

ANNEX 2

PUBLIC

(Interview with Mr. Milad Abdul-Nabi Dekali, Al Arabiya, 5 August 2012; The “Special Interview” Program hosts Milad Abdul-Nabi Dekali, the one in charge of Saif Al-Islam’s case in Libya: <http://www.alarabiya.net/programs/2012/08/05/230596.html>)

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Video interview with Milad Abdul-Nabi Dekali
Al-Arabiya Satellite Channel
Programme name: Special interview

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Duration of interview: 23:03 minutes

The “Special Interview” Programme hosts Milad Abdul-Nabi Dekali, the one in charge of Saif Al-Islam’s case in Libya.

Good evening, dear viewers, and welcome to this “special interview” in Western Tripoli. This time, we host Mr. Milad Abdul-Nabi Dekali, the one in charge of Saif Al-Islam’s case here in Libya.

- **Interviewer:** Greetings Mr. Milad.
- **Milad:** Greetings to you.
- **I:** Mr. Milad, probably what preoccupies us the most is the case of Saif Al-Islam, probably it will be the trial of the century, the son of Muammar Gaddafi, the son of a regime that used to rule Libya for decades. He was also the leader of the “Libya of Tomorrow”. He is currently present in the city of Zintan, arrested for criminal offences that might be qualified as crimes against humanity. How do you briefly explain to us Saif Al-Islam’s case from the point of view of the Libyan State.
- **M:** Saif Al-Islam was arrested in southern Libya, through rebels led by Al-Ajami Al-Eteiri, the commander of the brigade. He was arrested and he was moved from the south to Zintan. All proper legal measures were taken against this Accused. Within 72 hours, he was interrogated by a team appointed by the Prosecutor General. He was incarcerated in a prison in Zintan, under the authority of the Ministry of Justice, directly under the supervision of the Prosecutor General, the supervision of the Minister of Justice and under constant communication with regards to his visits, his needs and others.

The brigade took charge of him for, honestly, a very long period, from the time of his arrest to now, by protecting his life and preventing any security breach. Of course he is not a simple kind of an Accused; he was the real President of Libya during the past four years if not more.

- **I:** Mr. Milad, many are questioning about the mistreatment of Saif. How true are these rumours, and how would you answer to such allegations especially that the media has not seen him since the time of his arrest.

- **M:** Saif Al-Islam is being treated in an absolute Islamic manner; all the measures of Sharia are being implemented on his detention. He was never mistreated and was never tortured. I will cite to you an incident regarding the ICC delegation when they paid him a visit; it was more of a spying team rather than an ICC team. His treatment has not changed before and after the incident. And this is a clear proof that the people who are in charge of him are acting in accordance with the Islamic manners, which guarantees more rights than the rights provided by the municipal law. Therefore, he was not at all tortured and he is being properly treated. As far as the Libyan people are concerned, Saif committed crimes that the Prosecution charged him with. He will get his punishment for these crimes, in accordance with the law and the full transparency standards. It will be broadcast live, in public and he will receive his full rights which are guaranteed by the Libyan law.
- **I:** Mr Milad, probably you are the one who knows the most when Saif Al-Islam will be tried. When shall we expect the start of Saif's trial, and the first hearing for Saif Al-Islam Muammar Gaddafi?
- **M:** Saif Al-Islam was supposed to be tried, possibly this month. However, due to the extradition of Al-Baghdadi Al-Mahmoudi, the Prosecution continued the investigation against Al-Baghdadi Al-Mahmoudi with regards to incidents where Al-Baghdadi Al-Mahmoudi was mentioned.
- **I:** So are there further investigations conducted against Saif Al-Islam following some information given by Al-Baghdadi Al-Mahmoudi?
- **M:** No, the investigations were conducted against Al-Baghdadi Al-Mahmoudi, which caused the delay in the case, and I expect that Saif's trial will be in September.
- **I:** Mr. Milad when was the last time you visited Saif Al-Islam?
- **M:** ten days ago.
- **I:** So you visited him in Ramadan? How was the fasting atmosphere for Saif Al-Islam?
- **M:** He fasts and he breaks his fast like...
- **I:** the viewers would like to know what Saif Al-Islam does. Some say that he plays football; others say that he lives in a house and that he eats and drink with the house family. So maybe you can briefly talk to us about Saif Al-Islam and how he spends his day.
- **M:** When we talked about the Islamic treatment we meant that the prisoner must eat what we eat and drink what we drink. Therefore, food cannot be prevented from a prisoner, it is one his very basic rights. So he eats normal food, like everyone else, and drinks like everyone else.

