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**ANNEX 8.23**

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Le Bureau du Procureur

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## Translation of Evidence

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## Chapter Four

### The game of separating Authority from the Revolution

The first anniversary of the announcement of the so-called 'Authority of the People' passed without Qadhafi celebrating it or calling for any meeting of the General People's Congress. From then on, he remained in his post as Secretary General of the General People's Congress. Likewise, the rest of the members of the Revolutionary Command Council remained members of the Secretariat of that Congress.

On 1 September 1978, on the occasion of the ninth anniversary of the revolution, Qadhafi gave a speech in which he described the 'revolutionary announcement' talking of it for the first time in detail and explaining it as 'separating the Revolution from Authority'. This is how he explained it in the following quotes from this speech/announcement<sup>1</sup>:

'From the ninth anniversary onwards, the revolution must be separated from Authority. We were forced in years gone by to combine the revolution with Authority and we exercised them alongside one another. This was detrimental to the revolution. For all that the revolution is not Authority, the exercise of the revolution and the executive together made us believe that the revolution was Authority ...'

Then Qadhafi added by way of clarification<sup>2</sup>:

'From now on, however, the fruits of Authority must be kept separate. This does not mean that the exercise of Authority from now on will be a non-revolutionary exercise. Indeed, Authority will be practiced in a revolutionary manner and it will become a revolutionary Authority. Authority may, however, become non-revolutionary in the absence of any revolution to guide it, back it, encourage it or support it whilst exercising revolutionary control over it.'

Put another way, in spite of this so-called split between Authority and the Revolution, the latter would always precede the former, providing support and backing for it whilst exercising control over it.

Qadhafi then confirmed, in his speech, that the Authority would, from now on, play the role of king for the Jamahiriya state<sup>3</sup>, and defined it as follows:

'In future, the Authority will be entirely in the hands of the masses; it will be exercised entirely by means of the People's Congresses and the People's Committees. The masses, organised into People's Congresses, ...'

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<sup>1</sup> National Record, section 10 1978/1979. Pages 23 - 39

<sup>2</sup> *ibid*, p27

<sup>3</sup> *ibid*, pp 28-29

.... are the owners of Authority. All Authority shall be with the Socialist People's Libyan Arab Jamahiriya state and there shall be no other form of Authority. It has, and is defined by, the right to make decisions; it has, and is defined by, the right to make laws; it has, and is defined by, the power to form People's Committees anywhere in the country; it has, and is defined by, the power to choose the Secretariat of its Congresses from amongst the Local Congresses right up to the General Secretariat level and it has, and is defined by, the power to dissolve these and review their membership. The masses, without detriment to their wish for liberty and freedom, and the people, have the right to choose whomsoever they wish as members of the Secretariats, including the General Secretariat and the Secretary General and the membership of the People's Committees, including the General People's Committee.'

Qadhafi then confirmed that, in his opinion, he would no longer exercise legislative authority from that day on but would, instead, concentrate on the exercise of revolutionary authority, assisted by the 'revolutionary forces'<sup>4</sup>:

'As for myself, personally, as the leader of this revolution since I formed the first of its cells in Sabha, I shall not exercise legislative authority from now on. I shall, however, exercise revolutionary authority, together with the revolutionary forces, the Revolutionary Committees and the revolutionary organisations. The masses will exercise legislative authority and be defined by it. As for me, I shall not exercise legislative authority after today; the masses shall own the legislative authority through the People's Congresses and People's Committees.'

'I shall not in any way be part of the Congresses or Secretariats, not even the General Secretariat, and I shall not be part of the People's Committees, not even the General People's Committee. I shall accept no executive, administrative or Unionist role but rather I shall return to my natural and proper setting, that of the revolution, not that of the Authority.

But what is the dividing line between 'the revolution' and 'the Authority', or 'the substance of the revolution' and 'the substance of Authority'? Where does legislative authority start and end? What is the nature of the relationship between the two? What was meant by the 'guidance', 'backing' and 'control' that 'the revolution' would use to confront 'the Authority'? What agency had the right to identify and draw these dividing lines, and under what authority?

