

Using Modern Technology to Protect Child Victims and Witnesses of Crime

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Abstracts: This study aims to address the issue of the use of modern technology as a mechanism that would protect child victims and witnesses of crime, by shedding light on the definitions associated with the study, the legal regulation of the use of these means with child victims and witnesses of crime, the legal scope of using these means, and talking about the procedures to be taken. The study followed the analytical approach to the legal provisions of the legislation under study. The study reached a set of results, including that electronic means are an effective means to remove the child victim or witness of crime from the atmosphere of the courtroom and reduce his tension by avoiding him confronting the offender, and to provide an appropriate environment that enables the victim or witness of crime to focus on questions and answer them in a comfortable environment. It enables him to provide better and clearer testimony, and the position of the Jordanian legislator came to explicitly stipulate the use of electronic means to protect child victims and witnesses of crime in investigation and criminal trial procedures, taking into account the guidelines adopted by the United Nations in the field of child witness and victim protection, as the legislator took into account When organizing the legal provisions for the use of electronic means, the Jordanian legal guarantees the validity of the investigation and criminal trial with children. Through the means of audio-visual communication, it became possible to direct interactive communication with sound and image without physical movement between children who are spatially separated from the court, and this is an achievement of the principle of presence, oral and public. It also concluded with a number of recommendations, including amending the legal provision that makes the use of electronic means to protect child victims and witnesses of crime permissible for the court to be obligatory in all investigation and criminal trial procedures as long as the legal guarantees for trials are observed, and to find a kind of continuous coordination and cooperation with the leading countries. To develop working methods in the courts, to achieve speedy justice, and to better serve children who are victims and witnesses of crime. Perhaps this study contributes to identifying the limits reached by the State of Jordan in terms of legislative and procedural interest in electronic means and its use to protect child victims and witnesses of crime.

Keywords: Protection of Child Victims and Witnesses of Crime, Modern Technology, Electronic Means.

1. INTRODUCTION AND BACKGROUND

Children are distinguished from adults in their physical and psychological development, and these differences are considered the basis for treating every child who is a victim or witness to a crime in a manner consistent with his age. Therefore, a more appropriate judicial system must be available for children, and in this regard, we find that international and regional bodies have adopted guidelines that enhance access to Child-sensitive justice. These principles include children in all aspects of judicial systems, including child victims and witnesses of crime. In many judicial systems around the world, we find measures dealing with children that ensure that legal safeguards for children are fully achieved and protected. Where a number of countries have sought to provide criminal protection for children who are victims of crime and witnesses to it in criminal proceedings through their determination of some procedures that will ultimately serve criminal justice on the one hand, and to ensure a peaceful life for those who are victims of assault or testify by removing them from all influences that threaten them or You pressure him, and among the prescribed means of protection is that the law allows the investigation authorities and the court to resort to hearing witnesses from a distance and concealing the identity of the witness and interrogating him out of the sight of the offender by using some technical means, the aim of which is to remove what the child may be exposed to during the trial session in terms of assault, pressure or coercion from before the accused or others.

Accordingly, the basis for the use of remote videoconferencing technology in the justice sector goes back to the two agreements on judicial assistance in criminal matters that approved the use of this technology in remote criminal investigation. And then there were successive international and regional agreements that stipulated the use of modern technologies in litigation procedures because of their advantages in facilitating investigation and trial processes, and that the development witnessed by legal systems in the field of the justice sector and the introduction of modern technologies to it is a translation of international texts and covenants that approved the use of this technology. To facilitate litigation procedures and take into account the situation of some groups, such as child victims and witnesses of crime. The basic principles that provide guarantees for a fair trial must be taken into account, and this is done through certain controls that must be taken into account when using this technology.

1.1. Significance of the Study

The case of protecting child victims and witnesses of crime receives special attention at international and national levels. Children need assistance and support appropriate to their age and unique needs in order to prevent hardship and psychological trauma from forming that may result due to their participation in criminal justice proceedings.

There are many international standards and directives, and what concerns us is highlighting the role of technology in contributing to their implementation, which requires looking at the level of progress of countries in terms of legislative and procedural aspects in this regard. Perhaps this study contributes to identify the limits reached by Jordan in terms of legislative and procedural interest in technology and its use to protect child victims and witnesses of crime. We hope that it will be a reference for specialists in tackling these types of issues, and those applying the provisions of the law.

2. Research Objectives

This study aims to shed light on the role of modern technology as a mechanism that would protect children as victims and witnesses of crimes in accordance with the guidelines of the United Nations, by defining the concepts related to the study.

3. Statement of the Problem

The problem of the study lies in the following questions, which form the problem of the study:

- i. What are the limits of legal regulation of the Jordanian legislator for the use of modern technology and its role in enhancing the protection of children as victims and witnesses of crimes?
- ii. What are the national procedures and practices in Jordan for using technology and employing them in the field of child protection?
- iii. To what extent is technology linked and consistent with the guidelines issued by the United Nations regarding the provision of justice in matters involving children as victims and witnesses of crimes?

4. METHODS OF THE STUDY

The study followed the analytical descriptive approach, which is based on an analytical, explanatory, and critical reading of the legal texts regulating the use of modern technology and its role in enhancing the protection of children as victims and witnesses of crimes and relying on jurist opinions on the issues raised and the practical practices followed.

