

New York, 26 October 2011

H.E. Mustafa Abdul Jalil
President
The National Transitional Council of Libya

Re: Prospects of Ratification of the Rome Statute of the International Criminal Court

Excellency,

We have the honor of writing to you on behalf of the Coalition for the International Criminal Court (CICC), a global network of more than 2,500 non-governmental and civil society organizations in 150 countries, campaigning for a fair, effective, and independent Court and increased access to justice for victims of crimes against humanity, genocide, and war crimes.

As the National Transitional Council (NTC) moves Libya toward fulfilling its people's wish for a democratic system that respects the rule of law, we urge you to prioritize the ratification of key international human rights and humanitarian law treaties, in particular the Rome Statute for the International Criminal Court (RS) and the Agreement on Privileges and Immunities (APIC).

The Rome Statute establishes the International Criminal Court, the world's first and only permanent international Court with jurisdiction over genocide, crimes against humanity and war crimes. It operates under the principle of complementarity, recognizing the primary obligation to do justice resides with states. Only when states are unwilling or unable to investigate and prosecute these serious crimes, would be Court be able to step in.

Ratification of these important international instruments would reinforce the National Transitional Council's current work to advance the principles of democratic governance, justice, human rights and the rule of law and provide evidence to the Libyan people that their demands for justice and the protection of human rights have been heard.

We wish to bring to your attention the laudable actions of the Tunisian interim government earlier this year. Following the Tunisian revolution in January 2011 and the ousting of President Zine El Abidine Ben Ali, the Tunisian interim government's first cabinet meeting resulted in a decision, conveyed in a press conference that followed, to ratify the RS and the APIC, together with other key treaties. In the subsequent months, the government, among its many other priorities, made good on its decision, publishing its approval of the Rome Statute in the Official Gazette on February 19 and depositing its instrument of accession to the RS of the ICC and the APIC on 24 June 2011 and 29 June respectively, at the UN headquarters in New York. We urge your government to take a similar path, making clear to your people and the world that the new Libya will be a frontrunner for **justice and human rights** and will provide support for the Court at

this time of change in the Middle East and North Africa, the single most underrepresented region.

In addition, following the death of Muammar Gaddafi, ICC arrest warrants remain outstanding for Saif Al-Islam Gaddafi and Abdullah Al-Senussi for alleged crimes against humanity committed in Libya from 15 February 2011. We urge Your Excellency to cooperate in the arrest of these two suspects, and once detained, move swiftly to try the suspects nationally or to surrender them to the ICC.

Excellency, the Coalition urges you to seize this opportunity and momentum to reaffirm Libya's commitment to the fight against impunity, and to announce your intention to ratify the RS as soon as possible.

Sincerely,



William R. Pace
Convenor



Brigitte Suhr
Director of Regional Programs
