

ITEM 74:
REPORT OF THE INTERNATIONAL CRIMINAL COURT

STATEMENT

BY

**H.E. AMBASSADOR CHRISTIAN WENAWESER,
PERMANENT REPRESENTATIVE
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS**

NEW YORK, 9 OCTOBER 2006

CHECK AGAINST DELIVERY

Madame President

I would like to thank the President of the International Court, Mr. Philippe Kirsch, for presenting the second report of the ICC to the UN General Assembly. We note with great satisfaction the progress made in the work of the Court over the last year. The importance of these developments can not be overstated, keeping in mind that the ICC is a recently established institution aimed at promoting justice on a permanent basis. The entry into force of the Rome Statute and the establishment of the Court have clearly begun to have an impact far beyond the cases which the Court is dealing with: States have adapted their legislation dealing with the most serious crimes of concern to the international community. The Court is spearheading **international efforts to end impunity**, and the commitment of the international community as expressed in the Rome Statute has led to the creation of special tribunals and other mechanisms dealing with past crimes. The first investigations of the Prosecutor in a number of situations have sent a clear message to past and potential perpetrators in other parts of the world: even if their country might not be able to bring them to justice, the International Criminal Court can. The system of justice established by the Rome Statute is contributing to deterrence worldwide, and this effect will continuously be strengthened through the future work of the Court and the publication of its results.

Madame President

The rule of law requires that Courts can exercise their functions independently, and the Rome Statute upholds that principle through various safeguards. I would like to refrain from commenting on any decisions or actions taken by the Court's organs in current cases, but we note nevertheless that the Court has fully lived up to the expectation of an **impartial and independent judiciary**. There is no doubt that the International Criminal Court is committed to promoting justice in accordance with the Rome Statute and the Charter of the United Nations, and that the Court is beyond any suspicion of politicization.

Even as an independent institution, however, the Court can not act alone. We take note of the strong emphasis placed by the President on the need for **cooperation**. Such cooperation can take many forms, and must come both from Member States and the United Nations system, in particular from the field operations it has established. In this respect, we welcome the establishment of the Court's Liaison Office in New York, which will help promote the cooperative relationship between these two organizations. We call on the Secretary-General to ensure that the Relationship Agreement with the Court is implemented to the fullest extent possible.

Madame President,

The preamble of the Rome Statute reaffirms the purposes and principles of the United Nations Charter, and the first such purpose under Article 1 of the Charter is to maintain international peace and security. The ICC was designed as an institution which promotes and delivers justice, based on the principle of complementarity, and thereby contributes to peace. **Justice and peace** are therefore not mutually exclusive goals, quite the opposite. The real peace-versus-justice dilemma was the fact that, before the establishment of the International Criminal Court, there was no permanent international institution which could deliver justice for the worst crimes committed during conflict. Because of this glaring gap in our system of international institutions, impunity was a reality, and amnesty was a bargaining option for those responsible for crimes. The establishment of the International Criminal Court therefore represents a paradigm shift which will over the course of time effectively deprive those responsible for the worst crimes of the opportunity to demand amnesties, because their counterparts in negotiations will not be able to effectively guarantee impunity. Negotiations and deals with those responsible for such crimes will therefore have to rely on elements and incentives other than permanent impunity. Eradicating impunity will in the long run contribute to sustainable peace in a particular post-conflict situation, but also contribute to deterrence worldwide. Note should be taken nevertheless that the Rome Statute allows certain flexibility in

investigations, in particular in the light of the interests of victims and the interests of justice. This flexibility is however not subject to negotiations with criminals.

Madame President

Liechtenstein has supported the Court from the beginning, and will continue to do so wherever possible. We have ratified both the Rome Statute and the Agreement on Privileges and Immunities, and adopted the necessary implementing legislation. In the context of the Assembly of States Parties, one important priority is the work on the definition of the **crime of aggression**, where the respective Working Group strives to elaborate concrete proposals by 2008. Much progress has been made on this topic in the last intersessional meeting at the Liechtenstein Institute on Self-Determination at Princeton University, and we look forward to continuing our discussions on this issue, which is open not only to States Parties of the Rome Statute, but to all States that have signed the Final Act of the Rome Conference.

Finally, Madame President, we would like to invite all States who are not yet parties to the Rome Statute to continue to evaluate the work of the Court. We are confident that doing so will allow them to join the majority of United Nations Member States who decided to be part of this historic enterprise.

I thank you.