

£LIBYA

@Further information on political detention

Hundreds of political prisoners, including prisoners of conscience, are held in detention centres in Libya for reasons or under conditions which are contrary to international human rights standards. In June 1991 Amnesty International published a report entitled "Libya: Amnesty International's Concerns in the Light of Recent Legal Reforms" (AI Index: MDE 19/02/91), outlining the organization's concerns following legal reforms and an amnesty announced in March 1988. The report put forward the cases of 427 political prisoners, including prisoners of conscience.

In recent years Amnesty International has repeatedly requested information about the legal status of political prisoners in Libya, most of whom are believed to be held without charge or trial, or sentenced after trials which fell short of international standards. Amnesty International has also consistently expressed its grave concern to the Libyan authorities that arbitrary arrest and incommunicado detention, which render detainees vulnerable to torture and other cruel, inhuman and degrading treatment, continue unaltered by any change in legislation or rigorous preventative measures. Repeated requests for specific information on the fate of political prisoners in detention, as well as on reports of torture and ill-treatment, have remained unanswered by the Libyan government.

Since the publication of the June 1991 report Amnesty International has received the names and details of a further 127 political prisoners, including possible prisoners of conscience. This brings the number of political prisoners known to Amnesty International in to at least 554. This paper highlights the cases of 30 of these prisoners (Appendices I and II), chosen as a sample from among the 127 names not previously published by Amnesty International. These cases highlight the suffering caused by the continuing detention of hundreds of political prisoners and possible prisoners of conscience in detention centres and prisons throughout Libya. Appendix I contains the names and details of 15 political prisoners and possible prisoners of conscience who remained in detention after the March 1988 amnesty. At least 14 of these prisoners are currently believed to be held in Abu-Salim detention centre on the outskirts of Tripoli. The names and details of 15 other political prisoners and possible prisoners of conscience, detained after the March 1988 amnesty, are contained in Appendix II. This group of prisoners is believed to be denied any access to the outside world.

The Libyan Arab Jamahiriya has been a State Party to the International Covenant on Civil and Political Rights (ICCPR) since May 1970. In May 1989 Libya became a State Party to the first Optional Protocol of the ICCPR and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has also been a State Party to the

African Charter on Human and People's Rights since 19 July 1985 and was the first State Party to submit a biennial report on measures it had taken to implement that treaty.

Arrests Before March 1988

During the 1970s and up to March 1988, political prisoners and prisoners of conscience in Libya were frequently subjected to arbitrary arrest, detention without trial and torture. They were routinely sentenced to lengthy prison terms after unfair trials. Some prisoners were sentenced to death after such trials and executed. In March 1988 Colonel Mu'ammarr Gaddafi officially released 400 political prisoners, including prisoners of conscience, under an amnesty. Many of these prisoners were serving long prison sentences and some had been sentenced to death after trials which failed to meet international standards for fair trial. Others had been held without trial for many years, detained beyond the expiry of their sentences, or despite trial and acquittal. In speeches he made at that time, Colonel Gaddafi publicly recognized that people had been wrongly imprisoned and executed. He also stated that the amnesty was not to be extended to some 100 political prisoners whom he accused of being "agents of foreign powers".

In June 1991, Amnesty International published the names of 30 political prisoners chosen as a representative sample from a list of 75 political prisoners, then known to the organization, who did not benefit from the March 1988 amnesty. Amnesty International now has the names of 50 other political prisoners and possible prisoners of conscience from this group. The names and details of 15 of these prisoners are contained in Appendix I.

Among those prisoners listed in Appendix I, 11 were arrested in the aftermath of an attack by an armed group on the headquarters of Colonel Gaddafi at the Bab al-'Aziziya Barracks in Tripoli on 8 May 1984. The attackers were unsuccessful in their reported bid to assassinate Colonel Gaddafi and a gun-battle between them and Libyan security forces took place in the vicinity of the Bab al-'Aziziya Barracks. In a matter of hours Libyan security forces had prevailed. Following the attack on the barracks, responsibility for which was claimed by the opposition group the National Front for the Salvation of Libya (NFSL), members of the Revolutionary Committees (committees set up to support official policies) reportedly arrested hundreds of suspected sympathizers and members of the NFSL throughout Libya. The majority of prisoners arrested in the aftermath of this attack and who continue to be detained are believed to be held in Abu-Salim detention centre on the outskirts of Tripoli.

