

# Interaction of Domestic and International Criminal Jurisdictions: A Comparative Study with Emphasis on the International Criminal Court

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This study examines the interaction between the jurisdiction of international criminal courts and domestic tribunals, with an emphasis on the International Criminal Court (ICC). The history and development of domestic and international criminal jurisdictions, the necessity of establishing international criminal courts, and the concept of complementary jurisdiction are analyzed in this context. By analyzing the challenges arising from the exercise of these jurisdictions, especially in the area of international crimes such as war crimes, crimes against humanity, and genocide, the study concludes that the interaction between domestic courts and the ICC, along with the acceptance of its complementary principles, plays a fundamental role in achieving international justice. While examining various perspectives on granting universal jurisdiction to the Court and related practical challenges, the study offers solutions to improve cooperation between domestic judicial systems and international institutions. Ultimately, this study concludes that the ICC, by employing complementary jurisdiction, helps effectively combat impunity for serious international crimes while preserving the judicial independence of states.

**Keywords:** Domestic jurisdiction, international crimes, International Criminal Court (ICC)

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## 1. Introduction

In the contemporary world, given the increasing spread of international crimes and their impact on global security and human rights, the necessity of thoroughly examining and analyzing this issue is felt more than ever. To gain a more comprehensive understanding of the matter, one must consider the history and structure of domestic and international jurisdictions, the governing legal principles, and the consequences arising from the interaction of these two levels of jurisdiction. Domestic jurisdiction refers to the

power and authority of states to prosecute and punish crimes committed within their territory or by their nationals. This jurisdiction, which is generally recognized in national legal systems, has evolved over the centuries, particularly after the world wars and the establishment of institutions such as the United Nations and the International Criminal Court (ICC), taking on new dimensions.

Universal jurisdiction is the exercise of jurisdiction by a state that has no territorial or national link to the matter under consideration; in other words, universal jurisdiction refers to criminal jurisdiction based on the



nature of the crime, regardless of the place of commission, the nationality of the perpetrator or the victim, or any other connection between the crime and the exercising state. In some international instruments, the exercise of universal jurisdiction by member states is obligatory, and all states are bound to prosecute. International law is based on the principle of cooperation among states, not subordination and obedience. The participation and cooperation of all members of the international community, especially states, in preserving international public order and confronting any factor that threatens such order is presented as a social necessity and a legal obligation.

Today, most jurists agree that states, in certain cases, have the right to enact criminal laws for acts committed outside their sovereign territory. However, this extension of jurisdiction by no means implies interference in the affairs of other states and does not harm the sovereignty of other governments; because this extension of jurisdiction merely means that the concerned states, in these specific cases (cases of extended jurisdiction), consider themselves entitled to conduct judicial proceedings according to their own laws. Yet, it never means that these states have the right to take actions within the sovereign territory of other states in order to exercise their jurisdiction. According to the provisions of the Rome Statute, the membership of either the state where the crime occurred or the nationality of the accused is sufficient for the Court to exercise jurisdiction over the committed crimes. In such a case, crimes committed by nationals of non-member states in the territory of member states will also be subject to prosecution. Additionally, non-member states can, by issuing a specific declaration, accept the Court's jurisdiction over crimes committed in their territory or by their nationals. Since the exercise of the Court's jurisdiction may conflict with the criminal sovereignty of states, the Statute of the Court initially considers the prosecution of crimes under its jurisdiction to be the responsibility of states. This feature, known as complementary jurisdiction, allows the Court to oversee domestic trials of states and, in the event of a lack of willingness or inability, assume the responsibility of prosecution itself. Therefore, states—especially non-member states—must focus their efforts on criminalizing crimes under the Court's jurisdiction, amending certain criminal provisions that conflict with

the standards of fair trial in international human rights law, and granting jurisdiction, particularly universal jurisdiction, to their domestic courts in order to benefit from this privilege.

The Statute of the International Criminal Court represents a turning point in the criminalization of international crimes within the domestic laws of states. The principle of complementary jurisdiction of the Court served as a strong incentive for states to criminalize and exercise jurisdiction over the crimes stipulated in the Statute. The remarkable and unprecedented reception of the Court by countries has had undeniable impacts on the legal and political status of both member and non-member states, and the norms enshrined in its provisions have significant effects on the sovereignty and national life of states.

Moreover, identifying and understanding the legitimate sources and objectives that justify the exercise of universal jurisdiction in confronting international crimes is of particular importance, as universal jurisdiction may initially appear to be a preliminary and secondary issue.

This study addresses the challenges facing such jurisdiction and ultimately reinforces the view that recent developments in international criminal law provide hope that domestic courts in states can also prosecute the crime of aggression, just as they do with other international crimes. The implementation of international criminal justice is only possible through the effective cooperation of states. From the perspective of the principle of the relativity of treaties, non-member states are not obligated to cooperate with the Court; however, under peremptory norms and general customary rules of international law, legally binding grounds for requiring cooperation from such states with the Court can be established.

