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Libya: The authorities must release those detained for exercising the freedom of association and expression

Amnesty International is calling on the Libyan authorities to either release or grant a new fair trial to 151 students and professionals whose appeal hearing before a People's Court re-opens tomorrow in Tripoli.

"The Libyan authorities must immediately and unconditionally release those defendants who have been arrested, charged and tried for activities amounting to the non-violent exercise of their right to freedom of association and expression," Amnesty International said.

According to the information received, the defendants have not used or advocated violence. They were charged with supporting, or belonging to, the unauthorized Libyan Islamic Group, *al-Jama'a al-Islamiya al-Libiya*. Since their arrest in 1998, the defendants have been denied their right to a fair trial.

The case of the defendants, who originally included 152 defendants (one of whom reportedly died of natural causes), will be examined in appeal tomorrow. The appeal hearing has repeatedly been adjourned since its opening in the summer of 2002 after both the prosecution and those convicted appealed against the verdict.

In a communique issued in September 2003, the Human Rights Society of the Gaddafi International Foundation for Charity Association, headed by Saif al-Islam al-Gaddafi, a son of Colonel Mu'ammarr al-Gaddafi, declared that the Society had handed a memorandum to the relevant authorities, imploring them "to work towards the release of the group of the so-called 'Muslim Brothers', and this in order to re-integrate them into society [...], given that they have not used or advocated violence."

Abdullah Ahmed Izzedin, an academic, was sentenced to death on 16 February 2002 along with Salem Abu Hanak, after an unfair trial before a People's Court in Tripoli. In the same trial, 73 others received life sentences and 11 received ten-year sentences. Sixty-six others were reportedly acquitted.

"We still hope that this case ends soon and that our beloved father comes back to his family," Alaedin Izzedin, the son of Abdullah Ahmed Izzedin, told Amnesty International.

The 86 men still detained in this case are believed to be held in Abu Salim prison in Tripoli. All defendants were reportedly charged under Articles 2 and 3 of Law 71 of 1972 and Article 206 of the Penal Code. Law 71 bans 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", and even for those who belong to or support such an organization.

"The Libyan authorities must abolish the death penalty," said Amnesty International.

"Under the International Covenant on Civil and Political Rights to which Libya is state party, the Libyan government must ensure that nobody is imprisoned solely for exercising the fundamental rights to freedom of association and expression."

Background

For more than two years after their arrest in 1998, the 152 men were held in secret detention. They were deprived of their rights to legal counsel and to receive visits from relatives.

In April 2002 the Secretary of the People's Committee for Justice and General Security, Muhammad al-Misrati, reportedly declared the original trial to have been "fair". However, the defendants were denied the right 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. In this context, Amnesty International believes that the necessary measures have not been taken to ensure that the appeal hearing is fair.

Amnesty International has repeatedly called on the Libyan government to comply, in law and in practice, with international human rights treaties to which it is a state party, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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