



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

Note No. 143/2020

Verbal Note

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 honor to **transmit**, with reference to the **Secretary-General's Note Verbale No. LA/COD/2/1 of 7 January 2019**, 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 conflict and on measures taken to strengthen international humanitarian law, requested in paragraph 13 of General Assembly resolution 73/204, **the following report by the German government.**

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, May 26, 2020

United Nations
Office of Legal Affairs
New York, NY 10017

Status of the Protocols Additional to the Geneva Conventions of 1949 and Relating to the protection of victims in armed conflicts

United Nations General Assembly resolution 73/204 of 20 December 2018

Information submitted by Germany

1. Germany has been a party to the Geneva Conventions of 12 August 1949 since 1954 and to the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977 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) of 8 June 1977 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) of 8 December 2005 in 2009.
2. Germany honored together with the German Red Cross the 70th anniversary of the Geneva Conventions with a co-organized expert panel discussion under the title “The Geneva Conventions of 1949: a milestone of international humanitarian law” on 11 September 2019.
3. The German Committee on International Humanitarian Law, comprising representatives of the Federal Foreign Office, the Ministry of Defence, the Ministry of the Interior, Building and Community, the Ministry of Justice and Consumer Protection, and the German Red Cross as well as representatives from academia specialized in international humanitarian law, advises the Government on matters relating to the implementation, development and dissemination of international humanitarian law.
4. 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 programs 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 receives further in-depth instruction as part of their training and education

program, preparing them to be commissioned and noncommissioned officers, commensurate with their respective level of service. Under central order, Zentrale Dienstvorschrift (ZDv) 241/1 (Humanitarian Law in Armed Conflicts– Manual), soldiers and civilian employees at all command levels have access to the pertinent rules of international humanitarian law as interpreted by the Federal Ministry of Defence. 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 in their operational area.

5. 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 the ICC are contained in a separate code in order to achieve transparent and coherent regulation of the cooperation with the ICC (Gesetz über die Zusammenarbeit mit dem Internationalen Strafgerichtshof), conceding to the ICC, to the extent possible, all measures of judicial cooperation available between States.
6. Furthermore, a special penal code of crimes under international criminal law (Völkerstrafgesetzbuch) was adopted that penalizes crimes in domestic law that fall within the jurisdiction of the ICC, such as genocide, crimes against humanity and war crimes.
7. Germany is a staunch supporter of the international criminal justice system and has made the fight against impunity one of its key priorities. This includes in particular support for efforts towards securing critical evidence where successful prosecution cannot be achieved currently.
8. Germany is intensely involved in fighting the illicit trade in small arms and light weapons as well as the use of anti-personnel landmines both by offering project support and promoting coordinated regional roadmap processes. As States 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.
9. Germany is actively engaged in a number of multilateral fora to work out multilateral guidance to ensure future weapons systems using new and emerging technologies are developed and used only in accordance with the Geneva Conventions and its Additional Protocols.

10. Germany actively promotes and disseminates International Humanitarian Law. In 2016 the Federal Foreign Office, the Ministry of Defence and the German Red Cross have published and broadly distributed the third edition of the collection of “Documents on International Humanitarian Law”, containing documents of central importance to international humanitarian law in English and German languages.