5. ORGANIZATION OF THE STUDY

This study includes two sections, each section includes several topics, as follows: The first section is entitled the conceptual aspect of the study, the first topic of which is devoted to talking about the definition of the means of modern technology, and the second topic of it is to talk about the definition of the child and his consideration as a victim and witness to crime. As for the second section, it is entitled the legal regulation of the use of modern

technology means to protect child as victims and witnesses of crimes. The first topic reviews the legal basis for the use of these means. The second topic indicates the legal scope of using these means. The third topic discusses the procedures that must be taken into account for the use of these means. Final topic explains the practical practices taken to ensure the proper use of modern technology means to protect child victims and witnesses of crimes.

6. CONCEPTUAL ASPECT OF THE STUDY

Determining the use of modern technology means to protect children as victims and witnesses of crimes requires introducing the means of modern technology, and this is what we will address in the first topic, then defining the child and considering him as a victim and a witness to crime in second topic.

6.1 Introducing Modern Technology

The Jordanian legislator defined in Article (2) of the Regulation on the Use of Modern Technological Means in Criminal Procedures No. (96) of 2018 (Modern Technological Means) as: "Reliable modern audio-visual means of communication in accordance with the provisions of this system for conducting investigations and criminal trial procedures." Whereas, we find that the Jordanian legislator defined (electronic means) in the system of using electronic means in civil judicial procedures No. (95) for the year 2018 as "the means approved in accordance with the provisions of this system in the procedures for registering lawsuits and requests, filing regulations, evidence, notes and other papers, notification procedures, paying fees, correspondence, hearing witnesses and other procedures before courts and enforcement departments."

It is worth noting that the Jordanian legislator expanded the scope of the use of electronic means before the civil judiciary according to the aforementioned meaning of the definition of "electronic means" referred to in System No. (95) of 2018, but reduced the scope of using modern technology means before the criminal judiciary according to the meaning assigned to the definition of "means of modern technology" referred to in System No. (96) of 2018, whereby the concept of modern technology means before the criminal judiciary reduced the visual and audio communication means by which people can participate in dialogue effectively despite the different places in which they are located. In it, without referring to the procedure for registering lawsuits and requests, depositing regulations, evidence, memorandums and other papers, and procedures for notification, payment of fees and correspondence.

According to Paragraph (a) of Article (9) of Regulation No. (96) of 2018, the Jordanian legislator may keep specifying the means of modern technology that may be used in criminal procedures for the Minister of Justice, as he is the one who shows the means of modern technology used in litigation procedures by announcing them to the courts, and therefore the courts may not use other than the technical means approved by the Minister in criminal procedures, which we will present in another place in this research. Thus, the means of modern technology are new and advanced mechanisms for conducting investigation and trial procedures, especially attending sessions electronically with ease and comfort.

6.1.1. Introducing the Child and Considering Him/ Her a Victim of Crime

The provision contains a number of guidelines on the provision of justice in matters involving child victims and witnesses of crime Defining "child victims and witnesses" as children and adolescents under the age of 18 who are victims or witnesses of crime, regardless of their role in the offense committed or in the trial of the alleged offender or groups of alleged offenders. Child Rights Law No. (17) of 2022 defines a child as anyone under the age of eighteen.

6.2 Legal Regulation of Modern Technology to Protect Child Victims and Witnesses of Crime

This section discusses the legal basis for the use of modern technology in Jordanian legislation in the first part, then discusses the scope of using modern technology in criminal procedures in the second part, then about the procedures that must be taken into account to ensure the proper use of modern technology means to protect child

victims and witnesses of crime in the third part and finally it indicates the practical practices taken to ensure the proper use of modern technology means to protect child victims and witnesses of crime in the fourth part.

6.2.1 The legal Basis for Using Modern Technology in Jordanian Legislation

To activate the role of modern technology in the field of litigation, there must be a legislative base by which judges derive their authority to consider cases and issue decisions and judgments based on electronic procedures instead of the usual paper procedures, so that they are appropriate to the state of scientific technical progress, because the special nature of the electronic environment requires rules commensurate with this nature. As for the second method: developing the existing rules of traditional jurisdiction and choosing what is suitable for the application of remote litigation procedures, starting from submitting the lawsuit statement to the competent court's website via e-mail and ending with the issuance of modern technologies in the field of litigation, to be a focal point and a legitimate legal basis for applying litigation procedures using modern scientific technology to keep pace with changes and invest them to achieve justice and catch up with the contemporary world (Al-Kaabi, 2016, pp. 309-311).

In this regard, reference can be made to the multiplicity of Jordanian legislations that have permitted the use of modern technology, which constitutes a legislative basis for initiating litigation procedures through modern technical means. The following is a summary of these legislations:

In the Law of Juvenile No. (32) of 2014 stipulates in Article (22/i) of it the following: "The public prosecutor or the court may use modern technology in order to protect everyone under eighteen years of age in the procedures for hearing witnesses, discussion and confrontation, and that these means enable any opponent to discuss the juvenile or witness during the trial, and this modern technology may also be used in the procedures for hearing the juvenile as a witness in any case."

