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Iran's Criminal Policy towards the International Crimes within the Jurisdiction of the International Criminal Court

Mohammad Baghaei [*a], Amir Houshang Fathi[b], Hoda Jamshidi [c]

[a] *Corresponding Author, Ph.D. candidate in criminal law and criminology, Islamic Azad University, Isfahan (Khorasgan) Branch, a judge in the General and Revolutionary Court of the City of Aligudarz, University lecturer.*

[b] *Ph.D. candidate in criminal law and criminology, Islamic Azad University, Qom Branch, a judge and the Head of Court in the city of Aligudarz, University lecturer.*

[c] *Master's degree in criminal law and criminology, Islamic Azad University, Noragh Branch, senior Aattorney at Law.*

Abstract

One of the new challenges of the international community is the internationalization, and especially the organization of crimes known as international offenses. Some investigations show that as many as 315 international treaties and documents were issued between 1815 and May 1996, which have mentioned 24 international offenses. International crimes include those illegal acts that violate an obligation which is of fundamental importance from the perspective of the international community, and the elements making these crimes include the international, supranational and governmental elements. The legal element of an international offense comes either from a convention or from international law, both cases of which require the application of an appropriate penal policy by the members of the United Nations in accordance with its international obligations. Iran's penal policy is such that some international crimes have not been assumed as crimes in domestic law. Besides, the Parliament has not approved of acceding to the Statute of the International Criminal Court, as the only permanent institution responsible for punishing the international criminals despite the fact that Iran has signed the Statute on December 31, 2002. However, the domestic law has mentioned and determined the appropriate penal policy in relation to some other crimes such as human trafficking, money laundering, and cybercrime, which are among the most controversial issues that we deal with in this study.

Keywords: international community, international crimes, international obligations, Iran's penal policy, International Penal Court

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1. Introduction

International crimes refer to those illegal acts that violate an obligation that is of fundamental importance from the perspective of the international community (Baseri, 2007, p. 170).

Some investigations show that as many as 315 international treaties and documents were issued between 1815 and May 1996, which have mentioned 24 international offenses. These crimes include territorial aggression, war crimes , Genocide, some types of smuggling including drug trafficking, the destruction of cultural heritage, the illegal use of weapons, crimes against humanity, racism, slavery and related crimes, torture (as a war crime), illegal experiments on humans, Piracy, hijacking, crimes against international maritime security and transport, threats and the use of force against persons with international protection, , hostage-taking of civilians, international trafficking of pornographic publications, destruction or plunder of national reserves, some types of environmental degradation, theft of nuclear material, illegal use of post, manipulation of submarine wires, taking someone as mercenary, and some types of counterfeiting and fraud (Mir Mohammad Sadeqi, 2011, p. 43).

International Criminal Law, besides determining and defining international offenses, specifies international obligations about the prosecution and punishment of these crimes as well as judicial procedures on how to deal with them. Actions regarded by international law as "international crimes" and the perpetrators of which must be prosecuted and punished include multiple titles and different categories, ranging from human rights abuses such as human trafficking and kidnapping, hostage-taking or torture, to offenses such as terrorism, counterfeiting of banknotes as well as piracy, smuggling of psychoanalysts and even bribery in its transnational and organized sense. However, at the top of the list of these criminal acts are anti-peace and anti-security crimes including aggression, genocide, crimes against humanity and war crimes, which are considered to eradicate the foundations of international human rights system, and the purpose of punishing their perpetrators is to protect the most important values for the international community; i.e. such fundamental values like peace and human rights that benefits of the world requires punishing those who violate them (Fayoozi, 2007, p. 17).

