

**Statement by the Delegation of the Islamic Republic of Iran
at the Twentieth session of the Assembly of States Parties
to the Rome Statute of the International Criminal Court
General Debate
World Forum, The Hague, The Kingdom of the Netherlands,
6-11 December 2021**

In the name of God, the Compassionate, the Merciful

**Madam President,
Excellencies,
Distinguished delegates,**

At the outset, I would like to commend all the Court and the officials of the Assembly of States Parties (ASP) for their continued dedicated work in pursuit of accountability for the most serious crimes of concern to the international community as a whole, despite the challenges faced due to the global COVID-19 pandemic.

Madam President,

My delegation would like to congratulate Your Excellency for your assumption as the President of this august Assembly.

I would also like to congratulate His Excellency Judge Hofmanski on His election as the President of the International Criminal Court (ICC) as well as the new Prosecutor His Excellency Mr. Karim Ahmad Asad Khan and all newly elected judges. We hope that Mr. Khan's extensive experience in international criminal

justice will aid him well in this time of unprecedented challenges for the Court. Furthermore, I would like to appreciate Mrs. Fatou Bensouda, former Prosecutor of the ICC, for her endeavors and efforts during her nine-year mandate (from June 2012 to June 2021) at the head of the ICC Office of the Prosecutor.

Madam President,

The Rome Statute and the International Criminal Court (ICC) are acknowledged to be the important pillars of the international framework for upholding justice and rule of law at the international level which ensures current and future generations that the most serious crimes should have no place in any society, and those responsible will have no place to enjoy impunity. It should be deemed that the rule of law and ensuring justice to not only be a recommendation but an imperative for human life in a globalized world.

It is unfortunate that in recent years the ICC has been encountered with the illegitimate unilateral bullying and sanctions of a certain State aimed at undermining the Court. Unilateral sanction by that State has been manipulated to put pressure on the independent actors in the international arena which is absolutely a flagrant violation of international law. More importantly, although sanctions against the Court were lifted, it appears that imposing sanctions against the Court was the United States' tactic to buy enough time so as to evacuate its forces from Afghanistan and evade criminal justice for the perpetration of serious crimes of concern by its forces.

Madam President,

It seems that violations of international law as a result of the imposition of unilateral and illegal sanctions would be tantamount to the most serious crimes that fall within the jurisdiction of the ICC. It is essential that the ICC remains vigilant to these developments and take appropriate precautionary measures, for the benefit of strengthening the rule of law at the international level.

My delegation is of the view that strengthening the rule of law at the international level will pave the way to have justice and peace simultaneously and sustainably. International judicial institutions, in particular the ICC, have an extensive responsibility for this end as stressed in the report of the United Nations Secretary-General A/65/318 dated 20 August 2010, and I quote: “Responsibility of all subjects of international law for fulfilling their obligations is thus essential to any concept of rule of law at the international level”.

The realization of the rule of law and administration of justice at the global level requires the support and coherent action of the ICC and the governments. Contrary to national judicial systems, the ICC is a mere judicial institution lacking enforcement powers and in order to remain a strong, credible judicial institution, it needs the support and cooperation of States Parties in various aspects.

Trust between the ICC and the States is playing a crucial role to guarantee a lasting respect for the enforcement of international justice, which stems from impartiality and independence of the ICC and accountability of the States and avoidance of double standards by both.

Madam President,

The Islamic Republic of Iran, as the signatory of the Rome Statute, notes the recent developments related to the Role of ICC in situations of Afghanistan and Palestine. With respect to the ICC Prosecutor’s decision to confine the investigations in the situation of Afghanistan to crimes allegedly committed by the Taliban and the Islamic State – Khorasan Province (“IS-K”) and to deprioritize other aspects of the investigation, it deems necessary for the Office of the Prosecutor to take into consideration its previous findings in the situation of Afghanistan comprehensively and not merely limit its investigations to one party to the conflict or specific period of time. It is highly expected that those military forces who committed war crimes in Afghanistan, should be responsible and go to justice. Moreover, it is equally significant that H.E. Mr. Khan commence the investigations in the situation of Palestine as well. It would be suitable that during the investigations to pay heed to Afghan and Palestinian points of view.

We reiterate that both situations have been a touchstone for the evaluation of “impartiality” and “independence” of the ICC towards fulfilling its mandate and legal framework created by the Rome Statute, the founding treaty of the Court. It is expected that the Court must pursue its mandate without taking political factors into account to act in the interests of justice. Needless to say that actions speak louder than words.

Madam President,

The Islamic Republic of Iran notes as well that the Court’s jurisdiction over the crime of aggression was activated as of 17 July 2018 and so far, 41 States have

ratified or accepted the amendments on the crime of aggression to the Rome Statute of the International Criminal Court. One of the most significant factors in the effectiveness and efficiency of the Court is paying due consideration to the crime of aggression which constitutes a manifest violation of the Charter of the United Nations.

We strongly oppose any measures that attempt to influence the judicial and prosecutorial independence of the court through political pressure. Such attempts constitute a clear violation of the international rule of law and justice. Full respect to the core principles and values enshrined in the Statute, especially principles of complementarity must be observed. The complementary principle in the ICC and consideration of general international law make the ICC have an active role in its interactions with various subjects, particularly with states. In addition, it assists to prevent any unilateral action based on abusing the ICC.

Madam President,

In conclusion, it is necessary for all of us to make every effort to promote the rule of law and universal application of international law and to advance a more just and prosperous world, in order to achieve security, well-being, and human dignity.

Thank you, Madam President