DISCRETIONARY POWER OF THE PUBLIC PROSECUTION IN CRIMINAL CASES

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Abstract - The current paper focuses on the status of human rights under the Jordanian legal system and the power of the Jordanian prosecution and the criminal investigation organizations. And with related to the case screening, this paper will emphasize on the issue of the prosecutor's control of the police, and the prosecutor's discretionary power in deciding whether to indict a specific person, thereby explaining how the investigation is conducted in Jordan and human rights are protected. The present paper tries to discuss the main issues related to the position of the accused under Jordanian legal system, and the major legal protection given to him during the stages of investigation conducted by both judicial police & public prosecutor. This paper explains functions of prosecutor, the investigation and prosecution, as well as the limitations on the prosecution powers; such restrictions prevent public prosecutors from abuse of their powers and avoid the investigation process. As it seen in Jordan there are several restrictions on the power of the public prosecution to initiate and investigate crimes; these restrictions are classified into three categories such as receiving complains, submission of a written application and the prior permission of parliament and judiciary.

Keywords: Criminal Justice, law, Human Rights, Legal System.

I. INTRODUCTION

Since time immemorial, every civilized community has developed its own investigative methods and powers in order to eliminate crimes and criminals. In general parlance, every country has been inflicting upon offenders suitable penalties matching with their crime. Every civilized country has advanced its legal system resulting from its local harmony. Under the system, each country has organized investigative and judicial authorities and enacted criminal procedure laws, which govern the investigation process. Through such a system, each country has maintained national order and secured the human and welfare rights of its citizens.

In present, crime is being committed by methods that are more sophisticated and in a more organized form. In addition, new types of crime are continuously occurring. To effectively deal with such situations, investigative organizations are also getting systematized and scientific in terms of organization and investigation methods. Especially in the Hashemite kingdom of Jordan, prosecutors play a main role in the investigation and judicial process. Prosecutors initiate investigation or direct the judicial police officers regarding a specific crime. Prosecutors are the only authority in deciding whether to indict a specific suspect, participate in trial and execute judgments made by judges.

Historically, the criminal legal procedure systems are divided into two groups: "accusatorial" and "inquisitorial". In the beginning, the accusatorial system was the only system which dominated the criminal procedures, after that, such procedures have been influenced by the inquisitorial system. The modern systems are influenced by these two systems and incorporate the advantages of both of them. The legal systems in Britain, USA, India and Sudan influenced completely by the accusatorial system, but at the same time take some advantages of the inquisitorial system. The legal systems of some other countries entirely based on the inquisitorial system. While, the legal systems of France, Egypt, Jordan and other Arab countries are based on both Inquisitorial and accusatorial systems. In these countries the stage of investigation is influenced by the principles and features of the Inquisitorial system, while at the stage of trial the principles of accusatorial system are used. In French criminal law, the system is mainly inquisitorial during the pre-trial procedure, under this system the parties keep control of the cause and the object of the action but at the same time a judge has been granted important powers to ensure that pre-trial procedure is carried out effectively. This judge is known as the juge de la mise en état (preparatory judge) (Joëlle, 2003).

II. ADVERSARIAL' AND 'INQUISITORIAL' MODELS OF CRIMINAL JUSTICE

In criminal procedure, the term adversary model is used interchangeably with "accusatorial" model. In fact the accusatorial model is older than the inquisitorial one. Moreover, it is said that the accusatorial model of criminal justice is always associated with the democratic systems. The liberal and democratic political systems give priority to the benefit of the individual than the benefit of society, where the accused is surrounded by all the safeguards for his protection against accusation and always presumed innocent till he is proved guilty by the prosecution beyond the reasonable doubt.

The function of criminal process under the "accusatorial" system depends upon the will of the aggrieved party who has the right to initiate the criminal case before the judiciary. Under the "accusatorial" mood the trial procedures are merely arguments and discussion take place in the court between the aggrieved party and the accused, both sides have the right to defend his case and bring all the possible evidences in the case. Furthermore, due to the Encyclopedia of Crime and Justice, the criminal case parties are equal in regards to their privileges and rights. The dispute between two equal adversaries, and the case can be initiated either by the victim or his relatives, and sometime one of the civilians represent the society in the case, and the judge has a negative role as he does not by himself search for the truth and only hear the evidences and the arguments of the parties and decide the case upon the submitted evidences (Abdul Satar, 1986).

The accusatorial system is characterized with transparency of the procedure. The process of trial under this system is conducted publicly. Under this model the attendance of the public is necessary where it has the task of supervision and witness of criminal justice for ensuring the impartiality and fairness of the criminal process. Moreover, the procedures are conducted orally, where the arguments, rebuttals are made orally and all the procedures of the trial are to be conducted only in the presence of the both parties of the criminal adversary. Furthermore, it is not valid for the court to take any decision or to decide the case in the absence of any of them. The accusatorial model dominates all the stages of the criminal trial where the case cannot be initiated unless with the will of the aggrieved party. In this regard the case should be initiated directly before the judge and the preliminary investigation held by police has no value under this system.

Under the accusatorial model the role of the judge is negative. The criminal trial is relied on both parties and the judge or magistrate has a negative position, and the role of judge under this model is similar to the role of referee in the foot-ball game, he has no power to interfere unless for ensuring the obedience of the criminal procedure by both parties, and finally, decide the case upon the evidences, facts and presumptions given by the parties.

The other important model of the criminal justice system is the "inquisitorial" system. Historically, this model was associated with arbitrary systems, the trial proceedings are attended only by the parties of the case without the presence of public. The criminal procedures of the trial stages are in written and recorded. The court under the "inquisitorial" model has the power to decide the case even in the absence of the accused himself. Under this model the public prosecution is responsible for initiation of the criminal case; the criminal case here is called (Da awa Al Haq Al Aam). The preliminary investigation is considered as vital and important for reaching the truth.
The criminal role of the judge under the "inquisitorial" model is vital and positive. It is his duty to search for the truth through the facts and evidences given by the case parties. He decides the case upon such evidences and presumptions by applying his consciousness and the rules of law.

The "inquisitorial" model has been adopted by those countries which give the priority to the benefit of the society rather than to the benefit of the individual. Thus, the safeguards and guarantees ensured for the accused under this system are lesser than those ensured under the other system. For this the rule of the secrecy of investigation and criminal procedures under this model is more applicable than in "accusatorial" model.

