

Germany's answer in relation to the categorization of recommendations made by the IER of the International Criminal Court

Germany wishes to thank the Independent Experts Review Team for its important work and for the extensive and helpful recommendations. The International Criminal Court is an historical achievement, whose functioning we must preserve and promote. Germany emphatically supports the Review Process as an important opportunity to streamline and ameliorate the Court's work processes and to further increase the efficacy of the Court's operating.

At this stage in the process, we would like to take the opportunity to underline our understanding of the review process as a States-driven process with the States Parties ultimately carrying the responsibility for the Court. From our point of view, it would therefore be advantageous if the ASP were involved as comprehensively as possible.

We would respectfully suggest that all elements, topics and clusters therefore be assigned to the relevant ASP sub-organs and bodies with a view to clarifying which Working Group or facilitator follows up on the work in a specific area. In many areas the Court and its organs are well-placed to develop proposals, and have in fact already done so, but such proposals should in our view be reviewed and discussed by and with States Parties within the frame of the relevant ASP sub-organs and bodies.

In general terms, Germany deems the attached model of categorization by the Review Mechanism a very helpful tool in mapping the way ahead and assisting in a systematized approach to discussing and implementing the various suggestions made. In our view, it should not so much serve as a means of distributing the work between either the Court or the ASP but rather as an indicator of who takes a first hand-look at possible room for improvement.

When it comes to defining priorities in implementing the recommendations made, Germany considers it key to focus on recommendations with a structural/systemic bearing such as the first set of recommendations on governance as these may have an immediate impact on the functioning of the court. Moreover, recommendations whose impact is likely to play out in the longer term such as on recruiting practices and questions pertaining to personnel and working culture/ethics should be tackled at an early stage so as to effectuate the necessary changes as soon as possible. In our view, the same holds true for areas such as preliminary examinations which are directly related to the core judicial tasks of the Court.

Germany is convinced that the Court and its organs as well as the ASP and its sub-organs will work hand in hand efficiently to ensure the successful implementation of what amounts to an ambitious and important programme of adjustment and reform. It is our common endeavor to make the court fit for the future. Germany will continue to actively work towards and support the implementation of this vital process.