



**Judge Chile Eboe-Osuji
President of the International Criminal Court**

**Remarks at ceremony for the solemn undertaking of six new judges and the
departure of six outgoing judges**

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PRESIDENT EBOE-OSUJI'S OPENING REMARKS

Comme vous l'a annoncé le Greffier, nous sommes ici rassemblés pour assister à la prestation de serment de six juges nouvellement élus à la Cour. Comme le requiert le Statut de Rome, ils prendront leur engagement solennel en séance publique. Je leur souhaite la bienvenue.

Nous allons aussi prendre congé des six juges qui ont servi la cour pendant neuf ans dont le mandat vient à échéance aujourd'hui.

Je précise d'emblée qu'en raison des difficultés logistiques liées à la pandémie de Covid-19, la juge élue Althea ALEXIS-WINDSOR participe à cette séance à distance, en visioconférence, ce qui n'a aucune incidence sur la validité de l'engagement solennel qu'elle s'apprête à prendre.

Le Premier Vice-Président de la Cour, le juge Robert FREMR, et le Second Vice-Président, le juge Marc PERRIN DE BRICHAMBAUT, se joignent à moi pour cet événement important.

Sont également présents dans la salle d'audience les juges Howard MORRISON, Olga HERRERA CARBUCCIA, Geoffrey HENDERSON, et Raul PANGALANGAN, dont les mandats arrivent à expiration.

En raison des exigences de distanciation physique liées à la pandémie de Covid-19, les onze (11) autres juges de la Cour sont à titre exceptionnel absents de la salle d'audience, mais ils sont connectés en ligne à la séance. Je les remercie de leur participation.

Beside the Registrar, Mr Peter LEWIS, I welcome the presence in the courtroom of the ICC Prosecutor, Ms Fatou BENSOU DA on this important occasion, as well as the Vice-President of the International Criminal Court Bar Association, Ms Jennifer NAOURI, representing counsel for the defence and victims as an integral part of the Court's judicial proceedings.

We are also grateful for the presence of the President of the Assembly of States Parties, Ms Silvia FERNÁNDEZ, in order for her to witness the solemn undertakings, as required by our Rules of Procedure and Evidence. I take this opportunity to congratulate Ms Fernández on her election as President of the Assembly last December. I have already done that in an earlier correspondence. I take the occasion to say so again, in person.

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The six new judges will commence their nine-year tenure tomorrow, as the Registrar has mentioned. At the same time, the mandates of six judges – including myself, as the Registrar also informed, come to and end, as part of the regular, periodic turnover of the Court's judicial bench.

This happens every three years. Indeed, the judges of the International Criminal Court cannot be re-elected; each judge can only serve one term of nine years.

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Before we continue, I would like to take this opportunity to recognise the contributions of each one of my colleagues who are about to finish their service at the Court. I am most grateful to the Registrar for his kind words in relation to me.

1. Judge Robert FREMR, First-Vice President of the Court, was elected for a term of nine years in December 2011 and he assumed full-time duty at the ICC on 1 March 2013. Assigned to the Trial Division, Judge Fremr has sat on several cases during his mandate, including the trials in the *Ruto & Sang* case, as well as in the *Ntaganda* case, in which the Chamber issued the reparations order this past Monday. He served for one year as President of the Trial Division, and since 2018 as First Vice-President of the Court. As a member of the Presidency, he has always been a voice of reason and integrity, and it has been a great pleasure indeed to work with him.

Before joining the ICC, Judge Fremr was an *ad litem* judge of the International Criminal Tribunal for Rwanda and a Justice of the Supreme Court of the Czech Republic.

2. Judge Howard MORRISON was elected for a term of nine years in December 2011, and he assumed full-time duty at the ICC on 16 March 2015. He has served his entire term at the Court in the Appeals Division, participating in a large number of significant cases, including as presiding judge in a number of them. He served on two occasions as President of the Appeals Division. His contributions to the Court's jurisprudence will have long-lasting effect.

Before joining the ICC, Judge Morrison was as a judge in the International Criminal Tribunal for the former Yugoslavia. He also served as defence counsel in various international tribunals, and as a judge in UK courts, including courts martial.

3. Judge Olga HERRERA CARBUCCIA was elected for a term of nine years in December 2011, and she assumed full-time duty at the ICC on 1 May 2013. She has made wide-ranging contributions to the Court's work, both in the Trial Division to which she is assigned and where she served as Division President for one year, as well as on Pre-Trial Chamber III. Judge Herrera has sat on several chambers that issued orders on the reparation on victims, setting important precedents in international law. Her diligent service at the Court and unimpeachable sense of dignity has been very highly appreciated by her colleagues.

Before joining the ICC, Judge Herrera was President of the Criminal Chamber in the Court of Appeal in the Province of Santo Domingo in the Dominican Republic. She has also been a Public Prosecutor, as well as taught law and served as Dean of Faculty.

4. Judge Geoffrey HENDERSON was elected as Judge of the Court in November 2013, to fill a vacancy with a term until 10 March 2021. His term as ICC Judge began on 1 February 2014 and he assumed full-time duty two days later. In addition to his extensive work in the Trial Division, to which he was assigned, Judge Henderson has in parallel served on Pre-Trial Chamber III in several significant cases, as well as in the Appeals Chamber. He also performed the function of President of the Trial Division for a period of one year. His selfless service and commitment to the Court, going even beyond his judicial duties, will be greatly cherished by the Court and its judges for years to come.