- **I:** Does he read books, does he ask for... does he watch television?
- **M:** he watches television, and this is possible by an order from his Excellency the Prosecutor General. He can obtain his full rights in accordance with the international standards. Food is provided to him, his private bathroom and he eats from the Zintani's food.
- **I:** does he receive visits from doctors?
- **M:** every month, and he does not suffer from any disease.
- **I:** does he receive visits from doctors?
- **M:** of course.
- **I:** What about his fingers?
- **M:** They are completely healed. A surgery was made and they are completely healed.
- **I:** Libyan or foreign doctors?
- **M:** Libyans, from the best doctors.
- **I:** When Saif Al-Islam was confronted with these accusations, how was his reaction to the investigations and the accusations that he was charged with?
- **M:** he received them with high spirits; he reacted like any Accused with his interrogator. Of course he defended himself, of course he would not... if you confront him with the evidence, he would not confess just like that. However, the Prosecution conducted investigations with more than 30 witnesses over incidents that were committed and that Saif was accused with. Those witnesses provided some information. Confrontation was organised between Saif Al-Islam and those who filed complaints against him. The investigations will be fruitful, the Prosecution will insist on the evidence that it accused Saif with, the Defence lawyers will conduct their defence case, analyse the Prosecution evidence, and the Libyan Justice will have the final say.
- **I:** where will Saif Al-Islam's trial be conducted?
- **M:** Saif Al-Islam's trial will be in Zintan.
- **I:** So this problem, which has been discussed in the Libyan media, was resolved?
- **M:** it is one of the Libyan cities. It is a city where the first crimes of the regime were committed in the western part of Libya, because it is the first city that revolted, defending the eastern part. It was one of the principal factors that prevented the dividing of Libya, because the West was marketing for the halving of Libya. It was an actual basis... the city of Zintan was an actual

basis for the prevention of this purpose. It is a city that is located 160 kilometres south west of Tripoli, it is the first city that revolted in western Libya. Therefore, it prevented the idea of halving Libya, hence, the territorial jurisdiction is established and the legal jurisdiction is established. The city is safe. And what furthered The Supreme Judicial Council's insistence to try him in this city is what happened from the ICC delegation and the Chief Guard Al-Ajami Al-Eteiri's unveiling of the conspiracy to smuggle Saif out of prison, and the circumstances of this case which is currently being examined by the Libyan judiciary.

- **I:** we will now take a short break, Mr. Milad, then we will get into the details of the arrest of the ICC delegation that, as you said, tried to smuggle Saif Al-Islam, during their visit to Saif Al-Islam. We will discuss this in a more detailed manner. We will take a short break, and then we will continue this interview with Mr. Milad Abdul-Nabi, who is in charge of the case of Saif Al-Islam here in Libya. Stay tuned.

