



Promoting the rights
and interests of victims
before the International
Criminal Court

Libya Situation and cases August 2014 – August 2015

Saif Al Islam Gaddafi case: non-compliance referred to UNSC

[Background] Mr Saif al Islam Gaddafi, son of Muamar Gaddafi, is alleged to have committed the crimes against humanity of murder and persecution from 15 February 2011 onwards throughout Libya in, *inter alia*, Tripoli, Benghazi, and Misrata, through the Libyan State apparatus and Security Forces. His case was confirmed as admissible by the Appeals Chamber on 24 May 2014.

On 5 July 2011, the Registrar notified the Libyan authorities of a request for the arrest and transfer to the ICC of Mr Gaddafi.¹ On 21 May 2014, the Appeals Chamber confirmed that the case was admissible before the ICC.² On 11 July 2014, the Single Judge granted a request by Libya for more time to file its submissions on the status of the implementation of its outstanding duties to cooperate with the Court.³ On 21 August 2014, the Government of Libya applied for another extension of time.⁴ On 22 August 2014, the OPCV called for the Chamber to rule that Libya had not complied with its obligation to cooperate with the Court and consequently to refer the matter to the Security Council.⁵ On 25 August 2014, the Defense also requested that the Chamber issue a finding of non-cooperation against Libya.⁶

On 10 December 2014, Pre-Trial Chamber I found that Libya had failed to comply with the request to surrender Saif Al-Islam Gaddafi to the Court and to 'return to the Defense of Saif

¹ Request to the Libyan Arab Jamahiriya for the arrest and surrender of Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah AL-SENUSSI , 4 July 2011, ICC-01/11-01/11-5, <http://www.icc-cpi.int/iccdocs/doc/doc1102510.pdf>

² Judgment on the appeal of Libya against the decision of Pre-Trial Chamber I of 31 May 2013 entitled "Decision on the admissibility of the case against Saif Al-Islam Gaddafi", 21 May 2014, ICC-01/11-01/11-547-Red, <http://www.icc-cpi.int/iccdocs/doc/doc1779877.pdf>

³ Decision on matters related to Libya's duties to cooperate with the Court , 11 July 2014, ICC-01/11-01/11-563, <http://www.icc-cpi.int/iccdocs/doc/doc1801733.pdf>

⁴ Corrigendum to Libyan Government's application for extension of time for the purposes of compliance with Pre-Trial Chamber I's 'Decision on matters related to Libya's duties to cooperate with the Court', 21 August 2014, ICC-01/11-01/11-568-Corr, <http://www.icc-cpi.int/iccdocs/doc/doc1818125.pdf>

⁵ Response to "Libyan Government's application for extension of time for the purposes of compliance with Pre-Trial Chamber I's 'Decision on matters related to Libya's duties to cooperate with the Court'", 22 August 2014, ICC-01/11-01/11-569, <http://www.icc-cpi.int/iccdocs/doc/doc1813848.pdf>

⁶ Defence Response to "Libyan Government's application for extension of time for the purposes of compliance with Pre-Trial Chamber I's 'Decision on matters related to Libya's duties to cooperate with the Court'", 25 August 2014, ICC-01/11-01/11-570, <http://www.icc-cpi.int/iccdocs/doc/doc1821532.pdf>

Al-Islam Gaddafi the originals of the documents that were seized in Zintan by the Libyan authorities from the former Defense counsel for Saif Al-Islam Gaddafi and destroy any copies thereof'. The Chamber referred the matter to the UN Security Council however stressed that it was not to sanction or criticize Libya but rather to seek the assistance of the UNSC to eliminate obstacles to cooperation.⁷

⁷ Decision on the non-compliance by Libya with requests for cooperation by the Court and referring the matter to the United Nations Security Council, ICC-01/11-01/11-577, 10 December 2014, <http://www.icc-cpi.int/iccdocs/doc/doc1879914.pdf>