2. The Concept of Criminal Policy

The term "penal policy" or "criminal policy" was first used academically by German scientist Anselm von Feuerbach in his book entitled "Penal Law", published in 1803. This German defines criminal policy as "a set of repressive practices that a government uses to react to crimes". The definition provided by Feuerbach represents a limited concept of criminal policy and in fact represents penal policy. In his view, criminal policy is based on coercive, punitive and official methods and is only applied to crimes (Lazerge, 1996, p. 14). In the process of the evolution of the concept of criminal policy, a French scientist, Mayor Delmas Marty, a professor at the University of Paris, provides a comprehensive definition of criminal policy by considering the quantitative and qualitative changes that have emerged in recent decades in various types of crime and different ways of dealing with them and by reconsidering the definition provided by Feuerbach. "Criminal policy, he believes, includes a set of ways to which the community resorts in order to organize the responses to criminal phenomena". Thus, criminal policy is manifested to be synonymous with the theoretical and practical aspects of the various forms of social control (crime and deviation). Obviously, penal law in Iran will be very noticeable in this perspective, like the core or the place of the strongest pressure and tension in criminal policy. But penal policy tools are not alone in the

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realm of criminal policy; around them are other social security practices, such as non-repressive control methods (prevention and compensation of damage, mediation), and sometimes even non-governmental practices (repressive practices of militias, protest actions of the type of actions performed by Amnesty International (Marty, 2002, p. 24).

It can thus be said that criminal policy, at the end of the twentieth century, i.e. about two centuries after the first use of the term "Criminal policy" by Feuerbach, now includes crime and diversion, as well as all preventive and punitive measures taken by the government and society either independently or through their organized partnerships in order to suppress crime and prevent crime and diversion (Lazerge, 1996, p. 14).

The word "criminal policy" gradually entered Iran's legal literature with the translation and compilation of several articles and books since the early 1990s and attracted the attention of students even before it was used as a course for the master and Ph.D. programs in criminal law and criminology. However, it has attracted the attention of programmers since it was recognized and used officially as an independent course besides the "classic" courses in the Department of Criminal Law and Criminology their dissertations. (Baseri, 2007, p. 26).

1-2. Similarities between penal policy and criminal policy

while the policy of combating the criminal phenomenon is mainly equipped with penal instruments and pursues "learning" and "horrendous" missions, it is the same as penal or penal policy which is actually within the realm of the "legal policy" of each state (the narrow concept of criminal policy), but dynamic states, especially after the end of the Second World War, have not only used various criminal law rules and institutions, they have also used institutions of other legal systems (administrative law, civil law, medical law, etc.) and also the crime prevention rights as an establishment independent from deterrence and general and specific prevention resulting from the formulation and implementation of the penal system. In this case, the fight against the criminal phenomenon has a core called the penal system, but it is also accompanied by prevention rights and other legal systems that make up the "criminal policy" or the crime control policy (the broad concept of criminal policy). In this broad sense, criminal policy is within the realm of the "social policy" in each state and is transformed, which is in fact the broad concept of penal policy. Thus, "penal policy" is considered as part of criminal policy (Najafi Abrandabadi, 1995, pp. 291-2).

2-2. The differences between penal policy and criminal policy

Penal policy only involves a criminal justice system's dealing with a criminal phenomenon based on what has already been considered as crime by the legislature, while criminal policy is more inclusive and includes all preventive (non-punitive) and penal measures. Besides, criminal policy has been considered by criminologists, while penal policy has been considered by lawyers.

3. Iran's criminal policy about crimes within the jurisdiction of the International Criminal Court

The International Criminal Court was established in 1998 as the first permanent international court to investigate genocidal crimes, war crimes, crimes against humanity and aggression. The court was the

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result of efforts the starting point of which was the Versailles Treaty of 1919. Under this treaty, Wilhelm II, the German ruler accused of committing war crimes during the First World War, was to be tried, but his trial did not occur because he took refuge to the Netherlands and was not returned to Germany by the Netherlands. These efforts continued and were manifested in the two courts of Nuremberg and Tokyo and even in Article 6 of the Genocide Convention adopted in 1948. It was in this year that the General Assembly of the International Law Commission and a special committee of government representatives requested to examine the possibility of establishing a permanent international penal court. This lasted for half a century, until the Statute of the International Criminal Court was approved by the representatives of 120 governments on June 15, 1998 and became enforceable on July 1, 2002 (July 1, 2002) (Pourbafarani, 2012, p. 275). Iran signed the Statute on December 31, 2002, but has not yet passed it in the parliament.

