

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Despite some improvements in recent years, in Libya serious rights abuses persist. The absence of a free press, the ban on independent organizations, the torture of detainees, and the continued incarceration of political prisoners, some of them "disappeared," remain matters of deep concern. To date, international engagement with the oil-rich country has focused on counter-terrorism and business ties. Human Rights Watch welcomes improved relations between Libya and other governments, but not at the expense of human rights and the rule of law.

Below is a selection of the key human rights issues in Libya, as documented by [Human Rights Watch](#).

Scores of individuals are in prison in Libya for having engaged in peaceful political activity, and some have "disappeared." Law 71, described below, bans independent political activity, and violators can be put to death.

### **Idris Boufayed Group**

In February 2007 Libyan security agents in Tripoli arrested 14 organizers of a planned peaceful demonstration intended to commemorate the anniversary of a deadly crackdown on demonstrators in Benghazi in 2006. At least 12 of the detainees are currently on trial and could face the death penalty for allegations that they planned to overthrow the government, arms possession, and meeting with a foreign official (apparently from the US). To Human Rights Watch's knowledge, none of the 14 men has advocated violence.

Dr. Idris Boufayed, the demonstration's main organizer, is an outspoken critic of Mu'ammarr al-Qadhafi whom the government had previously detained for 55 days in November-December 2006. Jamal al-Haji, also detained, is a Danish citizen to whom Libya has refused to grant access by Danish officials. Two other detainees, Ahmad Yusif al-'Ubaidi and Al-Sadiq Salih Humaid, are reportedly not receiving treatment for medical ailments.

Most disturbingly, the government has "disappeared" two of the detainees. 'Abd al-Rahman al-Qotaiwi, a fourth-year medical student involved in planning the demonstration, and Jum'a Boufayed, who had given media interviews following the arrest of his brother Idris Boufayed, have been missing since their arrests. Despite repeated requests from Human Rights Watch, the Libyan government has failed to provide any information about the two men.

### **Fathi al-Jahmi**

[Fathi al-Jahmi](#) is Libya's most well-known political prisoner. Internal security forces first arrested him in October 2002, after he publicly criticized Mu'ammarr al-Qadhafi and called for free elections, a free press, and the release of political prisoners. A court sentenced him to five years in prison, but an appeals court ordered his release in March 2004.

That same month, after al-Jahmi again criticized al-Qadhafi and called for Libya's democratization, security agents promptly re-arrested him. His wife and eldest son were also arrested and detained without charge for more than six months, ostensibly "for their safety." Al-Jahmi remains in detention today. His trial began in late 2005, but has since stopped with the government providing no further information or announcing the charges against him. According to his court appointed lawyer, al-Jahmi may face the death penalty for supporting or calling for the establishment of "any grouping, organization or association proscribed by law." According to [al-Jahmi's family](#), the government has denied them visits since August 2006. His brother told Human Rights Watch: "We don't know at this moment if he's dead or alive."

Over the past year, the U.S. government has returned two Libyan citizens from the Guantanamo Bay detention facility to Libya, and both are currently in detention without charge and apparently with no access to a lawyer. According to the U.S. government, the Libyan authorities gave assurances of humane treatment prior to the returns.

On or around December 17, 2006, the U.S. returned Muhammad Abdallah Mansur al-Rimi (aka Muhammad Abdullah Mansour al-

Futury or Abdesalam Safrani), age 39, after four years in detention at Guantanamo Bay. The U.S. alleged that al-Rimi was a member of the Libyan Islamic Fighting Group, an armed group dedicated to overthrowing Mu`ammar al-Qadhafi. Al-Rimi denied the charges but told his Guantanamo review tribunal: "I have a problem with the Libyan government and it is a long story."

According to the Qadhafi Development Foundation, a quasi-governmental organization run by Mu`ammar al-Qadhafi's son, Saif al-Islam, al-Rimi was treated for tuberculosis upon return. Shortly after his return, a foundation official said the Libyan authorities did not want al-Rimi, and he would "go back to his family soon." More than one year later, al-Rimi remains in detention.

Despite repeated requests, as of January 2, 2008, the Libyan government has failed to provide Human Rights Watch any information about the location of al-Rimi. The U.S. State Department, however, told Human Rights Watch that U.S. officials visited al-Rimi on two occasions: in August 2007 and on December 25, 2007. Al-Rimi said Libyan security forces were detaining him but were treating him well, the State Department said, including medical treatment for an arm injury he sustained during a scuffle with guards at Guantanamo. Human Rights Watch could not confirm the claim.

