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THE SECRETARY-GENERAL

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STATEMENT TO THE INAUGURAL MEETING OF JUDGES  
OF THE INTERNATIONAL CRIMINAL COURT

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The Hague, 11 March 2003

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Your Majesty,

[Mr. President, - *if a President of the Court has been elected*]

Excellencies,

Ladies and Gentlemen,

It has taken mankind many years to reach this moment.

By the solemn undertaking they have given here in open court, these eleven men and seven women, representing all regions of the world and many different cultures and legal traditions, have made themselves the embodiment of our collective conscience.

For centuries, and especially in the last century, that conscience has been shocked by unspeakable crimes: crimes whose victims were counted not in tens, but in tens of thousands – even in millions.

By 1945, those crimes had cost humanity so dear that it was deemed necessary to set up special tribunals, in Nuremberg and Tokyo, to judge the main perpetrators. Those tribunals established a principle of vital importance: that those who take part in gross violations of international humanitarian law cannot shelter behind the authority of the State in whose name they did so. They must take personal responsibility for their acts, and face the consequences.

Ever since then, the international community has sought to establish a permanent international criminal court to try and punish those who commit genocide, war crimes and crimes against humanity. These include mass murder, enslavement, torture, and other abhorrent crimes – not only against other nations, but also against their own people. We have learnt that they can even include rape.

Yet it took fifty years to agree on the form this court should

take, and the extent of its powers. There were many considerations that had to be carefully evaluated – in particular, the implications such a court might have for the delicate process of dismantling tyrannies and replacing them with more democratic regimes, committed to uphold human rights.

There are times when we are told that justice must be set aside in the interests of peace. It is true that justice can only be dispensed when the peaceful order of society is secure. But we have come to understand that the reverse is also true: without justice, there can be no lasting peace.

Certainly there is a place in every court for mercy and compassion. But mercy can be shown only when guilt and responsibility have been clearly established and acknowledged.

And individual responsibility is of crucial importance, for two reasons:

First, persons who are tempted or pressured to commit unspeakable crimes must be deterred, by the knowledge that one day they will be individually called to account. That deterrence was missing in the past. It is needed today as much as ever, and

it will be needed in the future.

And second, only by clearly identifying the individuals responsible for these crimes can we save whole communities from being held collectively guilty. It is that notion of collective guilt which is the true enemy of peace, since it encourages communities to nurture hatred against each other from one generation to the next.

As for compassion, those most entitled to it are, of course, the victims of crime.

For those who have been slaughtered, all we can do is seek to accord them in death the dignity and respect they were so cruelly denied in life.

To the survivors, who are also the witnesses, and to the bereaved, we owe a justice that must bring not only retribution, but also healing. And that means that you, the judges, will have to show great patience and compassion, as well as an unfailing resolve to arrive at the truth. There must be justice, not only in the end result, but also in the process.

Above all, however, this court is for those who might be victims in the future. If the court lives up to our expectations, they will not be victims, because would-be violators will be deterred.

That is why it is so important that you, the judges, and all the officials of the Court, demonstrate in all your actions and decisions an unimpeachable integrity and impartiality.

In all your functions – judicial, administrative and representational – you must act without fear or favour, guided and inspired by the provisions of the Rome Statute.

The wisdom of your judgements must be such as to command universal respect for international justice and the force of law.

The honesty and efficiency of the Court's administration must be beyond reproach.

All your work must shine with moral and legal clarity, bringing life to the provisions of the Rome Statute and helping the States Parties to discharge their share of responsibility. That

assistance will be an important part of your task.

Of crucial importance is one responsibility that States Parties must discharge in the very near future: the choice of a Prosecutor.

The importance of that function can hardly be exaggerated. As we know from the experience of the International Tribunals for Rwanda and the Former Yugoslavia, the decisions and public statements of the Prosecutor will do more than anything else to establish the reputation of the Court, especially in the first phases of its work.

It is therefore vital that a person of the highest calibre be found to undertake that grave responsibility. This surely is a time to set aside national interests, and focus exclusively on the qualifications of the individual candidates.

Once that choice is made, States will also have a responsibility to cooperate with the Court – in effecting arrests of those indicted, in providing evidence, and in enforcing sentences once imposed. That cooperation is essential, if the Court is to succeed.

The commitment shown thus far augurs well for the future.  
The United Nations looks forward to working with you, in this  
cause which is the cause of all humanity.

Thank you very much.