The Jordanian Code of Criminal Procedure, according to Amended Law No. (32) of 2017, permits the use of modern technology in criminal procedures, as Article (158) of it stipulates the following:

I. Subject to the provisions of Article (74) of this law And clauses (a) and (b) of this paragraph, the public prosecutor and the court shall use modern technology according to what is stipulated in clause (d) of this paragraph, in order to protect the witnesses who have not completed eighteen years of age when giving their testimonies, provided that these means allow any opponent to discuss the witness during the trial, and this testimony is considered acceptable evidence in the case D- for the purposes of part (C) of this paragraph, the use of modern technology is obligatory in the case of hearing the statements of the victim in crimes of assault on honor, unless this is not possible, and is permissible in all other cases.

II. The public prosecutor or the court may use modern technologies in the investigation and trial procedures without prejudice to the right of discussion, including the remote trial of the inmate from the Correction and Rehabilitation Center in which he is placed in as indicated in the system issued for this purpose. Including tapes and CDs, for the protection measures prescribed to preserve their confidentiality and the privacy of the witness or inmate."

III. Law No. (15) of 2017 on Protection from Domestic Violence stipulates in Article (12) of it the following: "The public prosecutor or the competent court, if necessary, shall use modern technology, if any, in order to protect the victim who has not completed eighteen years of age." age or the juvenile witness in the procedures of hearing witnesses, discussion and confrontation, provided that these means enable any opponent to discuss the juvenile or witness during the trial."

IV. The Human Trafficking Prevention Law No. 9 of 2009 and its amendments stipulated in Article (13/b) thereof that: "The public prosecutor or the competent court may use modern technology to protect a witness who has not completed eighteen years of age when giving his testimony, provided that these means enable Any deduction from discussing the witness during the trial, and this testimony is considered acceptable evidence in

the case.

V. The Code of Civil Procedure, which includes many related articles, which were added by virtue of the amended Law No. (31) of 2017, and these texts are as follows: Article (3/58) of the same law stipulates the following: "The conditions for And the procedures for using electronic means for the parties to register the lawsuit and deposit regulations, evidence, requests and all judicial and executive papers with the court and notify the other party of them according to a regulation issued for this purpose. Article (7/81) of the same law stipulates the following: "The court may, at the request of one of the litigants, hear, and with the approval of his other litigant, the statements of any witness using modern means of communication without appearing before the court in accordance with a regulation issued for this purpose. "It goes without saying that after the introduction of technological means in the management of judicial work, countries sought to find a legislative cover for them, to keep pace with the requirements of this era and avoid the phenomenon of extreme slowness in litigation procedures, with which the terms electronic litigation, remote litigation and electronic court appeared (Suleiman, 2015, p. 15).

6.2.2 Provisions for Using of Modern Technology in Criminal Procedures and their Scope

Through this section, the following questions will be answered: Is the use of modern technologies limited to certain places and people? Do these techniques include all criminal case procedures in the investigation and criminal trial phases? Is the determination of the use of these means available to the judge, the public prosecutor, and the parties to the criminal case and the related civil case?

The first section: The Scope of Using Modern Technology in Terms of Places and People

The Jordanian legislator, according to paragraph (a) of Article (3) of Regulation No. (96) of 2018, authorized the use of modern technology in courts, public prosecution departments, correction and rehabilitation centers, and in any other place designated For the preservation of arrested or convicted persons, where by virtue of these places, direct visual and audio communication is ensured between the courtrooms that are equipped for the purposes of hearing the testimonies of witnesses and other parties to the criminal case through which they can use this technology, and positive and effective participation remotely in these sessions, as well as the trial The accused and hearing the inmates despite their presence inside the penal institutions, and therefore determining the use of modern technologies in these places comes to ensure the efficiency and effectiveness of the means of modern technology, and the availability of legal guarantees for the validity of the investigation and trial, especially the absence of anything that affects the will of the defendant, witness or victim in The places where these methods are used.

As for the scope of the use of modern technology with the parties to the criminal case, the legislator has authorized, according to paragraph (b) of Article (3) of the aforementioned law, to use it on a wide scale, including all parties to the criminal case, without limiting it to one party to the exclusion of another, as it permitted its use with The complainant, the defendant, the victim, the witness, the lawyer, the expert, the translator, the plaintiff with a personal right, the responsible person and money.

The Second Section: The Scope of Using Modern Technology in Terms of Procedures

The Jordanian legislator, according to paragraph (a) of Article (6) of Regulation No. (96) of 2018, requires the use of modern technology in the event of hearing the statements of the victim in crimes of assault on honor, in order to ensure the integrity of the investigation and trial by giving testimony without any embarrassment and to avoid the psychological effects of the victim in this type of crime.

Under Paragraph (b) of Article (6) of the aforementioned system, he authorized the use of modern technology in investigation and trial procedures that are consistent with the nature of these procedures, and mentioned cases of their use, which were as follows:

i. Hearing the testimony of a witness who resides outside the jurisdiction of the court or outside the jurisdiction of the Public Prosecutor's Department. The traditional procedure, if the witness has an excuse that prevents him from appearing to testify, and he resides outside the jurisdiction of the court or the public prosecutor's department, is for the judge or the public prosecutor to move to hear him, or the court assigns one of its judges to do so, or delegates a judge from the court to which the witness's home belongs, and this is what It was stipulated in Article (79) of the Jordanian Code of Criminal Procedure No. (9) of 1961.

