



ICCBA Statement on Allegations Against Former ICC Prosecutor

29 November 2017

The International Criminal Court Bar Association (ICCBA) has been closely monitoring the recent articles published by respected media outlets – *Mediapart*, *El Mundo*, *Der Spiegel*, *The Sunday Times* and *NRC Handelsblad* amongst others – concerning serious allegations of improper and potentially illegal activity by former ICC Prosecutor Luis Moreno-Ocampo. These articles detail alleged activities that took place both during and after Mr. Moreno-Ocampo's tenure as ICC Prosecutor. The ICCBA further takes note of the serious allegations recently raised or reiterated by former senior members of the ICC Office of the Prosecutor regarding the manner in which Mr. Moreno-Ocampo conducted himself as Prosecutor from the very start of his mandate.¹

Like any other individual, Mr. Moreno-Ocampo is of course fully entitled to the presumption of innocence. It is imperative, however, that the allegations and concerns raised are thoroughly investigated, and appropriate action taken, if required.

The ICCBA is the representative body of independent defence and victims counsel and legal support staff eligible to practice before the Court. As such, and in line with the mandate set out in its Constitution to work to enhance the quality of justice at the ICC, the ICCBA calls upon the Court, ASP and, if appropriate, national authorities, to promptly, independently and transparently undertake all appropriate action within their respective mandates and jurisdiction in response to these serious allegations.

In this regard, the ICCBA notes that Mr. Ocampo, as a former elected official, falls outside the IOM's investigative mandate. Further, the IOM only commenced its operations, on a preliminary basis, in 2016, and its Head recently tendered his resignation. In these circumstances, the ICCBA considers that the IOM is ill-equipped if not unable to properly and thoroughly investigate the broad range of allegations that are of concern here.

The ICCBA, therefore, respectfully urges States Parties and the ASP to initiate a thorough, effective and independent investigation into the serious allegations raised in these recent public reports. The ICCBA considers such an investigation to be vital to protect the integrity of the Court and strengthen its institutional processes.

The ICCBA, whose members have long experience at all the international criminal courts and tribunals, including as independent counsel for victims and the defence, stands ready to assist in any such investigation. More generally, the ICCBA expresses its readiness to be involved in the vital and ongoing process of review and reform of the Court.

¹ See, e.g., M. Bergsmo, W. Kaleck, S. Muller, and W. Wiley, *A Prosecutor Falls, Time for the Court to Rise*, FICHL Policy Brief Series No. 86 (2017).