



# ICCwatch

... monitoring the International Criminal Court's threat to civil liberties and national autonomy.

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## **NEW GROUP CALLS FOR POLICE TO INVESTIGATE INTERNATIONAL CRIMINAL COURT PROSECUTOR**

ICCwatch, a newly founded organisation ([www.iccwatch.org](http://www.iccwatch.org)) which monitors the Hague based International Criminal Court, has asked the Dutch Public Prosecution Service to investigate whether Luis Moreno-Ocampo, the ICC's prosecutor, has broken the law.

It was revealed in July 2008 that Mr Moreno-Ocampo deliberately withheld from defence lawyers evidence provided to him by the United Nations relating to Thomas Lubanga, a citizen of the Democratic Republic of Congo (DRC) facing trial next year before the ICC. This information, described by the ICC's Trial Chamber as '*exculpatory materials*' – that is to say, evidence that cleared the defendant of wrong-doing – was kept from the defence in violation of article 54(1)(a) of the Rome Statute that established the ICC. This obliges the prosecutor to '*investigate incriminating and exonerating circumstances equally.*'

The Trial Chamber ordered Mr Lubanga's release on July 2, 2008 but he has nevertheless been kept in custody and his trial is scheduled to take place next year. No full justification has been given as to why the accused has been detained. He has been in custody since March 2006. ICCwatch believes that the conduct of Moreno-Ocampo and the ICC's failure to release the defendant demonstrates that the rule of law is entirely absent from the practice of the ICC. Mr Moreno-Ocampo has justified his non-disclosure on the grounds that the UN, mysteriously, presented him with the evidence in confidence. Yet having seen that it 'exculpated' Lubanga, the ICC prosecutor still appealed against his release and insisted that the trial take place.

ICCwatch believes that Moreno-Ocampo's behaviour was at the very least morally outrageous and should disqualify him from continuing to serve as the court prosecutor. ICCwatch director Marc Glendening will also write to the Argentinian Bar Association requesting that it rule on whether Moreno-Ocampo's behaviour should disbar him.

Marc Glendening comments: **“By withholding key evidence from Thomas Lubanga's defence team, Luis Moreno-Ocampo is possibly guilty of attempting to pervert the course of justice. This outrageous behaviour, combined with the continued illegitimate detention of the defendant, demonstrates that the ICC is flouting basic liberal, civilised legal principles and is therefore incapable of providing a genuinely fair trial.”**

*Continues....*

**“The officials of the ICC enjoy immunity from prosecution (article 48, Rome Statute) and the court is not answerable to any democratic, higher authority. It has given itself the right to hold its proceedings in camera and to accept anonymous hearsay testimony. There has also been a huge discrepancy between the funds made available to the ICC’s team of investigators who have been sent to the DRC to unearth evidence against Thomas Lubanga compared to the resources available to the defence team.”**

ICCwatch believes that the International Criminal Court lacks both moral and legal legitimacy in that it has been established by a self-selecting group of nations and yet it claims universal jurisdiction. So far it has targeted only African citizens and refused to consider investigating American and West European political leaders on the grounds that the waging of aggressive war falls outside of its remit.

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