

(Translated from Arabic)

**Permanent Mission of Lebanon to the United Nations
and Other International Organizations in Geneva**

Lebanese Republic
Ministry of Justice
The Minister

**Office of the Minister
H. E. the Minister of Foreign Affairs and Emigrants**

No.: 5/253

Subject: Opinion regarding the letter from the Vice-Chair of the Working Group on Arbitrary Detention and the Special Rapporteur on Torture (in Geneva) dated 17 May 2018 and forwarded by the Permanent Mission of Lebanon in Geneva on 18 May 2018

Reference: Your letter No. 2536/5, dated 5 June 2018, and its attachments

With regard to the above-mentioned subject and reference,

Please find attached the response of the Rapporteur of the official Follow-up Committee on the case of the disappearance of [REDACTED], dated 8 October 2018, concerning the letter from the Vice-Chair of the Working Group on Arbitrary Detention and the Special Rapporteur on Torture (in Geneva), dated 17 May 2018, which was forwarded by the Permanent Mission of Lebanon in Geneva on 18 May 2018.

Kindly take note and submit the response to the requesting party. It should be noted that we submitted to Your Excellency the response on this subject from the Public Prosecutor at the Court of Cassation, [REDACTED], No. 3400/M/2018 dated 13 July 2018, attached to which was 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/Investigating Judge /1981, dated 12 July 2018, in our letter No. 2731/3-253/5, dated 16 July 2018.

Beirut, 9 October 2018

Minister of Justice



To: H. E. the Minister of Foreign Affairs and Emigrants, [REDACTED], via H.E. the Minister of Justice, [REDACTED]

Subject: Opinion regarding the letter from the Vice-Chair of the Working Group on Arbitrary Detention and the Special Rapporteur on Torture (in Geneva) dated 17 May 2018 and forwarded by the Permanent Mission of Lebanon in Geneva on 18 May 2018

Reference: Forwarded to us by the Minister of Justice on 16 August 2018

With regard to the above-mentioned subject and reference, in line with our mandate as the official Follow-up Committee on the case of the disappearance of Imam [REDACTED] and his two companions, we wish to state the following in response to the letter concerning the above-mentioned subject:

I. Mr. Hannibal Muammar Gaddafi was arrested in Lebanon in response to a directive from the Public Prosecutor's Office of the Court of Cassation on 11 December 2015, and subsequently on the basis of an arrest warrant issued in his presence on 14 December 2015 by the investigating judge in the case concerning the disappearance of Imam [REDACTED], in accordance with the regulations and legislation in force.

II. Mr. Hannibal Gaddafi provided important information, some of which was disseminated by the media, concerning the abduction of Imam [REDACTED] and his two companions, and he concealed other information.

III. I had a personal meeting with Mr. Hannibal Gaddafi at the detention facility in the Information Division of the Internal Security Forces on 16 January 2016, in the presence of officers from the Division, pursuant to an official permit issued by the Public Prosecutor's Office of the Court of Cassation, in my capacity as Rapporteur of the official Follow-up Committee on the disappearance of Imam [REDACTED] and his two companions. During the meeting Mr. Hannibal Gaddafi confirmed a great deal of the information that he had already provided to the investigating judge in the case. He also informed me, frankly and straightforwardly, that he would provide no further information until he was outside Lebanese territory!! He assured me, literally, that he knew the officer in charge who was thoroughly acquainted with the abduction operation, but he absolutely refused to reveal his name and to cooperate.

It should be noted that I was fully prepared to take his situation and rights into account and to engage with him in a courteous manner, in my capacity as a representative of the Lebanese Government in the case in question and not as an interrogating judge. Yet he maintained his aforementioned position.

IV. Mr. Hannibal Gaddafi was subsequently involved in a number of criminal cases, including a case concerning defamation and threats against the Lebanese judiciary (a final judgment sentencing him to imprisonment was handed down in this case, but he continued to be detained pursuant to the arrest warrant issued in his presence by the investigating judge in the case concerning the disappearance of Imam [REDACTED] and his two companions).

