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Ocampo goes, a corrupt and incompetent court remains

Luis Moreno Ocampo's tenure as the Chief Prosecutor of the International Criminal Court has come to an end. His replacement as prosecutor, however, does not in any way disguise the reality that the Court remains a corrupt and incompetent institution.

ICCwatch Director Marc Glendening notes:

“The former Chief Prosecutor Luis Moreno Ocampo has epitomised the intellectual, legal and moral shortcomings of the International Criminal Court. While desperate to secure a second term as chief prosecutor, the ICC's European funders were very aware that Ocampo was a clear liability, having mired the Court in personal and legal scandals. Ocampo presided over a marked decline in the credibility and legitimacy of the International Criminal Court.”

Ocampo's questionable decisions highlighted the institutional flaws and contradictions at the heart of the Court. While claiming that the ICC was independent, Ocampo and the ICC clearly came to be seen as a vehicle for the political interests of the permanent members of the United Nations Security Council – this was particularly obvious in Ocampo's eagerness to indict the former Libyan leader Colonel Kaddafi, his son Seif al-Islam and a former Libyan intelligence chief in the course of 2011 – something done in an unprecedentedly short time. The referral of Libya to the ICC in and so itself perfectly illustrated the ICC's relationship with the UN Security Council, and more specifically its five permanent members. Despite the fact that Libya was not a member of the ICC, it was referred to the ICC by the Security Council, three of whose five permanent members are not even members of the Court.

Under Ocampo the ICC studiously ignored any European or Western human rights abuses in conflicts such as those in Afghanistan and Iraq or human rights abuses by any Western client states. Instead, at the behest of the Court's European funders, the prosecutor's office focused exclusively on alleged events in Africa. The result is that every single person indicted by the ICC has been African.

Ocampo also bears absolute responsibility for the blatant prosecutorial misconduct that came to characterise his period in office. Ocampo's

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prosecutorial irregularities would have ended any fair trial because they compromised the integrity of any subsequent process. His misconduct extended to the withholding of hundreds of items of exculpatory evidence from the bench and defence in the course of the ICC's first, and so far only completed, trial. His gross misconduct was swept under the carpet by the court's political masters. The prosecution also produced witnesses who recanted their testimony the moment they got into the witness box, admitting that they were coached by non-governmental organisations as to what false statements to make.

Ocampo claimed that the ICC was "economical", yet it cost half a billion Euros to bring one deeply flawed trial to completion. Ocampo claimed that the office of the prosecutor was to be victim-centred yet Human Rights Watch has publicly criticised the Court's ambivalence towards victim communities. Ocampo claimed to bring "swift justice" but it took several years to bring the first accused to trial for allegedly using child soldiers. The Nuremberg trials, which addressed infinitely more serious charges, were over within a year.

Ocampo claimed to be fighting impunity, yet he himself afforded defacto immunity and impunity to several serial abusers of human rights who happen to be friends of the European Union and United States.

Ocampo's double-standards in Africa has derailed delicate peace processes – thereby prolonging devastating civil wars. There is a clear lesson for countries in Africa and elsewhere: do not join the ICC and do not refer your country to the ICC. It is the equivalent of inviting a cancer into your system.

ICCwatch Director Marc Glendening has stated:

“The reality is that Ocampo’s behaviour while in office reflected the reality of the International Criminal Court. The Court exists only to further Western, and especially European, foreign policy and its own bureaucratic imperative – to exist, to employ more Europeans and North Americans and where possible to continue to increase its budget.”

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For more information concerning ICCwatch's critique of the International Criminal Court, please refer to www.iccwatch.org

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