

To the editor of 'Clarín'

Dear sir,

An article published by your newspaper on 21 August 2008, written by Ms. Carolina Brunstein and with the title 'Críticas al fiscal Moreno Ocampo por sus denuncias sobre Sudán' grossly misrepresents the facts of a case I recently won against the International Criminal Court before the International Labour Organisation Administrative Tribunal (ILOAT), the labour court of the UN and other international organisations.

In the article your reporter quotes Mr. Luis Moreno-Ocampo unopposed as saying that I won the case before the ILOAT because "Lo único que se me puede criticar es haberlo despedido". This statement by Moreno-Ocampo is manifestly not correct. The ILOAT, three highly experienced judges from Canada, Australia and France, in fact found that Moreno-Ocampo's decision to dismiss me summarily was flawed for two reasons: firstly because Moreno-Ocampo was biased when taking an administrative decision in a case that concerned himself; and secondly because I had "reasonable grounds" for the complaint that I had filed before the Presidency of the ICC in October 2006, where I claimed that Moreno-Ocampo was guilty of "rape, or sexual assault, or sexual coercion, or sexual abuse".

The evidence that I submitted with my complaint to the Presidency of the ICC included a recording of a telephone conversation with the victim, where she freely spoke about the incident. The judges of the ILOAT wrote in the Judgment (Consideration 11) that:

"The recorded telephone conversation that occurred two days after the alleged event indicated that the journalist was distressed. And in that conversation, she indicated unambiguously that the Prosecutor "took [her] keys" and that she had consented to sexual intercourse "to get out of [the situation]"."

Based on this the judges of the tribunal unanimously found that I had "reasonable grounds" for my complaint and that I had acted professionally and correctly in filing the complaint. The compensation that the ICC has been forced to pay to me as a result of winning this case before the tribunal, with funds ultimately paid by the tax payers of the States Parties of the Court (including Argentina), amounts to almost 365,000 US dollars.

Yours sincerely,

Christian Palme

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Sweden