

**Cour
Pénale
Internationale**



**International
Criminal
Court**



**Judge Piotr Hofmański
President of the International Criminal Court**

Remarks at
Ceremony for the solemn undertaking of six new judges

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The Hague
8 March 2024

Excellencies,
Ladies and gentlemen,

We are convening today on a highly important occasion, to hear the solemn undertaking of six newly elected judges of this Court. They are: Mr Keebong Paek; Mr Erdenebalsuren Damdin; Ms Iulia Motoc; Mr Haykel Ben Mahfoudh; Mr Nicolas Guillou; and Ms Beti Hohler.

On behalf of my colleagues and myself, I extend a very warm welcome to the six judges-elect, as well as their family members present.

I also welcome the presence in the courtroom of the ICC Prosecutor, Mr Karim Khan, the Registrar, Mr Osvaldo Zavala Giler, as well as the President of the International Criminal Court Bar Association, Ms Marie-Helene Proulx, representing counsel for the defence and victims.

And I extend a special welcome to the President of the Assembly of States Parties to the Rome Statute, Ms Päivi Kaukoranta, in order for her to witness the solemn undertakings, as required by our Rules of Procedure and Evidence.

I also take this opportunity to publicly congratulate Ms Kaukoranta on her election as President of the Assembly last December. She has vast diplomatic experience specialising in international law, and as such, she is an excellent choice for the eminent position she now holds.

President Kaukoranta and I have enjoyed an excellent working relationship during the past few months, and I am sure it will continue during the mandate of my successor as ICC President. While the Court and the Assembly are separate entities and must remain so, it is crucial to have a fluid channel of communication between the two.

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Excellencies, ladies and gentlemen:

The six new judges, elected by the Assembly of States Parties, will commence their nine-year terms on Monday, the 11th of March. At the same time, the mandates of six judges – including myself – come to an end.

This happens every three years and it is all part of the regular, periodic renewal of the Court's judicial bench.

The fact that two-thirds of the bench remains the same guarantees continuity and the preservation of institutional memory, while at the same time the Court gets an injection of new people.

The transition, however, is not necessarily entirely instant.

Due to the nature of judicial work, any outgoing judges who are hearing a trial must continue in office to finish the case, in accordance with article 36, paragraph 10 of the Statute. However, they will no longer be part of the Court's plenary.

On the other hand, usually not all of the new judges will be called to full-time duty right away. Rather, this depends on the Court's workload.

Regardless of this, the nine-year mandate of each of the new colleagues commences next Monday, and they will form part of the Court's new composition of 18 judges, which will, as its first task, elect a new President and two Vice-Presidents for the Court for the next three years.

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In accordance with article 45 of the Rome Statute, before taking up their duties, the judges of this Court shall each make a solemn undertaking to exercise their respective functions impartially and conscientiously.

In accordance with the Statute, the solemn undertaking is made in open court. This reflects the public nature of our institution and the transparency of the judicial proceedings, which are by default public, as required by international fair trial standards.

Let me also note that this session is being publicly broadcast on the Court's website, and I warmly welcome everyone around the world who is watching the transmission.

I invite the President of the Assembly of States Parties to come forward to witness the undertakings.

I will now invite the judges-elect one by one, in the order of precedence, which is determined by their age.

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The first one to make his solemn undertaking is Judge-elect Mr KEEBONG PAEK.

Mr Paek, please proceed to the rostrum.

Mr Paek comes to the ICC with more than 30 years of legal experience. He started his career as a prosecutor and later also became responsible for ICC related matters in the Ministry of Justice of the Republic of Korea, among other things drafting the implementation bill for Korea's ratification of the Rome Statute.

After 22 years as a prosecutor, Mr Paek transitioned to private practice, specialising in white-collar crime, extradition, mutual legal assistance, and cross-border asset recovery.

Judge-elect Paek studied law at Seoul National University, he obtained an LL.M. degree from Columbia Law School, and a Ph.D. degree from Hanyang University. His doctoral dissertation focused on the law of evidence in ICC proceedings, and he authored numerous books and articles on international criminal law.

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I next invite Judge-elect Mr ERDENEALSUREN DAMDIN.

Mr Damdin has over 30 years of experience in criminal law as a judge, prosecutor and defence counsel. As one of the longest-serving judges of the Supreme Court of Mongolia, he has presided over serious and complex cases, including those related to crimes under international law.

He has contributed to the legal reform process in Mongolia by providing expert opinions and advisory services on legislation aimed at enhancing the national criminal justice system, as well as the national implementation of the Rome Statute and the Kampala Amendments.

Judge-elect Damdin, who received his legal education at the Law Faculty of Irkutsk State University, has extensively trained legal professionals in his country on criminal law and procedure, including the prosecution and adjudication of international crimes.

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I next invite Judge-elect Ms IULIA MOTOC.

Ms Motoc comes to the ICC with over 30 years of experience in the legal profession, including as a Judge of the European Court of Human Rights for the last 10 years, and previously a Judge in the Constitutional Court of Romania.

Ms Motoc has had a long academic career teaching at the University of Bucharest, where she was appointed full professor in 2002. She has also lectured at many other universities on different continents and she is a member of the *Institut de Droit International*.

She has extensive experience within the United Nations system, including as Rapporteur and Vice-President of the Human Rights Committee.

Judge-elect Motoc holds a Ph.D in International Law from Paul Cezanne University and a Ph.D in Philosophy from the University of Bucharest.

