



Statement by
H.E. Ms. Zahra Ershadi,
Ambassador and Deputy Permanent Representative
of the Islamic Republic of Iran to the United Nations
before
the 22nd Session of the Assembly of States Parties
to the Rome Statute of the International Criminal Court
General Debate
New York, 7 December 2023

Madam President,

Excellencies,

Distinguished Delegates,

At the outset, I would like to commend and appreciate the Presidency, the Judges, the Prosecutor, the Registrar and all the staff members of the International Criminal Court (ICC) who have worked tirelessly to ensure that the ICC continues to fulfill its role to put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole.

I would also like to thank the Bureau and the Secretariat of the Assembly of States Parties (ASP) to the Rome Statute for the preparation of the 22nd session and the related documents.

Madam President,

On the occasion of the 25th anniversary of the adoption of the Rome Statute, the world has shockingly witnessed the perpetration of atrocity crimes by the Israeli occupying regime against the Palestinian people in the Gaza Strip. Over the recent days, the Israeli carpet aerial bombing and ground invasion against Gaza have caused the killing of more than 17,000 innocent people. More than 45,000 are



wounded and more than 7,000 are missing under the rubble, presumably dead. Half of the enclave is leveled, with no place being spared. Hospitals, mosques, churches, schools and other purely civilian infrastructures have not been immune, with many hundreds of people being brutally slaughtered inside these places. In fact, no quarter is given.

The atrocities committed during the past weeks evidently include all the constituting elements of the most serious crimes, i.e., war crimes, genocide and crimes against humanity. This is while, after nearly a decade, the case regarding the “situation in the State of Palestine for atrocities committed in the occupied Palestinian territory, including East Jerusalem” is open before the ICC without any tangible progress.

Right at this stage of history, **Madam President**, there is unprecedented attention towards the the ICC across the world and the expectations of the international community for the ICC are greater than ever. Therefore, it is crucial that the Court applies the same level of attention, activity, and resources it applies to other situations, to the situation in Palestine, to avoid perceptions of double standards and selective justice, and to refuse judicial politicization of the proceedings.

The Court is expected not to let the perpetrators of these heinous crimes go unpunished. A whole nation that has been subject to oppressive occupation for more than 75 years is on the verge of genocide and extermination. Every day that passes without accountability, innocent civilians, including children and women, are being killed and slaughtered, with their lands being confiscated and their homes getting destroyed.



Madam President,

Let me underline that we cannot lose sight of the principle of complementarity upon which is the cornerstone of the Rome Statute. For the sake of functionality and efficiency, the Islamic Republic of Iran firmly urges the Court to prioritize and address the outstanding cases before it, rather than increase its docket with cases that could be dealt with more efficiently and effectively at the domestic level.

The principle of complementarity is fundamental to the Court's core mandate as a Court of last resort in investigating and prosecuting serious international crimes, unless States Parties are unable or unwilling to do so. Speaking of unwillingness, it seems that the shameless impunity provided to Israel by its supporters and enablers has always emboldened the occupying regime to continue its atrocity crimes with an absolute sense of comfort.

Nevertheless, the Court must demonstrate whether ICC is an independent and impartial International Criminal Court in combating impunity and upholding the rules-based order. The Court must decide whether it tends to vigorously resist the bullying of certain states and act in the interests of justice and accountability similar to other situations and cases, or rather tends to step back and let the atrocities committed by the occupier forces in the respective situation go unpunished.

My delegation urges the Court to take every measure at its disposal to urgently launch an investigation into the recent catastrophic humanitarian situation in the Gaza Strip and urges the ICC Prosecutor to expedite its activities, prioritize investigations and provide all facilitation in this regard to put an end to impunity for the perpetrators of these crimes. The swift and unwavering action by the Court



will work as an important deterrence for further atrocities and will prevent the killing and slaughtering of hundreds of innocent civilians, including children and women. However, the recent referral of the situation in Palestine on behalf of South Africa, Bangladesh, Bolivia, Comoros and Djibouti in accordance with the Article 13(a) and Article 14 of the Rome Statute could be considered as an important step in this regard.

Madam President,

In the same vein, the Islamic Republic of Iran remains seriously concerned by the “Situation in the Islamic Republic of Afghanistan” that remains outstanding before the Court. My delegation would like to reiterate the necessity of having a comprehensive view of the crimes committed in the situation of Afghanistan and not merely limiting the investigations to one party of the conflict or to a specified period of time which excludes several essential events in this situation.

We deem it appropriate that the Office of the Prosecutor take into consideration its previous findings in the situation of Afghanistan comprehensively and that the Appeals Chamber judgment on 4 April 2023 amended the decision of Pre-Trial Chamber II in relation to crimes committed on the territory of Afghanistan since 1 May 2003, as well as the Court’s decision to investigate and prosecute crimes that have a nexus to the armed conflict in Afghanistan, are sufficiently linked to the situation and were committed in the period since 1 July 2002.

It is highly expected that those military forces who committed war crimes in Afghanistan be held accountable and face punishment.



Madam President,

The international community has a shared responsibility to maintain justice and to prevent impunity. On that account, the Islamic Republic of Iran supports the efforts of the international community to punish the atrocity crimes, promote and realize judicial justice, and to closely follow the activities of the ICC and, in particular, the situations of Palestine and Afghanistan.

Thank you.