

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	94
Land:	Libyen
Kilde:	Amnesty International.
Titel:	Report 2010.
Udgivet:	28. maj 2010
Optaget på baggrundsmaterialet:	23. juni 2010

Title	Amnesty International Report 2010 - Libya
Publisher	Amnesty International
Country	Libyan Arab Jamahiriya
Publication Date	28 May 2010
Cite as	Amnesty International, <i>Amnesty International Report 2010 - Libya</i> , 28 May 2010, available at: http://www.unhcr.org/refworld/docid/4c03a81946.html [accessed 10 June 2010]



Amnesty International Report 2010 - Libya

SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA

Head of state: Mu'ammar al-Gaddafi
Head of government: al-Baghdadi Ali al-Mahmoudi
Death penalty: retentionist
Population: 6.4 million
Life expectancy: 73.8 years
Under-5 mortality (m/f): 20/19 per 1,000
Adult literacy: 86.8 per cent

Freedom of expression, association and assembly continued to be severely curtailed and the authorities showed little tolerance of dissent. Critics of the government's human rights record were punished. Former detainees at Guantánamo Bay returned to Libya by US authorities continued to be detained; one died in custody, apparently as a result of suicide. Foreign nationals suspected of being in the country irregularly, including refugees and asylum-seekers, were detained and ill-treated. An official investigation began into the killing of prisoners at Abu Salim Prison in 1996 but no details were disclosed and some of the victims' relatives who had campaigned for the truth were arrested. Hundreds of cases of enforced disappearance and other serious human rights violations committed in the 1970s, 1980s and 1990s remained unresolved, and the Internal Security Agency (ISA), implicated in those violations, continued to operate with impunity.

Background

In February, Mu'ammar al-Gaddafi became Chairperson of the African Union and in September addressed the UN General Assembly (of which Libya held the presidency) for the first time. Also in September Libya marked 40 years under Mu'ammar al-Gaddafi's rule. Negotiations between the EU and Libya on a framework agreement continued.

On 20 August, Abdelbaset Ali Mohmed al-Megrahi, the Libyan convicted of the 1988 bombing of Pan Am Flight 103 over Scotland in the UK, was released by the Scottish authorities and returned to Libya after he was confirmed to have terminal cancer.

In October, the authorities agreed to a visit by the UN Working Group on Arbitrary Detention, but they neither specified a date nor did they invite the UN Special Rapporteur on torture, despite a pending request.

In November, Switzerland suspended the normalization of relations with Libya, following the Libyan authorities' incommunicado detention of two Swiss businessmen, Rachid Hamdani and Max Goeldi, from 18 September to 9 November. In November, the men were convicted of immigration offences and sentenced to 16-month prison terms and fines of LYD2,000 (approximately 1,000 euros). The men, who remained in the Swiss embassy at the end of the year, also faced commercial and tax charges.

Repression of dissent

The authorities released at least two prisoners of conscience but rearrested one of them and continued to detain others. Activities that amount to the peaceful exercise of freedom of expression and association remained criminalized in the Penal Code and Law 71 of 1972.

- Jamal el-Haji and Faraj Saleh Hmeed, detained since February 2007 for attempting to organize a peaceful demonstration, were released on 10 March. Jamal el-Haji was arrested on 9 December and charged with insulting the judiciary after he complained about his treatment in detention.
- Fathi el-Jahmi, a renowned critic of the political system detained as a prisoner of conscience almost continuously since March 2002, during which he had access to only sporadic and inadequate medical care, was flown from Libya to Jordan for urgent medical treatment on 5 May. He died on 21 May. No independent investigation was known to have been opened by the Libyan authorities into the circumstances leading to the deterioration of his health and the cause and circumstances of his death.
- Abdelnasser al-Rabbasi, arrested in January 2003 and serving a 15-year prison sentence for "undermining the prestige of the Leader of the revolution" for writing an email critical of Mu'ammar al-Gaddafi to the *Arab Times* newspaper, remained in Abu Salim Prison.
- 'Adnan el-'Urfi, a lawyer, was arrested on 9 June following his call to the radio programme *Good Evening Benghazi* in May, in which he recounted human rights violations endured by one of his clients and criticized Libya's judicial system. He was cleared of all charges by a court in Benghazi in September. The prosecution appealed; he remained at liberty pending the outcome of the appeal.

Counter-terror and security

The imprisoned leadership of the Libyan Islamic Fighting Group (LIFG) was reported to have renounced violence following continued negotiations with the Gaddafi International Charity and Development Foundation (GDF), headed by Saif al-Islam al-Gaddafi. In March, the GDF announced that 136 members had been released over the previous two years. Forty-five more members were released in October, along with 43 others alleged to be members of "jihadist" groups. The GDF published a list of those released in October, calling on the Secretary of the General People's Committee to assist their social reintegration.

