

International Criminal Court  
Review Conference  
(Kampala/Uganda, 31 May to 11 June 2010)

Statement on behalf of

**Germany**

by

Mr. Markus Löning  
Federal Government Commissioner  
for Human Rights Policy and Humanitarian Aid  
Federal Foreign Office, Berlin

Kampala, 1 June 2010

- Check against delivery -

Mr President, Excellencies, Ladies and Gentlemen,

Here in Kampala, representatives from all over the world have come together in the heart of Africa to reaffirm their commitment to the rule of law. Africa has played a key role in developing and promoting international criminal justice. African states were actively involved in elaborating the Rome Statute. African states form the largest regional group among States Parties. Three African countries have chosen to entrust the International Criminal Court with the investigation and prosecution of international crimes. In five African states the International Criminal Court is carrying out its judicial mandate to render justice to thousands of African victims. Africa can prove that there is no impunity for the most serious crimes. Seven years after the entry into force of the Rome Statute Africa can make a difference. We therefore extend our sincere gratitude to the government of Uganda for hosting this Conference.

The Court stands for the Rome Statute's mission to show that there is a law to hold individually responsible those who have committed the most horrendous crimes. Perpetrators of international crimes can no longer feel safe. This strong message is shared by a clear majority of states. Yet impunity for the most serious crimes poses a global challenge which requires a global response. We therefore call upon all states which have not yet done so to join the fight against impunity and to accede to the Rome Statute in order to contribute to the enforcement and protection of human rights worldwide.

This Review Conference can be seen as marking the end of the International Criminal Court's build-up phase. The Court is now a well-established independent international judicial institution. Trials and investigations are ongoing. All three 'triggers' for the exercise of the Court's jurisdiction have been employed. The Court is a milestone in the history of international law.

We will actively participate in the stocktaking of international criminal justice. On the principle of complementarity we think it is important to underline that it is for *states* to make sure that they are both able *and* willing to investigate and prosecute. Cooperation is certainly key to the functioning of the Court. Germany stands ready to cooperate with the Court in all areas on the basis of the Rome Statute and the German Law on Cooperation with the ICC while the conclusion of formal cooperation agreements may be considered at a later stage.

In 2007 the Nuremberg Conference on Peace and Justice came to the conclusion that peace and justice are not mutually exclusive goals but rather reinforce each other. One year later the "*Nuremberg Declaration on Peace and Justice*" further elaborated on that subject. We commend the Secretary-General of the United Nations for his clear stance that peace and justice must go hand in hand and that there can be no sustainable peace without justice. The International Criminal Court

has a peace-building mission of its own. It is the crimes which threaten peace – not their prosecution !

Although the media sometimes seem to focus on the perpetrators, justice is in the interest of the victims. The Rome Statute grants victims an unprecedented role in court proceedings. The Victims Trust Fund benefits victims and affected communities. However, it seems that a number of legal questions remain to be examined and therefore Germany is providing funds for the secondment of a legal adviser to the Trust Fund for Victims.

Moreover, we very much welcome the role which civil society plays in advancing and promoting the International Criminal Court, both at grass roots level and at the highest political levels. Germany continues to fund civil society projects related to the promotion of the Rome Statute and its implementation.

This Review Conference is a statutory event in which States Parties are called upon to consider amendments to the statute. There may be other Review Conferences in the future – this one, however, is special in timing and substance. The crime of aggression is certainly the most ambitious item on the agenda. It should be noted that the crime of aggression is already enshrined in the Rome Statute as a punishable crime over which the International Criminal Court has jurisdiction. Therefore, with regard to this crime the question here in Kampala is not about “if”, but rather about “when” and “how”. The Special Working Group on the Crime of Aggression provided the Review Conference with an excellent basis for successfully concluding the debate. All arguments have been weighed up, all aspects have been carefully considered. The time has come to take a decision. The history of international criminal justice has shown what tremendous achievements are possible when all sides negotiate in a true spirit of compromise and mutual give and take. Germany is certainly willing to proceed in this direction. States Parties must not miss this opportunity to strengthen the Court by reaching sufficient common ground to fulfil the aspiration of the Rome Statute to place the crime of aggression within reach of Court action.

May I conclude by saying how much Germany values the work of the International Criminal Court in fighting impunity for international crimes. The Court has strengthened the rule of law in international relations. Germany has always been a staunch supporter of the Court. Today I am here to reaffirm Germany’s strong commitment to the Rome Statute and the International Criminal Court. May this Review Conference become another milestone of international criminal justice.

Germany associates itself with the statement delivered on behalf of the European Union.

Thank you.