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ICC must end confusion over trial of Gaddafi

The International Criminal Court (ICC) must end the confusion over where Saif al-Islam al-Gaddafi should be tried, Amnesty International said today, after the court's prosecutor said that Libya can put him on trial at home.

ICC prosecutor Luis Moreno-Ocampo said on Wednesday that Saif al-Islam al-Gaddafi, the captured son of the late Libyan leader, need not be prosecuted by the ICC but could be tried in his own country before a Libyan court. The ICC stated that the decision is the sole competency of the ICC judges, not the Prosecutor.

"At this time, there are serious questions as to whether the Libyan justice system can guarantee a fair trial without the death penalty," said Marek Marczyński of Amnesty International's Campaign for International Justice.

"The ICC should not wait for Libya to reach a decision about Saif al-Islam al-Gaddafi's trial but should intervene and make sure that justice can be done. In line with the rules in the Rome Statute, they should make a determination as to the ability of the Libyan authorities to deliver justice to the victims of human rights abuses."

Should the ICC judges decide that it is the ICC that should try Saif al-Islam al-Gaddafi, Amnesty International recommends that the ICC hold the trial proceedings in Libya.

Amnesty International has written to the Pre-Trial Chamber of the ICC to urge it to act now and make a determination on its own motion.

Amnesty International calls on the newly established Libyan government to ensure the safety of Saif al-Islam al-Gaddafi and the protection of all his other rights, and those of Abdullah al-Senussi, Libya's former intelligence chief and also the subject of an ICC arrest warrant. The organization fears that he is being held incommunicado.

Earlier this year, the ICC issued a warrant for the arrest of Saif al-Islam al-Gaddafi and Abdullah al-Sanussi on charges of crimes against humanity. Saif al-Islam al-Gaddafi was captured on Saturday near the border with Niger and is currently being held in a secret location in the north-western town of Zintan.