

PUBLIC

ANNEX 8.31

**Cour
Pénale
Internationale**



Le Bureau du Procureur

**International
Criminal
Court**

The Office of the Prosecutor

ICC Restricted

Translation of Evidence

Original Document

ERN Range	LBY-OTP-0005-0081 to LBY-OTP-0005-0101
Source Language(s)	Arabic
Number of Pages	21

Translation

ERN Range Translated	LBY-OTP-0005-0081 to LBY-OTP-0005-0101
Target Language(s)	English
Number of Pages	21

ICC Restricted

LBY-OTP-0007-0888

Chapter 13

The Results of Revolutionary Legitimacy: Oppression, State Terrorism and Widespread Human Rights' Violations.

Among the basic ideas and preoccupations on which the insurrectionist regime was founded in the name of 'revolutionary legitimacy' was the submission of Libyan society to 'systematic terrorism' via the setting up of an advanced regime of terror with multiple institutions, organs and ministries equipped with a full range of human resources and material at its disposal. This terror was openly, directly and relentlessly fostered by the head of the regime himself, Gaddafi in both his clear and open support for this apparatus's use of violence, terrorism and destruction against those it called 'enemies of the system' and in his funding of its acquisition of all kinds of economic and socio-political armoury.

The revolutionaries very quickly and within a few months of their accession to power, began to reorganise the existing security apparatus.²⁰⁸ A new body was also established - the 'General Intelligence Service' [the *Mukhabarat*] - the idea for which was inspired by the Nasser regime²⁰⁹ and built by exploiting the 'general climate' in the wake of a number of recent coup attempts (by Lieutenant-Colonels Adam Al-Howaz and Musa Ahmad in December 1960, the Sabha coup attempt in May 1970, the Al-Abyar coup attempt in May 1970 and 'The Hilton Assignment' in March 1971).

In this context it is worth mentioning that the revolutionary regime, as was indicated previously in this work, issued a number of laws and edicts to form the 'general framework' for the operation of this security apparatus and the unlimited scope of its powers, namely:

1. The decree of the Revolutionary Command Council, issued on 26 October 1969, to prosecute those responsible for political and administrative corruption under the monarchy. A special 'People's Court' was established for this purpose. Similarly the 'public representation' decree barred any pleading in cases put before this court. The responsibility for this new court was entrusted in the Office of The Prosecutor General, which was established in line with Article 10 of the same decree and which assigned to this office the task of investigation into all cases or into any person referred to them by the Revolutionary Command Council, without consideration of any of the usual legal process in either the investigation or arrest procedures.

²⁰⁸ See the decree issued by the Revolutionary Command Council on 19 January 1970 on 'The security service organisation of the Ministry of the Interior', the decree issued on 3 February 1970 to establish 'a general administration for public investigation' and Law 30 of 1970, dated 1 March 1970, to amend 'state security law'.

²⁰⁹ The revolutionary regime had begun discussing setting up this body from the first month after the revolution on the suggestion of Fatha Al-Deeb (see *Abd Al-Nasser and the Libyan Revolution*, pages 80-81)

2. The 'Temporary Constitutional Declaration' issued on 11 December 1969, Article 18 of which delegated complete and absolute power on all matters of state relating to sovereignty, administration, legal and juridical matters to the Revolutionary Command Council, granting no right of reply or appeal to any party or individual in any decision taken by the Council.
3. 'The Decree of the Revolutionary Command Council for the Protection of the Revolution', also dated 11 December 1969, which prescribes the death penalty for all those who take up arms against the republican system or who participate in activity inimical to the aims of the revolution (amended by Law 115 of 1970, dated 6 October 1970).
4. The Revolutionary Command Council decree issued 11 June 1971 which designates the Arab Socialist Union as 'the sole popular political organisation' in the country.
5. Law 45 of 1972, issued on 10 April 1972, which criminalises strikes, labour walk-outs, school or university student boycotts and sit-ins, with severe punishments for contravention.
6. Law 71 of 1972, issued on 30 May 1972, which stipulates the 'the criminalisation of political parties' activities law' and decrees any party political activity as 'treason' and hence subject to capital punishment.

The experience of living under the revolutionary regime during its early years demonstrated that the mission of the security services, in aid of the regime, included:

1. Investigation of members of the former monarchist regime (both military and civilian) who had been arrested straight after the coup d'état. Around 3,000 of them were arrested in Benghazi and around 1,700 in Tripoli. Many were subjected to torture and/or died due to lack of medical attention or ill-treatment. They include:
 - Hamid Al-Abidi, last Minister of Defence under the monarchy, who died in prison in Benghazi on 6 February 1970.
 - Mahmud Al-Muntasir, who had been Libyan Prime Minister on two occasions. He died in prison in Tripoli on 28 September 1970. The security services placed his corpse in cold storage without informing his relatives. When one of his sons came to the prison to visit his father he was informed of the death and that the body had been placed in cold storage the day before by the responsible officer.
 - Lieutenant General Miftah Sulaiman Abu Shah, head of the security forces in the monarchist era, who died sometime in July 1971.
 - Sheikh Muhammad Saif Al-Nasr, Sheikh of the Sons of Sulaiman tribe. He died in prison in Tripoli sometime during October 1971.

230 of them were also tried in front of the 'People's Court' formed by decree of the Revolutionary Command Council dated 29 July 1970.²¹⁰

2. Arbitrary arrest and harassment of large numbers of citizens accused of participating in activity against the regime or attempts at overthrowing it during those early years. These events include:

- In the first week of December 1969, the regime arrested 30 officers in the armed forces (most of whom had participated in the September 1969 coup). Among them were Minister of Defence Major Adam Al-Howaz and Interior Minister Major Musa Ahmad Al-Hasi, who were charged with attempting to topple the regime.

