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Libya: Detention of ICC staff undermines Saif al-Gaddafi's right to fair trial

Four International Criminal Court (ICC) staff members are reportedly on their way back to The Hague in what Amnesty International has called a welcome end to their unacceptable detention by a Libyan militia for more than three weeks.

Libyan authorities had held the four since 7 June in the remote western town of Zintan after they met Saif al-Islam al-Gaddafi – the detained son of former ruler Colonel Mu'ammarr al-Gaddafi.

News of their release came as ICC President Sang-hyun Song visited Libya on Monday.

“The release of these four ICC staff members is a very welcome development, but their detention by the Libyan authorities for more than three weeks was totally unacceptable,” said Marek Marczyński, International Justice Research, Policy and Campaign Manager at Amnesty International.

“Not only has it denied them their liberty and stopped them from performing their functions, but it has also undermined Saif al-Islam al-Gaddafi's right to an effective defence and delayed the ICC's decision on the Libyan authorities' recent application to bring him to trial in Libyan courts.”

In early June, authorities accused one of the ICC staffers – Australian lawyer Melinda Taylor – of espionage, alleging she had attempted to smuggle documents to Saif al-Islam al-Gaddafi.

Taylor and her colleagues Helene Assaf from Lebanon, Russian Alexander Khodakov and Spaniard Esteban Peralta Losilla remained in the custody of a militia in Zintan until their release on Monday.

During their detention, as part of Amnesty International's [Campaign for International Justice](#), thousands of activists urged the Libyan government to release the ICC staffers immediately.

“Both the legality of Libya's detention of the ICC staff and the authorities' allegations against them must be fully investigated in accordance with the appropriate ICC procedures and the results made public,” said Marek Marczyński.

“The ICC's Pre-Trial Chamber should also review the impact of this detention and take effective measures to ensure that the defence has adequate time and facilities to re-engage in the current proceedings against Saif al-Islam al-Gaddafi to determine where he should be prosecuted.”

Amnesty International believes that the ICC staff members' detention shows that the Libyan authorities are not taking seriously al-Gaddafi's right to an effective defence, and that he will not receive a fair trial if he is prosecuted in Libya.

“If Libya's application to prosecute Saif al-Islam al-Gaddafi nationally is rejected, he must be surrendered

to the ICC without further delay,” said Marek Marczyński.

On 5 July, two days before national elections are scheduled to take place in the Libya, Amnesty International is releasing a new report on militias in the country.

The report details how ongoing human rights abuses risk overshadowing this historic moment and propelling the country on the wrong path. Impunity prevails in Libya for unlawful killings, arbitrary arrests and detention, torture including to death and forcible displacement.

Thousands of suspected al-Gaddafi loyalists and soldiers continue to be detained. Many are held by armed militias outside the framework of the law in unofficial detention facilities, where they remain particularly vulnerable to torture or other ill-treatment.

The vast majority of these detainees have not been officially charged with any crime and have no access to lawyers.