

**Ceremony for the solemn undertaking of the
Chief Prosecutor of the International Criminal Court**

Monday, 16 June 2003
The Peace Palace
The Hague, The Netherlands

**Statement made by
Professor Benjamin B. Ferencz**

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Dear Friends:

Thank you all for the honor of being allowed to share a few thoughts with such a distinguished audience. I wish I could pay tribute to each one of you who have worked so hard to bring this about. We are assembled here to advance a noble goal.

Almost 400 years ago, a young Dutchman, who became known to the world as Hugo Grotius, was imprisoned for daring to advocate that all human beings had a moral right to live in peace under rules of binding international law. These principles became the guiding lights for the International Criminal Tribunals at Nuremberg that I had the privilege of serving over 50 years ago. Today, a Chief Prosecutor for another International Criminal Court - the ICC - is being sworn into office. The world is fortunate to have found, in Luis Moreno-Ocampo, an outstanding human rights advocate to accept the heavy responsibilities that have unanimously been entrusted to him.

He does not have, as we did at Nuremberg, the power of mighty armies to support him. Nor will he have available the masses of incriminating evidence seized by victorious powers. On his shoulders will rest the difficult burdens of proving guilty knowledge and criminal intent of the accused. He must persuade judges coming from different legal disciplines. Finances will be limited and cooperation from national governments may be hesitant. He will have to proceed cautiously and skilfully. And all the world will be watching.

Nuremberg was little more than a beginning. Its progress was paralyzed by cold-war antagonisms. Clear laws, courts and a system of effective enforcement are vital prerequisites for every orderly society. The matrix for a rational world system has countless parts that are gradually and painfully being pressed into place. The ICC is part of this evolutionary process. It is a new institution created to bring a greater sense of justice to innocent victims of massive crimes who seek to live in peace and human dignity. That's what the ICC is all about.

It is understandable that not all sovereign states have yet accepted this new creation. They seem to prefer the law of force rather than the force of law. Their concerns are unjustified. There is no way to defend militarily against individuals who are ready to kill or be killed for what they perceive to be a struggle against injustice. A fair prosecutor and a wise court to determine what is permissible or impermissible is now available as a legal response to crimes against humanity. It is time to give law a chance.

I speak to you today in a purely personal capacity as one who served in the army of the United States during World War II and witnessed all of its horrors first hand. I would never denigrate brave young people who risk their lives to serve their country or do anything to subject them to the risk of unfair prosecutions.

Those who scoff at our efforts and aspirations are entitled to have their views considered, on the merits. I am convinced that this court will prove that their apprehensions about the court are unjustified. In time the world will come to support the International Criminal Court.

The United States took the lead in creating the International Criminal Tribunal at Nuremberg. A distinguished Supreme Court Justice, Robert Jackson, was given leave to serve as Chief Prosecutor for the United States. Jackson's words still ring in my ears: "That four great nations, stung with injury, stay the hand of vengeance and subject their captive

enemies to the judgment of the law is one of the most significant tributes that Power ever has paid to Reason.”

The next dozen trials at Nuremberg, conducted by the United States, made unmistakably clear that law must apply equally to everyone. At Nuremberg we spoke in the name of the American people and as representatives of the United States government. The dream of a more peaceful world under law, that inspired the world at Nuremberg, will never die.

I recall an inscription over a portal at the Harvard Law Library. It quotes a distinguished conservative statesman, Elihu Root, a former United States Secretary of State and Secretary of War who was the founder of the American Society of International Law. “Make us effective,” he said, “for the cause of peace and justice and liberty in the world.” For me, this is the unforgettable voice of America.

I am confident that the time will come, in the not too distant future, when compassion, tolerance, understanding and a more effective rule of law will govern relations among nations and peoples. Today we have moved closer to that goal. I salute you all for your dedication, determination and accomplishment and to wish you well as you continue to advance toward a more humane and peaceful world.

To Luis, I say *buena suerte* and I thank you all again.