



The Islamic Republic of Iran
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Republic of Iran to the 8th session of the Assembly of States Parties to the Statute
of the International Criminal Court

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In the Name of God

Mr. President

At the outset, allow me to join the previous speakers in congratulating the newly elected judges. Also, I shall express my sincere appreciation to the Secretariat of the Assembly of the States Parties for making the preparations for this Session, and express gratitude to the Government of the Kingdom of the Netherlands for hosting this Assembly.

Mr. President,
Distinguished Delegates, Ladies and Gentlemen,

Almost since the inception of the United Nations, the international community, through the General Assembly, has recognized the need to establish an international court to prosecute and punish perpetrators of the most heinous international crimes, namely war crimes, crimes against humanity, genocide and the crime of aggression. The establishment of the International Criminal Court was a milestone, though there is still a distant way to achieve the desirable results.

It goes without saying that defining the crime of aggression is of the utmost importance. It gives the Court the necessary basis to further its ultimate goal of putting an end to the culture of impunity for the perpetrators of one of the most serious crimes of concern to the international community. Therefore the definition and the clear conditions for the exercise of jurisdiction over the crime of aggression would considerably influence the cause of ending impunity for such crimes, and moreover affect the whole architecture of international law and international relations.

The First Review Conference of the Rome Statute will be held in Uganda in 2010. As mentioned earlier by you Mr. President and also by other distinguished delegations, the coming Review Conference is not the last opportunity to amend the Rome Statute. Therefore we believe that the agenda of the Review Conference shall not be overloaded. My delegation is of the view that it would enhance the efficiency of the Review Conference if we concentrate on the incorporation of the definition of the crime of aggression in the Statute of the Court as the main item and do not let it be overshadowed by other issues.

Having said that, regarding the proposals set forth for amending the Statute, in a nutshell our position is as follows: first, the principles agreed upon during the process of conclusion of the Rome Statute and enshrined in its preamble including the

main objective that “*the most serious* crimes of concern to the international community as a whole must not go unpunished” should be taken into account;

Secondly, any amendment shall not go beyond the existing generally accepted norms of international law. And third, the amendments shall not bring about discriminatory situations between the current and future members of the Statute so as to prevent any damage to the universality of the Court.

Mr. President,

Should the International Criminal Court remain neutral, independent and apolitical, and avoid double-standards, it may play a major role in the global trend towards ending impunity. The Court needs to be free from all political manipulations.

Also The Islamic Republic of Iran believes that the Court, as a judicial body, and its organs shall respect the laws and regulations prevailing in the system it belongs to. In other words, in order to achieve its goals, in particular in collecting evidence or arresting the suspects, it must refrain from taking any measure that could be considered as infringement of international law. In this respect, I shall recall the established principle of international law that only the states parties to an international treaty are bound to its provisions.

Likewise the ICC could not ignore international rules relating to the immunity of States officials as recognized under article 98 of the Statute of the Court. Moreover, the Court should take into account the consequences of its decisions on the advancement of peace and stability in each case. In this respect, I shall draw your attention to the concerns raised by the African Union, the Non-aligned Movement, and the Organization of the Islamic Conference as well as many countries concerning the decisions of the ICC on the Darfur situation.

Mr. President,

Let me also touch upon one of the recent developments, namely the declaration filed by Palestine with the Registrar of the Court pursuant to article 12(3) of the Statute on 22nd January 2009. This declaration provides jurisdiction to the ICC with respect to the crimes committed on the territory of Palestine since 1st July 2002. It is expected that the Prosecutor and his team carry out their responsibility in this case under the Statute in a manner that the ultimate purpose of the Court, namely ending impunity for the perpetrators of the serious crimes of international concern, would be materialized without any interferences of non-judicial and non-legal character. The international public opinion will no longer tolerate the idea that the worst criminals on earth can escape punishment if it is in the political interest of certain states.

My delegation also welcomes the UN General Assembly Resolution of 5th November 2009 endorsing the Goldstone Report, and also the contribution of the Human Rights Council in this regard, though there was an imbalance in placing the Occupying Power that had committed crimes in Gaza on equal footing with the Palestinian side. We urge the international community to keep supporting this initiative as the minimum measure to be taken in order to restore the confidence of the global public opinion to the neutrality and effectiveness of the international criminal law system.

Thank you Mr. President