



**Asamblea General. Tema 83 “El Estado de Derecho en el orden interno e internacional”
Intervención de la delegación argentina. Nueva York, 10 de octubre de 2012**

Señor Presidente,

La delegación argentina adhiere a la intervención pronunciada por Chile en nombre CELAC.

Señor Presidente, esta sesión de la Asamblea General fue precedida por un evento de alto nivel sobre



instrumento, la Corte estuviera ya desempeñando un rol tan central en la lucha contra la impunidad. La lucha contra la impunidad respecto de los crímenes del Estatuto de Roma requiere en muchos casos un fortalecimiento de los sistemas judiciales y de investigación internos, dado que la Corte Penal Internacional, en virtud del principio de complementariedad, no actúa “en lugar de” la justicia interna, sino que tiene un rol subsidiario.

Quisiera destacar el avance que se ha evidenciado en la comunidad internacional en el desarrollo de normas y estándares relativos al derecho a la verdad, el derecho a la justicia, el derecho a la reparación y las garantías de no repetición, como pilares para combatir la impunidad. El derecho a la verdad implica, por ejemplo, el establecimiento de comisiones de la verdad o comisiones de investigación de los hechos, la preservación de archivos, la identificación tanto de las víctimas – mediante métodos tales como las exhumaciones o la genética forense- como de los perpetradores de las violaciones graves de derechos humanos y la determinación de las causas, hechos y circunstancias en que se cometieron tales violaciones. El derecho a la justicia conlleva la provisión de tribunales domésticos o internacionales, comisiones internacionales contra la impunidad, y la protección de testigos. El derecho a la reparación puede ser expresado a través de compensaciones, restituciones, monumentos y actos conmemorativos, disculpas pú,





**General Assembly. Agenda ítem 83. “The rule of law at the national and international levels”
Statement by the Argentine delegation. New York, 10 October 2012**

Mr. Chairman,

The Argentine delegation aligns itself with the statement made by Chile on behalf of CELAC.

Mr. Chairman, this session of the General Assembly was preceded by a high level meeting on the rule of law at the national and international levels. Argentina commends the participation of all Member States in the consultations that led to the adoption of the Declaration, and recognizes the efforts made by Mexico and Denmark, the two co-facilitators of the document. The high level meeting also included the formulation of pledges, and my country was one of many making pledges, individually and jointly with others.

Mr. Chairman, the strengthening of the rule of law involves several crucial aspects:

a) capacity-building: the United Nations are involved in the strengthening of the rule of law in many Member States in all regional, in all contexts, from the prevention of conflicts and peace-keeping to development. For those activities, the commitment of Member States through their participation in peace-keeping missions is essential.

This is of particular importance in conflict and post-conflict situations. In this regard, when establishing mandates, priority must be given to the capacity to ensure the rule of law, and in particular the strengthening of the internal judicial system and police systems. This objective is more and more linked to the intrinsic work of the Security Council and as such it has been reflected in its mandates.

b) the fight against impunity: accountability for gross violations of human rights is crucial. Fortunately, the international community has shifted from the “justice versus peace” paradigm in conflict and post-conflict situations, a paradigm according to which political arrangements put accountability aside through *de jure* or *de facto* amnesties. Today, peace and justice are not only compatible but also complementary objectives.

As regards the fight against impunity, the international community is witnessing the notable evolution of international criminal justice. This process, that had its germ in Nürenberg and Tokyo, evolved to the establishment of the ad-hoc tribunals for Rwanda and the former Yugoslavia. Since 1998, with the adoption of the Rome Statute on the International Criminal Court, the fight against impunity has turned into a permanent international criminal justice system based in the ICC.

The ICC, that is celebrating its tenth anniversary, is one of the most significant achievements of the international community. In 1998, it was not expected that the Statute was to enter into force in such a short time, or that at the tenth anniversary of the Court, it would be playing such a central role in



Mr. Chairman,

Allow me also to refer to the 30th