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Public Statement

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Libya: Foreign health professionals still at risk

Amnesty International remains concerned about five Bulgarian nurses and a Palestinian doctor who face the death penalty if convicted in an ongoing trial due to resume on 31 October 2006. The six have been held in custody since 1999.

The health professionals were sentenced to death by firing squad by a Libyan court in May 2004 after being convicted of deliberately infecting 426 children with HIV in al-Fateh Children's Hospital, Benghazi. A sixth Bulgarian defendant was sentenced to four years' imprisonment and nine Libyan defendants were acquitted in the same trial. The death sentences were overturned on 25 December 2005 by the Supreme Court, which ordered the health professionals to be retried after noting "irregularities" in their arrest and interrogation.

The retrial began on 11 May 2006. The most recent hearing of the trial was scheduled for 21 September, but postponed for a month due to the absence of a key defence lawyer for health reasons.

Amnesty International is concerned that the prosecution has demanded that the death penalty be re-imposed and that, while defence lawyers have asked for witnesses to be called on their behalf, no such witnesses have yet been heard in the trial. It considers that the medical workers may be prisoners of conscience who, as foreign nationals, have been wrongly accused of responsibility for the tragedy which occurred at al-Fateh Children's Hospital.

Amnesty International calls on the Libyan authorities to ensure that the health professionals' retrial is conducted without undue delay and in accordance with recognized international fair trial standards. In particular, defence lawyers must be accorded the right to call and examine witnesses on their behalf under the same conditions as witnesses against them. Under no circumstances should the health professionals again be made subject to the death sentence.

Background

The first trial of the Bulgarian nurses and the Palestinian doctor was grossly unfair, provoking widespread concern among health professionals and human rights organizations. AIDS experts who testified at their trial blamed the HIV outbreak on poor hygiene and the re-use of syringes in hospital. Luc Montagnier, who co-discovered HIV, presented a report to the court showing that the infection had started before the defendants began working at the hospital, and spread after they stopped working there. Libyan medical experts testifying for the prosecution said that the infections were probably the result of injections.

The health professionals had initially "confessed" to the crime, but later retracted these statements. In both their first and second trials they have denied the charges against them and have repeatedly testified that their "confessions" were extracted under torture in pre-trial detention. They told Amnesty International

delegates who were able to visit them in February 2004 that the torture included electric shocks, beatings and suspension by the arms. The health professionals brought a civil case against eight police officers, a military doctor and a translator who they accused of being responsible for their torture. A court in Tripoli acquitted all 10 in June 2005.

Amnesty International has repeatedly raised its concerns regarding the case of the health professionals with the Libyan authorities in recent years. Its delegates attended a session of the initial trial in February 2004.