In spite of the above discussion about the differences between the "accusatorial" and "inquisitorial" models of the criminal justice system and their advantages and disadvantages in term of investigation and prosecution. It is believed that each of these models is more than merely a means of investigation and prosecution of criminal matters, but is a part of the culture of the relevant society.

III. JORDANIAN CRIMINAL LEGAL SYSTEM

Islam was the only source of criminal law in Jordan till the nineteenth century. The Islamic law was applicable in the aria for centuries, subjected only to the interpretation of religious scholars and enforced by Muslim judges of sharia courts. There were no temporal legislative rules to govern social behavior; and no ruler dear to challenge the absolute divine law
During "Ottmani Rule" the Islamic criminal law was applicable up to adopting the French Criminal Investigation Act in 1808. The French law has been translated into Turkish language and then to Arabic. The French Criminal Investigation Act was in force till the independence of Syria in 1949 after that new criminal, civil and commercial laws have enacted. By ending the Turkish occupation the Law Reform Committee has been constituted. The main task for this committee was to amend the outdated rules of the criminal law and bring new procedural rules. The committee depends in its task to formulate a new criminal procedure law on the Lebanon Criminal Trials Act, Egyptian Criminal Procedure Act and the Draft of French Fundamentals Criminal Trials, which are the basis of the Syrian Criminal Trials Act 1950.

In the Hashemite Kingdom of Jordan, the Ottmani Criminal Trials Act remains in force till 1951, which has been amended in 1961 and this law is in force till date. It has to be noted that most of the Jordanian rules of the criminal procedures have been derived from the

Syrian Criminal Trials Act. The present Jordanian criminal legal system is based on "inquisitorial" model of the pre-trial investigations and prosecutions. At the same time the "accusatorial" model is adopted for the process of the final trial stage. Therefore, the rules of the Jordanian Criminal Procedure Law are taking a middle path in between the Inquisitorial and accusatorial system. In Jordan, the aggrieved party has a privilege that he can initiate both the criminal case and the civil case at the same time where he can ask for compensation. Even the prosecutor in some cases is restricted to initiate the case except upon the complaint or an application submitted by the aggrieved party.

The criminal case under Jordanian procedure law is called as "the case of the society" and the public prosecution has a monopolizing power in initiating the criminal case before the criminal judiciary. At the same time the public prosecution has no power to withdraw, abandon and stopping the proceeding of the criminal case or participating in any settlements. The criminal proceeding under Jordanian Law has three stages divided among a judicial police officers, public prosecutions and judiciary. These stages are: the preparatory stage which is carried out by the judicial police officers and it aims at finding all the criminal evidences regarding the crime and finding out the accused who has charged with the commission of the crime. While the second stage is the preliminary investigation stage which, is carried by the public prosecutors. Under Jordanian legal system the public prosecutor has wide power to investigate the crime and take different criminal procedures for completing the investigation and finding out the requested evidence for proving the case. In fact the public prosecution in Jordan has double tasks first is the investigation and the second the litigation. The final third stage of the criminal prosecution is trial stage which is always conducted by competent criminal judges.

IV. POSITION OF THE ACCUSED

Under the Jordanian criminal legal system many principles and safeguards are ensured for the protection of both the criminal justice system as whole and the accused rights.

The legitimization of the procedure is the most important principle of the criminal justice system, this principle is applicable in Jordan and it intends to prevent other state's organs other than legislation power (Parliament) from the right to enact laws which define crimes and subscribe limited punishments for them. In Jordan the only power authorized with making criminal laws is the parliament. However, as an exception the government may, in the absence of the parliament, enact temporally laws. Such governmental laws should be revised and approved latter by the elected parliament. The principle of legitimization covers both the substantive and procedure laws, it is a comprehensive in its nature and applicable only in the criminal areas. It has been protected by the legislations of French revolution and the Bill of human and individual 1789 under Article 14 of the French Constitution 1793. Its preview is that "No one must be tried or punished except in accordance with the rules of law in force before the commission of the crime, and retroactive laws which panelize acts committed before its enactment is considered arbitrary and incriminating" (Jukdhar, 1993). The principle of legality is well recognized under the Constitution of Jordan, even the criminal legislature made the procedural rules equal to the constitutional rules in order to obey the principle of legality. The Constitution of the Jordan has incorporated that the personal freedoms are safeguarding (the Constitution of Jordan, 1951, Article 7), detentions not to be done unless in accordance with law (Article 10) and at the same time protected the dwelling house not to be violated without the permission of the law (Article 10). Moreover, the constitutional protection is guaranteed for all postal and telegraphic letters against surveillance and seizing save to the rules of law (Article 18) and the independence of judges (Article 97). The principle of legality has been designed for the protection of the accused person, where the accused cannot be punished or tried unless for the act committed by him and which was incriminating at the time when the law was in force. According to the Syrian jurist Hassan Jukhdar the term "no crime and punishment without law" does not reflect the real meaning of the principle of legality. He says the real term should be used for this principle is that "no crime, punishment and trial without law" because it is designed only for the rules of criminal procedure trials.

In Jordan, the criminal procedure law embodies a group of procedures and rules for prevention and investigation of crimes, bringing criminals to justice and ensuring the right of the society in punishing criminals and the right of the accused in defending his case (Kelker, 2001). In short, the criminal procedure law strikes the balance between the interests of the society and the rights of the accused. The society has the right to be protected against the crime and the accused person has the right to be protected against the arbitrary power of the public authorities.

Legally, the state is empowered to investigate crimes and take some restraining procedures against the accused for reaching the truth and ensuring the ends of justice. In exercising its authorities the state has the right to punish and litigate. Such right is known as "Da awa Al Haq Al Aam" or "Da awaAmma" or "Da awaJazaeeah" which is initiated and leveled by the state in the name of society. In Jordan, the public prosecution agency in Jordan is considered as a representative of the society in investigating crimes and making litigations. However, the state is not

empowered to exercise "Da awa Al Haq Al Aam" save in the case of the commission of the crime. At any circumstances the accused is presumed to be innocent unless proved guilty by the final decision taken by the competent court, the "presumption of innocence" is enjoyable by the accused through all the stages of the criminal trial. Therefore, the accused under Jordanian laws the accused can not to be punished without trial. The principle of burden of proof is upon the public prosecution which has to prove the guilt of the accused. This principle is derived from the principle of the presumption of innocence where the accused has to be presumed innocent till he is proved to be guilty by a final judicial judgment. The accused is not requested to prove his innocence and his silence, escape, or refusing the charges cannot be taken as evidence against him. The public prosecution has the duty as litigator to search for the complete truth and faithful evidence either against the accused or in his favor. Under Jordanian laws, the public prosecution is not considered as a usual adversary but it should be fair and impartial in searching the truth and not merely the conviction. It has been held that "the burden of proof in a criminal case (Da awa Al Haq Al Aam) is relied on the public prosecutor who has the duty of investigation of crimes, collection of criminal evidence and pursuing the criminal case until the end" (Section 42, Jordanian Cr.P.C 1967).

