

**Ceremony for the solemn undertaking of the
Chief Prosecutor of the International Criminal Court**

Monday, 16 June 2003
The Peace Palace
The Hague, The Netherlands

**Statement made by
Mr. Luis Moreno-Ocampo**

Chief Prosecutor

Your Royal Highness
Mr. President of the International Criminal Court
Mr. President of the Assembly of States Parties
Ladies and Gentlemen:

It is a great privilege to join, as Prosecutor, such a distinguished group of judges selected among candidates from all over the world.

Our common mission is to ensure that the most serious crimes of concern to humanity are investigated and punished thus contributing to the protection of millions of individuals. In my opinion, there could not be a more noble or important task for a lawyer.

It is a privilege and a great responsibility.

There are so many divergent interests in the world today that there is not even consensus about the basic goal of punishing genocide. An international criminal court totally independent and impartial brings hope, but at the same time raises reasonable fears and misunderstandings.

If our role is not adequately fulfilled, if we destroy the hopes and increase the misunderstandings, not only will we have failed as individuals but we also will have wasted the efforts of more than a century and destroyed an institution essential to global peace.

To face this challenge, the Office of the Prosecutor will undertake a participatory dialogue both in the policy-setting process and in the actual implementation of its policies. This process will start tomorrow with the first public hearing of the Office to discuss the policies and regulations, and will continue through further meetings and informal consultations.

During the implementation of the policies we will continue our communication and interaction with all persons concerned, from the States Parties to non-parties, from multilateral organisations to non-governmental organisations, universities and the business sector.

If I may quote from one of your statements in the past, Mr. President, there seems to be a paradox: the ICC is independent and interdependent at the same time. It cannot act alone. It will achieve efficiency only if it works closely with other members of the international community.

Mr. President,

For that reason States Parties will necessarily continue to play an active role so that the court can enhance the wide support that it enjoys today and achieve universal participation.

In this connection I would like to express recognition to States Parties for having allowed humankind to take a step that will put further distance between humanity and massive violence. At the same time I would request that the States Parties continue to follow the long road ahead towards the consolidation of the International Criminal Court.

I do not want to miss the opportunity to thank the President of the Assembly of States Parties for his efficient and skilful leadership. We will need his support in the future.

Mr. President,

Participation and inclusion are demanded by the complementary nature of the court.

The Court is complementary to national systems. This means that whenever there is genuine State action, the court cannot and will not intervene.

But States not only have the right, but also the primary responsibility to prevent, control and prosecute atrocities. Complementarity protects national sovereignty and at the same time promotes state action.

The effectiveness of the International Criminal Court should not be measured by the number of cases that reach it. On the contrary, complementarity implies that the absence of trials before this Court, as a consequence of the regular functioning of national institutions, would be a major success.

For this reason, the first task of the Office of the Prosecutor will be to establish links with prosecutors and judges from all over the world.

They continue to bear primary responsibility for investigating and prosecuting the crimes within the jurisdiction of the Court, and we are confident that they will make every effort to carry out their duties.

We wish to interact with them in order to establish a network of national and international prosecutors who will co-operate with each other and develop the ability to function together.

We express our recognition for all efforts made at the international level to combat impunity since Nuremberg. We will learn from them as well as from the prosecutors and judges of national jurisdictions who have investigated and punished the perpetrators of massive crimes.

It is our wish to work with our colleagues from around the world and learn from their experiences and best practices.

At the International Criminal Court we have the opportunity, the authority and the resources to organise the Office of the Prosecutor with the highest level of professionalism. In selecting the staff, the Office of the Prosecutor will seek to choose the best possible candidates from all over the world.

Mr. President,

The Statute of Rome and the creation of the Court would not have been possible without the work of the non-governmental organisations, under the co-ordination of the coalition. Together with the like-minded States, they shared the vision, and at the same time they managed to fight for essential principles and to harmonise divergent interests.

Never before have I witnessed within the NGO community such efficiency and ability to organise and collaborate. The Office of the Prosecutor needs to maintain the same level of interaction with civil society, through a policy of ongoing open dialogue which will be established.

The Office of the Prosecutor must also take into account the existing interdependence of other important institutions and governmental organisations dedicated to the enhancement of the rule of law, humanitarian assistance and conflict resolution. The Office of the Prosecutor must work hand in hand with all these well-established institutions and organisations.

However, individuals and organisations with high values should not take up the burden of supporting the Court alone. Business people and media owners must acknowledge their social role.

Business, and multinational companies in particular, must understand that it is in their own enlightened self-interest to improve, respect and defend human rights, peace, and social justice, and to work against violence. Business can thrive only in societies where people participate and contribute to growing markets and to making the rules that govern them. In the long run, there can be no successful companies in failing societies.

The media can also contribute to prevent conflict and crimes by exposing injustice and violence, not only when they have already escalated into massive atrocities but also in the emerging stages. Genocide and crimes against humanity are often preceded by a long period of preparation. Too often the media and therefore the people ignore or deny the danger.

Mr. President,

Please allow me to conclude with a reference to the victims. To protect them is the objective of our mission. We must learn the lesson. On my first visit to the Holocaust Museum in Washington, I received a copy of a passport of a young polish boy. He had emigrated from Warsaw with his family, escaping the atrocities of the First World War. In the 1930's, all of them returned to their home and were exterminated during the Nazi occupation.

In the junta trials in my own country, I met a woman whose parents were killed in the Nazi concentration camps. She wanted to have a peaceful life by emigrating to Argentina. Her sons were abducted and disappeared during the military dictatorship.

The attack on the Twin Towers in Manhattan is just another tragic demonstration that the security offered by a State will not be sufficient to guarantee the life and freedom of their citizens if the international community is not based on the rule of law.

The threat posed by the development of weapons of mass-destruction and the evolution of communication systems require, more than ever before, the urgent development of the institutions designed to prevent massive violence and hate.

The International Criminal Court is one of the first new answers to these new threats.

We must learn: there is no safe haven for life and freedom if we fail to protect the rights of any person in any country of the world.

Thank you, Mr. President.