ICC prosecutor demands arrest warrant against Gaddafi

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The chief prosecutor with the International Criminal Court (ICC), Luis Moreno-Ocampo, yesterday demanded that arrest warrants be issued for Libyan leader Muammar Gaddafi, his son Saif Al Islam, and intelligence chief Abdullah al-Sanussi, on crimes against humanity charges.

Three ICC judges will now examine a 74-page dossier detailing the alleged crimes before making a decision on the requested warrants. These moves come after the UN Security Council issued a request in late February for a criminal investigation. Britain and France, backed by the US, instigated this as part of their drive for regime-change in Libya, aimed at installing a client regime in the strategically significant and oil-rich state.

The rank hypocrisy of the imperialist powers levelling accusations of crimes against humanity is transparent. The leaderships in Washington, London and Paris have no legal, political or moral authority to be issuing such charges against anyone. They are collectively guilty of war crimes being inflicted daily on the Libyan population.

Just hours after Moreno-Ocampo submitted his dossier to the ICC, NATO air strikes again hit Gaddafi's residential compound in central Tripoli in yet another attempt to assassinate the Libyan strongman. The unlawful US-European efforts to liquidate senior regime members come as the bombing campaign is intensifying, with a wide range of civilian infrastructure now being targeted.

Many civilians and hundreds of Libyan troops have been killed. NATO now makes little pretence of limiting its intervention to protecting civilians from repression by the Gaddafi regime—the ostensible remit of the intervention as laid out in United Nations Resolution 1973. Western Special Forces and intelligence operatives are active on the ground, coordinating NATO air strikes and the moves of the so-called "rebel" fighters.

The neo-colonial war is but one theatre of the US military's operations internationally. The Obama administration has intensified the war in Afghanistan, extended the conflict into Pakistan's border regions, and carried out extra-legal targeted assassinations in Yemen, Somalia, Pakistan and other countries.

Moreover, Washington refuses to itself recognise the ICC. It backed the Security Council's referral of Gaddafi's alleged crimes to the ICC only after it secured an exemption protecting its political and military leaders from potential investigation by the international court over their role in the Libyan war.

In proceeding as it has against Gaddafi, the ICC has revealed itself to be a pliant tool of US and European imperialism.

The legal case against the Libyan leadership was drafted faster than any other brought before the ICC, and, it appears, was completed with the direct assistance of US government agencies. The *New York Times* noted that in a press conference held at the ICC yesterday, "the prosecutor hinted that he had received intelligence from other governments."

Military-political imperatives are clearly driving the prosecution. One factor affecting the timing may have been Italian government moves to negotiate a political settlement with Gaddafi, cutting across the US-British-French regime-change drive.

Early yesterday, before Moreno-Ocampo submitted his dossier to the ICC, Italian Foreign Minister Franco

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Frattini declared that he was working on a plan to allow Gaddafi to make a "political exit," while other members of the regime, who "have already been identified," would be invited to join a "government of national reconciliation."

Last week, Frattini publicly warned that an ICC arrest warrant on Gaddafi would mean that "from that moment on an exit from power or from the country will no longer be imaginable," because "after the arrest warrant is issued all the international community would have legal obligations."

This outcome is precisely what Washington, London and Paris sought—in order to create the conditions for a massive escalation of the war, including the possible deployment of ground forces.

NATO spokesperson Oana Lungescu responded to the news of the ICC's moves by arguing for the necessity of regime-change, saying: "It is hard to imagine that a genuine transition in Libya can take place while those responsible for widespread and systematic attacks against the civilian population remain in power."

The Gaddafi regime rejected the charges. "We believe that the ICC has no jurisdiction on these issues," Deputy Foreign Minister Khaled al-Khiam stated. "We see the international criminal court as targeting African states."

The so-called Transitional National Council in Benghazi welcomed the news. "It's a huge boost for morale," Mustafa Gheriani, a businessman and adviser to the council, told the *Wall Street Journal*.

The ICC's Moreno-Ocampo appears to have developed a close working relationship with American authorities. The Argentinean lawyer previously won Washington's confidence by making clear that there would be no investigation of war crimes committed during the invasion of Iraq.

A leaked diplomatic cable, released by WikiLeaks, shows that just three months after Moreno-Ocampo was elected ICC chief prosecutor in early 2003, US diplomatic officials assured the State Department: "Privately, Ocampo has said that he wishes to dispose of Iraq issues (i.e., Not to investigate them.)" (See "Cables expose Washington's contempt for international law, democratic rights")

None of the investigations opened up by Moreno-Ocampo in the ICC involve crimes carried out by the imperialist powers. Instead, each case involves atrocities allegedly carried out within African states—Uganda, the Democratic Republic of Congo, the Central African Republic, Sudan, Kenya and now Libya.

According to the Libyan dossier, Gaddafi, Saif Al Islam (described as the "de facto prime minister"), and Abdullah al-Sanussi (Gaddafi's "right-hand man, the executioner") held regular meetings to coordinate the violent crackdown against the anti-government protests that began in February. Orders were allegedly issued to suppress protests using snipers, machine guns and heavy weapons.

The prosecutor's dossier alleges torture, stating: "Methods used to torture alleged dissidents have included tying electric wires around victims' genitals and shocking them with electricity and whipping victims with an electric wire after tying them upside down with a rope connected to a stick."

Such brutality is being inflicted by repressive governments allied to the US throughout the Arab world. As is well known, moreover, the US itself has employed torture against alleged terrorists at military and CIA prisons in Iraq, Afghanistan, Guantánamo and elsewhere.

Close US allies, provided with military equipment and enormous amounts of aid money, are continuing to violently crack down on opposition movements. The governments of Yemen, Bahrain and Saudi Arabia are among those responsible for the very crimes outlined in the ICC brief against Gaddafi.

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