Qadhafi's revolutionary declaration left all these questions quite deliberately unanswered and surrounded by total obscurity in order to form a loophole through which, in the name of the revolution and the special revolutionary powers, he would be able to dominate the whole structure of the so-called Authority of the People.

Through this loophole itself, Qadhafi went on to talk, in his revolutionary declaration, about the 'Revolutionary Committees' and their nature and their superior special revolutionary powers<sup>5</sup>:

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<sup>4</sup> *ibid* p28

<sup>5</sup> *ibid* pp 26, 29

'The Revolutionary Committees shall not exercise legislative authority after the success of the people's revolution, unlike any political party, and the masses shall be able to take over the Authority and exercise it by means of their organisation into People's Congresses and People's Committees.'

'The job of the Revolution is to exercise revolutionary control and to place the results of this supervision into the hands and vision of the masses through the People's Congresses. It must exercise a true and total revolutionary control for the benefit of the mass of the people. Likewise the job of the revolution is to encourage the masses to exercise legislative authority and this encouragement must be continuous, tenacious and rigorous until the masses have fully understood legislative authority and can exercise it appropriately.'

'This encouragement of the masses will only be complete with the eradication of the mentality that preceded the time of the masses; one of the tasks of the Revolutionary Committees must be to search for any backward-looking individuals and encourage the masses to stamp them out.'

'One of the most serious and important duties of the job of the Revolution is to encourage the masses to counter the corrupt social regime existing in Libyan society up to now. This is the serious task of the Revolutionary Committees; it is the job of the revolution to destroy the free-thinking society<sup>6</sup>.'

'With immediate effect, there is no such thing as revolutionary outside the Revolutionary Committees and no there can be no revolutionary outside a Revolutionary Committee. The Revolutionary Committees will continue the work of the revolution for the purpose of establishing the Authority of the People; the Revolutionary Committees are the instrument of the people's revolution.'

'The Revolutionary Committees shall not exercise legislative authority after the success of the people's revolution; instead, they will continue their work of encouraging the masses to exercise legislative authority.'

'The Revolutionary Committees will carry out the work of the revolution, just as they will exercise revolutionary control, which differs from administrative and budgetary control since it is revolutionary control'.

'The most serious and important duty of the Revolutionary Committees is to encourage the revolution amongst the masses and to put Authority, Wealth and Defence into the hands of the people.'

In any case, and in spite of the extensive claims that Qadhafi proposed in his revolutionary declaration of 1 September 1978 concerning his ceasing to exercise legislative authority, he remained Secretary General of the General People's Congress (as well as remaining Chairman of the Revolutionary Command Council, which was not yet dissolved, and Commander in Chief of the Libyan Armed Forces).

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<sup>6</sup> Qadhafi had issued the second chapter of his little Green Book, the purpose of which was to resolve socio-economic problems. He used this speech to call upon the Revolutionary Committees to infiltrate and take over all the privately-owned commercial, manufacturing and agricultural institutions, companies and projects in the country. *ibid* pp 30 – 35.

On the evening of 12 October 1978, in his role as Secretary General of the General People's Congress (a post that he proposed to step down from, considering it to be 'a manifestation of legislative authority'), Qadhafi talked about the main points of the agenda for the People's Congresses during their third ordinary round for the year 1978, which was to start on 21 October 1978. He tried to justify this (i.e., setting and explaining the agenda points) by saying<sup>7</sup>:

'Now, let us start by simplifying, or explaining, the agenda in a way that will make it easier for you (the masses) to discuss it. Everyone must understand that this is just temporary; in the future, no-one will set the agenda for you. We are here to help you so that you can take over the political responsibility, control and authority that were previously in the hands of the Revolutionary Command Council but is now being transferred to the people. We are here to help you but, in the future, there will be no-one to set the agendas for the People's Congresses, Unions and Committees, and they will have to set their own.'<sup>8</sup>

In his speech, Qadhafi did not hesitate to open another 'loophole' for his Revolutionary Committees, that of getting involved in the People's Congresses and the other structures of so-called Authority of the People by claiming to help them set their agendas<sup>9</sup>:

'The only help available is that of the Revolutionary Committees, who will render assistance on the basis of their wide-reaching emergency revolutionary powers, helping the People's Congresses, Committees and Unions to set their agendas and discuss them.'

