



GOVERNMENT
PRINCIPALITY OF LIECHTENSTEIN

MINISTRY OF INFRASTRUCTURE
AND JUSTICE

Speech by Minister Dr. Graziella Marok-Wachter

Minister of Infrastructure and Justice

at the
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Excellencies, ladies and gentlemen,

We are happy to be here for this conversation in support of the ICC's investigations in Ukraine. Like many others here, we referred this situation to the Court, while maintaining our undiminished support for the Court's activities in other parts of the world.

The ICC, which already had more than two dozen situations on its docket before this referral, faces an ever-growing workload and higher-than ever expectations. We need an ICC that is able to handle this challenge and that can deliver results effectively and expeditiously. For the Court to succeed, we must extend full political and diplomatic support to the ICC, which is best expressed through continued commitment to strong regular budget support.

With respect to the discussion we are having today, allow me to briefly outline two of Liechtenstein's key contributions. First, very soon after the 2022 invasion, Liechtenstein established a "Ukraine Special Commission" and initiated an investigation into war crimes and crimes against humanity in order to gather and secure evidence, especially on the basis of interviews with persons who have fled the war in Ukraine. We did this also with a view to sharing relevant information with the ICC, as well as with national courts invoking universal jurisdiction. Our law enforcement authorities have interviewed persons who fled from Ukraine to our country and who have knowledge of possible war crimes and/or are in possession of relevant evidence. We are committed to sharing relevant evidence with the ICC and have already engaged with Prosecutor Khan in this respect.

One of the defining features of the Ukraine war is its unique combination of "traditional" and modern warfare. Aspects of the military operations in the Donbas in particular are reminiscent almost of World War I. At the same, and less visible, there is a unique dimension of cyberwarfare to this atrocious conflict. Well before the invasion of Ukraine, Liechtenstein led an in-depth analysis of the application of the ICC's Rome Statute to Cyberwarfare – an analysis which is all too relevant in the current situation. With support from a number of other States parties, we brought together international law scholars as well as representatives of the ICRC and the ICC's Office of the Prosecutor as a "Council of Advisers", to explore the specific role of the ICC in providing accountability for malicious cyber operations. The Council of Advisers was unanimous in its finding, that the Rome Statute applies to cyber operations without the need for any statutory amendments. The report also helps to form the increased understanding and awareness of the potential of the ICC with respect to the prosecution of relevant cyber operations and will contribute to deterring such crimes and bringing justice to victims. And, the war in Ukraine is tragically demonstrating the need for accountability and deterrence for cyberwarfare. We will therefore work with our partners to help ensure that relevant cyberattacks in the context of the aggression against Ukraine are part of the ICC Prosecutor's investigation. We are ready to facilitate engagement between the legal experts that reported on the application of the Rome Statute to cyberwarfare with the ICC Prosecutor, and would suggest a first closed-door roundtable to explore this topic further with the ICC Prosecutor and relevant interlocutors.

Dear colleagues, ladies and gentlemen,

The ICC deserves our full support in carrying out its important work on the situation in Ukraine. Liechtenstein has been a strong supporter of this institution since the very beginning – and the Court can continue to count on our support at this important juncture.

We applaud the progress made by the ICC in its Ukraine investigation and the arrest warrants issued on Friday. We will give our full cooperation as well as diplomatic and political support in the follow-up to this decision and continue pursuing our efforts to help create a Special Tribunal on the Crime of Aggression.

I thank you.