In contrary to the civil case, in criminal cases the judge has the duty to search for all the evidences which are necessary for establishing his personal discretionary and decide the case upon it. Section 201 of the Jordanian criminal procedure code provides that "the president of the court of felonies has the power to take all measures that may ensure justice". The law also requires the criminal judge to do his duties in according to his conscious and honor. Section 162 (2) of the same law states that "the court may instruct the submission of evidence or call any witness during the trial and any stage of the criminal trial".

The question is here whether the accused can waive the right not to prove the case is a controversial issue. One opinion says that he has the right to waive the burden of proof and submit whatever evidence for proving his innocence. The other opinion advocates that it is upon the court to permit the accused in doing so. It has to be said that the burden of proof which has been kept upon the public prosecution does not mean to prevent the accused from the right to prove his innocence, he has right to defend himself by all means and introduce before the court all the evidences and necessary documents which may establish the convenience of the judge or create status of doubt against him. The independence of judiciary guarantees that the accused person shall undergo a fair criminal trial. Under the Jordanian legal system the judiciary should be independent, impartial and fair. It has the task to decide and settle both the criminal and civil disputes. In Jordan, the ordinary criminal courts are responsible for deciding criminal cases irrespective of their nature or the status of the perpetrator except in special cases where the special and extraordinary jurisdiction is given to the special or exceptional criminal judiciary (Section 2 of the Jordanian Ordinary Court's Act 1952). The hierarchy of the judiciary is adopted and the criminal courts are divided into superior and subordinated courts, In Jordan courts are divided into Court of Peace, Court of First Instance, Appeal Court, Court of Felonies and the Court of Cassation.

Under Jordanian legal system the accused person is entitled with both constitutional and procedural protection through the stages of the criminal trial. The personal freedoms of the accused are guaranteed under Article 7 of the constitution. The principle of "presumption of Innocence" is recognized also under section147 of the criminal procedure Code. In Jordan, the accused person is presumed innocent unless proved guilty by a competent court. The protection against unlawful arrest has been guaranteed under both Article 7 and 8 of the constitution. The same is done also under sections 101, 99 of the criminal procedure law and the accused under section 63 (1) of the same law to be informed about the charges directed against him. The police are obliged to inform the arrested accused about the reasons for his arrest and Under Section 139 (1) of the Jordanian Cr. P.C it is the duty of police to inform the arrested accused about the reasons for his arrest. The right of the arrested accused to be brought before a public prosecutor has been guaranteed, where he should be investigated within 24 hours and should not be detained illegally. This right is guaranteed under Section 100 (b) of the Jordanian Criminal Procedure Code. According to this Section the accused person must be brought to public prosecutor within 24 hours of his arrest. The accused enjoys also the right to be released on bail and the protection against unlawful search and seizure. Section 112 (2) of the Jordanian Cr. P.C requires the prosecutor to investigate and interrogate the accused within 24 hours of his production before him. Section 114 of the Jordanian Criminal Procedure Code imposes some rules against illegal detention of the accused person. The right of the accused to fair and public trial is constitutionally protected; the principle of the independence of judiciary is adopted too. Under Article 97 and 101 of the constitution of Jordan the accused person has the right to be tried before an independent court. The principle of the independence of judiciary as one of the requirements of the fair criminal trial has been guaranteed under Article 97, it means that judge must be subjected in performing their duties only to the law. In Jordan procedural as well as judicial immunities have been granted to judges in order to maintain their independence. Under Jordanian legal system criminal trials as a rule should be held in public except in some circumstances when the interest

of justice requires that trial to be held in camera for the reasons related to moralities, national security or public order (Articles 101 (2) and 15 (ii) of the constitution and sections 171, 213 of the Jordanian Criminal Procedure Code). The right to speedy trial has not been explicitly protected by constitutionally; the accused person may enjoy this right in accordance to the wide meaning of Article 7 of the constitution. This Article ensures the accused person his freedom liberties; and procedurally (section 106, 195 (1) 100 of the new amendment of the Jordanian Criminal Procedure Code). Many other rights are guaranteed for the accused person under the Constitution of Jordan such as the right to personal freedom under Article 7, right against unlawful detention and imprisonment under Article 8, right to equality before law and equal protection of law under Article 6 (II).

In criminal proceedings, the accused person has the right to confront witnesses (Sections 71, 174 and 219 of the Jordanian Criminal Procedure Code), and the right to attend the hearing of witnesses' testimonies during public prosecution investigation (section 72 (1) (2) of the same code. The same is guarantee for the accused during trial stage under sections 174, 219 of the Code). The right of an alien accused to have a translator has been also guaranteed (Section 227 of the Jordanian Criminal Procedure Code). Moreover, the accused person under Jordanian legal system is entitled to the right of defense (Sections 63, 65 of the Jordanian Criminal Procedure Code), along with the right to legal Aid (Section 208). The rights against ex-post- facto laws (Sections 3, 4, 5 and 6 of the Jordanian penal Code), the right to have copes of statements and documents in the case(sections 173 and 207 of the Jordanian Criminal Procedure Code) and the right to challenge the courts judgments by appeals (Section 217, 274) all have been guaranteed for the accused in criminal trial.