Certain situations, such as referrals by the Security Council or the ad hoc acceptance of the Court's jurisdiction, may also compel non-member states to cooperate with the Court. Additionally, the Court has the authority to refer the issue of a state's lack of effective cooperation to the Assembly of States Parties or the Security Council—an action that can, at the very least, result in serious political consequences for non-cooperating states.

This study aims to examine the interaction between domestic and international criminal jurisdictions: a

comparative study with an emphasis on the International Criminal Court.

## 2. Methods and Materials

Two methods have been used for gathering materials.

**a) Library Method:** Since all human knowledge can be sought in books and libraries, for data collection, books were used prior to employing any other tools.

**b) Internet:** In order to align the data collected through the library method with up-to-date materials, the internet was utilized. By directly accessing available resources in the library and studying various legal books and articles, the intended materials are collected through note-taking (data cards).

In the present research, in order to collect data, the note card (data card) tool will be used. A note card is a paper or cardboard-based tool on which the researcher records or attaches part of a studied text that is related to their research problem. Note cards come in various types depending on the level of information about the source or subject and also the volume of content selected from the text. The content used for recording on a note card may be: the exact phrase as a direct quote; the researcher's interpretation as an indirect quote; or a translation of the text into another language. It may also be an abstract of the studied content in the original or translated language. Therefore, note cards are used for all the aforementioned cases.

In addition, note cards are used to record individuals' statements in interview-based methods. Likewise, they are used to record statements, observations, and information obtained from audio-visual tools. That is, if the researcher hears or sees something from media outlets such as radio and television, or hears content from various audio tapes, or sees something in different films, images, designs, maps, or photos, they can record the content on a note card by mentioning the source details.

Esmailzadeh and Pour Ebrahim (2017) state in their book that the jurisdiction to enforce criminal laws is divided into two categories: first, territorial jurisdiction, which is exercised within a country's territory and national sovereignty; and second, extraterritorial jurisdiction, which is further divided based on various conditions. The principle of universal jurisdiction, a shared concept between criminal law and international law, allows states to prosecute and punish criminals

anywhere in the world under specific circumstances. This principle reflects global repulsion toward certain crimes that occur on the international level (Esmailzadeh & PourEbrahim, 2017).

Hakimihā et al. (2018) state that the Islamic Republic of Iran, in support of the oppressed after the Islamic Revolution, has identified the legal prosecution of the leaders of the Zionist regime for committing war crimes in Palestine as one of its objectives. The Islamic Consultative Assembly has drafted two related bills concerning the application of universal jurisdiction, one of which has become law. Examining these laws requires assessing the status of universal jurisdiction in Iranian law and comparing it with principles of international law (Hakimiha et al., 2018).

Shayegan Fard (2018) wrote in his book that the formation of the League of Nations after World War I, and especially the United Nations after World War II, was the most fundamental attempt to create preventive legal (such as the Permanent Court of Arbitration and the International Court of Justice) and even executive mechanisms (such as the Security Council) to prevent the recurrence of war and aggression (Shayegan Fard, 2008).

Valizadeh et al. (2021), in their study, pointed out that terrorism is one of the international crimes that, as a relatively recent phenomenon, has managed to disrupt international order and security by using fear and attacking civilian populations. This underscores the need to confront it. Among such measures is the drafting of the Rome Statute by states to combat international crimes and serious violations of humanitarian law treaties (Valizadeh et al., 2021).

Abangah et al. (2019) argue that the principle of *ne bis in idem* is one of the key principles in criminal proceedings that has also entered international law and is explicitly mentioned in the statutes of international criminal tribunals. International trials are considered superior to domestic trials due to the presumption or possibility of impartiality and freedom from influence, and their rulings are binding on national courts. However, the reverse does not always apply, and in certain circumstances, international courts can retry individuals previously tried domestically to ensure fair trials and combat impunity for serious international crimes (Abangah et al., 2019).

Chapari and Shayegan Fard (2017) state that in cases of international crimes, when an official enjoying criminal immunity commits such crimes, they retain immunity before foreign courts; however, such immunity only covers the term of office and does not continue afterward. To prosecute, punish, and combat impunity for perpetrators of international crimes, tribunals with international jurisdiction have been established (Chapari & Shayegan Fard, 2017).

Hakimihā and Ziaei (2013) have stated that war crimes are among those international crimes for which the international community accepts the application of universal jurisdiction. Accepting universal jurisdiction over war crimes allows judicial authorities in a country to apply Iranian criminal law to crimes committed by foreigners outside Iranian territory, without such jurisdiction conflicting with national interests (Hakimiha & Ziaei, 2013).

Rezaei et al. (2021) argue that the principle of universal jurisdiction is a powerful tool in the service of international criminal justice (Rezaei & Mahdavi Sabet, 2021).

