

ANNEX B

(CONFIDENTIAL)

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Le Bureau du Procureur

Office of the Prosecutor

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Draft Translation of Evidence

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Libya

Ministry of Justice

In the Name of God, the Merciful, the Compassionate
Tripoli Court of Civil Appeals
The Fourteenth Criminal Circuit

[stamp]

Libya
Ministry of Justice
Tripoli Court of Appeals
Deposited at the Registry of the Tripoli Court of Appeals
Date: 28/7/2015
Corresponding to: / /
(3) Secretary: [signature]

At the public session held on 12 Shawwal 1436 AH corresponding to 28/7/2015 AD.

At the headquarters of the Tripoli Court of Appeal, presided by Counsellor Naji Muhammad al-Amin
With the membership of Counsellors Mr. Abd al-Qadir 'Awad Qaddur and Mr. al-Sadiq Bashir Misbah Badi'

In the presence of Mr. al-Sadiq Ahmad al-Sur, Prosecutor

And Mr. Ahmad Ramadan al-Ruwayjil, Clerk

The following judgment was issued

Concerning the crimes registered in the Public Registry under No. 630/2012 AD of 2012 AD,

And in the Prosecution Records under No. 525/2013 AD

Filed by: 1. Public Prosecution- Office of the Chief Prosecutor

2. Civil Plaintiff Muhammad Ali Qadah, Misratah Resident- 3. Civil Plaintiff Salah Muhammad Mukhtar, Tripoli Resident- 4. Civil Plaintiff/ Muhammad Abd al-Qassim Abdullah, Tripoli Resident

Against

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1. Sayf al-Islam Muammar Gaddafi- Son of Haniya al-Haddad- Born in 1972 AD- Tripoli Resident.
2. Abdullah Muhammad al-Senussi 'Amir- Son of Mabruka al-'Ujayli- Born in 1951 AD- Tripoli Resident.
3. Al-Baghdadi Ali al-Mahmudi- Son of Qamara Daw- Born in 1950 AD- Tripoli Resident.
4. Mansur Daw Ibrahim Mansur- Son of Amina al-Tahir- Born in 1956 AD- Tripoli Resident.
5. Abu Zayd 'Umar Ihmid Dorda- Son of 'Alya 'Amir- Born in 1944 AD- Tripoli Resident.
6. Milad Salim Milad Daman- Son of Fatima Nadi- Born in 1953 AD- Tripoli Resident.
7. Muhammad Abu-al-Qasim al-Zawi- Son of Yazza al-Sid- Born in 1942 AD- Tripoli Resident.
8. Muhammad Ahmad Mansur al-Sharif- Son of Lami'a Bala'u- Born in 1937 AD- Tripoli Resident.
9. Husni al-Wahshi al-Sadiq al-Kabir- Son of al-Sakita Qarinat- Born in 1955 AD- Tripoli Resident.
10. Mundhir Mukhtar al-Ghanimi- Son of al-Khamisa Muhammad- Born in 1954 AD- Tripoli Resident.
11. Abd al-Hafiz Mahmud al-Zulaytini- Son of Huriya Sharmit- Born in 1938 AD- Tripoli Resident.

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12. 'Amir Ali Faraj al-Dalyu- Son of Ghazala al-Shas- Born in 1953 AD- al-'Aziziyah Resident.
13. Radwan al-Hadi al-Hamali- Son of al-Hakiya Muhammad- Born in 1956 AD- Gharyan Resident.
14. Bashir Ali Humaydan- Son of Fatima Khalifah- Born in 1955 AD- Tripoli Resident.
15. Abd al-Hamid Uhida 'Ammar- Son of Fatima Ahmad- Born in 1952 AD- Tripoli Resident.
16. Jibril Abd al-Karim al-Kadiki- Son of Saliha Abd al-Qadir- Born in 1944 AD- Tripoli Resident.
17. Abd al-'Ati Ibrahim al-'Abidi- Son of Rabiha Abu Faraj- Born in 1939 AD- al-Gubbah Resident.
18. Muhammad Abu Bakr al-Dhib- Son of Fatima Muhammad Sahl- Born in 1965 AD- Tripoli Resident.
19. Al-Mabruk Muhammad al-Mabruk Mas'ud- Son of Salima 'Umar- Born in 1955 AD- al-Ruhaybat Resident.
20. Abd al-Majid Salim al-Mazughi- Son of Sharkiyya Mansur- Born in 1958 AD- Tripoli Resident.
21. 'Imran Muhammad al-Farjani- Son of Sa'da Shalfit- Born in 1953 AD- Tripoli Resident.
22. Ali al-Maqtuf Khalifah al-Zawi- Son of Fadila al-Sharkasi- Born in 1946 AD- Tripoli Resident.
23. Nuri al-Hadi al-Jaflawi- Son of Fatima Mahfud- Born in 1955 AD- Tripoli Resident.
24. Jamal Ali Ihmida al-Shahid- Son of Khayriyah Muhammad- Born in 1945 AD- Tripoli Resident.
25. Abdullah Abd al-Qassim al-Sha'lani- Son of 'A'isha Abd al-Salam- Born in 1967 AD- al-Zawiyah Resident.
26. Muhsin al-Hadi al-Lamuji- Son of Fatima al-Tahir- Born in 1966 AD- Tripoli Resident.
27. Muhammad Khalifah al-Wa'id- Son of Fatima Salim- Born in 1955 AD- Tripoli Resident.
28. Abu 'Ujayla Muhammad Khayr Mas'ud- Son of Salima Baraka- Born in 1951 AD- Tripoli Resident.
29. Sa'id Ibrahim al-Gharyani- Son of Khadija Jibril- Born in 1953 AD- Tripoli Resident.
30. Muhammad Ahmad Daw al-Hanashi- Son of Wahiba Nasr al-'Arabi- Born in 1952 AD- Tripoli Resident.
31. 'Uwaydat Ghandur al-Nubi Abu Sufa- Son of Ghazal Ali al-Majid- Born in 1960 AD- Tripoli Resident.
32. 'Ammar al-Mabruk al-Nayid- Son of Mabruka Muhammad- Born in 1949 AD- Tarhunah Resident.
33. 'Amir Ali Maddi al-'Ayyani- Son of 'A'isha Abdullah- Born in 1963 AD- Qasr Bin-Ghashir Resident.
34. Muhammad Ramadan Shatiba- Son of Salima Abd al-Salam- Born in 1980 AD- al-Jum'ah Suq Resident.
35. Abd al-Rahman Abd al-Salam al-Tahhad- Son of Haniyya 'Aqil- Born in 1973 AD- Tripoli Resident.
36. Ali Abd al-Salam al-Lid- Son of Fatima Husayn- Born in 1977 AD- Tripoli Resident.
37. Abd al-Ra'uf Mas'ud al-A'war- Son of [illegible] Abu 'Ujayla- Born in 1974 AD- Tripoli Resident.

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The Court
The Indictment

After reviewing the papers and hearing the pleading and deliberation, and whereas the Prosecution accused the following persons of committing various acts across Libya on 15/2/2011 AD and afterwards:

*Defendants Nos. 1 through 34:

- Committed within the territory of the State arbitrary acts of sabotage, looting and homicide across the country in order to undermine State security. Defendants 1, 2, 3, 4, 8, 10, 11, 18, 31 and 38 provided financial support.
- Defendants Nos. 2, 3, 4, 10, 12, 14, 21 and 23 each mobilized their public forces and provided them with weapons and ammunition.
- Defendants Nos. 1, 2, 3, 4, 5, 8, 17, 20, 31 and 33 enlisted and equipped mercenaries and granted some of them Libyan citizenship.
- Defendants Nos. 1, 2, 3, 4, 7, 8, 9, 18, 19, 22 and 32 established armed tribal groups, equipped them with various weapons and materials and provided them with logistic support.
- Defendants Nos. 1, 2, 13, 15, 24, 25, 26, 27, 28 and 29 rigged a number of vehicles with explosives in order to detonate them remotely.
- Defendants Nos. 1, 2 and 16 devised a plan to blow up prisons containing a number of opposition members and prepared the materials necessary for execution.
- Defendants Nos. 1, 2 and 16 used fighter aircraft to bomb civilian targets and drop internationally-prohibited mines.
- Defendants Nos. 1, 2, 3 and 21 used civilian tugboats, speedboats and boats in order to booby-trap seaports, attack

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aid vessels, bomb broadcast towers (radio broadcast towers in Misratah) and strike civilian targets (The Benghazi Court and al-Tahrir Square).

- Defendants Nos. 1, 3 and 5 established a cyber-army and media cells that broadcast messages, speeches and pictures inciting murder online and via TV channels and satellites.
- Defendants Nos. 1, 2, 4, 5, 6, 12, 15 and 34 distributed drugs and stimulants among battalion members and volunteers.
- Defendants Nos. 3 and 4 seized the properties of citizens rebelling against the regime.
- Defendants Nos. 1 and 2 instigated the arbitrary bombing of cities rebelling against the regime and used Scud missiles with widescale destructive power to that end.
- Defendant No. 2 spread toxic gas (ammonia) in the al-Brigah area of operations, blew up a fuel station in Benghazi's Jamal Abd al-Nasir St. and did not take the appropriate measures regarding military bases and sites where there were soldiers and volunteers, although he knew that they might be bombed by NATO aircraft.
- Defendants Nos. 1, 2, 3, 4, 5 and 7 agreed in a meeting on 3/3/2011 AD to cut off water and power supply to cities rebelling against the regime (Misratah, al-Zawiyah and Zintan) and Defendant No. 5 person implemented the decision on the ground.
- Defendants Nos. 1 and 3 cut off oil supplies from the eastern region.
- Defendants Nos. 1 and 2 tasked a team of military engineers that blew up the Booster Station in the Arabian Gulf Oil Company's Sidrah field and killed its guards.
- Defendants Nos. 1, 2, 3, 4, 5, 6 and 7 held many meetings during which they decided to kill protesters in Tripoli, prevent them by all means from accessing what was formerly known as Green Square and form and equip armed groups in order to attack cities rebelling against the regime. Defendant No. 12 person dispatched customs' vehicles to military battalions, security committees and the People's Guard.
- Defendants Nos. 1, 2 and 3 formed cells in charge of killings, explosions and sowing dissension in the eastern region, which was rebelling against the regime. Defendant No. 3 person ran these cells.

All these acts of sabotage, looting and murder aim to undermine the safety of the Libyan people

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as shown in detail in the papers.

* Defendants Nos. 1, 2, 3, 4, 5, 7, 8, 9, 11, 17, 18, 22, 30, 31, 32:

(1) Committed acts aiming to ignite a civil war in the country, fragment national unity and sow dissension among Libyan citizens. Defendants Nos. 1, 2, 3, 4, 5, 7, 8, 9, 18, 22, 30 and 32 formed armed tribal groups and provided them with various weapons and logistic support, as well as salaries, grants, benefits and rewards in order to attack and kill the members of neighboring and distant tribes and regions rebelling against the regime.

- Defendants Nos. 1, 3 and 5 prepared media content inciting hatred and killing and broadcast it on Libyan satellite channels through other people, including Yusuf Shakir, Hamza al-Tuhami Abu Khanjar, Hala al-Misrati and Mustafa Qadirbu.

While Defendant No. 3 person provided the necessary material capabilities and disbursed generous funds to the hosts of these programs, Defendant No. 1 person broadcast speeches inciting hatred and civil war on Libyan satellites.

He called Taurgha's Commander of Operations Colonel Ali Muhammad Ma'tuk al-Zubaydi and incited him to attack and kill Misratah's residents. He said in that regard: "This is the opportunity you should seize. Misratah's residents look down on you as if you were slaves. You have been following them for years while they were depriving you of everything. This is your opportunity to take revenge and recover your usurped rights from Misratah."

- Defendants Nos. 3 met with the tribal leaders of Janzur and Wirshfanah on 18/8/2011 AD and incited them to kill the members of tribes rebelling against the regime, claiming that they have committed acts of murder, looting, rape and arson in Sabratha and Sorman, as shown in the papers.

(2) The defendants agreed with others to form armed gangs. Each one formed an armed gang to commit arbitrary killings in order to undermine State security, ignite a civil war, fragment dismantle national unity and sow dissension among citizens, as shown in the papers.

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* Defendants Nos. 1, 2, and 4:

- (1) Incited, agreed and helped to perpetrate deliberate killings by forming revolutionary groups (Yellow Hats), Al-Fadil Bu 'Umar Battalion, Tariq and Faris Security Battalions, Military Intelligence, Internal Security, External Security, Police, Revolutionary Guard, People's Guard and security formations. The above-mentioned accused persons provided these formations with weapons and ammunition to suppress protesters in various parts of Benghazi, such as Geliana Bridge, Jamal Abd al-Nasir St., Sidi Husayn and Al-Fadil Bu 'Umar Battalion. Then they ordered them to open fire on the protesters in order to kill them. As a result, (107) persons, whose names are mentioned in the attached statement beginning with Naji Jum'a al-Kawafi and ending with Salih Miftah al-'Uraybi, were fatally injured as shown in the attached forensic report. These crimes were committed as a result of the incitement, agreement and help described in the papers.
- (2) Incited, agreed and helped to perpetrate deliberate killings by mobilizing groups from Tarhunah, Bani Walid, Sirte and Tripoli neighborhoods, particularly Abu Salim, and a group of members from regime battalions and services. They provided these groups with various weapons and ammunition and ordered them to spread across Tripoli and kill whoever opposes the father of Defendant No. 1. They killed (155) victims, whose names are mentioned in the attached statement, beginning with Mahmud Ali al-Samin and ending with Siraj al-Din Ali Muhammad Murad, in various parts of Tripoli, such as the Airport Road, the highway, Gharghur and Bab al-'Aziziya, after they were shot at the command of Defendant No. 1 person and with his full knowledge. These crimes were committed as a result of the incitement, agreement and help described in detail in the papers.
- (3) Incited, agreed and helped to perpetrate attempted murder by forming groups as described above and providing them with weapons and ammunition, then ordering them to open fire on protesters in various parts of Benghazi as stated above with the intent of killing, thus injuring Khalid 'Awad Salih al-Shaykhi, 'Umar Mansur al-Warfali,

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Mu'taz Salih Humaydan, Suhayr Salim al-Misallati, Muhammad Muhammad al-Sufi, Abdullah al-Karim al-'Uqayli, Fathi Sh'ayb al-'Ubaydi, Hamza Miftah al-Zulaytini, Abd al-Ma'izz Sa'id al-'Uraybi and Jamal Hayba al-'Uraybi. The attempted murder failed for reasons beyond the control of the groups, such as inaccurate aim and the rescue and treatment of victims, as shown in the forensic report and the attached medical reports.

* Defendants Nos. 1, 2, 3, 4, 5, 6, 7 and 14:

(1) Acted as accomplices by incitement, agreement and assistance in deliberate killings by targeting protesters in Tripoli and its suburbs as well as protesters in and heading towards Green Square. They provided their subordinates with weapons and ammunition and ordered them to open fire on the protesters with the intent of killing in order to prevent them from accessing the above-mentioned places and stopping the protests. As a result, (71) persons, whose names are mentioned in the attached statement, beginning with Salih Khalifah al-Hadi and ending with Faraj Abd al-'Aziz Abdullah, sustained fatal injuries described in the attached forensic reports. These crimes were committed as a result of the incitement, agreement and help described in the papers.

* Defendants Nos. 1, 2, 3, 5, 8, 10 and 21:

(1) Introduced illegal migrants into the country then removed them. They brought African migrants from surrounding African countries and others residing in the country and gathered them in various locations, such as Sidi Bilal Port, then put them on fishing boats sailing towards Europe. Defendants Nos. 2, 3, 5, 10 and 21 were in charge of guarding and controlling access points, ports and borders. Their acts caused many deaths as shown in the attached forensic reports, as they committed various crimes shown in detail in the papers.

(2) Acted as accomplices by way of incitement, agreement and assistance in deliberate killings by taking illegal African migrants out of the country on board fishing boats that are not meant to carry passengers and therefore lack the minimum conditions of safety and stability. The boats carrying large numbers of Europe-bound migrants were loaded beyond their capacity. Consequently, the boats sunk and

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dozens of Africans drowned, which was an expected and even desired outcome, as shown in the attached forensic reports.

* Defendants Nos. 1, 2, 3, 4, 5, 6, 12, 14, 15 and 34:

(1) Acquired and distributed drugs and stimulants by introducing them into the food and drinks of their subordinates as they were attacking protesters and cities rebelling against the regime. These substances were found among detained and injured persons and in the victims' clothes at their work stations. Upon inspection, it turned out that the seized substances are listed under Item (12) of Table (1) and Item (9) of Table (2) concerning narcotics and Item (109) of Table (2). All these items are set forth in the Narcotics and Psychotropics Control Law. Defendant No. 3 person also acknowledged that the second had ordered that a quantity of DF-118 with a value estimated at 2 to 4 million LYD be brought from a neighbouring European country. Defendant No. 12 person introduced these substances through a sea port while the second acknowledged their distribution, as established by the attached expert reports and the Libyan Medical Supplies Organisation's payment orders. These crimes were committed during war time and caused great damage, as described in detail in the papers.

(2) Acquired and kept possession of a large quantity of drugs and stimulants at their workplace. Upon inspection, it turned out that the seized substances are listed under Item (12) of Table (1) and Item (9) of Table (2) concerning narcotics and Item (109) of Table (2). All these items are set forth in the Narcotics and Psychotropics Control Law. Defendant No. 2 person acknowledged possession of DF-118, as established by the attached expert reports and the Libyan Medical Supplies Organisation's payment orders. These crimes were committed during war time and caused great damage, as described in detail in the papers.

* Defendants Nos. 1, 2, 3, 4, 5 and 6:

- Incited and agreed to rape and threaten others.

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They used rape as a method to crush the 17 February Revolution and incited their subordinates to commit rape. They raped men and women, whose names are listed in the papers, and other unidentified protesters and opposition members detained in prisons, or raided houses by force. They used force and armed threats during these recurrent acts, which took place at different times and were driven by the same criminal motive, as established by the attached forensic and medical reports.

* Defendants Nos. 1, 3 and 4:

- Incited and agreed to seize others' movable property by coercion. They appropriated food and household items from national and foreign private companies and sold them in return for cash. Their subordinates were instructed to carry out these acts and therefore raided at gunpoint the premises and warehouses of al-Muhit Company for the manufacturing and marketing of electrical and household appliances and seized the movables described in the papers in quantitative and qualitative terms and owned by the victim Khalid Muhammad al-Jatlawi. They also raided the premises of Mediterranean Company, which imports means of transportation, equips work stations and factories and provides occupational safety tools. They appropriated the vehicles described in the papers in quantitative and qualitative terms and owned by the victim Muhammad Ali Ramadan Qadah, after beating and detaining the company workers. The violent theft was perpetrated by more than 3 persons carrying weapons in full display and reoccurred at different times with the same criminal motive, as shown in detail in the papers.

* Defendants Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10 and 23:

- Incited and agreed to detain people by force and under threat. They arranged to detain thousands of Libyans from the opposition and cities rebelling against the regime and ordered their subordinates to accomplish this task. As a result, thousands of Libyans were detained; many of them are mentioned in Public Prosecution inquiries, statements, correspondence and evidence collection reports prepared by the established investigation committees and attached to the papers. These persons were rightfully or wrongfully accused of being

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opposition members and were imprisoned without trial. The accused persons also refused to abide by the instructions of investigation committees as to the release of hundreds of detainees on the grounds that their opposition to the regime was not proven. In the case of all the accused persons except Defendant No. 1, these acts were committed by a civil servant who repeatedly overstepped the boundaries of his job at different times while driven by the same criminal motive, as shown in the papers in detail.

* Defendants Nos. 1, 2, 3, 4, 8, 11, 15, 18, 20, 31, 35, 36, 37 and 38:

- Caused serious damage to public funds by conducting financial transactions that contravene the customary procedures followed in the State's Financial System, since the supplier companies did not provide detailed invoices and the concluded contracts violated the Administrative Regulation and the Oversight and Expenditure Law in contravention of the Law of the Financial System of the State, and Budget, Public Accounting and Storehouses Regulation and the Current Budget Law. The serious damage caused by each accused person to public funds as a result, is assessed in the attached Financial Expertise Report, as shown in detail in the papers.

* Defendant No. 14:

Is a civil servant who embezzled public funds entrusted to him in the course of his duty. He seized an amount of 12,000 LYD, which was meant to be disbursed to his patrols once received. However, he appropriated the amount as shown in the papers.

* Defendants Nos. 1, 2, 5 and 7:

Publicly insulted the Libyan Arab people. Defendant No. 1 referred to protesters across the country as "rats, traitors and children" in his televised and public speeches. Upon meeting a group of regime supporters in Benghazi, Defendant No. 2 person described protesters as "dirty groups. Israeli and US intelligence agents". Defendant No. 7 person called them "rats" in a speech he gave during a ceremony on 2 March 2011 AD celebrating the establishment of the Libyan Jamahiriya, and referred to them as gangs and al-Qaeda members in a statement he gave to Reuters and the Associated Press. Defendants Nos. 1 and 5 agreed to publicly insult the Libyan Arab people, along with (Yusuf Shakir,

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Mustafa Qadirbu, etc.). They addressed the Libyan people on satellite channels using insults as shown in detail in the papers.

* All defendants except Nos. 35, 36, 37 and 38:

Totally prevented others from exercising their political rights using violence and threats, as shown in the papers.

* These acts were established as crimes in Article (202, 203, 205, 407 Item (1), 428 Item (1 and 2) Par. B and C, 450 Item (1, 3, 4), 217, 59, 61, 76, 77, 100 and 101) of the Penal Code, Article (1 and 7) of Law No. 6 of 1423 AD on penalty and blood money rules, amended by Law No. 7 of 1430 AD, Article (1, 2, 4, 3 Par. (1) Item (1), 35 Par. 1, Item (1)) of Law No. 7 of 1990 AD on drugs and narcotics, amended by Law No. 19 of 1425 AD, Article (1, 2, 4, 5, 9) of Law No. 19 of 2010 AD against illegal migration, Article (9 and 27) of Law No. 2 of 1979 AD regarding economic crimes, amended by Article (1) of Law No. 4 of 1369 FDP, corresponding to 2001 AD.

* The Prosecution delivered the accused persons to the Indictment Chamber of the South Tripoli Court for referral to the Criminal Court in order to be punished based on the items and description provided by the Indictment. The Prosecution maintained its request during the session. After examining the case as described in its minutes, the Indictment Chamber rendered its decision in the session held on 19 Dhu al-Hijjah 1434 AH, corresponding to 24/10/2013 AD. The decision stipulated that the accused persons shall be referred to the Criminal Court to undergo trial based on the items and description provided by the Indictment and with the attached evidence of proof.

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Trial Procedures

The Court decided to hear the case in the session held on 24/3/2014 AD. Defendant No. 1 person was not brought before the Court from his place of detention. Defendants Nos. 2, 3, 5, 7, 8, 9, 10 and 11 attended the session without counsel. Defendants Nos. 4 and 6 did not attend the session. Defendant No. 12 attended the session along with Attorney Husayn Abu Halala, member of the Public Attorney Department. Defendant No. 13 attended the session along with Attorney Ali al-Dhawik, member of the Public Attorney Department. The fourteenth attended the session along with Attorney Husayn Abu Halala, member of the Public Attorney Department. Defendant No. 15 attended the session along with Attorney Ibrahim Abu 'A'isha, whose power of attorney is attached to the papers. Defendants Nos. 16, 17 and 18 attended the session without counsel. Defendant No. 19 attended the session and requested the appointment of an attorney. Defendant No. 20, 21 and 22 attended the session without counsel. Defendant No. 23 was not brought before the Court from his place of detention. Defendant No. 24, 25, 26, 27, 28 and 29 were not brought before the Court from their place of detention and were all represented by Attorney Khalid al-Farjani. Defendant No. 30 did not attend the session as he was released. Defendant 31, 32, 33 and 34 attended the session without counsel. Defendant No. 35 did not attend the session as he was released, and was represented by Attorney Ibrahim Abu 'A'isha after obtaining power of attorney from Attorney al-Asil Ramadan Qusaybat. Defendant No. 36 did not attend the session and was represented by Attorney Ibrahim Abu 'A'isha after obtaining power of attorney from Attorney al-Asil Ramadan Qusaybat. Defendant No. 37 did not attend the session. The Public Prosecution noted that Defendant No. 1 was not able to attend the session due to security conditions and that the General National Congress issued a law to amend Article (241 and 242) of the Code of Criminal Procedure so as to authorize the prosecution of the accused via CCTV. The Public Prosecutor requested the trial be postponed in order to link Tripoli's courtroom to Zintan's courtroom so that Defendant No. 1 may be prosecuted via CCTV and the released accused may be notified.

- The Attorney of Defendant No. 5 noted that the Appeals Chamber ordered the release of his client; however, the release order was not executed. Therefore, he requested the release of his client. The Attorneys of the twelfth and thirteenth accused requested the same for their clients. The Public Prosecution opposed the request for release, noting that the accused persons were interrogated

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for other charges and received prison sentences. Defendant No. 2 said that his family was only able to visit him twice and requested the appointment of an attorney. The Court decided to postpone the examination of the case until 14/4/2014 AD in order to bring the accused persons who were absent before the Court, notify the released persons, provide defense counsel and task the Public Attorney Department to appoint an attorney for Defendant No. 19. In the session held on 14/4/2014 AD, Defendant No. 1 was not brought before the Court. Defendant No. 2 attended the session without counsel. Defendant No. 3 attended the session along with Attorney Ali Ka'bar. Defendant No. 4 did not attend the session and was represented by Attorney Mabruka al-Duwaybi. Defendant No. 5 attended the session without counsel. Defendant No. 6 was not brought before the Court. Defendants Nos. 7, 8, 9 and 10 attended the session without counsel. Defendant No. 11 attended the session with Attorney Anas Abu Sha'ala. Defendants Nos. 12, 13 and 14 attended the session without counsel. Defendant No. 15 attended the session along with Attorney Ibrahim Abu 'A'isha. Defendants Nos. 16, 17, 18, 19 did not attend the session, nor did their attorney, and the nineteenth requested the appointment of an attorney by the Court. Defendant No. 20 attended the session along with Attorney Salah A. Muqayli. Defendant No. 21 attended the session without counsel. Defendant No. 22 attended the session along with Attorney Anas Abu Sha'ala. Defendants Nos. 23, 24, 25, 26, 27, 28 and 29 did not attend the session and were not brought before the Court. Defendant No. 30 did not attend the session and was represented by Attorney 'Amir Khuzam, who said that his client was released and is abroad for treatment and in critical condition. He submitted a summary statement including medical reports confirming his statement about the accused. Defendant No. 31 attended the session without counsel. Defendant No. 32 attended the session along with his attorney. Defendant No. 33 attended the session along with Attorney Salah A. Muqayli. Defendant No. 34 attended the session along with Attorney Muhammad al-Kish. Defendant No. 35 did not attend the session and was represented by Attorney Ibrahim Abu 'A'isha after obtaining power of attorney from Attorney Ramadan Qusaybat. Defendant No. 36 did not attend the session and was represented by Attorney Ibrahim Abu 'A'isha. Defendant No. 37 did not attend the session and was represented by Attorney Salah A. Muqayli, who said that his client will attend future sessions. The Public Prosecution submitted a report issued by the Judicial Police Control Unit, stating that the accused who are detained outside of Tripoli cannot be brought before the Court due to security conditions. The Public Prosecution requested the Court to enforce Article 1 of Law No. 7 of 2014 AD, which provides that the accused may be tried via CCTV if he cannot be brought before the Court. The Public Prosecutor also requested that the Article be enforced

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in the case of Defendant No. 1, who is detained at the Reform and Rehabilitation Institute in Zintan, and Defendants Nos. 4, 23, 24, 25, 26, 27, 28 and 29 , who are detained at the Reform and Rehabilitation Institute in Misratah. He said that the courtroom in Zintan was linked to the one in Misratah and submitted a copy of Law No. 7 of 2014 AD on the amendment of the Code of Criminal Procedure. The attorney of Defendant No. 15 reiterated his request to execute the release order issued on 5/12/2013 AD concerning his client and requested authorization to photocopy the investigation reports of the Public Prosecution. The attorney of Defendants Nos. 20 and 33 requested the release of both his clients, since they have the same legal status as Defendant No. 30 who was released, especially since they are not figures of the former regime. The attorney of Defendant No. 32 requested the release of his client in execution of the Decision of the Court of Appeal. The attorney of Defendant No. 3 requested the release of his client in return for any guarantee since he is not in good health as well as authorization to photocopy the investigation reports and documents. The attorney of Defendant No. 34 requested authorization to photocopy the case records given their large number that makes it impossible to examine them. The attorney of Defendant No. 4 requested the same. The attorney of Defendants Nos. 11 and 22 requested the postponement of the session in order to examine the documents and prepare the defense. Answering the court's question about his requests, Defendant No. 21 said that he requests to be released in execution of the release order issued on 5/8/2013 AD.

- Defendant No. 2 requested to be treated on an equal footing with the other prisoners since he is being abused. Defendant No. 16 said that his attorney did not arrive yet. Defendant No. 3 said it is insufficient to meet his attorney only on the day of the session. Defendant No. 7 requested his release on the grounds of old age. Defendant No. 9 said that he is a member of a judicial organ and that he defected from the regime during the month of Ramadan, adding that Counsellor Mustafa Abd al-Jalil is aware of his defection and requested the Court to hear his testimony and release him. Defendant No. 8 requested authorization to contact his attorney. Defendant No. 18 requested his release in return for any guarantee especially since his mother had passed away three days ago. The Public Prosecution noted that it opposes the defense counsel's request to photocopy the investigation reports as this might lead to their being leaked and that the Office of the Chief Prosecutor allows any person who shows up to examine the case records. It also said that it allows visits for any person upon request and that the family of Defendant No. 2 had visited him. It added that any accused who is being abused may submit a report in that regard. Finally, the Public Prosecutor requested that the allocated time be short.

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At the end of the session, the Court decided to postpone the hearing of the case until the session of 27/4/2014 AD so that Defendants Nos. 1, 4, 6, 26, 27 28 and 29 accused may be tried via CCTV in execution of Article 2 of Law No. 7 of 2014 AD regarding the amendment of certain provisions of the Code of Criminal Procedure. The Prosecution shall notify the released persons and allow the defense counsel to examine all the documents related to the case while the accused persons remain in prison.

- At the above-mentioned session, Defendant No. 1 was tried via CCTV without counsel and said that God is his defender. Defendant No. 2 attended the session along with Attorney Ali al-Dabi', who said that he was granted power of attorney by the relatives of the accused in order to defend the latter; however, he apologized for not being able to do so for health-related reasons and other reasons. The accused then requested authorization to appoint an attorney to defend him, even if non-Libyan. Defendant No. 3 attended the session along with Attorney Ali Ka'bar and Ali al-Dabi'. Defendant No. 4 attended the session via CCTV along with Attorney Mabruka al-Duwaybi. Defendant No. 5 attended the session along with Attorney Ali al-Dabi'. Defendant No. 6 attended the session via CCTV along with Attorney Ali al-Dabi'. Defendant No. 7 attended the session along with Attorney Sulayman al-'Azabi and Rabi'a Hammuda. Defendant No. 8 attended the session along with Attorney Abu Bakr al-Sharif. Defendant No. 9 attended the session without counsel. Defendant No. 10 attended the session along with Attorney al-Hadi al-Jayyashi. Defendant No. 11 attended the session along with Attorney Anas Abu Sha'ala and Yusuf 'Uraybi, who submitted a power of attorney to be attached to the documents of the session. Defendant No. 12 attended the session along with Attorney Husayn Abu Halala, who requested the release of his client since his mother had passed away and the Court of Appeal had issued the release order. Defendant No. 13 attended the session along with Attorney Ali al-Duwayk. Defendant No. 14 attended the session along with Attorney Ibrahim Abu 'A'isha, who requested the release of his client and permission to photocopy the case records. Defendant No. 15 attended the session along with Attorney Ibrahim Abu 'A'isha. Defendant No. 16 attended the session along with Attorney al-Hadi al-Jayyashi. Defendant No. 17 attended the session along with Attorney Sulayman al-'Azabi, who requested that his client be referred to a doctor in order to confirm his medical condition. Defendant No. 18 attended the session without counsel and maintained his request for counsel attendance. Defendant No. 19 attended the session without counsel and the Public Attorney Department sent a representative in order to appoint an attorney for him. Defendant No. 20 attended the session along with Attorney al-Hadi al-Jayyashi and Salah A. Muqayli. Defendant No. 21 attended the session along with Attorney Abu Bakr al-Tayyib, who reiterated the request to release his client. Defendant No. 22 attended the session along with Attorney Anas Abu Sha'ala. Defendant No. 23 did not attend the session and was represented by Attorney al-Hadi al-Jayyashi, who said that his client is sick.

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The Public Prosecution said that Defendant No. 23 suffers from psychological and physical diseases and submitted a medical report confirming his statement, noting that the Public Prosecution leaves this matter to the discretion of the Court. Defendant No. 24 attended the session via CCTV along with Attorney Khalid al-Farjani. Defendant No. 25 attended the session via CCTV along with Attorney Khalid al-Farjani. Defendant No. 26 attended the session via CCTV along with Attorney Khalid al-Farjani and al-Hadi al-Jayyashi. Defendant No. 28 attended the session along with Attorney Khalid al-Farjani. Defendant No. 29 attended the session via CCTV along with Attorney Khalid al-Farjani and al-Hadi al-Jayyashi. Defendant No. 30 did not attend the session even though his son was properly notified. The Court decided then to proceed with the case in the absence of the accused. Defendant No. 31 attended the session without counsel. Defendant No. 32 attended the session along with Attorney Sulayman al-'Azabi, who requested the release of his client. Defendant No. 33 attended the session along with Attorney Salah A. Muqayli, who maintained the request to release his client. Defendant No. 34 attended the session along with Attorney Abd al-Basit al-Kanuni, who requested the release of his client given social circumstances following his mother's death and permission to photocopy the case records, noting that he would not be able to defend his client otherwise. Defendant No. 35 did not attend the session even though he was notified, so the Court decided to proceed with the case in his absence. Defendants Nos. 36 and 37 did not attend the session even though they were properly notified, so the Court decided to proceed with the case in their absence.

- The Court read out the Indictment and Referral to the accused as well as the charges established by the Indictment. The defense counsel requested authorization to photocopy the case records and insisted on the request. The Public Prosecutor said that the Prosecution objects to the requests for release, as the case records contain evidence that proves the validity of the charges brought against the accused, which are considered new charges and facts and are therefore different from the charges over which the accused were detained and released. The defense counsel maintained the requests for release on the grounds that there are no new charges and facts. Answering the Court's question about the requests of Defendant No. 1, the latter answered that he has no requests. Defendant No. 2 requested authorization to appoint an attorney for his defense. At the end of the session, the Court decided to place Defendant No. 23 Nuri al-Hadi al-Jatlawi in al-Razi Psychiatric Hospital, draft a report about his medical condition and allow the defense counsel to photocopy the investigation reports of the Public Prosecution and the Indictment. It also decided to communicate with the Public Attorney Department in order to appoint an attorney to defend Defendant No. 1, rejected the defense counsel's request to release

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Defendants Nos. 12, 14, 21 and 32 and adjourned the hearing of the case until the session held on 11/5/2014 AD, while the accused remain in prison except for the released ones. Defendant No. 1 attended the above-mentioned session via CCTV without counsel. Defendant No. 2 attended the session along with Attorney Abd al-Karim al-Salihin Mu'min. Defendant No. 3 attended the session along with Attorney Ali al-Dab'. Defendant No. 4 attended the session via CCTV along with Attorney Mabruka al-Duwaybi. Defendant No. 5 attended the session along with Attorney Ali al-Dab'. Defendant No. 6 attended the session via CCTV along with Attorney Ali al-Dab'. Defendant No. 7 attended the session along with Attorney Sulayman al-'Azabi and Rabi'a Hammud. Defendant No. 8 attended the session along with Attorney Abu Bakr al-Sharif. Defendant No. 9 attended the session without counsel and maintained his request for counsel to attend. Defendant No. 10 was not brought before the Court and was represented by Attorney al-Hadi al-Jayyashi. Defendant No. 11 attended the session along with Attorney Yusuf 'Uraybi. Defendant No. 12 attended the session without counsel. Defendant No. 13 attended the session along with Attorney Ali al-Duwayk. Defendant No. 14 attended the session without counsel. Defendant No. 15 attended the session along with Attorney Ibrahim Abu 'A'isha, who requested the release of his client and said that the Court's Decision at the previous session did not include the latter. Defendant No. 16 attended the session along with Attorney al-Hadi al-Jayyashi. Defendant No. 17 attended the session along with Attorney Sulayman al-'Azabi. Defendant No. 18 attended the session without counsel; one of his colleagues said that he was sick and could not attend the session. Defendant No. 19 attended the session along with Attorney Ali al-Duwayk, member of the Public Attorney Department, who said that the attorney assigned to defend the accused was banned from entering the Courtroom. Defendant No. 20 attended the session along with Attorney Salah A. Muqayli and al-Hadi al-Jayyashi. Defendant No. 21 attended the session along with his former attorney. Defendant No. 22 attended the session without counsel. Defendant No. 23 did not attend the session and was represented by Attorney al-Hadi al-Jayyashi. Defendants Nos. 24 and 25 attended the session without counsel. Defendant No. 26 attended the session via CCTV along with Attorney al-Hadi al-Jayyashi. Defendant No. 28 attended the session via CCTV without counsel. Defendant No. 29 attended the session via CCTV along with Attorney al-Hadi al-Jayyashi. Defendant No. 30 did not attend the session. Defendant No. 31 attended the session along with Attorney al-Hadi al-Jayyashi. Defendant No. 32 attended the session along with Attorney Muhammad [illegible]. Defendant No. 33 attended the session along with Attorney Salah A. Muqayli. Defendant No. 34 attended the session along with his former attorney. The rest of the accused did not attend the session and were each represented by their attorney.

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The attorney of Defendant No. 2 said that this is a big case that requires a long time for examination and requested CDs of the case records so that he may examine them. The attorney of Defendant No. 3 requested authorization to submit a list of rebuttal witnesses for Defendants Nos. 3, 4, 5 and 6. The attorney of Defendant No. 21 submitted a list of the following rebuttal witnesses: Abd al-Razzaq Muhammad Jabarat, Mas'ud Ibrahim Abd al-Samad and Muhammad al-Mahdi Muhammad. The attorney of Defendants Nos. 20, 32 and 37 requested authorization to defend his clients. The attorney of Defendant No. 8 submitted his client's birth certificate, which states that he was born in 1937 AD, said that his client is over 70 years old and suffers from certain diseases and requested his referral to the doctor. The attorney of Defendant No. 11 said that he is ready to present his defense in the next session. The attorney of Defendant No. 17 said that his client is old and requested authorization to notify his witnesses. The Public Prosecutor said that the CDs of the case records were given to all those who requested them and that the Public Prosecution requests to examine the witness lists that were submitted so that it may respond. Defendant No. 1 said that he has no requests. Defendant No. 2 requested authorization to contact his foreign attorney. The rest of the accused requested authorization to contact their counsel. At the end of the session, the Court decided to allow the defense counsel to obtain the CDs and rejected the request of the attorney of Defendant No. 15 to release his client, as well as the request of the attorney of Defendant No. 21 to hear the witnesses' testimonies, as the relevant facts were not stated. The Court also decided to tasked the Public Attorney Department to appoint a defense attorney for Defendant No. 9, and to postpone the hearing of the case until the session held on 25/5/2014 AD so that the attorney of Defendant No. 1 may attend the session, Defendant No. 10 may be brought before the Court and the medical report of Defendant No. 23 may be submitted and attached to the documents. Defendant No. 1 attended the above-mentioned session via CCTV without counsel. Defendants Nos. 6, 24, 25, 26, 27, 28 and 29 attended the session from their prison in Misratah via CCTV along with their respective attorneys. Defendant No. 10 was not brought before the Court and was represented by his attorney al-Hadi al-Jayyashi. Defendant No. 23 did not attend the session as he was placed in a psychiatric hospital by court order. Defendants Nos. 30, 32, 36 and 37 accused did not attend the session even though they were notified of the session's date and were represented by their defense counsel. The rest of the accused attended the session at the courtroom along with their former respective attorneys except for the second and nineteenth accused, who attended the session without counsel. When the Court confronted the accused

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who attended the session at the courtroom and via CCTV along with their attorneys with the charges cited in the Indictment, which was read out to them in the session, they all denied the charges, saying they were fabricated and groundless. Defendant No. 6 in particular noted that he was carrying out his duty to protect the State. Defendant No. 3 said that the Public Prosecution brought groundless charges against him and did not confront him with these charges upon investigation. Defendants Nos. 9 and 31 said the same. The Public Prosecution requested postponement in order to present case evidence against the accused. The defense counsel requested the distribution of the Indictment to the accused so that they may clearly understand and respond to the charges, since they are serious charges whose penalty is no less than execution. The defense counsel also requested authorization to photocopy evidence collection reports since they include evidence against the accused. The attorney of Defendant No. 9 requested the release of his client since he is a member of a judicial organ and shall not be imprisoned or prosecuted unless an authorization is obtained from the committee in charge of lifting immunity and submitted in support of his request a summary statement containing a copy of the Decision of the Supreme Judiciary Council concerning the promotion of Husni al-Sadiq al-Wahish. The Public Prosecution objected to the request for release, noting that Law No. 38 of 2012 AD on Procedures for the Transitional Period provides that the trial of the officials of the former regime who committed crimes shall be free of any restriction. The attorney of the accused maintained his request.

- The attorney of Defendant No. 21 submitted a list of rebuttal witnesses whose testimonies are required, noting that he had already submitted this list last year and it was rejected by the Court for not stating the facts on which the testimony was to be made, which were stated in this request. At the end of the session, the Court decided to postpone the hearing of the case until the session held on 22/6/2014 AD, based on the request of the Public Prosecution to submit its pleadings and evidence of proof and the request of the attorney of Defendant No. 21 to notify the rebuttal witnesses (Abd al-Razzaq Jabarat and Muhammad al-Mahdi Shaqhan). The Public Prosecution shall refer copies of the Indictment to Reform and Rehabilitation Institutes for distribution to the accused and allow the defense counsel to photocopy evidence collection reports, while the accused remain in prison and are brought before the Court on the day of the session.

- Defendant No. 1 attended the above-mentioned session via CCTV along with Attorney Abd al-Salam al-Hanashi, member of the Public Attorney Department. Defendants No. 6, 24, 25, 26, 27, 28 and 29 attended the session via CCTV along with their respective attorneys. The tenth was not brought before the Court to attend the session and was represented by his attorney. Defendant No. 23 did not attend the session as he was placed in al-Razi Psychiatric Hospital by court order.

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Defendants Nos. 30, 32, 36 and 37 did not attend the session even though they were notified, and were represented by their counsel. Defendant No. 2 attended the session along with the defense counsel, that is, Attorney Ali al-Jabali and Abd al-Hakim Mukhtar. The rest of the accused attended the session along with their respective attorneys. When Defendants Nos. 1, 2 and 9 were confronted with the charges of the Indictment and Referral, which were read out and distributed to them, Defendant No. 1 said that he confessed to some of the charges before the Prosecution and denied the others. Defendant No. 2 denied the charges, noting that the acts he carried out were not crimes in his view since he was working in an established State and defending it while carrying out his duties. Defendant No. 19 denied the charges and said that they were fabricated and groundless and that he did not misuse public funds. The Public Prosecution pleaded by explaining a part of the evidence of proof that confirms the charges against the accused and requested at the end of its pleading that the items of the Indictment be implemented and the strictest penalties be imposed on the accused.

- The defense counsel requested postponement in order to examine the case records and prepare the defense, noting that there is a very large number of case records and documents, which require a long time for examination.

- The defense counsel also requested to provide the accused with the list of case evidence so that they may respond. Defendant No. 2 said that they have no pens and papers to write down their responses to the charges. The attorney of Defendant No. 9 maintained his request to release his client, noting that the latter is a member of a judicial organ and therefore may not be arrested and prosecuted unless an authorization is obtained from the committee in charge of lifting immunity, which has yet to occur. The attorney of Defendant No. 21 requested the Court to hear the testimonies of the rebuttal witnesses (Abd al-Razzaq Jabarat and Muhammad al-Mahdi Shaqhan). The attorney of Defendant No. 34 submitted a request to hear the testimony of witness (Munir Muhammad al-Mabruk). The Public Prosecution objected to the request for the release of Defendant No. 9, maintaining its prior response. It also objected to the defense counsel's request to distribute the evidence of proof to the accused on the grounds that it was impossible to do so.

- At the end of the session, the Court decided to postpone the hearing of the case until the session held on 18/8/2014 AD. The defense counsel shall prepare and present its defense according to the order of the accused. The Court also decided to postpone the hearing of the testimonies of witnesses (Abd al-Razzaq Jabarat and Muhammad al-Mahdi Shaqhan) until the next session and to authorize the attorney of Defendant No. 34 to notify the rebuttal witness mentioned in his request. The Public Prosecution shall communicate with the Reform and Rehabilitation Institute to provide the accused with pens and papers so that they may write down their responses to the charges and deliver them to the defense counsel, while the accused remain in prison and are brought before the Court on the day of the session.

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On the determined date, the case was postponed until the session held on 12/10/2014 AD since it was impossible to hold it due to security conditions in Tripoli. Defendant No. 1 did not attend the above-mentioned session, nor did his counsel. Defendant No. 2 attended the session along with Attorney Ahmad Nashad and Ibrahim Abu 'A'isha. Defendant No. 3 attended the session along with Attorney Ali al-Dabi'. Defendant No. 4 did not attend the session. Defendant No. 5 attended the session along with Attorney Ali al-Dabi'. Defendant No. 6 attended the session along with Attorney Sulayman al-'Azabi. Defendant No. 7 attended the session along with his former attorney. Defendant No. 8 attended the session without counsel. Defendant No. 9 attended the session along with his attorney. Defendant No. 10 did not attend the session. Defendant No. 11 attended the session along with Attorney Anas Abu Sha'ala. Defendants Nos. 12, 13 and 14 attended the session without counsel. Defendant No. 15 attended the session along with Attorney Ibrahim Abu 'A'isha. Defendant No. 16 attended the session along with his attorney. Defendant No. 17 attended the session along with Attorney Sulayman al-'Azabi. Defendant No. 18 attended the session along with Attorney Faraj Qajum. Defendant No. 19 attended the session without counsel. Defendant No. 20 attended the session along with Attorney al-Hadi al-Jayyashi and Salah Muqayli. Defendant No. 21 attended the session along with Attorney Abu Bakr al-Tabib. Defendant No. 22 attended the session along with Attorney Anas Abu Sha'ala. Defendants Nos. 23, 24, 25, 26, 27, 28 and 29 accused did not attend the session. Defendant No. 30 attended the session along with Attorney al-Hadi al-Jayyashi. Defendant No. 31 attended the session along with his attorney. The thirty-second attended the session along with Attorney Salah Muqayli. The rest of the accused did not attend the session. The Public Prosecution submitted a technical report issued by the specialized company in charge of linking CCTV systems between the Court and the Reform and Rehabilitation Institutes in Misratah and Zintan, stating that CCTV systems were not linked because of technical difficulties resulting from the damages incurred by the transmitter stations and post offices. When the Court asked the defense counsel whether any one of them was ready for defense, the attorney of Defendant No. 2 requested postponement in order to notify the rebuttal witnesses. The attorney of Defendants Nos. 20, 32 and 37 requested the same, noting that he would postpone his defense until after the Court hears the witnesses' testimonies. The attorney of Defendant No. 32 requested postponement in order to hear the testimonies of the following witnesses: Ahmad al-Mahdi Abu Gharara, Sa'd Maghrib Arhim and Khalid Adam Humaydan. The attorney of Defendant No. 17 said that he wishes to postpone his defense until after his client is referred to a psychologist in order to assess his level of awareness and consciousness. The attorney of Defendant No. 2 requested postponement in order to examine the documents and prepare the defense. The attorney of Defendants Nos. 3, 4 and 5 requested the same. The Court advised Defendant No. 3, al-Baghdadi al-Mahmudi, and Defendant No. 5, Abu Zayd Dorda, and their defense counsel to annex Case No. 2012 AD/177 concerning Defendant No. 3 to this case, and to annex Case 2012 AD/1073 concerning Defendant No. 5 to the same case. The rest of the defense counsel who attended the session insisted on obtaining enough time to

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examine the documents and prepare the defense. At the end of the session, the Court decided to postpone the hearing of the case until the session held on 2/11/2014 AD, at the request of the attorney of Defendant No. 32 to notify the rebuttal witnesses and the request of the attorney of the eighth and thirty-fourth accused to notify the witnesses. The Court also authorized the defense counsel to deliver copies of the evidence of proof to their clients through the Reform and Rehabilitation Institute, while the accused remain in prison and are brought before the Court on the day of the session.

- Defendants Nos. 1, 10, 23, 30, 35, 36 and 37 did not attend the session. The rest of the accused attended the session under guard along with their respective attorneys except for the thirteenth, eighteenth and nineteenth accused, whose counsel did not show up. The attorney of Defendant No. 8, Muhammad al-Sharif, requested the Court to hear the testimonies of the rebuttal witnesses Ali Faraj 'Awn and Ali al-Sadiq Hassan. The Court heard their testimonies as described in the minutes of the session. The attorney of Defendant No. 21, 'Imran al-Farjani, requested the Court to hear the testimonies of the rebuttal witnesses Abd al-Razzaq Ahmad Jabarat and Muhammad al-Mahdi Shaqhan. The Court heard their testimonies as described in the minutes of the session. The attorney of Defendant No. 32, 'Ammar al-Nayid, requested the Court to hear the testimonies of witnesses Mukhtar Sa'id Sasi and Ali Muhammad al-Nuri. The Court heard their testimonies as described in the minutes of the session. Afterwards, the defense counsel whose witnesses were heard by the Court requested postponement in order to prepare the defense. The attorney of Defendant No. 34 requested postponement in order to notify the rebuttal witness, who is abroad. The Court decided to postpone the hearing of the case at the request of the defense counsel so that they may examine the documents and notify the rebuttal witnesses, until the session held on 16/11/2014 AD. Defendant No. 1 did not attend the above-mentioned session, nor did his counsel. Defendants Nos. 23, 30, 35, 36 and 37 did not attend the session. The rest of the accused attended the session along with their respective attorneys. When confronted with the charges described in the Indictment, Defendant No. 10, Mundhir al-Ghanimi, said that he had mobilized security forces based on the instructions of the Chairman of the General People's Committee for Public Security at the time and that he provided a small subsistence allowance to the members of the security forces, while denying the other charges, that is, bringing migrants in and out of the country and killing them and restricting citizens' freedom. The attorney of Defendant No. 3 requested the Court to hear the testimonies of Bashir Ali Khalifah and Hamid Ahmad al-Tumi. The Court heard their testimonies as described in the minutes of the session. Afterwards, the attorney of Defendant No. 3 requested postponement in order to examine the documents and prepare the defense.

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The rest of the defense counsel requested the same, noting that further time is required to examine the documents and notify the rebuttal witnesses, except for the attorney of Defendant No. 32, 'Ammar al-Nayid, who said that he is ready to raise his defense. The Public Prosecution objected to hearing the rebuttal witnesses on the grounds that their testimonies are not relevant and insisted on execution of the Indictment. When Defendant No. 32, 'Ammar al-Mabruk al-Nayid, was confronted with the charges described in the Indictment served to him, he denied them. The Public Prosecution maintained its request to execute the Indictment and impose the strictest penalty on the accused. The attorney of the accused argued that the crime attributed to the accused is unfounded, i.e. instigating civil war and dismantling national unity, noting that his client did not form any armed tribal group and that he played a social role as he sought to help the youth of the region. He also said that his client did not receive any funds and that ('Ammar Hurayba) is the one who received them, while his client's role was limited to escorting the mentioned person to the workplace of Defendant No. 4 (Mansur Daw), who gave him the sum of money. The attorney added that the Public Prosecution did not submit any evidence proving that his client had committed the attributed crime and that it only read out his client's statements during the investigations, which are not deemed a confession of the crime. The attorney finally requested that his client be acquitted or alternatively treated with the utmost kindness and compassion. The attorney submitted an original Statement of Defense, which was attached to the case file, and a copy thereof, which was submitted to the Public Prosecution and contained a description of the defenses raised before the Court, namely the absence of any form of criminal contribution on the part of his client, and concluded with his prior request. The attorney also filed a summary statement with statements by Tarhuna Municipal Council confirming that the accused, 'Ammar al-Mabruk al-Nayid, was not the Coordinator of People's Leaderships in Tarhuna but one of the region's notables who was involved in assisting the rebels. The attorney submitted written testimonies for a number of persons, stating that the accused had helped them while they were in detention, and a statement issued by 'Ammar Hurayba, the Coordinator of People's Leaderships in Tarhuna, to the Commander of the People's Guard concerning the referral of the file of Tarhuna's al-Shaqiqa Jahfal to protect the Revolution and its Leader. The attorney also submitted another letter from the same source regarding the locking of the received petty cash amounting to 500,000 LYD, which aims to cover Tarhuna's expenses. The attorney maintained his oral and written defenses. The Public Prosecutor responded to the defenses raised by the attorney of the accused by arguing that the charge is well founded against the accused based on.

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In response to the defense raised by the attorney of the accused about the lack of evidence confirming that the accused committed the crime attributed to him, the Public Prosecution added that this defense is unfounded because the testimonies contained in the evidence of proof confirm that the accused was involved in forming the tribal legion from members of his tribe al-Hararat and that he appointed his brother (Muhammad) as commander of the group. The Public Prosecution requested that the attorney's defense be rejected and said that the accused has no relationship whatsoever with judicial organs. The accused said that he was interrogated by the Public Prosecution at night and that he did not form any legion and requested his acquittal of the charge. The attorney of Defendant No. 17 said that he was ready for pleading. When Defendant No. 17, Abd al-'Ati Ibrahim al-'Ubaydi, was confronted by the Court with his charge according to the Indictment, which was served to him, he denied it and said that his role was restricted to the transfer of telegraphs to the competent party. The Public Prosecution maintained the Indictment and requested that the harshest penalty be imposed on the accused. The attorney of the accused requested the referral of his client to a hospital since he is in a bad health condition. The attorney said that the accused did not undertake any action against the 17 February Revolution and that he belongs to al-Ubaydat tribe, one of the first tribes that defected from the regime, and that he did not undertake any action to bring in mercenaries, nor was he involved in it; therefore, this crime was unfounded. He then requested that his client be placed in a psychiatric hospital and acquitted of the charge. The Public Prosecution objected to the request to place the accused in a psychiatric hospital and said that his medical report did not state that he suffers from a mental illness or is unaware of his acts. The Public Prosecution responded to the defense raised by the attorney of the accused about the lack of evidence related to the crime by noting that it is unfounded and that the accused was involved in the crime of bringing in mercenaries since he used to transfer the coded messages sent by the Chargé d'Affaires of the Libyan embassy in Uganda concerning the mercenaries and instruct his subordinates to decode them, and then transfer them to Defendant No. 2 given his expertise in the matter, which makes him a partner in crime.

- The accused denied the charges and requested acquittal, noting that he is unaware of what he is saying. The attorney of the twentieth and thirty-third accused said that he is ready to present his defense. When the Court re-confronted the accused with the charges cited in the Indictment, which was read out and served to them, they denied those charges. The Public Prosecution maintained the Indictment and requested that a penalty be imposed on the accused. The attorney of the accused argued that his clients are not figures of the former regime

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and had no role whatsoever in bringing in and equipping mercenaries and granting them citizenship. The attorney also said that Defendant No. 20 is a Payroll Officer, that his role is restricted to distributing salaries to military members in Kiklah and that it is not within his scope of work to examine their documents and IDs in order to check if they are mercenaries or not. The attorney of Defendant No. 33 said that his client did not undertake any action to equip the mercenaries and provide them with supplies and other items. He also said that his clients did not undertake any action to squander public funds and deprive people of their political rights since there were no political rights under the former regime, and requested that a judgement of acquittal be rendered or that his clients be alternatively treated with the utmost kindness and compassion. He also requested the release of his clients so that they would be treated on an equal footing with the accused who were released since they share the same legal status.

- The Public Prosecution responded to the defense raised by the attorney of the accused by saying that it is groundless and that the charges are well founded against the accused as Defendant No. 20 disbursed funds to the mercenaries in Kiklah and Defendant No. 33 assessed the needs of the mercenaries in terms of supplies and other items, which makes them both involved in bringing in and equipping mercenaries. The Prosecution maintained its prior request. Defendant No. 20 said that he did not know that the military members in Kiklah were mercenaries since they had military numbers and IDs, and that he was a Payroll Officer whose role is restricted to distributing salaries to military members who have military numbers. He then requested his acquittal of the charge. Defendant No. 33 requested his acquittal of the charge, noting that he did not commit any crime and that he came voluntarily to the investigation. At the end of the session, the Court decided to postpone the hearing of the case until the session held on 28/12/2014 AD and instructed the rest of the defense counsel to present their defenses concerning the accused. Defendants Nos. 1, 3, 20, 30, 35, 36 and 37 did not attend the above-mentioned session. The rest of the accused attended the session under police guard. The defense counsel attended the session and the hearing was postponed at the request of the defense counsel. The defense counsel of Defendants Nos. 2, 3, 4, 5, 6, 8 and 12 requested further postponement in order to examine the documents and prepare the defense. Attorney Anas Abu Sha'ala, who represents Defendant No. 11, Abd al-Hafid al-Zulaytini, said that he is ready for defense. When the Court re-confronted the accused with the charges cited in the Indictment,

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which was read out and served to him, he denied those charges. The Public Prosecution insisted on the execution of the Indictment and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that his client is not a figure of the former regime and that he was the Minister of Finance; during the 17 February Revolution, he received instructions and orders from parties with a higher rank, while Defendant No. 3 was the one to issue instructions for disbursing funds. He also said that his client did not commit any criminal act, nor provide financial support, fuel or food to Gaddafi's battalions... The defense counsel added that the Public Prosecution is confusing the concept of the State with that of the regime. The attorney of the accused requested to allow his client to declare his remorse concerning the charge of squandering public funds and acquit him of the rest of the charges. The Public Prosecution maintained the evidence of proof brought against the accused and confirming the charge and added that the accused was keen on providing financial support to Gaddafi's battalions, since he was offered by Defendant No. 3 to quit his job; however, he insisted on remaining in his position in order to provide financial support to Gaddafi's battalions, which were killing the Libyans. The accused said that he had refused to quit his job because he was supposed to be assigned a more dangerous job, that is, Vice-Chairman of the General People's Committee, and requested his acquittal of the charge. The attorney of Defendant No. 13, Radwan al-Hamali, said that he is ready to present his defense. When the Court confronted Defendant No. 13 with the charges cited in the Indictment, which was read out and served to him, he denied those charges. The Public Prosecution insisted on the execution of the Indictment and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that the charge brought against his client is groundless since he was entrusted with running storehouses containing weapons and ammunition in the Intelligence Services and delivered the weapons based on payment orders issued by the Head of the Intelligence Services and his deputy. He added that his client was not aware of the booby-trapping of vehicles, nor did he intend to do so, and was a soldier who obeyed orders. He then requested that his client be acquitted or alternatively treated with the utmost compassion and mercy. He also requested authorization to submit a statement explaining his defenses in the upcoming sessions. In response to the defense raised by the attorney of the accused, the Prosecution noted that it is unfounded, that the accused used to deliver weapons and ammunition to the armed groups and that claiming to have executed the instructions of the Head

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does not absolve him of responsibility, since the Supreme Court announced that illegal orders may not be executed and that military men are to be held responsible were they execute such orders. The Public Prosecution added that the accused was aware that the booby-trapped vehicles were to be blown up in public places, and therefore by contributing to the crime, the accused had deliberately committed acts of sabotage and arbitrary killings. The Public Prosecution concluded that the charge is well founded against the accused based on his confessions. The accused requested his acquittal and release.

- The attorney of Defendant No. 16 said that he is ready for pleading. When the Court confronted Defendant No. 16, Jibril al-Kadiki, with the charges cited in the Indictment, which was read out and served to him, he denied those charges. The Public Prosecution maintained its request to execute the Indictment and impose the strictest penalty on the accused. The attorney of the accused said that the charge brought against the accused is groundless since there was no aviation during the 17 February Revolution except NATO aircraft, which destroyed the radar system and airplanes. Therefore, the argument that the Libyan aircraft bombed civilian targets does not hold up since this is impossible in reality. The attorney added that his client refused the command to strike Misratah Local Radio Station as it is located in a civilian area. He also said that rigging prisons with explosives is an invalid charge because that did not happen and his client did not meet Defendant No. 2 neither personally nor by phone in order to agree to this action, which was not undertaken. The attorney of Defendant No. 16 requested that his client be acquitted or alternatively treated with the utmost kindness and compassion. He also said that he would submit a closing argument explaining his defenses. In response to the attorney of the accused, the Public Prosecution said that many air strikes were launched against civilian targets with unguided bombs and that the accused was responsible for these strikes, which were executed by Gaddafi's aircraft. The Public Prosecution added that NATO set a plan to blow up prisons and kill prisoners using aerial bombs that were in possession of the accused. The Public Prosecution maintained its decision and prior request. The accused requested acquittal and said that no aircraft bombed civilian targets and that no command was issued to mobilize aircrafts. The attorney of Defendants Nos. 26, 27 and 29, al-Hadi al-Jayyash, said that he is ready for pleading. When the above-mentioned accused were confronted

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with the charges cited in the Indictment, which was read out and served to them, they all denied those charges. The Public Prosecution maintained the Indictment and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that his clients were instructed to rig vehicles with explosives; however, after meeting Abd al-Salam Hammuda, they explained to him why it was technically impossible to rig these vehicles with explosives, noting that they needed a particular type of mobile phone. When these mobile phones were provided by the accused, Abdullah al-Senussi, they were instructed to booby-trap the vehicles; however, they agreed on inventing a technical tactic to prevent the explosion of these vehicles, thus, none of the booby-trapped vehicles exploded. The defense counsel noted that the vehicle that exploded in front of Benghazi's Tibesti Hotel was not one of the vehicles that were rigged with explosives by his clients but another vehicle whose driver carried explosive materials (a home-made bomb), and that he got these information from the Internet. He added that Defendant No. 27, Muhammad al-Wa'id, has nothing to do with that accusation and was not involved in the booby-trapping, nor was he present at the site. The defense counsel then requested that his clients be acquitted or alternatively treated with the utmost kindness and compassion... The Public Prosecution responded that the defense raised by the attorney of the accused is unfounded because the accused equipped and booby-trapped the vehicles, which in itself is considered a crime punishable by law, and others were tasked with carrying out the explosions. The Public Prosecution added that a large number of vehicles were booby-trapped. The Prosecution maintained the attached evidence of proof and the execution of the Indictment against the accused, who all requested a judgement of acquittal. The rest of the defense counsel requested postponement in order to examine the documents and prepare the defense and for some attorneys to notify the rebuttal witnesses. At the end of the session, the Court decided to postpone the hearing of the case until the session held on 11/1/2015 AD. In the meantime, the rest of the defense counsel shall prepare their defenses and the attorney of Defendant No. 18, Attorney Faraj Qajum, shall pay an amount of 50 LYD for having left the session before its conclusion and before the Court heard his defense. Defendant No. 1 did not attend the above-mentioned session and was represented by Attorney Abd al-Salam al-Hanashi, member of the Public Attorney Department. Defendant No. 10 was not brought before the Court to attend the session. Defendants Nos. 23, 30, 35, 36 and 37 did not attend the session. The defense counsel attended the session, except for the attorney of Defendants Nos. 9, 5, 17, 21, 23, 30, 35,

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36 and 37. The rest of the accused attended the session under guard. The attorney of Defendant No. 2, Ahmad Nashad, requested further time to notify the rebuttal witnesses and prepare for defense. The Prosecution objected to this request because the witnesses claimed by the defense counsel as mentioned are supposed to deny the charge of blowing up a gas station in Benghazi and the Prosecution did not bring such charge against the accused but only accused him of planning this crime. The Prosecution argued that the testimonies of the witnesses are useless and that the defense counsel has all the documents and therefore can submit his defenses instead of invoking useless pretexts in order to gain time. The Public Prosecutor requested that the Court cancel the hearing of the rebuttal witnesses since it may legally refrain from hearing the testimonies of witnesses were they not notified. The attorney of Defendant No. 2 insisted on his request. The attorney of Defendant No. 15 requested the Court to hear the testimony of the rebuttal witness, Makhluaf al-Saghir Abd al-Salam. The Court heard his testimony as described in the minutes of the session. Afterwards, the attorney requested postponement in order to present his defense. The attorney of Defendant No. 3 also requested postponement. The attorney of Defendant No. 4, Mansur Daw, said that she was ready for pleading. When the Court re-confronted the accused with the charges cited in the Indictment, which was read out and served to him, he denied those charges and said that he carrying out his duties. The Public Prosecution maintained the execution of the Indictment and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that the provisional detention is invalid and that the Public Prosecution had investigated her client while he was in unlawful detention. She also said that the acts committed by her client were not criminal but legitimate acts, that he was implementing the law and that the protests that were held on the streets were not peaceful but armed and unlicensed. She added that the Prosecution did not submit any evidence confirming that the protests involved killings, and that the case file does not contain the forensic reports of the alleged victims, which means that the charge is invalid. She also said that bringing in mercenaries and granting them citizenship is a groundless charge since the Passport Department grants citizenship and her client has nothing to do with that. As for acquiring and distributing drugs, she said that this charge is also groundless since her client received two boxes of medicine, which remained in his office until it was bombed by NATO aircraft, and there is no evidence that these substances are narcotics. With regards to the seizure of

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others' properties by force, she said that the Prosecution's description of the incident is irrelevant and that the latter is not a crime in the first place. Regarding the rape of others, she said she wishes to postpone her defense until the Court holds a confidential session. The attorney of the accused requested the acquittal of her client and authorization to submit a Statement of Defense in an upcoming session. In response to the defenses raised by the attorney of Defendant No. 4, the Public Prosecution said that all these defenses are invalid because the accused confessed to all the charges related to killing protesters, bringing in mercenaries, forming tribal legions and other crimes. The Public Prosecutor added that if the accused believed that killing protesters meant defending the regime, then this is his personal opinion, which does not alter the fact that this is a crime punishable by law. He added that seizing people's money under the pretext of executing orders is illegal since illegal orders shall not be executed. The Prosecution maintained the evidence of proof brought against Defendant No. 4 and requested that the strictest penalty be imposed on him. The accused said that he had prepared a Statement of Defense and requested to read it out before the Court. The Court accepted his request and he said that the Prosecution member present at the session and other Prosecution members who investigated him told him that they, along with their colleagues among the jurists, lawyers and judges, supported the rebels and that they would all have been imprisoned if the regime had triumphed. Therefore, he now regards them as adversaries who may not investigate him since one cannot be an adversary and a judge at the same time. He added that his acts fall within the scope of his duties and the protection of the State and they are not crimes punishable by law. He submitted his statement, which he read out and requested to attach to the case file. He then requested acquittal of the charges. The attorney of Defendant No. 22, Ali al-Maqtuf, said that he is ready for pleading. When the Court re-confronted the accused with the charges cited in the Indictment and Referral, which was read out and served to him, he denied those charges. The Public Prosecution maintained the Indictment and Referral and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that his client did not commit any act that represents a crime punishable by law since he brought weapons to the External Security Agency based on the instructions of its Chairman, which does not mean that the accused committed the crime of

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forming and supporting tribal legions since he did not deliver these weapons to the tribal legions but brought them to his workplace. The fact that the accused summoned a number of persons to attend the meeting with Defendant No. 5 in his office at his request does not mean that he committed the crime of forming tribal legions since there is no proof that he participated to the meetings or attended them. The attorney requested the acquittal of the accused. The Public Prosecution maintained the evidence of proof attached to the Indictment, which prove that the accused committed the mentioned crimes. The accused said that he was the personal assistant of the accused Abu Zayd Dorda, as opposed to the claims of the Public Prosecution, and that he did not commit any crime, and he requested his acquittal. The attorney of Defendant No. 24, Jamal Ali Ihmida al-Shahid, Defendant No. 25, Abdullah Abd al-Qassim al-Sha'lani, and Defendant No. 28, Abu Ujayla Muhammad Khayr Mas'ud, said that he wishes to know from the Public Prosecution whether the vehicles that were allegedly booby-trapped by the accused underwent technical examination. The Public Prosecutor answered that these vehicles did not undergo technical examination. The defense counsel then requested postponement in order to present his defense in the upcoming session. The rest of the defense counsel who attended the session requested postponement in order to examine the documents and prepare the defense. The Court decided to postpone the hearing of the case until the session held on 25/1/2015 AD. The rest of the defense counsel shall submit their defenses while the accused remain in prison. Defendant No. 1 did not attend the above-mentioned session and was represented by his previous attorney. Defendants Nos. 10, 23, 30, 35, 36 and 37 did not attend the session. The rest of the accused attended the session under guard. The defense counsel who have not already presented their defenses attended the session. The session was postponed so that they may present their defenses. The attorney of Defendant No. 2 said that he is documenting written testimonies and that he will present his defense when he finishes collecting these testimonies and he requested further time. The attorney of Defendants Nos. 3, 5 and 6 maintained his prior request to postpone his pleading until after the rest of the defense counsel present their defenses. The attorney of Defendant No. 4 maintained her previous defenses and requested authorization to re-litigate the charge brought against her client, that is, killing protesters, after examining the forensic reports of the victims. She requested postponement until an upcoming session. The attorney of Defendant No. 8 and the attorney of Defendants Nos. 10, 21 and 31 said that they are preparing their defenses and requested further time to examine the documents and prepare the defense. The rest of the defense counsel who attended the session

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requested the same. The attorney of Defendant No. 19, al-Mabruk Muhammad al-Mabruk Mas'ud, said that he is ready for pleading. When the Court re-confronted the accused with the charges cited in the Indictment, which was read out and served to him, he denied those charges. The Public Prosecution maintained the Indictment and evidence of proof brought against the accused and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that he wishes to raise a general defense that applies to his client and the other accused, that is, the accused was a civil servant in an established State and was carrying out his duties; therefore, his actions are not deemed a crime according to Article (69) of the Penal Code. He argued that the arrest and incarceration of his client are illegal as they were conducted by persons who do not have the capacity of judicial officer and who made the arrests without an authorization from the competent party; they are an armed group of Security Committee members who are not judicial officers. The attorney also said that the crime attributed to the accused is groundless since the Public Prosecution did not confront him with case evidence upon investigation. He also said that the confessions and statements of the accused before the Public Prosecution are invalid as he made them under coercion, having been threatened with revenge from his parents in the event that he recanted before the Public Prosecution the statements he made before the Security Committee. The Public Prosecution investigated him in the presence of Security Committee members as established in the minutes, which means that the accused made his statements under coercion and in fear of the Security Committee members who were present with the investigator. The attorney of the accused requested that his client be acquitted or alternatively treated with the utmost kindness and mercy. In response to the defense raised by the attorney of the accused, that is, his acts were legitimate since he was carrying out his duties and executing instructions and orders, the Public Prosecution said that the defense is unfounded as the civil servant, whether he was civilian or military, may not execute illegal instructions and orders and violate the law. It also added that the execution of an illegal order does not exonerate the civil servant from punishment since an official who violates the law shall not be obeyed as established by the Supreme Court. The Public Prosecution also objected to the defense raised by the attorney of the accused regarding illegal incarceration, noting that the rebels had expressed some reservations with regards to the accused before Jadu's Military Council, and said that the Office of the Chief Prosecutor had ordered the referral of the accused, and upon referral, the Office investigated him and ordered his arrest and incarceration, which means that the arrest and incarceration procedures were conducted in conformity with the law. The Public Prosecutor added that the charge brought against the accused was established since he had contributed to funding the armed group

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based in al-Jush by supplying it with weapons and ammunition. The Public Prosecution maintained its prior request... The attorney of the accused insisted on his defenses. The accused requested acquittal and said that he had undergone coercion at the hands of the armed members. The attorney of Defendants Nos. 24, 25 and 28 said that he is ready for pleading. When the Court re-confronted the accused with the charges cited in the Indictment and Referral, which was read out and served to them, they all denied those charges. The Public Prosecution maintained the Indictment and evidence of proof and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that he wishes to raise general defenses in favor of his three clients and a specific defense in favor of Defendant No. 28. With regards to the general defenses, he said that the evidence brought against his clients are invalid because the Public Prosecution, when addressing the charges to the accused, relied on the confessions they made against each other, which are not deemed testimonies according to the Supreme Court, but a mere presumption that does not serve as a basis for indictment. The attorney also said that the crime attributed to the accused is unfounded because sabotage is not a serious or behavioral crime as presented by the Public Prosecution, but a crime of damage, which is only conditioned by the material act, i.e. deliberate destruction, and the intent to undermine State security according to the Supreme Court. He added that the charge brought against the accused did not materialize on the ground, which means that the material element of the crime is lacking. The mental element of the crime and the intent to undermine State security are also lacking since there was no State at the time but Gaddafi's State and the accused were civil servants in that State, so they would not undermine it in the attorney's view. He also said that there is no technical evidence proving that the materials placed in the vehicle are explosives, and since this is a technical issue, then it is necessarily linked to technical expertise; thus, the crime is essentially unfounded. The attorney said that the Amnesty Law, that is, Law No. 35 of 2012 AD, applies to his clients since the crime attributed to them had occurred prior to the entry into force of the law and they are not Gaddafi's aides; therefore, the attorney requested authorization for his clients to announce their remorse. The defense counsel requested originally and alternatively a judgement of acquittal for his clients and alternatively authorization to announce their remorse. The Public Prosecution said that the defense raised by the attorney of the accused is irrelevant because the charges brought against them were established based on the confessions they made against themselves and each other, which is sufficient to prove the charge brought against them. The Public Prosecution said that the defense raised with regards to the crime of sabotage and the claim that it is a crime of damage rather than a behavioral one are also irrelevant since

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the accused confessed that he went to Defendant No. 4, Mansur Daw, in order to receive an amount of (500,000) LYD and that he contributed to forming an armed legion in Tarhunah called al-Shaqiqa and another legion in Tripoli. The Public Prosecution added that the act committed by the accused is a serious and behavioral crime and the mere fact that the accused committed the act means that the crime occurred regardless of whether it had certain results or caused damage. The Public Prosecutor also noted that the accused was the assistant and deputy of 'Ammar Hurayba and requested that the strictest penalty be imposed on the accused. The accused said that he did not dismantle national unity but sought to bring citizens together and ensure reconciliation between tribes and regions. The accused also said that he did not participate in the distribution of weapons nor did he receive any funds. He denied the charges brought against him and requested his release because he suffers from diabetes, hypertension and ulcer. The attorney of Defendant No. 34 (Muhammad Ramadan al-Shatiba) insisted on his prior request to grant him enough time to notify the rebuttal witness who is outside of Libya, namely, the Arab Republic of Egypt, taking into consideration the time allowed on account of distance, which is stipulated in the Code of Procedure. The Public Prosecution objected to this request and said that the witness whose testimony is claimed by the attorney of Defendant No. 34 is, according to his statement, the president of a military council in Tripoli and therefore has nothing to do with the charge brought against the accused, that is, dealing drugs with members of Gaddafi's battalions in Taurgha'. The attorney of the accused insisted on his request. The rest of the defense counsel who attended the session requested further postponement in order to examine the documents and prepare for defense. At the end of the session, the Court decided to postpone the hearing of the case until the session held on 30/11/2014 AD at the request of the defense counsel in order to examine the documents and prepare for defense. Defendant No. 1 did not attend the above-mentioned session, nor did his counsel, while the rest of the accused attended the session under police guard. Defendants Nos. 23, 30, 35, 36 and 37 did not attend the session. Attached to the case file is a valid statement confirming that the released were notified. The Court decided to proceed with the case in their absence. The defense counsel also

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attended the session. The session was postponed at the request of the defense counsel in order to examine the documents, prepare for defense and notify the rebuttal witnesses. The attorney of Defendant No. 14 requested the Court to hear the testimony of witnesses Abd al-Mawla Khalifah al-Rabah and Muhammad Sha'ban Bin Zahra. The Court heard their testimonies as mentioned in the minutes of the session. Afterwards, the attorney of Defendant No. 14 requested postponement in order to prepare the defense. The rest of the defense counsel requested further postponement in order to examine the documents and prepare for defense as the case involves a large number of documents and investigations and their examination requires a long time. The Prosecution objected to this request and the Public Prosecutor said that some of the defense counsel are seeking to gain time and delay the adjudication of the case and that the recurrent postponement requests are unjustified, especially since the Court responded to all the requests of the defense counsel with regards to photocopying the minutes and delivering the CDs. The Prosecution requested that the Court exercise its power in this regard. At the end of the session, the Court decided to postpone the hearing of the case until the session held on 14/12/2014 AD. The rest of the defense counsel shall submit their defenses. Defendants Nos. 1, 20, 30, 35, 36 and 37 did not attend the session. The Court decided to proceed with the case in their absence. The defense counsel attended the session except for the attorney of Defendants Nos. 10, 11, 14, 21, 22, 23, 28, 35 and 36. The attorney of Defendant No. 4, Mabruka Dawa, requested the Court to hear the testimonies of witnesses Ahmad Muhammad Riji and Abd al-Qassim Ibrahim Makari. The Court heard their testimonies as described in the minutes of the session. The attorney of Defendant No. 6 requested the Court to hear the testimony of witness Abd al-Hafiz Abu 'Ujayla Muhammad. The Court heard his testimony as described in the minutes of the session. Afterwards, the attorney of Defendant No. 4 requested postponement in order to examine the documents and prepare the defense. The attorney of Defendant No. 6 requested the same. The attorney of Defendant No. 5 requested the Court to hear the recorded interview conducted by Misratah Local Radio with Counsellor Mustafa Abd al-Jalil about the role of Defendant No. 5. The attorney of Defendant No. 3 requested the minutes of the meetings that his client had held with the UN representative be attached, where he highlighted the importance of finding a solution to the situation and stopping the bloodshed. He also requested the Court to hear the testimony of the Special Representative of the UN Secretary-General and the Red Cross. The Prosecution objected to this request, noting that it has attached to the case documents all the minutes of the meetings held by Defendant No. 3 as well as his personal notebook,

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in which he wrote down his observations. The accused admitted his acts and postponing the hearing of testimonies by major political figures will delay the adjudication of the case, especially since these testimonies are unproductive for the case. The attorney of the accused insisted on his request. The attorney of Defendant No. 2 requested that the Court hear the testimony of Dr. Ali al-Salabi, Abd al-Rahman al-Suwayhili and Abd al-Hafiz Ghuga. The Prosecution objected to this request on the grounds that these testimonies are unproductive for the case. The attorney of Defendant No. 7, Muhammad Abu-al-Qasim al-Zawi, said that he is ready for pleading. When the accused was re-confronted with the Indictment and Referral, he denied the charges. The Public Prosecution maintained its request to impose the strictest penalty on the accused. The attorney of the accused said that the lawsuit filed against his client is wrongful since the latter was the Secretary of the General People's Congress at the time, a position currently known as the President of the General National Congress, and he may not be investigated in such capacity unless authorization is obtained from the legislative authority, which was not done by the Public Prosecution. The attorney said that the investigation conducted by the Prosecution with his client is invalid because it occurred at night and he was placed in administrative detention. He also said that the provisional detention of the accused is invalid because the Public Prosecution nominally released the accused after finding out that his incarceration was invalid and did not effectively release him, which invalidates his incarceration as well as the investigation and the ensuing evidence. The attorney added that his client did not form a tribal legion nor did he incite killing. He then requested the acquittal of his client and the dismissal of the case. The attorney Sulayman al-Gharabi, member of the defense counsel of Defendant No. 7, maintained the defenses raised by his colleagues and said that the case file does not contain any evidence proving that his client had formed tribal legions. He also denied criminal intent on the part of his client given the absence of knowledge and intention and requested that his client be acquitted or alternatively treated with the utmost kindness and compassion. The Public Prosecution responded to the defense raised by the defense counsel against Defendant No. 7 regarding the dismissal of the case as no authorization was granted to file a lawsuit against him. noting that it is irrelevant since Law No. 38 of 2012 AD on Procedures for the Transitional Period provides that filing lawsuits and investigating those accused of committing crimes during the 17 February Revolution do not require an authorization. As for the defense related to the invalid investigation and incarceration of the accused, the Public Prosecution noted that it is irrelevant because the accused was detained in another case at the time of the investigation and was interrogated at night given the Public Prosecution's work requirements, which does not invalidate the investigation. The Prosecution added that the accused had organized and attended

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the meetings in which it was decided to suppress the protesters, which establishes the crime in both its material and moral element. The defense counsel of the accused maintained his defenses and requested authorization to submit a closing Statement of Defense. The accused requested acquittal and said that he did not incite the killing of protesters, nor did he form tribal legions. The attorney of Defendant No. 9 said that he is ready to present his defense. When Defendant No. 9 was re-confronted with the charges cited in the Indictment, he denied the charges. The Public Prosecution maintained its request to execute the Indictment and impose the strictest penalty on the accused. The attorney of the accused said that the lawsuit is wrongful as it was filed by a dependent party; Public Prosecution members draw their capacity and power from the Chief Prosecutor, who was illegally appointed. As a matter of fact, the Chief Prosecutor was appointed by the General National Congress; however, this task does not fall within the competence of the General National Congress but that of the Supreme Judiciary Council, therefore, the Chief Prosecutor does not have legitimate capacity, nor do Public Prosecution members with regards to investigation and filing the lawsuit. The attorney also said that the lawsuit filed against his client is wrongful because the latter is a member of the judicial organs and the Public Prosecution did not obtain authorization to investigate him and file a lawsuit against him from the committee in charge of lifting immunity, which is established in the Judicial System Law. The attorney added that the incarceration of his client is invalid and that there is no evidence confirming that his client was involved in forming tribal legions, organizing the Revolution as of 20/8/2011 AD, seeking reconciliation between the State and the families of the prisoners at Abu Salim prison and stopping the sale of the Libyan School in the UK. The attorney of the accused requested the dismissal of the case against his client and his acquittal. In response to the defense raised by the attorney of the accused concerning the dismissal of the case and the invalidity of the lawsuit filed against the accused, the Public Prosecution said that it is unfounded in both its aspects because the Public Prosecutor shall be appointed by the legislative authority as is customary since this is a sovereign post. Under the former regime, the Public Prosecution was appointed by the so-called General People's Congress, and following the 17 February Revolution, he was appointed by the highest authority in the State, that is, the National Transitional Council and then the General National Congress, which are competent parties by virtue of the law. With regards to filing a wrongful lawsuit against the accused since no authorization was obtained to investigate and sue him as a member of the judicial organs, the Public Prosecution said that this defense is irrelevant because Law No. 38 of 2012 AD on Procedures for the Transitional Period explicitly provides that no authorization shall be obtained to investigate and file a lawsuit against any person accused of committing crimes during the 17 February Revolution regardless of their capacity;

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sabotage is a behavioral or serious crime as established by Article (202) of the Penal Code, which provides that whoever commits an act of sabotage, looting or arbitrary killing over State territories in order to undermine national security shall be sentenced to capital punishment. Any act that seeks sabotage and arbitrary killing is a crime even it does not lead to tangible results. Since the accused sought to cause sabotage and kill the largest number of persons through booby-trapped vehicles in order to undermine national security by promoting to the international community the idea that Libya is in the throes of extremists and terrorism and is not undergoing a Revolution. This aims to change the position of the international community towards the Libyan Revolution; thus, this crime was established against the accused in all its elements. As for the defense related to the absence of the State while the crime was committed, it was deemed irrelevant since the State existed in its three components. In response to the defense raised by the attorney of Defendant No. 28, the Public Prosecution said that it has nothing to do with the crime attributed to the accused and is therefore irrelevant because Defendant No. 28 was a partner in crime with the rest of the accused because he was the one to give instructions and coordinate meetings to commit this crime in his capacity as Head of the Technical Affairs Unit. The Public Prosecution maintained its prior request. The defense counsel insisted on his previous defenses and submitted a summary statement including Supreme Court principles that he claims support his defenses.

- The accused requested acquittal. When the Court asked the rest of the defense counsel who attended the session whether any of them was ready for defense, they all maintained their previous requests, that is, further postponement in order to examine the documents and prepare for defense. The Court decided to postpone the hearing of the case until the session held on 08/02/2015 AD. The rest of the defense counsel shall submit their defenses while the accused remain in prison and the attorney of Defendant No. 4 was authorized to examine the forensic reports attached to the case file. Defendant No. 1 did not attend the above-mentioned session, nor did his counsel. Defendant No. 10 did not attend the session, nor was he brought before the Court. Defendant No. 23 did not attend the session as he was placed in a psychiatric hospital by court order. Defendants Nos. 30, 35, 36 and 37 did not attend the session. The rest of the accused attended the session under police guard along with their defense counsel. Attorney Abd al-Jalil[illegible] attended the session as Civil Plaintiff on behalf of plaintiff Salah Muhammad Mukhtar. The session was already postponed at the request of the defense counsel in order to examine the documents. The attorney of Defendant No. 2, Ahmad Nashad, submitted a written testimony by Mr. (Aqil

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Husayn Aqil), requested postponement in order to hear the testimony of witness Ali al-Salabi and said that this witness had promised him to appear before the Court if summoned. He added that hearing witnesses' testimonies is essential and that the witnesses can accomplish what the Prosecution failed to accomplish. Defendant No. 2 said that the Public Prosecution deceived the Court by choosing witnesses who serve its case instead of the real witnesses who had a relationship with him or his work. He added that he is being mistreated in prison and that the Court's instructions to move him to solitary confinement were not executed. The Public Prosecutor objected to the request of the defense counsel to postpone the hearing of rebuttal witnesses' testimonies, noting that these witnesses have nothing to do with the facts of the case and their statements are merely certificates of good conduct for the accused, which is irrelevant to the subject of the case. The Public Prosecutor also requested that the defense counsel's procrastination come to a stop and that the session be postponed in order to hear the witnesses. The attorney of Defendant No. 3, Ali al-Dabi', said that he would be ready to defend his client in the upcoming session. He requested the annexation of his client's mental health report and tasking the Prosecution with the annexation. The Civil Plaintiff submitted an original Civil Prosecution Statement, which was attached to the papers, and a copy thereof, which was delivered to the attorney of the defendant Mansur Daw Ibrahim as a notification. In the Civil Prosecution Statement, the Civil Plaintiff requested a judgement in favor of his client, compelling the defendant to pay the latter an amount of 17 million LYD, i.e., the cost of the vehicles and trucks that he seized and an amount of 5 million LYD as compensation for the moral damage incurred by the plaintiff. He also submitted a summary statement with what was written on its back and maintained what he submitted.

- The attorney of Defendant No. 4 requested postponement in order to examine the Civil Prosecution Statement and the medical reports of the protests' victims and prepare the defense for the upcoming session.
- The attorney of Defendants Nos. 5 and 6 requested postponement in order to prepare the defense, noting that he would be ready for defense in the upcoming sessions. He also requested authorization to attach the texts of the interview with Dr. Ali al-Salabi and that with Counsellor Mustafa Abd al-Jalil, both of whom talked about Abu Zayd Dorda's role. The delegated attorney of Defendant No. 8 said that the original attorney had promised to allow him to examine the budget of the Islamic Da'wa Organization and that he would present his defense in the upcoming session.
- The rest of the defense counsel who attended the session reiterated their previous request for further time in order to notify the rebuttal witnesses. The Public Prosecution objected to the request for postponement on the grounds that the defense counsel is seeking procrastination. It also requested to set the date for adjudication and authorize the defense counsel to submit their Statements of Defense. At the end of the session, the Court decided to do the following:
 1. Stop hearing the testimonies of the rebuttal witnesses after the upcoming session.

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2. Authorize the attorney of Defendant No. 5 to attach the audio recordings that he mentioned and discuss their content in the session.

3. Task the Public Prosecution with attaching the medical report of Defendant No. 3, monitoring the incarceration of Defendant No. 2 and bringing Defendant No. 10 before the Court.

4. Adjourn the hearing of the case until the session held on 22/2/2015 AD. The defense counsel shall submit their defenses while the accused remain in prison and are brought before the Court on the day of the session. Defendants Nos. 1, 4, 6, 23, 30, 34, 36 and 37 did not attend the session. The rest of the accused attended the session along with their defense counsel except for the attorney of Defendant No. 21. Attorney Abd al-Jalil [*illegible*] attended the session on behalf of the Civil Plaintiff (Salah Mukhtar) and Attorney Muhammad al-Usti attended the session on behalf of the Civil Plaintiff Muhammad Ali Qadah. The attorney of the accused submitted written testimony for witness Ali al-Salabi and said that he would present the original testimony in the upcoming session. He requested that the Public Prosecution be tasked to travel to Egypt in order to hear the testimony of Zuhayr Adham with regards to placing mines in the Port of Misratah and illegal migration. He also requested authorization to submit a recording of the radio interview with the mentioned person. The attorney representing the Civil Plaintiff (Salah Mukhtar) maintained his client's requests and requested authorization to hear the witnesses regarding the fact that the defendant, i.e. Defendant No. 4, Mansur Daw Ibrahim, seized his client's money. The attorney representing the Civil Plaintiff Muhammad Qadah submitted an original re-notification statement and two copies thereof that he had already submitted to the Chamber as he noted, and he requested the re-notification of the defense counsel of the two defendants undergoing Civil Prosecution: Defendant No. 3, al-Baghdadi al-Mahmudi, and Defendant No. 4, Mansur Daw. The Court delivered two copies of the statement to the defense counsel of the two defendants as a notification. The attorney maintained his client's request cited in the Civil Prosecution Statement. The attorney of Defendants Nos. 3, 5 and 6 that he intended to plead for his three clients and submit his defense during this session; however, he was caught unawares by the Civil Prosecution Statement. He also requested a larger table in the courtroom so that he may comfortably present the papers and documents that are required in his pleading before the Court, and said that he would be ready for pleading in the upcoming session. The attorney of the defendant undergoing Civil Prosecution, Mansur Daw, requested postponement in order to examine the Statement, noting that she was not able to examine the medical reports of the protests' victims and that the Public Prosecution did not authorize her to do so. The Public Prosecution objected to the attorney's statement and said that it had not concealed any document from the defense counsel and that the attorney can examine

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these reports in person. The attorney of Defendant No. 8 said that squandering public funds is one of the charges brought against his client and that he received the budget of the Islamic Da'wa Organization and is currently examining it and will present his defense once the examination is completed. The attorney of Defendants Nos. 12 and 14 said that he would present his defense in the upcoming session. The attorney of Defendant No. 15 said that he is ready for pleading. When Defendant No. 15 was re-confronted with the charge cited in the Indictment and Referral, which were read out and served to him, he denied the charge. The Public Prosecution maintained the Indictment and evidence of proof and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that the Public Prosecution accused his client of forming and arming tribal groups, dealing drugs, squandering public funds, bringing in mercenaries and granting them citizenship, even though his client had nothing to do with all these acts and there is no evidence in the case records proving that he committed them. He said that his client was not involved in granting citizenship to the mercenaries as he is not responsible for that, nor did he form any tribal groups, which do not exist in the first place. He also stated that his client had no role in rigging vehicles with explosives because there were no rigged vehicles in the past, unlike the present situation where the Corinthia Hotel, Tripoli, and other venues were targeted. The attorney added that his client had never distributed drugs and that Tramadol is not a prohibited psychotropic substance but a painkiller, and in order to corroborate his defense, he presented a technical report purportedly extracted from the internet. The attorney also said that the investigation of the accused by the Public Prosecution is invalid because it occurred in the absence of an attorney contrary to to Article (184) of the Code of Criminal Procedure [*illegible*]. The attorney added that the confessions made by some accused against his client do not serve as evidence against him because a statement made by an accused against another shall not be taken as incriminating evidence. He then requested that his client be acquitted and released or alternatively treated with the utmost kindness and compassion. He also requested authorization to submit a Statement of Defense. The Public Prosecution maintained the evidence of proof brought against the accused, which prove that the latter had committed the crimes. The Public Prosecution added that it relied on evidence from the investigations it conducted with the accused and other accused in order to bring the charges, and not on investigations held by the rebels or others, even though Law No. 38 of 2012 AD on Procedures for the Transitional Period has granted the minutes drafted by the rebel brigades the status of the Judicial Officer's evidence collection reports.

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The Public Prosecutor added that the charges were brought against the accused based on his own confessions and those made by Defendant No. 2, Abdullah al-Senussi, against him, as well as the confessions and statements of Colonel Isma'il al-Karami, Head of the Anti-Narcotics Agency, who said that the accused used to ask him for psychotropic substances. The Prosecution maintained its prior request. The attorney of the accused maintained his defenses and the accused maintained his attorney's defenses, noting that he is a soldier carrying out instructions. The attorney of the accused submitted a summary statement containing written testimonies. The attorney of Defendant No. 34 said that he would submit his defense in the upcoming session. The rest of the defense counsel who did not submit their defense, except for those mentioned, requested further postponement in order to prepare the defense. At the end of the session, the Court decided to postpone the hearing of the case until the session held on 8/3/2015 AD at the request of the defense counsel in order to present the defenses, authorized the attorney of Defendant No. 2 to submit the radio recording of Zuhayr Adham and discuss its content in the next session, and fined the attorney of Defendant No. 21 Abu Bakr al-Tabib an amount of 50 LYD for not attending the session nor presenting a legitimate excuse for his absence. The rest of the accused shall all remain in prison and brought before the Court on the day of the session. Defendants Nos. 1, 30, 35, 36 and 37 did not attend the above-mentioned session. The rest of the accused attended the session along with their defense counsel. The attorney of Defendant No. 1 attended the session. The attorney of Defendant No. 2 did not attend the session. The attorney of the Civil Plaintiff, Salah Mukhtar, and the attorney of the Civil Plaintiff, Muhammad Qadah, attended the session. The defense counsel of Defendant No. 3, Attorney Ali al-Dabi' and Attorney Ali Muhammad Ka'bar, said they were ready for pleading. When the Court re-confronted the accused with the charges cited in the Indictment, which was read out and served to him, he denied all those charges. The Public Prosecution maintained the Indictment and attached evidence of proof. The first attorney of the accused said that the Indictment and Referral are invalid as they were issued by an unauthorized party; the Chief Prosecutor was appointed by the General National Congress while this appointment falls within the competence of the Supreme Judiciary Council, which invalidates the work of the Chief Prosecutor, including the Referral of the accused to prosecution. The attorney said that the investigation conducted by the Prosecution is invalid because the latter heard the statements of the accused as a witness and not an accused who was convicted based on his testimony, which violates his rights. He said that Article (202) of the Penal Code does not apply to the charges brought against the accused because the crime stipulated in the above-mentioned article requires damage and deliberate harm to the State; however; the accused did not do this and he is not a soldier but a civilian who has nothing to do with sabotage or killing. He said that the

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deliberate killing charge brought by the Public Prosecution against the accused is groundless because this crime requires the existence of a specific element, that is, the intent of the assailant to kill the victim, which was not the case of the accused since there were rival groups and it is not known who killed the other. In addition, the accused is a civilian who has nothing to do with the actions of the army. The attorney said that the seizure of private properties is a groundless charge brought against his client as no decisions or instructions were issued to seize private properties, and the accused has no forces nor did he dispatch any force to seize private funds. The attorney said that the accused is not involved in the charges of besieging cities and cutting off water and power supply because these actions were based on direct instructions from the head of the regime, Muammar Gaddafi. As for cutting fuel supplies, it was the result of international decisions. The attorney said that holding meetings to suppress protests is a groundless charge since there is no evidence proving that the accused attended these meetings, while the meetings he did attend were solely focused on providing financial capabilities, healing divisions and preserving the country, which was confirmed by Counsellor Mustafa Abd al-Jalil in the recording he will submit in order to invalidate this accusation. The attorney said that his client has nothing to do with preparation of the media content inciting tribal division because this was undertaken by the Libyan Jamahiriya Broadcasting Corporation, which was headed by Abdullah Mansur and had a private budget, a part of which was spent on those responsible for media works. The attorney said that his client is not involved in bringing in drugs since an accused confessed that he was the one who brought in drugs and dealt them. He also said that his client is not involved in forming armed groups as he has no relationship with the Revolutionary Committees, which do not answer to him. The attorney noted that the accused did not distribute weapons and that weapons were distributed at the command of Muammar Gaddafi following his famous speech in which he ordered that weapons storehouses be opened to the Libyan tribes; weapons were distributed everywhere, even in cafes, which the attorney witnessed first-hand. The defence counsel added that the Revolutionary Legitimacy Law No. 1990 AD/1 provides that Gaddafi's speeches and instructions shall have the same effect as the law; in other words, the accused and the other accused are compelled to execute his instructions and have no choice in the matter. Therefore, the charges brought against the accused under these instructions are invalid and the prosecution is in fact targeting the regime through individuals. The attorney requested that the accused be acquitted or alternatively treated with the utmost kindness and compassion. The second attorney of Defendant No. 3 said that he has general defenses and specific defenses related to the present case and the joined case. Regarding the general defenses, he said that the delivery of the accused by the Tunisian authorities is invalid

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because it violates Article 14 of the Universal Declaration of Human Rights. The Libyan authorities also violated the Delivery Agreement concluded with Tunisia since they did not authorize the accused to appoint a foreign attorney. The attorney said that the arrest of the accused is invalid. He also said that all the behaviors and actions of the accused are those of a civil servant and not crimes, as the accused believed that he was doing his job in conformity with the law. With regards to case No. 2012 AD/568, he said that the misuse of public funds is an invalid charge brought against the accused because he had to use the African Company's funds in order to overcome the obstacles arising from international decisions and import fuel amounts not only reserved for military but also civilian purposes. The accused thus sought to serve the public good, which means that this crime is not valid because he did not seize public funds. As for the civil lawsuit initiated in conformity with the mentioned criminal lawsuit, the attorney argued that the plaintiffs shall be considered as having abandoned their lawsuits. or a judgement shall be rendered invalidating the statement of claim for misrepresenting the claimed right.

