

Mystery still shrouds imam's disappearance

By Patrick Galey
Daily Star Staff

BEIRUT: On August 31, 1978, Mousa al-Sadr made his way with two colleagues from the Beach Hotel in Tripoli, Libya to meet President Muammar Gadhafi. This apparently routine visit, one of the last on a series of trips across the Middle East and North Africa he made that summer, was the last time Mousa Sadr was seen alive.

More than 30 years on, speculation still abounds as to the whereabouts of the former head of the Higher Shiite Council. But despite not having heard from Sadr since that fateful August afternoon, the cleric's influence over Lebanon's Shiite contingent and its religious community in general remains undimmed.

Reports that surfaced in the days following Sadr's disappearance located him in various places around the world. He was kidnapped in Amsterdam, he had returned to his Iranian birthplace in a final push against the Shah or, as another suggested, he was on a visit to the then-exiled Ayatollah Khomeini in Iraq. Libya's claim that the trio had flown to Rome after meeting with Gadhafi was never verified.

A US Embassy statement from Beirut in September 1978 put Sadr "in Malta or Lake Como," kept by Gadhafi's agents who were said to be "teaching him a lesson." Alternatively, he was in Syria, as a "guest of President Assad." Or, as one more macabre commentator from the newspaper in Paris in November 1978 put it, Sadr "had got into a heated discussion with his Libyan hosts and in the course of this intimidation, a Libyan struck the imam a lethal blow on the head."

The latest report to emerge on Sadr's whereabouts came at the beginning of this month. A report in the *Algeria Times* quoted



A photograph of the missing imam Mousa al-Sadr, who was last seen in 1978.

an apparently defected Libyan diplomat who alleged that the imam was still alive, 31 years after his original detention.

The source reportedly told the newspaper that the file of Mousa Sadr was in the hands of Gadhafi himself, and that only he and three close presidential aides knew the whereabouts of the prisoner.

"The media leaks directly after Sadr's disappearance said he was murdered and handed to a Palestinian party," the source is quoted as

saying. "But, the truth is Sadr is still alive."

On Sunday, the deputy president of the Higher Islamic Shiite Council, Sheikh Abdel-Amir Qabalan, called on the Arab League and the United Nations to pressure Libya into revealing Sadr's fate.

Speaking during a gathering commemorating the imam's disappearance, Qabalan condemned Gadhafi's handling of the case. "You pretend to be allied with the Arabs and with the Africans and for this we ask you

to reveal the truth which you withhold from everyone," said Qabalan.

"We ask you to re-examine your conscience and ask for forgiveness during the holy month of Ramadan."

Ziad Maied, a Beirut-based political researcher, told *The Daily Star* that circumstances surrounding Sadr's disappearance were unlikely to ever be resolved.

"There are lots of versions of this event; of course it's clear that he disappeared in Libya," he said. "Whether Gadhafi decided to kidnap or assassinate him - or neither - or if there was a regional conspiracy about his disappearance, nothing has been elaborated."

Maied however rejected the claims made in the *Algeria Times* that Sadr's whereabouts could still be known.

"All these are just rumors resurfacing and no one can find confirmation. His disappearance really is a mystery," he said.

While Tariq Khalidi, Sheikh Zayid Professor of Arabic and Islamic Studies at American University of Beirut, suggested that Sadr's ability to unite warring factions could have led to the imam attracting a number of enemies while in prison.

"He did have many enemies and that to some extent explains the many accounts we have also why he disappeared," he said.

"You could write down lists of people who would have wanted him to disappear."

Khalidi mentioned in particular members of Lebanon's established political circles who may have been worried by Sadr's calls for reform. "If we think a little bit about his enemies the first ones were a certain segment of Sunnis who greatly resented the fact that he had established the Higher Shiite Council in 1969. That was a bitter pill for them to swallow," Khalidi told *The Daily Star*.

