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Defence counsel in international criminal law

Temminck Tuinstra, J.P.W.

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DEFENCE COUNSEL IN INTERNATIONAL CRIMINAL LAW

ACADEMISCH PROEFSCHRIFT

ter verkrijging van de graad van doctor
aan de Universiteit van Amsterdam
op gezag van de Rector Magnificus
prof. dr. D.C. van den Boom

ten overstaan van een door het college voor promoties ingestelde
commissie, in het openbaar te verdedigen in de Agnietenkapel

op vrijdag 30 januari 2009, te 10.00 uur

door

Jarinde Petra Willemien Temminck Tuinstra
geboren te Beusichem

Promotiecommissie

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Faculteit der Rechtsgeleerdheid

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‘However dreadful a crime may be, the person accused of committing it has certain rights, including the right to a fair trial.’¹ Lord Reed

‘[O]nly honest, upright and learned men, not those who inject confusion, who are verbose but not eloquent, or those whose activity procrastinates rather than speeds up the progress of the cause’ should be eligible to become defence counsel.³ Benedictus Carpzovius

‘There's one way to find out if a man is honest - ask him. If he says, "Yes," you know he is a crook.’ Groucho Marx

‘I did not know that I didn’t understand anything, and still thought I knew everything. [...] While pretending to understand, I still didn’t understand. The fact of the matter was that I comprehended nothing, I understood nothing.’³ Gao Xingjian

‘The life of the law has not been logic; it has been experience. [...] The law embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics.’⁴ Oliver Wendell Holmes

¹ ECHR, Judgment, *T. v. UK* (Appl. No. 24724/94), 16 December 1999, Concurring Opinion of Lord Reed.

² *Practicae novae imperialis Saxonicae rerum criminalium*, Pars III, qu. 115, no. 93. Frankfort 1677.

³ Gao Xingjian, *Soul Mountain*. Mixture of translation from the Chinese by Mable Lee and Sydney: Harper Collins, 2000, p. 506 and from the Dutch translation “*Berg van de Ziel*,” Meulenhoff, 2002, p. 556: ‘*Ik mist niet dat ik niets snapte en verkeerde nog steeds in de waan dat ik alles snapte. [...] Terwijl ik deed of ik het snapte, snapte ik er nog altijd niets van. In feite begreep ik niets, ik snapte niets.*’

⁴ From the first of twelve Lowell Lectures delivered by Oliver Wendell Holmes, Jr. on November 23, 1880.