In Salimi's research (2019), it is mentioned that the accumulation of crimes has not led to increased sentencing by the Court, which may reduce the ICC's deterrent effect (Salimi, 2019).

Nejandi Manesh and Barr (2017) state that, based on the ICC's principle of complementarity, domestic courts of the States Parties to the Rome Statute have priority in prosecuting crimes under the Court's jurisdiction (Nejandimanesh & Bezar, 2017).

Sohrabi (2018), states that one of the ongoing global challenges has been the commission of crimes whose scale and scope, as well as the perpetrators' ties to centers of power, make criminal prosecution nearly impossible. However, after various efforts, in 1998, a statute was adopted to establish an international criminal court with jurisdiction over major crimes. Out of 160 countries present at the 1998 conference, 120 voted in favor of this statute. To date, Iran has refrained from joining the statute and the permanent International Criminal Court (Sohrabi et al., 2018).

Werle (2020) states that *Principles of International Criminal Law* is one of the most influential books in the field of international criminal justice. This book thoroughly evaluates the four core international crimes defined by the ICC Statute: genocide, crimes against

humanity, war crimes, and the crime of aggression. The new edition (2020) includes significant new material on key perspectives regarding international criminal justice, the classification of international criminal laws, new war crimes through the prohibition of war, and the prosecution of crimes committed in Syria and northern Iraq (Werle, 2005).

Bricket (2019) conducted a study titled *Twenty Years of the Rome Statute at the International Criminal Court: Assessing the State of National Implementation Legislation in Asia*. The article concludes that few Asian countries have fully and comprehensively incorporated the provisions of the Rome Statute into their domestic laws, often lacking cooperation legislation, which limits their ability to assist the Court (Bricket, 2019).

### 3. Crime

The term "crime" originates from the Arabic root meaning to cut, pick fruit from a tree, carry, acquire, commit a sin, or compel someone to an undesirable act. Linguistically, crime refers to sin, offense, and fault, and is also described by terms such as sin, guilt, evil deed, disobedience, and transgression. From a linguistic perspective, the two words "crime" and "punishment" are two sides of the same coin, running parallel like the two rails of a train throughout human history. According to the Islamic Penal Code, any behavior, whether an act or omission, for which a punishment is prescribed by law is considered a crime. A crime is an act that disrupts public order in society, and therefore a punishment is set for it.

### 4. International Crime

International crime refers to a type of crime that transcends the internal borders of a state and, due to its severity and widespread impact on global peace and security, falls under the jurisdiction of international courts. Such crimes are generally criminalized under international treaties and conventions, and member states are expected to incorporate these crimes into their domestic legal systems by defining them as offenses and implementing legislative, approval, and enforcement processes according to national laws. International crimes can be classified into two categories:

1. Crimes before World War II: These crimes were mostly addressed under domestic law and

traditional principles of the laws of war. Legal frameworks were limited, and international cooperation in prosecution and punishment was restricted to bilateral or multilateral agreements among states.

2. Crimes after World War II: Major crimes include war crimes, crimes against humanity, and genocide, which entered a new era of global prosecution through institutions such as the Nuremberg Tribunal and later the International Criminal Court (ICC).

## 5. Jurisdiction

In most cases, jurisdiction refers to the sovereignty and authority exercised by a state over persons, property, or events. In domestic law and from the perspective of criminal procedure, jurisdiction is defined as the legal competence and qualification, as well as the obligation, of a judicial authority to adjudicate a criminal case. In public international law, jurisdiction refers to a state's right, exercised through its legislative, executive, and judicial branches, over persons, property, or conduct that are not necessarily domestic. In international criminal law, jurisdiction can be defined as the capacity to apply a country's criminal laws in investigating and prosecuting crimes committed by its nationals, against its nationals, or against its interests, regardless of whether the crime occurred inside or outside the national territory.

## 6. Jurisdiction of international criminal courts versus jurisdiction of domestic courts

In drafting the Statute of the International Criminal Court, the principle of the Court's complementarity was accepted. According to this principle, the Court serves as a complement to national courts and does not replace them, exercising its jurisdiction only under specific circumstances (Zamani & Hosseini Akbarnejad, 2008). According to Article 11 of the Statute, individuals must be over 18 years old at the time of committing the crime, and persons under 18 are tried by national courts (Mirabbasi & Sadat Mirani, 2005). The Court must prioritize national proceedings unless there are compelling reasons obliging it to exercise its jurisdiction. In legal circles, there are two different perspectives regarding the Court's jurisdiction: some believe the

Court is essential for the survival and legal-political existence of the international community and should be accepted unconditionally, while others emphasize the importance of respecting domestic laws when they conflict with international laws. Article 93 of the Statute stipulates that a State Party may refuse a request for cooperation from the Court only when the request involves evidence or information related to the country's national security (Mirmohammadsadeghi, 2008). The Statute of the Court does not provide a rule to compel cooperation from member states; however, the Assembly may require states to reconsider their political and economic relations with the non-cooperating state. Regarding non-member states, there is no legal obligation for cooperation, but international community pressure may influence them (Momtaz & Ranjbarian, 2008).