- Regarding Criminal Case No. 2012 AD/630, the attorney said that the mental elements of the crimes attributed to the accused do not exist because there is no proof that his behaviors sought to harm the State since he was part of the political regime, i.e., a component of the State, therefore, the attorney does not think that his client would harm the State, being one of its officials. The attorney said that his client's actions, that is, providing funds and holding meetings, are not considered crimes because they fall within the scope of his duties. In addition, the accused was coerced into carrying out instructions issued by the Head of the regime and his son, Defendant No. 1. The attorney also said that his client did not instruct any person to commit rape and that rapes were committed by volunteers in their individual capacity, noting that his client would not commit such degrading acts. The attorney said that the accused was not instructed to mobilize any public force, nor did he form a tribal legion or fund such legions. As for the civil lawsuit filed by the Civil Plaintiff, Muhammad Qadah, the attorney called for its dismissal because adjudication thereof requires an investigation, which will delay the adjudication of the criminal lawsuit. The attorney requested that his client be acquitted. or alternatively treated with the utmost kindness and compassion.

- In response, the Public Prosecution said that the defenses raised by the defense counsel of Defendant No. 3 are all irrelevant because the Public Prosecution investigated the accused in such capacity and not as a witness. It also said that the crimes attributed to the accused were established since he was the one to hold meetings in order to suppress the protests and form a tribal legion, which he funded along with other legions. He also incited rape and provided funds to bring in mercenaries and drugs and provide equipment to armed groups. The accused also participated in meetings during which it was decided to besiege cities

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and cut off water and power supply to those cities, and he executed these decisions. The accused also committed other acts that were established in the attached evidence of proof. The Public Prosecutor added that the defense counsel's claim that the accused was carrying out instructions of the head of the regime and that he was not responsible for them is groundless because the Supreme Court stated that whoever executes illegal instructions shall be held accountable for them. The Public Prosecution maintained its prior request. The defense counsel insisted on its defenses and asserted that the execution of instructions negates criminal intent. The accused requested acquittal. He also requested his referral to a psychologist since he suffers from depression and various diseases given how he was treated by the Prosecution during the investigation. The attorney of Defendant No. 4 said that many of the medical reports attached by the Prosecution to confirm the murder charge against her client do not serve as evidence as they indicate that the victims died in various accidents; for instance, they were burnt or crushed by heavy vehicles, etc. Some of these reports also point out that these deaths did not occur within the period covered by the Indictment, therefore, the attorney requested that her client be acquitted of this charge. Regarding the civil lawsuit filed by the plaintiff, Muhammad Qadah, the attorney requested that the statement of claim be invalidated for misrepresenting the claimed right. The attorney maintained her previous defenses. The attorney of the Civil Plaintiff (Salah Mukhtar) insisted on his previous request to investigate the defendant on the matter at hand. He also requested joinder of case No. 228/2012 AD under Military Prosecution and maintained his client's requests. The attorney of plaintiff Muhammad Qadah maintained his client's requests and said that the statement of claim included a thorough and clear statement of the case facts and the claimed right, which negates any misrepresentation claimed by the defendant's attorney. The Public Prosecution maintained its prior request regarding Defendant No. 4. The attorney of the fifth and sixth accused requested authorization to plead for them in an upcoming session. The attorney of the eighth and tenth accused requested the same. The attorney of Defendant No. 12 said that he is ready to plead for his client. When the Court re-confronted Defendant No. 12, 'Amir al-Dalyu, with the charges cited in the Indictment, which was read out and served to him, he denied those charges. The Public Prosecution maintained the Indictment and evidence of proof.

The attorney of the accused said that the Referral is invalid because the Appeals Chamber decided to release his client during the session held on 6/8/2013 AD; however, this decision was not executed and the accused remained in prison and was referred to the Appeals Chamber under guard and then to the Court under guard. The attorney also said that the arbitrary killing charge brought against his client is unfounded given the lack of evidence and the fact that his client denied it throughout all the stages of investigation. He added that in order to bring that charge against the accused, the Prosecution relied on the fact that he had delivered a number of Customs' vehicles to some security and military bodies, which is not true because the accused heads a civilian department

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that has nothing to do weapons, and the Customs' vehicles were taken by force without the approval of the accused. With regards to instructing a group of Customs' members to head to the battle fronts, the attorney said that his client was carrying out instructions of higher authorities and had no choice in the matter. As for acquiring and distributing drugs, the attorney said that there was no evidence against his client since the container whose departure from al-Khums Port was reportedly facilitated by his client and which contained hallucinogens according to the claim, was not inspected and its contents were not examined by experts. This invalidates the claim that it contained psychotropic substances as well as the material element of the crime. The attorney said that his client's statements on the matter are just a narration of the facts rather than a confession to the charge. As for depriving others of their political rights, the attorney said that this charge lacks evidence and that his client did not commit any act to deprive any person of his political right. He also said that under Gaddafi, there were no political rights; protests were banned and political action was prohibited outside public institutions. In addition, this crime is a complaint crime and no complaint was filed against his client in this regard. The defense counsel requested that his client be acquitted or alternatively treated with the utmost kindness and compassion. In response, the Public Prosecution said that the defenses raised by the attorney of the accused are irrelevant and that the crime of drug dealing was established against his client based on the testimony of witness Yusuf Mustafa al-Rammali. The latter said that the accused appointed a director for al-Khums Port, Nuri Abu Zawitah, for one day to facilitate the departure of the containers that were loaded with hallucinogens; one hundred containers left the port without inspection and then the former director was reinstated to his job. When the Public Prosecution confronted the accused with the witness's statements, he said, as a justification for his actions, that the State intervened and ('Ashur Tirbil) instructed him to bring in hallucination pills. Bringing a drug possession charge does not require effective possession of the narcotic substance by the accused but merely its control by the latter, which established this crime against the accused. The charge of arbitrary killing was established against the accused since it was proven that he drove Customs' members to the battle fronts and issued instructions to deliver vehicles belonging to his department to a number of military formations that were killing the children of the Libyan people, such as the 1st Artillery Brigade and the 32nd Reinforced Brigade. The Prosecution maintained its prior request. The attorney of the accused insisted on his defenses. The accused

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requested acquittal and said that he is an aggrieved patriotic man. The attorneys of the fourteenth and thirty-fourth accused said that they would present their defenses in the upcoming session. The rest of the defense counsel who did not present their defenses requested postponement in order to prepare the defense. At the end of the session, the Court decided to fine Attorney Ahmad Nashad an amount of 50 LYD for not attending the session nor presenting a legitimate excuse for his absence. The Court also decided to postpone the hearing of the case until the session held on 22/3/2015 AD at the request of the defense counsel in order to present the defenses. Defendant No. 1 did not attend the session nor did his counsel. The fourth and sixth accused did not attend the session, nor were they brought before the Court. The attorney of Defendant No. 4 attended the session. The attorney of Defendant No. 6 did not attend the session. Defendant No. 10 did not attend the session, nor were they brought before the Court while his attorney attended the session. Defendant No. 23 did not attend the session as he was placed in a psychiatric hospital by court order, and his attorney attended the session. Defendant No. 30 did not attend the session. Defendant No. 33 did not attend the session nor was he brought before the Court, given his medical condition. The thirty-fifth, thirty-sixth and thirty-seventh accused did not attend the session and the Court proceeded with the session in their absence since they had been already notified along with Defendant No. 30. The rest of the accused attended the session along with their respective attorneys. except for the attorney of Defendant No. 6 and the attorney of Defendant No. 18, who sent a delegate on his behalf and did not present a legitimate excuse for his absence. The attorney of Defendant No. 21 did not attend the session. The attorney of the Civil Plaintiff Salah Mukhtar and the attorney of the Civil Plaintiff Muhammad Qadah attended the session. The session was postponed at the request of the defense counsel in order to present the defenses. The attorney of Defendant No. 2 submitted a CD that he claims features a recorded radio interview with Zuhayr Adham and another with Counsellor Mustafa Abd al-Jalil, as well as an interview with the Head of the Intelligence Services Mustafa Nuh and an interview with Major General Abd al-Fattah Yunus. The attorney said that these interviews contain information about the roles of Defendant No. 2 and other accused and he requested their referral to the Public Prosecution for transcription so that the Court and the defense counsel may examine them and present their defenses accordingly. The Public Prosecution objected to this request and said that its purpose is to postpone the adjudication of the case, adding that it does not serve the case since the charges brought against the accused were established based on multiple evidence and are not affected by these interviews. The attorney of the accused insisted on his request. The attorney of Defendant No. 3, Ali Ka'bar, requested the same as the attorney of Defendant No. 2. The attorney of Defendant No. 10, al-Hadi al-Jayyashi, also requested the same. The attorney of the Civil Plaintiff (Salah Mukhtar) maintained his client's requests. The attorney of the Civil Plaintiff (Muhammad Qadah) maintained his client's requests in the presence of the attorney of Defendant No. 4 and the attorney of Defendant No. 3. The attorney of Defendant No. 8 requested postponement because he obtained financial documents related to the charges brought against his client and has yet to complete their examination. The attorney of Defendant No. 14 requested further time in order to prepare

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the defense. The delegated attorney of Defendant No. 18 requested postponement, without presenting a legitimate excuse for the absence of the original lawyer. The delegated attorney of Defendant No. 21 requested the same. The attorney of Defendant No. 20 said that he is ready to present his defense. When the Court re-confronted the accused with the charges cited in the Indictment, which was read out and served to him, he denied those charges. The Public Prosecution maintained the Indictment and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that the charge of equipping mercenaries brought against his client is groundless and the fact that he went to the armed group in Kiklah and paid its members certain amounts of money does not mean that he committed this crime because he did not know that these were African mercenaries since they had Libyan military numbers, posts and IDs. In addition, he was carrying out instructions of his superiors, Defendant No. 2 and his assistant Defendant No. 15, Abd al-Hamid 'Ammar, who instructed him to go to that group, therefore, this charge is unfounded. As for misusing public funds, the attorney said that it is also an unfounded charge brought against his client because, as established by the expert report, Defendant No. 3 is responsible for disbursement of funds, which means that the crime attributed to the accused is groundless. The attorney requested the acquittal of the accused. The Public Prosecution maintained its prior responses to these defenses, which were already raised by the first attorney of the accused, Attorney Salah Muqayli. The accused said that he disbursed money to persons having Libyan military numbers and IDs, that he did not know they were African mercenaries but was just carrying out instructions of Defendant No. 2 and his assistant and that he disbursed a small amount. He requested his acquittal. The attorney of Defendant No. 31 said that he is ready for pleading. When the Court re-confronted the accused with the charges cited in the Indictment, which was read out and served to him, he denied all those charges. The Public Prosecution maintained the Indictment and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that the crime of sabotage and arbitrary killing attributed to his client is unfounded and impossible because the latter is not capable of providing financial support to any armed group and did not provide any funds. He also said that the money in the account of the Liaison Office of the Revolutionary Committees is disbursed based on the instructions of the Coordinator of the Revolutionary Committees and his deputy and that the disbursed money came from the General People's Committee according to the expert report. The attorney added that as long as the accused did not disburse the money and that does not fall within his competence, the crime attributed to the accused shall be deemed impossible, and therefore, he shall be acquitted. With regards to bringing in and equipping mercenaries and granting them citizenship, this charge is groundless because the case records do not contain any

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testimony by a mercenary stating that the accused, 'Uwaydat Ghandur, is the one who brought him from his country, i.e., Chad, Niger, etc., or granted him Libyan citizenship. In addition, citizenship is granted by the Passport Department and the accused does not work there nor does it have anything to do with that department. As for the Prosecution's claim that the accused equipped the mercenaries, the Public Prosecution relied in this regard on the statements of witness Hamid Abdullah al-'Azumi, whose testimony cannot be used to establish the charge against the accused, because the witness's statements are a matter of fiction and cannot be relied upon to confirm the charge, the proof of which is that the Public Prosecution did not confront the accused with the witness. Therefore, the attorney requested the dismissal of this testimony and the acquittal of the accused. With regards to instigation of civil war, it is also a groundless charge brought by the Prosecution against the accused, because the latter did not form any armed tribal group, nor did he form any armed gang, the proof of which is that no witness mentioned that he was part of an armed gang formed by the accused, 'Uwaydat Ghandur. Therefore, the attorney requested the acquittal of his client. Concerning the misuse of public funds, the attorney said that it is also a groundless charge brought against his client because the latter was the Director of Administrative and Financial Affairs at the Liaison Office of the Revolutionary Committees and the disbursement of funds did not fall within his competence. In addition, the accused said that the Liaison Office of the Revolutionary Committees is not governed by the Control Law or the Audit Office because it is funded by donations from the General People's Committees as well as the Office's private companies regardless of their profits in relation to the activities conducted by the Office. Therefore, the attorney requested the acquittal of his client. As for depriving others of their political rights, the attorney said that this is a groundless and invalid charge and that depriving people of their political rights falls within the competence of security forces and the accused is not part of them. Moreover, no one filed a complaint against the accused, 'Uwaydat Ghandur, stating that the latter deprived him of his political rights, which means that this charge is groundless. Therefore, the attorney requested that his client be acquitted of the charges brought against him or alternatively treated with the utmost kindness and compassion. He also requested authorization to submit a Statement of Defense. In response, the Public Prosecution said that all the defenses raised by the attorney of the accused are invalid and that the charges were established against the accused based on the testimonies of witnesses Hamid Abdullah Baraka al-'Azumi and Bashir Muhammad Sa'd al-Taurghi, stating that the accused was a member of the Revolutionary Committees' Operations Room at the Liaison Office of the Revolutionary Committees and that he used to prepare its meetings

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where it was decided to engage the Revolutionary Committees' members in the suppression of protests in Tripoli and Benghazi. Furthermore, according to the above-mentioned testimonies, the members of the Operations Room were monitoring the movements of the Revolutionary Committees' members in the field via wireless devices. The Revolutionary Committees' members suppressed and killed protesters in Tripoli and Benghazi and were known in Benghazi as the Yellow Hats. The accused used the funds of the Revolutionary Committees to purchase and distribute vehicles among the Revolutionary Committees' members, which enabled them to suppress the protests and kill the protesters. This means that the charge was brought against the accused. As for the testimony of witness Hamid Abdullah Baraka al-'Azumi, he volunteered to give it without being asked by the Prosecution for information about the accused, which confirms the validity of his statements. The Public Prosecution maintained its defenses and its prior request. The attorney of the accused insisted on his defenses and said that the Prosecution's statements do not invalidate his defenses. The accused requested acquittal and said that he does not know nor has met witness Hamid Baraka al-'Azumi and that witness Bashir Sa'd al-Taurghi has been the effective Head of the Liaison Office of the Revolutionary Committees for years and is responsible for its actions. The accused added that he did not squander any funds and left an amount of 5 million LYD in the Liaison Office's account and that his role was restricted to the receipt of the instrument. He then insisted on his acquittal. The attorney of Defendant No. 34 requested further time to present his defense. At the end of the session, the Court decided to reject the request of the attorney of Defendant No. 2 regarding the transcription of the CD and fine Attorney Ali al-Dabi', Abu Bakr al-Tabib and Faraj Qajum an amount of 50 LYD for not attending the session nor presenting a legitimate excuse for their absence. The trial session was adjourned until 30/3/2015 AD. The rest of the defense counsel shall submit their defenses while the accused remain in prison. The Prosecution shall follow up on the execution of the Court's decisions regarding Defendant No. 2 [*illegible*]. Defendant No. 1 did not attend the above-mentioned session, nor did his counsel. The thirtieth, thirty-third, thirty-fifth, thirty-sixth and thirty-seventh accused did not attend the session. The rest of the accused were brought before the Court and their defense counsel attended the session, except for the attorney of the fifth, sixth, thirteenth, twenty-second, twenty-fourth and twenty-fifth accused. The attorney of the Civil Plaintiff, Salah Mukhtar, and the attorney of the Civil Plaintiff, Muhammad Qadah, attended the session. The session was postponed at the request of the defense counsel in order to present the defenses. The attorney of Defendant No. 2 said that he completed the examination of the case records and that he would submit his defense in the upcoming session. The attorney of Defendant No. 4 maintained her defenses. The attorneys of the Civil Plaintiffs maintained their clients' requests.

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The attorney of Defendant No. 8 said that he would present his defense in the upcoming session. The attorney of Defendant No. 9 maintained his prior defenses and said that he would add new defenses to his prior defense. First, he argued that the testimony of witness al-Hadi Ambirish against his client is invalid because it was coerced from him and taken under abnormal circumstances. The attorney said that the testimony should not be taken into consideration because he was not able to talk to the witness. He also said that the non-retroactiveness of the law shall be observed and added that his client is sick and may suffer from paralysis if he does not undergo an MRI. He requested that the Prosecution be tasked with monitoring on the issue with the concerned institution and added that he maintains his colleagues' defenses regarding the invalid arrest and investigation procedures. In response to the defense raised by the attorney regarding the invalid testimony of Colonel al-Hadi Ambirish, the Public Prosecution said that the defense is invalid because the witness was heard by several investigation committees at the Chief Prosecutor's Office and voluntarily gave his testimony without any coercion, the proof of which is that the facts he mentioned in his testimony are confirmed by other evidence. With regards to the defense raised by the attorney on the non-retroactiveness of the law, it is restricted to substantive rules and does not include procedural rules related to filing the lawsuit. In addition, Law No. 38 of 2012 on Procedures for the Transitional Period did not impose any restriction on initiation of a criminal action against the perpetrators of crimes during the 17 February Revolution. The Public Prosecutor maintained his prior responses. The accused said that he has a dispute with al-Hadi Ambirish since the latter investigated him when he was working in the Control Authority over financial infractions and that Ambirish's testimony shall not be taken into consideration. The accused added that he is the Secretary of Human Rights at the General People's Congress and has nothing to do with military work, noting that the Public Prosecution is discriminating against him and seeking revenge. He then requested his acquittal. The attorney of Defendant No. 14 said that he would present his defense in the upcoming session. The attorney of Defendant No. 18, Muhammad Abu Bakr al-Dhib, said that he is ready for pleading. When the Court re-confronted the accused with the charges cited in the Indictment, which was read out and served to him, he denied those charges and said that they are fabricated and groundless. The Public Prosecution maintained the Indictment and requested that the strictest penalty be imposed on the accused. The attorney of the accused submitted an original Statement of Defense, which was attached to the case records, and a copy thereof, which was submitted to the Public Prosecution.

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The attorney requested in the Statement of Defense that his client be acquitted or alternatively treated with the utmost kindness and compassion. The attorney presented the contents of his Statement of Defense, noting that the crime of sabotage and arbitrary killing attributed by the Prosecution to his client is unfounded because the latter did not commit any acts of sabotage nor did he provide any assistance to their perpetrators. The mental element of the crime of sabotage stipulated in Article (202) of the Penal Code is not met with regards to the accused because this Article provides that a general criminal intent, i.e. the intent to cause sabotage, and a specific criminal intent, i.e. harming the State, shall exist in order for the crime to occur, which is not the case with his client. The accused did not intend to sabotage State institutions with his act. The funds he disbursed were also for legitimate purposes, that is, providing supplies and services to people in general, and providing relief materials to the residents of the regions torn by armed clashes. The attorney added that his client was coerced and was carrying out instructions of his direct superior, Defendant No. 3, and that given his position, he could not execute these instructions nor refuse them as this would subject him to severe sanctions that might reach capital punishment according to the Mobilization Law, as the country was in a state of war. In addition, the accused acted in good faith, the proof of which is that he abstained from work for three days after the beginning of the Revolution, and after resuming work, he did not execute the instructions related to the disbursement of funds in violation of the law, therefore, Defendant No. 3 withdrew the capacity to sign from his client, which should serve the case of the latter. At the end of its pleading, the defense counsel maintained his Statement of Defense and oral defenses and requested that his client be acquitted or alternatively treated with the utmost kindness and compassion given his social condition since he provides for a large family.

- In response, the Public Prosecution said that the defenses raised by the attorney are invalid and the charges brought against the accused were established based on the numerous letters and payment orders that he issued and signed and that consisted in disbursing large funds to persons and parties killing and prosecuting the Libyan people and seeking to thwart the 17 February Revolution. Among the letters issued by the accused is for example the one he addressed to the Central Bank of Libya concerning the disbursement of 2 million LYD in cash to Muhammad Sa'id al-Qashat in order to cover urgent needs. The accused was also involved in bringing in mercenaries. For example, he issued a Letter ordering the disbursement of 3 million LYD to Muhammad Bashir Sa'd and Letter No. 2689 dated 23/5/2011 AD,

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which consists in disbursing 1 million LYD to the People's Guard, 1 million LYD to the 9th Brigade and 3 million LYD to the 32nd Reinforced Brigade, etc. The accused issued these payment orders in order to fund the parties that were killing the Libyan people and seeking to thwart the 17 February Revolution. Furthermore, these payment orders caused great damage to the public funds as established by expert report No. 85/2012 AD. The Public Prosecutor added that the pretext given by the accused, that is, carrying out instructions of Defendant No. 3, is unacceptable because the execution of illegal instructions does not exempt their source and executor from legal prosecution and the Supreme Court stipulated that the employee shall not obey his employer in any incriminating manner because an employer who violates the law shall not be obeyed. The Supreme Court and comparative jurisprudence defined the illegal order as one that violates basic human rights. The Public Prosecution maintained its request to impose the strictest penalty on the accused and the attorney of the accused insisted on his defenses. The accused requested his acquittal and said that he did not commit any criminal act and that the letters cited by the Public Prosecution were meant to inform their recipients that the instructions were issued without his involvement. He said that the Public Prosecution is seeking revenge from him and that he relies on God the Almighty. The attorney of Defendant No. 34 reiterated his prior request. At the end of the session, the Court decided to exempt Attorney Faraj Qajum from the fine that was imposed on him in the previous session and to postpone the hearing of the case until the session held on 12/4/2015 AD. The defense counsel of the second, fifth, sixth, eighth, tenth, fourteenth and thirty-fourth accused shall submit their defenses in the upcoming session, while the accused remain in prison and are brought before the Court on the day of the session. Defendant No. 1 did not attend the session and was represented by his attorney. The twenty-third, thirtieth, thirty-third, thirty-fifth, thirty-sixth and thirty-seventh accused did not attend the session. The rest of the accused were brought before the Court. Their defense counsel also attended the session, except for the attorney of the ninth, eleventh, fifteenth, sixteenth, twenty-fourth and twenty-fifth accused. The attorney of the Civil Plaintiff, Salah Mukhtar, and the attorney of the Civil Plaintiff, Ali Qadah, attended the session. The attorney of Defendant No. 8 said that he is ready for pleading. When the Court re-confronted Defendant No. 8 with the charges cited in the Indictment, which was read out and served to him, he denied those charges. The Public Prosecution maintained the Indictment and evidence of proof and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that the investigation procedures are invalid on two grounds. First, the Public Prosecution heard the accused as a witness and at the end of his statements, it raised three

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charges against him without releasing him from his oath and ordered his incarceration, so he stayed in prison and was not investigated until a year after his arrest, which invalidates the investigation procedures according to Article (112) of the Code of Criminal Procedure. Second, the documents were obtained in violation of the Code of Criminal Procedure as they were not listed in the investigation reports. The attorney also said that the Referral violates the principle of legality as the accused was charged with forming an armed tribal group even though Article (202 and 2011) of the Penal Code does not mention tribal groups or the safety of the Libyan people. Therefore, the Referral attributed to the accused acts that are not criminalized by the law, which means that the Indictment violates the principal of legality.

- With regards to providing financial support, the attorney said that this is a groundless charge because his client was the Secretary of the Islamic Da'wa Organization and the funds disbursed by the Organization were allocated to affiliated people and parties according to the purposes outlined in its Articles of Association and not the purpose cited in the Indictment.

- As for bringing in mercenaries, the attorney said that this charge is groundless because the accused, given his position during the Revolution, did not commit any act that constitutes the material element of the crime, i.e., bringing in or equipping mercenaries. Therefore, the attorney requested his client's acquittal. With regards to forming armed gangs, the attorney said that this charge is groundless because his client, given his position during the Revolution, did not commit any act that constitutes the material element of the crime, i.e., bringing in or equipping mercenaries, and the papers do not include any suspicion thereof. Therefore, the attorney requested his client's acquittal. In addition, there was no criminal agreement between the accused and the other accused to commit the act because this requires the parties' agreement to commit a crime as described by the law. The accused did not form any armed gangs nor agree with anyone on that. Furthermore, no one said he belongs to an armed group formed by the accused in the investigation. Therefore, the attorney requested his client's acquittal. As for bringing illegal refugees in and out of the country, the attorney said that this charge is groundless because the accused has nothing to do with bringing Africans in and out of the country and his name did not figure in the investigations related to this charge. Therefore, the attorney requested his client's acquittal. The attorney also said that carrying out financial transactions in violation of the law is an invalid charge brought against his client because the Islamic Da'wa Organization is a private association that is not governed by the provisions of the Financial Law according to Article 4 of the law establishing the association No. 58 of 2012 AD. The attorney added that the expert report

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shall not be relied upon to convict the accused because it is invalid since the two experts who drafted it did not inform the accused of the date on which the evaluation will be conducted and the evaluation was carried out in his absence. In addition, the expert report was in favor of the accused since it pointed out that the amounts disbursed by the Islamic Da'wa Organization were settled and how they were disbursed and there is no problem in this regard. As for the evidence adopted by the Public Prosecution, the attorney said that they are all invalid to confirm the charges brought against his client because the documents attached by the Public Prosecution are photocopies that do not prove the charges. He added that the expert report is invalid for the above-mentioned reason and that the witnesses' testimonies except for that of witness al-Sadiq Ahmad al-Dardar did not indicate that the accused had committed an incriminating act and therefore shall be dismissed. According to the attorney, the testimony of witness al-Sadiq al-Dardar is not valid to convict the accused because it is the testimony of one person and he and the accused are rivals. In addition, the witness filed many lawsuits against the Islamic Da'wa Organization before the Administrative Judiciary Department at the Tripoli Court of Appeal and before the Tripoli Court of First Instance, and he is a biased witness since he is an Officer at the External Security Agency and was a rapporteur who drafted reports. At the end of his lengthy pleading, the attorney of the accused requested that his client be acquitted or that an accountant be alternatively commissioned to review the budget of the Islamic Da'wa Organization in order to determine the disbursed and undisbursed amounts. As a total alternative, the attorney requested that his client be treated with the utmost kindness and compassion. In support of his defense, he submitted the budget of the Islamic Da'wa Organization and a number of summary statements containing its Articles of Association and some internal decisions, as well as international bodies' statements commending the work of the Islamic Da'wa Organization and its Chairman (the accused) and written testimonies for al-Nawahi al-Arba'ah residents attesting the good conduct of the accused and the fact that he did not commit any act against the 17 February Revolution. The attorney also submitted a Statement of Defense explaining the defenses raised in his pleading; the original Statement of Defense was attached to the papers. A copy thereof was delivered to the Public Prosecution. In response, the Public Prosecutor said that the defense raised by the attorney of the accused regarding the invalidity of the investigation is unfounded because the Public Prosecution heard the accused as a witness, and after finding out that he had committed crimes, it told him that he was accused, which is not a violation of the law. The Prosecution did not prevent the attorney of the accused from attending the investigation sessions and the law does not stipulate an obligation to attend investigation sessions. With regards to the acquisition of

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the documents, the Public Prosecutor said that the Public Prosecution had acquired them from the office of what was formerly known as the General People's Committee and other General Secretariats and listed them in the case file, which is considered an acquisition. Therefore, the Prosecution requests the dismissal of this defense. With regards to the defense raised by the attorney on Article (202) of the Penal Code, the Public Prosecutor said that an attack on the people is an attack on the State and that forming tribal groups, in which the accused was implicated, is an aspect of sabotage and an attack on national security and is considered a criminal act according to Article (202) of the Penal Code. As for the defense raised around the witnesses, the Public Prosecutor said that the Code of Criminal Procedure does not run counter to Shari'a rules, that the law authorized the Court to form its belief based on any evidence and that the fact that the witness is a Security Officer does not invalidate his testimony. The witness's act does not revoke his testimony and the witness was not a rival of the accused because the lawsuits he filed against the Islamic Da'wa Organization seek its antagonization as a legal person and do not imply that the witness is antagonizing the accused. Furthermore, the lawsuits mentioned by the defense counsel were filed in 2012 AD, that is, after the accused was no longer Chairman of the Islamic Da'wa Organization. As for the defense counsel's statement that the witnesses' testimonies are invalid because they were dictated to them and the questions were suggestive, the Public Prosecutor said that this claim is unsubstantiated and the Public Prosecution did not dictate nor suggest any answer to the witnesses; on the contrary, the witnesses answered in a frank and unrestrained manner, without any interruption or suggestion. The Public Prosecutor requested the rejection of the defenses raised by the attorney of the accused and maintained his prior request. The attorney of the accused insisted on his defenses. The accused pleaded innocent and denied having committed any crime, which is evidenced by the fact that he had not left his country nor committed any wrongdoing against it but instead served it for decades. He denied those charges and requested his acquittal while invoking God Almighty. The attorney of Defendant No. 10 al-Hadi al-Jayyashi said that he is ready for pleading. When the Court re-confronted Defendant No. 10, Mundhir al-Ghanimi, with the charges cited in the Indictment and Referral, which were read out and served to him, he denied all those charges. The Public Prosecution maintained the Indictment and evidence of proof and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that the crime of sabotage and arbitrary killing is an invalid charge brought against his client, noting that these acts did not occur in the first place and there is no need for him to prove the absence of the crime's elements. He added that even if these acts did occur, the accused did not thereby seek to harm the State but to restore security and protect the regime.

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The attorney said that the accused would by no means seek to undermine the State because he is a civil servant thereof and would not seek its collapse. He also said that his client did not provide financial support nor pay even one Dirham on the acts of sabotage and killing. As for the mobilization of the public force, the attorney said that the security forces and the police sought to preserve security rather than commit any acts of sabotage or arbitrary killing, and that the accused was carrying out his job duties by protecting national security and institutions from chaos, riot and vandalism, and any failure to do so is an infringement of his job duties that will subject him to punishment. Therefore, this charge is unfounded and invalid and the accused shall be acquitted thereof. With regards to bringing illegal migrants in and out of the country, the attorney said that this charge is unfounded and that the Prosecution should bring at least one migrant who will say that the accused (Mundhir al-Ghanimi) brought him in and out of Libya. He added that his client was not involved in this act, that its perpetrators made lengthy confessions in this regard and that the accused sought to save migrants when he knew of their drowning and notified the Prosecution thereof. As for the detention of thousands of Libyans, the attorney said that this charge is groundless, that no order was issued to arrest or detain any person and that the arrest committees committed these acts and drafted the lists, while the role of the accused was restricted to the circulation of these lists, which does not constitute any crime. The attorney also said that depriving others of their political rights is a groundless charge and if this means banning unlicensed protests, then these were already banned under the Kingdom's rule and in the previous and present era; protests are deemed illegitimate if no authorization is obtained from the authorities and they aim to spark riots. The defense counsel requested that his client be acquitted or alternatively treated with the utmost kindness and compassion. In response, the Public Prosecution said that the defenses raised by the attorney of the accused are unfounded and that the accused was responsible for all that was happening in the General Security and participated in the drafting of the security plan, which consisted in crushing any activity or movement that undermines security and was implemented by security agencies. The Prosecution also said that the accused confessed that he had dispatched forces to fight in Misratah and delivered vehicles to Khamis Gaddafi in order to enter al-Zawiyah. The accused was also involved in illegal migration since he reinstated a group of officers who were convicted in illegal migration cases in order to benefit from their expertise in terms of illegal migration and provided boats for such purpose. The Public Prosecutor added that executing instructions cannot be used as a pretext by the accused because executing illegal instructions does not exempt him from

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punishment, that there is a difference between the regime and the State and that the law punishes the crimes perpetrated by the regime against the citizens. The Public Prosecutor maintained his prior request. The attorney of the accused insisted on his defenses and reserved his right to submit a Statement of Defense. The accused said that he did not participate in any meeting that aims to counter protesters nor issue any instructions in that regard or in relation to the departure of any boat carrying illegal migrants and requested his acquittal. The attorney of Defendant No. 34, Muhammad Ramadan Shatiba, said that he is ready for pleading. When the Court re-confronted the accused with the charges cited in the Indictment, which was read out and served to him, he denied those charges. The Public Prosecution requested that the strictest penalty be imposed on the accused. The attorney of the accused said that Article (202) of the Penal Code does not apply to the case because all the accused sought to defend the regime that they deemed legitimate and their acts did not aim to undermine national security. He said that Article (323) of the Penal Code shall apply to the case since it concerns punishment in relation to acts of sabotage perpetrated for a different purpose than that of undermining national security. The attorney requested the amendment of the items and description from Article (202) to Article (323) of the Penal Code. He also said that the material element of the crime of sabotage attributed to his client does not exist because he was accused of dealing drugs among battalion members, i.e. persons, while sabotage does not concern persons but assets, and because Article (202) of the Penal Code requires a material act on the part of the accused as well as sabotage and an intent to harm the State. All these elements are not met according to the attorney. The attorney also stated that drug dealing is an invalid charge brought against his client because Article (34) of the Law on Narcotics provides that in order for the crime to occur, the purpose of the offender who introduces, manufactures, extracts or deals drugs should be trafficking, which is not the case of the accused. Therefore, this crime is groundless. Furthermore, witness Ali al-Zubaydi, whose testimony was relied upon by the Prosecution in order to bring the charge against the accused said that he had received the narcotics from two officers of the Intelligence Services in February 2011 AD, that is, before the accused was transferred to work in Taurgha's area of operations. Therefore, this testimony is not valid to convict his client, especially since witness Milad al-Ashikih did not say that he had seen the accused Muhammad Ramadan Shatiba put narcotics in the tea cup.

- The attorney added that the charge is also groundless because the drug is Tramadol, which was not classified as a psychotropic substance before 2012 AD, when a Decision was issued to add it to the tables annexed to the Law on Narcotics. Therefore, the crime does not exist. Moreover, witness Ali al-Zubaydi

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said in his testimony that he delivered the narcotics he had received to his successor in command of Taurgha's area of operations, Major Hamid Abu Zataya, 'A'isha Gaddafi's husband, who instructed him to dissolve the hallucination pills in the tea because they influence soldiers by numbing them to the surrounding risks, thus driving them to commit acts they would not commit in their normal state. Therefore, the hallucination pills were dissolved in the soldiers' hot drinks in execution of strict orders given by Major Hamid Abu Zataya and the accused could not refuse such orders. Therefore, the accused did not commit a crime because the Supreme Court stated that the person who executes the order shall not be punished if he thinks that it is a legitimate act, such as orders given by military leaders to their soldiers. As for the testimony of witness Akram al-Ja'fari, the attorney said that it is implausible because the accused is a junior Officer who oversees the restaurant as mentioned in the investigations, so how can he be entrusted with money to bring narcotics? In addition, the witness built his testimony on hearsay rather than observation, therefore his testimony may not be relied upon and considered evidence for conviction. With regards to the confessions attributed to the accused, the defense counsel said that they are not deemed as such but a narration of events and that the reliable confession is an acknowledgement of the crime and its elements as stipulated by the law. At the end of his lengthy pleading, the attorney of the accused requested that his client be acquitted or alternatively treated with the utmost kindness and compassion.

- The Public Prosecution said that the charges brought against the accused were established based on the testimony of witness Ali al-Zubaydi, Commander of Taurgha's Area of Operations, and Akram al-Ja'fari. The first witness said that the Commander of Taurgha's Area of Operations, Major Hamid Abu Zataya, told him that they were dissolving hallucination pills in the soldiers' hot drinks because they affect the soldiers to a great extent, driving them to commit acts they would not commit in their normal state. He also said that he came to the restaurant and ordered a cup of tea and the restaurant supervisor, Officer Shatiba, told him that the Thermos contains tea with dissolved hallucination pills. The second witness said that he works at the Port of Tripoli and that a member of the 32nd Reinforced Brigade (Munir Zabita) came to the Port and he saw large amounts of money in the latter's vehicle, so he asked him whether they were salaries and the other answered that Captain Muhammad Shatiba sent him to a person called (al-Sadiq) who works in the Frogmen in order to buy hallucination pills. Then Munir Zabita went with al-Sadiq and after around two hours, they came back and he saw a large quantity of hallucination pills and two fingers of marijuana in the vehicle, so he asked them "What are these for?" and they answered him as follows "How do you think the army is fighting?". This act on the part of the accused means that he perpetrated the crime of sabotage and arbitrary killing because circulating drugs among

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Gaddafi's battalion members drove them to commit serious acts under the influence such as killing, rape, sabotage, etc. His act also implicates him in the crime of drug dealing. The Public Prosecutor added that the pretext given by the accused, that is, carrying out instructions of his superior, does not exempt him from punishment because the Supreme Court stipulated that the employee shall not obey his employer in the event of any illegal orders and the source and executor of such orders shall be punished. The Prosecution also said that the sabotage crime punishable by Article (202) of the Penal Code is a behavioral crime and that drug dealing led to serious acts that are not required by military operations such as rape, looting, killing and bombing cities. Therefore, drug dealing, in which the accused was involved, entailed sabotage. The Prosecution rejected the defenses raised by the attorney of the accused and maintained its prior request. The attorney of the accused insisted on his defenses and reserved his rights to submit a Statement of Defense. The accused requested acquittal and said that he did not commit any acts mentioned by the Public Prosecution.

- The attorney of Defendant No. 21 said that he is ready for pleading. When the Court re-confronted the accused, 'Imran al-Farjani, with the charges cited in the Indictment and Referral, which were read out and served to him, he denied those charges. The Public Prosecution maintained the Indictment and evidence of proof and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that the provisional detention of the latter is invalid because the Appeals Chamber decided to release his client; however, the Prosecution did not release him. He also said that the Court does not have jurisdiction to hear the case because the accused is a soldier and his case falls under the jurisdiction of the Military Court. He added that the Referral is invalid because the appointment of the Chief Prosecutor is invalid; the Chief Prosecutor was appointed by the General National Congress. However, this task falls within the competence of the Supreme Judiciary Council. As for the subject of the case, he said that sabotage and arbitrary killing are invalid charges brought against his client given the lack of evidence in this regard. With regards to bringing illegal migrants in and out of Libya, he said that this charge is groundless because the Public Prosecution relied on testimonies that lack evidence, since the witnesses did not say that the accused was involved in these operations and some witnesses only mentioned him in passing. Moreover, the Public Prosecution did not confront the accused with these witnesses and did not ask them what they knew about him. One witness said that the person responsible for illegal migration is Zuhayr Adham. The attorney said that killing illegal migrants is a groundless charge because there is no criminal intent, that is, an intent to kill the victim,

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since the person who conducted illegal migration sought to ensure the safety of migrants until they reached their destination, that is, European ports. Given the lack of the specific criminal intent, the crime of homicide is invalid. As for killing protesters, it is a groundless charge because the accused did not engage in suppressing any protest nor lead any force to that end. The attorney requested that his client be acquitted of all the charges or alternatively treated with the utmost kindness and compassion. In response, the Public Prosecution said that the defense whereby the Court has no jurisdiction is invalid because the ordinary court has general jurisdiction. In addition, the accused committed crimes against civilians, which means that the Court has jurisdiction in the matter.

- Regarding the charges, the attorney said that the witnesses confirmed that the accused 'Imran al-Farjani was involved in illegal migration, and therefore, this charge is valid. The Public Prosecution maintained its prior request. The attorney of the accused insisted on his defenses. The accused pleaded innocent and denied having given any instructions for the departure of any tugboat with migrants on board. He said that he had tried to save the migrants and that he is an honorable officer who served his nation and requested his acquittal. The attorney of Defendant No. 14, Bashir Humaydan, said that he is ready for pleading. When the Court re-confronted the accused with the charges cited in the Indictment and Referral, which were read out and served to him, he denied those charges. The Public Prosecution maintained the Indictment and evidence of proof and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that the Indictment and Referral are invalid because the Appeals Chamber ordered the release of the accused; however, the release order was only nominally executed. The Prosecution re-interrogated the accused for acquiring and distributing drugs and for the same previous charges, incarcerated him and brought him under guard, even though his investigation does not require that he remain in prison. Therefore, his incarceration is invalid as well as the ensuing procedures. The attorney also said that the items and description are invalid because the acts attributed by the investigative authority do not represent the material element of the crime, i.e. arbitrary killing, because the accused is a member of the Security Room and is part of intelligence patrols and both are merely missions that aim to collect information and protect vital facilities and did not lead to killing the protesters, which means that the items and description of the charges given by the Prosecution are invalid. He also said that the elements of the crimes of sabotage and arbitrary killing attributed to the accused are not met. because the accused did not commit any act that aims to cause sabotage and kill people and the force that he was supervising did not commit any act of sabotage nor kill protesters, but it was instead guarding vital facilities.

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In addition, patrols were conducted in execution of the instructions given by his superiors, the second and fifteenth accused, and money distribution to patrol members was not intended to kill protesters. By being a member of the Security Room, the accused did not seek acts of sabotage or killing or undermining national security, the proof of which is that he supported the rebels, to his credit. The attorney said that engaging in killing protesters is an invalid charge because the protests were held in February and March 2011 AD, while the accused was tasked with supervising patrols in May, June and August 2011 AD. He added that during the period of the protests, the accused was a member of the Room, patrols were conducted based on the instructions of the second, sixth and fifteenth accused and his client had nothing to do with these patrols. Since the Prosecution did not explain how the accused was involved in this crime, the latter is invalid and groundless. With regards to drug dealing, the attorney said that his client was not involved in this crime and the Prosecution did not submit any evidence proving that the accused had committed these acts. Therefore, the attorney requested his client's acquittal of the charge. With regards to the embezzlement of public funds, the attorney said that this is a groundless charge as well because his client did not seize the money he had received but kept it as petty cash in his possession and was not able to reimburse it due to the Revolution. The attorney said that the suppression of the protests is a groundless charge because his client had denied it, protests were banned by virtue of a law promulgated in 1956 AD and the accused cannot ban what was already banned. The accused is an officer who executes orders and instructions and rejecting such orders will subject him to direct punishment. The attorney of the accused requested that his client be acquitted or alternatively treated with the utmost kindness and compassion.

- In response, the Public Prosecution said that the defenses raised by the attorney of the accused are invalid and the charges were established against the accused because he was the commander of Intelligence patrols and he admitted having dispatched these patrols throughout the tense regions such as Fashloom and al-Jum'a Suq. Moreover, the patrols under the command of the accused confronted the protesters, killed a large number of them and detained many others.

- As for the drug dealing charge, the Prosecution said that the drugs were delivered to the Security Room, which included the accused as a member, so that it may distribute them to security members. Therefore, the accused is responsible for drug dealing. The accused admitted that he had received an amount of 25,000 LYD from the accused Abd al-Hamid 'Ammar, taken

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12,000 LYD from this amount and distributed the rest to his patrol members. The Prosecution requested the rejection of the defenses raised by the attorney of the accused and maintained its prior request. The accused requested his acquittal and said that he did not commit any act that constitutes a crime. At the end of the session, the Court decided to adjourn the session until the next day, Monday 13/4/2015 AD, so that the rest of the defense counsel may complete their pleading for the accused while the accused remain in prison. Defendant No. 1 did not attend the above-mentioned session. The fourth, tenth and thirty-third accused were not brought before the Court. The thirtieth, thirty-fifth, thirty-sixth and thirty-seventh accused did not attend the session even though they were notified. The rest of the accused were brought before the Court. The attorney of Defendant No. 2, the attorney of the fourth, fifth and sixth accused, the attorney of Defendants Nos. 12 and 14, the attorney of Defendant No. 2 on behalf of Defendant No. 18 and the attorney of Defendant No. 19 attended the session, while the rest of the defense counsel did not attend the session. The attorney of Defendant No. 2 said that he was ready for pleading. When the Court re-confronted the accused with the charges cited in the Indictment and Referral, which were read out and served to him, he denied all those charges. The Public Prosecution maintained the Indictment and evidence of proof and requested that the strictest penalty be imposed on the accused.

- The attorney of the accused said that his client was a civil servant and deemed invalid the Public Prosecution's statement that the State is different than the regime because the State is the established regime. The attorney said that the accused was carrying out his job duties since he was a civil servant and that Article (69) of the Penal Code provides that no punishment shall be imposed on anyone who carries out an act in execution of an obligation stipulated by the law. The attorney also said that the meetings held by the accused and in which he participated were an execution of the General Mobilization Law and the Law on Security and Protection and that the accused was carrying out his job duties stipulated in these laws and were he to renege on them, he would have been subject to the death penalty. Regarding the provision of financial support, the attorney said that the funds provided by the accused were dedicated to the work requirements of the department he presides, which are totally legitimate disbursements. The attorney added that the mobilization of public forces by the accused was part of his job requirements and not an incriminating act. With regards to bringing in mercenaries, the attorney said that this is an invalid charge brought against the accused because the Geneva Conventions defines mercenaries as a person recruited to take part in an armed conflict in return for a sum of money disbursed by a party to the conflict, provided that he engages effectively in combat and is not a national of a territory controlled by a party to the conflict or a party to the conflict himself. Since the mercenaries who were brought in according to the present case belonged to the Zaghawa and Mahamid tribes based on the confessions of the Defendants Nos. 1 and 3 and came to fight NATO, they are not considered

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mercenaries according to the Geneva Conventions. Therefore, this charge is invalid and the accused shall be acquitted thereof. As for forming tribal legions, the attorney said that this is an invalid charge because there was no proof that the accused participated in the meeting when Gaddafi ordered the establishment of tribal legions and the accused did not form a tribal legion from his tribe, Maqariyah, nor did Gaddafi ask him to do so. The legions were supplied with weapons at the command of Muammar Gaddafi as Supreme Leader of the Armed Forces, whose orders may not be refused by anyone. This means that the charge is groundless and the accused shall be acquitted thereof. With regards to rigging and blowing up vehicles, the attorney said that it is a groundless charge brought against his client because those accused of being involved in it, i.e., the accused Sa'id al-Gharyani, Jamal al-Shahid and Abdullah al-Sha'lani denied it, therefore their statements against the accused should not be taken into account. In addition, the explosion did not occur because the plan did not go beyond the preparatory stage and even with regards to the vehicle that exploded in Benghazi, there was no proof that it was one of Tripoli's booby-trapped vehicles. Therefore, the crime is groundless and the accused shall be acquitted thereof. As for rigging prisons with explosives, the attorney said that this is a groundless charge because his client is the one who informed the Prosecution thereof, which he would not do were he involved in it, and he was delaying the execution of the operation by Defendant No. 1 because he was not convinced of it and he did not undertake any preparations to execute it. Since this operation was not executed, the crime is deemed impossible and the attorney shall be acquitted thereof. Regarding the use of fighter aircraft to hit civilian targets, the attorney said that this is a groundless charge because his client has nothing to do with this type of weapons and that the accused Jibril al-Kadiki admitted that he was responsible for that branch of the armed Libyan forces and stated that the instructions to strike Misratah Local Radio Station were issued by Gaddafi and relayed by Ahmad Ramadan, while he did not mention the name of Defendant No. 2 at all in this regard. Therefore, the attorney requested the acquittal of his client since he played no role in this regard. As for using tugboats to strike the Court of Benghazi, besiege cities and prevent the arrival of relief vessels, the attorney said that this is a groundless charge because Major General Zuhayr Adham asserted that all the operations of the naval forces were carried out at the instruction of the Commander of the Naval Forces and that he was responsible for such operations and issued instructions to these forces in execution of the Supreme Leader's orders, noting that he was defending Libya and preventing the delivery of weapons to the opposition members. Therefore, this charge is groundless and unjustified.

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With regards to dropping mines on the Port of Misratah, the attorney said that the witnesses' statements confirm that the aircraft that dropped the mines carried the Red Cross insignia and the mines had an umbrella with a pointed head in order to sink into the ground, which means that this act was undertaken by NATO forces because Libya does not have this type of aircraft or mines. Therefore, this crime is groundless because the accused played no role in that regard. As for acquiring and distributing drugs, the attorney said this is a groundless charge because Tramadol, a drug which his client was accused of bringing, was added to the tables annexed to the Law on Narcotics in 2012 AD, and when his client brought it, importing, dealing and circulating drugs were not deemed criminal acts. With regards to the psychotropic substances seized among Gaddafi's battalion members in Misratah's al-Huda prison, they were smuggled into the prison and were not in their possession during the fighting. As for the substances seized and acquired by the Rebels' Union in Misratah, they were illegally acquired and cannot be used as evidence. In addition, many of these substances included Tramadol, a drug that was not listed in the tables annexed to the Law on Narcotics before 2012 AD. Therefore, the attorney requested that his client be acquitted of the charge since it was not confirmed. Concerning the use of Scud missiles, the attorney said that this is a groundless charge because those missiles do not exist; the Prosecution founded its charge on a researcher's opinion even though Libya had delivered those missiles to the US. Therefore, this charge is groundless. As for the dissemination of toxic gases, the attorney said that this is a groundless and invalid charge because there was not any gas leaking and the Prosecution founded its charge on the opinion of a researcher whose statements are implausible. Therefore, the attorney requested that the accused be acquitted of the charge. As concerns cutting off water and power supply to Misratah and Zintan, the attorney said that this charge resulted from the meeting held on 3/3/2011 AD, which was attended by some of the accused, including the second and third; however, Defendant No. 2 was not involved in executing these instructions because Defendant No. 3 said that the meeting discussed a number of points, including filing a lawsuit before the International Court of Justice, reviewing the statement of the Secretariat for Foreign Affairs and cutting off supplies to the cities swept by riots. These instructions were supposed to be executed by competent parties, each within its own field of competence, and since cutting off water and power supply does not fall within the competence of the department headed by the accused but within the competence of the Secretariat for Utilities, the accused had nothing to do with this process. Therefore, the attorney requested that his client be acquitted of the charge. As for blowing up the Booster Station, the attorney said that this operation was executed by the defensive region al-Kufrah at the instruction of the Provisional General Committee for Defense and his client had absolutely nothing to do in the matter. Therefore,

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the attorney requested that his client be acquitted of the charge. With regards to repressing protesters in Tripoli, the attorney said that this charge is groundless because witness Khalid Abd al-Haq al-Sharif said that Defendant No. 1 Sayf al-Islam Muammar Gaddafi, on the day news spread about Muammar Gaddafi's escape to Venezuela, met a number of officials excluding Abdullah al-Senussi at the Office of the Mohammed Magariaf Battalion Commander, al-Barani Ashkal, and was inciting the use of weapons to suppress protests. Defendant No. 1 also met the Battalion's Commander of Legions and asked him to head out to Green Square in order to suppress the protests. Therefore, Defendant No. 2 had nothing to do in the matter, especially since one witness confirmed in his testimony that Defendant No. 2 was outside of Tripoli at the time and he arrived on 20/2/2011 AD, which means that this charge is groundless. Regarding the formation of cells tasked with carrying out explosions in the eastern region, the attorney said that this is a groundless charge because Defendant No. 1 admitted that he is responsible for the eastern region and he is the one who issued the instructions and provided weapons to the region. Therefore, the attorney's client had nothing to do in the matter. As for killing protesters in Benghazi, the attorney said that this is an invalid charge because, as confirmed, the protesters in Benghazi were killed in three locations: al-Sakabili, Sidi Husayn- Geliana Bridge- al-Fadil Battalion. In the case of the protesters who died at al-Sakabili, messages were sent to people on their mobiles, calling them to take to the streets to protest, by the same suspicious party that opened fire on security forces in the midst of the protesters, which provoked the security forces and the guards of Defendant No. 2 and drove them to respond to the shots. As for the protesters at Geliana Bridge, they were killed by members of the Revolutionary Committees under the supervision of Nasir al-Hassuni, who were closely confronting the protesters, while the security members of Defendant No. 2 were far from the place. The attorney said that the Public Prosecution abandoned the main offender Nasir al-Hassuni and wrongfully charged Defendant No. 2. With regards to the protesters who were killed or injured facing al-Fadil Battalion, orders were issued to open fire on protesters by al-Sa'di Muammar Gaddafi, who was present at the Battalion's headquarters and told the people that his father had sent him as a ruler and responsible for Benghazi to solve the issue and Musa al-'Awami also issued the command to the battalion, whereas the accused was not present in Benghazi, but in Tripoli. The attorney said that Musa al-'Awami's statements are invalid and conflicting and his client, Defendant No. 2, is not

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responsible for the events in Benghazi and requested that this client be acquitted of the charge. As for the mobilization of armed groups from Tarhunah, Warfalah and Abu Salim, the attorney said that Defendant No. 1, Sayf al-Islam Muammar Gaddafi, should be held accountable for it and that Defendant No. 2 had nothing to do in the matter. With regards to illegal migration, the attorney said that these operations were conducted under the supervision of Zuhayr Adham and Hannibal Muammar Gaddafi, reported the latter saying "They buy us missiles and we send them human rockets" and said that his client had nothing to do with these operations that were also carried out under the instructions of Muammar Gaddafi and his son Sayf. This was confirmed by the accused 'Umar al-Farjani, who said that illegal migration was carried out in execution of superior orders. Therefore, the attorney requested that his client be acquitted of the charge. With regards to the rape charge, the attorney said that his client is quite concerned about it and denies it altogether. The accused also denies his knowledge of a systematic rape policy implemented by the regime or instructions concerning such acts. The attorney said that there is no evidence of this crime and if such acts did occur, then these were individual ones and not instructed by the State. The attorney requested that his client be acquitted of the charge. As for the detention of thousands of opposition members, the attorney said that Khamis Gaddafi and his brother al-Mu'tasim should be held accountable in this regard because they talked their father into preventing the release of the acquitted detainees on the grounds that they will return to the battle fronts. Furthermore, the International Covenant on Human Rights authorizes the detention of persons in order to preserve civil peace. Therefore, the attorney requested that his client be acquitted of the charge. With regards to misusing public funds, the attorney said that this is a groundless charge because his client did not squander public funds and that the expert report cannot serve as evidence in the case because the two experts did not describe the illegal disbursements in their report. Therefore, the attorney requested that his client be also acquitted of the charge. With regards to insulting the Libyan people, the attorney said that the accused did not commit this crime and that he meant by "armed groups" those responsible for sabotage, which is a reasonable and valid statement. He added that banning unlicensed protests is not deemed a crime by virtue of the International Covenant on Public Freedoms. Therefore, the attorney requested that his client be acquitted of the charge. At the end of his lengthy pleading, the attorney of Defendant No. 2 submitted a summary statement containing a number of written testimonies for witnesses Ali al-Salabi, 'Aqil Husayn, Abd al-Razzaq al-'Aradi, Abd al-Hamid al-Kazza, 'Umar Abu Sharida, al-Senussi al-Wizri, Zuhayr Adham, Ali Kaffa, Ali Abu Bakr Mansur and al-Hamali 'Uwaydat. All these testimonies confirm that

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the accused, Abdullah al-Senussi, played a positive role by seeking a peaceful solution to the bloodshed in Libya. According to some testimonies, the accused did not issue instructions to these witnesses to carry out any acts. The attorney said that he maintains the defenses and documents that he submitted and his colleagues' defenses in relation to the invalid arrest and provisional detention procedures. The attorney requested that his client be acquitted of all the charges or alternatively treated with the utmost kindness and compassion. He also reserved his right to submit a Statement of Defense.

- The Public Prosecution said that the defenses raised by the attorney are invalid and that the case file is full of evidence proving that the accused committed the acts attributed to him. The case file contains numerous documents proving that the accused paid large sums of money to Abd al-Wa'id Nur and other mercenaries' leaders who were brought to kill the Libyan people. The case file also contains multiple weapon payment orders issued by the accused to the tribal legions and other armed groups. The Public Prosecutor added that in 2011 AD, the drug Tramadol was not listed as a banned psychotropic substance by virtue of the Law on Narcotics; however, this drug is now considered as such, so bringing it in or selling it is part of the material element of the crime of sabotage or arbitrary killing because the person who consumes it will perform acts of sabotage and killing such as rape, murder and kidnapping. It was proven that the members of Gaddafi's battalions committed such acts of sabotage under the influence of the substances that the accused brought and sold in their ranks. The Public Prosecutor also said that the defense raised by the attorney stating that the State is the regime, is invalid because the State is independent from the regime and whoever attacks the people attacks the State. The Public Prosecution maintained the evidence of proof and insisted on its prior request. The attorney of the accused insisted on his defenses. The accused denied all the Public Prosecutor's statements, said that all that was written in the investigations is invalid and requested that the Public Prosecutor be put under oath. He also requested authorization to prepare a Statement of Defense and read it out in the session as well as his client's acquittal. The attorney of the fifth and sixth accused requested postponement and said she will submit her defense in the upcoming session. The attorney of Defendant No. 18 submitted a Statement of Defense in which he requested that his client be acquitted of the charges or alternatively treated with the utmost kindness and compassion. He maintained his Statement of Defense and oral defenses.

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Attorney Ahmad Nashad, who was representing Defendant No. 18, Muhammad al-Dib, after being delegated by the original attorney, submitted a statement prepared by the accused, including his defenses and requested that his client be acquitted of the charges or alternatively treated with the utmost kindness and compassion. The attorney maintained this statement, his previous statement and oral defenses. At the end of the session, the Court decided to adjourn its session until 20/4/2015 AD at the request of the attorney of the fifth and sixth accused so that she may submit her defenses. The Prosecution should explain why it had not produced Defendant No. 1 and attach the final medical report of the accused Nuri al-Hadi al-Jatlawi while the accused remain in prison and are brought before the Court on the day of the session. Defendant No. 1 did not attend the above-mentioned session. Defendant No. 4 did not attend the session nor was he brought before the Court. The tenth, twenty-third and thirty-third accused were not brought before the Court. The thirtieth, thirty-fifth, thirty-sixth and thirty-seventh accused did not attend the session even though they were notified. The Court decided to proceed with the case in their absence. The rest of the accused were brought before the Court. The attorney of Defendant No. 3, the attorney of the fourth, fifth and sixth accused, the attorney of Defendants Nos. 12 and 14, the attorney of the Civil Plaintiff (Salah Mukhtar) and the attorney of the Civil Plaintiff (Muhammad Qadah) attended the session. The session was postponed at the request of the attorney of the fifth and sixth accused in order to prepare the defense. The attorney of Defendant No. 5 requested another opportunity to prepare her defense for Defendant No. 5 and said she was ready to plead for Defendant No. 6. When the Court confronted the accused with the charges cited in the Indictment and Referral, he denied all those charges and said that they are groundless and fabricated. The Public Prosecution maintained the Indictment and evidence of proof and requested that the strictest penalty be imposed on the accused. The attorney of the accused said that the arrest of her client is invalid because the person who arrested him does not have the capacity of a judicial officer and his period of incarceration exceeded the legal timeframe. As for the subject matter, the attorney said that the drug dealing and rape charges are invalid because they were listed in the Indictment even though the Prosecution did not investigate the accused about them. Regarding the formation of the armed groups, the attorney said that this charge is groundless and that the Prosecution did not submit any evidence thereof nor investigate him about it. With regards to the detention of thousands of opposition members, the attorney said that this charge is invalid and that her client had nothing to do in the detention of opposition members. As for confronting the protesters, the attorney said that this charge is groundless because the accused was carrying out his duties and the protests were illegal since the protesters took to the streets to protest without authorization from the authorities, therefore, the State has the right to confront them. The attorney also said that acquiring and dealing drugs is an invalid charge because her client denied it and the Public Prosecution did not investigate the accused about it; the accused

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said that these psychotropic substances were brought in by Officer Khalid al-Harari, who does not answer to him but to another party and has nothing to do with him. Regarding the rape charge, the attorney said that this charge is groundless because the Prosecution did not investigate the accused about it. Moreover, the Prosecution relied on the testimony of Dr. Muhammad al-Muhishi, which is irrelevant because the latter is not specialized in these issues as a gynecologist since they fall within the competence of forensic medicine. The attorney requested that her client be acquitted of the charges or alternatively treated with the utmost kindness and compassion. In response, the Public Prosecution said that the defense raised by the attorney of the accused regarding the fact that he was not investigated is invalid because the Prosecution confronted the accused with all the charges and evidence, which is sufficient. As for the drug dealing charge, the Public Prosecution said that it was filed because the accused used to bring in drugs and psychotropic substances from Isma'il al-Karami in order to sell them to the members of the Intelligence Services. With regards to killing protesters, the Public Prosecutor said that this charge was brought against her client because he used to command intelligence patrols and preside over the Room and he was responsible for confronting peaceful protests. Concerning the rape charge, he said that the charge was brought based on the testimony of Muhammad al-'Alaqi, who asserted that the regime used rape as a method in order to confront the Revolution. The Public Prosecutor added that the testimony of Dr. Muhammad al-Muhishi is valid and may be relied upon to confirm the rape charge because he talked about material facts that he witnessed firsthand. The Public Prosecution maintained its prior request. The attorney of the accused maintained her defenses. The accused said that the charges brought by the Public Prosecution are fabricated and that he did not commit any incriminating act but was carrying out his duties in conformity with the law and had nothing to do with bringing drugs and legions. The accused requested that he be acquitted of all the charges. The Public Prosecution submitted a medical report about Defendant No. 3, al-Baghdadi al-Mahmudi, stating that he is in good health, and a medical report about Defendant No. 23, Nuri al-Hadi al-Jatlawi, stating that the accused suffers from acute schizophrenia and is not fully aware or able to control his thoughts and actions. The Public Prosecutor also submitted Letter No. 8-9-1648 dated 14/4/2015 AD issued by the Head of the Judicial Police Department, stating that the Department cannot bring Defendant No. 1 to the Court because he is currently with an outlawed armed group in Zintan. The Public Prosecutor maintained these documents.

- The attorney of the Civil Plaintiff, Salah Mukhtar, maintained his client's requests. The attorney of the Civil Plaintiff

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(Muhammad Qadah) requested the amendment of the provisional compensation determined in the Civil Prosecution Statement against the second and third Civil Defendant's attorney to 110 LYD instead of 100 LYD and maintained the Civil Prosecution Statement. The attorney of Defendant No. 3 requested postponement in order to examine his client's medical report, which was submitted by the Prosecution during the session, as well as rejection of the civil lawsuits initiated against his client because they require investigation and delay the adjudication of the criminal lawsuit. The attorney of the fourth defendant also requested the rejection of the civil lawsuit initiated against her client on the grounds that it is groundless. The attorney of Defendant No. 12 submitted a summary statement containing a statement submitted by the accused, whereby he responds to the charges brought against him, and a number of written testimonies for Customs Office staff members and the neighbors of the accused. All these testimonies confirm that the accused has a good reputation and issued confidential instructions to the staff members of the Customs Office in order not to join the battle fronts and fight the rebels, that the list referred to the Security Room was taken under coercion and that the accused was on leave upon the statements' referral. The attorney maintained these testimonies, the Statement of Defense he submitted in the previous session and his oral defenses.

- The attorney of Defendant No. 14 submitted an original Statement of Defense, which was attached to the papers, and a copy thereof, which was delivered to the Public Prosecution. At the end of the Statement, the attorney requested that his client be acquitted of the charges or alternatively treated with the utmost kindness and compassion. He also submitted a summary statement containing a statement submitted by the accused, whereby he responds to the charges brought against him, and a number of written testimonies for persons testifying that the accused provided them with assistance upon their arrest. He maintained these documents and his oral defenses. The attorney of Defendant No. 9 deposited a Statement of Defense at the Court Registry, whereby he requested that his client be acquitted of the charges or that the case be alternatively dismissed, as it was referred by a party with no capacity. As a total alternative, the attorney requested that the investigation of the accused be declared invalid as it resulted from invalid procedures. The attorney also deposited a summary statement containing written testimonies for the neighbors of the accused, stating that he has a good reputation and did not harm anybody. In addition, he submitted a copy of the Justice System Law and its amendments and a statement prepared by the accused including his response to the charges brought against him. Defendant No. 3 said that the content of the Civil Prosecution Statement is invalid and that he did not instruct any person to seize

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the properties of any company and requested the rejection of the civil lawsuit brought against him. At the end of the session, the Court decided to proceed with the case in the absence of Defendant No. 1. and to postpone the hearing of the case until the last pleading session on 3/5/2015 AD, while the accused remain in prison and are brought before the Court on the day of the session. Defendants Nos. 1, 30, 35, 36 and 37 did not attend the above-mentioned session as the Court had already proceeded with the case in their absence. The fourth, fifth and tenth accused were not brought before the Court, neither were the twenty-third and thirty-third accused, given their medical condition. The attorneys of Defendants Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28 and 29 attended the session, while the rest of the defense counsel did not. The attorney of the Civil Plaintiff, Muhammad Qadah, and the attorney of the Civil Plaintiff, Salah al-Mukhtar, attended the session. The session was already postponed at the request of the attorney of Defendant No. 5 so that she may submit her defenses and she requested postponement again on the grounds that she did not complete her examination of the case records concerning Defendant No. 5 and she is not ready for pleading in this session. Defendant No. 5 said that he had already appointed a number of attorneys; however, they withdrew due to threats and he was banned from meeting his attorney in private as the Reform Institution or the prison's administration insists on keeping a policeman in his company during the meeting and placing listening devices in the room. The accused added that his family told him that it appointed another attorney, Attorney Ahmad Nashad, to represent him before the Court in the session. Attorney Ahmad Nashad attended the session, said that the brother of the accused asked him to defend the latter and requested postponement in order to examine the case file concerning the accused. Defendant No. 5 requested authorization to meet his attorney in private and to write an explanatory Statement of Defense, whereby he divulges some serious information that cannot be discussed in public. The Public Prosecutor said that the statements of the accused are invalid and that no attorney filed a complaint for having been threatened. He added that Attorney Daw al-Mansuri who was pleading for the accused abandoned his defense mission because he became a member of the Constitution Drafting Committee. The Public Prosecutor added that all the case records are available to the defense counsel in the CDs that he received, that it is unfavorable to request postponement over a year after the hearing has started and that the accused may not appoint a new attorney once the Court has come close to ending the pleading.

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The Public Prosecutor requested to set the case for adjudication and authorize the attorney of Defendant No. 5 to submit a Statement of Defense. The attorney of the accused insisted on his request. The attorney of Defendant No. 3 maintained his prior defenses and requested the postponement of the case in order to submit a Statement of Defense. He also requested the rejection of the civil lawsuits brought against his client. The attorney of Defendant No. 4 requested the rejection of the civil lawsuits brought against her client. The attorney of the Civil Plaintiff, Muhammad Qadah, maintained his client's requests and said that the misrepresentation claim is invalid and that the Statement does not include any misrepresentation. He added that the claim that the lawsuit shall not be initiated is invalid because the Code of Criminal Procedure authorizes anyone affected by the crime to act as Civil Plaintiff as long as the pleading in the criminal lawsuit is not closed. The attorney of the Civil Plaintiff Salah Mukhtar maintained his client's requests and said that the questions asked by the accused to the fourth defendant on the facts mentioned in the Civil Prosecution Statement are not deemed an interrogation. In support of his statement, he submitted a Supreme Court judgement and insisted on his request. The attorney of the seventh and seventeenth accused submitted a Statement of Defense, at the end of which he requested that both his clients be acquitted of the charges or alternatively treated with the utmost kindness and compassion. He maintained that Statement and his oral defenses. The attorney of Defendant No. 13 submitted a Statement prepared by the accused, whereby he responded to the charges brought against him and presented his defenses. The attorney also said that he maintains the oral defenses he presented in the pleading session and the Statement of Defense he deposited with the case file at the Court Registry as well as his attached documents and the Statement of the accused. The attorney of Defendant No. 19 said that he supports the statements of Defendant No. 5 and maintained the oral defenses he presented in the pleading session, noting that he has further defenses to submit after the attorney of Defendant No. 5 submits his pleading and he wishes to incorporate them in a written Statement of Defense. At the end of the session, the Court decided following deliberation to postpone the hearing of the case until the session held on 20/5/2015 AD in order to give the attorney of Defendant No. 5 the last opportunity to submit his defense. The Prosecution shall authorize Defendant No. 5 to meet his attorney in private, write a Statement of Defense and submit it to his attorney while the accused remain in prison and are brought before the Court on the day of the session. Defendant No. 1 did not attend the above-mentioned session. The fourth, sixth, tenth, twenty-third and thirty-third were not brought before the Court. The thirtieth, thirty-fifth, thirty-sixth and thirty-seventh accused did not attend the session while the rest of the accused were brought before the Court under guard. Their defense counsel attended the session, except for the attorney of the eleventh, twelfth,

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eighteenth, twenty-first and thirty-second accused. The attorney of the Civil Plaintiff Muhammad Qadah and the attorney of the Civil Plaintiff Salah Mukhtar attended the session. The defense counsel of Defendant No. 5 said that he was ready for pleading. When the Court confronted the accused with the charges cited in the Indictment and Referral, which were read out and served to him, he denied all those charges and said that they are fabricated. The Public Prosecution maintained the Indictment and the attached evidence of proof and requested that the strictest penalty be imposed on the accused. Attorney Ahmad Nashad said that the lawsuit initiated against the accused is invalid and shall be rejected because no authorization was obtained from the legislative authority to investigate him as stipulated by the Law of the External Security Agency. He also said that the investigation with the accused is invalid because he was coerced and that all the acts were undertaken by the accused in execution of the Law of the External Security Agency. The attorney added that the Revolutionary Committees and the People's and Revolutionary Guard were responsible for killing protesters in Tripoli and that the External Security Agency had nothing to do with it, which was confirmed by Lieutenant General al-Hadi Ambirish who said that the security services were instructed not to kill people; however, after the intervention of the informal formations (the Revolutionary Committees and the People's Guard), the situation deteriorated and killings were perpetrated. The attorney also said that the instructions issued by the accused consist of countering al-Qaeda and Western agents and not ordinary Libyan citizens, which is legitimate according to the Law of Jamahiriya Security. He added that the Operations Department responsible for the Tundra patrols does not answer to the Authority headed by the accused but to the Supreme Security Operations Room, the proof of which is that the Head of the mentioned department, Abd al-Salam Hamuda, was directly corresponding with the Head of the Supreme Security Operations Room, al-Hadi Ambirish, without referring copies of the correspondence to the Authority headed by the accused. Therefore, the accused shall not by virtue of the law bear responsibility for the Tundra patrols conducted by the members of this department. The attorney stated that the instructions issued by the accused were based on information provided by persons in the field; therefore, these persons shall bear the responsibility and be held accountable. He also said that the External Security Agency did not have any weapons or ammunition, which means that mobilization of the public force is a groundless charge. As for bringing in and equipping mercenaries, the attorney said that he maintains his defense in this regard, which he had already raised when responding to the same charge brought against Defendant No. 2, that is, there was no evidence that the accused brought in mercenaries according to the definition of mercenary in the Geneva Conventions. Therefore, the accused shall be acquitted

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of this charge. With regards to cutting off water and power supply to the rebelling cities, the attorney said that this charge is groundless because the accused was not concerned in the execution of these instructions since they do not fall within the competence of the Authority that he head. As for forming tribal legions, the attorney said that the accused has nothing to do in the matter because Major General Muhammad al-'Isawi is the one who armed al-Ruhaybat, which drove al-Ruhaybat's rebels to inform Zintan's rebels that al-Ruhaybat's group intends to cut off their supply route, thus prompting Zintan's rebels to attack al-Ruhaybat. This means that the dissension occurred before the accused formed al-Ruhaybat's legion. He added that this charge is also groundless in another aspect; militarily-speaking, the term "legion" means an integrated army with its heavy weapons, i.e. vehicles and tanks, and shall not be used to describe ten persons and the like. Furthermore, his client did not provide any armed group with weapons.

- Regarding the crushing of protesters in Tripoli, the attorney said that this is a groundless charge because Mohammed Magariaf Battalion is the one that countered the protesters based on the instructions of Defendant No. 1, according to the testimony of Lieutenant Colonel Khalid Abd al-Haq al-Sharif, Director of the Office of Mohammed Magariaf Battalion Commander, al-Barani Ashkal. Concerning illegal migration, the attorney said that this is a groundless charge because the Authority headed by the accused is not responsible, within its field of competence, for overseeing or managing sea and air outlets. As for drug dealing, the attorney said that this is a groundless charge and there is no evidence that any psychotropic substances were seized, noting that taking Tramadol was not an incriminating act in 2011 AD. With regards to rape, the attorney said that this is a groundless and invalid charge and that all the related statements were fabricated by Muhammad al-'Alaqui and if what was mentioned or reported by Musa Kusa was true then the latter would have documented his testimony on the matter but he did not, since it is all lies. Regarding the forceful detention of people, the attorney said that there is no evidence to this charge. Furthermore, the International Covenant on Human Rights authorizes the detention of people in the event that they commit acts threatening national peace. As for insulting the Libyan people and dismantling national unity, the attorney said that this is a groundless charge because the witnesses asserted that Yusuf Shakir, who used to present the show "'Asham al-Watan", used to prepare his own media content for the show in cooperation with the Radio Director Abdullah Mansur. The witnesses did not mention any role for the accused Abu Zayd Dorda, so he is innocent of the charge.

- With regards to forcefully depriving others of their political rights under threat, the attorney said that this charge

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is groundless because the only political right guaranteed by the laws under the former regime is freedom of expression in People's Congresses and there was no evidence that the accused deprived any person of this right. Protests were not legitimate and were legally criminalized, therefore, banning protests is an execution of the law. The defense counsel requested that the accused be acquitted of the charges and submitted a summary statement containing a statement for the accused responding to the charges brought against him, a number of written testimonies and a letter addressed by the Chief of the Operations Department at the External Security Agency to the Chief of the Security Operations Room. The attorney maintained these documents and his defenses. Attorney Mabruka Dawa, who was present to defend the accused, maintained the defenses raised by her colleague Attorney Ahmad Nashad and submitted an original Statement of Defense, which was attached to the papers, and a copy thereof, which was delivered to the Public Prosecution. At the end of the Statement, the attorney requested that the accused be acquitted of the charges and maintained the Statement after her oral pleading. The attorney denied all the charges brought against her client by the Public Prosecution on the grounds that they are invalid, the witnesses proved that these charges are fabricated and the Indictment contains general and ambiguous expressions as well as charges without proof. She added that many names on the list of victims related to Tripoli's protests were killed in other locations outside Tripoli and some of the cases were natural deaths that did not result from gunshots. Therefore, the attorney requested that these lists be dismissed on the grounds that they are unreliable and invalid. As for cutting off water and power supply to Misratah and Zintan, the attorney said that this is a groundless charge because the municipality of Zintan denied that the accused, Abu Zayd Dorda, had gone to Zintan and denied the presence of a water network in Zintan. With regards to cutting off power supply to Misratah, the attorney said that the Prosecution mentioned in the Indictment that the army bombed power stations, which means that the accused had nothing to do in the matter. The attorney maintained her Statement of Defense and requested that the accused be acquitted of the charges. The Public Prosecution maintained the list of evidence of proof attached to the Indictment. The Public Prosecution noted that the defense claiming that the case filed against the accused wrongful since no authorization was obtained from the legislative authority to investigate him, is invalid because Law No. 38/2012 AD on Procedures for the Transitional Period explicitly provides that the prosecution of those who perpetrated crimes during the 17 February Revolution shall be free of any restriction. Concerning the statement

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that the Operations Department does not answer to the External Security Agency, the Public Prosecution said that this is an invalid defense because the witnesses asserted that this department answered to the External Security Agency and its Chief, Abd al-Salam Hammuda, followed the instructions of the accused, who ordered that the department be equipped with Tundra cars and its members be armed and issued instructions to dispatch patrols and counter protests. As for the defense raised by the attorney on the lack of evidence in relation to the rape charge brought against the accused, the Public Prosecutor said that this defense is invalid and that this charge was brought based on the testimonies of many assailed men and women who were raped in the detention centers of the External Security Agency. With regards to the defenses raised by the defense counsel on the lack of evidence in relation to the charges brought against the accused, the Public Prosecutor said that all these defenses are invalid and that the defense counsel is distorting witnesses' testimonies and misrepresenting their content. It added that the charges were established against the accused as the witnesses' testimonies confirm that the accused was involved in devising security plans to counter the protests and in giving instructions to suppress the protests. The accused also ordered that patrols be dispatched, formed an armed group from his tribesmen and worked on arming it, sought to strike the aircraft that used to land at Zintan Airport and committed other crimes. The Public Prosecutor reviewed a number of witnesses' testimonies confirming the charges brought against the accused and requested that the strictest penalty be imposed on the accused. The defense counsel maintained his defenses. The accused pleaded innocent and denied having committed any crime of those attributed by the Public Prosecution, noting that the charges are political and unfounded. The attorney of Defendant No. 2 maintained his prior defenses and submitted a Statement prepared by the accused, including his response to the charges brought against him. The attorney also said that he reserves the right to submit a Statement of Defense. Defendant No. 2 said that the statements attributed to him against the other accused are false. With regards to rigging prisons with explosives, the accused said that he endeavored to prevent and stall this operation, added that the accused, Jibril al-Kadiki, had nothing to do in the matter nor did he attend any meeting in this regard, and requested acquittal. The attorney of Defendant No. 3 maintained the oral defenses raised in the pleading session and submitted two Statements of Defense, one pertaining to Case No. 2012 AD/568 and another pertaining to Case No. 2012 AD/630. At the end of the Statements, the attorney requested that his client be acquitted of the charges or alternatively treated with the utmost kindness and compassion. The attorney of the Civil Plaintiff, Muhammad Qadah, maintained the Statement, his client's requests as per the Prosecution Statement and his

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amended oral request. The attorney of the Civil Plaintiff, Salah Mukhtar, maintained his client's requests and Defendant No. 3 requested that he be acquitted and referred to a psychologist since he was put under major psychological pressure during investigation. The attorney of the fourth and sixth accused maintained her defenses and requested that she be given enough time to submit Statements of Defense for both her clients. Defendant No. 7 denied the charges brought against him except his statements in the speech he gave in the presence of Muammar Gaddafi on 2/3/2011 AD and requested that he be acquitted of all the charges. Defendant No. 8 requested acquittal. Defendant No. 9 requested acquittal and his attorney maintained his oral and written defenses that he had submitted. The attorney of Defendant No. 10 said that he deposited a Statement of Defense whereby he maintains his oral defenses at the Court Registry. Defendant No. 11 requested his acquittal. Defendant No. 12 requested the same and his attorney maintained the Statement of Defense that he had submitted and his oral defenses. Defendant No. 13 requested his acquittal and maintained his Statement of Defense. Defendant No. 14 requested his acquittal and release and his attorney maintained his Statement of Defense and oral defenses. Defendant No. 15 requested his acquittal and his attorney submitted a Statement of Defense whereby he requested his client's acquittal and a summary statement containing written testimonies and a Statement submitted by the accused. Defendant No. 16 pleaded innocent and his attorney maintained his oral defenses and requested authorization to deposit his Statement of Defense and summary statement. Defendant No. 17 requested his acquittal and release. Defendant No. 18 requested his acquittal, maintained his Statement of Defense and his attorney's defenses and invoked God's help. His attorney submitted an original Statement of Defense, which was attached to the papers, and a copy thereof, which was delivered to the Public Prosecution. At the end of the Statement, the attorney requested that his client be acquitted of the charges or alternatively treated with the utmost kindness and compassion and maintained the Statement and his oral defenses. Defendant No. 20 denied the charges brought against him and requested his acquittal and his defense counsel maintained his defense. Defendant No. 21 requested his acquittal and release and maintained his attorney's defense. Defendant No. 22 requested his acquittal. The twenty-fourth and twenty-fifth accused requested their acquittal and release and their attorney maintained his defenses and requested that his clients be authorized to declare their remorse according to Article 2 of the Law No. 2012 AD/35 on the amnesty of particular crimes since the accused are governed by its provisions. Defendant No. 26 requested his acquittal and his attorney said that he had deposited a Statement of Defense at the Court Registry, maintained it and to his oral defenses and requested that his client be acquitted of the charges. Defendant No. 27

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requested his acquittal and his attorney maintained his Statement of Defense and oral defenses. Defendant No. 29 requested his acquittal and denied the charges brought against him. His attorney said that he had deposited a Statement of Defense at the Court Registry and he maintained it and his oral defenses. Defendant No. 31 denied the charges brought against him and the expert report's statement that he used an amount of 5 million LYD from the funds of the Liaison Office of the Revolutionary Committees, noting that he received this amount and deposited it at the Office's account without using it. He also requested that he be acquitted of the charges brought against him. His attorney said that he deposited a Statement of Defense at the Court Registry and he maintained it, his oral defenses and the Statement of Defense prepared by the accused, who is a Law Professor at the University of Libya. Defendant No. 32 denied the charges brought against him and said that the witnesses mentioned the person who received the funds and that this person is one of the 500 members of the People's Leadership in Tarhunah. He requested his acquittal and his attorney maintained his oral defenses and Statement of Defense. Defendant No. 34 requested his acquittal and said that he is not one of Gaddafi's aides or the regime's henchmen and that the charge is fabricated. His attorney maintained his oral defenses and requested that his client be authorized to declare his remorse according to Article 2 of the Law No. 2012 AD/35 on the amnesty of particular crimes. The thirty-fifth, thirty-sixth and thirty-seventh accused did not attend the session and were represented by their attorney, who wished to present his defenses, however, the Court did not authorize him to do so in the absence of his clients who were previously notified but did not attend the hearing sessions. At the end of the session, the Court decided to set the case for adjudication on 28/7/2015 AD and authorized the defense counsel who wished to do so to deposit their Statements of Defense and summary statements within 30 days of the session's date while the accused remain in prison. In execution of this decision, the defense counsel deposited closing Statements of Defense at the determined date, thereby explaining the defenses raised in their oral pleadings before the Court.

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Facts of the Case

On the whole, within the bounds of the necessary measures for adjudication of the case and the case papers, the facts of the case are as follows: in the course of the investigation conducted by the Public Prosecution on the crimes committed by the officials of the former regime during the 17 February Revolution, the Chief Prosecutor's Office investigated these officials and heard their statements on the facts. Upon investigation, Defendant No. 3 (al-Baghdadi Ali al-Mahmudi) said that on 19/2/2011 AD he received the minutes of the meeting held at the office of Defendant No. 7 (Muhammad al-Zwai) on 16/2/2011 AD in order to take the relevant executive procedures and he referred it immediately to the General Secretariat for Public Security for execution. He said that the term "reducing losses" figuring in the minutes means human losses. He added that he held a meeting at his office, to which he invited the second, fifth and sixth accused and others and they decided then to dispatch the members of the Revolutionary Committees, the Revolutionary Guard and the People's Guard to Green Square and to assign all security and military services, namely (Mohammed Magariaf) Battalion, the task of preventing protesters by any means from accessing Green Square, namely, by opening fire to suppress the protests. He admitted that his role was restricted to providing logistic support in order to execute these operations. He said that the second and fifth accused were adamant on crushing the protests by any means and they used to literally say ("We must be brutal with them"). He added that on 3/3/2011 AD, a meeting presided over by Muammar Gaddafi, was held in his presence and the presence of the accused Muhammad al-Zwai, Abu Zayd Dorda, Abdullah al-Senussi and others, whereby it was decided to besiege the regions undergoing riots such as Zintan, Misratah and al-Zawiyah and to deprive them of salaries, supplies and water so that they would feel the consequences of their actions. He admitted that these procedures were implemented; water and power supply was cut off to Misratah, supplies were cut off to Misratah and Zintan and the army bombed Misratah's power stations. He added that Defendant No. 1 came to his office and requested the disbursement of sufficient liquidity to security and military services. In response, he tasked Uthman al-Da'iki with receiving an amount of 50 million LYD in petty cash, a part of which was delivered to the Chief Accountant of the 32nd Reinforced Brigade led by (Khamis Gaddafi). Defendant No. 1 intervened to disburse this amount immediately to his brother, called the latter in his presence and told him the following (Send your people to receive what is needed). Defendant No. 4 also received part of that amount and admitted that in execution of Muammar Gaddafi's instructions, he disbursed local and hard currency funds to many persons

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and parties in return for a receipt from the recipient or by informing the Secretariat of Finance that the amount was received by the recipient. He disbursed an amount of 11 million LYD to Bashir Salih and 10 million LYD to the same person in order to accomplish a mission in Uganda. He also disbursed an amount of 10 million LYD that he deposited in an account in Mauritania to Abdullah Mansur. He also admitted that he disbursed funds to the tribal armed groups that were formed to attack the besieged regions. He admitted that Muammar Gaddafi requested his close circle to mobilize and arm their tribesmen and ordered him to provide the necessary funds to these groups. Gaddafi's request was met; Abu Zayd Dorda responded to his request with regards to al-Ruhaybat, Muhammad al-Zwai with regards to al-Shati', Hassan al-Wahishi with regards to Bi'r al-Ghanam and Muhammad al-Sharif with regards to al-Nawahi al-Arba'ah. They all came to him and briefed him on the numbers each of them has mobilized and he informed them of the necessity to communicate with Defendant No. 4 in order to receive the weapons as per Muammar Gaddafi's instructions. The accused also confessed that Muammar Gaddafi had asked him to form an armed group from his tribe (al-Nawayil) and he worked on it in coordination with Faraj al-Hanashi. The armed group was formed and supplied with funds and vehicles. When the Public Prosecution presented the minutes of the meeting held on 18/7/2011 AD in the presence of the tribes' coordinators to discuss procedures concerning the masses in order to cleanse the Western Mountains, the accused confirmed the validity of the meeting minutes and asserted that the tribal groups entered into clashes with the rebels, thus reviving old conflicts and grudges between Zuwarah, al-'Urban and al-Nawayil on one hand and between al-Tabu and al-Zawiyah on the other hand. Conflicts were also reignited between Misratah and Bani Walid and between Misratah and Taurgha'. All this was a product of the tribal policy adopted by Gaddafi. The accused confessed that he delivered an amount of 5 million LYD to Lieutenant-General Ali al-Fituri, 2.5 million LYD to Lieutenant-General Yusuf Abu Hajar, 500,000 LYD to 'Izz al-Din al-Hanshari for Tarhunah and 250,000 LYD to Mustafa al-Zayidi for al-Nawahi al-Arba'ah. When the Public Prosecution asked the accused about the meeting that was held on 25/4/2011 AD between him, Defendant No. 5 Abu Zayd Dorda, Defendant No. 10 Mundhir Ramadan and other security leaders, he confessed that the meeting did take place at the request of Defendant No. 1, Sayf Gaddafi, and that Defendant No. 5 talked during the meeting about the External Security members who resumed work after being placed on the retired list. Defendant No. 10 also said that he had police members who incited fighting in Misratah's Tripoli St. and that anti-riot vehicles were used

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to enter al-Zawiyah. When the Prosecution asked the accused about the committee he formed in order to seize the defectors' properties, he confessed that he issued decisions for the devolution of the defectors' properties to the State. When the Public Prosecution asked the accused about what he wrote in his personal notebook on 7/7/2011 AD, he confessed that he ordered the disbursement of 15 million LYD to Bashir Salih and 5 million LYD to Muhammad Bashir Sa'd to be disbursed to the armed forces. The accused confessed that he disbursed 5 million LYD to Mansur Daw, the Commander of the People's Guard. He also confessed that in April 2011 AD, he ordered that an account be opened for Muammar Gaddafi's office under No. (1276) and that up until 20/8/2011 AD, an amount of 408,650,994,513 LYD was disbursed from this account. He confessed that his role with regards to armed tribal groups is restricted to providing logistic support in terms of subsistence, vehicles, grants and rewards; he provided logistic support to al-Nawayil Legion. The accused Hassan al-Wahishi came to him and also received funds, vehicles and subsistence like the armed tribal groups. The accused also confessed that he instructed Defendant No. 18 to disburse 200,000 LYD to Abd al-Salam Ihmida and 30,000 LYD to Abd al-Salam Hassan based on the instructions of Defendant No. 1 to accomplish a "dirty" mission in Benghazi. He added that Defendant No. 1 asked him to disburse an amount of money to Muammar Farakash in order to accomplish a "dirty" mission in al-Bayda'. The accused added that Defendants Nos. 1 and 2 handled illegal migration while his role was restricted to reinstate a group of officers who were convicted in illegal migration cases based on the suggestion of Defendant No. 10, Mundhir Ramadan al-Ghanimi, and the request of Defendant No. 1. Defendant No. 21 also participated in illegal migration; old and decrepit fishing boats were bought and Africans were loaded on board and transported to Europe while many drowned in the process. The accused said that boats and tugboats were used in combat missions, to intercept aid ships heading towards the Port of Misratah and the Port of Benghazi and to strike vital sites in both cities, through coordination between the first and tenth accused, along with Hanibal Gaddafi and Muhammad Zaydan, the Secretary for Transport. The accused also confessed that he gave (Yusuf Shakir) funds of up to 200,000 LYD and bought him a 1.5 million LYD-house, noting that Yusuf Shakir answers to the External Security and receives from Defendant No. 5, Abu Zayd Dorda, the media content of his show ("Asham al-Watan"), which has

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caused dissension among Libyans. The same goes for Hala al-Misrati's show and Mustafa Qadirbu's show that both air on Libya's Channel, which is supervised by Defendant No. 1. He added that these shows created a rift among the Libyans and asserted that Defendant No. 5 provided the information used by Yusuf Shakir. With regards to narcotics, the accused said that they were called ("courage pills") during the Revolution and were handled by Defendant No. 2 Abdullah al-Senussi, who spent between 2 and 4 million LYD to bring them in from neighboring European countries based on Muammar Gaddafi's instructions. He added that Defendant No. 12, 'Amir al-Dalyu, facilitated their entry through the ports and that the narcotics were of the (DF-118) type and were distributed by Defendant No. 2 throughout the battle fronts. The accused confessed that the funds spent by the General People's Committee were illegally disbursed by Uthman al-Da'iki and Muhammad al-Dib and caused great damage to public funds, whereas the funds disbursed by the Secretariat for Finance were handled by Defendant No. 11 as Secretary for Finance. When the accused was confronted with the charges and briefed on the minutes of the meetings he held in August 2011 AD, he confessed that they were true and that the hate speech whereby he incited the Janzur, al-Zahra', al-Sawani and al-'Aziziyah tribes to fight was given in execution of Muammar Gaddafi's instructions. He admitted that he knew that his hate speech would drag Tripoli and its surroundings into a civil war. With regards to killing the protesters, he said that he financially supported these operations at the instruction of Defendant No. 1. He also confessed that he knew that arming the tribes would sow dissension and that his role in illegal migration was restricted to reinstating the officers who were convicted in illegal migration cases at the request of the first, second and tenth accused. When the Public Prosecution investigated Defendant No. 2, Abdullah al-Senussi, he said that on the day after protests broke out in Tripoli, he met the leaders of the security services, including Defendant No. 5, and they agreed on conducting joint patrols under the command of Defendant No. 6. He added that a collective decision was made to organize a revolutionaries' sit-in in Green Square in order to prevent the protests from reaching Green Square. He noted that people were killed in the protests due to the misuse of weapons.

- When the Prosecution asked the accused who ordered the rebels in Benghazi to kill the protesters on Geliana Bridge, he said that he only had a disciplinary impact on them. The accused confessed that the

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formation of the tribal legions was supervised by officials; al-Nawayil Legion reported to al-Baghdadi al-Mahmudi and Defendant No. 5 formed an armed group. An armed group from al-Hararat tribe was also formed under the command of Muhammad al-Wahishi al-Sadiq, the brother of Defendant No. 9 Husni al-Wahishi. He added that the intervention of Defendant No. 7 (Muhammad al-Zwai) with regards to the armed tribal groups aimed to legitimize them since he was the Secretary of the General People's Congress. When the accused was briefed on the minutes of the meeting that was held on 8/5/2011 AD and that discussed the march of tribal masses towards Misratah from neighboring regions and the provision of battle gear, weapons, funds, subsistence and vehicles as well as the task he was assigned, i.e., providing weapons and ammunition, he confessed that he attended the meeting and that he did not want to arm the marchers; however, Gaddafi insisted on that. When the accused was confronted with the charge of committing arbitrary killings, looting and sabotage acts in violation of national security, he responded that he was defending the State and confessed that Muhammad Sa'id al-Qashat brought in and armed a group of Africans, which was affiliated with the Intelligence Services, to counter the rebels. He also confessed that he gave two boxes of (DF-118) drugs to Defendant No. 4, a box to Lieutenant-General Ali al-Fituri and a box to Lieutenant-General Yusuf Abu Hajar. He confessed that letters were exchanged to deliver the ammunition and that they were all issued by his department. He confessed that Muammar Gaddafi requested that he, Mansur Daw and others set up a plan to blow up the prisons containing rebels and attribute that act to NATO aircraft. He admitted that he held a meeting at the Rixos Hotel with the fourth and sixth accused and a person called Shu'ayb al-Farjani, who informed him that he had prepared the air bombs and vehicles, and added that Defendant No. 1 wanted to execute that plan.

- The accused also said that the tribal method was adopted following the 17 February Revolution and that Defendant No. 1 was involved in it as tribal grudges were revived and tribes were armed to fight other tribes. Defendant No. 1 also armed groups from Abu Salim with around 4000 rifles, along with Defendant No. 4. Moreover, Defendant No. 1 supported groups that were operating in the eastern region. Defendant No. 2 confessed that Defendant No. 1 called him and asked him to provide a technician with wide expertise in rigging vehicles with explosives and blowing them up, so he instructed Defendant No. 15 to look for a technician for that purpose and found out later on that a vehicle was blown up in Benghazi. He also admitted that the bombs that were supposed to blow up the prisons were prepared in the Mitiga Base

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and were in the possession of Defendant No. 16. As for drug dealing, he said that they were of the (DF118) type, that they were imported from East Asia and introduced through al-Khums Port and that he received the container based on Muammar Gaddafi's instructions and delivered a part of it to Lieutenant-General Ali al-Fituri in Bani Walid, Lieutenant-General Yusuf Abu Hajar and Mansur Daw. He also distributed the narcotics to the battle fronts; however, he was not aware of their effects and he was executing Muammar Gaddafi's instructions. With regards to cutting off water supply to the cities, he said that he objected to Defendant No. 3 when he cut off water supply to Misratah, that Defendant No. 3 formed a 6000-strong legion from al-Nawayil tribe and that he knew that many lootings were carried out by the volunteers who formed looting gangs.

- With regards to bringing in mercenaries, the accused confessed that he met Khalil Ibrahim, the leader of the Sudanese Justice and Equality Movement, and agreed with him to bring part of his forces to fight alongside Gaddafi's battalions. He paid him 3 million USD and the forces came and gathered in al-Asabia; part of them entered Misratah's front and many members were injured. He paid them amounts of money to cover treatment costs. A 400-strong armed group affiliated with (Manawi) participated in the fighting on Misratah's front and he paid them 3 million LYD based on the instructions of Muammar Gaddafi and his son Sayf. He confessed that the meeting with Khalil Ibrahim was held in his office in the presence of Defendant No. 4 Mansur Daw.

- When the accused was asked about the tribal legions, he confessed that he issued decisions to form these legions as well as weapons' delivery orders for them and that Defendant No. 15 sometimes acts on his own.

- When the accused was asked about the revolutionary groups that countered the protesters in Benghazi, he said that Defendant No. 1 was responsible for them, that Bashir Harir, a reckless and violent man, used to regularly contact Defendant No. 1 and that he chased the protesters along with his group and opened fire on them at Geliana Bridge. He was also present there, gave instructions to ban the protesters from accessing the radio building and saw a number of them lying on the floor. When asked about his role in illegal migration, he said that he provided assistance in these operations, which were conducted at Muammar Gaddafi's instruction. Defendant No. 1 also provided assistance, as well as Defendant No. 8 Muhammad al-Sharif due to his knowledge of Africans.

- When asked about his role in rigging vehicles with explosives, he confessed that he tasked the accused Abd al-Hamid 'Ammar with looking for a coordinator of such operations along with Abd al-Salam Hammuda, and Abd al-Hamid 'Ammar told him that he met Defendant No. 24

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Jamal Ali Ihmida al-Shahid, Mansur Sabir, Abd al-Salam Hassan and Jamal al-Shahid. He said he knew that a vehicle was blown up next to the Tibesti Hotel and he could not deny his own responsibility in that regard, noting that Defendant No. 4 and the Qadhadhfa members who were with him, wreaked havoc, committed looting and vandalism and violated people's dignity, shall be held accountable for killing protesters in Tripoli. With regards to people's detention, he said that he was aware that thousands were detained.

- When investigating Defendant No. 1, Sayf al-Islam Muammar Gaddafi, he said that the approach adopted at the beginning of the protests in Tripoli consisted in preventing the adversary from holding a sit-in in Green Square. When asked about his information regarding the tribal legions, he asserted that he was aware of them and that it was a war context so everyone should stand up for his country, and there were African groups who volunteered to fight inside Libya. He denied having met Khalil Ibrahim. When asked about the statement of Defendant No. 2 regarding the fact that Colonel Abd al-Salam Hassan was supervising a group of persons in Benghazi tasked with carrying out many explosions, he said that he heard about explosions in Benghazi and added that his role was restricted to mobilization through media and around-the-clock incitement. When asked about the statement of witness al-Hadi Ambirish regarding the fact that he used to meet the Defendants Nos. 1 and 3 in order to assess the situation, he confirmed the truth of the matter and added that the groups that disobeyed the orders are deviant, therefore, they must be fought by the neighboring tribes even at the price of a civil war.

