation of a massive organized crime agency and the development of the powers created by the 2002 Police Reform Act (Yekrangi, 2004: 22). In a more general view, the three government agencies in England and Wales are responsible for enforcing criminal justice:

(A) The Ministry of Interior, which deals with penal matters, police, prisons and the PSCO. The Minister of Interior also has the overall responsibility for national security.

B) the Ministry of Justice, which deals with issues related to the judiciary and administers the Supreme Courts, including the Court of Criminal Court and the Peace Tribunal, and is responsible for judicial assistance. Until recently, Lord Chancellor was considered to be the highest judicial authority of this institution.

(C) The Royal Attorney's Office; the Prosecutor's Office is independently responsible for the prosecution of all criminal acts that the police are investigating around them. At the head of this (Gordon, Bita, 75 - 74). The Directorate of Public Persecution in the United Kingdom, as established, consists of several departments and offices, all of which are responsible for the establishment and maintenance of justice and the administration of justice. If they accuse the police of a criminal offense The royal prosecutor's office decides to prosecute such a person. In principle, the police force in the United Kingdom acts as an executive body. Certain institutions, called Metropolitan Police, operate throughout the country, some of which include the Anti-Terrorism Unit, the Unique Support Unit for Diplomats and the Royal Family.

For example, protecting political authorities or when acting in units of resistance to gunmen. In addition to the police, other institutions also fight offenders, such as Royal Monetary and Monetary Affairs, the British Transportation Police, which deals with crimes committed on railroads, ports and harbors. Unlike other European countries, the responsibility for dealing with most crimes is the responsibility of the regional police force. This force has the task of dealing with crimes at a micro and macro level. The Intense Organized Crime Agency is also one of the national collections operating in all areas of the police. This institution will be explained in its own right and in particular. "Metropolitan Police, the largest police force with 25,485 officers, covers the whole of London. These forces are not generally armed unless they carry out duties on a particular unit or mission; In England and Wales, the Prosecutor has no role in the investigation and inspection process, and as in France at this stage, there is no research judge. Basically, in the structure of the police, there is a division of labor on the basis of the task, so that in the first division there are officers who play research role and in the second division are personnel and ordinary officers. The Department of Investigation and Crime Investigation is called the Criminal Investigation Department, whose officers investigate and investigate and deal with important crimes, such as murderous acts. It also has units that are responsible for investigating and investigating other common offenses, such as theft. "Http://law.jrank.org)

Police in England have begun since the crime has been discovered, and the police are responsible for investigating and studying crime-related reasons. After carrying out the investigation, if he finds sufficient reasons to pursue and charge the person, he will charge the suspect and he will send the case to the prosecutor's office for prosecution (Yekrangi, 2006) in trials with the presence of a jury. The judge will decide on the issues of the judgment and conclude the case and ultimately punish or acquit the accused. The Royal Prosecutor's Office prosecutes if he believes that there is enough evidence to condemn the accused to be realistic. Of course, in prosecuting a crime, it is considered whether such pursuit is in the public interest or not?

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Conclusion

A good governance index based on principles such as: judicial security, separation of powers, lack of corruption among judges and employees of the judiciary, accountability of judicial authorities against their actions, law for all, legality of the activities of the justice system, etc., The judicial system helps to safeguard the rights of the people. Within the framework of the Good Governance Program, the rights and interests of all citizens are protected without exception. The foundations of good governance systems in the selection of legislative bodies are periodically organized to represent citizens in a fair manner and to have a full participation in the selection of their lawyers. The court of law; the trial must be conducted in a court designated by the Constitution or other laws of the country and public. Proprietary courts are one of the violations of human rights. The court must be completely impartial and not influenced by any factor, even the atmosphere prevailing in society. The magistrate should be independent and free of administrative, financial and political reasons, and do not think of anything but justice, fairness and law enforcement, which is the true desire of society. As stated in the UK legal system in a classification, the crimes are divided into three categories: the first is crimes; crimes that are less severe and of concern only in the courts of magistrates. Also, another category of offenses, such as intentional and involuntary murder, and robbery, are only prosecuted. These categories of crimes should be dealt with in the presence of the judge and the jury in the criminal court. The other category of crimes is a two-pronged offense committed in the form of summary crimes, unless the Magistrate's court believes that it is appropriate to consider the case in a criminal court or that the accused wishes to be tried in a criminal court.

