



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

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NEW YORK, 10 DECEMBER 2014

CHECK AGAINST DELIVERY

ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE

**GENERAL DEBATE**

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

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President,

As we meet here in New York for our thirteenth session, those at the forefront of the fight against impunity look to us States Parties for strong support for the Court, its work and its judicial independence. We are grateful that you will guide our efforts in this regard for the next three years and look forward to working closely with you. Allow me to focus my comments on how this Assembly can further strengthen the Court's work and the Rome Statute system as a whole.

At this session, we will elect six new judges. The ICC must be staffed by the most qualified judges in order to be successful. As the Court's caseload continues to increase, we all look to the judges to provide well-considered and timely decisions and justice delivered in an even-handed and efficient manner. This election is informed by the opinion of the Advisory Committee on Nominations, an independent expert body made up of eminent legal experts that has provided important assistance to States. We are grateful to the Committee and look forward to its continued guidance.

Mr. President,

Events in the past year have again illustrated that the Court can only be effective if States provide full and timely cooperation, in particular through arrest and surrender. The Court has again issued a finding of non-cooperation against a State Party in the *Bashir* case. The Trial Chamber in the Kenyatta case found that the Kenyan government's failure to cooperate "has reached the threshold of non-compliance required under the first part of Article 87(7) of the Statute." Full and timely cooperation is not optional. It is a clear obligation for each State Party and necessary for the Court to properly do its work. It is facing ever increasing challenges as a result of instances of non-cooperation. Time has therefore come to review the Assembly procedures on non-cooperation, in order to enhance effectiveness on one of the Assembly's core mandates.

Mr. President,

With the Court having completed its first judicial cycle, the time has come to have a look at lessons learnt and to make judicial proceedings more effective and efficient. This will serve to better protect the interests of victims as well as the rights of the accused – and ensure the best possible use of the resources of the Court. Some of the cases before the Court have also demonstrated the need to strengthen the current witness protection framework where serious deficiencies seem to exist.

The necessary work on these issues will also offer an opportunity for a more dynamic and productive interaction between the Court and States Parties. The main originators of proposals to improving judicial proceedings should be the Court itself, in particular the judges. They are, after all, elected by us to apply the Court's statutory framework on a daily basis. Our role as States Parties will be a discussion of these suggestions and their adoption for the benefit of the

Court. Some work, as we know, has already been done, albeit in a very time-consuming fashion. The time has come to work towards the adoption of a comprehensive package of amendments to the Rules of Procedure and Evidence that allows for quick implementation of the changes that make the Court a more efficient institution.

Mr. President,

It is regrettable that no State has joined our family of States Parties since the last session of the Assembly – for the first time since this Assembly meets. Universality of the Rome Statute is a necessity to bring about the end to impunity envisaged in its preamble. Liechtenstein continues to use every opportunity, including at the political level, to encourage and assist other States in ratifying the Rome Statute, also as part of our campaign for the ratification of the Kampala Amendments. In contacts with interested non-States Parties, it is important to point out that the 2010 Rome Statute – including the Kampala Amendments – now represents the state of the art and should be the version to be ratified.

The closer we come to reaching the goal of universality, the less we will have to depend on the imperfect tool of Security Council referrals. These referrals come with significant problems for the Court and have been a mixed blessing so far, including by putting a strain on the limited resources available. But for years to come, they may well be the only option of bringing justice to victims in places such as Syria or the DPRK. States Parties should also give more thought to referring situations to the Court based on the principles of territoriality or nationality of perpetrators. We look forward to working together especially with those who feel that the Courts activities are too strongly focused on one region.

Mr. President,

I congratulate Georgia on its ratification of the amendments on the crime of aggression this past Friday. 20 States have now ratified these amendments, with many more States set to

follow soon. We can therefore be confident that we will reach the 30<sup>th</sup> ratification, the threshold required for their activation in 2017, well before the end of next year. We look forward to working together with States Parties to ensure that the very successful ratification process results in a smooth activation decision in 2017. This will finish the job, as decided in Kampala, and allow us to make the most significant contribution to the prevention of the illegal use of force since the adoption of the UN Charter.

I thank you.