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[Homepage](#) > [Middle East and North Africa](#) > Libya

LIBYA

SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA

Head of state: Mu'ammar al-Gaddafi

Head of government: al-Baghdadi Ali al-Mahmudi (replaced Shukri Ghanem in March)

Death penalty: retentionist

International Criminal Court: not ratified

Law enforcement officials resorted to excessive use of force, killing at least 12 demonstrators while breaking up a protest and one detainee during a prison disturbance. Over 150 political detainees, including prisoners of conscience, were released following pardons. Freedom of expression and association remained severely restricted. Several Libyans suspected of political activism abroad were arrested or otherwise intimidated when they returned to the country. Five Bulgarian nurses and a Palestinian doctor were sentenced to death by firing squad for a second time. There were continuing concerns about the treatment of migrants, asylum-seekers and refugees. No progress was made towards establishing the fate or whereabouts of victims of enforced disappearances in previous years.

Background

Relations with the USA and European Union countries continued to improve. The USA restored full diplomatic relations in May and later removed Libya from a list of state sponsors of terrorism.

In March, Shukri Ghanem was replaced as prime minister by al-Baghdadi Ali al-Mahmudi. Shukri Ghanem had been promoting a broad programme of reforms, but was opposed by other influential figures.

The authorities announced the creation of new mechanisms to address human rights issues and investigate complaints from citizens about human rights violations, but gave few details of these bodies or how they would operate.

Excessive use of force

Killings of Benghazi demonstrators

At least 12 people were killed and scores injured in February when police opened fire on demonstrators in Benghazi protesting against the publication of cartoons depicting the Prophet Muhammad in a number of European newspapers and the actions of an Italian government minister who appeared on Italian television wearing a T-shirt showing one of the cartoons. According to official statements, the demonstration by several hundred protestors began peacefully but became violent when a group of demonstrators attacked the Italian Consulate in Benghazi with stones and clashed with police protecting it, who then opened fire with live ammunition. Further demonstrations then took place in Benghazi and other eastern cities, including Tobruk and Darna, in the following days and were also dispersed with excessive force by the

security forces, reportedly resulting in at least five more deaths.

The authorities publicly denounced the excessive use of force and dismissed the Secretary of the General People's Committee for Public Security (equivalent to interior minister). In June they reported that the Prosecutor-General's office had undertaken the necessary investigations immediately after being informed of the incident and had charged 10 senior officials with offences such as giving orders for the illegal use of gunfire. However, they were not known to have been tried by the end of the year.

Killings at Abu Salim Prison

In October one prisoner, Hafeed Mansur al-Zwai, died and several others were injured when security forces clashed with detainees at Abu Salim Prison in Tripoli. A week later, the Prosecutor-General's office announced that it had opened an investigation but its outcome was not known by the end of the year. Initial reports indicated that the death was caused by a bullet, but the official autopsy stated that it resulted from a blow to the head. The Prosecutor-General's office stated that three other prisoners and eight police officers had required hospital treatment but unofficial sources reported that nine prisoners had been taken to hospital for treatment of bullet wounds and other injuries. The incident occurred after dozens of prisoners were brought back to the prison following the postponement of a trial hearing at a criminal court specializing in terrorism-related crimes. They faced charges of belonging to a banned organization, reportedly the Libyan Islamic Fighting Group, and terrorism-related offences.

The authorities reported in July that an official investigation into killings of up to 1,200 detainees following disturbances at Abu Salim Prison in 1996 was ongoing. However, no information was made available regarding the details of the investigation.

Releases of political prisoners

In January, six political prisoners - Muftah al-Mezeini, Awad al-Urfi, Ahmed Zaed, Musa al-Shaeri, Salah Khazzam and Ahmed al-Khafifi - were released due to ill health. Ahmed al-Khafifi had been convicted by the People's Court and sentenced to life imprisonment for supporting a banned organization. The People's Court, abolished in 2005, was an exceptional court for political cases where the rights of the accused were routinely violated.

In March some 130 political prisoners, including dozens of prisoners of conscience, were released in an amnesty. They included some 85 members of the Libyan Islamic Group (also known as the Muslim Brothers), many of whom had been held since 1998. The Gaddafi Development Foundation (formerly known as the Gaddafi International Foundation for Charitable Associations), headed by Saif al-Islam al-Gaddafi, son of Mu'ammarr al-Gaddafi, had concluded that they had neither used nor advocated violence. Sentences imposed on them in 2002 by the People's Court were overturned by the Supreme Court in September 2005, but re-imposed by a lower court in February. Two had been sentenced to death and others to long prison terms. AI considered them to be prisoners of conscience, while the authorities maintained that they had been fairly convicted in a regular criminal court on charges of setting up a banned secret organization with the aim of overthrowing the political system.

