

A Critical Analysis of Fair Trial Principles in Criminal Matters within the Iranian Legal System and International Law Standards

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Abstract

Judging has always been one of the most difficult tasks across all countries throughout history. Even in the sacred Islamic jurisprudence, the role of judges is viewed as a prestigious position, with the highest honor attributed to the Prophet's successors, especially Imam Ali (PBUH). Different theories have been advanced regarding the judicial process, with some emphasizing that judgment is not merely a task but a role endowed with special responsibilities. Therefore, in all the legal systems worldwide, including Islamic law, specific conditions are set for the selection of individuals for the judicial office, and if these conditions are not met, it results in fundamental issues within the judicial system of that country. Article 163 of the Iranian Constitution also outlines specific criteria for judges, referring to the necessity of fulfilling religious and legal standards. One of the most important obligations a judge must adhere to, in addition to legal provisions, is the adherence to the principles and procedures of fair trial, which are essential for ensuring justice in a legal system. The violation or disregard of these procedures not only disturbs the fairness of the judicial process but also undermines the judicial authority and credibility. Given the significance of maintaining these principles in judicial practice, this research employs a library-based methodology to analyze the principles of a fair trial in the Iranian legal system. The study examines various standards and procedural regulations that are critical for preserving fairness, such as the right to a public hearing, the right to a defense, and the independence of the judiciary. Violating these rights leads to substantial legal consequences for the accused and judicial officials. The objective of this investigation is to highlight the importance of observing these standards for the legal system and society at large.

Keywords :Judgment; Fair Trial; Trial Principles; Trial Procedures; Judicial Integrity

Extended Abstract

Judging has historically been one of the most challenging tasks in every legal system around the world. Even in Islamic jurisprudence, judicial decisions have been regarded as a position of great dignity and responsibility, especially highlighted by the notion that the highest honor in judgment was attributed to the succession of Prophet Muhammad, particularly to Imam Ali (PBUH). Over time, different perspectives on the role of judges and the judicial process have emerged, some asserting that judgment is not merely a professional task but a divine duty with immense consequences for justice and society. The nature of the judicial process has evolved globally, and every country, including Iran, has developed specific criteria for selecting individuals for the position of judge. If these criteria are not met, they may lead to significant challenges within the judicial system. One key factor that

underpins the legitimacy and integrity of the judicial system is the adherence to fair trial principles, which, if violated, can result in severe consequences for both the accused and the judge.

This extended abstract aims to critically analyze the principles of fair trial as they exist in the Iranian legal system, comparing them to international standards. The Iranian legal system is heavily influenced by Islamic law, which adds unique layers of religious and ethical considerations to the concept of justice. By examining these fair trial principles within the broader framework of international human rights law, this paper seeks to explore whether Iranian legal practices align with universal standards, highlighting both strengths and areas for improvement.

Iran, as an Islamic republic, integrates Islamic law with civil law in its judicial procedures. This combination of Shia jurisprudence and international law shapes its concept of fair trial. One of the core elements of Iranian criminal law is the protection of the accused's rights through the principle of justice. This principle ensures that every individual charged with a crime is entitled to a fair trial before an independent and impartial tribunal, ensuring equality before the law.

In Iran, the judicial system emphasizes several important principles in the process of administering justice. These include: the right to a public trial, the right to be informed of charges, the right to a defense, and the right to appeal. These principles ensure that the accused can fully understand the legal process and challenge the charges made against them. Importantly, Article 163 of the Iranian Constitution outlines the qualifications required for a judge, stipulating that judges must have adequate knowledge of Islamic jurisprudence, legal principles, and personal qualities, including honesty and integrity. If a person does not meet these qualifications, the judgment rendered under their authority can be considered fundamentally flawed.

Moreover, the Iranian legal system mandates the observance of religious tenets alongside civil law when administering justice, creating a dual system where Islamic jurisprudence plays a crucial role in shaping the rules and regulations of fair trial procedures. For example, judges are expected to have a deep understanding of Islamic legal principles, and trials must adhere to these teachings to ensure the trial is not only just but also in line with divine justice.

International human rights law, particularly the International Covenant on Civil and Political Rights (ICCPR), establishes key standards for a fair trial that are widely accepted across the globe. These include the right to a public hearing, the right to

legal counsel, the presumption of innocence, and the prohibition of arbitrary detention. The fair trial principles outlined in the ICCPR emphasize the need for impartiality and independence within the judicial process, ensuring that all defendants have an equal opportunity to present their case and challenge the charges against them.

In comparison, the Iranian legal system shares many of these principles, but differences emerge when considering the practical application of these rights. While Iran guarantees the right to a public trial and the right to be informed of charges, issues of judicial impartiality and independence have been raised by both domestic and international observers. For instance, the role of Islamic law in the judicial process sometimes results in conflicts between civil and religious laws, which may hinder the full application of international fair trial standards.

The independence of the judiciary is another point of tension. In theory, Iranian judges are expected to be independent, but in practice, the judiciary is often influenced by political and religious authorities, which can impact the impartiality of decisions. This is in contrast to the international standard that advocates for complete judicial independence, free from external pressures.

Several challenges exist in ensuring fair trials within the Iranian legal system. One major issue is the lack of consistency in the application of legal protections for the accused. While Iran's laws do provide for a right to a defense, in practice, many defendants are not given adequate access to legal counsel, particularly in politically sensitive cases. This lack of legal representation can severely undermine the fairness of the trial process.

Additionally, Iran's judicial system is often criticized for lacking transparency, particularly in the areas of arrest, detention, and pre-trial procedures. Defendants may be detained for prolonged periods without charge, and in some cases, they may not be informed of the reasons for their detention, violating the principle of due process under both Iranian law and international human rights law.

The role of religious law in the Iranian judicial process also complicates the fair trial process. While the integration of Islamic principles can provide a framework for justice, it can also create disparities in how justice is administered, particularly for non-Muslims or individuals who do not adhere to Shia Islam. This creates potential discrimination that can impede a truly fair trial for all individuals.

For the Iranian legal system to align more closely with international standards of fair trial, it is essential that reforms be made in several key areas. First, greater judicial independence is necessary to ensure impartiality in all cases, particularly those involving politically sensitive issues. Judges should be allowed to make decisions free from the influence of political or religious authorities, ensuring that justice is served fairly and equitably.

Second, Iran must improve access to legal counsel, especially during the pre-trial phase, to ensure that the accused have the opportunity to mount a proper defense. Adequate time and resources should be provided for defendants to consult with their lawyers and prepare their case. The practice of prolonged detention without charge should be curtailed, and individuals must be informed promptly of the charges against them.

Lastly, greater transparency in judicial proceedings is required to instill public confidence in the fairness of the trial process. Courts should take steps to ensure that trials are open and that all parties involved are provided with the information necessary to participate fully in the proceedings. Additionally, the application of Islamic law should be reevaluated to ensure that it does not lead to discrimination against certain groups and that it is consistent with the principles of equality before the law.

The Iranian legal system upholds several critical principles of fair trial, particularly in its protection of the right to a defense and the right to a public trial. However, challenges remain in the areas of judicial independence, transparency, and access to counsel. These issues, if not addressed, can undermine the fairness of trials and erode public confidence in the judicial process. By aligning its legal system more closely with international human rights standards, Iran can ensure that the fundamental rights of all defendants are protected, promoting justice and fairness within its criminal justice system.

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