



Monday 16 May, ICC Prosecutor presents his findings in Libya.

On 16 May 2011, the Office of the Prosecutor will request the Pre Trial Chamber of the International Criminal Court (ICC) to issue arrest warrants against three individuals who appear to bear the greatest responsibility for crimes against humanity committed on the territory of Libya since 15 February 2011. The Judges may decide to accept the application, to reject it or to ask the Office for additional information.

The Prosecutor is acting in accordance with a request by the UN Security Council. Security Council unanimously adopted Resolution 1970 on 26 February, referring the situation in Libya to the International Criminal Court, and stressing *“the need to hold to account those responsible for attacks, including by forces under their control, on civilians.”*

Unlike in previous allegations of massive crimes, the Court and the Security Council are acting in real time. There was no ICC when the Rwanda genocide happened and the Darfur situation was referred to the ICC two years after the beginning of the crimes against the civilian population.

The Office of the Prosecutor proceeded swiftly. On March 3<sup>rd</sup> the Prosecutor concluded that the Office has jurisdiction over alleged crimes committed in Libya and decided to open an investigation.

In accordance with the Rome Statute, Office of the Prosecutor has to conduct impartial investigations. Impartiality means that the Office apply the same rules to all the parties.

To fulfil its duties and in order to move swiftly the Office of the Prosecutor redeployed investigators from other cases. The Office has collected extensive and solid evidence in a short period of time through 30 missions to 11 States.

It also received outstanding cooperation from states and international organizations, such as INTERPOL.

Additionally more than 1,200 documents have been reviewed including videos and pictures and over 50 interviews have been taken or individuals screened to be interviewed. These include a number of key insiders as well as eyewitnesses to each incident documented in the application for arrest warrants.

Following the evidence collected the Prosecutor concluded that there is enough evidence to present a request for arrest warrants for the commission of two categories of crimes against humanity: murder under Article 7(1)(a) of the Rome Statute, and persecution under Article 7(1)(h) of the Rome Statute. The evidence shows that Libyans' security forces conducted widespread and systematic attacks against the civilian population and led to the identification of those who bear the greatest the criminal responsibility for such crimes.

Additionally, there is relevant information on alleged commission of war crimes once the situation developed into an armed conflict. The Office will evaluate these crimes with the same standards. In particular, allegations of rape and attacks against sub-Saharan Africans wrongly perceived to be mercenaries.

In order to further investigate these other crimes, the Office will rely on the report by the UN Commission of Inquiry which is looking at alleged human rights violations during the ongoing uprising in Libya. The Commission which is chaired by Cherif Bassiouni, Asma Khader and Philippe Kirsch was set up by the United Nations Human Rights Council in February. Their investigation has been conducted on the ground in Libya with visits to Tripoli, Benghazi and other cities in Libya. The Commission is expected to submit its findings to the Council on June 7<sup>th</sup>.