

**Statement by**  
**H.E. Mr. Werner Druml**  
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**Ambassador of the Republic of Austria**  
**to the Kingdom of the Netherlands**

**International Criminal Court**  
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**General Debate**

**The Hague, 15 November 2012**

“As delivered”

## **Statement by Austria – ICC ASP-11**

Mr. Vice-President,

Austria fully aligns itself with the statement made by Cyprus on behalf of the European Union. In addition, we would like to offer the following remarks; this, however, not without thanking you, Mr. Vice-President and the other members of the Bureau and the Secretariat for your dedicated work in preparing this meeting.

Mr. Vice-President,

This year marks the tenth anniversary of the entry into force of the Rome Statute, which we have also solemnly celebrated during the past two days. We all can look back at remarkable achievements:

First, the ICC is well underway on its path towards universality. Almost two thirds of the UN membership have become parties to the Rome Statute. We welcome Guatemala as the 121st State Party and call upon other States to follow suit in the near future.

Second, the consensus reached at the Kampala Review Conference in June 2010 on the crime of aggression and other amendments of the Rome Statute was a landmark achievement in the evolution of the Court, which demonstrated the strong commitment of all State Parties towards the Rome Statute.

Third, the ICC is generally recognized as a key instrument in combating impunity, preventing future crimes and promoting an international order based on the rule of law. The Court is now fully operational and has delivered its first sentence in the Lubanga case, which also constitutes a landmark for the issues of victims' participation and reparations. In this context, we would like to draw attention to the second AU-ICC Joint Seminar devoted to this case, which was recently held in Addis Abeba and was co-sponsored by my country.

Mr. Vice-President,

Looking at the road ahead, we also see many challenges which require our immediate and proactive response. Ensuring accountability evenhandedly for the most serious crimes of concern to the international community as a whole remains the main challenge for the Court. The Court's expanding docket, which includes Heads of State and other high-ranking accused from many countries, sends a strong signal that justice

applies to all, without any distinction based on nationality, official capacity or rank.

The referral of the situation in Libya to the ICC through the unanimous adoption by the Security Council of resolution 1970 (2011) was a milestone. We believe that other situations would warrant the same decisive action by the Security Council, and call for a coherent approach to referrals. We cannot turn a blind eye to mass killings of innocent civilians, as we are currently witnessing in Syria. We must stop the atrocities and ensure that the perpetrators and those ordering the crimes are brought to justice. A referral of the situation in Syria to the ICC would send a clear signal that every individual responsible for war crimes and crimes against humanity will be held accountable.

However, the referral of a situation to the ICC is only the starting point to justice. The ICC cannot fulfil its mandate without the continuing support and cooperation by Member States, in particular with regard to arrest and surrender of suspected perpetrators. All States must abide by their obligations to cooperate under the relevant Security Council resolutions and the Rome Statute. In view of the increasing caseload for the ICC, we also call on the UN to bear an adequate share of the costs incurred by referrals.

Cooperation with the Court remains one of the key challenges for the future. We must reinforce our efforts to ensure full cooperation with the Court in accordance with the obligations under the Rome Statute and Security Council resolutions 1593 (2005) and 1970 (2011), including the implementation of arrest warrants and other requests of the Court. To this end, we also have to foster national implementation of the provisions of the Rome Statute. My delegation welcomes the special focus on cooperation and complementarity with special plenary discussions during this meeting of the ASP.

In order to assist the ICC in fulfilling its important tasks, we see the need to further examine how to ensure full respect of the necessary privileges and immunities of the Court and its staff worldwide. We call on all States, which have not yet done so, to consider ratifying or acceding to the Agreement on Privileges and Immunities of the ICC. When considering referrals, the Security Council should ensure that ICC staff and officials are granted all the immunities and protection that are necessary to fulfil their mandate.

With respect to the Kampala amendments, we need to continue our efforts to fully activate the Court's jurisdiction. On the part of Austria, this spring we finalized a joint German translation of the Kampala amendments together with the other German speaking countries. We will convene an inter-ministerial working group in Austria before the end of the year to prepare the ratification process. In order to fully comply with the principle of complementarity, we are also preparing a government bill on the explicit incorporation of specific international crimes in the Austrian Criminal Code corresponding to the relevant provisions in the Rome Statute, which we plan to finalize by the end of this year. In accordance with our Kampala pledges, we recently held discussions with the Court on a possible memorandum on witness relocation.

Finally, while we are aware of the increasing workload and tasks of the Court, also in the light of the current dire economic and budgetary conditions for many States Parties, we urge the Court to continue the utmost budgetary discipline. Our gratitude extends to the Committee on Budget and Finance for its efforts to ensure the efficient use of financial resources.

Austria once again stresses the indispensable role of NGOs for the development of the Court, both in the past and the future. In particular, we wish to thank the Coalition for the International Criminal Court for its constant efforts and most valuable input.

In closing, Mr. Vice-President, I would like to reaffirm Austria's continuing and unwavering commitment to support the ICC in its fight against impunity and its role in promoting respect for international humanitarian law, human rights and the rule of law.

Thank you, Mr. Vice-President.