Prior to joining the ICC, Judge Henderson was as a trial judge in the Criminal Division of the High Court of Justice of Trinidad and Tobago. He was previously also the Director of Public Prosecutions of Trinidad and Tobago.

5. Judge Raul Cano PANGALANGAN was elected as Judge of the Court in June 2015, to fill a vacancy with a term until 10 March 2021. His term as ICC Judge began on 13 July 2015, and he assumed full-time duty on 17 August 2015. He has made long-lasting contributions in the Trial Division, to which he is assigned, while also serving on a number of interlocutory appeals. He served as President of the Trial Division for one year. Judge Pangalangan presided over the Court's first case involving charges of destruction of cultural property, including the ground-breaking reparations proceedings. He furthermore served on the Court's first trial for offences against the administration of justice. His service has been particularly distinguished, rendered with a robust intellect that enabled his colleagues at all times.

Before joining the ICC, Judge Pangalangan was a Professor of Law – and previously also Law Dean – at the University of the Philippines. He has taught and lectured widely elsewhere. He was a Philippine delegate in the drafting of the Rome Statute in 1998 and co-chaired the ratification campaign in the Philippines.

I thank all of you most sincerely for the immense efforts that you have made for the benefit of the Court and humanity. Thank you.

PRESIDENT EBOE-OSUJI'S CLOSING REMARKS

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 offer heartfelt congratulations to the newly sworn-in colleagues.

You are embarking on a journey that will be challenging as well as highly rewarding. You have the rare privilege—and more importantly the heavy responsibility—to serve on the judicial bench of the world's first and only permanent judicial institution established to adjudicate the gravest crimes under international law.

Our work is done under the world's spotlight. The international community has invested immense efforts in creating this Court. Victims across the globe look to The Hague in hopes of justice, when domestic courts fail to provide redress.

In sum, the expectations are high, and the challenges can seem daunting at times. But, I am confident that your stellar experience and stalwart antecedents will stand you in good stead to meet those expectations and challenges. Once again, congratulations.

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At this point in the proceedings, I should pause to mention a very important detail, which the President of the Assembly already referred to.

Two days ago, we marked the International Women's Day. It gives me immeasurable pleasure to note that with the arrival of six new judges and the departure of six judges, the Court will have – for the first time – a perfect gender balance on the judicial bench, with nine female judges and nine male judges.

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Before we conclude this session, please allow me to offer these parting thoughts, as the curtain draws down on my term as President of the International Criminal Court.

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Whenever I feel called upon to tell the story of the ICC, I do not begin it in 1998 when the Rome Statute was adopted. I begin the story in 1919—when Dean Ferdinand Larnaude of Paris University Law Faculty and his colleague Professor Albert de La Pradelle declared '*un nouveau droit international est né*' ['a new idea of international law is born']. It was a Eureka moment.

Before that moment, they had been agonising about how to hold accountable the authors of the breaches of international law, such as were committed during WWI. Professors Larnaude and de La Pradelle recognised that the international law of the time did not permit the highly-placed suspects of those WWI crimes to be tried in national jurisdictions outside their own countries, because of the principles of foreign sovereign immunity, which forbade heads of state and senior states officials to be tried in the courts of foreign countries.

So what did Larnaude and de La Pradelle consider as the solution? Go to international law and create an international criminal tribunal, they declared, where no one—not even emperors, kings or queens—could claim immunity. It was a brand new idea. And, Voila! '*Un nouveau droit international est né,*' they enthused.

Three years ago, on the occasion of the 20th Anniversary of the adoption of the Rome Statute, I engaged the question of how our generation of public servants, diplomats, academics and civil society would account for what we did with the ICC that was entrusted to our care, which, at its creation, was one of humanity's most improbable achievements.

The improbability of that achievement is underscored by the fact that that dream of Larnaude and de La Pradelle that started in 1919 was only realised in 1998, after almost 80 years.

And when I ask that question of 'what we have done' of 'our generation,' I do not limit myself only to the citizens of countries that are already States Parties to the Rome Statute. That question must also trouble citizens of nations who are yet to join the Rome Statute—and who should do so. This is because this Court belongs to every citizen of the world who abhors the idea of genocide; torture, terrorism, persecution and other crimes against humanity; war crimes; and the crime of aggression.

So, on my way out, I return to the question: How would our generation—in that larger sense—account for what we did with the ICC? The question’s purpose is made more acute by the extraordinary experience of the Court in the last two years or so—during which the Court sustained the most intense political attacks; which attacks have continued in some quarters. Those attacks ask us that question.

That is to say, have we done all that is possible in us to ensure that this Court is used precisely for the purpose that actuated its creation? The victims of genocide, crimes against humanity, war crimes and the crime of aggression deserve nothing less from every one of us lucky enough to enjoy the privilege of playing a role—or having a voice—in the affairs of the Court.

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And on a personal level—for each of us—that question boils down to this: *‘Have I done the very best that is possible within me to do, in service of the Court’s mandate—and not merely what I consider to be good enough; or even what I consider to be more than good enough?’*

That is the question for every one of us.

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Ladies and gentlemen:

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

I congratulate our six new colleagues who were sworn in, one more time, and I wish them every success in their future work at the Court. I also thank one more time the outgoing judges, who served this Court during its most difficult period to date.

I also thank their families and everyone else who has been present today—most of you virtually—to witness this important event in the life of our institution. I thank you all.

This session is now concluded.

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