

Annual tribute to Sadr extra special this year

August 29, 2011 01:46 AM

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The Daily Star



Mallat: It would be difficult to indict Gadhafi before the ICC over Sadr's case.

BEIRUT: The anniversary of the disappearance of Imam Musa Sadr is commemorated every year on the last day of August, with a mass rally organized by the Amal Movement, which he founded, and a number of other gatherings.

The event is taking on a special meaning in 2011, as the preparations for the commemoration have coincided with the sudden, dramatic collapse of the regime of Moammar Gadhafi in Libya, raising hopes that the decades-old mystery is moving closer to a definitive resolution.

Chibli Mallat, the lawyer for the Sadr family, said that all avenues are currently being evaluated, with the objective of achieving accountability and securing the release of the Iran-born imam.

“There are no indications that he is not alive and there have been always contradictory statements within the past 32 years ... so that's the priority at the moment and there are channels that operate at the level of the state, and at the level of the family, with the new leaders of Libya,” Mallat told The Daily Star.

Sadr and his two companions Sheikh Mohammad Yaacoub and journalist Abbas Badreddine went missing on Aug. 31, 1978, during an official visit to Libya at the invitation of Gadhafi.

The imam championed coexistence and dialogue between different Lebanese factions and worked on bringing sects together and alleviating the socioeconomic hardship of Lebanese who suffered from political and other types of marginalization.

Ties between Libya and Lebanon have been strained since Sadr's disappearance. After claiming for years that Sadr had left Libya for Italy, Gadhafi acknowledged in 2002 that the imam had gone missing in Libya.

Lebanon's Judicial Council, the country's highest judicial authority, indicted the Libyan leader and 16 of his aides in the case in 2009. The formal trial was scheduled to begin this year, but in yet another irony, the "year of revolutions" in the Arab world coincided with paralysis in Lebanon – the Judicial Council has been unable to start trial sessions since its top post is vacant and the Cabinet has yet to name a successor.

However, Mallat said that Sadr's case in Lebanon was in a "very advanced" stage, arguing the council could convene under its vice president.

"There have been two appointments recently, so in theory the ... Judicial Council could meet under the leadership of the vice president," he said.

Mallat explained that there are two other judicial routes to resolving the Sadr case.

"There is a route that goes through the new Libyan judiciary and they [the Libyan National Transitional Council] have been already notified through the speaker [Nabih Berri] and the [Sadr] family," he said.

"Now Gadhafi himself is indicted also before the ICC [International Criminal Court], so there is going to be a question whether he is going to be moved to the ICC or whether the Libyans decide to try him inside Libya," Mallat added.

The lawyer said that in either case, the judicial process in Lebanon should be adjusted to what eventually happens on the ground.

"It all depends on whether Gadhafi is arrested, is arrested alive, who among the 16 indictees are available and who are the others who have information about it."

Mallat highlighted the significance of capturing the fugitive Gadhafi in making considerable progress in the Sadr case.

"The one person who knows what happened is Gadhafi, so it is very important to find out from him what happened and that's why we hope that he will be arrested and tried."

Mallat said that should Gadhafi escape arrest, the case will become more difficult.

He noted that the longtime number two figure in the Gadhafi regime, Abdes-Salam Jalloud, recently defected to the Libyan rebels, who now control most of the country and are being recognized as Libya's legitimate rulers.

With Jalloud among the 16 indictees, Mallat said there should be coordination between Lebanese and Libyan judiciaries if Jalloud and the other indictees are to be tried by a Lebanese court.

Shortly after rebels took over Tripoli early last week, Sadr's family issued a statement urging the National Transitional Council in Libya to work on releasing Sadr.

"We appeal to those who will take over in Libya after the collapse of the tyrant [Gadhafi] to give special attention to this case and take the necessary measures to safeguard the imam's life before his safe return," the family's statement said.

Sadr's family also appealed to those freed from Libyan prisons to provide them, through the Lebanese and Iranian embassies, with detailed information of possible encounters with Sadr.

The family also urged the Lebanese government to act in the case, by promptly pursuing diplomatic, security, judicial and media efforts to liberate Sadr and arrest Gadhafi.

Mallat acknowledged that it would be difficult to indict Gadhafi before the ICC over Sadr's case, since the court has the authority to try the Libyan top official for crimes that were committed starting only in mid-February, when the uprising against his rule erupted in the North African country.

"This, however, is a much older case, but it's a continuous crime and there is a jurisprudence of international courts that considers a continuing crime as if it happened immediately, and so we would probably make that case with the ICC," he explained.

Mallat said that pieces of information that emerged shortly after the outbreak of Libya's uprising should be properly investigated.

"This is a pattern which is not new ... you have contradictory information – that's why one needs to have a proper investigation ... if there is a lead in one direction or the other, it must be followed ... It's complicated to follow, it but it has to be followed."

Abdel-Monem al-Houni, a former aide of Gadhafi, said in February that Sadr had been killed and buried in Libya by Gadhafi's agents shortly after paying his official visit, and other reports have emerged about Sadr's fate, but one has yet to catch on as the "definitive" answer in the mystery.

Asked whether he was optimistic about Sadr being alive, Mallat derived hope from happy endings in the cases similar to that of Sadr's.

“Look on cases like this, what has sustained us is that there have been precedents of people who disappeared for 30 years in Libya, whose names had completely been forgotten, and they were released by Gadhafi,” he said.

“You have enough information over the years of his still being alive; of course you have the other dimension as well. That’s why only a serious judicial investigation can solve it.”

The Sadr family lawyer admitted that Sadr’s case was difficult and complex, but added that the family “is ready to accept the truth as it is, without embellishment.”

“For the truth to come it is still not easy. It has to be solid sources, solid leads and very hard work.”

A version of this article appeared in the print edition of The Daily Star on August 29, 2011, on page 3.