And according to Article (6/b/1) of Regulation No. (96) of 2018, it became possible for the public prosecutor and the court to hear the testimony of witnesses from the places where they are located, even if it falls outside the jurisdiction of the court or outside the jurisdiction of the department of the public prosecutor, which makes it easier for litigants, it speeds up litigation procedures.

ii. Listening to the testimony of an inmate witness in a reform and rehabilitation center or in any place designated for keeping detainees or convicts. There is no doubt that listening to the testimony of an inmate in a reform and rehabilitation center or in any place designated for keeping detainees or convicts contributes to reducing the practical difficulties that may accompany the process of transferring inmates, especially dangerous ones, from their places of detention to the places where investigation or trial sessions are held. Criminal and vice versa, as this transfer requires exorbitant financial expenses that burden the state, given the strict security it requires, especially in cases where it is necessary for the defendant to appear before several courts, located in multiple geographical areas and each area is far away, in addition to This is what the transfer of dangerous suspects implies in terms of having an opportunity to try to escape with the help of other persons.

iii. Investigation, confrontation and interrogation procedures with the defendant if there is an obstacle preventing his presence or if his presence may constitute a danger or a violation of the session order. It can be understood from this text that the legislator endowed the use of modern technology in the investigation, confrontation and interrogation procedures with the defendant as a precaution, so that it is not permissible to resort to it except in cases where it is proved that there is an obstacle preventing his presence, or that his presence may constitute a danger or a breach of order. sessions. Examples of cases that constitute an impediment to the presence of the defendant, if his health condition is poor, are also an obstacle in cases where the presence of the defendant endangers his life, especially in serious crimes. The assessment of the presence of the defendant in the investigation or trial sessions or his personal absence, i.e. by using modern technology, is up to the public prosecutor or the court.

iv. With witnesses, children, and persons with disabilities to protect them, or with women, when there are justifications for that. In Article (6) of the aforementioned law, the Jordanian legislator emphasized the importance of protecting witnesses, children, persons with disabilities, and with women by explicitly providing for the use of modern technological means when conducting investigation and trial procedures with them. There are many forms of protection measures through the use of modern technologies, to obscure or disguise the identity of the witness when giving testimony when knowing the identity of the witness would expose him to great risks, and to avoid the harmful psychological effects that may accompany the personal presence of persons with disabilities during investigation or trial sessions, and with Women when there are justifications for this, such as illness or inability to move due to old age, as the principles of a fair trial require a balance between the interests of the defense and the interests of witnesses and persons with disabilities and with women. Modern technologies are also used to conduct investigations and trials with children, through their physical absence in the trial session to give their statements. Perhaps the introduction of this technology comes to take into account the best interests of children in a dispute that takes into account the application of the concept of confidentiality stipulated in Article (17) of Juvenile Law No. (32) of 2014, which decided that the trial of the juvenile be conducted in secret under penalty of nullity, and no one is allowed to

attend the trial except for the behavior monitor, the juvenile's lawyer, his parents, guardian, or custodian, as the case may be, and whoever the court decides to attend, who is directly related to the case. Accordingly, the following cases can be imagined within the scope of hearing the testimony of victims and witnesses: If the assault on the child is of the type of sexual assaults, then modern technology must be used, and therefore this case is obligatory, as according to the Code of Criminal Procedure, the use of modern technology is considered obligatory in the case of hearing the statements of the victim of the child in crimes of assault on honor, unless this is not possible and it is This is not possible in the absence of the necessary equipment to use the technology. If the assault on the child is not a sexual assault, then in this case we remain within the framework of the permissibility of using modern technology, and the discretion of that is up to the public prosecutor and the judge. If the child is a witness in any criminal case, then the use of technology is permissible and subject to the discretion of the public prosecutor and the court, as required by the interest of the investigation. We show that the goals of using technology with child victims and witnesses of crime are as follows: Removing the child victim or witness to the crime from the atmosphere of the courtroom and alleviating his tension by avoiding him confronting the offender. Providing an appropriate environment that enables the victim or witness of the crime to focus on questions and answer them in a comfortable environment that enables him to provide better and clearer testimony. Achieving the best interest of the child, preserving his dignity and limiting the negative effects resulting from confronting the offender and the audience of the court. Alleviating the suffering and psychological trauma suffered by the juvenile during the investigation and trial, and creating a suitable environment that helps the juvenile to give more accurate testimony, by avoiding confrontation with the litigants, so that the child's statement is taken in a normal and comfortable atmosphere, and in places designated by trained people. With children and recording it using this technology, it leads to their avoidance of embarrassment and frequent attendance to court, and it leads to encouraging the child to tell his statement in full without embarrassment or fear, just as the juvenile's narration of what happened with him according to traditional methods in front of more than one competent authority may push him to lie sometimes, Or the reluctance to provide all the information, which affects the outcome of the course of the entire trial, and this is what became clear to us through the practical reality in the legal profession.

