

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	82
Land:	Libyen
Kilde:	Human Rights Watch
Titel:	World Report 2008 - Country Summary.
Udgivet:	14. januar 2009
Optaget på baggrundsmaterialet:	26. januar 2009

Libya

Libya's international reintegration accelerated in 2008 despite the government's ongoing human rights violations. In September a US secretary of state visited the country for the first time since 1953. Driven by business interests and Libya's cooperation in combating terrorism and illegal migration, European governments also strengthened ties with Libya during the year. The Libyan government continues to imprison individuals for criticizing the country's political system or its leader, Mu`ammar al-Qadhafi, and maintains harsh restrictions on freedom of expression and assembly.

Political Prisoners

Libya continues to detain scores of individuals for engaging in peaceful political activity. Hundreds more have been "disappeared," some for decades. Many were imprisoned for violating Law 71, which bans any group activity opposed to the principles of the 1969 revolution that brought al-Qadhafi to power. Violators of Law 71 can be executed.

Fathi al-Jahmi remains Libya's most prominent political prisoner, imprisoned since March 2004 after calling for democratization and criticizing al-Qadhafi. In late 2005 a secret court deemed al-Jahmi mentally incompetent and in May 2006 ordered his detention at a psychiatric hospital. According to al-Jahmi, who suffers from diabetes, hypertension, and heart disease, the authorities denied him medical care at the hospital. In July 2007 he was transferred to the state-run Tripoli Medical Center.

In March 2008 the Qadhafi Development Foundation, run by al-Qadhafi's son Seif al-Islam al-Qadhafi, facilitated a visit to al-Jahmi by Human Rights Watch and Physicians for Human Rights. The groups' investigation showed that negligent care in detention had seriously degraded his health. To Human Rights Watch's knowledge,

al-Jahmi remains under guard in the Tripoli Medical Center, unable to leave his room and with restricted family visits.

In February 2007 Libyan security agents arrested 14 organizers of a planned peaceful demonstration intended to commemorate the anniversary of a violent crackdown on demonstrators in Benghazi. On May 27, 2008, the authorities released one of the men, Jum`a Boufayed, who had been missing since his arrest. A second man, `Adil Humaid, was released on June 10. A third man, `Abd al-Rahman al-Qotaiwi, has remained “disappeared” since his arrest. On June 10 a state security court found the remaining 11 men guilty of planning to overthrow the government and meeting with an official from a foreign government, apparently a US embassy official. The court, located inside Tripoli’s Abu Salim prison, sentenced the men to prison terms of between six and 25 years. The main organizer of the planned demonstration, Idris Boufayed, received a 25-year sentence, but was released from detention on medical grounds in October due to his advanced lung cancer. Another member of the group, Jamal al-Haji, a writer who holds Danish citizenship, was sentenced to 12 years of imprisonment. Libyan authorities have rebuffed Danish government requests to visit him.

Freedom of Association and Freedom of Expression

Libya has no independent nongovernmental organizations. Law 19, “On Associations,” requires a political body to approve all such organizations and does not allow appeals against negative decisions. The government has refused to allow independent journalists’ and lawyers’ organizations.

Freedom of expression is severely curtailed. Article 178 of the penal code orders life imprisonment for the dissemination of information considered to “tarnish [the country’s] reputation or undermine confidence in it abroad.” Negative comments about al-Qadhafi are frequently punished, and self-censorship is rife. Uncensored news is available via satellite television and Libyan websites based abroad, which the government occasionally blocks. In April 2007 Libya’s legislative body, the General People’s Congress, created a committee to examine the state-controlled media. The government has announced no further information about the committee’s work.

The exceptions to these rules are organizations run by Seif al-Qadhafi, including the Qadhafi Development Foundation. In August 2007 his al-Ghad company launched Libya's first private newspapers and television station, which leveled mild criticisms at the government.

Torture

Reports of torture continue to be of deep concern, affecting both Libyan citizens and foreigners—mostly sub-Saharan Africans—who are detained during immigration sweeps.

