



**Assembly of States Parties to the Rome Statute  
of the International Criminal Court**

**Statement by H.E. Ambassador Regina Maria Cordeiro Dunlop  
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(check against delivery)

Mr. President,

Today we can say with confidence that the Rome Statute system has made another important step towards its full development and consolidation. Approximately six months ago, States Parties, observers, civil society and other relevant stakeholders met in Kampala, Uganda, to assess the achievements of the Court and the challenges that still lie ahead in putting an end to impunity with regard to the most serious crimes of international concern.

The Review Conference gave us a unique opportunity to focus on the various aspects of the work of the Court and on what the international community could and should do to make the world a more just and safer place. The establishment of the Court was indeed a groundbreaking decision, but now we need to make every effort to strengthen this institution, so that it can become truly universal and effective.

Mr. President,

In my presentation, I wish to address four main issues: universality, complementarity, cooperation and the outcome of the first Review Conference of the Rome Statute.

Universality is not a goal in itself. It is a necessary condition for the Court to fulfill its functions more effectively and to achieve its major objective, which is to bring justice to all corners of the world. We need to acknowledge that only eight years have passed since the Court commenced its work, but it has already become a part of the judicial system of more than 100 States. The ICC is not an isolated or foreign instance. It is rather an extension of all these national jurisdictions.

Brazil welcomes the recent ratification of the Rome Statute by the Governments of Bangladesh, Moldova, Saint Lucia and Seychelles, bringing the number of States Parties to 114. We hope that more States, large and small, in different parts of the globe, may ratify the Statute or accede to it in the near future with a view to granting a truly universal character to the Court. As you know, in our region, South America, all countries are parties to the Rome Statute and strong supporters of the Court. We hope this may become a reality in other regions as well.

The second issue I wish to address is complementarity. The ICC must come into play only when States are not able or willing to prosecute those responsible for the most serious crimes. It is a tool of last resort. First and foremost, States maintain their basic sovereign function of delivering justice and this is certainly the best way to enforce the law. What happens sometimes is that States need assistance to build or strengthen their national capacities with a view to discharging their functions appropriately. In those cases, the international community should be ready to help.

For us, this is not just rhetoric. My country has signed and implemented many cooperation agreements with a number of States, including on matters pertaining to the rule of law and justice. As a developing country itself, Brazil clearly understands the obstacles and difficulties faced by many Governments in carrying out their functions, from law drafting to prosecuting criminals, from law enforcement to building prisons, among many other challenges. In this context, complementarity should not be seen as a theoretical debate, but rather as a real need to assist States in developing their own institutions.

Turning now to the important issue of cooperation, it is usually said that the Court has no teeth, mainly because it does not possess its own police force to arrest fugitives. The Rome Statute placed on the shoulders of its Parties the responsibility of ensuring the effectiveness of the Court. It depends on the assistance of all States to succeed in many fields. This applies to the execution of arrest warrants, but also to collection of evidence and information, execution of sentences, reallocation of witnesses and victims, to name just a few areas where assistance is needed. Political support is also key for the Court to achieve its goal and provide justice. This Assembly should continue to try and find ways to enhance cooperation with the Court.

Mr. President,

Regarding the outcome of the Review Conference, my delegation is pleased to stress the significant achievements made in Kampala, not only in terms of adoption of amendments, but also with respect to the invaluable discussions held on the stocktaking of international criminal justice. After all, these were the two main pillars of that historic event.

The Conference constituted a unique occasion to assess fundamental aspects of peace and justice, cooperation, complementarity and the impact of the Rome Statute system on victims. The debates on these four topics provided excellent material for further consideration and opened our eyes to the complexities of the structure we created. Let me take this opportunity to thank and congratulate all those involved in the preparation of panels and discussions in the stocktaking exercise and all those who participated in the debates.

Another success was the adoption of important amendments to the Rome Statute. The Review Conference agreed, by consensus, to expand the provisions on war crimes, as well as to define the crime of aggression and the conditions under which the Court shall exercise jurisdiction with respect to this crime, in line with article 5, paragraph 2, of the Statute. It was no small achievement to agree, by consensus, on such sensitive matters, especially when there were so many different views and expectations. It is clear that the success was a direct result of the strong engagement and remarkable flexibility of all States involved. At the end of the day, the true winner was international criminal justice.

Before I conclude, Mr. President, I wish to commend you for your able leadership in the Informal Working Group on the Crime of Aggression and in the presidency of this Assembly and the Review Conference. Your personal commitment to the Court led to substantial progress in the work of the Assembly and the success of the Review Conference.

Thank you.