When the General People's Congress convened for its fourth ordinary round on 16 December 1978, Qadhafi concluded his opening speech by saying<sup>10</sup>:

'One of the positive new manifestations is the appearance of Revolutionary Committees everywhere, whose task it is to supervise the masses in their People's Congresses, People's Committees and Professional Congresses in the execution of legislative authority. The Revolutionary Committees will play an historical role in the future, both in Libya and in the world as a whole<sup>11</sup> because they will protect the Revolution everywhere, enabling the masses to take over legislative authority. Then, they will protect the masses and enable them to consolidate the Authority of the People but they will not exercise legislative authority, unlike any other political organisation in the history of world politics.'

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<sup>7</sup> *ibid* p90

<sup>8</sup> The People's Congresses, Unions and Committees still don't do this even today (2006); Qadhafi still monopolises this task on behalf of the Authority of the People's structures

<sup>9</sup> *ibid* pp 90, 117

<sup>10</sup> *ibid* p214

<sup>11</sup> Start of the speech about a new role for the Revolutionary Committees' movement that would go beyond the Jamahiriya state.

Likewise, in the session before the conclusion of the General People's Congress held on 19 December 1978, Qadhafi gave a speech that contained some observations that we thought important at the time, saying<sup>12</sup>:

'Personally, I would like to register my sorrow that the Congresses have not understood their interest in reconstructing the coastal strip. I mean, I'm really sorry that these Congresses did not understand the requirement and I blame the Revolutionary Committees present within these Congresses for their inability or failure to perform their revolutionary role in enabling the masses to understand their interest or grasp it.'

In spite of Qadhafi's continuing to exercise legislative authority and total absolute control over the structures of so-called direct Authority of the People, he did not hesitate to repeat his claims in this speech concerning 'the separation of the Revolution from Authority'<sup>13</sup>:

'The Revolution is separate from Authority; the masses exercise legislative authority. Even a non-revolutionary has the right to govern their own affairs; they have the right to exercise legislative authority. As for the Revolution, however, it can only be exercised by a revolutionary.'

'The Cause of the Revolution is a personal one; a matter of life and death, we cannot ignore it. We might even use our weapons later on in the name of the Revolution but we are not prepared to use weapons for legislative authority ... the authority of the masses (!)'

'Moreover, the Cause of the Revolution is a personal one. I intend that we (he means the Revolutionary Command Council), when we hand over at the next meeting (he means the General People's Congress), are fully certain, with God's help, that we hand over to the Secretariat, the Secretariat of the Congress i.e., the Secretariat of this Congress. This does not mean that we are abandoning our task, since the Revolution is our Cause. As for the Secretariat, any clerk can sit down at this table, write the papers and manage the sessions.'

Then Qadhafi added, talking about the unity of the Revolutionary Command Council, the Free Unionist Officers' movement and the Revolutionary Committees in 'A new generation of revolutionaries'<sup>14</sup>:

'We were given this job at the time when we were just the Free Unionist Officers and there was no Revolutionary Command Council at all. Today, there is a new generation of revolutionaries joining us who will be incorporated into the Revolutionary Committees within the People's Congresses and the Professional Congresses and even into the schools and institutes. Today, Revolutionary Committees are already widespread and are developing everywhere. Every Revolutionary Committee is based on the Revolutionary Command Council, which was in turn based on one of the cells of the Free Unionist Officers.'

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<sup>12</sup> *ibid* p217

<sup>13</sup> *ibid* pp 220, 221, 222

<sup>14</sup> *ibid* p223

'At this time, however, we are moving towards Revolutionary Committees [springing up] everywhere. In every school, there is a Revolutionary Committee; in girls' schools, boys' schools and institutes. Every college has a Revolutionary Committee; every People's Congress has a Revolutionary Committee. Maybe this will extend to the furthest branches of this ... (!) We are at the head of the Revolutionary Committees; these Committees will become ideological committees that – in other words – will resemble the International Communist Parties<sup>15</sup>, but without their doctrine, of course; the Marxist parties that have spread communism worldwide.'

