

The Introduction of the International Criminal Court and Thus the Palestinian Membership

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Abstract

International criminal court is the first permanent international court to investigate crimes is important. According to article 5 of the rome statute, the international criminal court into 4 groups of individuals dealing with crimes that "the most serious crimes of international community in its entirety" have been described: genocide, crimes against humanity, war crimes and the crime of aggression. Statute of all this crime except the crime of aggression or crimes against peace has been defined. Therefore, provided that the court refuses to address the issues related to the crime until the member states to define and agree the terms of prosecuting perpetrators. The palestinian authority, for the first time in 2009 to submit a formal application for membership in the alliance, but finally in 2012 the prosecutor of the international criminal court, icc prosecutor announced that membership in the alliance, the applicant must be a "one country" is known and decision-making in this case, if the palestinians can have a state entity or not is out of the jurisdiction of the prosecutor's office. The decision of the un general assembly to upgrade the palestinian status to "non-voting member" in november of that year, paving the way for renewed demand authority although some legal considerations still stands. In the thirteenth general assembly of states parties of the international criminal court at the united nations headquarters in new york, america, 122 states parties to the international criminal court unanimously and without a vote, the palestinian question for the court to accept as an observer. Palestinian authority due to the israeli measures against the palestinians consider to be in the palestinian territories, especially military operations in the gaza strip, and called for the prosecution of its case to the international court of justice, but according to some experts, accepted palestine as an observer at the summit the latter probably means that the palestinians are israel's previous actions and the possibility of filing a complaint of such complaints can be raised only after this date. Member of the office of the prosecutor of the international criminal court allows the palestinian people and institutions will also review and possible prosecution, and one of the officials told human rights watch that "the organization has long called for palestinian membership in international court to thus, punish violators of any party that is not possible."

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Introduction

Social life without war, war on families, the war in corporations, there is no war between nations or between states. War may even be legitimate. Characteristic of human history, war, genocide and hatred and wars of the twentieth century saw the rise to global dominance and the emergence of international international morals. Hitler, idi amin dada (uganda) and pol pot (cambodia), or saddam hussein, only a few of the big criminals formal charges and trial have been identified. From 1872, a plan was developed to create an international legal entity. Since the nuremberg and tokyo, which is imposed by the victors and the end of world war ii, the international community is trying to determine the boundaries between what is acceptable and what is unacceptable in a war that is. United nations general assembly, in the declaration no. 260 dated december 9, 1948 of the international law commission will consider whether the creation of an international judicial organ for the trial of persons accused of genocide, it is appropriate and possible. The end of the cold war and hatred of crimes committed in cambodia and then in yugoslavia and rwanda led to the formation of an international criminal court to be re-started. The establishment of international criminal tribunals for the former yugoslavia and for rwanda in 1993 and 1994 respectively by the united nations security council under chapter vii of the un charter, despite its limited competence in this field is a definite sign of progress. The international community, fifty years after the universal declaration of human rights, fifty years after the signing of the international convention on the prohibition of genocide, eventually to establish permanent institution that not only serious crimes that undermine the world's conscience punish, but to prevent they are committing. Ratification of the treaty of rome, which is the statute of the international criminal court, on 17 july 1998. And the newly established international criminal court as a judicial body can have an important role in the realization of criminal law in the international arena. Although many critics outside the country from the jurisdiction of the court the most disappointing event was possible, but that the international body to exercise criminal jurisdiction over natural persons has been established, however, can only be an introduction to erase the stain crimes against humanity and war crimes from the brow of the xxi century. The public welcomed the expansion of the activities of this institution in the world certainly needs broad support organizations with sabqhr and is acceptable. The un security council in this regard can be very efficient. But the relationship between the two institutions, especially given the political nature of the security council is not free of pests. Prior to the establishment of the international criminal court, the world attention on important issues such as the establishment of the court, the importance of implementing international criminal justice and the time of entry into force of the rome statute focused. But then the court, normally due to practical issues such as whether the court may well plays a focused work and its historical mission. The key to a great extent depend on

the cooperation of states. This cooperation is not only related to the statute of the member states, but also non-member states too. For the court to function effectively, there must be some basic conditions. Apart from good financial budget and staff, extremely important factor, cooperation of governments. The members were introduced to it that one of the members is an observer. The palestine as an observer at the court accepted that in this study, we will study the issue.

