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SECURITY COUNCIL – OPEN DEBATE

PROTECTION OF CIVILIANS IN ARMED CONFLICT

STATEMENT BY MR. STEFAN BARRIGA, CHARGÉ D'AFFAIRES A.I.

Madam President,

We welcome the increased attention given to the issue of protection of civilians, as evidenced by the process leading to the Oslo Conference and the recent thematic work of the Security Council. The Presidential Statement adopted in February this year sent a strong message, especially regarding the need to fight impunity and the role of the International Criminal Court. We were pleased to see that the Council recognized the importance of ensuring access for and protection of peacekeepers, humanitarian and medical personnel.

As highlighted by the Secretary-General in his last report, we have come far in identifying responsibilities, achievements, needs and shortcomings in the field of protection of civilians in armed conflict. But we need concrete action on the ground to avoid civilian suffering and casualties in many conflicts around the world. All parties to a conflict, including State and non-State actors, must ensure that their forces respect international humanitarian law and are trained to do so. They must strictly respect the principles of distinction and proportionality, and in particular avoid the use of explosive force in densely populated areas. Swift and unhindered access of humanitarian actors must be guaranteed and not arbitrarily denied. Third States should refrain from contributing to civilian suffering, inter alia by prohibiting arms transfers that pose a significant risk of IHL violations.

The safety of humanitarian workers is a particular concern. We call on all States that have not yet done so to ratify the 1994 Convention on the Safety of United Nations and Associated Personnel and its 2005

Optional Protocol. We also recall that attacks on humanitarian workers may constitute a war crime under article 8(e)(iii) of the Rome Statute of the ICC.

Madam President,

Where prevention fails, as is frequently the case, accountability becomes all the more important. It is an essential element of reconciliation and helps prevent the recurrence of conflict. Accountability is first and foremost the responsibility of each State, but armed conflict frequently leads to dysfunctional domestic justice systems. The ICC was designed to fill this void and to deliver justice and redress for victims. We strongly encourage States that have not done so yet to join and implement the Rome Statute.

The Security Council also has an important role to play, in particular by referring appropriate situations to the ICC, and by promoting accountability at the domestic level. The Council should be ready to swiftly establish commissions of inquiry and fact-finding missions to jump-start accountability efforts, and to effectively follow-up on their outcomes. Where appropriate, the results of investigations mandated by the Human Rights Council should be brought to the attention of the Council for further action.

Madam President,

All of the above applies to the current situation in Syria. There has rarely been a situation in the recent past where most serious crimes under international law have been committed at this scale and for such a long time without any response of the international community. Given the unwillingness and inability of the national judicial system in Syria to investigate and prosecute the crimes committed, we have joined a total of 63 States that have called upon the Security Council to refer the situation in Syria to the ICC. Should the Council's failure to act upon this call continue, it may be incumbent on the General Assembly to formally recommend the Council to make such a referral. The Syrian National Coalition publically called for the referral and we welcome this commitment to obey the rule of law. We encourage any future Government to submit the situation in Syria to the jurisdiction of the ICC, in accordance with Art. 12(3) of the Rome Statute.

I thank you.