



Judge Piotr Hofmański
President
International Criminal Court

*Remarks at the swearing-in ceremony
of the new ICC Prosecutor, Mr Karim Asad Ahmad Khan*

16 June 2021

Excellencies, ladies and gentlemen:

We are assembled today to witness the swearing-in of the new Prosecutor of this Court, Mr Karim Asad Ahmad Khan. As required by the Court's founding treaty, the Rome Statute, he will make his solemn undertaking in open court. I welcome Mr Khan to this session.

I am joined at this important occasion by the First Vice-President of the Court, Judge Luz Ibáñez, and the Second Vice-President, Judge Antoine Mindua.

Due to the requirements of physical distancing related to the Covid-19 pandemic, the other 15 judges of the Court are exceptionally not physically with us in the courtroom but have rather connected to this session remotely. I am grateful for their participation.

I also welcome the presence in the courtroom of the Vice-President of the Assembly of States Parties, Her Excellency Ambassador Kateřina Sequensová; the Registrar of the Court, Mr Peter Lewis; and the President of the ICC Bar Association, Mr Peter Haynes.

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Excellencies, ladies and gentlemen:

There is no doubt that we are at an important milestone in the life of the International Criminal Court.

The ICC has now existed for almost two decades, but Mr Khan is only the third person to take up the job of the Court's Prosecutor.

That job is unique in the ICC; there is only one Prosecutor.

And with a mandate of nine years, each successive Prosecutor is bound to leave much more than a passing mark on the institution.

Indeed, the Prosecutor plays a critical role in the Court's work.

While Judges are the ones who ultimately decide on the verdict in each case, it is also true that those cases would never reach the judges without the Prosecutor's decision to bring them to court.

The same applies to investigations – the Prosecutor is the one who takes the initiative to launch them. And it is the Prosecutor who is responsible for the way in which preliminary examinations, investigations and prosecutions are conducted, and how evidence for the prosecution is selected and presented.

Obviously, the Prosecutor is aided by a large number of highly competent staff, including senior lawyers who argue cases in the courtroom on behalf of the Prosecutor's Office. Still, the ultimate responsibility lies with the Prosecutor, and he or she is the one who will face the public's praise *and* blame for the actions of the Prosecutor's Office.

And indeed it was the ICC Prosecutor – Ms Fatou Bensouda at the time – who faced unprecedented consequences from her work last year, in the form of sanctions against her person, along with a senior member of her Office. This was a stark reminder of the kind of pressures to which the Prosecutor may be subjected.

All of this is to say that being the ICC Prosecutor is a tough job, with heavy responsibility and high expectations.

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I am happy to note Mr Khan comes to this demanding job with outstanding credentials in the field of international criminal law. He is widely known as a highly capable, determined and skilful lawyer.

For more than 20 years, he has worked across numerous international and hybrid jurisdictions, including the ICC. He has conducted complex investigations and prosecutions, but he has also acted as counsel for the defence and victims in international crimes cases. In that connection, he served for one year as the President of the International Criminal Court Bar Association.

I trust that this diverse experience will be of great benefit to him as he assumes his new responsibilities.

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Excellencies; ladies and gentlemen:

I referred to this day as a milestone in the Court's lifespan. There are moments when we must pass the torch to other people to carry it forward. This happens with the judges as well; every three year one third of the Court's bench is renewed; the last time that happened was only three months ago.

But regardless of the people at the helm, the Court's mandate remains unchanged, and our work for justice must continue unabated.

Indeed, justice must always be our central focus. Let us not forget how privileged we are to work for this historic institution. For decades, a permanent international criminal court was but a dream. Now it is a reality. And more than that, today the ICC is an institution with hands full of work, on a broader scale than ever before, on several continents.

That growing and highly complex workload requires our very best efforts. And beyond that, we must also seek ways to improve the institution, while at the same time conducting our daily work.

Fulfilment of the Court's mandate also requires the full cooperation of States and sufficient resources – in these respects, we rely on the support of the Assembly of States Parties.

At the same time, it is essential that we take care to cherish and uphold the Court's independence at every turn. That is the highest value for any judicial institution, and it is at the heart of the rule of law.

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On behalf of the Court, I offer heartfelt congratulations to Mr Karim Asad Ahmad Khan. As President of the Court, I look forward to working with him to strengthen our joint institution.

Finally, I thank everyone else who has been present today – most of you virtually – to witness this event.

The session is hereby concluded.