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## **ICC IN NEW THREAT TO HUMAN RIGHTS**

### ***Chief Prosecutor wants to limit freedom of speech***

In addition to claiming, without any democratic mandate, global jurisdiction, the International Criminal Court's chief prosecutor now says he wants the power to indict individuals who engage in 'denial' of alleged international crimes.

Speaking at the United Nations in December 2009, Luis Moreno-Ocampo, the ICC's top official, said that: *"My office is considering the criminal responsibility of Sudanese officials who actively deny and dissimulate crimes"*. This extraordinary and authoritarian threat to freedom of speech and belief is thought to be an attempt to bring pressure to bear upon Sudan's ambassador to the UN who has challenged and exposed as inaccurate many of the wild allegations made by Mr Ocampo and other political activists.

The intention of granting himself this new power is clearly to intimidate those with inconvenient beliefs and facts from expressing them in public. An additional possibility is that the ICC is now desperate to cast its net wider because after 11 years of existence it has only succeeded in bringing one person, Thomas Lubanga of the Democratic Republic of the Congo, to trial. Ocampo has opened three other investigations, only concerning African countries. If the ICC grants itself this draconian new power it could potentially have numerous individuals arrested. It is perhaps no coincidence that the European Union, whose member states provide a clear majority of the funding for the ICC and is the principal cheerleader for the court, has passed a directive making it a criminal offence to deny or 'trivialise' certain historical genocides.

Given that the Rome Statute, the treaty that established the ICC, does not list denial of an alleged crime as a prosecutable offence it is bizarre that Ocampo now suggests that he might have the power to order the arrest of persons who simply speak out against the official ICC line. This disturbing development should come as no surprise to observers of the ICC and the other UN linked international tribunals. These bodies do not operate according to the rule of law and internationally accepted standards of jurisprudence.

The ICC's lack of respect for traditional due process and the rule of law was famously exposed when Ocampo was caught deliberately withholding evidence provided by the UN from the court which pointed to the innocence of Thomas Lubanga. In any self-respecting and legitimate criminal justice system, such behaviour would have resulted in the abandonment of the trial,

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the release of the accused and the criminal prosecution of the court official responsible. None of these things, of course, happened in this instance.

Marc Glendening, ICCwatch director, comments:

***“Mr Ocampo’s desire to put people on trial for simply contradicting in speech the allegations of the ICC, which are often based on a highly selective and politically motivated interpretation of events in African countries, demonstrates two things: First, that because the ICC is a law unto itself and its European political paymasters, it claims to be able to re-invent the rules as it goes along. It is a body inimicable with the rule of law and civil liberties. This is what happens when there is no democratic oversight, when transnational bodies are unaccountable to actual populations of people. The ICC is a menace to individual liberty.***

***“Second, this move by the chief prosecutor is further evidence of his own personal desperation. After years of raking in huge budget contributions from Britain, France, Germany and the ICC’s other principal donor nations, he has not even been able to conclude a single trial. There have long been rumblings of discontent about Mr Ocampo and whether or not he is worth the huge salary he is paid. The donors are asking, not unreasonably, ‘what has been doing all this time with our money?’ Ocampo needs fresh defendants and quickly and this is why, I suspect, he is looking to extend the reach of the court, even though there is no formal legal basis on which to do this. But since when has this stopped Mr Ocampo?”***

For more information concerning ICCwatch's critique of the International Criminal Court, please refer to [www.iccwatch.org](http://www.iccwatch.org)

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