

Press Release: Libya Rebuked in African Court Judgment on Saif Gaddafi Detention

In a default Judgment issued 3 June 2016, The African Court on Human and Peoples' Rights has decided that Libya's *incommunicado* detention of Saif Gaddafi at an unknown location has violated and continues to violate Saif al-Islam Gaddafi's rights to liberty and to a fair trial.

The Judgment sets out the full history of Libya's failures to respond to both the African Court and the African Commission throughout the three years since Dr Mishana Hosseinioun, President of MH Group, originally submitted the Communication on behalf of Mr Gaddafi to the African Commission. The Court's unanimous decision vindicates Dr Hosseinioun's long campaign for justice for Mr Gaddafi.

The pre-eminent regional human rights court, the African Court, also found that Libya had not respected any of the constituent elements of the right to a fair hearing at his trial in Libya and in sentencing Mr Gaddafi to death without ever allowing him access to a lawyer of his choosing or even to attend the hearings.

Remarking on the breakthrough verdict, Dr Hosseinioun said, "For too long the international community has ignored this injustice. Yet this is a landmark decision which shows to the world that impunity will no longer go unchecked in lawless lands."

This Judgment comes at a critical time. Mr Gaddafi has been detained *incommunicado* for four and a half years. He remains under a death sentence imposed by the Libyan court following fundamentally unfair proceedings. A new Libyan administration has now been installed and it faces calls to respect Mr Gaddafi's rights from many quarters. On 26 May 2016, the Prosecutor of the International Criminal Court (ICC) reminded the UN Security Council of its responsibility to ensure that Libya surrenders Mr Gaddafi to that Court. The UN Working Group on Arbitrary Detention has declared his detention unlawful. Amnesty International, Human Rights Watch and other NGOs have expressed deep concern at his treatment.

The lawyers acting for Dr Hosseinioun in these proceedings, Sir Geoffrey Nice QC and Rodney Dixon QC, emphasise that the Judgment must be implemented without any more delay: "As a very first priority, the death sentence must be revoked and Mr Gaddafi's safety must be guaranteed. The UN and the AU must act decisively to respect and give immediate effect to the Court's findings."

If there are any questions or for any further information, please contact Rodney Dixon QC at RodneyDixonQC@tgchambers.com / +442075831315 or Haydee Dijkstal at haydeedijkstal@gmail.com / +447407391020.