

The History of the Emergence of the Safety of Witnesses and Victims

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Abstract

This article will cover the history of the emergence of ensuring the security of participants in criminal proceedings, how participants in criminal proceedings, in particular witnesses and victims, were protected in Ancient Greece, as well as in Medieval Europe, as well as in Islamic law.

Keywords: criminal proceedings, the security of participants in criminal proceedings, the history of the security of participants, witness, victim, Ancient Greece, Ancient Rome.

The safety of the participants in the criminal process was important during each period. The first establishment of the genesis of ensuring the safety of participants in criminal proceedings as a legal system dates back to ancient times. In ancient times, people were usually cruel and sometimes even involved in trials that could lead to death. For example, in some societies, people were forced to fight gladiator fights as part of the legal system. If the fight was not won, he was tried and punished. Throughout the battle, they were subjected to torture or other corporal punishment to prove their innocence.

Humanistic ideas also began to be put forward in the legal system as society developed and civilized. One of the significant changes in the history of the legal system was the establishment of official rules and procedures aimed at ensuring the safety of participants in criminal proceedings.

The concept of ensuring the safety of participants in criminal proceedings can be started from ancient times. In ancient societies, defendants were generally cruel and subject to degrading penalties, including torture and even the death penalty. To prevent such violations, legal systems began to develop measures to protect the accused from unfair punishment.

An early example of such assurances is the Hammurabi laws of Babylon. These laws date back to 1754 BC. The Hammurabi laws included provisions on the rights of the evidence, witnesses and the accused, and required the judges to review all evidence before making a decision. The safety of witnesses who witness a crime is ensured through a system of oaths and punishments. Witnesses were required to swear an oath to tell the truth and warned that they would be punished if they were found to be false¹.

The penalty for perjury can be severe, from a fine to imprisonment or even death. In addition, the Babylonian legal system attached great importance to witness testimony and it was considered a serious crime to harm or intimidate a witness. If a witness is threatened or harmed, the perpetrator is punished and the witness's instructions are still considered valid. In general, the

¹ <https://www.history.com/topics/ancient-middle-east/hammurabi>

Babylonian legal system has placed great emphasis on ensuring the safety of witnesses and ensuring that they testify with truth without fear of retaliation or retaliation. While the methods used to ensure the safety of witnesses may seem harsh by modern standards, they have been an important step in the development of legal systems that seek justice and justice for all.

The concept of the Institute for the safety of participants in criminal proceedings did not exist in Ancient Greece as in modern legal systems. However, in ancient Greece there were some practices aimed at protecting the rights of persons accused of crimes. For example, in ancient Athens, the legal system was based on the principle of Democratic Justice, which meant that all citizens had the right to participate in the trial. This included the right to serve as a judge in criminal trials, as well as the right to defend oneself from criminal charges².

One of the methods of protecting the rights of defendants in ancient Athens was the use of a system of public defenders. These protectors were appointed by the state as representatives of individuals who could not afford to hire their own legal counsel. The use of public defenders helped ensure that legal representation was possible regardless of the financial capabilities of all defendants.

Another way to protect the rights of defendants in ancient Greece was to swear an oath. In some cases, defendants were required to take an oath of innocence, which was considered an unbreakable holy oath. If a defendant is found to have broken his oath, they may be punished with severe punishment, including exile or death. In general, although the concept of the Institute for the safety of participants in criminal proceedings did not exist in ancient Greece, there were certain practices aimed at protecting the rights of defendants and ensuring that justice was fair.

In criminal proceedings, the concept of the Institute for the safety of witnesses did not exist in Ancient Greece, as in modern legal systems. However, in ancient Greece there were some practices aimed at protecting the rights of witnesses and ensuring that they testified without fear of retaliation. In ancient Athens, for example, witnesses had to take the oath before they could testify in court. This oath was considered an unbreakable holy oath, and witnesses who were found to have lied under the oath could be punished with severe punishments, including exile or death³.

Another way to protect witness rights in ancient Greece was to apply punitive measures against those who threatened or harmed witnesses. If threatened or harmed by witness testimony, the person who threatened or harmed them may be punished with severe penalties, including fines, imprisonment, or even death. In addition, witnesses in ancient Greece were sometimes given special protective equipment to ensure their safety. For example, witnesses at risk of reprisals may be placed under state protection, which provides them with guards or other forms of protection⁴.

