

The Technologies of Remote Communication in The Investigation and Trial and Their Impact on the Requirements of Justice

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Abstract

Using the remote communication technology in investigation and trial procedures is based on linking the parties of a criminal case in one geographical scope, or in several areas in the same country, or in different regional places among different countries. Therefore, it is imperative to get acquainted with the general rules in remote investigation and trial that have been introduced by criminal legislation to break the traditional general rules of litigation, and to take into account the technological development data in the field of crime detection without prejudice to the rights of the accused or other parties to the criminal case. There is no doubt that the use of audio-visual communication technology will clearly contribute to reducing the financial burdens on the parties of the case, in addition to the legality of these procedures and their impact on the criminal justice system. Consequently, most criminal legislation seeks to include new means and methods for conducting investigations and criminal trial procedures and to create effective litigation procedures in pursuit of achieving justice in its optimal form, especially as technological and technical means are constantly developing, which would necessitate to employ this tremendous development in technological data and modern technology to develop the justice sector.

Keywords: justice, technologies, criminal, court, investigation

1. Introduction

The technology of remote investigation and trial through the tool of (videoconference) for audio-visual communication is one of the most important results of scientific development in the current era, as this tool is considered as a deviating from the traditional character of criminal investigation and trial that usually takes place in the presence of the parties to the criminal case in person before the Public Prosecution and the judiciary, also this way has flexibility in procedures and it saves time and effort in order to simplify litigation procedures between the parties to the criminal dispute so that the principle of confrontation is achieved without their actual presence in one place.

Using the technology of remote communication in the investigation and trial is not just providing a set of tools, or linking several communication devices with each other, but also requires the availability of the necessary technologies for this purpose, which are used in investigations or trials. Whereas, before starting a remote trial, smart platforms must be established through which the criminal case is to be conducted, and accordingly, equipment, means and technical requirements must be available in order to hold an investigation or trial session remotely, and these technologies and technical requirements must provide remote communication features and allows judicial authorities and parties to communicate through a communication network dedicated to this purpose. There is no doubt that the use of these means and techniques in the investigation and trial remotely have implications that may affect the requirements of justice. The question arises here is about the suitability of the remote communication technology for investigation and criminal trial procedures? Is this method effective and an alternative to the traditional methods of investigation and trial? Accordingly, we will address the following two sections:

2. Remote Communication Techniques in Investigation and Trial

The use of (Videoconference) remote communication tool, as a means to conduct investigation or criminal trial procedures, requires the availability of technical requirements that allow the users from the parties to the criminal case and the judicial authorities, to take measures related to the progress of the case, whether in investigations or

trial, and that this can only be done by the presence of technical systems that allow remote communication in investigation and criminal trial.

2.1 Requirements for the Using Remote Communication in Investigation and Trial

In this item, we will deal with the legal framework for using the remote communication technology, which requires the availability of the technical requirements for remote communication technology in the investigation and criminal trial, and we will explain it through the following two points:

2.1.1 Legal Frame

Legislation that allows using the remote communication technology in investigations and criminal trials must be placed, also the methods to apply procedures and judgments issued by them and how to implement them (Al-Obaidi, O., 2017, p. 530). The judge and the Public Prosecution member cannot use this method if there was not legislation that regulates this issue, as well as the other parties of the criminal case and the judges' assistants, including clerks or bailiffs and experts, so the Federal Legislator issued Law No. (5) of 2017 regarding the use of remote communication technology in criminal procedures, in addition to the importance of issuing an administrative regulation that regulates administrative issues that ensure the achievement of electronic justice (Hindi A., 2014, p. 19).

2.1.2 The Technical Requirements for Remote Communication Technique

1) Computer Devices

It is an electronic device capable of storing, processing, analyzing and restoring data and information electronically (El-Tersawy, M. 2013, p. 75), as it requires to complete litigation procedures through remote communication technology, the presence of devices that communicate with the electronic system which should be able to preserve, store and process information and data, and that is through Computers and programs or systems for these computers (Al-Obaidi, O., previous reference, p. 530).

2) Internet

This technology is characterized by high speeds and superior performance, as it is one of the fastest and largest means of communication in the world, and the Internet became essential because our daily life has become dependent on the Internet in many aspects, and the advantage of this network is that it is based on the communication feature without moving.

