A Comparative Study of the Components of Human Rights and Transnational Criminal Law at the National Archives

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Abstract
One of the main functions of government, protect and guarantee human rights and fundamental freedoms in international instruments on human rights, have been identified. On the other hand, the penal system in each country due to its association with other people's lives, property and honor of the utmost importance. The new Iranian penal system combines a dual system is that both the community and the members of the community concerned. And unlike theoretical whose act unilaterally. The right of access to court and to a fair trial, including basic human rights and in international human rights instruments including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the principles of international justice that have been mentioned. A domestic legal system, in turn, sets the principles and rules have been established to maintain fair hearing. The three stages of the proceedings, including preliminary inquiry, investigation and after investigation takes. The main goal of this study is emphasized that the principles of justice and human rights recognized in the Iranian penal laws in the light of domestic and international documents described above. This study, in terms of type, theoretical, practical, and the method is descriptive analysis.

Keywords: 1-Human rights components 2- Covenant on Civil and Political Rights 3- The Islamic Penal Code 4- Code of Criminal Procedure 5- Human Rights in Iran.

1- This collaboration with named individuals, Written And above all writers, are responsible for the article.
Introduction
Although there is universal acceptance of the principle of human rights but about the nature and scope of these rights, the definition of human rights, there is no general agreement (character neurosis, 1386, p. 3). Speaking of which, both easy and difficult. It is easy, because people apparently know what is the meaning of these terms. At the same time is difficult, because no one can accurately define the term: the Professor " Hvhy field" believes, human rights, rights that every human person because of that, it is . The man in this definition, the existing that is what the common man is considered to be (character neurosis, 1386: p. 3).and in some cases contrary to the principles of international behavior were different. (R, M, Heydari, Ali Murad, "new challenges principles of criminal law, Volume 1, Issue 5, winter 1382, p. 47.)

Human Rights
The concept of human rights

Human Rights (Dictionary of International Law, 1375, p. 54) at the national and international, to the support of human beings in the face of suffering and hardship manmade and obstacles can be avoided through deprivation, exploitation, repression, persecution. All forms of misconduct by powerful and organized groups of human beings have been created.

A branch of public international law of human rights legislation is to protect the lives, health and dignity of individuals, albeit in different conditions have been created. A set of principles and rules based on those individuals or groups simply because one of the standards of conduct special degree or powers beneficiaries are. (Zakerian, 1383, p. 54) the concept of human rights is no single definition is not provided and agreed on this is, broadly speaking, human rights, fundamental and inalienable rights is considered essential for human life, namely a set of values, concepts, instruments and mechanisms that support the dignity and the dignity Ansanyast topic. Goal of guaranteeing the fundamental rights of individuals, human rights and human rights are granted specific rights of individuals. And for the fundamental rights of individuals, the rights and individual liberties that include: rule of law and freedom. Especially freedoms of expression and association and the protection of life and property and economic rights, such as, freedom from discrimination and the rights of foreigners with all subdirectories and logical frameworks run their sanction.

However, it should be acknowledged that the growth and prosperity of such ideas of cultural foundations of other nations, religions and schools have benefited, so that the Universal Declaration of Human Rights adopted by 51 member nations with diverse cultures and opinions, and the International Covenant on Human Rights and the optional protocol on civil and political rights, beliefs, religions and schools largely consistent and effective. (Mansouri, 1374, p. 65) for this reason, it can be said with certainty: "Human rights combination of beliefs and values related to human kind the past to the present day. " After the Universal Declaration of Human Rights, several systems for the protection and implementation of human rights was organized better European Convention on Human Rights "November 4,
1950" Charter of the Americas "1948" which is briefly addressed the issue of Human Rights and the African Charter Human rights, "June 1981" Mybashnd.ba all examples of this kind there are different definitions of human rights and expressed the differences that explain the definition of the researchers, with the conclusion of this definition is: "rights come out. "(Mehrparvar, 1384, p. 26)

**Important international documents on human rights**

With regard to international human rights documents and human rights literature, these rights can be defined as "a set of human rights principles and norms of international law, in all times and places of authority, dignity. All individuals or groups simply because human dignity, against all government. "The most important of these documents are as follows, Important international treaties :

1. Universal Declaration of Human Rights;
2. International Covenant on Civil and Political Rights;
3. International Covenant on Economic, Social and Cultural Rights;
4. Convention on the prohibition of genocide punishable offense;
5. Convention on the Elimination of All Forms of Discrimination against Women;
6. Convention on the Elimination of All Forms of Discrimination against Women;
7. Treatment or Punishment Convention against torture and other cruel, inhuman and faithful;
8. Convention on the Rights of the Child
9. Convention relating to the Status of Refugees; (Mehrpour, 1383, p. 78)

**important regional treaties**

1. European Convention on protection of human rights and fundamental freedoms
2. American Convention on Human Rights;
3. African Charter on Human and Peoples' Rights;
4. Islamic Declaration of Human Rights - Cairo (beret, 1384, p. 141.)
Fair Hearing

Justice, the ultimate goal of justice and fair trial and justice is one of the most important characteristics of social development of any society is measured. Assess the fairness of the proceedings only by defining minimum standards as considered necessary for a fair hearing is possible to process it. As a result, it is necessary to define a fair trial standards and the standards used to measure fairness. The above principles can be cited as follows:

1. Independence and impartiality of the judge in the proceedings.
2. Facilitate access to legal representation or legal advice to the parties and adversarial institution of proceedings
3. Observing the principle of openness handle claims
4. Two degrees-of-hearing
5. The need to form a jury in criminal cases
6. The number of judges in the handling of claims

In this way, find a criterion for distinguishing standards of due process hearing procedure is considered very important.

