



ISIS Crimes under International Criminal Law

Alireza Millanei^{1*}, Fatemah Nikniya²

¹Department of Law, Electronic Branch, Islamic Azad University, Tehran, Iran.

²Department of Law, Electronic Branch, Islamic Azad University, Tehran, Iran

ARTICLE INFO

Article history:

Received 12 Oct 2018

Received in revised form 17 Jan 2019

Accepted 27 Feb 2019

Keywords:

Terrorism,

Genocide,

Crimes against humanity,

War crimes,

Isis,

Islamic State of Wahhabism.

ABSTRACT

Objective: Paying attention to the global and regional security with planners, officials, and activists in the global system is of great importance. Meanwhile, lawyers involved in the legal instruments can play an important role in maintaining security. However, security has long been the main concerns of the people of this concern today are the way to global demand. **Methodology:** Isis is one of several terrorist groups in the region that is today known by his growing up is becoming a global threat and it is important that lawyers, legal review is somewhere in the. With this approach, we study the issue of "crimes Isis In the light of international criminal law, "that if we work on the basis of our analysis we have in the final section. **Results:** International Criminal Court must be based on justice, politics and engage in establishing order and security, it is inevitable that the human rights violations to justice and to the rights of victims of crimes Isis that they used to support terrorist acts hand. **Conclusion:** Researcher intends to pass this article to find answers to the following questions: 1. What is the nature and purpose Isis crimes and crimes is the competent authority to deal with this? 2. What are measures and proceedings ruling on ISIS crimes in the international arena?

1. Introduction

The previous year, the fight against terrorism is one of the major topics of discussion was the international community. Following the terrorist events of September 11, 2001, issue of terrorism was an important and significant development. In response to this incident and followed the invasion of Afghanistan and the need to fight against terrorism has led many to the role of the international community in this regard be considered again. In recent years the emergence of various types of terrorist groups in the world and especially the Middle East region has been. Isis is one of the major terrorist groups managed by applying various crimes and terrorist acts to the attention of the international community is diverse and with intellectual and physical development of the territory under the control of crimes, and the colorful threat to global security regarded.

Isis stands for the Islamic State of Iraq and Syria whose name indicates that the flow and movement of Iraq and Syria or the Levant large area (including Iraq, Syria, Jordan, Lebanon, and part of Palestine) comes to the scope of their activities into account. Isis positions in speech and in action confirm the assumption that they, like the Salafi Takfiri ideological vision of the Caliphate and Emirate is seriously pursuing. They view the image thinking is symbolic and rhetorical. Depth discussions on their way of thinking argue that the compatibility with the political, social and religious people of both Sunni and Shiite.

Islamic State of Iraq and Syria during the war in Iraq in 2014 released a video that shows their bad behavior with civilians. The victims of these behaviors were chosen primarily based on ethnic and religious discrimination. Navi Pillay, UN High Commissioner for Human Rights, the United Nations war crimes committed in the war zones in Iraq and warned Iraq of a UN report on the killing by soldiers of the Islamic State of Iraq and Syria revealed. The United Nations reported that the Islamic State of Iraq and Syria during the seventeen days from 5 to 22 June, more than thousands of Iraqi civilians were killed and more than a thousand wounded. Also, according to Human Rights Watch, the terrorist group has used children in armed conflict itself. The report is based on information provided by 25 agencies has been set. Finally, the above actions, crimes against women, adding that the abduction, torture, enslavement and rape their women and their marketability is. By committing these acts and according to international law, Isis or "Islamic state", considered a terrorist group. In this article the author tries nature of international crimes in the heart of Isis analyze attitudes to crime. Isis is also trying to

* Corresponding author: Alireza.Millanei@gmail.com

DOI: <https://doi.org/10.24200/jsshr.vol7iss02pp1-7>

position in the global arena and unpopular role in the success of the group and their supporters eventually wins the primary reasons they reviewed. However, as they were expressed as a terrorist group internationally Isis to be followed by competent authorities to address the crimes in the international arena as well as find. That the feedback crimes in domestic law in this context that will be victim (Vagts, 2003).

