

ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE
Nineteenth session: 14 to 16 December 2020, The Hague

*Statement of Ambassador Paulo Roberto França
in the General Debate*

Mr. President,

As we come to the end of your period ahead of this Assembly, allow me to compliment you on your steady guidance and reliable leadership over these last three years. It is now incumbent upon the Latin American and Caribbean Group to build on your brilliant job, so I also take this opportunity to congratulate Madam Silvia Fernandez de Gurmendi on her nomination to become the next president of the ASP. Given her years of experience ahead of the International Criminal Court, I can think of no better person for the job. She can be sure to count on the support of Brazil for every step in the coming years.

I also take this opportunity to pay tribute to the Vice-Presidents of the ASP, Jens Otto Hørslund and Michal Mlynár, whose tireless efforts allowed this Assembly to reach consensus in some of the most challenging issues faced over these last three years.

Mr. President,

The election of a new generation of principals and the follow up of the review process qualify the XIX Assembly of States Parties as one of the most important in the history of this institution. Its very accomplishment, under the worst health crisis the world has faced in one hundred years, is indicative of the commitment of states parties to the ICC and the ideals enshrined in the Rome Statute.

Brazil believes that in person meetings are more inclusive and legitimate. This innovative format, with remote and in person participation, and sessions both in The Hague and New York, is not ideal, but allowed the Assembly to be carried out in accordance with the proper health protocols, amidst the COVID-19 pandemic.

Although challenging, the year of 2020 also brought new perspectives to the International Criminal Court. The beginning of the review process at the working groups of the Hague and

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New York, together with the Independent Expert Review, showed that where there is a will, there is also a way. Brazil proudly supported the Independent Panel since its inception and now welcomes the conclusion of its work, with substantive inputs that might be useful to the future of this institution. The IER report should now be carefully discussed by the ASP, the ultimate body responsible for its implementation, in close coordination with the organs of the Court and under the scrutiny of civil society. Once again, the urge for timely actions must go along with the need for inclusiveness and transparency in the process.

The XIX ASP will elect the principals that will lead the International Criminal Court along the next decade. It will be up to them to bring to a conclusion the significant number of exams and high-profile investigations started by the Court and still ongoing. Notwithstanding important breakthroughs achieved in 2020, such as the arresting of Ali Kushayb and the beginning of the Al Hassan trial, the international community has already made it clear that it expects more tangible results.

In line with the aim of bringing the best names to the bench of the ICC, Brazil proudly presented the candidature of Dr. Mônica Sifuentes, a professional judge with 30 years of practical experience trying the most challenging criminal cases. We are confident that MS. Sifuentes expertise will be an asset to the Court, particularly in cases of crimes against women and children. Brazil is also actively contributing to the process of identifying a consensus candidate for the position of prosecutor of the ICC, so he or she can count on the trust of all states parties.

Mr. President,

The founding fathers of the ICC were wise when established a court based on the three main pillars of cooperation, complementarity and universality. The Rome Statute, a well-crafted

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instrument that is already a landmark in the history of international law, must be preserved in its essence in order to safeguard the delicate balance that underpins this institution.

Brazil believes that strengthening cooperation between states parties and the ICC is the only feasible way for the fulfillment of its mandate, so those responsible for the most serious international crimes can be brought to justice. I salute the fact that two outstanding arrest warrants were executed by the Court in 2020, not to mention the development of important jurisprudence in areas such as asset management. 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.

Last but not least, the principle of universality should be relentlessly pursued, not only through the enlargement of the ICC membership, but also by striving for a fairer regional representation both in its governance structures and its staff. As one of the current candidates for the Bureau of the ASP, Brazil expects to keep contributing to the discussion of the revision of its regional composition.

We also count on the Registry to deepen its efforts to address the imbalances in the regional representation in the staff of the ICC.

Mr. President,

Should it desire to fulfill the expectations of the international community, the ICC must lead by example. This means achieving a more streamlined, democratic and transparent structure, focused solely on seeking justice for the victims of the most serious international crimes. As the world enters a period of economic uncertainty, this mandate will be sought with limited resources. I would like to compliment the Registrar for the sensitivity shown to this, and the

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ASP for consensually adopting a budget that, while preserving the essential tasks of the ICC, also takes into consideration the financial constraints faced by many states parties.

It is also worth noticing that, although THE ICC IS still plagued by episodes of harassment, as sadly recognized by the IER, the COURT and THE ASP have been carrying out efforts in order to ensure a better work environment within the court. We also praise the efforts of the Registry to improve the number of women in the staff of the ICC, and hope it continues until the institution finally reaches gender equality.

Mr. President,

Over the years, the International Criminal Court has sailed on choppy waters, yet it remains steady as a beacon for peace and justice, values that all of humanity ultimately strives for. The challenges faced by the institution made it stronger, but its survival in the long run will only be guaranteed by results. As a proud founding member of this Court, Brazil has been a reliable partner of the ICC during all its most important moments. Now, by actively participating in the review process and nominating one of its most qualified judges to compose its bench, Brazil expects to keep contributing to this new chapter which begins at the XIX Assembly of States Parties.

Thank you very much.