Mousa Sadr brought the plight of Shiites in Lebanon to the public domain. Impoverished and poorly served by desirous amenities before his intervention, Sadr succeeded in getting many of the political elite to view the Shiite as an equal facet of Lebanon's multi-confessional society.

"He was probably the one who started the institutionalization of the Shiites in Lebanon," said Maied. "Before him they were outsiders politically. They were individuals. Mousa al-Sadr presented them as a community."

He was a deeply religious faith, but a man who saw past the divisive tendencies of faith and, according to many, a pragmatist. It was this chameleonic ability to appeal to all sides and dispositions that led to Sadr becoming a figure that transcended political rifts.

"He was someone who was keen on keeping Lebanon on track," said Maied. "He went into the club of community leaders and tried to bring some notion of political reform into the system."

Respective of his fate, Mousa al-Sadr continues to inspire debate and dialogue in Lebanon. The haven of inclusiveness and diversity that Lebanon now claims to be is partly a result of the ideological waters that Sadr rippled during his time here, according to Maied.

He was at the crossroads of all the contradictions that we are still living in now," he said.

Khalidi said that while the reality of Lebanon's sectarian divisions still threatens to undermine efforts of reconciliation, Sadr had become a symbol of the possibility of religious cohabitation.

Lebanon is built upon this claim of representation, and the will be forever imbued in that claim," he said. "It's a living myth, a powerful myth and in a sense his whole life mobilized that myth extremely well."

INTERVIEW

Sadr's words have as much resonance today as they did over 30 years ago

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BEIRUT: Mohammed Nassrallah has been talking for an hour and the time for flairs is approaching. Instead of politely concluding the interview, he tells a story.

"Imam Mousa al-Sadr once gave a journalist in London an interview at nine o'clock at night," he says. "It reached 12 and he told Mousa al-Sadr you should leave now, you've arrived from Lebanon and are tired." Sadr replied: "You must not leave until you have finished your questions."

"At five in the morning the imam said I was not suitable to go to sleep. When they left against seven, the journalist went to bed and Mousa al-Sadr

went to work. So far it is not important. The important thing is to sit together and know more."

The anecdote is one of scores that retold about Sadr even 31 years after his disappearance. Nassrallah's dark eyes glint with reminiscence.

"Sadr is a great national leader, not just a Shiite leader. He was a man who was a story a timeless one," he says.

Nassrallah believes that Sadr's message, delivered so adroitly during his public presence in Lebanon, is as salient as ever for a country with such simmering confessional rivalries.

"If Sadr was still alive, Lebanon would be the example

for coexistence between different religions. Lebanon's status, especially on the social level, would be better than it is today," he says, his finger jabbing his desk in measured emphasis.

Sadr's most controversial appeal is widely documented: the imam frequently delivered addresses in churches, as well as in mosques, where he invited followers to give alms to hold discussions in mosques. But it is his lasting contribution to Lebanon's population of Shiites that Nassrallah finds most enduring.

"The Shiites before Sadr were in a terrible condition especially because Lebanon was based on religious divisions. The Shiite regions suffered from a lack of schools and public institutions and Sadr came to defend their rights," he says.

It was the imam's ability to reconcile apparently incompatible ideological differences that has ensured his place in history, as a fine rhetorician, negotiator and theologian. His words have never been more apposite, according to Nassrallah.

"We believe that should the Lebanese factions follow the principles preached by Sadr, the conflicts between them would be resolved," he says.

The tragedy of Sadr was that he never got the chance to see his methods of administering a tonic for Lebanon's internal strife produce a cure. His disappearance robbed him - and Lebanon - of that privilege.

Nassrallah ruefully tells of when he first heard the imam had gone missing.

"At first we didn't believe

what happened and we couldn't believe it for months. We were always waiting for him to come back," he says.

Despite the acrimonious - and conjectural - debate still swirling around the events of August 31, 1978, Nassrallah's view of Sadr's disappearance remains pragmatic.