One of the most guarantees ensured by the Jordanian criminal procedure law is that authorizing the public prosecution "Al Idia Al Aam" to make the preliminary investigation of crimes (section 53 of the Jordanian Criminal Procedure). The public prosecution is the prime agency which has the duty of investigating crimes. This agency is assumed to be fair and impartial adversary and not merely an accusatorial organ. In Jordan the judicial police officers have the right to conduct the investigative procedures; such authorization is considered as serious and dangerous (Al- Nasrawi, 1976). During the preliminary investigation the accused has a guarantee that protects him from the falseness of the testimony where the witness should be subjected to the oath before casting his testimony against the accused. The subjection of the witness to the oath imposes upon him a religious and moral responsibility of saying the truth only. This procedure is an essential guarantee for both the benefit of the accused and justice (Alkali 1977). The oath is required for ensuring the validity of the testimony against, the age of the qualified witness with above fourteen years old, and if the witness age was less than fourteen years his testimony will be accepted only as advisory one (Section 74 of the Jordanian Criminal Procedure Code 1961). Legally, the false testimony is considered as a felony offence (Section 214 (1), Jordanian Punishment Code). As regards to ensure the fair and just trial for the accused the law prevents some persons from giving their testimonies against the accused (Section 153 of the Jordanian Criminal Procedure Code, Amendment 2001). However, sometimes the accused has the right to ask the testimony of the members of his family, such as his grandfathers and grandsons and wives to give their testimonies (Section 154).

The right against arbitrary search and seizer is protected for the accused person (Ramazan 1971). Some safeguards are granted for the accused against the arbitrary detention and arrest which represents a greatest dangerous criminal procedure against his freedom of the movement. Thus, it is found that the Jordanian Criminal Procedure law inflects different restrictions for ensuring that the powers of public authorities in arresting and detaining persons are not misused. The rules of law specify the circumstances, under which the arrest can be made, such as felonies (Section 37 (1) and 99 of the Jordanian Criminal Procedure Code), flagrant misdemeanors which are punishable with the imprisonment of more six months (Section 99), misdemeanors which are punishable with imprisonment and where the accused is subjected to the surveillance of the police or has known residence, and the misdemeanors of thefts and cheating and serious encroachment and the resistance of the policemen.

V. PROSECUTORIAL DISCRETION

In the criminal justice system, the public prosecution as an independent "judicial body" bears responsibility for determining what crimes will be prosecuted (Salami 1988). The Jordanian legal system has accorded wide discretion to public prosecutors in the enforcement process (www. assembly.coe.int). The prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute and what charge to file or bring before the court, generally rests in his discretion (Al-Nagaib 1993). While this discretion is broad, it is not "'unfettered' and subject to the rules of the criminal procedural law(Al-Nagaib 1993).

In particular, the decision to prosecute may not be "deliberately based upon an unjustifiable standard such as race, religion, or other arbitrary classification, including the exercise of protected statutory and constitutional rights. Beyond these constitutional limitations, there is an "extreme deference the courts must give to prosecutorial charging decisions" and a

trial judge "must accord a presumption of constitutionality to prosecutorial decisions, and approach the inquiry with appropriate respect for the judgments exercised by officers of a coordinate branch of government. Within these boundaries, the Supreme Court's various pronouncements on these issues uniformly have recognized that courts normally must defer to prosecutorial decisions as to whom to prosecute. The reasons for judicial deference are well known. Prosecutorial charging decisions are rarely simple. In addition to assessing the strength and importance of a case, prosecutors also must consider other tangible and intangible factors, such as government enforcement priorities.

1. The Right to Direct and Supervise Judicial Police Officers:

In Jordan, prosecutors have the right to direct and supervise judicial police officers in relation to the work and authorities exercised by them. Under the criminal procedure law, public prosecutors are considered as the head of the judicial police officer within their local jurisdiction, where all judicial police officers are subjected to his supervision (Section 15, Jordanian Criminal Procedure Code, 1961). Generally speaking, judicial police officers serve as members of the executive, but they are under the supervision of the public prosecutor as far as criminal investigations are concerned. They are brought under supervision only when they perform judicial police work in connection with criminal investigation. Section 15 of the Jordanian Criminal Procedure Code entitles the public prosecutor to request the concerned authorities for taking the necessary action against any judicial police officer who shows any negligence or inability in his functions or duties. The Jordanian legislature intended to grant the prosecutor wide power as to protect both due process and individual rights against encroachment and illegality. Such powers enable the prosecutor to play a leading role in criminal investigation since they are legal experts and they are guaranteed independence and a high status.

2. The Right to Supervise Judicial and Police Proceedings

As the only prosecuting authority, Jordanian prosecutors have the power to observe justice proceeding, and to supervise the judicial departments, jails, and correctional houses and police custodies. The prosecutors have the duty to visit and check the function of the judicial departments, and visit the correctional houses "jails" and the police stations within their local jurisdiction for making sure that there are no illegal detentions. They have the right to check the jail's records and the orders of arrest and detention and to communicate with detained and arrested persons, and hear their complaints. The jail authorities are obliged to give the public prosecutors the requisite information, even if it is still has to be put together by collecting material, or if it has to be acquired from observation of official operations (Section 16).

3. The Direction and Supervision of the Execution of Judgments

In Jordan, prosecutors are considered as the representative of the society (Add'aAam). They have the power to direct and supervise the execution of criminal judgments. They have the duty to execute such judgments, even with using force (Section 16(2), 19 and 353). However, this function is designed upon the idea that the public prosecutors are the representatives of the public interest who must care about both execution of legal proceedings and protection of individual rights.

4. Authorities and Duties as Representatives of the Public Interest:

The public prosecutors are representatives of the public interest; they are responsible to take care of the interests of the incapacitated and absent persons. They have the duty to take the place of victim of the crime when his interest is in contrary to that that represents him or he is not represented at all. It is there duty to maintain the victim's properties and rights and manage and supervise it (Section 16(2), 19 and 353).

5. Indictment and transferring the case:

The public prosecution has a fundamental power to investigate felonies and misdemeanors, and to take the necessary steps for bringing the accused to justice such as enquiries, arrests, detention, search and seizure of the criminal materials (Sections 23 and 43 of the Criminal Procedures Code, 1961). The prosecutor also has the power to issue the decision of suspicion against the person accused with the commission of a misdemeanor offence or direct indictment against the accused who has committed the felony, and transfer the case to court of First Instance or to the Court of Felonies. Jordanian Law does not require any formalities to be followed by the Prosecution Agency in representing its case.

As a representative of the public interest, the Jordanian prosecutors directly participate in criminal trials in which the society has an interest. In these criminal proceedings, the prosecutor has the right to represent the case before the competent courts, and prepare the necessary arguments and rebuts. The presence of the public prosecution during the sessions of criminal trial is fundamental otherwise, the trial may be vitiated. However, the Jordanian Criminal Procedure Law provides an exception to this general rule, especially in case of the criminal trials conducted by magisterial courts. Thus, the attendance of the prosecution in the "peace cases" is not mandatory (Section 167 of the Criminal Procedures Code, 1961). It is the duty of the prosecution to present to the court all evidences and facts about the case, but, at the same time, it has the right to change the requisition submitted by it to the court, if it feels, that is valuable for reaching the truth

and justice (The court of cessation, Decision No. 12/55, The Journal of Bar, 1995).

