

URGENT ACTION

SWISS NATIONAL ARBITRARILY DETAINED IN LIBYA

Max Goeldi, a Swiss man, is serving a four-month prison sentence in Libya after being convicted of immigration-related offences. Amnesty International believes that the charges were politically motivated and that he is a victim of a diplomatic dispute between Libya and Switzerland, and is appealing to Libyan leader Colonel Mu'ammr al-Gaddafi to order his immediate and unconditional release.

Max Goeldi began serving his sentence at Jdeida Prison in Libya's capital, Tripoli, on 22 February. He was sentenced on 30 November 2009 to 16 months' imprisonment and fined by Libya's Partial Irregular Migration Court for breaching immigration regulations by working in Libya without possessing the correct visa. On 11 February 2010, his conviction was confirmed on appeal, but his sentence was reduced to four months. He had been taking refuge in the Swiss embassy, but gave himself up on 22 February after Mussa Kussa, the Secretary of the General People's Committee for Foreign Liaison and International Cooperation (equivalent to a minister of foreign affairs) called for the Swiss authorities to hand him over. Amnesty International opposes imprisonment as a punishment for immigration-related offences. Furthermore the organization considers Max Goeldi to be a prisoner of conscience, detained by virtue of his nationality following a politically-motivated trial.

Max Goeldi was first arrested in July 2008, days after the son of Libyan leader Mu'ammr al-Gaddafi, Hannibal al-Gaddafi, and his wife, were arrested in Switzerland. The couple were accused of abusing domestic staff, who later withdrew their complaint.

Amnesty International believes that Max Goeldi's trial, before the Partial Irregular Migration Court, did not meet fair trial standards as set out in the International Covenant on Civil and Political Rights, to which Libya is a state party. For instance, on 9 November 2009, he was brought before a court without a lawyer being present. His request to call his lawyer was rejected. It is also reported that the interpreter translating for him did not accurately relay his answers to the court. His lawyer was not permitted to present his defence on 30 November 2009, when the verdict was announced, and was only granted access to his client's file a few days before the court reached its decision. Before his court appearance, Max Goeldi was held incommunicado between 18 September and 9 November 2009.

PLEASE WRITE IMMEDIATELY in Arabic or your own language:

- Expressing concern that Max Goeldi is serving a four-month prison term for immigration offences after a politically motivated trial;
- Urging the Libyan authorities to immediately and unconditionally release him as he is a prisoner of conscience and to allow him to return to Switzerland.

PLEASE SEND APPEALS BEFORE 28 APRIL 2010 TO:

Leader of the Revolution

Colonel Mu'ammr al-Gaddafi
Office of the Leader of the
Revolution
Tripoli
Great Socialist People's Libyan Arab
Jamahiriya

Email: info@algathafi.org

Salutation: Your Excellency

And copies to:

Secretary of the General People's
Committee for Justice

Mustafa Muhammad Abdeljalil
Secretariat of the General People's
Committee for Justice
Al-Salad Street, Tripoli
Great Socialist People's Libyan Arab
Jamahiriya

Fax: +218 21 4805427/4809266

President

Saif al-Islam al-Gaddafi
Gaddafi International Charity and
Development Foundation
El-Fateh Tower, 5th Floor – no. 57,
Tripoli, Great Socialist People's
Libyan Arab Jamahiriya

Fax: +218 21 3350263/ 4778766

Email: director@gdf.org.ly

Also send copies to diplomatic representatives of Libya accredited to your country. Please check with your section office if sending appeals after the above date.

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Max Goeldi has been effectively banned from leaving Libya since July 2008, and when he was not detained, he spent all his time in the Swiss embassy. His family are worried about his health and his psychological wellbeing. They also reported that he suffered from high fever and intestinal problems about two weeks after he started serving his sentence.

In addition to being convicted for immigration offences, Max Goeldi was also convicted for breaching commercial regulations on 6 February 2010, and fined 1,000 dinars (about US\$ 800). The Libyan authorities are reported not to have communicated the exact charges to his lawyer in writing in advance of the trial proceedings, raising fears that his right to prepare an adequate defence had been breached.

Rachid Hamdani, another Swiss national who had been cleared of charges of breaking commercial rules and immigration regulations, was permitted to leave Libya on 22 February 2010. Prior to his departure, Rachid Hamdani was also effectively prevented from leaving Libya since July 2008.

Relations between Libya and Switzerland soured significantly after the Swiss police arrested Hannibal al-Gaddafi, son of Libyan leader Mu'ammr al-Gaddafi, and his wife on 15 July 2008 in Geneva. They were released on bail on 17 July 2008, the complaint against them was withdrawn and the Swiss authorities have since apologised for their arrest.

In mid-February, the Libyan authorities decided to withhold entry visas to all European citizens covered by the Schengen agreement. That came following reports in OEA, a privately owned newspaper closely linked to Saif al-Islam al-Gaddafi, another son of the Libyan leader, that the Swiss government had banned 188 Libyan citizens, including Mu'ammr al-Gaddafi from entering Switzerland. During a speech in Benghazi on 25 February 2010, Mu'ammr al-Gaddafi, criticized the outcome of a referendum banning the construction of minarets in Switzerland and called on Muslims to discontinue any cooperation with Switzerland and boycott its goods. Amnesty International had regretted the November 2009 choice of Swiss voters to introduce a ban on the construction of minarets into the constitution (see Index: PRE01/003/2009, <http://www.amnesty.org/en/for-media/press-releases/switzerland-votes-against-religious-freedom-20091129>). The Libyan leader's calls for a jihad against Switzerland were condemned by a United Nations official, but thus far efforts by the international community to mediate and end the dispute have not been successful.

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