"In a way, it doesn't matter if Sadr was kidnapped. We don't have any proof of his death or survival," he says.

In a way, it doesn't matter if Sadr is alive and has written the truth ever emerges from Tripoli; Sadr's legacy is undiluted, even after more than a quarter of a century of silence. Nassrallah says that the *Algeria Times* report that al-Sadr is alive and has written more than 10 books since his incarceration "would maybe

make up for his disappearance."

"The proof of life is weak, but the message is as robust as ever."

"Today Sadr is loved by both religions and his words are still remembered by all," says Nassrallah. "Today the Lebanese are beginning to agree with his principles since they have come to realize that what Sadr talked hard on was necessary for the country."

Sadr's maxim that "Lebanon is a permanent country for all its citizens" should be strongly borne in mind during the negotiations aimed at breaking Lebanon's current two-month political impasse, according to Nassrallah. Lebanon's finances would be in better shape too, he says.

"The elections were not without intervention considering the amounts of money spent during them, and monetary interven-

tion is very dangerous."

If Sadr still walked Lebanon's soil, "the country's deficit, now close to \$350 billion, wouldn't exist because authorities wouldn't be able to steal money from the people," says Nassrallah.

As Lebanon remembers its disappeared imam, the confessional divides that Sadr fought so hard to narrow are visible in cracks beneath the surface of a unity cabinet in the making.

Nassrallah is confident the June election will be the first recent past to be conducted without overt international pressure - could pave the way to a healthier country. He has no doubts about the medicine.

"There's only one remedy to Lebanon's conflicts and that is Sadr," he says. *Additional reporting by Muriel Kawhaji*

Legal notes from Mousa al-Sadr case

Investigative Judge, Lebanese Judicial Council, August 21, 2008.

Conclusions of the Investigative Judge with the Judicial Council, Samih al-Hajj, indicating Gadhafi and six other Libyans for abducting Imam Mousa Sadr and his two companions Mohammad Yaqoub and Abbas Badreddin.

We decide as follows:
1- To indict the defendant Muammar Gadhafi in accordance with Article 569/218 of the Lebanese Criminal Code for conspiracy to abduct, and withhold the liberty of, each of Imam Sayid Mousa al-Sadr and Sheikh Mohammad Yaqoub and journalist Abbas Badreddin, for the crime perpetrated on 31/8/1978.

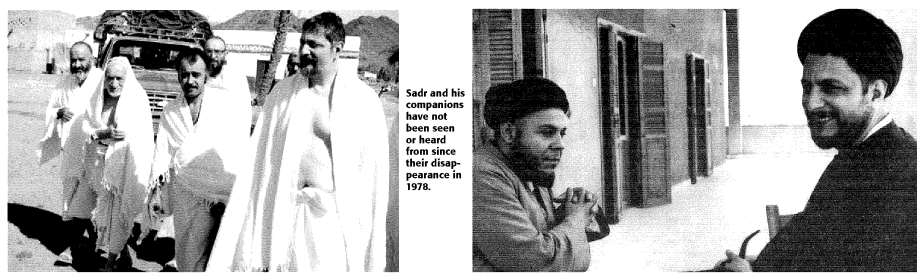
2- To indict each of the defendants: Al-Maghini Masoud al-Tumi, Ahmad Mohammad al-Hattab, al-Hadi Ibrahim Mustafa al-Sawari, Abdel-Rahman Mohammad Ghawla, Mohammad Khalifa bin Sahnan, and Isa Masoud Abdallah al-Mansuri, in accordance with Article 569/213 of the Lebanese Criminal Code, for participating in the abduction of Imam Sadr and his two companions.
3- To indict the defendants: Muammar al-Gadhafi, Al-Maghini Masoud al-Tumi, Ahmad Mohammad al-Hattab, al-Hadi Ibrahim Mustafa al-Sawari, Abdel-Rahman Mohammad Ghawla, Mohammad Khalifa bin Sahnan, and Isa Masoud Abdallah al-Mansuri, in accordance with Article 2 of Law 11/1/1958.

