



Embassy of Austria

Ref. Recht/219/10

Enclosure

The Embassy of Austria presents its compliments to the Secretariat of the Assembly of States Parties and referring to the Secretariat's note dated 9 April 2010, ref. ICC-ASP/S/PA/07, has the honour to inform that the completed "Implementing legislation questionnaire for States Parties", which was transmitted to the Secretariat on 12 August 2009 as an attachment to Embassy note ref. Recht/379/09 still reflects the most current state of measures undertaken by Austria in respect of implementing legislation of the Rome Statute.

For ease of reference, a copy of the completed questionnaire is enclosed to this note.

The Embassy of Austria avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties the expression of its highest consideration.

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The Hague, 7 May 2010



To the
Secretariat of the
Assembly of States Parties
The Hague
Facsimile: 515-8376

IMPLEMENTING LEGISLATION QUESTIONNAIRE FOR STATES PARTIES

1. Has your Government adopted any national legislation implementing the Rome Statute ("the Statute")?

Yes.

IF NOT

Part A

2. What legislative efforts, if any, has your Government taken to implement the provisions of the Statute into national law?

3. What obstacles, if any, has your Government faced in its efforts to implement the provisions of the Statute?

4. What form of assistance would benefit your Government's efforts to implement the Statute?

IF YES

Part B

5. In implementing the Statute, did your Government draft special implementing legislation or did it incorporate the articles or substantive provisions of the Statute into pre-existing law?

Austria has adopted special implementing legislation with a new Federal Law: "Bundesgesetz über die Zusammenarbeit mit dem Internationalen Strafgerichtshof" (Federal Law Gazette I No. 135/2002) that came into force 1 October 2002. By the adoption of this law, the provisions on cooperation with the Court contained in Part 9 of the Rome Statute as well as the provisions on enforcement of sentences imposed by the Court contained in Part 10 of the Rome Statute were implemented into national law.

6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes in the legislation itself?

As for the substantive crimes, the commentaries to the government bill concerning the parliamentary approval of the Rome Statute state that according to Article 9 of the Federal Constitutional Law "the generally recognized rules of international law are regarded as integral parts of Federal law".

Despite this transformation the program of the Austrian Government 2008 contains a paragraph aiming at adjusting the provisions set out in the Austrian Criminal Code with regard to war crimes and crimes against humanity in order to meet the requirements resulting from the principle of complementarity as enshrined in the Rome Statute. The crime of genocide is already incorporated in the Austrian Penal Code.

7. Does the implementing legislation fully incorporate all modes of cooperation under Part 9 of the Statute?

Yes.

8. Does the implementing legislation designate a channel of communication with the Court?

Yes, the Federal Ministry for European and International Affairs.