LIMITATIONS ON THE POWER OF THE PUBLIC PROSECUTIONS

Under Jordanian law, prosecutors have the discretionary power to suspect, accuse and refer the case into the competent courts for deciding the case. But this discretionary power is subjected to many restrictions made by law. The prosecution is the agency that represents the whole society in conducting prosecution, it has a limit in its functions that cannot go beyond, and otherwise the prosecution is deemed illegal. Section 2(3) of the Jordanian Criminal Procedure Code states that "The public prosecution is not allowed to quit, stop or breakdown the progress of the criminal case, except under the circumstances prescribed by law. Thus, the prosecution has the duty to initiate the criminal case and refer it to the competent court. It has no right to settle the case through negotiation with the accused either for compensation or not, and if it does so that will be considered invalid (Hussein, 1992).

When the prosecution refers the case into the competent court then it has no right to withdraw it back, because merely referring the case to the competent court gives such court the power to decide the case, and the prosecution has no power to exempt it from doing so. The public prosecution has also no right to abstain from making the necessary rebuts and appeals, even if the judgments accord with its demands. In this context it has been held that “The prosecutors are not the holders of the criminal case, they are merely entitled representative to investigate and refer such case to it the judiciary, they must not obtain from rebutting the decision taken in it" (The court of cassation, (8) No. 43/1963).

It is a fundamental right of the prosecution to appeal against judgments, and it is compulsory for it to appeal all judgments which are not in the interest of the society (Section 16(2), Jordanian Criminal Procedure Codes, 1961). The final and first aim of the public prosecution is revealing the truth, and it is not a player who plays against the interest of the accused. The public prosecution’s function should be conducted fairly and imperially, for reaching the truth about the facts and circumstances of the case and not by following illegal procedures. It is adversary party in the criminal trial, but fair and impartial adversary taking into its account the principle of “presumption of innocence” which says that the accused is presumed innocent until proved guilty by a competent court. Thus, if the prosecutor is convinced that the accused is innocent then he has to produce all the evidences proving his innocence and ask the court for an acquittal. If the prosecution found that there is no responsibility or the act does not amount into an offence, insufficiency of the evidence or lapsing the case due to either the prescription, death or (general) amnesty, then it has to decide in former first two reasons to hold back the trial and in the other reason to waive its right of prosecution, and send the file of the case to the Attorney General (Section 130).

The dangerousness of the principle of discretionary prosecution is that the prosecutor might abuse the power or that the decision might be affected by political pressure. Thus, it is vital to set some limitation on the prosecutor's discretionary power. The limit for the exercise of discretionary power or its control should comply with the ends of criminal justice. In this meaning, the discretionary power is to be exercised and controlled on standard of rationality. In Jordan there are several restrictions on the power of the public prosecution to initiate and investigate crimes; these restrictions can be classified into three categories as follows:

Receiving a Complain:

The complain in specific crimes touches the reputation of the person such as adultery crimes, complain may be received from the husband, parent or guardian, Incest Crime, dispraise, disparagement and disclose of secures crimes, hurt crimes such as beating and injuries amount to sickness or leaving the job for more than 15 days, violation of the doweling houses privacy, Abuse of trust, using the properties of others offences and Crimes of theft among sons and parents. In such crimes the criminal cases can not be initiated by public prosecution unless complain has been reported to them by the victim of the crime (Sections 284 (1) (2), 364, 415, 334(2), 347(3), 422, 423, 424, 425 03(2), 426 of the Jordanian Punishment Code). The public prosecutor in such cases does not have the power to investigate the crime without complain. .

Submission of a Written Application:

Application for Starting investigation in section cases, if the victim of the crime is a body (organization, corporation institution) an agency or services then complain or personal litigation is accepted only by a written application submitted by the head or the president of such bodies. An application should be in writing, and not oral. It must be signed; the nature of the crime, description of the accused, and the date of submission of an application must be mentioned clearly. There are several Jordanian laws such as company; custom laws entitle the minister and custom officials to investigate crimes. Hard crimes such as beating and injuries amount to sickness or leaving the job for more than 15 days, violation of the doweling houses privacy, Abuse of trust, using the properties of others offences, and Crimes of theft among sons and parents (Sections 3(4) Jordan Criminal procedure code, 1961, and Sections 334(2), 347(3), 422, 423, 424, 425 03(2) & 426 of the Jordanian Punishment Code). The application in its nature is similar to complain. It represents a real restriction on the power

of the prosecution in investigating crimes. It should be reported from the aggravated party to the concerned authorities informing it about the commission of the crime. It must be in writing approved from the institute or a company and assigned by the president or the manager.

The Prior Permission of Parliament and Judiciary:
The prior permission of the concerned authorities such as parliament and judiciary, The members of the house of Nation and senators House are not allowed to be demanded or tried without getting the prior permission from the House whom they belong to it by the decision of the absolute majority, except in cases of the flagrant crimes, there is no need to such permission, but the prosecution has to inform the House immediately about his detention and the grounds of it. Except in the flagrant crime, it is not allowed to arrest or detain the judge unless after acquiring the prior permission from the judicial counsel and in case of the flagrant crime he can be arrested and detained and it is the duty of the prosecution to inform the judicial counsel within 24 hours about that (Article 86 of the Constitution of Jordan & Section 28 of the Independence of Judiciary Act, 1972). The prior permission is a restriction on the public prosecutions power to investigate crimes. It is a procedural action taken by some of State bodies for investigating a crime, and conducting some procedures against the accused. This restriction has been designed to protect the members of the certain state bodies such as judiciary and parliament. Thus, thing can be perform their duties and functions freely. This protection is against detention and trial beds do not cover other procedures like hearing testimonies of witnesses, search and interrogation. It means the parliamentary immunity under Jordanian constitution is not comprehensive. The judicial immunity embodies only protection against detention and trial and does not cover the other procedures. It does not cover the other procedures. It does not operate in case of the flagrant cases.

