

1 International Criminal Court
2 Solemn Undertaking Ceremony
3 Wednesday 11 March 2009.

4 (*The ceremony commenced at 10:34.*)

5 COURT USHER: All rise. *Veillez vous lever.*

6 INTERIM PRESIDENT ODIO BENITO: Please be seated.

7 Excellencies, six years ago today, the 11 March 2003, the first ever meeting of
8 the Judges of the International Criminal Court took place in The Hague. Our solemn
9 undertaking was witnessed, amongst other distinguished personalities, by the
10 former UN Secretary General Kofi Annan who addressed us, 11 men and 7 women,
11 as I quote, "Representing all regions of the world and many different cultures and
12 legal traditions," and depicted these first 18 Judges as the "embodiment of our
13 collective conscience."

14 "For centuries," he added, "and especially in the last century, that conscience
15 has been shocked by unspeakable crimes: Crimes whose victims were counted not
16 in tens, but in thousands, even in millions." End of quote.

17 The painful evidence of the impunity and frequent commission of
18 international crimes, genocide, war crimes and crimes against humanity around the
19 world, against millions of women, children and men, made possible the creation of
20 this International Criminal Court to put an end to impunity for the perpetrators of
21 these crimes and thus to contribute to the prevention of such crimes as read in
22 paragraph 5 of the Preamble of the Statute.

23 Additionally, the Court intended to give the victims of these unimaginable
24 atrocities that deeply shock the conscience of humanity, paragraph 2 of the
25 Preamble, the opportunity to be part of this crucial international endeavour.

1 Since that 11 March 2003 the Court has groan into a fully functioning
2 institution. Four situations are being investigated by the Prosecutor. Thirteen arrest
3 warrants have been issued and four arrests have been executed with the cooperation
4 of the States Parties.

5 The Pre-Trial Chambers have considered requests for arrest warrants in four
6 situations and have confirmed charges in two cases. The Appeals Chamber has
7 begun to address fundamental issues of interpretation of the Rome Statute. And this
8 year, the Court began its first ever trial. A second trial is completing its preliminary
9 stage and soon it will begin hearings.

10 For the first time in history, victims' rights to participate in the proceedings
11 recognized in the Rome Statute has become a reality. 404 victims, women, men, boys
12 and girls, are currently participating in the situations in the Democratic Republic of
13 Congo, Uganda, Darfur and the Central African Republic. Among them, there are 93
14 participants in the Lubanga case, the first trial of the ICC, and currently 57 in the
15 Katanga/Ngudjolo case.

16 None of this would have been possible without international cooperation,
17 including the support of States, international organisations and civil society. And
18 the dedication of all four organs of the Court. This continuing support will be
19 essential in the years to come to ensure fair and expeditious trials which guarantee
20 the rights of the accused, the victims' right to participate and the public right to
21 know.

22 Just over seven weeks ago, the Assembly of States Parties to the Rome Statute
23 elected six Judges to the International Criminal Court. This morning, the elected
24 Judges will make in open Court their solemn undertaking to exercise their functions
25 impartially and conscientiously.

1 This is an important day for the whole Court; and as such, we Judges are
 2 joined today by the Prosecutor, the Deputy Prosecutor, the Registrar and the Deputy
 3 Registrar. The President of Assembly of States Parties is also present today.

4 We welcome those Judges who in a few moments will take the oath and be
 5 formally sworn in as Judges of the ICC. Judge Fumiko Saiga. Judge Joyce Aluoch.
 6 Judge Sanji Mmasenono Monageng. Judge Christine van den Wyngaert. And Judge
 7 Cuno Tarfusser.

8 Judge Shahabudden, who was elected by the States Parties, has decided for
 9 personal reasons not to join the Court. We recognize his distinguished service as an
 10 international judge and deeply regret not benefitting from his wisdom and
 11 experience. The swearing in of five Judges today marks a new chapter in the Court
 12 history.

13 Allow me to pay tribute to the Judges who were part of the first 18 and have
 14 left the Court : Judges Maureen Clark, Claude Jorda, Karl Hudson-Phillips,
 15 Georghios Pikis, Navy Pillay, Mauro Politi and Neroni Slade. Each of them helped
 16 build the judicial and administrative structures that provide the foundation on
 17 which the Court stands today. We are very grateful for all the work done by them
 18 and for the legacy for the future of the Court.

