

**EXTERNAL (for general distribution)**

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**Further information on UA 103/93 (MDE 19/02/93, 7 April 1993) - Legal Concern**

**LIBYA:Colonel Mu'ammar al-Gaddafi again calls for the judicial punishments of amputation and flogging to be included in the Penal Code**

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In a speech broadcast by Libyan Television on 30 June 1993, Colonel Mu'ammar al-Gaddafi, the Libyan head of State, again called for the introduction of the judicial punishments of amputation and flogging. He also appeared to call for widening the scope of the death penalty. His remarks follow a statement he made in April 1993 in which he urged the General People's Congress, Libya's highest legislative body, to promulgate laws providing for the judicial punishments of amputation and flogging. Amnesty International is gravely concerned that the introduction of these punishments in the Libyan Penal Code may be imminent.

In his speech delivered to a group of prisoners in an unknown location, Colonel al-Gaddafi said: "Henceforth, no one will be sent to prison because he is a thief. The thief's hand will be cut off and he has to do with only one hand. If he steals again, the other hand will be cut off." He also went on to say: "prostitution [and adultery] will be punished by 100 lashes and [will be shown] on television". He also added that "anyone who drinks alcohol should be charged with being an agent of the enemy [with whom we are] in a state of confrontation. The sentence for that could be death because alcohol is obtained from foreign embassies or companies." Colonel al-Gaddafi also implied that "heretics" would be executed.

At present the Libyan Penal Code does not allow for the judicial punishments of amputation or flogging. It does, however, provide for the death penalty in cases of murder and certain violent crimes against the state. Individuals convicted of theft, prostitution or adultery were usually tried and sentenced to prison terms. No judicial amputations are known to have been carried out in Libya since Colonel al-Gaddafi came to power in 1969. In November 1992 Libya executed six men, the first officially announced executions in over five years.

In May 1970 Libya became a state Party to the International Covenant on Civil and Political Rights (ICCPR), and in May 1989 it became a State Party to the United Nations Convention against Torture, without making any reservations to that treaty. The extension of the death penalty to crimes such as drinking alcohol and membership of a "heretical" group would violate Libya's solemn obligations under Article 6(2) of the ICCPR, which restricts the death penalty in countries which have not yet abolished this penalty to "the most serious

crimes". Widening the scope of the death penalty would also contradict the provisions of the Libyan Great Green Document on Human Rights in the Era of the Masses, adopted in June 1988, which states that the death penalty would be applied "only to he whose life constitutes a danger or corruption to society", and set abolition as an aim of Libyan society.

Amnesty International opposes the death penalty in all cases as a violation of the right to life guaranteed by Article 3 of the Universal Declaration of Human Rights. It also considers that the judicial punishments of

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amputation and flogging amount to torture or cruel, inhuman and degrading treatment. As such, its implementation in Libya would violate the country's solemn obligations under the Convention against Torture.

**FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/express and airmail letters in English, Arabic or your own language:**

- expressing grave concern that the introduction of the judicial punishments of amputation and flogging in the Penal Code and the widening of the scope of the death penalty may be imminent;

- stating that the death penalty is the ultimate form of cruel, inhuman and degrading punishment, urging that the scope of the death penalty not be widened and calling for the commutation of all death sentences in Libya, with a view to its abolition;

- stating that the judicial punishments of amputation and flogging amount to cruel, inhuman and degrading treatment which is prohibited by the Convention against Torture and Article 7 of the ICCPR, to which Libya is a State Party, as well as by Article 31(c) of Libya's own constitution and urging that these punishments not be imposed or carried out.

**APPEALS with a cover letter TO the diplomatic representative of Libya accredited to your country asking that your letter be forwarded to the following in Libya (it is very difficult to get letters through to Libya direct):**

1) His Excellency  
Colonel Mu'ammarr al-Gaddafi  
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**

2) His Excellency  
'Umar Mustafa al-Muntasir  
Secretary of the People's Committee of the People's Bureau for Foreign  
Liason and International Cooperation  
Tripoli  
Great Socialist People's Libyan Arab Jamahiriya

**Salutation: Your Excellency**

**PLEASE SEND YOUR APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 17 August 1993.