1-3. Reasons for rejection of the Statute of the International Criminal Court by Iran

Although Iran played an active role in the drafting of the Statute of the International Criminal Court and accepted it, the Islamic Consultative Assembly has not yet accepted joining the Statute. It seems that there are several reasons why the parliament does not approve of joining the statute.

The first question is whether this international institution will have a completely independent performance in different subjects, or it will act under the influence of the great powers, especially the permanent members of the Security Council, and it will perform purely political actions by nature instead of implementing the Statute. The instrumental (political) use of international institutions by the world powers has such a long history that many instances can be given for the influence of these countries, including the time when the Security Council tends to make a decision on an international issue that threatens global peace and security. If a member of the Security Council does not find that issue to its interest, it may use its veto right. Article 16 of the Statute provides that, upon request by the Security Council, the court will not have the right to pursue the matter, as any intervention by the Security Council severely questions the Court's independence in decision-making. Therefore, one of the factors that made Iran chose not to be a member of the court is the possible influence of Western countries, especially the United States on it. It should also be noted that as referring a country's file to the court can be beneficial to that country, it can also be considered detrimental to the same country in certain cases, so membership in the International Criminal Court is considered as a double-edged sword.

Section 27 of Article 2 of the Statute of the Court states: Immunities or the formal special rules that are applied about the officials under the domestic law or international law shall not prevent the court from exercising its jurisdiction over those persons. Therefore, it is argued that the official position of individuals including the president of the republic, a member of the government or the parliament, and so on will not prevent his or her prosecution. The Iranian government, which has always considered the policies of world powers against the benefits of the Islamic Republic of Iran, has been concerned about the influence of these countries in the Court.

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2-3. International crimes within the jurisdiction of the International Criminal Court

Article 5 of the Statute of the International Criminal Court states about the crimes within the jurisdiction of the court: The court's jurisdiction is limited to the most serious crimes which concern the international community. Under this Statute, the Court has jurisdiction to deal with the following crimes:

1- Genocide crime

2- Crimes against humanity

3- War crimes

4. Crimes of aggression

In accordance with the principle of general or universal jurisdiction which the Iranian legislator has recognized in article 9 of the Islamic Penal Code of 2013, states have the right to pursue some offenders within their territories, regardless of where the offense has occurred and which country the offender and victim come from. One of the dichotomies of this principle is the general jurisdiction coming from international treaties between states, which make it possible for states to deal with certain crimes committed in the territory of the other parties to the treaty. According to the article, the existence of an international treaty under which the commission of an international crime has been recognized and the Iranian government has joined that treaty or a specific law, is a prerequisite for the application of the principle of universal jurisdiction (Shokri & Sirus, 2010). , P. 34).

Moreover, Article 9 of the Islamic Penal Code states: "For crimes whose perpetrators are prosecuted under a specific law or international treaties if found in any country, and their perpetrators will be prosecuted and punished in accordance with the laws of the Islamic Republic of Iran if they are found in Iran". It should be said that by " specific law "is meant the law whereby the Islamic Consultative Assembly approves of the international treaties in accordance with Article 77 of the Constitution and the law which is equal to the domestic law, and by "international treaties" is meant the treaties that the Iranian legislator has not approved of them; therefore, these treaties are considered international conventions according to the international considerations and the principles and rules of international law, and governments, including the Iranian government, regardless of being members of it, are required to comply with it (Pourbafarani, 2012, p. 390). Iran uses different penal policies in dealing with international crimes, so that the domestic law in this country has not even considered some international crimes as crimes in its domestic law.

