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Statement by H.E. Ambassador Mauro Vieira
Head of Delegation to the 16th Assembly of States Parties
Permanent Representative of Brazil to the United Nations

(check against delivery)

Monsieur le Président,

Permettez-moi d'exprimer la reconnaissance du Brésil pour les efforts que vous avez déployés ces trois années comme Président de l'Assemblée des États parties. Nous étions particulièrement contents de voir un Africain d'un pays frère d'outre-Atlantique à la tête de nos délibérations et sommes convaincus que vous ferez progresser la lutte contre l'impunité dans vos futurs projets.

I take this opportunity to congratulate Mr. O-Gon Kwon for his election as President of this Assembly for the three incoming sessions. We believe that his previous judicial experience in the International Tribunal for the Former Yugoslavia (ICTY) will provide him with useful background to guide our discussions. He and all new member of the bureau can count on Brazil's support for his activities.

Renewing a third of the bench of the Court every three years is one of the most important functions of this Assembly. I congratulate all newly elected judges and note, with appreciation, that the Court will remain an example of judicial gender parity.

Mr. President,

As a founder of the International Criminal Court, Brazil is pleased to see that the Court continues to gain strength as the first permanent tribunal set out to help end impunity for the most serious international crimes. As an instrument for ensuring that those accused before it are judged with fairness and full respect for their rights, the ICC is a vehicle for justice and peace.

There are still conflicting perceptions on the activities of the Court. This Assembly is the venue in which we, as States Parties, should strengthen our resolve for a constructive dialogue and for an assessment of the structural challenges faced by the Rome Statute system, as well as avenues to overcome them.

More than ever, we must make further progress towards universality. I am pleased to recall that not only all South American countries are parties to the Rome Statute, but also that the Latin American and Caribbean States represent the second-largest regional group among States Parties, only behind the African group. In this regard, it is important to recognize that the distribution of seats in the Bureau does not adequately reflect the current membership of the Rome Statute and should be updated.

Brazil reiterates its call for structured efforts to improve geographic distribution and gender balance in the structure of the Court, including its most senior positions. A fair representation of male and female staff and an equitable regional balance benefits the ICC by ensuring a diversity of perspectives which, internally, increases the creativity in the work environment and, externally, remains crucial to address outstanding perception challenges. We regret that there remains a chronic imbalance in disfavor of some countries and regions, in particular from Asia-Pacific and Latin America and the Caribbean.

Regarding the election of the Registrar, while noting that there were no qualified candidates from GRULAC or from Asia-Pacific, Brazil would like to point out that extended deadlines for applications could have led to a more geographically representative pool of candidates.

Mr. President,

While Brazil recognizes the need to provide the ICC with the necessary resources to conduct its activities in full independence, we believe that the steady increase in the amount of resources requested by the Court is not aligned with the budgetary reality of many States Parties.

Additionally, Brazil regrets and fully opposes the fact that, to date, expenses incurred by the Court in relation to referrals by the Security Council have been met exclusively by States Parties. Once again, we reiterate our call for the implementation of Article 13(2) of the Relationship Agreement and of Article 115(b) of the Rome Statute, which provide guidance in the sense that such costs should be met, at least partially, by funds provided by the United Nations – and not fall upon solely on the parties to the Statute. The budget allocated within the Court in relation to these referrals amounts, to date, to approximately EUR 58 million. The current situation is neither fair nor sustainable.

Mr. President,

Increased cooperation remains one of the best ways to enhance the efficiency of the Court. While the execution of the outstanding arrest warrants regrettably continues to be the most visible challenge in this realm, issues such as diversifying witness relocation agreements and strengthening financial investigations are also critical. Asset recovery can even contribute to secure funds for the reparation of victims or cover the costs of legal aid.

The Rome Statute contains a sophisticated set of provisions on victims' rights, aimed not only at protecting them, but also at allowing them to participate in the proceedings and to apply for reparations. The figures are impressive: over 22,000 victims have already applied to participate in trials, reparations proceedings are ongoing in four different cases and the Trust Fund for Victims has assisted more than 450,000 persons with physical and psychological rehabilitation, as well as with material support.

Regarding complementarity, Brazil wishes to express its concern with the issue of the death penalty. The Rome Statute only permits the imposition of penalties involving prison terms, but it does not exclude the possibility that, if the ICC holds a case to be inadmissible, the death penalty is indirectly enabled through a national jurisdiction. From our point of view, of the international human rights jurisprudence makes it clear that the ICC should at least request diplomatic assurances of the non-use of the death penalty before sending an accused to a country that still utilizes such penalty.

Mr. President,

The quest for peace and justice is always challenging; and this challenge is inherent to the search for a more just and cooperative world order. Let us not fall into the trap of operating with false dichotomies that seem to oppose peace to justice, sovereignty to accountability. We should rather have open dialogues on the issues that lie ahead, based on the shared values that bring this Assembly together and have made the first permanent, treaty-based International Criminal Court a reality.

Thank you.