

**Statement by**  
**Mr. Michael Baier**  
**Austrian Delegate**

**International Criminal Court**  
**Eighth Session of the Assembly of States Parties**  
**General Debate**

**The Hague, 17 November 2009**

Check against delivery!

Mr. President,

Let me convey to you, Mr. President, to the other members of the Bureau, and to the representatives of the Court as well as to the Secretariat our deep gratitude for the exemplary devotion with which you conduct your work. We also commend the working groups in The Hague and New York for their outstanding input to this meeting.

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

Mr. President,

International criminal justice has developed into an important and effective instrument to combat impunity with the International Criminal Court having become a central pillar of international justice and an effective deterrent for potential perpetrators. In this regard, we would like to draw Member States' attention to Security Council Resolution 1894 on the protection of civilians in situations of armed conflict which has been adopted under the Austrian Presidency on 11 November. We highly welcome the strong reference contained in Res. 1894 regarding the Council's opposition to impunity for serious violations of international humanitarian law and human rights law, the affirmation of its role in ending impunity as well as the mentioning of the full range of justice and reconciliation mechanisms, including international and mixed criminal courts and tribunals. Resolution 1894 also emphasizes the principle of complementarity and recognises in this regard the role of the International Criminal Court.

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 Chile and the Czech Republic.

Austria salutes the Court's significant achievements to this day with four trials underway or beginning soon 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. At the same time, we share the concerns of the European Union on the outstanding arrest warrants and urge all States under a legal obligation to do so to fulfil their responsibility to execute these warrants.

We deplore the continued failure of the Government of Sudan to cooperate with the Court and underline the obligation of the Sudanese Government to cooperate under SC-Resolution 1593 (2005). We reiterate that full cooperation is essential for the Court to reach its full potential.

It is the joint endeavors of all States which shape international criminal justice into an effective instrument in fighting the most heinous crimes and the immeasurable human suffering they create. In this context, we appreciate the determination of African States Parties, the largest regional group of States Parties to the Rome Statute, to continue to support our joint efforts. We applaud the African member States who have contributed to the Court's success and in particular those, who have expressed their confidence in the Court by referring situations to it. We especially commend the recognition by the African Union of the important role the ICC plays for international peace and justice, but we also understand certain concerns of African State Parties and therefore would like to express our continued readiness for interregional dialogue. Our special thanks go to Uganda for its generous hospitality with regard to the upcoming Review Conference.

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. Austria is also among the partners of Court's Legal Tools Project, to which it contributes substantially.

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 progress in integrating all crimes falling under the jurisdiction of the ICC into our criminal code pursuant to Resolution ICC-ASP/5/Res.3 is currently on good track.

Mr. President,

We would like to commend the Court for having exercised the kind of budgetary discipline which we believe is called for under the given circumstances. 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.

Allow me now to pay tribute to you, Mr. President, as former Chairman of the Special Working Group on the Crime of Aggression, as well as to your successor, His Royal Highness Prince Zeid Ra'ad Al-Hussein, for your significant achievements in bringing us such a long way. We are aware of the great responsibility placed upon the Review Conference and of the high degree of public expectation directed towards us all. We therefore believe that any decision on a matter of such historic dimension should be taken by consensus.

Let me also thank Ambassador Rolf Einar Fife, Focal Point, for the excellence and devotion which mark his preparatory work for the Review Conference. We share his view on the importance of stock taking in order to reflect on the future course of the Court. We should, however, give thought to format and outcome of this exercise as well as to the range of options from which to choose, when considering how to provide the Court with the best possible and most timely guidance. We thank all State Parties who have undertaken considerable efforts to elaborate those draft amendments now before us. As was stated by the Presidency of the European Union, draft amendments should enjoy widespread support in order to be considered by the Review Conference.

Finally, we would like 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