

*10th International Conference on
Legal and Judicial Studies*



Jurisprudential, legal and executive challenges of the rule prohibiting retrial in connection with the Statute of the International Criminal Court

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Abstract

The prohibition of retrial and retrial is one of the most important rules of criminal law, in addition to being stipulated in the domestic law of most countries; It is also emphasized in international documents, including the Statute of the International Criminal Court. Unfortunately, this rule in the Islamic Penal Code has been incomplete since 1392, and only in the principle of personal jurisdiction and regarding crimes subject to unspecified religious punishments; Has been accepted. The complete non-acceptance of the rule in Iranian law, in addition to being contrary to justice and fairness, can be considered as one of the obstacles to Iran's accession to the Statute of the International Criminal Court. The author intends to examine the status and conditions of the rule prohibiting retrial in the Iranian penal system and the statute of the court and also to study the jurisprudential and legal principles of the rule, the capacity of the Iranian penal system to accept the rule in all crimes and all principles of jurisdiction. Put analysis.

Keywords: Prohibition of retrial, International Criminal Court.