

**Statement by the Permanent Representative of Uruguay
H.E. Ambassador Dr. Felipe H. Paolillo**

**Public Meeting of the Security Council on the proposed renewal of the provisions of
Security Council Resolution 1422 (2002)**

New York, 12 June 2003

MR. PRESIDENT,

A YEAR AGO THE IMMINENT ESTABLISHMENT OF THE INTERNATIONAL CRIMINAL COURT WAS GREETED BY THE VAST MAJORITY OF THE INTERNATIONAL COMMUNITY WITH DEEP SATISFACTION, AS THE BEGINNING OF A NEW ERA IN THE HISTORY OF INTERNATIONAL RELATIONS.

THE ENTRY INTO FORCE OF THE STATUTE OF ROME, TO WHICH URUGUAY IS A PARTY, AND THE ESTABLISHMENT OF THE ICC AT THE BEGINNING OF THE CURRENT YEAR BECAME CLEAR MESSAGES TO ALL GOVERNMENTS AND PEOPLE OF THE WORLD, ANNOUNCING THE BEGINNING OF SUCH ERA, THAT WE ALL HOPE, WILL BE REMARKABLE; NOT ONLY BECAUSE FROM NOW ON, THOSE RESPONSIBLE FOR THE MOST SERIOUS CRIMES OF INTERNATIONAL CONCERN WILL BE PROSECUTED, BUT FOR THE PERSPECTIVE THAT THOSE CRIMES WILL NOT BE COMMITTED AT SUCH SCALE AND FREQUENCY AS DURING THE LAST SIXTY YEARS. IN FACT, WE ARE CONVINCED THAT THE SOLE EXISTENCE OF THE ICC WILL ACT AS A POWERFUL DETERRENT, DISCOURAGING FUTURE POTENTIAL CRIMINALS FROM COMMITTING THE CRIMES LISTED IN THE STATUTE.

THEREFORE, WE ARE CONCERNED ABOUT THE POSSIBILITY OF RENEWAL OF RESOLUTION 1422 (2002), GIVEN THAT WE UNDERSTAND IT AFFECTS THE JURISDICTION OF THE COURT AND CONSEQUENTLY PREVENTS THE FULFILMENT OF ITS FUNCTIONS AS PROVIDED BY IN THE STATUTE.

BESIDES ITS QUESTIONABLE LEGAL GROUND, A DECISION ESTABLISHING THAT NO INVESTIGATIONS OR PROSECUTIONS SHALL COMMENCE OR PROCEED WITH RESPECT TO CERTAIN CATEGORIES OR CLASSES OF PEOPLE, SEEMS UNNECESSARY TO US. THE STATUTE PROVIDES FOR MORE THAN ENOUGH ASSURANCES THAT ENSURE THAT THE DECISIONS TAKEN BY THE COURT WILL NOT BE ARBITRARY OR POLITICALLY MOTIVATED. THE MORAL AND INTELLECTUAL QUALITIES OF THE CURRENT JUDGES AS WELL AS OF THE DESIGNATED PROSECUTOR PROVIDE ADDITIONAL ASSURANCES. FURTHERMORE, WE MUST NOT FORGET THE PRINCIPLES THAT RULE THE FUNCTIONING OF THE COURT AND THE PROSECUTOR, AMONG WHICH I POINT OUT THE PRINCIPLE OF NON-RETROACTIVITY AND THE SUBSIDIARY CHARACTER OF THE JURISDICTION OF THE COURT WITH RESPECT TO NATIONAL JURISDICTIONS.

FINALLY, RESOLUTION 1422 (2002) INTRODUCES A CURIOUS DISCRIMINATION AMONG THE AUTHORS OF THE MOST HATED CRIMES: ON ONE SIDE THOSE CRIMINALS WHO MIGHT BE JUDGED OR SENTENCED FOR THE CRIMES THEY COMMITTED; ON THE OTHER HAND THOSE WHO WILL ACT UNDER IMMUNITY. I WOULD LIKE TO REMIND THE MEMBERS OF THE SECURITY COUNCIL THAT THE MORE THAN EIGHTEEN HUNDRED URUGUAYAN NATIONALS WHO CURRENTLY PARTICIPATE IN VARIOUS OPERATIONS ESTABLISHED OR AUTHORIZED BY THE UNITED NATIONS HAVE ACCEPTED THE CONSEQUENCES EMANATING FROM THE COMMISSION OF CRIMINAL ACTS TIPIFIED IN THE STATUTE OF ROME. URUGUAY UNDERSTANDS THAT ALL PEACEKEEPERS MUST BE SUBJECT TO THE SAME RULES.

URUGUAY IS CONFIDENT THAT THE RESOLUTIONS THAT THIS COUNCIL MIGHT ADOPT IN THE FUTURE WITHIN ITS COMPETENCE AND RELATED TO THE ICC WILL BE ORIENTED TO THE CONSOLIDATION AND STRENGTHENING OF ITS FUNCTION OF DISPENSING JUSTICE WHILE RESPECTING ITS INTEGRITY. WE ARE OF THE VIEW THAT THE ATTEMPT TO EXTEND OR AUTOMATICALLY RENEW RESOLUTION 1422 DOES NOT CONTRIBUTE TO THAT PURPOSE.

THANK YOU.