Third section: Modern Technology in Terms of the Owner of the Right to Decide its Use

Article (4) of System No. (96) of 2018 permitted the court and the public prosecutor, on their own initiative or at the request of the parties to the case, to use modern technologies, and therefore did not condition the use of modern technology by the court or the public prosecutor on the approval of the parties to the criminal case. The parties themselves may request the public prosecutor or the court to use the means of modern technology in any of the procedures of the case. In addition, the judicial police personnel are authorized to request the public prosecutor to use the means of modern technology. The Jordanian judiciary has authorized the public prosecutor or the court to use modern technologies in the investigation and trial procedures without prejudice to the right of discussion, including the remote trial of the inmate from the Correction and Rehabilitation Center where he is placed (Appeal Penalty No. 1391/2020).

protecting the child as a victim and as a witness, and in order to achieve the highest levels of protection and balance between the requirements of achieving justice and achieving the interests of the child, require that the following procedures be taken into account:

Verify the effectiveness of modern technology means so that the public prosecutor or the court can see the place where the child is in its entirety and hear him clearly, as it requires from a technical point of view the necessity for the public prosecutor and the court to verify the availability of a new and effective audio-visual communication network between the place where the hearing is held The investigation or trial and the place or places where the defendant or the witnesses are, so as to ensure the possibility of a clear, mutual and effective view of all persons present in these places at the same time, as well as the possibility of hearing all their statements and defenses, regardless of the place they are in without any periods. outage. Verifying the availability of legal guarantees for the

validity of the investigation and trial, especially the absence of anything affecting the will of the complained child, the witness, or the victim, as when conducting the electronic session via video and audio communication, all parties in it must be subject to the authority of the judge, and the communication control room is under his supervision, So that it prevents the litigants from evading the session or answering under the pretext of interruption of communication or the lack of clarity of the sound or image, and taking into account this when preparing the rooms for electronic sessions, and that they are far from noise, and the lighting in them is appropriate, and among the things that should be noted also is the way things are arranged in the prepared room For the electronic session, such as the method of distributing the sounds in the room, the degree of sound clarity, the shooting angles, as well as the placement and size of the screens, the screen on which the judge appears to the far end must be rather large, and placed in a slightly elevated place; Because that was called upon to the judge and enabled that party to look at him easily and easily, with the provision of the technical staff that manages this communication (Al-Ghanim, 2017, p. 150).

Best serving the interests of the child. Although the rights of accused and convicted offenders must be safeguarded, every child has the right to have his or her interests given primary consideration. Taking into account the guiding principles adopted by the United Nations in the field of child witness and victim protection, the most important of which are:

Child victims and witnesses should be treated with care and sensitivity throughout the justice process, taking into account their personal situation and immediate needs, their age, gender, disability and level of maturity, and with full respect for their physical, mental and moral integrity.

Interference with the child's private life should be limited to the minimum necessary, while adhering to high standards of evidence collection in order to ensure fair and equitable results in justice proceedings. Avoid burdening the child with more hardship, by conducting the investigations with trained professionals who act with sensitivity, respect and mastery. All interactions described in these Guidelines should be conducted in a child-sensitive manner, in an appropriate environment that meets the child's specific needs, depending on the child's abilities, age, intellectual maturity and developmental potential, and should also be in a language that the child can use and understand. The personal integrity of child victims and witnesses should be safeguarded as a matter of primary importance. Information about a child's participation in the justice process should also be protected. This can be achieved by maintaining confidentiality and restricting the disclosure of information that may lead to the identification of a child victim or witness in justice proceedings. Measures should be taken to protect children from undue exposure, for example by excluding the general public and the media from the courtroom while the child is giving evidence. Use of child-friendly procedures, including interview rooms designed for children, multidisciplinary services for child victims all in one location, adaptation of the court environment to be sensitive to the presence of child witnesses, breaks during child testimony, and hearings Hearing times of the day shall be determined in a manner appropriate to the child's age and level of maturity, and an appropriate notification system shall be followed when necessary, and other appropriate measures to facilitate the child's testimony. Reducing the number of interviews. Special procedures should be implemented to collect evidence from child victims and witnesses in order to reduce the number of interviews, statements and hearings, and in particular, unnecessary participation in the justice process. This could be an example using video recording. Conducting interviews with child victims and witnesses and interrogating them inside the court, away from the sight of the alleged perpetrator, and providing separate waiting rooms and special places for interviews inside the courts. Asking questions of child victims and witnesses in a respectful manner, allowing judges to exercise supervision, facilitating testimony, and minimizing the possibilities of intimidation of the child, for example by using testimonial aids or appointing psychologists. Providing psychological support and preparation for crime victims and witnesses, through the social service offices located in the administration, which provide psychological and social support services, and submit an initial report showing the extent of the impact left by the abuse that took place on this child or that he witnessed, and whether this had an impact on the method The statements made by the person shall be attached with the papers that are sent to the court or the Public Prosecution, and work shall be done at the same time to prepare the child and provide the appropriate recommendation regarding the best times to hear him and the mechanism for listening to his statements. Explaining to the child the procedures that take place in the trial and investigation through the liaison officer who coordinates with the social worker to explain to the child the procedures he is about to witness, the

