

**Cour
Pénale
Internationale**

**International
Criminal
Court**

**SWEARING IN CEREMONY
OF THE DEPUTY PROSECUTOR OF THE ICC**

**Address by Bruno Cathala
Registrar of the International Criminal Court**
(English version – Originally pronounced in French)

The Hague, 3rd November 2003

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Madam President,

Ladies and Gentlemen of the Court,

Mr. Prosecutor,

Madam Minister,

Mr. Vice-President of the Assembly of States Parties,

Excellencies,

Ladies and Gentlemen,

Allow me first to turn to you, Mr. Serge Brammertz, and extend officially both in my own name and on behalf of the Registry my warmest congratulations for your brilliant election as Deputy Prosecutor of the International Criminal Court.

On a more personal note, I wish to say how great a pleasure it is to welcome a fellow judge to the Court.

You have been working in this demanding profession for almost fourteen years, successively occupying many functions. Today you are leaving the position of Federal Prosecutor, one of the most eminent posts in the Kingdom of Belgium.

You have arrived at the Court at the right time.

After a practical and operational setting-up phase which, admittedly, must be fine-tuned, the Court is now focusing its activity on operations. For the Office of the Prosecutor, the arrival of the person responsible for the investigations marks the transition to this new phase. During this period, the Registry will strive to develop the mechanisms needed for the Court to hear the voices of the victims, to be certain that the witnesses are received, protected and supported and to ensure that universal and quality defence can operate freely within these walls.

Your experience thus demonstrates that the Court is welcoming the appropriate man to become part of its team at this specific moment.

You are, however, not only a professional with great expertise and integrity recognised by everyone and, especially, by your peers throughout Europe. You are also a competent manager, and “institution-builder” with whom we are delighted to be working.

Indeed, the challenge today is to build an institution, an international criminal court. And because this court is permanent, which differentiates it fundamentally from the other international criminal courts in the world, we must take up the challenge of the institutionalising international criminal justice.

We are all participating in building an institution, that is, an organisation which looks to the future and recognises the same values. An institution must gradually distance itself from the individuals who compose it if we wish it to be an entity with its own life which fulfils the missions assigned to it by the Statute. In short – which becomes a universal court to judge the crimes set out in article 5.

The path to becoming such an institution is long and difficult.

The institution is built through the creation of a common mythology and symbolism which the outside world can recognise. Its rituals like the one in which we are participating today – the inauguration ceremony for the Deputy Prosecutor - are one of the essential constituent elements of the common culture.

Within this growing institution, close co-operation between the Registry and the Office of the Prosecutor is needed.

The relationship between the two organs is two-fold.

The Registry, firstly, plays a servicing role for the Prosecutor and the judges. This role may take the form of general servicing, administrative and organisational assistance, or more judicial support in respect of *inter alia* detention matters. We must together define our needs and how to respond to them. Such dialogue, the hallmark of our discussions from the very outset, is already off to an excellent start and must continue. Our minds must remain open and respectful of each person’s responsibilities. I wish to use this opportunity to tell you in public, Mr. Prosecutor, how much I appreciate the quality of our sometimes impassioned exchanges. Such a mission can never be treated as something banal.

Still, co-operation between the Registry and the Office of the Prosecutor does not stop at these administrative and judicial questions. I would even say that in view of the mission entrusted to us by our

founding fathers they are only the tip of a more substantial and fundamental iceberg. We have been assigned the responsibility of working together on a set of other essential issues like the defence, witnesses and victims under the watchful eyes of the judges.

I would like to touch on these points.

We must foster ongoing dialogue between the defence and Prosecutor throughout the proceedings in order to ensure that the trials are conducted properly. How do we achieve this objective, further complicated by an international context, unless that dialogue which is essential to the proper conduct of criminal trials is facilitated and encouraged every day? The defence and prosecution are condemned to communicate with one another so that fair and expeditious trials can be held.

The witnesses also have a crucial role to play in this court. Although the Prosecutor and counsel will be the first to meet with them, the Registry's mission is to protect them so that they will be present in the courtroom. It is essential that the transition between the two services be as smooth as possible in order to avoid "retraumatizing" them, to avoid their being wounded a second time. We must set up and adopt a very specific working protocol which guarantees both that the Court will hear them and that they will receive physical and psychological protection.

Lastly, the victims are one of this Court's greatest innovations. Here we are entering uncharted waters where everything must be invented. We must be both creative and practical, respectful of the Statute and realistic. One of our common tasks will be to reflect together on how to ensure their protection, participation in the proceedings and right to reparations.

Many other common questions remain. With you, Mr. Prosecutor and Mr. Deputy Prosecutor, we will have to find the best path to go down in the interest of justice.

Mr. Brammertz, you may be confident that the Registry will be attentive to its duty to assist you as effectively as possible so that you can accomplish your tasks. These tasks are absolutely essential if we want this great cause, that is, the International Criminal Court, to succeed.