Guaranteeing and ensuring a just and fair trial requires the prosecutor and the accused to face and fight in a relatively equal situation and, in order to achieve the goals of justice and to place a fair trial against the accused, it is the duty of the prosecutor and the accused to The prosecutor has ordered. On the other hand, the accused and his lawyer are required to provide their prosecutors with timely evidence, in order to accuse the prosecutor of the accusation and the quantity and quality of these documents. The information about these documents is that, in the event of their strength, the prosecutor will surrender and, consequently, the excessive costs of judicial proceedings will not be imposed on public funds and taxpayers. It can be said that what has been said about the UK court system under the name of “disclosure” is the high level of attention given to this system by the citizenship rights and the system of charges against their preliminary investigations. The named person may not be present at the trial for this purpose. A third person may, after being present, indicate that he has no evidence, or that what is at his disposal is not a document, or the documents held by him, in the direction Preserving the benefit of the community can not be disclosed. What has been said about the UK court system under the name of Dissolvger is the high regard for this system of justice to the rights of the citizenry and the system of charges against his preliminary investigations. The charge of the other guarantees of the trial was said to be used at least in four different ways. First, this term could mean an agreement between the judge and the accused, that if the accused accuses some or all of the offenses charged with accusations, his punishment will be in a particular way. Second, the prosecution's commitment to the prosecutor is that, if he accepts some of the charges against the prosecutor, the prosecutor will refrain from imposing heinous charges in the indictment, or he will ask the judge to determine the relatively light punishment. This form of the transaction in the English criminal justice system is not possible. Third, this statement

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may indicate that the prosecutor agrees with the consent that if the accused accepts a lighter crime, the prosecutor accepts his conviction,

The fourth- This term may refer to the prosecutor's agreement not to prosecute one or more of the allegations contained in the request for enforcement, provided that the accused accuses the remaining charges of accusations. The charge in the third and fourth sense of the allegory is a common occurrence by Courts are verified.

Investigations in this court system are by no means confidential and are far from the secret character of the accused, as is the case in the audit procedure. When the results are predictable from the outset, it is not a reason to continue the research and impose financial and time costs on the system of rational criminal justice. As stated above, it is concluded that the English prosecutor and accused are not allowed to surprise each other by concealing documents and presenting them in their own circumstances and they are required, under equal conditions and with knowledge of tools and weapons Available to the other side, to force and battle each other.

The fair trial requires compliance with certain specific procedures and, in order to be fair, it is necessary to observe the principles of the defendant's defense rights on the one hand and the principles of observing the rights of defense of the plaintiff on the other hand, observance of the defendant's rights of defense is the main pillar of the fair trial. The first pillar of this right is to accept the assumption of marriage both at the legislative stage and in the legal phase. Sometimes it is inclined to convict, on the basis of a private description, of the facts available. Therefore, the attorney and the prosecutor may try to reach an agreement on the issues on which they are convicted. And finally, the police began to work in the UK since the crime was discovered, and the prosecutor began to investigate and study the crime-related reasons. After carrying out the investigation, he will charge the suspect to the prosecution if he has sufficient reasons to prosecute him and he will send the case to the prosecutor's office for prosecution (Yekrangi, 2006) in trials with the presence of a jury. The judge decided on the issues of the court and concluded the case and eventually punished or acquitted the accused. The Royal Prosecutor's Office prosecutes if he believes that there is enough evidence to condemn the accused to be realistic. Of course, in prosecuting and prosecuting a crime, it is considered whether such pursuit is in the public interest or not? How the court system, the jury and its functions, the way lawyers and judges work in the UK court system, and the amount of attention to criminological data in this court system, all come together to bring a fair trial to the peak of success. In this paper, by describing the various aspects of the UK's criminal prosecution system, we examined the efforts of this criminal justice system in pursuing a fair trial.

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