- In June, Muhammad Hassan Abou Sadra, a victim of arbitrary detention according to the UN Working Group on Arbitrary Detention, was released after more than 20 years.
- Abu Sufian Ibrahim Ahmed Hamuda and Abdesalam Safrani, who were returned from detention at Guantánamo Bay by the US authorities in September 2007 and December 2006 respectively, continued to be detained at Abu Salim Prison. The

Libyan authorities refused to disclose their legal status. Three other Libyan nationals held at Guantánamo Bay were cleared for release by US authorities in September but had not been returned to Libya by the end of the year.

- Abdelaziz Al-Fakheri, also known as Ibn Al Sheikh Al Libi, was reported to have committed suicide in Abu Salim Prison on 9 May. He had been returned to Libya in late 2005 or early 2006 after detention by US forces as a terror suspect and had been continuously detained since his return. The authorities said they had opened an investigation and said later that he had committed suicide but provided no details.
- Mahmoud Mohamed Aboushima, suspected of belonging to the LIFG, who was arrested in July 2005 shortly after returning from the UK, remained in Abu Salim Prison at the end of 2009 despite a High Court ruling of July 2007 confirming a lower court order that he be released.

Migrants, refugees and asylum-seekers

The authorities continued to detain suspected irregular migrants, some of whom were reported to have been ill-treated, and thousands of whom were subsequently deported. The authorities also failed to afford the protection required by international law to refugees and asylum-seekers. In May, the Italian authorities began to send irregular migrants intercepted at sea to Libya, where they were detained. UNHCR, the UN refugee agency, said that by September it had granted refugee status to 206 of the 890 people sent back from Italy to Libya whose cases it had examined. In November, UNHCR's Libyan partner organization announced plans to open health clinics in four detention centres.

- On 10 August, security forces reportedly used excessive force, including live ammunition, knives and sticks, against up to 200 foreign nationals seeking to escape from the Ganfouda Detention Centre near Benghazi, reportedly causing deaths and serious injuries. Most of the escapees were recaptured and returned to Ganfouda. Some inmates were reported to have been assaulted by security officials following the escape attempt.

Impunity

Throughout 2009, relatives of the hundreds of prisoners believed to have been killed at Abu Salim Prison in 1996 held peaceful protests in Benghazi, Ajdebia and other cities to demand the truth, justice and reparation. The authorities informed some families that prisoners had been killed, and in some cases issued death certificates, but many families rejected the offer of financial compensation as it was conditional on their not seeking judicial redress. In September, the authorities appointed a judge to head an investigation into the incident, but neither his mandate nor other details of the investigation were disclosed. In October, the authorities announced plans to demolish Abu Salim Prison, prompting an outcry by some families of victims who feared the destruction of evidence.

The security forces, particularly the ISA, continued to operate with impunity, and detained and interrogated individuals suspected of dissent or terrorism-related activities, while holding them incommunicado and denying them access to lawyers.

- On 26 March, three members of the Organizing Committee of Families of Victims of Abu Salim in Benghazi were arrested. Fouad Ben Oumran, Hassan El-Madani and Fathi Tourbil were at the forefront of the demonstrations by families of victims. They and two others arrested on 28 March were released days later without being formally charged.

On 28 October, the General People's Committee for Justice invited people to contact it if they had been detained by "security bodies" without trial or after acquittal or

completion of sentences to the Committee in the framework of "national reconciliation". The Secretary of the Committee reportedly said that victims would receive financial compensation for every month spent in prison, and that the "door remained open" for judicial redress. However, the authorities did not publicly apologize for the human rights violations committed, nor were perpetrators brought to justice.

Discrimination against women

Women continued to face discrimination in both law and practice. Some were prosecuted and convicted for zina (having sexual relations outside of wedlock); at least one woman was sentenced to flogging.

- On 21 October, a group of women from a state-run care centre in Benghazi demonstrated against alleged sexual harassment by officials at the centre. Following the demonstration, officials reportedly put pressure on the women to retract their allegations. On 26 October, defamation charges were initiated against Mohamed Al-Sarit, the journalist who reported on the protest, apparently on the basis of complaints made by some of the women. Investigations were reported to have been initiated into the women's allegations of sexual harassment but no suspected perpetrators were tried.

Death penalty

The death penalty was retained for a large number of offences, including for the peaceful exercise of the right to freedom of expression and association. At least four men were reported to have been executed – one Nigerian and three Egyptian nationals – but the real number may have been higher as the authorities did not disclose details of executions. An amnesty marking the 40th anniversary of the Fateh Revolution in September commuted to life imprisonment all death sentences of those convicted in criminal cases before 1 September. Eight other people under sentence of death were pardoned and 11 had their sentences commuted to various prison terms.

Amnesty International visit/report

- Amnesty International delegates were permitted to visit Libya for the first time in over five years in May.
- Libya: Amnesty International completes first fact-finding visit in over five years (MDE 19/003/2009)

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