



EMBAIXADA DE PORTUGAL
HAIA

INTERNATIONAL CRIMINAL COURT

EIGHTEENTH SESSION OF THE ASSEMBLY OF STATES PARTIES

GENERAL DEBATE

**Statement by
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Ambassador**

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Mr. President,
Distinguished Delegates,

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

I wish to begin by stating that Portugal aligns itself with the statement delivered by Finland on behalf of the European Union. Furthermore, I would like to make the following comments on matters of particular relevance to my country.

Mr. President,

The International Criminal Court stands as a fundamental pillar in an international system intended to be governed by the Rule of Law.

With the establishment of the ICC, those responsible for large scale atrocities are no longer able to hide behind the shield of impunity. The ICC is key in making accountable those responsible for the most serious crimes of international concern and in providing justice to victims. The Court plays a central role in the prevention of those crimes but equally in the consolidation of peace in post-conflict situations as a mechanism of restorative justice. I would like to take this opportunity to highlight the crucial role of from NGOs, victims and witnesses in the work of the Court.

Portugal wishes to reaffirm in the strongest terms its commitment to the International Criminal Court and to the values it stands for. We pledge our firm support for the work and



independence of the Court as well as its role in ensuring that the most serious crimes of international concern do not go unpunished.

The Court is facing many complex challenges which need to be addressed in a constructive way and without putting into question the enormous progress it represents.

One of those challenges is the relation between States Parties and the Court. States parties are at the very center of international criminal justice and they have a very important role to play in shaping the discussions regarding the necessary reforms to enhance the activities of this Court.

Mr. President,

It is difficult to understand the claims of those who consider that the ICC is biased or that it unduly interferes with the sovereignty of States. In fact, since the ICC has a complementary nature, ideally the ICC's docket should be permanently empty. That would mean that States would be willing and able to effectively prosecute those responsible for the most serious crimes of international concern. Regrettably that is not always the case.

Moreover, any attempt to put into question the work, independence and role of the ICC should be answered with strong messages and actions reaffirming our collective confidence in the Court.

The Assembly of States Parties will have, this year, the opportunity to adopt an amendment to include starvation of civilians as a war crime in non-international armed conflicts. Portugal strongly supports this amendment and wishes to thank Switzerland for its initiative.



We would also like to state our view that there should be no restrictions in the submission of amendments to the Rome Statute, albeit these should always be carefully considered. The Statute is a living instrument and has to be open to new circumstances and improvements.

Mr. President,

Portugal is looking forward to the election of new judges and of the Prosecutor at the next ASP. The new members must be independent professionals of the highest quality, with a high moral character, and having a good knowledge of criminal and international law. We are encouraged by the ongoing process of candidate review in relation to the selection of the new Prosecutor.

Moreover, Portugal would also like to highlight the importance of creating mechanisms to assist judges in adjusting to a procedural system that is complex and lacks coherence in the permutation of civil and common law elements. An enhanced coherence would be helped by selecting judges from different legal systems and by developing internal coordination mechanisms.

To conclude, addressing the causes of violence, fighting impunity and reaffirming core values and principles that underpin the idea of human dignity are crucial elements in the progress towards more peace and justice. The International Criminal Court has an undeniable role to play in this historical mission. A Court and a mission that we must cherish and support.

With this in mind, Portugal reaffirms its commitment to work with you, Mr. President and with the other delegations towards a successful session of the Assembly of States Parties.

Thank you, Mr. President.