

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**

THE ASSEMBLY OF STATES PARTIES

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

**Address by Mr Felipe Paolillo  
Vice-President of the Assembly of States Parties  
(English version)**

**The Hague, 1 November 2004**

Mr. President,  
Mr. Prosecutor,  
Mr. Registrar,  
Distinguished magistrates,  
Ladies and gentlemen,

As a representative of the Assembly of States Parties, it is an honour ----- and a reason of personal satisfaction to be a part in this solemn undertaking of Ms. Fatou Bensouda as the Deputy – Prosecutor (Prosecutions) of the International Criminal Court. ----- With the addition of Ms. Bensouda to the Office of the Prosecutor, the Court enters a new phase in carrying out the tasks entrusted to it by the Rome Statute. The institution we had envisioned in Rome in 1998 is now on a firm path forward.

When the Rome Statute was adopted on 17 July 1998, many were worried that the necessary number of ratifications for its entry into force would not materialize for several years, yet the desire of the world community to make the Court a reality resulted in the entry into force of the Statute on 1 July 2002. In order to reach this stage, the process frequently required going through lengthy and sometimes complex domestic procedures, which sometimes included amending Constitutions, yet in the end the political will to establish the Court up proved decisive.

The principle of complementarity is one of the fundamental principles upon which the Court was envisioned and established. Those States possessing the means and the will to deal within their domestic systems with the most heinous crimes have nothing to fear from the International Criminal Court. But the grim reality is that in some instances the national courts lack the will or the means and resources to investigate and prosecute the most serious crimes of concern to the international community. Those States willing, but unable, to prosecute the perpetrators of those crimes can resort to the Court. That is precisely why, after referrals by States, the Office of the Prosecutor is currently dealing with two situations in Africa. ----- By its very existence, the Court provides a beacon of hope that the rule of law, praised by all yet not necessarily adhered to by all, can prevail.

It is against this background that the Assembly welcomes the appointment Ms. Bensouda of a distinguished official from the African continent who will make an important contribution to the Court with her lengthy experience and unwavering will to the cause of international justice.

Ms. Bensouda has had a distinguished career in the public sector of the Gambia, where she went rose through the ranks to the post of Minister of Justice. In addition, she has also contributed to the cause of international criminal law, both as a delegate of the Gambia to the Preparatory Commission on the establishment of the International Criminal Court and as Legal Advisor and Trial Attorney at the International Criminal Tribunal for Rwanda. Her commitment to international justice is manifest and she embodies the statutory requirements for the position of Deputy-Prosecutor.

The celebration of this solemn act constitutes a new message that the Court sends to the international community confirming that a new era in the history of mankind has started, a new

era during which the possibility for the perpetrators of the most serious crimes to remain unpunished will gradually diminish and ultimately disappear.

I wish, on behalf of the Assembly of States Parties, Ms. Fatou Bensouda success as the Deputy Prosecutor (Prosecutions) as she begins here new duties. -----

Thank you.