

 **Permanent  
Mission  
of Austria**

to the United Nations  
in New York

**77<sup>th</sup> Session of the General Assembly**

**Sixth Committee**

**Agenda item 78: Crimes against humanity**

**Statement by Mr. Maximilian Gorke**

**Legal Adviser**

**Permanent Mission of Austria to the United Nations**

**New York, 10 October 2022**

Thank you, Mr. Chair,

My delegation fully aligns itself with the statement made by the European Union and I would like to make the following remarks in our national capacity:

In last week's debate on the rule of law Austria was making a few remarks on justice. For instance, that it is quite simple to understand the basic idea of justice. It entails holding individuals responsible for their actions, holding them accountable for violating the law. Unfortunately, this kind of justice cannot be achieved as long as there are ways to allow impunity for the most serious international crimes such as crimes against humanity. It is our duty to ensure accountability for perpetrators of these crimes – primarily under national jurisdiction and by enhancing international cooperation. For these reasons, Austria, like many other states, supports the elaboration and conclusion of an international convention on the basis of the “Draft articles on prevention and punishment of crimes against humanity” presented by the International Law Commission in 2019.

Such a convention - codifying existing customary international law on the criminalization of widespread or systematic attacks directed against any civilian population - is long overdue. It would complement the Genocide Convention of 1948 and the Geneva Conventions of 1949. Only crimes against humanity are not governed by a specific convention. A convention on this topic would fill an existing gap in international treaty law. The international community must deliver to ensure justice for victims of crimes against humanity.

Mr. Chair,

Austria remains committed to multilateralism and the promotion and continuous development of international law. The Sixth Committee has a key role when it comes to the consideration of the work of the International Law Commission. In order to live up to its purpose as well as to ensure an ongoing fruitful relationship with the ILC, the Sixth Committee must conduct meaningful and outcome-oriented discussions on the ILC's work and ensure the appropriate follow-up. The codification of existing customary international law contributes to legal certainty and strengthens the rule of law.

Since 2019 we have heard many voices in support of a convention. Some states have expressed preference for a more cautious approach. We respect that. But as the Sixth Committee we need to live up to our duty and create an appropriate forum to discuss the ILC's recommendation and the way ahead.

Austria considers an Ad Hoc Committee for the intersessional period as a suitable forum for open and constructive deliberations. We hope that these discussions can lead to the consolidation of agreement on certain points. In order to achieve this objective, there must be a clear timeline for the work of the Ad Hoc Committee and for the further consideration by the Sixth Committee. We think that the zero draft resolution put forward by MX together with others reflects the preferred way forward as expressed in last year's debate in a balanced manner. Let us continue our debate and try to find consensus around this draft.

Thank you.