

Statement by

H.E. Mr. Wolfgang Paul

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Ambassador to the Netherlands

International Criminal Court

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General Debate

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Check against delivery!

Mr. President,

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

Let me convey to you, Mr. President, to the other members of the newly elected 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. Let me also express my gratitude to you, Mr. President, for having taken upon you a twofold workload, given that you consented to continue your chairmanship of the Special Working Group on the Crime of Aggression.

Mr. President,

Within the past years, international criminal justice has developed into an important and effective instrument to combat impunity with the International Criminal Court as one of its major stakeholders. By this year, which is marking the 10th anniversary of the adoption of the Rome Statute, the Court 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. This is due to the Court's determination to put an end to impunity for perpetrators of the most heinous crimes.

The Court's success should not 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 International Criminal Court for its achievements during the past year, including several important arrests. 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 execute these warrants. We reiterate that close cooperation is a prerequisite for enabling the Court to tap its full potential.

With regard to the situation in Sudan we deplore the continued failure of the Government of Sudan to cooperate with the Court and we underline that the Sudanese Government has an obligation to cooperate, based on SC Resolution 1593 (2005) adopted under Chapter VII of the UN Charter. We wish to reiterate the principled position expressed by the EU in this regard.

Mr. President,

Austria by tradition is a strong supporter of the International Criminal Court, 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 Court on the enforcement of sentences.

It is our hope that a further growing number of States and organizations, by consistently and actively defending the integrity of the Rome Statute, contribute to its widest possible adherence. Therefore, it is our great pleasure to welcome the Cook Islands and Suriname, bringing the number of State Parties to the Statute up to 108.

Mr. President,

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.

Pursuant to Resolution ICC-ASP/5/Res.3 Austria is currently working on special legislation to expressly integrate Articles 6, 7, and 8 of the Rome Statute into our criminal law in accordance with the principle of complementarity enshrined in the Statute. In order to prepare these issues in a profound manner, a symposium was held in Graz, Austria, in September 2008 attended by many experts in the fields of criminal and international law.

Mr. President,

We would like to join the EU Presidency in expressing our gratitude to the Committee on Budget and Finance and for the excellent preparatory work they have done, not only in examining the Court's budget for 2009, but also by giving us through their assessment an in-depth analysis of the Court's perspectives.

Allow me, Mr. President, to pay tribute to Ambassador Rolf Einar Fife, Focal Point for the Review Conference, for the excellence and devotion which mark his work. We believe that, apart from the 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 achieve a significant outreach effect.

Finally, we would like to thank the Coalition for an International Criminal Court on behalf of all NGOs that have supported us for so many years in our common strife to strengthen the Court in fulfilling its important task.

Thank you, Mr. President.