

# AUSTRIA



PERMANENT MISSION OF AUSTRIA  
TO THE UNITED NATIONS

**Statement by**  
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**International Criminal Court**

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**General Debate**

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Check against delivery!

Mr. President,

Let me convey to you, Mr. President, our deep gratitude for your achievements, not only within this Assembly, but also in your role as President of the First Revision Conference. That we have been so extremely successful was to a large extent due to the skilful guidance you offered together with His Royal Highness Prince Said. Our gratitude also goes to the other members of the Bureau and to the representatives of the Court as well as to the Secretariat. We especially commend the working groups in The Hague and New York for their substantial preparatory work.

Austria fully aligns itself with the statement made by Belgium on behalf of the European Union.

Mr. President,

International criminal justice is now being generally recognized as an important and effective instrument to combat impunity, with the International Criminal Court as focal point, and as an effective deterrent for potential perpetrators. In particular, we note with appreciation, that the Security Council is now more frequently referring to international criminal justice, as e.g. in Resolution 1894 (2009) on the protection of civilians in situations of armed conflict which has been adopted under the Austrian Presidency and which also underlines the role of the International Criminal Court with regard to the principle of complementarity.

In order to ensure accountability, it is our continuous hope to achieve widest possible adherence to the Rome Statute. Therefore we welcome our new fellow State Parties Bangladesh, the Seychelles, St. Lucia and Moldova.

Mr. President,

The First Revision Conference illuminated the central role the Court has come to play in international criminal justice. The Conference also demonstrated the strong attachment of all States Parties towards the Rome Statute and the mandate which it carries. It was this attachment which made up the spirit of Kampala and led to a result, which from many sides was deemed as impossible: the agreement by consensus on making the crime of aggression internationally punishable as foreseen in the Statute. The solution we found upholds several significant principles of the Rome Statute and in this regard clearly exceeds many of our expectations. In particular, all trigger mechanisms foreseen in the Statute apply to the crime of aggression. The independence of the Court and its organs is safeguarded, not only regarding the establishment of individual criminal responsibility for the crime of aggression, but also with a view to the determination of an act of aggression as prerequisite of the definition of the crime of aggression. However, we recognized some shortcomings in the context of state party referrals and *proprio motu*. The responsibility to counter these shortcomings now rests with the States Parties. Therefore let me make this very clear: the more ratifications without declaration on non-acceptance of the Court's jurisdiction we will have, the more the Court's jurisdictional reach will grow. We thus advocate for widespread

ratification and intend to set a good example by initiating the process now that the Secretary General has distributed the amendment in accordance with Article 121.7 of the Statute.

A highlight of the Kampala Conference was the strong demonstration of the determination to continue to support the ICC by the largest regional group of States Parties: the African Group. We very well recall the important statements delivered by the Heads of State of States of Tanzania and Uganda, which have been instrumental for igniting the spirit of Kampala. Our special thanks go to Uganda for its generous hospitality.

Austria believes that best use must be made of the rich harvest of the Kampala stocktaking process. We should continue highlighting the importance of cooperation, thereby focusing on national experience in responding to the Court's broad spectrum of cooperation needs. We also believe that the time has come to consider discussing how to address cases of non-cooperation. With regard to victims and affected communities we encourage States Parties to implement those provisions of the Rome Statute relevant to victims, including victims' reparation, through their national legislation or other appropriate measures.

Austria salutes the Court's significant achievements to this day with four trials underway and several new investigations being carried out. Even if sometimes the focus of the Court's activities may be considered one-sided, we feel that the response should not be less, but more justice, and that, indeed, peace and justice are mutually reinforcing. We reiterate that full cooperation is essential for the Court to reach its full potential.

Mr. President,

Austria by tradition is a strong supporter of the International Criminal Court. It was the first State Party to enter into an agreement with the Court on the enforcement of sentences and was amongst the first States to sign and ratify the Agreement on the Privileges and Immunities. In accordance with the pledges we made in Kampala we started talks with the Court with a view to arranging for cooperation on witness protection.

Austria believes that in order to be able to comply fully with the principle of complementarity, national criminal legislation has to correspond with the relevant provisions of the Rome Statute. I am happy to say that our endeavours towards integrating all crimes falling under the jurisdiction of the ICC into our criminal code pursuant to Resolution ICC-ASP/5/Res.3 have significantly progressed and should be completed within 2011.

Mr. President,

Looking at our work ahead, we fully subscribe to what has been listed in the statement made by the European Union, in particular with regard to the Working Group on Amendments, the discussion on governance and the implementation of

Article 36 paragraph 4 c of the Rome Statute regarding the establishment of an Advisory Committee on the nomination of judges.

Given the extraordinary budgetary restrictions many States Parties are presently facing, we would urge the Court to continue the kind of budgetary discipline it exercised last year. Our gratitude also extends to the Committee on Budget and Finance for its successful cooperation with the Court to ensure the efficient use of financial resources.

Austria once again wishes to highlight the important role of NGOs in strengthening the Court in fulfilling its important task and their continuous input on which State Parties so often draw. In particular I wish to thank the Coalition for the International Criminal Court.

In closing, Mr. President, I would like to emphasize Austria's continuing and unwavering commitment to support the International Criminal Court 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. President