

Statement on behalf of Germany

by Dr. Guido Hildner, Head of Delegation, Federal Foreign Office, Berlin
New York, 6 December 2010

Mr President,

The year 2010 was a special year in the history of the International Criminal Court. It was the year of the first Review Conference of the Rome Statute. The conference was an impressive manifestation of the role the ICC has gained over the years in the arena of international relations. The conference was successful in many ways, among them in the area of stocktaking. Of particular importance is the agreement on the crime of aggression. This outcome was by no means a given and it truly is a milestone in the history of international law. This was only possible through the contributions of many.

Allow me, Mr President, to express Germany's gratitude to all of them: the States Parties that were committed to reach a result and were willing to accept painful compromises, the observers that gave constructive input and supported the course of the conference and, of course, the Government and the people of Uganda: Their generous hospitality provided the ideal framework for the deliberations of the conference. Let me pay a special tribute to the role of the NGO's which accompanied the conference with enthusiasm, helpful suggestions and high expectations. I would also like to thank President Wenaweser for his leadership during the conference which was instrumental for the successful outcome. My list would be incomplete if I did not also mention Prince Zeid who had a crucial input as Chairman of the Working Group on the Crime of Aggression.

For Germany it was particularly important that the agreement on the crime of aggression was reached by consensus. This is a strong message of unity of the international community in combatting this most serious crime. Now that the Secretary General has formally notified the amendments to the States Parties Germany will ratify all amendments adopted by the Review Conference as soon as possible.

The conference of Kampala completed the work that could not be finalized in Rome. With the agreement on the crime of aggression in place we conclude the built-up phase of the Court. What is the task before us now? In order to live up to the expectations created by the Rome Statute we need to concentrate on the core functions of the Court. These are investigations, prosecutions and trials, including sentences. Focusing on those core functions will strengthen the Court, deviating from the core functions will weaken the Court.

Of course, this is first of all the responsibility of the organs of the Court. What can we as States contribute? I can only speak on behalf of Germany, so I will refer briefly to Germany's experience in this regard.

The area of cooperation is naturally the first to be addressed. Germany has established comprehensive mechanisms for cooperation with the Court. The recent experience in concrete cases has shown that they are highly efficient. The Prosecutor has highlighted an example this morning in his statement.

Germany is more than willing to continue the dialogue with the Court on how to further intensify cooperation. The Court can only fulfill its mandate with the full and unconditional cooperation by the States Parties and other actors. Germany calls upon all States to increase and optimize, where necessary, their cooperation with the Court in the interest of combatting impunity and of bringing peace and justice to their people.

In this context, Germany recalls one of the fundamental principles of the Rome Statute, that official capacity does in no case exempt a person from criminal responsibility. This landmark principle has been established and implemented first in Germany by the Allied Military Tribunal in Nuremberg in 1945, and continues to have its worldwide relevance today.

We also need to focus on the question of reparations of victims. In the last century, millions of children, women and men have been victims of unimaginable atrocities. As a matter of fact, in this new century, in this new millennium, numerous victims, in particular children and women, are continuously suffering from these atrocities which have been defined as crimes in legal terms in the Rome Statute.

Therefore, this year Germany has already donated € 300,000 to the Trust Fund for Victims and has funded the costs of a legal expert for the Trust Fund amounting to € 155,000. Germany has now decided to contribute, before the end of this year, an additional € 150,000 to the Trust Fund specifically dedicated to victims of gender violence. This adds up to more than € 600,000 in the year 2010.

Furthermore, still in the course of this year we will also donate € 200,000 to the Special Trust Fund for Relocation, thus underlining the importance of witness protection.

We hope that these contributions will help to ease the pain of victims and reduce the risk for the witnesses in investigations and trials.

Mr President, I am happy to inform you that Germany is offering a voluntary contribution of € 85,000 to a new Trust Fund to be established by this ASP and dedicated to fund family visits of indigent detainees of the International Criminal Court.

Outside the framework of the ASP Germany is actively cooperating with a number of States in order to strengthen their national criminal justice systems – bilaterally as well as multilaterally, especially through the United Nations. Mr. President, we feel encouraged by the statement of Colombian President Santos today before this ASP also mentioning the Colombian-German cooperation in this field. We are impressed by the progress made by Colombia and we fully share the assessment by His Excellency, President Santos, that the Colombian-German cooperation is a success.

Last but not least, in recognition of the important role of NGO's in this area Germany is funding many NGO activities promoting international criminal justice. In the year 2010 alone € 230,000 were put at the disposal of NGO's for

this purpose.

Mr President, on 21 November of this year the German Foreign Minister – together with representatives of the four Allied Powers of the Second World War – has opened a new permanent exhibition on the Nuremberg trials and the history of international criminal law in the city of Nuremberg. This exhibition is located in the historic premises where the trials took place at the time. The exhibition shows that the idea of an international criminal justice system is deeply rooted in German history. This is one of the reasons for our strong support for the International Criminal Court. Mr President, let me conclude by confirming that Germany will continue this support unconditionally.

Thank you.