- When investigating Defendant No. 4, Mansur Daw Ibrahim Mansur, he said that on 17/2/2011 AD, he was examining the situation in Benghazi with Defendant No. 2, who gave orders to open fire on the protesters at al-Sakabili and Sidi Husayn. He confessed that he agreed with Defendants Nos. 1 and 2 to distribute weapons from 17 to 19/8/2011 AD to the youth of Abu Salim, al-Hadabah and the Airport Road, who came to Bab al-'Aziziya in the form of groups. He also said that Defendant No. 1 was inciting the youth to fight the group that defected from the regime. He added that in July 2011 AD, while he was in the Security Operations Room, he heard Defendant No. 2 call Defendant No. 15 Abd al-Hamid 'Ammar, requesting him to distribute the drugs to the forces on the battle fronts, and when he asked him about these drugs, he said that they are called "courage pills" and that he would send him an amount thereof; Defendant No. 15 did send him two boxes of drugs.

- The accused confessed that he trained and armed a group of Africans and that the Central Room was directing them to the battle fronts under the supervision of Defendants Nos. 1 and 2. With regards to the meeting that was held

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at the office of Defendant No. 3 in his presence and the presence of the fifth and seventh accused and other leaders of security services, he said that it was decided during the meeting to establish revolutionaries' control over Green Square and prevent the protesters from accessing it, which was successfully implemented, thus killing many protesters. When the accused was confronted with the charges, he said that he sought to preserve national security. As for the detention of large numbers of people, he confessed that one thousand persons were acquitted following their investigation, which was discussed in the Central Room's meeting that he attended; however, the fifth and second accused protested their release, so the participants agreed at the end of the meeting not to release them. With regards to the embezzlement of funds by coercion, he confessed that he agreed with Defendant No. 3 to seize the properties of private companies and sell them in order to provide liquidity, therefore, he tasked his subordinates with seizing the movables of al-Muhit Company and Mediterranean Company. When asked about his role in forming the tribal legions, he confessed that he formed tribal legions and delivered weapons to regions and tribes, all the while knowing that this might prompt a civil war between the tribes; however, this does not mean anything. When investigating Defendant No. 5, Abu Zayd Dorda, he denied any knowledge of the drugs that were taken by the members of the Agency and any involvement in the detention of Libyans by centers affiliated with the External Security Agency as well as their torture and rape. He also denied knowing about the meeting held by Muammar Gaddafi with the security and military leaders, in which he incited the rape and killing of protesters. He denied the claim that officers under his command booby-trapped vehicles in order to blow them up in Benghazi. He confessed that he knew Yusuf Shakir, used to meet him at his office during the Revolution and provide him with information to be broadcast on the show "Asham al-Watan". He denied being aware of the formation of a group and the preparation of security support. When Defendant No. 6, Milad Salim Daman, was interrogated, he confessed that on 21/2/2011 AD, he met Defendant No. 2 at the People's Guard centre and told him that he agreed with Defendant No. 5 that the Internal Security Agency, the External Security Agency and Tripoli Security Directorate shall take control of the city; therefore, their forces were dispatched and he confessed that he was in charge of that force at the administrative level. He added that the security leaders agreed along with the Defendants Nos. 1 and 3 to organize a revolutionaries' sit-in in Green Square and prevent the protesters from accessing it. He admitted that many protesters were killed as a result of this agreement. He confessed that he executed the arrest orders

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issued by the investigation committees by arresting between 300 and 400 persons in al-Zawiyah and Tripoli and that the arrests were made by forcible entry into the houses without an authorization from the Public Prosecution. He confessed that 1500 persons were acquitted; however, the second and fourth accused and others refused to release them. With regards to drugs, he said that Khalid al-Harari received one million pills of psychotropic substances in coordination with Defendant No. 5. He confessed that he requested psychotropic pills from (Isma'il al-Karami), the Head of the Anti-Narcotics Agency, at the request of Defendant No. 2, in order to sell them to his members. Concerning illegal migration, he said that it occurred under the supervision of Defendants Nos. 1 and 2 along with Abd al-Hamid al-Sa'ih and Abdullah Mansur; they bought decrepit tugboats and loaded them with large numbers of Africans, which led to the death of many. The accused added that Defendant No. 5 was fully aware of the operations that were carried out in full knowledge of his members and was responsible for al-Ruhaybat force and its armament. He added that Defendant No. 3 was responsible for the legions and volunteers and provided them on his own with logistic support in terms of vehicles, subsistence and funds. Defendant No. 3 also formed a legion from his tribe al-Nawayil and supplied it with funds, weapons and vehicles; this legion was directed towards the Amazigh of Zuwarah. Defendant No. 9, Hassan al-Wahishi, formed an 800-strong legion from his tribe (Bi'r al-Ghanam), headed by his brother (Muhammad al-Wahishi) and the legion clashed with Zintan's rebels. He added that he saw the first, second and fourth accused, along with al-Hadi Ambirish meet Khalil Ibrahim, the leader of the Sudanese Justice and Equality Movement, in a room at al-Mahari Hotel. He confessed that he attended a meeting at the Rixos Hotel presided over by Defendant No. 2; Defendant No. 4 and others attended the meeting where a plan was proposed to blow up the prisons.

- When investigating with Defendant No. 7, Muhammad Abu-al-Qasim al-Zawi, he said that on 16/2/2011 AD, he met the leaders of the security services; the fifth and ninth accused and others also attended the meeting during which instructions were given to General Security in order to counter and arrest stray elements and take decisive measures without reluctance or delay. These instructions were referred to General Security. He confessed that he was the one who wrote the speech he gave on 2 March 2011 AD, where he called the rebels "rats". He added that Defendants Nos. 1 and 2 ordered that mercenaries be dispatched in the eastern region and shots be fired on the protesters, which caused a number of deaths, noting that a major force that is not related to the security services participated in suppressing the protesters,

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including youth from al-Hasawina, Qadhadhfa, Awlad Sulayman and Maqariyah, with the incitement of the above-mentioned persons. He added that Defendant No. 3 was responsible for the financial support to suppress the Revolution and that he regularly met the first, second, fourth and fifth accused. When Defendant No. 8, Muhammad al-Sharif, was interrogated, he confessed that he paid amounts of money to (Muhyi al-Din 'Awad Salih and Muhammad al-Bashari) because they are members of the Islamic People's Leadership and not for any other reason. He admitted that he approved payments to the Senegalese President so that he would retract his recognition of the Transitional Council. To that end, he paid an amount of 80,000 USD to Idris Sik, who was the Prime Minister of the Senegalese government, thereby benefitting from his contacts to serve a political end based on the instructions of Defendant No. 3. He also confessed that he disbursed 500 LYD to (Khalid Tannush) to respond to his own needs rather than strengthen his anti-Revolution position. When Defendant No. 9, Hassan al-Wahishi al-Sadiq, was interrogated, he confessed that he attended the meeting held on 16/2/2011 AD presided over by Defendant No. 7. Defendant No. 5 and other security leaders also attended the meeting, at the end of which decisive instructions were issued to the Secretary for Public Security to arrest any stray elements, disperse any gathering and take decisive measures without reluctance. When confronted with the statements of the third, second and sixth accused about his role in forming an armed tribal group from his tribe al-Hararat in Bi'r al-Ghanam and the fact that he formed an armed group of revolutionaries called (Nasir) and appointed his brother ('Azzam) as its leader and provided both groups with vehicles, the accused denied having any role in the establishment of such groups. He confessed that he did issue a letter to Defendant No. 3, requesting him to provide treatment for (Salim al-Ghuj) — a member of the Liaison Office of the Revolutionary Committees who was injured after he volunteered to fight the Crusaders' imperialism. When Defendant No. 10, Mundhir Mukhtar al-Ghanimi, was interrogated, he said that during the Revolution, he was monitoring the work of security forces on the streets by direct communication via wireless devices. He added that a security plan was established to counter the protests by conducting patrols and placing fixed patrols in front of mosques. When asked about the instructions figuring in the security plan, which consisted in crushing any activity that might violate public security, he confessed that the term "crush" means confronting and killing the protesters. When asked about the meeting held on 25/4/2011 AD and presided by Defendant No. 3, in his presence and the presence of Defendant No. 5 and others, he admitted that the meeting was held and he proposed providing capabilities during the meeting and talked about

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police members under his command who are engaged in fighting at Misratah's Tripoli Street. He admitted that the Central Support Forces fought in Misratah. He confessed that he sent lists containing the names of 2000 police members to Defendant No. 30 so as to participate in establishing a formation and preparing security support. He also confessed that he worked in illegal migration with migrants heading out of the Port of Tripoli and that Defendant No. 1 is aware of it and Defendant No. 21 is the one who gave permission for the tugboat's departure. He added that migration led to the death of hundreds of Africans by drowning. He also said that Defendant No. 1 requested that he equip a police force in order to enter Misratah and al-Zawiyah and that he executed these instructions because he cannot refuse the instructions of Defendant No. 1. When the accused was confronted with the documents he received with regards to assigning military missions to boats and tugboats, including the interception of aid vessels heading to the rebelling cities and the use of tugboats to transport African migrants to Europe, he confirmed the validity of these documents and the fact that he assigned missions to boats with regards to the Port of Misratah in order to intercept aid vessels and weapons-loaded tugboats so as to prevent them from accessing the city and to eventually besiege the city, adding that this was executed based on the instructions of Defendant No. 1.

- The accused confessed that Defendants Nos. 1 and 2 asked him to reinstate (Mustafa Dufan), a police officer who was dismissed from work since he was incarcerated for facilitating illegal migration, so the concerned officer was reinstated by a decision from Defendant No. 3 and participated in illegal migration under the supervision of Defendants Nos. 1 and 2. He also noted that Defendant No. 21 authorized tugboats with Africans on board to leave the port. He admitted that he ordered the arrest of 947 persons on 12/7/2011 AD. When Defendant No. 11, Abd al-Hafid Mahmud al-Zulaytini, was interrogated, he confessed that there was no budget law during the Revolution and that public funds were used in violation of the financial law; the crisis managers who did not have an official share received and distributed funds to volunteers and regime supporters in legal and illegal ways under the direct supervision of Muammar Gaddafi and executed by Defendant No. 3. When confronted with the expert report's statement about the great damage caused to public funds, the accused confirmed the truth of the matter and said in justification that he was executing the decisions of the third and eighteenth accused. He added that Defendant No. 3 intervened under the pretext of emergency circumstances, which resulted in financial violations, including the fact that he transferred an amount of 39 million LYD from projects budget allocations to other purposes. He also said that

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Defendant No. 3 used to give him instructions and request their execution without protest. When Defendant No. 12, 'Amir Ali Faraj al-Dalyu, was interrogated, he confessed that he facilitated the entry of drug-loaded containers through al-Khums Port based on the instructions of 'Ashur Tribil, Assistant Secretary of Finance, and that he was carrying out instructions of the State. He also confessed that he formed a committee to enlist Customs' members in military training and battle fronts, which caused many deaths among them, adding that he was executing instructions. When confronted with the documents he issued, indicating that he delivered 28 vehicles to military and security bodies (the Ninth Infantry Brigade- the 32nd Reinforced Brigade- the First Brigade Security Units Artillery.), he denied making that delivery. When investigating Defendant No. 13, Radwan al-Hadi al-Hamali, he said that he was assigned by Defendant No. 1 to manage the weapons' storehouse of the Internal Security Agency and confessed that he delivered 500 rifles and 60 rounds per rifle at the request of Defendant No. 5. He also delivered 200 other rifles and 60 rounds per rifle and 20 rifles to Nasr al-Mabruk based on a paper from Defendant No. 15. He also delivered 3 pistols to Defendant No. 7 and a group of weapons, i.e., pistols and rifles that he delivered to a young man on behalf of Defendant No. 8. He also delivered a large quantity of weapons and ammunition to the son of Defendant No. 2, Muhammad Abdullah al-Senussi. He also delivered weapons and ammunition to (al-Kaf) legion, which is composed of Maqariyah tribesmen and headed by 'Umar al-Sid. He confessed as well that he delivered large quantities of weapons and ammunition to persons whose names were listed by figures close to the regime, including the brother of Defendant No. 2, Muhammad al-Senussi, who was working with Defendant No. 1. The accused also confessed that he gave weapons and ammunition to the patrols commanded by Defendant No. 6. With regards to dealing with mercenaries, he said that this was mediated by Hamdan Abu Makhlab, who used to deliver weapons and ammunition based on papers issued by the second and thirteenth accused. He finally said that he did all of this because he feared for his life. When Defendant No. 14, Bashir Ali Humaydan, was interrogated, he said that after the Revolution broke out, he was assigned by Defendant No. 2 the supervision of intelligence patrols and provided with 40 Toyota vehicles. Defendant No. 20 used to deliver an amount of 50,000 LYD on a daily basis to Defendant No. 6, i.e. 50 LYD for each member. He also confessed that his force was armed with rifles and that he distributed patrols throughout the tense regions,

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such as al-Jum'ah Suq, Fashloom and the downtown. They were instructed by the Chief of the Room, Defendant No. 6, and Defendant No. 2 to counter the protests by any means and prevent them from reaching Green Square or even assembling. The accused added that Defendant No. 2 met with intelligence members, told them "You are cowards who want to avoid confrontation with the protesters" and incited them to counter the protesters by any means. He confessed that he received 25,000 LYD from Defendant No. 15 to be disbursed to patrol members and he personally took 3,000 LYD from this amount and distributed the rest, then he recanted his statement and said that he received an amount of 12,000 LYD, which he paid to a contractor who had already handled the maintenance of an apartment that he had seized. He finally said that he conducted the patrols based on the instructions of Defendant No. 2, which were conveyed to him by the sixth and fifteenth accused and consisted in suppressing the protesters by any means.

- When Defendant No. 15, Abd al-Hamid 'Ammar Uhida, was interrogated, he said that Defendant No. 2 was managing the operations whereby mercenaries were brought in through 'Umar Hanish, an al-Shati' resident tasked with receiving and escorting mercenaries to the north of the country and dispatching them across the battle fronts. He added that based on the instructions of Defendant No. 2, he received funds from Bashir Sa'd then delivered them in turn to (Muhammad Ghars Allah); he gave an amount of 5,900,000 USD to the latter, who said that he delivered these amounts to Khalil Ibrahim, the leader of Darfur's Justice and Equality Movement. He added that he gave 'Umar Hanish an amount of 660,000 LYD, an amount of 80,000 LYD and another amount of 100,000 LYD according to the instructions of Defendant No. 2, to be disbursed for the maintenance of mercenaries' vehicles and fuel as well as the provision of supplies. Defendant No. 2 tasked Defendant No. 20 to go to Khalil Ibrahim and his group in Kiklah to deliver 1,000 LYD to each mercenary. The accused confessed that he delivered an amount of 200,000 LYD to Husayn al-'A'ib in order to provide communication devices and equip a legion that he was entrusted with forming from al-Si'an tribe. He also disbursed large amounts of money based on the instructions of Defendant No. 2 to the owners of cooperatives that funded the armed groups of Defendant No. 6 in al-Zawiyah al-Gharbiyah and other amounts of money to cooperatives that funded 'Umar Tantush's group in Kiklah. With regards to drugs, the accused said that he saw cardboard boxes in the office of Defendant No. 2 and that the director of the office of Defendant No. 2 told him they were hallucination pills. These drugs were transported by a group of Internal Security members based on the instructions of Defendant No. 2 after two boxes were delivered to Lieutenant-General Ali al-Fituri. As for security meetings, he said that Defendant No. 2 held many security meetings with the third, fourth, fifth and sixth accused and others,

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however, he does not know their content. When Defendant No. 16, Jibril Abd al-Karim al-Kadiki, was interrogated, he confessed that he is responsible for the Air Force and the Air Operations Control Room and that military aviation raids from al-Qurdabiya Base targeted rebel groups in al-Brigah and Ra's Lanuf. He confessed that he used to receive instructions from Muammar Gaddafi through Ahmad Ramadan and that he was instructed to equip the Ilyushin jet bombers with (500 kg) bombs and target various land sites; however, he was not able to execute this plan. Gaddafi also entrusted him with bombing the airstrip of Benina Airport and two (Sukhoi) jet planes executed a raid that struck the end of the airstrip. He added that the number of raids did not reach 200 and confessed that he was asked to strike Misratah Local Radio Station, which is located in the city. Therefore, he commissioned a (mi-35) helicopter that took off from al-Watyah Base and struck the radio antenna located on the beach, using (S-5) rockets. When Defendant No. 17, Abd al-'Ati Ibrahim al-'Abidi, was interrogated, he confessed that he used to receive coded messages from Abd al-Wahid Nur, the leader of the Sudan Liberation Movement, related to the recruitment of mercenaries in order crush the rebels in Libya. The Covert Affairs Division used to receive and decode these messages, then present them to the accused, who referred them to Defendant No. 2. Yusuf Margham, who is involved in the recruitment of mercenaries, used to convey these messages. When Defendant No. 18, Muhammad Abu Bakr al-Dhib, was interrogated, he said that during the Revolution, funds were disbursed for security equipment, rewards, subsistence, vehicles, weapons and ammunition. Large funds were also disbursed to the tribal legions that were formed by some State officials, including al-Nawayil legion, which was formed by Defendant No. 3, and al-Nawahi al-Arba'ah legion, which was supervised by Mustafa al-Zayidi along with Defendant No. 8. Disbursements were made in violation of the Financial Law and Budget Law based on the instructions of Defendant No. 3. Disbursements were also made to media figures such as Yusuf Shakir and protesters at Green Square, who were mobilized by the Defendants Nos. 1 and 3 as well as Abdullah Mansur. When confronted with the letters he issued during the Revolution, indicating that disbursements were made to persons and parties representing the Secretariat of Finance and the Central Bank of Libya, he confessed that he issued these letters based on the instructions of Defendant No. 3. He also confirmed the validity of the document indicating that 10,000 USD were disbursed to (Muhammad Jum'a al-Tamuni), who received the amount on behalf of Defendant No. 7; however, he does not know the reason for this disbursement. When confronted with the charge of misusing

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public funds, he confessed that he made disbursements to military security bodies and volunteers in violation of the Budget Law and the Financial Law in order to crush the rebels, however, the decision was not in his hands; he was just rubber stamping this. When Defendant No. 19, al-Mabruk Muhammad al-Mabruk Mas'ud, was interrogated, he said that Defendant No. 5 met a group of al-Salamat village residents in al-Ruhaybat, including al-Sunni Ahmad al-'Abash, Ali 'Umar al-Faqi and Muhammad Khalifah 'Umar, who gave him the names of volunteers working for the regime and he sent him with these persons to Defendant No. 4, who gave them (87) rifles and 2 magazines per rifle. He added that the accused met with the same persons and agreed with them to form a legion from al-Ruhaybat and the neighboring regions and lists were made of the names of volunteers, while al-Jush was chosen as its base. The legion was commanded by (Ali 'Umar al-Faqi); he was instructed to escort al-Sunni Ahmad al-'Abash to Colonel al-Hadi Ambirish and was provided with a list of weapons required for the legion. These weapons were delivered as follows: 2 (14.5") rocket launchers, 2 Dushka, 4 mortar shells, a large number of launchers and rifles and 4 vehicles equipped with (14.5") rocket launchers. The accused confessed that he agreed with Defendant No. 5 to name the formation "al-Sumud" and thereby confront the rebels in the Western Mountains. He added that at the end of July 2011 AD, he was instructed by Defendant No. 5 to go to Camp (77), specifically to Colonel Radwan, so he went there and received from the latter a vehicle equipped with rocket launchers and DShK ammo cans. He also received the disbursement voucher issued by Defendant No. 5 and was asked to move the ammunition to al-Jush and distribute it to the volunteers, which he did. The accused confessed that he went to Abdullah Mansur based on the instructions of Defendant No. 5 and received two boxes of portable SAM-7 missiles in order to strike the civilian airplanes used in Zintan's airstrip. At the end of his statements, the accused confessed to the charges. When Defendant No. 20, Abd al-Majid Salim al-Mazughi, was interrogated, he said that his role during the Revolution as of the end of March 2011 AD was limited to receiving and delivering funds to Defendant No. 15. He confessed that in August, Defendant No. 15 summoned him by phone, then gave him 96,000 LYD to be delivered to the members of the Maghawir Brigade in Kiklah, so he went and gave each one 1000 LYD, noting that although they had Libyan IDs, however, they did not know Arabic. He also confessed that

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starting from March 2011 AD, he delivered 50 LYD on a daily basis to each member affiliated with Defendant No. 6 and 25 LYD to each member of the Intelligence Services, who were tasked by Defendant No. 2 with investigating and arresting the rebels. When Defendant No. 21, 'Imran Muhammad al-Farjani, was interrogated, he confessed that illegal migration occurred in the Port of Tripoli and al-Sha'ab Port by sending Africans to Italy and Europe in order to pressure them into shifting their position toward the Libyan Revolution. Defendant No. 2 along with Hannibal Gaddafi supervised these operations and hired to that end three major figures with previous experience in organizing illegal migration; Sidi Bilal Port was abounding with Africans in March 2011 AD as if it were a slave market. He confessed that two boats capsized with hundreds of Africans on board because they were overloaded; one of them sank in the Port of Tripoli and the other in al-Sha'ab Port. He said that his role was restricted to organizing the navigation of tugboats. When Defendant No. 22, Ali al-Maqtuf Khalifah al-Zwai, was interrogated, he said that he works in the External Security Agency and that the Chairman of the Agency, Defendant No. 5, entrusted him at the beginning of the Revolution with the task of escorting al-Mabruk Muhammad al-Mabruk to Mohammed Magariaf Battalion, where they met an officer who delivered a weapons-loaded vehicle that he drove to the Agency's headquarters, and it turned out that the vehicle was loaded with (PKT) machine guns, 40 hand grenades and ammo cans. Defendant No. 5 also asked him to go to the headquarters of the Organization for Development of Administrative Centers, where he received 12 Mitsubishi Lancers and 8 Chevrolets. Eight of these cars were kept at the External Security Agency and the rest were kept with his relative Khalid al-Tubasi. The accused said that in coordination with (al-Sunni Ahmad al-'Abash, Ali 'Umar al-Faqi and Muhammad Khalifah 'Umar) Defendant No. 5 formed an armed group that operated from al-Jush's houses. He also used to provide Yusuf Shakir with information to be discussed in his show ('Asham al-Watan). The accused added that he told Yusuf Shakir that his show sows dissension among Libyans, so he reported him to Defendant No. 5, who got angry and asked him to give Yusuf Shakir what he wants. He added that he was aware of the meetings held between Defendant No. 5 and security leaders, such as the second and fourth accused as well as Abdullah Mansur, al-Tuhami Khalid and al-Senussi al-Wizri. When confronted with the charges, he confessed that he brought weapons to the Agency's headquarters, however, he did not know that they would be used against the Libyans. When Defendant No. 23, Nuri al-Hadi al-Jatlawi, was interrogated, he confessed that he submitted reports containing security information to Defendant No. 2 and that the latter entrusted him with

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deploying his 2,500-strong public force in Tripoli and detecting any suspicious movements. Defendant No. 15 also asked him to monitor those who defected from the regime and provide him with names to investigate. He reported anti-regime protesters in Aradah and dissident officers from the Security Directorate of Misratah. He also arrested many persons who protested and wrote on walls. When Defendant No. 24, Jamal Ali Hamida al-Shahid, was interrogated, he confessed that he was summoned in May 2011 AD by Colonel Misbah al-Wa'ir and Colonel Sa'd al-Gharyani and they both informed him of the instructions of Defendant No. 2, which were relayed to them by Colonel Abu 'Ujayla Khayr and consisted in rigging vehicles with explosives in order to send them to Benghazi and blow them up. Then Defendant No. 2 met him in person and asked him to booby-trap a large number of vehicles saying "This is a battle". Therefore, he started rigging vehicles with explosives in al-Sirraj after Defendant No. 2 provided him with 10 mobile devices with the feature of total rejection and he handled the technical aspect by preparing a control circuit for 5 Chevrolets, Hyundai Sonatas and Double Cabins. He placed the explosives in different cavities of the vehicles, which was also carried out by Defendant No. 29 Sa'id al-Gharyani, Defendant No. 26 Muhsin al-Hadi al-Lamuji and Defendant No. 25 Abdullah Abd al-Qassim al-Sha'lani under the supervision of Brigadier Mansur Sabir. They would obtain the explosives from Defendant No. 13 Radwan al-Hamali and 'Adil al-Jabu would bring the vehicles and transport them to Benghazi by desert. He added that he once requested to reduce the amount of explosives placed in the vehicles, however, Defendant No. 29 refused that request, saying "I want to kill them". He said that one of the car bombs exploded in front of Tibesti Hotel and confessed that he received a Chevrolet as a reward for his work. When Defendant No. 25, Abdullah Abd al-Qassim al-Sha'lani, was interrogated, he confirmed the statement of the accused (Jamal al-Shahid) and admitted that he participated in booby-trapping 2 (Hyundai Sonata) along with Sa'id al-Gharyani and Muhsin al-Lamuji. They used to place the explosives at the bottom of the door, the trunk and at the bottom of the wiper. The accused Sa'id al-Gharyani informed him that the vehicles would be blown up in Benghazi according to Defendant No. 2 Abdullah al-Senussi. When Defendant No. 26, Muhsin al-Hadi al-Lamuji, was interrogated, he confessed that he participated in rigging five vehicles with explosives along with Sa'id al-Gharyani, Jamal al-Shahid and Abdullah al-Sha'lani and added that Defendant No. 5, Abu Zayd 'Umar Dorda, was aware of that.

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When Defendant No. 27, Muhammad Khalifah al-Wa'id, was interrogated, he confessed that Abu 'Ujayla Khayr asked him to escort (Jamal al-Lamuji and Sa'id al-Gharyani) to Defendant No. 2 who wants to entrust them with a mission. When they arrived, they found his assistant, Defendant No. 15, who asked them to meet Abd al-Salam Hammuda, and when they met the latter, he asked them to booby-trap vehicles in order to blow them up. When Defendant No. 28, Abu 'Ujayla Muhammad Khayr Mas'ud, was interrogated, he confessed that Brigadier Abd al-Salam Hammuda, Director of the Operations Department at the External Security Agency, asked him to send two technicians to Defendant No. 2, which he did. He knew that the mission consisted in rigging vehicles with explosives and sending them to Benghazi in order to blow them up and killing the Qataris and French in Benghazi. When Defendant No. 29, Sa'id Ibrahim al-Gharyani, was interrogated, he confessed that he met Defendant No. 2 in private along with the accused Muhammad al-Wa'id and Abdullah al-Sha'lani. Defendant No. 2 asked them to rig a number of vehicles with explosives in order to blow them up, so he told him that he needed equipment and the assistance of the accused Jamal al-Shahid. At the end of the meeting, Defendant No. 2 asked him to prepare for work and promised to deliver what is needed. The accused confessed that he participated in booby-trapping 5 vehicles along with the accused Jamal al-Shahid, Abdullah al-Sha'lani and Muhsin al-Lamuji and that the explosive used was (Semtex) and was provided by the accused Radwan al-Hamali. He confirmed the statement of the accused Jamal al-Shahid that he refused to reduce the amount of explosives, saying "I want to kill them". He finally said that Defendant No. 5 was aware of what they were doing. When Defendant No. 30, Muhammad Ahmad Daw al-Hanashi, was interrogated, he said that Defendant No. 3 tasked Faraj al-Hanashi with supervising al-Nawayil legion and that the latter used to call him requesting that vehicles and subsistence funds be provided to the legion. Faraj al-Hanashi received a number of vehicles that he can not specify as well as 500,000 LYD and weapons from Defendant No. 4. The accused confessed that he attended the meeting held by Defendant No. 3 with security leaders such as al-Hadi Ambirish, Abu Zayd Dorda, Abdullah al-Senussi, Mansur Daw, al-Tuhami Khalid and others. The meeting revolved around three issues: 1. Determining the required number of volunteers. 2. Training the volunteers. 3. Benefits and salaries. The meeting also focused on the provision of vehicles to the legions of eastern Tripoli regions in order to march to the Western Mountains. The accused also confessed that Defendant No. 3 assigned him the receipt of the volunteers' lists. He then referred the lists to Muhammad Bashir Sa'd at the request of Defendant No. 3 with the aim of establishing a force

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to protect Tripoli based in the company's headquarters. He confessed that he called Faraj al-Hanashi at the request of Defendant No. 3, was briefed on the number of volunteers who joined al-Nawayil legion and informed Defendant No. 3 thereof. He added that the accused formed a committee headed by Bil'id al-Mashri to make an inventory of the defectors' assets. He was also entrusted with meeting a delegate from the External Security Agency, the Internal Security Agency and the Department for Land Registry of Libya in order to collect information on the defectors. When Defendant No. 31, 'Uwaydat Ghandur al-Nubi Abu Sufa, was interrogated, he confessed that he was a member of the Operations Room at the Liaison Office of the Revolutionary Committees and the Room used to convene in order to set mechanisms to address the situation and stop the protests that broke out after Friday prayers in Tripoli. He confessed that he was assigned disbursement to the revolutionary groups across Tripoli and that he received dozens of Chevrolet vehicles, which he delivered to the revolutionary youth on the field. He also received funds from Uthman al-Da'iki, including one million LYD, then 50,000 LYD and a transfer of 5 million LYD. These funds were disbursed to the revolutionary groups that established fixed and mobile patrols to stop the protests. He confessed that he disbursed an amount of money to a group of revolutionaries in Abu Salim in return for their work, which he is not well aware of. When confronted with the charge, he said that he disbursed funds for revolutionary missions in violation of the law. When Defendant No. 32, 'Ammar al-Mabruk al-Nayid, was interrogated, he confessed that after the 17 February Revolution broke out, he went with 'Ammar Hurayba to Defendant No. 4, who gave them an amount of 500,000 LYD for security support, as a committee was formed to handle disbursement on Tarhunah's gates. He confessed that they formed a legion called al-Shaqiqa from the locals, commanded by Colonel 'Imran Salih. He also formed another legion from Tarhunah's residents in Tripoli, supervised by 'Izz al-Din al-Hanshari. He confessed that they met in July 2011 AD and received the lists of volunteers who amounted to 400 young men, which they referred to al-Hadi Ambirish in order to form the legion. When Defendant No. 33, 'Amir Ali Maddi al-'Ayyani, was interrogated, he said that Defendant No. 15 asked him to meet with a person he does not know in order to help him determine the needs in terms of supplies, weapons and ammunition for 200 persons whom he did not know were mercenaries. When confronted with the charge, he denied it and confirmed his earlier statement that he did not know they were mercenaries. When Defendant No. 34, Muhammad Ramadan Shatiba, was interrogated, he confessed that he is part of the

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32nd Reinforced Brigade's Infantry Battalion and was ordered to join Taurgha's segment at the Misratah front, where he remained until it was freed from the rebels. He was in charge of the restaurant and the Commander of the Battalion Hamid Abu Zataya brought him 2 boxes of US-made hallucination pills and ordered him to introduce them in the soldiers' food, however, he did not comply. When Defendant No. 35, Abd al-Rahman Abd al-Salam al-Qamati, was interrogated, he confessed that during the Revolution, he received cash amounting to around 37 million LYD and other amounts that he cannot specify based on the instructions of Uthman al-Da'iki, and he delivered these amounts to many persons, including Abdullah Mansur and Abdullah al-Senussi. When confronted with the charge of causing great damage to public funds, since he illegally disbursed petty cash amounting to 37 million LYD, he confessed to the charge and justified his action by saying that he is an employee who was carrying out instructions. When Defendant No. 36, Ali Abd al-Salam al-Lid, was interrogated, he confessed that he received five petty cash amounts, the first amounting to 1.5 million LYD was disbursed to the rallying march. 15,000 LYD of the second petty cash, which amounts to 30,000 LYD, were disbursed to Martyrs' Square and its protesters. Another 15,000 LYD were disbursed as reward to some persons. He also received petty cash amounting to 200,000 LYD, which he delivered to Ibrahim Ali, while 'Imran Bukra' took 10,000 and 100,000 LYD from that amount and disbursed it to various ends. He confessed that he was part of the committee that audited a petty cash amount of 37 million LYD that was in the possession of Abd al-Rahman al-Qamati, and that requested the closure of the petty cash, however, the committee members did not unanimously agree on that. When the accused was confronted with the charge of causing great damage to public funds and the fact that he delivered funds to others in violation of the law, he confessed to the charges and said in justification that he was carrying out instructions. When Defendant No. 37 was interrogated, he confessed that he was appointed as a member of the Petty Cash Expenditure Audit Committee and even though he knew by auditing a sample of invoices that the procedures were wrongful and that the committee did not agree on the matter, he signed the report whereby the committee confirms the validity of the figures and documents that were audited, which requires its adoption. He also confessed that he signed letters addressed to the Operations Department of the Central Bank of Libya in relation to the disbursement of local and hard currency funds to certain persons at the request of Abd al-Karim al-Shibli, Director of the Treasury Department. These letters were also signed by Defendant No. 11 based on the instructions of Defendant No. 3. All these funds were listed under the political action item even though they were not within the political action framework. He finally said that he was carrying out instructions. When Defendant No. 1, Sayf al-Islam Muammar Gaddafi, was re-interrogated, he confessed that

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peaceful anti-regime protests were held in Tajura, al-Jum'ah Suq, Benghazi and al-Bayda' and were countered by an armed group of regime supporters that killed two persons in front of a mosque in Tajura. He confessed that he called the accused Mundhir al-Ghanimi and asked him to control security. He confessed that he used to contact officials to get updates about the battles, incited the arming of the youth and armed Abu Salim's youth who were in front of Bab al-'Aziziya. He admitted that many corpses were strewn in front of Bab al-'Aziziya. He also admitted that he met with young tribal members in order to provide moral support and sow dissension among the people so that they would fight each other and he would in turn consolidate his rule. He confessed that he contacted the officials and front leaders such as Ali al-Zubaydi, Taurgha's Commander of Operations, al-Baghdadi al-Mahmudi, Abdullah al-Senussi and Mansur Daw. He also confessed that he organized illegal migration to Italy and Europe and he used to issue instructions to Defendant No. 10. He confirmed the statements of the latter about him and admitted that he was aware of the death of Africans who drowned because they were on board fishing boats that capsized, asking "So what?". He also admitted that he issued instructions to Defendant No. 10 in order to assign combat missions to boats, tugboats and speedboats, and he confirmed the statement of Defendant No. 10 on the matter. He confessed that funds were disbursed to the mercenaries brought by Khalil Ibrahim, the leader of the Sudanese Justice and Equality Movement, Hassan Mannawi and Abd al-Wahid Nur. He confessed that he incited the killing of opponents of his father's regime and was monitoring the battles; he was one of the movers and shakers. He also confessed that he armed the people in Abu Salim, incited them to fight, brought out weapons in Bani Walid and welded them to vehicles. He noted that his supporters brought three wounded and wanted to kill them before his eyes; however, he asked them to move the wounded to another place. He added that the second and fourth accused were with him when he armed the people and incited them to kill the protesters. He also confessed that he equipped, booby-trapped and sent vehicles to Benghazi and one of them was blown up. He confessed that he used to issue instructions to the cells that were operating inside the eastern cities, provide them with financial support and smuggle weapons to them through Egypt and the desert. He added that he was planning to control the oil; however, Misratah's front depleted his force. He confessed that Defendant No. 2 was planning all these actions with him and that he sent the African al-Tabu tribesmen to fight the rebels in Misratah. He also confessed that on the day news spread about his father's escape to Venezuela, he was monitoring the situation and issuing instructions and he met the second, third, fourth and fifth accused and incited them to suppress the protests. He also met Colonel Ali al-Zubaydi, al-Zawwam al-Saklul and others

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and incited them to go out on Green Square in order to suppress the protests. A force commanded by Colonel Bil'id was established to that end and provided with (14.5") machine-gun-mounted vehicles. The force opened fire on the protesters for two hours. When the testimony of al-Hadi Ambirish was heard, he said that the first, second, third and fourth accused along with Abdullah Mansur and al-Tuhami Khalid were managing the crisis with Muammar Gaddafi and they coordinated with the latter to promote the concept of the armed tribal groups. He said that all the officials mentioned by al-Baghdadi al-Mahmudi, i.e. Abu Zayd Dorda, 'Umar Tantush, Hassan al-Wahishi, Muhammad al-Sharif and Muhammad al-Zwai were involved in forming the armed tribal groups. He said that he delivered the weapons requested by Defendant No. 5 for a group of men from his own tribe al-Ruhaybat. He also gave him weapons for the External Security Agency and (SAM-7) missiles so that his group would bring down the civilian planes that landed in Zintan. The witness added that the accused Husni al-Wahishi played an active role with regards to his tribe al-Hararat since he mobilized a group of this tribe, entrusted it to his brother (Muhammad) and gave the latter the required weapons and ammunition. The accused Hassan al-Wahishi was involved in forming the Nasir Battalion in Bi'r al-Ghanam and appointed his brother ('Azzam) as an assistant to the Battalion Commander given his close ties with Muammar Gaddafi's family. Concerning the meeting held on 8/5/2011 AD, the witness said that it was attended by the third and second accused and others with the aim to establish a 5,000-strong force from neighboring regions, the Revolutionary Committees, the People's Guard and the legions in order to cleanse Misratah. Defendant No. 3 was entrusted with providing vehicles and subsistence while Defendant No. 2 was entrusted with providing weapons and ammunition. The meeting was held through coordination between Defendants Nos. 1, 2 and 3. With regards to the drugs, the witness said that Defendant No. 2 is the one who handled them and that his forces used to distribute the pills to the fronts. The witness said that the accused Muhammad al-Sharif, as Secretary of the People's Leadership in al-Nawahi al-Arba'ah, met with the tribes in order to mobilize their members. The witness also said that Defendant No. 3 called him and asked him to attach the members of the (412) Battalion that was fighting in al-Brigah to his group, i.e. al-Nawayil legion, in order to carry out a mission in the Amazigh-inhabited al-Ghazaya; al-Nawayil legion entered that region while word spread that al-Baghdadi's group committed rapes, however, the witness could not confirm the rumors. As for the mercenaries, the witness said that they were recruited from the migrant workers inside Libya and then brought by

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Khalil Ibrahim, who met with Defendant No. 1 at al-Mahari Hotel and agreed with him to bring the mercenaries. The mercenaries fought in the Western Mountains and the Security Operations Room armed them. The witness added that the accused insisted that all fighting requirements be met and he always stay in contact with the Room. When the testimony of Bashir Muhammad al-Taughri was heard, he said that he was the Assistant Coordinator of the Revolutionary Committee Office and that an Operations Room was established at the Liaison Office of the Revolutionary Committees, including the accused 'Uwaydat Ghandur, convened on a weekly basis and drafted plans to prevent any protest. An amount of 5 million LYD was allocated to this Room as well as a group of vehicles that were delivered to the accused 'Uwaydat Ghandur. The witness asserted that Defendant No. 3 is responsible for providing logistic support to all the fronts and formed al-Nawayil legion under the command of Bashir Madi. The accused Hassan al-Wahishi formed a legion from his own tribe. Defendant No. 4 was responsible for many legions and Defendant No. 6 headed the arrest committees. When the testimony of Muhammad al-Suway'i al-'Arusi was heard, he said that he was an officer at the External Security Agency and is aware that a group was formed under the name (Prepare for Security Support), including External Security members, based on the instructions of the Chairman of the External Security Agency. The group was based at the premises of the Brazilian company and was tasked with dispatching patrols inside Tripoli. On Friday 25/2/2011 AD, instructions were given to Security members to pray in mosques and report any activity. The witness saw buses carrying Agency members who spread around the mosques after donning their Central Support attire. On that day, many martyrs fell and 25 corpses arrived to the Tripoli Central Hospital. The witness added that he was aware that a legion was formed from al-Ruhaybat tribesmen based on the instructions of Defendant No. 5. When the testimony of witness Faraj Abu Ghaliya was heard, he said that he was the assistant of the Intelligence Services and that Defendant No. 3 used to contact the Security Operations Room in order to secure weapons and ammunition for the volunteers from his region. He also said that he is aware that Defendant No. 5 formed a group from al-Ruhaybat tribesmen. Regarding the mercenaries, he said that they were brought by the second and fourth accused. When the testimony of al-Sadiq Ahmad al-Dardar was heard, he said that he was mandated to work at the Islamic Da'wa Organization and was summoned to the office of Defendant No. 8 where he found Abdullah Mansur, Sabri Shadi and Mustafa al-Zayidi. He knew the purpose of the meeting, i.e., coordinating the recruitment of mercenaries from the Tuareg in order to suppress the protesters, and he was asked about the mobile number of the Libyan ambassador to Niger. He added that when he was leaving Libya and heading for Niger, Husayn al-Rih asked him to support illegal migration by sending Africans from Niger to

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Ghat in order to send them out to Europe in response to its positions towards the regime. He was requested to carry out this mission based on the instructions of Defendant No. 8, which were conveyed to him by Husayn al-Rih. The witness added that the accused Muhammad al-Sharif worked in cooperation with (Abdullah Mansur) to drive illegal migrants towards Europe and bring in mercenaries, therefore, he provided Abdullah Mansur with an office at the premises of the organization, guesthouses and vehicles. The accused Muhammad al-Sharif was also in regular contact with (Sabri Shadi), the Director of Afriqiyah Airways who handled the transportation of mercenaries into Libya. He also played a major role in paying media figures to distort the image of the 27 February Revolution since he disbursed 56,000 USD to journalist (Muhyi al-Din 'Awad) in order to influence the US government's position. He formed a legion from al-Nawahi al-Arba'ah as well.

- When the testimony of witness al-Sunni Ahmad al-'Abash, a police officer from al-Ruhaybat, was heard, he said that he met Defendant No. 5 at his office and the latter inquired about his request, so he suggested to provide him with mines in order to cut off the road between al-Harabah and al-Ruhaybat and to link him to a military engineer. So the witness received (409) anti-personnel mines, of which three were used and caused two vehicles to break down. Defendant No. 5 also gave him 5,000 LYD as supplies for the armed group in al-Jush. When the testimony of 'Umar Tantush was heard, he said that Defendant No. 2 played an active role in gathering the crowds through tribal coordinators.

- When the testimony of Khalid Maraji' al-Talisi was heard, he said that he lived in Bulgaria and that he received a letter from Defendant No. 4, Mansur Daw, to form a committee that would sell the goods and movables of al-Muhit Company for the manufacturing and marketing of electrical and household appliances and restaurant equipment, which is owned by (Husayn al-Jatlawi), a Misratah resident. The committee was chaired by Abd al-'Aziz Mujahid and included Lu'ay 'Ashur. The Chairman of the committee sent him a person called Fu'ad al-Fiqhi, who bought goods for one million LYD. Goods were also sold for more than 100,000 LYD and the members of the People's Guard received goods for free based on the instructions of the Chairman, who told him that the sales profit were distributed as salaries and bonuses to the volunteers of the People's Guard. When the testimony of Hamid Abd al-'Aziz al-Kamishi (officer at the External Security Agency) was heard, he said that 400 members of the Preventive Security Apparatus were attached to Misratah's front based on the instructions of Defendant No. 5, Abu Zayd Dorda. When the testimony of Salah al-Mabruk al-Zwai (Secretary of al-Shati's Congress) and that of Ali al-Fadil 'Aqil (Secretary of Congresses' Affairs in al-Shati') were heard, they said that Defendant No. 7, Muhammad al-Zwai, gave instructions to

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refer the statements of the names of volunteers who wish to defend the country to the General People's Congress; however, there were no volunteers. When the testimony of Muhammad Jum'a 'Ayad, Director of the Office of the Islamic Da'wa Organization in Chad, was heard, he said that he saw Defendant No. 2 frequent the office of Defendant No. 8, Muhammad al-Sharif, and they both met regularly and Muhammad al-Sharif offered Defendant No. 2 two buildings with the following numbers (101 and 102). When the testimony of Miftah 'Umar al-Bu'ish (former Secretary of the office of the Islamic Da'wa Organization in Togo) was heard, he said that Defendant No. 8 used to send them online pictures of destruction due to NATO bombing as well as murders and torture committed by the so-called armed gangs in order to show them to the Africans and distort the image of the 17 February Revolution. When the testimony of Nuri Ali 'Izzu, Director of Office of the Islamic Da'wa Organization in Tanzania, was heard, he said that the staff of the Organization told him that the Islamic Da'wa Organization made suspicious money transfers to many persons, including 1.5 million USD to the Moroccan (Muhammad al-Bashari) and another amount to Muhyi al-Din 'Awad.

- When the testimony of Tariq Muhammad Baryud, Secretary of Treasury at the Islamic Da'wa Organization, was heard, he reiterated the statement of the previous witness, adding that other funds were disbursed to the offices of the Islamic Da'wa Organization in Niger, Mali, Burkina Faso and Senegal; however, he does not know for which purpose they were disbursed. He noted that all these disbursements violated the financial law of the State and the petty cash amounts were not closed. He added that an amount of 500 LYD was disbursed to Khalid Tantush based on the instructions of the accused Muhammad al-Sharif. When the testimony of al-Mahdi al-'Arabi Abd al-Hafid, Commander of the Armed People Alternate Units, was heard, he said that he attended the meeting held on 7/7/2011 AD with Defendant No. 3 and Muhammad Bashir Sa'd. The meeting revolved around the mobilization of tribesmen and the provision of financial and logistic support to the armed tribal masses as well as grants. When the statements of Milad Daman were retaken, he said that Defendant No. 2 asked him to contact Isma'il al-Karami and convey his instructions regarding the shipment of the vehicles that would bring him the narcotics seized in containers at al-Khums Port and kept at the Anti-Narcotics Agency, noting that Isma'il al-Karami executed the required mission. Both witnesses added that Defendant No. 2 formed (al-Kaf) legion from Maqariyah under the command of ('Umar al-Sid) and was responsible for the armed groups. They also said that an armed group from his tribe Maqariyah, headed by his son (Muhammad Abdullah al-Senussi), participated in the fighting in Misratah and al-Brigah. When the testimony of Ali Muhammad Ma'tuq al-Zubaydi, Colonel at Mohammed Magariaf Battalion and Commander of Taurgha's Area of Operations, was heard, he said that Defendant No. 1 called him on 27/2/2011 AD and inquired about the reason for the delayed march

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to Misratah, so he told him that there is no military force and that the available force is only composed of undisciplined volunteers. Defendant No. 1 then said "Just as we must preserve our dignity, we must also preserve that of Taurgha' and you must enter Misratah because its residents perceive you as inferior. They perceive you as slaves. You've been following them for years while they deprived you of everything, so this is your chance to take revenge and recover your violated rights from Misratah's people". He added that the incitement of Taurgha's people by Defendant No. 1 led the volunteers to commit looting, vandalism and arson in Tamina and Kerzaz. The witness also said that in February 2011 AD, two Colonels came to him, gave him two boxes of "courage pills" and told him that they were sent by Defendant No. 2 Abdullah al-Senussi and that he should deliver these pills to the fighters. He noticed that the two boxes contained round orange pills and delivered them to Major Hamid Buzitaya, 'A'isha Gaddafi's husband. Four days later, a Captain surnamed (Shatiba) from the 32nd Reinforced Brigade came to the office that he supervised and asked him for a cup of tea, so he told him that there is tea in the pot and that hallucination pills were dissolved in it. Then he talked about the matter with Major Hamid Buzitaya, who told him that these pills influence the soldiers by numbing them to the neighboring risks, thus driving them to commit acts they would not commit in their normal state. He added that Defendant No. 2 called him and asked him what he did with the pills, so he replied that he delivered them to Major Hamid Buzitaya and that Defendant No. 4 provided him with weapons, including 5 (14.5") machine-gun-mounted vehicles, and a team of 20 soldiers, noting that he was always in touch to inquire about the military situation.

- When the testimony of Milad Muhammad al-Ashikih, the Colonel in command of Taurgha's legion of volunteers, was heard, he said that on 27 and 28/2/2011 AD, Ali al-Zubaydi told him that the force would enter Misratah and that Defendant No. 1, Sayf al-Islam, gave him these instructions and he could not disobey him. The force came in from the east and was not able not control the volunteers, who committed theft in Tamina. The witness added that on 6/3/2011 AD they entered Misratah with the 32nd Reinforced Brigade with tank support and the volunteers remained at Shanteen buildings; however, some of them infiltrated Misratah and committed theft and arson in Kerzaz and Tamina. Regarding the drugs, the witness said that a week after coming to Taurgha', two officers came to Ali al-Zubaydi and gave him two boxes of narcotics, noting that Abdullah al-Senussi sent the two boxes so that he would distribute their content to the volunteers and military men. He also said that the substances were distributed to the commanders of the volunteers,

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that he received 800 pills and instructed Musa Bin Faqira, the Commander of the Volunteers' Operations, to dissolve these pills in the tea. The witness added that the volunteers from Taurgha' were very excited due to the material incentives provided by the General People's Committee, namely, a monthly reward of 1,000 LYD and a vehicle for each three volunteers, and given the incitement of Taurgha's people by Defendant No. 1 to raid Misratah. When the testimony of Ibrahim al-Sid al-Lusha was heard, he said that he was soldier at the 32nd Reinforced Brigade and that after protests broke out in Tripoli, they were tasked with going out on the streets using (B-52) personnel carriers and he was attached to the Security and Protection Office under the command of Major (Muhammad Mansur Gaddafi). They were assigned the mission to arrest and place whoever opposes Gaddafi in a prison in the form of a hangar inside the Yarmuk camp. He noticed that (Muhammad Mansur) brought large quantities of narcotics in boxes on a (Toyota Land Cruiser) vehicle and kept them at the weapons' storehouse. They were being distributed to the military men and he used these drugs, including (Tramadol, Amitriptyline, Rush and "Wadi al-Dhi'ab"), which were given by Khayri al-Hawwat. He also heard a conversation between Muhammad Mansur and Khayri al-Hawwat about these pills, a.k.a. "courage pills". The witness added that on 20/8/2011 AD, he used Amitriptyline and Rush pills and when the rebels entered Tripoli, Muhammad Mansur gave instructions to throw hand grenades at the 92 prisoners at the Yarmuk camp, resulting in their deaths, since the pills numb their users and plunge them into a state of unawareness. When the testimony of Milad Abu Sabiha was heard, he said that he was tasked with escorting a group of members from the External Security Agency to guard the Central Bank of Libya and when they passed by Green Square, he saw profuse blood, remains of torched vehicles and scattered rocks due to the suppression of the protesters; members of the People's Guard, the External Security Agency and Mohammed Magariaf Battalion used live bullets when confronting the protesters. Regarding the narcotics, the witness said that on 19/2/2011 AD, he saw a Toyota vehicle loaded with cardboard boxes containing narcotics to be distributed to the members of the External Security Agency. He added that these substances were brought by Defendant No. 2 and Colonel Muhammad al-Amir warned him not to drink tea or water at the Agency since they contained dissolved pills. When the testimony of 'Atiya Mujahid Salih al-Mabruk Gaddafi was heard, he said that he was a soldier at al-Sa'idi Battalion and that after the 17 February Revolution broke out, the Battalion members were readied to head towards Benghazi by bus and when they arrived at Wadi al-Ahmar, a medical team headed by a doctor called (Muhammad) showed up and gave an injection to each soldier

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under the pretext that it was a vaccine against diseases. After the injection, he felt his temperature rise and got excited. He added that all the team of Colonel Muhammad al-Senussi al-Falahiya with the doctor's knowledge distributed light red oval-shaped pills to the soldiers, including him; they found out later on that these pills are (Amitriptyline) and he felt their clear effects such as excessive sweating, muscle spasms and aggressiveness. The drugs were given to them on a daily basis and to segments' commanders and they became addicted to these substances and requested them on wireless devices using a well-known expression "The army wants dates". He knew that Officer 'Isa al-'Ujayli is the one who used to bring these substances from Tripoli. They were also given another drug known among soldiers as "Sa'qawiyat" (Thunderbolt) since its colour is similar to that of a commando uniform. This drug had many effects, such as muscle cramps, boosting endurance and a feeling of tightness since he felt after taking the drug that his pants got tighter around his body. He added that they were not allowed to prepare hot meals and drinks, which were provided by the army. When the testimony of Mas'ud Bashir al-Muradi, Head of the Anti-Narcotics Office in Tripoli, said that after the 17 February Revolution broke out, he received instructions from the Chairman of the Agency to task patrols with receiving four containers that were loaded with 8 types of Tramadol pills. Based on the Chairman's instructions, he delivered a quantity of pills to the Representative of the Security Operations Room Officer Khalid al-Harari; he gave 22 boxes of drugs to the latter, 11 boxes to Officer Salah Hawali and 93 boxes to another delegate Officer Sulayman Hawali. The witness finally said that he noticed drugs being distributed by regime supporters during the Revolution in Green Square and Bab al-'Aziziya.

- When the testimony of Yusuf Miftah al-Rammali, a Police Sergeant at the Customs Office of al-Khums Port, he said that he was assigned the inspection of the containers that enter al-Khums Port. On 1 March 2011 AD, instructions were issued by the Director General of the Customs Office, Defendant No. 12 'Amir al-Dalyu, to the Chief of the Customs Office of al-Khums Port in order to release the goods without manual inspection. A day later, manual inspection was resumed and 100 containers went out without being manually inspected. Two of the containers were caught at Ka'am gate and two others at Zlitan gate and it turned out that they were loaded with drugs even though their release form stated that they carried health-related products. The witness added that he was jailed afterwards at the Anti-Narcotics Agency in Tajura for 40 days and at night, he used to see boxes of hallucination pills being loaded from the containers onto vehicles parked next to them. He added that 'Amir al-Dalyu appointed Nuri Abu Zawitah

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as Chief of Inspection and Chief of the Customs Office of al-Khums Port until these containers were released, then the latter left the Authority and was replaced by Colonel Milad Abd al-Sami'. When the testimony of witness Faraj Muhammad Abu Ghaliya was heard, he said that he was the Head of the Follow-up Division at the Intelligence Services and during the Revolution, mercenaries were brought from abroad to fight the rebels in cooperation with Khalil Ibrahim, the leader of the Sudanese Justice and Equality Movement. The witness added that Defendant No. 1 was mobilizing the internal front and providing financial and human support in collaboration with the second, third, fourth and fifth accused. Regarding the drugs, he said that huge quantities of hallucination pills were collected and distributed to the fighters and volunteers on the fronts under the supervision of Defendant No. 2. When the testimony of 'Isam Jum'a alWirshfani was heard, he said that he used to accompany some youth from Abu Salim and frequent Bab al-'Aziziya. He once saw Defendant No. 1 get out of Bab al-'Aziziya in a white Toyota Land Cruiser and a group of arrested people were brought to the island and beaten in the presence of Sayf Gaddafi, who said ([illegible], rats, [illegible]) then ordered his guards to open fire on the arrested people, so they complied. The witness asserted that Sayf al-Islam ordered their killing. When the testimony of Kamal Abd al-Qassim Ramadan al-Kikli, he said that he heard Defendant No. 1 in Abu Salim saying "Follow me to Bab al-'Aziziya because [illegible]" while the others were chanting slogans around him, then he came back another time in his car and his driver brought out an AK-47 ammo box that was distributed to the volunteers. When the testimony of 'Azzam Abdullah Sasi was heard, he said that he was a soldier who was appointed as a guard at the entrance of Bab al-'Aziziya and on 17 and 18 Ramadan following the Afternoon Prayer, he saw Defendant No. 1 leave Bab al-'Aziziya in a white car, then get out of the car and address the people "These are rats just like al-Qaeda. You should defend your land because they are coming to rape your daughters and sisters and you should not fear them". Then a [illegible] car loaded with weapons and ammo boxes arrived and they started to arm people. The witness added that he saw the corpses of many victims strewn across the island. When the testimony of Muhammad Miftah al-Hamil was heard, he said that his brother was killed on 23/9/2011 AD by Muhammad Abu 'Ujayla, one of Sayf Gaddafi's assistants, and [illegible] [illegible]. When the testimony of 'Amir al-Sa'idi was heard, he said that his brother was treacherously killed by Gaddafi's battalions after being tortured since his arm was broken. The witness asserted that the Sayf Gaddafi was the one who instructed the killing of his brother and added that he saw Defendant No. 1 stand on top of a house and say "This belongs to rats". He noted that the volunteers were robbing and torching houses. When the testimony of the citizen Salima Khalifah al-'Abidiyyah was heard, she said that

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in Ramadan, she saw Defendant No. 1 come to Abu Salim and talk to the young men for a quarter of an hour then leave. Afterwards, 8 to 10 (M-T and 145) heavy anti-tank vehicles were delivered to the young men. Her brother (Sa'id) came carrying an RPG that he claimed to have obtained from Sayf al-Islam. When the testimony of al-Mabruk Mubarak 'Amir al-Khazimi was heard, he said that his brother and son were killed on 19/9/2011 AD by Gaddafi's battalions that were commanded by Sayf al-Islam Gaddafi in Bani Walid, where these groups carried out military acts, arrests and killings.

- When the testimony of Nasir Miftah al-Hassuni was heard, he said that on 17 February 2011 AD, thousands of people gathered and started demanding the overthrow of the regime; the Yellow Hats that were brought by Muhammad Abdullah al-Senussi clashed with the protesters using batons and clubs and when the protesters arrived to Geliana Bridge in Benghazi, they came under heavy fire from Abdullah al-Senussi; Defendant No. 2 told security members "Toss the dogs" and he saw many protesters fall from the bridge to the water. The witness added that he knows Defendant No. 1 and their relationship had developed since 2006 AD and Defendant No. 1 called him and said "Get ready for confrontation, form a Room in the Battalion and defend yourselves. We issued instructions to distribute weapons". Defendant No. 1 also told him that he sent two airplanes from the Maghawir Brigade to al-Bayda'. The witness said as well that Defendant No. 1 was responsible for managing all kinds of operations and issuing military orders. Defendant No. 1 also gave (Muhammad Isma'il) hundreds of thousands of LYD in order to attract the youth and incite tribes against each other so as to sow division and spark civil war. When the testimony of Abd al-Salam Muhammad al-Shubiniyya was heard, he said that he knows Defendant No. 1 and met him in Bani Walid since he was responsible for the fuel and that Defendant No. 1 invited him to a meeting with fighting formations, leaders and volunteers. When the testimony of Abd al-Aziz Abdullah 'Atiq was heard, he said that he was one of the legion's fighters who are combatting the rebels and that many unarmed civilians were taken from their houses or while passing by the gates and detained. A group of these civilians was killed in the legion's prison without prosecution based on the instructions of the legion's commander Brigadier Hamid Mas'ud al-Hamali. All the victims were from al-Qal'a and the killing orders were executed by Captain 'Adil Abdullah who answers to Gaddafi, Captain Muhammad Abd al-Hamid who answers to al-Warfali, and the volunteer Ibrahim alWirshfani. When the testimony of

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'Umar Sa'id Tantush was heard, he said that he was the Coordinator of the People's Leadership in Wirshfanah and was entrusted on 18/6/2011 AD with managing al-Radi' fighter brigade, which was dispatched to Bi'r al-Ghanam and al-Qawalish. The legion was fighting the rebels in the Western Mountains and receiving instructions from the Supreme Security Operations Room in Tripoli as well as weapons and ammunition. The witness added that he saw Defendant No. 1 at the Supreme Security Operations Room in Tripoli and that the latter was running the affairs of the State and was responsible for suppressing the Revolution. When the testimony of witness Ali Idris Rislan was heard, he said that he went out in the company of his son Idris to participate in the protests that were organized in Benghazi in order to demand the overthrow of the regime and was attacked by the Yellow Hats. He also heard heavy gunshots that killed many persons, including his son, who was shot in the neck. When the testimony of the citizen Muhammad Jum'a al-Kawafi was heard, he said that he participated in the protests demanding the overthrow of the regime and when they reached the middle of Geliana Bridge, he heard heavy gunshots that killed many persons, including his brother (Naji) who was shot in the chest and died on the road. When the testimony of the citizen Sulayman Husayn al-Sabiri was heard, he said that his brother (Fawzi) was killed in the protest that demanded the overthrow of the regime on the night of 17 February 2011 AD and was found in the hospital with a gunshot wound to the front of the head. He also saw at the hospital many victims and added that as the corpses were carried before Al-Fadil Bu 'Umar Battalion during the funeral, the Battalion soldiers shot the participants to the funeral and two persons fell before his eyes. He also saw Defendant No. 2 give instructions to open fire. When the testimony of the witness 'Awad 'Isa Bin Marini was heard, he said that his brother ('Isa) was killed in Benghazi in the protests that demanded the overthrow of the regime as he was shot in the neck next to Geliana mosque. He also heard that Defendant No. 2 and his soldiers were the ones who shot his brother. When the testimony of the citizen Majid Fathi Muhammad Abu Jillawi was heard, he said that his brother (Mu'ayyid) was killed at Geliana Bridge when he was shot by Defendant No. 2 and his soldiers. He found his brother in the hospital with a gunshot to his side and two persons beside him and heard that Defendant No. 2 is the one who ordered the shots. When the testimony of the citizen Hassan Abdullah al-Mabruk was heard, he said that he was a lawyer and was at his office on 16 February 2011 AD in the company of some colleagues when they knew that a protest was being held, so he went out of the office and found a large number of people downtown heading towards the Internal Security Directorate. They were shot then, a guy called (Khalid Bin Naji Khanfar) was killed and people sought to save the wounded. When the testimony of Yusuf 'Umar Abu Kanin was heard, he said the same as the previous witness.

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When the testimony of 'Atiya Mujahid Salih al-Mabruk Gaddafi was heard, he said that he was a member of al-Sa'idi battalion, which participated in all the fighting segments against the rebels and committed arrests, arson and rape. al-Mu'tasim Gaddafi and the battalion commander Abd al-Rahman al-Sa'idi would issue the instructions and he saw three girls being raped naked in Ra's Lanuf. The witness added that steroids and pills were distributed to the soldiers and introduced in the tea. When the testimony of Mustafa Milad Ghamid was heard, he said that he was an employee at the Secretary for Finance and he knows that 'Ashur Tirbil, Vice-Chairman of the Secretariat for Finance, used to refer papers written by him to the Treasury Department whereby he requested the disbursement of funds to persons and parties based on the instructions of Defendant No. 3 and the approval of the accused Abd al-Hafid al-Zulaytini. The witness added that at the beginning of the 17 February Revolution, he was tasked with escorting a delegation composed of the accused Muhammad al-Zwai, Abd al-'Ati al-'Ubaydi and others in order to handle disbursement from the petty cash delivered to the delegation amounting to 500,000 USD, of which 373,000 USD were disbursed. When the testimony of Salih Jabir al-Zayidi, Secretary of the General People's Congress in Jafara, was heard, he said that the accused Muhammad al-Sharif was the Secretary of the People's Leadership in al-Nawahi al-Arba'ah and the Leadership convened many times under the presidency of the accused Muhammad al-Sharif, who referred the weapons and ammo request lists to the armed group of the region. When the testimony of Ibrahim Abdullah al-Salini, a Captain at the External Security Agency, was heard, he said that the accused Abu Zayd Dorda issued instructions to announce the state of emergency after information came in that protests will soon break out. The Agency's (Tundra) patrols played a major role in suppressing the peaceful protests that were held after Friday prayers. He added that Defendant No. 5 was in regular contact with the second and third accused and al-Hadi Ambirish. When the testimony of al-Hadi Husayn al-Hajami, an officer at the External Security Agency, was heard, he said that at the beginning of the Revolution, it was decided to create a formation called (Prepare for Security Support). The Chairman of the Agency, Defendant No. 5, ordered him to prepare a list of the members whose age does not exceed forty years so that they would join the formation. A list of around 1,120 members was prepared and referred by Defendant No. 5 to the accused Muhammad al-Hanashi. The witness added that based on the instructions of Defendant No. 5, the Agency set a security plan to suppress the protests by dispatching patrols.

- When the testimony of al-Mukhtar al-'Arabi al-Ja'fari, a pilot officer and commander of al-Qurdabiya Base, was heard, he said that the fighter aircraft struck the ammunition storehouses in Ajdabiya and al-Rajmah. The aircraft also provided air support to

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Gaddafi's forces during the march to Benghazi and took off from al-Qurdabiya Base. At the beginning of the Revolution, instructions were issued by the accused Jibril al-Kadiki, the Air Defense Commander. The witness added that 250 air raids were executed using the Sukhoi Su-22 and Su-24 aircraft loaded with (100 kg) and (500 kg) general-purpose anti-personnel/anti-tank bombs. Helicopter-mounted unguided (57) mm S-5 rockets were also used, which means that civilians could be killed. The witness added that two helicopters went out of al-Qurdabiya Base to al-Watyah Base then were instructed to bomb the antenna of Misratah Local Radio Station. A plane was also assigned the bombing of the airstrip of Benina Airport and executed the mission.

- When the testimony of Bashir Misbah al-Dawi, an officer at the External Security Agency, was heard, he said that mobile patrols were conducted with (Tundra or Mercedes) cars and patrol members were armed and tasked with suppressing the protests by live fire and gas. The witness knows that live ammunition was largely used to suppress the protests and that Defendant No. 5 was behind this suppression and he delivered a speech when news about his defection started to circulate, saying "I am not a traitor and people thank you for opening fire and restoring security to Tripoli". The witness finally mentioned the names of some External Security members who shot the protesters and arrested opposition members, such as Nur al-Din al-Gharyani and Khalid al-Harari, noting that they were all under the influence of drugs when they committed such abominable acts. When the testimony of witness Abd al-Qassim Da'ub, a Colonel at the External Security Agency, was heard, he said that he heard Defendant No. 5 call al-Sunni al-Rahibi and request him to equip and gather the volunteers. Defendant No. 5 also asked him to deliver 7 AK-47 ammo boxes to a person called Sa'id from al-Ruhaybat, which he did. Defendant No. 5 used to meet tribal delegations as well. When the testimony of 'Adil Shahin, a Captain at the Libyan Ports Company, was heard, he said that at the beginning of the 17 February Revolution, he noticed that al-Sha'ab Port in Tripoli became an illegal migration hub; Africans were brought along with their families and forcibly loaded onto tugboats and fishing boats knowing that these boats were unequipped and overloaded. The witness saw one trip depart each three days. On 29/4/2011 AD, he was on board the oil tanker (Mashhuda) and at 9 pm he saw a tugboat called (al-Asil) docked behind the oil tanker at al-Sha'ab Port being loaded with Africans and their families, who were forced by the army to get on board and kicked. After midnight,

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the battalion members released the tugboat, which capsized because it was overloaded. The Africans started to shout then and the oil tanker leaked so the Africans drowned in the oil-polluted waters. The witness and his companions saved some persons by throwing life belts and he was able to save some children while 300 persons died as a result. A week later, the same thing happened with another tugboat and 600 Africans died in the process. When the testimony of Munsif Muhammad 'Isa, Chief of the Police Center at the Port of Tripoli, was heard, he said that after the 17 February Revolution broke out, a Security Room was formed at the Port of Tripoli, including Muhammad Rashid, Milad Hawidi and Colonel 'Imran al-Farjani, the Chief of the Coast Guard. The witness added that at the end of April 2011 AD, he was informed that a tugboat docked at al-Sha'ab Port was loaded with Africans beyond its capacity, so it capsized and the passengers drowned, then their corpses were extracted and the incident was confirmed. In May 2011 AD, he was informed that another tugboat sank because it was overloaded with Africans, then it was dragged ashore in a rotten and foul-smelling state with corpses inside. The forensic team was assigned the extraction of the tugboat. The witness added that Defendant No. 21, Colonel 'Imran al-Farjani, was responsible for illegal migration, since he dealt with a Zawari person to purchase the second tugboat. The witness saw the Zawari person frequently visiting the accused 'Imran al-Farjani. When the testimony of Rida Ahmad al-Fuwayris, a navigation officer at the Maritime Transport Company, was heard, he said that on 24/4/2011 AD, he saw trucks entering the port carrying Africans, including women and children, then they were loaded at night onto tugboats and directed. The witness also saw a tugboat called "Asil" docked behind the oil tanker "Mashhuda". The army started to forcibly place the Africans on board the tugboat by kicking them and the tugboat was loaded beyond its capacity, so when the cord binding it to the sidewalk was unfastened, it capsized; Naphtha leaked from the engine and many Africans drowned. 'Adil al-Jihani, 'Adil Shahin and Majdi Shahin threw life belts to the Africans. 'Adil Shahin went down to the sidewalk and grabbed some newborn babies. The Africans got angry and tried to attack the battalion members, who fired shots in their direction to scare them off. When the testimony of Khalid Abd al-Haq al-Sharif, the Mohammed Magariaf Battalion Commander Office Director, was heard, he said that when the 17 February Revolution broke out and on the day news spread about Muammar Gaddafi's escape to Venezuela, a meeting was held at the Battalion Commander's office between Defendants Nos. 1, 3, 4 and 5 and other security leaders, during which Sayf al-Islam incited

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the use of force to suppress the protests. The legions' commanders in the battalion were instructed to go out to Green Square in order to suppress the protests. (14.5") machine-gun-mounted vehicles were readied and shortly after the force left the battalion's headquarters, gunshots were heard for two hours. The witness added that on 25/2/2011 AD after Friday prayer, Defendant No. 1 was monitoring the situation on the street by communicating with mobile patrols via wireless devices. When the testimony of Wasim Husayn Gaddafi, a member of the Revolutionary Guard in Sirte, was heard, he said that on 16/8/2011 AD, he was in Sirte and heard on the speakers a call to volunteer in support of Tripoli. To that end, he provided buses that headed to Tripoli with 150 persons on board and when they arrived in Tripoli, they found groups from Bani Walid and Tarhunah and received rifles and ammunition, then came Sayf al-Islam and inquired about Sirte's group and the names of its members. Sayf al-Islam also recognized the witness and asked him "Is your grandmother Raj'at al-Suda and your uncle Sa'd" and the witness answered "Yes". Then Sayf al-Islam tasked them with guarding him and requested the rest of the groups go to Tripoli (Bomb whoever you suspect from the rats) and gave them Tundra vehicles. These groups arrested and shot many persons and their corpses were strewn everywhere afterwards. These groups continued to bring people from the streets to Bab al-'Aziziya and shoot them. In most cases, Defendant No. 1 saw these executions and ordered the killings saying "Kill the dogs".

- When the testimony of Muhammad Ahmad Rashid, the Director of the Port of Tripoli, was heard, he said that after the 17 February Revolution broke out, Muhammad Zaydan, the Secretary of Communications, issued verbal instructions to be present at the Operations Room, which was composed of different parties. The Room handled among other tasks the use of tugboats and speedboats in military missions. The tugboats (Inqadh 1) and (al-Marqab) were seized and loaded with weapons, ammunition and supplies, equipped with (14.5") machine guns and assigned a mission concerning the Port of Benghazi. The witness added that illegal migration was managed from al-Sha'ab Port. Two boats loaded with Africans sank and dozens of Africans drowned as a result, noting that these boats used to depart by an authorization from Defendant No. 21, Brigadier 'Imran al-Farjani, the Chief of the Coast Guard, who was always present in the Room with Muhammad Zaydan. When the testimony of Dr. Muhammad 'Umar al-Muhayshi, a gynecologist at Misratah Central Hospital, was heard, he said that five field hospitals were set up in Misratah during the Revolution and received dismembered corpses and amputated body parts. As a result of the arbitrary shelling, many residents, including women, were injured.

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Twenty-two persons were injured in their genital organs. The field hospital in Zawiyah al-Mahjub received dozens of rape victims. The witness personally examined 34 of these cases, as he examined some raped women in the gynecology ward of al-Nur Hospital and others in his private clinic, including two twin girls that were raped and one of them was impregnated. A woman was also raped before the eyes of her children because her husband and brothers were rebels and her 12-year-old daughter was subject to an attempted rape. He also examined a raped woman from Azriq who was raped by her caregiver, which caused a tear in her rectum and led to urinary incontinence. Two women were also kidnapped. The witness added that he treated all these cases from the complications of rape such as bleeding, wounds and [illegible]. The witness also said that the Islamic scholar Mustafa Abu Rawi proposed an abortion; however, he refused on the grounds that it is illegal. Then a Fatwa was issued by Misratah's Sheikhs, whereby they authorized abortions for raped women. Based on this Fatwa, the witness conducted two abortions for two raped women using (Misoprostol). He also carried out hymen reconstruction surgery for raped women. The witness added that by discussing the rape cases, he learned that the officers instructed soldiers to commit rape. A woman in niqab was raped before her children by a dark-skinned soldier after her strength failed her and she asked him not to uncover her body, however, he did using a spear and said "The women and girls of Misratah should be raped". The witness asserted that he saw many rape scenes that the battalion members used to save on their mobiles; however, these mobiles were torched later and disposed of. He also saw a scene for a young man from the Zari' family being executed by Gaddafi battalions and asked about his sisters and the girls in the region. He also saw some arrested battalion members confessing that they committed rapes, including a person from Gharyan who confessed to raping four women based on the instructions of Ali al-Zubaydi. The witness finally said that he opened medical files for all the cases that he treated, however, the families of these cases requested the withdrawal of these files due to social considerations. When the testimony of Abd al-Razzaq Faraj al-Farjani, a Sergeant at the Intelligence Services, was heard, he said that Senior Corporal Muhammad al-Tayyib al-Tunisi was in the company of Defendant No. 2 Abdullah al-Senussi and the rest of the protection members and that he saw a large number of anti-regime protesters at Geliana Bridge and Defendant No. 2 ordered the protection members to open fire on them. The witness added that

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a (Betina) truck was loaded with a large quantity of weapons of all types and moved to the house of Defendant No. 2. These weapons were distributed to Maqariyah tribesmen at the end of February 2011 AD and were delivered by Defendant No. 13 Radwan al-Hamali. When the testimony of Abu Bakr Muhammad Bashir, a Sudanese soldier of the Justice and Equality Movement, was heard, he said that in July they were instructed to travel to Libya on board 12 (Landcruiser) armed with rifles and rocket launchers. Two days later, they arrived to al-Sarah where they were met by two Libyans and then they moved to the North until they reached al-Dafniyah in Zlitan, where they were met by Khalil Ibrahim and Libyan officials and received new weapons, such as rifles, rocket launchers and (14.5")-machine guns. Then Khalil Ibrahim ordered them to move in order to fight alongside Gaddafi's forces. The car he was riding broke down, thus he was caught by the rebels. He added that other groups preceded them.

- When the testimony of 'Uthman Idris al-Tahir Chadi was heard, he said that in April 2011 AD, he was at a work site in al-Zawiyah and he volunteered to fight the rebels in return for a 250 LYD-fee. He was trained with real weapons, then sent to Misratah and stationed on a building until he was caught by the rebels. When the testimony of Muhammad Salih Sulayman, a soldier in the Justice and Equality Movement, was heard, he said the same as his colleague Abu Bakr Muhammad Bashir. When the testimony of Isma'il Muhammad al-Karami, Head of the Anti-Narcotics Agency, was heard, he said that at the beginning of March 2011 AD, he received three Tramadol-loaded containers via al-Khums Port and large quantities of these narcotics were requested by the Security Operations Room at the Intelligence Services. The witness also asserted that these substances are circulated among the battalion members in order to kill Libyans and that the Tundra vehicles of Abdullah al-Senussi took out a quantity of these substances that the latter ordered they be disposed of. When the testimony of Akram Khalifah al-Ja'fari, a Sergeant in the 32nd Reinforced Brigade, was heard, he said that on 27/2/2011 AD, he was transferred to work in the Port of Tripoli and found along with his companions a group of members from Mohammed Magariaf Battalion and the Frogmen. On the next day, they were asked to get on board (al-Marqab speedboat) and then Brigadier 'Imran al-Farjani inquired about the mission, so the witness answered that it is about military secrets that should not be disclosed to anyone. Then the Brigadier asked them to load weapons and ammunition onto the tugboat. Afterwards, (Hanibal Gaddafi) assigned them to the Port of Benghazi in order to prevent the entry and exit of the ships and bomb any ship that does not comply with the orders. Before arriving to the Gulf of Sirte, Mohammed Magariaf Battalion members uncovered the (23)-machine gun and opened fire on

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a tugboat, thus setting it on fire. When they arrived at the Gulf of Sirte, they encountered high waves and therefore had to come back. After returning to Tripoli, they were ordered to get on the tugboat Uzu after it was loaded with supplies, ammunition and weapons and to attack a Qatari oil tanker that was sailing next to (Lampedusa), however, they could not reach it. Then they were asked to destroy it and they tried to do so six times to no avail due to high waves, which prompted Hanibal Gaddafi to call Captain Hassan 'Awn and say "Damn your mother", so the officer answered "Watch your tongue". When they came back, Hassan 'Awn was caught and brought by Hanibal's guards to the sidewalk after they shaved his hair, dressed him in women's clothing and put make-up on his face. The witness added that Munir Zabita, a member of the 32nd Reinforced Brigade, came to the military port and he saw large amounts of money in the latter's vehicle, so he asked him whether they were salaries and the other answered the following "No. Captain Muhammad Shatiba sent us to distribute hallucination pills and drugs". Two hours later, Munir Zabita came back and there was a big box containing hallucination pills and two pieces of marijuana in the vehicle, so he asked him "What are these for?" and Munir answered him as follows "How do you think the army is fighting at the front?". The witness added that in July 2011 AD at night, Abd al-Salam Taysun and Ali Rahhal who follow Hanibal Gaddafi came in a (Landcruiser) and asked about the guards, so the witness showed them where the guards are stationed and they brought out of the car ten girls with a terrified look on their face and five of them were delivered to members of Mohammed Magariaf Battalion while the rest were delivered to Brigadier al-Mabruk, who was responsible for the Frogmen. Shortly afterwards, the witness heard these girls shout and call for mercy and a member of Mohammed Magariaf Battalion, Abd al-Salam al-Shawish, say to one of the girls "Since your brother is a rat, you will pay the price". After midnight, he saw one of the girls cry and noticed blood stains around her intimate parts and bruises on her face. She asked him to help her get away and said she is from Fashloom, her brother is a rebel and she was forcibly taken from her house. While she was talking, Abd al-Salam al-Shawish came with a bottle of alcohol in hand and dragged her by the hair to the truck saying "You can't escape me, whore" while the girl was shouting loudly. The witness also said that he saw illegal migrants being smuggled out of the port, which led to the drowning of hundreds of Africans who did not receive any help whatsoever. The witness also said that on 17 and 18 July 2011 AD, Khalid al-Khuwaylidi came with his guards to the port at an early hour of the night, followed by a container

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mounted on a truck with a carrier in the rear. The container was brought down to the sidewalk on the carrier, a guard opened the container and Khalid al-Khuwaylidi was shouting at the people who were inside the container saying "you traitors and rats, what did you lack that you went and betrayed us?" and his guards were beating them while the people were shouting "We did not betray you. There is no God but Allah". On the next day at midnight, Khalid al-Khuwaylidi came in a (Landcruiser) and his guards took out four gas tanks that he ordered be opened inside the container through the external holes. Afterwards, no sound came out from the container. In the morning, Abd al-Salam Taysun came along with Ali Rahhal and 'Arafat al-Zayidi and they ordered that the container be put on top of the tugboat using the carrier. Then the tugboat sailed and the container was sunk in the sea. When the testimony of Hamid Abdullah al-'Azumi, Director of Security for Benghazi, was heard, he said that on 14/2/2011 AD, he attended a meeting presided by Defendant No. 2, who requested tighter control of the city. On 16 and 17/2/2011 AD, forces affiliated with Tariq and Faris battalions, which mostly consist of African mercenaries, came to Camp 7 April then were divided into two groups. One group was attached to Central Support, dealt with the protesters and brought revolutionary groups from Sabha and Sirte in order to counter the protesters after they put on yellow hats to distinguish them from the protesters. Other security formations were also brought to Benghazi such as al-Suqur, Jum'a al-Ma'rifi and Husayn al-Hamil. The first, second and fourth accused were responsible for all these forces, which participated in suppressing the protests. The witness added that on 15/2/2011 AD, Defendant No. 2 instructed the forces to open fire on the protesters. On 17/2/2011 AD, a number of protesters were gathered at the Benghazi Gallery and al-Sakabili, Sidi Husayn and Defendant No. 2 was in the company of Defendant No. 4 in an armored car followed by the guards' car. The witness heard the second and fourth accused talk with Defendant No. 1 in Tripoli via a satellite-linked STR, a.k.a. (C500-RIFE), informing him that the situation is bad so he instructed them to use live fire. Then Defendant No. 2 gave orders to open fire on the protesters, so many were killed and wounded at the Benghazi Gallery and al-Sakabili. Defendant No. 4 instructed al-Gaddafi Bahri and Lieutenant Ibrahim to open fire then left the place.

- The witness added that on the same day, he heard that the second and fourth accused gave orders to open fire on the protesters at Geliana Bridge. The witness also said that (Hamid Abu Zayd Dorda) is responsible for the cyber-army, which included a media division tasked with disseminating lies

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and rumors and sowing tribal dissension. This division benefitted from the materials available at the Security Agency, which are provided on a daily basis by Defendant No. 5 to Yusuf Shakir to be used on his show ('Asham al-Watan) and Mustafa Qadirbu. The Secretariat for Foreign Affairs also included another Room managed by Abd al-'Ati al-'Ubaydi, al-Tayyib al-Safi and another group from the eastern region tasked with sowing dissension. Regarding the booby-trapped vehicles, the witness said that these operations were conducted with the knowledge of Sayf al-Islam, Abdullah al-Senussi and Abd al-Salam Hamuda. Defendant No. 5 is also aware of these operations and contributed to them through his officers. The witness finally said that his cousin 'Uwaydat Ghandur al-Nubi was at the Operations Room of the Revolutionary Committees and was disbursing money to buy vehicles to the revolutionary groups that were suppressing the rebels and on the mercenaries. When the testimony of Abd al-Jawad al-Badri, a Brigadier and Commander of Al-Fadil Bu 'Umar Battalion, was heard, he said that the protests broke out in Benghazi. Therefore, hundreds or even thousands of members of the Revolutionary Committees, the People's Guard and Tariq and Faris Security Battalions were mobilized to suppress these protests. The witness also said that Defendant No. 1 would call him and instruct him to dispatch the battalion on the street in order to suppress the protesters and use live fire against them. Defendant No. 2 also asked him the same; however, the witness avoided the execution of these instructions on the grounds that Abd al-Fattah Yunus instructed otherwise. Therefore, he was insulted by Defendant No. 1 and alienated by the second, who brought revolutionaries, mercenaries and security formations in order to suppress the protesters and dealt with Qadhafha officers. The second and fourth accused were moving in Benghazi in an armored car and issuing instructions to open fire on the protesters in Maydan al-Shajara and Geliana Bridge. The witness finally said that the corpses found inside Al-Fadil Bu 'Umar Battalion were those of persons killed after being hit by bullets. When the testimony of Muhammad Jum'a Sa'd, an employee at Gaddafi's Office, was heard, he said that he started working in Gaddafi's Office, that during the Revolution Muhammad Bashir was responsible for security and military formations and that Defendant No. 3 was channeling funds to Muhammad Bashir. He also said that Defendants Nos. 1 and 2 used to instruct Muhammad Bashir Sa'd to disburse the funds. When the testimony of Muhammad Salih al-'Amari, a police Colonel and the Director of the General Department for Inspection and Follow-up in the eastern region, was heard, he said that on the night of 16/2/2011 AD, groups of revolutionaries and dark-skinned persons who were brought on board planes to Benina Airport started to flock towards Camp 7 April. On 17/2/2011 AD, the witness went with Lieutenant Colonel Hassan Zayid

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to Amr ibn al-'As St. and Maydan al-Shajara where he saw a sit-in of a large number of youth chanting against the regime, then saw blue buses that stopped at Tibesti Hotel and the main headquarters. A quarter of an hour later, he saw these persons put on yellow hats, some carrying rifles and others carrying clubs. He also saw three vehicles, one is a white armored (Land Cruiser) Toyota, followed by another similar car and a (14.5")-machine gun mounted on a pick-up. He saw the second and fourth accused in the Land cruiser where Abdullah al-Senussi was using unconventional communication devices. Then he summoned groups of revolutionary leaders and headed to Algeria St. where a youth sit-in was held. He heard heavy gunfire, called the Hospital's security checkpoint and was informed that 11 people wounded in shootings came in. He also learned that a large number of protesters who took to Geliana Bridge were shot at, causing many deaths. Others fell in the lake at the bottom of the bridge. The witness finally said that Abdullah al-Senussi and Mansur Daw are responsible for the suppression and killings and were moving on the field and directing their members. When the testimony of Fathi Abd al-Qassim, a Chief Warrant Officer at Benghazi Security Directorate, was heard, he said that on 19/2/2011 AD, he was in the sit-in in front of the Court's square where masses held the funeral of a group of martyrs then carried the corpses on people's shoulders and crossed Jamal St. When they arrived at al-Duran Island in al-Birkah facing Al-Fadil Bu 'Umar Battalion, the masses were screaming "The people want to overthrow the regime", "Tell Muammar and his children that there are strong men in Benghazi". The battalion members stationed over the bridges fired at the participants in the funeral, thus killing many protesters. The witness finally said that he knew that Abdullah al-Senussi and Mansur Daw were supervising the suppression and killing of the protesters. When the testimony of citizen Wa'il Ahmad Najim was heard, he said that he participated in the protest that was held on 17/2/2011 AD and after the protesters came down from Geliana Bridge, the mercenaries in yellow hats fired at them. As a result, three were injured before his eyes and one died on the spot. Many young men also fell from the bridge into the lake. He was personally injured in his hand and was taken to al-Jala' Hospital, where he saw many dead and injured persons. He showed the Prosecution the injured spot, noting that his hand bones were smashed and he underwent a surgical operation. When the testimony of the citizen Salih Ahmad Bu Hadma was heard, he said that his brother participated in the protests and was shot and killed as a result.

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- When the testimony of the citizen Abd al-Salam Abd al-Hamid al-Muhayshi was heard, he said that he participated in the anti-regime protests held on 18/2/2011 AD. Shots were fired at the protesters, killing and injuring many, including him, as he was shot in the chest. When the testimony of the citizen Bashir Hassan al-Jarushi was heard, he said that his brother (Ali) participated in the protests that were held on 17, 18 and 23/2/2011 AD and when shots were fired at the protesters, he was shot in his head and died on 23/2/2011 AD. When the testimony of the citizen Mariam Salihi al-Turki was heard, she said that her daughter (Inas) was injured when their house was shelled by Gaddafi's battalions that were trying to control Benghazi. When the testimony of the citizen Muhammad al-Sayyid Barbar was heard, he said that on 19/3/2011 AD, he was injured in his left leg when his house was shelled from a tank by Gaddafi's battalions. When the testimony of the citizen Abd al-Latif al-Sufi was heard, he said that he participated in the peaceful protests in Maydan al-Shajara and was beaten by the Yellow Hats and had his arm broken. When the testimony of the citizen 'Ala' Husayn al-Wirshfani was heard, he said that he participated in the peaceful protests held in al-Bayda' on 17/2/2011 AD and that black pro-regime mercenaries fired at the protesters. As a result, many people were killed and he was injured in his left leg.

- When the testimony of the citizen Abd al-Hamid Muhammad al-Qatrani was heard, he said that his son (Muhammad) participated in the peaceful anti-regime protests held on 17/2/2011 AD and was shot in his head and killed on 19/2/2011 AD and that 40 people were killed that day. When the testimony of the citizen Mustafa Salim al-Tajuri was heard, he said that he was with the martyr Muhammad al-Qatrani on 19/2/2011 AD — a horrible day that witnessed heavy gunfire against the protesters, thus prompting a massacre. When the testimony of the citizen Talal Rafi' Bin Sa'ud was heard, he said that he was a Benghazi resident who works in Tripoli and that he participated in anti-regime protests at Green Square on 20/2/2011 AD, which were dispersed by bullet fire. Many protesters were killed and he was arrested and incarcerated in 'Ain Zarah prison and the Criminal Investigation prison in Salah al-Din and tortured. When the testimony of the citizen Usama Salih al-'Uraybi was heard, he said that he participated in the peaceful protests held on 18/2/2011 AD next to Al-Fadil Bu 'Umar Battalion along with his brother (Walid). They were shot at and his brother was hit by a bullet and killed.

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- When the testimony of the citizen Muhammad Mahmud al-'Arabi was heard, he said that he participated along with his cousin (Walid) in the protest that was held in front of Al-Fadil Bu 'Umar Battalion, when Gaddafi's soldiers opened fire on the protesters, thus killing many, including his cousin, who was shot in his head. When the testimony of the citizen 'Umar Mansur al-Warfali was heard, he said that he participated in the protests that broke out in Benghazi on 17 and 20/2/2011 AD and the armed groups of Abdullah al-Senussi opened fire on the protesters, thus killing many and injuring others. He was shot in his heart and was rushed to the hospital in a state of unconsciousness, then was taken to Greece, where he underwent a surgical operation to remove the bullet from his heart. He finally requested to file a complaint against Muammar Gaddafi and Abdullah al-Senussi. When the testimony of the citizen Khalid 'Awad al-Shaykhi was heard, he said that he participated in the protests held in Benghazi on 17/2/2011 AD and when they arrived at 'Amr Ibn al-'As St., they were attacked by the Yellow Hats who were carrying clubs and AK-47s. They were followed by 15 Yellow Hats and beaten until he passed out. He woke up the next day and found himself lying on the floor behind the Commando Camp in 'Atani. He was rescued by a citizen then underwent an implant surgery. He finally requested to file a complaint against Muammar Gaddafi and Abdullah al-Senussi. When the testimony of the citizen Abd al-Mun'im Miftah al-'Aluni was heard, he said that he was assigned the transfer of supplies to the rebels in al-Brigah in the company of Colonel Naji al-'Aquri and when they arrived to al-Brigah, they were shot by Gaddafi's members, wounding him in the thigh.

- When the statements of the citizen Jibril Salih al-Haffar were heard, he said that his son (Jamal) was killed on 20/3/2011 AD by Gaddafi's battalions when Benghazi was attacked. When the testimony of the citizen Mu'taz Salih al-Misrati was heard, he said that he participated in the protests held in front of Al-Fadil Bu 'Umar Battalion. The battalion members fired at the protesters with their rifles and launched (RBGs). He was injured in his hands, face and back by shrapnel and was transferred to Greece for treatment. He finally requested to file a complaint against Muammar Gaddafi and his members. When the testimony of the citizen Abd al-Mun'im Ibrahim al-Jazawi was heard, he said that on 26/4/2011 AD, as he was driving around Ajdabiya in his car, he was subject to arbitrary shelling by Gaddafi's members. As a result, he was hit by a bullet and his vehicle was damaged. When the testimony of the citizen Khalid Ali al-Tarhuni was heard, he said that on 9/4/2011 AD, as he was standing in front of his house in Ajdabiya, he saw a group of Gaddafi battalion members chasing a person, then shoot and kill him. Afterwards they approached him and beat him with the rifle stock

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then tied him up and moved him to a detention center in al-Brigah, where they were beaten, tortured and sprayed with pesticides. Then he was moved to Sirte and Abu Salim prison, where he was beaten, tortured and forced to say pro-Gaddafi slogans. When the testimony of Yusuf Faraj Husayn Budalal was heard, he said that his brother (Ahmad) was killed in Bin-Jawad by Gaddafi's battalions when he was trying along with his friend (Nasir al-Saltani) and others to counter the advance of Gaddafi's forces towards Benghazi. When the testimony of the citizen Akram Mukhtar Ali al-Maghribi was heard, he said that his brother (Walid) was killed by Gaddafi's battalions on 5/3/2011 AD and buried in a mass grave between Ra's Lanuf and Sidrah.

- The citizen Ali Nuri Abd al-Razzaq al-Fayidi said that his brother (Wa'il) was killed on 5/3/2011 AD by Gaddafi's battalions and buried in a mass grave. When the testimony of the citizen Ashraf Shahin Rashid was heard, he said that his brother Rahuma was killed on (5/3/2011 AD) as he was trying to counter the advance of Gaddafi's battalions towards Benghazi. When the testimony of the citizen Muhammad Milad al-Gharyani was heard, he said that he was a member of a scouts' rescue organization and on 10/3/2011 AD, he went along with others into Ra's Lanuf Hospital. They were arrested by Gaddafi's battalions and eventually taken to Abu Salim prison. When the testimony of Muhammad Ahmad al-Fallah was heard, he said that on 27/3/2011 AD, he was captured in Ra's Lanuf when he was ambushed and eventually taken to Abu Salim prison. The citizen Khalid Muhammad Shim stated the same. He said that he was arrested by Gaddafi's battalions on 9/3/2011 when he was in Ra's Lanuf trying with others to counter Gaddafi's forces that were targeting Benghazi.

- When the testimony of the citizen Fathi Sa'd Mahmud was heard, he said that his son (Haytham) was killed in a confrontation with Gaddafi's battalions in Sirte on 5/10/2011 AD. When the testimony of the citizen Abdullah Karim al-'Aqili was heard, he said that on 19/2/2011 AD, he was participating in a protest in front of Al-Fadil Bu 'Umar Battalion when shots were fired at the protesters and he was hit by a shrapnel in his head. He finally requested to file a complaint against Abdullah al-Senussi, who was present at the battalion.

- When the testimonies of Fathi Shu'ayb al-'Ubaydi and Abd al-Salam Muhammad were heard, they said the same as the previous witness. They said that shots were fired at them when they were participating in a protest in front of Al-Fadil Bu 'Umar Battalion. When the testimony of the citizen Isma'il Hamida al-Zawawi was heard, he said that on 12/3/2011 AD, he was injured in a bombing by Gaddafi's aircraft. When the testimony of the citizen Wisam Mubarak al-Mazughi was heard, he said that on 19/3/2011 AD, he was detained by Gaddafi's battalions and his car was torched. The citizen Ashraf Muraji' [*illegible*] said the same.

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- When the testimony of Nasir Miftah al-Hassuni, the Chief of the Revolutionary Task Force in Benghazi, was heard, he said that he was a member of the Revolutionary Committees and that he has special relations with the members of the Liaison Office of the Revolutionary Committees, including Abdullah al-Senussi. He added that on 16 and 17/2/2011 AD, he was standing at the traffic light next to the Electricity Company when Abdullah al-Senussi came escorted by members armed with AK-47s in four four-wheeled vehicles and ordered them to open fire on the protesters. The shooting continued for more than 20 minutes and a large number of protesters were killed, while other protesters fell in the lake under the bridge and some were arrested. The witness added that Abdullah al-Senussi called him on that day inquiring about the number of protesters and whether they were insulting Gaddafi, so he answered him that there is a large number of protesters and they are calling for the fall of the regime.

- When the citizen al-Husayn Muhammad Abu Zahir, the father of the victim (al-Hassan Abu Zahir), was heard, he said that his son (al-Hassan) participated in anti-regime protests then engaged in armed action. As a result, his son was detained in a prison on al-Shawk Rd. for the External Security Agency and on 23/8/2011 AD, he released his son when rebels raided the prison. He found his son hanging from the ceiling of the prison cell naked with bruises on his body; a (BBR) tube was inserted in his anus and he was raped. The witness added that he found in the prison 12 detained women, including 4 naked, who were provided with clothes by their neighbors. He also released from the prison 10 children who were detained there in order to force their parents to surrender themselves, including the 10-year-old (Khalid Badda), whose father was a doctor treating the injured rebels and was arrested and killed, so he took the child to his family in al-Zawiyah. The witness finally said that his son lost his masculinity due to the treatment he was subjected to. When the testimony of the victim (al-Hassan Husayn Abu Zahir) was heard, he said that he was imprisoned three times for participating in the protests and he was imprisoned the last time on 17/7/2011 AD when he was caught in possession of explosives used for hand-made bombs. He was placed in (Bodrum) prison, which belongs to a Turkish company used by the External Security Agency. He was tortured in prison, since he was shot in his thigh and the back of his right hand. A detonator of a hand-made bomb was blown up between the fingers of his left hand, thus amputating his ring finger and middle finger. He also received burns. The Public Prosecution noticed these injuries when examining the witness. Cigarettes were also put out in his left hand, he was hung by the ceiling of his prison cell and had a tube inserted in his anus after he refused to rape a girl they had brought him. They said "Fuck her or you will be fucked" and he refused to comply, so they raped him, as they did with others.

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He added that he used to hear the shouts of female prisoners when they were raped in prison.

- When the testimony of the victim Mariam al-Amir Shayub was heard, she said that she is a social media (Facebook) activist who was inciting anti-regime protests. After the protests broke out, she participated in protests in al-Zawiyah and communicated with satellite channels, such as al-Jazeera and (BBC), in order to relay the situation in al-Zawiyah. She also distributed publications at Nasser University and read with her colleagues (Riham Jubran, Amal al-Gharyani, 'Aziza Abd al-'Al, Thuraya al-Sanbani and Khawla Kazim) a statement in support of the Revolution and the Transitional Council; they filmed themselves and sent the statement online to al-Jazeera. As a result, they were arrested and found themselves confronting 'Izz al-Din al-Hanshari who insulted them, then ordered that Riham and Amal be sent to al-Mu'tasim saying "He will enjoy them tonight". She was incarcerated in 'Ain Zarah prison, stripped of her clothes and raped along with other women. She also saw in prison a 13-year-old girl who was incarcerated with her mother and raped before their eyes; Pepsi bottles were inserted in her intimate parts. She knew that the girl was the daughter of the citizen Faraj Umayma from Misratah. She also saw in prison a woman called (Fahima) from Tajura who was incarcerated because she was sewing independence flags, then she was tortured and killed. Her two colleagues (Riham and Amal) were killed and their corpses were displayed on (Yusuf Shakir's) show ("Asham al-Watan") under the false pretext that they were killed by the rebels in Ajdabiya. When the testimony of Mukhtar Muhammad Sa'id, an officer at the Internal Security Agency, was heard, he said that Abdullah al-Senussi and his assistant Abd al-Hamid al-Sa'ih commissioned a group of prisoners with prior convictions to suppress the protests after releasing them from prison. They also released a group of officers who were previously convicted in illegal migration cases, including (Mustafa Dufan), and were tasked with conducting illegal migration towards Europe. The witness added that he was a member of the investigation committees that were investigating the rebels and the committee decided to release hundreds of prisoners since they did not commit any incriminating act. He knew, however, that the second, fourth and fifth accused refused to release them. When the testimony of the citizen Muhammad Ibrahim al-'Alaqi, Justice Officer at the Executive Office, was heard, he said that he met Musa Kusa a week after his defection and Musa Kusa told him that Muammar Gaddafi met with security and military leaders, including him, and asked them to rape and kill the protesters. He added that when he was at the Executive Office, he knew that documents were found confirming that aphrodisiacs were smuggled into the country.

