

## Iran's Accession to the Rome Statute of the International Criminal Court: The Interplay of Ethics, Sharia, and Positive Law

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### Abstract

The International Criminal Court (ICC) is founded upon a set of ethical principles, including the protection of victims, the fight against international crimes and criminality, the safeguarding of global peace, security, and well-being, adherence to the fundamental tenets of criminal law, and the rejection of morally reprehensible punishments. Accordingly, the Court's nature, structure, and mission may be regarded as an embodiment of institutionalized morality in the contemporary world—a juncture where law and ethics converge. This study, by foregrounding the ethical foundations of the ICC, seeks to address a fundamental question: what conceptual and normative obstacles have thus far prevented Iran from acceding to the Rome Statute? Without claiming exhaustive coverage, the article identifies several key concerns as impediments to accession, including the perceived incompatibility of the Court with Islamic jurisprudential principles, the lack of religious legitimacy and validity attributed to the ICC, the potential erosion of national sovereignty and political independence under the obligations of the Statute, and the necessity of revisiting state practices and policies in light of membership requirements. Nevertheless, the analysis suggests that these challenges are not insurmountable. Through a constructive engagement between ethics, Sharia, and positive law, a viable pathway for Iran's accession to this global forum of justice may be envisioned.

**Keywords:** International Criminal Court (ICC); International Crimes; The Moral Imperative; Global Justice; Transnational Criminal Ethics.

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