

PUBLIC

AI Index: MDE 19/015/2004

UA 266/04

Incommunicado detention/ health concern

17 September 2004

LIBYA

**Fathi al-Jahmi (m), aged 63
Fawzia 'Abdullah Gogha (f), his wife
Muhammad Fathi al-Jahmi (m), their son**

Amnesty International is seriously concerned for the health and safety of former prisoner of conscience Fathi al-Jahmi. There are also concerns for the safety of his wife, Fawzia 'Abdullah Gogha, and their eldest son, Muhammad Fathi al-Jahmi who were reportedly detained along with him on 26 March. Amnesty International received information that Fathi al-Jahmi is ill and requires medical treatment, which it appears he is being denied.

Fathi al-Jahmi, his wife and his eldest son were reportedly taken from their home in Tripoli by the authorities on 26 March. This happened shortly after he gave several media interviews, including to the US-based Arabic channel *al-Hurrah* and to the Dubai-based Arabic channel *al-'Arabiya*, in which he called for reform within Libya. After the interviews, basic services to his house, such as his telephone connection, were reportedly suspended.

Though his family have reportedly received no confirmation of the exact whereabouts of Fathi al-Jahmi, Fawzia 'Abdullah Gogha and their son Muhammad Fathi al-Jahmi, Amnesty International has received information confirming that Fathi al-Jahmi is being held by the Libyan authorities. The authorities apparently claim that he is being held for his own protection because of alleged public outrage generated by his media interviews. The authorities are reportedly investigating whether to press charges against him, though so far, no charges appear to have been made. Throughout this period, Fathi al-Jahmi, his wife and eldest son have reportedly been denied access to the outside world, including to lawyers, relatives and doctors.

Fathi al-Jahmi was adopted as a prisoner of conscience in 2002, after his arrest and imprisonment following his statements at a session of the Basic People's Congress in al-Manshia, Bin Ashour, Tripoli on 19 October 2002. At the Congress, he is reported to have stated that reform within Libya would never take place without legal and political change such as the introduction of a constitution, pluralism and democracy.

Following his arrest in October 2002, Fathi al-Jahmi was tried, sentenced and imprisoned merely for openly expressing his views, by a People's Court which is known to try political cases, On 10 March 2004 his case was heard before the People's Court of Appeal and he received a suspended sentence of one year's imprisonment. He was released on 12 March 2004, before apparently being taken into custody on 26 March 2004.

BACKGROUND INFORMATION

In recent years, the Libyan authorities have taken some positive steps to address the human rights situation. In 2001 and 2002 nearly 300 prisoners, including prisoners of conscience detained since 1973 were released. Libya has also been opened to a degree of international scrutiny. In February 2004, the Libyan authorities authorized a visit by Amnesty International. In April 2004, Colonel Mu'ammarr al-Gaddafi publicly called for a number of legal and institutional reforms.

However, severely restrictive legislation curbing the rights to freedom of expression and association is still used in Libya to repress those suspected of being opposed to or critical of the current political system. This has led to the imprisonment of prisoners of conscience. In addition, real or suspected political opponents are held in prolonged incommunicado detention, without access to the outside world, by the Internal Security Agency. During this period, torture and ill-treatment is widely reported and its primary function appears to be to extract "confessions".

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic or your own language:

- expressing concern for the health and safety of former prisoner of conscience Fathi al-Jahmi who was reportedly detained on 26 March 2004;
- calling for Fathi al-Jahmi to have full access to medical care, including being transferred to hospital, if necessary;
- expressing concern for the safety of his wife, Fawzia 'Abdullah Gogha, and their eldest son, Muhammad Fathi al-Jahmi who were reportedly detained along with him on 26 March;
- urging the authorities to publicly declare where they are being held and to release them immediately unless they are to be charged with a recognizable criminal offence;
- asking that they be granted prompt and regular access to lawyers of their own choosing and to their relatives;
- calling on the authorities to repeal all laws, including Law 71 of 1972 and relevant articles of the Penal Code, which criminalize activities which merely amount to the peaceful exercise of the rights to freedom of expression and association;
- asking the authorities to make sure that the draft Penal Code, currently under review, is amended to ensure that the provisions relating to the rights to freedom of expression and association conform with Libya's obligations under the International Covenant on Civil and Political Rights (ICCPR).

APPEALS TO:

His Excellency Mu'ammr al-Gaddafi,
Leader of the Revolution,
Office of the Leader of the Revolution
Tripoli,
Great Socialist People's Libyan Arab Jamahiriya
Telex: 70 0901 20162 ALKHASU LY
Salutation: Your Excellency

His Excellency Nasser al-Mabruk
Secretary of the General People's Committee for Public Security
Secretariat of the General People's Committee for Public Security
Tripoli
Great Socialist People's Libyan Arab Jamahiriya
Salutation: Your Excellency

His Excellency Muhammad al-Misrati
Public Prosecutor
Office of the Public Prosecutor
Tripoli
Great Socialist People's Libyan Arab Jamahiriya
Salutation: Your Excellency

COPIES TO: diplomatic representatives of Libya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 October 2004.