

LIBYEN (67)

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What about Human Rights in Libya ?

- 1) When Libya achieved independence on 24th December 1951, it was the first country, in history, to be established with recognized international borders and a written constitution, all under the direct supervision of the United Nations.
- 2) Until 31st August 1969, the Libyans lived secure in peace, without any violence or conflicts, worth mentioning, inside or outside of their country. The only one execution, they experienced during that period, was a sentence delivered by an ordinary civil court against a member of the Royal Family, who intentionally killed one of the King's aides and pleaded guilty before the court.
- 3) On 1st September 1969, a group of army officers overran the legitimate government by means of force, and according to a recent account of one of these officers, just in the very early hours of that day, at least 15 Libyans, who were taken by surprise by the military operations, have lost their lives while they were on duty.
- 4) Despite the UN resolutions related to the establishment and recognition of Libya, most of the governments of the UN members rushed to recognize the military regime. This act of violating the international legitimacy was disastrous for the Libyans and many citizens of most of the countries whose governments took part in this violation.
- 5) Encouraged by the world-wide recognition, the military regime abolished the constitution and all of the country's laws, dissolved the Parliament and all trade unions, nationalized the press, heavily interfered in the juridical system, and established the notorious military and revolutionary courts that lack the absolute minimum guarantees for fair trials.

Result : Thousands of political detainees (most without even an unfair trial), hundreds of executions, tens of deaths caused by torture during detention, tens of assassinations at home and abroad, tens of forced disappearances,...etc.
- 6) As early as the beginning of the 70's, when the individual and collective human rights violations in Libya went unchecked, the Libyan military regime started to practise such violations abroad, not only against the Libyans, but also, directly and indirectly, against citizens of other countries.

7) It should not be secret any longer, that the Libyan military regime easily succeeded many times in blackmailing several European and other governments, either by threatening their interests or arresting their nationals working in Libya, and accusing them of espionage, in order to force these governments to let free one or more of its agents who committed crimes abroad, or to shut their eyes to these regime's human rights violations inside and outside of Libya.

8) In 1990, two Libyan officials were internationally accused of complicity in the Lockerbie disaster, and the UN Security Council adapted certain measures against Libya in order to force its military regime to extradite the accused officials to USA or UK, where they can be fairly tried.

Despite the fact that these measures violate the national sovereignty of Libya, we, as a Human Rights Group, have no choice but respecting them on the basis that there are no fair trials in Libya, the very fact which the Libyans, internationally unheard during the last 25 years, were the first to announce and to suffer from.

On the other hand, we completely disagree to any measures, which only result in collective punishments of innocent people, while strengthening, at the same time the position of their human rights violators.

9) So far, the Libyan military regime did not positively react to any of the countless appeals of the various human rights organizations and the critics of the UN relevant committees. In only very few cases, this regime submitted unserious comments.

10) As the human rights situation in any country is no longer just its own internal affair, and in the light of the deteriorating situation in Libya, we call upon all human rights activists to double their efforts to save and maintain the human dignity in Libya, and ask all governments to reconsider all kinds of trade and diplomatic dealing, including political recognition, with any regime that continue to violate human rights at home or abroad.

11) Now, your support is more needed than ever, not only to protect the Libyans against the systematical human rights violations, but also to protect your own selves and your fellow citizens, and to secure a better future for the young generations, including your own children !

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The Libyan League for Human Rights