3-3. Genocide in the Iranian laws

Iran ratified the International Convention on the Prevention and Punishment of the Crime of Genocide (1948) in 1952, but it did not take the required legislative and judicial measures to implement these treaties. It seems that Iran needs to criminalize genocide in its domestic law and must abide by its international obligations. According to Articles 5 and 6 of the International Convention on the Prevention and Punishment of the Crime of Genocide, the contracting states are required, in accordance with their

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constitutions, to adopt the necessary measures to implement the treaty, determine appropriate penalties for genocide and prosecute those accused of genocide in their domestic courts. More than 85 countries have now included genocidal crimes in their domestic laws, and 139 countries have approved of its statute. Thus, the gap of prevention and punishment of genocide (1948), which has been the lack of proper legal enforcement and an appropriate structure for prosecution of its perpetrators, has been filled out via the criminalization of genocide in the domestic legal systems of nearly half of the world's countries and the establishment of the International Criminal Court (Ardabili et al., 2006, p. 2, 3, 19).

When genocide occurs within the territory of a country, international courts and tribunals have jurisdiction to investigate the situation, especially if the domestic authorities have skipped it deliberately or they have lacked the capacity to deal with it. In such circumstances, domestic courts must first have the required "jurisdiction" to do criminal proceedings, as determined by the legislature, so that they can apply it afterwards. The question now is, despite Iran's non-adherence to the International Criminal Court and lack of criminalization of genocide in Iranian law, how will the Iranian criminal law respond the above question if such a crime occurs in the realm of sovereignty of Iran?

Some justify the non-criminalized genocide in Iran's domestic law in such a way that these issues (international crimes) are not new crimes to be considered by the legislature. However, it should be noted that the domestic laws of the 85 countries where genocide is considered an independent crime also contain murder or other acts associated with genocide, but they have incorporated genocide in their domestic laws as well due to the importance of the genocide crime, which has always been committed by notorious criminals of the history against civilian defenseless people, and also due to the nature (mens rea) of the crime that is associated with racist thoughts.

The Iranian legislator's position, according to Article 9 of the Islamic Penal Code, is to prosecute and punish perpetrators of international crimes, but according to domestic rather than international law, since the conventions relating to international crimes only require the acceded states to commit these criminalize these offences in their domestic law, and given the fact that genocide has not been criminalized in Iranian law, if such a crime occurs within the territory of Iranian sovereignty, the judge who has been qualified under article 9 of the Islamic Penal Code must seek to compare the genocide crime with the domestic law and, if he does not find an article based on which to attribute the crime to the accused person, the accused person must be acquitted while he has committed genocide under the international law. Therefore, those who believe that there is no need to criminalize genocide or other international crimes in domestic law, if we want to deal with these crimes, the judicial system will face difficulty handling these cases, and the criminalization of international crimes would lead to more transparency in penal titles in Iranian criminal law.

3-4. Crimes against humanity

The crimes against humanity have been defined in numerous sources, but the most important documents defining these crimes are the Nuremberg Trial Statute, the Tokyo Trial Statute, Law No. 10 of the Control Council, the Statute of the International Criminal Court for Rwanda (Article 3) and the draft 1996 of the International Law Commission on "Rules for Crimes against Peace and Human Security"

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(Article 18). The statute of the International Criminal Court has actually tried to present a relatively comprehensive definition of crimes against humanity based on these documents as well as the judgments given by international courts. In accordance with their international obligations, the governments of the world have to criminalize acts such as crimes against humanity and to prosecute and punish the perpetrators of such crimes. In this regard, Article 7 of the Statute of the International Criminal Court states that by "crimes against humanity" in this statute is meant each of the following acts when consciously committed in the form of a widespread or organized aggression against a non-military population:

1- Murder
2. Eradication
3- Slavery
4. Deportation or compulsory transfer of a population
5. Imprisonment or severe deprivation of liberty which is contrary to the fundamental rules of international law.
6- Torture
7. Rape, sexual slavery, forced prostitution, forced pregnancy, compulsory sterilization, or any other form of sexual violence with these cases,
8. Continuous persecution and torture of any particular group for any political, racial, national, ethnic, cultural, religious or sexual reasons, as referred to in Section 3 or on the basis of other criteria considered illegal in international law, in relation to any action mentioned in this section or any crime that is to be dealt with by the court.
9. Enforced disappearance of persons
10. Racial discrimination
11. Other similar acts against humanity that are intentionally intended to cause great suffering or damage to the physical and mental integrity of a person.