Hence, the idea of remote communication came by link computers or smart phones to each other via the Internet, which allows the transfer and exchange of sound and image and by through it remote communication technology is used as a means of investigation and criminal trial, meaning that the Internet is the main player in forming or creating communication between the parties of the lawsuit, and the judicial authority, and since the Internet has a great importance in the process of remote litigation, and based on these deliverables, it is necessary to define what the Internet is and to indicate the most important characteristics that distinguish this network and the statement of the Internet's role in remote litigation.

3) Definition of the Internet

Currently, the Internet is one of the most prominent means of communication, and it is also a source for information networks. It is a global system based on integrate computers and communicate them with each other through wired and wireless communication networks. The Federal Information Technology Crimes Law (Law on Combating Information Technology Crimes, amended by Federal Law No. (5) of 2012) defined the information network as: (A link between one or more computer programs and means of information technology that allow users to access and exchange information).

The (Internet) is a foreign term expressed in the two words (International Network), and at the same time it is an abbreviation of the mentioned foreign word, as it has become called (Internet).By means of (internet) computer users can exchange pictures, graphics and sound, and the Internet is characterized by that it is globally because it links millions of computers as well as networks, and through it information would beexchanged very quickly as it is used at the level of individuals and institutions, as it is an open space and its extent reaches any place in the world (Nasr, I. 2015, p: 5 and following). Internet services are also available in most countries of the world and provide a huge amount of information at a very high speed, as the cost of the Internet infrastructure was funded by some agencies and some different parties that own their own network, and after that these networks were connected to the Internet basically, where it connects a group of remote communication networks with each other with the Internet.

It is well known that the Internet is a tool that is unparalleled, as this global network and the devices or programs

associated with it, as well as the information that is transferred or exchanged between users, has become a virtual community in various parts of the world over its various regions and countries, and it is easy for anyone anywhere in the world to use it and enter this virtual world to obtain or exchange information with others as well as interact with members of this community. Based on this, it becomes clear that every person in the world can be a part of this society, regardless of his nationality, race, religion or belief. The Supreme Court in the United States of America defined virtual space as “a place outside national borders and is not concentrated in a specific geographical location, and it is available to anyone anywhere in the world to access it” (Al-Karawi, N., 2017, p.102).

The Internet is characterized by its tremendous speed and the availability of technical capabilities that provide wide paths for information flow through the use of optical fibers of enormous capacity, and from that the uses of the Internet are varied and multiple. In this regard, we would like to clarify that we have previously indicated that, the world has become a small village by using the Internet, which is what was called the virtual community, or the Internet community that entered homes in most regions of the world and increased its use in all specializations and fields, and it was called (the Internet), where it entered into all fields, with unrivaled spread all over the world, and due to its multiple uses represented in e-mail, mailing lists, and the World Wide Web, which is symbolized by (www or W3) and is also called (Web) service, also transfer files and the Telnet service, and we will deal with those services as follows:

- E-mail: E-mail has replaced the postal correspondence that was used in the past, as the electronic development greatly contributed to dispensing with that traditional correspondence, therefore the e-mail service has become more popular for Internet users, as they were able through this service to send messages, pictures, drawings and files, meaning that communication takes place between the sender and the receiver via the e-mail address, and accordingly, the Internet user, whether is sender or the receiver, has the ability to exchange messages via e-mail through computers connected to the Internet, so that he can send, reply or forward to and from the mailbox between them.

It is well known that the e-mail service is free, and the message is sent or received via e-mail within a few seconds, and this service is distinguished by that it allows the user to direct or redirect the message to large numbers of users at the same time, and this service is called lists or (Mailing lists), and this service allows sending the same message to a large number of people at the same time, according to their email addresses. One of the most important advantages of e-mail is that it is characterized by sending messages and files over the Internet easily and at high speed, and it serves as the great tool of communication between merchants in concluding e-commerce contracts, or in negotiating and concluding agreements and because of the speedy arrival of letters and documents, it is inexpensive and characterized by the confidentiality of correspondence, regardless the number of pages or attachments, and for an unlimited number of people over the world (Ibid, p. 108).

- The World Wide Web: What characterized this network is that it has a wide range among Internet pages and is also considered one of the widespread networks on Internet pages. This network is considered one of the main networks on the Internet, and it can be abbreviated in English with the word (web), as some express it in Arabic as a Global or international information network and it uses a universal language (Hyper Text Markup Language) which means illuminated words, as it is the language that web browsers can read. The World Wide Web is one of the most used services in the world of the Internet, as it is possible through this network to browse and navigate in many different sites on the Internet and access its Web pages and browse them using many means that may be written, drawn, by sound or by image, also there are websites in various forms on the World Wide Web, each of them has its own address, which is known by means of letters refer to them, which replace the traditional address or phone number (Al-Tarsawi, M., Previous Reference, p: 79).

