



Intervention of the Secretary of Foreign Affairs
of the Argentine Republic
Amb. Victorio Taccetti
Review Conference of the Rome Statute
of the International Criminal Court
Kampala, 31 May 2010

Mr. President,

The Argentine Republic congratulates itself for taking part in this historic event and expresses its gratitude to the Government of Uganda for its hospitality and the efforts put together to facilitate the development of the Conference.

The Argentine Republic firmly believes in the philosophical concept of universal rule of law which has permitted us to bring to justice, with the judicial collaboration of many States, the perpetrators of the crimes against humanity committed during the Argentine dictatorship in the 1970s.

This first Review Conference could be a milestone in the life of the international criminal justice system that was born in Rome in 1998 for three main reasons:

- 1) Because the international community has the opportunity to reaffirm its commitment with the fight against impunity and its support to the mandate of the Court,
- 2) Because we have the opportunity to advance the consolidation of the Rome Statute system by the adoption of amendments that are necessary to reinforce the Court's functioning and
- 3) Because the stocktaking of the work of the Court during its first years of existence will enable us to identify the strengths and weaknesses of the system and to evaluate the challenges that the Court will face in the near future.

Twelve years have passed since the Rome Statute was adopted, 111 States are Parties to it, the Court has initiated investigations in five countries and a trial is about to complete its cycle. Although this is just the beginning, all this reflects a great achievement that confirms that the efforts made throughout the negotiating process for the establishment of an International Criminal Court were not in vain. Even when some critics may be accepted, the functioning of the Court has contributed to strengthen the emerging international justice system, to mitigate the effects of renewed cycles of violence by responding to concrete demands for justice, to create awareness that the gravest crimes may and must be prosecuted, to install the idea that impunity, wherever it is found, is no longer tolerated and that the perpetrators of the gravest crimes will not have a safe heaven. Today more than ever, the International Criminal Court needs a renovated commitment from the States in order to maintain that steady progress in the future. We are in a moment where the ad hoc international tribunals are about to finalise their mandates and that means that the efforts to combat international crimes will be concentrated on the ICC. The South American Nations have understood this need and, as a result, on May 4 the Heads of States of the UNASUR have adopted a Special Declaration to highlight the importance of this Review Conference and to reaffirm its support to the Court.

In this new stage that the Court begins, the role that States –Parties and Non Parties- will assume towards the ICC will be vital so as to make the Rome system effective and lasting. One of the critical aspects to bear in mind is the cooperation with the Court. If States do not render the assistance requested by the Court, we risk of undermining its credibility. The victims and the affected communities measure the Court's success by its enforcement capabilities. It is hard to explain to a child that was captured and tortured why the Court can do nothing to arrest and bring to trial those who committed those crimes against him. Only 4 out of 13 warrants of arrest issued by the Court have been executed. The mobilization of political and diplomatic support is a fundamental tool for the arrests, mainly when the Court faces a hostile external environment in a given case. The Assembly of States Parties may largely contribute to this mobilization. That is why we urge that the issues on cooperation be considered on the ASP agenda on a regular basis.

The Argentine Republic wants a successful Review Conference. The success, according to our convictions, means that the Conference adopts concrete decisions on the proposed amendments and gets a satisfactory outcome within the stocktaking exercise. To that end, it is necessary to have an active and constructive involvement on the part of States Parties, Non States Parties and the civil society. We are aware of the fact that some issues are still pending, but it is also true that others are already agreed on and enjoy a large support. By making sincere efforts, we will be able to move forward rapidly towards a complete common understanding. Do not look to satisfy hundred percent our positions because that could lead us to a failure. At this stage, we need to be flexible: when we cannot get the expected results, we

should explore compromise formulas that absorb in a genuine manner the largest possible amount of aspirations at play.

The ICC founders wanted that this first Review Conference resolve those issues that remained unresolved in Rome, as is the case of the crime of aggression. We want to take this opportunity to highlight the efforts made by the Special Working Group on the Crime of Aggression that, during five years and a half, dedicated to the study of the issue with a view to advancing in the negotiation of a provision on aggression to be adopted in this Review Conference. Argentina considers that the adoption of the amendments on aggression is indispensable and that this objective must be fulfilled here in Kampala, because if we let this opportunity pass us by, we fear that the consideration of this matter would be postponed indefinitely and, what is worse, we would leave the Rome system incomplete.

The eyes of the world will be looking at us during these two weeks. Do not disappoint those victims of horrendous crimes that expect from this event to see a stronger Court that may respond to their demands for justice. As Mr. Kofi Annan wisely put it: the Parties to the Rome Statute are on right side of history. I trust this first Review Conference will pass on to posterity. Believe me, Mr. President, that Argentina will do its best to make this come true.

Thank you very much.