Introduction to international court

International criminal court is the first permanent international court to deal with crimes of genocide, crimes against humanity, war crimes and the crime of aggression, which has its headquarters in the hague, the netherlands. Statute of the court on june 15, 1998 in rome was confirmed by representatives of 120 governments and on july 1, 2002 with its ratification by 60 of the country's existence. The court dealing with crimes that after this date by nationals or in the territory of a member state or is done with the approval of the un security council is referred to this court. By february 2013 the number of member states of this organization reached to 122 countries. Almost all european countries and south america, approximately half of african countries, along with australia, new zealand and canada are members of the court. But asian countries only japan, mongolia, afghanistan, tajikistan, jordan, cambodia and east timor joined the court 40 countries have signed the rome statute but have not yet passed their legislatures. Israel, sudan and america have refused to sign the convention on the international court of justice. Iran has signed the statute on 31 december 2002, but has not yet ratified it in the parliament. Key countries such as america, russia and china (3 permanent members of the security council) and india (the second most populous country in the world) has been critical of the court and not party to it. Building the international criminal court in the hague and the international criminal court was composed of four elements:

1. Office: administrative officer of the court;

2. The branch address: court has three campuses preliminary investigation, trial and appeal;

3. The prosecutor's office: the office responsible for conducting research on jraymyst to address them in the jurisdiction of the court;

4. Registered office: responsible for the non-judicial aspects of the court's management and services. The rome statute of the international conference of plenipotentiary representatives of the countries in 1998 under the decision of the united nations general assembly was held, with 120 votes in favor, 7 votes against (china, iraq, israel, libya, qatar, america and yemen) and 21 abstentions, adopted the rome statute. Thought of this court goes back to the years after World War II. The court found that the will of the international community to address the crimes of the nuremberg tribunal and the tokyo tribunal. The formation of the court is considered an outstanding transformation in international law, because for the first time in history, the international community has formed an international tribunal major crimes such as genocide and crimes against humanity that the perpetrators are generally leaders and senior military and civilian, who are in their country of impunity and political support, went to war criminal. After the two and the beginning of the cold war, the dream of an international body to deal with serious criminal offenses was abandoned, but with the collapse of the east bloc breathe once again the international community and the creation of specialized courts perpetrators important prosecuted. From this one can be un special tribunal for crimes in the former yugoslavia and the special court for rwanda's crimes. But all the courts in two features are the same. First of all, they are made for a specified period. Secondly, the jurisdiction of these courts is limited to specific perpetrators. But conditions are different in the international criminal court, the court is permanent and can be done by anyone handle major crimes. In 1989 the un general assembly asked the international law commission draft statute establishing an international criminal court to make. Representatives hundred and sixty countries on 15 june 1998 in rome, italy came together for a month and after a month of diplomatic talks end on 17 july of the same year, the court adopted the statute. The accession countries have signed and ratified the constitution, subject to parliament's signatory countries. Iranian constitution signed two years later, but no decision was taken by the parliament for its accession. One of the most important features of the court's independence. The court is an independent organization and it comes under the organization or body, the united nations, not the administration. But this does not mean the complete cessation of cooperation. In this connection, the court signed a cooperation agreement with the United Nations, in accordance with the first paragraph of article agreement, "the un tribunal as a permanent judicial institution. Recognizes that." paragraph two of this article added: "the united nations and the court of mutually commit to respect each other's position and mission." The first step in order to prosecute and punish international criminals were taken in 1919 by the treaty of versailles treaty governing wilhelm ii of germany was put on trial for committing crime bayyst but he fled to the netherlands and the netherlands did not extradite him to the died in 1941. After world war ii, the idea of an international tribunal with criminal jurisdiction was strong again and the nuremberg and tokyo military commanders to investigate crimes and leaders of germany and japan was established. In article 6 of the convention on the elimination of genocide was adopted and that those accused of crimes of genocide should be a permanent international criminal court referred. Therefore, on 9 december 1948 the general assembly of the international law commission and the special committee consisting of representatives of the governments had asked the court to examine the possibility of establishing such. Despite the importance of these two authorities on the desirability of the establishment of the court would not happen in practice. The 1973 convention on the prevention and punishment of the crime of apartheid, the flow was looking for. (Article 5) international law commission in 1991. Subsequently, the draft law on crimes against peace and human security adopted. Following the crimes committed in 1991 and 1994 in rwanda and bosnia and herzegovina, the security council embarked on the establishment of the international criminal two specific court (trial court yugoslavia and rwanda). In 1996 the international law commission established the international criminal court project was completed and sent to the general assembly. The assembly also attempt to establish two committees to assess the issue that operated from 1995 to 1998. During the statute of the international criminal court accepted the court's jurisdiction is