Interrogation of the accused:
In Jordan, the most significant part of the pre-trial investigation by public prosecution is the interrogation of the suspect or accused. An interrogation may be defined as the confronting and discussing of the person who is suspected about the facts of the crime about charged with and criminal evidences in order to approve or deny it(Al-nabrawi 1968). Interrogations are an important and dangerous part of investigation, because it includes the conversation between the public prosecutor and the accused about the facts, circumstances and the elements of the crime which is believed to have been committed. The atmosphere of the interrogation is not usually relaxed and the person is likely to "open up" and supply the desired information. In most of cases a vast amount of the solutions to crimes depended on the interrogation of a suspect person. Subordination of the accused into the heavy interrogation may psychologically affects him; misleading and confusing questions may push him to confess incriminating facts against his interest. Some criminal jurists don't prefer the use of interrogation as a method of investigation and they argue that it should be absolutely prohibited (Mustafi 1964). Under Jordanian criminal procedure law, interrogation of the accused by public prosecution is mandatory. Section 100 of the Code of Criminal Procedure provides that "The Judicial Police Officer must hear immediately the statement of the arrested person and if he is convinced with, may send him within 24 hours to the competent public prosecutor who must interrogate him within 24 hours....".

The factor which distinguishes the interrogation from the questioning is the nature of the conversation. Questioning the accused about the accusation is usually made by judicial police officer, and it aims at taking the statement of the accused without a deep discussion and details in regard the accusation. Questioning of the accused is a permissible procedure at any stage of the trial for judicial police officers, public prosecutors and judges at the commencement of the trials. While the interrogation is an important procedure of investigation. It can be used by the public prosecutor only who has the right to prosecute the accused. The judicial police officers are not allowed to make an interrogation, even the prosecutor is not allowed to deputize the judicial police officer for making an interrogation. Interrogation enables the prosecutor to know the truth about the commission of crime by confronting the accused with all criminal evidences. Thus, the nature of the interrogation is comprehensive and questions are not limited to specific facts of the crime.

An interrogation occupies the high position among the different investigative methods done by public prosecutor, because it represents a useful method for discovering the truth. It is useful for both the public prosecutor and the accused, and sometimes it may lead to statements, admissions and confessions which can be admissible in the criminal trial. At the same time it gives the chance for the accused to defend himself and explain the questions in issue, and if he is innocent will give him the opportunity to show his innocence and avoid the criminal proceedings. In Jordan, an interrogation is mandatory and the accused to be interrogated after 24 hours of his arrest (Section 100, Jordanian Criminal Procedure Code, 1961).
The greatest problem that concerns an interrogation is that it embodies a dangerous nature against the will of the accused, specially when the suggestive and hectic questions forced upon the accused to give an incriminating statement against his interest. For this reason an interrogation should be always surrounded with safeguards which give the accused the minimum freedom to express himself without any fear and external influences such as threats, inducement, or

promises. Prior to any questioning, the public prosecutor should explain to the accused nature of the accusation charged with and aware him. Therefore, the Jordanian legislator intended to make the public prosecutor and not the judicial police officer as interrogators, because police are always suspected with misusing of their powers. It has been decided that decision of the court of felonies in excluding the statement from the evidences obtained by the judicial police through the method of interrogation is valid (The Court of Cassation, (1984) No. 16/84). Section 48 of the Jordanian Criminal law does not give the judicial police officer the right to interrogate the accused. The prosecutor also before questioning the accused should advice him that he has procedural rights such as (1) He has the right to remain silent, (b) he has the right to the presence of legal counsel during any questioning(Section 63 of the Jordanian Criminal Procedure Code, 1961). Practically, under Jordanian laws the accused has no right to keep silent during the interrogation stage, he has to answer all questions directed to him. Section 63 of the Criminal Procedure Code stipulates the presence of the lawyer of the accused during the interrogation for monitoring the procedures of interrogation, he has the right also to give observations and commitment, about the questions imposed by the prosecutor, and even he can object such questions. In fact, the role of the lawyer during this stage is negative, in sense he can not stop the questioning without the permission of the prosecutor. But the presence of the lawyer may help him latter to make the necessary arrangement and preparations for defence. It enables him to know the procedures taken during this stage, and how the witnesses and testimonies provided by them. At this stage also it is mandatory for the prosecutor to aware and supply the lawyer all statement and processors which have been taken in his absence (Section 64(2)). The public prosecutor during interrogation has the power to confront the accused with the co-accused and witnesses either in the presence or absence of his lawyer. The presence of the accused lawyer is not necessary in case of flagrant offences and in expeditious investigation (Section 63(2)). The interrogation should be done only by the prosecutor by fair and impartial manner (Section 63(1)). The use of the hypnotism is prohibited during the stage of interrogation.

However, with emerging new kinds of crime, the functions of the public prosecutor are getting more sophisticated and complicated. Thus, they should utilize unconventional investigation methods such as computer systems, VTRs, poly-graphs and other advanced methods in order to enhance the ability for solving such emerging crimes. it is suggested that the public prosecution's office to be equipped with several laboratories, DNA Analysis Section, Drug Analysis Section, Polygraph Section, Document Examination Section, Criminal Photography Section, Phonetic Analysis Section and Psychological Analysis Section.

Rules and Procedures of Criminal Investigation:

There are some rules which should be followed and observed by the public prosecutor during the investigation of pre- trial stage. The procedures of investigation are required to be recorded in proper way in order to safeguard the accused rights, and the investigation of the accused has to be completed within a fixed time which is prescribed by law. The Criminal Procedure Code of Jordan imposes some rules and procedures during regarding the criminal investigation, these rules can be explained as follows:

Recording the Investigation Procedures:

Under Jordanian Criminal Procedure Law, the procedures of investigation are required to be recorded. Recording the procedures of the investigation such as evidences, statements of witnesses and search and seizure, confessions of the accused and any other declarations will make it easy for proving such procedures in future and protect it against loss of memory owing to lapse of time. It is in the interest of all parties of the criminal case that makes it easy for them to use evidence derived from such procedures in proving and defending their case (Salami 1980). Section 87 of the Criminal Procedure Code, states that the prosecutor accompanying to the crime scene his clerk should seize or order seizing all things seen necessary for revealing the truth. Such things should be recorded or kept in proper way as provided by Section 35 of the same Code. The clerk to public prosecutor has the duty to record the statement of witnesses, admissions of the accused and the procedures of research (Sections 63(3), 72(1) and 38 of Criminal Procedure Code, 1961).