## 7. Emergence of Universal Jurisdiction

The principle of universal jurisdiction originated in the 18th and 19th centuries. In the 18th century, states demonstrated their determination to punish pirates, and the earliest legal texts referring to universal jurisdiction appeared in the 19th century. This principle was first accepted in Austria's criminal law in 1803, followed by its adoption in the criminal laws of other countries such as Italy (1889), Norway (1902), Russia (1903), and Colombia (1938). By the mid-19th century, English judicial practice—which adhered to territorial jurisdiction—accepted courts' authority to arrest suspects. Historically, lawmakers only considered crimes like piracy and slavery subject to universal jurisdiction. In Iran, universal jurisdiction was not envisaged before the enactment of the Public Penal Code in 1973 (1352 in the Iranian calendar), when it was introduced for the first time and later reiterated in the laws of 1991 (1370) and 2013 (1392).

## 8. Opposing Views on Granting Universal Jurisdiction to the International Criminal Court (ICC)

Since the debate over the ICC's jurisdiction was highly controversial and intense, the inclusion of universal jurisdiction in its statute meant that the Court could try any individual present on the territory of a member state, even if the crime was committed in another



country and the accused was not a national of the member state. This view faced two main objections:

1. Some countries considered this approach overly ambitious and doubted widespread acceptance of the statute, as universal jurisdiction is rarely exercised and many states avoid accepting it for political reasons.
2. Some states challenged the legitimacy of a court with universal jurisdiction. The United States strongly opposed any form of universal jurisdiction for the ICC, insisting that the Court should not have universal jurisdiction without state consent. Similarly, China, India, Russia, and other powerful countries opposed the ICC's universal jurisdiction, especially in cases where the Court might apply it without their consent (Tuzmukhamedov, 2005). These countries preferred that the Court have more limited jurisdiction. In general, some countries such as Mexico, Indonesia, and Japan also opposed granting universal jurisdiction to the Court and favored the Court having only symbolic and weak jurisdiction.

Supporters' Perspective on Granting Universal Jurisdiction to the International Criminal Court

During the drafting negotiations of the statute, some argued that whatever powers states can exercise individually within their national judicial systems, they can collectively exercise within an international framework. This means that if states have the right to apply universal jurisdiction over serious crimes such as war crimes, crimes against humanity, and genocide, they should be able to establish an international court capable of exercising such jurisdiction. This proposal was put forward by the German representative and welcomed by some states, but it ultimately did not gain general acceptance, and Germany withdrew it to reach another agreement.

Conversely, some countries like the United Kingdom proposed that the ICC's jurisdiction should require the consent of the non-member state, especially if that state is the place where the crime occurred or where the accused was arrested. Another proposal suggested that the consent of all states involved with the crime (states of the crime location, arrest, nationality of the accused, or victim) should be necessary.

In the end, what was accepted in Article 12 of the statute did not fully align with any of these proposals. According to this article, the Court may exercise its jurisdiction only if at least one of the following states is a party to the statute or has accepted the Court's jurisdiction under paragraph 3:

1. The state on whose territory the crime was committed or on a ship or aircraft registered to that state.
2. The state of which the person under investigation or prosecution is a national (Zamani & Hosseini Akbarnejad, 2008).

## 9. Interaction Between Domestic and International Jurisdictions

The interaction between domestic and international jurisdictions, especially in the context of international crimes, presents numerous challenges. These challenges mainly stem from overlaps and conflicts between national laws and international obligations. Examining practical cases helps provide a better understanding of these challenges and how they can be managed. Below is an analysis of several real and legal cases:

1. **The Osama bin Laden Case:** The operation to eliminate Osama bin Laden in Pakistan by U.S. special forces on May 2, 2011, created a serious challenge regarding overlapping jurisdictions. In this operation, the United States conducted a military operation on Pakistani soil without formal coordination or legal authorization from Pakistani authorities. This act was particularly criticized for violating Pakistan's sovereignty and conflicting with international law principles, especially the principle of non-intervention in the internal affairs of states. This case exemplifies the conflict between the U.S.'s national jurisdiction in combating terrorism and the international legal rules governing the geographic sovereignty of countries.
2. **The Augusto Pinochet Case:** The case of Augusto Pinochet, former dictator of Chile, is another example of the complex interaction between domestic and international jurisdictions. In 1998, Pinochet was arrested in London on charges related to human rights violations and war crimes during his regime. Spain's extradition requests based on crimes

against humanity led to a conflict between Chile's national jurisdiction (which decided not to extradite Pinochet due to his health condition) and international human rights obligations. Ultimately, the International Court of Justice and international tribunals reached a consensus balancing human rights requirements with national jurisdiction.