Another way to protect the rights of witnesses in ancient Greece was to apply punitive measures against those who threatened or harmed witnesses. If threatened or harmed by witness testimony, the person who threatened or harmed them may be punished with severe penalties, including fines, imprisonment, or even death. While there was generally no concept of an Institute of witness safety in ancient Greece, there were some practices aimed at protecting the rights of witnesses and ensuring that they testified without fear of retaliation. These practices were an important step in the development of legal systems that sought to ensure justice and justice for all.

Witness protection is considered very important in Islamic law. The concept of witness protection is rooted in the Quran, which states, "O believers, witnesses for God, stand firm in

² "The Athenian Legal System" by Adriaan Lanni: <https://www.britannica.com/topic/Athenian-law/The-Athenian-legal-system>

³ "The Ancient Greek Legal System" by Joshua Mark: <https://www.worldhistory.org/article/1278/the-ancient-greek-legal-system/>

⁴ "The Athenian Legal System" by Adriaan Lanni: <https://www.britannica.com/topic/Athenian-law/The-Athenian-legal-system>

justice, even if against yourself or your parents and relatives.” In the Islamic legal system, there are several mechanisms of witness protection in criminal proceedings. One of the most important of these mechanisms is the concept of "tazkiya al-shuhud", which means examination of witnesses. This process involves examining the credibility of witnesses before they are allowed to testify in court. The verification process involves checking a witness's character, reputation, and past behavior to be credible and honest⁵.

In addition to the verification process, Islamic law also provides for the protection of witnesses by applying punitive measures against those who threaten or harm witnesses. If a witness is threatened or harmed by their instructions, the person who threatened or harmed them may be punished with severe penalties, including fines, imprisonment, or even death. In addition, Islamic law also provides for the protection of witnesses through the use of anonymity. In some cases, witnesses may be allowed to testify anonymously to protect against retaliation or harm⁶.

In Islamic law, an unknown witness is usually not accepted as valid evidence in judicial proceedings. This is because the credibility of a witness is an important factor in determining the validity of their testimony, and an anonymous witness cannot be cross-examined or held accountable for their testimony. For example, in cases where hadd punishments (punishments prescribed in Islamic law for certain crimes), two male witnesses are required for prosecution. If witnesses fear their safety or well-being, they may be allowed to testify anonymously. Similarly, in cases of qisas (revenge), where the victim or their family has the right to avenge the crime, witnesses may be allowed to testify anonymously to protect themselves from harm. However, the use of anonymity in Islamic law is subject to strict conditions and requirements. The reliability of the witness and the validity of their testimony must be determined, and the use of anonymity should not undermine the fairness of judicial proceedings or the rights of the accused.

Witness protection through the use of anonymity in Islamic law is based on the principle of “Dar ' al-harb” or “the abode of war”. This principle refers to the situation in which Muslims live in a non-Muslim society or in a society where their safety and well-being are at risk. In these situations, Islamic law allows certain benefits and protective measures to ensure the safety and well-being of Muslims.

During the Middle Ages, legal systems developed in Europe, common law principles were established in England, and an System of Inquisition developed on the European continent. These legal systems required a fair trial and presumption of innocence, which included the defense of the accused.

In medieval Europe, for example, the use of torture in judicial proceedings was gradually abolished over time, and formal rules were established to regulate how cases were handled and decided. Similarly, in the United States, the bill of Rights established important protections such as prohibiting the use of Justice, cruel, and unlawful punishments for defendants.

Today, ensuring the safety of participants in criminal proceedings remains the main task in the legal field. This includes protecting the rights of defendants, as well as the safety of victims, witnesses, as well as other process participants. Measures such as witness protection programs and pre-trial detention often help keep participants safe during criminal proceedings.

In modern times, the concept of ensuring the safety of participants in criminal proceedings is enshrined in various international legal acts such as the Universal Declaration of human rights and the International Covenant on Civil and political rights. These tools determine the rights of the accused to justice, including the right of a lawyer, the right to present evidence, and the right to remain silent.

⁵ "Islamic Law and the Protection of Witnesses" by Mohammad Fadel: <https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1023&context=jil>

⁶ "The Islamic Legal System" by Dr. Mohammad Omar Farooq: <https://www.islamicity.org/1662/the-islamic-legal-system/>

In general, over time, the evolution of legal systems led to the development of various guarantees designed to protect defendants in criminal proceedings. These guarantees are essential to ensure justice and ensure that the innocent are not punished unfairly.

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