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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 for written submissions on "*Measures to eliminate international terrorism*" (LA/COD/11/1) of 8 January 2019 has the honour to submit the attached comments by Austria.

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.

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Austria remains fully committed to the fight against terrorism, extremism and radicalisation and all international efforts to combat terrorist activities. The Republic of Austria is contracting party to numerous relevant conventions such as the 1997 International Convention for the Suppression of Terrorist Bombings, the 1999 International Convention for the Suppression of the Financing of Terrorism and the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism. To further improve our capabilities to combat international terrorism Austria is currently finalizing the ratification procedure for the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS 198).

The effective fight against terrorism in full respect of fundamental rights and freedoms has very high priority in Austrian Criminal Law. Austria also puts serious effort into helping and supporting victims of terrorism.

Since 2002, there have been several amendments to national law concerning matters of terrorism. The last amendment was carried out with the Criminal Law Amendment Act 2018 (“Strafrechtsänderungsgesetz 2018” – StRÄG 2018, Federal Law Gazette I No. 70/2018), which entered into force on 1st November 2018 and served the implementation of the EU Directive 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and the implementation of the UN Security Council Resolution 2178 (2014). It also created the conditions for Austria’s possible ratification of the Additional Protocol to the Council of Europe’s Convention for the Prevention of Terrorism.

The Criminal Law Amendment Act 2018 broadened the group of persons that are afforded psycho-social and legal support for criminal proceedings upon request by now explicitly including victims of terrorist offences according to § 278c of the Austrian Criminal Code [Strafgesetzbuch (StGB)] in § 66 para. 2 of the Austrian Code of Criminal Procedure (CCP).

The Criminal Law Amendment Act 2018 also led to

- an extension of the domestic jurisdiction concerning terrorism,
- an extension of terrorist offences,
- an extension of criminal offences suitable for financing terrorism (terrorist financing) as well as
- the introduction of the new criminal offence „Travelling for terrorist purposes“ in § 278g of the Austrian Criminal Code.

The Criminal Procedure Law Amendment Act 2018 (“Strafprozessrechtsänderungsgesetz 2018”, StPRÄG 2018, Federal Law Gazette I No. 27/2018) served the implementation of the “Security Package“ („Sicherheitspaket“)

that had been decided by the Austrian government in order to adapt the legal basis of law enforcement to the state of the art and also to implement Article 20 (and Recital 21) of the EU-Directive 2017/541 on combating terrorism. Article 20 demands effective tools for the investigation and prosecution of the offences referred to in the Articles 3 to 12 of the Directive (terrorist offences). The “Security Package” led to an extension of the use of the investigation measure of video and audio surveillance of persons according to § 136 of the Austrian CCP. This investigation measure is not limited to the investigation of felonies with a sentence of more than ten years of imprisonment, criminal associations (§ 278a of the Austrian Criminal Code) or terrorist alliances (§ 278b of the CC) or the tracing of persons who are accused of such a crime any more, but can now also be used in the investigation of terrorist offences according to § 278c of the CC and other serious offences in connection with terrorist activities such as terrorist financing (§ 278d of the CC) and training for terrorist purposes (§ 278e of the CC). In addition to that, with the “Security Package” a new investigation measure was implemented in the CCP, the “surveillance of encrypted communication” (such as Whatsapp and Skype messages), stipulated in § 135a of the CCP, which is going to enter into force on 1st April 2020 limited to a period of five years.

Besides, the Austrian judicial authorities are constantly working on a better and efficient cooperation in cases related to terrorist offences making full use of the existing international legal framework for judicial cooperation in criminal matters. Furthermore, Austria has actively contributed to the coordination of criminal investigations in terrorist offences by installing a EUROJUST National Correspondent for Terrorism Matters providing information on an ongoing basis to Eurojust, in conformity with Council Decision 2005/671/JHA.

In the field of civil law two aspects can be mentioned in this context:

The “Fourth Anti-Money Laundering Directive” (Directive 2015/849/EU) taking into account the FATF-recommendations has been implemented in the Austrian Act Amending Professional Rules and Regulations 2016 (Berufsrechts-Änderungsgesetz 2016 – BRÄG 2016, BGBl [Federal Law Gazette] I 10/2017) by specifying the legal professionals’ obligations in combatting money laundering and terrorist financing for lawyers and civil law notaries. The relevant stipulations particularly can be found in Section 8a to 8f Lawyer’s Act and Section 36a to 36f Notarial Code.

Moreover, the Austrian Bar and the Austrian Chamber of Notaries are regularly informed by the Austrian Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice of additions or amendments to the Sanction List with regards to the Security Council Resolution 1267 (1999), 1989 (2011) and 2253 (2015). Subsequently the corresponding information (link of the United Nations Security

Council Consolidated List) is made available to all the members of the Austrian Bar associations and the Chambers of Notaries (lawyers and civil law notaries).

Furthermore, § 6 of the Austrian Sanctions Act provides that frozen assets (which are partly linked to terrorist acts) may be disclosed in the land register and the commercial register.