

INTERNATIONAL CRIMINAL COURT

THIRTEENTH SESSION OF THE ASSEMBLY OF STATES

PARTIES

GENERAL DEBATE

Statement by

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Mr. President,
Distinguished Delegates,

It is with great honour that we address today the Thirteenth Session of the Assembly of States Parties to the Rome Statute.

Mr. President,

Please allow me to begin by congratulating you on your election as President of the Assembly of States Parties and wishing you a very successful term. We can assure you of our full support in the discharge of your functions.

Allow me as well to give a word of appreciation for the work of your predecessor, Ambassador Tiina Intelmann, with whom Portugal had the honour to closely work with as member of the Bureau for the last three years.

We would also like to congratulate the new Vice-Presidents of the Assembly and the new members of the Bureau. Furthermore, this Session of the Assembly of State Parties has seen the election of six new judges. We extend our congratulations to them and offer our appreciation to the outgoing judges for their dedicated service to the ICC.

Mr. President,

Portugal shares the views expressed by the European Union. Allow me now to underline some aspects of particular significance to us.

The ICC is now a well established institution that continues shaping the architecture of the international legal order. Proof of that is the second decision by the Court which became final just last week, the decision in the Lubanga Case.

Therefore, at this stage and with twelve years of existence, with the ongoing cases, challenges faced and decisions taken, we consider that the Court proves to be working effectively as an independent and autonomous judicial body. The time has come to reflect on the role of the ASP vis-a-vis the work of the Court. There are currently too many subjects under consideration, entailing many facilitations and reflections that translate into action plans and strategies around the work of the Court. Though such activity is not without value or merit, it ends up consuming time and resources of the Court, which should be focused on its main activity – judging – and, instead, finds itself using considerable time producing reports and gathering information to address ASP concerns.

The Assembly of States Parties and the Bureau should concentrate on reducing this workload on the Court, thus streamlining its work and preventing it from being distracted from its main purpose. We welcome the efforts undertaken by the Bureau to reflect on this issue and identify solutions and we would like to commend its Report on Evaluation and rationalization of the working methods of the subsidiary bodies of the Bureau. We trust that these efforts will be continued and bear fruits in the present Bureau under your leadership.

Mr. President,

We cannot stress enough the crucial role of both national and international institutions in the fight against impunity regarding persons responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law. Countering impunity has, indeed, a deterrent effect at the domestic, regional and international level and is a fundamental tool to prevent further crimes and to seek sustainable peace, justice, truth, and reconciliation.

In this respect, Portugal would like to underline, once again, the crucial role of the ICC in fighting impunity for the most serious crimes and in ensuring an appropriate international response, where national authorities fail or are not in a position to take the necessary steps to ensure accountability. But the fight against impunity lies primarily at the national level: it is the responsibility of States to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons responsible for such crimes. Domestic application of the Rome Statute is therefore a crucial element to ensure that impunity is not condoned.

Mr. President,

The International Criminal Court and the Office of the Prosecutor are changing the dynamics of the international justice. Portugal deeply values that victims of the most serious crimes and the affected communities are at the core of the Court's and the OTP activity. In this new age of international justice, individuals look out to the ICC for justice and as a means to end up impunity and prevent massive crimes. It is, therefore, crucial to give special consideration to the most vulnerable groups in situations of armed conflict, namely women and children. In this sense, we

strongly welcome the comprehensive Policy Paper on Sexual and Gender-Based Crimes, launched by the Prosecutor last June, which will guide the work of her Office in the fight against impunity for crimes of this nature. The impact that sexual violence in conflict situations has on victims, families and communities is devastating. The fight against this serious crime, mostly committed against women and girls, has been strengthened over the years through the work of many ad hoc and mixed tribunals as well as specialized chambers in national tribunals. This paper will contribute to ensure effective investigations and prosecution of sexual crimes and will enhance access to justice for victims of these crimes through the ICC and thus will reinforce the credibility and the role of the Court. In this context we will also follow with great interest the preparation of a policy paper on violence against children.

Mr. President,

The international community remains standing witness to the commitment of many atrocities. It is, therefore, of vital importance that States continue supporting the ICC in the discharge of its functions, fully respecting its independence and autonomy. States must continue working towards a fully functioning and effective multilateral and complementary system that aims to end impunity, to establish the rule of law and to promote peace and human rights in accordance with international law and the principles and purposes of the Charter of the United Nations.

In this context of achieving an international criminal justice, we strongly value the cooperation and support of regional organizations to the work of

the Court. The commitment and intense activities of NGOs are also extremely relevant for achieving this purpose.

Furthermore, we continue to consider that there is a need to further enhance the relationship between the ICC and the Security Council, namely in what concerns the appropriate follow up of the referrals by the Council. And in this regard, it is time that the UN wider membership, on behalf of which the Council acts, contribute to the costs referrals decided by the Council entail in the ensuing proceedings before the Court. The situation where the Security Council takes a decision to refer the case to the ICC and subsequently disregards aspects related to its follow up and costs directly associated can no longer, in our view, be sustained.

Mr. President,

Allow me to end my statement by reaffirming Portugal's support to the International Criminal Court as a fully independent judicial institution. We are committed to continue to preserve the integrity and universality of the Rome Statute and will continue to uphold our commitment in the fight against impunity. To this end, Portugal is currently undertaking the necessary steps to prepare the procedures for the internal approval and subsequent ratification of the Kampala amendments. We are confident that the entry into force of the Kampala amendments will contribute to furthering the universality of the Rome Statute.

Thank you, Mr. President.