



Ladan Afshari - Iran

I'm going to start off by saying that when it comes to children, we would all agree that children are the most vulnerable group. So, we identify them some rights: right to life, development, survival and protection, protection against violence, exploitation, and cruelty – even at the time of war. Children's lack of mind and moral development, their nature of being easily persuaded, or coerced, makes them targets for being recruited as soldiers in armed conflicts. In the past we had some cases like in Congo, Afghanistan or Sudan. So, then we took a step forward and criminalized this under the statute of the International Criminal Court (ICC) as a war crime. But we have witnessed that this crime again happened in the Syrian war by ISIS.

So, I think that this situation urges the constitution of a Special Court, with a broader scope to start prosecuting this crime. Actually, right now, the ICC is the only responsible body for prosecuting such crimes, but it will exercise its jurisdiction under three conditions: first, if the country involved in the armed conflict is a Member State of the Rome Statute; or if the State submits its consent to the court for the prosecution; or if the Security Council refers the case to the court. But, unfortunately, as the General Prosecutor stated, the court has no jurisdiction to start an investigation regarding the unspeakable violence in Syria.

Following Goal 16 of the Sustainable Development Goals stating the establishment of appropriate legal procedure, we need to establish a court, which is composed of different experts from different areas, like psychologists, psychiatrists, sociologists and jurists. So, we should consider that the issues of child victims and witnesses are very delicate, because most of them have been under mental pressure and also intimidation, coercion. Sometimes, they may be under ISIS training in that they must be loyal to that group, so they are not be able to comply with the experts to help them, to give them the information about this crime.

As well as that, the dissemination of their name would endanger their security, as it may put them under the revengeful attacks by ISIS and also make it harder for them to be reintegrated again for future life. As well as that, I believe that this institute should have some monitoring committee, because they should monitor the situation, even in wartime or after a war. In wartime, we have some reports that when children were sheltered in some camps, like in Jordan, they were recruited again and returned back to Syria as soldiers. Also, after the trial it should be guaranteed for their situation to be monitored so that they are not left without any support and education.

We have some resolutions that were adopted. For example one of them was in 2014, which specifically considered the members of ISIS who were foreigners, and it required each State to prosecute their nationals who joined this group. But I believe that this is not practical enough to deal with the case. The international community should recognize the necessity of the establishment of such an institute; they should cooperate, provide financial aid, and technical and professional facilities in order to do something revolutionary. If this institute were established then we would have new practices to fill legal gaps, but also to amend some problems in the statute of ICC. As well as that, this institute could also help fight against impunity of the perpetrators and their accountability. With this solution, I believe that Goal 4 of the Sustainable Development Goals, which states access to childhood development, care and education, as well as Goal 16, which requires the reduction of all forms of violence, death rates, exploitation against children, promotion of the rule of law and equal access to justice, will be realized. May we have a world devoid of any violence.

Thank you.