1.1 Research Literature

1.1.1 Definitions

Terrorism: Black Law Dictionary the term use or threaten to use violence to create fear and terror especially as a means to influence the political behavior. Genocide means any of the following acts committed with intent to destroy in whole or in part of a national, ethnic, racial or religious terms perpetrated these titles, considered genocide. A) Killing members of the group; b) delivered severe damage to physical or mental health of members of a group; c) Deliberately exposing a bad life leading to its physical destruction in whole or in part geared c) measures to prevent births within a group there; g) forcibly transferring children of the group to another (Meron, 1986).

Crime against humanity: Once in the context of a widespread or systematic attack against a civilian population, with knowledge of the attack is committed. War crimes acts such as willful killing, torture or inhuman treatment, hostage-taking or simply gross violations of the Geneva Conventions of 1949, especially when in the form of a program or public policy or is in the form of massive crimes, war crimes are considered.

1.1.2 Background and Review

The above-mentioned major difficulty continuing my research thesis is completed and it is the lack of sufficient resources available. It was said that this can be taken advantage of in order to study the importance of writing. Available research literature, generally less looks through the lens of international criminal law to terrorism and, in general, political, and legal approach. However, there are signs that a comprehensive study of international criminal law and international criminal law and terrorism has a special relationship. Some of these works are as follows:

- Kusha and Namamiyan. "The place of terrorist acts in the light of international criminal law";
- Ghorbannia. "Faced with terrorism: military strategy, political or legal";
- Namamiyan «jurisdiction of the International Criminal Court in dealing with terrorism";
- Saber and Sadeghi. "issue of the jurisdiction of the International Criminal Court in dealing with terrorism";
- Hashemnia. "The international community and the face of terrorism: political-legal strategies in the structures of unilateral and multilateral."

1.2 The Conception of International Crimes, Titles, and Examples

Violation of any international commitment cannot be considered an international crime, because crime is international practice against international law or treaties of the international community based on common law it is a crime (principle of legality of the crime).

International crimes cases from the perspective of the Geneva Convention are: murder, torture or inhuman treatment, to cause intentional physical and psychological ordeal and that customary law and statutory law of war is a violation of the above acts and perpetrators will be considered criminals.

According to public procedures and regulations and international conventions, customary international crimes can be placed into three categories according to their type:

A crime of genocide (genocide)

1.3 Crimes against humanity

(Criminal) - Abdullahi, Mohsen. Terrorism, human rights, and humanitarian law. Tehran and the researcher-legal studies in science, 2012, first edition. P. 45)

2. Materials and methods

2.1 The jurisdiction of the International Criminal Court in dealing with international crimes

If the court finds jurisdiction over crimes enumerated in the statute as well as the crimes occurred have occurred in a government that accepted the jurisdiction of the Court or that the Security Council will be sent to the Court. Thus, in the Statute of the International Criminal Court and the Court's limited jurisdiction of the Court of ways to address only the most important and well-known international crime competent to investigate crimes that occur in non-member countries is subject to the authorization of the Security Council United Nations, as well as one of the most fundamental principles of higher qualification procedures that are based on the Court, that Court shall be incorporated in the Constitution that the case is based on the principle of qualified graduate qualification.

2.2 The International Criminal Court in dealing with international crimes

According to Article 5 of the Statute, the Court will have jurisdiction to deal with the 4 crime: genocide (genocide), crimes against humanity, war crimes, aggression.

Upon the establishment of the Court's jurisdiction over four categories of crimes have been committed if the entry into force of the constitution.