Among those arrested in May 1984 was Dr 'Abd al-Mun'im Ibhiri al-Awjali, born in 1947 in Jordan. He was arrested in Benghazi where he lived with his wife and two daughters and where he was a professor of Economics at Gar-Yunis University. Another detainee, Ahmad Barniya, who was also arrested in Benghazi in May 1984, was charged with involvement in the Bab al-'Aziziya attack. He reportedly remains in detention despite being tried and acquitted in November 1985 by the People's Court.

Aside from those arrested in relation to the incident of May 1984, Appendix I also contains the cases of four other political prisoners who were detained at various times and in circumstances independent of those of the Bab al-'Aziziya incident. These are prisoners who were reportedly either sympathizers or members of various opposition movements. Among them is Nuri 'Ammoush, detained since 1974. He is approximately 52 years old and has reportedly been suffering from cardiovascular related illnesses accompanied by swelling of the lower limbs. Both his legs are apparently infected and he is said to be at risk of gangrene. He is restricted to a wheelchair

and has reportedly been denied adequate medical treatment. Amnesty International fears that Nuri 'Ammoush may be a prisoner of conscience, detained solely for the non-violent expression of his conscientiously-held beliefs.

Information received by Amnesty International suggests that in practice some prisoners of conscience and political prisoners held in Abu-Salim before 1988 were denied regular access to proper medical facilities or regular medical supervision, particularly before 1986. (see "Prisoners needing medical care: Libya" (AI Index: MDE 19/01/92) In some cases prisoners were alleged to have died as a result. In addition Amnesty International has received reports of torture of prisoners in order to extract confessions from them. The methods of torture include severe beatings; *falaqa* (beatings on the soles of the feet); *ta'liq* (hanging by the wrists from a ceiling or high window); electric shocks; and burning with cigarettes. There have also been reports of mock executions, and threats of sexual abuse of the detainee and his family, especially female relatives.

Arrests After March 1988

Amnesty International has compiled a further list of 77 political prisoners arrested after the 1988 amnesty in Libya and whose details have not hitherto been published by the organization. Appendix II contains the names and details of 15 of these prisoners. Twelve prisoners among this group (numbers 1 to 12) were arrested as part of a general crackdown on alleged sympathizers and members of Islamic groups in Libya. In the period between December 1988 and April 1990, hundreds of alleged members or sympathizers of Islamic groups were arrested in various towns and cities, particularly in and around Ajdabiya, Benghazi, Tripoli and Derna. Their arrests followed at least two demonstrations and several violent clashes between opponents of the authorities and members of the security forces and the Revolutionary Committees. The two demonstrations had reportedly taken place in Tripoli. One was said to have been held on 9 January 1989, apparently by religious students at al-Fateh University in Tripoli. The other was reportedly held during the second half of January, apparently in protest against the authorities' decision to concede a World Cup qualifying football match to Algeria. During the second demonstration security forces reportedly fired into the crowds and at least one demonstrator was 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 reportedly known as *al-Jihad*. Fighting also reportedly broke out on two separate occasions between security forces and opponents of the authorities were reported to have occurred in January in Benghazi shortly after the Ajdabiya incident. Another clash reportedly took 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 arrested were apparently not involved in any violent activities. They are said to have been arrested because they were suspected of being active political opponents or supporters of the opposition, particularly religious groups. The religious groups are said to include the Muslim Brotherhood movement (*al-Ikhwan al-Muslimun*), *al-Jihad* (Holy War), *al-Da'wa* (The Call), the Preaching Group (*Jama'at al-Tabligh*), the Islamic Liberation Party (*Hizbul-Tahrir al-Islami*) and followers of the *Wahabiyya*, an Islamic Sunni doctrine founded in Saudi Arabia in the 18th century. The arrests were reportedly carried out by various authorities including members of the Revolutionary Committees, apparently without warrants. They have since been held incommunicado, possibly without charge or trial, and their whereabouts remain unknown.

While most of those arrested are young men, they come from varied social and economic backgrounds and include Ibrahim Saleh Marseet, a 29-year-old employee at the Agricultural Bank in Tripoli; Salem al-Dhib al-Sheikhi, a 33-year-old soldier from Ajdabiya; Khalifa Salam, a 20-year-old secondary school student from Ajdabiya; and Anwar Sawani, a 29-year-old doctor from Benghazi.

