

**Statement by Dr. Saeid Mirzaei Yengejeh**  
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**before the Sixth Committee On Agenda Item 164**  
**Establishment of the International Criminal Court**

**New York, November 12, 2001**

In the Name of God, the Compassionate the Merciful

Mr. Chairman,

The Preparatory Commission on the Establishment of the International Criminal Court has entered into a new stage of its activities. This is evident from a significant progress made at the eighth session of the Preparatory Commission, and also from increase in the number of ratifications of the Rome Statute.

At the first phase of its activities, the Preparatory Commission prepared two essential texts, necessary for the efficient and smooth functioning of the Court, namely, the Elements of the Crimes and the Rules of Procedure and Evidence.

As the report of the Preparatory Commission before the Sixth Committee illustrates, the Commission at the second stage of its work has successfully completed the preparation of four additional draft instruments required by the Resolution F, adopted by the Rome Diplomatic Conference. The documents produced at the eighth session of the Commission, if approved by the Assembly of States Parties, would cover different areas of financial rules, privileges and immunities of the Court, relationship of the Court with the United Nations and the Rules of Procedure of the Assembly of States Parties. Without doubt these documents are essential for the establishment of the Court and making it operational.

Mr. Chairman,

Now that 46 States have submitted the instruments of ratifications of the Statute to the Secretary General, it is highly likely that the Statute to be ratified by the required number of States (60), and to enter into force some time in 2002. Consequently, the Preparatory Commission at the third phase of its activities, which would be shorter than the first and second stages, has to finalize the remainder of assignments given to it by the Resolution F. It should also adopt necessary operational measures for the convening of the first Assembly of States Parties.

As it is indicated in the report, in order to fully accomplish the mandate entrusted to the Commission, three working groups on the Crime of Aggression, the First-Year Budget and the Principles Governing the Headquarters Agreement will continue their activities in the future sessions of the Preparatory Commission. Moreover, two additional working

groups have been established to make arrangements and prepare additional documents required for the convening of the Assembly of States Parties and to deal with the financial issues. Additionally, three focal points appointed by the Chairman of the Preparatory Commission to prepare provisional internal rules and regulations on the areas of human resources, finance issues and operational matters.

Having reflected on the program of activities of the Preparatory Commission for year 2002, we feel that under the able leadership of Ambassador Philip Kirsch the Commission would be able to mainly accomplish its mandate during the proposed two sessions in 2002. However, I deem it appropriate to underline the importance of the following points:

First, the Preparatory Commission should make every effort to accomplish its mandate in respect of the definition of the Crime of Aggression in the context of ICC Statute within the life span of the Commission. Since, this mandate like other assignments entrusted to the Commission is unconditional and therefore it should be fully accomplished. However, should there remain unfinished work concerning this important topic, the relevant working group must prepare a comprehensive report on the progress made with appropriate recommendations regarding continuation of the work in the context of the Assembly of States Parties. It is our hope that with such an approach, the first review conference of the Statute, which would be convened seven years after its entry into force, will be able to approve the definition of the Crime of Aggression and consequently the Court could exercise its jurisdiction in respect of this Crime.

Second, the Preparatory Commission is required in accordance with paragraph 9 of the Resolution F "to prepare a report on matters within its mandate and submit it to the first meeting of the Assembly of States Parties." This aspect needs to be taken into consideration in preparation for the second session of the Preparatory Commission in 2002, and sufficient time and resources must be allocated to this end.

Third, the resolution of the General Assembly on the item under consideration that would be adopted at the current session should invite the Secretary General of the United Nations to convene the first session of the Assembly of States Parties after entry into force of the Statute, which is very likely to occur in year 2002.

Thank you, Mr. Chairman.

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