

Madam President,

Agradezco el liderazgo de la Presidenta Silvia Fernández de Gurmendi a lo largo de los últimos tres años al frente de la Asamblea de los Estados Partes y de la Mesa de la Corte Penal Internacional.

I also thank the Vice-Presidents for their invaluable contribution to the working groups of the Assembly, both in New York and in The Hague.

I congratulate the six judges elected this week for nine-year terms in the International Criminal Court, as well as the new President, Vice-Presidents and members of the Bureau elected for the next triennial mandate.

While convinced of the remarkable merit of the members of the Bureau, we regret that its composition does not reflect the necessary equitable geographical distribution. The largest regional groups in the court - the African and Latin American States Parties - are not properly represented in the body. The geographical imbalance also affects the Asia-Pacific States.

The underrepresentation of a very large portion of the membership in the governance of the ICC occurs in parallel with an ever-increasing budget. This is incompatible with the economic reality of a number of States Parties and the UN system at large. In our perspective, the tendency of steady rises in the requested resources is neither reasonable nor sustainable, especially when there is no correspondent increase in the effectiveness of the court.

Now is the time to enhance the participation of the Global South in the institutional structure of the ICC, including in the Bureau and in the Committee of Budget and Finance.

Madam President,

This Assembly of States Parties takes place at a critical juncture for the International Criminal Court. It provides us with an opportunity to discuss the future of the Court and the challenges facing it today.

We must address selectivity and double-standards. Victims of equally atrocious crimes must not be treated

differently according to their nationality. Full support and expeditiousness in relation to some investigations in contrast with protracted proceedings in respect of other situations may suggest bias towards victims. Priorities must always be based on the interests of justice and no other. The Court's credibility and legitimacy depend on it.

The Office of the Prosecutor, States Parties and judges, including those elected this week, have a key role in ensuring that all victims of the most serious crimes have equal access to justice.

The difficulty to achieve universality is another matter of concern. Twenty-five years have passed since the Rome Conference, and we are still less than two-thirds of the international community. We must seriously reflect on the reasons why States hesitate to join in.

And we must overcome the challenges associated with cooperation. As the court has no enforcement jurisdiction or bodies, it relies solely on the cooperation of States to fulfill its mandate. As the ICC is a treaty-

based court, and the Rome Statute is governed by the law of treaties, there should be no doubt that it can only create obligations for States parties. In our resolve to put an end to impunity, we shall be guided by the principles of the United Nations, such as the peaceful settlement of disputes, and respect our obligations under international law. It is essential that requests for cooperation be fully consistent with the Rome Statute, especially its part 9, including article 98.

The importance of coherence in the international legal system is a must. The work of the court may be jeopardized by the so-called "fragmentation" of international law. In this regard, my delegation encourages the judges to engage in constructive dialogue with other international tribunals, especially the International Court of Justice, in different topics of general international law, including immunity of State officials from foreign criminal jurisdiction.

Madam President,

As a founding member of the Court, Brazil reiterates its deep-rooted commitment to international law and international justice. We reaffirm our belief that the international community and the ICC will be able to overcome the challenges outlined above.

The Rome Statute and the ICC have been a milestone in the history of international law. Let us ensure that the court remains faithful to the original intentions that inspired its creation.

Thank you.