

URGENT ACTION

JOURNALIST HELD FOR ANTI-CORRUPTION WORK

Libyan newspaper editor Amara Abdalla al-Khatabi has been detained incommunicado since 19 December 2012. He has been charged with defamation, as his newspaper published a list of judges it said were involved in corruption.

Amara Abdalla al-Khatabi, 67-year-old editor-in-chief of the Libyan daily newspaper *Al-Umma* is detained in Hudba Prison in the capital, Tripoli. He was arrested on 19 December 2012, the month after his newspaper published a list of 84 judges it said were involved in corruption. The newspaper had obtained the list from a source whose identity Amara Abdalla al-Khatabi has kept confidential.

On the day of his arrest, Amara Abdalla al-Khatabi had gone to a police station after he was summoned for questioning. He was transferred to the Public Prosecutor's office and then Hudba Prison the same day. His detention was initially extended by eight days for interrogation but was then extended repeatedly, most recently until 11 March. The prosecution claimed they initiated an investigation into the newspaper's license and registration. Neither his family nor his lawyers have been able to visit him in prison. His family are concerned, as he suffers from a number of health problems, including diabetes and hypertension.

Amara Abdalla al-Khatabi's lawyer said that he had not been given access to his client's file and had only been told that charges had been levelled against him in two separate cases, one relating to his newspaper's registration and the other relating to charges of libel and offending the judicial institution. If he is convicted, he faces up to five years' imprisonment. Amara Abdalla al-Khatabi's family are also concerned that he is not aware of the legal proceedings. His family say he has not appeared in court for either of the cases against him despite several sessions having already taken place. Most recently, a hearing date was set on 18 February at the Criminal Court in Tripoli but the prosecution apparently failed to inform the Hudba prison authorities and Amara Abdalla al-Khatabi did not attend the hearing; it was therefore postponed until 11 March.

Please write immediately in Arabic, English or your own language:

- Urging the Libyan authorities to release Amara Abdalla al-Khatabi immediately and unconditionally, if he has been detained solely for peacefully exercising his right to freedom of expression;
- Calling on them to ensure that Amara Abdalla al-Khatabi has immediate access to his family and lawyer and is fully informed of the charges against him and of all legal proceedings;
- Calling on them to ensure that Amara Abdalla al-Khatabi receives any medical attention he may require.

PLEASE SEND APPEALS BEFORE 9 APRIL 2013 TO:

Minister of Justice and Human Rights

Salah Marghani

Ministry of Justice and Human Rights

Fax: +218 2 14 80 54 27

(if voice answers, say "Fax") (Fax is the only reliable communication method; please do not send letters)

Salutation: Your Excellency

Minister of Interior

Ashur Shuwail

Fax: +218 2 14 80 36 45

+218 21 44 42 997

(Fax is the only reliable communication method; please do not send letters)

Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Amara Abdalla al-Khatabi's family told Amnesty International that it had been difficult for them to find a lawyer to represent him. They say the lawyers they have approached have either been threatened and withdrew from the case or have been removed from the case by the court for supposedly lacking the necessary credentials. The lawyer who has agreed to work on the case has said he is facing obstacles in gaining access to Amara Abdalla al-Khatabi and to his files.

Amnesty International has previously highlighted shortcomings in the Libyan judicial system. The judicial system has been unable to process thousands of pending cases. With rare exceptions, detainees often have no access to lawyers and are interrogated alone, despite guarantees provided in the Libyan Code of Criminal Procedure. Article 106 sets out that suspects in criminal cases should not be interrogated without the presence of a lawyer unless they are caught in the act, or there is a risk of losing evidence. The Code also stipulates the right of detainees to challenge the legality of their detention (Article 33), the right to have lawyers present during interrogation in criminal cases (Article 106), and the right to be assigned a lawyer if none has been appointed by the defendant (Article 321). No steps have been taken to reform the judicial system or remove judges allegedly involved in previous human rights abuses.

Despite the increase in the number of media outlets since the 2011 armed conflict that ended the rule of Colonel Mu'ammarr al-Gaddafi, journalists who have voiced criticism especially of militia groups, have been intimidated, harassed, threatened and detained.

Name: Amara Abdalla al-Khatabi
Gender m/f: m

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