complementary. The principle during the preliminary negotiations was not so clear. effective international criminal court will attempt to jurisdiction. It is in the preamble, article 1 and article 17 of the rome statute is approved. Therefore, according to the basic principle of the international criminal court is complementary to national courts is not a replacement or substitute national courts and only under certain circumstances will engage in the exercise of jurisdiction. In the early years of the establishment of the united nations general assembly (1948) resolution 260 dated december 9, 1948 during the establishment of the international criminal court to deal with the crime of genocide raised and the statute of the international law commission said. Whistleblower commission presented a report to the international criminal court was not necessary. The general assembly in 1952 and 1989 and 1990 and resolutions issued in this case. In short, from 1948 to 1998 (to ratify the rome statute of the international criminal court conference) this problem has been faced with a lot of ups and downs. The draft statute by the international law commission was established, article 128 was approved by those present. Reservations not accepted the convention. On 11 april 2002 the deposit of the sixtieth instrument of ratification of the convention and the court officially began july 1. Until 14 july 2003, ninety-one countries have ratified this convention. This time trial of the war criminals in the name of the victors but the international community has a collective responsibility of all governments that are believed to maintain collective security based on the un charter, used in the past. Chapter iv of the constitution relating to the establishment and administration of the court. Criminal court, followed by countries such as the france, switzerland and belgium have a court or the prosecutor's headed in accordance with article 36 of the court consists of 18 judges would be in addition to the presidium, the preliminary trial chamber and the appeals chamber will run. But what is more important criteria, conditions that are intended for judges. The statute of judges to determine the conditions to have put together two views: the view that more experience in handling criminal cases, the judge has emphasized the view that the mind is the scientific qualifications and assignment of judges. There is great. Customer tenure of judicial office at the international criminal court as outlined in paragraph 3 of article 36 reads as follows:

A) Judges from among those who have high moral virtues and impartiality and integrity is recognized and eligible for tenure highest judicial authorities in their home country will be selected.

B) Each election to the court should:

1) Possess recognized competence in the field of law and criminal procedure and have experience in dealing with criminal cases, either as a judge or prosecutor or lawyer or any other side in dealing with criminal cases, or ...

2) possess recognized competence in the field of international law, including international humanitarian law and human rights, as well as significant experience in a legal position to protect the interests of the court, it is. C) To obtain any position on the court, excellent knowledge and practical mastery of at least one of the working languages of the court is necessary. The judges of the international criminal court should be among professionals in the criminal justice and international law experts who are eligible to be elected judicial experience. The judges of the international criminal court should have excellent knowledge and mastery of practical to have one of the working languages of the court. Working languages of the court in accordance with paragraph 2 of article 50 english and french. It should be noted that according to paragraph 7 of article 36 of the more than one national of a state can not be a member of the court. Each state can only be one person for a certain elections introduce that he is not required from nationals. or in accordance with the relevant legal provisions relating to the introduction of suitable candidates to participate in elections in the international court of justice will be introduced (part a of paragraph 4 of article 36). According to article 114 of the statute, the court and the assembly of states parties to fund court costs will be paid. Article 115 court has identified sources of funds:

A) Member mqrdrvlt shares.

