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CAN THE INTERNATIONAL CRIMINAL COURT DETER ATROCITIES?

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Excellencies, Ladies and Gentlemen,

I am delighted to be here today and to see that so many people have joined us for this discussion. I would like to thank the International Peace Institute for helping us organize this event and in particular the distinguished panelists for accepting our invitation.

“Can the International Criminal Court deter atrocity?” is the question we are examining today. This is also the title of a recent study that was co-authored by Professor Beth Simmons of Harvard University. I am excited to hear more about your findings later on. I also very much look forward to the comments by two eminent leaders of civil society, Mr. Ken Roth of Human Rights Watch, and Dr. Simon Adams of the Global Center for R2P. Special thanks also to our moderator, Ambassador Hardeep Singh Puri, for taking time despite your current duties as the Secretary-General of the International Commission for Multilateralism.

Liechtenstein has long been an active supporter of the ICC, as is well known in this part of town. Our support for this institution comes from a principled perspective: we strongly believe in the rule of law, both at the national and international levels. Courts and judicial institutions are an indispensable part of an effective rule of law. In most countries, almost every single legal

dispute can be brought to court in one way or another. Access to justice is, at least in principle, the default position in a domestic context. But at the international level, it is still the exception. And in the case of criminal law, international courts have in the past been largely non-existent.

We should occasionally pause and remind ourselves what an achievement it was to have the ICC established in the first place. Since starting its operations in 2003, the Court has become a fixture on the international scene, and is subject to the scrutiny of the public. It is also subject to the competing powers of politics, especially when the Court investigates the actions of individuals who are themselves in positions of power. That is a tough spot to be in for an institution that focuses on the law, not politics. Those countries that support the principles upon which the ICC is built must therefore support this institution at the political level and in the public domain. It is precisely for this reason that I have initiated an informal network of Ministers from all over the world who are personally committed to the success of the Court.

A key strategy to address politically motivated criticism against the Court is to employ the facts. But as the Court operates in complex environments, empirical data can be hard to come by. I was therefore delighted to hear about the ongoing efforts to study the deterrent effect of the Court in its first years of operation. Deterrence is indeed a key measure of success for any criminal justice system. Preventing crimes is our biggest goal. I encourage Professor Simmons to continue her research in this field.

But I would also add a note of caution. Deterrence is not the only reason for us to support the ICC. In a domestic context, nobody would argue that criminal courts should be abandoned if the crime rate goes up. Providing justice to the victims of crimes, and thereby preventing impunity, is a goal all by itself. The more crimes are committed, the more justice we need. And it is our responsibility to ensure that politics do not get into the way of justice.

Thank you very much