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Congress of the United States
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COMMITTEE ON OVERSIGHT AND
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COMMITTEE ON EDUCATION AND THE
WORKFORCE

June 20, 2011

The Honorable Ban Ki-moon
Secretary General
The United Nations
First Avenue at 46th Street
New York, New York 10015

The Honorable Luis Moreno-Ocampo
Prosecutor
International Criminal Court
P.O. Box 19519
2500 CM, The Hague
The Netherlands

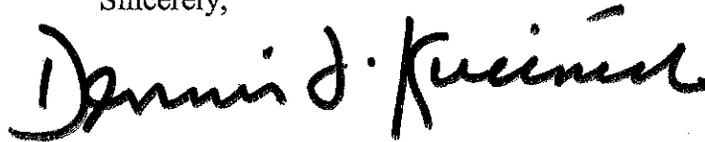
I write to express my grave concern regarding recent reports that a strike conducted by the North Atlantic Treaty Organization (NATO) in Libya this weekend killed innocent civilians. In light of this event, I reiterate my request that the United Nations (U.N.) take immediate steps to ensure that member states, acting in Libya under NATO and pursuant to a U.N. mandate to protect civilians, are held accountable for possible violations of international law and pertinent U.N. Security Council resolutions.

According to *The Washington Post*, a “blast flattened a two-story house, killing two children and seven adults...and it came a day after the alliance confirmed that last week it accidentally struck a vehicle carrying allied rebel fighters.”¹ The killing of civilians and rebel fighters by NATO airstrikes raises serious questions about the use of military intervention, as codified in U.N. Security Council Resolution 1973, to protect civilians and highlights the urgent need for a negotiated ceasefire. As the war in Libya passes the 90-day mark, it has become clear that the military intervention has resulted in a further escalation of the conflict, which is likely to further increase the risk to civilians. It is vital that NATO work with the U.N., its member states and the international community toward a politically negotiated end to the conflict. Indeed, a political settlement may be the only way to truly protect Libyan civilians from harm and bring an end to a protracted conflict. To that end, I have enclosed a structured series of steps patterned after the African Union effort which can serve to end the conflict.

¹ Londono, Ernesto. (2011, June 19). “NATO confirms strike hit wrong target, killing Libyan civilians.” *The Washington Post*, Online. Accessible: http://www.washingtonpost.com/world/middle-east/nato-says-strike-may-have-killed-libyan-civilians/2011/06/19/AGL7VdbH_story.html.

It is imperative that the U.N. hold NATO and its top command directly accountable under international statutes for actions which place the lives of innocent civilians at risk. The U.N. has an obligation under international law to ensure that military operations it has authorized are conducted in accordance with such laws.

Sincerely,

A handwritten signature in black ink, reading "Dennis J. Kucinich". The signature is written in a cursive style with a large initial "D" and a distinct dot after the "J".

Dennis J. Kucinich
Member of Congress

Enclosure: Blueprint for Self-Determination and Peace in Libya

The Blueprint for Self-Determination and Peace in Libya

Proposed by Congressman Dennis J. Kucinich

1. Ceasefire

All parties to the current conflict must implement an immediate cessation of all hostilities.

a. Following the implementation of a ceasefire, monitors from the African Union (A.U.) and the United Nations (U.N.) will be deployed to ensure compliance with the ceasefire

b. North Atlantic Treaty Organization (NATO) must immediately end all military offensives, including the enforcement of a “no fly zone,” air strikes by jets, helicopters and Unmanned Aerial Vehicles.

c. All covert operations from NATO member nations shall be discontinued.

d. All government and rebel forces, including paramilitary and mercenary forces must withdraw from cities they currently occupy.

2. Unfettered Humanitarian Access

Libyan authorities must immediately allow for unfettered humanitarian access and facilitate the safe, timely delivery of humanitarian assistance to all people in need. Libyan authorities must cooperate and allow for the protection of, and if needed, evacuation of foreign nationals and its African migrant community and workers.

3. Dialogue

The African Union along with the U.N. is to facilitate an inclusive dialogue in implementing a blueprint for self-determination and peace.

4. Full Compliance with Pertinent U.N. Security Council Resolutions

The U.N. must enforce and ensure that all U.N. member states fully comply with the terms of U.N. Security Council Resolution (UNSCR) 1970, which established an international arms embargo on Libya;

5. Reparations for Civilians Killed or Injured and Their Families

Payments should be made by all parties to the conflict to any injured non-combatants or families of those non-combatants killed as a result of the current conflict.

6. Reforming the Current Government Structure

Representatives of the Libyan government and the Transitional National Council shall call parties forward to participate in a Constitutional drafting committee, to develop a mechanism to proceed to determine the structure, composition and enactment of a reform government and to select a committee to draft a national constitution.

7. Timeline for Reform

a. The Constitutional drafting committee shall issue a report on its deliberations.

b. A referendum shall be held on the newly drafted Constitution, and, once it is adopted, national elections will be held.

c. The referendum on the Constitution shall be conducted under the auspices of independent international observers from the African Union and the United Nations.

d. Independent international observers shall be asked to monitor elections.

8. Repatriation of Frozen Assets

All frozen Libyan assets must be returned.

9. Natural Resources

The oil, water and natural gas resources of the State of Libya must be held in public trust for the long-term social and economic security of the people of Libya.

10. Protecting and Upholding the Rights of all Libyan Citizens

All parties and the newly constituted government of Libya shall abide by international law and human rights law. The newly constituted government must ensure fair access to all basic services in Libya.