



**Cour
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**International
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**Remarks at dinner held on the occasion of the
2019 Anne Frank Award**

by
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27 March 2019
Washington, D.C.

Ladies and gentlemen:

Anne Frank was a 15-year old child who died in the concentration camp at Bergen-Belsen. She and her sister were interned there while her mother and father were interned at Auschwitz, because they were Jews. Only her father survived the experience.

But the trauma of the Frank family began earlier, when with four other people they were cooped up in the secret annex of a townhouse in Amsterdam for two years, beginning when Anne Frank was 13; in an ultimately unsuccessful effort to avoid Nazi concentration camps.

A Holocaust martyr, her name is an enduring reminder of the depths of depravity that human beings have proved – time and again – capable of inflicting on each other – all through history.

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The depressing reality of it all is that our impressive civilisation has found no cure for the kind of evil that has taken the lives of countless Anne Franks throughout the ages.

Humanity thus remains perpetually at risk of the manner of evil that engulfed six million lives in the Holocaust (including Anne Frank) merely because they were Jews; 800,000 Rwandans in a genocide in 1994, merely because they were Tutsis; more than 7,000 men and boys in Srebrenica in 1995, because they were Muslims.

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The Nuremberg Tribunal was a multilateral effort to ask questions of accountability for the atrocities of World War 2. Following the Nuremberg precedent, the Rwandan Genocide Tribunal (where I had the privilege of serving as prosecutor) was yet another multilateral effort to ask accountability questions for that particular genocide. So, too, was the International Tribunal for the former Yugoslavia. It asked questions about the atrocity of ethnic cleansing committed in the former Yugoslavia, one defining hallmark of which was the Srebrenica massacre, since adjudged an act of genocide.

But all those multilateral efforts were of an ad hoc nature, with geographical and temporal limitations.

The ICC, which I have the honour of serving as a judge and the current President, is a permanent multilateral mechanism, with universal orientation.

The object of the ICC is to say ‘never again’ would such evils be committed against our collective humanity, without a strong international mechanism in place to ask the same questions of accountability that were asked in Nuremberg, Rwanda and the former Yugoslavia.

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The ICC now seeks to ask those questions of accountability in relation to the fate of the Rohingya people of Myanmar and the people of Darfur in Sudan. It seeks to ensure that people do not assume impunity, should they hijack an entire religion and purport in its name to unleash numbing terror upon innocent people – in places like Afghanistan, Mali or my own country Nigeria – or indeed anywhere else in the world.

The ICC seeks to find Joseph Kony, so that he can answer questions of accountability for, among other things, allegations of sexual violence and the use of children as human weapons of an armed conflict.

The ICC seeks to ensure that elections in places like Kenya and Cote d'Ivoire do not become another form of armed conflict and a general licence to destroy lives and limbs in the order of crimes against humanity.

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It is wholly deserving for the Government of the Netherlands to recognise the efforts of organisations and individuals, who dedicate themselves to a lifetime of insistence that such questions of accountability must be asked – when the circumstances compel them – for the sake of our humanity.

I congratulate the Syria Justice and Accountability Centre, as the recipient of this year's the Anne Frank Special Recognition Award.

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And, ladies and gentlemen, please allow me now to pay special tribute to Mr Ben Ferencz, this year's recipient of the Anne Frank Award.

As a young man, he was part of the American contingent of lawyers who defined the now famous Nuremberg proceedings after the 2nd World War. They pioneered the idea that the methods of international law must be used to require accountability when people commit mass atrocities. I do not now have time to recall – even in the outlines – the story of how Nuremberg became a reality in its own time. I shall try and engage in that recollection in a speech that I shall give on Friday evening, as part of the events of this year's annual meeting of the American Society of International Law.

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The description of the Award states: *'The Anne Frank Award is presented to an American person (or organization) who has demonstrated a body of work that confronts intolerance, anti-Semitism, racism or discrimination while upholding freedom and equal rights in order to promote the effective functioning of an open, pluralistic, and democratic society.'*

On this occasion, I would not protest that not even Dutch citizens may receive the award. Only Americans are eligible.

Indeed, from my own professional angle, as an international jurist, I am able to say that we owe much to Americans for establishing the Nuremberg template – through the leading agency of Mr Justice Robert H Jackson, the US Supreme Court Justice, whom President Truman had seconded to Nuremberg as the Chief Counsel and representative of the United States. Without Jackson, there would have been no Nuremberg Tribunal. And without the Nuremberg Tribunal, there would be no ICC today.

Mr Ferencz was part of that pioneering effort. And he has continued to support the ICC in every way, as the permanent progeny of the Nuremberg accountability culture.

Beyond his renowned support for the ICC in that regard, Mr Ferencz has also given generously of his own money, to the Trust Fund for Victims. The Trust Fund for Victims is an integral part of the ICC system of redress for atrocity crimes. Through it, the world is able to do what it can to ease the pain of victims of atrocity crimes being prosecuted at the ICC.

Our civilisation must remain eternally grateful to Mr Ferencz.

I thank H E Ambassador Schuwer for the opportunity of these few words. And, most of all, I thank the Dutch Government for hosting the ICC at The Hague – the 'City of Peace and Justice'; and for defending what it stands for, at every turn.

Thank you for your attention.