

Abstract

The paper analyses the trial before the International Criminal Court (ICC) in the light of theoretical models elaborated in the State traditions - the continental (inquisitorial) system and the Anglo-American (adversarial) system. Hypothesis from the beginning of this paper according to which the trial is predominantly based on features of the continental (inquisitorial) criminal procedure has been confirmed. Regulations comprise the trial procedure before the ICC contain mostly provisions typical for continental (inquisitorial) criminal procedure. The paper contain the case study of the first trial before the ICC (Thomas Lubanga case) with a view to procedural problems at this stage of the proceeding. The way of interpretation typical mainly for continental (inquisitorial) criminal procedure have been used as a solution of these problems.