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Amnesty International

LIBYA

SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA

Head of state: Mu'ammar al-Gaddafi

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: ratified

Overview - Covering events from January - December 2005

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The People's Court was abolished. The conviction of 85 members of the banned Libyan Islamic Group – also known as the Muslim Brothers (MB) – who had been sentenced to death or long prison terms in 2002 after an unfair trial was overturned by the Supreme Court. Their retrial before a newly established ad hoc court was ongoing at the end of the year. Five prisoners of conscience who had been held since 1998 were released but many other political prisoners, including prisoners of conscience, were believed to be held and several new arrests were reported. There was still no clarity regarding the fate of suspected government opponents who “disappeared” in previous years. Freedom of expression and association remained severely restricted and one journalist was killed in circumstances suggesting official complicity. At least six people, all foreign nationals, were executed. The rights of asylum-seekers and refugees were abused.

Background

Libya's relations with the USA and other Western countries continued to improve. In October Libya and the UK agreed a Memorandum of Understanding, according to which Libya gave diplomatic assurances that it would not torture Libyan nationals suspected of terrorism by the UK if they were returned to Libya. In September the USA waived some defence export restrictions on Libya to allow US companies to participate in destroying Tripoli's chemical weapons' stockpile and to refurbish eight transport planes.

Human rights reforms

The government continued the process of reform. The People's Court, before which many political suspects had received grossly unfair trials, was formally abolished in January. The authorities said that suspects would be tried before the ordinary criminal courts in future. However, an ad hoc court was reportedly established in September to retry the case of 85 MB members whose sentences had been overturned by the Supreme Court. In August, Saif al-Islam al-Gaddafi, head of the Al-Gaddafi International Foundation for Charitable Associations (GIFCA) and son of Libya's head of state, Colonel Mu'ammar al-Gaddafi, told *Al-Jazeera* TV that Libya wished to establish an independent judiciary after dispensing with revolutionary and people's tribunals and that new legislation was being prepared to create “a free environment that is suitable for a normal political life in Libya”.

In April, the authorities announced that a committee had been established to investigate an incident at Tripoli's Abu Selim Prison in June 1996 when an undisclosed number of prisoners were killed or “disappeared”. Estimated figures for those killed ranged from tens to hundreds. AI called for the committee to have full powers to investigate and to recommend prosecutions of perpetrators and compensation for victims or their families, and for its findings to be made public.

In November the authorities, responding to the entry on Libya in *Amnesty International Report 2005*, stated that both Libyan law and the Constitutional Declaration contained human rights safeguards. They also denied that the country held prisoners of conscience and said that the existence of 57 “associations actively involved in different walks of life” indicated that the rights to freedom of opinion and expression were respected.

Political prisoners

Five prisoners of conscience held since 1998 were released in September, a few weeks after Saif al-Islam al-Gaddafi told *Al-Jazeera* TV that 131 political prisoners could soon be released. Ramadan Shaglouf, Tariq al-Dernawi, Tawfiq al-Jehani, Ali Be'aou and Musa al-Ziwi were all serving long prison terms for their alleged membership of the banned Islamic Alliance Movement. They reportedly pledged that they would not again become involved in politics as a condition of their release.

Despite these releases, scores of other political prisoners, including prisoners of conscience, continued to be held.

- Fathi el-Jahmi remained in detention following his arrest in March 2004. A prisoner of conscience, he was detained after he criticized Libya's head of state and called for political reform in international media interviews. He was held by the Internal Security Agency (ISA), reportedly at a special detention facility on the outskirts of Tripoli.
- Abdurrazig al-Mansouri, a writer and journalist, was sentenced to 18 months' imprisonment in October for

possessing an unlicensed pistol. The gun was apparently found the day after he was arrested in January at his home in Tobruk. The real reason for his imprisonment was believed to be critical articles about politics and human rights in Libya that he had published on a website shortly before his arrest.