However, the jurisdiction to deal with the crime of aggression, in accordance with 2 of article 5 (which is referred to for 121 and 123) to the definition of the offense (which is to be presented during the Review Conference) will be suspended. Simply put, after the establishment of the International criminal court as long as rape is not defined in the court will be addressed. The reason is that chapter VII of the UN charter and international peacekeeping duty to

prevent rape and taking it to the UN Security Council has given the council and naturally tended to the jurisdiction of the international criminal court. Rome conference insisted and argued that countries such as Iran, India, and Mexico in opposition to the Security Council to address the court or tribunal established by the Council led to the solution intermediate court's jurisdiction to deal with the crime of aggression identify actions were postponed to the definition of rape.

It should be noted that the Security Council that the will of the United States in recent years to the formation of the court in relation to crimes committed in the territory of the former Yugoslavia and Rwanda, has naturally inclined to this interpretation of the Charter of the safeguarding of international peace. Now the Council is to establish the International Criminal Court. That is why the United States is essentially the formation and establishment of the International Criminal Court, which is independent of the Security Council to deal with international crimes and is unhappy.

However, in the final document Rome Diplomatic Conference, it is expected that the Commission has the mandate to pursue the establishment of the Court concerning the definition of the crime of aggression proposed to provide to the Review Conference of the, which is scheduled after 7 years of entry into force of the Statute of was raised.

The other three crimes in the jurisdiction of the ICC are genocide, crimes against humanity and war crimes in articles 6, 7 and 8 of the Constitution defined and examples they mentioned. In short, the purpose of genocide is that the person or persons motivated by national, ethnic, racial or religious group to destroy.

Crimes against humanity by the Rome Conference were the most contentious issue in the 11 cases has been counted. The widespread or systematic attack against civilians, the murder of a group of enslavement, deportation of a population, the ongoing persecution of a group of political, racial, national, ethnic, cultural, religious, or gender, all of crimes against humanity have been considered.

August 12, 1949 Geneva conventions on war crimes defect known as a war crime and war crime cases that Paragraph 8 states deemed to have been allocated. The violation of certain norms of international law that have been mentioned in paragraph 26 as war crimes in the International Criminal Court's jurisdiction. More important than these two cases, the Court's jurisdiction over internal armed conflict. Internal turmoil and insurgencies, including those that comply with Article 3 common to the 1949 Geneva Conventions, or other materials that can be as grave breaches of the laws and customs applicable in non-international armed conflict are considered are all in the International Criminal Court's jurisdiction to have headache. The court's jurisdiction to deal with non-international internal armed conflict is arguably the most important issues in the constitution that was approved against Arab and Muslim country.

2.3 The concept of international terrorism and identifying terrorist groups

The term terrorism criminal laws for the first time in the same conference that was held in 1930 in Poland legal issues are reached. Later, at a conference in Copenhagen in 1935 following the assassination of King Alexander I of Yugoslavia and French Foreign Minister held terror, the need to track and punish criminal acts were advised to include a variety of acts that pose a risk to public or creating fear and fear to be struck by a series of acts of sabotage.

2.3.1 Concept and manifestations of international terrorism

Political transformation in the way in which power is no longer a democratic and authoritarian, but also for the inclusion of people applied, forming the "nation" into the flour. The political people were one of the actors of political power.

This has caused people to play a role in the political process. Quickly came when seizing power by force is simply not possible with an actor and actors stage their political actions should have the power, the will and behavior of people as an important variable pay.

The people in political power, they are inevitably involved in terrorism and that led to a form of terrorism on the enjoyment of modern features, in this season's title. This type of terrorism with the rise of nation-states and expedite the process of democratization, came into existence. Characteristic of terrorism in the modern era, people drawn to the scene of a power struggle, and the people in direct and indirect strategies for power and privilege. Nuts place for the physical elimination of political power and indirectly through intimidation and threats of assassination and sometimes a few people to have significant terrorist act so that their governments put pressure on the government to solve the problem of terrorism as otherwise afford to lose their effectiveness and legitimacy.