After January 1979, Qadhafi started to meet publicly with the members of the Revolutionary Committees. Amongst these was his meeting on 4 January 1979 with members of the Revolutionary Committees and Secretaries of the People's Congresses (who were themselves also members of the Revolutionary Committees). Amongst other things, he told them<sup>16</sup>:

'I am calling upon the revolutionary forces to be incorporated into the Revolutionary Committee. I am talking about the true revolutionary who has the right to belong to any Revolutionary Committee and who will subsequently continue the duties and tasks of the Revolution. The Revolutionary Committees are like Abu-Bakr, the First Caliph.'

'When you believe in these things, we shall give you a badge and you will carry on because the Revolution has a rational leadership. It has a target that you will wish to achieve. If it did not have such controls, it would become chaotic. Revolutionary command is not the same as control of legislative authority, the administration or of government. When you say 'revolutionary forces', etc, that's it, it will be in motion.'

'Who will tell the masses that such a person may become a minister for industry? It is you who will tell them, you, the Revolutionary Committees, the Congress Secretaries, the Deputy Congress Secretaries and the Congress Secretariats.'

'Thus the power of the revolution must supervise the people and make them aware and blaze the trail from the beginning (against the enemies of the Revolution) because the Revolution moves apace; it will advance in any way it can, even if it is broken into (severed limbs). It continues to advance; the train is in motion, anyone who stands in front of it will be crushed.'

'There is no requirement for the public as a whole to become either enlightened or revolutionaries; wheat and chaff together may find a place with the forces of the revolution. Keep the people rumbling around as I have done for twenty years, ten years before the revolution. If this is the destiny, duty and ability of the forces of the revolution, the people will rumble around in its interest until they're happy.'

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<sup>15</sup> For all that Party activities are forbidden to others.

<sup>16</sup> *ibid* p 231 – 249. Compare what was said on this matter with what Qadhafi said during the meeting.

'The Marxist revolution ... butchered millions of people ... even then, there was no problem. However many die, people forget but the result is a victory for truth, a victory for good, a victory for progress.'

In preparation for the declaration of the so-called split between 'the Authority and the Revolution', on 11 February 1979, the General Secretariat of the General People's Conference issued its Decree No 3 of 1979<sup>17</sup> concerning the transfer of the special powers granted to the Revolutionary Command Council to the General People's Congress, the General People's Committee (the Cabinet) and the Supreme Council for the Judiciary.

As for the special powers that were transferred to the General People's Congress by the abovementioned Decree, they included the appointment of the following (Article one):

- The President of the Supreme Court and their advisers
- The Prosecutor General
- The Governor of the Libyan Central bank and their deputy
- The Inspector General
- The Head of the Treasury and their assistants

As for the special powers that were transferred to the General People's Committee, they included the following (Article three):

- The appointment of the heads of the national basic administrative councils for oil, the agricultural bank and the industrial property bank
- The appointment of ambassadors and ministers plenipotentiary in political circles
- The creation of public companies
- The creation of public authorities and administrations
- The opening of temporary trust funds in the case of delays setting up new budgets and paying out [overspending] on authorised projects within the plan<sup>18</sup>
- The granting of exceptional and additional subsidies and compensation
- Authorising comprehensive urban planning
- Authorising special public welfare organisation systems

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<sup>17</sup> This Decree was based on its preface to the decrees from the third ordinary round of the People's Congresses (31 October – 30 November 1979) that the General People's Congress formalised in its meetings between 16-20 December 1978. See Vol 4 (year 17) of the Official Journal, issued on 7 March 1979.

<sup>18</sup> This measure suggests a shocking defect in the State's higher echelons

As for the third Article of the abovementioned Decree, it said that the Supreme Council of the Judiciary<sup>19</sup> would have jurisdiction over all the special powers relating to judges and prosecutors referred to in the Judiciary Act and that the Appeals Council would have jurisdiction over the special Appeals rulings and issue full and partial amnesties<sup>20</sup> in respect of punishment sentences.

