



EMBASSY OF THE FEDERATIVE REPUBLIC OF BRAZIL

The Federative Republic of Brazil presents its compliments to the State Party representatives on the Review Mechanism, Ambassadors Paul van den IJssel (Netherlands) and Michael Imran Kanu (Sierra Leone), and, with reference to the message sent to states parties on 12/03, conveys hereby its comments on the categorization of the recommendations of the Independent Experts' report.

Brazil believes that the review process is a unique opportunity to enhance the effectiveness and transparency of the International Criminal Court, leading to a more streamlined institution that is able to deliver justice to the victims of the most serious international crimes, as widely expected by the international community.

In this regard, the review should prioritize recommendations that focus on the technical aspects of the Court's working, in particular those that can expedite trials and preliminary exams; improve, to the extent possible, transparency in the activities of the Office of the Prosecutor, while fully respecting its independence; and further develop the criteria for prioritization of cases. Brazil also favors discussions that can promote and develop the idea of positive complementarity, which were not originally conceived by the founders of the Rome Statute system, but are widely acknowledged as an important development of the ICC. Moreover, Brazil considers important to make progress on recommendations aimed at increasing administrative efficiency of the Court, including through the promotion of geographical representation and gender balance in its staff.

As for the categorization of the content of the Independent Experts' report, Brazil sustains that, in addition to the items already included in the draft circulated to states parties on 12/3, recommendations should be categorized taking into consideration their budgetary impacts for the Assembly of States Parties. Brazil is particularly cautious about suggestions that imply the creation of additional oversight bodies, further to those already in place.



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Brazil also believes that measures should be categorized according to their possibilities of implementation. Recommendations that somehow impact the core structures of the ICC or the Rome Statute itself should be avoided as much as possible.

Brazil trusts the Mechanism will take these views into consideration and remains available for further consultations with a view to developing a comprehensive action plan for the assessment of the recommendations.

The Hague/New York, 30 March 2021