Many believe that "modern terrorism, culture or the superstructure Marxist life and symbol of the American West by resorting to violent means looking to make the most wide-man has defied the material destruction." From this perspective, modernity is a paradigm shift in terrorism and terrorist attacks such as the September incident, the inevitable consequence of modernity.

2.3.2 Types of terrorism

Terrorism as an inevitable outcome of modernity can take many forms. However, in terms of subject matter and content, terrorism, terrorism, and unconventional conventional two kinds of terrorism will be discussed.

A) Conventional terrorism and its variants: The conventional terrorism, which is a form of terrorism and terrorists generally known to the public that the military means and tools are among the standard equipment, are used. For example, the use of explosives and bombs a terrorist group even at high destruction power is not something that is unusual. This terrorism has various species. But conventional terrorism can take many forms. State terrorism and cyber terrorism are only two types of conventional terrorism that are mentioned here.

A-1) State Terrorism: Governments phenomenon are new international system are the kind of lifetime achievement and modernism. Login this is the issue of terrorism, because terrorism is a form of state terrorism, which many called it. "State terrorism, terrorism, in which the government undertook to conduct terror, for it considers the organization. His expenses paid, to the military training and led them inside and outside the community (Ghaderi and Naderzadeh, 2014).

However, with respect to state terror of terrorism, there is no common point of view. Some argue that the concept of terrorism should be used only in the case of nongovernmental actors. Because the government in murder among other crimes, such as crimes against humanity, genocide, crimes against peace,

and so it goes. Others do not, but the idea and believe that terrorism and state terrorism for several reasons must be other row (Sophie Grave, 2003). Some argue that this suggests is that the ability of a government to assassinate the population of non-state actors. In addition, many terrorist groups are active virtually state-sponsored terrorist groups that are supportive of their governments have more power.

To get the government's role in international terrorism, should clearly between what is sometimes referred to State terrorism and terrorism has the distinction of public support. It is worth recalling that the political rhetoric, the so-called state terrorism is often used to refer to activities outside a State used, while it is described in more traditional applications into a government action has been taken further. In other words, state terrorism continued use of the term in this context has been to distort its meaning.

2.3.3 The nature and quality of terrorist groups

Terror from the Greek word literally means fear and trembling Latin verb meaning is the same. In Arabic the verb "leadership" means "fear" is. And words three dismay in Arabic means used in connection with the assassination. In modern times the term is meant to scare terror and terror and terror in the sense of panic in France to describe the great French revolutionary government in 1789 during the 1794 emerged used went. Of course, before that there were terrorist acts sporadically but the French revolutionaries fighting terrorism as a way to put yourself and a sentencing court to be assassinated.

Despite repeated requests by governments and international organizations, the term still lacks a comprehensive definition of terrorism and is accepted by the international community and numerous conferences provide a clear definition of terrorism have been held. One reason for the lack of definition of terrorism in contemporary international law, complex or delineate the boundaries between the definitions of terrorism is acts of self-determination. This difference stems from the West and East against Third World countries is trying to impose coercive and violent self-determination among their terrorist acts (Abdollahi, 2012).

However, some international human rights documents have various definitions of terrorism and the fact that the International Committee of the Red Cross, according to the interpretation, the purpose of the international documents on human rights, the Universal Declaration of Human Rights and the two Covenants in 1966 not only, but also evidence that certain aspects of human rights, such as the 1948 Convention on the Prevention and Repression of Genocide (Prevention of Genocide). This reference to human rights instruments, including regional treaties, including the European Convention on Human Rights and the African Charter on Human Rights and the US.

The first article of the Geneva 1937 Agreement in the field of prevention of terrorism and punish terrorists, terrorist operations is defined as "any criminal act carried out against one of the states with the aim of creating panic and fear among the person or persons or group of individuals or the entire nation." Defined terrorism conference in Brussels following the unification of criminal law: "Any use of the means of committing acts which intentionally uses of life or property or assets of any country or any race them through a series of specific actions] in danger" (Solange, 2005).