3. **The Travel Warner Case:** The case of Travel Warner, an executive at Nixon Steel in the UK, became a legal challenge due to violations of international anti-money laundering laws alongside UK domestic laws. Warner engaged in suspicious financial activities internationally, causing conflicts between UK domestic jurisdiction and international anti-money laundering obligations. This case illustrates how national laws interact with international regulatory requirements and the role of international oversight organizations in addressing such issue (Biramond et al., 2011).

Conflict between domestic and international jurisdictions can cause significant problems, especially when countries and international organizations disagree on how to address international crimes. To resolve these issues, the following solutions may be effective:

1. **Establishing comprehensive international agreements:** International treaties such as the Rome Statute, which led to the establishment of the International Criminal Court (ICC), can help reduce legal conflicts. These agreements enable member states to effectively implement their international obligations concerning international crimes, particularly war crimes and crimes against humanity. Through such treaties, better coordination between national and international legal systems is achieved, thereby minimizing jurisdictional overlaps.
2. **Developing mediation mechanisms:** Strengthening mediation frameworks can facilitate dispute resolution between domestic and international jurisdictions. These mechanisms may involve international bodies like the International Court of Justice (ICJ) and human rights commissions, which review and resolve conflicts between different states and international obligations.

3. **Enhancing legal education and awareness:** Providing education and raising awareness regarding the interaction of domestic and international jurisdictions can help address jurisdictional conflicts. By equipping judges, defense attorneys, and government officials with necessary training on international law and national jurisdiction, the understanding and enforcement of laws improve, leading to fewer clashes.
4. **Creating systems for legal harmonization:** Developing legal harmonization frameworks at both international and national levels can help reduce jurisdictional conflicts. Such systems may include coordination mechanisms among various judicial bodies and alignment in the interpretation and application of international laws (Sohrabi et al., 2018).

Principles and Fundamental Rules in the Interaction of Jurisdictions

In the interaction between domestic and international jurisdictions, vital legal and procedural principles play a key role in the process of coordination and cooperation. These principles are not only essential for preserving the sovereignty rights of nations but also effective in establishing mechanisms to achieve international justice.

## 10. Principles and Laws

### 10.1. *Fundamental Principles and Rules in the Interaction of Domestic and International Jurisdictions*

#### 1. Principle of National Sovereignty

The principle of national sovereignty is a fundamental principle of international law that affirms the right of independent states to determine and enforce their own laws and prohibits illegal interference in the internal affairs of other countries. This principle is stated in Article 2(1) of the United Nations Charter, which emphasizes the maintenance of international peace and security and respect for the sovereignty of member states.

- *Practical example:* In the case of Mahmoud Jaber vs. France, the International Court of Justice (ICJ) addressed the conflict between France's domestic laws and its international obligations in human rights and emphasized that France must respect its international obligations,

including the right to a fair trial, while adhering to its domestic laws.

## 2. Principle of Non-Intervention

The principle of non-intervention, enshrined in Article 2(7) of the UN Charter, states that no member state may intervene in the internal affairs of another country. This principle is especially important in the context of international crimes, since unlawful intervention in the judicial processes of other countries can lead to violations of national sovereignty and international human rights.

- *Practical example:* In the case of Sudan vs. the UN Security Council, Sudan complained to the ICJ that the Security Council had unlawfully intervened in its internal affairs. The Court ruled that the Security Council must consider the limits of national sovereignty and conduct its interventions within the framework of international principles while respecting national sovereignty.

## 3. Principle of Cooperation

The principle of cooperation emphasizes that countries should collaborate to address global threats, including international crimes. This principle plays a vital role in international agreements and treaties that establish mechanisms for coordination and enforcement among different countries.

- *Practical example:* The Rome Statute, which established the International Criminal Court (ICC), provides the legal basis for cooperation among member states in prosecuting international crimes such as war crimes, crimes against humanity, and genocide, and obliges states to cooperate with the ICC to ensure global justice.

### 10.2. Principle of International Obligations and Human Rights

Countries are obliged under international treaties and human rights conventions to respect human rights and ensure international justice. Important documents such as the Universal Declaration of Human Rights and the European Convention on Human Rights require countries to align their actions with international standards.

- *Practical example:* In the case of Öcalan v. Turkey, Abdullah Öcalan, leader of the PKK,

claimed that his trial and detention conditions violated international human rights standards. The European Court of Human Rights found serious violations of his rights and emphasized that Turkey must harmonize its anti-terrorism laws with its international human rights obligations (Gholizadeh Moghaddam et al., 2013).

## 11. The Role of Treaties and Conventions

International treaties and conventions play a key role in coordinating and interacting between domestic and international jurisdictions. These legal documents help member states establish common legal frameworks to address international crimes and achieve international justice.

