

# URGENT ACTION

## FORMER LIBYAN MINISTER AT RISK IF EXTRADITED

**Former Libyan Prime Minister al-Baghdadi al-Mahmoudi, who fled to Tunisia in September, could be extradited to Libya. If he is forcibly returned, he would be at risk of torture or extrajudicial execution. Tunisia's President has yet to authorize the extradition.**

Until August 2011, **al-Baghdadi al-Mahmoudi** was Secretary of the General People's Committee in Libya, a rank equivalent to that of Prime Minister under Colonel Mu'ammr al-Gaddafi's rule. When Libya's capital, Tripoli, fell under the control of the National Transitional Council (NTC), he fled to Tunisia where he was arrested in late September. He was initially sentenced to six months' imprisonment for "illegal entry", but acquitted on appeal on 27 September. He remained in detention following two separate extradition requests filed by the Libyan authorities. On 8 November, 2011, the Tunisian Court of Appeals decided that the Tunisian authorities could extradite al-Baghdadi al-Mahmoudi to Libya. The appeal court's decision cannot be appealed. However, the final consent to the extradition lies with the Tunisian President.

According to the extradition requests seen by Amnesty International, the charges brought against al-Baghdadi al-Mahmoudi in Libya include "misuse of public money", "insult of civil servants", "threatening security officials with weapons" and "incitement to commit rape". These charges relate to incidents that allegedly took place between 2006 and 2011.

Amnesty International is monitoring human rights abuses in Libya, including those committed by armed militias opposing Colonel Gaddafi's rule since the start of the conflict in late February 2011. While all perpetrators of human rights violations must be brought to justice, under international refugee and human rights treaties to which Tunisia is a state party, Tunisia must not return anyone to a country where their life would be in danger. Tunisian authorities should investigate allegations that al-Baghdadi al-Mahmoudi was involved in serious human rights violations. If there is sufficient admissible evidence of his involvement in crimes under international law, they should bring him to justice in a fair trial, or transfer him to another jurisdiction that can do so.

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

- Urging the President of Tunisia not to endorse the decision to extradite al-Baghdadi al-Mahmoudi to Libya;
- Reminding the Tunisia authorities, including the Ministry of Justice, that they are obliged under international human rights law not to deport or extradite anybody to a country where they would be at risk of torture or other ill-treatment or other serious human rights violations;
- Calling on the Tunisian authorities to investigate allegations that al-Baghdadi al-Mahmoudi was involved in serious human rights violations. If sufficient admissible evidence of his involvement in crimes under international law is found, he should be brought to justice in proceedings that comply with international fair trial standards.

### **PLEASE SEND APPEALS BEFORE 21 DECEMBER 2011 TO:**

#### President

Président Fouad Mebazza  
Palais Présidentiel

Tunis  
Tunisia

Fax: + 216 71 744 721

**Salutation: Your Excellency**

#### **And copies to**

Justice and Human Rights Minister

M. Lazhar Karoui Chebbi

Ministre de la Justice et des Droits de l'Homme

Ministère de la Justice et des Droits de l'Homme

Tunisia

Fax: + 216 71 568 106

Email: mju@ministeres.tn

**Salutation: Your Excellency**

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date.

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### ADDITIONAL INFORMATION

Al-Baghdadi al-Mahmoudi was the last Secretary of the General People's Committee in al-Gaddafi's government and is perceived by many in Libya as a loyal al-Gaddafi supporter until the final days of his rule. Further, in August 2011, Libyan TV channels, supporting the "17 February Revolution", played a number of recorded telephone conversations – allegedly between al-Baghdadi al-Mahmoudi and al-Gaddafi loyalists discussing strategies to defeat the National Transitional Council (NTC) during the Libyan conflict. Amnesty International is not in a position to either confirm or dispute the authenticity of these recordings, but believes that their content and the messages by TV presenters accusing al-Baghdadi al-Mahmoudi of serious crimes would further put him at a real risk of reprisals and revenge attacks.

Since the fall of Tripoli and surrounding areas under the control of the NTC, thousands of alleged al-Gaddafi soldiers and loyalists, as well as suspected foreign mercenaries, have been arrested by armed militias without warrants from the General Prosecution. Many were beaten or otherwise abused, particularly upon capture and in the first days of detention. Amnesty International has also documented several cases of torture following arrest. The most frequently reported methods of torture and other ill-treatment included beatings all over the body with belts, sticks, rifle butts and rubber hoses; punching; kicking; and death threats. It appears that detainees have been abused to force them to "confess" or to punish them for alleged crimes during the conflict. In fact, several detainees complained to Amnesty International that they were forced to sign "confessions" under torture or duress. At present, neither the General Prosecution nor the recently established Ministry of Justice and Human Rights have oversight for detention facilities, thereby increasing the risk that abuses will continue unchecked.

Amnesty International documented "settling of scores" by some anti-Gaddafi fighters when al-Gaddafi forces were pushed out of eastern Libya, including lynching of al-Gaddafi soldiers after capture. Dozens of people suspected to be former security agents, al-Gaddafi loyalists or mercenaries have been unlawfully killed since February. Even though Amnesty International raised concerns about these cases with the NTC since May 2011 in meetings and written memoranda, to the best knowledge of the organization, no investigations have taken place and no individuals have been brought to trial in connections with these abuses.

Given the killings of high-level figures in the al-Gaddafi government by groups of armed men, Amnesty International is concerned for the safety of al-Baghdadi al-Mahmoudi should he be forcibly returned to Libya, where he might be a target for similar violent attacks.

Amnesty International wrote to the Tunisian authorities on 26 October urging them not to extradite al-Mahmoudi to Libya for the above mentioned reasons in line with their international obligations.

The Tunisian authorities must comply with their international obligations under international human rights and refugee law by refraining removing a person to a country where his life or physical integrity is at risk. Tunisia is a party to, inter alia, the International Covenant on Civil and Political Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol.

According to Articles 324 of the Tunisian Criminal Code of Procedures the Tunisian government may decide against the ruling of the Court of Appeal to extradite a person. Any decision to extradite a person requires final authorization by the President.

Name: al-Baghdadi al-Mahmoudi

Gender: M

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