The UN International Law Commission in 1984, global terrorism will be defined as "any acts of violence involving international element and against the innocent and civilians or those under international protection are made. As well as any act that violates international laws and regulations and the international community to disturb the peace, order and chaos and insecurity faced by them, whether in peacetime or during war takes place, the rule of international terrorism was. "In the twenty-eighth session of the General Assembly of the world, America delegation proposed that the definition of terrorism whereby anyone who kills another person without warrant or serious physical injury inflicted upon him or steal personal or a These actions contribute, known terrorists (Saul, 2003).

Among scholars, Raymond Aron acts of violence and terrorism knows its psychological impact rather than its results. Paul Wilkinson terrorism and organized use of political violence by small groups of conspirators that their purpose in addition to material failure enemy is the political center, has defined. In general we can say that terrorism is basically the use of violence or discrimination between victims without any calculation that aims to crush any resistance by creating fear in the hearts of people.

Among some Islamic countries as well as documents relating to the definitions of terrorism. For example, in the twenty-sixth meeting of foreign ministers of OIC members was held in 1999 in Burkina Faso, the definition of terrorism as follows: "any act of violence or the threat of it, with any intention, which is to the implementation of an individual or collective criminal plan with the aim of intimidation and harassment or fear of people from risking life or dignity or security or other rights or harm the environment or facilities, and public and private property of conquest or occupation, or compromising economic resources, national or global or regional security threats or disrupting the stability and political unity or sovereignty of independent states, as the subject is terrorism. "

The United Nations as an institution that is responsible for maintaining international peace and security, to provide a universal definition of terrorism has to take different actions. The turning point in the efforts of this organization and especially the Security Council under the UN Charter to maintain international peace and security is the main custodian of the events of September 11, 2001 in the United States and pursuant to the resolution of the Security Council.

3. Discussion and results

3.1 The doctrine of international criminal law in dealing with international crimes Isis

Regarding The doctrine of international criminal law in dealing with international crimes Isis, With the operation of the international criminal justice system and noted several cases important in light of our to explain what actually happens, we will:

3.1.1 Approach to Crimes in Iraq from International Criminal Laws Point of View

The most important is the institution that claims to fight impunity and is active in the field of international criminal law, international criminal court. Court cases related to the four crimes in the Statute of the predicted search terms and have attempted to impose its jurisdiction on several African countries (Alipour, 2006).

Court to pursue crimes Isis is able to exercise its jurisdiction. Article twelve statute has raised three assumptions in this regard, the first assumption, the crimes occurred in the territory that is a member of the court, the state prosecutor is competent to prosecute the defendant and third countries must to cooperate with the Court. The crimes committed Isis, Syria and Iraq are not among the states that ratified the Rome Statute in 1998 to the court's founding document and investigate crimes committed by members of result Isis In these countries, although the most serious crimes of concern to the international community that peace, security and prosperity of the region and the world are endangered, not in terms of lack of jurisdiction of the court to the court's territorial jurisdiction.

The second assumption is that Article 12 of the Constitution if committed by a national of a signatory state. In this case, the prosecution has not encountered any obstacle to prosecuting accused. Now, according to EU Counterterrorism Coordinator for Europe, about 3 thousand citizens of European countries to the terrorist group Isis Syria and Iraq have joined in. The Admiral Samuel Lakler Chief of Staff of the Army Pacific command in America at a news conference at *the Pentagon* announced that about a thousand well located within the perimeter of the countries likely to Isis Have joined. Now many European countries as well as among the States Parties to the Rome Statute of the Pacific ocean in accordance with the provisions of Article 12 of the Statute are and the International Criminal court may exercise jurisdiction over crimes under the jurisdiction of the court of Members Isis And they have committed a crime in Syria and Iraq be considered. Of the several thousand foreign fighters Isis a considerable number of citizens have joined the ICC member states such as Tunisia, France, Great Britain, Australia, Belgium, and the Netherlands.