Break

- **I:** Welcome again, to all the viewers of Al-Arabiya and Al-Arabiya Al-Hadath, in this "special interview" from the Libyan capital, Tripoli, with Mr. Milad Abdul-Nabi, who is in charge of the case of Saif Al-Islam here in Libya. Mr. Milad, everyone would like to know, when Saif Al-Islam was arrested, did he know of the fate of his father and his brother Al-Mu'tasem? And what does Saif Al-Islam know about Khamis Gaddafi?
- **M:** concerning the death of his father, I believe that he knows about it, but according to one of the conversations I had with him, he did not watch the clips showing the death of his father or of his brother. And when we confirmed the news to him, I was moved, and he kindly asked me not to open this topic with him. He was affected by this incident, just like any human being. Concerning Khamis, he confirmed his death and he said that he buried him himself. This was said directly by him and I directly heard him say it. And when we brought up the topic of his family, he tried to avoid talking about it because he got affected, like any human being would have, and we are all human beings.
- **I:** What does he think now, when he watches the television, follows the elections and sees the democratic process in Libya? How does he see Libya now? How does he see the Libya that he used to rule some time ago?
- **M:** he is not happy. He said, which is what everyone currently says, that Libya is corrupt and its funds are being stolen. And honestly, one of the things which I am not satisfied with is that there are, in fact, some financial abuses.
- **I:** some are against the "Libya of Tomorrow" project, and some used to be in the "Libya of Tomorrow" project. What are Saif Al-Islam's views, according to the conversations you have with him? What does he think of the leaders that used to be on his side in the "Libya of Tomorrow" project, when he sees them on television leading the current period?

- **M:** he says “these are the people who were by my side in the “Libya of Tomorrow” project; you did not give us a chance; if you have given us a chance Libya would have changed to the better”. But of course, his general criticism represents only his point of view.
- **I:** Have you not confronted him with the crimes that were committed by Gaddafi in the past decades? Have you not talked about the past years?
- **M:** I believe that the son can never criticise his father. He says that there have been some mistakes and breaches; that the country was not led by only Muammar Gaddafi; the country was led by a collectivity, that he was not aware of everything that was happening, and “we were not satisfied with the situation and we were against what was happening...”.
- **I:** Mr.Milad, what about the case from a legal perspective and what had happened with the ICC delegation? Can you please briefly explain it to us? What was the serious misconduct that was committed by this delegation sent by the ICC? We heard about pens containing cameras, we heard about documents signed *en blanc*...
- **M:** Here is what happened. As I am the coordinator for this case, I went to the ICC delegation in the Hotel, then, we went to Zintan. They were put under an administrative search. During the search, a video-recording pen was found; the Prosecution was, by coincidence, present on site in order to continue the interrogation of Saif Al-Islam. The Prosecution was informed about this incident, then the President of the Prosecution, who was in charge of the investigation, ordered the continuation of the interrogation. He decided to take all necessary measures fearing for the life safety of the Accused. The group’s main preoccupation was the possibility of Saif Al-Islam’s assassination or poisoning, because there was, in addition to the pen, a watch containing a camera and a GPS.

News headlines running across the screen. Milad Abdul-Nabi Dekali: We were afraid that the ICC team would assassinate or poison Saif Al-Islam.

- **I:** Why did the ICC team have all these equipments?
- **M:** Here it was proven that these are people that communicate with a part of the former regime, and this is why high security measures were taken and the conspiracy was unveiled. Some documents *en blanc*, that were given to him by Melinda, were signed.
- **I:** Did Saif sign these documents?
- **M:** he signed them.
- **I:** Therefore, Saif is cooperating.
- **M:** of course, Saif cooperated and he is accused in this conspiracy case.

