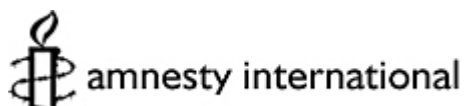


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Amnesty International Report 2009 - Libya

Head of state: Mu'ammar al-Gaddafi
Head of government: al-Baghdadi Ali al-Mahmudi
Death penalty: retentionist
Population: 6.3 million
Life expectancy: 73.4 years
Under-5 mortality (m/f): 20/19 per 1,000
Adult literacy: 84.2 per cent

Libya's human rights record and continuing violations cast a shadow over its improved international diplomatic standing. Freedom of expression, association and assembly remained severely restricted in a climate characterized by the repression of dissident voices and the absence of independent human rights NGOs. Refugees, asylum-seekers and migrants continued to be detained indefinitely and ill-treated. At least eight foreign nationals were executed. The legacy of past human rights violations remained unaddressed.

Background

2008 saw a further improvement in diplomatic relations between Libya and the USA and European countries. In September, US Secretary of State Condoleezza Rice visited Tripoli after the two states agreed a claims settlement in August relating to the Lockerbie aircraft bombing, among other issues. In August, the government agreed a Treaty of Friendship, Partnership and Co-operation with Italy, including provision for bilateral efforts to combat "illegal migration". In November, negotiations started with the EU over a Framework Agreement covering issues such as economic co-operation and migration policy. The same month the government held high-level negotiations with Russia on energy co-operation, civilian nuclear development and foreign policy.

The government failed to extend invitations to the UN Special Rapporteur on torture and the UN Working Group on Arbitrary Detention despite pending requests.

Repression of dissent

The government did not tolerate criticism or dissent and maintained draconian

legislation to deter it. Under the Penal Code and Law No. 71 of 1972 on the Criminalization of Parties, independent political expression and group activity is banned and those who peacefully exercise their rights to freedom of expression and association may face the death penalty. The authorities continued to take action against anyone who openly addressed such taboo topics as Libya's poor human rights record or the leadership of Mu'ammar al-Gaddafi.

- Prisoner of conscience Fathi el-Jahmi continued to be held at the Tripoli Medical Centre. Arrested in March 2004 after he called for political reform and criticized the Libyan leader in international media interviews, he was declared mentally unfit when taken before a court in September 2006. In March 2008 he was examined by an independent medical doctor on behalf of the US-based NGO Physicians for Human Rights, who assessed him as showing no signs of mental incapacity but found him to be in poor health and in need of surgery.
- Idriss Boufayed and 11 others were tried before the State Security Court, a court created in August 2007 to try individuals accused of unauthorized political activity and offences against state security and whose proceedings do not conform to international fair trial standards. Idriss Boufayed and 10 others were sentenced to prison terms of up to 25 years after being convicted on vaguely worded charges, including "attempting to overthrow the political system", "spreading false rumours about the Libyan regime" and "communication with enemy powers". The 12th defendant was acquitted. The defendants did not have access to court-appointed counsel outside the courtroom and all but one were not allowed to appoint counsel of their choosing. Idriss Boufayed and his co-accused were arrested in February 2007 after he and three others issued a statement about a planned peaceful protest to commemorate the killing of at least 12 people during a demonstration in February 2006 in Benghazi. Two other people detained at the same time were not brought to trial: Jum'a Boufayed was released from Ain Zara Prison on 27 May after more than a year in incommunicado detention without trial; the fate and whereabouts of Abdelrahman al-Qateewy were unknown. Idriss Boufayed was released in October, and eight of his co-defendants were released in November. No explanation was given for the releases. Two men sentenced with them remained in prison.

Freedom of association

The right to freedom of association was severely curtailed and the government did not allow independent human rights NGOs. The only organization permitted to address human rights was the Society of Human Rights of the Gaddafi International Charity and Development Foundation (GDF), headed by Saif al-Islam al-Gaddafi, a son of Mu'ammar al-Gaddafi. In July, the GDF launched "al-Gaddafi Call", an initiative encouraging people to submit information and complaints about human rights violations.

- In March, a group of lawyers, journalists and writers applied to register a new NGO, the Centre for Democracy, to work towards "the dissemination of democratic values and human rights and the rule of law in Libya", but then dropped the proposal. According to the chairperson of its founding committee, this was because the authorities objected to 12 of those named as founders of the organization and because of an attack on Dhow Al Mansouri, who headed the founding committee of the Justice Association for Human Rights within the Centre for Democracy. He was abducted and assaulted in June by three unidentified assailants who warned him against the establishment of the NGO.

Counter-terror and security

In April, the GDF announced that 90 members of the Libyan Islamic Fighting Group had been released from prison following negotiations led by the GDF with the group's leaders. The GDF stated that this represented a third of the group's membership.

The authorities did not disclose any information about two Libyan nationals, Abdesalam Safrani and Abu Sufian Ibrahim Ahmed Hamuda, who were detained when they were returned from US custody in Guantánamo Bay in December 2006 and September 2007 respectively. The lack of information raised fears for their safety and that of other Libyans who might be returned under similar circumstances. At least seven other Libyans continued to be held by the US authorities at Guantánamo Bay.

Impunity

The authorities failed to address the long-standing pattern of impunity for perpetrators of gross human rights violations. No public information was made available about the investigation into events in 1996 at Tripoli's Abu Salim Prison in which hundreds of prisoners were allegedly killed. The GDF announced that a preliminary report establishing criminal and legal responsibility for the incident would be submitted to the judicial authorities, but gave no date. In June it was reported that the North Benghazi court ordered the authorities to disclose the fate of some 30 prisoners who were feared to have died in detention during the events at Abu Salim, but they failed to provide any public information. Some reports suggested that the authorities had agreed to pay financial compensation to about 35 families of prisoners who died in return for their agreement not to seek judicial redress.

The authorities took no steps to address the legacy of gross human rights violations committed in earlier years, notably the 1970s, 1980s and 1990s, including the enforced disappearance of hundreds of critics and opponents of the government. Many are feared to have died or been killed in custody.

The authorities also failed to investigate properly a death in detention in suspicious circumstances in 2008.

- In May, Mohammed Adel Abu-Ali was reported to have died in custody following his deportation from Sweden earlier that month. He was arrested upon arrival in Libya. The authorities said that he committed suicide; an investigation conducted by the Swedish Ministry of Foreign Affairs concluded that it was impossible to establish the cause of death.

Refugees, asylum-seekers and migrants

There were persistent reports of torture and other ill-treatment of detained migrants, refugees and asylum-seekers; the latter were not afforded protection, as required by international refugee law. On 15 January, the authorities announced their intention to deport all "illegal migrants", and subsequently carried out mass expulsions of Ghanaians, Malians, Nigerians and nationals of other countries. At least 700 Eritrean men, women and children were detained and were at risk of forcible return despite fears that they would be subjected to serious human rights abuses in Eritrea.

- On 21 June, the authorities informed some 230 Eritreans held at a detention centre in Misratah, 200km east of Tripoli, that they were to be flown to Italy later that day for resettlement and told them to be prepared for medical examinations and transportation to the airport. However, it appeared that this was a ruse and that the authorities intended to forcibly return them to Eritrea. None of the Eritreans was known to have been deported by the end of the year, apparently because UNHCR intervened. Many were believed to have fled Eritrea to seek refuge abroad.

Amnesty International visits

The authorities did not permit Amnesty International to visit the country.

Amnesty International reports

- Libya: Mass expulsion of irregular migrants would be a violation of human rights (18 January 2008)
- Libya: Prisoner of Conscience Idriss Boufayed Released (9 August 2008)

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