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Libya

Human rights conditions in Libya improved somewhat in 2006 as the country continued its slow international reintegration, but serious violations remain. The government still restricts freedom of expression, and bans political parties and independent organizations. It continues to imprison individuals for criticizing Libya's political system, the government, or its leader Mu`ammar al-Qadhafi. Due process violations and torture remain concerns, as do disappearances unresolved from past years.

Political Prisoners

Dozens and perhaps hundreds of individuals are in prison for engaging in peaceful political activity. Many were imprisoned for violating Law 71, which bans any group activity based on a political ideology opposed to the principles of the 1969 revolution that brought al-Qadhafi to power. Violators of Law 71 can be put to death. In a positive development, in March 2006 the government announced the release of 132 political prisoners, including 86 members of the Muslim Brotherhood, a non-violent political and social organization, who had been in prison since 1998 after trials that violated Libyan and international law.

Fathi al-Jahmi remains Libya's most prominent political prisoner, detained since 2004. He faces a possible death sentence for slandering al-Qadhafi and talking with a foreign official, believed to be a United States diplomat. According to the Libyan government, al-Jahmi's trial began in late 2005, but the authorities have not announced the charges. His court-appointed lawyer told Human Rights Watch that al-Jahmi faces counts under penal code article 206, which imposes the death penalty on those who call "for the establishment of any grouping, organization or association proscribed by law," and on those who belong to or support such an organization.

The fate of dozens of political prisoners remains unknown: according to one Libyan group based abroad, more than 250 political prisoners have disappeared.

Freedom of Association and Freedom of Expression

Libya has many professional organizations and associations but no truly independent nongovernmental organizations. Law 19, On Associations, requires that organizations get approval from a political body to operate, and there is no right to appeal a negative decision. The government has refused to allow an independent journalists' organization, and reportedly does not allow the official lawyers' union to appoint its own leadership. Law 71, mentioned above, and other restrictive legislation severely limit the right to establish independent groups.

Two human rights groups exist in Libya, the more prominent being the human rights program at the quasi-official Qadhafi Development Foundation, run by Mu`ammar al-Qadhafi's influential son, Seif al-Islam. It was instrumental in the release of the 132 political prisoners in March 2006, and is the most vocal domestic critic of the government; in August Seif al-Islam al-Qadhafi gave a speech in which he criticized government corruption and the lack of representative government and free press, and called for the drafting of a constitution.

Freedom of expression is severely curtailed, although Libyan lawyers, academics, and journalists are slowly beginning to address previously taboo topics. The security service extensively monitors the population, and self-censorship is rife. There are no private radio or television stations, and government authorities or the Revolutionary Committees Movement (a powerful ideological organization) control the country's main newspapers. The only access to uncensored news comes via the internet and satellite television, which is widely viewed.

The internet continues to spread in Libya, with dozens of opposition or independent websites based abroad. The government has occasionally blocked some websites. In a positive step, in March the government released `Abd al-Raziq al-Mansuri, a writer for a website based in the United Kingdom who had been arrested in January 2005, apparently because of his critical work.

Abu Salim Prison

2006 marked 10 years since large-scale killings in Tripoli's Abu Salim prison, run by the Internal Security Agency. According to an ex-prisoner interviewed by Human Rights Watch, prisoners revolted on June 28, 1996, over prison conditions. The prison held between 1,600 and 1,700 prisoners at the time, and the security forces killed "around 1,200 people," said the witness, who worked in the prison kitchen. Human Rights Watch could not verify the ex-prisoner's claim, but the government acknowledges that security forces killed prisoners in Abu Salim, saying they responded properly to a revolt. In 2005 the government said it had established a committee to investigate the incident, but it remains unclear how the committee will conduct its work or when it will produce its findings. Human Rights Watch has called for an independent inquiry to investigate the deaths. To date the government has failed to announce the number of people killed 10 years ago or the names of the dead.

