

Libyan Rebels and International Criminal Court (ICC) Battle Over Seif al-Islam, Gaddafi's Son

Son and heir-apparent to Gaddafi still held by militias after nearly two years:

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A disagreement between the International Criminal Court (ICC) and the current Libyan government has highlighted the crises that have worsened during the post-Gaddafi era in the North African state of Libya. Seif al-Islam Gaddafi, the son of the martyred leader of Libya, has been held nearly two years by a militia group in Zintan in the western region of the country.

Seif was captured after the United States and NATO supported rebels had seized control of the capital of Tripoli and the city of Sirte, which held out for eight months against rebel attacks and a massive bombing campaign that resulted in 26,000 sorties and 9,600 airstrikes between March 19 and October 31 of 2011. In addition to Seif al-Islam, thousands of people are still being held illegally inside the country.

During the course of the war against Libya, the ICC initiated a perfunctory "investigation" into alleged human rights violations and crimes against humanity. The charges which resulted from these ICC activities were related to the Libyan government's defense against the western-backed rebels and the U.S.-NATO airstrikes which caused an estimated 50,000-100,000 deaths and the displacement of two million Libyans and foreign nationals.

Libya prior to the war had the most prosperous state in Africa with living standards that rivaled those in western industrialized states. The political system of Jamahiriya, which was based on local governing councils, provided food, housing, land, medical services and education as part of the social rights inherited by the Libyan people.

Today, since the toppling of the previous government, Libya has become a source of instability and economic underdevelopment both domestically and regionally. Armed militias roam the cities and countryside carrying out atrocities against civilians.

With the failure of the General National Congress (GNC), the new political system inside the country, to provide security and social services to the majority of the Libyan people, it will be impossible for Seif al-Islam to receive any semblance of justice relying on the almost non-existent criminal justice structures. Access to legal advice, bond hearings and a reasonable method of determining the legitimacy of the charges being brought against Seif al-Islam and other political prisoners inside Libya is completely absent.

Even during 2012, when a delegation of ICC legal observers visited Seif al-Islam who was being held by the militia, several of their personnel were detained by the rebels. It was only

through international pressure that these individuals were released.

ICC Orders Rebel Government to Handover Seif al-Islam

After determining that the legal and political system in Libya cannot provide the necessary resources for a trial, the ICC has demanded that the GNC and the militia group holding Seif al-Islam hand him over to the international body based in The Hague. The GNC government in Libya has rejected this decision and has launched an appeal against the entire process.

“We will give what is needed to convince the ICC that Libya is capable of conducting a fair trial in accordance with international standards,” Justice Minister Salah al-Marghani told the official GNC news agency. “Libya will appeal the decision ... A team of Libyan and international experts is working on preparing the appeal.” (Telegraph, UK, June 3)

This challenge by the post-Gaddafi regime in Libya is taking place at the same time that the African Union (AU) recently condemned the role that the ICC is playing on the continent. At the AU Jubilee Summit in Addis Ababa, Ethiopia in May, a draft resolution was discussed which would have called for the withdrawal of African states from the Rome Statute, the document which provided the legal basis for the creation of the ICC.

What eventually was agreed upon at the AU Summit was, in the case of Kenya, that the ICC should remand the case back to Nairobi for resolution. AU Commission Chair, Dr. Nkosazana Dlamini-Zuma, stated that since Kenya had adopted a new constitution and held internationally-supervised elections, then the country should be allowed to address the charges brought by the ICC against President Uhuru Kenyatta and Deputy President William Ruto.

Charges against President Kenyatta and Deputy President Ruto stemmed from the post-election violence in Kenya during 2007-2008 where over 1,000 people were killed. Both Kenyatta and Ruto have pledged to cooperate with the ICC which has refused to drop the charges or follow the recommendations from the AU Summit.

The New York-based group Human Rights Watch (HRW), which also played a role in attempts to isolate the Libyan government under Gaddafi, issued a statement supporting the ICC position saying that the GNC regime should abide by their wishes. However, HRW has said very little about the gross human rights violations being carried out by the western-backed regime in Tripoli or the imperialist states that routinely abuse civilians in Afghanistan, Yemen, Somalia and Pakistan.

Both the ICC and the GNC regime in Libya have no right to place Seif al-Islam on trial. The ICC is clearly biased against African governments and rebel leaders who are their sole pre-occupation. It is the role of the ICC in Africa through its attacks against the leaders of Sudan, Libya and Kenya that has drawn such harsh criticism by the AU.

Imperialist leaders and their allies have not been targeted for investigation or prosecution by the ICC despite all of the well-documented war crimes and crimes against humanity committed by the U.S., Britain, France, Israel and various NATO states. The ICC has been utilized to bolster imperialist aims and objectives internationally and this is being carried out while the U.S. and other western states are not even signatories to the Rome Statute and

are therefore exempt from review by the ICC.

The only real just settlement of the legal crises in Libya would come from a popular movement for the removal of the current regime and the holding of internationally-monitored elections where a government of the people could be created. Since the war in 2011, those loyal to the Jamahiriya have been banned from the political process.

Within the new political dispensation even those who were former members of the Gaddafi government have been forced to resign by legislative action that was prompted by armed actions from various rebel militias. Even though these individuals had long turned their backs on the Libyan people and joined the counter-revolution sponsored by the U.S. and NATO, they have still been forced to leave any positions of putative authority inside the country.

Short of a people's revolution in Libya, Seif al-Islam and the thousands of other political prisoners should be released and given an option to take up residence in a third country where their safety could be ensured. The western-backed GNC rebels are actively hunting down former members of the Gaddafi government who have taken refuge in Niger, Mauritania, Egypt, South Africa and other African states.

The political atmosphere inside Libya is turning violently against the U.S.-backed GNC forces. Attacks have been carried out against the U.S. compound in Benghazi last September as well as other diplomatic outposts from the Western European nations that participated in the overthrow of the Gaddafi government in 2011.

Developments in Libya illustrate clearly the bankruptcy of U.S. and NATO foreign policy in Africa. The imperialists have nothing to offer the people of Africa and other parts of the world except poverty, internal divisions, political chaos and perpetual insecurity and war.

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