- Remote Transfer Protocols: are one of the modern methods in which data and information are transferred and exchanged remotely, and these processes rely on devices that are characterized by high technologies in linking end computers to servers that are connected and linked to the Internet, and remote transfer protocols have a great importance in transferring files and data, as they allow users to perform several operations of transfer, exchange and remote reviewing of files, data and programs.

The Information Technology Crimes Protocol Act defined the information network protocol in Article 1 as: (a digital identifier assigned to every information technology means participating in an information network, and it is used for communication purposes).

Here, we would like to point out that reliance on this service is no longer the same as it used to be, where it is less at the present time after the emergence of many new applications created by the Internet, especially the World Wide Web service. this service is distinguished by the fact that it translates the format of text files in an automatic

way, as computers contain different operating systems and have different formats for text files and therefore need to be translated, which is what FTP does (Ibid, p: 10 et seq).

- Telnet service: This service allows computers that are distant from each other and installed on the network to communicate with each other, where (Telnet) service is a special program used to link all computers around the world through which its users can remotely run applications on devices on the network. It also enables them to use the database on other computers, and this service is also called Remote Login. This program is often used in administrative tasks as well as business, and it is noticed that this system also began to disappear due to the increasing demand of users for the (Web) network which is characterized by ease of use and handling (Hendi, H., Previous Reference, P: 32).

4) Characteristics of the Internet

The Internet has several characteristics, which are as follows:

- Flexibility and easy using

The Internet provides flexibility in using it, as it is easy to use at any time and place, where the user can choose the time or place suitable for him, and he can access it at any time and any day, as well as wherever he is in the world, because the Internet is an international information network, it is easy to make use of the information and programs stored in it and to use it according to his desire. Likewise, the user can access any website as long as the computer he uses is linked to this network, and it also allows him to know the data and information that it includes in any field he wants.

- Public and globally

The public feature is one of the most important characteristics of the Internet, where a largest number of users around the world can access it, it includes computers connected to the network all over the world, in addition to the fact that the volume of daily use is large and cannot be limited, as well as the large and varied amount of services in various areas of life, as the Internet is the largest means of communication in the world through which information is quickly accessed.

- Freedom feature

The Internet is considered as a communication space that combines the systems and forms of communication and various digital means in one system. The Internet is not subject to the domination or control of a governmental or private institution that provides its multiple programs and protocols in using programs, information and data that flow through all network lines, without control or monitor by any country, organization or institution, whether in its system or path, bearing in mind that each country has some authority to monitor and supervise the Internet used within the scope of its territory and that is by controlling the server of Internet service provider in general in each country.

- Internet is an open system

Its idea is based on the remote communication system, as it means that any person in any region of the world can access the Internet, and can access any website on the network and in any area of his interest, so all he needs is a computer, a phone line and a server provides this service.

2.1.3 The Role of the Internet in Remote Litigation

Remote litigation is an information technology system, as we have explained, that depends primarily on the Internet, and through it all litigation procedures can be implemented, using computers connected to the Internet and via e-mail, so that it allows litigants to file a criminal case and then investigate and interrogate them, and the same thing with witnesses and experts, and also enable the parties to present their evidence and defense, and to attend investigation and trial sessions. This system also enables members of the Public Prosecution Office and judges to communicate with litigants through computers connected to the Internet, which allow the exchange of voice and images in the investigation and trial sessions without their personal presence, as well as to initiate litigation procedures electronically using the latest technical and smart means to communicate remotely without the need for litigants to attend to Public Prosecution departments or criminal court rooms. This aims of expediting the adjudication of cases, facilitating their procedures for litigants, and implementing judgments electronically (Al-Sharaa, H., 2010, p. 59 et seq).

In the same context, we would like to point out the increasing demand of users to acquire or obtain Smartphone, which allows at the same time to access the Internet through the data package provided by the institutions concerned with providing communication networks.

These Smartphone are an advanced step in remote communication processes that can be used in litigation procedures through specialized programs in instant video and audio chat, as well as the ability to download applications for the courthouses in the country that can provide remote judicial services, that is, enable the service provider (litigant) to apply his request through the phone application of each judicial authority, then answer him automatically, complete his transaction and receive the documents he desires on his phone, without efforts made by the litigants in going to the building of the courthouse and their presence in person, submitting the requests by paper and handing them over to the dealers service employees or waiting for hours long.

