



January 2008

country summary

## Libya

Libya's international reintegration accelerated in 2007 despite the government's ongoing human rights violations. In July the government released six foreign medical workers who had been tortured, unfairly tried, and imprisoned for eight years for allegedly infecting children with HIV. In October Libya won a seat on the UN Security Council. Driven by business interests and Libya's cooperation on counterterrorism, the United States and some European governments strengthened ties with Libya throughout the year. Yet the Libyan government continues to imprison individuals for criticizing the country's political system or its leader, Mu`ammar al-Qadhafi, and maintains near-total restrictions on freedom of expression and assembly. It forbids opposition political parties and independent organizations. Torture remains a concern.

### Political Prisoners

Libya continues to detain scores of individuals for engaging in peaceful political activity. According to the Geneva-based group Libyan Human Rights Solidarity, Libya has forcibly disappeared 258 political prisoners, some for decades. Many were imprisoned for violating Law 71, which bans any group activity opposed to the principles of the 1969 revolution that brought al-Qadhafi to power. Violators of Law 71 can be put to death.

In February 2007 Libyan security agents arrested 14 organizers of a planned peaceful demonstration intended to commemorate the anniversary of a violent crackdown on demonstrators in Benghazi in 2006. At least 12 of the detainees are on trial and could face the death penalty on charges of planning to overthrow the government, arms possession, and meeting with a foreign official. Dr. Idris Boufayed, the demonstration's main organizer, is an outspoken critic whom the government previously detained in November 2006. Jamal al-Haji, also detained, is a Danish citizen to whom Libya has refused consular access. Two other detainees, Ahmad

Yusif al-`Ubaidi and Al-Sadiq Salih Humaid, are reportedly not being treated for medical ailments. The government has "disappeared" `Abd al-Rahman al-Qotaiwi, a fourth-year medical student involved in planning the demonstration, and Jum`a Boufayed, who had given media interviews following the arrest of his brother Idris Boufayed. To Human Rights Watch's knowledge, none of the men has advocated violence.

Fathi al-Jahmi remains Libya's most prominent political prisoner. Libya has imprisoned al-Jahmi since March 2004 for calling for democratization and criticizing al-Qadhafi. Authorities have prevented al-Jahmi's family from visiting him since August 2006.

### **Freedom of Association and Freedom of Expression**

Libya has no independent nongovernmental organizations. Law 19, "On Associations," requires a political body to approve all such organizations and does not allow appeals of negative decisions. The government has refused to allow an independent journalists' organization and has reportedly imposed unwanted leaders on the lawyers' union.

Freedom of expression is severely curtailed. Negative comments about al-Qadhafi are strictly punished, and self-censorship is rife. Uncensored news is available via satellite television and Libyan websites based abroad, which the government occasionally blocks. In April Libya's legislative body, the General People's Congress, passed Decree 146, creating a committee to examine the state-controlled media. In a bold statement, journalists and writers inside Libya described "press content" as "dependent solely on propaganda and positive government messages," and called on the committee to promote a free press. The government has announced no further information about the committee's work.

The exception to these rules are organizations run by one of Mu` ammar al-Qadhafi's sons, Seif al-Islam al-Qadhafi, who has criticized the lack of representative government and called for a free press. His quasi-official Qadhafi Development Foundation helped negotiate the release of the six healthcare workers. In August his al-Ghad company launched Libya's first private newspapers and television station.

One of these papers criticized the secretary-general of the General People's Congress for poorly planned building demolitions in Tripoli, and another urged the authorities to allow exiled opposition members to return.

## **Benghazi HIV Case**

In July Libya released five Bulgarian nurses and a Palestinian doctor who had been jailed since 1999 and convicted of deliberately infecting 426 children with HIV, based on dubious evidence. The Libyan High Judicial Council commuted the healthcare workers' death sentences, following a deal with the European Union to compensate the victims' families with a reported US\$1 million per child. In an interview in August, Seif al-Qadhafi said the release was also tied to arms deals worth over \$400 million.

