

**APPLICATION 002/2013: AFRICAN COMMISSION ON HUMAN AND PEOPLES'  
RIGHTS  
VS  
THE REPUBLIC OF LIBYA**

**Summary of Facts**

1. On 02 April 2012, the Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat) received a complaint from Ms. Mishana Hosseinioun (the Complainant), on behalf of Mr. Saif Al-Islam Gaddafi (the Victim) against the Republic of Libya (the Respondent State) stating that:
  - The victim (Saif Al-Islam Gaddafi) who is the second son of the former Libyan President Muammar Gaddafi, was born on the 25 June 1972.
2. The National Transitional Council, which has been recognized as the Government in power in Libya, (the Government), detained the victim in isolation on 19 November 2011, without access to family, friends or any lawyer. He has, to date, not been charged with any offence, or brought before any Court.
3. The victim is believed to be detained in Zintan, Libya. However, the address of the detention facility is not known and it is suspected that his life is at imminent risk, and his personal integrity and health are in danger of irreparable harm.
4. The Commission is concerned that the victim faces an imminent trial which carries with it the threat of death penalty, following the period of arbitrary detention and based on interrogations carried out in the absence of a lawyer.

5. On the 18 April 2012, the Commission issued provisional measures to stop any irreparable harm to the victim as requested by the complainant. However, the Commission has, to date, not received any response from the Respondent.

## **Complaint**

6. The Commission alleges violation of Articles 6 and 7 of the African Charter on Human and Peoples' Rights (the Charter).

## **The Applicant's Prayers:**

7. The Commission prays the Court to order the Respondent:
  - a) "Not to proceed further with any actions concerning the legal proceedings, investigation against or detention that will cause irreparable damage to the victim;
  - b) To allow the victim access to a lawyer immediately without delay."