B) The funds approved by the assembly of states parties of the united nations, particularly the security council's referral of the costs. The share of each member state to the table members have agreed on it, will be determined. This table is a table based on the united nations for its regular budget is adopted in accordance with the principles of the united nations is on the table, be regulated.

Statute

The official name of the charter, the rome statute establishing the international criminal court is organized in 13 chapters and 128 articles. The chapters about the competence of the court, applicable law, general principles of criminal law, the court, issues related to the investigation and prosecution of the accused, trial, punishment, reconsideration and rehearing, the court of international cooperation, enforcement court, budget and ... The detailed regulations have been enacted. Statute with a final document in the history of the united nations general assembly on the establishment of the court is paid. Furthermore, the resolution adopted by the conference of the rome statute of appendix 4, the names of the countries participating in the conference and the names of non-governmental organizations participated in the conference as well. The official document of the united nations charter and in this respect to all un official languages ie english, french, arabic, chinese, spanish and russian organized with all authority. In a resolution adopted by the rome conference committee called the preparatory commission for the international criminal court, composed of representatives of states participating in the rome conference has been predicted. The commission, by the end of the first meeting of the assembly of states parties will continue to exist, responsible for drafting the texts that are necessary for the establishment and functioning of the court responsible. The most important and most sensitive of these texts is the text of the procedure and elements of the crime in accordance with article 9 of the statute of the constitution are applicable. In accordance with paragraph 6 of section (f) of the draft resolution and the constituent elements of criminal procedure must be completed before 30 june 2000. That is why the un general assembly resolution adopted at the fifty-third session of the commission dated 18 november 1988 stipulated that within three meeting dates persian date esfand 77, august 78, persian date azar 78 to finish the preparation of the above-mentioned texts. Statute of the international

criminal court first of all a multilateral international treaty. This means that a number of governments together agree that the international tribunal in accordance with the qualifications and duties established in the constitution and the statutes punish the perpetrators of crimes. Governments, according to the provisions of the statute, commit to cooperate with the new tribunal was established and issued opinions implement it. Based on an international treaty having this effect will be the court that rules on the law of treaties rule on it. Therefore, it would be reasonable that non-member state court rejects complaint against the non-member state commitment to action and no court decisions. Court treaty structure, a new court established by other international criminal tribunals that have been created in this century the nuremberg and tokyo tribunals, the international tribunal for the former yugoslavia and the international tribunal for rwanda distinguish. Nuremberg and tokyo trials by the victors of world war ii to prosecute the perpetrators of the nazis and world war ii came into existence. The former yugoslavia and rwanda courts on the initiative of the court and the security council of the united nations and the council believes that implementing powers under article 41 of the un charter, has been created. But not at the initiative of the security council established the international criminal court and not of the provisions of the un charter. A group of non-governmental organizations, aware of the problems and ambiguities, joint movement with the objective of europe-wide for quick ratification of the treaty of rome have launched. The first aim of obtaining sixty document before 30 september 2000, for the court to be operational before the end of the twentieth century establishment. The second aim is to gain the confidence of the governments that use of the treaty of rome (statute) to exclude the court's jurisdiction over war crimes for a seven-year period given to them in the matter. When sixty state statute mandated that it be approved. Commentators such a condition for the entry into force of the statute by the treaty (ram), which may delay its entry into force for a long time, have asked the government to court as soon constitute a true representation have been secured. Furthermore, the orientation of the statute of the court indicated the need to import the new within the framework of international relations is consistent. Such a situation, in the absence of government support for the international community of the statute, the court arises.