Among others who continued to be imprisoned were the 85 members of the MB, whose retrial before an ad hoc court was ongoing at the end of the year. The sentences imposed on them in 2002, which included two death sentences and long prison terms, were overturned by the Supreme Court in September. Dozens of members of other political groups, including the Libyan Islamic Fighting Group, were still serving prison sentences imposed after unfair trials in previous years.

Several new arrests were reported, including of long-term government critics who returned to Libya after apparently receiving official assurances that they would not be arrested.

- Mahmoud Mohamed Boushima was detained in Tripoli two weeks after he returned to Libya in July from the UK, where he had been resident since 1981. The authorities denied him access to his family and did not disclose the reasons or legal basis for his detention or where he was being held, raising concern about his safety and treatment. He was still held by the ISA at the end of 2005.
- Kamel el-Kailani was detained by the ISA when he flew to Tripoli from the UK in July. A dual UK-Libyan national, he had reportedly been assured by Libyan diplomats in London and by GIFCA that he would not be arrested if he returned to Libya. He was still held at the end of the year and the authorities had not disclosed the reason or legal grounds for his detention.

Freedom of expression and association restricted

The authorities maintained strict controls on freedom of expression and there were no independent domestic human rights organizations. The state-owned media was closely controlled and legislation continued to prohibit the formation of independent newspapers outside the existing political system. Journalists and writers who criticized the authorities were arrested or otherwise harassed.

- On 2 June, Dhaif al-Gazzal's mutilated body was found near Benghazi 12 days after he was reported to have been detained by two men who identified themselves as ISA officials. He had been shot in the head. In March, he had left his job as a journalist on *al-Zahf al-akhdar* (The Green March), the official newspaper of the Revolutionary Committees, apparently because of his concern about corruption, but had continued to denounce corruption and call for political reform, including on the Internet. In July, the authorities said that an official investigation into the murder was in progress.

Death penalty

The death penalty continued to be used despite Colonel al-Gaddafi's stated opposition, but it was not clear how many death sentences were passed or executions carried out. At least six foreigners, two Turkish and four Egyptian nationals, were executed in July.

The death sentences imposed in May 2004 against five Bulgarian nurses and a Palestinian doctor were overturned in December by the Supreme Court, which ordered a retrial in a lower court. The six had been sentenced after being convicted by the People's Court of deliberately infecting 426 children with HIV while working at a hospital in Benghazi. They alleged that they were tortured in pre-trial detention. A case was brought against eight police officers, a military doctor and a translator, who were accused of being responsible for the alleged torture. All 10 were acquitted in June. The six medical workers remained in detention awaiting trial at the end of the year. The Bulgarian government and many others, including AI, had criticized deficiencies in the trial of the six.

Past 'disappearances'

No progress was made in establishing the fate or whereabouts of prisoners who "disappeared" in previous years although it was hoped that the Abu Selim investigation would result in clarification of some cases. One case, that of Iranian-born Shi'a religious leader Imam Musa al-Sadr, who reportedly "disappeared" while visiting Libya in 1978, was the subject of legal action in Lebanon, where he had been resident. A Lebanese examining magistrate called for Colonel al-Gaddafi and other Libyan officials to appear before his court in March, but they declined to do so.

Migrants and asylum-seekers

Libya continued to treat asylum-seekers inhumanely and deny them minimum protection. In August around 300 Eritreans were detained in the south-east of the country, near the border with Sudan, without being given access to lawyers or representatives of the UN High Commissioner for Refugees.

In November the UN Committee on Economic, Social and Cultural Rights expressed concern that Libya did not have a law on asylum-seekers and refugees and that the effective guarantee of their rights was "seriously undermined".

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Archive information

Libya: Abolition of People's Court is an important step
(AI Index: MDE 19/001/2005)

EU-Libya cooperation: No safeguards for refugees
(AI Index: MDE 19/044/2005)

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