

LIBYA

LIBYA'S ACCEPTANCE OF ICC JURISDICTION IS A PIVOTAL STEP TOWARD ADVANCING INTERNATIONAL CRIMINAL JUSTICE



المركز العربي لاستقلال القضاء والمحاماة
THE ARAB CENTER FOR THE INDEPENDENCE OF
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The Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP) and the Arab Coalition for the International Criminal Court welcome the decision of the Libyan government to accept the jurisdiction of the International Criminal Court (ICC) over crimes committed on Libyan territory between ۲۰۱۱ and ۲۰۱۷. This signals the halt of the jurisdictional challenge from the Libyan authorities regarding the primacy of national courts in adjudicating these crimes. As a result, the ICC is now able to proceed with its examination of the Libyan situation without encountering objections from the Libyan government over conflicting jurisdiction between the national judiciary and the ICC according to the complementarity principle.

The Libyan government has submitted a declaration to the Registrar of the ICC pursuant to Article ۱۲(۳) of the Rome Statute, thereby affirming its acceptance of the ICC jurisdiction. Article ۱۲(۳) states:

“If the acceptance of a State not Party to this Statute is required under paragraph ۲, that State may, by declaration lodged with the Registrar, accept the exercise of the Court's jurisdiction with respect to the crime in question. The accepting State shall cooperate with the Court without delay or exception in accordance with Part ۹.”

The Libyan case was referred to the ICC Prosecutor by United Nations Security Council Resolution ۱۹۷۰ (۲۰۱۱). An investigation was subsequently opened by the Prosecutor in March ۲۰۱۱.

The ACIJLP and the Arab Coalition commend the Libyan government's decision as a positive affirmation of the legitimacy of international criminal law. The ACIJLP reiterates its appeal to the remaining Arab States that have not yet acceded to the Rome Statute to expedite their ratification and formal accession to the ICC in order to contribute to the advancement of international criminal justice and the fight against impunity.