

EXTERNAL

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IMPRISONMENT WITHOUT FAIR TRIAL

Medical students and health professionals in prison ليبيا

In March 1988 an amnesty was declared in Libya which, according to the government, resulted in the release of some 400 political prisoners. Many of them had been held without trial, whilst some had been sentenced to lengthy prison terms after unfair trial; others had been sentenced to death. At the time of the amnesty Colonel Gaddafi made a number of speeches in which he recognized that people had been wrongfully imprisoned and executed. He stated his desire to make Libya a place where "human rights are respected" and called for the introduction of legal reforms to prevent the recurrence of these human rights violations. A number of initiatives were subsequently undertaken to reform the legal system.

Despite the reforms, however, arbitrary arrest and detention without trial continued. Amnesty International has the names of over 550 political prisoners currently imprisoned in Libya, many of whom are believed to be held without trial. An estimated 125 of these people were imprisoned prior to the 1988 amnesty and remained in prison after failing to benefit from the amnesty. The majority, however, are political prisoners who were arrested later, mostly between January 1989 and April 1990, following demonstrations and unrest in the country.

Arrests prior to 1988

Prior to 1988 all political activities, including the non-violent expression of belief, were strictly banned by specific legislation. The punishments for political activity under these laws included the death penalty and life imprisonment. Prolonged incommunicado detention and detention without trial were common practices. In a speech made on 9 March 1988, Colonel Gaddafi stated that "some people who were in prison - even sentenced to death - are innocent". He blamed these human rights violations on the lack of adequate safeguards in the country's legislation and the abuse of authority by various state bodies.

In June of 1988 the *Great Green Document on Human Rights in the Era of the Masses* was approved by the General People's Congress. This restricted the scope of the death penalty, outlawed ill-treatment or degrading punishment of prisoners and proclaimed the right to a fair trial. It was followed in March 1989 with a Law on the Consolidation of Liberty which was to codify the *Great Green Document* into law.

Subsequent arrests

Amnesty International knows of 375 political prisoners arrested since the reforms. The arrests in 1989 and 1990 followed two demonstrations and a number of subsequent clashes between opponents of the authorities and members of the security forces and the Revolutionary Committees. One of the demonstrations is reported to have been held on 9 January 1989 by religious students at al-Fatih University in the capital, Tripoli. This was followed towards the end of January 1989 by another demonstration, apparently in protest against the authorities' decision to concede a World Cup qualifying football match to Algeria. During the second demonstration security forces fired into the crowds and at least one demonstrator, Taha Jalul, a medical student, is alleged to have been killed.

Several other clashes also occurred in major cities in Libya. On 14 January 1989 a clash reportedly occurred in Ajdabiya between members of the security forces and an armed religious group. Fighting also reportedly broke out on two separate occasions in Benghazi between security forces and opponents of the authorities shortly after the Ajdabiya incident. Another clash is reported to have taken place in April that year between members of the Revolutionary Committees and students at Gar-Yunis University in Benghazi, following demonstrations by the students.

Most of those subsequently arrested were apparently not involved in any violent activities. They are thought to have been arrested because they were suspected of being active political opponents or supporters of the opposition, particularly religious groups. The arrests are reported to have been carried out by various authorities, including members of the Revolutionary Committees, apparently without warrants. Those arrested have since been held incommunicado, possibly without charge or trial, and their whereabouts are unknown. Amongst the prisoners are a number of medical students, doctors and other health professionals. The following are details of these cases:

Students and health professionals arrested in 1989

ARRESTS IN TRIPOLI

Dr 'Abdul-Nasr al-Bashir Abu-Lsayen, doctor, aged 31, married with one daughter.

'Abdul-Nasr al-Bashir Abu-Lsayen comes from Suq al-Jum'a in Tripoli where he worked in a health centre. He was arrested at night on 19 or 20 January 1989 at his home in Suq al-Jum'a.

Muhammad Faraj Qamra, medical student, aged 27, single. Muhammad Faraj Qamra was arrested in February or March 1989 in Tripoli. He was at the time a second-year medical student at the University of Tripoli.

'Adel al-Sa'di, medical student, aged 27, single. 'Adel al-Sa'di was arrested in February 1989 in Tripoli. He was previously detained without charge or trial for four years between 1984 and March 1988. His brother was also arrested in February 1989 and is also imprisoned.

Salim Abu-Sa'da, medical student, aged around 24. Arrested in 1989.

Yusuf Embarak, nurse, aged about 29, arrested in 1989.

'Ali Abu al-Khagr, dentist, aged around 40. 'Ali Abu al-Khagr was arrested in Tripoli in 1989. He had been detained previously and released under the 1988 amnesty prior to his re-arrest.

'Adel al-Dughri, student of pharmacy, aged around 22. Arrested 1989.

Faraj Bashir Qarji, student of veterinary science in his final year at al-Fatih University in Tripoli. Aged 26. Arrested in 1989.

ARRESTS IN BENGHAZI

Dr Anwar Sawani, doctor, aged around 30. Arrested in January 1989.

Salim al-Sha'iri, medical student, aged around 24. Arrested in 1989.

Salim Abu-Sha'ala, medical student, aged around 24. Arrested in January 1989.

'Abdullah Muhammad al-Zarmuh, medical student, aged around 23. Arrested in January 1989.

ARRESTS IN SIBRATA

'Ali al-Tahir Abu-Ruwis, medical student, aged about 25. Arrested in 1989.

Juma Ashtawi, described as a graduate of a medical institute, aged about 20. Arrested in 1989.