The remaining three political prisoners whose cases are outlined in Appendix II (numbers 13 to 15), were also arrested after the 1988 amnesty and legal reforms. They were arrested in circumstances not directly related to the 1989 clashes and crackdown. They are, however, alleged to be sympathizers or members of religious opposition groups and may be held solely for the non-violent expression of their conscientiously-held beliefs. Among them is Tareq al-Saref, a 23-year-old political science student at a university in Tripoli, who was arrested in October 1991.

Amnesty International Concerns

Amnesty International is concerned about the detention of over 550 political prisoners in Libya, among them at least five prisoners of conscience detained since 1973. The organization has repeatedly requested specific information about the status, whereabouts, and legal basis for the detention of such prisoners, but has received no response from the authorities to date. Hundreds of political prisoners currently held have been denied the right to fair trial and many among them may be prisoners of conscience.

Prisoners of Conscience

Amnesty International is gravely concerned that a number of the prisoners detained may be prisoners of conscience held solely for the non-violent expression of their political or other conscientiously-held beliefs. As such, their detention is contrary to international human rights standards, particularly Articles 19 and 22 of the ICCPR. Article 19, for example states that "[e]veryone shall have the right to hold opinions without interference". Amnesty International thus urges the government to release immediately and unconditionally all prisoners currently held for peacefully expressing their beliefs.

Unfair trial or detention without trial

Amnesty International is also concerned that some political prisoners have been convicted after trials which fell short of internationally recognized standards for fair trial, particularly Articles 9(3) and 14 of the ICCPR. Amnesty International urges the government to set up a judicial review into the cases of all political prisoners who were convicted in unfair trials with the aim of releasing them or providing them with a fair retrial in accordance with Article 14 of the ICCPR. In addition, many political prisoners currently held in detention are believed to be detained without charge or trial. Amnesty International urges the government to release them unless they are to be charged with a recognizably criminal offence and given a prompt and fair trial in accordance with international standards.

Torture or ill-treatment

Amnesty International is also gravely concerned that several prisoners are alleged to have been tortured or ill-treated during their detention. Amnesty International opposes the torture of all prisoners without reservation. There are no circumstances under which these abuses are acceptable or permissible. Articles 4, 12 and 13 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Libya is a State Party, clearly express the fact that all methods of torture violate the rule of law. Amnesty International thus urges that all reports of torture or ill-treatment be investigated and, if confirmed, that those found responsible be brought to justice, and that the victims receive compensation as per Article 14 of the Convention.

A further matter which is also of grave concern to Amnesty International is that all the prisoners detained after March 1988 are reportedly being held in incommunicado detention, a condition known to render prisoners vulnerable to cruel, inhuman or degrading treatment or punishment. Amnesty International urges the Libyan authorities to ensure that all arrested persons have prompt access to families, lawyers and medical attention in accordance with international standards, particularly the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the United Nations Standard Minimum Rules for the Treatment of Prisoners.

APPENDIX I

The following is a list of 15 political prisoners arrested before 1988 and said to continue to be in detention despite the March 1988 amnesty. The list is only a representative sample of scores of other political prisoners who are currently believed to be held in detention in Libya. Of the 15 prisoners, 11 (numbers 5 to 15) were arrested in the aftermath of clashes in May 1984, while the remaining 4 (numbers 1 to 4) were arrested because of their political opposition in circumstances independent of those in May 1984. Most of the prisoners have allegedly been held without charge or trial, or after trials which fell short of internationally recognized standards for fair trial.

1 Nuri 'Ammoush

He was born in Tripoli in the early 1940s, and was reportedly arrested in 1974 allegedly on charges of espionage for the United States of America. He is believed to have been tried and sentenced to life imprisonment. He is married. Mr 'Ammoush has reportedly been suffering from cardiovascular related illnesses with swelling of both lower limbs. Both limbs are said to be infected and he is reportedly at risk of gangrene of the lower limbs. Mr 'Ammoush is restricted to a wheelchair and has reportedly been denied adequate medical treatment. He is currently believed to be held in Abu-Salim Prison.

