

Human Rights Watch

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

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Human rights conditions in Libya improved slightly in 2005 as the country continued its slow international reintegration, but serious problems remain. The government severely curtails freedom of expression and association, banning political parties and independent organizations. It continues to imprison individuals for criticizing Libyas unique political system, the government, or its leader Col. Muammar Qaddafi. Due process violations and torture remain concerns, as do disappearances from past years.

Political Prisoners

Dozens and probably 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 Qaddafi to power. Violators of the law can be put to death. Among the prisoners are eighty-six members of the Muslim Brotherhood, a non-violent political and social organization, who have been in prison since 1998 after trials that violated Libyan and international law. The court sentenced its two leaders to death, and they remained on death row throughout 2005. In a positive development, the Supreme Court ruled in October that the brotherhood members should get a new trial, which will proceed in 2006.

In September, the government released five long-term political prisoners who had been serving prison terms up to life for participation in a banned political group. Later that month, a government committee recommended that 131 political prisoners be released because they no longer posed a threat to society, among them the eighty-six imprisoned members of the Muslim Brotherhood. As of December all 131 people remained in prison.

The most prominent political prisoner is Fathi al-Jahmi, a former government official, who strongly criticized Qaddafi in interviews with international media in March 2004. The Internal Security Agency held al-Jahmi, his wife and son for about six months in 2004, ostensibly for their own protection. They released the family members late that year, but continued to hold al-Jahmi without a trial at a special facility throughout 2005, denying him regular visits from a doctor and his family. According to the family, the government denied them visits since early June.

The fate of dozens of political prisoners remains unknown. According to one Libyan group based abroad, more than 250 political prisoners have disappeared. Libyan officials told Human Rights Watch that one of these men, Ahmad Abd al-Qadir al-Thulti, arrested in 1986, had died of natural causes in prison, but the government has not officially informed the family or returned the body.

Freedom of Expression

Freedom of expression is severely curtailed, although Libyan lawyers, academics and journalists are slowly beginning to address topics previously taboo. A pervasive security service 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 countrys main newspapers. The state-run media glorifies the government and its leaders and rarely, if ever, presents alternative or critical views. The only access to uncensored news comes via the Internet and satellite television, which is widely viewed.

The Internet is spreading quickly in Libya, with dozens of opposition or independent websites based abroad. The government has occasionally blocked some Internet sites. In January 2005 the government arrested writer `Abd al-Raziq al-Mansuri, who worked with a United Kingdom-based website, apparently due to his critical work. In October, a court sentenced him to one-and-a-half years in prison for the illegal possession of a handgun.

On May 21, unidentified men abducted Daif al-Ghazal, who had been active in the Revolutionary Committees Movement and had written for the movements newspaper, al-Zahf al-Akhdar. He reportedly was disenchanted with the movement and had been writing critical articles for a website based abroad. The authorities found al-Ghazals decomposing body with signs of torture and a gunshot to the head on June 2. The government denied responsibility and said it had arrested two men in relation to the crime.

Freedom of Association

Libya has many professional organizations and associations but no truly independent nongovernmental organizations. Some lawyers complained that the Law on Associations (Law 19) needed amending to facilitate the process of registration by a non-political body. In June 2005 the head of the official journalists union resigned from his post because, among other reasons, the government had refused to allow an independent journalists organization. In November the official lawyers union issued an unusually strong protest statement because the government did not allow them to appoint their own union heads. Law 71, described above, and other restrictive legislation severely limits the right to establish independent groups, with violators punished by death.

Two human rights groups exist in Libya, most prominently the human rights program at the Qaddafi International Foundation for Charity Associations, run by Muammar Qaddafis influential son Seif. In 2005 the foundation ran campaigns against torture and called for the release of political prisoners. A quasi-official institution, it is also the most vocal domestic critic of the government.

Torture and the Death Penalty

Five Bulgarian nurses and a Palestinian doctor remained on death row for infecting 426 Libyan children with HIV, despite credible claims that they were tortured to extract confessions. On June 7, 2005, a Tripoli court acquitted ten Libyans accused of using torture against the defendants. The Supreme Court will review the case on January 31, 2006.

Despite government claims that it will not execute anyone until a new penal code comes into effect (see below), the state continues to execute persons on death row, most recently two Turks and four Egyptians sentenced to death for murder.

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 womens 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 familys 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.

Treatment of Foreigners

Libya has no asylum law or procedure. It has not signed the 1951 Refugee Convention and it has no formal cooperation agreement with the United Nations High Commissioner for Refugees. Throughout the year, the government continued to deport thousands of foreigners, mostly sub-Saharan Africans, who had entered the country without authorization, sometimes back to countries where they could face persecution or torture. Foreigners reported beatings and other abuse throughout the deportation process.

Signs of Reform

The government initiated some important reforms in 2005, but promises of change lagged behind implementation. In January, the government abolished the Peoples Court, a body that had tried most political cases without adequate due process guarantees. The cases before the court at the time of closure were transferred to the regular courts, but many of the people already imprisoned by the Peoples Court remain in prison.

Throughout the year, the government reviewed many Libyan laws and, according to the secretary of justice, there is an ambitious plan to reform legislation to bring it into line with international human rights standards. Legal experts drafted a new penal code and code of criminal procedure, and officials said the main legislative body, the General Peoples Congress, would review the drafts by the years end. The goal of the new penal code, the secretary of justice said, is to reduce both the death penalty and imprisonment as a punishment. The death penalty would remain, he said, for the most dangerous crimes and for terrorism.

The most recent version of the penal code draft is unknown, but a review of a 2004 draft suggests the government will accept a very broad definition of terrorism, which it might then use to imprison people who are expressing peaceful political views. The government used to imprison opponents because of their anti-revolutionary behavior, but today the government uses the rhetoric of anti-terrorism to silence dissent.

The government pledged itself to examine some human rights abuses of the past, notably the 1998 deaths of prisoners in Abu Selim prison at the hands of guards. The government says that guards responded properly to a revolt and attempted escape. Former prisoners and Libyan human rights groups abroad say the guards executed hundreds of prisoners after they had regained control of the prison. 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.

Libya periodically opened itself to scrutiny from human rights groups after years of denying them entry. Physicians for Human Rights sent a doctor in February to examine the political prisoner Fathi al-Jahmi. In April-May, Human Rights Watch conducted research in the country for the first time.

Key International Actors

The United States and European governments steadily improved their relations with Libya throughout 2005. In part this was driven by energy companies who are eager to tap Libyas vast oil reserves, but Western governments are also drawn to Qaddafis cooperation in the global war on terror. In addition to renouncing weapons of mass destruction in 2003, Libya has provided valuable intelligence on militant Islamic individuals and groups. In return, countries like the U.S. and U.K. have added the Libyan Islamic Fighting Group (LIFG), fighting to overthrow Qaddafi since the late 1990s, to their lists of terrorist groups.

In October 2005, the British government signed a Memorandum of Understanding with Libya that allows the U.K to deport individuals to Libya if the Libyan government gives diplomatic assurances the deportees will not be subjected to torture. As of November deportation proceedings were under way for five members of the LIFG.

Libyas secretary of foreign liaison and international cooperation (foreign minister) met U.S. Secretary of State Condoleeza Rice in New York in September 2005, the highest bilateral meeting between the two countries in more than twenty years. Full diplomatic relations are stymied because Libya remains on the U.S. governments list of countries that sponsor terrorism. The U.S. government at times criticized human rights abuses in Libya, notably in the State Departments 2004 human rights report. In October President Bush called on Libya to free the five Bulgarian nurses sentenced to death in the HIV-infection case.

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