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I next invite Judge-elect Mr HAYKEL BEN MAHFOUDH.

Mr Ben Mahfoudh comes to the ICC after a long and distinguished academic career starting in 1996. He obtained his doctorate in international humanitarian law from the University of Carthage in 2005 and his research covers a variety of topics, including environmental protection in times of armed conflict, victims' rights, security sector reform, human rights, and democratic transitions. He is regularly invited to lecture at foreign universities as well.

In addition to his academic career, Mr Ben Mahfoudh has held several management positions, such as Director of the Higher Education Mission of Tunisia to North America, and Director of the Research Laboratory in International and European Law and Maghreb-Europe Relations.

Judge-elect Ben Mahfoudh has also held senior advisory and consultant positions in many international organisations.

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I next invite Judge-elect Mr NICOLAS GUILLOU.

Mr Guillou has served as a judge at the Kosovo Specialist Chambers for the last four years. Previously, he was Chef de Cabinet to the President of the Special Tribunal for Lebanon and before that, French Liaison Prosecutor at the United States Department of Justice where he facilitated judicial cooperation in criminal and civil matters.

Mr Guillou also has six years of experience within the French Ministry of Justice where he held positions such as Deputy Head of the Commercial Law Section and as an Adviser to the Minister.

Judge-elect Guillou holds a Master's degree in International and European Criminal Law from Sorbonne University. He graduated from the French National School for the Judiciary, where he regularly contributes to training programs on international justice.

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I next invite Judge-elect Ms BETI HOHLER.

Ms Hohler has spent most of her career practising law at international and internationalised criminal courts. Prior to her election as a Judge, she was a Trial Lawyer in the Office of the Prosecutor of this Court.

Before joining the ICC, Ms Hohler worked for the European Union Mission in Kosovo, advising international judges in complex criminal cases. She has also served at the Court of Appeals in Ljubljana.

Until recently, she was furthermore Director of Training at the Institute for International Legal and Advocacy Training in The Hague, which she co-founded.

Judge-elect Hohler holds a Master of Laws from the University of Ljubljana, and an LLM in International and European Law from the University of Amsterdam.

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The solemn undertakings of six judges of the International Criminal Court have hereby been concluded in accordance with article 45 of the Statute.

On behalf of the Court, I extend my warmest congratulations to the newly sworn-in colleagues.

Your diverse backgrounds, your outstanding credentials and your vast and varied professional experience will be a huge asset to this Court.

One of my main concerns as President has been to protect and strengthen the ICC as an independent judicial institution. A serious, professional court with high standards. A court that focuses on justice, not politics.

I have no doubt you will do your best to uphold those same values during your time at the Court.

It means a lot of hard work. It means respecting ethical norms and taking great care to ensure the correct application of the law. It means being objective and respecting the equality of arms.

It also means disregarding political pressures and withstanding external attacks on the Court.

It is not an easy job, but I am sure you already know that.

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Excellencies,

Ladies and gentlemen:

Before we conclude, please allow me to offer a few final thoughts on this last public occasion of my service as President of the International Criminal Court.

This is my fourth time participating in the swearing-in ceremony of the new judges of the ICC.

Nine years ago, I was one of the newcomers. Then, twice, I was one of those who were staying in the Court. And now, finally, my mandate is coming to an end, along with several colleagues.

Some of us leave, but others will continue the work.

Indeed, this ceremony, which is repeated once every three years, reminds us that while we, human beings – the Court's officials and staff – come and go, the institution is here to stay.

The importance of the ICC's permanence for the rule of law at the international level cannot be overstated. We no longer have to rely on the political will and global power dynamics of the day to create a tribunal for the most serious crimes.

As I said, people come and go, but the institution stays. And yet, the people do matter, too. At any given point in time, it is the individuals serving the Court who breathe the life into its mandate every day. It is those individuals whose task it is to turn the words on the pages of the Rome Statute into concrete steps of justice that will make a real difference. A difference to the victims, to the accused, and, ultimately, to society at large. To humankind.

As such, while we should never elevate ourselves above the institution and its mandate, we should equally never underestimate the importance of our everyday actions in the service of that institution and that mandate.

As international civil servants, we must take our work extremely seriously. We must do our very best. From a professional as well as from an ethical perspective. We must always remember the responsibility with which we are entrusted.

This is reflected in the four core values of the ICC, which have just recently adopted at the Court: integrity, accountability, fairness and inclusion.

These four values were identified after a detailed consultative process in which the staff of the Court played a key role. The core values will be at the heart of the ICC's ongoing commitment to staff wellbeing.

On that note, I would like to use this opportunity to thank the staff of the Court for the fantastic work they do every day. I also thank counsel, witnesses, victims and everyone else who participates in the Court's work.

And, naturally, I thank my fellow judges, with whom I have worked closely for so many years.

Finally, I must add my heartfelt thanks to States, civil society, international organisations and all others who stand in support of the ICC.

Thank you. I am truly grateful for all your cooperation. Please, do not let your commitment waver, even during difficult times. That is when it is needed the most.

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Excellencies,

Ladies and gentlemen:

This brings us to the end of today's ceremony.

I congratulate our six newly sworn-in colleagues one more time, and I wish them every success in their future service in the International Criminal Court.

Thank you all those who followed this ceremony, whether in person or remotely.

The session is hereby concluded.

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