2 Muhammad 'Ali al-Huwaydi

He was born in al-Biyar, Benghazi in the early 1950s and was arrested in February 1981 in Benghazi. He was an officer in the Navy prior to his arrest and is married with one child. In 1978 or 1979 he fled across the border to Egypt and remained there until February 1981 when he returned to Libya. He was reportedly arrested at the border in possession of political publications and was arrested and tortured. He has been tried and sentenced to death. He is reported to have become psychologically disturbed, and has shown signs of schizophrenia. He is currently believed to be held in Abu-Salim Prison.

3 Jum'a Hassan al-Jazwi

He was born in Tobruk in the late 1940s. He was arrested in 1981 or 1982. He attended the Law College in Benghazi University in the late 1970's and became a practising lawyer. He is married with five children. Mr al-Jazwi had been previously arrested in 1971. He is currently believed to be held in Abu-Salim Prison.

4 'Abd al-Hadi Shahin

He was born in al-Makhily in the mid-1950s and was arrested in October 1982. He was a soldier in the army in Tobruk for two years. It is reported that when he tried to resign after completing two years, his resignation was refused. He fled to Egypt in May 1977 where he was allegedly outspoken in his criticism of the Libyan authorities. He remained in Egypt until 1982 when he learned that a general amnesty was declared in Libya. He returned to Libya the same year and was arrested upon

his arrival at Tripoli airport. He was reportedly tortured during interrogation. In 1987 he was tried and sentenced to death. He is unmarried and is currently believed to be held in Abu-Salim Prison.

5 Saleh Mansur al-'Allaqi

He was born in the early 1950s in Benghazi. In May 1984 he was arrested in Benghazi. He was unemployed at the time of his arrest and is married with two children. He is currently believed to be held in Abu-Salim Prison in Tripoli.

6 'Abd al-Mun'im Ibhiri al-Awjali (Dr)

He was born in Jordan in the late 1940s. He was reportedly arrested in May 1984 in Benghazi. He is said to hold a PhD in Economics from Oklahoma State University and was a professor of Economics at Gar-Yunis University in Benghazi prior to his detention. He is married with two daughters. He is currently believed to be held in Abu-Salim Prison

7 Rahil al-Gaddafi Yusuf al-Bar'asi

He was born in Benghazi in the early 1950s. He was reportedly arrested in May 1984 in Benghazi. He is said to hold a Master of Science degree in Accounting from the University of Arizona at Tucson (1981). Prior to his arrest, he was a professor at Gar-Yunis University in Benghazi. He is married with one child and is currently believed to be held in Abu-Salim Prison.

8 Ahmad Barniya

He was born in Benghazi in the early 1950s. He was arrested in Benghazi in May 1984 and charged with advocating the overthrow of the government. He remains in detention despite being tried and acquitted by the People's Court in November 1985. His current place of detention is unknown.

9 'Aref al-Mahdi Dakhil

He was born in Baraka, Benghazi in the mid-1960s, although he is originally believed to be from al-Baydha. He was arrested in May 1984. He attended a military training course in the former German Democratic Republic and is unmarried. He is currently believed to be held in Abu-Salim Prison.

10 Hassan al-Suwayheli Istayta

He was born in Derna in the early 1950s. He was arrested in 1984. He holds a Master of Science degree in Agricultural Engineering and is married. He was a professor at the College of Agriculture in al-Baydha. He is currently believed to be held in Abu-Salim Prison.

11 Khamis al-Fayturi al-Jurnazi

He was born in Tripoli in the early 1960s and was arrested in July 1984. At the time of his detention, he was employed by the Tripoli Postal Service. He reportedly studied in Greece. It is believed that the reason for his arrest was that he gave shelter to Saleh al-Mu'adab, who was wanted by the Libyan security authorities. He is the brother of 'Ali al-Fayturi al-Jurnazi (number 36). He is currently believed to be held in Abu-Salim Prison.

12 'Aqil al-Samussi Rashid al-Majbari

He was born in the late 1930s in Jalu and was arrested in May 1984. He holds a Master of Science degree in Research Management from a university in the USA. He remained in the USA until 1983 before returning to Libya. He is married with two children. He is currently believed to be held in Abu-Salim Prison.

13 'Abd al-Mun'im Qasem al-Najjar

He was born in Tripoli in the late 1940s and was arrested in May 1984. Libyan television apparently broadcast a "confession" by him at the time stating that he belonged to the banned opposition group the National Front for the Salvation of Libya. He was reportedly tortured at the time of his arrest. He holds a PhD in Sociology from the University of Pittsburg in the USA. He was a lecturer at the University of Tripoli and is married. He is currently believed to be held in Abu-Salim Prison.

