

in memoriam Hans-Peter Kaul



Not too long ago, members of the Editorial Board saw the twinkle in his eyes, as Judge Hans-Peter Kaul welcomed a group of students to the International Criminal Court, in order to discuss current challenges of the Court. The very Court that would not or, at least, not in its present form, exist without him. The very Court that he had shaped and contributed to significantly during those eleven years he served as judge and the four years as Second Vice-President. The International Criminal Court represents the work of a lifetime for Hans-Peter Kaul who has passed away on 21 July 2014.

What particularly struck us students was his depiction of the breakthrough in negotiations of the Rome Statute, which was arguably the biggest moment of his professional life. Hans-Peter Kaul took us back in time to July 1998 when he fought relentlessly for every wording of the treaty, dutifully honoring his responsibility as the German delegation's chief negotiator. At last, the idea of a permanent court, mandated to achieve greater justice for the victims of the most serious human rights violations, became reality.

Yet, this major success did not mark the end of his efforts to further effectuate the Rome Statute. With great emphasize he advocated for the inclusion of the crime of aggression, a crime regarded by him as the “the mother of all crimes”,

into the statute. By virtue of the consensus at the Conference of the Contracting Parties in Kampala 2010, this goal had likewise been achieved.

This inclusion represents – as it can be gleaned from his contribution in the *Goettingen Journal of International Law* (Vol. 2, No. 2 (2010), 649-667) – a milestone, albeit obviously not undisputed, of international law. He, up until the very end, always firmly defended “his” Court against recurring criticism of its alleged incapability of reconciliatory adjudication, or such based on the exclusive treatment of African situations. His accounts and especially his concluding remark – that though the weakness of the Court might be self-evident, given the multitude of problems in the world, its very existence remains its greatest strength – left a long-lasting impression on us.

Quoting Judge Christoph Flügge, Hans-Peter Kaul’s death is a huge loss for everyone sharing his belief in the power of law even in armed conflicts. His seminal contribution to the formation of International Criminal Law will without a doubt outlast his death. The following generations of scientists, practitioners, and State representatives now face the task to promote and further the International Criminal Law, just as Hans-Peter Kaul did with that twinkle in his eyes.

The Editorial Board