

## Appeal to UN

A statement to the UN Secretariat on rectifying the violations of the UN Charter, of the Universal Declaration of Human Rights, and the Declaration on Principles of International Law (1970).

The system of International Law, which arose as a result of the World War II, provides for the recognition of the following basic principles by all subjects of international relations:

1. Inviolability of property.
2. Presumption of innocence.
3. Rule of law (non-use of force and non-interference into the internal affairs of other states).

We believe that during the Libyan events of February-March 2011, all these basic principles of international law were roughly violated.

### I.

The principle of the inviolability of property, both private and public, means providing the owners with an opportunity to use their property in their own interests, without being afraid either of its arbitrary removal or prohibition, or of restrictions on its use.

In the Universal Declaration of Human Rights (passed on the basis of resolution 217 A (III) of the UN General Assembly in December 10, 1948), the given principle is stated in article 17, which says: "1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property. "

In February and March 2011, in several states there was carried out "freezing" of bank accounts (cash contributions), owned by Libya, and by Libyan individual citizens. In particular, they reported the "freezing" of the bank accounts in the U.S., the Netherlands, Germany, Luxembourg, etc.

According to the media reports, there were "frozen" not only accounts that allegedly belong to Muammar Gaddafi personally, but also accounts of the Central Bank of Libya and Libyan investment funds. The number of "frozen" accounts is counted by hundreds.

The "freezing" of the bank deposits was made not only without a court decision, but also without any pre-trial investigations.

Thus, the citizens of Libya have been arbitrarily deprived of their property, what clearly violates Section 2. of Art. 17 of the Universal Declaration of Human Rights.

### II.

According to the principle of presumption of innocence, any accused person (defendant) is presumed to be innocent until his guilt is proved in the manner prescribed by law.

In the Universal Declaration of Human Rights, this principle is stated in Articles 10 and 11. Article 10 stipulates: "Everyone is entitled in full equality to a fair and public hearing by an

independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him".

Article 11 states: "1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

\*2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed."

Muammar Gaddafi and other leaders of the Libyan state were declared criminals, not only without a decision of an independent and impartial court, that would be made as a result of the public hearing in compliance with all requirements of fairness (which is required by the rules of international law), but even before providing any "investigation" at all! Moreover, Muammar Gaddafi was generally denied the delivery of justice. Repeated appeals made by Gaddafi to the international community in order to establish an international commission for investigation of the events in Libya had been rejected, a similar initiative of Venezuelan President Hugo Chavez is sabotaged.

That is, as we see, Qaddafi is not just accused of a crime, but he is not given an opportunity to prove his innocence, as well! In fact, there have been a Lynch law applied against Gaddafi, that is, punishment without a trial!

### III.

The rule of law means the commitment of the authorities and civilians to the laws and regulations of the acting national and international law.

Norms of international law (the UN Charter, the Declaration on Principles of International Law, 1970) directly prohibit:

- a) use of force or threat of force.
- b) interference into the affairs belonging to the domestic jurisdiction of States.

The use of force or threat of force is prohibited by Clause 4, Article. 2 of the UN Charter, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." Furthermore, the principle of non-use of the 1970 Declaration explicitly states that "every State must refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another state." The same principle states that "every State must refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in other states."

A principle of non-interference into the internal affairs of states declares that "No State or group of States has the right to intervene, directly or indirectly, for any reason in the internal or external affairs of another State ... An armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law ... No State shall also organize, assist, foment,

finance, incite or tolerate armed, subversive or terrorist activities aimed at changing the regime of another States, by violence, or interfere in civil strife in another State."

A number of the UN Member States does not only provide the irregular forces and armed gangs operating in the territory of Libya with an infotainment, but also argues for recognition of these criminal organizations as the legitimate government of Libya (despite the fact that there is no evidence of their formation on the basis of free democratic will of the citizens of Libya). Moreover, according to the media reports, security forces of the legitimate Government of Libya detained the troops of the Netherlands on Libyan territory, also in Libya there were seen British troops, which is a proof of the direct intervention of the UN member states into the internal affairs of Libya.

Besides this, the UN Security Council, acting on the basis of reports of riots in Libya and allegedly provided by the legitimate government cruel actions aimed at stopping them, decided to introduce a range of sanctions against the Libyan state, which directly contradicts Section 7 of Art. 2 of the UN Charter, which states: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state."

The same rules of international law state the principle of sovereign equality of States (Section 1, Art. 2 of the UN Charter states: "The Organization is based on the principle of the sovereign equality of all its Members"). Each State ought to respect the sovereignty of other participants of the system, that is, their right to provide legislative, executive, administrative and judicial powers within their own territory without any interference from other states, and also to independently conduct its foreign policy.

Thus, currently, a number of the UN member states is carrying out an act of aggression against Libya, which flagrantly violates the rules and principles of international law, and first of all, the UN Charter. In fact, an act of international brigandage has been taking place against Libya and its people.

Based on the stated above, we call on the UN Secretariat and the UN Security Council:

a) to repeal all sanctions against the legitimate Government of Libya, as violating the UN Charter and the Declaration on Principles of International Law, 1970.

b) to adopt a resolution on Libya, with the following requirements:

1. Unconditional implementation of the UN Charter and the Declaration on Principles of International Law in 1970 by all the UN member states.

2. Immediate cessation by the UN Member States of any support of irregular forces or armed gangs operating in the territory of Libya.

3. Immediate cessation of armed intervention attempts and all sorts of threats from the UN member states against the personality of the Libyan state.

4. Immediate bringing back to the legitimate government of Libya and Libyan financial organizations their property (including cash accounts illegally "frozen" in banking organizations of the UN member states.

c). Immediately establish an international commission on investigation of the actions of the UN member states against the personality of the Libyan government, encouraging the organization of irregular forces and armed gangs in the territory of Libya, and participation in terrorist acts on the territory of Libya. The results of the investigation are to be published in all languages of the UN and in the sources available for open access (the official website of the UN on the network Internet).

In the case of inaction of the UN Secretariat and Security Council, we reserve the right to appeal directly to all governments and peoples of the Earth, indicating that the UN Secretariat and the UN Security Council have not only failed to take acts to eliminate violations of the UN Charter and principles of international law, but they are directly promoting the organization of irregular forces and armed gangs and terrorist acts on the territory of Libya.

SIGNATURES:

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