

Amnesty International

Public Statement

Index AI : MDE 19/010/2014

21 November 2014

Jail sentence of Libyan editor a blow to free expression

Amnesty International deplores the decision of the Court of Appeals in Tripoli to sentence the Libyan journalist Amara Hassan Mohamed al-Khattabi to five years in prison in relation to the publication of the names of 84 allegedly corrupt judges in 2012, and calls for his conviction to be quashed. The conviction and prison sentence of Amara Hassan Mohamed al-Khattabi constitute a serious blow to freedom of expression in Libya, added the organization.

The ruling also barred him from practicing journalism for the duration of his sentence and has stripped him of his civil rights during this period followed by an additional year. Amara al-Khattabi was also ordered in the civil claim, to pay 50,000 Libyan dinars (24,386 British pounds) in damages to compensate each of the five claimants in the case.

The verdict was issued in absentia on 17 August 2014, and took place in a secret session at the height of the August conflict in Tripoli. During this time, according to Amara's lawyer, the courts were not functioning in Tripoli following the deterioration of the security situation in the city.

In November 2012, Amara al-Khattabi published the names of 84 allegedly corrupt judges in his daily Al-Umma newspaper. He was arrested a month later, detained and charged pursuant to Article 195 of the Penal Code relating to "insulting the constitutional or popular authorities", a law frequently used in the al-Gaddafi era to repress freedom of expression. According to the UN Human Rights Committee, the expert body which monitors compliance with the International Covenant on Civil and Political Rights (ICCPR) to which Libya is a state party, public figures and institutions should tolerate a greater degree of criticism than the general public. Accordingly, criminal or other laws which provide special protection against criticism for public officials are not consistent with respect for freedom of expression and should be repealed. States parties should not prohibit criticism of public institutions.

Amnesty International has campaigned on Amara al-Khattabi's behalf when he was held in pre-trial detention in 2013, calling for his release and adopting him as a prisoner of conscience. He was released on bail in April 2013 after going on hunger strike in protest to his detention.

In August 2014, following the repeated postponement of proceedings, a trial was scheduled to take place at a Judicial complex in Tripoli. Amara al-Khattabi's lawyer travelled to the court building to attend the proceedings, but had found that the compound was completely empty of any staff. He relayed the information back to Amara al-Khattabi and believed that the proceedings had not taken place as the intense fighting had forced the judiciary to temporarily discontinue its operations in Tripoli.

On 17 November 2014, Amara al-Khattabi's lawyer was notified that the trial had in fact taken place and that Amara al-Khattabi was sentenced *in absentia*. The court invoked Articles 195, 245 and 251 of the Penal Code to carry out its sentence. Amnesty International is deeply concerned that such articles, which respectively pertain to insulting judicial, legislative and executive bodies; insulting public officials and members of the judiciary; and exercising a profession without the required permission, have been used to silence voices critical of the government and judiciary, and continue to place severe restrictions on the fundamental right to freedom of expression, association and peaceful assembly.

Amnesty International fears that the conviction of Amara al-Khattabi may be politically motivated and might have been in retaliation for his journalistic work and for exposing alleged corruption within the judiciary. The fact that the sentencing took place in his absence, without his prior notification, in an undisclosed location and at the height of an active armed conflict in Tripoli, raises serious questions in relation to the fairness of his trial. According to Amara al-Khattabi, even the judge who had presided over his release in 2013 was the subject of a smear campaign and had been replaced by another judge altogether.

Amnesty International calls on the Libyan authorities to drop all charges against al-Khattabi immediately, to ensure that the conviction and sentence are quashed and to repeal laws which unduly restrict freedom of expression. Amnesty International also urges the Libyan authorities to uphold internationally recognised fair trial standards and to safeguard and maintain the independence of the judiciary.