

International Criminal Court  
Fifth Session of the  
Assembly of States Parties  
(The Hague, 23 November to 1 December 2006)

Statement on behalf of

**Germany**

by

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Mr President, Ladies and Gentlemen,

Sixty years ago, the foundations of modern international criminal law were laid in my hometown of Nuremberg. Since then, the idea of an International Criminal Court has become a reality. This Assembly is already the fifth such session of States Parties and reflects their commitment to fight impunity for the most serious crimes.

I would like to take this opportunity to confirm once again Germany's firm support for the International Criminal Court and the Rome Statute, its universality and integrity.

At EU-level Germany actively supports the EU Action Plan which is based on common positions adopted by various European Councils. It is in this spirit that we fully associate ourselves with the statement by the Finnish Presidency on behalf of the European Union. I would like to assure you that Germany, as incoming EU Presidency, shall work hard to further promote the ICC's noble cause.

The agenda of this year's Assembly reflects the manifold responsibilities of the States Parties.

Of course, budgetary questions play an important role. In this context we welcome the preparatory conceptual work which the Court has provided in order to illustrate its needs and ambitions: the Strategic Plan, the Court Capacity Model and the Outreach Strategy. Though some points of these documents may need further thought, we welcome the fact that the Court has undertaken this exercise of self-examination. We commend the Court for clearly laying out its strategic goals and providing us with a useful basis for discussion.

At this point I would also like to voice our appreciation of the work of the Committee of Budget and Finance. By and large we share the CBF's views and would like to see its recommendations duly taken into consideration. Building on the CBF's report, the final assessment of the Court's budget is in the hands of this Assembly.

It is against this background that we support the Court in its endeavour to design a more active outreach policy in order to interact with those communities affected by the commission of crimes under the Court's jurisdiction. We are ready to provide the Court with adequate resources for this purpose. However, outreach may also be seen as an objective which requires joint efforts not only by the Court but also by State Parties - and where NGOs may play an important role.

With regard to the Court's permanent premises, Germany takes great interest in making rapid progress on this front. Our expert has been actively contributing to the work of the relevant Working Group.

We would like to call upon the Assembly to make sure that the necessary decisions are taken without delay in order to avoid costly interim solutions in the future.

Mr President, Ladies and Gentlemen,

Apart from money and housing, the Court faces a number of other, more substantial issues.

Unfortunately, the number of ratifications still falls below our expectations. Together with EU partners, we shall continue our efforts to convince further countries to consider acceding to the Rome Statute. Germany is ready to give assistance where needed. The German “Law on Cooperation with the International Criminal Court” is available in English, French, Spanish, Russian and Arabic.

We are happy to note that Japan may accede to the Statute in the course of 2007 and we are ready for an exchange of views with our Japanese colleagues on any questions which may arise in this context.

Cooperation between the Court and States is another core issue.

We agree with the Strategic Plan of the Court, which reads: “To be effective, the Court needs the cooperation of...States, international organizations and civil society.” The Court is right in expecting states and other international players to ensure that warrants of arrest are executed, defendants are transferred and sentenced persons are imprisoned - to name just a few key areas. On the basis of our national legislation on cooperation with the ICC – the Act I mentioned earlier – I would like to assure you that Germany is well prepared to consider any request by the Court. In addition, the Court should also engage with the United Nations, the European Union, NATO and others to further explore ways of enhancing co-operation with the Court. In all these fora Germany will advocate the Court's concerns insofar as possible.

Mr President, Ladies and Gentlemen,

Obviously the Court is in a phase of transition. The initial set-up stage has been completed and the Court can now concentrate on its core activity which is to render justice and enforce the Rome Statute. Delivering high quality justice is the prime strategic goal of the Court – and rightly so! The first pre-trial hearing which began just a few days ago is a milestone which may lead to the Court's first trial. A court cannot render judgments without cases and suspects being brought before it. While the co-operation of states and international organizations is essential in this context, the Prosecution also bears particular responsibility for the functioning and success of the court.

While courts tend to focus on perpetrators, we must not forget the victims of the most serious crimes. After all, we view the Court as an institution of international humanitarian law.

It is from this perspective that Germany also attaches great importance to the work of the Victims Trust Fund and consequently has granted a voluntary contribution of € 300,000 to the Fund's 2006 budget.

As regards future challenges, we took note with great interest of the paper which my colleague Rolf Einar Fife from Norway submitted on the Review Conference. We find his contribution extremely useful and are looking forward to an open debate on how to proceed.

Mr President, Ladies and Gentlemen,

It has been a long journey from Nuremberg to The Hague. Along the road we have acquired considerable experience in dealing with post-conflict situations – and sometimes we had to learn the hard way. It has become quite clear, however, that both peace and justice are fundamental prerequisites for any sustainable post-conflict nation-building. Yet we have to realise that occasionally some tensions may arise between these two goals. We think that this complex issue needs to be thoroughly debated and closely examined.

It therefore gives me great pleasure to announce an international conference entitled “Building a Future on Peace and Justice” to be held in Nuremberg from 25 to 27 June 2007. Germany will jointly organize this event with Finland and the Hashemite Kingdom of Jordan, in cooperation with the *International Center for Transitional Justice*, the *Crisis Management Initiative* and other civil society organizations. It will be based on a holistic notion of “sustainable peace” - encompassing peace, justice, development and institutional reforms. Drawing on practical experiences from around the world, the conference will seek to arrive at a better conceptual and operational method of addressing the tensions that may arise between “peace” and “justice” in the course of peace-brokering or in post-conflict peace-building. Invitations will be sent to your governments soon and I look forward to meeting you in Nuremberg – my hometown!

Thank you very much.