Although reports of crimes committed by some of the foreign nationals received by the Prosecutor of the Court and through social media as well as a number of public actions were terrible, but the Prosecutor of the Court, believes that Group Isis As an organization, led by Iraqi and Syrian nationals and policy Court prosecutor also has the highest concentration of people who have criminal responsibility, concluded that the authority to begin the process of "preliminary assessment" at this stage very weak and narrow and consequently the court action taken against the savagery of foreign members Isis will not do that. (Pentagon)

The prosecutor's decision can be seen in the light of one of the preconditions for the exercise of jurisdiction by the Court, the threshold intensity, examined. To determine the severity of the crime to criteria such as the number of victims, injuries, geographies and time of the offense, the nature of the crime, the manner and consequences of crime should be considered a crime. Prosecutor based on different materials Statute, including Article 17 and 53 should be the primary measures include the issue as to the accuracy of information provided, the subject matter jurisdiction of the Court, the reasonable and the issue of complementary competence and capability to review and acceptance of the Court the decision (Tahmasebi, 2007).

In the second case, the Court notes about foreigners' member Isis the Government of the Constitution among Member States should also consider additional qualifications. Thus, according to paragraph 1 of Article 17 of the Statute of the Court if the government is not competent to issue, may make the exercise of jurisdiction. In this regard, the Court can establish that the competent government, "willing" and "able" not to care or not and in this case the right to prohibit the prosecution even though the proceedings or issue, or even completion of the trial, and the procedure, the issue of acceptable and has to be addressed.

Finally, another condition for the exercise of jurisdiction of the court anticipated that the UN Security Council to ask the Court to handle a situation, in this case, so that the provisions of Article 12 and procedure of the Court and the Security Council must be understood court Additional jurisdiction on the status of the referral decision. According to the rules of procedure of the Board can be appealed to the Security Council in accordance with procedures adopted in the Sudan and Libya, a resolution based on chapter VII of the UN charter, in accordance with article 13 of the Rome Statute of 1997, the status of these countries (Iraq and Syria) the prosecutor of the International Criminal Court referred. This is because neither the Iraqi government nor the Syrian government not as a member of the International Criminal Court and the Court may exercise jurisdiction over crimes committed on the territory of the normal ways not imagined. But because the mechanism of the crimes committed within the jurisdiction of the Court referred to the Security Council in the Constitution anticipated, therefore, referred to the Court is the situation that has been done within the framework of the Rome Statute. This mechanism embedded in the Constitution and national government officials who are members of the Rome Statute, not based on the principle of consent in the settlement of disputes and international treaties to escape punishment for their actions and have continued impunity and the international public might disrupt domestic order. It has been several years, first in the Darfur region of Sudan by Security Council Resolution 1593 in 2005, were referred to court rulings already issued and the status of the accused in this case are now on the agenda Court and another referred to the situation in Libya by the Security Council under Article 13 of the Statute of the Court are now on the agenda.

Asking the Security Council to adopt such a decision and refer the crimes Isis Court of institutional political decisions taken on the basis of inequitable distribution of power, so far in vain. The case referred to by many independent states and developing the judicial body (court), the political institution (Council Security) are serious considerations. In a situation where the Security Council referred the Court to consider the problems of form and substance, the Court issued arrest warrants and extradition of the defendants by the executive branch and those about whom an arrest warrant has not been issued to the member states and nonmember Court travel freely.

In addition to the assumptions mentioned, one of the solutions that Court to exercise its jurisdiction over states that are not party to the Rome Statute, the possibility of harnessing the mechanisms provided for in paragraph 3 of Article 12 of the Statute of Rome. Thus, Iraq or Syria must take action to accept the Court's jurisdiction in the case of certain crimes Isis and submitted a statement to the prosecutor Dutch International Criminal Court, a declaration accepting the competence of the Court to submit case (Schabas, 2003). In this case the Court's jurisdiction by Iraq or Syria or both for offenses occurred three will be accepted. The government submitted a declaration accepting the jurisdiction of the Rome Statute also provides one if you should emphasize on cooperation with the Tribunal. According to the existing practices of the host state prosecutor notices given jurisdiction to review the possibility of opening a case file to the prosecutor's office of the Court sent the preliminary investigation there.

