

UNITED NATIONS GENERAL ASSEMBLY, 65TH SESSION

ITEM 73:

REPORT OF THE INTERNATIONAL CRIMINAL COURT

STATEMENT

BY

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TO THE UNITED NATIONS**

NEW YORK, 28 OCTOBER 2010

CHECK AGAINST DELIVERY

Mr President,

I would like to thank President Song for presenting the report of the International Criminal Court today, which illustrates the impressive range of activities the Court has undertaken in the past year. We are satisfied to see again that the Court has made further progress in its proceedings and that it continues to work in the manner in which it was conceived: as an independent and effective international court, committed to the highest standards of justice, working within its jurisdiction and on the basis of the principle of complementarity. As a State Party to the Statute, we fully respect the independence of the Court and will therefore not comment on the specifics of cases before it. States Parties too have strengthened the Rome Statute system through the successful conclusion of the Review Conference in Kampala, Uganda, in June this year. In the area of universality, which must remain our long-term goal, we are particularly pleased about the ratifications of Bangladesh, the Seychelles, Saint Lucia and the Republic of Moldova, which increased the number of States Parties to 114.

Mr President,

The successful outcome of the **Review Conference** is milestone in the development of international criminal justice. States Parties were able to complete the work left unfinished by the Rome Conference by adopting the amendments on the **crime of aggression**. I would like to thank all the negotiating partners for their constructive engagement on this difficult issue, which allowed us to adopt both the definition of the crime of aggression and the conditions for the exercise of jurisdiction, and to do so by consensus. This is truly a historic achievement that strengthens the rule of law at the international level and that also goes to the core of the purpose of this organisation, the United Nations. In this context, I would like to thank the Secretary General for his unwavering personal commitment to the International Criminal Court. The Government of Liechtenstein has already taken a decision in principle to ratify the amendments on the crime of aggression as soon as possible. We hope that many other States Parties will do the same. We were also encouraged by the strong participation of non-States parties

in the proceedings of the Kampala Conference and we do hope that some of them will find the completion of the Rome Statute useful on their way to it. In Kampala, we as States Parties have kept the promise made in Rome, that we would complete the Statute at the first Review Conference.

Mr President,

When we adopted the Statute in 1998, we knew that the crimes to be dealt with by the Court – genocide, crimes against humanity, war crimes and indeed aggression – are inextricably linked to situations of armed or political conflict and would thus give rise to controversial and strongly held views by all those affected. And indeed, the expanding activities of the Court have evoked both strong support and adverse reactions by stakeholders involved. This is an illustration of the relevance of the activities of the court and should not be seen as a distraction from a significant underlying consensus in the international community, whether States have already decided to join the Rome Statute or not: Namely that there can be no impunity for the worst crimes of international concern. As our discussions in Kampala on **peace and justice** have shown, we all stand by this principle, while it may be difficult to apply in practice.

The Review Conference set in motion highly productive discussions on how we can do better in implementing this principle, and culminated in concrete commitments undertaken through the Kampala Declaration and individual pledges. The area of **complementarity** is where we hope that the greatest progress can be made in the near future. States Parties have reaffirmed their primary responsibility of States to prosecute perpetrators of genocide, crimes against humanity and war crimes. National jurisdictions are at the heart of the fight against impunity. The ICC has already had an important catalytic function that has led to the strengthening of national jurisdictions. We note for example the intention of the Democratic Republic of the Congo (DRC) to try the recently arrested militia commander Mayele and other suspected war criminals in its domestic judicial system. Indeed, genuine domestic proceedings are not only an

obligation stemming from the Geneva Conventions; they are also the preferred option under the Rome Statute.

The multitude of UN actors, and others, engaged in rule of law capacity-building and technical assistance play an important role in this regard. These efforts must be strengthened and their coordination must be improved, under the leadership of the Rule of Law Coordination and Resource Group. Again, it is important to stress that States are obliged under treaty law and customary international law to domestically prosecute genocide, crimes against humanity and war crimes irrespective of whether they are States Parties to the Rome Statute or not. Improving technical assistance in this respect is thus a necessity that should be seen independently from the daily business of the Court. Indeed, it goes to the very heart of the mandate of the United Nations itself.

Mr President,

Cooperation is another area where progress can and must be made. The Court's effectiveness is wholly dependent on the cooperation of States, international organisations and civil society. We welcome the continued cooperation extended by States in particular with regard to the situation in the DRC, as recently underscored by the arrest of Callixte Mbarushimana in France. At the same time, there is concern, however, about the lack of support for the Court's activities in a number of other situations, most prominently the investigation mandated by the Security Council regarding Darfur. This lack of cooperation poses a challenge to the authority of the Security Council and also puts into question the legal obligations underwritten by States Parties to the Rome Statute. We note in particular that no State Party can be relieved of these obligations by virtue of a competing obligation outside the Rome Statute. We therefore hope that States Parties will engage in a constructive dialogue on how to improve cooperation across the board, including in situations where such cooperation entails difficult political decisions. It is also our hope that the Security Council will live up

to its obligation to consider the issue of cooperation in the one case where it has referred a situation to the Court.

Mr President,

The Court continues to stand as a beacon of hope for **victims** of mass atrocities around the world. We are pleased that the paradigm shift reflected in the Rome Statute towards a more victim-centred approach continues to be put into practice by the Court. In this context, Liechtenstein places particular importance on the activities of the Trust Fund for Victims, and has pledged to continue its financial support for the Fund.

I thank you.