The accused were subsequently retried before a military court where most of their sentences were increased. Despite this, the regime didn't release them at the end of their sentences and they stayed in prison until March 1988. Major Adam Al-Howaz and Captain Omar Al-Wahidi, who had been sentenced to death, were not released at the same time, nor news of their execution made public.²¹¹

- At the beginning of 1970, the regime arrested a number of military personnel, accusing them of what came to be known as the Al-Baraka Barracks coup attempt or the 'Classroom Officer's coup attempt'. Some of those detained remained in custody until March 1988.
- The regime arrested Prof. Abdel Moola Dughman (a former president of the University of Libya under the monarchist regime) and the lawyer Ahmad Yusuf Abu Rahil. They were charged with writing a pamphlet critical of the regime's policies and remained in prison for nearly ten years.
- On 10 May 1970, the regime arrested a number of civilians, police officers and military personnel, accused of involvement to carry out the coup attempt known as the Sabha coup attempt. Two of the accused died under torture in December 1970 (First Lieutenant Abu Halifa Dakhil Al-Sharidi and First Lieutenant Muhammad Al-Tahir Al-Qataruni). Most of the rest of the accused (including Colonel Omar Abd Al-Rahim, Colonel Muhammad Al-Mahdi and the businessman Salih Yunis Al-Ghazal Al-Zawi) remained in prison until March 1988.

²¹⁰ See Annex 19, which contains a list of the people from the monarchist regime who were put before the People's Court.

²¹¹ See Annex 20, which contains a list of the accused in this coup attempt and the sentences issued on them.

- On 27 May 1970 the coup regime arrested a number of military personnel including Ahmad Al-Zubair Al-Senussi (a former officer) and a number of ministers and officials from the monarchist regime, including Ma'tuq Adam Al-Raqa'i (Interior Minister) and Ahmad Yunis Najm (Minister of Economics). They were charged with conspiracy to overthrow the regime in what became known as the Al-Abyar coup attempt. A number of these were held under arrest and not released until March 1988 (including the poet and writer Rashid Al-Zubair Al-Senussi). One of the accused (Ahmad Al-Zubair Al-Senussi) was detained until the end of the 1990s. One of the accused (Major Abd Al-Hamid Al-Mabruk Al-Majari) died under torture in the central prison.
3. Those arrested when various coup attempts were uncovered were exposed to all kinds of psychological and physical torture, leading to permanent injury in some of them and the death of others including:
- Lieutenant Muhammad Al-Tahir Al-Qataruni (police officer) who was arrested in May 1970 and accused of conspiracy to overthrow the government in the Sabha coup attempt. He died under torture in the central prison in Tripoli sometime during December 1970.
 - Lieutenant Bouhalifa Dakhil Al-Sharidi (armed forces) who was arrested in May 1970 and charged with participating in the Al-Abyar coup attempt and who died under torture in the central prison in Tripoli sometime during November 1970.
4. On 17 August 1971, around fifteen months after the round of arrests the regime made in relation to the three apparent coup attempts mentioned in paragraph 2 above, the regime began to try the accused before a special military court presided over by Major Ali Al-Faituri Arhuma with Lieutenants Al-Mahdi Al-Arabi and Abdul Rahim Salih as the other members. The verdicts were issued on 15 July 1972 and included four death sentences, one issued with the accused in attendance and the rest *in absentia*. There were also sentences ranging from one year to life imprisonment in the case of 38 of the accused. The remaining 101 accused were found innocent²¹², bearing in mind here that most of the accused spent at least two years exposed to the worst forms of torture in prison. Most of those convicted spent their full terms incarcerated and were only freed either in March 1988 or towards the end of the 1990s.

²¹² See annex 21 which lists the names of the accused before this special military court.

5. A number of military and civilian personnel, who Colonel Gaddafi considered a danger to his authority from the early days of his regime, were assassinated. Among the more famous of those who were killed in staged car 'accidents' were:
 - Captain Umhamad Ahmad Al-Harati ²¹³ (infantry) who was one of the United Free Officers who played a prominent role in the success of the military coup. He died somewhere near Tripoli during October 1970.
 - Captain Atiya Musa Al-Kasih (armed forces) who was also one of the United Free Officers. He died somewhere near Benghazi sometime during November 1970. It is known that he was contemptuous of Gaddafi and had quarrelled with him just before the military coup.
 - The journalist Ali Abdullah Al-Warith who was owner of Libyan newspaper *Al-Bilagh*. He was a leading nationalist activist and died somewhere near Tripoli sometime during August 1970.
 - Honorary Lieutenant Miftah Ma'yuf Al-Fakhiri who was known as 'Al-Handyani'. He was a nationalist activist renowned for his courage and daring. He died sometime during December 1971.
 - Captain Umhamad Abu Bakr Al-Maqrayef ²¹⁴ who had been a member of the Revolutionary Command Council and who died, along with Major Abd Al-Salam Julud, in a staged car 'accident' near Misrata on the evening of 12 August 1972.
6. The suppression of riotous demonstrations in Benghazi on 26 February 1973 in the aftermath of the burial of the victims of a Libyan Airlines plane crash which had been brought down by Israeli fighter planes over Sinai on 21 February 1973. The security services, as a result of this, arrested a number of the protestors.

²¹³ Fathi Al-Dib mentions in his book *'Abd Al-Nasr and the Libyan Revolution* (pages 214 and 224) that Al-Harati was among those who conspired with Adam Al-Howaz and Musa Ahmad but had been released due to lack of evidence.

