



**REMARKS AT SPECIAL SESSION MARKING THE OPENING OF THE  
INTERNATIONAL CRIMINAL COURT'S JUDICIAL YEAR 2020**

Chile Eboe-Osuji, President

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The Hague, Netherlands

Madame Secretary-General of the Commonwealth,  
President of the Assembly of States Parties,  
Fellow Judges of this Court as well as judges of international, regional and national courts  
Madame Prosecutor,  
Mr Registrar,  
Mr President of the ICC Bar Association,  
Excellencies,  
Ladies and gentlemen:

I welcome you all to this special session of the International Criminal Court for the Opening of the Judicial Year 2020.

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Last year ended on a positive note in the affairs of the ICC, with a salutary buzz about review of the Rome Statute system for better delivery of mandate – a review that was formally blessed by the Assembly of States Parties last month, after the idea had been strongly endorsed by the leadership of the Court as well as other stakeholders.

The review is long overdue – not only for the Court itself, but also for the Assembly of States Parties that was established to fund and support the ICC.

There is a lot that can be improved in the delivery of international criminal justice under the Rome Statute system, and it is upon the Court and the Assembly of States Parties to do that.

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But, ladies and gentlemen, we should be clear that what we are embarking upon is to improve something that is already extremely valuable.

Our openness to exploring all the ways in which delivery of mandate can be improved should never obscure the fact that the ICC is already a phenomenal achievement in the multilateral international order.

I say this against the background of brazen attacks that the Court has recently endured simply for seeking to act on its mandate as defined in the Rome Statute. It needs, of course, to be stressed that these attacks form part of a pattern of open disdain that are

seen in some quarters, in recent times, against the multilateral international order, of which the ICC is a major part.

In the circumstances, one can see a real danger that some supporters of the ICC may succumb unwittingly to wearying anxiety about the Court – allowing them to see little else but negativity all around.

I urge calm. The sky is not caving in on the ICC – and it will not.

There is much reason for positivity, in spite of the imperfections that are in the very nature of the project. With 123 member states from all corners of the globe, the ICC edifies the organized world's stance against impunity for genocide, crimes against humanity, war crimes and aggression.

The Court's trials have spotlighted sexual violence during war, abuse of children as soldiers, persecution of populations on grounds of their otherness, and countless other heinous crimes that come in the form of intentional attacks on civilian populations.

With the associated mandate of the Trust Fund for Victims, ICC's work has afforded tangible reparation to victims.

Above all, the ICC has sent a clear message that misanthropes who abuse power while subjecting innocent victims to extreme agony will be haunted by questions of accountability, eventually to be answered before an international court of law, when national courts prove unable or unwilling to ask them genuinely.

Indeed, the ICC's work exerts necessary pressure against rampant, malignant power. That explains much of the strident hostility that it has endured, as well as the paradox that some leaders may be reluctant to vacate political office, in the hope that a notion of inviolable immunity would defer or obstruct accountability before the court. But last year, the court's appellate chamber clarified that no such immunity exists, even for heads of state, when their cases fall within the court's jurisdiction.

It all speaks to the ICC's clear deterrent effect. Deterrence results from the risk of robust prosecution before an independent court of law. One clear example has been the Court's effect in helping to reduce election violence in several African countries.

Four days from now, on 27 January, the world will observe the Holocaust Remembrance Day – the 75<sup>th</sup> anniversary of the liberation of Auschwitz. As we mark that event, we must always remain mindful that the post-World War II international order has always regretted that before that war there was no institution such as this, which might have acted as an obstacle to the temerity – and free-will – of the architects of the Holocaust. We now have the ICC – to give applied essence to the global commitment of “never again”. We must continue to support and sustain it, so that we can have precisely that obstacle to the temerity and free-will of those who would commit the genocides, the crimes against humanity, the war crimes and the crimes aggression of tomorrow.

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U.S. founding father Alexander Hamilton once described the judiciary as the weakest branch of the government. It is no sign of weakness to accept that axiom. This is particularly true in the notoriously imperfect realm of international law, which unavoidably depends on the states themselves for its implementation, even for basic functions. The ICC is at the mercy of States for the execution of even its most critical and basic functions, including the arrest and surrender of suspects.

The ICC also anchors the indispensability of international law in a world that values peace and human security. So, U.S. Supreme Court Justice Robert H. Jackson put it at the dawn of the modern international order in 1945: “Those who best know the deficiencies of international law are those who also know the diversity and permanence of its accomplishments and its indispensability to a world that plans to live in peace.”

Yes, the ICC personifies the imperfections of international law, but it remains a mechanism of great value to humanity – not least because it has truly served to loosen the grip of tyranny on humanity in our own time.

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With those few words, I welcome you once again to the ICC, to mark the formal opening of our judicial year 2020.

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