According to the Rome Statute must be to convince the prosecutor that the Rome Statute criteria for opening an investigation are met, then proceed to request permission from the Court to use. If we already have the original prosecutor on the grounds that the authorities Isis Iraqi and Syrian, the opening of a preliminary assessment records for foreign nationals Isis Avoided. If you see no acceptance of the jurisdiction of the court case, prosecutors excuse to evade review by commanders and Iraqi officials occurred Syrian (as to which of the two governments to provide his statement) will not. It must be remembered that the prosecution will be able to work with all those who have committed crimes under the Court's jurisdiction to make the exercise of jurisdiction.

Something that can be verified is whether a given state cannot bind the Court's jurisdiction? With respect to paragraph three of Article 12 has been invoked four statement has been submitted to the Court of Palestine (2009-2014), Côte d'Ivoire and Ukraine is observed to determine the time and with a certain time interval (accepted by the Ukrainian Court for crimes from 30 November 2013 to 22 February 2014) for the exercise of jurisdiction by the Court, despite the silence of the Rome Statute is a common issue (Schabas, 2003).

3.2 The guidelines on international criminal law

For years the criminal jurisdiction of states that when a geographical area with the use of new concepts such as universal jurisdiction would not go beyond the scope of the geographical borders today. Many countries in the world now agree that if a crime has occurred which causes human suffering is hurting, other countries can exercise criminal jurisdiction over perpetrators of such crimes. The mechanism of universal jurisdiction in international judicial commission of government grants and allows the perpetrators of serious crimes in the absence of competent courts were unable to carry out their mission. We have tried almost that those who commit crimes committed outside the territory of the country, if an international convention to domestic courts found that the accused be granted competence of its courts can prosecute they are to international consensus (Tavarniyeh, 2003).

The operation of this type of qualification according to the Geneva Conventions, particularly the Convention on universal jurisdiction have decreed that directly can be Conventions, violations of the defendants traveled to nations with universal jurisdiction on the criminal law forecast have to be considered. Article 49 of Convention No. 1, Article 50 of Convention No. 2, of the Convention (3) and Article 146 (4) of the Convention provides that: "Each Contracting State responsibility. Who is accused of committing or having committed any of the offenses to be prosecuted and they will be of any nationality who surrender their jurisdiction (Sharif, 2011).

4. Conclusion

According to what is mentioned elsewhere in this paper, we describe the legal nature of groups such as Isis So complex. According to international literature about other groups, these groups can hardly be described as a purely terrorist groups. Terrorist acts generally hidden actions, and brief moment whiles the in Syria and Iraq in addition to the battlefield terrorist acts openly and officially established by the government to enter the war. These groups can be called on illegal armed groups. Illegal armed groups from the perspective of international law, the group that the purpose of self-defense against an external enemy aggression or liberate their occupied lands taken up arms to fight them. Group Isis Not the defense of their motherland and not their country occupied by a foreign enemy that wants to get in the way of such an armed conflict against countries in the region to start.

Despite the difficulty of describing the personal nature of these groups, describes the crimes committed in Syria and Iraq have not difficult. These crimes legally, crimes armed. The identification of such a situation would apply some of the rules of international law to be respected, and their violation leads to criminal liability violators will be necessary.

For the remainder of the debate and at the end of this article is essential to the questions at the beginning of this thesis as the formation of this thesis are the questions that need to be answered:

3- What is the nature and purpose Isis crimes and crimes is the competent authority to deal with this?

4- Measures of the crimes Isis what is in the international arena?