Likewise, the fourth Article said that the General Secretariat of the General People's Congress would be responsible for all of the Central Administrative Control organisation and the Treasury.

### **The Clarity Meeting**

On the evening of 11 February 1979, the State television corporation ran an interview with Colonel Qadhafi entitled, 'The Clarity Meeting' in which he described what lay behind the separation of the Revolution from the Authority. The script from this interview leaves no confusion or doubt that the abovementioned separation operation was a mere formality and that Qadhafi would still hold all the reins of power through the phrase, 'his leadership of the Revolution'. All that this so-called separation meant was the formal removal of the Revolutionary Command Council and the transfer of its authority, under the next phase, to 'the people, the Congresses and the Committees' by ruling that these had started to take over Authority, the Revolution and Defence since March 1977. We believe that this was made quite clear in Qadhafi's answers to the questions that were put to him during the interview, the most relevant of which we have selected below<sup>21</sup>:

Question: What will be the historical task of the leadership of the Glorious 1st September Revolution after the next extraordinary round of the General People's Congress in which legislative authority will be separated from the Revolution?

Answer: The task of the leadership is to lead. So, handing over any administrative work to the General Secretariat of the General People's Congress, or the Cabinet, as previously, does not mean handing over the Revolution. As a consequence, it does not mean that the Revolutionary Leadership has no work to do even though, in the people's minds, they may believe that the leadership's task involves administrative or executive work. But this is not the job of the Revolutionary Leadership; this is something extra that it has taken on, although it is very good at it.

'The basic task of the Revolutionary Leadership, however, is the Cause of the Revolution. I would like to resolve any confusion in the minds of people who say, 'If the leadership has handed over to the General Secretariat of the General People's Congress, what will it do now?

<sup>19</sup> NB, this Council became the responsibility of the Justice Secretary (Minister).

<sup>20</sup> Compare with what Qadhafi said during the 'Clarity Meeting' of 11 February 1979 at which this Decree was issued.

<sup>21</sup> *ibid* pp275 -304. The reader will not fail to notice in this interview that the questions asked were not spontaneous and were intentionally prepared in advance.

'Basically, the leadership works on behalf of the General People's Congress. Before it took on any administrative or executive tasks, it was the leadership of the Revolution and the Revolution only existed by reason of this leadership. Then some changes took place; the People's Congresses and People's Committees were created, as well as the General Secretariat and the General People's Committee and all the other people's organisations that exist today. In fact, they all stem from the Revolution.'

The Revolution is the most public and comprehensive part not only of the General Secretariat and the General People's Committee, as well as all the organisations initiated by the Revolution aimed at the establishment of the Authority of the People, so its leadership has become involved in the tasks of the administration and the executive, like the General Secretariat, etc. This paints an untrue picture; it remains the leadership before and after such matters.'

Naturally, this speech confirmed half of all the claims about the establishment of the so-called Authority of the People. In spite of the seriousness of Qadhafi's answers, the interviewer was not ready to put questions to him on the nature of the relationship between the 'Leadership of the Revolution' and this 'structure' that it had formed or ask questions about the 'legal instrument' that this relationship constituted, nor about the limits of this relationship.

Question: OK. Our Comrade Leader has said, 'The revolution has an intelligent leadership, i.e., a rational one'<sup>22</sup>, so is the matter of handing over, the revolution authority, [wealth] and defence to the people one that is to be completed by some final handover? Or is there some direction, some other restraint?

Answer: The Revolution does not mean any handover. Nobody is going to hand over the Revolution to anyone else, but the wealth, the legislative authority and defence may be handed over and exchanged.'

Then Qadhafi supplemented his answer, saying:

'In fact, all this will be completed in one go.

As it happens, in front of us, by means of the ten year progress of the revolution, we have now reached the completion of Authority of the People, building the Authority of the People by means of a chain of revolutionary and evolutionary operations that have made the Revolution interactive with the masses, leading to the subsequent setting up of the power of the masses.'

'The Revolution also has become the property of the people by means a number of radical changes and measures ...'

