

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	105
Land:	Libyen
Kilde:	UK Foreign and Commonwealth Office
Titel:	Human Rights and Democracy: The 2010 Foreign and Commonwealth Office Report – Section VII: Human Rights in Countries of Concern
Udgivet:	31. marts 2011
Optaget på baggrundsmaterialet:	10. juni 2011

[EN](#) | [DE](#)**Source:**

FCO - UK Foreign and Commonwealth Office

Title:

Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern

Publication date:

31 March 2011

ecoi.net summary: Annual report on human rights situation in 2010 (developments and concerns) [ID 157770]**Countries:**

Libyan Arab Jamahiriya

[Original link](#)**Recommended citation:**FCO - UK Foreign and Commonwealth Office: Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, 31 March 2011 (available at [ecoi.net](http://www.ecoi.net))http://www.ecoi.net/local_link/157770/260157_en.html (accessed 06 April 2011)

Foreign &
Commonwealth
Office

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Libya

We remain concerned, in particular, by restrictions on freedom of association and expression; continued incidences of arbitrary detention; shortcomings in Libya's respect for the rights of migrants; and mistreatment of detainees. In June we raised with the Libyan government our concerns about reports of human rights abuses at migrant detention centres. We also raised a number of individual cases with the Libyan authorities. These included the case of Jaballa Matar, who disappeared in Cairo in 1990 and was later reported to be imprisoned in Libya, and a British national who was held in detention *incommunicado* in Libya for five months in 2010. We continued practical cooperation with Libya on a prison reform project. In November, we made a statement at Libya's Universal Periodic Review, in which we highlighted visits to Libya in 2009 by Amnesty International and Human Rights Watch, and called on the government to issue a standing invitation to the UN Special Procedures of the Human Rights Council to visit Libya.

Limited positive human rights developments in 2010 included the release of a large number of political prisoners who had either been acquitted or had completed their sentences, continued improvements to the standards of Libyan prisons and changes to the law to give mothers and fathers equal standing in the determination of their children's nationality. A review of the Libyan penal code was also in progress at the end of the year.

Internationally, Libya was elected to the UN Human Rights Council for a three-year term in May. Libya made a number of pledges and commitments to promote and protect human rights when presenting its candidature for election. Although we did not support Libya's candidacy due to its human rights record, it is nevertheless important that Libya honours these commitments, particularly to establish a constructive dialogue with civil society and NGOs at national, regional and international level and to cooperate with other countries to ensure the full implementation of international human rights instruments. Libya underwent the Council's Universal Periodic Review in November.

Death penalty

The Libyan penal code still provides for the death penalty. In a statement at its Universal Periodic Review, Libya said that it had applied the death penalty in 201 cases since 1990. In May Libya executed by firing squad 18 prisoners convicted of murder. The Libyan penal code also allows the death penalty for crimes such as the formation or support of illegal organisations or the promotion of principles that undermine the constitution or the social structure.

We were encouraged, however, by signs that Libya was considering reforming its penal code to restrict the use of the death penalty to the most serious crimes. In our statement at Libya's Universal Periodic Review we called for Libya to amend its penal code in this regard. We recommended that Libya commute all existing death sentences and impose a moratorium on the use of the death penalty as a first step towards its abolition. Libya was due to respond to our recommendation at the UN Human Rights Council in March 2011.

Torture

Torture is considered a crime under the Libyan penal code, but prosecutions are rare and

elements of the Libyan security services seem able to act with impunity. Both international and domestic human rights organisations have received credible reports of torture and mistreatment in recent years. In response to recommendations at the Universal Periodic Review that it should adopt domestic legislation in line with international standards on the definition of torture, Libya claimed that these had already been, or were in the process of being, implemented.

As part of the Universal Periodic Review we urged Libya to investigate reports of torture thoroughly and to ratify the Optional Protocol to the UN Convention against Torture, which establishes an international inspection system for places of detention.

Prisons and detention issues

We continue to have strong concerns about the practice of extra-judicial detention and the ability of the security forces to act outside of the law with impunity. These problems were highlighted by the case of a British national who was detained incommunicado without being charged for five months. We raised our concerns about the circumstances of his detention with the Libyan government on numerous occasions, but have yet to receive a response. We also raised the case in our advance questions at Libya's Universal Periodic Review. We called for an investigation, noting that the Libyan code forbids kidnap and imprisonment.

A large number of individuals remain in arbitrary detention in Libya's high-security prisons. Some are reported to have been detained without charge or remain in pre-trial detention. Others have been acquitted or have been convicted through court proceedings that do not meet international standards for a fair trial. At the General People's Congress in January, the secretary of the General People's Committee for Justice highlighted this problem and said that the Committee was not able to resolve it. He claimed that more than 300 individuals remained imprisoned without any legal basis.

