

**Security Council Open Debate on The promotion and strengthening of the rule of law in the maintenance of international peace and security**  
**19th of January 2012, Security Council Chamber**

*Statement by Mrs. DiCarlo, United States of America to the United Nations*

I would like to thank the Secretary-General for his comments today and for his comprehensive report (S/2011/634\*). We welcome this opportunity to join the discussion on justice and the rule of law. As the Secretary-General's report, of October 2011, makes clear, the rule of law and transitional justice are critical in preventing conflict and atrocities and in rebuilding societies that have been torn apart by systemic violence. Today I would like to address three aspects of justice and the rule of law as they relate to conflict and post-conflict situations.

The first concerns the importance of support for justice at the international level. The second is the need to build the capacity of domestic justice systems, and the third concerns recent efforts by the United States to institutionalize and deepen our own commitments in that area. Strengthening the rule of law requires more than technical expertise. It also requires political will and coordinated action by a wide range of international actors. One key way through which the international community has signaled that impunity for the most serious crimes will not be tolerated is the creation of international and mixed tribunals, as well as commissions of inquiry and fact-finding mechanisms. Active support by all States for international and mixed tribunals is crucial. We have supported those international accountability mechanisms across the globe, from the Extraordinary Chambers in the Courts of Cambodia to commissions of inquiry in places like Kyrgyzstan, Côte d'Ivoire and Libya. In this regard, the International Criminal Court (ICC) can play an important role in contributing to the fight against impunity. The United States supported the Security Council's ICC referral regarding Libya, and we are helping to ensure that those charged in that country by the Court face justice consistent with international standards. Although the United States is not a party to the Rome Statute, over the past several years we have sent observer delegations to sessions of the Assembly of States Parties and to the Review Conference in Kampala. In December, we co-sponsored a high-level panel at the Assembly of States Parties to highlight the importance of ensuring protection for witnesses and judicial officers. We have engaged with the Office of the Prosecutor and with the Registrar to consider ways to support specific prosecutions already underway. We have also responded positively to a number of informal requests for assistance. As we approach justice and the rule of law in conflict and post-conflict situations, we must place special emphasis on the protection of women and children, as well as of other vulnerable groups. That includes persons targeted for violence based on sexual orientation or gender identity. We must ensure accountability for those responsible for the most serious violations of international humanitarian and human rights law, and we must deter further violations. Hindering such persons from travelling, accessing funds and arming themselves by the application of targeted sanctions can play an important role in deterring future violations. We have strongly supported targeted sanctions to help combat the threats to international peace and security posed by the most egregious of such violations. The rule of law also means that States must fulfill their international legal obligations, including Chapter VII obligations, related to sanctions imposed by the Security Council. While all of those international accountability mechanisms play an important role, on their own they are insufficient. We must also catalyze a broader process of long-term prevention.

The lessons of international justice must be embraced at the national level and developed locally to ensure that States can protect their citizens' rights. The many rule of law capacity-building initiatives to advance transitional justice deserve the continued support of the international community. The United States, together with its partners, enthusiastically supports initiatives in such States as the Democratic Republic of the Congo, Côte d'Ivoire and elsewhere to bolster domestic capacities to investigate and prosecute atrocity crimes and to build justice systems that can deliver fair and impartial justice. We can help to deter and prevent future violence through such actions as embedding judicial advisers in local prosecution cells, supporting specialized mixed courts, funding witness protection programmes, training police to investigate sexual and gender-based violence, and training border security officers.

Finally, let me end by noting two recent initiatives that the United States has undertaken to make good on its commitment to address many of the issues being discussed here today. First, in December 2011, President Obama signed an executive order launching the first-ever United States National Action Plan on Women, Peace and Security, which provides a comprehensive road map for accelerating and institutionalizing efforts

across the United States Government to advance women's participation in making and keeping peace. The National Action Plan recognizes that women are not just victims of war; they are agents of peace and essential to building the rule of law in any society. Secondly, the United States Government, under a presidential study directive, undertook a comprehensive review to strengthen the United States' ability to prevent and respond to mass atrocities. The directive mandated the establishment of an atrocities prevention board that will coordinate prevention and response efforts and help the United States to engage early and effectively. The review also focused on how we can work with our international partners to more effectively prevent and respond to atrocities. We look forward to working with them to strengthen the international community's capacities in that area. Those two initiatives exemplify the importance that the United States places on ensuring that we prioritize the rule of law and transitional justice as essential elements in efforts to prevent and respond to conflict and to assist in building peace. As has been pointed out in today's discussion, strengthening the rule of law around the world reinforces peace, progress and security. We look forward to further discussions of rule of law matters throughout the United Nations system, including future discussions here in the Council, as well as the highlevel event on the rule of law to be held in the General Assembly this fall.