

**SWEARING IN CEREMONY
OF THE DEPUTY PROSECUTOR OF THE ICC**

**Address by Nicholas Cowdery AM QC
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(English version – Originally pronounced in English)

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Vice-President and Judges, Mr Registrar, Representatives of States Parties, Mr Prosecutor, Mr Deputy Prosecutor, Distinguished Guests, Ladies and Gentlemen -

It is a pleasure and a great honour for me, as President of the International Association of Prosecutors, to speak here today. I do so on behalf of our member prosecutors around the world and indeed on behalf of prosecutors of all nations. I know that they wish this gathering well and send their sincere good wishes to the new Deputy Prosecutor of the International Criminal Court. Prosecutors, as much as any group of professionals, recognise the need for appropriate international criminal law responses to the crimes that come within the Court's jurisdiction and the risks inherent in unilateral responses to crises if that action is not taken.

We are delighted that the new Deputy Prosecutor (Investigations) is Serge Brammertz, one of our Association's members and a prosecutor with an international dimension. Serge is a Belgian, from a country of three major communities and languages: French, Flemish and German. Serge speaks them all, of course (and when he speaks to me he very graciously speaks in English); and as originally a German-speaking Belgian he brings a wider perspective to all his dealings. In the time that I have known him, he has worked within our Association for the expansion of our French language capacity and, significantly, to improve mechanisms for international mutual legal assistance, a subject which I know is dear to him. He has found time to do this in a full and varied professional life of which some hint has already been given today.

Serge has achieved a great deal in his national context but he now faces wider challenges in an international arena in the Office of the Prosecutor of the ICC. I know that one of the challenges will be to investigate and uncover the financial aspects of crimes within the Court's jurisdiction. Those crimes are committed not just in the places where the overt acts are carried out, but also in other places where the essential sources of funding for such conduct are located.

On an occasion such as this, I find that it is always best to seek help from someone wiser than I am in finding the right overview of the tasks ahead.

In 2000 I presented the IAP's Medal of Honour to the former President of South Africa, Nelson Mandela. After observing that he had not always had a comfortable relationship with prosecutors, he stated :

"The challenge for the modern prosecutor is to become a lawyer for the people."

This is clearly especially so for prosecutors at the International Criminal Court. In so many ways you are prosecutors for the people in whichever troubled lands your investigations take place.

I return to Nelson Mandela because he continued in his remarks with an astute critique of the duties and responsibilities of our profession which I commend to you.

"To all the prosecutors: may you all benefit from the collective vision, experience and expertise of the international community. You are the standard bearers of your criminal justice system - the last line of defence. Be steadfast, enforce the law with determination, diligence and fairness.

They who enforce the law must not merely obey it. They have an obligation to set an example which those whom they protect can follow. Treasure the sacred trust and great authority conferred on you by the will of the people. Care for victims of crime and guard against your own attitudes and values. Recognise and resist racism, sexism and cultural and other forms of discrimination which deny equal access to justice.

Above all, claim your victories and promote the interests of your profession. It is a noble one."

I am sure, Mr Prosecutor, that you and your new Deputy take on your tasks armed with these precepts, and that you will indeed be able to claim your victories. However, we all know that the real victory in the work which we undertake is not just to achieve a particular outcome in any one case, but to do justice to all. The prosecutor, particularly in the context in which you work, has unique responsibilities and confronts novel challenges in the search for the truth. There is an easy path on which you look simply for one side of the story, the one to which others may point you. But the more difficult task is to explore all available paths and to look for and deal with all sides of the story which may be uncomfortable and even unpalatable. Then you have to do right and to do justice to all – defendants, victims, witnesses, society and the international community. The building of a worldwide network of prosecutors, with whom the Office of the Prosecutor may create effective partnerships, will contribute greatly to the Office's success and the International Association of Prosecutors stands ready to assist in that vital task.

I welcome the Deputy Prosecutor. I wish you well and every success in your endeavours. You and the ICC have the support of colleagues around the world and the support of the International Association of Prosecutors.