C. Information and Databases: each of them is a set of data files that are related to each other, such as a database of prosecution offices and courts, and include the names of members of the public prosecution, judges, judicial assistants, judicial departments, employees and bailiffs.

Law No. (5) of 2017 aforementioned defined the electronic information system in Article (1) as: (a set of information technology programs, tools and means of information technology prepared for process and manage electronic information storage or the like).

D. Human frameworks: It is a group of technicians and specialists in the technical field who work with these devices, and use the electronic programs necessary for them, and this requires from the concerned (judges, members of the public prosecution, court employees and lawyers) to have sufficient knowledge and experience in business and computer programs (Otani, S., 2012, p: 176.).

2.2 Systems of Remote Communication Technology in Investigation and Trial

As we have previously indicated that remote communication technology is one of the modern means that provide visual and audio communication in the criminal case, as it is used in accordance with the provisions of the Federal Law regarding the use of remote communication technology in the Criminal Procedure in UAE, as well as the ministerial decision on the procedural guide to regulate litigation using electronic means and remote communication in criminal proceedings. The Emirati legislature defined modern communication means as “smart phones, tablets, computers, and other means that use modern technology in communication”.

In order to initiate investigation or criminal trial procedures remotely and in various litigation degrees, the use of remote communication technology requires the availability of a visual and audio communication network between the hearing room in which the procedures of investigation or criminal trial take place and the places where the litigants are located, so that they can be seen through the remote communication technology to hear their statements, whether in investigations or trials. This is done through technical requirements must be available when conducting remote investigations and criminal trials, and we would like to refer in this regard that it is necessary to distinguish between four different systems of technical requirements in remote communication technology for the field of investigations and criminal trials via remote communication, which are as follows:

- Point-to-Point Communication System

It is considered one of the systems that have not major problems in communication because it is considered one of the simplest systems of audio-visual communication and the least provoking technical faults. According to this system, direct audiovisual communication can be conducted between the investigation or trial room, and the place where litigants were which may be away from it for thousands of miles, whether this place is the penal institution in which the accused resides, or the place where the victim or witnesses are, for example in their home or in their place of work or even on the road and public places, where the presence of the criminal case litigants parties is not required in a specific place (Sweilam, M., 2020, p: 115).

It should be noted that this system was used on a large scale in Italy, especially in the field of hearing the statements of witnesses, as well as persons cooperating with justice, from 1992 until 1998, and it continued to be used, albeit partially, after the issuance of Law (7) of 1998, in force starting from February 21, 1998, which approved the possibility of investigating the accused, especially the dangerous ones, or justice them remotely by means of audio-visual communication technology (Yahya, A., 2006, p: 30).

- The system of switch or active speaker

Applying the system of switch or active speaker requires a multiplicity of places between which audiovisual communication takes place, by preparing the courtroom in which the investigation or criminal trial session is held, and several other places where the parties to the case, including the accused, victims, witnesses or experts. These places should be properly prepared so that they are provided with the technical requirements, such as devices, display screens, and special communication devices (videoconference) to display the image directly on those screens and provide them with printers to print the records if required. In addition, through it, accurate technical devices are provided that are used to transmit the voice and image of the parties to the case participating in the

investigation or trial session, and with a technology that allows the sound and the image to be transmitted together with high-quality definition, so that only the image of that person who makes his statements at the trial appears on the display screen. But if several other people are speaking at the same time, then the visual and audio communication will be transmitted automatically from the place of the person who speaks loudly, i.e. the loudest voice (Ibid, p: 115).

- Stabled or unified continuous attendance system

Through this system, a technique (videoconference) is implemented, which is characterized by enabled audiovisual communication between five separate places which are represented in the courtroom in which the trial session is held, and four places where the accused, witnesses and other collaborators with justice are present, so that a screen is provided in every place of them, a screen to display the image, which is divided into several parts for the image clips, so that these parts do not exceed four, and at the same time it is necessary to provide the requirements related to them from accurate devices that allow the voices of litigants and those of the participants speaking in the session to be heard clearly and at the same time, as the picture of the courtroom appears in one part of that screen, and in the remaining divided parts of the screen there are three other people, who are in other places that are far from the courtroom, in the other three parts (Sweilam, M. previous reference, p: 116).