The investigation procedures should be written in eligible manner as it is difficult sometimes to read them if they are badly written. The clerk to prosecutor may use a type writer or computerized system but every page of the deposition should be signed by the prosecutor. Under Section 72 of the Jordanian Criminal Procedure Code, the deposition of a witness should be correctly and clearly recorded in the form of questions and answers. However, in order to have the testimonies and statements of witnesses recorded accurately, it should be written in form of questions and answers, and the prosecutor is obliged to take down, or cause to be taken down all question and answers, otherwise that will be violative to the provisions of Section 72 of the same Code. The sentences also should be recorded in short and simple language. The legislature did not mention the language of recording but it is clear that the formal language in Jordan is Arabic, so the admixture of Arabic and other words in Record is forbidden. It is the duty of the prosecutor to see that witness understands questions before he gives reply to it. The questions should be

proper, decent and not scandalous in nature. It should be clear-cut because questions sometimes involve several matters where the witness's answer may have reference to only a portion of the questions. For this reasons both the question and answer should be recorded. In Jordan, the hearsay is not disallowed to be recorded, so if the accused disclose hear say within his answers it should be recorded.

Therefore, all the procedures made by the investigator during the criminal investigation like the seized things, search, inspections and examination-etc, should accurately be recorded by written (Section 87). The prosecutor while recording the procedures should avoid the use of an informal words and phrases without necessity, but if there is difficulty in translating it, the best way is to take down the exact vernacular words as it is. Any deletion, scratch, cancellation and addition to the record should be written and signed by the prosecutor, clerk and the interrogated person; otherwise the recorded procedure will be invalid and illegal (Section 73 (1)(2), Criminal Procedure Code, 1961). The record should include in writing the date of the procedure made by the investigator. Recording the date of the procedure is important for accounting the periods of detention, rebuttals and prescription. The public prosecutor should also maintain a table which should be filled with the names, and residence of the witnesses. The table also should note the date of hearing and the page number of their statement's record (Section 72(5)). Finally, it has to be said that the recording of the investigation procedures are an essential element of the criminal investigation, so not recording such procedures may result into irregularity and invalidity. Thus, the evidence derived from the unrecorded procedure will not be admissible in proving the case, simply because it a violation to the rules of the criminal procedure law.

Time Taken for Investigation:

The investigation of the accused has to be completed within a fixed time which is prescribed by law. In Jordan, when an arrest is made by the judicial police officer and upon his own order then consequently, he has immediately to hear and take the statement of the suspected person and if he is not convinced with his innocence then send him within 24 hours to the Public prosecutor (Section 100). In this regard, the Jordanian Justice Faruq Al-Kalani says that with the development of communication devices it becomes easy to travel from one place to another with a limited time, so it is unjustified to keep the arrested person in the police custody after taking his statement for the period more than 24 hours. In the other side, if an arrest made by the judicial police officer in order to the warrant issued by the public prosecutor, the police has to produce the arrested person before the public prosecutor within 24 hours (Section 112). After producing the accused or suspected by the judicial police officer before the public prosecutor, he has to be investigated and interrogated within a period not exceeding twenty-four hours. Upon the investigation, the prosecutor either order for a prevention detention of the accused for 15 days to complete the investigation or to release him in case of insufficiency of the criminal evidences. But if the prosecutor detained the accused for more than 24 hours without interrogation, such detention is considered as invalid and illegal because it has no sources in the law (Abdusatar 1977). The interrogations necessarily should be done within the required time of 24 hours and the accused should be produced before the competent court after that time without delay.

When Investigation cannot be completed within 24 hours:

Section 100 of the Jordanian Criminal Procedure Code, 1961 makes it clear that the prosecutor has to finalize the investigation and interrogation of the accused within 24 hours, after this period the accused either to be detained or released. Again Section 114 of the same Code provides the procedure when investigation cannot be finalized within twenty-four hours. It provides that after completing the interrogation, the prosecutor is allowed to issue the warrant of detention against the accused for 15 days, if the act charged with is punishable with imprisonment or more serious punishment, and if it is necessary the period of 15 days can be extended later. The standard for detaining the accused is "the seriousness of crime", so no person can be detained unless the offence believed to have been committed punishable with imprisonment or any other serious penalty.

The Jordanian legislature did not determine the minimum term for the period of imprisonment, the term "an offence punishable with imprisonment" includes an offences punishable for short term which in some cases may not exceed 3 months. Section 114 has to be amended and the term of the imprisonment has to be fixed and be more definite. The only authority has the right to detain the accused during investigation is the public prosecution. But if the case is referred to the court then the public prosecutor cannot exercise this right. The court deciding the case also has the right to make detentions (Section 28 of the Peace Courts Act). In Jordan, the Prime Minister is also entitled to make detentions for indefinite time in order to maintain the public tranquility and defense (Section (9) of the Defense Ordinance, No (2) 1939). The Home Minister and Governors also have the same right (Section (9) of the Defense Ordinance, No (2) 1939). However, in 1992 the defenses Governors Powers in making detentions have been restricted.

Under Jordanian Law, the accused is not to be detained unless he has been interrogated by the prosecutor otherwise the detention will be illegal and arbitrary. This condition represents, a great guarantee for the

accused against arbitrary detention because the interrogation of the accused enables him to be heard by the prosecutor and give the necessary details about the charge against him which may convince the investigating authority that he is not guilty with commission an offence. An exception to this general rule is made when the accused is fugitive. In this case the prosecutor is entitled and authorized to order for the detention of the fugitive accused even without a prior interrogation. The Jordanian Court of Cassation has held that Section 114 of the Jordanian criminal procedure code does not allow the prosecutor to detain the accused unless after interrogation and the peace judge also is not authorized to make detention unless after interrogation (Court of Cassation, Decision No. 106). Article 8 of the Constitution of Jordan 1952, lays down that no person shall be detained or imprisoned except in accordance with the provisions of the law. The provisions of Article 8 are ambiguous, in sense they don't limit the time of detention. Thus, the period of detention should be definite; otherwise the prosecutors may misuse their power. The accused should not be detained for an absolute and indefinite time a waiting for the trial. This Article should be amended in order to specify the time of detention. Under Section 135 of the Jordanian Criminal Procedure Code, the public prosecutor has to specify in the warrant of detention whenever necessary the name, age prescription, the place of birth and residence of the accused and the accuser. If the accused was already detained the prosecutor has also to specify the date of detention. The offence and its nature, date of commission and its legal prescription also have to be mentioned. The prosecutor also has to clear the reason for keeping the accused in detention. If the reasons for detention are not specified in the warrant of detention then it will be deemed illegal and invalid (Section 274 of the Jordanian Criminal Procedure Code, 1961).