Libyan human rights groups abroad allege that Libyan authorities tortured Mohamed Adel Abu Ali, a Libyan citizen whom Sweden returned to Tripoli in May 2008 after rejecting his asylum claim. The Swedish Migration Board confirmed that Abu Ali died in Libyan custody; a relative says he was detained incommunicado. Sweden suspended deportations to Libya in July, pending an investigation into the death. It lifted the moratorium in August after the investigation failed to determine how Abu Ali had died.

Violence against Women and Girls

The government's position on violence against women remains one of denial, leaving victims unprotected and without remedies. Libya has no domestic violence law, and inadequate laws punishing sexual violence. The government prosecutes only the most violent rape cases, and judges have the authority to propose marriage between the rapist and the victim as a "social remedy" to the crime. Rape victims themselves risk prosecution for adultery or fornication if they attempt to press charges.

Police officers are not trained to handle cases of violence against women, and there are no women's or girls' shelters. Instead, the government detains dozens of victims, particularly rape victims, in "social rehabilitation" facilities. Many are denied the opportunity to challenge the legality of their detention. The authorities subject them to forced virginity examinations and punitive treatment, including solitary confinement. The only way out of these facilities is if a male relative takes custody of the woman or girl, or if she consents to marriage. In February 2006 the government

said it had established a committee to study the facilities; the committee's work, if any, is unknown.

Abu Salim Prison

The government still has not released any findings on the large-scale killings in Tripoli's Abu Salim prison in June 1996. According to an ex-prisoner, Internal Security Agency forces killed as many as 1,200 inmates who had revolted over prison conditions. In October 2006 guards killed at least one prisoner and reportedly injured nine after another reported revolt.

Families of the 1996 victims have gone to court to demand information about the fate of their missing relatives. In June 2008 a Benghazi court ordered the state to reveal the identities of the dead and the circumstances in which they had died. To Human Rights Watch's knowledge, the state has not yet complied with the ruling, sparking protests from family members. In July Seif al-Qadhafi stated that the results of an initial investigation into the killings showed "excessive use of force and abuse of power" at the prison. He promised a public trial but gave no timetable.

Treatment of Foreigners

The government continues to forcibly deport foreigners who lack proper documentation, sometimes to countries where they could face persecution, including Eritrea. Foreigners reported arbitrary arrests, beatings, and other abuse during their detention and deportation.

Libya has no asylum law, has not signed the 1951 Refugee Convention, and has no formal working agreement with the United Nations High Commissioner for Refugees (UNHCR). However, the government reportedly grants UNHCR representatives regular access to detention facilities.

Promises of Reform

In 2008 the government continued, for the fourth year, to review proposals for a new penal code and code of criminal procedure. In 2005 the secretary of justice stated the new penal code would impose the death penalty only for the "most dangerous

crimes” and for “terrorism.” A 2004 draft of the new code suggests the government might accept a very broad definition of terrorism, which could be used to criminalize the expression of peaceful political views. The government has yet to present either draft code to the General People’s Congress.

Key International Actors

In 2008 the United States and some European governments upgraded relations with Libya despite its human rights abuses. In August the US and Libya signed a claims settlement agreement, indemnifying each other against outstanding lawsuits for Libyan bombings and US airstrikes in the 1990s. In September US Secretary of State Condoleezza Rice visited Libya, saying she “respectfully” raised human rights concerns with al-Qadhafi. Italian Prime Minister Silvio Berlusconi also visited Libya in September, pledging US\$5 billion in reparations for “the damage inflicted” during Italy’s colonial rule. Berlusconi said Italy would receive increased access to Libyan oil and gas and “fewer clandestine immigrants.” Russia’s then-president Vladimir Putin signed multi-billion-dollar arms and energy deals during a visit in April, the first by a Russian president. Al-Qadhafi signed billions of dollars in contracts during visits to France and Spain in December 2007.

Libya reportedly continues to share intelligence on militant Islamists with Western governments. In 2006 and 2007 the US government returned two Libyan citizens, Mohamed al-Rimi and Sofian Hamoodah, after detaining them at Guantanamo Bay. In December 2007 US officials visited both men at Libyan state security offices and reported that they were being detained without knowledge of the charges against them and apparently without access to a lawyer.

European countries continue to cooperate with Libya to control illegal migration, often without adequate regard for the rights of African migrants or the need to protect refugees and others at risk of abuse on return to their home countries.