The jurisdiction of the international criminal court

The international criminal court, the international criminal tribunal for the former yugoslavia, despite that jurisdiction applies regardless of the consent of the relevant states, is not an independent judicial authority. It can appeal to the court at the request of a contracting state, the united nations security council or the prosecutor realized. Court, but the case is referred by the security council, its jurisdiction as soon as a contracting state concerned, whether the government or the state where the alleged crime, criminal, apply your explicit consent applies. Prosecutor may initiate investigations on its own initiative as well, but this is subject to authorization from the judicial branch is preliminary. Security council resolutions under chapter vii of the charter be about maintaining global peace and security of prosecutors want their research to be extended for a period of twelve months as well as suspended. According to article 5 of the rome statute, the international criminal court into 4 groups of individuals dealing with crimes that "the most serious crimes of international community in its entirety" have been described: genocide, crimes against humanity, war crimes and the crime of aggression. Statute of all this crime except the crime of aggression or crimes against peace has been defined. Many countries wanted to add terrorism and drug trafficking to the list, but there was no agreement on the definition of terrorism and the trafficking of drugs was thought that most of the limited resources of the court may be allocated to address it. India also insisted that the use of nuclear weapons and other weapons of mass destruction as a war crime within the jurisdiction of the court that these efforts were unsuccessful. Crimes court only for individuals over 18 years of official authority and the accused did not have jurisdiction. In fact, no immunity, either domestic law or international law to individuals, the court is prevented from investigating. That's why the french government before joining the court amended the provisions of its constitution on presidential immunity. However, the constitution in article i defines the scope of its jurisdiction, "whereby the international criminal court (icc) is established. The court will be a permanent institution and the exercise of jurisdiction to persons convicted of the most important international crimes of concern ... Will be." crimes committed before the entry into force of the statute of the court, the first of july 2002 are not prosecutable. Article twelve statute made three assumptions about the offense: the perpetrator is a national of a signatory country, in which case the prosecutor is not faced with any obstacle to prosecuting accused. In the second case, we assume that the country has committed, has not signed the statute, but committed in another country that is a member of the court can be prosecuted. In this case, the prosecutor has the authority to prosecute him and a third country is also obliged to cooperate with the court. The other possibility is that the un security council to ask the court to deal with the situation.

To initiate an investigation and prosecute the perpetrators of serious criminal offenses, three methods have been predicted:

- A) Each member state prosecutor of the court may consider a "situation" in the country draw.
- B) Initiative prosecutor: article 15 of the statute forecast.
- C) Asked the Security Council.

The court's jurisdiction is limited to the most serious crimes of concern of the international community. According to the statute of the court with respect to crimes of genocide, crimes against humanity, war crimes and crimes of aggression, it has jurisdiction.

1. The crimes of genocide: genocide for the specified actions (article 6), which is intended to destroy in whole or part of a group of national, ethnic, racial or religious to accept.

2. Crimes against humanity in the definition of this category of crimes is stated: "each of the actions specified in paragraph 1 of article 7 of the statute in the form of widespread or systematic attack against a civilian population with knowledge of the attack committed as well. Widespread or systematic attack against any civilian population, including behavior that in pursuit of the policy of a state or an organization is done.

3. War crimes: article 8 of the statute of the court adopted a different approach on war crimes. Unlike other crimes, war crimes recognized in international law and international procedures and national frequency about them.

4. Crime of aggression: if in accordance with articles 121 and 123 of the constitution of the provisions relating to the crime of aggression adopted, the court is competent to deal with these crimes. Rome conference, many countries thought that the assault should be considered out of court. The specific definition of rape was not approved. Therefore, the court cannot compare to the criminal jurisdiction unless its provisions with regard to the reform of the constitution is adopted. That this would require a minimum of 7 years after entry into force of the constitution (article 123).