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Moreover, large quantities of aphrodisiac pills were seized from Gaddafi's battalions when they were captured on the battle fronts. When the testimony of al-Sadiq al-Kilani Mas'ud Nabiyya, a Colonel at the External Security Agency and an advisor to the Libyan Consulate in Niger, was heard, he said that Sulayman Ahmad Musa from the Tuareg tribes was the Secretary of the Libyan People's Bureau in Niger and was largely involved in bringing in mercenaries. He remembers that he went into Sulayman Ahmad Musa's office in March 2011 AD while the latter was talking on the phone and saying to the other party on the line (We have many friends and people who are taking action and mobilizing the others and most people in Niger sympathize with the Leader; however, it is necessary to pay money.). Once the call ended, Sulayman Ahmad Musa told him that he was talking with the accused Muhammad al-Sharif and he knew while he was in Niger that many Tuaregs from Niger were taken in four-wheeled vehicles to fight alongside Gaddafi's regime. The witness asserted that al-Sadiq al-Dardar, the Director of the Islamic Da'wa Organization's Office in Niger, used to regularly visit Sulayman Musa. When the testimony of Abd al-Hamid Muhammad al-Windi, Head of the Covert Affairs Department at the Ministry of Foreign Affairs, was heard, he said that Yusuf Margham used to send coded messages regarding the recruitment of mercenaries and that all the telegrams were referred to Defendant No. 2. In February 2011 AD, a telegram was sent regarding the preparation of forces from Serbia and Montenegro, which arrived in fact to Libya. Another telegram was sent concerning the arrival of 150 snipers [*illegible*] from Ghana and all these telegrams were referred to Abdullah al-Senussi. The witness asserted that the stamps on the telegrams are those of the Secretary for Foreign Affairs or one of his deputies. When the testimony of Abd al-Hafid Zaytun, Director of the Covert Affairs Office at the Ministry of Foreign Affairs, was heard, he said that the letters concerning the recruitment of mercenaries were conveyed by Muhammad Nur, the Leader of the Darfur Movement, and submitted to the Minister once they were decoded. The witness added that Muhammad Nur has a good relationship with Abdullah al-Senussi. When the testimonies of Rabab Muhammad Abd al-Rahman, Najah Yunus al-Jush, Fayruz Khalifah Mas'ud, Najwa Abd al-Hamid Naji Khamir were heard, they described how they were raped by Gaddafi's battalion members in Zuwarah. When the testimony of the citizen Khalid Muhammad al-Jatlawi was heard, he said that his properties in al-Muhit Company were looted by an armed group affiliated with Defendant No. 4 Mansur Daw. When the testimony of the citizen Salih Ahmad Daraz was heard, he said that he was arrested, tortured and referred to Defendant No. 2, who threatened him with prison and death sentences.

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- When the testimony of Muhammad Nasr al-Jilani, the Director of the Follow-up and Information Office at the Islamic Da'wa Organization, was heard, he said that after the 17 February Revolution broke out, Muhammad al-Sharif tasked 'Ammar Hurayba with contacting all the directors of the Islamic Da'wa Organization's offices in African countries so that they would come to Libya and invite the Islamic and Muslim leaders in their countries to organize anti-NATO marches. The witness added that Abdullah Mansur was using Muhammad al-Sharif's office and Muhammad al-Sharif suggested to him as Director of al-Tawasul Channel that is affiliated with the Islamic Da'wa Organization a program for Khalid Tantush. When the testimony of Nuri Ali Abdullah 'Azuz, the Director of the Islamic Da'wa Organization's Office in Tanzania, was heard, he said that suspicious money transfers were made by the Islamic Da'wa Organization during the 17 February Revolution to many persons, including Muhammad al-Bashari, as well as a transfer to Dubai and another to Indonesia. When the statements of Defendant No. 4, Mansur Daw Ibrahim, were reheard, he said that he armed all the male and female Libyans who showed up with light weapons (AK-47 with two magazines) in order to prevent the protesters from accessing Green Square under threat of weapons. He added that Sayf al-Islam was adamant to end the Revolution by any means even by force and used to say "This is my seat, not yours". The accused confessed that he brought in mercenaries from Sudan, i.e. Khalil Ibrahim's group and (Muna Mannawi)'s group. More than 1,800 mercenaries from these groups arrived to the country and were delivered to Major General Mabruk Sahban. A group of Tuaregs from Mali was also brought by Major General Ali Kanna. When the testimony of the citizen Ali 'Ayyad Mas'ud al-Bishti was heard, he said that Sayf al-Islam is responsible for all the killings, lootings and thefts in Bani Walid and that he was the real governor of the city. When the testimony of Colonel Ali 'Ayyad al-Bishti, Director of the Administrative Affairs Department at the Intelligence Services, was heard, he said that during the 17 February Revolution, the Central Security Operations Room was established. All security services were affiliated with the Room, which also had a derivative, i.e. the Operations Room in Tripoli. According to the security plan, the revolutionaries and the supporters of the former regime were supposed to gather at Green Square in order to prevent the protesters from organizing a sit-in. The protesters were supposed to be countered by the security services, the People's Guard volunteers, the People's Associations, the Revolutionary Guard and the Revolutionary Committees. Live fire was only used based on explicit commands from higher-ranked leaders. He added that Colonel Muhammad Dyub, the Commander of Abdullah al-Senussi's Investigation Office, was responsible for the detention of rebels in a container in al-Khums and their death by asphyxiation and was directly instructed by Abdullah al-Senussi. When the testimony of Major General Faraj Muhammad Abu Ghaliya, Assistant Commander of the Intelligence Services, was heard, he said that Abdullah al-Senussi met with the leaders of the security services,

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namely Abu Zayd Dorda, Mansur Daw, al-Tuhami Khalid and Abdullah Mansur. The meetings revolved around three issues: the fuel crisis, controlling Tripoli on Fridays and controlling the city checkpoints. The witness added that the accused al-Baghdadi al-Mahmudi regularly contacted the Chief of the Security Operations Room, saying that he has 5,000 volunteers from his region and requesting weapons and ammunition for them. Abu Zayd Dorda had a formation and entrusted the police officer al-Sunni al-'Abash and another person with receiving the delivery orders of the weapons and ammunition requested by Defendant No. 5 for his armed group in al-Ruhaybat. There are also other formations that were supplied with weapons and ammunition by Mansur Daw and Abdullah al-Senussi. The witness finally said that mercenaries were brought by Abdullah al-Senussi and Mansur Daw. When Defendant No. 12 was re-interrogated and confronted with witnesses' statements on the fact that he released the drug containers, he said that 'Ashur Tirbil instructed him to facilitate the entry of the drug-loaded containers through al-Khums Port. When confronted with the charges brought against him, he said that he was carrying out the instructions of the State. When the testimony of Khalid Abd al-Haq al-Sharif, the Director of the Office of Major General al-Barani Ashkal, Mohammed Magariaf Battalion Commander, was heard, he said that when the 17 February Revolution broke out, the accused Sayf al-Islam was always present at the battalion's headquarters and monitoring the security and military situation in al-Brigah, the Western Mountains, Misratah and al-Zawiyah and issuing instructions. The witness added that the battalion Commander Major General al-Barani Ashkal was grudgingly carrying out instructions of the accused Sayf al-Islam and the latter got angry at him and told him many times "al-Barani, do as we tell you". The witness also said that the accused Sayf al-Islam used to hold meetings with security and military leaders, including his meeting with Shukri Ghanim where he told the latter "How was the oil pipeline between al-Hariqa port and Tubruq bombed?". This meeting was attended by the accused al-Baghdadi al-Mahmudi. When the testimony of Munsif Muhammad 'Isa, the Chief of the Police Department at the Port of Tripoli, was heard, he said that the accused 'Imran al-Farjani was responsible for illegal migration since he dealt with a Zawari person to purchase the second tugboat that sank. The witness himself entrusted the same person with bringing mercenaries and he regularly visited the accused 'Imran al-Farjani. As he was standing at the checkpoint once, he saw the Zawari person with large amounts of money in his vehicle. An intelligence officer also told him that this information is true.

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- When the accused 'Imran al-Farjani was re-interrogated, he confessed that illegal migration was conducted at the beginning of the 17 February Revolution in order to pressure Europe into changing its positions towards the Libyan Revolution. Instructions were given to cooperate with persons who have prior convictions in terms of illegal migration and who were released. The accused stated that his role was restricted to organizing tugboats' navigation. He confessed that two fishing boats with hundreds of Africans on board sank and that Defendant No. 2 was supervising illegal migration. The accused confirmed the statement of the witness Munsif Muhammad 'Isa that he met the Zawari person. When the testimony of Muhammad Ahmad Rashid, the Director of the Port of Tripoli, was heard, he said that illegal migration was managed from al-Sha'ab Port and that two boats loaded with Africans sank and dozens of Africans drowned as a result. He added that the boats left the port once authorization was obtained from Brigadier 'Imran al-Farjani. When the accused Nuri al-Hadi al-Jatlawi, the Director of the General Department of Patrols, was re-interrogated, he said that Defendant No. 2, Abdullah al-Senussi asked him to dispatch his 1,500-strong force in Tripoli and monitor any suspicious movements. Defendant No. 15 also asked him to follow up those who defected from the regime and provide him with names to investigate. He said that he arrested many persons and referred them to the Intelligence Services. When confronted with the charges, he reiterated his previous statements. When Defendant No. 2 was re-interrogated and confronted with the evidence of the case, he said that the aerial bombs that were supposed to be used to blow up prisons were in the possession of Jibril al-Kadiki and could not be delivered without his knowledge. With regards to the drugs, he said that a (DF-118)-loaded container was imported from East Asia and entered the country through al-Khums Port and that he distributed the drugs it contained to the fronts in execution of Muammar Gaddafi's instructions. He said that Defendant No. 3 formed a 6,000-strong legion from al-Nawayil tribe; however, he does not know what the legion did in Zuwarah. He added that he was aware of the lootings committed by the volunteers. When confronted with the incoming documents and letters from Yusuf Margham, he said that he received them via the accused Abd al-'Ati al-'Ubaydi and that they have to do with the recruitment of mercenaries. He confessed in this regard that he dealt with Khalil Ibrahim in order to bring a part of his forces to fight alongside Gaddafi's forces. He paid Khalil Ibrahim 3 million USD in return for that and a part of these forces entered Misratah and al-Asay'ah. He added that Defendant No. 1 was monitoring the recruitment of mercenaries. When confronted with the decisions he issued regarding the formation of combat tribal legions, he said that these decisions were belatedly issued and he confessed that he delivered weapons and ammunition to al-Asay'ah and Bi'r al-Ghanam.

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When the statements of Isma'il al-Karami were reheard, he said that he was against the use of violence against the Libyan people and that when he knew that people were killed in Benghazi, he called Defendant No. 1 Sayf al-Islam Gaddafi and asked him to intervene and stop it, so Sayf al-Islam Gaddafi answered him "Now it's only up to you and your weapons" and hung up on him. When the accused Mundhir Mukhtar al-Ghanimi was re-interrogated and confronted with the documents including his instructions to assign boats and tugboats military missions in order to intercept aid vessels heading towards rebel cities and to use tugboats in order to smuggle African migrants into Europe. The accused confirmed the validity of these documents and that all the boats were assigned the missions figuring in the letters in execution of Sayf al-Islam Gaddafi's strict instructions to direct these boats in missions towards the Port of Misratah in order to intercept aid vessels. Regarding illegal migration, he said that he was carrying out instructions of Sayf al-Islam Gaddafi and admitted that around 300 corpses for the Africans who drowned when two tugboats sank in the Port of Tripoli and al-Sha'ab Port were extracted. When the testimony of Muhammad Jum'a Sa'd, an employee at Gaddafi's Office, was heard, he said that the accused Sayf al-Islam and Abdullah al-Senussi used to instruct (Muhammad Bashir Sa'd) to disburse and deliver funds to persons who smuggle weapons and vehicles into Libya to use them in suppressing the Revolution. Among those are people who received funds based on the instructions of Sayf al-Islam (Abd al-Rahim al-Farjani, Hamid Abd al-Salam and Abd al-Rahim al-Sa'idi) in order to introduce desert vehicles, bullet-proof vests, weapons and ammunition to Libya. When the testimony of Ali Muhammad Sa'd al-'Abdilli was heard, he said that his son was killed with seven of his colleagues in al-Arab'in. When the testimony of the citizen Jibril Salih al-Haffar was heard, he said that his son (Jamal) was killed on 20/3/2011 AD by Gaddafi's battalions when they were attacking Benghazi. When the statements of the citizen Faysal Muhammad al-Mahruq was heard, he said that on 5/5/2011 AD at 1:20 am, while he was guarding the commercial Port of Misratah, he heard the sound of a plane in flight. The Joint Security Operations Room informed him that the plane is for Gaddafi's forces and asked him and his colleague Nuri al-Sharif to be cautious and inform the group on sidewalk (5 and 6). So they went in their vehicle and informed the group and when they were returning, a huge explosion rocked the bottom of the car and as they advanced 10 meters further another explosion occurred, injuring him

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and his friend in many parts of their bodies. He learned later on that the explosions resulted from mines that were planted in the port by that plane and around 28 mines were collected. When the testimony of the citizen Nuri Muhammad al-Sharif was heard, he confirmed the statement of the witness Faysal al-Mahruq, noting that he was hit by shrapnel in the right leg, right hand, chest and left hand. The witness explained that the mines thrown by the helicopter were green and had an umbrella with a pointed head at the bottom in order to sink into the ground.

- When the testimony of the citizen Muhammad Faraj 'Uwayn was heard, he said that he heard an explosion then another and when he arrived to the place, he found Faysal al-Mahruq with severe injuries. When Defendant No. 1, Sayf al-Islam Gaddafi, was re-interrogated, he confessed that he conducted illegal migration to Italy and Europe and that he was aware that Africans were killed on board fishing boats and said "So what?". He also confessed that he instructed the accused Mundhir al-Ghanimi to commission boats, tugboats and speedboats to sail on combat missions. He admitted that the funds were disbursed based on his instructions and those of Abdullah al-Senussi and that he made disbursements to the mercenaries that he brought via Khalil Ibrahim. He confessed that he was monitoring the battles (and had the final say) and that he armed people in Abu Salim and incited them to fight. He also confessed that he took up arms in Bani Walid and incited the killing of whoever opposed his father's regime. He confessed that he equipped and booby-trapped vehicles and sent them to Benghazi and one of them blew up in front of the Tibesti Hotel. He admitted as well that he was present at the headquarters of Mohammed Magariaf Battalion until May 2011 AD and was monitoring the situation and issuing instructions. He met the third, fourth and fifth accused and incited them to suppress the protests. He also met the Company Commanders of Mohammed Magariaf Battalion and asked them to go out on Green Square in order to suppress the protests. When the testimony of the citizen Thurayya Muhammad Qadi Abd al-Karim was heard, she said that she was raped by the military men (al-Hamali Husayn Gaddafi and 'Isam al-Wahshi) after independence flags were found in her apartment. She said that the first one filmed the rape and that one of the military men said that he would show the video to Sayf al-Islam in order to get a (Chevrolet). When the statements of the accused Jamal al-Shahid were heard and he was interrogated, he confessed that he was summoned in May 2011 AD by Colonel Misbah al-Wa'ir, who informed him that Colonel Abu 'Ujayla Khayr demanded, in execution of Abdullah al-Senussi's instructions, that he rigged vehicles with explosives in Benghazi and detonated them, and asked them to provide remote controls. He also met Defendant No. 2, Abdullah al-Senussi, who asked him to booby-trap a large number of vehicles saying "This is a battle". He started working on booby-trapping vehicles at the headquarters of the Chinese company

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in al-Serraj, where he booby-trapped five vehicles by placing the explosives in various cavities of the vehicles. He did this along with Colonel Sa'id al-Gharyani, Major Jamal al-Lamuji and Lieutenant Abdullah al-Sha'lani. They used to get the explosives from Colonel Radwan al-Hamali. When the accused Abu 'Ujayla Muhammad Khayr Mas'ud was re-interrogated, he said that Brigadier Abd al-Salam Hamuda, the Director of the Operations Department at the External Security Agency, asked him to send technicians to Abdullah al-Senussi and he learned from Colonel Sa'd al-Gharyani that the mission consisted in booby-trapping vehicles and sending them to Benghazi. He added that Colonel Ahmad Abu Zayd, the Director of the Technical Affairs Department at the External Security Agency, informed him that the Chairman of the Agency Abu Zayd Dorda asked him to directly execute any instructions issued by Abdullah al-Senussi without referring back to him, stressing that Abu Zayd Dorda was aware of the matter. When the accused Abd al-Hafid al-Zulaytini was re-interrogated and confronted with the Financial Expertise Report, which concluded that he caused great damage to the public funds, he admitted that the report's conclusions are true and said in justification that he was executing the decisions issued by Defendant No. 3 al-Baghdadi al-Mahmudi and the accused Muhammad al-Dhib. He asserted that Defendant No. 3 used to intervene under the pretext of emergent circumstances, which resulted in financial contraventions, including the fact that he transferred an amount of 9 million LYD from project budget allocations to other purposes related to the Revolution.

- When the accused Muhammad Khalifah al-Wa'ir was interrogated, he confessed that Colonel Abu 'Ujayla Khayr, Director of the Covert Affairs Department at the External Security Agency, asked him to escort Major Jamal al-Lamuji and Colonel Sa'id al-Gharyani to Abdullah al-Senussi. When they went there, they found the accused Abd al-Hamid 'Ammar, who asked them to meet Abd al-Salam Hamuda. When they met the latter, he asked them to rig vehicles with explosives in order to blow them up.

- When Defendant No. 4, Mansur Daw Ibrahim, was re-interrogated and confronted with the testimony of Hamid al-'Azumi, who said that he was with Abdullah al-Senussi in an armored vehicle on 17/2/2011 AD checking the situation in Benghazi's streets and their vehicle stopped at Geliana Bridge, he confirmed the witness' testimony and asserted that Defendant No. 2 Abdullah al-Senussi and his son Muhammad were the ones who ordered the shootings against the protesters.

- He also confessed that he agreed with Defendants Nos. 1 and 2 to distribute weapons from Mohammed Magariaf Battalion's storehouse from 17/8/2011 AD to 19/8/2011 AD to the youth who came to Bab al-'Aziziya from Abu Salim, al-Hadabah and the Airport Road. He also said that Defendant No. 1 was inciting these groups to fight the defectors and they all agreed on that incitement. He added that in July 2011 AD,

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he was at the Central Room, where Defendant No. 2 contacted the accused Abd al-Hamid 'Ammar and asked him to distribute the drugs to the forces on the battlefronts. Abd al-Hamid 'Ammar sent two boxes of drugs to the latter's office. Regarding the Africans whom he trained and provided with weapons, he said that Sayf al-Islam Gaddafi and Abdullah al-Senussi were supervising these Africans in terms of training and equipment. He confessed that he attended the meeting held at the office of Defendant No. 3 and attended by the accused Abu Zayd Dorda, Muhammad al-Zwai and other security leaders. At the end of the meeting, they agreed that the Revolutionaries and regime supporters should take control, prevent the protesters from accessing Green Square and nip the Revolution in the bud. As a result, many protesters were killed. With regards to seizing funds, he confessed that he agreed with Defendant No. 3 to seize and sell the properties of private national companies in order to provide cash. He tasked his subordinates with seizing the movables of al-Muhit Company and Mediterranean Company. Concerning the tribal legions, he confessed that he formed tribal legions and supplied them with weapons, although he knew that this might cause a civil war. He said in justification that they were already in a state of war, so a potential civil war would not be a new threat. When confronted with the charges brought against him, he confessed to the charges and said that he sought to preserve national security. When Defendant No. 3 was re-interrogated, he confirmed the validity of the minutes of the meetings held in August 2011 AD. With regards to his incitement speech whereby he incited the Janzur, al-Zahra', al-Sawani and al-'Aziziyah tribes to fight, he said that he gave that speech in execution of Muammar Gaddafi's instructions. He confessed that he knew that his speech would drag Tripoli and its surroundings into a civil war. With regards to the funds, he confessed that funds were illegally disbursed. As for killing the protesters, he said that he provided financial support to security agencies at the request of Defendant No. 1. With regards to illegal migration, he said that his role was restricted to reinstating the officers who were previously convicted in illegal migration cases at the request of the first, second and tenth accused. He added that Zuhayr Adham and Brigadier 'Imran al-Farjani were involved in these operations since they bought old fishing boats and used some of them to move the Africans, many of whom drowned as a result.

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- The Public Prosecution attached to the case file the evidence collection report and the investigation report of the Partial Military Prosecution in Misratah that were both prepared in the complaint filed by the citizen Muhammad Ali Ramadan Qadah against Defendant No. 4, Mansur Daw Ibrahim, since the latter seized his vehicles. When the accused was interrogated, he confessed that they seized 409 Nissan Tiida cars in different colors belonging to Mediterranean Company in Tripoli from its headquarters in Bi'r al-Usti Milad and that they moved these cars between 6/4/2011 AD and 29/4/2011 AD with Suqur Abu Minyar Legion, then delivered them to the General People's Committee that transported them in turn to Sirte. He also said that they brought a group of technicians to manufacture car keys without contacting the warehouse owner. When the accused was interrogated by the Military Prosecution, he reiterated his previous statements and denied the embezzlement charge raised by the Prosecution. When the testimony of witness Abd al-Hadi Ibrahim al-Qa'id was heard by the Military Prosecution, he said that during the war, Abd al-Wahid, who is a warehouse supervisor with Muhammad Qadah, called him and informed him that a group of battalions raided the headquarters of the company and seized all its cars and he asked him to call the company owner to brief him on the matter. When the testimony of witness Abd al-Wahid Abd al-Salam Ali al-Maghnnun was heard by the Military Prosecution, he said that he works at Mediterranean Company and its delegate Muhammad Ali Qadah and that during the Revolution, he was at the company's warehouse in Bi'r al-Usti Milad next to the Dermatology Hospital and on 5/4/2011 AD at 12 am, a large number of armed men broke into the place and detained him and his colleague Ashraf in the kitchen, searched the place, destroyed office equipment and wreaked havoc all over the place, while another group of the armed men headed towards the cars. In the meantime, a short person whom he was told is the Commander of Suqur Abu Minyar came so he complained to him about the abuse and theft and asked him to return what was stolen and deliver a list of the stolen cars; however, he told him to get out and return in the morning so that he could speak to the person in charge. In the morning, he returned and found Khayri al-Jarmi, the People's Guard Office Commander, so he talked to him and asked him to return what was stolen and deliver a list of the stolen cars; however, he kicked him out and threatened to kill him. When he went to his place of residence next to the warehouse, he saw cars being taken out of the warehouse and a green Landcruiser, so he knew it was Mansur Daw. A group also came

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and stayed at the place to manufacture keys in order to get the cars out of the warehouse. When the cars were all taken out, he came back to his place of residence in Garabulli and 20 days later, he returned to the warehouse along with his colleague (Ashraf), and he did not find any car. They noticed that the warehouse was completely robbed and the safe, which was riddled with bullet holes, was opened and robbed of its money and documents related to the cars. When the testimony of witness Ashraf al-Sid Fannan was heard by the Military Prosecution, he said that in April 2011 AD, a group of cars bearing the Suqur Abu Minyar logo arrived and he was arrested and attacked with his colleague Abd al-Wahid while the attackers were repeating the following expression "The warehouse of a traitor" and cordoning off the place. The next day, their number grew and one day, a green Land cruiser arrived preceded by a large number of cars. He knew from the conversation of the armed men that it was Mansur Daw, the Commander of the People's Guard, and the cars carried the logo of the People's Guard. A big dispute broke out among the armed men and shouts grew louder. As a result, Suqur Abu Minyar's armed group went out and the group of the People's Guard stayed. The cars in the company's warehouse were moved.

- The Public Prosecution attached to the case file the evidence collection report that was prepared by al-Zawiyah Police Center in the complaint filed by the citizens Abdullah al-'Arabi al-Mukhtar Hassan, Wa'il Ali Abd al-Salam Hamad, Mahmud al-Jali Dbub, Abd al-'Aziz Mawlud Khalifah al-Baraki, Masus Mas'ud Ahmad and Ayman Ahmad al-Sunni against the accused 'Amir Ali al-Dalyu. When the first complainant was interrogated by the National Security Center in al-Zawiyah, he said that his son Hamdi Abdullah al-'Arabi al-Mukhtar Hassan was working at the Customs Office and 'Amir al-Dalyu enrolled him in the weapons' training course, then he was moved to the battle front in Misratah without his knowledge or consent and he was killed there while his father was not able to recover his corpse. He requested that legal procedures be taken against the above-mentioned accused. When the second complainant, Wa'il Ali Abd al-Salam Hamad, was interrogated, he said that he works at the Customs Office in al-Zawiyah and when the battalions took over the city, he went to his workplace and knew that his name was included in a list of persons to be referred to military training on weapons and then moved to the battle fronts; the list was prepared at the instruction of the accused 'Amir al-Dalyu. So he had to escape to Tunisia and he knew that many Customs staff members who were enrolled in the training were moved to the battle fronts. When the third complainant, Mahmud al-Jali Dbub, was interrogated, he said that he works

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at the Customs Office and that his name was added to the list including a large number of Customs staff members to be referred to military training on weapons. This list was prepared at the request of the Commander of the Joint Security Operations Room (al-Hadi Ambirish) and with the consent of the accused ('Amir al-Dalyu). Therefore, he had to escape and he fell into trouble along with his family members, since he was wanted by Gaddafi's battalions. He requested that legal procedures be taken against the accused, since the latter added his name to the list. When the fourth complainant, Abd al-'Aziz Mawlud Khalifah al-Baraki, was interrogated, he said that he was a Captain at the Customs Office and that during the Revolution, he knew that his name was added to the list of persons to be referred for training on weapons in order to move him later on to a battle front to fight the rebels. Therefore, he had to escape and his salary, which was his only source of income, was stopped. He had to keep a low profile for fear of retaliation by Gaddafi's battalions. When the fifth complainant, Musa Mas'ud Muhammad, was interrogated, he said that he was enrolled in the training at the Customs Training Institute; they were trained on the use of rocket launchers, mortars, machine guns and rifles. They were summoned and informed that they would be moved to Zlitan. When he saw weapons in a training hall, he realized that he would be moved to the battle front, so he escaped along with a group of young men. When the sixth complainant, Ayman Ahmad al-Sunni, was interrogated, he said that he works at the Customs Office and that his name was added to the list of persons to be referred to the training on weapons in order to move him later on to the battle fronts; however, he knew that many of his colleagues were moved to the al-Dafniyah front and a large number of them were killed there, while others were injured. He also knows a family who lost two sons and many persons who had psychological problems after being sent to the fronts. When al-Mabruk Salih Maddi al-'Ayyani was interrogated, he said that he was a Brigadier at the Customs Office and that he was assigned as a member of the committee tasked with supervising the training of groups of Customs Guard, Municipal Guard and Agriculture Police on the use of weapons. He added that members from these entities were trained, including members from the Customs Office, at the request of the Commander of the Joint Security Operations Room (al-Hadi Ambirish). With regards to the Customs Office, its members were trained with the consent of the Chief of the Customs Office Brigadier 'Amir al-Dalyu. When Ahmad Muhammad Yahya al-Hadi, Director of the Office of Defendant No. 4, was interrogated, he said among others that Defendant No. 4, Mansur Daw Ibrahim, formed committees to arrest and investigate the protesters with the knowledge of Criminal Investigation Officers, including Abdullah Bilgharat

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and Bashir Siyaqiti. He added that the protests were suppressed by force of arms in Tripoli in cooperation with the security services and that the Commander of the People's Guard asked him to negotiate with groups of tribes from Chad, such as al-Mahamid, Zaghawa and al-Qar'an, which came in the thousands. Most of these groups knew how to use weapons and they were divided into 3 legions, armed and dispatched to the fronts. The People's Guard also distributed large amounts of money to the tribes' notables such as 'Ammar al-Nayid and 'Ammar Hurayba from Tarhunah. When Defendant No. 4, Mansur Daw Ibrahim, was re-interrogated, he said among others that on 16/2/2011 AD, he summoned a number of people to a meeting, which was attended by the second, third, fifth and sixth accused. During the meeting, they agreed to dispatch members of the Internal Security Agency and External Security Agency, the Revolutionary Guard, the People's Guard, the Revolutionary Committees, the General Security, the Intelligence Services and Mohammed Magariaf Battalion across Tripoli and instructing these members to counter the protesters and prevent them from accessing Green Square. When the revolutions broke out, they were countered by killings and arrests, which was also the case in the following days, especially Fridays. The External Security Agency played an active role in suppressing the protests after being instructed to do so by the Chairman of the Agency, Abu Zayd Dorda. The members of the External Security Agency were known to drive (Tundra) cars. He added that Defendant No. 2 used to summon all security officials to meetings after receiving information and discussing them with Defendant No. 1. The People's Guard volunteers also played an active role on the battle fronts. Defendant No. 4 confessed that he handled the movables and inventories of some companies in execution of the instructions of Defendant No. 3 in order to provide cash liquidity. When the testimony of Uthman Musa al-Da'iki was heard, he said that at the beginning of the Revolution, the funds were disbursed in violation of technical procedures and legal rules. These disbursements were made either by the instructions of Defendant No. 3 al-Baghdadi al-Mahmudi and Defendant No. 18 Muhammad al-Dhib or by notifying the Secretariat for Finance of the disbursement; 18 million LYD were disbursed to various parties using the latter method. When the testimony of Abd al-Hamid Muhammad Uthman al-'Alim was heard, he said that he was an employee at the External Security Agency and that the Operations Department of the Agency was commanded by Major General Abd al-Salam Hamuda, who used to receive commands from the accused Abu Zayd Dorda. The members of the Operations Department would drive (Tundra) cars and open fire on unarmed protesters. He personally saw many protesters being killed or detained. When the testimony of

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Milud 'Isa Mas'ud Abd al-Mawla was heard, he said that he was the personal delegate of Defendant No. 3 (the Chairman of the General People's Committee) and that he drafted the minutes of the meeting held on 3 March 2011 AD at the residence of Muammar Gaddafi, which included a work program for the participants and was fully executed. He added that Defendant No. 5 Abu Zayd Dorda suggested in the security meetings to increase pressure on the Mountains via Nasr al-Mabruk and Abd al-Salam Sahban. He also requested to reinstate the retirees of the External Security Agency and dispatch them to the fronts. He added that large funds were illegally disbursed at the command of Defendant No. 3 and that Muhammad al-Hanashi was assigned the establishment of a legion of volunteers in Jumayl. When the testimony of the citizen Abd al-Razzaq Muhammad Bilhaj was heard, he said that his son was killed on 25/2/2011 AD in al-Jum'ah Suq after Friday prayers by security members driving civilian cars and the Tundra cars of the External Security Agency; his son was shot in the chest. When the testimony of the citizen Lutfi Muhammad Ramadan Talha was heard, he said that his brother (Ali) was killed on 25/2/2011 AD in al-Jum'ah Suq after Friday prayers by security members driving civilian cars and Tundra cars; his brother was shot in the head. When the testimony of the citizen Ahmad al-Nasir al-Jarnazi was heard, he said that his nephew (Abd al-Ra'uf Tufiq al-Jarnazi) was killed on 25/2/2011 AD in al-Jum'ah Suq after Friday prayers by security members driving civilian cars and the Tundra cars of the External Security Agency; his nephew was shot in the head. When the testimony of the citizen Akram Muhammad Qanbur was heard, he said that his father was killed on 25/2/2011 AD in al-Jum'ah Suq after Friday prayers after being shot by security members driving civilian cars and the Tundra cars of the External Security Agency. When the testimony of the citizen Fawziyya al-Mahdi Ibrahim al-Faqih was heard, she said that her son (Ahmad Muhammad al-Karikishi) was killed on 20/2/2011 AD at al-Jumhuriyya St. after being shot in the thigh. When attempting to rescue him, he was shot in the head by security members driving civilian cars and the Tundra cars of the External Security Agency. When the testimony of the citizen Nadia al-Hadi Ramadan al-Gharyani was heard, she said that her husband Kamal Khalifah al-Misri was killed on 25/2/2011 AD in al-Jum'ah Suq after Friday prayers after being shot in the head by security members driving civilian cars and the Tundra cars of the External Security Agency.

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When the testimony of the citizen Muhammad Abd al-Qassim Abdullah 'Umar was heard, he said that his son Marwan was killed on 22/2/2011 AD in al-Zawiyah St. after being shot by security members. When the testimony of the citizen Haytham Muhammad Salih Bin Nasir was heard, he said that his brother Hisham was killed on 25/2/2011 AD in Fashloom after being shot in the head by security members driving civilian cars and the Tundra cars of the External Security Agency. The same facts were related by the following witnesses: Abd al-Majid Muhammad al-Shanta, Rida Mahmud 'Alyu, Haytham Muhammad Salih Bin Nasir, Muhammad Ali Bin Isma'il, Sara Mahmud Daradur and others; they all confirmed the death of their relatives after being targeted by security members driving civilian cars and the Tundra cars of the External Security Agency. When the testimony of Colonel Ali Jum'a al-Zaruq was heard, he said that he worked at the Administrative Affairs Department of the External Security Agency and that the accused Abu Zayd Dorda appointed Major General Abd al-Salam Hamuda as Director of the 15,000-strong Operations Department, asked him to activate the patrols and authorized him to use the stored Tundra cars. He was also monitoring the work of the patrols on the ground, which played a major role in suppressing the protests, especially in Tajura, al-Jum'ah Suq and Fashloom. The witness added that he saw 6 cars loaded with rocket launchers and weapon boxes that reportedly belonged to the accused Abu Zayd Dorda and were supposed to be moved to al-Ruhaybat. The witness knew that they were in fact sent to al-Ruhaybat in collaboration with Muhammad al-Rahibi and Ali al-Maqtuf. When the statements of Colonel Nur al-Din Muhammad Milud were heard, he said that he used to supervise the Patrols Room of the External Security Agency and that the accused Abu Zayd Dorda ordered that Tundra cars be distributed to patrol members and dispatched across Tripoli. Patrol members were armed with Kalashnikovs and participated in suppressing the protests since they were instructed to do so by any means, even shooting. The patrols played an active role in arresting the protesters, raiding their houses and delivering them to the investigation committee. When the statements of Faraj Muhammad Ali Abu Ghaliya were heard, he said that he served as Vice-Chairman of the External Security Agency and that the accused held several security meetings after returning from Benghazi, which were attended by many accused, including the third, fourth, fifth, sixth and others. The participants at these meetings agreed on establishing a mechanism to suppress the protests, even if it involved shooting. He added that Defendant No. 5 utilized all the capabilities of the External Security Agency to suppress anti-Gaddafi protesters, including the allocation of Tundra cars, and formed a legion from his tribe al-Ruhaybat, as did the third and thirtieth accused, who formed a legion

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in al-Nawayil. When al-Hadi Ambirish was re-interrogated, he said that the Operations Room had an active role in suppressing the protests held on 20/2/2011 AD when news about Gaddafi's escape broke out. The Operations Room gave explicit instructions to kill the protesters in order to extinguish their uprising, therefore, most injuries were direct to the head or chest. The second and fifth accused also formed two secondary Rooms within Tripoli; the first was responsible for conducting patrols under the presidency of Major General Abd al-Salam Hamuda while the second was responsible for arresting the protesters under the presidency of Milad Daman. The witness added that based on Gaddafi's call, the accused Abu Zayd Dorda was given a large number of weapons (anti-aircraft weapons, missile projectors, 106 rocket launchers, rifles, general-purpose machine guns and hand grenades) in order to arm his tribesmen and liberate the Western Mountains. The witness also said that Defendant No. 2 brought in mercenaries from across Africa via Khalil Ibrahim, the leader of the Sudanese Justice and Equality Movement, and dispatched them to the battle fronts. The witness added that Defendant No. 5 formed a legion from his tribe al-Ruhaybat and engaged it in fighting in the Western Mountains. The policy of starvation and cutting power was agreed upon in the meeting held on 3/3/2011 AD and successfully implemented. Water supply and provisions were cut off from Misratah at the instruction of Major General Yusuf Abu Hajar. When the testimony of the victim Fayruz Khalifah Mas'ud Halab was heard by the Public Prosecution, she said that on 27/5/2011 AD, she was at home in southern Zuwarah next to Jumayl and al-'Assah while her parents were away and there was a checkpoint set up by young men from Jumayl. Those men used to observe her house from the checkpoint, come in front of the house in their double cab pickup, turn up the radio and watch her. Once, they noticed that her parents left the house, so they raided it and broke down the door. The one beat her, then the other carried her in his arms and put her in the car. Then the car took off at speed while she was yelling and calling for help. They gagged and blindfolded her as they repeated lewd expressions such as "What a great body! Tonight we will get our fill of it and we will take revenge". The car was going on a paved road to Jumayl and when it reached its destination, she was brought into a deserted building, thrown on the floor and locked in a room. Then one of the men came with a mattress, placed her on the mattress, got out and locked the door. Five minutes later, the four men came in

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and called their friends telling them to come because they had gotten the daughter of someone from Zuwarah and they were going to rape her. Meanwhile, she made a whining sound from underneath her mouth gag. A man then took off the cover and asked her what she wanted to say so she said "You are not men". Then he slapped her and said "You will see now who are the real men and we will bring Zuwarah to its knees". Then another tore off the clothes from the upper side of her body and started touching her intimate parts. In the meantime, another man was tearing off the clothes from the lower side of her body until he completely took them off. A man ripped the cloth from her mouth and beat her, while another was filming her. After a while, she was exhausted from the beating and was not longer able to resist. Then she was placed on a table and raped by two persons, one from the front and the other from the rear, as she was crying out from pain. She felt liquids on her body and it turned out that it was blood. They were taking turns raping her and more than one placed his penis in her mouth, ejaculated and ordered her to swallow his semen while he beat her. She fainted many times, then woke up and felt liquids on her body. Then they brought a trained dog and placed the animal above her. The dog then inserted its penis in her vagina, which made her totally lose consciousness given such atrocity. She only woke up at the sound of heavy gunfire and heard them say that Zuwarah is in great indignation and unrest over her kidnapping and wonder about her fate. One of the men suggested that she be scorched and another that she be killed. Then they placed tape over her mouth, put her in the car and threw her later from the car. She suffered many injuries because she hit the ground and she noticed that she was thrown in a deserted area. Then a group of persons came in a Toyota and she fainted. She only regained consciousness in Jumayl Hospital where a group of nurses addressed her with despicable expressions such as, "You are corrupt just like Iman al-'Ubaydi". She was also tortured and insulted there. She finally said that the group that raped her is affiliated with the accused al-Baghdadi al-Mahmudi and that he was the one who supplied the group with funds, weapons and vehicles in order to disgrace Zuwarah's women. When the testimony of the victim Mahbuba Muhammad al-Haj al-Mu'ti was heard, she said that on July 2011 AD, she was at home in Awlad 'Isa in Zuwarah.

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At 1 p.m., six persons from Jumayl raided her house by breaking down the door. One of them battered her and tore off her gold necklace then struck her in the mouth, knocking out one of her teeth. Another person tore off her clothes and started touching her breast. They said they were affiliated with al-Baghdadi al-Mahmudi and they continued touching her intimate parts. She was crying out so they struck her and continued to touch her intimate parts saying "You, Zuwarah women, have beautiful flesh". They also abducted and raped her sister Sa'ida, who remained lost for two months then was found in a very bad psychological condition and said that she was kidnapped and raped by a group of men from Jumayl and that al-Baghdadi al-Mahmudi is the one who incited them to rape Zuwarah's women. Her sister also told her that she now has urinary and fecal incontinence because of the rape and that other women were raped in the same place [*illegible*]. She finally requested that legal procedures be taken against those who tarnished her reputation and that of her sister. When the testimony of the victim Rabab Muhammad Abd al-Rahman Halab was heard by the Public Prosecution, she said that Defendant No. 3 al-Baghdadi al-Mahmudi incited the men of his tribe al-Nawayil to defame Zuwarah's women. She learned that from the phone call he had with al-Tayyib al-Safi, during which he said "There are five men from Jumayl and al-'Assah in front of each house in Zuwarah. Let the Bedouins from Jumayl and al-'Assah enjoy the girls of Zuwarah". Due to this incitement, many women from Zuwarah were raped, so the people of Zuwarah had to flee to Tunisia lest their girls be disgraced. When the testimony of the victim Najah Yunus al-Hawash was heard, she said that she was the Head of the Nursing Department at Zuwarah Hospital and at the beginning of April 2011 AD, a group of young men from Jumayl came to the hospital and threatened to move her outside Zuwarah and torture her if she offered any assistance or treatment for any man from Zuwarah. She added that the men from Jumayl wreaked havoc in Zuwarah. When the testimony of the victim Khalid Muhammad al-Jatlawi was heard, he said that he was the Chairman of the Board of al-Muhit Company for the manufacturing and marketing of electrical appliances and that on 1/5/2011 AD, an armed group affiliated with the People's Guard broke into the headquarters of the company in

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al-Sawani, Tripoli. Their cars carried the People's Guard insignia. They broke down the doors and safes of the Administration's building and took an amount of 52,000 LYD. Then the leader of the group, Abd al-'Aziz Mujahid, opened the safes in order to examine the types of items. He accused the company owner of supporting the rebels and seized ten company cars. Then the accused Mansur Daw tasked Khalid Muraji' al-Talisi to manage the company and sell its items, which the latter did. He estimated the stolen items to be worth 4 million LYD and added that this operation was undertaken at the instruction of Defendant No. 4, Mansur Daw, and that Abd al-'Aziz Mujahid Salih was behind the raid. The Public Prosecution attached to the case file the evidence collection report prepared by the Anti-Narcotics Office in Benghazi, the Office of Garyounis University, in the complaint filed by the Anti-Narcotics Agency against the accused Sayf al-Islam Muammar Gaddafi, since he distributed the drugs in the eastern region after the Revolution broke out. When the statements of the citizen Mahir Abd al-'Azim al-'Awami were heard, he said that when Gaddafi's forces conquered and defeated Benghazi, he personally saw large quantities of drugs and aphrodisiacs being seized from tanks and military vehicles; they were also documented and filmed. He also saw a group of young men from Ajdabiya inside the media center and they said that after Gaddafi's battalions left and defeated the city, they found pills at the soldiers' stations and dwellings and brought samples thereof. He saw these pills and noticed that they belong to the same categories as the previous samples, i.e. aphrodisiacs (Viagra). When the statements of the citizen Nur al-Din Muhammad Musa Bin Khayal were heard, he said that he was a member of Shuhada' al-Jazira Battalion and that the battalion was entrusted with the southern front in Jalu, Awjilah and Jikharra by the National Transitional Council. One day, a fight erupted between the battalion and Gaddafi's forces next to Jalu and after the defeat and escape of Gaddafi's forces, the battalion members collected the spoils, including a Fiat (190) truck loaded with supplies. When the truck was inspected, marijuana and Viagra pills were found. He said that he saw these substances firsthand in addition to alcohol boxes and that he is ready to cooperate with any party in order to dispose of these substances. He added that rebel battalion members saw these substances.

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The Public Prosecution attached to the case file the evidence collection report prepared by the National Security Cooperation Office of the National Transitional Council and opened on 14/9/2011 AD. Among those who were investigated in this report on drug dealing during the Revolution is the citizen Muhammad Muhammad Ali Sawm al-'Am, who said that in the middle of March 2011 AD, he saw a container mounted on a truck entering al-Nasr Anti-Narcotics Office. Cardboard boxes containing hallucination pills were unloaded from the truck. He saw a few days later a Mitsubishi Canter loaded with boxes and he knew from what was being circulated that all these boxes contained pills and were placed in the storehouse with the previous load. He added that Captain Muhammad Mansur Gaddafi, a relative of Khamis Muammar Gaddafi who works with him, used to come and load boxes of pills on a Toyota and Hyundai Tucson. Once, Abd al-Hamid al-Sa'ih told him that he loaded lots of pills. So Captain Muhammad Mansur Gaddafi answered that these were the instructions of the director, i.e. Khamis Gaddafi, and repeated other expressions such as "This drug turns [illegible] into a Caterpillar". He added that the cars carrying the boxes were followed by security guard cars, that the group that brought these substances answers to Abdullah al-Senussi and that these substances were carried to the fronts. This is evidenced by the fact that Muhammad Mansur Gaddafi told Abd al-Hamid al-Sa'ih that he was heading to the battle front in Zlitan, when the latter asked him to stay for lunch. When the statements of Mas'ud Bashir al-Saghir al-Muradi were heard, he said that he was a Colonel police officer and the Head of the Anti-Narcotics Office. He said that a part of the drugs and pills that were stored in the Anti-Narcotics Division was given to security services, including the Intelligence Services and the Internal Security Agency. When the statements of Mansur al-Zaruq Jibril Misbah were heard, he said that he was a Colonel police officer working at the Anti-Narcotics Division and that a part of the narcotics load that was stored at the Anti-Narcotics Division was given to the armed forces; One day, Colonel Mas'ud al-Muradi came to the headquarters of the Anti-Narcotics Division along with a group of persons and a number of cars for the armed forces as well as a group of foreign workers and cardboards were loaded for the armed forces. When the statements of Abu Bakr Muhammad Miftah 'Atiyyah were heard, he said that he was a Lieutenant Colonel police officer working for the Anti-Narcotics Division and that a call came in from the Head of the Anti-Narcotics Division to the effect that

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the stored drugs were loaded into the Tundra and Toyota cars that would arrive at the Agency headquarters. In fact, ten cars loaded with drug boxes arrived, and a few days later seven other loaded cars arrived and to his knowledge, the Internal Security Agency received these substances. When the statements of Isma'il al-Mabruk al-Karami were heard, he said that he was a Colonel Army Officer and the Head of the Anti-Narcotics Division. He said that Abd al-Hamid 'Ammar Uhida, the assistant of Abdullah al-Senussi, called him and requested a quantity of these pills. From what he understood, the pills were going to be distributed to the battalions since they influence their users by pushing them towards despicable acts. Since he knew that these pills were dangerous and would kill people, he set up a plan to get rid of these substances; he requested the Director of the Administrative Affairs Department at the Anti-Narcotics Division Colonel Muhammad al-'Ubaydi to prepare and send him a technical report stating that a gang intended to attack the headquarters of the Agency in order to take the narcotics and he would write in the margin of the report that the load should be disposed of. The report came in and he wrote in its margin that a committee should be formed to get rid of the hallucination pills stored at the Division. So they were burnt and he had to answer many questions and address many protests in this regard. He added that Abdullah al-Senussi used to distribute these substances to Gaddafi's battalions because his Office Director Abd al-Hamid 'Ammar was the one to request the substances and he once asked him in a phone call to look for a source that sells such narcotics. When the statements of the citizen Muhammad Ahmad Rahuma were heard, he said that he serves as the Director of the Medical Services Department at Tripoli Medical Center and that he brought many members of Gaddafi's battalions to the hospital. The nursing staff would inspect these persons to note down their belongings; hallucination pills were caught with most members, namely [illegible] and other types of drugs. He knew from his work experience that these pills numb their users to fear and therefore push them towards unconscious and despicable acts. He added that most of the cases that used to come in were in an abnormal condition, some in their underwear and uttering indecent words, which proves that they used these substances. They reported this problem to the Chairman of the Internal Security Agency.

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Grounds of Judgement

1. Whereas it has come to the knowledge of the Court through briefings on public affairs that Defendant No. 1 Sayf al-Islam Muammar Gaddafi said during one of his trial sessions before the Court of Appeal in al-Zawiyah, Zintan Criminal Circuit, that he wishes to be prosecuted in that city. Therefore, his non-appearance before the Court was the result of his own free will and his belief that his jailers do not have jurisdiction, as was mentioned by the Director of the Judicial Police in his Letter No. 8-9-1648 dated 14/4/2015 AD attached to the case file. Therefore, he is deemed a fugitive from justice. Whereas the Court decided in the session held on 16/4/2015 AD to proceed with the case in his absence. Therefore, based on the above and in conformity with Article (211) of the Code of Criminal Procedure, a judgement in absentia shall be issued regarding the accused as described in the Statement. Whereas the Court concluded, upon inspection of other case records, that the charge of sabotage and arbitrary killing with the intent to undermine national security brought against the accused Sayf al-Islam Muammar Gaddafi, since he provided financial support to Gaddafi's battalions that killed the Libyan people, is established against the accused based on the statements of Defendant No. 3 al-Baghdadi al-Mahmudi. The latter told the Public Prosecution that the accused Sayf al-Islam came to his office and told him he was not going anywhere until he disburses the required cash to security services. Afterwards, Defendant No. 3 instructed Uthman al-Da'iki to receive an amount of 50 million LYD as petty cash, a part of which was transferred to the account of the 32nd Reinforced Brigade due to the intervention of Defendant No. 1, who called his brother (Khamis) in front of him and told him "Send your group to receive what is required". The accused Sayf al-Islam Gaddafi also asked him to disburse an amount of money to (Muhammad Bashir) in order to meet the requirements of the security services. The charge is also proven against the accused based on the testimony of Major General al-Hadi Ambirish, who said in his testimony before the Public Prosecution that Defendant No. 1 Sayf al-Islam provided financial support via his assistants to the Intelligence Services and security forces in addition to military supplies. The charge is also proven against the accused based on the testimony of Muhammad Jum'a Sa'd, who said that Defendants Nos. 1 and 2 used to instruct Muhammad Bashir Sa'd to disburse funds to people who smuggled weapons and vehicles into Libya to suppress the Revolution. He also said that Abd al-Rahim al-Farjani and Ahmad Abd al-Salam received funds from Muhammad Bashir Sa'd based on the instructions of the accused Sayf

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al-Islam to bring vehicles, bulletproof vests, night vision binoculars, weapons and ammunition. The charge is proven against the accused based on his confession that he was responsible for the funds referred by Defendant No. 3 to an account at the Central Bank of Libya used by Muhammad Bashir Sa'd to withdraw money and that he disbursed those funds to the African mercenaries. Whereas the testimonies of the witnesses and the confessions of the accused prove that he was involved in funding soldiers, security services and mercenaries and bringing in weapons, ammunition, vehicles and other military equipment in order to suppress the Libyan people rebelling against his father's regime, which he thought would be delegated to him; therefore, he believed that he might not have the chance to rule the country because of the uprising. Whereas the accused knew that providing financial support to the armed groups and African mercenaries allows these forces to pursue their brutal war against the Libyans, which happened in fact, as many cities were ruined and people were killed because of these forces that were supplied with funds and ammunition by the accused. Therefore, this charge is proven against the accused with all its evidence and elements. Whereas the charge of sabotage and arbitrary killing was brought against Defendant No. 1, since he brought in and equipped mercenaries to fight the Libyan people. This charge is proven against the accused based on the statements of Defendant No. 4 (Mansur Daw Ibrahim), who told the Public Prosecution that the accused Sayf al-Islam and Abdullah al-Senussi supervised the Africans whom he brought from the Zaghawa, al-Qar'an and al-Mahamid tribes and held meetings with Khalil Ibrahim, the leader of the Sudanese Justice and Equality Movement and he personally attended part of these meetings at the the Rixos Hotel, which aimed to equip Khalil Ibrahim's forces and distribute them to the battle fronts in Misratah and the Western Mountains. The charge is also proven against the accused based on the confession of Defendant No. 2, who told the Public Prosecution that Sayf al-Islam was monitoring the recruitment of mercenaries. The charge is proven against the accused based on the testimony of al-Hadi Ambirish, who told the Public Prosecution that Sayf al-Islam met more than once with Khalil Ibrahim at al-Mahari Hotel in Tripoli for coordination purposes to bring in mercenaries and that large numbers of mercenaries were indeed recruited and fought at the Western Mountains while the Room was arming them. The charge is proven against the accused based on his confession that he disbursed funds on the mercenaries brought by Khalil Ibrahim, Muna Mannawi and Abd al-Wahid Nur. Whereas all the above-mentioned evidence prove that Defendant No. 1 brought in, equipped and armed African mercenaries and dispatched them to the battle fronts

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in Misratah and the Western Mountains in order to fight the Libyan people opposing his father's regime. Whereas the accused knows given his education and political status that hiring mercenaries to fight the people is not only an unpatriotic act but also a criminal one under the law and that these mercenaries, who are professional at killing, would kill Libyans. Whereas it was indisputably established by the aforementioned testimonies that the mercenaries entered the battle fronts in Misratah and the Western Mountains and fought the residents of these areas, committing widespread killings and wreaking havoc. Therefore, this charge is proven against the accused with all its evidence and elements.

- Whereas the charge of instigating civil war, dismantling national unity and seeking to divide the people brought against Defendant No. 1 is established against him based on his confession that he met with the tribes' youth in order to lift their spirits and some of these meetings were broadcast on radio stations. This charge is also proven against him based on the statements of Ali al-Zubaydi, Taurgha's Commander of Operations, who said in his testimony before the Public Prosecution and his testimony before the Association of Human Rights Activists for the Documentation of War Crimes, which is attached to the case file, that on 27/3/2011 AD, Sayf al-Islam Gaddafi called him and asked him to attack Misratah saying "You must enter Misratah because its residents perceive you as inferior. They perceive you as slaves. You've been following them for years while they deprived you of everything, so this is your chance to take revenge and recover your violated rights from Misratah's people". The witness added that the acts committed by Taurgha's volunteers, i.e. looting, sabotage, arson, kidnapping, killing and rape, were incited by Sayf al-Islam. The charge is also proven against the accused based on the testimony of Milad al-Ashikih, who told the Public Prosecution that he was assigned work in Taurgha's security zone and that he didn't know the accused Sayf al-Islam; however, he was once with Colonel Ali al-Zubaydi when the latter received a call from Sayf al-Islam Gaddafi instructing him to move towards Misratah and arrest and kill the people of Misratah, whom he described as rebels. The witness added that lootings, killings and acts of sabotage were committed by the volunteers under his command. The charge is also proven against the accused based on the testimony of the citizen Kamal Abu al-Qassim al-Kikli, who told the Public Prosecution that he saw and heard the accused Sayf al-Islam

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in Abu Salim say "Follow me to Bab al-'Aziziya because I'm counting on you" while Abu Salim's residents were cheering around him. Then he returned another time and his driver unloaded an AK-47 ammo box and distributed its contents to the volunteers. The charge is proven against the accused based on the testimony of the citizen al-Mahdi Abdullah al-Khazimi, who said in his testimony before the Public Prosecution that the accused Sayf al-Islam was inciting people while he was in Bani Walid to fight the rebels and kill the supporters of the 17 February Revolution and torch their houses, saying, "This belongs to rats". Whereas all the aforementioned evidence prove that the accused committed crimes of sabotage, killing, instigating civil war and dismantling national unity. Whereas the accused knows full well that inciting the residents of the regions supporting his father's regime to attack anti-regime regions and inciting and arming a category of pro-regime citizens to attack anti-regime citizens are legally prohibited and criminalized because such acts undermine civil peace, wreak havoc in the country and lead to killings. Whereas the accused has undisputedly revived old conflicts and grudges between the people and created new rivalries between the residents of the Libyan cities and regions, given the atrocities committed by the volunteers under his command as a result of his incitement, such as killings, rape, kidnapping, looting funds, sabotage and house torching, all of which targeted the residents of rebel cities. Therefore, this crime is established against the accused with all its evidence and elements.

- Whereas the sabotage and arbitrary killing crime brought against the accused since he used tugboats, speedboats and boats to booby-trap ports, attack aid vessels and bomb antennas, is established against him based on the statements of Defendant No. 10, Mundhir al-Ghanimi, who told the Public Prosecution that he commissioned boats and tugboats, based on the instructions of Sayf al-Islam Gaddafi, to sail towards the Port of Misratah in order to intercept aid vessels so as to prevent them from accessing the city and to eventually besiege the city. The charge is proven against the accused based on his confession that he instructed the accused Mundhir al-Ghanimi to commission boats and tugboats in order to execute combat missions in front of the Port of Misratah and the Port of Benghazi so as to intercept aid vessels and weapons-loaded tugboats and bomb the antenna of Misratah Local Radio Station. The charge is also proven against the accused based on the testimony of Tariq Ahmad Bin Ghazi, who said in his testimony before the Public Prosecution that he was assigned the mission of

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navigating the tugboat Inqad (1) to the coast of Azriq in Misratah in order to bomb the antennas of Misratah Local Radio Station. Whereas the fact that the accused issued instructions to dispatch boats and speedboats after supplying them with weapons in order to intercept aid vessels heading towards the besieged cities, such as Misratah and Benghazi, during the Libyan Revolution is deemed a criminal act because the accused thereby deliberately cut off food and medication to the residents of these cities as a way of revenge and punishment. Whereas the accused knew that his acts would necessarily entail arbitrary killings and havoc in the besieged cities. Therefore, this crime is established against the accused with all its elements. Whereas the sabotage and arbitrary killing charge brought against Defendant No. 1, since he incited the arbitrary shelling of rebel cities, is proven against the accused based on the testimony of (al-Hadi Ambirish) who said before the Public Prosecution that Sayf al-Islam used to come to the Security Room and instruct them to control the country; he also instructed his brother Khamis to control al-Zawiyah and was monitoring the operations. The charge is proven against the accused based on the statements of Defendant No. 4, Mansur Daw Ibrahim, who said that the accused Sayf al-Islam used to attend the meetings of the Higher Security Committee and issue instructions to combat units. The charge is also proven against the accused based on the testimony of the witness Nasir al-Hassuni, who told the Public Prosecution that the accused Sayf al-Islam was responsible for managing all types of operations. The charge is also proven against the accused based on his confession before the Prosecution that he was monitoring the operations and giving instructions. The charge is also proven against the accused based on the testimony of the witness Abd al-Haq Abd al-Salam al-Sharif, who said that the accused was always present at the headquarters of Mohammed Magariaf Battalion, monitoring the operations in al-Brigah, the Western Mountains, Misratah and al-Zawiyah and giving instructions; he also used to tell the Battalion Commander "al-Barani, do as we tell you". Whereas the testimonies of the witnesses and the confessions of the accused prove that he played an inciting role and gave instructions and orders to the military units and armed groups that were fighting the Libyan people in al-Brigah, the Western Mountains, Misratah and al-Zawiyah. Whereas all these regions were indisputably besieged and bombed with all types of heavy weapons, such as tanks, Grad rocket launchers, rocket launchers and mortar shells, which destroyed the infrastructure of the cities and killed and displaced its civilian unarmed residents. Whereas the accused knows that besieging inhabited cities and inciting their bombing

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will lead to the arbitrary killing of people and the sabotage of cities. Whereas the accused committed this act for political reasons in order to take revenge on the residents of these cities because they defected from the regime. This charge is proven against the accused. Whereas the sabotage and arbitrary killing charge brought against the accused, since along with the second and sixteenth fighter aircraft he would strike civilian targets and drop prohibited mines, is established against the accused based on the testimony of Mukhtar al-'Arabi al-Ja'fari, al-Qurdabiya Air Base Commander, who said in his testimony before the Public Prosecution that two (Sukhoi) jet planes loaded with 250-kg bombs were tasked from al-Qurdabiya Air Base in order to bomb Benina Airport and the mission was executed. Two helicopters were also tasked with striking the antennas of Misratah Local Radio Station and Defendant No. 1 called him and inquired why the aerial bombing stopped. The charge is also proven against the accused based on the testimonies of the victim Muhammad Uthman al-Mahruq and Muhammad Nuri al-Sharif, which are recorded in the evidence collection report prepared by the Military Intelligence Services in Misratah. The witnesses said in their testimonies that they sustained serious injuries because mines were dropped from a helicopter over the Port of Misratah and blew up beneath their car while they were guarding the port. The charge is also proven against the accused based on the testimonies of the citizens Muhammad Faraj 'Uwayn and Sa'id Muhammad Qusaybat, which are recorded in the same evidence collection report. The witnesses said they were at the port when they heard the sound of a helicopter overhead then an explosion followed by another and when they came to the explosion site, they found the victim Faysal al-Mahruq severely injured. Muhammad al-Sharif was also hit by shrapnel in his right foot and chest. Then they knew that a helicopter for Gaddafi's regime with the Red Cross logo dropped the mines over the port. Whereas the testimonies of the witnesses prove that military aircraft struck civilian targets such as airports, seaports and the radio, using bombs, missiles or dropped mines. Whereas the accused Sayf al-Islam was an accomplice to the crime since he agreed to commit this act and incited others to that end based on the testimony of the witness Mukhtar al-'Arabi al-Ja'fari, who said that Sayf al-Islam called him and inquired why the aerial bombing stopped. Whereas the accused knows that using military aircraft to strike civilian targets is a criminalized act under the law since it causes the destruction of national infrastructure and people's properties and the arbitrary killing of workers at such utilities. Whereas the use of aircraft caused the destruction of

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these utilities and injured their workers, which represents the sabotage and arbitrary killing crime. Whereas the accused was an accomplice to the crime since he agreed to commit this act and incited others to that end. Therefore, the charge is proven against the accused. Whereas the sabotage and arbitrary killing charge brought against Defendant No. 1 given his involvement in booby-trapping a number of vehicles in order to execute remote-controlled explosions, is established against him based on the confessions of Defendant No. 2, Abdullah al-Senussi, who told the Public Prosecution that the accused Sayf al-Islam called him and asked him to appoint a technician with wide expertise in booby-trapping and blowing up vehicles, so he instructed Abd al-Hamid 'Ammar to look for a technician or two for that purpose and send them to Abd al-Salam Hassan and knew later on that a vehicle was blown up in front of Benghazi's Tibesti Hotel. This charge is also proven against the accused based on the confessions of the accused (Jamal Hamida al-Shahid, Abdullah al-Sha'lani and Muhsin al-Lamuji), who admitted that they booby-trapped a number of cars by placing explosives in their cavities. Whereas the testimonies of these witnesses prove that Defendant No. 1 was involved in preparing and booby-trapping a number of vehicles to blow them up with the intent to kill the largest number of people in revenge given their political stance, to undermine national security and wreak havoc in the country. Whereas it has been unanimously acknowledged theoretically and practically that complicity to a crime is established when all the parties to the crime intend to commit the agreed-upon act or when a behavior leads to such act. The Supreme Court judgement in Criminal Appeal No. 645 of Judicial Year 39 shall be reviewed in this regard. It has also been established that the subject matter shall hear the confession of another accused and deem it conclusive evidence if convinced of its validity. Criminal Appeal No. 12 of Judicial Year 40. Whereas Defendant No. 1 is the one who requested Defendant No. 2 to look for technicians in order to booby-trap and blow up a number of vehicles. Therefore, he is an accomplice to the crime. Whereas there is no evidence of perjury by Defendant No. 2, his confessions regarding Defendant No. 1 are admissible to the Court. Whereas the accused undoubtedly knows full well that booby-trapping and blowing up vehicles is a serious war crime entailing sabotage and arbitrary killing. Whereas the accused committed this crime despite knowing all the above-mentioned facts, the crime is proven against him. Whereas the charge of conspiracy by agreement, incitement and contribution to the deliberate killing of protesters in Tripoli and Benghazi brought against Defendant No. 1, was proven with all its elements and evidence based on his explicit confession before the Public Prosecution

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that at the beginning of the protests in Tripoli, he met the leaders of the military units in Mohammed Magariaf Battalion, including Colonel Ali al-Zubaydi, al-Zawwam al-Saklul and others, and asked them to go out to Green Square in order to suppress the protests. A force was established to that end and provided with (14.5") machine-gun-mounted vehicles. The force opened fire on the protesters for two hours. This charge is also proven against the accused based on the testimony of the witness (Khalid Abd al-Haq al-Sharif) — the Director of the Office of (Mohammed Magariaf) Battalion Commander, Major General (al-Barani Ashkal) — who said in his testimony before the Public Prosecution that Defendant No. 1 (Sayf al-Islam), on the day news spread about Muammar Gaddafi's escape to (Venezuela), came to the headquarters of the Battalion and requested to meet the commanders of the Battalion's legions, i.e. Colonel Rahil [*illegible*], Colonel Bil'id Gaddafi Ali Ibrahim, Colonel Ali al-Zubaydi and Colonel al-Zawwam al-Saklul. He asked them to head out to Green Square in order to suppress the protests. The force was readied and the witness saw (14.5") machine-gun-mounted vehicles commanded by Colonel Bil'id Gaddafi Ali Ibrahim, the Air Defense Commander, and shortly after the force left the battalion's headquarters, gunshots were heard for two hours. The charge is also proven against the accused based on the testimony of the witness (Nasir al-Hassuni), who said in his testimony before the Public Prosecution that on 17 February 2011 AD, thousands of people gathered and started demanding the overthrow of the regime in Benghazi and came under fire by armed groups in yellow hats. He heard Defendant No. 2 tell the armed men (Throw the dogs) and fire was opened on protesters at Geliana Bridge. The witness added that he's been a friend of Defendant No. 1 since 2006 AD and that Defendant No. 1 called him and asked him to get ready for confrontation. He also informed him that they distributed the weapons. The witness asserted that the accused Sayf al-Islam ordered that weapons be received from Al-Fadil Bu 'Umar Battalion and distributed to kill the protesters. The charge is also proven against the accused based on the testimony of the witness Hamid Abdullah Baraka al-'Azumi, who said before the Public Prosecution that he is the Director of the Internal Security Division in Benghazi, that he was with Abdullah al-Senussi and Mansur Daw during the confrontation with the protests that broke out on 17/2/2011 AD and that he heard the second and fourth accused talk via a satellite-linked (SSR) installed on the vehicle carrying the accused Abdullah al-Senussi; Defendant No. 2 informed the accused

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Sayf al-Islam that the situation is bad and Defendant No. 4 requested a prompt military intervention from Sayf al-Islam. Sayf al-Islam answered them both saying "Shoot at everything in front of you". Gunshots were fired at the protesters at the Benghazi Gallery and al-Sakabili, Sidi Husayn, killing and injuring many protesters. The charge is also proven against the accused based on the testimony of Musa Abd al-Jawad al-Badri, Al-Fadil Bu 'Umar Battalion Commander, who said in his testimony that since the early days of the protests, the accused Sayf al-Islam Gaddafi would call him and order him to dispatch the battalion to the street in order to crush the protests and open live fire on the protesters. The charge is proven against the accused based on the lists of people who were killed during the protests in Tripoli, starting with the name of the citizen Salih Khalifah Khalaf Allah recorded under No. (1) and ending with that of the citizen Siraj al-Din Ali Muhammad Murad recorded under No. (155). Among the names included in these statements are for example those of the following citizens: Hisham Misbah Taniba, 'Asim Abd al-Nabi Sa'd Ramadan, Muhammad al-Zaruq Qanbur and Hamza Ramadan al-Halluj. The charge is also proven against the accused based on the lists of people who were killed in Benghazi, starting with the name of the citizen Naji Jum'a al-Kawafi recorded under No. (1) and ending with that of the citizen Salih Miftah Bu Qashat al-'Arabi recorder under No. (107). Among the names included in these statements are for example those of the following citizens: Muhammad Salim Abu Janah, Faraj Ali al-Warfali, Muhammad Ahmad al-Safrani and Mir'i Ali al-Farjani. Whereas the victims' medical reports, which are attached to the case file, prove that they were all killed due to gunshot wounds in various parts of their bodies such as the head, the chest and the belly.

- Whereas the accused, given his education and his status as the son of the country's ruler, knows that the right to peaceful protest is one of the basic human rights in this era, guaranteed by all international law and charters. He also knows that issuing instructions to counter and shoot the protesters might unjustly lead to their arbitrary killing. Whereas the accused, despite knowing all these facts, incited others and gave them explicit instructions to counter, crush and open fire on the protesters. Whereas such incitement and orders led to killing hundreds of unarmed protesters who took to the streets demanding freedom and good governance, which are legitimate and rightful demands. Therefore, the crimes of sabotage, arbitrary killing and deliberate killing

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are established against the accused with all their evidence and legal elements, which requires him to be convicted. Whereas the charge of incitement, contribution and agreement to kill the protesters was brought against the accused since he mobilized armed groups from Tarhunah, Bani Walid, Abu Salim and Sirte, supplied them with weapons and ordered them to kill whoever opposes his father's regime. This charge is proven against the accused based on the testimony of 'Isam Jum'a al-Wirshfani, who told the Public Prosecution that he was in the company of youth from Abu Salim and Sayf al-Islam showed up when they were at the entrance of Bab al-'Aziziya. A group of civilian cars driven by Libyan youths without license plates arrived. The cars were carrying young men whose hands were tied up and who were being beaten by the men who brought them in the presence of the accused, who ordered his guards to shoot them, saying "Those are worthless rats". The witness asserted that he saw the corpses strewn on the ground for more than two hours and that Sayf al-Islam is the one who ordered their killing. The charge is proven against the accused based on the testimony of the citizen Sami Muhammad Abu al-'Id, who said in his testimony before the Public Prosecution that he was standing at a fruit shop on the Airport Road when Sayf al-Islam showed up, opened the door and started greeting the men "Hi, hope everything is good now that you're armed. As for those who have yet to be armed, follow me to Bab al-'Aziziya.". The charge is also proven against the accused based on the testimony of the citizen 'Azzam Abdullah Sasi, who said in his testimony before the Public Prosecution that on 17 and 18 Ramadan 2011 AD after the afternoon prayer, Sayf al-Islam got out of Bab al-'Aziziya and started addressing the people "These are rats just like al-Qaeda. You should defend your land". Then they started to distribute weapons. The witness added that he once saw and heard Sayf al-Islam say in reference to a group of corpses strewn on the ground (These are rats). The charge is also proven against the accused based on the testimony of the citizen al-Mahdi Abdullah al-Khazimi, who said before the Public Prosecution that the accused Sayf al-Islam was inciting people to kill the rebels in Bani Walid and the supporters of the 17 February Revolution. He also instructed his aides to kill any person at the northern entrance to Bani Walid from al-Manasilah, al-Khawazim and al-Da'ka tribes, because they hosted the rebels. The charge is also proven against the accused based on the testimony of the citizen 'Amir al-Sa'idi Khalifah, who said before the Public Prosecution that his brother was treacherously killed by Gaddafi's battalions at the command of the accused Sayf al-Islam, whom he saw standing

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on top of a house and saying "This belongs to rats" while the volunteers were torching the house. The same facts were mentioned by the following witnesses: al-Mabruk al-Khazimi, Muhammad Husayn al-Da'iki and Muhammad Salih al-Majdub. Whereas all these testimonies prove that the accused mobilized groups of young men belonging to certain regions and tribes, armed and incited them to kill the people who oppose his father's regime. He also instructed his aides to kill the detained persons and leave their corpses strewn by the side of the road. Whereas the accused knows full well that these acts are ethically condemned, prohibited and criminalized under the law and are "dirty work". Where the accused committed this act for political reasons in order to take revenge of those who opposed his father's regime, which he thought would be delegated to him. Whereas due to the incitement of the accused and his orders, the groups that he had mobilized killed regime opponents. Therefore, this crime is proven against the accused with all its evidence and elements.

Whereas the charge of conspiracy by incitement and agreement to rape others as a method to extinguish the Revolution is established against the accused based on the testimony of Dr. (Muhammad 'Umar al-Muhayshi), a gynecologist at Misratah Central Hospital, who said in his testimony before the Public Prosecution that the field hospital in al-Zawiyah al-Mahjub received dozens of rape cases and he treated 34 of these cases; he examined the raped women at al-Nur Hospital, including two twin girls who were raped and one of them got pregnant as a result. He also treated another woman who was raped before the eyes of her children and a girl from Azriq who was anally raped, which caused a tear in her rectum and led to urinary incontinence. The witness also said that he performed abortions on a number of raped women after a group of Sheikhs from Misratah, namely (Sheikh 'Umar al-Bibi and Sheikh Muhammad Jaba'ur) issued a Fatwa whereby they authorized abortions for raped women. Based on this Fatwa, the witness performed abortions by injecting these women with (Misoprostol). The witness added that he saw some members of Gaddafi's battalions who were caught confess to rape crimes, including a person from Gharyan who confessed that he raped four women based on the instructions of Colonel Ali al-Zubaydi. The witness finally said in his testimony that he saw many rape videos kept by the members of the battalions on their mobile phones and destroyed by the rebels for social considerations. The charge is also proven against the accused based on the testimony of the victim (Thurayya Muhammad Abd al-Karim), who said in her testimony before the Public Prosecution that she was raped

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by a soldier called al-Hamali Husayn Gaddafi and another called 'Isam al-Wahishi and that the first man filmed the rape and she heard him say that he would show the video to Eng. Sayf al-Islam so that he would get a (Chevrolet). The charge is also proven against the accused based on the testimony of the victim Maryam Shayyub, who said in her testimony that she was arrested and raped in the detention center and she saw a 13-year-old girl who was detained with her mother being raped by inserting a (Pepsi) bottle in her vagina and she knew that the girl was the daughter of the citizen (Faraj Umayma) from Misratah. The charge is also proven against the accused based on the testimony of the victim Rabab Abd al-Rahman Halab, Najah Yunus al-Hawash, Fayruz Khalifah Mas'ud, Najwa Abd al-Hamid and Najat al-Kabir, who all testified that they are from Zuawarah and were raped by Gaddafi's battalions. The charge is also proven against the accused based on the statements of the soldier Senior Corporal Husayn Abd al-Qassim al-Mabruk, who said in his testimony before the Association of Human Rights Activists that he is part of the Bani Walid Guards Brigade and that on 28/4/2011 AD, he was assigned along with a group of military men by the Brigade Commander Brigadier Muhammad Husayn Abu Zayd a military mission in Misratah and while they were at Tripoli St., a group of soldiers seized the property of people and committed rapes. Among those who committed rape is the soldier Usama 'Ammar 'Uraybi who was caught kneeling over a girl he threw on a bed while she was shouting with her private parts exposed. The charge is also proven against the accused based on the statements of the soldier Salah Mustafa Abdullah al-Shushan, who said in his testimony before the Association of Human Rights Activists, whose report was attached to the case file and documented in the CDs related to the case, that he is a member of the Military Units' Infantry Division and that they were instructed to move to al-Dafniyah. Once there, they ran out of supplies and complained about the matter to Brigadier al-Qasi and his aide Major Akram, who said they would bring food from the residents; at night, they went in three cars and brought food from the residents. On the following days, they went out with Brigadier al-Qasi and his aide Major Akram at night and raided houses. Brigadier al-Qasi instructed them to rape the girls and he instructed him personally to rape a girl, so he threw her on the ground, knelt over her and inserted his penis in her vagina while she shouted. Brigadier al-Qasi and Major Akram also raped two girls whose shouting was heard from outside the room. Salih al-Dawi did the same.

- Whereas these testimonies irrevocably prove that rape was adopted as a method in the war launched by

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Gaddafi's regime against the Libyan rebels and to punish rebel cities. It was an agreed-upon and undisclosed policy adopted by regime figures handling the war against the people within the Supreme Security Operations Room, where the accused Sayf al-Islam had the final say, as previously mentioned by the witnesses, who said that he was the one who issued instructions and commands to the commanders of the battalions and armed groups that invaded the Libyan cities such as Zuwarah, al-Zawiyah, Misratah and other cities where atrocities were committed, including rape. Whereas the accused knew given his political status that these are war crimes and that rape is ethically condemned, prohibited and criminalized under the law. Whereas the accused incited and approved rape, the proof of which is that one of the assailants, who is a witness, said after filming his crime that he would show the video to the accused Sayf al-Islam so that he would get a car in return. Therefore, this crime is established against the accused and requires him to be convicted.

- Whereas upon inspection of the rest of the charges brought against the accused by the Public Prosecution, which were not discussed by the Court in the grounds of judgment, the Court found that some were described with the previous charges and others were committed along with the crimes discussed by the Court in one criminal impulse and in execution of the same criminal tendency. Therefore, based on the aforementioned and pursuant to Article (211/76) of the Penal Code, the Court deemed these crimes an integral part of the discussed crimes and decided to impose the penalty for the most serious crime as punishment for all the crimes committed by the accused. Whereas the Court found that the accused committed all these crimes as described in detail in the grounds of judgment, the accused shall be convicted as established by the Statement based on the above and pursuant to Article (277/2). Whereas regarding the penalty, the accused committed a large number of serious crimes, since he ordered and incited the killing of the protesters, mobilized armed groups to that end and supplied them with weapons, provided financial and material support to the armed groups that were fighting the people, brought African mercenaries to fight his compatriots, ordered that cities be besieged and arbitrarily bombed with heavy weapons and incited tribal dissension. He also ordered that sea ports be besieged, incited rape in the besieged cities and approved such policy, ordered that civilian facilities be struck by military aircraft in addition to other crimes, all of which aimed to undermine national security, wreak havoc and exact revenge on the Libyan people who defected from the regime, which the accused thought would be delegated to him after his father since he told Defendant No. 4

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"This seat is mine". Whereas the crimes committed by the accused irrevocably prove the danger he represents given his serious propensity for crime and his willingness to kill people in order to preserve what he thinks belongs to him. Whereas the accused committed his crimes within an organized methodical framework, was aware of the seriousness and consequences of his acts and sought to achieve these consequences, i.e. sabotaging cities, performing arbitrary killings and wreaking havoc in the country. Therefore, the Court has no choice in this case and pursuant to the articles of indictment and Article (28) of the Penal Code but to punish the accused by the death penalty as worded in the dispositive portion of the ruling.

2. Whereas the sabotage and arbitrary killing charge brought against Defendant No. 2 (Abdullah Muhammad al-Senussi 'Amir) is proven in all its aspects, since it was proven that he brought in mercenaries, formed armed tribal groups and supplied them with weapons, brought in and distributed drugs, ordered the booby-trapping of vehicles in order to blow them up, incited the arbitrary bombing of cities and provided financial support to the armed groups. Regarding the recruitment of mercenaries, this charge is proven against the accused based on the statements of Faraj Muhammad Abu Ghaliya, who told the Public Prosecution that mercenaries were brought in by Abdullah al-Senussi. This charge is also proven against the accused based on the statements of Abd al-Hamid 'Ammar, who told the Public Prosecution that Abdullah al-Senussi was handling the recruitment of mercenaries via 'Umar Hanish and he tasked Abd al-Majid al-Mazughi to go to Khalil Ibrahim and his group of mercenaries in Kiklah in order to deliver 1,000 LYD to each mercenary. The charge is proven against the accused based on the statements of the accused Mansur Daw Ibrahim, who told the Public Prosecution that a group of Africans from the Zaghawa, al-Qar'an and Mahamid tribes were readied; they were handled by Abdullah al-Senussi and directed in part to al-Dafniyah and al-Zawiyah. The accused also met with Khalil Ibrahim, the leader of the Sudanese Justice and Equality Movement, to discuss the matter of equipping and distributing forces across the Misratah front and the Western Mountains. The charge is also proven against the accused based on the testimony of 'Uthman Idris al-Tahir, Iko Muhammad Bashir and Muhammad Salih Sulayman, who are all Chadians and affiliated with the Justice and Equality Movement in Darfur. They said in their testimonies before the Public Prosecution that they came to Libya from their bases in Darfur in

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(Lancruisers), armed with various weapons, such as rifles, rocket launchers, Dushkas and (14.5")-machine guns, and were instructed to fight alongside Gaddafi's battalions in al-Dafniyah. Whereas the testimonies of the witnesses prove that the accused Abdullah al-Senussi is involved in bringing in and equipping mercenaries, as well as arming, funding and pushing them to fight the Libyan people in the Western Mountains, al-Zawiyah and Misratah. Whereas the accused knows full well given his position and political status in the country that hiring a foreign armed group, bringing it to the Libyan territories, arming, funding and dispatching it to the battle fronts in order to fight and kill the Libyans is a criminalized act under the law. He also knows that pushing these mercenaries inside the Libyan cities will result in killings among the Libyan people. It is indisputable that the African mercenaries brought by the accused entered the battle fronts in Misratah and the Western Mountains and fought the residents of these cities, causing destruction and death. Therefore, the sabotage and arbitrary killing charge is proven against the accused. Whereas the charge of acquiring and distributing drugs among the soldiers of Gaddafi's battalions is established against the accused based on the statements of al-Hadi Ambirish, who told the Public Prosecution that the accused Abdullah al-Senussi delivered drugs to the soldiers at the battle fronts based on Muammar Gaddafi's instructions and these weapons were delivered with the weapons. The charge is also proven against the accused based on the statements of Defendant No. 3, al-Baghdadi al-Mahmudi, who said in his testimony before the Public Prosecution that drugs were called courage pills during the Revolution and that they were handled by Abdullah al-Senussi, who received an amount of 4 million LYD in order to purchase these substances from neighboring European countries and distributed them to the battle fronts. This charge is also proven against the accused based on his own confession that he ordered the distribution of drugs according to Muammar Gaddafi's instructions; he delivered two boxes of drugs to Defendant No. 4 Mansur Daw, a box to Lieutenant-General Ali al-Fituri and two boxes to Lieutenant-General Yusuf Abu Hajar. This charge is also proven against the accused based on the testimony of Colonel Ali al-Zubaydi, who told the Public Prosecution that he was Taurgha's Commander of Operations and that at the end of February 2011 AD, two Colonel Officers from the Intelligence Services came to him from Taurgha and gave him two boxes. They told him the boxes were sent by Abdullah al-Senussi and contain a large amount of courage pills that should be given to the fighters.

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Four days later, the officer in charge of the restaurant (Shatiba) knew that hallucination pills were dissolved in the tea thermos and that Abdullah al-Senussi called him and inquired about the two boxes, so he told him that he delivered them to Major Hamid Abu Zataya. The charge is also proven against the accused based on the testimony of Milad al-Ashikih, the commander of Taurgha's legion of volunteers, who said that two officers came to Ali al-Zubaydi, gave him two boxes of drugs and told him that Abdullah al-Senussi sent them in order to distribute them to the volunteers. He added that these substances were distributed to the commanders of the volunteers and he received an amount thereof. The charge is also proven against the accused based on the testimony of Ibrahim al-Sid al-Lusha, who said in his testimony before the Public Prosecution that he was a soldier in the 32nd Reinforced Brigade and while he was at the camp, he saw Muhammad Mansur bring large amounts of drugs, i.e. (Tramadol, Rush and "Wadi al-Dhi'ab") pills, which he personally used. He saw large amounts of drugs piled up inside cardboard boxes in the weapons' storehouse. The witness finally said that these substances plunge their user into a state of unconsciousness, the proof of which is that he killed the prisoners on 20/8/2011 AD by throwing hand grenades inside the prison of the Yarmuk camp, resulting in the death of all prisoners, who amounted to 60. The charge is also proven against the accused based on the testimony of 'Atiya Mujahid Gaddafi, who told the Public Prosecution that he was a soldier in al-Sa'idi Battalion and that during their presence at Wadi al-Ahmar, the services' company of Colonel Muhammad al-Senussi distributed oval-shaped pills and the soldiers used them and knew later on that it is the (Amitriptyline) drug. The pills caused muscle spasms, insomnia and aggressiveness among the soldiers and were given to them on a daily basis until they became addicted to them. The soldiers used to request the pills via wireless devices using the expression "The army wants dates". The witness added that another drug known among the soldiers as ("Sa'qawiyyat") was delivered to them and had a number of effects, such as strength and endurance boosting, and that he couldn't sleep for ten days because he used this drug, then he slept for two days afterwards. This charge is also proven against the accused based on the testimony of Colonel Isma'il al-Karami, who told the Public Prosecution that he served as Head of the Anti-Narcotics Agency and that at the beginning of March 2011 AD, he received three containers filled with

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Tramadol through al-Khums Port. He added that large amounts of this drug were ordered by the Security Operations Room at the Intelligence Services and he is convinced that these substances were distributed to battalion members to kill the Libyan people. This charge is also proven against the accused based on the judicial expert reports of the Forensic Medicine Department and the sample examination analysis related to the substances caught with the dead and injured members of Gaddafi's battalions and at their stations. These reports proved that the seized pills are the (Tramadol) drug and the oval-shaped pills are the [illegible] drug listed under Item (109) of Table (2) on psychotropic substances attached to Law No. 7 of 1990 AD on narcotics. The expert proved in other reports that the seized substances referred to examination by virtue of the Public Prosecution's Letters No. 723 of 2012 AD, 725 of 2012 AD and 344 of 2013 AD are psychotropic substances, aphrodisiacs and marijuana. Whereas these testimonies and technical reports irrevocably prove that the accused Abdullah al-Senussi brought in drugs and psychotropic substances and ordered their distribution to the fighters of Gaddafi's battalions and the volunteers' legions so that they would commit killings and other violent acts under the influence such as rape and the bombing of cities. Whereas the accused knows full well, given his position as a security official, that bringing in these psychotropic substances in large quantities and ordering their distribution among battalion members is criminalized under all national and international laws. He also knows that this is an international crime, a dirty war method and an abominable crime given its damaging effect on the user and society as a whole; the user of these substances will commit criminal acts under their influence. Whereas the members of Gaddafi's battalions and the volunteers' legions have undisputedly committed atrocities such as killing and rape under the influence of the substances promoted by the accused as mentioned by the witnesses (Ibrahim al-Sid al-Lusha and 'Atiya Mujahid Gaddafi) and others. Whereas the accused sought thereby to wreak havoc in the country and exact revenge on the people for defecting from the regime. Therefore, the charges of sabotage, arbitrary killing and acquiring and distributing drugs are established against the accused, which requires him to be convicted. Whereas the charge of forming armed tribal groups and legions is established against Defendant No. 2 based on his confession that he issued instructions to form

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tribal legions. This charge is also proven against the accused based on the testimony of 'Umar Tantush, who told the Public Prosecution that he was the Coordinator of the People's Leadership in Wirshfanah and that Abdullah al-Senussi played an active role in mobilizing masses through the coordinators of tribes. This charge is also proven against the accused based on the statements of the accused Milad Salim Daman, who told the Public Prosecution that Abdullah al-Senussi was responsible for the armed groups that were formed and that legions were only formed after coordination with him. He also said that he formed (al-Kaf) legion from Maqarihah and appointed ('Umar al-Sid) as its commander, and another legion from Maqarihah tribe commanded by his son (Muhammad). These groups participated in the fighting in Misratah and al-Brigah. This charge is also proven against the accused based on the testimony of Abd al-Razzaq Faraj al-Farjani, who told the Public Prosecution that he serves as a Company Sergeant in the Intelligence Services and that a (Betina) truck was loaded with a large quantity of various weapons. He added that Hamdan Abu Makhlab accompanied that truck to the house of the accused Abdullah al-Senussi at the end of February 2011 AD and the weapons were distributed to his Maqarihah tribesmen. Whereas these testimonies and the confessions of the accused prove that he formed armed tribal groups from his Maqarihah tribe and other tribes and supplied them with weapons and ammunition in order to fight the Libyan people in rebel cities and regions in support of Gaddafi's regime. Whereas the accused knows, given his status as a senior security officer and his position, that forming and arming tribal groups undermines national unity, revives old rivalries – as was the case between al-Zawiyah and Wirshfanah – and creates new rivalries, as was the case between Misratah and Taurgha. He also knows that this a criminalized act under the law. Despite that, he committed these acts for political reasons in order to exact revenge on the Libyan people in anti-regime areas and mislead the international community into believing that Libya is engulfed in civil fighting. Whereas it is an undisputable fact that the volunteers' legions, since they are undisciplined, oblivious to the laws of war and driven by fierce tribal grudges and blind hatred, committed serious atrocities in rebel areas such as killing, kidnapping, rape, looting, house torching and money theft as was the case in al-Zawiyah, Zuwarah and Misratah. Whereas these acts and crimes were the direct result of the behavior of the accused and his contribution to the formation of these legions. Therefore, the accused committed the crimes of

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sabotage, arbitrary killing, dismantling national unity and inciting civil war attributed to him, which requires him to be convicted. Whereas the sabotage and arbitrary killing charge brought against the accused since he provided financial support to the armed groups and mercenaries is established against him based on the statements of the accused Abd al-Hamid 'Ammar, who said in his testimony before the Public Prosecution that he works at the Intelligence Services and that Abdullah al-Senussi asked him to receive an amount of 5,900,000 USD from Muhammad Bashir Sa'd and deliver it to Muhammad Ghars Allah. He also said that these amounts were delivered to Khalil Ibrahim, the leader of the Sudanese Justice and Equality Movement. He added that based on Abdullah al-Senussi's instructions, he delivered amounts of money to 'Umar Hassan many times, including 600,000 LYD, 80,000 LYD and 100,000 LYD to be disbursed to the vehicles of the mercenaries, their fuel and spare parts as well provisions. He also said that based on the instructions of Abdullah al-Senussi, he delivered 200,000 LYD to Husayn al-'A'ib in order to provide communication devices and equip al-Si'an legion. In addition, based on the instructions of the accused, Abd al-Majid al-Mazughi disbursed an amount of 50,000 LYD on a daily basis to Defendant No. 6, Milad Daman, to be disbursed to patrol members. He also disbursed amounts of money to the owners of the cooperatives that handled the provision of supplies to Milad Daman's group in al-Zawiyah. The charge is also proven against the accused based on his confession that he paid 3 million LYD to Khalil Ibrahim in order to bring in mercenaries to fight alongside Gaddafi's battalions. The charge is also proven against the accused based on the statements of the accused Abd al-Majid al-Mazughi, who told the Public Prosecution that the accused Abdullah al-Senussi tasked him with meeting Khalil Ibrahim and his group of mercenaries in Kiklah to deliver rewards, i.e. 1,000 LYD to each one of them. Whereas the confessions of the accused and the testimonies of the witnesses prove that the accused provided financial support to the members of security services assigned the suppression of protests and the provision of support, supplies and rewards to those members and the volunteers' legions. Whereas the security support provided by the accused to these armed groups enabled them to kill thousands of Libyans and sabotage cities. Whereas the accused knows full well that providing support to the groups of mercenaries and the legions of volunteers fighting the Libyan people is a criminalized act under the law. Despite that, the accused committed this act for political reasons, namely, attacking the State by wreaking havoc and attacking the people. Therefore,

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this charge is proven against the accused, which requires him to be convicted. Whereas the sabotage and arbitrary killing charge was brought against Defendant No. 2 since he conspired by agreement, incitement and assistance to booby-trap a number of vehicles in order to blow them up in Benghazi. This charge is proven against the accused based on the statements of the accused (Jamal Hamida al-Shahid), who said in his testimony before the Public Prosecution that in May 2011 AD, he was summoned by the Chief of the Technical Operations Department, Colonel (Misbah al-Wa'ir) and his assistant (Sa'id al-Gharyani). They both informed him of the instructions of Defendant No. 2 Abdullah al-Senussi with regards to his request to booby-trap a number of vehicles because it's a "battle" as he says. Afterwards, he started booby-trapping a number of vehicles at the headquarters of the Chinese company in al-Serraj, where he booby-trapped along with (Sa'id al-Gharyani, Jamal al-Lamuji and Abdullah al-Sha'lani) five vehicles, the first being a Chevrolet, the second and third a Hyundai Sonata and the fourth and fifth a Double Cabin. They used to place the explosives in the cavities of these cars and he knew that one of the cars blew up next to Tibesti Hotel in Benghazi. He also received a Chevrolet as a reward. This charge is proven against the accused based on the statements of the accused Sa'id al-Gharyani, Jamal al-Lamuji and Abdullah al-Sha'lani, who confessed that they booby-trapped a number of vehicles based on the instructions of the accused Abdullah al-Senussi. This charge is proven against the accused based on the statements of Abu 'Ujayla Khayr, who told the Public Prosecution that he relayed the instructions of Abdullah al-Senussi to Jamal al-Shahid. This charge is proven against the accused based on his confession that he tasked Abd al-Hamid 'Ammar with searching for a technician in order to booby-trap a number of vehicles and he knew that one of the cars blew up in front of Tibesti Hotel in Benghazi. Whereas the testimonies of the witnesses and the confessions of the accused prove his involvement in booby-trapping a number of vehicles to blow them up in Benghazi in order to wreak havoc and kill the largest number of people. Whereas there is no evidence in the case file that these vehicles blew up and that people were killed as a result, the impact of the crime did not materialize for some reason that has nothing to do with the will of the accused, that is, his inability to bring the cars to their final destination and blow them up because of the rebels' control of the country. This means that the crime thereby did not go beyond the stage of preparation of an act seeking sabotage and arbitrary killing. Whereas the accused knows full well given his position as a senior army and security officer and his political status that this crime, i.e. booby-trapping and blowing up public places frequented by people, is a criminalized act of terrorism

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under all national and international legislation given the resulting sabotage and arbitrary killing of innocents. Whereas the accused committed this act for political reasons, the proof of which is that he told Jamal al-Shahid "This is a battle", with the aim to undermine national security and threaten people's safety by wreaking havoc, sowing chaos and murder and misleading the international community into believing that what is happening in Libya is not a Revolution seeking to replace an authoritarian political regime by a good one but the acts of terrorist groups. Therefore, the crime of attempting to booby-trap a number of vehicles in order to blow them up in Benghazi is established against the accused, which requires him to be convicted. Whereas regarding the charge of organizing illegal migration brought against Defendant No. 2. It is established against him based on the statements of Defendant No. 3 before the Public Prosecution. The latter said that the accused Abdullah al-Senussi directly handled and followed up on illegal migration based on Muammar Gaddafi's instructions. The charge is also proven against the accused based on the statements of the accused 'Umar al-Farjani, who said before the Public Prosecution that illegal migration was carried out from the Port of Tripoli and al-Sha'ab Port under the supervision of the accused Abdullah al-Senussi; Africans were sent to Europe in order to pressure the European countries into changing their position regarding the Libyan Revolution. He also said that two boats sank with hundreds of black Africans on board. The charge is also proven against the accused based on the testimony of Officer Munsif Muhammad 'Isa, who told the Public Prosecution that he was the Chief of the Police Center at the Port of Tripoli and that at the end of April 2011 AD, he was informed that a tugboat sank at al-Sha'ab Port because it was overloaded with Africans and the Police Center extracted many corpses. He also knew in May 2011 AD that another tugboat sank and a large number of Africans drowned as a result. The corpses were extracted in a putrid state. The charge is also proven against the accused based on the testimony of the witness Rida Ahmad Muhammad, who told the Public Prosecution that he is a navigation officer at the Maritime Transport Company and that on 24/4/2011 AD, he saw trucks entering al-Sha'ab port carrying Africans, including women and children, who then were forcibly loaded at night onto tugboats and directed to Europe. The witness also saw a tugboat called "Asil" and the army was forcing the Africans to get on board by kicking them. When the cord binding the tugboat to the sidewalk was unfastened, the tugboat capsized. As a result, many Africans drowned and the witness along with another group extracted a number of children. Whereas the testimonies of the witnesses prove that the accused was involved in illegal migration by bringing African men, women and children, forcing them to get on board unequipped tugboats and boats and sending them

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to the European coasts for a political purpose, that is, harm the European countries as punishment for supporting the Libyan Revolution and pressurise these countries into changing their political position. As a result, hundreds of Africans died according to the witnesses and the victims' forensic reports attached to the case file, which indicate death by drowning. Whereas the accused knows full well given his political status that illegal migration is criminalized under national and international legislation and is an internationally prohibited crime. Whereas the accused knows that placing those poor Africans on unequipped boats and sending them into the midst of the sea might cause them to perish, which indeed happened. Despite that, the accused committed this act. Therefore, this crime is proven against the accused with all its elements, which requires him to be convicted. Whereas the charge of using aircraft to strike civilian targets and drop prohibited mines was brought against the accused. It is established against him based on the testimony of Mukhtar al-'Arabi al-Ja'fari, who told the Public Prosecution that he served as the Commander of al-Qurdabiya Air Base and that during the Revolution, the (Sukhoi Su-22 and Su-24) military aircraft and helicopters were used to provide air support to Gaddafi's forces during the march to Benghazi and to strike the ammunition storehouses in al-Rajmah. Military aircraft was also used to strike Benina Airport and helicopters were used to bomb the antenna of Misratah Local Radio Station. (100 to 500 kg) general-purpose bombs were also used to strike the targets. The witness added that the accused Abdullah al-Senussi asked him not to use aircraft unless he personally issued instructions in that regard. The charge is also proven against the accused based on the statements of the victim (Faysal al-Mahruq and Muhammad Nuri al-Sharif) recorded in the evidence collection report prepared by the Military Intelligence Services in Misratah and attached to the case file. The victims said that they sustained severe injuries after a helicopter dropped mines over the Port of Misratah; these mines exploded beneath their car while they were guarding the port, thus severely injuring them. The charge is also proven against the accused based on the statements of the citizens Muhammad Faraj 'Uwayn and Sa'id Qusaybat, which are recorded in the same report. The citizens both said that they were at the Port of Misratah when they heard the sound of a helicopter overhead then an explosion followed by another. When they came to the explosion site, they found the victim Faysal al-Mahruq severely injured and Muhammad al-Sharif hit by shrapnel

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in his foot, hand and chest. The witnesses found out later on that a helicopter belonging to Gaddafi's regime but with the Red Cross logo dropped the mines over the port. Whereas the testimonies of the witnesses prove that military aircraft and helicopters would strike civilian targets such as airports, ports and radio transmission stations by launching bombs and missiles and dropping mines over the targets. Whereas Defendant No. 2 conspired by agreement, incitement and instruction to commit this act since he was an active member of the Operations Room and one of the key officials responsible for managing military and security operations during the Revolution. The testimony of the witness Mukhtar al-Ja'fari confirms that these operations were carried out under the command of the accused; the witness said that Abdullah al-Senussi asked him not to use aircraft unless he personally issued instructions in that regard. Whereas the accused knows that using military aircraft to strike civilian targets and facilities is a criminalized act under all national and international legislation since it destroys the national infrastructure, damages people's property and kills and injures the civilians present at such facilities with these "blind" weapons. Whereas the accused conspired to commit this act for political purposes and in order to undermine the security of the State by destroying and damaging its facilities and to undermine the safety of the people in rebel areas. Therefore, the crime of sabotage and arbitrary killing attributed to the accused is proven against him, which requires him to be convicted.

