

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	109
Land:	Libyen
Kilde:	Amnesty International
Titel:	Annual Report 2011
Udgivet:	13. maj 2011
Optaget på baggrundsmaterialet:	10. juni 2011

Title	Amnesty International Annual Report 2011 - Libya
Publisher	Amnesty International
Country	Libyan Arab Jamahiriya
Publication Date	13 May 2011
Cite as	Amnesty International, <i>Amnesty International Annual Report 2011 - Libya</i> , 13 May 2011, available at: http://www.unhcr.org/refworld/docid/4dce155ac.html [accessed 6 June 2011]



Amnesty International Annual Report 2011 - Libya

Head of state: **Mu'ammar al-Gaddafi**
Head of government: **al-Baghdadi Ali al-Mahmoudi**
Death penalty: **retentionist**
Population: **6.5 million**
Life expectancy: **74.5 years**
Under-5 mortality (m/f): **20/19 per 1,000**
Adult literacy: **88.4 per cent**

The authorities restricted rights to freedom of expression, association and assembly and repressed virtually all dissent. Hundreds of prisoners continued to be arbitrarily detained on security grounds, including some who had been acquitted by courts or had completed prison sentences, although releases were reported. Foreign nationals suspected of entering Libya irregularly were subject to indefinite detention and ill-treatment; they included refugees and asylum-seekers. At least 18 executions were reported. The government failed to disclose the findings of an investigation into an incident at Abu Salim Prison in 1996 when hundreds of inmates were alleged to have been killed by security forces, and took no action to provide justice for victims of gross human rights violations committed in the 1970s-1990s.

Background

In May, Libya was elected to the UN Human Rights Council and in November to the board of a new UN body established to promote the rights of women. Also in November, Libya's human rights record was assessed under the UN Universal Periodic Review; the government rejected recommendations calling for the death penalty not to be applicable to "offences" related to freedom of expression, and to disclose the names of victims killed in Abu Salim Prison in Tripoli. A planned visit to Libya by the UN Working Group on Arbitrary Detention did not take place and the government did not accede to a request to visit by the UN Special Rapporteur on torture.

Negotiations between the EU and Libya on a Framework Agreement continued. Following a visit by EU Commissioners in October, the EU and Libya agreed a joint "co-operation agenda" on controlling migration.

Swiss businessmen Rachid Hamdani and Max Goeldi were released in February and June respectively and permitted to leave Libya. Both had been detained on politically motivated charges and banned from travel following a diplomatic row between Libya

and Switzerland over the arrest in Geneva in 2008 of a son of Libyan leader Mu'ammar al-Gaddafi.

In December, the Gaddafi Development Foundation, headed by Saif al-Islam al-Gaddafi, a son of the Libyan leader, announced that it will no longer address human rights concerns.

Repression of dissent

The government maintained strict curbs on freedom of expression, association and assembly, and government critics faced arrest and risked prosecution under laws criminalizing peaceful dissent, including the Penal Code and Law 71 of 1972. These prescribe severe punishments – including the death penalty – for activities that amount to no more than the peaceful exercise of freedom of expression and association. Some prisoners were released.

- On 8 March, Abdelnasser al-Rabbasi was released early from a 15-year prison sentence imposed for "undermining the prestige of the Leader of the Revolution" after he sent an email to the *Arab Times* newspaper held to be critical of the Libyan leader. He had been held since January 2003.
- On 14 April, Jamal el-Haji was released after the State Security Court acquitted him of insulting the judiciary. He had been arrested in December 2009 after making an official complaint about ill-treatment when he was detained from February 2007 to March 2009.

The media was heavily restricted and largely state-controlled, although privately owned newspapers associated with Saif al-Islam al-Gaddafi continued to express some criticism of state corruption and inefficiency.

On 21 January, the privately owned daily newspapers *Oea* and *Cyrene* announced that they would only publish online. *Oea* later reported that the suspension of its print version was a result of "a story which later proved to be true". While *Oea's* weekly supplement went back to print in July, the Secretary of the General People's Committee (the Prime Minister) ordered its suspension in November following the publication of an opinion piece alleging government incompetence and corruption.

- On 16 February, four employees of the "Good Evening Benghazi" radio programme were arrested, a day after the show was cancelled. Muftah al-Kibaili, Suleiman al-Kibaili, Khaled Ali and Ahmed Al-Maksabi were released the next day. The programme had a reputation for reporting on "sensitive" political issues.

In September, the authorities announced that associations that were not compliant with Law 19 of 1369 (Islamic calendar year) would be closed. The law gives the authorities extensive power over the establishment, activities and dissolution of any association.

- On 6 November, 22 journalists of the Libya Press Agency, affiliated with Saif al-Islam al-Gaddafi, were arrested several days after the authorities suspended *Oea's* weekly supplement; they were quickly released following the intervention of the Libyan leader.

