

“So that it never happens again...”

Appeal to the ICC Prosecutor Luis Moreno Ocampo
regarding the humanitarian catastrophe in Libya

Dear Mr. Ocampo,

Although the international media hardly spoke of the event, we did not fail to notice that, on October 27th, 2011, only a few days after the killing of Muammar Gaddafi, the UNSC approved Resolution no. 2016 which referred to the ICC for investigation not only the crimes attributed to the Gaddafi regime, but also the crimes committed by the the insurgents; indeed, the UNSC expressed “grave preoccupation for the persistence of reports coming from Libya of reprisals, arbitrary detention, unjustified imprisonment and extra-judicial executions” and called for “respect for the human rights of every person in Libya, including former officials and prisoners.” Less explicitly, the same resolution stated that any violations of international law committed by NATO forces should be referred to the Court in The Hague as well.

Nor did we fail to notice that a few days previously Ian Martin, the Secretary-General’s Special Representative for Libya and head of the UNSMIL mission in Libya, had recognized the jurisdiction of the International Criminal Court and of the Commission of Inquiry of the United Nations Human Rights Council to investigate the circumstances of the death of Muammar Gaddafi.

We therefore appreciated your declaration before the Security Council on November 2, 2011, in which you expressed the intention:

- to investigate any evidence regarding “crimes committed by NATO forces” and “crimes committed by forces linked to the National Transitional Council, including alleged detention of civilians suspected of being mercenaries and the alleged killing of imprisoned combatants”;
- to verify, for the purposes of applying the Statute of the ICC, the existence and the genuineness of any Libyan legal proceedings against such crimes;
- to make use of the investigative work of the Commission of Inquiry of the United Nations Human Rights Council which, at the time, was headed by Philippe Kirsch.

[... Here follows, and is omitted for brevity, a detailed description of the evidence of possible crimes committed in Libya, falling under the aforementioned headings. ...]

Esteemed Prosecutor,

The NATO intervention in Libya was justified by the intent to prevent deaths, wounds, crimes, injustices, and destruction. At present we all recognize that too many deaths, too many wounds, too many crimes and injustices, and too much destruction accompanied that intervention.

So that disasters like that do not happen ever again, we beseech you to do everything in your power, with the maximum impartiality and equanimity, to bring to justice and to punish all guilty parties on either side.

Today you have it in your power to demonstrate to the world that the grand dream of universal justice and peace which gave rise to the United Nations has not faded away, but lives on in the minds and in the work of jurists. We trust that you will not shirk before this momentous task.

May 14, 2012

(Signatures)

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