

The Presence of the Trial and the Exceptions Imposed on it by the International Criminal Court

Dr. Mohammad Hossein Ramazani Ghavamabadi¹✉
Received: 2017/09/03 Accepted: 2018/12/05

Presence at the hearing is the right of defendants. Many international documents have identified such a right in the process of proceedings. Most international criminal tribunals consider the presence of the trial as a matter of principle and the default proceeding is an exception one. Such an approach is influenced by the nature of the criminal prosecution of international criminal tribunals. The International Criminal Court, through the formulation of rules of procedure and new evidence, has the possibility of requesting non-attendance at some of the hearings for some of the accused who are required to conduct super public services at the highest national level. Identifying such an opportunity for these individuals, apart from the other defendants, raises ambiguities and questions that appear to violate the principle of equality of the defendants against the International Criminal Court. The study seeks to analyze the International Criminal Court's approach to the principle of being present at the trial and the exceptions to it in the light of the statute and the rules of procedure and the new evidence of the Court.

Key words: *Accused, Absentee sentencing, Disrupt the trial, Fair trial, International Criminal Court.*

1. Assistant prof. in law faculty sheheed Beheshti University

ramazanighavam@yahoo.com ✉