When Investigation is Completed:

In Jordan, the investigation should be completed within twenty-four horus. After the completion of the investigation, the public prosecutor detains the suspect for 15 days by a detention warrant and if more investigation is necessary, the prosecutor can grant detention of an additional 15 days which can be renewed for indefinite time. Under Jordanian law, there is no maximum term of pre-prosecution detention, but however when the accused is tried and punished with imprisonment, the term of imprisonment will be calculated from date of detention (Section 41 of the Jordanian Punishment). If the accused found not guilty, the prosecutor after making the necessary investigation and interrogations should release him.

Speedy Investigation :

The speedy investigation is the most important safeguard which ensures the impartiality of the public prosecution investigation. It guarantees the protection of liberty and freedom of the accused against arbitrariness. It is also in the interest of public, because the desire of society to see the ability of state in discovering and preventing crimes, otherwise, if the investigation takes long time to come with the positive results, the people may loss confidence in the state capability. Section 62 of the Jordanian Criminal Procedure Code provides that In the case of emergency the investigation should be completed even without the presence of the lawyer. Section 67 of the same Code also lays down that the public prosecutor has to decide within 7 days the objections of competence or jurisdiction the rebuttals of non-suit and that the act does not amount to an offence.

The public prosecution should complete the investigation expeditiously and without delay. The criminal investigation should be conducted and completed as speedy as possible, and any officer will be responsible for unjustified delay (Section 8 of the Court of Felonies Act, 1976). The public prosecutor of the court of felonies is obliged to declare the decision of suspicion in all cases accord with rule of the court's Act. He should report the attorney general the decision of suspicion within 3 days from the date of issue. The attorney general should take the decision of indictment and return back the case to the prosecutor within a period which shall not exceed 7 days starting from the date of deposition ((Section 8 of the Court of Felonies Act, 1976)).

When there is no sufficient evidence:

The main purpose of the criminal investigation is to reveal the truth by the means of the precise, strong and sufficient evidences. The accused is always presumed innocent until provide guilty by the prosecutor beyond reasonable doubt. Thus, if the prosecutor fails to bring out the sufficient evidences for the commission of the crime by the accused, then he is obliged to discharge him on the ground of insufficiency of the evidences unless if the accused was detained for another case (Section 133(4) of the Jordanian Criminal Procedure Code).

The discharge decision must be in written, dated and signed by the prosecutor. The name, prescription, age, place of birth and residence of the accused must be mentioned (Section 134). The decision also should be made in accordance to the provisions of the criminal procedures law in regard to the offences and its legal nature (The court of Cassation 1969).

The public prosecutor must send immediately the file of case along with the decision of discharge to the Attorney-general for approval. The Attorney-general after studying the case and within 3 days either to approve the decision of discharge or dismiss it. In case of disapproval, the Attorney-general may initiate the case through indictment if the offence is belong, or

decide suspicion of the misdemeanor offence, and then send the case file to the prosecutor who must refer it directly to the competent court for trial (Section 130 of the Jordanian Criminal Procedure Code).

When there is sufficient evidence:
By the end of the investigation, if the prosecutor reached a conclusion that the crime has been committed by the detained person and the evidences of such crime are available for proving its commission, he should decide to present the accused. The decision of referring the case to the competent court is confined to the legal nature of an offence. Referral of the case into the competent court means the completion of the prosecution's investigation. In case of contravention's offences, the prosecutor has the power to refer the accused directly to the competent court and he can release him if not detained for another offence. Section 131 of the Jordanian Criminal Procedure Code provides that "If it appears to the prosecutor that the act constitutes a contravention offence, he must refer the accused to the competent court and release him save if he was detained for the commission of another crime.

In the misdemeanor cases, the prosecutor must refer the case to the competent court for trial. The decision of the prosecutor in this regard can not be challenged or rebutted and does not subordinate to the approval of the Attorney-general. The decision of reference is executable immediately after issuance. While in felonies cases, the prosecutor has the right to make the suspicion decision and refer the case within 7 days to the Attorney-General who may approve or dismiss it. If the Attorney-general approves the prosecutor's decision then he has to make the indictment and send back the case to the prosecutor for sending the accused to the competent court (Section 130(1)).

During the investigation, the prosecutor has also the power to decide the value of the evidence either sufficient or not. He has the power to determine the sufficiency of the criminal evidences on discretionary grounds (the court of Cassation 1977). The discretionary power of the prosecutor in regard to referring cases is subject to the supervision of the Attorney-general who can decide indictment, deposition of the case's documents to the competent court, re-investigation the case (Sections 130(B) and 133(3), Jordanian Criminal Procedures Code, 1961), stopping the trials of the accused and dismissing the prosecutions decisions (Section 133 (4)).

CONCLUSION

We have examined, in some detail, process of criminal investigation under criminal justice system of Jordan, and the structure of the Jordanian public prosecution and judicial police officers in the light of their functions of investigation and prosecution of suspects. This set up where public prosecution exercises both functions: investigation and prosecution. The limitations on the prosecution powers, such restrictions prevent public prosecutors from abuse of their powers and avoid the investigation process the political pressure. As it seen in Jordan there are several restrictions on the power of the public prosecution to initiate and investigate crimes; these restrictions are classified into three categories such as receiving complains, submission of a written application and the prior permission of parliament and judiciary.

The prosecution process is a comprehensive process. It includes the whole investigation process with all the methods and techniques involved to gather evidence to prove the case. The other aspect is information gathering to trace and arrest the suspect, the preparation of the case docket and witnesses for the court hearing and the assistance of the prosecutor in court. There are two main role players in the prosecution process, viz. the judicial police officers who are the collector of evidence and the prosecutor who is the presenter of the evidence in court. A good relationship between judicial police officers and prosecutors is very important. A good public prosecutor is judged by the amount of cases successfully prosecuted. To assist the prosecutors in fulfilling their role in the prosecution process, to guarantee the accused rights during the pre-trial investigation, the investigation should be conducted by independent, impartial and specialized investigators. In fact the prosecutors play a key role in the criminal justice system and the successful prosecution depends to a great extent upon their skills and efficiency. The role of prosecutors is to gather all evidence and to search for the facts that will establish the innocence or guilt of a person related to the crime under investigation.

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