²¹⁴ Among the descriptions Al-Dib gives of Capt. Maqrayef, who he knew well, was that he 'was of tribal origins, embodied in exemplary fashion the morals of the Arab Bedouin, courteous, kind-hearted, a powerful personality, courageous, modest of expression and respectful of all his senior colleagues, but also ruthless when provoked, confronter of the bully and respected by the officer corps as a whole.' (page 230).

As has already been noted, Gaddafi had clarified, in a speech delivered in “Izwara” on 15 April 1973, what he understood to be popular revolution in the following five points:

1. Abolition of the laws.
2. Cleansing the nation of what he called ‘the sick and the deviant’ (being those with different philosophical and party-political approaches to his own).
3. Freedom for the people but not the enemies of the people (arming the pro-revolutionary masses).
4. The announcement of the revolution in leadership.
5. Cultural revolution.

Only a few hours after Gaddafi finished delivering his speech, groups of security service personnel launched, equipped with all of its coercive apparatus and operating across the whole of Libya, the greatest wave of repression seen since the establishment of the country’s independence in 1951, resulting in the arbitrary arrest of close to 1,000 citizens without prior permission from the judicial authorities.²¹⁵ The only basis for arresting the individuals concerned was that they were considered to be among ‘the sick and the deviant’. In other words they were people indiscriminately targeted from other party-political trends. A great number were subsequently released over a period of time but a number were tried by Revolutionary Courts and some of them sentenced to death. The rest were detained in prison until they were eventually released, though five – Ali Muhammad Al-‘Akrami, Al-Ajili Muhammad Abdul Rahman Al-Azhari, Ali Muhammad Kajiji, Salih Omar Al-Qasbi and Muhammad Al-SadiqAl-Tarhuni - were kept in prison until the end of the 1990s.

The University of Libya was, of course, the prime target, and across all its colleges, for the security services. Dozens of students were arrested and dozens more expelled or prevented from continuing their studies. The arrests and expulsions extended to the teaching body too. In this context, it is worth recalling Gaddafi’s words to the students of the College of Economics and Commerce at Benghazi University, delivered on 9 May 1973:

²¹⁵ For the list of names of those arrested, refer to the report issued by the National Front for the Salvation of Libya in 1999 entitled ‘Violations of Libyan Human Rights and Freedoms by the Insurrectionist Regime: September 1969-December 1998.’

‘After all, never fear for, by God, we’ll expel a half, a quarter, a third (of the students) even if (those students) die. I say only what’s right is right. This time nothing will remain but what’s right...’²¹⁶

1973, 1974 and the start of 1975 saw an increase in the repressive activity of the security services through campaigns of arbitrary arrest and assault on life and property.

The regime also continued to develop its inventory of repression and terror via:

1. Completing the dismantling of the constitutional and legislative framework which had pertained under the monarchy, which had provided citizens with a number of protections and which had circumscribed the powers of the security services. This included an ongoing and systematic assault on the judicial authorities’ coherence and independence.²¹⁷ From April 1973 this campaign was also done under the slogan of making the laws redundant and by forming Peoples’ Congresses to oversee the judicial authorities.
2. Development of the resources available to repression and terror including legislative powers, equipment, material resources and headquarters. An example of the ‘legislation’ involved is Law 38 of 1974 (issued on 14 May 1974) ‘on the matter of the deployment of the armed forces to maintain internal security’.²¹⁸ Military training programmes were also run and a General Military Training Law – Law 42 of 1974 – was issued on 12 July 1974 and deals with the use of repression and terror against citizens and especially student and professional associations.²¹⁹
3. A ‘blackout’ on the size of the budget and financial resources of the security services and the confidentiality of its financial dealings even from the audit authorities in the ‘Diwan of Accounting’. Such dealings were therefore not subject to any process of accountability or even open to question.

²¹⁶ *State Register*, Vol. 4 of 1972-73, page 851.

²¹⁷ Refer to Chapter 10 in the section entitled: ‘The Juridical Consequences of the Revolution: Hegemony over the Judicial Process.’

²¹⁸ See Annex 22 containing Law 38 of 1974 regarding the use of the Armed Forces to maintain security.

²¹⁹ Colonel Gaddafi said the following to political leaders at a meeting on Third World Theory on 9 August 1975: ‘People run away and have to join camps, this is what really happened, the cars moved, surrounded them and ordered them to give themselves up to the military authorities. They have to know that the revolution, in order to fulfil its destiny, can change into a bloody revolution against its enemies at any moment. They have to know that there is a general exercise which can’t be avoided and that this resolve cannot be reneged, on whatever happens, even if it means closing the university and the schools...’ *State Register*, Vol. 7 of 1975-76, page 99)

Among the most serious political developments the nation witnessed in the second half of 1975 was the uncovering of a plot to overthrow the regime. Most of the participants were from the United Free Officers' Movement, including four members of the Revolutionary Command Council: Majors 'Amr Al Mahishi, Bashir Huwadi, Awwad Hamza and Abd Al- Mana'm Al-Huni.

