

URGENT ACTION

INTERNATIONAL COURT STAFF DETAINED IN LIBYA

Four International Criminal Court (ICC) staff have been detained in Libya since 7 June after meeting Saif al-Islam al-Gaddafi. All four are being held by a militia group apparently at the instruction of the interim government.

Saif al-Islam al-Gaddafi's appointed defence counsel, Melinda Taylor, alongside interpreter Helen Assaf and two senior representatives of the ICC's Registry, Esteban Peralta Losilla and Alexander Khodakov, had been granted permission by the Libyan authorities to visit him. The purpose of their visit included informing Saif al-Islam al-Gaddafi of current proceedings in his case at the ICC and to take his instructions regarding the Libyan government's current application to prosecute him before Libyan courts.

Reports indicate that the ICC staff were detained after Melinda Taylor met with Saif al-Islam Gaddafi. The meeting was monitored and she and her client were searched in violation of his right to communicate freely and in confidence with his lawyer. The authorities allege they discovered a "coded message" from Mohammed Ismail, a former member of the al-Gaddafi regime who is wanted by the Libyan authorities. They claim the message amounts to espionage or violations of Libya's national security.

The four staff members have been moved to a jail in the mountain town of Zintan and are reportedly being held on a 45-day "preventative detention" order while investigations are carried out.

Amnesty International considers their detention to be an attack against Saif al-Islam Gaddafi's rights and against the ICC, which is seeking to deliver justice to Libyan victims. The detention of the delegation risks intimidating anyone who is seeking to protect the defendant's rights to a fair trial.

Please write immediately in English, Arabic or your own language:

- Demanding the immediate release of Melinda Taylor, Helen Assaf, Esteban Peralta Losilla and Alexander Khodakov and ensure that they be given consular access and be allowed to communicate with their families;
- Stating that ICC staff members have important protections to ensure they can perform their functions without hindrance (see Additional Information), in particular that they must not be arrested by national authorities;
- Urging the Libyan government, if it has concerns regarding the conduct of ICC staff, to follow appropriate procedures, noting that ICC mechanisms allow states to make complaints that will be considered by an independent commissioner.

PLEASE SEND APPEALS BEFORE 3 AUGUST 2012 TO:

Prime Minister
 Abdel Rahman al-Kib
 Libyan Transitional Government
 Office of the Prime Minister
 Tripoli, Libya
 Email: info@pm.gov.ly
Salutation: Your Excellency

Minister of Foreign Affairs and International Cooperation
 Ashour Ben Khayal
 Ministry of Foreign Affairs and International Cooperation
 Tripoli, Libya
 Fax: +218 213407469
 Email: under.sec@foreign.gov.ly
Salutation: Your Excellency

General Prosecutor Department of General Prosecutions
 Abdelaziz al-Hasadi
 Court Complex
 Tripoli, Libya
 Fax: +218 213607797
 Fax/Phone: +218 213614463
 (if calling during office hours, you will need to tell the person to switch to fax).
Salutation: Dear Mr Abdelaziz al-Hasadi

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.



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ADDITIONAL INFORMATION

All four ICC staff members have important protections to ensure that they can perform their functions without hindrance. In particular, national authorities must not arrest or detain them.

If the Libyan government has concerns about the conduct of ICC staff it should follow the appropriate procedures. In particular, the ICC's Code for Counsel allows states to make complaints that will be considered by an independent commissioner.

While Libya is not a state party to the Rome Statute, it is under the obligation to co-operate with the ICC in accordance with UN Security Council 1970, which referred the situation in Libya to the court.

On 15 June, the UN Security Council expressed serious concern over the detention of the four ICC staff members, and called for their immediate release.

Thousands of suspected al-Gaddafi loyalists and soldiers continue to be detained in Libya. While some progress has been made in transferring prisoners to the Ministry of Justice, armed militias continue to hold detainees outside the framework of the law in unofficial detention facilities, where they remain particularly vulnerable to torture and other ill-treatment.

The vast majority have not been officially charged with any crime and have no access to lawyers. Beatings are endemic in detention centres across Libya, particularly upon arrest, during the first days of detention and during interrogations. Many detainees have told Amnesty International that they signed and/or thumb-printed "confessions" under torture or duress.

To the best knowledge of Amnesty International, no members of armed militias have been brought to justice for torturing, killing or otherwise abusing detainees, perpetuating a climate of impunity.

Name: Melinda Taylor (f), Helen Assaf (f), Esteban Peralta Losilla (m) and Alexander Khodakov (m)

Gender m/f:Both

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