

19/08-04

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**UNHCR**
The UN Refugee Agency

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Amnesty International - May 2004
Amnesty International Report 2004 - Libya

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Covering events from January - December 2003

There continued to be widespread human rights violations. Legislation criminalizing peaceful political activities remained in force. The security forces continued to arbitrarily arrest real or alleged political opponents, and to detain them incommunicado for long periods without charge. There were reports of torture and ill-treatment. Unfair trials before People's Courts continued to lead to the imprisonment of political opponents. There was no significant progress in shedding light on the human rights violations of the past, including deaths in custody and "disappearances". Political prisoners detained in previous years remained in prison.

Background

In January, the election of Libya as Chair of the UN Commission on Human Rights became highly politicized. While the Libyan authorities were reported to consider the election as evidence of a good human rights situation in the country, some countries, notably the USA, voiced their opposition.

AI called on all members of the Commission's bureau, including Libya, to take a number of concrete steps to demonstrate their commitment to human rights, including extending a standing invitation to the independent human rights experts of the UN to visit their countries. By the end of the year, this recommendation had not been acted on by Libya.

In Libya, a campaign "No To Torture" was launched by the Gaddafi International Foundation for Charitable Associations (GIFCA) headed by Saif al-Islam al-Gaddafi, one of the sons of Colonel Mu'ammar al-Gaddafi.

In December, in an address to civil servants of the General People's Committee for Justice and Public Security reported by the media, Colonel al-Gaddafi reiterated that Libya had no prisoners of conscience and that prisoners were of two kinds only, either "ordinary criminal" or "heretic".

Further steps were noted towards Libya's reintegration into the international community. On 12 September, the UN Security Council lifted sanctions which had been imposed on Libya after the bombing of a Pan Am flight which exploded over the town of Lockerbie in Scotland, United Kingdom (UK), in 1988, killing 270 people. Libya accepted "civil responsibility" for the bombing and offered compensation under a deal with the USA and the UK. Relatives of victims of the US air raids in Libya in 1986, in which 37 people were killed, called on the Libyan authorities to suspend payment to the victims of the Lockerbie

bombing until they received similar compensation from the USA.

In December, Colonel al-Gaddafi declared that Libya was giving up its attempts to develop chemical, biological and nuclear weapons. Libya also announced that it would cooperate with the International Atomic Energy Agency.

The large numbers of Sub-Saharan Africans in Libya hoping to migrate to Europe led some European countries, especially Italy, to take initiatives aimed at building cooperation with Libya to deal with the issue of illegal immigration from Africa to Europe.

Deaths in custody

No independent investigation was known to have been initiated after families of many political prisoners were informed in 2002 that their relatives had died in prison, sometimes years earlier. In September, the Secretariat of the General People's Committee for Justice and Public Security reportedly declared that the cases of "death of some persons who were arrested and detained in police stations" are "limited and well known", and were being "investigated by the General Prosecution". However, this statement did not seem to address the cases of those who died in prisons in previous years.

Arbitrary and incommunicado detention

In January the Secretariat of the General People's Committee for Foreign Liaison and International Cooperation stated in a letter sent to AI that allegations of arbitrary arrest and detention were partial and groundless. However, there were continuing reports that the security forces, notably the Internal Security, continued to arbitrarily detain individuals and hold them incommunicado and without charge, sometimes for several months in breach of the provisions of Libyan law and international standards.

- At least three Libyan nationals were reportedly detained without charge after they were forcibly returned from Sudan in October 2002. Abd al-Mun'im Abd al-Rahman, Mohamed Rashid al-Jazawi and Ismail al-Lawati had been deported back to Libya with their wives and children. Upon arrival at Tripoli airport, they were reportedly transferred to Abu Salim prison. It was believed that they were detained incommunicado and without charge for several months. They were believed to remain in detention without charge or trial at the end of the year.

Unfair trials before People's Courts

The authorities continued to deny the existence of political prisoners or prisoners of conscience. However, unfair trials before People's Courts leading to political imprisonment continued to be reported. Basic rights, including the right of a defendant to choose a lawyer and the right to a public hearing, continued to be disregarded.

- Hearings continued to be repeatedly postponed in connection with the appeal before a People's Court in Tripoli, opened in mid-2002, of 151 professionals and students arrested in 1998 on suspicion of supporting or sympathizing with the banned Libyan Islamic Group, *al-Jama'a al-Islamiya al-Libiya*, also known as the Muslim Brothers. In February 2002, after a first unfair trial before a People's Court in Tripoli, two possible prisoners of conscience, Abdullah Ahmed Izzedin and Salem Abu Hanak, had been sentenced to death, while scores of others received sentences ranging from 10 years to life imprisonment. In a communiqué issued in September, the Human Rights Society of the GIFCA stated that it had called on the authorities "to work towards the release of the group of the so-called 'Muslim Brothers', and this in order to re-integrate them into society [...], given that they have not used or advocated violence."

Developments in the 'HIV trial'

The trial of six Bulgarians and a Palestinian, arrested in 1999 and charged with deliberately infecting at least 393 children with the HIV virus in al-Fateh hospital in Benghazi, continued before the Criminal Court. In a report submitted to the court, two foreign AIDS experts said that the infections were probably caused by poor hygiene, and not by the seven medical workers. According to media reports, at the end of December, five Libyan medical experts submitted a report to the Benghazi Criminal Court stating that deliberate actions were the likelier cause of the infection.

Unlawful detention of migrants at risk of deportation

Among the thousands of migrants living in Libya or passing through the country were scores of people who were believed to have fled their countries to escape persecution. Possible asylum-seekers were unlawfully detained and remained at risk of forcible deportation. Libya had still not ratified the UN Refugee Convention and its 1967 Protocol.

- Seven Eritrean nationals who had reportedly deserted the Eritrean army at different times during 2002 and fled from Eritrea to Sudan and then to Libya were at risk of deportation. They had been arrested by the Libyan authorities on 11 August 2002 as they attempted to cross the Mediterranean Sea. They were subsequently convicted of illegal entry but not released after the expiry of their three-month sentences. They had sought access to the UN High Commissioner for Refugees but it was unclear whether this had been granted by the Libyan authorities. They reportedly remained in detention at the end of the year.
- Another Eritrean national, Binyam Abraha, who was in his early twenties and detained in the same detention centre near Janzour, approximately 30km from the capital, Tripoli, died in custody on the night of 16-17 September. He had reportedly been detained in Libya for over a year and a half, apparently without charge or trial. Although he was reported to be seriously ill and to suffer from poor prison conditions, he was allegedly denied access to medical care.

'Disappearances'

2003 marked the 25th anniversary of the "disappearance" of Imam Musa al-Sadr, a prominent Iranian-born Shi'a cleric who had been living in Lebanon and was last seen in Libya during a visit in 1978. It also marked the 10th anniversary of the "disappearance" of Mansur Kikhiya, former Libyan Foreign Affairs Minister and prominent human rights defender, who was last seen in Cairo, Egypt, in December 1993. The authorities failed to disclose information on these and other cases of "disappearances", including the case of Jaballah Matar and Izzat Youssef al-Maqrif, both prominent Libyan opposition activists, who "disappeared" in Cairo in March 1990.

AI country visits

In March, AI delegates met the Libyan Ambassador to the UN in Geneva in her capacity as Chair of the UN Commission on Human Rights and discussed the reform of the Commission and issues relating to the human rights situation in Libya, including the issue of AI's access to the country for government talks and research.

