

**Statement by HRH Prince Zeid Ra'ad Zeid Al-Hussein, President of the Assembly of States Parties to the Rome Statute of the International Criminal Court at the Inaugural Meeting of Judges of the International Criminal Court.**

Your Majesty

Your Royal Highnesses

Your Excellency Secretary-General Kofi Annan

Excellencies

Ladies and Gentlemen:

At the very moment when our planet lives with grave challenges threatening international peace and security, we assemble today in The Hague to confirm, once again, our commitment to the international rule of law. In a few moments, the first 18 judges of the International Criminal Court will make their solemn undertaking, and begin to exercise their functions under the Rome Statute. It is an occasion, the root of which is to be found in the first flickering of human common sense, later fashioned with inspiration and logic by our predecessors, into a legal path which passed through Versailles and London, before ending finally in Rome some five years ago. Yet as humanity accompanied these developments, towards the achievement we celebrate today, people throughout the world continued to suffer horrifyingly from genocide, war crimes and crimes against humanity, and in numbers that were utterly shameful – a constant reminder of what needed to be done.

To honour their memory, in the memory of those millions of victims, we will pause to hear the ensemble from the Residentie Orkest play the Notturmo from the String Quartet No. 2 in D Major by Alexander Borodin.

In his opening speech for the prosecution at Nuremberg in November 1945, Justice Robert H. Jackson proclaimed “the wrongs which we seek to condemn and punish have been so calculated, so malignant and devastating that civilization cannot tolerate their being ignored because it cannot survive their being repeated.”

The Court which we have created, and in which we will install judges today, responds to one of the darkest parts of our human experience, and yet this is also a ceremony of hope.

Throughout the years, critics, recognizing the triumph, historically, of expediency over moral consideration, said a permanent international criminal court was an idea unlikely to materialise. They were mistaken. With the initial steps having been taken by Trinidad and Tobago –and I am delighted to see President Arthur Robinson here with us today- member states of the United Nations were able, through the active encouragement of International Civil Society, and with the assistance of the International Law Commission and the UN secretariat, to prepare and then approve overwhelmingly, in Rome in the summer of 1998, a Statute of the International Criminal Court.

While it was a conspicuous achievement, the international legal landscape is strewn with treaties concluded amidst great expectations, but never ratified and implemented. It is truly extraordinary, therefore, that the Rome Statute, one of the most ambitious international legal initiatives in the history of modern international law, one which, moreover, requires many internal legal adjustments before States may become parties to it, was signed scarcely five years ago and is now in force.

The International Criminal Court builds upon, and encourages further development in, national criminal justice systems, and acting, as it will do, as a court of last resort –always deferring to those national jurisdictions who will fulfil their legal obligations – it will ensure the entry for justice at all levels of national and international life. And the impact of the Rome Statute on international law is already being felt. Together with its related instruments, the Statute has elaborated, and given clarity to, the various crimes under international law. It has also codified, in a comprehensive manner, the general principles of criminal law. Yet to appreciate fully the Court’s unique significance to humanity, we need only visit the first sentence of Article 27 of the Rome Statute, which offers language so simple and yet so abundant in meaning and power: “This statute shall apply equally to all persons without distinction based on official

capacity.” The accountability of political and military leaders is now, unequivocally, part of international law.

Once seized of a case, the International Criminal Court will not be the world’s crucible for vengeance. It will provide a fair trial to those accused of having committed the gravest of crimes, endeavour to lay bare the truth, foremost to the victims themselves, but also to the wider world community, and then do what it can to assist those victims. Moreover, by virtue of its permanent and independent character, it will, in time, provide a much-needed deterrent to those who would otherwise plot to bring great suffering to innocent people through violent means. In the final analysis, the International Criminal Court will be the inseparable and necessary companion to a more peaceful world, and our permanent conscience.

It is said that the wheels of justice grind slow, but exceedingly fine. The selection of these 18 splendid jurists was the result of a comparable process. It ground slow, but fine. It took 33 rounds of balloting before the Assembly of States Parties settled upon the full complement of the International Criminal Court. The care with which the Assembly went about its task and its willingness to work, day after day, to select the right judges is a further testament of the commitment, on the part of the parties to the Rome Statute, to the highest standards of international justice. It was a special honour for me to have chaired the Assembly of States Parties during these momentous elections, and I congratulate all who participated in them.

The Rome Statute and the International Criminal Court are both collective achievements. No single state, or group of states, can claim a special role in creating them. All members of the international community, states, and non-state entities alike, have participated, and many continue to participate in the establishment of the International Criminal Court. I am delighted to see many of the representatives: colleagues and friends, here today.

May I conclude by thanking the Kingdom of The Netherlands. The path from Rome to The Hague was a natural one. The Netherlands has played host to many judicial institutions, including the International Court of Justice. It is appropriate that the International Criminal Court, too, should be established in the city that has become the international judicial capital of the world. I would like to thank our hosts also for the excellent arrangements and wonderful hospitality and, not least, for his splendid ceremony. The International Criminal Court is honoured to have found its home here in The Hague.

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