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Libya: The forgotten victims - scores of professionals and students risk unfair trial and possible death sentences

On the eve of the resumption of proceedings in the appeal trial of scores of professionals and students charged in connection with the banned Libyan Islamic Group, *al-Jama'a al-Islamiya al-Libiya*, Amnesty International today urged the authorities to ensure a fair trial and to quash the two death sentences handed down in the original trial.

"The original trial was grossly unjust, denying the accused their basic rights to a fair trial. The injustice of the past must be redressed", Amnesty International said today.

The appeal trial, which opened earlier this year, is scheduled to reconvene on 14 December before a People's Court in Tripoli. Eighty six of the 152 men were originally sentenced on 16 February 2002 by a People's Court in Tripoli while 66 others were acquitted. They were arrested around June 1998 on suspicion of supporting or sympathizing with the banned Libyan Islamic Group.

Two men were sentenced to death: Salem Abu Hanak, father of five was the head of the Chemistry Department at the Faculty of Science of the University of Qar Younes in Benghazi; Abdullah Ahmed Izzedin, father of four, was a lecturer at the Engineering Faculty of the Al-Fatih University in Tripoli. According to Amnesty International's information, 73 received sentences of life imprisonment and 11 received ten years' imprisonment. The men are believed to be imprisoned in Abu Salim Prison in Tripoli.

"We urge the Libyan authorities to ensure that the death sentences in this case are lifted and to work towards the worldwide trend towards the abolition of the death penalty", Amnesty International said.

In April 2002 the Secretary of the People's Committee for Justice and General Security, Muhammad al-Misrati reportedly declared the original trial to be "fair". However, Amnesty International fears that the necessary measures have not been undertaken to ensure that, in the appeal trial, the accused are granted the right to a fair trial, denied to them in the original trial, including the right of a defendant to choose a lawyer and the right to a public hearing. Despite allegations of torture raised by some of the defendants, no independent, impartial and thorough investigations are known to have been conducted.

Provisions of the international human rights treaties to which Libya is a State Party have thus been violated, including the Convention against Torture which requires authorities to ensure prompt and impartial investigations into all allegations of torture, and the International Covenant on Civil and Political Rights which states that "Everyone is entitled to be tried without undue delay".

Family visits to the prisoners have been severely restricted since their arrests more than four years ago. For more than two years, the men were held incommunicado, their whereabouts unknown. They were deprived of their rights to legal counsel and to receive visits from their relatives. During the original trial, which opened in March 2001, relatives were allowed to see and talk to the accused for a limited period. However, according to some reports, subsequent attempts of contact were denied and families were even prevented from delivering parcels of food and clothing to the prisoners.

Background

The defendants are reportedly charged under Articles 2 and 3 of Law 71 of 1972 and Article 206 of the Penal Code. Law 71 defines party activities in a way which encompasses almost any form of group activity based on a political ideology opposed to the principles of al-Fatih Revolution of 1 September 1969. Article 3 of Law 71 and Article 206 of the Penal Code state that "execution" is the punishment for those who call "for the establishment of any grouping, organization or association proscribed by law", support or belong to such an organization.

In a public address to the nation on 31 August 2002, Colonel Mu'ammarr al-Gaddafi stated that there are no longer any political prisoners left in Libya and that those who remain in prison are those who have used violent means to further their cause.

Amnesty International has documented many cases of long-term political prisoners, including prisoners of conscience and possible prisoners of conscience, who remain incarcerated. They include persons who are subject to arbitrary detention, including those who have been deprived of their liberty without charge or trial, those who have served lengthy prison terms after grossly unfair trials, and those who remain in detention despite the fact that an order for their release has been issued.

Amnesty International continues to call on the Libyan authorities to release immediately and unconditionally all prisoners of conscience held in Libya and to ensure that all political prisoners, who may have used or advocated violence, are promptly tried before an independent and impartial tribunal, in proceedings which meet international standards of fairness, or released without delay.

Amnesty International repeats its call on the Libyan authorities to introduce legislative and practical measures as a matter of urgency to bring Libya's law and human rights practice into conformity with international human rights treaties to which it is a state party.

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