As soon as the discovery of the plot was announced on 13 August 1975, military, security and civilian forces began arresting members of the alleged conspiracy, amounting to more than 300 people and including 60 officers.²²⁰

The security services, under the supervision of Major Mustafa Al-Kharubi (a member of the Revolutionary Command Council), began interrogating those arrested, deploying a number of torture techniques,²²¹ while other members of the security services were dispatched to terrorise all areas of the country, sweeping through various cities, organising and encouraging demonstrations denouncing the coup attempt and calling for the heads of the conspirators. They even went so far as burn down the homes of some of those accused, including those of former members of the Revolutionary Command Council.²²²

Colonel Gaddafi who was very shaken by this attempt due to all the evidence on the one hand, and on the other hand because the plot was aimed directly and personally at him and also against his policy and practice, both foreign and domestic; also because they almost succeeded in overthrowing him.²²³ He acted on several fronts in relation to this coup attempt, the principal ones to concern us being:

1. A persistent and public call for 'revolutionary violence' against his opponents.
2. Presenting public justification for setting-up the security services and for giving them a free hand to achieve their aims.

Some examples of what Gaddafi said with regard to the practice of 'revolutionary violence' against those implicated in the coup attempt, indeed to anyone opposing the regime are given below:

'...Every night is the first night of September. If people are found on this night opposing the revolution, we will take up arms as we have before and, if we encounter any of them, on the first night of September standing in our way then we will turn it

²²⁰ A number of people were killed during the arrests, including Colonel Ahmad Abdullah Abu Lifa and Lance-Corporal Muhammad Al-Asfar.

²²¹ This torture led to the deaths of a number of those arrested including First Lieutenant Faraj Miftah bin Ali, Captain Muhammad Faraj Al-Tumi, First Lieutenant Ahmad Faraj Al-Barghouthi and First Lieutenant Adam Abdul Sami'a Al-Bar'asi. Others were driven insane by these procedures, including First Lieutenant Faraj Hamad Lamine Al-Huni.

²²² The houses of Major Awad Hamza and Major Bashir Al-Saghir Huwadi are cases in point.

²²³ Gaddafi admitted, in a lecture given to the secretaries and deputy secretaries among the leadership of the People's Congresses, '...that the past conspiracy could have succeeded...' *State Register*, Vol.7 of 1975-76, page 952.

into a red revolution, but this is as God wishes it. The revolution was white [but] it was not white by our choosing. It was white because nobody stood in our way, but if anyone stands in front of us then the revolution will be red...'

'...Revolution does not always have to be white. It may be red against its enemies. The opposition must be crushed, I have told you that religion crushed its opposition. God crushes those of his creations that oppose him, everyone crushes his opposition...' ²²⁴

(Speech delivered 9 August 1975 at a meeting with political leaders on the Third World Theory *State Register*, Vol.7 of 1975-76, pages 100-101.)

'We said the revolution was white. Because there was no resistance on the first night of September. But if there had have been resistance on the first victorious night of September, then the revolution would have been red. But do not get it into your heads that because the revolution is white till now it will remain white. No, the revolution could turn into...revolutionary violence and this is an inevitable matter. Because the revolution, if it is to remain steadfast and resolute, means that it is close to completion. And, if the revolution is afraid of blood or violence then it is not a revolution.'

(Speech delivered 18 August 1975 at the opening of the political leadership academy. *State Register*, Volume 7 of 1975-76, page 114.)

'As for the opposition to the process of (revolutionary) change itself, it is illegal opposition and it will be crushed without clemency...any attempt to change any progress in Libyan social life by undemocratic conduct (?) ²²⁵ will inevitably be crushed without any mercy at all...it is an inescapable duty upon us, in protecting the vital interests of the Libyan people, to crush absolutely any undemocratic [coup] attempt...to crush it without any pity for the opposition...we can rise to the challenge and use great repression...this stupid, naïve criticism, its tongue will be cut out in this new stage of revolutionary change...it is the [very] root of this which will be cut out...'

'So, in this stage (the stage of transition from revolution to statehood) we will crush the opposition decisively; in this stage, incendiary and malicious criticism (?) it will be halted and these mouths will be muzzled; indeed these tongues will be cut out in the period of revolutionary change...'

'This new stage, it must be made clear, is a stage of revolutionary change and of revolutionary violence but of the people (?) ...If there is to be dictatorship in it, it will the dictatorship of the people; if there is to be supremacy in it, it will be the

²²⁴ 'And of course you know the operations which followed. They were limited but they taught us a lesson in any case, they gave us justification...' (Gaddafi, speaking at the opening of an academy for political leadership on 18 August 1975. *State Register*, Vol.7, page 106.)

²²⁵ This is based on Gaddafi's own personal view of democracy and his belief that the regime he had established was a democratic one.

supremacy of the people over its enemies...if there is to be severity it will be at the hands of the people and against the enemies of the people...it will not be conducted by a policeman, it will not be conducted by a soldier but the Libyan people are compelled, forced, cannot escape practising dictatorship on its enemies...'

'...there will be opposition, but it will be crushed and crushed until its roots are cut out...'

'We want to build a modern state, and we won't let anyone impede our path whether in the army, among the people or in the university, even if we sacrifice thousands of these sick forces...there's no problem with that...because they will represent a drop in the ocean...'

'I have told you that the hazardous, historical path which leads to great change is always paved with corpses, even if the revolution is white and even if we want to keep it that way...'

(Speech to Al-Aqila region, 7 October 1975. *State Register*, Vol. 7, pages 326 and 329.)

'...any tampering, any unjustified sabotage must be crushed and crushed and crushed, because it obstructs and disrupts the transformation to democracy, towards tangible advancement...'

(From the 'first politicisation tour' in Tripoli, 19 October 1975. *State Register*, Vol.7, page 369.)

'...so these families and circles of alliances with our enemy, and we the Libyan people after we have liberated ourselves and rid our land of the foreign enemy, we of necessity must rid ourselves of spies...'

'So now it has become clear that we are settling accounts with [these] spies, with the infiltrators and the parasitical bourgeoisie...we are settling accounts with our pseudo-compatriots...'

