



Coalition for the International Criminal Court

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MEDIA ADVISORY

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ICC Prosecutor Announces Criminal Investigation into Violence in Libya
Libya Becomes the Court's Sixth Investigation

WHAT: On 3 March 2011, the Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, announced that following a preliminary examination into recent events in Libya, his office has opened a formal investigation into possible crimes committed in the territory since 15 February 2011. The announcement follows a United Nations Security Council (UNSC) resolution adopted on 26 February 2011 referring the situation to the ICC Prosecutor. Libya is the sixth situation under investigation by the ICC - the world's first and only permanent international court to prosecute war crimes, crimes against humanity, and genocide.

WHY: In its unanimously adopted resolution 1970 (2011), the UNSC considered that the widespread and systematic attacks currently taking place in Libya against the civilian population may amount to crimes against humanity. The referral by the Council did not automatically trigger an ICC investigation as the Court operates independently of the UN. It was up to the Prosecutor to assess through a preliminary examination of available information whether there was a reasonable basis on which to proceed with an investigation. The Prosecutor announced yesterday that he and his office had determined such a basis does exist.

NEXT STEPS: Depending on the outcome of his investigation, the Prosecutor will present his case to ICC judges, who will decide whether or not to issue arrest warrants based on the evidence. The Prosecutor has also been invited to address the UNSC within 2 months and every 6 months thereafter on the progress made.

COMMENT: "Keeping in mind the Prosecutor's independence, the UN Security Council and its Member States should now stand by the spirit and purpose of the 1970 resolution and ensure that Libya and other states concerned as well as international and regional

organizations cooperate fully with the Court and the Prosecutor in order for the situation in Libya to be fully addressed,” says William R. Pace, Convenor of the Coalition. “This includes facilitating the gathering of evidence as well as ensuring the arrest of suspects since the Court does not have its own police force,” he adds. “The international community is rightly concerned about the gravity of the situation in Libya. The involvement of the ICC indicates that crimes of grave concern will not be tolerated,” Pace notes. “With this, we call on the Libyan authorities to cease all violence against the people and remind them that any acts committed from 15 February 2011 going forward can be investigated by the Prosecutor,” Pace concludes.

In parallel, the Coalition urges the ICC to start thorough communications activities about this new situation as soon as possible, reaching out to victims and affected communities as well as to civil society in the region, governments, regional and international media and the public at large about the key aspects of the Court’s investigation in Libya, the ICC’s role, the Court’s independence vis a vis the UN, the rights of victims and defendants, among other key issues.

BACKGROUND: The UNSC referral marked the second time that the Security Council has sent a situation to the ICC under its Chapter VII authority. On 31 March 2005, the situation in Darfur, Sudan was referred to the ICC Prosecutor by UNSC Resolution 1593 (2005). A referral by the UN Security Council is one of the three ways that a situation can be brought to the ICC. In addition to a UN Security Council referral, situations can be referred by states that are party to the ICC treaty or the ICC Prosecutor can initiate investigations on his own initiative, subject to the approval of the Court’s pre-trial chamber.

The ICC is the world’s first, permanent international court to prosecute war crimes, crimes against humanity, and genocide. There are currently 114 ICC States Parties. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity, and war crimes. There are currently six active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda, Kenya and Libya. The ICC has publicly issued 12 arrest warrants and three summonses to appear. Three trials are ongoing. The Office of the Prosecutor has made public that it is examining at least ten situations on four continents, including Afghanistan, Chad, Colombia, Côte d'Ivoire, Georgia, Guinea, Honduras, South Korea, Nigeria, and Palestine.

The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries advocating for a fair, effective and independent International Criminal Court and improved access to justice for victims of genocide, war crimes and crimes against humanity.

For more information, visit: www.coalitionfortheicc.org

Experts from human rights organizations members of the Coalition are available for background information and comment. Experts list available upon request to: mailet@coalitionfortheicc.org

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