A ruling was also issued against him by an investigating judge in Beirut regarding his incitement of a gang in Libya to abduct a Lebanese citizen so that he could be exchanged for Mr. Gaddafi.

V. It should be noted that Mr. Hannibal Gaddafi appointed and dismissed a number of lawyers. His rights are fully safeguarded in this respect and no one has interfered with the his right to present a defence.

He also filed several appeals. While they were not successful, especially those filed with the highest court in Lebanon, the full bench of the Court of Cassation, which is composed of 10 of Lebanon's most senior judges, this does not mean that he was treated unjustly.

Furthermore, he has not been subjected to any form of torture or even pressure since his arrest on 11 December 2015, and he confirmed this to me personally during my interview with him on 16 January 2016.

VII. It should be noted that the investigating judge has not concluded his investigation of the case of abduction of Imam [REDACTED] and his two companions. Accordingly, the proceedings in this case against the detainee Hannibal Gaddafi are conducted in accordance with the law.

VIII. Mr. Hannibal Gaddafi filed a lawsuit against those accused of abducting him from Syria and conveying him to Lebanon. Several people have been detained for a lengthy period, including a former member of the Lebanese Parliament who is the son of one of the two companions of Imam [REDACTED], who were abducted in Libya in 1978.

This demonstrates that Mr. Hannibal Gaddafi exercises his rights fully in accordance with the law and that his proceedings are conducted in accordance with his lawyers' proposals.

IX. As members of the official Follow-up Committee, we comply with the principle of legality in all our work and in matters relating to the case concerning the disappearance of Imam [REDACTED] and his two companions. We endeavour to act in accordance with the words of Imam al-Sadr himself, who called for dialogue and peace, and who considered that the "means should be consistent with the end" in the sense that no unlawful means should be used even if the objective is sublime, namely the liberation of Imam [REDACTED] and his two companions from their unknown place of detention in Libya. This was also explicitly and officially endorsed by the legitimate Libyan Government in the memorandum of understanding that it signed with the Lebanese Government concerning the case of the disappearance of Imam [REDACTED], dated 13 March 2014.

X. In conclusion, we wish to state that, in addition to our surprise at the prejudicial views and false information contained in the letter from the Vice-Chair of the Working Group on Arbitrary Detention and the Special Rapporteur on torture, particularly the statements concerning violations of the International Covenant on Civil and Political Rights and the Convention against Torture before the veracity of such allegations have been investigated, we are also surprised by the senders' lack of interest in the basic or original case, by which we mean the case concerning the disappearance of Imam [REDACTED] and his two companions, in view of the Imam's universally recognized status as a promoter of values and humanitarian principles. A consensus exists, in Lebanon and throughout the world, on the Imam's role and the justice of his case. In particular, the case and its follow-up procedures aimed at securing the release of the Imam and his two companions are reflected in the ministerial statements of successive Lebanese Governments, including the current Government, and in the annual official statement issued at the summit of the League of Arab States.

We therefore hope that the Human Rights Council in Geneva will direct its attention to Libya, the place of detention of Imam [REDACTED] and his two companions, in order to find ways and means of persuading officials to fulfil their duties with respect to the case. It is important to underscore the integrity and validity of the proceedings related to the key suspect in the case in Lebanon, Mr. Hannibal Gaddafi, who was an infant in 1978 but later became a high-ranking official in the regime of his father, who ruled Libya for 42 years. This is borne out, inter alia, by the interrogation records that he signed before the investigating judge in the case of the disappearance of Imam [REDACTED] and his two companions.

This completes our current report. We are willing to continue cooperating and to provide any additional information that becomes available.

Beirut, 8 October 2018

**Rapporteur of the official Follow-up Committee on the
case of the disappearance of Imam [REDACTED]
and his two companions**

[REDACTED]