# **ANNEX A-8**

## **PUBLIC**

Cour Pénale Internationale

Court



Le Bureau du Procureur

International Criminal

Office of the Prosecutor

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#### Transcript of Audio / Video Material

Date of Recording 30 March 2016

Location of Recording Unknown (Libya)

Duration of Recording 00:47:30

Duration of Transcript 00:00:00 – 00:02:03

00:11:18 to 00:15:45 00:19:57 to 00:21:50

Language(s) Arabic

Evidence Registration Number (ERN) LBY-OTP-0044-9122

Number of Pages 5

Abbreviations Used To Designate

Speakers

Journalist Mr Baha'-al-Din Sharif Interviewee Mr al-'Ijmi 'Ali al-'Utayri

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1	[00:00:00. Start of excerpt 1. A screen shot shows the following text in Arabic: مهمة خاصة]
2 3 4 5 6 7 8	Journalist: أصبح سيف الإسلام القذافي محور حديث هذه الأيام، قمن قائل إلى أنه تم تهريبه إلى خارج ليبيا وهناك من قال أن سجاتيه بنقاضون أموالا ضخمة لتأمينه. هذه الأحاديث لم تأت على لمان عوام، بل على لمان قيلابين ومنظرين لجماعات سياسية في مقدمتهم الشيخ سامي السجانيه؟ سامي السعدي. هل فعلا تم تهريب سيف الإسلام؟ ولماذا يهرب الآن؟ وما سر عدم إحضاره لطرابلس؟ وهل أصبح نجاجة تبيض ذهبا لسجانيه؟ لمنطقة من المعانية على المعانية المعربية المعانية المعربية المعانية المعربية المعانية المعربية الإسلام وتتولى حراسته. وأخيرا، سيف الإسلام وتتولى حراسته. وأخيرا، سيف الإسلام وتتولى حراسته. وأخيرا، سيف الإسلام وتعود لنواصل الحكاية.
9	[00:01:14. A screen shot shows the following text in Arabic: مهمة خاصة: بهاء الدين الشريف
10 11 12 13 14	"Journalist: نلتقي مشاهدينا في هذه الحلقة الجديدة من برنامج لقاء خاص من مدينة الزنتان ومن داخل كتيبة أبوبكر الصديق ضيفي هو أحد الخريجين من الكلية العسكرية في العام 1984 وتدرج في الخدمة العسكرية حتى نال رتبة نقيب في الجيش الليبي. وتم إنهاء خدمته مع عدد من الركاية بقرار من القذافي في العام 1992. هو من أوائل الملتحقين بركب ثورة السابع عشر من فبراير، وكان أمرا لسرية خالد بن الوليد في داية الثورة، ثم أمر لكتيبة أبو بكر الصديق التي انضوت تحت وزارة الدفاع وتم تكليفها بحماية السجون في مدينة الزنتان. أرحب معي بضيفي العقيد العجمي على أحمد العتيري. أهلا وسهلا بك ضيفي العزيز!
16	Interviewee: أهلا وسهلا بقناة العاصمة شرفتونا في مدينة الزنتان مرحبا بكم في مدينتكم الثانية!
17	imterviewee بمعر وسهر بعده مختصه عرضو في سبع الرئين مرعب بعم في سبعة المنبع المنبع المنبع المنبع المنبع [مهمة خاصة: العجمى العتيري – أمر كتيبة أبوبكر الصديق :OO:02:03. A screen shot shows the following text in Arabic]
18	
19	Journalisi: نعم سيادة العقيد، كيف تم القبض على سيف الإسلام القذافي؟
20	[00:02:10. End of excerpt 1]
21 22 23	[00:11:18. Start of excerpt 2. A screen shot shows a man, Mr al-'Ijmi 'Ali al-'Utayri being interviewed by a Journalist, Mr Baha'-al-Din Sharif]
24 25 26	Journalisi: محكمة الجنايات الدولية، طالبت المجلس الوطني الانتقالي بتسليم سيف لها ومع ذلك لم يسلم. النائب العام تحدث في مؤتمر صحفي في طرابلس وقال أو أشار إليكم لمحكمة جنايات الزنتان بنقل سيف إلى محكمة جنوب طرابلس ومع ذلك لم يتم نقله. ما ردوك على؟
27 28	Interviewee: أخي إن محكمة الجنايات الدولية وعلاقتها بالدولة الليبية هذا أمر قضائي بحث نحن لا نتحنث فيه ولا نفهم فيه ونفقه فيه
28 29 30	Journalist: نعم
31 32	Interviewee: إحنا كليبيين نفقه أن من حقنا محاكمة سيف وأمثال سيف أمام الليبيين، لأن المتضررين به منه بالدرجة الأولى هم الليبيين نقط
33 34 35	Journalisi: نعم.
36 37	Interviewee: ولكن، المؤسف أن الدولة الليبية كلفت شخص مندوب للبيبا مقيم في الإسكندرية اسمه الدكتور أحمد الجهاني
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Journalist: نعم	38
	39
Interviewee: وأنا تكلمت عدة مرات وقلت أن هذا الشخص المكلف هو خائن للأمانة التي كلف بها، حيث أتى مع فريق من محكمة الجذيات الدولية في مرة من المرات لزيارة سيف بإذن من النائب العام. كنا هذا الغريق أتى لمدينة الزنتان للزيارة في شهر ستة الغين و على ما اعتقد الفين وأنثاً عشر. وأثناء زيارته، اتضح لنا أن هذا الفريق هو عبارة عن جواسيس مبعوثين من جهات آخرى.	40 41 42
