

AI Index: PRE01/457/2013
10 September 2013

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The Libyan authorities must immediately drop charges that violate the rights to freedom of expression and assembly of a man who was involved in protests against military intervention in Libya in London on 28 June 2011.

Tomorrow Moad al-Hnesh, a Libyan engineer aged 34, will appear in the Zawiya Criminal Court charged with crimes against the state in relation to his activities in the United Kingdom during the 2011 Libyan conflict. If found guilty he could face a life sentence.

“That a young man could face life in prison for expressing political opinions deemed unacceptable by those in power begs the question of whether Libya has changed since the al-Gaddafi era,” said Hassiba Hadj Sahraoui, Amnesty International’s Deputy Director for the Middle East and North Africa.

“Libya adopted a constitutional declaration that guarantees freedom of expression two years ago. But instead of repealing draconian legislation used by the former regime to imprison opponents of al-Gaddafi, the new authorities are abusing the very same laws to stifle dissent.”

“Expressing political views, however objectionable or at odds with the majority, is an essential human right which should not depend on who is in power.”

Moad al-Hnesh has been charged with publishing false information on the internal situation in Libya and participating in pro al-Gaddafi demonstrations in London under Article 178 of the Penal Code, which criminalizes activities of a Libyan abroad against the interests of the state and carries a life sentence. He could face a further 15 years in jail under Article 195 for “publicly insulting the Libyan people” after describing Libya’s “revolutionaries” as “rats”. Amnesty International is calling for these charges to be dropped.

He is also accused of compelling others not to exercise their political right as they wish for threatening fellow Libyan students in the United Kingdom who opposed al-Gaddafi with detention upon their return to Libya. Amnesty International believes it is essential that his right to a fair trial is scrupulously respected to avoid any perception of political bias.

From 2010 until 2012, Moad al-Hnesh studied mechanical engineering on a Libyan government scholarship at Coventry University. He told Amnesty International that he participated in a Stop the War Coalition demonstration outside the House of Commons in London during which he was photographed holding a photo of a purported victim of a NATO bombing.

Following his return to Libya, he was arrested on 3 April 2012 by a militia from Zawiya after a group of Libyan students who had met him at Coventry University lodged a complaint against him with the Zawiya Military Council.

Moad al-Hnesh's trial began on 30 May 2012. So far, each court session has ended in an adjournment. He is being held in Jedayem Prison under the Ministry of Justice prison near Zawiya.

In recent months, the Libyan judicial authorities have resorted to using al-Gaddafi-era laws to clamp down on freedom of expression in politically sensitive cases.

In addition a number of articles of the Libyan Penal Code continue to criminalize the peaceful exercise of the rights to freedom of expression and assembly.

"The Libyan government should immediately amend or repeal all laws arbitrarily restricting freedom of expression. It must demonstrate that it has broken with the legacy of repression and impunity and is serious about upholding human rights," Hassiba Hadj Sahraoui said.

Background:

Article 178 on "activities of a Libyan abroad against the interests of the state" provides a life sentence for the dissemination of news or information on the internal situation in Libya considered to "tarnish the [country's] reputation or undermine confidence in it abroad". Article 195 on "insulting constitutional and popular authorities" provides sentences up to 15 years for insulting among others "the leader of the Fateh revolution", judicial or security bodies, or "publicly insulting the Libyan Arab people".

Article 195 of the Penal Code was also used earlier this year to prosecute Amara al-Khattabi, the editor-in-chief of al-Umma newspaper. He published a list of 84 judges whom he alleged were corrupt.

His lawyer has petitioned the Constitutional Chamber of the Supreme Court arguing that the article under which he is being prosecuted is unconstitutional. He argues that it contradicts Article 14 of the Constitutional Declaration which guarantees freedom of expression. The Supreme Court is yet to make a decision.

Amara al-Khattabi recently went abroad for medical treatment after he was released on bail and a travel ban was lifted.