- Advanced continuous attendance system

The advanced continuous attendance system is considered as one of the most recent applied systems for audiovisual remote communication technology, so that it is used in the preliminary investigation procedures or the remote criminal trial, as this system is an effect of the fundamental modifications that have been made to the stabled or unified continuous attendance system, in response to some legal considerations which the Italian law of January 7, 1998, are required for remote investigation or criminal trial.

According to this system, audiovisual communication is provided between the hall in which the investigation or trial procedures are conducted, and a large number of other places far from it, in which the accused, witnesses, or other collaborators with justice are present, by technically preparing these places through providing them with image display screens, and other devices by which the voice of the session participants is simultaneously clearly heard (Otani, S., Previous Reference, p: 187).

The screen of image display located in each of these places is divided into four sections, the first section is stabled to display a general panorama of the court in which the trial takes place, and the other two parts for two places connected to this hall, and the fourth section of the display works more effectively than the other three sections, where the image of the participating person, at the same moment, in an investigation or trial session, is transmitted automatically, and speaks louder than other participants in this session (Emara, A., 2018, p: 61).

In fact, even if this system responds, more than other audiovisual communication systems, to the legal considerations required by Italian law previously mentioned, when using videoconference technology in the field of remote investigation or criminal trial, which is represented in the necessity for a new network of audiovisual communication between the courtroom and all other places where the accused or witnesses are present, so that each of these people can see the other parties simultaneously, clearly and effectively, and hear everything that other people say at the same time without any interruption periods, however, it does not achieve it absolutely.

And this system even if, technically, achieves for every person who is participated in the investigation or criminal trial procedures remotely - a witness, an expert or an accused person - the ability to hear other participants in these sessions, but it did not achieve, due to technical reasons, the possibility of mutual, concurrent, clear and effective show for all persons who participate in remote investigation or criminal trial procedures.

As the display screen which is in the courtroom, as well as that which is in other places with which it is connected, cannot technically be divided into more than four sections, given the consequent poor and unclear image, despite the fact that the number of these places may often be greater than four.

In addition, the fourth section of the image display screen, although it works in a more effective way than the other three sections, transmits automatically the image of the person who participate in a work in the investigation or trial session and speaks louder than other participants in this session, but this does not negate the possibility that one or several other persons are participating at the same moment in some work related to the investigation or criminal trial procedures, so that no other party can see them at that moment.

It should be noted that the audiovisual communication technology possesses the other modern technological data that is used to develop the performance of the criminal justice facility, which it may use, in particular the video surveillance technology that may be used in the field of maintaining security and preventing crime, as well as in the field of forensic evidence and audiovisual Lenregistrement technology, which is used in the field of criminal

investigation to hear the statements of minors who are victims of sexual crimes (Adel Yahya, *Remote Criminal Investigation and Trials*, P.O.: 32).

3. The Impact of Remote Communication Technologies on the Requirements of Justice III

According to what has been stated, the need to use remote communication technology is a necessary prerequisite to keep pace with the development in society, and therefore the use of this method reflects the extent to which the criminal legislation was developed, and its relevance to the extent of development that includes various areas of contemporary life in light of the unlimited technological revolution.

Therefore, the use of remote communication as a means of investigation and criminal trial is considered as an indication of the extent to which the performance of the criminal justice facility has been developed due to its positive effects in the field of remote investigation and criminal trial, and as we have indicated that the Emirati legislator has set out an independent law regarding the remote criminal trial, as the use of this technology achieves several purposes that contribute to the development of litigation procedures, and through it, the formalities and obstacles that accompany the investigation and the traditional criminal trial are summarized before the advent of remote communication technology, in line with respect for the basic principles of a fair criminal trial, the accused's guarantees in a fair trial, the rights of the defense, and the principle of confrontation between litigants, and based on that, I will explain the impact of the communication technology in the investigation and criminal trial as follows:

3.1 Simplification of Procedures and Ease of Declaring Litigants

The use of remote communication technology in the investigation and criminal trial, results in the speedy determination of the criminal case, and the ease of declaring the litigants, and this is what we will explain as follows:

