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**THE IMPLICATIONS FOR COUNCIL OF
EUROPE MEMBER STATES OF THE
RATIFICATION OF THE
ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT**

**LES IMPLICATIONS POUR LES ETATS
MEMBRES DU CONSEIL DE L'EUROPE
DE LA RATIFICATION DU STATUT DE
ROME DE LA COUR PENALE
INTERNATIONALE**

PROGRESS REPORT BY AUSTRIA

Ratification:

Austria signed the Rome Statute on 7 October 1998.

In order to implement the Rome Statute and in particular its articles 27 and 89 para. 1 and 3, the Austrian constitution had to be amended. After completion of the parliamentary procedures Austria ratified the Rome Statute on 28 December 2000, becoming the 26th State Party.

Cooperation:

As in the case of Austria's cooperation with the International Criminal Tribunals for the former Yugoslavia and Rwanda, Austria decided to deal with the cooperation with the ICC in a separate law. The Law on cooperation with the International Criminal Court, Austrian Federal Law Gazette I No. 135/2002, entered into force on 1 October 2002. It provides the legal basis for complying with possible ICC requests for the surrender of persons and other forms of assistance, as well as accepting convicted persons for the enforcement of prison sentences imposed by the Court. (Several documents regarding the ratification process including the text of the relevant law can be found in the internet under http://www.parlinkom.gv.at/pd/pm/XXI/I/his/011/I01168_.html.)

Agreement on the privileges and immunities of the ICC:

Austria signed the Agreement on the privileges and immunities of the International Criminal Court on 10 September 2002. This agreement is currently before the Austrian Parliament for ratification.

Penal law:

All crimes covered by the Rome Statute are part of customary international law and thus part of Austrian domestic law. Nevertheless, Austria also plans to amend her penal code in order to consolidate and complete the list of criminal offences in parallel with the crimes under the Rome Statute.