1- International Treaties: International treaties are legal agreements that allow countries to formally join each other and undertake common obligations to address specific issues, including international crimes. For example, the "Geneva Conventions" and their Additional Protocols oblige member states to respect human rights and international standards during wars and armed conflicts. These treaties specifically address topics such as the protection of civilians and the prevention of war crimes.

2- Human Rights Conventions: Human rights conventions commit member states to uphold human rights internationally and set specific standards to protect individual rights. For instance, the "Convention on the Rights of the Child" and the "Convention Against Torture" require member states to take necessary measures to prevent human rights violations and to be held accountable for breaches.

3- International Organizations and Courts: International organizations such as the United Nations (UN) and international courts such as the International Criminal Court (ICC) and the European Court of Human Rights play vital roles in monitoring the implementation of international treaties and conventions. These courts assist in resolving international disputes and addressing violations of international obligations. For example, under the "Rome Statute," the ICC investigates and prosecutes war crimes, crimes against humanity, and genocide, acting to enforce international justice.

4- Dispute Resolution Mechanisms: International treaties and conventions often include specific



mechanisms for dispute resolution that enable countries to address international complaints if disagreements arise. For example, the "dispute settlement mechanisms of the World Trade Organization" and the "International Court of Justice" provide frameworks for resolving disputes between states in a legal and fair manner (Biramond et al., 2011).

## 12. The Impact of Domestic Policies on International Jurisdictions

In examining the impact of domestic policies on international jurisdictions, it is important to pay special attention to how national laws and strategies interact with international institutions and global trends. Domestic policies of countries can have extensive effects on the acceptance and implementation of international jurisdictions.

## 13. The Impact of National Laws on the Acceptance of International Jurisdiction

a) Legal Changes and Their Effects: Changes in a country's domestic laws can significantly influence the acceptance of international jurisdictions. These effects are manifested through updating national laws to align with international standards or through the adoption of international treaties. For example, the United States Military Commissions Act after September 11 posed challenges in interacting with international principles and human rights. Additionally, the trial and punishment laws in France permit its courts to address war crimes and crimes against humanity (Kashkoli & Moradi, 2016).

### B: Analysis of Specific Cases:

Examining specific cases can provide a better understanding of the impact of national laws on the acceptance of international jurisdiction. For example, Spain's criminal law has introduced changes in handling international crimes, allowing Spanish courts to address these crimes with an emphasis on the principles of international justice. Additionally, the UK's Terrorism Act, enacted in 2000, has significantly influenced the UK's interaction with international bodies such as the United Nations and the International Criminal Court, helping to improve coordination in prosecuting terrorist crimes (Kashkoli & Moradi, 2016).

### Impact of National Strategies on International Interaction

National strategies in policymaking and international engagement act as key tools in shaping how countries

interact with other international actors and global institutions. These strategies can have broad effects on international relations and the establishment of effective cooperation across legal, economic, and political domains.

## 14. Impact of National Strategies on International Interaction

National strategies in policymaking and international engagement act as key tools in shaping how countries interact with other international actors and global institutions. These strategies can have broad effects on international relations and the establishment of effective cooperation across legal, economic, and political domains.

### a) Effective and Efficient Strategies:

Effective national strategies for engaging with international systems may include a set of policies and actions specifically designed to realize the country's national interests globally while respecting international obligations. These strategies may include:

1. Diplomatic Strategies: Multilateral diplomacy refers to interaction and negotiation with multiple countries to reach international agreements. Successful examples include diplomatic efforts within the United Nations on climate change treaties and nuclear agreements. This form of diplomacy has been effective in areas such as climate accords and nuclear non-proliferation. Economic diplomacy also encourages countries to strengthen economic ties and gain benefits through trade negotiations and economic agreements such as NAFTA. These agreements help boost trade and economic cooperation among member countries.
2. Economic Strategies: Trade and regional agreements involve negotiating and signing accords that allow member countries to trade without tariff barriers. The European Union and the European Free Trade Association (EFTA) are examples of such strategies, having established a single market with common trade regulations. Additionally, investment and economic development policies—such as attracting foreign investment and strengthening infrastructure projects like China's Belt and

