



**Cour
Pénale
Internationale**

**International
Criminal
Court**

L'Assemblée des États Parties

The Assembly of States Parties

Address by H.E. Mr. Sergio Ugalde (Costa Rica)

**Vice-President of the Assembly of States Parties and Coordinator of The Hague
Working Group of the Bureau of the Assembly**

Day of International Criminal Justice - 17 July

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Madame President of the International Criminal Court,
Excellencies,
Madame Prosecutor,
Mr. Deputy Prosecutor,
Mr. Registrar,
His Excellency, Mr. Paul Wilke, Permanent representative of the Netherlands to the
International Criminal Court,
Dear colleagues,
Ladies and gentlemen,

It is a great honor to have an opportunity to address you at the end of this discussion, organized to celebrate the Day of International Criminal Justice, which was established at the 2010 Review Conference of the Rome Statute in Kampala, as an annual commemoration of the international community, to highlight, the historic importance of the adoption of the Rome Statute in 1998.

I would like to thank the President of the International Criminal Court, Madame Silvia Fernández de Gurmendi, not only for her presence but also for having delivered the keynote address today. The participation of members of the judiciary underline the importance of this commemoration, especially as this year we are also celebrating the fifteenth anniversary of the entry into force of the Rome Statute.

After fifteen years, the International Criminal Court has made important progress in the fight against impunity concerning the worst crimes against humanity, and, consequently, in delivering justice to the victims of those crimes. We all agree that the object and purpose of the system of international criminal justice that we created is to provide a meaningful measure of redress to the victims. This meaningful measure implies a committed and resolute fight against impunity, regardless of how powerful an individual or group of individuals may be. We also acknowledge that we are all in this together, and that complementarity and cooperation are key issues in strengthening the system.

We acknowledge now that after all these years of work, the Court has consolidated its position as the foremost international criminal justice institution at the international level, it has contributed to the development of relevant jurisprudence, and it has also made significant advancements in developing a solid and comprehensive procedural system to deal with these very complex cases, building up from its own experience in this delicate task.

While we celebrate, with good reason, the pivotal contribution of the Court in the creation of an effective, permanent and independent international criminal justice system, we are also aware that there are still important challenges ahead of us in this endeavour. Today's panel discussion constituted a most welcome opportunity to reflect jointly on the scope of action of the Court, and on how to contribute to its further solidification by building up a very significant procedural element, namely the representation system of the defendants.

An effective and fair opportunity of legal defence for the accused is essential for an impartial delivery of criminal justice, both at the national and at the international level, and it is also one of the central principles of the guarantee of human rights in judicial procedures. In our case, we also acknowledge it as an important element for the credibility of the International Criminal Court, and thus for the consolidation of the international criminal justice system.

As has been highlighted during this debate, this subject has been treated with utmost attention since the establishment of the Court, and its judicial practice has tried to provide the accused with ample guarantees for an effective defence, bringing into effect the principle of “equality of arms”. To this end, the Court has made use of the instruments set forth in the Rome Statute, together with the other regulations that the Court itself has considered as applicable, thus making sure of the fairness at trial.

Nonetheless, as one can conclude from this discussion, this is an area that still demands additional attention, and one of the key aspects in this regard is the need to advance towards achieving an equitable and balanced representation of all the existing legal traditions in the defence procedure. This is a process that entails its own considerable complexities, both theoretical and practical, but it needs to be addressed as an indispensable element of the development and consolidation of a system of international criminal law and its judicial practice.

The advancement of the representation of different legal systems in the defence procedure also goes hand in hand with changes of a more practical nature, for example, the necessary efforts to broaden the participation of defence counsellors from all the geographic regions, since until now most of them have come predominantly from a handful of countries. Even the use of a limited range of languages in the Court’s proceedings has had an effect in this respect. These are tasks where the States Parties need to consider measures that can be adopted in order to help ensure the participation of more actors in the defence procedure, and thus democratize and strengthen trial litigation at the ICC.

Please allow me to thank those who made this event possible. Besides the willingness of the distinguished group of panellists who agreed to participate and enrich this debate with their enlightening reflections, I would like to thank our colleague, Ambassador Paul Wilke, for his role as moderator, as well as the Court and the Ambassador of Bolivia, H.E. Mr. Eduardo Rodríguez, for their contributions to the organization of this celebration, including the interesting discussion, which I think has accomplished its purpose of stimulating us all to further reflect on this matter and also to continue looking for ways to move forward on the issues of justice and the importance of the equality of arms in international criminal law.

I also would like to thank our friends from Bolivia, Chile and Colombia, who are co-sponsoring the reception that is to follow.

Finally, I wish to take this opportunity to bid farewell to Amb. Paul Wilke, who is ending his time as representative of the host State to the ICC in a few days. He has been closely involved in that capacity over the years. On behalf of your colleagues in the diplomatic

community I convey our heartfelt appreciation for your contributions to the ICC and the Assembly of States Parties. We wish you the very best in your future endeavours.

I thank you all very much for your presence here today.