Everyone has the right to life,
liberty and security of person



اتحاد الليبيين لحقوق الإنسان
اتحاد لبريد جنوبي ليبيا
والبريد رسالة في ليبيا

The Libyan Government intensifies the wave of violence

During the last three months, the news agencies have carried reports concerning the Libyan Government's intensification of the violence that it has consistently used against its political opponents since independent political activity was prohibited and declared a criminal offence after it seized power by force in 1969 and abolished the laws and legislation relating to the protection of basic human rights and the quarantined right of citizens to choose their government. This new wave of political violence began in the latter part of March when the Republican Guard clashed with citizens in the town of Derna, after which it spread to towns and villages in the eastern part of the country, such as Tubruq, al-Qubba, al-Bayda, Benghazi and Ajdabiya. These areas are still witnessing sporadic acts of governmental violence, particularly after the instructions that the Head of State issued to the "Revolutionary Committees" that the Head of address before the "People's Congress" in the town of Sirte, to eliminate "reactionaries" this being the vague definition applied to all those holding an opinion that is not fully and completely consistent with that of the Head of State. The Government recently intensified its wave of violence to include new areas such as Tripoli where, on 5 July, the Central Prison in the Abu Salim district was the scene of the most severe acts of violence ever witnessed. According to reports the reliability of which the League has no reason to doubt, the right to life, which is the primary human right without which all other human rights are meaningless, was violated and 28 citizens lost their lives as a result of the excessive use of force.

At the same time, the governmental acts of violence led to a further deterioration in the already critical human rights situation in Libya since reliable reports indicated that these violations of the right to life were accompanied by campaigns of large-scale arrests among all sections of the population and particularly young persons. The reports estimated the number of detainees at about 2,000, some of whom had been tortured. In this connection it is noteworthy that, since their establishment, the "Revolutionary Committees" have been in the habit of torturing political detainees, demolishing their houses and seizing their property. All these detentions took place without any process of law and no charge was brought against any of the detainees. Moreover, their places of detention are unknown, none of them have been permitted to contact lawyers or even their families and none of them have been brought before a magistrate or put on trial.

While depicting the rate of the victims of this escalation of violence, the League holds the Libyan Government fully responsible for the death toll among its citizens and for the violation of their basic rights and calls upon it to immediately desist from using violence against its citizens and to release all the prisoners of opinion and conscience. The League also urgently appeals to the Head of State to refrain from inciting any group of armed citizens, even if it is of a "revolutionary" nature, to attack and violate the most fundamental rights of other groups of the population. The principal characteristic of a Head of State is that he should be a leader for all citizens and should not differentiate between them on grounds of colour,

فounded in March 1989 as an NGO

أسست في مارس ١٩٨٩ كجمعية غير حكومية للدفاع عن حقوق الإنسان والبريد رسالة في ليبيا
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sex or family, confessional or political affiliation. Even in states such as Libya in which the leaders seized power by armed force, most of those leaders have exercised power as leaders of all citizens, and not merely as leaders of particular clans or committees, taking care not to give the impression of being the leaders of factions or groups, which in itself betrays the exalted post of Head of State and his leading role in the establishment of justice and security. The incitement of citizens against each other must stop, not only because it entails great dangers that might ultimately lead to the outbreak of a civil war in which both "revolutionary" and "non-revolutionary" citizens would lose all their human rights.

In its public statements, the League has always appealed for the renunciation of violence, which is one of the principal causes of the violation of human rights. While renewing this appeal, it urges the Libyan Government to refrain from using violence against its citizens and to enter into a serious dialogue with its political opponents in order to save the nation from further disaster. In the light of these recurring and escalating acts of violence, the policy of absolute flight, which the Government has pursued for the last twenty-five years and under which any trade-union or political movement other than the "Revolutionary Committees" is considered to be hostile or disloyal, seems to have led to a dead end and must be abandoned so that it can be replaced by the method of dialogue and interaction in such a way as to enable Libyan citizens to exercise their rights and finally enjoy peace of mind and personal safety. Although denying others the right to express their opinion has undoubtedly made it easier for the Government to monopolize all authority, it has in no way facilitated social progress since, throughout this period, the population has been deprived of its most fundamental political, economic and social rights and is currently suffering from the proliferation of violence, which has merely resulted in further deprivation and further violence and counter-violence.

Given the grave situation engendered by violence, which would not have occurred if the regime had based its rule on respect for human rights, the regime should now learn from past experience, refrain from violence and open the country's doors to all Libyans and their various cultural, trade-union and political organizations so that they can participate, on an equal footing, in the assumption of responsibility for the establishment of a modern Libyan State, a State which rejects violence and respects human rights and the rule of law.

The League appeals to all regional and international human rights organizations to urge the Libyan Government to put an end to violence, release all prisoners of opinion and conscience and begin to implement the provisions of the International human rights instruments which it has ratified of its own accord and under which Libyans are entitled to enjoy their internationally recognized political, economic and social rights.