- **I:** What did the ICC team say when they were confronted with this evidence?
- **M:** they confessed to these accusations, in detail and in the presence of a French lawyer that was appointed by the ICC.
- **I:** Who was the one behind this operation?
- **M:** The main person who orchestrated this operation is Mohamed Ismail. The former director of Saif Al-Islam's office.
- **I:** Were you put under any pressure to release them?
- **M:** Several calls were received, but the judiciary proved that it is independent and is not subject to any pressure. There were several calls, but these calls were for general inquiries: fearing that this case would put pressure on Libya and cause international problems; and about whether these individuals enjoy international immunity because the situation was very particular. The Prosecution refused to release them and ordered their detention for 45 days. Honestly, the ICC cooperated in this case and they ordered its delegation to cooperate in the investigations. The four-member ICC team was interrogated, and they were detained for 45 days, then they were released for reasons that the Prosecution and the Libyan state in general found appropriate.
- **I:** Mr. Milad, since you are in charge of Saif Al-Islam's case in Libya, did you receive any requests from Saif's family to visit him, from his mother, who is from Al-Bayda city in eastern Libya, or from his family members on his father's side, the Gaddafis, in Sirte.
- **M:** No. No one has made such a request to the Prosecution in particular.
- **I:** did any of Saif's friends request to visit him?
- **M:** All of them abandoned him in...
- **I:** and if anyone made such a request you would not object?
- **M:** we don't have any objection. The Prosecutor General would issue an order and it will be implemented immediately /?/
- **I:** why is the media not allowed to visit Saif?
- **M:** ...we won't object. The permission is granted by the Prosecutor General, and then all necessary measures would be taken in advance before the visit.
- **I:** why is the media not allowed to visit Saif?
- **M:** the Prosecution did not allow it. And if the Prosecution allowed it, the visit would be organised. However, I believe that the trial will start soon, you will all see him and it will be broadcast live for the Libyans.

- **I:** Finally, regarding Saif Al-Islam's fingers, the middle, the index and the thumb. He said that it was due to a NATO strike. In order to close this case, what did Saif Al-Islam say in the investigations regarding this incident? How were Saif Al-Islam's fingers cut off?
- **M:** Saif Al-Islam's fingers, according to what he said and as the forensic doctors said, his fingers were cut off as a result to an explosion. Only his index and thumb were cut off and there are some burns on this finger and this finger (*Mr. Milad points at his middle finger and his ring finger*). They were not cut off by a sharp object; it was a result of an explosion. It was nearly a month from the time of his arrest to the time of his surgery, in which he was not able to get his fingers operated. The bleeding had an effect on his finger. The surgery was done very urgently and in coordination with the Prosecutor General for the surgery to be done expeditiously in order to avoid a major health problem. So, thank God, now his fingers are healed.
- **I:** Where was the explosion, according to what Saif Al-Islam has told you?
- **M:** According to what he said it was in Wadi Zamzam in /?/. It was a NATO strike on him and his convoy. He was the only one who survived from this convoy.
- **I:** Do you think that the NATO shelled this convoy knowing the car where Saif Al-Islam was?
- **M:** Saif seems to have been trained. Because he told me about what happened, and I asked him: "How come you are the one that survived?" He told me: "I count four second from the firing of the rocket, then I jump off the ground then I sprawl". Therefore he was not wounded.
- **I:** How did he know that the rocket was fired?
- **M:** of course the firing of a rocket is obvious in open desert areas; the sound of the rocket becomes obvious. In, the first strike against the convoy, the car next him was hit but not his.
- **I:** all the convoy was hit except for Saif Al-Islam's car?
- **M:** all his cars were hit but the rocket was just next to him, and I believe that that was the reason.
- **I:** Finally, regarding those who were arrested with Saif Al-Islam, there were three from the Megarha tribe and one from the Gaddafi tribe, what is their fate?
- **M:** they are still detained and currently being interrogated by the Prosecution.
- **I:** Were they Saif's body guards?
- **M:** they were among those who were trying to smuggle him.

- **I:** Where did he want to go?
- **M:** Mostly, he did not announce it, but he said that he was on his way for an operation in southern Libya. However, most probably he was going to Niger.
- **I:** Was he in touch with Saadi Gaddafi?
- **M:** he was communicating with his family. And probably his last call, 24 hours before his detention, was with his family.
- **I:** thank you very much for this new information regarding Saif Al-Islam and Saif Al-Islam's trial. We are therefore waiting for Saif Al-Islam's trial this September. Thank you very much Mr. Milad Abdul-Nabi Dekali, the one in charge of Saif Al-Islam's case in Libya, and thanks to our viewers. Greetings from me, Mahmoud Al-Ferjani, and see you later.