



PERMANENT MISSION OF THE PRINCIPALITY OF LIECHTENSTEIN  
TO THE UNITED NATIONS

**ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE  
OF THE INTERNATIONAL CRIMINAL COURT  
7<sup>TH</sup> SESSION**

**STATEMENT**

**BY**

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**OF THE PRINCIPALITY OF LIECHTENSTEIN**

**TO THE UNITED NATIONS**

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CHECK AGAINST DELIVERY

Excellencies, Ladies and Gentlemen

I would like to take this opportunity to make a statement in my national capacity. It is a proud moment for Liechtenstein to stand at the helm of the Assembly of States Parties, and it underscores our commitment to the cause of the International Criminal Court and international criminal justice more generally. This has been a year of both celebration and extraordinary challenge for the ICC. This debate therefore provides a useful opportunity to take stock of our common endeavour to fight impunity, ten years after the historic adoption of the Rome Statute in 1998.

The Rome Statute has created the Court as an independent judicial institution, and therefore we will not comment on specifics of current cases pending before the Court. More generally, however, we would like to express that we are very satisfied with the Court's performance, and in particular its judicial work. The Court shows many signs of a healthy judicial institution, including a vibrant legal dialogue between its organs, as several cases move along. The various organs of the Court and their staff have continued to display the professionalism, excellence and dedication that is necessary to uphold the effectiveness and credibility of this young institution, thereby serving the interests of justice and due process. We particularly welcome the additional arrests made with respect to the situations in the DR Congo and the Central African Republic. States Parties should be encouraged by the fact that the number of suspects in custody of the Court has risen from one to four. Nevertheless, we are concerned that seven arrest warrants are still awaiting their execution. We call on all States concerned to abide by their obligations under international law and to cooperate fully with the Court. States Parties have a special obligation in this regard, as does the Security Council with respect to situations it referred to the Court.

The activities of the Court over the last year have reinvigorated discussions about the wisdom of pursuing justice in situations where conflicts persist or where peace is fragile. The decision made at the Rome Conference that amnesties or any other form of impunity for genocide, war crimes and crimes against humanity are unacceptable under international law can indeed be difficult to apply in practice. In this respect, we find ourselves in an era of transition. Offering impunity in return for uncertain promises of political concessions is a dogma of the past. Indeed, the young history of international criminal justice has witnessed many situations where justice was initially seen as a mere complicating factor, but later had to be acknowledged as a catalyst for peace – for sustainable peace, that is, not for just another short-lived agreement. More importantly though, impunity for the worst crimes of concern to the international community is simply no longer a choice under international law. The International Court is now actively turning this principle into practice, thereby promoting justice, the interests of victims, and the prevention of horrendous crimes worldwide.

We welcome the new Parties to the Rome Statute – Madagascar, Suriname and the Cook Islands. In our further efforts to achieve universality, we must counter existing misconceptions about the Court and its Statute that exist in various parts of the world, often exacerbated by specific political constellations without any direct connection to the Statute itself. We must renew our efforts to explain and illustrate the main principles of the Rome Statute and the self-interest of States to become party to it. An important consideration in this regard is the fact that every State in the world – State Party or not – is already part of this common venture to end impunity, since the ICC derives its jurisdiction both from the Rome Statute and from the United Nations Charter. However, only States Parties are also rewarded with important rights under the Rome Statute: 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. This protection applies to crimes committed by nationals of States Parties, but also to crimes committed by foreign forces. States Parties do furthermore have the right to contribute to the institutional

framework of the Court, *inter alia* by nominating and electing judges and other senior officials, and by deciding on the Court's budget. The Rome Statute provides an elaborate system of accountability in which States Parties play a central role. In sum, becoming a State Party to the Rome Statute brings clear benefits to any State that is committed to prevent and punish genocide, war crimes, and crimes against humanity on its territory. In turn, every ratification of the Rome Statute constitutes another step towards a more effective rule of law at the international level.

States Parties do furthermore have a particular privilege, namely to decide on amendments to the Rome Statute in the context of the Review Conference to be held in 2010. Once again, we would like to express our appreciation to all delegations that have participated constructively in the Special Working Group on the Crime of Aggression. We note that the Group will have to finalize proposals on aggression as early as February 2009. We are encouraged by the support shown by all delegations for the inclusion of the definition of aggression in the Rome Statute, allowing the Court to exercise jurisdiction over this supreme crime under international law. At the same time, this goal will only be achieved if all sides are willing to engage in significant concessions. We are confident that all delegations are fully aware of the historic opportunity that lies before us.

I thank you.