



LIBYEN (67)

23

June 8, 1997

Dear Sirs,

Thank you for your letter of 2 June 1997 in which you requested information, through specific questions, on the Human rights situation in Libya as related to the increasing number of Libyans seeking asylum and protection all over the world and notably in Denmark. Although we did try our best ability to answer each question as closely and precisely as possible, it is important, nevertheless to put the content of the answers into proper political and sociological Libyan context to be able to grasp their implications and consequences.

What the Government of Denmark and the Danish Immigration Service should know in particular is that the political system governing Libya is unique in its kind in that it has no legal, moral or popular legitimacy. It is a system that rejects the very principles of constitution, basic law, separation of power, independent judiciary, parliamentary representation, elections, political parties, free speech, free press, free trade union etc.. It is a one-man governmental system that openly calls for the abolition of its noble principles. It is of Human Rights and the rejection of its noble principles that deal a system that has no respect for the noble principles that deal with the rights to be considered innocent until proven guilty as well as other important rights including the rights to a public and speedy trial, the right to be defended by a freely chosen lawyer etc.. It is a system of Government that still takes pride openly for having instituted the "physical liquidation" of its opponents as official State policy.

We can continue enumerating the shortcomings that put Libya on the list of the few remaining Governments notorious for their contempt and violations of the basic rights of their citizens. The list of violations of basic human rights is still long and it is important at this stage that your Government is made aware that only through the establishment of a genuine democratic Government in Libya can one hope to limit the flow of Libyan refugees to Denmark and other democratic countries. It is
 .../2

of paramount importance that presentations are made to the Libyan Government to immediately cease its policy of persecuting peaceful Libyans for the simple free expression of their views and beliefs. This is the essence of our Aide-memoire we recently (1 September 1996) addressed to Mr. José Ayala Lasso, the United Nations Commissioner for Human Rights, in which we outlined the role that the UN Centre for Human Rights should play to relieve the present intolerable Libyan human rights situation.

A copy of the Aide-memoire is herewith attached for your information and any further action you may wish to take including forwarding a copy to the Danish Minister of Foreign Affairs. Allow me now to turn to your questions. The answers provided should be understood within the above Libyan context characterized by a total lack of transparency and where the mere verbal instructions of President Qadhafi as well as his speeches have the force of "supreme law" as they have precedence over all legal or judiciary decisions including those of the "Supreme Court".

(a) Military service

1. The Armed People's Act classifies desertion from military service as treason. The Act makes no distinction between desertion and evasion. The penalty is death in wartime and imprisonment in peacetime. The penalty is more severe for persons who have previously served than for new conscripts.
2. In Libya, the proclamation of a state of war is not regulated by law; it lies wholly in the hands of President Qadhafi in his capacity as Supreme Commander of the Armed Forces.
3. President Qadhafi's statements imply that Libya has been in a state of war since the US raids in April 1986 and the subsequent US threats to take military action against Libya in order to prevent it from manufacturing chemical weapons. A state of emergency is also deemed to be in force. The dozens of roadblocks and checkpoints in and between the towns are a clear indication of this situation, which has not changed since the early days following the overthrow of the monarchy in September 1969.
4. If arrested, any deserter from military service who has lived outside the country faces other charges such as espionage for the benefit of a foreign State and disclosure of military secrets.
5. At all events, the investigatory procedures are accompanied

.../3

y torture and there is no guarantee that the accused will receive a fair trial.

(b) Return from residence abroad

1. Since the mid-1970s, it has been prohibited by law for any Libyan to reside outside the country for more than three months without prior authorization. Although this prohibition had been in abeyance since March 1988, it was once again enforced immediately after the events of October 1993 in Misrata that led to a score of arrests in the rank and file of the Armed Forces and the execution by fire squad, in January 1997, of 8 high-ranking officers.

2. Anyone who contravenes this prohibition is liable to be arrested at the point of entry. In such a case, the least that can happen is that his passport will be withdrawn and he will be required to present himself to the security authorities for interrogation within a few days.

(c) Interrogation of persons returning from abroad

Libyans who reside abroad for longer than the above-mentioned period are indeed interrogated, primarily in order to ascertain whether they had links with the opposition abroad. Any Libyan who attempts to obtain political asylum or the nationality of another country while abroad, regardless of whether or not his attempts were successful, is liable to a wide range of penalties which are waived only in the case of persons who provide the security authorities with useful information and also undertake to cooperate with them in future.

(d) Renewal of passports

1. Yes, Many Libyans who are subjected to harassment by the authorities are nevertheless able to renew their passports or obtain new passports either with the help of acquaintances in the Passport Department or in the people's offices abroad or, sometimes, by paying bribes. It is well known that, when individuals are under surveillance, the Libyan security authorities concentrate more on preventing them from obtaining exit visas and leaving the country than on preventing them from renewing their passports or obtaining new passports.

2. In this connection, it is common knowledge that, since 1988, the policy of the Libyan authorities has differed to
.../4

a certain extent from that of other regimes in power in the region in so far as they make it easy for Libyans, especially those living abroad, to obtain valid Libyan passports as a means to encourage them to return to Libya where they can be placed under surveillance by the authorities and so that, even if they do not return, by obtaining those passports they will lose their security-related and political credibility in the eyes of the authorities of the host countries and the opposition groups abroad.

We hope that we have answered your queries and that the Libyan League for Human Rights has been useful in providing you with information that would assist you in your endeavour to protect Libyans and to assist them in their aspiration to freedom, dignity and development.

The members of the Executive Committee of the Libyan League for Human rights take this opportunity to reney to the Royal Government of Denmark the assurance of their highest consideration.

The Executive Committee**



Messrs Hans Peitersen and
Claus Gade Sørensen
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Royal Government of Denmark
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*** Mr. Mansour R. KIKHIA, a member of the Executive Committee, has not been able to clear 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.



LIBYEN (67)

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The Libyan League for Human Rights
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SCHWEIZ

Brevkopi

Date: 02 JUNI 1997

Section: Dokumentationskontoret

Case Officer: CGS CGS00017

F.No/L.No: [REDACTED]

Dear Sirs

To verify our data concerning the situation in Libya, the Danish Immigration Service would appreciate, if The Libyan League for Human Rights could provide us with some information.

What are the consequences of evading military service?

What are the consequences of evading military recall?

How do the Libyan authorities act towards people returning from lengthy stays abroad? Lengthy stays abroad are stays longer than a year.

Are Libyan citizens questioned when they return from stays abroad?

Do you find it credible that a Libyan citizen can get his passport renewed, while at the same time being harassed by the Libyan authorities?

Yours sincerely

Hans Peltersen

Claus Gade Sørensen

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