



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

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CHECK AGAINST DELIVERY

GENERAL ASSEMBLY

**REPORT OF THE INTERNATIONAL CRIMINAL COURT**

**STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER**

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President

This year's debate on the report of the International Criminal Court (ICC) comes at a time when the Court finds itself in the headlines more frequently than any of us could have imagined at the Rome Conference fifteen years ago. Some of the Court's activities are evoking strong reactions, in particular in Africa, where the Court has been most active so far. The challenge for us, collectively, is to address these political challenges in a manner that is fully consistent with the law contained in the Rome Statute. We are satisfied to see that the necessary dialogue has commenced and look forward to continuing it, in particular among States Parties.

The Rome Statute system has put accountability for the most serious crimes within reach of conflict and post-conflict societies. This is a profound paradigm shift, following decades of impunity in many parts of the world, made possible by the strong political will of States at the Rome Conference. They did so not because they thought that fighting impunity would be an

easy thing to do, but because it was the right thing to do. Today, as we gather to discuss the work of the Court, we should remember the spirit of Rome. We should be ready for a constructive dialogue with the critics, but also stand up for our principles.

Looking at the Court's judicial record, we believe that it has been doing precisely what we asked it to do: investigate and prosecute those who are alleged to bear the greatest responsibility for the Rome Statute crimes, follow the evidence, and apply the law. Nevertheless, the Court has been subject to much criticism. Such criticism is in reality often directed against the Security Council, which referred two cases to the ICC and thereby extended the Court's jurisdiction over two non-States Parties. We do not find any evidence that the decisions of the ICC itself are in any manner motivated by politics rather than the law.

In order to counteract misconceptions and politically motivated criticism, all States that believe in justice should strengthen their support for the ICC – diplomatically, politically, financially. We must show greater ownership over the system we established, and also continue to improve it from within. In this regard, I would like to draw your attention to a recent initiative by Botswana, Jordan and Liechtenstein, which seeks to add a provision to the Court's Rules of Procedure and Evidence. The proposal addresses the important issue of presence at trial and the possibility of presence via video link, if exceptional circumstances so require. We hope that this initiative can be one significant part of a more comprehensive response to the recent controversies. Most importantly, it would illustrate the willingness of States Parties to do their part to assist the Court in a difficult time.

States Parties should also make every effort to ensure the highest possible quality of judges. Nominating the most qualified judicial candidates is the most important measure in this respect. Recent experience also shows that we must put greater emphasis on ensuring witness protection. This is an urgent task and of essential importance for the effectiveness of the Court, and it requires cooperation and engagement of States. In this regard, much can be learned from

the experience of other international and mixed tribunals. Finally, we must also ensure that we equip the Court with the financial resources necessary to fulfill its mandate successfully. Otherwise, budget constraints could hamper the quality of ongoing activities and prevent the Court from opening new investigations, as the Prosecutor has warned. In this regard, we must also find a sustainable solution for the financing Security Council referrals, in accordance with the relationship agreement.

Mr. President

We welcome the increased collaboration between the United Nations and the ICC, which is of utmost importance. We commend the Secretary-General for issuing thoughtful guidance on limiting contacts with persons who are the subject of arrest warrants or summonses. It is essential that these guidelines are implemented consistently and that their implementation continues to be monitored by the Secretary-General's office. We welcome the efforts of certain high-level UN officials to communicate indispensable contacts with persons who are subject of arrest warrants well in advance. At the same, we believe it is important to remind all UN personnel not to engage with indictees on their own authority. We hope that States which have not yet done so will develop their own policies on limiting contacts with fugitives based on these principles.

A significant advance in the relationship between the Court and the United Nations was the adoption of SC resolution 2100 (2013), which mandated the UN Mission in Mali to support efforts to execute ICC arrest warrants related to crimes committed in that country. This could serve as a blueprint for other situations as well, in particular those referred to the ICC by the Security Council itself. This positive step, however, cannot mask the fact that, overall, the manner in which the Council deals with the Court remains highly problematic. Greater consistency by the Council and, most of all, more credible follow-up to its own referral decisions would be in the interest of both the Council and the Court.

Mr. President

Recent events in Syria have reminded us of the importance of the Kampala amendments to the Rome Statute adopted in 2010. We added provisions that criminalize the use of poisonous and other gases, no matter whether they are used in international or in internal armed conflict. But the biggest step forward are the amendments on the crime of aggression. They complement the prohibition of the illegal use of force enshrined in the UN Charter. The most serious forms of the illegal use of force by one State against another will become a punishable offence before the ICC. The ICC will thereby help enforce the core principle of the rule of law at the international level. With the recent ratifications by Andorra, Cyprus, Slovenia and Uruguay, we have come an important step closer to the activation of the Court's jurisdiction over the crime of aggression in 2017. Liechtenstein continues to offer assistance to States that are interested in ratifying and implementing the Kampala amendments ([www.crimeofaggression.info](http://www.crimeofaggression.info)). We also encourage States that are interested in joining the ICC to ratify the Rome Statute in its 2010 version.

I thank you.