

ANNEX A

PUBLIC

Page 1 of 3 Libya's Coordinator for the International Criminal Court: There is procrastination in transferring Saif al-Islam to the Tripoli prison

- [Home page](#)
- [Who we are](#)
- [Contact](#)
- [Links](#)
- [Archives](#)
- [Site map](#)

- [News](#)
- [Articles](#)
- [Issues and opinions](#)
- [Reports](#)
- [Events and opinions](#)
- [Your letters](#)
- [Audio-video](#)
- [Islamic issues](#)
- [Good evening Libya](#)
- [Arab and international](#)
- [Culture](#)
- [Special files](#)

- [RSS feeds](#)

- Facebook

Al Manara news. News. Reports. Nahla Al Faydi

Libya's Coordinator for the International Criminal Court: There is procrastination in transferring Saif al-Islam to the Tripoli prison

Al Manara

12 March 2012

[Photograph]

Special – Al Manara – Nahla Al Faydi

The case of Saif al-Islam Gaddafi has become a source of numerous concerns for Libyans who wonder whether there is a plan to smuggle him out, given the long time it is taking and the lack of statements related to the case by those responsible for it. Against this background, the Al Manara interviewed Libya's Coordinator for the International Criminal Court, Ahmad Sadeq Al Jihani, to find out the latest developments in Saif al-Islam Al Gaddafi's case.

Unjustified black-out

Al Jihani spoke of the extent of shortcomings by the Transitional Council and the Transitional Government regarding their statements about the case of Saif al-Islam. He pointed out that the Government and the Council may well be very busy, but Saif al-Islam's case is no less important than any other business they may have. It should have been given due importance at the appropriate time and in the media.

Priority is always for national jurisdiction

Al Jihani stressed that Libya was not party to the Rome convention [sic] which established the International Criminal Court. Even if Libya were a party to this convention, priority would always be given to national jurisdiction. The role of the ICC is a complementary one, unless the State in question is unwilling or unable to prosecute. Therefore, it is certain here that this case falls within Libyan jurisdiction and that Saif al-Islam should be tried in Libya.

Complementary yet competent

On the other hand, Al Jihani pointed out that the ICC considers itself competent to try Saif al-Islam by virtue of Security Council Resolution 1970 of 27 June 2011. It views this resolution as a strong basis justifying its exercise of jurisdiction. This results in a conflict, which is yet to surface, between two parties disputing jurisdiction. The ICC maintains it is competent while the Libyans still insist that it is they who are competent. Therefore, there is a strong and active dynamic in this regard.

Luis Moreno Ocampo is supportive of Libyans

Al Jihani revealed that the Prosecutor Luis Ocampo was totally supportive of the Libyan judicial system and that he defends it and praises it. This trust stems from his visit to Tripoli on 23 November 2011, and what he was able to observe and witness in Libya. It is namely that three arrest warrants were issued in the Libyan situation without a single ICC investigator setting foot on Libyan territory. This means that the Libyans collected evidence including circumstantial evidence, classified it in accordance with the Rome Statute and subsequently submitted it to the Office of the Prosecutor, where it was examined and found to be valid for presentation to the ICC, as is. Al Jihani also pointed out that at the time the evidence was being collected, the judicial system was limited to Benghazi only, which goes to show the excellence and efficiency of the Libyan judicial system. The ICC issued the three arrest warrants and Ocampo's confidence in the ability of the Libyan judicial system to try Saif al-Islam in Libya increased and he became strongly in favour of this.

The rumour concerning Zintan's refusal to surrender Saif

Al Jihani denied that Zintan had refused to surrender Saif to Tripoli. He said that Saif would stay in Zintan until the construction of the prison in Tripoli is complete. He indicated that according to the judicial division in force, Zintan had no criminal court. The competent authorities in Libya do not wish to digress from this division by establishing an ad hoc tribunal to try Saif, but rather want to try him before an ordinary court.

Priority for Saif's financial crimes

Al Jihani spoke about the classification of Saif's crimes, which are divided into financial crimes and crimes adopted by the International Criminal Court, known as crimes against humanity including murder, incitement to murder, torture, rape and destruction of property. He confirmed the existence of evidence proving all those crimes. He also added that initial focus was on financial crimes to recover funds quickly before it was too late. However, this does not mean that the other cases are not being investigated; rather the investigation is long because of its complexity and the fact that it involves various parties and individuals. Some have been arrested while others are still at large and their whereabouts are not known. All this takes time because it is necessary to question all those whose name were cited during the investigations.

The photographs that show the generosity and the kind-heartedness of Libyans

Al Jihani explained that the photographs which had been published showing Saif al-Islam talking amicably with a group of revolutionaries is a reflection of the kind-heartedness and gallantry of the Libyan people regardless of whether the person in question is worthy of such generosity. The ICC requested an explanation for these photographs and did not interpret them correctly. Libyans do not know what do anymore: if they use force, they ask human rights organisations to intervene and if they treat POWs well, the whole world turns against them, as he put it.

Trying Saif al-Islam in Benghazi

Al Jihani wondered why Saif al-Islam had not been transferred to Benghazi where there is a criminal a legally competent court and judges. He attributed this to waiting for the prison to be completed, securing the necessary protection and an appropriate prison fulfilling humane criteria. He pointed out that there was procrastination because the reasons given are financial, which is illogical. He explained that they had asked all competent ministries to speed up the completion of the Tripoli prison because time was running against this case.

