

**International Criminal Court  
Twelfth Session of the Assembly of States Parties  
(The Hague, 20 to 28 November 2013)**

**Statement on behalf of**

**Austria**

**by**

**H.E. Mr. Werner Druml  
Head of the Austrian Delegation  
Ambassador of the Republic of Austria  
to the Kingdom of the Netherlands**

**The Hague, 21 November 2013**

Madam President,

Austria fully aligns itself with the statement made by Lithuania on behalf of the European Union. In addition, we would like to offer the following remarks:

My delegation appreciates the increasing role which the ICC plays in international relations. Today, the ICC is globally recognized as a key instrument in combating impunity, preventing future crimes and promoting an international order based on the rule of law. However, in view of its expanding docket, the Court faces various challenges which require our attention.

Austria appreciates the various “lessons-learned” efforts that have been undertaken by the Court in the context of last year’s tenth anniversary of the Rome Statute. We highly estimate that the heads of the organs of the Court have participated actively in this process. A new OTP Strategy and the reorganization efforts in the Registry should make the work of the Court more effective and its administration more efficient. Now it is up to the States Parties to provide the financial means that are necessary for the Court to fulfil its mandate.

Austria welcomes the special focus on cooperation and victims and affected communities with special plenary discussions during this meeting of the ASP. Cooperation remains one of the key challenges. We must continue to support the Court to ensure full cooperation in accordance with the obligations under the Rome Statute and relevant Security Council resolutions, including the implementation of arrest warrants and other requests of the Court. Bringing justice to the victims, in particular through participation in the proceedings or reparations, is another key challenge. We commend the activities of the Trust Fund for Victims, which needs the Member States’ support.

Madam President,

In our opinion, it is of equal importance that the Court ensures accountability for the most serious crimes even-handedly. We are ready to listen to the concerns and engage in an open dialogue, including discussions on possible adaptations of the Rules of Procedure. We share the view that the Assembly of States Parties is the appropriate forum for such discussions. But in order to build bridges and foster mutual understanding, the dialogue should also continue at the expert level. As one of the co-sponsors of the joint AU-ICC Seminars in Addis Abeba Austria hopes that this very successful series of events will continue in the future.

Madam President,

We believe that any discussions among States Parties on the improvement of the Rome Statute system should respect the following fundamental principles:

- First of all, the ICC is founded on the principle that there must not be any impunity for the perpetrators of the crimes of genocide, aggression, war crimes and crimes against humanity, which are of concern to the international community as a whole. The Rome Statute system clearly demonstrates that peace and justice go hand in hand.
- Secondly, in order to fight impunity for such serious crimes it is essential that the law applies equally to all persons without distinction based on official capacity. This principle, which is enshrined in many international instruments including the Nuremberg Principles, the Genocide Convention and the ICTY and ICTR Statutes, is a cornerstone of international criminal law. We note, however, that there are different interpretations on the relationship between Art. 27 and Art. 98 of the Rome Statute.

- Thirdly, all States Parties must fully respect the independence and impartiality of the Court. This is a fundamental principle and a prerequisite for the functioning of all justice systems. All parties must refrain from interfering with the judicial process. At the same time, all Court officials, especially the Judges and the Prosecutor, must perform their functions in strict compliance with their independent mandate.
- Finally, we must uphold the highest standards of due process and fully respect the rights of the accused, in particular the presumption of innocence. While the Court must guarantee fair proceedings and the rights of the defence, the public should not rush to any prejudgment pending the trial. In this context, it is important to clarify that the policy to avoid non-essential contacts, as discussed among EU Members, only applies to individuals subject to an arrest warrant issued by the ICC, i.e. persons who refuse to cooperate with the Court and attempt to evade justice.

Madam President,

Before closing, my delegation would like to stress the indispensable role of all NGOs in making the voices of civil society and especially the victims heard. Austria affirms its continuing and unwavering commitment to support the ICC in its fight against impunity. We are confident that we will never lose sight of our common goal to strengthen universal respect for international humanitarian law, human rights and the rule of law.

Thank you, Madam President.