The court only to those crimes committed after the entry into force of the statute of jurisdiction that have been committed. Under paragraph 1 of article 126 of the constitution, statute of the first day of the month after the sixtieth day from the date of deposit of the sixtieth instrument of ratification, acceptance, approval or accession with the secretary-general, to be binding. Statute of the court of first July 2002 has entered into force. For those countries that have ratified the statute after this period or it will be approved or acceded to the statute of the first day of the month following the deposit of the instrument of ratification, acceptance, approval or accession with the secretary-general by the government the united nations will enter into force. Those offenses specified that the court jurisdiction to decide on them are not lapse.

In article 11 of the statute of the court is the only court competent to investigate crimes of criminal responsibility of individuals. Therefore, the government cannot address the court. The person concerned shall be characteristics:

A- The truth is not a legal person.

B- The people in the time of the offense should have more than 18 years. Therefore, persons under 18 years of age, if possible by national courts on the basis of national law are prosecuted.

C- One of the offenses set forth in articles 5, 6, 7 and 8 are committed. In other words, it is a criminal responsibility.

Issues relating to the jurisdiction of the court can be studied in 4 parts, the complementary jurisdiction of the icc over crimes in national courts when they deal with the jurisdiction of the court, the consent of the government in the exercise of the court's jurisdiction and the court's jurisdiction with respect to natural persons.

In the preamble and article 1 of the constitution stipulated that the international criminal court will be complementary to national criminal courts. Complementary jurisdiction of the icc and national courts in the discussions of the special committee in 1995 is discussed in detail and most of the delegates have emphasized this point by a international criminal court, which according to the rules addressing the crimes of competence to be not national courts are internal to the denial. But the court shall be complementary to national courts jurisdiction.

Pursuant to paragraph 1 of article 17: According to paragraph 4 of the preamble and article 1, the court will decide in the following cases, the subject can not be addressed:

(a) it is authorized by its government, is under investigation or prosecution, unless the government is really willing or able to carry out investigations or prosecutions.

(b) by the government that it has the authority on that subject, the research that has been conducted and the government has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or lack of government prosecution.

(c) the person has already been the subject of a complaint because of behavior that has been tried and convicted by the court pursuant to paragraph 3 of article 20 is not permitted.

(d) issue is of such importance that does not have to justify further action by the court.

Court relies on the cooperation of states in the following steps:

Investigation, trial, execution of judgments, gathering evidence, arrest and transfer the accused.

Basically treaties are binding only for the parties and the non-member governments, there is no right and duty. In other words, the agreement between the parties does not create a right or duty to a third party. The principle of the law of treaties contained in the 1969 Vienna convention on the law of treaties, a non-member state commitment to cooperation, from the commitment of member states. According to article 86 of the statute, states parties shall in accordance with the provisions of this statute to prosecute crimes under the court's jurisdiction to prosecute and cooperate fully with it. Article 87 of the statute states that "the court may ask any state party to the statute on interim arrangements or agreements with the government or on other suitable names associated with this sector cooperate with the court." The Rome statute in connection with the issue of government's cooperation with the tribunal, the rules are different in member states and non-members. The member states, the court "right" to ask them for help, and in return they are required to cooperate. The non-member states, the court can only be based on interim arrangements they "invited" to cooperate. The term "invite" represents a non-member states is voluntary cooperation.

Palestine's membership in the international court

International criminal court that the Palestinian authority to try Israeli officials for alleged war crimes in that it is seeking to join, you can reference in the future the Palestinians to investigate and hold accountable perpetrators of various issues related to the case of Palestine and Israel. The UN Security Council can refer cases to the competent court finds that the prosecutor in charge of investigating the case, even non-member countries in the Rome statute of the international criminal court jurisdiction in the fall, the case of Libya after the war an example of this was domestic. Moreover, countries that have not party to the Rome statute and a member of the United Nations could also consider calling for an international criminal court to be desired files, request Ukraine to investigate crimes that took place from November 2013 to February 22, 2014 violence in East China was an example of it. The Palestinian authority in 2009, presented a request to the general prosecutor's office and requested the international criminal

