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Adjudication for the Adjudicators?

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Adjudication for the Adjudicators?

Abstract

Coming from the perspective of one who roundly agrees with Kofi Annan that the creation of the International Criminal Court was “a gift of hope to future generations, and a giant step forward in the march towards universal human rights and the rule of law,” it is deeply troubling to read reports of corruption within the body of the UN. Julie Flint and Alex de Waal’s piece this month judiciously exposes yet another facet of questionable activities, namely at the heart of the ICC. Flint and de Waal’s piece quickly deepens into a long list of allegations against the personal behavior and professional misconduct of the ICC’s Lead Prosecutor, Luis Moreno Ocampo. Without a doubt, the unveiling of evidence against Ocampo is yet another testament to way the way in which certain UN officials appear to act according to a personal and highly subjective set of rules, which are often in contradiction to the fundamental mission of the UN.

Keywords

Human rights, International Criminal Court (ICC), United Nations (UN), Management, Leadership

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Adjudication for the Adjudicators?

by Rebecca Otis

Coming from the perspective of one who roundly agrees with [Kofi Annan](#) that the creation of the International Criminal Court was “a gift of hope to future generations, and a giant step forward in the march towards universal human rights and the rule of law,” it is deeply troubling to read reports of corruption within the body of the UN. Julie Flint and Alex de Waal’s piece this month judiciously exposes yet another facet of questionable activities, namely at the heart of the ICC. Flint and de Waal’s piece quickly deepens into a long list of allegations against the personal behavior and professional misconduct of the ICC’s Lead Prosecutor, Luis Moreno Ocampo. Without a doubt, the unveiling of evidence against Ocampo is yet another testament to way the way in which certain UN officials appear to act according to a personal and highly subjective set of rules, which are often in contradiction to the fundamental mission of the UN.

More broadly, Flint and Waal’s piece casts light on questions concerning UN accountability and issues of impunity. Recently allegations of sex abuse and other crimes of misconduct by UN peacekeepers in eastern Congo come to mind. As recently as this month, the Cambodian Khmer Rouge trials are similarly plagued with [allegations of corruption](#) among the tribunal staff. These and other issues of misconduct have dogged UN operations since 1948, causing much of the world to disdain the organization founded upon the principle of universal governance and protection of human rights.

Of course, despite the criticisms of isolated UN personnel such as Ocampo, Flint and Waal also go to great lengths to demonstrate that the founding of the ICC was necessary as a baseline for the establishment a universal framework for adjudicating crimes against humanity. They add that the Court “promised to be a turning point in the struggle for human rights and against impunity, a landmark in the advance of global ethics.” Similarly, Kofi Annan reflected that the establishment of the ICC meant that no single individual, however powerful, could operate above the law. Despite its infancy, the ICC has become a revolutionary place of accountability, attracting the best and brightest legal minds to forge a new path in the art and application of this new area of adjudication. The presumption is that the UN attracts deeply committed lawyers, who believe in upholding and fostering the normative foundations upon which the UN was established. Yet what happens to the sanctity of the ICC when one of its own, no less the Lead Prosecutor himself, allegedly behaves as if the rules of his own court do not apply to him?

In response, I would say that this is a tremendously exciting and ambitious time for the UN in the creation of new legal interpretations and precedents for the fair governance of the global community. That said, it would seem obvious (if not unfortunately overdue) that the UN go to great lengths to hold its adjudicators to the same standards as it holds those who commit crimes against humanity. In this case, they are one in the same.

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methodologies, and Islamization in the Middle East. Her research on Palestinian women in the second intifada has taken her to Jerusalem, Israel, where she is currently a Visiting Research Fellow at the Rothberg International School at the Hebrew University. She explores human rights and gender from an interdisciplinary perspective, and can regularly be found teaching English to women and girls in a Palestinian refugee camp in the West Bank.