

### **\*\*\*Media Advisory\*\*\***

## **ICC: Prosecutor to Open an Investigation in Libya**

(Brussels, March 3, 2011) – The International Criminal Court (ICC) prosecutor will announce later today that his office will open an investigation into potential crimes committed in Libya since February 15, 2011. This follows the United Nations Security Council resolution on February 26 – adopted by a vote of 15-0 – referring the crisis in Libya to the ICC.

Following a Security Council referral, the ICC prosecutor is required to determine whether to open an investigation. The Office of the Prosecutor had indicated that it intended to move without delay to make that determination. In its resolution, the Security Council asked the prosecutor to report back within two months.

Anti-government protests began in Libya on February 17, following widespread protests in Tunisia and Egypt. Security forces attacked peaceful demonstrators in cities across the country that day.

In the face of reports of escalating violence in Libya, the UN Security Council resolution followed the establishment by the UN Human Rights Council of an international commission of inquiry to investigate alleged human rights violations. The Arab League, African Union, and the Secretary General of the Organization of the Islamic Conference also condemned the violence. On March 1, the UN General Assembly suspended Libya's membership of the Human Rights Council.

“The Security Council referral is a clear message to Gaddafi and his commanders that the vicious repression of peaceful protesters comes with criminal consequences,” said Richard Dicker, International Justice Program director at Human Rights Watch. “Now, the prosecutor will have to gather evidence and decide whether to bring specific charges.”

The ICC has jurisdiction over crimes of genocide, war crimes, and crimes against humanity. Crimes against humanity may be relevant to the situation in Libya, Human Rights Watch said. Under the Rome Statute, which created the ICC, a crime against humanity encompasses a number of acts – such as murder, torture, or rape – when committed as part of a widespread or systematic attack directed against any civilian population.

### **Background**

The ICC – the world's first permanent, international criminal court – has 114 member countries. In addition to crimes committed in the territories of or by the nationals of its states parties, the ICC may exercise jurisdiction over crimes committed in non-states parties following a referral by the UN Security Council or in cases in which a country has said it accepts the ICC's jurisdiction. Libya is not an ICC state party.

The ICC is currently conducting investigations in five countries: the Democratic Republic of Congo (DRC), Uganda, the Central African Republic (CAR), the Darfur region of Sudan, and Kenya. Three of these investigations (DRC, Uganda, and CAR) were referred voluntarily by the states where the crimes were committed, and Darfur was referred by the UN Security Council. The ICC prosecutor opened an investigation in Kenya on his own initiative.

In addition, the ICC prosecutor is analyzing a number of situations in countries or territories

around the world, including Afghanistan, Colombia, Cote d'Ivoire, Gaza, Georgia, Guinea, Honduras, the Republic of Korea, and Nigeria.

**To read Questions and Answers about Libya and the International Criminal Court, please visit:**

<http://www.hrw.org/node/97000>

**For more Human Rights Watch reporting on Libya, please visit:**

<http://www.hrw.org/middle-eastn-africa/libya>

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