A review of Iran's domestic laws shows that some of the crimes against humanity such as murder, have been criminalized, while other crimes such as racial discrimination have not been criminalized, despite clear decency of the act.

Countries which are members of the International Covenant on Civil and Political Rights (ICCPR), which Iran has also accepted, are required to regularly report their activities of implementing the provisions of the covenant (Article 40), then the Human Rights Committee talks about the reports with representatives of the relevant governments. In addition to this covenant, the Human Rights Committee can deal with complaints made by individuals through special procedures and the optional protocol to the covenant.

Regarding the prohibition of torture in Iran's law, Article 38 of the Constitution states that any torture for the purpose of confiscation or getting information about something is forbidden and it is also forbidden to force persons to witness, confess or swear, and such testimony, confession and oath is basically invalid and void. The violator of this principle will be punished under the law, and the legal punishment for this act has been reflected in Article 578 of the Islamic Penal Code.

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3-4-1. Crimes against humanity in Iranian laws

The Islamic Consultative Assembly passed a draft entitled "A Draft for Handling Crimes of Genocide and Crimes against Humanity and Aggressions due to Racism" at a public hearing on Sunday, May 19, 2002. The draft was returned to the parliament as the Guardian Council found it vague, and the Parliament, insisting on its previous resolution, sent it to the Expediency Council, but the parliament took it back from the parliament due to some shortcomings of the draft.

Article 1 of the draft allowed the judiciary to allocate a branch or branches of the general court to deal with complaints about crimes of genocide and racism and anti-human rights abuses. According to note 2 of the above article, those accused of such crimes must be tried in the courts regardless of the place of commission, nationality and place of residence. Article 3 has defined genocide in exactly the same way it has been defined in the international documents, and finally, according to article 5, the violators of this law must be punished according to the Islamic Penal Code. Regardless of the other drawbacks of this draft, the most important objection was the referral of the penalties for the crimes to the Islamic Penal Code, because, firstly, some instances of the crimes mentioned in the draft such as murder and physical harm have been considered in the Islamic Penal Code only as normal rather than international crimes, and the punishment of international crimes as normal offenses cannot satisfy the expectations of the international documents. Secondly, the more fundamental objection was that some of the instances of these crimes, such as deliberate placement of group members in an inappropriate life condition or the prevention of birth in the group and the mandatory transfer of children from one group to another have no equivalents in the Islamic Penal Code as they are too general and have various manifestations; that is, no documents can be found in the Islamic Penal Code for their punishment, because the draft could be no longer relevant if punishment had been determined for these crimes in the Islamic Penal Code (Ardabili et al., 2006, pp. 20-21).

3-5. War crimes in Iranian laws

A glance at the Armed Forces' Law of Crimes adopted in 2003 shows that the legislator has criminalized special crimes committed by military persons and policemen and has paid no attention to the fact that the armed forces may commit war crimes during war. Some argue that under normal circumstances no country attempts to criminalize war crimes and then prosecute its own military personnel for committing these crimes. However, such crimes need to be included in the criminal laws of countries from the point of view of justice and observance of the accepted human rights and war law, which have been accepted by the international community as per the conventions of Geneva so that governments will try their efforts to respect the rights of the war, because war, in accordance with the internationally accepted laws, has its own rights and must be observed by the forces involved. For example, those captured during the war must not be killed; they must be captured and enjoy the rights of prisoners during the war, and their names must be made available to the Red Cross.

