

AUSTRIA



PERMANENT MISSION OF AUSTRIA
TO THE UNITED NATIONS

International Criminal Court

**Sixteenth Session of the Assembly of States Parties
(New York, 4 to 14 December 2017)**

**Statement in the General Debate
on behalf of**

Austria

New York, 7 December 2017

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Mr. Vice-President,

At the outset, let me first commend you, President Kaba and Vice-President Ugalde, for your work as Presidency of the Assembly of States Parties during the last years. My delegation would also like to thank the other members of the Bureau and all Court officials, especially the President, Prosecutor and Registrar, and all their staff, and the Secretariat of the ASP for their dedicated service for the Court in the pursuit of international justice.

We also warmly congratulate the new President of the Assembly and the newly elected judges and members of the Bureau. Austria looks forward to working as a member of the newly elected ASP-Bureau during the next three years.

Mr. Vice-President,

Let me confirm Austria's unwavering support for the fight against impunity and for the International Criminal Court. Austria fully aligns itself with the statement by Estonia on behalf of the European Union. In addition, I would like to make the following observations:

Next year we will be celebrating the 20th anniversary of the adoption of the Rome Statute, yet we are still facing many challenges:

First and foremost, we must continue to strive for **universality** of the Rome Statute in order to ensure that the fight against impunity becomes truly global. Those responsible for atrocities, wherever they take place, must be brought to justice. We regret the withdrawal of Burundi from the ICC and the announcement made by South Africa yesterday. We welcome that the Gambia has reconsidered its decision to withdraw. We should combine our efforts and work together to move forward, not backwards, and make universality become a reality.

In this context, we reiterate our call on the Security Council to refer the situation in Syria to the Court as well as on Iraq to accede to the Rome Statute.

Second, when reaching out to other States, we should focus on the *raison d'être* of the ICC: to deliver justice for **victims** and to give them a voice. The work of civil society and the Victims Trust Fund is crucial to this end and we would like to thank them for their tireless efforts.

Third, the **cooperation** by States is essential for the functioning of the Rome Statute system. We call on all States Parties to fully honor their obligations to cooperate with the Court, as stipulated in Article 86 of the Rome Statute. My delegation welcomes the focus on cooperation with a special plenary discussion to be held next week.

We also welcome the ratification by Moldova and Peru of the Agreement on the Privileges and Immunities of the ICC and encourage other States which have not yet done so to consider joining this important Agreement.

Finally, when celebrating the anniversary of the Rome Statute, we should not forget the work still to be done to close certain gaps of the Statute. We thus invite all States Parties to

consider accepting the amendments adopted at the Kampala Conference and express our support for the new amendments to Article 8 presented by Belgium.

Most importantly, this year's Assembly will have the historic opportunity to activate the jurisdiction of the ICC over the **crime of aggression**, thereby completing the legacy of the Nuremberg trials and of the Rome and Kampala conferences. Austria is very much honoured to serve as facilitator of this important decision and we would like to thank all delegations for their active and constructive engagement. Discussions are still ongoing, but we are confident that – with good will and a spirit of compromise, flexibility and pragmatism on all sides – we will be able to find an acceptable solution to adopt the decision to activate the Court's jurisdiction over the crime of aggression by consensus this year.

Mr. Vice-President,

Before closing, let me note that the upcoming anniversary year will offer an excellent opportunity to highlight the Court's important work and achievements. I am happy to announce that, as the Presidency of the European Union during the second half of 2018, Austria is planning to organize an event in July 2018 in The Hague to commemorate the adoption of the Rome Statute in 1998. In October 2018 the Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law will organise an academic conference.

Thank you.