

# AUSTRIA



PERMANENT MISSION OF AUSTRIA  
TO THE UNITED NATIONS

**Statement by**

**H.E. Mr. Erwin Kubesch**

**Ambassador to the Netherlands**

**Vice-President of the Assembly of States Parties**

**International Criminal Court**

**Sixth Session of the Assembly of States Parties**

**General Debate**

**New York, 3 December 2007**

**Check against delivery!**

Mr. President,

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

At the outset, let me convey to you, Mr. President, to the representatives of the Court and to the Secretariat our deep gratitude for the exemplary devotion with which you conduct your work.

My delegation would also like to take this opportunity to thank Secretary-General Ban Ki-Moon for joining us today. We take his presence at this meeting as an expression of his personal commitment and that of the United Nations to support the efforts of the ICC to combat impunity.

Mr. President,

This year the ICC celebrated its 5<sup>th</sup> anniversary. Despite its young age, the Court, by its determination to put an end to impunity for the perpetrators of the most heinous crimes, has become an important factor in international relations and a major promoter of respect for international humanitarian law, human rights and the rule of law. The Court's success should never be measured solely in terms of the number of cases heard by it, but by its overall impact on the fight against impunity, for its mere existence induces States to strengthen their efforts to prevent as well as to prosecute criminal acts. Thus the Court is serving as an effective deterrent for potential perpetrators.

We commend the ICC for its achievements during the past year and we especially welcome the second trial which has recently commenced, due to the decision of the Congolese authorities to surrender Germain Katanga. At the same time we share the concerns of the European Union on the outstanding arrest warrants and urge all States to fulfil their responsibility in order to make these warrants effective. With regard to the situation in Darfur we reiterate the obligation of the Sudanese Government to cooperate with the Court under the terms of UN Security Council Resolution 1593. Regarding Uganda we would very much regret, if the ongoing developments could in any way sideline the ICC.

Mr. President,

Austria by tradition is a strong supporter of the ICC, and was amongst the first States to sign and ratify the Agreement on the Privileges and Immunities and the first State Party to enter into an agreement with the ICC on the enforcement of sentences. We are also proud that after almost two years of negotiations, the European Union and the ICC signed the first regional cooperation and assistance agreement during the Austria EU-presidency.

Mr. President,

We hope that the number of States and organizations, that consistently and actively defend the integrity of the Rome Statute encourage the widest possible adherence and promote the effective functioning of the Court, keeps on growing, since close cooperation is a prerequisite for enabling the Court to tap its full potential. Therefore it is our great pleasure to welcome Japan as the 105<sup>th</sup> State Party to the Rome Statute. We are convinced that this important step will have considerable impact on the Asian region.

Mr. President,

Austria would also like to stress the great importance of the constant interaction between the ICC and the UN based on the Rome Statute as well as the Relationship Agreement. Since both institutions are reliant on the cooperation with States and international organizations, Austria calls upon them to support the work of the ICC and the UN, and to contribute thereby to the achievement of universality and the full implementation of the Rome Statute.

In this context we would also like to highlight the Report of the Bureau on Cooperation, which recommends that States Parties should, when considering candidacies for membership in relevant UN organs, where relevant take into account the preparedness and willingness of candidates to fully cooperate with the Court, and if they had not yet done so, to become a State Party to the Rome Statute.

Austria also welcomes the Plan of Action, which includes many of the activities undertaken by the European Union and its Member States. We are looking forward to assisting States Parties in the implementation of the Rome Statute. As an example, let me draw your attention to the Court's Legal Tools Programme, which Austria actively supports. This programme aspires to equip users with the legal information, commentaries and software required to work effectively with international criminal law and it seeks to serve as a complete virtual library on international criminal law and justice.

Austria commends the efforts undertaken by the ICC to enhance cooperation with other courts and tribunals in the field of international criminal law, in particular the Memorandum of Understanding between the ICC and the Special Court of Sierra Leone. Such cooperation seems to us of utmost importance for the development of sustainable international jurisprudence. We also appreciate the readiness of the Court to look into questions of residual functions, which are becoming a matter of increasing urgency.

Mr. President,

We would like to thank Ambassador Wenaweser for conducting with great expertise the Special Working Group on the Crime of Aggression as well as Liechtenstein for having organised the Group's Intersessional Meetings at Princeton, which have provided for a solid basis for proposals with a view to enabling the Review Conference to adopt the necessary amendments to the Rome Statute.

In this respect allow me, Mr. President, to pay tribute to Ambassador Fife, Focal Point for the Review Conference, for the excellence and devotion which mark his work. We believe that, apart from the legally mandatory review to be carried out concerning the transitional provision in Article 124 of the Rome Statute on deferred acceptance of jurisdiction of the Court and the question of incorporating the crime of aggression into the Rome Statute, the Review Conference should send a strong signal with the objective of strengthening the Court and thus contributing to the universality of justice.

Thank you, Mr. President.