



Cour
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Office of the Prosecutor



The Prosecutor, Luis Moreno-Ocampo
and Deputy Prosecutor, Fatou Bensouda.
Photo: ICC-CPI/Wim van Cappellen

The Office of the Prosecutor is one of the four organs of the International Criminal Court. It is headed by the Prosecutor, Luis Moreno-Ocampo, who was elected by the Assembly of States Parties and has full authority over the management and administration of the Office, including its staff, facilities and other resources. The Prosecutor took office on 16 June 2003.

The mandate of the Office is to receive and analyse referrals and communications in order to determine whether there is a reasonable basis to investigate; to conduct investigations into genocide, crimes against humanity and war crimes; and to conduct prosecutions before the Court of persons responsible for such crimes.

By conducting investigations and prosecutions, the Office contributes to the overall objective of the Court – to help end impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, and thus to contribute to the prevention of such crimes.

As a consequence of its mandate, the Office of the Prosecutor comprises three divisions:

- **The Investigation Division** is responsible for the conduct of investigations (such as collecting and examining evidence, questioning persons being investigated as well as victims and witnesses). In this respect, the Statute requires the Office to extend the investigation to cover both incriminating and exonerating facts in order to establish the truth.
- **The Prosecution Division** has a role in the investigative process, and will have principal

responsibility for the litigation of proceedings before the various Chambers of the Court.

- **The Jurisdiction, Complementarity and Cooperation Division** analyses referrals and communications, with support from the Investigation Division, assess admissibility and helps secure the cooperation needed for the activities of the Office.

The Prosecutor may start an investigation upon referral of a situation by a State Party, or the Security Council acting to address a threat to international peace and security. In addition, the Prosecutor, under his *proprio motu* powers, may start an investigation on the territory or against nationals of a State Party, subject to confirmation by a Pre-Trial Chamber of the Court.

It is the policy of the Office of the Prosecutor that investigations focus on those individuals who bear the greatest criminal responsibility for crimes committed in a situation under investigation. The Preamble of the Rome Statute recognises that the Court itself is but a last resort for bringing justice to the victims of genocide, war crimes, and crimes against humanity. Thus, the Rome Statute assigns the Court and the Office of the Prosecutor a role that is complementary to national systems.

The Rome Statute also provides that the Office of the Prosecutor shall act independently. Consequently, a member of the Office of the Prosecutor must not seek or act on instructions from any external source, such as States, international organisations, NGOs or individuals.



Luis Moreno-Ocampo, Prosecutor: On 21 April 2003, the Assembly of States Parties elected Mr Moreno-Ocampo of Argentina as first Prosecutor of the Court. He has a distinguished career as prosecutor, trial attorney, university lecturer and legal strategist on issues ranging from international criminal justice to human rights law, corruption control and journalists’ protection. In 1984, he led the investigations into the case against nine senior army commanders, including three former heads of state, from the military juntas that ruled Argentina between 1976 and 1980. The subsequent trial, which led to the sentencing of five of the accused, was the first case brought against individuals responsible for mass killings since the Nuremberg Trial of Nazi officers. During the proceedings, Mr Moreno-Ocampo presented arguments for 700 counts of ‘murder, kidnapping and torture’, calling 835 witnesses and citing thousands of documents. He later prosecuted those responsible for mass killings during the 1987 and 1992 military rebellions in Argentina. For a decade after the ‘Junta Trials’, Mr Moreno-Ocampo was involved in high profile cases of international criminal justice, including the extradition of the former Nazi officer Erich Priebke to Italy, the trial of Chilean secret police for the murder of General Carlos Prats and the case against military commanders accused of malpractice during the Malvinas/Falklands war. Mr Moreno-Ocampo has been a member of the global board of Transparency International, and a visiting professor at both Stanford and Harvard Universities.



Fatou Bensouda, Deputy Prosecutor (Prosecutions): On 8 September 2004, Mrs Bensouda of The Gambia was elected Deputy Prosecutor by the Assembly of States Parties. She is in charge of the Prosecutions Division of the Office of the Prosecutor. Prior to her election, Mrs Bensouda worked as Legal Adviser and Trial Attorney at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, rising to the position of Senior Legal Adviser and Head of the Legal Advisory Unit. Before joining the ICTR, she was the General Manager of a leading commercial bank in The Gambia. Between 1987 and 2000, she was successively Senior State Counsel, Principal State Counsel, Deputy Director of Public Prosecutions, Solicitor General and Legal Secretary of the Republic, she then became Attorney General and Minister of Justice, in which capacity she served as Chief Legal Adviser to the President and Cabinet of The Republic of The Gambia. Mrs Bensouda also took part in negotiations on the treaty of the Economic Community of West African States (ECOWAS), the West African Parliament and the ECOWAS Tribunal. She has been a delegate at United Nations conferences on crime prevention, the Organisation of African Unity’s ministerial meetings on human rights, and the delegate of The Gambia to the meetings of the Preparatory Commission for the International Criminal Court. Mrs Bensouda holds a masters degree in international maritime law and the law of the sea and as such is the first international maritime law expert of The Gambia.