14 Muhammad Najib 'Ali al-Rajbani (Dr)

He was born in the early 1950s and was arrested in June 1984. He received a degree in Medicine from Cairo University in 1980. He is unmarried. Between the time of his arrest in March 1984 and March 1988, he was held incommunicado. Since March 1988 he has been allowed family visits. He is currently believed to be held in Abu-Salim Prison.

15 al-Sadiq Ahmad Zarti

He was born in Tripoli in the mid-1950s and was a resident of Suq al-Jum'a neighbourhood. He was arrested in May 1984. He was a student of English Literature in the University of Tripoli, and is married with two children. He is reportedly in very poor health. His uncle 'Uthman 'Ali Zarti was executed in May 1984. He is currently believed to be held in Abu-Salim Prison.

APPENDIX II

The following is a list of 15 political prisoners reportedly arrested after March 1988. At least 12 (numbers 1 to 12) of those prisoners were arrested following demonstrations and disturbances that

took place in major cities between December 1988 and April 1989. The remaining three prisoners (numbers 13 to 15) were arrested in circumstances independent of those between December and April. All 15 political prisoners have reportedly been held in incommunicado detention and are possibly being held without charge or trial.

1 Sayyid Ahmad 'Abd al-Halim

He was born in the mid-1940s in Egypt. He was a preacher (*khatib*) in a mosque in Benghazi and was arrested in January 1989 while on his way to al-Sakhra mosque in the Ben-Yunis neighbourhood of Benghazi.

2 'Aqoub Yusuf Abu-Hatiya

He was born in the late 1960s. In January 1989 he was arrested by members of the Revolutionary Committees in Sabha. He was later transferred to an unknown location in Tripoli. He was a university student.

3 Faraj al-Zarbi al-Fakhri

He was born in the mid-1960s and was detained in December 1988 in Ajdabiya. He was an employee of the Ras Lanouf Oil Company.

4 Muhammad Farhat

He was born in the late 1950s in Jaghboab and was arrested in the beginning of 1989. He is a technician and was employed by the Electricity Company in Tobruk. He is married.

5 Ibrahim al-Mabruk

He was born in the late 1950s. He was arrested from his home in Tobruk in March 1989. He was a technician employed by the Electrical Company of Tobruk. He is married and has one son.

6 Naji 'Abdullah Manduf

He was born in the late 1960s and was arrested in January 1989 in Ajdabiya. He was an employee in public transport.

7 Ibrahim Saleh Marseet

He was born in Tripoli in the early 1960s. He was arrested by the security forces at his home in Tripoli in January 1989. He is said to hold a Bachelor of Science degree from al-Fateh University in Tripoli and worked at the Agricultural Bank in Tripoli prior to his arrest. He was married.

8 Khalifa Salam

He was born in the early 1970s and was arrested in January 1989 in Ajdabiya. He was a secondary school student.

9 Muftah 'Ali Salem al-Gazwi

He was born in Tripoli in the mid-1960s. He was arrested in January 1989 at a mosque near his home in Tripoli. He is believed to have attended al-Najar Secondary School in Tripoli before travelling to Canada in 1982 to attend Acadia University in Nova Scotia. He returned to Libya in 1986 and was working as a laboratory technician at the Iron and Steel Complex in Misrata at the time of his arrest.

10 Anwar Sawani (Dr)

He was born in the early 1960s and was arrested in January 1989 in Benghazi. He was a physician.

11 Salem al-Dhib al-Sheikhi

He was born in the late 1950s. He was arrested in January 1989 in Ajdabiya. He was a soldier.

12 Muhammad Khayrallah al-Zawi

He was born in the late 1960s and was arrested in January 1989 in Ajdabiya. He was a student at Ajdabiya Pharmacology College.

13 Tareq al-Sharef

He was born in the late 1960s and was arrested either in September or October 1991 in Tripoli. Prior to his arrest he was a student of Political Science at a university in Tripoli.

14 Rajab al-Suri

He was born in the early 1950s and was arrested in May 1991 in Benghazi. He was a preacher at a mosque in Benghazi. He is a Syrian citizen.

15 Wanis al-Sharef al-Warfali

He was arrested on 23 April 1990 in Benghazi. He was a lawyer and worked as a legal consultant at the Secretariat of the People's Committee for Economy and Planning.