'Defence too will be crowned by the setting up of an armed populace ... and the abolition of the military establishment shortly ...'

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<sup>22</sup> This refers to Qadhafi's speech during his meeting with the Revolutionary Committees and the Secretaries of the People's Congresses on 4 January 1979.

'All this will be done by the Leadership of the Revolution. In fact, it will be done by the Revolution; the Revolution with its leadership ...'

Yet again, the interviewer didn't ask Qadhafi about the role of the Authority of the People structures to go with this so-called 'handover', or his timings.

Next, the interviewer moved on to the third question, one concerning the participation of the Revolutionary Committees in the legislative authority and the conduct of administrative and executive tasks. Qadhafi had frequently said in the past that the work of these Committees was not to exercise government.

Question: Will the Revolutionary Leadership and the Revolutionary Committees remain detached from the exercise of legislative authority?

Answer: This subject is the last thing that needs explaining at this time. The Revolution, or the revolutionaries who are conducting the Revolution, and the masses, were created from their right to exercise legislative authority – and no-one may exercise this in their name. This does not mean in any way that no revolutionary may do any administrative or executive task, no ... there is no fixed subject for this form but it's true ... or it is taking place ... or it definitely will take place, that the masses who form the Revolutionary Committees and the masses in the People's Congresses, building on the Authority of the People by means of the Congresses and Secretariats of the People's Congresses and the People's Committees, may choose – and this will happen – between those who select them for the Secretariats of the Congresses and the Committees, and the Unions too, choosing between the forces of the Revolution, or rather the forces of the Revolution will always be chosen, since they set an example to the people, who must fill these places within the Secretariat of any Congress, Committee or Union.

Then Qadhafi went on to say:

'The idea is, however, that the Revolutionary Committees should not resemble any traditional political party anywhere in the world. The Revolutionary Committees were not formed to take over legislative authority; they were formed to enable the masses to take over legislative authority; this is their fundamental task. Meanwhile, however, it may be that the masses appoint a member of the Revolutionary Committees within a Congress Secretariat, within a People's Committee or within a Union, and this is not forbidden.'

Then the interviewer moved on to question Qadhafi about the foreign relationships of the Jamahiriya State, introducing this by a question about welcoming guests to the country such as heads of state, etc, and who would take on this task? Would it be the Revolutionary Command or the 'Authority of the People's structures'?

Question: Once the legislative authority is fully in the hands of the people, and the leadership is circumscribed, who will be given the task of welcoming heads of state and other guests to the Jamahiriya State?

Answer: This is (just) a formality. It won't matter in any way, especially for us at home, but, in any case, we are the responsible revolutionaries in this country and all the changes that have taken place in Libya came as a result of the Revolution that we led. We are responsible as the head of the Libyan people, in any case as their vanguard, for the country's reputation and for meeting its guests and [welcoming] them.

'This issue isn't far removed from the Revolution. The question is of relationships with foreign countries, and what is said in the announcements relating to them, as well as any treaties or agreements relating to the progress of relationships between one country and others.'

Thus, according to this answer that Qadhafi gave, the Leadership of the Revolution would remain responsible, as the head of the Libyan people, for Libya's overseas relationships, including the matter of welcoming visiting heads of state to the Jamahiriya State even though such 'reception' was a total formality.

The interviewer then moved on to ask Qadhafi about the fate of those who had previously taken part in attempts to overthrow the State now that legislative authority was to be handed over to the people?

Instead of Qadhafi leaving this matter to the Libyan people now that they were supposed to be assuming total legislative authority, he denied any right of trial in this matter to the organisations of this so-called Authority, saying:

If what took place ... on the 1st of September was a revolution, and there is no doubt that it was a revolution ... whatever took place after that was just attempted theft. I mean, the sort [of people] (who made these attempts), they're like stray and starving dogs. As for their fate, I say that, as for anybody convicted of plotting against the Revolution<sup>23</sup>, there is no hope that – sadly – they will be reprieved or forgiven. This is definite, so, if anyone is convicted of an act of conspiracy against the Revolution, if sentenced to death; they will die; if sentenced for life, they'll do life. Because the Authority of the People is at risk, certainty is at risk and the masses are at risk from anyone one taking advantage of them'

'These people have treachery in their blood. They are criminals and thieves. They are of no use to the Authority of the People and it is not reasonable that we should release them at any time...'

