

75th Session of the General Assembly

Sixth Committee

Agenda Item 81: Crimes Against Humanity

Statement by Ambassador Alexander Marschik

Permanent Representative

Permanent Mission of Austria to the United Nations

New York, 14 October 2020

Mr. Chair,

My delegation fully aligns itself with the statement made by the European Union.

Given Austria's longstanding support for strengthening international law and the rule of law, it is a particular honour for me to address the Sixth Committee on behalf of Austria for the first time in its 75th session and for the first time since taking up my position as Permanent Representative of Austria to the UN. I would like to congratulate you, Mr. Chair, and all members of the Bureau on your election. The Sixth Committee as the primary forum for the consideration of legal questions is crucial for the General Assembly as a whole.

Firstly, Austria would like to commend Special Rapporteur Sean Murphy and the International Law Commission once again for the successful elaboration of the "Draft articles on prevention and punishment of crimes against humanity". We believe that these articles are an important contribution to the development of international criminal law, and we strongly support the recommendation of the Commission to elaborate a convention on this topic on the basis of the draft articles. In Austria's view, the successful work of the Commission deserves appropriate follow-up.

We therefore reiterate our call to this Committee to decide that an international convention be concluded on the basis of the draft articles. We still believe that a diplomatic codification conference would be the most suitable forum for the elaboration of such a convention, and – as we have stated before – the Austrian government would be ready to consider the possibility of hosting such a conference in Vienna. While we recognise that such a conference may not be convened during these difficult times of the COVID-19 pandemic, this does not mean that we have to delay any discussion on the way forward.

We have closely listened to last year's debate on the draft articles. We heard some voices that asked for more time to consider this important issue in depth. Owing to the exceptional circumstances of this year, such additional time is now provided to all delegations, but at the same time, we believe that a clear timeline for future consideration of this issue, without prejudging its outcome, is imperative to ensure progress.

Furthermore, we heard the comments made on specific draft articles asking for further discussion among states of outstanding issues, such as the implications of the “without prejudice” clause in draft article 2(3), the conditions for the establishment of national jurisdiction for crimes against humanity, or the provision of procedural safeguards against politically motivated prosecutions.

In order to discuss these issues, we should establish an adequate forum and efficient consultation process that allows for in-depth discussions. We suggest the establishment of an ad-hoc committee for the intersessional period, with a specific mandate and timeline.

We urge the Sixth Committee to find consensus on the way ahead for this very important issue.

Thank you.