

(Translated from Arabic)

Ministry of Justice

The Minister

[Rubber stamp: Ministry of Foreign Affairs and Emigrants

= Registry =

No. 14592]

Vice-Chair of the Working Group on Arbitrary Detention

**Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment of the Office of the United Nations High Commissioner for Human Rights in Geneva
via the Ministry of Foreign Affairs and Emigrants**

No.: 2731/3 — 253/5

[Rubber stamp: Directorate for Political and Consular Affairs

Subject: Arrest and detention of Mr. Hannibal Kaddhafi

No.: (illegible)

Reference: Letter dated 24 May 2018

Date: (illegible) July 2018]

In connection with the aforementioned subject and reference:

Attached herewith, we submit the response of the Public Prosecutor at the Court of Cassation, Judge [REDACTED], No. 3400/M/2018 dated 13 July 2018, annexed to which is a letter from the Investigating Judge of Mount Lebanon, [REDACTED], No. 341/2016 dated 4 October 2018, and a letter from the Investigating Judge of the Judicial Council, [REDACTED], No. 1/Judicial Investigator/1981, dated 12 July 2018, which contain the requested information regarding the arrest and detention of Mr. Hannibal Kaddhafi.

Please take note, submit to the requesting party and inform of our readiness to respond to any lawfully permitted inquiry.

Beirut, 16 July 2018

(Signed) Minister of Justice

[REDACTED]



Lebanese Republic

Ministry of Justice

Office of the Public Prosecutor at the Court of Cassation

No.: 3400/M/2018

Ministry of Justice

Subject: Arrest and detention of Mr. Hannibal Kaddhafi

Reference: Your letter No. 2731/3 dated 30 May 2018 and No. 253/5 dated 18 June 2018

In connection with the aforementioned subject and reference:

We submit attached herewith a letter from the Investigating Judge of Mount Lebanon, [REDACTED], No. 341/2016 dated 4 October 2018, and a letter from the Investigating Judge of the Judicial Council, [REDACTED], No. 1/Judicial Investigator/1981, dated 12 July 2018, which contain the requested information.

Please take note and submit to the requesting party.

*[Rubber stamp: Ministry of Justice —
Diwan*

Date received.: 13 July 2018

No.: 2731/3 — 253/5]

Beirut, 13 July 2018

**Public Prosecutor at the Court of
Cassation**

Judge [REDACTED]

[signed and stamped]

Archive No.: 341/2016

Public Prosecutor at the Court of Cassation

Subject: Information concerning a case

Reference: Your letter No. 3400/M/2018 dated 21 June 2018

In connection with the aforementioned subject and reference:

Please be informed that a case has been brought in this jurisdiction under investigation No. 341/2016, Office of the Public Prosecutor 65496, against the suspects

[REDACTED]

The prosecutors allege that they did, using violence and threats, abduct Hannibal Muammar Kaddhafi, restrict his freedom and inflict physical and psychological torture upon him, to which end they entered into a conspiracy to commit offences against persons.

The case is still under investigation and the next session is scheduled to take place on 4 October 2018.

Baabda, 25 June 2018

Investigating Judge of Mount Lebanon

[REDACTED]

[signed and stamped]

[Rubber stamp: Office of the Public
Prosecutor at the Court of Cassation

Date received.: 25 June 2018

No.: 3400/M/2018]

Lebanese Republic

Ministry of Justice

Investigating Judge of the Judicial Council

Case No. No. 1/Judicial Investigator/1981

Public Prosecutor at the Judicial Council

Subject: Information regarding the arrest and detention of Mr. Hannibal Kaddhafi

Reference: Your letter No. 3400/M/2018 dated 21 June 2018

Letter of the Directorate-General of the Ministry of Justice No. 253/5 dated 18 June 2018 regarding the letter of the Permanent Mission of the Lebanese Republic to the United Nations and other International Organizations dated 18 May 2018 concerning the arrest and detention of Mr. Hannibal Kaddhafi

In connection with the aforementioned subject and reference:

We hereby inform you that the suspect Hannibal Kaddhafi was detained for investigation by the Information Division acting on a directive from the Public Prosecutor at the Court of Cassation dated 11 December 2015 (record No. 916/302) and in accordance with a Red Notice of the International Criminal Police Organization (INTERPOL).

On 12 December 2015, [REDACTED], acting through his counsel Professor [REDACTED], submitted a request for Hannibal Kaddhafi to be heard in the case of the disappearance of Iman al-Sadr and his two companions, which had been referred to the Judicial Council pursuant to Decree No. 3794 of 4 February 1981. The Judicial Investigator decided to grant that request and assigned the Information Division to bring in Hannibal Kaddhafi in the capacity of witness, on 14 December 2015.

