



## **BRAZIL**

### **Statement by**

**H.E. Ambassador Piragibe dos Santos Tarragô**

**Head of the Delegation of Brazil to the XIV Assembly of States Parties**

*The Hague, 19 November 2015*

*Check against delivery*

Monsieur le Président,

Tout d'abord, au nom de la délégation du Brésil, je voudrais vous souhaiter la bienvenue à la Haye, cité internationale de la paix et de la justice, à l'occasion de la XIV Assemblée des Etats Parties au Statut de Rome de la Cour pénale internationale. Je tiens à vous transmettre le soutien et la confiance du Brésil dans votre présidence et dans votre capacité pour bien mener à des bons résultats nos travaux. Nous sommes reconnaissants de vos efforts, ainsi que ceux des pays africains, dans la lutte contre l'impunité pour les crimes relevant de la compétence de la Cour. Nous considérons que ces efforts seront particulièrement utiles en ce moment, où l'on devra réfléchir sur les défis qui se posent à la mise en œuvre du Statut de Rome.

Mr. President,

Thirteen years after the entry into force of the Rome Statute, the International Criminal Court has successfully consolidated itself as the first permanent tribunal set out to help end impunity for the most serious crimes that are at the core of the international community's concerns. Once again, however, this Assembly is held amid conflicting perceptions on the activities of the Court. These conflicting views seem to expose tensions between peace and justice, sovereignty and accountability, political stability and good governance. But they are inherent to the search for a more just and cooperative world order. More than an insurmountable clash between political and legal imperatives, the debates in this Assembly offer an opportunity to reconcile concepts and principles in the quest for the appropriate complementarity to national jurisdictions rather than the reiteration of possible contradictory objectives.

The pursuit of international justice and the achievement of lasting peace and security are common objectives that reinforce each other. Both the Court and the Security Council have pivotal, albeit different, roles in striking the right balance between peace, justice, accountability and reconciliation. While recognizing the paramount importance of cooperation by States Parties, so that the Court can fully discharge its mandate, Brazil expresses concern with the prospect of the use of coercive measures, unauthorized by the UNSC, in order to foster State cooperation with the implementation of ICC mandates. It is important to stress the positive dimension of cooperation, through strengthening national capacities, and refrain from using restrictive measures contrary to international law. The Assembly ought to engage constructively with any State Party in order to circumvent possible

obstacles to cooperation. It should exercise diplomatic abilities to preserve the instruments of international criminal justice that we have endeavored to achieve.

Mr. President,

None of our efforts will be enough if we do not make further progress towards universality. We are glad to learn that President Fernández included the promotion of universality as one of the priorities of her presidency. Brazil also welcomes the accession of the State of Palestine to the Rome Statute, raising the number of States Parties to 123. This is an outstanding step towards encompassing new countries under the competence of the ICC. States that join multilateral treaties conceived for promoting human rights and combating impunity should be welcomed - rather than met with criticism and sanctions.

There is, however, much to be done in order to encourage new States to become parties to the Statute. The Court's legitimacy stands out as an important asset to be preserved and built upon, with the goal of establishing a truly universal criminal system, applicable to all. This endeavor is essential to avoid perceptions of bias and selectivity, and that international criminal justice is only valid for a restricted group of humanity. Another crucial step to improve the international criminal justice system is the activation of the Kampala Amendments, to which Brazil attaches great importance. We are glad to see the growing number of States Parties that have ratified them. My country is committed to their ratification. The necessary internal procedures for their entry into force are in progress.

Mr. President,

It has been highlighted that the Court has expanded its activities and is experiencing the heaviest workload since its inception. Whereas it signals that the ICC has become a successful, globally active permanent judicial body, it may also pose some challenges to the payment capacity of States Parties. In this regard, Brazil regrets that, to date, expenses incurred by the Court in relation to referrals by the Security Council have been met exclusively by States Parties. We reiterate our call for implementation of Article 13(2) of the Relationship Agreement and of Article 115(b) of the Rome Statute, to avoid that these costs continue to fall exclusively upon the parties to the Rome Statute.

In addition, we believe that further efforts are needed to improve both equitable geographical distribution, as well as gender balance in the Court's structure, including in its most senior positions. This will be important to shape the ICC as a multilateral institution, more representative of the international community and in a better position to attract new States to join the Rome Statute.

Mr. President,

Once again, States Parties are confronted with the opportunity to engage in an open dialogue on the challenges that lie ahead. It is positive that this dialogue involves means to improve the working methods of the Assembly. It is clear that much work must still be undertaken in order to eliminate duplications and misunderstandings and achieve more efficient decision-making processes. We are aware that there is no quick fix for many of these issues, but let us seize this moment to seek solutions, always guided by the shared values that bring this Assembly together. As a proud founder of the ICC, Brazil remains firm in its commitment to the Rome Statute System and to the just cause

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Thank you.

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creation.