- The speedy determination of the criminal case

The investigation and trial go through stages that may be somewhat long, as the accused in the preliminary investigation must appear in person before a member of the Public Prosecution Office for interrogating and questioning him in detail about the incident assigned to him, and then indicting him, which results in either the suspect being held in custody pending the case, or release him with the guarantees assessed by the public prosecutor. The same applies to the trial when the decision is issued in the session minutes to request the parties of the criminal case to attend the sessions at the dates specified by the court, and what may accompany the preliminary investigation and the trial both in terms of assigning the victim, the witness or the civil claimants to attend other sessions at a different time than the time of the first session in which the accused was heard, and that is, it is not conceivable that all of them appear at the same time and ask them all alternately about the incident in a single investigation or trial session. Rather, several sessions are required for this purpose, where the victim, witness or plaintiff may not be able to attend the required hearing, because of any circumstance that may hinder his presence in the specific date for the investigation or court sessions, which may be due to work, illness, distance, or presence outside the country, which may lead to slow procedures and thus prolong litigation.

Whereas the Public Prosecution and criminal courts are directed to use remote communication technology in investigations and trials, in order to achieve the desired purpose like simplifying and facilitating procedures faster than the traditional trial, This is by determining a single session in which communication between the parties of the case is made through a telephone network that is connected to the World Wide Web (the Internet) and is done by connecting them electronically, viewing them in pictures and hearing their statements (video conference), through a live broadcast and through the display screens in the offices of the prosecution members Public, court rooms, and it make easy to litigants to reach the courtroom building, where their statements could be heard from their whereabouts, even if they are outside the country, by enter through the electronic link of the criminal trial in which they were previously declared by e-mail about it, and that will has a direct impact on the speed of adjudication of the case and reduce the length the procedures and the period of time that these investigations and trials take.

Hence, justice is not achieved only by the issuance of a just decision, but by issuance it at the specified time, because the factor of time is important in achieving justice, because a fair solution if it comes late may not naturally lead to the elimination of injustice (Hadithi, O., 2010, p: 132), so the speed of the criminal trial is considered a basic guarantee that must be provided to protect the rights of the accused, as the stay of the accused for long periods leads to material, moral and social harm, and the accused has the right to decide on the case that restricted his freedom speedily and in a way that does not violate the principles of the trial. The adjudication of cases depends on the circumstances of each case, as it is a responsibility related to the facts, and the judge must assess the elements and nature of the incident, and the judge must determine the reasonable date for adjudicating the case, as this is in

the interest of society and the personal interest of the accused (Farhan, N., 2018, p: 192).

Whereas the remote criminal trial requires the availability of a highly efficient and effective audio-visual network that connects the hearing room in which the trial takes place, or the places where the accused or witnesses are present, so that it guarantees the possibility of mutual clear vision through (televised) screens for all the people present in this place at the same time, and hearing their statements, and that employing this technology has significantly contributed to activating the role of the Criminal Procedures Law, as it is the practical means of implementing the Penal Code, through simplified and fast procedures which it guarantees, so that by using this technology, the time taken to consider the criminal case arising from the crime will be reduced, in addition to raising the efficiency of the criminal justice facility itself, so that it is able to adjudicate the cases presented to it within a reasonable period of time, thus achieving this speedy adjudication of cases (Yahya, A., *ibid*, p.37), and this is what the Jordanian legislator has explicitly confirmed in Paragraph (b) of Article (4) of the Regulation for the Use of Modern Technology Means in Criminal Procedures No. (96) of 2018, provided that:

(The court and the public prosecutor may use modern technology whenever its use will achieve speed and ease in adjudicate criminal cases and achieving justice, or if its use is necessary to maintain security and social peace).

- The ease of litigants' declaration

There is no doubt that applying the advertising rules stipulated in the UAE Civil Procedure Law on litigants in criminal cases contributes significantly to the slow in litigation procedures, and this is achieved by declaring litigants according to the methods drawn by the legislator in accordance with Article No. (6) of Law No. (11) of the year. 1992 regarding federal civil procedures and its amendments, Therefore, there are a number of declarations, and they are followed by re-declaration due to the formality required by the legislator in the declaration in terms of its regulation of certain methods and means that must be followed, otherwise the advertisement does not produce its legal effect and this results in the prolongation of the lawsuit, and the declaration of litigants by traditional means can prolong the litigation period and in that matter through which other cases can be decided (Al-Muhairi, 2018, p: 49).

