



Coalition for the International Criminal Court

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**MEDIA ADVISORY**

27 June 2011

**ICC Issues Arrest Warrants against Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi**

*Global Coalition Calls for Arrest of Individuals Wanted for Alleged Crimes Against Humanity Committed in Libya*

**WHAT:** On 27 June 2011, Pre-Trial Chamber I of the International Criminal Court (ICC) issued warrants of arrest for Libyan leader Muammar Mohammed Abu Minyar Gaddafi, his son Saif Al-Islam Gaddafi, Libyan government spokesman, and Abdullah Al-Senussi, Director of Military Intelligence, for alleged crimes against humanity committed in Libya since 15 February 2011. The ICC is the world's first and only permanent international court to prosecute war crimes, crimes against humanity and genocide.

**WHY:** The ICC Prosecutor applied for arrest warrants against Muammar Al-Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi on 16 May 2011. The Judges of ICC Pre-Trial Chamber I have now decided there are reasonable grounds to believe that the three suspects have committed crimes against humanity and that the warrants of arrest are necessary to ensure their appearance before the ICC, to prevent interference in the ongoing investigation and to prevent the commission of further crimes.

**NEXT STEPS:** Responsibility for the implementation of arrest warrants lies with the Libyan national authorities. Libya is obliged to cooperate fully with the ICC and the Prosecutor under the terms of UN Security Council Resolution 1970 (2011). However, cooperation from the Libyan Transitional National Council and other States may be needed to ensure the arrest of the three suspects.

Further cases may be opened in relation to other crimes allegedly committed as part of the Prosecutor's ongoing investigations into the hostilities in Libya. The Prosecutor will address the UN Security Council in six months on further progress made in the investigation.

**COMMENT:** “Today’s decision represents the next step in the efforts of the international community to bring about peace by responding to the most serious crimes through the enforcement of international law,” said William R. Pace, Convenor of the Coalition. “The suspects will be afforded far greater guarantees of fair trial before the ICC than they ever allowed for as government officials in Libya,” Pace said. “It is important to note that the decision of the ICC Judges reflects also a crucial element of the independence of the ICC, for the Judges could have rejected application by the Prosecutor and the referral by the UN Security Council,” he added. “As the ICC does not have a police force, the enforcement of its arrest warrants is now the responsibility of governments and the Security Council.”

**BACKGROUND:** Libya is the sixth situation under investigation by the ICC. On 3 March 2011, the ICC Prosecutor decided to open a formal investigation into the violence following UNSC Resolution 1970 (2011) which referred the situation in Libya to the Prosecutor.

In unanimously adopting Resolution 1970 (2011), the UNSC considered that the widespread and systematic attacks taking place in Libya against the civilian population may amount to crimes against humanity and decided to refer the situation in Libya to the ICC Prosecutor to investigate crimes committed from 15 February 2011 onwards. The prosecutor can only investigate situations in non-state parties, such as Libya, when the UNSC refers the situation to the Prosecutor in accordance with Article 15(b) of the Rome Statute, or where a non-state party has submitted a declaration to the Registrar of the ICC accepting the jurisdiction of the court in its territory pursuant to Article 12(3) of the Statute. A referral by the UNSC to the ICC does not automatically trigger an investigation, however, as the court operates independently of the UN. Rather, it is the prosecutor’s decision to determine whether an investigation was warranted. The decision to open an investigation in the Libya situation was made on 3 March 2011.

The ICC is the world’s first, permanent international court to prosecute war crimes, crimes against humanity, and genocide. There are currently 116 ICC States Parties. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity, and war crimes. There are currently six active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda, Kenya and Libya. The ICC has publicly issued 18 arrest warrants and nine summonses to appear. Three trials are ongoing. The ICC Prosecutor recently requested authorization from Judges to open an investigation in Côte d’Ivoire. His office has also made public that it is examining at least nine situations on four continents, including Afghanistan, Colombia, Georgia, Guinea, Honduras, Republic of Korea, Nigeria, and Palestine.

*The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. For more information, visit: [www.coalitionfortheicc.org](http://www.coalitionfortheicc.org).*

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