'So the revolution is now in the ascent – though bloody – [and] we will carve our way via these masses which I see in front of me, through the deprived, the industrious, those who have been exploited in the ages of darkness, those sentenced to backwardness...'

'If there are challenges to the revolution from within, we know who those internal enemies of the people are that we should turn our repression on...we know the enemies we will settle accounts with from now on...'

(Speech on the People's Destiny, given in Benghazi, 10 November 1975. *State Register*, Vol.7 of 1975-76, pages 417-433).

‘So I warn you that the battle has begun with those people and with anyone who betrays the revolution, anyone who steals from the revolution, anyone who destroys this programme of revolutionary change...for they implement the will of imperialism and hence we must start the battle with them...and, with them, we will not accept traitors and spies among us; and they have to understand that it is easy to crush them, that this is not difficult, even if they were veiled by the veils of the Ka’aba, even if there was a Ka’aba in Libya and they were veiled by its veils, we would seize them if they committed treason...’

‘...the battle commenced with the bourgeoisie and with the bourgeois collaboration with its apologist friends now [in the August 1975 coup attempt] ...they encouraged some of the people to conspire against the revolution...the bourgeoisie, by which I mean not just in the material sense but also in the intellectual, cultural sense...’

(Closing Session of the General People’s Congress 18 January 1976. *State Register*, Vol. 7, pages 437-458.)

Gaddafi’s tendency to treat the August 1975 coup attempt as a pretext for unleashing the repressiveness of the security services is clear from the following quotations, from his own mouth, taken from a meeting with the political leadership at the Nasr Al-Din Al-Qammi Centre in Tripoli on 23 August 1975:

‘If the revolution encounters opposition, especially from within, be certain that this will be at the expense of democracy... Sometimes the money which you [want to] spend on agriculture ends up of necessity being spent on the police...What is the reason? The reason is the desires of the counter revolution...This means that many revolutions turn into coups d’état...What is the reason? Because they are compelled to by the threats surrounding them and which transform them into that...It means, from time to time that the official is obliged to buy instruments of domination rather than agricultural pesticide sprays, sometimes you are told that security comes first, though it diverts the country away from agriculture; no people can permit people to be greedy in this way; this is impossible...’

‘Even the Prophet retained and deployed security services and carried a sword and fought in the cause of the religion...’

‘Even our Lord created a meteor in the sky to burn demons that rebelled and opposed Him...and he turned hell into something like the central prison (?) where he placed the enemy...’

‘Our Lord, Almighty and Exalted, who owns all power and all things, yet it’s very clear that there are arrangements for protection and security, for challenges and threats and He made of all of us vigilant watchmen, there are *mukhabarat* from the

heavens that we don't see, there are angels who record what we say, so why not mankind [*doing a similar thing*]?!²²⁶

'He (the Almighty and Exalted) tells you that he has 'a vigilant watchman', one who records the good deeds and one the bad deeds. This means that there is an intelligence service behind you, observing whether you are a good or evil person...If you follow the right path, you will be reassured and the honest person will not fear the vigilant watchman; on the contrary, said he would say, thank God, that the angels are present and our Lord is near to record good deeds. And, if a man does evil deeds, he will be continually fearful, hoping this vigilant watchman will leave him alone, be overlooked because he fears him...'

'Why do we have this watching over us? Why these angels?'

'And, instead of saying "God spare me from the cursed devil, Great God forgive us", he would say "God spare me the angels", because he is following the wrong path ...'

'Like he who works against the revolution now...why do the *mukhabarat* follow us?! Why do you ask? It means there is something in your head. But the clean person who is with the revolution will have no fear ... he would say, no, this is better, as long as they [the *mukhabarat*] are behind me there's protection ... he will always be protected and comforted by them, and he knows that they record his good deeds for him (?!); for the faithful person likes to have the *mukhabarat* behind him, in order for the to be sure that he is a trustworthy person, that he can be relied on and that he plays his role...'

'So the revolutionary programme must be understood...and when you understand you would not allow it to have a setback...I told you about the democratic experience (?!) and I said that God forbid, it may suffer a setback and turns into a police state (as if it is not a police state now!!)... the finances spent on development may be spent on the police services²²⁷ when there is a threat to the revolution ... like in the days when there was a conspiracy against the revolution. Of course, in those days, I say to you frankly that there was no work for the Council of Ministers or the Revolutionary Command Council, that there was no normal work, that we did not discuss agriculture or industry; [*we did*] nothing at that time but discuss the protection and security of the revolution...'²²⁸

²²⁶ We do not address here what is said here about the bravery of the prophet (peace and blessings upon him) and on almighty and exalted God and what is said about atheism and disbelief.

²²⁷ Why is there a connection made between spending on development and on policing? Why can this money not come from arms spending instead of development? The stupidity and banality of the speech's logic is self-evident.

²²⁸ These words means that the Libyan people have to, if it wants Gaddafi and his faction to look on them kindly, to think about them, concern themselves with development, agriculture and industry, then they must prevent anyone from obstructing the revolution. If a conspiracy occurs against the revolution then the Libyan people must expect Gaddafi to concern himself with nothing but the protection of the revolution and its security.

As already indicated, the activity of the students' sector was one the sectors most representing the unrest of the Libyan people, representing the hostility to the regime's practices and oppressive security apparatus. This sector, from the time of the first coup, experienced friction and confrontation with Gaddafi personally and with members of his apparatus, both from inside and outside the universities and schools.

On top of the general reasons derived from the conditions the country lived under the coup and which had caused agitation this sector, there were other issues specific to it. These included the demand to establish a free students' union able to express its own independent views without control, domination or interference by the regime, its apparatus, agents and collaborators.