Fathi Dabak, student of dentistry, aged around 28. Fathi Dabak was in his final year of studies at the Arab Medical University in Benghazi at the time of his arrest. He comes from Misrata and was arrested in Sibrata in 1989.

Mustafa al-Darqash, medical student, aged 25. Mustafa al-Darqash was in his final year of medical studies at the Arab Medical University in Benghazi. Also from Misrata and arrested in Sibrata in 1989.

'Abdullah al-Muntasir, medical student, arrested in 1989.

Khalid al-Ragab, medical student, aged about 25, arrested in 1989.

ARRESTS IN MISRATA

Rashid Abu-'Ajila, student of pharmacy. Rashid Abu-'Ajila was in his third year of pharmacy studies at al-Fatih University in Tripoli at the time of his arrest on 19 or 20 January 1989. He was arrested at his home in Misrata.

Mustafa Arhagam, fourth-year medical student at the Arab Medical University in Benghazi, aged around 25. Place of arrest believed to be Misrata.

DERNA OR AL-BAYDA

Muhammad Hassan Abu-Sadra, medical laboratory technician, aged around 31. Arrested in 1989 in Derna or al-Bayda.

PLACE OF ARREST UNKNOWN

'Abdul-Salam al-Nakab, medical student, aged around 25.

Health professionals arrested prior to the 1988 amnesty

The doctors and dentists named below were arrested in May and June 1984. Their arrests took place in the aftermath of clashes in May 1984 when, in a bid for power, an armed group associated with the National Front for the Salvation of Libya launched an attack on the Bab-al-Aziziya Barracks in Tripoli. Large numbers of arbitrary arrests followed. Following the March 1988 amnesty, the Libyan authorities undertook to review all political prisoners' cases, but to date no such review is known to have taken place. The four men are all thought to be held in Abu Salim Prison in Tripoli. It is not known whether they have been brought to trial.

Dr 'Ali Muhammad Bin-'Arus, doctor, aged in his late thirties, married with two children. Dr 'Ali Muhammad Bin-'Arus holds a Bachelor of Science degree in Nuclear Medicine from a USA university. He is from Tripoli and was arrested in May 1984.

Dr Muhammad Najib 'Ali al-Rajbani, doctor, in his early forties, single. Dr Muhammad Najib 'Ali al-Rajbani studied medicine at Cairo University and graduated in 1980. He was arrested in June 1984 and between the time of his arrest and the March 1988 amnesty was held incommunicado without access to the outside world. Since March 1988 he has been allowed family visits.

Bashir Muhammad Hamza, dentist, in his mid-forties, married. Qualified as a dentist in Cairo. Bashir Muhammad Hamza was arrested in May 1984.

Dr 'Umran 'Umar al-Turbi, dentist, aged 40, married. Dr 'Umran 'Umar al-Turbi was Director of Benghazi Central Dental Clinic and had studied in the USA in the early 1980s where he obtained a Master's degree in Dentistry and Public Health. He was arrested on 28 May 1984. His arrest is said to be related to his alleged membership or association with an opposition group.

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Repeated requests for specific information on the fate of political prisoners have remained unanswered by the Libyan Government. Amnesty International is concerned that the majority of the prisoners have been denied fair trials and that many are probably being held without trial. It is calling on the Libyan authorities to account for the legal basis for the detention of those named and to review their cases with a view to their release if they are not to be brought promptly to trial on recognizably criminal charges.

For further details, see *Libya: Further information on political detention*, (AI Index: MDE 19/03/92) - October 1992.

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To: Medical professionals
From: Medical Office / Research Department - Middle East
Date: 27 October 1992

MEDICAL LETTER WRITING ACTION

**Medical students and health professionals detained
LIBYA**

Keywords

Theme: health professionals/detention without trial

Profession/association: doctors/medical students/nurses/dentists/health workers

Summary

The attached gives information on a number of medical students and health professionals currently imprisoned in Libya who, it is believed, are probably held without trial. The majority were arrested in 1989 after legislative changes which promised to safeguard against arbitrary arrest and detention without trial; four have been held since 1984.

Recommended Actions

Letters are requested from medical professionals to the addresses below:

- expressing concern at the arrest in 1989 of medical students and health professionals who have been held in incommunicado detention since their arrest and appear not to have been brought to trial
- noting that there are also four health professionals who have been imprisoned since 1984 and who were not released during the amnesty of 1988; asking if they were ever tried and seeking information on the reason for their continued detention
- urging that there is a review of these cases and that those named are released from prison unless they are to be charged with recognizably criminal offences and given prompt and fair trials

Addresses

Head of State

His Excellency
Colonel Mu'ammarr al-Gaddafi
Leader of the Revolution
Office of the Leader of the Revolution

Tripoli, Great Socialist People's Libyan Arab Jamahiriya

Foreign Secretary

His Excellency

Ibrahim Muhammad al-Bishari

Secretary of the People's Committee of

the People's Bureau for Foreign Liaison and International Cooperation

Secretariat of the People's Committee of

the People's Bureau for Foreign Liaison and International Cooperation

Tripoli

Great Socialist People's Libyan Arab Jamahiriya

Official responsible for human rights

Mr Muhammad 'Ali al-Jadi

President of the Supreme Court and

Chairman of the Libyan Human Rights Committee

Tripoli

Great Socialist People's

Libyan Arab Jamahiriya

Copies to:

Health Secretary

His Excellency

Dr Zaidan Badr Zaidan

Secretary of the People's Committee for Health

Secretariat of the People's Committee for Health

Tripoli

Great Socialist People's

Libyan Arab Jamahiriya

Please also send copies to Libyan embassies or interest sections in your own country.