



Situation in Libya: ICC Pre-Trial Chamber I issues three arrest warrants

Brussels-Rome, 27 June 2011

Today, Pre-Trial Chamber I of the International Criminal Court (ICC) granted the Prosecution's request of 16 May 2011 for the issuance of three arrest warrants against Muammar Abu Minyar Gaddafi, Saif Al Islam Gaddafi and Abdullah Al-Senussi for crimes against humanity allegedly committed in Libya since 15 February 2011 during the violent Government crackdown on pro-democracy demonstrations and the armed conflict that followed.

Statement by Alison Smith, Legal Counsel of No Peace Without Justice:

"No Peace Without Justice (NPWJ) and the Nonviolent Radical Party, Transnational and Transparty (NRPTT) welcome the ICC Pre-Trial Chamber's Decision to issue arrest warrants against those allegedly bearing the greatest responsibility for crimes against humanity in Libya since 15 February 2011 as an important development for international criminal law and a critical step towards peace and justice in Libya.

"The speed with which this process is moving is unprecedented, just four months from the UN Security Council referral to the issuance of arrest warrants today. We welcome justice moving quickly, but it must not be at the expense of victims or impartial and independent justice. We urge the ICC to begin outreach immediately with victims and affected communities in Libya, including informing victims of their right to participate in proceedings.

"NPWJ and the NRPTT hope and believe that today's decision could help the transitional process in Libya and act as a deterrent for violence and abuses. This decision should help erode the culture of impunity and demonstrate that there are consequences for serious crimes and human rights violations under international law. It is a critical step towards ending violations and for the healing of Libya.

"We urge the international community to support investigations and documentation carried out by the Transitional National Council and civil society in Libya, so that critical information about crimes falling outside these three ICC arrest warrants is not lost or destroyed. Whatever future accountability process the new Libya will decide to adopt, in any case the timely and reliable collection of information will be an essential building block and that information must be safeguarded. Because the ICC Office of the Prosecutor should only focus on those who bear the greatest responsibility for the egregious crimes in Libya since 15 February 2011, there is a need for other actors to build a shared history within Libya, to create a solid foundation for a future based on human rights and the rule of law. We support the Prosecutor's approach, but it does leave a potential impunity gap, both for violations committed prior to 15 February 2011 and for violations committed by those who do not bear the greatest responsibility for the crimes as a whole. The ICC is not in a position to deal with those crimes: they must be addressed through genuine and credible domestic proceedings, whether judicial or otherwise.

"NPWJ and the NRPTT also urge the international community, and particularly ICC States Parties, to provide all necessary support and cooperation for the execution of these three arrest warrants and for subsequent proceedings. ICC States Parties have a legal obligation to do so; all States have a vested interest in doing so, to help bring peace and security to Libya and the region and to help provide justice and redress for the victims."

For more information, please contact Alison Smith on asmith@npwj.org or +32-(0)2-548-3912, or Nicola Giovannini on ngiovannini@npwj.org or +32-2-548-39 15.