Hence the student sector and its leadership was one of the key targets for the first wave of repression which the regime unleashed from mid-April 1973 under the slogan of 'People's Revolution' and 'Cultural Revolution'. The outcome was hundreds of male and female students arrested, expelled and forbidden from continuing their studies.

'...How can a student come to me and say 'we don't want intelligence service ! Is this a university? Is this education? This is compounded ignorance...This is not a university, not like this, these are not students, not like this...He who wants to remain with us will remain; he who is not with us will remain under our feet and those who stay behind will be trodden with [our] feet...' ²²⁹

'...This means that you do not understand the people's revolution...and the Revolutionary Command Council will come down to the college and lead the revolution within it.' ²³⁰

'If there are free and honest people, they must (explode ...[rise])...then there will be prisoners, there will be those who get slaughtered and those who make sacrifices ...this is reality...there will be victims...' ²³¹

These threats made by Colonel Gaddafi and the repressive practices of the security services did nothing but increase the student sector's challenge to the regime and to reject his repeated attempts to subject the sector and its general union to its will. 1974 saw an increase in clashes between the student leadership and the regime's apparatus and spies. In 1975, while Soviet premier Alexei Kosygin was conducting his first official visit to Libya ²³² and as he passed through a number of districts in Benghazi, the walls of various colleges of the university could be seen to be covered with anti-regime slogans. Similarly the same year saw the resumption of sit-ins by students in the colleges of Tripoli and refusal to undertake military national service. There is no doubt that the student movement was involved in the coup attempt which was uncovered in mid-August 1975, a further spur to raise the pitch of its

²²⁹ Speech by Gaddafi, 15 April 1973.

²³⁰ Speech by Gaddafi 7 May 1973.

²³¹ Speech by Gaddafi 13 May 1973.

²³² The visit started on 12 May and lasted for four days.

hostility to the regime and its apparatus. There is also no doubt that Colonel Gaddafi found in the coincidence of the two things ominous signs of a threat to both himself and his regime. This led him to escalate the level of terror and repression. We have already seen a number of excerpts from Gaddafi's speeches in this regard.²³³

Completely ignoring the will of the independent student body, the regime held, on 13 January 1976, a foundational conference for the General Union of Libyan Students in the Al-Kashaf Theatre in Tripoli under the auspices of the Minister of Education Dr Mohammad Ahmad Al-Sharif. What emerged from that conference, which was not attended by all student associations, was the General Union of Libyan Students, over which the regime exercised complete domination.

While Colonel Gaddafi chaired meetings of the General Peoples' Congresses (from 5 to 18 January 1976), Benghazi witnessed huge demonstrations, led by university and secondary school students, protesting against the regime's disregard of their will and its establishment of a state-run student union, its members entirely funded by it. Gaddafi had no qualms over instructing the army and security services to open fire on the demonstrators, something which led to dozens wounded and the killing of two students :

1 - Muwafiq Al-Khayat (who died on 4 January 1976) who was a secondary school pupil of Syrian nationality and who had taken part in a peaceful demonstration

2 - Bashir Al-Tawirghi Al-Manqush (who died on 7 January 1976) who was a student at Benghazi Nursing College who had taken part in a peaceful demonstration.

The state apparatus arrested hundreds of student demonstrators and subjected them to all kinds of humiliation, ill-treatment and torture. Despite the blood that flowed for all to see, the Minister of Education had no shame in lying to the world when he made a statement on 10 January 1976, carried by the news agencies, which included the following:

'A number of foreign broadcasters and news agencies have reported that a number of students were killed in incidents at Benghazi University last week. It is important for me confirm that there is no truth in these tendentious reports and that what happened at the university did not lead to the death of any student. The students expressed their views in a demonstration without any massacre as some sources have put it...'

²³³ See Gaddafi's speech on the sixth anniversary of the revolution in Tripoli and to the Aqila region on 7 October 1975.

‘I confirm that no student has been arrested as has been claimed by some and that what happened was due to choice of the Benghazi Students’ Union’s choosing, that it was truly of their own volition and the students have gone back to their studies...’²³⁴

An Amnesty International report for the years 1975-76 on the incidents which took place at in the squares of the university and in a number of streets and fields in Benghazi reported that:

‘At the beginning of January 1976, students of Benghazi University protested against the Student Union elections which had been rigged by the government. Agencies reported that a number of students were killed, wounded or arrested in clashes with the police...’

The ‘Al-Waqay’ showed just part of the regime’s record of terror and repression which followed the bloody incidents of January 1976:

- Gaddafi announced on 12 January 1976 that he would not hesitate to issue a new call for supporters of the revolution and its enemies to stand face to face until either the revolution survived or its enemies did.²³⁵
- Gaddafi emphasised, on 14 January 1976, that what happened at the university was part of the people’s revolution and that the struggle, which had gone as far as gunfire (on the part of the security apparatus and its members), both at the university and in the streets, was a real struggle.²³⁶
- The security services continued with its rounds of random and forcible arrests of secondary school and university students across Libya’s cities. New agencies reported on 5 March 1976 news of these arrests. The security services continued to use the most brutal forms of torture in its interrogation of those arrested.
- Gaddafi delivered a speech on 5 April 1976 in the village of Suluq in which he called for the following day – 6 April 1976 – to be a day of reckoning at the University of Libya between the revolutionary forces and its opponents.

²³⁴ See *Diaries of the First of September Revolution*, Special Section, 1975-76, page 153, paragraph 720, issued by the regime.

²³⁵ Ibid.

²³⁶ Ibid.