4- To charge the defendants mentioned in paragraph 3 for the felonies committed under Articles 317, 463, 463/454/213 and 392/213 of the Criminal Code.

5- To issue an arrest warrant against all the above mentioned defendants and have them handcuffed to the jail attached to the Judicial Council in Beirut.

6- To join the felonies with the crimes for their complicity.
7- To issue a continued investigation warrant for the full identification of the defendants: Abdel-Salam Jal-Pad, Mutamad Mohammad bin Kara, Ashur al-Atarsh, Isa al-Baaba, Ahmad al-Firas, Ali Abdel-Salam al-Turaisi, Ahmad Mohammad al-Tarsh, Masoud Saleh Tarhoun, Ibrahim Khalifa Umar, Mohammad Ibn Ali Rahabi, and Mohammad Utd Dada.
8- To make indices and charges based on all costs and fees.
9- To return the file to the Attorney General with the Judicial Council for deposition with the relevant authority.

Outcry over Megrahi release marks stark contrast against recent deals



Sadr and his companions have not been seen or heard from since his disappearance in 1978.

The West's commotion over the release of Abdelbaseit al-Megrahi is a paradox. The man, convicted of striking over Lockerbie at the expense of justice in the past 10 years, the second hullahabo is surprising.

The strong remonstrations by US Secretary of State Hillary Clinton, then US President Barack Obama over the release of young convict Megrahi, jars with a steady and ever-warping policy of US-Gadhafi rapprochement since 2004.

The US government under George W. Bush made an exception of Libya in its advocacy for democracy in the Middle East, on account of Gadhafi's acquiescence in 2003 to abandon his weapons of mass destruction programs. This was a grave error because it opened the way to turn a blind eye on all the victims of his dictatorship then and since.

The Megrahi commotion is the price of throwing the human-rights book out the window at every turn.

Let us assume that the Scottish Court sitting in the Netherlands was right in incriminating Megrahi on the evidence produced. Maybe it wasn't. But if he had been guilty "beyond all reasonable doubt" according to Paragraph 89 of the Scottish decision of January 31, 2001, the judgment and its aftermath undermine fundamental moral and legal principles on at least two major counts.

First, the replacement of justice by blood-money: the incrimination of Megrahi in 2001 was followed by a financial deal, negotiated by Gadhafi and son Saif al-Islam. The families of the victims, through their lawyers and with the support of the US government, agreed to settle with the Libyan government for \$2.7 billion.

The Libyan government delivered a letter to the Security Council in August 2003, stating that it "has facilitated the bringing to justice of the two suspects charged with the Lockerbie Pan Am 103; and accepts responsibility for the actions of its officials."

Since the Libyan government accepted responsibility in connection with the Lockerbie murder, why did it have to compensate the families in the first place? Why did the families keep silent toward Gadhafi's criminal responsibility and accept to let him off the hook against monetary compensation? And why is the US government kept silent toward Gadhafi's criminal responsibility and accept to let him off the hook against monetary compensation?

The second most tragic flaw of the decision of the Scottish judiciary is the court's unrelenting passing of responsibility for the Megrahi judgment, the judgment argued, was not a simple tourist act on his own when he planted the bomb in plane heading from Malta to Frankfurt. He was a member of the Libyan government's intelligence agency, the court said, "occupying posts of fairly high rank."

Why did the chain of command stop there, and why were those who ordered him to plant the bomb left undisturbed, as if they did not exist? Justice has long been sold down by the Scottish judicial system and the world's families who the court's verdict parades scot-free among Western world leaders. Why then such a commotion over a minor issue?

The paradox of the court's needs a different answer: A cross explanation is available. The US leaders' sudden outcry was uttered to revive the pressure and exact more oil deals. But this explanation does not make sense.

Gadhafi is eager to deal with the West, welcomes foreign investment and delights in receiving foreign dignitaries. There is no need for the US to pressure Gadhafi. Gadhafi on a course he is eager to follow.