- Road Initiative—contribute to enhancing countries' international positions.
3. **Legal and Judicial Strategies: Acceptance and implementation of international treaties:** Countries can improve legal and judicial coordination with the international community by accepting and applying international treaties and conventions. For instance, the Geneva Conventions and their Additional Protocols provide member states with guidelines on the treatment of civilians and prisoners of war under international humanitarian law.
  4. **Cooperation with International Institutions:** Member states must cooperate with international bodies such as the International Criminal Court (ICC) and the International Court of Justice (ICJ) to realize international justice. Domestic legislation in many countries has been updated to facilitate collaboration with these institutions. For example, Italy's supplementary law to the ICC enables its national courts to cooperate jointly with the ICC on war crimes and crimes against humanity.
  5. **Security and Military Strategies: Security and defense cooperation:** Countries can contribute to global security and combat shared threats by forming defense and security alliances and cooperating with international organizations such as NATO and the Organization for Security and Co-operation in Europe (OSCE). United Nations peacekeeping operations, especially in conflict zones, are examples of such cooperation.
  3. **Combating Terrorism and International Threats:** Countries adopt security strategies involving intelligence sharing and joint cooperation to combat terrorism and organized crime, thereby improving global security and enhancing international interactions. Examples include United Nations counter-terrorism conventions and joint anti-terrorism projects that facilitate international security and military cooperation (Sohrabi et al., 2018).
  4. **Diplomatic Tools in Influencing International Jurisdictions:** Diplomatic tools play a fundamental role in influencing international jurisdictions and effecting changes in global

legal and judicial fields. These tools help countries advance their interests internationally while respecting their international obligations.

#### **A- Negotiation and International Agreements:**

Negotiation and conclusion of international agreements are among the primary diplomatic tools that allow countries to resolve complex issues through mutual agreements and establish new legal frameworks. For example, the Iran Nuclear Deal (JCPOA) was the result of years of negotiations between Iran and the P5+1 group. This agreement included limitations on Iran's nuclear program in exchange for sanctions relief.

#### **B- Multilateral Diplomacy:**

Multilateral diplomacy refers to the cooperation of multiple countries on specific issues. For instance, the 2015 Paris Climate Agreement obligates member states to reduce greenhouse gas emissions and enhances global cooperation for environmental protection.

#### **C- Public Diplomacy:**

Public diplomacy involves a country's efforts to influence public opinion and international institutions through media, culture, and education. Programs like Fulbright have helped promote cultural and educational values and impact international relations. This type of diplomacy assists countries in projecting a positive image and achieving diplomatic goals.

#### **D- Use of International Institutions and Global Organizations:**

Countries can utilize international institutions such as the United Nations and the Security Council to influence global policies and apply pressure on other nations. Security Council resolutions regarding sanctions and military actions illustrate the diplomatic impact of these organizations in maintaining global peace and security (Falahian, 2006).

### **15. Challenges and Opportunities**

#### **A) Challenges**

1- **Conflict of Interests:** One of the greatest diplomatic challenges is the conflict of interests among countries, which can significantly affect their ability to reach effective international agreements. For example, disputes among United Nations Security Council members over international crises like those in Syria and Yemen illustrate problems arising especially in

geopolitical and security issues, undermining effective conclusions and coordinated international actions.

2- **Implementation Deficiencies:** Effective implementation of international agreements is another major challenge. For instance, environmental agreements such as the Kyoto Protocol, aimed at reducing greenhouse gases, faced difficulties in countries fulfilling their commitments. This mismatch in implementation can reduce the effectiveness of agreements and cause global dissatisfaction.

3- **Internal and Political Pressure:** Governments sometimes face domestic pressures that may lead to changes in their foreign policies and international commitments. Brexit (the United Kingdom's exit from the European Union) is an example of such internal pressure that has particularly affected Britain's international policies and economic and trade interactions.

### **B) Opportunities**

1- **Global Cooperation and Multilateral Engagements:** The opportunities provided by global cooperation and multilateral engagements include the ability to solve global issues through unity and coordination. Organizations such as the World Health Organization (WHO) and the United Nations Development Programme (UNDP) are examples that advance sustainable development goals and public health through global collaboration.

2- **Promotion of Human Rights and International Justice:** Diplomatic and legal strategies can lead to the strengthening of human rights and international justice. The International Criminal Court (ICC) and the International Court of Justice (ICJ), by providing international judicial and legal institutions, help promote justice and global accountability regarding international crimes and dispute resolution.

3- **Strengthening International Relations and Economic Development:** Opportunities created through diplomatic interactions can strengthen international relations and economic development of countries. China's "Belt and Road Initiative" is an example of a global initiative that has helped enhance infrastructure, increase trade, and expand China's economic and political influence worldwide (Sohrabi et al., 2018).

## **16. Conclusion**

The content shows that the concept of crime means violating laws and disrupting public order, which is defined and punishable based on the laws of each society. Linguistically, the word crime means to cut or sever, and legally, it includes any act or omission that disrupts the order of society. Delinquency is also considered a form of crime, mostly used regarding children. Additionally, the definition of crime varies culturally and socially across different societies, which means behaviors considered criminal in one society may not be regarded as crimes in another. For example, some behaviors accepted in ancient societies are now recognized as crimes in modern societies.

At the international level, international crimes such as war crimes, genocide, and crimes against humanity are defined based on treaties and international conventions and fall under the jurisdiction of international courts. These crimes affect not only local victims but also the entire international community. This global importance has led to serious consideration of such crimes by international courts like the International Criminal Court (ICC). These courts are responsible for prosecuting and punishing the perpetrators of these crimes.