	43
Journalist: من هي هذه الجهات؟ هل تحققتم منها؟	44
	45
Interviewee: المبعوثين من شخص يسمى محمد إسماعيل، وعبد السلام المشيري، وفوزي الذلماط، هادلوا من رموز النظام السابق وهم الآن في مصر وهم مبعوثين من طرقه ومنسقين معه. اتصلنا بالنائب العام واتصلت أنا شخصيا وتحدثت شخصيا معه السيد عبد الرحمن الكيك رنيس الحكومة في ذلك الوقت	46 47 48
21:31 NEWS] مهمة خاصة : العجمي العتيري – آمر كتيبة أبو بكر الصديق:Too:13:18:20. Text appears on screen	49
	50
Journalist: نعم	51
	52
Interviewee: وتحدثت مع السيد أسامة الجويلي وزير الدقاع النيبي المؤقت وأسال منهم هذا الغريق الذي أتى إلى الزيارة هو عبارة عن فريق جواسيس وأن وراءه شيئا ما. وأخذت منهم إذن بجمع المعلومات عن هذا الفريق	53 54
	55
Journalist: نعم	56
	57
Interviewee: تم جمع الكثير من المعلومات وبعد فترة وصلتنا رسالة أو خطاب من النائب العام بتمكن هذا الفريق مرة ثانية للزيارة برفقة السيد أحمد جهاني. أتوا إلى مدينة الزنتان وقبل الدخول إلى سيف الإسلام تم تفتيش هذا الفريق وأثناء التفتيش وجدنا عند أحد المحاميات قلم كاميرا على شكل قلم يعني قلم تجسس	58 59 60
	61
Journalist: المحامية التي كلفت من قبل محكمة الجنايات الدولية ميليندا تابلور؟	62
	63
Interviewee: الْهِي مِبِلْيِنِدا.	64
	65
Journalist: نعم.	66
	67
Interviewee: فأخذت القلم وذهبت به إلى السيد أحمد جهاني وقلت له بالحرف الواحد: يا دكتور إن هذا الفريق عنده كاميرا تجمس وإن الفريق هذا غير حقيقي في مهمته	68 69
	70
Journalist: نعم.	71
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Interviewee: قد . لم ينتبه يعنى لم يهتم بهذا الموضوع. وقال لي مشي الموضوع!	73
	74
Journalist: هكذا بالكلمة الواحدة؟	75
	76
Interviewee: هكذا بالكلمة الواحدة.	77
	78
Journalist: برأيك ما يعني بهذه الكلمة؟	79
	80
Interviewee: برأي أن نتعامل مع هذا الفريق. وقبل دخول الفريق لسيف، هو جلس مع سيف الإسلام. وسيف الإسلام أقر في التحقيق معه في محكمة جنايات الزنتان	81 82
	83
Journalist: نعم.	84
	85
Interviewee: بان أحمد الجهاني قال كالم موجود حاليا في ملف القضية أنا ما أقدرش أقصح عليه. فـ بالصدفة وبالمناسبة كانت النيابة أو نائب وكيل نيابة النائب العام موجود بصفة التحقيق مع سيف في مدينة الزينتان	86 87
	88
Journalist: نعم.	89
	90
Interviewee: فاتصلت أنا بوكيل النيابة في ذلك الوقت و أعلمته بالموضوع وطلبت منه أني أنشأ كامير ات داخل صالة الاستقبال. وأعطاني الموافقة بذلك وأنشئت كامير ات داخل صالة الاستقبال ومتأكد من الموضوع.	91 92
[00:15:45. End of excerpt 2]	93
	94
[00:19:57. Start of excerpt 3. A screen shot shows a Journalist, Mr Baha'-al-Din Sharif and the following text: مهمة خاصة : بهاء الدين الشريف [21:31 NEWS]	95 96
	97
Journalist: مشاهدينا أهلا بكم من جديد! أرحب بضيفي العزيز من جديد! أهلا بك سيادة العقيد.	98
	99
Interviewee: أهلا وسهلا.	100
	101
Journalist: هل يعتبر سيف الإسلام القذافي مسجون سياسي أم مسجون عادي؟	102
	103
Interviewee: أنا أعنقد يكون مسجون سياسي.	104
Journalist: تعتقد أنت لا تجزم؟	105
Journalist: نعقد الله لا نجرم:	106
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7	107
Interviewee: أَنَا أَعِنْقُدِ.	108
9	109
Journalist: كيف هي حالته الصحية؟	110
1	111
Interviewee: في صحة ممتازة جدا جدا له متابعة صحية، له دكتور يتابع فيه	112
3	113
Journalist: من قبل من؟ من يشرف على حالته الصحية؟ هل هناك جهاز طبي متخصص يشرف عليه؟	114
5	115
متابعة حالته الصحية أحيانا كل خمسة عشر يوما وأحياناً كل شهر. هذا مَلفَ صحي لسيف الإسلام يمكن أن يطلع عليه اللهو خاص بسيف الإسلام 7 معمر القذافي و هذا الملف خاص بمتابعة حالته الصحية. بالمناسبة، هو لما تم القبض عليه كان	116 117 118
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· · · · · · · · · · · · · · · · · · ·	126 127
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حالة جيدة و هذا من و أجبنا كابسلام يعني.	137 138
	139
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142 [00:21:50. End of excerpt 3]

