



**Cour
Pénale
Internationale**

**International
Criminal
Court**

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Solemn undertaking of the judges elected in 2009



Photo: ICC-CPI

Solemn undertaking of the judges elected in 2009

On Wednesday 20 January 2010, the two judges of the International Criminal Court, elected in November 2009, by the Assembly of States Parties made a solemn undertaking, at the seat of the Court in The Hague.

They are: Judge Silvia Fernández de Gurmendi (Argentina) and Judge Kuniko Ozaki (Japan).

The solemn undertaking reads as follows:

"I solemnly undertake that I will perform my duties and exercise my powers as a judge of the International Criminal Court honourably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of investigations and prosecutions and the secrecy of deliberations."

The wording of this oath is based on the general principles of the oaths taken by judges all over the world. The key word is impartiality. Irrespective of the case before them, the judges must place themselves, and allow themselves to be placed, in a position so that they can assess a case with a completely open mind. The question facing all judges is: Do any of the parties have reasonable grounds to believe that they have not received justice? Furthermore, respecting the confidential nature of the deliberations makes the judges truly independent.

As the oath is taken publicly, the ceremony becomes a hearing, and the President of the Court, Judge Sang-Hyun Song presided over it.

The judges of the Court:

The eighteen judges of the Court are persons of high moral character, impartiality and integrity with the qualifications for appointment to the highest judicial offices in their countries. All have extensive experience relevant to the Court's judicial activity and are elected on the basis of their established competence in criminal law and procedure in relevant areas of international law, such as international humanitarian law and the law of human rights. Judges have judicial expertise in specific issues, including violence against women or children. All are fluent in at least one of the working languages of the Court, English and French. The election of the judges takes account of the need to represent the world's principal legal systems, a fair representation of men and women, and equitable geographical distribution.

Biographical notes of the new judges



Judge Silvia Alejandra FERNÁNDEZ DE GURMENDI (Argentina)

Judge as of 20 January 2010, for a term of eight years and two months (to fill a judicial vacancy). Elected from the Latin American and Caribbean Group of States (GRULAC), list A.

Judge Fernández de Gurmendi (1954) has over 20 years practice of international and humanitarian law and in human rights. Coming to the Court from the Ministry of Foreign Affairs where she was the Director General for Human Rights, Judge Fernández de Gurmendi acted as a representative of Argentina in cases before the Inter American Commission of Human Rights and the Inter American Court of Justice. She also represented Argentina before universal and regional human rights bodies and advised on transitional justice issues related to the prevention of genocide and other international crimes. Judge Fernández de Gurmendi contributed to the creation and set up of the Court. She was also instrumental in the negotiations of the complementary instruments of the Rome Statute as chair of the Working Group on Rules of Procedure and Evidence and the Working Group on Aggression. Her academic experience includes professorships of international criminal law at the universities of Buenos Aires and Palermo and as an assistant professor of international law at the University of Buenos Aires. Judge Fernández de Gurmendi has also published a number of national and international publications related to the International Criminal Court including, amongst others, the role of the Prosecutor, criminal procedure, and the definitions of victims.



Judge Kuniko OZAKI (Japan)

Judge as of 20 January 2010, for a term of eight years and two months (to fill a judicial vacancy). Elected from the Asian Group of States, list B.

Judge Kuniko Ozaki (1956) has worked extensively for the Japanese government in a number of positions in Foreign and Justice Ministries, including Special Assistant to the Ministry of Foreign Affairs and Ambassador in charge of the Convention on Biological Diversity, Director for Human Rights and Humanitarian Affairs and Specialist to the Criminal Affairs Division. As Director for Treaty Affairs for the United Nations Office on Drugs and Crime (UNDOC) she was responsible for assisting States in the ratification and implementation of relevant international treaties as well as the development of domestic legislation on organised crime, corruption and terrorism; the training of judges and prosecutors in developing countries; and the establishment of the rule of law and national criminal justice systems in post-conflict regions. As Minister of the Permanent Mission of Japan in Vienna, Judge Ozaki covered non-proliferation issues and was in charge of the negotiations to revise the Convention on the Physical Protection of Nuclear Material. Using her vast experience as an academic lawyer, Judge Ozaki has also undertaken research and taught at the Tohoku University Graduate School of Law and at the Kobe University Graduate School specialising in international criminal law, humanitarian law and human rights law, including war crimes, crimes against humanity, terrorism, and organised crime and corruption, amongst others.