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## **Libya's neighbours must not shield al-Gaddafi from prosecution**

Libya's neighbours must arrest Colonel Mu'ammur al-Gaddafi and others wanted by the International Criminal Court (ICC) if the former Libyan leader crosses the border, Amnesty International said today.

Former officials from al-Gaddafi's government have reportedly fled to neighbouring Niger and authorities in Burkina Faso have denied claims that al-Gaddafi was offered safe haven in the country.

"No country should provide a safe haven to Colonel al-Gaddafi or others suspected of committing crimes under international law," said Claudio Cordone, Senior Director at Amnesty International.

"If they are found outside Libya, national authorities in that country must immediately arrest them and hand them over to the ICC to face trial for these crimes."

A military convoy of al-Gaddafi loyalists was reportedly spotted inside neighbouring Niger on 6 September, allegedly fleeing the armed conflict in Libya.

Officials in Niger confirmed that the convoy had reached the capital Niamey and included former officials from al-Gaddafi's government, including former chief of security Mansour Daw. It is unknown whether Mu'ammur al-Gaddafi or his son Saif al-Islam joined the convoy.

Mu'ammur and Saif al-Islam al-Gaddafi and Abdullah al-Sanussi, Libya's former head of military intelligence, have been on the run since the ICC issued arrest warrants for them in late June.

All three are accused of crimes against humanity – persecution and murder – committed in Libya since 15 February 2011.

The UN Security Council has called upon all states, including Libya's new leadership, to co-operate fully with ICC investigations.

Colonel al-Gaddafi and others wanted by the ICC must be arrested and surrendered to the Court for investigation, regardless of where they are found. Libya's new authorities may request that any suspects are tried before national courts or that the ICC conduct its proceedings in Libya.

Amnesty International believes that for this to happen, the new Libyan government must genuinely be able to demonstrate it can effectively and efficiently investigate and prosecute suspects, as well as guarantee the security of witnesses and others

Regardless of where al-Gaddafi and other suspects face trial, the proceedings must meet international fair trial standards and deliver justice and reparation to the victims.

For the past four decades, the Libyan justice system has been compromised by many flaws that would make a fair trial for al-Gaddafi impossible and would not rule out the use of the death penalty.

Among the urgent priorities for Libya's new leadership will be comprehensive efforts to rebuild the national justice system in line with international human rights law and in consultation with civil society, Amnesty International has said.

In meetings with Amnesty International this month, officials within the Ministry of Justice and Human Rights vowed to reform the justice sector, including by abolishing special courts and ensuring the independence of the judiciary. However, such efforts will take time, and delay justice and reparation to the many victims of the al-Gaddafi era.

Recent Amnesty International missions have uncovered evidence of crimes under international law committed by al-Gaddafi forces, including enforced disappearances, torture and mass killings of detainees at military camps in Tripoli and elsewhere, and indiscriminate attacks on civilian neighbourhoods in the western cities of Misratah and al-Zawiya and in Ajdabia, in the east of the country.

Any other officials who flee Libya and are suspected of committing crimes under international law must be detained and, if there is sufficient evidence, prosecuted, the organization said.

"All African states should reaffirm their commitment to ending impunity for the most serious crimes under international law," said Claudio Cordone.

"This includes arresting and surrendering all ICC suspects to The Hague."