



11 March 2009 14:00

*AS DELIVERED*

**Solemn undertaking by the judges**

**Statement by the President of the Assembly of States Parties**

**Ambassador Christian Wenaweser**

**11 March 2009**

Madame President,

Madame Registrar,

Excellencies,

Ladies and gentlemen,

A bit over a decade ago, this Court was but a vague concept reflected in a few hundred pages of draft documents which some of us assembled into a coherent package of proposals at Zutphen here in the Netherlands for consideration by the Rome Diplomatic Conference. On 17 July 1998, in the city of Rome, the Statute was adopted by the Diplomatic Conference under the leadership of Philippe Kirsch, who has just ended his tenure as judge and as first President of the International Criminal Court. As we gather here today for the solemn undertaking of five new judges of the International Criminal Court, the Court can rely on the support from 108 States Parties from all regions, all parts of the world and all legal traditions, giving it sustenance via normative frameworks,

financial resources and, most importantly, political support. Six years after the first judges commenced their term of office, the Court has consolidated its institutional build-up, begun its investigations initiated by referrals from States and from the Security Council of the United Nations. Judicial proceedings and a trial are underway with the first accused appearing before the Court, with full respect for their rights and for international standards of due process, and with the participation of victims in proceedings before the Court.

The creation of the International Criminal Court would not have been possible without the work of the ad hoc tribunals established by the Security Council. But of course, there are marked differences between this permanent institution and the ad hoc tribunals. This Court is based on a complex and sophisticated treaty negotiated and agreed to by sovereign States determined to end impunity for the most serious crimes of concern to the international community as a whole that threaten the peace, security and well-being of the world. It derives its unique legitimacy both from its judicial proceedings and from the fact that over a hundred States have made the sovereign decision to join it. Its adoption at the Rome Conference was a landmark event in the history of international law – but perhaps even more importantly, it was a defining moment in the history of international relations in that the purpose reflected in the Rome Statute has the Court contribute to both justice and to peace.

Since its very creation and indeed before, this Court has met with resistance. It has prevailed due to the power of its core message – that the most serious crimes must not go unpunished and that the law shall prevail. It has overcome skepticism and gained respect because each and

every of the hundreds of decisions made has been the result of a strict application of the law. The Court has grown at a speed that few would have predicted – nevertheless, it is still a young institution. It has established itself as part of the institutional landscape and will keep its rightful place as it continues to fulfill its mandate under the Rome Statute and as it moves towards the goal of universality. In order to do so, it needs the political support from States and international organizations, from civil society and the public at large. And it needs the strong personal commitment and engagement from the best legal minds available.

The Court has found its home in The Hague, the legal capital of the world, but its presence is felt around the world, in capitals of States Parties and in international organizations, in particular the United Nations – in relationship with which the Court was created.

This is an institution that exercises jurisdiction only where States, which have the primary responsibility to do so, are unable or unwilling to bring perpetrators of the most serious crimes to justice. One of the most important goals of the Rome Statute and one of the most important effects of the Court is the strengthening of national judiciaries around the world. As we move towards the Review Conference in Kampala, Uganda in 2010, States and the broader public will examine ever more closely the performance of the Court and consider what changes, if any, we need to make to the Rome Statute.

Madame President

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

At the 9th meeting of its seventh session, held on 19 and 20 January 2009, the Assembly proceeded to elect six judges of the International Criminal Court in accordance with the relevant provisions of the Rome Statute.

The following were elected judges of the International Criminal Court:

Ms. Joyce Aluoch;

Ms. Sanji Mmasenono Monageng;

Ms. Fumiko Saiga;

Mr. Mohamed Shahabuddeen;

Mr. Cuno Tarfusser; and

Ms. Christine Van den Wyngaert.

By a communication dated 16 February 2009, Mr. Mohamed Shahabuddeen informed me that he was no longer in a position to assume his duties as a judge of the Court. Consequently, we are here today to witness the solemn undertaking of five judges.

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

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

Thank you Madame President.

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