Iran joined this convention on Tuesday, July 21, 2015 by adopting the single article of the law allowing the Iranian government to join the contracts known as the "Geneva Convention". The Geneva Convention

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is equivalent to the domestic law and is enforceable as it was accepted by Iran and approved of by the then National Council Parliament. The text of the article is as follows:

"The single article of the National Consultative Assembly approved the Iranian government's joining to the famous Geneva Conventions as follow: 1. the contract concerning the improvement of the fate of the wounded and patients in the armed forces during expedition; 2. The contract on the protection of Individuals during war; 3. The contract on the improvement of the fate of the wounded and the armed forces at sea; and 4. The contract regarding transaction with the war prisoners signed in December 1949 in Geneva. A review of the articles of the Penal Code of the Armed Forces shows that the legislator has considered the inappropriate behavior of the military forces as a specific military offense in some cases, which may be compared with the instances of war crimes in Article 8 of the ICC Statute of the same war crimes. We will discuss the criminalized cases in the domestic law of Iran in the following.

A. Section B of Article 33 of the Penal Code of the Armed Forces

Section B of Article 33 of the Penal Code of the Armed Forces has been included to protect the lives, property, honor, or property of people against the violations or aggressions of the armed forces, but it cannot be inferred from this article whether or not the legislator also means the citizens of an enemy country at wartime, because, according to the Geneva Conventions, immunity from the protection of life, property and honor of non-military people has been accepted and the parties involved in the war do not have the right to aggress them.

B. Article 34 of the Penal Code of the Armed Forces

Although Article 34 of the Penal Code of the Armed Forces is not directly related to the commission of war crimes, the legislator's attention to the prevention of offenses and aggression by military forces or citizens of a country not in conflict with Iran is among the positive aspects of this article in the Penal Code of the crimes of the armed forces, which prevents the Iranian military forces from invading a foreign country that is not fighting with Iran.

In addition, hostile operations refer to any military action or the implementation of any tactical, strategic missions and the different stages of battle including: movement, preparation and maneuvers of war, which are without the permission of a foreign state (Malmir, 2010, P. 85).

c. Article 127 of the Penal Code of the Armed Forces

Article 127 of the Penal Code of the Armed Forces aims to respect the rights of war and impartiality, which is still a major part of international law. In the Geneva Conventions of 1949, the war rights are important, particularly from the humanitarian aspects. Article 2 of the Geneva Convention, which is also common to all four commissions, extends the application of the convention to all cases of declared wars or any other armed conflict, even if the state of war has not been accepted by one of the parties (Malmir, 2010, p. 228).

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3-6. Iran's position concerning land aggression

Although the laws of some countries have recognized and criminalized territorial aggression, no international criminal proceedings have been conducted at the national level on aggression. But what we need to do in this section is to declare the position of the Iranian government at the United Nations Diplomatic Conference to establish the International Criminal Court for aggression.

The representative of the Islamic Republic of Iran declares Iran's position as follows:

"The Iranian delegation's view is that the International Criminal Court should have jurisdiction to investigate the aggression crime. In our opinion, in the current status of the development of international law, i.e. the situation in which the international community has come to a stage to establish an international criminal court, the failure to mention the aggression crime in this statute will be a threat to the universal success of this court. We all know that the Security Council has had so many problems so far in defining, identifying and punishing the aggressors, while today we are setting up a judicial and international body to deal with the major international crimes. Moreover, as the Swedish representative pointed out, if this court does not have jurisdiction to investigate the crime of aggression, it will be more a symbolic and ineffective court than a real one. Regarding the definition of the crime of aggression, the delegation believes that the definition brought in Resolution 3314 of 1974 is a definition which is still accepted. In addition, the definition in option 2 of the statute can also be acceptable. But in the case of other crimes, as many delegations have also noted, we think that we must limit ourselves to the four crimes mentioned at the beginning of the draft of Article 5" (Shariat Bagheri, 2009, pp. 211- 212)

4. Conclusion

By examining Iran's penal policy against international crimes, we can conclude that the legislator has given the courts the jurisdiction to deal with international crimes in accordance with Article 9 of the Islamic Penal Code, but the law is silent about which court is competent to deal with these crimes. Another problem arises due to the fact that international offenses have not been criminalized by Iranian law, and the judge hearing the case must inevitably judge the act based on similar crimes in domestic law, which creates problems in judicial proceedings in practice.

