



**Statement by
H.E. Ambassador Jose Artur Denot Medeiros,
Head of the Brazilian Delegation
to the VIII Session of the Assembly of the States Parties
International Criminal Court**

The Hague, 19th November 2009

Mr. President,

Every year the States Parties to the Rome Statute assemble to assess the work of the International Criminal Court. This year, however, our gathering has a special meaning.

The International Criminal Court now approaches a decisive moment in its consolidation. We are a few months away from the first Review Conference of the Rome Statute and some proposals for amendment were submitted to the Secretary-General of the United Nations, the depositary of the Rome Statute.

Mr. President,

The Brazilian Government is of the view that the Review Conference should constitute a valuable occasion to address some of the most relevant issues concerning the Court. Nonetheless, the forthcoming Conference, which will be the first but, certainly, not the last opportunity to amend the Statute, should focus on few selected topics. The Review Conference should tackle, in particular, the problem of defining the crime of aggression, which still lacks formal typification.

The Conference will also be an appropriate moment to deepen cooperation with the Court. The effectiveness of the Court depends upon the contribution of a number of key actors to carry out its work. International criminal prosecution is a chain that may be easily broken without the help of national and international actors. The ICC needs support from States to execute arrest warrants, protect victims and enforce their sentences.

Within this chain, every connecting element has its own place. The ICC is a court of last resort. According to the principle of complementarity, it is up to individual States to exercise their criminal jurisdiction and bring to justice those responsible for the crimes included in the Rome Statute. The ICC can only act if and when the State concerned is not able or willing to conduct genuine criminal proceedings. The principle of complementarity will only be fully respected, however, if States incorporate the Rome Statute in their domestic law. This is a goal we should all pursue and promote.

Mr. President,

The establishment of the International Criminal Court has filled a void in the international legal and political system. There is no doubt that the perpetration of crimes against humanity, war crimes, genocide and aggression poses a threat to international peace and security. Without putting an end to impunity, it is impossible to secure durable peace.

This is why efforts must be undertaken to grant a truly universal character to the Court. We welcome the recent ratification of the Rome Statute by Chile and the Czech Republic. It is specially pleasing to us that, now, all South American States are parties to the ICC. Brazil hopes that more States may ratify or accede to the Rome Statute in the near future.

Thank you.