I believe the answer to the paradox is more complex, and that it is rooted in basic human decency: the public's distaste for impunity. It comes from the simmering disgust, the world over, toward Western policy on Gadhafi since the second Bush administration.

The US administration must be reacting to a worldwide hunger for some decency. The Scottish bungling and the families' blood-money deals that followed the decision constitute the tip of this iceberg. The hidden mass of the iceberg consists of 40 years of victims.

The main victims over four decades have been the people of Libya: only a few of the names are known. A month ago, Fatih Jahmi, a human rights advocate and prisoner of conscience, was released from Libya's prisons to die abroad, so as to further avoid the ire of human-rights organizations. Mansur Kekkha, a household name in Libya, was kidnapped in Cairo in 1993, and has been missing since.

In 2002, Amnesty International released a report on the treatment of Libyan prisoners of "tens of prisoners, including prisoners of conscience and political prisoners."

How many other thousands of Libyans have been disappeared, killed, or continue to rot in prison whose names we do not know?

With the recent death of Gabon's Omar Bongo and Fidel Castro's ceding of power to his brother, Gadhafi can now boast the longest authoritarian single-man rule in the world.

Two generations of Libyans have

woken up every single day to his brutal antics since the first of September 1969. It has been a daily nightmare for the ordinary Libyan ever since, who has had to live under the rule of a tyrant and pervasive arbitrariness.

So the commotion is in the order of things, but not for the reasons that saw the American government, including the president and the secretary of state, suddenly shocked by the release of a lower intelligence hiring from his prison in Scotland. The 270 victims of Lockerbie, whose families bartered for blood-money, should be spared a thought.

One should also spare a thought for the ordinary Libyan citizen who is not alone. Who remembers the 170 people in the DC10 plane over the Niger desert in 1989, for which Gadhafi was at first prosecuted in Paris, then given immunity? Who recalls the victims of his wars in Chad over 20 years? Who recalls how the spokesperson for "Istratine" left dozens of Palestinians stranded in the scorching heat of the Libyan desert for weeks on end?

Who mentions his open support to Sudan's president over his indictment by the International Criminal Court in Darfur, and his spearheading fellow Arab dictators to shield him from arrest? His participation in countless blood-diamond adventures in sub-Saharan Africa, for which the prosecutor of the Special Tribunal for Sierra Leone didn't develop enough courage to indict him? Yvonne Fletcher's cold-blooded, still unpunished murder from the Libyan Embassy building in the heart of London?

The Gadhafi black book is heavy, and the list of victims long, first and foremost unknown, brave Libyans. All cases untried and unpunished.

It does not need to be so. At least

one of the families of Gadhafi's victims is standing up for justice.

The kidnapping of Imam Mousa al-Sadr, and the repeated attempts by Libyan officials to block truth and justice, have found their counterpart in Lebanese courts.

After seven years of a harsh battle in court, the first degree in the trial has come to an end, despite several investigative judges resigning for fear of reprisal. One did not.

Investigative Judge Samih al-Hajj carried on his duty to the end, including visits to Rome to investigate renewed attempts to railroad the Italian justice system by the accused. On August 21, 2008, his sentence was rendered, "indicting the accused Muammar Gadhafi for conspiracy in kidnapping and sequestering" the imam and his two companions. He is supported in his conclusions by the two successive highest members of the Lebanese prosecution office, Adnan Addoum and Said Mirza.

Arrest warrants have been issued against Gadhafi and 17 others involved in the disappearance of Sadr and his two companions.

The trial is now before the highest court of the land, the Judicial Council. While the arrest warrants proceed apace, with the expected international complications, the families will have their day in open court: for them, for the Lockerbie victims, for Yvonne Fletcher, for Mansur Kekkha, for the thousands of known and unknown victims of 40 years of impunity.

But the Megrahi paradox may yet be solved.

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