



Parliamentarians for Global Action

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Parliamentarians for Global Action (PGA) calls for the prompt surrender of Saif Al Islam Gaddafi and Abdallah Al Senussi to the International Criminal Court (ICC)

The Hague, 21 November 2011: The arrest in Libya of Mr. Saif Al-Islam Gaddafi and Mr. Abdallah Al Senussi on 19 and 20 November 2011 can mark an important development in the fight against impunity and the Rule of Law only if his fundamental human rights will be respected and if a fair and impartial trial will follow their arrest. Two Arrest Warrants were issued on 27 June 2011 by the International Criminal Court (ICC) for crimes against humanity allegedly committed by Mr. Saif Al Islam Gaddafi in his capacity as head of the Development Foundation and *de facto* Prime Minister during the uprisings against the Gaddafi regime and by Mr. Al Senussi as Head of the Intelligence Service and Brother in Law of Muammar Gaddafi – referred to as “*the executioner*” in the Arrest Warrant.

Recalling the apparent summary execution of Colonel Muhammad Gaddafi on 20 October 2011, regarding which an investigation is reportedly ongoing in Libya, it is essential that human dignity and the rights of the accused are safeguarded and that victims are granted the right to participate in an international trial on the basis of Libya's obligation to fully cooperate with the ICC imposed by the UN Security Council Resolution 1970 as a measure to restore international peace and security under Chapter VII of the UN Charter.

Statements by PGA members

- **Dr. Ruth Wijdenbosch, MP** (Suriname, Acting President and Chair of the International Council of PGA) and **Dep. Alain Destexhe** (Belgium, Convenor of the International Law and Human Rights Programme of PGA): “*Justice shall not be used or be perceived as a revengeful exercise of one side to a conflict against the other side, and the wounds of the Libyan civil war are still open. The ICC is therefore the best possible option to ensure that fair and impartial proceedings take place against Mr. Saif Al-Islam Gaddafi and Mr. Abdallah Al Senussi, who must respond to charges of crimes against humanity, which are crimes of concern to the International Community as a whole. On the basis of UN Security Council Resolution 1970, the ICC applies the Rome Statute on behalf of the entire International Community and not only of its Member States. In light of these forceful arguments, the Transitional National Council of Libya must immediately abide to the ICC's request to surrender the suspects to the Hague-based Court*”.
- From Belgium, **Dep. Alain Destexhe** added: “*There is no Libyan solution to the impunity for crimes against humanity and war crimes. The ICC has already invested time and efforts in collecting evidence against Mr. Saif Al Islam Gaddafi and Mr. Al Senussi, and the Libyan Government must promptly transfer them to The Hague in order to ensure that the relevant proceedings can take place. The trial in The Hague will not prejudice the possibility of other*

proceedings that Libyan judicial authorities may open for other criminal conduct that may be attributed to the individual responsibility of Mr. Gaddafi and Mr. Al Senussi.”

- From Suriname, **Dr. Ruth Wijdenbosch, MP** concluded: *“Victims must be afforded the right to participate in proceedings and apply for reparations to at least partially remedy the terrible harm that they have suffered. The applicable law of the ICC ensures that all the rights of victims recognised under international law are applied in any given case: The International Community must fully cooperate with the Court not only in the surrender of Mr. Gaddafi and Mr. Al Senussi to The Hague, but also in freezing of all the assets of the suspects, which may be used for the reparations to the victims in case that they would be convicted at the end of the trial”.*

The Position of PGA

Parliamentarians for Global Action is running a campaign for universal participation in, and the effective functioning of, the International Criminal Court (ICC) in all regions of the world. While PGA promotes the application of the principle of complementarity, under which States retain the primary obligation to prosecute international crimes contained in the Rome Statute of the ICC and the ICC itself plays a complementary role when States are unwilling or unable to prosecute, the gravity of the Libyan situation has fully justified its referral by the UN Security Council to the ICC and the consequent action by its judicial organs. The authorities of Libya are therefore required to observe full compliance with all decisions and orders issued by the Court.