- Gaddafi organised a meeting of tribal delegations on 6 April 1976 which had attended the celebrations at Suluq and urged them to attack Benghazi and its university but the tribal leaders refused Gaddafi's call.
- Gaddafi gave a speech on 7 April 1976 to the students of Benghazi University in which he announced that the time had come to settle accounts with both the internal and external enemies of the revolution. He also warned that the revolutionary programme for the good and progress, and that those who opposed it were forces of evil which had to be crushed. He also urged the necessity of forming revolutionary committees in all colleges. He ended by saying: 'The battle has begun and I will not relent until blood flows and runs in the streets with the enemies of the revolution because the revolution is owned by the people.'²³⁷
- As soon as Gaddafi finished his speech on 7 April 1976, gangs of security service operatives and supporters of the revolution in both Benghazi and Tripoli, equipped with weapons and live ammunition, committed widespread abuses, firing on those students suspected of opposing the regime. Many arrests were also made.

Amnesty International's special report on the years 1975-76 describes the attack on students in Tripoli University in this way:

'Other clashes took place at the beginning of April between the student body at Tripoli University and security officers, after Colonel Gaddafi called on the universities to be cleansed of reactionary students. Amnesty International twice telegraphed Colonel Gaddafi in April 1976, seeking clarification on the news that 800 students had been arrested and 250 expelled from their studies, but did not receive any response or other detail about the incident.'

- On 11 April 1976 a Revolutionary Committee of students, officers, teachers and workers at Tripoli University was formed. Similarly revolutionary vanguards and committees were formed in the various colleges of the University of Libya in Tripoli and Benghazi. They undertook campaigns of repression, arrests and expulsions against the teaching staff and students.
- Gaddafi confirmed in a speech to students at Tripoli University, given on 13 May 1976, that the revolution in the universities would be continual because what was required was the crushing of the revolution's enemies, both within and without.²³⁸

²³⁷ *Diaries of the Glorious September Revolution*, Special Section, 1975-76, page 255, paragraph 1220.

²³⁸ *Ibid.*, page 314, paragraph 1506.

- July 1976 also saw the start of the intensive courses for the revolutionary elements in secondary schools and universities which were known as the ‘7th of April Camps’. The elements that took part in these courses formed the ‘revolutionary force’ out of which the ‘Revolutionary Committees’ were subsequently formed. These elements also played a principal role in the campaigns of repression and terror as directed by the security services.

Gaddafi’s threats to the revolution’s enemies continued throughout much of the rest of the decade (until the 2nd of March 1988) and his language of calling for violence and inciting terror became more intense and more unveiled and his refusal to apologise²³⁹ thus causing enough incentive for members of the security services and the revolutionary committees towards more repression and terror.

The other aspect Gaddafi focused on for combating the August 1975 uprising, was amendment of the constitutional framework which would improve the speed and efficiency with which the consequences and expected consequences of those events could be dealt with. In this regard, some of the key steps Gaddafi took were:

1. To issue Law 80 of 1975, dated 17 August 1975, which amended some of the sentencing provisions of the Penal Code of 1953 (Section One of Book Two). The amendments included the extension of arrest powers even to those who had simply expressed their views peacefully and without violent action.²⁴⁰ (The amendment also increased the number of crimes punishable by the death penalty. The amended provisions contain almost 25 provisions punishable by the death penalty .
2. To issue Law 84 of 1975 establishing the ‘State Security Prosecution’, which became the competent authority to investigate and commit to the competent court, to open criminal proceedings and initiate investigations for the following crimes:
 - a) Crimes stipulated in the first section of the second book of the Penal Code of 1953 (i.e. crimes and offenses against the state).
 - b) The crimes stipulated in Law 71 of 1972 (the criminalisation of political parties’ activities law).

²³⁹ On this issue, see in particular Gaddafi’s speeches and statements in the seventh volume of the *State Register* 1975-76.

²⁴⁰ This law was published in No. 45 of Year 13 of the official state newspaper dated 18 August 1975. The Law of Punishments of 1953 was amended twice: firstly by Law 68 of 1974 (dated 10 October 1974) and Law 73 of 1975 (dated 19 July 1975). In relation to the latter law, see the Amnesty International report issued on 10 July 1979.

- c) Any other crimes connected with any crimes mentioned in the previous two paragraphs.
- 3. To issue Laws 86, 87 and 88 of 1975, dated 3 September 1975, which are known as the 'socialist decrees'. These laws were directed as revenge against the traders (the bourgeoisie) that Gaddafi had declared in more than one speech previously, that a number of them were implicated in the August coup attempt.
- 4. The regime established, towards the end of 1975 the 'Special Military Court' chaired by Captain Ahmad Muhammad. It was delegated with responsibility for cases referred to it by the 'Revolution's Security Prosecution'.
- 5. To issue Law 51 of 1976 which abolished the positions of Attorney General and Prosecutor General.
- 6. To issue Law 75 of 1976 which established the 'The Jamahiriya Security Authority' to take the place of the 'The General Intelligence Service', which had been led since its establishment in 1970 by Major Abdul Man'am Al-Huni (who was accused of being involved in the August coup attempt).
- 7. Since the beginning of 1976, he began the formation of 'Revolutionary Vanguards' which became, on 26 May 1976, 'Revolutionary Committees'. They were given responsibility for 'revolutionary agitation' and very soon became the most brutal, indiscriminate and repressive arm of the regime.

