

PUBLIC

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UA 56/02 Death penalty / Unfair trial /
Possible prisoners of conscience

20 February 2002

LIBYA Abdullah Ahmed Izzedin (m)
Salem Abu Hanak (m)

On 16 February, two possible prisoners of conscience, Abdullah Ahmed Izzedin and Salem Abu Hanak, were sentenced to death before a People's Court in Tripoli following an unfair trial. At the same trial, scores of others received sentences ranging from 10 years' to life imprisonment.

Salem Abu Hanak, born in 1956 and father of five, was the head of the Chemistry Department at the Faculty of Science of the University of Qar Younes in Benghazi. He was arrested on 5 June 1998. Abdullah Ahmed Izzedin, born in 1950 and father of four, was a lecturer at the Engineering Faculty of Tripoli when he was arrested on 7 June 1998. They were among 152 professionals and students arrested in and after June 1998, on suspicion of supporting or sympathizing with the banned Libyan Islamic Group, *al-Jama'a al-Islamiya al-Libiya*, also known as Muslim Brothers, *al-Ikhwān al-Muslimin*. The Libyan Islamic Group is not known to have used or advocated violence. Amnesty International considers all those detained solely for the peaceful expression of their political beliefs to be prisoners of conscience.

Following their arrests, the accused were held in incommunicado detention until the opening of their trial in March 2001, during which time their whereabouts remained unknown. They were deprived of the right to have legal counsel. Relatives were only granted access to visit them in prison, several months after the opening of the trial. No investigation into allegations of torture during detention raised by some of the defendants is known to have been carried out.

Their trial failed to conform with international standards for fair trial, including the right of a defendant to choose a lawyer. All the hearings of their cases by the People's Court, *Mahkamat al-Sha'b*, were held behind closed doors in a military compound in the suburbs of Tripoli. The lawyers appointed by the families were neither allowed to study the files nor were they allowed to meet their clients.

At the second session on 29 April 2001, the men's chosen lawyers were denied access to the court and the judge appointed clerks from within the Popular Lawyers' Office, *Maktab al-Muhama al-Sha'biyya* to represent them. Amnesty International had twice applied to the Libyan authorities for permission to observe this trial but was denied authorization on both occasions.

BACKGROUND INFORMATION

Salem Abu Hanak and Abdullah Ahmed Izzedin were apparently accused under Article 2 and 3 of Law 71 of 1972 and Article 206 of the Penal Code. Law 71 defines party activities in a way which encompasses almost any form of group activity based on a political ideology opposed to the principles of *al-Fatih* Revolution of 1 September 1969. Article 3 of Law 71 and Article 206 of the Penal Code state that "execution" is the punishment for those

who call "for the establishment of any grouping, organization or association proscribed by law", support or belong to such an organization.

In Libya, the death penalty is provided for a range of offences contained in the Libyan Penal Code and other laws, including premeditated murder; acts against public safety such as causing epidemics or poisoning food or water resulting in death; and crimes against the state, including treason, attempting to change the form of the government by violence and involvement in political parties or groups opposed to the principles of the new order.

In March 1988 Colonel Mu'ammr al-Gaddafi called for the abolition of the death penalty in Libya and its replacement by other punishments. Article 8 of The Great Green Document on Human Rights in the Era of the Masses approved in June 1988 and Article 4 of Law 20 of 1991 restricted the scope of the death penalty. Such provisions, however, appear to be consistently disregarded in practice. In 2001 death sentences were imposed on at least eight people convicted of criminal charges.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic or your own language:

- urging the Libyan authorities to withdraw the death sentences against Abdullah Ahmed Izzedin and Salem Abu Hanak;
- expressing your opposition to the death penalty in all cases, as a violation of the right to life as set out in the United Nations Universal Declaration of Human Rights;
- calling on the authorities to abolish the death penalty in law and in practice in line with the world trend towards abolishing or reducing the use of the death penalty, in accordance with the International Covenant on Civil and Political Rights, to which Libya is a state party;
- calling on the authorities to review the trial with regard to all defendants with the aim of releasing all those punished solely for the exercise of their non-violent conscientiously held belief.

APPEALS TO:

His Excellency Mu'ammr al-Gaddafi

Leader of the Revolution

Office of the Leader of the Revolution

Tripoli

Great Socialist People's Libyan Arab Jamahiriya

Telegrams: Colonel al-Gaddafi, Tripoli, Libya

Telexes: 70 0901 20162 ALKHASU LY

Salutation: Your Excellency

His Excellency Muhammad Misrati

Secretary of the People's Committee for Justice and General Security

Secretariat of the People's Committee for Justice and General Security

Tripoli

Great Socialist People's Libyan Arab Jamahiriya

Telegrams: Muhammad Misrati, Tripoli, Libya

Salutation: Your Excellency

COPIES TO:

Dr. Mohamed Elharari

Secretary of Legal Affairs and Human Rights of the General Peoples'

Congress

P.O. Box 84662

Tripoli
Great Socialist People's Libyan Arab Jamahiriya

and to diplomatic representatives of Libya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 3 April 2002.