

## Discovery of Truth in International Commercial Arbitration with emphasizing at Prague Rules (2018)

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### **Absrtact**

The most important mechanism for achievement the truth in international commercial arbitration is opting out the type of governing system on arbitration process. In this regard, the arbitrators should select the appropriate system among the adversarial, inquisitorial and hybrid systems. Flexibility of international commercial arbitration process as a private solution for dispute resolution and the specific needs of each case in this area required that the arbitral tribunal takes into account the conditions governing in the cases of international commercial arbitration and chooses the efficient system for arbitration process. This article in parallel scrutinizing and studying the difficulties of each approach of for recognition the appropriate system in international commercial arbitration process analyses the types of governing system on arbitration process the approach of the Prague Rules on the Efficient Conduct of Proceedings in International Arbitration that approved in December of 2018 tries to introducing effective mechanisms in discovering the truth.

**Keywords:** Arbitration trail; Taking Evidence; Arbitration Document; Impartiality; Burden of Proof.

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## The Study of Amiable Composition according to its Nature Compared to the Judgment and Arbitration

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### Abstract

The Amiable composition is a system for resolving disputes and is recognized in international arbitration. In The French legal system, the judge can be entrusted with a mission of amicable composition by the parties. In ancient Iran, villagers argued with Kadkhoda, but as governments came to power, traditional methods of resolving disputes replaced government judicial systems, resulting in litigants trying to prove themselves right; Whereas in traditional methods of resolving disputes, such as an Amiable composition, the dispute was tried to be completely resolved in order to achieve eternal peace. Unfortunately, the dispute resolution councils could not reach a compromise. In order to achieve an amicable composition, the rule of law must be abandoned. He realized that guaranteeing legal rights was not the only way to resolve disputes. Contrary to the judgment, that seeks the winner and the loser, in an amicable composition one must look for a way that may not be legal but resolves the dispute. An amicable composition requires creativity, training and experience, so the best place to develop it is the courts. This article, based on French law, suggests a mission of amicable composition.

**Keywords:** Amiable Composer; Amicable Composition; Flexible; Dispute Resolution; Dispute Resolution Council.

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