devices used in the court, the trial procedures, a description of the roles of judges, the public prosecutor and lawyers, and to ensure that the child able to absorb that information. Providing a climate of protection for children to make them present their best as evidence. The environment in which the child gives his testimony must ensure distance from all negative influences that would affect his psyche on the one hand, and the accuracy of his testimony on the other hand. Hence, the place must be The child sits in it to wait comfortably and appropriately for the child, equipped with books, stories and games, and the waiting places are cleared of any member of the accused's family. As for the testimonial room, it is preferable that it include paint in calm colors and comfortable seating places that keep the child away from the mind that he is involved in judicial procedures, and that these things would reduce the fear and tension of children witnesses as a result of participating in judicial procedures, which increases children's participation and response during the discussion. So that it does not negatively affect their attempt to restore their memory of what happened for the purposes of fact-finding (Guide to the use of modern technology in trial and prosecution procedures, National Council for Family Affairs, 2022).

6.2.3 Information Security of Modern Technology and the Recognition its Validity

Pursuant to Article (9/c) and Article (10/a), the Jordanian legislator made the information registered on modern technology means or derived from it and documented in paper or electronic records or documents the status of legal authenticity, and it is approved as it is, without the need for it to be signed by the concerned parties from the authority; That is, they constitute complete evidence of proof, and therefore the Jordanian legislator has granted a broad legal role in proving the outputs of electronic means.

And according to Articles (9/c) and (10/b) of the same system, the Jordanian legislator has classified information recorded on or derived from modern technology as confidential, as an affirmation of respect for the basic principles of litigation, from which non-disclosure of litigants' secrets or exposure does not deviate from. her from others.

The use of modern technology in criminal procedures depends on not violating the security and integrity of information recorded on or derived from modern technology, and taking into account the privacy of litigants, including witnesses or inmates, by taking all necessary technical measures to protect and preserve them, through the mechanisms and measures necessary to ensure that they are not Circulating, viewing or copying it from the electronic information system without permission from the Public Prosecutor or the competent court.

Thus, the use of modern technology in litigation procedures requires the provision of technical and penal protection for the information recorded on these means, in order to preserve this information, its privacy, and the confidentiality of some of it, in order to achieve confidence and effectiveness in the means of modern technology, and to encourage litigants to deal with it without fear or hesitation, and accordingly, technical means Modern needs two types of protection, technical protection and legal protection:

First: technical protection that means a set of means, tools and procedures that must be available to ensure the protection of information from internal and external dangers that impede the process of infringement of data recorded on modern technology means, information and components, as well as the ability to identify the perpetrator of these acts (Bannar, 2018, p. 54).

In other words, technical protection means the guarantees that can be referred to in the face of breaches that may affect the mechanism of the electronic court's work, given that the court relies on computers connected to each other through internal networks, and these networks are linked to the World Wide Web through modern means of communication, and through These networks circulate court data and information despite the seriousness, privacy, and confidentiality of some of this information (Mandil, 2014, p. 105).

The most important aspects of technical protection are as follows:

- I. Information privacy means that the information should not be used for a purpose other than that authorized by the owner of the information. Therefore, the court must have a document called the Information Privacy Document that specifies the steps to be followed to obtain high levels of privacy

(Mandil, 2014, p. 54).

II. Securing information confidentiality that is, securing protection for the content of the data and information of the electronic lawsuit against attempts to change, modify or forge it during the stages of exchanging regulations and documents electronically, while ensuring that the identity of the sender is investigated to preserve the confidentiality of data and information related to the parties to the electronic lawsuit (Al Sharaa, 2010, p. 63) and this is what prevents third parties from Obtaining the details of the electronic lawsuit except through its parties, as the specialized technical company based on the electronic litigation department determines the persons authorized to enter the information system, register the lawsuit, and view it, such as judges, lawyers, experts, parties to the lawsuit, and court employees, by providing them with a username and password A special pass for each of them so that they can view the minutest details of their case, and this system ensures that unauthorized persons are prevented from penetrating the information system and viewing the documents and documents of the lawsuit (Al-Tersawy, 2013, p. 109). Among the protection measures is the encryption of the electronic court's data and information via the Internet. This is a precautionary measure that is taken to confront crimes committed using modern scientific techniques, and illegal interventions from others, with the aim of ensuring that data and information stored electronically does not leak to others, as coding or encryption prevents access. Illegal for others in the communications and exchanges that take place between the electronic court and the parties to the lawsuit, because in front of an encrypted text are incomprehensible symbols, and this leads as a result to the required protection (Mandil, 2014, p. 106). As for the encryption and decoding mechanism, it is a process of complex and secret coding processes, as certain equations are followed to change the form of the data, and not to enable others to view, interpret and benefit from the data, even if they managed to access this data, but it remains incomprehensible and vague, because no It can be read without decoding, and decoding can only be done by the recipient of the data who has the ability to return the content of the message in its original form before encryption by using a reverse process of the encryption process called the solution (Otani, 2012, p. 176)

III. Fighting computer viruses and keeping backup copies of computer programs related to operating checks, because the operating system is the basis of protection, as well as keeping additional copies of data and information in a safe place and securing backup computers to transfer work to it in case this data is hacked, damaged, or destroy or disable it. Data must be preserved from modifications, changes and destruction in order to remain correct and accurate, which requires the application of strict monitoring to protect devices from viruses and eavesdropping programs, and the provision of devices that record events and changes that occurred on network devices, systems and systems.