Hannibal Kaddhafi provided a lot of information concerning the case in question but concealed a great deal more, which he withheld from the Judicial Investigator despite it being evident that he was aware of it. The Judicial Investigator then decided to question him as a person suspected of concealing information, which is an offence contemplated under article 408 of the Criminal Code. After having consulted with the Public Prosecutor at the Judicial Council, the Investigator issued an arrest warrant against him on the grounds set forth in article 107 of the Code of Criminal Procedure and in accordance with articles 362 and 363 of the Code of Criminal Procedure.

On 16 January 2016, the suspect Hannibal Kaddhafi submitted a request for the case to be transferred out of the hands of the Judicial Investigator on the grounds of legitimate suspicion. The case file was annexed to the request for transfer, pursuant to a ruling of the sixth chamber of the Court of Cassation, which considers requests for the transfer of cases. On 19 May 2016, the Court announced its decision to accept the transfer request in its form and on its merits.

The Public Prosecutor at the Judicial Council then submitted a request for an interpretation of the ruling of the sixth chamber, in accordance with article 427 of the Code of Criminal Procedure,

On 27 May 2016, the plaintiff [REDACTED] appeared before the Court of Cassation sitting in full session to bring a case against the State for its responsibility for the actions of its judges vis-à-vis the Lebanese State and Hannibal Kaddhafi, and to appeal the ruling of the sixth chamber of the Court of Cassation. On 9 June 2016, the full session of the Court of Cassation ruled to suspend the implementation of the transfer decision. On 19 July 2016, the full session of the Court ruled to accept the case against the State in its form and announced that enough elements existed for it to duly proceed.

On 25 August 2016, the plaintiff [REDACTED] brought an additional allegation against Hannibal Kaddhafi for the offence of after-the-fact complicity in the crime of abduction. The family of the abductee [REDACTED] brought a similar allegation as did, subsequently, [REDACTED], son of the abductee [REDACTED].

On 2 September 2016, the Judicial Investigator charged the suspect Hannibal Kaddhafi with offences under article 569/219 of the Criminal Code and article 2 of the Act of 11 January 1958. Hannibal Kaddhafi requested some time in which to appoint another lawyer.

On 16 September 2016, counsel for the suspect Hannibal Kaddhafi submitted a formal defence memorandum in respect of the additional allegations. On 10 November 2016, the Public Prosecutor at the Judicial Council made a submission in respect of the defence memorandum, which concluded with a request that it be rejected. On 28 November 2016, the Judicial Investigator ruled to reject the defence memorandum. Hannibal Kaddhafi was not willing to attend the sitting of 9 December 2016, following the resignation of his lawyer.

Upon being summoned on 23 December 2016, the suspect Hannibal Kaddhafi made threats and used inappropriate language against the Judicial Investigator. A record in that regard was made, which was referred to the Public Prosecutor at the Court of Appeal in Beirut who charged him with the relevant offences. The suspect Hannibal Kaddhafi was questioned again on 13 January 2017, and some of what he said at that session — which was held in the presence of lawyers for the parties — was carried by the press.

On 19 January 2017, the Court of Cassation sitting in full session issued its final ruling on the case against the State for its responsibility for the actions of its judges. Under the ruling, the Court overturned the decision issued by the sixth chamber of the Court of Cassation on 19 May 2016 on the grounds that it contained a serious error and it restored the case to the state it had been in before the decision was issued.

On 24 January 2017, the Single Criminal Judge in Beirut issued sentence No. 2047/2016 setting aside the legal action against the suspect Hannibal Kaddhafi and acquitting him of the offences of contempt and defamation, which are contemplated under articles 383 and 386 of the Criminal Code. The sentence also ordered that he be released directly. On 30 January 2018, the Office of the Public Prosecutor at the Court of Appeal in Beirut lodged an appeal against the sentence before the second chamber of the Court of Appeal, which considers cases involving serious offences. Hannibal Kaddhafi was at liberty while his case was being heard. On 21 March 2018, the Court of Appeal issued its final ruling No. 29/2017, accepting the appeal in its form and on its merits, abrogating the appealed sentence in full, convicting Hannibal Kaddhafi for offences under articles 383 and 386 of the Criminal Code, sentencing him to 1 year and 3 months imprisonment (taking due account of the period he had spent in detention for the case in question) and requiring him to pay a fine of 2 million Lebanese pounds (LL) in addition to costs. A summary of the ruling and a legal notice of enforcement were sent out on 12 April 2018, and Hannibal Kaddhafi is still serving the sentence (the period he was held in detention in the relevant case ran from 23 December 2016 to 24 January 2017, the date on which the Single Criminal Judge ordered his immediate release).