19 I also wish to pay tribute to the members of the last Presidency whose
 20 mandates as members of this important organ expired yesterday: Judges Akua
 21 Kuenyehia and René Blattmann who dedicated their tireless efforts over the past
 22 three years to both their judicial duties and their functions as first and second
 23 Vice-Presidents. We are very grateful for their many contributions in setting up the
 24 foundations of the Court.

25 President Philippe Kirsch's second term as the first President of the Court also

1 ended yesterday. Philippe Kirsch came to this Court after many years of working as
 2 chairperson of the committee of the whole at the Rome Diplomatic Conference and
 3 as Chairperson of the Preparatory Commission. His efforts contributed greatly to
 4 the miracle of the 17 July 1998 that gave birth to the Rome Statute.

5 As a member of the Appeals Chamber and as the first President of the Court
 6 serving two successive terms, his tireless work and skills have added fresh water to
 7 the original seed planted in 1998 to make possible a permanent independent and
 8 truly International Criminal Court. His contribution obliges our gratitude.

9 All you leaving us today will be sorely missed.

10 Today, 11 March 2009, 18 Judges, 10 women and 8 men, representing all
 11 regions of the world and many different cultures and legal traditions will continue
 12 the task started six years ago.

13 We will reinforce the rule of law and national and international levels as the
 14 only way to embody a system of criminal justice and to ensure that justice will
 15 become truly inclusive, culturally sensitive, appreciative of diversity and respectful
 16 of all legal traditions. Thank you very much.

17 Now, I would like to invite the President of the Assembly of States Parties to
 18 report on the election of the Judges.

19 MR. WENAWESER: Madame President, Madame Registrar,
 20 Excellencies, ladies and gentlemen, a bit over a decade ago this Court was but a
 21 vague concept reflected in hundreds of pages of draft documents, which some of us
 22 assembled into coherent package of proposals at Zutphen here in the Netherlands
 23 for consideration by the Diplomatic Conference in Rome.

24 On 17 July 1998 in the City of Rome the Statute was adopted by the
 25 diplomatic conference under the leadership of Philippe Kirsch, who has just ended

1 his tenure as judge and as the first President of the International Criminal Court. As
2 we gather here today for the solemn undertaking of five new Judges, the Court can
3 rely on the support from 108 States Parties from all regions, all parts of the world
4 and all legal traditions.

5 Six years after the first Judges commenced their term of office, the Court has
6 consolidated its institutional buildup, begun its investigations initiated by referrals
7 from States and from Security Counsel of the United Nations.

8 Judicial proceedings in the trial are underway with the first accused
9 appearing before the Court with full respect for their rights and for international
10 standards of due process and with the participation of victims in the proceedings
11 before the Court.

12 This Court is based on a complex and sophisticated treaty negotiated and agreed to
13 by sovereign States determined to end impunity for the most serious crimes of
14 concern to the international community as a whole that threaten the peace, security
15 and well being of the world.

16 It derives its unique legitimacy both from its judicial proceedings and from
17 the fact that over 100 States have made the decision to join it. Its adoption at the
18 Rome Conference was a landmark in the history of international law, but perhaps
19 even more importantly a defining moment in the history of international relations.
20 And that the purpose reflected in the Statute has the Court contribute to both justice
21 and to peace.

22 Since its very creation and indeed before, this Court has met with resistance.
23 It has prevailed due to the power of its core message: That the most serious crimes
24 must not go unpunished and that the law shall prevail. It has overcome skepticism
25 and gained respect because each and every of the hundreds of decisions made has

1 been the result of a strict application of the law.

2 The Court has grown at a speed that few would have predicted.

3 Nevertheless, it is still a young institution. It has established itself as part of the
4 institutional landscape and will keep its rightful place as it continues to fulfill its
5 mandate under the Rome Statute and as it moves towards the goal of universality.

6 In order to do so, it needs the political support from States and international
7 organisations, from civil society and to public at large. And it needs the strong
8 personal commitment and engagement from the best legal minds available.