- Whereas the charge of sabotage and arbitrary killing was brought against Defendant No. 2 since he incited and agreed to the arbitrary bombing of rebel cities (Misratah – Zintan) and on cutting off water and power supply. It is established against the accused based on the statements of Defendant No. 3 (al-Baghdadi al-Mahmudi), who told the Public Prosecution that on 3/3/2011 AD, a meeting presided by (Muammar Gaddafi) was held and attended by many accused, including Abdullah al-Senussi. The participants to the meeting agreed to besiege cities such as Misratah, al-Zawiyah, Zintan and Zuwarah and deprive them of salaries, supplies and services. In execution of this agreement, water, supplies and power were cut off from Misratah while supplies were cut off from Zintan. The charge is also proven against the accused based on the testimony of Dr. Muhammad al-Muhishi, a gynecologist at Misratah Central Hospital, who said in his testimony before the Public Prosecution that five field hospitals were set up in Misratah during the Revolution and received mutilated corpses and amputated body parts. As a result of the arbitrary shelling of the houses, many civilian residents,

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including women and children, were injured. Whereas these testimonies prove that the accused conspired with the other accused in giving instructions to besiege rebel cities and cut off supplies, water and power from these cities since he attended the meeting where this policy was decided and participated in this decision. Whereas conspiracy to commit a crime is established as stipulated by the Supreme Court when the parties intend to commit the agreed-upon criminalized act or when a behavior leads to such act – Criminal Appeal No. 645 of 39 Q.M.M.S. 31. Whereas besieging rebel cities, cutting off basic supplies from these cities such as food, water and power and agreeing to strike these cities with “blind” field weapons are serious crimes listed internationally under genocide crimes and war crimes. Whereas the accused knows full well given his position and political status that this act would strangle the livelihoods of civilian residents and is a collective punishment method that will lead to indiscriminate arbitrary killings without distinction between religions or between innocent and guilty people. Despite that, he conspired to commit this act for political reasons with the aim to undermine people’s safety. Therefore, the crime is established against the accused, which requires him to be convicted. Whereas the charge of conspiracy by incitement and agreement to kill the protesters in Tripoli was brought against Defendant No. 2. It is established against him based on the statements of Defendant No. 3, who told the Public Prosecution that after protests broke out on 17/2/2011 AD, meetings were held to agree on a mechanism to counter the protests, control Green Square and prevent the protesters from accessing it by any means, including shooting. These meetings were attended by the accused Abdullah al-Senussi, who insisted on suppressing the protests by any means. The charge is also proven against the accused based on the statements of the accused Milad Daman, who told the Public Prosecution that Defendant No. 2 informed him of an agreement whereby security services should control Tripoli and the revolutionaries should hold a sit-in in Green Square in order to prevent the protesters from accessing it. He also said that the protesters were killed as a result of this agreement. The charge is also proven against the accused based on the testimony of Milad Abu Sabiha, who told the Public Prosecution that he works at the External Security Agency and that he was assigned along with a group of his colleagues the mission to guard the Central Bank of Libya. When they were passing by Green Square,

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they saw profuse blood, scattered rocks and torched vehicles and knew that this resulted from the suppression of the protesters by the People's Guard, the Revolutionary Guard, the security services, Mohammed Magariaf Battalion and the Revolutionary Committees; fire was directly opened on the protesters. The charge is also proven against the accused based on the testimony of the citizen Walid Muhammad al-Hamali, who said that his brother (Haytham) was killed on 20/2/2011 AD in Martyrs' Square by members of the security forces who shot him in the head because he was participating in peaceful protests. The charge is also proven against the accused based on the testimony of the citizen Muhammad Ali Abd al-Salam, who said that his brother (Abd al-Basit) was killed on 20/2/2011 AD in Independence St. by members of the security forces, who shot him in the head because he was participating in peaceful protests. The charge is also proven against the accused based on the testimony of the citizen Rida Muhammad 'Alyu, who said that his brother Abd al-Majid was killed on 20/2/2011 AD in Fashloom, as he was shot in the neck by members of security forces stationed at the house of ('A'isha Muammar Gaddafi) because he was participating in peaceful protests. The charge is proven against the accused based on the testimonies of the victims' parents. The charge is also proven against the accused based on the lists of victims resulting from Tripoli's protests, beginning with citizen Salih Khalifah Khalaf Allah and ending with citizen Faraj Abd al-'Aziz Abdullah listed under No. (71). The charge is also proven against the accused based on the victims' forensic reports, which are attached to the case file and indicate that the persons were killed due to gunshot wounds in various parts of their bodies such as the head, the chest, the neck and the belly. Whereas all the evidence raised by the Court confirm that the accused conspired by agreement and incitement and instructed security services, the Revolutionary Committees and the People's Guard to suppress the protests and counter and shoot the peaceful protesters, thus causing dozens of deaths. Whereas the accused knows that attacking protesters in this manner is criminalized under the law. He also knows that instructing the armed members of security services and other armed groups to shoot the protesters might lead to arbitrary killings. Therefore, this charge is proven against the accused, which requires him to be convicted. Whereas the charge of killing protesters in Benghazi brought against the accused is established against him based on the testimony of Hamid Abdullah Baraka al-'Azumi, who said in his testimony before the Public Prosecution that he

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was the Director of the External Security Agency in Benghazi and on 14/2/2011 AD, the accused Abdullah al-Senussi came and presided over a meeting that he personally attended along with other security officials in Benghazi. During that meeting, the accused asked them to tighten control over the city. On 15/2/2011 AD, he met them again and ordered them to open fire on the protesters on the grounds that there is a conspiracy. On 17/2/2011 AD, the witness was standing with an officer inside the fence of the Revolutionary Committee Office in the city when an armoured car came in carrying Abdullah al-Senussi, followed by the guards' car. Then the accused asked one of Gaddafi's officers (Ibrahim) the following questions: "What's up, Pakistani? How many persons are here?" The other replied that the number exceeds 400 members. Then the accused ordered them all to head to Al-Mu'allim Square opposite the Science Faculty in order to prevent the protesters from organizing a sit-in. Abdullah al-Senussi's car stopped there and he stood next to it while the protesters were at the Benghazi Gallery and al-Sakabili. After a while, the accused gave orders to open fire on the protesters, thus killing and injuring many. The son of the accused, Muhammad, Hamdan Abu Makhlab and Musa Abu Makhlab were among the ones who executed the orders of the accused. The witness added that on 17/2/2011 AD at sunset, he heard that the protesters were shot at Geliana Bridge, where the accused, his son Muhammad and Defendant No. 4 Mansur Daw gave orders to open fire on the protesters. The charge is also proven against the accused based on the testimony of Musa Abd al-Jawad al-Badri, who told the Public Prosecution that he is the Commander of Al-Fadil Bu 'Umar Battalion and that at the beginning of the protests in Benghazi, Defendant No. 2 Abdullah al-Senussi and Defendant No. 4 Mansur Daw were traveling around Benghazi in an armored vehicle and issuing instructions to the Revolutionaries, the Revolutionary Guard, the People's Guard and the members of the security forces to open fire on the protesters at Al-Mu'allim Square, Maydan al-Shajara and Geliana Bridge. The witness also said that the shooting of protesters in front of Al-Fadil Bu 'Umar Battalion occurred at the northern gate of the Battalion, which was under the command of Colonel (Fadil Idris Bakkar) who was escorted by members of the Tariq Battalion, the Revolutionary Committees, the Revolutionary Guard and al-Bayan group. He added that the shooting was based on the instructions of the accused Abdullah al-Senussi. The charge is also proven against the accused based on the testimony of Hassan Zayid al-Rashidi, who told the Public Prosecution that he served as the Head of the Patrols' Unit in Benghazi and on 17/2/2011 AD, Jamal Abd al-Nasir St. was crowded with the hat wearers.

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The witness asked a person whom he knew and who was with the crowd (Abd al-'Azim Hiblu) about these persons and the other answered: "They are our brothers from the revolutionary forces who came from Harawa, Sirte, Birak, Sabha and from across the Jamahiriya to stand with us.". Then the witness saw them head towards the protesters at Maydan al-Shajara and beat them with clubs. He also saw Defendant No. 2 sitting in the front seat of the Land Cruiser next to the driver, placing a mobile phone on his ear, then another on his other ear. Then he saw him get out of the car, summon the Yellow Hats and inquire about the situation. When Defendant No. 2 saw a group of protesters on Algeria St, he ordered the Yellow Hats to head towards them. The witness also saw soldiers get out of Abdullah al-Senussi's cars, pointing their rifles at the protesters, who started shouting and some said "They are going to shoot us", so he had to leave the place under heavy gunfire. He knew later on that a number of protesters were killed and injured at Maydan al-Shajara and Geliana Bridge. The charge is also proven against the accused based on the testimony of Muhammad Salih al-'Amari, who told the Public Prosecution that on 17/2/2011 AD, he knew that a group of protesters came down from Geliana Bridge and before reaching the 23 July Crossroads, they came under heavy fire. As a result, many were killed and injured, some fell in the lake under the bridge while others hid in Geliana's mosque and came under heavy fire. The witness called al-Jala' Police Station and was informed that 20 to 30 dead and injured protesters were hospitalized. He added that Abdullah al-Senussi and Mansur Daw were the ones directing the suppression and killings while moving on the field and giving instructions to their subordinates. The charge is also proven against the accused based on the testimony of the witness Nasir Miftah al-Hassuni, who told the Public Prosecution that he worked at the Liaison Office of the Revolutionary Committees in Benghazi and on 17/2/2011 AD, large numbers of Yellow Hats from the Revolutionaries and security battalion members gathered and came under heavy fire at the instruction of the accused Abdullah al-Senussi and his companions in front of Geliana Bridge. The witness heard the accused say "Toss the dogs" and saw many protesters fall off the bridge. The charge is also proven against the accused based on the testimony of the witness Wa'il Najim, who said that he participated in the protests held on 17/2/2011 AD and after they came down from the bridge, Gaddafi's battalion members opened fire on them, and a number of protesters were hit and fell into the lake. When the witness went to the hospital, he saw many dead and injured protesters as a result. The charge is also proven against the accused based on the testimony of the citizen 'Umar Mansur al-Farjani,

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who said that he participated in the protests that were held on 17/2/2011 AD and they were shot by the groups of the accused Abdullah al-Senussi. The charge is also proven against the accused based on the testimony of Khalid 'Awad al-Shaykhi, Muhammad Mahmud al-'Arabi, Abd al-Hamid Muhammad al-Qatrani and others who confirmed the statements of the witnesses Wa'il Najim and 'Umar Mansur al-Farjani. The charge is also proven against the accused based on the medical reports of the protests' victims, which are attached to the case file and indicate that they were killed due to gunshot wounds in various parts of their bodies such as the heart, the head and the stomach. The charge is also proven against the accused based on the attached lists of people who were killed in these protests, starting with the name of the citizen Naji Jum'a al-Kawafi and ending with that of the citizen Salih Miftah Bu Qashat al-'Arabi recorder under No. (107). Whereas these consecutive testimonies irrevocably prove that the accused instructed the members of the security forces, the Revolutionary Committees and other armed groups to counter and shoot the peaceful protesters, thus killing dozens and injuring others. Whereas the accused knows, given his position and political status, that attacking unarmed peaceful protesters is criminalized under the law. He also knows that instructing the armed groups to open fire on the protesters would inevitably lead to killings. Whereas the accused sought to achieve this outcome, the proof of which is the statement of a witness who said that he heard the accused say to his subordinates "Toss the dogs", which proves his intention to kill the protesters. Whereas the accused committed this act for unethical political reasons that do not justify killing, since he sought to exact revenge on the Libyan people for daring to abandon the regime in their quest for good governance. Whereas based on the above, the accused committed the crime of killing the protesters, which requires him to be convicted. Whereas regarding the charge of conspiracy by incitement and agreement to use rape as a method to extinguish the Revolution. It is established against the accused based on the testimony of ('Atiyyah Mujahid Salih Gaddafi), who told the Public Prosecution that he is a member of al-Sa'idi al-Tabuli Battalion and that this battalion participated in all the fighting segments and committed killing, torching and rape. He also said that stimulants were introduced in their tea and distributed directly to them for use as a source of energy. He added that he saw three girls who were raped in Ra's Lanuf. Whereas the charge is also proven against the accused based on the testimony of Dr. Muhammad,

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who told the Public Prosecution that during the Revolution, the field hospital in Zawiyah al-Mahjub received dozens of rape victims. The witness personally examined 34 of these cases in the gynaecology ward of al-Nur Hospital and others in his private clinic, including two twin girls that were raped and one of them was impregnated. He also examined a woman who was raped before the eyes of her children and her 12-year-old daughter was subjected to a rape attempt. He also examined a girl from Azriq who was anally raped and suffered from a tear in her rectum and urinary incontinence as a result. The witness added that he performed abortions and hymen reconstruction surgeries for a number of raped women after a Fatwa was issued by Misratah's Sheikhs authorizing such procedures. Based on this Fatwa, the witness performed abortions using (Misoprostol). He also said that during the discussion of the cases, he was told that the officers used to request soldiers to rape women. For example, a woman was with her children when soldiers raided her house and a dark-skinned soldier raped her while repeating this expression ("The women and girls of Misratah should be raped"). The witness added that he saw many rape videos that Gaddafi's battalion members kept on their mobile phones but were later destroyed for social considerations. He also saw some members of the battalions confess to rape crimes, including a man from Gharyan who confessed to raping four women at the instructions of Colonel Ali al-Zubaydi. The charge is also proven against the accused based on the statements of the soldier Corporal Kamal Husayn Abd al-Qassim al-Mabruk, who said in his testimony before the Association of Human Rights Activists for the Documentation of War Crimes, that he is a member of Bani Walid Guards Brigade based in al-'Aziziyah and that on 28/4/2011 AD, he was assigned along with a group of military men by the Brigade Commander Brigadier Muhammad Husayn Abu Zayd a military mission in Misratah and while they were at Tripoli St., a group of soldiers committed rapes, including the soldier Usama 'Ammar 'Uraybi who was caught kneeling over a girl he threw on a bed while she was shouting with her private parts exposed. The charge is also proven against the accused based on the statements of the soldier Salah Mustafa al-Shushan, who said in his testimony before the Association of Human Rights Activists for the Documentation of War Crimes, which is attached to the case file, that he is a member of the Military Units and that his battalion was instructed to move to al-Dafniyah at the command of Brigadier al-Qasi and his aide Major Akram. While they were in al-Dafniyah, they ran out of supplies, so they searched for food among the residents. They used to go out at night with the Battalion Commander and his aide and raid the houses of the residents. The Battalion Commander,

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Brigadier al-Qasi, instructed them to rape the women; one night, Brigadier al-Qasi instructed the witness to rape a girl, so he threw her on the ground, knelt over her and inserted his penis into her vagina while she was shouting. Brigadier al-Qasi and Major Akram also raped two girls whose shouts could be heard by the witness and his companions from outside the room. The soldier Salih al-Dawi did the same. The witness added that on another night, they went out again with Brigadier al-Qasi, Major Akram and the soldiers Salah Abd al-Salam, Abd al-Salam Salihin, Husayn al-Kuni, Miftah Sirb and Miftah al-Maqtuf. They raided a house where he personally raped a girl; he grabbed her by force, threw her on the ground, knelt over her and inserted his penis into her vagina, then went out and the rest of the group went in and raped the girl one after the other. Whereas these testimonies irrevocably prove that rape was used as a method in the war launched by Gaddafi's regime against the Libyan rebels and a punishment for rebel cities. Rape was an approach agreed-upon by the leaders of the regime who were handling the war on the people via the Supreme Security Operations Room, where the accused Abdullah al-Senussi had the final say as mentioned by the accused Milad Daman before the Public Prosecution. This is evidenced by the fact that the accused Abdullah al-Senussi brought psychotropic substances and aphrodisiacs and ordered their circulation among Gaddafi's battalion members. A witness' statement also proves that rape was adopted as a method to punish the rebels since he said that the officers and battalion commanders used to instruct their soldiers to rape women. One of the victims also reported a soldier saying "The women and girls of Misratah should be raped". It was also proven that the accused circulated psychotropic substances and aphrodisiacs among Gaddafi's battalion members and the volunteers' legions so that they would commit such abominable crimes. Whereas the accused committed these acts for political reasons in order to undermine national security by wreaking havoc in the country and undermine people's safety in rebel cities and areas as a punishment for defecting from the regime. Therefore, the accused committed the crime of sabotage and arbitrary killing attributed to him, which requires him to be convicted as described in the Statement. Whereas regarding the charge of misusing public funds brought against the accused. It is established against him based on the evidence submitted by the Court as part of its efforts to demonstrate that the accused provided financial support to the armed men, the tribal groups and the mercenaries in addition to the other armed groups that were killing Libyans. The accused also bought psychotropic substances as the above-mentioned evidence showed that

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the accused instructed his aides to disburse huge amounts of money to the mercenaries, whom he brought to fight and kill the Libyan people and the security formations that he tasked with suppressing the protesters. Whereas the disbursement ordered by the accused was made for illegal purposes that seek to suppress and kill the Libyan people and silence their call for a democratic and fair regime and the disbursement was made without authorizing legislation and without abiding by the restrictions stipulated in the Financial Law, which does not authorize the disbursement of public funds except for legitimate purposes that serve the public interest and unless a budget is allocated to that end and decisions were made to authorize such disbursement. Whereas the behavior of Defendant No. 2 caused great damage to public funds as shown in the Financial Expertise Report prepared for the case and listed under No. 80 of 2012 AD, whereby the two experts proved that the accused disbursed huge amounts of money to bring in and equip mercenaries and that all the disbursements were made in violation of the law and the Budget and Public Accounting Regulation. Whereas the accused knows, given his position and political status, that this type of disbursement is illegal. Despite that, he committed this act. Therefore, this charge is proven against the accused, which requires him to be convicted. Whereas the charge of sabotage and arbitrary killing was brought against the accused since he conspired with the first, third, fourth, fifth and sixth accused to hold security meetings where decisions were made to counter and crush the protesters. It is established against the accused based on the confessions of Defendant No. 3 concerning himself and the rest of the accused; he confessed that he held a meeting at his office attended by a number of accused, including Defendant No. 2, whereby they decided to distribute the members of the Revolutionary Committees, the Revolutionary Guard, the People's Guard, the security services and Mohammed Magariaf Battalion throughout Green Square in order to prevent the protesters from accessing it by any means, including shooting. Whereas this meeting and the ensuing agreement to counter and kill the protesters were the basis for the suppression of the protesters, thereby authorizing the armed revolutionaries and security services to open fire on the protesters, killing dozens as described by the Court in the Judgement when discussing the previous charges. Whereas the accused knew, given his position and status, that holding meetings to agree on suppressing and killing people as punishment for defecting from the regime is an illegal and criminalized act. Despite that, he organized and participated in such meetings. Therefore, this crime is established against the accused, which requires him to be convicted. Whereas the charge of conspiracy

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to detain opposition members is established against Defendant No. 2 based on the testimony of al-Hadi Ambirish, who told the Public Prosecution that Abdullah al-Senussi established a Room presided by the accused Milad Daman to arrest the opposition members and opposed the release of any detainee. The charge is also proven against the accused based on the testimony of Bashir Muhammad al-Taurghi, who told the Public Prosecution that the investigation committees acquitted a large number of detainees, including 500 detainees from Misratah; however, it was decided to keep them in prison at the request of the accused Abdullah al-Senussi, Abu Zayd Dorda and Mansur Daw. The charge is also proven against the accused based on his confession that the rebel detainees amounted to thousands. Whereas this evidence proves that the accused is involved in detaining thousands of people in rebel areas, since he formed arrest committees and opposed the release of those who were acquitted by virtue of the decisions of the investigation committees. Whereas this crime is established against the accused with all its elements, since he ordered the detention of persons in an illegal manner and without an order from the legitimate authority. Whereas the accused knows as a senior security officer that the law criminalizes the detention and arrest of a person without a legitimate reason or on the grounds of his identity or religion. Whereas the accused committed this act despite knowing that it is illegal. Therefore, this charge is proven against the accused, which requires him to be convicted. Whereas the charge of sabotage and arbitrary killing was brought against the accused, since he conspired to set a plan to blow up the prisons containing a number of opposition members. It is established against the accused based on his confession that he held a meeting attended by a number of accused, including the sixth and fourth accused. The participants to the meeting agreed to blow up the prisons containing rebels by placing air bombs on the roofs of prisons and imputing that act to NATO aircraft. He also confessed that the rebel detainees amounted to thousands. Whereas the confessions of the accused prove that he is involved in the crime of setting plans to blow up the prisons. Whereas setting plans and preparing the required tools to blow up the prisons is similar to undertaking that crime, the Court considers that the accused undertook an act that seeks sabotage and arbitrary killing since he conspired to set plans to blow up the prisons containing thousands of innocent Libyans and impute that act to the NATO forces that were executing

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the international decisions to protect the civilians in order to place them in an embarrassing position. Whereas the accused committed this act for political reasons without consideration of the lives of thousands of Libyans and despite knowing that this act is criminalized under the law and is a dirty war method. Whereas based on the above-mentioned, this charge is proven against the accused, which requires him to be convicted. Whereas regarding the rest of the charges raised by the Public Prosecution against Defendant No. 2 Abdullah al-Senussi 'Amir, which were not discussed by the Court in the grounds of judgment, the Court found that some were nominally described with the charges discussed by the Court in the Judgement and others were committed by the accused along with the crimes discussed by the Court in one criminal impulse and in execution of the same criminal tendency. Therefore, pursuant to Article (76/ 1, 2) of the Penal Code, the Court deemed all these crimes as one and decided to impose the penalty for the most serious crime as punishment for all the crimes committed by the accused. Whereas the Court found that the accused committed all these crimes as described in detail in the grounds of judgment, the accused shall be convicted as established by the Statement based on the above and pursuant to Article (277/2) of the Code of Procedure. Whereas regarding the penalty, the accused committed a large number of serious crimes, since he ordered the killing of the protesters in Tripoli and Benghazi, held meetings, mobilized armed groups to that end, brought mercenaries to fight his compatriots and provided them and other groups with financial support, formed armed tribal groups from his tribe and other tribes and supplied them with weapons, ammunition and funds. He also brought drugs and aphrodisiacs and ordered their circulation among Gaddafi's battalion members and volunteers, incited rape and was aware of this policy and approved it by circulating aphrodisiacs, ordered that cities be besieged and bombed with heavy weapons and civilian facilities be struck with military aircraft, squandered public funds and conspired by agreement to give instructions to besiege rebel cities and cut off water and power supply as well as provisions from their residents, in addition to other serious crimes that all aim to exact revenge and punish the Libyan people for defecting from the regime and undermine national security. Whereas the crimes committed by the accused irrevocably prove the danger he represents given his serious propensity for crime and his willingness to kill people. Whereas the accused committed his crimes within an organized and planned methodical framework, was aware of the seriousness and consequences of his acts and sought to achieve these consequences, i.e. performing arbitrary killings and sabotaging cities for political motivations. Therefore, the Court has no choice in this case and pursuant to Article (28) of the Penal Code but to punish the accused

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by death penalty for these crimes. Whereas the physical penalty does not supersede the financial penalties, as the fines shall remain in place with regards to the funds of the convicted in the event that the death penalty judgement issued against him is executed and shall be granted privilege with regard to his legacy until fully settled. Based on the above and pursuant to Article 9 of Law No. 2 of 1979 AD concerning the economic crimes and amended by Law No. 14 of 2001 AD, the Court decided to impose, in addition to the death penalty sentence, a fine of 50,000 LYD on the accused and to compel him to provide compensation to the Treasury for the public funds that he squandered based on the amount determined in the expert report No. 80 of 2012 AD and as described in the Statement. Whereas the defense raised by the attorney of the accused whereby the State is the political regime and the accused was a civil servant in that State and his acts are not deemed crimes according to Article (69) of the Penal Code. It is an invalid defense rejected by the Court because even if the political regime or the ruling authority is a component of the State, its officials have nonetheless attacked the Libyan people who oppose this authority, raided cities with heavy weapons, hired armed mercenaries to fight the Libyan people in addition to other behaviors that are all deemed by the Court as an attack on the State as a political entity and an attempt to wreak havoc and sow chaos in the country in order to preserve the current political authority. Moreover, stating that killing the Libyan people and sabotaging cities are legitimate acts legitimizes tyranny, which is unacceptable. The attorney's statement that the accused was carrying out his duties is also unfounded, as all legislation stipulate that public service, whether it is civilian, military or security-related, is an assignment whereby the public servant shall seek to serve citizens and the public interest and behave in an ethical and righteous manner before God. Whereas the job duties of the accused do not require him to order the killing of people, bring drugs, bomb cities, bring mercenaries and organize illegal migration. Therefore, this defense shall be rejected. Whereas the the attorney of the accused raised the defense that funds were provided by the accused for work purposes and the reasons for their disbursement were legitimate. It is an unfounded defense because it was established that the accused disbursed huge amounts of money to bring and equip mercenaries, bring drugs and equip tribal legions, all of which are illegitimate reasons for disbursement and have nothing to do with the work at his department, which requires the rejection of this defense. Whereas the attorney of the accused raised the defense that the meetings held by the accused are legitimate pursuant to the provisions of the Mobilization Law No. 21 of 1991 AD. It is an unfounded defense rejected the Court

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since the law cited by the defense counsel does not legitimize killing people, raiding cities with heavy weaponry, circulating drugs among battalion members so that they would commit crimes or agreeing to besiege cities and cut off water, food and power from these cities, in addition to other crimes. Furthermore, this law is part of the legislation established by the regime in order to safeguard its existence, therefore, it is unjust to use it as an argument to get away with these serious crimes, which requires the rejection of this defense. Whereas the attorney of the accused raised the defense that the persons brought by the accused are not mercenaries according to the Geneva Conventions because they belong to al-Qar'an and al-Mahamid tribes and they came to Libya to fight the NATO. This defense is unfounded as the evidence submitted by the Court when discussing this charge prove that the armed men brought by the accused are groups of Africans from the Justice and Equality Movement in Darfur, namely Khalil Ibrahim's faction and Muna Mannawi's faction, in addition to other black Africans from the Zaghawa and Mahamid tribes and Niger. The evidence also prove that the accused paid huge amounts of money to the leaders of these mercenaries as salaries and rewards and the mercenaries participated in fighting the rebels in the Western Mountains and Misratah. Based on the aforementioned and since the mercenaries are foreigners who entered Libya in return for money paid to their leaders in order to fight the Libyan people in the cities that defected from the regime. All this proves that they are mercenaries even according to the Geneva Conventions cited by the defense counsel. Therefore, this defense shall be rejected.

- Whereas the attorney of the accused raised the defense that the crime of forming tribal legions does not apply to his client because he did not attend the meeting whereby Gaddafi ordered the formation of such legions, nor did he form a legion from his tribesmen. This defense is unfounded and rejected by the Court because the evidence submitted by the latter when confirming this charge against the accused prove that he issued many decisions regarding the formation of such legions and issued instructions and orders to supply them with weapons. He also formed a legion from his Maqariyah tribesmen commanded by his son (Muhammad) and another legion commanded by 'Umar al-Sid and ordered that weapons and ammunition be sent to his house in a big a (Betina) truck in order to arm his tribesmen. Whereas this proves that the accused was involved in forming, equipping and arming these legions, which fought the Libyan people in rebel cities, thus creating new rivalries among the Libyan regions and reviving old ones due to the atrocities committed by the members of such legions. Therefore, this charge is proven against the accused,

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which requires the rejection of this defense. Whereas the attorney of the accused raised the defense that the charge of booby-trapping vehicles is unfounded because these were just preparations and are not punished by the law. It is an unfounded defense because it was proven that Defendant No. 2 conspired with the twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh accused to booby-trap a number of vehicles in order to blow them up in Benghazi and asked them to booby-trap the largest number of vehicles on the grounds that it was a "battle". He also provided them with the required communication devices to complete the booby-trapping and explosion. The partners to the crime confessed to booby-trapping five vehicles as they placed in each vehicle 20 to 30 kg of explosives. Whereas this means that the crime went beyond the preparatory stage to undertaking an act that seeks sabotage and arbitrary killing. Whereas the accused sought by this act to cause as much sabotage and killing as possible in Benghazi's targeted sites in order to mislead the international community into believing that Libya is not witnessing a revolution but terrorism and an attempt to embarrass the National Transitional Council by the new Libyan authority. Therefore, the charge is proven against the accused, which requires the rejection of this defense. Whereas the attorney of the accused raised the defense that his client has nothing to do with the air force. It is an unfounded defense because the accused did not submit any evidence revoking the statements of the witness Mukhtar al-'Arabi al-Ja'fari, who said that Abdullah al-Senussi asked him, after announcing the air embargo, not to allow the departure of any aircraft without his authorization. This proves that the accused was one of the persons responsible for mobilizing military aircraft. This was confirmed by the accused Milad Daman, who said that Abdullah al-Senussi was the main responsible during the Revolution and no one could refuse his instructions since he was responsible for the entire forces. Therefore, this defense shall be rejected. Whereas the attorney of the accused raised the defense that the aircraft used to drop mines over the Port of Misratah belongs to the NATO because Gaddafi's forces do not have this type of mines. This is just an invalid defense lacking evidence, which requires its rejection. Whereas the attorney of the accused raised the defense that the crime of bringing and circulating drugs is invalid against his client because bringing and using Tramadol was not criminalized in 2011 AD. It is an unfounded defense rejected by the Court because the accused not only brought Tramadol but agreed with Muammar Gaddafi, as proven by expert reports and other evidence cited by the Court, to introduce various types of psychotropic substances and aphrodisiacs to be circulated among Gaddafi's battalion members and volunteers in order to influence their behavior

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and drive them to fight fiercely and commit acts they would not commit in their normal state, such as rape, killing, etc.. Moreover, Tramadol is indisputably a psychotropic substance as it was added to the lists attached to the Law on Narcotics. Therefore, even if the use of Tramadol was not criminalized in 2011 AD, introducing large amounts thereof into Libya and circulating them among Gaddafi's battalion members and volunteers' legions by introducing these substances into their hot drinks in order to influence their behavior so that they would commit abnormal acts, is an aspect of the crime of sabotage and arbitrary killing. This is proven by the confession of the soldier 'Atiya Imujahid Gaddafi, who said that psychotropic substances and stimulants were distributed to them and introduced in their tea, that the battalion's soldiers committed killing, arson and rape in all fighting segments and that he personally saw three girls who were raped in Ra's Lanuf. The soldier Ibrahim al-Sid al-Lusha also said that their battalion received large amounts of psychotropic substances – Tramadol, Rush and "Wadi al-Dhi'ab" – and he personally used them. He added that these substances plunge their user into a state of unconsciousness, the proof of which is that he killed the prisoners on 20/8/2011 AD by throwing hand grenades inside the prison of the Yarmuk camp. Some soldiers also said in their testimonies, which were submitted by the Court, that they raided people's houses in al-Dafniyah and raped women. Therefore, this defense shall be rejected. Whereas the attorney of the accused said that the substances seized from al-Huda prison in Misratah were smuggled to the prisoners of the battalions from outside the institution. This is an invalid claim because it runs counter to the content of the DVD that is attached to the case file and features a video of the psychotropic substances seized at the stations of Gaddafi's battalions while they were conquering Misratah. As for the statement of the defense counsel that the narcotics seized from the revolutionaries' battalions in Misratah should not be used as evidence on the grounds that they were not properly seized, it is invalid because the defense counsel did not specify what was wrong in the way the psychotropic substances and narcotics were seized from the revolutionaries' battalions in Misratah at the camps of Gaddafi's battalions. Furthermore, Law No. 38 of 2012 AD on Procedures for the Transitional Period provides that all the measures taken by the rebels regarding the investigation of former regime figures shall be validated and their investigation reports

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treated as evidence collection reports prepared by judicial officers whenever the Court is reassured of their content. Whereas the Court is reassured of the validity of the confiscation and seizure procedures as to the substances found at the stations of the former regime's battalions. Therefore, based on the above, the defenses raised by the attorney of the accused regarding this charge shall be rejected. Whereas the attorney of the accused raised the defense that the charge of cutting off water and power supply from rebel cities is invalid because the relevant instructions do not fall under the purview of the accused. This is an invalid defense because it was proven that the accused participated in a meeting held on 3/3/2011 AD, whereby it was decided to besiege rebel cities and cut off water, power and food from these cities. Whereas this policy was implemented, as food was cut off from Misratah according to the Letter issued by Major General Yusuf Abu Hajar, the Chief of the Operations Room in Zlitan, whereby he banned the entry of provisions to Misratah. This was also mentioned by the witness Milud 'Isa Mas'ud, who said that he drafted the minutes of the meeting held on 3/3/2011 AD at the leader's residence and that the ensuing instructions were fully implemented. Whereas the accused was a party to this meeting whereby these procedures were decided and these procedures are deemed crimes of genocide under the international humanitarian law given the ensuing collective punishment of the residents regardless of whether they were party to the conflict or not. Therefore, the accused conspired by agreement to commit this crime, which was perpetrated with his consent since he did not object to such procedure or acquit himself thereof so that he may be deemed innocent of the charge. Therefore, this defense shall be rejected. Whereas the attorney of the accused raised the defense that his client had nothing to do with the explosion of the Booster Station because it was carried out by al-Kufrah's military zone based on the instructions of the Provisional General Committee for Defense. This is an invalid defense because the testimonies of al-Hadi Ambirish and Defendant No. 6 Milad Daman prove that the accused Abdullah al-Senussi is the main person in charge of all the forces and has the upper hand in the Operations Room. This is confirmed by the Public Prosecution's statement that the plan concerning this operation was found at the office of the accused when it was raided after the fall of the regime, which means that the accused was involved in the operation and aware of it. Therefore, this defense shall be rejected. With regards to the defense raised by the attorney of the accused to the effect that his client had nothing to do with the killing of protesters as he was not a party to the meeting held at Mohammed Magariaf Battalion and

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he only came to Tripoli on 20/2/2011 AD. This defense is invalid because the Court found through the evidence submitted when discussing this charge that the accused conspired to setting the security plans whereby patrols and members of the security forces, the Revolutionary Committees and the People's Guard countered the protests and prevented the protesters from accessing what was formerly known as Green Square. The accused was also involved in instructing and inciting the crushing of protesters since the witness al-Hadi Ambirish said that Abdullah al-Senussi and Abu Zayd Dorda were the most adamant on suppressing the protests and that explicit instructions were given to kill the protesters in order to extinguish their rebellion, which explains the injuries that were mostly to the head and chest. Defendant No. 14 said that Defendant No. 2 described the members of the security forces who were ineffective at suppressing the protests as cowards. Whereas these instructions, which were issued and incited in part by the accused, indisputably led to the killing of dozens of protesters whose names are mentioned in the lists attached to the case file. Therefore, this defense shall be rejected. Whereas the attorney of the accused raised the defense that the crime of killing the protesters in Benghazi does not apply to his client on the grounds that the party responsible for killing the protesters at al-Sakabili is the one that sent messages to people on their mobile phones calling them to take to the streets in protests then instructed the members of the security forces to open fire on them amidst the protest. He also said that those responsible for killing the protesters at Geliana Bridge are the members of the Revolutionary Committees led by Nasir al-Hassuni and that those responsible for killing the protesters at al-Fadil Bu 'Umar Battalion are al-Sa'idi Gaddafi and the battalion commander. This defense is entirely invalid because it is based on assumptions with no evidence and does not revoke the conclusive evidence proving that the accused led, instructed and mobilized the members of the security forces who suppressed the protesters in Benghazi at all the protest points, whether at al-Sakabil, Maydan al-Shajara or Geliana Bridge. The accused also instructed those members, along with Defendant No. 4, to crush the protesters; one witness even reported him saying to the leaders of security members (Throw the dogs), which indicates his intent to kill the protesters as it was proven that he ordered opening fire on the protesters, thus killing dozens of protesters according to the lists attached to the case file. Whereas the attorney of the accused did not submit any counter evidence but a subjective and biased defense reflecting his sensitivity to the current political polarization

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in the country since he talked about a conspiracy by an anonymous party that pushed people to the streets in massive protests. Therefore, this defense shall be rejected in its entirety.

- Whereas the attorney of the accused raised the defense that the illegal migration crime does not apply to his client on the grounds that he had nothing to do with it. It is an unfounded defense because the accused confessed that these operations were carried out based on Gaddafi's instructions and under his supervision. This was confirmed by Defendant No. 3, who said that these operations were carried out under the supervision of some accused including Abdullah al-Senussi. Whereas this evidence and other evidence raised by the Court when discussing this charge prove that the accused is involved in illegal migration. Therefore, this defense shall be rejected.

- Whereas the attorney of the accused raised the defense that the rape crime does not apply to his client because he did not issue any instructions to commit rape and no policy was adopted in this regard. This is an unfounded defense, because the evidence raised by the Court prove that the accused brought psychotropic substances, including aphrodisiacs, and ordered their circulation among the members of the battalions, the volunteers and the members of the security forces so that they would commit acts they would not commit in their normal state such as rape, which happened in reality. This was confirmed by the testimony of Dr. Muhammad al-Mu'ishi and the soldiers 'Atiyyah Mujahid Gaddafi, Kamal Husayn Abd al-Qassim, Salah Mustafa al-Shushan and others. Whereas the accused ordered that psychotropic substances and aphrodisiacs be brought and circulated among the members of the battalions, then this proves that he wanted those members to commit rape crimes in order to exact revenge on the social incubators of the rebels who defected from the regime, because he knows that violating the dignity of human beings is one of the harshest aspect of revenge and punishment given the ensuing humiliation and dishonour felt by the victims. Therefore, this charge is proven against the accused and his act is one aspect of sabotage, which requires the rejection of this defense. Whereas the attorney of the accused raised the defense that the charge of squandering public funds is invalid against his client and that the expert report did not indicate the illegal disbursements and shall not serve as evidence in the case. It is an unfounded defense because it was proven that the accused disbursed huge amounts of money to bring mercenaries and drugs and equip the tribal legions, which are all illegal disbursements as they do not serve the public interest.

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The two experts stated in their report that all the disbursements were made in violation of the State's Financial Law, the Budget, Public Accounting and Reserves Regulation and the current Budget Law. Whereas the crime of squandering public funds is established if the accused disbursed public funds for illegal purposes and in violation of the financial procedures of the State's Financial Law, which the accused did. Therefore, this defense shall be rejected. Whereas the attorney of the accused raised the defense that the charge of detaining thousands of people is invalid against his client. This is an unfounded defense, because it was proven that thousands of people were detained in detention centers based on their identity since they come from cities that defected from the regime and the accused opposed the release of even those who were acquitted under the decisions of the investigation committees. Whereas the law criminalizes the detention of people without proper legal procedures. Therefore, this crime is proven against the accused, which requires the rejection of this defense. Whereas the attorney of the accused raised the defense that the protests were not licensed and countering them does not constitute a crime according to the Universal Declaration of Human Rights. This is an unfounded defense rejected by the Court because as long as the protests are peaceful, do not involve riots and attacks on public facilities and claim basic legitimate rights, then one may not state that they are illegitimate and that their suppression does not constitute a crime because such statement legitimizes authoritarianism, which is rejected by all international covenants. Furthermore, even if the protests were held without the authorization of the current authority, this does not justify their suppression or crushing by killing the protesters because there is an internationally recognized code of conduct to deal with such cases, starting with engaging in a dialogue with the leaders of the protesters in order to know their demands and deal with them accordingly, then attempting to disperse such gatherings in ways that do not result in killing, such as using tear gas bombs, hot water, polluted water, hot radar and other means rather than pointing the barrels of rifles and medium weapons straight at the protesters' chests, as was instructed by the accused. Therefore, this defense shall be rejected. Whereas regarding the rest of the defenses raised by the attorney of the accused, the Court responded to them in the evidence provided in the Judgement when confirming the charges brought against the accused, which requires

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the rejection of these defenses. Whereas the accused demanded that written testimonies be taken into consideration, the Court found, upon examination of these testimonies, that they do not revoke the evidence contained in the case file, which prove that the accused committed the crimes attributed to him. Therefore, the Court rejects the written testimonies. Whereas the accused said that the confessions attributed to him are a distortion of the reality since his true statements were miscommunicated. It is an unfounded defense because the investigation reports of the Public Prosecution are official and many not be contested unless by an allegation of fraud. Therefore, the statement of the accused shall be rejected.

3. Whereas the charge of sabotage and arbitrary killing was brought against Defendant No. 3, al-Baghdadi Ali al-Mahmudi, since he provided financial support to the armed and tribal groups that were suppressing the Libyan people. This charge is proven against the accused based on his explicit confession that he held a meeting at his office with the leaders of security services, whereby they agreed to set a plan and mechanism to counter the protests, and that his role was restricted to providing logistic support to execute these instructions. He also confessed that he delivered funds to the 32nd Reinforced Brigade at the request of Defendant No. 1 and he delivered funds to Defendant No. 4 as well as funds amounting to 100 million LYD to Muhammad Bashir and 10 million LYD to the Head of the Higher Joint Security Operations Room, al-Hadi Ambirish. He also confessed that he delivered funds to the second, fourth and sixth accused, 5 million LYD to Ali al-Fituri, 1,500,000 LYD to Yusuf Abu Hajar and 4 million LYD to Defendant No. 2 so that he may bring the drugs. He also confessed that he delivered funds to the Liaison Office of the Revolutionary Committees. The charge is also proven against the accused based on the statements of Defendant No. 4, Mansur Daw, who told the Public Prosecution that he received 30 million LYD from al-Baghdadi al-Mahmudi in order to purchase vehicles for the legions and he disbursed the petty cash. The charge is also proven against the accused based on the two experts who were commissioned for the case and who proved in their report No. 80 of 2012 AD that the accused al-Baghdadi al-Mahmudi is responsible for all disbursements. The charge is also proven against the accused based on the statements of Defendant No. 6, who told the Public Prosecution that the accused al-Baghdadi al-Mahmudi was responsible for the legions and volunteers and used to provide them with vehicles, subsistence and funds on his own without awaiting Gaddafi's instructions. Whereas all this evidence proves that the accused al-Baghdadi al-Mahmudi provided financial support to the armed and tribal groups in the form of rewards, subsistence, equipment and vehicles in order to facilitate their mission

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of suppressing the peaceful protests. This evidence also proves that the accused disbursed funds to bring in mercenaries, drugs and psychotropic substances and to provide weapons and equipment to the armed groups that were killing the Libyan people. Whereas the financial support provided by the accused to the armed and tribal groups and the mercenaries allowed them to suppress and kill the Libyan people and cause bloodshed. The accused also provided funds to bring drugs and psychotropic substances and circulate them among the members of the battalions and the legions of volunteers, which drove those members to commit atrocities towards the Libyan people, such as killing and rape. Whereas the accused knows given his position and political status that providing funds for the above-mentioned purposes with the aim to suppress and kill people and destroy cities is illegal and criminalized by the law. He also knew the consequences of his actions and sought to achieve these consequences since the armed groups and tribal legions raided and sabotaged rebel cities, killed Libyans and attacked residents by committing rape, looting and vandalism. Therefore, the accused conspired to commit the crime of sabotage and arbitrary killing, which requires him to be convicted. Whereas regarding the charge of forming armed tribal groups and supplying them with various weapons in order to undermine national unity and instigate civil war. It is established against the accused based on the statements of the accused Milad Daman, who told the Public Prosecution that the accused al-Baghdadi al-Mahmudi was responsible for the tribal legions and volunteers and used to provide them with logistic support in the form of vehicles, subsistence and funds on his own without awaiting Gaddafi's instructions. He also formed a legion from al-Nawayil tribe, supplied it with funds, weapons and vehicles and directed it towards the Amazigh of Zuwarah. The charge is also proven against the accused based on the statements of Defendant No. 4, Mansur Daw, who told the Public Prosecution that al-Baghdadi al-Mahmudi met several figures in western Tripoli in order to form legions and provide them with logistic support and delivered 200 vehicles to al-Nawayil legion. He also delivered 30 million LYD to the People's Guard to be disbursed to the legions. The charge is also proven against the accused based on the testimony of al-Sadiq Ahmad al-Dardar, who told the Public Prosecution that al-Baghdadi al-Mahmudi formed a legion from his tribe al-Nawayil and provided it with large resources at the beginning of the Revolution. The charge is also proven against the accused based on the testimony of al-Hadi Ambirish, who said that he attended a meeting at the office of Defendant No. 3 dedicated to the coordinators of armed tribal groups and added that al-Baghdadi al-Mahmudi's group reportedly raped the Amazigh of Zuwarah.

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The charge is also proven against the accused based on the statements of Defendant No. 2, who said that al-Baghdadi al-Mahmudi formed a legion from his tribe al-Nawayil and was responsible for providing financial support to all the tribal legions formed by the leaders. Whereas the statements of the witnesses, whether among the accused or not, prove that the accused was involved in forming armed tribal legions from his tribe al-Nawayil and other legions and that he incited their formation and provided them with huge amounts of money, vehicles, subsistence and ammunition. He also gave their members financial rewards as incentives to fight as well as subsistence.

- Whereas these legions were formed by Gaddafi and regime figures, including the accused, in order to dismantle the social fabric of the Libyan people by inciting pro-regime Libyan regions and tribes against anti-regime regions and tribes. This "dirty" policy, which was executed by the accused and others, revived old "dormant" rivalries between Libyan regions and tribes and created new rivalries that the Libyan nation has yet to recover from, given the atrocities committed by the volunteers of these legions against rebel regions and tribes, such as killing, kidnapping, rape, violation of dignity, looting, sabotage and other "dirty" acts. Whereas the accused confessed before the Public Prosecution that he knew that this policy would disrupt the social fabric of the Libyan society and he nonetheless executed and supported it by all means. Therefore, the accused committed this crime, which requires him to be convicted. Whereas the charge of conspiracy to kill the protesters was brought against the accused, it is established against him based on his confession that he held a meeting in his office with the people concerned, whereby they decided to task the members of the Revolutionary Committees, the People's Guard, the security services and Mohammed Magariaf Battalion with taking over the so-called "Green Square" and preventing the protesters from accessing it by various means, including shooting. He also confessed that these instructions were executed, which means that the protesters were killed due to the instructions agreed-upon in the meeting. The charge is also proven against the accused based on the testimony of the witness Milad Abu Sabiha, who told the Public Prosecution that he works at the External Security Agency and was tasked along with a group of colleagues with guarding the Central Bank of Libya; when they were passing by Green Square, they saw profuse blood, scattered rocks and torched vehicles and knew that this resulted from the suppression of the protesters by the People's Guard, the Revolutionary Committees

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and Mohammed Magariaf Battalion, which used live ammunition against the protesters. The charge is also proven against the accused based on the medical reports of the victims in Tripoli's protests, which indicate that they were killed by gunshot wounds to various parts of their bodies. It is also established against the accused based on the lists of people who were killed during the protests, starting with the name of the citizen Salih Khalifah Khalaf Allah and ending with that of the citizen Faraj Abd al-'Aziz Abdullah recorded under No. (71). The charge is also proven against the accused based on the testimonies of the citizens Walid Muhammad al-Hamali, Haytham Muhammad Salih Bin Nasir, Muhammad Ali Abd al-Salam Bin Isma'il and Sara Muhammad Daradur, whose testimonies had already been included by the Court upon reciting the facts of the case and confirming this charge against Defendant No. 2. These witnesses said that their relatives were killed by the bullets of the members of security forces when they took to the streets in peaceful protests. Whereas all this evidence proves that the accused conspired by agreement to kill the protesters, since he organized the meetings whereby it was decided to suppress the protests, resulting in the killing of dozens of protesters. Whereas the accused knew given his position that countering or suppressing peaceful protesters is criminalized under the law because the right to peaceful protest is guaranteed by all legislation. Whereas the accused knew that the instructions that he participated in issuing might lead the groups to kill people. Whereas the accused expected and sought this outcome. Therefore, this crime is established against him, which requires him to be convicted. Whereas regarding the charge of cutting off water and power supply to rebel cities, it is established against the accused based on his confession that he attended the meeting held on 3/3/2011 AD and presided by Muammar Gaddafi, whereby it was decided to besiege the cities that rebelled against the regime, such as al-Zawiyah, Misratah and Zintan and deprive them of salaries, commodities, services and water. He also confessed that those instructions were executed by cutting off water, power, provisions and salaries from Misratah and bombing power stations there. Salaries and provisions were also cut off from Zintan. The charge is also proven against the accused based on the statements of Defendant No. 2, who told the Public Prosecution that al-Baghdadi al-Mahmudi and Abd al-Majid al-Qa'ud cut off water and power supply to Misratah. Whereas this evidence prove that the accused conspired by agreement and issuing instructions to cut off water, power, salaries and provisions from rebel cities to exact revenge and punishment on their residents for defecting from the regime. Whereas the accused knew given his position and political status as the principal executive official in the country that besieging cities and cutting off water, power and provisions from these cities represent a collective punishment method, which is unethical

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and criminalized under the law. It is also a war and genocide crime according to international humanitarian law. Whereas the accused implemented this policy despite knowing that this would tighten the noose on the residents of these cities and lead to their being killed. Therefore, the accused conspired to commit the crime of sabotage and arbitrary killing, which requires him to be convicted. Whereas regarding the charge of conspiracy to bring narcotics and psychotropic substances. It is established against the accused based on his explicit confession that Defendant No. 2 disbursed amounts of money ranging between 2 to 4 million LYD, which he received from Ahmad Ramadan, to bring the narcotics from Western European countries and 'Amir al-Dalyu facilitated their entry through the ports. Whereas these substances were distributed and circulated among the members of Gaddafi's battalions and the legions of volunteers on a wide scale as described by the Court in the Judgement. As a result, these members committed atrocities, such as killing and rape, under the influence of these substances as established by the testimonies of the soldiers submitted by the Court when discussing this charge against Defendant No. 2. Whereas the accused allocated money to bring these substances, he conspired to commit this crime as conspiracy to a crime subject to Article (100) of the Penal Code is established when the accused agrees with the original perpetrator to commit the crime or to supply him with any means that might contribute to the crime or facilitate its completion. Whereas the accused knows full well that providing money to bring large quantities of narcotics into the country is a criminalized act and a dirty war method that would wreak havoc and cause crimes and sabotage in the country. Whereas the accused committed this act for political reasons. Therefore, the accused committed the crimes of bringing drugs, sabotage and arbitrary killing, which requires him to be convicted.

Whereas the charge of conspiracy by agreement and incitement to commit rape was brought against Defendant No. 3, it is established against him based on the statements of the victim women (Rabab Muhammad Abd al-Rahman, Samah Musa 'Umar, Fayruz Khalifah Mas'ud Halab, Najwa Abd al-Hamid Madi and Najat al-Kabir), who told the Public Prosecution that they were raped when Gaddafi's battalions and the volunteers' legions conquered Zuwarah. The charge is also proven against the accused based on the testimony of al-Hadi Ambirish, who told the Public Prosecution that al-Nawayil legion, which was formed by the accused al-Baghdadi al-Mahmudi, was directed towards the Amazigh and that when this legion entered al-Ghazaya, al-Baghdadi al-Mahmudi's group reportedly committed rape against the Amazigh of

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al-Ghazaya. The charge is also proven against the accused based on the phone call intercepted between Defendant No. 3 and al-Tayyib al-Safi, which was documented in the report attached to the case file and indicate that the accused incited rape in Zuwarah. The charge is also proven based on the forensic reports of the women raped in Zuawarah, including the forensic report No. 2409 of 2011 AD dated 17/11/2011 AD which concluded that the victim woman Fayruz Khalifah Mas'ud Halab was vaginally and anally raped many times, thus losing her virginity and sustaining multiple injuries to her neck, chest and thighs due to violence and nail scratches. All these injuries were sustained on the day of the rape, i.e. 15/5/2011 AD. Whereas this evidence prove that Defendant No. 3 incited his tribal group to commit rape against a group of residents from his compatriots for despicable and unethical racial and political reasons. Whereas the accused knows given his political status and being the main executive official in the country that such acts are deemed war crimes under international humanitarian law, since they violate the dignity of the victims. He also knows that apart from being criminalized under the law, they are originally criminalized by the honorable rules of the Shari'a, which compel the commander of Muslim people to preserve their blood, dignity and money rather than violate them. Whereas the accused committed this act, despite knowing all these facts, since it was proven that he incited his al-Nawayil tribesmen to violate the dignity of his compatriots and brothers in religion in Zuwarah and al-Ghazaya for chauvinistic political and racial reasons. Whereas this is an act of sabotage that seeks to undermine the security of the nation and the people by disseminating chaos and instability in the country. It is also an act of rape. Therefore, the accused shall be convicted of both crimes. Whereas the charge of instigating civil war and undermining national unity was brought against the accused since he delivered material resources to the producers of radio programs that incite dissension. This charge is proven against the accused based on his confession that he delivered an amount of 200,000 LYD to Yusuf Shakir, who presents the show ("Asham al-Watan"), and bought him a 1,500,000 LYD-house. Whereas the confessions of the accused prove that he provided financial support from the Public Treasury to the media figure Yusuf Shakir, who along with other partners such as Hala al-Misrati

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and Mustafa Qadirbu sowed tribal dissension among the Libyan people using media materials that incite tribes and regions against each other. Such materials were broadcast on satellite and radio channels, thus deceiving large numbers of people and inciting them to volunteer with Gaddafi's battalions in order to fight people in anti-regime areas. This revived old rivalries as was the case between al-Zawiyah, Wirshfanah, Zintan and al-Mashashiya and created new bloody rivalries as was the case between Misratah and Taurgha, which has caused an ongoing disruption in the social fabric of the Libyan nation. Whereas the accused knew that the media figure to whom he provided financial support was broadcasting misleading media content on his show ("Asham al-Watan"), which sowed dissension among the people. Despite that, he showered him with money as a reward and incentive to continue his work. Therefore, the accused is involved in the crime of instigating civil war and undermining national unity. Whereas he disbursed money to that end, which is deemed an illegal disbursement that violates the Financial Law. Therefore, the accused committed the crime of squandering public funds, which requires him to be convicted. Whereas the charge of bringing illegal migrants in and out of the country was brought against Defendant No. 3, it is established against him based on his confession that he issued decisions to reinstate a group of officers who were convicted in illegal migration cases such as officer Mustafa al-Dufani in order to benefit from their expertise. He confessed that he knew that thousands of Africans were smuggled into Europe and that many of them drowned off the Libyan and Italian coasts. Whereas thousands of Africans were loaded on fishing boats and tugboats and sent towards the European coasts in order to exact revenge on the European countries and push them to change their positions towards the Libyan Revolution. As a result, hundreds of Africans drowned after their overloaded boats capsized. Whereas the accused knows that illegal migration is criminalized under the law. The accused also knows, given his position, that Libya is facing the illegal migration issue with the European countries. Despite that, he contributed to illegal migration by providing money to purchase the boats prepared to that end and ordering the reinstatement of convicted officers

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in order to benefit from their expertise with regards to this criminalized act. Therefore, the accused conspired to this crime by agreement and assistance. As stipulated by the Supreme Court, conspiracy to a crime is established when all the parties to the crime intend to commit the agreed-upon act or when a behavior leads or contributes to such act – Criminal Appeal No. 645 of Judicial Year 39. The accused shall also be held accountable for the outcome of the crime, that is, the death of hundreds of Africans. Therefore, this crime is established against him, which requires him to be convicted. Whereas regarding the charge of misusing public funds, it is established against the accused based on the evidence submitted by the Court when proving that he issued instructions to disburse money on armed security and tribal groups, bringing and equipping mercenaries, bringing drugs, equipping tribal legions, giving rewards to their members as incentives to fight as well as illegal migration. Whereas such disbursement of public funds ordered and facilitated by the accused was made for illegal purposes and parties, without proper legislation authorizing it, in violation of the restrictions and procedures stipulated in the Financial Law and without a proper budget. This caused great damage to the public funds as established by the expert report No. 80 of 2012 AD. Whereas the accused knows, given his position, that public funds may only be disbursed for legal purposes that serve the public interest of the people and the State, based on proper legislation authorizing such procedure and subject to the restrictions stipulated in the law. Whereas the accused violated all these rules, he committed the crime of misusing public funds, which requires him to be convicted. Whereas the charge of seizing private assets was brought against Defendant No. 3. This charge is proven against him based on his confession and that of Defendant No. 4. They both confessed that they agreed to seize the private movables of companies owned by citizens from rebel cities; they agreed to confiscate the items and movables of al-Muhit Company for the manufacturing and marketing of electrical and household appliances, which belongs to the citizen Husayn al-Jatlawi. Based on the instructions of Defendant No. 3, Defendant No. 4 formed a committee to sell the movables of this company; he sold a part thereof while the rest was seized by the members of the People's Guard. The charge is also proven against the accused based on the confession of Defendant No. 4 before the Military Intelligence Services in Misratah, where he said that they raided the warehouse of Mediterranean Company in Bi'r al-Usti Milad, Tripoli, seized 409 Nissan Tiida cars and delivered them to Defendant No. 3, who moved them to Sirte. He added that they used replicated keys to turn on the cars and

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did not inform the warehouse owner of the matter. The charge is also proven against the accused based on the testimonies of the witnesses Abd al-Wahid Abd al-Salam al-Maghnut and Ashraf al-Sid Fannan, who told the Military Intelligence Services that they work for Mediterranean Car Import Company and its delegate Muhammad Ali Ramadan Qadah and that on 5/4/2011 AD, the warehouse of the company in Bi'r al-Usti Milad was raided after midnight by a large number of armed men whose cars bore the signs of Suqur Abu Minyar and the People's Guard. They detained the witnesses at the beginning then ransacked the warehouse while some repeated the expression that the warehouse belongs to a traitor. On the second day, the number of the armed men grew and they cordoned off the place. A green (Land cruiser) carrying Mansur Daw arrived, then all the cars were moved from the warehouse after two technicians were brought to manufacture their keys. Whereas all this evidence proves that the accused conspired with Defendant No. 4 by agreement and incitement to seize the movables of some private companies belonging to citizens from rebel cities; the accused instructed Defendant No. 4 to seize these movables. As a result, Defendant No. 4 mobilized his armed members, broke into the warehouses of these companies late at night and ransacked them, seizing cars and other movables. They sold some of these movables and allowed the armed men to steal the rest. Whereas the acts of Defendant No. 3 and his partner Defendant No. 4 may not be deemed legal as is the case of confiscation or expropriation because such procedures require an administrative decision from a legitimate authority. Such procedures shall also be notified to the person concerned and peacefully conducted in the full light of day. The seized or expropriated items shall as well be recorded to guarantee the rights of their owners to compensation. The items shall not be seized at gunpoint or by raiding the premises at a late hour of the night and insulting the owners of the companies or without notifying them or recording the items. Therefore, the acts of Defendant No. 3 and his partner, Defendant No. 4, may only be deemed an armed robbery of private assets for political reasons according to the Court based on the testimonies of the witnesses. This means that the crime of forcible robbery punished by Article (450) of the Penal Code is established against the accused with all its evidence and elements, which requires him to be convicted. Whereas regarding the rest of the charges brought against Defendant No. 3 al-Baghdadi Ali al-Mahmudi in this case and case No. 568 of 2012 AD, which is annexed to the

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present case and not discussed by the Court in the grounds of judgment, the Court found upon inspection of these charges that some were nominally described with the crimes discussed by the Court while the rest were committed by the accused in one criminal impulse and in execution of the same criminal tendency that drove to commit the other crimes. Therefore, subject to Article (76/1,2) of the Penal Code, all these crimes are deemed one crime, are punishable by the penalty of the most serious crime and have an equal penalty. Whereas it was proven to the Court that the accused committed all these crimes as described in detail in the grounds of judgment. Therefore, based on the above and subject to Article (277/2) of the Code of Criminal Procedure, the Court convicted the accused of these crimes as described in the Statement. Whereas regarding the penalty, the accused committed many serious crimes since he conspired to instruct the regular armed groups and others from the Revolutionaries, the People's Guard and the security forces to counter and kill the protesters, held security meetings at his office to that end, provided huge amounts of money to the armed groups, the tribal legions and the mercenaries. He also disbursed money to bring drugs and conduct illegal migration, formed a tribal legion from his tribe al-Nawayil, provided it and other legions with funds and resources, gave rewards to the members of these legions as incentives to fight and incited his tribesmen to commit rape when they conquered Zuwarah and al-Ghazaya. He also participated in the meetings where it was decided to besiege cities and cut off water and provisions from them and executed these decisions. He provided huge funds to the media figures inciting tribal dissension, agreed with Defendant No. 4 to seize the assets of private companies and gave the money to the military battalions that were killing the Libyans, such as the 32nd Reinforced Brigade, in addition to other crimes. All this aimed to undermine people's security and punish them for defecting from the regime. Whereas the accused committed the crimes within an organized and planned methodical framework, was aware of the seriousness and consequences of his acts and sought to achieve these consequences, i.e. performing arbitrary killings and sabotaging cities for political reasons. Whereas all this proves the danger that the accused represents, his serious propensity for crime and his allegiance to an individual ruler rather than his nation and people. Therefore, the Court has no choice in this case and pursuant to the articles of indictment and Article (28) of the Penal Code but to punish the accused by death penalty as described in the Statement. Whereas the physical penalty does not supersede the financial penalties as the fines shall remain in place with regards to the funds of the convicted in the event that the death penalty judgement

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issued against him is executed and shall be granted privilege with regard to his legacy until it is fully settled. Based on the above and pursuant to Article 9 of Law No. 2 of 1979 AD concerning the economic crimes and amended by Law No. 14 of 2001 AD, the Court decided to impose, in addition to the death penalty sentence, a fine of 50,000 LYD on the accused and to compel him to provide compensation to the Treasury for the public funds that he squandered based on the amount determined in the expert report No. 80 of 2012 AD and as described in the Statement. Whereas the defense counsel raised the defense that the trial procedures are invalid because they are held inside the prison. It is an invalid statement rejected by the Court on the grounds that it may hold its sessions outside its premises if need be. Whereas the accused voluntarily appeared before the Court and submitted his own defense. His defense counsel was also present and submitted his oral and written defense for the accused and the Court authorized him to summon the rebuttal witnesses whom he requested and heard their testimonies. Therefore, the statement of the defense counsel that his client felt constrained when defending himself is wrongful and unjust, which requires its rejection.

- Whereas the defense counsel of the accused raised the defense that the procedures whereby the accused was delivered by the Tunisian authorities are invalid as they run counter to the Universal Declaration of Human Rights and that the Libyan State violated this agreement, since it did not authorize the accused to hire a foreign attorney to his defense. It is an invalid defense because the Universal Declaration of Human Rights does not ban countries from delivering the wanted persons to local or international courts as long as he will be tried in a fair manner that does not violate his rights. As for the statement of the defense counsel that the authorities did not authorize the accused to hire a foreign attorney, it is groundless because the Libyan Law allows the accused to hire a foreign defense counsel provided that the latter observes the procedures stipulated by the law with regards to appearing before the Court and submitting the defenses in relation to the accused. Therefore, this defense shall be rejected. Whereas the attorney of the accused raised the defense that the investigation of the accused is wrongful because the Public Prosecution heard the accused as a witness, then convicted him based on his statements. It is an invalid defense because according to the investigations, the Public Prosecution investigated the accused in such capacity, inquired about the crimes of which he is suspected, faithfully reported his answers and did not hear him as a witness. Therefore, this defense shall be rejected. Regarding the defense raised by the defense counsel about the inapplicability of Article (202) of the

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Penal Code, because this article requires sabotage with the aim to harm the State and his client had nothing to do with sabotage. It is an unfounded defense because it was proven that the accused facilitated the disbursement of money to all of Gaddafi's battalions and the volunteers' legions, which all besieged, bombed and destroyed the rebel Libyan cities. Furthermore, he held security meetings and sought to punish the Libyan people in rebel cities for defecting from the regime. Due to the financial support provided by the accused to the military battalions, these battalions were able to sabotage Libyan cities. Whereas the accused sought by his act to attack the people and the State. Therefore, he committed the crime of sabotage and arbitrary killing punishable by Article (202) of the Penal Code, which requires the rejection of this defense. Whereas the defense counsel raised the defense that the deliberate killing charge is invalid against the accused because he did not kill anyone and he is a civilian who has nothing to do with the army. This is an unfounded defense because it was proven that the accused organized and held the meetings whereby it was decided to task the security battalions, the Revolutionary Committees and the People's Guard to counter and crush the protesters. As a result, these armed groups opened fire on the protesters, killing dozens as established by the Court in the Judgement. This means that the accused conspired by agreement, incitement and assistance to this crime, which requires the rejection of this defense.

- Whereas the attorney of the accused raised the defense that his client has nothing to do with the charge of bringing drugs because another accused confessed to this charge. This is an unfounded defense because even if the accused did not bring the drugs by himself, he nonetheless provided funds to Defendant No. 2 in order to bring these substances, which makes him an accomplice to this crime according to Article (100) of the Penal Code. Therefore, this defense shall be rejected. Whereas the defense counsel raised the defense that his client's acts are not deemed crimes because he was executing Muammar Gaddafi's instructions, which have the status of the law according to the Revolutionary Legitimacy Law. It is an invalid defense rejected by the Court because the law mentioned by the defense counsel concerns the legitimate instructions that serve the interest of the nation and the citizen. This law assumes that the instructions given by the Head of the former regime serve the interest of the nation and the people. Therefore, the illegal instructions issued by the Head of the regime are unjustified and shall not be executed and whoever executes them is deemed an accomplice

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to the crime along with the one who issued them; any person disobeying God shall not be obeyed and any official violating the law shall not be obeyed, otherwise there would be a violation of justice and an infringement of the law, which requires the rejection of this defense. Whereas the attorney of the accused raised the defense that the prosecution is in reality targeting the former regime by prosecuting its aides. It is an unfounded defense and the Court rejects such description because the crimes of killing protesters, forming tribal legions, bringing drugs and mercenaries, conducting illegal migration and inciting rape are crimes warranting punishment for their perpetrator even if they were committed for political reasons. Therefore, this defense shall be rejected. Whereas the defense counsel raised the defense that paying money and holding meetings are not deemed crimes because they are part of the job duties of the accused. Therefore, this is an invalid defense rejected by the Court because holding meetings and facilitating the disbursement of money are legitimate if these meetings aimed to discuss how to provide services to the people and manage the State's administrative and economic affairs rather than issuing instructions to counter and kill the protesters and besiege cities in addition to other illegal acts. Moreover, facilitating the disbursement of money is deemed legitimate if such financial resources were allocated to serve the public interest. As for disbursing money for illegal purposes such as armed groups that besiege cities and kill people or to bring mercenaries or drugs or equip tribal legions, in addition to other illegal purposes, is deemed a crime and a contribution to the crime of sabotage and arbitrary killing as well as other crimes. Therefore, this defense shall be rejected. Whereas the defense counsel raised the defense that their client was coerced. It is an invalid defense because the coercion that precludes punishment implies the fact that the accused has to choose between committing the crime or putting himself or his family at risk and being compelled to commit the crime in order to ward off that risk. As for the other risks, such as the dismissal from job or disciplinary or criminal procedures, they are not deemed means of coercion that justify the crime nor do they preclude punishment. Whereas the Court found that the accused was not coerced but voluntarily conspired to commit these crimes. Therefore, this defense shall be rejected. Whereas the attorney of the accused raised the defense that

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the lawsuit shall not be filed against the accused on the grounds that no authorization was obtained to investigate him. This defense is invalid because Law No. 38 of 2012 AD on Procedures for the Transitional Period explicitly provides in its thirteenth article that filing a criminal suit is not subject to the condition that the case can be filed [by the prosecution] against the individuals only by virtue of an application or a permission; which means this defense is rejected. Whereas the attorney of the accused raised the defense that the arrest of his client is invalid because it violates Article (26) of the Code of Criminal Procedure. This defense is unfounded because it is ambiguous and does not explain why the arrest is deemed invalid. Whereas the accused was delivered to the Libyan authorities by the Tunisian authorities; he was delivered to the Office of the Chief Prosecutor, which started investigating him and ordered his arrest. Therefore, the arrest procedures are valid contrary to what was claimed by the attorney of the accused, which requires the rejection of this defense.

- Whereas regarding the rest of the defenses raised by the attorney of the accused, the evidence submitted by the Court in the Judgement when proving that the accused committed the crimes attributed to him respond to these defenses, which requires the rejection of those defenses. Whereas the accused requested that the testimonies of the rebuttal witnesses be taken into account, his request is rejected because their testimonies do not revoke the evidence submitted by the Court, which prove that he formed a tribal legion in his region and provided material support to other legions. Moreover, even though the witnesses denied knowledge of the formation of a tribal legion by the accused in Jumayl, the legion was indeed formed especially since the witnesses said that they used to encounter the legion's vehicles in the region. In addition, the fact that the accused did not come to his region as mentioned by one of the witnesses does not mean that he did not commit the crime. Therefore, this testimony shall be invalidated and the judgement shall be executed as described by the Statement.

4. On the charge of murder of protesters in Tripoli that is attributed to Defendant No. 4 Mansur Daw Ibrahim, the charge is proven against the Defendant based on the statement given by Defendant No. 3 before the Public Prosecution. According to said statement, when protests started in 17/02/2011, several meetings were convened by Defendant No. 1 and attended by the directors of security services, including the Defendant Mansur Daw. It was agreed to suppress the protests and prevent the protesters from reaching the public squares by all possible means, which implies shooting at the protesters to suppress the protests. He added that Mansur Daw Ibrahim insisted on confronting the protests and said word for word "Let us show them who is in control". He also said that the Revolutionary Guard, the People's Guard, the security services, and Mohammed Magariaf Battalion were sent to control

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Green Square and prevent the protesters from accessing it by all possible means. Moreover, the charge is proven against the Defendant based on the confessions of Defendant No. 6, Milad Daman, who mentioned before the Public Prosecution that when the protests broke out in Tripoli, a crisis management room was established with the Defendant Mansur Daw as one of its members, and that when he went to the People's Guard headquarters, he found Defendant No. 4 distributing weapons to people. The charge is proven against the Defendant based on the testimony of al-Hadi Ambirish. The latter stated in his testimony that the Operations Room was composed of representatives of all the security agencies and it played an active role in suppressing the protests in Martyrs Square. The Room issued instructions to its members, each within their mandate. The instructions were clear: kill protesters to crackdown on their uprising. The charge is proven against the Defendant based on the testimony of witness Milad Abu Sabiha who stated therein that he worked for the External Security Agency and that he was assigned with a group of its members to guard the Central Bank of Libya. Upon passing by Green Square, they saw heavy traces of blood, scattered stones, and burnt cars and they knew that they were caused by the crackdown. They also learned that Mohammed Magariaf Battalion, the People's Guard, the revolutionary committees, and the security services had fired their weapons at the protesters. Moreover, the charge is proven against the Defendant based on the medical reports of the dead protesters, stating that the victims died of gunshot wounds to vital organs such as the head, heart, or stomach. The charge is proven against the Defendant based on the lists of victims who passed away in Tripoli's protests from 20/02/2011 until the beginning of March 2011, starting with the name of citizen Salih Khalifa Khalafallah and ending with the name of citizen Faraj Abd al-Aziz Abdullah who is registered under No. (71). Whereas all the evidence attest that the Defendant was part of that agreement and that he ordered and instigated the suppression of the protests, preventing them from reaching Green Square by any means, and shooting at protesters, resulting in the death of dozens of them; whereas the Defendant was aware that asking the armed members under his command to confront and shoot at the protesters can lead to arbitrary unjust killings; whereas he knowingly did so, directed his general forces and armed members, and contributed to the orders given to them and to others to confront and kill the protesters, which happened indeed; therefore he is found guilty as charged and he shall be convicted.

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On the charge of involvement in the murder of protesters in Benghazi attributed to Defendant No. 4, the charge is proven against the Defendant based on the testimony of Ahmid Abdullah Barak al-Azumi who stated in his testimony before the Public Prosecution that he was the Director of Security in Benghazi and that on 16 and 17 February 2011, forces of Tariq and Faris Battalions, mostly composed of foreign mercenaries from the National Movement of Azawad, flocked to Camp 7 April in Benghazi along with large numbers of revolutionaries from Sabha and Sirte. These forces were deployed within the city and attacked the protesters. They wore yellow hats to be distinguished from protesters. All the forces were under the command of Defendant No. 1, Defendant No. 2, and Defendant No. 4 Mansur Daw. The witness added that on 17/02/2011, while he was standing [illegible] of the city with an officer called Muhammad al-Halash, an armoured vehicle arrived with Defendant No. 2 and 4 on board and a vehicle of guards driving behind. They headed toward al-Mu'allim Square to prevent the protesters from forming a sit-in. When they gathered at Benghazi and Sakabli intersection, orders were given to shoot at the protesters. These orders were issued by Defendant No. 2 and Defendant No. 4. Many protesters were killed and wounded. Defendant No. 4, Mansur Daw, was seen giving out orders to Colonel Gaddafi Bahri and Lieutenant Ibrahim to fire their weapons. On the same day at sunset, he heard that protesters had been shot near Giuliana Bridge and that Defendant No. 2 and Defendant No. 4 had given the order to shoot. The charge is proven against the Defendant based on the testimony of witness Musa Abd al-Jawad who mentioned in his testimony before the Public Prosecution that he was the Commander of Al-Fadil Bu 'Umar Battalion. During the events, the Defendant No. 2 and Defendant No. 4 moved around Benghazi in an armoured vehicle and they issued instructions to revolutionaries, the Revolutionary Guard, and the security forces, to shoot at the protesters in al-Mu'allim Square, Maydan al-Shajara, and Giuliana Bridge. The charge is proven against the Defendant based on the testimony of Muhammad Salih al-Amari who stated in his testimony that he was a colonel and occupied the position of Director of the General Department for Inspection and Follow-Up in eastern Libya. On 17/02/2011, he went out to inquire about the security situation with Lieutenant Colonel Hassan Zayid. They went to Amr ibn al-As Street where the witness saw a large youth protest in Maydan al-Shajara calling for the overthrow of the regime. Afterwards, he parked his car near the 7th of October Hospital and he saw blue buses stopping at Tibesti Hotel

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and at least four hundred people in military uniform stepping out. He also saw three vehicles, one of them was armoured and known as [illegible] with a protection vehicle carrying Defendant No. 2 and Defendant No. 4. The men who stepped out of the buses wore yellow hats and carried AK-47 rifles. He heard heavy gunshots and so he returned to work. Later on, he heard that over ten people were shot dead. He also learned that protesters in Giuliana Bridge were shot at and many were killed or wounded. The witness concluded his testimony by stating that Defendant No. 2 and Defendant No. 4 were running the crackdown and killing operations. They were on the ground, directing their armed members. The charge is also proven against the Defendant based on the testimony of witness Fathi Abd al-Qassim al-Barghati who stated before the Public Prosecution that on 17/02/2011, the men with yellow hats attacked the protesters in Maydan al-Shajara. Martyrs fell in Jamal Abd al-Nassir Street, at Guiliana Bridge, and al-Sakabli Sidi Husain. He learned that Defendant No. 2 and Defendant No. 4 were riding a vehicle and monitoring the killing and crackdown on the protesters. The charge is proven against the Defendant based on the testimony of several citizens who took part in the protests, including Tariq Haiba al-Arabi who stated in his testimony that he participated in the protests of 17/02/2011 in Jamal Abd al-Nassir Street and in front of Tibesti Hotel. While they were assembled, they were under direct gunfire and many martyrs were killed. The charge is proven against the Defendant based on the lists of victims of the Benghazi protests from 15/02/2011 until the end of the month, starting with the name of citizen Naji Jum'ah al-Kawafi and ending with the name of citizen Salih Miftah Buqshat al-Arabi under No. (107). The charge is proven against the Defendant based on the forensic reports of the victims of Benghazi protests, which prove that the victims suffered from deadly gunshot wounds to the head, chest, etc.

Whereas the evidence conclusively proves that Defendant No. 4 had agreed with and ordered security members, revolutionary committees, and the People's Guard to confront and shoot at protesters, resulting in the death of dozens of them; whereas the Defendant was aware by reason of his job that the law prohibits any attack on peaceful unarmed protesters and that giving armed forces instructions to shoot would certainly lead to death; whereas the Defendant desired and wished

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to achieve this result, which indicates his intention to kill; whereas the Defendant acted for political reasons against the safety of the state and the people and sought to take revenge against the people for opposing the regime; accordingly, the charge is proven against the Defendant and therefore he shall be convicted. On the charge attributed to Defendant No. 4 of destabilising national unity and instigating civil war by forming armed tribal legions, and arming and funding the same, the charge is proven against the Defendant based on his confession that he issued decisions to form a number of legions such as the legion of Wirshfanah, the legion of al-Nawahi al-Arba'ah, and the legion of al-Hararat, his confession to disbursing to these forces the sum of LYD thirty million that had been transferred by Defendant No. 3 and providing them with vehicles, petty cash, awards, bonuses, subsistence allowances, and weapons, and his confession that these forces caused a tribal feud between Libyan tribes and regions such as al-Nawayil, Zuwarah, al-Hararat, al-Zawayah, Wirshfanah, and al-Zawiyah. The charge is proven against the Defendant based on the testimony of Bashir Muhammad al-Taurghi who stated in his testimony before the Public Prosecution that the Defendant Mansur Daw was in charge of many armed tribal legions that were formed to support the regime in insurgent regions. Whereas the confession of the Defendant, which was confirmed by the witness, proves that the Defendant had formed armed tribal legions and provided them with equipment, weapons, and remuneration to entice their members to fight; whereas these forces were formed by members of the former regime, including the Defendant, to destroy the social fabric of the Libyan nation by instigating pro-regime Libyan tribes and regions against anti-regime tribes and regions, and as this dangerous policy – that was adopted by the Defendant and other parties – caused old hostilities to resurface between some Libyan tribes and regions and led to new ones whose consequences will haunt Libyan society for a long time because of the atrocities committed by the members of these forces against the residents of the rebelling Libyan regions, including murder, kidnapping, debasement, pillaging, and sabotage of property and cities; whereas the Defendant was aware that the creation of these forces would revive old hostilities as proved by his confession that these forces did stir up old animosity between Wirshfanah, al-Zawiyah, al-Nawayil, and the Amazigh of Zuwarah, but he adopted this policy anyway for political reasons with the aim of causing civil war and infighting between Libyan regions; therefore, the charge is proven against the Defendant and he shall be convicted. On the charge of sabotage and arbitrary killings attributed

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to Defendant No. 4 for recruiting and equipping mercenaries, the charge is proven against the Defendant based on the statement of Defendant No. 6 Milad Daman, who stated before the Public Prosecution that a meeting was held in al-Mahari Hotel in May 2011 between Defendant No. 1, Defendant No. 2, Defendant No. 4, and the leader of Darfur's Justice and Equality Movement (JEM), Khalil Ibrahim. The charge is proven against the Defendant based on his confession that he trained and armed Africans from al-Mahamid, al-Zaghawa, and al-Gur'an tribes in a training facility established for this purpose at the Railway Company, and his confession to meeting with JEM leader Khalil Ibrahim and recruiting armed groups commanded by Khalil Ibrahim and other groups commanded by Minni Minnawi and directing them to the front of Misrata. The charge is proven against the Defendant based on the testimony of Faraj Abu Ghalya who stated before the Public Prosecution that mercenaries were recruited through Abdullah al-Senussi and Mansur Daw. Whereas the information confessed by the Defendant and confirmed by witnesses proves the Defendant's involvement in recruiting, arming, paying, and instigating foreign mercenaries to fight Libyans; whereas the Defendant was aware, by reason of his position as a high-ranking officer in the Libyan army and his political status in the State of Libya, that the recruitment, arming, and funding of foreign armed groups on Libyan soil and their deployment on battlefronts to fight and kill Libyan people is a criminal act; whereas these African mercenaries, with whom the Defendant has negotiated and agreed on recruiting, indisputably entered the battlefronts of Misrata and the Western Mountains, conducted combat military operations, committed arbitrary acts of murder, and helped destroy the cities they entered; therefore, the charge of sabotage and arbitrary killings is proven against the Defendant and he shall be convicted. On the charge attributed to Defendant No. 4 of seizing citizens' property, the charge is proven against the Defendant based on the testimony of witness Khalid Rafi' al-Talis. The witness stated before the Public Prosecution that he had received a letter signed by the Defendant Mansur Daw, requesting that a committee be formed to sell the goods and movables of al-Muhit Home Appliances and Electronics Company, owned by citizen Hassan al-Jatlawi of Misrata. The committee was chaired by Abd al-Aziz Mujahid, with Khalid al-Talis and Lu'ai Ashur as members. They disposed of the company's assets and concluded a sale deal for over LYD 1 million. They sold other goods as well and distributed other items to citizens for free. The charge is proven against the Defendant based on his confession that he had agreed with Defendant No. 3 to seize the assets of the Mediterranean Company owned by citizen Husain al-Jatlawi, and his confession before the Military Intelligence Department

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of Misrata that they entered the warehouse of the Mediterranean Company in Tripoli, Bi'r al-Usta Milad, and seized 409 Nissan Tiidas, which they delivered to Defendant No. 3 who in turn transported them to Sirte, and that they used forged keys to operate the cars and that they did not inform the warehouse keeper of the matter. The charge is proven against the Defendant based on the testimony of witnesses Abd al-Wahid Abd al-Salam al-Maghnut and Ashraf al-Sid Fannan who mentioned in their deposition before the Military Intelligence Department that they worked for the Mediterranean Car Import Company, whose dealer is called Muhammad Ali Ramadan Qadah. On 05/04/2011, a large number of armed men broke into the company's warehouse in Bi'r al-Usta Milad after midnight. Their vehicles carried the logo of Abu Minyar Hawks and the Revolutionary Guard. At first, they detained the witnesses and vandalized the place, some of them saying that the warehouse belonged to traitors. The next day, more armed men arrived and surrounded the place. A green Land Cruiser arrived, and they learned that Mansur Daw was on board. After technicians were brought in to forge keys, all the vehicles inside the warehouse were taken away. Whereas all the evidence prove that the Defendant had agreed with Defendant No. 3 to seize the movables of some citizen-owned companies in rebelling cities and that he ordered his armed members to break into the warehouses of these companies late at night, allowing them to vandalize them and seize any vehicles and other movables therein and sell part of these movables and cash their price, and he also allowed his armed members to loot some of these movables; and whereas the acts of Defendant No. 4 cannot be considered legal in terms of confiscation or expropriation because such procedures require an administrative decision by a legitimate authority, which shall be notified to the concerned person and executed in broad daylight without any violence on condition that all confiscated or expropriated items are duly registered to guarantee their owners' right to compensation, and such confiscation shall not be conducted using armed force, by breaking into the concerned locations late at night, and addressing their owners in humiliating language, without notifying them or registering the confiscated items in the records; therefore, the court can only describe the acts committed by Defendant No. 4 and his partner as armed robbery targeting private property for political reasons, based on the witness statements. Accordingly, The charge is proven against the Defendant of forced robbery, which is penalized by the Penal Code, Article (450), in accordance with all the evidence and elements of the crime, and therefore he shall be convicted thereof. On the charge of holding meetings to agree

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on cracking down on protesters, the Defendant is proved guilty based on the statements of Defendant No. 3 who stated before the Public Prosecution that several meetings were convened by Defendant No. 1 and attended by many of the Defendant persons, including Defendant No. 4 Mansur Daw. In those meetings, ways to confront the protests, control Green Square, and prevent protesters from reaching the square by all means were agreed upon, which implies the use of firearms against them, as Defendant No. 4 insisted on suppressing the protests. Whereas these meetings and the instructions resulting therefrom to deploy the armed members of the People's Guard, the revolutionary committees, and the security battalions and services caused the death of many protesters who had taken to the streets to express their opinion and demand good governance; and whereas the Defendant had participated in those meetings and contributed to the orders that led to the death of protesters; therefore he shall be charged with intentional homicide, sabotage, and arbitrary killing and he shall be convicted thereof. On the charge of providing financial support attributed to the Defendant, The charge is proven against the Defendant based on his confession that he received from Defendant No. 3 the sum of LYD thirty million, which he disbursed to the tribal legions for the purchase of vehicles, equipment, subsistence, and remuneration to volunteers. The charge is proven against the Defendant based on the statements of Defendant No. 3, who stated before the Public Prosecution that Defendant No. 4 used to receive from him a monthly sum of LYD five million throughout the events to be disbursed to the People's Guard forces. Whereas this evidence proves that the Defendant provided the tribal legions and the People's Guard volunteers with financial support to enable them to wage the war against the Libyan people in the regions that rebelled against the regime; whereas the Defendant was aware that providing these forces with financial support would enable them to kill people uninhibitedly and destroy cities; whereas the Defendant anticipated and sought such outcome; and whereas the tribal legions and the People's Guard indisputably took part in invading revolting cities and fought Libyans; therefore the charge is proven against the Defendant of sabotage and arbitrary killing for having provided financial support to illegitimate tribal legions in accordance with all the evidence and elements of the crime, and he shall be convicted thereof. On the charge of severe damage to public funds, the charge is proven against the Defendant based on the evidence included by the court upon reviewing the evidence pertaining to the act committed by the Defendant of providing financial support to tribal legions and People's Guard volunteers

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who were illegitimate, killed Libyans, and destroyed their cities. As corroborated by this evidence, the Defendant spent large amounts of money for the purchase of vehicles, equipment, and subsistence for tribal legions and he also disbursed remunerations to volunteers to entice them to kill. Whereas the Defendant effected such disbursement for illegal purposes and in contravention of the established rules and procedures of the financial system of the state as corroborated by the expert witness report No. 80 of 2012; whereas the crime of squandering public funds is confirmed if the disbursement of public funds is proved to have taken place for illegal purposes and if such disbursement contravenes the financial law of the state and the budget regulation; therefore, based on all the above, the charge is proven against the Defendant of squandering public funds in accordance with all the evidence and elements of the crime, and he shall be convicted thereof. On the charge of involvement in the detention and imprisonment of thousands of Libyans attributed to the Defendant, the charge is proven against the Defendant based on the statements of Defendant No. 6 Milad Daman who stated in his deposition before the Public Prosecution that he had attended several meetings with Defendant No. 2, Defendant No. 4, Defendant No. 5, and other participants to discuss the crowded status of prisons and present the reports of investigation committees, which concluded that 1500 prisoners should be released since they had not been charged. However, some of the Defendants, including Mansur Daw, refused to release those prisoners under the pretext that they would return to the battlefield. He added that Mansur Daw suggested blowing up the prisons to kill detainees if rebels arrived in Tripoli. Whereas this evidence proves the involvement of the Defendant in the detention and arrest of thousands of Libyans who had not committed any crime that justified their detention and the restriction of their freedom, rather they were arrested based on their identity, because they belonged to the cities or regions that rebelled against the regime, and even those who were proven innocent were kept in prison at the orders of the Defendant, who rather suggested blowing up the prisons to kill them and drafted a plan in this regard, which he agreed upon with the rest of the Defendant individuals; whereas this crime and its elements arise if the Defendant detains a human being and restricts his freedom against the law; whereas the Defendant was aware that the law prohibits any arrest and restriction of freedom against the law in contravention of the procedures stipulated by law; whereas the Defendant committed and ordered such act despite knowing that it is criminalised by law; therefore, the charge is proven against the Defendant as charged and he shall be convicted. On the remaining charges attributed by the Public Prosecution to Defendant No. 4 Mansur Daw Ibrahim, which are not listed by the court in its grounds of judgment, the court concluded upon reviewing these charges that certain charges

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were similar to the charges included in the Court's grounds of judgment, while other charges were committed by the Defendant in a single act, and the penalty of the single offence shall be inflicted; therefore, pursuant to all the above and in accordance with Article (76/201) of the Penal Code, all these offences constitute a single act and the severest penalty shall be inflicted upon the Defendant for the offence of murder and sabotage. Whereas the court has proved that the Defendant committed all these offences as described in detail by the court in the grounds of judgment, therefore, pursuant to all the above and in accordance with Article (277/2) of the Code of Criminal Procedure, the Defendant shall be convicted thereof as prescribed by the judgment. With regard to the penalty, whereas the Defendant had committed a large number of dangerous offences, in which he ordered the murder of protesters in Tripoli and Benghazi, held meetings for this purpose, mobilised the armed force under his command and the People's Guard and instructed them to suppress and kill protesters, formed tribal groups and issued decisions to disburse large sums of money thereto to equip and arm them, distributed weapons to volunteers, recruited, equipped and deployed mercenaries on battlefronts to kill the people of revolting regions, provided financial support to the armed forces that killed Libyans, assisted Defendant No. 2 in promoting the use of drugs among battalion members and volunteers, squandered public funds, contributed to the detention of thousands of Libyans and objected to the release of prisoners who were acquitted by the relevant committees, suggested blowing up the prisons to kill the prisoners, seized people's properties by force and allowed his members to loot them, in addition to other offences, all of which were committed in retaliation and as a punishment to the Libyan people for opposing the regime; whereas the acts committed by the Defendant indicates that he is a danger and has a criminal tendency, and proves that he does not hesitate to kill people to serve his political goals; whereas the Defendant committed his crimes in a methodical, organised, and well-planned manner and he targeted groups of the Libyan people for having opposed the regime to demand good governance; whereas the Defendant was aware of the danger of his acts and their entailed results and he wanted to achieve those results, which include arbitrary killing, sabotage of cities, chaos, rape, and sabotage for political reasons; therefore, the Court, in accordance with the case, the indictment, and Article (28)

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of the Penal Code, shall inflict capital punishment for these crimes. Whereas physical penalties do not preclude financial penalties, the financial assets of the convict shall be subject to fines. In the event that capital punishment is confirmed and executed, the Court shall have a lien on his inheritance until such fines are settled. Pursuant to all the above and in accordance with Article (9) of Law No. (2) of 1979 on Economic Crimes, which was replaced by Law No. (14) of 2001, the Court orders the Defendant to pay a fine of LYD 150,000 in addition to the capital punishment, and to reimburse the public funds that he squandered as assessed next to his name in the witness expert report No. 80/2012 in the manner prescribed by the judgment.

With regard to the defence attorney's defense on the invalid detention and interrogation of the Defendant on the grounds of false detention, this defense shall be deemed invalid in all its aspects since the defence attorney failed to specify the reason for invalidity of the Defendant's arrest and detention and presented an ambiguous defense in this respect without allowing the court to review the same and decide thereon. Furthermore, Law No. (38) of 2012 on some provisions concerning the transitional phase and the amendments thereof explicitly stipulate that any arrest, investigation, and detention conducted by the rebels against senior officials of the former regime shall be deemed legitimate. The period of arrest preceding their referral to the Public Prosecution shall be regarded as a detention period that is not subject to limits. Whereas the Defendant was referred to the Public Prosecution during the period specified by the aforementioned Law (38) of 2012 and its amendments until early 2014, during which the Public Prosecution interrogated the suspect and ordered his arrest and detention after it established that he had committed dangerous crimes, therefore all the arrest, detention, and interrogation procedures relating to the Defendant shall be deemed valid, and any objection thereto on the basis of invalidity shall be incorrect and therefore rejected. Moreover, the detention subject to the invalidity claim does not affect the evidence that had not been gathered therefrom. With regard to the defense denying the elements of the crime attributed to the Defendant on the basis that he was performing his official duties to protect the state, that the protests were unauthorised and illegal, and that no proof of murder during those protests exists, this defense shall be deemed false in all aspects because mobilising armed forces and giving orders to kill people is considered a criminal act by all local and international legislation as the right to peaceful demonstration to express opinions is guaranteed by all United Nations international conventions and it is prohibited to oppress and kill people for the sole reason of organising a peaceful demonstration to express their

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discontent with the political situation and demand justice and good governance, which are inherent human rights and shall not be suppressed nor shall the people demanding them be oppressed. Furthermore, the Court considers that his acts were not intended to protect the State but rather to safeguard the political regime, taking into account the difference between State and regime and the fact that public servants, whether working in the civilian, security, or military sector, shall perform their duties towards their State and their people and shall be loyal to God first and to the people and the nation second, not to a political regime. The State will remain whereas the political regime changes based on the will of the people. The public servant shall not commit illegal acts such as giving orders to kill people under the pretext of performing his official duties. With regard to the defence attorney's claim that the protests were not peaceful because they lacked proper authorisation, this claim is deemed false because the fact that the protests were unauthorised does not justify their suppression or the use of live fire against protesters' chests. There are internationally accepted rules of conduct for dealing with gatherings, starting with initiating dialogue with the leaders of the protests to identify their demands, and gradually increasing toward using other means that do not lead to murder and harm such as tear gas, hot water, brackish water etc. but not live fire. Claiming that such acts are acceptable legitimises tyranny and murder. The Court rejects this claim, therefore this defense shall be dismissed. With regard to the defence attorney's claim that no protesters were killed during the protests, this defense shall be deemed incorrect as it contradicts the evidence corroborated in the papers, including the lists of victims and the forensic reports pertaining to the victims and proving that they died of gunshot wounds to various parts of their bodies such as the head, stomach, and chest. Therefore this defense shall be dismissed. With regard to the defence attorney's defense denying the recruitment of mercenaries, these defenses shall be deemed incorrect as the information extracted by the court upon reviewing the evidence of such offence shall suffice to respond to this defense, which shall therefore be rejected. With regard to the defence attorney's defense that the Prosecution Office has described as forced robbery the expropriation by the Defendant of corporate properties such as those belonging to al-Muhit Home Appliances and Electronics Company and the Mediterranean Car Import Company, and it has regretted the occurrence of such incident, and that such description does not apply to the incident, which does not constitute an offence in the first place, this defense shall be deemed incorrect in all aspects as it has been proved by the confessions of the Defendant before the Public Prosecution

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and before the Intelligence Department of Misrata that he had seized the assets of al-Muhit Home Appliances and Electronics Company, owned by victim Hassan al-Jatlawi, and seized (409) Nissan Tildas from the Mediterranean Car Import Company, owned by Muhammad Ali Qadah, in agreement with Defendant No. 3, and that they assigned a team of technicians to produce keys to operate these vehicles, which were later on shipped to Sirte by Defendant No. 3. Furthermore, he allowed the armed members under his command to pillage the assets of al-Muhit Home Appliances and Electronics Company, as confirmed by witnesses. Whereas the Defendant committed the act of seizing the property of the two victims by force, as he instructed his members to break into the company premises using weapons and remove the vehicles and other items stored therein; whereas such act cannot be viewed by the Court as legal confiscation, expropriation, or other legal procedure because such procedures shall be carried out for the public good, in accordance with legislation, and in broad daylight, the owner shall be notified thereof and it shall be documented to guarantee the owner's right to compensation, and it shall not be conducted by force, at gunpoint, without documenting the confiscated assets, or by breaking down doors and producing forged keys; whereas such an act is considered a forced robbery, which is penalised by Article (450) of the Penal Code; therefore the Prosecution's description of the incident shall be deemed correct and the defence attorney's defense shall be ill-founded and therefore rejected. With regard to the defense presented by the Defendant in the memorandum submitted to court in the hearing of 01/01/2015, in which he states that he would have been in charge of putting his colleagues who supported the rebels in prison if the regime had won, thus implying that he should not be interrogation or tried in court because he cannot be a litigant and an arbitrator at once, this defense shall be deemed incorrect and it shall be rejected by Court on the grounds that this defense is a personal statement with no evidence. On the other hand, litigation against members of the Public Prosecution and magistrates falls under special litigation between the Defendant and the investigator. However, the current litigation pertains to public affairs, namely to a political or intellectual opinion. Since the investigator supports a political regime to which the Defendant is opposed, the capacity of the Public Prosecution member to investigate with the Defendant shall not be derogated and it shall not constitute a reason to be excluded from the investigation with the Defendant insofar as this member has been objective and has not falsely accused or attributed to the Defendant any acts that he did not commit, and insofar as the investigator has interrogated the Defendant regarding the crimes that he did commit; therefore his integrity shall not be questioned and the memorandum of the Defendant shall be dismissed. With regard to

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the defense in which the Defendant claims that he had acted in such manner in performance of his duties to protect the State and that his acts were legitimate, this defense shall be deemed invalid because public functions represent an assignment to the public servant, and his duty is to respect God and behave in compliance with religion, ethics, and dignity. Upon performing his duties, priority shall be given to the service of citizens and public interest. Whereas killing protesters, recruiting mercenaries to fight Libyans, forming tribal legions, distributing weapons to volunteers, and promoting the use of drugs and psychotropic substances among battalion members are all crimes that do not fall under the professional duties of the Defendant and do not serve public interest or the people; therefore the statement of the Defendant is incorrect, thus it shall be rejected.

