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Statement on behalf of

Germany

by

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Mr President,
Ladies and gentlemen,

A few weeks ago, in October, we commemorated the 70th anniversary of the day judgments were handed down in the Nuremberg trials. Nuremberg is widely considered to be the birthplace of modern International Criminal Law. The Charter of the International Military Tribunal led to the Nuremberg Principles that were adopted by the United Nations General Assembly, which in turn later became the basis of the Rome Statute. It is the Nuremberg experience that made my country a committed and staunch supporter of the International Criminal Court.

Yet, at the time of the judgments, this was by no means a given. On the contrary, the trials were controversial and not popular. But over time the German people learned that, in situations when the national justice system is not in the position to render justice, the remedy is international jurisdiction. This experience helped the German people come to terms with a horrendous history, and it contributed to solidly embedding the rule of law in the state structure and political culture of the country.

The criticism that is voiced today concerning the ICC reminds me of the discussion we had in Germany about the Nuremberg trials. The German experience gives me confidence that the current critics will eventually also be convinced that the ICC is the much needed tool to fight impunity concerning the most serious international crimes. Therefore, we call upon those who have decided to withdraw from the Rome Statute to reconsider their decision. We are willing to engage in a constructive dialogue so as to address concerns - a dialogue based on the Rome Statute. My Government deeply regrets the decisions of South Africa, Burundi and the Gambia to initiate their withdrawal from the Rome Statute.

I vividly recall the Kampala Conference in 2010, at which African leaders powerfully declared African ownership of the ICC. For us, those convincing

descriptions of the relationship between Africa and the ICC are still valid. The African contribution to the ICC is impressive and has been key in making the Rome Statute a success. This contribution commands universal respect and should be the cause of pride.

Mr President,

Looking at the activities of the Court in the past year, we see many promising developments which are making the Court more efficient – a goal shared by all of us. Allow me to thank everyone at the Court who have contributed to this: the judges, the prosecutor, the registrar and, of course, the staff. Their dedication is admirable.

Let me now address two topics that are of particular importance to States Parties: the Court's budget and staff.

With regard to the budget, already in the past Germany has voiced its concerns over the assumption that additional budgetary and human resources will automatically improve the quality of work. We continue to advocate a more predictable budget process. In particular we look forward to full transparency and encourage working with leaner and more flexible structures.

This brings me to the question of the composition of the staff. Let me recall the importance of the principle of equitable geographic representation. More efforts are needed in this regard. Equitable geographic representation is not just an obligation of the Court. It is also in the Court's core interest, since it expresses the Court's universality, gives legitimacy and builds trust.

Mr President,

I began my intervention with a reference to Nuremberg. Allow me to also close it with Nuremberg. In the judgments of October 1946, the crime of aggression was called the 'supreme international crime'. This is why, for Germany, the jurisdiction of the Court would be incomplete without this crime. The 2010 Review Conference in Kampala defined the crime, as well as the Court's jurisdiction. Germany ratified the Kampala amendments in June 2013. The number of ratifications has now passed the threshold of 30, allowing for an activation decision to be taken in 2017. This is very encouraging. The new provision will have an important preventive effect by forming the mindsets of decision takers. Germany invites all States to work together with a view to taking the concrete steps that are required under the Rome Statute.

Mr President,

To conclude, let me underline that the German delegation fully associates itself with the statement made by the Slovak Presidency on behalf of the European Union and its Member States.

Thank you very much for your attention.