



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

**General Assembly
ITEM 75: REPORT OF THE INTERNATIONAL CRIMINAL COURT**

**STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER
PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK, 26 OCTOBER 2011**

CHECK AGAINST DELIVERY

Mr. President,

We would like to thank the President of the International Criminal Court for presenting another rich report on the activities of the Court. Access to justice is indispensable if societies are to successfully end and overcome conflicts. The Court continues to have a profound impact in several conflict and post-conflict situations in furtherance of its mandate to fight impunity, in accordance with the Rome Statute. We are particularly pleased that over the course of the last year, the number of States Parties has grown to 119, just one shy of the number of States that voted in favor of the Rome Statute in 1998. We warmly welcome Cape Verde, the Philippines, the Maldives, Tunisia and Grenada as new members of the ICC family.

This new momentum in the quest for universality of the Rome Statute bears testament to the quality of the Rome Statute, and to the highly professional and independent manner in which the Court fulfills its task. More and more States are willing to support the Rome-Statute system, and accept the jurisdiction of the ICC as complementary to their own primary jurisdiction over genocide, war crimes and crimes against humanity. While the acceptance of the Court's jurisdiction is not yet universal, we should remind ourselves that the main principle underlying the Rome Statute has indeed been universally accepted: There must be no impunity for the worst crimes under international law. Indeed, in writing the Rome Statute, States merely confirmed and further codified this principle, which is well established in pre-existing international law, including treaty law and customary international law. States Parties to the Rome Statute avail themselves of an additional mechanism by which they can promote the implementation of this principle. In addition, the Security Council, utilizing its Chapter VII powers and those granted to it by article 13 of the Rome Statute, may also trigger the Court's jurisdiction. That the Council has chosen to do so twice in the short history of the Court is a further testament to the widespread recognition of the quality of the Court's work.

We would like to encourage all States that have not yet done so to consider the advantages of joining the Rome Statute, and to weigh them against what may be perceived, at first sight, as drawbacks.

The most important advantage that comes with ratification is that the Court, as an independent, professional and credible international institution, may if necessary conduct investigations and trials concerning crimes committed on the territory of a State Party or by its nationals. The Court thus provides protection, through the deterrent effect, as well as a system of accountability and justice with strong regard for the rights of victims. In this context, it is important to note that the ICC is not a mechanism of universal jurisdiction. Rather, it builds mainly on the existing territorial jurisdiction of the State concerned. It is on this basis that it also provides protection to States Parties with regard to crimes which may be committed on their territories by nationals of other States, including non-States Parties to the Statute. The Court's jurisdiction is, however, complementary to domestic jurisdiction, which therefore takes precedence as long as national authorities are willing and able to conduct genuine investigations and prosecution.

Mr. President,

The International Criminal Court is one of the most important tools in the fight against impunity, but it is not the only one. Aside from other international and mixed tribunals, it is States themselves that play the greatest role in this regard. Preventing crimes and fighting impunity is in most cases best undertaken at the national level, in particular since the ICC and other international mechanisms can only deal with a very limited number of cases. It is thus imperative that all States – not just ICC States Parties – ensure domestic capacity and willingness to investigate and prosecute the most serious crimes under international law. The international community must do better in encouraging and assisting such efforts. The United Nations plays a central role in that regard, in particular through technical assistance provided by entities such as UNDP, UNODC, UNHCHR and others. Furthermore, a significant amount of technical assistance is provided on a bilateral basis. We believe that these efforts could be

strengthened through better coordination, in particular through the UN's own Rule of Law Coordination and Resource Group.

Mr. President,

Recent and ongoing events in Northern Africa and the Middle East have once again highlighted the particular challenges, but also the indispensable role of justice mechanisms in conflict resolution. The victims of crimes and human rights violations deserve and demand justice, just as much as they deserve and demand peace. As numerous examples of the past have shown, transitional processes must include a justice component as a fundamental building block of sustainable peace. Amnesties for those responsible for the most serious crimes are inherently incompatible with this principle, and risk reigniting the cycle of violence.

Earlier this year, the Security Council referred the situation in Libya to the International Criminal Court. It did so, for the first time in history, by a unanimous vote. We commend members of the Council for their swift action, which allowed the Court to initiate its investigations at an early stage and therefore in a most efficient manner. It is our hope, however, that the Council has learned the lessons of the Darfur referral and will, if necessary, insist that the Court receive due cooperation by all States concerned. Such long-term follow-up is an indispensable part of a responsible interaction with the Court, which must not simply be employed as a short-term exit strategy for complex conflict situations. In this context, we note that the issue of funding of ICC investigations mandated by the Council remains an open question that should be addressed, in accordance with the UN Charter and the Rome Statute, by the UN General Assembly.

Mr. President,

Over the past three years I have had the privilege of supporting the International Criminal Court as the President of its Assembly of States Parties. This is not the occasion to dwell on the challenges and the many positive developments during this period, but I should like to take this opportunity to assure you of my country's continuing and unwavering support for the Court and for the fight against impunity. I thank you.