5. On the charge attributed to Defendant No. 5, Abu Zayd Dorda, of participating in meetings where it was agreed to suppress protesters in Tripoli, the charge is proven against the Defendant based on the statements of Defendant No. 3, who stated that a meeting held in his office was attended by a number of the Defendants, including Defendant No. 5. It was agreed in the meeting to deploy the revolutionary committees, the People's Guard, the security services, and Mohammed Magariaf Battalion in Green Square to prevent protesters from reaching the square by all possible means, which implies shooting at the protests to suppress them. He also stated that Defendant No. 2, Defendant No. 4, and Defendant No. 5 insisted on suppressing the protests by all possible means and said repeatedly "We have to show them who is in control". The charge is proven against the Defendant based on the testimony of Ibrahim Abdullah al-Salini who stated in his deposition that he was an officer in the External Security Agency and that Defendant No. 5 had given orders to distribute Tundra trucks to the patrols that had been deployed and that played a key role in suppressing the protests. The charge is proven against the Defendant based on the testimony of Milad Abu Sabiha, who stated that he worked for the External Security Agency (ESA) and that he was assigned with a group of ESA members to guard the Central Bank of Libya. Upon passing by Green Square, they saw heavy blood traces, scattered stones, and burnt vehicles, which they found out to be the consequences of the crackdown on protests. They also learned that the security services, the Revolutionary Guard, and the revolutionary committees had fired their weapons at the protesters. The charge is proven against the Defendant based on the lists of victims of Tripoli's protests who died between 20/02/2011 and early March 2011, which start with the name of citizen Salih Khalafallah and end with the name of citizen Faraj Abd al-Aziz Abdullah under No. (71). The charge is proven against the Defendant

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based on the forensic reports concerning the victims of Tripoli's protests, stating that the victims died of gunshot wounds to the head, chest, neck, etc. Whereas the evidence proves that Defendant No. 5, Abu Zayd Dorda, has participated in the meetings where the crackdown on protests was agreed upon, and that in execution of the decisions taken in such meetings, the security members under his command were mobilised and given the instructions to confront and kill the protesters, resulting in the death of dozens of peaceful protesters; whereas the Defendant was aware by reason of his position that confronting protesters, attacking them by live fire targeted at their chests without preamble, and suppressing them in a cruel manner are criminal acts under the law because the right to peaceful demonstration is a legitimate right guaranteed by all international charters; whereas the Defendant was aware that the instructions to which he contributed in those meetings could lead the armed forces to kill people arbitrarily; whereas the Defendant anticipated and sought such an outcome, as proven by his words "Let us show them who is in control"; whereas he acted for political reasons in retaliation against the people for opposing the regime; therefore the charge is proven against the Defendant of sabotage and arbitrary killing and he shall be convicted thereof. On the charge of murder attributed to Defendant No. 5 for the death of protesters in Tripoli, the charge is proven against the Defendant based on the testimony of witness Muhammad al-Suway'l al-Arusi, who stated in his testimony before the Public Prosecution that he was a colonel in the External Security Agency (ESA). When protests broke out, he was assigned by Defendant No. 5 to the investigation committee in charge of interrogating the detainees. He learned that Abu Zayd Dorda interfered in directing the patrols, and on 25/02/2011 he saw buses transporting ESA members in Central Backup uniform. They received all their equipment and deployed around the mosques. There were also Tundra and Toyota 27 patrols that took over Tripoli. On that day, many martyrs died, and 25 bodies were transported to Tripoli Medical Centre, all of whom came from Souk al-Jum'ah and Tripoli. The witness added that the Tundra passengers were armed with rifles and RPGs.

- The charge is proven against the Defendant based on the testimony of Ibrahim Abdullah al-Salini, who stated in his testimony before the Public Prosecution that he was an ESA officer and when information about protests came in, Defendant No. 5, Abu Zayd Dorda, gave

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instructions to deploy patrols and provide their members with Tundra vehicles. The Tundra patrols had a key role in suppressing the protests that were conducted after the Friday prayer. Their members carried AK-47 rifles that they used in the crackdown.

- The charge is proven against the Defendant based on the testimony of Bashir Misbah al-Dawi, who stated in his testimony before the Public Prosecution that, as per the instructions of Defendant Abu Zayd Dorda, the ESA planned the crackdown operation on protests by establishing checkpoints and deploying patrols in Tundra vehicles, which had a primary role in the crackdown. The charge is proven against the Defendant based on the testimony of Abd al-Hamid Muhammad Uthman al-Alim, who stated in his testimony before the Public Prosecution that he worked for the External Security Agency (ESA) and that the ESA Operations Management Department was headed by Major General Abd al-Salam Hamuda and his assistant Colonel Aku al-Zaruq, who took their orders from Abu Zayd Dorda. He said that the Department was involved in the crackdown on the uprising, as its Tundra vehicles were dispatched to the locations of the protests and its members fired at unarmed individuals, and that he witnessed the death and detention of these individuals. The charge is proven against the Defendant based on the testimony of al-Hadi Ambirish, who stated before the Public Prosecution that the Security Operations Room had an effective role in suppressing the protests of 20/02/2011: the Room gave orders and instructions to all its members, each within his duties, to kill protesters to end their uprising, and that is why most wounds were direct hits to the head and chest. He added that Defendant No. 2 and Defendant No. 5 were the most eager to suppress the protests and win Gaddafi's favour. The charge is proven against the Defendant based on the testimony of a large group of citizens, including Lutfi Ramadan Talha, Ahmad al-Nasir al-Jirnazi, Akram Muhammad Qanbur, Fawziya Ibrahim al-Faqih, Abd al-Rahman Muhammad al-Karikish, and Muhammad al-Qasim Umar, etc. The first stated that his brother Ali was killed on 25/02/2011 in Souk al-Jum'ah by a shot to the head. The second stated that his nephew Abd al-Ra'uf was killed on 25/02/2011 in Souk al-Jum'ah by a shot to the head. The third mentioned that his father was killed on 25/02/2011 by a shot to the thigh. The fourth mentioned that her son Ahmad Muhammad al-Karikish was killed on 20/02/2011

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on al-Jumhuriya street, al-Madina by a shot to the head while he was being transported to the hospital after suffering from a gunshot wound to the thigh. The fifth said that her husband, Kamal Khalifa al-Masri, was killed on 25/02/2011 in Souk al-Jum'ah by a shot to the head. The sixth said that his son, Marwan, was killed on 22/02/2011 in al-Zawiyah Street. All these witnesses and others have unanimously agreed that their aforementioned relatives were killed by security officers riding in the Tundra and civilian vehicles of the ESA and security agencies during unarmed peaceful demonstrations. The charge is proven against the Defendant based on the lists of victims who died in the protests of Tripoli between 20/02/2011 and March 2011, and the victims' medical reports that indicate, as previously mentioned, that they died of gunshot wounds to various body parts. Whereas all the aforementioned evidence provide an irrevocable proof that the Defendant Abu Zayd Dorda was involved in agreeing, instigating, and ordering the murder of protesters as he made plans to confront the protests, ordered the dispatch of patrols, provided the members thereof with Tundra vehicles and weapons, ordered their deployment in public places and near mosques, and instructed his subordinates to suppress the protests and use live fire, causing the death of dozens of protesters; whereas the Defendant was fully aware, by reason of his job and political status, that any attack against peaceful protesters is criminalised by law, and he was aware that instructing patrol members to suppress and fire at protesters would certainly lead to their death; whereas the Defendant wanted and sought such outcome to silence the people and crush their uprising, as corroborated by the words attributed to him: "let us show them who is in control"; whereas he acted for political reasons to harm the safety of the people in retaliation for opposing the regime; therefore the charge is proven against the Defendant as charged and he shall be convicted thereof.

On the charge of sabotage and arbitrary killing attributed to the Defendant for having participated in the meeting during which it was agreed to cut off water, electricity, and provisions in rebelling cities, the charge is proven against the Defendant based on the statement of Defendant No. 3, who stated before the Public Prosecution that a meeting was held on 03/03/2011, chaired by Gaddafi and attended by a number of the Defendants, including Abu Zayd Dorda. In said meeting, it was agreed to besiege the rebelling regions such as Zintan,

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Al-Zawiyah, and Misrata, and deprive them of salaries, goods, and services. The orders were executed: the concerned cities were besieged; salaries, supply goods, and water were cut off in Misrata, and power plants were bombed. Whereas the act committed by the Defendant, i.e. taking part in the meeting where such coercive measures against rebelling regions were agreed upon in retaliation and as a punishment to their residents for opposing the regime, makes him an accomplice by agreement to such crime in accordance with Article (100/3) of the Penal Code on the grounds that he attended the meeting and did not object to the agreements and decisions made therein; whereas the Defendant was aware, by reason of his job, that besieging cities and cutting off their means of living, including water, electricity, and provisions, is a form of collective punishment and an unethical act that is considered a war crime due to the entailed collective punishment imposed upon residents, as well as an act criminalised by law; whereas the Defendant was involved by agreement and consent in issuing such instructions, despite his knowledge that they would exert pressure upon residents and lead to their collective death, which actually happened because the Court has learned, based on its knowledge of public affairs, that the international community and organisations had to send relief convoys to the Libyan cities besieged by Gaddafi's battalions; accordingly, the charge is proven against the Defendant of the charge of sabotage and arbitrary murder and he shall be convicted thereof.

On the charge of instigating civil war and destabilising national unity by forming tribal legions to assault rebelling regions, the charge is proven against the Defendant based on the statement of al-Mabruk Muhammad al-Mabruk Sa'ud, who stated before the Public Prosecution that he worked for the ESA and he was in charge of the personal protection of the Defendant Abu Zayd Dorda. He stated that the latter met with al-Sani al-Aysh, Ali Umar al-Fata, and Muhammad Khalifa Umar and agreed with them to form a legion in al-Ruhaybat, which they agreed to name "al-Sumud Legion", and a list of volunteers was drafted and Colonel Umar Ali al-Fata was assigned as the legion commander. He added that Abu Zayd Dorda asked him to take al-Sani al-Aysh to the commander of the Supreme Security Operations Room, al-Hadi Ambirish, to obtain the necessary weapons for the legion, which he agreed to provide and included two launchers, two DShK machine guns, four mortars, one 14.5 machine gun, and AK-47's. He was instructed by the Defendant to head out to

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Camp 77 to meet with a colonel named Radwan. He did go to the camp and received a vehicle loaded with rockets and DShK ammunition boxes. And then he was ordered by the Defendant Abu Zayd Dorda to transfer the ammunition to al-Jawsh. The charge is proven against the Defendant based on the testimony of al-Hadi Ambirish, who testified before the Public Prosecution that Abu Zayd Dorda had formed an armed force of his tribe – al-Ruhaybat – and another force of ESA members, to whom he distributed weapons at the request of Defendant No. 5. The charge is proven against the Defendant based on the statement of Defendant No. 3, who stated before the Public Prosecution that Abu Zayd Dorda had formed a force of his tribe, al-Ruhaybat, and bragged that his force was engaged in the battle. The charge is proven against the Defendant based on the testimony of Faraj Muhammad Abu Ghalya who testified before the Public Prosecution that Abu Zayd Dorda formed a force of his tribe al-Ruhaybat just like all other officials, which instigated tribes against each other. The charge is proven against the Defendant based on the testimony of Ali Jum'ah al-Zaruq Bufis, who stated that he worked for the ESA and that he witnessed inside the ESA headquarters six vehicles carrying rocket launchers and ammunition boxes, which he learned belonged to Abu Zayd Dorda, who was planning on sending them to al-Ruhaybat. He was later informed that these were sent in coordination with Muhammad al-Ruhaibi and Ali al-Maqtuf. Whereas the statements of the witnesses prove that the Defendant Abu Zayd Dorda was involved in the establishment of armed tribal legions by forming a force of his tribe al-Ruhaybat, holding meetings for this purpose, gathering volunteers, appointing commanders and superiors for such force, and seeking to provide it with weapons and equipment and other assets, all the while bragging that his force was engaged in the fight, as confirmed by Defendant No. 3; whereas these forces were formed by the Defendant and other senior officials of the former regime to destroy the social fabric of the Libyan people by instigating Libyan pro-regime regions and tribes against anti-regime regions and tribes, and as this policy, to which he contributed, revived old hostilities between Libyan regions and caused a new animosity to appear whose consequences will hunt Libyan society for a long time due to the atrocities committed by the volunteers of these forces against the rebelling regions, including murder, rape, sabotage, pillaging, and other sordid acts similar to the ones committed in Zuwarah, al-Zawiyah, and Misrata; whereas the Defendant was aware, by reason of his job and political status, that

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such policy would destroy the social fabric of the Libyan nation and that it would cause sedition and civil strife, nonetheless he committed the crime for political reasons; therefore he is found guilty of such offence and he shall be convicted thereof.

On the charge attributed to the Defendant of destabilising national unity and instigating civil war by preparing sedition-instigating media material and broadcasting the same on satellite television, the charge is proven against the Defendant based on the testimony of Ahmid Abdullah Barak al-Azumi who testified before the Public Prosecution that he worked for the ESA Benghazi Division and that he knew that an electronic army had been established at al-Fikr al-Akhdar Institute in eastern al-Hadabah under the command of Hamid Abu Zayd Dorda, and that this army had a media division in charge of fabricating lies and rumours and causing tribal sedition. This division would make use of the National Security Agency material provided by the Defendant Abu Zayd Dorda to his son Ahmid on a daily basis so that Yusuf Shakir can broadcast such material in his show "Asham al-Watan", as well as Mustafa Qadir Buh... Calls were made from the studio, in which the Defendant would accuse the rebels of pillage and rape as a way of fomenting civil strife. Whereas the witness statement proves that the Defendant Abu Zayd Dorda had created an electronic army that he assigned to his son Ahmid, that this army encompassed a media division in charge of spreading lies about the rebels and the regions that rebelled against the Gaddafi regime, that the Defendant used to provide TV presenters such as Yusuf Shakir and Mustafa Qadir Buh with information that could cause civil strife between the people, and that such lies and false rumours provided by the Defendant to the presenters of these programs have indeed caused sedition and conflicts between Libyan tribes and regions and these lies led many residents of regime-controlled regions to volunteer to fight against anti-regime cities, tribes, and regions, hence causing tribal conflicts of which the country still suffers due to the atrocities committed by the volunteer forces, such as murder, pillaging, and rape; whereas the Defendant was aware, by reason of his job and political status, that the use of media outlets to spread lies would cause tribal sedition among the components of the Libyan nation; whereas he committed such act nonetheless; therefore he shall be deemed the perpetrator of this offence and he shall be convicted thereof.

On the charge of approving and instigating the rape of anti-regime detainees,

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the Defendant Abu Zayd Dorda is found guilty based on the testimony of victim al-Hassan Abu Dhuhair, who testified before the Public Prosecution that he had been detained in the bedroom of a villa exploited by the ESA during the events of the 17 February Revolution, and that during his detention he was subjected to all forms of torture and he was sexually assaulted with a PPR pipe inserted into his rectum after he refused to comply with the ESA members' order to have intercourse with a girl that they had brought for him, saying "Fuck her or be fucked". He added that he heard the screams of several female prisoners being raped. The charge is proven against the Defendant based on the testimony of citizen al-Husain Muhammad Abu Dhuhair, who stated before the Public Prosecution that his son was arrested and detained in a prison on al-Sawani road, which was commanded by the ESA, and that he was released when the rebels entered the prison on 23/08/2011, when he found him hanging naked from the ceiling with a PPR pipe in his rectum after being subjected to forced penetration, causing him to lose his masculinity. The witness added that he found in that prison twelve female prisoners, four of whom were naked, and that he took off his own clothes to cover one of them while the neighbours brought clothes for the rest. The witness added that the Defendant Abu Zayd Dorda, as the ESA director, knew and approved all the acts of the ESA members.

Whereas the aforementioned testimonies prove that the Defendant was involved in the rape of anti-regime detainees on the grounds that he was aware of such sordid practices by his aids and subordinates, but did not issue clear instructions to prohibit such acts and sanction the culprits, which implies that he approved of such practices; whereas the Defendant was aware, by reason of his job, that such acts are criminalised by law and he was aware that such acts are classified under international law as crimes against humanity due to the humiliation incurred by the victims, and he was undoubtedly aware that such acts are not only criminalised by the law but they are also criminalised by the Islamic Sharia; whereas the Defendant, in spite of his knowledge of all such legal facts, allowed his agents to assault the prisoners for political reasons in retaliation against them and their families and tribes for opposing the regime; therefore he shall be deemed an accomplice by agreement and instigation to such crime and he shall be convicted thereof.

On the charge attributed to the Defendant of detaining thousands of Libyans and preventing the release of acquitted detainees, the charge is proven against the Defendant based on the testimony of Ta'if Jum'ah Khalifa al-Ra'I who testified before the Public Prosecution that he was an ESA officer

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of the rank of captain, and he was assigned to the ESA prison which was full of detained protesters who were arrested by the ESA patrols during the protests of Souk al-Jum'ah, Fashloom, and Tajura, as well as other individuals who were brought in after their properties were pillaged by the ESA patrols. The charge is proven against the Defendant based on the testimony of aforementioned victim al-Hassan Abu Dhuhair. The charge is proven against the Defendant based on the testimony of Mukhtar Muhammad Mustafa, who stated before the Public Prosecution that he was an ESA officer and a member on the investigation committee of Abu Salim Prison that was in charge of interrogating the detained rebels and decided at the end of its mission the release of hundreds of detainees who did not commit any violation; however such decisions were not executed because some of the Defendants, including Abu Zayd Dorda, objected to their release for fear that they would return to the battlefronts.

Whereas such testimonies prove that the Defendant was involved in the detention of thousands of individuals for political reasons because they originated from the regions that rebelled against the Gaddafi regime, and that he even refused to release those who were acquitted; whereas such crime and its elements arise if the Defendant orders the unlawful restriction of the freedom of any human being or a single person; whereas the Defendant was aware that detention and restriction of freedom are criminalised by law; whereas the Defendant committed such act by giving orders and instructions to arrest and detain a large number of people and prevented their release; therefore the charge is proven against the Defendant and he shall be convicted thereof.

On the charge of acquiring and distributing drugs and illegal migration, the Court, upon reviewing the case file, has not found any proof of the involvement of the Defendant Abu Zayd Dorda in both offences, or any proof that he contributed to the acquisition of illegal drugs and psychotropic substances or ordered their use by security officers, and there is no proof that he contributed to the import or deportation of Africans to Europe. Therefore, in accordance with all the above and with the provisions of Article (277/1) of the Code of Criminal Procedure, he shall be acquitted of such offences.

On the remaining charges attributed by the Public Prosecution to Defendant No. 5 Abu Zayd Dorda in the present action or action No. 723/2012 enclosed therewith, the Court, upon reviewing the same, has established that certain charges are similar to the charges included in the Court's grounds of judgment, while other charges were committed in a single act and they constitute a single offence with the other charges deliberated by the Court. Therefore, pursuant to all the above and in accordance with Article (76/201)

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of the Penal Code, all these offences constitute a single act and the severest penalty shall be inflicted upon the Defendant in the manner prescribed by the judgment. With regard to the penalty, whereas the Defendant has committed a large number of dangerous offences in which he ordered the murder of protesters in Tripoli, gave his armed members orders and instructions to shoot at protesters, held meetings for this purpose, ordered the deployment of patrols and provided their members with vehicles and weapons, formed a tribal group of his own tribe members, provided such group with weapons, urged it to take part in the fight against the people of rebelling regions, bragged about the involvement of his force in the fight, formed a second armed force of his subordinates which he provided with weapons and equipment to kill Libyans, took part in the meeting where it was decided to besiege the rebelling cities and deprive them of water, electricity, and provisions, approved such measures, contributed to the detention of thousands of Libyans based on their identity or political position, objected to the release of those acquitted by investigation committees, allowed his subordinates to rape detainees in ESA detention centres, in addition to other offences, for the purpose of attacking the safety of the people in retaliation for opposing the regime, as well as attacking the safety of the State, and causing chaos and sabotage therein; whereas the acts committed by the Defendant denote a criminal threat and tendency on his part and prove that he does not hesitate to kill people to serve his political goals without any consideration to religious, ethical, and patriotic requirements even though such is the foundation of the civil servant's duties; whereas the Defendant committed his crimes in a methodical, organised, and well-planned manner and he targeted groups of the Libyan people for having opposed the regime to demand good governance; whereas the Defendant was aware of the danger of his acts and their consequent results and he wanted to achieve those results, which include murder, sabotage of cities, and rape; therefore, in accordance with the case, the indictment clauses, and Article (28) of the Penal Code, the Court shall order capital punishment in support of and in conformity with the judgment.

With regard to the defence attorney's motion to dismiss the case for lack of a proper warrant by the legislative authority, such motion shall be deemed invalid on the grounds that the defendant is accused of the murder of protesters and other crimes committed during the 17 February Revolution, and that Article 13 of Law No. (38) of 2012 on certain procedures concerning the transitional phase stipulates that "filing a lawsuit does not depend on specifying the parties for which the law requires a request or permission to confront. Therefore this defense shall be

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dismissed. With regard to the defence attorney's defense on the invalidity of the interrogation on the grounds of coercion, this defense shall be deemed incorrect for being an uncorroborated claim, as the Supreme Court has ruled that the fundamental requirement is that the procedure be legally correct and in conformity with the law and that whoever claims that such procedure contravenes the said requirement shall provide proof thereof. Whereas the defence has not identified the coercive conduct to which the Defendant was subjected during the investigation, therefore the defence's defense shall be deemed uncorroborated and therefore dismissed.

With regard to the defence attorney's defense that the Defendant had acted for the purpose of enforcing the law, this defense shall be deemed incorrect and dismissed by the Court, as no legal text authorises the murder of protesters or the use of live fire against their chests even if such protests were not authorised in accordance with the regime's legislation. In fact, there are internationally accepted rules of conduct for dealing with such situations, starting with negotiating with the leaders of the protests to identify and address their demands, and gradually escalating to other non-lethal means such as tear gas, hot water and brackish water, pepper spray, etc. However, ordering the crackdown on the protests and targeting protesters with direct live fire is prohibited. Furthermore, it is not the Defendant's professional duty or a legal requirement to conspire to deprive the population of water and means of living, or to form armed groups of civilians and incite them to fight other people who oppose the regime, thus causing sedition. On this basis, whereas the Defendant committed all such acts, the defense shall be dismissed.

With regard to the defence attorney's defense that the ESA was not involved in the murder of protesters in Tripoli and that the revolutionary committees are to blame, this defense is incorrect and contradicts the evidence corroborated in the papers that the Court has included in the judgment and to which it shall add in this respect the statement of witness Abd al-Hamid Uthman al-Alim, an ESA employee, who stated that the ESA Operations Management Department was headed by Major General Abd al-Salam Hamuda and his assistant Colonel Aku al-Zaruq who took their orders from Abu Zayd Dorda and directed Tundra patrols to the location of protests, and that unarmed people were shot at and he witnessed their death in person. Defendant No. 4 also stated that the ESA played an effective role in suppressing the protests, and its members were known for driving Tundra vehicles. Whereas the above

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proves that the Defendant had agreed to, instigated, contributed to, and ordered the murder of protesters, therefore this defense shall be dismissed.

With regard to the defence attorney's defense that the ESA Operations Management Department was separated from the ESA and reported to the Supreme Security Operations Room, this defense shall be deemed incorrect on the grounds that the testimonies concur that the ESA Operations Management Department had not been separated from the ESA and that the Defendant Abu Zayd Dorda appointed Major General Abd al-Salam Hamuda as the commander thereof, instructed the department to dispatch patrols, authorised them to use the Tundra vehicles available in storage, and provided them with weapons. Such is confirmed by many witnesses, including ESA employee witness Abd al-Hamid Muhammad Uthman, Colonel Nur al-Din Muhammad Milud, Ali Jum'ah al-Zaruq, al-Hadi Ambirish, and the Defendant Mansur Daw Ibrahim. Just because the head of the Department once spoke directly to the director of the Security Operations Room does not mean that the department was not under the command and supervision of Defendant No. 5, i.e. the ESA director. Therefore this defense shall be dismissed.

With regard to the defence attorney's defense denying any role of his client in cutting off water, electricity, and provisions in rebelling cities, this defense shall be deemed incorrect on the grounds that the Defendant participated in the meeting of 03/03/2011 that was chaired by Muammar Gaddafi and during which it was decided to besiege cities, cut off their water and electricity supplies as well as provisions to punish them for their riot activities. Witness Milud Ali Issa Abd al-Mawla asserted that he prepared the meeting minutes that served as an action plan for the attendees and was executed in full. Hence, the Defendant shall be considered an accomplice by agreement and instigation in such offence, particularly because the Defendant admitted to attending that meeting and no objection, reservations, or repudiation of this policy was proven on his part. Whereas such measures are considered a form of genocide as they target a large group of people regardless of who is innocent and who is guilty; accordingly, this defense shall be dismissed.

With regard to the defence attorney's defense denying the involvement of his client in forming tribal legions, this defense shall be deemed incorrect on the grounds that testimonies concur that the Defendant had formed a force of his own tribe, al-Ruhaybat, and an armed group of ESA members, which he provided with weapons and equipment based on the statements of witnesses al-Hadi Ambirish, Faraj Abu Ghalya, Ali Jum'ah al-Zaruq, al-Baghdadi al-Mahmudi, and al-Mabruk Muhammad al-Mabruk, as one of them stated that the defendant bragged about the active combat role played by his force. Whereas the Court has included all such evidence upon deliberating the charge and reviewing the facts of the case, therefore the Defendant

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is found guilty of this charge and the defense shall be dismissed.

With regard to the defence attorney's defense that his client did not provided weapons to any group, this defense shall be deemed incorrect on the grounds of the statement of witness Ali Jum'ah al-Zaruq, who mentioned that he witnessed several vehicles loaded with rocket launchers and ammunition boxes, which he learned belonged to Defendant No. 5 and were transported to al-Ruhaybat in coordination with Muhammad al-Ruhaibi and Ali al-Maqtuf, and the statement of al-Hadi Ambirish who said that he delivered at Gaddafi's request to Defendant No. 5 a large quantity of rocket launchers, anti-aircraft guns, machine guns, launchers, and hand grenades to arm al-Ruhaybat tribe. These and others testimonies prove that the defendant had supplied weapons to the armed force that he formed; therefore this defense shall be dismissed.

With regard to the defence attorney's defense that his client is not guilty of the charge of rape, this defense shall be deemed incorrect and refuted by the Court on the grounds of the evidence extracted by the Court upon deliberating the validity of such charge. Whereas the defence has not presented any evidence against the witness statements and failed to submit a justifying objection thereto while merely resorting to denial and doubt; and whereas the Court is satisfied with the evidence; therefore this defense shall be dismissed.

With regard to the defence attorney's defense that the investigation authority has taken excessive measures against the defendant, yet disregarded the militias that destroyed the State and caused chaos in the country, this defense shall be deemed invalid as it is regarded as political discussion in which the Court has no interest. Whereas the foundation of the facts attributed to the defendant by the Public Prosecution is corroborated on paper by the witnesses for the Prosecution, including the Defendant's companions themselves; therefore the investigation authority has not victimised the Defendant as the defence believes, and this defense shall be dismissed.

With regard to the defence attorney's defense that the witness statements on which the Public Prosecution has relied to indict the defendant are broad and vague testimonies and do not attribute any role to Defendant No. 5, this defense is entirely false as the Court has established, upon reviewing such testimonies, that they are conclusive and that they prove that the Defendant instigated the killing of protesters, contributed to making plans in this respect, mobilised the security officers under his command and instructed them to crack down on protesters, formed and armed a force of his tribe members and incited it to kill, participated in the meeting during which it was agreed to besiege cities, and allowed his subordinates to rape detainees. Whereas the defence has not presented any evidence refuting such testimonies but merely questioned their truthfulness, therefore

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this defense shall be dismissed.

With regard to the defence attorney's defense on the invalidity of the indictment on the grounds of collective indictment and exaggeration of the evidence, this defense shall be deemed invalid as the bill of indictment specifies the facts attributed to the Defendant and presents the evidence thereon. Therefore, the indictment shall not be affected by the defence attorney's defense, which shall be dismissed, and the verdict shall remain as stated in the judgment.

6. On the charge of complicity by agreement, instigation, and assistance in the murder of protesters attributed to Defendant No. 6, Milad Salim Daman, the charge is proven against the Defendant based on the statement of Defendant No. 3, who stated before the Public Prosecution that a meeting was held by the defendants, including Milad Daman, in which it was decided to deploy members of the revolutionary committees, security and military services in Green Square to confront the protesters by all possible means, which means using live fire to suppress the protests. The charge is proven against the Defendant based on the statement given by Defendant No. 2 before the Public Prosecution, in which he states that when protests started in Tripoli, it was decided to deploy joint security services patrols under the command of Milad Salim Daman; it was also agreed to deploy revolutionary and security members in Green Square to confront the protesters and deny them access. The misuse of weapons is the probable cause of death, and the crackdown decision was taken unanimously. The charge is proven against the Defendant based on his confession that the directors of security services had agreed during their meetings that he attended in person to mobilise the members of the revolutionary committees, the People's Guard, and the security services in Green Square to confront the protesters and prevent them from reaching the square, and that the killing of protesters resulted from such agreement. He also confessed to being in charge of the security services that confronted the protesters. The charge is proven against the Defendant based on the testimony of Ali Ayad al-Bashti, who stated before the Public Prosecution that he was a Military Intelligence officer and that a security operations room was established with a plan to position the regime supporters in Green Square so that the security members and the volunteers of the People's Guard and revolutionary committees could confront the protesters and prevent them from reaching the square, and that the explicit orders to shoot at the protesters came from the top-level command. The charge is proven against the Defendant based on the testimony of al-Hadi Ambirish, who stated that the Security Operations Room had an active role in suppressing the protests of 20/02/2011 as the security members were given clear instructions to shoot at the protesters to crush their uprising. This explains why most wounds resulted from direct shots to the head or chest. The charge is proven against the Defendant

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based on the testimonies of citizens Rida Muhammad Alyuh, Haitham Muhammad Salih bin Nasir, and Muhamad Ali bin Ismail: the first stated that his brother Abd al-Majid was killed on 20/02/2011 by a gunshot wound to the neck. The second stated that his brother Hisham died in Fashloom on 25/02/2011 of a gunshot wound to the head. The third mentioned that his brother Abd al-Basit was killed on 20/02/2011 at Independence Street in Tripoli by a gunshot wound to the head. All of these witnesses unanimously stated that their aforementioned relatives were killed by security officers and men in civilian cars during peaceful demonstrations and that they were unarmed. The charge is proven against the Defendant based on the lists of victims of the protests of Tripoli, which start with the name of citizen Salih Khalifa Khalafallah and end with the name of citizen Faraj Abd al-Aziz Abdullah under No. (71). The charge is proven against the Defendant based on the forensic reports of the victims that indicate that they died of gunshot wounds to body parts such as the head, stomach, and neck. Whereas all this evidence proves conclusively that the Defendant was involved in the murder of the protesters by agreement, instigation, and assistance as he attended the meeting during which the crackdown on the protests was agreed on, he also contributed to issuing instructions to armed forces to use live fire against the protesters, and he was the commander of the security members that confronted and fired at the protesters and whom he directed and gave instructions to, which lead to the death of dozens of protesters; whereas the Defendant is a high-ranking security officer and hence aware that any assault on unarmed peaceful protesters is criminalised by law, and he was aware that leading and instructing security members to shoot at the protesters would certainly lead to their death, but he gave such orders and instructions anyway, which indicates his intention to kill them; whereas the Defendant has acted for political reasons against the safety of the State and the people in retaliation for opposing the regime; therefore, The charge is proven against the Defendant of sabotage, arbitrary killing, and intentional murder of protesters, and he shall be convicted thereof.

On the charge of drug dealing attributed to the Defendant, he is found guilty based on his confession before the Public Prosecution that he had acquired narcotic substances from the Director of the Anti-Narcotics Agency, Ismail al-Karami, at the request of Defendant No. 2 Abdullah al-Senussi, to distribute them to the agency's members, and that he received from Ismail al-Karami half a finger of hashish to

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give it to someone in exchange for smuggling him into Tunisia, and that he requested the narcotics again in July but Ismail al-Karami informed him that he had destroyed them and he relayed this information to Defendant No. 2 Abdullah al-Senussi, who became infuriated and repeated "Treason! Treason!" Whereas the Defendant's confession proves that he was involved in the distribution of narcotics to members of the security services and the other battalions of Gaddafi; whereas the distribution of such substances to members of Gaddafi's battalions is corroborated by the confessions of witnesses Ali al-Zubaydi, Milad al-Ishaykih, Muhammad al-Sid al-Lusha, and Atiya Mujahid al-Gaddafi, whose testimonies were considered in their entirety by the Court upon deliberating the same charge attributed to Defendant No. 2 and reviewing the facts of the case; whereas such substances have been found in the locations of such battalions and in the pockets of war prisoners, as confirmed by the expert reports; whereas the use of such narcotics and psychotropic substances by members of the security services and battalions – to which the Defendant contributed – caused the members of these battalions to commit serious atrocities including murder and rape, according to the victims whose confessions have been previously considered by the Court; whereas the Defendant was aware, being a senior security officer, that promoting the use of narcotics and psychotropic substances is criminalised by law and penalised severely given the dangerous effects of this offence on both individuals and society; whereas the Defendant was aware of such facts yet committed the act and contributed to the acquisition and use of narcotics and psychotropic substances for political motives for the purpose of undermining the safety of the State by causing chaos and the safety of the people by spreading vice, murder, and rape among them; therefore the charge is proven against the Defendant of sabotage, arbitrary killing, and drug dealing and he shall be convicted thereof.

On the charge of complicity by agreement in the detention of anti-regime residents of rebelling cities, the charge is proven against the Defendant based on the testimony of Bashir Muhammad al-Taurghi, who stated before the Public Prosecution that the committees in charge of arresting revolutionaries in Tripoli were led by the defendant Milad Daman, and that arrests were conducted by forceful entry into houses and without warrant from the Public Prosecution. He added that the investigation committees acquitted large numbers of detainees, including five hundred people from Misrata, but Defendant No. 2 Abdullah al-Senussi, Defendant No. 4 Mansur Daw, and Defendant No. 5 Abu Zayd Dorda requested that they remain in prison. The charge is proven against the Defendant based on the confessions of Defendant No. 2 before the Public Prosecution: He stated that they held

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a meeting that was attended by some of the defendants, including Defendant No. 6 Milad Salim Daman, in which they agreed to bomb the prisons where the rebels were detained, and the plan was to place air bombs on the roof and detonate them, and put the blame on the coalition forces. He added that the detainees were rebels and there were thousands of them.

The charge is proven against the Defendant based on the testimony al-Hadi Ambirish, who stated that a secondary room was established in Tripoli to arrest those who opposed the regime and that it was headed by Milad Daman. Whereas the evidence proves that the Defendant was involved in the detention of thousands of people for political reasons as he headed the arrest committees, participated in the meeting where it was decided to keep the prisoners who were acquitted by the investigation committees in prison, took part in the meeting where plans were made to bomb the prisons to kill thousands of prisoners; whereas such offence and the elements thereof arise when the Defendant orders restriction of freedom in violation of the law without a warrant by a legitimate authority; whereas the Defendant, being a senior security officer, was aware that the law criminalises restriction of freedom and arrest without justification and in contravention of the procedures stipulated by law; whereas the Defendant committed such acts despite his knowledge that they contravene the law; therefore, the charge is proven against the Defendant of this charge and he shall be convicted thereof.

On the charge of complicity by agreement and instigation in the rape of and sexual intercourse with prisoners, the charge is proven against the Defendant based on the testimony of victim Mariam al-Amir Shayub, who stated that she was a social media activist and that she encouraged the protests. After the protests started, she was detained at the Intelligence Services headquarters and then she was released. But after she contacted the page of the Al-Jazeera channel, she was arrested again and placed in the prison of Ain Zarah. She was stripped of her clothes and placed with other naked girls and women, and she and the rest of the prisoners were raped. She added that a thirteen-year old child was detained along with her mother, and that she was raped with a bottle of Pepsi. She learned that this girl was the daughter of citizen Faraj Umayma from Misrata. She added that one of the prisoners was impregnated by a member of Gaddafi's battalions, a woman was raped for having sewn independence flags, and two women of the Kudikha family were kidnapped and raped. She concluded at the end of her testimony that the regime used rape as an approach to crush the uprising.

Whereas the Defendant, based on the witness testimonies, headed the committees in charge of arresting

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those who opposed the regime, and he was a member of the Supreme Security Operations Room, which means that he was aware of the sordid acts committed against the female prisoners yet he refrained from prohibiting them or punishing the culprits, which implies that he approved of such behaviour; whereas the Defendant was aware that such acts are criminalised and considered war crimes under international humanitarian law as they degrade and humiliate the victims; whereas the Defendant allowed such behaviour while aware of all such legal facts, and he did not prohibit, but rather approved such conduct to serve political goals and retaliate against the people for opposing the regime; therefore, the charge is proven against the Defendant of this charge and he shall be convicted thereof.

On the remaining charges attributed to Defendant No. 6 Milad Salim Daman by the Public Prosecution, the Court has established, upon reviewing such charges, that some were similar in description to the charges included in the Court's grounds of judgment, while other charges were committed by the Defendant in a single criminal act. Therefore, pursuant to all the above and in accordance with Article (76/201) of the Penal Code, all these offences constitute a single act and the severest penalty for these offences, which are complicity in the murder of protesters and drug dealing a time of war, shall be inflicted upon the Defendant in the manner prescribed by the judgment.

Whereas the Court has proved that the Defendant committed all these offences; therefore, pursuant to all the above and in accordance with Article (277/2) of the Code of Criminal Procedure, the Defendant shall be convicted thereof.

With regard to the penalty, whereas the Defendant committed dangerous offences, i.e. the murder of protesters in Tripoli, contributed to the instructions to shoot at protesters, made arrests based on regional and political affiliation, participated in planning the bombing of prisons to kill everyone inside, took part in restraining the freedom of thousands of people, promoted the use of narcotics and psychotropic substances by members of the battalions to incite them to commit crimes, instigated rape in prison, and committed many other offences for the purpose of undermining the safety of the people in retaliation for opposing the regime; whereas the offences committed by the Defendant denote a criminal threat and tendency on his part and prove that he does not hesitate to kill people to serve his political goals without any consideration for religious, ethical, and national requirements; whereas the Defendant was aware of the danger of his acts and their consequent results and he wanted to achieve those results, which include arbitrary killing and sabotage of the country by promoting drug use among security services and battalions to push their intoxicated members to commit

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murder and rape, to serve his political goals; therefore, in accordance with the case, the indictment, and Article (28) of the Penal Code, the Court shall sentence the Defendant to death in support of and in conformity with the judgment.

With regard to the defence attorney's defense on the invalidity of the Defendant's arrest on the grounds that the person who made the arrest was not a judicial officer, this defense shall be deemed invalid as the Defendant was arrested by the rebels and Law No. (38) of 2012 on certain procedures concerning the transitional phase legitimises the arrest and detention measures taken by revolutionaries against senior officials of the former regime, and it also grants the interrogation reports by revolutionaries the status of information-gathering reports conducted by judicial police officers if the court is convinced thereof. Accordingly, this defense shall be dismissed.

With regard to the invalidity of the Defendant's provisional detention for exceeding the legal time limit, this defense shall be deemed invalid on the grounds that the period preceding the Defendant's referral to the Public Prosecution is regarded by Law No. (38) of 2012 as an unlimited restraint period. After the Defendant is referred to the Public Prosecution, the Public Prosecution is entitled to try the defendant if he is detained regardless of the duration of his trial. Furthermore, whereas the allegedly invalid detention has no impact on the evidence that was not extracted therefrom; and whereas the Defendant is proved guilty based on the evidence that is unrelated to his detention; therefore this defense shall be dismissed.

With regard to the defence attorney's defense denying the charge of narcotics acquisition, rape, and creation of armed gangs on the basis that the Prosecution added such charge to the indictment without having interrogated the Defendant in this regard, this defense shall be deemed invalid as the case documents prove that the Public Prosecution had interrogated the Defendant regarding these acts, confronted him with the evidence thereon, and documented his affirmation and denial in this respect. Therefore this defense shall be dismissed.

With regard to the defence attorney's defense denying the charge of narcotics acquisition and promotion attributed to her client, this defense shall be deemed invalid as the Defendant admitted that he acquired psychotropic substances from Ismail al-Karami to promote their use by members of the security services, and he admitted that he received half a [illegible] of hashish to deliver it to a person in exchange for smuggling him into Tunisia. Whereas this admission confirms the charges of narcotics acquisition and promotion, therefore this defense shall be dismissed.

With regard to the defence attorney's defense that her client is not proven guilty of the murder of protesters on the grounds that he was performing his professional duties to maintain security as the protests were illegitimate and unauthorized, this entire defense

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shall be deemed invalid as the killing of protesters does not fall under the Defendant's professional duties, and murder is not a security responsibility. Moreover, the right to peaceful demonstration is a fundamental right that is protected by all international human rights charters. Even if the defence's claim that the protests were illegal were true, the Defendant and his partners must not have made plans and issued instructions to suppress the protesters and fired at their chests to kill them because there are generally accepted rules of conduct for such situations, which start with discussing demands with the leaders of the protests up to using non-lethal methods. Accordingly, whereas it has been proven that the Defendant is involved in the murder of dozens of peaceful protesters, therefore he shall be deemed guilty of this charge and this defense shall be dismissed.

With regard to the remaining substantive defenses of the defence attorney, the causes and justifications extracted by the Court upon gathering evidence on the Defendant's involvement in the charges attributed thereto shall be considered a response to these defenses, which shall be therefore dismissed and the judgment shall be as worded in the dispositive portion of the ruling.

7. On the charge of instigating the murder of protesters attributed to Defendant No. 7 Muhammad Abu-al-Qasim al-Zawi, The charge is proven against the Defendant based on his confession that he held a meeting in his office with a number of officials, in which they gave strict instructions to the Public Security Forces to act against the deviant groups without hesitation or delay, and that the minutes of this meeting were referred to Public Security for execution. The charge is proven against the Defendant based on the deposition of Defendant No. 3, who confirmed before the Public Prosecution the occurrence of the meeting, and he stated that he referred the minutes to Public Security for implementation. The charge is proven against the Defendant based on the confessions of the defendants, who stated before the Public Prosecution that the Defendant Muhammad al-Zwai had attended several security meetings with them. The charge is proven against the Defendant based on the list of victims of Tripoli's protests, which start with the name of citizen Salih Khalifa Khalafallah and end with the name of citizen Faraj Abd al-Aziz Abdullah under No. (71). The charge is proven against the Defendant based on the medical reports of the victims who died in Tripoli's protests between 20/02/2011 and early March 2011, which indicate that the victims suffered from deadly gunshot wounds to the body, including head, chest, and stomach. Whereas all this evidence proves the Defendant's involvement in instigating the crackdown on the peaceful protests that demanded freedom and good governance,

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since he attended the meetings that were held for this purpose, and took part in the instructions given to security forces to suppress the protesters; whereas such instructions – to which the Defendant contributed – provided the security services and members of the revolutionary committees and People's Guard with the necessary support to confront and shoot at protesters; whereas the Defendant was aware, by reason of his job, that suppressing protests and using live fire against peaceful protesters is criminalised by law, and he was also aware that such instructions would be used as a reason to kill protesters, yet he committed this act for political motives; therefore, the Defendant is considered to have committed such offence and he shall be convicted thereof.

On the charge of attending the meeting in which it was decided to besiege rebelling cities and deprive them of water and electricity, the charge is proven against the Defendant based on the confessions of Defendant No. 3, who stated before the Public Prosecution that a meeting chaired by Muammar Gaddafi was held on 03/03/2011 and it was attended by a number of defendants, including Muhammad al-Zwai, and that it was decided in that meeting to besiege rebelling cities, such as Zintan, al-Zawiyah, and Misrata, cut off their water and electricity supply, and deprive their residents of salaries and provisions, and that these instructions were executed and the rebelling cities were besieged and deprived of salaries and goods, water was cut off in Misrata, and power plants were bombed. Whereas the act committed by the Defendant, i.e. his participation in the meeting in which these oppressive measures were agreed, makes him an accomplice in such offence since the offence occurred based on such agreement, to which he was party, and no objection or repudiation thereof was proven on his part; whereas the Defendant was aware that besieging cities, cutting off their water and electricity supply, and depriving them of food by preventing the entry of provisions, is considered a form of collective punishment, which is an unethical act that is criminalised by law and that is regarded under international humanitarian law as a war crime given the restrictive and collective punishment suffered by residents; whereas the Defendant committed this act while aware of all these facts and approved such act for political reasons to retaliate against the residents of these cities for opposing the regime; therefore, the charge is proven against the Defendant of this charge and he shall be convicted thereof.

On the charge of instigating civil war and undermining national unity attributed to the Defendant for having created a force of his own tribe members, the charge is proven against the Defendant based on the statement of

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Defendant No. 3 al-Baghdadi al-Mahmudi before the Public Prosecution that the Defendant Muhammad al-Zwai was one of the officials who formed a tribal legion at the request of Muammar Gaddafi, where he formed a tribe from al-Shati' and he contacted him to provide this force with financial support and weapons. The charge is proven against the Defendant based on the testimony of Salah al-Mabruk Abd al-Rahman al-Zwai, who stated before the Public Prosecution that he was instructed by Muhammad al-Zwai to refer the lists of people who volunteered to defend the country, but people were reluctant to volunteer and few people did. He added that the Secretary of People's Congresses' Affairs in al-Shati', Ali Fadil, used to receive lists of volunteers from congress secretaries. The charge is proven against the Defendant based on the testimony of Saad Sa'id Ali Salim, who stated in his deposition before the Public Prosecution that he was the commander of the reserve Battalion 314R of the People's Defence Station in al-Shati', and that he learned that the Congress of al-Shati' and the Congresses' secretaries in the district were making lists of volunteers to support the regime. The charge is proven against the Defendant based on the confessions of Defendant No. 2, who mentioned that Muhammad al-Zwai adopted the forces to legitimise them. Whereas the statements of witnesses, including the defendants and others, prove that the Defendant was involved in the creation of tribal legions composed of members of his region, al-Shati', as he instructed the region's local officials to prepare and refer lists of volunteers, and that he solicited the help of Defendant No. 3 to provide this armed legion with financial support and he adopted the legions to legitimise them; whereas these legions were formed by Gaddafi and the senior officials of his regime, including the Defendant, to destroy the social fabric of the Libyan people by instigating pro-regime regions against anti-regime Libyan regions, with this policy – which was implemented by the Defendant and other parties – resulting in the revival of old animosity between Libyan tribes and regions and the appearance of new hostilities whose consequences still haunt the Libyan nation to date because of the atrocities committed by the volunteers of these forces against the residents of the rebelling regions, including murder, rape, pillaging, and sabotage; whereas the Defendant was aware that such policy would destroy the social fabric of the Libyan people and cause civil war and infighting between the different groups, yet he adopted such policy to satisfy the head of the regime and to serve political goals;

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therefore, he is found guilty of this charge and he shall be convicted thereof.

On the charge of humiliating the Libyan people that is attributed to Defendant No. 7, the charge is proven against the Defendant based on his confession before the Public Prosecution that he wrote the speech that he gave before Muammar Gaddafi on 2 March 2011 and in which he called the Libyans "rats". Whereas this act to which the Defendant confessed humiliates the people, as he intentionally used offending appellations for political motives and he did so publicly during an official ceremony before the media; therefore he shall be considered to have committed the offence of humiliating the Libyan people and he shall be convicted thereof.

On the remaining charges attributed by the Public Prosecution to the Defendant, which are not listed in the Court's grounds of judgment, the Court has established upon reviewing these charges that the Defendant has committed these offences and the offences deliberated by the Court in the merits of the case in a single criminal act. Therefore, in accordance with Article (76/2) of the Penal Code, the Defendant shall be penalised for all these offences and he shall incur the penalty of the severest offence, which is instigating the killing of protesters or forming tribal legions. Whereas the Court has proved that the Defendant committed the acts attributed thereto as detailed by the Court in the grounds of judgment, and according to all the above, the Defendant shall be convicted thereof in the manner prescribed by the judgment in accordance with Article (277/2) of the Code of Criminal Procedure.

With regard to the penalty, whereas the Defendant had committed dangerous offences but he is of old age, being in his mid-seventies as revealed by the date of birth stated in the investigation reports, has no prior convictions, did not commit a large number of crimes, and did not commit murder directly like the other defendants; whereas the penalty aims to reform the offender and not retaliate against him; out of mercy for the Defendant, and in order to allow him to be pardoned within the desired national reconciliation; the Court, pursuant to the above and in accordance with Article (29/1) of the Penal Code, has decided to substitute the death penalty prescribed for the Defendant's offences with life imprisonment. Whereas the Court considers that the law does not prohibit additional commutation of the sentence under the circumstances stipulated by Article (29), paragraph (1) of the Penal Code where the last paragraph of said article allows the misdemeanour and felony judge to commute the sentence under the aforementioned circumstances to half the minimum limit; whereas it is conversely implied by Article (21) of the Penal Code

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that the minimum period of life imprisonment is sixteen years; whereas the last paragraph of Article (29) of the Penal code authorises commutation of the sentence, as previously mentioned, to half the minimum limit, which means that it is a matter of permissibility and the that Court may impose the minimum limit or more but it is prohibited to commute the sentence to less than half the minimum limit; accordingly, pursuant to all the above, the Court sentences the Defendant to twelve years in prison and to permanent deprivation of civil rights in accordance with Article (34) of the Penal Code and in the manner prescribed by the judgment.

With regard to the defence attorney's motion to dismiss the case for lack of a warrant issued by the legislative authority as the Defendant was the head of said authority, such motion shall be deemed invalid and it shall be rejected by the Court on the grounds that Defendant No. 7 is accused of crimes against the 17 February Revolution, and Article 13 of Law No. (38) of 2012 on certain procedures concerning the transitional phase stipulates that "filing a lawsuit does not depend on specifying the parties for which the law requires a request or permission to confront"; whereas all the institutions of the former regime, including the General People's Congress, have been dissolved and delegitimised explicitly by Articles (34) and (35) of the Constitutional Declaration of 03/08/2011; therefore the motion shall be dismissed.

With regard to the defence attorney's defense on the invalidity of the interrogation on the basis that such interrogation was conducted at night time, this defense shall be deemed invalid as the law grants the Public Prosecution the authority to investigate crimes and it may decide the appropriate time and place of investigation without any restriction, accordingly it may interrogate the defendant inside or outside the prosecution office, day or night, it may conduct the interrogation in one sitting even if it extends late into the night, and it may interrogate the defendant over one or several sessions as the law does not impose any rule in this concern. Therefore, this defense shall be dismissed.

With regard to the defence attorney's defense on the nullity of the Defendant's detention on the grounds that the Public Prosecution has nominally released the Defendant on paper and interrogated him nonetheless, this defense shall be deemed as invalid as the preceding defenses since the law does not compel the Public Prosecution to release the defendant if his detention exceeds the period stipulated by law because such procedure is unpractical and allows perpetrators to escape justice even though they are accused of serious crimes, in which case the Prosecution may merely correct such procedure by informing the defendant that he is released by force of law and that he is being interrogated under these circumstances. Furthermore, whereas the nullity of the detention does not affect

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the validity of the evidence which were not gathered during the Defendant's allegedly null detention; whereas the Defendant is guilty of the charges attributed thereto based on the witness testimonies and the defendants' confessions; and whereas the evidence is valid and the Court is satisfied therewith; therefore this defense shall be dismissed. With regard to the defense by the defence attorneys team that the charges attributed to the Defendant are not proven, this defense shall be deemed invalid because the evidence deliberated by the Court on the Defendant's responsibility for the crimes attributed thereto and included in the merits of the case constitutes a sufficient response to this defense in all its aspects and therefore it shall be dismissed.

8. On the charge of forming and equipping tribal legions that is attributed to Defendant No. 8 Muhammad Mansur al-Sharif, the charge is proven against the Defendant based on the testimony of al-Sadiq Ahmad al-Dardar, who stated before the Public Prosecution that he was the office director of the Islamic Call Society in Niamey and that he learned that the Defendant Muhammad al-Sharif formed a force in al-Nawahi al-Arba'ah. The charge is proven against the Defendant based on the testimony of al-Hadi Ambirish, who stated before the Public Prosecution that the Defendant Muhammad al-Sharif was the head of what was known as the Popular Leadership in al-Nawahi al-Arba'ah and that he met with the tribes to mobilise their members. The charge is proven against the Defendant based on the testimony of Salih Jabir al-Zaidi, who stated before the Public Prosecution that he was the Secretary of Congress Affairs in Jafara and a member of al-Nawahi al-Arba'ah Popular Leadership, and that Muhammad al-Sharif was the Leadership chairman and held several meetings with al-Nawahi al-Arba'ah Popular Leadership and that he referred the lists of ammunition and weapons requests to the competent entities to provide such weapons and ammunition. Moreover, the charge is proven against the Defendant based on the statement of Defendant No. 3, who mentioned that Muhammad al-Sharif formed a tribal legion in al-Nawahi al-Arba'ah and called him to request equipment for this force, and he also asked him to contact Defendant No. 4 Mansur Daw to obtain weapons and ammunition for the force. Whereas the testimonies of witnesses prove that the Defendant Muhammad al-Sharif was involved in forming a tribal legion composed of members of his region al-Nawahi al-Arba'ah, as he held meetings to form such force and instigated the mobilisation of the people of his region for this purpose and solicited senior officials for weapons, ammunition, and funds for this force; whereas these forces, as previously mentioned, were formed by Gaddafi and his senior officials, including the Defendant, to destroy the social fabric of the Libyan people by instigating the regions and tribes

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that were loyal to the regime in Libya against the regions and tribes that opposed it, with this policy – that the Defendant helped implement and called for – leading to the revival of an old latent animosity between some Libyan regions and the emergence of new hostilities whose consequences still haunt the Libyan nation to date because of the atrocities committed by the volunteers of these forces against the residents of the rebelling cities, tribes, and regions, such as bombing cities, murder, rape, pillaging, and sabotage; whereas the Defendant was aware, by reason of his education, occupation, and leading position in a religious institution, that forming such forces would cause sedition in the country, destroy the social fabric, cause civil war and infighting between the different groups of the Libyan nation, and spread hatred and the spirit of revenge among them; whereas he was aware by reason of his aforementioned status that such act is prohibited by the Islamic Sharia because it instigates people against each other and it is criminalised by law, yet he committed this act for political motives, primarily his blind loyalty to the head of the regime, without relying on wisdom, religion, or education; therefore he shall be considered to have committed the offences of sabotage and instigation of civil war and undermining of national unity that are attributed thereto, and he shall be convicted thereof.

On the charge of recruitment of mercenaries that is attributed to the Defendant, he is found guilty based on the testimony of al-Sadiq Ahmad al-Dardar, who stated before the Public Prosecution that he was the office director of the Islamic Call Society in Niamey and that the Defendant Muhammad al-Sharif cooperated with Abdullah Mansur to recruit mercenaries and communicated with Sabri Shadi, the director of Afriqiyah Airways, to transport mercenaries, and he also provided Abdullah Mansur with an office at the ICS head office as well as vehicles to assist him in these operations. Whereas the witness statement proves that the Defendant Muhammad al-Sharif was an accomplice in the recruitment of mercenaries and that he brought them in with the help of Abdullah Mansur, as he provided him with offices to make calls for this task and requested that ICS employees in the countries where he recruited mercenaries to use their connections to recruit mercenaries and called the director of Afriqiyah Airways to charter flights for those mercenaries; whereas all these acts make him an accessory to the offence on the grounds that Article (100) of the Penal Code defines an accessory as someone who incites or agrees with another person to commit, assist in the commission, and complete the commission of an offence, and such is confirmed by the Supreme Court in Criminal Appeal No. 55/32L and Criminal Appeal No. 436/29L; whereas the mercenaries that the Defendant helped recruit participated in war operations on the fronts

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of the Western Mountains and Misrata, as confirmed by several defendants and witnesses and by the African mercenaries themselves, and the Court included their statements in the facts of the case and other areas of the judgment upon deliberating the charge against Defendants No. 2 and 4 in addition to other charges; whereas the Defendant was aware, by reason of his job and political status, that resorting to foreign armed persons and bringing them in to fight the Libyan people not only is a morally unacceptable and unpatriotic behaviour but it is also a criminal act, as the Libyan law prohibits the recruitment of any foreign armed forces, regardless of their description; whereas the Defendant was aware of these facts yet committed the act; whereas these mercenaries bombed the rebelling cities and killed Libyan revolutionaries and other residents; therefore the Defendant, having helped recruit those mercenaries, shall be considered an accessory to the offence of sabotage and arbitrary killing and he shall be convicted thereof.

On the charge of complicity in illegal migration that is attributed to Defendant No. 8, the charge is proven against the Defendant based on the testimony of al-Sadiq Ahmad al-Dardar, who stated that Ammar al-Akhdar, the office director of the Defendant Muhammad al-Sharif, asked for him and when he arrived, he found the Defendant Muhammad al-Sharif and Abdullah Mansur in his office; the Defendant Muhammad al-Sharif asked him to obtain the number of Sulaiman Ahmad Yunis, the Libyan ambassador in Niger and a member of the Tuareg tribes, and the purpose of that meeting was to coordinate the recruitment of African mercenaries from the Tuareg tribe. He added that Muhammad al-Sharif contributed to the waves of illegal migrants to Europe as a way to pressure Europe. The charge is also proven against the Defendant based on the testimony of witness Miftah Abu A'isha, who stated that he was the office director of the Islamic Call Society in Senegal and that he attended a meeting held by Defendant No. 8 and Abdullah Mansur, in which it was proposed to send the Africans living in Libya to Italy and Europe to put pressure of these countries for supporting the Libyan Transitional Council. The charge is also proven against the Defendant based on the statement of Defendant No. 2 who said that the illegal migration operations were conducted at the instruction of Muammar Gaddafi and they were overseen by Abdullah Mansur, but as the latter knew little about Africans, he resorted to the Defendant Muhammad al-Sharif for help. The charge is proven against the Defendant based on the testimony of officer Munsif Muhammad Issa and officer Ahmad Muhammad, who stated that two tugboats were loaded with Africans at the Port of Tripoli, and due to

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their being overloaded, the boats capsized and large numbers of Africans died as a result. Whereas the witness testimonies prove that the Defendant Muhammad al-Sharif was involved in the illegal migration operations as he helped recruit mercenaries inside the country and abroad, held meetings and made calls to coordinate and organise the operation for political purposes, i.e. to harm and punish European countries for supporting the Libyan revolution and push them to change their attitude; whereas this policy resulted in the death of hundreds of Africans as stated by witnesses and corroborated by the victims' forensic reports that are enclosed with the case file and that indicate that they drowned; whereas the Defendant was fully aware, by reason of his political position, that illegal migration is legally criminalised under national and international legislation and that it constitutes an internationally prohibited offence, yet he committed, facilitated, and coordinated the act with his employees in source countries; therefore he shall be considered to have committed this offence and he shall be convicted thereof.

On the charge of squandering public funds that is attributed to Defendant No. 8, the charge is proven against the Defendant based on the testimony of witnesses al-Sadiq Ahmad al-Dardar, Miftah Abu A'isha, Nuri Azuz, and Tariq Muhammad Barid, who stated before the Public Prosecution that they worked for the Islamic Call Society headed by Muhammad al-Sharif and they knew that the Defendant paid media agencies and reporters to undermine the 17 February Revolution, as he gave instructions to disburse the sum of fifty-six million dollars to Mehyiddin Awad Salih to influence the US government into changing its attitude toward the events in Libya, the sum of USD 500,000 to Moroccan Muhammad al-Bashari, and the sum of LYD 500 to Khalid Natush, and he also transferred other sums of money to a company affiliated with the Islamic Call Society in Indonesia and he transferred other sums to the ICS offices in the ring countries such as Niger, Mali, Burkina Faso, and Senegal. Whereas the witness testimonies prove that the Defendant squandered public funds as he paid reporters to distort the Libyan revolution and influence foreign officials; whereas the Defendant's behaviour caused severe damage to public funds as indicated in the financial expert report registered in the case under No. 80/2012 in which the two experts concluded that all disbursements carried out by the defendants, including Muhammad al-Sharif, contravened the law of the financial system of the State, and as the report stated that some aspects

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of Muhammad al-Sharif's actions were unknown; whereas civil servants may only disburse money for the purposes stipulated by law in accordance with the rules and procedures set forth by the financial system of the State, and such money may not be disbursed for illegal purposes that are not in the interest of the country; whereas the Defendant took this approach and disbursed the public funds under his custody and at his disposal for illegal purposes, as he gave instructions to disburse the money to foreigners in contravention of the method stipulated by law; therefore, he is found guilty of squandering public funds and he shall be convicted thereof.

On the remaining charges attributed to the Defendant in addition to the above, the Court has established upon deliberation that some charges were similar in description to the charges included in the Court's grounds of judgment, while other charges, along with the other offences included by the Court in the merits of the case, were committed by the Defendant in a single act; therefore, pursuant to all the above and in accordance with Article (76/201) of the Penal Code, all these offences constitute a single act and the severest penalty shall be inflicted upon the Defendant. Whereas the court has proved that the Defendant committed all these offences as described in detail by the Court in the grounds of judgment, therefore, pursuant to all the above and in accordance with Article (277/2) of the Code of Criminal Procedure, the Defendant shall be convicted thereof as prescribed by the judgment.

With regard to the penalty, whereas the Defendant had committed serious offences, but he is of old age going on his eighties as revealed by the date of birth stated in the investigation reports, he has no prior convictions, and his involvement in the offences that he committed is limited to administrative assistance, agreement, and incitement; whereas the penalty aims to reprimand and reform the offender and not retaliate against him; out of mercy for the Defendant, and in order to allow him to be pardoned within the desired national reconciliation; the Court, pursuant to the above and in accordance with Article (29/1) of the Penal Code, has decided to substitute the death penalty prescribed for the Defendant's offences with life imprisonment. Whereas the Court considers that the law does not prohibit additional commutation of the sentence under the circumstances stipulated by Article (29), paragraph (1) of the Penal Code where the last paragraph of said article allows the misdemeanour and felony judge to commute the sentence under the aforementioned circumstances to half the minimum limit; whereas it is conversely implied by Article (21) of the Penal Code that the minimum period of life imprisonment

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is sixteen years; whereas the last paragraph of Article (29) of the Penal code authorises commutation of the sentence, as previously mentioned, to half the minimum limit, which means that it is a matter of permissibility and that the Court may impose the minimum limit or more but it is prohibited to commute the sentence to less than half the minimum limit; accordingly, pursuant to all the above, the Court sentences the Defendant to twelve years in prison and to permanent deprivation of civil rights in accordance with Article (34) of the Penal Code. Whereas physical penalties do not preclude financial penalties, and it is proven that the Defendant had squandered large sums of money, therefore, pursuant to all the above and in accordance with Article (9) of Law No. (2) of 1979 on Economic Crimes which was replaced by Law No. (14) of 2001, the Court sentences the Defendant to pay a fine of LYD 50,000 and to reimburse the Treasury for the public funds that he squandered in accordance with the estimated value noted next to his name in the witness expert report No. 80/2012 in the manner prescribed by the judgment.

With regard to the defence attorney's defense on the nullity of the investigation procedures on the grounds that the Public Prosecution took the Defendant's deposition as a witness and then informed him that he was a suspect, confronting him with many charges without informing him [*illegible*] the oath, this defense shall be deemed incorrect and it may not invalidate the investigation procedures because such measure is not fundamental and it does not prejudice the Defendant's rights, and the Public Prosecution may merely inform the Defendant that he is being charged with certain offences, confront him therewith, and document his answers. Therefore, this defense shall be dismissed.

With regard to the defence attorney's defense on the invalidity of his client's detention on the grounds that the Public Prosecution interrogated him one year after his arrest, this defense shall be deemed incorrect as Law No. (38) of 2012 on certain procedures concerning the transitional phase stipulated that the period of detention of the senior officials of the former regime before they are referred to the Public Prosecution shall be considered an unlimited restraint period, in which case the Prosecution may merely correct the legal status by releasing the defendant and informing him that he is being interrogated in this State. Furthermore, whereas it is unanimously known, both in theory and in practice, that the allegedly invalid detention has no impact on the evidence that was not extracted therefrom; therefore this defense shall be dismissed.

With regard to the defence attorney's defense on the invalidity of the Defendant's interrogation on the grounds that it was conducted without the presence of his lawyer, this defense shall be deemed incorrect, as it is not documented that the Defendant informed the Prosecution of the name of his lawyer or that he requested such lawyer but the Public Prosecution declined his request. Whereas Article (106) of the Code of Criminal Procedure requests that the Defendant inform the prosecution of the name of his lawyer, therefore, this defense shall be

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dismissed. With regard to the defence attorney's defense on the invalid seizure of documents on the grounds that they had not been secured, this defense shall be deemed invalid as the plaintiff does not specify the documents containing proof against his client which were not secured by the Prosecution or which were unlawfully acquired, and this defense is ambiguous, therefore it shall be dismissed.

With regard to the defence attorney's defense that the order of referral violates the principle of legitimacy, as its preamble includes the terms "armed tribal legions" and "the safety of the people" although Articles (202) and (206) of the Penal Code do not contain such terms, this defense shall be deemed invalid because the Court has established, upon reviewing Articles (202) and (206) of the Penal Code, that the terms to which the defence referred are in fact included in the aforementioned articles as well as in Article (2011), and there is nothing wrong with the investigating authority deducing an expression that has similar meaning to the expressions or terms used in the article. Therefore, this defense shall be dismissed.

With regard to the defence attorney's defense denying the charge attributed to his client of recruiting mercenaries on the grounds that he did not commit any act that constitutes an actus reus of this offence, this defense shall be deemed invalid as the evidence concluded by the Court upon deliberating this charge prove that the Defendant had agreed with Abdullah Mansur to recruit mercenaries, that he used to communicate with witness al-Sadiq al-Dardar, the office director of the Islamic Call Society in Niamey, in this respect, and that he agreed with the director of Afriqiyah Airways, to charter special flights to transport mercenaries into Libya, and he also provided Abdullah Mansur with an office and vehicles to help him carry out the task of recruiting mercenaries. Whereas the Defendant has not presented any proof that invalidates this evidence but merely denied and undermined the evidence in a manner that does not justify the dismissal thereof; whereas such evidence prove the involvement of the Defendant in this offence because the acts that he committed constitute acts of complicity, since he facilitated the commission and completion of the offence; whereas the Court has proven that those mercenaries did enter Libya and they were infiltrated into the battlefronts; therefore, the Defendant is considered an accessory to the offence of sabotage and arbitrary killing by contributing to the recruitment of mercenaries. Hence, this defense shall be dismissed.

With regard to the defence attorney's defense denying the offence of destroying national unity on the grounds that it was not proven that the Defendant formed any armed gang, this defense shall be deemed invalid because the evidence concluded by the Court upon deliberating this charge prove that the Defendant had formed a tribal legion in his region, al-Nawahi al-Arba'ah,

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held meetings to mobilise people for this purpose, submitted lists of weapons and equipment required by this force, and solicited Defendant No. 4 for weapons for the legion of al-Nawahi al-Arba'ah. Whereas the Defendant has not presented any proof to invalidate this evidence; and whereas the mobilisation and organisation of people into armed groups to fight alongside the regime against rebelling regions make the Defendant guilty of the offence of destroying national unity and instigating civil war; therefore, this defense shall be dismissed.

With regard to the defence attorney's defense on the lack of a criminal agreement between the Defendant and other persons to commit any crime, this defense shall be deemed invalid, as criminal agreement is demonstrated by signs and testimonies and it is not a written agreement. The fact that the Defendant held meetings for the purpose of recruiting mercenaries, transported Africans to be deported to Europe, held meetings to mobilise people under an armed group to engage in the battle, solicited Defendants No. 3 and 4 for weapons, funds, and equipment for his armed group, and provided offices and vehicles for Abdullah Mansur to facilitate his task of mobilising mercenaries, undoubtedly indicates a criminal agreement between himself and these individuals who assisted in the commission of these offences. Therefore, this defense shall be dismissed.

With regard to the defense that the Islamic Call Society is a private foundation that is not governed by the financial law of the State and that its funds are not public funds, this defense shall be deemed invalid on the grounds that Article (2) of Law No. (2) of 1979 on economic crimes explicitly stipulates that private associations shall fall under entities governed by the provisions of this law. Moreover, Article (4) of Law No. (58) of 1972 establishing the Society stipulates that the accounts of the Society shall be audited by the Auditing Department. Whereas these legal texts prove that the funds of the Islamic Call Society are considered public funds that are governed by the law on economic crimes, therefore this defense shall be dismissed.

With regard to the defence attorney's defense on the invalidity of the expert witness report No. (80) of 2012 presented in the lawsuit for the reason that the Defendant was not notified of the date thereof, this defense shall be deemed invalid and rejected by the Court since the presence of litigants at the expertise process is required for the validity of the process in civil or administrative suits and disputes based on the provisions of the procedural law. However, in public actions, the investigating authority or even the court may order the appointment of an expert to examine the financial documents, books, and registers in order to inspect the disbursement methods and their compliance with the financial system of the State without the presence or absence of the defendant having any impact on the validity of the expert's work on account of the absence of litigation between himself and

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the investigating authority, even if the defendant is allowed to deny, criminalise, or prove the invalidity of the report in his defence. Therefore this defense shall be dismissed.

With regard to the defence attorney's defense that the testimony of witness al-Sadiq Ahmad al-Dardar cannot be taken into account because he is a single witness of questionable integrity on account of being an informant and having several lawsuits and litigations against the Islamic Call Society, all the aspects of this defense shall be deemed invalid and rejected by the Court since the testimony of the aforementioned witness is not the only proof against the Defendant but it is supported by other proofs that the Court has noted at the proper place in the judgment. Furthermore, the testimony of a single witness may only be dismissed if the defendant invalidates it with complete evidence, in which case it may be claimed that the testimony of a single witness should not be taken into account. However, the Defendant in the current action has not presented any evidence to deny the facts attributed thereto by the witness. As for the defence's claim of the questionable integrity of the witness on account of being an informant, such statement cannot be used to refute a witness's testimony because the informant practices a public job, and if his job is aimed to protect the security of the country, then it is certainly an honourable job and an act of Jihad, but if his job is aimed to protect a single ruler and constitutes an act that is disdained by honourable people, it remains a public job that cannot serve as cause for rejecting a testimony. Moreover, the integrity required of witnesses under the Sharia judiciary system has been substituted nowadays with the requirement that the witness has not been convicted of a felony of slander, defamation, adultery, or other crimes of moral turpitude. In all other cases, the integrity of the witness shall be established and his testimony may not be refuted because, in these bad times, the witness is no longer required to meet the condition set forth by Imam Ibn Asim in his Rajaz poem "Tuhfat al-Hukkam" with regard to testimony: "Integrity is for those who avoid major sins and rise above pettiness". Whereas the Supreme Court has ruled that the subject matter court may base its judgment on any evidence presented thereto in the case file insofar as it finds it satisfactory; and whereas the Court finds the witness statement satisfactory; therefore, pursuant to all the above, this defense shall be rejected.

With regard to the remaining substantive defenses by the defence attorney, the reasons and justifications included by the Court in the grounds of judgment upon gathering evidence on the Defendant's criminality, constitute a response to these defenses on the grounds that it is agreed that the subject matter court is not required to take all the statements of litigants into account insofar as the justification that it has provided refutes these defenses.

With regard to the defence attorney's argument based on the written testimonies that are attributed to a large number of the Defendant's neighbours

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and acquaintances, this argument is refuted, as those witnesses only testified to what they saw and heard about the Defendant but they certainly are unaware of his secrets and his clandestine acts, as they did not know about the meetings he held with Defendant No. 2 and Abdullah Mansur to coordinate the recruitment of mercenaries and the deportation of Africans to Europe, nor did they know about his contact with the director of Afriqiyah Airways to charter special flights for mercenaries. They do not know about the money he paid to foreigners for illegal purposes either, in addition to other acts that are considered criminal under the law. Therefore, these testimonies shall be dismissed.

9. On the charge attributed to Defendant No. 9 Husni al-Wahishi al-Sadiq of instigating civil war and destroying national unity, the charge is proven against the Defendant based on the statement of Defendant Milad Daman, who stated in his deposition before the Public Prosecution that the Defendant Husni al-Wahishi played a key role in confronting the 17 February Revolution as he formed a force of Bi'r al-Ghanam tribe and appointed his brother Muhammad al-Wahish al-Sadiq as its leader, and this force clashed with the rebels of Zintan. The charge is proven against the Defendant based on the testimony of al-Hadi Ambirish, who stated before the Public Prosecution that the Defendant Husni al-Wahishi al-Sadiq played an active role in mobilizing members of his tribe al-Hararat and appointing his brother Muhammad as the leader of this group, and that he received weapons from him for this group. He was also active in forming Nasir Battalion in Bi'r al-Ghanam, which was commanded by Major General Abdullah Darhub and his assistant, the brother of Defendant No. 9, Azzam al-Wahishi al-Sadiq. The charge is also proven against the Defendant based on the statement of Defendant No. 2 who mentioned before the Public Prosecution that the Defendant Husni al-Wahishi was responsible for forming the armed group of his tribe and that he appointed his brother Muhammad as its leader. The charge is proven against the Defendant based on the statement of Defendant No. 4 , who stated before the Public Prosecution that al-Hararat force was composed of four hundred volunteers and it was commanded by Muhammad al-Wahishi al-Sadiq, that this force had been armed and provided with vehicles owing to the calls and interference of the Defendant Husni al-Wahish who would call him to follow up on the affairs of the force, and that the Defendant proposed placing his brother Muhammad as the force commander, and that this force was heavily engaged in the fight. Whereas the statements of witnesses prove that the Defendant Husni al-Wahishi al-Sadiq was heavily involved in forming the armed tribal legion of his tribe al-Hararat, that he sought to arm and provide it with equipment and appointed his brother Muhammad al-Wahishi al-Sadiq as its commander, and that he formed another armed group called Nasir Battalion of Bi'r al-Ghanam and proposed the name of his brother Azzam al-Wahishi al-Sadiq as assistant commander;

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whereas the armed tribal legions were formed by Gaddafi and the senior officials of his regime, including the Defendant, for the purpose of supporting his regime and destroying the social fabric by inciting pro-regime against anti-regime regions and tribes, and as this policy – which was actively implemented by the Defendant – resulted in the revival of old latent animosities between Libyan regions and tribes and created a new animosity whose consequences still haunt the Libyan nation to date due to the atrocities committed by the volunteers of these forces against the residents of rebelling regions, including murder, bombing, rape, kidnapping, pillaging, and sabotage of property; whereas the Defendant was aware, on account of his political status and professional position, that the creation of such armed forces and gangs would cause sedition in the country, destroy the social fabric, and lead to civil war and infighting among the components of the Libyan nation; and he was aware, on account of being a man of the law, that such act is criminalised under the law but he committed the same to serve political goals and the whims of the head of regime without using his mental and professional judgment; whereas the force that was formed by the Defendant was actively engaged in the fight as mentioned by witnesses; therefore, the charge is proven against the Defendant of the charge attributed thereto of instigating civil war and destroying national unity, in all its evidence and elements, and he shall be convicted thereof.

On the charge of complicity by agreement and incitement in the detention and imprisonment of anti-regime individuals, the charge is proven against the Defendant based on the statement of Defendant Muhammad al-Zwai, who stated that he held a meeting on 16/02/2011 that was attended by a number of defendants, including Husni al-Wahishi al-Sadiq, in which they decided to issue strict instructions to the Public Security Forces to arrest participants in any gathering, secure prisons, and arrest misled groups, and that those instructions were referred to Public Security for implementation. The charge is proven against the Defendant based on his confession to attending this meeting in which it was decided to suppress protests, and based on the statement of Defendant No. 3 before the Public Prosecution that the minutes that included the aforementioned instructions were referred to Public Security for execution. The charge is also proven against the Defendant based on the statement of Defendant No. 2 Abdullah al-Senussi before the Public Prosecution, in which he mentioned that there were thousands of detainees in prisons and that it was agreed to make a plan to bomb the prisons and kill prisoners and blame it on NATO. Whereas the evidence proves that the Defendant is involved in the unlawful detention of those who opposed the regime based on their political and regional affiliations, as the instructions to which he contributed were the support on which the members of security forces and revolutionary committees relied to detain and arrest people; whereas the Defendant mentioned several times

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that he was the Director of Legal Affairs and Human Rights at the General People's Congress; whereas he was aware, on account of his job, that the detention and imprisonment of people based on their political or regional affiliation is criminalised by law because freedom of expression and the right to demand political rights and to express one's views on how one's country should be run and who to run it is a sacred right that is protected under all international charters and a fundamental part of human conscience that is based on the provisions of Sharia, as the Righteous Caliph Umar bin Khattab once said these famous words: "Since when have you enslaved people who were born free?"; whereas the Defendant, while aware all these facts, betrayed his professional conscience as the man of law he claimed to be, and contributed to the instructions to arrest and detain people; therefore he is considered guilty of the offence attributed to him and he shall be convicted thereof.

On the remaining charges attributed to the Defendant that are not included in the Court's grounds of judgment, the Court has established upon review that some charges are similar in description to the charges included in the Court's grounds of judgment, while other charges were committed by the Defendant along with the charges included in the grounds of judgment in a single criminal act. Therefore, pursuant to all the above and in accordance with Article (76/201) of the Penal Code, all these offences constitute a single act and the severest penalty for these offences, which are the sabotage of national unity and incitement of civil war, shall be inflicted upon the Defendant. Whereas the Court has proven that the Defendant committed the offences attributed thereto in the manner detailed in the grounds of judgment, therefore, pursuant to the above and in accordance with Article (277/2) of the Code of Criminal Procedure, he shall be convicted thereof in the manner prescribed by the judgment.

With regard to the penalty, since the Defendant has committed a serious offence, as he formed a tribal legion composed of members of his tribe, sought to arm it, and appointed his brother as its commander, and he also formed another armed group and appointed his brother Azzam as one of the persons in charge thereof, to serve a political goal, which is to fight the Libyans who opposed the Gaddafi regime; whereas such behaviour denotes a criminal threat and tendency on the Defendant's part and shows that he has no respect for religion and patriotism but his sole loyalty is to his political interest and to a tyrant; nonetheless, since the Defendant's involvement in the creation of those armed groups is limited to agreement, incitement, organisation, mobilisation, and abuse of power to provide such groups with equipment, weapons, and funds, and since it was not proven that he personally participated in the combat; whereas the Defendant does not have

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prior criminal convictions; out of mercy for the Defendant, and in order to allow him to be pardoned within the desired national reconciliation; the Court, pursuant to all the above and in accordance with Article (29) of the Penal Code, has decided to substitute the death penalty prescribed for the Defendant's offence with life imprisonment in the manner prescribed by the judgment. Whereas Article (34) of the Penal Code stipulates that any convict who is sentenced to life imprisonment shall be deprived of his civil rights in full, therefore the Court orders that the Defendant be deprived of his civil rights in full in the manner prescribed by the judgement.

With regard to the defence attorney's defense on the invalidity of the action against his client on the grounds that this action was brought by an incompetent entity because the members of the prosecution acquire their competence and powers from the Public Prosecutor, and the latter was appointed by the National Transitional Council and then by the General National Congress, although neither is authorised to do so, as the entity who has the authority to appoint the public prosecutor is the Supreme Judicial Council, this defense shall be deemed invalid and it shall be rejected by the Court on the grounds that the position of a public prosecutor is a sovereign position in the State and any appointment thereto has traditionally been decided by the highest political authority in the State of Libya. Under the former regime, the public prosecutor was appointed by the General People's Congress. After the 17 February Revolution, he was appointed by the National Transitional Council in accordance with Article (7) of the Constitutional Declaration, and at the end of its mandate, the General National Congress became the entity in charge of top level appointments in the State. Moreover, Law No. (6) of 2006 on the justice system, amended by Law No. (4) of 2011, sets forth the competences of the Supreme Judicial Council, which do not include the council's competence to appoint the public prosecutor. Therefore, this defense shall be dismissed.

With regard to the defence attorney's defense on the invalidity of the action brought against his client on the grounds that he is a member of a judicial entity and the investigation warrant was not issued by the committee on lifting immunity that is stipulated by the law on the justice system, this defense shall be deemed invalid and it shall be rejected by Court because the Defendant was charged with offences during the 17 February Revolution and against the Revolution, and Article 13 of Law No. (38) of 2012 on certain procedures concerning the transitional phase stipulates that filing a criminal lawsuit does not depend on specifying the parties for which the law requires a request or permission to confront. Accordingly, regardless of the validity or invalidity of the defence's statement about his client being a member of a judicial entity, such does not preclude filing a lawsuit against him in accordance with the aforementioned article. Therefore, this defense shall be dismissed.

With regard to the defense on the invalid detention of the Defendant, this defense

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shall be deemed invalid on the grounds that the defence failed to specify the reason for invalidity, hence resulting in the ambiguity of the defense. Moreover, Law No. (38) of 2012 on certain procedures concerning the transitional phase and the amendments thereof view the period of arrest by revolutionaries preceding the defendant's referral to the Public Prosecution as an unlimited detention period. Whereas the Defendant was referred to the Public Prosecution during the period set forth by Law No. (38) of 2012 and the amendments thereof, and the Public Prosecution interrogated the Defendant and ordered his arrest and detention after establishing that he had committed serious offences; therefore his arrest and detention procedures shall be deemed valid and this defense shall be dismissed, in particular because it is agreed that the allegedly invalid detention does not affect the evidence that was not gathered therefrom. Whereas the evidence on the Defendant's commission of the offences attributed thereto has no relevance to the duration of his detention, therefore this defense shall be deemed vain.

With regard to the defence attorney's defense on the invalidity of the testimony of al-Hadi Ambirish concerning the Defendant on the grounds that he was coerced and tortured and that he died before the Defendant had the chance to dispute his testimony, this defense shall be deemed invalid in all its aspects because the defence's claim that the witness gave his testimony under coercion is an unsubstantiated allegation. Furthermore, the inability of the Defendant and his lawyer to dispute the witness does not undermine his testimony nor does it justify its refutation. Moreover, it is acceptable for the Court to rely on this testimony because it is agreed that the court may base its judgement on any evidence presented thereto in the case file. Therefore, this defense shall be dismissed.

With regard to the defence attorney's defense that the acts of his client are not criminal and that they fell under his professional duties in accordance with the legislation in force at the time of commission, this defense shall be deemed invalid and it shall be rejected by the Court because the Defendant mentioned that he was the Chairman of Human Rights Affairs at the General People's Congress and his attorney stated that he was a member of judicial entities. Regardless of whether he occupied either job, the duties of neither job include forming armed groups of his tribe members and seeking to provide them with weapons and funds to fight Libyans. Whereas the law criminalises any act or statement that leads to the sabotage of national unity and instigation of civil war; whereas the Defendant believes for political reasons that such act is legitimate, and such belief does not legitimise his conduct nor does it deny his criminality or constitute a reason to prevent his punishment; therefore this defense shall be dismissed

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in its entirety. With regard to the remaining substantive defenses by the defence attorney, the information included by the Court in the merits of the case shall be considered a response thereto, and therefore these defenses shall be dismissed.

With regard to the Defendant's memorandum in which he states that he had defected and joined the rebels of Zintan, and that if he had indeed committed a crime he would not have joined the rebels in Zintan and Counsellor Mustafa al-Jalil would not have authorised him to travel to Tunisia, this defense is deemed incorrect in all its aspects and it shall not invalidate the indictment addressed against the Defendant or refute the facts attributed to him. The fact that his statement cannot be validated with the rebels of Zintan and Counsellor Abd al-Jalil does not refute the validity of his indictment because these parties may not have been aware that the Defendant had formed tribal legions and incited the crackdown on protesters in addition to other similar acts. Therefore, this statement shall be dismissed.

With regard to the Defendant's claim that the statements of al-Hadi Ambirish, Milad Daman, and Mansur Daw Ibrahim should not be taken into account given the dispute that arose between them after he interrogated them during his mandate at the Oversight Agency, such claim shall be deemed invalid as it represents an unsubstantiated allegation which, even if it were true, cannot serve as a reason for refuting their statements against him as no other proof denies such statements and indicates that they falsely accused him due to the alleged hatred between them. Therefore, such claim shall be dismissed.

10. On the charge of sabotage and arbitrary killing that is attributed to Defendant No. 10 Mundhir Mukhtar al-Ghanimi for having mobilised the general force under his command to suppress protests and for having sent some troops of this force to the battlefield, the charge is proven against the Defendant based on the statement of Defendant No. 3, who mentioned before the Public Prosecution that he held a meeting on 25/04/2011 with a number of senior security officials, including Mundhir al-Ghanimi, in which they decided to deploy the police as a replacement for the army inside the cities, and that Mundhir al-Ghanimi mentioned in that meeting that he had policemen engaged in the fight in Tripoli Street in Misrata and that he received anti-riot vehicles from Khamis Gaddafi, which he used to enter al-Zawiyah. Moreover, the charge is proven against the Defendant based on his confession that the Public Security Agency had established a security operations room during the events and that he was personally monitoring the security members on the ground via direct radio contact, and that he drafted security plans to confront potential protests by dispatching patrols and positioning them at the entrances of mosques, revealing in his confession that the words,

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“suppress any movement or activity that could destabilise the security situation”, found in the security plans, refer to confronting and suppressing the protesters, i.e. to killing them. The charge is also proven against the Defendant based on his confession that the Central Backup forces were engaged in the battle in Misrata. The charge is proven against the Defendant based on the medical reports of the victims of the Tripoli protests, which indicate that the victims died of gunshot wounds to body parts. Whereas this evidence proves that the Defendant Mundhir al-Ghanimi contributed to the security plans designed to confront the peaceful protesters who took to the street to demand freedom and a State of justice and rule of law, that he mobilised the security forces under his command and instructed them to confront and suppress the protests while monitoring and directing their movement via radio communication, and that he sent those forces to fight revolutionaries in Misrata and al-Zawiyah; whereas the Defendant’s behaviour led to the death of many Libyans, as indicated by the medical reports noted by the Court and other reports, on the grounds that the security members dispatched by the Defendant to al-Zawiyah and Misrata fired their weapons at the people of these two cities for opposing the regime; whereas the Defendant was aware on account of his job that killing protesters and holding them accountable for their political opinion are two acts criminalised by law, and he was aware that the real doctrine of security officers is the protection of the safety of the country and citizens, not the safety of a political regime, because the people and the State will remain but the regime changes; whereas the Defendant was aware thereof but he committed this offence that led to murder; whereas he did so for political reasons to undermine the safety of the State by spreading murder and sabotage therein and attacking the safety of the people in retaliation for opposing the regime; therefore the Defendant shall be deemed guilty of the offence of sabotage and arbitrary killing and he shall be convicted thereof.

On the charge of involvement in illegal migration that is attributed to Defendant No. 10, The charge is proven against the Defendant based on the statement of Defendant No. 3 who mentioned before the Public Prosecution that Mundhir al-Ghanimi was involved in illegal migration, as he sent him a letter requesting the reinstatement of officers who were convicted of illegal migration to benefit from their expertise in organising such operations. The charge is proven against the Defendant based on his confession that he was aware of the illegal migration operations conducted from the Port of Tripoli and that he knew about the death by drowning of hundreds of Africans, as well as his confession to the accuracy of the letters

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that contained his instructions to use tugboats to illegally transport African immigrants to Europe, admitting that he acted as per the instructions of defendant Sayf Gaddafi and that it was the latter who asked him to reinstate Colonel Mustafa al-Dughani, who was convicted of crimes associated with illegal migration, in addition to his confession that the bodies of over three hundred Africans were recovered after their tugboats drowned in al-Sha'ab Station and the Port of Tripoli. Whereas the aforementioned evidence prove the Defendant's involvement in the organisation of illegal migration operations for political purposes, i.e. to cause harm to European States as punishment for their support for the Libyan Revolution and to pressure them to change their attitude towards the events in Libya, as he reinstated convicts with experience in such offences to use them in organising these operations and he issued verbal and written instructions to use tugboats to transport migrants from the Port of Tripoli and al-Sha'ab Station to European shore; whereas such conduct or policy, to which the Defendant contributed, resulted in the death by drowning of hundreds of Africans after the tugboats on which they were loaded by force overturned in the water due to inadequacy and overload, as corroborated by the Defendant's confession and the victims' medical reports enclosed with the case file that list drowning as the cause of death; whereas the Defendant was aware on account of his job and political status that illegal migration is a criminal act under Libyan law and international law, nonetheless he conducted such operations for political purposes to satisfy the whims of Muammar Gaddafi and his son, Defendant No. 1; therefore the charge is proven against the Defendant of this offence and he shall be convicted thereof.

Whereas the illegal migration operations conducted by the Defendant were not intended to kill the Africans but to send them to European countries to push them to change their attitude toward the Libyan Revolution; whereas intentional homicide requires the offender's intent to kill the victim; accordingly, the second description attributed by the Public Prosecution to the incident as intentional murder of Africans shall be invalidated. Therefore, the Court shall dismiss the same.

On the charge of involvement in restricting the freedom of thousands of Libyans who opposed the regime, the charge is proven against the Defendant based on his confession to the arrest of nine hundred seventy-six people. The charge is also proven against the Defendant based on the confession of Defendant No. 2 before the Public Prosecution that there were thousands of detained revolutionaries. Whereas the Defendant's confession that was confirmed by Defendant No. 2 proves the involvement of Defendant Mundhir al-Ghanimi in the detention of thousands of Libyans who opposed

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the Gaddafi regime, and it also proves that he gave instructions to arrest and imprison them for political purposes; whereas the restriction of freedom is established when the defendant is proved to be involved in giving instructions to restrict people's freedom without legal requirements and their detention based on their political beliefs; whereas the Defendant was aware on account of his job that unlawful detention and arrest in contravention of the procedures set forth by the law are criminalised by law, nonetheless he committed these acts as he contributed to ordering the security members under his command to arrest and imprison those who opposed the Gaddafi regime and he instructed his subordinates to execute the arrest and detention orders issued by other defendants; therefore, the charge is proven against the Defendant of this offence and he shall be convicted thereof.

On the remaining charges attributed by the Public Prosecution to the Defendant, the Court has established upon review that some charges were similar in description to the charges included in the Court's grounds of judgment while other charges were committed by the Defendant in a single act as the charges deliberated by the Court. Therefore, pursuant to all the above and in accordance with Article (76/201) of the Penal Code, all these offences constitute a single act and the severest penalty for these offences, i.e. the killing of protesters, shall be inflicted upon the Defendant. Whereas the Court has proved that the Defendant committed all the offences described by the Court in the grounds of judgment, therefore, in accordance with Article (277/2) of the Code of Criminal Procedure, the Defendant shall be convicted thereof as prescribed by the judgment.

With regard to the penalty, whereas the Defendant had committed dangerous offences, i.e. he mobilised the security members under his command, deployed them on the street, instructed them to suppress the protests, drafted security plans, dispatched patrols to confront and suppress the protesters, sent a group of his security officers to fight the rebels in Misrata, ordered the use of the vehicles under his command to enter al-Zawiyah to crack down on regime opponents in the city, and gave instructions to send tugboats of migrants toward European countries to cause them harm for their support for the Libyan Revolution, resulting in the death by drowning of hundreds of Africans, and he was involved by order and agreement in the detention, imprisonment, and torture of thousands of anti-regime Libyans, along with other similar offences, all for the purpose of undermining the safety of the State, punishing and retaliating against the Libyans for opposing the regime; whereas the Defendant's offences represent conclusive proof that he is a criminal threat and has a criminal tendency, where he does not hesitate to commit murder

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depending on his political orientations, without any consideration for religious, ethical, and national principles; whereas the Defendant committed his offences in a methodical, organised, and well-planned manner; whereas the Defendant was aware of the gravity of his actions and of the results they would entail but he wanted such results to occur, including the arbitrary killings in Tripoli, al-Zawiyah, and Misrata, and the murder of hundreds of innocent Africans to which he contributed for political reasons as a sign of loyalty to the head of the regime; consequently, in accordance with the case, the indictment clauses, and Article (28) of the Penal Code, the Court shall order capital punishment in support of and in conformity with the judgment.

With regard to the defence attorney's defense denying the occurrence of sabotage and arbitrary killing, thus eliminating the elements of the crime, this defense shall be deemed invalid on account of the Defendant's confession that he contributed to the security plans designed to suppress the protests, deployed patrols in Tripoli, monitored the field situation closely via radio communication, dispatched security forces to fight on Tripoli Street, and used the vehicles that he received from Khamis Gaddafi to enter al-Zawiyah, and that the expression "crack down on protesters" meant killing them. Whereas the death of dozens of protesters in Tripoli has been proven by the lists attached to the case file; whereas the Court has learned, based on its knowledge of public affairs, that the forces that entered Tripoli Street in Misrata and that included forces under the Defendant's command as per his confession, have indisputably killed many citizens and completely destroyed the street, with the same occurring in al-Zawiyah; therefore the acts of sabotage and arbitrary killing, to which the Defendant contributed, have actually occurred. Consequently, the denial of such acts by the Defendant and his attorney is false; hence this defense shall be dismissed.

With regard to the defence attorney's defense that his client's intent was not to kill people but to maintain security, which constitutes an essential part of the Defendant's competences and national duty, this defense shall be deemed invalid in all its aspects and it shall be rejected by the Court because such statement would have been true if the Defendant and his partners in said act had negotiated with the protesters and listened to their demands or used internationally accepted non-lethal methods to confront the protests such as tear gas, hot water and brackish water, and other means. However, from the beginning, they used

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oppressive methods, targeting people's chests with light and medium firearms inside the cities, invading rebelling cities with heavy military equipment, and assaulting civilians regardless of whether they took part in the protests or not, for the mere reason that their cities were considered anti-regime enclaves. Such conduct does not fall under the professional duties of security entities. To the Court's knowledge, it rather constitutes a crime of sabotage and arbitrary killing that is sanctioned by Article (202) of the Penal Code. Therefore, this defense shall be dismissed.

With regard to the defence attorney's defense denying the offence of the entry and exit of illegal immigrants on the grounds that no mercenary who was arrested stated that it was the Defendant Mundhir al-Ghanimi who provided him entry into the country, this defense shall be deemed invalid as it contradicts the evidence deduced by the Court upon deliberating the Defendant's commission of such offence, which prove that it was the Defendant who proposed the reinstatement of officers who were convicted of illegal migration to make use of their expertise in such operations. The Defendant has also admitted to the accuracy of the letters that he issued and included his instructions to use tugboats to transport illegal immigrants toward European shores. All such evidence make the Defendant an accessory to this offence on the grounds that Article (100) of the Penal Code defines an accessory as someone who incites or agrees with the principal offender to commit, assist in the commission, or complete the commission of an offence. Therefore, this defense shall be dismissed.

With regard to the defence attorney's defense denying the offence of prohibiting the exercise of political rights by his client on the grounds that the protests were illegal and unauthorised and their prohibition is not a crime, this defense shall be deemed invalid, as the Court views the right to peaceful expression as a fundamental human right that is protected by all international charters. Whereas the protests that occurred in Libya during the events of February 2011 and that the Defendant contributed to suppressing, were not armed protests but they were rather peaceful protests that demanded basic rights, i.e. the right to have a State that respects the law and the constitution; and even if the defence's statement about the protests being unauthorised were true, it does not justify the murder of protesters during the crackdown; therefore, this defense shall be dismissed.

With regard to the defence attorney's argument invoking the law on protection and guardianship, such argument shall be deemed invalid as the Court considers the term "protection and guardianship" to mean the protection and guardianship of the State, its territory and its people, not the political regime.

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Moreover, protection and guardianship duties do not include killing or crushing protesters, or sending illegal migrations out of the country toward the coasts of European countries for political reasons. Whereas the Court finds it unacceptable to use laws to justify and legitimise the crimes that were committed, as the criminal act cannot be legitimate on account of the contradiction in such a statement, which is inconceivable, therefore this defense shall be dismissed.

With regard to the remaining defenses by the defence attorney as well as the Defendant's defenses stated in his memorandum, these defenses shall be deemed mere substantive disputation. The information included by the Court in the grounds of judgment upon reviewing the evidence on the Defendant's commission of the acts attributed thereto, constitute a response to these defenses and the sentence shall remain as set forth in the judgment.