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<sup>23</sup> Qadhafi has forgotten or is forgetting what he said on 1 September 1978 in his revolutionary speech, 'It was shameful', that he was defending the people against the power that he exercised but sometimes it was a crime to kill someone else so that one might remain in power. Ibid p30.

'If anyone plots against the Revolution, now or in the future, they will be shown no mercy, no parole, no amnesty'

'In any other case, people may have their sentences lightened or be released, but, for treachery, there is no forgiveness; no-one can be forgiven for treachery.'

Thus Qadhafi denied the masses and their so-called legislative power structures any other rights such as a trial, or retrial for any judgement issued or that might be issued, for anyone accused of taking part in political activities or attempts to overthrow the state on the grounds of the risk to the Authority of the People and the risk to the masses of being taken advantage of.

Moving on from the previous subject, the interviewer asked Qadhafi about the 'measures to protect the Revolution' in the light of so-called Authority of the People:

Question: As part of protecting the Revolution after separating it from legislative authority, what measures will be taken to protect the Revolution? What will be the powers of arrest, trial and appeals against judgements issued in this matter?

Qadhafi only answered by again confirming that no measures relating to the protection of the Revolution were part of the special powers of the so-called Authority of the People organisations such as the People's Congresses and Committees and the General People's Congress.

Answer: The Cause of the Revolution will always remain a matter for the revolutionaries. The Revolutionary Cause cannot be left in the hands of a non-revolutionary. Up to now, any case of protecting the Revolution ... in this matter ... be it a trial, or the arrest of anyone who attacked the Revolution, their trial or their judgement, or any appeal against such a judgement, could not be left with any agency other than the Revolution. I mean, it will always be our Cause ... protection of the Revolution is our Cause, the Revolution is our Revolution. The Cause of the Revolution has no middle way, so dealing with these people is one part of the task of the forces of the Revolution. This is one of the tasks of the forces of the Revolution, seeking these people out, arresting them, trying them and passing sentence upon them; this will always be one of the tasks of the forces of the Revolution, from the Revolutionary Committees to the Revolutionary Command. Furthermore, this should be the task for everybody who is conscious to this level.'

Thus, according to these 'revolutionary clarifications', issued by Qadhafi a few days before the meeting of the General People's Congress for its third extraordinary round, the separation of e Authority from the Revolution was announced as follows:

- The General Secretariat of the General People's Congress, the General People's Committee and the other structures of the Authority of the People are formal administrative and executive matters. As for the Revolutionary Leadership, it comes both before and after all these matters; it is concerned with the Cause of the Revolution ...

... The Leadership of the Revolution formed these structures and established the Authority of the People. This is the most public and comprehensive of these structures.

- There will be no handover or takeover within the Revolution. As for the Leadership of the Revolution handing over legislative authority, wealth and defence to the people, this will not be completed in one go; it will be done by means of a series of changes and deep-rooted measures. These changes and measures will be implemented by the Leadership of the Revolution and as a function of the Revolution.
- The Leadership of the Revolution and the Revolutionary Committees do not intend to take over the legislative authority. In spite of that, they will have the right to carry out administrative and executive activities wherever the masses – and this is [what] must happen – decide to select members of these Committees to carry out these tasks.
- Responsibility for the Jamahiriya State's external relationships, including receiving visitors to the country, is a special power of the Leadership of the Revolution.
- The Authority of the People structures do not have the right to try or retry any judgements made against anyone accused or tried in matters pertaining to conspiracy against the revolution.
- All measures relating to the protection of the Revolution, from arresting the accused, questioning them, trying them and carrying out the sentences issued against them are special powers of the forces of the revolution and not a matter for the Authority of the People's structures.

