

# URGENT ACTION

## DEATH SENTENCES FOR AL-GADDAFI OFFICIALS

**A Libyan court has sentenced to death nine men, all former members of Colonel Muammar al-Gaddafi's regime, including his son Saif al-Islam and head of Military Intelligence Abdallah al-Senussi. The men's trial was seriously flawed.**

The trial of the "symbols of the former regime", as it was known in Libya, ran from 24 March 2014 to 21 May 2015. Sentences were handed down on 28 July. **Saif al-Islam al-Gaddafi, Abdallah al-Senussi** and 35 other officials, including former diplomats, ministers and members of security agencies, were charged with a string of offenses relating to the 2011 uprising that overthrew Colonel al-Gaddafi and the ensuing conflict, including indiscriminate shelling, incitement to rape, giving orders to open fire at demonstrators, recruiting and arming mercenaries and acts of vandalism. Due to renewed violence, Libya is now divided between two separate governments, and the Ministry of Justice of the internationally recognized government has said that it will not recognize the court's verdict.

Among the former officials sentenced to death were Prime Minister **Al-Baghdadi al-Mahmoudi**, head of the Revolutionary Guard **Mansour Daw**, head of External Security **Abu Zeid Dorda**, head of the Tripoli branch of Internal Security **Milad Salman Daman**, Brigadier-General **Mondher Mukhtar al-Gheneimi**, Colonel in the Military Intelligence Department **Abdel Hamid Ammar Awheida Amer** and University of Tripoli Faculty of Law member **Awaidat Ghandur Abu Sufa**. A further 23 were given sentences ranging from five years in prison to life imprisonment. Four were acquitted and one was referred to a mental health clinic, without being sentenced. Those convicted are expected to appeal to the cassation chamber of Libya's Supreme Court.

The proceedings against the nine men were deeply flawed during the investigation phase and at trial. In particular, the authorities failed to ensure the defendants' due process rights, including the right to legal counsel, to remain silent, to be promptly informed of the charges against them and to be present at trial. In some cases, detainees were held in unofficial detention places and detained incommunicado for extended periods. The authorities also failed to investigate defense lawyers' allegations that the men had been tortured and otherwise ill-treated.

### **Please write immediately in Arabic, English or your own language:**

- Urging the Libyan authorities to quash all death sentences handed down to the nine former officials and order a retrial with full international standards guaranteed and without recourse to the death penalty, for all those convicted;
- Calling on them to establish immediately an official moratorium on executions, as a first step towards abolition;
- Urging them to order independent and impartial investigations into all allegations of torture and other ill-treatment.

### **PLEASE SEND APPEALS BEFORE 11 SEPTEMBER 2015 TO:**

**Minister of Justice**  
Mustafa Klub  
National Salvation Government  
Tripoli  
Libya  
**Fax: 011 218 21 4805427**  
**Email: [secretary@aladel.gov.ly](mailto:secretary@aladel.gov.ly)**  
**Salutation: Your Excellency**

**Minister of Justice**  
Almabrouk Egrira  
Interim Government of Libya  
Al-Bayda  
Libya  
**Email: [info@aladelly.com](mailto:info@aladelly.com)**  
**Salutation: Your Excellency**

**And copies to:**  
**General Prosecutor**  
Mr Ibrahim Bshaya  
Office of the General Prosecutor  
Court Complex  
Tripoli, Libya  
**Fax: 011 218 21 33607951**  
**Email: [INFO@LAGO.LY](mailto:INFO@LAGO.LY)**

### **Also send copies to:**

Ambassador Ali Suleiman Aujali, Embassy of the Libyan Arab Jamahiriya  
2600 Virginia Ave NW, Suite 300, Washington DC 20037  
**Fax: 1 202 944 9606 | Phone: 1 202 944 9601 | Email: [info@EmbassyOfLibyadc.org](mailto:info@EmbassyOfLibyadc.org)**

Please let us know if you took action so that we can track our impact! EITHER send a short email to [uan@aiusa.org](mailto:uan@aiusa.org) with "UA 166/15" in the subject line, and include in the body of the email the number of letters and/or emails you sent, OR fill out this [short online form](#) to let us know how you took action. Thank you for taking action! Please check with the AIUSA Urgent Action Office if taking action after the appeals date.