11. On the charge of sabotage and arbitrary killing that is attributed to Defendant Abd al-Hafiz al-Zulaytini for having provided financial support for the crackdown on the people, the charge is proven against the Defendant based on the testimony of witness Mustafa Ghamid, who mentioned in his deposition before the Public Prosecution that he was an administrative employee at the Secretariat for Planning and Finance and that Ashur Tirbil used to refer many slips in his handwriting to the Treasury Department to be referred to the Banking Operations Department at the Central Bank of Libya, in which he requested payments to be made to individuals and entities, and that the Defendant Abd al-Hafid al-Zulaytini would approve them. The charge is proven against the Defendant based on the statement of Defendant No. 3, who stated before the Public Prosecution that payments were made at the beginning in the form of petty cash, which was later stopped and the matter was referred to the Treasury, whereupon payments became the responsibility of the Defendant Abd al-Hafid al-Zulaytini. He added that Muammar Gaddafi complained to him about the unavailability of Abd al-Hafid al-Zulaytini and proposed replacing him with Ashur Tirbil, but when he was offered another position he became angry and insisted on keeping his job. The charge is also proven against the Defendant based on the confessions of Abd al-Ra'uf al-A'war, who mentioned before the Public Prosecution that he signed letters addressed to the Banking Operations Department at the Central Bank of Libya regarding the disbursement of payments in local and foreign currencies to individuals according to the instructions he received from Abd al-Karim al-Shibli and Ashur Tirbil after they were reviewed by the Defendant Abd al-Hafiz al-Zulaytini. Whereas the statements of the witnesses prove the Defendant's involvement and assistance in providing financial support to confront the 17 February Revolution, as he approved

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payments to the security services and armed forces that were in charge of the protests crackdown, and he facilitated and approved the payments used to recruit and equip mercenaries and those used to form, equip, and support the armed tribal legions and military forces; whereas the money that the Defendant helped provide for the aforementioned purposes caused the death of large numbers of Libyans and the sabotage of rebelling cities; whereas the Defendant was aware of the gravity of his actions and he wanted their consequent results to occur since he was offered to leave his job, but he refused and insisted on remaining in that position; whereas the Defendant was aware on account of his job and political status that the provision and disbursement of funds for illegal purposes such as killing and suppressing Libyans is a criminal act under the law, nonetheless he committed such act for political reasons; therefore he shall be deemed guilty of this offence and he shall be convicted thereof.

On the charge of damage to public funds that is attributed to the Defendant, the charge is proven against the Defendant based on the previous evidence that prove that he approved the disbursement of large sums of money for illegal purposes, i.e. to confront anti-Gaddafi revolutionaries, recruit mercenaries, form and equip forces, and other similar acts. Moreover, the charge is proven against the Defendant based on his confession to the accuracy of the expert witness report that is issued for this case and proves that the Defendant violated the financial law of the State and caused damage to public funds. The charge is also proven against the Defendant based on the evidence provided by the experts appointed to the case who both stated that all the disbursements carried out by the defendants contravene the financial system of the State as well as the Budget and Accounts Regulation and the law on the budget. The experts proved that the Defendant Abd al-Hafid Zulaytini disposed of a petty cash sum of USD 100,000 and failed to close the same, and that he entrusted an employee with conducting financial transfers to a number of foreign companies and entities without proper contracting documents. The charge is proven against the Defendant based on the testimony of Uthman Yunis al-Da'iki who mentioned that the money that was disbursed during the Revolution contravenes the technical procedures and legal rules and that disbursements were made in two different manners: either by direct orders by Defendants No. 3 and No. 18, or by contacting the Chairman of Finance regarding the disbursements, with the sums disbursed under the second method amounting to LYD eighteen million. Whereas it is proven that the Defendant gave instructions and approvals to disburse money for

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illegal purposes in contravention of the law, he shall be deemed guilty of the offence of damaging public funds and he shall be convicted thereof.

On the remaining charges attributed to the Defendant by the Public Prosecution, the charge is proven against the Defendant for having committed the offences of providing financial support and damaging public funds. Therefore, in accordance with Article (76/2) of the Penal Code, all these offences constitute a single act and the penalty of the severest offence, i.e. sabotage, shall be incurred by the Defendant. Whereas the Court has established that the Defendant committed the offences that are stated by the Court in its grounds of judgment, therefore, he shall be convicted thereof in accordance with Article (277/2) of the Code of Criminal Procedure.

With regard to penalty, whereas the Defendant has committed serious crimes by facilitating payments to the armed forces that fought and killed Libyans and to mercenaries and tribal legions; however, considering that he is an old person in or over his mid-seventies as indicated by his date of birth in the investigation reports, and that he suffers from several illnesses, as stated by the medical report issued by the Medical Affairs Department of the Reform and Rehabilitation Centre of al-Hadabah, including high blood pressure, diabetes, and cirrhosis, and considering that he does not have prior convictions; whereas the penalty aims to reprimand and reform the offender, not retaliate against him; out of mercy for the Defendant and in order to allow him to be pardoned within the desired national reconciliation; the Court, pursuant to the above and in accordance with Article (29/1) of the Penal Code, has decided to substitute the death penalty prescribed for the Defendant's severest offence with life imprisonment. Whereas the law does not prohibit additional commutation of the sentence under the circumstances stipulated by Article (29), paragraph (1) of the Penal Code where the last paragraph of said article allows the misdemeanour and felony judge to commute the sentence under the aforementioned circumstances to half the minimum limit; whereas it is conversely implied by Article (21) of the Penal Code that the minimum period of life imprisonment is sixteen years; whereas the last paragraph of Article (29) of the Penal code authorises commutation of the sentence, as previously mentioned, to half the minimum limit, which means that it is a matter of permissibility and the that Court may impose the minimum limit or more but it is only prohibited to commute the sentence to less than half the minimum limit; accordingly, pursuant to all the above, the Court sentences the Defendant to ten years in prison and to permanent deprivation of civil rights in accordance

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with Article (34) of the Penal Code. Whereas physical penalties do not preclude financial penalties, and whereas the Defendant is proven to have squandered large sums of money, therefore, pursuant to the above and in accordance with Article (9) of Law No. (2) of 1979 on Economic Crimes amended by Law No. (14) of 2001, the Court orders the Defendant to pay a fine of LYD 50,000 and to reimburse the Public Treasury for the public funds that he squandered as estimated in the witness expert report No. 80/2012 and in the manner prescribed by the judgment.

With regard to the defence attorney's defense that his client has not committed any act that constitutes an offence, this defense shall be deemed invalid and it shall be rejected by the Court. The information included by the Court in the grounds of judgment upon reviewing the evidence of the Defendant's commission of the acts attributed thereto and the presence of their elements constitute a response to this defense, in particular because the Defendant and his attorney have not refuted the evidence that was presented by the indictment authority and on which the Court has relied to convict the Defendant. Therefore, this defense shall be dismissed.

With regard to the defence attorney's claim that his client is not a senior official of the Gaddafi regime and that he is covered by the amnesty stipulated by Law No. (35) of 2012, this claim shall be deemed invalid because the Defendant held a leading ministerial position under the Gaddafi regime, as he was Minister of Finance and hence a part of the regime. He also had a role in providing and facilitating financial disbursements to the security and military forces of the Gaddafi regime that were extensively used over eighteen months to oppress the Libyans who rebelled against the regime. Therefore, the Defendant shall not benefit from the amnesty stipulated by the law in accordance with the explicit text of Article (1), clause (1) of Law No. (35) of 2012. Furthermore, to the Court's knowledge, the law legitimises amnesty of criminal crimes pertaining to personal rights and not crimes against the State or the people, otherwise many offenders who committed political crimes against the people during the 17 February Revolution would avoid punishment, which contravenes the rules of justice. Therefore, this defense shall be dismissed.

12. On the charge of sabotage and arbitrary killing intended to undermine the safety of the State and the people that is attributed to Defendant Amir al-Dalyu for having mobilised and forced the general force under his command to engage in combat at the battlefronts and for having provided such force with equipment, the charge is proven against the Defendant based on his confession that he gave instructions for a group of Customs officers to undergo military training, and that they were trained and sent to the battlefronts where some of them died. The charge is also proven against the Defendant based on the written instructions that he issued

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to his subordinates at the Customs Department, which are enclosed with the case file and include orders to prepare lists of Customs officers and refer them to training. The charge is also proven against the Defendant based on the statement of citizen Abdullah al-Arabi al-Mukhtar Hassan that is included in the incident report of the al-Zawiyah Security Directorate, in which he states that his son Hamda worked at the Customs Department and that Amir al-Dalyu enlisted him in a military training, course after which he was transferred to the Dafniya front in Misrata where he passed away. The father never received the body and he blames the Defendant for what happened to his son. The charge is also proven against the Defendant based on the statements of citizens Abd al-Aziz Mawlud al-Trayli, Mahmud al-Jali Dabub, Wa'il Ali Abd al-Salam, Musa Mas'ud Abu Haira, and Ayman Ahmad Muhammad al-Shishi, who mentioned in the statements included in the incident report of their complaint against the Defendant, which was filed with al-Zawiyah Security Directorate, that they worked at the Customs Department and that the director of the department ordered their referral to military training to be transferred afterwards to the battlefronts to fight the rebels alongside the battalions of Gaddafi. This urged them to flee, which made them subject to prosecution. They stated that many of their colleagues were transferred to battlefronts, and the latter mentioned that he knew many officers who died at the front, many of who were injured, and some who suffered from psychological disorders as a result of their transfer to the battlefront. Moreover, the charge is proven against the Defendant based on the numerous letters issued by the head of the Works and Maintenance Division at the Customs Department, in which he cites the instructions of the Defendant Amir al-Dalyu to deliver a large number of the Customs Department vehicles to a number of military forces, such as the 32nd Reinforced Brigade, the 9th Infantry Brigade, the People's Guard, etc. The charge is also proven against the Defendant based on the delivery vouchers of the vehicles mentioned in the letters, which were issued by the Works and Maintenance Division and indicated that many delivered vehicles were Toyota Cruisers that are used in combat. Whereas this evidence proves that the Defendant recruited groups of Customs officers, trained them to use weapons, and pushed them to the battlefront to fight anti-Gaddafi Libyans, and he is proven to have supported the armed forces that attacked Libyan cities in weapon-mounted vehicles; whereas the Defendant committed this act for political reasons out of loyalty to the regime and support of its war on the people, with the intention to undermine the safety of the State and the people and to retaliate against the people for opposing the regime; therefore he shall be deemed guilty of the offence of sabotage and arbitrary killing and he shall be convicted thereof.

On the charge of sabotage and arbitrary killing that is attributed to the Defendant for having promoted the use of psychotropic substances by battalion members,

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The charge is proven against the Defendant based on his confession that he facilitated the entry of containers of narcotic pills through al-Khums port of entry in accordance with the instructions issued thereto. The charge is also proven against the Defendant based on the statement of Defendant No. 3 al-Baghdadi al-Mahmudi, who mentioned before the Public Prosecution that the narcotics were obtained from countries in Western Europe and that the Defendant Amir al-Dalyu facilitated their entry through the ports. The charge is proven against the Defendant based on the statement of Defendant No. 2 Abdullah al-Senussi, who stated before the Public Prosecution that a container of DF118 tablets were imported from East Asia and entered through al-Khums port to be kept at the Internal Security Agency headquarters. The charge is also proven against the Defendant based on the testimony of Ismail al-Karami, who stated before the Public Prosecution that he received three containers of Tramadol through al-Khums port in March 2011. The charge is proven against the Defendant based on the testimony of citizen Yusuf Miftah al-Rimali, who stated before the Public Prosecution that he was a Customs sergeant working at al-Khums Port Customs, and that the Defendant Amir al-Dalyu appointed Nuri Abu Zudayta as the director of Customs at al-Khums port for a limited period until the containers of psychotropic substances were removed, and that on 01/03/2011 he gave instructions to cancel inspections, which allowed large numbers of containers – about a hundred of them – to leave the port, and it turned out that two of them contained narcotics and psychotropic substances. The charge is also proven against the Defendant based on the statement of draftee 'Attiyah Mujahid Gaddafi, Ibrahim al-Sid al-Lushah, and the witness Ali al-Zubaydi, whose testimonies were taken by the Court upon reviewing the facts of the case and deliberating the same charge attributed to Defendant No. 2. The first stated that he was enlisted in al-Sa'idi al-Tabuli Battalion and that the Services Company distributed narcotics and psychotropic substances to them, which led the battalion members to commit murder and rape. The second stated that they would enter a state of unconsciousness due to the psychotropic substances administered to them, and that he personally killed the prisoners in al-Yarmuk prison under the influence of such substances by throwing hand grenades inside the cells. The third mentioned that he received two boxes of psychotropic substances from Abdullah al-Senussi, which he delivered to Major Hamid Abu Zataya who replaced him at Taurgha' front, and that he asked Officer Muhammad Ashtibah who was in charge of the canteen for a cup of tea and the officer told him that the thermos contained tea with hallucinogens. Moreover, the charge is proven against the Defendant based on the testimony of al-Tayyib Muhammad al-Habshi, whose testimony was considered by the Court upon reviewing the facts of the case

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and deliberating the charge of rape attributed to some defendants, in which he states that he is a gynaecologist and that he examined dozens of women who were raped by Gaddafi's battalion members and performed several abortions. The charge is also proven against the Defendant based on the expert witness reports issued by the Judicial Research and Expertise Centre, proving that the substances that were seized in the posts of Gaddafi's battalions and those that were found in the pockets of war prisoners and deceased soldiers were psychotropic substances that fall under the categories governed by the law on narcotics. Whereas the Defendant's confession, which was confirmed by witnesses, including the defendants and others, and by the technical reports, proves that the Defendant facilitated the entry of large quantities of psychotropic substances to Libya through al-Khums seaport by ordering their admission without inspection; whereas such substances were distributed to the members of Gaddafi's battalions, volunteer forces, and security members, as confirmed by witnesses; whereas the use of such substances by battalion members and volunteers, after the Defendant facilitated their entry, caused those members to commit atrocious acts against the Libyan people, including murder, rape, and sabotage of cities; whereas the Defendant was aware on account of his job that importing psychotropic substances and facilitating their entry through the ports is a criminal act under the law, and he was aware that such act is an international crime and a sordid tool of war in view of the damage it entails on the entire society; whereas the Defendant committed such offence for political reasons and in retaliation against the people; therefore he shall be deemed guilty of the offence of sabotage and arbitrary killing and he shall be convicted thereof.

On the charge of acquisition, distribution, and possession of psychotropic substances, the charge is proven against the Defendant based on the evidence extracted by the Court regarding the previous charge. Whereas the Defendant facilitated the entry of psychotropic substances through the ports as affirmed by the witnesses, hence becoming an accessory to such offences on the grounds that Article (100) of the Penal Code defines an accessory as someone who agrees with or assist the perpetrator by any means to commit, assist in the commission, or complete the commission of an offence; whereas the offence of narcotics possession is established when the defendant holds control over such substances, including their entry into and exit of the country, even if such control is not physical; whereas the Defendant controlled the entry of such substances; therefore he is considered to have possessed them. Accordingly, he shall be deemed guilty of this offence and he shall be convicted thereof.

On the charge of prohibiting the exercise of political rights, such charge is similar in description to the first charge

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as the Defendant forced the members of the Customs Department to undergo military training, after which they were sent to the battlefronts to fight the rebels of the rebelling cities who opposed the regime and demanded good governance, which makes him an accessory to the oppression of the Libya people and their prohibition from expressing their political opinion regarding who rules them. Accordingly, pursuant to the above and in accordance with Article (76/1) of the Penal Code, the current offence and the first offence constitute a single act that is punishable by the same sentence in the manner prescribed by the judgment. Whereas the Court has confirmed that the Defendant committed all these offenses in the manner detailed in the grounds of judgment, therefore he shall be convicted thereof pursuant to the above and in accordance with Article (277/2) of the Code of Criminal Procedure.

With regard to penalty, whereas the Defendant has committed serious crimes by ordering the drafting and training of the members under his command and sending them by force to the battlefronts to fight the people, by providing vehicles to the battalions that fought against the people, and by facilitating the entry of large quantities of psychotropic substances into the country, which indicates his criminal danger and tendency; however, considering that the Defendant does not have prior convictions, and the penalty aims to reprimand and reform the offender, not retaliate against him; out of mercy for the Defendant and in order to allow him to be pardoned within the desired national reconciliation; the Court, pursuant to all the above and in accordance with Article (29) of the Penal Code, has decided to substitute the death penalty prescribed for the Defendant's offences with life imprisonment. The Court also sentences the Defendant to permanent deprivation of civil rights in accordance with Article (34) of the Penal Code.

With regard to the defence attorney's defense denying the offence of sabotage and arbitrary killing that is attributed to the Defendant on the grounds that he did not deliver the vehicles of the Customs Department but they were taken by force and he did not send the Customs guards to fight at the fronts, this defense shall be deemed invalid as the letters addressed by the head of the Maintenance Division of the Customs Department prove that the vehicles were delivered to armed forces such as the 32nd Reinforced Brigade, the First Infantry Brigade, and the People's Guard, at the instructions of Defendant Amir al-Dalyu and at the request of the commanders of these forces, which indicates an agreement between him and those commanders. As for the defence's claim that the vehicles cannot be used in combat due to their small size, such claim contradicts the evidence contained in the delivery vouchers of these vehicles, which indicate that a large number of the delivered vehicles were Toyota Cruisers suitable to mount weapons thereon. With regard to the defence attorney's claim that his client did not dispatch the Customs members to fight, such claim contradicts the information contained in the statements of the witnesses

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who mentioned that the Defendant is the one who ordered their referral to military training and later their transfer to battlefronts, and that many of their colleagues died at the fronts. Whereas the Defendant provided assistance, vehicles, and manpower to Gaddafi's battalions that were fighting against the Libyans, which makes him an accessory to the offence of sabotage and arbitrary killing, therefore this defense shall be dismissed.

With regard to the defence attorney's defense that the product that entered the port of al-Khums is Tramadol, which is not a psychotropic substance that was prohibited to import and use in 2011, this entire defense shall be deemed invalid, as it is incorrect that the products that arrived at al-Khums port were merely Tramadol. The confessions of Defendant No. 2 prove that a container of DF118 was introduced through al-Khums port. The expert witness reports No. 6003/2012, 6004/2012, and 733/2013 prove that the substances that were seized from the battalion members and their posts are psychotropic substances and sexual stimulants (Tramadol and Benzhexol) that are listed in the annexed tables of the law on narcotics. Moreover, even if the substances that entered through al-Khums port were just Tramadol, such large quantities constitute the physical element of the offence of sabotage that is penalised by Article (202) of the Penal Code as this substance is indisputably a psychotropic, and the proof is that it is listed in the annexed tables of the law on narcotics. Whereas the distribution of this substance and other drugs to members of the battalions caused them to commit serious acts, such as murder, rape, etc. therefore the defence attorney's claim in this regard shall be considered an irrelevant disputation hence this defense shall be dismissed in all its aspects.

With regard to the defence attorney's defense denying the charge of acquiring and distributing narcotics on the grounds that the seized substances have not been seized, this defense shall be deemed invalid in all its aspects, as the confessions of Defendants No. 2 and 3 confirm that these psychotropic substances were acquired to be used as a weapon in the battle against the people and that large amounts were acquired stealthily under the supervision of senior officials of the regime, chiefly Defendant No. 2, and that Defendant No. 12 facilitated their entry through a seaport. Moreover, Defendant No. 2 admitted that the substances that were introduced through al-Khums seaport included DF118 which, based on the technical expert reports, is proved to be a psychotropic that is prohibited to acquire, distribute, or use under the law on narcotics. Therefore, this defense shall be dismissed.

With regard to the defence attorney's defense denying any involvement

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of his client in the containers' discharge of al-Khums port, this defense shall be deemed invalid as it contradicts the statements given by the witnesses, including the defendants, where Defendant No. 3 stated in his deposition before the Public Prosecution that the psychotropic drugs were called "courage pills" during the events and that Amir al-Dalyu facilitated their entry through the seaports. Furthermore, witness Yusuf Miftah al-Rimali mentioned that Amir al-Dalyu, the Director-General of Customs, gave instructions in early March 2011 to allow the passage of the containers without inspection and that over one hundred containers were discharged that day without inspection, some of which included narcotics. After the discharge of these containers, he gave instructions to implement the inspection system again. He also replaced the director of al-Khums port temporarily with someone called Nuri Abu Zudayta until the containers were discharged. Whereas such testimonies prove the active role of the Defendant in facilitating the discharge of containers of psychotropic substances, therefore this defense shall be dismissed.

With regard to the remaining defenses by the defence attorney, the information included by the Court in the grounds of judgment constitute a response thereto and hence they shall be dismissed.

With regard to the Defendant's argument invoking the written testimonies, the Court established upon review that none of them is valid to dismiss the evidence on which the Court has relied, particularly as the acts committed by the Defendant are secret offences that are unknown to people, and ordinary people would not know that the Defendant facilitated the entry of psychotropic substances. Therefore such argument shall be dismissed and the judgment shall be as worded in the dispositive portion of the ruling.

13. On the charge of sabotage and arbitrary killing that is attributed to Defendant No. 13 for having cooperated with Defendant No. 15 to provide armed groups and individuals with weapons, the charge is proven against the Defendant based on his confession before the Public Prosecution that he distributed two hundred rifles with their ammunition to a group in al-Ruhaybat, and his confession that he delivered a large quantity of rifles and ammunition to al-Kaf security force that was formed by the Maqariyah tribe and commanded by Umar al-Sid, in addition to a large quantity of weapons and ammunition to several individuals based on the lists provided to him by supporters of the regime. The charge is also proven against the Defendant based on the testimony of witness Abd al-Razzaq Faraj al-Farjani, who stated before the Public Prosecution that weapons and ammunition were distributed to groups of civilians through Colonel Radwan al-Himali at the instruction of Defendant No. 2. Whereas the Defendant's confession was confirmed by the witness and proves that he distributed weapons and ammunition to tribal legions and civilians according to oral and written instructions and based on lists of people he mentioned were close supporters of the regime; whereas the Defendant was aware that the weapons

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and ammunition that he distributed to those groups would be used to kill the people who opposed the regime, and spread chaos, murder, and kidnapping in the country, as these weapons were placed in hands of civilians who were not aware of their consequent responsibility; whereas the Defendant knowingly committed this act and unconditionally delivered large quantities of weapons to tribal groups and civilians, mindless of the consequences of providing these weapons and ammunition; whereas the Defendant acted for political reasons out of loyalty for the regime and with the aim of undermining the safety of the State by causing a widespread chaotic use of weapons as well as the safety of the people for opposing the regime; therefore the charge is proven against the Defendant and he shall be convicted of this offence.

On the charge of booby-trapping vehicles that is attributed to the Defendant, he is found guilty based on the confessions of the defendant Ali Ahmida al-Shahid, who stated before the Public Prosecution that he and other individuals had booby-trapped five vehicles at the instruction of Defendant No. 2: the first was a Chevrolet, the second and the third a Honda [*illegible*], the fourth and the fifth a Double Cabin; that they performed the operation at the Chinese Company headquarters in al-Siraj by placing the explosives inside the vehicle's cavities, that it was the Defendant Radwan al-Himali who brought them the explosives and transported the booby-trapped vehicles to Benghazi through the desert, and that one of these vehicles was detonated in front of Tibesti Hotel. The charge is also proven against the Defendant based on the confessions of the defendant Sa'id al-Gharyani and Muhsin al-Lamuji, who stated and confirmed the confession of the defendant Ali Ahmida al-Shahid about the cooperation of the Defendant Radwan al-Himali in booby-trapping the vehicles. Whereas such testimonies prove the Defendant's involvement in booby-trapping vehicles to be detonated by providing the explosives used therein, helping to place the explosives inside the vehicle's cavities, and delivering the vehicles to their target destination; whereas the case file does not contain any police report confirming a car bomb incident or any death resulting therefrom, which means that the operation of the Defendant and his partners had failed for a reason beyond their control, which is their inability to deliver the booby-trapped vehicles to their final destination; whereas the felony of sabotage and arbitrary killing, punishable by Article (202) of the Penal Code, is considered a complete offence if the act of detonation and sabotage occurs and it can be limited to the attempt; whereas the foregoing evidence prove indisputably that the Defendant was involved in booby-trapping five vehicles, provided the group with the explosives used therein, and attempted to deliver these vehicles to their final destination, which means that he initiated the physical element

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of the sabotage offence; whereas the Defendant and his partners intended to cause sabotage at the target location and kill as many people as possible for political reasons, which are to undermine the safety of the State by humiliating the new internationally recognized authority in Libya, i.e. the National Transitional Council, and implying to the outside world that this authority cannot maintain security in Libya, and that it is composed of terrorists, whom it allowed entry into Libya in order to urge the international group to change its attitude toward the Libyan Revolution; therefore the moral element of the offence shall be established. Accordingly, whereas it is unanimously agreed in theory and in practice that the subject matter court may modify the wording and description attributed by the investigation authority to the incident and it may provide it with the proper description; whereas it is agreed that any modification to a lesser description does not require a notification to the defendant in this regard; pursuant to all the above, the Court has decided to modify the wording and description of the charge attributed to the Defendant to charge him with attempted sabotage and arbitrary killing on the grounds that he assisted other persons to booby-trap a number of vehicles, acquired the explosives used in the operation, and attempted to deliver these explosives to the target location through the desert. Whereas the Defendant is proved to have committed this offence, he shall be convicted thereof.

On the charge of prohibiting the exercise of political rights, such charge is similar in description to the two foregoing charges. Therefore, in accordance with Article (76/1) of the Penal Code, all these charges constitute a single act and the Defendant shall be sentenced to the penalty of the severest offence, which is sabotage and arbitrary killing. Whereas the Defendant is proved to have committed the offences attributed thereto as detailed by the Court in the grounds of judgment, he shall be convicted thereof pursuant to all the above and in accordance with Article (277/2) of the Code of Criminal Procedure.

With regard to penalty, whereas the Defendant has committed serious offences by arming tribal groups among others, thus enabling them to commit murder in rebelling regions; however, considering that the Defendant does not have prior convictions, in order to allow him to be pardoned within the desired national reconciliation, and considering that his second offence was aborted; therefore, pursuant to all the above and in accordance with Article (29/1) of the Penal Code, the Court has decided to substitute the death penalty prescribed for the Defendant's first offence with life imprisonment. The Court also sentences the Defendant to permanent deprivation of civil rights in accordance with Article (34) of the Penal Code.

With regard to the defence attorney's defense that his client did not commit an act that constitutes an offence, on the grounds that he delivered the weapons in accordance with the permits issued by

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the head of the agency and that he was a serviceman executing orders, this defense shall be deemed invalid in all its aspects, as the Defendant's confession proves that he delivered weapons to individuals and armed tribal groups from al-Ruhaybat as well as other groups in accordance with lists of regime supporters, which means that he delivered the weapons at his own discretion, as he was convinced of the necessity of such act to prove his loyalty to the regime. Whereas these individuals and groups that received these weapons used them in the fight against rebelling regions, therefore the Defendant shall be considered an accessory by assistance to the offence attributed thereto and thus this defense shall be dismissed. The Defendant's claim that he delivered the weapons at the instruction of Defendant No. 2 shall not exempt him from punishment because such orders and instructions are illegitimate on account of their purpose and they should not be executed. Their execution does not preclude responsibility, because any person who executes an order by his superior to commit an act that is explicitly penalized by the law may not be exempted from punishment as obedience to superiors is not allowed in contravention of the law. Therefore, this defense shall be dismissed.

With regard to the defence attorney's defense denying any involvement by his client in the offence of rigging vehicles with explosives, this defense shall be deemed invalid and it shall be rejected by the Court as the defendants Jamal al-Shahid, Abdullah al-Sha'lani, and Muhsin al-Lamuji confirmed that the Defendant assisted them in rigging vehicles with explosives, provided them with the explosives that were placed inside the vehicles, and transported the booby-trapped vehicles to Eastern Libya. Whereas the purpose of booby-trapping the vehicles, as previously clarified by the Court in the relevant section of the judgment, was to detonate them to cause as many casualties as possible and destroy the target location to undermine the safety of the State and humiliate the new internationally recognized authority in Libya, i.e. the National Transitional Council, and imply to the outside world that this authority and its revolutionaries are armed groups that are incapable of maintaining security in the country; therefore this defense shall be dismissed.

With regard to the argument by the Defendant and his attorney invoking the last paragraph of Article (69) of the Penal Code, which stipulates that the person who carries out an unlawful order shall not be subject to punishment when the law definitively forbids discussion on the lawfulness thereof, whereas the Defendant has confessed before the Public Prosecution that he distributed the weapons as per the lists of regime cronies that he was given, which means that he acted at his own discretion;

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whereas the Court views that the implementation of the aforementioned legal text and the exemption of the employee who commits a criminal act by order require that such order be issued by a superior whom he is legally required to obey, however if the order is not given by the employee's lawful superior, he shall be liable for carrying out this order, and even if the order is given by the employee's superior in contravention of the law and the subordinate executes this order while aware of this violation by his misled superior, he shall be liable for such act; accordingly, pursuant to all the above, the defenses of the Defendant and his attorney shall be dismissed and the judgment shall be as worded in the dispositive portion of the ruling.

14. On the charge of sabotage and arbitrary killing that is attributed to Defendant No. 14 Bashir Hamidan for having mobilised the general force under his command to confront the protesters, the charge is proven against the Defendant based on the statement of Defendant No. 6 Milad Daman, who mentioned before the Public Prosecution that upon the outbreak of the protests, it was agreed for the security and revolutionary forces to control Tripoli and deploy fixed and mobile patrols to confront protesters, and that the Defendant Bashir Hamidan commanded a group of patrols affiliated with the Intelligence Services. The charge is also proven against the Defendant based on his direct confession that he was a member of the Security Operations Room and monitored the intelligence patrols, deploying its members to the tension zones such as Souk al-Jum'ah and the city centre, and that they were ordered to confront the protests and prevent them from reaching Green Square. The charge is also proven against the Defendant based on the testimony of al-Hadi Ambirish, who stated that the Supreme Security Operations Room played an effective role in suppressing the protests of 20/02/2011 in Martyrs Square as it issued instructions and orders to its agents, each within their mandate, and these instructions clearly consisted of killing the protesters to end their uprising, and for this reason most injuries were directed at the head and chest. Moreover, The charge is proven against the Defendant based on the testimony of Milad Abu Subai'ah, who stated before the Public Prosecution that he worked for the External Security Agency and that he was assigned with a group of his colleagues to guard the Central Bank, and upon passing by Green Square, they saw heavy traces of blood, burnt cars, and scattered stones, which they learned was the result of the crackdown on the protests, and they also learned that Mohammed Magariaf Battalion, the People's Guard, the security services, and the revolutionary committees fired their weapons at the protesters. The charge is also proven against the Defendant based on the testimony of witnesses Misbah Ahmida Iqtiba, Ramadan Muhammad al-Haluj, and Muhammad Ali Ismail, where the first affirmed that his son Hisham was killed on 25/02/2011 in Souk al-Jum'ah, the second said that his son Hamza was killed on 20/02/2011 in Souk al-Jum'ah, and the third stated

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that his brother Abd al-Basit was killed on 20/02/2011 in al-Madina neighbourhood, Istiqlal Street, and they all stated that their relatives died of gunshot wounds while they were taking part in peaceful demonstrations and that they were shot down by security forces and drivers in civilian and Tundra vehicles. The charge is also proven against the Defendant based on the list of victims of the Tripoli's protests that took place between 20/02/2011 and early March 2011, which starts with the name of citizen Salih Khalifa Khalafallah and ends with the name of citizen Faraj Abd al-Aziz Abdullah under No. 71. The charge is proven against the Defendant based on the medical reports of the aforementioned victims that reveal that they died of gunshot wounds. Whereas all the evidence prove the Defendant's involvement in the crackdown on the peaceful protests that demanded freedom and good governance, as he contributed to the orders and instructions given to the security agents of the Intelligence Services and directed them to quash the protesters in various areas of Tripoli, resulting in the death of many; whereas the Defendant was aware, on account of his rank as a senior security officer, that the law penalises assault on protesters, and he was aware that ordering the armed agents under his command to confront the protesters would arbitrarily and unjustly lead to their death; whereas the Defendant committed this act for political reasons, driven by his loyalty to the political regime and his desire to undermine the safety of the State and the people; therefore he shall be deemed guilty of this offence and he shall be convicted thereof.

On the charge of complicity by instigation and assistance in the murder of the protesters in Tripoli that is attributed to the Defendant, the charge is proven against the Defendant based on the previous evidence where he admitted being a member of the Joint Operations Room that was in charge of issuing orders to the security and revolutionary forces to confront and kill the protesters, and being the commander of the Intelligence patrols that he deployed in tension zones in Tripoli, such as Souk al-Jum'ah and the city centre. Whereas the security and revolutionary forces have indisputably fired their weapons at the protesters, leading to the death of dozens of them; whereas the Defendant knew and expected that firing at the protesters would lead to their death; whereas he consented and instigated such outcome while aware of it; therefore he shall be considered an accessory by agreement, instigation, and assistance to the offence of murdering the protesters in Tripoli as it is set forth by Article (100) of the Penal Code that an accessory is anyone who incites the commission of the act constituting the offence if such act is performed based on the incitement, anyone who agrees with the principal offender(s) to commit an offence

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and the offence is committed on the basis of this agreement, or anyone who assists the principal offender to facilitate or complete the commission of the offence; therefore, he shall be convicted of this offence.

On the charge of embezzlement of public funds that is attributed to the Defendant, he is found guilty based on his overt confession that he took the sum of LYD three thousand from the money he was given to be disbursed to the patrols, in addition to LYD twelve thousand that he paid to a contractor for the maintenance of a residential apartment that he has seized. Whereas the Defendant's confession represents an irrevocable proof that he stole money from the public funds that he was given to be disbursed to the patrol members under his command; whereas the offence of embezzlement of public funds involves the misappropriation of public funds by a civil servant to whom the funds have been entrusted on account of his job and the use thereof for personal and profitable affairs; whereas the Defendant's claim that he was entrusted with the money as petty cash that he could not settle because of the events is a pointless claim as it contradicts his confession to having paid the sum of LYD twelve thousand to a contractor for the maintenance of an apartment that he had seized but he failed to specify what he did with the remaining LYD three thousand that he admitted taking from the money entrusted thereto, not to mention that the settlement that the Defendant speaks of is merely a way to cover his theft through fake invoices indicating that the money has been spent for its intended purpose; therefore this claim shall be dismissed and the Defendant shall be convicted of this offence.

On the charge of prohibiting the exercise of political rights, such charge is similar in description to the first and second charges. Therefore, in accordance with Article (76/1) of the Penal Code, they constitute a single act and the Defendant shall be sentenced to the severest penalty.

On the charge of promoting the use of narcotics that is attributed to the Defendant by the Public Prosecution, the Court did not find any proof of the involvement of the Defendant Bashir Hamidan in the acquisition or promotion of narcotics upon reviewing the case documents. Therefore, in accordance with Article (277/1) of the Code of Criminal Procedure, the Defendant shall be acquitted of this charge. Whereas it has been proven that the Defendant committed the offences attributed thereto, with the exception of the offence of narcotics promotion as explained by the Court, therefore, he shall be convicted thereof pursuant to all the above and in accordance with Article (277/2).

With regard to penalty, whereas the Defendant has committed serious offences by killing protesters and misappropriating the public funds in his custody; however, considering that the Defendant does not have prior convictions and is not a criminal offender;

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whereas the witnesses who were heard by the Court in one of the case's hearings and those whose gave written testimonies unanimously confirm that the Defendant treated them well during their detention; for this reason, and in order to allow him to be pardoned, pursuant to all the above and in accordance with Article (29) of the Penal Code, the Court has decided to substitute the death penalty prescribed for the Defendant's offence with life imprisonment. The Court also sentences the Defendant to permanent deprivation of civil rights in accordance with Article (34) of the Penal Code. Whereas physical penalties do not preclude financial penalties, which remain in effect in the convict's case, therefore, pursuant to the above and in accordance with Articles (35) and (37) of the Law on Economic Crimes, the Court penalises the Defendant for the offence of embezzlement of public funds with a fine of LYD 35,000 as prescribed by the judgment.

With regard to the defence attorney's defense on the nullity of the indictment and the referral on the grounds that the Defendant had been released by the appellate body on 05/08/2013 because the Public Prosecution released him nominally and interrogated him regarding the same incidents, after which it ordered his re-incarceration thus nullifying the detention, this defense shall be deemed invalid, as the investigation reports prove that the Public Prosecution executed the release order and notified the Defendant that he had been released and then re-interrogated him regarding the offence of promoting the use of narcotics, whereupon it ordered his detention based on the facts and the new charges attributed thereto. Such procedure is legally correct and acceptable, and it is agreed in theory and in practice that the allegedly invalid detention does not affect the accuracy of the evidence which have not been collected therefrom. Whereas the Court convicted the Defendant of the charges attributed thereto based on the statements he gave before his release by the appellate body as well as on the other evidence; therefore, his attorney's defense in this regard shall be deemed vain and thus dismissed.

With regard to the defence attorney's defense denying the elements of the offence of sabotage and arbitrary killing that is attributed to the Defendant, this defense is invalid as the Court has established, based on the evidence that it has gathered upon confirming the charge, that the Defendant was a member of the Security Operations Room and that he controlled the patrols of the Intelligence Services, which he deployed to the tension zones in Tripoli, i.e. Souk al-Jum'ah and the city centre. Whereas it was proven that dozens of protesters died of gunshot wounds at the hands of security services, the revolutionary committees, and the People's Guard that were assigned by the Security Operations Room to confront the protesters; therefore the Defendant shall be deemed a partner and an accessory to the offence of sabotage

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and arbitrary killing, as well as an accessory to the offence of killing protesters because instructing security agents to stifle and confront the protesters enabled those agents to fire at the protesters causing the death of many. Therefore, the Defendant and his partners shall be liable for this outcome, and this defense shall be dismissed.

With regard to the Defendant's claim that the aim of the patrols under his supervision was to collect information and protect the banks, and that he did not instruct the security agents to confront the protesters, such claim is an unsubstantiated allegation as proved by the resulting death of dozens of protesters in Tripoli by the fire of the security forces, one of which was under his command. Therefore this claim shall be dismissed.

With regard to the defence attorney's defense denying the offence of embezzlement of public funds on the grounds that the sum of money in question remained in the custody of the Defendant as petty cash and that he did not close the same nor did he intend to seize it, this defense shall be deemed invalid, as it is an unsubstantiated allegation that contradicts his explicit confession to having taken the sum of LYD three thousand from the money that he received to be disbursed to the patrol members, and the sum of LYD twelve thousand that he paid for the maintenance of an apartment he has acquired. Whereas the Defendant's actions prove that he misappropriated public funds, therefore he is proved guilty of this charge. The Defendant's claim that the sum was mediocre shall not deny his guilt as the stolen amount, be it small or large, does not affect the fact that he committed the offence. Therefore this defense shall be dismissed.

With regard to the remaining defenses by the defence attorney, the information stated by the Court in the grounds of judgment shall be considered a response thereto.

15. Whereas Defendant No. 15 – Abd al-Hamid Ammar Uhida – was accused of sabotage and arbitrary killing of people for having brought in and equipped mercenaries, the charge is proven based on the testimony of al-Sa'ih Khalifa Bil'id who stated in his testimony before the Public Prosecution that he worked for the operations division in the Intelligence Directorate. He also mentioned that mercenaries were recruited, trained and equipped by the accused – Abd al-Hamid Ammar – who assigned al-Sayd Amir, an officer in the operations division, to go to the intelligence school to work on providing equipment for battle forces. The officer also told him that he had gone to the forces' location to deliver their salaries and due provisions. The charge is also proven based on the statements of the accused – Abd al-Majid al-Mazughi – who mentioned that Abd al-Hamid Ammar gave him the amount of ninety-six thousand LYD and asked him to deliver it to the Khalil Ibrahim group located in

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Kiklah. The charge is also proven based on his confession that he had asked Abd al-Majid al-Mazughi to meet with Khalil Ibrahim and his group of mercenaries located in Kiklah and give each mercenary one thousand LYD. Whereas the statements made by witnesses prove the accused's involvement in equipping mercenaries who were recruited to fight the Libyan people by assigning his assistants to equip them and provide them with weapons, provisions and money, and whereas these mercenaries fought Libyans in the Western Mountains and Misratah and participated in military operations against rebel regions as proven by the testimonies of many mercenaries included by the court in its recital of facts of the case and in the context of the charge against the accused – Abdullah al-Senussi – and their repetition is therefore unnecessary.

Whereas the accused knew, given his position, that recruiting foreign fighters to fight the people is a crime in the eyes of the Law and an act devoid of patriotism, and given that the accused was also aware that those mercenaries were going to kill the Libyan people in their military operations and spread chaos across the country, and whereas he supported those mercenaries for political motives with the intention of attacking the safety of the State and the people, this charge is proven against him accordingly. Whereas the accused was accused of sabotage and arbitrary killing for having supplied armed tribal legions with weapons, this charge was proven against him based on the statements of Defendant No. 2 – Abdullah al-Senussi – who mentioned that much of the correspondence ordering disbursement of weapons and ammunition were signed by Abd al-Hamid Ammar at the request of other persons and sometimes upon his request. This charge was also proven against him based on his confession that he spent amounts of money to provide communication devices and equip a legion of the Sayaan tribe. Whereas the accused's confessions and Defendant No. 2's testimony prove his involvement in equipping tribal legions and providing them with weapons, communication devices and other equipment, and whereas tribal legions were created to support the regime, destroy national unity and start wars and create rivalries between Libyan citizens and tribes. Whereas this goal was reached when old dormant rivalries and conflicts were revived between certain regions of Libya and new rivalries arose as a result of the atrocities committed by the mercenaries of tribal legions and armed tribal legions against the citizens of rebel regions from murder to rape and sabotage, and whereas the accused knows, being a Security Forces officer, that forming armed groups

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and supplying them is against the law, yet he committed this crime through facilitating these groups' access to weapons, ammunition, and communication devices, he is therefore responsible for this crime and shall be convicted accordingly...Whereas the accused has been charged with drug dealing, and the accusation is proven by the testimony of the Head of the Anti-Narcotics Agency, Ismail Al-Karami, who stated before the Public Prosecution that the accused – Abd al-Hamid Ammar – had called him and asked him for drugs, and when he informed him that he had stopped providing drugs, he protested and replied "Who gave you those instructions?". He then added that Abd al-Hamid Ammar was the assistant of Defendant No. 2 – Abdullah al-Senussi – and that Defendant No. 2's Tundra vehicles had transported drugs and that he knew that these substances were being sold among senior battalion members in order to kill the Libyan people. The accusation has been also proved based on the accused Milad Daman's testimony. He stated before the Public Prosecution that Abdullah al-Senussi and his assistants were responsible for bringing in and selling drugs among senior battalion members and volunteers. According to some judiciary reports of the forensics department and test results of samples and substances that were found in the possession of Gaddafi battalion members who were either killed or captured and at their bases. These reports proved that the substances found were psychotropic drugs such as: tramadol, benzhexol, aphrodisiacs and hashish. Ali Al Zubaydi also confirmed the accusation when he mentioned that it was [illegible] Taurgha' operations and that two Intelligence Directorate officers had brought him two boxes containing pills they said the second [illegible] had sent them to him and that he gave them to his successor Major Hamid Buztaya, Gaddafi's son-in-law. When asked what he had done with the boxes, he said they were distributed to legion chiefs and mixed with hot drinks according to the restaurant supervisor officer [illegible]. The accusation is also proven according to soldier 'Attiyah Mujahid Gaddafi and soldier Ibrahim al-Sid al-Lusha, whose testimonies have already been included by the court. The first said he was a soldier in the Al Sa'idi Al Tabuli battalion which took part in all battles in Bin-Jawad, Sidra and Al-Brigah and that secret services within the battalion distributed drugs which made them experience abnormal symptoms such as absence of sleep, feelings of strength and aggressiveness, and that battalion members committed acts of murder and rape, and that he himself had seen three women being raped naked.

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The second one stated that he was a soldier in battalion 32 in the Yarmuk camp and that drugs were brought to the camp in large quantities and stocked with in weapons storehouse. There were different substances such as [illegible] and Wadi Al Dhi'ab and that they used to take these drugs and enter into a state of unconsciousness. He also said he had killed [illegible] because of them by throwing grenades inside the prisoners' wing...Whereas the present evidence confirms the participation of the accused Abd al-Hamid Ammar in dealing drugs and psychotropic substances among members and volunteers of the Gaddafi battalion in order to make them commit murder and other acts of violence, rape and bombing cities under the influence of these drugs...Whereas the accused is aware, being an officer of the Security Forces, that distributing psychotropic drugs among armed battalion members and volunteers is forbidden by the law, and is also aware that this act is considered an international crime, a dirty war technique and a serious crime given the great damage it causes to those who take these drugs and on society as a whole as a result of the violent acts committed by those who take them...Whereas Gaddafi battalion members and volunteers have committed horrific acts of murder, rape, etc. under the influence of these substances distributed by the accused, according to the share of evidence presented by the court in several areas of the judgment, and whereas the accused did so with the intention to undermine the integrity of the State by spreading murder and violence as revenge against the Libyan people, he therefore committed the crime of banishing and murdering people and that is what he should be charged for...Whereas the charge against the accused of squandering public funds is also proven when he admitted engaging in disbursing money, along with Defendant No. 2, to African groups who were brought to fight the Libyan people, and on security members who repressed protesters...The crime was also proven when he openly admitted disbursing six hundred thousand LYD and paid Umar Ihnish one hundred thousand LYD to be spent on providing vehicles to the foreign groups in addition to maintenance and gas, and supplying them with provisions. He also paid Colonel Hussein Al A'eb two hundred thousand LYD to be used to provide communication devices and setting the Si'an tribe [illegible]. He also paid eighty thousand USD to Qarin Salih and sixty thousand USD to Eid al-Salam al-Akrami from [illegible] and fifty thousand LYD to the Secretary of the Abu Salim Congress and forty thousand Euros to Abd al-Salam Hamuda

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He also paid two million LYD to Mahmud Shafshafa's brother in exchange for providing 4x4 vehicles, and paid different amounts to Captain Hamdan Abu Makhlab to supply foreign groups and volunteers with provisions...

-Whereas the accused's disbursement of public funds was committed for illegal purposes that are neither acknowledged by the Law nor serve the people's interest, and given that the disbursement operations were executed without proper legislation allowing these payments and was therefore a violation of the State's financial system...whereas the experts appointed for the case confirmed in their report No. 80/2012 AD that all payments were a violation of the State's financial law, accounting and budget regulations and the Budget Law, given that these payments were made without legislation, invoices or tenders. This accusation of squandering public funds is therefore proven against the accused and he shall be convicted for it. Whereas the accusation of rigging a number of vehicles with explosives has been proven following the accused's confession that he had been in charge of these groups...whereas being in charge of them makes him an accomplice in organizing and committing this crime...and whereas the accused and his associates intended through this act to destroy the target location through bombing and murdering the largest number of people for political motives, aiming at violating the integrity of the State by attacking the existing authority – the National Transitional Council – and to give the outside world the impression that what is happening in Libya is not a revolution and a change of the political system, but rather a number of terrorist groups, in an attempt to make these countries change their position towards the Libyan revolution. Whereas the act committed by the accused and his associates and its effect were stopped for a reason completely unrelated to their intention, and that is their inability to deliver the car bombs to the targeted locations because of the strong grip of the rebels of the Transitional Council. The accused is therefore an accomplice to this act of sabotage and arbitrary killing of people, and shall be convicted for it...Whereas concerning his accusation of restricting others from exercising their political rights, it shall be taken into consideration along with the remaining accusations, given that the accused's massive disbursing of public funds on security institutions that were repressing protesters and on supplying tribal legions and foreign groups, all serving his final goal, which consists in repressing the people and coercing them into adopting the regime's political doctrine and not shifting to a new political doctrine ensuring their well-being in their own State. Whereas this is the case and according to Article (76/1) of the Penal Code,

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This crime shall be added to the other crimes and the accused shall be convicted for all of them with the penalty for the most serious crime, which is sabotage and arbitrary killing of people. Whereas it was proven that the accused committed all these crimes as stated by the court in detail [*illegible*], the accused shall be convicted for these crimes according to the statements above and to Article (277/2) of the Code of Criminal Procedure. Whereas the accused has committed serious crimes such as financing and supplying foreign groups with provisions and equipment, supplying armed tribal legions with weapons and communication tools, drug dealing and distributing psychotropic drugs among battalion members and volunteers, and squandered public funds and spent it on illegal matters...Whereas the crimes committed by the accused are proof that he is a dangerous criminal and of his criminal tendencies. Whereas the accused knew how dangerousness his acts were and was aware of the resulting consequences and wished to achieve these consequences as proven by his objection of witness Ismail al-Karami's behavior when he informed him that he'd stopped providing the drugs he was asking for and answered, "Who gave you those instructions?". He then informed Defendant No. 2 who called the witness a traitor. Whereas he committed his crimes for political motives, which aimed to take revenge against the people for shifting from the system, based on the facts stated above and according to accusation articles and Article (28) of the Penal Code, the accused shall be sentenced to death under Tazir law...Whereas the physical penalty does not impose financial penalties as these fines remain applied to the sentenced person's money, [*incomprehensible*], and whereas the accused's waste of large amounts of public funds has been proven and based on the facts stated above and according to Article 9 of the Economic Crime Law No. 2 for the year 1979 AD amended by Law No. 14 for the year 2001, the court agreed to add to the death penalty an imposed fine of fifty thousand LYD and compelling him to compensate the money he had spent from the public treasury with the value of the damage he caused and [*illegible*] in the expert report No. 80/2012 AD and as specified herein.

Whereas the accused's lawyer insisted on releasing the accused because the Public Prosecution did not do so although the exceptional authority had commanded his release on 05/08/2013 AD. This defense is entirely irrelevant. The Law, however, gives the Public Prosecution the right to interrogate the released accused

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for new facts and to detain and imprison the accused again if his involvement in these crimes is proven. Whereas the accused's lawyer mentioned in his statement of defense that the Public Prosecution had interrogated his client on new matters different than those the exceptional authority had released him for. The accused shall therefore be imprisoned regardless of the lawyer's statement. Whereas, in addition to what has been mentioned, the imprisonment the lawyer wishes to end does not affect the evidence not resulting from it, it shall not be ended...Whereas the lawyer claims that his client did not commit any crime, was not involved in any of the crimes he was accused of and that his name was inserted into these accusations in spite of the fact that he had nothing to do with them; he did not equip tribal legions or distribute drugs. This defense is, however, irrelevant given that it is a general and unsupported defense. The evidence and documents presented by the court in the preamble of its judgment proving that the accused committed these crimes are a sufficient response to this defense, and the accused's release shall therefore be denied...Whereas the accused's lawyer stated in his defense that one accused's claims shall not be used as facts to accuse another accused is irrelevant. The court is entitled to accuse an accused based on another accused's claims in the event it [*illegible*] these claims, because the court is free to form its decision based on any evidence presented in case documents as long as the court is confident that the evidence is reliable, taking into account that the claims which confirmed the accused's responsibility for the mentioned crimes are in fact true evidence the accused could not deny through any opposing evidence. The court shall therefore trust these claims which result in denying the accused's release. As for the lawyer's demand that the court disregards the accused's interrogation because his lawyer was not present is irrelevant; the lawyer's attendance of interrogation sessions is not a condition for a valid interrogation. The lawyer is entitled to attend the interrogation session if the accused informs the Public Prosecution that they would like their lawyer to attend the session and provides his lawyer's name, which means that the lawyer's claim shall be ignored...Whereas the lawyer's claim that drug dealing is not related to crimes of sabotage and murder is a irrelevant defense because the accused was involved in drug dealing among members, volunteers and security officers of the previous system, given that he asked – the witness – Ismail al-Karami - for psychotropic drugs. As a result, these members committed horrific acts of murder and rape under the influence of these substances.

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Proof is what these members, such as the above-mentioned 'Attiyah Mujahid Gaddafi and Ibrahim al-Sid al-Lusha, confessed. Witness Ali al-Zubaydi also mentioned, quoting Major Hamid Buztaya, that the Taurgha' operations unit mixed psychotropic drugs in hot drinks consumed by soldiers. Distributing psychotropic drugs among soldiers is therefore considered a component of the material basis for the crimes of sabotage and murder [*illegible*]. The lawyer's claim shall therefore be refused...Whereas the lawyer's defense claims that his client did not have at his disposition any State funds. This defense is irrelevant and contradicts the evidence provided by the accused's confession that he provided large amounts of money to people whose names he mentioned to be spent on equipping African groups and tribal legions, which requires the lawyer's defense to be ignored...Whereas the lawyer defended his client saying that the latter was simply following his superior's instructions and is therefore not responsible for those acts, this defense is irrelevant because it is not supported by evidence. The accused was Defendant No. 2's partner in crime through agreement and cooperation. Whereas the fact that the accused followed his superior's instructions to break the law does not exempt him from punishment and responsibility, given that it is sacred that any employee obeys the Law before their superior when the latter's instruction represents a violation of the Law. This defense shall therefore be ignored. Whereas the lawyer defended the accused by claiming that he did not commit any sabotage crimes, his defense is irrelevant and the court does not approve it because the accused, by supporting and forming tribal legions, distributing drugs and supplying foreign groups, targeted or aimed at spreading chaos and sabotage in the State in order to overthrow the regime and the new authority recognized worldwide as a reflection of the Libyan people. The components of a sabotage crime are therefore proven, and this defense shall be ignored. Whereas the accused objected written testimonies, his objection is denied because these testimonies do not include any statements that are valid enough to oppose the evidence accusing the accused of the previously mentioned crimes. This objection shall therefore be rejected and the judgment shall be as previously mentioned herein.

16. Whereas Defendant No. 16 – Jibril Abd al-Karim al-Kadiki is accused of sabotage and arbitrary killing of people for having joined Defendant No. 2 in using military aircraft to target civilians and drop internationally-banned mines, this crime is proven based on the testimony of witness – Mukhtar Khalifa al-Ja'fari – who mentioned before the Public Prosecution that he had commanded the Ghardabiya air base

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In Sirte and was receiving instructions from accused (Jibril al-Kadiki), and that military aircraft were used; up to two hundred to two hundred and fifty military air operations in which one hundred kilogram, two hundred and fifty kilogram and five hundred kilogram bombs were carried by Sukhoi 22-24 planes. These bombs were used against individuals and organizations...S5 57mm rockets were also launched from helicopters. These rockets are unguided, which presents a risk of killing civilians. Two helicopters left the Ghardabiya air base for al-Watya, then bombed the Misratah station antenna. Six [illegible] planes were also sent to bomb Benina airport. This charge is also proven against the accused based on his confessions before the Public Prosecution that he was responsible for all air weaponry and that the chamber for air operation control reported to him as the Air Force Chief of Staff. He also confessed that he had received instructions from Muammar Gaddafi reported to him by Ahmad Ramadan, and had sent an S35 helicopter that took off from al-Watya air base and bombed the Misratah station antenna using unguided S5 rockets. This charge is also proven against the accused based on citizen Faysal al-Mahruk's testimony written in the evidence report prepared by the Military Intelligence Department, and in which he mentioned that on 5/5/2011 at 21:00 p.m. he was in charge of guarding the Misratah commercial port along with his coworker Muhammad Nuri al-Sharif. They heard a plane flying, then they knew from the [illegible] that it belonged to the Gaddafi forces, and because he'd put the Red Cross logo on it, the alliance forces refrained from bombing it. He'd informed them to be careful and to inform guarding groups on sidewalk (5-6). They took their vehicle and went to inform the others, and when they returned to their location, a blast took place under the car. Fire erupted, and after going another short distance, a second blast erupted in the front part of the car and wounded them. They found out later on that these blasts were caused by mines the helicopter had dropped. Twenty-eight mines were collected and detonated. The witness added that he was transported to Tunisia, where he received treatment at Clinique Taoufik hospital. He was diagnosed with peripheral neuropathy in his left hand, a leg deformation and loss of sensation in part of his foot. The charge is also proven based on the testimony of citizen – Muhammad Nuri al-Sharif – who mentioned that the mines

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dropped from the helicopter were green, with a pointy head that fixates them to the ground, and an umbrella attached to them. He also reported suffering from an injury in his foot and right hand. The charge is also proven based on the testimony of citizens Muhammad Faraj Aw'ayn and Muj'adi al-Jamal, who confirmed the statement made by the two previous witnesses. They also reported being injured by the mines dropped by the helicopter. Whereas these testimonies and the accused's confession confirm his involvement in using military aircraft to target civilians and drop mines, being, and according to his confession, in charge of the Air Force and Operations Room. Whereas he followed Muammar Gaddafi's instructions and gave instructions and commands to attack civil targets such as Benina airport, Misratah Station antennas and dropping bombs on Misratah port. Whereas the accused was perfectly aware that these acts are crimes according to all national and international stipulations, and that it is illegal to attack civilians; many international stipulations consider this crime as a war crime and a crime against humanity. Whereas the accused knew that his acts would result in killing civilians in these civilian locations, and whereas the accused committed these acts for political motives with the intention of assaulting the safety of the State and the people, he is therefore proven guilty and shall be charged for his crime. Whereas his accusation of preventing others from exercising their political rights was associated with the first crime, considering that the accused's goal in using the Air Force to attack civilians, such as the Misratah Station attack, was to silence the voices opposing the regime and to punish these people in an attempt to coerce them into supporting the regime's policy. Based on the above-mentioned facts and according to the provisions of Article (76/1) of the Penal Code, the court considers this crime and the first one as one crime and sentences the accused for both of them with the penalty of the greater crime, which is the first one. Whereas the accused's accusation of participating in planning bombing prisons where a number of opposition members were detained and preparing the necessary materials for execution is not proven, given that the Public Prosecution based the accused's accusation of committing this crime on Defendant No. 2 Abdullah al-Senussi's claim that the aerial bombs that were said to be used in the operation were with accused – Jibril al-Kadiki – and that they could not be used without his permission. Whereas this claim would have been true and useful as a basis for accusation if these bombs had been actually used.

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Given that it has not been proven that these bombs were used by the Air Force under the accused's command, this claim cannot serve as a support for conviction, and whereas Defendant No. 2 mentioned during the final trial that accused Jibril al-Kadiki was not involved in this operation and that he had not attended the meeting in which they discussed this operation or discussed it with him. Based on the above-mentioned facts and according to the provisions of Article (277/1) of the Code of Criminal Procedure, the accused shall be acquitted of this charge. Whereas the accused was proven guilty of committing the first crime he was accused of in addition to the related crime as specified by the court, based on what has been mentioned and according to the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be convicted of the crimes he committed. Whereas even though the crime committed by the accused is a dangerous one, he is an elderly man of more than seventy years of age, as indicated by his birth date recorded in the investigation reports, and that he suffers from a number health issues related to old age, such as diabetes, and he does not have a criminal history. Whereas penalties aim at restraining and improving the criminal, and not taking revenge against him, as an act of consideration, based on the above-mentioned facts and according to the provisions of Article (29/1) of the Penal Code, the court hereby replaces the death penalty assigned to this crime with a life sentence. Whereas the court believes that the Law does not forbid commutation of the penalty one more time in the event that the conditions present in the first clause of Article (29) of the Penal Code, which allow the judge of criminal matters to commute the penalty to half the minimum period, are met. Whereas according to the concept of violation as defined in the provisions of Article (21) of the Penal Code, the minimum period of a life sentence is of sixteen years, and whereas the last clause of Article (29) of the Penal Code allows, as previously mentioned, commutation of the penalty to half the minimum period, which means that the court is entitled to *[illegible]* the minimum period and more, but is not allowed to commute the penalty to less than half the minimum period. Based on the previously mentioned facts, the court hereby sentences the accused to twelve years, with his permanent deprivation of his civil rights, as specified in the provisions of Article (34) of the Penal Code. Whereas the lawyer defended his client by stating that he was not responsible for the aircraft that dropped mines on the Misratah port

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and that it belonged to NATO, this defense is irrelevant because it is a simple unsupported claim. And whereas the international forces have no interest in dropping mines on a civil establishment where there are no enemies of theirs, while the Gaddafi forces have an interest in doing so given that they aimed at destroying the port, as it was the city's only gateway to the world and stood by it in its resistance to Gaddafi's forces. The city also received its provisions and equipment from the eastern region through this port. Moreover, one of the witnesses, Faraj Abd al-Samih Aw'ayn mentioned in his testimonies that they had heard a call from wireless devices coming from the rebel operations room saying that the helicopter had a Red Cross sign as camouflage and that it belonged to Gaddafi's battalions. Whereas the accused confessed that he was responsible for the operations room and the Air Force, and was therefore involved in this operation, this defense shall therefore be ignored. Whereas the same lawyer defended his client by saying that obeying the commands of one's superior is not considered a crime according to Article 69 of the Penal Code, his defense is irrelevant as the court believes that this provision exempts the employee who committed a crime from punishment if his superior's command does not represent a violation of the Law. If the commanded employee obeys their superior's illegal command while being aware that this violates the Law, they are therefore responsible for this act and an accomplice therein. Any different claim regarding this matter is a violation of rights and justice, a [illegible] of the rights of victims of these crimes and the criminals' exemption from punishment under the grounds that they were obeying the orders and instructions of Muammar Gaddafi as the Commander-in-Chief of the Army who has passed away and is now in the hands of God. This defense shall therefore be ignored. Whereas the lawyer's remaining defenses are simple substantive arguments regarding the proof that the accused is guilty and the evidence mentioned by the court in the findings of its judgment, while proving that the accused is guilty is sufficient as a response to these defenses, and whereas the defense did not provide any opposing evidence, these defenses shall be ignored and a judgment shall be made as mentioned herein.

17. Whereas the accusation of Defendant No. 17 – Abd al-'Ati Ibrahim al-Ubaydi – of sabotage and arbitrary killing of people for having brought mercenaries, equipped them and gave them the nationality, the accused was not proven guilty. Upon examining the case documents, the court did not find

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any evidence proving that the accused had brought black African mercenaries, as it was not proven that he had been in contact with their leaders whose names are mentioned in the case file such as Khalil Ibrahim, Abd al-Wahid Nur and Mona Mannawi...or that he had agreed on bringing them to Libya. There is also no evidence that the accused had equipped military camps for these mercenaries, or that he had provided them with weapons, vehicles or provisions. There is no evidence that the accused had issued decisions to grant them the local nationality or that he attended the meeting in which this measure was decided. Whereas the evidence on which the Public Prosecution relied accuses the accused of issuing letters from the Secret Affairs Department of the Secretariat of Foreign Affairs from one Yusuf Margham, in charge of the Libyan Embassy in Uganda, to Defendant No. 2, Abdullah al-Senussi, and of bringing mercenaries into the country. In spite of the accused's confession that he had committed these crimes, the court believes that the accused's acts contributed to the crime, given that sending out letters is a simple administrative procedure on which the flow of mercenaries does not depend. Moreover, the Public Prosecution did not attach these letters or explain their content in order to allow the court to assess the importance of these letters and their relevance for the above-mentioned crime. In criminal justice, judgments are based on affirmations and consciousness that the accused is guilty of the crime he was accused of, and not on simple suspicions. Therefore, based on what has been mentioned and according to the provisions of Article (277/1) of the Code of Criminal Procedure, the accused is innocent of this crime. Whereas the accused has been accused of destroying national unity and starting a civil war for having formed an armed gang, supplied it with weapons and supported it, he was not proven guilty, given that while reviewing the case file, the court did not find any evidence confirming that the accused had formed a tribal legion of his clan or an armed group in his region, or that he supplied it with weapons and provisions. The Public Prosecution does not have any evidence of what witness – Ahmad Abdullah Mabrika al-Azumi – said regarding accused Abd al-Aati Ibrahim al-Ubaydi also known as al-Tayyib al-Safi and other people from the Eastern region forming a chamber in the Foreign Ministry Secretariat in charge of starting rumors, spreading unrest and division in the Eastern region, and that he did so with help from a man from Darnah called Muhammad al-Sharif and a woman called Tahani. Assuming that what the witness stated was true, this crime is impossible given that the court undoubtedly knows,

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being aware of the general situation, that the cities of the Eastern region were no longer controlled by the regime from the first days of the February uprising, and that the citizens of those cities and regions were united in supporting the February revolution and there was no possibility of division on this matter. The accused's crime was therefore impossible. That being said, and according to Article (56) of the Penal Code, which states that no crime is committed if the desired damage or danger are not achieved. Based on what has been mentioned, and according to the provisions of Article (277/1) of the Code of Criminal Procedure, the accused is innocent of this crime. Whereas the accused was accused of preventing others from exercising their political rights, he is not proven guilty, given that there is no evidence in the presented documents that the accused had committed any act aiming at preventing others from expressing their political views. According to the documents, the accused was the Secretary of Foreign Affairs in the previous regime preceding the revolution, and his tasks were limited to contacting foreign States and was not involved in attacking citizens within the country. According to what has been stated, and to the provisions of Article (277/1) of the Code of Criminal Procedure, the accused is innocent of this crime as stated herein.

18. Whereas Defendant No. 18 – Muhammad al-Dib – has been accused of sabotage and arbitrary killing for having provided financial support, this charge was proven against him based on his confession before the Public Prosecution that all transfers related to disbursing money to security and military forces and volunteers to repress the February 17 revolution were issued and signed by him based on the instructions of Defendant No. 3 – al-Baghdadi Ali al-Mahmudi. This charge was also proven against him based on the findings of the experts assigned to this case in their report No. 80 of 2012 AD which stated that most correspondence and disbursing orders were made through the accused – Muhammad al-Dib. This charge was also proven against him based on the large number of correspondence he had issued and which included his instructions to disburse amounts of money to Security bodies, armed groups and legions such as letter No. 2325 dated 04/05/2011 AD, which included his orders to the Financial Secretariat to disburse one million LYD on the security room in Bani Walid, and letter No. 2362 of 2011 AD dated 07/05/2011 AD

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which included his orders to the Financial Secretary to disburse an amount of one million LYD on the private force of the security unit staff, and letter No. 2689 dated 23/05/2011 AD, which included his orders to the Financial Secretariat to disburse one million LYD on the People's Guard, one million LYD on the ninth brigade, and three million LYD to the 32nd Reinforced Brigade...In addition to letter No. 1711 dated 31/03/2011 AD, which included his orders to the Financial Secretariat to pay an amount of (3,350,836) million LYD to supply the people's armed units with machinery and equipment, and letter No. 1952 dated 13/04/2011 AD regarding disbursing six hundred thousand LYD on the People's Guard to be handed to Defendant No. 4 – Mansur Daw Ibrahim Daw, and letter No. 3322 dated 20/06/2011 AD, in which the accused asks the chief of the Development of Administrative Centers Agency to provide ten cars to form [illegible] for security support to the Mohammed Magariaf Battalion, and letter No. 4786 dated 07/08/2011 AD, in which he asked the chief of the Development of Administrative Centers Agency to provide two hundred cars to the Revolutionary Guard and the amount of one million LYD, and letters No. A-G-L-Sh- 322, 410, 469 and 480 respectively dated 20/02/2011 AD, 05/03/2011 AD, 09/03/2011 AD, and 10/03/2011 AD, which command the Financial Secretariat to provide an amount of one million LYD, then two million LYD, then five million LYD and seventy million LYD to the People's Guard to be spent on the recruitment of twenty thousand members for the People's Guard, and letter No. 2873 dated 01/06/2011 AD issued by the accused and including his request to the chief of the Development of Administrative Centers Agency to provide twenty-five cars to form [illegible] the five points and fifteen cars to al-Sumud battalion, and letter No. 2709 issued by the accused and addressed to the Financial Secretariat, requesting to provide five hundred thousand LYD to officer Masud Abd al-Hafid to be spent on urgent necessities, and numerous other letters issued by the accused and included in the case file. Whereas the evidence confirm that the accused had provided financial support to armed groups and security battalions in order to allow them to repress the Libyan people through sending letters and giving instructions to disburse large amounts of money to provide equipment, ration, and bonuses which allow these groups to continue their war and murder of Libyans opposing the regime. Whereas this financial support provided by the accused allowed these different armed groups

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to repress and kill people, and act in a bloodthirsty way. Whereas the accused knew, by virtue of his position, that providing financial support for security bodies and armed groups is illegal and considered a crime, and was aware of the consequences of his act and sought these consequences through the acts of murder committed by these groups against the people. Whereas he committed this crime for political motives based on his loyalty to the regime and he intended to attack the State's safety by establishing a new authority and taking revenge against the people for opposing the regime, he is therefore proven guilty of this crime and shall be convicted accordingly. Whereas the accused was accused of destroying national unity and starting a civil war for having provided financial support to tribal legions and armed groups, this charge was proven against him based on the previous evidence, which confirmed his financial and material support for legions and armed groups, such as forming [*illegible*], the People's Guard, the Revolutionary Guard, al-Sumud Battalion, the 9/1 group and others. Whereas these armed groups to which the accused provided financial and material support were established to support the regime in its war against rebellious regions, and whereas the accused's support for these armed groups allowed the legions of volunteers in these groups to fight the citizens of the rebellious regions and commit horrifying crimes of murder, rape, robbery and sabotage against these citizens, which created a division in the Libyan social fabric, awakened old rivalries and created new ones from which the Libyan nation is still suffering. Whereas the accused knew, given his position, that providing financial support for armed groups and volunteers could enable these legions and armed groups to attack opposition regions and still committed this act as a supporter of the regime and because he wanted the regime's victory at any cost, even if it meant creating unrest and starting civil wars in the country. That being said, he is guilty of this crime and shall be convicted accordingly. Whereas the accused was accused of disbursing public funds, this charge was proven against him based on his confession that he had ordered the use of money illegally and in a way that violates the State's financial system. This charge was also proven against him based on report No. 80 of 2012 AD issued by financial experts, in which they concluded that all disbursement operations, including those performed by the accused were a violation of the State's Financial Law, accounting and reserve regulations,

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and the Budget Law. These operations also caused a major damage to the State's public funds.

Whereas the crime of damaging public funds is defined by the court as the act of disbursing public funds for illegal purposes without respect to the restrictions stipulated in the State's Financial System, all of which was performed by the accused. He is therefore proven guilty of this crime and shall be convicted of it. Whereas the accused was accused of preventing others from exercising their political rights, this charge is linked by its description to the first charge. The accused provided large amounts of money for security rooms and the General Security sector, as proven by the letters annexed to the case file.

Whereas this disbursement to security bodies aimed at enabling them to repress the people of Libya and preventing them from switching to any political view opposing that of the regime, therefore, and according to the provisions of Article (76/1) of the Penal Law, this charge shall be associated to the first one as a single charge, and the accused shall be sentenced with the penalty of the greater crime.

Whereas the accused was proven guilty of these crimes as explained by the court in its grounds, based on the previous statements and according to the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be convicted for these crimes as specified herein. Whereas concerning the penalty, if the accused committed the act of giving instructions and sending out letters concerning disbursing money to armed groups fighting the Libyan people, and whereas despite the fact that his act is a dangerous one that indirectly led to the arbitrary killing of people, given that the accused does not have a criminal history, as an act of compassion and mercy, based on the previous statements and according to the provisions of Article (29) of the Penal Code, the court replaces the death sentence with a life sentence with the accused's permanent deprivation of all his civil rights, according to the provisions of Article (34) of the Penal Code. Whereas the physical penalty does not preclude financial penalties, and whereas the accused squandered large amounts of public funds, the court therefore, and according to the provisions of Article 9 of the Economic Crimes Law amended by Law No. 14 for 2001 A.D, imposes a financial penalty of fifty thousand LYD and compels him to compensate the public treasury with the amount he previously spent, according to the value specified in the expert report as specified herein. Whereas the accused's lawyer defended his client from the accusation of sabotage and arbitrary killing because the accused did not commit

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any act of sabotage, nor was willing to commit any act of sabotage or attack on the safety of the State, his defense is irrelevant and is not approved by the court, as it has been proven based on the large number of letters annexed to the case file, in which the accused orders the financial authorities of the Gaddafi regime, which are the Financial Secretariat and the Issuing Department at the Central Bank of Libya, to provide large amounts of money to military and security formations and armed groups that repressed the Libyan people opposing the regime in rebel cities, and to provide financial support for people bringing African mercenaries into the country to fight the Libyan people and for authorities that were trying to stop the February 17 Revolution and overthrow the resulting legitimate authority: the National Transitional Council. The court included a sample of these letters and adds, as a response to the lawyer's defense, the letter issued by the accused under No. 3727 dated 5/7/2011 AD addressing the chief of the Development of Administrative Centers Agency asking him to urgently cash a check for five hundred thousand LYD in the name of Muhammad Said al-Qashat to cover the expenses of the work he was assigned, which consisted of bringing African mercenaries into the country, according to the documents annexed to the case file. Another example is letter No. 4083 dated 19/7/2011 under the title "Urgent" in which the accused asks the Financial Secretariat to provide five million dollars to the Telecommunications Office to be delivered to Bashir Salih Bashir. Whereas facilitating the disbursement of public funds to these authorities and military formations repressing the Libyan people makes the accused an accomplice in the crime of sabotage, given that these formations to which the accused provided financial support were executing military operations in rebel cities such as Zawiyah, Zuwarah and Misratah among others, and committing acts of murder and sabotage aiming at taking revenge against the Libyan people in these regions for opposing the regime, ending the revolution and overthrowing the new internationally-recognized political authority, the National Transitional Council. Whereas being involved in the crime, according to the stipulations of Article (100) of the Penal Code, is defined as when the accused enters into agreement with the original criminal and provides him with anything that helps him or facilitates the commission of the crime. The accused is therefore guilty of this crime and the lawyer's defense is inadequate and shall be rejected.

Whereas the accused's lawyer defended him by stating that his client was coerced, given that he was obeying the instructions he cannot refuse to execute, this defense is irrelevant as coercion precluding punishment is when

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coercion deprives the accused from their will and obliges them to commit the crime without having any means to escape punishment but to commit the act commanded by the coercing party, and whereas the accused was not coerced in this sense and could have abstained from giving these administrative orders to provide financial support, and whereas the Supreme Court ruled that an employee shall not obey their superior in illegal matters, as there is no obedience of a superior in violation of the Law, and because abiding by the Law precedes obeying the commands of a superior violating the Law. The employee shall not use their superior's instructions as an excuse for committing the crime when the superior's order is clearly illegal. This defense shall therefore be ignored. Whereas the accused stated that the administrative letters he sent were informative, this statement is irrelevant given that the court reviewed these letters issued by the accused addressing the financial authorities of the previous system and found that these letters were in fact requests. This means that the accused was abusing his administrative and political authority over these bodies. This defense shall therefore be ignored. Whereas the accused claimed that he did not pronounce the words he was accused of saying in the investigation report of the Public Prosecution and that these words were made up by a member of the Public Prosecution and his colleagues, this claim is unacceptable because it contests the work of the Public Prosecution, which is a judiciary authority, the reports of which are considered official documents that can only be contested in the event of falsification. Taking the accused's claim into consideration would also be a great risk as it would allow each accused wishing to deny their confessions and the gathered evidence to claim that the Public Prosecution falsified the report and wrote what they did not say. This defense shall therefore be ignored. Whereas the accused defended himself by stating that the Public Prosecution exceeded the legal limits on pre-trial detention, this defense is irrelevant given that the accused did not specify how the Public Prosecution had exceeded that limit. This claim is therefore unknown, in addition to the fact that the detention to be annulled has no effect on evidence that was not extracted therefrom. The accused's claim that pre-trial detention period cannot reach two and a half years of time is irrelevant. The Public Prosecution is entitled by the Law to refer the accused for trial and to detain him during trial sessions. It is not considered pre-trial detention but rather detention for trial which is permitted by the Law. This defense shall therefore be ignored. Whereas the accused objected and defended himself in the name of the General Mobilization Law,

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this defense is irrelevant given that it does not justify the accused's financial support for the official and non-official armed battalions which murdered the Libyan people and destroyed their cities. It is not true that any law in this whole world allows a ruler to murder his people and destroy cities on their citizens. This defense shall therefore be ignored. Whereas concerning the lawyer's remaining defenses of his client, the material included in the court's findings for proving the accused's guilt of the crimes he was accused of are considered a response to these defenses. These defenses shall therefore be ignored and the judgment shall be as mentioned herein.

19. Whereas Defendant No. 19 – al-Mabruk Muhammad al-Mabruk – was accused of sabotage and arbitrary killing of people for having formed armed tribal legions and supplied them with different kinds of weapons and supported them logistically, this charge is proven against the accused based on his explicit confession before the Public Prosecution that he, based on Defendant No. 5's instructions, had accompanied al-Sunni Ahmad al-Abash to the chamber led by al-Hadi Ambirish where they received two rocket launchers, two 14.5 machine guns, two DShK machine guns, four mortar bombs and a large number of bombs, ammunitions, and four vehicles equipped with 14.5 machine guns. The accused also confessed that he had agreed with Defendant No. 5 on naming the legion "al-Sumud Legion," which aimed at fighting rebels in the Western Region. Following the instructions of Abu Zayd Umar Dorda, he also accompanied the main driver to Camp 77 in al-Siraj region, where they received a vehicle loaded with rockets and ammunition boxes they had brought from the external security force location, then transported them to al-Jawsh region where they were distributed on volunteers. He also accompanied Ali al-Maktuf to the location of Mohammed Magariaf Battalion where they received four vehicles (Mitsubishi crew-cab truck), four telescopes and three gallons of fuel. He then transported this equipment to the group's location in al-Jawsh region based on the instructions of Abu Zayd Dorda. Whereas the accused's confession proves his involvement with Defendant No. 5 in forming al-Sumud legion belonging to al-Harabah region, given that he confessed that he had agreed with Abu Zayd Dorda on this name and delivered a large selection of weaponry and military equipment from vehicles and others, to the legion's location in al-Jawsh. He also confessed that this legion was formed to combat rebel regions in the Western Mountains. Whereas this legion and the tribal legions that the accused helped establish and equip committed acts of murder, robbery, sabotage and created division in the Libyan social fabric as a result of the acts of

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murder, robbery, sabotage, and rape committed by its mercenaries in rebel regions, which revived old conflicts and rivalries between certain Libyan regions and tribes, and created new rivalries such as the one between al-Zawiyah and Wirshfanah, al-Jumayl and al-Zuwarah, and Misratah and Taurgha', and so on. Whereas the accused knew that forming this legion and supplying it with weapons would result in the legion attacking rebel regions and that this legion would murder the citizens of these regions, steal and destroy their properties and still committed his act and did his best, according to his confession, to provide weapons for this legion, and whereas he did so for political motives based on his support for the leader of the regime who incited such acts, to fight the rebels who are the citizens of rebel regions as revenge for having opposed the regime, and to destroy their cities, and to overthrow the new internationally recognized authority in an attempt to show the world that the current events in Libya are in fact a civil war. The accused therefore committed the crime of sabotage and arbitrary killing of people and shall be convicted accordingly. Whereas the accused was accused of preventing others from exercising their political rights, this accusation was associated with the first one, given that the accused, through forming the al-Sumud legion, aimed at fighting the rebels who are the citizens of rebel regions and coercing them into supporting the existing regime's political orientation. Therefore, and according to the provisions of Article (76/1) of the Penal Code, this charge and the first one shall be both considered as one charge and the accused shall be sentenced to the penalty of the greater charge. Whereas the accused has been proven guilty of the crime he was accused of as specified by the court in the findings of its judgment, the accused shall therefore be convicted for it in accordance with the provisions of Article (277/2) of the Code of Criminal Procedure. Whereas concerning the penalty, in spite of the fact that the accused committed a serious crime, which consisted in forming an illegal armed group and worked hard to supply it with weapons, ammunitions and equipment, which is a sign that he was only loyal to the regime, given that the accused did not commit any other crime and that he has no prior convictions, and as an act of compassion and to give him a chance for amnesty, the court therefore, and in accordance with the provisions of Article (29/1) of the Penal Code hereby replaces the death sentence corresponding to this crime with a life sentence with the accused's permanent deprivation of his civil rights as mentioned herein.

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Whereas the accused's lawyer defended his client by stating that the act committed by the accused was not considered a crime given that he was executing the tasks imposed by his job, this defense is irrelevant given that the accused's tasks do not include forming an armed tribal legion to fight the Libyan people opposing his political doctrine and supplying this legion with weapons. The court therefore believes that this act is illegal and considered a crime, and rejects the claim that it was part of the accused's tasks. The court also refuses the excuse that the accused was executing the instructions of his superior Abu Zayd Dorda. An employee who knows that the instructions and orders given by his superior are a violation of the Law and yet executes them is considered a criminal. The simple concept of a crime is that the individual is aware that the act he is committing is illegal and commits it anyway. The fact that he was executing his superior's orders with the excuse of being obliged to do so does not therefore exempt him from punishment. Obeying the Law precedes obeying his corrupt superior when his orders are clearly a violation of the Law. This defense shall therefore be ignored. Whereas the lawyer demanded the release of the accused from prison and the end of his detention, given that he was arrested by individuals who are not judiciary officers and that they arrested the accused without the permission of the concerned authorities. This request is rejected in all its aspects. The accused was arrested by one of the rebel battalions in the Western Region. According to Law No. 38 of 2012 AD regarding a number of provisions related to the transitional period, considering all behaviors of rebels from arresting supporters of the previous regime and conducting investigations as legitimate acts. The law also considers that the detention preceding their referral to the Public Prosecution is not restricted by a determined period of time. Whereas the accused was referred to the Public Prosecution within the period stipulated by the previously mentioned law and its amendments, which lasted till the beginning of 2014 AD before the Public Prosecution undertook the investigation, and after proving that he had committed a serious crime, the Public Prosecution ordered his arrest and detention. The arrest, detention and investigation procedures of the accused were therefore legitimate and far from the lawyer's claims. This defense shall therefore be ignored. With regards to the defense of the accused's attorney that his client's confessions before the Public Prosecution should be disregarded because he was coerced to make those confessions, as the group that arrested him had threatened to harm his family if he did not confess, this defense is irrelevant and the court

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does not approve it because the accused's confession was made freely and willingly without any pressure. Any opposing statement shall be supported by evidence as required by the Supreme Court in Criminal Appeal No. 977/39K M.M.A.S29.A.A.H. Whereas the accused and his defense did not provide any evidence of his claim that the arresting group threatened to hurt his family, this claim shall therefore be ignored. Moreover, it is unlikely that the accused was coerced before the Public Prosecution given that it does not exert pressure. The defense's claim which was included in the report saying that the accused was brought by rebels does not imply that the group that brought him attended the investigation session. It simply indicates that they brought him to the Public Prosecution office. This claim shall therefore be ignored. Whereas the accused's lawyer demanded the annulment of the accused's investigation because it was held before permission was issued, this request is also rejected because Law No. 38 of 2012 AD on certain provisions regarding the transitional period clearly stipulates that criminal proceedings are not dismissed against those whose prosecution requires a request or permission. Whereas the accused is accused of committing crimes during and related to the rebellion period, his investigation process cannot be restrained. This defense shall therefore be ignored. Whereas concerning the lawyer's remaining objective defenses, the facts the court included in the findings of its judgment while providing proof of the accused's responsibility for the crime he was accused of are considered to be a response to these defenses. They shall therefore be ignored and the judgement shall be as worded in the dispositive portion of the judgment.

Whereas accused Abd al-Majid Salim al-Mazughi was accused of sabotage and arbitrary killing of people for having recruited and equipped mercenaries and granted them the Libyan nationality, he was proven innocent of this crime due to the controversy over the veracity of the claims made by accused Abd al-Majid Ammar that he had asked accused Abd al-Majid al-Mazughi to go to the location of the Khalil Ibrahim group in Kiklah and give each militant one thousand LYD. In spite of the accused's confession of this act, the crime of recruiting mercenaries can only be proven to the court if there is proof that the accused had negotiated with the chiefs of these mercenaries and agreed with them to enter Libya to fight, or taken the necessary measures or written actual letters requesting their entry to the Libyan territory. Equipping mercenaries also requires proving that the accused prepared the necessary installations to shelter these mercenaries, prepare their centralization locations and supply them with weapons, equipment and provisions.

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The crime of granting them Libyan nationality requires proving that the accused issued decrees granting Libyan nationality or intended to do so. Paying the mercenaries their salaries alone does not represent the material basis for the crime of recruiting and equipping mercenaries. It rather constitutes the material proof that the accused squandered public funds in illegal ways. Whereas there is no clear evidence proving that the accused played any role in recruiting and equipping mercenaries to fight, based on the statements above and according to the provisions of Article (277/1) of the Code of Criminal Procedure, the judiciary authority pronounced the accused innocent of this crime. Whereas the accused was accused of preventing others from exercising their political rights, he was also proven innocent of this crime given that there is no evidence in the case proving that the accused committed any act aiming at forbidding people from exercising their political rights through protests or other means, and whereas the Public Prosecution had apparently based this accusation on the assumption that he had committed the first crime. Whereas the court did not prove that the accused committed this crime, based on the statements above and according to the stipulations of Article (277/1) of the Code of Criminal Procedure, the judiciary authority shall pronounce the accused innocent of this crime as well. Whereas the accused was accused of squandering public funds, this charge was proven against him based on his confession that he had paid amounts of money to the armed group located in Kiklah at the request of Abd Al-Hamid Ammar and after he also confessed that he had paid a daily amount of fifty LYD to each security member reporting to accused Milad Daman, in addition to a daily amount of twenty-five LYD to each to each member of the intelligence patrol. This charge was also proven against him based on the expert report No. 80 of 2012 AD in which experts proved that the accused had admitted paying one hundred ten thousand LYD to Khalil Ibrahim. Whereas the crime of squandering public funds has been proven given that the accused had spent the public funds he had access to for illegal purposes and in violation of the State's financial system, as concluded in the expert report which revealed that all operations were executed in violation of the State's Financial Law, its Budget List and accounts. Whereas the accused knows that disbursing public funds as compensations or salaries to mercenaries who were recruited to fight the Libyan people and to Security members repressing and killing this people is an illegal act violating the Law, and spent these amounts of money without any legislation permitting the use of public funds for these purposes, he is therefore guilty of the crime of squandering public funds and shall be convicted thereof according to the stipulations of Article (277/2)

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of the Code of Criminal Procedure. Whereas concerning the related penalty, the accused committed a serious crime by disbursing money to mercenaries who were recruited to fight the Libyan people. This is a sign that the accused is a dangerous person who is willing to disburse public funds in illegal ways and who is not trustworthy of public funds. Based on what has been mentioned and according to the provisions of Article (28) of the Penal Code, the court hereby sentences him to five years' imprisonment in addition to a penalty of ten thousand LYD and the obligation to reimburse the money he had spent from the State treasury with the value specified in the expert report and as mentioned herein. Whereas the accused's lawyer defended his client by stating that he did not squander public funds, this defense is irrelevant and the facts included by the court in the reasoning of the accused's responsibility for the above-mentioned crime are considered a response to this defense. This defense shall therefore be ignored and the judgment shall be issued as specified herein.

Whereas Defendant No. 21 – Imran Muhammad al-Farjani - was accused of introducing and deporting illegal immigrants in Libya, this charge was proven against him based on the testimony of witness Munsif Ahmad Issa before the Public Prosecution, in which he stated that he was an Army Colonel and Commander of Coast Guard and Port Security in Tripoli. At the end of April 2011 AD he was informed one morning that a boat on the al-Shi'ab shore had been loaded with a large group of Africans exceeding its capacity which caused it to capsize and for those on board to drown. The Coast Guard identified the incident and picked up the corpses. Several days later, in May 2011 AD to be precise, he was informed that another boat had sunk on the Tripoli shore because of overload. The boat was then dragged out of the water and contained rotten corpses that emitted an undefensable smell. The witness also stated that accused Imran al-Farjani was responsible for illegal migration operations. According to that same testimony, the accused worked with someone from Zuwarah to buy the second boat which ended up sinking. He also asked that same person to bring migrants. The witness also saw the person from Zuwarah visiting accused Imran al-Farjani, and added that he was once standing at the port gate when he saw that person entering to the same place where the accused Imran al-Farjani was, and his car was carrying a large amount of money. The charge is also proven based on the testimony of witness Muhammad Ahmad Rashid before the Public Prosecution, who stated that he had been the Tripoli Port Manager and that he knew that the illegal migration operations were managed from the al-Shi'ab shore and that two ships had sunk

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after carrying large numbers of Africans who ended up drowning, and that these boats departed with the permission of accused Imran al-Farjani, Commander of the Coast Guard. This charge was also proven against him based on the confession of Defendant No. 3 who stated before the Public Prosecution that accused Imran al-Farjani took part in the illegal migration operations by contributing to the purchase of old and damaged fishing boats. He also used some of them to transport Africans and send them to Europe while he was aware that many of them ended up drowning. The charge is also proven based on the confessions of accused Mundhir al-Ghanimi, who stated before the Public Prosecution that the illegal migration operations started from the Tripoli port and that illegal migration boats left with permission from accused Imran al-Farjani while he was aware that hundreds died drowning at sea. This charge was also proven against him based on the testimony of witness Adil Shukri Shahin who stated in his testimony before the Public Prosecution that he works as a [illegible] sailor at the provision and marine transportation and that he was working at the Tripoli port when the February 17 revolution started. He noticed that the al-Shi'ab station pertaining to the Tripoli port had become a stage for illegal migration operations. Africans were brought with their families, and forced to get on unequipped fishing boats that cannot handle that load, and those ships would sail away. On 29/4/2011 AD, he was on an oil tanker along with Captain Adil al-Jihani and Radio Officer Tariq al-Qayidi. At 9:00 PM, he saw the [illegible] boat being loaded with Africans and their families by force; army soldiers were kicking them. At 1:00 AM, army soldiers [illegible] and the boat overturned and because of overload and fuel started leaking. He then heard Africans screaming and drowning. He and those with him tried to rescue them by throwing life buoys from the oil tanker and were able to rescue a number of children. Over three hundred were reported dead and more than six hundred died in a similar accident a week later. The charge is also proven based on the medical reports of African victims annexed to the case file and which confirmed they had died from drowning. Whereas all this evidence confirms that the accused was involved in organizing and executing illegal migration operations through buying boats and forcing large numbers of Africans to get on board

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exceeding their load limit and sending these boats to European coasts, which led to the capsizing of the boats and the death of hundreds of poor Africans in a crime as horrid and disgraceful as female infanticide in Jahiliyyah times and genocide.

Whereas it was proven, based on the testimonies of witnesses, that the accused was, in addition to equipping boats to displace Africans, was the one giving the permission for the departure of these boats from the Tripoli coast and al-Shi'ab station. Whereas the accused knew, given his job, that the act he committed is illegal and punished by the Law, and more importantly considered a crime internationally, and whereas the accused was aware of the consequences of his act, such as the possible death of the Africans he was sending away in damaged boats to European coasts, he is therefore guilty of this crime and shall be convicted of it according to the provisions of Article (277/2) of the Code of Criminal Procedure. Whereas concerning the relevant penalty, given that the testimonies of witnesses and medical reports confirmed the death of hundreds of Africans drowning at sea, and whereas Article 5 of Law No. 19 of 2010 AD on combating illegal migration, which specifies that in the event of the death of an emigrant, the penalty shall be a life sentence. The court therefore sentenced the accused to life and permanently deprives the accused from his civil rights in accordance with Article (34) of the Penal Code. Whereas the accused was also accused of intentional murder of Africans, he was not proven guilty of this crime given that intentional murder is punished according to Law No. 6 for 94 AD on the relevant penalty, which is not applicable unless the actor intends in his act to kill the victim, which was not proven in the present case, given that the goal of the accused and other actors in the illegal migration operations was for the Africans to reach European coasts alive and to cause as much damage as possible to host countries to serve a political goal, and so these countries would have to stop supporting the Libyan revolution. Their goal was not to kill those Africans, which means that the moral element of the crime of murder is missing. The court has therefore no choice but to apply the provisions of Article 5 of Law No. 19 for 2010 AD on fighting illegal migration

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as previously mentioned, which means that the accused is innocent of his accusation of intentional murder. Whereas the accused was accused of sabotage and arbitrary killing of the Libyan people for having mobilized the public force and used locomotives and boats to bomb ports and attack assistance ships. Whereas he was also accused of preventing others from exercising their political rights, these accusations are not supported by any strong evidence proving that the accused is guilty. Upon examining the documents provided with the case, the court did not find any strong evidence proving that the accused was involved in mobilizing the Public Force and its members to attack protesters or that he was a member of the Operations Room back then or that he attended security meetings. There is also no evidence that he gave orders to mobilize ships to plant mines in ports and block aid ships. As a result, based on the previously mentioned facts and according to the provisions of Article (277/1) of the Code of Criminal Procedure, the accused was proven innocent of this crime. Whereas the accused's lawyer demanded the end of his client's detention because the Public Prosecution did not execute the decision of the Appellate Body that ordered his release, this defense is irrelevant and is not approved by the court given that the Public Prosecution is entitled by the Law to order the re-arrest of the accused if it finds that he was involved in other crimes for which he was investigated for or in the event it needs to execute further investigation regarding crimes other than the ones presented to the extending authority. Moreover, it is estimated that the detention the lawyer wishes to end does not affect the condemnation evidence that were not found in it, and whereas the court condemned the accused for the crime he was accused of based on evidence that are not related to his detention and which are true and approved by the court, the lawyer's defense is therefore irrelevant and shall be ignored. Whereas concerning the lawyer's defense of the court's non capacity to examine the case against the accused because he is a military officer, in accordance with the provisions of Article 34 of the Code of Military Procedure. This defense is irrelevant; the military judiciary authority is capable of examining the crimes set out in the Military Penal Code or those committed by military members within military barracks, while the crimes committed by the accused were outside the military institutions and against civilians. This case is therefore referred to the regular judiciary authority as it holds general jurisdiction. Whereas the accused committed one of the crimes set out in the law on illegal migration No. 19 of 2010 AD, and committed his crime in a civil institution,

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at the Tripoli port and al-Shi'ab Station, and committed it against civilians and outside a military barracks, this case is therefore to be examined by the regular judiciary authority. The lawyer's defense shall therefore be ignored. Whereas the lawyer also defended his client by claiming that the the Public Prosecutor and the interrogation members who conducted the interrogation with the accused lack capacity, this defense is irrelevant and the court hereby gives the same response as that given to the defenses of lawyers of the seventh and ninth accused, based on which it shall ignore this defense. Whereas the defense lawyer claimed that his client is not guilty of the crime of illegal migration based on the fact that witnesses did not state that the accused was involved in illegal migration operations and some of them simply mentioned his name, this defense is false. The witnesses whose testimonies the court included in its reasoning of the accused's involvement in this crime confirmed that the accused had participated in illegal migration operations and worked with a person from Zuwarah to buy boats later used to transport migrants, and that the boats aboard which Africans were sent left the port based on his orders, which confirms that the accused was involved in committing this crime because participation in a crime, according to the text of Article 100 of the Penal Code, is confirmed by proving that the accused urged the original actor to commit the crime and agreed to commit it with them or helped them in any aspect that would facilitate committing the crime. This defense shall therefore be ignored. Whereas the defense lawyer claimed that the testimonies were contradicted and could not be used to prove his client's criminality, this defense is irrelevant and is not accepted by the court because the contradiction between different testimonies is only considered a flaw by the jurisprudence of the Supreme Court when it is a very grave contradiction to the point where a clear result cannot be concluded from the testimonies. Any other contradiction does not affect the validity of the testimony. Whereas the testimonies on which the court based its condemnation of the accused for being involved in illegal migration operations are free from any ambiguity or contradiction, and are clear and represent strong evidence. The accused cannot question these testimonies unless he proves that the witnesses were lying. This defense shall therefore be ignored. Whereas the accused objected the written testimonies of witnesses and those given before the court, this objection is pointless in this case given that there is nothing in these testimonies proving that the witnesses had made false statements. This objection shall therefore be ignored

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and the accused shall be convicted as mentioned herein.

22. With regards to the charge of forming tribal legions against Defendant No. 22 Ali al-Maqtuf al-Zawi, it does not stand against him. Upon examining the case documents, the court was not able to confirm that the accused had formed a legion or armed group from his tribe or hometown, or that he helped provide weapons or equipment or provisions to any armed group. The fact that he provided some weapons and cars for the External Security Agency in which he works at the request of his superior Defendant No. 5 Abu Zayd Dorda. This fact does not make him an accomplice in this serious crime given that the case documents did not prove that he knew that those weapons were going to be delivered or allocated to the armed group formed by Defendant No. 5. Moreover, the court was not able to prove that he had delivered these weapons to the group's location. He also confessed inviting a number of people from al-Ruhaybat region to meet with Defendant No. 5. This act does not, however, make him an accomplice in the crime of forming tribal legions given that it was not proven that he was aware of this meeting's agenda, nor that he attended it or was a party to the agreements of this meeting. It appears that he was simply the personal assistant of Defendant No. 5 in simple administrative matters. Therefore, given that it has been conveyed theoretically and practically that criminal judgments are based on affirmation and certainty, not on assumption and estimation, and according to the provisions of Article (277/1) of Code of Criminal Procedure, the judiciary authority shall pronounce the accused innocent of this crime as well as the crime of preventing others from exercising their political rights, given that the case documents did not prove that he opposed peaceful protests or that he participated in fighting rebels and the February 17 revolution.

23. Whereas Defendant No. 23 Nuri al-Hadi al-Jatlawi was accused of sabotage and arbitrary killing of people for having mobilized the Public Force to repress protests, which led to the death of many protesters, this charge was proven against him and other related crimes from killing and detaining protesters based on his confession that Abdullah al-Senussi had asked him to deploy his soldiers, two thousand five hundred soldiers, in the city of Tripoli and to observe any movements opposing the regime. This charge was also proven against him based on the statements of Defendant No. 6

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Milad Daman who mentioned that it was agreed to deploy members of security bodies, the People's Guard, the Revolutionary Guard Corps and the Mohammed Magariaf Battalion in Tripoli to prevent and crush protests. This charge was also proven against him based on the evidence which proved the death of dozens of protesters in the protests that took place in Tripoli from 20/2/2011 AD till 1/3/2011 AD. This evidence was also mentioned by the court in several sections of its judgment. Whereas in spite of the fact that the accused was proven responsible for the death of these protesters, his trial cannot be continued based on the Public Prosecution's announcement during the session of 27/4/2014 AD that the accused was suffering from physical and psychological illnesses after the case against him was filed. The court also presented during the session of 20/4/2015 AD a medical report from the Health Affairs Department of the Judiciary Police which stated that accused Nuri al-Hadi al-Jatlawi suffers from severe schizophrenia, is completely unaware and cannot control his behavior. Whereas the accused is suffering from this condition after the case was filed against him. Furthermore, and according to Article (312/1) of the Code of Criminal Procedure stipulates that if an accused is proven to be incapable of defend himself because of a mental illness following the committed crime, the case or trial shall be suspended until he regains his senses. This has been affirmed by the Supreme Court honored in the Criminal Appeal issued during the session of 7 March 1956 AD and published in the Supreme Court gazette, Section 1, 433 in which it stated that (in case the accused is diagnosed during his trial period with a mental illness that makes him criminally irresponsible, the trial shall be dismissed until he regains his senses). Based on the statements above, the judiciary authority shall suspend the case against Defendant No. 23 Nuri al-Hadi al-Jatlawi until he is healed. The accused shall also be sent to Razi Psychiatric Hospital as specified in the second paragraph of Article (312) of the Code of Criminal Procedure as specified herein.

