



Statement by
Mr. Mohammad Sadegh Talebizadeh Sardari,
Representative of the Islamic Republic of Iran
before the Sixth Committee of the
77th Session of the United Nations General Assembly
on
Agenda item 78: Report of the International Law Commission on the
work of its Seventy-third session
Cluster II
Chaps: VI (Immunity of State officials from foreign criminal
jurisdiction) and IX (Sea-level rise in relation to international law)
New York, 28 October 2022

Mr. Chairperson,
Distinguished members of Delegates

I will begin our statement today by addressing the topic of Immunity of State officials from foreign criminal jurisdiction . I would like to appreciate the Commission and its members on their work as reflected in Chapter VI of the report on this challenging topic. My thanks should also go to the Special Rapporteurs, Ms. Concepción Escobar Hernández and Mr. Roman A. Kolodkin, for their considerable efforts and contribution in this regard.

Having considered the content of the report on Chapter VI, we reiterate our observations and concerns which have been expressed in our prior statements made before this Committee¹ pertaining to a

¹ See Statements already delivered by the Islamic Republic of Iran before the [69th \(cluster II\)](#), [70th \(Cluster III\)](#), [71st \(Cluster III\)](#), [72nd \(Cluster II\)](#), [73rd \(Cluster III\)](#), [74th \(Cluster II\)](#), and [76th \(Cluster II\)](#)



number of draft articles adopted by the Commission so far, specifically draft article 7. We note that despite the disagreement echoed by several Member States and divergent views among ILC members, the same commentary of the 2017 with minor updates² was disappointingly adopted in respect to the aforesaid draft article.

The Islamic Republic of Iran is of the conviction that the draft article 7 is neither in congruence with the State practice, nor does it reflect customary international law. We restate our view that meanwhile immunity is not equivalent to impunity, limiting the scope of immunity in favor of the responsibility and accountability of State officials should benefit from sufficient, widespread, representative and consistent State practice. My delegation is not yet convinced that this draft article is a reflection of codification of existing international law, rather it should be regarded as progressive development of the current law.

At the same time, we once again express our dissent with the list of crimes enumerated in draft article 7 as well as the annexed list of international treaties referred to therein, since all the listed treaties are not universally accepted, and therefore, the definitions therein fail to enjoy universal acceptance.

As a final remark on this topic, my delegation considers that a dispute settlement clause would only be relevant if the draft articles were intended to become a treaty. While the Commission had yet to decide on the final product of the topic, Member States views are vital

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on its work.

² UNGA DOC. A/77/10, p. 231, para. (4).



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My delegation would like to make some comments on this topic and the second issues paper, in addition to what we have stated previously:³

First of all, with respect to the

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approach on a case by case basis with respect to each specific issue could be taken into consideration.

My delegation once again commends the work carried so far and looks forward to the subsequent report of the Study Group on the consolidated results of the work.

I thank you Mr. Chairperson.