

**Cour
Pénale
Internationale**

**International
Criminal
Court**

OFFICE OF THE PROSECUTOR

**SOLEMN UNDERTAKING OF THE DEPUTY PROSECUTOR OF THE
INTERNATIONAL CRIMINAL COURT**

**Address by Luis Moreno Ocampo
Prosecutor of the International Criminal Court**

(English version)

The Hague, 1 November 2004

It is with great pride that we welcome Fatou Bensouda to the Court as our new Deputy Prosecutor.

We are all familiar with her exceptional qualifications. This includes her achievements at the national level – including as Attorney General and Solicitor General in The Gambia. It includes her work at the international level, as Legal Adviser at the ICTR, where she also contributed to the litigation of important cases.

But we are also touched by the enthusiastic praise, from all who have worked with her, about her commitment, compassion and leadership. We know she is a wonderful addition to our team and we congratulate her on her election.

With Serge Brammertz in charge of the Investigation Division and Fatou Bensouda in charge of the Prosecution Division, we now complete our senior staff in the Office of the Prosecutor (OTP). The timing could not be better. The Office has moved from the development phase to the operational phase. We expect to soon begin our courtroom activities in support of investigations. As Deputy Prosecutor for Prosecutions, Fatou will guide our work in the court rooms. We are also assessing our structures and procedures, to ensure efficiency and integration and to prevent duplication. In addition, we are fine-tuning our strategies and protocols based on our experiences. She will help us with all of this.

The team she is joining is not just the OTP, but the whole Court. As investigations progress, we are, every day, deepening the ways in which we work hand in hand with the Registry – on issues of victims, outreach, security and logistics. More broadly, the Coordination Council is helping us organize our work and realize our common strategy. And while the OTP is now developing its policies and ideas, ultimately it will be the judges, through decisions in concrete cases, who will have the final word.

The times ahead will be exhilarating. We are now in the early phases of two investigations. Thanks to self-referrals from two States Parties, the Court has been able to start its work with solid legal foundations and strong cooperation.

We are working in Northern Uganda, which Jan Egeland, USG for Humanitarian Affairs and Emergency Relief Coordinator, recently referred to as the world's greatest neglected emergency. We will investigate all allegations in an independent and impartial way. We will not be prosecuting child soldiers. We will focus on those few top leaders who bear the greatest responsibility. This means that Uganda will face great challenges in dealing with the others, while satisfying the needs of peace and justice. We know that the local community, who have suffered greatly, are working very hard to establish peace, which includes initiatives to establish justice through their own traditions, based on truth, reconciliation and compensation. We will respect and learn from their traditions and support their efforts. We hope that our work in arresting or isolating the top leaders will help them to make peace with the others.

In the DRC, we are at a very preliminary phase of investigations. The DRC is a complex situation, with ongoing conflicts, areas of extreme insecurity, and numerous allegations concerning many armed groups. The situation poses profound challenges for criminal investigations. We currently expect to start with two cases, which will be selected on the basis of gravity and the interests of victims. We will probably need time to bring others. The permanent nature of this Court means that we can take the necessary time in addressing such complexities.

This permanence distinguishes the ICC from other tribunals. I want to pay special tribute to Prosecutors del Ponte and Jallow, who have joined us today. The ad hoc tribunals have had limited time to build their institutions and build their cases. Now, they are already confronted with the challenges of completion strategies. They must continue to receive the unwavering support they need to carry out the mandate they have been given.

These different prosecutors, different judges, and different professionals have been working in different institutions, but all building on the same principles. We are all working on a common project, developing a common heritage of law. Each of us has a contribution to make.

In this great project, we all have to think about how to maximize our deterrent effect and our impact on the regions affected. International criminal justice is only a part of a greater picture.

The challenge is for national authorities and the international community to continue to work to establish and uphold the rule of law.

Fatou, I know you will make an important contribution to this task. We are all united in welcoming you today.