The case raised serious concerns about due process and torture. Four of the healthcare workers told Human Rights Watch that they had confessed under torture by Libyan authorities, but a Libyan court had acquitted 10 security officials charged with their torture in 2005. The healthcare workers reportedly waived their right to seek redress from Libya shortly before their release.

## **Violence against Women and Girls**

Although the extent of violence against women in Libya is unknown, the government's position in 2007 continued to be one of denial, leaving victims unprotected and without remedies. There is no domestic violence law in Libya, and laws punishing sexual violence are inadequate. The government prosecutes only the most violent rape cases, and judges have the authority to propose marriage between the rapist and the victim as a "social remedy" to the crime. Rape victims themselves risk prosecution for adultery or fornication if they attempt to press charges. Many victims' families coerce them into marriage in order to avoid public scandal.

Government services for victims of violence against women remain inadequate. Police officers are not trained to handle cases of violence against women, and there are no women's or girls' shelters. Instead, the government detains dozens of victims, particularly rape victims, in "social rehabilitation" facilities. Many are denied legal

representation and the opportunity to challenge the legality of their detention. The authorities subject them to forced virginity examinations and punitive treatment, including solitary confinement. The only way out of these facilities is if a male relative takes custody of the woman or girl, or if she consents to marriage.

### **Abu Salim Prison**

The government still has not released any findings on the large-scale killings in Tripoli's Abu Salim prison in June 1996. According to an ex-prisoner interviewed by Human Rights Watch, Internal Security Agency forces killed as many as 1,200 inmates who had revolted over prison conditions. In 2005 the government said it had established an investigatory committee, but it has released no information since. In October 2006 guards fired on another group of prisoners after a reported revolt, killing at least one and reportedly injuring nine.

### **Treatment of Foreigners**

The government continues to forcibly deport foreigners who lack proper documentation, sometimes to countries where they could face persecution. Foreigners reported arbitrary arrests, beatings, and other abuse during their detention and deportation. On July 8, 2007, Libya reportedly rounded up approximately 70 Eritrean men, some of whom may have fled conscription into the Eritrean military. (Eritrea has no conscientious objector status, and military offenders are frequently subjected to torture.) Reportedly at Eritrea's request, Libyan security agents photographed the 70 men, who said guards had threatened them with deportation. The men remain in detention at this writing.

Libya has no asylum law, has not signed the 1951 Refugee Convention, and has no formal working agreement with the United Nations High Commissioner for Refugees (UNHCR). However, the government is drafting a law on asylum and reportedly grants UNHCR representatives regular access to detention facilities.

### **Promises of Reform**

In 2007 the government continued to review proposals for a new penal code and code of criminal procedure, a process that began at least three years before. In 2005

the secretary of justice stated that, under the new penal code, the death penalty would remain only for the “most dangerous crimes” and for “terrorism.” However, a 2004 draft of the new code suggests the government might accept a very broad definition of terrorism, which could be used to criminalize people expressing peaceful political views. The government has yet to present either draft code to the General People’s Congress.

## **Key International Actors**

In 2007 the US and European governments upgraded relations with Libya despite its human rights abuses. In March the US State Department’s annual human rights report found that Libya’s “human rights record remained poor.” Subsequently, President Bush nominated an ambassador to Libya and the US secretary of state met with Libyan officials in New York. EU representatives signed a memorandum of understanding in July on trade and other issues. In October the Council of the EU proposed negotiating a framework agreement on “areas of mutual interest, such as human rights [and] migration among others.” Since 2004 the US, European, and other governments have approved billions of dollars in business deals with Libya, notably in the oil and gas sectors.

Libya continues to share intelligence on militant Islamists with Western governments. On April 27, 2007, a British court ruled that the United Kingdom could not return two terrorism suspects to Libya due to the risk of torture and unfair trials. In September the US government sent a Libyan citizen, Sofian Hamoodah, back to Libya after over five years of detention at Guantanamo Bay; the whereabouts of Hamoodah, who consented to return, are currently unknown. Another Guantanamo detainee returned in 2006, Mohamed al-Rimi, also remains missing.

Cooperation continued in controlling illegal migration from Libya to southern Europe, often without adequate regard for the rights of migrants or the need to protect refugees and others at risk of abuse on return to their home countries.