

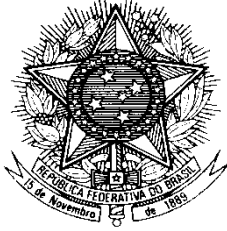
EMBASSY OF THE FEDERATIVE REPUBLIC OF BRAZIL

The Federative Republic of Brazil presents its compliments to the State Party representatives on the Review Mechanism, Ambassadors Paul van den IJssel (Netherlands) and Michael Imran Kanu (Sierra Leone), and, with reference to the message sent to states parties on 21 May, conveys hereby its comments on the proposal for a comprehensive action plan for the assessment of the recommendations of the Group of Independent Experts.

In line with statements previously submitted, Brazil believes that this is a state driven process, which should be carried out in close coordination with the organs of the Court, civil society and other stakeholders. Attention must be paid, in particular, to the budgetary impacts of the recommendations, which should be assessed with due attention to the financial constraints faced by a number of states parties. On the other hand, states parties must remain mindful of the independence of the Court and avoid actions that might be interpreted as attempts to interfere into the affairs of the ICC.

As for the draft preliminary document circulated by the Mechanism on 21 May, Brazil would like to see reflected the following remarks:

- Brazil doesn't favor proposals that imply amendments to the Rome Statute. In this regard, we believe Recommendation 173 should not be prioritized;
- Recommendations that would deeply affect the structure of the Court (for instance, R 1-5) or touch on core governance issues, such as the nomination of judges, (e.g. R 371) should also stay off the action plan;
- On the other hand, Brazil believes that special attention must be paid to recommendations related to working environment, bullying/harassment and ethics (for instance, R87-88 and R106-107; R 110-111);
- In the same regard, Brazil considers important to make progress on recommendations aimed at increasing administrative efficiency of the Court,



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including through the promotion of geographical representation and gender balance in its staff (R 91);

Brazil trusts the Mechanism will take these views into consideration and remains available for further consultations.

The Hague/New York, 11 June 2021