

ANNEX B
PUBLIC

Draft translation

http://www.youtube.com/watch?v=_FjTbxMkIFw

Al-Hasad Al-Magharebi [Programme on Al-Jazeera], the case of Saif Al-Islam and the security breach.

Posted by Zintan2011

Minute mark 3:01

Interviewer: To discuss this issue further, we have the lawyer and activist, Saleh al-Merghani. Mr al-Merghani, the four ICC members who have been detained in Libya are international employees and enjoy privileges and immunities. They were in Libya to perform their task for the ICC in order to serve international justice; this is what was said by the ICC President. However, since they are now detained in Libya and these charges are being pressed against them, what is their legal situation at the moment?

Al-Merghani: Apparently these employees, or at least two of them, have breached the ethical rules of professional conduct, and this is unacceptable. However, the Libyan authorities must address the problem of their privileges and immunities, pursuant to which the maximum procedure that could be taken against them is to consider them as undesired persons, i.e. *personae non grata*. The Prosecutor-General's Office must deal with this problem. The Libyan authorities could file a complaint before the ICC, because according to the information that was announced and spread, there certainly is a problem and a breach of the rules that should have been respected, however...

Interviewer *interrupting*: Therefore, is it not sufficient that the Libyan authorities request that these two lawyers and the two others who were detained be excluded from this mission and other meetings with Saif Al-Islam Gaddafi, and maybe only file a complaint instead of their detention, since they enjoy privileges and immunities?

Al-Merghani: The problem with implementing criminal procedures against persons who enjoy privileges and immunities is certainly a real problem now, facing the Prosecutor-General's Office, because there was a security breach, violation of the rules, therefore there probably is no procedure to be taken by the Libyan authorities other than to exclude/banish them and declare them as undesired persons. However, what is very important is that this should not make the Libyans lose focus on the main goal, which is to provide fair trial for those people who are accused of grave crimes against humanity so that the world is reassured that there is justice in Libya; this must be carried on, for example, the trial, or the first hearing which was conducted last week for the former intelligence chief was a very positive sign that convinced the world, at least partially, that courts in Libya are able to conduct such trials (...).