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Libya: Saif Al-Islam Al-Gaddafi must be arrested and surrendered to The Hague

Following reports that Saif al-Islam Gaddafi has been released by the Zintan-based Abu Bakr al-Siddiq Battalion pursuant to an amnesty law, the Libyan authorities must now arrest and surrender him to the International Criminal Court.

An ICC arrest warrant was issued against Saif al-Islam Gaddafi on 27 June 2011. However, both the Zintan authorities and the Libyan government have refused to cooperate.

Instead, for the last six years, Saif al-Islam Gaddafi has been unlawfully detained by the Zintan authorities amid serious concerns about his treatment and conditions of detention. During this time, ignoring a 2014 decision by the ICC Appeals Chamber that he must be prosecuted by the ICC, the Libyan authorities proceeded to prosecute him *in absentia* in 2015 resulting in an unfair trial and a death sentence.

These serious violations and abuses by the Zintan and the Libyan authorities have thwarted justice in this case and undermined the rule of law in Libya.

However, efforts to grant amnesty to Saif al-Islam Gaddafi will not help ensure justice to the victims of the crimes under international law that he is alleged to have committed. In any case, international law requires Libya to arrest and surrender him to the ICC, and no domestic amnesty can override this obligation.

The ICC will need to consider his treatment by the Zintan and Libyan authorities and determine whether a fair trial is still possible.