

Agreement
between
The Great Socialist People's Libyan Arab Jamahiriya
And
The Swiss Confederation

The Great Socialist People's Libyan Arab Jamahiriya and the Swiss Confederation (hereinafter referred to as the "Parties"), in their desire to settle the dispute which resulted from the incident of the arrest of the Libyan diplomat Mr. Hannibal Mumar Al Gaddafi, and of accompanying unjustified and unnecessary measures and actions against him and his family from the authorities of the Canton of Geneva and the Federal Swiss Authorities before, during and after 15/07/2008,
Have agreed on the following:

Firstly: the Swiss Federal Government shall express official and public apology for the unjustified and unnecessary arrest conducted by the Geneva Police which took place on 15/07/2008, to the Libyan diplomat and his family by the Geneva Police Force and other Swiss officials.

Secondly: both parties agree to establish an arbitral tribunal composed of three arbitrators as follows:

- a. Each party shall designate an independent third country personality within ten days from the signature of this agreement.
- b. The two arbitrators appointed according to the previous paragraph shall designate by joint decision the third arbitrator who will act also as president of the arbitral tribunal. In case no decision is reached within 30 days from the signature of this agreement, the third arbitrator shall be designated by the president of the International court of Justice.
- c. The mandate of the arbitral tribunal shall be to look into the incident and its circumstances and in particular:
 1. Review all the evidence submitted by the parties or requested by the tribunal including the documents and audio recordings and testimony of witnesses and the work of the independent investigating committee established by the two parties according to the MOU signed on 15/08/2008.
 2. Determine the actions taken by members of the Geneva Police Force and other Swiss Officials related to the incident affecting Mr. Hannibal Mumar Ghadafi-and his Family
 3. Reviewing the requests regarding the tribunal's decisions as requested by the parties.
- d. The Tribunal shall apply relevant national laws, international conventions, international custom, as well as evidence of a general practice accepted as law, and the general principles of law and courtesy recognized by civilized nations.
- e. The venue for the arbitration shall be London, United Kingdom and the working language shall be English.
- f. The tribunal shall set the procedural rules of arbitration. It may apply the rules of arbitration of the treaty of 18/10/1907 regarding the Peaceful Settlement of International Disputes, and it should make its final decision within sixty days from the start of the arbitration procedures. Both parties commit to abide by and implement the decision of the tribunal.
- g. Both parties shall share the expenses of the tribunal.

Thirdly: The appropriate Swiss Authority shall take the necessary measures against those responsible for the incident if the tribunal concludes that there were wrongful actions.

Fourthly: If the tribunal proves that there were criminal actions or legal violations, the second party is committed to refer those responsible for these actions to trial. The first party in this case has the right to be informed of the procedures that are taking place and to follow it up.

Fifthly: If the tribunal proves civil responsibility or criminal responsibility or both of the officials of the second party, the second party is committed to pay compensation as awarded by the tribunal to the benefit of the victims of the incident or to the entity of their choice.

Sixthly: The Swiss Federal Government is committed not to repeat this incident in the future against the Libyan Citizens or Libyan Officials and to improve their treatment and facilitate their procedures.

Seventhly: Both parties restore their normal relations. They will designate immediately a person from their respective ministries of Foreign Affairs to settle all issues presently affecting their bilateral relationship, amongst others all consular activities to all citizens of both countries, including issuing of exit-entry visa for Swiss and Libyan citizens and officials, trade and commercial relations between the two countries including resumption of air flight between the two countries. The designated persons complete their task within sixty days.

Signed in Tripoli on 20./08/2009 in two copies in English and Arabic, both legally authentic.

For the Great Socialist People's
Libyan Arab Jamahiriya
(First Party)

Dr. El Baghdadi A. Mahmudi

For the Swiss Confederation
(Second Party)



Hans-Rudolf Merz