



**STATEMENT OF THE DELEGATION OF GUATEMALA BEFORE THE FIRST REVIEW
CONFERENCE OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**
(Kampala, Uganda 1 June, 2010)

(check against delivery)

**Mister President,
Mister Secretary General,
Esteemed colleagues,
Distinguished delegates:**

At the outset allow me to greet Ambassador Christian Wenaweser, our President and distinguished diplomat for his committed and fruitful leadership at the helm of the Assembly of State Parties. We wish him great success in steering the deliberations of this Review Conference. In addition, I would like to express our admiration and respect to the Prosecutor, the President of the Court and the Registrar. Also let me express our recognition to the members of the Secretariat for their tireless efforts.

Mr. President:

I would like to start by categorically underlining our commitment with international criminal justice, and in particular with the values and principles contained in the Rome Statute of the International Criminal Court. The fight against impunity, the strengthening of the rule of law and the protection and full respect for human rights: both at the national and international levels, are at the core of the Guatemalan Government's policies. We are a multiethnic, pluricultural and multilingual nation that calls for the observance and enjoyment of the political, cultural, economical and spiritual rights of all Guatemalans. We are conscious of weaknesses in all of these aspects within our own society, mainly as a legacy of our internal four decades-long conflict. Therefore, we are taking concrete steps to address the shortfalls and to strengthen our own institutional democracy.

In that regard, we would like to highlight the critical role played by the International Commission against Impunity in Guatemala (CICIG) which enjoys the unyielding support not only of the Government but also of civil society. We have had the enormous benefit of having this independent body and the first fruits of its labor in the fight against impunity have started to emerge. In that respect, we value our partnership with the United Nations, and appreciate the support provided by the friends of Guatemala in financing the Commission.

On the international level, while not being a member of the International Criminal court, Guatemala values and recognizes its important contribution to the fight against impunity. It should be noted that in 2009 Guatemala signed the Optional Protocol of the International Covenant on Economic, Social and Cultural rights. Currently, the International Convention for the Protection of All Persons from Enforced Disappearance is before Congress for approval. We were recently elected to serve a three-year term to the United Nations Human Rights Council. Furthermore, I'd like to mention another important issue we have been promoting within the framework of the United Nations; namely, the need to implement the concept of

the *responsibility to protect* our populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Mr. President:

As you all know, the Government of Guatemala is a signatory of the final act of the United Nations Diplomatic Conference of Plenipotentiaries on the establishment of an International Criminal Court. In 2002 our Constitutional Court pronounced itself on the constitutionality of the Rome Statute through an advisory opinion. Subsequently in 2006 the Commission on Foreign Relations of our Legislative branch issued a favorable opinion to our accession, but it has still not been submitted to the Congress of the Republic for debate and approval.

Guatemala fully intends joining the International Criminal Court, prior approval by the Legislative Branch. We would very much have liked to attend this meeting in the capacity of a State Party. Nevertheless, we are not waiting with our arms crossed. We closely follow the activities of the Court and we participate actively in meetings held both in New York and The Hague. Last year we co-organized a seminar along with other states in New York on the occasion of the tenth anniversary of the Court. In addition we form part of the Group of Friends of the International Criminal Court. In 2006 we welcomed Justice Philippe Kirsch to Guatemala, and we have recently extended an invitation to the Prosecutor of the Court and the President of the Assembly of State Parties to visit Guatemala this year. Certainly we are working vigorously to obtain the Legislative Power's approval in order to be able to endorse our accession to the Court.

Mr. President:

Moving on to the agenda of the Review Conference, Guatemala has been involved with the preparations of the Review Conference from the outset through the New York and The Hague working groups. We have high expectations with regard to the adoption of the crime of aggression and the conditions to exercise jurisdiction, which we see as a priority of the Conference when it comes to amendments to the Rome Statute. It should be noted that starting in 2004 we took part in the deliberations of the Special Working Group on the Crime of Aggression. From our perspective this unique forum in which States Parties and non-State Parties participated on equal footing was especially useful. With regard to the other proposed amendments, we shall examine them carefully. In any case, amendments should not take up all our time since it is equally important to assess the functioning of the International Criminal Court.

In closing, allow me to underscore the importance we attach to the universality in the membership of the Rome Statute. That is why, as I mentioned, Guatemala will continue to deepen its relations with the International Criminal Court, as well as with the states that conform it, for the benefit of all, particularly universal justice. Moreover, we're stepping up efforts to finally become a State Party.

In Guatemala we have come to recognize that there is a better state of things than actually exists and that with sufficient will and adequate resources we are capable of reaching that better state. This is even truer when dealing with peace and its inseparable link with justice. The mere fact an International Criminal court exists reveals an unwavering desire to fight impunity and to put an end to those serious crimes of most concern to the international community. The road to Kampala has been long and hard, but in retrospect has been very rewarding.

Thank You.