In December, the Libya Press Agency announced its decision to close its offices in Libya due to "security harassment".

Counter-terror and security

In January, the Secretary of the General People's Committee for Justice told the General People's Congress that over 300 individuals remained imprisoned without any legal basis. In response, Mu'ammar al-Gaddafi described them as "terrorists" and said they should not be released, but two months later over 200 prisoners were freed under a framework

of "reconciliation" between the state and those suspected of security-related offences. They were said to have included 80 detainees who had been cleared by the courts or completed their sentences. On 31 August, 37 more prisoners were released, including members of the Libyan Islamic Fighting Group (LIFG) and Abu Sufian Ibrahim Ahmed Hamuda, a former Guantánamo Bay detainee returned to Libya by the US authorities in 2007. The government said it would compensate financially those who had been detained without any legal basis, but offered no other forms of redress.

- In August, the authorities released Mahmoud Mohamed Aboushima; he had spent over five years in detention although the High Court cleared him of charges of belonging to the LIFG in July 2007.

More than 200 people continued to be arbitrarily detained, including suspected members of armed Islamist groups and others suspected of committing "offences against the state". Some had been cleared by the courts or had completed their prison sentences; others were serving prison terms imposed after unfair trials.

- Mahmud Hamed Matar continued to serve a sentence of life imprisonment imposed after an unfair trial. He had been detained for 12 years before being tried and sentenced in February 2002 on security-related charges. Although a civilian, he was tried before a military court.
- Jalal al-Din 'Uthman Bashir remained in Abu Salim Prison. He was arrested in September 1995 and held incommunicado until 1999, when he was tried before the People's Court, convicted of supporting the LIFG and sentenced to life imprisonment. His case was reviewed in 2006 after the abolition of the notoriously unfair People's Court and his sentence was reduced to 10 years' imprisonment. 2010 was his 15th year in detention.

Impunity

The government disclosed no information about the official investigation said to have been held into the Abu Salim Prison killings in June 1996, when the security forces allegedly killed up to 1,200 inmates. In Benghazi, victims' families continued to be pressured by the authorities to accept financial compensation and renounce their rights to truth or judicial redress. In October, the Organizing Committee of the Families of Victims of Abu Salim in Benghazi suspended their weekly public protests after security officials undertook to address their health, housing and socio-economic concerns.

The authorities took no steps to investigate past gross human rights violations or bring to justice those responsible.

- No investigation was held into the enforced disappearance of Jaballah Hamed Matar (brother of Mahmud Hamed Matar) and 'Ezzat Youssef al-Maqrif, prominent members of the National Front for the Salvation of Libya, a banned political opposition group, who are believed to have been detained by Egyptian security officials in Cairo and handed to the Libyan authorities in March 1990.

Refugees, asylum-seekers and migrants

In June, Law No. 19 of 2010 on Combating Irregular Migration was passed. This provides for indefinite detention followed by deportation of those believed to be irregular migrants, and allows no right of appeal.

On 8 June, UNHCR, the UN refugee agency, disclosed that the Libyan government had ordered it to cease operation; it was subsequently permitted to partially resume its work but was no longer allowed to process new refugee cases or visit detention centres.

Thousands of suspected irregular migrants, including refugees and asylum-seekers, were held in severely overcrowded conditions in detention centres until July, when the

authorities released over 4,000 of them and granted them three months' temporary residence.

Suspected irregular migrants faced habitual verbal abuse, beatings and other ill-treatment, in some cases amounting to torture, while detained. In early July, the Libyan leader called for an investigation into reports that about 200 Eritrean nationals had been beaten by security officials at Misratah Detention Centre on 30 June and during their forcible transfer to Al-Birak Detention Centre. By the end of the year, no information had been disclosed about the outcome of the investigation.

Women's rights

The law continued to discriminate against women, notably in relation to marriage, divorce and inheritance, and polygamy remained allowed for men.

In January, a new nationality law was adopted to permit Libyan women married to foreign spouses the right to pass on Libyan nationality to their children on a similar basis as permitted for Libyan men married to foreign spouses.

Discrimination – members of the Tabu community

Members of the Tabu community in south-eastern Libya faced discriminatory measures. The authorities refused to renew or issue passports, birth certificates and other identification documents, and schools in Kufra municipality refused to enrol some Tabu students.

Forced evictions of members of the Tabu community continued in Kufra until early April; families told Amnesty International that those evicted were neither consulted about the evictions nor provided with alternative housing.

Death penalty

At least 18 prisoners, possibly more, were reported to have been executed, many of them foreign nationals. In May, a newspaper close to Saif al-Islam al-Gaddafi reported that over 200 people were on death row.

In December, Libya was one of the minority of states that voted against the UN General Assembly resolution calling for a moratorium on the death penalty.

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