The legislature departed from the traditional methods of declaration, seeking to simplify the procedures by using modern technical means to develop methods of declaring litigants. It is worth noting that the aforementioned ministerial decision has stipulated in Article No. (9) thereof about the methods of electronic advertising. According to this stipulation, it becomes clear that the declaration may be either by e-mail, text messages by phone, or recorded voice and video calls, and it may also provide some guarantees that are not available in the declaration by those in charge, and the declaration by e-mail is considered an easy and facilitated way also it is a modern economical method with low costs when compared to the declaring expenses by the bailiffs.

3.2 Activate the Remote Litigation and Reduce Costs

The use of remote communication technology in criminal cases, via the visual communication system, contributes to exempting litigants and lawyers from moving to the judicial authorities, which also results in reducing the costs incurred by the state in transporting the accused from their detention to the judicial authorities, and this will be explained as follows:

- Exempting litigants and lawyers from moving to the judicial authorities

The use of remote communication technology in the Public Prosecution and the court has saved time and effort for litigants or lawyers of attending the courts, as investigations and trials are carried out by means of remote communication, and this does not require the presence of litigants or lawyers and their physical presence in the investigations offices of the Public Prosecution or courtrooms, which will prevents the courtrooms from being overcrowded and full of litigants and everyone related to the criminal case, and the requests or inquiries of those dealers and their inquiries about their cases.

Likewise, litigants often submit their requests after investigation or trial with the dealers' service employees in the courts, which results in their overcrowding in those centers and waiting for long hours to submit their requests. And by using this method, litigants can also submit their requests, such as: (requesting bail or replacing it, paying the fine, paying expert fees, submitting a waiver bond, inquiring about the case), through smart applications provided by the Public Prosecution or the court.

- Reducing the costs incurred by the state for imprisoning and transporting suspects

It is known that the criminal case starts from the evidence gathering stage, in which the judicial arrest officer conducts investigation procedures and collects evidence about the crime committed and investigates it, and then searches for and apprehends the perpetrators. If the accused is arrested at the police station, the arrest must not

exceed 48 hours, and after that the accused must be presented the Public Prosecution office, In other words, the Judicial Control Commissioner transfers the accused from his detention in the police station to the Public Prosecution Office for investigation and interrogation with him, and then transfers him to the Central Prison after the Public Prosecution member issues his decision to detain the accused in pretrial detention for a period of seven days after his interrogation and then extend it for fourteen days if investigation required, after that, the case will referred to the court which also requires brought the accused from the pre-trial detention unit in the Central Prison to the courtroom concerned with his trial and returned to the place of his detention, and he may be transferred between the prison and the court for many times whenever his trial sessions are numerous, until the verdict is issued in his case at the sentencing session, which requires returning the accused to his place of detention to implement the sentence issued against him.

It is clear from all this that arresting the accused, detaining him at the police, and then transferring him by the police patrol with the necessary guarding, between the public prosecution or the court and the penal facility through which the prisoner is transferred several times between those authorities, and this constitutes a burden on the state in terms of the financial cost, and what it requires to provide the means of security and guarding necessary to transport the accused, and sometimes it requires the provision of heavy security to transport the hardened criminals, or those who are criminally dangerous or who belong to the dangerous criminal gangs, in addition to this, the state legally undertakes to provide food and drink to the accused throughout their detention, arrest or imprisonment period, as well as bring them, transport and return them between the penal institution, the Public Prosecution and the court. All this represents a burden on the state and costs it exorbitant financial expenses that burden the state, in addition to what it requires of heavy security guard when transporting highly dangerous suspects, and sometimes we find that the procedures related to the prisoner who has several cases require his transfer between several courts in the emirates of the state in if he commits multiple crimes according to the spatial jurisdiction of each crime (Article (142) of Law No. (35) of 1992).

In light of these difficulties, the importance of introducing remote communication technology in the criminal trial appears to be necessary to reduce the financial expenditures incurred by the state, also the hardship, trouble, and security risks that may accompany these prisoner transfers for the accused or even for police personnel in charge of places of detention (Yahya, A. *ibid*, p.53 et seq).