Gaining the confidence of the International Criminal Court

On the other hand, Al Jihani stressed the necessity of helping Prosecutor Luis Ocampo to maintain the right of Libyans to try Saif al-Islam in Libya by quickly commencing a public trial in Libya that is open to the public, in accordance with the Libyan law of 1953. Accordingly, the Council must finish the prison as soon as possible because there are no technical problems hindering the trial. He pointed out that the International Criminal Court is composed of three organs: the Presidency, the Registry and the Office of the Prosecutor. Only the Office of the Prosecutor is wholly supportive of Libyans. The other two organs want to have to the right to try Said in The Hague. This opportunity must be used urgently and correctly in order to win the confidence of the ICC. Then Al Saadi, Abdallah Al Senussi and all the other fugitives will be extradited to Libya without interference from foreign parties.

Concerns regarding the trial of Saif al-Islam in The Hague

Al Jihani revealed that he was concerned that the ICC would formally request that Saif al-Islam be tried in The Hague and that this would be enforced by reverting to the Security Council which had granted it such a right. The ICC would do so if the judicial system was not activated and if the Transitional Council continued to procrastinate by not trying him and not surrendering him to The Hague. This is where the danger lies. This is in addition to other concerns regarding the Saif al-Islam being physical liquidated.

Personal opinion of Libya's Coordinator for the International Criminal Court

Al Jihani expressed a wish for Saif al-Islam to be tried in Libya, especially that the Libyan judicial system is known for its efficiency, which is something it proved during the revolution. In addition, if he were to be tried in The Hague, the trial would only be limited to the crimes committed after 15 February 2012, which would be unfair for Libyans. If he were to be tried in Libya, he would be prosecuted for all crimes committed prior to 17 February until the date of his arrest, which is what Al Jihani is in favour of.

It is worth mentioning that the maximum sentence Saif would receive if tried in The Hague is life in prison, whereas if tried in Libya, the maximum sentence would be the capital punishment.

Number of comments 6

1. nedsimpson

March 12, 2012 10:28 PM

May peace be with you Mr. Al Jihani

May Allah grant you success and guide your steps

2. nedsimpson

March 12, 2012 11:49 PM

<http://www.facebook.com/photo.php?tbid=2760625370522&set=a.2367445221264.2107036.1104425467&type=1&permPage=1>

Ahmad Al Jihani is closely linked to the family of the entombed [*pejorative reference to Muammar Gaddafi*] particularly the prostitute [*pejorative reference to Aisha Gaddafi*].

3. Salem Al Qumati

March 13, 2012 7:29 AM

It seems that the procrastination and the delay is from the Transitional Council and its Chairman (may Allah protect them from envy) because they

want to give themselves time to find a well-devised plan to smuggle Saif abroad, a plan similar to that used by Saleh Ibrahim and the Gaddafi family to get out. But you will soon hear that a special (foreign) force has abducted Saif al Gaddafi. Then, a war of words will break out between Zintan and the Transitional Council and its Chairman over how Saif was smuggled and who was responsible for it.

4. rbedaa ali

March 13, 2012 10:41 AM

May peace be with you. This criminal should be detained in an unknown location until the trial is held.

5. Mahmoud Al Burghuthi

March 13, 2012 7:51 PM

I personally think that this is the real reason why the justice system has not been activated until now. This is an attempt to stop Saif Al Gaddafi being tried in Libya and try him in The Hague to save him from the capital punishment. The Revolutionary Command Council is onto something big by all.....

6. Hassan

March 13, 2012 10:28 PM

Slaughter this corrupt person from ear to ear. This is his punishment.....Squeeze the blood out of them as that buried dog father of his once said.

Add a comment

Your email address will not be published. Required fields are indicated with an(*).

Name*

Email address*

Please enter the correct number for this operation

3 - =1

Comment

Add a comment

News

- Draft cooperation agreement between Libya and Tunisia in areas of health signed.
- National team prepares against a selection of Benghazi club players on Friday
- Interior ministry to appoint temporary security chief and deputy for Darnah
- Local government minister announces flights from/to Sebha to resume
- UNSMIL official unhurt after bomb attack
- Parts of Tripoli unhappy with living conditions
- National team to play Cameroun in Sfax, Tunisia in crowdless arena
- Maltese airlines to fly to Tripolidaily, considers route to Benghazi
- Government spokesperson says institutions ready to try former regime figures

- Mustafa Al Saqazli: “rewards given randomly using fraudulent and identical lists some of them belonging to militias”

- **Most recent**

- Draft cooperation agreement between Libya and Tunisia in health areas signed
- National team prepares against a selection of Benghazi club players on Friday
- Interior ministry to appoint temporary security chief and deputy for Darnah
- Local government minister announces flights from/to Sebha to resume
- Zahra Al Nasreen: I was hard-done by because I answered the call of the homeland
- Dr. Al Hadi Bouhamra: No special treatment for certain criminals
- Dr. Naji Jumaa Barakat: 7th April is a dark period and some criminals are still at largewhen will they be tried?
- Saleh Abdallah Al Suleiman: Islamise politics or politicise Islam?
- Mohammad Yunus Al Darsi: Arab hospital bills for Libyans injured during the revolution: between myth and reality
- Libya’s tribal conflicts undermine the transition from the revolution to the State.

- **Archive**

[Calendar of the month of March 2012]

Topics published do not necessarily reflect the views of Al Manara Media Corp.

Powered by Sharfedin