

Review Conference of the International Criminal Court (ICC)

Address by H.E. Aurelia Frick, Minister of Foreign Affairs

31 May 2010, Kampala, Uganda

Mr. President

Mr. Secretary-General

Excellencies

Ladies and Gentlemen

Historic moment for the Rome Statute

This is a proud moment for the International Criminal Court. Almost 12 years after the adoption of the Rome Statute in 1998, and seven years after its entry into force, we have gathered here in Kampala to underscore our commitment to this historic project.

This Conference highlights the remarkable success of the Court. Within a relatively short period of time, the ICC has become the centrepiece of international criminal justice. Originally the Review Conference was seen as the first opportunity for States Parties to consider amendments to the Statute. Today we know that the Statute does not need fixing. It works.

The work and the activities of the International Criminal Court (ICC)

The Review Conference is an excellent occasion to reflect on the achievements and the challenges of the ICC. It is also an excellent occasion to reaffirm our commitment to combat impunity for the gravest crimes under international law. Even more importantly, we hope that this Conference will strengthen our concrete support for the Rome Statute, in particular in the areas of:

- universality
- cooperation and
- complementarity.

The Court has displayed the independence, professionalism, excellence and dedication that is necessary to uphold the effectiveness and credibility of this institution, thereby serving the interests of justice and due process. Trials, investigations and preliminary analysis' are ongoing with respect to situations on three continents. In the area of victims' participation, the Court's early work has been groundbreaking. Let me add here that **Liechtenstein** has pledged to continue its financial support for the Trust Fund for Victims.

The objective of universal adherence to the Statute

Universal adherence to the Rome Statute remains our long-term goal. We warmly welcome Bangladesh as the latest State Party. We call on all non-States Parties to use this Conference as an opportunity to consider the advantages of joining the Statute. To us, the value of becoming a State Party is

obvious: As a matter of fact, all States are already potentially subject to the Court's jurisdiction by way of a Security Council referral. In this sense all States are already part of this common venture to end impunity, and they have significant legal obligations in this regard. However, only States Parties are rewarded with important rights under the Rome Statute. Most importantly, they find themselves under the protection of the Court, which may open investigations into crimes committed on a States Party's territory, thereby contributing to the prevention of such crimes.

The principle of complementarity

Complementarity as one of the fundamental principles of the Rome Statute is an important focus of this Conference. States have the primary responsibility to domestically prosecute perpetrators of the most serious crimes under international law, whereas the ICC serves as a court of last resort. At the same time, very little interaction exists between the Rome Statute system and international efforts aimed at strengthening national jurisdictions, in particular through capacity-building and technical assistance. We hope that the coming days will mark the beginning of sustained effort to better integrate these two important parts of the international system.

Cooperation

We also hope that the Review Conference will move cooperation with the International Criminal Court higher up on the agenda of all States. We must renew our efforts for the execution of outstanding arrest warrants. We need concrete and creative cooperation with relevant States that have the capacity to assist in this regard. Every State Party must look critically at its own record

of cooperation with the Court, beginning with the legislative basis. In Liechtenstein, we have all the legal tools in place to fully cooperate with the Court. As far as the full and explicit integration of the substantive crimes into our criminal code is concerned, we have pledged to take significant steps in the near future.

Amendments to be discussed at the First Review Conference

Over the next two weeks, the Review Conference will devote much attention to the negotiations on the crime of aggression. From our perspective, finding acceptable provisions on the crime of aggression is a matter of completing the single most important task that was left over from Rome. We are greatly encouraged by the support shown by delegations for the negotiation process. A solution will only be achieved if all sides are willing to engage in good faith and to actively seek a compromise. Completing the Rome Statute and strengthening the Court must be the ultimate goal.

Conclusions / Outlook

To conclude, Mr. President, I wish to thank all those involved in the preparation of this Conference, including the Bureau, the Facilitators and Focal Points, the ASP Secretariat, civil society, and our host country, Uganda.

This is also a very proud moment for Liechtenstein, through our Presidency. It is the first time that such an important international conference is presided over by a Liechtenstein diplomat. Let me take this opportunity to thank you, Mr. President and your team, for your tremendous effort.

Let me assure you and everybody in this room of the full commitment of the Liechtenstein Government and people to the International Criminal Court and to a successful Review Conference. The way to Kampala was marked by excitement and a sense of common purpose. It reminded us of the huge political momentum that had made Rome a success. Let's make Kampala a big success as well.

Thank you.