

AMNESTY INTERNATIONAL

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Libya: Heavy Sentences against Prisoners of Conscience

Amnesty International condemns the heavy sentences handed down by a Libyan court yesterday against Idriss Boufayed, Jamal el-Haji and 10 others and calls for their immediate and unconditional release. The organization considers them to be prisoners of conscience who have been sentenced solely for the peaceful exercise of their rights to freedom of expression and assembly, and in particular for organizing a demonstration critical of the Libyan government. Idriss Boufayed, who has been sentenced to 25 years imprisonment, is suffering from an advanced state of lung cancer.

Amnesty International is also gravely concerned about the fate of Abdelrahman al-Qateewy whose whereabouts remain unknown since he was first arrested in connection with the same demonstration in February 2007, together with Jum'a Boufayed, the brother of Idriss Boufayed. While the organization welcomes the release of Jum'a Boufayed on 27 May 2008 from Abu Selim Prison after his 15-month incommunicado detention, it fears that Abdelrahman al-Qateewy has been subjected to enforced disappearance and calls for his whereabouts to be immediately revealed. In accordance with Libya's obligations under international human rights law, he should be released immediately or charged with a recognizably criminal offence and promptly tried in fair proceedings.

Amnesty International is particularly concerned about the health of Idriss Boufayed. On 6 April 2008 the Gaddafi International Charity and Development Foundation published a statement saying that Idriss Boufayed was receiving treatment at Sabrata hospital. On 28 May 2008, the Libyan newspaper *Al Watan* reported that a medical committee established by the Ministry of Justice had determined that Idriss Boufayed should be released on medical grounds. Amnesty International calls for his immediate and unconditional release and urges in particular, that he be allowed to leave the country should he wish to seek medical treatment abroad or to return to Switzerland where he was previously residing.

The newly created State Security Court sentenced in unfair proceedings Idriss Boufayed to 25 years imprisonment, Jamal el-Haji to 12 years while Ahmed Youssef al-Obaidi and the brothers al-Mahdi Saleh Hmeed, Faraj Saleh Hmeed, and al-Sadeq Saleh Hmeed were sentenced to 15 years imprisonment. Farid Mohammed al-Zwai, Alaa al-Drissi and Bashir Qasem al-Hares were sentenced to six years imprisonment each, Ali Saleh Hmeed to six and a half years and al-Sadiq Qeshoot to seven years imprisonment. They were convicted of the charges of vaguely worded offences such as "attempting to overthrow the political system," "spreading false rumours about the Libyan regime" and "communicating with enemy powers." Amnesty International believes these charges relate to the publication of a statement on news websites calling for a peaceful demonstration to be held on 17 February 2007 and a subsequent meeting with a US diplomat. The charge of "possession of weapons and explosives with the intention of carrying out subversive activities" was dropped. Adel Saleh Hmeed was the only one acquitted of all the charges.

Background

The rights to freedom of expression and assembly are continue to be severely restricted in Libya. Idriss Boufayed, along with three other men, al-Mahdi Saleh Hmeed, Ahmed Youssef al-Obaidi and Bashir Qasem al-Hares, had published a communiqué on 23 January 2007 on news websites announcing that they were planning a peaceful demonstration to take place in Tripoli on 17

February 2007. The demonstration was to commemorate the first anniversary of the killing of at least 12 people and the injuring of scores more during a demonstration in Benghazi.

Trial proceedings, which began on 24 June 2007, were transferred to the new State Security Court after it was established in August 2007 to try individuals accused of offences against state security and unauthorized political activities. The first hearing before this court took place on 6 November 2007. The detainees did not have the right to counsel of their own choosing, with the exception of Jamal el-Haji, who was able to appoint a private lawyer, and furthermore, did not have access to the appointed defence lawyers outside the court room. The UN Human Rights Committee has expressed concerns about the State Security Court, saying that the need for it and its mandate are unclear, and calling upon Libya to ensure that all rights and guarantees under article 14 of the International Covenant on Civil and Political Rights are respected.