



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
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ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE

GENERAL DEBATE

STATEMENT BY MR. STEFAN BARRIGA

MINISTER, DEPUTY PERMANENT REPRESENTATIVE

Mr. President,

We would like to thank the principals of the Court for their reports. We congratulate Judge Silvia Fernandez de Gurmendi for assuming the Presidency, especially as the first woman ever to do so. The Court is buzzing with judicial activity. This is a sign of a healthy judicial institution – but also a sign of a troubled world, in which far too many people are suffering from most serious crimes. For many of them, justice remains a distant dream, especially for those outside of the Court’s jurisdiction. Places such as Syria, Iraq and the DPRK come to mind – places where under current circumstances only a Security Council referral could serve as a basis for the Court’s jurisdiction. Yet we have experienced that Council referrals come with their own set of problems. They are not a sustainable substitute for the **universality** of the Rome Statute – a goal that should be much higher on our agenda. This is why the Informal Ministerial Network in support of the ICC, led by Liechtenstein’s Foreign Minister Aurelia Frick, recently adopted an Action Plan for Universality, aiming to increase these efforts at the political level.

Mr. President,

More than a decade after the beginning of its operations, the ICC is no longer a start-up. It is a mature independent judicial institution with professional, diverse and experienced senior officials and staff. They are working hard to fulfill the mandate we have given to them in the Rome Statute – by any measure a hugely difficult task. For this system to work, we must be mindful of the role assigned to States Parties in the Statute. Our primary role, indeed our legal obligation, is to cooperate fully with the Court at its request, as elaborated in great detail in Part IX of the Statute. The primary role of this Assembly, in turn, is to support the Court by deciding the budget and to oversee the management of the Court's administration. The ASP also has a legislative role in the amendment process of various legal instruments. It should go without saying that the ASP has no role in the **judicial process** itself. It is therefore of concern that some new items on our agenda give the impression that the ASP, as an organ established under the Statute, would discuss whether it agrees or disagrees with how certain Court organs have interpreted certain provisions of the Statute – and especially on issues that are currently subject to appeal. That would be highly problematic, as highlighted in the joint letter by the three principals. Frankly speaking, we are also concerned at the tone in which of some of the criticism is advanced. We are however always open to addressing any issues through the Assembly's established, purely legislative process. In fact, we are keen on making further progress in improving the rules of procedure and evidence. Efforts to increase the **efficiency of judicial proceedings** should be pursued with high priority. We applaud the Court for its own initiatives in this matter. The Assembly should not lag behind and do its part, in particular by adopting pending draft amendments to the rules of procedure.

Mr. President,

We regret that the silence procedure on the **budget** has been broken. In light of its challenging task, the Court's financial requirements are in fact rather modest. Yet during the past year, the Prosecutor cited a lack of funds as the main reason for not pursuing certain investigations. This is a very worrying development. We believe that the Court's work should be driven by the

demands of justice, and that the supply of funds should follow suit. This is ultimately also a matter of efficiency. We are reaching a point where financial austerity may actually lead to delays in judicial proceedings, and thus to a loss of efficiency.

Mr. President,

Cooperation and non-cooperation remain central themes on the agenda of the ASP, in particular in connection with the execution of outstanding arrest warrants – an area of great concern. Under article 112 of the Statute, this is actually an area where the ASP does have a specific task relating to concrete judicial proceedings: to consider the issue of non-cooperation, once the Court has made a concrete finding to that effect and referred the matter to the ASP. Indeed, this is an area that deserves increased attention. We also believe that there is great potential to improve cooperation in the area of **financial investigations**. We invite you to attend our side-event on this topic tomorrow morning, which will highlight the outcome of a recent workshop that we organized with the Court on this issue.

Mr. President,

The Assembly will soon have to turn its attention to the activation of the amendments on the **crime of aggression**. In Kampala, we promised collectively to activate the Court's jurisdiction "at the earliest possible moment" in 2017. We are getting close to the required 30 ratifications and should thus prepare for the activation decision. This will primarily require the political will to keep the promise of Kampala. Once activated, the Court will finally dispose of its complete mandate, as foreseen in Rome, and serve as a deterrent against the most serious forms of the illegal use of force. We will discuss this important step further in a side-event to be held on Tuesday next week. And we stand ready, as we have for several years now in the context of our campaign (www.crimeofaggression.info), to assist States interested in ratifying or implementing the Kampala consensus.

I thank you.