International trial between right and politics

1Siamak Arianpoor, 2Mohsen Hosseinabadi, 3Ahad Khazai

1Tajikistan republic Acadmic university in philosophy university •1law and politic science by the name of A.M Baha_o_aldinf acadmic
2Department Of Law Science and Research Branch payam_noor Tehran Iran
3Kermanshah University of medical science Kermanshah Iran

ARTICLE INFO
Article history:
Received 25 October 2014
Received in revised form 26 November 2014
Accepted 29 December 2014
Available online 15 January 2015

Keywords:
Trial, International system, right, Politic, fluctuation

ABSTRACT
Do you think, responsible of illegal war in the world? Will be trialed one day? Which international judicial body or organization will be judged human rights and crimes of war in Iraq? Probably none of them. Because the united state and Britain are super powers in the world. It does not mean, they will not be punished, because international trial, especially criminal law, is growing. By out breaking different wars, the world expects nations to obey voluntary, of common international rulers. It is clear, the world peace and justice are shown by dialectic logic, no, by victimizing is protecting national sovereignty and the other side is promoting superior government rulers and their aim is omitting illegal act.

© 2014 AENSI Publisher All rights reserved.

To Cite This Article: Siamak Arianpoor, Mohsen Hosseinabadi, Ahad Khazai., International trial between right and politics. Adv. Environ. Biol., 8(22), 808-810. 2014

INTRODUCTION

International criminal law, make judgment about head of government and political leaders, possible, of course under the especial condition. Following example talks about it:

Pinochet was arrested in England, 1998, by Spanish judge order of course he was senator, so, he had political impunity, but he did not trial. Evolvement or political impunity cannot pursue obstacle it was predicted in statute of international criminal court. (Judges took an oath on March11, 2003, when Iraq war was going to start). Unlike, Criminal trial court that was created in 1946 and it is part of UN, its aim is verdict about government’s cat as well, International Criminal court, about is base on Yugoslavia and Rwanda court. This court judgment contains Crime against slaughter, Crimes against human, war Crimes and assault. [2]

The rulers of this court have been enforced since July 1, 2002, for crimes were committed in every parts of the world.

MATERIALS AND METHODS

Mol ice:

In spite of lots of creativity, international law base was made base on national sovereignty and countries their heads have supportive Facility.

For example: international Criminal court can do something when its statute was approved by a country that Crime was committed there or a country that defendant was vessel there. [1]

This statute was approved by England, 2001, but Georges bush was disagree with it and even he disaffirmed former president’s signature, Clinton. Clinton used last opportunity of his president time, to sign and proved it. Russia, China, Israel, Turkey did not signed it, too. If same countries do not approve this treaty, they will not have immune, certainly so, it is enough, to commit Crime in one of Countries which signed it, then trial competence assigned to Criminal court. All of country members should have cooperation with this court and when a defendant is in their country they should deliver charges to court. [3]
As a result, less punishment for these criminals is just sentence to stay in their countries for ever. Washing to offered countries to signed bilateral treaty, base on it, these countries must avoid delivery American citizens to Criminal court.

Unfortunately, Iraq did not approve this statute; of course we should notice nature of regime in Baghdad.

Tony Blair and English authorities can be summoned to this court, It is important to say, this court can judge when a country’s the judicial system is unable or it has malice.

Law enforcement for this article (It is a big problem for prosecuting attorney to find documents) will force English courts to act against trespassing authorities.

This court can judge a country to use its Force against law, also it can voted legitimating of the war act. For example, at the present this court was received some complaints in Kosovo, 1999.

And try to handling a complaint. This military intervention were done without security council agreement, agreement is on accepting permanent competence and unconditional of this court for every law suit C.F.G.O (voluntary standard of mandatory hearing) or accept trial for a short time and for especial topic that was choose n in advance.

RESULTS AND DISCUSSION

Criminal Prosecutions:
The united state signed C.F.G.O, in 1946.
It disaffirmed its signature when it was sentenced to have Militia and army activity against Nicaragua, base in Nicaragua request, in 1986. So, America can not of the trialed in charge of military operations in Iraq, If one of the countries that accepted this trial, have any complaints against England, the court of international Justice can summon this country. In fact, Britain is sole member of five members of permanent Security Council that believe in permanent competence of international court.

