



Permanent Mission
of the Federal Republic of Germany
to the United Nations
New York

Note No. 215/2010

The Permanent Mission of Germany to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and has the honour with reference to the Secretary-General's Note Verbal No. LA/COD/2 of 9 April 2010, inviting the Member States to submit relevant information for inclusion in the report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions relating to the protection of victims of armed conflicts and on measures taken to strengthen the international humanitarian law, requested in paragraph 11 of General Assembly resolution 63/125, to transmit the following report by the Government of the Federal Republic of Germany.

The Permanent Mission of Germany to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

New York, 27 May 2010



Office of Legal Affairs
Codification Division
United Nations
380 Madison Avenue
Room: M-13065
New York, N.Y. 10017

**Status of the Protocols Additional to the Geneva Conventions of 1949 and Relating to the
protection of victims of armed conflicts
United Nations General Assembly resolution 63/125 of 11 December 2008
Information submitted by Germany**

1. Germany has been a party to the Geneva Conventions of 12 August 1949 since 1954 and to Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) as well as to Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) since 1991. Furthermore, Germany has made a declaration pursuant to article 90 of Protocol I recognizing the competence of the International Fact-Finding Commission. Germany ratified the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Protocol III) in 2008. Furthermore, in 2009 Germany ratified the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.
2. An expert group comprising representatives of the Federal Foreign Office, the Ministry of the Interior, the Ministry of Defence, the Ministry of Justice and the German Red Cross, as well as law professors specialized in international humanitarian law, advises the Government on matters relating to the implementation, development and dissemination of international humanitarian law.
3. The Federal Ministry of Defence is responsible for the implementation of the norms of international humanitarian law within the German armed forces, the Bundeswehr. As provided for by the law governing the legal status of soldiers, instruction in international humanitarian law and in other international regulations, agreements and commitments constitutes part of the training programmes for all military personnel in the German armed forces. Courses are held by legal advisers, teachers of law and the superior officers responsible. On the basis of this fundamental knowledge, personnel receive further in-depth instruction in this subject as part of their training and education programme, preparing them to be commissioned and noncommissioned officers, commensurate with their respective level of service. Under Zentrale Dienstvorschrift (ZDv) 15/1 (Humanitarian Law in Armed Conflicts — Basic Principles), ZDv 15/2 (Humanitarian Law in Armed Conflicts — Manual), ZDv 15/3 (Humanitarian Law in Armed Conflicts — Texts and Documents), soldiers and civilian employees at all command levels have access to the pertinent international treaties. Field cards with specific questions and description of situations supplement this information. Units selected for operations abroad receive extra training on legal components directly related to their mission and their operational area.
4. Germany actively supports the International Criminal Court (ICC). Legislative measures concerning the implementation of the Rome Statute were incorporated into German domestic law in June 2002. Amendments to domestic criminal law concerning vertical cooperation between Germany and ICC are contained in a separate code in order to achieve transparent and coherent regulation of the cooperation with ICC (Gesetz über die Zusammenarbeit mit dem Internationalen Strafgerichtshof), conceding to ICC, to the extent possible, all measures of judicial cooperation available between States.
5. Furthermore, a special penal Code of Crimes against International Law (Völkerstrafgesetzbuch) was adopted that penalizes crimes in domestic law that would fall within the jurisdiction of ICC or is punishable under customary international law, such as genocide, crimes against humanity and war crimes.

6. German support for ICC is also reflected in the constructive dialogue with nations that so far have not signed or ratified the Rome Statute. Germany remains committed to the universality and integrity of the Rome Statute as laid down in EU Council Common Position of 16 June 2003 on the International Criminal Court. In addition, via numerous bilateral contacts, Germany has shared its experience with other nations concerning the question of implementation of the Rome Statute.

7. Germany also continues to support and cooperate with the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and supports the Special Court for Sierra Leone.

8. Germany supports the Special Tribunal for Lebanon established in accordance with Resolution 1757 (2007) of the Security Council as well as the Extraordinary Chambers in the Court System of Cambodia. As one of the major donors to the budgets of these tribunals Germany is a member of their Management / Steering Committees.

9. Germany is intensely involved in fighting the illicit trade in small arms and light weapons as well as the use of anti-personnel landmines. As State party to the Ottawa Convention, Germany does not produce or export anti-personnel landmines. It has also signed and implemented a number of international agreements regarding small arms and light weapons. In the framework of the Organization for Security and Cooperation in Europe (OSCE), Germany has introduced, together with Norway and the Netherlands, principles on brokering of small arms and light weapons that were adopted in December 2004.

10. On 21 December 2001, the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, with the consent of Germany, adopted a Final Document extending the scope of the Convention and its annexed Protocols to armed conflicts not of an international character. Germany deposited the instrument of acceptance with the Secretary-General on 26 January 2005. The amendment entered into force for Germany on 26 July 2005. Germany deposited its instrument of ratification of Protocol V to the Convention, on Explosive Remnants of War, with the Secretary-General on 3 March 2005, making it the fifth country to do so.

11. The German Federal Government ratified the Convention on Cluster Munitions on 8 June 2009. The Convention will enter into force on 1 August 2010. Already on 29 May 2008 Germany unilaterally renounced, with immediate effect, the use of all types of cluster munitions. Furthermore it will destroy its remaining stocks as fast as it can.

12. Germany actively promotes and disseminates International Humanitarian Law. In 2007 the German Federal Foreign Office, the German Federal Ministry of Defense and the German Red Cross have published and broadly distributed the collection "Documents on International Humanitarian Law", containing documents of central importance to international humanitarian law in the English and German languages.