With regard to the four crimes of genocide, crimes against humanity, war crimes and aggression, which fall within the jurisdiction of the International Criminal Court, accession to this statute has not been approved by the Islamic Consultative Assembly despite the Statute was signed by Iran on December 31, 2002. However, joining the court may be associated with some risks, non-accession will deprive Iran of its benefits, such as when the government or any Iranian official or citizen undergoes damage caused by the crimes set forth in the statute and it is not possible, for any reason, to bring the accused person to this international court of justice, and the bad relationship between Iran and some of the permanent members of the Security Council has caused the Security Council to avoid bringing the defendants to the court. The lack of membership in the court will also deprive Iran of the opportunity to influence the development and transformation of international criminal law, and it is only non-member states, like Iran, that lose their opportunities and remain in a state of inactivity and mere observation forever. Assuming that Iran's non-accession is for escaping the criminal responsibility and preventing the application of the jurisdiction

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of the International Criminal Court, non-accession cannot be an obstacle for it, because the charter of United Nations has given the Security Council the authority to establish subsidiary bodies for the maintenance of international peace and security, and this council can thus set up special criminal tribunals to investigate alleged crimes committed by Iranian citizens, as it has already taken action in this regard.

Additionally, these crimes have not been criminalized in Iranian laws. If we want to investigate crimes mentioned in the statute according to Article 9 of the Islamic Penal Code, we will in practice face difficulty finding the equivalent of the committed crimes and there may also be cases where we cannot identify a criminal title for that crime, which will cause the defendants to escape from criminal justice.

Concerning other international crimes that are beyond the jurisdiction of the court, Iran has also criminalized some international crimes such as drug trafficking, human trafficking, arms and ammunition trafficking, money laundering, cybercrime, hijacking, and destruction of historical-cultural property in domestic law, but as for other crimes such as terrorism, hostage-taking and some other crimes, although it is possible to find similar crimes by reference to criminal law, Iran needs to act on the basis of its international obligations.

The penal policy of mere resort to punishment by the legislator and the Iranian judiciary has made it impossible to use other non-penal solutions to deal with crimes. An effective penal policy should resort to punishment only as the last resort, and any penal policy that starts with punishment as its first solution is certainly in the wrong path. Therefore, it is imperative that Iran bring about fundamental changes in penal policy making, which we will discuss in the suggestions part and propose solutions for it.

5. Suggestions

5-1. Complete implementation of Iran's international obligations

Implementation of international obligations of the Iranian government (before and after the Islamic Revolution) in international crimes: Iran joined the International Covenant on Prevention and Punishment of Genocide (1948) in 1952 and accepted to criminalize the crime of genocide in its domestic laws, but it has done nothing in this respect yet, and it is thus necessary for Iran to take measures to implement all its international obligations. While some principles of the Iranian Constitution such as Principles 19 and 20 on the prohibition of racial segregation are not enforceable under the ordinary rules, we should not expect that international conventions and Iran's international obligations be fully implemented in the domestic laws of this country.

5-2. Iran's accession to the Statute of the International Criminal Court

Iran's accession to the Statute of the International Criminal Court and cooperation with it in the fight against international crimes and the training of qualified judges by the Judiciary for membership in this international institution can be an important step for the effectiveness of Iran's penal towards international crimes.

5-3. Determining the jurisdiction of the capital's courts for prosecuting the international crimes

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It is suggested that the capital's courts have the jurisdiction to prosecute international crimes, because the basis for dealing with these crimes is the principle of universal jurisdiction. Therefore, Article 9 of the Islamic Penal Code, adopted in 2013, only mentions the generalities of this jurisdiction and does not specify which domestic courts have this jurisdiction and how.

5-4. Criminalization of international crimes in the Islamic Penal Code

All international crimes that are recognized as international offenses under the existing conventions or international conventions need to be criminalized and a new chapter entitled "International Crimes in Islamic Penal Code" needs to be included in it, so that our country ca become one of the pioneers in the fight against international crimes.

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