By the way, there is not any enforcement for executing of this court, if this court sentenced London.
This court could not execute its sentence against U.S, in Nicaragua Case. It can be referred to Security Council, but, Veto, right is a obstacle.

We can not sentence and support base on national sovereignty principle; it is not wonderful, too. This support is not only the survival of the old order, It is chaos.

For this reason, non-interference in internal affairs of other countries has been provided and regulated since early of 20th century, for avoiding super power arbiter interference in other countries unconditional war.

Non-interference treaty said: the war which wants to change political system in a country is unconditional (America and England wanted to change this system in Iraq, base on their claim, it was one of their aim. (Immunity issue of foreign heads, Block Book Terrorism and International Criminal responsibility, Paris, 2002,p.75)

In fact, political immunity (support representative from each chase that make disturbance in nation relation) is trying to simplify nation communication (sometimes, it is objected by defiance of human rights council). It is remained:
Muammar Gaddafi committed sabotage act against air France plane, 1989 and incapacity of France court for trialing Mummar Gaddafi was announced by France supreme court on March 13, 2001 International text, especially statute of international Criminal court, will eliminate political immunity for very important crimes (such as crimes against humanity, war crimes, crimes against peace) Government force to set the rules in a way that heed international law.

Universal swisidication was making in Belgium and let its court chase and trial foreign criminal: for committed Crimes in other countries. This law was reviewed recently by Brussels, April 2003. Base on this rule slaughter of Rwanda Criminal: and Congo army was trialed. These rules were criticized because of continuity colonial domination in this relation.

For example: Central Africa and Brussels relation.

It has not had any result yet.
In spite of using, international community, expression, there is not this community in real world that can be trustable and by putting away un conditional national sovereignty principle can justify benefit for supra- national judge. [6]
In national community, power and inequality can not be obstacle for judiciary branch action.

Olivier Curtin, international law professor, believe in difference between these two are important.
At least, he believes, “this community often emphasize on powerful ideological and cultural relation. It is not shown in the international world then we can talk about being recorded in the community. In the international community we will have some agreement on underlying values and rules like things which there
are in every government, but we will notice differences, when we want to interoperate this reference values “International Criminal court paid attention to it in its statute.

Diversity of law system should be shown by composition of the court and on the other hand when national judicial system is UN able in a case, this court can act.

This condition is shown as discrimination transition for poor guarantee correct cat of trial.

This should not use as new power for powerful countries. For example: Imagine, English and American heads trial Iraqi officials.

International community trialed Serbs war Crimes, but it was silent about "Nato" Crimes International justice sometimes face contrast between law and politic. Its effort for trialing General Pinochet Faced contrast with National compromise solution that Chile community had found for out of dictatorship. Like a time, Jurjh Jukic was arrested by international Criminal court, 1996, caused breaking the peace agreement "Dayton" for Yugoslavia. [1]

Even if this struggle is against violation of the rights and immunity of punishment, but trial can not make damage in the international relation.

What can we say about trialing president that was elected by free vote?

Fore example: English council, scout law, against France president Jacques Chirac, complaint to Antrpl and Arvpl, his Crime was proliferation atomic weapons. Now we do not want to talk about this charge "It is true or no", in this way freely vote is damaged (National Sovereignty) is belong vote to people, in Democracy). English and American charges are out of the frame work that was accepted by international law.

Conclusion:

Global Justice should be cool in the face of every abuse. (Private Council try to add new charges like Terrorism Or sexual Abuse of children.) To the list of international Crimes, So, it put more pressures on the international proceeding. It should overcome the old temptation of its power for example Madame Prosecutor "Carl Del Ponte, by her initiative in 1999, expanded competence of international Criminal court, particularly Yugoslavia, without waiting for the decision of the security council.Finally, This Kind of courts should not cover disability of the international community that they cannot stop conflict.

This is true about England and U.S war against Iraq.

ACKNOWLEDGEMENT

We are grateful to Tajikistan republic Academic university in philosophy university authorities, for their useful collaboration.

REFERENCES

[5] Oliver Curtin, world qualification without international community.