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Statement by
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The Hague, 15 November 2012

Madam President,

Today we gather in celebration of the 10th Anniversary of the International Criminal Court, the first permanent, treaty-based court to try individuals accused of the most serious crimes of international concern. The Court is now fully operational. It is seized of seven situations and this year it rendered its first judgment, followed by a landmark decision on reparations.

Madam President,

The Court's 10th anniversary offers an opportunity to acknowledge its achievements, but also to reflect upon the challenges ahead. I would like to address three of them.

The first challenge regards universality, which stands as a priority issue for Brazil. International criminal justice should be for all. Universality is a necessary condition for the Court to achieve this goal. Brazil welcomes the accession to the Rome Statute by Guatemala, which raises the number of States Parties to 121. We hope to see soon a further increase in membership, thereby enhancing the legitimacy and credibility of the Court. Moreover, for the Court to be universal, it will also need to incorporate the proper geographic balance and representation of the principal legal systems of the world into its personnel structure, including the most senior staff. This will also help to consolidate the image of the Court as a truly international institution, and foster a better understanding of its activities across the globe. The Court's image urgently needs it.

As the Court is still not universal, it has to rely on referrals to administer justice where it otherwise lacks jurisdiction, which brings me to the second challenge: to improve the relationship between the ICC and the UN Security Council. Peace and justice mutually reinforce each other, and the same should be true for the two institutions, which pursue these goals. A Security Council referral is not an end in itself, but rather the starting point for a thorough investigation by the Court, with rippling effects on its workload and resources. The many obstacles - financial, logistical, and political – can only be overcome through a strong support not only from States Parties, but also from the United Nations, which should cover the additional expenses incurred by the Court.

The third challenge relates to governance. While we discuss ways to increase efficiency in the Court, we, the State Parties, should also strive to be more efficient. It is becoming common practice to have the same document or issue being discussed and negotiated several times over both in The Hague and in New York, before it is submitted to the Assembly, when more often than not it is reopened. As the Court embarks upon a lessons learned exercise, we should also consider doing the same, and critically review the working methods of the Assembly.

Madam President,

As a proud founder of the ICC, Brazil is glad to join the celebrations for the Court's 10th anniversary, and wishes to renew its full support to the Rome Statute.

Thank you.