The history of international law concerning international crimes began with the world wars and courts such as the Nuremberg Trials. These courts took the first steps toward establishing a legal framework to address international crimes. Principles such as individual responsibility for international crimes and the inadmissibility of justifying such crimes by superior orders were among the important achievements that gradually institutionalized the concept of international crime.

The jurisdiction of national and international courts has also been examined. In international law, jurisdiction refers to the legal authority of courts to try crimes. Jurisdiction can be domestic or international. In cases of transnational crimes, international courts can exercise jurisdiction and prosecute defendants. However, these jurisdictions face challenges, especially when national and international courts simultaneously address a case. This means any country can prosecute perpetrators regardless of the location of the crime or the nationality of the suspect.

From the analysis of the structure and function of the International Criminal Court (ICC), several points indicate the importance and complexities of this international institution within the international criminal law system: The ICC, as an independent international judicial body, was established under the Rome Statute in 1998. The Court includes four main components specifically designed to handle international crimes. The first component is the Court itself, the highest judicial authority of the ICC, composed of 18 judges divided into ordinary judges and the President. These judges are responsible for examining cases and issuing rulings. The second component is the Office of the Prosecutor, responsible for investigating and prosecuting international crimes under the leadership of the ICC Prosecutor. This office collects evidence and presents cases to the Court. The third component is the Registry, which manages the ICC's administrative affairs and plays a key role in organizing and coordinating internal matters.

Structural analysis shows that the division of duties is well-designed under the Rome Statute, with each section playing a specific role in administering international justice. The Court, as the highest judicial authority, examines and rules on international crimes; the Office of the Prosecutor plays a preventive and executive role by investigating and prosecuting; and the Registry supports other sections by managing administrative resources and facilities. Furthermore, the ICC's interactions with other international organizations, such as the United Nations, are particularly important. These interactions promote and strengthen international justice and facilitate enforcement of judicial decisions and procedures.

Ultimately, the structure and function of the ICC clearly demonstrate global efforts to combat international crimes and promote global justice. Considering the complexities arising from international interactions and enforcement challenges, the ICC operates as a key institution in the international criminal law system and plays a significant role in maintaining global peace and security.

In conclusion, an examination of the powers and jurisdiction of the ICC shows that the Court, with its broad and comprehensive jurisdiction, plays a pivotal role in the international justice system. The Court's jurisdiction is divided into primary and secondary

categories, each defined specifically under the Rome Statute. The primary jurisdiction covers war crimes, crimes against humanity, and genocide. The ICC is capable of responding to serious violations of human rights and international law, including crimes defined under the Geneva Conventions and related protocols. Specifically, this jurisdiction covers the killing of civilians, torture, and the use of prohibited weapons. With these jurisdictions, the ICC can address serious wartime and anti-humanitarian violations and prosecute those responsible.

On the other hand, the ICC's secondary jurisdiction includes cases related to its primary jurisdiction and allows the Court, when necessary and according to international laws and set criteria, to investigate and adjudicate other crimes. The role of the ICC in addressing international crimes and existing enforcement challenges is also important. The ICC continuously faces challenges such as political limitations, resource shortages, and operational issues that may affect the trial process and enforcement of rulings. These challenges require careful management by the ICC and international cooperation and support to achieve justice.

Overall, the ICC, with its special and broad jurisdiction, acts as a key institution in the international criminal law system and contributes to strengthening justice and global accountability by prosecuting international crimes and addressing serious human rights violations. Based on the conducted research, the researcher offers the following suggestions:

- **Examining the Establishment of Domestic and International Judicial Cooperation Frameworks:** Investigate the creation of protocols and mechanisms that enable domestic courts to cooperate with the International Criminal Court (ICC) in evidence collection, arresting suspects, and enforcing rulings.
- **Assessing the Effectiveness of the ICC's Complementary Jurisdiction:** Analyze practical cases where the ICC has intervened due to the inability or unwillingness of domestic courts, aiming to identify the most effective mechanisms for applying this jurisdiction.
- **Evaluating Implementation Barriers to Universal Jurisdiction:** Study the legal, political, and practical obstacles national courts

face when accepting universal jurisdiction over international crimes.

- **Clarifying Harmonized Legal Criteria for Judicial Interaction:** Develop unified standards and criteria for interpreting and applying criminal laws at national and international levels, considering relevant international documents and the ICC's operations.
- **Analyzing the Role of International Organizations in Enhancing ICC Acceptance:** Explore strategies to improve interactions between the ICC, international organizations, and states to increase acceptance and judicial cooperation.

**Investigating the Consequences of State Non-Cooperation with the ICC:** Research the political, economic, and legal repercussions of states not cooperating with the ICC and propose appropriate measures to prevent such consequences.

#### Authors' Contributions

Authors contributed equally to this article.

#### Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

#### Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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