9 The Court sits in The Hague, the legal capital of the world, but its presence is
10 felt around the world in capitals, of States Parties and international organisations, in
11 particular the United Nations, in relationship with which the Court was created.
12 This is an institution that exercises jurisdiction only where States, which have the
13 primary responsibility to do so, are unable or unwilling to bring perpetrators of the
14 most serious crimes to justice.

15 One of the most important goals of the Rome Statute and one of the most
16 important effects of the Court is the strengthening of national judiciaries around the
17 world. As we move towards the review conference in Kampala, Uganda in 2010,
18 States and the broader public will examine ever more closely the performance of the
19 Court and consider what changes, if any, we need to make to the Statute.

20 Madame President, the eyes of the world and especially those of victims are
21 firmly fixed on every decision by the Court. The strictly judicial nature of its
22 proceedings and the highest standards of international justice guide the work of this
23 Court and the Assembly of States Parties on whose behalf I have the honor to report
24 today has continued to exercise utmost care in bestowing the privilege of serving as
25 a judge upon a few select individuals.

1 At the ninth meeting of its seventh session held on 19 and 20 January 2009,
2 the Assembly proceeded to elected six Judges of the International Criminal Court in
3 accordance with the relevant provisions of the Rome Statute.

4 The following were elected Judges of the International Criminal Court. Ms.
5 Joyce Aluoch. Ms. Sanji Mmasenono Monageng. Ms. Fumiko Saiga. Mr.
6 Mohammed Shahabudden. Mr. Cuno Tarfusser. And Ms. Christine van den
7 Wyngaert. By a communication dated 16 February 2009, Mr. Mohammed
8 Shahabudden informed me that he was no longer in a position to assume his duties
9 as a judge of the Court. Consequently, we are here today to witness the solemn
10 undertaking of five Judges.

11 You have been elected by the States Parties because you meet the highest
12 standards in the area of international criminal justice and possess the qualifications
13 required in your respective States for appointment to the highest judicial offices.
14 You are called upon to apply the law in the spirit of the Rome Statute and to, thus,
15 fulfill the role entrusted to you by States Parties for the benefit of the international
16 community as a whole.

17 On behalf of the Assembly of States Parties, I reassure the Court as a whole
18 that it can count on our continued support to provide you with all necessary means
19 and support to carry out your mandate.

20 I thank you, Madame President.

21 INTERIM PRESIDENT ODIO BENITO: Thank you, Excellency. We
22 will now proceed with the solemn undertaking. I invite the President of the
23 Assembly of the States Parties to administer the solemn undertaking. And I ask the
24 Registrar to assist him.

25 THE REGISTRAR: Judge Fumiko Saiga, please approach the lectern to

1 stand beside the President of the Assembly of States Parties and make your solemn
2 undertaking pursuant to Rule 5.1.a of the Rules of Procedure and Evidence.

3 MR. WENAWESER: Ms. Fumiko Saiga, the Assembly of States Parties
4 elected you to be a Judge at the International Criminal Court. I ask you to raise your
5 right hand; and in accordance with Rule 5.1.a of the Rules of Procedure and
6 Evidence pledge your solemn undertaking.

7 JUDGE SAIGA: I, Fumiko Saiga, solemnly undertake that I will
8 perform my duties and exercise my powers as a Judge of the International Criminal
9 Court honourably, faithfully, impartially and conscientiously, and that I will respect
10 the confidentiality of the investigations and prosecutions and secrecy of
11 deliberations.

12 MR. WENAWESER: I thank you. You may proceed to sign your
13 declaration before the Registrar.

14 THE REGISTRAR: Judge Joyce Aluoch, please approach the lectern to
15 stand beside the President of the Assembly of States Parties and make your solemn
16 undertaking pursuant to Rule 5.1.a of the Rules of Procedure and Evidence.

17 MR. WENAWESER: Ms. Joyce Aluoch, the Assembly of States Parties
18 elected you to be a Judge of the International Criminal Court. I ask you to raise your
19 right hand, and in accordance with Rule 5.1.a of the Rules of Procedure and
20 Evidence pledge your solemn undertaking.

