

PORTUGAL

Statement by

Mr. Mateus Kowalski

Head of the International Law Department

Department of Legal Affairs

Ministry of Foreign Affairs

INTERNATIONAL CRIMINAL COURT

SIXTEENTH SESSION OF THE ASSEMBLY OF STATES

PARTIES

GENERAL DEBATE

NEW YORK, DECEMBER 2017

Mr. President,
Distinguished Delegates,

It is with great honour that Portugal addresses today the Sixteenth Session of the Assembly of States Parties to the Rome Statute.

Mr. President,

I wish to begin by offering a word of appreciation to the outgoing President, Mr. Sidiki Kaba, and to the Bureau of the Assembly of States Parties for their work in the past years. Allow me also to congratulate Mr. O-Gon Kwon as the President-elect of this Assembly for the next triennium – we wish him a very successful term.

I would like as well to extend Portugal's congratulations to the newly elected six judges. A word of appreciation is also due to the outgoing judges for their dedicated service to the ICC.

Mr. President,

Portugal obviously shares the views expressed by Estonia on behalf of the European Union and its Member States. Allow me to further highlight some particular aspects of relevance to my country.

Mr. President,

The adoption of the Rome Statute almost twenty years ago culminated a long evolution process. At the same time, it was also the beginning of a new era in the protection and promotion of fundamental rights of individuals and communities.

With the advent of the ICC, those responsible for large scale atrocities learned to fear international criminal justice and victims regained hope for further accountability. The Court became fundamental in making accountable those responsible for the most serious crimes of international concern and in providing justice to victims. The Court has also a role to play not only in the prevention of those crimes but also in the consolidation of peace in post-conflict situations as a mechanism of restorative justice.

Portugal takes this opportunity to highlight the crucial contribution from NGOs, as well as witnesses, to the success of the Court.

Mr. President,

In line with its traditional strong support to the Court, it is with great pleasure that I inform this Assembly that Portugal has deposited its instruments of ratification of both Kampala amendments as well as of the amendment to Article 124 of the Rome Statute.

Mr. President,

Since the ICC has a complementary nature, it is important to keep in mind that the jurisdiction over the perpetrators starts and lays primarily with States and their national jurisdictions.

Having said that, it is our view that States, as well as their peoples, would be better served by being part of the international judicial community instead of being outside of it. Therefore, while we welcome the decision of Gambia to not follow through with its previously announced withdrawal from the Rome Statute, we also regret the choice of Burundi to proceed with its separation from this community. Universality of the Rome Statute should remain one of our priorities.

Mr. President,

States are at the very center of international criminal justice and the ICC. Without the cooperation of States Parties the ICC would be mute. It is also for States Parties to implement the necessary reforms to enhance the activity of the Court.

This year the Assembly will have the opportunity to activate the exercise of the jurisdiction of the ICC over the crime of aggression. This would be, in our view, a significant contribution to the strengthening of the Court. Portugal will actively work towards the activation. We firmly believe that this goal is within our reach as long as a pragmatic and constructive approach is pursued by all interested States Parties.

Portugal also supports the proposed amendments to Article 8. The amendments intend to add to the list of war crimes under the jurisdiction of the Court the use of certain weapons causing great suffering or serious injury to the body or health of human beings. It is clear that we should not wait any longer in increasing the protection of people in armed conflicts from inhumane suffering and harm.

Mr. President,

While societies become more interdependent, the world globalizes and technological innovation opens new possibilities to our common future, situations of large scale violence remain a dreadful reality. Removing the causes of violence, fighting impunity and reaffirming core values and principles that underpin the idea of human dignity are thus crucial in the progress towards more peace and more justice. The International Criminal Court has an undeniable role to play in this historical mission. It is up to us States Parties to provide the Court with the legal means and the cooperation needed by the Court to fully accomplish its potential.

With this in mind, Portugal pledges its full commitment in working with you Mr. President and with the other delegations towards a successful session of the Assembly of States Parties to the Rome Statute, where hopefully important reforms will be agreed, thus enhancing the role of the Court in achieving peace, security and justice.

Thank you, Mr. President.