1. Justice standards in international regulations

The justice standards in international law, those principles that are mandatory under international instruments in all trials. In other words, in this part of the study note, we will study the internationally accepted standards and the international community will demand adherence to them from all countries.

3.1 Procedure in the Universal Declaration of Human Rights standards and Covenant on Civil and Political Rights

Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights are the most important international instruments on human rights adopted by many countries, including the Islamic Republic of Iran as well. This document contains the basic rights of human beings are two different standards for the procedure, in order to guarantee the rights of individuals, provide.

Right facilities and enough time to prepare defense

Read actually people who claim they have enough time to prepare his defense and to facilitate appropriate against a claim that is made against them, enjoy. it counts. Seems to be enough time to prepare a defense in lawsuits vary and depend on the particular
circumstances of each case. But the most important criteria in assessing the adequacy of the read time must be considered, legal time limits.

2. **Procedure in light of the teachings of fair trial standards in criminal law**

One of the fundamental issues for the rule of law, justice and human rights It results because justice is right and must not be acted contrary to it, if it does, and ignoring the rights of citizens. The relationship with the concept of justice is respect for the rights. In truth, of justice, of law, behavior is against the law and violates human rights. In fact, due process, personal jurisdiction in the light of the law with regards to the respect for civil rights and promotes the rule of law.

This law, by national and international norms, in the form of some principles has been systematic.

In this part of the building is based on the Dhym.kh two of the Penal Code and Code of Criminal Procedure adopted in 1392, both in the criminalization of human rights, substantive law and procedure, follow With this completed form to Ham human rights law in the light of the principles of a fair trial in criminal law Iran.

**Guarantees concerning respect for human rights and a crime discovered during the initial actions**

Criminal procedure of 1392: Attorney investigations and legal action to discover the crime and the completion of the investigation to take action, but they cannot keep the defendant tested. However, restraining the defendants cannot be more than twenty-four hours a day under surveillance.

**The charge to the accused.**

"Anyone who is arrested or detained must be treated immediately be informed of the reasons that led to the restriction of freedom. The main purpose of the obligation to inform the detainee is able to Credit detained, legally admit. Must include clear and vivid description of the legal and factual basis of arrest or detention. he treated. "(Rahimi, 1382, p. 25)

In this context, subparagraph (a) of paragraph 1 of Article 117 of the Statute of the International Criminal Court keeps prescribed "a language which the accused fully understand and talk it opens instantly and precisely the nature, cause and content of the charge to be informed. Paragraph 2 of Article 9 of the Covenant rights and political. declared it keeps, in this context, "the European Court of Human Rights has proposed that paragraph 2 of Article 5 of the European Convention on Human Rights means that the person arrested should be in a language simple to understand and not technical language and complex, the essential points of law and fact, the reason for his arrest has been explained, the species that bad if he found his detention, he fights against the plan. (Saber, ibid., p. 151)"
Principle of torture:

Accused of torture during interrogation and criminal investigation to obtain confessions or information, the Convention against torture and other cruel and inhumane act Cruel, Inhuman or Degrading Treatment, in its first article defines torture emphasis: "Any deliberate action, which severe pain or suffering, whether physical or mental, resulting in the individual, in order to obtain information or confessions from him or a third person applied evenly, is torture.

"In terms of Jurisprudence and Jurists in confession must confess that wise, the messenger, is autonomous. So Myrrh insane confession by adherence to religious tradition is invalid fix" (martyr Thani, 1385 Sun, p. 124).

Conclusions and recommendations

With regard to the issues that were raised in this study, the following results are obtained: Based on the results, we can say that a total reflection of human rights in domestic law (constitution and the Code of Criminal Procedure) is desirable, especially "that the majority of the above principles, centuries before the declaration of the Islamic sources an innovation of the new law. Nevertheless unfortunately this law has shortcomings in terms of international obligations. The lack of clarity in the law could undermine the rule of law. the legislator is not free legislation, should pay attention to religious values, all laws in conformity with Islamic criteria. In conformity with international law, including the Charter of fundamental human rights challenges we face. We can say that the challenges we face in these areas:

1. areas such as flogging, amputation, ...
2. The field of children's rights
3. The field of women's rights
4. The scope of the rights of minorities
   5. The scope of freedoms

Of course, in many cases raised, the country has no international commitments. So in domestic law do not objections.
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