As during parts of the thesis was also due to the characteristics of international crimes, however, the crimes committed by the terrorist group carried out and Isis are all part of international crimes, and as a result, and according to the principles and international rules to address these crimes in the scope of international organizations and in particular the International Criminal Court.

Since the competent authority to deal with crimes agreed by the international terrorist organization Isis references should be noted that the measures and actions to address and deal with these crimes should be subject to measures and actions that documents, conventions, and constitutions have given authorities.

However, the International Criminal Court as a legal entity and has an important international position should be his duty in the face of crimes against humanity do not happen in a state with some justice, and to avoid to political needs,. In this regard also offered suggestions which, although in compliance with international principles favorable looks, but as long as the legal-political will among the custodians of justice and security with the vagueness of face effective expectancy offends respectively.

International Criminal Court must be based on justice, politics and engage in establishing order and security, it is inevitable that the human rights violations to justice and to the rights of victims of crimes Isis that they used to support terrorist acts hand.

International Criminal Court in the valley is considered an independent entity within the United Nations system, based on the objectives and principles of the UN Charter emerged. And hence one of the most important goals it should strive to achieve peace and justice and global security. The establishment of the International Criminal Court, it is reasonable to expect that if heinous crimes occur in every country even if the country is to join the international community can Statute of the Court of Justice to combat such crimes and to rise creating peace and security in the country and the international community.

An end to any immunity for international crimes, the International Criminal Court is the most prominent target. The purpose of the Statute and Article 27 of the Statute of the Court on any immunity has been emphasized before the Court, so expect if domestic criminal court to punish his work is not in the International Criminal Court, he will be punished by. It is time to join the Court to engage with the various governments to adopt and away from political controversy for the rights of individuals to take action. I hope that is closer to the justice of the Court is a priority.

REFERENCES

- Abdollahi, M. 2012. *Terrorism Law Man and Law Humanitarian*. Tehran: Shahre Danesh.
- Alipour, H. 2006. Terrorism a core. *Quarterly Studies Strategic*, 9(33). Tehran.
- Ghaderi, M. Gh., & Naderzadeh, Sh. 2014. Role colonialism western at formation groups extremist and extreme with Reliance on government called Islam (Isis), 3(8). Tehran: Quarterly Cord Almtyn.
- Meron, T. 1986. On a hierarchy of international human rights. *American Journal of International Law*, 80(1), 1-23.
- Saul, B. 2003. International Terrorism as a European Crime: The Policy Rationale for Criminalization. *European Journal of Crime, Criminal Law and Criminal Justice*, (11).
- Schabas, W. A. 2003. Theoretical and International Framework: Punishment of Non State Actors in Non international Armed Conflict. *Ford Hum*, 26, (907).
- Schabas, W. A. 2003. The relationship between truth commissions and international courts: The case of Sierra Leone. *Hum*, 25, 1035.
- Sharifi, M. 2011. Components Generation Drawing At right Documents and Top Judicial among International, (15). Tehran: Quarterly Sublimation Rights.
- Solange, M. 2005. *The International Criminal Court, in the Essentials of Human Rights*, 196-198. New York.
- Sophie Grave, H. 2003. Acts of Terrorism and Crimes within the Jurisdiction of the International Criminal Court. In Morten Bergsmo *Human Rights and Criminal Justice for the Downtrodden*, 258-259. Boston: Martinus Nijhoff Publishers.
- Tahmasebi, J. 2007. *Territory Time Competency the Court between World Criminal*. Tehran: Magazine Legal.
- Tavamiyeh, P. 2003. Rules Basic Countries and Articles association Court Criminal between Internationals, Translated by Morteza Kalantarian. *Legal Journal*, (29).
- Vagts, D. F. 2003. Which Courts Should Try Persons Accused of Terrorism? *European Journal of International Law*, 14(2), 313-326.

How to Cite this Article:

Millanei A., Nikniya F., *ISIS Crimes under International Criminal Law*, UCT Journal of Social Sciences and Humanities Research 7(2) (2019) 1–7.