

JAMES HAMILTON: My name is James Hamilton and I'm the Director of Public Prosecutions of Ireland, and I think I'm one of very few national prosecutors who is present here today.

I have to say it was a great honour to be invited to attend yesterday's ceremony and to be present at this seminar. It was a very moving ceremony. And if I may double out, I suppose, mention two things that happened yesterday. One was the very moving speech by the gentleman who had prosecuted at Nuremberg, and I found that a remarkable speech. And the second thing that I found remarkable was the account by the lady on behalf of the victims in Cambodia, which really underlined what this Court is all about and the absolute necessity for this Court being a success.

I want to congratulate the Prosecutor and wish him well. Napoleon was once asked what qualities he looked for in his generals, and he replied that he only required one thing, and that was luck. And I think that the Chief Prosecutor of this Court is going to need luck.

But in some ways you make your own luck, and I think from the way he is surrounded by a team and the way in which this work has been started, by putting together an impressive policy statement and Regulations, argues very well for the future of the Court. And I have to say as well that the whole idea of organising this seminar is a brilliant idea; and the idea of getting so many people from NGOs, and with the experience of the tribunals, to come here and share their ideas and to do it in public is really an impressive thing to do, and something that I think probably some of us in national prosecution offices could learn something from.

I would just like to say a few words about the relationship between national prosecutors and the Office of the Prosecutor at the International Criminal Court. And because of the importance of

complementarity within the scheme of the Rome Statute, it is important, I think, that the Prosecutor develop good relations before he has to do so with prosecutors offices everywhere in the world so that he will have a network of people that he can call upon.

While the Rome Statute prescribes the making of formal requests through the diplomatic channel, in my own experience over many years dealing with extradition, mutual assistance and the like, the informal contacts are far more important, because before you make the formal request, it is usually a good idea to make a telephone call to somebody you know at the other end and find out what the procedures are, whether there are likely to be delays, how those delays can be unblocked, and so forth.

The other thing that's worth mentioning, and it may be that this is something that can be done now by the Court, the diplomatic channel can be supplemented by any other means that a state chooses to use, and it may be the Prosecutor's Office should, at the time when national states are working out how to implement this, see what it can do to achieve more speedy channels than the diplomatic channel, which can sometimes, I know in many jurisdictions, be slow.

In this connection, Barry Hancock this morning mentioned the importance of the IAP, the International Association of Prosecutors, as providing a prosecutors network, and I would underline that. I have myself found this invaluable, to go to meeting of the International Association and meet other people who are in the same sort of situation as myself. And I would certainly encourage any prosecutors with the IAP and the Chief Prosecutor himself to become involved and to build up the contacts in that method, in that way.

The other thing that I think is important - and this, I suppose, relates to training and also to deepening the understanding of a body

which in itself has to create a synthesis almost of different prosecution systems for one world system - is the importance of things such as exchanges or placing people with the Prosecutor's Office here in exchange with national offices. And I would advocate doing that as well.

I just want to say one other thing and that is in relation to the whole general situation. In my view, the Prosecutor is going to have to be quite selective in using the power of initiative under Article 15, and obviously it's correct to try to target serious perpetrators. It's not just a question of resources, though. It is that. But one also has to remember we're dealing with a court of 18, which effectively means that only two trials can run at any one time. And the experience of the length of major war crimes trials will show how few the number of cases which can, at the end of the day, be run is going to be.

And I think if you ended up with a situation such as happened in the European Court of Human Rights, that would be a disaster. In other words, it is important that you can get the cases on as quickly as possible, and, given that investigations can be complex, of course, there are limits to that. But it will lose its impact if it is years after the event when trials take place.

The only other thing, then, in relation to that, too, is that while I can see in theory at any rate that the success of the Court might be measured by having no cases at all, I think the practical reality is otherwise. And I have to say that I think it will be essential for the functioning of the Court that they have some successes very early on, and I think it will be important to pick cases which can be clearly demonstrated and proved.

In conclusion, then, I wish you every success in the venture you're undertaking.