

**Statement by the Women's Initiatives for Gender Justice**  
**on the Referral of the Situation in Libya to the International Criminal Court**  
**28 February 2011**

On 26 February 2011, following the violent repression of the demonstrations which started on 15 February in Libya in protest against Colonel Muammar Qadhafi, the 15 members of the United Nations Security Council unanimously adopted Resolution 1970,<sup>1</sup> demanding an immediate end to the violence and referring the situation in Libya to the International Criminal Court (ICC).<sup>2</sup> The Resolution further imposes measures including an arms embargo, a travel ban on Colonel Qadhafi's family and top ministers, and the freezing of Colonel Qadhafi's family assets. This is the second referral of a situation to the ICC by the Security Council, the first being the referral of the situation in Darfur in March 2005.<sup>3</sup>

Peaceful demonstrations against Qadhafi's regime began on 15 February and were forcefully repressed by the Libyan authorities. Eyewitnesses reported the presence of mercenaries carrying out mass killings and other atrocities on the civilian population. Members of the Libyan army and security guards who refused to obey orders to shoot and bomb demonstrators were also killed. In its Resolution, the Security Council condemned the events in Libya as a 'gross and systematic violation of human rights'.<sup>4</sup>

'Resolution 1970 is a positive signal that the Security Council will not accept gross and systematic violations of human rights in Libya and that they believe Colonel Qadhafi and others alleged to have ordered or committed these acts should be held accountable', said Brigid Inder, Executive Director of the Women's Initiatives for Gender Justice. 'While we welcome the referral of the Libyan crisis to the ICC, we also urge the Security Council not to leave behind other countries whose people are similarly affected by violence. Civilians, including women, of Chechnya, Afghanistan, Burma, Palestine, Kyrgyzstan and elsewhere have experienced and some continue to experience violence, sexual assault and persecution on the basis of their ethnicity, gender or political views and affiliations committed

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<sup>1</sup> Resolution 1970, UNSC, 6491th meeting, S/Res/1970 (2011), 26 February 2011.

<sup>2</sup> Under Article 13(b) of the Rome Statute, the ICC may exercise jurisdiction with respect to genocide, crimes against humanity, and war crimes when the situation is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations.

<sup>3</sup> Resolution 1593, UNSC, 5158<sup>th</sup> meeting, S/Res/1593 (2005), 31 March 2005.

<sup>4</sup> 'In Swift, Decisive Action, Security Council Imposes Tough Measures on Libyan Regime, Adopting Resolution 1970 in Wake of Crackdown on Protesters', SC/10187, 26 February 2011, available at <<http://www.un.org/News/Press/docs//2011/sc10187.doc.htm>>.



either by foreign or domestic forces. Such situations also deserve the attention of the international community', Inder added.

In the days leading up to the Resolution, the United States and the European Union also expressed grave concern at the development of the situation in Libya and condemned the extreme violence used by the regime against the demonstrators. On 23 February, the AU Peace and Security Council issued a communiqué condemning 'the indiscriminate and excessive use of force and lethal weapons against peaceful protestors, in violation of human rights and International Humanitarian Law'.<sup>5</sup>

The Women's Initiatives for Gender Justice will monitor closely the ICC's activities in relation to the referral of Libya, in particular in relation to the investigation of gender-based crimes should there be reports and evidence that such attacks were committed against women as part of the acts of repression.

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<sup>5</sup> African Union Peace and Security Council Communiqué, PSC/PR/COMM(CCLXI), 23 February 2011, available at <<http://www.au.int/en/sites/default/files/PSC%20Communique%20on%20the%20situation%20in%20Libya.pdf>>.

