

**Statement by Dr. Saeid Mirzaei Yengejeh
Representative of the Islamic Republic of Iran
before the Sixth Committee on Agenda Item 153
Establishment of an International Criminal Court**

New York, October 22, 1998

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In the name of God, the Compassionate, the Merciful

Mr. Chairman,

The delegation of the Islamic Republic of Iran was among 160 delegations participated in the Diplomatic Conference on the Establishment of an International Criminal Court, and endeavored to the best of its ability for the successful conclusion of the Conference and the adoption of the Statute of the International Criminal Court on July 17, 1998.

By the adoption of the ICC Statute the international community has laid down another milestone, at the turn of century, towards achieving peace and justice-- two indivisible components of a global society. It is particularly significant that this major event has taken place at the end of the United Nations Decade of International Law. We remain convinced that an effective court, aiming at deterring potential criminals, will provide the succeeding generations with the best hope for achieving a world spared from the scourge of aggression and genocide, which over this century, has caused loss of life of millions of people around the world.

We wholeheartedly express the appreciation of Iranian delegation to the Government and the people of Italy for hosting this important conference in the historic city of Rome. We commend the leadership of the President of the Conference, Professor Giovanni Conso, and praise the tireless efforts of the Chairman of the Committee of the Whole, Ambassador Philip Kirsch of Canada, for bringing to a fruition of earlier endeavors of the International Law Commission, and the Preparatory Committee on the Establishment of an International Criminal Court. All others that have contributed to the successful conclusion of this conference, including in particular Adriaan Boss the chairman of the Preparatory Committee and very efficient staff of the secretariate, deserve to be proud of their accomplishments.

The Statute of the International Criminal Court, which is the result of years of intensive negotiations of legal experts, judges and diplomats, is still far from being a perfect one. Although considerable efforts were made, in the course of the conference, to incorporate views and positions of various governments, some of the provisions of the Statute do not satisfy every one. Moreover, some important points have been deferred for future consideration by the preparatory commission and/or by the review conference. On the other hand, it must be reiterated that the Statute of the International Criminal Court is a complex text which incorporates a number of issues currently fall within the jurisdiction of sovereign states. These issues are currently under scrutiny by the

respective departments of the government of the Islamic Republic of Iran in order to advise the Government as to the next step that it should take in this respect.

As an active participant in the course of the Diplomatic Conference, the delegation of Islamic Republic of Iran fully endorses resolutions adopted by the Conference, in particular resolution F, on the establishment of a Preparatory Commission for the International Criminal Court, which should take all possible measures to ensure the coming into operation of the Court without undue delay.

The mandate assigned to the Preparatory Commission is a multi faceted responsibility. It has to prepare a number of instruments required for coming into force of the Court and make necessary arrangements for the commencement of its functions. On the other had, it should prepare and finalize the draft rules of procedure and evidence and the elements of crimes before June 30, 2000. Furthermore, the Commission is required, in accordance with the paragraph 7 of the Resolution F, to prepare proposals for a provision on aggression, including the definition and elements of the crime and the condition under which the International Criminal Court shall exercise it jurisdiction with regard to this crime, for which my delegation attaches great importance.

Considering the importance of the responsibilities relegated to the Commission, it should start its functions with the participation of the representatives referred to in paragraph 2 of the Resolution F as early as possible. The delegation of the Islamic Republic of Iran will participate, with the spirit of cooperation, in the proceedings of the Commission and will endeavor for the realization of the goals set forth for the Preparatory Commission for the International Criminal Court. In the meantime we hope that the preparatory commission while discharging the mandate entrusted to it, will be able to address some of the concerns that have been raised during the debate of this topic in the Sixth Committee so as to pave the way for the universal acceptance of the future court, which would guarantee its strength and efficiency.

Thank you.
