

URGENT ACTION

NEW DEATH PENALTY CHARGES AGAINST LIBYAN MAN

A Libyan man seized by US military forces in Libya in June and transferred to the USA two weeks later to face trial has now been charged with offences punishable by the death penalty. The charges relate to an attack on the US diplomatic mission in Benghazi in Libya in September 2012 in which four US nationals were killed.

US forces seized **Ahmed Abu Khatallah** near Benghazi, eastern Libya, on 15 June. He was held incommunicado on board a US navy ship before being brought to the USA and appearing in court there on 28 June. He has been charged pursuant to a July 2013 criminal complaint with alleged involvement in the 11 September 2012 attack on the US Special Mission and Annex in Benghazi, which resulted in the deaths of four US nationals, Ambassador J. Christopher Stevens, Sean Patrick Smith, Tyrone Snowden Woods and Glen Anthony Doherty.

Ahmed Abu Khatallah was initially charged with "providing material support and resources to terrorists resulting in death", which carried a maximum sentence of life imprisonment. On 14 October, he was charged with numerous additional offences, a number of which are punishable by the death penalty. These include one count of "murder of an internationally protected person"; three counts of "murder of an officer and employee of the United States"; four counts of "killing a person in the course of an attack on a federal facility involving the use of a firearm and a dangerous weapon"; and two counts of "maliciously damaging and destroying US property by means of fire and an explosive causing death". Ahmed Abu Khatallah will appear before the trial judge on 20 October to give his plea to these charges. He has already pleaded not guilty to the initial charge.

If the prosecution (at the Office of the US Attorney for the District of Columbia) decides that the government should pursue the death penalty, it must obtain authorization to do so from the US Attorney General.

Ahmed Abu Khatallah is being held in solitary confinement in Alexandria Detention Center in Virginia. Except for officials, he is allowed no communication with anyone but his lawyers.

Please write immediately in English or your own language:

- Acknowledging the serious nature of the crimes with which Ahmed Abu Khatallah has been charged;
- Urging the US Attorney's Office not to recommend, and the Attorney General not to authorize, the death penalty;
- Urging that he be allowed to communicate with family members and that his conditions of detention comply with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 27 NOVEMBER 2014 TO:

US Attorney for the District of Columbia

Ronald C. Machen, Jr.
United States Attorney's Office
555 4th Street, NW,
Washington, DC 20530, USA
Email: dc.outreach@usdoj.gov

Salutation: Dear US Attorney

US Attorney General

Eric Holder
Department of Justice, 950 Pennsylvania
Avenue, NW, Washington DC 20530
0001, USA
Fax: + 1 202 514 4507

Email: AskDOJ@usdoj.gov

Salutation: Dear Attorney General

And copies to:

John Kerry, US Secretary of State
Department of State, 2201 C Street
NW, Washington DC 20520, USA
Fax: + 1 202 647 2283
E-mail, via website: http://contact-us.state.gov/cgi-bin/state.cfg/php/enduser/std_alp.php

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 155/14. Further information:

www.amnesty.org/en/library/info/AMR51/037/2014/en

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ADDITIONAL INFORMATION

The superseding indictment filed in the US District Court for the District of Columbia on 14 October, containing the new charges, alleges that Ahmed Abu Khatallah “was the commander of Ubaydah Bin Jarrah (UBJ), an Islamist extremist militia in Benghazi, which had the goal of establishing Sharia law in Libya. In approximately 2011, UBJ merged with Ansar al-Sharia (AAS), another Islamist extremist group in Libya with the same goal of establishing Sharia law in Libya. Khatallah was a Benghazi-based leader of AAS”. Ansar al-Sharia, which has been accused by many Libyans of human rights abuses, is currently engaged in an armed conflict in eastern Libya against Operation Dignity forces led by retired General Khalifa Haftar.

Ahmed Abu Khatallah was held in prolonged incommunicado detention prior to transfer to the USA. His treatment during this period of incommunicado detention currently remains undisclosed under a protective order to prevent the unauthorized disclosure of classified national security information, which the judge overseeing the case signed on 3 July. Interrogation methods that can be authorized in US law for use in such cases under Appendix M of the US Army Field Manual include prolonged isolation and limiting or disrupting the detainee’s sleep. Prolonged incommunicado detention can itself amount to cruel, inhuman or degrading treatment in violation of international law. In the case of Nazih Abdul-Hamed al-Ruqai, also known as Abu Anas al-Libi, who was held incommunicado on board a US ship for a week after being abducted by US forces in Tripoli in October 2013, the detainee was allegedly subjected to veiled threats of worsening treatment, 24-hour lighting in the “pod” where he was held without a bed or toilet, transfer to an interrogation pod while blindfolded and handcuffed, and effectively subjected to sleep deprivation as a result of back to back interrogations.

Department of Justice policy requires that all potential federal capital cases “be submitted for review by the Department and a decision by the Attorney General regarding whether to seek the death penalty”. Among other things, “the United States Attorney or Assistant Attorney General should consult with the family of the victim, if reasonably available, concerning the decision on whether to seek the death penalty” and “include the views of the victim’s family concerning the death penalty in any submission made to the Department”.

Amnesty International opposes the death penalty in all cases, unconditionally. Today 140 countries are abolitionist in law or practice. The international community has agreed that even for the most serious crimes prosecuted in international tribunals – crimes against humanity, genocide and war crimes – the death penalty cannot be an option. The UN General Assembly has adopted four resolutions calling for a moratorium on executions as a first step towards abolition.

Name: Ahmed Abu Khatallah

Gender m/f: m

Further information on UA: 155/14 Index: AMR 51/050/2014 Issue Date: 16 October 2014