**AMNESTY**  
**INTERNATIONAL**



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### ADDITIONAL INFORMATION

Many of the 37 defendants in the trial of the “symbols of the former regime” were denied the right to legal counsel, to remain silent, to be promptly informed of the charges against them, to challenge the evidence brought against them, and to be present at trial. Some of them were held incommunicado and in unofficial detention places for extended periods.

Saif al-Islam al-Gaddafi, who is being held by a state-affiliated militia in Zintan, was in effect tried in his absence. He and seven others held in Misratah were tried via video link. At times, the poor quality of the satellite link made it hard for them to follow proceedings. Saif al-Islam al-Gaddafi appeared via video link only in four of 24 sessions and stopped appearing completely after conflict began in western Libya in 2014, which ended in the ousting of Zintan militias by their rivals from Tripoli. Amnesty International has long called for Saif al-Islam al-Gaddafi to be handed over to the International Criminal Court (ICC), which has an active warrant for his arrest. Mondher al-Gheneimi, a high-ranking police officer, was not present during many sessions in the trial as he was detained in an unofficial facility in the Mitiga airbase controlled by a militia.

Most lawyers said in court and to Amnesty International that they had not been able to visit their clients in private in the high-security al-Hadba prison, where many former al-Gaddafi officials and loyalists were held, despite obtaining authorization from the prosecution. They also reported difficulties in accessing case materials, which the prosecution gathered over 22 months and consisted of thousands of documents, including about 240 witness statements. Most defendants were denied access to lawyers when they were detained. Most were interrogated before they had been assigned a lawyer and without a lawyer present, despite guarantees in Libyan law. Lawyers for some of the defendants, including Abdallah al-Senussi and Abu Zeid Dorda, changed during the trial amid allegations that they had been harassed and intimidated. Abdallah al-Senussi, whose family had had difficulty finding a lawyer willing to represent him, was finally appointed a private lawyer a few days before the trial's second session. However, his lawyer resigned in session for medical and other reasons. Abu Zeid Dorda said that two of his lawyers dropped the case because of threats, and a third had been prevented from representing him.

Several of the defendants complained of torture and other ill-treatment. Abu Zeid Dorda, the former head of External Security, was injured after he fell from the second floor of a building during interrogation in circumstances which have yet to be fully investigated. In February 2015, Abdallah al-Senussi said that he had been held in solitary confinement for two-and-a-half years. Al-Baghdadi al-Mahmoudi made allegations of torture at the trial's last session on 20 May 2015 but the judge dismissed them.

Under Libyan law, death sentences must be reviewed by the Supreme Court's cassation chamber within 30 days of the verdict. The Supreme Court may uphold the verdict, or accept the appeal and order a retrial before a different panel of judges. If the Supreme Court refuses the appeal, the verdict becomes final. No death sentence can be carried out until the High Judicial Council has confirmed it. The trial was held against a backdrop of renewed conflicts, which led to the collapse of central authority and a split of state institutions in mid-2014. Since then, all sides have perpetrated serious human rights abuses and violations of international humanitarian law, some of which amount to war crimes. The violence has substantially reduced the international community's ability to monitor the proceedings, and has further weakened the criminal justice system.

**Names:** Saif al-Islam al-Gaddafi (m), Abdallah al-Senussi (m), al-Baghdadi al-Mahmoudi (m), Mansour Daw Ibrahim Mansour (m), Abu Zeid Omar Dorda (m), Milad Salman Daman (m), Mondher Mukhtar al-Gheneimi (m), Abdel Hamid Ammar Awheida Amer (m), Awaidat Ghandur Abu Sufa (m)

**Issues:** Death penalty, Unfair trial, Torture/ill-treatment

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