



BRAZIL

Statement by
H.E. Ambassador Antonio de Aguiar Patriota
Head of the Delegation of Brazil to the XIII Assembly of States Parties

New York, 11 December 2014

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Monsieur le Président,

Je vous souhaite une chaleureuse bienvenue en tant que président nouvellement élu de l'Assemblée des États parties de la Cour pénale internationale. Je vous transmets le soutien et la confiance totale du Brésil concernant votre direction de cette Assemblée pour les trois prochaines années. Des approches créatives et novatrices seront nécessaires. J'espère que vous continuez à être inspiré par la devise du Forum social mondial de Porto Alegre, auquel vous avez assisté – “un autre monde est possible”. Nous sommes particulièrement contents de voir un Africain d'un pays frère d'outre-Atlantique à la tête de nos délibérations.

I would like to recognize the dedication and the leadership with which Ambassador Tiina Intelmann efficiently discharged her duties as President of this Assembly. Brazil wishes her success in future endeavors. I would also like to commend this Assembly's decision to invite the State of Palestine to be present during the work of the XIII ASP under Rule 94 of the Rules of Procedure – that is, as an observer *State*. This development would not have been possible without the persistent diplomatic efforts of Ambassador Intelmann.

Mr. President,

Once again, this Assembly is being held amid conflicting perceptions on the activities of the Court, that expose tension between the political and the legal, peace and justice, sovereignty and accountability. These are tensions inherent to the search for a more cooperative world order, which need not lead to irreversible polarization.

All Parties to the Rome Statute must engage constructively in collective endeavors, irrespective of their region or level of development, and exercise diplomatic wisdom in order to preserve, on the one hand, the instruments of international criminal justice that we have been building up – such as the Court's independence –, on the other, be sensitive to those requests that are legally sound and enjoy serious political support. We must be able to hear without prejudice the concerns voiced by all regions and work towards concrete with us the tools to address these issues and promote change where needed.

Mr. President,

The Court's legitimacy stands out as an important asset to be preserved and built upon. Its credibility will be enhanced by demonstrations of independence and as we advance towards the goal of universality. Brazil regrets that, unlike in previous Assemblies, there are no new ratifications of the Rome Statute to be welcomed today. This points the need for us to redouble our efforts in encouraging States that have not yet done so to become parties to the Statute, a priority for Brazil.

Enhancing the Statute's universality is a means of promoting peace through justice and of addressing a key international dimension of the rule of law that all States should commit to. International criminal justice should not be for a select group of humanity. It should apply to all.

Allow me to underscore the importance Brazil also attaches to the Kampala amendments. Its activation will represent a major contribution to completing the international criminal justice system, thus fostering a more stable, just and democratic world order. We have undertaken the initial procedures necessary for the amendments to come into force in Brazil.

Mr. President,

In the 10th anniversary of the entry into force of the Relationship Agreement, it there still is room for improvement in the relationship between the ICC and the United Nations, specially its Security Council. Both the Court and the Security Council have pivotal, albeit different, roles in striking the right balance between peace, justice, accountability and reconciliation. This is valid both for referrals and deferrals of situations – where the same rules and principles should apply equally and to all, lest the system be discredited by double standards and selectivity.

The cooperation between the ICC and the UN should go beyond rhetoric and find its concrete implementation also in the funding of Security Council referrals. We reiterate our call for implementation of Article 13(2) of the Relationship Agreement and of Article 115(b) of the Rome Statute, which provide clear guidance in the sense that these costs should be met by funds of the United Nations, not falling upon the parties to the Rome Statute alone.

Mr. President,

As highlighted on several occasions by the President of the ICC, the Court is experiencing the heaviest workload it has ever faced and therefore we look forward to the moment in which all 18 judges will not only have been sworn in, but also assigned to cases. Brazil wishes every success to the four already selected judges and to the other two yet to be elected. Brazil is proud to contribute to this process through the candidacy of Prof. Leonardo Nemer Caldeira Brant.

In this context, I would like to recall that despite our recent efforts, we must continue to work on improving both the geographic and gender balances in the Court's personnel structure, including its most senior staff. This would help to shape the ICC as a truly international institution and foster a better understanding of its activities across the globe. A truly *International* Criminal Court will me more successful in attracting more States to join the Rome Statute, thereby bringing us closer to the shared objective of universality.

Mr. President,

Let us seize this moment to engage in an open dialogue on the challenges we face, and the solutions we may seek, always guided by the shared values that bring this Assembly together. As a proud founder of the ICC, Brazil remains steadfast in its commitment to the Rome Statute System and to the cause of justice that motivated its creation.

Thank you.