

**AMNESTY INTERNATIONAL
PUBLIC STATEMENT**

Index: MDE 19/002/2014

7 March 2014

Libya: Fair trial rights for Saadi al-Gaddafi must be respected

In the wake of his extradition from Niger, the Libyan authorities must guarantee Saadi al-Gaddafi's right to a fair trial and protect him from torture or other ill-treatment, Amnesty International said today.

The Libyan government announced on 6 March 2014 that Saadi al-Gaddafi, one of Colonel Muammar al-Gaddafi's sons, had been extradited from Niger and was now in the custody of the judicial police in Tripoli.

Officials at al-Hadba al-Khadra Prison in Tripoli have confirmed to Amnesty International that Saadi al-Gaddafi was handed over to them in the early hours of 6 March and is currently being held there with interrogations planned to start soon.

It is still unclear exactly what charges Saadi al-Gaddafi faces. However, Amnesty International has serious concerns over the Libyan authorities' ability to ensure a fair trial in this and other similar cases.

Proceedings against other former al-Gaddafi officials and loyalists, which began in late 2012, have been beset by concerns that have undermined the right to a fair trial. Libyan judges, prosecutors and lawyers defending perceived al-Gaddafi loyalists have often faced intimidation and threats and, in some cases, have been subjected to abduction or other forms of violence by militias or members of the public. Defence lawyers have also been denied the right to see their clients in private, to be present when their clients were interrogated or to call and examine witnesses in court.

In addition, one al-Gaddafi official has been sentenced to death and others handed down charges that could lead to the death penalty.

The former Education Minister under al-Gaddafi, Ahmad Ibrahim, was sentenced to death in July 2013 on charges of incitement to discord and civil war and undermining state security, following an unfair trial in which his lawyers were reportedly harassed and threatened, and were denied the right to see him in private. The lawyers were also not allowed to examine witnesses.

The difficulty in ensuring fair trials reflects wider problems in the justice system and the dire need for reform. Despite pledges and efforts by the Libyan authorities to reform the justice and security sectors, there is still much to be done. Thousands of conflict-related detainees remain held without due process. Most have been detained without charge or trial, judicial review or access to lawyers since 2011. Law 29/2013 on Transitional Justice required that all detainees "affiliated to the former regime" be charged or released by 2

March 2014; while some have been, information gathered by Amnesty International indicates that many have still not been.

Despite an improvement in treatment in some detention centres since the 2011 conflict, torture remains widespread in both state and militia-run detention facilities. Amnesty International is not aware of anyone suspected of being responsible for torture or other ill-treatment being prosecuted since the end of the 2011 conflict.

In October 2013, the Tripoli Court of Appeals charged 38 senior officials and former state employees under al-Gaddafi with several charges, some which carry the death penalty. Among those charged were Saif al-Islam al-Gaddafi, former chief of Military Intelligence Abdallah al-Senussi and former Prime Minister al-Baghdadi al-Mahmoudi.

Amnesty International has called on the Libyan authorities to surrender Saif al-Islam al-Gaddafi to the International Criminal Court given concerns he may not receive a fair trial in Libya. It has also voiced its concerns that the decision of the Pre-Trial Chamber of the Court in October 2013 that Abdallah al-Senussi can be tried in Libya means that he may face an unfair trial resulting in the death penalty. The organization opposed the extradition of al-Baghdadi al-Mahmoudi from Tunisia in 2012 on the grounds that he could face torture and other ill-treatment and an unfair trial resulting in the death penalty.

Rather than proceeding with trials that do not meet fair trial guarantees and which could lead to the death penalty, Libyan authorities must demonstrate that they are willing and able to respect the rule of law in line with international standards and to reform the justice system in a manner that will respect the rights of the thousands of detainees and bring perpetrators of human rights abuses and violations to justice.