

To: UN Ambassadors of State Parties to the Rome Statute of the ICC, Members of the UN Security Council

Date: Friday, 8 May 2015

From: Coalition for the International Criminal Court

Re: Upcoming meetings with the Prosecutor of the ICC

Excellency,

On behalf of the Coalition for the International Criminal Court (CICC), I am writing to you on the crucial issues of international peace, justice and the rule of law with regards to Libya. In the coming days, there will be important meetings of the UNSC and the Prosecutor of the ICC including an informal interactive dialogue and the Prosecutor's formal report to the Council concerning the referral of the situation and serious crimes against humanity committed in Libya.

More than four years ago, on 26 February 2011, the United Nations Security Council (UNSC) unanimously passed Resolution 1970 (2011), referring the 'situation' in Libya to the International Criminal Court (ICC). The letter and spirit of Res. 1970 fully reflected the purposes and principles of the UN Charter. However, the implementation and enforcement by the Security Council of Res. 1970 and other SC resolutions regarding the maintenance of international peace and security in Libya have been extremely controversial and unsuccessful. Recent massacres of groups and populations in Libya have been broadcasted world-wide.

The Prosecutor of the ICC will present a report to the Security Council on 12 May 2015, pursuant to UNSC Resolution 1970. As noted above, an informal interactive dialogue between the Prosecutor and UNSC representatives is scheduled. The CICC urges ICC State Parties that are serving on the UNSC to actively and constructively participate in the upcoming meetings and to advance concrete proposals for improving the cooperation between the UNSC, UN and the ICC.

Security Council members should support the ICC investigations in Libya by ensuring, inter alia, that the Zintan Brigade and the Libyan authorities cooperate fully with and provide all the necessary support to the prosecutor and judicial chambers of the ICC pursuant to Resolution 1970.

Non-cooperation remains an intolerable issue with regard to situations referred by the Security Council, in both in Libya and in Darfur. The UNSC, whose decisions are taken on behalf of the entire membership of the UN in accordance with the UN Charter, must take notice of the non-cooperation findings by the judicial chambers of the ICC. Excellency, non-cooperation with the ICC in these situations is non-cooperation with the UN.

The Coalition calls upon UNSC State Parties to the ICC to uphold the Charter and the Rome Statute in their service on the UNSC. Libya is for many a major example of the failure of allowing political considerations and differences, as well as peace enforcement miscalculations, to trump legal and rule of law principles.

The UNSC should renew its commitment to the principles in Res. 1970. The UNSC should ask the ICC to investigate vigorously the ongoing crimes against humanity being committed.

The UN, when it requests the ICC to assist in the maintenance of international peace and security, should assist the ICC with political, peace enforcement and financial support.

The Coalition's 2,500 member organizations remain dedicated to working with the UN, the UNSC and the ICC in ending impunity for genocide, crimes against humanity and war crimes, regardless of where they are committed and who commits them.

Sincerely,

A handwritten signature in black ink that reads "William A. Pace". The signature is written in a cursive style with a prominent initial "W".

William Pace
Convener
Coalition for the ICC