

•PUBLIC

AI Index: MDE 19/03/99
Distrib: PG/SC

To: Medical professionals
From: Medical Office / Middle East Program
Date: 14 May 1999

MEDICAL LETTER WRITING ACTION

Forcible repatriation and continued detention of health professional LIBYA

Theme: Forcible return to Libya / torture and ill-treatment

Profession: Physiotherapist

Summary

Amnesty International is concerned about the continued detention of Al-Sayyid Mohammad Shabou, a Libyan physiotherapist aged 34, who was forcibly returned to Libya from Saudi Arabia in May or June 1998 despite having been granted refugee status in the United Kingdom in November 1997.

Al-Sayyid Mohammad Shabou remains in detention in Abu Salim prison in Tripoli. Amnesty International is calling on the Libyan authorities for al-Sayyid Mohammad Shabou to be released or else charged with a recognizably criminal offence and given a prompt and fair trial.

Recommended Actions

Letters are requested from medical professionals to the addresses given below:

- o introducing yourself as a concerned health professional

To the Libyan authorities

- o stating that you are writing about al-Sayyid Mohammad Shabou, a Libyan physiotherapist, who is believed to be detained in Abu Salim prison
- o seeking assurances that al-Sayyid Mohammad Shabou is humanely treated and that he is given regular access to a lawyer of his choice, his family and medical care if necessary
- o asking the authorities to launch an independent and impartial enquiry into reports that al-Sayyid Mohammad Shabou has been tortured.
- o urging the authorities to release Al-Sayyid Mohammad Shabou unless he is charged with a recognizably criminal offence.

To the Saudi Arabian authorities

- o stating that the forcible return of al-Sayyid Mohammad Shabou by the Saudi Arabian authorities was in breach of the internationally-recognized principle of *non-refoulement*

- o stating that on 23 April 1998 Amnesty International issued a request for appeals to the Saudi Arabian authorities based on a fear that al-Sayyid Mohammad Shabou could be at risk of if returned to Libya (AI Index: MDE 23/03/98)
- o asking for clarification of the reasons for the expulsion of al-Sayyid Mohammad Shabou and the procedures followed

If you receive no reply from the governments or other recipients within two months of dispatch of your letter, please send a follow-up letter seeking a response. Please send copies of any replies you do receive to the International Secretariat [attn: medical team] and check with your national coordinator or the medical team if you send appeals after 31 July 1999.

ADDRESSES

LIBYA

His Excellency Mu'ammar al-Gaddafi
 Leader of the Revolution
 Office of the Leader of the Revolution
 Tripoli
 Great Socialist People's Libyan Arab Jamahiriya
 Salutation: Your Excellency

His Excellency 'Umar Mustafa al-Muntasir
 Secretary of the People's Committee of the People's Bureau for
 Foreign Liaison and International Cooperation
 Office of the People's Committee of the People's Bureau for
 Foreign Liaison and International Cooperation
 Tripoli
 Great Socialist People's Libyan Arab Jamahiriya
 Salutation: Your Excellency

SAUDI ARABIA

HRH Prince Naif Bin Abdul Aziz al-Saud
 Minister of the Interior
 P.O. Box 3743
 Riyadh 11481
 Saudi Arabia
 Salutation: Your Royal Highness
 Fax: +9661 403 1185

COPIES

Send a copy of your letter for information with a covering note drawing attention to the fact the al-Sayyid Mohammad Shabou is a man with refugee status in the UK.

Foreign and Commonwealth Office
 Whitehall
 London SW1A 2AH
 United Kingdom

Please also send copies of your letters to diplomatic representatives of Libya and Saudi Arabia.

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**Forcible repatriation and continued detention of health professional
LIBYA**

Amnesty International is concerned about the continued detention of al-Sayyid Mohammad Shabou, a Libyan physiotherapist aged 34, who was forcibly returned to Libya from Saudi Arabia in May or June 1998 despite having been granted refugee status in the United Kingdom in November 1997. He is reportedly still being held in Abu Salim prison in Tripoli. Amnesty International is concerned at reports that al-Sayyid Mohammad Shabou has been tortured in detention.

Background

Al-Sayyid Mohammad Shabou, a 34-year-old father of two, trained as a physiotherapist at Tripoli University. He and his family subsequently left Libya and in November 1997, al-Sayyid Mohammad Shabou and his family were recognized as refugees in the United Kingdom.

In January 1998, the family travelled to Saudi Arabia on a two-week visa with documents issued by the United Nations. By remaining in Saudi Arabia until the *Hajj* (the annual pilgrimage to Mecca) in March, al-Sayyid Mohammad Shabou and his family overstayed their visas and were arrested in March 1998. Despite an urgent appeal by Amnesty International on 23 April 1998 not to return the family to Libya [see Urgent Action AI Index: MDE 23/03/98], the family became subject to *refoulement* [forcible repatriation] in the following months.

The wife and children of al-Sayyid Mohammad Shabou, who were also detained in Saudi Arabia and subsequently forcibly returned to Libya, were released from prison in July 1998. They are now living in Tripoli with other family members.

Political prisoners. Hundreds of political prisoners in Libya are held without charge or trial, many of whom are believed to have been arrested in connection with their suspected involvement with Islamist opposition groups. Some of these detainees remain in detention despite having been tried and acquitted by courts. Some have been detained since 1989 without charge or trial.

After examining Libya's third periodic report in May 1999, the UN Committee against Torture (CAT) expressed concerns "that prolonged incommunicado detention in spite of the legal provisions regulating it still seem to create conditions which may lead to violations of the Convention". Torture is applied against detainees during interrogation to extract confessions which in turn are used to incriminate them. Alleged methods for torturing detainees and prisoners include beatings (including *falaqa*), hanging by the wrists from ceiling or high window, chaining to a wall for hours, clubbing, being suspended from a pole inserted between the knees and elbows, electric shocks, burning with cigarettes and attacks by aggressive dogs causing serious wounds. Mental torture and ill-treatment include death threats and threats of abuse against the prisoner and his family, particularly female relatives. Another form of such psychological abuse is to broadcast repeatedly, loudly and late into the night, taped political discourses in Abu Salim Prison where long-term political prisoners and detainees are held. This practice is believed to be used to deprive detainees of sleep. Another method consistently reported by former detainees is a form of position abuse commonly known in Libya as the "car torture" (i.e. the detainee is left in an extremely small room that resembles a box and forced to sit in an uncomfortable chair for weeks, with hands tied behind the back). Torture takes place in detention centres and in prisons. For example, Abu Salim Prison is said to have underground rooms (in the basement of the prison administration building) which are used for interrogation and torture.

The principle of non-refoulement. The 1951 Convention relating to the Status of Refugees prohibits the forcible return of any person to a country where she or he risks serious human rights violations. The internationally-recognized principle of *non-refoulement*, as set out in Article 33 of the 1951 Convention relating to the Status of Refugees, states:

"No Contracting State shall expel or return ('*refouler*') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

This principle is recognized by the international community as a norm of customary international law, binding on all states, irrespective of whether they are party to the 1951 Convention itself.

Over the last few years, Saudi Arabia has forcibly returned several people to countries where they were at risk of human rights violations, including Libya and Egypt. In 1993 two Libyans, Saleh al-Shalwi and Nuri al-Jibani, were reportedly forcibly returned by Saudi Arabia to Libya via Egypt. In 1996, Saudi Arabia returned at least six Egyptian nationals to Egypt, where they were allegedly tortured.