

International Criminal Court  
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Statement on behalf of

**Germany**

by

Ambassador

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Madam President,  
Ladies and gentlemen,

The year 2012 has been remarkable for the International Criminal Court in many ways. We have celebrated the Court's 10<sup>th</sup> anniversary on various occasions in recent months. Germany has done so in early October in Nuremberg, in a place of specific significance for the development of international criminal law. On 13 March the Court rendered its first verdict, in the case against Thomas Lubanga. In a second trial, that of Germain Katanga and Mathieu Ngudjolo Chui, the Trial Chamber is expected to issue its judgment very soon.

These events have again demonstrated that over the past ten years the ICC has become a well-established international court and an uncontested institution of high authority in current international affairs.

There was no guarantee for such an amazing success when the Rome Statute entered into force on 1 July 2002. Quite the contrary, the newly established court had to face numerous obstacles. This makes the Court's achievements in its first decade of existence all the more outstanding.

Germany has from the outset been one of the staunchest supporters of the International Criminal Court and we welcome the progress made by the ICC wholeheartedly.

In recognition of the Court's achievement in issuing its first sentence, Germany will be making a donation of EUR 300,000 to the Trust Fund for Victims – earmarked for reparations to the victims in the Lubanga case. We are convinced that the issue of victims is closely linked to the question of how successfully the Court conveys its message of peace and justice to the affected communities. This donation is proof of Germany's continuing support of the Victims Trust Fund – even in the face of the current financial difficulties you are all aware of.

But despite all the positive developments in providing justice and accountability, we must not forget the many problems and challenges that lie ahead of the Court in the coming years. For this reason I appreciate the decision of the Bureau to have a thematic general debate this year that focuses on the challenges ahead.

Madam President,

The ICC was established to put an end to impunity for the perpetrators of the most serious crimes which concern the international community as a whole and in doing so to help prevent such crimes.

I am convinced that the best way to achieve this goal is a highly efficient and effective International Criminal Court. Fighting impunity requires bringing perpetrators to justice and this can only be done by imposing and enforcing judicial sentences. This specifically means fast and efficient trials. In this field, there is still a lot of work to be done by the Court, and the duration of proceedings is a matter of special concern. Therefore, it is encouraging to see that the Court is currently undertaking a lessons learned exercise that is aimed at identifying potential improvements in the rules, procedures and practice of the judicial process as a whole.

But efficiency and effectiveness also means thoughtful budget management. After ten years of ever-increasing budgets we must finally find a way of “better spending”. This has to be achieved against the background of an extremely fragile economic climate. To assume, that more financial resources lead, by themselves to quality improvements seems too simple to me. The challenge in times of budgetary constraint consists in improving the quality of work through leaner and more flexible structures. To succeed the court will have to concentrate on its core functions. In this context the idea of “better spending” also encompasses the improvement of budgetary processes and a reform of the legal aid system. The question of reparations for victims must also be addressed.

Speaking in general terms, our goal must be to enhance the efficiency and effectiveness of the Court’s organizational structure without endangering its independence or its judicial mandate.

Madam President,

Another challenge for the Court is the issue of non-cooperation. We must not forget that the Court can fulfil its mandate only with the total and unconditional cooperation of the States Parties and other actors.

The fact that states fail or refuse to comply with their obligation to cooperate with the Court is not acceptable. There are currently 12 pending requests for arrest and surrender of suspects. Also, the detention of four ICC staff members in Zintan, Libya last summer underscored the crucial importance of cooperation for the work of the Court. Cooperation encompasses all forms of legal assistance. Therefore, I welcome the decision to have a special discussion on cooperation which will focus on practical aspects such as arrests and the identification, tracing, freezing and seizure of assets.

Madam President,

Universality also remains a vital issue on the agenda. We have to keep in mind that impunity for the most serious crimes can only be overcome through global

efforts. Therefore, the fact that we can now count 121 States Parties to the Rome Statute is an undeniable achievement. But we will have to intensify our efforts for the universality of the Rome Statute by encouraging all countries to join it.

A special challenge will be the activation of the Court's jurisdiction over the crime of aggression. I am confident that the requirements for the entry into force of the Kampala amendments will be met by 2017, as provided for in the Kampala compromise package. In this context, I am happy to inform you that German ratification is on its way. On 22 August the Federal Government adopted the relevant draft law and forwarded it to Parliament. We expect the finalization of the parliamentary ratification process early next year. Germany is calling on all States Parties to ratify the Kampala amendments as soon as possible.

Madam President,

I can assure you that Germany remains committed to the International Criminal Court and its mandate to fight impunity. Therefore, you can rely on Germany's firm support to overcome the challenges I have just enumerated.

Let me finish by congratulating the newly elected Deputy Prosecutor, the new Board of the Trust Fund for Victims and the members of the newly established Advisory Committee on Nominations. I wish you all a very successful term.

The German delegation fully associates itself with the statement made by the Presidency on behalf of the European Union and its Member States.

Thank you.