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Anti-Colonialist Group celebrates decision not to sack 'Buffoon' ICC Chief Prosecutor

ICCwatch, a group established to monitor and criticise the work of the International Criminal Court, is celebrating the failure of its Review Conference, which ended on June 11th in Uganda, to remove the chief prosecutor Luis Moreno-Ocampo.

There had been speculation in the run-up to the event that a move would be made by some of the representatives of the chief donor countries to replace Mr Ocampo. **Even the president of the ICC Assembly of State Parties (the body that oversees the work of the court), Ambassador Christian Wenaweser, has described Mr Ocampo as an "incompetent" and someone who "doesn't know how to write an indictment".**

ICCwatch director, Marc Glendening, has contacted the United Kingdom representatives urging them to use their influence to keep Mr Ocampo in office. In his letter Mr Glendening writes:

"The chief prosecutor is widely perceived to be a ridiculous buffoon who has brought nothing but discredit to the ICC since its inception. For this reason, many of us campaigning to highlight the undemocratic and neo-imperialist nature of the ICC's work are very concerned that Mr Ocampo should be allowed to see out his term of office. I urge you not to support those working behind the scenes at the Kampala conference to have him replaced."

In his letter, Mr Glendening sites some examples of the chief prosecutor's conduct that have resulted in calls for his dismissal:

1) It took a full six years in office, at a cost of half a billion Euros, and a staff of over 700 people, for Mr Ocampo to bring the ICC's first defendant to trial in The Hague in 2008. The trial has still not been concluded. Immediately after the chief prosecutor had finished his opening statement in the trial of Thomas Lubango from the DRC - which was criticised by ICC officials and observers for its lack of preparation and repeated references to allegations against the accused that formed no part of the charge - he left to attend a celebrity event in Switzerland. He was then unavailable to advise his own team on key points of law that arose during his absence.

2) Mr Ocampo was the subject of much criticism during the course of this trial

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when he failed to disclose to Lubanga's defence - or even to the judges – 'exculpatory materials' provided by the United Nations that pointed to the defendant's innocence. **This attempt to pervert the course of justice resulted in the ICC judges declaring that "the trial process has been ruptured to such a degree that it is now impossible to piece together the constituent elements of a fair trial"**. They ordered the release of the accused but then after huge pressure was brought to bear by Ocampo and, no doubt the principal ICC donor governments, inexplicably reversed the decision and allowed the trial to continue. This example is further proof that the ICC does not abide by a respect for the rule of law. It is extraordinary that, given the Rome Statute states that the chief prosecutor must be a person of "high moral character", Ocampo is still in office following his profoundly immoral conduct in relation to the Lubanga trial.

3) The claim that the ICC is an impartial, universal force for justice has been undermined by Mr Ocampo's extraordinary, politically-motivated selectivity in determining who to investigate and indict (and who *not* to prosecute). Extraordinarily for a chief prosecutor, he chose to announce his investigation in Uganda at a joint press conference with President Yoweri Museveni. ICC officials implored him not to do this as this event self-evidently undermined the court's claim to be politically independent of rival factions. Many in Uganda claim that their government and armed forces have committed numerous atrocities and violations of human rights.

4) Mr Ocampo's lack of regard for legal due process was shown when he illegally sacked Christian Palme, one of his own staff, because he had reported the chief prosecutor for an alleged sexual assault against a journalist when on an official visit to South Africa. Mr Ocampo's violation of the ICC code of conduct relating to internal staff disputes resulted in the International Labor Organisation upholding Mr Palme's claim for unfair dismissal and the ICC was forced to pay significant compensation.

The chief prosecutor's notoriously high-minded attitude to staff and lack of administrative ability has resulted in a very high turnover of staff.

5) His lack of judgement and understanding of basic jurisprudence has been shown too in his unfounded accusations of 'genocide' against President al-Bashir of Sudan. Ocampo has given numerous rhetorically-charged campaigning speeches against this head of state and so has exposed the ICC to the charge that it does not respect the principle of the presumption of innocence. Many legal commentators claim that a fair trial of the Sudanese president is now impossible.

6) Ocampo has further caused dismay among even ardent supporters of the ICC by suggesting that aeroplanes carrying al-Bashir and other indicted

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persons should be illegally forced by jet fighters to land in ICC-signatory states, so opening this alleged 'World court' to charges of advocating air piracy.

ICCwatch, and all opponents of European neo-colonialism in Africa, can now breathe a big sigh of relief, safe in the knowledge that Mr Ocampo will stay in office and continue to discredit the work of the International Criminal Court.

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

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