Research Paper

The Position of the Preliminary Branch of the International Criminal Court and the Feasibility Study of Its Prediction in Iranian Law

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Abstract

The Preliminary Branch of the International Criminal Court is an advanced judicial system that cannot be seen in any other judicial system. The said branch has been able to meet the objectives of a standard hearing to some extent by engaging the prosecutor's office in the preliminary investigation phase, by issuing the necessary permits and supervisory policies. The idea of establishing an institution as a preliminary branch in the Iranian judicial system does not seem unlikely. The authors of the present article, after demonstrating the important functions of the Preliminary Branch of the International Criminal Court, conclude the challenges and advantages; The establishment of the mentioned branch in Iranian law can bring the prosecution and investigation in the prosecutor's office stage closer and closer to the principle of impartiality and fairness. Of course, it goes without saying; The establishment of a preliminary branch, according to what exists in the International Criminal Court, cannot be installed in the Iranian judicial system without any changes, and in order to benefit from the fruits of this institution, it is better to coordinate it with the Iranian judicial system.

Keywords: International Criminal Court, Preliminary Branch, Judiciary, Principle of Impartiality, Fairness, Prosecution, Trial

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