Also released was Abdurrazig al-Mansouri, a writer and journalist who had been sentenced to 18 months' imprisonment in 2005 for possessing an unlicensed pistol, although it appeared that the real reason for his imprisonment was his publication of critical articles about politics and human rights in Libya on a news website shortly before his arrest.

Some of the releases appeared to be conditional; the Muslim Brothers, in particular, were reportedly forced to sign pledges that they would not undertake any political activities.

In November some 20 political prisoners of Jordanian, Lebanese, Libyan and Syrian nationality were released. They had been arrested in a group of 52 people in Benghazi in 1990 and accused of attempting to overthrow the government and of propagating subversive ideas from abroad. Some of them said that they had been tortured during incommunicado detention. Those released were among 23 people sentenced to life imprisonment in 1991 by the People's Court.

Restrictions on freedom of expression and association

The rights to freedom of expression and association continued to be severely restricted. In August, Saif al-Islam al-Gaddafi criticized the continuing restrictions, including the lack of press freedom and the domination of the media by four state-owned newspapers, and called publicly for political reform, stating that individuals were imprisoned for no reason. Later that month, however, Mu'ammarr al-Gaddafi urged his supporters to "kill enemies" if they asked for political change.

- Fathi el-Jahmi remained in detention at an undisclosed location understood to be a special facility of the Internal Security Agency, with visits from his family reportedly permitted only every few months. A prisoner of conscience, he was arrested and detained in March 2004 after he criticized Libya's head of state and called for political reform in international media interviews. According to the authorities, he was being tried on charges related to exchanging information harmful to the national interest with a foreign state, and had access to a lawyer. However, they did not disclose where he was being

tried.

Several Libyans suspected of political activism abroad were arrested or otherwise intimidated when they returned to the country, in some cases apparently after receiving official assurances that they would not be arrested.

- Idriss Boufayed, a long-standing critic of the government, was arrested and taken into incommunicado detention in early November. The authorities did not disclose to his family the reasons for his arrest or his place of detention. Unconfirmed reports suggested that he was being held under guard in a psychiatric hospital in Tripoli. Idriss Boufayed was recognized as a refugee in Switzerland, but returned to Libya in September, reportedly after receiving assurances from the Libyan embassy that he would not be at risk. He was released at the end of December.

- In July the authorities provided details about Mahmoud Boushima and Kamel el-Kailani, who were arrested and detained on their return to Libya from the UK in July 2005. They said that the two men had been charged with belonging to the Libyan Islamic Fighting Group and that Mahmoud Boushima was detained pending an investigation into his case. Kamel el-Kailani was released in April. Both men had reportedly received assurances from the authorities that they would not be arrested on their return.

Death penalty

No executions were reported during the year, but death sentences continued to be passed.

- In December, five Bulgarian nurses and a Palestinian doctor were sentenced to death by firing squad for a second time after being convicted of knowingly infecting hundreds of Libyan children with HIV in a hospital in Benghazi in 1998. Confessions which the accused alleged were extracted under torture were used as evidence against them, while defence lawyers were not allowed to bring in international medical experts. The six medics had been in detention since 1999. Previous death sentences against them were overturned by the Supreme Court in 2005.

Rights of migrants, asylum-seekers and refugees

There were continuing concerns about the treatment of migrants, asylum-seekers and refugees. Foreigners arrested on suspicion of being irregular migrants reportedly often suffered abuse in detention, such as beatings, and were collectively deported without access to a lawyer or an assessment of their individual cases. In November, on the occasion of a Euro-African conference on migration and development held in Tripoli, the Libyan authorities announced that they had significantly increased repatriations of migrants. They had deported some 50,000 from the beginning of the year until 6 November, compared with fewer than 5,000 in 2004.

AI country reports/visits

Statements

- Libya: AI welcomes release of political prisoners (AI Index: MDE 19/002/2006)
- Libya: Investigation needed into prison deaths (AI Index: MDE 19/006/2006)
- Libya: Death sentences for foreign medics must be withdrawn (AI Index: MDE 19/007/2006)

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