

International Criminal Court

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Statement on behalf of

**Germany**

by

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Mr. President,  
Distinguished delegates,

Another year has passed since our last general debate – a year that witnessed once again challenges to the work of the Court in its fight against impunity. Again we experienced how much our Court relies on the States’ cooperation to fulfil its mandate. And again the execution of arrest warrants proved to be a key element in enforcing the Court’s jurisdiction. The Court can only reach its full potential if we, as States Parties, join in this endeavour and cooperate, thus living up to our obligations under the Rome Statute.

We should not forget that cooperation is always about commitment. We voluntarily adhered to the Rome Statute. We did so because we ultimately believe in its important contribution to international peace and justice. We all joined to give meaning to the principles of “equality before the law” and “equal law for all”.

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My country’s unwavering support for the International Criminal Court is founded on German history in the 20th century. Re-establishing the rule of law was key to overcoming our troubled past. The Nuremberg trials which started almost day by day - on 20 November - seventy years ago, were the hour of birth of International Criminal Law and form, till this day, the corner stone of the staunch German support for our Court. This historic conscience, embodied in what we call today the Nuremberg Principles, includes in particular the belief that immunity steps aside in the face of genocide, crimes against humanity, war crimes and the crime of aggression.

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In the Nuremberg judgement the crime of aggression was called ‘*the supreme international crime*’. The 2010 Review Conference in Kampala finally defined this crime and the jurisdiction of the ICC to try it. Germany has ratified the so-called Kampala amendments in June 2013. In the light of the rapidly increasing number of ratifications, we are confident that the requirements of the entry into force of the crime of aggression can be met already by 2017. Germany invites all States to work together towards this goal in taking the concrete steps required under the Rome

Statute, but equally in engaging in a dialogue to meet concerns that are expressed by some States.

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Monsieur le Président,  
Mesdames et Messieurs,

Permettez-moi, de profiter du moment de passer à la langue française, pour exprimer mes profondes condoléances au peuple français au sujet de l'attaque terroriste, inhumaine et meurtrière, qui a frappé votre pays.

La mise en place de la Cour Pénale Internationale a été une tâche exigeante et continue de l'être ; une tâche à laquelle, nous, les Etats-parties, nous sommes entièrement dévoués. D'importantes initiatives ont été entreprises afin de rendre la Cour encore plus efficace et pour l'adapter à un environnement politique évoluant sans cesse. Aujourd'hui la Cour s'est formé une réputation d'institution non-politisée, objective et neutre. Ce sont les juges, les procureurs et le personnel tout entier de notre Cour qui assurent le respect de ces principes. Ils méritent notre profonde reconnaissance et j'aimerais profiter de cette occasion pour dire un grand « Merci ! » aux collaborateurs dévoués de la Cour qui apportent leur précieuse contribution au service de la justice internationale.

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Fournir à la Cour les moyens nécessaires à son bon fonctionnement a été notre souci commun depuis l'adoption du Statut de Rome. Cependant, au fil des assemblées annuelles des Etats parties, la discussion budgétaire a souvent pris une part importante, voire disproportionnée. Certes la Cour a besoin des moyens nécessaires, compte tenu notamment du fait que sa charge de travail est largement déterminée par des influences extérieures, hors de son contrôle direct.

Cependant l'Allemagne a toujours mis un grand point d'interrogation derrière l'idée que l'augmentation des moyens matériels mène directement à une meilleure qualité du travail d'une institution. Ce qu'il nous faut, c'est au contraire le courage et la détermination d'entreprendre de réelles réformes. Nous devons œuvrer pour une meilleure transparence et des structures administratives plus efficaces, plus souples et plus légères. Une préoccupation majeure dans ce contexte a été, et

continue de l'être, l'application du principe d'unicité de la Cour – le fameux « one Court principle ».

Et encore un mot concernant la représentation géographique dont plusieurs orateurs précédents ont fait mention ; je constate : Certains Etats parties sont en effet fortement sous-représentés.

C'est dans cet esprit de réforme que nous devons conduire le débat budgétaire de cette année et des années à venir. Nous invitons les Etats parties et tous les porteurs d'enjeux de joindre leurs efforts sur la base de cette philosophie, afin de rendre le processus budgétaire de notre institution plus prévisible et plus efficace.

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Pour conclure, permettez-moi de souligner que la délégation allemande s'associe pleinement à la déclaration faite par la Présidence luxembourgeoise au nom de l'Union Européenne et de ses Etats membres.

Je vous remercie de votre attention.

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[Mr. President,  
Ladies and Gentlemen,

Please allow me to continue in French in order to express my deep condolences to the French people regarding the inhuman and fatal terrorist attack, which has shaken their country.

Building the International Criminal Court has been and still is a demanding and challenging task to which we as States Parties are fully committed. Important steps have been and are being undertaken in making the Court more efficient on a continuous basis, also by adjusting to a changing political environment. Today the Court is respected as a non-political, objective and neutral institution. It is the judges, the prosecutors and the staff of the Court who ensure that these principles are respected. They deserve our credit for living up to this task. And I should like to take this opportunity to say 'Thank you' in particular to the committed staff of the Court who make their contribution to international justice.

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Empowering the Court, giving it the necessary resources to do its work has been our common concern since the adoption of the Rome Statute. However, in the course of the yearly Assemblies of States Parties the budget discussion has absorbed too much attention. For sure the Court needs the necessary resources, while giving due respect to the fact that the Court's workload is to a large extent being determined by outside factors.

Already in the past Germany has voiced its concerns over the assumption that additional budgetary resources lead by themselves to improved quality of work. It is on this background that we recognize the courage and the determination needed to manage change. But we ask for full transparency on the way as well as leaner and more flexible structures as a result. In this context giving meaning to the 'One-Court- Principle' has been a major preoccupation.

Concerning geographical representation, which was mentioned by several previous speakers, I note: Certain States Parties are indeed heavily underrepresented.

This is the philosophy of reform in which we should lead the budget discussion this year and in the future. We pledge and invite all stakeholders to work intensively on this basis in the coming months to make the Court's budget process more predictable.

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In closing, I should like to underline that the German delegation fully associates itself with the statement made by the Luxembourg Presidency on behalf of the European Union and its Member States.

Thank you very much for your attention.]