

The Foundations and Position of Attorneyship of Accused in the International Instruments and Iranian Criminal Justice System

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Criminal procedure is a system that ensures the accused's rights. One of the norms of this system is accused's access to an attorney. The importance of this norm is so great that international instruments and domestic laws, identifying this right, have expressed necessity of attorney presence in favour of the defendant in some cases. This article seeks to answer two questions: What is the foundations attorneyship of accused? How much do the international documents and Iranian criminal justice makers pay attention to these bases?

The findings of this research illustrate that human right foundations, criminal policy strategies and criminology doctrines justify access to a lawyer in favour of accused. In recent year's positive change have occurred in the approach of the Iranian criminal justice system to the right of accused to have a lawyer. However, limitative provisions such as 48 article of Criminal Procedure Law and failure to provide a guarantee of the violation of the right are the things that can be criticized.

Key words: *Lawyer, Attorneyship of accused, Defendant rights, International Instruments, Fair trial.*

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