

PUBLIC

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UA 57/08 Fear of imminent execution

LIBYA **Samir Mokhtar Hassan (m), Egyptian national
Hassan Mahmud Wagih (m), Egyptian national
Fadl Ismael AbuHeteta (m), Egyptian national
Kwabena Kankam (m), aged 44, Ghanaian national
and seven others**

At least 11 foreign nationals, including the four men named above, are in imminent danger of execution. One of them, Kwabena Kankam, is believed to be facing execution on 1 March.

Ghanaian national Kwabena Kankam was sentenced to death by a court in the city of Benghazi after being convicted of the murder of another Ghanaian national living in the city. Four other Ghanaian nationals were executed earlier this year, despite an appeal for clemency made by Ghanaian President John Agyekum Kufuor. They had been sentenced to death in 1998 and 2002.

The three Egyptian nationals named above were all convicted of murder. Seven other Egyptian nationals, who were sentenced to death between 1995 and 2005, are also believed to be at imminent risk of execution. Two Egyptians were executed earlier this year, and some 23 others are on death row. Nine of them are awaiting the outcome of appeals against their death sentences. The 14 others have had their death sentences confirmed and they will be executed unless the families of those they are convicted of murdering agree that their death sentence can be commuted to life imprisonment as part of a negotiated financial settlement (*diya*), whereby compensation is paid to the victims' families. Such negotiations are reportedly underway on behalf of seven of the Egyptian nationals who are facing imminent execution; however, if these negotiations are not concluded it will not necessarily prevent their execution. The case of one of the two Egyptians executed earlier this year, Imad Abdelwahid, was under negotiation when he was put to death.

The three Egyptian nationals named above are at particular risk because the families of those they were convicted of murdering have declined to enter into any *diya* settlement with them or because negotiations have stalled.

In addition to the 23 Egyptians, at least 15 other foreign nationals are currently reported to be on death row in Libya, including one Ghanaian, eight Algerians and six Nigerians. Most of them were convicted of murder. So far this year the Libyan authorities are reported to have carried out eight executions.

BACKGROUND INFORMATION

Article 8 of the official Great Green Charter of Human Rights of the Jamahiriyan Era states that "the goal of the Jamahiriyan society is to abolish capital punishment" and Libyan leader Mu'ammarr al-Gaddafi and other senior Libyan officials have expressed their personal opposition to the death penalty on several occasions in recent years. In spite of this, the version of the draft Penal Code which the Libyan authorities gave to Amnesty International in February 2004 contained 26 articles prescribing the death penalty, for a wide range of offences, including activities amounting to no more than exercise of freedom of expression and association. Executions are generally by firing squad.

All death sentences have to be reviewed by the Supreme Court, which can overturn them. When a death sentence is confirmed by the Supreme Court, it cannot be implemented without the consent of the Supreme Council of Judicial Bodies.

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

- calling on the authorities not to execute the four men (naming them) and others at risk of imminent execution and to commute their sentences;
- urging the authorities to release information on the number of prisoners currently under sentence of death in Libya, when they were sentenced and to provide details of their appeals;
- stating that Amnesty International recognizes the right and responsibility of governments to bring to justice those suspected of criminal offences, but opposes the death penalty in all cases as the ultimate cruel, inhuman and degrading punishment.

APPEALS TO:

Head of State

Colonel Mu'ammar al-Gaddafi

Office of the Leader of the Revolution, Tripoli, Great Socialist People's Libyan Arab Jamahiriya

Salutation: Your Excellency

Justice Minister

Mustafa Abdeljalil

Secretary of the General People's Committee for Justice,

Secretariat of the General People's Committee for Justice

Tripoli, Great Socialist People's Libyan Arab Jamahiriya

Fax: +218 21 4805427

Salutation: Your Excellency

COPIES TO:

The Gaddafi Development Foundation

Saif al-Islam al-Gaddafi

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El Fatah Tower, 5th Floor B No. 57, PO Box 1101

Tripoli, Great Socialist People's Libyan Arab Jamahiriya

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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 10 April 2008.