6.3 Penal Protection

It is intended to criminalize any form of infringement of data and information recorded on modern technology and the tools used in it, including tapes and CDs, when such infringement constitutes a crime in itself. Among the most important forms of criminal infringement of electronic data and information is information forgery, that is, changing the truth in electronic documents or information, as well as entering the court's information system by unauthorized persons to enter without permission and stay in it and obtain information from this system (Bannar, 2018, p. 56).

Therefore, it is necessary to prepare legislation that guarantees the protection of electronic documents and data from tampering with others, in order to preserve the secrets of the litigants that may be contained in the lawsuit files, by issuing legislation that criminalizes all forms of infringement of this information, data and tools, or any act that affects the privacy of the litigants, as well as criminalizing all Whoever publishes or broadcasts this information via electronic means (Al-Ghanim, 2017, p. 51).

In this regard, we find that the Jordanian legislator obligated in Article (9/c) that the information recorded on the

means of modern technology may not be circulated, accessed, or copied from the information system except with the permission of the public prosecutor or the competent court, and under Article (10/b) the tools used in the means of modern technology for the protection procedures prescribed to preserve their confidentiality and the privacy of the witness or the inmate, however, these two texts did not include a specification of the penalty in the event of violating this, and we believe that it was necessary to specify the penalty for violating that in the same text in order to achieve special protection for it, and increase the confidence of the litigants in Electronic judicial exchanges that take place between them and the judicial authorities.

The fourth requirement: practical practices taken to ensure the proper use of modern technology to protect child victims and witnesses of crime.

Practical steps and necessary measures are taken for the process of technical linkage between the Public Prosecution departments and the courts on the one hand, and the Family Protection Department on the other hand. By using these technical means, it has become possible to listen directly to the testimony of witnesses through their presence in the Family Protection Department, without the need to transfer them to the courts. It was also The idea of providing solutions to the exceptional circumstances in which it is not possible to transfer witnesses and victims to the courts. The following is a detailed description of the procedures before the Public Prosecutor and the Court. First: Practical procedures for using the television link technology to hear the child victims and witnesses before the Public Prosecutor

Initially, the liaison officer in the Family Protection Department accompanies the child to the testimony hall and introduces him to the devices in the room and how to use them.

Secondly, it is ensured that technical communication is established through broadcast signals and monitoring them. In the event of any defect, the Public Prosecutor is informed through the liaison officer in the Public Prosecutor's Department to address any technical defect, in coordination with the liaison officer in the Department. Then, when hearing the child's testimony before the public prosecutor, the link is made with the administration, and the public prosecutor verifies the child's identity with the help of the liaison officer by showing the personal document, if any, or through identification by the person named by the public prosecutor, and the testimony is written down as if the person is appearing before the public prosecutor The minutes are signed by the public prosecutor and his clerk.

The public prosecutor must verify, when listening to witnesses' testimonies by electronic means, that there are no influences on the will of the witness and that the electronic means are effective so that these means enable her to see the place where the concerned person is and to hear him clearly to the public prosecutor while listening to the child's testimony. Explain to the child, in a simple manner, the name of the public prosecutor, his judicial capacity, and the subject of the investigation, and that the investigation is being conducted with him through modern technical means. Also, make the child understand that the investigation is being conducted in secret, and that no one is watching or listening to the course of the investigation, except for the Public Prosecutor. Additionally, ensure that no one is inside the room where the child is, and record this procedure in the investigation report. Eventually, the presentation of the abuser or suspected person to the child shall take place through the presence of this person in the office of the Public Prosecutor and not in the child's room.

6.3.1 Procedures Related to Hearing the Testimony of the Child during the Trial Stage

At this stage, in most cases, the child has passed the preparation stage to testify, but the opinion of the case coordinator in the administration must be consulted to verify that the child is psychologically and socially capable of giving testimony - in the event that the child is a victim - arranging with the case coordinator for an interview The child and prepare the child's psychosocial report to assess his ability to testify. In the event that the child is a witness - a psychological and social evaluation is carried out in the event that the child witnessed the incident himself, according to what the court decides - and the court may request an evaluation related to some issues related to the ability to testify, such as the child's willingness to talk about the assault.

In the event that the court has been informed of the child's readiness to testify, coordination is made to hear the testimony through modern technology. Coordination is made between the court liaison officer and the administration liaison officer, or to coordinate about the proposed dates and schedules for hearing testimony through modern technology before the court for the witness to attend.

After agreeing on the appropriate proposed date, the witness is invited through the court, where the witness is notified to appear at the Family Protection Department, and the day and time for attendance are determined. The child's presence is taken into account an hour before the scheduled time to hear his testimony for the purposes of preparing him to perform the testimony. All parties and their representatives are invited by the court in order to allow the opportunity for discussion in full to achieve all the guarantees of a fair trial, and the child is informed to review the Family Protection Department or the home to testify.

