

Plenary Discussion on Cooperation ASP-11, The Hague, 16 November 2012

Intervention by Austria

Austria warmly welcomes today's plenary discussion on cooperation and – like others – hopes that cooperation will remain a standing item at the ASP and similar discussions will be organized in the future. Cooperation will remain the key challenge for the Court.

We are very grateful to Norway's efforts as facilitator for cooperation in preparing this meeting. We also warmly thank ICTY-Prosecutor Serge Brammertz and the other panelists for their presentations today.

In addition to the remarks by Cyprus on behalf of the European Union, to which we align ourselves, my delegation would like to offer the following two concrete comments:

(1) Arrests:

While we note the difference in this area between the ICC and the UN Ad Hoc Tribunals, which act with the backing of the Chapter VII powers of the UN Security Council, we agree that there are many lessons to be learned from the Tribunals' many years of experience of tracking and arresting accused at large.

We believe that more attention should be given to the question how the Court and Member States could develop better strategies to secure the arrest of persons indicted by the Court in the future.

For instance, one might well question whether in some cases the public announcement of arrest warrants at press conferences rather hindered than helped their arrest.

In some cases it would appear that less publicity and the use of sealed indictments and arrest warrants might have been a much more effective way of securing the arrest of certain indictees. The practice of ICTY was quite successful in this regard.

(2) Privileges and Immunities of the Court's Staff

In order to assist the ICC in fulfilling its important tasks, we see the urgent need to bring about legal clarity and further examine how to ensure full respect of the necessary privileges and immunities of the Court and its staff worldwide.

We urge all States, which have not yet done so, to consider ratifying or acceding to the Agreement on Privileges and Immunities of the ICC (APIC).

In addition, we also see the need for an information and outreach campaign to both Member States and ICC staff about the purpose, scope and nature of the privileges and immunities of the ICC and its staff.

In this context we would like to recall Article 28 of the APIC which requires the Registrar to communicate periodically to all States Parties the categories and names of all ICC staff to whom the provisions of the Agreement apply. The Registrar shall also communicate to all States Parties information on any change in the status of these persons.

My delegation looks forward to receiving this notification and updates by the Registrar in the near future.