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**Expert Seminar on the abolition of the death penalty
Toward a Universal Ratification of the Optional Protocol**

22 June 2016

**Intervention by H.E. Mr. Peter Matt
Ambassador, Permanent Representative of the Principality of Liechtenstein**

President Zoller, dear Adrian, Excellencies, distinguished participants,

It is my pleasure and honor to deliver opening remarks at this expert seminar on the abolition of the death penalty. Let me extend our thanks and appreciation to you for this important initiative. Liechtenstein is a longstanding supporter of your organization and remains committed to its noble cause. With your training, study and protection work you make a huge difference and empower so many in the promotion and protection of human rights.

The rule of law as well as the promotion and protection of human rights and fundamental freedoms are key priorities of our foreign policy. Liechtenstein has actively engaged in the development and improved application of international law, especially in the field of human rights – on the basis of the principle of the sovereign equality of all states. Thematically, we focus on women’s rights, children’s rights, combating torture and, of course, the abolition of the death penalty.

The right to life has profound importance both for individuals and for society as a whole. It is most precious for its own sake, but also serves as a basic right, facilitating the enjoyment of all other human rights. The Special Rapporteur on extrajudicial, summary or arbitrary execution referred to it as “the ultimate metaright, since no other right can be enjoyed without it. It is the fountain from which all human rights spring. If it is infringed, the effects are ire-

versible". We have explicitly enshrined the right to life in our legal order and have also incorporated it in our Constitution.

Given the complexity of the right to life, we are thankful that the Human Rights Committee decided to revise and expand its General Comments 6 (adopted by the Committee in 1982) and 14 (adopted in 1984). In this regard, I commend the leading role of Sir Nigel Rodley and Mr. Yuval Shany. Their task to lead the drafting process must be challenging, as they have to take into account such a great variety of topics which concern the right to life. It should also not go unmentioned that we appreciate the universal nature of the drafting procedure. The overwhelming amount of written contributions from civil society is a clear confirmation that the inclusion of all stakeholders is indispensable and must be further strengthened in the international context. Another important role in the elaboration of the general comment plays the OHCHR, which supports the Human Rights Committee as its secretariat. We hope that the issue of the chronic underfunding of the OHCHR will not affect its role in assisting the Committee in the future.

The purpose of a comprehensive general comment is to provide appropriate and authoritative guidance with regard to all aspects of the right to life. The revision should reflect the development in international law since the last adaptation. To give you but one example of the variety of topics, we are at the spearhead of a global campaign to encourage and support States in ratifying and implementing the Kampala Amendments on the crime of aggression, one of the four core crimes of the Rome Statute, which was left undefined so far. We are working on a submission which deals with aggressive wars and the law regulating them. For us it is essential to refer to the Kampala amendments on the crime of aggression to the Rome Statute in this context. The ICC jurisdiction over the crime of aggression reinforces the prohibition of the illegal use of force under the UN Charter as it allows for individual criminal responsibility. Thus, the Kampala amendments contribute to the deterrence of illegal war-making and to the right to life.

Let me come back to the theme of our seminar: the abolition of the death penalty. Liechtenstein considers the death penalty a cruel, inhuman and degrading form of punishment. While Art. 6 para 2 ICCPR allows for the death penalty for most serious crimes, para 6 of the said article states “Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant”. ICCPR thus clearly paves the way for the complete abolition of the death penalty and sends a strong message that this is highly desirable. Moreover in the light of the evolution of international human rights law, jurisprudence and State practice, the imposition of the death penalty is in our view incompatible with fundamental tenets of human rights, in particular with the right to life, but also with human dignity and the prohibition of torture or other cruel, inhuman or degrading treatment or punishment.

[It is very disturbing, that wrongful convictions occur even in the most advanced domestic justice systems, which further exacerbates the all too final and irrevocable character of capital punishment. There is no empirical evidence that the death penalty deters crime more effectively than other forms of punishment. I am glad that capital punishment belongs to history in Liechtenstein The last execution took place in medieval times - in 1785.] In the international context it is promising that more than 80 percent of UN Member States have either abolished the death penalty or are not practicing it. We hope that we can take this as a clear sign that this cruel, inhuman and degrading practice in contradiction with human rights, in particular the right to life, is destined to be relegated to the books of history everywhere.

I am convinced that today’s discussion adds value to the elaboration of general comment on article 6 and I hope that participants are further sensitized through the seminar on the need to further promote the universal abolition of the death penalty and universal ratification of the second optional protocol to the ICCPR.

I wish the seminar every success.

I thank you