

International Criminal Court  
Twelfth Session of the  
Assembly of States Parties  
(The Hague, 20 to 28 November 2013)

Statement on behalf of

**Germany**

by

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– Check against delivery –

Madam President,  
Excellences,  
Ladies and gentlemen,

Since our last general debate one year ago we have witnessed further significant progress in the work of our Court in its fight against impunity.

However, we have also had to take note of a number of serious challenges faced by the Court.

There are persistent “old” challenges, such as the issue of non-cooperation. I do not need to recall that the fight against impunity is a joint endeavour of all States Parties: Our Court can only fulfil its mandate with regard to peace building and reconciliation in conflict-affected communities if all States Parties comply with their legal obligations.

New challenges have also emerged.

I am thinking in particular of the decision taken by the African Union at its extraordinary summit on 11 October 2013. This decision and the discussions at the summit echoed grave concerns by African Governments.

Without any doubt these concerns must be taken seriously. Consequently, our assembly as the competent forum has rightly decided to address this important matter by dedicating a special segment of this year’s plenary debate to the issue of “Indictment of sitting Heads of State and Government and its consequences on peace and stability and reconciliation”. We supported this decision from the outset.

Given its criminal Nazi past, Germany has long taken a particular interest in the quest for peace, stability and reconciliation: German history since the end of World War II exemplifies the idea that justice is a prerequisite for long-lasting societal peace.

The establishment of the International Military Tribunal at Nuremberg and the ensuing trials enabled the German society, after twelve years of repressive rule and the devastations of World War II, to re-establish the rule of law. This historic experience is a contribution we as Germans would like to add to this debate.

The so-called “Nuremberg Declaration on Peace and Justice”, drafted after an International Conference in Nuremberg in June 2007 that was organized by Germany in cooperation with the Hashemite Kingdom of

Jordan and Finland, is a direct result of this post-war experience. This Nuremberg Declaration underscores the fact that lasting peace is impossible to achieve without justice. Reconciliation presupposes truth, social justice and renewed confidence in the rule of law.

So peace and justice are not opposites but indispensable complements!

Bearing this in mind, I look forward to a constructive and fruitful discussion on this issue.

At the same time I would like to stress that the integrity of the Rome Statute and of our Court has always been and will always be the indispensable basis for all our work. Let us not forget that the adoption of the Rome Statute fifteen years ago was, with every justification, called a milestone of international law!

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The fight against impunity has at its core the fate of the victims of the most serious crimes. Germany therefore welcomes the thematic debate on victims at this Assembly.

The Trust Fund for Victims plays a crucial role in fulfilling the promise of the Rome Statute to give a voice also to the victims. With the Court's first sentence in the Lubanga case, the Trust Fund's further mandate – reparations for victims – has also been activated.

In recognition of the Trust Fund for Victims' noteworthy achievements, Germany will be making this year a donation of EUR 900,000.00 to the Trust Fund for Victims – earmarked for reparations to the victims in the cases before the ICC.

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Madame la Présidente  
Excellences,  
Mesdames et Messieurs,

Comme les années précédentes, le Comité du Budget et des Finances a contribué d'une manière décisive à l'établissement du budget 2014. Nous sommes convaincus qu'un budget basé sur les recommandations de ce Comité représentera un excellent compromis aussi bien pour la

Cour – à laquelle il donnera les perspectives nécessaires à son bon développement – que pour les États Parties.

Cependant – comme je l'avais déjà souligné l'année dernière – il serait trop simple d'assumer que des ressources financières supplémentaires, par elles seules, conduiraient à un meilleur résultat du travail de la Cour. C'est l'efficacité de notre Cour que nous devons nous efforcer d'améliorer sans relâche. C'est pourquoi l'Allemagne salue les premiers pas importants déjà accomplis par le nouveau greffier, Monsieur von Hebel, et pourquoi nous encourageons la Cour à poursuivre sa recherche d'économies additionnelles en examinant soigneusement toutes ses politiques, structures et procédures de travail.

Permettez-moi de terminer en soulignant l'importance, du point de vue de l'Allemagne, de la ratification des amendements dits « de Kampala ».

Ce processus continue à gagner de la force : nous comptons déjà 11 ratifications, dont l'Allemagne qui vient de ratifier le 3 juin dernier. Dans de nombreux États Parties, le processus de ratification est déjà mis en route. C'est pourquoi je suis convaincu que les conditions nécessaires à l'entrée en vigueur des dispositions concernant le crime d'agression pourront être remplies dès 2017.

J'encourage tous les États Parties à contribuer à ce que notre Cour puisse, aussitôt que possible, exercer sa compétence sur le « crime international suprême », pour reprendre l'expression employée en 1946 par les verdicts de Nuremberg pour qualifier le crime d'agression .

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En conclusion, la délégation allemande s'associe pleinement à la déclaration faite par la Présidence lituanienne au nom de l'Union européenne et de ses États Membres.