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Libya: Trial begins against government critics

As the trial opens against 12 men detained in connection with a planned demonstration against the authorities in February 2007, Amnesty International calls on the Libyan government to open a full, impartial and independent investigation into reports that at least two of them have been subjected to torture and to ensure that they are afforded the right to a fair hearing.

Amnesty International is also raising concerns that the 12 individuals have been held in incommunicado detention for prolonged periods of time since their arrests in February 2007 and that they are effectively being punished for their peaceful political opposition to or criticism of the government. If so, the organization would consider them to be prisoners of conscience and call for their immediate and unconditional release.

Idriss Boufayed, a Libyan surgeon formerly in exile in Switzerland and secretary general of the National Union of Reform (NUR), was apparently the first of the 12 to be arrested. He was reportedly taken from his home in Gheryan at around 1am on 16 February 2007 by officers of the Internal Security Agency. 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 news websites announcing that they were planning a peaceful demonstration, to take place in Tripoli on 17 February 2007, to commemorate the first anniversary of the killing of at least 12 people and the injuring of scores more during a demonstration in Benghazi. The Libyan authorities announced in 2006 that 10 senior officials had been charged in connection with the incident, but Amnesty International is not aware that any have yet been brought to trial.

Idriss Boufayed's brother, Jum'a Boufayed, described the arrest in a telephone interview for the *Libya al-Mostakbal* news website. He said that, on the day of Idriss Boufayed's arrest, a group of armed men had arrived at the family home, called at the front door and broken it down when nobody answered, taking his brother away. Jum'a Boufayed said that he had recognized the officer apparently in charge of the operation as the head of a local branch of the Internal Security Agency. Jum'a Boufayed said he did not know where they had taken his brother, and added that he feared he would be arrested too, because of the information he had revealed in the interview and other phone calls. He was reportedly arrested a few hours later.

Al-Mahdi Saleh Hmeed, was reportedly arrested in the afternoon of 16 February 2007. Earlier the same day, his father's house had been set on fire by a group of young men, allegedly colluding with the authorities, who reportedly also assaulted members of his family. His brothers Adel Saleh Hmeed, Ali Saleh Hmeed, Faraj Saleh Hmeed and al-Sadeq Saleh Hmeed were also arrested.

The two other organizers of the demonstration, Ahmed Youssef al-Obaidi and Bashir Qasem al-Hares, were also reportedly arrested on 16 or 17 February, along with several others, Alaa al-Drissi, writer Jamal al-Hajji and writer Farid Mohammed al-Zwai. It appears that all were arrested and detained in view of their planned peaceful demonstration or recent criticism of the government on the Internet.

All 12 men are reportedly still in detention. On 20 April 2007, more than two months after their arrest, Ahmed Youssef al-Obaidi, Adel Saleh Hmeed, Ali Saleh Hmeed, Faraj Saleh Hmeed, al-Mahdi Saleh Hmeed and al-Sadeq Saleh Hmeed were reportedly charged before a court in the district of Tajoura in Tripoli with offences including attempting to overthrow the political system, possession of weapons and explosives with the intention of carrying out subversive activities and communication with enemy powers, and transferred to al-Jadida Prison in Tripoli, where they are said to be held in solitary confinement. According to some reports, the court in Tajoura is a special tribunal, rather than a regular criminal court.

Idriss Boufayed, Jum'a Boufayed, Alaa al-Drissi, Jamal al-Hajji, Bashir Qasem al-Hares and Farid

Mohammed al-Zwai are reportedly being held in Ain Zara Prison in Tripoli, after allegedly being detained for at least two months in a detention centre operated by the Internal Security Agency in Sikka Street in Tripoli. Amnesty International has received information indicating that they have been charged before the same court in the district of Tajoura in Tripoli with similar offences to those mentioned above. According to some reports, trial proceedings against all 12 men began on 24 June 2007.

Amnesty International is particularly concerned at reports that at least two of the detainees, Faraj Saleh Hmeed and al-Mahdi Saleh Hmeed, have been subjected to torture in detention. It is alleged that, during at least one interrogation session, they were punched and beaten with wooden implements, subjected to *falaqa* (beating on the soles of the feet) and placed in a coffin as a form of intimidation and had to receive medical treatment as a result.

In a letter sent today to Mustapha Abdeljelil, Secretary of the Libyan government's General People's Committee for Justice, Amnesty International called on the authorities to ensure that all 12 detainees are being treated humanely, are protected from torture and other ill-treatment, are being given prompt access to lawyers, family and medical attention as necessary, and are able to challenge the legality of their detention before a court, in line with Libya's obligations under the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has also asked for details of the precise charges against the 12 men and the nature of the court in the district of Tajoura in Tripoli before which they are reportedly being tried. In addition, it asks the authorities to ensure that all trial proceedings are conducted fully in line with international standards for fair trials.

Background

In Libya journalists, writers and political activists who criticize the authorities or seek to organize meetings or demonstrations to protest against the government are at risk of arrest and detention, as well as other forms of intimidation or harassment.

Idriss Boufayed, reportedly the first of the 12 men to be arrested on 16 February 2007, had been recognized as a refugee in Switzerland and only returned to Libya in September 2006, after being issued a passport and reportedly receiving assurances from the Libyan embassy in Bern that he would not be at risk from the authorities. He was previously arrested on 5 November 2006 and detained incommunicado until 29 December 2006, when he was released, apparently without charge. During his detention, the authorities reportedly did not tell his family why he had been arrested or where he was being held. Amnesty International wrote to the Libyan authorities on 21 December 2006 to express concern that he might be a prisoner of conscience. On 15 January 2007, Idriss Boufayed issued a public statement pledging to continue the struggle for a "modern, democratic Libya".