

ANNEX 1

23 January 2012

URGENT (Please forward to): Libyan Minister of Justice, Ali Humaida Ashour.

Cc: The International Criminal Court; Human Rights Watch; US Embassy in Tripoli, Libya; Libyan Embassy in D.C.; British Embassy in Libya; Libyan Embassy in London; The National Transitional Council (NTC) Office in Tripoli.

From: Mishana Hosseinioun

Re: Saif Al-Islam Gaddafi

Dear Mr. Ali Humaida Ashour

I, Mishana Hosseinioun, write to you as a concerned friend and confidante of Saif Al-Islam Gaddafi, who is currently being held incommunicado in the town of Zintan in your country.

Saif has, I understand, had brief visits by the International Red Cross and by Fred Abrahams of Human Rights Watch in late 2011.

I understand that your government's decision is due today on whether or not to hand Saif over to the ICC in The Hague. Libya is subject to a referral to the ICC by the Security Council of the UN. The ICC Prosecutor has raised charges naming Saif and a warrant for his arrest has been issued by that court.

I understand that your government has been considering whether it wishes Saif to be transferred to The Hague for judicial process there or whether it wishes itself to exercise jurisdiction over any trial of him in Libya.

International norms demand that access be allowed by a detained person to family or friends *and* to lawyers. An initial contact with a trusted person – sometimes by telephone call from the place of first detention – is often a first step to that person deciding on what s/he may wish by way of legal representation.

I am not aware of Saif having been allowed *any* contact since his capture by rebels on 19 November 2011 – by telephone or otherwise – with any family member or other friend. In the particular circumstances I may be the first friend who has sought access. I may also be one of the limited number of people to whom Saif would most like to speak.

I respectfully request that he be granted his right to an initial phone call or other face to face contact with me without delay. I have already made contact with lawyers who are, in principle, poised to act on his behalf should he wish to retain them. Unless he is given the opportunity to see or speak with a close friend or family member in order to express through that person his choice of legal recourse, then he is being denied recognized international rights in a way that would constitute a violation of International Law contrary to the very principles of freedom and justice to which the National Transitional Council aspires.

Further, the ICC gives Saif *statutory* rights as an ICC 'Suspect' to make representations to the ICC, personally or through lawyers, about location of trial and / or transfer to The Hague. There can be no justification for denying him those rights.

I am aware of security issues of various kinds that may exist in respect of Saif's detention and possible transfer to The Hague. I am also aware of the recognition of your Council as the government of Libya made by various governments including by the USA (where I was born) and the UK (where I live and study). I am not a practising lawyer in either jurisdiction. However I am, as you can establish from the Internet, a doctoral candidate in International Relations at the University of Oxford and someone who has worked in the International Human Rights sector for over ten years. In these circumstances I recognise and would respect the duties of confidentiality that might arise if your Council were to entrust information to me and, more important perhaps, I would respect that any contact with Saif would have to be strictly limited to questions of the conditions of his detention and his wishes as to legal representation.

I look forward to your expeditious action on this time-sensitive matter. Let me know if you need further assistance. I should be able to respond very swiftly to any arrangements for a meeting with Saif - preferably in Libya in person, alternatively by video link or even by 'Skype', providing contact can be secure and confidential from Saif's point of view.

Sincerely,

Mishana Hosseinioun
University College, University of Oxford
Oxford OX1 4BH
Mishana.Hosseinioun@politics.ox.ac.uk
UK mobile: +44 7771 707 707
US mobile: +1(415) 264-2002