

Gaddafi's son captured in Libya

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Saif al Islam Gaddafi, the second son and former heir apparent of Moammar Gaddafi, was captured Saturday by Libyan militia forces aligned with the NATO-installed transitional government. Reportedly attempting to cross the border into Niger, Saif was seized in southern town of Ubari, about 640 kilometres from Tripoli, and is being held captive in the small city of Zintan. On Sunday, Gaddafi's former intelligence minister and brother-in-law, Abdullah al-Senussi, was also captured alive.

Both men were fortunate to have escaped the fate of Moammar Gaddafi, who was brutally tortured and sodomised with a knife before being murdered last month by militia fighters who had helped NATO obliterate the city of Sirte. There is no doubt that senior political and intelligence figures in Washington, London and Paris want Saif al Islam and Abdullah al-Senussi dead. The capture of the two men has raised the spectre of drawn-out criminal trials in The Hague, with embarrassing details emerging of the intimate ties cultivated between Gaddafi's inner circle and the Western powers between 2004 and 2010.

During this period Gaddafi was brought in from the cold. The Libyan regime junked some of its weapons programs, enthusiastically joined the so-called war on terror—collaborating with the CIA and British intelligence in the torture of alleged terrorists—and allowed US and European oil companies back into the resource-rich country. Only after the revolutionary upheavals in Tunisia and Egypt at the beginning of this year did the imperialist powers make a tactical shift, turning on their former ally and launching a military intervention aimed at installing a more pliant regime in Tripoli and reasserting their dominance over North Africa.

Saif al Islam served as Gaddafi's point man for relations with Britain and Europe. Fluent in English and German, Saif cultivated personal ties with British Prime Minister Tony Blair and Blair's adviser Lord Peter

Mandelson. The Libyan leader also enjoyed close relations with the British monarchy—Prince Andrew reportedly invited him to both Buckingham Palace and Windsor Castle—and the British financial elite, including Nat Rothschild. Saif was awarded a PhD by the London School of Economics for a thesis that was allegedly ghost written and plagiarised. The LSE's Gaddafi Foundation provided a means for Saif to rub shoulders with various intelligence chiefs, academics and Labour Party figures. Gaddafi's son also reportedly held extravagant parties in the south of France.

In May, International Criminal Court chief prosecutor Luis Moreno-Ocampo demanded that arrest warrants be issued for Saif and Senussi on crimes against humanity charges relating to their alleged role in the attempted suppression of the anti-Gaddafi forces. Saif al Islam was described as the regime's "de facto prime minister" and Abdullah al-Senussi as Gaddafi's "right-hand man, the executioner."

According to international law expert Professor Gerry Simpson, of the Melbourne Law School and London School of Economics, Libyan authorities are now "under an obligation to [hand over Saif al Islam and Abdullah al-Senussi to the International Criminal Court], according to a Security Council resolution that referred the Libyan situation to the ICC."

Philippe Sands, professor of international law at University College London, added: "The new Libyan government is bound by a legal framework: it cannot lawfully ignore the ICC judges and decide that Saif will be tried under local law. Unlike Iraq, where there was no international indictment of Saddam, the decision on Saif is not an exclusively Libyan affair."

Despite this, there is clear evidence that the NATO powers and their proxies in Tripoli and Benghazi are determined not to transfer the two captives to The Hague.

The ICC charges were announced last May in order to sabotage any possibility of a negotiated end to the Libyan civil war and to bolster the illegal regime-change campaign being waged by the American, British and French governments. As far as the major powers are concerned, the charges have already served their purpose.

None of the NATO member states wants to risk a repeat of the five-year trial of former Yugoslav ruler Slobodan Milosevic, whose self-defence exposed their bogus claims of “humanitarian intervention” in the Balkans. Moreover, Abdullah al-Senussi no doubt knows far too much about the American and British intelligence global torture network to be permitted to challenge the charges against him. Saif al Islam, according to several British media reports, would likely call Tony Blair and other former associates as witnesses. The spectacle of Blair acting as a witness in The Hague for crimes against humanity would immediately trigger an international outcry for the former prime minister to be prosecuted on similar charges for his role in the illegal invasion of Iraq.

To get around the legal obligation to hand over the two men, the ICC may rubber stamp a trial conducted in Libya, provided the authorities can supposedly demonstrate the process is “fair.” Another option is for the interim Libyan government to prosecute the pair for crimes allegedly committed before the period dealt with in the dossiers compiled by Luis Moreno-Ocampo.

British Foreign Secretary William Hague yesterday canvassed both possibilities, declaring that the “important thing” was not that the trials were conducted by the ICC but rather that “international standards” were upheld. He continued: “Of course, it is within the rules of the International Criminal Court that people can be tried within the country concerned, by agreement with the ICC. They [the Libyan interim administration] also have every right to try Saif al Islam for any crimes committed before February, before the indictment of the ICC.”

There is not even a semblance of a functioning legal system in Libya. Hague’s remarks make clear that a pseudo-legal lynching of Saif al Islam and Abdullah al-Senussi is being prepared, like that of Iraqi leader Saddam Hussein in 2006.

It remains unclear whether Libya’s interim administration will even be able to exert any control over

a trial held in the country. Saif al Islam remains in detention at the hands of a Zintan militia grouping, which has refused to hand him over to the central authorities. Osama Jueili, head of the military council in Zintan, told the British *Independent* that he wanted Saif tried there. Taher al-Tourki, head of the Zintan civilian council, told the *Telegraph*: “Here we are one body. Tripoli is our capital but who would we hand him over to? There are 20 military councils in Tripoli.”

The TNC’s inability to demand the handover of the two captives only underscores the lack of authority exerted by the interim administration outside of Benghazi and Tripoli. The Zintan militia council is widely believed to be using Saif al Islam as a bargaining chip, maximising its influence against rival regional and tribal groups.

The Red Cross is yet to visit Saif al Islam. He has suffered severe injuries to several fingers, raising suspicions about the militia fighters who captured him. During the civil war, the so-called rebel forces specifically threatened to cut off Gaddafi’s sons’ fingers. In a video recording broadcast on the Internet, Saif al Islam said his hand was wounded in a NATO air strike. Rumours that this was a coerced statement were fuelled by a statement issued by Dr. Andrey Murkhovsky, who examined Saif’s wounds on Sunday and noted: “It was strange because I would think there would be other marks on his body [from a bomb blast], but there were not.”



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