

Islamic Republic of

I R A N

Permanent Mission to the United Nations

Statement by

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before the Sixth Committee

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on agenda item 82:

"The rule of law at the national and international levels"

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Mr. Chairman,

My delegation aligns itself with the NAM statement on this agenda item that was delivered yesterday. The Islamic Republic of Iran attaches great importance to the promotion of rule of law and justice at the national and international levels. It is through respect for the rule of law and justice by all States, that a secure, peaceful and prosperous world where we live together, can be envisioned.

Mr. Chairman,

In the resolution A/67/97 we agreed on the theme for our debate this year as "Sharing States' national practices in strengthening the rule of law through access to justice". I would like to share our experience in this regard. According to article 34 of Iran's Constitution, seeking justice is the indisputable right of every citizen. Every one may refer matters to competent courts to seek justice and no one can be barred from courts to which he has a legal right of recourse. Furthermore, in article 35, the constitution reiterates that "both parties to a lawsuit in any court have the right to select an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel".

Accordingly the Code of Criminal Procedure provides for the appointment of a public defender, whenever the court deems that the defendant can not afford to hire an attorney. In addition, in grave crimes having an attorney defending the accused is mandatory and the court, in

cases when the accused is unable to have his/her own attorney, appoints a public defender paid by the government. The accused can also request to change his/her public defender where he/she is considered it necessary in any proceeding. Such services are not confined only to criminal cases and for instance the Protection of Family Act requires the government to pay for the public defender under certain circumstances.

Furthermore and in order to facilitate access to justice across the country, the Judiciary should set up courts including special courts like family courts in all provinces and towns to facilitate recourse to justice for people living in far remote areas. Moreover and based on the administrative law and code of practice on electronic judicial services, the Judiciary has operated the electronic network to allow for filling civil claims online at the disposal of every citizen. The new system has made access to justice considerably faster and easier with much more transparency.

Mr. Chairman,

It is fundamentally important that all states strive in best possible manners to promote the rule of law in their respective countries. We should also be cognizant of the sovereign right of each nation to establish its own model of the rule of law and administration of justice, and to develop an efficient and fair legal and judicial system based on its own cultural, historical and political traditions. Thus, where it comes to the United Nations system, it should firmly stick to the principle of national ownership when planning and implementing technical assistance to promote rule of law in programme countries. The United Nations can best assist Member States to exchange best practices in order to better serve citizens with their national justice systems. Any descriptive methods and categorizing of states based on artificial indicators would bear adverse results.

Mr. Chairman,

Speaking of the rule of law at the United Nations should start with reaffirmation of strict adherence to the purposes and principles of the UN Charter. As it has been emphasized in the NAM statement, rule of law at the international level needs greater attention. Resorting to "threat or use of force" still is the norm for some countries in their international relations with "others". We have not been able to meet expectations in those areas that deal with the strengthening of the rule of law at the international level, and by the same token, strongly denounce those conducts that undermine it. We certainly need to continue our deliberations within the Sixth Committee as part of the General Assembly, to achieve the elaboration of a commonly shared clear vision and understanding on how to promote the rule of law at the international level. They include issues such as recourse to the use of force, reform of the Security Council to make its decision legally justifiable, sanctions and extraterritorial application of domestic laws.

We noted the report A/68/213/Add.1 on the linkages between the rule of law and three pillars of the United Nations namely human rights, peace and security and development. I must also note and fully endorse the submission prepared by the Non-Aligned Movement in this regard which was sent to the Secretary-General on 30 May 2014. One general observation about the report is that when it comes to certain grounds on rule of law at the national level, some means of achievement are provided while when it comes to the international level, it does not go

further than same general descriptions. This once more brings to mind the question of the balanced promotion of the rule of law at the national and international levels.

Mr. Chairman,

I would also like to refer to unilateral and extraterritorial application of domestic legislations against other countries which clearly and gravely contravene the rule of law at the international level. If a state and its legislative body makes decision for other countries regardless of obligations under international law and against the wishes of other people under their own political system, what would remain of the rule of law at the international level. Such unilateral extraterritorial actions are but an obvious manifestation of rule of power through the misuse of instrument of law. It could also qualify as internationally wrongful acts in many cases, which would entail the international responsibility of the state concerned including full reparations for any damages incurred in targeted states.

International law must be respected equally by all States, and selectivity and double standard in application and enforcement of international treaties must also be rejected, since they undermine the very nature and objective of the rule of law. To conclude I use this opportunity to emphasize that by following international law and a justice-based approach, and respecting the inherent right of others on an equal basis, we will be able to overcome the difficulties and challenges before us as members of the international community.

I thank you.