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**Translation** 

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Abbreviations Used To Designate

Speakers

Journalist Mr Baha'-al-Din Sharif Interviewee Mr al-'Ijmi 'Ali al-'Utayri

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1 [00:00:00. Start of excerpt 1. A screen shot shows the following text in Arabic: Special Mission]

Journalist: Saif al-Islam Gaddafi has become a hot topic nowadays; some people say that he had been helped to flee Libya, while others say that his captors receive huge amounts of money in return for his security. This is not laymen's talk, but has been said by commanders and political groups' ideologues, particularly Sheikh Sami al-Sa'di. Had Saif al-Islam really been helped to flee? Why would he be helped to flee now? Why hasn't he been brought to Tripoli? Has he become a goose that lays golden eggs for his captors? These questions have been puzzling us as much as they have been puzzling you. So we headed to the lofty mountain in Zintan, with all these questions, in the morning of Saturday, 02 November 2013, and this was the outcome. al-'ljmi al-'Utayri, the prison commander, Muhammad Khalifah al-Ghuraybi, from the Abu-Bakr al-Siddiq Battalion, which captured Saif al-Islam and is guarding him, and finally, saif al-Islam Gaddafi, in his first appearance in Libyan media. So, off to Zintan we are heading, and our first stop will be with al-'ljmi. Let's watch and come back to continue our story.