When the child comes to the administration, he is received by the case coordinator, who introduces the child to his name and the nature of his work in a simple language, and gets to know him, and then the liaison officer takes him into the waiting room equipped to receive the child. Liaison officers at the administration or home verify the technical readiness of the linking room, and inform the child of the procedures for the certificate and the devices used in modern technology and a general description of what he is about to do and who are the people he will see through linking in simple language and briefly. Then the court liaison officer verifies the readiness of the technical tools inside the courtroom and follows up with the technicians to take the necessary measures to prepare the testimony hall for the use of the TV link network. The court undertakes the detailed description of the roles according to what it deems appropriate and in accordance with the best interest of the child and in what it deems to serve the achievement of justice. In the event that the trial is held in camera, the same rules applicable in the face-to-face session are applied to it in terms of attendance, and the court's instructions are adhered to in this case, including the role of the social worker during the testimony and the discussion of the witnesses by the lawyer. Is there a need to monitor the child's behavior while giving testimony from inside the room and the possibility of Accompanied by a social worker or not? In the event that the session is public, the problem of attendance with the child is not raised, and the court's directives must be adhered to.

Third: The use of modern technology in the trial and prosecution procedures, in the event that the court decides to hear the testimony of the child through the closed television link room inside the court, the following procedures should be followed:

- I. Informing the witness of the date of the trial session and specifying the day and time for attendance. The child's attendance should be taken into account one hour before the time set for hearing his testimony for the purposes of preparing him to testify.
- II. All parties and their representatives are invited by the court in order to provide an opportunity for discussion in full to achieve all guarantees of a fair trial, and the child is notified to the court's review to testify in the room equipped for that.
- III. When the child comes to the court, he is received by the probation officer in the court, who introduces the child to his name and the nature of his work in simple language, and introduces him to the waiting room equipped to receive the child or provide the child's needs while he is in the waiting room.
- IV. The child is briefed on the procedures for testimony and the devices used in the closed-door television link room, and a description of the roles of judges, the public prosecutor and lawyers, and it is ensured that the child is able to absorb this information, and it is ensured that the evidence or the content of his testimonies are not discussed, and then he is admitted to the room equipped to hear his testimony.
- V. The hearing of the testimony begins by the court by verifying the identity of the person, and the behavior monitor shows the identity to the court, and the statements of the witness and the victim

begin to be heard, and the record is duly recorded.

VI. The behavior monitor follows up on the continuity of technical communication and addresses any defect in communication or in giving testimony.

VII. It is ensured that technical communication is in place, and in the event of any defect, the judge informs the behavior controller to address any technical defect in coordination with the technical employee.

VIII. Electronic recordings and materials are kept in accordance with the rules for saving data that protect them and prevent access to them. Testimonies taken by electronic means are transcribed into paper or electronic records or documents, and they are approved as they are without the need for their signatures from the stakeholders (guideline for the use of modern technology in trial and prosecution procedures, National Council for Family Affairs, 2022, p. 28).

7. THE MAIN FINDINGS AND DISCUSSIONS OF THE STUDY

In this study, the researcher presents many important results that he reached, which can be used in future studies in this field.

I. Electronic means are an effective means to remove the child victim or witness to the crime from the atmosphere of the courtroom and reduce his tension by avoiding him facing the offender, and to provide an appropriate environment that enables the victim or witness of the crime to focus on questions and answer them in a comfortable environment that enables him to provide better and more testimony.

II. The Jordanian legislator's plan came to stipulate explicitly the use of electronic means to protect child victims and witnesses of crime in investigation and criminal trial procedures, taking into account the guidelines adopted by the United Nations in the field of child witness and victim protection.

III. The Jordanian legislator, when regulating the legal provisions for the use of electronic means, took into account the legal guarantees for the validity of the investigation and criminal trial with children. Through the means of audio-visual communication, it became possible to direct interactive communication with sound and image without physical movement between spatially separated children and the court, and in that an achievement of the principle of presence. Oral and public.

IV. The Jordanian legislator subjected the information recorded by child victims and witnesses of crime to modern technology to protection and confidentiality procedures, and gave it the status of legal authenticity.

V. By resorting to the use of modern technology in criminal procedures with child victims and witnesses of crime, it has become possible to extend the regional scope of the investigation or trial session, to include several regional places within the same country or several regional places in multiple countries, through direct contact. Visual and audio between the courtroom and another place where the child is present as a victim or witness, and in this way the best interest of the child is taken into account.

8. RECOMMENDATIONS

In this study, the researcher presented recommendations to researchers in this field. Among these recommendations is the expansion of the definition of modern technology provided for in the Jordanian legislation to include procedures for registering some cases that do not need investigation, depositing evidence, notes and other judicial papers, conducting notifications, and paying fees, clearly and explicitly. The researcher also recommended

amending the legal provision that makes the use of electronic means to protect child victims and witnesses of crime permissible for the court to be obligatory in all investigation and criminal trial procedures as long as the legal guarantees of trials are observed. The researcher added that there is a need for the competent authorities to move towards concluding bilateral and collective international agreements, according to which the judicial assistance will be exchanged between them, such as hearing witnesses and experts, exchanging evidence and documents, and serving judicial papers and other procedures using modern technology. Pioneering countries in the use of modern technology in litigation procedures; To develop working methods in the courts, to achieve speedy justice, and to better serve children who are victims and witnesses of crime.

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