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**Statement by
Ambassador Thomas Michael Baier
Austrian Delegate**

**International Criminal Court
Review Conference
General Debate**

Kampala, 1 June 2010

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Mr. President,

First of all, allow me to express our sincere gratitude to Uganda for hosting the first Review Conference of the Rome Statute to the International Criminal Court. Here, we are being offered a historic opportunity to strengthen role of the Court and to reaffirm our commitment to the fight against impunity. Convening this important event in Africa is symbolic for the strong bonds that link the African States Parties to the Court.

Let me convey, to you, Mr. President, and to the Bureau, the Secretariat, the facilitators and focal points as well as to the Coalition for the International Criminal Court and their members our deep appreciation for your significant achievements in bringing us such a long way.

Mr. President,

We value the choice of topics for the stocktaking process as it reflects the Court's aspirations towards a universal system of justice with the Rome Statute as a nucleus.

We believe that our discussion on cooperation should focus on national experience in responding to the Court's broad spectrum of cooperation needs. We also believe that the importance of cooperation for the Court's success should be highlighted by the adoption of a strong resolution. Therein we should underscore the compulsory elements of cooperation, such as carrying out arrest warrants, as well as other indispensable measures such as entering into enforcement of sentences or witness-relocation agreements. We should also discuss relevant experiences of cooperation with other international tribunals.

The principle of complementarity is the backbone of the Rome Statute system of international criminal justice. We should not see it as a limitation to the Court, but as an essential part of the commitments of States Parties under the Rome Statute to overcome the impunity gap. Indeed, it is up to the States Parties to breathe life into the positive approach to complementarity, bearing in mind that the Court's mandate does not and should not embrace capacity building on a worldwide scale. For this reason, Austria strongly supports the efforts of Denmark and South Africa to promote and substantiate the positive complementarity approach that ultimately aims at a harmonious division of labour between domestic courts and the International Criminal Court.

We welcome the steps taken by the Court in reaction to the impact of the Rome Statute system on victims and affected communities. We affirm the fundamental importance of ensuring that investigations and prosecutions carried out at the international level are meaningful, have resonance with communities where the crimes have been committed and are carried out under the principle of due process of law.

We hope that during the stocktaking process we will have a fruitful discussion on how tensions between promoting peace and achieving justice can be successfully managed. In this context we would like to highlight the valuable work done at the

International Conference "Building a Future on Peace and Justice" as reflected in the Nuremberg Declaration on Peace and Justice of 2008.

Mr. President,

I would like to convey our thanks to all for their constructive suggestions and initiatives, including to those who have proposed amendments which cannot be part of our deliberations at this stage. We shall have ample opportunity take these proposals up in the Working Group of the Assembly of States Parties on Amendments to the Rome Statute.

Mr. President,

We encourage States Parties to adopt the Amendment to Article 8, paragraph 2 e) as proposed by Belgium to which we are a co-sponsor.

Austria, traditionally committed to a world-wide observance of the Rule of Law, would - after so many years of systematic and comprehensive preparatory work - like to see Aggression fully incorporated in the Rome Statute. Making this crime internationally punishable would send a powerful and lasting signal around the world.

We have come a long way by achieving a generally acceptable definition of the Crime of Aggression for which we owe to you, Mr. President, our special gratitude. With regard to the exercise of the Court's jurisdiction still under discussion we would favour a solution in which the crucial role of the UN Security Council under the Charter of the United Nations, as stipulated in the Rome Statute, would be foreseen, but we also have to discuss the consequences of a situation in which the Security Council is not prepared to take action. To test the practicability of a solution giving a strong role to the Security Council, such solution should be subjected to a compulsory review after a given period of time.

In any case, the outcome of our debate on the Crime of Aggression should neither damage the authority of the Court's judgements and decisions, nor should it cause a divide among us. Therefore, Austria believes that we all should strive for consensus on such an important decision.

Mr. President,

We welcome the Pledging Segment as an essential and future-oriented part of this Conference where Austria will announce its commitments.

Thank you, Mr. President.