# Speech by Minister of State Niels Annen at the panel discussion on international criminal jurisdiction as an element of the global peace order

2018-05-15

Panellists,

Excellencies,

Fellow members of the Bundestag and colleagues from the Federal Foreign Office,

Ladies and gentlemen,

Foreign Minister Heiko Maas asked me to open this panel discussion, as he unfortunately had to travel abroad at short notice.

Naturally, I am very happy to open today's event, not least because as a native of Hamburg, the establishment of the International Tribunal for the Law of the Sea in my home town means that I am very familiar with the concept of and need for international jurisdiction.

I won't deny that the title of today's event does seem unwieldy and rather abstract at first.

But it entails very concrete questions. For instance, how should the international community respond to unimaginable crimes such as the genocide in Rwanda or Srebenica?

How should it respond to the systematic use of rape as a weapon of war? And what should it do when poison gas is used as a weapon in Syria?

After almost 25 years, the International Criminal Tribunal for the former Yugoslavia ended its work last year. Other international tribunals are prosecuting crimes under international law in Cambodia, Lebanon, Kosovo and many other countries.

I have worked in the field of international politics for almost as long now as the period when the International Criminal Tribunal for the former Yugoslavia did its important work.

Even when I was still at school, I was impressed by the work and staff of criminal courts.

There is no doubt that the will to address the crimes of the past irrespective of the person concerned and the attempt to open a new chapter of reconciliation in each case is the only

right path.

This path is often difficult and does not always lead to success.

However, in Arusha, home to the former International Criminal Tribunal for Rwanda, one can rightfully be proud of how justice was served and how – almost 25 years after the genocide – this helped to foster reconciliation rather than creating further divisions.

It is important to me that we do not lose sight of such achievements, in which many of you played a very important role, and that we defend these results.

I also say this against the backdrop of increasing criticism of the work of international criminal justice. Naturally, one can understand that the victims in particular often find the trials too long and expensive.

In addition, we need to address the criticism that the International Criminal Court focuses too much on perpetrators from Africa, not least in order to ensure that we uphold its universality.

And perhaps we also need to admit that the hopes of the early 1990s for a “golden age” of international criminal jurisdiction never came to pass.

So were we wrong to place our hopes and trust in the power of international criminal justice? I don’t think so!

The impetus for today’s event was provided by the closure of the International Criminal Tribunal for the former Yugoslavia after almost 25 years.

It was the first international criminal court after Nuremberg and Tokyo to show the whole world that the Geneva Conventions, the Genocide Convention, The Hague Convention on War on Land and other agreements on protecting people from the worst crimes against humanity are not just any legal texts, but rather the basis for holding apparently unassailable perpetrators to account, regardless of whether they are heads of state, ministers or generals.

When the International Criminal Tribunal for the former Yugoslavia ended its work last December, all 161 defendants had been apprehended. The Court dealt with all of their cases and convicted 90 people.

Justice prevailed over the most grievous crimes. This necessitated great patience. However, even such late convictions are extremely important to the victims and their families.

Ladies and gentlemen,

Despite such achievements in international criminal justice, our thoughts these days naturally turn to Syria, where barbaric crimes are being committed against innocent civilians every single day.

We are shocked and appalled to see how even chemical weapons are being used against the Syrian population and innocent women, men and children are being murdered in despicable ways.

Let there be no doubt – it is a disgrace that the international community has not found a joint answer to these crimes so far.

All attempts to forward this matter to the International Criminal Court have come to nothing because of a lack of unity and the veto by some

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Security Council members. But we cannot simply leave it at that. We need more cooperation. We need to step up our efforts. And we need to be more resolute.

In the meantime, we cannot simply stand idly by. We owe that to the victims.

Germany will continue to do its utmost to provide political and financial support to the

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General Assembly and Human Rights Council's accountability mechanisms, as they play an absolutely essential role in addressing atrocities committed in Syria by safeguarding evidence, documenting scenes of crimes and recording witness statements.

I would like to express our gratitude and great appreciation to those involved for their courageous and often extremely dangerous work.

Ladies and gentlemen,

Along with France, we will work to further the International Partnership against Impunity for the Use of Chemical Weapons, which was set up at the start of the year and now already comprises 32 countries and the European Union.

The clear message sent by this coalition is that we are not alone in our fight against impunity. There are many of us and our numbers are growing!

We are also addressing war crimes committed in Syria at the national level in Germany.

To this end, public prosecutors from the Federal Public Prosecutor General are speaking with Syrians who fled to Germany before the war and gathering their testimony.

The Federal Public Prosecutor General is already carrying out 40 investigations against 65 defendants in connection with the Syrian civil war under the German Code of Crimes Against International Law, as it did after the war in former Yugoslavia for crimes committed there.

All of this shows that we can have an impact on the fight against impunity if international organisations, national investigating authorities and of course the many NGOs, which work so hard to document crimes, work hand in hand.

Ladies and gentlemen,

If we are elected in June as a non-permanent member of the

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Security Council for the 2019/2020 term, we will continue our efforts to combat impunity and to uphold a rules-based international order.

Particularly in view of our own history, we will never accept war crimes, torture, the wanton murder of civilians, rape and so-called ethnic cleansing.

And we will continue to urge the entire international community to take responsibility when it comes to punishing crimes against humanity, which are by definition crimes against us all.

Ladies and gentlemen,

It is good to know that we can count on you and your expertise in this regard. Your endeavours on behalf of international criminal law in recent years have shown clearly that we need justice in order to heal wounds and that justice leads to reconciliation.

You are all too aware that this task will take generations to complete. But in the end – and this is what The Hague and Arusha stand for – justice will prevail.

With this conviction, I hope you will all enjoy a useful exchange of views here in Berlin. I wish you great strength and courage in your future endeavours to foster justice and reconciliation.

Thank you very much for your vital work!

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