

**XVIII ASSEMBLY OF STATES PARTIES OF THE INTERNATIONAL CRIMINAL COURT
THE HAGUE, 2-7 DECEMBER 2019**

ORAL STATEMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL

Mr. President,

Allow me at the outset to compliment you on your endeavours in the Presidency of this Assembly and reaffirm that you can count on Brazil's full support and cooperation. Let me extend my compliments to the Vice-Presidents of the ASP, the President, the Registrar and the Prosecutor of the Court, and thank them for their relentless work on behalf of this institution.

Brazil would also like to welcome Kiribati's accession to the International Criminal Court, an additional step forward towards the universality of the Rome Statute, while widening the representation of Pacific states at the ICC. As a proud founder of the Court, Brazil is pleased to see it firmly established as the first permanent international tribunal conceived to fight impunity for the most serious international crimes. Ensuring that those accused before it are judged with fairness and full respect to their rights, it is an instrument to promote justice and peace. Since its inception, the Court has fostered a more stable, just and democratic world order, as it brings additional meaning to the prohibition on the use of force.

Mr. President,

The XVIII Assembly of States Parties is a historic landmark to the International Criminal Court. More than two decades after the groundbreaking approval of the Rome Statute, we are reaching a common understanding that efforts should be made to adapt the International Criminal Court to the needs of the contemporary world.

The calls for a Rome Statute system review came from a variety of actors. The review talks we now begin are the culmination of discussions and reflections that have been maturing over the past years. Brazil believes that this crucial task can only be undertaken by the Assembly of States Parties, in an inclusive and transparent environment and in close coordination with the Court. Only the ASP has the legitimacy to house this discussion.

For Brazil, it is imperative that any review process preserves the prosecutorial and judicial independence of the Court, the cornerstone of any legitimate judicial institution. My country looks forward to contributing to this end in the plenary session and will continue to participate actively and constructively in the debates, both in the Hague and in the New York Working Groups of the Bureau. We invite all State Parties to stand ready and work together to strengthen the International Criminal Court.

This state-driven process can benefit greatly from contributions from specialists. An independent panel of experts, if established by this Assembly, could provide States Parties with valuable inputs and insights, assisting the ASP in finding the way forward. Ultimately, it is incumbent on the ASP to address the matter of the review. Efficiency is of the essence, but so is inclusiveness. In this regard, we will have to strike the right balance between the Hague and New York, to ensure that each State Party will have their say in the process.

The time could not be more appropriate. The Court is about to elect a new generation of principals that will lead it, alongside States Parties, throughout the next decade. Bearing in mind that plurality is at the very core of the ICC, it is crucial that rules are optimized so that we select the best specialists representing the legal systems of different States Parties, from

each region of the world, while also ensuring a fair representation of male and female professionals.

Mr. President,

Many of the challenges of the ICC are not new. As stated in my speech in the XVII Assembly of States Parties, Brazil for long has been pointing out the need for a comprehensive assessment of the functioning of the ICC and of the ASP.

This must be undertaken without jeopardizing the foundations of the ICC, enshrined in the Rome Statute. Brazil believes that this instrument should be preserved in its essence, for the sake of the balance, structure and mandate of the ICC. In fact, the reform should aim at bringing the practice of the Court closer to what was agreed in the Statute, especially in its three pillars: cooperation, complementarity and universality.

Promoting cooperation remains one of the best ways to render this Tribunal more efficient. While the execution of outstanding arrest warrants regrettably continues to be one of the most visible challenges, Brazil welcomes the fact that the two new arrest warrants issued by the Court last year were promptly enforced, and that the suspects were transferred to the Court's custody.

Regarding complementarity, Brazil believes that the ICC should be strengthened in light of how it was originally conceived: a court of last resort, to which one can turn when States are unable or unwilling to take action against the most serious international crimes. The principle of complementarity depends on national jurisdictions being capable of holding accountable those accused of violations of international criminal law. In this regard, earlier this year, Brazil carried out its first large-scale capacity building mission to the ICC, composed of 30 federal judges, who wanted to deepen their knowledge and expertise in topics of international criminal law. These judges, the first of many to come, will help disseminate in Brazil what they have learned in the Hague.

In relation to the third pillar, universality, I am pleased to recall not only that all South American countries are parties to the Rome Statute, but also that Latin American and Caribbean States represent the second largest regional group among States Parties, only behind the African Group. In this regard, we should bear in mind that universalization entails more than broader membership to the Rome Statute: the structure of the ICC must also become more inclusive and democratic. Today, the distribution of seats in the Bureau no longer reflects the composition of the ASP. Moreover, addressing the question of better geographic distribution and gender balance in the staff of the Court, including in its most senior positions, is also an urgent matter.

Mr. President,

Justice and peace are values that all humanity ultimately strives for. A successful review process should make the ICC more efficient and streamlined and would naturally contribute to the universalization of the Rome Statute. As a proud founding member of this Court, Brazil is committed to pursuing this goal, within the framework of the Assembly of States Parties and in a transparent and inclusive manner.

Thank you very much.