

A Comparative Study of the Disciplinary Liability of Lawyers in the International Criminal Court and Iranian Law

*Sadegh Salimi**

DOI: 10022096/LAW.2023.536142.1924

[Received Date: 25/10/2021 Acceptance Date: 13/03/2022]

Abstract

Lawyers in all legal systems are subject to special disciplinary regulations due to the sensitivity and importance of their job. In Iranian law, most disciplinary regulations are nearly 70 or even 85 years old. At the International Criminal Court, a relatively fledgling but universal institution, lawyers are subject to the 2005 Code of Professional Conduct for Counsel. So far, the disciplinary authority of this court has issued decisions regarding 5 lawyers. In this descriptive-analytical article, it is aimed to find the basic flaws of the self-regulatory system of the Iranian Bar Association in comparison with the disciplinary regulations of the Court. By studying and comparing these two legal systems, some regulations of Iranian law should be amended and updated. On the one hand, the number of judges of the disciplinary authority must be at least 5 members and at least two lawyers must be present in this composition. On the other hand, several disciplinary delicts, including not giving a second copy of the power of attorney, not giving a power of attorney receipt to client, prohibiting the determination of a percentage of the amount sought as attorney's fees, and concentrating advocacy affairs in Iranian law can be removed with new technology. Direct contact with the other party without the knowledge and presence of his lawyer and contacting the judge regarding the case outside the rules of procedure in line with international developments should be considered disciplinary misconducts.

Keywords: Disciplinary Liability; Professional Ethics; Attorney at Law; International Criminal Court; Counsel Self-Disciplinary.

* Associate Professor of Law Faculty, Central Tehran Branch, Islamic Azad University, Tehran, Iran.
Email: sadegsalimi@yahoo.com.



Bibliography

- Afrasiabi, Mohammad Esmacil. "Masoolyyate Herfei Vakil." *Majalle Kanoon e Vokala*, No. 184-185 (2004):239-252.[In Persian]
- Pourostaad, Majid. "Esteghlal e Herfe e Vekalat az Didgah e estandardhaye Jahani." *Majalleh Madrese Hoghoogh*, No. 63, (2011):187-190. [In Persian]
- Sobhani Saravani, Nematollah. "Barresi e Takhallofat e Entezami e Vokala va Karamoozan Vekalat." *Rahe Vekalat*, No 19, (2018). [In Persian]
- Salimi, Sadegh. "Haakemyyat e Ghanoon va Vekalat e Dadgostari." *Majalleh Madrese Hoghoogh*, No. 63, (2011);
- Salimi, Sadegh. *Chekide e Hoghogh e Jazaei e Omoomi*. Tehran: Jungle Publications, Tenth Edition, 2021. [In Persian]