

EXTERNAL

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To: Medical groups

From: Medical Office / Research Department - Middle East Region

Date: 12 July 1993

MEDICAL LETTER WRITING ACTION

Threatened introduction of corporal punishment and extension of death penalty LIBYA

Keywords

Theme: corporal punishment / death penalty / shari'a / medical ethics

Summary

In an address to a group of prisoners, broadcast on 30 June 1993, the Libyan leader Colonel Mu'ammarr al-Gaddafi, spoke of the dangers of alcohol and drugs and appeared to call for the extension of the death penalty to the consumption of alcohol and membership of "heretical" groups. He also called for the introduction of the judicial punishment of amputation for theft and televised flogging for sexual offenses. These penalties may be formally introduced into the Libyan Penal Code in the near future if approved by the General People's Congress, Libya's highest legislative body.

Col. Gaddafi suggested that "a person in Libya who drinks a lot is considered an agent for a foreign embassy or a foreign company...". He said he "could suggest another thing to the people's congresses: that anyone who drinks alcohol should be charged with being an agent to the enemy.... The sentence for that could be death...". He also said that "the hashish that comes to Libya comes from Israel and from America [and that a user] would automatically be considered as siding with the Israelis and Americans".

He then went on to state that "the current meeting of the People's Congresses have on their agenda the implementation of Islamic law". He said that there will no longer be the punishment of imprisonment for thieves. Rather they would have a hand amputated and if they re-offended they would lose the other hand. Prostitution would be punished by 100 lashes and the punishment would be shown on television. Similarly, adultery would be punished by flogging.

These remarks follow a statement made by Col. Gaddafi in April in which he urged the General People's Congress to promulgate laws providing for the judicial punishments of amputation and flogging (see UA 103/93: MDE 19/02/93, 7 April 1993).

Amnesty International is concerned that the introduction of these punishments may be imminent and that their introduction would violate Libya's obligations under the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Libya is a state party. While both these treaties prohibit cruel, inhuman or degrading treatment or punishment, the ICCPR also restricts the use of the death penalty to "the most serious crimes". The introduction of amputation and flogging may involve medical or nursing personnel in a supervisory role though no information is available to Amnesty International on this aspect.

Recommended Actions

Medical groups are asked to arrange polite letters or faxes to Colonel Mu'ammr al-Gaddafi via the nearest Libyan diplomatic representative:

- expressing concern at reports suggesting the imminent extension of the scope of the death penalty and the introduction of the judicial punishments of amputation and flogging;
- recalling the declaration of June 1988 that the abolition of the death penalty should be an aim of Libyan society and urge that moves be made in this direction, starting with the commutation of existing death sentences;
- noting that Amnesty International believes the introduction of flogging and amputation is contrary to Article 31(c) of the Libyan constitution, Article 7 of the ICCPR and the Convention against Torture;
- expressing concern that medical or nursing personnel may be required to assist in the carrying out of corporal or capital punishments in breach of medical ethics.

Address

Please send letters or faxes **via your nearest Libyan diplomatic representative** to:

His Excellency
Colonel Mu'ammr al-Gaddafi
Leader of the Revolution
Tripoli
Great Socialist People's Libyan Arab Jamahiriya

Letters should be accompanied by a covering note asking for the letter to be forwarded to Libya.

Timing of action

Please write as soon as possible and check with the IS if you wish to send letters after 17 August 1993.

Standards cited

Article 31(c) of Libyan Constitution: "The accused is innocent until proved guilty. All essential guarantees shall be provided for exercising the right of defence. *It is prohibited to harm an accused or imprisoned person, physically or psychologically.*" [Emphasis added.]

Article 7 of ICCPR: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular no one shall be subjected to medical or scientific experimentation."