21 JUDGE ALUOCH: I, Joyce Aluoch, solemnly undertake that I will
22 perform my duties and exercise my powers as a Judge of the International Criminal
23 Court honourably, faithfully, impartially and conscientiously, and that I will respect
24 the confidentiality of the investigations and prosecutions and the secrecy of
25 deliberations.

1 MR. WENAWESER: I thank you. You may proceed to sign your
2 declaration before the Registrar.

3 THE REGISTRAR: Judge Sanji Mmasenono Monageng, please
4 approach the lectern to stand beside the President of the Assembly of States Parties
5 and make your solemn undertaking pursuant to Rule 5.1.a of the Rules of Procedure
6 and Evidence.

7 MR. WENAWESER: Ms. Sanji Mmasenono Monageng, the Assembly
8 of States Parties elected you to be a Judge at the International Criminal Court. I ask
9 you to raise your right hand and in accordance with Rule 5.1.a of the Rules of
10 Procedure and Evidence pledge your solemn undertaking.

11 JUDGE MONAGENG: I, Sanji Mmasenono Monageng, do solemnly
12 undertake that I will perform my duties and exercise my powers as a Judge of the
13 International Criminal Court honourably, faithfully, impartially and conscientiously,
14 and that I will respect the confidentiality of the investigations and prosecutions and
15 the secrecy of deliberations.

16 MR. WENAWESER: I thank you. You may proceed to sign your
17 declaration before the Registrar.

18 THE REGISTRAR: Judge Christine van den Wyngaert, please approach
19 the lectern to stand beside the President of the Assembly of States Parties and make
20 your solemn undertaking pursuant to Rule 5.1.a of the Rules of Procedure and
21 Evidence.

22 MR. WENAWESER (*Interpretation from French*): Madame Christine van
23 den Wyngaert, the Assembly of States Parties elected you to be a Judge at the
24 International Criminal Court. I ask you to raise your right hand and in accordance
25 with Rule 5.1.a of the Rules of Procedure and Evidence pledge your solemn

1 undertaking.

2 JUDGE WYNGAERT (*Interpretation from French*): I, Christine van den
3 Wyngaert, solemnly undertake that I will perform my duties and exercise my
4 powers as a Judge of the International Criminal Court honourably, faithfully,
5 impartially and conscientiously, and that I will respect the confidentiality of
6 investigations and prosecutions and the secrecy of deliberations.

7 MR. WENAWESER (*Interpretation from French*): Thank you very much.
8 Can you now please sign your undertaking with the Registrar.

9 THE REGISTRAR: Judge Cuno Tarfusser, please approach the lectern
10 to stand beside the President of the Assembly of States Parties and to make your
11 solemn undertaking pursuant to Rule 5.1.a of the Rules of Procedure and Evidence.

12 MR. WENAWESER: Mr. Cuno Tarfusser, the assembly of States Parties
13 elected you to be a Judge at the International Criminal Court. I ask you to raise your
14 right hand and in accordance with Rule 5.1.a of the Rules of Procedure and Evidence
15 pledge your solemn undertaking.

16 JUDGE TARFUSSER: I, Cuno Tarfusser, solemnly undertake that I will
17 perform my duties and exercise my powers as a Judge of International Criminal
18 Court honourably, faithfully, impartially and conscientiously, and that I will respect
19 the confidentiality of the investigations and prosecutions and the secret of the
20 deliberations.

21 MR. WENAWESER: I thank you. And you may proceed to sign your
22 declaration before the Registrar.

23 INTERIM PRESIDENT ODIO BENITO: Thank you, Excellency. The
24 solemn undertaking of five Judges of the International Criminal Court has hereby
25 been administered in accordance with Article 45 of the Statute.

1 As provided by Regulation 9 of the regulations of the Court, the term of office
2 of the Judges begins today 11 March. The first order of business for the Judges as
3 members of the plenary of Judges is to elect the members of the Presidency and to
4 assign Judges to the Divisions. The plenary session will begin this afternoon in
5 closed session.

6 The meeting is hereby adjourned.

7 COURT USHER: All rise.

8 *(The ceremony adjourned at 11:08.)*