



PERMANENT
MISSION
OF AUSTRIA
TO THE UNITED
NATIONS IN NEW YORK

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The Permanent Mission of Austria to the United Nations presents its compliments to the Secretary-General of the United Nations, and in reference to the request by the General Assembly in its resolution refer to General Assembly resolution 69/120 of 10 December 2014 entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (LA/COD/2), has the honour to convey comments by Austria in the attached document.

The Permanent Mission of Austria to the United Nations avails itself of this opportunity to renew to the Secretary General of the United Nations the assurances of its highest consideration.

New York, 1 June 2016

To the
Office of Legal Affairs – Codification Division
2 United Nations Plaza (DC2-0570)
New York
6thcommittee@un.org



Enclosure

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Comments by Austria

31 May 2016

Since Austria's last report in 2014, a number of measures were taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at national level:

- 1.) Austria has continued to support the process aiming at strengthening compliance with international humanitarian law, in pursuance of the pledge of the International Committee of the Red Cross (ICRC) and Switzerland made at the 31st International Conference of the Red Cross and Crescent since the very beginning in 2011 and actively participated in the series of expert meetings and meetings of states. During this process Austria has continuously supported the creation of a special mechanism for this purpose as well as the idea of fact-finding and a revival of the International Humanitarian Fact-Finding Commission under Article 90 of Additional Protocol I to the Geneva Conventions, and considers fact-finding an essential element of a future IHL compliance mechanism.

At the 32nd Red Cross and Red Crescent Conference— together with other states and national societies – Austria co-hosted two side events: First, a side event on the use of explosive weapons in populated areas in order to raise awareness of the consequences of the use of such weapons in cities and urban areas. The second side event concerned the humanitarian impact of nuclear weapons, to which the international community is refocusing its attention, in view of the humanitarian consequences and the risks associated with nuclear weapons.

At the 32nd Conference Austria supported the Resolution on Strengthening Compliance with IHL and the Resolution on Strengthening international humanitarian law protecting persons deprived of their liberty, prepared by the ICRC.

On the occasion of the 32nd Conference Austria submitted pledges, partly together with the Austrian Red Cross, concerning the topics of the use of explosive weapons in populated areas, the Arms Trade Treaty, the Swiss Initiative on strengthening compliance with international humanitarian law, the humanitarian consequences of the use of nuclear weapons, the Antipersonnel Mine Ban Convention, the Convention on Cluster Munitions, the dissemination of IHL through regular seminars on various IHL topics as well as the dissemination of IHL among the young generation. Furthermore, Austria supported

pledges on dead migrants and information to their families, Support of the International Humanitarian Fact-Finding Commission (IHFFC), Youth Engagement for a Better World, Strengthening the protection of education during armed conflict, Safety and Security of Humanitarian Personnel, Changing minds, saving lives and building resilience through values based education for all, as well as the pledges of the EU and the EU member states

- 2.) Under the joint pledge of Austria and the Austrian Red Cross on the dissemination of IHL through regular seminars on various IHL topics, submitted at the 31st Red Cross and Red Crescent Conference in 2011 Austria continued to organize seminars together with the Austrian Red Cross and the Universities of Graz and Linz. After the seminars "Nuclear Weapons - The Sword of Damocles: The humanitarian dimension of nuclear disarmament" in Vienna on 21 November 2012 and "Drones approaching Austria – legal challenges of the use of unmanned aerial vehicles for military and civil use" in Graz on 6 December 2013, a seminar on "Lethal autonomous weapon systems" was organized in Linz on 9 October 2015.
- 3.) On 19 November 2014, a conference was convened in Vienna by the Austrian Red Cross in commemoration of the 150th anniversary of the first Geneva Convention of 1864. Representatives of the Austrian Federal Ministry for Europe, Integration and Foreign Affairs as well as the Federal Ministry of Defence and Sports took part in this event.
- 4.) During the period under review, Austria has also incorporated the specific crimes under the Rome Statute of the International Criminal Court, as well as the crimes of torture and enforced disappearance, into the Austrian Criminal Code. The respective amendments of the Austrian Criminal Code entered into force on 1 January 2015 (see Federal Law Gazette BGBl. I Nr. 106/2014). The following sections were inserted: 321a ("Crimes against Humanity"), 321b ("War Crimes against Persons"), 321c ("War Crimes against Property and other Rights"), 321d ("War Crimes against International Missions and Misuse of Emblems"), 321e ("War Crimes of Use of Prohibited Methods of Warfare"), 321f ("War Crimes of Use of Prohibited Means of Warfare"), 321g ("Responsibility of Superiors"), 321h ("Breach of Supervisory Duty"), 321i ("Omission to Report an Offence ") and 321j ("Actions Pursuant to Military and Other Orders").
- 5.) The Austrian Ministry of Defence and Sports regularly organizes the "Vienna Course on International Law for Military Legal Advisers", which takes place under the auspices of the European Security and Defence College (ESDC). The main aim of this course is to convey core knowledge about the application of international law, in particular human rights law and international humanitarian law, to international crisis-management operations by military and security forces.
- 6.) The Austrian Ministry of Defence and Sports has published a compilation of legal documents on international humanitarian law, including both international treaties to

which Austria is a party, as well as Austrian laws and regulations, to serve as a key reference document, especially for legal advisers and law teachers, for the training of members of the Austrian Armed Forces in international humanitarian law. During the period under review the compilation has been updated twice.