

Cairo – June 27, 2011

## **The Arrest Warrant for the Libyan Leader Upholds Justice and Human Rights**

**The Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP)** welcomes the decision of Pre-Trial Chamber I of the International Criminal Court on the issuance of three warrants of arrest respectively for Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi for crimes against humanity allegedly committed against Libyan Civilians since 15 February 2011 including aggression, deliberate murder, attacks against a civilian population, shooting demonstrators and funerals and distributing snipers near the mosques.

**ACIJLP** believes - that the decision targeting people involved in crimes within the jurisdiction of the Court –, upholds justice values and human rights rather than political considerations. The decision came in response to the voices of the victims rather than political considerations and maneuvering as it is issued by an independent judicial organization concerned on prosecuting those involved in committing the most serious crimes.

On 16 May 2011, the ICC Prosecutor requested Pre-Trial Chamber I of the International Criminal Court to issue arrest warrants against the three defendants for being responsible for the killings committed by the Libyan security forces against the civilian population since February 15, 2011, particularly in Tripoli and Benghazi and Misurata.

It is worth mentioning that the situation in Libya was referred to the Office of the Prosecutor under the United Nations Security Council Resolution No.1970,“the

situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court”. The Resolution of referral enables the exercise of jurisdiction by the Court with respect to the situation pursuant to Article 13(b) of the Rome Statute and this article applied on prosecuting defendants who belong to the Arab region after the decision of the year 2005 on referring the situation in Darfur to the International Criminal Court.

The decision of the Security Council to refer the situation in Libya to the ICC contradicted expectations from World’s governments, particularly Arab governments due to the fact that Libya did not ratify the Rome Statute governing the Court. Moreover, the governments believe that the Court cannot prosecute their citizens who accused in the internal issues as long as they do not ratify the Statute of the Court.

**ACIJLP** calls upon the international community to support the role of the International Criminal Court. Furthermore, it calls upon Arab governments to ratify and accede to the Statute of the Court in order to benefit from the integrity between national courts and the International Criminal Court, stop relying on the attitude of rejecting the ratification as a means of escaping the jurisdiction of the Court, and perhaps the Darfur case and the Libyan situation are a clear evidence of preventing impunity for perpetrators and prosecuting them, even if Governments are reluctant to ratify and accede to the relevant international mechanisms such as the International Criminal Court.