[00:01:14. A screen shot shows the following text in Arabic: Special Mission: Baha'-al-Din al-Sharif]

Journalist: Our viewers, welcome to a new episode of our show, *Liqa' Khas* [Exclusive Interview], from the town of Zintan, inside the Abu-Bakr al-Siddiq Battalion. My guest graduated from the Military College in 1984, and ascended the military service ladder until he earned the rank of captain in the Libyan army. His service was terminated, together with a number of his colleagues, pursuant to a decision by Gaddafi in 1992. He was among the first people to join the 17 February Revolution, and was the Commander of the Khalid Ibn al-Walid Company at the beginning of the Revolution. He subsequently became the Commander of the Abu-Bakr al-Siddiq Battalion that merged into the Defence Ministry and was assigned to secure the prisons in the town of Zintan. I would like to welcome my guest, Col. al-'ljmi 'Ali Ahmad al-'Utayri. Welcome, my dear guest.

**Interviewee**: Thank you, al-'Asimah [Capital City] Channel, it is an honour to have you in the town of Zintan. Welcome to your second town!

28 [00:02:03. A screen shot shows the following text in Arabic: Special Mission: al-'ljmi al-'Utayri, 29 Commander of the Abu-Bakr al-Siddig Battalion]

Journalist: Right. Dear Colonel, how was Saif al-Islam Gaddafi captured?

[00:02:10. End of excerpt 1]

[00:11:18. Start of excerpt 2. A screen shot shows a man, Mr al-'ljmi al-'Utayri being interviewed by a Journalist Mr Baha'-al-Din Sharif]

**Journalist**: The International Criminal Court has asked the National Transitional Council to hand Saif over, and yet he has not been handed over. The Chief Prosecutor spoke at a press conference in Tripoli and said ... or instructed you, the Criminal Court of Zintan, to transfer Saif to the Court of South Tripoli and yet, he has not been transferred. What are your reactions to this?

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43 44	<b>Interviewee</b> : The International Criminal Court and its relationship to the Libyan State is a purely judicial matter, which we cannot discuss, understand or fully comprehend
45	
46	Journalist: Right.
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48 49 50	<b>Interviewee</b> : As Libyans, we understand that it is our right to prosecute Saif, and the likes of Saif, before the Libyan people because the ones who suffered who suffered from him the most were only Libyans.
51	
52	Journalist: Right.
53	
54 55	<b>Interviewee</b> : Nevertheless, the Libyan State has sadly appointed a Libyan representative, Dr Ahmed El Gehani, who lives in Alexandria.
56	
57	Journalist: Right.
58	
59 60 61 62 63	Interviewee: I've talked about it a few times, and said that this appointed individual has betrayed the trusted status he was granted. He once accompanied a team from the International Criminal Court or a visit to see Saif, with the permission of the Chief Prosecutor. We this team came to the town of Zintan to visit in June two thousand and I think it was 2012. During his visit, it became clear to us that the team was no more than a bunch of spies sent by some other entities.
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65	Journalist: Which entities are you referring to? Did you look into who they were?
66	
67 68 69 70	Interviewee: The persons who were sent by Muhammad Ism'ail, 'Abd-al-Salam al-Mishri, and Fawzi al-Dhalmat are notable personalities from the former regime who now live in Egypt. They were sent by that regime and were liaising on its behalf. We called the Chief Prosecutor in fact I personally called I personally spoke with him, Mr 'Abd-al-Rahman al-Kik, Head of the Government at the time.
71	
72 73	[00:13:18:20. Text appears on screen: Special Mission: al-'ljmi al-'Utayri – Commander of the Abu-Bakr al-Siddiq Battalion; 21:31 NEWS]
74 75	Journalist: Right.
76 77 78	<b>Interviewee</b> : And I spoke to Mr Usamah al-Juwayli, the Libyan interim Minister of Defence, and inquired about this team which was visiting and which was no more than a bunch of spies, and that there was something or other behind it. And I sought permission to gather information about the team.

