



Embassy
of the Federal Republic of Germany
The Hague

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(please quote when replying)

Note Verbale

The Embassy of the Federal Republic of Germany presents its compliments to the International Criminal Court and has the honour to communicate the following:

Reply to the catalogue of questions from the ASP Secretariat

regarding (i): Germany ratified the Statute of the International Criminal Court (ICC) on 11 December 2000, and the associated ICC Statute Law entered into force on 1 July 2002 after unanimous approval by the German Bundestag. Additionally, an independent Code of Crimes against International Law (CCAIL), through which all penal provisions of the Rome Statute were incorporated into German criminal law, entered into force one day earlier, on 30 June 2002. Full implementation of the ICC Statute has thus taken place in Germany.

regarding (ii): The Code of Crimes against International Law was created in particular to

- address the specific illegality of violations of international law;
- promote legal certainty and manageability in practice;
- enable Germany to prosecute crimes which fall under the jurisdiction of the International Criminal Court in line with the principle of complementarity.

regarding (iii): As the process of ratification and implementation has already been completed, this question is no longer pertinent.

regarding (iv): A broad range of activities related to the implementation of the ICC Statute have already taken place in Germany, particularly in the academic realm. These

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will also continue in the near future. A conference on “The International Criminal Court After the First Review Conference” will take place at the Humboldt University in Berlin on 15-16 October.

regarding (v): Along with the Code of Crimes against International Law, additional legislation has been created in Germany. Particularly worth mentioning here is the implementing law on the Rome Statute, which addresses cooperation with the International Criminal Court.

regarding (vi): Germany played a decisive role in drafting the cooperation agreement between the ICC and the European Union, which entered into force on 1 May 2006. This agreement stipulates cooperation in the areas of exchange of information, security and testimony by EU civil servants.

regarding (vii): In order to meet the obligation to effect the surrender and transit of German citizens to the ICC, the ban on extradition enshrined in Article 16 (2) of the Basic Law had to be restricted; as a next step, the legislature was able to revoke the ban on extradition to enable the surrender and transit of persons to an international court of justice.

Many constitutional questions also arose in the course of further work on the ratification and implementation of the ICC Statute. More precise attention to avoiding ambiguity, for example, was thus necessary in the creation of the CCAIL.

regarding (viii): The Federal Ministry of Justice (Mohrenstrasse 37, 10117 Berlin, Germany) is responsible for overseeing legislation on the implementation of the ICC Statute, and can provide further information about these matters.

The Embassy of the Federal Republic of Germany avails itself of this opportunity to renew to the International Criminal Court the assurance of its high consideration.

The Hague, November 26, 2010

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