The December meeting was convened in an office of the state security services, and not in the place of al-Rimi's detention. The meeting took place in the presence of Libyan officials and an official from the Qadhafi Development Foundation. Al-Rimi did not know the charges against him, and he apparently had not seen a lawyer since his return. He had received no family visits, he allegedly said, but his wife is in Afghanistan, and they have no children.

A January 2 statement from the Qadhafi Development Foundation said the organization had visited al-Rimi on December 25, and that he was receiving medical treatment for his injured arm.

The second returnee was Sofian Ibrahim Hamad Hamoodah, 48, whom the U.S. sent back on or around September 30, 2007, after 5 years in Guantanamo Bay. As with al-Rimi, the Libyan authorities have failed to provide Human Rights Watch with information about his location or case.

According to the State Department, U.S. officials first visited Hamoodah on December 25, 2007. As with al-Rimi, security forces were holding him on unknown charges and apparently without access to a lawyer, but he did not complain of maltreatment. He was scheduled to receive a family visit on December 27, he told the U.S.

The Qadhafi Development Foundation statement said it also visited Hamoodah on December 25, and that he was subsequently granted a family visit. The Foundation was providing a Tripoli apartment for Hamoodah's family, the statement said.

In April 2007, the U.S. wanted to return a third Libyan from Guantanamo, Abdul Ra'ouf al-Qassim, but they took him off the transfer list after protests from members of congress and [human rights groups](#).

On or around December 19, 2007, the U.S. released a fourth Libyan from Guantanamo Bay, Omar Deghayes, 38, but sent him to the U.K., where he has refugee status. The U.K. authorities initially detained him but then released him on bail. Deghayes faces an extradition request from Spain, where he could face terrorism charges.

According to the State Department's 2006 human rights report on Libya, reports of "torture, arbitrary arrest, and incommunicado detention remained problems." Methods of torture included:

chaining prisoners to a wall for hours, clubbing, applying electric shock, applying corkscrews to the back, pouring lemon juice in open wounds, breaking fingers and allowing the joints to heal without medical care, suffocating with plastic bags, prolonged deprivations of sleep, food, and water, hanging by the wrists, suspension from a pole inserted between the knees and elbows, cigarette burns, threats of dog attacks, and beatings on the soles of the feet.

Human Rights Watch has documented how diplomatic assurances from a state where torture and ill-treatment are routine do not provide an effective safeguard against abuse (see <https://www.hrw.org/reports/2005/eca0405/> and <https://www.hrw.org/backgrounder/eca/ecaqna1106/>). In two reports, the organization documented the abuse of former detainees from Guantanamo Bay and due process violations upon return, despite diplomatic assurances of humane treatment (see <https://www.hrw.org/reports/2007/russia0307/> and <https://www.hrw.org/reports/2007/tunisia0907/>).

The U.S. continues to hold 8 Libyan citizens at Guantanamo Bay.

Law 71 bans any group activity based on a political ideology opposed to the principles of the al-Fateh Revolution, which brought Mu`ammar al-Qadhafi to power in 1969. Article 3 of the law imposes the death penalty on those who form, join or support such groups. Over the years, Libyan authorities have imprisoned hundreds of people for violating this law, and sentenced some to death.

For more than two years, Libya has said that experts are drafting new penal and criminal procedure codes. According to the Secretary of Justice, in the new penal code, the death penalty "will be reduced to the greatest possible extent," although it will remain for serious crimes, such as terrorism. As of today, the government has not introduced a new penal code or code of criminal procedure. Many of the current articles impose death for activities that should be protected under the rights to free expression and assembly.

The head of Libya's Internal Security Agency told Human Rights Watch in May 2005 that the government had formed a committee to

investigate the 1996 deaths of prisoners in [Abu Salim prison](#) at the hands of guards. The government says that guards responded properly to a revolt in which some prisoners escaped. Libyan human rights groups abroad and a former prisoner say security forces executed hundreds of prisoners after the authorities had regained control of the prison. More than one decade later, the government has failed to release important details on the incident, including the number of people killed on June 28 and 29, 1996 and the names of the dead.

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