Under these measures and procedures and the new climate full of repression, terror and domination, the new Special Military Court under the presidency of Captain Ahmad Mahmud began to hear the cases referred to it by the new Revolution's Security Prosecution. Tried before it were:

- 1. A number of those arrested who hold a variety of political and philosophical tendencies who had begun to be detained from the middle of April 1973 after the announcement of what was known as the 'People's Revolution'.
- 2. Around 69 officers accused of participation in the August 1975 uprising.
- 3. Dozens of students arrested in the aftermath of the student uprising which had taken place in the universities in Tripoli and Benghazi from January to April of 1976.

The sentences awarded by this court ranged were from several years in prison to the death penalty. Colonel Gaddafi intervened in these rulings by:

1. Transferring death sentences from some of those on trial to others;
2. Increasing the severity of punishment in certain cases.

In this regard it is worth pointing to the following incidents:

- a) The Arab Socialist Union headquarters ²⁴¹ in Benghazi was set on fire during the student demonstrations in that city in January 1976 which allowed it to be set on fire. The regime's authorities arrested a number of students after these demonstrations, including Omar Dabbub and Muhammed Ben Saoud. Whilst they were under arrest and investigation, Gaddafi appeared at an event to distribute property debentures for farms to workers on the Wadi Zamzam agricultural project on 19 April 1976. He announced to those assembled the following: ²⁴²

'... we have discovered those who burned down the big church, the cathedral that was in Benghazi and which we liberated after the revolution and turned it into a headquarters for the Arab Socialist Union...we have revealed those who have no interest in the liberation of this church...'

Gaddafi did not confine himself to that, he said before the Special Military Court began to hear the case against those accused of burning the church, he issued his own ruling against them by saying:

'...God willing, the court will sentence them to death and they will hang from the church door.' ²⁴³

Indeed, in a matter of a few months after this speech, the two defendants Omar Daboub and Muhammad Ben Saoud were brought before the Special People's Court, chaired by Major Ahmad Mahmud ²⁴⁴, which served the death penalty on them both. They were hanged on 7 April 1988 in the main square which the church overlooks. ²⁴⁵

²⁴¹ As is well-known, these headquarters were, until the time of the military coup, a large church in the centre of Benghazi. The 'revolution' set about, at an early stage, transforming it, along with other churches in Tripoli, Benghazi and elsewhere, to serve other purposes.

²⁴² See *State Register*, Volume 7, 1975-76, page 765.

²⁴³ Ibid.

²⁴⁴ The other members of the judicial panel were Major Abdul Salaam Abu Qila and Major Muhammad Al-Masrati, the latter of the two later becoming Minister of Justice.

²⁴⁵ Gaddafi watched the administration of the death sentence personally by observing it for one of the hotels overlooking the square. Gaddafi ordered the two condemned men to be left hanging there for about six hours.

- b) The People's Court began to issue verdicts on case numbers 974/74, 1019/74, 1757/74 in relation to thirty-seven of those arrested during April 1973. The sentences ranged from prison terms of a minimum of four years to a maximum of fifteen years. However Colonel Gaddafi, who was not happy with the sentences, issued a decree, on 24 February 1977, to retry the defendants where the sentences of all the defendants were raised to life imprisonment.

One can say that, as the decade drew to an end (in fact on 2 March 1977) the regime of terror and repression was completed. Gaddafi took great care to provide that organisation with what it needed, and to a very high degree, in order to carry out its repressive mission. This included:

1. Wide-ranging and absolute powers to carry out its mission, not just in the laws and statutes which established those powers but also in the open and continual 'incitement' on their behalf by Colonel Gaddafi, encouraging them to deploy 'revolutionary violence' against those who are tempted or dared to oppose the regime and its policies, under whatever banner.
2. Provision of all its human resource needs, represented in foreign 'experts' and local perverted supporters who are prepared to use the full range of oppressive and abusive techniques, torture, assassination campaigns and all kinds of treachery.
3. Provision of all material needs in terms of headquarters ²⁴⁶ and instruments of arrest, torture and murder.

The regime also took care to ensure the 'financial independence' and 'self-funding' for the this organ of terror and repression, including freedom and ease of action and finance sourcing, away from any scrutiny by financial and administrative audit functions, thus being absolved from accountability and even questioning.

It is worth pointing out here that the regime used Law 78 of 1975, passed at the beginning of September 1975, on the financial practices of commercial organisations to allow wide-ranging powers of finance to the repressive forces of terror. ²⁴⁷ This law confined commercial activity to companies in the state sector, in most cases to security companies like the 'African Engineering Company'.

²⁴⁶ The number of headquarters used by the regime for arrest and torture reached 42, as noted in footnote 2 of the report 'Violations of Libyan Human Rights and Freedoms by the Revolutionary Regime 1969-1998' issued by the National Front for the Salvation of Libya in 1999.

²⁴⁷ This law was one of the 'socialist decrees' that the regime issued in response to the accusations levelled against commercial traders accused of being behind the August 1975 uprising.

Thus, by the time this decade was drawing to a close, the toll of this vicious organisation's activities was as follows:

- 16 martyrs due to torture, medical neglect in the regime's prisons and detention centres, or shooting by the security services in the streets or during pursuit operations at the Libyan borders.
- 8 martyrs who fell in 'car accidents' arranged by the regime on the personal orders of Gaddafi.
- Thousands of political detainees from the monarchist regime (1969), those who took part in the coup attempts of 1969, 1970 and 1971, cultural figures and those who hold dissenting political views (April 1973), military personnel, civilian traders (August 1975) and school and university students (January 1976).
- Hundreds sentenced to prison terms.
- Death sentences not yet carried out on a number of military personnel and civilians accused of involvement in the coup attempts of December 1969, the Al-Abyar attempt of May 1970, the attempt of August 1975 and the student demonstrations of January 1976.