

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: MDE 19/005/2004 (Public)
News Service No: 047
1 March 2004

Libya: Towards ensuring human rights protection Initial findings of Amnesty International visit

At the end of the first visit for 15 years to the Libyan Arab Jamahiriya, Amnesty International welcomes assurances made by the Libyan authorities that they will consider its recommendations. The organisation urges Libya to undertake a meaningful program of human rights reform to address long-standing concerns and make human rights protection a reality for all.

On the last day of their stay, Amnesty International delegates were received in Sirte by Colonel Mu'ammarr al-Gaddafi, Leader of the Revolution. Colonel al-Gaddafi discussed several issues with the delegates, and stated his appreciation for Amnesty International's comments and recommendations.

"It was a welcome opportunity to return to the Jamahiriya after 15 years," said Claudio Cordone, who headed the Amnesty International delegation.

"We are pleased with the unprecedented access we were given to the Libyan authorities and others, particularly to prisoners. We look forward to a serious engagement by Libya with a process of accountability for past violations and reform for the future."

Four delegates from Amnesty International visited Libya in the course of a two-week visit between 14 and 29 February 2004. Amnesty International will shortly publish a report based on its findings during the visit and any further responses it receives from the Libyan authorities.

"I assure you that the direction of enhancing human rights protection in Libya is irreversible," Abd al-Rahman Shalgam, Secretary of the General People's Committee for Foreign Liaison and International Cooperation told Amnesty International during the visit.

During the course of the visit, Amnesty International delegates met Muhammed al-Misrati, Secretary of the General People's Committee for Justice and Public Security several times. They also met Karima al - Madani, responsible for Womens' Affairs at the General People's Congress; Omar Shalbak, the Prosecutor-General; as well as judges, lawyers and police and security officials.

At the start of the visit, Amnesty International presented a detailed memorandum to the Libyan authorities. In this memorandum, the organization urged the adoption of concrete measures to address long-term concerns and bring both law and practice in Libya fully into compliance with international human rights standards. Issues addressed in the memorandum and discussed with the authorities and others during the visit include legal reform, detention and trial practices breaching Libyan

law and international standards and accountability for past violations.

Human Rights Issues

Among the cases raised by Amnesty International delegates with the Libyan authorities were those of a group of Muslim Brothers convicted under Law 71 of 1972 criminalizing the formation of political parties. Amnesty International was able to establish during the visit that they were not convicted of any activities relating to the use or advocacy of violence, and therefore urges their release. Amnesty International delegates stressed that any defendant accused of activities involving violence should receive a fair trial.

In this context, Amnesty International delegates highlighted a pattern of unfair trials before exceptional courts, specifically the People's Court. While welcoming the opportunity offered to defendants in financial need to use court-appointed lawyers before the People's Court, the delegates pointed out that they had learned of many instances where court-appointed lawyers were imposed on defendants seeking to use lawyers of their own choice.

Amnesty International also expressed concern about the widespread practice specifically by the Internal Security of prolonged incommunicado detention - without access to the outside world - in violation of Libyan law and international standards. Such practice facilitates torture, which has been often used in Libya, as confirmed by detailed testimonies collected during the visit.

Amnesty International delegates asked to meet a number of prisoners. The delegates were able to conduct prolonged individual interviews with several such prisoners, including in Abu Salim prison in Tripoli. However, it was unclear why others were not made available. They included long-term prisoner Ahmed 'Abd al-Qadir al-Thulthi, arrested in 1986 and met by Amnesty International in 1988. His family has received no news about him since 1996.

On 16 February, Amnesty International attended a hearing before the Benghazi Criminal Court in the trial relating to 426 children infected with the HIV virus while in the care of al-Fateh Children's Hospital in Benghazi. The organization met lawyers for all parties. After the hearing, it also met families and children of the Association for Child Victims of Aids in Benghazi. The delegates heard, from the Bulgarians and the Palestinian accused, serious allegations of torture, including the use of electric shocks, during months of incommunicado detention. In addition, they interviewed officers currently being tried on charges of torture in relation to the same case.

Amnesty International also raised the need to establish the truth on the long-standing cases of "disappearances" in disputed circumstances within or outside Libya. They include Libyan nationals Jaballah Matar, 'Izzat Yousef al-Magrif and Mansour al-Kikhiya and Lebanese shia leader Imam Musa Sadr and his two companions.

While continuing to press for the abolition of the death penalty, an aim that Colonel al-Gaddafi said he continues to share, Amnesty International pointed out that the scope of the death penalty remains very wide even in a draft penal code being discussed at the moment. For example, capital punishment is still prescribed in the draft code for activities which merely amount to the exercise of the right to freedom of expression and association. The Libyan authorities invited further detailed comments on the code from Amnesty International.

The Amnesty International visit provided the opportunity to meet charitable organizations as well as groups working in the field of human rights, including the Human Rights Society of the Gaddafi International Foundation for Charitable Associations. Several lawyers of the Tripoli Bar Association, who recently established a Freedoms Committee, highlighted to Amnesty International the legal and other constraints still faced by those seeking to operate in this field.

Amnesty International welcomed Libya's recent ratification of the Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and Peoples' Rights,

and called for the prompt ratification of the Rome Statute of the International Criminal Court.

Recommendations

Amnesty International's forthcoming report will be based on the memorandum presented to the Libyan authorities as well as the findings of the visit and will include a set of recommendations aimed at contributing to effective and durable human rights protection in the country.

In the meantime, Amnesty International calls on the Libyan authorities, to take a number of immediate steps to demonstrate their commitment to sustained human rights protection, including:

release those imprisoned solely for their peaceful political activities, including members of the Muslim Brotherhood convicted under Law 71 of 1972;

consider abolishing the People's Court and transferring its jurisdiction to the ordinary criminal justice system;

establish mechanisms to carry out independent and impartial investigations into the fate of prisoners about whom there has been no information for several years and those who "disappeared" inside or outside Libya;

ensure that Libyan nationals are able to actively work on human rights issues in the country, set up independent bodies specializing in this task, and are able to communicate their findings to the authorities and to the outside world without fear of retaliation;

declare a moratorium on all death sentences pending a review of the death penalty;

issue a standing invitation to the independent human rights experts of the United Nations (UN) at the forthcoming session of the UN Commission on Human Rights.

Public Document

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