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ANNEX 9.44

Libya

International Justice United Nations International Criminal Court

Libya: Strategy of scorched earth, desire for widespread and systematic elimination

24 February 2011

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The Security Council must urgently seize the International Criminal Court; the range of individual sanctions must be deployed

February 24, 2011 – The fears expressed by FIDH recently have been confirmed:

Gaddafi is implementing a strategy of scorched earth. It is reasonable to fear that he has, in fact, decided to largely eliminate, wherever he still can, Libyan citizens who stood up against his regime and furthermore, to systematically and indiscriminately repress civilians. These acts can be characterised as crimes against humanity, as defined in Article 7 of the Rome Statute of the International Criminal Court.

FIDH calls for the UN Security Council to urgently seize the International Criminal Court as well as all States and relevant intergovernmental bodies to urgently adopt the personal sanctions targeted against Gaddafi and close members of his personal guard. Similarly, all possible ways to cut their supply of troops and weapons and to reduce their ability to bomb liberated cities must be implemented by the Council. It is imperative to immediately activate all legal means that may deter them from their massive criminal enterprise and to prevent its occurrence.

The count of 640 dead published by FIDH on the evening of Feb. 23 clearly lies beneath a reality which could deteriorate even more quickly.

New credible information, and sometimes still difficult to verify, regarding the murders of soldiers refusing to follow orders, the assassination of the wounded in hospitals (at least 163 in Central Hospital and the Hospital of Tripoli SBIA), the use of weapons used in light of the critical state of the wounded arriving at the hospitals, orders directed at fighter pilots to carry out bombings, suggest that Gaddafi has effectively decided to implement a mass extermination of those participating in the protests and furthermore, the systematic repression of civilians. The intention announced by Gaddafi in a speech on Feb. 22, to eradicate the “rats” should be taken seriously.

FIDH is particularly concerned by the ability of murderous mercenaries whose services Gaddafi has sought, and whose number is estimated at 6000, of which 3000 are in Tripoli

according to the Libyan League of Human Rights, an FIDH member. They seem to have received carte blanche to loot and kill, indiscriminately, all civilians. FIDH has called forcefully for the Presidents of States whose nationals are reportedly among the mercenaries, to take all necessary steps to attempt to neutralize them in accordance with their international obligations.

FIDH is particularly concerned with the plight of migrants who represent about 20% of the population (1.3 million) and are in a situation of extreme vulnerability. In addition to several hundreds of thousands of nationals from sub-Saharan Africa, approximately 30,000 Tunisian nationals, 50,000 Egypt, 30,000 China, 50,000 Bangladeshi are affected, all large communities. Some cannot count on adequate support from their State of origin to be removed or supported, due to a lack of means or ability to act in such situations.

FIDH notes convictions finally expressed by a significant number of states and international organisations, including the League of Arab States, the African Union and Organization of Islamic Conference. However, it is no longer simply a question of condemning a regime and its main leader deciding to massacre his people.

The UN Security Council has the primary responsibility to protect civilian populations that are victims of international crimes and to guarantee international peace and security. With the same unanimity that condemned the murderous policy of Gaddafi on February 22, it must urgently seize the International Criminal Court and deploy the array of targeted individual sanctions at its disposal, reduce the physical capacity of the armed forces and help evacuate Gaddafi civilians, including migrants, with the opening of humanitarian avenues and other appropriate means.

FIDH finally reiterates its call on the Council of Human Rights UN to create an international commission of inquiry and to suspend Libya's member status. On February 25th, the Commission will hold an emergency session on the situation in Libya.

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