

Top prosecutor a 'sex molester'

Percy Zvomuya

A South African journalist, whose identity is known to the *Mail & Guardian*, was allegedly sexually molested by Luis Moreno-Ocampo, the world's top prosecutor.

The incident allegedly happened at a Cape Town hotel about two years ago while Ocampo-Moreno, the International Criminal Court's (ICC) chief prosecutor, was on an official visit to South Africa. It came to light last week following a ruling by the International Labour Court (ILO) in Geneva.

Christian Palme, then a media spokesman in the prosecutor's office, had submitted an internal complaint alleging that Moreno-Ocampo had engaged in "improper conduct" with a South African female journalist, who for legal reasons cannot be named. Palme was subsequently fired — by Moreno-Ocampo.

The sex scandal and the way it was handled has raised questions about the chief prosecutor's judgement and his suitability for the role as the chief ICC prosecutor.

Although a hearing before a panel of three judges cleared Moreno-Ocampo because the woman denied that abuse had taken place, the judges didn't rule that Palme had acted maliciously. Nevertheless, Moreno-Ocampo suspended Palme, a decision Palme appealed through an internal disciplinary advisory board. The board recommended that Palme be reinstated, but Moreno proceeded to fire him.

Palme then took up the case with the ILO's Geneva tribunal, which

upheld the board's internal ruling.

Palme had claimed that the prosecutor "had taken that journalist's car keys and would not return them to her unless she agreed to sexual intercourse". He charged that Moreno-Ocampo had "committed serious misconduct ... by committing the crime of rape, or sexual assault, or sexual coercion, or sexual abuse".

In an interview with the *M&G*, the journalist said she had not been raped or molested.

However, the complaint laid by Palme was accompanied by an audio recording of a telephone conversation between the alleged victim and one of Palme's colleagues, who is close to the alleged victim. Although denying she had been raped, the ILO ruling noted that "she indicated unambiguously that the prosecutor took [her] keys and that she had consented to sexual intercourse 'to get out of [the situation]'."

The ILO ruling was highly critical of the fact that Moreno-Ocampo was personally involved in Palme's dismissal, a case in which he should have recused himself. Palme has been awarded more than £100 000 in damages.

Moreno-Ocampo shot to prominence last week when he announced a warrant for the arrest of President

Omar al-Bashir of Sudan for genocide, war crimes and crimes against humanity.



I accuse: Luis Moreno-Ocampo