On 21 February 1979, Qadhafi declared his appointment as Secretary General of the General People's Congress, enacting a request by the General People's Congress sitting on 1 March 1979 in the Hall of the People in Tripoli. Amongst the decrees that this extraordinary second Congress adopted was the separation of the Authority from the Revolution and the dissolution of the Revolutionary Command Council, standing down the remainder of its members (Maj. 'Abd-al-Salam Jallud, Lt Col. Abu-Bakr Yunis, Maj. al-Khuwaylidi al-Hamidi and Maj. Mustafa al-Kharrubi) from all of their duties and responsibilities.

Similarly, on 2 March 1979, this Congress (lasting just two days) issued a Decree forming the General Secretariat from five people, headed by 'Abd-al-'Ati al-'Ubaydi, with, as members, Muhammad bil-Qasim al-Zawi, 'Ali bil-Khayr, 'Abdallah Zahmul and Mukhtar Qarba' and noted that all of them apart from al-'Ubaydi were members of the Revolutionary Committees.

In his book, *Libya since Independence*<sup>24</sup>, Dr Dirk Vandewalle talks of this, as [retranslated] below:

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<sup>24</sup> *ibid* p 102

'... a further distinction between 'the official regime' and 'the revolutionary regime' was Qadhafi's resignation in December 1978 from his post as Secretary to the General People's Congress<sup>25</sup> to allow more time for [reflection] and the Revolution.'

'On 2 March 1979, the General people's Congress issued its Decree separating 'the official authority' from the 'revolutionary authority' and dissolved the Revolutionary Command Council, releasing its remaining members from all their tasks and duties. All the posts became part of the official Authority structure (the formality) in the hands of civilians. After this separation, it was arranged that no organisation coming under the 'official Authority structures' would any longer be able to challenge the 'revolutionary organisations'.

As Hans Peter Mattes says in his research entitled 'The Rise and Fall of the Revolutionary Committees' on this subject<sup>26</sup>:

'And thus Qadhafi mentioned for the first time in his speech<sup>27</sup> (8 March 1977) the presence of 'a revolution within the revolution'. This was the step that led to the separation of legislative authority from the 'instruments of the revolution' and 'those who are in power, i.e., the government' on 2 March 1979.

This separation acquired some force on 6 November 1977 when activists from the Local People's Congresses and the Tripoli Students' Union formed a Revolutionary Committee after Qadhafi met with them.'

'The Decrees that were issued at that time by the General People's Congress were of a joint nature; on the one hand, the Decrees were covered appointments that had to happen as a result of the declaration of the separation of the official Authority from the revolutionary Authority. On the other hand, the decrees covered the restructuring of the organisations linked to the General People's Committee. Indeed, the resignation of the remaining members of the Revolutionary Command Council from the General Secretariat of the General People's Congress and their self appointment to what they described as 'the Leadership of the Revolution' led to the formation of a new command group and the establishment of the Revolutionary Sector. These resignations brought about the appointment of the new General Secretariat of the General People's Congress and this Congress then selected a purely civilian Secretariat to succeed the previous collective leadership (represented in the Revolutionary Command Council) to build the official subdivision of the Authority in Libya.'

'In opposition to this civilian leadership of the Official Sector, there appeared the collective, but purely military leadership of the Revolutionary Sector, which included whomsoever was left over from the Revolutionary Command Council. In fact, the separation between the official and revolutionary organisations at that time created the Revolutionary Leadership, considered to be ...

<sup>25</sup> We see how Qadhafi used this appointment on 21 February 1979 to ask the General people's Congress to convene on 1 March 1979.

<sup>26</sup> See Qadhafi's Libya 1969-1994 by Dirk Vandewalle (Ed), St Martin's Press, New York, 1995.

<sup>27</sup> National Record 1976/1977, pages 582/583.

... the supreme Revolutionary Committee. Once in place, it was impossible for the General People's Congress or the General People's Committee to challenge it. From then on, the status of the revolutionary organisations (including the Revolutionary Committees) became ever more powerful and influential than had been the case before the declaration about the setting up of the Authority of the People and Qadhafi's takeover of the General Secretariat of the General People's Congress<sup>28</sup>.

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<sup>28</sup> *ibid* pp 92-94