



Embassy of the Islamic Republic of Iran

The Hague

**Statement by the Islamic Republic of Iran at the 19th
Session of the Assembly of States Parties to the Rome
Statute of the International Criminal Court**

14-16 December 2020

The Hague

In the name of God, the Compassionate, the Merciful

Mr. President,

Excellencies,

Distinguished Delegates,

At the outset, I would like to express my sincere gratitude to your Excellency, as well as the Bureau and the Secretariat of the Assembly of States Parties (ASP) to the Rome Statute for preparation of the present session in difficult conditions caused by COVID19 pandemics.

I would also like to take the opportunity to commend the Judges, the Prosecutor, the Registrar and the staff members of the International Criminal Court (ICC) for their continued and dedicated efforts to assist to put an end to impunity of the most serious crimes of international concern, and convey my best wishes for the new Prosecutor and the Judges to be newly elected.

The Islamic Republic of Iran, as the signatory of the Rome Statute, is also appreciative of the Independent Expert Review of the Court in the areas of investigations and prosecution, governance and Judiciary and highlights the importance of revitalizing and enhancing efficiency of the Court to ensure its smooth operation.

Mr. Persident,

During the 17th and 18th Sessions of the ASP, my delegation expressed its deep concern on the squandering remarks made by officials of one certain country with the aim of threatening and weakening the ICC. Indeed, the US has always attempted to systematically sabotage the effective functioning of the Court. As recently as 2 September 2020, the US administration in an attempt to undermine the ICC's continued commitment to bring to justice the perpetrators of the most heinous international crimes of concern to the international community as a whole in the situations in Afghanistan and Palestine, imposed financial sanctions against some of the officials of the ICC.

The Court must decide whether it tends to vigorously resist the US administration's bullying and act in the interests of justice and accountability similar to other situations and cases, or it rather tends to step back and let the atrocities committed by the US and Israeli forces in the respective situations go unpunished.

The ICC was established as "an independent and impartial judicial institution". My delegation, however, strongly believes that the proper and adequate consideration and investigation of the situations in Afghanistan and Palestine is a critical test for its independence and impartiality, especially at this time when the Court is under heavy attacks by certain regimes to submit to their influence and power. We strongly oppose any measures that attempt to influence the judicial and prosecutorial independence of the court through political pressure. They constitute a clear violation of the international rule of law and justice. All of the states, irrespective of their status as a State Party or non-state party, must ensure full respect to the core principles and values enshrined in the Statute, including the principles of complementarity, impartiality, and integrity of the Court activities.

Mr. President,

Distinguished delegates,

Now, more than ever, the fight against impunity is a priority of the international community of states as a whole. In this regard, the Islamic

Republic of Iran urges all the Members of the ASP to strongly integrate their support to condemn any destructive actions against the Court as the core permanent institution in the fight against impunity.

Currently, the ICC's ability to prosecute and punish the perpetrators of atrocity crimes and let the victims' voice being heard is impracticable unless the Members of the ASP take decisive actions against the US policy to incapacitate the Court.

However, it is unfortunate that certain States Parties' support to the ICC is not commensurate with the challenges and threats that the Court is facing or their practice is not consistent with their words. Concluding Bilateral Immunity Agreements with the USA to not extradite, surrender, or otherwise transfer its citizens to the Court is not only inconsistent with blaming the USA in respect to its hostile measures against the ICC, but also is contradictory to the determination stated in the preamble of the Rome Statute "to put an end to impunity for the perpetrators of these crimes" and article 27 of The Statute. Although this has happened due to the existing paradox between article 27 and 97 of the Statute, yet State Parties could call for the amendment of the Statute under article 121 to resolve this paradox.

Undoubtedly, failing to assist the Court in this critical moment would create further crisis for its performance and the life of numerous innocent victims whose last hope is delivering the justice into the Court.

Mr. President,

Taking into account that the principle of complementarity put the main responsibility on the shoulder of the national criminal jurisdictions, various organizations in the Islamic Republic of Iran are following up all issues related to ICC including national criminalization of the most serious crimes.

It is noteworthy that the educational and research activities in relation to ICC matters are carried out by the Iranian legal society and judicial practitioners as well as the relevant scientific and academic centers to promote the International Criminal Law.

Thank you