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THE ICC: HALF A BILLION EUROS, FOR WHAT?

At a time when the European countries who account for over 60% of the ICC budget are facing the prospect of severe cutbacks in state expenditure because of the economic crisis, the spending of their expensive plaything the International Criminal Court is spiraling out of control.

In yet another one of his ridiculous statements, the International Criminal Court Prosecutor Luis Moreno Ocampo claims that the court is “proud to be economical”. Once again the reality is very different. The funding of the ICC, and how it has been spent, has caused considerable public controversy.

It is a simple fact that the International Criminal Court has spent a staggering half a billion Euros since it was established in 2002. The annual budget of the ICC is over one hundred million Euros and it employs several hundred bureaucrats.

Yet for all the hundreds of millions of Euros that it has spent the ICC has yet to complete a single case. And its one and only case, that against Thomas Lubanga, a citizen of the Democratic Republic of Congo, has been mired in controversy and legal bungling on the part of the Chief Prosecutor and the court.

The respected international law practitioner and scholar, Dr Guénaël Mettraux, has compared the ICC to the International Criminal Tribunal for the former Yugoslavia (ICTY), which has an annual budget of approximately €120,000,000. The ICTY budget funds over 1,100 employees dealing with 7 on-going trials, 5 appeals (plus contempt matters) and 3 cases in preparation at the pre-trial stage. With almost twice the staff and much greater judicial activity, the ICTY costs almost the same as the ICC. Mettraux makes the point that even then, the ICTY has been criticised for being too expensive: he asks “In those circumstances, what should be said of the ICC?”

Dr Mettraux cited as but one example of the ICC's largesse that it had advertised in the 1-7 August 2009 issue of *The Economist*, purchasing a full one-page advert for administrative positions in the “Executive Focus” section of this magazine. This cost £21,000. By comparison, the UN Habitat advertised in the same section of the magazine for two superior positions in a quarter of a page at a cost of £5,800.

Mettraux further notes:

“There comes a point...when the gap between what is being

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achieved judicially and what it costs to the international community should raise some serious concerns among those who foot the bill. Some indications are quite worrying...Or it may be that the ICC suffers from institutional egomania? Whatever the answer, it is time for the ICC to promote transparency, not just financial/budgetary, but also in terms of allocations of those resources that are put at its disposal and to focus those resources onto its primary mandate, i.e., to investigate, prosecute and try criminal cases, not to create an inflated bureaucracy.”

Mettraux concluded: “With only one trial to show for, half a billion euros is simply too much money to spend for a tribunal. £21,000 is just too much to recruit two administrators. Time perhaps for the Court to reconsider its priorities and to spend our money more wisely.” ⁽¹⁾

Marc Glendening, the Director of ICCwatch, states:

“The ICC is typical of transnational institutions that have no democratic mandate and are effectively unaccountable to taxpayers and their elected representatives. There is little transparency at work and this is why ICCwatch challenges Mr Ocampo to explain the bureaucratic extravagance of the ICC in general and his office in particular together with a breakdown of all his expenses. At a time when the British and the other main European ICC donor governments are preparing to make massive cuts it seems incredible that many millions of pounds/euros are currently being wasted on an impotent and discredited foreign policy plaything in The Hague.”

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

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NOTES:

1. Dr Guénaél Mettraux, “The Cost of Justice – Is the ICC living beyond its means?”, International Criminal Law Bureau, 6 August 2009, available at <<http://www.internationallawbureau.com/blog/?p=503>>.

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