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Libya

Libya's international reintegration continued to move ahead despite the government's ongoing human rights violations. Driven by business interests and Libya's cooperation in combating terrorism and irregular migration, European governments and the United States strengthened ties with Libya during 2009.

On the domestic front, government control and repression of civil society remain the norm, despite some movement toward reform. The authorities continue to imprison individuals for criticizing the country's political system or its leader, Mu`ammar al-Gaddafi, and Libya maintains harsh restrictions on freedom of assembly and expression, including penal code provisions that criminalize "insulting public officials" or "opposing the ideology of the Revolution." Nevertheless, 2009 saw some space for criticism in the press, proposed reform of the penal code, and greater tolerance for public protest by victims' families seeking disclosure and redress for a 1996 prison massacre.

Political Prisoners

Libya continues to detain scores of individuals for engaging in peaceful political activity. Hundreds more have been "disappeared," some for decades. In 2009 the authorities freed a number of political prisoners, including, in March, Jamal al-Haji and Farag Hmeid, the last of a group of 14 prisoners arrested in 2007 for planning a peaceful demonstration to commemorate the anniversary of a violent crackdown on demonstrators in Benghazi (another of the 14, Abderrahman al-Qotaiwi, initially reported as "disappeared," was released apparently in 2008, but his release not initially disclosed). Many others remain detained, however, such as Abdelnasser Al-Rabbasi, serving a 15-year sentence imposed in 2003 for writing a novel about corruption and human rights.

Fathi al-Jahmi, Libya's most prominent political prisoner, died in a Jordanian hospital on May 20, 2009, age 69, after six-and-a-half years' imprisonment in Libya. In March 2004 Internal Security agents imprisoned al-Jahmi after he called for democratization and criticized al-Gaddafi, and in July 2007, suffering from diabetes, hypertension, and heart disease, he was transferred to the state-run Tripoli Medical Center, where he remained under Internal

Security control and was not free to leave the hospital. Al-Jahmi was flown to Jordan 15 days before he died, having lapsed into a coma two days earlier.

Arbitrary Detention

By the General People's Committee (Ministry) for Justice's own reckoning, about 500 prisoners who have served their sentences or been acquitted by Libyan courts remain imprisoned under orders of the Internal Security Agency. The agency, under the jurisdiction of the General People's Committee for Public Security, controls two prisons, Ain Zara and Abu Salim, where it holds "security" detainees. It has refused to carry out judicial orders to free these prisoners, despite calls from the secretary of justice for their release.

The 1996 Abu Salim Prison Massacre

In December 2008, Libyan authorities started informing the families of the 1,200 prisoners killed on June 29, 1996, in Tripoli's Abu Salim prison of the death of their relatives, by issuing death certificates (without specifying the cause of death, in many cases). This followed the June and September 2008 decisions by the North Benghazi Court ordering the government to reveal the fate of those who had died. The Libyan authorities have offered compensation of 200,000 dinars (US\$162,000) to families who agree to relinquish all legal claims, but most of the victims' families in Benghazi have refused to accept compensation on those terms and continue to call for disclosure of what occurred on the day of the killings and criminal accountability for those responsible. The authorities have not made public any account of the events or held anyone responsible. On September 6, 2009, the acting secretary of defense established a seven-judge investigation panel, headed by a former military tribunal judge, to conduct an investigation.

Freedom of Expression, Association, and Assembly

While there has been an opening for greater debate and discussion in the press, freedom of expression remains severely curtailed. Article 178 of the penal code carries penalties of up to life imprisonment for disseminating information considered to "tarnish [the country's] reputation or undermine confidence in it abroad." Negative comments about al-Gaddafi are frequently punished, and self-censorship is rife. Two private newspapers, *Oea* and *Quryna*, publish limited criticism of the Libyan authorities, but journalists say they face harassment for expressing any criticism. Lawsuits for defamation, which carries criminal sanctions in Libya, are common.

Libya has no independent NGOs, and Libyan laws severely restrict freedom of association. Law 71 bans any group activity opposing the ideology of the 1969 revolution, and the penal code imposes the death penalty on those who join such groups. The government has refused to allow independent journalists' and lawyers' organizations. The only organization able to criticize human rights violations publicly is the Human Rights Society of the Gaddafi Foundation, which is chaired by Saif al-Islam al-Gaddafi, the Libyan leader's son.

In a tightening of restrictions, on June 29, 2009, the General People's Committee issued a decision requiring anyone wishing to hold a meeting or seminar to obtain 30-day advance approval from a newly established government committee, and requiring the meeting organizers to provide a list of all participants and the issues to be discussed.

