

**Solemn undertaking of the Registrar
of the International Criminal Court**

Thursday, 3 July 2003
The Arc
The Hague, The Netherlands

**Speech pronounced by
Mr. Jeroen H. Brouwer**

*Dean of the Netherlands Bar Association
Vice president of the International Criminal Bar Association*

Mr. President, Your Presidency, Prosecutor, Your Excellency, esteemed colleagues, ladies and gentlemen.

I feel privileged to be allowed to speak today and especially here. I can almost hear you thinking 'Oh yes, I bet he is', but I consider it very special that this ceremony takes place in *this* building. It emphasizes that all of you are already working in this building. It is in fact a work in progress. I am sure you will already be familiar with the fact that this building is known to many people in The Hague as The Ark.

Mr. Registrar, you are a Frenchman, you will be familiar with the "Arc de Triomphe". Today *this* building will serve as your arc of triumph. You know that the one in Paris is characterized by its two very strong pillars. It does give the impression that it is indestructible. In contrary to this famous building, the emerging system of international criminal justice will be fragile, especially in its early days. For its legitimacy and transparency it requires the full participation of lawyers. Any healthy criminal justice system rests not on two pillars but on three pillars: judges, prosecutor and the legal profession.

Creating the ICC is not just the business of governments it also involves creating an international legal community around the ICC – the academics, lawyers and professional associations that actually make court systems work.

The Netherlands Bar Association and the International Criminal Bar Association already welcomed the entry into force of the Rome Statute of the ICC in July 2002 as the founding instrument of a new order of international criminal justice. Both organisations recognized the role which the ICC will play in addressing crimes of utmost concern to the international community and both organisations consider the function of independent and professional counsel for the ICC as a fundamental element of an effective, fair and independent Court.

What I present to you now is our own perception. We represent lawyers and defenders of the interests of victims and perpetrators, of course in connection with the ICC. I feel almost like Ptolemaeus. For your information, he was an old Greek who said that the earth was the centre of

the universe and that everything else they knew in those days, the sun, moon and planets, evolved around it. In other words, sometimes lawyers seem to think, like Ptolemaeus, that they are the centre of everything. Of course, that is not the case.

At the time when I was asked to speak to you, I was attending a meeting in Krakow, in Poland. I found that the famous Nicolaus Copernicus was educated at the university in this town. Apart from that, Copernicus also studied law in Italy. His most brilliant scientific achievement was, of course, the – correct - theory of the solar system. The sun in the centre and everything else around it.

Registrar, (mr. Cathala) your position may be compared with the sun and as I would like to put you in the sunlight today, however, I must try not to exaggerate. What I mean to say is that you are going to fulfil a very important function in the interaction between the judges, the office of the prosecutor and the legal profession, of course under the authority of the President of the court. Your function, so to speak, is more like the Place d’Etoile where many roads meet. Again, talking about ourselves, the legal profession, I am sure that you are very aware of rule 20 sub par. 3. I only want to quote one line: “For purposes such as the management of the legal assistance in accordance with rule 21 and the development of a Code of Professional Conduct in accordance with rule 8, the Registrar shall consult, as appropriate, with any independent representative body of counsel or legal associations, including any such body the establishment of which may be facilitated by the Assembly of States Parties”.

Today it would not be appropriate to mention a name for such an independent representative body. What is appropriate today is to invite you, if that is even necessary, to implement this guidance. I, for my part, can give you the assurance that not only the Netherlands Bar Association but certainly also the International Criminal Bar Association intends to contribute and constructively to the immensely important tasks that awaits you and in fact all of us.

We do not need Copernicus to understand that a tripod is much more stable than a ‘bipod’. I am not sure if a ‘bipod’ is correct English, but I am sure that you understand what I mean. Remains to offer you congratulations on your appointment on behalf of Ms. Elise Groulx and Mr. Paul-Albert Iweins, both Presidents of the ICB. And of course by myself, representing the Netherlands

Bar Association. All of us are looking forward to a continuation of the work that has already begun especially in this building.

Earlier, I talked to you about my stay in Poland, country of the poet Szymborska. She wrote a poem called 'Do arki' – which is Polish and means, translated into English: Into the ark -. This verse sounds very 'Dutch' to me and suitable for you, mr. Cathala, working in this country. I would like to end with just one strophe.

As far as the eye can see, there's water and hazy horizon.

Into the ark, plans for the distant future,

Joy in difference,

Admiration for the *better* man,

Choice not narrowed down to one of two,

Outworn scruples,

Time to think it over,

And the belief that all this

Will still come in handy someday.

(W. Szymborska, *Nothing Twice*)

Thank you!