11 July 1996



The Libyan League for Human Rights

Everyone has the right to life,
liberty and security of persons



الرابطة الليبية لحقوق الإنسان
بكل فرد حق في الحياة
والحرية وسلامة نفسه

1 September 1996

Dear Mr Lasso,

Subject: The state of Human Rights in Libya

Eighteen months ago, on 31 March 1995, we seized the opportunity offered by the third anniversary of the adoption by the Security Council of resolution 748 to write to the UN Secretary General about the League's concern regarding the repercussions of that Resolution and its subsequent amendments on the enjoyment of human rights by the Libyan people. That resolution has erected new hurdles and added new threats to the remaining very few restricted minimum rights and freedoms that the Libyan government still permits Libyans to enjoy. We also explained to the Secretary General that the League is convinced that the place of trial of the suspected criminals was important but not as primordial as fair trial and independent Justice both of which are inexistent in Libya. Had Independent Justice and fair Trial existed in Libya, in conformity with article 14 of the International Covenant on Civil and Political rights (ICCPR) of which Libya is a party and also along the UN basic principles on the Independence of the Judiciary as adopted by the UN General Assembly Resolution 40/146 of 13 December 1985 freely voted for by Libya, the present Resolution 748 and its subsequent amendments would not have been voted. Indeed, the free Judiciary would have automatically and impartially decided on the cases of the Libyan suspects involved in the Pan-am and UTA unfortunate flights on the basis of facts and in accordance with law without any restrictions, improper influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason.

The consequences of this flagrant injustice have been devastating on ordinary Libyan citizens who have lately been experiencing new deprivations and additional restrictions on their human rights. The government which alone stands accused is today more oppressive than ever. All human rights reports point to the fact that the arbitrary use of deadly violence by the official military force as well as by paramilitary organizations including "the Revolutionary Committees" and "the Purification Committees" has reached unprecedented proportions and that the right to life has never been so threatened as it is now. They also point to the widespread use of torture and the generalization of random arbitrary arrest among all sections of the population and particularly young peoples including teenagers. All detentions are taking place, in view of the inexistence of Free Trial and Independent Judiciary, without any process of law and without charges being brought against the detainees. Their places of imprisonment are unknown, in flagrant violation of the principles set out in the UN Standard Minimum Rules for the Treatment of Prisoners accepted by Libya in 1955, and none of the detainees have been permitted

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to contact lawyers or even their families. No detainee has been brought before a magistrate or much less put on trial.

This is in brief the human rights situation in Libya whose people is being punished by the Security Council. It is an intolerable situation where people find themselves subjected to an oppressive military system of government that has, during the last 27 years, openly confiscated their human rights without objection or even intervention from any quarter. Even the UN Centre for Human Rights (Centre) does not seem to have given any importance to what has been happening in the Libyan field of human rights. In this respect the Centre's shortcomings are crystal clear especially that Libya is a party to almost all instruments of human rights and should, therefore, have been held accountable for serious breaches of the letter and spirit of those instruments. The Libyan Government has been, throughout this period, known and even famous for its contempt of basic human rights as contained in the very instruments and conventions it has freely entered into. The Libyan President is the only chief of state on record to have called "on all peoples to throw the Universal Declaration of Human Rights in the trash can of History." The Libyan Government is the only government in the world to have adopted, openly, "the physical liquidation" and the killing of its political opponents as official governmental policy. In view of the astonishing passivity of the Center, the moral conscience of mankind in the field of human rights, the Libyan Government might have thought that the last protective dam was breached and once the dam is breached, the current cannot be stopped anymore.

The accession by the Government of Libya to the many conventions and covenants does not and should not prevent the UN Centre from scrutinizing the actual implementation of those conventions to assess the extent of the government commitments and the way these commitments are being fulfilled. For instance it is obvious to anyone and especially to the UN High Commissioner for Human Rights that the Libyan government has been in constant violation of the rights contained in the (ICCPR), to which Libya is a party, including the rights to free trial and independent Judiciary (article 14) the right to privacy (article 17), the right to freedom of expression (article 19), the right to peaceful assembly (article 21) the right to freedom of association (article 22), the right to genuine periodic election by universal and equal suffrage and secret ballot (article 25).

