



کمیسیون حقوق بشر اسلامی ایران  
Iranian Islamic Human Rights Commission  
لجنة حقوق الانسان الاسلامية في ايران

**17 July 2010**

**The Statement of Iranian Islamic Human Rights Commission  
On the Occasion of  
International Criminal Justice Day**

Iranian Islamic Human Rights Commission issued a statement on the occasion of the Day of International Criminal Justice which is celebrated on June 17, the day on which the Rome Statute was adopted in 1998.

According to ISNA (News Agency), the Statement is as follows:

“Since the adoption of the Rome Statute (the Statute of International Criminal Court) in 1998, Human Rights activists around the world each year celebrate the anniversary of this adoption as the “Day of International Criminal Justice” and as a special occasion. Once again, the celebration of this day emphasizes on the importance of instrument and establishment of the Court; an instrument and a court that are rightly a turning point in the international evolutions in the domain of international criminal justice and individual criminal responsibility.

With the establishment of International Criminal Court and beginning of its activities, criminal justice in the universal spectrum gained a new meaning and the victims of serious international crimes who are disappointed from the remedy and justice of their national judicial systems, trusted on the International Criminal Court and looked forward to beginning of its activities. It is interesting that during years of waiting and passing of time, the victims do not forget the committed crimes and their rights to remedy while the responsible people for these crimes during years of escaping from their responsibility think about the dream of time lapse and consolidating peace talks without justice.

After all these years, the expectations of unprotected victims and affected communities from these international crimes have raised a lot. A question which here comes into mind and apparently it should be answered is that how could really the victims and affected communities experience justice through International Criminal Court after passing eight years from the coming into force of the Statute while the Court is still passing its childhood or negligently its adolescence?

This year, the importance of the Day of International Justice is reduplicated. The Kampala Declaration which was issued during the Review Conference in Uganda's capital about a month ago clearly stated that the high-level representatives of States Parties to the Rome Statute of the International Criminal Court are decided to henceforth celebrate 17 July, the day of the adoption of the Rome Statute in 1998, as the Day of International Criminal Justice. It should be said that for the victims of crimes affected communities, there is no celebration better and sweeter than the real commitment of the governments to the aims and purposes mentioned in the preamble of the Rome Statute and ethical principles.

The first Review Conference was held in Africa. Africa, the only continent which has been hitherto the target of the Court and all the cases of the Court which are under investigation relate to this continent. This Review Conference, like other international events, faced with some successes and failures. Apart from the failures relating to the expansion of the Court's jurisdiction and defining the application conditions of the Court's jurisdiction in relation to the Crime of Aggression in an appropriate manner, Kampala showed that apparently the International Criminal Court and the legal discussions of the Assembly States Parties of the Rome Statute are not to continue their works apart from political considerations. The victims who heard the news of Kampala, learned that the westphalian nature of sovereignty which has been an obstacle for justice and fair trial and has sacrificed human rights for the interest and expediency of power at national level, could also be an obstacle for proper justice at international level

The Day of International Criminal Justice is a good chance for independent stakeholders to announce their requests and desires again and state that peace without justice is neither desirable nor stable. Combating impunity is the major aim of International Criminal Court but one should know that the other side of combating impunity is attending to the victims' right to effective remedy. The fact that the jurisdiction of International Criminal Court is a supplementary jurisdiction and that in the first step the countries should effectively pursue the crimes reiterated in the Rome Statute through national courts is still need to be repeated. The acceptance of the principle that the effective pursuing of international crimes is started at the national level and completely depends on the political will and cooperation principle should be prove in action. Another required measure to be taken is that the behavior of the

countries such as United States in concluding bilateral agreements with more than hundred countries and misusing the article 98 of Rome Statute for non extradition of international crimes' perpetrators to the International Criminal Courts should be blamed and seriously pursued.

The International Criminal Courts has started its work. The Day of International Criminal Justice is a proper occasion for stocktaking. Evaluation of the achievements and challenges of the Court shows that the cooperation of governments is needed more than before. Principally the Court's success depends on the governments' cooperation. The Court has started its work, the Court's Prosecutor has started the investigation and some arrest warrants have been also issued. If the countries do not commit to cooperation, the Court's activities and implementation of its warrants and sentences will be sterile. Why don't the countries commit to the required cooperation in practice? Does this lack of cooperation mean that they are not satisfied with the Court's activities?

The Day of International Criminal Justice reminds us the important point that justice is the desire of all human beings and administration of criminal justice should not be selective because today there is no doubt that injustice anywhere will be a threat to justice everywhere. The fact that the International Criminal Court, the Prosecutor and the competent agencies such as Security Council ignore the committed crimes in one region while the less severe and concealed crimes are on their urgent agenda is a problem which can reduce the global trust to the independence of this Court. The path from Rome to Kampala was not so easy to undermine it by political arrogance of few countries and defile this important universal achievement by their political intervention. Thus, it is the duty of all people to preserve and promote the independence and impartiality of the International Criminal Court.

The IHRC as one of the independent bodies in the service of Human Rights which has joined International Coalition for the International Criminal Court, in its continuous activities, always hopes that the compassionate efforts of true human rights activists around the world for disseminating International Criminal Justice and promoting the culture of responsibility and accountability will be soon bear fruit.

**Unit of Public Relations**

**Iranian Islamic Human Rights Commission**