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OF THE PRINCIPALITY OF LIECHTENSTEIN
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CHECK AGAINST DELIVERY

SECURITY COUNCIL

OPEN DEBATE ON “THE SITUATION IN THE MIDDLE EAST, INCLUDING THE PALESTINIAN QUESTION”

STATEMENT BY MR. STEFAN BARRIGA

CHARGÉ D’AFFAIRES A.I.

Mr. President,

My delegation aligns itself with the statement delivered by the European Union. I will add only a few words on the subject of criminal accountability.

Liechtenstein welcomes the recent ratification of the Rome Statute of the International Criminal Court by the State of Palestine. As an active member in the family of States Parties to the Rome Statute, we are fully committed to the goal of an ICC with universal reach. Palestine’s ratification is especially important given the small number of States Parties in the Middle East. Other States from the region should follow this example.

We are aware of the long and complex history that provides the political context for this ratification. Nevertheless, any ratification of the Rome Statute should first and foremost be seen as what it is: a legally binding, multilateral commitment to ending impunity for genocide, crimes against humanity and war crimes, with a view to preventing such crimes from occurring in the first place.

The ICC is not a one-sided political tool that can be employed by a party to a conflict. It cannot be used to “sue” any specific person or country. Should an investigation be opened in Palestine, any and all Rome Statute crimes committed on Palestinian territory can be scrutinized, no matter who committed them. Furthermore, the principle of complementarity applies. The ICC will yield to investigations and prosecutions genuinely undertaken by States with jurisdiction over the same crimes.

The recent ratification will open the door for the rule of law to make its mark in this longstanding conflict. Will the politics on the ground get in the way of justice taking its course? Will the States concerned cooperate with a potential investigation by the Court? It is too early to tell, but we know that the Court itself, as an independent and impartial institution, is fully equipped to fulfill its mandate in accordance with the rule of law.

Mr. President,

Almost exactly two years ago, 58 States, including Liechtenstein, requested the Security Council to refer the situation in Syria to the ICC. Regrettably, that request was answered with a double veto in May last year. But this cannot be the end of the conversation about accountability in Syria. On 18 December 2014, the General Assembly, through resolution 69/189, transmitted all of the reports of the Independent International Commission of Inquiry on Syria to this Council. The Council must not close its eyes to the overwhelming evidence of massive and heinous crimes being committed in this conflict. This would be an affront to thousands of victims and their families.

While the demand for an ICC referral remains as valid as ever, we must explore all options that can contribute to bringing some measure of justice to the victims of crimes in Syria. You can find some thoughts on this matter in the summary of a small workshop hosted by Liechtenstein on 17 November 2014, in cooperation with the Liechtenstein Institute on Self-Determination at Princeton University.¹ For example, domestic prosecutions based on the passive personality principle or on universal jurisdiction could make a small, but meaningful contribution. ICC States Parties could also refer the situation in Syria to the ICC to the extent that crimes are committed by their nationals as foreign fighters.

There can be no lasting peace without justice. If we are to find solutions for the seemingly intractable conflicts that plague the Middle East, accountability for the most serious crimes under international law must form part of them.

I thank you.

¹ Available at www.newyork.liechtenstein.li.