Information and Observations by Austria
April 2024
1. National Legislation
According to Section 64 of the Austrian Penal Code, Austrian courts have jurisdiction
concerning certain crimes (e.g. extortive abduction, slave trade, trafficking in human beings,
organized crime, drugs-related crime, air piracy, terrorism-related acts, rape, sexual
coercion and torture) committed outside Austria regardless of locally applicable law. In
cases where no other Austrian interests are affected, Austrian courts are competent if the
alleged perpetrator is present on Austrian territory and cannot be extradited.
Under Section 64 (6) of the Austrian Penal Code, Austrian courts are also competent for
other crimes committed outside Austria regardless of locally applicable law if Austria is
under an obligation to prosecute these crimes under international treaties.
Moreover, Section 64 (1) (4c) of the Austrian Penal Code provides for full6 842.04 re
W* n
BT
/F3 12 Tf
1 0 0 1 225.17 516.19 Tm

against
humanity (Section 321a), war crimes (Sections 321b to 321f) and the crime of aggression
(Section 321k), which are incorporated in Chapter 25 of the Austrian Penal Code.
Accordingly, Austrian Courts can exercise jurisdiction over the crimes incorporated in
Chapter 25 and committed in foreign countries in all cases, regardless of locally applicable
law, 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.
In a Decree dated 5 July 2022 on national jurisdiction for crimes incorporated in Chapter 25
and committed abroad, the Austrian Federal Ministry of Justice stated that Austrian
national interests (see lit. b above) may bere
W*ter 25
stated that
.
According to Section 65 of the Austrian Penal Code, Austrian courts have jurisdiction
concerning other crimes committed outside Austria if they are punishable under locally