While Hannibal Kaddhafi was in detention in Lebanon, the Lebanese doctor ██████████ was abducted in Libyan territory with the intention of exchanging him for Hannibal Kaddhafi. On 21 September 2016, following his liberation, ██████████ filed a complaint directly before the Investigating Judge in Beirut against the suspect Hannibal Kaddhafi, the Libyan citizen ██████████, other unknown parties and anyone else whose name might emerge in the course of investigations into the offences of formation of a terrorist group, conspiracy, abduction, collusion in abduction, restriction of freedom and attempted murder. The case was registered under No. 211/2016 and is still under consideration.

In the light of the proceedings detailed above, we would draw your attention to the following:

- The suspect Hannibal Kaddhafi is facing legal action in three cases in Lebanon. Firstly, the abduction of Imam Musa al-Sadr, ██████████. Secondly, the case of contempt and defamation of the Judicial Investigator during the course of interrogation, for which he has been convicted to a term of imprisonment of 1 year and 3 months and payment of a fine, a sentence he is currently still serving. Thirdly, the case brought by ██████████

against Hannibal Kaddhafi, another Libyan citizen and persons unknown for the formation of a terrorist group, conspiracy, abduction, collusion in abduction, restriction of freedom and attempted murder, which is still under consideration.

- The decision of the sixth chamber of the Court of Cassation of 19 May 2016 to transfer the case out of the hands of the Judicial Investigator was overturned by the Court of Cassation sitting in full session on 19 January 2017. The Court based its ruling on the grounds that the decision contained a serious error because there were no basis for a legitimate suspicion and restored the case to the state it had been in before the decision was issued.
- The Public Prosecutor gave the Judicial Investigator the record of an investigation carried out by the Information Division of the Directorate General of Internal Security Forces into the contents of an iPad belonging to Hannibal Kaddhafi, which he had abandoned at his place of residence before departing Libyan territory. The iPad was found to contain two types of file: firstly, personal and family pictures and videos of Hannibal Kaddhafi; secondly, pictures of persons detained in Libyan prisons, video clips of prisoners, videos showing the torture of detainees in the political prison and posters with names of missing persons, wanted persons, detainees and prisoners dating to before the events of Libya in 2011. It also contained records of prisoner interrogations, correspondence belonging to a Libyan security agency and file names from Abu Salim Prison.
- The suspect Hannibal Kaddhafi stated before the Judicial Investigator that Imam Musa al-Sadr had, following his abduction in Libya, been held in the political prison.
- On 23 November 2011, the Lebanese Council of Ministers decided to establish an official committee to follow up on the case of Imam Musa al-Sadr and his two companions. The committee visited Libya immediately after the fall of the regime and was able to exchange information with Libyan counterparts. In April 2012, the Libyans presented the Lebanese committee with a body that was thought to be that of Imam Musa al-Sadr. The body in question was that of a prisoner who had been held in Maktab al-Nasser, which was part of Abu Salim Prison. He had died in 1997 and his body had been placed in cold storage in a cell fed by an electric generator until August 2011 when it had been placed in a bag and buried in a communal grave in the area of Tajura. However, DNA testing carried out by an independent European laboratory came back negative; i.e., the body was not that of Imam Musa al-Sadr. The Libyans subsequently made an official announcement to the effect that the body was that of [REDACTED] who, following his defection from the Libyan regime, had been abducted from a foreign country then held in prison until his death in 1997. His body had been held in cold storage until August 2011 then buried in the area of Tajura.
- At the end of 2016, the Libyans presented the Lebanese committee, via a third country, with another body that was thought to be that of Imam Musa al-Sadr. However, DNA testing again came back negative; i.e., the body was not that of Imam Musa al-Sadr.
- The case of the disappearance of Imam Musa al-Sadr and his two companions is still open and under consideration, vis-à-vis Hannibal Kaddhafi and other suspects.

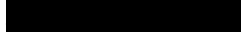
Attachments:

1. A copy of our ruling regarding the formal defence memorandum, which responds to all the legal points and questions raised, without infringing the confidentiality of the investigation;

2. A copy of certain statements made by the suspect Hannibal Kaddhafi at the session of 13 January 2017, which appeared in the media and which reveal the extent of information in his possession concerning the case of the disappearance of Imam Musa al-Sadr.

Beirut, 12 July 2018

Investigating Judge of the Judicial Council


(signed and stamped)
