



**PERMANENT
MISSION
OF AUSTRIA**
TO THE UNITED
NATIONS IN NEW YORK

**International Criminal Court
Thirteenth Session of the Assembly of States Parties
(New York, 8 to 17 December 2014)**

Statement in the General Debate

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**

New York, 11 December 2014

[Check against delivery]

Mr. President,

At the outset, let me warmly congratulate you on your election as the first African President of the Assembly of States Parties. I can assure you of my delegation's full support and we are convinced that you will skilfully guide the deliberations of this Assembly. I also commend former President Intelmann and the other members of the Bureau for their hard work. My delegation would also like to thank all Court officials, especially President Song, Prosecutor Bensouda and Registrar von Hebel for their dedicated service for the Court and the pursuit of international justice.

Austria fully aligns itself with the statement made earlier today by Italy on behalf of the European Union. In addition, I would like to make the following observations.

First, as we meet here at the UN headquarters in New York, we would like to stress the need to enhance the cooperation between the UN and the ICC in the fight against impunity. In particular in cases of referrals such as Darfur and Libya, the ICC needs unwavering political support and follow-up action by the Security Council in order to be able to fulfil its mandate. In view of the horrific crimes committed by the fighters of the so-called "Islamic State" and other parties to the conflict in Syria and Iraq, we strongly support the EU's call on the Security Council to refer the situation in Syria to the Court as well as its call on Iraq to accede to the Rome Statute. We also support the call for the Security Council to consider a referral of the situation in North Korea to the ICC for alleged crimes against humanity.

However, in view of the increasing expenses incurred due to referrals by the Security Council, an arrangement is needed for sharing the financial burden between the ICC and the UN. There is also a need to institutionalize the cooperation between the Court and the Security Council, which could be achieved without difficulty by adapting the mandate of the Informal Working Group on Tribunals.

Second, we would like to reiterate the importance for all States Parties to uphold and respect the fundamental principles of the Rome Statute system. This includes the equal application of the law to everybody, without distinction based on official capacity, and the respect for the independence and impartiality of the Court. These principles are a prerequisite for the functioning of all criminal justice systems.

Third, my delegation welcomes the special focus on cooperation with a special plenary discussion held during this week. We call on all States Parties to fully honour their obligations to cooperate with the Court, as stipulated in Article 86 of the Rome Statute. In this regard, we think that it is important to implement a consistent and uniform policy of “non-essential contacts” with persons subject to a warrant of arrest.

Finally, I would like to inform that on 17 July this year Austria deposited its instruments of ratification of the Kampala amendments regarding the war crimes in Article 8 and the crime of aggression. On 11 November the Federal Government approved a draft bill for the inclusion of crimes against humanity and war crimes under the Rome Statute into the Austrian Criminal Code. The bill already implements the Kampala amendments of Art. 8 of the Rome Statute, the crime of aggression will be incorporated into national

legislation at a later stage. After adoption by the Parliament the amendments will enter into force in early 2015.

Thank you, Mr. President.