

**Cour
Pénale
Internationale**

**International
Criminal
Court**

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

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(English version – Originally pronounced in English)

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I would like to warmly welcome Serge Brammertz as the first Deputy Prosecutor of the International Criminal Court.

Serge has tremendous prosecutorial expertise and is familiar with the activities of prosecutors around the world. He began his career as a prosecutor in a region that has three international borders, so he has been involved, for a long time, in matters of cross-border cooperation between prosecutors and police forces. He wrote a doctoral thesis on international police cooperation. As a National Magistrate in Brussels, his main responsibility was to coordinate criminal investigations at the international level.

Recently, he was appointed Federal Prosecutor of Belgium, a position that did not previously exist in his country. His selection for that job is evidence of the great trust that his country and his peers have placed on Serge. We want to thank the Kingdom of Belgium for having contributed to the ICC one of its principal officials.

Serge's work as Federal Prosecutor has required him to direct his office in its role as the competent judicial authority to handle cases of genocide and violations of international humanitarian law, to handle cases of terrorism, and to be the main contact point for the ICTY and ICTR. He also has extensive experience coordinating large-scale national operations. Particularly important has been his involvement in the creation of the European Judicial network, connecting more than 200 prosecutors from 25 countries.

Serge will be in charge of the critical area of the Office of the Prosecutor. As head of the Investigation Division, he will be responsible for analyzing the information on the situation selected; preparing the investigation plan; when appropriate, submitting the case to the Pre-Trial Chamber; organizing the field-work of the Office; and handing-over the case to the trial lawyers.

Despite his significant experience, Serge will be faced with an unprecedented challenge. It is so basic that people living in well-organized countries find it hard to grasp it. Let me briefly describe why.

The creation of the ICC represents for the international community a step comparable to the evolution of over ten centuries of national criminal justice systems. The involvement of the state in the solution of conflicts between private citizens and in defence of the victims of crimes was a revolutionary step similar to the Rome Statute. The protection by the community of life and freedom was a slow and long process that required the creation of nation-states, and their gradual monopolization of the use of force. Crimes and massacres, visionaries and thinkers were necessary before we reached the current standards of fair

trial with prosecutors, defendant lawyers and judges. Unfortunately, in some countries these standards are not yet established.

At the end of the nineteenth century, some visionaries were talking about an international criminal court. Nuremberg, more than fifty years later, set the precedent. With the establishment of the ICTY and the ICTR, the idea gained momentum, and in 1998 the Rome Statute was adopted.

Why did I say that the creation of the Court is equivalent to ten centuries of evolution of national criminal justice systems? The Rome Statute entails that, when national states fail, the international community will protect the victims of atrocities. For this huge step forward, the world will always be indebted to those political leaders, determined civil servants from around the world and NGO representatives who created the ICC, including some of you sitting among us today.

But the process of creating this Court has been the reverse of the evolution of national criminal law. The crimes and fair trial standards were defined and the Judges and Prosecutor were appointed. But there is no global state that can generate the political agreements necessary to organise the exercise of basic rights such as life, freedom and property, nor a global police to monopolize the use of force and control the territory. We can not imagine the Netherlands without its effective authorities and police force, but we have to investigate the worst crimes in these conditions.

The commitment and wisdom of the Judges will not be enough. The work of the entire Court will need the strong support of national states: their political leaders, diplomats, police, prosecutors, and all their law-enforcement agencies. We also have to develop a global citizenship.

The task of the Office of the Prosecutor, investigating all over the world, has no precedent. The investigations that Serge will conduct will be in places where the state is unable or unwilling, meaning that it has no control over the territory, or that it perpetrates the crimes itself. The only way to face these challenges is to organise a team of teams, a committed network of persons and institutions.

First, the OTP team. Serge will join Silvia Fernandez, the head of the complementarity unit who worked for ten years on the discussion and the implementation of the Rome Statute; Morten Bergsmo, head of the Legal Advisory and Policy Section who worked in the ICTY Office of the Prosecutor from its creation; Klaus Rackwitz, who combines his experience as a criminal judge in Germany with his expertise in judicial administration to be our ideal manager; and Wanda Hall, who is developing the basis of the outreach

program and has experience reaching out to those affected by human rights violations in areas as remote as Kazakhstan and Rwanda.

Another part of the team includes the Registry, which will provide the resources to carry out our operations. Bruno Cathala has extensive experience as a judge in France and as a manager in the ICTY. For more than one year, he and Sam Muller were in charge of thinking and imagining from zero this peculiar institution. I want to pay tribute to their vision and to their efforts during those early days. They set up the basic structure of the Court, laid out its main tasks and calculated – with no precedent to go by – the future activities of the whole Court. I want to thank them for their commitment and their passion.

But the teams are also beyond the bounds of the Court. That's why we invited Michael Kennedy, the President of Eurojust, as a speaker. He represents multilateral and regional institutions that will be key partners in our work.

Nicholas Cowdery is here to represent two worlds. The NGOs, and national prosecutors. As the President of the International Association of Prosecutors, with members in more than 120 countries, he will be a key partner in developing a network that will allow the Office of the Prosecutor to work all over the world.

We have to learn from each other. We have to understand our different points of view. It is obvious that the Office of the Prosecutor will work permanently under pressure, and some times it will be difficult for us to understand other interests. But the only way to build the institution, the only way to carry out our difficult tasks is to focus on our mission and to keep the team working. All together, we will achieve the ultimate goal of this Court: to end impunity in order to protect the rights of every person in every country of the world.