3. C. Witness protection and enhancing international judicial cooperation

The urgent desire to ensure the protection of witnesses in many countries pushed the trend towards making use of modern technologies in the field of investigation and trial, which led to many countries to issuance laws ensuring the modernization of their legal procedural rules, allowing them to use modern technologies within the scope of the criminal case to ensure the protection of witnesses. In addition to what may result from the use of this technology in terms of enhancing international judicial cooperation, and this is what we will explain as follows:

- Witness protection

The public prosecution investigations, as well as the criminal trial sometimes, require hearing the statements of witnesses in the criminal case to testify, whether he is a prosecution witnesses or a defense witnesses, as hearing the witness's testimony requires his presence in the investigation session at the Public Prosecution or before the judge in the criminal trial sessions, where revealing the witness's personality may sometimes expose him to great dangers by taking revenge on them, or endangering the lives of their relatives and their families by some criminal gangs, or seeking to plague and harm them, and what may result from that like the influence on witnesses by others, or from exerting pressure on the witness to testify by practicing methods that may negatively affect the performance of his testimony, including pressure or coercion to give his statements, meaning that the witness gives his statements under the influence of fear and pressure exercised on him by others.

Therefore, it is not permissible for the witness to testify under force or coercion, but rather it is necessary for the witness to testify with complete free will and by choice that is not tainted by any defects. Therefore, by using remote communication technology, we guarantee the necessary protection for witnesses and even the victims, whereas, using remote communication technology, which is characterized by the possibility of audio and visual interrogation remotely (video conference), by hearing the statements of witnesses as well as the victims, without the need for them to personally attend the investigation or trial session, this includes a clear indication of the protection of witnesses, because their presence in person in the halls of investigation or trial may pose a danger to them or expose them to any harassment or pressure by others, the importance of using this modern technology in the field of remote trial also highlights the fact that it contributes to lift the hassle and costs of witnesses in terms of movement or travel for long distances to attend the investigation and trial sessions and seeks to facilitate them to testify comfortably and also enable them to make their statements in complete comfort without fear or

compulsion, as well as preserving the interests of the witnesses, their lives, freedom and security (Al-Aref, T. 2018, p: 291. & Yahya, A. previous reference, p. 58).

- Enhancing international judicial cooperation in criminal issues

It is universally agreed that every state applies its national law in substantive or procedural criminal matters, as the state's penal law applies - as a general rule - to crimes that occur on its territory, whether the perpetrator is a citizen or a foreigner, as well as regardless of whether the victim is a citizen or a foreigner, and whether the crime results in prejudice to the interest of this country or the interest of a foreign country. It follows that the scope of applying the provisions of the state's criminal procedure law is limited to its territory, and accordingly, judicial officers cannot initiate the procedures for collecting evidence, preliminary investigation, or trial in the territory of another state, on the basis that the application of these provisions is an expression of state sovereignty, and considering that applying them or undertaking them in a territory under the sovereignty of another state is a clear breach of the latter's sovereignty. Accordingly, states establish many mechanisms for international cooperation in criminal matters, and for this they conclude international bilateral and collective agreements that criminalize many forms of criminal activities, and in relation to prosecutions under which judicial assistance is exchanged between states; this legal aid or judicial delegation in criminal matters is represented in requests for criminals extradition, judicial announcements, interrogation of the accused, exchange of evidence and documents, and hearing witnesses and experts.

This is considered one of the means of mutual judicial assistance between states in the criminal field. However, this aid and judicial deputations are faced by difficulties that limit its effectiveness, and therefore the desired goal behind it is not achieved, and these obstacles are represented in the impossibility of achieving confrontation between witnesses present in the requesting state for those in the enforcement state, or between them and the accused according to his presence, whether in the requesting state or the enforcement state.

One of the problems is that the judicial rogatories process goes through very long stages and complicated procedures and has a high financial cost. On the other hand, using remote communication technology by means of (video conference) is considered one of the effective means in requests for judicial assistance between states in criminal matters, especially in matters related to hearing witnesses. Likewise, the remote communication technology in international judicial cooperation was able to simplify the procedures of legal aid or the judicial delegation, and shorting the time taken in the past, as well as reducing the financial cost of those judicial oratories (Yahya, A. *ibid*, p.60).

4. Conclusion

It is evident from the study that remote communication technology is characterized by the sound and image characteristics that are transmitted live, and from the places where the parties are located. The use of remote communication technology is also considered as a modern way to initiate investigation and criminal trial procedures with the aim of enhancing the process of transferring all judicial services to keep pace with smart systems to provide distinct legal services. We find that the use of this technology in investigation and trial procedures contributes to the speedy determination of the criminal case, and to reduce costs in the process of moving the accused from the place of detention to the headquarters of the investigation or trial. And that the traditional investigation agrees with the investigation and the trial remotely, but they differ in the mechanism of directing those procedures, especially since this technique does not affect the guarantees of investigation and a fair trial, and does not violate the basic procedures.

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