court to investigate war crimes of the zionist army during the war "cast lead" against gaza (from december 2008 to january 2009) was. Palestine in january 2009 had been a member of the international criminal court, but since under international law only countries recognized by the united nations could adopt such a position, the criminal court's prosecutor to initiate an investigation, the authorities in the organization the united nations wanted to comment on the issue of whether palestine is a state official or not, the answer is no, and efforts are baffled authority. But today the promotion of the palestinian "non-member observer state" in the united nations which was achieved in november 2012, the situation has changed and the palestinian authority rules allow for membership in the international criminal court, and after 60 on that date, the treaty of rome to palestine as an independent state is carried out. Hours after the failure of the palestinian authority mahmoud abbas's efforts to end the occupation passed a resolution, signed the treaty of rome and the document was handed to the representative of the united nations. America and israel strongly opposed to palestine's membership in the international criminal court and the zionist threat that the palestinian side will be to the detriment of all. International criminal court to accept the palestinian authority as an observer. Representatives of 122 member states of the international criminal court in a recent meeting with the acceptance of palestine as an observer, the court agreed, and the way to address the crimes covered by the court in the palestinian territories has been paved. The jurisdiction of the international court of proceedings on charges of genocide, crimes against humanity and war crimes in member states or countries that their cases to the court by the un security council. Palestinian authority several years ago was about to join the international criminal court so that the israeli actions in the palestinian territories will be able to address the court referral. The reason for this has been accepted as an observer of palestine in november 2012, the general assembly decided authority's legal status from an observer to a "state party but without the right to vote" upgrade. Thus, according to previous decisions of the assembly of states parties to the international tribunal, palestine could join the treaty signed and ratified the international tribunal and to be accepted as an observer in the court. So far, the court, based in the palestinian authority "entity" subject to the conditions of joining the pact was not political. Palestinian authority due to the israeli measures against the palestinians consider to be in the palestinian territories, especially military operations in the gaza strip, and called for the prosecution of its case to the international court of justice, but according to some experts, accepted palestine as an observer at the summit the latter probably means that the palestinians are israel's previous actions and the possibility of filing a complaint of such complaints can be raised only after this date. Member of the office of the prosecutor of the international criminal court allows the palestinian people and institutions will also review and possible prosecution, and one of the officials told human rights watch that "the organization has long called for palestinian membership in international court to thus, punish violators of any party that is not possible." The palestinian authority's un representative welcomed the decision of the meeting of representatives of member countries, said the organization later complained against israel will review and decide on when such action is the responsibility of the president of the palestinian authority. The admission of palestine as an observer to attend the assembly of states parties to the court, in addition to the recognition of palestinian statehood by the members of the court is meant to pave the path to a palestinian state parties to join the court. The decision is entirely dependent on the will of the palestinian government. In addition to the palestinian authority yesterday, requesting observer status of russia, china and india are not members of the assembly of states parties reached court. It is noted that in addition member states have ratified the rome statute of the court, until the adoption of the rome statute signatory countries it is also an observer member of the court and the right to attend the meetings of the states parties shall have no right to vote. Islamic republic of iran is an observer member of the court who has signed the rome statute. While the international criminal court, recognized palestine as an observer, amnesty international, in a statement zionist regime accused of war crimes in the recent war in the gaza strip to the palestinians, thus another step towards complaints against israel in international courts approach. The decision with the agreement of all the members of the said court and was adopted during the general assembly meeting in new york court and no country had no objection to it. The move is likely to join the palestinian authorities to court and thus the possibility of prosecution of war crimes against palestinians because israel to provide. Prior to this and since the general assembly recognized palestine as a non-member observer state, but at meetings of the international criminal court as a "watchdog" of young women.