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79	
80	Journalist: Right.
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82 83 84 85 86	Interviewee: A lot of information was gathered and after a period of time we received a note or a letter from the Chief Prosecutor to instruct us to facilitate a second visit by the team, accompanied by Ahmed El Gehani. They came to the town of Zintan, and before going in to see Saif al-Islam the team was searched. During the search, we found a pen on one of the lawyers a camera pen I mean a spy camera pen.
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88	Journalist: The female lawyer who was assigned by the International Criminal Court, Melinda Taylor?
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90	Interviewee: That was her, Melinda.
91	
92	Journalist: Right.
93	
94 95	Interviewee: So, I took the pen and went to see Mr Ahmed El Gehani, and I literally said, "Doctor, the team is carrying a spy camera. This team is not true to its mission."
96 07	Laurentint, Dialet
97 98	Journalist: Right.
90 99	Interviewee: But he wasn't paying attention I mean he didn't care about the issue. And what he
100	told me was to let the issue slide!
101	
102	Journalist: Was that exactly what he said?
103	
104	Interviewee: That was exactly what he said.
105	
106	Journalist: In your opinion, what do you think he meant by those words?
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108 109 110	<b>Interviewee</b> : I think what he meant was that we were to cooperate with the team. Before the team went in to see Saif, he sat down with Saif al-Islam. During his interrogation by the Criminal Court of Zintan, Saif had admitted that
111	Journalist: Right.
112	

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113 114 115	Interviewee: that Ahmed El Gehani had said something, which is currently in the case file and which I can't talk about. But surprisingly and fortunately, the prosecution or the Deputy a prosecutor was present to interrogate Saif in the town of Zintan.
116	
117	Journalist: Right.
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119 120 121	<b>Interviewee</b> : So, I called the prosecutor in question at the time and explained the issue to him. I asked him if I could place cameras in the reception room which he gave me permission to do. So, I placed cameras inside the reception room. And I am sure of the matter.
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123	[00:15:45. End of excerpt 2]
124	
125 126	[00:19:57. Start of excerpt 3. A screen shot shows a Journalist, Mr Baha'-al-Din Sharif and the following text: Special Mission: Baha'-al-Din al-Sharif; 21:31 NEWS]
127	
128 129	<b>Journalist</b> : Welcome back, our dear viewers! I would like to welcome back our dear guest: Welcome to the show, Colonel.
130	
131	Interviewee: Thank you.
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133	Journalist: Is Saif al-Islam being considered a political detainee, or an ordinary detainee?
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135	Interviewee: I believe that he is a political detainee.
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137	Journalist: Do you believe or are you absolutely certain?
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139	Interviewee: I believe.
140	
141	Journalist: What is his medical condition?
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143 144	Interviewee: He is in really excellent health. His health is being monitored. He has a doctor monitoring him.
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146 147	<b>Journalist</b> : By whom? Who is looking after his health? Is there a special medical team in place to observe him?

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149 150 151 152 153	Interviewee: Naturally an agreement was concluded to the effect that I beg your pardon, not an agreement but an understanding was reached with a doctor and a nurse from Zintan's clinic to supervise the health to monitor his health periodically, every fifteen days, or once a month sometimes. This is a medical file for Saif which you can consult. It is Saif al-Islam Muammar Gaddafi's own personal file of his medical history. What's more was that when he was arrested
154	
155	Journalist: he was already injured.
156	
157 158	Interviewee: He had injuries to his fingers and the most qualified doctors in Libya, surgeons and anaesthetic I mean an anaesthetist, were called upon
159	
160	Journalist: To monitor his health.
161	
162	Interviewee: And that happened a surgical operation was performed on him and
163	
164	Journalist: Where did the surgery take place?
165	
166	Interviewee: I beg your pardon?
167	
168	Journalist: Where did the surgery take place?
169	
170	Interviewee: In the town of Zintan.
171	
172	Journalist: In the town of Zintan.
173	
174 175 176	Interviewee: In the town of Zintan. His wound was bandaged and he received good medical treatment. And, by Allah's will, you can meet with him and see that his fingers are in good condition. It's our duty in Islam, you know.
177	
178	Journalist: Who visits Saif al-Islam?
179	
180	[00:21:50. End of excerpt 3]

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