24. Whereas Defendant No. 24 Ali Hamida al-Shahid was accused of sabotage and arbitrary killing of people for having participated in rigging a number of vehicles with explosives to be remotely detonated, this charge was proven against him based on his confession that he had met with accused Abdullah al-Senussi and agreed to booby-trap a number of vehicles to be blown up in the Benghazi region and accordingly booby-trapped five cars, the first one being a Chevrolet, the second and third one a Honda Sonata, and the fourth and fifth one a Toyota Double Cab. He executed his mission at the Chinese company headquarters in al-Siraj region, along with Said al-Gharyani,

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Jamal al-Lamuji and Abdullah al-Sha'lani, who would planting explosives in different cavities of the vehicles. Accused Radwan al-Hamali was the one delivering explosives to them and taking the cars to Benghazi through the desert. He also stated that he asked accused Said al-Gharyani to reduce the quantity of explosives but he refused to do so and replied "I want to kill all the damn [illegible]". The charge is also proven based on the confessions of accused Abdullah al-Sha'lani, Said al-Gharyani, and Muhsin al-Lamuji, who all confessed to booby-trapping five vehicles and loading each car with twenty to thirty kilograms of Semtex explosives provided by Radwan al-Hamali. Whereas the confessions of the accused and his associates confirms his involvement in booby-trapping a number of cars to be blown up. He agreed with the first one to execute the booby-trapping operation and loaded the cars with explosives along with the remaining accused. Whereas the case does not include any report confirming the occurrence of an explosion or of any resulting casualties, this indicates that the act committed by the accused and his associates was stopped and aborted for a reason beyond their will, which is their failure to deliver the car bombs to their final target. Whereas the crime of sabotage and arbitrary killing of people is punished by Article 202 of the Penal Code and constitutes a complete crime if the acts of bombing and sabotage take place. It can also stop in its primary stage if the booby-trapping operation takes place but the actor fails to execute the bombing. Whereas it has been proven by previous evidence that the accused agreed with the second and participated in booby-trapping five vehicles along with the rest of the group, which means that he started executing the material basis of the crime of sabotage, and whereas the accused and his associates intended through their act to destroy the target location and kill as many people as possible for political motives, which aimed at attacking the safety of the State by putting the internationally recognized new authority, the National Transitional Council, in a difficult situation, and to give the world the impression that this authority is incapable of maintaining security in Libya, and that it is formed of terrorists and allowed them into the country in order to push the international community to shift its position regarding the Libyan revolution. The moral basis of this crime is therefore present as well. Therefore, and given that it has been agreed upon theoretically and practically that the subject matter court may modify the entry and description provided by the investigation authority concerning the incident and to include them

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for an accurate description. It is also estimated that in the event that the modification reduces the description to a lesser charge, there is no need to warn the accused. Based on the statements above, the court modifies the entry and description regarding the crime the accused was accused of and hereby accuses him of attempting to commit an act aiming at sabotage and killing people by agreeing with Defendant No. 2 to booby-trap a number of vehicles for a bombing in Benghazi and was involved in loading five cars described and specified herein with Semtex explosives. This operation was however stopped for reasons beyond the accused's will and that of his associates: their failure to deliver the car bombs to their final target. Whereas this charge is proven against the accused, based on the statements above and according to the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be convicted for this crime. Whereas the accused was also accused of preventing others from exercising their political rights, this crime was associated with the previous crime, considering that the accused intended through his act to prevent people and terrorize them in order for them to stop supporting the revolution. Therefore, and according to the stipulations of Article (76/1) of the Penal Code, this crime shall be considered as one along with the first crime and the accused punished with the penalty of the greater crime, which is attempting to commit the crime of sabotage. Whereas concerning the penalty, based on the text of Article (60/1) of the Penal Code stipulating that an attempt to commit a crime punishable by the death sentence shall be punished with a life sentence, and given that the accused has not prior convictions and to give him a chance for amnesty, the court, based on the previous statements and according to the provisions of Article 29 of the Penal Code, settles for sentencing the accused for twelve years' imprisonment and his permanent deprivation of his civil rights, in accordance with the stipulations of Article 34 of the Penal Code and as specified herein.

25. Whereas Defendant No. 25 Abdullah Abu al-Qassim al-Sha'lani was accused of sabotage and murder of the Libyan people for participating alongside others in booby-trapping a number of cars to be blown up in Benghazi, this charge was proven against him based on his confession that he had participated in booby-trapping two Honda Sonata cars with Jamal al-Shahid, Muhsin al-Lamuji and Said al-Gharyani, and that they filled the lower section of doors, under the windshield wiper engine cover and in the trunk. These cavities were opened in an external workshop, and the accused knew that these vehicles were going to be blown up in Benghazi. This charge was also proven against him

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based on the confessions of accused Jamal al-Shahid, Muhsin al-Lamuji and Said al-Gharyani, in which they confirmed before the Public Prosecution that they had participated with Abdullah al-Sha'lani in booby-trapping five vehicles, at the request of Abdullah al-Senussi and with the knowledge of Sayf al-Islam, to be blown up in Benghazi. They planted Semtex explosives in the cavities of the vehicles and loaded each car with twenty to thirty kilograms of these explosives. Whereas the confessions of the accused and his associates prove that he was involved in booby-trapping a number of cars to be blown up in Benghazi through participating in filling car cavities with Semtex explosives after carving these cavities in them. Whereas the case file does not include any report confirming the occurrence of the blasts or any casualties resulting from this act, this indicates that the operation intended by the accused and his associates was stopped and failed for reasons that are beyond their will: their failure to deliver the cars to their final target. Whereas the crime of sabotage and arbitrary killing of people is punishable according to Article 202 of the Penal Code as a complete crime if the bombing and sabotage occur, but it can be limited to an attempt if the booby-trapping was completed but the bombing operation failed. Whereas the previous evidence strongly confirms that the accused participated in booby-trapping five vehicles alongside the rest of the group, which means that he practically started executing the material basis of the crime of sabotage and arbitrary killing of people, and whereas the accused and his associates intended from their act to destroy the targeted location and kill the largest possible number of people for political motives, which aimed at attacking the safety of the State by putting the internationally recognized new authority, the National Transitional Council, in a difficult situation, and to give the world the impression that this authority is incapable of maintaining security in Libya, and that it is formed of terrorists and it allowed them into the country in order to push the international community to shift its position regarding the Libyan revolution. The moral basis of this crime is therefore present as well. Therefore, and given that it has been agreed upon theoretically and practically that the subject matter court may modify the entry and description provided by the investigation authority concerning the incident and to include them for an accurate description. It is also estimated that if the modification reduces the description to a lesser charge, there is no need to warn the accused. Based on the statements above, the court

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modifies the entry and description regarding the crime the accused was accused of and hereby accuses him of attempting to commit an act aiming at sabotage and killing people by agreeing with Defendant No. 2 to booby-trap a number of vehicles for a bombing in Benghazi and was involved in loading five cars described and specified herein with Semtex explosives. This operation was however stopped for reasons beyond the accused's will and that of his associates: their failure to deliver the car bombs to their final target. Whereas this charge is proven against the accused, based on the statements above and according to the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be

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convicted for this crime. Whereas the accused was also accused of preventing others from exercising their political rights, this crime was associated with the previous crime, considering that the accused intended through his act to prevent people and terrorize them in order for them to stop supporting the revolution. Therefore, and according to the stipulations of Article (76/1) of the Penal Code, this crime shall be considered as one along with the first crime and the accused punished with the penalty of the greater crime, which is attempting to commit the crime of sabotage. Whereas concerning the penalty, based on the text of Article (60/1) of the Penal Code stipulating that an attempt to commit a crime punished with a death sentence is punished with a life sentence, and given that the accused has no prior convictions and to give him a chance for amnesty, the court, based on the previous statements and according to the provisions of Article 29 of the Penal Code, settles for sentencing the accused for twelve years' imprisonment and his permanent deprivation of his civil rights, in accordance with the stipulations of Article 34 of the Penal Code and as specified herein. Whereas the lawyer of these accused defended his clients by questioning the evidence on which the court based its judgment, which is the confessions of the accused concerning each other, which is not considered reliable evidence for condemnation, this defense is irrelevant and unapproved by the court given that the accused were proven guilty based on their confessions of their own acts and the acts of their accomplices, all of which were included by the court in detail in its reasoning that the accused are guilty of this crime. Therefore, and given that the jurisprudence of the Supreme Court has established the principle that proof in criminal matters are based on the court's being convinced of the evidence provided by the investigation and referral authority, and has the absolute freedom in forming its conviction based on any evidence. It is therefore entitled to consider the statements made by an accused on another if it is certain that the statements are true. Based on the Criminal Appeal No. 336 / 31 M.M.A.S. 25 April/July 1989 AD, and whereas the court trusts the confessions of each accused on himself and his associates, this defense shall therefore be ignored. Whereas

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the lawyer defended his clients by stating that there was no State but the State of Gaddafi when the incident occurred, this defense is irrelevant, given that the State is a political entity composed of three pillars: the people, the territory, and the political authority. These three pillars are present; the ruling political authority when the crime was committed was the National Transitional Council and its related Executive Office. The accused and his associates intended through their crime to put the new authority in a difficult position and to show that it is incapable of ruling the country and permitted terrorism in Libya, in an attempt to push the international community to shift its position regarding the Libyan revolution. This defense shall therefore be ignored. Whereas the same lawyer defended his clients by claiming that there is no technical evidence proving that the substances they loaded the cars with were explosives, this defense is irrelevant given that the accused themselves confessed that they had booby-trapped the vehicles and filled their cavities with Semtex explosives, and this confession is considered as sufficient evidence to prove that the accused are guilty. This defense shall therefore be ignored. Whereas the lawyer defended his clients by claiming that they were coerced into this crime given that they were following the orders of their superiors, this defense is entirely irrelevant because it is a well-known fact that booby-trapping vehicles to be blown up in public places is not only considered a crime, but also a terrorist crime and a dirty act of war, and the accused were all well-aware of this reality. They therefore do not have the right to follow these instructions and commit this act because, as previously mentioned by the court in multiple sections of its judgment, an employee shall not use the instructions given by his superior as an excuse for committing a crime when his superior's order is an obvious violation of the Law. This defense shall therefore be ignored. Whereas the lawyer defended his clients by stating that their case shall abide by Amnesty Law No. 35 for 2012 AD and demanded allowing them to announce their remorse, this defense is irrelevant because Article 1 of the law clearly stipulates that its provisions do not apply to Gaddafi's spouses, sons, in-laws, and allies. And whereas given that the accused participated in the war against the Libyan people opposing Gaddafi's rule, they are therefore considered his allies and cannot benefit from the privilege of amnesty set out by this law. Furthermore, the crimes concerned with this amnesty are those committed by the public before the February 17 revolution. The political crimes committed by members of the regime's security apparatus or its volunteer soldiers do are not, however, concerned with the provisions of this law. This request shall therefore be rejected. Whereas the lawyer defended

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his clients by denying the presence of any bases for the crime of sabotage his clients are accused of, this defense is irrelevant and is not approved by the court, which included it in the reasoning that the accused are guilty of attempted sabotage as a response to this defense. It shall therefore be ignored. Whereas the defense lawyer claimed that the act committed by the accused is a non-criminal preparatory act, this defense is irrelevant given that planting explosives in the cavities of cars to be blown up later on consists the beginning of the execution of the material basis of the crime of sabotage and is not considered a preparatory act. This defense shall therefore be ignored and the judgment shall be as specified herein.

26. Whereas Defendant No. 26 Muhsin al-Hadi al-Lamuji was accused of sabotage and arbitrary killing of people for having participated alongside others in booby-trapping a number of vehicles to be blown up in Benghazi, this charge was proven against him based on his confession before the Public Prosecution that Said al-Gharyani, Radwan al-Hamali, Abdullah al-Sha'lani and himself had booby-trapped five vehicles by filling their cavities with explosives to be blown up in Benghazi at the request of Abdullah al-Senussi and with the knowledge of accused Abu Zayd Dorda. This charge was also proven against him based on the confessions of accused Said al-Gharyani, Jamal al-Shahid and Abdullah al-Sha'lani, who all confessed having booby-trapped five vehicles with Semtex they put in the cavities of these vehicles and that they loaded each car with twenty to thirty kilograms of explosives. Whereas the confessions of the accused and his associates prove his involvement in booby-trapping a number of cars to be blown up in Benghazi by participating in filling the cavities of these cars with Semtex explosives. Whereas concerning the absence of any report proving the occurrence of any blast or casualties resulting from this act in the case documents, this indicates that the accused's act alongside his associates was stopped and failed for a reason beyond their will: their failure to deliver the vehicles to their final target. And whereas the crime of sabotage and arbitrary killing of people punished in accordance with Article (202) of the Penal Code is considered a complete crime if the blast and sabotage act occur and can be limited to an attempt if the booby-trapping takes place but the bombing fails for a reason beyond the will of the criminals. Whereas it is undeniable, based on the previous evidence that the accused was involved

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in booby-trapping five cars, which means that he practically began executing the material basis of the crime of sabotage and arbitrary killing of people, and whereas the accused and his associates intended through their act to destroy the target location and to kill the largest number of people possible for political motives, which aimed at attacking the safety of the State by putting the new internationally recognized Libyan authority, the National Transitional Council, in a difficult situation and to give the world the impression that this authority is incapable of maintaining security in Libya and that it allowed terrorists into the country in order to push the international community to shift its position on the Libyan revolution. The moral basis of the crime is therefore present as well. Furthermore, and given that it was agreed theoretically and practically that the subject matter court may modify the entry and description provided by the investigation authority on the incident and to take them into consideration for a correct description. It is also estimated that if the modification reduces the description to a lesser charge, there is no need to warn the accused. Based on the statements above, the court modifies the entry and description regarding the crime the accused was accused of and hereby accuses him of attempting to commit an act aiming at sabotage and killing people by agreeing with Defendant No. 2 to booby-trap a number of vehicles for a bombing in Benghazi and was involved in loading five cars described and specified herein with Semtex explosives. This operation was however stopped for reasons beyond the accused's will and that of his associates: their failure to deliver the car bombs to their final target. Whereas this charge is proven against the accused, based on the statements above and according to the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be convicted for this crime. Whereas the accused was also accused of preventing others from exercising their political rights, this crime was associated with the previous crime, considering that the accused intended through his act to punish the people for opposing the existing regime's political orientation and to make them support it again. Therefore, and according to the stipulations of Article (76/1) of the Penal Code, this crime shall be considered as one along with the first crime and the accused punished with the penalty of the greater crime which is attempting to commit the crime of sabotage. Whereas concerning the penalty, based on the text of Article (60/1) of the Penal Code stipulating that an attempt to commit a crime punished with a death sentence is punished with a life sentence, and given that the accused has no prior convictions and to give him a chance for amnesty,

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the court, based on the previous statements and according to the provisions of Article 29 of the Penal Code, settles for sentencing the accused for twelve years' imprisonment and his permanent deprivation of his civil rights, in accordance with the stipulations of Article 34 of the Penal Code and as specified herein. And whereas the lawyer defended his clients by claiming that the act committed by the accused and his associates is not a crime, given that they performed a technical trick that stopped the explosion of these cars – not connecting the phone to the car's electrical circuit – this defense is not supported by any evidence besides the statements made by the accused themselves, and cannot be taken into consideration given that it is not an objective proof, but rather a claim made by the accused to escape from punishment. This defense shall therefore be ignored and the accused sentenced as specified herein.

27. Whereas Defendant No. 27 Muhammad Khalifa al-Wa'ir was accused of sabotage and arbitrary killing of people for having participated alongside others in booby-trapping a number of cars to be blown up in Benghazi, he was proven innocent of this crime given the absence of any evidence proving that he planned for this operation or that he was involved in planting explosives in the car bombs, and based on the statement he made on the fact that accused Abu 'Ujayla Khayr had asked him to accompany accused Said al-Gharyani to the workplace of accused Abdullah al-Senussi. This proven act does not make him an accomplice in this crime, given that it was not proven that he was aware of the purpose of that visit, which was to assign the booby-trapping mission to them. Furthermore, and given that in the context of criminal justice judgments are based on affirmation and certainty, that no person can be condemned unless there is clear evidence proving that he committed the crime, and whereas the court could not prove that the accused contributed to the crime he was accused of or that he was aware of Defendant No. 2's plan when he accompanied some accused to his workplace, therefore, and according to the provisions of Article (277/1) of Code of Criminal Procedure, the judiciary authority shall pronounce the accused innocent of this crime as well as the crime of preventing others from exercising their political rights given that the case documents did not prove that he opposed protests or that he killed or arrested opposition members. Therefore, the lawyer's defenses are all relevant and judgment shall be as specified herein.

28. Whereas Defendant No. 28 Abu 'Ujayla Muhammad Khayr was accused of sabotage and arbitrary killing of people

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for having participated alongside others in booby-trapping a number of cars to be blown up in Benghazi, this charge was proven against him based on the confessions of accused Jamal Hamida al-Shahid, who stated before the Public Prosecution that in May 2011 AD, accused Abdullah al-Senussi summoned him through Abu 'Ujayla Khayr, who asked him to booby-trap vehicles to be sent to Benghazi and blown up there, and explained to him that the mission required remote control devices and agreed to meet again. They then went together to the office of accused Abdullah al-Senussi and met with accused Abd al-Hamid Assar, who asked him to call – Abd al-Salam [*illegible*] in the External Security Agency and he did, and he was the one who provided the communication devices to be used in the operation. This charge was also proven against him based on the confessions of accused – Muhammad Khalifa al-Ra'id – who mentioned that accused Abu 'Ujayla Khayr asked him to accompany Major Jamal al-Lamuji and Colonel Said al-Gharyani to the workplace of accused Abdullah al-Senussi who wanted to assign a mission to them, and when he accompanied them, they met with his assistant Abd al-Hamis Assar who informed them of the mission: booby-trapping a number of vehicles to be blown up. Whereas this evidence proves that the accused was involved in this crime and participated in the booby-trapping operation, and that he was aware of this mission and planned it, held meetings in this regard between the accused involved, he is therefore an accomplice in this crime in planning and assistance, given that participating in a crime according to Article (100) of the Penal Code is defined as incitement to commit the crime, coordinating with the original actor and helping them in any way that facilitates the crime. And whereas concerning the absence of any report confirming the occurrence of a blast or casualties resulting from this act, this indicates that the accused's act alongside his associates was stopped and failed for a reason beyond their will: their failure to deliver the vehicles to their final target. And whereas the crime of sabotage and arbitrary killing of people punishable in accordance with Article (202) of the Penal Code is considered a complete crime if the blast and sabotage act occur and can be limited to an attempt if the booby-trapping takes place but the bombing fails for a reason beyond the will of the criminals. Whereas it is undeniable, based on the previous evidence that the accused was involved in this crime through planning with the booby-trapping team and the accused Abdullah al-Senussi, and whereas based on this agreement, which the accused helped

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Carry out, the team booby-trapped five cars, which means that they practically started executing the material basis of the crimes of sabotage and murder, and whereas the accused and his associates intended through their act to destroy the target location and kill as many people as possible for political motives, which aimed at attacking the safety of the State by putting the new internationally recognized Libyan authority, the National Transitional Council, in a difficult situation and to give the outside world the impression that this authority is incapable of maintaining security in Libya and that it allowed terrorists into the country, all in an attempt to push the international community to shift its position regarding the Libyan revolution. The moral basis of the crime is therefore present as well. Furthermore, and given that it was agreed theoretically and practically that the subject matter court may modify the entry and description provided by the investigation authority on the incident and to take them into consideration for a correct description. It is also estimated that if the modification reduces the description to a lesser charge, there is no need to warn the accused. Based on the statements above, the court modifies the entry and description regarding the crime the accused was accused of and hereby accuses him of attempting to commit an act aiming at sabotage and killing people by agreeing with Defendant No. 2 Abdullah al-Senussi, Abd al-Hamid Ammar, Radwan al-Hamali, Jamal al-Lamuji and Said al-Gharyani and held meetings with them in which they planned to booby-trap a number of vehicles for a bombing in Benghazi and the team, as planned, booby-trapped five cars described and specified in the case documents. This operation was however stopped for reasons beyond their will: their failure to deliver the car bombs to their final target. Whereas this charge is proven against the accused, based on the statements above and according to the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be convicted for this crime. Whereas the accused was also accused of preventing others from exercising their political rights, this crime was associated with the previous crime, considering that the accused intended through his act to punish the people for opposing the existing regime's political orientation and to forbid the remaining citizens from doing the same, to terrorize them and forbid them from expressing their opinion. Therefore, and according to the stipulations of Article (76/1) of the Penal Code, this crime shall be considered as one along with the first crime and the accused punished with the penalty of the greater crime, which is attempting to commit the crime of sabotage. Whereas concerning the penalty, based on the text

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of Article (60/1) of the Penal Code stipulating that an attempt to commit a crime punished with a death sentence shall be punished with a life sentence, and given that the accused has no prior convictions and to give him a chance for amnesty, the court, based on the previous statements and according to the provisions of Article 29 of the Penal Code, settles for sentencing the accused for ten years' imprisonment and his permanent deprivation of his civil rights as specified herein. And whereas the lawyer defended his client by claiming that there is no evidence of the accused committing any criminal act, this defense is irrelevant given that the accused himself recruited the technicians and accompanied them to the workplace of Defendant No. 2 to plan and agree on the execution of this operation, and is therefore considered an accomplice in this crime in planning and assistance. This defense shall therefore be ignored. Whereas concerning the lawyer's remaining defenses, the court refers to its previous responses to the same lawyer in the cases of the twenty-fourth and twenty-fifth accused to avoid repetition.

29. Whereas Defendant No. 29 Said Ibrahim al-Gharyani was accused of sabotage and arbitrary killing of people for having been involved alongside others in booby-trapping a number of vehicles to be blown up in Benghazi, this charge was proven against him based on the statements of accused Jamal al-Shahid who mentioned before the Public Prosecution that upon the request of Defendant No. 2 and based on an agreement between them, he booby-trapped five Honda Sonata and Double Cab vehicles alongside Said Abdullah al-Gharyani, Abdullah al-Sha'lani and Muhsin al-Hadi al-Lamuji and filled the cavities in these vehicles with explosives, and that he asked accused Said al-Gharyani to reduce the quantity of explosives but that he refused and replied "I want to kill all the damn [*illegible*]". This charge was also proven against him based on the confessions of the remaining accused Abdullah al-Sha'lani, Muhsin al-Lamuji who confirmed that he had participated alongside Said al-Gharyani and Radwan al-Hamali in booby-trapping five cars by loading the cavities of each car with twenty to thirty kilograms of highly explosive Semtex. This charge was also proven against him based on the accused's confession that he, along with Radwan al-Hamali, Abdullah al-Sha'lani and Muhsin al-Lamuji booby-trapped five cars and that they

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loaded them with Semtex. He also admitted that it was true that accused Radwan al-Hamali had asked him to reduce the quantity of explosives and that he had refused and said "I want to kill all the damn [illegible]". Whereas the confessions of the accused and those of his associates confirm that he participated in booby-trapping a number of cars to be blown up in Benghazi by participating in loading the cavities of these cars with highly explosive Semtex, and whereas there are no reports confirming the occurrence of a blast or casualties resulting from this act in the case documents, this indicates that the act planned by the accused and his associates was stopped for a reason beyond their will: their failure to deliver the booby-trapped vehicles to their final target. Whereas the crime of sabotage and arbitrary killing of people is punished by Article 202 of the Penal Code and constitutes a complete crime in case the acts of bombing and sabotage take place. It can also stop in its primary stage if the booby-trapping operation takes place, but the actor fails to execute the bombing. Whereas it has been proven by previous evidence that the accused participated in booby-trapping five vehicles, which means that he started executing the material basis of the crime of sabotage and arbitrary killing of people, and whereas the accused and his associates intended through their act to destroy the target location and kill as many people as possible for political motives, which aimed at attacking the safety of the State by putting the internationally recognized new authority, the National Transitional Council, in a difficult situation, and to give the world the impression that this authority is incapable of maintaining security in Libya, and that it allowed terrorism into the country in order to push the international community to shift its position regarding the Libyan revolution. The moral basis of this crime is therefore present as well. Therefore, and given that it has been agreed upon theoretically and practically that the court modifies the entry and description provided by the investigation authority concerning the incident and to include them for an accurate description. It is also considered that if modification reduces the description to a lesser charge, there is no need to warn the accused. Based on the statements above, the court modifies the entry and description regarding the crime the accused was accused of and hereby accuses him of attempting to commit an act aiming at sabotage and killing people by participating with others in loading the cavities of five vehicles described in the documents with Semtex explosives. This operation was however stopped for reasons beyond the accused's will and that of his associates: their failure

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to deliver the booby-trapped cars to their final target. Whereas this charge is proven against the accused, based on the statements above and according to the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be convicted for this crime. Whereas the accused was also accused of preventing others from exercising their political rights, this crime was associated with the previous crime according to the stipulations of Article (76/1) of the Penal Code, this crime shall be considered as one along with the first crime and the accused punished with the penalty of the greater crime, which is the first crime. Whereas concerning the penalty, based on the text of Article (60/1) of the Penal Code stipulating that an attempt to commit a crime punished with a death sentence is punished with a life sentence, and given that the accused has no prior convictions and to give him a chance for amnesty, the court, based on the previous statements and according to the provisions of Article (29/1) of the Penal Code, settles for sentencing the accused for twelve years' imprisonment and his permanent deprivation of his civil rights, in accordance with the stipulations of Article 34 of the Penal Code. And whereas the lawyer defended his client by claiming that the act committed by the accused and his associates was not a crime, given that they performed a technical trick which stopped the explosion of these cars – not connecting the phone to the car's electrical circuit to prevent the explosion – this defense is not supported by any evidence besides the statement made by the accused himself, and cannot be taken into consideration, especially after the confirmation of the accused's refusal to reduce the quantity of explosives and the fact that he said "I want to kill all the damn [*illegible*]". This statement is clear evidence that the accused insisted on committing his crime and ensuring that it hits its target. Furthermore, it is impossible to believe that he did a technical trick preventing the explosion, and given the absence of any objective proof confirming this statement, this defense shall be ignored and the accuseds sentenced as specified herein.

30. Whereas Defendant No. 30 Muhammad Daw al-Hanashi was accused of destroying national unity and starting a civil war for having formed an armed tribal group and provided it with financial support and weapons, this charge was proven against him based on the testimony of al-Sadiq al-Durdar, who stated before the Public Prosecution that accused Muhammad al-Hanashi was the connection between Defendant No. 3 al-Baghdadi al-Mahmudi and al-Nawayil legion. The accused was also proven guilty

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based on the statements of accused Muhamad al-Dib who mentioned before the Public Prosecution that accused al-Baghdadi al-Mahmudi was responsible for forming an armed legion from the al-Nawayil tribe, and that his Office Manager Muhammad al-Hanashi was the connection between him and the members of this legion, which was provided with many resources, from vehicles to financial support. This charge was also proven against him based on his honest confession before the Public Prosecution that the Faraj al-Hanashi, the leader of al-Nawayil legion called him to request financial liquidity, food rations and vehicles for the al-Nawayil legion. He also confessed that he called Faraj al-Hanashi and ask him about the actual number of members of al-Nawayil legion. He also called officials of al-Jumayl region to complete the required number of volunteers. Whereas the statements made by witnesses and the accused's confession prove that the accused was involved in forming al-Nawayil legion and provided it with financial support, equipment and food rations, and involved in inciting al-Jumayl officials to mobilize volunteers, and whereas the armed tribal legions, one of which the accused formed and equipped, aimed at attacking the Libyan people's social fabric by inciting the Libyan regions and tribes supporting the regime against opposing regions and tribes. The consequence of this policy in which the accused was involved resulted in reviving old dormant rivalries between certain Libyan regions and the birth of new rivalries similar to the ones between al-Zawiyah and Wirshfanah, al-Jumayl and Zuwarah, and Misratah and Taurgha', all of which were a result of the atrocities committed by legion members against these regions and against rebel tribes, from murder to kidnapping, indecent assaults, robbery, sabotage and bombing cities. Whereas the accused participated in forming al-Nawayil and provided it with financial support and equipment, and whereas the members of this legion committed serious crimes against the citizens of Zuwarah and al-Ghazaya as detailed by the court in its reasoning that the third accused al-Baghdadi al-Mahmudi is guilty of this crime. Furthermore, the accused Muhammad al-Hanashi is an accomplice in this crime for having helped the original perpetrators and facilitated these crimes when he provided them with financial support, cars, and provisions. Article (100) of the Penal Code stipulates that participation in a crime is defined as the accused's agreement with the original actor to commit the crime and helping them in any way facilitating the execution and completion of his crime. And whereas the accused is aware that forming

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tribal legions creates conflicts and battles between regions supporting the system and those opposing it, yet he committed his crime and participated in executing this criminal plan for political motives. He is therefore guilty of committing the crime of starting a civil war and destroying national unity he was accused of. Based on the previous facts and according to the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be convicted for this crime. Whereas the accused was also accused of sabotage and arbitrary killing of people for having formed an armed group and providing it with weapons, equipment and financial support, and of preventing others from exercising their political rights by force and threats, these two crimes were associated with the first crime: starting a civil war. Therefore, and according to the stipulations of Article (76/1) of the Penal Code, these crimes shall be considered as one along with the first crime and the accused punished with the penalty of the greater crime. Whereas concerning the penalty, given that participating in forming the tribal legion in al-Nawayil and al-Jumayl regions and providing it with financial support, cars and supplying it with provisions is a dangerous act given the aggressive acts this legion committed against the citizens of rebel regions, and whereas this behavior from the accused's part clearly shows how dangerous he is and that he is only loyal to his political views. However, given that the accused has no prior convictions and to give him a chance for amnesty, the court, based on the previous statements and according to the provisions of Article (29) of the Penal Code, replaces the corresponding death sentence with a life sentence and his permanent deprivation of his civil rights, in accordance with the stipulations of Article (34) of the Penal Code, as specified herein.

31. Whereas Defendant No. 31 Uwaydat Ghandur al-Nubi was accused of sabotage and arbitrary killing of people for having provided financial support for members of revolutionary committees, which contributed to the repression of protesters, this charge was proven against him based on the testimony of witness Bashir Muhammad Sa'd al-Taurghi, in which he mentioned before the Public Prosecution that he was the assistant of the Coordinator of the Department of Financial and Legal Affairs Liaison Office of the Revolutionary Committee and that an operations room was established in the Liaison Office and included accused Uwaydat Ghandur,

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Head of the Department of Financial and Legal Affairs Liaison Office of the Revolutionary Committee, and that the Room held meetings each Wednesday to establish plans and mechanisms to prevent any protest activity. He also stated that the Liaison Office provided logistic support by disbursing fifty million LYD and providing a number of vehicles that were delivered to Uwaydat Ghandur. This charge was also proven against him based on the testimony of Ahmid Abdullah al-Azumi, who stated in his testimony before the Public Prosecution that accused Uwaydat Ghandur was a member in the Operations Room of the Revolutionary Committee and was in charge of Financial Affairs and spent money to buy vehicles for revolutionary groups repressing rebels. The accused was also proven guilty based on the statements of accused Milad Daman who mentioned that when the revolution started, the accused agreed that the Security Apparatus and, Revolutionary Guard and the Revolutionary Committee soldiers should take control over Tripoli and stop protesters from reaching Green Square. This charge was also proven against him based on the testimony of witness Hassan Zayid al-Rashidi, who mentioned in his testimony before the Public Prosecution that he is a police Lieutenant Colonel and that he was the Chief of the Raid Unit at the General Inspection Department in Benghazi. The witness stated that on 17/2/2011 AD, he left his workplace and started roaming the city when he saw young men gathering around on Amr Ibn al-'As Street and heading towards Maydan al-Shajara square while shouting anti-regime slogans and their number increased. At 1:00 p.m., he saw Jamal Abd al-Nassir Street filled with people wearing yellow hats. He approached them and realized that one of them was Abd al-'Adim Hiblu, who is a member of the Revolutionary Committee. He was wearing a yellow hat. He asked him who those people were and he answered "These are our brothers from the revolutionary forces from Harawa, Sirte, Sabha and all over the Jamahiriya. They are here to stand with us in order to put an end to this riot". He then watched them march towards the protesters at Maydan al-Shajara square and started hitting them with batons. The accused was also proven guilty based on the testimony of Muhammad Salih al-Amari, who stated in his testimony before the Public Prosecution that he was a police Colonel and that on 16/2/2011 AD, groups of rebels started heading towards the 7 April Camp and that he saw six blue buses stop in front of the main headquarters and release at least four hundred people. He then watched them wear yellow hats and some of them were holding

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weapons, and there was a group of young men were gathered at Maydan al-Shajara square and Algeria square shouting anti-regime slogans. He also knew that day that guns were heavily fired against protesters and that many were killed and wounded. The charge is also proven against the accused based on the testimony of citizen Fathi Abu al-Qassim al-Barghathi who stated that he had frequently participated in the Benghazi protests and that on 17/2/2011, protesters at Maydan al-Shajara square were attacked by those with yellow hats and other revolutionaries, which led to the death of a number of martyrs in Jamal Abd al-Nassir street and at Giuliana Bridge. The accused was also proven guilty based on the testimony of citizen Walid Muhammad al-Hamali, Ramadan Muhammad al-Haluj, and Haytham Muhammad Salih Bin Nasir. Whereas the first witness stated that his brother – Haytham – was killed on 20/2/2011 AD in Tripoli at Martyrs Square after being shot in the head by Security members and those in civilian cars during a peaceful protest. The second witness stated that his son (Hamza) was killed on 20/2/2011 AD at al-Jum'ah Souk region after being shot by Security members and those in civilian cars during a peaceful protest. The third witness stated that his brother – Hisham – was killed on 25/2/2011 AD in the Fashloom region after being shot by security members and those in civilian cars. The accused was also proven guilty based on the testimony of Milad Abu Sabha, who mentioned in his testimony that he worked at the External Security Agency and that he was asked alongside other members to guard the Central Bank of Libya, and when they were passing by Green Square, they saw a lot of blood on the street, burned cars and scattered rocks. They knew that it was all because the security apparatus, the People's Guard, and the Revolutionary Committee repressed protests by shooting protesters. The accused was also proven guilty based on the medical reports and the victims who were killed in Tripoli and Benghazi. And whereas all this evidence proves that accused Uwaydat Ghandur provided financial support for members of the Revolutionary Committee who were involved in repressing peaceful protests in Tripoli and Benghazi by providing logistic support through food rations, cars, transportation and other services in order to facilitate their mission to kill protesters. Whereas this financial support provided by the accused to members of the Revolutionary Committee aimed at the participation of those disreputable members in repressing the Libyan people and drinking their blood. And whereas the accused knew that

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providing financial support through cars and other equipment to members of the Revolutionary Committee empowers them and helps them persecute and kill protesters, and whereas, knowing all of these consequences, the accused committed his crime for political motives, which aimed at attacking the safety of the State by spreading murder and attacking the safety of the people as revenge for opposing the regime, the accused is therefore an accomplice in the crime of sabotage and arbitrary killing of people, given that participation in a crime is defined in Article (100) of the Penal Code as the criminal's incitement of the original actor to commit the crime or agreeing with them to commit it or helping them in any way to commit or complete the crime. Whereas this is the case, the accused shall be convicted of this crime. Whereas the accused was also accused of sabotage and arbitrary killing of people for having recruited and equipped foreign militants, this charge was proven against him based on the testimony of Ahmad Baraka al-Azumi, who mentioned in his testimony before the Public Prosecution that the accused Uwaydat Ghandur was involved in disbursing money to foreign militants from private accounts at the Liaison Office from Mauritania, Niger, and Mali. And whereas the accused did not deny the statement made by the witness nor did he present any evidence refuting his testimony, the court therefore trusts this testimony and takes it into consideration in the condemnation of the accused for this crime. And whereas the African militants that the accused helped to recruit and pay participated in battles against the Libyan people in rebel regions in the Western Mountains and Misratah, as proven by the court in several sections of the judgment while studying the same crime in the case of the first, second, third and fourth accuseds. And whereas the accused knows, given his profession, that recruiting, equipping and paying foreign militants to kill people is a crime punished by the Law and an act against patriotism and yet committed his crime for political motives, which aimed at attacking the safety of the State by overthrowing the new authority and attacking the safety of the people as revenge for opposing the regime, he is therefore guilty of this crime and shall be convicted of it.

Whereas the accused was also accused of forming armed gangs to kill the people, this charge was proven against him based on the testimony of accused Ahmad Baraka al-Azumi, who mentioned that accused Uwaydat Ghandur spent money to purchase vehicles for revolutionary groups who were repressing rebels. This charge was also proven against him based on the statements of witness Bashir al-Taughhi who mentioned in his testimony that accused Uwaydat Ghandur was a member of the Operations Room of the Revolutionary Committee who established plans to stop

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any activity or protest and was tracking the security situation in the field through mobile devices, and that he received fifty million LYD to buy vehicles with. This charge was also proven against him based on the statements of witnesses who mentioned that hundreds of Revolutionary Committee soldiers were brought from different regions to repress protests in Benghazi and were known as the Yellow Hats.

And whereas this evidence proves that the accused formed armed gangs from Revolutionary Committee soldiers and provided financial support and cars to them so they would repress those opposing the regime, and whereas the Revolutionary Committee soldiers the accused equipped with cars are an illegal armed group which was involved in killing people during the Libyan revolution, and whereas the accused knew that supplying these armed groups with money, cars and provisions would facilitate their mission and allow them to repress and kill protesters, and whereas he committed his crime for political motives, which aimed at taking revenge against the people who opposed the regime, he is therefore guilty of this crime and shall be condemned for it. And whereas the accused was accused of squandering public funds, this charge was proven against him based on the proof that he had spent large amounts to buy cars and other equipment and provide rations to members of the Revolutionary Committee who repressed peaceful protests. It was also proven that he had spent money to foreign African militants, and whereas this squandering of public funds was for illegal purposes and in violation of the restrictions and procedures stipulated in the State's Financial Law which gravely harmed public funds, as proven in expert report No. 80 of 2012 AD in which experts proved that all disbursement operations were against the State's Financial Law, and the budget and accounting regulations. And whereas the accused knows, given his profession, that this money shall not be spent for purposes that do not serve the public interest or in a way that surpasses the restrictions stipulated in the State's Financial Law, yet he committed this act, he is therefore guilty of this crime and shall be condemned for it. And whereas the accused was also accused of preventing others from exercising their political rights, this crime was associated with the first crime. Therefore, and based on the stipulations of Article (76/1) of the Penal Code, both crimes shall be considered as one. And whereas the accused committed his crimes in one criminal outburst and an execution of one criminal inclination,

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all the crimes shall be considered as one and the accused shall be punished with the penalty of the greatest crime, which is the crime of sabotage and arbitrary killing of people. And whereas it was proven that the accused committed all these crimes, he shall be condemned for all of them in accordance with the provisions of Article (277/2) of the Code of Criminal Procedure. Whereas concerning the penalty, the accused committed serious crimes which are equipping Revolutionary Committee soldiers and providing material resources to help them repress and kill protesters and facilitate their mission. He also spent money to recruit foreign militants. All these acts indicate how dangerous the accused is, are proof of his criminal tendencies and show that he is only faithful to his political beliefs and to a dictator. And whereas his acts led to the death of many, the court has no choice but to sentence him to death under Tazir law. Whereas the physical penalty does replace financial penalties as these fines and others remain applicable to the convict's account and whereas if the present judgment is endorsed and executed these financial penalties shall be prioritized above other debts, based on the facts stated above and according to Article 9 of the Economic Crimes Law No. 2 of 1979 AD amended by Law No. 14 of 2001, the court shall impose on the accused a fine of fifty thousand LYD and compel him to compensate the money he had spent from the public treasury with the value of the damage he caused according to the value specified in the expert report No. 80/2012 AD and as specified herein. And whereas the lawyer defended his client by denying the crime of providing financial support his client was accused of because he was simply following the instructions of his superior, this defense is irrelevant given that it is not supported by any evidence and contradicts the statements made by witnesses Bashir al-Taurghi and Ahmid Abdullah al-Azumi, in which they said that the accused Uwaydat Ghandur was a member of the Operations Room of the Revolutionary Committee and that he was the one who received the money sent to the Liaison Office and spent it to buy cars for members of the Revolutionary Committee operating in the field. Moreover, even if these payments were made upon the instructions of the head of the office, the accused is considered an accomplice in this crime in planning and assistance. This defense shall therefore be ignored. And whereas the lawyer defended his client by claiming that the money his client disbursed was not aimed at sabotage and arbitrary killing of people because that was not his intention, this defense is irrelevant given that actions reflect intentions. Disbursing large amounts of money to provide cars for Revolutionary Committee members oppressing protests and killing protesters is undoubtedly an act reflecting the accused's intention to arbitrarily kill people based on their political views opposing

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the regime the accused supported. The Law does not take into consideration the accused's belief in the legitimacy of his act when dealing with such behavior. This defense shall therefore be ignored. And whereas the lawyer defended his client by denying the crime of recruiting mercenaries, given that not one mercenary mentioned that Uwaydat Ghandur had brought him into Libya, this defense is irrelevant given that things are not that simple. Witness Ahmad Abdullah Baraka al-Azumi clearly stated that Uwaydat Ghandur, who belongs to the same tribe, was involved in disbursing money to mercenaries from accounts belonging to the Liaison Office of the Revolutionary Committee in Mauritania, Niger and Mali. And whereas the accused was disbursing money to bring mercenaries from neighboring countries from accounts belonging to the Revolutionary Committee, he is therefore involved in bringing mercenaries into the country even if he did not bring them himself or negotiate with their leaders. Providing financial support for this operation is considered a method of assistance to commit and complete the crime. And whereas the accused and his lawyer did not present any evidence proving that the witness is lying and given that the accused simply mentioned in his memorandum that the witness was a false witness and that he did not know him or had never met him. This statement is not sufficient to deny the testimony given against him. The accused should have denied facts and information given by the witness instead of accusing him of bearing false witness. The accused could have denied the existence of accounts belonging to the Revolutionary Committee in neighboring countries mentioned by the witness or claim that he did not know they existed, and his denial of the existence of these accounts should have been supported by real physical evidence. Such being the case, this defense shall be ignored. And whereas the accused stated in his defense memorandum that the testimonies of witnesses shall not be taken into consideration because the Public Prosecution confront him with them, this defense is irrelevant because the testimonies were presented in the presence of the accused and his defense lawyer, and they could have proven that these testimonies are false without offending the witnesses by claiming that they are liars and mentally ill. However, the facts stated by the witness remain true, given that the rule regarding testimonies is that when a witness accuses the accused of certain acts, such charges are considered to be true until the witness is proven to be lying with clear evidence. Any other statement is an obstacle in the way of achieving justice. A testimony is not disregarded simply because the accused denies the statements made by the witness. This claim shall therefore be ignored. And whereas the accused claimed that the Liaison Office of the Revolutionary Committee is not governed by the State's Financial Law,

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which means that the charge of squandering public funds is not proven against him, this defense is irrelevant and the court does not accept it. Even though the Liaison Office of the Revolutionary Committee is a very mysterious entity which is not governed by a stipulation that organizes its legal status, it remains an institution, a body or an association of those mentioned in Article 2 of the Economic Crime Law No.2 of 1979 AD, and the money it owns is considered public as clearly stipulated by Article 3 of the same law. And whereas the Committee's money comes from the public treasury and from the State's and the people's money, the simple disbursement of this money by members of this Office in a illegal manner and in violation of the State's Financial Law constitutes the crime of squandering public funds punishable by Article 9 of Law No. 2 of 1979 AD on economic crimes amended by law No. 14 of 2001 AD. Any other statement implies that a certain category of people is above the Law, which is not permitted by the Law. This defense shall therefore be ignored.

And whereas concerning the remaining defenses of the accused and his lawyer, the findings included by the court in its reasoning of the accused's responsibility for the charges brought against him are considered a response to all of them. These defenses shall therefore be ignored and the accused shall be convicted as specified herein.

32. Whereas Defendant No. 32 Ammar al-Mabruk al-Nayid was accused of starting a civil war and destroying national unity for having formed an armed tribal legion in Tarhunah, this charge is proven against him based on his confession that the People's Leadership in Tarhunah formed a legion of the people of Tarhunah living in Tripoli under the supervision of 'Izz al-Din al-Hanshiri. The People's Leadership in Tarhunah also held a meeting in July 2011 AD and received a list of volunteers to form a legion and referred those lists to al-Hadi Ambirish, the Head of the Security Operations Office, in order to form the legion and supply it with weapons. He also met with accused Mansur Daw Ibrahim Daw alongside the Head of the People's Leadership in Tarhunah and received five hundred thousand LYD from him to be spent on this legion. This charge was also proven against him based on the statements made by accused Mansur Daw Ibrahim Daw who mentioned that accused Ammar al-Nayid came to his office with Amir Hurayba and gave him a statement which included eleven congresses that had not received weapons. He then gave them the requested weapons to be used to defend the region and the regime. The charge is also proven against the accused based on the testimony of Ahmad Muhamad Yahya al-Hadi, Office Manager

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of the Commander of the People's Guard Mansur Daw Ibrahim, who mentioned in his testimony that the People's Guard distributed large amounts of money to tribal elders and Guard organizers, and that Ammar al-Nayid and Amir Hurayba were among those who received these amounts in Tarhunah. And whereas that which the accused confessed and the witnesses confirmed proves that he was involved in forming an armed tribal legion in Tarhunah and that he worked on gathering volunteers and requesting weapons and money for it from the Commander of the People's Guard and the Head of the Security Operations Office, and whereas armed tribal legions, as previously stated by the court in several sections of the judgment, are illegal armed groups formed by the regime in supporting regions to ensure its victory and fight opposing regions, and whereas these groups contributed to harming the Libyan Nation's social fabric given the atrocities committed by their militants, including murder to kidnapping, indecent assaults, robbery, sabotage and destruction of homes against the citizens of anti-regime regions such as Zuwarah, al-Zawiyah, al-Ghazaya and Misratah. And whereas the accused knew that these legions were undisciplined armed groups that would revive tribal and regional conflicts between Libyan regions and tribes. He also knew that forming these legions would lead to aggressive acts from young undisciplined volunteers against the citizens of rebel regions and cities, which is what actually happened in several regions. And whereas the accused, while being aware of the repercussions of his act still participated in forming these legions and made serious efforts to do so, and whereas the accused committed this crime for political motives based on his support for the regime, he therefore committed the crime of destroying national unity and starting a civil war and shall be convicted for it. And whereas he was also accused of sabotage and arbitrary killing of people for having provided financial support and formed an armed group and supplied it with weapons, and of preventing others from exercising their political rights, all these crimes were associated with the first crime, which is destroying national unity and starting a civil war. Therefore, and based on the stipulations of Article (76/1) of the Penal Code, they should all be considered as one crime and the accused shall be punished with the penalty of the first crime and as specified herein. And whereas it was proven that the accused committed the crime he was accused of, according to the stipulations of Article (277/2) of the Code of Criminal Procedure, he shall be convicted for it. And whereas

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concerning the penalty, given that the crime committed by the accused is a serious crime which harmed the Libyan Nation, but seeing that the accused is an old man in his mid-seventies as indicated by his birth date written in the investigation reports, and given that he has no prior convictions, and whereas he was the victim of the policy practiced by the regime on heads of tribes in the regions it controlled. And whereas even though this fact does not free the accused from responsibility and punishment given that he is not an ignorant in Law, the court takes this fact into consideration, and whereas penalties aim at improving the criminal and not taking revenge on them, and by compassion for the accused and to give him a chance for amnesty, the court, based on the previously stated facts and according to the provisions of Article (29/1) of the Penal Code replaces the death sentence corresponding to this crime with a life sentence. And whereas the court believes that the Law does not forbid a second mitigation of the penalty if the conditions referred to in Article (29/1) are met; the last paragraph of the same article allows the judge to reduce the penalty to half the minimum period, and whereas according to the concept of the violation specified in Article (21) of the Penal Code, the minimum prison period is of sixteen years. And whereas the last paragraph of Article (29) of the Penal Code allows, as previously mentioned, reducing the penalty to half the minimum period, which means that this commutation is allowed, and that the court is allowed to reduce the penalty up to half the minimum period or more, while it is forbidden to reduce the penalty to less than half the minimum period, Furthermore, and based on the above, the court is required to punish the accused with ten years' imprisonment along with permanent deprivation of his civil rights in accordance with the stipulations of Article (34) of the Penal Code and as specified herein. And whereas the accused's lawyer defended his client by denying the elements of the crime his client was accused of given the absence of a criminal agreement between his client and (Amir Hurayba) on forming a tribal legion, and because the crime was not committed due to the absence of this legion, this defense is irrelevant in all its aspects and the court does not approve it, given that participating in a crime or contributing to it is present in any mean of contribution of those specified in Article (100) of the Penal Code such as incitement to commit the crime, agreement to commit it, providing the main actor or actors with anything that would facilitate their crime. And whereas the accused confessed being a member of the People's Leadership in Tarhunah, and that the Leadership members agreed to form a tribal legion known as al-Shaqiqa legion, and that

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they referred lists of legion members to al-Hadi Ambirish, the Head of the Supreme Security Operations Office, and that they appointed Colonel Imran Salih as the leader of this legion, and agreed to form the legion from the people of Tarahunah living in Tripoli under the supervision of 'Izz al-Din al-Hanshiri. And whereas armed tribal legions, as stated by the court in several sections of its judgment, are illegal groups given that the goal behind forming them is supporting the regime and setting up supporting regions against opposing regions similarly to what happened in the Western Mountains and Misratah, which created a deep separation in the social fabric of the Libyan Nation from which it is still suffering until this day. And whereas forming al-Shaqiqa armed legion was the fruit of an agreement and a decision of members of the People's Leadership in Tarahunah, amongst which was the accused, as proven by his visit alongside the head of this Leadership Amir Hurayba to the supervisor of tribal legions Mansur Daw Ibrahim to receive money from him to support this legion and request weapons. He is therefore an accomplice in this crime. Whereas concerning the defense lawyer's claim that the accused's act is not a crime given that the harm intended from forming the legion did not occur, this claim is irrelevant given that the accused's confession confirmed that the legion was formed, proof of which is the fact that they assigned a high-rank officer as its commander, brought money to support it from Defendant No. 4 and referred lists of volunteers to the Head of the Operations Office in order to provide the necessary weapons, all of which proves that the legion was fully formed, which means that the crime committed by the accused is a complete crime. The defense lawyer's claim that there is no proof that the legion participated in battles is also irrelevant given that this claim is a simple statement made by the lawyer. Moreover, according to the stipulations of Article (211) of the Penal Code, agreeing to form armed gangs alone is punishable by the Law, which means that this defense shall be ignored. And whereas the lawyer also defended his client by denying his criminal intention, this defense is irrelevant given that the accused knew that forming an armed group of civilians on a tribal basis and working on organizing and supplying it with weapons for military operations is a crime punished by the Law, and given that while the accused was aware of this fact, which he cannot deny knowing, still participated in forming this legion, and whereas among those who agreed to form it and worked on supplying it with weapons and providing financial support for political motives based on his support for the regime, this criminal intention is therefore present, and this defense shall therefore be ignored. And whereas the accused's lawyer defended him by claiming that his client's recital of facts is not considered a confession of this crime, this defense is irrelevant because admitting

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facts seen as criminal acts by the Law is considered a confession, which allows the court to take it into consideration and to consequently convict the accused. The fact that the accused believes, for political motives and plans that his act was not wrong does not change the Law's position. The Law considers the accused's act as a crime, and it is therefore a crime, which means that this defense shall be ignored. And whereas the accused objected using the testimonies of rebuttal witnesses, these testimonies did not include any material refuting the evidence that proves the accused's participation in forming the tribal legion called al-Shaqqa legion and his confession that he accompanied Amir Hurayba to the workplace of Defendant No. 4 to bring money. These testimonies shall therefore be ignored and the accused shall be convicted as specified herein.

33. Whereas Defendant No. 33 Amir Ali Madi al-'Ayyani was accused of sabotage and arbitrary killing of people for having brought and equipped mercenaries, this charge is not proven against him. The accused mentioned in his statements that he asked Defendant No. 15 Abd al-Hamid Ammar to accompany Brigadier Muhammad Abu Shayna, Director of the Intelligence School to meet with a civilian whose name is unknown to help him determine the armament and supply needs for two hundred people he did not know were mercenaries. And whereas the accused's statement that he did not know that the mission that was assigned to him was related to mercenaries was proven to be true based on the testimony of witness al-Sa'ih Ali Khalifa Bil'id, who stated before the Public Prosecution that the accused Abd al-Hamid Ammar informed him that he appointed Colonel Amir Ali al-'Ayyani as a member of the Committee without telling him about the committee's purpose and missions. And whereas in addition to that, there is no evidence in the case documents proving that the accused supplied mercenaries with weapons, money, provisions or equipment, or that he set up locations for them to settle in, and whereas given that the accused did not know that the mission he was asked to complete aimed at providing equipment for mercenaries, and that it was not proven that he provided any equipment to these mercenaries, this charge is not proven against him. Moreover, the documents do not include any evidence proving that he committed any act that aimed to prevent people from expressing their political will. This crime is therefore not proven against him. And whereas it has been agreed on in the context of criminal justice in theory and practice that judgments are based on certainty and affirmation, and that no human being shall be convicted based on suspicions, based on the statements above and according to the provisions of Article (277/1) of the Code of Criminal Procedure, the judiciary authority shall pronounce the accused innocent of these charges as specified herein.

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34. Whereas Defendant No. 34 Muhammad Ramadan Ishtayba was accused of sabotage and arbitrary killing of people for having distributed drugs and psychotropic substances among members of the Gaddafi battalion, this charge is proven against him based on the testimony of witness Akram Khalifa al-Ja'fari, who mentioned in his testimony before the Public Prosecution that he worked at the Tripoli port and that one day a soldier called Munir Zabita from Brigade 32 came to the port asking for a man called (al-Sadiq) who is a frogman, and that he saw a large amount of money in his car. When asking him whether the money was for salaries, Munir Zabita replied "No, Captain Muhammad Ishtayba sent us to buy hallucination pills and drugs," then he and al-Sadiq left and returned two hours later, and the car was loaded with a large box of hallucination pills and hashish. The witness asked "What are these for?" and Munir Zabita answered "How do you expect the army to fight in the battlefield?" The charge is also proven against him based on the testimony of Ali al-Zubaydi, who mentioned in his testimony before the Public Prosecution that on 28/4/2011 AD, Major Hamid Abu Zataya, husband of 'A'isha Muammar Gaddafi became in charge of the eastern axis – Taurgha'. He gave him the two boxes he had which contained a large quantity of hallucination pills. Four days later, he entered the axis restaurant supervised by an officer from Brigade 32 Reinforced of a rank of Captain called "Ishtayba". He asked him for a cup of tea, and officer Ishtayba informed him that hallucination pills were dissolved in the tea pot. He then talked about it with Hamid Abu Zataya, who told him that those pills have a certain effect on soldiers making them unaware of danger and makes them do things they would never do in their normal state. And whereas the statements made by witnesses prove that the accused was involved in distributing psychotropic substances and drugs among members of the Gaddafi battalion by bringing them from their sources and offering them directly to these members or dissolving them in hot drinks (tea) served to them, for political purposes aiming at pushing these soldiers to fight and commit violent acts of murder, rape and sabotage against Libyan citizens opposed to the regime, including both rebels or innocent civilians. And whereas it was proven by the statements of Ibrahim al-Sid al-Lusha, Atiya al-Mujahid Gaddafi, Dr. Muhammad al-Muhaysh, soldier Kamal Hussayn al-Zubaydi,

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and soldier Salih Mustafa al-Shushan and others, the text of which was fully included by the court when it studied the two accusations against Abdullah al-Senussi of bringing and distributing narcotics and psychotropic substances and rape, in which the first briefly mentioned that the brigade's services secretly distributed these pills, which made them experience abnormal symptoms such as aggressiveness, insomnia, and strength, and that their brigade participated in all battles, and that soldiers committed acts of murder and rape, and that he saw three women being raped in the Bin-Jawad region. The second one mentioned that psychotropic substances were brought in large quantities and from different types such as (al-Ruj, Wadi al-Dhi'ab and Tramadol) and that taking these drugs made them unconscious of their acts, which made him kill prisoners at the Yarmuk camp where he threw grenades. The third one stated that he treated many women who were raped and performed many abortions and hymen reconstruction surgeries based on the fatwa of Misratah religious leaders. He also saw and heard confessions of soldiers in which they mentioned that officers told them to rape women. Soldiers also mentioned having raped several women in battle regions in [illegible] and Tripoli Street.

And whereas the accused knows that acquiring and distributing drugs and psychotropic substances and facilitating their consumption among battalion members is a crime against the Law and a dirty war method, given the significant damage it causes on the person taking them as well as on society as a whole, due to the potential criminal acts this person might commit, similarly to those mentioned by the witnesses. And whereas the accused, while being aware of these repercussions, still committed his crime and distributed drugs and psychotropic substances among battalion members for political goals aimed at attacking the safety of the State and the people by spreading acts of murder and rape in the country, which is what actually happened. Therefore, the charge of sabotage and arbitrary killing is proven against him. His act also involves the crime of possession of drugs and psychotropic substances, whereas the substances he distributed were with him and under his control and given that he possessed them for the sake of distributing them. The charge of preventing others from exercising their political rights was also proven against him considering that the accused intended to forbid people from adopting a political view different from that of the regime. And whereas the accused committed his crimes in one criminal impulse, and as an execution of one criminal tendency, they should all be considered as one crime and the accused shall be sentenced

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to the penalty of the greatest crime, which is the crime of sabotage, in accordance with the stipulations of Article (76) of the Penal Code. And whereas it was proven that the accused committed these crimes, based on the findings above and according to the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be condemned for these crimes as specified herein. And whereas concerning the penalty, given that the act committed by the accused is a serious crime, which is distributing drugs and psychotropic substances among battalion members, but taking into consideration that the accused is a young man at the beginning of his professional life, and given that he has no prior convictions, and to give him a chance for amnesty and as an act of compassion, the court therefore, and in accordance with the stipulations of Article (29/1) of the Penal Code, replaces the death sentence corresponding to the crime committed by the accused with a life sentence. And whereas the law does not forbid reducing this penalty once again if the circumstances specified in Article (29/1) of the Penal Code are present, as the last paragraph of the same article allows the judge in criminal matters to reduce the penalty to half of the minimum period. And whereas to the concept of violation defined in Article (21) of the Penal Code, the minimum period for a life sentence is of sixteen years, and whereas the last paragraph of Article (29) of the Penal Code allows, as previously mentioned, a commutation of the penalty to half of the minimum period, which means that this procedure is allowed and that the court is entitled to reduce the penalty to half of the minimum period or more and is only forbidden from reducing it to less than half of this same period. Furthermore, and based on the findings above, the court sentences the accused to prison for ten years with permanent deprivation of his civil rights in accordance with the stipulations of Article 34 of the Penal Code.

And whereas the accused's lawyer defended his client by claiming that the provisions of Article (202) of the Penal Code are not applicable because the accused did not intend to harm the safety of the State but was defending the regime he thought was legitimate, and that the stipulations applicable to the crimes attributed to the accused and the others are those of Article (323) of the Penal Code, which discusses acts of sabotage that do not aim to harm the safety of the State, this defense is irrelevant in all its aspects because distributing drugs and psychotropic substances among military troops and mixing them with their drinks to compromise their consciousness and put them in an abnormal state in order to make them commit acts of revenge against those opposing the regime, including civilians

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who were against the regime, which is an act aiming at sabotage and arbitrary killing of people, attacking the safety of the State and overthrowing it by destroying cities and attacking their citizens. The defense lawyer's claim that the State is the political regime is incorrect, because a regime can be changed based on the people's will, while the people of Libya will remain after the State, and he who attacks the people attacks the State. This defense shall therefore be ignored. And whereas the lawyer defended his client by denying the existence of the material basis of the crime of sabotage his client was accused and claiming that sabotage affects property and not people, this defense is irrelevant because Article (202) of the Penal Code clearly stipulates that a charge is proven against the accused when it is proven that he committed an act aimed at sabotage and arbitrary killing of people. Mixing drugs and psychotropic substances in hot drinks consumed by soldiers to compromise their consciousness and put them in an abnormal state under the effects of these substances, as stated by the commander of operations in Taurgha' Hamid Abu Zataya, undoubtedly led to the atrocities committed by these soldiers against citizens of Misratah, from murder to rape, bombings and destruction. The accused's behavior therefore led to acts of sabotage and arbitrary killing of people, which means that the material basis of the accusation exists. This defense shall therefore be ignored. And whereas the lawyer defended his client by denying the latter's criminal intention in distributing drugs, because Article (34) of the Narcotic Drugs Law No.7 of 1990 AD amended by law No.23 of 2002 AD stipulates that the crime of acquiring and distributing drugs or manufacturing them is only proven when the criminal's intention in this regard is drug trafficking, which is not the case. This defense is irrelevant given that the first paragraph of the same Article clearly stipulates that the charge is proven against the accused and he deserves to be convicted for it if his intention in committing any of the acts mentioned in the article, which are trafficking or distribution, and whereas the accused, by mixing these narcotics in the drinks of battalion soldiers, intended to distribute these drugs among them and make them aggressive against those opposing the regime under the effects of these substances, this charge is therefore proven against him and the lawyer's defense in this regard is incorrect. This defense shall therefore be ignored. And whereas the lawyer defended his client by claiming that

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Ali al-Zubaydi received these psychotropic substances on 2/2011 AD, which is before the accused was sent to work at the Taurgha' front, this defense is irrelevant because witness Ali al-Zubaydi confirmed in his testimony that the Commander of Operations in Taurgha' Hamid Abu Zataya informed him that they were mixing psychotropic substances in hot drinks offered to soldiers to affect their behavior and make them commit acts they would not commit in their normal state, and that he entered the restaurant and ordered a cup of tea when the restaurant supervisor (the accused) informed him that drugs were dissolved in that tea. And whereas the accused and his lawyer did not present any evidence refuting the statement made by the witness, this proves that the accused was involved in this crime, and this defense shall therefore be ignored. And whereas the accused's lawyer defended his client by stating that Tramadol was added to the tables annexed to the Narcotic Law in 2012 AD which means that the accused's behavior was not a crime at the date on which the incident took place, this defense is irrelevant because the lawyer's claim that the substance his client was accused of distributing among members of the Gaddafi battalion in Taurgha' was Tramadol is a simple claim contradicting the facts proven by the testimony of witness Akram al-Ja'fari, who mentioned in his testimony that Munir Zabita had told him that Muhammad Ishtaybah had sent him to buy drugs and psychotropic substances, and that he saw the same man leaving with large quantities of hashish and hallucination pills. Expert reports related to test results of substance samples found with Gaddafi battalion detainees and in their locations proved that they were psychotropic substances and aphrodisiacs. And whereas even if it were proven that the substance distributed by the accused was in fact Tramadol, it is a psychotropic substance, proof of which is the fact that it was added to the tables annexed to the Narcotics Law, and given that it was confirmed that the intention behind mixing it with the tea served to soldiers was to affect their behavior and push them to commit criminal acts they would not commit in their normal state. The accused is therefore involved in the crime of sabotage and arbitrary killing of people because distributing drugs and psychotropic substances among soldiers and volunteers to make them commit certain crimes is an example of sabotage and arbitrary killing, and this defense shall therefore be ignored.

And whereas the accused's lawyer defended his client by stating that his client was following the instructions and orders of his direct superior

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and that his act is therefore not considered a crime, this defense is irrelevant and is not approved by the court because the accused undoubtedly knows that distributing drugs and psychotropic substances among soldiers is an illegal act and a crime according to all legislation, and more importantly knows that this act is a dirty war method that is not a necessity to war operations, claiming that he was following the instructions of his superior the Commander of Operations in Taurgha' does not excuse him from punishment, because whoever follows the instructions of his superior while knowing that these instructions are a major violation of the Law cannot be excused from punishment, and given that the jurisprudence of the Supreme Court has established that both the person requesting and executing the illegal act are responsible for it, because a superior shall not be obeyed in violation of the Law. The accused is therefore involved in this crime and this defense shall be ignored. And whereas the accused's lawyer defended his client by claiming that the testimony of witness Akram al-Ja'fari was false by stating that it was not believable, this defense is merely an insult that cannot refute the facts of this testimony. The lawyer did not provide any convincing reason to disregard this testimony. The court therefore trusts the testimony, which means that this claim shall be ignored. And whereas the accused objected to the written testimony of witness Munir Muhammad al-Mabruk, this objection is not productive and does not change the court's judgment with regards to proof of the charge against him. This objection shall therefore be ignored and the accused shall be convicted as stated herein.

35. Whereas Defendant No. 35 Abd al-Rahman Abd al-Salam al-Qamati was accused of damaging public funds, this charge was proven against him based on his confession that he disbursed petty cash estimated at around thirty-seven million LYD in violation of the State's Financial Law, while knowing that taxes on imports were not paid, that there were no offers on purchased materials, and that there was no decision to disburse bonuses. The charge was also proven against him based on the findings of the appointed experts in their report No. 80 of 2012 AD, in which they stated that all disbursement operations were in violation of the State's Financial Law, budget, accounting and reserve regulations, which caused great damage to public funds. And whereas the crime of damaging public funds is identified when the criminal disburses this money for illegal purposes and in violation of the Law, and whereas the accused confessed that he disbursed the petty cash he was responsible for and facilitated its disbursement in violation

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of the Law, and whereas the accused admitted having spent the petty cash he was responsible for and facilitated its disbursing in violation of the Law in the absence of any decisions to give bonuses, without paying taxes and without and with the absence of any offers on imported materials, which are the instructions stipulated by the State's Financial Law, and budget and accounting regulations. And whereas the accused knows, given his experience and profession, that these procedures shall be respected and yet insisted on violating them to follow the instructions of Defendant No. 3 and Defendant No. 17, he is therefore their partner in the crime of damaging public funds given that he agreed with them to violate the legal procedures to be followed while disbursing public funds for political motives, which aimed at providing financial support for formations repressing the February 17 revolution. Therefore, based on the findings above and according to the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be convicted of this crime. And whereas concerning the penalty, given that the accused committed a serious crime by disbursing large amounts of public funds for illegal purposes that do not serve the country nor the people and in violation of the State's Financial System, and whereas all of these facts indicate that he is not trustworthy, given that guardianship requires abstention from disbursing the State's public funds on anything that does not serve the public interest and in accordance with the systems and procedures stipulated by the Law, and whereas the accused's behavior indicates that he is a dangerous criminal, the court, based on the findings above and in accordance with the provisions of Article (28) of the Penal Code and the accusation article: Article 9 of the Economic Crime Law No.2 of 1979 AD amended by Law No. 14 of 2001 AD stipulates sentencing the accused to six years' imprisonment with deprivation of his civil rights during this period and six additional years, and imposing a fine of one hundred and fifty LYD. The court also obligates the accused to compensate the public treasury for the damage he caused to public funds with the value specified in the expert report No. 80 of 2012 AD and as mentioned herein.

36. Whereas Defendant No. 36 Ali Abd al-Salam al-Lid was accused of damaging public funds, this charge was proven against him based on his confession that he illegally delivered large amounts of money. The charge was also proven against him based on the expert appointed for this case, who mentioned in his report No. 80 of 2012 AD that the accused Abd al-Salam

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al-Lid was trusted with petty cash of one million five hundred thousand LYD he did not close. And whereas using public funds he was entrusted with to illegally pay certain people or institutions without any legal stipulation entitling him to do means that he committed the crime of damaging public funds for illegal purposes that are not acknowledged by the Law and without following the procedures stipulated by the State's Financial System, budget, accounting and reserve regulations, and the Budget Law, and whereas the accused cannot be excused from punishment based on his claim that he was following the instructions of Defendant No. 3 given that by disbursing this money, he facilitated the accused's squandering of public funds, which makes him an accomplice in this crime according to the stipulations of Article (100) of the Penal Code. Moreover, it is understood that whoever commits a criminal act based on the orders of his superior while knowing that the act is a major violation of the Law cannot be exempted from punishment. The court believes that the only coercion which can exempt an accused from punishment is that which threatens the accused with harming him or his family unless he commits the criminal act he was asked to commit. Any coercion that does not reach this level and that threatens the accused with minor damage, such as firing him or taking disciplinary procedures, is not considered a coercion justifying the crime, nor does it exempt the accused from punishment. And whereas the instructions of the accused's superiors do not explain the financial violations he committed, and whereas the accused knows, given his profession and experience in administrative and financial affairs, that disbursing public funds in violation of the required procedures for doing so is considered a crime and nonetheless, he committed this act and delivered the money he was entrusted with to a number of people and institutions without taking the proper legal procedures, which did not allow him to close it for having spent it illegally and for illegal purposes aiming at defensesing the regime and proving his loyalty without any consideration of the Law. Therefore, based on the findings above and in accordance with the provisions of Article (277/2) of the Code of Criminal Procedure, the accused shall be convicted for this crime. And whereas concerning the penalty, the accused committed a serious crime when he spent the money he was entrusted with illegally and in violation of the Law, which indicates that he is dangerous, has criminal tendencies and is not trustworthy. The court therefore, based on

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all the findings above and in accordance with the provisions of Article (28) of the Penal Code and Article (9) of the Economic Crimes Law No. 2 of 1979 AD amended by Law No. 14 of 2001 AD sentences the accused to six years' imprisonment and deprives him from all his civil rights during the penalty period and for an additional year in accordance with the stipulations of Article (34) of the Penal Code and imposes a fine of fifty thousand LYD and obligates the accused to compensate the public treasury for the damage he caused to public funds with the value specified in the expert report No. 80 of 2012 AD and as mentioned herein.

37. Whereas Defendant No. 37 Abd al-Ra'uf Sa'ud al-A'war was accused of damaging public funds, this charge was proven against him based on his confession that he signed the report of the Expense Revision Committee on amounts entrusted to what is known as the General People's Committee, even though the Committee had not held a meeting and while he was certain that the disbursement procedures were incorrect given the absence of any appointment or decision to disburse. The charge was also proven against him based on his confession that he had signed the correspondence with the Banking Operations Department at the Central Bank of Libya regarding disbursing amounts of money in both hard and local currencies to certain people upon the instructions he was receiving from the Head of the Treasury's General Directorate Abd al-Karim al-Shibli based on the instructions of accused al-Baghdadi al-Mahmudi and Abd al-Hafid al-Zulaytini. These amounts were listed under the item for political activity, while this was not the case. The charge was also proven against the accused based on results experts found in their report No. 80 of 2012 AD, in which they concluded that all payment operations were made in violation of the State's Financial Law, and its budget and accounting regulations, and that they caused severe damage to public funds. And whereas the accused's confession and the conclusions of the expert report prove that the accused was involved in helping the third, eleventh, and eighteenth accused and others in squandering public funds given that he facilitated their crime and helped them disburse large amounts of money in hard and local currencies to certain people without any decisions allowing these payment operations. This disbursement was also illegal and aimed at repressing the people of Libya who were opposed to the regime. And whereas the crime of damaging public funds takes place when the accused disburses public funds illegally and in violation of the procedures and restrictions

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Prescribed for the disbursement of public funds. And whereas the accused knows, given his profession and experience in administrative and financial affairs, that disbursing public funds illegally and in violation of the procedures stipulated by the State's Financial System is considered a crime, yet he still committed this crime using the excuse of following the instructions of his superiors, which does not exempt him from responsibility or punishment as previously clarified by the court in its response to the same excuse given by Defendant No. 36. The accused therefore committed the crime of damaging public funds he was accused of, and shall be convicted for it based on the findings above and in accordance with the provisions of Article (277/2) of the Code of Criminal Procedure. And whereas concerning the penalty, the accused committed a serious crime when he facilitated the disbursement of large amounts of money in hard and local currencies illegally and aiming at repressing the Libyan people and in violation of the procedures and restrictions stipulated by the State's Financial Law. And whereas this act demonstrates that the accused is dangerous and untrustworthy, the court, based on the findings above and in accordance with the accusation article and Articles 28 and 34 of the Penal Code sentences the accused for six years' imprisonment and deprives him from all his civil rights during the penalty period and for one additional year. The court also imposes a fine of fifty thousand LYD and obligates the accused to compensate the public treasury for the damage he caused with the value specified in the expert report and as specified herein.

- And whereas the lawyer of Defendant No. 2 demanded the annulment of his client's confessions because the investigation was conducted in a cell in al-Hadabah prison while he was in bad health, this defense is irrelevant given that the essence of confession is that it was made by free will, and any other claim shall be supported by evidence. In this sense, the judgment of the Supreme Court is reviewed in appeal No.177/39Q M.M.A. S29.A1.2. And whereas the investigation was conducted with the accused by the Public Prosecution, and given that the Public Prosecution does not exercise any coercion, as proven in the documents that when the accused told the investigator that he was not feeling well, the latter ended the investigation and postponed it to another time. This defense shall therefore be ignored. And whereas Defendant No. 2's lawyer claimed that the expert report did not specify the illegal disbursement operations, this claim is irrelevant given that it was stated in the expert report that

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the disbursement operations executed by the people or parties mentioned in the report among which was accused Abdulla al-Senussi were all illegal and in violation of the State's Financial Law, its Budget, Accounts and Stocks Regulation, and of the Budget Law, and that these operations caused a severe damage to public funds. This defense shall therefore be ignored. And whereas concerning the remaining defenses of the accused's lawyer in his defense memorandum, the court hereby refers him to its previous responses to the same defenses and they shall therefore be ignored.

- And whereas the statements made by Defendant No. 3's lawyer in the memorandum he added to the case file and in which he denied all the accusations attributed to his client, all these defenses are false and all the evidence and findings included by the court in its reasoning that the accused committed this crime are considered a response to these defenses to prevent repetition.

-And whereas Defendant No. 4's defense lawyer claimed in the defense memorandum she added to the case file that the investigation conducted on her client was invalid, this defense is irrelevant, given that it is a general claim in which she did not specify the reason why the investigation was invalid. This defense shall therefore be ignored; especially given that the detention the lawyer claims is invalid does not exist. And whereas the accused's lawyer defended her client by claiming that the statements given by witnesses about the accused regarding Benghazi events were false because the Public Prosecution did not [*illegible*] these testimonies, this defense is entirely irrelevant given that these witnesses stated acts committed by the defendant, such as killing protesters. These acts are in fact crimes and the accused cannot deny them unless these witnesses are proven to be liars, which was not proven. This defense shall therefore be ignored. Whereas the accused's lawyer claimed that the lists of victims were incorrect given the absence of corresponding medical reports, this claim is irrelevant because the Public Prosecution annexed to the case file the medical reports on each victim. This defense shall therefore be ignored. And whereas concerning the lawyer's remaining defenses, the court's findings mentioned in its judgment while studying the crimes attributed to the accused and his defenses shall be considered a response to the content of the memorandum. These defenses shall therefore be ignored as well.

-And whereas Defendant No. 5's lawyer denied in the final memorandum she added to

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the case file the crime of destroying national unity and starting a civil war because foreign States interfered in the Libyan conflict, this defense is entirely irrelevant given that it was proven by the statements of many witnesses that the accused formed an armed tribal legion from his tribe al-Ruhaybat, and that he supplied it with weapons and incited it to fight rebels in opposing regions in the Western Mountains and bragged about doing so. This proves that he was involved in committing the crime of destroying national unity and starting a civil war because these legions contributed to reviving old rivalries and creating new rivalries between the citizens of different Libyan regions. This defense shall therefore be ignored. And whereas Defendant No. 5's lawyer defended her client by denying the crime of incitement of rape due to the absence of any evidence proving it, this defense is irrelevant given that several witnesses, victims and others whose testimonies were included by the court in its judgment confirmed that the victims were raped in detention centers of the External Security Agency, which are under the supervision of the accused. There is also no proof that he ordered his soldiers to abstain from committing these shameful and filthy acts, or that he punished those who committed these dangerous acts. Defendant No. 5 is therefore responsible for these incidents and an accomplice therein through incitement and agreement, and this defense shall therefore be ignored. And whereas the accused objected by testimony of the large group of witnesses from the citizens of al-Ruhaybat, this objection is refused given that these testimonies are not considered as evidence given that they were written and were not given under oath, and given that those people made general statements which do not deny the statements present in the testimonies of the witnesses for the prosecution, which proved that the accused had formed a tribal legion from his tribe and that he supplied it with weapons and equipment, and that he held meetings for this purpose with many people, and that he bragged about this legion taking part in battles against rebels. This testimony shall therefore be ignored. And whereas concerning the lawyer's remaining defenses, the court refers to its previous responses and to its findings while studying the accusations attributed to the accused.

-And whereas Defendant No. 6's lawyer claimed that the investigation conducted on her client is invalid because it was conducted in a period of illegal detention of the accused, this is a general defense in which she did not specify how the investigation was invalid. And whereas according to the provisions of Law No.38 of 2012 AD, the detention period preceding the accused's referral to the Public Prosecution is not limited by a determined period of time,

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the investigation cannot be invalid as claimed by the accused's lawyer with general and ambiguous defenses. This defense shall therefore be ignored. And whereas concerning the substantive debate initiated by the accused's lawyer in her memorandum, the findings included by the court in its reasoning of the accused's involvement in the crimes he was accused of are considered a response to these defenses. These defenses shall therefore be ignored.

-And whereas Defendant No. 7's lawyer defended his client by claiming that Article 13 of Law No.38 of 2012 AD on certain procedures related to the transitional period cannot be taken into consideration given that it is not constitutional, this defense is irrelevant given that this text does not contradict any essential or constitutional text, and is a necessity for transitional justice. The investigation cannot be stopped and no case against those who committed crimes against the people can be dismissed under any condition or circumstance. This defense shall therefore be ignored, especially since the lawyer's claim that the criminal court is entitled to define whether an applicable stipulation is valid or not is entirely incorrect, given that this task is the responsibility of the Constitutional Department of the Supreme Court. This defense shall therefore be ignored.

-And whereas concerning the remaining defenses of defense lawyers in their supplementary memorandums, the findings included in the court's judgment in its reasoning that the accused were involved in the crimes they were accused of are considered as a response to all these memorandums and defenses. These defenses shall therefore be ignored given that the court does not need to study all the defenses when the facts included in its findings are a response to these defenses and statements. And whereas Article (39) of the Penal Code stipulates that the judgment, whether imprisonment or a death sentence, shall be published and allows broadcasting the judgment in order to achieve public deterrence, and based on the statements above, the court has decided to publish the judgment three times at the expense of the convicts in the justice gazette, and to hang posters at their residences and at the location of the court issuing the judgment, and to broadcast it through all Libyan radio and television channels as specified herein.

-And whereas the expense judgment of the court involves the accused in accordance with the provisions of Article (287) of the Code of Criminal Procedure.

-And whereas the first, twenty-third, thirtieth, thirty-fifth, thirty-sixth and thirty-seventh accused did not attend the hearing sessions

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even though they were notified, and given that the court is aware that Defendant No. 1 mentioned in one of the sessions of the al-Zawiyah Court of Appeal, Felonies Circuit al-Zintan that he wanted his trial to take place in the mentioned city, which means that his absence is based on his will and the fact that those who put him in jail were outlaws, as demonstrated in the letter of the judicial police No. 1648-9-8 dated 14/4/2015 AD. And whereas the court has already decided to continue in the absence of the accused, the judgment issued against each one of them is therefore a judgment in absentia according to the stipulations of Article (211) of the Code of Criminal Procedure. And whereas the remaining accused, except those mentioned above, attended the hearing sessions alongside their defense team and presented their verbal and written defense, the judgment issued against them is considered in presence of the defendants in accordance with the stipulations of Article (210) of the Code of Criminal Procedure and as specified herein.

-Civil Cases-

1. Whereas citizen Muhammad Ali Ramadan Qadah raised a case against Defendant No. 1 – Sayf al-Islam Muammar Gaddafi, Defendant No. 3 – al-Baghdadi al-Mahmudi and Defendant No. 4 – Mansur Daw Ibrahim. Concerning the first defendant, the plaintiff did not notify the defendant in the statement of civil claim or amend the requests. Furthermore, and whereas Article (224) of the Code of Criminal Procedure stipulates that civil claims shall be initiated by notifying the defendant through a baillif or by a motion during the session, if the accused is present. Therefore, jurisprudence requires that the case shall not be accepted, given that the plaintiff did not notify the defendant through a statement of civil claim. Whereas concerning the second and third defendants, the three pillars of civil responsibility which are wrongdoing, damage and causal relation are all present, given that it was proven that they were involved in appropriating the assets of the Mediterranean Company for Import of Means of Transportation and Construction Equipment owned by the civil intervenor. The people reporting to the third defendant Mansur Daw entered by force and armed with weapons, based on the orders of the defendant himself, to the company's warehouse in Bi'r al-Usta Milad and confiscated four hundred and nine Nissan Tiida cars after hiring a number of manufacturers to make keys [*illegible*] to turn them on, while the second defendant al-Baghdadi al-Mahmudi arranged their transportation to an unknown destination in Sirte.

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All of these facts were proven by the confession of the third defendant Mansur Daw and witnesses Abd al-Hadi Ibrahim al-Qa'id, Abd al-Wahid Abd al-Salam Ali and Ashraf al-'Id Fannan recorded in the investigation report of Misratah intelligence, and which the court included entirely in its study of the charge of forced robbery against accused al-Baghdadi al-Mahmudi and Mansur Daw, which means that there is no need to repeat them herein. And whereas this act constitutes the element of wrongdoing, and whereas this wrongdoing resulted in severe damages on the plaintiff, which are the losses resulting from the confiscation of his belongings, in this case the cars. This damage also consisted of the foregone gain resulting from the robbery of the cars he could have sold. The behavior of the two defendants also cause moral damage, which consisted of sorrow and sadness for losing his money because any person cares for his money and wishes to increase it, and grieves its loss. And whereas the court believes that these damages were the direct result of the behavior of the defendants, they are therefore obligated to compensate the damages they caused to the plaintiff, in accordance with the provisions of Article (224) of the Code of Criminal Procedure and Articles 166, 167, 224 and 225 of the Civil Code, which means that they should jointly pay the plaintiff the amount of one hundred and ten LYD as temporary compensation for the physical and moral damages and shall be obligated to pay the case expenses as stipulated by Article (293) of the Code of Criminal Procedure and as specified herein. And whereas the defense lawyer of the second defendant al-Baghdadi al-Mahmudi defended his client by rejecting the civil case because the plaintiff did not present his statement of claim until after the beginning of hearing sessions, this defense is irrelevant and the court does not accept it given that Article (224/1) of the Code of Criminal Procedure allows anyone who was damaged by the crime to file a case as long as the hearing sessions are ongoing. And whereas the plaintiff presented his statement of claim during hearing sessions, and given that his lawyer attended all the case's hearing sessions as proven by session minutes and insisted on his client's request to confront the defendants and their attorneys before they presented their defense, the claim is therefore accepted. The defense presented by the lawyer of the second defendant is therefore irrelevant and shall be rejected. And whereas

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the lawyer of the third defendant Mansur Daw defended his client by claiming that the legal description issued by the Public Prosecution on the incident was inaccurate and that the incident was not a forced robbery and therefore shall not be subject to a civil case, this defense is irrelevant and the court does not approve it because the third defendant Mansur Daw ordered a number of individuals under his authority to enter the plaintiff's warehouse by force and armed with weapons at a late hour as stated by witnesses, and to take all the cars after turning them on with manufactured keys, all of which were performed against the owner's will and without any consideration of his approval or rights. This act is defined as a crime of forced robbery and cannot be considered a confiscation or appropriation, given that these are legal procedures requiring a decision from a legitimate authority, and shall be performed in an organized manner and without the use of violence, force, and weapons, because this use is for gangs and not States. These procedures also require registration in order to ensure the rights of their owners. And whereas the defendants did not respect any of these moral rules and took the assets owned by the plaintiff by force and violence, the act they committed is considered robbery by coercion punishable by Article (450) of the Penal Code. Their civil responsibility also obligates them to compensate the damages they caused to the plaintiff. This defense shall therefore be ignored.

2. Whereas citizen Salah Muhammad Mukhtar brought a civil case against Defendant No. 4 Mansur Daw Ibrahim to demand the compensation of damages caused by the defendant's seizure of the cars owned by his company (Al-Modhela for Car Imports), given that the condition for the criminal judiciary to have jurisdiction to hear the civil case depends on the existence of damages resulting from crimes that were raised in the public case. As for damages that did not result from a crime or that result from a crime that was not included in the criminal case, the criminal judiciary is not competent to adjudicate compensation for these damages. Whereas after studying the case documents, the indictment and the referral, the court found that the incident the plaintiff included in his statement of claim was not discussed by the Public Prosecution in its investigations or mentioned in the indictment. Therefore, this court

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Is not competent to hear this case without the need to discuss the merits thereof. And whereas the plaintiff's lawyer requested the interrogation of the defendant on the incident and hearing of the testimonies of witnesses, this request is irrelevant and pointless given that the court is not competent to investigate civil cases that are not related to a crime it is adjudicating according to the referral decision, which means that this request shall be refused. Therefore, based on all the findings above, the court does not have jurisdiction to hear and compels the plaintiff to pay the corresponding fees as specified herein.

3. Whereas citizen Muhammad Abu al-Qassim Abdullah brought a civil case against Defendant No. 5 Abu Zayd Umar Dorda, the plaintiff and his lawyer did not attend the hearing sessions of the case and his lawyer only attended the final session on 20/5/2015 AD which was requested by Defendant No. 5's defense team to present their defense. And whereas the defense team objected to the presence of the plaintiff's lawyer and mentioned that they were not aware of a statement of claim against their client and could not find it upon looking into the case file, and that if the lawyer was allowed to attend the session they would demand an adjournment to read the statement of claim and respond to it. Furthermore, and given that Article (224) of the Code of Criminal Procedure stipulates that the plaintiff's interference shall not lead to a delay in the criminal case or else the court is entitled to reject the interference. Therefore, based on the findings above, the judiciary authority shall not accept the interference of plaintiff Muhammad Abu al-Qassim Abdullah. And whereas whoever loses the case shall bear its expenses according to the stipulations of Article (293/2) of the Code of Criminal Procedure, the plaintiff is obligated to pay these expenses as specified herein.

Whereas the defense lawyer of Defendant No. 3 defended his client by demanding the dismissal of the civil case brought against his client by plaintiff Muhammad Ali Qadah because it requires an investigation which would delay the criminal case, this defense is irrelevant, as the case filed by Muhammad Ali Qadah does not require an investigation given that the defendant's error is proven by his involvement in the crime of appropriation of the belongings of the plaintiff's company, according to the findings presented by the court when discussing this crime attributed to the accused. Moreover,

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the plaintiff requested temporary compensation and did not demand the value of the stolen cars, which might require technical expertise to estimate their value. Issuing a ruling therefore does not require conducting an investigation, and this defense shall be consequently ignored. And whereas the lawyer of Defendant No. 3 defended his client in the defense memorandum he presented at the end of the grace period, in which he denied his client's involvement in incitement to rape and in the incident, this defense is irrelevant given that this charge was proven against the accused based on the evidence found by the court when discussing this accusation, among which is the testimonies of victims Nayruz Khalifa Mas'ud Halab and Rabab Muhammad Abd al-Rahman, which were fully included by the court in the case findings, and in which the first victim stated that a group of soldiers from al-Jumayl region broke into their home and took her in their car by force after tying her arms and legs and covered her mouth and eyes with a piece of cloth, while insulting her with expressions such as "What a nice body you have", "We will get our fill of you tonight" and "We will humiliate all of Zuwarah", and when they reached their destination, they threw her on a bed, hit her, kicked her and insulted her. Then they ripped her clothes off and started touching her in her private areas, then raped her one after the other from front and behind, then put their genitals in her mouth, poured their fluids in her mouth, on her face and other parts of her body and made her swallow them until she felt sick and fainted. They also brought a trained dog and released it on her. It started licking her private areas and put his penis in her vagina. She passed out because of the atrocities they did to her. The victim added that all these horrible acts they committed against her were accompanied by physical abuse. They then threw her in a deserted area where another group of soldiers in al-Jumayl found her and took her to al-Jumayl hospital, where she woke up and found herself surrounded by a number of nurses from al-Jumayl who were insulting her and calling her a whore in addition to other insults. The victim also stated that her kidnappers were the soldiers of accused al-Baghdadi al-Mahmudi and that he incited them to rape the women of Zuwarah. The second victim, for her part, stated in her testimony that the accused al-Baghdadi al-Mahmudi incited the sons of his tribe to insult the dignity of the women of Zuwarah. They learned this based on his conversation with al-Tayyib al-Safi

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in which he stated that for every home in Zuwarah there are five men from al-Jumayl [*illegible*] and said "Let the men of al-Jumayl enjoy the women of Zuwarah". She added that as a result of this incitement, many women in Zuwarah were raped. And whereas the facts stated in the testimonies of victims and other evidence proves that the accused incited the rape of the women of Zuwarah for racial and political motives and as revenge on the citizens of these regions for opposing the regime, Defendant No. 3 is therefore an accomplice in this crime, which is also considered an act of sabotage and arbitrary killing, considering that the accused intended through this act to spread chaos and destruction in the country as revenge against the Libyan people for opposing the regime. This defense shall therefore be ignored.

And whereas Defendant No. 4's defense lawyer rejected the civil case against her client by claiming that it has no basis, this defense is entirely irrelevant, and the facts included by the court in its reasoning of the defendant's error are considered a response to this defense. It shall therefore be ignored.

And whereas concerning the remaining defenses of the defendants, the facts included by the court in its reasoning of the existence of the elements of their civil liability are considered a response to these defenses. They shall therefore be ignored and the defendants shall be convicted as specified herein.

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On these grounds,

After examining the documents and hearing the verbal pleading and the deliberation, and articles (210, 211, 224, 277/1, 277/2, 287, 2/293, 312/1, 315 and 345) of the Code of Criminal Procedure, Articles 19, 21, 28, 29, 34, 39, 59, 60, 76/1, 76/2, 100, 101, 169, 202, 203, 205, 211, 407, 428 and 450 of the Penal Code, Articles (1, 2, 34/1 Clause 1, and 35/1 Clause 1) of Law. No.7 of 1995 AD on narcotics and psychotropic substances amended by Law No. 19 of 1996 A.D, Articles (1, 2, 4 and 5) of Law No. 19 of 2010 AD on combatting illegal migration, Articles (9, 27 and 35) of Law No. 2 of 1979 AD on economic crimes amended by Law No.14 of 2001 AD and Articles (166, 167, 224 and 225) of the Civil Code. The court ruled in absentia of Defendants Nos. 1, 23, 30, 35, 36 and 37, and in presence of the remaining accused:

1. Convict Defendant No. 1 Sayf al-Islam Muammar Gaddafi, Defendant No. 2 Abdullah Muhammad al-Senussi Amir, Defendant No. 3 al-Baghdadi al-Mahmudi, Defendant No. 4 Mansur Daw Ibrahim, Defendant No. 5 Abu Zayd Umar Hamid Dorda, Defendant No. 6 Milad Salim Daman, Defendant No. 10 Mundhir Mukhtar al-Ghanimi, Defendant No. 15 Abd al-Hamid Ammar Uhida and Defendant No. 31 Uwaydat Ghandur al-Nubi Abu Sufa for the charges against them and their execution by firing squad, in addition to a fine of fifty thousand LYD to be imposed on each of Defendants Nos. 2, 3, 4, 15 and 31, obligating the second to compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD, which is (24,505,000) twenty-four million five hundred and five thousand LYD, and obligating the third to compensate the public treasury for the money he squandered according to the value specified in expert report No. 80 of 2012 AD, which is (906,418,000) nine hundred and six million four hundred and eighteen thousand LYD, and obligating the fourth to compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD which is (62,672,000) sixty-two million six hundred and seventy-two thousand LYD,

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Obligating the fifteenth to compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD which is (3,134,000) three million one hundred and thirty-four thousand LYD, and obligating the thirty-first compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD, which is (5,000,000) five million LYD.

2. Convict Defendant No. 9 Hassan al-Wahishi al-Sadiq al-Kabir, Defendant No. 12 Amir Ali Faraj al-Dalyu, Defendant No. 13 Radwan al-Hadi Ali al-Hamali, Defendant No. 14 Bashir Ali Muftah Hamidan, the eighteenth accusd Muhammad Abu Bakr al-Dib, Defendant No. 19 al-Mabruk Muhammad al-Mabruk Mas'ud, Defendant No. 21 Amran Muhammad al-Farjani and Defendant No. 30 Muhammad Daw al-Hanashi for the charges proven against them and sentence them to a life sentence with permanent deprivation of all their civil rights, in addition to a (32,000) thirty-two thousand LYD fine imposed on the fourteenth, and a fifty thousand LYD fine imposed on Defendant No. 18 and obligating him to compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD which is (10,000,000) ten million LYD.

3. Convict Defendant No. 7 Muhammad Abu al-Qassim al-Zwai, the eight accused Muhammad Ahmad al-Sharif, Defendant No. 16 Jibril Abd al-Karim al-Kadiki, Defendant No. 24 Jamal Ali Ihmayda al-Shahid, Defendant No. 25 Abdullah Abu al-Qassim al-Sha'ani, Defendant No. 26 Muhsin al-Hadi al-Lamuji and Defendant No. 29 Said Abdullah al-Gharyani for the charges proven against them and sentence each accused to twelve years' imprisonment with the permanent deprivation of their civil rights, in addition to imposing a fifty thousand LYD fine on the eighth and compelling him to compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD which is (2,603,000) two million six hundred and three thousand LYD.

4. Convict Defendant No. 11 Abd al-Hafid Mahmud al-Zulaytani, Defendant No. 28 Abu Ujayla Muhammad Khayr Mas'ud, Defendant No. 32 Ammar al-Mabruk al-Nayid and Defendant No. 34 Muhammad Ramadan Ishtaybah for the charges proven against them and sentence each one of them to ten years' imprisonment

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and their permanent deprivation of their civil rights, in addition to imposing a fifty thousand LYD fine on Defendant No. 11 and obligating him to compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD which is (193,755,000) one hundred and ninety-three million seven hundred and fifty-five thousand LYD.

5. Convict Defendant No. 35 Abd al-Rahman Abd al-Salam al-Qamati, Defendant No. 36 Ali Abd al-Salam al-Lid and Defendant No. 37 Abd al-Ra'uf Mas'ud al-A'war for the charges proven against them and sentence each one of them to six years' imprisonment with deprivation of their civil rights during the penalty period and for one additional year, in addition to imposing a fifty thousand LYD fine on each one of them, obligating Defendant No. 35 to compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD which is (51,377,834) fifty-one million three hundred and seventy-seven thousand eight hundred and thirty-four LYD, obligating Defendant No. 36 to compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD which is (1,500,000,000) one million five hundred thousand LYD, and obligating Defendant No. 37 to compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD which is (2,373,000) two million three hundred and seventy-three thousand LYD.

6. Convict Defendant No. 20 Abd al-Majid Salim Faraj al-Mazughi of the second charge proven against him and sentence him to five years' imprisonment, imposing a ten thousand LYD fine and obligating him to compensate the public treasury for the money he squandered according to the value specified in the expert report No. 80 of 2012 AD which is (110,000) one hundred and ten thousand LYD with deprivation of all his civil rights during the penalty period and for one additional year, and acquit him of all the remaining accusations.

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7. Acquit Defendant No. 17 Abd al-'Ati Ibrahim al-Ubaydi, Defendant No. 22 Ali al-Maqtuf al-Zawi, Defendant No. 27 Muhammad Khalifa al-Wa'id and Defendant No. 33 Amir Ali Madi al-Ayyani of their accusations.

8. Suspend the case of Defendant No. 23 Nuri al-Hadi al-Tahir al-Jatlawi and send him to Razi Psychiatric Hospital until his recovery.

9. The court orders the confiscation of the substances found, and the publication of the death sentence and life sentence judgments three times at the expense of those convicted in the justice gazette. Posters shall be hung at the court, their residences and crime locations in all of Libya, and the news shall be broadcast on all public and private Libyan radio stations and television channels and without criminal expenses.

10. In the civil case filed by citizen Muhammad Ali Ramadan Qadah, compel the third and fourth accused to jointly pay one hundred and ten LYD as temporary compensation of the material and moral damages they caused by robbing his belongings, and compel them to equally share the expenses, and dismiss the case against the defendant Sayf al-Islam Muammar Gaddafi.

In the civil case filed by citizen Salah Muhammad al-Mukhtar, the court is not competent to hear the case and obligates the plaintiff to pay its expenses.

In the civil case filed by citizen Muhammad Abu al-Qassim Abdullah, the case is dismissed and the plaintiff is compelled to bear the expenses.

Session Clerk
[signature]

Circuit Member
[signature]

President of Circuit
[signature]

Member of Circuit
[signature]

The grounds were copied by the Circuit Member
Advisor – Al-Sadiq Badi
[signature]

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28-7-2015

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