Conclusion

In general, two major factors involved in being an entity: one internal and one external factor. According to the montevideo convention operating within the same three elements that are necessary for the country of the permanent population, territory and sovereignty. The convention on the role of other countries and pre-existing in the country, a country emerging ignored. As long as these elements are not recognized by other countries, "new country" does not in the international arena. Therefore, many scholars of international law is realistic for the country's external factor of a presence emphasized. This is the "identification" is made by the countries and international organizations. Identification of overseeing the country represented by its government. Regardless of identifying the difference between "state" and identify "the country", it should be noted that different legal effects that it has identified, including the possible conclusion of international treaties, may accept and litigation as a plaintiff or called for the case to read judicial authorities and international shbhqzayy acceptance of citizenship, granting immunity to political and diplomatic officials and public property, membership in international organizations, especially the identified possible projects for the country's international responsibility. The place to identify countries in international law is of paramount importance. The recognition by other countries if the country is obligatory or not, the distinction between a declaration and recognition of established doctrine of identification. Those who identified a political entity by other countries, as well as three other conditions montevideo convention, the fourth condition is known, recognized as a decisive factor, not just a legal and political

factors and ineffective in recognition and formation of a new country as a member of the international community know and believe that recognition by other countries as the country has not yet signed or approved and announced the creation of its establishment. However, it should be noted that if the declaration or the establishment of an entity identified as the "country" there certainly is no doubt that the identification of entities such as "rebels", "separatists" and "liberation movement" is definitely a facility identification. Discussion on the legal effects of the two methods is outside the scope of this article. Another point is that members of the political entities (msamhta country under formation) in an international organization like the united nations entity on behalf of its members does not necessarily mean it will not be detected, but can not identify the attributes of state sovereignty is indivisible from any country subject separately to a new country is awarded. However, political entities before the country's membership in the united nations in accordance with article 4 of the charter ensures that it has acquired and, therefore, to identify the existence of minimum requirements for identification by other countries is justified. Palestinian membership in the united nations is no exception. But before considering the legal effects of palestinian recognition of palestinian statehood at the un is necessary to look at the process from the beginning to now have. After the events of september 2001 note the united nations to peace in the middle east was stable, and therefore a two-state plan was presented to the united nations and the security council resolution 1397, dated 2002, during the israeli-palestinian two-state plan approved. Accordingly, in 2003 a road map to a permanent two-state called israel and palestine by the united nations secretary-general was prepared and was submitted to the security council. The road map was adopted in resolution 1515 of the security council dated 2003. The first benefit is that the country of palestine of united nations collective security, which can be further attacks by the zionist regime on the right of self-defense (article 51 of the charter) and the international community for help also do resort (pursuant to article 51). Any country against invasion of another country to be able to invoke the right to individual and collective self-defense to defend its territorial integrity. The second benefit of palestine's civilian and military legal aid to the country by other countries. In this case, israel will not be able to send humanitarian aid to gaza by sea prevented. State of palestine and palestinian leaders property protection can also be followed in other countries. Another advantage is that the international armed conflict between israel and palestine is palestine occur if, humanitarian law contained in the four geneva conventions (1949) will be applicable. Because humanitarian law governing inter-state relations in time of war, is a common law if humanitarian law governing armed conflict between israel and palestine ghyrbynalmmlly earlier ruling of the contractual rights is still not reached the level of customary law. Simply put, before israel could protocol ii additional to the geneva conventions do not belong under the pretext of humanitarian obligations towards the palestinian defiance, but with the potential conflict between the government of palestine finds international aspect and are subject to customary international humanitarian law, and israel can no longer be argued. International court of justice jurisdiction over disputes between various states in the world has. Palestinian membership in the court, the right plan of action for the government will be created. With the recognition of palestine as a state, this state can also apply for membership in the international criminal court as an important mechanism of international criminal justice in the plan. Palestinian government after members of the court, it will be possible to apply to mrtkbh that have characterized international crime, the prosecution requested the court. Nvzdghanh organizations affiliated with the united nations today pursue a wide variety of activities in the international arena. With a palestinian state to state, this government could have a larger role in the un affiliated organizations and take advantage of the capacity of these organizations. Membership in this organization as a government and greater participation in discussions and meetings, especially human rights, the palestinians will have the opportunity to show its capacity to build more things contrary to human rights, such as israel demandson torture resolutions in this regard exploit.

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