

 Permanent Mission
of Austria to the
United Nations in New York

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Sixth Committee**

Agenda item 80: Crimes against humanity

**Statement by Mr. Maximilian Gorke
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Thank you, Mr./Madam Chair,

My delegation fully aligns itself with the statement made by the European Union and we would like to reiterate the following points in our national capacity regarding the “Draft articles on prevention and punishment of crimes against humanity” elaborated by the International Law Commission.

At the outset, it is worthwhile recalling the preamble of the draft articles: Throughout history, millions of children, women and men have been victims of crimes that deeply shock the conscience of humanity. And this continues to happen as we recently witnessed in various regions of the world. Therefore, we are again reminded of the need, or even moral obligation, to work together towards effective prevention of crimes against humanity. While crimes against humanity are already established crimes under customary international law, there exists a gap in international treaty law on its criminalization and legal cooperation. A future convention would also be a strong signal that these international crimes cannot go unpunished.

While criminalization does not always prevent crimes from happening in the first place, it still means a change of awareness. Codifying the criminalization of widespread or systematic attacks directed against civilian population would complement the Genocide Convention of 1948 and the Geneva Conventions of 1949. A dedicated convention based on the ILC-draft articles would ensure consistency in the international criminal justice system. It will strengthen prevention and offer a new legal basis for inter-state cooperation.

For these reasons, Austria, like many other states, supports the early convening of a diplomatic conference to finalize and adopt an international convention on the basis of the “Draft articles on prevention and punishment of crimes against humanity”, as recommended by the International Law Commission.

We invite all delegations to keep constructively engaging in the debate – as it happened during the resumed session in spring – in order to make meaningful progress towards the goal of adopting the future convention at a diplomatic conference, possibly in Vienna, which would be an important step to strengthen the rule of law at the international level.

As we stated earlier: not every crime against humanity can be prevented. But we should do our utmost to minimize the likelihood of those crimes happening in the first place.

Thank you.