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Mauritania should hand Abdullah Al-Senussi over to the International Criminal Court (ICC)

Five months after the end of the conflict in Libya, the former Libyan Head of the Military Intelligence, Abdullah Al-Senussi, was arrested at Nouakchott Airport in Mauritania on Saturday March 17th, 2012. According to the FIDH and its member organization in Mauritania, the Association mauritanienne des droits de l'Homme (AMDH), Mauritania should transfer him to the ICC where he is wanted for crimes against humanity, including murder and persecution against the civilian population, allegedly committed by Gaddafi's security forces from February 15th 2011, marking the beginning of the harsh repression of popular protests in Benghazi.

<http://www.fidh.org/Mauritania-should-hand-Abdullah-Al>

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Even though Mauritania is not a state party to the Rome Statute establishing the ICC, and therefore has no obligation under the Statute, it should nevertheless, as requested by the UNSC in Resolution 1970 adopted on 26 February 2011 « cooperate fully with the Court and the Prosecutor ».

So far France has also requested the extradition of Al-Senussi and the Libyan interim authorities have made it clear that they want Al-Senussi to be tried in Libya notably for his alleged responsibility in the killing of more than 1000 detainees in Tripoli's Abu Slim prison in 1996.

"For now, we are not sure that Libyan justice has the capacities to ensure a fair trial to both El-Senussi and Saif El Islam Gaddafi, currently detained by the militias of Zintan", says Patrick Baudouin, FIDH Honorary President. **"This is the reason why we urge Mauritania to surrender Senussi primarily to The Hague. Should Senussi be handed over to Libya, then we recall that the interim National Council has the obligation, under the UNSC Resolution 1970, to cooperate with the ICC."**

"In transferring the suspects, the National Council would be abiding by the principles of democracy and rule of law. They will contribute to justice being done for victims of Gaddafi during the recent conflict in Lybia", stated Souhayr Belhassen, FIDH President.

Background

The ICC issued arrest warrants on June 27, 2011, for Sanussi, as well as Muammar Gaddafi and his son Saif al-Islam, for crimes against humanity for attacks on civilians, including peaceful demonstrators, in Tripoli, Benghazi, Misrata, and other locations in Libya. The ICC warrants apply only to events in Libya beginning on February 15, 2011.

The ICC's proceedings against Muammar Gaddafi was terminated following his death on October 20. Saif al-Islam Gaddafi has been arrested on November 19 and is detained in Lybia. The Government officials say they want to try Saif al-Islam Gaddafi in Libya.

It is up to the ICC judges to determine whether the ICC arrest warrest is still valid, and whether any national proceedings exist that would trump the court's ability to hear this case.