In January 2010 the Libyan authorities released prisoners of conscience Muhammad Aqilah al-Abbar and Umran Muhammad Al-Mahdawi, who had been arrested in Zliten in April 2008. On 23 March, following three years of negotiation, Libya announced the release of 214 prisoners with links to Islamist groups. Many of these prisoners had either already

served their sentence in full or had been acquitted. This followed the release of smaller groups in 2009.

In response to international concern about arbitrary detentions, Libya claimed that it had released all of its arbitrary detainees and political prisoners who had “abandoned the use of terrorist acts”. In our advance questions during Libya’s Universal Periodic Review we asked whether those released included Mahmoud Mohamed Aboushima, Abdellatif Al Ragoubi and Mahmud Hamed Matar, who had been mentioned in human rights reports. Libya has not provided a detailed response, but Mahmud Hamed Matar was among the 12 prisoners released in February 2011.

We also asked about Jaballa Matar, who disappeared in Cairo in 1990 and is believed to have been transferred to detention in Libya shortly afterwards. Ministers and embassy officials in Tripoli raised Jaballa Matar’s case with the Libyan government on a regular basis throughout 2010. The Libyan government had not responded by the end of the year.

Since 2004, the Foreign and Commonwealth Office (FCO) has funded the International Centre for Prison Studies in London to conduct a prison reform project in Libya. The project is due to conclude in February 2011. It has made considerable progress in bringing those Libyan prisons falling under the control of the General People’s Committee for Justice into line with international human rights standards. It has implemented improvements in many areas, including the quality of accommodation; the provision of basic services, such as food, sanitation and medical facilities; and the introduction of education and rehabilitation programmes for prisoners. A dedicated prison improvement team has also been established within the Ministry of Justice. But challenges remain, including serious overcrowding.

As outlined in our statement at the Universal Periodic Review, we encouraged Libya to bring all of its prisons under the control of the General People’s Committee for Justice. This includes high-security prisons controlled by the General People’s Committee for Public Security, such as Abu Selim, in which up to 1,200 inmates and guards were reported to have been killed during disturbances in June 1996. The Libyan government launched a judicial inquiry into the deaths at Abu Selim in 2009 but no report had been published by the end of 2010.

Freedom of expression

Libya's laws severely restrict freedom of expression. Organised political opposition is not tolerated. Libya's media is one of the least free in the world, with laws prohibiting publication of material which does not fall "within the framework of the principles, values and objectives of society". Access to a number of international websites, including YouTube, is blocked in Libya.

In 2010 two newspapers (*Oea* and *Qurayna*), which had been launched by the al-Ghad Media Corporation in 2007, ceased production of their printed editions. On 7 December, the al-Ghad Corporation also announced the closure of the Libya Press news agency office in Libya. The statement indicated that the decision to close the agency had been made to protect its staff from harassment by security forces. It followed the temporary arrest of 22 Libya Press journalists in September. The launch in 2007 of the two newspapers, and of the Al-Libiyya satellite TV station (which closed in 2009), had been a positive step towards greater freedom of the media in Libya.

Minorities and other discriminated groups

Libya's population is predominantly Arab. Its Constitutional Declaration of 1969, and other official documents, define Libya as Arab and Muslim. As such, minority communities are not recognised as being distinct from the wider Arab population. This has implications for the official recognition of their languages, including in the media and in education.

The largest non-Arab population in Libya is the Amazigh (Berber) community in the west of Libya. Individuals calling for improved recognition of Amazigh rights can be subject to harassment and detention. In December, four Amazigh activists were arrested. Two Moroccans were subsequently released and returned to Morocco; but two Libyan citizens remained in custody.

Other issues: Migration and refugees

The rights of migrants, particularly those who have entered and remain in Libya illegally, are a cause for concern. The total number of migrants in Libya is estimated to be between 1.5 and 3 million.

Libya has no asylum system and is not a party to the 1951 Convention Relating to the Status of Refugees. Migrants are often detained in poorly equipped detention centres. International human rights organisations, such as Amnesty International, have highlighted reports of human rights abuses, including beatings and other forms of mistreatment. For example there were allegations of mistreatment of Eritrean refugees at the Misurata and Sabha detention centres in June. Our Embassy raised the reports with the Libyan government and in response to international criticism, the Libyan Foreign Ministry issued a statement rejecting the allegations, but agreeing to provide residence permits for the detained Eritrean migrants. It remains unclear, however, what long-term rights of residence these migrants will have.

In June Libya asked the UN High Commission for Refugees to close its office in Tripoli temporarily. We and the EU subsequently lobbied the Libyan government to allow the Commission to re-open. We welcomed the agreement which led to the resumption of the Commission's operations in Libya, albeit with restrictions. We call on the Libyan authorities urgently to give official approval for the UN High Commission for Refugees to resume the full range of its activities in Libya, particularly its work with vulnerable migrants.

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