On October 4, 2006, a group of prisoners in Abu Salim again staged a protest. As the situation escalated, guards opened fire. The Libyan prosecutor general issued a statement after an investigation that confirmed one inmate dead and three others injured (press and opposition reports said at least nine injured), as well as eight police officers who were hurt. The statement said several inmates were to blame for the violence and that prison guards had acted in accordance with the law.

Benghazi HIV Case

Libyan authorities have held five Bulgarian nurses and a Palestinian doctor since 1999 for allegedly infecting 426 Libyan children with HIV, despite credible claims that they were tortured to extract confessions. The Supreme Court in 2005 overturned their initial conviction, which had resulted in death sentences, and ordered the case returned to the lower court. The retrial has been repeatedly delayed, and as this writing no judgment has been reached. The state prosecutor is again calling for the death penalty.

Detention of Women and Girls in "Social Rehabilitation"

Women and girls suspected of transgressing moral codes may be detained indefinitely in "social rehabilitation" facilities—portrayed as "protective" homes for

wayward women and girls or those whose families reject them. There, the government routinely violates women's and girls' human rights, including those to due process, liberty, freedom of movement, personal dignity, and privacy. Many women and girls detained in these facilities have committed no crime, or have already served a sentence. Some are there because they were raped and are now ostracized for staining their family's honor. There is no way out of these facilities unless a male relative takes custody of the woman or girl or she consents to marriage. Various government officials have promised to investigate these abuses after a report by Human Rights Watch, though announced changes to date have been cosmetic at best.

Treatment of Foreigners

Libya has not signed the 1951 Refugee Convention and has no formal working agreement with the United Nations High Commissioner for Refugees (UNHCR). In a positive development, in 2006 the secretary of justice created a committee to draft a law on asylum, which Libya currently lacks, and cooperation with UNHCR improved.

Throughout the year the government continued to deport thousands of foreigners who were without proper documentation, mostly sub-Saharan Africans, sometimes back to countries where they could face persecution or torture. Foreigners reported beatings and other abuse during their detention and deportation.

In an April 2006 memorandum to Human Rights Watch, the government said that some police officers "overindulge in the use of force" against foreigners, but that "the failings in these cases are nothing more than the isolated actions of individuals." In such cases, "legal action was taken," although the government did not provide details.

Promises of Reform

In 2006, the government continued its long-standing review of many Libyan laws, including proposals for a new penal code and code of criminal procedure. Under the new penal code, the secretary of justice told Human Rights Watch in 2005, the death penalty would remain only for the "most dangerous crimes" and for "terrorism." At

this writing, however, the government had presented neither the draft penal code nor the code of criminal procedure to Libya's main legislative body, the General People's Congress.

While the most recent version of the penal code draft is unknown, a review of a 2004 draft suggests the government will accept a very broad definition of terrorism, which it might then use to criminalize people who are expressing peaceful political views.

Key International Actors

The United States and European governments continued to slowly improve their relations with Libya throughout 2006. In addition to renouncing weapons of mass destruction in 2003, Libya maintained its cooperation in the global "war on terror" and provided valuable intelligence on militant Islamic individuals and groups. Libya has also signed the International Atomic Energy Agency Additional Protocol and has become a State Party to the Chemical Weapons Convention. In return for Libya's cooperation, on June 30, 2006, the US rescinded Libya's designation as a state sponsor of terrorism.

In May the US and Libya resumed full diplomatic relations, and both countries upgraded their diplomatic offices to embassies (although at this writing neither country had appointed an ambassador). Despite warmer relations, the US government occasionally criticized human rights violations in Libya, saying "the Government continued to commit numerous, serious abuses." In public, the US government has called for the release of Fathi al-Jahmi and the 5 Bulgarian nurses and Palestinian doctor on trial in the Benghazi HIV case.

Libya's relations with the European Union progressed more slowly, largely due to the ongoing Benghazi HIV case. Cooperation continued in controlling illegal migration from Libya to southern Europe, often without adequate regard for the rights of migrants or the need to protect refugees and others at risk of abuse on return to their home countries.