



República Argentina

STATEMENT OF THE ARGENTINE REPUBLIC

14th Session of the Assembly of States Parties to the Rome Statute
18 November 2015

Mr. President,

I would like to start by wishing a successful and fruitful meeting and guaranteeing the full support of the Argentine delegation in order to achieve that goal. I would also like to reiterate the satisfaction of our country by the appointment of Mrs. Silvia Alejandra Fernandez de Gurmendi as President of the Court. We are proud that a fellow Argentine who has formed part of the Argentine delegation to the negotiations of the Rome Statute is currently leading the Court in times of great challenges that require the unconditional support of States Parties.

The Rome Statute and the International Criminal Court are one of the most notable achievements of multilateral diplomacy, and their contribution to the fight against impunity with regard to crimes against humanity, genocide and war crimes is evident. The Court is today a fully functioning permanent international criminal justice tribunal. On the occasion of the 70th anniversary of the United Nations, we believe that it is important to note that the Court's work undoubtedly contributes to the fulfilment of the purposes of the Charter of the United Nations, in particular to the development and encouragement of respect for human rights and fundamental freedoms for all, without distinction related to race, sex, language or religion.

Mr. President,

One of the main challenges that States have is preserving the judicial independence of the Court. The main characteristic of every court of law is its independence. States Parties must avoid impinging upon the Court's functions, as that could undermine its independence, even through attempts of monitoring the efficiency or the expenditures of the Court.

The Court also should be endowed with the necessary financial resources for fulfilling its functions. Argentina is concerned about the fact that the cuts recommended by the CBF will in fact lead to no additional investigations be initiated by the OTP in Libya. Nevertheless, in a spirit of compromise, Argentina has joined consensus to the draft budget resolution that will be considered by this ASP. In that regard, we commend the work of the facilitator, Ambassador Druml of Austria, for his dedication to presenting this Assembly a consensus formula, which we hope will be accepted by all States Parties.

Cooperation is also a challenge. A permanent international criminal justice system requires cooperation by all Member States of the United Nations –both Parties and non-Parties to the Rome Statute-, and such cooperation is particularly relevant with regard to arrest warrants.

I would also like to highlight initiatives fostering cooperation between States for the investigation and prosecution of the most serious crimes of international concern. In this context, I would like to mention the joint initiative for the adoption of a multilateral instrument on legal assistance and extradition for crimes against humanity, war crimes and genocide being promoted by Argentina, Belgium, the Netherlands and Slovenia. Such an initiative is supported by a wide range of States that have signed its Permanent

Declaration. We invite all States to adhere to the Permanent Declaration and to join us in the promotion of this initiative in the relevant fora.

Also, Argentina would like to underscore the importance of other external mechanisms that can support the cooperation needs of the ICC, in particular the role of the International Fact-Finding Commission and Justice Rapid Response.

However cooperation should be given not only from the States to the Court or between States, but also with international organizations, in particular the United Nations, must cooperate with the Court to enable it to carry out its mandate, more even when it comes to referrals made by the Security Council. In this regard, the Argentine Republic reiterates its position expressed in all relevant fora according to which the effective follow-up of referrals made to the Court by the Council is imperative, and we call the Security Council to establish a follow-up mechanism as soon as possible. In the same sense, Argentina calls upon States Parties to the Rome Statute to work together with a view to ensuring the General Assembly of the United Nations addresses the financing of the referrals of the Security Council to the International Criminal Court in an urgent manner.

The crime of aggression is one of the achievements of the Rome Statute, through the Kampala amendments. My country, like many other States Parties, is committed to the ratification, as soon as possible, of the amendments. Argentina is also committed to the activation of the jurisdiction of the Court with regard to the crime of aggression by 2017. This is another aspect of the ICC that touches upon the United Nations, because even when with the adoption of the crime of aggression amendment, the Rome Statute has made a substantial contribution to international peace and security, making reference to the crime of aggression seems to be an impossible task –due to the opposition of very few States- both at the Security Council and at the General Assembly. In this regard, given that the process of legislative approval is in an advanced stage, we hope to be able to ratify the amendments in 2016.

Mr. President,

One of the main pending challenges is to achieve a greater degree of universality. We welcome the State of Palestine, who has ratified the Statute in the current year.

The current number of 123 States Parties to the Statute is very auspicious. We consider appropriate to renew the commitment of individuals and of the Assembly as a whole in order to redouble the efforts to continue to promote the universality of the Court. In connection with the universal vocation of the Court there is a need to let the Court be perceived as an accessible institution to nationals of all States. Therefore, my delegation welcomes the initiative of the Court to create a special internship program aimed at developing countries. We believe that this type of measures contribute to improve the equitable geographical distribution of opportunities for individuals, who, despite having qualities and appropriate training, would not otherwise have access to these jobs.

The Argentine delegation welcomed the recent opening of the permanent premises of the Court, which has been the result of a collaborative effort by the Assembly of States Parties, the Court and the Office of the Project Director of the permanent premises. However, Argentina notes with concern that one of the issues that the present meeting should settle is linked to the scale applicable to the final recalculation of contributions for the payment of the permanent premises given that there was already a resolution of 2012 that, for this purpose, provides that no new changes of scale shall apply. In this regard, my delegation calls upon the respect and compliance with what was decided by the Assembly.

Mr. President,

To conclude, we wish to underscore –as indicated in the Kampala Declaration- “the noble mission and the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter of the United Nations” and reiterate Argentina’s firm commitment to the International Criminal Court.

Thank you.