

**Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to  
the protection of victims of armed conflicts and measures taken to strengthen  
international humanitarian law**

Comments by Austria

*31 May 2018*

Since Austria's last report in 2016, a number of measures were taken by Austria relating to the Protocols Additional to the Geneva Conventions of 1949, the protection of victims of armed conflicts and the strengthening of international humanitarian law (IHL):

- 1.) Austria has continued to support the process aimed at strengthening compliance with IHL, in pursuance of the pledge of the International Committee of the Red Cross (ICRC) and Switzerland made at the 31<sup>st</sup> International Conference of the Red Cross and Crescent in 2011, and has actively participated in the relevant expert meetings and meetings of states. Austria has continued to support the proposal to establish a particular and regular forum for the discussion of IHL issues and has used every opportunity in all relevant fora to call for respect for IHL.
- 2.) Due to the catastrophic humanitarian consequences of nuclear weapons, a nuclear weapon free world and the maintenance of the global non-proliferation regime are foreign policy priorities for Austria. On 20 September 2017, Austria signed the Nuclear Weapons Prohibition Treaty and ratified it on 8 May 2018, among the first ten states to do so. Austria, one of the main promoters of that Treaty, considers that this legal instrument strengthens and complements the existing disarmament obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and is an important step to ensure human security and to promote the protection of civilians.
- 3.) Austria has been a strong supporter of the International Criminal Court (ICC) since its creation and of the universality of the Rome Statute. Austria facilitated the discussion that led to the historic activation, by consensus, of the ICC's jurisdiction over the crime of aggression as of 17 July 2018, thereby completing the legacy of the Nuremberg Trials and of the Rome and Kampala conferences of 1998 and 2010. In addition, Austria has supported the amendments to Article 8 of the Rome Statute proposed by Belgium which extend the ICC's jurisdiction over three crimes to non-international armed conflicts.
- 4.) Austria considers fact-finding an essential element of ensuring IHL compliance. It underlines the important role of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious

Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM) for documenting human rights violations and gathering evidence in view of future prosecutions. In 2017, Austria contributed EUR 100.000 to the IIIM.

- 5.) During Austria's Chairmanship-in-Office of the Organization for Security and Cooperation in Europe (OSCE) in 2017, Austria tasked the OSCE Secretary General to form and deploy an independent team of experts to conduct a forensic post-blast investigation of the incident of 23 April 2017 involving the death of an OSCE team member, injuries of two OSCE team members and the destruction of an OSCE vehicle in Eastern Ukraine. With a view to activating the Independent Humanitarian Fact Finding Commission (IHFFC) according to Article 90 of Additional Protocol I to the Geneva Conventions, Austria suggested to consider using the good offices of the IHFFC in this context. Subsequently, the OSCE and the IHFFC concluded a Memorandum of Understanding and a Distinct Arrangement, on the basis of which the IHFFC provided its good offices to the OSCE in forming an *ad hoc* Team for the External Independent Forensic Investigation Incident which presented its report on its post blast forensic investigation and technical assessment to the Permanent Council of the OSCE in Vienna on 7 September 2017.
- 6.) Under the joint pledge of Austria and the Austrian Red Cross on the dissemination of IHL through regular seminars on various IHL topics, submitted again at the 32<sup>nd</sup> International Conference of the Red Cross and Crescent in 2015 and the 2016 World Humanitarian Summit, the Austrian Foreign Ministry and the Austrian Red Cross continued to organise seminars with the assistance of the Universities of Graz and Linz. After previous seminars on, *inter alia*, the humanitarian dimension of nuclear disarmament, drones and lethal autonomous weapon systems, a seminar on less lethal weapons was held in Graz in November 2016 and a seminar on the 40<sup>th</sup> anniversary of the Additional Protocols to the Geneva Conventions in Vienna in November 2017.
- 7.) The Austrian Ministry of Defense regularly organizes the "Vienna Course on International Law for Military Legal Advisers", which takes place under the auspices of the European Security and Defense 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 IHL, to international crisis-management operations by military and security forces. By now, these courses have been providing international law training to more than 200 military/civilian legal advisers in the armed forces or the ministries of defence from 30 European States as well as from the EEAS.
- 8.) The Austrian Ministry of Defence has published a compilation of legal documents on IHL, 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 IHL.