

PERMANENT MISSION OF AUSTRIA TO THE UNITED NATIONS
MISSION PERMANENTE DE L'AUTRICHE AUX PRES DES NATIONS UNIES

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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 applies to him the following information:

According to Section 64 of the Austrian Penal Code, Austrian courts have jurisdiction over crimes committed by natural or legal persons, whether natural or legal beings, organized or unorganized, if the crime is a crime under international law committed outside Austria regardless of locally applicable law, if certain Austrian crimes committed outside Austria are also crimes under international law, and an obligation to prosecute under international law.

In the past, the scope of the section of the Austrian Penal Code has been increased. This section now also includes crimes like rape, sexual coercion and torture.

To the
Secretary-General of the United Nations
Office of Legal Affairs, Codification Division
United Nations Headquarters
New York

On 1 January 2015 an amendment of the Austrian Penal Code entered into force which introduced a new Chapter 25 and incorporated specific international criminal law provisions (RS) of the International Criminal Court (ICC) into Austrian law, in particular "crimes against humanity" set out in Article 7 RS and "war crimes" set out in Article 8 RS in order to provide for full complementarity of national law with international law in the area of international crimes.

In this context a new section 65 of the Austrian Penal Code provides that Austrian courts can exercise jurisdiction over the crimes in the Chapter 25 "Genocide, Crimes against Humanity, War Crimes" in all cases where

- a) the perpetrator or the victim is an Austrian citizen;
- b) other Austrian national interests are infringed by the act, or
- c) the perpetrator is a foreigner who has his habitual residence in Austria or is present in Austria and cannot be extradited.

According to Section 65 of the Austrian Penal Code Austrian courts have jurisdiction concerning other crimes committed outside Austria if they are punishable under local law applicable law and if the perpetrator is caught on Austrian territory and cannot be extradited for a reason other than the nature or character of the crime.

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.

NEW YORK, 20 JANUARY 2015