It is well known that none of these important rights have ever been respected or even less recognized by the very government that signed the covenant. As a matter of fact Libyans have been constantly denied all democratic and elective forms of participation in the conduct of their country's public affairs throughout the last 27 years. During this period, Libya has been the only ICCPR State party where no elections at all, free or even phony, have taken place. It is the only country party of the ICCPR where the freedom of association is punishable by death by fire squad (Public Law No: 17 of 1972) and it is also the only member that rejects the very principles of constitution, basic law, separation of power, free speech, free trade unions, free press etc... It is the country that has been known to use extensively the practice of torture during interrogation of prisoners and for punishment purposes

despite its adherence to the "UN Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment".

It is not, of course, our intention to enumerate the gross violations of the letter and spirit of international human rights covenants that have been duly signed and ratified by the Libyan Government. We have repeatedly called, during the last seven years of the existence of our human rights organization; the Libyan League for Human rights, on the government to change its oppressive policy of human rights by respecting its legal obligations under those covenants but to no avail. The Government has steadily refused our call for peaceful dialogue and democratic reforms. It is still refusing to look into our proposal to open the country's door to all Libyans and their various cultural, trade-union and political organizations so that they can participate, on equal footing, in the assumption of responsibility for the establishment of a modern Libyan State; a state that respects human rights and the rule of law. The recent carnage in the Central Prison of Tripoli and in the stadium of Tripoli and the raging latent war against the civilian population in different regions of the country especially in the mountainous areas in the East indicate that the Government has chosen the continuation of repression and violence and that respect for human rights is not yet on its agenda. The League deplores, of course, this position and take this opportunity to renew its call, through you, on the government to reconsider its decision with the view of instituting a true government of law emanating from genuine free national elections by universal and equal suffrage and secret ballot.

The League is convinced that the Libyan Government will not respond to any human rights calls or humanitarian requests as long as the de-facto complacency manifested, during the last twenty seven years, by the international community and the UN Center for Human Rights is not shifted and adapted to the country's prevailing grave human rights situation. A more active approach to scrutinize the human rights situation, through direct inquiries and serious investigations, is urgently required if we were to save Libyans further sufferings. We strongly believe that the outbreak of miseries of the last few years in a country that is relatively rich would have not taken place had the UN Center been more actively involved in the Libyan human rights situation. Even the sanctions voted by the Security Council would have been avoided had the Center insisted that Libya strictly implement all provisions of the conventions it has signed. We also believe that it is the Commissioner's obligation to inform the international community of the situation of human rights in Libya and to ensure strict compliance by the Libyan Government to this undertaking. Given the long years of neglect by the Center of the Libyan human right situation it is now too late, apparently, to prevent violations from becoming serious and widespread as they are already too serious and their practice generalized. We therefore propose, for the sake of optimal efficiency and in order to make up for past inertia, the immediate appointment of a Special rapporteur whose mandate should include Inter-alia (1) the preparation of regular and ad-hoc reports on the present situation of human rights (2) regular review of the compliance of the Libyan Government with the various commitments it has freely made through the signing and ratification of the main human rights instruments and (3) observe and assist in the strict implementation of those instruments. Only through a long term appointment of such a Rapporteur can one hope for a slow relief and gradual amelioration of Libya's human rights conditions.

In recent years, Libyans have been denied most of their rights and fundamental freedoms. And the ever-increasing repression has prevented the fulfillment of even their least aspirations in regard to freedom, dignity and development. We hope that through the appointment of a Special Rapporteur Libyans will resuscitate their trust into the Center that has forgotten their plights for so long.

The Libyan League For Human rights take this opportunity to wish your excellency full success in your endeavor to extend the enjoyment of human rights to all peoples including the Libyan people.

The Executive Committee**



Mr. José Ayala Lasso
United Nations High Commissioner
for Human Rights
Palais des Nations
1211 Geneva 10
Switzerland

** Mr. Mansour R. Kichla, a member of the Executive Committee, has not been able to sign this letter. He forcibly disappeared in Cairo, Egypt, on 10 December 1993. Unconfirmed reports exist about his possible handing over to Libya where he may have been executed.