Demonstrations are also illegal in the country, but during 2009 a number of demonstrations by the families of victims of the Abu Salim prison killings took place in Benghazi, the biggest of which, involving over 100 demonstrators, was on June 29. The government, for the most part, has allowed the families to demonstrate, and the Libyan press at times has covered their activities and demands, but some of the organizers have faced harassment, intimidation, and in March, arrest from security officials. The families have also formed a committee to present their demands.

Violence against Women and Girls

On October 21, 2009, at least 10 women ages 18 to 27 who live in a state-run care residence for women and girls who were orphaned as children, organized a rare demonstration calling for an end to sexual harassment they said they had experienced in the residence. A journalist who covered the demonstration for *Al Manara* was immediately afterwards called in for questioning by local police, and a few days later by the General Prosecutor's Office. Libyan news website *Libya al Youm* reported that officials had threatened to expel those who demonstrated from the residence, and pressured them to retract their statements and to sue the journalist for defamation. On October 29, however, the General Prosecutor's Office opened an investigation into the claims and on October 31 charged the head of the residence with sexual harassment.

Treatment of Foreigners

Libya continues to abuse and mistreat non-Libyan migrants caught trying to leave the country by boat. In May 2009 Human Rights Watch interviewed migrants in Malta and Italy who had been detained at some point in Libya. All reported that Libyan authorities had mistreated them and subjected them to indefinite detention, often in inhuman and

degrading conditions. Interviewees described how Libyan guards beat them with wood and metal sticks, and detained them in severely overcrowded and unsanitary conditions. They also spoke about police corruption and brutality and of migrants being dumped in the desert near Libya's land borders. When Human Rights Watch visited Libya in April 2009, officials refused access to any of its many migrant detention centers.

Libya has no asylum law, has not signed the 1951 Refugee Convention, and has no formal working agreement with the United Nations High Commissioner for Refugees.

Fate of Returned Detainees

Libya continues to share intelligence on militant Islamists with Western governments, and the United States and United Kingdom continue to consider it a strategic partner in counterterrorism efforts. A number of those the US has returned or rendered to Libya over the past five years remain in detention after unfair trials, and Libyan authorities continue to detain Mohamed al-Rimi and Sofian Hamoodah, Libyan citizens whom the US government returned in 2006 and 2007 from detention in Guantanamo Bay. In April 2009 Human Rights Watch was able to confirm the detention of five former CIA secret detainees in Abu Salim prison.

In May, Ali Mohamed al-Fakheri (also known as Ibn al-Sheikh al-Libi) was found dead in his cell in Abu Salim prison. The State Security Court had sentenced al-Libi to life imprisonment following his transfer to Libya in 2006 after the US had rendered him to Jordan, Morocco, and Egypt (where he was tortured). Human Rights Watch spoke with him briefly in prison on April 27, though he refused to be interviewed. Libyan newspaper *Oea* first reported al-Libi's death on May 10, saying he had committed suicide.

Key International Actors

On November 20, 2008, the US Senate confirmed Gene Cretz as the first US ambassador to Libya since 1972. In September 2009 al-Gaddafi visited the US for the first time, and gave a 96-minute speech before the United Nations General Assembly.

On August 20, Scottish Justice Minister Kenny MacAskill ordered the release of Abdelbaset al-Megrahi, the only man convicted for the 1988 Lockerbie bombing. Saif al-Islam al-Gaddafi accompanied al-Megrahi back to Tripoli where he was greeted at the airport by crowds waving Scottish flags. The UK and US severely condemned this welcome, and the media accused the UK of releasing al-Megrahi in a bid to improve business dealings. The UK later

acknowledged that for strategic and commercial reasons, UK government policy had favored al-Megrahi's release.

Italian-Libyan cooperation over migration intensified, based on the Treaty of Friendship, ratified in March 2009, which provides compensation for Italian colonialism, and joint measures to control migration. Al-Gaddafi paid a state visit to Italy in June 2009 and returned in July for the G8 meetings. In May Italy began interdicting and forcibly returning boat migrants directly to Libya in coordination with Libyan authorities (see also European Union chapter).

In February the African Union elected al-Gaddafi as chairman, and in June 2009 held its summit in Sirte, Libya. There, al-Gaddafi pushed for the creation of a Union of African States, and continued efforts to undermine the International Criminal Court, which helped lead to the adoption of a decision calling for AU members not to cooperate with the ICC in the arrest and surrender of Sudan's President Omar al-Bashir, subject of an ICC arrest warrant for war crimes and crimes against humanity.