



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

NEW YORK, 5 DECEMBER 2022

**ICC ASSEMBLY OF STATES PARTIES, 21ST SESSION
GENERAL DEBATE**

**STATEMENT BY H.E. MRS. DOMINIQUE HASLER
MINISTER OF FOREIGN AFFAIRS**

CHECK AGAINST DELIVERY

Madam President,
Excellencies,
Ladies and Gentlemen,

The rule of law, international justice and the fight against impunity have been a priority of Liechtenstein's foreign policy for many years. Naturally, the ICC is a focus of our engagement in this respect. The Rome Statute, whose 25th anniversary we will be celebrating next year, has created a powerful system of accountability for the most serious crimes under international law, which places the ICC at its center. The Rome Statute system is based on the primary role of national judicial systems and designed in such a way that the role of the ICC is complementary and one of last resort – where States fail to investigate and prosecute crimes in their national justice systems. A key ingredient of the system is cooperation from State Parties – an indispensable element to make the Court an effective institution. This cooperation is, of course, essential with respect to the Court's investigations and prosecutions, but it extends far beyond that, in particular in the areas of political, diplomatic and financial support. The annual gathering of this Assembly is the place where key decisions in this respect should be made. We are encouraged by the positive manner in which the Court has embraced the recommendations of the Independent Expert Review and the progress we have seen as a result.

Steady financial support for the Court is essential for its success – as is oversight to ensure the most efficient use of the resources given to it. As a result of the aggression against Ukraine and the numerous crimes we have witnessed in its aftermath, many States have provided massive additional funding to the Court and in particular to the office of the Prosecutor. Liechtenstein firmly supports the Court's investigations in Ukraine and was part of the joint referral of the situation to the Court. At the same time, we also believe that the Court's investigations should never be contingent on voluntary contributions from States, as an important measure to safeguard its independence. This session is the moment for the Assembly to set the Court on a steady financial footing far beyond 2023. We can do this by providing the necessary funding for the Court's investigations and trial activities, but also by replenishing the Contingency Fund.

This is a key tool to ensure the Court's ability to respond to accountability crises with agility, which we certainly all expect the Court to be able to do.

We are also hoping to see more progress on **universality of the Rome Statute**. First and foremost, this means having more States join the Rome Statute and its amendments, as an expression of its increased relevance and political acceptance globally. The most persuasive argument of course is an ICC that delivers results, in an equitable and truly independent manner. But this also requires the full and equal participation of all State Parties in the work of the Assembly. This must also include decision-making for the leadership positions in the Court.

Madam President,

Liechtenstein has been a steady and leading advocate for the Court's jurisdiction over the **crime of aggression**. We welcome the recent ratification of the Kampala Amendments by Peru, which brings the total of ratifiers to 44. The aggression against Ukraine also requires us to take a fresh look at the Court's role on the crime of aggression, given that there has not been a more blatant case of aggression since the creation of the United Nations. The UN General Assembly has determined overwhelmingly that it was aggression, on more than one occasion. And still, the Court is unable to exercise its jurisdiction due to the narrow jurisdictional regime of the Kampala amendments. We support the ongoing discussions to create a Special Tribunal to address the aggression against Ukraine. This is a conversation taking place with all UN member States, of course, but it needs to be in sync with our collective decisions as State Parties. Ensuring the prosecution of the crime of aggression against Ukraine is also beneficial for the ICC and its central place in the area of international criminal justice. We can ensure this by bringing the jurisdictional regime for the crime of aggression in line with the other three core crimes. The notion that the crime of aggression is a crime that is rarely committed has been proven fundamentally mistaken and replaced by the realization that initiating war is both an assault on the international order and the rule of law as a whole, but also results in the commission of atrocity crimes. The ICC can only effectively play its central role in adjudicating

the most serious crimes under international law if it has the competence to do so equitably and consistently across its full docket of situations and with respect to all four Rome Statute crimes.

The ICC carries a very important message: That nobody is above the law, that those who commit the worst offenses against international law will be held accountable. This is a uniquely important statement at a time when the international order is questioned and undermined in a systematic manner. And, it remains a beacon of hope for the numerous victims of atrocities around the globe. Let us have this on top of our minds, always, and factor it in when making decisions about the future of the ICC.

I thank you.